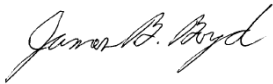


DISTRICT COURT, GARFIELD (GLENWOOD SPRINGS) COUNTY, COLORADO	
Court Address: 109 8TH STREET, STE. 104, GLENWOOD SPRINGS, CO, 81601	DATE FILED: November 22, 2020 2:29 PM CASE NUMBER: 2020CW3082
In the Interest of: PITKIN COUNTY BOARD OF COUNTY COMMISSION	<div style="text-align: center;">△ COURT USE ONLY △</div> <div>Case Number: 2020CW3082 Division: E Courtroom:</div>
Decree: Decree of the Water Court	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 11/22/2020



JAMES BERKLEY BOYD
District Court Judge

DISTRICT COURT, WATER DIVISION 5, COLORADO 109 Eighth Street, Suite 104 Glenwood Springs, Colorado 81601 (970) 928-3065	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO In the Roaring Fork River or its Tributaries In Pitkin County, Colorado	▲ COURT USE ONLY ▲ <hr/> Case Number: 20CW3082 (10CW305) Division: Courtroom:
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE AND DECREE OF THE WATER COURT	

The Applicant, Board of County Commissioners of Pitkin County, Colorado, filed this Application on June 30, 2020 (“Application”) and the Water Judge referred it to the Water Referee for Water Division 5, State of Colorado, in accordance with C.R.S. § 37-92-101, *et seq.*, known as the Water Right Determination and Administration Act of 1969.

The undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true, and having been fully advised of the subject matter of the application, does hereby make the following determination and Ruling as the Referee in this matter:

FINDINGS OF FACT

1. The statements in the Application are true, except as may be otherwise stated herein.
2. Names and Address of the Applicant:

 Board of County Commissioners of Pitkin County, Colorado (“Pitkin County”)
 c/o Laura Makar, Assistant County Attorney
 Pitkin County Attorney’s Office
 530 E. Main Street, Suite 301
 Aspen, Colorado 81611
 (970) 920-5190
Laura.Makar@pitkincounty.com
3. Notice. Timely and adequate notice of the pendency of these proceedings has been given in the manner required by C.R.S. § 37-92-302.

4. Jurisdiction. The Court has jurisdiction over this matter pursuant to C.R.S. C.R.S. § 37-92-101, *et seq.*
5. Opposers. There were no statements of opposition filed in this case. The time for filing such statements or motions has expired.
6. Report of the Division Engineer. This Court has given due consideration to the Division Engineer's Summary of Consultation filed on September 28, 2020 which stated the Division Engineer does not object to the approval of the Application.
7. Description of Water Right:
 - A. Name of Structures: The Pitkin County River Park Project is comprised of two recreational control structures: (1) the Pitkin County River Park Project Upper Control Structure ("Upper Structure") and the (2) the Pitkin County River Park Project Lower Control Structure ("Lower Structure") (collectively "Structures"). One water right, the Pitkin County River Park Project, is decreed for both structures.
 - B. Decree Information:

Decree: Case No. 2010CW305, District Court, Water Division 5, Colorado, June 12, 2014.
 - C. Legal Description: The Pitkin County River Park Project is located on the Roaring Fork River downstream of the Highway 82 Upper Bypass Bridge upstream of the confluence of the Fryingpan and Roaring Fork Rivers, within the channel of the Roaring Fork River in Sections 17 and 18, Township 8 South, Range 86 West of the 6th P.M., Pitkin County, Colorado. The Pitkin County River Park Project consists of two structures within the Roaring Fork River. The Structures are designed to control, concentrate, and direct the stream flows, creating hydraulic features on the river for the beneficial uses described below. A map depicting the Pitkin County River Park Project which identifies the location of the Upper Structure and Lower Structure as constructed is attached as Exhibit A.
 - i. The Structures are located within the Pitkin County River Park Project decreed Upstream Extent in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 8 South, Range 86 West of the 6th P.M., Pitkin County Colorado at a point 320 feet from the west section line and 1480 feet from the north section line of Section 17 and the Pitkin County River Park Project Downstream Extent in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 8 South, Range 86 West, 6th P.M., Pitkin County, Colorado, at a point 265 feet from the east section line and 560 feet from the north section line of Section 18.

a. Upper Structure (as built location): NE1/4 of NE1/4 of Section 18, T8S, R86W, 6th P.M., Pitkin County, CO at a point 24 feet from the east section line and 695 feet from the north section line of Section 18.

b. Lower Structure (as built location): NE1/4 of NE1/4 of Section 18, T8S, R86W, 6th P.M., Pitkin County, CO at a point 73 feet from the east section line and 600 feet from the north section line of Section 18.

D. Source: Roaring Fork River, tributary to the Colorado River.

E. Appropriation Date: December 30, 2010.

F. Rates of Flow:

Period	Flow Rate (cfs)	Experience Level
April 15 – May 17	240	Blue, Upper Structure
May 18 – June 10	380	Green, Lower Structure
June 11 – June 25	1,350	Blue, Lower Structure
June 26 – Aug 20	380	Green, Lower Structure
Aug 21 – Labor Day	240	Blue, Upper Structure

G. Use: Recreational uses, including all beneficial uses associated with RICD water rights as permitted under Colorado law, including, but not limited to, non-motorized boating such as kayaking, canoeing, rafting, tubing, floating, and paddling.

CONCLUSIONS OF LAW

8. To the extent they constitute legal conclusions; the foregoing Findings of Fact are incorporated herein.
9. 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 entities or persons who had standing to appear, even though they did not do so, and has authority to grant the Application.
10. The Application is complete and is one contemplated by law, covering all applicable matters required pursuant to the Water Right Determination and Administration Act of 1969. C.R.S. §§ 37-92-101–602.

