



WATER-RIGHT DOCKET

Florissant Fossil Beds National Monument

Docket No: 1

WELL #1

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: FLFO
Docket Number:
Federal #1

IDENTIFICATION NO: FLFO W 1 3 1 3 7 1 A F 0 1
DITCH/WATER SYSTEM: Well #1
SOURCE OF SUPPLY: Well
LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13 T13S, R71W

WATER RIGHT:

Appropriator: United States of America, National Park Service
Application/Permit Number:
Certificate Record Number:
Date of Priority: October 1951
Quantity of Water: .04 c.f.s.
Purpose: Domestic and public use
Irrigated Land Description:

SUMMARY OF STATUS:



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521



IN REPLY REFER TO:

September 17, 1990

L54(479)

FLFO/Water Rights

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: *ally* Chief, Water Rights Branch

Subject: Change Application for Visitors' Center Wells #1 and #12

Please find enclosed a copy of the Application for Change of Water Right, Water Division No. 1, changing water rights from Visitors' Center Well No. 1 to Well No. 12, for your information and files.

If you have any questions concerning the Change Application please contact Bill Hansen or Alice Johns at (303) 221-8333 or (303) 221-8304, respectively.

Daniel J. McSteth

cc: RMR - Hermance (w/attachments)
479 - Johns (w/o attachments)



U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJohnson
90-1-2-892

Denver Field Office

Federal Bldg., 1961 Stout Street

Drawer 3607

Denver, Colorado 80294

Commercial Number

(303) 844-3627

FTS/564-3627

September 11, 1990

Mary Crespin
Clerk, Water Division No. 1
Post Office Box C
Greeley, Colorado 80632

Re: Water Division No. 1 - Application for Change of
Water Right

Dear Mary:

Enclosed for filing and publication please find our Application for Change of Water Right to Visitors' Center Well No. 12 from Visitors' Center Well No. 1, Florissant Fossil Beds National Monument, together with U. S. Treasury Check No. 213-03061 in the amount of \$159.00 to cover the filing fee.

We ask that one file stamped copy of the Application be returned for our records.

Thank you for your continuing cooperation in these matters.

Sincerely,



Lynn A. Johnson
Attorney, General Litigation
Section

cc: Alice E. Johns
Hydrologist
National Park Service
Water Resources Section
301 S. Howes Street
Fort Collins, Colorado 80521

John Kunz, Esq.
Regional Solicitor's Office
Department of the Interior
Post Office Box 25007
Denver Federal Center
Denver, Colorado 80225

September 11, 1990
Page Two

cc: Mr. Ray Leisman
Referee, Water Division No. 1
Post Office Box C
Greeley, Colorado 80632

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. _____

APPLICATION FOR CHANGE OF WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

UNITED STATES OF AMERICA

FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, in TELLER County.

1. Name, address, telephone number(s) (residence and business) of applicant(s)

United States of America, Department of Justice, Land and Natural Resources Div.1961 Stout Street, P. O. Drawer 3607Denver, Colorado 80294

2. Decreed name of structure for which change is sought: (indicate whether ditch, well, springs, reservoir, etc.)

USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1

3. From previous Decree:

A. Date Entered: December 29, 1988 Case No. W-8795-77 Court: District Court,
Water Division 1B. Decreed point of diversion (include map): SW1/4SW1/4, Section 13, Township 13 South,Range 71 West, 6th P.M., Teller County, at a point approximately 10 feetfrom the South line and 650 feet from the West line, Section 13.C. Source: Ground waterD. Appropriation Date: October 31, 1951 Amount: 0.04 cfs (18 gpm)
0.3 acre-ft/yr

E. Historic use: (Include a description of all water rights to be changed, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

Drinking and sanitary facilities at the Visitors' Center

4. Proposed change: (a) describe change requested: alternate point of diversion/replacement/change of use; (if well, please list pertinent information from well permit) (b) location; (c) use; (d) amount; (e) give proposed plan for operation (if (b) thru (e) applicable, please give full descriptions.)

Proposed change is a replacement well. USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1 would be replaced by Visitor Center Well Number 12 (See approved PERMIT APPLICATION FORM 154810-A, for Replacement for Well No. 1 as decreed, by Well No. 12). Well Number 1 has been abandoned (See Well Abandonement Affidavit and Affidavit of Justin S. Ankrum describing the abandonment). Well Number 12 is located in the NW1/4NW1/4, Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County. Use is for drinking and sanitary facilities at Visitors Center. Amount is 0.04 cfs (18gpm) not to exceed 0.3 acre-feet/year. Water will be used by park visitors and employees.

5. Name(s) and address(es) of owner(s) of land on which structure(s) is (are) located:

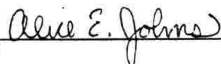
United States of America, National Park Service
Florissant Fossil Beds National Monument

MICHAEL J. NORTON
UNITED STATES ATTORNEY

By: 
Signature of Applicant (or Attorney) LYNN A. JOHNSON
1961 Stout Street, Drawer 3607
Address of Applicant (or Attorney) Denver, Colorado 80294
Telephone No. 844-3627
Attorney Registration No. 15394

STATE OF COLORADO
COUNTY OF Larimer } ss.

I, Alice E. Johns, Hydrologist, National Park Service, state under oath that I have read this application and verify its content.


Applicant

Subscribed under oath before me on Sept 10, 1990 date

My Commission Expires 2/28/93
My commission expires: _____ date


Notary Public

Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

JUL 20 1989

PERMIT APPLICATION FORM

WATER RESOURCES
STATE - ENGINEER
COLA.

Application must
be complete where
applicable. Type or
print in **BLACK**
INK. No overstrikes
or erasures unless
initialed.

RECEIVED

JUL 11 1989

WATER RESOURCES
STATE - ENGINEER
COLA.

- () A PERMIT TO USE GROUND WATER
() A PERMIT TO CONSTRUCT A WELL
() A PERMIT TO INSTALL A PUMP

(X) REPLACEMENT FOR NO. Well No. 1 as decreed in
by Well No. 12 (84-CW-419) 0000
WATER COURT CASE NO. 77L 20.00

07-11-89 3:13 P

032472 20.00

0015 87 95-77

77L 20.00

* CHEQUE 20.0

(1) APPLICANT - mailing address

United States of America,
NAME National Park Service

STREET 301 S. Howes St. Room 353

CITY Ft. Collins Colorado 80521
(State) (Zip)

TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL

County Teller

NW % of the NW % Section 24

Twp. 13 S. Rng. 71 W. 6th P.M.
(N.S) (E.W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18

Average annual amount of ground water
to be appropriated (acre-feet): 0.3

Number of acres to be irrigated: None

Proposed total depth (feet): 500

Aquifer ground water is to be obtained from:
Pikes Peak Granite

Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:

- () HOUSEHOLD USE ONLY - no irrigation (0)
() DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)

(X) OTHER (9) Drinking and Sanitary Facilities
in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling

Street P.O. Box 100

City Florissant Colorado 80816
(State) (Zip)

Telephone No. 748-3318 Lic. No.

