

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO 901 9 th Avenue Greeley, Colorado 80631 (970)351-7300	• COURT USE ONLY • Case Number: 2002CW347
CONCERNING THE APPLICATION FOR WATER RIGHTS OF PINWOOD SPRINGS WATER DISTRICT IN LARIMER COUNTY	
FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE	

This application was filed with the Water Clerk, Water Division No. 1, on December 30, 2002, and the Court, having considered the pleadings, the stipulations of the parties, and the evidence presented, does hereby find and conclude as follows:

FINDINGS OF FACT

1. The name and address of the applicant are: Pinewood Springs Water District, 183 Cree Court, Lyons, Colorado 80540-8118.

2. Timely and adequate notice of the application was given as required by statute, and the Court has jurisdiction over the subject matter of this proceeding and over all parties affected hereby, whether they have appeared or not. None of the lands or water involved in this application are within the boundaries of a designated groundwater basin.

3. Timely statements of opposition were filed by Jon and Sharon Jacksi, Big Elk Meadows Association, The Boulder and Larimer County Irrigating and Manufacturing Ditch Company, and Thompson Water Users Association. No person or entity has sought to intervene. The time for filing statements of opposition and motions to intervene has expired.

4. Applicant has entered into stipulations with
The Court has reviewed the stipulations and has entered orders approving them. The Court finds that this decree is consistent with the provisions of the stipulations.

5. Applicant seeks a decree confirming and approving the following described water storage rights:
 - A. Names of water storage rights: Maure Hollow Reservoir, Crescent Lake/Powelson Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir.

 - B. Legal descriptions of locations of dams:
 - (1) Maure Hollow Reservoir: Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 1200 feet East of the West line and 1100 feet South of the North line of said Section 28.

 - (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little Thompson River, in the SW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 350 feet East of the West line of the SW1/4 of the NE1/4 and 450 feet South of the North line of the SW1/4 of the NE1/4 of said Section 28.

 - (3) Crow Lane Reservoir No. 1: Crow Lane Reservoir No. 1 will be located on an unnamed tributary of the Little Thompson River, in the SE1/4 of the SE1/4 of Section 29, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 50 feet North of the South line of said Section 29.

 - (4) Crow Lane Reservoir No. 2: Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE1/4 of the NE1/4 of Section 32, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located

approximately 250 feet West of the East line and 750 feet South of the North line of said Section 32.

- (5) Pinewood Springs Reservoir: Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW1/4 of the SW1/4 of Section 28, Township 4 North, Range 76 West of the 6th P.M., Larimer County, Colorado. The northwest abutment of the dam will be located at or near a point which bears North 33°40' East a distance of 575 feet from the southwest corner of the N1/2 of the SW1/4 of said Section 28.

C. Names and capacities of ditch or ditches used to fill reservoirs and legal description of each point of diversion:

- (1) Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir: Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir will be on-channel reservoirs and will store water from their respective drainage basins. In addition, water will be diverted from the Little Thompson River at a point located in the SE1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, whence the north quarter corner, Section 28 bears North 42°46'43" East, 1,943.68 feet, and will be conveyed through pipelines to the reservoirs. The maximum rate of diversion to storage from the Little Thompson River will be 1 cfs for each reservoir. This point of diversion is the same as the point of diversion for the Pinewood Springs Collection Gallery, decreed in Case No. 88CW236, District Court, Water Division No. 1, on February 23, 1990.
- (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be an on-channel reservoir and will store water from its drainage basin. In addition, water will be diverted from the Little Thompson River at a point located in the NW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, approximately 700 feet East of the West line of the NW1/4 of the NE1/4 and 200 feet North of the South line of the NW1/4 of the NE1/4 of said Section 28, and will be conveyed through a pipeline to the reservoir. The maximum rate of diversion to storage will be 1 cfs.

D. Sources:

- (1) Maure Hollow Reservoir: Little Thompson River and Maure Hollow, a tributary to the Little Thompson River.
- (2) Crescent Lake/Powelson Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River.
- (3) Crow Lane Reservoir No. 1: Little Thompson River and an unnamed tributary to the Little Thompson River.
- (4) Crow Lane Reservoir No. 2: Little Thompson River and an unnamed tributary to the Little Thompson River.
- (5) Pinewood Springs Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River.

E. Dates of Appropriation: September 27,2000 for Crescent Lake/Powelson Reservoir; July 30,2002 for Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir.

