

DISTRICT COURT, WATER DIVISION 1 901 9TH AVENUE P.O. BOX 2038 GREELEY, CO 80632	DATE FILED: August 22, 2016 2:00 PM CASE NUMBER: 2015CW3172
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: COLORADO WATER CONSERVATION BOARD, IN SPOTTLEWOOD LAKE #1, SPOTTLEWOOD LAKE #2, SPOTTLEWOOD LAKE #3, AND SPOTTLEWOOD LAKE #4, NATURAL LAKES, IN THE CACHE LA POUFRE WATERSHED, IN LARIMER COUNTY, COLORADO.	▲ COURT USE ONLY ▲ Case No.: 2015CW3172
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, AND 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 December 28, 2015. The Water Court for Water Division 1 referred the Application to the Water Referee for Water Division 1, in accordance with section 37-92-203(7), C.R.S. (2015).

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 1, 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 name and address of Applicant:

Colorado Water Conservation Board
 1313 Sherman Street, Suite 718
 Denver, CO 80203
 (303) 866-3441

2. 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.
3. Statements of Opposition: One Statement of Opposition was filed in this matter by the City of Fort Collins. The time for filing additional Statements of Opposition has expired.
4. Summary of Consultation: The Division Engineer filed a Summary of Consultation pursuant to section 37-92-302(4), C.R.S. (2015) dated March 31, 2016. No response was required to the Summary of Consultation and the term and condition requested by the Division Engineer is in this Decree. The Referee has given the Summary due consideration.
5. Stipulation: The City of Fort Collins signed a stipulation with the Applicant in this matter on July 7, 2016. The Court approved the parties' stipulation on July 8, 2016.
6. Name of Water Rights:
 - A. Spottlewood Lake # 1 Natural Lake Level Water Right;
 - B. Spottlewood Lake # 2 Natural Lake Level Water Right;
 - C. Spottlewood Lake # 3 Natural Lake Level Water Right;
 - D. Spottlewood Lake # 4 Natural Lake Level Water Right.
7. Legal Descriptions:
 - A. **Spottlewood Lake # 1 Natural Lake Level (NLL) Water Right** is an otherwise unnamed lake located on-channel in the Spottlewood Creek drainage, on the Carr SW U.S.G.S. quadrangle. A map depicting the approximate location of the Spottlewood Lake #1 is attached as **Exhibit 1**.
 1. Location:

a. UTM: Northing: 4524450.31; Easting: 500088.64 (NAD 1983 Zone 13 North)

b. Lat/Long: latitude 40° 52' 16.02"N and longitude 104° 59' 56.24"W

2. Size:

a. Surface Area: 2,288.75 ft²

b. Volume: 0.19 acre-feet

3. Source: Spottlewood Creek, tributary to Coal Creek, tributary to the Cache La Poudre River, tributary to the South Platte River.

B. **Spottlewood Lake # 2 Natural Lake Level Water Right** is an otherwise unnamed lake located on-channel in the Spottlewood Creek drainage, on the Carr SW U.S.G.S. quadrangle. A map depicting the approximate location of Spottlewood Lake # 2 is attached as **Exhibit 2**.

1. Location:

a. UTM: Northing: 4524806.62; Easting: 500159.81 (NAD 1983 Zone 13 North)

b. Lat/Long: latitude 40° 52' 27.56"N and longitude 104° 59' 53.2"W

2. Size:

a. Surface Area: 1,981.5 ft²

b. Volume: 0.12 acre-feet

3. Source: Spottlewood Creek, tributary to Coal Creek, tributary to the Cache La Poudre River, tributary to the South Platte River.

C. **Spottlewood Lake # 3 Natural Lake Level Water Right** is an otherwise unnamed lake located on-channel in the Spottlewood Creek drainage, on the Carr SW U.S.G.S. quadrangle. A map depicting the approximate location of Spottlewood Lake # 3 is attached as **Exhibit 3**.

1. Location:

- a. UTM: Northing: 4524786.50; Easting: 500226.24 (NAD 1983 Zone 13 North)
- b. Lat/Long: latitude 40° 52' 26.89"N and longitude 104° 59' 50.33"W

2. Size:

- a. Surface Area: 6,199.4 ft²
- b. Volume: 0.17 acre-feet

3. Source: Spottlewood Creek, tributary to Coal Creek, tributary to the Cache La Poudre River, tributary to the South Platte River.

