DISTRICT COURT, GARFIELD (GLENWOOD SPRINGS) COUNTY, COLORAD	0
Court Address:	
109 8th Street, Ste. 104, Glenwood Springs, CO, 81601	DATE FILED: June 5, 2016 11:58 AM
	CASE NUMBER: 2015CW3117
In the Interest of: LAKE CREEK METROPOLITAN DISTRICT	
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	riangle court use only $ riangle$
	Case Number: 2015CW3117
	Division: E Courtroom:
Decree: Order	

The motion/proposed order attached hereto: GRANTED.

Any request for a future finding of reasonable diligence shall be filed in June 2022.

Issue Date: 6/5/2016

James B. Byd

JAMES BERKLEY BOYD District Court Judge

DISTRICT COURT, WATER DIVISION 5, COLORADO		
109 8 th Street, Suite 104		
Glenwood Springs, CO 81601		
Phone Number: (970) 928-3065		
Concerning the Application for Water Rights of:	$\blacktriangle COURT USE ONLY \blacktriangle$	
Lake Creek Metropolitan District		
In the Colorado River or its Tributaries,	Case No.: 15CW3117	
In Eagle County, Colorado.	Water Division 5	
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE,		

AND DECREE OF THE WATER COURT

This matter came before the Court upon the Application of Lake Creek Metropolitan District ("LCMD" or "District") for an Application for Approval of Conditional Appropriative Exchanges.

The Water Judge referred the Application to the undersigned as Water Referee for Water Division No. 5, State of Colorado, in accordance with Article 92 of Title 37, Colorado Revised Statutes 1973, known as the Water Right Determination and Administration Act of 1969.

The Referee having made such investigation as are necessary to determine whether or not the statements in the Application are true, and having become fully advised with respect to the subject matter of the Application, hereby makes the following findings of fact, conclusions of law and ruling.

FINDINGS OF FACT

- 1. Applicant, Lake Creek Metropolitan District, c/o Marchetti & Weaver, P.O. Box 600, 28 Second Street, Suite 213, Edwards, CO 81632, (970) 926-5970. Applicant is represented in this matter by Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546.
- 2. Applicant filed an Application for Approval of Conditional Appropriative Exchanges on December 30, 2015.
- 3. The Application was properly published. All publication costs have been paid.
- 4. The Upper Eagle Regional Water Authority filed a timely Statement of Opposition. No other statements were filed. The time for filing such statements has expired.
- 5. <u>Summary of Application</u>: In Case No. 01CW277 decreed in this Court on May 1, 2006, Applicant incorporated augmentation supplies available from Colorado River Water

Conservation District ("CRWCD") facilities into its plan for augmentation previously adjudicated in this Court in Case No. W-3587. Those additional augmentation supplies are available under Water Supply Contract (CW02024 A&B) between Applicant and CRWCD providing for releases from CRWCD's Wolford Mountain Reservoir and the U.S. Bureau of Reclamation's Ruedi Reservoir (collectively the Colorado River Supply) and from CRWCD's storage entitlement in Eagle Park Reservoir and related supplies such as Homestake Reservoir (collectively the Eagle River Supply). The Application requested confirmation of appropriative exchange rights to provide the augmentation-by-exchange approved in the decree in Case No. 01CW277.

The CRWCD supplies provide augmentation-by-exchange for the District's diversions and depletions affecting Lake Creek, a tributary of the Eagle River. The total annual volume available from the CRWCD Water Supply Contract supplies is 15.3 acre feet, being 5.2 acre feet of annual Eagle River Supply and 10.1 acre feet of Colorado River Supply.

