

COPY

RECEIVED

APR 03 2000

CENTRAL FILES

WATER RESOURCES
STATE ENGINEER
COLO.

Filed in the Combined Court
Alamosa County, Colorado

MAR 30 2000

DISTRICT COURT, WATER DIVISION NO. 3, STATE OF COLORADO

Case No. 81-CW-183 (Consolidated)

Carol S. Redding
Clerk of the Combined Court

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA

IN ALAMOSA, ARCHULETA, CONEJOS, HINSDALE, MINERAL, RIO GRANDE, SAGUACHE, COSTILLA, AND SAN JUAN COUNTIES, COLORADO.

This matter comes before the Court upon the application of the United States of America for reserved water rights in the Gunnison and Rio Grande National Forests in Water Division No. 3. The Court, having considered the pleadings, motions, and evidence presented, and being fully advised in the premises does hereby make the following Mixed Findings of Fact, Conclusions of Law, Judgment and Decree:

MIXED FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. GENERAL PROVISIONS

1. These proceedings were initiated following the August 14, 1979, receipt by the United States Department of Justice of a copy of the July, 1979, resume for Colorado Water Division No. 3 which completed service of process under the McCarran Amendment (43 U.S.C. § 666). On December 20, 1979, the United States filed in District Court, Water Division No. 3, State of Colorado, an Application for Reserved Rights and Appropriative Rights (Case No. 79-CW-85) to the use of water appurtenant to federal lands within Water Division No. 3, including National Forest lands located in the Gunnison and the Rio Grande National Forests.

2. In the Application filed in Case No. 79-CW-85, the United States reserved the right to amend its application. By Order of December 11, 1981, this Court ruled that "the United States of America shall have until March 31, 1982, in which to file applications for water rights as amendments to Case No. 79-CW-85."

3. The United States timely filed 88 amendments to Case No. 79-CW-85, claiming approximately 2,624 water rights. Ten of the Amended Applications, Case Nos. 81-CW-183, 81-CW-184, 81-CW-185, 81-CW-186, 81-CW-187, 82-CW-04, 82-CW-05, 82-CW-06, 82-CW-26, and 82-CW-27 involve claims to reserved water rights of the United States for National

1 Forest purposes on behalf of the U.S.D.A. Forest Service ("United States").
2

3 4. Pursuant to the Court's Order of June 10, 1985, the following Applications for
4 Confirmation of Reserved Water Rights of the United States in the Gunnison and the Rio Grande
5 National Forests in Colorado Water Division No. 3 were consolidated into Case No. 81-CW-183:
6

7 a. Case No. 81-CW-183
8

9 DATE FILED: December 24, 1981
10 FOREST: Gunnison National Forest
11 (Cochetopah Forest Reserve)
12 ESTABLISHED UNDER: Proclamation of June 13, 1905
13 (34 Stat. 3101)
14 COUNTY: Hinsdale
15

16 b. Case No. 81-CW-184
17

18 DATE FILED: December 24, 1981
19 FOREST: Rio Grande National Forest
20 (San Juan Forest Reserve)
21 ESTABLISHED UNDER: Proclamation of June 3, 1905
22 (34 Stat. 3070)
23 COUNTIES: Hinsdale, Mineral and San Juan
24

25 c. Case No. 81-CW-185
26

27 DATE FILED: December 24, 1981
28 FOREST: Rio Grande National Forest
29 (San Juan Forest Reserve)
30 ESTABLISHED UNDER: Proclamation of March 2, 1907
31 (34 Stat. 3308)
32 COUNTIES: Hinsdale, Mineral, and San Juan
33

34 d. Case No. 81-CW-186
35

36 DATE FILED: December 24, 1981
37 FOREST: Rio Grande National Forest
38 (San Isabel Forest Reserve)
39 ESTABLISHED UNDER: Proclamation of April 11, 1902
40 (32 Stat. 1988)
41 COUNTY: Saguache
42

43 e. Case No. 81-CW-187
44

45 DATE FILED: December 24, 1981

1 FOREST: Rio Grande National Forest
2 (San Isabel Forest Reserve)
3 ESTABLISHED UNDER: Proclamation of June 12, 1905
4 (34 Stat. 3083)
5 COUNTIES: Alamosa, Saguache
6
7 f. Case No. 82-CW-4
8
9 DATE FILED: January 15, 1982
10 FOREST: Rio Grande National Forest
11 (Cochetopah National Forest)
12 ESTABLISHED UNDER: P.L. 73-195 of May 3, 1934
13 (48 Stat. 658)
14 COUNTY: Saguache
15
16 g. Case No. 82-CW-5
17
18 DATE FILED: January 15, 1982
19 FOREST: Rio Grande National Forest
20 (Cochetopah National Forest)
21 ESTABLISHED UNDER: P.L. 75-679 of June 20, 1938
22 (52 Stat. 781)
23 COUNTIES: Rio Grande, Saguache
24
25 h. Case No. 82-CW-6
26
27 DATE FILED: January 15, 1982
28 FOREST: Rio Grande National Forest
29 (Cochetopah Forest Reserve)
30 ESTABLISHED UNDER: Proclamation of June 13, 1905
31 (34 Stat. 3101)
32 COUNTIES: Mineral, Rio Grande, Saguache
33
34 i. Case No. 82-CW-26
35
36 DATE FILED: March 5, 1982
37 FOREST: Rio Grande National Forest
38 (San Juan Forest Reserve)
39 ESTABLISHED UNDER: Proclamation of June 3, 1905
40 (34 Stat. 3070)
41 COUNTIES: Archuleta, Conejos, Rio
42 Grande
43
44 j. Case No. 82-CW-27
45

1 DATE FILED: March 5, 1982
2 FOREST: Rio Grande National Forest
3 (San Juan Forest Reserve)
4 ESTABLISHED UNDER: Proclamation of March 2, 1907
5 (34 Stat. 3308)
6 COUNTIES: Conejos, Rio Grande
7

8 5. Timely statements of opposition were filed by the following parties in one or more
9 of the cases listed above or were filed in Case No. 79-CW-85, and apply to these cases pursuant to
10 Administrative Order of January 28, 1981: Adolph Coors Company; City of Alamosa; AZL
11 Resources, Inc.; Bluepond Associates; Dr. and Mrs. L.J. Bunch; Bea Colletterte; State of Colorado
12 Department of Natural Resources and all other departments, agencies, and divisions, and on behalf
13 of the People of the State of Colorado; Conejos Water Conservancy District; City and County of
14 Denver acting by and through its Board of Water Commissioners; Obbie L. and Willa Lee Dickey;
15 First National Bank of Denver as Trustee for the Avis Neal Roemer Trust; 4UR Ranch; Frederick
16 W. Fuchs; Fuchs Ranches, Inc.; Fullenwider Ranches, Inc.; Hans G. Hardt; Rosie Hardt; Homestake
17 Mining Company; John Howell; LD Ranch; Freeman H. and Joyce L. Lester; Eldon J. Mayhew;
18 Helen Mayhew; Larry L. Mitchell; Walter Mundorf; B.T. and T.B. Poxson, d/b/a Kanawha Mines;
19 T.B. Poxson; Rio Grande Water Conservation District; Rio Grande Water Users Association, et al.;
20 San Luis Valley Municipalities (City of Alamosa, Town of Blanca, Capulin Water & Sanitation
21 District, Chama Water Users Assoc., Inc., Conejos Water & Sanitation Dist., City of Monte Vista,
22 Town of La Jara, E. Alamosa Water & Sanitation, Ft. Garland Water & Sanitation, San Luis Water
23 & Sanitation, Guadalupe Water Association, Town of Manassa); John P. Seamster individually
24 and/or as president of Seamster Farm Inc.; Neil F. Seitz, d/b/a Valley View Hot Springs; Malcolm
25 G. Stewart, Jr. (Otaka International, Inc. substituted, Rocky Mountain Bison, Inc. later substituted);
26 Summitville Consolidated Mining Co., Inc.; Utah-Wyoming Consolidated Oil Company (Nevada
27 Oil and Mining Co. substituted); and Bill and Donna Wellman.
28

29 6. On July 26, 1983, Bluepond Associates filed a Notice of Withdrawal of Opposition.
30 On January 27, 1988, the Court granted the request of John P. Seamster, individually and/or as
31 president of Seamster Farm, Inc., to withdraw statements of opposition. On June 21, 1990, John
32 Howell was removed from the mailing list by Court Order due to his failure to keep the Court
33 informed of a current address.
34

35 7. In the Amended Applications listed in Paragraph 4, above, the United States claimed
36 reserved rights to those quantities of water required to fulfill the purposes for which the National
37 Forests in Water Division No. 3 were established: for the purpose of securing favorable conditions
38 of water flows and to furnish a continuous supply of timber for the use and necessities of the
39 citizens of the United States.
40

41 8. The sources of water for the reserved water rights claimed by the United States
42 include all named and unnamed water bodies on reserved National Forest System lands within the
43 boundaries of the Gunnison and the Rio Grande National Forests in the State of Colorado, Water
44 Division No. 3, and all other named and unnamed springs, seeps, and underground sources of water
45 tributary to streams and lakes on such National Forest System lands. Water Division No. 3 consists

1 of all lands in Colorado in the drainage basin of the Rio Grande and all of its tributaries, and all lands
2 in the drainage basins of San Luis Creek, Saguache Creek, Tuttle Creek, Carnero Creek, La Garita
3 Creek, Sand or Medano Creek, Big Spring Creek, Little Spring Creek, Mosca Creek, Sierra Blanca
4 Creek, and all of their tributaries, and all lands in the drainage basins of all other creeks between
5 Trinchera Creek and Sand or Medano Creeks, and the lands in the drainage basin of all creeks which
6 have their source of supply in the La Garita Mountains and flow eastward into the San Luis Valley.
7 See C.R.S. § 37-92-201(1)(a), (1999).
8

9 9. The United States filed a Motion for Leave to Amend the consolidated cases on June
10 10, 1985. The Order Granting Leave to Amend was granted June 10, 1985. The Amended
11 Application refined and limited the United States' prior claims to reserved water rights within the
12 Gunnison and the Rio Grande National Forests for the following purposes:
13

14 a. To quantify the amount of instream flows alleged to be necessary to secure
15 favorable conditions of water flows and to designate the priority dates for each instream flow claim
16 based upon the respective dates each part of the Gunnison and the Rio Grande National Forests in
17 Water Division No. 3 were reserved from the public domain;
18

19 b. To claim water for future administrative and operational uses necessary for
20 and directly related to management of the Gunnison and the Rio Grande National Forests in
21 Colorado Water Division No. 3. Future use is limited to the purposes for which the National Forests
22 were established; namely, for securing favorable conditions of water flows and furnishing a
23 continuous supply of timber;
24

25 c. To claim rights to maintenance of flow or water level in uninventoried or
26 unquantified sources of water within the Gunnison and the Rio Grande National Forests in Colorado
27 Water Division No. 3;
28

29 d. To claim use of unquantified amounts of water diverted from rivers, streams,
30 creeks, and lakes to control and suppress forest fires in the Gunnison and the Rio Grande National
31 Forests in Colorado Water Division No. 3.
32

33 10. On December 31, 1996, the United States filed a Second Amended Application in
34 these consolidated cases, claiming additional quantities of water for instream flows. On March 31,
35 1997, the United States filed a Third Amended Application, which made additional changes to the
36 instream flow water rights claims, particularly to the timing of the instream flow claims. The Motion
37 for Leave to Amend Application was granted by the Court on April 8, 1997, and the Third Amended
38 Application was accepted for filing. The Fourth Amended Application was filed on October 25,
39 1999. By Order dated October 25, 1999, the Court granted the Motion for Leave to Amend and the
40 Fourth Amended Application was accepted for filing. Each amendment materially changed the
41 quantity of water claimed, and the Fourth Amendment also materially changed the method for the
42 quantification.
43

44 11. The Wolf Springs Ranches, Inc., Wolf Creek Ski Corporation, Leavell McCombs
45 Joint Venture, and Charles H. Leavell filed statements of opposition to the Second Amended

1 Application. No other persons or entities have filed a statement of opposition. On July 27, 1999,
2 Trout Unlimited and Colorado Trout Unlimited jointly sought leave to intervene in these
3 consolidated cases. By order date September 20, 1999, Trout Unlimited and Colorado Trout
4 Unlimited were granted leave to intervene.
5

6 12. Timely and adequate notice of the Applications and Amended Applications has been
7 given in the manner required by law. The time for filing statements of opposition and for seeking
8 leave to intervene has expired. The Court has jurisdiction over all persons who have standing to
9 appear herein, whether or not they have appeared. None of the land or water rights involved in these
10 consolidated cases is located within a Designated Ground Water Basin.
11

12 13. In settlement and compromise of the issue of whether or not the claims of the United
13 States are entitled to an administrative priority as of the reservation date for the National Forest
14 System lands, the United States and the signatories to this decree agree that the administrative
15 priority for the reserved water rights decreed herein will be based upon the filing of the Fourth
16 Amended Application in calendar year 1999, and shall be junior to that of all water rights decreed
17 on applications filed in previous calendar years. As between water rights decreed on applications
18 filed in 1999, the United States' priority date will be the reservation date for the National Forest
19 System lands. See C.R.S. 37-92-306.
20

21 14. In settlement and compromise of the claims in this case, the signatories to this decree
22 agree, and it is hereby found, except as provided in Paragraph 28, below, that the quantities of water
23 decreed to the United States herein are fully sufficient to fulfill any and all federal reserved instream
24 flow water rights under existing federal law and all appropriative instream flow water rights that the
25 United States may be entitled to for the Gunnison and Rio Grande National Forest within Colorado
26 Water Division No. 3. Except as provided in Paragraph 28, below, this decree is the final judgment
27 concerning the United States' claims for federal reserved water rights under existing federal law and
28 for appropriative instream flow rights for the Gunnison National Forest and the Rio Grande National
29 Forest within Colorado Water Division No. 3. The United States agrees to dismiss Case No.
30 94-CW-39, and the signatories to this decree consent to the dismissal. Except as provided in
31 Paragraph 24.d., the United States agrees that, in the future, it will not claim additional appropriative
32 instream flow water rights, in Colorado Water Division No. 3 for National Forest purposes. Except
33 as provided in this paragraph, this agreement does not preclude the United States from acquiring
34 water or water rights by means other than appropriation.
35

36 15. The reserved water rights decreed herein fulfill all the purposes for which the
37 Gunnison and the Rio Grande National Forests were established under Act of Congress of March
38 3, 1891 (26 Stat. 1103); Act of Congress of June 4, 1897 (30 Stat. 34) (the "Organic Administration
39 Act"); Presidential Proclamation of April 11, 1902 (32 Stat. 1988); Pub. L. 58-34 of February 1,
40 1905 (33 Stat. 628); Presidential Proclamation of June 3, 1905 (34 Stat. 3070); Presidential
41 Proclamation of June 12, 1905 (34 Stat. 3083); Presidential Proclamation of June 13, 1905 (34 Stat.
42 3101); Presidential Proclamation of March 2, 1907 (34 Stat. 3308); Pub. L. 59-242 of March 4, 1907
43 (34 Stat. 1269); Executive Order 887 of July 1, 1908 - Theodore Roosevelt; Executive Order 892
44 of July 1, 1908 - Theodore Roosevelt; Pub. L. 73-195 of May 3, 1934 (48 Stat. 658) Secretary of
45 Interior Order of March 27, 1937; Pub. L. 75-679 of June 20, 1938 (52 Stat. 781); Executive Order

1 8030 of December 29, 1938 - Franklin Roosevelt; Public Land Order 258 of January 17, 1945;
2 Public Land Order 258 of January 17, 1945; Public Land Order 1023 of October 26, 1954; including
3 improving and protecting the forests within their boundaries, securing favorable conditions of water
4 flows, and furnishing a continuous supply of timber for the use and necessities of the citizens of the
5 United States. To the extent not included within the foregoing purposes, the rights decreed herein
6 also satisfy all claims that could have been made for the purposes stated in Forest Service Interim
7 Directive 2540-99-1, attached hereto as Appendix B.
8

9 16. On the basis of existing information as of the date of this decree and subject to
10 paragraph 34 below, the signatories to this decree agree that the instream flows decreed to the United
11 States herein also satisfy fully any need for instream flows in the Gunnison and Rio Grande National
12 Forests in Water Division No. 3 for:
13

14 a. maintaining, improving, protecting, and minimizing damage to the following:
15

16 (1) Riparian ecosystems, which includes stream dependent wetlands;
17

18 (2) The natural physical function of stream channels;
19

20 (3) Viable and diverse populations of fish and wildlife, including all
21 habitat necessary for such populations;
22

23 (4) Scenic and aesthetic conditions and values;
24

25 (5) Public opportunities for outdoor recreation;
26

27 (6) Soil conservation and preservation of the quality of soil resources;
28

29 b. Range uses; and
30

31 c. Prevention and control of forest fires.
32

33 17. On the basis of existing information as of the date of this decree, the signatories to
34 this decree agree that the exercise, as described in paragraph 36, of all decreed absolute and
35 conditional water rights, including appropriative rights of substitution and exchange, with priority
36 dates on or before December 31, 1998, which are located on National Forest System land, located
37 on private land within the National Forest, or located upstream from the National Forest boundaries
38 within Water Division No. 3 ("Existing Water Rights"), and described in the "Remarks" for each
39 stream in Paragraph 36, do not have any material adverse impact on the adequacy of the instream
40 flow water rights decreed herein to satisfy fully the purposes set forth in Paragraphs 14, 15 and 16,
41 above.
42

43 18. Jurisdiction to Reopen Decree. The Court retains jurisdiction to reopen this decree
44 and set aside the instream flow water rights decreed herein for the reasons and on the terms set forth
45 in Paragraphs 19-24, below. This retained jurisdiction is not a limitation on any other power the

1 Court may have to grant relief from the terms and conditions of this decree.

2
3 19. Basis for Reopening Decree. This decree may be reopened if the U.S.D.A. Forest
4 Service, in the exercise of its power to grant or deny land use authorizations on National Forest
5 System lands within Water Division No. 3, acts to increase or maintain stream flows, reduce
6 depletions to stream flows, provide favorable conditions of water flow, or provide water for any of
7 the purposes set forth in Paragraphs 14, 15 or 16, above, by: (a) requiring the owner of an Existing
8 Water Right to forego the exercise of all or a part of its decreed water right or to relinquish water
9 diverted or stored in priority under its decreed water right, or (b) otherwise taking any action to
10 prevent or interfere with the exercise of all or a part of an Existing Water Right.

11
12 20. Enlargement of and Changes to Water Rights. Any decree authorizing a new
13 appropriation through the diversion facilities of an Existing Water Right will not be treated as an
14 Existing Water Right for purposes of Paragraph 19. Unless otherwise provided in the specific
15 provisions concerning individual Existing Water Rights in Paragraph 36, below, any change in point
16 of diversion of any water right to a point of diversion, transportation, or storage on National Forest
17 System land granted on an application filed after December 31, 1998, will not be treated as an
18 Existing Water Right for purposes of Paragraph 19.

19
20 21. Limitations on Reopening: This decree will not be subject to reopening if any action
21 listed in Paragraph 19 is:

22
23 a. imposed by any non-U.S.D.A. Forest Service permit or license including, but
24 not limited to Federal Energy Regulatory Commission ("FERC.") licenses, provided that the relevant
25 conditions were not imposed at the behest of the U.S.D.A. Forest Service;

26
27 b. required by federal statute enacted subsequent to the date of this decree;

28
29 c. required by the Endangered Species Act;

30
31 d. required by existing federal law as interpreted by a court of competent
32 jurisdiction in a final non-appealable decree binding on the U.S.D.A. Forest Service in Water
33 Division No. 3 and entered subsequent to the date of this decree.

34
35 22. Persons Entitled to Seek Reopening and the Scope of Reopening.

36
37 a. The owner or user of an Existing Water Right injured by an action of the
38 U.S.D.A. Forest Service within the scope of Paragraph 19, above, may petition the Court to reopen
39 the decree as to the instream flow water rights decreed to the quantification point immediately
40 downstream from the exiting water right and the intermediate segment of the stream between such
41 quantification point and the closer of either the next upstream quantification point on the same
42 stream (including its tributaries between any quantification points), the upstream National Forest
43 boundary, or the headwaters of the stream (including any tributaries upstream of the quantification
44 point).

1 b. The owner or user of an Existing Water Right injured by an action of the
2 U.S.D.A. Forest Service within the scope of Paragraph 19 and diverting from the Rio Grande and
3 its tributaries in former Water District No. 20, together with the Rio Grande Water Users
4 Association, may jointly petition the Court to reopen the decree as to all decreed instream flow water
5 rights in former Water District No. 20. Former Water District No. 20 consists of all land in the
6 drainage basin of the Rio Grande and its tributaries above the confluence of the Rio Grande and the
7 Conejos River, including Piedra (Rock), Spring, Gato (Cat), and San Francisco Creeks and all other
8 streams including those that would in time of flood flow into this portion of the Rio Grande,
9 although at ordinary stages the water thereof might not flow above the surface into the Rio Grande,
10 except the Alamosa River and its tributaries, and La Jara and Trinchera Creeks and their tributaries.
11 Former Water District No. 20 also includes those lands north of the Rio Grande in the Closed Basin
12 lying generally south of the La Garita Creek drainage and east of the San Luis Lakes. *See* C.R.S.
13 § 148-13-22 (1953).

14
15 c. The owner or user of an Existing Water Right injured by an action of the
16 U.S.D.A. Forest Service within the scope of Paragraph 19 and diverting from the Conejos River and
17 its tributaries in former Water District No. 22, together with the Conejos Water Conservancy
18 District, may jointly petition the Court to reopen the decree as to all decreed instream flow water
19 rights in former Water District No. 22. Former Water District No. 22 consists of all land in the
20 drainage basin of the Conejos River and its tributaries in Colorado. *See* C.R.S. § 148-13-24 (1953).

21
22 d. The owner or user of an Existing Water Right injured by an action of the
23 U.S.D.A. Forest Service within the scope of Paragraph 19 and diverting water in former Water
24 District Nos. 21, 25, 26, 27, or 35 in Water Division No. 3, together with either the Rio Grande
25 Water Conservation District or the State of Colorado, may jointly petition the Court to reopen the
26 decree as to all decreed instream flow water rights in the former Water District in which the water
27 right is located. Former Water District No. 21 consists of all land in the drainage basin of the
28 Alamosa River and La Jara Creek and their tributaries. Former Water District No. 25 consists of all
29 lands in the drainage basin of San Luis Creek and its tributaries. *See* § C.R.S. 148-13-26 (1953).
30 Former Water District No. 26 consists of all land in the drainage basin of Saguache Creek and its
31 tributaries. *See* § C.R.S. 148-13-27 (1953). Former Water District No. 27 consists of all land in the
32 drainage basin of Carnero, La Garita and all other creeks and their tributaries that have their sources
33 of water in the La Garita Mountains and flow eastward into the San Luis Valley. *See* § C.R.S. 148-
34 13-28 (1953). Former Water District No. 35 consists of all land in Costilla County, Colorado, in the
35 drainage basin of Trinchera Creek, Sand or Medano Creek, Big Spring Creek, Little Spring Creek,
36 Mosca Creek, North and South Zapato Creeks, Sierra Blanca Creek, and all streams draining into
37 said creeks and all other streams between Trinchera Creek and Sand or Medano Creek. *See* § C.R.S.
38 148-13-26 (1953).

39
40 e. The owner of an Existing Water Right injured by an action of the U.S.D.A.
41 Forest Service within the scope of Paragraph 19, together with the Rio Grande Water Conservation
42 District and the State of Colorado, may jointly petition the Court to reopen the decree as to all the
43 federal reserved instream flow water rights granted by this decree.

44
45 f. At the request of the signatories to this decree, the Court does not reserve the

1 discretion to reopen the decree under Paragraph 19 as to any different geographic area other than that
2 specified in the petition filed in accordance with this paragraph.

3
4 23. Reopening Procedures.

5
6 a. The person or persons seeking to reopen this decree must file a verified
7 petition in the Water Court, served on all other parties to this case, describing with particularity the
8 actions of the U.S.D.A. Forest Service that are alleged to justify reopening pursuant to Paragraph
9 19 and the portions of the decree for which reopening is sought. After proper notice and an
10 opportunity for the United States to file a written response, the Court shall hear the petition.

11
12 b. Any petition to reopen the decree must be filed within six months of the date
13 of the action(s) complained of. The six-month time period will be tolled pending final resolution
14 of any other administrative or judicial proceeding to review the U.S.D.A. Forest Service's action(s)
15 complained of in the petition to reopen. This court shall stay proceedings on any petition to reopen
16 that is also subject to such other administrative or judicial review proceedings. This subparagraph
17 does not, however, create a requirement for exhaustion of administrative remedies where not
18 otherwise required by law.

19
20 c. At any hearing on the petition, the petitioner shall have the burden to establish
21 a *prima facie* case that the United States has engaged in conduct that justifies reopening the decree
22 under Paragraph 19. If the Court finds that petitioner has met its burden of proof, then the burden
23 of persuasion shifts to the United States to demonstrate it has not committed such acts. If the Court
24 finds the United States has not engaged in acts justifying reopening the decree, the Court shall
25 dismiss the petition. If the Court finds that the United States has engaged in conduct warranting
26 reopening of the decree, then the Court will immediately suspend the enforcement of those portions
27 of the decree allowed by this decree and specified in the petition.

28
29 24. Effect of Reopening.

30
31 a. If any portion of this decree is reopened pursuant to the Court's retained
32 jurisdiction under Paragraph 18, above, the United States must prove its entitlement to and quantity
33 of reserved instream flow water rights for Organic Administration Act purposes within the
34 geographic area subject to reopening.

35
36 b. The subordination of the priority of the United States' water rights to Existing
37 Water Rights, and de minimis water rights as described in Paragraph 25, shall remain in force.

38
39 c. The sole issues at trial shall be whether the United States is entitled to
40 reserved instream flow water rights for Organic Administration Act purposes within the stream or
41 drainage subject to the reopening, and the quantity of such water rights. Under no circumstances
42 may any instream flows eventually decreed to the United States after trial extend beyond the
43 geographic area subject to the reopening.

44
45 d. If any portion of this decree is reopened pursuant to the Court's retained

1 jurisdiction under Paragraph 18, above, all stipulations, agreements or findings in Paragraphs 14, 15,
2 16, 17 and 36, including those regarding the sufficiency of flows below any diversion or
3 impoundment structures, and the United States' forbearance from filing for additional water rights
4 under state law shall be null and void within the stream reach or drainage subject to reopening
5 pursuant to Paragraph 22, except as specifically provided in Paragraph 24.b.
6

7 25. The United States shall not call for or seek to enforce water rights granted for
8 National Forest purposes against de minimis water rights of fifteen (15) gallons per minute or less,
9 or reservoir storage of ten (10) acre-feet or less.
10

11 26. The United States does not claim and is not entitled to call for or require any water
12 from any reservoir, or any transmountain, imported, foreign, or nontributary water source in
13 Colorado Water Division No. 3 to be used to quantify or satisfy instream flows for National Forest
14 purposes. Nothing herein, however, precludes the United States from acquiring such water rights
15 by voluntary conveyance or appropriation under state law, or from exercising its rights to use
16 nontributary groundwater as a landowner pursuant to state law.
17

18 27. Any United States instream flow water rights and Colorado Water Conservation
19 Board instream flow water rights shall not be added or stacked. If the flow at a given point is equal
20 to the largest of these instream flow water rights, it satisfies both instream flow water rights.
21

22 28. This decree does not address or resolve the nature or extent of the reserved water
23 rights, if any, created under the authority of the Wilderness Act of 1964, §§1131-1136, or to
24 prejudice any claims or defenses with respect to the existence, purpose, and quantity of any reserved
25 water rights under the Wilderness Act of 1964 hereafter claimed by the United States. Any such
26 water rights will, however, be subject to postponement in priority pursuant to the McCarran
27 Amendment and Colorado law.
28

29 29. This decree is based upon the unique physical, geological, hydrological, geographical,
30 and historical facts related to water use, allocation, and supply in Water Division No. 3. Accordingly,
31 it does not establish any precedent concerning other U.S.D.A. Forest Service claims for water rights
32 in other water divisions in Colorado or in other states. Among the unique facts that must be
33 considered, but not by way of limitation, are:
34

35 a. The principal water use in Water Division No. 3 occurs in the San Luis
36 Valley. This is a high mountain valley extending some ninety miles north-south and fifty miles east-
37 west. The valley's elevation ranges from 7,440 feet to about 8,000 feet, and it is surrounded by
38 mountains ranging from 10,000 feet to 14,390 feet. Since the majority of the productive farm land
39 is located on the valley floor, the water rights for that land primarily are diverted on or near the
40 valley floor. The valley's major irrigation systems were constructed beginning in the 1850's, and all
41 of the surface streams in the valley were fully appropriated by the beginning of the 20th century.
42 As a consequence, the senior water rights in Water Division No. 3 largely predate the National
43 Forest reservations.
44

45 b. The National Forest lands are located in the mountain watersheds upstream

1 from where most senior water rights are diverted. There are only four large reservoirs and
2 approximately 181 other Existing Water Rights located on or upstream of the National Forest System
3 lands in Water Division No. 3. Most of these water rights predate the reservation of the National
4 Forest System lands. As more fully explained in Paragraph 36, below, to the extent that these
5 Existing Water Rights postdate the National Forest reservations, their continued exercise in
6 accordance with their decrees is compatible with the United States' claims in this case.
7

8 c. To meet the demand of downstream senior water rights, water must be
9 delivered through the National Forests. In addition, the 1938 Rio Grande Compact, § 37-66-101,
10 10 C.R.S. (1999), imposes state-line delivery obligations on Colorado that require water to be
11 delivered from the National Forests, across the valley floor, and to the Colorado-New Mexico state
12 line. The Compact obligations, when combined with the valley's fully-appropriated stream systems,
13 also mean that there is limited potential for new water development in Water Division No. 3. Any
14 such development that occurs is most likely to result from the re-regulation of Existing Water Rights.
15 As the result of these circumstances, the valley's full use of its water supply has not entailed, and
16 should not entail, numerous large diversions within the National Forests.
17

18 d. The facts set forth in subparagraphs 29 a., b., and c. mean that there are a
19 limited number of direct conflicts between established water uses in Water Division No. 3 and the
20 United States' claims in this case. The limited opportunity to develop new water supplies further
21 reduces the potential for future conflicts. This unique geographical, historical, and hydrologic
22 setting makes a settlement possible in this case that may not be possible under different
23 circumstances.
24

25 30. The water rights decreed herein are for use only on the Gunnison and the Rio Grande
26 National Forests within Colorado Water Division No. 3, and may not be changed to any other type
27 of use, point of diversion, or location of use. The instream flows decreed herein are for non-
28 consumptive instream use only.
29

30 31. Future Consumptive Uses: The United States is entitled to reserved water rights,
31 including groundwater, in the amount of three (3) acre-feet per year for the Gunnison National
32 Forest, and 200 acre-feet per year for the Rio Grande National Forest within Colorado Water
33 Division No. 3, as may be required for future administrative and operational uses necessary and
34 directly related to management of the Gunnison and the Rio Grande National Forests located in
35 Water Division No. 3 to fulfill the purposes for which said National Forests were established under
36 the Organic Administration Act. Such uses include, but are not necessarily limited to: domestic uses
37 at guard and ranger stations and administrative sites; growth, management, and production of timber;
38 fire prevention and suppression; stock water for U.S.D.A. Forest Service animals; reforestation;
39 erosion control; road dust abatement; and road construction and vehicle maintenance. These
40 consumptive uses for administrative and operational purposes shall have priority dates as of the date
41 of the reservation of the land on which the points of diversion are located, but shall be administered
42 as subordinate to any Existing Water Rights described in Paragraph 36.
43

32. Firefighting: The United States is entitled to a reserved water right in such amounts as may be necessary for the purposes of extinguishing or preventing the spread of fires on the Gunnison and the Rio Grande National Forests in Water Division No. 3.

33. Unquantifiable Claims to Springs and Seeps: The United States' application claimed certain unquantifiable flows in springs, seeps, and groundwater tributary to streams and lakes on the Gunnison and the Rio Grande National Forests. These claims are dismissed with the consent of the United States and the United States is not entitled to water rights under these claims. Any future claim to water from these sources will be subject to postponement in priority pursuant to the McCarran Amendment and Colorado law.

34. In this proceeding, the United States has compromised factual or legal disputes regarding claimed water rights to which it may be entitled for National Forest purposes. Nothing in this decree shall be construed to limit in any manner the United States' authority or obligation under any federal law regarding the management of National Forest System lands and resources. The exercise of such authority, however, may result in the reopening of this decree pursuant to the retained jurisdiction under Paragraph 18, above.

II. DEFINITION AND ADMINISTRATION OF INSTREAM FLOW WATER RIGHTS

35. For each stream listed below, the United States has reserved instream flow water rights in the amounts necessary for the purposes set forth in Paragraphs 14, and 15, above.

a. Definition of Terms.

(1) " $Q_{1.5}$ " Means the high flow that is naturally occurring during the April 1 to July 31 runoff season, and which is met or exceeded as a maximum mean daily flow in two of every three years, or, statistically, the flow ("Q") which the peak flow meets or exceeds, on average, every 1.5 years (" $Q_{1.5}$ ")

(2) The "*Mean Daily Flow*" means the average discharge rate in c.f.s. for the time period from midnight to midnight.

(3) The "*Mean Monthly Discharge*" means average of all mean daily flows for the entire period of record for a particular month.

(4) The "*Median Monthly Discharge*" means the 50% exceedence value of all mean daily flows for the entire period of record for a particular month.

(5) The "*Maximum High Flow*" means the upper limit of the flows to which the United States is entitled during the runoff period, and is a flow equal to the highest instantaneous flow historically occurring, on average, once in every ten (10) years. This correlates to a flow equal to two times the $Q_{1.5}$ flow.