F. Amounts:

- (1) Maure Hollow Reservoir: 45 acre-feet, CONDITIONAL, with the right to fill and refill continuously.
- (2) Crescent Lake/Powelson Reservoir: 18 acre-feet, CONDITIONAL, with the right to fill and refill continuously.
- (3) Crow Lane Reservoir No. 1: 51 acre-feet, CONDITIONAL, with the right to fill and refill continuously.
- (4) Crow Lane Reservoir No. 2: 39 acre-feet, CONDITIONAL, with the right to fill and refill continuously.
- (5) Pinewood Springs Reservoir: 20 acre-feet, CONDITIONAL, with the right to fill and refill continuously.

G. Rates of diversion in cfs for filling the reservoirs from the Little Thompson River points of diversion:

- (1) Maure Hollow Reservoir: 1 cfs for diversion to storage from the Little Thompson River.
- (2) Crescent Lake/Powelson Reservoir: 1 cfs for diversion to storage from the Little Thompson River.
- (3) Crow Lane Reservoir No. 1: 1 cfs for diversion to storage from the Little Thompson River.
- (4) Crow Lane Reservoir No. 2: 1 cfs for diversion to storage from the Little Thompson River.
- (5) Pinewood Springs Reservoir: 1 cfs for diversion to storage from the Little Thompson River.

H. Use: Municipal use within the Pinewood Springs Subdivision including, but not limited to, domestic, recreational, fish and wildlife preservation and propagation, augmentation, replacement and exchange, with the right to use and reuse to extinction for the uses described herein.

6. Applicant has demonstrated that the water will be used by it or by persons or entities with which it has either agency relationships or firm contractual commitments.
7. Applicant has a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.
8. Applicant has demonstrated that unappropriated water is available in the amounts claimed from the sources claimed.
9. Applicant has demonstrated that the water can and will be diverted and beneficially used, and that the project can and will be completed with diligence and within a reasonable time.
10. Applicant has proceeded with reasonable diligence to develop the subject appropriations.

11. The subject water storage rights, if exercised and administered in accordance with the provisions of this decree, will not cause injury to any owner or person entitled to use water under any vested water right or decreed conditional water right.

CONCLUSIONS OF LAW

12. This application was filed with the Water Court pursuant to § 37-92-302(1)(a), C.R.S. The Court has jurisdiction over the subject matter of this application and over all persons and water rights affected hereby, whether they have appeared or not.
13. Timely and adequate notice of this proceeding was given in the manner required by law.
14. Applicant has complied with all requirements and met all standards and burdens of proof and is therefore entitled to a decree confirming and approving the subject water storage rights as described herein.
15. The subject water storage rights, if exercised and administered in accordance with the provisions of this decree, will not cause injury to any owner or person entitled to use water under any vested water right or decreed conditional water right.

JUDGMENT AND DECREE

16. The foregoing Findings of Fact and Conclusions of Law are incorporated herein by this reference as if set forth fully herein.
17. The water storage rights described in paragraph 5 above are hereby confirmed and approved.
18. Applicant shall install and maintain such measuring devices or other structures, and shall maintain such records of diversions hereunder, as may be required by State water administration officials for administration of the subject water storage rights. The reservoirs shall be equipped with staff gauges. Applicant shall develop elevation-area-capacity tables for the reservoirs and provide them to the Division Engineer. Applicant shall submit the required accounting information to State water administration officials on a weekly basis during the irrigation season and on a monthly basis during the non-irrigation season, or as otherwise required by State water administration officials. Applicant shall make such information available to the other parties hereto upon request and upon payment of reasonable copying charges. Applicant shall promptly release without use any water stored out-of-priority in the subject reservoirs; provided, however, that out-of-priority storage of

water in the reservoirs shall be allowed if in accordance with § 37-80-120(1), C.R.S. (2003) or successor statutes.

19. Applicant shall not construct any reservoir described herein on land owned by another person or entity unless the right to construct the reservoir on such land is obtained by consent of the landowner, the exercise of the power of eminent domain, or other lawful means.
20. The application herein was filed in the Water Court in the year of 2002 and the water rights herein confirmed and awarded shall be administered as having been filed in that year and shall be junior to all water rights for which applications were filed in previous years. As between all water rights, the applications for which were filed in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of this decree.
21. The conditional water storage rights decreed herein are continued in full force and effect through _____, 200_. If applicant desires to maintain such conditional water rights, an application for finding of reasonable diligence shall be filed on or before the last day of _____, 200_, or a showing made on or before such date that the conditional water rights have become absolute by reason of the completion of the appropriations.

DATED: _____

BY THE COURT:

Roger A. Klein
Water Judge
Water Division No. 1
State of Colorado