

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: Jul 12 2011 6:12PM MDT Filing ID: 38655551 Review Clerk: Melissa Rogers <div style="text-align: center;">COURT USE ONLY</div>
Concerning the Application for Water Rights of: COLORADO WATER CONSERVATION BOARD, IN WEST PRONG SOUTH FORK SLATER CREEK, A NATURAL STREAM, IN THE LITTLE SNAKE WATERSHED, IN ROUTT COUNTY, COLORADO.	
	Case No. : 10CW53 Div. 6
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, JUDGMENT AND DECREE OF THE WATER COURT	

This matter comes before the Water Referee by Application of the Colorado Water Conservation Board ("CWCB") for a water right to preserve the natural environment to a reasonable degree. The Application was filed on September 23, 2010. The Application was thereafter referred to the Water Referee for Water Division 6, by the Water Court for Water Division 6, in accordance with C.R.S. § 37-92-101 *et seq.*

The Referee, having made such investigations as are necessary to determine whether or not the statements in the Application are true, having consulted with the Division Engineer for Water Division 6, 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 in this matter:

FINDINGS OF FACT

1. The statements in the Application are true.
2. The name and address of Applicant:
Colorado Water Conservation Board
1313 Sherman Street, Suite 721
Denver, CO 80203
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 C.R.S. § 37-92-302(4), dated December 27, 2010 and the Referee has given it due consideration.
6. Name of natural stream:
West Prong South Fork Slater Creek, tributary to South Fork Slater Creek, tributary to Slater Creek, tributary to the Little Snake River
7. Location:
 - a. The natural stream segment through which an instream flow is claimed:
The natural stream channel from the headwaters in the vicinity of latitude 40° 46' 33.14"N and longitude 107° 21' 18.54"W as the upstream terminus and extending to the Decker Ditch No. 1 headgate at latitude 40° 48' 53.13"N and longitude 107° 18' 1.02"W as the downstream terminus, being a distance of approximately 4.58 miles. This segment can be located on the Buck Point U.S.G.S. quadrangle.
 - b. For administrative purposes only:

Upper Terminus =
SE SE S34 T10N R89W 6th PM
238' West of the East Section Line
1275' North of the South Section Line
UTM North: 4516546.0 UTM East: 301250.5

Lower Terminus =
SE NE S19 T10N R88W 6th PM
928' West of the East Section Line
1738' South of the North Section Line
UTM North: 4520740.0 UTM East: 305994.3
8. Use of the Water: Instream flow to preserve the natural environment to a reasonable degree.
9. Date of Appropriation: Beneficial use occurred on January 26, 2010. The appropriation was completed on January 26, 2010 by the action of the CWCB 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 4.9 cfs (March 1 – July 31), 3.5 cfs (August 1 – October 31) and 2.5 cfs (November 1 – February 29).

CONCLUSIONS OF LAW

11. The foregoing Findings of Fact are incorporated herein to the extent they constitute conclusions of law.
12. 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.

RULING OF REFEREE, 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 4.9 cfs (March 1 – July 31), 3.5 cfs (August 1 – October 31) and 2.5 cfs (November 1 – February 29) is hereby entered to preserve the natural environment to a Reasonable degree in the reach of West Prong South Fork Slater Creek between the upstream and downstream termini 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. 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 10th day of May, 2011.

BY THE REFEREE:

