WATER-RIGHT DOCKET

Florissant Fossil Beds National Monument

Docket No: 12

WELL #12 VISITOR CENTER

Preliminary Docket Information

05-21-1996: notes to the file flfo 011 and 012.

NOTES TO THE FILE FLFO 011 and 012 May 21, 1996

FLFO Docket 011 contains documentation pertaining to Sawmill Trail Well. FLFO Docket 012 contains documentation pertaining to Visitor Center Well #12. Both wells are covered by the same Judgment and Decree of the Water Court concerning underground water rights, a plan for augmentation, including exchanges, and change of water rights (Case No. 94CW083).

Docket 12 contains more complete documentation of the process of obtaining the decreed right than does Docket 11, although both dockets contain the essential information to document the water right. Docket 11 contains some early correspondence and internal documents that apply to the need for a plan of augmentation for Sawmill Trail Well only, which are not found in Docket 12.

For a summary of the water rights situation, please refer to:

1. The Judgment and Decree of the Water Court, signed February 28, 1996.

2. A February 21, 1996, Memorandum to the Superintendent, FLFO, Subject: Referee's Ruling Concerning Underground Water Rights, a Plan for Augmentation, Including Exchanges, and Change of Water Rights (Case No. 94CW083)

3. December 7, 1993 summary report attached to a December 7, 1993 letter to Mike Gheleta, Attorney

Alice Johns

Alice Johns
Hydrologist
Water Rights Branch
Water Resources Division
National Park Service

State Water Rights Documentation

United States Department of the Interior

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

IN REPLY REFER TO:

February 21, 1996 ← Date is incorrect. Should be May 6, 1996

L54(2380)
FLFO/Water Rights

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: Acting Chief, Water Rights Branch

Subject: Judgment and Decree of the Water Court Concerning Underground Water Rights, a Plan For Augmentation, Including Exchanges, and Change of Water Rights (Case No. 94CW083) at Florissant Fossil Beds National Monument

A copy of the above-captioned judgment and decree is attached for your records. The judgment and decree is identical to the referee's ruling (a copy of which was attached to a February 21, 1996, memorandum to you) with the exception of the last page. The last page of the judgment and decree contains the signature of the water judge for Colorado Water Division 1 (South Platte River Basin), confirming and approving the referee's ruling and making the ruling the judgment and decree of the court.

For further explanation of this decreed water right and Florissant Fossil Beds National Monument's reporting requirements, please refer to my memorandum of February 21, 1996. And, if you have any questions, please feel free to call me or Alice Johns of my staff at (970)225-3505 and (970)225-3534, respectively.

Chuck Petter

Attachment

cc: Deputy Field Director, Intermountain Field Area - Everhardt (w/o attachment)
Rocky Mountain Cluster - Nickels (GRTE) (w/o attachment)
Rocky Mountain SSO - Superintendent (Snyder) (w/o attachment)
Rocky Mountain SSO - Wylie (w/o attachment)
SOL (Denver) - Canaday (w/attachment)
DoJ (Washington) - Rumsey (w/o attachment)
Blatchley Associates - Bill Blatchley (w/o attachment)

bcc: Dockets, FLFO (w/o ATTACHMENT

02-06-1996: district court, water division no. 1 colorado; case no. 94cw083.

FILED IN
DISTRICT COURT
FEB 06 '96
WELD COUNTY, COLO

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW083

FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE OF THE WATER COURT APPROVING UNDERGROUND WATER RIGHTS, A PLAN FOR AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS.

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA

IN TELLER AND PARK COUNTIES

This matter, comes before the Water Referee upon the Application of the United States of America for Approval of Underground Water Rights, a Plan for Augmentation, including Exchanges, and Change of Water Right. The Referee having considered the pleadings, the filings herein, the evidence presented and the comments of the Division Engineer makes the following findings and the Court does hereby confirm and decree:

FINDINGS OF FACT

1. The Application was filed with the Water Clerk, Water Division No. 1, on June 15, 1994. All notices required by law of the filing of this Application have been fulfilled, and the Referee has jurisdiction over the subject matter of this proceeding and over all parties affected hereby, whether they have appeared or not. The land and water rights involved herein are not included within the boundaries of any designated groundwater basin.

2. Statements of Opposition to the Application were filed by the Highland Lakes Water District, August 29, 1994, and the State Engineer on August 26, 1994. No other statements of opposition have been filed and the time for filing such statements has now expired.

3. The State Engineer and Highland Lakes Water District have stipulated to the entry of this decree. See Stipulation Attached.

4. The Applicant is the United States of America. The Applicant's address is:

Allison B. Rumsey
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 663

Washington, D.C. 20044

5. This decree addresses water needs at Florissant Fossil Beds National Monument ("National Monument"). The National Monument is administered by the National Park Service ("NPS") and contains approximately 6000 acres located in Water Division 1, Township 13 South, Range 70 West, Sections 18, 19, and 30, and Township 13 South, Range 71 West, Sections 11, 12, 13, 14, 15, 22, 23, 24, 25, and 26, 6th P.M. in Teller County, Colorado. The National Monument is within the drainage of Grape Creek. The National Monument's mailing address is as follows:

Address: Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
(719)748-3253

6. To meet increasing visitor use, NPS is constructing a new visitor center, the equivalent of six single family dwellings, and four summer staff housing units. To provide water for the planned visitor center and other facilities, the NPS drilled a new well, Sawmill Trail Well, and the United States submitted an application to transfer a water right for a commercial exempt well from Visitor Center Well #12 to Sawmill Trail Well. In Case No. 91CW019, it was decreed that the water right would be transferred and, when the NPS began using Sawmill Trail Well, Visitor Center Well #12 would be plugged. The Sawmill Trail Well is not yet operational because the planned facilities have not yet been constructed.

However, since that decree was issued, water use for Visitor Center #12 has been exceeding the amount permitted for a commercial exempt well under Permit No. 1-54810-A and the NPS now wishes to use both wells, and to have the option to use additional wells if necessary. Water is now being supplied under a substitute supply plan approved by the State Engineer, which allows for diversion from Visitor Center #12 and Sawmill Trail Well. Therefore, the United States seeks to augment both Sawmill Trail Well and Visitor Center Well #12.

a. Confirmation of an absolute underground water right for Visitor Center Well #12 is requested by the United States. Visitor Center Well #12, is located in the NW 1/4 NW 1/4 of Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, and 390 feet from the north section line and 880 feet from the west section line of said section. Application for a well permit for Visitor Center Well #12 was approved by the State Engineer on January 17, 1995 (Permit No. 044471-F). The date of appropriation of the Visitor Center Well #12 is

October 31, 1951. The pumping rate for Visitor Center Well #12 will not exceed 18 gpm.

b. A conditional underground water right for Sawmill Trial Well is requested by the United States. The Sawmill Trail Well is located in the NE 1/4 SW 1/4 of Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, 2,405 feet from the south section line and 1,973 feet from the west section line. Application for a well permit for Sawmill Trail Well approved by the State Engineer on April 14, 1995 (Permit No. 044784-F). The date of appropriation of the Sawmill Trail Well is February 1990. The pumping rate at Sawmill Trail Well will not exceed 20 gpm.

c. If the Sawmill Trail Well and Visitor Center Well #12 do not meet the needs of the NPS, as described herein, the United States will need up to three additional wells in the National Monument in the Grape Creek drainage. No well will be within 600 feet of any other well not owned by the United States. The date of appropriation would be the installation date of the wells. Total diversions and consumptive use of all wells would not exceed the total amount requested in this decree.

7. The source of water for the wells is groundwater which is tributary to Grape Creek, a tributary of Twin Creek, a tributary of the South Platte River.

8. Water is used by park visitors and employees for domestic and commercial purposes, including drinking water, restroom use, maintenance and irrigation, at a visitor center, administrative offices, and residences.

9. The NPS's engineering consultants have estimated that the gross annual water requirements of the National Monument will not exceed 3.5 acre feet. 0.3 af of the water diverted by the NPS each year is anticipated to be used for irrigation.

10. The volume of water projected to be consumed at the National Monument to meet both current and projected needs is 0.579 af. This figure is based on 10% consumptive use of the in-building water and subsequent treatment by a septic tank - leach field system. There is a possibility of developing a mechanical water treatment system or tying into the Florissant Water and Sanitation District waste water system. In this event, the consumptive use rate would be 5% for a mechanical waste water treatment system or as required by the Florissant Water and Sanitation District's waste water treatment system. The United States seeks: (1) recognition of the option to convert waste water treatment systems; and (2) to receive appropriate credits

to the quantity of augmentation water required with the lower consumptive use rate.

It is further assumed that irrigation of lawn grass within the National Monument will consume 1.66 af of water per irrigated acre, and that the application rate is 2.2 af per irrigated acre. Garden water is based on 0.41 af of water per acre irrigation and that the application rate is 0.60 af per irrigated acre. Six thousand square feet of turf or 24,000 square feet of garden may be irrigated until such time as the water is needed for other National Monument uses. In the event that future summer water use at the Visitor Center exceeds the present projected in-building uses, allocation of water for irrigation of lawn grass will be reduced proportionally to compensate for the increase.

11. In order to provide the necessary replacement water to the stream system, the United States has purchased from North Fork Associates ("North Fork"), 19.3 shares of the capital stock of the Mountain Mutual Reservoir Company ("Mountain Mutual"). Mountain Mutual Reservoir Company is a non-profit corporation which has been created for the following principal purposes:

i. To receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands easements, rights-of-way, and other related facilities in trust for its stockholders, and

ii. To administer, for its stockholders, water rights and operate Mountain Mutual Reservoir Company facilities in accordance with individual plans for augmentation approved by the Water Court, such as the plan herein proposed.

The 19.3 shares represent the right to receive 0.606 acre-feet of augmentation water per year from the water rights and storage facilities Mountain Mutual holds for the benefit of its shareholders.

12. North Fork and Mountain Mutual own the following water rights which will be used to meet the annual augmentation requirements for the out-of-priority depletions from the above-mentioned wells operated by the NPS at the National Monument:

a. Guiraud 3T Ditch: North Fork and Mountain Mutual own 2.556 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount

October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE 1/4 of said Section 8 bears North 63° 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. The owner of the lands historically irrigated by the 2.556 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove and has removed 37.19 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

b. Spinney Mountain Reservoir: North Fork and Mountain Mutual are the owners by deed of an annual delivery of 80 af of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23° 26' West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication Date	Appropriation Date	Amount

1973: Case No. W-7395 March 26, 1973 86,000 AF

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Water Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 af.

c. Lower Sacramento Creek Reservoir No. 1: North Fork owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

Adjudication Date	Appropriation Date	Amount
1974: Case No. W-7741-74	July 25, 1974	40 AF

The Reservoir is located in the NE 1/4 NW 1/4, Section 32 and SE 1/4 SW 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465.

d. Woodside Reservoir: North Fork Associates and Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Adjudication Date	Appropriation Date	Amount
1978: Case No. W-8771-77	September 1, 1977	50 AF

The Reservoir is decreed for domestic, municipal, commercial, irrigation, recreation, light industrial, piscatorial, fire fighting, exchange and all other beneficial uses. It is not yet constructed but will be located in the Elk Creek drainage basin in the E 1/2 SW 1/4 of Section 26, Township 6 South, Range 72 West, 6th P.M., Park County, Colorado.

