WATER-RIGHT DOCKET

Florissant Fossil Beds National Monument

Docket No: 7

WELL #11, A-FRAME DOMESTIC

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: FLFO

Docket Number:

IDENTIFICATION NO: FLFO W 2 3 1 3 7 1 B F 1 1 Federal #11

DITCH/WATER SYSTEM:

SOURCE OF SUPPLY: WE11

LOCATION: SE¼ NE¼ Sec. 23, T13S, R71W

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: July 1961

Quantity of Water:

Purpose: Domestic (historic)

Irrigated Land Description:

SUMMARY OF STATUS:

Depth of well: 50 ft.

State Water Rights Documentation

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

December 8, 2004

L54 (2380)
FLFO/Water Rights

Memorandum

To: Acting Superintendent, Florissant Fossil Beds National Monument

From: Chief, Water Rights Branch

Subject: Transmittal of Ruling and Decree granting a Change in Point of Diversion for the A-Frame Well (Case Number 2003CW352)

Please find the ruling and final decree granting the United States' request to change the point of diversion for the A-Frame well in the attached document. This are no further steps required to complete as a result of the United States drilling a new well to replace the old A-Frame well.

If you have any questions concerning this ruling and decree, please contact Jeff Hughes of my staff at (970) 225-3527.

Attachment

Cc: (all w/Attachment)
FLFO – Singer
IMRO - Reber
SOL (Denver) – Fahmy
2380 – Docket #7

FILE

District Court, Water Division 1, State of Colorado Court Address: 901 9th Ave P. O. Box 2038 Greeley, CO 80632	FILED IN DISTRICT COURT OCT 13 '04 WELD COUNTY, COLO.
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: **UNITED STATES OF AMERICA** **IN TELLER COUNTY**	**COURT USE ONLY**
	Case Number: 2003CW352

NOTICE OF REFEREE RULING

James J. Dubois, Esq.
United States Department of Justice
Environment and Natural Resources Division
999 18th Street, Suite 945
Denver, CO 80202

04 OCT 15 AM 10:02

Division Engineer/Water Court pick up tray

State Engineer
1313 Sherman St., Suite 818
Denver, CO 80203

Lori J. Coulter, Referee for Water Division No. 1 has instructed me to forward a copy of this Ruling. Please check the Ruling carefully. If any errors are found, notify the Water Clerk's Office immediately. If you have any questions regarding this matter, please direct them to Lori Coulter, Water Referee at (970) 351-7300, ext. 4355 or by e-mail to lori.coulter@judicial.state.co.us.

You have twenty days after the above mailing to file with the Water Clerk any pleading in protest to or in support of the Referee's Ruling. Any such pleading must be filed on or before **November 2, 2004**, plus any additional time allowed by Rule 6(e) C.R.C.P. In the absence of any pleading, the Judge of the Water Court will enter the Referee's Ruling as a Decree the day after **November 2, 2004**.

Certificate of Mailing

I hereby certify that I mailed by Certified U. S. Mail, a true and correct copy of the foregoing Ruling to the parties listed above.

Dated: October 13, 2004.

By: Peggy Pauken
Peggy Pauken
Deputy Clerk, Water Division 1

10/15/04 FRI 12:24 FAX 3035127350 005

DISTRICT COURT, WATER DIVISION 1, COLORADO 901 Ninth Avenue Greeley, CO 80631 970-351-7300	FILED IN DISTRICT COURT OCT 13 '04 WELD COUNTY, COLO.
CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, **IN TELLER COUNTY, COLORADO**	▲ COURT USE ONLY ▲
Attorney for Applicant United States of America: James J. DuBois U.S. Department of Justice Natural Resources Division 999 - 18th St., Suite 945 Denver, CO 80202 Atty. Reg. No. 13206 Phone Number: (303) 312-7341 FAX Number: (303) 312-7379 E-mail: james.dubois@usdoj.gov	Case No.: 03CW352 Water Court

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RULING OF THE REFEREE

THIS MATTER has come before the Water Referee on an Application for Approval of a Change of Water Right filed by the Applicant, United States of America, and the Referee, having reviewed the Application and the other pleadings in this case, having considered the comments of the Division Engineer, and now being fully advised with respect to this matter, enters the following Findings and Ruling of the Referee:

I. FINDINGS

1. A properly verified Application was filed in this matter by the United States of America on October 22, 2003. Timely and adequate notice of the Application was given in the manner provided by statute. See § 37-92-302, C.R.S.

2. The name and address of the Applicant are:

United States of America
c/o Department of the Interior
National Park Service
1201 Oakridge Dr., #250
Fort Collins, CO 80525
Phone: (970) 225-3500

2. The application in this matter requested approval of a change of water right to change the point of diversion of the "A Frame Well," located at the Florisant Fossil Beds National Monument. The point of diversion is being changed by approximately 522 feet. No other changes are sought.

3. No Statements of Opposition were filed in this case. The time for filing additional statements has expired.

4. Timely and adequate notice of the filing and contents of the application herein was given in the manner required by law. The time for filing Statements of Opposition and for seeking leave to intervene has expired. The Court has jurisdiction over the subject matter of this proceeding and over all persons and owners of property affected hereby, irrespective of whether or not those persons and owners of property have appeared. See § 37-92-302, C.R.S..

5. The Division Engineer issued his Summary of Consultation dated January 9, 2004. The Referee has given the Summary of Consultation due consideration.

6. Neither the land nor the water which is the subject of this application is located within the boundaries of any designated ground water basin.

7. Decreed name of structure for which change is sought: (indicate whether ditch, well, springs, reservoir, etc.): **A Frame Domestic Well #11.** (Well Permit No. 172092)

8. From previous Decree:
   A. **Date Entered:** February 8, 1989
      Case No.: W-8803-77
      Court: District Court, Colorado Water Division No. 1.

   B. Decreed point of diversion (include map):

   The decreed location of A Frame Domestic Well No. 11 is in the SE 1/4 of the NE 1/4 of Section 23, T13S, R71W, 6th P.M., at a point approximately 2,100 feet from the South line and 500 feet from the East line, Section 23, in Teller County.

   C. Source: Groundwater

D. Appropriation Date: July 31, 1961 Amount: 0.09 c.f.s. (40 g.p.m.)

E. Historic use: Domestic use in a single family dwelling.

9. Proposed change: Change in point of diversion/well location.

A change in point of diversion has been made for diversion of 0.09 c.f.s. at the following new well location and point of diversion:

Required Description: **County: Teller**	SE 1/4 of the	NE 1/4 of	Section 23	Township 13 South	Range 71 West	Principal Meridian 6th PM
Distance from section lines: 2,462 feet South of the North section line and 876 feet West of the East section line, Section 23.						

10. The new well is a replacement well for the original A Frame Domestic Well #11 (Permit No. 172092). The replacement well has been drilled and permitted under Well Permit No. 172092-A, and a copy of Well Permit No. 172092-A has been provided to the Court. The original well has been properly plugged and abandoned.

11. The change of the well location by 522 feet will not impact any other water users, as neither the original well, nor the replacement well are located in proximity to any other non-National Park Service water rights. Both the original well and the replacement well are located upon lands owned and managed by the U.S. Department of the Interior, National Park Service, as part of the Florisant Fossil Beds National Monument. The business address of the applicant, for purposes of notice related to the well, is as follows: United States Department of the Interior, National Park Service, 1201 Oak Ridge Drive, #250, Fort Collins, CO 80525, (970) 225-3506.

12. The change of water rights described above are capable of administration by state water officials.

II. RULING OF THE REFEREE

It is hereby the Ruling of the Referee that the foregoing Findings are incorporated in this Ruling by this reference and are to be considered a part of the decretal portion of this decree as though set forth in full, and that the amended Application is hereby granted, subject to the terms and conditions set forth in this Ruling.

13. The Applicant is hereby awarded the change of water rights described in paragraph 9 above.

03CW352

14. Applicant will account for its diversion and report this information to the Division Engineer utilizing accounting forms as may be reasonably required by the Division Engineer.

15. Pursuant to §37-92-304(6), C.R.S. the approval of this change of water right shall be subject to reconsideration by the Water Judge on the question of injury to the vested rights of others for a period of three (3) years from the date of this decree.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

Dated this 13th of October, 2004.

Lori J. Coulter
Water Referee
Water Division 1

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

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

Dated this ____ of NOV - 3 2004, 2004.

Hon. Roger A. Klein
Water Judge
Water Division No. 1

INVOICE FOR COSTS OF PUBLICATION

DISTRICT COURT
WATER DIVISION NO. 1
P.O. BOX 2038
GREELEY, CO 80632
(970) 351-7300 X 4550

United States Department of the Interior
National Park Service
1201 Oak Ridge Drive, #250
Fort Collins, CO 80525

Date: 04/29/2004
Case No. ***03CW352***
Application of: ***United States Department of the Interior***
Resume:***October, 2003*** Amendment: ` Republish:
For publication in ***Teller*** County/Counties

TOTAL DUE: $43.12

PAYABLE UPON RECEIPT TO: CLERK OF THE COMBINED COURT
Please return a copy of statement with remittance

Pursuant to CRS 1973, 37-92-302(3)…"The Water Clerk shall promptly submit to each applicant a bill of costs incurred by the Water Court in publishing the resume of the application. No ruling or decree shall be entered prior to payment of the charges."

02-23-2004: Telefax to NPS regarding Consultation Report

U. S. DEPARTMENT OF JUSTICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION

KJH:JATetreault

REPLY TO:
Judy A.. Tetreault, Paralegal
General Litigation Section
Suite 945, North Tower
999 Eighteenth Street
Denver, CO 80202

Telephone: (303) 312-7351
Telecopier: (303) 312-7379
Email: judy.tetreault@usdoj.gov

TELEFAX COVER SHEET

DATE: February 23, 2004

FROM: Judy Tetreault, Trial Paralegal

TO: JEFF HUGHES
NPS

FAX No. (970) 225-9965

RE: Water Div. No. 1
Case No. 03CW352

Consultation Report attached.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address by mail.

STATE OF COLORADO

WATER DIVISION ONE
OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

810 9th Street, Suite 200
Greeley, Colorado 80631
Phone (970) 352-8712
Fax (970) 392-1816

http://water.state.co.us/

FILE

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

James R. Hall, P.E.
Division One Engineer

January 9, 2004

SUMMARY OF CONSULTATION HELD JANUARY 9, 2004

OCTOBER 2003 RESUME

CASE NO. 03CW352, United States of America (Applicant), Teller County

Applicant is seeking a change of water right for the well with permit no. 172092 located in Section 23, Township 13 South, Range 71 West, 6th Principal Meridian. Applicant is seeking a change in the point of diversion of the well to the location of a replacement well drilled under permit 172092-A approximately 522 feet northwest of the decreed location. This structure was previously decreed in Water Court Case W-8803-77.

Please provide a written response to the following concerns to Water Court, P.O. Box 2038, Greeley, Colorado 80632. A RESPONSE TO THIS SUMMARY **MUST** BE RECEIVED BY THE COURT BY MAY 31, 2004 OR YOUR APPLICATION MAY BE DISMISSED. If there are questions regarding this letter, telephone Raymond Liesman at (970) 351-7300, Ext. 4598.

1. Application cites Larimer County on the header but Teller County in the Location.
2. Applicant should provide the Court with a copy of the well permit for this well if they have not already done so.
3. Provide the Court with the name and address of the owner or owners of all the lands involved with or impacted by the subject water right.

SECTION 37-92-302(4), C.R.S. (1973), SIGNED INTO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR THE APPLICANT'S ATTORNEY SHALL MAIL OR DELIVER A COPY OF THIS CONSULTATION TO ALL PARTIES OF RECORD WHO FILED A STATEMENT OF OPPOSITION TO THIS APPLICATION, IF ANY. THE STATUTE ALSO REQUIRES THAT THE APPLICANT OR HIS ATTORNEY SHALL FILE A CERTIFICATE OF MAILING WITH THE WATER CLERK OF DIVISION 1 IF THIS SUMMARY OF CONSULTATION IS MAILED TO OPPOSING PARTIES.

James R. Hall, P.E.
Division One Engineer

JRH:SCC/scc

xc: Hal D. Simpson, State Engineer
Mike Eytel, Water Commissioner

04 JAN 12 AM 11:35
DENVER, CO
CIV. JUSTICE
DIV. 1 WAT. RES.

STATE OF COLORADO

WATER DIVISION ONE
OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

310 9th Street, Suite 200
Greeley, Colorado 80631
Phone (970) 352-8712
Fax (970) 392-1816

www.water.state.co.us

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

James R. Hall
Division Engineer

CERTIFICATE OF MAILING

Case No. 03CW352

I hereby certify that on this January 9, 2004 I mailed a true and correct copy of the foregoing consultation letter by depositing it into the United States mail, postage prepaid, to the applicant or their attorney listed below:

Hal Simpson, State Engineer
Division of Water Resource
1313 Sherman Street Room 818
Denver, Colorado 80203

James J. DuBois
U.S. Department of Justice
999 18th Street Suite 945
Denver, CO 80202

Dawn Ewing

January 20, 2004

IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or it's contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM: Department of Justice
Environment and Natural Resources Division
DOJ/ENRD/GL

Fax No. 303-312-7331
Voice No. 303-312-7351

SENT BY: Judy A. Tetreault

TO: JEFF HUGHES
NPS

FAX No. (970) 225-9965

RE: Water Div. No. 1 - 03CW352

Per my email, see attached.

STATE OF COLORADO

WATER DIVISION ONE
OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

810 9th Street, Suite 200
Greeley, Colorado 80631
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Bill Owens
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State Engineer

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CERTIFICATE OF MAILING

Case No. 03CW352

I hereby certify that on this January 9, 2004 I mailed a true and correct copy of the foregoing consultation letter by depositing it into the United States mail, postage prepaid, to the applicant or their attorney listed below:

Hal Simpson, State Engineer
Division of Water Resource
1313 Sherman Street Room 818
Denver, Colorado 80203

James J. DuBois
U.S. Department of Justice
999 18th Street Suite 945
Denver, CO 80202

Dawn Ewing

Colorado Division 1 October 2003 Resume
Statement of Opposition due: Dec. 31, 2003

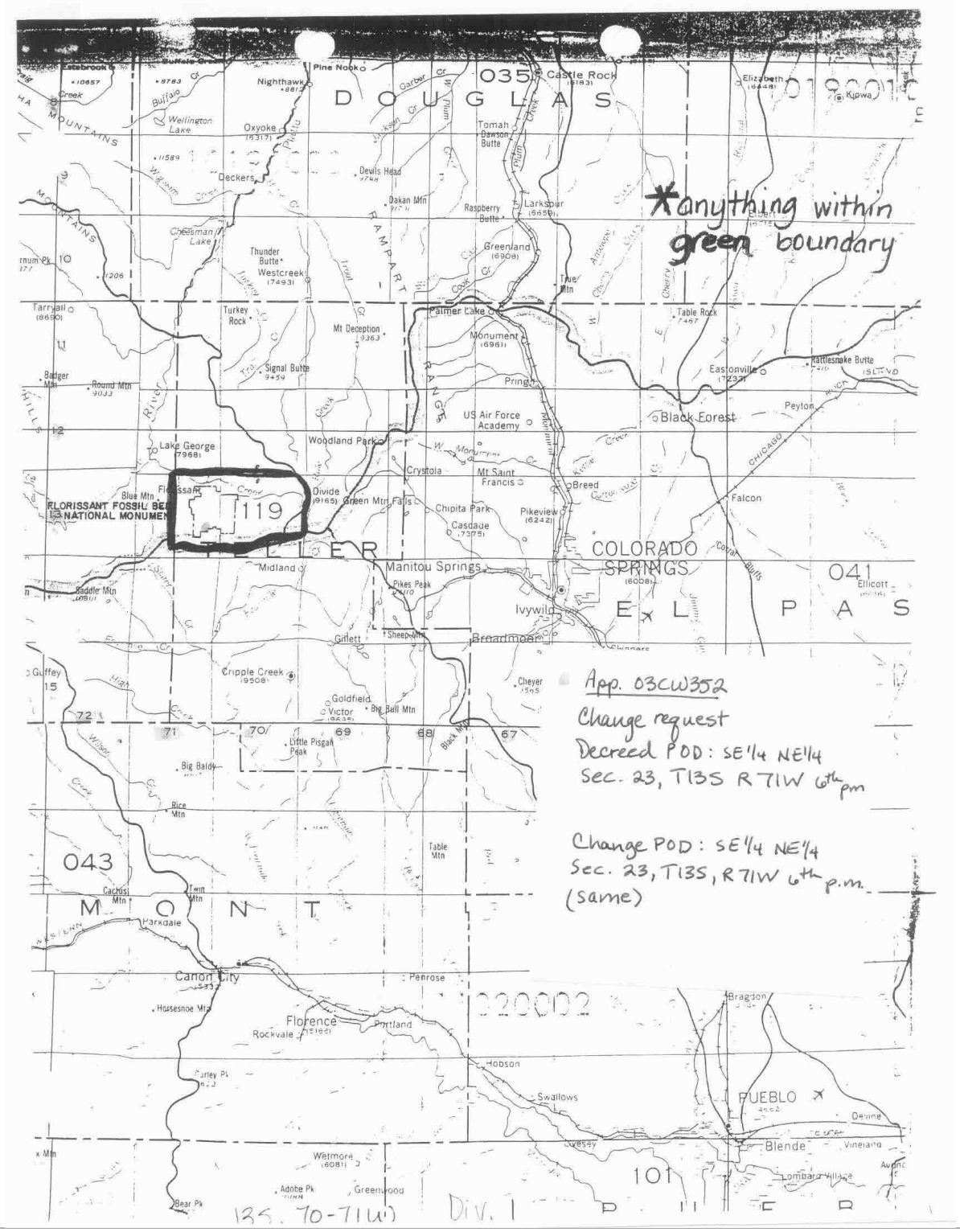
Metropolitan Waste Water Reclamation District
6450 York Street
Denver, Colorado 80229

WHEREFORE, Applicant requests that this Court issue its findings and decree that Applicant has completed and made ABSOLUTE 1.52 cubic feet per second of its Metro Outfall Exchange; that Applicant has been diligent with regard to completion of the CONDITIONAL portion of its appropriation of the foregoing exchange rights and that the CONDITIONAL exchange rights decreed in Case No. 94 CW 197, and not made absolute, herein be continued in full force and effect for another diligence period. Applicant no longer claims any conditional rights of exchange to or from Paradise Valley Reservoirs Nos. 2 and 3 and hereby abandons said rights. (6 pgs.)

03CW352 United States Department of the Interior, National Park Service, 1201 Oak Ridge Drive, #250, Fort Collins, CO 80525 (303) 225-3506 Attorney: James J. DuBois, U.S. Department of Justice (303) 312-7341 APPLICATION FOR CHANGE OF WATER RIGHTS, **IN TELLER COUNTY.** Decreed name of structure for which change is sought: (indicate whether ditch, well, springs, reservoir, etc.): **A Frame Domestic Well #11.** (Well Permit No. 172092) From previous Decree: **Date Entered**: February 8, 1989**, Case No.:** W-8803-77 **Court:** District Court, Colorado Water Division No. 1, Decreed point of diversion : The decreed location of A Frame Domestic Well No. 11 is in the SE 1/4 of the NE 1/4 of Section 23, T13S, R71W, 6th P.M., at a point approximately 2,100 feet from the South line and 500 feet from the East line, Section 23, in Teller County. C. Source: Groundwater D.Appropriation Date: July 31, 1961 Amount: 0.09 c.f.s. (40 g.p.m.)E. Historic use: Domestic use in a single family dwelling. Proposed change: Change in point of diversion/well location. A change is sought for diversion of 0.09 c.f.s. at the following new well location and point of diversion: Required Description: **County: Teller** SE 1/4 NE 1/4 Section 23, Township 13 South, Range 71 West, Principal Meridian 6th PM, Distance from section lines: 2,462 feet South of the North section line and 876 feet West of the East section line, Section 23.
Remarks: The new well is a replacement well for the original A Frame Domestic Well #11 (Permit No. 172092). The replacement well has been drilled and permitted under Well Permit No. 172092-A. The original well has been properly plugged and abandoned.
Name(s) and address(es) of owner(s) of the land on which structure is or will be located, and upon which water is placed to beneficial use: Same as Applicant.