1 (6) The "*Minimum High Flow*" means the lower limit of flows to which
2 the United States is entitled during the runoff period, and is a flow equal to 60% of the $Q_{1.5}$ flow.
3

4 (7) The "*Quantification Point*" or "*QP*" means the downstream terminus
5 of the water right of the United States on a particular stream or stream segment. This is the point
6 at which the flow rates set forth in the decree are calculated.
7

8 b. During the period of annual snowmelt runoff: When natural flow reaches the
9 "minimum highflow" the United States has the right to receive at, and upstream of, its quantification
10 point all flow up to and including the flow equal to the maximum high flow, until such time as the
11 natural flow decreases below the minimum highflow. The "minimum highflow" and "maximum
12 highflow" at each Quantification Point for each stream is described in Appendix A, which is attached
13 hereto, and incorporated herein by reference .
14

15 c. Baseflows: For times outside of the period of annual snowmelt runoff
16 described above, the United States has the right to receive at, and upstream of, its quantification
17 point baseflows equal to:
18

19 (1) **January, February, March and December**: Flow available in
20 priority up to a flow equal to Median Monthly Discharge rate for that
21 month. The Median Monthly Discharge at each of the quantification
22 points is set forth in Appendix A, which is attached hereto, and
23 incorporated herein by reference.
24

25 (2) **April through November**: Flow available in priority up to a flow
26 equal to 80% of the Mean Monthly Discharge rate for that month.
27 The flow equal to 80% of the Mean Monthly Discharge at each of the
28 quantification points is set forth in Appendix A, which is attached
29 hereto, and incorporated herein by reference.
30

31 d. The instream flow water rights decreed herein entitle the U.S.D.A. Forest
32 Service to the maintenance of instream flows on intermediate stream segments, including their
33 tributaries, located on National Forest System lands between one quantification point and the closer
34 of either the next upstream quantification point on the same stream or the headwaters of the stream.
35

36 e. The U.S.D.A. Forest Service is entitled to apply its decreed right to quantified
37 instream flow water rights at all upstream points on the intermediate segments, including their
38 tributaries, located on National Forest System lands. As necessary, local U.S.D.A. Forest Service
39 personnel will quantify instream flows at points on the intermediate segments in accordance with
40 methodology set forth in subparagraphs 35.b and c. above. However, should technical disputes arise
41 regarding the quantity of flow required to satisfy the principles described in subparagraphs 35.b and
42 c., the Court retains jurisdiction to resolve the technical dispute between the affected water user or
43 water right claimant and the U.S.D.A. Forest Service. Such review shall not constitute a reopening

1 of the decree under Paragraph 19, and the scope of such review shall be limited solely to
2 quantification of flows on intermediate segments pursuant to the principles described in
3 subparagraphs 35.b., c., and e. If the dispute involves substantive issues beyond the mere
4 interpretation of intermediate quantities, the reopening provisions of Paragraphs 18-24 may apply.
5

6 f. The Court's exercise of its retained jurisdiction to review technical disputes
7 between affected water users and the U.S.D.A. Forest Service may be invoked on the motion of the
8 affected water user who shall have the burden of going forward and establishing the quantity of flow,
9 at the location in dispute, that is required to satisfy the principles described in subparagraphs 35.b
10 and c.
11

12 **III. RESERVED WATER RIGHT QUANTIFICATION**

13

14 36. The United States is entitled to a decree confirming the above-described federal
15 reserved water rights on the 303 streams listed below.
16

- 17 1) Name: East Fork Rio Chama (QP 21B1)
18

19 Legal Description: The quantification point is located where the stream channel
20 crosses the Grant boundary in the SW Quarter of Section 17, T33N R04E N.M.P.M.,
21 at a point S 81 degrees E, 21960 feet from the Banded Peak VABM (Elevation
22 12,778 feet).
23

24 Source: East Fork Rio Chama
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: June 05, 1905
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between this instream flow water right and other valid
34 and existing water rights in this drainage. Records of the Forest Service and the
35 Division Engineer, Water Division No. 3, show no private water developments or
36 water rights in this drainage within the National Forest boundary.
37

- 38 2) Name: Upper Rio de los Piños (QP 22A)
39

40 Legal Description: The quantification point is located approximately 100 yards
41 upstream from Trujillo Meadows Reservoir in the SW Quarter of Section 31, T33N
42 R05E N.M.P.M., at a point S 4 degrees E, 6150 Feet from Jarosa Peak (elevation
43 11,766 feet) in Section 30, T33N R05E N.M.P.M.

Source: Upper Rio de los Piños

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

3) Name: North Fork Rio de los Piños (QP 22B)

Legal Description: The quantification point is located where the stream channel crosses the National Forest boundary in the SE Quarter of Section 34, T33N R05E N.M.P.M., at a point N 21 degrees E, 5,700 feet from unsurveyed 1/4 corner on section line between sections 3 and 10, T32N R05E N.M.P.M.

Source: North Fork Rio de los Pinos

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

4) Name: Cascade Creek (QP 22C)

Legal Description: The quantification point is located approximately 100 yards above railroad crossing in the SW Quarter of Section 18, T32N R06E N.M.P.M., at a point S 15 degrees W, 15,100 feet from the SW corner of Section 32, T33N R06E N.M.P.M.

Source: Cascade Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

5) Name: Osier Creek (QP 22D)

Legal Description: The quantification point is located where the stream channel crosses the National Forest boundary in the SW Quarter Section 8, T32N R06E N.M.P.M., at a point S 18 degrees E, 10,950 feet from SW corner of Section 32, T33N R06E N.M.P.M.

Source: Osier Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 22D as of the date of this decree:

The Osier Ditch, decreed in Case No. 741 for 2.2 c.f.s. with a priority of 1908, is located within this drainage on a private inholding below QP 22D on Osier Creek and above QP 22H on the Rio De los Piños. The Osier Ditch has a history of limited use. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

6) Name: Toltec Creek (QP 22E)

1 Legal Description: The quantification point is located where the stream channel
2 crosses the National Forest boundary in the SE Quarter Section 22, T32N R06E
3 N.M.P.M., at a point S 37 degrees E, 24,800 feet from SW corner of Section 32,
4 T33N R06E N.M.P.M.
5

6 Source: Toltec Creek
7

8 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
9 and incorporated herein by reference.)
10

11 Date of Reservation/Appropriation: March 02, 1907
12

13 Beneficial Use: Instream Flow for National Forest Purposes.
14

15 Remarks: No conflict exists between this instream flow water right and other valid
16 and existing water rights in this drainage. The following water rights or structures
17 are located near or upstream of QP 22E as of the date of this decree:
18

19 The Gibson-Jaramillo pipeline is located within this drainage above QP 22E. The
20 Gibson-Jaramillo pipeline is a small domestic diversion for 0.011 c.f.s. (5 gallons per
21 minute) with a 1977 priority. The operation of this water right, as decreed, has no
22 material adverse effect on the reserved water right in this stream.
23

24 Records of the Forest Service and Division Engineer, Water Division No. 3, show
25 no other private water developments or water rights in this drainage within the
26 National Forest boundary.
27

28 7) Name: Cumbres Creek (QP 22F)
29

30 Legal Description: The quantification point is located immediately below junction
31 with Arkansas Creek in the SW Quarter Section 15, T32N R05E N.M.P.M., at a
32 point S 8 degrees E, 6,800 feet from unsurveyed 1/4 corner Section 9/10, T32N R05E
33 N.M.P.M.
34

35 Source: Cumbres Creek
36

37 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
38 and incorporated herein by reference.)
39

40 Date of Reservation/Appropriation: March 02, 1907
41

42 Beneficial Use: Instream Flow for National Forest Purposes.
43

1 Remarks: No conflict exists between this instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 8) Name: Wolf Creek (QP 22G)
7

8 Legal Description: The quantification point is located where the stream channel
9 crosses the Grant boundary in the SW Quarter Section 24, T32N R04E N.M.P.M.,
10 at a point S 61 degrees W, 21,600 feet from unsurveyed 1/4 corner Section 9/10,
11 T32N R05E N.M.P.M.
12

13 Source: Wolf Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: March 02, 1907
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between this instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 9) Name: Rio de los Piños (QP 22H)
28

29 Legal Description: The quantification point is located where the stream channel
30 crosses the National Forest boundary in the SE Quarter Section 20, T32N R06E
31 N.M.P.M., at a point S 15 degrees E, 20,300 feet from SW corner Section 32, T33N
32 R06E N.M.P.M.
33

34 Source: Rio de los Piños
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: March 02, 1907
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. The following water rights or structures are
2 located near or upstream of QP 22H as of the date of this decree:
3

4 The Osier Ditch, decreed in Case No. 741 for 2.2 c.f.s. with a priority of 1908, is
5 located within this drainage on a private inholding below QP 22D on Osier Creek and
6 above QP 22H on the Rio De los Piños. The Osier Ditch has a history of limited
7 history use. The operation of this water right, as decreed, has no material adverse
8 effect on the reserved water right in this stream.
9

10 Cumbres Subdivision ponds, decreed for 11.1 acre-feet with a 1990 priority, take
11 water from the Rio de los Piños approximately 9 miles above QP 22H at high flow,
12 and release the water for augmentation later in the year. The operation of these ponds
13 in a manner consistent with historic practices has no material adverse effect on the
14 reserved water right in this stream.
15

16 Trujillo Meadows Reservoir, decreed in Case No. W-47, for 913.15 acre-feet with an
17 appropriation date of 1954, is decreed as a fishing and recreational lake for the
18 Colorado Division of Wildlife. The reservoir is located approximately 11 miles
19 upstream from QP 22H. As historically operated, this water right is non-consumptive
20 except for evaporative losses. The operation of this water right, as decreed, has no
21 material adverse effect on the reserved water right in this stream.
22

23 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
24 other private water developments or water rights in this drainage within the National
25 Forest boundary.
26

27 10) Name: Rito Hondo Creek (QP 23A)
28

29 Legal Description: The quantification point is located where the stream channel
30 crosses the National Forest boundary in the NE Quarter Section 10, T32N R07E
31 N.M.P.M., at a point N 67 degrees W, 7,650 feet from SW corner Section 12, T32N
32 R07E N.M.P.M.
33

34 Source: Rito Hondo Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: March 02, 1907
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. The following water rights or structures are
2 located near or upstream of QP 23A as of the date of this decree:
3

4 No water rights divert water from this stream on the National Forest. The Mountain
5 Ditch is a transbasin diversion which imports water into Rito Hondo Creek. The
6 water imported by transbasin diversion is not a part of the instream flow water right
7 of the United States. The operation of the Mountain Ditch, as decreed, has no material
8 adverse effect on the reserved water right in this stream.
9

10 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
11 other private water developments or water rights in this drainage within the National
12 Forest boundary.
13

14 11) Name: Trail Gulch Creek (QP 23B)
15

16 Legal Description: The quantification point is located approximately 100 yards
17 upstream from Conejos River in the NW Quarter Section 32, T33N R07E N.M.P.M.,
18 at a point S 80 degrees W, 8,350 feet from SW corner Section 27, T33N R07E
19 N.M.P.M.
20

21 Source: Trail Gulch Creek
22

23 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
24 and incorporated herein by reference.)
25

26 Date of Reservation/Appropriation: March 02, 1907
27

28 Beneficial Use: Instream Flow for National Forest Purposes.
29

30 Remarks: No conflict exists between this instream flow water right and other valid
31 and existing water rights in this drainage. The following water rights or structures are
32 located near or upstream of QP 23B as of the date of this decree:
33

34 The Mountain Ditch, decreed in Case No. 741 for 5.0 c.f.s. for irrigation purposes
35 with an appropriation date of 1889, is located on a second order stream above QP
36 23B. Historically, this water right generally has diverted during high flows. This
37 water right predates the National Forest reservation. Accordingly, the amount of
38 water available to the reserved water right in this stream is subject to this pre-existing
39 water right. The operation of this water right, as decreed, has no material adverse
40 effect on the reserved water right in this stream.
41

42 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
43 other private water developments or water rights in this drainage within the National

1 Forest boundary.
2

3 12) Name: Massey Gulch (QP 23C)
4

5 Legal Description: The quantification point is located approximately 0.9 mile
6 upstream from the mouth in the SW Quarter Section 31, T33N R07E N.M.P.M., at a
7 point N 27 degrees E, 2,900 feet from SW corner Section 31, T33N R07E N.M.P.M.
8

9 Source: Massey Gulch
10

11 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
12 and incorporated herein by reference.)
13

14 Date of Reservation/Appropriation: March 02, 1907
15

16 Beneficial Use: Instream Flow for National Forest Purposes.
17

18 Remarks: No conflict exists between this instream flow water right and other valid
19 and existing water rights in this drainage. Records of the Forest Service and the
20 Division Engineer, Water Division No. 3, show no private water developments or
21 water rights in this drainage within the National Forest boundary.
22

23 13) Name: Bear Creek (QP 23D)
24

25 Legal Description: The quantification point is located approximately 0.5 mile
26 upstream from mouth in the SE Quarter Section 27, T33N R06E N.M.P.M., at a point
27 N 38 degrees W, 3,200 feet from SW corner Section 26, T33N R06E N.M.P.M.
28

29 Source: Bear Creek
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: March 02, 1907
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between this instream flow water right and other valid
39 and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.
42

43 14) Name: Sheep Creek (QP 23E)

1 Legal Description: The quantification point is located approximately 0.7 mile
2 upstream from mouth in NE Quarter Section 28, T33N R06E N.M.P.M., at a point N
3 55 degrees W, 8,500 feet from SW corner Section 26, T33N R06E N.M.P.M.
4

5 Source: Sheep Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: March 02, 1907
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 15) Name: Elk Creek (QP 23F)
20

21 Legal Description: The quantification point is located immediately below junction
22 East of LaManga Creek in the SW Quarter Section 1, T33N R05E N.M.P.M., at a
23 point N 27 degrees W, 11,500 feet from SW corner Section 18, T33N R06E N.M.P.M.
24

25 Source: Elk Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: March 02, 1907
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between this instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 16) Name: Rough Creek (QP 23G)
40

41 Legal Description: The quantification point is located immediately below a junction
42 East of North Fork Rough Creek in the SE Quarter Section 18, T34N R05E
43 N.M.P.M., at a point N 86 degrees W, 2,500 feet from SW corner Section 17, T34N

1 R05E N.M.P.M.

2
3 Source: Rough Creek

4
5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)

7
8 Date of Reservation/Appropriation: June 03, 1905

9
10 Beneficial Use: Instream Flow for National Forest Purposes.

11
12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. The following water rights or structures are
14 located near or upstream of QP 23G as of the date of this decree:

15
16 The Washeck pipeline is located within this drainage above QP 23G. The Washek
17 pipeline is a small domestic pipeline, decreed in Case No. W-3718 for 0.011 c.f.s. (5
18 gallons per minute) for domestic purposes. The operation of this water right, as
19 decreed, has no material adverse effect on the reserved water right in this stream.

20
21 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
22 other private water developments or water rights in this drainage within the National
23 Forest boundary.

24
25 17) Name: South Fork Conejos River (QP 23H)

26
27 Legal Description: The quantification point is located approximately 0.7 mile
28 upstream from mouth in SW Quarter Section 36, T35N R4.5E N.M.P.M., at a point
29 S 23 degrees E, 4,150 feet from SW corner Section 25, T35N R4.5E N.M.P.M.

30
31 Source: South Fork Conejos River

32
33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)

35
36 Date of Reservation/Appropriation: June 03, 1905

37
38 Beneficial Use: Instream Flow for National Forest Purposes.

39
40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 18) Name: Canon Escondido Creek (QP 23H1)

2
3 Legal Description: The quantification point is located immediately above the
4 confluence with the South Fork in NW Quarter Section 2, T34N R4E N.M.P.M., at
5 a point S 76 degrees W, 10,500 feet from SW corner Section 35, T35N R4.5E
6 N.M.P.M.
7

8 Source: Canon Escondido Creek
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: June 03, 1905
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.
21

22 19) Name: Canon Verde Creek (QP 23H2)
23

24 Legal Description: The quantification point is located immediately above the
25 confluence with the South Fork in NW Quarter Section 3, T34N R4E N.M.P.M., at
26 a point S 80 degrees W, 15,000 feet from SW corner Section 35, T35N R4.5E
27 N.M.P.M.
28

29 Source: Canon Verde Creek
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: June 03, 1905
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between this instream flow water right and other valid
39 and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.
42

43 20) Name: Upper South Fork Conejos River (QP 23H3)

1 Legal Description: The quantification point is located immediately above the
2 confluence with the Canon Verde Creek in NW Quarter Section 3, T34N R4E
3 N.M.P.M., at a point S 82 degrees W, 15,600 feet from SW corner Section 35, T35N
4 R4.5E N.M.P.M.
5

6 Source: Upper South Fork Conejos River
7

8 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
9 and incorporated herein by reference.)
10

11 Date of Reservation/Appropriation: June 03, 1905
12

13 Beneficial Use: Instream Flow for National Forest Purposes.
14

15 Remarks: No conflict exists between this instream flow water right and other valid
16 and existing water rights in this drainage. Records of the Forest Service and the
17 Division Engineer, Water Division No. 3, show no private water developments or
18 water rights in this drainage within the National Forest boundary.
19

20 21) Name: Hansen Creek (QP 23H4)
21

22 Legal Description: The quantification point is located immediately above the
23 confluence with the South Fork in SW Quarter Section 36, T35N R4E N.M.P.M., at
24 a point S 70 degrees W, 5,000 feet from SW corner Section 35, T35N R4.5E
25 N.M.P.M.
26

27 Source: Hansen Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 03, 1905
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 22) Name: Roaring Gulch (QP 23J)
42

43 Legal Description: The quantification point is located approximately 400 feet

upstream from mouth in NW Quarter Section 25, T35N R4.5E N.M.P.M., at a point S 21 degrees E, 3,750 feet from SW corner Section 25, T35N R4.5E N.M.P.M.

Source: Roaring Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

23) Name: Saddle Creek (QP 23K)

Legal Description: The quantification point is located approximately 0.28 miles upstream from mouth in NW Quarter Section 11, T35N R4.5E N.M.P.M., at a point N 21 degrees W, 4,300 feet from SW corner Section 12, T35N R4.5E N.M.P.M.

Source: Saddle Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

24) Name: Lake Fork Creek (QP 23L1)

Legal Description: The quantification point is located approximately 0.47 mile upstream from Lake Fork Ranch in NE Quarter Section 1, T35N R4E N.M.P.M., at a point S 41 degrees W, 4,850 feet from SW corner Section 36, T36N R4.5E N.M.P.M.

Source: Lake Fork Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03,1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 23L1 as of the date of this decree:

Lake Fork Ranch spring development is located within this drainage. Lake Fork Ranch spring development is a small undecreed domestic use located below QP 23L1 which, as historically operated, has de minimis impact on the reserved instream flow in this stream. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

25) Name: Upper Conejos River (QP 23M)

Legal Description: The quantification point is located approximately 0.40 mile upstream from the confluence of Canon Diablo Creek in NW Quarter Section 6, T35N R4E N.M.P.M., at a point N 41 degrees W, 10,600 feet from Conejos Peak (elevation 13,172 feet) in unsurveyed Section 8, T35N R4E N.M.P.M.

Source: Upper Conejos River

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

1 26) Name: Adams Fork Creek (QP 23N)
2

3 Legal Description: The quantification point is located approximately 100 yards
4 upstream from road crossing in SW Quarter Section 31, T36N R4E N.M.P.M., at a
5 point N 55 degrees W, 12,850 feet from Conejos Peak (elevation 13,172 feet) in
6 unsurveyed Section 8, T35N R4E N.M.P.M.
7

8 Source: Adams Fork Creek
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: June 03, 1905
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.
21

22 27) Name: Fisher Gulch (QP 23R)
23

24 Legal Description: The quantification point is located approximately 900 feet above
25 the road crossing in SE Quarter Section 26, T36N R4.5E N.M.P.M., at a point S 3
26 degrees W, 3,650 feet from SW corner Section 24, T36N R4.5E N.M.P.M.
27

28 Source: Fisher Gulch
29

30 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
31 and incorporated herein by reference.)
32

33 Date of Reservation/Appropriation: June 03, 1905
34

35 Beneficial Use: Instream Flow for National Forest Purposes.
36

37 Remarks: No conflict exists between this instream flow water right and other valid
38 and existing water rights in this drainage. Records of the Forest Service and the
39 Division Engineer, Water Division No. 3, show no private water developments or
40 water rights in this drainage within the National Forest boundary.
41

42 28) Name: Beaver Lake Creek (QP 23S)
43

1 Legal Description: The quantification point is located approximately 150 feet above
2 the road crossing in NE Quarter Section 1, T35N R4.5E N.M.P.M., at a point S 77
3 degrees E, 3,100 feet from SW corner Section 36, T36N R4.5E N.M.P.M.
4

5 Source: Beaver Lake Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 03, 1905
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 29) Name: Trail Creek (QP 23T)
20

21 Legal Description: The quantification point is located approximately 150 feet above
22 the road crossing in SW Quarter Section 13, T35N R4.5E N.M.P.M., at a point S 37
23 degrees E, 4,250 feet from SW corner Section 12, T35N R4.5E N.M.P.M.
24

25 Source: Trail Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: June 03, 1905
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between this instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 30) Name: Conejos River (QP 23U)
40

41 Legal Description: The quantification point is located approximately 150 feet
42 downstream from the footbridge crossing in SE Quarter Section 36, T35N R4.5E
43 N.M.P.M., at a point S 47 degrees E, 5,400 feet from SW corner Section 25, T35N

1 R4.5E N.M.P.M.

2
3 Source: Conejos River

4
5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: June 03, 1905
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. The following water rights or structures are
14 located near or upstream of QP 23U as of the date of this decree:
15

16 Platoro Reservoir is located up-stream of the quantification point for this instream
17 flow water right. This reservoir was decreed in Case No. W-3253 for 53,571 acre-feet
18 with an appropriation date senior to the reservation of the National Forest. The use
19 and operation of Platoro Reservoir is authorized by federal legislation contained in
20 Title XXII of the Reclamation Projects Authorization Act of 1992 (Pub. L. No. 102-
21 575, 106 Stat. 4684), which established Congressionally mandated by-pass flow
22 requirements deemed sufficient to meet National Forest purposes and which is
23 enforceable only by the U.S.D.A. Forest Service, as provided therein. Therefore, use
24 and operation of this reservoir consistent with Pub. L. No. 102-575 will not have any
25 material adverse effect on the reserved water rights in this stream.
26

27 The following water rights are integral to the operation of the Platoro Reservoir: (1)
28 the augmentation plans contained in Case Nos. 93-CW-040 and 95-CW-024; (2) the
29 exchange in Case No. 90-CW-047; and, (3) the change of water right for the storage
30 of senior direct flow water rights pursuant to the decree in Case No. 90-CW-048.
31 Reservoir operations consistent with Pub. L. No. 102-575, the reservoir's storage
32 rights, the existing decrees allowing storage of downstream water rights in the
33 reservoir, or future decrees allowing storage of up to an additional 20.0 c.f.s. of such
34 senior downstream water rights will have no material adverse impact on the reserved
35 instream flows water rights for National Forest purposes, provided that such storage
36 of additional senior downstream water rights under future decrees do not cause the
37 flow at the Platoro gage to fall below 200 c.f.s.
38

39 Other water rights located above QP 23U are covered under QP 23L1. Those water
40 rights have no material adverse impact on the reserved instream flows in this stream.
41

42 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
43 other private water developments or water rights in this drainage within the National

1 Forest boundary.

2
3 31) Name: Conejos River (QP 23W)

4
5 Legal Description: The quantification point is located approximately 2.0 miles
6 upstream from Broyles Bridge in NW Quarter Section 33, T33N R7E N.M.P.M., at
7 a point S 76 degrees W, 5,000 feet from SW corner Section 27, T33N R7E N.M.P.M.

8
9 Source: Conejos River

10
11 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
12 and incorporated herein by reference.)

13
14 Date of Reservation/Appropriation: March 02, 1907

15
16 Beneficial Use: Instream Flow for National Forest Purposes.

17
18 Remarks: No conflict exists between this instream flow water right and other valid
19 and existing water rights in this drainage. The following water rights or structures are
20 located near or upstream of QP 23W as of the date of this decree:

21
22 Platoro Reservoir is located up-stream of the quantification point for this instream
23 flow water right. This reservoir was decreed in Case No. W-3253 for 53,571 acre-feet
24 with an appropriation date senior to the reservation of the National Forest. The use
25 and operation of Platoro Reservoir is authorized by federal legislation contained in
26 Title XXII of the Reclamation Projects Authorization Act of 1992 (Pub. L. No. 102-
27 575, 106 Stat. 4684), which established Congressionally mandated by-pass flow
28 requirements deemed sufficient to meet National Forest purposes and which is
29 enforceable only by the U.S.D.A. Forest Service, as provided therein. Therefore, use
30 and operation of this reservoir consistent with Pub. L. No. 102-575 will not have any
31 material adverse effect on the reserved water rights in this stream.

32
33 The following water rights are integral to the operation of the Platoro Reservoir: (1)
34 the augmentation plans contained in Case Nos. 93-CW-040 and 95-CW-024; (2) the
35 exchange in Case No. 90-CW-047; and, (3) the change of water right for the storage
36 of senior direct flow water rights pursuant to the decree in Case No. 90-CW-048.
37 Reservoir operations consistent with Pub. L. No. 102-575, the reservoir's storage
38 rights, the existing decrees allowing storage of downstream water rights in the
39 reservoir, or future decrees allowing storage of up to an additional 20.0 c.f.s. of such
40 senior downstream water rights will have no material adverse impact on the reserved
41 instream flows water rights for National Forest purposes, provided that such storage
42 of additional senior downstream water rights under future decrees do not cause the
43 flow at the Platoro gage to fall below 200 c.f.s.

1 Owlsey Spring Ditch and Owlsey Arroyo Ditch are both located upstream of QP 23W.
2 These ditches were decreed in Case Nos. W-3371 and 84-CW-70 with 1947 and 1975
3 priorities. Each was decreed for 0.033 c.f.s. (15 gallons per minute) for domestic
4 purposes. These small domestic water rights have had de minimus impact on the
5 flows in this stream. The operation of this water right, as decreed, has no material
6 adverse effect on the reserved water right in this stream.
7

8 The LeDuc Ditch is located above QP 23W. LeDuc Ditch is decreed for 3.0 c.f.s with
9 an 1883 priority, 2.0 c.f.s. with an 1889 priority and 1.0 with an 1889 priority for
10 irrigation purposes. The 1883 water right was subject to a change of water rights in
11 Case No. 86-CW-36. These water rights predate the National Forest reservation.
12 Accordingly, the amount of water available to the reserved water right in this stream
13 is subject to these pre-existing water rights. The operation of these water rights, as
14 decreed, has no material adverse effect on the reserved water right in this stream.
15

16 The Carpe and Reekers Ditch (Conejos River Irrigation Ditch) is located below QP
17 23W and located very close to the National Forest boundary. The Carpe and Reekers
18 Ditch was decreed in Case No. 741 for 3.0 c.f.s. with an 1893 priority and 1.75 c.f.s.
19 with a 1910 priority for irrigation. Virtually no stream flow within the National Forest
20 boundary is impacted by these ditches. The senior water right predates the National
21 Forest reservation. Accordingly, the amount of water available to the reserved water
22 right in this stream is subject to this pre-existing water right. The operation of these
23 water rights, as decreed, has no material adverse effect on the reserved water right in
24 this stream.
25

26 Cold Springs Ditch, decreed in Case No. 741 for 1.15 c.f.s. for irrigation and
27 stockwater purposes, diverts from an intermittent stream below QP 23W. The
28 operation of this water right, as decreed, has no material adverse effect on the reserved
29 water right in this stream.
30

31 The Jacobs' Ditch No. 1 is located above QP 23W. Jacobs' Ditch No. 1 was decreed
32 in Case No. 166 for 1.0 c.f.s with an 1894 priority for diversion from Massey Creek.
33 The water right was dedicated to the river for use for augmentation in Case No.
34 81-CW-1. This water right predates the National Forest reservation. Accordingly, the
35 amount of water available to the reserved water right in this stream is subject to this
36 pre-existing water right. The operation of this water right, as decreed, has no material
37 adverse effect on the reserved water right in this stream.
38

39 The Jacobs' Ditch Nos. 2 and 3 are located above QP 23W. Jacobs' Ditch No. 2, was
40 decreed in Case No. 151 for 1.0 c.f.s. with an 1889 priority for irrigation, and Jacobs'
41 Ditch No. 3 was decreed in Case No. 158 for 2.0 c.f.s. with an 1889 priority for
42 irrigation. A portion of these water rights were changed to augmentation use and are
43 no longer diverted to irrigation use. The remaining diversions for irrigation use from

1 the Conejos river under these water rights is minor. These water rights predate the
2 National Forest reservation. Accordingly, the amount of water available to the
3 reserved water right in this stream is subject to these pre-existing water rights. The
4 operation of these water rights, as decreed, has no material adverse effect on the
5 reserved water right in this stream.
6

7 The Mogales Valley Ditch is located above QP 23W. Mogales Valley Ditch was
8 decreed in Case No. 132 for 12.0 c.f.s. with an 1888 priority for irrigation. The ditch
9 does not divert water directly from the Conejos River, but diverts water from a slough
10 tributary to the Conejos River, and is only able to divert water at relatively high flows.
11 This water right predates the National Forest reservation. Accordingly, the amount
12 of water available to the reserved water right in this stream is subject to this pre-
13 existing water right. The operation of this water right, as decreed, has no material
14 adverse effect on the reserved water right in this stream.
15

16 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
17 other private water developments or water rights in this drainage within the National
18 Forest boundary.
19

20 32) Name: Hicks Canyon Creek (QP 23Y)
21

22 Legal Description: The quantification point is located approximately 1 mile upstream
23 from the National Forest boundary in SW Quarter Section 20, T33N R7E N.M.P.M.,
24 at a point N 62 degrees W, 11,000 feet from SW corner Section 27, T33N R7E
25 N.M.P.M.
26

27 Source: Hicks Canyon Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: March 02, 1907
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 33) Name: Fox Creek (QP 23Z)
42

43 Legal Description: The quantification point is located approximately 1.3 miles

upstream from the National Forest boundary in NE Quarter Section 7, T33N R7E N.M.P.M., at a point N 62 degrees W, 7,050 feet from SW corner Section 9, T33N R7E N.M.P.M.

Source: Fox Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

34) Name: UT #1 to Jarosa Creek (QP 25B)

Legal Description: The quantification point is located where stream channel crosses Forest boundary in NE Quarter Section 4, T34N R5E N.M.P.M., at a point due N, 2,700 feet from SW corner Section 3, T34N R5E N.M.P.M.

Source: Unnamed Tributary to Jarosa Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

35) Name: UT #2 to Jarosa Creek (QP 25C)

Legal Description: The quantification point is located where stream channel crosses the Forest boundary in NE Quarter Section 4, T34N R5E N.M.P.M., at a point N 8 degrees W, 4,600 feet from SW corner Section 3, T34N R5E N.M.P.M.

Source: Unnamed Tributary to Jarosa Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

36) Name: UT #3 to Jarosa Creek (QP 25D)

Legal Description: The quantification point is located where stream channel crosses the Forest boundary in NE Quarter Section 34, T35N R5E N.M.P.M., at a point N 32 degrees E, 11,250 feet from SW corner Section 3, T34N R5E N.M.P.M.

Source: Unnamed Tributary to Jarosa Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

37) Name: Jim Creek (QP 25E)

Legal Description: The quantification point is located where stream channel crosses the Forest boundary in SE Quarter Section 15, T35N R5E N.M.P.M., at a point N 64 degrees E, 5,000 feet from SW corner Section 15, T35N R5E N.M.P.M.

Source: Jim Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

38) Name: Torsido Creek (QP 25F)

Legal Description: The quantification point is located where stream channel crosses the Forest boundary in NE Quarter Section 34, T36N R5E N.M.P.M., at a point N 2 degrees W, 3,100 feet from SW corner Section 35, T36N R5E N.M.P.M.

Source: Torsido Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

39) Name: Poso Creek (QP 25G)

Legal Description: The quantification point is located approximately 0.75 mile upstream from the Forest boundary in NE Quarter Section 16, T35N R6E N.M.P.M., at a point N 2 degrees W, 3,200 feet from SW corner Section 15, T35N R6E N.M.P.M.

Source: Poso Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1 Date of Reservation/Appropriation: March 02, 1907

2
3 Beneficial Use: Instream Flow for National Forest Purposes.

4
5 Remarks: No conflict exists between this instream flow water right and other valid
6 and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.
9

10 40) Name: Hot Creek (QP 25H)

11
12 Legal Description: The quantification point is located just below confluence with
13 Piedrosa Creek in SW Quarter Section 12, T35N R6E N.M.P.M., at a point N 6
14 degrees E, 2,300 feet from SW corner Section 12, T35N R6E N.M.P.M.
15

16 Source: Hot Creek

17
18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)
20

21 Date of Reservation/Appropriation: March 02, 1907

22
23 Beneficial Use: Instream Flow for National Forest Purposes.

24
25 Remarks: No conflict exists between this instream flow water right and other valid
26 and existing water rights in this drainage. Records of the Forest Service and the
27 Division Engineer, Water Division No. 3, show no private water developments or
28 water rights in this drainage within the National Forest boundary.
29

30 41) Name: UT #1 to Hot Creek (QP 25J)

31
32 Legal Description: The quantification point is located where stream crosses the Forest
33 boundary in NE Quarter Section 12, T35N R6E N.M.P.M., at a point N 47 degrees E,
34 6,850 feet from SW corner Section 12, T35N R6E N.M.P.M.
35

36 Source: Unnamed Tributary to Hot Creek

37
38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: March 02, 1907

42
43 Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

- 42) Name: Ojito Creek (QP 25K)

Legal Description: The quantification point is located where stream crosses the Forest boundary in the SE Quarter Section 36, T36N R6E N.M.P.M., at a point N 34 degrees E, 9,000 feet from SW corner Section 1, T35N R6E N.M.P.M.

Source: Ojito Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

- 43) Name: Alamosa River (QP 27C)

Legal Description: The quantification point is located where stream channel crosses the Forest boundary in SW Quarter Section 8, T36N R6E N.M.P.M., at a point N 71 degrees E, 1,250 feet from SW corner Section 8, T36N R6E N.M.P.M.

