

Case No. W-1603-76J

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**CONSENT DECREE**

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IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA (BUREAU OF INDIAN AFFAIRS, SOUTHERN UTE AND UTE MOUNTAIN UTE INDIAN TRIBES) FOR CLAIMS TO THE LAPLATA RIVER IN WATER DIVISION NO. 7, COLORADO

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THIS MATTER having come before the Water Court on the Application of the United States of America on behalf of the Bureau of Indian Affairs, the Southern Ute Indian Tribe, and the Ute Mountain Ute Indian Tribe for execution and approval of a Consent Decree based on a Stipulation for a Consent Decree entered into by the State of Colorado, the Ute Mountain Ute Indian Tribe, the Southern Ute Indian Tribe, and the United States of America, dated November 12, 1991, and filed with the Court on November 13, 1991; AND the Court having heard the testimony, statements of counsel and otherwise being fully advised in this matter, does hereby FIND, CONCLUDE, ORDER AND DECREE as follows:

1. Name, Address and Telephone No. of Applicant:

United States of America  
c/o John P. Lange  
United States Department of Justice  
Environment and Natural Resources Division  
Indian Resources Section  
999 18th Street, Suite 945  
Denver, Colorado 80202

Telephone: (303) 294-1900

2. The Stipulation for a Consent Decree in this case is based on the Colorado Ute Indian Water Rights Final Settlement Agreement of December 10, 1986, (hereinafter Settlement Agreement), and the Colorado Ute Indian Water Rights Settlement Act of 1988, Pub. L. 100-585 (102 Stat. 2973), (hereinafter Settlement Act). All Objectors in this case were sent copies of the Settlement Agreement and Settlement Act by Order of this Court dated November 21, 1988.

3. The Court has jurisdiction over the subject matter of this Application and over all those persons and entities who have standing to appear as parties, whether they have appeared or not.

4. By Notice and Order dated November 13, 1991, all Objectors were notified that the Stipulation for a Consent Decree in this case had been filed with the Court and that any objections to the Stipulation for a Consent Decree were required to be filed with the Court no later than December 3, 1991. The Court further notified all Objectors that hearings on the Application of the United States and the Stipulation for a Consent Decree would be heard on December 19, 1991, commencing at 2:00 p.m.

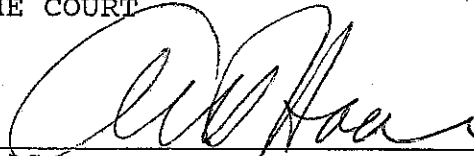
5. No Objector in this case filed any opposition to the Stipulation for a Consent Decree in Case No. W-1603-76J; nor did any Objector oppose the Application or the Stipulation at the December 19, 1991, hearing.

6. The Court has reviewed the Stipulation for a Consent Decree and finds and concludes that the matters set forth therein are fair and reasonable, and further finds and concludes that the Stipulation for a Consent Decree meets the requirements of all applicable State and Federal law. The Court, therefore, adopts as its findings of fact, conclusions of law and Decree, the Stipulation for a Consent Decree made by the State of Colorado, the Ute Mountain Ute Indian Tribe, the Southern Ute Indian Tribe, and the United States, including the Exhibits attached thereto, and hereby expressly incorporates by reference the Stipulation for a Consent Decree and the Exhibits attached thereto in their entirety as though set forth fully herein.

7. The Court FURTHER FINDS AND CONCLUDES that the State, the Tribes and the United States have jointly certified that the contingencies set forth in Paragraph 16 of the Stipulation for a Consent Decree relating to the State and Federal Tribal Development Funds appropriations, State-Towaoc Pipeline appropriations, and State-Ridges Basin appropriations have been accomplished to their satisfaction and that they further have jointly certified, pursuant to page 62 of the Settlement Agreement, that the legislative enactments necessary to implement the Settlement Agreement have been obtained to their satisfaction.

Executed and approved by the Court this 19th day of December, 1991.

BY THE COURT



AL HAAS  
JUDGE, WATER DIVISION NO. 7