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 30258 / 0A2588
CL-1 1TH 1

Basin Dist.

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause
no material injury to existing water rights. The
issuance of the permit does not assure the applicant
that no injury will occur to another vested water
right or preclude another owner of a vested water
right from seeking relief in a civil court action.

ISSUANCE OF THIS PERMIT DOES NOT
CONFER A DECREED WATER RIGHT

- 1) APPROVED PURSUANT TO CRS 37-92-602(3)(c)
FOR THE RELOCATION OF EXISTING WELL PERMIT
NO. 154810. THE EXISTING WELL
MUST BE PLUGGED AND ABANDONED ACCORDING TO THE
WATER WELL CONSTRUCTION AND PUMP INSTALLATION
RULES WITHIN NINETY (90) DAYS OF COMPLETION OF
THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM
MUST BE COMPLETED AFFIRMING THAT THE OLD WELL
WAS PLUGGED AND ABANDONED.
- 2) THE USE OF GROUND WATER FROM THIS WELL IS
LIMITED TO DRINKING AND SANITARY FACILITIES AS
DESCRIBED IN CRS 37-92-602(1)(c). FOR A
VISITOR CENTER. WATER FROM THIS WELL SHALL NOT
BE USED FOR LAWN OR LANDSCAPE IRRIGATION.
- 3) THE MAXIMUM PUMPING RATE OF THIS WELL SHALL
NOT EXCEED 15 G.P.M.
- 4) THE MAXIMUM ANNUAL OF GROUND WATER TO BE
DIVERTED BY THIS WELL SHALL NOT EXCEED 1/3
ACRE-FOOT (108,600 GALLONS).
- 5) A TOTALIZING FLOW METER MUST BE INSTALLED
ON THIS WELL AND MAINTAINED IN GOOD WORKING
ORDER. PERMANENT RECORDS OF ALL DIVERSIONS
MUST BE MAINTAINED BY THE WELL OWNER (RECORDED
AT LEAST ANNUALLY) AND SUBMITTED TO THE
DIVISION ENGINEER UPON REQUEST. 77-24-8

OWNER'S COPY

APPLICATION APPROVED

PERMIT NUMBER 154810-A

DATE ISSUED JUL 26 1989

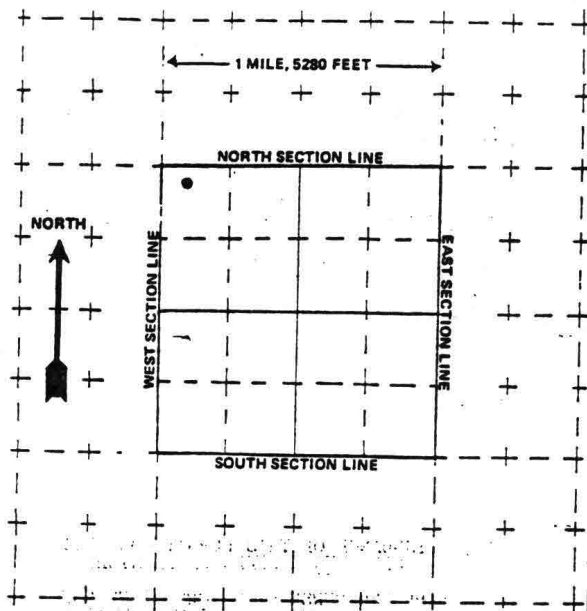
EXPIRATION DATE JUL 26 1991

John A. Danilone
(STATE ENGINEER)

BY M. A. Melling

I.D. 1-23 COUNTY 60

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile.
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) ... 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot ... 43,560 cubic feet ... 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** distances from section lines.

400 ft. from North sec. line
(north or south)

500 ft. from West sec. line
(east or west)

LOT BLOCK FILING #

SUBDIVISION

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: National Park Service

No. of acres 5,998.09 Will this be the only well on this tract? No

(8) PROPOSED CASING PROGRAM

Plain Casing

6 in. from 0 ft. to 50 Steel ft.

4 in. from 0 ft. to 4R5 PVC ft.

Perforated casing

in. from ft. to ft.

in. from ft. to ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

Well #12 is 410' South and 150'

West of Well #1. Well #1 is to be plugged with concrete.

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): United States of America, National Park Service No. of acres:

Legal description: Florissant Fossil Beds National Monument, Visitor Center/Headquarters

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used. Water to be used by park visitors and employees. The system will supply 2 comfort stations and a drinking fountain at the visitor center.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Wm. R. Danner Acting Chief, Water R. & E. Branch
SIGNATURE OF APPLICANT(S)

August 6, 1990

LS4(479)
FLFO/Water Rights

Division of Water Resources
1313 Sherman Street
Room 818
Denver, Colorado 80203

Re: Permit Number 154810-A, Replacement for Well No. 1 (Decreed in W-8795-77)
by Well Number 12 (84-CW-419)

As a condition for approval of Permit Number 154810-A, attached please find a completed Well Abandonment Affidavit affirming that Well Number 1 (also known as Headquarter's Well Number 1) was plugged in November of 1984. Also attached is the affidavit of Justin Ankrum, formerly employed by B&B Well Services, which describes the procedure used to plug the well.

If you have any questions concerning this matter please contact Alice Johns of my staff at (303)221-8304.

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

cc: Liesman, Water Court, Water Division 1

bcc: FLFO - Superintendent
DOJ - Hill (w/attachments)
479 - Johns, Hansen, Inglis (w/attachments)
FLFO Water Right Docket #1
FLFO Water Right Docket #12 (w/attachments)

1313 SHERMAN STREET, 010
DENVER, COLORADO 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO)
COUNTY OF TELLER) ss.

I (we) Noel R. Poe, Superintendent, being
first duly sworn upon oath, depose and say:

That an old well, located in the SW 1/4 of the SW 1/4, Section 13
Township 13S, Range 71W, 6th P.M., was replaced
for the following reason(s): insufficient flow of water and the quality
was not acceptable to serve to the park visitors.

That the old well, which was replaced by a new well drilled under permit
number 154810-A, was plugged and abandoned according to the
rules and regulations of the State Board of Examiners of Water Well and Pump
Installation Contractors by B & B Well Services, Colorado Springs, Colorado
(person(s) or company)
on November, 1984.

That the old well was plugged with the following materials placed at the
indicated intervals: See Attached

_____ from _____ feet to _____
_____ from _____ feet to _____
Signature of affiant(s) Noel R. Poe

Subscribed and sworn to before me this 13th day
of July, 1990.

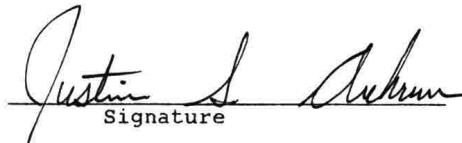
My Commission expires: June 29, 1994
Joseph L. Bowser
Notary Public

*It is the owner's responsibility pursuant to the conditions of approval to see
that the affidavit is returned.