Source: Alamosa River

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 27C as of the date of this decree:

1 The Cropsy Creek and Whightman Fork Diversions are located above QP 27C high
2 in the Whightman Fork drainage. Cropsy Creek Diversion is decreed for 2.5 c.f.s. for
3 industrial and domestic purposes with a 1984 priority. Whightman Fork Diversion is
4 decreed for 2.5 c.f.s. for industrial and domestic purposes with a 1984 priority. These
5 two diversions are located on private land high in the drainage approximately 16 miles
6 above the quantification point. The operation of these water rights, as decreed, has
7 no material adverse effect on the reserved water right in this stream.
8

9 Other water rights above QP 27C are listed and discussed under QP 27G. These water
10 rights have no material adverse effects on the reserved water rights in this stream.
11

12 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
13 other private water developments or water rights in this drainage within the National
14 Forest boundary.
15

16 44) Name: French Creek (QP 27D)
17

18 Legal Description: The quantification point is located approximately 1.5 miles
19 upstream from mouth in NE Quarter Section 15, T36N R5E N.M.P.M., at a point S
20 37 degrees W, 1,750 feet from SW corner Section 11, T36N R5E N.M.P.M.
21

22 Source: French Creek
23

24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)
26

27 Date of Reservation/Appropriation: June 03, 1905
28

29 Beneficial Use: Instream Flow for National Forest Purposes.
30

31 Remarks: No conflict exists between this instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.
35

36 45) Name: Beaver Creek (QP 27D1)
37

38 Legal Description: The quantification point is located approximately 200 yards
39 upstream from Alamosa River in SW Quarter Section 10, T36N R5E N.M.P.M., at a
40 point N 62 degrees W, 5,850 feet from SW corner Section 11, T36N R5E N.M.P.M.
41

42 Source: Beaver Creek
43

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

46) Name: Rhodes Gulch (QP 27E)

Legal Description: The quantification point is located approximately 0.21 mile upstream from Alamosa River in SE Quarter Section 9, T36N R5E N.M.P.M., at a point N 72 degrees W, 6,750 feet from SW corner Section 11, T36N R5E N.M.P.M.

Source: Rhodes Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

47) Name: California Gulch (QP 27F)

Legal Description: The quantification point is located approximately 1.1 miles upstream from Alamosa River in NW Quarter Section 8, T36N R5E N.M.P.M., at a point N 28 degrees E, 5,000 feet from SW corner Section 8, T36N R5E N.M.P.M.

Source: California Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: June 03, 1905
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between this instream flow water right and other valid
7 and existing water rights in this drainage. Records of the Forest Service and the
8 Division Engineer, Water Division No. 3, show no private water developments or
9 water rights in this drainage within the National Forest boundary.
10

11 48) Name: Upper Alamosa River (QP 27G)
12

13 Legal Description: The quantification point is located approximately 0.2 mile
14 upstream from confluence with Wightman Fork in NW Quarter Section 2, T36N R4E
15 N.M.P.M., at a point S 23 degrees E, 6,000 feet from SW corner Section 26, T37N
16 R4E N.M.P.M.
17

18 Source: Upper Alamosa River
19

20 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
21 and incorporated herein by reference.)
22

23 Date of Reservation/Appropriation: June 03, 1905
24

25 Beneficial Use: Instream Flow for National Forest Purposes.
26

27 Remarks: No conflict exists between this instream flow water right and other valid
28 and existing water rights in this drainage. The following water rights or structures are
29 located near or upstream of QP 27G as of the date of this decree:
30

31 Lake Annella is located above QP 27G. This water right is a small, undecreed
32 headwater reservoir of three acres in size which is used for non-consumptive fishery
33 and recreation purposes. The operation of this water right, as historically operated,
34 has no material adverse effect on the reserved water right in this stream.
35

36 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
37 other private water developments or water rights in this drainage within the National
38 Forest boundary.
39

40 49) Name: Sawmill Creek (QP 27H1)
41

42 Legal Description: The quantification point is located approximately 150 feet above
43 trail crossing in SE Quarter Section 20, T37N R4E N.M.P.M., at a point N 38 degrees

1 W, 1,050 feet from SW corner Section 21, T37N R4E N.M.P.M.

2
3 Source: Sawmill Creek

4
5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: June 03, 1905
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.
16

17 50) Name: Big Hollow Creek (QP 27H2)
18

19 Legal Description: The quantification point is located approximately 150 feet above
20 trail crossing in NW Quarter Section 28, T37N R4E N.M.P.M., at a point S 75 degrees
21 E, 2,100 feet from SW corner Section 21, T37N R4E N.M.P.M.
22

23 Source: Big Hollow Creek
24

25 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
26 and incorporated herein by reference.)
27

28 Date of Reservation/Appropriation: June 03, 1905
29

30 Beneficial Use: Instream Flow for National Forest Purposes.
31

32 Remarks: No conflict exists between this instream flow water right and other valid
33 and existing water rights in this drainage. Records of the Forest Service and the
34 Division Engineer, Water Division No. 3, show no private water developments or
35 water rights in this drainage within the National Forest boundary.
36

37 51) Name: Palmer Gulch (QP 27H3)
38

39 Legal Description: The quantification point is located approximately 150 feet above
40 trail crossing in NW Quarter Section 27, T37N R4E N.M.P.M., at a point N 44
41 degrees W, 5,250 feet from SW corner Section 26, T37N R4E N.M.P.M.
42

43 Source: Palmer Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

52) Name: Whitney Gulch (QP 27H4)

Legal Description: The quantification point is located approximately 150 feet above trail crossing in SW Quarter Section 26, T37N R4E N.M.P.M., at a point due N, 1,500 feet from SW corner Section 26, T37N R4E N.M.P.M.

Source: Whitney Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

53) Name: Jasper Creek (QP 27J1)

Legal Description: The quantification point is located approximately 1.3 miles upstream from mouth in SW Quarter Section 19, T37N R5E N.M.P.M., at a point N 49 degrees W, 7,400 feet from 1/4 corner Section 29/30, T37N R5E N.M.P.M..

Source: Jasper Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1 Date of Reservation/Appropriation: June 03, 1905

2
3 Beneficial Use: Instream Flow for National Forest Purposes.

4
5 Remarks: No conflict exists between this instream flow water right and other valid
6 and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.
9

10 54) Name: Burnt Creek (QP 27J2)

11
12 Legal Description: The quantification point is located approximately 1 mile upstream
13 from mouth in SW Quarter Section 20, T37N R5E N.M.P.M., at a point N 14 degrees
14 E, 2,750 feet from 1/4 corner Section 29/30, T37N R5E N.M.P.M.
15

16 Source: Burnt Creek

17
18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)
20

21 Date of Reservation/Appropriation: June 03, 1905

22
23 Beneficial Use: Instream Flow for National Forest Purposes.

24
25 Remarks: No conflict exists between this instream flow water right and other valid
26 and existing water rights in this drainage. Records of the Forest Service and the
27 Division Engineer, Water Division No. 3, show no private water developments or
28 water rights in this drainage within the National Forest boundary.
29

30 55) Name: Spring Creek (QP 27K)

31
32 Legal Description: The quantification point is located approximately 1.1 miles
33 upstream from mouth in NW Quarter Section 29, T37N R5E N.M.P.M., at a point N
34 45 degrees E, 2,800 feet from 1/4 corner Section 29/30, T37N R5E N.M.P.M.
35

36 Source: Spring Creek

37
38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: June 03, 1905

42
43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between this instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 56) Name: Fern Creek (QP 27L)
7

8 Legal Description: The quantification point is located approximately 0.4 mile
9 upstream from mouth in NE Quarter Section 32, T37N R5E N.M.P.M., at a point N
10 50 degrees E, 6,550 feet from 1/4 corner Section 29/30, T37N R5E N.M.P.M.
11

12 Source: Fern Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 03, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. Records of the Forest Service and the
23 Division Engineer, Water Division No. 3, show no private water developments or
24 water rights in this drainage within the National Forest boundary.
25

26 57) Name: Silver Creek (QP 27M)
27

28 Legal Description: The quantification point is located approximately 0.2 mile
29 upstream from mouth in SE Quarter Section 5, T36N R5E N.M.P.M., at a point N 36
30 degrees E, 7,550 feet from the SW corner of Section 8, T36N R5E N.M.P.M.
31

32 Source: Silver Creek
33

34 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
35 and incorporated herein by reference.)
36

37 Date of Reservation/Appropriation: June 03, 1905
38

39 Beneficial Use: Instream Flow for National Forest Purposes.
40

41 Remarks: No conflict exists between this instream flow water right and other valid
42 and existing water rights in this drainage. Records of the Forest Service and the
43 Division Engineer, Water Division No. 3, show no private water developments or

1 water rights in this drainage within the National Forest boundary.
2

3 58) Name: Lieutenant Creek (QP 27N)
4

5 Legal Description: The quantification point is located approximately 100 yards
6 upstream from mouth in NE Quarter Section 10, T36N R5E N.M.P.M., at a point N
7 30 degrees W, 4,750 feet from the SW corner of Section 11, T36N R5E N.M.P.M.
8

9 Source: Lieutenant Creek
10

11 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
12 and incorporated herein by reference.)
13

14 Date of Reservation/Appropriation: June 03, 1905
15

16 Beneficial Use: Instream Flow for National Forest Purposes.
17

18 Remarks: No conflict exists between this instream flow water right and other valid
19 and existing water rights in this drainage. Records of the Forest Service and the
20 Division Engineer, Water Division No. 3, show no private water developments or
21 water rights in this drainage within the National Forest boundary.
22

23 59) Name: Ranger Creek (QP 27O)
24

25 Legal Description: The quantification point is located approximately 150 yards
26 upstream from mouth in NW Quarter Section 11, T36N R5E N.M.P.M., at a point N
27 20 degrees E, 4,800 feet from the SW corner of Section 11, T36N R5E N.M.P.M.
28

29 Source: Ranger Creek
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: June 03, 1905
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between this instream flow water right and other
39 valid and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.
42

43 60) Name: UT #1 to Cat Creek (QP 27P)

1 Legal Description: The quantification point is located where stream channel crosses
2 Forest boundary in NE Quarter Section 12, T36N R6E N.M.P.M., at a point N 59
3 degrees E, 5,900 feet from the SW corner of Section 12, T36N R6E N.M.P.M.
4

5 Source: Unnamed tributary to Cat Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: March 02, 1907
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other
15 valid and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 61) Name: Cat Creek (QP 27Q)
20

21 Legal Description: The quantification point is located approximately 1.3 miles
22 upstream from Forest boundary in SE Quarter Section 2, T36N R6E N.M.P.M., at a
23 point N 75 degrees E, 4,150 feet from the SW corner of Section 2, T36N R6E
24 N.M.P.M.
25

26 Source: Cat Creek
27

28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)
30

31 Date of Reservation/Appropriation: March 02, 1907
32

33 Beneficial Use: Instream Flow for National Forest Purposes.
34

35 Remarks: No conflict exists between this instream flow water right and other
36 valid and existing water rights in this drainage. Records of the Forest Service and the
37 Division Engineer, Water Division No. 3, show no private water developments or
38 water rights in this drainage within the National Forest boundary.
39

40 62) Name: North Fork Rock Creek (QP 27S1)
41

42 Legal Description: The quantification point is located where stream channel crosses
43 Forest boundary in SE Quarter Section 33, T38N R6E N.M.P.M., at a point N 46

degrees E, 7,300 feet from the SW corner of Section 4, T37N R6E N.M.P.M.

Source: North Fork Rock Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

63) Name: South Fork Rock Creek (QP 27S2)

Legal Description: The quantification point is located approximately 0.75 mile upstream from Forest boundary in SW Quarter Section 4, T37N R6E N.M.P.M., at a point N 63 degrees E, 2,850 feet from the SW corner of Section 4, T37N R6E N.M.P.M.

Source: South Fork Rock Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

64) Name: Dry Creek (QP 27T)

Legal Description: The quantification point is located approximately where stream channel crosses Forest boundary in NE Quarter Section 28, T38N R6E N.M.P.M., at a point S 2 degrees W, 4,200 feet from 1/4 corner Sections 21/22, T38N R6E N.M.P.M.

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

Legal Description: The quantification point is located approximately where stream channel crosses Forest boundary in SE Quarter Section 4, T38N R6E N.M.P.M., at a point due North, 1,250 feet from the SW corner Section 3, T38N R6E N.M.P.M.

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

Legal Description: The quantification point is located approximately where stream channel crosses Forest boundary in SE Quarter Section 33, T39N R6E N.M.P.M., at a point N 7 degrees W, 2,250 feet from the SW corner Section 34, T39N R6E N.M.P.M.

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 20, 1938

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

67) Name: Deadman Cave Gulch (QP 27W)

Legal Description: The quantification point is located approximately where stream channel crosses Forest boundary in SE Quarter Section 28, T39N R6E N.M.P.M., at a point N 4 degrees E, 1,750 feet from the SW corner Section 27, T39N R6E N.M.P.M.

Source: Deadman Cave Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 20, 1938

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

68) Name: UT #1 to Alamosa River (QP 27Y)

Legal Description: The quantification point is located approximately where stream channel crosses Forest boundary in NE Quarter Section 17, T36N R6E N.M.P.M., at a point N 25 degrees E, 9,750 feet from the SW corner Section 20, T36N R6E N.M.P.M.

Source: Unnamed tributary to Alamosa River

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

69) Name: East Fork San Francisco Creek (QP 29B1)

Legal Description: The quantification point is located approximately 0.75 mile upstream from confluence with San Francisco Creek in SE Quarter Section 11, T38N R5E N.M.P.M., at a point S 7 degrees W, 8,350 feet from the SW corner Section 36, T39N R5E N.M.P.M.

Source: East Fork San Francisco Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

70) Name: Middle Fork San Francisco Creek (QP 29B2)

Legal Description: The quantification point is located approximately 0.19 mile upstream from confluence with West Fork Creek in SW Quarter Section 11, T38N R5E N.M.P.M., at a point S 23 degrees W, 7,850 feet from the SW corner Section 36, T39N R5E N.M.P.M.

Source: Middle Fork San Francisco Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: June 20, 1938
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between this instream flow water right and other
7 valid and existing water rights in this drainage. Records of the Forest Service and the
8 Division Engineer, Water Division No. 3, show no private water developments or
9 water rights in this drainage within the National Forest boundary.
10

11 71) Name: West Fork San Francisco Creek (QP 29B3)
12

13 Legal Description: The quantification point is located approximately 0.14 mile
14 upstream from confluence with Middle Fork San Francisco Creek in NW Quarter
15 Section 11, T38N R5E N.M.P.M., at a point S 26 degrees W, 7,200 feet from the SW
16 corner Section 36, T39N R5E N.M.P.M.
17

18 Source: West Fork San Francisco Creek
19

20 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
21 and incorporated herein by reference.)
22

23 Date of Reservation/Appropriation: June 20, 1938
24

25 Beneficial Use: Instream Flow for National Forest Purposes.
26

27 Remarks: No conflict exists between this instream flow water right and other
28 valid and existing water rights in this drainage. Records of the Forest Service and the
29 Division Engineer, Water Division No. 3, show no private water developments or
30 water rights in this drainage within the National Forest boundary.
31

32 72) Name: Bennett Creek (QP 29D)
33

34 Legal Description: The quantification point is located approximately 0.9 mile
35 upstream from confluence with Milk Creek in NW Quarter Section 5, T38N R5E
36 N.M.P.M., at a point S 77 degrees W, 6,900 feet from the SW corner Section 34,
37 T39N R5E N.M.P.M.
38

39 Source: Bennett Creek
40

41 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
42 and incorporated herein by reference.)
43

1 Date of Reservation/Appropriation: March 02, 1907

2
3 Beneficial Use: Instream Flow for National Forest Purposes.

4
5 Remarks: No conflict exists between this instream flow water right and other
6 valid and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.

9
10 73) Name: East Fork Piños Creek (QP 29E)

11
12 Legal Description: The quantification point is located immediately below confluence
13 with Burro Creek in NE Quarter Section 13, T38N R4E N.M.P.M., at a point S 29
14 degrees W, 13,000 feet from the SW corner Section 31, T39N R5E N.M.P.M.

15
16 Source: East Fork Piños Creek

17
18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)

20
21 Date of Reservation/Appropriation: June 03, 1905

22
23 Beneficial Use: Instream Flow for National Forest Purposes.

24
25 Remarks: No conflict exists between this instream flow water right and other
26 valid and existing water rights in this drainage. The following water rights or
27 structures are located near or upstream of QP 29E as of the date of this decree:

28
29 Fuchs Reservoir, a small headwater reservoir, is located above QP 29E. Fuchs
30 Reservoir, decreed in Case No. 2673, has a total capacity of 240.87 acre-feet with a
31 series of priorities from 1930 to 1943. The reservoir fills during high flows from an
32 intermittent stream which has no year round flow. As decreed, Fuchs Reservoir has
33 no material adverse effect on the reserved water right in this stream.

34
35 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
36 other private water developments or water rights in this drainage within the National
37 Forest boundary.

38
39 74) Name: Munger Canyon Creek (QP 29E1)

40
41 Legal Description: The quantification point is located approximately 0.4 mile
42 upstream from confluence with East Fork Piños Creek in NE Quarter Section 12,
43 T38N R4.5E N.M.P.M., at a point S 18 degrees W, 7,350 feet from the SW corner

Section 31, T39N R5E N.M.P.M.

Source: Munger Canyon Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 20, 1938

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

75) Name: West Fork Piños Creek (QP 29F)

Legal Description: The quantification point is located approximately 0.2 mile upstream from confluence with Castle Rock Creek in NE Quarter Section 12, T38N R4E N.M.P.M., at a point S 41 degrees W, 7,950 feet from the SW corner Section 31, T39N R5E N.M.P.M.

Source: West Fork Piños Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 29F as of the date of this decree:

Short Creek Reservoir is located above QP 29F. Use of this reservoir was discontinued some time in the past, and the dam has been breached. A conditional water right was decreed to this structure in Case No. 88-CW-17, however, the water right was abandoned in Case No. 94-CW-29, Colorado Water Division No. 3.

Records of the Forest Service and Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National

1 Forest boundary.

2
3 76) Name: Castle Rock Creek (QP 29F1)

4
5 Legal Description: The quantification point is located approximately 0.2 mile
6 upstream from confluence with West Fork Piños Creek in the NE Quarter Section 12,
7 T38N R4E N.M.P.M., at a point S 46 degrees W, 7,250 feet from the SW corner
8 Section 31, T39N R5E N.M.P.M.

9
10 Source: Castle Rock Creek

11
12 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
13 and incorporated herein by reference.)

14
15 Date of Reservation/Appropriation: June 20, 1938

16
17 Beneficial Use: Instream Flow for National Forest Purposes.

18
19 Remarks: No conflict exists between this instream flow water right and other valid
20 and existing water rights in this drainage. Records of the Forest Service and the
21 Division Engineer, Water Division No. 3, show no private water developments or
22 water rights in this drainage within the National Forest boundary.

23
24 77) Name: Schrader Creek (QP 29G)

25
26 Legal Description: The quantification point is located approximately 0.5 mile
27 upstream from Forest boundary in SE Quarter Section 18, T39N R5E N.M.P.M., at
28 a point N 38 degrees W, 9,500 feet from the SW corner Section 21, T39N R5E
29 N.M.P.M.

30
31 Source: Schrader Creek

32
33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)

35
36 Date of Reservation/Appropriation: June 20, 1938

37
38 Beneficial Use: Instream Flow for National Forest Purposes.

39
40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. The following water rights or structures are
42 located near or upstream of QP 29G as of the date of this decree:
43

1 The Schrader Creek Ditch, decreed for 1.6 c.f.s. with an 1873 priority and 1.6 c.f.s.
2 with an 1874 priority, is located very near the Forest boundary and below QP 29G.
3 This water right predates the National Forest reservation. Accordingly, the amount
4 of water available to the reserved water right in this stream is subject to this pre-
5 existing water right. The operation of this water right, as decreed, has no material
6 adverse effect on the reserved water right in this stream.
7

8 Horseshoe Ditch is decreed priority no. 1934-7 for 1.0 c.f.s. with a 1910 priority. This
9 ditch is located on an intermittent stream below QP 29G. The ditch is very near the
10 Forest boundary, and, as historically operated, has no material adverse impacts on
11 reserved flows within the National Forest boundary. The operation of this water right,
12 as decreed, has no material adverse effect on the reserved water right in this stream.
13

14 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
15 other private water developments or water rights in this drainage within the National
16 Forest boundary.
17

18 78) Name: Wolf Creek (QP 29H)
19

20 Legal Description: The quantification point is located approximately where stream
21 channel crosses Forest boundary in NE Quarter Section 10, T39N R4E N.M.P.M., at
22 a point due N, 5,150 feet from the SW corner Section 11, T39N R4E N.M.P.M.
23

24 Source: Wolf Creek
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: June 03, 1905
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between this instream flow water right and other valid
34 and existing water rights in this drainage. The following water rights or structures are
35 located near or upstream of QP 29H as of the date of this decree:
36

37 The Valdez Ditches are the only ditches located upstream of QP 29H. These ditches
38 are decreed priority numbers 41 and 44. Each of the two water rights is decreed for
39 4.0 c.f.s. with an 1882 priority for irrigation. The stream source for these water rights
40 is an intermittent stream. These water rights predate the National Forest reservation.
41 Accordingly, the amount of water available to the reserved water right in this stream
42 is subject to these pre-existing water rights. The operation of these water rights, as
43 decreed, has no material adverse effect on the reserved water right in this stream.

1
2 Records of the Forest Service and Division Engineer, Water Division No. 3, show no
3 other private water developments or water rights in this drainage within the National
4 Forest boundary.
5

6 79) Name: Shaw Creek (QP 29J1)
7

8 Legal Description: The quantification point is located approximately 1.2 miles
9 upstream from Forest boundary in NW Quarter Section 9, T39N R4E N.M.P.M., at
10 a point N 21 degrees E, 5,600 feet from the SW corner Section 9, T39N R4E
11 N.M.P.M.
12

13 Source: Shaw Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: June 03, 1905
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between this instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 80) Name: West Fork Shaw Creek (QP 29J2)
28

29 Legal Description: The quantification point is located approximately 0.8 mile
30 upstream from confluence with Shaw Creek in SW Quarter Section 4, T39N R4E
31 N.M.P.M., at a point due N, 6,750 feet from the SW corner Section 9, T39N R4E
32 N.M.P.M.
33

34 Source: West Fork Shaw Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 03, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 81) Name: Willow Creek (QP 29K)
6

7 Legal Description: The quantification point is located approximately 1.9 miles
8 upstream from Forest boundary in SW Quarter Section 12, T39N R3.5E N.M.P.M.,
9 at a point due N, 2,500 feet from the SW corner Section 12, T39N R4E N.M.P.M.
10

11 Source: Willow Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 03, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. The following water rights or structures are
22 located near or upstream of QP 29K as of the date of this decree:
23

24 No water rights exist above QP 29K. The Willow Creek (Sierra) Ditch lies below QP
25 29K right at the Forest Service/private land boundary. This water right, decreed for
26 3.0 c.f.s. with a 1900 appropriation date, was decreed abandoned in Case No.
27 94-CW-14, Colorado Water Division No. 3.
28

29 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
30 no other private water developments or water rights in this drainage within the
31 National Forest boundary.
32

33 82) Name: Church Creek (QP 31A1)
34

35 Legal Description: The quantification point is located approximately 0.9 mile
36 upstream from mouth in NE Quarter Section 10, T39N R3E N.M.P.M., at a point S
37 40 degrees W, 150 feet from the SW corner Section 2, T39N R3E N.M.P.M.
38

39 Source: Church Creek
40

41 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
42 and incorporated herein by reference.)
43

1 Date of Reservation/Appropriation: June 03, 1905
2

3 Beneficial Use: Instream Flow for National Forest Purposes.
4

5 Remarks: No conflict exists between this instream flow water right and other valid
6 and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.
9

10 83) Name: Mill Creek (QP 31A2)
11

12 Legal Description: The quantification point is located approximately 0.6 mile
13 upstream from Million Reservoir in SE Quarter Section 16, T39N R3E N.M.P.M., at
14 a point N 87 degrees E, 5,250 feet from the SW corner Section 16, T39N R3E
15 N.M.P.M.
16

17 Source: Mill Creek
18

19 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
20 and incorporated herein by reference.)
21

22 Date of Reservation/Appropriation: June 03, 1905
23

24 Beneficial Use: Instream Flow for National Forest Purposes.
25

26 Remarks: No conflict exists between this instream flow water right and other valid
27 and existing water rights in this drainage. The following water rights or structures are
28 located near or upstream of QP 31A2 as of the date of this decree:
29

30 Mill Creek Reservoir (a.k.a. Million Reservoir) is located on National Forest land in
31 the Mill Creek drainage below QP 31A2. This reservoir is decreed for 43 acre-feet
32 with a 1951 appropriation date. The reservoir was donated to the U.S.D.A. Forest
33 Service in 1976 and is no longer used for irrigation purposes. The reservoir passes all
34 inflows except for evaporation losses. The operation of this water right, as decreed,
35 has no material adverse effect on the reserved water right in this stream.
36

37 Mill Creek Ditch is decreed 2.0 c.f.s. with a 1938 priority for irrigation purposes. 1.32
38 c.f.s. of this water right has been transferred to a plan for augmentation. Water is
39 delivered to the Rio Grande for augmentation and remains in the stream through the
40 National Forest lands. The remainder, to the extent it is used, diverts from an
41 intermittent stream. The operation of this water right, as decreed, has no material
42 adverse effect on the reserved water right in this stream.
43

1 The Million Ditch is decreed 3.0 c.f.s. with a 1915 priority for irrigation purposes. 2.0
2 c.f.s. of this water right has been transferred to the Murdock plan for augmentation,
3 and is delivered to the Rio Grande. This water remains in the stream through the
4 National Forest lands. The remaining 1.0 c.f.s. has not been diverted for a number of
5 years. The headgate is located near the National Forest boundary. The operation of
6 this water right, as decreed, has no material adverse effect on the reserved water right
7 in this stream.

8
9 Beaver Creek Spring development is located above QP 31A2, and was decreed in
10 Case No. 82-CW-41 for 0.003 c.f.s. This water right is a small diversion for domestic
11 purposes on an unnamed tributary which has de minimis impact on streamflow. The
12 operation of this water right, as decreed, has no material adverse effect on the reserved
13 water right in this stream.

14
15 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
16 no other private water developments or water rights in this drainage within the
17 National Forest boundary.

18
19 84) Name: Beaver Creek (QP 31B)

20
21 Legal Description: The quantification point is located approximately 100 yards
22 upstream from the confluence with the South Fork Rio Grande in SE Quarter Section
23 17, T39N R3E N.M.P.M., at a point N 70 degrees W, 1,750 feet from the SW corner
24 Section 16, T39N R3E N.M.P.M.

25
26 Source: Beaver Creek

27
28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)

30
31 Date of Reservation/Appropriation: June 03, 1905

32
33 Beneficial Use: Instream Flow for National Forest Purposes.

34
35 Remarks: No conflict exists between this instream flow water right and other valid
36 and existing water rights in this drainage. The following water rights or structures are
37 located near or upstream of QP 31B as of the date of this decree:

38
39 Corson Ditch lies in the Beaver Creek drainage above QP 31B. This ditch is decreed
40 for 1.0 c.f.s. for irrigation and fishery purposes with an 1883 appropriation date. The
41 point of diversion is located very near the Forest boundary above an inholding. These
42 water rights predate the National Forest reservation. Accordingly, the amount of
43 water available to the reserved water right in this stream is subject to these pre-

existing water rights. The operation of these water rights, as decreed, has no material adverse effect on the reserved water right in this stream.

Beaver Creek Reservoir is decreed for 4,434 acre-feet of storage with a 1910 date of appropriation. This reservoir is owned and operated by the Colorado Division of Wildlife for fishery and recreation purposes, and to augment depletions from other DOW reservoirs. This reservoir is also part of an irrigation system. The dam, as constructed and operated, has significant leakage that contributes to streamflow below the dam, enhancing flow during low flow periods to the benefit of the stream system. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

85) Name: Cross Creek (QP 31C)

Legal Description: The quantification point is located approximately 0.4 mile upstream from confluence with Beaver Creek in SE Quarter Section 34, T39N R3E N.M.P.M., at a point N 20 degrees W, 1,750 feet from the S corner Section 34, T39N R3E N.M.P.M.

Source: Cross Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

86) Name: Upper Beaver Creek (QP 31D)

Legal Description: The quantification point is located approximately 0.6 mile upstream from confluence with Little Beaver Creek in NW Quarter Section 15, T38N R3E N.M.P.M., at a point S 2 degrees W, 11,250 feet from the S 1/4 corner Section 34, T39N R3E N.M.P.M.

1 Source: Upper Beaver Creek

2
3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and
4 incorporated herein by reference.)

5
6 Date of Reservation/Appropriation: June 03, 1905

7
8 Beneficial Use: Instream Flow for National Forest Purposes.

9
10 Remarks: No conflict exists between this instream flow water right and other valid
11 and existing water rights in this drainage. The following water rights or structures are
12 located near or upstream of QP 31D as of the date of this decree:

13
14 Poage Lake lies upstream of QP 31D on Forest land. This water right is decreed for
15 260.83 acre-feet with a 1906 appropriation date. This is a headwater reservoir located
16 5 miles above QP 31D which fills from intermittent streams at high flow. The
17 reservoir has a Colorado Division of Wildlife conservation pool of 261 acre-feet, and
18 is used for recreation and fisheries purposes. Operation of the reservoir enhances low
19 flows in Beaver Creek. The operation of this water right, as decreed, has no material
20 adverse effect on the reserved water right in this stream.

21
22 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
23 no other private water developments or water rights in this drainage within the
24 National Forest boundary.

25
26 87) Name: Little Beaver Creek (QP 31E)

27
28 Legal Description: The quantification point is located approximately 0.4 mile
29 upstream from confluence with Beaver Creek in NW Quarter Section 15, T38N R3E
30 N.M.P.M., at a point S 9 degrees W, 11,450 feet from the S 1/4 corner Section 34,
31 T39N R3E N.M.P.M.

32
33 Source: Little Beaver Creek

34
35 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
36 and incorporated herein by reference.)

37
38 Date of Reservation/Appropriation: June 03, 1905

39
40 Beneficial Use: Instream Flow for National Forest Purposes.

41
42 Remarks: No conflict exists between this instream flow water right and other valid
43 and existing water rights in this drainage. Records of the Forest Service and the

1 Division Engineer, Water Division No. 3, show no private water developments or
2 water rights in this drainage within the National Forest boundary.

3
4 88) Name: Park Creek (QP 31F)

5
6 Legal Description: The quantification point is located approximately 0.1 mile
7 upstream from the confluence with the South Fork Rio River in SW Quarter Section
8 25, T39N R2E N.M.P.M., at a point N 38 degrees W, 7,750 feet from the SW corner
9 Section 31, T39N R3E N.M.P.M.

10
11 Source: Park Creek

12
13 Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto
14 and incorporated herein by reference.)

15
16 Date of Reservation/Appropriation: June 03, 1905

17
18 Beneficial Use: Instream Flow for National Forest Purposes.

19
20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.

24
25 89) Name: Pass Creek (QP 31G)

26
27 Legal Description: The quantification point is located approximately 100 feet
28 upstream from the confluence with the South Fork Rio Grande in SW Quarter Section
29 9, T38N R2E N.M.P.M., at a point S 62 degrees E, 25,350 feet from Table Mtn.
30 VABM (elevation 12,688 feet) in T39N R1E N.M.P.M..

31
32 Source: Pass Creek

33
34 Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto
35 and incorporated herein by reference.)

36
37 Date of Reservation/Appropriation: June 03, 1905

38
39 Beneficial Use: Instream Flow for National Forest Purposes.

40
41 Remarks: No conflict exists between this instream flow water right and other valid
42 and existing water rights in this drainage.

1 Alberta Park Reservoir is located above QP 31G. This Colorado Division of Wildlife
2 reservoir is decreed for 598 acre-feet with a 1930 date of appropriation. The reservoir
3 contains a population of Rio Grande Cutthroat Trout, a sensitive species. Alberta Park
4 is a headwater reservoir approximately seven miles above QP 31G that fills and spills,
5 and enhances flow in low water periods. The reservoir also releases water to the
6 Minor Ditch, which is located below the National Forest. Releases to the Minor Ditch
7 enhance flows on the National Forest. The operation of this reservoir is also the
8 subject of a stipulation entered in Case No. 87-CW-7, District Court, Water Division
9 No. 3. Operation of this reservoir, as decreed and consistent with historical practices
10 and with the limitations in Case No. 87-CW-7, has no material adverse effect on the
11 reserved water right in this stream.

12
13 Absolute and conditional water rights and rights of exchange, replacement, and
14 augmentation for the Wolf Creek Ski Area have been decreed in Case No. 87-CW-7.
15 An alternate point of diversion for the Ski Area Pipeline has been or will be decreed
16 in Case No. 96-CW-32, and additional conditional water rights and rights of
17 exchange, replacement, and augmentation have been or will be decreed in Case No.
18 96-CW-44. The United States has entered into a stipulation with the Ski Area in Case
19 No. 96-CW-44. The Ski Area's rights are for relatively small quantities of water and
20 are located on small unnamed tributaries of Pass Creek. These rights are senior in
21 priority to the water rights decreed herein. The operation of these water rights and the
22 additional storage rights contemplated by the stipulation between the United States
23 and Wolf Creek in Case No. 96-CW-44 in a manner consistent with their decreed
24 limitations has no material adverse effect on the reserved water rights in this stream.

25
26 The Wolf Creek Ski Area Pipeline was decreed to the United States in Case No.
27 81-CW-111 in the amount of .02 c.f.s. with an appropriation date of 1975 for use in
28 connection with the Wolf Creek Ski Area. The operation of this water right, as
29 decreed, has no material adverse effect on the reserved water right in this stream.

30
31 Conditional water rights and/or rights of exchange, replacement, and augmentation
32 were decreed in connection with the North Infiltration Gallery, South Infiltration
33 Gallery, Village Ditch, and Village Pond in Case No. 87-CW-7. This decree also
34 includes changes of the transbasin water rights used for exchange and augmentation
35 purposes and a plan of substitute supply. These structures are located above the
36 National Forest on private land. The rights decreed in Case No. 87-CW-7 are senior
37 in priority to the water rights decreed herein and have no material adverse effect on
38 the amount of water available to the instream flow rights of the United States.

39
40 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
41 no other valid or decreed water rights in this drainage within the National Forest
42 boundary.

