

FINDINGS OF FACT

1. The statements in the Application are true.
2. The name and address of Applicant:
Colorado Water Conservation Board ("CWCB")
1313 Sherman Street, Suite 718
Denver, CO 80203
(303) 866-3441
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. Statements of Opposition: No Statements of Opposition were filed. The time for filing statements of opposition has expired.
5. Summary of Consultation: The Division Engineer filed a Report of the Division Engineer pursuant to section 37-92-302(4), C.R.S. (2017) dated February 19, 2018. No Response to the Summary of Consultation was required. The Referee has given the Summary of Consultation due consideration.
6. Name of water right: Slater Creek Instream Flow Water Right.
7. Legal Description: The Slater Creek Instream Flow Water Right is located in the natural stream channel of Slater Creek from the confluence with Beaver Creek to the current location of USGS Gage # 09255000, a distance of approximately 12.58 miles. A map depicting the approximate location of the Slater Creek Instream Flow Water Right reach is attached as **Exhibit 1**.
 - A. Upstream Terminus: Confluence with Beaver Creek:
 1. UTM: Northing: 4529487.44; Easting: 303385.46 (NAD 1983 Zone 13 North)
 2. Lat/Long: latitude 40° 53' 34.00"N and longitude 107° 20' 2.00"W
 - B. Downstream Terminus: USGS Gage # 09255000:

1. UTM: Northing: 4539540.79 Easting: 299527.79 (NAD 1983 Zone 13 North)
2. Lat/Long: latitude 40° 58' 56.72"N and longitude 107° 22' 58.66"W
- C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD).
8. Source: Slater Creek, tributary to Little Snake River, tributary to Yampa River, tributary to Green River
9. A. Date of initiation of appropriation: January 24, 2017.
B. How appropriation was initiated: Appropriation and beneficial use occurred on January 24, 2017, by the action of the CWCB under sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2017).
C. Date applied to beneficial use: January 24, 2017.
10. Amount of water claimed: Instream flow of 16 cfs (10/16 - 03/15), 25 cfs (03/16 - 04/15), 74 cfs (04/16 - 06/30), 25 cfs (07/01 - 07/15), 10 cfs (07/16 - 07/31), 6.5 cfs (08/01 - 09/15), and 8.5 cfs (09/16 - 10/15), absolute.
11. Use of the Water: Instream flow to preserve the natural environment to a reasonable degree.

CONCLUSIONS OF LAW

12. Incorporation: The foregoing Findings of Fact are incorporated herein to the extent they constitute Conclusions of Law.
13. Notice and Jurisdiction: The Water Court for Water Division 6 has jurisdiction over the subject matter of these proceedings and over all persons

and 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. (2017).

14. 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. (2017).
15. 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 THE REFEREE

16. The foregoing Findings of Fact and Conclusions of Law are hereby approved and incorporated as the Ruling of the Referee by this reference.
17. The Application is granted, and a decree in the amounts of 16 cfs (10/16 - 03/15), 25 cfs (03/16 - 04/15), 74 cfs (04/16 - 06/30), 25 cfs (07/01 - 07/15), 10 cfs (07/16 - 07/31), 6.5 cfs (08/01 - 09/15), and 8.5 cfs (09/16 - 10/15), absolute, for Slater Creek ISF is hereby entered to preserve the natural environment to a reasonable degree in the reaches of the natural stream channel of Slater Creek between the upstream and downstream termini described in paragraph 7 above. The appropriation date for these water rights is January 24, 2017.
18. The priority herein confirmed was filed in the water court in the year of 2017 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.
19. The CWCB shall install and maintain such measuring devices and keep such records as the Division Engineer may require for administration of these rights.

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 6 and the State Engineer.

DATED this 30th day of April, 2018.

BY THE REFEREE:

/s/ Daniel R. Birch

Daniel R. Birch, Water Referee
Water Division 6, State of Colorado

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 2nd day of May, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael A. O'Hara, III", written over a horizontal line.

