



WATER-RIGHT DOCKET

Bent's Old Fort National Historic Site

Docket No: 6

IRRIGATION WELL. HARMON PROPERTY

State Water Rights Documentation

06-13-1995: notice of inactive well; june 13, 1995

Form 1		Notice of Inactive Well	
To be Filed in Compliance with Rules 7 or 11 of the RULES GOVERNING THE MEASUREMENT OF TRIBUTARY GROUND WATER DIVERSIONS LOCATED IN THE ARKANSAS RIVER BASIN			
To: Division Engineer, Water Division No. 2 P.O. Box 5728, Pueblo, Co 81002			
Owner Information		User Info (if not same as owner)	
Name	Bent's Old Fort NHS		
Address	35110 Highway 194 East		
City, State, Zip	La Junta, CO 81050		
Phone	(719) 384-2596		
Well Location and Information:		Water District	
15929		Structure ID number	
Well Permit No.		Case or Decree No. W-1238	
		Decreed Name	
Location information below required only when the well does not have a Structure ID tag or above information incomplete			
SE 1/4, NE 1/4, Section 23, Township 23, S, Range 54, W, 6th PM			
Distances from section lines:			
1825' feet from the North Section line and 75' feet from the East Section line			
(NorS) (EorW)			
Owner Statement - Well Disconnected from Power Supply			
(for variance from disconnect requirement skip this section and complete next section)			
Pursuant to Rule 7 of the Rules Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin I hereby verify that the well as described above is inactive and disconnected from any and all power sources and will not be used until such time as I notify the Division Engineer in writing of my intent to re-activate this well. I understand that should I desire to re-activate the above described well that all aspects of the above captioned rules are in full force and effect. This notice is valid until March 1 of the year following submittal. Should I desire this well to remain inactive in subsequent years I also understand that I must file written notice prior to March 1 of each year. This form in and of itself offers no proof or disproof of abandonment of the water right(s) associated with this well.			
Signed: <i>Donald L. Hall</i>		Dated: 06/13/95	
(Owner or designated agent)			
Superintendent			
Bent's Old Fort NHS			
Ver. 12-2-94, Page 1 of 2			

Form 10-559
(Nov. 8-75)U. S. DEPARTMENT OF THE INTERIOR - NATIONAL PARK SERVICE
REAL PROPERTY RECORD

GPO 902-244

DESCRIPTION OF PROPERTY (Include reference to the location within the Park; how the asset was acquired, name of contractor, etc.)

Land Tract No 01-107 & 01-118 Deed No 4 CX 1200-9-B210 Dated 8/9/79

Location See attached Card

Easements See Attached Card

Purchased from Forrest U. and Gloria Joyce Harmon, P.O.Box 804 LaJunta Co. 81050

Subject to Reservations. Right of Access from Highway 50 to Grantors Land. Allso Grantor has salvage rights to Milk Barn, Saddle Shed, Garden House, Corrals and Loading Chute /Frame Saddle Shed, Framed Chicken House and Shed.

Grantor will be allowed a maximum of one year after the date of this deed to vacate the Property, August 16, 1980.

Improvements See Attached Card

Line	DATE	REFERENCE		QUANTITY			COST		
		Journal Vou.	Other	Unit	No. of Units	Accumulated Total	Direct Costs	Indirect Costs	Accumulated Costs
1	5/12/80	120000309		Acre	477.60		\$200,000.00		\$ 200,000.00
2	2/22/83				Improvements Removed		No Change		200,000.00
3									
4									
5									

G.L. Acct. No.	General Classification	Sub-Classification	Region	State	Park or Office
200	Lands Deed No 4	01-118 Purchased Tr # 01-107	RMR	Colorado	Bents old For

200 Land Deed No 4 Purchased Tr No 01-107 & 01-118 RMR Co. Bents old Fort Location.

Tract 01-107

Date: AUG 17 1979

3. Exempt

T. 23 S., R. 54 W., sixth principal meridian, Otero County, Colorado.

All those parts of sections 14 and 23, lying north of the northerly line of the Atchison, Topeka and Santa Fe Railway Company's right-of-way line and southerly and easterly of the southerly and easterly bank of the Arkansas River, containing 457.00 acres, more or less.