11. Applicant has fulfilled all legal requirements for an absolute decree for the requested water right and satisfied its burden of proof.
12. Applicant owns and operates a "single project or integrated system," within the meaning of C.R.S. § 37-92-301(4)(b) and the Pitkin County River Park Project is an integrated component of the system.

RULING OF THE REFEREE

13. The Findings of Fact and Conclusions of Law as set forth above are incorporated herein by reference and are hereby modified as necessary to constitute part of the Ruling and Final Judgment and Decree.
14. The Pitkin County River Park Project through the Structures has been placed to beneficial use for all decreed amounts and uses and the Application of the Board of County Commissioners of Pitkin County, Colorado for a finding to make ABSOLUTE all rates of flow conditionally decreed as the Pitkin County River Park Project for the Structures based upon actual flows controlled through the Pitkin County River Park Project and use of the Pitkin County River Park Project for the beneficial decreed purposes is GRANTED.
15. No Injury. The terms and conditions provided for in this decree are adequate to assure that no injury to vested water rights or decreed conditional water rights will occur as a result of the operation of the water right decreed herein.
16. A copy of the Ruling shall be filed with the Division Engineer for Water Division No. 5 and with the State Engineer.

It is further ORDERED that this Ruling shall be filed with the Water Clerk, subject to judicial review.

Dated: October 30, 2020.



Water Referee Susan M. Ryan
Division 5, Water Court

DECREE OF THE WATER COURT

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

Dated: _____.

Water Judge James Boyd
Water Division 5, State of Colorado

Attachment to Order - 2020CW3082

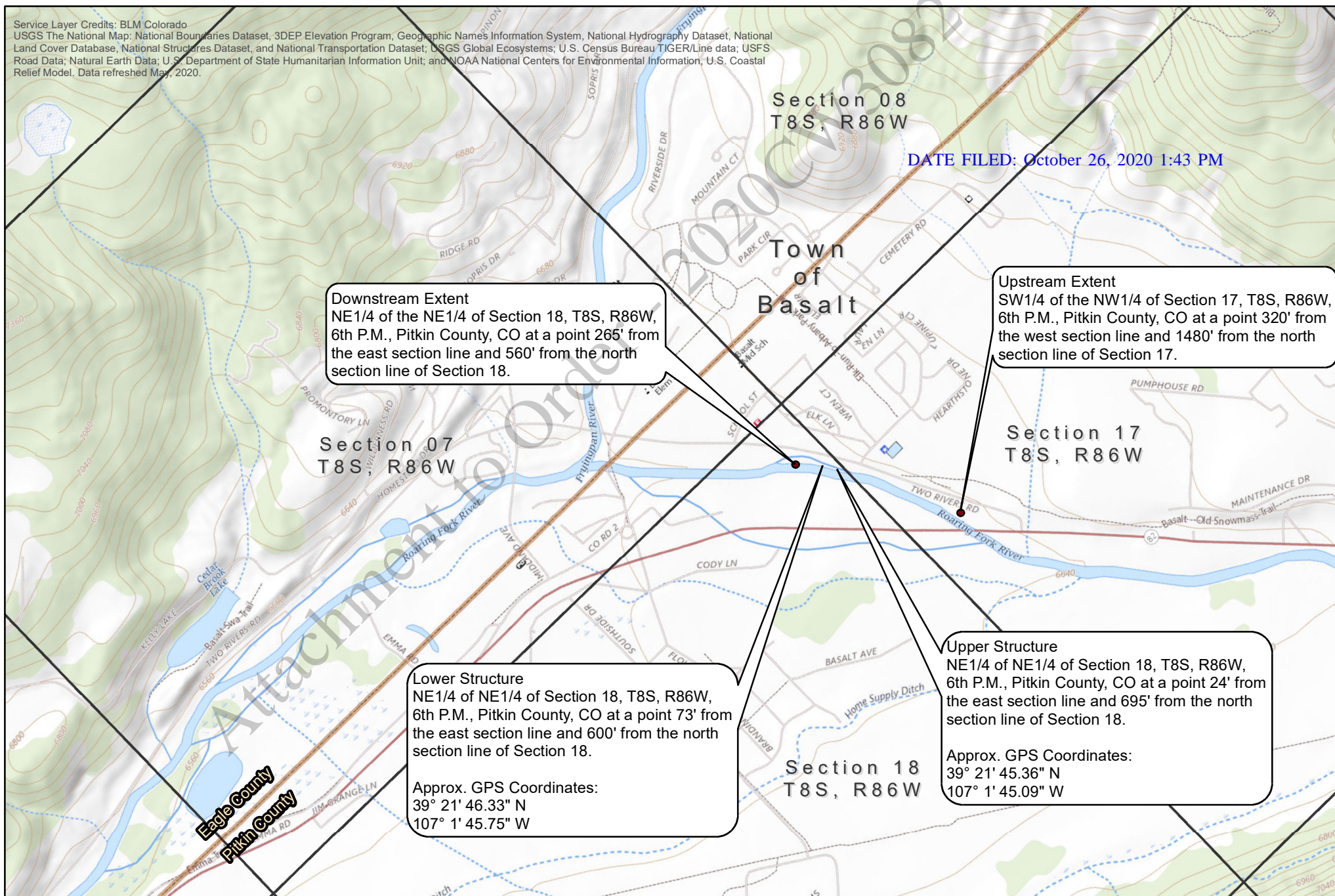


EXHIBIT A
PITKIN COUNTY RIVER PARK PROJECT
STRUCTURES LOCATION MAP
JUNE 2020

Legend

- ReachLimits
- Colorado County Boundaries
- BLM Colorado PLSS First Division - Section



0 0.075 0.15 0.3 Miles