(See reverse side for Abandonment Regulations)

STATE OF COLORADO }
 } ss:
COUNTY OF TELLER }

I Justin (Scott) Ankrum of 2075 County Road, Guffy Colorado, 80820, was in 1984, employed by B & B Well Services, 4675 Splendid Circle South, Colorado Springs, Colorado, 80917, which company is no longer in business. The former owner, Mike Berry, has moved and his whereabouts are not known to me. While in B & B's employ, I recall B & B plugging the well known as Visitor Center Well # 1, located within Florissant Fossil Beds National Monument in the SW1/4 SW1/4 Sec. 13 T13S R71W, 6th P.M. I shoveled gravel into the well and poured concrete to cap it. I do not recall the specific depths to which gravel was placed or concrete poured. After the well was plugged, we poured a concrete slab over the well. Upon this slab, a pumphouse was placed.


Signature

Subscribed and sworn to before me this 13th day of July, 1990.
Witness my hand and official seal.


Notary Public
Address:

My commission expires:

June 29, 1994

WHJ-26-75

TYPE OR
PRINT IN BLACK INK
COPY OF ACCEPTED
STATEMENT MAILED
ON REQUEST.

COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St.

Denver, Colorado 80203

STATE OF COLORADO

COUNTY OF _____

} SS.

AFFIDAVIT

STATEMENT OF BENEFICIAL USE OF GROUND WATER

AMENDMENT OF EXISTING RECORD

☒ LATE REGISTRATION per W-8795-77

PERMIT NUMBER

154810

LOCATION OF WELL

THE AFFIANT(S) United States of America, Dept. of Justice County Tellerwhose mailing Land and Natural Resources Div.address is 1961 Stout St., P.O. Drawer 3607SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 13City Denver, CO 80294

(STATE)

(ZIP)

Twp. 13 S 71 W 6 P M

(N OR S)

Rng.

(E OR W)

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon; the well is

located as described above, at distances of 10 feet from the south section line and 650 feet from the

(NORTH OR SOUTH)

west section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 31

(EAST OR WEST)

day of Oct., 19 51; the maximum sustained pumping rate of the well is unk gallons per minute, the pumpingrate claimed hereby is 18 gallons per minute; the total depth of the well is unk feet; the average annual amountof water to be diverted is .3 acre-feet; for which claim is hereby made for drinking & sanitaryfacilities

purpose(s); the legal description of the land on which the water from this well is used is

unk

of which

0 acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

(COMPLETE REVERSE SIDE OF THIS FORM)

Signature(s) per decree

Subscribed and sworn

to before me on this _____ day of _____, 19 _____

My Commission expires: _____

(SEAL)

NOTARY PUBLIC

ACCEPTED FOR FILING BY THE STATE ENGINEER OF COLORADO
PURSUANT TO THE FOLLOWING CONDITIONS:

1) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 37-92-304(8), C.R.S. THE STATE ENGINEER HAS ENTERED INTO HIS WELL RECORDS, UNDER THE ABOVE ASSIGNED WELL PERMIT NUMBER, THE DETERMINATIONS MADE BY THE DIVISION 1 WATER COURT IN CASE NO. W-8795 FOR VISITOR CENTER WELL NO. 1.

m.m.7-24-87

FOR OFFICE USE ONLY

Court Case No. _____

Prior. _____ Mo. _____ Day _____ Yr. _____

Div. 1 City. 60Sec. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$

Well Use _____

Dist. 23 Basin _____ Man. Dis. _____

JUL 26 1989

DATE

STATE ENGINEER

BY



U.S. Department of Justice

Land and Natural Resources Division

Denver Field Office

Federal Bldg., 1961 Stout Street

Drawer 3607

Denver, Colorado 80294

Commercial Number

(303) 844-3627

FTS/564-3627

January 3, 1989

Mr. Owen R. Williams,
Chief, Water Resources Division
National Park Service
Federal Building, 301 S. Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. W-8795-77

Dear Owen:

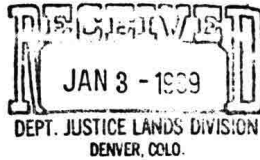
Enclosed please find a copy of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT in the above-captioned case. Please let us know by January 12, 1989, whether this Ruling is acceptable to your agency. We look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to be "John R. Hill, Jr.", written over a circular stamp or mark.

John R. Hill, Jr.
Attorney
General Litigation Section

cc: Ralph O. Canaday, Esq.
Regional Solicitor's Office
Department of the Interior
Denver, Colorado



FILED IN RE: DISTRICT COURT

23 DEC 22 AM 1:41

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO
DISTRICT COURT, WATER DIVISION NO. 1, COLORADO
WELD COUNTY COLO.

CASE NO. W-8795-77

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF
UNITED STATES OF AMERICA, FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, IN
TELLER COUNTY

THIS CLAIM was filed with the Water Clerk, Water Division 1,
on December 29, 1977 and the Referee being fully advised in the
premises, does hereby find:

All notices required by law of the filing of this application
were fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entries of Appearance
were filed to all the USA cases. Upon agreement of all counsel, this
case is to be ruled on as if no opposition had been filed.

All matters contained in the application were reviewed, and
testimony was taken where such testimony was necessary and such
corrections made as are indicated by the evidence presented.

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

United States of America
Department of Justice
Land and Natural Resources Division
1961 Stout Street
P.O. Drawer 3607
Denver, CO 80294

W8795-77

Page 2

2. The name of the structure:

USA Florissant Fossil Beds National Monument
Visitors Center Well No. 1

3. The legal description of the structure:

SW1/4SW1/4, Section 13, Township 13 South, Range 71 West,
6th P.M., Teller County, at a point approximately 10 feet from the
South line and 650 feet from the West line, Section 13.

4. The source of water:

Groundwater

5. The date of appropriation:

October 31, 1951

6. The amount of water:

0.04 cubic feet per second (18 gpm) limited to 0.3 acre
foot annually.

7. The use of the water:

Drinking and sanitary facilities in Visitors' Center

8. This water right, so long as uses are limited to those
decreed herein, is exempt from administration by the State Engineer
pursuant to CRS 37-92-602.

Dated: December 29, 1988.


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

W8795-77
Page 4

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE
JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

ROBERT A. BEHRMAN
Water Judge
Water Division No. 1
State of Colorado

11/22/84

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8798-77 through W-8803-77)

AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR
APPROPRIATIVE WATER RIGHTS IN FLORISSANT FOSSIL BEDS NATIONAL MONUMENT IN
TELLER COUNTY.