1 90) Name: Upper South Fork Rio Grande (QP 31H)
2

3 Legal Description: The quantification point is located approximately 100 feet
4 upstream from the confluence with Pass Creek in SW Quarter Section 9, T38N R2E
5 N.M.P.M., at a point S 62 degrees E, 25,080 feet from Table Mtn. VABM (elevation
6 12,688 feet) in T39N R1E N.M.P.M.
7

8 Source: Upper South Fork Rio Grande
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: June 03, 1905
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. The following water rights or structures are
19 located near or upstream of QP 31H as of the date of this decree:
20

21 Big Meadows Reservoir is a Colorado Division of Wildlife reservoir located above
22 QP 31H. The reservoir is decreed for 2,436.68 acre-feet with a 1959 date of
23 appropriation for recreation and fishery purposes. The only impact from this reservoir
24 is evaporative loss. The reservoir generally enhances the stream resources in this
25 drainage. The operation of this water right, as decreed, has no material adverse effect
26 on the reserved water right in this stream.
27

28 Shaw Lake Reservoir is located above QP 31H. This off channel reservoir is decreed
29 for 638.55 acre-feet with an 1895 date of appropriation and 42.05 acre-feet with a
30 1950 date of appropriation for irrigation. Shaw Lake Reservoir is also a popular
31 recreational facility. The operation of these water rights, as decreed, has no material
32 adverse effect on the reserved water right in this stream.
33

34 The Kitty Creek diversion, located above QP 31H, is decreed for 10.0 c.f.s. with a
35 1900 date of appropriation for irrigation purposes. This water rights predates the
36 National Forest reservation. Accordingly, the amount of water available to the
37 reserved water right in this stream is subject to this pre-existing water right. It affects
38 a short reach of stream on the National Forest in order to supply the sole source of
39 water to Shaw Lake Reservoir, an off channel water storage facility which is also a
40 popular recreation and fishing facility. As this structure is constructed and operated,
41 the impacts of this water right on Kitty Creek are limited, and the stream reach
42 affected by diversions is not a significant recreation or fishery resource. The
43 operation of this water right as decreed and in a manner consistent with historic

1 practices has no material adverse effect on the reserved water right in this stream.

2
3 Archuleta Lake is located above QP 31H. This undecreed structure has a capacity of
4 98.8 acre-feet. This headwater reservoir is located in a wilderness area, and has
5 operated as a natural lake for at least 50 years. The operation of this water right, as
6 decreed, has no material adverse effect on the reserved water right in this stream.

7
8 Spruce Lakes are headwaters reservoirs located in a wilderness area above QP 31G.
9 Upper Spruce Lake is decreed for 90.6 acre-feet with a 1926 date of appropriation and
10 12.0 acre-feet with a 1941 date of appropriation. The actual capacity of the lake is
11 87.5 acre-feet. Lower Spruce Lake is decreed for 92.6 acre-feet with a 1926 date of
12 appropriation, and 7.7 acre-feet with a 1941 date of appropriation. These reservoirs
13 operate under a Colorado Division of Wildlife conservation pool easement. The
14 operation of this water right, as decreed, has no material adverse effect on the
15 reserved water right in this stream.

16
17 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
18 no other private water developments or water rights in this drainage within the
19 National Forest boundary.

20
21 91) Name: Lake Fork Creek (QP 31J)

22
23 Legal Description: The quantification point is located approximately 100 feet
24 upstream from the confluence with the South Fork Rio Grande in SE Quarter Section
25 4, T38N R2E N.M.P.M., at a point S 72 degrees E, 22,600 feet from Table Mtn.
26 VABM (elevation 12,688 feet) in T39N R1E N.M.P.M.

27
28 Source: Lake Fork Creek

29
30 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
31 and incorporated herein by reference.)

32
33 Date of Reservation/Appropriation June 03, 1905

34
35 Beneficial Use: Instream Flow for National Forest Purposes.

36
37 Remarks: No conflict exists between this instream flow water right and other valid
38 and existing water rights in this drainage. The following water rights or structures are
39 located near or upstream of QP 31J as of the date of this decree:

40
41 Hunters Lake is a small headwaters reservoir that is authorized by a permanent U.S.
42 Department of Interior easement. The reservoir is not being used for irrigation
43 currently and has no decreed water right. The operation of this water right in

1 accordance with historical practice has no material adverse effect on the reserved
2 water right in this stream.
3

4 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
5 no other valid or decreed water rights in this drainage within the National Forest
6 boundary.
7

8 92) Name: Decker Creek (QP 31K)
9

10 Legal Description: The quantification point is located approximately 100 feet
11 upstream from the confluence with the South Fork Rio Grande in SW Quarter Section
12 24, T39N R2E N.M.P.M., at a point S 19 degrees W, 12,100 feet from the SW corner
13 in Section 31, T39N R3E N.M.P.M.
14

15 Source: Decker Creek
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: June 03, 1905
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between this instream flow water right and other valid
25 and existing water rights in this drainage. The following water rights or structures are
26 located near or upstream of QP 31K as of the date of this decree:
27

28 Metroz Lake lies on private land above QP 31K. This structure is decreed for 480 feet
29 with a 1909 date of appropriation for irrigation, recreation, and fishery uses. The
30 reservoir has not been used for irrigation for a number of years. The reservoir has
31 been used for recreation and fishery purposes, impacting the stream only to the extent
32 of evaporative losses. The operation of this water right, as decreed, has no material
33 adverse effect on the reserved water right in this stream.
34

35 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
36 no other private water developments or water rights in this drainage within the
37 National Forest boundary.
38

39 93) Name: Trout Creek (QP 31L)
40

41 Legal Description: The quantification point is located approximately 1.2 miles
42 upstream from the confluence with Poison Gulch in NE Quarter Section 7, T39N R3E
43 N.M.P.M., at a point S 78 degrees W, 1,650 feet from the SW corner in Section 5,

1 T39N R3E N.M.P.M.

2
3 Source: Trout Creek

4
5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)

7
8 Date of Reservation/Appropriation: June 03, 1905

9
10 Beneficial Use: Instream Flow for National Forest Purposes.

11
12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.

16
17 94) Name: Poison Gulch (QP 31M)

18
19 Legal Description: The quantification point is located approximately 0.8 mile
20 upstream from the confluence with Trout Creek in NW Quarter Section 5, T39N R3E
21 N.M.P.M., at a point N 9 degrees E, 5,000 feet from the SW corner in Section 5,
22 T39N R3E N.M.P.M.

23
24 Source: Poison Gulch

25
26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)

28
29 Date of Reservation/Appropriation: June 03, 1905

30
31 Beneficial Use: Instream Flow for National Forest Purposes.

32
33 Remarks: No conflict exists between this instream flow water right and other valid
34 and existing water rights in this drainage. Records of the Forest Service and the
35 Division Engineer, Water Division No. 3, show no private water developments or
36 water rights in this drainage within the National Forest boundary.

37
38 95) Name: Soda Creek (QP 33A)

39
40 Legal Description: The quantification point is located approximately 1.7 miles
41 upstream from the confluence with Goose Creek in SW Quarter Section 12, T40N
42 R1E N.M.P.M., at a point N 17 degrees W, 24,000 feet from Trout Mtn. VABM
43 (elevation 11,950 feet) in Section 5, T39N R2E N.M.P.M.

Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Happy Hollow spring development is a de minimis domestic use close to private land and located below this QP. This structure is operated under the change of water right and right of exchange decreed in Case No. 92-CW-47, and is senior to the reserved water rights decreed herein. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

Legal Description: The quantification point is located approximately 1 mile upstream from the confluence with Goose Creek in NE Quarter Section 23, T40N R1E N.M.P.M., at a point N 31 degrees W, 18,750 feet from Trout Mtn. VABM (elevation 11,950 feet) in Section 5, T39N R2E N.M.P.M.

Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

1 97) Name: Roaring Fork Creek (QP 33E)

2
3 Legal Description: The quantification point is located approximately 0.75 mile
4 upstream from Lake Humphreys in NW Quarter Section 33, T40N R1E N.M.P.M.,
5 at a point N 80 degrees W, 23,000 feet from Trout Mtn. VABM (elevation 11,950
6 feet) in Section 5, T39N R2E N.M.P.M.

7
8 Source: Roaring Fork Creek

9
10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)

12
13 Date of Reservation/Appropriation: June 03, 1905

14
15 Beneficial Use: Instream Flow for National Forest Purposes.

16
17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. The following water rights or structures are
19 located near or upstream of QP 33A as of the date of this decree:

20
21 The Roaring Fork to Haypress Lake diversion is located upstream of QP 33A. This
22 diversion structure was decreed two water rights in Case No. 3982 for 1.3 c.f.s. with
23 a 1922 date of appropriation, and 2.4 c.f.s. with a 1923 date of appropriation. Both
24 rights were decreed for fish culture, recreation, and domestic uses. The water rights
25 are located in a wilderness area, and affect a short reach of stream on the National
26 Forest in order to supply the sole source of water for Haypress Lake, an off-channel
27 reservoir which is used to raise Rio Grande cutthroat trout, a Region 2 sensitive
28 species and a Colorado species of concern, and for irrigation. The operation of this
29 water right, as decreed, and in a manner consistent with historic practices has no
30 material adverse effect on the reserved water right in this stream.

31
32 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
33 no other private water developments or water rights in this drainage within the
34 National Forest boundary.

35
36 98) Name: Fisher Creek (QP 33F)

37
38 Legal Description: The quantification point is located immediately upstream from the
39 confluence with Goose Creek in SE Quarter Section 4, T39N R1E N.M.P.M., at a
40 point S 85 degrees W, 24,200 feet from Trout Mtn. VABM (elevation 11,950 feet) in
41 Section 5, T39N R2E N.M.P.M.

42
43 Source: Fisher Creek

Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 33F as of the date of this decree:

Goose Lake is located above QP 33F. This reservoir is a headwater reservoir located approximately 9 miles above QP 33F. Goose Lake was decreed in Case No. 2673 for 240 acre-feet of storage and a 10 c.f.s. feeder canal, both with 1933 priorities. The structures are located within a wilderness area. The reservoir is operated under a conservation pool easement with the Colorado Division of Wildlife for fisheries and recreation. As operated under the easement, these water rights have minimal impacts to streamflow. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

99) Name: Goose Creek (QP 33G)

Legal Description: The quantification point is located immediately upstream from the confluence with Fisher Creek in SE Quarter Section 4, T39N R1E N.M.P.M., at a point S 84 degrees W, 23,800 feet from Trout Mtn. VABM (elevation 11,950 feet) in Section 5, T39N R2E N.M.P.M.

Source: Goose Creek

Amount Claimed: (See, Paragraph 35,above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 33G as of the date of this decree:

1 Elliott Ditch on Elliott Creek is located on National Forest land below QP 33G. Elliot
2 Creek is a minor tributary of Goose Creek, the confluence of the creeks is below QP
3 33G. The Elliot Ditch is decreed for 2.0 c.f.s. with a 1909 date of appropriation. The
4 Elliot Ditch is located near the Forest boundary. The operation of this water right, as
5 decreed, has no material adverse effect on the reserved water right in this stream.
6

7 Deer Creek Ditch originally was also located below QP 33G. The Deer Creek Ditch
8 is decreed a water right of 0.74 c.f.s. with an 1886 priority. This water right also
9 predates the National Forest reservation. Accordingly, the amount of water available
10 to the reserved water right in this stream is subject to this pre-existing water right.
11 This water right is senior to the rights decreed to the United States in this case. The
12 operation of this water right, as decreed, has no material adverse effect on the reserved
13 water right in this stream.
14

15 The Gwinn Creek Ditch may be located on National Forest land below QP 33G. The
16 Gwinn Creek Ditch is decreed a water right of 2.0 c.f.s. with an 1899 date of
17 appropriation, and subject to the change of water rights decreed in Case No. W-3697.
18 This water right also predates the National Forest reservation. Accordingly, the
19 amount of water available to the reserved water right in this stream is subject to this
20 pre-existing water right. The operation of this water right, as decreed, has no material
21 adverse effect on the reserved water right in this stream.
22

23 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
24 no other private water developments or water rights in this drainage within the
25 National Forest boundary.
26

27 100) Name: Pierce Creek (QP 33H)
28

29 Legal Description: The quantification point is located approximately 1.6 miles
30 upstream from the confluence with Goose Creek in SW Quarter Section 3, T40N R1E
31 N.M.P.M., at a point N 33 degrees W, 34,000 feet from Trout Mtn. VABM (elevation
32 11,950 feet) in Section 5, T39N R2E N.M.P.M.
33

34 Source: Pierce Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: March 02, 1907
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 101) Name: Lime Creek (QP 35A)
6

7 Legal Description: The quantification point is located approximately 1.4 miles
8 upstream from the confluence with the Rio Grande in SE Quarter Section 17, T40N
9 R1W N.M.P.M., at a point N 17 degrees W, 6,600 feet from SW corner Section 21,
10 T40N R1W N.M.P.M.
11

12 Source: Lime Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: March 02, 1907
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. The following water rights or structures are
23 located near or upstream of QP 35A as of the date of this decree:
24

25 The Downing Ditch is located in this drainage below QP 35A, very close to the
26 National Forest boundary and may be on private land. This water right is decreed for
27 1.0 c.f.s. with an 1892 date of appropriation. This water right predates the National
28 Forest reservation. Accordingly, the amount of water available to the reserved water
29 right in this stream is subject to this pre-existing water right. The operation of this
30 water right, as decreed, has no material adverse effect on the reserved water right in
31 this stream.
32

33 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
34 no other private water developments or water rights in this drainage within the
35 National Forest boundary.
36

37 102) Name: Red Mountain Creek (QP 35B)
38

39 Legal Description: The quantification point is located approximately 1.7 miles
40 upstream from the confluence with the Rio Grande in SW Quarter Section 20, T40N
41 R1W N.M.P.M., at a point N 41 degrees E, 9,850 feet from SW corner Section 30,
42 T40N R1W N.M.P.M.
43

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

103) Name: Ivy Creek (QP 35C)

Source: Ivy Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

104) Name: Upper Red Mountain Creek (QP 35D)

Legal Description: The quantification point is located approximately 0.1 mile upstream from the confluence with Ivy Creek in NE Quarter Section 32, T40N R1W N.M.P.M., at a point S 80 degrees E, 8,500 feet from SW corner Section 30, T40N R1W N.M.P.M.

Source: Upper Red Mountain Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 35D as of the date of this decree:

The Julia Ditch is located in this drainage near a private inholding. The Julia Ditch is decreed for 1.0 c.f.s. with a 1900 date of appropriation. An enlargement of the Julia Ditch was decreed in 95-CW-42 for 1.23 c.f.s. with a 1993 date of appropriation for non-consumptive hydropower use. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Streams Reservoir is a very small off-channel reservoir located on a private inholding above QP 35D. Streams Reservoir was decreed in Case No. 2673 for 41.19 acre-feet with a 1908 date of appropriation. It is used primarily for fishery and irrigation purposes. Red Mountain Creek flows for 2.5 miles through private land below this small reservoir. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Red Mountain Reservoir was decreed in 95-CW-41 for 29.78 acre-feet with a 1994 appropriation date. The reservoir is used for fish, wildlife and recreational use. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

105) Name: Middle Creek (QP 35E)

Legal Description: The quantification point is located approximately 2.3 miles upstream from the confluence with the Rio Grande in NE Quarter Section 30, T40N R1W N.M.P.M., at a point N 48 degrees E, 4,500 feet from SW corner Section 30, T40N R1W N.M.P.M.

Source: Middle Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 35E as of the date of this decree:

Middle Creek Ditch #1 is located above QP 35E. This ditch is decreed for 1.6 c.f.s. with an 1899 priority for irrigation purposes. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Middle Creek Ditch is located on private land below QP 35E. Two water rights are decreed to this ditch for 0.7 c.f.s. with a 1900 date of appropriation and 20.0 c.f.s. with a 1909 date of appropriation. The ditch impacts streamflow on a small portion of the Forest. The operation of the water right for 0.7 c.f.s. with a 1900 date of appropriation as decreed, and the 20.0 c.f.s. water right with a 1909 date of appropriation as constructed and in a manner consistent with historic practices has no material adverse effect on the reserved water right in this stream.

Soward Reservoir is located on Middle Creek below QP 35E. Soward Reservoir is decreed for 7.79 acre-feet with a 1913 date of appropriation, for irrigation and fisheries. This off-channel reservoir is fed by the Middle Creek Ditch. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

106) Name: Trout Creek (QP 35F)

Legal Description: The quantification point is located approximately 4.7 miles upstream from the confluence with the Rio Grande in NE Quarter Section 2, T39N R2W N.M.P.M., at a point S 57 degrees W, 9,100 feet from SW corner Section 30, T40N R1W N.M.P.M.

Source: Trout Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: June 03, 1905
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between this instream flow water right and other valid
7 and existing water rights in this drainage. The following water rights or structures are
8 located near or upstream of QP 35F as of the date of this decree:
9

10 Trout Lake is a headwater reservoir located upstream of QP 35F. Trout Lake was
11 decreed in Case No. 2673 for 198.44 acre-feet with a 1931 date of appropriation, and
12 121.94 acre-feet with a 1946 date of appropriation. The reservoir is located on a small
13 intermittent stream approximately 8 miles above QP 35F. Releases from the reservoir
14 supplement natural flows during the summer months. The operation of this water
15 right, as decreed, has no material adverse effect on the reserved water right in this
16 stream.
17

18 Jumper Lake is a small headwater reservoir located approximately 3.5 miles above QP
19 35F. This water right was decreed in Case No. 2673 for 38.125 acre-feet with a 1940
20 date of appropriation. It is located on an intermittent stream, and has been used
21 primarily for fisheries purposes for the last 50 years. The operation of this water right,
22 as decreed, has no material adverse effect on the reserved water right in this stream.
23

24 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
25 no other private water developments or water rights in this drainage within the
26 National Forest boundary.
27

28 107) Name: Cliff Creek (QP 35G)
29

30 Legal Description: The quantification point is located approximately 1.3 miles
31 upstream from the confluence with the Rio Grande in SE Quarter Section 23, T40N
32 R2W N.M.P.M., at a point N 33 degrees W, 9,250 feet from SW corner Section 30,
33 T40N R1W N.M.P.M.
34

35 Source: Cliff Creek
36

37 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
38 and incorporated herein by reference.)
39

40 Date of Reservation/Appropriation: March 02, 1907
41

42 Beneficial Use: Instream Flow for National Forest Purposes.
43

1 Remarks: No conflict exists between this instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 108) Name: Workman Creek (QP 35H)
7

8 Legal Description: The quantification point is located approximately 0.75 miles
9 upstream from the confluence with the Rio Grande in SE Quarter Section 15, T40N
10 R2W N.M.P.M., at a point S 87 degrees W, 2,400 feet from 1/4 corner Section 14/15,
11 T40N R2W N.M.P.M.
12

13 Source: Workman Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: March 02, 1907
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between this instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 109) Name: Woodfern Creek (QP 35J)
28

29 Legal Description: The quantification point is located approximately 0.95 mile
30 upstream from the confluence with the Rio Grande in NE Quarter Section 16, T40N
31 R2W N.M.P.M., at a point N 83 degrees W, 6,050 feet from 1/4 corner Section 14/15,
32 T40N R2W N.M.P.M.
33

34 Source: Woodfern Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: March 02, 1907
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. The following water rights or structures are
2 located near or upstream of QP 35J as of the date of this decree:
3

4 Woodfern Ditch is located on Woodfern Creek below QP 35J very near the National
5 Forest boundary. The Woodfern Ditch is decreed for 3.2 c.f.s. for irrigation, with an
6 1888 priority. This water right predates the National Forest reservation. Accordingly,
7 the amount of water available to the reserved water right in this stream is subject to
8 this pre-existing water right. The operation of this water right, as decreed, has no
9 material adverse effect on the reserved water right in this stream.
10

11 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
12 no other private water developments or water rights in this drainage within the
13 National Forest boundary.
14

15 110) Name: Fern Creek (QP 35K)
16

17 Legal Description: The quantification point is located approximately 0.3 mile
18 upstream from the confluence with the Rio Grande in SW Quarter Section 9, T40N
19 R2W N.M.P.M., at a point N 61 degrees W, 10,200 feet from 1/4 corner Section
20 14/15, T40N R2W N.M.P.M.
21

22 Source: Fern Creek
23

24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)
26

27 Date of Reservation/Appropriation: March 02, 1907
28

29 Beneficial Use: Instream Flow for National Forest Purposes.
30

31 Remarks: No conflict exists between this instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.
35

36 111) Name: Texas Creek (QP 35L)
37

38 Legal Description: The quantification point is located approximately 0.3 mile
39 upstream from the confluence with the Rio Grande in NE Quarter Section 6, T40N
40 R2W N.M.P.M., at a point S 29 degrees W, 11,800 feet from SW corner Section 21,
41 T41N R2W N.M.P.M.
42

43 Source: Texas Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 35L as of the date of this decree:

Wee Ruby Reservoir is a small headwater reservoir located approximately 8 miles above QP 35L on an intermittent stream. Wee Ruby Reservoir was decreed in Case No. 2673 for 186.245 acre-feet with a 1934 appropriation date, and the supply ditch was decreed for 3.0 c.f.s. with a 1935 date of appropriation. The reservoir benefits late season flows and thus enhances the instream flow. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Big Ruby Reservoir is located on Texas Creek approximately eight miles above QP 35L. The water right is decreed for 93.5 acre-feet with a 1902 date of appropriation. This water right predates the National Forest reservation. Accordingly, the amount of water available to the reserved water right in this stream is subject to this pre-existing water right. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

112) Name: Seepage Creek (QP 35M)

Legal Description: The quantification point is located approximately 0.14 mile upstream from Antelope Spring Reservoir in SE Quarter Section 1, T40N R2W N.M.P.M., at a point N 47 degrees E, 11,250 feet from 1/4 corner Section 14/15, T40N R2W N.M.P.M.

Source: Seepage Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. The following water rights or structures are
5 located near or upstream of QP 35M as of the date of this decree:
6

7 Bristol 1 & 2 Reservoirs are located upstream of QP 35M on a naturally intermittent
8 portion of this stream which generally only flows when Santa Maria Reservoir seeps
9 at its higher capacities. The water rights for Bristol 1 & 2 Reservoirs were decreed
10 in Case No. 2673. Bristol 1 was decreed for 120.94 acre-feet with a 1921 date of
11 appropriation, and Bristol 2 was decreed for 393.22 acre-feet with a 1921 date of
12 appropriation and 410.57 acre-feet with a 1928 date of appropriation. The reservoirs
13 generally benefit streamflow on Seepage Creek. The operation of these water rights,
14 as decreed, has no material adverse effect on the reserved water right in this stream.
15

16 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
17 no other private water developments or water rights in this drainage within the
18 National Forest boundary.
19

20 113) Name: Fir Creek (QP 35N)
21

22 Legal Description: The quantification point is located approximately 1.1 mile
23 upstream from the confluence with the Rio Grande in SE Quarter Section 19, T41N
24 R1W N.M.P.M., at a point N 19 degrees W, 5,280 feet from SW corner Section 29,
25 T41N R1W N.M.P.M.
26

27 Source: Fir Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: March 02, 1907
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 114) Name: Little Squaw Creek (QP 37A)
42

43 Legal Description: The quantification point is located approximately 0.15 mile

1 upstream from the confluence with the Rio Grande in NE Quarter Section 18, T40N
2 R3W N.M.P.M., at a point S 51 degrees W, 8,650 feet from BM 9436 Section 9,
3 T40N R3W N.M.P.M.
4

5 Source: Little Squaw Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 03, 1905
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 115) Name: Squaw Creek (QP 37B)
20

21 Legal Description: The quantification point is located approximately 0.1 mile
22 upstream from the confluence with the Rio Grande in NE Quarter Section 13, T40N
23 R4W N.M.P.M., at a point S 56 degrees E, 4,400 feet from SW corner Section 12,
24 T40N R4W N.M.P.M.
25

26 Source: Squaw Creek
27

28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)
30

31 Date of Reservation/Appropriation: June 03, 1905
32

33 Beneficial Use: Instream Flow for National Forest Purposes.
34

35 Remarks: No conflict exists between this instream flow water right and other valid
36 and existing water rights in this drainage. The following water rights or structures are
37 located near or upstream of QP 37B as of the date of this decree:
38

39 Squaw Lake Reservoir is a headwater reservoir located approximately nine miles
40 above QP 37B which has been purchased by the Forest Service. Squaw Lake
41 Reservoir was decreed in Case No. 87-CW-37 for 122.14 acre-feet with a 1937 date
42 of appropriation, and for 40.03 acre-feet with a 1952 date of appropriation. A natural
43 lake with a capacity of 360 acre-feet underlies the stored water. Winter storage has

1 little effect on streamflow, and late season releases enhance streamflow. The
2 operation of this water right, as decreed, has no material adverse effect on the reserved
3 water right in this stream.
4

5 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
6 no other private water developments or water rights in this drainage within the
7 National Forest boundary.
8

9 116) Name: Weminuche Creek (QP 37C)
10

11 Legal Description: The quantification point is located immediately above the
12 confluence with Rio Grande Reservoir in SE Quarter Section 15, T40N R4W
13 N.M.P.M., at a point S 52 degrees W, 7,250 feet from SW corner Section 12, T40N
14 R4W N.M.P.M.
15

16 Source: Weminuche Creek
17

18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)
20

21 Date of Reservation/Appropriation: June 03, 1905
22

23 Beneficial Use: Instream Flow for National Forest Purposes.
24

25 Remarks: No conflict exists between this instream flow water right and other valid
26 and existing water rights in this drainage. The Weminuche Ditch, a Colorado
27 Division of Wildlife facility, and the Pine River-Weminuche Pass Ditch (a.k.a. Fuchs
28 Ditch) are transmountain diversions that import water into this drainage. This
29 imported water is not part of the water right decreed herein. Records of the Forest
30 Service and the Division Engineer, Water Division No. 3, show no other private water
31 developments or water rights in this drainage within the National Forest boundary.
32

33 117) Name: Ute Creek (QP 37D)
34

35 Legal Description: The quantification point is located immediately above the
36 confluence with Rio Grande Reservoir in NE Quarter Section 7, T40N R4W
37 N.M.P.M., at a point N 77 degrees W, 22,250 feet from SW corner Section 12, T40N
38 R4W N.M.P.M.
39

40 Source: Ute Creek
41

42 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
43 and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: June 03, 1905
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between this instream flow water right and other valid
7 and existing water rights in this drainage. Records of the Forest Service and the
8 Division Engineer, Water Division No. 3, show no private water developments or
9 water rights in this drainage within the National Forest boundary.
10

11 118) Name: Starvation Gulch (QP 37E)
12

13 Legal Description: The quantification point is located immediately above the
14 confluence with the Rio Grande in SW Quarter Section 7, T40N R5W N.M.P.M., at
15 a point S 73 degrees W, 7,600 feet from BM 9995 in Section 9, T40N R5W N.M.P.M.
16

17 Source: Starvation Gulch
18

19 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
20 and incorporated herein by reference.)
21

22 Date of Reservation/Appropriation: June 03, 1905
23

24 Beneficial Use: Instream Flow for National Forest Purposes.
25

26 Remarks: No conflict exists between the instream flow water right and other valid
27 and existing water rights in this drainage. Records of the Forest Service and the
28 Division Engineer, Water Division No. 3, show no private water developments or
29 water rights in this drainage within the National Forest boundary.
30

31 119) Name: Bear Creek (QP 37F)
32

33 Legal Description: The quantification point is located immediately above the
34 confluence with the Rio Grande in NE Quarter Section 12, T40N R6W N.M.P.M., at
35 a point S 37 degrees W, 18,300 feet from Pole Creek Mtn. (elevation 13,716 feet) in
36 Section 20, T41N R5W N.M.P.M.
37

38 Source: Bear Creek
39

40 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
41 and incorporated herein by reference.)
42

43 Date of Reservation/Appropriation: June 03, 1905

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between the instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 120) Name: Upper Rio Grande (QP 37G)
9

10 Legal Description: The quantification point is located immediately above the
11 confluence with Pole Creek in SE Quarter Section 36, T41N R6W N.M.P.M., at a
12 point S 46 degrees W, 15,650 feet from Pole Creek Mountain (elevation 13,716 feet)
13 in Section 20, T41N R5W N.M.P.M.
14

15 Source: Upper Rio Grande
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: March 02, 1907
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between the instream flow water right and other valid and
25 existing water rights in this drainage. Records of the Forest Service and the Division
26 Engineer, Water Division No. 3, show no private water developments or water rights
27 in this drainage within the National Forest boundary.
28

29 121) Name: Pole Creek (QP 37H)
30

31 Legal Description: The quantification point is located immediately above the
32 confluence with the Rio Grande in SE Quarter Section 36, T41N R6W N.M.P.M., at
33 a point S 45 degrees W, 15,550 feet from Pole Creek Mtn. (elevation 13,716 feet) in
34 Section 20, T41N R5W N.M.P.M.
35

36 Source: Pole Creek
37

38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: March 02, 1907
42

43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between the instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 122) Name: Lost Trail Creek (QP 37J)
7

8 Legal Description: The quantification point is located immediately above the
9 confluence with the Rio Grande in NE Quarter Section 6, T40N R4W N.M.P.M., at
10 a point S 88 degrees W, 1000 feet from the NW corner Section 5, T40N R4W
11 N.M.P.M.
12

13 Source: Lost Trail Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: June 03, 1905
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between this instream flow water right and other valid
23 and existing water rights in this drainage. The following water rights or structures are
24 located near or upstream of QP 37J as of the date of this decree:
25

26 Lost Trail Creek domestic pipelines are located upstream of QP 37J. These water
27 rights are decreed for 0.033 c.f.s. with a 1938 date of appropriation, and have a de
28 minimis impact on streamflow. The operation of this water right, as decreed, has no
29 material adverse effect on the reserved water right in this stream.
30

31 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
32 no other private water developments or water rights in this drainage within the
33 National Forest boundary.
34

35 123) Name: Upper Rio Grande (QP 37K)
36

37 Legal Description: The quantification point is located immediately above the
38 confluence with Lost Trail Creek in NE Quarter Section 6, T40N R4W N.M.P.M., at
39 a point S 88 degrees W, 1,150 feet from the NW corner Section 5, T40N R4W
40 N.M.P.M.
41

42 Source: Upper Rio Grande
43

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

124) Name: Rio Grande (QP 37N)

Legal Description: The quantification point is located approximately 2.4 miles upstream from the confluence with Texas Creek in NE Quarter Section 36, T41N R3W N.M.P.M., at a point S 60 degrees W, 14,300 feet from the SW corner Section 21, T41N R2W N.M.P.M.

Source: Rio Grande

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 37N as of the date of this decree:

The Rio Grande Reservoir, is an on-channel reservoir located upstream of QP 37N, with decreed water storage rights for 35,728 acre-feet for irrigation and recreation purposes, and 10,105 and 5,280 acre-feet for irrigation purposes, all with 1903 dates of appropriation. The appropriation date for these water rights predates the National Forest reservation. The reservoir is also the point of diversion for at least 18 direct flow water rights with priorities that predate the National Forest reservation. The water storage is allowed by the existing permanent easement and by senior water rights. The United States' reservation of water for National Forest purposes is subject to existing water uses. Therefore, the operation of these senior water rights in accordance with their decrees does not affect the amount of water available to the reserved instream water right.

1 The operation of Rio Grande Reservoir also includes the storage of senior direct flow
2 water rights and storage by exchange pursuant to the decrees in Cases No. W-3979,
3 W-3980, and 95-CW-18. Exchange opportunities exist and exchanges of water have
4 been carried out between this reservoir and Continental and Santa Maria Reservoirs.
5 Appropriative water rights were confirmed for these exchanges in Case No.
6 90-CW-42. An appropriative right to store water produced from the Closed Basin
7 Division of the San Luis Valley Project in the reservoir was confirmed in Case No.
8 90-CW-45. An appropriative right to exchange 22 acre-feet into Rio Grande
9 Reservoir was confirmed in Case No. 97-CW-10. An agreement exists between the
10 Rio Grande Water Users Association, the reservoirs' owners, and the Colorado State
11 Engineer to store "Compact Water" in these three reservoirs to better manage the
12 water and help to minimize over delivery under the Rio Grande Compact.
13

14 The effect of the operations of the reservoir as described above is predominantly to
15 dampen or redistribute peak flows, but typically extend, the duration of seasonal
16 highflows by reservoir releases. Reservoir operations consistent with the reservoir's
17 storage rights, the Compact Storage Agreement, the decreed exchanges and the
18 existing decrees allowing storage of downstream water rights in the reservoir, or
19 future decrees allowing storage of such senior downstream water rights have no
20 material adverse impact on the reserved instream flow water rights for National Forest
21 purposes provided that (1) no more than 51,113 acre-feet are diverted and stored in
22 any one water year, November 1 through October 31, and (2) the exercise of future
23 decrees for direct flow storage do not cause the flow at the Del Norte gage to fall
24 below 2,150 c.f.s. and direct flow storage at rates greater than the 1,972 c.f.s. does not
25 cause the flow in the Rio Grande to the Thirty Mile gage to fall below 225 c.f.s. For
26 purposes of this decree only, the total quantity stored in any one water year will not
27 include any water carried over in storage from the preceding water year. And, since
28 the limitations in this paragraph fully protect the reserved water rights in this stream
29 from any injury, Paragraph 20, above, shall not apply to future decreed storage of
30 additional direct flow water rights, provided that such storage of such direct flow
31 water rights is carried out in compliance with the restrictions in subpart (2) of this
32 paragraph.
33

34 The Farmers Union domestic pipeline is a small capacity domestic pipeline for the
35 caretaker's house at Rio Grande Reservoir which is located above QP 37N. This
36 domestic use is a de minimis water right that has no material adverse effect on the
37 reserved instream flow water rights.
38

39 Lost Lake Reservoirs are located on private land approximately eight or nine miles
40 upstream from QP 37N. This water right was decreed for 1,186.8 acre-feet of storage
41 for irrigation and recreation purposes with a 1907 priority and is subject to certain
42 administrative conditions as decreed in Case No. 90-CW-41. Water released from the
43 Reservoirs is delivered to the Rio Grande and is used for irrigation and exchange

1 purposes, including exchanges under the decree in Case No. W-3697. The Reservoirs
2 fill from Lost Lakes Creek and subsequently enhance low to moderate flows in the
3 Rio Grande. This water right is senior to the rights decreed to the United States in this
4 case. Operation of this water right, as decreed, has no material adverse effect on the
5 reserved water right in this stream.
6

7 The San Juan Ditch is located on National Forest System land and diverts water out
8 of the Rio Grande just downstream from QP 37N. The ditch is decreed for 10 c.f.s.
9 with an 1898 appropriation date. This water right predates the National Forest
10 reservation. Accordingly, the amount of water available to the reserved water right
11 in this stream is subject to this pre-existing water right. The operation of this water
12 right as decreed does not affect the amount of water available to the reserved instream
13 flow water right. If subsequent data reveals that diversion for the San Juan Ditch is
14 not located downstream of QP 37N, then for purposes of Paragraph 22.a., above, the
15 San Juan Ditch will be treated as located downstream of QP 37N.
16

17 Several other water rights exist downstream from QP 37N diverting from sources
18 tributary to the Rio Grande. They are identified here to document that, to the extent
19 they postdate the National Forest reservation, the operation of these water rights, as
20 decreed, has no material adverse effect on the reserved instream flow water rights.
21 The water rights include Milne pipeline, Hathorn spring development, Moonshine
22 Mesa Ranch spring development, Briggs spring development, and an unnamed spring
23 development near the town of South Fork that are all small diversions for domestic
24 use that have de minimis impact on streamflow. Little McCall Ditch no longer diverts
25 water. Water for that ditch is now delivered to the Rio Grande for augmentation.
26 Antlers Park Ditch, located on a small intermittent stream, may be on the National
27 Forest. That ditch, however, causes no material adverse effect on the reserved
28 instream flow water rights. The Goose Creek exchange is an exchange for water
29 diverted and used on private land, no water is diverted from the Rio Grande.
30

31 Other water rights upstream of QP 37N are also upstream of QP 37B and QP 37J.
32 These water rights are discussed under QP 37B and QP 37J and have no material
33 adverse effect on the reserved instream flow water rights.
34

35 The quantity of instream flows, calculated in accordance with the methodology set
36 forth in subparagraphs 35.b. and c., at points on the intermediate segments between
37 QP37N and the closer of either the next upstream quantification point on the same
38 stream or the headwaters of the stream shall not be greater than the quantity necessary
39 to satisfy the instream flow decreed to QP37N, as set forth in Appendix A.
40

41 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
42 the only other private water developments or water rights in this drainage upstream
43 from QP 37N within the National Forest are de minimis water rights.