13. In order to assure that sufficient augmentation water will be available for the Applicants, North Fork has agreed to assign to Mountain Mutual for the benefit of the United States and its assigns, and for use in their augmentation plan, up to 0.021 of a cfs of the Guiraud 3T Ditch priority, yielding 0.462 acre-feet of water per year, from the 2.556 cfs described above. In addition, North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir. In order to provide augmentation water from the Guiraud 3T Ditch for use in this plan, North Fork and Mountain Mutual have caused 0.667 of an acre of the grounds historically irrigated by the Guiraud 3T Ditch to be removed from irrigation for each acre-foot of consumptive use water under the Ditch. Sufficient acreage has previously been monumented in the field and set aside for the benefit of plans for augmentation administered by Mountain Mutual. The approval and monumentation of the dried up lands are on the basis of criteria which have been approved and accepted by the Water Court in prior plans for augmentation and which have been adopted by the State Engineer. Deliveries from Spinney Mountain Reservoir and the Guirard 3T Ditch which are committed to other augmentation plans and stockholders of Mountain Mutual Reservoir Company are set forth in the attached Exhibits A and B.

14. Depletions to the stream system which are attributable to water use within the National Monument will primarily be augmented during the period May through September, inclusive, by leaving the above-referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir and Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from the Mountain Mutual's facilities to the stream system, to the point of replacement, will be computed on the basis of 0.13 percent per mile.

15. It is anticipated that the augmentation requirements for the National Monument, plus any water to offset transportation charges allocable to this plan, will not exceed 0.606 acre-feet (0.021 cfs of the Guiraud 3T Ditch water right and 0.144 acre-feet of storage water in Spinney Mountain Reservoir).

16. To provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual will attempt to fill Lower Sacramento Creek Reservoir No. 1 under the Reservoir's own priority. If the structure cannot be so filled, Mountain

Mutual may elect to exchange water from Spinney Mountain Reservoir to storage in Lower Sacramento Creek Reservoir No. 1. The exchange has been decreed in prior plans for augmentation. Mountain Mutual has previously agreed to limit the exchange between Spinney Mountain Reservoir and Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion for Lower Sacramento Creek Reservoir No. 1 and Spinney Mountain Reservoir, are either in priority and fully satisfied or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain water. The decreed rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 cfs. Evaporation losses incurred by Lower Sacramento Creek Reservoir No. 1 will be made by exchange of Spinney Mountain Reservoir water to storage.

17. Out-of-priority depletions associated with water diverted from the United States' wells will be calculated on a regular basis. The total irrigated area within the National Monument irrigated by said wells will be surveyed annually. The volume of water delivered for outside irrigation will be estimated and subtracted from the total well diversions. Seventy-five percent of water applied to irrigation will be considered consumed by the irrigation process. The balance of the water pumped will be assumed to be consumed at a rate of ten percent of the volume pumped. Mountain Mutual will include such depletions in the reports which are presently being made to the State water officials for other plans for augmentation which utilize Mountain Mutual augmentation water supplies. On the basis of the submitted reports, not only for this plan but other plans administered by Mountain Mutual, and in accordance with the directives of the Division Engineer, Mountain Mutual will make the required release of augmentation water by properly documenting the in-stream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions during times when the Guiraud 3T Ditch is not available will be aggregated and replaced by one or more releases from storage of short duration, as directed by the Division Engineer or his representative. Prior to requesting any release of water from Spinney Mountain Reservoir, Mountain Mutual will provide the City of Aurora, the owner and operator of the structure, with at least

twenty four hours notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

18. The Court finds that the source of replacement water and the protective terms outlined above are sufficient to protect the vested rights of other water users in the South Platte River Basin.

CONCLUSIONS OF LAW

19. This Application was filed with the Water Clerk, Water Division No. 1, pursuant to §37-92-302(a), 15 C.R.S. (Supp. 1993). Statements of Opposition were filed by the Highland Lakes Water District, August 29, 1994, and the State Engineer on August 26, 1994. No other statements of opposition have been filed and the time for filing such statements has now expired.

20. The Application for Underground Water Rights, Approval of Augmentation Plan and Change of Water Rights, Including Exchanges, described herein is contemplated and authorized by law, and if administered in accordance with this decree, will permit the uninterrupted utilization of the wells described in Paragraph No. 6, supra, without adversely affecting any other vested water rights and the water exchanges in the South Platte River or its tributaries. Sections 37-92-305(3), (5), and (8), §37-80-120, and §37-83-104, 15 C.R.S. (Supp. 1993).

21. The State Engineer is required to administer this plan for augmentation and change of water rights and the water exchanges, in the manner set forth herein.

22. As a result of the operation of the Plan for Augmentation set forth herein, there is water available for withdrawal from the wells described in Paragraph No. 6, supra, and the use of the same will not result in material injury of the vested water rights of others. Accordingly, the State Engineer shall approve applications for well permits or replacement well permits submitted by the National Park Service for the National Monument. Section 37-90-137(2), 15 C.R.S. (Supp. 1993) and Cache La Poudre Water Users Association v. Glacier View Meadows, 191 Colo. 53, 550 P.2d 288 (1976).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

23. All of the foregoing Findings of Fact and Conclusions of Law are incorporated by reference herein, and are to be

considered a part of the decretal portion hereof as though set out in full.

24. The application for underground water rights and the plan for augmentation, change of water rights and water exchanges, proposed by the United States, North Fork Associates and Mountain Mutual Reservoir Company are approved.

25. The State Engineer, the Division Engineer and/or the Water Commissioner for the former Water District No. 23 shall not, at the request of appropriators, or on their own initiative, curtail the diversion and use of water by the NPS at the National Monument which are covered by this plan of augmentation, so long as the out-of-priority depletions associated with such diversions are replaced to the stream system pursuant to the conditions contained herein. To the extend that the United States or its assigns are ever unable to provide the replacement water required, then the diversion facilities described in Paragraph No. 6 shall not be entitled to operate under the protection of this Plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado. Pursuant to §37-92-305(8), 15 C.R.S. (Supp. 1994), the State Engineer shall curtail all out-of-priority diversions which are not so replaced as to prevent injury to vested water rights.

26. The NPS shall make available for release to the stream system, a sufficient quantity of water to replace depletions caused by diversions from the above-referenced wells. The volume of augmentation water required to be released each year shall be limited to out-of-priority depletions to the stream system directly attributable to diversions through the wells described in Paragraph No. 6, supra.

27. A total of 0.021 of a cubic foot per second of the above described 2.556 cubic feet per second decreed to the Guirard 3T Ditch is hereby changed to allow replacement of depletions associated with water use within the National Monument at the point of injury rather than at its present point of diversion at NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. The court also confirms that: (1) North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir; and (2) during times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir, Woodside Reservoir, and Sacramento Creek Reservoir No. 1.

28. The actual point of depletion associated with the out-of-priority diversions from the wells described herein is upstream of the point of delivery of augmentation water from the Guiraud 3T Ditch, Spinney Mountain Reservoir, the Lower Sacramento Creek Reservoir No. 1, and Woodside Reservoir. The United States is therefore decreed an appropriative right of substitute supply and exchange pursuant to §37-80-120 and §37-92-302(1)(a), 15 C.R.S. (Supp. 1994). The reach of the exchange shall extend from the confluence of the North Fork and the mainstem of the South Platte River, up the South Platte River to its confluence with Twin Creek at Lake George, and up Twin Creek to its confluence with Grape Creek and up Grape Creek to the point where the wells impact Grape Creek in the SW 1/4 NW 1/4, of Section 11, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado. The exchange will operate to replace depletions to the flow of water in Grape Creek as the depletions occur. The exchange shall be administered with a priority date of May 10, 1993 at a maximum flow rate of 3.8 gpm to extent of 0.667 af per year.

29. Mountain Mutual Reservoir Company shall include such depletions which are out-of-priority in the monthly reports made to the State water officials for other plans for augmentation which utilize Mountain Mutual Reservoir Company augmentation water supplies. On the basis of the submitted reports, and in accordance with the directives of the Division Engineer, Mountain Mutual Reservoir Company shall make the required release of augmentation water by properly documenting the instream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir, Woodside Reservoir, and the Lower Sacramento Creek Reservoir No. 1. Releases of storage water shall be subject to the conditions stated in Paragraph No. 17, supra. It shall be the responsibility of the Park Service to maintain a water accounting form on a monthly basis indicating the total water pumped, area of total lawn and garden irrigated and the amount of water consumed. The form shall be submitted to Mountain Mutual Reservoir Company and Water Division #1 at least annually prior to November 1. An example of the type of information to be included in the annual water accounting report is attached as Exhibit "C."

30. As a result of the approval of this Plan for Augmentation, water will be made available from the tributary wells described in Paragraph No. 6, supra, and the vested rights of others will not be materially injured by the contemplated diversions therefrom. Pursuant to §37-92-305(6), 15 C.R.S., the State Engineer shall grant permits for the expanded use of

Sawmill Trail Well and Visitor Center Well #12 upon receipt of an appropriate application filed by the National Park Service. If this plan for augmentation is operating as envisioned herein at the time an application for one of the additional wells authorized under Paragraph No. 6 is submitted to the State Engineer, the new well will not be located within 600 feet of a then existing well not owned by the NPS or the United States, and the State Engineer finds pursuant to §37-90-137(2), 15 C.R.S. (Supp. 1993) that no well-to-well material injury will occur, a permit for construction of the new well shall be granted. The evaluation of whether a proposed new well will injure an existing well shall not apply to wells then owned by NPS or the United States. The reconstruction of all wells described in Paragraph No. 6 shall be approved upon the submittal of new applications to the State Engineer if the location of the replacement well will be within 200 feet of the location of the existing well; provided, however, that if the well to be replaced is within 600 feet of another well not owned by the NPS or the United States, such reconstruction will not result in the replacement well being moved any closer to the existing structure. Well permit requests which would result in the location of a new well at a point closer than 600 feet to an existing well not owned by the NPS or the United States shall be approved if the construction will not result in material injury to the existing well after a hearing pursuant to §37-90-137(2), 15 C.R.S. (Supp. 1993), or if the owner of the existing well executes a written waiver of objection to the proposed location.

31. Pursuant to the provisions contained in §37-92-304(6), 15 C.R.S. the plan for augmentation decreed herein shall be subject to the reconsideration of this Court, for the purpose of evaluating injury to vested water rights, for a period of five years from the date of this decree. Any person, within the five year period, may petition the Court to invoke its retained jurisdiction. Any such request shall state with particularly the factual basis for requesting that the Court evaluate injury to vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. Unless otherwise stated herein, the party lodging the petition shall have the burden of going forward to establish the prima facie facts alleged in the petition. If the Court finds those facts to be established, Applicants shall thereupon have the burden of proof to show: (a) that any modification sought by Applicants will avoid injury to other appropriators, or (b) that any modification sought by an Opposer is not required to avoid injury to other appropriators, or (c) that any term or condition proposed by Applicants in response to Opposer's petition does avoid injury to other appropriators. Such petition shall be

filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record. If no such petition is lodged within the five year period, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this decree shall become final under its own terms.

32. The applications for water rights awarded herein to Sawmill Trail Well and Visitor Center Well No. 12 were filed in the Water Court in 1994 and shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical dates of appropriation and not affected by the date of entry of ruling.

33. It is also ordered that the conditional water right herein awarded to Sawmill Trail Well is hereby continued in full force and effect until Jan., ~~199~~ 2002. If the United States desires to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before Jan., ~~19~~2002, or a showing made on or before such date that the conditional water right for Sawmill Trail Well has become an absolute water right by reason of the completion of the appropriation.

DATED this 6th day of January, 1998.

Raymond S. Liesman
Water Referee
Water Division No. 1

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

DATED: FEB 2 8 1996

Jonathon W. Hayes
Water Judge
Water Division No. 1
State of Colorado

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW083

RESPONSE TO OPPOSITION OF HAROLD D. SIMPSON, STATE ENGINEER AND ALAN D. BERRYMAN, DIVISION ENGINEER

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, NATIONAL PARK SERVICE

IN TELLER AND PARK COUNTIES

In response to objection 3A, this court has jurisdiction to hear this application because the application for a well permit for Visitor Center Well #12 was approved by the State Engineer on January 17, 1995 (Permit No. 044471-F) (Attachment A). Application for a well permit for Sawmill Trail Well was submitted under Receipt No. 15812-B and was resubmitted to the Office of the State Engineer on February 28, 1995. (Attachment B).