Michael A. O'Hara, III, Water Judge
Water Division 6, State of Colorado

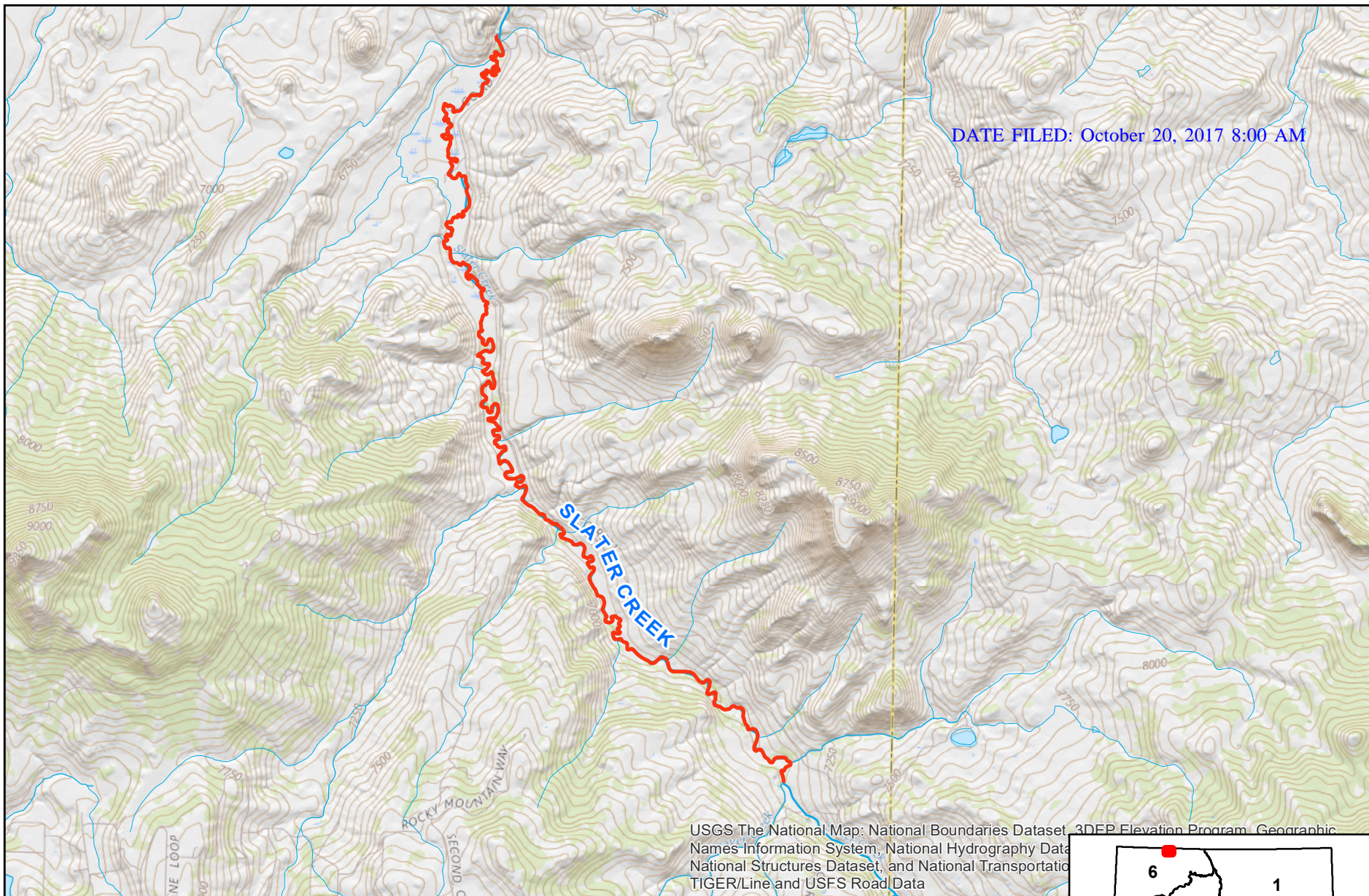


Exhibit 1
Slater Creek - Instream Flow Reach
Water Division 6

0 0.75 1.5 3 Miles