D. **Spottlewood Lake # 4 Natural Lake Level Water Right** is an otherwise unnamed lake located on-channel in the Spottlewood Creek drainage, on the Carr West and Carr SW U.S.G.S. quadrangles. A map depicting the approximate location of Spottlewood Lake # 4 is attached as **Exhibit 4**.

1. Location:

- a. UTM: Northing: 4524912.38; Easting: 500530.95 (NAD 1983 Zone 13 North)
- b. Lat/Long: latitude 40° 52' 31"N and longitude 104° 59' 37.32"W

2. Size:

- a. Surface Area: 3,858.5 ft²
- b. Volume: 0.16 acre-feet

3. Source: Spottlewood Creek, tributary to Coal Creek, tributary to the Cache La Poudre River, tributary to the South Platte River.

- E. The Universal Transverse Mercator (UTM) is provided as the legal description for the water rights claimed in this Application. The Lat/Long coordinates are provided as cross-reference locations. The UTM and Lat/Long locations were derived from CWCB GIS using the National Hydrography Dataset (NHD).
 - F. A map depicting the approximate locations of each of the four lakes is attached as **Exhibit 5**.
8. Appropriation:
- A. Date of initiation of appropriation: January 26, 2015 for the Spottlewood Lake #1 NLL, Spottlewood Lake #2 NLL, Spottlewood Lake #3 NLL, and Spottlewood Lake #4 NLL.
 - B. How appropriation was initiated: Appropriation and beneficial use of all four water rights occurred on January 26, 2015, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2015).
 - C. Date applied to beneficial use: January 26, 2015 for all four water rights.
9. Amount of water claimed:
- A. For Spottlewood Lake #1 NLL: 0.19 acre-feet absolute, at a lake surface-level elevation of 5,634.6 ft (North American Vertical Datum of 1988 or "NAVD88");
 - B. For Spottlewood Lake #2 NLL: 0.12 acre-feet absolute, at a lake surface-level elevation of 5,645.8 ft (NAVD88);
 - C. For Spottlewood Lake #3 NLL: 0.17 acre-feet absolute, at a lake surface-level elevation of 5,647.6 ft (NAVD88);
 - D. For Spottlewood Lake #4 NLL: 0.16 acre-feet absolute at an elevation of 5,659.2 ft (NAVD88).

10. Uses of Water: For Spottlewood Lakes #1-4: natural surface water levels or volumes to preserve the natural environment to a reasonable degree.

CONCLUSIONS OF LAW

11. Incorporation: The foregoing Findings of Fact are incorporated herein to the extent they constitute conclusions of law.
12. Notice and Jurisdiction: The Water Court for Water Division 1 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. (2015).
13. Legal Requirements: The CWCB has fulfilled all legal requirements for a decree for water rights, including sections 37-92-302, 304 and 305, C.R.S. (2015).
14. Burden of Proof: The CWCB has complied with all requirements and has met its burden of proof to adjudicate the water rights requested in the Application and is therefore entitled to a decree approving the requested water rights.

RULING OF REFEREE

15. The foregoing Findings of Fact and Conclusions of Law are hereby approved and incorporated as the Ruling of the Referee by this reference.
16. The Application is granted and a decree confirming the following appropriations is hereby entered to preserve the natural environment to a reasonable degree in Spottlewood Lakes #1-4 described in paragraph 7 above: Spottlewood Lake #1 NLL: 0.19 acre-feet absolute, at a lake surface-level elevation of 5,634.6 ft (NAVD88); Spottlewood Lake #2 NLL: 0.12 acre-feet absolute, at a lake surface-level elevation of 5,645.8 ft (NAVD88); Spottlewood Lake #3 NLL: 0.17 acre-feet absolute, at a lake surface-level elevation of 5,647.6 ft (NAVD88); Spottlewood Lake #4 NLL: 0.16 acre-feet

absolute at a lake surface-level elevation of 5,659.2 ft (NAVD88), absolute.
The appropriation date for these water rights is January 26, 2015.

17. The priority herein confirmed was filed in the water court in the year of 2015 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 the historical date of appropriation and shall not be affected by the date of entry of this decree.
18. 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 for Water Division 1 and the State Engineer.

DATED this 29th day of July, 2016.