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- 6. <u>Names of Water Rights</u>:
 - A. LCMD Colorado River Exchange
 - B. LCMD Eagle River Exchange
- 7. <u>Exchange Reaches (all of which are shown on Exhibit A attached hereto)</u>:
 - A. The CRWCD Wolford Mountain Reservoir supply is delivered from that reservoir into Muddy Creek and then down the Colorado River to the confluence of the Colorado River and Eagle River (the Exchange From Point); from that point of confluence the supply is exchanged upstream on the Eagle River to the confluence with Lake Creek and thence upstream by exchange to the District's diversions identified herein on Lake Creek (the Exchange To Points).
 - B. The CRWCD Ruedi Reservoir Supply is delivered into the Fryingpan River and then the Roaring Fork River and downstream to the confluence of the Colorado River and the Roaring Fork River (the Exchange From Point); from that point of confluence the Supply is exchanged upstream on the Colorado River and the Eagle River to the confluence with Lake Creek and thence upstream by exchange to the District's diversions identified herein on Lake Creek (the Exchange To Points).
 - C. The CRWCD Eagle Park Reservoir supply is released from that reservoir into the Eagle River and delivered downstream to the confluence of the Eagle River and Lake Creek (the Exchange From Point) and then is exchanged upstream from that confluence to the District's diversions identified herein on Lake Creek (the Exchange To Points).

- D. The CRWCD Homestake Reservoir and related supplies are released into Homestake Creek and delivered down that creek into the Eagle River and then downstream to the confluence of the Eagle River with Lake Creek (the Exchange From Point) and thence upstream by exchange to the District's diversions identified herein on Lake Creek (the Exchange To Points).
- E. The claimed exchanges extend from the locations of replacement water introduced to the stream from the augmentation sources decreed herein (Wolford Mountain Reservoir, Ruedi Reservoir, Eagle Park Reservoir and Homestake Reservoir) to the diversions to be augmented (Lake Creek Meadows Water District Intake and the alternate points of diversion listed in the application that this Court previously decreed in Case Nos. 95CW365 and 01CW277) with an exchange rate of 0.8 cubic feet per second ("cfs") limited to 15.3 acre feet per year, and an appropriation date of October 31, 2001, which is the date that the application for the plan for augmentation was filed in Case No. 01CW277.

8. <u>Exchange Termini</u>:

B.

- A. Exchange From Points:
 - i. **Wolford Mountain Reservoir releases**: the confluence of the Colorado River and Eagle River located in the SW1/4 NE1/4 and the NW1/4 SE1/4 of Section 5, Township 5 South, Range 86 West of the 6th PM.
 - ii. **Ruedi Reservoir releases**: the confluence of the Roaring Fork River and Colorado River located in the SE1/4 NW1/4 Section 9, Township 6 South, Range 89 West of the 6th PM.
 - iii. **Eagle Park Reservoir releases**: the confluence of the Eagle River and Lake Creek located in the NE1/4 NE1/4 Section 6, Township 5 South, Range 82 West of the 6th PM.
 - Homestake Reservoir releases: the confluence of the Eagle River and Lake Creek located in the NE1/4 NE1/4 Section 6, Township 5 South, Range 82 West of the 6th PM.
 - Exchange To Points (all of which are shown on Exhibit B attached hereto):

i. Lake Creek Meadows Water District Intake:

a) <u>Location</u>: original decreed point of diversion located at a point whence the SW Corner of Section 18, Township 5 South, Range 82 West of the 6th P.M. bears South 34°00' West a distance of 2,410 feet.

b) <u>Source</u>: West Lake Creek, tributary to Lake Creek, tributary to Eagle River.

ii. Lake Creek Meadows Water District Intake Alternate Points of Diversion:

- a) <u>Lake Creek Meadows Water District Intake Alternate Well No. 1</u>:
 - 1. <u>Location</u>: in the SW1/4 NE1/4 Section 18, Township 5 South, Range 82 West of the PM at a point whence the center of Section 18 bears South 50°40'31" West a distance of 750.66 feet; located 2,063 feet West of the East line and 2,164 feet South of the North line of said section.
 - 2. <u>Source</u>: East Lake Creek alluvium, tributary to Lake Creek, tributary to Eagle River.
 - 3. <u>Permit</u>: 046894-F

b) Lake Creek Meadows Water District Intake Alternate Well No. 2:

- 1. <u>Location</u>: in the SW1/4 NE1/4 of Section 18, Township 5 South, Range 82 West of the 6th PM at a point whence the center of Section 18 bears South 39°14'51" West a distance of 750.36 feet; located 2,168 feet West of the East line and 2,061 feet South of the North line in said section.
- 2. <u>Source</u>: East Lake Creek alluvium, tributary to Lake Creek, tributary to Eagle River.
 - Permit: 046895-F