03CW353 Bob R. and Barbara E. Arthur, PO Box 66, Fairplay, CO 80440. Application for Finding of Reasonable Diligence and To Make Absolute, **IN PARK COUNTY**. Arthur Lot 114 Well - Permit #203259, located in the SE1/4 SE1/4 S18 T9S, R76W of the 6th P.M., 500' from S section line and 600' from E section line. Underground Depth: 425'. Appropriation: 9/30/1994 Amount claimed: 0.033CFS. Use: Domestic in 3 single-family dwellings including irrigation of less than 1 acre and stock water. If claim to make absolute water applied for: May 9, 1999. Amount ¾ g.p.m. Use: Stock. (2 pages + 1 attachments)

2003CW354 - THE CITY OF LOVELAND PETITION BY THE CITY OF LOVELAND TO MODIFY 82CW202A DECREE AND "INCLUSORY DECREES", **IN LARIMER AND WELD COUNTIES**,; Send all correspondence and copies to:


*anything within green boundary
App. 03CW352
Change request
Decreed POD: SE1/4 NE1/4
Sec. 23, T13S R71W 6th pm
Change POD: SE1/4 NE1/4
Sec. 23, T13S, R71W 6th p.m.
(same)
DOUGLAS
035
ELBERT
041
EL PASO
043
MONT
101
PUEBLO
119
Castle Rock
Colorado Springs
Manitou Springs
Florissant
Woodland Park
Black Forest
Canon City
Florence
Pueblo
Div. 1
13S. 70-71W

Form # GWS-32 11/90

PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINE
818 Centennial Bldg., 1313 Sherman St. Denver Co.

Office Use Only

1. WELL PERMIT NUMBER: **172092-A**

2. OWNER NAME(S) : **US National Park Service**
Mailing Address: **1201 Oak Ridge Drive #250**
City, St. Zip : **Fort Collins, CO. 80525**
Phone : **(303) 225-3506**

GWS-32-93-03

3. WELL LOCATION AS DRILLED: **SE** 1/4 **NE** 1/4,Sec: **23** Twp: **13S** Range: **71W**
DISTANCES FROM SEC. LINES
2462 ft. from **North** Sec. line and **876** ft. from **East** Sec. line.
SUBDIVISION: LOT: BLOCK: FILING:
STREET ADDRESS AT WELL LOCATION: **Florissant Fossil Beds National Monument**

4. PUMP DATA: Type-**Submersible** Installation Completed **06/17/94**
Pump Manufacturer: **Myers** Pump Model No.:**3JF72-8**
Design GPM:**8** at RPM: **3450**, HP: **3/4** ,Volts: **230** , Full Load Amps: **6.8**
Pump Intake Depth **240**Feet,Drop/Column Pipe Size:**1"** Inches, Kind **Sch 80**
ADDITIONAL INFORMATION FOR PUMPS GREATER THAT 50 GPM:
TURBINE DRIVER TYPE: [ ] Electric [ ] Engine [ ] Other
Design Head feet, Number of Stages , Shaft Size in.

5. OTHER EQUIPMENT:
Airline Installed [ ] Yes [X] No, Orfice Depth ft.
Monitor Tube Installed [ ] Yes [X] No Depth ft.
Flow Meter Mfg.: Meter Serial No.:
Meter Readout [ ] Gallons [ ] Thousand Gallons [ ] Acre Feet, Beginning Reading

6. TEST DATA:
[ ] Check box if Test data is submitted on Supplemental Form

Date:	**06/17/94**	/ /	/ /	/ /
Total Well Depth:	**250 Feet**	Time: 10:00AM	:	: :
Static Level:	**29 Feet**	Rate (GPM):	**1/2**	
Date Measured:	**06/17/94**	Pumping Lvl.:	**240**	

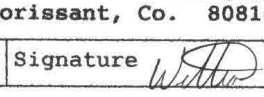
7. DISINFECTION: Type - **HTH Granules** Amt.Used - **20 oz.**

8. Water Quality analysis available. [ ] Yes [X] No

9. Remarks: 94060LP

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104(13)(a) C.R.S the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR: **RMPD, LTD.** Phone: **(719) 748-3318** Lic.No. **1155**
Mailing Address: **P.O. Box 287, Florissant, Co. 80816**

Nm/Ttl: **William F. Dietrich Pres** | Signature  | Date 6/24/94

FORM # GWS-31 11/90

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, FFICE OF THE STATE ENGINE
818 Centennial Bldg., 1313 Sherman St. Denver Co.

Office Use Only

1. WELL PERMIT NUMBER: 172092 A

2. OWNER NAME(S) : US National Park Service
Mailing Address: 1201 Oak Ridge Dr. #250
City, St. Zip : FT Collins, CO 80525
Phone : (303) 225-3506

GWS-31-93-02

3. WELL LOCATION AS DRILLED: SE 1/4 NE 1/4,Sec: 23 Twp: 13 s ,Range:71 w
DISTANCES FROM SEC. LINES:
2462 ft. from North Sec.line. and 876 ft. from East Sec.line. OR
SUBDIVISION: Fossil Beds National Monument LOT: BLOCK: FILING:
STREET ADDRESS AT WELL LOCATION:

4. GROUND SURFACE ELEVATION:8150 ft. DRILLING METHOD: Air Percussion
DATE COMPLETED: 6/06/94 TOTAL DEPTH: 250 ft. DEPTH COMPLETED: 250 ft.

5. GEOLOGIC LOG:

Depth	Description of Material
0 - 6	Topsoil
6 - 12	Clay
12 - 31	Pink & Black Granite
31 - 35	Fractured (WATER)
35 - 155	Pink & Black Granite
155 - 157	Fractured (WATER)
157 - 169	Pink & Black Granite
169 - 170	Fractured (WATER)
170 - 205	Pink & Black Granite
205 - 207	Fractured (WATER)
207 - 250	Pink & Black Granite

REMARKS:

6. HOLE DIAM. (in.)

	From(ft)	To(ft)
7 7/8	0	20
6 1/8	20	250

7. PLAIN CASING

OD(in)	Kind	Wall	Size	From(ft)	To(ft)
6 5/8	Steel	188		+1	20
4.5	PVC	227		10	20
4.5	PVC	227		40	140
4.5	PVC	227		180	200
Perf. Casing: Screen Slot Size:30					
4.5	PVC	227		20	40
4.5	PVC	227		140	180
4.5	PVC	227		200	250

8. FILTER PACK:
Material:N/A
Size:
Interval:

9.PACKER PLACEMENT
Type N/A
Depth

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placeme
Cement	188 lbs.	6/pk	0-20	Poured

11. DISINFECTION: Type - HTH Granules Amt. Used - 25oz.

12. WELL TEST DATA ☐ Check box if Test Data submitted on Supplemental Form
TESTING METHOD: Air
Static Level: 32 ft. Date/Time: 6/06/94 10:00am Prod. Rate: 1/2 gpm
Pumping level:-0- ft. Date/Time: 6/06/94 2:00pm Test Length(hrs): 2
Remarks 94024LD

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge.[Pursuant to Section 24-4-104(13)(a) C.R.S. the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]
CONTRACTOR: RMPD, LTD. Phone: (719) 748-3318 Lic. No.: 1155
Mailing Address: P.O. Box 287, Florissant, Co. 80816

Nam/Ttl: William F. Dietrich Pres | Signature  | Date 6/ 2494

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

TYPE OR PRINT IN BLACK INK

WELL ABANDONMENT REPORT

ABANDONED WELL NUMBER IF REGISTERED 172092

1. INDIVIDUAL/COMPANY RESPONSIBLE FOR PLUGGING
NAME(S) NATIONAL PARK SERVICE
Mailing Address Florissant Fossil Beds National Monument
City, St. Zip Florissant, CO
Phone (719) 748-3253

358166

2. ACTUAL WELL LOCATION: COUNTY Teller County
PROPERTY ADDRESS Florissant Fossil Beds National Monument, Florissant, CO,
(Address) (City) (State) (Zip)
SE 1/4 NE 1/4, Sec. 23 Twp. 13 ☐ N. ☒ S., Range 71 ☐ E. ☒ W. 6th P.M.
Distances from Section Lines 2462 Ft. from ☒ N. ☐ S. Line, 876 Ft. from ☒ E. or ☐ W. Line.

3. I (we), report that an existing well was plugged and abandoned for the following reason(s):
☒ The well was plugged and abandoned as required under the conditions of approval of Well Permit No. 172092.
☐ The well was not in use and was abandoned.
☐ Other (please explain) _____

4. The well was plugged and abandoned according to the Water Well Construction and Pump Installation Rules on _____, 19__.

5. The well was plugged with the following materials placed at the indicated intervals:

AMOUNT AND TYPE OF MATERIAL	METHOD OF PLACEMENT	INTERVAL
4 yds decomposed GRANITE	shovel	from 15' feet to 5' feet
Concrete	shovel	from 5' feet to 0' feet
		from ____ feet to ____ feet
		from ____ feet to ____ feet
INTERVALS OF CASING REMOVED/RIPPED IN FEET		from ____ feet to ____ feet
NO CASING, HAND DUG WELL		from ____ feet to ____ feet

6. I (we) have read the statements made herein and know the contents thereof, and that they are true to my (our) knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

Name/Title (Please type or print)	Signature	Date
Thomas Snoke, Facility Manager	Thomas M. Snoke	6/21/94

--INFORMATION-- It is the responsibility of the well owner to have the well properly plugged and abandoned. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirement. This form may be reproduced by photocopy or word processing means.

172092

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172092 - A

APPLICANT

DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
2462 Ft. from North Section Line
876 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) 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.

2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.

3) Approved pursuant to CRS 37-92-602, per decree W-8803-77, for the replacement of an existing well, permit no. 172092 (decreed by the Division 1 Water Court as the USA Florisant Fossil Beds National Monument A-Frame Domestic Well No. 11, case no. W-8803-77). The old well must be plugged and abandoned according to the Water Well Construction and Pump Installation Rules. An abandonment report must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged and abandoned.

4) The maximum pumping rate shall not exceed 40 GPM.

5) The average annual amount of ground water to be appropriated shall not exceed 3 acre-feet.

6) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to domestic use in a single family dwelling located in the SE1/4 of the NE1/4 of Sec. 23, Twp. 13S, Rng. 71W, 6th P.M.

7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

8) This well shall be constructed not more than 200 feet from the location approved on this permit.

9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

OWNER'S COPY

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

FORM NO. GWS-7 12/92

EXEMPT

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
821 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

INFORMATION FOR WELL PERMITS APPROVED PURSUANT TO CRS 37-92-602 (HOUSEHOLD, DOMESTIC, LIVESTOCK AND EXEMPT COMMERCIAL USES)

PLEASE NOTE CAREFULLY THE CONDITIONS OF APPROVAL ON THE ATTACHED COPY OF YOUR PERMIT. THE CONDITIONS MUST BE COMPLIED WITH IN ORDER FOR THE PERMIT TO BE VALID.

THE ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT.

A STATEMENT OF BENEFICIAL USE FOR THIS TYPE OF WELL IS NOT REQUIRED AND IF SUBMITTED WILL BE USED FOR INFORMATIONAL PURPOSES ONLY.

THE PERMIT EXPIRATION DATE IS TWO YEARS FROM THE DATE ISSUED. The well must be constructed and evidence of it's construction must be submitted to this office in the form of a well construction report from the well construction contractor confirming that construction was completed prior to expiration of the well permit. The permit number is located in the upper right hand corner of the permit. The expiration date is located in the lower right hand corner. The expiration date may be extended at the discretion of the State Engineer for good cause shown. If you desire an extension, you must file a written request with this office prior to the expiration date shown on the permit. The request must state why the well has not been constructed, must include an estimate of time required to complete the well, and must specify the length of extension you desire, not to exceed one (1) year.

ADDITIONAL INFORMATION REGARDING WELL CONSTRUCTION AND WELL ABANDONMENT REGULATIONS ARE FOUND ON THE REVERSE SIDE OF THIS SHEET.

THE WELL MUST BE CONSTRUCTED AND THE PUMP INSTALLED BY CONTRACTORS WITH CURRENT LICENSE(S) ISSUED BY THE STATE OF COLORADO unless exempted as described on the reverse side. The well construction and pump installation reports must be submitted to the office of the State Engineer within sixty (60) days of completion of the work or within seven days after expiration of the permit, whichever is earlier. Your contractor must provide you with a copy of the work report(s) he has filed with the State Engineer. The Well Construction and Test Report, Form Number GWS-31 and the Pump Installation and Test Report, Form Number GWS-32 are available from the Division of Water Resources offices.

You have been provided with at least two copies of the well permit. The owner's copy is for your records. The second copy is for the pump installation contractor. You may make additional copies for the well construction contractor if you select one different from the one indicated in your application. If you did not indicate a proposed well construction contractor on the application, four copies of the permit are enclosed. **DO NOT GIVE YOUR "OWNER'S COPY" TO THE CONTRACTOR .**

The original permit is on file in the Denver Office Records Section. Additional copies may be obtained for a fee of 50 cents per page. Any change of mailing address or ownership should be reported to the State Engineer by the new owner on a "Change in Ownership/Address", form number GWS-11.

If you have questions, contact the Denver Office, or the Division Office where your well is located.

DIVISION 1
800 8TH AVE. RM. 321
GREELEY, CO 80631
(303) 352-8712

DIVISION 2
219 W. 5TH RM. 223
PUEBLO, CO. 81003
(719) 542-3368

DIVISION 3
422 4TH ST.
ALAMOSA, CO 81101
(719) 589-6683

DIVISION 4
1540 E. NIAGARA
MONTROSE, CO. 81402
(303) 249-6622

DIVISION 5
50633 US HWY 6 & 24
GLNWD SPGS. CO. 81601
(303) 945-5665

DIVISION 6
320 LINCOLN AVE. G-1
STMBT SPGS., CO. 80477
(303) 879-0272

DIVISION 7
1474 MAIN ST.
DURANGO, CO. 81302
(303) 247-1845

DENVER OFFICE
RM. 821
1313 SHERMAN ST.
DENVER, CO. 80203
(303) 866-3581

WELL CONSTRUCTION AND PUMP INSTALLATION BY THE WELL OWNER

You may construct the well and/or install the pump yourself if the well is entirely for your own use, is on property you own, and is constructed or pump equipment is installed with equipment owned and operated by you. It is your responsibility to complete and submit the Well Construction and Test Report, Form Number GWS-31 and/or the Pump Installation and Test Report, Form Number GWS-32. These forms are available from our offices. The well must be constructed and the pump installed in accordance with the well construction standards of the State Board of Examiners of Water Well Construction and Pump Installation Contractors.

THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES STATE THAT ALL WELLS OF THIS TYPE MUST BE DISINFECTED AFTER CONSTRUCTION AND AFTER PUMP INSTALLATION.

THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES ARE AVAILABLE FROM DIVISION OF WATER RESOURCES OFFICES FOR A FEE OF $3.00. The rules cover well construction, pump installation, disinfection, abandonment and contractor licensing regulations. If you are constructing your own well or installing pumping equipment, it is recommended that you obtain a copy of these rules for reference.

WELLS TO BE PLUGGED AND ABANDONED MUST BE PLUGGED IN ACCORDANCE WITH RULE 11 (SHOWN BELOW) OF THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES. A WELL ABANDONMENT REPORT, FORM NUMBER GWS-9 MUST BE SUBMITTED TO CONFIRM THE PLUGGING OF THE WELL. THIS FORM IS AVAILABLE FROM OUR OFFICES.

RULE 11 ABANDONMENT STANDARDS

11.1 General

11.1.1 The plugging and sealing of all wells and test holes is necessary to prevent contamination of ground water and the migration of water through the unused borehole. It is the ultimate responsibility of the well owner to have a well properly plugged and abandoned. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirement pursuant to this Rule 11.

11.1.2 Persons authorized to install pumping equipment may plug and abandon wells which do not require the removal of casing from more than one aquifer or the ripping or perforating of casing opposite confining layers.

11.1.3 All materials used for backfilling shall be clean, free from contaminants and chemically inert.

11.2 Unconfined Wells-Wells completed into unconfined aquifers shall be abandoned by filling with either on-site materials, clean sand or gravel to the static water level, then with chemically inert materials to the ground surface. A permanent watertight cover shall be installed at the top of the casing. The casing may be cut off up to five (5) feet below ground level provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

11.2.1 Cathodic protection holes, dewatering wells, horizontal drains, monitoring and observation holes, percolation holes, piezometer holes, sump pumps and test holes shall be abandoned either pursuant to Rule 11.2 or by removing all casing which was installed and by filling the hole(s) with drill cuttings or chemically inert materials to within five (5) feet of the ground surface. The top five (5) feet of the hole shall be sealed with materials equal to or less permeable than the top foot of the surrounding soils.

11.3 Confined Wells

11.3.1 Wells which were constructed through more than one aquifer shall be abandoned by placing a grout plug at the confining layer above each aquifer. If records do not show that the casing opposite each confining layer has been grouted when originally installed, the casing shall be either completely removed from the hole, or perforated or ripped opposite such layer prior to placing the grout plug. No plug shall be less than twenty (20) feet in length.

11.3.2 The well casing except for the grout plug intervals shall be completely filled to the land surface with chemically inert materials. A watertight cover will be permanently welded or attached to the top of the casing. The casing may be cut off up to five (5) feet below land surface provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

FLFO Docket 07

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

July 15, 1993

L54(479)
FLFO/Water Rights

State of Colorado
Division of Water Resources
Attn: Al Eckermann
818 Centennial Bldg.
1313 Sherman Street
Denver, Colorado 80203

Re: Replacement Well for "A-frame" Domestic Well No. 11 (Water Court Case No. W-8803-77) at Florissant Fossil Beds National Monument

Dear Sir or Madam:

The original signed permit application for the above-cited well is attached. Please note that the location for this replacement well is more than 200 feet from the location decreed in Case W-8803-77. The correct location, based on a recent survey, is as indicated on the permit application. The decreed location is in error. The United States is filing an application with the District Court, Water Division 1, to correct the decree accordingly.

Also enclosed is the $60.00 fee for the permit application. Please acknowledge receipt of payment by completing the following information and returning it to this office in the envelope provided for you.

Received payment on _____

Check Number _____

Payment acknowledged by _____

If you have any questions, please contact Alice Johns of my staff at (303) 225-3506.