BY THE REFEREE:

A handwritten signature in black ink, appearing to read "John S. Cowan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Cowan, Water Referee
Water Division 1

JUDGMENT AND DECREE OF THE WATER COURT

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

So Ordered:

August 22, 2016

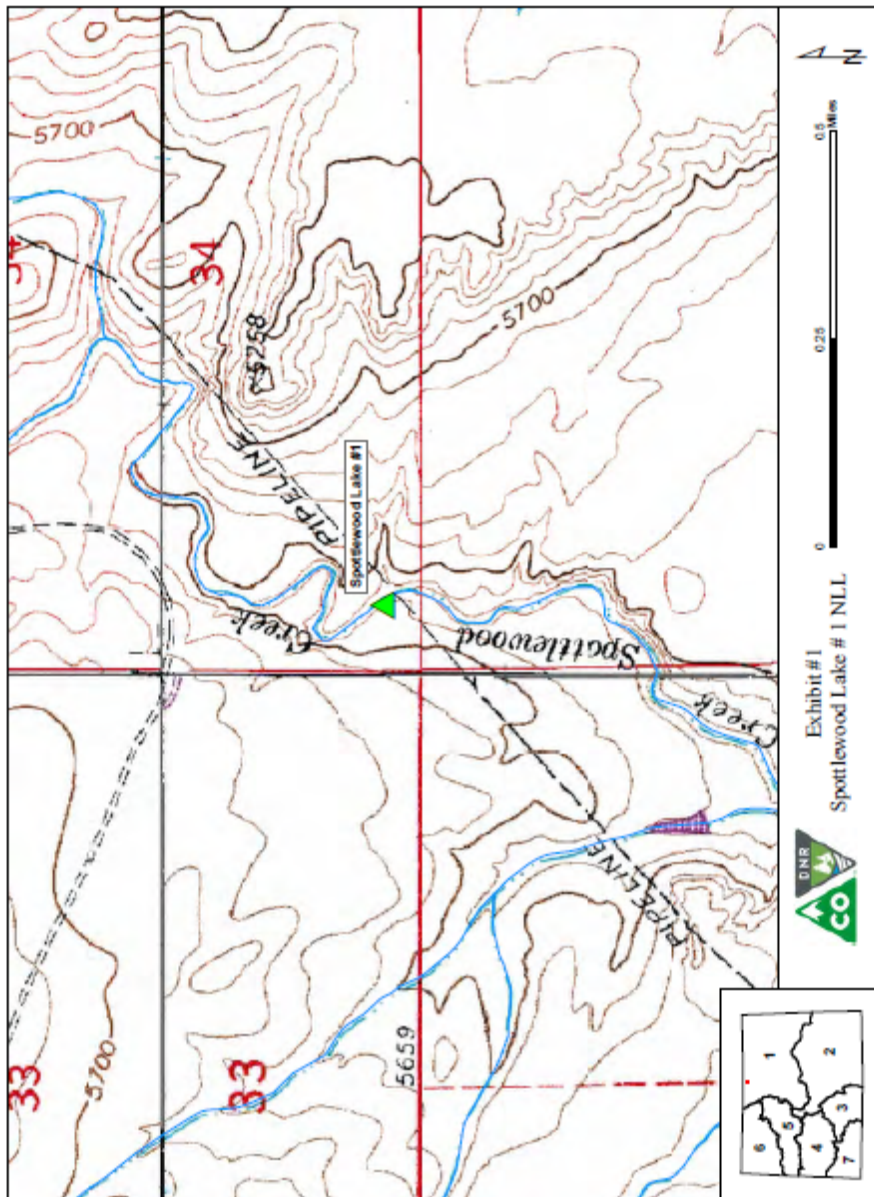
BY THE COURT:

