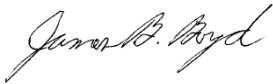


DISTRICT COURT, GARFIELD (GLENWOOD SPRINGS) COUNTY, COLORADO	
Court Address: 109 8th Street, Ste. 104, Glenwood Springs, CO, 81601	DATE FILED: June 3, 2018 CASE NUMBER: 2017CW3216
In the Interest of: COLORADO WATER CONSERVATION BOARD	<p style="text-align: center;">△ COURT USE ONLY △</p> <p>Case Number: 2017CW3216 Division: E Courtroom:</p>
Decree: Decree of the Water Court	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 6/3/2018



JAMES BERKLEY BOYD
District Court Judge

DISTRICT COURT, WATER DIVISION 5 GARFIELD CO. COURTHOUSE 109 8TH STREET, STE. 104 GLENNWOOD SPRINGS, CO 81601	<div style="text-align: center;"> ^ COURT USE ONLY ^ </div>
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: COLORADO WATER CONSERVATION BOARD, IN DRY FORK ROAN CREEK, A NATURAL STREAM; IN THE PARACHUTE-ROAN WATERSHED, IN GARFIELD COUNTY, COLORADO.	
	Case No.: 2017CW3216 Div. 5
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE 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 November 28, 2017. The Water Court for Water Division 5 referred the Application to the Water Referee for Water Division 5, in accordance with section 37-92-203(7), C.R.S. (2017).

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. Name & Address of Applicant:
Colorado Water Conservation Board ("CWCB")
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. 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, Summary of Consultation pursuant to section 37-92-302(4), C.R.S. (2017), on February 26, 2018. The CWCB filed a Response to the Division Engineer's Summary of Consultation on March 5, 2018. The Referee has given the Summary of Consultation due consideration.
6. Name of water right: Dry Fork Roan Creek Instream Flow Water Right.
7. Legal Description: The Dry Fork Roan Creek Instream Flow Water Right is located in the natural stream channel of Dry Fork Roan Creek from the confluence of South Dry Fork and North Dry Fork Creeks to the Omundson and Frost Ditch Headgate, a distance of approximately 2.54 miles. A map depicting the approximate location of the Dry Fork Roan Creek Instream Flow Water Right reach is attached as **Exhibit 1**.
 - A. Upstream Terminus: Confluence of South Dry Fork and North Dry Fork Creeks:
 1. UTM: Northing: 4364215.13; Easting: 210728.25 (NAD 1983 Zone 13 North)
 2. Lat/Long: latitude 39° 22' 44.31"N and longitude 108° 21' 39.70"W
 - B. Downstream Terminus: Omundson and Frost Ditch Headgate:
 1. UTM: Northing: 4363665.66; Easting: 213772.70 (NAD 1983 Zone 13 North)

2. Lat/Long: latitude 39° 22' 30.17"N and longitude 108° 19' 21.82"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: Dry Fork Roan Creek, tributary to Roan Creek, tributary to the Colorado 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 pursuant to 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 0.2 cfs (08/16 - 04/30), and 0.5 cfs (05/01 - 08/15), 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 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. 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 Referee by this reference.

17. The application is granted and a decree in the amount of 0.2 cfs (08/16 - 04/30), and 0.5 cfs (05/01 - 08/15), all absolute, is hereby entered to preserve the natural environment to a reasonable degree in natural stream channel of Dry Fork Roan Creek from the confluence of South Dry Fork and North Dry Fork Creeks to the Omundson and Frost Ditch Headgate described in paragraph 7 above. The appropriation date for this water right 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 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 9th day of April, 2018.

BY THE REFEREE

A handwritten signature in black ink, appearing to read 'Susan M. Ryan', written over a faint diagonal watermark that says 'Attachment to Order - 2017CW3216'.

Susan M. Ryan, Water Referee
Division 5, Water Court

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 _____, 2018.