Also all water rights and interest in water running with, attaching to, or otherwise appurtenant to the foregoing described land, including but not limited to, irrigation well number 15929 as registered in the State Engineer's office and all water and rights pertaining thereto.

Tract 01-118

T. 23 S., R. 54 W., sixth principal meridian, Otero County, Colorado.

All that part of section 23, lying between the southerly line of the Atchison, Topeka and Santa Fe Railway Company's right-of-way line and the northerly line of the right-of-way of U. S. Highway 50, containing 20.60 acres, more or less.

Also all water rights and interest in water running with, attaching to, or otherwise appurtenant to the foregoing described land.

Case No.
W-1238
SE 1/4 NE 1/4
Sec. 23 T23
SR 54W
6th PM.

15929-R
is the correct
name
for SE office

Lands Deed No 4 Purchased Tr No 01-107 & 01-118 RMR Co. Bents Old Fort
Improvements.

The above described lands, herein conveyed, are further subject to existing easements for public roads and highways, public utilities, railroads and pipelines and to reservations as reserved to the United States of America in the original patents and also subject to outstanding third party interests in all oil, gas and other minerals identified below:

Tract 01-107

Reservation by Reba Lucille Hoover and Lyla Ellen Ulah of an undivided one-half interest in all oil, gas and other minerals together with a right of ingress and egress to develop the same set out in conveyance to Forrest U. Harmon and Carolyn Kay Harmon, as joint tenants in Warranty Deed No. 42011, recorded July 23, 1964, in Book 586, at page 326.

Tract 01-118

One-eighth interest in all Oil and Gas as conveyed to A. T. Stewart by Quit-Claim Deed from C. E. Sabin dated May 17, 1937, and recorded May 21, 1937, in Book 357, at page 242 and more completely identified in correction deed recorded in Book 503, at page 175 on June 22, 1955.

TRACT 01-118
 One-half existing mineral rights, including oil and gas and the right to go upon said lands for purposes of exploration, development and removal as reserved by CHAS. E. SABIN in Quit-Claim Deed No. 314085 dated August 9, 1946, and recorded August 9, 1946, in Book 402, at page 452.
 One-half existing minerals, including oil and gas, as reserved to Reba Lucille Hoover and Lyla Ellen Ulah as shown in deed recorded in Book 586, page 328 on June 23, 1964.

200 Land Deed No 4 Purchased Tr # 01-107 & 01-118 RMR Co. Bents Old Fort
Improvements.

Residence, one and one half Story constructed in 1930 original unit has foundation area of 24x30 ft. Contains Den, bath, bedroom and hall on main floor, and two bedrooms on the upper level, addition is frame stucco with slab grade floor this section is 26x26 ft. added 1970, it contains a rear entry hall and utility room kitchen and living room heat is supplied propane and half built in Franklin Stove. in the den water is supplied by automatic pump from domestic well. Waste disposal is handled by one large septic tank and leeching field in addition to the domestic well there is a 26" drilled irrigation well.

Storage Building 14'x18' used to be the garage
there is a 30'x30' frame, metal covered machine shed open on one side metal roof has bad wind tear.
There are three other small frame storage sheds, R.R. tie and timber corrals, loading chute and a yard light.

Improvement were removed 7/31/81 Reference Report of Survey No. 1310-0-0001, Item NO 1 ~~xxx~~ could not be sold and was donated to the City, it was destroyed by the Fire Department in a training exercise, item 2 & 3 were Sold for a total of \$776.86.

Reference Item 1 Building residence H-1, demolished completely 12.15.82.

★ U.S. GOVERNMENT PRINTING OFFICE 1977-726-603

FORM 10-822
(3-77)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEEXHIBIT A TO OFFER TO SELL REAL PROPERTYDATED July 6, 19 79

NPS AREA

Bent's Old Fort NHS

TRACT NO.

01-107, 01-118

CONTRACT NO.