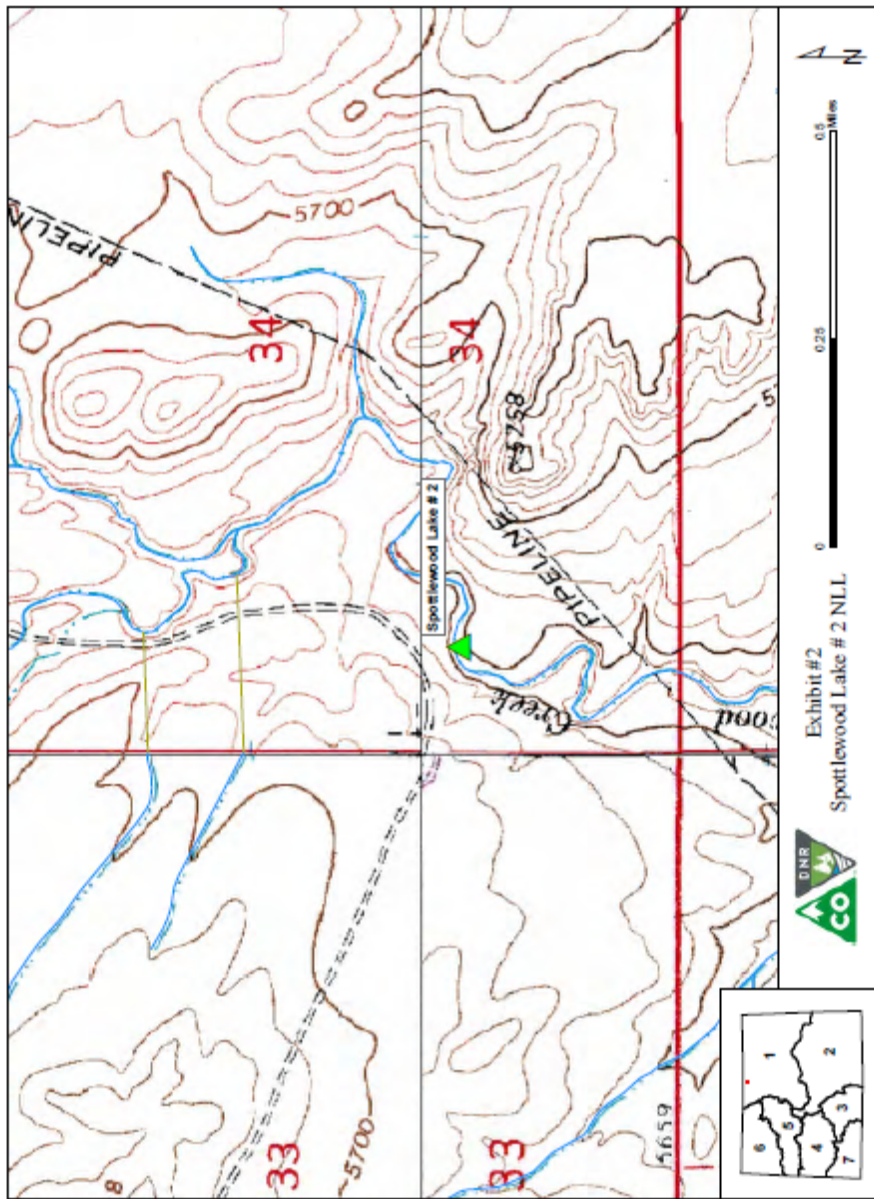
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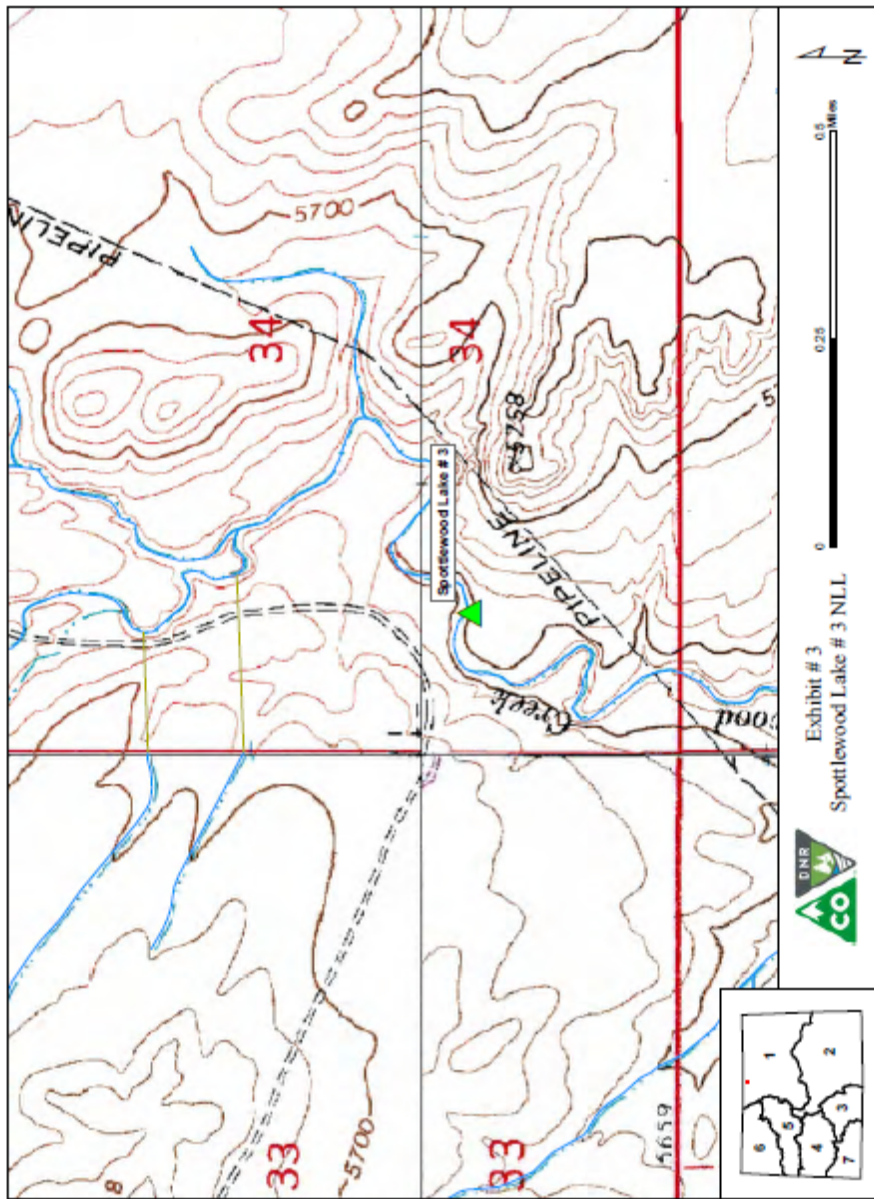
Todd Taylor