1 125) Name: Road Canyon Creek (QP 39A1)
2

3 Legal Description: The quantification point is located at confluence with Road
4 Canyon Reservoir #1 in NW Quarter Section 3, T40N R3W N.M.P.M., at a point S
5 32 degrees W, 7920 feet from the SW corner Section 26, T41N R3W N.M.P.M.
6

7 Source: Road Canyon Creek
8

9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)
11

12 Date of Reservation/Appropriation: June 03, 1905
13

14 Beneficial Use: Instream Flow for National Forest Purposes.
15

16 Remarks: No conflict exists between this instream flow water right and other valid
17 and existing water rights in this drainage. The following water rights or structures are
18 located near or upstream of QP 39A1 as of the date of this decree:
19

20 Road Canyon Reservoir #2 is located above QP 39A1. Road Canyon Reservoir #2
21 was decreed in Case No. 3982 for 117.27 acre-feet with a 1922 date of appropriation,
22 and is used for fisheries and recreation purposes. This is a Colorado Division of
23 Wildlife reservoir. Historical use is essentially non-consumptive, the only impact
24 being evaporative loss. The operation of this water right, as decreed, has no material
25 adverse effect on the reserved water right in this stream.
26

27 Road Canyon Reservoir #1 is located on National Forest land below QP 39A1. Road
28 Canyon Reservoir #1 is decreed for 1,183 acre-feet with a 1908 date of appropriation.
29 Transmountain and native water are transferred in and out of this Colorado Division
30 of Wildlife reservoir for fish, wildlife, and irrigation purposes. The operation of this
31 water right, as decreed, has no material adverse effect on the reserved water right in
32 this stream.
33

34 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
35 no other private water developments or water rights in this drainage within the
36 National Forest boundary.
37

38 126) Name: House Canyon Creek (QP 39A2)
39

40 Legal Description: The quantification point is located immediately above the
41 confluence with Crooked Creek in NE Quarter Section 27, T41N R3W N.M.P.M., at
42 a point N 32 degrees W, 5,010 feet from the SW corner Section 26, T41N R3W
43 N.M.P.M.

[illegible]

1 located near or upstream of QP 39A3 as of the date of this decree:
2

3 Three S Lazy U Reservoirs are located below QP 39A3 on private and National Forest
4 lands. The reservoirs are decreed for 43.56 acre-feet with a 1922 date of appropriation
5 for fisheries and domestic use; 129.6 acre-feet with a 1931 date of appropriation for
6 irrigation, fisheries, and recreation use; and 41.63 acre-feet with a 1934 date of
7 appropriation for augmentation and stock use. The primary use of these reservoirs is
8 for fisheries and recreation. The operation of these water rights, as decreed, has no
9 material adverse effect on the reserved water right in this stream.
10

11 Wilderness Ranch Lake is also located below QP 39A3. The water right for this lake
12 is decreed for 32.5 acre-feet with a 1920 date of appropriation for recreation,
13 domestic, and stock use. The use is essentially non-consumptive, except for
14 evaporation loss. The operation of this water right, as decreed, has no material
15 adverse effect on the reserved water right in this stream.
16

17 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
18 no other private water developments or water rights in this drainage within the
19 National Forest boundary.
20

21 128) Name: Spring Creek (QP 39A5)
22

23 Legal Description: The quantification point is located immediately above Spring
24 Creek Reservoir in NE Quarter Section 24, T41N R3W N.M.P.M., at a point N 41
25 degrees E, 12,670 feet from the SW corner Section 26, T41N R3W N.M.P.M.
26

27 Source: Spring Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 03, 1905
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. The following water rights or structures are
38 located near or upstream of QP 39A5 as of the date of this decree:
39

40 Spring Creek Reservoir, owned by the U.S.D.A. Forest Service, is located on Forest
41 land below QP 39A5. Historical use of this water right has been for fisheries and
42 recreation purposes. The operation of this water right, as decreed, has no material
43 adverse effect on the reserved water right in this stream.

1 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
2 no other private water developments or water rights in this drainage within the
3 National Forest boundary.
4

5 129) Name: South Clear Creek (QP 39B)
6

7 Legal Description: The quantification point is located approximately 0.1 mile
8 upstream from South Clear Creek Falls in SE Quarter Section 11, T41N R3W
9 N.M.P.M., at a point N 17 degrees E, 19,270 feet from the SW corner Section 26,
10 T41N R3W N.M.P.M.
11

12 Source: South Clear Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 03, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. The following water rights or structures are
23 located near or upstream of QP 39B as of the date of this decree:
24

25 The Burdette Ditch is decreed for 1 c.f.s. with an 1895 priority for irrigation use with
26 a decreed point of diversion on the National Forest. The structure is no longer on the
27 National Forest. This water right predates the National Forest reservation.
28 Accordingly, the amount of water available to the reserved water right in this stream
29 is subject to this pre-existing water right. The operation of this water right, as
30 decreed and operated, has no material adverse effect on the reserved water right in this
31 stream.
32

33 Hermit Ditch is located on private land, with return flows accruing above QP 39B.
34 The ditch is decreed for 8.25 c.f.s. with a 1912 date of appropriation for fisheries, and
35 3.0 c.f.s. with a 1912 date of appropriation for irrigation. The operation of this water
36 right, as decreed, has no material adverse effect on the reserved water right in this
37 stream.
38

39 Hermit Ditch 2 is decreed for 2 c.f.s. with a 1906 appropriation. It is diverted and
40 used on private land for irrigation and fisheries purposes, with return flows accruing
41 to the stream above National Forest System lands. The operation of this water right,
42 as decreed, has no material adverse effect on the reserved water right in this stream.
43

1 Hermit Reservoir 1 and 2 are decreed for 422.8 acre-feet with an 1889 date of
2 appropriation. Hermit Reservoir 2 is decreed for 360.9 acre-feet with a 1903 date of
3 appropriation for irrigation, and 360.9 acre-feet with a 1903 date of appropriation for
4 fishery. These water rights predate the National Forest reservation. Accordingly, the
5 amount of water available to the reserved water right in this stream is subject to these
6 pre-existing water rights. The operation of these water rights, as decreed, has no
7 material adverse effect on the reserved water right in this stream.
8

9 Hermit Ditch 1 diverts water to Hermit Lakes. It is located below QP 39B. The ditch
10 is decreed for 3.0 c.f.s. with an 1889 date of appropriation. This water right predates
11 the National Forest reservation. Accordingly, the amount of water available to the
12 reserved water right in this stream is subject to this pre-existing water right. The
13 operation of this water right, as decreed, has no material adverse effect on the reserved
14 water right in this stream.
15

16 Porcupine Gulch spring development is a minor diversion for domestic use decreed
17 in Case No. 86-CW-11 for 0.367 c.f.s. The water right is located above Brown Lakes,
18 and above QP 39B. Any impacts from this right are lost in Brown Lakes. The
19 operation of this water right, as decreed, has no material adverse effect on the reserved
20 water right in this stream.
21

22 Brown Lakes (a.k.a. Troutvale Reservoirs 1 and 2) are located above QP 39B.
23 Troutvale Reservoir 1 is decreed for 510 acre-feet with a 1911 date of appropriation
24 for irrigation and fishery purposes. Reservoir 1 is fed by the Reservoir 1 Supply
25 Ditch, which is decreed for 2.5 c.f.s. with a 1911 date of appropriation for fishery and
26 irrigation. Troutvale Reservoir 2 is decreed for 435.37 acre-feet with a 1940 date of
27 appropriation for recreation and fishery purposes. Reservoir 2 is fed by the Reservoir
28 2 Supply Ditch, which is decreed for 1.5 c.f.s. with a 1940 date of appropriation for
29 recreation, fishery, and other uses. Troutvale Ditch is decreed for 4.0 c.f.s. with a
30 1912 date of appropriation for irrigation. The Troutvale system is used primarily for
31 fishery and recreation use. Irrigation use is on private land above QP 39B, and return
32 flows accrue to the stream above QP 39B. The reservoirs have not historically dried
33 up the stream when filling. The operation of this water right, as decreed, has no
34 material adverse effect on the reserved water right in this stream.
35

36 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
37 no other private water developments or water rights in this drainage within the
38 National Forest boundary.
39

40 130) Name: Upper South Clear Creek (QP 39B1)
41

42 Legal Description: The quantification point is located approximately 0.9 mile above
43 the confluence with Hermit Lakes in NE Quarter Section 35, T41N R4W N.M.P.M.,

1 at a point due east, 450 feet from the 1/4 corner Section 26/35, T41N R4W N.M.P.M.
2

3 Source: Upper South Clear Creek
4

5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: June 03, 1905
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between the instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.
16

17 131) Name: Grouse Creek (QP 39B2)
18

19 Legal Description: The quantification point is located approximately 0.75 mile above
20 the confluence with South Clear Creek in SW Quarter Section 24, T41N R4W
21 N.M.P.M., at a point N 41 degrees W, 1800 feet from the 1/4 corner Section 24/25,
22 T41N R4W N.M.P.M.
23

24 Source: Grouse Creek
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: June 03, 1905
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between the instream flow water right and other valid and
34 existing water rights in this drainage. Records of the Forest Service and the Division
35 Engineer, Water Division No. 3, show no private water developments or water rights
36 in this drainage within the National Forest boundary.
37

38 132) Name: Mason Creek (QP 39B3)
39

40 Legal Description: The quantification point is located approximately 0.6 mile above
41 the confluence with South Clear Creek in NW Quarter Section 17, T41N R3W
42 N.M.P.M., at a point S 5 degrees E, 13,200 feet from the SW corner Section 32, T42N
43 R3W N.M.P.M.

1 Source: Mason Creek

2
3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
4 and incorporated herein by reference.)

5
6 Date of Reservation/Appropriation: June 03, 1905

7
8 Beneficial Use: Instream Flow for National Forest Purposes.

9
10 Remarks: No conflict exists between the instream flow water right and other valid
11 and existing water rights in this drainage. Records of the Forest Service and the
12 Division Engineer, Water Division No. 3, show no private water developments or
13 water rights in this drainage within the National Forest boundary.

14
15 133) Name: Porcupine Gulch (QP 39B4)

16
17 Legal Description: The quantification point is located approximately 1.5 miles above
18 the confluence of South Clear Creek in the SE Quarter Section 4, T41N R3W
19 N.M.P.M., at a point S 80 degrees E, 11,880 feet from the SW corner Section 32,
20 T42N R3W N.M.P.M.

21
22 Source: Porcupine Gulch

23
24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)

26
27 Date of Reservation/Appropriation: June 03, 1905

28
29 Beneficial Use: Instream Flow for National Forest Purposes.

30
31 Remarks: No conflict exists between the instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.

35
36 134) Name: Upper North Clear Creek (QP 39C1)

37
38 Legal Description: The quantification point is located approximately 0.3 mile
39 upstream from Pearl Lakes in SE Quarter Section 10, T41N R4W N.M.P.M., at a
40 point N 74 degrees W, 6,000 feet from the SW corner Section 12, T41N R4W
41 N.M.P.M.

42
43 Source: Upper North Clear Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 39C1 as of the date of this decree:

Grace Reservoir is a small headwater reservoir located on North Clear Creek above QP 39C1. No valid and existing water right is associated with this structure, and it has historically operated as a natural lake. The operation of this reservoir in a manner consistent with historic practices has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

135) Name: Kitty Creek (QP 39C2)

Legal Description: The quantification point is located approximately 0.5 mile upstream from Continental Reservoir in NW Quarter Section 36, T42N R4W N.M.P.M., at a point N 7 degrees W, 3,740 feet from the 1/4 corner Section 1/36, T42N R4W N.M.P.M.

Source: Kitty Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 03, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

136) Name: Big Buck Creek (QP 39C3)

1 Legal Description: The quantification point is located immediately below the
2 confluence with Ruby Creek in NE Quarter Section 25, T42N R4W N.M.P.M., at a
3 point N 39 degrees W, 9,770 feet from the SW corner Section 32, T42N R3W
4 N.M.P.M.
5

6 Source: Big Buck Creek
7

8 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
9 and incorporated herein by reference.)
10

11 Date of Reservation/Appropriation: June 03, 1905
12

13 Beneficial Use: Instream Flow for National Forest Purposes.
14

15 Remarks: No conflict exists between the instream flow water right and other valid
16 and existing water rights in this drainage. Records of the Forest Service and the
17 Division Engineer, Water Division No. 3, show no private water developments or
18 water rights in this drainage within the National Forest boundary.
19

20 137) Name: Deadman Creek (QP 39C4)
21

22 Legal Description: The quantification point is located approximately 0.3 mile above
23 Continental Reservoir in SE Quarter Section 20, T42N R3W N.M.P.M., at a point N
24 14 degrees E, 14,250 feet from the SW corner Section 32, T42N R3W N.M.P.M..
25

26 Source: Deadman Creek
27

28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)
30

31 Date of Reservation/Appropriation: June 03, 1905
32

33 Beneficial Use: Instream Flow for National Forest Purposes.
34

35 Remarks: No conflict exists between the instream flow water right and other valid
36 and existing water rights in this drainage. Records of the Forest Service and the
37 Division Engineer, Water Division No. 3, show no private water developments or
38 water rights in this drainage within the National Forest boundary.
39

40 138) Name: Lower North Clear Creek (QP 39D)
41

42 Legal Description: The quantification point is located immediately above the
43 confluence with Big Spring Creek in SW Quarter Section 36, T42N R3W N.M.P.M.,

1 at a point S 8 degrees E, 5,540 feet from the SW corner Section 25, T42N R3W
2 N.M.P.M.

3
4 Source: Lower North Clear Creek

5
6 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
7 and incorporated herein by reference.)
8

9 Date of Reservation/Appropriation: June 03, 1905
10

11 Beneficial Use: Instream Flow for National Forest Purposes.
12

13 Remarks: No conflict exists between this instream flow water right and other valid
14 and existing water rights in this drainage. The following water rights or structures are
15 located near or upstream of QP 39D as of the date of this decree:
16

17 Pearl Lakes are eight decreed lakes located on private land upstream from QP 39D.
18 These eight lakes cumulatively store 495.8 acre-feet with 1922 priorities for fishery
19 purposes. The lakes are used to raise fish and for recreation. The only consumption
20 is minor evaporation loss which has no material adverse impact on reserved instream
21 flows on the National Forest. The operation of the water rights as decreed has no
22 material adverse effect on the reserved instream flow water rights.
23

24 The Pearl Lakes Trout Club spring development has no decreed water right. This
25 water right is a small domestic use with de minimis impact on streamflow. As such,
26 the exercise of this water right has no material adverse effect on the reserved instream
27 flow water rights.
28

29 Rito Hondo Reservoir, located upstream from QP 39D, is decreed for 561.46 acre-feet
30 with a 1954 priority for recreation and fishery purposes. The reservoir is owned by
31 the Colorado Division of Wildlife, is operated on a flow-through basis, and is non-
32 consumptive except for minor evaporative losses. The operation of this water right,
33 as decreed, has no material adverse effect on the reserved instream flow water rights.
34

35 Continental Reservoir, an on stream reservoir, is located upstream from QP 39D, and
36 has decreed water rights in the amount of 8,832 acre-feet with a 1901 priority, and
37 17,884 acre-feet with 1907 priorities. The reservoir is also the point of diversion for
38 at least 18 direct flow water rights with priorities that predate the National Forest
39 reservation. All of the water rights are decreed for irrigation use. The operation of
40 Continental Reservoir includes the storage of senior direct flow water rights pursuant
41 to the decrees in Case Nos. W-3979, W-3980, and 95-CW-18. Exchange
42 opportunities exist, and exchanges have been carried out between this reservoir and
43 Rio Grande and Santa Maria Reservoirs. Appropriative water rights for these

1 exchanges were confirmed in Case No. 90-CW-42. An appropriative right to store
2 water produced from the Closed Basin Division of the San Luis Valley Project in
3 Continental Reservoir was confirmed in Case No. 90-CW-45. An agreement also
4 exists between the Rio Grande Water Users Association, the reservoirs' owners, and
5 the Colorado State Engineer to store "Compact Water" in the three reservoirs to better
6 manage the water and help to minimize over delivery under the Rio Grande Compact.
7

8 The effect of the operations of the reservoir as described above is predominantly to
9 dampen or redistribute peak flows, but typically extend, the duration of seasonal
10 highflows by reservoir releases. Reservoir operations consistent with the reservoir's
11 storage rights, the Compact Storage Agreement, the decreed exchanges, and existing
12 decrees allowing storage of downstream water rights in the reservoir, or future decrees
13 allowing storage of such senior downstream water rights have no material adverse
14 impact on the reserved instream flows for National Forest purposes provided that (1)
15 no more than 26,716 acre-feet is diverted and stored in any one water year, November
16 1 through October 31, and (2) the exercise of future decrees for direct flow storage
17 does not cause the flow at the Del Norte gage to fall below 2,150 c.f.s. or the flow
18 through the dam to fall below 9.0 c.f.s. from May 1 through September 30 or 1.0 c.f.s.
19 between October 1 and April 30. For purposes of this decree only, the total quantity
20 stored in any one water year will not include any water carried over in storage from
21 the preceding water year. And, since the limitations in this paragraph fully protects
22 the reserved water rights in the stream from any injury, Paragraph 20, above, shall not
23 apply to future decreed storage of additional direct flow water rights, provided that
24 such storage of such direct flow water rights is carried out in compliance with the
25 restrictions in subpart (2) of this paragraph.
26

27 Pointer Lake, located upstream from QP 39D, was decreed in Case No. 95-CW-31 for
28 34.9 acre-feet for fishery use. The operation of this water right, as decreed, has no
29 material adverse effect on the reserved instream flow water rights.
30

31 The quantity of instream flows, calculated in accordance with the methodology set
32 forth in subparagraphs 35.b. and c., at points on the intermediate segments between
33 QP39D and the closer of either the next upstream quantification point on the same
34 stream or the headwaters of the stream shall not be greater than the quantity necessary
35 to satisfy the instream flow decreed to QP39D, as set forth in Appendix A.
36

37 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
38 the only other private water developments or water rights in this drainage upstream
39 from QP 39D within the National Forest are de minimis water rights.
40

41 139) Name: Rito Hondo Creek above reservoir (QP 39D2)
42

43 Legal Description: The quantification point is located approximately 0.1 mile above

1 Rito Hondo Reservoir in SE Quarter Section 15, T42N R3W N.M.P.M., at a point N
2 31 degrees W, 13,990 feet from the SW corner Section 25, T42N R3W N.M.P.M.
3

4 Source: Rito Hondo Creek above reservoir
5

6 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
7 and incorporated herein by reference.)
8

9 Date of Reservation/Appropriation: June 03, 1905
10

11 Beneficial Use: Instream Flow for National Forest Purposes.
12

13 Remarks: No conflict exists between the instream flow water right and other valid
14 and existing water rights in this drainage. Records of the Forest Service and the
15 Division Engineer, Water Division No. 3, show no private water developments or
16 water rights in this drainage within the National Forest boundary.
17

18 140) Name: Big Spring Creek (QP 39E)
19

20 Legal Description: The quantification point is located immediately above the
21 confluence with North Clear Creek in SW Quarter Section 36, T42N R3W N.M.P.M.,
22 at a point S 13 degrees E, 5,280 feet from the SW corner Section 25, T42N R3W
23 N.M.P.M.
24

25 Source: Big Spring Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: March 02, 1907
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between the instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 141) Name: Upper Big Spring Creek (QP 39E1)
40

41 Legal Description: The quantification point is located immediately above the
42 confluence with Willow Creek in SW Quarter Section 25, T42N R3W N.M.P.M., at
43 a point N 72 degrees E, 2,640 feet from the SW corner Section 25, T42N R3W

1 N.M.P.M.
2

3 Source: Upper Big Spring Creek
4

5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: March 02, 1907
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between the instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.
16

17 142) Name: Willow Creek (QP 39E2)
18

19 Legal Description: The quantification point is located immediately above the
20 confluence with Big Spring Creek in SE Quarter Section 25, T42N R3W N.M.P.M.,
21 at a point S 81 degrees E, 3,160 feet from the SW corner Section 25, T42N R3W
22 N.M.P.M.
23

24 Source: Willow Creek
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: March 02, 1907
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between the instream flow water right and other valid
34 and existing water rights in this drainage. Records of the Forest Service and the
35 Division Engineer, Water Division No. 3, show no private water developments or
36 water rights in this drainage within the National Forest boundary.
37

38 143) Name: Clear Creek (QP 39F)
39

40 Legal Description: The quantification point is located approximately 1.3 miles
41 upstream from the confluence with the Rio Grande in SE Quarter Section 29, T41N
42 R2W N.M.P.M., at a point S 20 degrees W, 5,280 feet from the SW corner Section 21,
43 T41N R2W N.M.P.M.

1 Source: Clear Creek

2
3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
4 and incorporated herein by reference.)

5
6 Date of Reservation/Appropriation: March 02, 1907

7
8 Beneficial Use: Instream Flow for National Forest Purposes.

9
10 Remarks: No conflict exists between this instream flow water right and other valid
11 and existing water rights in this drainage. The following water rights or structures are
12 located near or upstream of QP 39F as of the date of this decree:

13
14 The North Clear Creek points of diversion for Santa Maria Reservoir are located
15 upstream from QP 39F. Santa Maria Reservoir has decreed water storage rights of
16 15,871 acre-feet with an 1896 priority and 27,954.8 acre-feet with a 1902 priority,
17 both predating the National Forest reservation. In addition, Santa Maria Reservoir is
18 decreed as an alternate point of diversion for at least 18 direct flow water rights with
19 priorities that predate the National Forest reservation. The reservation of water for
20 National Forest purposes is subject to water uses existing prior to the reservation.
21 Therefore, the operation of these senior water rights in a manner consistent with their
22 decrees does not affect the amount of water available to the reserved instream flow
23 water right.

24
25 The operation of Santa Maria Reservoir includes the storage of senior direct flow
26 water rights pursuant to the decrees in Cases No. W-3979, W-3980, and 95-CW-18.
27 Exchange opportunities exist, and exchanges have been carried out, between this
28 reservoir and Rio Grande and Continental Reservoirs. Appropriative water rights for
29 these exchanges were confirmed in Case No. 90-CW-42. An appropriative right to
30 store water produced from the Closed Basin Division of the San Luis Valley Project
31 in the reservoir was confirmed in Case No. 90-CW-45. An agreement exists between
32 the Rio Grande Water Users Association, the reservoirs' owners, and the Colorado
33 State Engineer to store "Compact Water" in the three reservoirs to better manage the
34 water and help to minimize over delivery under the Rio Grande Compact.

35
36 The effect of the operations of the reservoir as described above is predominantly to
37 dampen or redistribute peak flows, but typically extend, the duration of seasonal
38 highflows by reservoir releases. Reservoir operation consistent with its water storage
39 rights, the Compact Storage Agreement, the decreed exchanges, and existing decrees
40 allowing storage of downstream water rights in the reservoir, or future decrees
41 allowing storage of such senior downstream water rights have no material adverse
42 impact on the reserved instream flows for National Forest purposes provided that (1)
43 no more than 43,825.8 acre-feet is diverted and stored in any one water year,

1 November 1 through October 31, and (2) the exercise of future decrees for direct flow
2 storage does not cause the flow at the Del Norte gage to fall below 2,150 c.f.s. For
3 purposes of this decree only, the total quantity stored in any one water year will not
4 include any water carried over in storage from the preceding water year. And, since
5 the limitations in this paragraph on total annual storage in the reservoir fully protects
6 the reserved water rights in this stream, Paragraph 20, above, shall not apply to future
7 decreed storage of additional direct flow water rights, by future decreed exchanges,
8 provided that such storage of such direct flow water rights is carried out in compliance
9 with the restrictions in subpart (2) of this paragraph.
10

11 Other water rights above QP 39F are also upstream of QP 39F3, QP 39B, and QP
12 39D. Those water rights, discussed under QP 39B, and QP 39D, have no material
13 adverse effect on the reserved instream flow water rights. Any other private water
14 development or water rights upstream from QP 39F within the National Forest are de
15 minimis water rights.
16

17 The quantity of instream flows, calculated in accordance with the methodology set
18 forth in subparagraphs 35.b. and c., at points on the intermediate segments between
19 QP39F and the closer of either the next upstream quantification point on the same
20 stream or the headwaters of the stream shall not be greater than the quantity necessary
21 to satisfy the instream flow decreed to QP39F, as set forth in Appendix A.
22

23 144) Name: Bennett Creek (QP 39F1)
24

25 Legal Description: The quantification point is located approximately 0.7 miles
26 upstream from the confluence with North Clear Creek in SW Quarter Section 6, T41N
27 R2W N.M.P.M., at a point N 27 degrees W, 19,000 feet from the SW corner Section
28 21, T41N R2W N.M.P.M.
29

30 Source: Bennett Creek
31

32 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
33 and incorporated herein by reference.)
34

35 Date of Reservation/Appropriation: March 02, 1907
36

37 Beneficial Use: Instream Flow for National Forest Purposes.
38

39 Remarks: No conflict exists between this instream flow water right and other valid
40 and existing water rights in this drainage. Records of the Forest Service and the
41 Division Engineer, Water Division No. 3, show no valid or decreed water rights in this
42 drainage within the National Forest boundary.
43

1 145) Name: Upper Boulder Creek (QP 39F2)
2

3 Legal Description: The quantification point is located approximately 1.7 miles
4 upstream from the confluence with Clear Creek in SE Quarter Section 8, T41N R2W
5 N.M.P.M., at a point N 10 degrees W, 12,900 feet from the SW corner Section 21,
6 T41N R2W N.M.P.M.
7

8 Source: Upper Boulder Creek
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: March 02, 1907
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.
21

22 146) Name: Boulder Creek (QP 39F3)
23

24 Legal Description: The quantification point is located immediately upstream from the
25 confluence with Clear Creek in SW Quarter Section 17, T41N R2W N.M.P.M., at a
26 point N 38 degrees W, 8,180 feet from the SW corner Section 21, T41N R2W
27 N.M.P.M.
28

29 Source: Boulder Creek
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: March 02, 1907
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between this instream flow water right and other valid
39 and existing water rights in this drainage. The following water rights or structures are
40 located near or upstream of QP 39F3 as of the date of this decree:
41

42 The Lakenan Ditch is located on Forest land above QP 39F3. This ditch is decreed
43 for 0.6 c.f.s. and 0.33 c.f.s. with 1882 dates of appropriation for irrigation. The

1 operation of these water rights as decreed has no material adverse effect on the
2 reserved water right in this stream.
3

4 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
5 no other private water developments or water rights in this drainage within the
6 National Forest boundary.
7

8 147) Name: UT #1 to Rio Grande (QP 41A1)
9

10 Legal Description: The quantification point is located approximately 0.3 miles from
11 Highway 149 crossing in NE Quarter Section 27, T41N R1E N.M.P.M., at a point N
12 20 degrees W, 5,700 feet from the SW corner Section 26, T41N R1E N.M.P.M.
13

14 Source: Unnamed Tributary to Rio Grande
15

16 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
17 and incorporated herein by reference.)
18

19 Date of Reservation/Appropriation: June 03, 1905
20

21 Beneficial Use: Instream Flow for National Forest Purposes.
22

23 Remarks: No conflict exists between this instream flow water right and other valid
24 and existing water rights in this drainage. Records of the Forest Service and the
25 Division Engineer, Water Division No. 3, show no private water developments or
26 water rights in this drainage within the National Forest boundary.
27

28 148) Name: UT #2 to Rio Grande (QP 41A2)
29

30 Legal Description: The quantification point is located approximately 0.6 miles from
31 Highway 149 crossing in SE Quarter Section 27, T41N R1E N.M.P.M., at a point N
32 11 degrees W, 2,640 feet from the SW corner Section 26, T41N R1E N.M.P.M.
33

34 Source: Unnamed tributary to Rio Grande
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 03, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 149) Name: UT #1 to Deep Creek (QP 41C1)
6

7 Legal Description: The quantification point is approximately 0.7 miles upstream from
8 Deep Creek confluence with the Rio Grande in NE Quarter Section 18, T41N R1E
9 N.M.P.M., at a point N 33 degrees E, 5,860 feet from the SW corner Section 18, T41N
10 R1E N.M.P.M.
11

12 Source: Unnamed tributary to Deep Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: March 02, 1907
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. Records of the Forest Service and the
23 Division Engineer, Water Division No. 3, show no private water developments or
24 water rights in this drainage within the National Forest boundary.
25

26 150) Name: Deep Creek (QP 41C2)
27

28 Legal Description: The quantification point is located approximately 0.7 miles
29 upstream from confluence with the Rio Grande in NW Quarter Section 18, T41N R1E
30 N.M.P.M., at a point N 23 degrees E, 5,380 feet from the SW corner Section 18, T41N
31 R1E N.M.P.M.
32

33 Source: Deep Creek
34

35 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
36 and incorporated herein by reference.)
37

38 Date of Reservation/Appropriation: March 02, 1907
39

40 Beneficial Use: Instream Flow for National Forest Purposes.
41

42 Remarks: No conflict exists between this instream flow water right and other valid
43 and existing water rights in this drainage. The following water rights or structures are

1 located near or upstream of QP 41C2 as of the date of this decree:
2

3 Quinlaven Ditch is decreed for 5.0 c.f.s. with an 1895 date of appropriation for
4 irrigation. This water right predates the National Forest reservation. Accordingly, the
5 amount of water available to the reserved water right in this stream is subject to this
6 pre-existing water right. The operation of this water right, as decreed, has no material
7 adverse effect on the reserved water right in this stream.
8

9 Deep Creek Enlargement Ditch is located close to the Forest boundary, and below QP
10 41C2. The ditch is decreed for 1.0 c.f.s. with a 1903 date of appropriation for
11 irrigation purposes. This water right predates the National Forest reservation.
12 Accordingly, the amount of water available to the reserved water right in this stream
13 is subject to this pre-existing water right. The operation of this water right, as
14 decreed, has no material adverse effect on the reserved water right in this stream.
15

16 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
17 no other private water developments or water rights in this drainage within the
18 National Forest boundary.
19

20 151) Name: Shallow Creek (QP 41D)
21

22 Legal Description: The quantification point is located approximately 1.8 miles
23 upstream from confluence with the Rio Grande in SW Quarter Section 4, T41N R1W
24 N.M.P.M., at a point N 76 degrees W, 8,970 feet from the SW corner Section 2, T41N
25 R1W N.M.P.M.
26

27 Source: Shallow Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: March 02, 1907
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. The following water rights or structures are
38 located near or upstream of QP 41D as of the date of this decree:
39

40 The John Grant Ditch No. 2 is located below QP 41D, near the National Forest
41 boundary. The Grant Ditch No. 2 is decreed for 1.6 c.f.s. with an 1899 date of
42 appropriation for irrigation. This water right predates the National Forest reservation.
43 Accordingly, the amount of water available to the reserved water right in this stream

1 is subject to this pre-existing water right. The operation of this water right, as
2 decreed, has no material adverse effect on the reserved water right in this stream.
3

4 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
5 no other private water developments or water rights in this drainage within the
6 National Forest boundary.
7

8 152) Name: Miners-Rat Creek (QP 41E)
9

10 Legal Description: The quantification point is located approximately 1.6 miles
11 upstream from confluence with the Rio Grande in SW Quarter Section 35, T42N R1W
12 N.M.P.M., at a point N 2 degrees E, 5,650 feet from the SW corner Section 2, T41N
13 R1W N.M.P.M.
14

15 Source: Miners-Rat Creek (QP 41E)
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: March 02, 1907
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between this instream flow water right and other valid
25 and existing water rights in this drainage. The following water rights or structures are
26 located near or upstream of QP 41E as of the date of this decree:
27

28 MacKenzie Ditch is located close to the National Forest boundary. The ditch is
29 decreed two water rights for 2.0 c.f.s. each, both with 1883 dates of appropriation.
30 These water rights predate the National Forest reservation. Accordingly, the amount
31 of water available to the reserved water right in this stream is subject to these pre-
32 existing water rights. The operation of these water rights, as decreed, has no material
33 adverse effect on the reserved water right in this stream.
34

35 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
36 no other private water developments or water rights in this drainage within the
37 National Forest boundary.
38

39 153) Name: West Willow Creek (QP 41F1)
40

41 Legal Description: The quantification point is located approximately 0.4 mile
42 upstream from confluence with East Willow Creek in SE Quarter Section 24, T42N
43 R1W N.M.P.M., at a point N 28 degrees E, 19,000 feet from the SW corner Section

1 2, T41N R1W N.M.P.M.