1. Name and address of Applicant:

United States of America
c/o John E. Lindskold
Attorney, Department of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

2. The United States of America claims a total of 10 water rights including underground water rights situated on lands acquired for and located in Florissant Fossil Beds National Monument in Teller County.
3. The use of the water claimed in this amended application is domestic water for use in picnic areas, campgrounds, ranger stations, cabins under permit from the National Park Service in Florissant Fossil Beds National Monument.
4. Legal descriptions and data pertaining to each well or diversion (all descriptions refer to 6th P.M.):

Teller County

Name of Structure: NPS FLFO Well No. 1
Legal description: SW 1/4 SW 1/4, Section 13, T. 13 S., R. 71 W.
Source: South Platte River
Depth of Well: 100 feet
Date of appropriation: October 1951
How appropriation was initiated: Drilling well
Amount claimed: 0.04 cfs
Use: Domestic, recreation, fire fighting

Original filed
Dec. 1, 1977
Amended Dec. 1, 1984
Status -
Cases before the
water court will
be leaving settlements
at present time.

Name of Structure: NPS FLFO Well No. 2
Legal description: SW 1/4 SW 1/4, Section 12, T. 13 S., R. 71 W.
Source: South Platte River
Depth of Well: 12 feet
Date of appropriation: 1890
How appropriation was initiated: Drilling of well
Amount claimed: 0.011 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 3
Legal Description: SE 1/4 NE 1/4, Section 14, T. 13 S., R. 71 W.
Source: South Platte River
Depth of Well: 72 feet
Date of appropriation: May 1, 1955
How appropriation was initiated: Drilling of well
Amount claimed: 0.111 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 4
Legal Description: NW1/4 NE 1/4, Section 19, T. 13 S., R. 70 W.
Source: South Platte River
Depth of Well: 160 feet
Date of appropriation: Janaury 15, 1977
How appropriation was initiated: Drilling of well
Amount claimed: 0.002 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 6
Legal Description: NE 1/4 NW 1/4, Section 24, T. 13 S., R. 71 W.
Source: South Platte River
Depth of Well: 59' 6"
Date of appropriation: April 30, 1960
How appropriation was initiated: Developing well
Amount claimed: 0.01 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 8
Legal description: NE 1/4 NW 1/4, Section 24, T. 13 S., R. 71 W.
Source: South Platte River
Depth of Well: 26' 6"
Date of appropriation: April 1960
How appropriation was initiated: Drilling of well
Amount claimed: 0.01 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 9
Legal description: NE 1/4 SW 1/4, Section 26, T. 13 S., R. 71 W.
Source: South Platte River
Depth of well: 52 feet
Date of initiation of appropriation: June 1950
How appropriation was initiated: Drilling of well
Amount claimed: 0.01 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 10
Legal description: SE 1/4 NE 1/4, Section 23, T. 13 S., R. 71 W.
Source: South Platte River
Depth of well: 200 feet
Date of appropriation: November 1955
How appropriation was initiated: Drilling of well
Amount claimed: 0.04 cfs
Use: Domestic, recreation, fire fighting

Name of Structure: NPS FLFO Well No. 11
Legal description: SE 1/4 NE 1/4, Section 23, T. 13 S., R. 71 W.
Source: South Platte River
Depth of well: 50 feet
Date of appropriation: July 1961
How appropriation was initiated: Drilling of well
Amount claimed: 40 gpm
Use: Domestic, recreation, fire fighting

Name of Structure: NPS Visitor Center Well
Legal description: NW 1/4 NW 1/4, Section 24, T. 13 S., R. 71 W.
Source: South Platte River
Depth of well: 500 feet
Date of appropriation: August 1984
How appropriation was initiated: Drilling of Well
Amount claimed: 10 gpm
Use: Domestic, recreation, fire fighting

5. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8789-77 through W-8794-77. This amendment is in lieu of the amendment filed on September 4, 1984.
6. The United States of America seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority date.

ROBERT N. MILLER
UNITED STATES ATTORNEY

By _____
JOHN E. LINDSKOLD
Attorney, Dept. of Justice
Land and Natural Resources Div.
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

Telephone: (303) 844-3627

STATE OF COLORADO)
) ss:
CITY AND COUNTY OF Denver)

I, Stanley L. Ponce, state under oath that I have read this amended application, and verify its content.

Stanley L. Ponce
STANLEY L. PONCE

Subscribed and sworn to before me this ____ day of _____, 1984.

commission expires:

NOTARY PUBLIC

Four Copies to be filed
Two copies of State Engineer well permit or well registration can
be attached.

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 1
STATE OF COLORADO
CASE NO. W- 8439-76

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE UNITED STATES
OF AMERICA IN WATER DIVISION NO. 1

IN THE SOUTH PLATTE
RIVER OR ITS TRIBUTARIES

IN TELLER COUNTY

APPLICATION FOR
UNDERGROUND WATER RIGHT

1. Name of Applicant: United States of America, Dept. of the Interior,
National Park Service, Florissant Fossil Beds National Monument
Mailing Address: Hank Meshorer, Trial Attorney, Dept. of Justice,
Land & Natural Resources Div., P.O. Box 1656, Denver, CO 80201
2. Legal description of well location:
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 13, Township 13 South, Range 71 W of the 6P.M.
3. Depth of well:
100 feet
4. Date of initiation of appropriation:
October 1951
5. Amount of water claimed in cubic feet per second of time:
.04 c.f.s.
6. Use of water: Historic use or proposed use (indicate which)
Domestic and public use
7. Number of well as registered in State Engineer's office or,
if a new well, the number on the permit:
8. Land irrigated (description and acreage):

Attorney for Applicant

Address:

Telephone:

WELL INFORMATION DATA

CASE NO. W- 8439-76

Name of applicant: United States of America, Dept. of the Interior, National Park Service

Mailing Address: Hank Meshorer, Trial Attorney, Dept. of Justice, Land & Natural Resources
Div., P.O. Box 1656, Denver, CO 80201

Well Permit or Registration Number _____.

Location of Well :

Section 13, Township 13 South, Range 71 West.Give bearing and distance from Section corner or distance
N - S and E - W from section lines.

DATA: Date of current test: _____.

Depth of well 100' feet.Depth to Static Water Level 20' feet.Horsepower of electric motor 2.Diameter - discharge pipe 1 1/2 inches.

Pressure at sprinkler head _____ per sq. inch.

DO NOT USE
TEST DATA
FROM WELL
REGISTRATION
FORM.