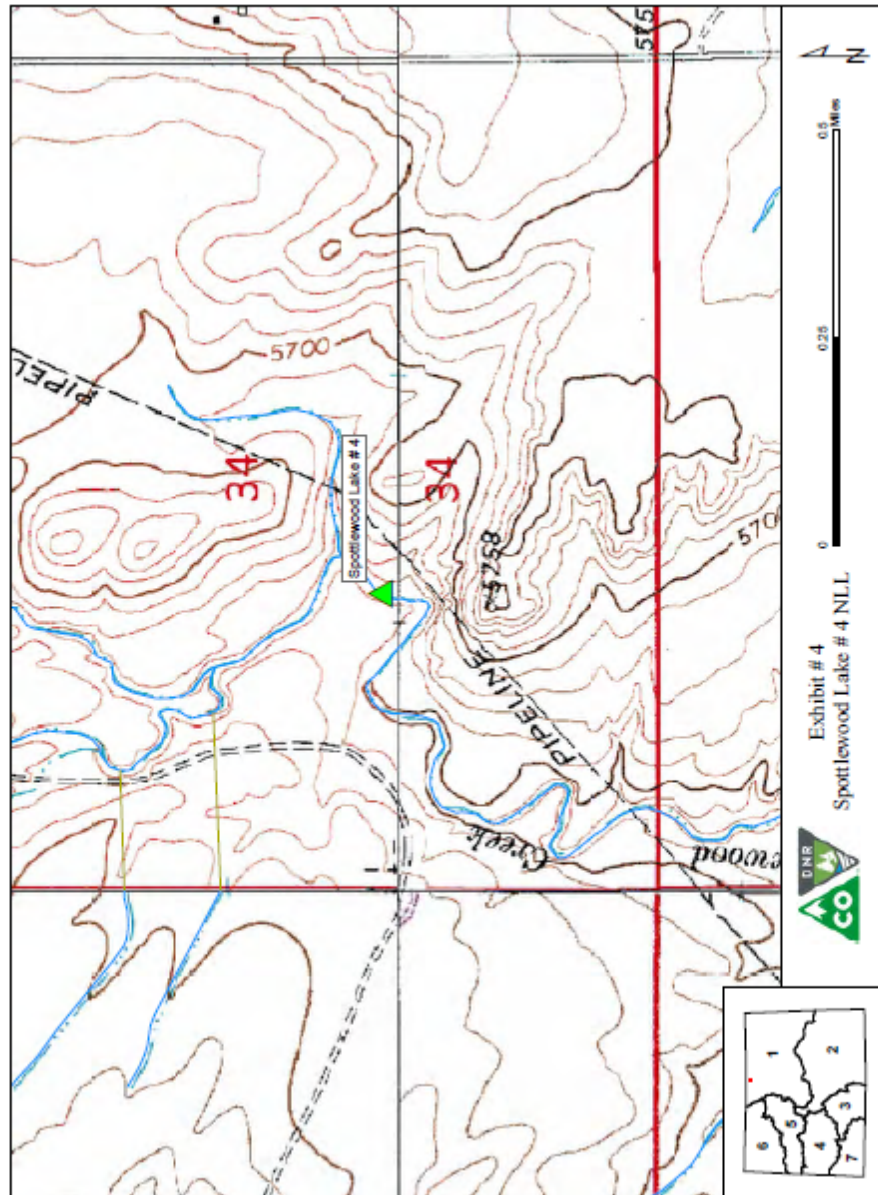
Alternate Water Judge