2
3 Source: West Willow Creek

4
5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: March 02, 1907
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. The following water rights or structures are
14 located near or upstream of QP 41F1 as of the date of this decree:
15

16 The Kanawha Ditch, is located and used on private land above QP 41F1. This ditch
17 is decreed as nontributary for 7.0 c.f.s. with an 1894 date of appropriation for
18 irrigation. The ditch drains a mine adit, and enhances flow at QP 41F1. Of the 7.0
19 c.f.s. originally decreed to this water right, 0.5 c.f.s. has been changed and
20 incorporated into the City of Creede's plan for augmentation. This water right
21 predates the National Forest reservation. Accordingly, the amount of water available
22 to the reserved water right in this stream is subject to this pre-existing water right.
23 The operation of this water right, as decreed, has no material adverse effect on the
24 reserved water right in this stream.
25

26 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
27 no other private water developments or water rights in this drainage within the
28 National Forest boundary.
29

30 154) Name: East Willow Creek (QP 41F2)
31

32 Legal Description: The quantification point is located approximately 0.6 mile
33 upstream from confluence with West Willow Creek in SW Quarter Section 19, T42N
34 R1E N.M.P.M., at a point N 35 degrees E, 20,300 feet from the SW corner Section
35 2, T41N R1W N.M.P.M.
36

37 Source: East Willow Creek
38

39 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
40 and incorporated herein by reference.)
41

42 Date of Reservation/Appropriation: March 02, 1907
43

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. The following water rights or structures are
5 located near or upstream of QP 41F2 as of the date of this decree:
6

7 The City of Creede pipeline is located on private land below this QP, but above
8 certain National Forest land on this stream. The pipeline is decreed for 1.0 c.f.s. with
9 an 1892 date of appropriation for municipal and domestic uses. This water right is
10 now left in the stream to augment the depletions from the city's well. This water right
11 predates the National Forest reservation. Accordingly, the amount of water available
12 to the reserved water right in this stream is subject to this pre-existing water right.
13 The operation of this water right, as decreed, has no material adverse effect on the
14 reserved water right in this stream.
15

16 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
17 no other private water developments or water rights in this drainage within the
18 National Forest boundary.
19

20 155) Name: Farmers Creek (QP 41G)
21

22 Legal Description: The quantification point is located approximately 1.5 miles
23 upstream from confluence with the Rio Grande in NW Quarter Section 11, T41N R1E
24 N.M.P.M., at a point N 5 degrees E, 4,220 feet from the SW corner Section 11, T41N
25 R1E N.M.P.M.
26

27 Source: Farmers Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: March 02, 1907
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between the instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 156) Name: West Bellows Creek (QP 41H1)
42

43 Legal Description: The quantification point is located approximately 1.3 miles

1 upstream from confluence with East Bellows Creek in SE Quarter Section 1, T41N
2 R1E N.M.P.M., at a point N 12 degrees W, 11,770 feet from the SE corner Section 13,
3 T41N R1E N.M.P.M.
4

5 Source: West Bellows Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: March 02, 1907
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no valid or decreed water rights in this
17 drainage within the National Forest boundary.
18

19 157) Name: East Bellows Creek (QP 41H2)
20

21 Legal Description: The quantification point is located approximately 0.9 mile
22 upstream from confluence with West Bellows Creek in SE Quarter Section 12, T41N
23 R1E N.M.P.M., at a point N 1 degrees W, 5,800 feet from the SE corner Section 13,
24 T41N R1E N.M.P.M.
25

26 Source: East Bellows Creek
27

28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)
30

31 Date of Reservation/Appropriation: March 02, 1907
32

33 Beneficial Use: Instream Flow for National Forest Purposes.
34

35 Remarks: No conflict exists between this instream flow water right and other valid
36 and existing water rights in this drainage. The following water rights or structures are
37 located near or upstream of QP 41H2 as of the date of this decree:
38

39 Bellow Creek Ditch is located near QP 41H2, very close to the Forest boundary. The
40 ditch is decreed two water rights each for 1.0 c.f.s., both with 1888 dates of
41 appropriation for irrigation. This water right predates the National Forest reservation.
42 Accordingly, the amount of water available to the reserved water right in this stream
43 is subject to this pre-existing water right. The operation of this water right, as

decreed, has no material adverse effect on the reserved water right in this stream.

Bellows Creek Ditch #2 is located below QP 41H2. This ditch is decreed for 1.2 c.f.s. with an 1888 date of appropriation for irrigation. This water right predates the National Forest reservation. Accordingly, the amount of water available to the reserved water right in this stream is subject to this pre-existing water right. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

158) Name: Blue Creek (QP 43A)

Legal Description: The quantification point is located approximately 0.4 mile upstream from confluence with the Rio Grande in NE Quarter Section 30, T41N R2E N.M.P.M., at a point S 42 degrees E, 7,700 feet from the SE corner Section 13, T41N R1E N.M.P.M.

Source: Blue Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: March 02, 1907

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 43A as of the date of this decree:

Blue Creek pipeline, decreed in Case No. 81-CW-76 for .001 c.f.s. with a 1941 date of appropriation, is a small domestic use located below QP 43A that has de minimis impacts on streamflow. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

159) Name: Raspberry Gulch (QP 43B1)

1 Legal Description: The quantification point is located approximately 0.5 mile
2 upstream from confluence with Elk Creek in SE Quarter Section 23, T40N R2E
3 N.M.P.M., at a point N 88 degrees W, 1,200 feet from the NW corner Section 25,
4 T40N R2E N.M.P.M.
5

6 Source: Raspberry Gulch
7

8 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
9 and incorporated herein by reference.)
10

11 Date of Reservation/Appropriation: March 02, 1907
12

13 Beneficial Use: Instream Flow for National Forest Purposes.
14

15 Remarks: No conflict exists between this instream flow water right and other valid
16 and existing water rights in this drainage. The following water rights or structures are
17 located near or upstream of QP 43B1 as of the date of this decree:
18

19 Raspberry Gulch Ditch is located near the Forest boundary below QP 43B1. The
20 ditch is decreed for 2.0 c.f.s. with a 1903 date of appropriation for irrigation. This
21 water right has a history of limited use, diverting generally only during high runoff
22 flows. This water right predates the National Forest reservation. Accordingly, the
23 amount of water available to the reserved water right in this stream is subject to this
24 pre-existing water right. The operation of this water right, as decreed, has no material
25 adverse effect on the reserved water right in this stream.
26

27 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
28 no other private water developments or water rights in this drainage within the
29 National Forest boundary.
30

31 160) Name: Elk Creek (QP 43B2)
32

33 Legal Description: The quantification point is located approximately 0.9 mile
34 upstream from confluence with Raspberry Gulch in SE Quarter Section 22, T40N R2E
35 N.M.P.M., at a point N 67 degrees W, 6,100 feet from the NW corner Section 25,
36 T40N R2E N.M.P.M.
37

38 Source: Elk Creek
39

40 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
41 and incorporated herein by reference.)
42

43 Date of Reservation/Appropriation: March 02, 1907

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between the instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 161) Name: Haney Canyon Creek (QP 43B3)
9

10 Legal Description: The quantification point is located approximately 0.3 mile
11 upstream from confluence with Elk Creek in NW Quarter Section 24, T40N R2E
12 N.M.P.M., at a point N 20 degrees E, 4,600 feet from the NW corner Section 25,
13 T40N R2E N.M.P.M.
14

15 Source: Haney Canyon Creek
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: March 02, 1907
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between the instream flow water right and other valid
25 and existing water rights in this drainage. Records of the Forest Service and the
26 Division Engineer, Water Division No. 3, show no private water developments or
27 water rights in this drainage within the National Forest boundary.
28

29 162) Name: Alder Creek (QP 43D1)
30

31 Legal Description: The quantification point is located approximately 0.1 mile
32 downstream from confluence with East and West Alder Creek in NE Quarter Section
33 21, T40N R3E N.M.P.M., at a point N 24 degrees W, 2,800 feet from the NW corner
34 Section 27, T40N R3E N.M.P.M.
35

36 Source: Alder Creek
37

38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: June 13, 1905
42

43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between this instream flow water right and other valid
2 and existing water rights in this drainage. The following water rights or structures are
3 located near or upstream of QP 43D1 as of the date of this decree:
4

5 Alder Creek Ditches Nos. 1, 2, and 3 are located on Alder Creek downstream
6 of QP 43D1. Alder Creek Ditch No. 1 was decreed 2.0 c.f.s. with an
7 appropriation date of 1874 for irrigation purposes. Alder Creek Ditch No. 2
8 was decreed 2.0 c.f.s. with an appropriation date of 1874 for irrigation
9 purposes. Alder Creek Ditch No. 3 was decreed 4.0 c.f.s. with an
10 appropriation date of 1880 for irrigation purposes. These water rights predate
11 the National Forest reservation. Accordingly, the amount of water available
12 to the reserved water right in this stream is subject to these pre-existing water
13 rights. The operation of these water rights, as decreed, has no material adverse
14 effect on the reserved water right in this stream.
15

16 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
17 no other private water developments or water rights in this drainage within the
18 National Forest boundary.
19

20 163) Name: Bear Creek (QP 43E1)
21

22 Legal Description: The quantification point is located approximately 1.6 miles
23 upstream from Forest boundary in NW Quarter Section 14, T40N R3E N.M.P.M., at
24 a point N 77 degrees W, 9,350 feet from the SW corner Section 18, T40N R4E
25 N.M.P.M.
26

27 Source: Bear Creek
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 13, 1905
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between the instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 164) Name: Embargo Creek (QP 43F1)
42

43 Legal Description: The quantification point is located approximately 0.4 mile

1 downstream from confluence with Dyers Creek in SW Quarter Section 19, T41N R4E
2 N.M.P.M., at a point S 33 degrees E, 4,000 feet from the NW corner Section 19, T41N
3 R4E N.M.P.M.
4

5 Source: Embargo Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 20, 1938
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. The following water rights or structures are
16 located near or upstream of QP 43F1 as of the date of this decree:
17

18 Davis Ditches 1 & 2 and Davis Brothers Ditch all lie below QP 43F1, within a quarter
19 mile of the Forest boundary. Davis Ditch 1 is decreed for 4.0 c.f.s. with an 1879 date
20 of appropriation for irrigation. Davis Ditch 2 is decreed two water rights for 1.0 c.f.s.
21 with an 1880 date of appropriation, and 2.0 c.f.s. with an 1881 date of appropriation.
22 Davis Brothers Ditch is decreed two water rights for 2.6 c.f.s. with an 1878 date of
23 appropriation, and for 5.5 c.f.s. with a 1911 date of appropriation. The first four
24 described water rights predate the National Forest reservation. Accordingly, the
25 amount of water available to the reserved water right in this stream is subject to these
26 pre-existing water rights. The operation of all of these water rights, as decreed, and
27 in a manner consistent with historic construction and operation have no material
28 adverse effect on the reserved water right in this stream.
29

30 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
31 no other private water developments or water rights in this drainage within the
32 National Forest boundary.
33

34 165) Name: Baughman Creek (QP 43F2)
35

36 Legal Description: The quantification point is located approximately 0.8 mile
37 upstream from confluence with Seitz Creek in SW Quarter Section 22, T41N R4E
38 N.M.P.M., at a point N 51 degrees E, 10,000 feet from the SE corner Section 29,
39 T41N R4E N.M.P.M.
40

41 Source: Baughman Creek
42

43 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: June 20, 1938

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 43F2 as of the date of this decree:

Bachman Ditch 2 is located on Forest land above QP 43F2. Bachman Ditch 2 is decreed two water rights for 2.6 c.f.s. and for 1.0 c.f.s., both with 1881 dates of appropriation for irrigation use. These water rights predate the National Forest reservation. Accordingly, the amount of water available to the reserved water right in this stream is subject to these pre-existing water rights. The operation of these water rights, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

166) Name: Seitz Creek (QP 43F3)

Legal Description: The quantification point is located approximately 0.5 mile upstream from confluence with Baughman Creek in SW Quarter Section 23, T41N R4E N.M.P.M., at a point N 66 degrees E, 12,500 feet from the SE corner Section 29, T41N R4E N.M.P.M.

Source: Seitz Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 20, 1938

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

1 167) Name: English Valley Creek (QP 43H)
2

3 Legal Description: The quantification point is located approximately 0.9 mile
4 upstream from Forest boundary in NE Quarter Section 2, T40N R5E N.M.P.M., at a
5 point N 13 degrees W, 4,250 feet from the SW corner Section 1, T40N R5E N.M.P.M.
6

7 Source: English Valley Creek
8

9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)
11

12 Date of Reservation/Appropriation: June 20, 1938
13

14 Beneficial Use: Instream Flow for National Forest Purposes.
15

16 Remarks: No conflict exists between the instream flow water right and other valid
17 and existing water rights in this drainage. Records of the Forest Service and the
18 Division Engineer, Water Division No. 3, show no private water developments or
19 water rights in this drainage within the National Forest boundary.
20

21 168) Name: UT #1 Near East Butte (QP 43J)
22

23 Legal Description: The quantification point is located approximately 0.85 mile
24 upstream from Forest boundary in NE Quarter Section 5, T40N R6E N.M.P.M., at a
25 point N 37 degrees E, 5,000 feet from the SW corner Section 5, T40N R6E N.M.P.M.
26

27 Source: Unnamed tributary vic. East Butte
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 20, 1938
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between the instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 169) Name: UT #2 Near East Butte (QP 43K)
42

43 Legal Description: The quantification point is located approximately where stream

1 channel crosses the Forest boundary in SE Quarter Section 4, T40N R6E N.M.P.M.,
2 at a point N 1 degrees W, 1,250 feet from the SE corner Section 4, T40N R6E
3 N.M.P.M.
4

5 Source: Unnamed tributary vicinity of East Butte
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 20, 1938
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between the instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 170) Name: UT #1 Near Eagle Rock (QP 43M)
20

21 Legal Description: The quantification point is located approximately 2.1 miles
22 upstream from Forest boundary in SW Quarter Section 17, T41N R6E N.M.P.M., at
23 a point N 75 degrees W, 4,250 feet from the SE corner Section 17, T41N R6E
24 N.M.P.M.
25

26 Source: Unnamed tributary vic. Eagle Rock
27

28 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
29 and incorporated herein by reference.)
30

31 Date of Reservation/Appropriation: June 20, 1938
32

33 Beneficial Use: Instream Flow for National Forest Purposes.
34

35 Remarks: No conflict exists between the instream flow water right and other valid
36 and existing water rights in this drainage. Records of the Forest Service and the
37 Division Engineer, Water Division No. 3, show no private water developments or
38 water rights in this drainage within the National Forest boundary.
39

40 171) Name: LaGarita Creek (QP 45A)
41

42 Legal Description: The quantification point is located approximately where stream
43 channel crosses Forest-State boundary in SE Quarter Section 35, T42N R5E

1 N.M.P.M., at a point N 7 degrees W, 1,250 feet from the NW corner Section 1, T41N
2 R5E N.M.P.M.

3
4 Source: LaGarita Creek

5
6 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
7 and incorporated herein by reference.)

8
9 Date of Reservation/Appropriation: June 20, 1938

10
11 Beneficial Use: Instream Flow for National Forest Purposes.

12
13 Remarks: No conflict exists between the instream flow water right and other valid
14 and existing water rights in this drainage. Records of the Forest Service and the
15 Division Engineer, Water Division No. 3, show no other private water developments
16 or water rights in this drainage within the National Forest boundary.

17
18 172) Name: Little LaGarita Creek (QP 45A1)

19
20 Legal Description: The quantification point is located where stream channel crosses
21 Forest-State boundary in NE Quarter Section 35, T42N R5E N.M.P.M., at a point N
22 4 degrees W, 3,500 feet from the NW corner Section 1, T41N R5E N.M.P.M.

23
24 Source: Little LaGarita Creek

25
26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)

28
29 Date of Reservation/Appropriation: June 20, 1938

30
31 Beneficial Use: Instream Flow for National Forest Purposes.

32
33 Remarks: No conflict exists between the instream flow water right and other valid
34 and existing water rights in this drainage. Records of the Forest Service and the
35 Division Engineer, Water Division No. 3, show no private water developments or
36 water rights in this drainage within the National Forest boundary.

37
38 173) Name: UT #1 to LaGarita Creek (QP 45B)

39
40 Legal Description: The quantification point is located approximately 0.75 mile
41 upstream from Forest boundary in SW Quarter Section 4, T41N R6E N.M.P.M., at a
42 point N 53 degrees E, 3,000 feet from the SW corner Section 4, T41N R6E N.M.P.M.

1 Source: Unnamed tributary to LaGarita Creek
2

3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
4 and incorporated herein by reference.)
5

6 Date of Reservation/Appropriation: June 20, 1938
7

8 Beneficial Use: Instream Flow for National Forest Purposes.
9

10 Remarks: No conflict exists between the instream flow water right and other valid
11 and existing water rights in this drainage. Records of the Forest Service and the
12 Division Engineer, Water Division No. 3, show no private water developments or
13 water rights in this drainage within the National Forest boundary.
14

15 174) Name: South Fork Carnero Creek (QP 45D)
16

17 Legal Description: The quantification point is located approximately 0.9 mile
18 upstream from Forest boundary in NW Quarter Section 10, T42N R5E N.M.P.M., at
19 a point S 1 degrees E, 5,750 feet from the SW corner Section 34, T43N R5E
20 N.M.P.M.
21

22 Source: South Fork Carnero Creek
23

24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)
26

27 Date of Reservation/Appropriation: June 13, 1905
28

29 Beneficial Use: Instream Flow for National Forest Purposes.
30

31 Remarks: No conflict exists between the instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.
35

36 175) Name: Middle Fork Carnero Creek (QP 45E)
37

38 Legal Description: The quantification point is located approximately where stream
39 channel crosses the Forest boundary in the SE Quarter Section 3, T42N R5E
40 N.M.P.M., at a point S 49 degrees E, 6,650 feet from the SW corner Section 34, T43N
41 R5E N.M.P.M.
42

43 Source: Middle Fork Carnero Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

176) Name: North Fork Carnero Creek (QP 45F)

Legal Description: The quantification point is located approximately 0.75 mile upstream from the Forest boundary in NE Quarter Section 35, T43N R5E N.M.P.M., at a point N 64 degrees E, 9,000 feet from the SW corner Section 34, T43N R5E N.M.P.M.

Source: North Fork Carnero Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 45F as of the date of this decree:

Paradise Ditches 1, 2, 3, and 4 are located on Mann Creek on National Forest land approximately 1.5 miles above QP 45F, very close to the National Forest boundary. Paradise Ditch 1, 2, 3, and 4 are each decreed for 1.0 c.f.s. with 1909 dates of appropriation for irrigation. The ditches are used on a private inholding for irrigation of a small area of pasture adjacent to the stream. Return flows from the irrigation use return immediately to the stream. The operation of these water rights as decreed has no material adverse effect on the reserved water right in this stream.

Mann Creek enters private land where it joins North Fork Carnero Creek, which fills a reservoir located on private land above QP 45F. This reservoir remains full, the only effects on the system being evaporative losses. The reservoir produces localized

benefits to the groundwater and stream system and supplements later season North Fork Carnero Creek flows. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

177) Name: San Juan Creek (QP 45G)

Legal Description: The quantification point is located approximately where stream channel crosses the Forest boundary in the NE Quarter Section 10, T43N R6E N.M.P.M., at a point N 43 degrees E, 7,500 feet from the SW corner Section 10, T43N R6E N.M.P.M.

Source: San Juan Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

178) Name: Johns Creek (QP 47A)

Legal Description: The quantification point is located approximately 100 feet upstream from confluence with South Fork Saguache Creek in the NW Quarter Section 9, T43N R3E N.M.P.M., at a point S 78 degrees E, 5,650 feet from the SW corner Section 5, T43N R3E N.M.P.M.

Source: Johns Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between the instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 179) Name: South Fork Saguache Creek (QP 47B)
9

10 Legal Description: The quantification point is located 100 feet upstream from the
11 confluence with Johns Creek in the NW Quarter Section 9, T43N R3E N.M.P.M., at
12 a point S 77 degrees E, 5,250 feet from the SW corner Section 5, T43N R3E
13 N.M.P.M.
14

15 Source: South Fork Saguache Creek
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: June 13, 1905
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between the instream flow water right and other valid
25 and existing water rights in this drainage. Records of the Forest Service and the
26 Division Engineer, Water Division No. 3, show no private water developments or
27 water rights in this drainage within the National Forest boundary.
28

29 180) Name: Deep Creek (QP 47C)
30

31 Legal Description: The quantification point is located approximately 100 feet
32 upstream from the confluence with South Fork Saguache Creek in the SE Quarter
33 Section 17, T43N R3E N.M.P.M., at a point N 61 degrees E, 21,600 feet from Sheep
34 Mtn. in Section 26, T43N R2E N.M.P.M.
35

36 Source: Deep Creek
37

38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: June 13, 1905
42

43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between the instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 181) Name: Wanamaker Creek (QP 47D)
7

8 Legal Description: The quantification point is located approximately 0.25 mile
9 upstream from the confluence with South Fork Saguache Creek in the NE Quarter
10 Section 31, T43N R3E N.M.P.M., at a point S 72 degrees E, 13,000 feet from Sheep
11 Mtn.(Elevation point 12,085) in Section 26, T43N R2E N.M.P.M.
12

13 Source: Wanamaker Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: June 13, 1905
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between the instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 182) Name: Whale Creek (QP 47E)
28

29 Legal Description: The quantification point is located approximately 0.1 mile
30 upstream from the confluence with South Fork Saguache Creek in the NW Quarter
31 Section 31, T43N R3E N.M.P.M., at a point S 71 degrees E, 11,550 feet from Sheep
32 Mtn. (Elevation point 12,085) in Section 26, T43N R2E N.M.P.M.
33

34 Source: Whale Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 13, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between the instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 183) Name: Upper South Fork Saguache Creek (QP 47F)
6

7 Legal Description: The quantification point is located approximately 0.1 mile
8 upstream from the confluence with Whale Creek in the NW Quarter Section 31, T43N
9 R3E N.M.P.M., at a point S 70 degrees E, 11,350 feet from Sheep Mtn. (Elevation
10 point 12,085) in Section 26, T43N R2E N.M.P.M.
11

12 Source: Upper South Fork Saguache Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 13, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between the instream flow water right and other valid
22 and existing water rights in this drainage. Records of the Forest Service and the
23 Division Engineer, Water Division No. 3, show no private water developments or
24 water rights in this drainage within the National Forest boundary.
25

26 184) Name: Upper Saguache Creek (QP 47G)
27

28 Legal Description: The quantification point is located approximately 0.2 mile
29 downstream from Stone Cellar Guard Station in NE Quarter Section 6, T43N R3E
30 N.M.P.M., at a point N 2 degrees W, 4,100 feet from the SW corner Section 5, T43N
31 R3E N.M.P.M.
32

33 Source: Upper Saguache Creek
34

35 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
36 and incorporated herein by reference.)
37

38 Date of Reservation/Appropriation: June 13, 1905
39

40 Beneficial Use: Instream Flow for National Forest Purposes.
41

42 Remarks: No conflict exists between the instream flow water right and other valid
43 and existing water rights in this drainage. Records of the Forest Service and the

1 Division Engineer, Water Division No. 3, show no private water developments or
2 water rights in this drainage within the National Forest boundary.

3
4 185) Name: Middle Fork Saguache Creek (QP 47H)

5
6 Legal Description: The quantification point is located approximately 100 feet
7 upstream from the confluence with North Fork Saguache Creek in NE Quarter Section
8 6, T43N R3E N.M.P.M., at a point N 24 degrees W, 4,600 feet from the SW corner
9 Section 5, T43N R3E N.M.P.M.

10
11 Source: Middle Fork Saguache Creek (QP 47H)

12
13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)

15
16 Date of Reservation/Appropriation: June 13, 1905

17
18 Beneficial Use: Instream Flow for National Forest Purposes.

19
20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. The following water rights or structures are
22 located near or upstream of QP 47H as of the date of this decree:

23
24 The Tarbell Ditch is located on National Forest land above QP 47H. This structure
25 conveys transmountain diversions from the Gunnison River basin to the Middle Fork
26 Saguache Creek, enhancing the natural flow. The United States has no right or claim
27 on this transmountain water. The operation of this water right, as decreed, has no
28 material adverse effect on the reserved water right in this stream.

29
30 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
31 no other private water developments or water rights in this drainage within the
32 National Forest boundary.

33
34 186) Name: North Fork Saguache Creek (QP 47J)

35
36 Legal Description: The quantification point is located approximately 0.1 mile
37 upstream from the confluence with Middle Fork Saguache Creek in NE Quarter
38 Section 6, T43N R3E N.M.P.M., at a point N 20 degrees W, 4,550 feet from the SW
39 corner Section 5, T43N R3E N.M.P.M.

40
41 Source: North Fork Saguache Creek

42
43 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

187) Name: Horse Canyon Creek (QP 47K)

Legal Description: The quantification point is located approximately 0.1 mile upstream from the confluence with Saguache River in the NW Quarter Section 5, T43N R3E N.M.P.M., at a point N 6 degrees E, 4,400 feet from the SW corner Section 5, T43N R3E N.M.P.M.

Source: Horse Canyon Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

188) Name: Squaw Creek (QP 49A1)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NW Quarter Section 18, T44N R5E N.M.P.M., at a point S 86 degrees E, 1,600 feet from the SW corner Section 7, T44N R5E N.M.P.M.

Source: Squaw Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1 Date of Reservation/Appropriation: June 13, 1905
2

3 Beneficial Use: Instream Flow for National Forest Purposes.
4

5 Remarks: No conflict exists between the instream flow water right and other valid
6 and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.
9

10 189) Name: Mountain Lion Creek (QP 49A2)
11

12 Legal Description: The quantification point is located where the stream channel
13 crosses the Forest boundary in NW Quarter Section 18, T44N R5E N.M.P.M., at a
14 point S 86 degrees E, 1,000 feet from the SW corner Section 7, T44N R5E N.M.P.M.
15

16 Source: Mountain Lion Creek
17

18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)
20

21 Date of Reservation/Appropriation: June 13, 1905
22

23 Beneficial Use: Instream Flow for National Forest Purposes.
24

25 Remarks: No conflict exists between the instream flow water right and other valid
26 and existing water rights in this drainage. Records of the Forest Service and the
27 Division Engineer, Water Division No. 3, show no private water developments or
28 water rights in this drainage within the National Forest boundary.
29

30 190) Name: West Park Creek (QP 49B)
31

32 Legal Description: The quantification point is located where the stream channel
33 crosses the Forest boundary in NW Quarter Section 24, T44N R4E N.M.P.M., at a
34 point S 40 degrees W, 7,250 feet from the SW corner Section 7, T44N R5E N.M.P.M.
35

36 Source: West Park Creek
37

38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: June 13, 1905
42

43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between the instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 191) Name: Hat Spring Creek (QP 49C)
7

8 Legal Description: The quantification point is located where the stream channel
9 crosses the Forest boundary in NE Quarter Section 23, T44N R4E N.M.P.M., at a
10 point N 31 degrees E, 6,100 feet from the SW corner Section 23, T44N R4E
11 N.M.P.M.
12

13 Source: Hat Spring Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: June 13, 1905
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between the instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 192) Name: Saguache Creek (QP 49D)
28

29 Legal Description: The quantification point is located where the stream channel
30 crosses the Forest boundary in SE Quarter Section 17, T44N R4E N.M.P.M., at a
31 point S 2 degrees E, 2,850 feet from the SW corner Section 9, T44N R4E N.M.P.M.
32

33 Source: Saguache Creek
34

35 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
36 and incorporated herein by reference.)
37

38 Date of Reservation/Appropriation: June 13, 1905
39

40 Beneficial Use: Instream Flow for National Forest Purposes.
41

42 Remarks: No conflict exists between the instream flow water right and other valid
43 and existing water rights in this drainage. Records of the Forest Service and the

1 Division Engineer, Water Division No. 3, show no private water developments or
2 water rights in this drainage within the National Forest boundary.
3

4 193) Name: Fourmile Creek (QP 49E)
5

6 Legal Description: The quantification point is located where the stream channel
7 crosses the Forest boundary in SE Quarter Section 5, T44N R4E N.M.P.M., at a point
8 N 6 degrees W, 1,250 feet from the SW corner Section 4, T44N R4E N.M.P.M.
9

10 Source: Fourmile Creek
11

12 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
13 and incorporated herein by reference.)
14

15 Date of Reservation/Appropriation: June 13, 1905
16

17 Beneficial Use: Instream Flow for National Forest Purposes.
18

19 Remarks: No conflict exists between the instream flow water right and other valid
20 and existing water rights in this drainage. Records of the Forest Service and the
21 Division Engineer, Water Division No. 3, show no private water developments or
22 water rights in this drainage within the National Forest boundary.
23

24 194) Name: Unnamed tributary to Fourmile Creek (QP 49F)
25

26 Legal Description: The quantification point is located where the stream channel
27 crosses the Forest boundary in SW Quarter Section 4, T44N R4E N.M.P.M., at a point
28 N 15 degrees E, 4,000 feet from the SW corner Section 4, T44N R4E N.M.P.M.
29

30 Source: Unnamed tributary to Fourmile Creek
31

32 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
33 and incorporated herein by reference.)
34

35 Date of Reservation/Appropriation: June 13, 1905
36

37 Beneficial Use: Instream Flow for National Forest Purposes.
38

39 Remarks: No conflict exists between the instream flow water right and other valid
40 and existing water rights in this drainage. Records of the Forest Service and the
41 Division Engineer, Water Division No. 3, show no private water developments or
42 water rights in this drainage within the National Forest boundary.
43

1 195) Name: UT #1 to Luders Creek (QP 49G1)

2
3 Legal Description: The quantification point is located approximately 0.3 mile
4 upstream from the confluence with Luders Creek in NE Quarter Section 34, T45N
5 R4E N.M.P.M., at a point N 30 degrees W, 3,750 feet from the SW corner Section 35,
6 T45N R4E N.M.P.M.
7

8 Source: Unnamed tributary to Luders Creek
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: June 13, 1905
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between the instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.
21

22 196) Name: Luders Creek (QP 49G2)
23

24 Legal Description: The quantification point is located approximately 0.5 mile
25 upstream from the Forest boundary in the NE Quarter Section 34, T45N R4E
26 N.M.P.M., at a point N 8 degrees W, 4,250 feet from the SW corner Section 35, T45N
27 R4E N.M.P.M.
28

29 Source: Luders Creek
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: June 13, 1905
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between the instream flow water right and other valid
39 and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.
42

43 197) Name: Taylor Canyon Creek (QP 49H)

1 Legal Description: The quantification point is located where the stream channel
2 crosses the Forest boundary in SE Quarter Section 11, T45N R4E N.M.P.M., at a
3 point S 35 degrees W, 9,700 feet from the NW corner Section 6, T45N R5E N.M.P.M.
4

5 Source: Taylor Canyon Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 13, 1905
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between the instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 198) Name: East Pass Creek (QP 49J)
20

21 Legal Description: The quantification point is located where the stream channel
22 crosses the Forest boundary in NE Quarter Section 2, T45N R4E N.M.P.M., at a point
23 S 76 degrees W, 5,800 feet from the NW corner Section 6, T45N R5E N.M.P.M.
24

25 Source: East Pass Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: June 13, 1905
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between the instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 199) Name: UT #1 to East Pass Creek (QP 49K)
40

41 Legal Description: The quantification point is located where the stream channel
42 crosses the Forest boundary in NE Quarter Section 35, T46N R4E N.M.P.M., at a
43 point N 65 degrees W, 6,200 feet from the NW corner Section 6, T45N R5E

1 N.M.P.M.
2

3 Source: Unnamed tributary to East Pass Creek
4

5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: June 13, 1905
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between the instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.
16

17 200) Name: Spanish Creek (QP 49L)
18

19 Legal Description: The quantification point is located where the stream channel
20 crosses the Forest boundary in NW Quarter Section 30, T46N R5E N.M.P.M., at a
21 point N 2 degrees E, 8,000 feet from the NW corner Section 6, T45N R5E N.M.P.M.
22

23 Source: Spanish Creek
24

25 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
26 and incorporated herein by reference.)
27

28 Date of Reservation/Appropriation: June 13, 1905
29

30 Beneficial Use: Instream Flow for National Forest Purposes.
31

32 Remarks: No conflict exists between the instream flow water right and other valid
33 and existing water rights in this drainage. Records of the Forest Service and the
34 Division Engineer, Water Division No. 3, show no private water developments or
35 water rights in this drainage within the National Forest boundary.
36

37 201) Name: Sheep Creek (QP 49M)
38

39 Legal Description: The quantification point is located where the stream channel
40 crosses the Forest boundary in NW Quarter Section 30, T46N R5E N.M.P.M., at a
41 point N 7 degrees E, 8,100 feet from the NW corner Section 6, T45N R5E N.M.P.M.
42

43 Source: Sheep Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

202) Name: Antelope Creek (QP 49N)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NE Quarter Section 20, T46N R5E N.M.P.M., at a point N 35 degrees E, 17,900 feet from the NW corner Section 6, T45N R5E N.M.P.M.

Source: Antelope Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

203) Name: North Tracy Canyon Creek (QP 51A)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NE Quarter Section 24, T44N R6E N.M.P.M., at a point N 65 degrees E, 5,600 feet from the NW corner Section 25, T44N R6E N.M.P.M.

Source: North Tracy Canyon Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto)

and incorporated herein by reference.)

Date of Reservation/Appropriation: May 03, 1934

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

204) Name: Laughlin Gulch (QP 51B)

Legal Description: The quantification point is located approximately 0.5 mile upstream from the Forest boundary in NE Quarter Section 4, T44N R6E N.M.P.M., at a point S 3 degrees W, 2,500 feet from the SW corner Section 34, T45N R6E N.M.P.M.

Source: Laughlin Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: May 03, 1934

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

205) Name: Mill Creek (QP 51C)

Legal Description: The quantification point is located approximately 2.2 miles upstream from the Forest boundary in SW Quarter Section 8, T44N R6E N.M.P.M., at a point N 86 degrees E, 2,000 feet from the SW corner Section 8, T44N R6E N.M.P.M.

