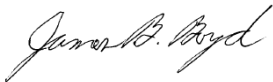


DISTRICT COURT, GARFIELD (GLENWOOD SPRINGS) COUNTY, COLORADO	
Court Address: 109 8th Street, Ste. 104, Glenwood Springs, CO, 81601	DATE FILED: July 12, 2015 9:58 AM
In the Interest of: COLORADO WATER CONSERVATION BOARD	<p style="text-align: center;"><b>⚠ COURT USE ONLY ⚠</b></p> <p>Case Number: 2014CW3156 Division: E                      Courtroom:</p>
<b>Decree: Decree of the Court</b>	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 7/12/2015



JAMES BERKLEY BOYD  
District Court Judge

DISTRICT COURT, WATER DIVISION 5 GARFIELD COUNTY, COLORADO 109 8th Street, Ste 104 Glenwood Springs, CO 81601	<div style="text-align: center;"> <b>^ COURT USE ONLY ^</b> </div>
<b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</b>  <b>COLORADO WATER CONSERVATION BOARD, IN EAST FORK PARACHUTE CREEK, A NATURAL STREAM, IN THE PARACHUTE – ROAN WATERSHED,</b>  <b>IN GARFIELD COUNTY, COLORADO.</b>	
	Case No: 14CW3156  Div. 5
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, JUDGMENT AND DECREE OF THE WATER COURT</b>	

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 December 19, 2014. The Water Court for Water Division 5 referred the Application to the Water Referee for Water Division 5, in accordance with C.R.S. § 37-92-101.

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 5, and being fully advised in the premises, does hereby make the following Findings of Fact, Conclusions of Law, and Ruling of the Referee 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 718  
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. Opposers: 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 March 20, 2015. The CWCB has addressed the concerns of the Division Engineer stated in the Summary of Consultation.
6. Name of water right: East Fork Parachute Creek Instream Flow Water Right
7. Legal Description: The East Fork Parachute Creek Instream Flow Water Right is located in the natural stream channel of the East Fork Parachute Creek from the confluence with Bull Gulch extending to the United States Department of the Interior, Bureau of Land Management ("BLM") boundary being a distance of approximately 1.28 miles. This segment can be located on the Forked Gulch U.S.G.S. quadrangle. A map of the East Fork Parachute Creek Instream Flow Water Right reach is attached as Exhibit 1.
  - a. Upstream Terminus: Confluence of Bull Gulch and the East Fork of Parachute Creek:
    1. UTM: Northing: 4383629.51 Easting: 241002.27 (NAD 1983 Zone 13 North)
    2. PLSS: SE SE Section 35, Township 5 South, Range 95 West 6<sup>th</sup> PM 651 feet West of the East Section Line; 66 feet North of the South Section Line
    3. Lat/Long: latitude 39° 33' 47.8"N and longitude 108° 00' 53.31"W
  - b. Downstream Terminus: BLM Boundary at
    1. UTM: Northing: 4385096.90 Easting: 239652.69 (NAD 1983 Zone 13 North)
    2. PLSS: NW NW Section 35, Township 5 South, Range 95 West 6<sup>th</sup> PM

25 feet East of the West Section Line; 560 feet South of the North  
Section Line

3. Lat/Long: latitude 39° 34' 33.86"N and longitude 108° 01' 51.86"W
- c. The Universal Transverse Mercator (UTM) and geographical descriptions (e.g., confluences) of the upstream and downstream termini are provided as the decree locations. The Public Land Survey System (PLSS) and Lat/Long coordinates are provided as cross-reference locations only. The UTM, PLSS and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). The PLSS locations in this application were derived from CWCB GIS using 2005 PLSS data from the BLM's Geographic Coordinate Database.
8. Source: East Fork Parachute Creek tributary to Parachute Creek tributary to the Colorado River.
9. A. Date of initiation of appropriation: January 28, 2014
- B. How appropriation was initiated: Appropriation and beneficial use occurred on January 28, 2014, by the action of the CWCB pursuant to C.R.S. §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10).
- C. Date applied to beneficial use: January 28, 2014
10. Amount of water claimed: Instream flow of 5.0 cubic feet per second ("cfs") (4/15 – 6/30) and 0.65 cfs (7/1 – 4/14), absolute.
11. Use of the water: Instream flow to preserve the natural environment to a reasonable degree.

### CONCLUSIONS OF LAW

12. The foregoing Findings of Fact are incorporated herein to the extent they constitute conclusions of law.
13. Notice and Jurisdiction: The Water Court for Division 5 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.