In response to objections 3B, 3C, 3D, and 3E, these concerns will be addressed in the draft decree and engineering report.

At this time, the draft decree is not complete. Therefore, the United States requests to postpone any hearing until such time as the decree has been completed and sent it out to all objecting parties.

If you have any questions, feel free to call me at 202/272-6854. Thank you for your assistance.

Date: March 1, 1995

Sincerely,

Allison B. Rumsey

Allison B. Rumsey
U.S. Department of Justice
Environment and Natural
Resources Division
P.O. Box 663
Washington DC 20044

Copies to:
Ray Liesman
Steven O. Sims

01-17-1995: well permit 044471-f; owner's copy.

GWS-25 **COLORADO DIVISION OF WATER RESOURCES**

ATTACHMENT A

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

LIC

WELL PERMIT NUMBER 044471 - F -

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

Lot: Block: Filing: Subdiv:

APPLICANT

US NATL PARK SERVICE
1201 OAK RIDGE DR STE 250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

NW 1/4 NW 1/4 Section 24
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
390 Ft. from North Section Line
880 Ft. from West 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 37-90-137(2) on the condition that this well is operated in accordance with the Florissant Fossil Beds 1994/95 substitute water supply plan approved by the State Engineer on January 3, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through December 31, 1995, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate shall not exceed 18 GPM.

OWNER'S COPY

5) The average annual amount of ground water to be appropriated by this well and any other well included in the augmentation plan shall not exceed 3.82 acre-feet.

6) The use of ground water from this well is limited to domestic, commercial, irrigation of 0.14 acres max. and Fire Fighting at the Florissant National Park Service Vistors Center.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner, recorded on a weekly basis, summarized monthly and forwarded to the Division Engineer and Water Commissioner on an annual basis or as requested.

8) 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.

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

10) This well shall be constructed at least 600 feet from any existing well not owned by applicant.

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

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eschermann
By

Receipt No. 0369970

DATE ISSUED JAN 17 1995

EXPIRATION DATE JAN 17 1996

03-01-1995: permit application form; case no. 94cw083; well in teller county.

ATTACHMENT B

WRJ-3-Rev. 76

ORADO DIVISION OF WATER RI CES

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

( ) REPLACEMENT FOR NO. _____
( ) OTHER Application originally submitted in 1991 (15812-B) but rejected.
WATER COURT CASE NO. 94CW083

(1) APPLICANT - mailing address
United States of America
NAME National Park Service
STREET 1201 Oakridge Dr., Suite 250
CITY Fort Collins, CO (State) 80525 (Zip)
TELEPHONE NO. (303)225-3506

(2) LOCATION OF PROPOSED WELL

County Teller
NE ¼ of the SW 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) 20
Average annual amount of ground water to be appropriated (acre-feet): 3.82 (See note)
Number of acres to be irrigated: 0.14 (See note)
Proposed total depth (feet): 220
Aquifer ground water is to be obtained from:
Pikes Peak Granite
Owner's well designation Sawmill Trail Well

GROUND WATER TO BE USED FOR:

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

(4) DRILLER

Name William Dietrich
Street P.O. Box 287
City Florissant, CO (State) 80816 (Zip)
Telephone No. 719-687-6379 Lic. No. 1155

e In combination with other wells under decreed Plan for Augmentation

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

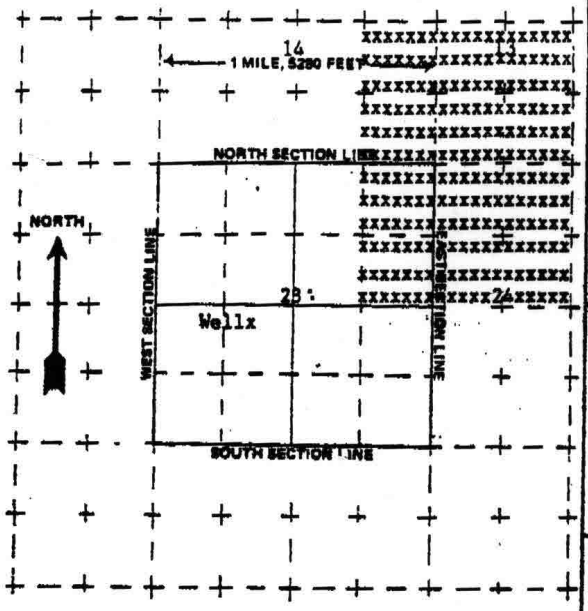
PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
I.D. _____ COUNTY _____

MAR 01 '95 09:37AM NPS WATER RESOURCES DIVISION P.4

(5) THE LOCATION OF THE WELL and the area on which the water will be used is 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) . . . 448 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.

2,405 ft. from South (north or south) sec. line

1,973 ft. from West (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

No. of acres 5998.09 . Will this be the only well on this tract? no

(8) PROPOSED CASING PROGRAM

Plain Casing See attached well completion report.

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

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

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

Legal description: _____

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

Water is to be used by monument visitors and employees, including drinking water, restroom use, maintenance (including vehicle washing), administration and irrigation. Disposal is by septic tank-soil absorption.

(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
See Exhibit A		

(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.

03-01-1995: well completion and pump installation report.

THIS FORM MUST BE SUBMITTED WITHIN 60 DAYS OF COMPLETION OF THE WORK DESCRIBED HEREON. TYPE OR PRINT IN BLACK INK.

RADO DIVISION OF WATER RE[illegible]S
1313 Sherman Street - Room 818
Denver, Colorado 80203

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER Mm-15612

WELL OWNER National Park Service

ADDRESS 12795 W. Alameda Parkway Denver, CO. 80225

[illegible] ¼ of the SW ¼ of Sec. 23,

T. 13 S, R. 71 W, 6th P.M.

DATE COMPLETED May 30, 19 90

HOLE DIAMETER

12 in. from 0 to 70 ft.

10 in. from 70 to 166 ft.

[illegible] in. from 166 to 220 ft.

DRILLING METHOD air percussion

CASING RECORD: Plain Casing

Size 8 & kind steel from +1½ to 30'6" ft.
6 pvc 9 30
Size 6 & kind pvc from 46 to 56 ft.
6 pvc 71 76
Size 6 & kind pvc from 81 to 91 ft.
6 pvc 101 140
6 pvc 145 165

Perforated Casing

Size 6 & kind pvc from 36 to 46 ft.
6 pvc 56 71
Size 6 & kind pvc from 76 to 81 ft.
6 pvc 91 101
Size 6 & kind pvc from 140 to 1456 ft.

GROUTING RECORD

Material cement

Intervals 0 - 30

Placement Method tremie pipe

GRAVEL PACK: Size #4-6 Silica sand

Interval 30 - 155

TEST DATA

Date Tested June 5, 1990

Static Water Level Prior to Test 10' 6" ft.

Type of Test Pump Submersible pump

Length of Test 12 Hours

Sustained Yield (Metered) 18 GPM

Final Pumping Water Level 141 Feet

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	5	Black Topsoil	
5	8	Pink & Black Gravel	
8		Gravels Pink & Black very Damp	
9		Water	9
9	15	Large Gravels 1½ GPM	
15	40	Decomposed Pink & Black measured at 25' 2 GPM	
47		Centralizer	
40	75	Red Decomposed measured at 69' 10 GPM	
75	103	Red Decomposed more consolidated	
102		Centralizer	
105	150	Solid Rose Granite w/Quartz	
150	155	Solid Rose Granite w/Quartz	
155		Fractured	155
155	174	Solid Rose Granite w/Quartz	
174	175	Fractured	174
175	200	Solid Rose Granite W/Quartz	
200	220	Solid Rose Granite w/Quartz w/Black	

Balance of Hole Not Cased at Owners Request

TOTAL DEPTH 220'

Use additional pages necessary to complete log.

Exhibit A

PERMIT APPLICATION FORM

WATER COURT CASE NO. 94CW083

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

All the water rights listed below are those of the United State of America, at Florissant Fossil Beds National Monument.

Type or Right	Court Case Number	Used for (purpose)
Visitor Center Well #12 (Permit 044471-F)	94CW083	Same as the subject well (Sawmill Trail Well)
Ghist Well #10	8802-77	domestic in a single family dwelling
Maytag Domestic Well #8	8800-77	domestic in a single family dwelling and stockwater
A-frame Well #11 (Permit #172092-A)	8803-77	domestic in a single family dwelling
Maytag Red Barn Well #6	8799-77	stockwater

01-17-1995: well permit number 044471-f; permit to construct a well; owner's copy.

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 044471 - F -

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

Lot: Block: Filing: Subdiv:

APPLICANT

US NATL PARK SERVICE
1201 OAK RIDGE DR STE 250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

NW 1/4 NW 1/4 Section 24
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
390 Ft. from North Section Line
880 Ft. from West 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 37-90-137(2) on the condition that this well is operated in accordance with the Florissant Fossil Beds 1994/95 substitute water supply plan approved by the State Engineer on January 3, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through December 31, 1995, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate shall not exceed 18 GPM.

OWNER'S COPY

5) The average annual amount of ground water to be appropriated by this well and any other well included in the augmentation plan shall not exceed 3.82 acre-feet.

6) The use of ground water from this well is limited to domestic, commercial, irrigation of 0.14 acres max. and Fire Fighting at the Florissant National Park Service Vistors Center.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner, recorded on a weekly basis, summarized monthly and forwarded to the Division Engineer and Water Commissioner on an annual basis or as requested.

8) 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.

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

10) This well shall be constructed at least 600 feet from any existing well not owned by applicant.

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

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eckermann
By

Receipt No. 0369970

DATE ISSUED JAN 17 1995

EXPIRATION DATE JAN 17 1996

01-17-1995: well permit number 044471-f; permit to construct a well; driller's copy.

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

DRILLER'S COPY LIC

WELL PERMIT NUMBER 044471 - F -
DIV. 1 CNTY. 60 WD 23 DES. BASIN MD
Lot: Block: Filing: Subdiv:

APPLICANT

US NATL PARK SERVICE
1201 OAK RIDGE DR STE 250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY
NW 1/4 NW 1/4 Section 24
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
390 Ft. from North Section Line
880 Ft. from West 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 37-90-137(2) on the condition that this well is operated in accordance with the Florissant Fossil Beds 1994/95 substitute water supply plan approved by the State Engineer on January 3, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through December 31, 1995, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.
4) The maximum pumping rate shall not exceed 18 GPM.
5) The average annual amount of ground water to be appropriated by this well and any other well included in the augmentation plan shall not exceed 3.82 acre-feet.
6) The use of ground water from this well is limited to domestic, commercial, irrigation of 0.14 acres max. and Fire Fighting at the Florissant National Park Service Vistors Center.
7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner, recorded on a weekly basis, summarized monthly and forwarded to the Division Engineer and Water Commissioner on an annual basis or as requested.
8) 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.
9) This well shall be constructed not more than 200 feet from the location specified on this permit.
10) This well shall be constructed at least 600 feet from any existing well not owned by applicant.
11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eschermann
By

Receipt No. 0369970

DATE ISSUED JAN 17 1995

EXPIRATION DATE JAN 17 1996

01-17-1995: well permit number 044471-f; permit to construct a well; driller's rig copy.