Source: Mill Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: June 13, 1905
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between the instream flow water right and other valid
7 and existing water rights in this drainage. Records of the Forest Service and the
8 Division Engineer, Water Division No. 3, show no private water developments or
9 water rights in this drainage within the National Forest boundary.
10

11 206) Name: Houselog Creek (QP 51D)
12

13 Legal Description: The quantification point is located approximately 0.5 mile
14 upstream from the Forest boundary in NE Quarter Section 1, T44N R5E N.M.P.M.,
15 at a point S 39 degrees W, 1,900 feet from the SW corner Section 31, T45N R6E
16 N.M.P.M.
17

18 Source: Houselog Creek
19

20 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
21 and incorporated herein by reference.)
22

23 Date of Reservation/Appropriation: June 13, 1905
24

25 Beneficial Use: Instream Flow for National Forest Purposes.
26

27 Remarks: No conflict exists between the instream flow water right and other valid
28 and existing water rights in this drainage. Records of the Forest Service and the
29 Division Engineer, Water Division No. 3, show no private water developments or
30 water rights in this drainage within the National Forest boundary.
31

32 207) Name: Spring Gulch (QP 51E)
33

34 Legal Description: The quantification point is located approximately 1.5 miles
35 upstream the confluence with Houselog Creek in the NW Quarter Section 1, T44N
36 R5E N.M.P.M., at a point S 6 degrees E, 850 feet from the SW corner Section 36,
37 T45N R5E N.M.P.M.
38

39 Source: Spring Gulch
40

41 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
42 and incorporated herein by reference.)
43

1 Date of Reservation/Appropriation: June 13, 1905
2

3 Beneficial Use: Instream Flow for National Forest Purposes.
4

5 Remarks: No conflict exists between the instream flow water right and other valid
6 and existing water rights in this drainage. Records of the Forest Service and the
7 Division Engineer, Water Division No. 3, show no private water developments or
8 water rights in this drainage within the National Forest boundary.
9

10 208) Name: Big Dry Gulch (QP 51F)
11

12 Legal Description: The quantification point is located where the stream channel
13 crosses the Forest boundary in NW Quarter Section 34, T45N R5E N.M.P.M., at a
14 point N 15 degrees E, 5,400 feet from the SW corner Section 34, T45N R5E
15 N.M.P.M.
16

17 Source: Big Dry Gulch
18

19 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
20 and incorporated herein by reference.)
21

22 Date of Reservation/Appropriation: May 03, 1934
23

24 Beneficial Use: Instream Flow for National Forest Purposes.
25

26 Remarks: No conflict exists between the instream flow water right and other valid
27 and existing water rights in this drainage. Records of the Forest Service and the
28 Division Engineer, Water Division No. 3, show no private water developments or
29 water rights in this drainage within the National Forest boundary.
30

31 209) Name: Houghland Gulch (QP 51G)
32

33 Legal Description: The quantification point is located where the stream channel
34 crosses the Forest boundary in SE Quarter Section 16, T46N R5E N.M.P.M., at a
35 point N 1 degrees E, 15,900 feet from the NW corner Section 3, T45N R5E N.M.P.M.
36

37 Source: Houghland Gulch
38

39 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
40 and incorporated herein by reference.)
41

42 Date of Reservation/Appropriation: June 13, 1905
43

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between the instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 210) Name: Jacks Creek (QP 51H)
9

10 Legal Description: The quantification point is located where the stream channel
11 crosses the Forest boundary in SE Quarter Section 15, T46N R5E N.M.P.M., at a
12 point N 14 degrees E, 16,300 feet from the NW corner Section 3, T45N R5E
13 N.M.P.M.
14

15 Source: Jacks Creek
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: June 13, 1905
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between the instream flow water right and other valid
25 and existing water rights in this drainage. Records of the Forest Service and the
26 Division Engineer, Water Division No. 3, show no private water developments or
27 water rights in this drainage within the National Forest boundary.
28

29 211) Name: Vulcan Creek (QP 51J)
30

31 Legal Description: The quantification point is located where the stream channel
32 crosses the Forest boundary in SW Quarter Section 14, T46N R5E N.M.P.M., at a
33 point N 22 degrees E, 17,150 feet from the NW corner Section 3, T45N R5E
34 N.M.P.M.
35

36 Source: Vulcan Creek
37

38 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
39 and incorporated herein by reference.)
40

41 Date of Reservation/Appropriation: June 13, 1905
42

43 Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between the instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 212) Name: Cross Creek (QP 51K)
7

8 Legal Description: The quantification point is located approximately 0.55 mile
9 upstream from the Forest boundary in SW Quarter Section 19, T46N R6E N.M.P.M.,
10 at a point N 61 degrees W, 5,150 feet from the SW corner Section 20, T46N R6E
11 N.M.P.M.
12

13 Source: Cross Creek
14

15 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
16 and incorporated herein by reference.)
17

18 Date of Reservation/Appropriation: June 13, 1905
19

20 Beneficial Use: Instream Flow for National Forest Purposes.
21

22 Remarks: No conflict exists between the instream flow water right and other valid
23 and existing water rights in this drainage. Records of the Forest Service and the
24 Division Engineer, Water Division No. 3, show no private water developments or
25 water rights in this drainage within the National Forest boundary.
26

27 213) Name: Bear Creek (QP 51L)
28

29 Legal Description: The quantification point is located approximately 0.6 mile
30 upstream from the Forest boundary in SW Quarter Section 16, T46N R6E N.M.P.M.,
31 at a point N 39 degrees E, 9,300 feet from the SW corner Section 20, T46N R6E
32 N.M.P.M.
33

34 Source: Bear Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 13, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between the instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 214) Name: Middle Creek (QP 51M)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in SW Quarter Section 34, T47N R6E N.M.P.M., at a
9 point N 38 degrees W, 6,800 feet from the SE corner Section 3, T46N R6E N.M.P.M.
10

11 Source: Middle Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 13, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between the instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 215) Name: Indian Creek (QP 51N)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in SE Quarter Section 34, T47N R6E N.M.P.M., at a
29 point N 16 degrees W, 5,400 feet from the SE corner Section 3, T46N R6E N.M.P.M.
30

31 Source: Indian Creek
32

33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)
35

36 Date of Reservation/Appropriation: June 13, 1905
37

38 Beneficial Use: Instream Flow for National Forest Purposes.
39

40 Remarks: No conflict exists between the instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 216) Name: Horse Canyon Creek (QP 51O)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in NW Quarter Section 11, T46N R6E N.M.P.M., at a
5 point S 4 degrees E, 1,750 feet from the SE corner Section 3, T46N R6E N.M.P.M.
6

7 Source: Horse Canyon Creek

8
9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)
11

12 Date of Reservation/Appropriation: May 03, 1934
13

14 Beneficial Use: Instream Flow for National Forest Purposes.
15

16 Remarks: No conflict exists between the instream flow water right and other valid
17 and existing water rights in this drainage. Records of the Forest Service and the
18 Division Engineer, Water Division No. 3, show no private water developments or
19 water rights in this drainage within the National Forest boundary.
20

21 217) Name: Baxter Creek (QP 51P)

22
23 Legal Description: The quantification point is located where the stream channel
24 crosses the Forest boundary in SW Quarter Section 12, T46N R6E N.M.P.M., at a
25 point due East, 2,500 feet from the NW corner Section 13, T46N R6E N.M.P.M.
26

27 Source: Baxter Creek

28
29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 13, 1905
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between the instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 218) Name: Tuttle Creek (QP 51Q)

42
43 Legal Description: The quantification point is located where the stream channel

1 crosses the Forest boundary in SE Quarter Section 7, T46N R7E N.M.P.M., at a point
2 N 14 degrees E, 10,900 feet from the SW corner Section 19, T46N R7E N.M.P.M.
3

4 Source: Tuttle Creek
5

6 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
7 and incorporated herein by reference.)
8

9 Date of Reservation/Appropriation: June 13, 1905
10

11 Beneficial Use: Instream Flow for National Forest Purposes.
12

13 Remarks: No conflict exists between the instream flow water right and other valid
14 and existing water rights in this drainage. Records of the Forest Service and the
15 Division Engineer, Water Division No. 3, show no private water developments or
16 water rights in this drainage within the National Forest boundary.
17

18 219) Name: Ford Creek (QP 51R)
19

20 Legal Description: The quantification point is located where the stream channel
21 crosses the Forest boundary in NW Quarter Section 20, T46N R7E N.M.P.M., at a
22 point N 59 degrees E, 6,100 feet from the SW corner Section 19, T46N R7E
23 N.M.P.M.
24

25 Source: Ford Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: June 13, 1905
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between the instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 220) Name: Mill Gulch (QP 51S)
40

41 Legal Description: The quantification point is located where the stream channel
42 crosses the Forest boundary in SW Quarter Section 30, T46N R7E N.M.P.M., at a
43 point S 1 degrees E, 3,400 feet from the SW corner Section 19, T46N R7E N.M.P.M.

1 Source: Mill Gulch

2
3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
4 and incorporated herein by reference.)

5
6 Date of Reservation/Appropriation: June 13, 1905

7
8 Beneficial Use: Instream Flow for National Forest Purposes.

9
10 Remarks: No conflict exists between the instream flow water right and other valid
11 and existing water rights in this drainage. Records of the Forest Service and the
12 Division Engineer, Water Division No. 3, show no private water developments or
13 water rights in this drainage within the National Forest boundary.

14
15 221) Name: Poison Gulch (QP 51T)

16
17 Legal Description: The quantification point is located where the stream channel
18 crosses the Forest boundary in SE Quarter Section 32, T46N R7E N.M.P.M., at a
19 point N 68 degrees W, 13,550 feet from the SW corner Section 2, T45N R7E
20 N.M.P.M.

21
22 Source: Poison Gulch

23
24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)

26
27 Date of Reservation/Appropriation: June 13, 1905

28
29 Beneficial Use: Instream Flow for National Forest Purposes.

30
31 Remarks: No conflict exists between the instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.

35
36 222) Name: Findley Gulch (QP 51U)

37
38 Legal Description: The quantification point is located approximately 0.3 mile
39 upstream from the Forest boundary in SE Quarter Section 3, T45N R7E N.M.P.M.,
40 at a point N 52 degrees W, 1,950 feet from the SW corner Section 2, T45N R7E
41 N.M.P.M.

42
43 Source: Findley Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

223) Name: Sawlog Gulch (QP 51V)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in SE Quarter Section 3, T45N R7E N.M.P.M., at a point N 71 degrees W, 350 feet from the SW corner Section 2, T45N R7E N.M.P.M.

Source: Sawlog Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

224) Name: Unnamed tributary to Findley Gulch (QP 51 W)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in the SW Quarter Section 12, T45N R7E N.M.P.M., at a point S 59 degrees E, 6,600 feet from the SW corner Section 2, T45N R7E N.M.P.M.

Source: Unnamed tributary to Findley Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

1
2 Date of Reservation/Appropriation: May 03, 1934
3

4 Beneficial Use: Instream Flow for National Forest Purposes.
5

6 Remarks: No conflict exists between the instream flow water right and other valid
7 and existing water rights in this drainage. Records of the Forest Service and the
8 Division Engineer, Water Division No. 3, show no private water developments or
9 water rights in this drainage within the National Forest boundary.
10

11 225) Name: Cottonwood Creek (QP 53A1)
12

13 Legal Description: The quantification point is located where the stream channel
14 crosses the Forest boundary in SE Quarter Section 11, T46N R8E N.M.P.M., at a
15 point S 1 degrees W, 1,000 feet from the 1/4 corner Section 11/12, T46N R8E
16 N.M.P.M.
17

18 Source: Cottonwood Creek
19

20 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
21 and incorporated herein by reference.)
22

23 Date of Reservation/Appropriation: June 13, 1905
24

25 Beneficial Use: Instream Flow for National Forest Purposes.
26

27 Remarks: No conflict exists between the instream flow water right and other valid
28 and existing water rights in this drainage. Records of the Forest Service and the
29 Division Engineer, Water Division No. 3, show no private water developments or
30 water rights in this drainage within the National Forest boundary.
31

32 226) Name: Kelly Creek (QP 53A2)
33

34 Legal Description: The quantification point is located approximately 1.1 miles
35 upstream from the Forest boundary in the NE Quarter Section 2, T46N R8E
36 N.M.P.M., at a point S 65 degrees W, 6,070 feet from the SW corner Section 31,
37 T47N R9E N.M.P.M.
38

39 Source: Kelly Creek
40

41 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
42 and incorporated herein by reference.)
43

1 Date of Reservation/Appropriation: June 13, 1905

2
3 Beneficial Use: Instream Flow for National Forest Purposes.

4
5 Remarks: No conflict exists between this instream flow water right and other valid
6 and existing water rights in this drainage. The following water rights or structures are
7 located near or upstream of QP 53A2 as of the date of this decree:

8
9 Kaufman Ditch, which is located above QP 53A2, has been abandoned. Records of
10 the Forest Service and the Division Engineer, Water Division No. 3, show no other
11 valid or decreed water rights in this drainage within the National Forest boundary.

12
13 227) Name: Peterson Creek (QP 53A3)

14
15 Legal Description: The quantification point is located approximately 1.1 miles
16 upstream from the Forest boundary in the NE Quarter Section 35, T47N R8E
17 N.M.P.M., at a point N 49 degrees W, 7,280 feet from the SW corner Section 31,
18 T47N R9E N.M.P.M.

19
20 Source: Peterson Creek

21
22 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
23 and incorporated herein by reference.)

24
25 Date of Reservation/Appropriation: June 13, 1905

26
27 Beneficial Use: Instream Flow for National Forest Purposes.

28
29 Remarks: No conflict exists between the instream flow water right and other valid
30 and existing water rights in this drainage. Records of the Forest Service and the
31 Division Engineer, Water Division No. 3, show no private water developments or
32 water rights in this drainage within the National Forest boundary.

33
34 228) Name: Little Kerber Creek (QP 53B1)

35
36 Legal Description: The quantification point is located approximately 2.7 miles
37 upstream from the Forest boundary in the SW Quarter Section 31, T46N R8E
38 N.M.P.M., at a point N 15 degrees E, 7,200 feet from the SW corner Section 6, T45N
39 R8E N.M.P.M.

40
41 Source: Little Kerber Creek

42
43 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

229) Name: Columbia Gulch (QP 53B2)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NE Quarter Section 32, T46N R8E N.M.P.M., at a point N 2 degrees W, 4,300 feet from the SW corner Section 33, T46N R8E N.M.P.M.

Source: Columbia Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: May 03, 1934

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 53B2 as of the date of this decree:

Columbia Gulch Ditch, decreed in Case No. 81-CW-19 for .003 c.f.s. for stockwater, and Martinez Spring No. 1, decreed in Case No. 86-CW-34 for 0.003 c.f.s. with a 1986 date of appropriation for domestic and industrial purposes, are de minimis spring developments located upstream of QP 53B2. The operation of these water rights, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

230) Name: Euclid Gulch/Kerber (QP 53C1)

Legal Description: The quantification point is located where the stream channel

crosses the Forest boundary in SE Quarter Section 12, T46N R7E N.M.P.M., at a point S 53 degrees E, 6,500 feet from the SW corner Section 1, T46N R7E N.M.P.M.

Source: Euclid Gulch/Kerber

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

231) Name: Skunk Creek (QP 53C3)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in SE Quarter Section 3, T46N R7E N.M.P.M., at a point N 82 degrees W, 5,650 feet from the SW corner Section 1, T46N R7E N.M.P.M.

Source: Skunk Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

232) Name: Sawmill Gulch/Kerber (QP 53C4)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NE Quarter Section 3, T46N R7E N.M.P.M., at a point N 53 degrees W, 7,120 feet from the SW corner Section 1, T46N R7E N.M.P.M.

1 Source: Sawmill Gulch/Kerber

2
3 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
4 and incorporated herein by reference.)

5
6 Date of Reservation/Appropriation: June 13, 1905

7
8 Beneficial Use: Instream Flow for National Forest Purposes.

9
10 Remarks: No conflict exists between the instream flow water right and other valid
11 and existing water rights in this drainage. Records of the Forest Service and the
12 Division Engineer, Water Division No. 3, show no private water developments or
13 water rights in this drainage within the National Forest boundary.

14
15 233) Name: Brewery Creek (QP 53C5)

16
17 Legal Description: The quantification point is located where the stream channel
18 crosses the Forest boundary in NE Quarter Section 34, T47N R7E N.M.P.M., at a
19 point N 28 degrees W, 11,670 feet from the SW corner Section 1, T46N R7E
20 N.M.P.M.

21
22 Source: Brewery Creek

23
24 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
25 and incorporated herein by reference.)

26
27 Date of Reservation/Appropriation: June 13, 1905

28
29 Beneficial Use: Instream Flow for National Forest Purposes.

30
31 Remarks: No conflict exists between the instream flow water right and other valid
32 and existing water rights in this drainage. Records of the Forest Service and the
33 Division Engineer, Water Division No. 3, show no private water developments or
34 water rights in this drainage within the National Forest boundary.

35
36 234) Name: Slaughterhouse Creek (QP 53C6)

37
38 Legal Description: The quantification point is located where the stream channel
39 crosses the Forest boundary in SE Quarter Section 26, T47N R7E N.M.P.M., at a
40 point N 9 degrees W, 11,200 feet from the SW corner Section 1, T46N R7E N.M.P.M.

41
42 Source: Slaughterhouse Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

235) Name: Kerber Creek (QP 53C7)

Legal Description: The quantification point is located approximately 1.0 mile upstream from the Forest boundary in the NW Quarter Section 24, T47N R7E N.M.P.M., at a point N 6 degrees E, 20,100 feet from the SW corner Section 1, T46N R7E N.M.P.M.

Source: Kerber Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between the instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

236) Name: Squirrel Creek (QP 53C8)

Legal Description: The quantification point is located approximately 1.3 miles upstream from the Forest boundary in the NE Quarter Section 24, T47N R7E N.M.P.M., at a point N 12 degrees E, 21,900 feet from the SW corner Section 1, T46N R7E N.M.P.M.

Source: Squirrel Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto

and incorporated herein by reference.)

Date of Reservation/Appropriation: May 03, 1934

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 53C8 as of the date of this decree:

The decreed point of diversion for Rawley Pipeline No. 1, is located on National Forest land below QP 53C8. Rawley Pipeline No. 1 is decreed for 2.7 c.f.s. with a 1916 date of appropriation for industrial and domestic purposes. The water right has historically been use for domestic, mining, milling and mine reclamation purposes. The operation of this water right, as currently operated, has no material adverse effect on the reserved water right in this stream.

Rawley Tunnel Flume is located above QP 53C8, and is decreed for 1.0 c.f.s. with a 1911 date of appropriation for industrial and domestic use. The source for this water right is from the Rawley 12 Adit. The owners of this water right have filed a Notice of Abandonment on this right.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

237) Name: Elkhorn Gulch (QP 53C9)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in SW Quarter Section 31, T47N R8E N.M.P.M., at a point N 40 degrees E, 8,300 feet from the SW corner Section 1, T46N R7E N.M.P.M.

Source: Elkhorn Gulch

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 13, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

1 Remarks: No conflict exists between the instream flow water right and other valid
2 and existing water rights in this drainage. Records of the Forest Service and the
3 Division Engineer, Water Division No. 3, show no private water developments or
4 water rights in this drainage within the National Forest boundary.
5

6 238) Name: Eagle Gulch (QP 53C10)
7

8 Legal Description: The quantification point is located where the stream channel
9 crosses the Forest boundary in SW Quarter Section 6, T46N R8E N.M.P.M., at a point
10 N 76 degrees E, 5,900 feet from the SW corner Section 1, T46N R7E N.M.P.M.
11

12 Source: Eagle Gulch
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 13, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between the instream flow water right and other valid
22 and existing water rights in this drainage. Records of the Forest Service and the
23 Division Engineer, Water Division No. 3, show no private water developments or
24 water rights in this drainage within the National Forest boundary.
25

26 239) Name: Spring Creek (QP 53D1)
27

28 Legal Description: The quantification point is located where the stream channel
29 crosses the Forest boundary in SE Quarter Section 11, T47N R8E N.M.P.M., at a
30 point S 11 degrees W, 10,560 feet from the SW corner Section 36, T48N R8E
31 N.M.P.M.
32

33 Source: Spring Creek
34

35 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
36 and incorporated herein by reference.)
37

38 Date of Reservation/Appropriation: June 13, 1905
39

40 Beneficial Use: Instream Flow for National Forest Purposes.
41

42 Remarks: No conflict exists between the instream flow water right and other valid
43 and existing water rights in this drainage. Records of the Forest Service and the

1 Division Engineer, Water Division No. 3, show no private water developments or
2 water rights in this drainage within the National Forest boundary.
3

4 240) Name: Alder Creek (QP 53D2)
5

6 Legal Description: The quantification point is located where the stream channel
7 crosses the Forest boundary in SE Quarter Section 34, T48N R8E N.M.P.M., at a
8 point N 83 degrees W, 5,500 feet from the SW corner Section 36, T48N R8E
9 N.M.P.M.
10

11 Source: Alder Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 13, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between the instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 241) Name: Clover Creek (QP 53D3)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in SE Quarter Section 28, T48N R8E N.M.P.M., at a
29 point N 62 degrees W, 12,500 feet from the SW corner Section 36, T48N R8E
30 N.M.P.M.
31

32 Source: Clover Creek
33

34 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
35 and incorporated herein by reference.)
36

37 Date of Reservation/Appropriation: June 13, 1905
38

39 Beneficial Use: Instream Flow for National Forest Purposes.
40

41 Remarks: No conflict exists between the instream flow water right and other valid
42 and existing water rights in this drainage. Records of the Forest Service and the
43 Division Engineer, Water Division No. 3, show no private water developments or

1 water rights in this drainage within the National Forest boundary.
2

3 242) Name: San Luis Creek (QP 53D4)
4

5 Legal Description: The quantification point is located where the stream channel
6 crosses the Forest boundary in SE Quarter Section 2, T48N R8E N.M.P.M., at a point
7 N 26 degrees W, 17,500 feet from the SE corner Section 24, T48N R8E N.M.P.M.
8

9 Source: San Luis Creek
10

11 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
12 and incorporated herein by reference.)
13

14 Date of Reservation/Appropriation: June 13, 1905
15

16 Beneficial Use: Instream Flow for National Forest Purposes.
17

18 Remarks: No conflict exists between the instream flow water right and other valid
19 and existing water rights in this drainage. Records of the Forest Service and the
20 Division Engineer, Water Division No. 3, show no private water developments or
21 water rights in this drainage within the National Forest boundary.
22

23 243) Name: Dorsey Creek (QP 53D5)
24

25 Legal Description: The quantification point is located where the stream channel
26 crosses the Forest boundary in SW Quarter Section 12, T48N R8E N.M.P.M., at a
27 point N 16 degrees W, 11,080 feet from the SE corner Section 24, T48N R8E
28 N.M.P.M.
29

30 Source: Dorsey Creek
31

32 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
33 and incorporated herein by reference.)
34

35 Date of Reservation/Appropriation: June 12, 1905
36

37 Beneficial Use: Instream Flow for National Forest Purposes.
38

39 Remarks: No conflict exists between the instream flow water right and other valid
40 and existing water rights in this drainage. Records of the Forest Service and the
41 Division Engineer, Water Division No. 3, show no private water developments or
42 water rights in this drainage within the National Forest boundary.
43

1 244) Name: Lone Tree Creek (QP 53D6)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in NE Quarter Section 13, T48N R8E N.M.P.M., at a
5 point N 15 degrees W, 10,030 feet from the SE corner Section 24, T48N R8E
6 N.M.P.M.
7

8 Source: Lone Tree Creek
9

10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)
12

13 Date of Reservation/Appropriation: June 12, 1905
14

15 Beneficial Use: Instream Flow for National Forest Purposes.
16

17 Remarks: No conflict exists between the instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.
21

22 245) Name: Sawmill Gulch/San Luis (QP 53D7)
23

24 Legal Description: The quantification point is located where the stream channel
25 crosses the Forest boundary in SE Quarter Section 13, T48N R8E N.M.P.M., at a
26 point N 23 degrees W, 5,900 feet from the SE corner Section 24, T48N R8E
27 N.M.P.M.
28

29 Source: Sawmill Gulch/San Luis
30

31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)
33

34 Date of Reservation/Appropriation: June 12, 1905
35

36 Beneficial Use: Instream Flow for National Forest Purposes.
37

38 Remarks: No conflict exists between the instream flow water right and other valid
39 and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.
42

43 246) Name: Swindinski Creek (QP 53D8)

1 Legal Description: The quantification point is located where the stream channel
2 crosses the Forest boundary in SE Quarter Section 18, T48N R9E N.M.P.M., at a
3 point N 29 degrees E, 6,000 feet from the SE corner Section 24, T48N R8E N.M.P.M.
4

5 Source: Swindinski Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 12, 1905
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between the instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 247) Name: Merkt Creek (QP 53D9)
20

21 Legal Description: The quantification point is located where the stream channel
22 crosses the Forest boundary in SE Quarter Section 19, T48N R9E N.M.P.M., at a
23 point N 60 degrees E, 3,500 feet from the SE corner Section 24, T48N R8E N.M.P.M.
24

25 Source: Merkt Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: June 12, 1905
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between the instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 248) Name: North Decker Creek (QP 53D10)
40

41 Legal Description: The quantification point is located where the stream channel
42 crosses the Forest boundary in SW Quarter Section 20, T48N R9E N.M.P.M., at a
43 point due East, 6,200 feet from the SE corner Section 24, T48N R8E N.M.P.M.

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

249) Name: North Rock Creek (QP 53E1A)

Source: North Rock Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 53E1A as of the date of this decree:

The North Rock Creek diversion point for the Clark Ditch A is located above QP 53E1A. Four water rights are decreed to this structure for 0.82 c.f.s. with an 1870 date of appropriation, 4.0 c.f.s. with an 1881 date of appropriation, 3.2 c.f.s. with an 1885 date of appropriation and 0.82 c.f.s. with an 1874 date of appropriation. These water rights predate the National Forest reservation. Accordingly, the amount of water available to the reserved water right in this stream is subject to these pre-existing water rights. The operation of these water rights, as decreed, has no material adverse effect on the reserved water right in this stream.

1 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
2 no other private water developments or water rights in this drainage within the
3 National Forest boundary.
4

5 250) Name: South Rock Creek (QP 53E1B)
6

7 Legal Description: The quantification point is located approximately 0.4 mile
8 upstream from the Forest boundary in SW Quarter Section 28, T48N R9E N.M.P.M.,
9 at a point N 21 degrees W, 12,030 feet from the SW corner Section 3, T47N R9E
10 N.M.P.M.
11

12 Source: South Rock Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 12, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. The following water rights or structures are
23 located near or upstream of QP 53E1B as of the date of this decree:
24

25 The South Rock Creek diversion point for the Clark Ditch A is located above QP
26 53E1A. Four water rights are decreed to this structure for 0.82 c.f.s. with an 1870
27 date of appropriation, 4.0 c.f.s. with an 1881 date of appropriation, 3.2 c.f.s. with an
28 1885 date of appropriation and 0.82 c.f.s. with an 1874 date of appropriation. These
29 water rights predate the National Forest reservation. Accordingly, the amount of
30 water available to the reserved water right in this stream is subject to these pre-
31 existing water rights. The operation of these water rights, as decreed, has no material
32 adverse effect on the reserved water right in this stream.
33

34 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
35 no other private water developments or water rights in this drainage within the
36 National Forest boundary.
37

38 251) Name: Yankee Creek (QP 53E2)
39

40 Legal Description: The quantification point is located where the stream channel
41 crosses the Forest boundary in NW Quarter Section 33, T48N R9E N.M.P.M., at a
42 point N 32 degrees W, 9,600 feet from the SW corner Section 3, T47N R9E N.M.P.M.
43

Source: Yankee Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 53E2 as of the date of this decree:

The Dominick diversion and Clark Ditches are authorized by a permanent USDI easement. Five water rights are decreed to this structure for 0.82 c.f.s. with an 1870 date of appropriation, 4.0 c.f.s. with an 1881 date of appropriation, 3.2 c.f.s. with an 1885 date of appropriation, 0.82 c.f.s. with an 1874 date of appropriation, and 'all waters of Yankee Creek with an 1890 date of appropriation. These water rights predate the National Forest reservation. Accordingly, the amount of water available to the reserved water right in this stream is subject to these pre-existing water rights. The operation of these water rights, as decreed, has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

252) Name: Nieland Creek (QP 53E3)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NW Quarter Section 3, T47N R9E N.M.P.M., at a point due North, 3,060 feet from the SW corner Section 3, T47N R9E N.M.P.M.

Source: Nieland Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 253) Name: Butterfly Creek (QP 53E4)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in SE Quarter Section 3, T47N R9E N.M.P.M., at a point
9 due East, 3,690 feet from the SW corner Section 3, T47N R9E N.M.P.M.
10

11 Source: Butterfly Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 12, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 254) Name: Eaglebrook Gulch (QP 53E5)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in NW Quarter Section 11, T47N R9E N.M.P.M., at a
29 point S 75 degrees E, 6,230 feet from the SW corner Section 3, T47N R9E N.M.P.M.
30

31 Source: Eaglebrook Gulch
32

33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)
35

36 Date of Reservation/Appropriation: June 12, 1905
37

38 Beneficial Use: Instream Flow for National Forest Purposes.
39

40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 255) Name: Raspberry Creek (QP 53E6)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in NE Quarter Section 11, T47N R9E N.M.P.M., at a
5 point S 67 degrees E, 9,500 feet from the SW corner Section 3, T47N R9E N.M.P.M.
6

7 Source: Raspberry Creek
8

9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)
11

12 Date of Reservation/Appropriation: June 12, 1905
13

14 Beneficial Use: Instream Flow for National Forest Purposes.
15

16 Remarks: No conflict exists between this instream flow water right and other valid
17 and existing water rights in this drainage. Records of the Forest Service and the
18 Division Engineer, Water Division No. 3, show no private water developments or
19 water rights in this drainage within the National Forest boundary.
20

21 256) Name: Ferguson Creek (QP 53E7)
22

23 Legal Description: The quantification point is located where the stream channel
24 crosses the Forest boundary in SE Quarter Section 12, T47N R9E N.M.P.M., at a
25 point N 39 degrees E, 6,970 feet from the SW corner Section 13, T47N R9E
26 N.M.P.M.
27

28 Source: Ferguson Creek
29

30 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
31 and incorporated herein by reference.)
32

33 Date of Reservation/Appropriation: June 12, 1905
34

35 Beneficial Use: Instream Flow for National Forest Purposes.
36

37 Remarks: No conflict exists between this instream flow water right and other valid
38 and existing water rights in this drainage. The following water rights or structures are
39 located near or upstream of QP 53E7 as of the date of this decree:
40

41 Whiteman ditch is authorized by a permanent USDI easement, however, no water
42 rights exist for this structure, and the site could not be located on the ground.
43

1 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
2 no other private water developments or water rights in this drainage within the
3 National Forest boundary.
4

5 257) Name: Brook Creek (QP 53E8)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in NW Quarter Section 18, T47N R10E N.M.P.M., at a
9 point N 58 degrees E, 6,330 feet from the SW corner Section 13, T47N R9E
10 N.M.P.M.
11

12 Source: Brook Creek
13

14 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
15 and incorporated herein by reference.)
16

17 Date of Reservation/Appropriation: June 12, 1905
18

19 Beneficial Use: Instream Flow for National Forest Purposes.
20

21 Remarks: No conflict exists between this instream flow water right and other valid
22 and existing water rights in this drainage. Records of the Forest Service and the
23 Division Engineer, Water Division No. 3, show no private water developments or
24 water rights in this drainage within the National Forest boundary.
25

26 258) Name: Miller Creek (QP 53F1)
27

28 Legal Description: The quantification point is located where the stream channel
29 crosses the Forest boundary in NE Quarter Section 19, T47N R10E N.M.P.M., at a
30 point S 78 degrees E, 8,340 feet from the SW corner Section 13, T47N R9E N.M.P.M.
31

32 Source: Miller Creek
33

34 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
35 and incorporated herein by reference.)
36

37 Date of Reservation/Appropriation: June 12, 1905
38

39 Beneficial Use: Instream Flow for National Forest Purposes.
40

41 Remarks: No conflict exists between this instream flow water right and other valid
42 and existing water rights in this drainage. The following water rights or structures are
43 located near or upstream of QP 53F1 as of the date of this decree:

1
2 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
3 no private water developments or water rights in the Miller Creek drainage within the
4 Forest boundary. A water right for Driscoll Ditch is listed in the State tabulation on
5 Cook Creek, just above private land. Cook Creek is an intermittent tributary that joins
6 Miller Creek on private land several miles below the Forest boundary. No owner or
7 record of recent use of the Driscoll Ditch could be found.
8

9 259) Name: Jack Gulch (QP 53F2)
10

11 Legal Description: The quantification point is located where the stream channel
12 crosses the Forest boundary in SE Quarter Section 19, T47N R10E N.M.P.M., at a
13 point S 60 degrees E, 10,560 feet from the SW corner Section 13, T47N R9E
14 N.M.P.M.
15

16 Source: Jack Gulch
17

18 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
19 and incorporated herein by reference.)
20

21 Date of Reservation/Appropriation: June 12, 1905
22

23 Beneficial Use: Instream Flow for National Forest Purposes.
24

25 Remarks: No conflict exists between this instream flow water right and other valid
26 and existing water rights in this drainage. Records of the Forest Service and the
27 Division Engineer, Water Division No. 3, show no private water developments or
28 water rights in this drainage within the National Forest boundary.
29

30 260) Name: Carr Gulch (QP 53F3)
31

32 Legal Description: The quantification point is located where the stream channel
33 crosses the Forest boundary in SE Quarter Section 20, T47N R10E N.M.P.M., at a
34 point S 61 degrees E, 14,830 feet from the SW corner Section 13, T47N R9E
35 N.M.P.M.
36

37 Source: Carr Gulch
38

39 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
40 and incorporated herein by reference.)
41

42 Date of Reservation/Appropriation: June 12, 1905
43

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 261) Name: Euclid Gulch (QP 53F4)
9

10 Legal Description: The quantification point is located where the stream channel
11 crosses the Forest boundary in SW Quarter Section 28, T47N R10E N.M.P.M., at a
12 point N 3 degrees E, 10,870 feet from the SE corner Section 5, T46N 10E N.M.P.M.
13

14 Source: Euclid Gulch
15

16 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
17 and incorporated herein by reference.)
18

19 Date of Reservation/Appropriation: June 12 1905
20

21 Beneficial Use: Instream Flow for National Forest Purposes.
22

23 Remarks: No conflict exists between this instream flow water right and other valid
24 and existing water rights in this drainage. Records of the Forest Service and the
25 Division Engineer, Water Division No. 3, show no private water developments or
26 water rights in this drainage within the National Forest boundary.
27

28 262) Name: Hayden Pass Creek (QP 53F5)
29

30 Legal Description: The quantification point is located where the stream channel
31 crosses the Forest boundary in SE Quarter Section 33, T47N R10E N.M.P.M., at a
32 point N 23 degrees E, 7,230 feet from the SE corner Section 5, T46N 10E N.M.P.M.
33

34 Source: Hayden Pass Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 12, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 263) Name: Silver Creek (QP 53F6)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in NW Quarter Section 3, T46N R10E N.M.P.M., at a
9 point N 52 degrees E, 6,860 feet from the SE corner Section 5, T46N 10E N.M.P.M.
10

11 Source: Silver Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 12, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between this instream flow water right and other
21 valid and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 264) Name: Piney Creek (QP 53F7)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in NW Quarter Section 3, T46N R10E N.M.P.M., at a
29 point N 70 degrees E, 7,920 feet from the SE corner Section 5, T46N 10E N.M.P.M.
30

31 Source: Piney Creek
32

33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)
35

36 Date of Reservation/Appropriation: June 12, 1905
37

38 Beneficial Use: Instream Flow for National Forest Purposes.
39

40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 265) Name: South Piney Creek (QP 53F8)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in NE Quarter Section 2, T46N R10E N.M.P.M., at a
5 point N 79 degrees E, 11,400 feet from the SE corner Section 5, T46N 10E N.M.P.M.