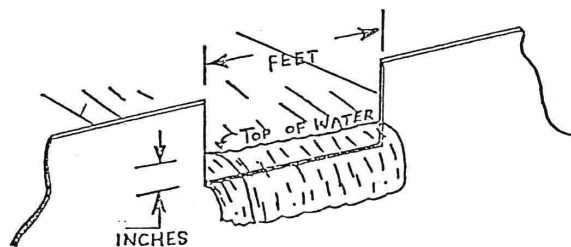
CAPACITY OF WELL:

1. Actual measurement _____ gpm (do not use pump-test data)

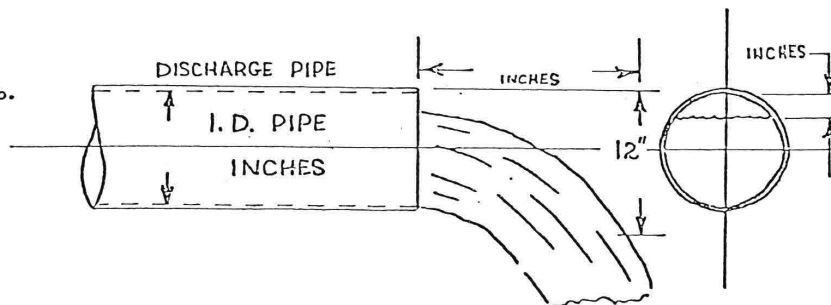
2. Or one of the following measurements:

2a.

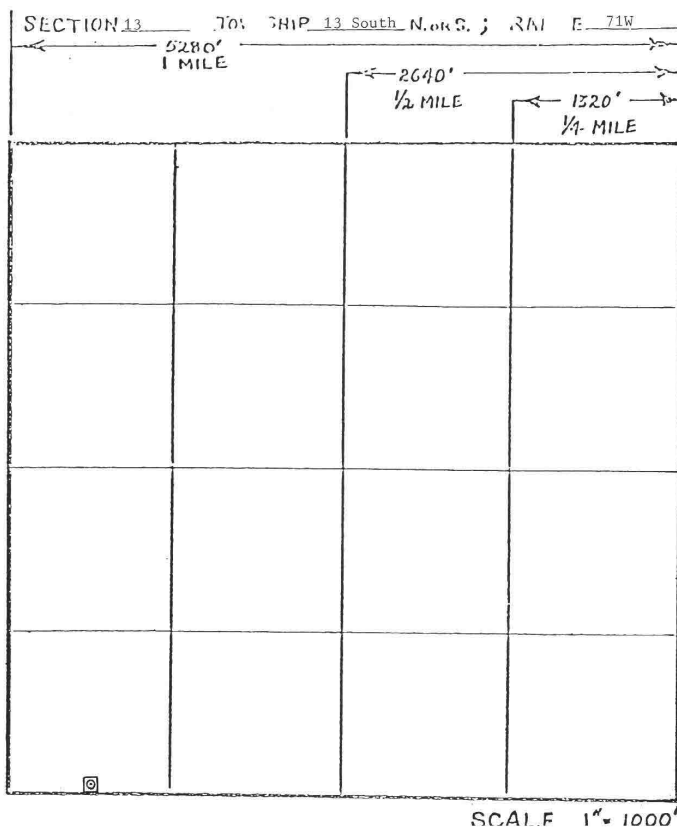
WEIR



2b.



MAP SHOWING WELL LOCATION



State of Colorado)
County of) ss.

_____, being first duly sworn upon
oath, deposes and says that he has read the foregoing information, knows
the contents thereof and that the same is true.

Subscribed and sworn to before me this _____ day of _____,

19____.

My commission expires: _____

Notary Public

BY WELL DRILLER OR ANYONE HAVING LEGAL POSSESSION OF HIS RECORDS

STATE OF COLORADO)
) ss. AFFIDAVIT
 County of _____)

COMES NOW the undersigned _____
 and being first duly sworn states as follows:

1. That he has legal access to the records of _____
2. That these same records show that on the _____ day of _____, said _____ did drill a well located on property now owned by _____ which location is legally described as:

(Signature) _____

Subscribed and sworn to before me this _____ day of _____, 19__

Witness my hand and official seal.

My commission expires _____.

 Notary Public

FOR USE BY PROPERTY OWNER OR ANYONE HAVING PERSONAL KNOWLEDGE

STATE OF COLORADO)
) ss. AFFIDAVIT
 County of _____)

COMES NOW the undersigned John R. Baker
 and being first duly sworn states as follows:

1. That he is, and has been, a resident of _____ Teller
 for _____ 23 years.
2. That he is well acquainted with that certain well, on property legally described follows: SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 13, Township 13 South, Range 71 West of the 6P.M.

3. That he states, of his own personal knowledge, that said well was drilled and p
 to beneficial use on or about the _____ day of October, 1951.

(Signature) John R Baker

Subscribed and sworn to before me this 19th day of December, 1977.

WITNESS my hand and official seal.

My commission expires 8/7/78.

 Notary Public

Other Supporting Information

NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
FORT COLLINS, COLORADO

FAX NUMBER: (303) 221-8315
VERIFICATION NUMBER: (303) 221-5341

DATE: 06-08-1990

FROM
NAME: ALICE JOHNS

GROUP: WASO-WRD

TO
NAME: NOEL POE

GROUP: FLFO

CITY, STATE: _____

MAIL CODE: _____

OFFICE PHONE: 1-719-748-3253 --(call to 4 witch to FAX)

FAX NUMBER: 1-719-748-3164

VERIFICATION: _____

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 2

SPECIAL INSTRUCTIONS:

Affidavit you requested is attached. It has
been reviewed by the Chief, Water Rights Branch.

Receipt verified by: _____ Date: _____ Time: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

I _____, of _____,
Guffy, Colorado, 80821, was in 1984, employed by B & B Well
Services, 4675 Splendid Circle South, Colorado Springs, Colorado,
80917, which company is no longer in business. The former
owner, Mike Berry, has moved and his whereabouts are not known to
me. While in B&B's employ, I recall B&B plugging the well,
known as Visitor Center Well #1, located within Florissant Fossil
Beds National Monument in the SW1/4 SW1/4 Sec. 13 T13S R71W, 6th
P. M. I shoveled gravel into the well and poured concrete to cap
it. I do not recall the specific depths to which gravel was
placed or concrete poured. After the well was plugged, we poured
a concrete slab over the well. Upon this slab, a pumphouse was
placed.

Signature

Subscribed and sworn to before me this ____ day of _____, 1990.
Witness my hand and official seal.

Notary Public
Address:

My commission expires:

UNITED STATES DEPARTMENT OF INTERIOR
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

DE: TION Fort Collins NPS
TO: ALICE JOHNS
FROM: NOEL
SUBJECT: Well # 1
NUMBER OF PAGES 2

FAX OPERATOR WILL COMPLETE BELOW:

DATE DISPATCHED: _____

TIME DISPATCHED: _____

TRANSMITTED BY: _____

OUR FACSIMILE MACHINE NUMBER IS: COMMERCIAL FAX OPERATOR ONLY (303) 748-3164
(NOTE - AREA CODE CHANGES TO (719) on or about March 5, 1988).

CALL BEFORE SENDING SO WE CAN SET UP PHONE LINE AND MACHINE TO RECIEVE. FOR
ANY OTHER FAX NEED, PLEASE CALL:

(303) 748-3253, 748-3164 or 748-3051 AND ASK FOR THE ADMINSTRATIVE
OTHER FAX OPERATOR.