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 044471 - F -

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

Lot: Block: Filing: Subdiv:

APPLICANT

US NATL PARK SERVICE
1201 OAK RIDGE DR STE 250
FT COLLINS CO 80525

(303)225-3506

DRILLER'S RIG COPY

APPROVED WELL LOCATION
TELLER COUNTY
NW 1/4 NW 1/4 Section 24
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
390 Ft. from North Section Line
880 Ft. from West 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 37-90-137(2) on the condition that this well is operated in accordance with the Florissant Fossil Beds 1994/95 substitute water supply plan approved by the State Engineer on January 3, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through December 31, 1995, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate shall not exceed 18 GPM.

5) The average annual amount of ground water to be appropriated by this well and any other well included in the augmentation plan shall not exceed 3.82 acre-feet.

6) The use of ground water from this well is limited to domestic, commercial, irrigation of 0.14 acres max. and Fire Fighting at the Florissant National Park Service Vistors Center.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner, recorded on a weekly basis, summarized monthly and forwarded to the Division Engineer and Water Commissioner on an annual basis or as requested.

8) 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.

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

10) This well shall be constructed at least 600 feet from any existing well not owned by applicant.

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

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eichermann
By

Receipt No. 0369970

DATE ISSUED JAN 17 1995

EXPIRATION DATE JAN 17 1996

01-17-1995: well permit number 044471-f; permit to construct a well; pump installer's copy.

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

PUMP INSTALLER'S COPY

LIC

WELL PERMIT NUMBER 044471 - F -

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

Lot: Block: Filing: Subdiv:

APPLICANT

US NATL PARK SERVICE
1201 OAK RIDGE DR STE 250
FT COLLINS CO 80525

(303)225-3506

APPROVED WELL LOCATION
TELLER COUNTY

NW 1/4 NW 1/4 Section 24
Twp 13 S RANGE 71 W 6th P.M.

DISTANCES FROM SECTION LINES
390 Ft. from North Section Line
880 Ft. from West 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 37-90-137(2) on the condition that this well is operated in accordance with the Florissant Fossil Beds 1994/95 substitute water supply plan approved by the State Engineer on January 3, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through December 31, 1995, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate shall not exceed 18 GPM.

5) The average annual amount of ground water to be appropriated by this well and any other well included in the augmentation plan shall not exceed 3.82 acre-feet.

6) The use of ground water from this well is limited to domestic, commercial, irrigation of 0.14 acres max. and Fire Fighting at the Florissant National Park Service Vistors Center.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner, recorded on a weekly basis, summarized monthly and forwarded to the Division Engineer and Water Commissioner on an annual basis or as requested.

8) 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.

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

10) This well shall be constructed at least 600 feet from any existing well not owned by applicant.

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

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eckermann
By

Receipt No. 0369970

DATE ISSUED JAN 17 1995

EXPIRATION DATE JAN 17 1996

01-17-1995: letter to richard l stenzel; re: flfo acceptance of conditions of the substitute water supply plan.

January 17, 1995

Mr. Richard L. Stenzel, P.E.
Office Of The State Engineer
1313 Sherman St Room 818
Denver, CO 80203

Re: Florissant Fossil Beds Substitute Water Supply Plan

Dear Mr. Stenzel:

The Florissant Fossil Beds National Monument accepts the conditions of the Substitute Water Supply Plan as outlined in your letter dated January 3, 1995.

Sincerely,

BLATCHLEY ASSOCIATES INC.

William M. Blatchley

William M. Blatchley

cc: Alice Johns
Alan Berryman
Denise Paprocki

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 • DENVER, COLORADO 80227 • (303) 989-6932
WATER RESOURCES, WATER RIGHTS, GROUND WATER, HYDROLOGY, ENVIRONMENTAL & GEOLOGICAL ENGINEERING

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Roy Romer
Governor
James S. Lochhead
Executive Director
Hal D. Simpson
State Engineer

January 3, 1995

Mr. Ron Blatchley, P.E.
Blatchley Associates, Inc.
2525 South Wadsworth Blvd. #306
Denver, Colorado 80227

Re: **Florissant Fossil Beds 1994/5 Substitute Water Supply Plan**
Sections 13 & 14, T13S, R71W, 6th P.M.
Water Division 1, Water District 23

Dear Mr. Blatchley:

We have reviewed your request for a renewal to the existing substitute water supply plan for the Florissant Fossil Beds National Monument (FLFO). The plan replaces water for two non-exempt wells serving the visitors center. The water system for the monument is now being supplied by the Florissant Visitors Center Well #12, permit no. 1-54180, but was exceeding the maximum allowed diversions for a commercial exempt well. The second well, referred to as the Sawmill Trail Well, was submitted under receipt no. 1581-B and was to be resubmitted under last year's substitute water supply plan.

FLFO has purchased 19.3 shares in Mountain Mutual Reservoir Company, representing 0.606 acre-foot of replacement water. Proposed uses include the visitors center, maintenance area, staff housing and irrigation. Total annual well diversions are estimated at 3.82 acre-feet of which 0.579 acre-feet are consumed.

As stated in your report last year, depletions to Grape Creek are augmented by exchange by the use of the Guiraud 3T Ditch (G3T) water right during the May through September period and from releases from Spinney Mountain Reservoir between October through April. From the Guiraud 3T Ditch, 0.462 cfs, yielding 0.462 acre-feet per year, and 0.14 acre-feet of Spinney Mountain Reservoir water, are being assigned to this plan.

This substitute water supply plan is hereby approved pursuant to Section 37-80-120, C.R.S. (1991), subject to the following conditions:

1. Exchange potential in Grape Creek shall be first determined by the water commissioner and will be limited to physical availability of a live stream and non-injury to vested water rights in Grape Creek. Should exchange potential not exist, the wells shall be administered in priority.

2. Accounting forms shall be generated and approved by the Division Engineer. The wells shall be equipped with totalizing flow meters and volumes shall be recorded on a weekly basis, summarized monthly, and forwarded to the Division Engineer and Water Commissioner on an

annual basis. The water commissioner responsible for the administration of this plan is Ms. Denise Paprocki, PO Box 182, Fairplay, Colorado 80440-0182, telephone no. (719) 836-2557.

3. Due to the small volume of stream depletions projected to occur during the non-irrigation season, replacement shall be aggregated and replaced by one or more releases from storage of short duration. The rate and timing of an aggregated release shall be determined by the Division Engineer or his designated representative.

4. The exchange of the subject water rights will be at the confluence of Twin Creek and the South Platte River at Lake George, up Twin Creek about four miles to the confluence of Grape Creek one-half mile below the Town of Florissant, then up Grape Creek two miles to the point of depletion.

5. Approval of this plan is for the purposes stated herein. Any additional uses for which the water may be used must first be approved by this office. The replacement water, which is the subject of this plan, cannot be sold or leased to any other entity during the term of this approval.

6. This substitute water supply plan may be revoked or modified at any time should it be determined injury has or will occur as a result of the operation of this plan. Granting of this plan does not imply approval by this office of your application to be filed in Division 1 Water Court.

7. Acceptance of these conditions shall be submitted in writing to this office, the Division Engineer, and the Water Commissioner within two weeks after receipt of this letter.

8. This plan shall be valid through December 31, 1995 unless revoked or modified.

Should you have any questions or comments, please contact Bill McIntyre of this office or Jim Hall, Assistant Division Engineer, in the Greeley office, at (303) 352-8712.

Sincerely,

Richard L. Stenzel, P.E.
Assistant State Engineer

cc: Alan Berryman, Division Engineer
Denise Paprocki, District 23 Water Commissioner
Al Eckermann, North Water Supply Branch

HDS/WCM/jhh:florbd94.ssp

01-10-1995: fax cover letter to al eckermann from alice johns attached to copy of affidavit concerning location of visitor center #12

NATIONAL PARK SERVICE
WATER RIGHTS BRANCH
WATER RESOURCES DIVISION
FORT COLLINS, COLORADO
FAX #: (303) 225-9965
VERIFICATION #: (303) 225-3506

WRD

DATE 1/10/95

TO:

NAME Al Eckermann **GROUP** CO. State Engineer's Office

CITY, STATE _____ _____

OFFICE PHONE _____

FAX NUMBER 1-303-866-3589

FROM:

NAME Alice Johns **GROUP** WRB

NUMBER OF PAGES (INCLUDING COVER SHEET) 2

SPECIAL INSTRUCTIONS

Attached is copy of affidavit you requested in our 1/10/95 telephone conversation concerning the location of Visitor Center #12.

Receipt Verified By _____ Date _____ Time _____

05-17-1994: survey completion by christine gable, hydrologist, national parks service.

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 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 NE¼ SW¼ Sec. 23, T13S R71W, 6th P.M., at Florissant Fossil Beds National Monument on September 8, 1993. The Visitor Center Well #12 is located 390 feet from the North section line and 4400 feet from the East section line, Sec. 24, T13S R71W, 6th P.M., and the Sawmill Trail Well is located 2875 feet from the North section line and 3307 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, Water Resources Division. The requested accuracy was to survey within 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: On September 8, 1993, we 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 one-half 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 location was measured.

The survey was completed with a closure back to the corner section monument.

Christine A. Gable — 5/17/94 Date

Subscribed and sworn before me this 17 day of May 1994.

Notary Public Lynda Williams

Residing at 424 W. Oak Ft Collins CO

My commission expires 5-13-96

DISTRICT COURT, WATER DIVISION 1, STATE OF COLORADO

Case No. 94CW083

94 SEP -1 PM 2:11

STATEMENT OF OPPOSITION

IN THE MATTER OF THE APPLICATION OF:

THE UNITED STATES OF AMERICA AND NORTH FORK ASSOCIATES MOUNTAIN MUTUAL RESERVOIR COMPANY

IN TELLER AND PARK COUNTIES.

1. Name of Objector: Highland Lakes Water District
c/o Kenneth Morford
P.O. Box 190
Divide, CO 80814
(719) 687-1453

90-1-Z-892

Attorney for Objector: James G. Felt, P.C.
319 North Weber
Colorado Springs, CO 80903
(719) 471-1212

2. Names of Structures:

Each structure described in the Application herein.

3. State facts why application should not be granted or why it should be granted only in part on certain conditions:

A. Objector is the owner of certain water rights which may be adversely affected by the application.

B. Unless appropriate conditions are imposed, approval of the application will result in injury to the water rights owned and claimed by this Objector.

C. Limitations and/or conditions must be imposed upon the application to prevent injury to the owners entitled to use water under vested water rights, including the Objector.

D. There is insufficient information contained in the application in its present form to support the award of a ruling in accordance with the application.

E. This Objector has a water augmentation plan which withdraws water from the alluvium of a tributary of Twin Creek and its exchange and augmentation plan are senior to applicants.

Adequate terms and conditions need to be crafted to protect the administration of this Objector's water augmentation plan and exchange right.

F. This Applicant must be placed on strict truth as to its consumptive use components and the adequacy of its replacement/augmentation water.

G. Applicant's proposed exchange does not appear to be into any kind of storage reservoir, and thus there is no way to augment depletions from Twin Creek and its tributaries.

H. Objector submits that if any amendments to the original application are deemed necessary by the Court or by the Applicant, that this Statement of Opposition be considered sufficient for purposes of opposing the application with no further Statements of Opposition required.

I. Because of the lack of information contained in the application, this Objector is unable to determine all of the relevant and pertinent facts necessary to adequately set forth further objections. Therefore, Objector reserves the right to raise appropriate objections at a later date founded upon information not readily ascertainable from the application.

Dated this 29th day of August, 1994.

JAMES G. FELT, P.C.

James G. Felt, #4369
Attorney for Objector
319 North Weber
Colorado Springs, CO 80903
(719) 471-1212

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

James G. Felt, being first duly sworn, states that he is the attorney for the Objector in the above-referenced matter, that he has read the foregoing and that same is true and accurate to the best of his knowledge and belief.

James G. Felt

The foregoing instrument was acknowledged before me this 29th day of August, 1994, by James G. Felt as attorney for the Objector.