14. The CWCB has fulfilled all legal requirements for a decree for water rights including C.R.S. §§ 37-92-302, 304 and 305.
15. 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**

16. The foregoing Findings of Fact and Conclusions of Law are hereby approved and incorporated as the Ruling of Referee by this reference.
17. The application is granted and a decree in the amount of 5.0 cfs (4/15 – 6/30) and 0.65 cfs (7/1 – 4/14), absolute, is hereby entered to preserve the natural environment to a reasonable degree in the reach of East Fork Parachute Creek between the upstream and downstream termini described in paragraphs 7-11 above. The appropriation date for this water right is January 28, 2014.
18. The priority herein confirmed was filed in the water court in the year of 2014 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.
19. The CWCB 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 19th day of May, 2015.

BY THE REFEREE:



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Holly K. Strablizky, Water Referee  
Water Division No. 5

Attachment to Order - 2014CW3156

**JUDGMENT AND DECREE OF THE WATER COURT**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BY THE COURT:

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James Boyd, Water Judge  
Water Division No. 5



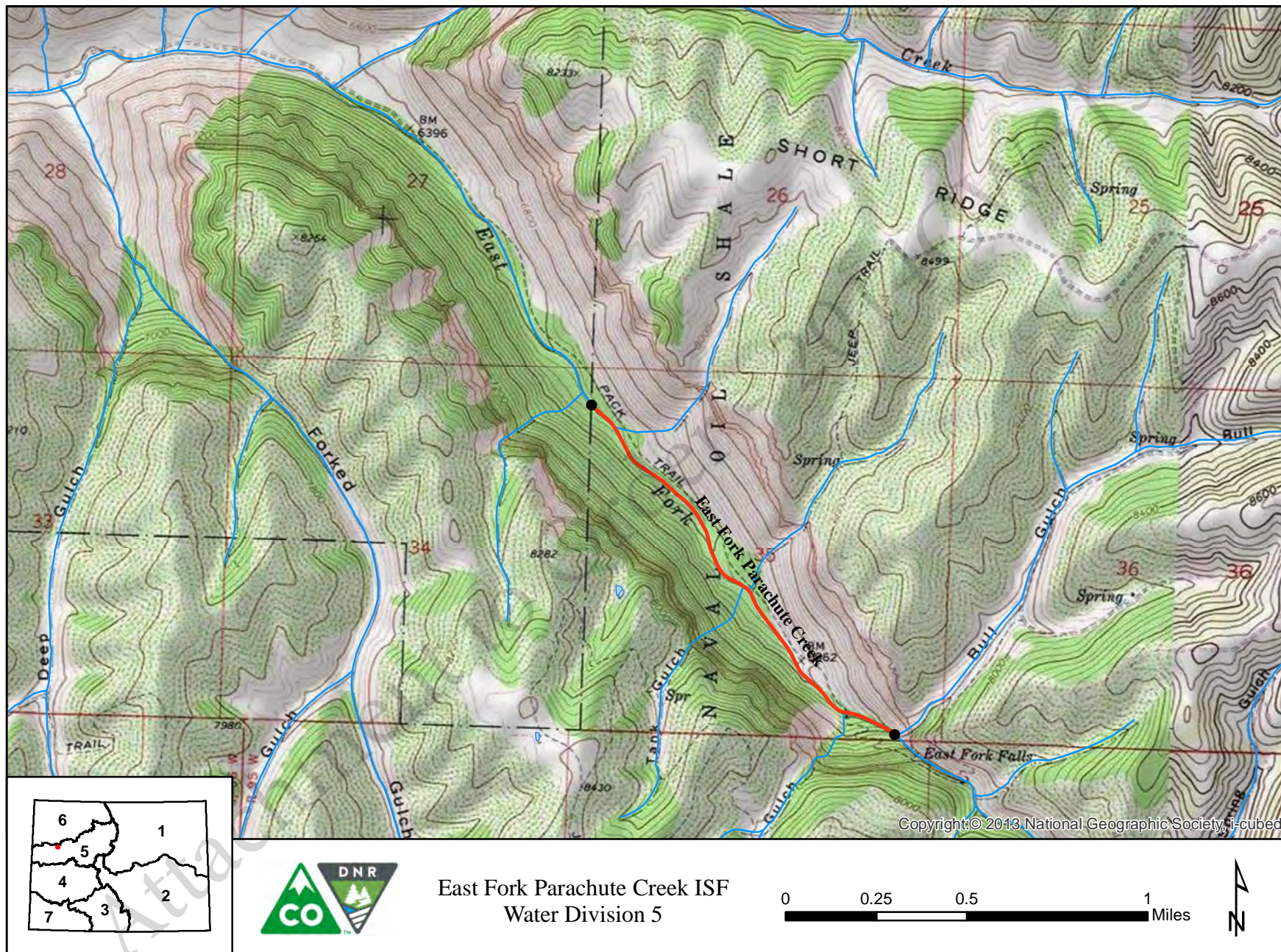


Exhibit 1