Alice E. Johns

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: (w/o attachments)
479 - Johns, Newberry
SOL (Denver) - Canaday
Docket 10

(w/attachments)
FLFO - Superintendent
DOJ (Denver) - Johnson
Docket 07

WRJ-5-Rev. 76

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

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

FOR: (x) A PERMIT TO USE GROUND WATER
(x) A PERMIT TO CONSTRUCT A WELL
(x) A PERMIT TO INSTALL A PUMP

(x) REPLACEMENT FOR NO. "A-frame" Domestic Well No. 11
( ) OTHER _____
WATER COURT CASE NO. W-8803-77

(1) APPLICANT - mailing address

United States of America
NAME National Park Service
STREET 1201 Oak Ridge Drive, Suite 250
CITY Fort Collins, (State) CO. 80525 (Zip)
TELEPHONE NO. (303)225-3506

(2) LOCATION OF PROPOSED WELL

County Teller
SE ¼ of the NE ¼, Section 23
Twp. 13 (N,S) S, Rng. 71 (E,W) W, 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 40
Average annual amount of ground water to be appropriated (acre-feet): 3
Number of acres to be irrigated: less than 1
Proposed total depth (feet): 100
Aquifer ground water is to be obtained from:

Owner's well designation "A-frame" Well No. 11

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(x) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
( ) OTHER (9) _____
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Liscensed Colorado Driller
Street _____
City _____ (State) _____ (Zip)
Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____
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.

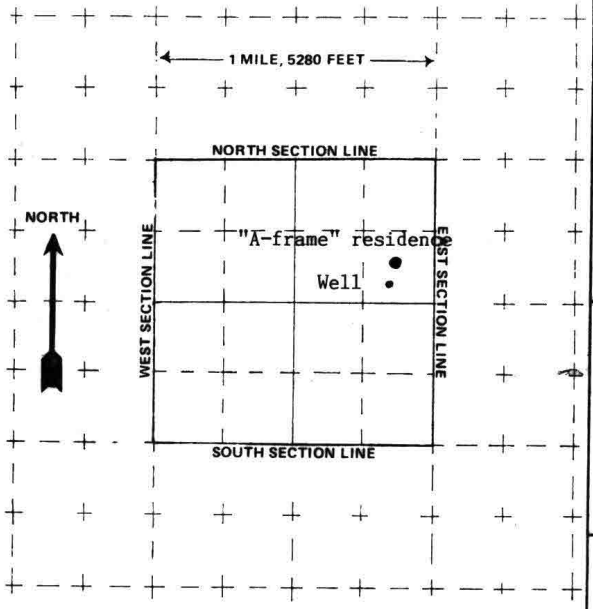
APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
I.D. _____ COUNTY _____

(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 by distances from section lines.

2,462 ft. from North (north or south) sec. line

876 ft. from East (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: United States

No. of acres 5,998.09 . Will this be the only well on this tract? (Florissant Fossil Beds National Monument)

(8) PROPOSED CASING PROGRAM

Plain Casing

8 in. from 0 ft. to 20 ft.

6 in. from 0 ft. to 20 ft.

6 in. from 30 ft. to 100 ft.

Perforated casing

6 in. from 20 ft. to 30 ft.

_____ in. from _____ ft. to _____ ft.

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

The intent is to drill the well at the same location as the existing hand-dug well. If new well is not at precisely same location, old well will be back-filled with gravel by hand. "A-frame" residence and well are on 80 acres acquired by the United States within Florissant Fossil Beds National Monument

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

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

Legal description: S1/2 NE1/4 Sec 23 T13S R71W, 6th P.M.

(11) DETAILED DESCRIPTION of the use of ground water: **Household use and domestic wells must indicate type of disposal system to be used.**

Water will be used for domestic purposes at the "A-frame" residence, a single family dwelling, by park employees. Sewage disposal will be by septic system.

(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
Case W-8802-77	Domestic	exempt well located approximately 2,100 feet from the North sec. line and 50 feet from the East sec. line in Sec. 23, T13S R71W, 6th P.M.

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

Alice E Johns

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

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-8803-77

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,

John R. Hill, Jr.
Attorney
General Litigation Section

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

RECEIVED
JAN 3 - 1989
DEPT. JUSTICE LANDS DIVISION
DENVER, COLO.

FILED IN THE DISTRICT COURT
WELD COUNTY COLO.
88 DEC 29 P12 : 49

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8803-77

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 notice required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entires 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

2. The name of the structure:

   USA Florissant Fossil Beds National Monument
   A-Frame Domestic Well No. 11

3. The legal description of the structures:

SE1/4NE1/4 Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 2,100 feet from the South line and 500 feet from the East line, Section 23.

4. The source of water:

Groundwater

5. The date of appropriation:

July 31, 1961

6. The amount of water:

0.09 cubic feet per second (40 gpm)

7. The use of the water:

Domestic in a single family dwelling.

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

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

11/23/84

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 filing Dec. 1977
Amended Dec. 1984
States -
Cases before the water Court will not hearing settings as per rec. Policy.

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)
)
CITY AND COUNTY OF Denver) ss:

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.

My commission expires:

_____
NOTARY PUBLIC

Four Copies To Be Filed
Two copies of State Engineer well permit or well registration ma
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:
SE¼, of NE¼ of Section 23, Township 13 South, Range 71 West

3. Depth of well: 50'

4. Date of initiation of appropriation:
July 1961

5. Amount of water claimed in cubic feet per second of time:

6. Use of water: Historic use or proposed use (indicate whic
Domestic (historic)

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 23, 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 50 feet.

Depth to Static Water Level 13 feet.

Horsepower of electric motor 1½.

Diameter - discharge pipe 1 inches.

Pressure at sprinkler head_____per sq. inch.

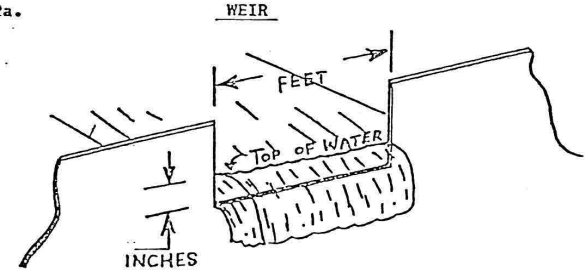
DO NOT USE TEST DATA FROM WELL REGISTRATION FORM.

CAPACITY OF WELL:

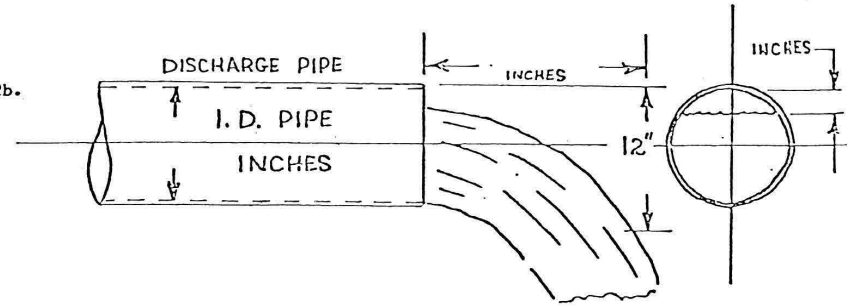
1. Actual measurement 40 gpm (do not use pump-test data)

2. Or one of the following measurements:

2a.

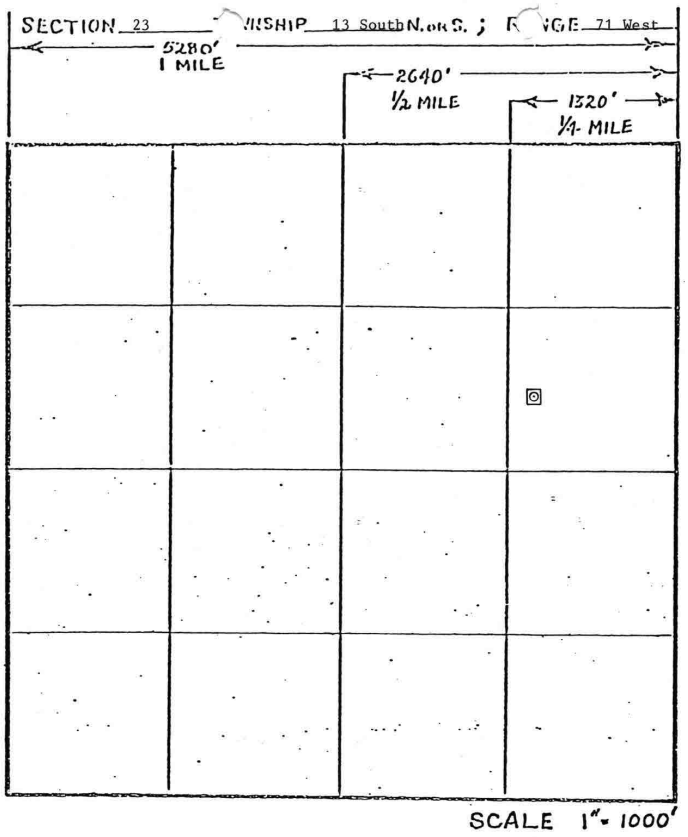


2b.



00-00-0000: map showing well location

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

FOR USE 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 Teller)

COMES NOW the undersigned Mrs. Mary Ghist
and being first duly sworn states as follows:

1. That he is, and has been, a resident of Teller County for 26 years.

2. That he is well acquainted with that certain well, on property legally described as follows: SE¼ of NE¼ of Section 23, Township 13 South, Range 71 West

3. That he states, of his own personal knowledge, that said well was drilled and put to beneficial use on or about the _____ day of July, 1961.

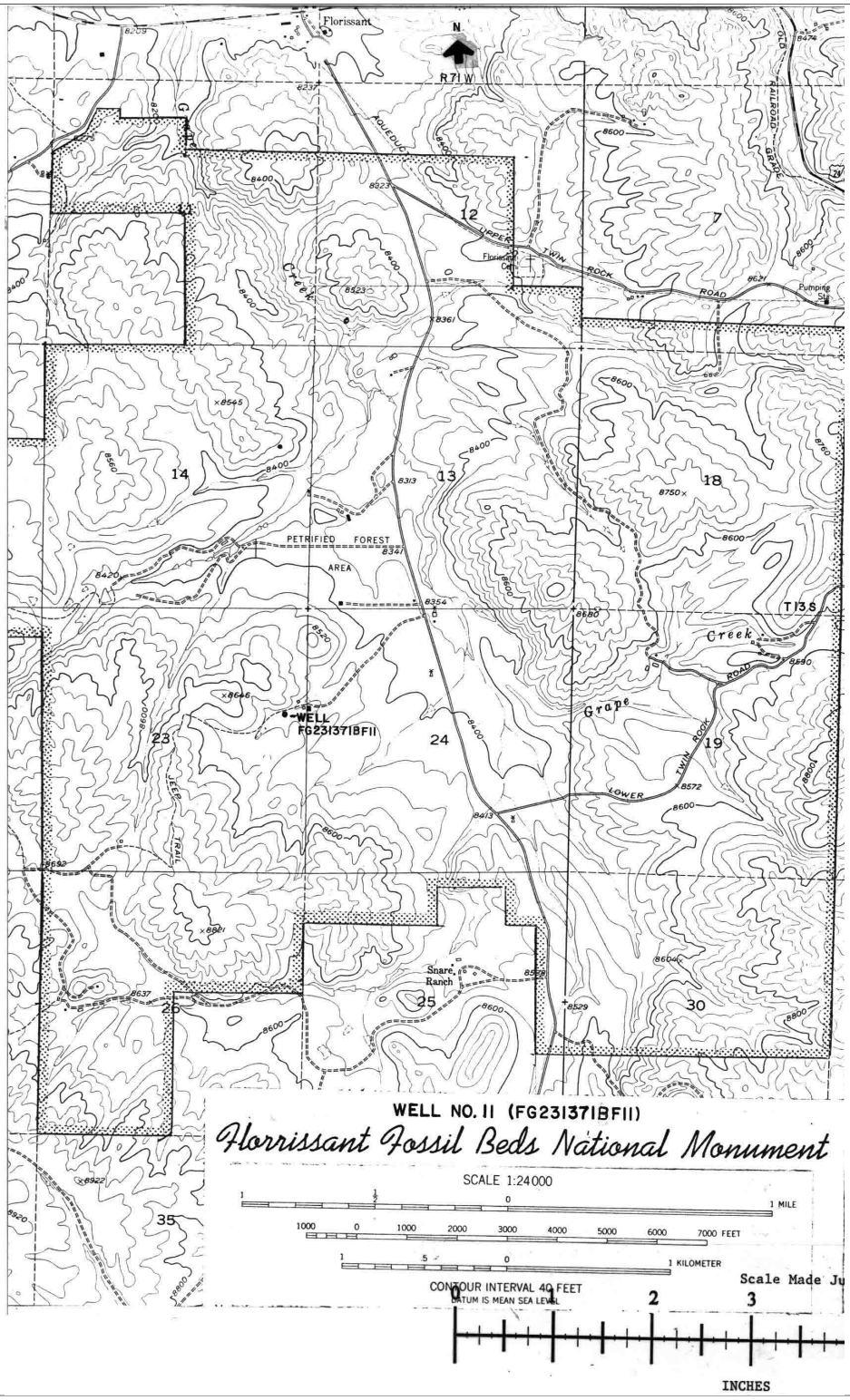
(Signature) Mrs. Mary Ghist

Subscribed and sworn to before me this 15th day of December, 19 77.

WITNESS my hand and official seal.
My commission expires 4/3/81.

Catherine Lacy
Notary Public

00-00-0000: topographic map of petrified forest area



Supporting Hydro Data

06-21-2002: Fax to DOJ regarding supporting document of new location for A-Frame Well #1

National Park Service
U.S. Department of the Interior

Water Resources Division
Natural Resource Program
Center

1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

970-225-3500 phone
970-225-9965 fax

Water Resources Division Fax

To: JUDY TETRENA, US DEPARTMENT OF JUSTICE

Fax number: 303-312-7331

From: CHRIS GABLE

Date: JUNE 21, 2002

Pages to follow: 1

Comments:

SUPPORTING DOCUMENT OF NEW LOCATION FOR A-FRAME WELL #11.

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

I, Christine A. Gable, Hydrologist for the National Park Service, Water Resources Division, 1201 Oak Ridge Drive, Suite 250, Fort Collins, Colorado, 80525, and Daniel L. Evans, Research Associate, Colorado State University, working for the Water Resources Division, surveyed the location of the A-frame Well #11 in the SE¼ NE¼ Sec. 23, T13S R71W, 6th P.M., at Florissant Fossil Beds National Monument (FLFO) on July 8, 1993. The well is located 2,462 feet from the North section line and 876 feet from the East section line, Sec. 23, T13S R71W, 6th P.M., based on the survey described below:

The survey was requested by Alice Johns of the National Park Service (NPS), Water Resources Division (WRD). The requested accuracy was to survey within 5 to 10 feet.

EQUIPMENT: Sokkia/(Lietz), Electronic Total Station SET4
Accuracy: Horizontal 5"
Vertical 5"
Sokkia SDR33 Data Collector and Single Prism
4-Stage Range Plumbing Pole
Tripod, Extension Leg, Aluminum

PROCEDURE: Prior to arriving at FLFO, survey notes from previous surveys of section 23 and surrounding sections were obtained from the Bureau of Land Management and reviewed. On July 8, 1993, we located the monument marking the corner section of 13, 14, 23 and 24 and also the locations of the A-frame Well #11, the A-frame residence and Ghist Well #10. After viewing each location, we examined on foot the proposed line of survey for approximately one-half mile, following contours and features from a 7.5 minute U.S. Geological Survey Lake George Quadrangle map, from the A-frame residence to the monument originally located.

The survey began from this corner section monument. The direction of north was determined using a brunton compass. The survey proceeded south based on a backsight bearing north along the north-south line of sections 23 and 24. The survey stayed along the north bearing, vegetation permitting. From an established station, each well and building location was measured.

We were unable to find the ¼ section monument of sections 23 and 24. The survey was ended with confidence of a good survey based upon (1) minimum electronic distance measurement errors, (2) close agreement with measured site bearings to features and topography from the U.S. Geological Survey map, and (3) requested location accuracy.

Christine A. Gable — 4/13/94 Date

Daniel L. Evans — 4/13/94 Date

Subscribed and sworn before me this 13 day of April 1994.

Notary Public Lynda Williams

Residing at 424 W. Oak Ft. Collins CO

My commission expires 5-13-96

Four originals..
It may be necessary
to provide these to
the master cont in the
future. Only one
copy needs to be scanned.
DO NOT 2-HOLE
PUNCH.

A. Johns
5/21/96

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

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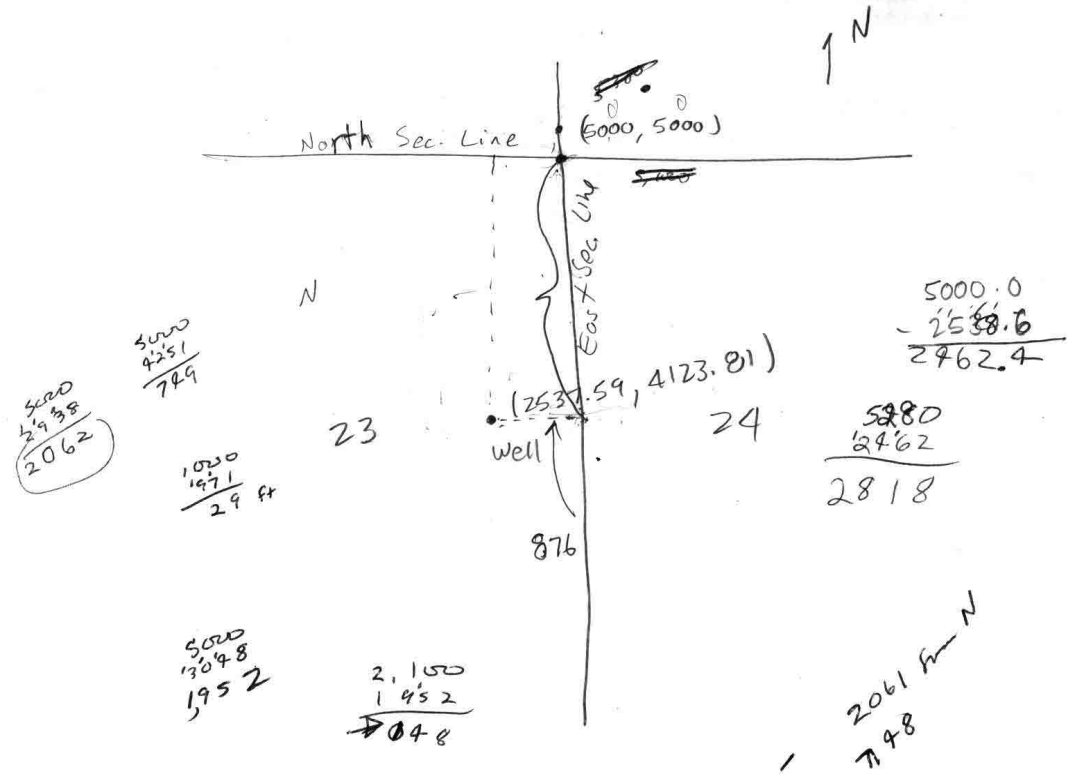
Notary Public Lynda Williams

Residing at 424 W. Oak Ft. Collins CO

My commission expires 5-13-96

Pt No.	Northing	Easting	Height	Code	Description
1	5000.000	5000.000	8500.000	STN 1	
2	4834.253	4997.382	8527.194	AVG FS STN 1-2	
3	4721.162	4950.816	8554.398	AVG STN 2-3	
4	4572.233	4919.815	8586.115	AVG STN 4	
5	4386.156	5041.584	8612.210	AVG STN 4-5	
6	3157.165	5007.674	8518.087	AVG STN 5-6	
7	2946.813	4555.702	8528.511	AVG STN 6-7	
8	2895.656	4273.543	8549.441	AVG STN 7-8	
101	5067.811	5000.000	8490.157	BS 101	
1004	3048.151	4971.063	8525.962	GHIST WELL	
1005	2873.911	4326.362	8543.734	AVG WAT MET COV	
1006	2938.682	4251.494	8555.403	A FRAM NE CORN	
1007	2537.591	4123.814	8561.531	A FRAM WELL 11	

PRINTED 7/12/93
SURVEYED ON 7/8/93 CAG + DLE



Other Supporting Information

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

October 17, 2003

L54 (2380)
FLFO – Water Rights

Ms. Judy Tetreault
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street, Suite 945
Denver, CO 80202

Re: Filing Fee for Change Application for A-Frame Well in Florissant Fossil Beds National Monument

Dear Judy:

Enclosed is a check for $271.00 to cover the costs associated with filing for a Change in Point of Diversion for the A-Frame Well located in Florissant Fossil Beds National Monument. This check is valid for 60 days from the date of issuance. Also, please return to me, at your convenience, the expired check we mailed earlier.