My commission expires: July 19, 1996.

Witness my hand and official seal.

Notary Public
319 North Weber
Colorado Springs, CO 80903

CERTIFICATE OF MAILING

I hereby certify that on this 29th day of August, 1994, a true and correct copy of the foregoing **STATEMENT OF OPPOSITION** was placed in the United States mail, postage prepaid, addressed to the following:

Allison B. Rumsey, Esq.
United States Department of Justice
P.O. Box 663
Washington, D.C. 20044

Allison B. Rumsey, Esq.
United States Department of Justice
Environmental and Natural Resources Division
999 - 18th Street, #945
Denver, CO 80202

DUNCAN, OSTRANDER & DINGESS, P.C.
Attorneys and Counselors at Law
7800 East Union Avenue, Suite 200
Denver, Colorado 80237

Telephone: (303) 779-0200
Telefax: (303) 779-3662

Robert R. Duncan
Donald M. Ostrander
John M. Dingess

J. Andrew Ausmus

Special Counsel
George L. Zoellner
Robert E. Schween

94-1-2-892

August 24, 1994

Allison B. Rumsey, Esq.
U.S. Department of Justice
P.O. Box 633
Washington, D.C. 20044

Via Federal Express

94 AUG 25 PM 1:35

Re: State of Colorado, District Court, Water Division 1, Case No. 94-CW-083
Application of the United States of America

Dear Ms. Rumsey:

You are listed as counsel for the United States regarding the above-captioned action filed in the District Court for Water Division 1, State of Colorado. This case is a request for adjudication of a plan of augmentation which would involve certain water and facilities owned by the City of Aurora, Colorado. This firm represents the City of Aurora, Colorado regarding their water rights matters.

The above-captioned case is similar to many cases wherein the replacement source of water for the augmentation plan is derived by and through the North Fork Associates Mutual Reservoir Company (NF/MM). Aurora is party to a past transaction with NF/MM under which that company obtained certain rights to water stored within Aurora's Spinney Mountain Reservoir. Aurora has participated in all Water Court cases which request the use of NF/MM water stored in Spinney Mountain Reservoir. Originally, Aurora participated by filing a formal Statement of Opposition (the equivalent of an Answer in Water Court cases) and the City took an active role in the adjudication process. In subsequent years court decrees involving augmentation with NF/MM water become "cookbook" and all now include certain protection provisions satisfactory to the City of Aurora. Accordingly, it has been Aurora's practice in the recent past to enter into agreements with Applicants under which Aurora would not file a formal Statement of Opposition to a pending case. Rather, the City would ask that the Applicant, in this case the United States, to provide Aurora with its proposed decree which would include language similar to that appearing in past decrees. Such agreement would also provide that if this

language was not carried forward to be part of a proposed decree in this matter that the Applicant would consent to Aurora's later intervention in the case.

I have discussed this proposal with Lynn A. Johnson, Esq., who is counsel for the Justice Department in their Denver office. She has authorized me to relay to you her recommendation that we proceed with the agreement as outlined above. I would, therefore, request that you review the enclosed Letter Agreement, and if you find it to your satisfaction, please execute the same and return it to me. I also request that if you feel you are unable to execute the Letter Agreement that you tell me such at your earliest possible convenience. The last day for filing Statements of Opposition regarding this matter is August 31, 1994. Therefore, if I have not heard from you by that time, it will be necessary for me to file a formal Statement of Opposition in order to preserve Aurora's position in this matter.

I appreciate your time and attention hereto. If you have any questions regarding this matter, please contact me at the above telephone number.

Sincerely,

DUNCAN, OSTRANDER & DINGESS, P.C.

By: John M. Dingess

JMD:cg
Enclosure
cc: Lynn A. Johnson, Esq. (w/encl)

DUNCAN, OSTRANDER & DINGESS, P.C.
Attorneys and Counselors at Law
7800 East Union Avenue, Suite 200
Denver, Colorado 80237

Telephone: (303) 779-0200
Telefax: (303) 779-3662

Robert R. Duncan
Donald M. Ostrander
John M. Dingess

J. Andrew Ausmus

Special Counsel
George L. Zoellner
Robert E. Schween

LETTER AGREEMENT

August 24, 1994

Allison B. Rumsey, Esq.
U.S. Department of Justice
P.O. Box 633
Washington, D.C. 20044

Via Federal Express

Re: State of Colorado, District Court, Water Division 1, Case No. 94-CW-083
Application of the United States of America

Dear Ms. Rumsey:

This letter will confirm our understanding regarding the above-captioned case. Specifically, I understand you will include in any decree the so-called "standard language" regarding Spinney Mountain Reservoir. This language appears in several previous Water Division 1 decrees which use North Fork Associates/Mountain Mutual Reservoir Company shares as an augmentation source. Additionally, I understand you agree that in the unlikely event that another party or the Court would object to the concepts involved with the standard language, and if Aurora would subsequently conclude such actions would be detrimental to the City's water interests, your client would not oppose Aurora's Motion to Intervene in the above-captioned case. Based upon that agreement, on behalf of Aurora, I will not file a Statement of Opposition at this time in the above-captioned case.

So that you have a clear understanding of the standard language, I enclose paragraphs 12b, 15 and 16 taken from a previous North Fork Associates/Mountain Mutual case, Water Division 1, Case No. 91-CW-119. The language will, of course, have to be modified to specify the replacement locations necessary in this case.

Please indicate your concurrence of our understanding by signing a copy of this letter and returning the same to me.

I appreciate you willingness to resolve this matter in this fashion. Thank you for your time and attention hereto.

Sincerely,

DUNCAN, OSTRANDER & DINGESS, P.C.

By: John M. Dingess

JMD:cg
Enclosures
cc: Lynn Johnson, Esq. (w/encls)

ACKNOWLEDGED:

Allison B. Rumsey, Esq.

10. In order to provide the necessary replacement water to the stream system, the Mannings propose to utilize water stored in Wildhorn Lake, a/k/a Hoder Recreational Reservoir, located on Turkey Creek. Wildhorn Lake has a capacity of 115.56 acre feet and is located in the W 1/2 SW 1/4, Section 20, Township 11 South, Range 70 West, 6th P.M. The structure was adjudicated on November 15, 1971 in Civil Action No. 3701 of the Park County District Court, for recreation and piscatorial purposes, with a June 30, 1963 date of appropriation. An application is pending before the Court in Case No. 91CW118 to adjudicate Wildhorn Lake for augmentation, replacement and exchange purposes, with a date of appropriation of December 26, 1991.

11. As an additional source of augmentation water, the Mannings, as assignees under an Agreement signed by First Interstate Bank of Denver, N.A., have contracted with North Fork Associates for the purchase of 31.9 shares of the capital stock of the Mountain Mutual Reservoir Company, a non-profit Colorado corporation which has been created for the following principal purposes:

i. To receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands, easements, rights-of way, and other related facilities, in trust for its stockholders; and

ii. To administer for its stockholders, water rights and operate facilities in accordance with individual plans for augmentation approved by the Water Court.

As the holder of 31.9 shares of stock, the Mannings and their successors and assigns are entitled to receive 1.0 acre foot of augmentation water per year from the water rights and storage facilities which Mountain Mutual Reservoir Company holds for the benefit of its shareholders. A copy of Mountain Mutual's Bylaws is on file with the Court.

12. North Fork Associates and Mountain Mutual Reservoir Company own the following water rights which may be used to meet the annual augmentation requirements for the Wildhorn Ranch:

a. Guiraud 3T Ditch. North Fork Associates and Mountain Mutual Reservoir Company own 1.866 cubic feet per second of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount
Oct. 18, 1889	July 1, 1867	20 cfs

(Original Adjudication, Water District 23)

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE 1/4 of said Section 8 bears North 63° 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. The owner of the lands historically irrigated by the 1.866 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove and has removed 27.15 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

b. Spinney Mountain Reservoir. North Fork Associates and Mountain Mutual Reservoir Company are the owners by deed to a firm annual yield of 80 acre feet of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23° 26' West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication Date	Appropriation Date	Amount (AF)
1973: Case No. W-7395	March 26, 1973	86,000

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the District Court for Water Division No. 1 and provide the basic yield of the annual allotment of 80 acre feet.

c. Lower Sacramento Creek Reservoir No. 1. North Fork Associates owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange,

which are committed to other augmentation plans and stockholders of Mountain Mutual Reservoir Company are set forth in the attached Exhibits "A" and "B."

14. Depletions to the South Platte River which are attributable to water use at the Wildhorn Ranch will primarily be augmented during the period May through September, inclusive, by leaving the above referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir, the Lower Sacramento Creek Reservoir No. 1, Woodside Reservoir or Wildhorn Lake. Transportation charges from the point where water is released to the stream system from Mountain Mutual Reservoir Company's facilities, to the point of depletion, shall be computed on the basis of 0.13 percent per mile.

15. In order to provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual Reservoir Company will attempt to fill the Lower Sacramento Creek Reservoir No. 1 and Woodside Reservoir under the reservoirs' own priorities. If the structures cannot be so filled, Mountain Mutual Reservoir Company may elect to exchange water from Spinney Mountain Reservoir to storage in either Woodside Reservoir or Lower Sacramento Creek Reservoir No. 1. These exchanges have been decreed in prior plans for augmentation. Mountain Mutual Reservoir Company has previously agreed to limit the exchange between Woodside Reservoir and either Spinney Mountain Reservoir or Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Elk Creek and/or the North Fork of the South Platte River between the point of diversion for Woodside Reservoir and the confluence of the North Fork and the main stem of the South Platte River are either in priority and fully satisfied to the extent of their call, or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain Reservoir water. The rate of exchange is decreed to be limited to 5 c.f.s. Similarly, the exchange from Spinney Mountain Reservoir to Lower Sacramento Creek Reservoir No. 1 is limited to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion for the Lower Sacramento Creek Reservoir No. 1 and Spinney Mountain Reservoir are either in priority and fully satisfied to the extent of their call, or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain Reservoir water. The rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 c.f.s. Evaporation losses incurred by Woodside Reservoir will be replaced

by six acre-feet of consumptive use water from the Glasman Ditch as decreed in Case No. 81CW144. Evaporation losses incurred by the Lower Sacramento Creek Reservoir No. 1 will be replaced by the exchange of Spinney Mountain Reservoir water to storage.

16. Due to the small volume of annual stream depletions projected to occur from the Wildhorn Ranch, instantaneous stream depletions during times when the Guiraud 3T Ditch water right is not used for augmentation purposes, shall be aggregated and replaced by one or more releases from storage of short duration. The rate and timing of an aggregated release shall be determined by the Division Engineer or his designated representative; provided, however, that an aggregated release shall be required no more frequently than once per month. With respect to releases to be made from Spinney Mountain Reservoir, the Mountain Mutual Reservoir Company and the Division Engineer or his designated representative shall provide the City of Aurora, operator of Spinney Mountain Reservoir, with at least 24 hours prior notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

17. The Referee finds that the source of replacement water and the protective terms outlined above are sufficient to protect the vested rights of other water users in the South Platte River Basin.

CONCLUSIONS OF LAW

18. This Application was filed with the Water Clerk, Water Division No. 1, pursuant to § 37-92-302(a), 15 C.R.S. (1990). Statements of Opposition were filed by the City and County of Denver, acting by and through its Board of Water Commissioners, the City of Aurora and the City of Thornton. As is specified in §37-92-302(1)(c), 15 C.R.S. (1990), the time for filing Statements of Opposition has expired. The City of Thornton filed a Withdrawal of Statement of Opposition and is no longer a party.