Water Division 1









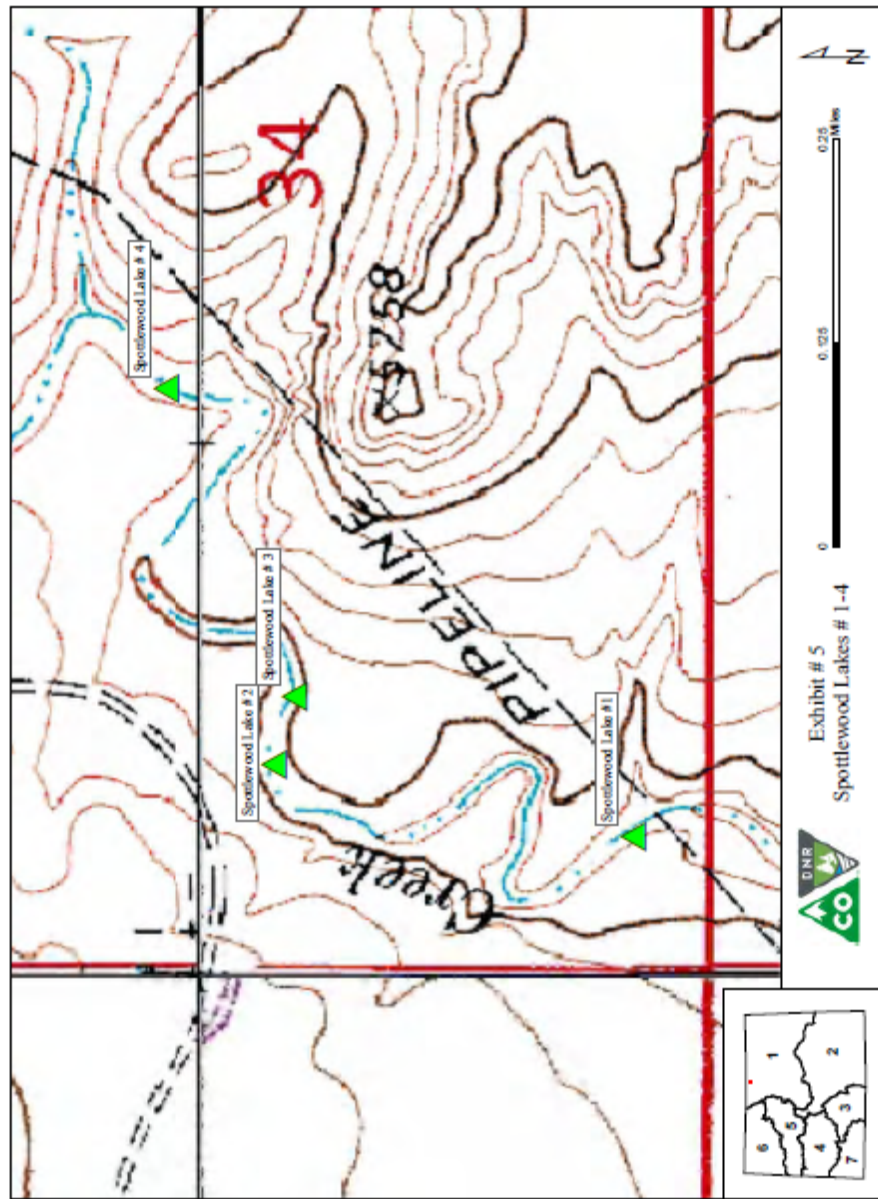


EXHIBIT 5