/s/ Daniel R. Birch

Water Referee

Water Division No. 6

State of Colorado

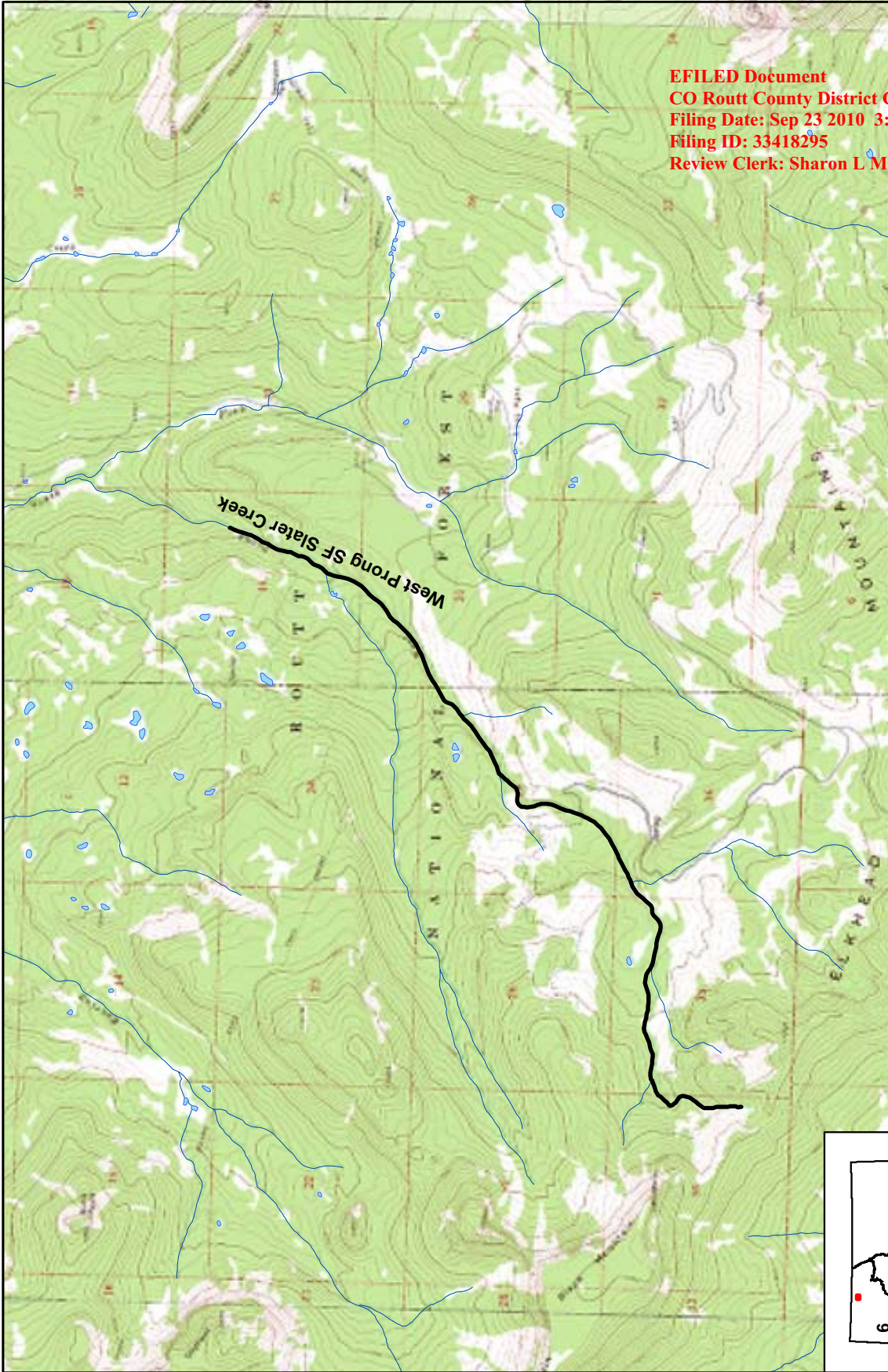
No protest was filed in this matter. The foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated this 12th day of July, 2011.

BY THE COURT:



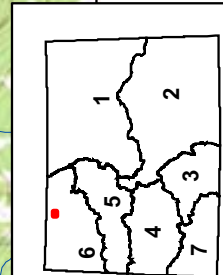
Michael A. O'Hara, III, Water Judge
Water Division No. 6, State of Colorado



FILED Document
CO Routt County District Court 14th JB
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Review Clerk: Sharon L Martin



West Prong South Fork Slater Creek - Water Division 6



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: 37507084

Current Date: Jul 12, 2011

Case Number: 2010CW53

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

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