19. The Application for Underground Water Rights, Approval of a Plan for Augmentation and Change of Water Rights, Including Exchanges, described herein is contemplated and authorized by law, and if administered in accordance with this decree, will permit the uninterrupted utilization of the wells described in Paragraph No. 3, supra, without adversely affecting any other vested water rights in the South Platte River or its tributaries. Sections 37-92-305(3), (5) and (8), §37-80-120 and §37-83-104, 15 C.R.S. (1990).

20. The State Engineer may lawfully be required to administer this plan for augmentation and change of water rights and the water exchanges, in the manner set forth herein, and in times of shortage shall not curtail out-of-priority diversions through the diversion

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. 94CW83

94 AUG 30 AM 10:14

STATEMENT OF OPPOSITION

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA,

IN TELLER AND PARK COUNTIES.

---

1. Name of objector(s): Harold D. (Hal) Simpson
State Engineer

Alan D. Berryman
Division Engineer

Mailing address(es): 1313 Sherman, #818
Denver, CO 80203

800 8th Ave., #321
Greeley, CO 80631

2. Name of ditch or structure: As more fully described in the application.

3. State facts why application for water rights should not be granted or why it should be granted only on certain conditions:

A. The court lacks jurisdiction to hear this application until such time as the application is supplemented by evidence of valid well permits, denials, or evidence of the state engineer's inaction upon such applications for a period of six months.

B. The applicant must prove that the exchange potential claimed actually exists to the well sites.

C. The applicant proposes to augment "[o]ther wells as may be required within the National Monument but within the depletion replacement permitted by this augmentation plan." The state and division engineers cannot evaluate this aspect of the plan for sufficiency due to the vagueness of this request and propose that it be eliminated. When the applicant is ready to locate the "other wells" then the applicant should apply to the court to include those wells in this augmentation plan (if it is sufficient).

D. The applicant must prove the proposed consumptive use amounts claimed are accurate.

E. Adequate terms and conditions, including accounting, must be imposed upon the applicant to ensure protection to the vested water rights of others.

4. The State and Division Engineers are unable to determine from the resume whether additional grounds for opposition exist and, therefore, reserve the right to assert other grounds for opposition as they become known.

5. This statement of opposition is continuing in nature and shall apply to any and all future amendments to the original application.

Dated this 26th day of August, 1994.

GALE A. NORTON
Attorney General

STEPHEN K. ERKENBRACK
Chief Deputy Attorney General

TIMOTHY M. TYMKOVICH
Solicitor General

PATRICIA BANGERT
Deputy Attorney General

JENNIFER L. GIMBEL
First Assistant Attorney General

Peter C. Fahey #15975, for
STEVEN O. SIMS, #9961*
Assistant Attorney General
Natural Resources Section

Attorneys for the State and
Division Engineers

1525 Sherman St., 5th Floor
Denver, CO 80203
Telephone: (303)866-5129
FAX: (303)866-3558
* Attorney of Record
File: nr we iagyw

STATE OF COLORADO)
)ss
CITY AND COUNTY OF DENVER)

I, Will W. Burt, Deputy State Engineer for the State of Colorado, Division of Water Resources, being duly sworn, hereby state that I have read the foregoing statement of opposition, and that the contents are true to the best of my knowledge.

Will W. Burt
Deputy State Engineer
Colorado Division of Water Resources

Subscribed and sworn to before me this 26th day of August, 1994, by Will W. Burt.

NOTARY PUBLIC

My Commission expires:

1525 Sherman Street, 5th Floor
Denver, CO 80203
Commission Expires 02/19/95

August 10, 1994

Mr. Hal Simpson, P.E.
Office of the State Engineer
Division of Water Resources
1313 Sherman St, Room 818
Denver, CO 80203

Re: Florissant Fossil Beds
National Monument Substitute
Water Supply Plan

Dear Hal:

In a letter of May 10, 1993 we requested approval of a Substitute Water Supply Plan for the Florissant Fossil Beds National Monument in Sections 13 & 14, T13S, R71W, 6th P.M., Water Division 1, Water District 23. In a letter dated August 10, 1993 from you the Substitute Water Supply Plan was approved. With this letter we are requesting that the Plan be extended for an additional year while the action for a permanent plan for augmentation is completed.

During the past year the pumping of the well has been below the amount which was approved in your letter. The application for the permanent plan was filed in Division 1 Water Court under Case No. 94CW083.

If further information is required please contact this office.

Sincerely,

BLATCHLEY ASSOCIATES, INC.

Ronald K. Blatchley, P.E.
President

WMB

cc: Allison Rumsey
Alice Johns

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 • DENVER, COLORADO 80227 • (303) 989-6932
WATER RESOURCES, WATER RIGHTS, GROUND WATER, HYDROLOGY, ENVIRONMENTAL & GEOLOGICAL ENGINEERING

United States Department of the Interior

NATIONAL PARK SERVICE
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, Colorado 80816

IN REPLY REFER TO:

L54 (FLFO-S)

November 3, 1993

Denise Paprocki
Water Commissioner
35100 Highway 24
Lake George, Colorado 80827

Dear Commissioner Paprocki:

Attached is the requested information regarding annual water use for Florissant Fossil Beds National Monument. In order to provide you with actual figures we have waited until the end of October to submit the report.

Note that the use is considerably less than prior reports. What we believe happened is that when information was requested in 1989 or 1990, an administrative staff person (not the water treatment person) transcribed information from monthly reports and left out a decimal point. (The last figure on the meter is tenths.) Therefore previous figures were inflated by a factor of ten.

Please let me know if you need additional information.

Sincerely,

Dale A. Ditmanson
Superintendent

cc: Alice Jahns, Water Resources Division

11-03-1993: exhibit c; water accounting form; florissant fossil beds national monument.

EXHIBIT C
WATER ACCOUNTING FORM
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Case No.
November 1 92 to October 31 93

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
(1) Reading Date												
(2) Turf Equiv.[a] (Ac)												
(3) Turf Avg CU Rate (Ft)							0.117	0.480	0.411	0.324	0.298	
(4) Irrigation CU (2) X (3) (AF)												
(5) Irr Application (4)/0.75 (AF)												
(6) Sawmill Tr Well BOM Reading (Gal)												
(7) EOM Reading (Gal)												
(8) Water Diverted (7) - (6) (Gal)												
(9) Visitor Center Well BOM Reading (Gal)	105651	106127	106475	106975	107317	108149	110650	113449	116043	118949	120116	121303
(10) EOM Reading (Gal)	106127	106475	106975	107317	108149	110650	113449	116043	118949	120116	121303	124,105
(11) Water Diverted (10) - (9) (Gal)	476	348	500	342	832	2501	2799	2594	2906	1167	1187	2802
(12) Total Diverted (8) + (11) (Gal)												
(13) (12)/325,851 (AF)												
(14) In-building Use (13) - (5) (AF)												
(15) In-building CU (14) X 0.10 (AF)												
(16) Total CU (4) + (15) (AF)												

Abbreviations: Div = diversion; BOM = beginning of month; EOM = end of month; CU = consumptive use; Irr = Irrigation

[a] ((0 Sq Ft of lawn) + (0 Sq Ft garden/4))/43,560 = _____ Acres

Sum of May-Sep Line (16) _____

Send a completed copy of this form monthly to Mountain Mutual Reservoir Co.

Sum of Nov Apr & Oct Line (16) _____

185,740

94CW083 USA, c/o Allison B. Rumsey, United States Dept. of Justice, POB 663, Washington, D.C. 20044. Environmental and Natural Resources Division, 999 18th St., #945, Denver, CO 80202. NORTH FORK ASSOCIATES MOUNTAIN MUTUAL RESERVOIR COMPANY, 2525 S. Wadsworth Blvd., #306, Denver, CO 80227. Application for Underground Water Rights, Approval of A Plan for Augmentation, Including Exchanges, and Change of Water Right, IN TELLER AND PARK COUNTIES.

CLAIM NO. 1

APPLICATION FOR UNDERGROUND WATER RIGHTS



1. Overview

This application addresses water needs at Florissant Fossils Beds National Monument ("National Monument"). The National Park Service ("NPS") is constructing a new visitor center and other facilities at the National Monument. To provide water for the planned visitor center and other facilities, the NPS drilled a new well, Sawmill Trail Well, and the DOJ, on behalf of the NPS, submitted an application to transfer a water right for a commercial exempt well from Visitor Center Well #12 to Sawmill Trail Well. In Case No. 91CW019, it was decreed that the water right would be transferred and, when the NPS began using Sawmill Trail Well, Visitor Center Well #12 would be plugged. The Sawmill Trail Well is not yet operational.

However, since that decree was issued, because water use at the visitor center has been exceeding the amount permitted for a commercial exempt well, it is clear that augmentation of depletions is necessary. In addition, the NPS now wishes to use both wells. Therefore, the United States is submitting this plan to augment both Visitor Center Well #12 and Sawmill Trail Well and other wells as may be required.

2. Names of Wells and Permit, Registration or Denial Numbers:

A. Sawmill Trail Well
B. Visitor Center Well #12, Permit No. 1-54180-A
C. Other wells as may be required within the National Monument and within the Grape Creek drainage. New wells will have a priority as of the date water pumped from each structure is first put to beneficial use.

Application for a well permit for Sawmill Trail Well was submitted under Receipt No. 1581-B and will be resubmitted to the Office of the State Engineer.

Application for a well permit for Visitor Center Well #12 is being submitted to the State Engineer concurrently with this application.

3. Legal Description of Wells:

The Sawmill Trail Well is located in the NE 1/4 SW 1/4 of Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, 2,405 feet from the south section line and 1,973 feet from the west section line.

Visitor Center Well #12 is located in the NW 1/4 NW 1/4 of Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, and 390 feet from the north section line and 880 feet from the west section line.

4. A. Source: Ground water which is tributary to Grape Creek, a tributary of Twin Creek, a tributary of the South Platte River.

B. Depth of Wells: Sawmill Trail Well - 220 ft
Visitor Center Well #12 - 500 ft

5. A. Dates of Appropriation: Sawmill Trail Well - February 1990
Visitor Center Well #12 - October 31, 1951

(94CW083-Continued)

B. How Appropriation Was Initiated: By application for test well permit; as decreed in 90CW149

C. Date Water Applied to Beneficial Use: N/A; October 31, 1951

6. Amount Claimed: Sawmill Trail Well - 20 gpm, CONDITIONAL
Visitor Center Well #12 - 15 gpm, ABSOLUTE

7. Uses: Domestic, commercial, irrigation, and fire protection purposes.

8. Name and Address of Owners of Land on which each Well is to be Located:

Sawmill Trail Well and Visitor Center Well #12 are located on land owned by the United States of America and administered by the NPS as Florissant Fossil Beds National Monument.

Address: Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
(719)748-3253

CLAIM NO. 2

APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS

1. Names of Structures to be Augmented:

Sawmill Trail Well
Visitor Center Well #12

2. Water Rights to be Used for Augmentation Purposes:

The United States has purchased from North Fork Associates ("North Fork"), 19.3 shares of the capital stock of the Mountain Mutual Reservoir Company ("Mountain Mutual"). The 19.3 shares represent the right to receive 0.606 acre-feet of augmentation water per year from the water rights and storage facilities Mountain Mutual holds for the benefit of its shareholders.

North Fork and Mountain Mutual own the following water rights which will be used to meet the annual augmentation requirements for the out-of-priority depletions from the above-mentioned wells operated by the NPS at the National Monument:

A. Guiraud 3T Ditch: North Fork and Mountain Mutual own 2.556 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount
October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE 1/4 of said Section 8 bears North 63° 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action

No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. The owner of the lands historically irrigated by the 2.556 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove and has removed 37.19 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

B. Spinney Mountain Reservoir: North Fork and Mountain Mutual are the owners by deed of an annual delivery of 80 af of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23° 26′ West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication Date	Appropriation Date	Amount
1973: Case No. W-7395	March 26, 1973	86,000 AF

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Water Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 af.