6
7 Source: South Piney Creek

8
9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)

11
12 Date of Reservation/Appropriation: June 12, 1905

13
14 Beneficial Use: Instream Flow for National Forest Purposes.

15
16 Remarks: No conflict exists between this instream flow water right and other valid
17 and existing water rights in this drainage. Records of the Forest Service and the
18 Division Engineer, Water Division No. 3, show no private water developments or
19 water rights in this drainage within the National Forest boundary.

20
21 266) Name: Steel Canyon Creek (QP 53G1)

22
23 Legal Description: The quantification point is located where the stream channel
24 crosses the Forest boundary in NE Quarter Section 12, T46N R10E N.M.P.M., at a
25 point S 84 degrees E, 18,530 feet from the SE corner Section 5, T46N 10E N.M.P.M.

26
27 Source: Steel Canyon Creek

28
29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)

31
32 Date of Reservation/Appropriation: June 12, 1905

33
34 Beneficial Use: Instream Flow for National Forest Purposes.

35
36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.

40
41 267) Name: Black Canyon Creek (QP 53G2)

42
43 Legal Description: The quantification point is located where the stream channel

1 crosses the Forest boundary in NE Quarter Section 19, T46N R11E N.M.P.M., at a
2 point N 67 degrees E, 8,750 feet from the NW corner Section 25, T46N 10E
3 N.M.P.M.
4

5 Source: Black Canyon Creek
6

7 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
8 and incorporated herein by reference.)
9

10 Date of Reservation/Appropriation: June 12, 1905
11

12 Beneficial Use: Instream Flow for National Forest Purposes.
13

14 Remarks: No conflict exists between this instream flow water right and other valid
15 and existing water rights in this drainage. Records of the Forest Service and the
16 Division Engineer, Water Division No. 3, show no private water developments or
17 water rights in this drainage within the National Forest boundary.
18

19 268) Name: Hot Springs Canyon Creek (QP 53G3)
20

21 Legal Description: The quantification point is located where the stream channel
22 crosses the Forest boundary in SE Quarter Section 31, T46N R11E N.M.P.M., at a
23 point N 68 degrees E, 3,050 feet from the SW corner Section 31, T46N 11E N.M.P.M.
24

25 Source: Hot Springs Canyon Creek
26

27 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
28 and incorporated herein by reference.)
29

30 Date of Reservation/Appropriation: June 12, 1905
31

32 Beneficial Use: Instream Flow for National Forest Purposes.
33

34 Remarks: No conflict exists between this instream flow water right and other valid
35 and existing water rights in this drainage. Records of the Forest Service and the
36 Division Engineer, Water Division No. 3, show no private water developments or
37 water rights in this drainage within the National Forest boundary.
38

39 269) Name: Garner Creek (QP 53G4)
40

41 Legal Description: The quantification point is located approximately 0.6 mile
42 upstream from the Forest boundary in NW Quarter Section 5, T45N R11E N.M.P.M.,
43 at a point S 13 degrees E, 5,800 feet from the SE corner Section 36, T46N 10E

1 N.M.P.M.
2

3 Source: Garner Creek
4

5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: April 11, 1902
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. The following water rights or structures are
14 located near or upstream of QP 53G4 as of the date of this decree:
15

16 The Ridenour Ditch, located below QP53G4, is decreed for 0.6 c.f.s. with an 1881
17 date of appropriation for irrigation purposes. This water right predates the National
18 Forest reservation. Accordingly, the amount of water available to the reserved water
19 right in this stream is subject to this pre-existing water right. The operation of this
20 water right, as decreed, has no material adverse effect on the reserved water right in
21 this stream.
22

23 The AH Hoffman ditch was located below QP53G4. This ditch was decreed
24 abandoned in Case No. 91-CW-32.
25

26 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
27 no other private water developments or water rights in this drainage within the
28 National Forest boundary.
29

30
31 270) Name: Major Creek (QP 53G5)
32

33 Legal Description: The quantification point is located approximately 0.4 mile
34 upstream from the Forest boundary in NE Quarter Section 7, T45N R11E N.M.P.M.,
35 at a point S 32 degrees E, 8,800 feet from the SW corner Section 31, T46N 11E
36 N.M.P.M.
37

38 Source: Major Creek
39

40 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
41 and incorporated herein by reference.)
42

43 Date of Reservation/Appropriation: April 11, 1902

1 Beneficial Use: Instream Flow for National Forest Purposes.

2
3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. The following water rights or structures are
5 located near or upstream of QP 53G5 as of the date of this decree:
6

7 The Hoffman Ditch No. 2, decreed for 0.9 c.f.s. with an 1875 priority, the Major
8 Creek Ditch, decreed for 3.9 c.f.s. with an 1870 priority and the Ridenour Extension
9 Ditch, decreed for 1.0 c.f.s. with a 1911 priority all appear to have decreed points of
10 diversion on the National Forest. However, the actual points of diversion for these
11 water rights are located on private land below the National Forest boundary. The
12 owners of these ditches have agreed to correct the record location of their points of
13 diversion to conform to the actual points of diversion. The operation of these water
14 rights, as decreed and operated, has no material adverse effect on the reserved water
15 right in this stream.
16

17 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
18 no other private water developments or water rights in this drainage within the
19 National Forest boundary.
20

21 271) Name: Cotton Creek (QP 53G6)
22

23 Legal Description: The quantification point is located approximately 0.25 mile
24 upstream from the Forest boundary in SW Quarter Section 20, T45N R11E N.M.P.M.,
25 at a point N 77 degrees E, 6,700 feet from the SW corner Section 19, T45N 11E
26 N.M.P.M.
27

28 Source: Cotton Creek
29

30 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
31 and incorporated herein by reference.)
32

33 Date of Reservation/Appropriation: April 11, 1902
34

35 Beneficial Use: Instream Flow for National Forest Purposes.
36

37 Remarks: No conflict exists between this instream flow water right and other valid
38 and existing water rights in this drainage. The following water rights or structures are
39 located near or upstream of QP 53G6 as of the date of this decree:
40

41 The Cotton Creek Airline Ditch is decreed for diversion above QP53G6, and very
42 close to the National Forest boundary. This ditch is decreed for 33.1 c.f.s. from 16
43 water rights with priorities between 1868 and 1890. These water rights predate the

1 National Forest reservation. Accordingly, the amount of water available to the
2 reserved water right in this stream is subject to these pre-existing water rights. The
3 Cotton Creek Airline Ditch is also decreed for 36 c.f.s. with a 1908 priority. The
4 operation of these water rights, as decreed and constructed, have no material adverse
5 effect on the reserved water right in this stream.
6

7 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
8 no other private water developments or water rights in this drainage within the
9 National Forest boundary.
10

11 272) Name: Wild Cherry Creek (QP 53H1)
12

13 Legal Description: The quantification point is located where the stream channel
14 crosses the Forest boundary in SW Quarter Section 33, T45N R11E N.M.P.M., at a
15 point due E, 950 feet from the SE corner Section 32, T45N 11E N.M.P.M.
16

17 Source: Wild Cherry Creek
18

19 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
20 and incorporated herein by reference.)
21

22 Date of Reservation/Appropriation: April 11, 1902
23

24 Beneficial Use: Instream Flow for National Forest Purposes.
25

26 Remarks: No conflict exists between this instream flow water right and other valid
27 and existing water rights in this drainage. Records of the Forest Service and the
28 Division Engineer, Water Division No. 3, show no private water developments or
29 water rights in this drainage within the National Forest boundary.
30

31 273) Name: Rito Alto Creek (QP 53H2)
32

33 Legal Description: The quantification point is located where the stream channel
34 crosses the Forest boundary in NW Quarter Section 10, T44N R11E N.M.P.M., at a
35 point N 35 degrees E, 5,000 feet from the 1/4 corner Section 9/16, T44N 11E
36 N.M.P.M.
37

38 Source: Rito Alto Creek
39

40 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
41 and incorporated herein by reference.)
42

43 Date of Reservation/Appropriation: April 11, 1902

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 274) Name: Cedar Creek (QP 53H3)
9

10 Legal Description: The quantification point is located approximately 0.9 mile
11 upstream from the Forest boundary in SW Quarter Section 10, T44N R11E N.M.P.M.,
12 at a point N 4 degrees E, 24,400 feet from the SW corner Section 35, T44N 11E
13 N.M.P.M.
14

15 Source: Cedar Creek
16

17 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
18 and incorporated herein by reference.)
19

20 Date of Reservation/Appropriation: April 11, 1902
21

22 Beneficial Use: Instream Flow for National Forest Purposes.
23

24 Remarks: No conflict exists between this instream flow water right and other valid
25 and existing water rights in this drainage. The following water rights or structures are
26 located near or upstream of QP 53H3 as of the date of this decree:
27

28 Cedar Creek ditch, located on the Forest above QP53H3, has been abandoned.
29 Vandruff and Carr ditch is decreed for 8.0 c.f.s. with a 1912 priority. Historically the
30 stream channel is used to transport water under this water right through the National
31 Forest System lands. The operation of this water right, as decreed, has no material
32 adverse effect on the reserved water right in this stream.
33

34 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
35 no other private water developments or water rights in this drainage within the
36 National Forest boundary.
37

38 275) Name: Marshall Gulch (QP 53H4)
39

40 Legal Description: The quantification point is located where the stream channel
41 crosses the Forest boundary in SW Quarter Section 15, T44N R11E N.M.P.M., at a
42 point due North, 1,000 feet from the SE corner Section 16, T44N 10E N.M.P.M.
43

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NE Quarter Section 26, T44N R11E N.M.P.M., at a point N 31 degrees E, 9,600 feet from the SW corner Section 35, T44N 11E N.M.P.M.

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

Legal Description: The quantification point is located approximately 1.1 miles upstream from the Forest boundary in SE Quarter Section 24, T44N R11E N.M.P.M., at a point N 37 degrees E, 14,260 feet from the SW corner Section 35, T44N 11E N.M.P.M.

Source: Isabel Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: April 11, 1902

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

278) Name: North Crestone Creek (QP 55A1)

Legal Description: The quantification point is located approximately 1.6 miles upstream from the Forest boundary in NE Quarter Section 32, T44N R12E N.M.P.M., at a point N 32 degrees E, 9,240 feet from the 1/4 corner Section 6/7, T43N R12E N.M.P.M.

Source: North Crestone Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: April 11, 1902

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 55A1 as of the date of this decree:

North Crestone Creek diversion is a flood control structure which diverts high flows just upstream from the National Forest boundary in order to prevent damage to the town of Crestone. No decreed water right is associated with this structure. The use of this structure, as historically operated, has no material adverse effect on the reserved water right in this stream.

Inglewood ditch, decreed for 2.0 c.f.s. with a 1973 priority, is located on Burnt Gulch Creek, a tributary that flows into Crestone Creek. There is no QP on this tributary that would be affected by Inglewood ditch. The operation of this water right, as decreed, has no material adverse effect on the reserved water right in this stream.

1 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
2 no other private water developments or water rights in this drainage within the
3 National Forest boundary.
4

5 279) Name: South Crestone Creek (QP 55A2)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in SE Quarter Section 9, T43N R12E N.M.P.M., at a
9 point due East, 5,050 feet from the SW corner Section 8, T43N 12E N.M.P.M.
10

11 Source: South Crestone Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: April 11, 1902
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 280) Name: Willow Creek (QP 55A3)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in SW Quarter Section 9, T43N R12E N.M.P.M., at a
29 point due East, 10,400 feet from the SW corner Section 8, T43N 12E N.M.P.M.
30

31 Source: Willow Creek
32

33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)
35

36 Date of Reservation/Appropriation: April 11, 1902
37

38 Beneficial Use: Instream Flow for National Forest Purposes.
39

40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 281) Name: Cottonwood Creek (QP 55A4)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in NW Quarter Section 19, T24S R73W 6thP.M., at a
5 point N 52 degrees W, 5,750 feet from an unnamed peak (elevation 12,795 feet) in
6 Section 29, T24S R73W 6thP.M.

7
8 Source: Cottonwood Creek

9
10 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
11 and incorporated herein by reference.)

12
13 Date of Reservation/Appropriation: June 12, 1905

14
15 Beneficial Use: Instream Flow for National Forest Purposes.

16
17 Remarks: No conflict exists between this instream flow water right and other valid
18 and existing water rights in this drainage. Records of the Forest Service and the
19 Division Engineer, Water Division No. 3, show no private water developments or
20 water rights in this drainage within the National Forest boundary.

21
22 282) Name: Deadman Creek (QP 55A5)

23
24 Legal Description: The quantification point is located where the stream channel
25 crosses the Forest boundary in NW Quarter Section 6, T25S R73W 6thP.M., at a point
26 N 87 degrees W, 8,700 feet from an unnamed peak (elevation 12,729 feet) in Section
27 4, T25S R73W 6thP.M.

28
29 Source: Deadman Creek

30
31 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
32 and incorporated herein by reference.)

33
34 Date of Reservation/Appropriation: June 12, 1905

35
36 Beneficial Use: Instream Flow for National Forest Purposes.

37
38 Remarks: No conflict exists between this instream flow water right and other valid
39 and existing water rights in this drainage. Records of the Forest Service and the
40 Division Engineer, Water Division No. 3, show no private water developments or
41 water rights in this drainage within the National Forest boundary.

42
43 283) Name: Sand Creek (QP 55A6)

1 Legal Description: The quantification point is located approximately 0.5 mile
2 upstream from the Forest boundary in SW Quarter Section 21, T25S R73W 6thP.M.,
3 at a point N 51 degrees E, 2,400 feet from the SW corner Section 21, T25S R73W
4 6thP.M.

5
6 Source: Sand Creek

7
8 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
9 and incorporated herein by reference.)

10
11 Date of Reservation/Appropriation: June 12, 1905

12
13 Beneficial Use: Instream Flow for National Forest Purposes.

14
15 Remarks: No conflict exists between this instream flow water right and other valid
16 and existing water rights in this drainage. Records of the Forest Service and the
17 Division Engineer, Water Division No. 3, show no private water developments or
18 water rights in this drainage within the National Forest boundary.

19
20 284) Name: Cold Creek (QP 55A7)

21
22 Legal Description: The quantification point is located approximately 0.5 mile
23 upstream from the Forest boundary in SW Quarter Section 33, T25S R73W 6thP.M.,
24 at a point S 13 degrees E, 11,500 feet from the SW corner Section 21, T25S R73W
25 6thP.M.

26
27 Source: Cold Creek

28
29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)

31
32 Date of Reservation/Appropriation: June 12, 1905

33
34 Beneficial Use: Instream Flow for National Forest Purposes.

35
36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.

40
41 285) Name: Little Medano Creek (QP 57A1)

42
43 Legal Description: The quantification point is located where the stream channel

crosses the Forest boundary in NW Quarter Section 1, T26S R73W 6thP.M., at a point due North, 5,250 feet from the 1/4 corner Section 11/12, T26S R73W 6thP.M.

Source: Little Medano Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

286) Name: Medano Creek (QP 57A2)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in SW Quarter Section 12, T26S R73W 6thP.M., at a point due South, 250 feet from the 1/4 corner Section 11/12, T26S R73W 6thP.M.

Source: Medano Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. The following water rights or structures are located near or upstream of QP 57A2 as of the date of this decree:

The Medano Ditch and the Hudson Ditch are decreed for 15 c.f.s. with appropriation dates senior to the reservation of the National Forest, as described in Medano Ditch Co. v. Adams, 68 P. 431 (1902) and Charles Wolf and John Meyers v. The Medano Springs Ranch Co., et al., Alamosa County District Court (July 21, 1914). Accordingly, the amount of water available to the reserved water right in this stream is subject to these pre-existing rights. These water rights have a history of limited use, and are limited in the period in which they are entitled to divert. Although these

diversions have the potential to impact a short reach of Medano Creek, they have not precluded the development of a viable transplanted population of Rio Grande cutthroat trout and a population of Rio Grande sucker in Medano Creek below the diversions. The operation of these water rights as decreed has no material adverse effect on the reserved water right in this stream.

Records of the Forest Service and the Division Engineer, Water Division No. 3, show no other private water developments or water rights in this drainage within the National Forest boundary.

287) Name: Horse Canyon (QP 57A3)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in SW Quarter Section 13, T26S R73W 6thP.M., at a point due South, 6,450 feet from the 1/4 corner Section 11/12, T26S R73W 6thP.M.

Source: Horse Canyon

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

288) Name: Castle Creek (QP 57A4)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in NW Quarter Section 24, T26S R73W 6thP.M., at a point due South, 1,500 feet from the SW corner Section 13, T26S R73W 6thP.M.

Source: Castle Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

1 Beneficial Use: Instream Flow for National Forest Purposes.
2

3 Remarks: No conflict exists between this instream flow water right and other valid
4 and existing water rights in this drainage. Records of the Forest Service and the
5 Division Engineer, Water Division No. 3, show no private water developments or
6 water rights in this drainage within the National Forest boundary.
7

8 289) Name: Unnamed tributary to Medano Creek (QP 57A5)
9

10 Legal Description: The quantification point is located where the stream channel
11 crosses the Forest boundary in the SW Quarter Section 24, T26S R73W 6thP.M., at
12 a point due South, 2,200 feet from the SW corner Section 13, T26S R73W 6thP.M.
13

14 Source: Unnamed tributary to Medano Creek
15

16 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
17 and incorporated herein by reference.)
18

19 Date of Reservation/Appropriation: June 12, 1905
20

21 Beneficial Use: Instream Flow for National Forest Purposes.
22

23 Remarks: No conflict exists between this instream flow water right and other valid
24 and existing water rights in this drainage. Records of the Forest Service and the
25 Division Engineer, Water Division No. 3, show no private water developments or
26 water rights in this drainage within the National Forest boundary.
27

28 290) Name: Sawmill Canyon Creek (QP 57A6)
29

30 Legal Description: The quantification point is located where the stream channel
31 crosses the Forest boundary in the SW Quarter Section 25, T26S R73W 6thP.M., at
32 a point due South, 6,600 feet from the SW corner Section 13, T26S R73W 6thP.M.
33

34 Source: Sawmill Canyon Creek
35

36 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
37 and incorporated herein by reference.)
38

39 Date of Reservation/Appropriation: June 12, 1905
40

41 Beneficial Use: Instream Flow for National Forest Purposes.
42

43 Remarks: No conflict exists between this instream flow water right and other valid

1 and existing water rights in this drainage. Records of the Forest Service and the
2 Division Engineer, Water Division No. 3, show no private water developments or
3 water rights in this drainage within the National Forest boundary.
4

5 291) Name: Buck Creek (QP 57A7)
6

7 Legal Description: The quantification point is located where the stream channel
8 crosses the Forest boundary in the SW Quarter Section 25, T26S R73W 6thP.M., at
9 a point due South, 7,500 feet from the SW corner Section 13, T26S R73W 6thP.M.
10

11 Source: Buck Creek
12

13 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
14 and incorporated herein by reference.)
15

16 Date of Reservation/Appropriation: June 12, 1905
17

18 Beneficial Use: Instream Flow for National Forest Purposes.
19

20 Remarks: No conflict exists between this instream flow water right and other valid
21 and existing water rights in this drainage. Records of the Forest Service and the
22 Division Engineer, Water Division No. 3, show no private water developments or
23 water rights in this drainage within the National Forest boundary.
24

25 292) Name: Garden Creek (QP 57A8)
26

27 Legal Description: The quantification point is located where the stream channel
28 crosses the Forest boundary in the NW Quarter Section 36, T26S R73W 6thP.M., at
29 a point due North, 2,900 feet from the SW corner Section 36, T26S R73W 6thP.M.
30

31 Source: Garden Creek
32

33 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
34 and incorporated herein by reference.)
35

36 Date of Reservation/Appropriation: June 12, 1905
37

38 Beneficial Use: Instream Flow for National Forest Purposes.
39

40 Remarks: No conflict exists between this instream flow water right and other valid
41 and existing water rights in this drainage. Records of the Forest Service and the
42 Division Engineer, Water Division No. 3, show no private water developments or
43 water rights in this drainage within the National Forest boundary.

1 293) Name: Mosca Creek (QP 57B1)

2
3 Legal Description: The quantification point is located where the stream channel
4 crosses the Forest boundary in the NE Quarter Section 2, T27S R73W 6thP.M., at a
5 point S 76 degrees E, 3,100 feet from the SW corner Section 35, T26S R73W 6thP.M.
6

7 Source: Mosca Creek
8

9 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
10 and incorporated herein by reference.)
11

12 Date of Reservation/Appropriation: June 12, 1905
13

14 Beneficial Use: Instream Flow for National Forest Purposes.
15

16 Remarks: No conflict exists between this instream flow water right and other valid
17 and existing water rights in this drainage. Records of the Forest Service and the
18 Division Engineer, Water Division No. 3, show no private water developments or
19 water rights in this drainage within the National Forest boundary.
20

21 294) Name: Morris Gulch (QP 57B2)

22
23 Legal Description: The quantification point is located where the stream channel
24 crosses the Forest boundary in the SE Quarter Section 2, T27S R73W 6thP.M., at a
25 point S 40 degrees E, 5,250 feet from the SW corner Section 35, T26S R73W 6thP.M.
26

27 Source: Morris Gulch
28

29 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
30 and incorporated herein by reference.)
31

32 Date of Reservation/Appropriation: June 12, 1905
33

34 Beneficial Use: Instream Flow for National Forest Purposes.
35

36 Remarks: No conflict exists between this instream flow water right and other valid
37 and existing water rights in this drainage. Records of the Forest Service and the
38 Division Engineer, Water Division No. 3, show no private water developments or
39 water rights in this drainage within the National Forest boundary.
40

41 295) Name: North Arrastre Creek (QP 57B3)

42
43 Legal Description: The quantification point is located where the stream channel

crosses the Forest boundary in the SW Quarter Section 14, T27S R73W 6thP.M., at a point S 44 degrees E, 7,250 feet from the SW corner Section 10, T27S R73W 6thP.M.

Source: North Arrastre Creek

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

296) Name: South Arrastre Creek (QP 57B4)

Legal Description: The quantification point is located where the stream channel crosses the Forest boundary in the SW Quarter Section 23, T27S R73W 6thP.M., at a point S 29 degrees E, 10,300 feet from the SW corner Section 10, T27S R73W 6thP.M.

Source: South Arrastre Creek (QP 57B4)

Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto and incorporated herein by reference.)

Date of Reservation/Appropriation: June 12, 1905

Beneficial Use: Instream Flow for National Forest Purposes.

Remarks: No conflict exists between this instream flow water right and other valid and existing water rights in this drainage. Records of the Forest Service and the Division Engineer, Water Division No. 3, show no private water developments or water rights in this drainage within the National Forest boundary.

297) Name: North Zapata Creek (QP 57C1)

Legal Description: The quantification point is located where the stream channel

1 crosses the Forest boundary in the NW Quarter Section 3, T28S R73W 6thP.M., at a
2 point S 87 degrees E, 5,300 feet from the SW corner Section 33, T27S R73W 6thP.M.

3
4 Source: North Zapata Creek

5
6 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
7 and incorporated herein by reference.)
8

9 Date of Reservation/Appropriation: June 12, 1905

10
11 Beneficial Use: Instream Flow for National Forest Purposes.
12

13 Remarks: No conflict exists between this instream flow water right and other valid
14 and existing water rights in this drainage. Records of the Forest Service and the
15 Division Engineer, Water Division No. 3, show no private water developments or
16 water rights in this drainage within the National Forest boundary.
17

18 298) Name: Raspberry Canyon (QP 57C2)
19

20 Legal Description: The quantification point is located where the stream channel
21 crosses the Forest boundary in the SW Quarter Section 3, T28S R73W 6thP.M., at a
22 point S 59 degrees E, 6,100 feet from the SW corner Section 33, T27S R73W 6thP.M.
23

24 Source: Raspberry Canyon
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: June 12, 2905
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between this instream flow water right and other valid
34 and existing water rights in this drainage. Records of the Forest Service and the
35 Division Engineer, Water Division No. 3, show no private water developments or
36 water rights in this drainage within the National Forest boundary.
37

38 299) Name: Middle Zapata Creek (QP 57C3)
39

40 Legal Description: The quantification point is located approximately 0.7 mile
41 upstream from the Forest boundary in the NE Quarter Section 10, T28S R73W
42 6thP.M., at a point S 35 degrees E, 10,200 feet from the SE corner Section 32, T27S
43 R73W 6thP.M.

1 water rights in this drainage within the National Forest boundary.
2

3 301) Name: Pioneer Creek (QP 57C5)
4

5 Legal Description: The quantification point is located where the stream channel
6 crosses the Forest boundary in the NW Quarter Section 28, T28S R73W 6thP.M., at
7 a point S 78 degrees W, 2,850 feet from an unnamed peak (elevation 11,899 feet) in
8 Section 34, T28S R73W 6thP.M.
9

10 Source: Pioneer Creek
11

12 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
13 and incorporated herein by reference.)
14

15 Date of Reservation/Appropriation: June 12, 1905
16

17 Beneficial Use: Instream Flow for National Forest Purposes.
18

19 Remarks: No conflict exists between this instream flow water right and other valid
20 and existing water rights in this drainage. The following water rights or structures are
21 located near or upstream of QP 57C5 as of the date of this decree:
22

23 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
24 no other private water developments or water rights in the Pioneer Creek drainage
25 within the National Forest boundary. Two water diversions exist on Denton Creek,
26 an intermittent stream, which flows into Pioneer Creek several miles below the NFS
27 boundary. Denton ditch, decreed for 3.0 c.f.s. with an 1887 priority captures mine adit
28 drainage that may never get to Denton Creek naturally. Hidden Creek ditch, decreed
29 for 0.033 c.f.s. with an 1884 priority, is a small pipeline that diverts a de minimis
30 amount for domestic use. These water rights predate the National Forest reservation.
31 Accordingly, the amount of water available to the reserved water right in this stream
32 is subject to these pre-existing water rights. The operation of these water rights, as
33 decreed, has no material adverse effect on the reserved water right in this stream.
34

35 Records of the Forest Service and the Division Engineer, Water Division No. 3, show
36 no other private water developments or water rights in this drainage within the
37 National Forest boundary.
38

39 302) Name: Holbrook Creek (QP 57C6)
40

41 Legal Description: The quantification point is located where the stream channel
42 crosses the Forest boundary in the NW Quarter Section 4, T29S R73W 6thP.M., at a
43 point N 69 degrees E, 8,250 feet from the SW corner in Section 6, T29S R73W

1 6thP.M.
2

3 Source: Holbrook Creek
4

5 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
6 and incorporated herein by reference.)
7

8 Date of Reservation/Appropriation: June 12, 1905
9

10 Beneficial Use: Instream Flow for National Forest Purposes.
11

12 Remarks: No conflict exists between this instream flow water right and other valid
13 and existing water rights in this drainage. Records of the Forest Service and the
14 Division Engineer, Water Division No. 3, show no private water developments or
15 water rights in this drainage within the National Forest boundary.
16

17 303) Name: Tobin Creek (QP 57C7)
18

19 Legal Description: The quantification point is located approximately 1.2 miles
20 upstream from the Forest boundary in the NW Quarter Section 10, T29S R73W
21 6thP.M., at a point N 37 degrees E, 11,880 feet from the NE corner in Section 20,
22 T29S R73W 6thP.M.
23

24 Source: Tobin Creek
25

26 Amount Claimed: (See, Paragraph 35, above, and Appendix A, attached hereto
27 and incorporated herein by reference.)
28

29 Date of Reservation/Appropriation: June 12, 1905
30

31 Beneficial Use: Instream Flow for National Forest Purposes.
32

33 Remarks: No conflict exists between this instream flow water right and other
34 valid and existing water rights in this drainage. The following water rights or
35 structures are located near or upstream of QP 57C7 as of the date of this decree:
36

37 Cascade Ditch 1, decreed for 14.2 c.f.s. with a 1907 priority, is located in this drainage
38 above QP 57C7. This water right has a history of limited use. Water is not currently
39 being diverted under this water right, and the owner is unknown. The operation of
40 these water rights, as decreed and operated, has no material adverse effect on the
41 reserved water right in this stream..
42

43 Records of the Forest Service and the Division Engineer, Water Division No. 3, show

1 no other private water developments or water rights in this drainage within the
2 National Forest boundary.

3
4 **CONCLUSIONS OF LAW**
5

6 37. The application herein is one contemplated by law, and this Court has exclusive
7 jurisdiction over the subject matter of this proceeding. § 37-92-203, C.R.S.
8

9 38. Timely and adequate notice of the filing and of the contents of the application herein was
10 given in the manner provided by law, and this Court has jurisdiction over all persons or entities
11 affected hereby, whether or not they have appeared. § 37-92-302, C.R.S.
12

13 39. This decree is entered based upon settlement and compromise of the United States
14 claims in this case, and the findings of fact and conclusions of law set forth herein have not been
15 litigated. Nothing in this decree shall be construed or interpreted to establish any standard to be used
16 for the quantification of Federal Reserved Water Rights in any other judicial proceeding, or as
17 precedent for the existence or quantification of Federal Reserved Water Rights in any other
18 proceeding.
19

20 40. In addition to the retention of jurisdiction provided under Paragraph 19, the Court shall
21 retain jurisdiction over this action for the purpose of enabling any of the parties to the decree to apply
22 to the Court for such further orders or directives as may be necessary or appropriate for enforcement
23 or modification of this agreement.
24

25 41. Nothing in this agreement shall be interpreted to require federal agencies or officers to
26 act in a manner inconsistent with applicable federal, state, or local law, or to obligate or pay funds
27 in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341.
28

29 42. Priority of Rights under the Fourth Amended Application. The Application herein was
30 amended on October 25, 1999. The amendment affected the quantification of flow for the period of
31 annual runoff, and for the baseflows on the claimed streams. The amendment substantially changed
32 the claims. Based on this circumstance, the claims herein are not entitled to antedation of priority to
33 the date of reservation of the National Forests. In entering into this settlement, the United States has
34 also agreed to waive any claim to an earlier priority date. The reserved water rights decreed herein
35 shall therefore be administered as if filed in the year 1999, with appropriation dates for each stream
36 as set forth in the date of reservation for each stream.
37

38 **JUDGMENT AND DECREE**
39

40 IT IS HEREBY THE DECREE OF THE WATER COURT:
41

42 43. The United States has entered into Stipulations for Entry of Decree with the following
43 Objectors: Adolph Coors Company; City of Alamosa; Fred Bunch, successor in interest to Dr. and

1 Mrs L. J. Bunch; State of Colorado Department of Natural Resources and all other departments,
2 agencies, and divisions, and on behalf of the People of the State of Colorado; Conejos Water
3 Conservancy District; City and County of Denver acting by and through its Board of Water
4 Commissioners; Obbie L. and Willa Lee Dickey; First National Bank of Denver as Trustee for the
5 Avis Neal Roemer Trust; 4UR Ranch; Frederick W. Fuchs; Fullenwider Ranches, Inc.; Hermit Lakes
6 Recreation, Inc.; Freeman H. and Joyce L. Lester; the Estate of Walter Mundorf; Rio Grande Water
7 Conservation District; Rio Grande Water Users Association, et al.; San Luis Valley Municipalities
8 (City of Alamosa, Town of Blanca, City of Monte Vista, Town of La Jara, E. Alamosa Water &
9 Sanitation, Ft. Garland Water & Sanitation, the Guadalupe Water Association; Town of Manassa);
10 Neil F. Seitz, d/b/a Valley View Hot Springs; Donna Benson, formerly Donna Wellman; Wolf Creek
11 Ski Corporation, Leavell McCombs Joint Venture, and Charles H. Leavell; South Fork Ranches, Inc.
12 These Stipulations have been filed with the Court; and they are hereby approved and adopted as if set
13 forth fully herein.

14
15 44. Homestake Mining Company and Trout Unlimited and Colorado Trout Unlimited have
16 moved to withdraw their Statements of Opposition in this matter. These Motions are hereby granted.

17
18 45. Counsel for Charles Nearberg, successor in interest to Opposer Bea Colletterette
19 appeared at the hearing in this matter.

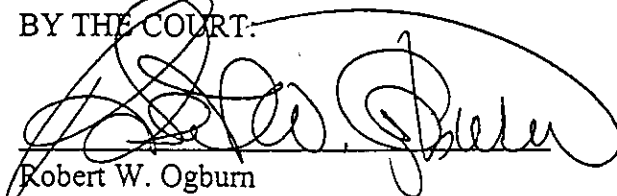
20
21 46. Objectors Summitville Consolidated Mining Company, Inc., AZL Resources, Inc.,
22 Larry Mitchell, L.D. Ranches, Clyde Butler, Bea Colletterette, Chama Water Users Association, Inc.,
23 Conejos Water and Sanitation District, the Nature Conservancy Capulin Water and Sanitation
24 District, San Luis Water and Sanitation District, Wolf Springs Ranches, Inc., Robert Ruggeri, Elden
25 and helen Mayhew, the Nevada Oil and Mining Co., Kanawa Mines, T. B. Poxson, B. T. Poxson,
26 fuchs Ranches, Inc., and Hans G. Hardt; Rosie Hardt have been served notice of the hearing being
27 held in this matter through their last known address or counsel of record. The Court and counsel for
28 the Applicant have made reasonable and continuing effort to contact these parties. Having failed to
29 appear at the hearing in this matter upon proper notice, the Statements of Opposition of these parties
30 are hereby dismissed.

31
32 47. The application of the United States of America for reserved rights to quantities of
33 water in the Rio Grande National Forest and the Gunnison National Forest is granted, subject to the
34 limitations of this decree.

35
36 48. Each of the foregoing findings of fact and conclusions of law is incorporated herein
37 as if set out in full and is hereby modified to the extent necessary to make it a Decree of the Water
38 Court.

1 DATED this 30th day of March, 2000.
2
3

4 BY THE COURT:
5

6 
7

8 Robert W. Ogburn
9 Water Judge, District Court,
10 Water Division No. 3, State of Colorado
11