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- Lake Creek Metropolitan District Well Field:
 - 1. <u>Location</u>: the wells that will serve as alternate points within the well field may be located at any point within the Lake Creek Meadows Subdivision, the Plat for which was recorded on May 6, 1974 at Reception No. 130469, provided that the wells shall be located within 100 feet of the stream in the alluvium of East Lake Creek, West Lake Creek, or Lake Creek. Location of the wells within 100 feet of the stream in the alluvium, as provided above, will not require delayed depletion accounting. As an alternative, wells may be located in excess of 100 feet of the stream in the alluvium if a delayed depletion analysis is provided that is acceptable to the Colorado Division of

CASE NO. 15CW3117 Ruling Page 4 Water Resources. Depletions from operations of the well field will be reported in accounting submitted on an annual basis. The upstream termini of the Well Field's boundary is comprised of the southern boundary of the Lake Creek Metropolitan District Well Field as described above and shown in <u>Exhibit B</u>. The locations at which the southern boundary intercepts East Lake Creek and West Lake Creek are as follows:

- (a) East Lake Creek: in the NW1/4 SE1/4 of Section 18, Township 5 South, Range 82 West of the 6th PM; located 1,890 feet West of the East line and 2,630 feet North of the South line in said section.
- (b) West Lake Creek: in the SE1/4 SW1/4 of Section 18, Township 5 South, Range 82 West of the 6th PM; located 1,370 feet East of the West line and 1,250 feet North of the South line in said section.
- 2. <u>Amount</u>: 2.0 cfs from any combination of the Intake at the original location, the alternate well sites decreed in Case Nos. 95CW365 and 01CW277.
- 3. <u>Source</u>: alluvium of East Lake Creek, West Lake Creek and Lake Creek.
- d) <u>Lake Creek Well 3</u> (drilled under Well Field Alternate Diversion described above and decreed in Case No. 01CW277):

Location: in the SW1/4 NE1/4 Section 18, Township 5 South, Range 82 West of the 6th PM; located 2,161 feet West of the East line and 2,191 feet South of the North line of said section.

- 2. <u>Source</u>: East Lake Creek alluvium, tributary to Lake Creek, tributary to Eagle River.
- 3. <u>Permit</u>: 65720-F

iii. Lake Creek Meadows Ditch:

Attachime

a) <u>Location</u>: a point on West Lake Creek within the SE1/4 NW 1/4 of Section 18, Township 5 South, Range 82 West of the 6th P.M., that is located 2348 feet south of the North line and 1854 feet east of the West line of said Section 18; also described as NAD83, Zone 13 N, UTM X 360842.1 UTM Y 4386566.9 as applied for in Case No. 15CW3105, Water Division 5.

- b) <u>Source</u>: West Lake Creek.
- 9. <u>Sources of Substitute Supply</u>:
 - A. CRWCD Colorado River Supply

Wolford Mountain Reservoir. The CRWCD owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir), which has the following water rights:

- i. <u>Structure</u>: Gunsight Pass Reservoir.
 - a) <u>Original Decree</u>: Case No. 87CW283, Water Division 5.
 - b) <u>Decree Date</u>: November 20, 1989,
 - c) <u>Source</u>: Muddy Creek and its tributaries, all tributary to the Colorado River.
 - d) <u>Amount</u>: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Case No. 02CW107.
 - e) <u>Appropriation Date</u>: December 14, 1987.
 - <u>Use</u>: all beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses.

Structure: Wolford Mountain Reservoir Enlargement.

- a) <u>Original Decre</u>: Case No. 95CW281, Water Division 5.
- b) <u>Decree Date</u>: August 26, 1997.
- c) <u>Source</u>: Muddy Creek and its tributaries, all tributary to the Colorado River.
- d) <u>Amount:</u> 6,000 acre feet, conditional.
- e) <u>Appropriation Date</u>: January 16, 1995.