C. Lower Sacramento Creek Reservoir No. 1: North Fork owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

Adjudication Date	Appropriation Date	Amount
1974: Case No. W-7741-74	July 25, 1974	40 AF

The Reservoir is located in the NE 1/4 NW 1/4, Section 32 and SE 1/4 SW 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465.

D. Woodside Reservoir: North Fork Associates and Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Adjudication Date	Appropriation Date	Amount

06-00-1994: case 94cw083; application for underground water rights, approval of a plan for augmentation, including exchanges, a

E. The gross annual water requirements at the National Monument, to meet current and projected needs for in-building use and other non-irrigation uses, is estimated to be 3.5 af. 0.3 af of the water diverted by the NPS each year is anticipated to be used for irrigation.

F. The volume of water projected to be consumed at the National Monument to meet both current and projected needs is 0.579 af. These figures are based on 10% consumptive use of the in-building water and subsequent treatment by a septic tank - leach field system. It is further assumed that irrigation of lawn grass within the National Monument will consume 1.66 af of water per irrigated acre, and that the application rate is 2.2 af per irrigated acre. Garden water is based on 0.41 af of water per acre irrigation and that the application rate is 0.60 af per irrigated acre.

G. The required volume of augmentation water will be provided by the Mountain Mutual from one or more of the sources described in Paragraph No. 2 of CLAIM NO. 2.

H. Mountain Mutual Reservoir Company is a non-profit corporation which has been created for the following principal purposes:

1. to receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands easements, rights-of-way, and other related facilities in trust for its stockholders, and

2. to administer, for its stockholders, water rights and operate Mountain Mutual Reservoir Company facilities in accordance with individual plans for augmentation approved by the Water Court, such as the plan herein proposed.

I. In order to assure that sufficient augmentation water will be available for the Applicants, North Fork has agreed to assign to Mountain Mutual for the benefit of the United States and its assigns, and for use in their augmentation plan, up to 0.021 of a cfs of the Guiraud 3T Ditch priority, yielding 0.462 acre-feet of water per year, from the 2.556 cfs described above. In addition, North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir. In order to provide augmentation water from the Guiraud 3T Ditch for use in this plan, North Fork and Mountain Mutual have caused 0.667 of an acre of the grounds historically irrigated by the Guiraud 3T Ditch to be removed from irrigation for each acre-foot of consumptive use water under the Ditch. Sufficient acreage has previously been monumented in the field and set aside for the benefit of plans for augmentation administered by Mountain Mutual. The approval and monumentation of the dried up lands are on the basis of criteria which have been approved and accepted by the Water Court in prior plans for augmentation and which have been adopted by the State Engineer.

J. Depletions to the stream system which are attributable to water use within the National Monument will primarily be augmented during the period May through September, inclusive, by leaving the above-referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from

Spinney Mountain Reservoir and Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from the Mountain Mutual's facilities to the stream system, to the point of replacement, will be computed on the basis of 0.13 percent per mile.

K. It is anticipated that the augmentation requirements for the National Monument, plus any water to offset transportation charges allocable to this plan, will not exceed 0.606 acre-feet (0.021 cfs of the Guiraud 3T Ditch water right and 0.144 acre-feet of storage water in Spinney Mountain Reservoir). Prior to requesting any release of water from Spinney Mountain Reservoir, Mountain Mutual will provide the City of Aurora, the owner and operator of the structure, with at least twenty four hours notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

L. To provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual will attempt to fill Lower Sacramento Creek Reservoir No. 1 under the Reservoir's own priority. If the structure cannot be so filled, Mountain Mutual may elect to exchange water from Spinney Mountain Reservoir to storage in Lower Sacramento Creek Reservoir No. 1. The exchange has been decreed in prior plans for augmentation. Mountain Mutual has previously agreed to limit the exchange between Spinney Mountain Reservoir and Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion for Lower Sacramento Creek Reservoir No. 1 and Spinney Mountain Reservoir, are either in priority and fully satisfied or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain water. The decreed rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 cfs. Evaporation losses incurred by Lower Sacramento Creek Reservoir No. 1 will be made by exchange of Spinney Mountain Reservoir water to storage.

M. Out-of-priority depletions associated with water diverted from the National Monument's wells will be calculated on a regular basis. The total irrigated area within the National Monument irrigated by said wells will be surveyed annually. The volume of water delivered for outside irrigation will be estimated and subtracted from the total well diversions. Seventy-five percent of water applied to irrigation will be considered consumed by the irrigation process. The balance of the water pumped will be assumed to be consumed at a rate of ten percent of the volume pumped. Mountain Mutual will include such depletions in the reports which are presently being made to the State water officials for other plans for augmentation which utilize Mountain Mutual augmentation water supplies. On the basis of the submitted reports, not only for this plan but other plans administered by Mountain Mutual, and in accordance with the directives of the Division Engineer, Mountain Mutual will make the required release of augmentation water by properly documenting the in-stream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions during times

when the Guiraud 3T Ditch is not available will be aggregated and replaced by one or more releases from storage of short duration, as directed by the Division Engineer or his representative.

N. Applicants seek a change in the Decree for the Guiraud 3T Ditch so that 0.021 of a cfs of said Decree can be assigned as an in-stream augmentation credit to offset depletions associated with use of the above-referenced wells. Applicants also seek judicial confirmation that storage water available to it in Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1 can be utilized for replacement and augmentation purposes to replace depletions as described herein.

O. Since the point of depletion associated with the out-of-priority diversions from the National Monument's wells is upstream of the point of delivery of augmentation water from the Guiraud 3T Ditch, Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1, the United States asserts an appropriative right of substitute supply and exchange pursuant to 15 Colo. Rev. State §§ 37-80-120 and 37-92-302(1)(a), 15 C.R.S. (Supp. 1993). The reach of the exchange shall extend from the confluence of the South Platte River and Twin Creek and up Twin Creek to the confluence of Grape Creek, and up Grape Creek to the point where the wells impact Grape Creek in Section 13 of Township 13 South, Range 71 West, 6th P.M. The exchange will operate to replace depletions to the flow of water in the above-referenced streams as depletions occur. The exchanges will be administered with a priority date of May 30, 1993, at a maximum flow rate of 0.20 cfs to the extent of 0.579 af per year.

4. Names and Addresses of Owners of Land on which Structures are Located:

A. Spinney Mountain Reservoir:

City of Aurora
1470 South Havana Street
Aurora, Colorado 80012

B. Lower Sacramento Creek Reservoir No. 1:

Lower Sacramento Creek Reservoir Company
1540 South Holly Street, No. 15
Denver, Colorado 80222

C. Woodside Reservoir:

Mike Schaefer
Schaefer Associates
1776 South Jackson Court, #1100
Denver, Colorado 80210

WHEREFORE, the United States, North Fork Associates and Mountain Mutual Reservoir Company request the entry of a decree approving this Application for Underground Water Rights, Approval of Augmentation Plan and Change of Water Rights, Including Exchanges, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. The United States also requests a determination that water usage within Florissant Fossil Beds National Monument can continue without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. (12 pages)

06-14-1994: letter to alice johns, national park service; from us department of justice; re: copy of augmentation filed with the water

U.S. Department of Justice

Environment and Natural Resources Division

WMC:ABR
90-1-4-3984
(202) 272-6854

Washington, D.C. 20530

June 14, 1994

Alice Johns
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Drive, STE 250
Fort Collins, CO 80525

Re: Application for Underground Water Rights, Approval of Plan for Augmentation, Including Exchanges, and Change of Water Rights at Florissant Fossil Beds National Monument.

Dear Alice:

Enclosed please find a copy of the application for augmentation filed with the Water Court. I will call you as soon as I hear something and will forward the receipt to you. Now onto the A-Frame well.

If you have any questions, feel free to call me at 202/272-6854.

Sincerely,

Allison B. Rumsey
U.S. Department of Justice
Environment and Natural
Resources Division

Enclosures.

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW_____

APPLICATION FOR UNDERGROUND WATER RIGHTS, APPROVAL OF A PLAN FOR AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, NATIONAL PARK SERVICE

IN TELLER AND PARK COUNTIES

Names, Addresses and Telephone Numbers of Applicants:

a. United States of America
c/o Allison B. Rumsey
United States Department of Justice
P.O. Box 663
Washington, D.C. 20044
(202)272-6854

b. North Fork Associates
Mountain Mutual Reservoir Company
2525 South Wadsworth Blvd., Suite 306
Denver, Colorado 80227
(303)989-6932

CLAIM NO. 1

APPLICATION FOR UNDERGROUND WATER RIGHTS

1. Overview

This application addresses water needs at Florissant Fossils Beds National Monument ("National Monument"). The National Park Service ("NPS") is constructing a new visitor center and other facilities at the National Monument. To provide water for the planned visitor center and other facilities, the NPS drilled a new well, Sawmill Trail Well, and the DOJ, on behalf of the NPS, submitted an application to transfer a water right for a commercial exempt well from Visitor Center Well #12 to Sawmill Trail Well. In Case No. 91CW019, it was decreed that the water right would be transferred and, when the NPS began using Sawmill

Trail Well, Visitor Center Well #12 would be plugged. The Sawmill Trail Well is not yet operational.

However, since that decree was issued, because water use at the visitor center has been exceeding the amount permitted for a commercial exempt well, it is clear that augmentation of depletions is necessary. In addition, the NPS now wishes to use both wells. Therefore, the United States is submitting this plan to augment both Visitor Center Well #12 and Sawmill Trail Well and other wells as may be required.

2. Names of Wells and Permit, Registration or Denial Numbers:

A. Sawmill Trail Well
B. Visitor Center Well #12, Permit No. 1-54180-A
C. Other wells as may be required within the National Monument and within the Grape Creek drainage. New wells will have a priority as of the date water pumped from each structure is first put to beneficial use.

Application for a well permit for Sawmill Trail Well was submitted under Receipt No. 1581-B and will be resubmitted to the Office of the State Engineer.

Application for a well permit for Visitor Center Well #12 is being submitted to the State Engineer concurrently with this application.

3. Legal Description of Wells:

The Sawmill Trail Well is located in the NE 1/4 SW 1/4 of Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, 2,405 feet from the south section line and 1,973 feet from the west section line.

Visitor Center Well #12 is located in the NW 1/4 NW 1/4 of Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, and 390 feet from the north section line and 880 feet from the west section line.

4. A. Source: Ground water which is tributary to Grape Creek, a tributary of Twin Creek, a tributary of the South Platte River.

B. Depth of Wells: Sawmill Trail Well - 220 ft
Visitor Center Well #12 - 500 ft

5. A. Dates of Appropriation: Sawmill Trail Well - February 1990
Visitor Center Well #12 - October 31, 1951

B. How Appropriation Was Initiated: By application for test well permit; as decreed in 90CW149

C. Date Water Applied to Beneficial Use: N/A; October 31, 1951

6. Amount Claimed: Sawmill Trail Well - 20 gpm, CONDITIONAL
Visitor Center Well #12 - 15 gpm, ABSOLUTE

7. Uses: Domestic, commercial, irrigation, and fire protection purposes.

8. Name and Address of Owners of Land on which each Well is to be Located:

Sawmill Trail Well and Visitor Center Well #12 are located on land owned by the United States of America and administered by the NPS as Florissant Fossil Beds National Monument.

Address: Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
(719)748-3253

CLAIM NO. 2

APPLICATION FOR APPROVAL OF A PLAN FOR
AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS

1. Names of Structures to be Augmented:

Sawmill Trail Well
Visitor Center Well #12

2. Water Rights to be Used for Augmentation Purposes:

The United States has purchased from North Fork Associates ("North Fork"), 19.3 shares of the capital stock of the Mountain Mutual Reservoir Company ("Mountain Mutual"). The 19.3 shares represent the right to receive 0.606 acre-feet of augmentation water per year from the water rights and storage facilities Mountain Mutual holds for the benefit of its shareholders.