Tract 01-107

T. 23 S., R. 54 W., sixth principal meridian, Otero County, Colorado.

All those parts of sections 14 and 23, lying north of the northerly line of the Atchison, Topeka and Santa Fe Railway Company's right-of-way line and southerly and easterly of the southerly and easterly bank of the Arkansas River.

Also all water rights and interest in water running with, attaching to, or otherwise appurtenant to the foregoing described land, including but not limited to, irrigation well number 15929 as registered in the State Engineer's office and all water and rights pertaining thereto.

Tract 01-118

T. 23 S., R. 54 W., sixth principal meridian, Otero County, Colorado.

All that part of section 23, lying between the southerly line of the Atchison, Topeka and Santa Fe Railway Company's right-of-way line and the northerly line of the right-of-way of U. S. Highway 50.

Also all water rights and interest in water running with, attaching to, or otherwise appurtenant to the foregoing described land.

Handwritten:
J.M.H.
J.G.H.

SUPPLEMENTAL UPDATE

APPRAISAL

of

HARMON PROPERTY. Designated as
Tracts 01-107, 118, 120, 124, and 126
Otero County, State of Colorado
(Bent's Old Fort National Historical Site)
being portions of
Sections 14 and 23, Township 23 South
Range 54 West of 6th Principal Meridian

Prepared for

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

as of

December 15, 1978

BY

KEITH B. SMOKSTAD, M.A.I., S.R.P.A.

P. O. Box 2010

Pueblo, Colorado 81004

K. B. SMOKSTAD & ASSOCIATES
PUEBLO, COLORADO

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LEGAL DESCRIPTION CONTINUED

B. TAKE - Tract 01-107 - 457.00 Acres.

Township 23 S., R. 54 W. of the 6th P.M.

All those portions of Sections 14 and 23 lying South and East of the South bank of the Arkansas River and North of the North right-of-way line for the Archison, Topeka and Santa Fe Railroad.

Also Tract 01-118 - 20.60 Acres

Being all that portion of Section 23 lying South of the South right-of-way line for the Atchison, Topeka and Santa Fe Railroad and North of the North right-of-way line for U. S. Highway 50.

Including all improvements thereon and all water rights and interests in water including well numbered 14929 as registered in the State Engineer's Office with a discharge capacity of 452 G.P.M.

Subject to all reservations for oil, gas and other minerals of record.

C. REMAINDER - Tract 01-120 - 87 Acres
Tract 01-124 - 7.10 Acres
Tract 01-126 - 10.80 Acres

Township 23 South, Range 54 West of the 6th P.M.

All that portion of the S.E.1/4 of Section 22 lying South and East of the South bank of the Arkansas River;

and all that portion of the N.W.1/4 N.E.1/4 of Section 27 lying between the South bank of the Arkansas River and the North line of the right-of-way line for the Atchison, Topeka and Santa Fe Railroad;

and all that portion of the N.E.1/4 of Section 27 lying South of the South line of the right-of-way line for the Atchison Topeka and Santa Fe Railroad and North of the North right-of-way line for U. S. Highway No. 50.

Subject to all reservations for oil, gas and other minerals of record.

15929

K. B. SMOKSTAD & ASSOCIATES
PUEBLO, COLORADO

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PROPERTY DESCRIPTION CONTINUED

At the time of inspection it appeared that none of the land had been irrigated or cropped during the 1977 growing season.

The basic soil classification in the general area of the subject is Rocky Ford-Numa-Kornman Association. Most of the land on the northern edge of the property along the river is classed as Bankard Sand, much of the balance is Rocky Ford silty clay loam with a scattering of other loams, clays and sands. Percent of slope is basically in the zero to one percent classification. That portion formerly farmed would appear to be primarily Limon silty clay and Apishapa Clay. These soils can be irrigated with reasonable success. Normally they can be utilized for corn, wheat, sugar beets, grain sorghum, beans and alfalfa. With proper irrigation and management their capacity is competitive with other soil formations in the area.

