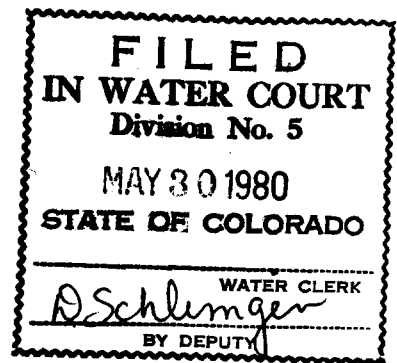


IN THE DISTRICT COURT IN AND  
FOR WATER DIVISION NO. 5  
STATE OF COLORADO  
Application No. W-3652-E



IN THE MATTER OF THE APPLICATION )  
FOR WATER RIGHTS OF THE COLORADO )  
WATER CONSERVATION BOARD )  
ON BEHALF OF THE PEOPLE OF THE ) RULING OF REFEREE  
STATE OF COLORADO )  
IN THE WHITE RIVER )  
OR ITS TRIBUTARIES )  
TRIBUTARY INVOLVED: BIG BEAVER )  
CREEK )  
IN RIO BLANCO COUNTY. )

The above entitled application was filed on December 30, 1977, in Water Court for Water Division No. 4, and was refiled on January 9, 1978, in Water Court for Water Division No. 5, and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 13th day of January, 1978, in accordance with Article 92 of Chapter 37, Colorado Revised Statutes 1973, known as The Water Right Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the stream involved is Big Beaver Creek.
3. The name and address of the claimant is The Colorado Water Conservation Board, 823 State Centennial Building, 1313 Sherman Street, Denver, Colorado.
4. The source of the water is Big Beaver Creek, tributary to the White River.
5. Description of beginning and end points of minimum stream flow claimed: The natural stream channel

from Lake Avery Dam in Section 18, T. 1 S., R. 91 W. of the 6th P.M. as the upstream terminus and its confluence with the White River in Section 18, T. 1 S., R. 91 W. of the 6th P.M. as the downstream terminus.

6. The use of the water is to appropriate such minimum stream flows as are required to preserve the natural environment to a reasonable degree.

7. The date of initiation of appropriation is November 15, 1977.

8. The amount of water claimed is 2.0 cubic feet of water per second of time.

9. The water was first applied to the above beneficial use on November 15, 1977, by action of the Colorado Water Conservation Board under the provisions of C.R.S. 1973, 37-92-102(3), 37-92-103(3), (4) and (10).

10. This appropriation is made under the provisions of C.R.S. 1973, 37-92-102(3), 37-92-103(3), (4) and (10), known as Senate Bill 97, signed into law April 23, 1973.

11. On February 10, 1978, a statement of opposition was filed by the Colorado River Water Conservation District, and as a result, on March 20, 1978, the application was re-referred by the Water Referee to the Water Judge for Water Division No. 5.

12. On December 28, 1979, the statement of opposition was withdrawn, and on January 29, 1980, the application was again referred to the Water Referee by the Water Judge for Water Division No. 5.

The Referee does therefore conclude that the above entitled application should be granted and that 2.0 cubic feet of water per second of time are hereby awarded for the purpose of maintaining a minimum stream flow as required to preserve the natural environment to a reasonable degree on Big Beaver Creek between the beginning and end points as described in paragraph 5 above, with appropriation date of the 15th day of November, 1977, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law, and provided further that the applicant herein will construct and maintain at its expense a suitable measuring device or gauging station as approved by the State Engineer

or his representative for the purpose of administering this water right in priority as required by law.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 37-92-304, C.R.S. 1973.

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

Done at the City of Glenwood Springs, Colorado, this 30<sup>th</sup> day of May, 1980.

BY THE REFEREE:

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: July 10, 1980

[Signature]  
WATER JUDGE

[Signature]  
Water Referee  
Water Division No. 5  
State of Colorado