Please contact me at (970) 225-3527 if you have any questions.

Sincerely,

Jeffrey C. Hughes
Hydrologist

ENCLOSURE

Document Number

Doc Type	Init. Org.	Sequence Number
TD	23	80400008

Account Number

Resp. Org.	Project No.	PWE
23	80	WRB3	NWZ

Object Class	Social Security No.
259Z	

Travel

TYPE	ADV #	D	P	M

U.S. Department of the Interior
National Park Service

1-2 / 210

10/16/2003
DATE

2800 - 012095
012095

NOT GOOD AFTER 60 DAYS FROM DATE

PAY TO THE ORDER OF COLORADO WATER COURT, WATER DIVISION 1 $ 271.00

Two Hundred Seventy One & 00/100----------

DOLLARS

NOT GOOD FOR MORE THAN $2500

JPMorgan
JPMorgan Chase Bank
55 Water Street
New York, NY 10041

NOT REDEEMABLE FOR CASH BY DRAWER

SIGNATURE

⑈012095⑈ ⑆021000021⑆ 753⑈220156⑈



"Judy.Tetreault@usdoj .gov" <Judy.Tetreault
09/17/2003 11:03 AM AST

To: "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc:
Subject: WD 1 Court Letter

Attached is a draft letter that you can utilize as an example for the filing of A Frame Well. Please note in the letter the credit card number and the assignee's name should sign the letter. And, note the amount. You may want to run it by me prior to signing. Thanks, Jeff. J.



#103921-v1-WD1_-_01CW273_-_crt_ltr.W

September 17, 2003

via Federal Express

Mary Crespin, Clerk of the Court
District Court
Water Court - Division No. 1
901 Ninth Street
Greeley, CO 80623

Re: Case Number - 01CW 273

Dear Mary:

Enclosed for filing, please find an original and three copies of the **PROTEST TO REVISED ABANDONMENT LIST**. I have also provided one additional copy of the document which I would appreciate you file stamping and returning to me in the envelope provided herewith.

Enclosed is check # 941, in the amount of $25.00, for payment of filing fees.

If you have any questions, please do not hesitate to contact me at 303/312-7307.

Sincerely,

Helena Engelhart
Legal Support Assistant

Enclosures



"Judy.Tetreault@usdoj.gov" <Judy.Tetreault
09/10/2003 10:32 AM
AST

To: "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov>
cc:
Subject: A Frame Well Filing

Hi, Jeff. Attached is the latest filing fees associated with the Colorado Courts and Rules. I currently have a check for the $181, and as noted, the new filing fee is $271; therefore, please send a check for the deficient $90 and we'll get this filed. Thanks, J.



jdf295w.pdf

STANDARDIZED INSTRUCTIONS
FOR ALL COLORADO WATER COURT DIVISIONS

- Please type application and any supporting documents if possible. The Clerk of the Water Court will assign a new case number for all cases, including diligence cases. The uniform local rules for all state water divisions are contained in Chapter 36 of the court rules volume of the Colorado Revised Statutes.

- Complete the caption at the top of the form showing water division; name(s) of applicant(s); county where structure is located; and attorney's identifying information, including name and address, if the applicant is appearing through an attorney.

- For new applications, please assign a name for the structure. If filing for finding of diligence or to make a conditional water right absolute, please use the same name used when the structure was first conditionally decreed.

- More than one water right, claim or structure may be incorporated in any one application under one caption, **provided** that the required information is given for each water right, claim, or structure, and that each has the same ownership. The filing fee for an application with multiple claims is $136.00, if one of the claims **is not** a claim for a change of water right or for approval of a plan for augmentation; the filing fee is $271.00 if one or more of the claims is for a change of water right or to approve a plan for augmentation.

- Under location give the ¼ ¼, Section, Township, Range, Principal Meridian, distances from the section lines, and county. If in town or a subdivision give lot, block and subdivision as well as the above for further identification in the notice. You may also supply a GPS location in UTM format as an optional additional descriptor. Required settings for GPS units are: Format must be UTM; Zone must be 13; Units must be Meters; Datum must be NAD27 (CONUS); GPS Unit must be set to true north. (As you prepare the application, you may contact the local Division Engineer's Office at the number listed in the chart on the next page to assist you in converting a GPS reading into the required section township/range description.)

- The names and addresses of all owners upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use must be identified on the application. The water clerk will send a copy of the resume to those parties and will bill you for the cost to recover reproduction expenses.

- All questions on the application must be answered, do not simply refer to an exhibit - the publication notice is prepared from information on the application for location, dates, etc. The attachments are considered supporting material only.

- **All** applicant(s), either individually, by power of attorney, or by an attorney licensed to practice law in the State of Colorado, must sign the application. A copy of the executed Power of Attorney must accompany any application signed by a power of attorney. Sign verification and any supporting affidavits before a notary public or Clerk of the Water Court. A complete original and three (3) complete copies must be submitted. In addition, the filing fee must accompany the application or the application will not be considered filed. Any application filed on behalf of an entity must be signed by the representative of that entity who recites his or her capacity in the entity and authority to act on its behalf (e.g., "XYZ, Inc., by its duly authorized Vice President"). A party that is a corporation must be represented by an attorney to file a pleading to protest or support a referee's ruling. See Uniform Local Rules for All State Water Court Divisions, Rule 1.

- Unless otherwise indicated, the following exhibits are suggested:

  - ☑ Map identifying location of structure(s) or proposed structure(s) and irrigated acreage or proposed irrigated acreage, except that, as stated in the application form, for applications seeking a change of water right or approval of an augmentation plan, applicant is **required** to file a map that, at least, depicts the approximate location of the historic use of the right.
  - ☑ Affidavit of person having personal knowledge of date of appropriation.

- ☑ Affidavit of person measuring flow rate, including date measured, how flow rate was measured and the quantity of water measured.
- ☑ Copy of well permit, well completion and pump installation report, or order of denial containing the denial number are **required** for any application relating to underground water rights.
- ☑ Copy of well log or statement of beneficial use
- ☑ With respect to applications for change of water right or for approval of a plan for augmentation, a copy of the decree involved.
- ☑ Diversion records are **required**, if they exist, for all applications for changes of water rights for augmentation.

➢ Mail the original and three copies of Application and all attachments, together with the proper filing fee, to the appropriate water division:

Water Division 1 (South Platte Basin) 901 9th Avenue P. O. Box 2038 Greeley, CO 80632 (970) 351-7300 x4550 Division Engineer's Office: (970) 352-8712	**Water Division 2** (Arkansas River Basin) 320 West Tenth Street, #203 Pueblo, CO 81003 (719) 583-7048 Division Engineer's Office: (719) 542-3368
Water Division 3 (Rio Grande Basin) 702 Fourth Street Alamosa, CO 81101 (719) 589-9107 x4 Division Engineer's Office: (719) 589-6683	**Water Division 4** (Gunnison, Uncompahgre, and San Miguel River Basins) 1200 North Grand Avenue, Bin A Montrose, CO 81401 (970) 252-4304 Division Engineer's Office: (970) 249-6622
Water Division 5 (Main Stem of Colorado River, White River) 109 Eighth Street, #104 Glenwood Springs, CO 81601 (970) 947-3862 Division Engineer's Office: (970) 945-5665	**Water Division 6** (Yampa, Green & North Platte River Basins) P. O. Box 773117 Steamboat Springs, CO 80477 (970) 879-5020 Division Engineer's Office: (970) 879-0272
Water Division 7 (San Juan, Pedra, Las Animas, Los Pinos, La Plata, and Mancos River Basins) P. O. Box 3340 Durango, CO 81302 (970) 247-2304 x115 Division Engineer's Office: (970) 247-1845	

- Once the application is filed, it is published the following month. Anyone wishing to oppose the application shall file a Statement of Opposition by the end of the month following the month of publication. Once the deadlines have passed, the application and oppositions (if applicable) are given to the Water Referee for ruling. Once a ruling is made, the Water Clerk will mail copies to appropriate parties and the parties will have 20 days to file a protest. If no protests are received, the ruling is given to the Water Judge for decree.

- Actual publication costs are the responsibility of the applicant(s), and the Clerk will send an invoice accordingly.

- Filing fees and other fees:

Applications for Change of Water Right and Approval for Plan for Augmentation	$271.00
Surface, Underground, Storage, Diligence, or Application to Make Conditional Right Absolute	136.00
Protest to the Abandonment List	30.00
Statement of Opposition	70.00
Mailing List (January through December)*	12.00/year (prorated at $1.00/month)
Copies	.75/page
Certification	10.00
Protest to Ruling of the Referee	70.00 (no fee if already party)

* Resumes for each water division may also be obtained from the courts website at http://www.courts.state.co.us/supct/supctwaterctindex.htm. You will need to click on the division that you want, use the drop down box for the resumes and select the month you would like to review.

00-00-2003: Correspondence between NPS and DOJ concerning status of Sawmill Trail, well issues and check

U. S. DEPARTMENT OF JUSTICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION

KJH:JATetreault
REPLY TO:
Judy A.. Tetreault, Paralegal
General Litigation Section
Suite 945, North Tower
999 Eighteenth Street
Denver, CO 80202

Telephone: (303) 312-7351
Telecopier: (303) 312-7379
Email: judy.tetreault@usdoj.gov

TELEFAX COVER SHEET

DATE: August 14, 2003

FROM: Judy Tetreault, Paralegal

TO: JEFF HUGHES

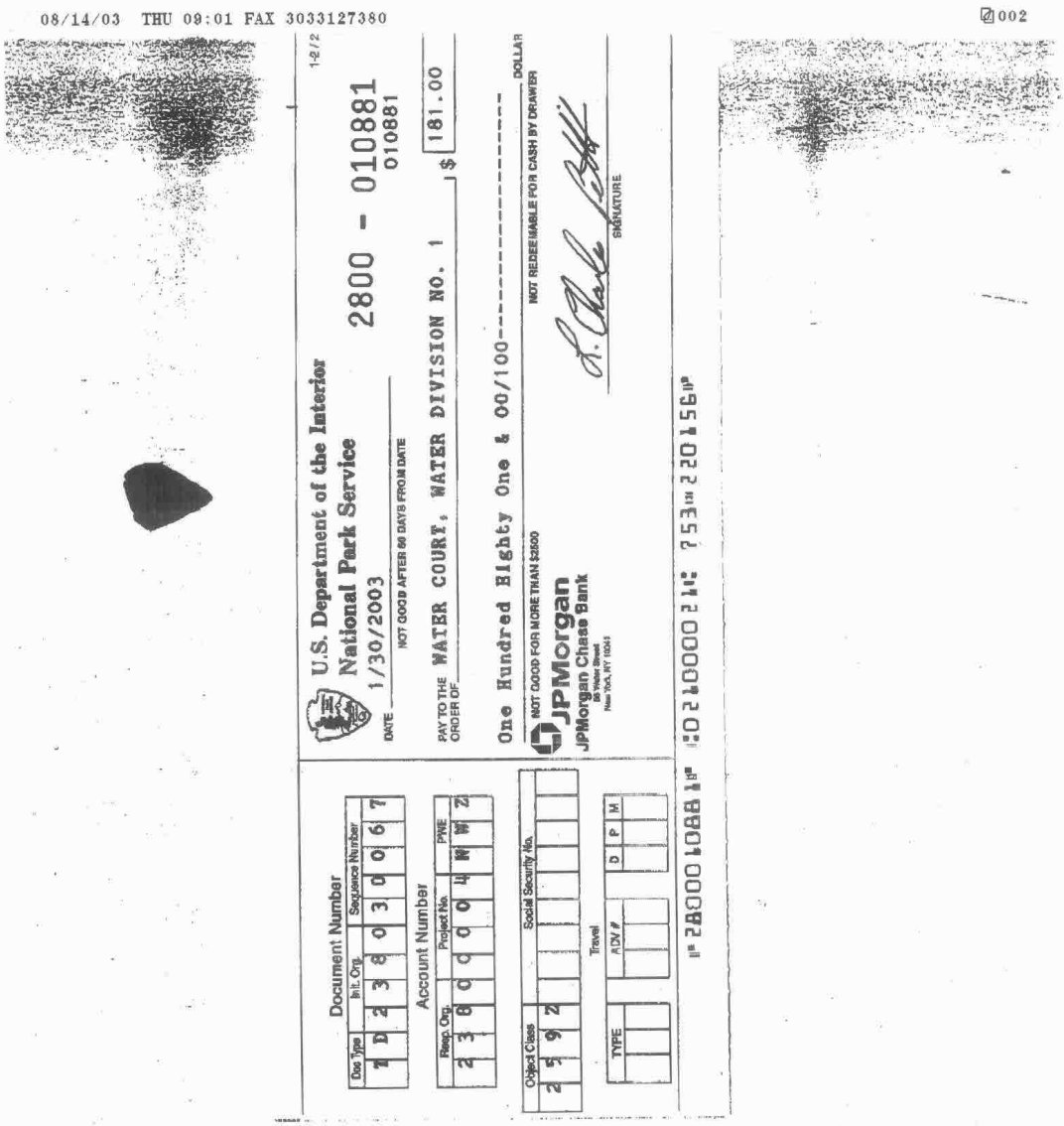
FAX NO.: (970) 225-9965

RE: Telephone Message

Attached is a copy of the check.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address by mail.

00-00-2003: Correspondence between NPS and DOJ concerning status of Sawmill Trail, well issues and check, cont



08/14/03 THU 09:01 FAX 3033127380 002

1-2/2

U.S. Department of the Interior
National Park Service

DATE 1/30/2003
NOT GOOD AFTER 60 DAYS FROM DATE

2800 - 010881
010881

PAY TO THE ORDER OF WATER COURT, WATER DIVISION NO. 1 $ 181.00

One Hundred Eighty One & 00/100---------- DOLLAR

NOT GOOD FOR MORE THAN $2500
JPMorgan
JPMorgan Chase Bank
NOT REDEEMABLE FOR CASH BY DRAWER

SIGNATURE

Document Number
Doc Type: 1 D
Init. Org.: 2 3
Sequence Number: 0 0 3 0 0 6 7

Account Number
Resp. Org.: 2 3 8 0
Project No.: 0 0 0 4
PNE: W W 2

Object Class: 2 5 9 2
Social Security No.:
Travel
TYPE
ADV #
D P M

⑈28000108⑈ ⑆021000021⑆ 753⑈ 220156⑈



Jeff Hughes
08/14/2003 09:48 AM
MDT

To: "Judy.Tetreault@usdoj.gov" <Judy.Tetreault@usdoj.gov>
cc:
Subject: RE: Send FLFO check back

Judy,

I'll provide a new signed & notarized verification page when I send you the new check.

Thanks! Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

Jeff Hughes
08/14/2003 08:49 AM
MDT

To: Judy.Tetreault@usdoj.gov
cc:
Subject: Send FLFO check back

Judy,

Our Secretary was contacted by our admin office this morning. Please send the Florissant Fossil Beds check back to me at the address listed below. We will send it to the Admin office. They will then cut a new check and send it back to us, then we will pass it on to you. Pretty circuitous but it will get done, hopefully within two weeks.

Please call if you have any questions.

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****



Jeff Hughes
08/13/2003 04:07 PM
MDT

To: "Judy.Tetreault@usdoj.gov" <Judy.Tetreault@usdoj.gov>
cc:
Subject: RE: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

Judy,

I believe we can just replace the check. As I indicated in my voice mail, please fax a copy of the expired check to me at (970) 225-9965 and I will see what we can do.

Thanks!

Jeff

"Judy.Tetreault@usdoj.gov" <Judy.Tetreault



"Judy.Tetreault@usdoj.gov" <Judy.Tetreault
08/13/2003 02:47 PM
AST

To: "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc:
Subject: RE: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

I had checked that and the check has expired. Are you saying that we cannot get a check until Oct? If that's the case, let me know and we won't rush it through the channels of approval. Thanks, Jeff. J.

-----Original Message-----
From: Jeff_Hughes@nps.gov [mailto:Jeff_Hughes@nps.gov]
Sent: Wednesday, August 13, 2003 11:50 AM
To: Tetreault, Judy
Subject: RE: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

Judy,

Thank you for the response. One item to check - Please verify that the check we made out for the fee to change the place of use for the A-Frame well has not expired. I believe the checks may be void after some certain time period (60? 90 days?). It may be difficult this time of year to replace this check since our administration offices are in the process of closing out the books for the year.

Thanks!

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

"Judy.Tetreault@u
sdoj.gov" To:
"'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification
<Judy.Tetreault Requested) (IPM Return
Requested)
cc:
08/13/2003 01:33 Subject: RE: Florissant Fossil
Beds: Status of Sawmill Trail and A-Frame well
PM AST issues

Responses follow:
Water Div. No. 1, 02CW24: April 2003 the US sent to the court a proposed decree. The Referee should have signed off on by now, apparently he's busy.... And then the court will sign off and the decree will be final. I'll calendar for a month out, and if no response from the court, I'll contact them re the status;
Water Div. No. 1 A Frame Well for augmentation: The file, check and verification is on Jim's desk and has been for awhile. He's had some major litigation to contend with recently. I'll flag it for him.
Thanks for the heads up, and hopefully this will trigger some finalization within the 2 inquiries. J.

Jeff Hughes
08/13/2003 11:49 AM
MDT

To: "Judy.Tetreault@usdoj.gov" <Judy.Tetreault@usdoj.gov>
cc:
Subject: RE: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

Judy,

Thank you for the response. One item to check - Please verify that the check we made out for the fee to change the place of use for the A-Frame well has not expired. I believe the checks may be void after some certain time period (60? 90 days?). It may be difficult this time of year to replace this check since our administration offices are in the process of closing out the books for the year.

Thanks!

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

"Judy.Tetreault@usdoj.gov" <Judy.Tetreault

"Judy.Tetreault@usdoj.gov" <Judy.Tetreault
08/13/2003 01:33 PM
AST

To: "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc:
Subject: RE: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

Responses follow:
Water Div. No. 1, 02CW24: April 2003 the US sent to the court a proposed decree. The Referee should have signed off on by now, apparently he's busy.... And then the court will sign off and the decree will be final. I'll calendar for a month out, and if no response from the court, I'll contact them re the status;
Water Div. No. 1 A Frame Well for augmentation: The file, check and verification is on Jim's desk and has been for awhile. He's had some major litigation to contend with recently. I'll flag it for him.
Thanks for the heads up, and hopefully this will trigger some finalization within the 2 inquiries. J.