REMARKS/SPECIAL INSTRUCTIONS:

YOU DONT NEED TO
STOP WHAT you
doing

6/7/90

Information for Attachment A on NPS #1 Well Abandonment Affidavit.

Employee: Scott Ankrum, Guffy, Colorado 80820
Currently works for : Rocky Mountain Pump & Drilling, INC
17831 County Road 1
Florissant, Colorado 80816
Phone No. 719/748-3318

In 1984 worked for: B&B Well Services
4675 Splendid Circle South
Colorado Springs, Colorado 80917
(company is no longer in existence. The owner Mike
Berry moved back east to New York or Pennsylvania.
Scott hasn't kept in touch.)

DRAFT OF MEMO I WAS TYPING-

one of his employees that worked for B&B Well Service in 1984.

Scott Ankrum, Guffy, Colorado (office phone 719/748-3318) told me in a phone interview that as an employee of B&B, he remembers shoveling gravel into the well and pouring concrete for a cap. Ankrum can't remember the thickness of the concrete. After sealing the well they poured a new concrete floor over Well #1 and sat the pump house back on the new concrete.

Ankrum also relayed that the owner of B&B Well Service was Mike Berry. Approximately three years ago, B&B went out of business. Ankrum said that Berry moved east to either New York or Pennsylvania. He hasn't remained in contact with Berry.

From this information I am certian that the well was properly abandoned. I would be willing to sign the statement for the court.

In addition, the propect is very . . . that the monument will receive construction funding in Fis . . . Year 91 for the new visitor center. If so, the visitor center will be dedicated in Fall 1992 and the existing buildings and pump house . . . be removed by Spring 1993. At that time, an inspection can . . . of Well #1 to insure it is sealed.

A:\#1

Doc 1 Pg 2 Ln 3 Pos 10

INFORMATION

March 6, 1990 Term Day

Case Number

84CW419

→ Think what
needs to be
done - → Amend
claim to show
a change of water
rights. Has not
been done.
→ A matter of completing
paper work.

→ Sept. 4 is term on
day.

Facts and Status

The Florissant NM Visitor Center Well #12 (not #2) was drilled to replace Visitor Center Well #1 (W-87-9577) for drinking and sanitary facilities at the Visitor Center. Because the NPS could not show that a well permit had been obtained for Well #12 and that the original intent was to replace Well #1, it was determined that W-87-9577 would be withdrawn after the rights (84CW419) were transferred to Well #12. Therefore, a application (Permit 154810-A) for a replacement well was filed with the State Engineer and accepted on July 26, 1989. The NPS needs to submit the Well Abandonment Affidavit to complete the change application with the State Engineer. Liesman was suppose to of sent the necessary forms to complete the change with the Water Court.

W-8797-77

[done further
work. Its
progressing]

define
history -
use it as
much as (will)
as we can.
Don't get into
specifies on
water.

The Water Court has requested a proof of flow rate and the number of irrigated acres for Well #3 (Singer Well) at FLFO. The well was acquired in Aug. 1973 from the Singers. No flow records exist and the land has not been irrigated since the NPS purchased the property. The well could possibly be used for irrigating lands associated with the Hornbeck Homestead living history museum if the Homestead is ever developed. The water right could be considered for transfer to the new Visitor Center well being drilled in Sec. 23, T13S, R71W.

W-8798-77

The Water Court has requested a proof of use prior to 1972 or a well permit. Use began in 1976 or 1977 and no well permit was obtained. The site was developed for a NPS residence. A well was drilled at the site of Welch Spr. to improve production. After development production was limited and barely provided enough water for the residence. The water right could be used at a nearby campground or transferred to the new Visitor Center well being drilled in Sec. 23, T13S, R71W.



U.S. Department of Justice

Land and Natural Resources Division

WMC:dh
90-1-2-892

Denver Field Office

Federal Bldg., 1961 Stout Street

Drawer 3607

Denver, Colorado 80294

Commercial Number

(303) 844-3627

FTS/564-3627

September 7, 1990

Alice Johns
Water Resources Division
National Park Service
Federal Building, 301 S. Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - APPLICATION FOR CHANGE OF WATER
RIGHT - FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Dear Alice:

Enclosed please find the original of the above application.
Please execute as the Applicant and have your signature
acknowledged before a notary public. I look forward to receiving
the fully executed application back from you as soon as possible.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES
DIVISION

Deirdre Hills

Deirdre Hills
Legal Technician
General Litigation Section

*Note: Alice Johns signed, notarized and sent via
Express Mail on September 10, 1990.*

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Sender's Federal Express Account Number **1145-2440-1** Date **9/10/90**

From (Your Name) Please Print **N. L. Johnson, Jr., President** Your Phone Number (Very Important) **(303) 555-1232** To (Recipient's Name) Please Print **Lynn Johnson** Recipient's Phone Number (Very Important) **(303) 555-1232**

Company **DOMINION BELL COMPANY** Department/Floor No. **1767** Company **DOMINION BELL COMPANY** Department/Floor No. **1767**

Street Address **305 W. MAGNOLIA** Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip * Codes.) **1767 W. 1st St.**

City **FT. COLLINS** State **CO** ZIP Required **80521** City **Denver** State **CO** ZIP Required **80202**

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4 ☐ Check Acct/Credit Card No.

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☐ 2ND DAY AIRMAIL
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☐ FEDEX PAK
☐ FEDEX BOX
☐ FEDEX TUBE
☐ Economy Two-Day Service (Formerly Standard Air Delivery by second business day)
☐ ECONOMY TWO DAY AIR

DELIVERY AND SPECIAL HANDLING (Check services required)

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☐ DRY ICE
☐ OTHER SPECIAL SERVICE
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WEIGHT

POUNDS ☐ OZ ☐ LBS

WEIGHT in Pounds ☐ LBS

YOUR DECLARED VALUE (See Note 2)

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Signature **[Signature]** Date/Time **9/10/90**

Release **[Signature]** Date/Time **9/10/90**

REVISION DATE 8/90
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041
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United States Department of the Interior
NATIONAL PARK SERVICE
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, Colorado 80816



IN REPLY REFER TO:

L54 (FLFO-M)

July 13, 1990

Memorandum

To: Chief, Water Resources Division
Attn: Alice Johns

From: Superintendent, Florissant Fossil Beds Natl Monument

Subject: FLFO Well #1

Enclosed are the original documents for the abandonment of NPS Well #1 (Old Visitor Center Well). Both the Well Abandonment Affidavit and Scott Ankrum's statement have been signed and notarized. I have a second set of documents on file at the Monument.

After my discussion with Scott Ankrum and a review of the Contract File # CX 1200-4-B163, I am assured that Well #1 was properly plugged and abandoned in October 1984. Thank you for your help in clearing up this issue that has been hanging since 1984.

If you have any questions, please call me at 719/748-3253.