The wooded area along the northerly edge of the property appears to be a combination of cottonwoods, tamarisk and other minor deciduous shrub type growths usually found along river bottoms. None of the woods found are normally considered to have any commercial quality. However, due to the increased use of fireplaces and wood burning heaters there is some demand for the windfall for heating purposes.

The property is fenced along most boundaries with three or four strand barb wire on either steel or cedar posts.

Irrigation water in the past has been provided by one well. This well by test is rated at between 350 g.p.m. and 450 g.p.m. depending upon the time of year and river flow. Under current restrictions pumping would be limited to 3 out of 7 days. This would provide approximately 68 days pumping during a normal growing season. Accepting an average capacity of 400 g.p.m. the indicated annual capacity available would be approximately 120 acre feet. Assuming average normal precipitation this would provide adequate water for between 40 to 50 acres of typical irrigated crops.

Depending upon management, weather and how the irrigated land is utilized the property could probably carry a 35 to 40 cow herd year around or summer up to about 70 yearlings.

As viewed I would not consider the property agriculturally as an economic unit. However, it is reasonably close to town, has some income producing capabilities and its proximity to the river provides certain esthetic amenities.

K. B. SMOKSTAD & ASSOCIATES
PUEBLO, COLORADO

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PROPERTY DESCRIPTION CONTINUED

Improvements Continued

2. A frame, 14' x 18' garage is now utilized as a storage building.
3. There is a 30' x 30', frame, metal covered machine shed, which is open on one side. The semi-circular metal roof has a rather bad wind tear in the west end.
4. There are three other small frame storage sheds, R.R. tie and timber corrals, loading chute and a yard light.

#156042-R

In addition to the domestic well there is a 26' drilled irrigation well located in the S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ of Section 23. The filing on this well shows a 16" diameter with a static water level 12' from the top of the casing. At the date of inspection the electric lines to the pump were not in service. Reportedly the same had not been used for some time. This well was adjudicated by Judgment and Decree March 26, 1973 with a Priority date of May 31, 1931. It was adjudicated for 1.005 c.f.s. or 452 g.p.m. with a limit of 321 acre feet in any one year. Adjudication was for irrigation in the N.E. $\frac{1}{4}$ of Sec. 23 or the S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ of Sec. 14. The property has another irrigation well, which has not been registered nor used in recent years.

According to the owner, maintenance during the past several years has been only minimal due to the pending acquisition by the Park Service. In general all improvements show evidence of deferred maintenance.

The foregoing has been taken from the original report. The property was reinspected December 14, 1978 in the presence of the owner. No material changes in use or condition were noted with the following exception.

Based on Section 37-92-306 Article 92 of the revised Colorado Water Statutes, the irrigation well is removed from the State Engineers control. It has a valid priority date of May 31, 1931 and may be pumped as needed under that priority date subject to a decreed limitation of 321 a.f. in any one calendar year. The well is equipped with a submersible pump. According to the owner this is a $7\frac{1}{2}$ H.P. unit with a 4" discharge. Approximately 40 acres was irrigated during the past growing season. Ditches are arranged in such a manner that either the land north or south of the improvements can be watered by the well. The land was snow covered during prior inspections. The current inspection was performed under more favorable conditions.

Other Supporting Information

Dan McGlothlin
Caren Williams
for
Dan B. Kimball

September 3, 1996

LS4(2380)
BEOL/Water Rights

Memorandum

To: Superintendent, Bent's Old Fort National Historic Site
From: Chief, Water Resources Division
Subject: Report for Travel by Dan McGlothlin to La Junta, Colorado on July 8-9, 1996

The attached trip report concerns travel by Dan McGlothlin, Water Rights Branch (WRB), to La Junta, Colorado to conduct a field reconnaissance of wells and consumptive uses of groundwater at Bent's Old Fort National Historic Site (BEOL) and to meet with the Park Superintendent and staff and a representative of the Fort Lyons Well Users Group. Field reconnaissance of water sources was necessary to document locations of ground water sources and uses, preparatory to developing a replacement water plan for Park ground water uses. The meeting, arranged by the Superintendent, was for the purpose of exchanging information on NPS needs and details of the well user group's approved replacement water plan.