- f) Use: all beneficial uses by and for the benefit of the inhabitants of the CRWCD, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will be made directly or by substitution, augmentation, or exchange.
- iii. Structure: Wolford Mountain Reservoir.
 - Original Decre: Case No. 98CW237, Water Division 5. a)
 - b) Decree Date: July 6, 2000.
 - Source: Muddy Creek and its tributaries, all tributary to the c) Colorado River.
 - Amount: 30,000 acre feet conditional, with 15,895 acre feet being d) absolute for recreational and piscatorial and flood control.
 - Appropriation Date: November 17, 1998. e)
 - certain of the beneficial uses previously adjudicated for f) Use: Wolford Mountain Reservoir in Case No. 87CW283 and Case No. 95CW281 (August 26, 1997 Judgment and Decree).
- 1. 87CW283: including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the CRWCD for all uses. achimera

95CW281: all beneficial uses by and for the benefit of the inhabitants of the CRWCD, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will be made directly or by substitution, augmentation, or exchange.

Location: the dam is located in the SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point wihe bears South 53°24'56" East a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being South 75°28'29" East.

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Ruedi Reservoir. The CRWCD holds Contracts No. 009D6C0111 (500 acre feet), 009D6C0118 (700 AF), 039F6C0011 (530 acre feet), 079D6C0106 (5,000 acre feet), and 139D6C0025 (2,000 acre feet) from the U.S. Bureau of Reclamation for 8,730 acre feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water can deliver replacement water to the calling water right in time, amount and location as Wolford water.

- Civil Action No. 4613: iv.
 - a) Decree Date: June 20, 1958.
 - Court: Garfield County District Court. b)
 - Amount: 140,697.3 acre feet, reduced to 102,369 acre feet c) pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85.
 - Appropriation Date: July 29, 1957. d)
 - Use: domestic, municipal, irrigation, industrial, generation of e) electrical energy, stock watering and piscatorial.
 - Source: Fryingpan River. f)
- Case No. 81CW34: v.
 - a) Decree Date: April 8, 1985.
 - Court: District Court, Water Division 5.
 - Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were made absolute in Case No. 01CW269, for a total of 69,766 acre feet, absolute.
- ttachte d) Appropriation Date: January 22, 1981.
 - e) Use: irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought.
 - f) Source: Fryingpan River.

B. CRWCD Eagle River Supply

Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project located in the headwaters of the Eagle River. CRWCD is a shareholder in the Reservoir Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs. The water delivered to or for the benefit of the CRWCD's contractors will be based upon the following water rights:

- i. Eagle Park Reservoir. The CRWCD's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the CRWCD to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir, described as follows: Decreed in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree entered in Case No. 95CW348. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River.
- Exchange Supply. Pursuant to a Memorandum of Understanding dated ii. effective as of April 21, 1998 among the City of Aurora, the City of Colorado Springs, the CRWCD, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated June 17, 1998 among Aurora, Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs provide up to 500 acre feet of water available for West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 acre feet of replacement water from the West Slope participants. The CRWCD's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the CRWCD to up to 100 acre feet per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs:
 - a) <u>Homestake Project</u>. Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional,

43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek.

- b) <u>Camp Hale Project</u>. Aurora and Colorado Springs may provide to the CRWCD water released from those surface and ground water storage rights decreed to Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, Water Division 5.
- iii. <u>Terms and Conditions</u>: The CRWCD contractors' use of augmentation water from Homestake Reservoir, made available through contract or other arrangement with the Eagle Park Reservoir Company, shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated June 17, 1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division 5.
- 10. <u>Source at Exchange To Points of Diversion</u>: Lake Creek, tributary of the Eagle River.
- 11. <u>Amount Claimed</u>: 0.8 cfs, limited to a total 15.3 acre feet per year, conditional, and distributed as follows:
 - A. LCMD Colorado River Exchange: 10.1 acre feet.
 - B. LCMD Eagle River Exchange: 5.2 acre feet.
- 12. <u>Appropriation and Priority</u>.
 - A. <u>Appropriation Date</u>: October 31, 2001.
 - B. <u>How Appropriation was Initiated</u>: filing of Application in Case No. 01CW277, Water Division 5.
 - C. <u>Priority Limitation</u>: As provided in C.R.S. § 37-92-306, the exchange rights confirmed herein have priorities based on the filing of the Application in calendar year 2015 and shall be junior in priority to rights awarded on applications filed in prior calendar years.
- 13. <u>Proposed Uses</u>:
 - A. <u>Types</u>: Municipal, domestic, irrigation and recreation.