Noel R. Poe

Enclosure

*originals sent
to State Engineer
(See letter of August 6, 1990)*

1313 SHERMAN STREET, RM. 615
DENVER, COLORADO 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO }
COUNTY OF TELLER } ss.

I (we) Noel R. Poe, Superintendent, being
first duly sworn upon oath, depose and say:

That an old well, located in the SW 1/4 of the SW 1/4, Section 13,
Township 13S, Range 71W, 6th P.M., was replaced
for the following reason(s): insufficient flow of water and the quality
was not acceptable to serve to the park visitors.

That the old well, which was replaced by a new well drilled under permit
number 154810-A, was plugged and abandoned according to the
rules and regulations of the State Board of Examiners of Water Well and Pump
Installation Contractors by B & B Well Services, Colorado Springs, Colorado
(person(s) or company)
on November, 1984.

That the old well was plugged with the following materials placed at the
indicated intervals: See Attached

_____ from _____ feet to _____
_____ from _____ feet to _____
Signature of affiant(s) Noel R. Poe

Subscribed and sworn to before me this 13th day
of July, 1990.

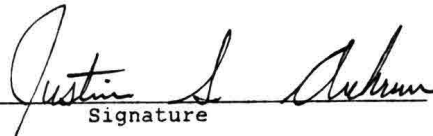
My Commission expires: June 29, 1994
Joseph L. Brown
Notary Public

*It is the owner's responsibility pursuant to the conditions of approval to see
that the affidavit is returned.

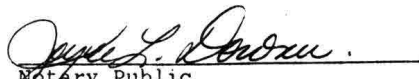
(See reverse side for Abandonment Regulations)

STATE OF COLORADO }
 } ss:
COUNTY OF TELLER }

I Justin (Scott) Ankrum of 2075 County Road, Guffy Colorado, 80820, was in 1984, employed by B & B Well Services, 4675 Splendid Circle South, Colorado Springs, Colorado, 80917, which company is no longer in business. The former owner, Mike Berry, has moved and his whereabouts are not known to me. While in B & B's employ, I recall B & B plugging the well known as Visitor Center Well # 1, located within Florissant Fossil Beds National Monument in the SW1/4 SW1/4 Sec. 13 T13S R71W, 6th P.M. I shoveled gravel into the well and poured concrete to cap it. I do not recall the specific depths to which gravel was placed or concrete poured. After the well was plugged, we poured a concrete slab over the well. Upon this slab, a pumphouse was placed.


Signature

Subscribed and sworn to before me this 13th day of July, 1990.
Witness my hand and official seal.


Notary Public
Address:

My commission expires: June 29, 1994

CONFIRMATION OF WD-1 ADJUDICATION INFORMATION
FOR FLORISSANT FOSSIL BEDS NATIONAL MONUMENT
AND ROCKY MOUNTAIN NATIONAL MONUMENT

Water Rights Branch
Water Resources Division
National Park Service
301 S. Howes Street
Fort Collins, Colorado 80521

Prepared By:

Wm. R. Olsen
Hydrologist

2/1/89
Date

Approved By:

O. R. Wilkin
Branch Chief

2/2/89
Date

ACTION PLAN

Confirmation of WD-1 Adjudication
Information for FLFO and ROMO

BACKGROUND - Amended applications were filed for adjudication procedures in District Court, Water Division No. 1, Colorado in 1984 for Florissant Fossil Beds National Monument (FLFO) and Rocky Mountain National Park (ROMO). The Findings and Ruling of the Referee and Decree of the Water Court were received from the Department of Justice (DOJ) on January 6, 1989. The DOJ asked the NPS to review and confirm acceptance of the Courts Decree. The case numbers reviewed were:

<u>Case Number</u>	<u>Name of Structure</u>
W-8795-77	FLFO - Visitors Center Well No. 1
W-8796-77	FLFO - Hornbuck Well No. 2
W-8799-77	FLFO - Maytag Red Barn Well No. 6
W-8800-77	FLFO - Maytag Domestic Well No. 8
W-8801-77	FLFO - Nelson Domestic Well No. 9
W-8802-77	FLFO - Ghist Domestic Well No. 10
W-8803-77	FLFO - A-Frame Domestic Well No. 11
W-8790-77	ROMO - Aspenglen CG Well No. 23820
W-8792-77	ROMO - Hallowell Park Well No. 23819
.85 CW 374	ROMO - Hallowell Park Pipeline No. 3
85 CW 375	ROMO - Hallowell Park Ditch No. 2
	Mill Creek Minimum Flow

Each Ruling was reviewed for accuracy and compared with the Service filings filed in 1984. Each review considered name of structure, location, source, date of appropriation, amount of water and use (see attached summary sheets for FLFO and ROMO).

An initial review revealed that the Court's Findings were acceptable with the exception of conflicting legal locations for FLFO - W-8799-77, and ROMO - W-8792-77. A letter dated 1/11/89 was sent to John Hill (DOJ) confirming such (attached).

After further file review it was determined that the Court's Findings for FLFO - W-8799-77 were accurate. Review revealed that location conflicts occurred on case numbers ROMO - W-8792-77, ROMO - 85 CW 374, FLFO - W-8796-77. This results in a need to accurately identify legal locations for these cases.

Discussions with Rick Inglis concerning FLFO - Hornbuck Well No. 2 (W-8796-77) confirmed the Court's Findings. Rick conducted a intensive field reconnaissance of the water developments in FLFO and specifically remembered the conflict in question. He is positive that the correct legal location is NE1/4, NW1/4, Section 13, T13S, R71W. Based upon Rick's field review, FLFO - W-8796-77 will be dropped from further review. Location changes in FLFO-Docket #2 were made on 1/19/89.

After a file review and discussions with Rick Inglis, there continues to be a need to confirm the legal locations for ROMO-W-8792-77 and ROMO - 85 CW 374. The following actions items are required to complete this review of the Court's Findings:

ACTION ITEMS

- 1) Field review the legal locations for the point of diversion for Hallowell Pipeline No. 3 and for Percival Well (85 CW 374). Utilize and investigate the Deed survey from the Singer property.
- 2) Field review the legal location for the Hallowell Park Well No. 23819 (W-8792-77). Utilize land acquisition survey drawing no. 2759.
- 3) Confirm legal locations and submit State forms for correcting clerical errors.
- 4) Update docket information.

Review of Court's Findings and Decree
in Water District No. 1

Florissant Fossil Beds National Monument

- * Visitors Center Well No. 1 (W-8795-77) - Location, source, date, and amount were correct. Court granted use for drinking and sanitation facilities at Visitor Center. Our amended claim (1984) requested use for domestic, recreation, and fire fighting (see below).
- * Hornbuck Well No. 2 (W-8796-77) - Source, date, and amount were correct. A conflict in location was noted between the Court's Findings and the Water Right Record. Discussions with Rick Inglis who conducted an intensive field review indicate that the correct location is the NE, NW, Sec. 13, T13S, R71W. Docket #2 data is incorrect and has been changed. Court granted use for domestic and stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Maytag Red Barn Well No. 6 (W-8799-77) - Location, source, date and amount were correct. Court granted use for stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Maytag Domestic Well No. 8 (W-8800-77) - Location, source, date and amount were correct. Court granted use for domestic and stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Nelson Domestic Well No. 9 (W-8801-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Ghist Domestic Well No. 10 (W-8802-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * A-Frame Domestic Well No. 11 (W-8803-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).

