

**DISTRICT COURT, WATER DIVISION NO. 6,
COLORADO**

DATE FILED: January 5, 2021 4:27 PM
FILING ID: 1EFA96FF77889
CASE NUMBER: 2014CW3043

Routt County Justice Center
1955 Shield Drive, Unit 200
Steamboat Springs, CO 80487
(970) 879-5020

**CONCERNING THE APPLICATION FOR
WATER RIGHTS OF:**

**The RIO BLANCO WATER CONSERVANCY
DISTRICT, a Colorado Water Conservancy
District**

In the White River or its Tributaries

In RIO BLANCO COUNTY, COLORADO

▲ COURT USE ONLY ▲

**Attorneys for Rio Blanco Water Conservancy
District**

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Division: 2B

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<p>STIPULATION BETWEEN APPLICANT RIO BLANCO WATER CONSERVANCY DISTRICT AND THE STATE ENGINEER AND DIVISION ENGINEER FOR WATER DIVISION NO. 6</p>	

Applicant, the Rio Blanco Water Conservancy District (“RBWCD”), and Opposers, the State Engineer and the Division Engineer for Water Division 6 (“Engineers”), by and through their undersigned attorneys, enter into this stipulation (“Stipulation”):

1. The Engineers agree to the entry of a decree in this case that is no less restrictive on the RBWCD and no less protective of the Engineers’ administrative-related interests than the Proposed Decree dated January 5, 2020, attached hereto, and is not otherwise inconsistent with this Stipulation.

2. Up to 20,720 acre-feet of the total decreed amount of 66,720 acre-feet may be used for mitigation of environmental impacts of the Wolf Creek Reservoir project

(“Mitigation”), as that term is described in the Proposed Decree. Water released for Mitigation shall be limited to the amount of water as may be determined in the future to be necessary for that purpose in approvals for the project. Once that determination has been made, the difference between the 20,720 acre-foot amount and the amount determined to be necessary for Mitigation shall be cancelled, thereby reducing the total amount decreed for the subject water right as well as the amount that may be released for Mitigation by that cancelled amount.

3. Annual releases from the reservoir under the subject water right shall be limited to 7,000 acre-feet for municipal and augmentation uses and 20,720 acre-feet for Mitigation, as those uses are described in the Proposed Decree.

4. The above limits on annual releases are not intended to prevent releases in excess of those amounts to the extent any such additional releases are required or authorized by statute or rule.

5. The Engineers consent to a motion to approve this Stipulation.

6. The parties agree to (a) vacate the Court’s December 23, 2020, Order on the Engineers’ Motion for Partial Summary Judgment; (b) vacate the trial in this matter; and (c) entry of the Proposed Decree.

7. The Engineers will remain a party to these proceedings for the limited purpose of ensuring that any decree entered herein is consistent with this Stipulation.

8. The RBWCD and the Engineers stipulate and agree that each will bear their own costs and fees associated with this matter.

9. This Stipulation shall benefit and be binding upon heirs, successors, and assigns of the undersigned parties.

10. This Stipulation may be enforced both as an agreement of the parties and as an order of the Water Court.

11. This Stipulation is entered into by way of compromise and settlement of this litigation. Any agreements or terms and conditions herein are due solely to the unique circumstances of this case and the resulting Stipulation. This Stipulation shall not establish any precedent and shall not be construed as a commitment to include any specific findings of fact, conclusions of law, or specific engineering methodologies or administrative practices in future stipulations.

Dated: January 5, 2021.

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