Jeff Hughes
08/08/2003 09:11 AM MDT

To: Judy.Tetreault@usdoj.gov
cc:
Subject: Florissant Fossil Beds: Status of Sawmill Trail and A-Frame well issues

Judy,

I have been asked what the status is on the Florissant Fossil Beds issues that we are working on with your office.

1) - The decree for the diligence claim for the Sawmill Trail well, Case 02CW024. See our past correspondence below.

2) - The other issue is the status of the change of point of diversion application for the A-frame well. Peter sent a request to Jim dated February 10, 2003 to file this change. I can not find any other documentation on this matter.

Thank you for looking into this Judy. Please call if you have any questions.

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

----- Forwarded by Jeff Hughes/FTCOLLINS/NPS on 08/08/2003 09:00 AM -----



"Tetreault, Judy" <Judy.Tetreault@usdoj.gov>
02/27/2003 04:12 PM EST

To: "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc:
Subject: RE: Florissant - Sawmill Trail Well diligence application 02CW024

You're correct, and it's here. We do the Decree and we'll provide it to you and Peter sometime next month. J.

-----Original Message-----
From: Jeff_Hughes@nps.gov [mailto:Jeff_Hughes@nps.gov]
Sent: Thursday, February 27, 2003 2:40 PM
To: Tetreault, Judy
Subject: Florissant - Sawmill Trail Well diligence application 02CW024

Judy,

Switching gears again for Florissant Fossil Beds water right applications, this email concerns the diligence claim for the sawmill trail well we filed in February 2002. I believe it was assigned case number 02CW024.

The last information I have on this is a Summary of Consultation dated June 24, 2002. The Division Engineer recommended approval of the application.

What is our next step? I seem to think that Peter said that we need to draft a ruling for the Water Court. Is this correct? If this is correct, do we do that or do you do that?

Please let men know when you have a moment,

Thanks Judy!

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

United States Department of the Interior

OFFICE OF THE SOLICITOR
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, CO. 80215
TELE. (303) 231-5353
FAX (303) 231-5363

February 10, 2003

James J. DuBois, Esq.
U.S. Department of Justice
General Litigation Section
999 18th Street
Suite 945 – North Tower
Denver, CO 80202

Re: Request to File Water Court Application to Change the Point of Diversion for the A-Frame Well in Florissant Fossil Beds National Monument

Dear Jim:

On behalf of the Superintendent of Florissant Fossil Beds National Monument, I hereby request that you file an application with the Water Court for Division 1 to change the point of diversion for the A-Frame well water right (exempt well, case number W-8803-77). Jeff Hughes of the National Park Service, Water Rights Branch, has previously forwarded an electronic version of the application to you. Enclosed is a signed verification page, along with an affidavit describing the survey that took place to confirm the new point of diversion. Mr. Hughes will transmit to you a check for $181.00 to cover the filing fees.

You may recall that the old A-Frame well dried up occasionally and became an unreliable water source for seasonal employees. A new well was constructed in June of 1994. The old well was properly abandoned (abandoned well number 172092) at that time. The park has been using the new well since its installation. Unfortunately since the location of the new well is more than 200 feet from the old well, the original decree must be modified to reflect the current location of the well.

In the event that you require assistance with this application, I am available upon sufficient notice. Please contact Mr. Ken Springer, Acting Superintendent at Florissant Fossil Beds National Monument or Mr. Hughes of the Water Rights Branch if you need agency assistance.

If you have any questions or concerns regarding this request, please contact me at your convenience.

Cordially Yours,

Peter A. Fahmy
Water Rights Attorney

Enclosures

cc: Chuck Pettee (Chief, Water Rights Branch – National Park Service)
Jeff Hughes (Hydrologist, Water Rights Branch – National Park Service)
Ken Springer (Acting Superintendent, Florissant Fossil Beds National Monument)

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

I, Christine A. Gable, Hydrologist for the National Park Service, Water Resources Division, 1201 Oak Ridge Drive, Suite 250, Fort Collins, Colorado, 80525, and Daniel L. Evans, Research Associate, Colorado State University, working for the Water Resources Division, surveyed the location of the A-frame Well #11 in the SE¼ NE¼ Sec. 23, T13S R71W, 6th P.M., at Florissant Fossil Beds National Monument (FLFO) on July 8, 1993. The well is located 2,462 feet from the North section line and 876 feet from the East section line, Sec. 23, T13S R71W, 6th P.M., based on the survey described below:

The survey was requested by Alice Johns of the National Park Service (NPS), Water Resources Division (WRD). The requested accuracy was to survey within 5 to 10 feet.

EQUIPMENT: Sokkia/(Lietz), Electronic Total Station SET4
Accuracy: Horizontal 5"
Vertical 5"
Sokkia SDR33 Data Collector and Single Prism
4-Stage Range Plumbing Pole
Tripod, Extension Leg, Aluminum

PROCEDURE: Prior to arriving at FLFO, survey notes from previous surveys of section 23 and surrounding sections were obtained from the Bureau of Land Management and reviewed. On July 8, 1993, we located the monument marking the corner section of 13, 14, 23 and 24 and also the locations of the A-frame Well #11, the A-frame residence and Ghist Well #10. After viewing each location, we examined on foot the proposed line of survey for approximately one-half mile, following contours and features from a 7.5 minute U.S. Geological Survey Lake George Quadrangle map, from the A-frame residence to the monument originally located.

The survey began from this corner section monument. The direction of north was determined using a brunton compass. The survey proceeded south based on a backsight bearing north along the north-south line of sections 23 and 24. The survey stayed along the north bearing, vegetation permitting. From an established station, each well and building location was measured.

We were unable to find the ¼ section monument of sections 23 and 24. The survey was ended with confidence of a good survey based upon (1) minimum electronic distance measurement errors, (2) close agreement with measured site bearings to features and topography from the U.S. Geological Survey map, and (3) requested location accuracy.

Christine A. Gable — 4/13/94 Date

Daniel L. Evans — 4/13/94 Date

Subscribed and sworn before me this 13 day of April 1994.

Notary Public Lynda Williams

Residing at 424 W. Oak Ft. Collins Co

My commission expires 5-13-96

I, Jeff Hughes, state under oath that I have read this Application and verify its content.

Jeff Hughes
Hydrologist
Water Rights Branch
National Park Service
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

FLORA B. ROMERO NOTARY PUBLIC STATE OF COLORADO

Subscribed and affirmed, or sworn to before me in the County of Larimer, State of Colorado, this 11th day of February, 2003.

My commission expires: _____

Notary Public

Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/31/2006

02-07-2003: Correspondence regarding electronic version of application and cover letter/litigation report

Jeff Hughes
02/07/2003 11:12 AM
MST

To: Peter A Fahmy/FTCOLLINS/NPS@NPS
cc:
Subject: FLFO - A-Frame well attachments

Peter,

Here are the items we discussed for Florissant Fossil Beds NM:

1) - An electronic version of the application

2) - The electronic version of the cover letter/litigation report

Please contact me if you have questions.

Thanks! Jeff




FLOR02.doc Lit_rpt_A-Frame_well_change_app.

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

Submit original plus three copies

☒ District Court Water Division No. 1, Colorado Court Address: P.O. Box 203 Greeley, CO 80632 **CONCERNING THE APPLICATION FOR WATER RIGHTS OF:** Applicant: United States of America IN *TELLER* COUNTY.	▲ **COURT USE ONLY** ▲
If Represented by an Attorney, Attorney's Name and Address: James DuBois U.S. Department of Justice Environment and Natural Resources Division 999 18th Street, Suite 945 Denver, CO 80202 Phone Number: (303) 312-7341 E-mail: james.dubois@usdoj.gov FAX Number: (303) 312-7379 Atty. Reg. #: 13206	Case Number: Division No.1 Courtroom

APPLICATION FOR CHANGE OF WATER RIGHT

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

   National Park Service
   Water Resource Division
   1201 Oakridge Drive, Suite 250
   Fort Collins, CO 80525
   Attn: Chief, Water Rights Branch
   (303) 225-3506

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

   "A Frame" Domestic Well No. 11

   From previous Decree:

   A. Date Entered: *Dec 29, 1988* Case No. *W-8803-77* Court: *District Court in and for Water Division 1*

   B. Decreed point of diversion (include map): *2,100 feet form the North Sec. Line and 50 feet East Sec. Line, in Section 23. The SE1/4 of NE1/4 of Section 23, T13S, R71W, 6th P.M.*

   C. Source: *Domestic Exempt Well*

   D. Appropriation Date: *July 1961* Amount: *40 gpm*

   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.)
   Domestic

3. 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.)

   (a) *This application is occurring due to the replacement well is more than 200 feet from the original well.*
   (b) *Location: Teller County SE1/4 of the NE1/4, Section 23, T13S, R71W, 6th P.M.*
   (c) *Water is and was used for Domestic purposes at the A-Frame residence, a single family dwelling, by park employees.*
   (d) *40 gpm*
   (e) *The intent was to drill the well at the same location as the existing hand – dug well. If the new well was not at precisely the same location, the old well would be back-filled and a new well drilled to fulfill the needs of the A – Frame residence.*

Submit original plus three copies

If a change in point of diversion, please provide legal description, and include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: County *Teller*	*SE1/4* of the	*NE1/4*	Section *23*	Township *13* N or S ☐ ☒	Range *71* E or W ☐ ☒	Principal Meridian *6th*

Distance from section lines (section lines are typically not property lines)
2,462 Feet from ☒ N ☐ S and *876* Feet from ☒ E ☐ W

Street Address: *Florissant Fossil Beds National Monument, Florissant, P.O. Box 185, Florissant, Colorado 80816-0185*

Subdivision:	Lot	Block

Optional Additional Description: GPS location information in UTM format
Required settings for GPS units are as follows: Format must be UTM; Zone must be 13; Units must be Meters Datum must be NAD27 (CONUS) and; Units must be set to true north.

Were points averaged? ☐ YES ☐ NO	Northing _____ Easting _____

4. Name(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.

Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
Attn: Superintendent

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant

Telephone No. _____

I, _____, state under oath that I have read this application and verify its content.

_____
Applicant

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My commission expires: _____

_____

February 5, 2003

James J. DuBois, Esq.
U.S. Department of Justice
General Litigation Section
999 18th Street
Suite 945 – North Tower
Denver, CO 80202

Re: Request to File Water Court Application to Change the Point of Diversion for the A-Frame Well in Florissant Fossil Beds National Monument

Dear Jim,

On behalf of the Superintendent of Florissant Fossil Beds National Monument, I hereby request that you file an application with the Water Court for Division 1 to Change the Point of Diversion for the A-Frame well water right (exempt well, Case number W-8803-77). An electronic version of the application has been previously forwarded to you by Jeff Hughes of the National Park Service, Water Rights Branch. Enclosed, please find a check for $181.00 for filing fees and a page describing the survey which took place to confirm the new point of diversion. This verification page has been signed and notarized.

The park reported that the old A-Frame well dried up occasionally and became an unreliable water source for seasonal employees. A new well was constructed in June of 1994. The old well was properly abandoned (abandoned well number 172092) at the same time. The park has been using the new well since the installation. Now, the decree must be changed to accurately reflect the location of the new well since it is more than 200 feet from the old well.

In the event that you require assistance with this application, I am available upon sufficient notice. Please contact Mr. Ken Springer, Acting Superintendent at Florissant Fossil Beds National Monument or Mr. Hughes of the Water Rights Branch if you need agency assistance.

If you have any questions or concerns regarding this request, please contact me at your convenience.

Cordially Yours,

Peter A. Fahmy
Water Rights Attorney

Enclosures

CC: Water Rights Branch – Hughes
Florissant Fossil Beds NM - Superintendent

Jeff Hughes
01/24/2003 10:19 AM
MST

To: Ken Springer/FLFO/NPS@NPS
cc: Dan McGlothlin/FTCOLLINS/NPS@NPS
Subject: Re: A-Frame well change application for Florissant Fossil Beds NM

Ken,

Unless you object, I'll handle all that from here. I have requested the check and will circulate it to get all the needed signatures. The Department of Justice actually has to send it in for us since it is technically a legal matter. As Judy T. indicated, we have to have a litigation report made. Peter Fahmy (Office of the Solicitor) and I will deal with this. I believe DOJ will sign the application, but I will confirm this.

And I bet you thought this would be a simple matter....

I will keep you appraised of what is happening. Right now, Peter will work with me to create a litigation report. Please call if you have any more questions.

Jeff

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

Ken Springer

Ken Springer
01/24/2003 09:28 AM
MST

To: Jeff Hughes/FTCOLLINS/NPS@NPS
cc:
Subject: Re: A-Frame well change application for Florissant Fossil Beds NM

Jeff,

Assuming there is nothing more coming to us in the mail, a couple of questions:

1. Are we supposed to sign this application and return it to you?
2. When we make out the check, to whom do we make it out to?
3. Where do we send the check?

Thanks.

Ken

Jeff Hughes
01/22/2003 11:21 AM MST

To: Peter A Fahmy/FTCOLLINS/NPS@NPS
cc:
Subject: RE: A-Frame well change application for Florissant Fossil Beds NM

Peter,

Please see the below correspondence. What do you need for a litigation report? Jeff

----- Forwarded by Jeff Hughes/FTCOLLINS/NPS on 01/22/2003 11:28 AM -----

"Tetreault, Judy" <Judy.Tetreault@usdoj.gov>
01/22/2003 11:55 AM EST

To: "Dubois, James" <James.Dubois@usdoj.gov> (Receipt Notification Requested), "'Jeff_Hughes@nps.gov'" <Jeff_Hughes@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc: "'Dan_McGlothlin@nps.gov'" <Dan_McGlothlin@nps.gov> (Receipt Notification Requested), "'Ken_Springer@nps.gov'" <Ken_Springer@nps.gov> (Receipt Notification Requested), "'Chris_Gable@nps.gov'" <Chris_Gable@nps.gov> (Receipt Notification Requested)
Subject: RE: A-Frame well change application for Florissant Fossil Beds NM

Thanks, Jeff. I'll be out of the office 2/3 through 2/20. If you want it filed in Feb, please send to Jim a draft appl & contact PFahmy to get a Lit Report as we'll need those to submit to DC requesting approval to file. In addition, the check and verification page to this office. Thanks, very much. J.

-----Original Message-----
From: Jeff_Hughes@nps.gov [mailto:Jeff_Hughes@nps.gov]
Sent: Wednesday, January 22, 2003 10:49 AM
To: Tetreault, Judy; Dubois, James
Cc: Chris_Gable@nps.gov; Ken_Springer@nps.gov; Dan_McGlothlin@nps.gov
Subject: A-Frame well change application for Florissant Fossil Beds NM

Jim and Judy,

This email is to let you know that I will be sending you an application to change the point of diversion for the "A-Frame well" at Florissant Fossil Beds National Monument in the near future. A new well was drilled several years ago, but for some reason, the paperwork was never filed with the State.

I have requested a check for $181.00 to cover the costs of the application (attached in electronic form). I will also send you a report of the survey done to locate the new well, copies of the location of the old and new wells, and a copy of the pump installation and test report filled out by the driller.

Please let me know if you have any questions or there is any problem with this material.

Thanks!

(See attached file: FLOR02.doc)

P.S. This is unrelated to the paperwork filed for the Sawmill Trail Well last year. By the way, did the court approve our request to extend the time needed to prove beneficial use?

****
Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

Jeff Hughes
01/22/2003 10:47 AM
MST

To: james.dubois@usdoj.gov, Judy.Tetreault@usdoj.gov
cc: Chris Gable/FTCOLLINS/NPS@NPS, Ken Springer/FLFO/NPS@NPS, Dan McGlothlin/FTCOLLINS/NPS@NPS
Subject: A-Frame well change application for Florissant Fossil Beds NM

Jim and Judy,

This email is to let you know that I will be sending you an application to change the point of diversion for the "A-Frame well" at Florissant Fossil Beds National Monument in the near future. A new well was drilled several years ago, but for some reason, the paperwork was never filed with the State.

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FLOR02.doc

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National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov
****

Submit original plus three copies

☒ District Court Water Division No. 1, Colorado Court Address: P.O. Box 203 Greeley, CO 80632 **CONCERNING THE APPLICATION FOR WATER RIGHTS OF:** Applicant: United States of America IN *TELLER* COUNTY.	▲ **COURT USE ONLY** ▲
If Represented by an Attorney, Attorney's Name and Address: James DuBois U.S. Department of Justice Environment and Natural Resources Division 999 18th Street, Suite 945 Denver, CO 80202 Phone Number: (303) 312-7341 E-mail: james.dubois@usdoj.gov FAX Number: (303) 312-7379 Atty. Reg. #: 13206	Case Number: Division No.1 Courtroom

APPLICATION FOR CHANGE OF WATER RIGHT

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

   National Park Service
   Water Resource Division
   1201 Oakridge Drive, Suite 250
   Fort Collins, CO 80525
   Attn: Chief, Water Rights Branch
   (303) 225-3506

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

   "A Frame" Domestic Well No. 11

   From previous Decree:

   A. Date Entered: *Dec 29, 1988* Case No. *W-8803-77* Court: *District Court in and for Water Division 1*

   B. Decreed point of diversion (include map): *2,100 feet form the North Sec. Line and 50 feet East Sec. Line, in Section 23. The SE1/4 of NE1/4 of Section 23, T13S, R71W, 6th P.M.*

   C. Source: *Domestic Exempt Well*

   D. Appropriation Date: *July 1961* Amount: *40 gpm*

   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.)
   Domestic

3. 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.)

   (a) This application is occurring due to the replacement well is more than 200 feet from the original well.
   (b) Location: Teller County SE1/4 of the NE1/4, Section 23, T13S, R71W, 6th P.M.
   (c) Water is and was used for Domestic purposes at the A-Frame residence, a single family dwelling, by park employees.
   (d) 40 gpm
   (e) *The intent was to drill the well at the same location as the existing hand – dug well. If the new well was not at precisely the same location, the old well would be back-filled and a new well drilled to fulfill the needs of the A – Frame residence.*

Submit original plus three copies

If a change in point of diversion, please provide legal description, and include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: County *Teller*	*SE1/4* of the	*NE1/4*	Section *23*	Township *13* N or S ☐ ☒	Range *71* E or W ☐ ☒	Principal Meridian *6th*

Distance from section lines (section lines are typically not property lines)
2,462 Feet from ☒ N ☐ S and *876* Feet from ☒ E ☐ W

Street Address: *Florissant Fossil Beds National Monument, Florissant, P.O. Box 185, Florissant, Colorado 80816-0185*

Subdivision:	Lot	Block

Optional Additional Description: GPS location information in UTM format
Required settings for GPS units are as follows: Format must be UTM; Zone must be 13; Units must be Meters Datum must be NAD27 (CONUS) and; Units must be set to true north.

Were points averaged? ☐ YES ☐ NO	Northing _____ Easting _____

4. Name(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.

Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
Attn: Superintendent

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant

Telephone No. _____

I, _____, state under oath that I have read this application and verify its content.

_____
Applicant

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My commission expires: _____

_____

Chris Gable
09/04/2002 01:04 PM MDT

To: Judy.Tetreault@usdoj.gov, Jeff Hughes/FTCOLLINS/NPS@NPS
cc:
Subject: Re: FW: WD 1 W-8803-77

Judy, This well is indeed in use and was moved over 200 feet. Jeff Hughes and myself consulted with Peter Fahmy. He recommended a change of water right. I'm currently working on an application for change water right then will submit this to Jeff Hughes for review and pass along to the parties of interest.