- B. <u>Places of Use</u>: As decreed in Case No. 01CW277, the District supplies water for municipal and other purposes within its service area. The place of use will occur within the District's "service area," meaning any lands to which the District now or in the future provides water for municipal and other purposes. The District shall not extend service to any area using exchange rights that results in return flows from water diverted under the Exchange To Points of Diversion accruing to any basin that is not tributary to East Lake Cree, West Lake Creek, or Lake Creek.
- C. <u>Irrigation</u>:
 - i. <u>Number of acres</u>: historically irrigated, 74; proposed to be irrigated, 65.
 - ii. <u>Description of irrigated acreage</u>: the District's service area as recognized by decree in Case No. 01CW277.
- 14. Names and Addresses of Owners or Reputed Owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.
 - A. Wolford Mountain Reservoir: CRWCD, P.O. Box 1120, Glenwood Springs, CO 81602.
 - B. Ruedi Reservoir: U.S. Bureau of Reclamation, 11056 W. County Rd. 18E, Loveland, CO 80537.
 - C. Eagle Park Reservoir: Eagle Park Reservoir Company, P.O. Box 7, Vail, CO 81658.
 - D. Homestake Reservoir: Homestake Partners, 15151 E. Alameda Pkwy., Aurora, CO 80012.
- 15. <u>Terms and Conditions of the Exchange</u>:

Applicant recognizes that the Colorado Water Conservation Board's ("CWCB") existing instream flow water right decreed in Case No. 80CW125, Water Division 5, on Eagle River was decreed prior to the filing of this case. The exchanges decreed herein are junior to the CWCB's previously decreed instream flow water right on Eagle River and will not be operated when such decreed instream flow is not met and the stream is being administered.

B. The exchanges may only be operated with prior notice to the Water Commissioner and the Division Engineer in order for operation of exchanges in priority to other water rights.

CONCLUSIONS OF LAW

- 16. The foregoing Findings of Fact are incorporated herein to the extent they include conclusions of law.
- All notices required by law have been properly made, including as required under C.R.S.
 § 37-92-302(3). The Court has jurisdiction over the Application and over all persons or entities that appeared or had standing to appear, even though they did not do so.
- 18. The Application is complete, covering all applicable matters required pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. §§ 37-92-101 through -602.
- 19. The Court has given due consideration to the Division Engineer's Summary of Consultation Report dated March 14, 2016.
- 20. Applicant has fulfilled all legal requirements for a decree for the claimed conditional water rights, including C.R.S. §§ 37-92-302 and -305. The Application is in accordance with Colorado law.
- 21. Review of determinations made by the Division Engineer or the State Engineer in administration of the subject water rights is a "water matter" over which this Court has exclusive jurisdiction.

RULING OF REFEREE

- 22. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.
- 23. The request for approval of the conditional appropriative rights of exchange described above is hereby GRANTED subject to the terms and conditions contained herein. The conditional rights are decreed as described herein.
- 24. Should the Applicant desire to maintain the conditional water rights granted herein, an Application for Finding of Reasonable Diligence shall be filed in the same month six years from the date of the Court's order, unless a determination has been made prior to that date that such conditional rights have been made absolute by reason of the completion of the appropriation or are otherwise so disposed.
- 25. Pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale or other transfer of the conditional water rights decreed herein, the transferee shall file with the Division 5 Water Court a notice of transfer which shall state:
 - A. The title and case number of this Case No. 15CW3117;
 - B. The description of the conditional water right transferred;
 - C. The name of the transferor;
 - D. The name and mailing address of the transferee; and

- E. A copy of the recorded deed
- 26. The owner of said conditional water rights shall also notify the Clerk of the Division 5 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change of address in the case file of this Case No. 15CW3117 and in the case file (if any) in which the Court first made a finding of reasonable diligence.

It is accordingly ORDERED that this Ruling of Referee shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to C.R.S. § 37-92-304, as amended.

It is further ORDERED that a copy of this Ruling of Referee shall be filed with the State and Division Engineers for Water Division 5.

Done this 9th day of May, 2016.

Attachment

BY THE REFERE

Holly K. Strablizky, Water Referee

JUDGMENT AND DECREE

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

Done this _____ day of _____, 2016

er Judge

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