Conflicts in Use - The Court granted our domestic use in all cases except the Maytag Red Barn Well No. 6. Well No. 6 has historically been used as a livestock and wildlife water. Because the well has a windmill and has not been used for domestic purposes the Court's Findings are acceptable. Recreational uses can be met through domestic water supplies and fire fighting uses will be met during any emergency situation using domestic water. Therefore, the Court's Findings on use are acceptable to the NPS.

Summary prepared by Wm. R. Hansen on 1/19/89

Review of Court's Findings and Decree
in Water District No. 1

Rocky Mountain National Park

- * Hallowell Park Ditch No. 2 (85 CW 375) - Location, source, date, amount and use were correct. Abandonment of 0.7 cfs correct.

- * Hallowell Park Pipeline No. 3 (85 CW 374) - Source, date, and amount were correct. Court granted use for domestic in 2 seasonable residences for government purposes. Our amended request (1984) requested use for domestic and fire fighting (see below). Conflicts in location of point of diversion (Pipeline No. 3) and location of new use at Percival Well were found.

Conflict - Point of diversion Pipeline No. 3

- Amendment (1984) - NW,SW, Sec. 5, T4N, R73W
- Court Finding (1989) - SW,NW, Sec. 5, T4N, R73W

Conflict - Location of Percival Well

- Amendment (1984) - NE,SE, Sec. 27, T5N, R73W
- Court Finding (1989) - SE,SE, Sec. 28, T5N, R73W
- Deed survey suggests location in SW,SE, Sec. 28, T5N, R73W.

- * Hallowell Park Well No. 23819 (W-8792-77) - Source, date, and amount were correct. Court granted use for drinking and sanitary facilities for Job Corps Camp. Our amended request (1984) requested use for domestic, recreation, and fire fighting (see below). Conflicts in legal location.

Conflict

- Water Right Record - NE,SW, Sec. 6, T4N, R73W
- Court Finding (1989) - SE,NW, Sec. 6, T4N, R73W
- Water Quality Report - SW,NE, Sec. 6, T4N, R73W
- Survey confirms SW,NW, Sec. 6, T4N, R73W - Drawing No. 2759.

- *Aspenglenn Campground Well No. 23820 (W-8790-77) - Source, date, location were correct. Court granted use for drinking and sanitary facilities in campground with 61 camp sites. Our amended request (1984) requested use for domestic, recreation, and fire fighting (see below). There were differences in amounts claimed and amounts granted by the Court.

Conflict

- Amendment dated 9/28/84 - Claimed 55 gpm (Appropriative).
- Amendment for W-8788-77 - Claimed 30 gpm (Reserved).
- Court Finding - 30 gpm limited to 1 ac-ft/yr.
- O. Williams confirmed that 30 gpm was acceptable.

Conflicts in Use - In all cases our primary need for domestic use was met. Recreational uses can and will be met with domestic water and fire fighting uses will be met during any emergency situation using domestic water. Therefore, the Court's Findings on use are acceptable to the NPS.

Summary prepared by Wm. R. Hansen on 1/19/89

January 11, 1989

LSA(479)
ROMO/Water Rights
X FLFO/Water Rights

Mr. John Hill, Jr.
Attorney, General Litigation Section
U.S. Department of Justice
Land and Natural Resources Division
Denver Field Office
Federal Building, 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

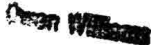
Re: Water Division No. 1 - Case Numbers 85CW374; 85CW375; W-8792-77;
W-8790-77; W-8795-77; W-8796-77; E-8799-77; W-8800-77; W-8801-77;
W-8802-77; W-8803-77 - Your letter of January 3, 1989.

Dear Mr. Hill:

We have reviewed the copies of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT in the above captioned cases. We have verified our claims and the courts findings and find the Rulings to be acceptable. During our review we identified conflicting legal locations for W-8792-77 and W-8799-77. We will investigate these conflicts and if found to be in error in the Ruling, will make the appropriate changes in legal location at a later date.

If you have any questions, please call me.

Sincerely,



Owen E. Williams
Chief, Water Rights Branch

cc: RMR - Rouse, Hernance
ROMO - Superintendent
FLFO - Superintendent
BSOLMR - Cannaday
WRD - Ponce

FHP:WHansent:scpr:1/11/89:221-8302:WANG#496

TELLER COUNTY

Well #1 (FG131371AF01) *DOCKET #1*

2. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T13S, R71W
3. 100 feet
4. 1951
5. .04 c.f.s.
6. Domestic and public
7. --

Well #2 (FG121371AF02)

2. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T13S, R71W
3. 12 feet
4. 1890
5. .011 c.f.s.
6. Domestic and stock
7. RN-591

Well #3 (FG141371AF03)

2. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T13S, R71W
3. 72 feet
4. May 1, 1955
5. .111 c.f.s.
6. Domestic, irrigation
7. 13731
8. 60 acres meadow. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14 T13S, R71W

Well #4 (FG191370AF04)

2. NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T13S, R70W
3. 160 feet
4. January 15, 1977
5. .002 c.f.s.
6. Domestic
7. --

Well #5

No Claim

Well #6 (FG241371BF06) *DOCKET #6*

2. NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T13S, R71W
3. 59' 6"
4. April 30, 1960
5. .01 c.f.s.
6. Domestic and stock, Wild Life proposed
7. --

Well #7 (FG241371CF07) No Claim

2. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T13S, R71W
- 3.
- 4.
- 5.
6. Stock, Wild Life proposed
7. --

Well #8 (FG241371DF08) *DOCKET #7*

2. NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T13S, R71W
3. 26'6"
- 4.
5. .01 c.f.s.
6. Stock, Wild Life proposed
7. --

Well #9 (FG261371AF09) *DOCKET #9*

2. NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T13S, R71W
3. 52'
4. June 1950
5. .01 c.f.s.
6. Domestic
7. --

Well #10 (FG231371AF10) *DOCKET #10*

2. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23 T13S, R71W
3. 200'
4. November 1955
5. .04 c.f.s.
6. Domestic Historic
7. --

Well #11 (FG231371BF11) *DOCKET #11*

2. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T13S, R71W
3. 50'
4. 1961, July
- 5.
6. Domestic
7. --

Well #12 (FG131371BF12)

No Claim

Maps and Miscellaneous Information

Number of Documents in Docket	45		
Documents Dated from	1/3/1989	to	9/17/1990
Docket Compiled:	3/10/2011		