Chris Gable
Hydrologist - National Park Service - Water Rights Branch
1201 Oak Ridge Dr., Ste. 250
Fort Collins, CO 80525

Phone 970 225 3529
Fax 970 225 9965
email chris_gable@nps.gov

"Tetreault, Judy" <Judy.Tetreault@usdoj.gov>

"Tetreault, Judy" <Judy.Tetreault@usdoj.gov>
09/04/2002 11:51 AM AST

To: "'chris_gable@nps.gov'" <chris_gable@nps.gov> (Receipt Notification Requested) (IPM Return Requested)
cc:
Subject: FW: WD 1 W-8803-77

This matter needs to be resolved. Please review Jim's response and advise accordingly. Thanks, very much. J.

-----Original Message-----
From: Dubois, James
Sent: Monday, August 26, 2002 1:22 PM
To: Tetreault, Judy
Subject: RE: WD 1 W-8803-77

depends on if move is within 200 feet of old decreed location. If it is more than 200', then we may need to do a change of water rights. Is this a well they are actually using?

-----Original Message-----
From: Tetreault, Judy
Sent: Monday, August 26, 2002 12:06 PM
To: Dubois, James
Subject: WD 1 W-8803-77

I've been communicating for quite some time with the NPS re this Florissant Fossil Bed filing and mentioned it to you several times. We need to move it.
Facts are:
NPS has a decree for a well. The well location has changed. What do we need to do to get them a decree for the same well, diff location? I don't believe it would be an administrative matter with the SEO, as it's been decreed already with the court.
I do have some paperwork (minimal) if you want to review it. J.

Chris Gable
09/03/2002 10:58 AM MDT

To: Jeff Hughes/FTCOLLINS/NPS@NPS
cc:
Subject: Re: copy of A-frame well info to Peter

Gathering dust right now, but I'll see what I can do to move it forward.

Chris

Jeff Hughes

Jeff Hughes
09/03/2002 10:48 AM MDT

To: Chris Gable/FTCOLLINS/NPS@NPS
cc:
Subject: Re: copy of A-frame well info to Peter

Chris,

I spoke with Jean Rodeck (FLFO Superintendent) Friday about several things. I told her of our plan to file a change for the A-Frame well. She did not know about this. What is the status of this change application?

Thanks!

Jeff H.

----- Forwarded by Jeff Hughes/FTCOLLINS/NPS on 09/03/2002 10:51 AM -----

Chris Gable
05/07/2002 11:11 AM MDT

To: Jeff Hughes/FTCOLLINS/NPS@NPS
cc:
Subject: Re: copy of A-frame well info to Peter

Jeff, I still need to reassemble what I previously sent to DOJ and send it back down to Denver. It is on my immediate to do list. I'll let you know when it happens.

Chris

Jeff Hughes

Jeff Hughes
05/07/2002 10:18 AM MDT

To: Chris Gable/FTCOLLINS/NPS@NPS
cc:
Subject: copy of A-frame well info to Peter

Chris,

Peter spoke with me yesterday concerning the change application at FLFO for the A-frame well. Could you get a copy of the information you sent to DOJ to Peter?

Thanks!

May 21, 2002
From: Chris Gable, Hydrologist Water Rights Branch
Subject: Florrisant Fossil Beds NM, A-Frame Well #11

Judy,

This is the information I previously prepared and had sent to Lynn Johnson in January. There is no record in the Water Rights Branch, Dockets of either a change in Decree or a reissue of a decree due to the change in the location of the well. Eric Lord of our staff had Ray Liesman check to see if there was any record on file in Greely with the State Court/ Engineer. All that was found was the filing and permit of the new well. I hope this information helps and I appreciate your assistance in this matter.

You can reach me at:

970-225-3529 or email chris_gable@nps.gov

Covets.State.CO.US

Change of water right
This is occuring the replacement well is more than 200 feet from original well.
- append copy of well permit
- append legal w/ notary

July 15, 1993

L54(479)
FLFO/Water Rights

State of Colorado
Division of Water Resources
Attn: Al Eckermann
818 Centennial Bldg.
1313 Sherman Street
Denver, Colorado 80203

Re: Replacement Well for "A-frame" Domestic Well No. 11 (Water Court Case No. W-8803-77) at Florissant Fossil Beds National Monument

Dear Sir or Madam:

The original signed permit application for the above-cited well is attached. Please note that the location for this replacement well is more than 200 feet from the location decreed in Case W-8803-77. The correct location, based on a recent survey, is as indicated on the permit application. The decreed location is in error. The United States is filing an application with the District Court, Water Division 1, to correct the decree accordingly.

Also enclosed is the $60.00 fee for the permit application. Please acknowledge receipt of payment by completing the following information and returning it to this office in the envelope provided for you.

Received payment on _____

Check Number _____

Payment acknowledged by _____

If you have any questions, please contact Alice Johns of my staff at (303) 225-3506.

Alice Johns

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: (w/o attachments)
479 - Johns, Newberry
SOL (Denver) - Canaday
Docket 10

(w/attachments)
FLFO - Superintendent
DOJ (Denver) - Johnson
Docket 07

FNP:AJOHNS:kt:(303)225-3506:07/15/93:B:\FLFO.LET

Form # GWS-32 11/90

PUMP INST LATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
818 Centennial Bldg., 1313 Sherman St. Denver Co.

Office Use Only
RECEIVED
JUN 22 '94
WATER RESOURCES
STATE ENGINEER
GWS-32-93-03
8-25-93

1. WELL PERMIT NUMBER: 172092-A

2. OWNER NAME(S) : US National Park Service
Mailing Address: 1201 Oak Ridge Drive #250
City, St. Zip : Fort Collins, CO. 80525
Phone : (303) 225-3506

3. WELL LOCATION AS DRILLED: SE 1/4 NE 1/4, Sec: 23 Twp: 13S Range: 71W
DISTANCES FROM SEC. LINES
2462 ft. from North Sec. line and 876 ft. from East Sec. line.
SUBDIVISION: LOT: BLOCK: FILING:
STREET ADDRESS AT WELL LOCATION: Florissant Fossil Beds National Monument

4. PUMP DATA: Type-Submersible Installation Completed 06/17/94
Pump Manufacturer: Myers Pump Model No.:3JF72-8
Design GPM:8 at RPM: 3450, HP: 3/4 ,Volts: 230 , Full Load Amps: 6.8
Pump Intake Depth 240Feet, Drop/Column Pipe Size:1" Inches, Kind Sch 80
ADDITIONAL INFORMATION FOR PUMPS GREATER THAT 50 GPM:
TURBINE DRIVER TYPE:
[ ] Electric [ ] Engine [ ] Other
Design Head feet, Number of Stages , Shaft Size in.

5. OTHER EQUIPMENT:
Airline Installed [ ] Yes [X] No, Orfice Depth ft.
Monitor Tube Installed [ ] Yes [X] No Depth ft.
Flow Meter Mfg.: Meter Serial No.:
Meter Readout [ ] Gallons [ ] Thousand Gallons [ ] Acre Feet, Beginning Reading

6. TEST DATA:
[ ] Check box if Test data is submitted on Supplemental Form
Date: 06/17/94 / / / / / /
Total Well Depth: 250 Feet Time: 10:00AM : : :
Static Level: 29 Feet Rate (GPM): 1/2
Date Measured: 06/17/94 Pumping Lvl.:240

7. DISINFECTION: Type - HTH Granules Amt.Used - 20 oz.

8. Water Quality analysis available. [ ] Yes [X] No

9. Remarks: 94060LP

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104(13)(a) C.R.S the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR: RMPD, LTD. Phone: (719) 748-3318 Lic.No. 1155
Mailing Address: P.O. Box 287, Florissant, Co. 80816

Nm/Ttl: William F. Dietrich Pres | Signature William F. Dietrich | Date 06/17/94

FORM # GWS-31 11/90

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
818 Centennial Bldg., 1313 Sherman St. Denver Co.

Office Use Only
REC
JUN 13 '94
WATER RESOURCES STATE ENGINEER COLO.
GWS-31-93-02
8-25-93

1. WELL PERMIT NUMBER: 172092 A

2. OWNER NAME(S) : US National Park Service
Mailing Address: 1201 Oak Ridge Dr. #250
City, St. Zip : FT Collins, CO 80525
Phone : (303) 225-3506

3. WELL LOCATION AS DRILLED: SE 1/4 NE 1/4,Sec: 23 Twp: 13 s ,Range:71 w
DISTANCES FROM SEC. LINES:
2462 ft. from North Sec.line. and 876 ft. from East Sec.line. OR
SUBDIVISION: Fossil Beds National Monument LOT: BLOCK: FILING:
STREET ADDRESS AT WELL LOCATION:

4. GROUND SURFACE ELEVATION:8150 ft. DRILLING METHOD: Air Percussion
DATE COMPLETED: 6/06/94 TOTAL DEPTH: 250 ft. DEPTH COMPLETED: 250 ft.

5. GEOLOGIC LOG:

Depth	Description of Material
0 - 6	Topsoil
6 - 12	Clay
12 - 31	Pink & Black Granite
31 - 35	Fractured (WATER)
35 - 155	Pink & Black Granite
155 - 157	Fractured (WATER)
157 - 169	Pink & Black Granite
169 - 170	Fractured (WATER)
170 - 205	Pink & Black Granite
205 - 207	Fractured (WATER)
207 - 250	Pink & Black Granite

REMARKS:

6. HOLE DIAM. (in.)

	From(ft)	To(ft)
7 7/8	0	20
6 1/8	20	250

7. PLAIN CASING

OD(in)	Kind	Wall	Size	From(ft)	To(ft)
6 5/8	Steel	188		+1	20
4.5	PVC	227		10	20
4.5	PVC	227		40	140
4.5	PVC	227		180	200
Perf. Casing: Screen Slot Size:30					
4.5	PVC	227		20	40
4.5	PVC	227		140	180
4.5	PVC	227		200	250

8. FILTER PACK:
Material:N/A
Size:
Interval:

9.PACKER PLACEMENT
Type N/A
Depth

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placeme
Cement	188 lbs.	6/pk	0-20	Poured

11. DISINFECTION: Type - HTH Granules Amt. Used - 25oz.

12. WELL TEST DATA
☐ Check box if Test Data submitted on Supplemental Form
TESTING METHOD: Air
Static Level: 32 ft. Date/Time: 6/06/94 10:00am Prod. Rate: 1/2 gpm
Pumping level:-0- ft. Date/Time: 6/06/94 2:00pm Test Length(hrs): 2
Remarks
94024LD

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge.[Pursuant to Section 24-4-104(13)(a) C.R.S. the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]
CONTRACTOR: RMPD, LTD. Phone: (719) 748-3318 Lic. No.: 1155
Mailing Address: P.O. Box 287, Florissant, Co. 80816

Nam/Ttl: William F. Dietrich Pres | Signature William F. Dietrich | Date 6/8/94

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

APPLICANT

WELL PERMIT NUMBER 172092 - A
DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPROVED WELL LOCATION
TELLER COUNTY

SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
2462 Ft. from North Section Line
876 Ft. from East Section Line

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) 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.
2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
3) Approved pursuant to CRS 37-92-602, per decree W-8803-77, for the replacement of an existing well, permit no. 172092 (decreed by the Division 1 Water Court as the USA Florisant Fossil Beds National Monument A-Frame Domestic Well No. 11, case no. W-8803-77). The old well must be plugged and abandoned according to the Water Well Construction and Pump Installation Rules. An abandonment report must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged and abandoned.
4) The maximum pumping rate shall not exceed 40 GPM.
5) The average annual amount of ground water to be appropriated shall not exceed 3 acre-feet.
6) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to domestic use in a single family dwelling located in the SE1/4 of the NE1/4 of Sec. 23, Twp. 13S, Rng. 71W, 6th P.M.
7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
8) This well shall be constructed not more than 200 feet from the location approved on this permit.
9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

WRJ-5-Rev. 76

C ORADO DIVISION OF WATER RESOUR S
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED
JUL 29 '93
WATER RESOURCES
STATE ENGINEER

PERMIT APPLICATION FORM

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

FOR: (x) A PERMIT TO USE GROUND WATER
(X) A PERMIT TO CONSTRUCT A WELL
(X) A PERMIT TO INSTALL A PUMP

(x) REPLACEMENT FOR NO. "A-frame" Domestic Well No. 11
( ) OTHER _____
WATER COURT CASE NO. W-8803-77

60.00 CHEQUE 1720924
07-29-93 58166

(1) APPLICANT - mailing address

United States of America
NAME National Park Service

STREET 1201 Oak Ridge Drive, Suite 250

CITY Fort Collins, CO. (State) 80525 (Zip)

TELEPHONE NO. (303)225-3506

(2) LOCATION OF PROPOSED WELL

County Teller

SE ¼ of the NE ¼, Section 23

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

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 40

Average annual amount of ground water to be appropriated (acre-feet): 3

Number of acres to be irrigated: less than 1

Proposed total depth (feet): 100

Aquifer ground water is to be obtained from:

Owner's well designation "A-frame" Well No. 11

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(x) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
( ) OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Liscensed Colorado Driller

Street _____

City _____ (State) (Zip)

Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 358166 / _____

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.

Mrs. Denise L. Newberry
Water Rights Specialist
Water Rights Branch
National Park Service
301 S. Howes, Room 353
Fort Collins, CO 80521

APPLICATION APPROVED

PERMIT NUMBER _____

DATE ISSUED _____

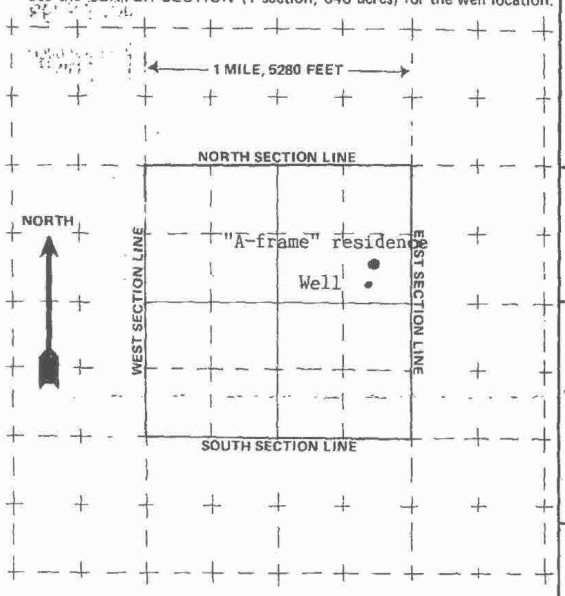
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____

I.D. 1 COUNTY 60-23

(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 by distances from section lines.

2,462 ft. from North (north or south) sec. line

876 ft. from East (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: United States

No. of acres 5,998.09 . Will this be the only well on this tract? (Florissant Fossil Beds National Monument)

(8) PROPOSED CASING PROGRAM

Plain Casing
8 in. from 0 ft. to 20 ft.
6 in. from 0 ft. to 20 ft.
6 in. from 30 ft. to 100 ft.
Perforated casing
6 in. from 20 ft. to 30 ft.
_____ in. from _____ ft. to _____ ft.

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

The intent is to drill the well at the same location as the existing hand-dug well. If new well is not at precisely same location, old well will be back-filled with gravel by hand. "A-frame" residence and well are on 80 acres acquired by the United States within Florissant Fossil Beds National Monument

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

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

Legal description: S1/2 NE1/4 Sec 23 T13S R71W, 6th P.M.

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Water will be used for domestic purposes at the "A-frame" residence, a single family dwelling, by park employees. Sewage disposal will be by septic system.

(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
Case W-8802-77	Domestic exempt well	located approximately 2,100 feet from the North sec. line and 50 feet from the East sec. line in Sec. 23, T13S R71W, 6th P.M.

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

Alice E. Johns

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

JAN 3 - 1979
DEPT. JUSTICE LANDS DIVISION
DENVER, COLO.
FILED IN THE ... OF COURT
'8 DEC 29 P12 : 49

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8803-77

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 notice required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entires 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

2. The name of the structure:

   USA Florissant Fossil Beds National Monument
   A-Frame Domestic Well No. 11

3. The legal description of the structures:

SE1/4NE1/4 Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 2,100 feet from the South line and 500 feet from the East line, Section 23.

4. The source of water:

Groundwater

5. The date of appropriation:

July 31, 1961

6. The amount of water:

0.09 cubic feet per second (40 gpm)

7. The use of the water:

Domestic in a single family dwelling.

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

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

National Park Service
U.S. Department of the Interior

Water Resources Division
Natural Resource Program
Center

1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

970-225-3500 phone
970-225-9965 fax

Water Resources Division Fax

To: JUDY TETREAULT, U.S. DEPARTMENT OF JUSTICE

Fax number: 303-312-7331

From: CHRIS GABLE, NPS, WATER RIGHTS BRANCH

Date: 5-21-2002

Pages to follow:

11

Comments:

INFORMATION CONCERNING THE A-FRAME WELL #11 AT FLORISSANT FOSSIL BEDS NATIONAL MONUMENT.

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

January 31, 2002
From: Chris Gable, Hydrologist Water Rights Branch
Subject: Florissant Fossil Beds NM, Docket 007, Well #11

Lynn,

When we last spoke there was some question as to what Water Division 1, State Engineers Office had on file for the "A-Frame" Domestic Well No. 11 for Florissant Fossil Beds National Monument. Eric Lord of our staff went over to Greeley, CO to check for this information. Eric is familiar with some of the personnel there. Essentially, what Eric found was the filing and permit of the new well, but no change or reissue of a Decree. I am sending what information I have along to see if you can please follow up on this issue.

You can reach me at

970-225-3529 or email chris_gable@nps.gov.

April 28, 1994

L54(479)
FLFO/Water Rights

Memorandum

To: Administrative Officer, Florissant Fossil Beds National Monument

From: Chief, Water Rights Branch

Subject: Permit Number 172092-A to Construct a Well for Replacement of "A-frame" Domestic Well No. 11 (Water Court Case No. W-8803-77) at Florissant Fossil Beds National Monument

Driller's, Driller's Rig, and Pump Installer's copies of Permit 17092-A (a permit to replace "A-Frame" Domestic Well #11), are attached. The official Owner's Copy will be retained in the Water Rights Branch (WRB) Office. A xerox of the Owner's Copy is attached as well as information for well permits and a well abandonment report.

The old well must be properly plugged and abandoned and the well abandonment report filed with the State Engineer. As stated on the report, it is the owner's responsibility to properly plug the old well. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirements. If the contractor plugs the well and you complete the Abandonment Report, ensure that you obtain sufficient information from the contractor to complete the Report (particularly items 4. and 5.).

The information for well permits states that the well driller must file copies of construction and installation reports with the State Engineer, and must provide the well owner with copies of these reports.

Please also provide copies of the Well Abandonment Report, the construction and installation reports, and any other reports or forms, to this office so that the WRB can update its water right record for the "A-frame" Domestic Well #11 Replacement Well. The information will also be used to obtain, through Department of Justice, a correction or a change in point of diversion for the water right (Water Court Case No. W-8803-77) associated with the well.

If you have any questions, please contact Alice Johns or Denise Newberry of my staff, at (303)225-3534 or (303)225-3505.

Alice Johns

cc: (w/o attachments)
RMR - Wise
DOJ (Washington) - Rumsey
479 - Johns, Inglis

bcc: Docket 07 (w/attachments)

[14] From: Sheryl Sether at NP-FLFO 4/22/94 4:05PM (667 bytes: 15 ln)
To: Denise Newberry at NP-WASO-WR
Subject: Well Permit
---------- Message Contents ----------
Denise:

We have located a driller for the well. I have not been able to reach him by phone as of today to let him know he was chosen from quotes received, but am certain he will do the work.

