

DISTRICT COURT, WATER DIVISION 6 STATE OF COLORADO, ROUTT COUNTY JUSTICE CENTER P.O. BOX 773117 STEAMBOAT SPRINGS CO 80477	EFILED Document CO Routt County District Court 14th JD Filing Date: Sep 27 2011 4:31PM MDT Filing ID: 40059705 Review Clerk: Sharon L Martin COURT USE ONLY
Concerning the Application for Water Rights of: COLORADO WATER CONSERVATION BOARD, IN GRIZZLY CREEK, A NATURAL STREAM, IN THE LITTLE SNAKE WATERSHED, IN ROUTT COUNTY, COLORADO.	
	Case No. : 10CW44 Div. 6
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, JUDGMENT AND DECREE OF THE WATER COURT	

This matter comes before the Court by Application of the Colorado Water Conservation Board (“CWCB”). The Court, having considered all matters raised by the Application, and being fully advised in the premises, does hereby make the following Findings of Fact, Conclusions of Law, Ruling of the Referee, Judgment and Decree:

FINDINGS OF FACT

1. The name and address of the applicant is:
Colorado Water Conservation Board
1313 Sherman Street, Suite 721
Denver, Colorado 80203
2. Application: CWCB filed an Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree on August 25, 2010.
3. Notice and Jurisdiction: All notices of this matter required by law have been fulfilled and the Court has jurisdiction over the Application and all parties affected thereby, whether or not they have chosen to appear.
4. Objectors: No Statements of Opposition were filed and the time for filing additional Statements of Opposition has expired.
5. Summary of Consultation: The Division Engineer filed a Summary of Consultation pursuant to § 37-92-302(4) C.R.S. (2010), dated November 17, 2010 and the Referee has given it due consideration.

6. Name of Natural Stream: Grizzly Creek, tributary to Slater Creek, tributary to the Little Snake River, tributary to the Yampa River
7. Location:
- a. Legal description of the stream segment through which an instream flow is claimed: The natural stream channel from the confluence with unnamed tributary at latitude 40° 46' 55.78"N and longitude 107° 12' 54.60"W as the upstream terminus and extending to the U.S. Forest Service boundary at latitude 40° 49' 58.58"N and longitude 107° 13' 45.29"W as the downstream terminus, being a distance of approximately 4.02 miles. This segment can be located on the Bears Ears Peak U.S.G.S. quadrangle.
- b. Termini for administrative purposes only:
- Upper Terminus =
NE SW S36 T10N R88W 6th PM
1464' East of the West Section Line
2316' North of the South Section Line
UTM North: 4516936.0 UTM East: 313082.1
- Lower Terminus =
NW NE S14 T10N R88W 6th PM
2441' West of the East Section Line
380' South of the North Section Line
UTM North: 4522603.6 UTM East: 312037.2
8. Use of the Water: Instream flow to preserve the natural environment to a reasonable degree.
9. Date of Appropriation: The water was first applied to the above beneficial use on or before January 26, 2010. The appropriation was completed on January 26, 2010 by the action of the Colorado Water Conservation Board under the provisions of C.R.S. §§ 37-92-102(3) and 37-92-103(3), (4) and (10).
10. Amount of Water Claimed (ABSOLUTE): Instream flow of 1.3 cfs (March 15 – July 15) and 0.5 cfs (July 16 – March 14).

CONCLUSIONS OF LAW

11. Notice and Jurisdiction. The Water Court for Division 6 has jurisdiction over the subject matter of these proceedings and over all persons, owners of property and water rights that may be affected hereby, whether or not they have chosen to appear. The Application in this matter and the resume publication of the Application placed such persons on notice of the relief requested by the Application and granted by this decree. C.R.S. §§ 37-92-203 and 302.

13. The CWCB has fulfilled all legal requirements for a decree for water rights including C.R.S. §§ 37-92-302, 304 and 305.
14. Burden of Proof. The CWCB has complied with all requirements and has met its burden of proof to adjudicate the water rights required in the Application and is therefore entitled to a decree approving the requested water rights.

JUDGMENT AND DECREE

15. The foregoing Findings of Fact and Conclusions of Law are hereby approved and incorporated as the Judgment and Decree of the Court by this reference.
16. The application is granted and a decree (ABSOLUTE) in the amount of 1.3 cfs (March 15 – July 15) and 0.5 cfs (July 16 – March 14) is hereby entered to preserve the natural environment to a reasonable degree in the reach of Grizzly Creek between the upstream and downstream terminus points described in paragraph 7 above. The appropriation date for this water right is January 26, 2010.
17. The priority herein awarded was filed in the water court in the year of 2010 and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical date of appropriation and not affected by the date of entry of ruling.
18. The Applicant shall install and maintain such measuring devices and keep such records as the Division Engineer may require for administration of this right.

It is accordingly **ORDERED** that this Ruling shall be filed with the water clerk subject to judicial review.

It is further **ORDERED** that a copy of this Ruling shall be filed with the Division Engineer and the State Engineer.

Dated this 15th day of August, 2011.

BY THE REFEREE:

/s/ Daniel R. Birch

Water Referee

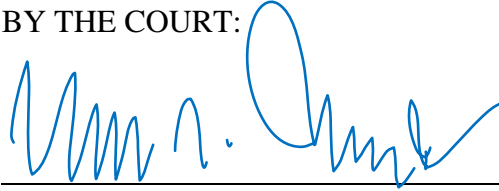
Water Division No. 6

State of Colorado

No protest was filed in this matter. The foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated this 27th day of September, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Michael A. O'Hara, III", is written over a horizontal line.

Michael A. O'Hara, III, Water Judge
Water Division No. 6, State of Colorado

This document constitutes a ruling of the court and should be treated as such.

Court: CO Routt County District Court 14th JD

Judge: Dan Birch

File & Serve

Transaction ID: 39270465

Current Date: Sep 27, 2011

Case Number: 2010CW44

Case Name: In the interest of: COLORADO WATER CONSERVATION BOARD

/s/ **Judge Michael Andrew O'Hara III**