If you have any questions, please contact Dan at (970) 225-3536.

Attachment

cc: (all w/attachment)
IMFA - Assistant Director, Natural Resources
Rocky Mountain Cluster Leadership Chair - Nickels (GRTE)
Rocky Mountain Cluster SSO - Wylie
SOL (Denver) - Averill
DoJ (Denver) - DuBois
2380(cc:Mail) - Williams, Jackson, Flora, McGlothlin, Hughes
FNP:DMcGlothlin:mf:8/29/96:S:\WRB\DJM\JULY96TR.RPT

August 30, 1996

L54(2380)
BEOL/Water Rights

Memorandum

To: Chief, Water Resources Division
Through: Chief, Water Rights Branch
From: Dan McGlothlin, Hydrologist
Subject: Trip Report for Travel to La Junta, Colorado on July 7-8, 1996

PURPOSE: The purpose of this trip was to conduct a field reconnaissance of wells and consumptive uses of groundwater at Bent's Old Fort National Historic Site (BEOL) and to meet with the Park Superintendent and staff and a representative of the Fort Lyons Well Users Group. Field reconnaissance of water sources was necessary to document locations of water groundwater sources and uses, preparatory to developing a replacement water plan for Park groundwater uses. The meeting, arranged by the Superintendent, was for the purpose of exchanging information about NPS needs and details of the well user group's approved replacement water plan.

ITINERARY: Departed Fort Collins, Colorado on July 7, 1996, and arrived at La Junta the same day. Returned to Fort Collins on July 8, 1996.

CONTACTS: Don Hill, Superintendent - BEOL
Dan Brown, Resource Management Specialist
Joe Dutton, Fort Lyons Well Users Group

DISCUSSION: On July 8, 1996, I met with Hill, Brown and Dutton to discuss the Fort Lyons Well Users Group plan to divert tributary ground water in the Arkansas River Valley. I explained to Dutton that the WRB is assisting the park in preparing plan(s) to replace out-of-priority depletions of groundwater to senior surface water rights and usable stateline flows. The Park was informed by the Division Engineer, Water Division 2, that the use of tributary groundwater¹ must be in accordance with new rules adopted by the State

¹ Tributary ground water, in this instance, is ground water that is delivered at some location and time as Arkansas River flow. Wells using this ground water were determined to be injuring senior Arkansas River water users in a recent court ruling.

Engineer. Thus, the National Park Service (NPS) must discontinue pumping until a replacement (augmentation) water plan is approved by the State Engineer for these uses. The Park has declared two of the three wells (BEOL Wells No. 4 and 6) inactive, these wells will remain so until a replacement water plan(s) for Park uses has been approved. The third well (BEOL Well No. 3) provides essential water for sanitary waste disposal and firefighting uses, and, therefore, is in daily use. The NPS is awaiting a response from the State Engineer on its request for an exemption from the above-referenced rules.

Dutton explained how the Fort Lyons plan functions and indicated that his group would likely accept NPS Well No. 4 into their replacement water plan. This would be possible because the agricultural land formerly irrigated with water pumped from Well No. 4 is within the service area of the Fort Lyons Canal Company (Ditch Company). Also, Dutton explained that NPS is qualified to be a participant in the plan by virtue of its co-ownership of the Ditch Company. Shares in the Ditch Company appurtenant to the irrigated acreage were acquired when title to the property (known as the Day Property) transferred to NPS in 1980. Until recently, pasture crops were flood irrigated with ditch and well water.

Under the Fort Lyons plan, out-of-priority depletions to senior Colorado water rights induced by the pumping of tributary groundwater would be replaced to the Arkansas River with first-use water and return flow water from Fryingpan-Arkansas Project, obtained through the Southeastern Colorado Water Conservancy District. Dutton said there is a one-time membership application fee of \$50.00. Members also annually pay a fee (ranging from \$6 to 9.00 per acre-foot) based on the quantity of ground water pumped. He indicated that he would provide a complete version of the plan for NPS to review and encouraged me to contact the consultants who developed the Fort Lyons plan for further information.