The letter received said you would send the original driller's, driller's rig, and pump installer's copies of the permit to us when we were ready to drill. Please forward those copies to my attention as soon as possible.

Thanks for your assistance.

Sheryl Sether
Administrative Officer

issue file
FLFO

October 21, 1993

L54(479)
FLFO/Water Rights

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: Owen R. Williams, Chief, Water Rights Branch

Subject: Approval of Permit Application to Construct a Well for Replacement of "A-frame" Domestic Well No. 11 (Water Court Case No. W-8803-77) at Florissant Fossil Beds National Monument

Copies of the approved well construction permit for the above-cited well are attached. This is for the replacement of an existing well, decreed by the Division 1 Water Court as the A-Frame Domestic Well No. 11, Case No. W-8803-77. Original copies of permits will be retained in the Water Rights Branch water right docket for A-frame Domestic Well No. 11.

Please contact Denise Newberry, of my staff, at (303) 225-3525 when the park has decided upon a driller. Denise will forward the original driller's, driller's rig, and pump installer's copies of the permit to you.

The permit expires on August 25, 1995. If the well cannot be drilled by that date, let us know as soon as you can, and we will seek an extension.

As you may recall, the decreed location of the A-Frame Domestic Well No. 11 is in error. The Water Rights Branch is working with the Department of Justice to obtain from the Division 1 Water Court, a correction in the decree. Until the change has been approved by the water court, the replacement well will be considered junior to all vested water rights. Additional terms and conditions may be placed upon the decree by the water court.

Dan McGlothlin

Attachments

cc: (all w/o attachments)
RMR - Wise
SOL (Denver) - Canaday
DOJ (Denver) - Gheleta
479 - Jackson, Johns, Newberry

bcc: Docket 07 (w/attachments)

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172092 - ____ A

DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
2462 Ft. from North Section Line
876 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) 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.
2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
3) Approved pursuant to CRS 37-92-602, per decree W-8803-77, for the replacement of an existing well, permit no. 172092 (decreed by the Division 1 Water Court as the USA Florisant Fossil Beds National Monument A-Frame Domestic Well No. 11, case no. W-8803-77). The old well must be plugged and abandoned according to the Water Well Construction and Pump Installation Rules. An abandonment report must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged and abandoned.
4) The maximum pumping rate shall not exceed 40 GPM.
5) The average annual amount of ground water to be appropriated shall not exceed 3 acre-feet.
6) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to domestic use in a single family dwelling located in the SE1/4 of the NE1/4 of Sec. 23, Twp. 13S, Rng. 71W, 6th P.M.
7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
8) This well shall be constructed not more than 200 feet from the location approved on this permit.
9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

OWNER'S COPY

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172092 - A
DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY
SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
2462 Ft. from North Section Line
876 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

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8) This well shall be constructed not more than 200 feet from the location approved on this permit.
9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

PUMP INSTALLER'S COPY

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

FORM NO. GWS-9 7/89

STATE OF COLO)O
OFFICE OF THE S ATE ENGINEER
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

r Office Use only

TYPE OR PRINT IN BLACK INK

WELL ABANDONMENT REPORT

ABANDONED WELL NUMBER IF REGISTERED _____

1. INDIVIDUAL/COMPANY RESPONSIBLE FOR PLUGGING
   NAME(S) _____
   Mailing Address _____
   City, St. Zip _____
   Phone (____)_____

358166

2. ACTUAL WELL LOCATION: COUNTY _____
   PROPERTY ADDRESS _____
   (Address) (City) (State) (Zip)
   _____1/4 _____1/4, Sec._____ Twp._____ ☐ N. ☐ S., Range_____ ☐ E. ☐ W. _____P.M.
   Distances from Section Lines _____Ft. from ☐ N. ☐ S. Line, _____Ft. from ☐ E. or ☐ W. Line.

3. I (we), report that an existing well was plugged and abandoned for the following reason(s):
   ☐ The well was plugged and abandoned as required under the conditions of approval of Well Permit No. _____.
   ☐ The well was not in use and was abandoned.
   ☐ Other (please explain) _____

4. The well was plugged and abandoned according to the Water Well Construction and Pump Installation Rules on_____, 19____.

5. The well was plugged with the following materials placed at the indicated intervals:

AMOUNT AND TYPE OF MATERIAL	METHOD OF PLACEMENT	INTERVAL
_____	_____	from_____feet to _____feet
_____	_____	from_____feet to _____feet
_____	_____	from_____feet to _____feet
_____	_____	from_____feet to _____feet
INTERVALS OF CASING REMOVED/RIPPED IN FEET		from_____feet to _____feet
		from_____feet to _____feet

6. I (we) have read the statements made herein and know the contents thereof, and that they are true to my (our) knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

Name/Title (Please type or print)	Signature	Date

–INFORMATION– It is the responsibility of the well owner to have the well properly plugged and abandoned. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirement. This form may be reproduced by photocopy or word processing means.

172092

August, 1988

RULE 11 ABANDONMENT STANDARDS

11.1 General

11.1.1 The plugging and sealing of all wells and test holes is necessary to prevent contamination of ground water and the migration of water through the unused borehole. It is the ultimate responsibility of the well owner to have a well properly plugged and abandoned. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirement pursuant to this Rule 11.

11.1.2 Persons authorized to install pumping equipment may plug and abandon wells which do not require the removal of casing from more than one aquifer or the ripping or perforating of casing opposite confining layers.

11.1.3 All materials used for backfilling shall be clean, free from contaminants and chemically inert.

11.2 **Unconfined Wells** - Wells completed into unconfined aquifers shall be abandoned by filling with either on-site materials, clean sand or gravel to the static water level, then with chemically inert materials to the ground surface. A permanent watertight cover shall be installed at the top of the casing. The casing may be cut off up to five (5) feet below ground level provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

11.2.1 Cathodic protection holes, dewatering wells, horizontal drains, monitoring and observation holes, percolation holes, piezometer holes, sump pumps and test holes shall be abandoned either pursuant to Rule 11.2 or by removing all casing which was installed and by filling the hole(s) with drill cuttings or chemically inert materials to within five (5) feet of the ground surface. The top five (5) feet of the hole shall be sealed with materials equal to or less permeable than the top foot of the surrounding soils.

11.3 Confined Wells

11.3.1 Wells which were constructed through more than one aquifer shall be abandoned by placing a grout plug at the confining layer above each aquifer. If records do not show that the casing opposite each confining layer has been grouted when originally installed, the casing shall be either completely removed from the hole, or perforated or ripped opposite such layer prior to placing the grout plug. No plug shall be less than twenty (20) feet in length.

11.3.2 The well casing except for the grout plug intervals shall be completely filled to the land surface with chemically inert materials. A watertight cover will be permanently welded or attached to the top of the casing. The casing may be cut off up to five (5) feet below land surface provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172092 - A

APPLICANT

DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
2462 Ft. from North Section Line
876 Ft. from East Section Line

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ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

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7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

8) This well shall be constructed not more than 200 feet from the location approved on this permit.

9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

DRILLER'S COPY

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 172092 - A
DIV. 1 CNTY. 60 WD 23 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

US NATIONAL PARK SERVICE
1201 OAK RIDGE DR #250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY
SE 1/4 NE 1/4 Section 23
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
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876 Ft. from East Section Line

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PRELIMINARY
RIG COPY

APPROVED
AEE

Hal D. Simpson
State Engineer

By

Receipt No. 0358166 DATE ISSUED AUG 25 1993 EXPIRATION DATE AUG 25 1995

FORM NO. GWS-7 12/92

EXEMPT

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
821 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

INFORMATION FOR WELL PERMITS APPROVED PURSUANT TO CRS 37-92-602 (HOUSEHOLD, DOMESTIC, LIVESTOCK AND EXEMPT COMMERCIAL USES)

PLEASE NOTE CAREFULLY THE CONDITIONS OF APPROVAL ON THE ATTACHED COPY OF YOUR PERMIT. THE CONDITIONS MUST BE COMPLIED WITH IN ORDER FOR THE PERMIT TO BE VALID.

THE ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT.

A STATEMENT OF BENEFICIAL USE FOR THIS TYPE OF WELL IS NOT REQUIRED AND IF SUBMITTED WILL BE USED FOR INFORMATIONAL PURPOSES ONLY.

THE PERMIT EXPIRATION DATE IS TWO YEARS FROM THE DATE ISSUED. The well must be constructed and evidence of it's construction must be submitted to this office in the form of a well construction report from the well construction contractor confirming that construction was completed prior to expiration of the well permit. The permit number is located in the upper right hand corner of the permit. The expiration date is located in the lower right hand corner. The expiration date may be extended at the discretion of the State Engineer for good cause shown. If you desire an extension, you must file a written request with this office prior to the expiration date shown on the permit. The request must state why the well has not been constructed, must include an estimate of time required to complete the well, and must specify the length of extension you desire, not to exceed one (1) year.

ADDITIONAL INFORMATION REGARDING WELL CONSTRUCTION AND WELL ABANDONMENT REGULATIONS ARE FOUND ON THE REVERSE SIDE OF THIS SHEET.

THE WELL MUST BE CONSTRUCTED AND THE PUMP INSTALLED BY CONTRACTORS WITH CURRENT LICENSE(S) ISSUED BY THE STATE OF COLORADO unless exempted as described on the reverse side. The well construction and pump installation reports must be submitted to the office of the State Engineer within sixty (60) days of completion of the work or within seven days after expiration of the permit, whichever is earlier. Your contractor must provide you with a copy of the work report(s) he has filed with the State Engineer. The Well Construction and Test Report, Form Number GWS-31 and the Pump Installation and Test Report, Form Number GWS-32 are available from the Division of Water Resources offices.

You have been provided with at least two copies of the well permit. The owner's copy is for your records. The second copy is for the pump installation contractor. You may make additional copies for the well construction contractor if you select one different from the one indicated in your application. If you did not indicate a proposed well construction contractor on the application, four copies of the permit are enclosed. **DO NOT GIVE YOUR "OWNER'S COPY" TO THE CONTRACTOR .**

The original permit is on file in the Denver Office Records Section. Additional copies may be obtained for a fee of 50 cents per page. Any change of mailing address or ownership should be reported to the State Engineer by the new owner on a "Change in Ownership/Address", form number GWS-11.

If you have questions, contact the Denver Office, or the Division Office where your well is located.

DIVISION 1
800 8TH AVE. RM. 321
GREELEY, CO 80631
(303) 352-8712

DIVISION 2
219 W. 5TH RM. 223
PUEBLO, CO. 81003
(719) 542-3368

DIVISION 3
422 4TH ST.
ALAMOSA, CO 81101
(719) 589-6683

DIVISION 4
1540 E. NIAGARA
MONTROSE, CO. 81402
(303) 249-6622

DIVISION 5
50633 US HWY 6 & 24
GLNWD SPGS. CO. 81601
(303) 945-5665

DIVISION 6
320 LINCOLN AVE. G-1
STMBT SPGS., CO. 80477
(303) 879-0272

DIVISION 7
1474 MAIN ST.
DURANGO, CO. 81302
(303) 247-1845

DENVER OFFICE
RM. 821
1313 SHERMAN ST.
DENVER, CO. 80203
(303) 866-3581

You may construct the we ıd/or install the pump yourself if the well . .ıtirely for your own use, is on property you own, and is constructed or pump equipment is installed with equipment owned and operated by you. It is your responsibility to complete and submit the Well Construction and Test Report, Form Number GWS-31 and/or the Pump Installation and Test Report, Form Number GWS-32. These forms are available from our offices. The well must be constructed and the pump installed in accordance with the well construction standards of the State Board of Examiners of Water Well Construction and Pump Installation Contractors.

THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES STATE THAT ALL WELLS OF THIS TYPE MUST BE DISINFECTED AFTER CONSTRUCTION AND AFTER PUMP INSTALLATION.

THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES ARE AVAILABLE FROM DIVISION OF WATER RESOURCES OFFICES FOR A FEE OF $3.00. The rules cover well construction, pump installation, disinfection, abandonment and contractor licensing regulations. If you are constructing your own well or installing pumping equipment, it is recommended that you obtain a copy of these rules for reference.

WELLS TO BE PLUGGED AND ABANDONED MUST BE PLUGGED IN ACCORDANCE WITH RULE 11 (SHOWN BELOW) OF THE WELL CONSTRUCTION AND PUMP INSTALLATION RULES. A WELL ABANDONMENT REPORT, FORM NUMBER GWS-9 MUST BE SUBMITTED TO CONFIRM THE PLUGGING OF THE WELL. THIS FORM IS AVAILABLE FROM OUR OFFICES.

RULE 11 ABANDONMENT STANDARDS

11.1 General

11.1.1 The plugging and sealing of all wells and test holes is necessary to prevent contamination of ground water and the migration of water through the unused borehole. It is the ultimate responsibility of the well owner to have a well properly plugged and abandoned. The well construction contractor is responsible for notifying the well owner of the plugging and abandonment requirement pursuant to this Rule 11.

11.1.2 Persons authorized to install pumping equipment may plug and abandon wells which do not require the removal of casing from more than one aquifer or the ripping or perforating of casing opposite confining layers.

11.1.3 All materials used for backfilling shall be clean, free from contaminants and chemically inert.

11.2 Unconfined Wells-Wells completed into unconfined aquifers shall be abandoned by filling with either on-site materials, clean sand or gravel to the static water level, then with chemically inert materials to the ground surface. A permanent watertight cover shall be installed at the top of the casing. The casing may be cut off up to five (5) feet below ground level provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

11.2.1 Cathodic protection holes, dewatering wells, horizontal drains, monitoring and observation holes, percolation holes, piezometer holes, sump pumps and test holes shall be abandoned either pursuant to Rule 11.2 or by removing all casing which was installed and by filling the hole(s) with drill cuttings or chemically inert materials to within five (5) feet of the ground surface. The top five (5) feet of the hole shall be sealed with materials equal to or less permeable than the top foot of the surrounding soils.

11.3 Confined Wells

11.3.1 Wells which were constructed through more than one aquifer shall be abandoned by placing a grout plug at the confining layer above each aquifer. If records do not show that the casing opposite each confining layer has been grouted when originally installed, the casing shall be either completely removed from the hole, or perforated or ripped opposite such layer prior to placing the grout plug. No plug shall be less than twenty (20) feet in length.

11.3.2 The well casing except for the grout plug intervals shall be completely filled to the land surface with chemically inert materials. A watertight cover will be permanently welded or attached to the top of the casing. The casing may be cut off up to five (5) feet below land surface provided the watertight cover is welded or permanently attached to the top of the casing and the hole is backfilled to the land surface.

October 18, 1993

L54(479)
FLFO\Water Rights

Memorandum

To: Regional Director, Western Region

From: Dan B. Kimball, Chief, Water Resources Division

Subject: Trip Report for Travel by Chris Gable and Dan Evans to Florissant Fossil Beds National Monument on September 8 - 9, 1993.

The purpose of this trip was to survey the locations of the Visitor Center Well #12 in the NW¼ NW¼ Sec.24, T13S R71W, 6th P.M. and the Sawmill Trail Well in the SW¼ NE¼ Sec.23, T13S R71W, 6th P.M. The survey data will be used to provide accurate locations of the wells for a water right application and well permits. If you have any questions, please feel free to contact Chuck Pettee or Chris Gable at (303) 225-3535 or (303) 225-3529, respectively.

Dan B. Kimball

Attachment

cc: FLFO - Superintendent
RMR - Wise
DOJ - Gheleta
SOL - Canaday
479 - Jackson, Flora, Flug, Johns

bcc: FLFO - Docket 7

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

October 18, 1993

IN REPLY REFER TO:

L54(479)
WR/FLFO

Memorandum

To: Dan B. Kimball, Chief, Water Resources Division

Through: Owen R. Williams, Chief, Water Rights Branch OWW 18oct93

From: Chris Gable, Hydrologist, Water Rights Branch

Subject: Trip Report for Travel by Chris Gable and Dan Evans to Florissant Fossil Beds National Monument on September 8 - 9, 1993.

PURPOSE: The purpose of this trip was to survey the locations of the Visitor Center Well #12 in the NW¼ NW¼ Sec.24, T13S R71W, 6th P.M. and the Sawmill Trail Well in the SW¼ NE¼ Sec.23, T13S R17W, 6th P.M. The survey was requested by Alice Johns. The requested accuracy was to survey within 10 feet.

ITINERARY: Departed Fort Collins, Colorado, on September 8, 1993, and arrived at Florissant Fossil Beds National Monument (FLFO) the same day. Departed FLFO on September 9, 1993, and returned to Fort Collins, Colorado.

CONTACTS: Tom Snoke, (FLFO, Maintenance Supervisor)

DISCUSSION: On September 8, 1993, Dan Evans and I located the monument marking the corner section of 13, 14, 23 and 24 and also the locations of Visitor Center Well #12 and the Sawmill Trail Well. After viewing each location, we examined on foot the proposed line of survey for approximately 1/2 mile from the Sawmill Trail Well back to the corner section monument. The survey began from this corner section monument. The direction of north was determined using a brunton compass. The survey proceeded based on a backsight, bearing north along the north-south line of sections 23 and 24. From an established station, each well was measured.

On September 9, 1993, the survey was completed with a closure back to the corner section monument.

ACTION ITEMS:

1. Submit site measurements to Alice Johns.

   Responsible party: Gable. Target Date: October 8, 1993.

2. Complete permit applications and submit to State Engineer.

   Responsible party: Johns. Target Date: October 30, 1993.

3. Provide correct well locations to Department of Justice for inclusion in water right application.

   Responsible party: Johns. Target Date: As requested.



NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
FORT COLLINS, COLORADO
FAX #: (303) 225-9965
VERIFICATION #: (303) 225-3500

DATE 8/12/93

TO

NAME Ralph Canaday **GROUP** SOL - Denver

CITY, STATE _____ sent @ 2:14 **MAILCODE** _____

OFFICE PHONE 1-231-5353

FAX NUMBER 1-231-5363 **VERIFICATION** yes

FROM

NAME Alice Johns **GROUP** WRB

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET) 9

SPECIAL INSTRUCTIONS

Attached one ① Affidavit to accompany correction, ② Decree that requires correcting (note legal description), and ③ letter and permit application sent to State Engineers Office for replacement well.

Receipt Verified By _____ **Date** 8-12 **Time** 2:35

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

I, Christine A. Gable, Hydrologist for the National Park Service, Water Resources Division, 1201 Oak Ridge Drive, Suite 250, Fort Collins, Colorado, 80525, and Daniel L. Evans, Research Associate, Colorado State University, working for the Water Resources Division, surveyed the location of the A-frame Well #11 in the SE¼ NE¼ Sec. 23, T13S R71W, 6th P.M., at Florissant Fossil Beds National Monument (FLFO) on July 8, 1993. The well is located 2,462 feet from the North section line and 876 feet from the East section line, Sec. 23, T13S R71W, 6th P.M., based on the survey described below:

The survey was requested by Alice Johns of the National Park Service (NPS), Water Resources Division (WRD). The requested accuracy was to survey within 5 to 10 feet.

