

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 section 37-92-302(4), C.R.S. (2014), dated March 31, 2015.
6. Name of water right: Granite Creek Instream Flow Water Right.
7. Legal Description: The Granite Creek Instream Flow Water Right is located in the natural stream channel from the confluence of two unnamed tributaries extending to the Colorado – Utah state line, a distance of approximately 5.79 miles. This segment can be located on the Steamboat Mesa and Two V Basin U.S.G.S. quadrangles. A map of the Granite Creek Instream Flow Water Right is attached as **Exhibit 1** to the proposed decree.

A. Upstream Terminus: Confluence of two unnamed tributaries at:

1. UTM: Northing: 4307514.83 Easting: 156138.33 (NAD 1983 Zone 13 North).
2. PLSS: NW SE Section 12, Township 14 South, Range 104 West 6th PM 1,480' West of the East Section Line; 1,384' North of the South Section Line.
3. Lat/Long: latitude 38° 50' 57.39"N and longitude 108° 57' 43.18"W.

B. Downstream Terminus: Colorado – Utah state line at:

1. UTM: Northing: 4305756.66 Easting: 147902.58 (NAD 1983 Zone 13 North).
2. PLSS: NE NE Section 19, Township 14 South, Range 104 West 6th PM 780' West of the East Section Line; 375' South of the North Section Line.
3. Lat/Long: latitude 38° 49' 48.77"N and longitude 109° 03' 20.77"W.

- C. The Universal Transverse Mercator (UTM) and geographical descriptions (e.g., confluences) of the upstream and downstream termini will be used as the legal descriptions for the water rights in this application. 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 decree were derived from CWCB GIS using 2005 PLSS data from the U.S. Bureau of Land Management's Geographic Coordinate Database.
8. Source: Granite Creek, tributary to the Dolores 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 under the provisions of sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2014).
- C. Date applied to beneficial use: January 28, 2014.
10. Amount of water claimed: Instream flow of 2.7 cfs (April 1 to June 30) and 0.5 cfs (July 1 to March 31), 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 4 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. §§ 37-92-203 and 302, C.R.S. (2014).

14. The CWCB has fulfilled all legal requirements for a decree for water rights including sections 37-92-302, 304 and 305, C.R.S. (2014).

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 2.7 cfs (April 1 to June 30) and 0.5 cfs (July 1 to March 31), absolute, is hereby entered to preserve the natural environment to a reasonable degree in the reach of Granite Creek between the upstream and downstream termini described in paragraph 7 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.

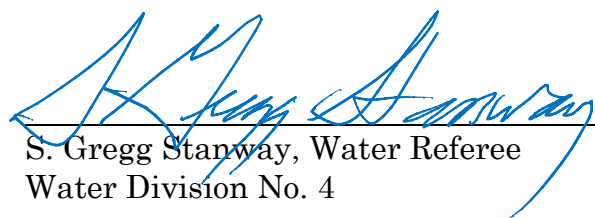
19. The CWCB shall install and maintain such measuring devices and keep such records as the Division Engineer may require for administration of this right.

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 30th day of April, 2015.

BY THE REFEREE:

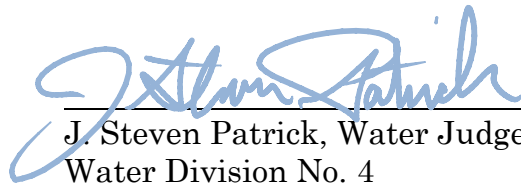

S. Gregg Stanway, Water Referee
Water Division No. 4

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 26th day of May, 2015.

BY THE COURT:



J. Steven Patrick, Water Judge
Water Division No. 4

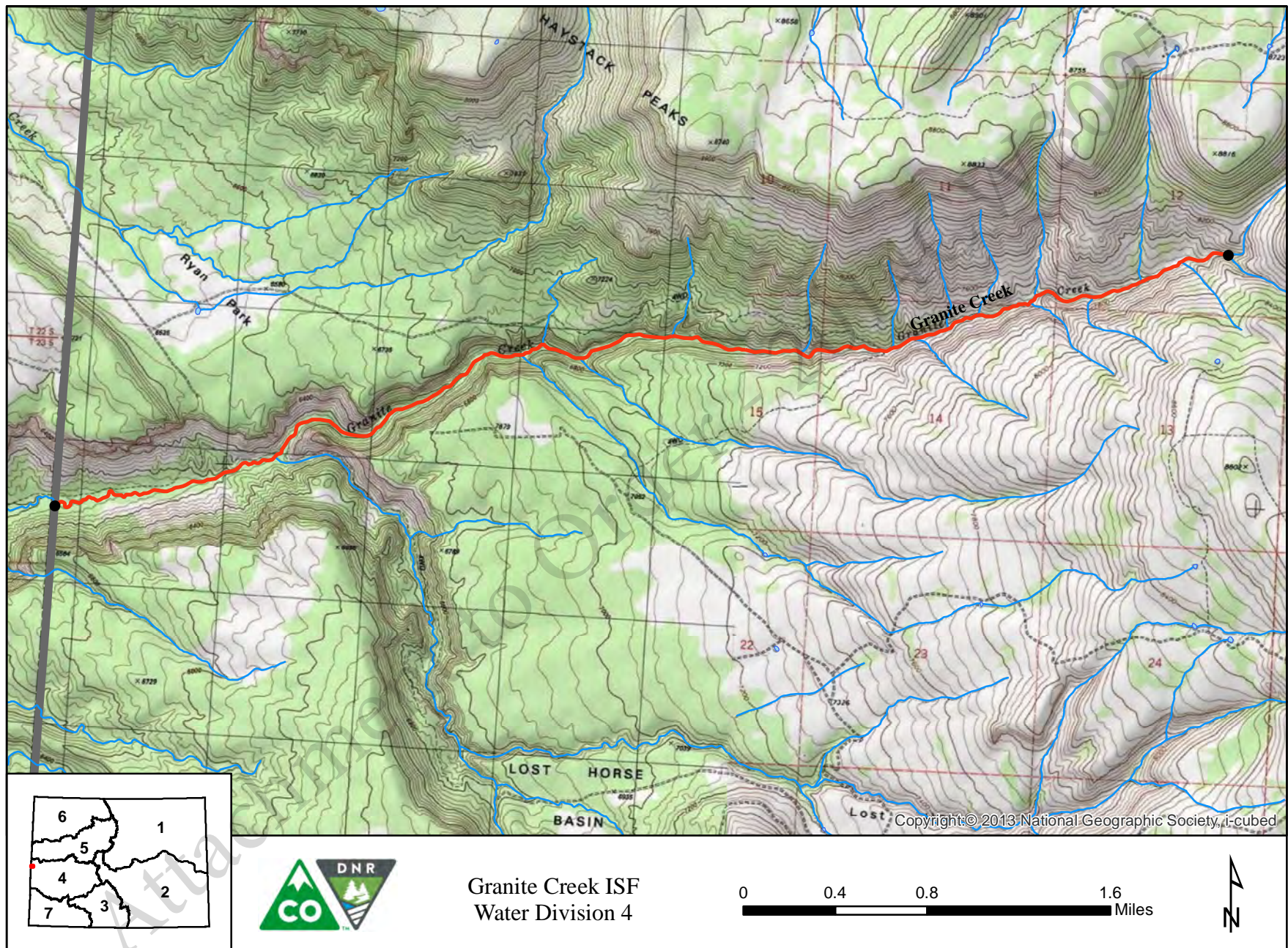


EXHIBIT 1