Hill explained that his objective is to reestablish a landscape within the Park which duplicates the scene of the time of the fort's occupation. The Park consists of acquired agricultural lands so most Park vegetation is exotic. The Park will gradually convert all historically irrigated acreage to native prairie using irrigation water to establish the native vegetation.

Some of the acreage to be converted is located on the south side of the Arkansas River, formerly irrigated from BEOL Well No. 6. Because this area is not within the boundary (i.e. service area) of the Ditch Company, Dutton said this well could not be brought into his group's plan. A different solution for replacement water will be necessary. Hill indicated that, because the Park's resources (i.e. funds and staff) are very limited, the restoration effort will necessarily take several years to complete. The Park's first priority is to complete restoration on the Day Property (with water from Well No. 4).

The use of such ground water must, therefore, be curtailed unless the depletions can be replaced with water from another source.

Following the meeting with Dutton, I visited Wells No. 3 and 4 with Hill and Brown, where I photographed the wells and associated facilities. We also visited a pond adjacent to the Arkansas River where we found remnants of a pump station (within the Park) that suggest it was used to recycle irrigation water onto the cropland. The station appeared to have been unused for several years.

We also discussed a concern Hill raised about responsibility for maintenance of a return flow ditch that runs through the Park adjacent to State Highway 194. The ditch, which frequently spills onto Park land, returns irrigation water to the Arkansas River. The Park has considered relocating the ditch so to divert water away from a wetland area and to avoid flooding other low-lying Park land adjacent to the highway. At the time of our visit, the ditch was running at half to 2/3 capacity and spilling into the wetland. I discussed with Hill the need to review Park obligations under its contract with the Ditch Company. Upon returning to his office, Hill and I reviewed an outdated copy of a Fort Lyons Ditch Company operations manual which states that the water user is responsible for waste water disposal so as to avoid damage to Company facilities, county roads and adjacent farms. Thus, it appears that the responsibility for managing the waste water in this ditch may rest with the NPS. However, a current version of the rules should be obtained to verify this determination. I advised Hill and Brown that WRD may be able to assist with Park wetland management activities.

ACTION ITEMS:

1. Obtain clarifications for replacement of out-of-priority use of BEOL Well No. 4. from author of the Fort Lyons Well Users Group replacement water plan. Responsible Party: McGlothlin. Target Date: Completed.
2. Obtain copies of replacement water plans advanced by other well user groups in the Arkansas Valley. Responsible Party: McGlothlin. Target Date: Completed.
3. Review replacement water plans, and determine whether NPS should participate in these existing plans or prepare its own. Responsible Party: McGlothlin. Target Date: October 31, 1996.
4. Provide recommendation for developing a replacement water plan to the Superintendent. Responsible Party: McGlothlin. Target Date: November 30, 1996.
5. Determine course of action necessary for Well No. 3 upon receiving the State Engineer's response to the NPS's request to designate water used from BEOL Well No. 3 as a commercial-exempt use. Responsible Party: McGlothlin. Target Date: To be determined.



IN REPLY
REFER TO
L54

United States Department of the Interior

NATIONAL PARK SERVICE
Bent's Old Fort National Historic Site
35110 Hwy 194 East
La Junta, Colorado 81050-9523



June 22, 1995

Steven J. Witte
Division Engineer
Water Division 2
Office of the State Engineer
P.O. Box 5728
Pueblo, Co 81002

Dear Mr. Witte,

We are updating and correcting our letter of June 15, 1995, for the well described below in regard to violation of the rules governing the measurement of tributary groundwater diversions located in the Arkansas River Basin.