BY THE COURT:

James B. Boyd, Water Judge
Water Division No. 5

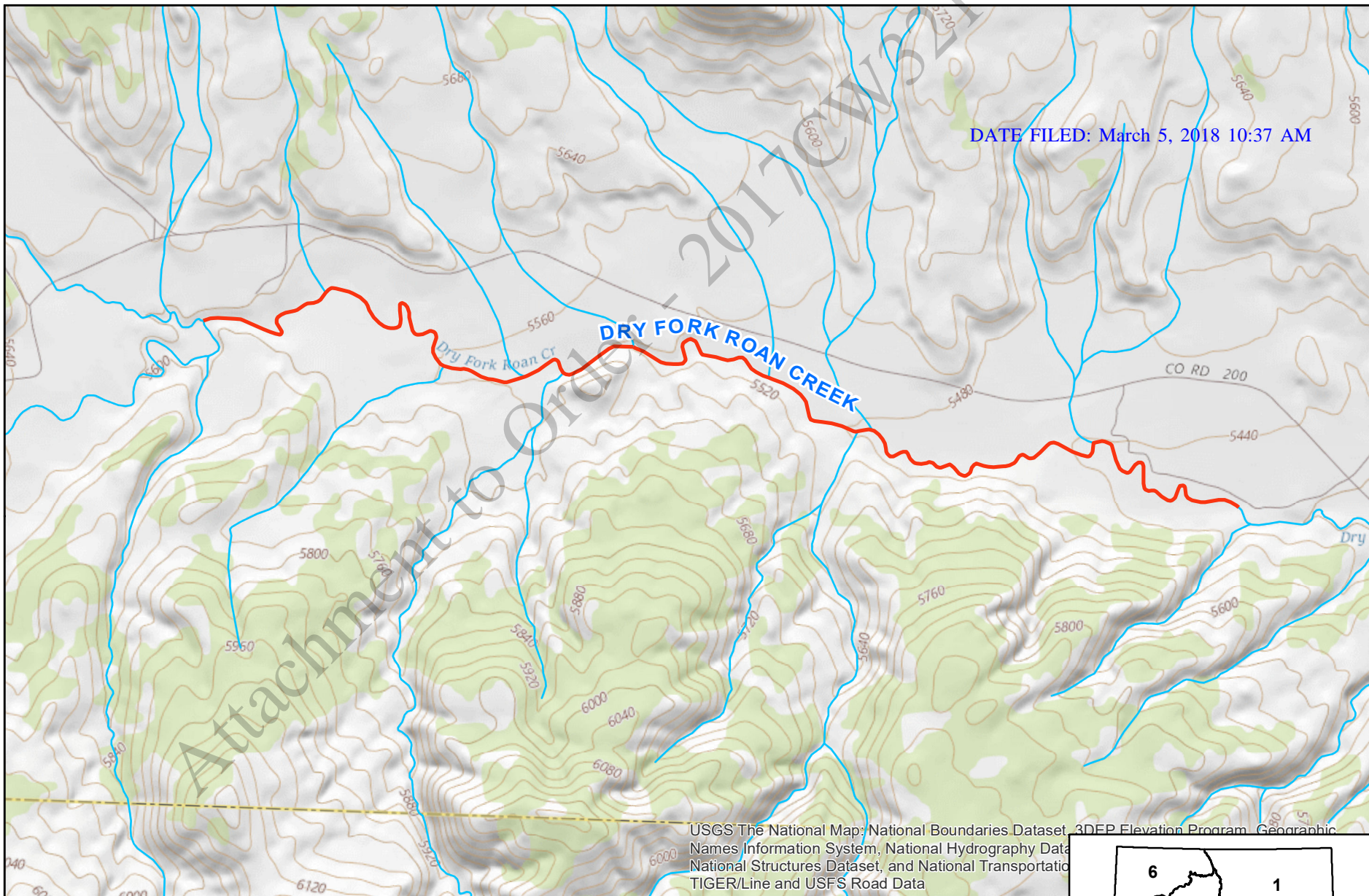


Exhibit 1
Dry Fork Roan Creek - Instream Flow Reach
Water Division 5

0 0.125 0.25 0.5
 Miles