EQUIPMENT: Sokkia/(Lietz), Electronic Total Station SET4
Accuracy: Horizontal 5"
Vertical 5"
Sokkia SDR33 Data Collector and Single Prism
4-Stage Range Plumbing Pole
Tripod, Extension Leg, Aluminum

PROCEDURE: Prior to arriving at FLFO, survey notes from previous surveys of section 23 and surrounding sections were obtained from the Bureau of Land Management and reviewed. On July 8, 1993, we located the monument marking the corner section of 23, 24, 25 and 26 and also the locations of the A-frame Well #11, the A-frame residence and Ghist Well #10. After viewing each location, we examined on foot the proposed line of survey for approximately one-half mile, following contours and features from a 7.5 minute U.S. Geological Survey Lake George Quadrangle map, from the A-frame residence to the monument originally located.

The survey began from this corner section monument. The direction of north was determined using a brunton compass. The survey proceeded south based on a backsight bearing north along the north-south line of sections 23 and 24. The survey stayed along the north bearing, vegetation permitting. From an established station, each well and building location was measured.

We were unable to find the ¼ section monument of sections 23 and 24. The survey was ended with confidence of a good survey based upon (1) minimum electronic distance measurement errors, (2) close agreement with measured site bearings to features and topography from the U.S. Geological Survey map, and (3) requested location accuracy.

_____ _____
Chris Gable Date

_____ _____
Dan Evans Date

Subscribed and sworn before me this ___ day of _____ 1993.

Notary Public _____

Residing at _____

My commission expires _____

RECEIVED
JAN 3 - 1989
DEPT. JUSTICE LANDS DIVISION
DENVER, COLO.

FILED
88 DEC 22 P12 : 49
WELD COUNTY COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8803-77

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 notice required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entires 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

2. The name of the structure:

   USA Florissant Fossil Beds National Monument
   A-Frame Domestic Well No. 11

3. The legal description of the structures:

SE1/4NE1/4 Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 2,100 feet from the South line and 500 feet from the East line, Section 23.

4. The source of water:

Groundwater

5. The date of appropriation:

July 31, 1961

6. The amount of water:

0.09 cubic feet per second (40 gpm)

7. The use of the water:

Domestic in a single family dwelling.

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

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

July 15, 1993

L54(479)
FLFO/Water Rights

State of Colorado
Division of Water Resources
Attn: Al Eckermann
818 Centennial Bldg.
1313 Sherman Street
Denver, Colorado 80203

Re: Replacement Well for "A-frame" Domestic Well No. 11 (Water Court Case No. W-8803-77) at Florissant Fossil Beds National Monument

Dear Sir or Madam:

The original signed permit application for the above-cited well is attached. Please note that the location for this replacement well is more than 200 feet from the location decreed in Case W-8803-77. The correct location, based on a recent survey, is as indicated on the permit application. The decreed location is in error. The United States is filing an application with the District Court, Water Division 1, to correct the decree accordingly.

Also enclosed is the $60.00 fee for the permit application. Please acknowledge receipt of payment by completing the following information and returning it to this office in the envelope provided for you.

Received payment on _____

Check Number _____

Payment acknowledged by _____

If you have any questions, please contact Alice Johns of my staff at (303) 225-3506.

Alice Johns

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: (w/o attachments)
479 - Johns, Newberry
SOL (Denver) - Canaday
Docket 10

(w/attachments)
FLFO - Superintendent
DOJ (Denver) - Johnson
Docket 07

FNP:AJOHNS:kt:(303)225-3506:07/15/93:B:\FLFO.LET

07-15-1993: permit application form to construct a replacement well for no. 'a-frame' domestic well no. 11.

WRJ-5-Rev. 76

LORADO DIVISION OF WATER RES RCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

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

FOR: (x) A PERMIT TO USE GROUND WATER
(x) A PERMIT TO CONSTRUCT A WELL
(x) A PERMIT TO INSTALL A PUMP

(x) REPLACEMENT FOR NO. "A-frame" Domestic Well No. 11
( ) OTHER _____
WATER COURT CASE NO. W-8803-77

(1) APPLICANT - mailing address

NAME United States of America
National Park Service

STREET 1201 Oak Ridge Drive, Suite 250

CITY Fort Collins, CO. 80525
(State) (Zip)

TELEPHONE NO. (303)225-3506

(2) LOCATION OF PROPOSED WELL

County Teller

SE ¼ of the NE ¼, Section 23

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

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 40

Average annual amount of ground water to be appropriated (acre-feet): 3

Number of acres to be irrigated: less than 1

Proposed total depth (feet): 100

Aquifer ground water is to be obtained from:

Owner's well designation "A-frame" Well No. 11

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(x) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
( ) OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Liscensed Colorado Driller

Street _____

City _____
(State) (Zip)

Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____

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.

APPLICATION APPROVED

PERMIT NUMBER _____

DATE ISSUED _____

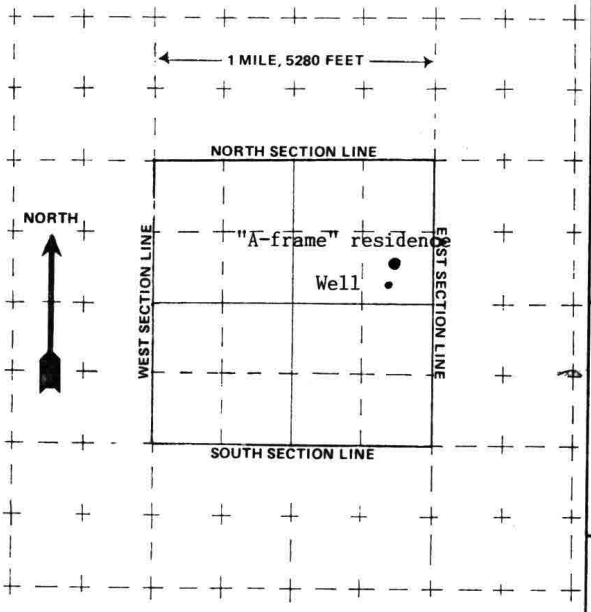
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____

I.D. _____ COUNTY _____

(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 by distances from section lines.

2,462 ft. from North (north or south) sec. line

876 ft. from East (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: United States

No. of acres 5,998.09 . Will this be the only well on this tract? (Florissant Fossil Beds National Monument)

(8) PROPOSED CASING PROGRAM

Plain Casing
8 in. from 0 ft. to 20 ft.
6 in. from 0 ft. to 20 ft.
6 in. from 30 ft. to 100 ft.
Perforated casing
6 in. from 20 ft. to 30 ft.
_____ in. from _____ ft. to _____ ft.

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

The intent is to drill the well at the same location as the existing hand-dug well. If new well is not at precisely same location, old well will be back-filled with gravel by hand. "A-frame" residence and well are on 80 acres acquired by the United States within Florissant Fossil Beds National Monument

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

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

Legal description: S1/2 NE1/4 Sec 23 T13S R71W, 6th P.M.

(11) DETAILED DESCRIPTION of the use of ground water: **Household use and domestic wells must indicate type of disposal system to be used.**

Water will be used for domestic purposes at the "A-frame" residence, a single family dwelling, by park employees. Sewage disposal will be by septic system.

(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
Case W-8802-77	Domestic	exempt well located approximately 2,100 feet from the North sec. line and 50 feet from the East sec. line in Sec. 23, T13S R71W, 6th P.M.

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

Alice E Johns

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

U.S. Departn.. .. 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-8803-77

Dear Owen:

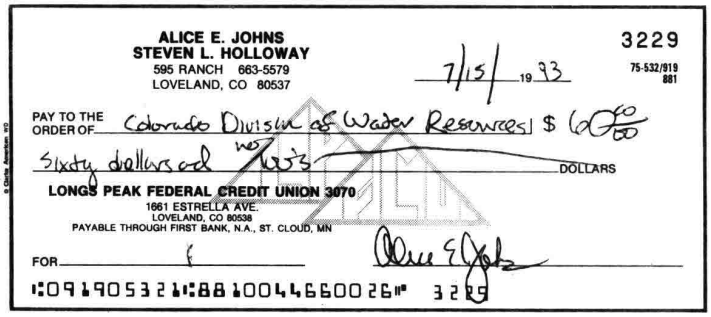
Enclosed please find a copy of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT in the above-captioned case. Please let us know by January 12, 1989, whether this Ruling is acceptable to your agency. We look forward to hearing from you.

Sincerely,

John R. Hill, Jr.
Attorney
General Litigation Section

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

01-03-1989: check from alice johns for permit; $60.00.



ALICE E. JOHNS
STEVEN L. HOLLOWAY
595 RANCH 663-5579
LOVELAND, CO 80537

3229

75-532/919
881

7/15/ 1989

PAY TO THE ORDER OF Colorado Division of Water Resources $ 60.00

Sixty dollars and no/100's DOLLARS

LONGS PEAK FEDERAL CREDIT UNION 3070
1661 ESTRELLA AVE.
LOVELAND, CO 80538
PAYABLE THROUGH FIRST BANK, N.A., ST. CLOUD, MN

FOR f

Alice E Johns

⑆091905321⑆88 100446600 26⑈ 3229

August 5, 1993

L54(479)
FLFO\Water Rights

Memorandum

To: Regional Director, Western Region

From: Dan B. Kimball, Chief, Water Resources Division

Subject: Trip Report for Travel by Chris Gable and Dan Evans to Florissant Fossil Beds National Monument on July 8, 1993.

The purpose of this trip was to survey in the location of A-frame Well #11 in the SE¼ NE¼ Sec.23, T13S R71W, 6th P.M. The survey data will be used to correct the location record in the water right decree for this well. If you have any questions, please feel free to contact Chuck Pettee or Chris Gable at (303) 225-3535 or (303) 225-3529, respectively.

Owen Williams

Attachment

cc: FLFO - Superintendent
RMR - Wise
479 - Jackson, Flora, Flug, Johns

bcc: FLFO - Docket 7

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

August 5, 1992

L54(479)
WR/FLFO

Memorandum

To: Dan B. Kimball, Chief, Water Resources Division

Through: Owen R. Williams, Chief, Water Rights Branch ORW 5 Aug 93

From: Chris Gable, Hydrologist, Water Rights Branch

Subject: Trip Report for Travel by Chris Gable and Dan Evans to Florissant Fossil Beds National Monument on July 8, 1993

PURPOSE: The purpose of this trip was to survey in the location of A-frame Well #11 in the SE¼ NE¼ Sec. 23, T13S R71W, 6th P.M. The survey was requested by Alice Johns. The requested accuracy was to survey within 10 feet.

ITINERARY: Departed Fort Collins, Colorado, on July 8, 1993, and arrived at Florissant Fossil Beds National Monument (FLFO) the same day. Departed FLFO on July 8, 1993, and returned to Fort Collins, Colorado.

CONTACTS: Sheryl Sether (FLFO, Administrative Officer)
Dale Ditmanson (FLFO, Superintendent)

DISCUSSION: On July 8, 1993, Dan Evans and I located the monument marking the corner section of 23, 24, 25 and 26 and also the locations of the A-Frame Well #11, the A-frame residence and Ghist Well #10. After viewing each location, we examined on foot the proposed line of survey for approximately one-half mile, following contours and features from a 7.5 minute U.S. Geological Survey map from the A-frame residence to the corner section monument originally located. The survey began from this corner section monument. The direction of north was determined using a brunton compass. The survey proceeded south based on a backsight bearing north along the north-south line of sections 23 and 24. The survey stayed along the north bearing, vegetation permitting. From an established station, each well and building location was measured.

We were unable to find the ¼ section monument of sections 23 and 24. The survey was ended with confidence of a good survey based upon (1) minimum electronic distance measurement errors, (2) close agreement with measured site bearings to features and topography from the U.S. Geological Survey map, and (3) requested location accuracy.

ACTION ITEMS:

1. Submit site measurements to Alice Johns.

   Responsible party: Gable. Target Date: Completed.

2. Draft affidavit describing survey and submit to Department of Justice (Johnson) for review.

   Responsible party: Johns. Target Date: Completed.

3. Assist Department of Justice as needed to obtain a corrected water right decree for the A-frame well.

   Responsible party: Johns. Target Date: As requested.

R E P O R T O F T E L E P H O N E C O N V E R S A T I O N

DATE: 6/7/93 TIME: 0900 AND 1500
PROJECT: FLFO questions pertaining to "A-Frame" well

NPS PERSON ON CALL: Denise Newberry

[ ] I RECEIVED A CALL FROM [X] I CALLED

PERSON: Al Eckermann
ORGANIZATION: State Water Resources Division
ADDRESS: Denver, CO
TELEPHONE: (303) 866-3740

DISCUSSION: I explained to Al that the "A-Frame" well (a domestic exempt well, decreed water right W-8803-77) located in FLFO needs to be deepened. The following questions were asked:

1. What does the NPS need to submit to the State ?
   - A Permit Application form with the following checked off:
     a permit to use ground water
     a permit to construct a well
     a permit to install a pump
     replacement for no. "A-frame" Domestic Well No.11 decreed in Case No. W-8803-77
     (Number 12 on the form can be left blank)
   - $60.00 fee enclosed with the application

2. What is this water right limited to in the decree (exempt from administration by the State Engineer pursuant to CRS 37-92-602) ?
   The average annual amount of ground water to be appropriated (acre-feet) is 3 acre feet per year. This is for question #3.

Al also said if the existing well is to be deepened, you can move the well, but it must be within 200 feet of the decreed location. If it is not within 200 feet of the decreed location the NPS will need to apply for a new water right and will receive a later priority date.

Once the NPS knows the exact location of the Replacement well the paper work can be sent to the State.

ACTION TO BE TAKEN: 1. Confirm with FLFO that this is the correct well and existing location. DONE 6/8/93, spoke with Tom Snoke, FLFO maintenance, he confirmed that well no.11 (A-Frame well) is presently at a depth of approx.15' and needs to be deepened for domestic use.

2. Have Rick Inglis coordinate with the park and inform Alice Johns once the exact location of the replacement well is decided upon so that the WRB can complete and submit the Permit Application Form and $60.00 to the State (Form attached).

3. ~~Let Judy Rouse know the WRB will need $60.00~~. The state will accept a DI-1 for $60.00 (attached)

COPIES TO: Alice Johns, Rick Inglis, FLFO Docket 07

-Once the state recieves the application the process will ~~possibly~~ take approx 1 month to review paperwork and issue the replacement according to Al Eckermann

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

L54(479)
FLFO/General

MAY 14 1993

Memorandum

To: Regional Director, Rocky Mountain Region

From: Chief, Water Resources Division

Subject: Trip Report for Travel by Richard Inglis to Florissant Fossil Beds National Monument on April 27, 1993

A report by Richard Inglis for his trip to Florissant Fossil Beds National Monument (FLFO) is attached. The purpose of his trip was to evaluate options for improving the potable water source for seasonal quarters at FLFO. His trip was made in response to a request from the Superintendent for hydrologic assistance from the Water Resources Division. His recommendation for the low water needs of the seasonal residence is to refurbish an existing well, a lower cost option than other alternatives under consideration.

If you have any questions, please feel free to call Gary Rosenlieb at (303) 225-3518 or Richard Inglis at (303) 225-3517.

Attachment

cc: FLFO - Dittmanson
479 - Williams
RMR - Wise

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

May 12, 1993

L54(479)
FLFO/General

Memorandum

To: Chief, Water Resources Division

Thru: Acting Chief, Water Operations Branch 5-13-93

From: Richard Inglis, Hydrologist, Water Operations Branch

Subject: Trip Report for Travel by Richard Inglis to Florissant Fossil Beds National Monument on April 27, 1993

PURPOSE: The purpose of the trip was to evaluate options for improving the water source for seasonal quarters at Florissant Fossil Beds (FLFO).

ITINERARY: Drove from Fort Collins early on April 27th and arrived at FLFO the same day. Returned to Fort Collins that evening.

CONTACTS: Dale Dittmanson, Superintendent, FLFO
Tom Snoke, Chief of Maintenance, FLFO

DISCUSSION: The park has been using a seasonal residence, known as the A-frame, since the National Park Service (NPS) acquired the land about 15 years ago. With it, came a limited water system composed of a shallow well and a short pipeline serving only the A-frame. Park staff have reported that the well has become more unreliable and "dries up" sooner in the fall each year. Park management desires to increase the use of the residence through interim measures until the new visitor complex and associated utility system is completed in about five years. A water line connection from the utility system to the A-frame would be more feasible when the new system is finished.

Assistance was provided to the park in evaluating available options for improving the water supply to the A-frame for the short term. Three immediate options are: 1) construct a new pipeline and utilize an existing well (Ghist Well) approximately 1/8th mile away, 2) drill a new well near the Ghist Well, or 3) deepen and refurbish the A-frame Well.

Utilizing the Ghist Well has known limitations based on an aquifer test conducted by the

Water Resources Division (WRD) in 1988 which was documented in a trip report to the Regional Director. The production of the well was measured at less than 0.05 gpm which is normally not enough to supply a single dwelling. The static water level was measured during the present visit at 29.6 ft. below land surface which is about one foot lower than at the beginning of the aquifer test. It was also observed that the well casing is slanted and may be broken at the first joint which could prevent refurbishing to increase well yield.

Drilling a new well at a more favorable site near the Ghist Well using modern techniques probably could increase the amount of water production. The cost of a new well must be added to the price of a new pipeline that would be needed to serve either the Ghist Well or the new well nearby. As true with all ground water development, a certain risk is present of insufficient water yield from a new well. There is record of two deep holes that have been drilled in the immediate area that have not encountered water.

Refurbishing the A-frame Well has the advantage of utilizing the existing pipeline. The static water level was measured at 7.5 feet below the top of the casing while total depth of the well was measured at 12 feet. The location of the A-frame Well is somewhat favorable being in low terrain. The granitic bedrock underlaying the park yields very little water except in infrequent fracture zones. The unconsolidated material above the granite, where saturated, serves as an aquifer, however, it is usually well drained in the upland areas around the A-frame residence. A thorough geohydrologic evaluation was not conducted, but may reveal additional information using geophysical methods.

Of the three options evaluated, deepening and refurbishing the A-frame Well is the most economical and has about an equal chance of success as a site near the Ghist Well. The need for construction of a new pipeline with appropriate NPS clearances and new well permits are eliminated with this option. The expected low yield will likely be suitable for only a seasonal residence until the larger utility system is constructed.

Technical specifications for refurbishing the A-frame Well are forthcoming as soon as regulatory information from the State of Colorado arrives. The WRD is available for assisting in testing the refurbished well to determine the new yield. The Water Rights Branch has been consulted for applying for appropriate permits for rebuilding wells. When the construction contract is being prepared, Dan McGlothlin at (303) 225-3536, Water Rights Branch, should be contacted directly for applying for a replacement well permit.

ACTION ITEMS:

1. Prepare well specifications for a replacement well at the A-frame. Responsible Party: R. Inglis. Target Date: May 1993.

2. Apply for permits for rebuilding existing well. Responsible Party: D. McGlothlin. Target Date: During contract biding.

3. Conduct aquifer test on replacement well. Responsible Party: R. Inglis. Target Date: During well reconstruction.

Richard R Inglis Jr.

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. Hansen — Hydrologist — 2/1/89 — Date

Approved By:

O. R. Williams — 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:

Case Number	Name of Structure
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

L54(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; W-8799-77; W-8800-77; W-8801-77; W8802-77; 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 Williams

Owen R. Williams
Chief, Water Rights Branch

cc: RMR - Rouse, Hermance
ROMO - Superintendent
FLFO - Superintendent
RSOLRMR - Cannaday
WRD - Ponce

FNP:WHansen:scp:1/11/89:221-8302:WANG#496

Docket Information

Number of Documents in Docket 136

Documents Dated from 8/15/1988 to 12/8/2004

Docket Compiled: 3/19/2012