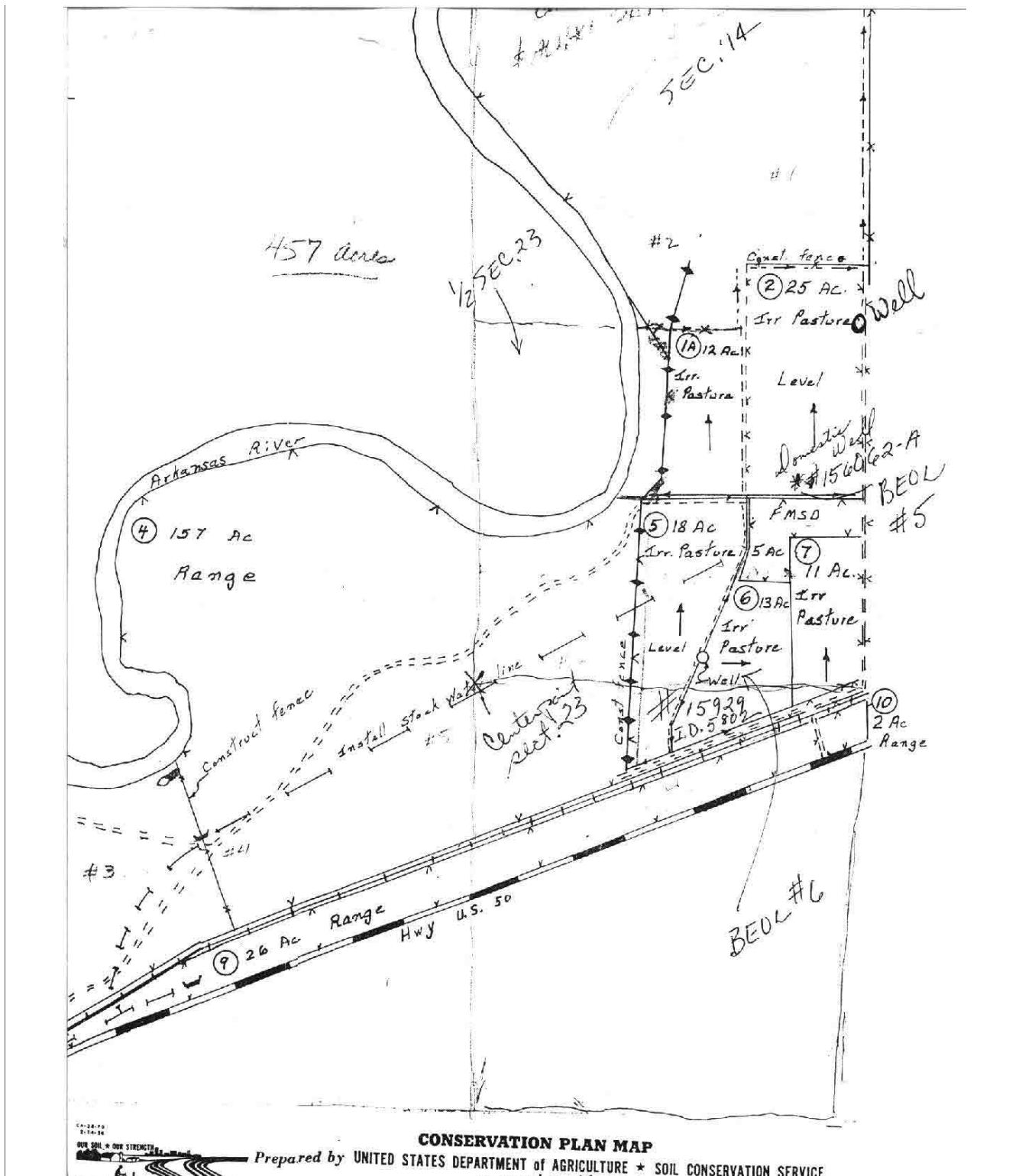
WD-ID: 17-, Case No. W-1238, Permit No. 15929, Well Location: SE 1/4 NE 1/4 Sec. 23 T23 S R 54 W 6th P.M. is not in use and is disconnected from a power source. An Inactive Well Notice has been filed with your office as per our recent phone conversation.

We believe this should bring us up to speed on these wells.

Sincerely,

Donald C. Hill
Superintendent

Sam McGlothlin
Actually struck
the reference to
156062-A (BEOL #5)
Attached documents
are for well permit
now 15929, W-1238
I.D. 5802



Docket Information

Number of Documents in Docket 14

Documents Dated from 12/15/1978 to 6/22/1995

Docket Compiled: 1/31/2011