North Fork and Mountain Mutual own the following water rights which will be used to meet the annual augmentation requirements for the out-of-priority depletions from the above-mentioned wells operated by the NPS at the National Monument:

A. Guiraud 3T Ditch: North Fork and Mountain Mutual own 2.556 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount
October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE 1/4 of said Section 8 bears North 63° 35′ East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. The owner of the lands historically irrigated by the 2.556 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove and has removed 37.19 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

B. Spinney Mountain Reservoir: North Fork and Mountain Mutual are the owners by deed of an annual delivery of 80 af of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23° 26′ West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication	Appropriation

Adjudication Date	Appropriation Date	Amount
1973: Case No. W-7395	March 26, 1973	86,000 AF

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Water Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 af.

C. Lower Sacramento Creek Reservoir No. 1: North Fork owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

Adjudication Date	Appropriation Date	Amount
1974: Case No. W-7741-74	July 25, 1974	40 AF

The Reservoir is located in the NE 1/4 NW 1/4, Section 32 and SE 1/4 SW 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465.

D. Woodside Reservoir: North Fork Associates and Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Adjudication Date	Appropriation Date	Amount
1978: Case No. W-8771-77	September 1, 1977	50 AF

The Reservoir is decreed for domestic, municipal, commercial, irrigation, recreation, light industrial, piscatorial, fire fighting, exchange and all other beneficial uses. It is not yet constructed but will be located in the Elk Creek drainage basin in the E 1/2 SW 1/4 of Section 26, Township 6 South, Range 72 West, 6th P.M., Park County, Colorado.

3. Statement of Plan for Augmentation, Covering all Applicable Matters Under 15 Colo. Rev. Stat. §§ 37-92-103(9), 302(1)(2) and 305(8) (Supp 1993.):

A. Florissant Fossil Beds National Monument, administered by the NPS, is located within Township 13 South, Range 70 West and Township 13 South, Range 71 West, 6th P.M. in Teller County, Colorado. The park contains approximately 6,000 acres.

Water is supplied from Visitor Center Well #12, originally a commercial exempt well. However, because current water demands exceed the amount permitted for a commercial exempt well, water is now being supplied under a substitute supply plan approved by the State Engineer. Water is used by park visitors and employees for domestic and commercial purposes, including drinking water, restroom use, maintenance and irrigation, at a visitor center and an administrative office.

To meet increasing visitor use, new facilities are planned, including a new visitor center, the equivalent of six single family dwellings, and four summer staff trailer units. Six thousand square feet of turf or 24,000 square feet of garden may be irrigated until such time as the water is needed for other National Monument uses. In the event that future summer water use at the Visitor Center exceeds the present projected in-building uses, irrigation of lawn grass will be reduced proportionally to compensate for the increase.

B. To meet current as well as projected water needs, water would be obtained from one or more of the following sources:

1. Sawmill Trail Well;
2. Visitor Center Well #12;
3. Other wells as may be required within the National Monument but within the depletion replacement permitted by this augmentation plan.

C. Wastewater from in-building uses will be treated by a septic tank-soil absorption system, with an assumed consumptive use rate of 10% for the water diverted from wells for in-building uses.

D. There is a possibility of developing a mechanical water treatment system or tying into the Florissant Water and Sanitation District waste water system. In this event, the consumptive use rate would be 5% for a mechanical waste water treatment system or as required by the Florissant Water and Sanitation District's waste water treatment system. The United States seeks (1)

recognition of the option to convert water treatment systems and (2) to receive appropriate credits to the quantity of augmentation water required with the lower consumptive use rate.

E. The gross annual water requirements at the National Monument, to meet current and projected needs for in-building use and other non-irrigation uses, is estimated to be 3.5 af. 0.3 af of the water diverted by the NPS each year is anticipated to be used for irrigation.

F. The volume of water projected to be consumed at the National Monument to meet both current and projected needs is 0.579 af. These figures are based on 10% consumptive use of the in-building water and subsequent treatment by a septic tank - leach field system. It is further assumed that irrigation of lawn grass within the National Monument will consume 1.66 af of water per irrigated acre, and that the application rate is 2.2 af per irrigated acre. Garden water is based on 0.41 af of water per acre irrigation and that the application rate is 0.60 af per irrigated acre.

G. The required volume of augmentation water will be provided by the Mountain Mutual from one or more of the sources described in Paragraph No. 2 of CLAIM NO. 2.

H. Mountain Mutual Reservoir Company is a non-profit corporation which has been created for the following principal purposes:

1. to receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands easements, rights-of-way, and other related facilities in trust for its stockholders, and

2. to administer, for its stockholders, water rights and operate Mountain Mutual Reservoir Company facilities in accordance with individual plans for augmentation approved by the Water Court, such as the plan herein proposed.

I. In order to assure that sufficient augmentation water will be available for the Applicants, North Fork has agreed to assign to Mountain Mutual for the benefit of the United States and its assigns, and for use in their augmentation plan, up to 0.021 of a cfs of the Guiraud 3T Ditch priority, yielding 0.462 acre-feet of water per year, from the 2.556 cfs described above. In

addition, North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir. In order to provide augmentation water from the Guiraud 3T Ditch for use in this plan, North Fork and Mountain Mutual have caused 0.667 of an acre of the grounds historically irrigated by the Guiraud 3T Ditch to be removed from irrigation for each acre-foot of consumptive use water under the Ditch. Sufficient acreage has previously been monumented in the field and set aside for the benefit of plans for augmentation administered by Mountain Mutual. The approval and monumentation of the dried up lands are on the basis of criteria which have been approved and accepted by the Water Court in prior plans for augmentation and which have been adopted by the State Engineer.

J. Depletions to the stream system which are attributable to water use within the National Monument will primarily be augmented during the period May through September, inclusive, by leaving the above-referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir and Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from the Mountain Mutual's facilities to the stream system, to the point of replacement, will be computed on the basis of 0.13 percent per mile.

K. It is anticipated that the augmentation requirements for the National Monument, plus any water to offset transportation charges allocable to this plan, will not exceed 0.606 acre-feet (0.021 cfs of the Guiraud 3T Ditch water right and 0.144 acre-feet of storage water in Spinney Mountain Reservoir). Prior to requesting any release of water from Spinney Mountain Reservoir, Mountain Mutual will provide the City of Aurora, the owner and operator of the structure, with at least twenty four hours notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

L. To provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual will attempt to fill Lower Sacramento Creek Reservoir No. 1 under the Reservoir's own priority. If the structure cannot be so filled, Mountain Mutual may elect to exchange water from Spinney Mountain Reservoir to

storage in Lower Sacramento Creek Reservoir No. 1. The exchange has been decreed in prior plans for augmentation. Mountain Mutual has previously agreed to limit the exchange between Spinney Mountain Reservoir and Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion for Lower Sacramento Creek Reservoir No. 1 and Spinney Mountain Reservoir, are either in priority and fully satisfied or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain water. The decreed rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 cfs. Evaporation losses incurred by Lower Sacramento Creek Reservoir No. 1 will be made by exchange of Spinney Mountain Reservoir water to storage.

M. Out-of-priority depletions associated with water diverted from the National Monument's wells will be calculated on a regular basis. The total irrigated area within the National Monument irrigated by said wells will be surveyed annually. The volume of water delivered for outside irrigation will be estimated and subtracted from the total well diversions. Seventy-five percent of water applied to irrigation will be considered consumed by the irrigation process. The balance of the water pumped will be assumed to be consumed at a rate of ten percent of the volume pumped. Mountain Mutual will include such depletions in the reports which are presently being made to the State water officials for other plans for augmentation which utilize Mountain Mutual augmentation water supplies. On the basis of the submitted reports, not only for this plan but other plans administered by Mountain Mutual, and in accordance with the directives of the Division Engineer, Mountain Mutual will make the required release of augmentation water by properly documenting the in-stream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions during times when the Guiraud 3T Ditch is not available will be aggregated and replaced by one or more releases from storage of short duration, as directed by the Division Engineer or his representative.

N. Applicants seek a change in the Decree for the Guiraud 3T Ditch so that 0.021 of a cfs of said Decree can be assigned as an in-stream augmentation credit to offset depletions associated with use of the above-referenced wells. Applicants also seek judicial confirmation that storage water available to it in Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1 can be utilized for replacement and augmentation purposes to replace depletions as described herein.

O. Since the point of depletion associated with the out-of-priority diversions from the National Monument's wells is upstream of the point of delivery of augmentation water from the Guiraud 3T Ditch, Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1, the United States asserts an appropriative right of substitute supply and exchange pursuant to 15 Colo. Rev. State §§ 37-80-120 and 37-92-302(1)(a), 15 C.R.S. (Supp. 1993). The reach of the exchange shall extend from the confluence of the South Platte River and Twin Creek and up Twin Creek to the confluence of Grape Creek, and up Grape Creek to the point where the wells impact Grape Creek in Section 13 of Township 13 South, Range 71 West, 6th P.M. The exchange will operate to replace depletions to the flow of water in the above-referenced streams as depletions occur. The exchanges will be administered with a priority date of May 30, 1993, at a maximum flow rate of 0.20 cfs to the extent of 0.579 af per year.

4. Names and Addresses of Owners of Land on which Structures are Located:

A. Spinney Mountain Reservoir:

City of Aurora
1470 South Havana Street
Aurora, Colorado 80012

B. Lower Sacramento Creek Reservoir No. 1:

Lower Sacramento Creek Reservoir Company
1540 South Holly Street, No. 15
Denver, Colorado 80222

C. Woodside Reservoir:

Mike Schaefer
Schaefer Associates
1776 South Jackson Court, #1100
Denver, Colorado 80210

WHEREFORE, the United States, North Fork Associates and Mountain Mutual Reservoir Company request the entry of a decree approving this Application for Underground Water Rights, Approval of Augmentation Plan and Change of Water Rights, Including Exchanges, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. The United States also requests a determination that water usage within Florissant Fossil Beds National Monument can continue without curtailment so

long as out-of-priority stream depletions are replaced as proposed herein.

Respectfully submitted this ____ day of _____, 1994.

_____

By _____

Attorneys for Applicants, United States of America, North Fork Associates and Mountain Mutual Reservoir Company

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

I, Ronald K. Blatchley, as water engineer for the United States, one of the Applicants herein, state under oath that I have read this Application and verify its content.

Ronald K. Blatchley

Subscribed under oath before me this 25th day of May, 1994.

My commission expires: October 6, 1996

Virginia A Stanfield
Notary Public

UNITED STATES
DEPARTMENT OF JUSTICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION
GENERAL LITIGATION SECTION

MAILING ADDRESS
P.O. BOX 663
WASHINGTON, D.C. 20044-0663

OVERNIGHT & COURIER DELIVERY
ROOM 854
601 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

FAX NUMBERS
(202) 272-6815 (8TH FLOOR - PRIMARY)
(202) 272-5775 (8TH FLOOR)
(202) 724-5836 (5TH FLOOR)
(Please Call 202-272-8056 to Confirm Receipt)

TO: Alice Johns FAX#: 303-225-9965

FROM: Allison Rumsey

DATE: 10/7/94, 1994

NUMBER OF PAGES (*including cover sheet*): 4

COMMENTS:

STATE OF COLORADO

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

800 8th Avenue, Room 321
Greeley, CO 80631
Phone: (303) 352-8712
FAX: (303) 659-0579

94 OCT -6 PM 2:43

Roy Romer
Governor
Ken Salazar
Executive Director
Hal D. Simpson
State Engineer
Alan D. Berryman
Division Engineer

September 30, 1994

SUMMARY OF CONSULTATION HELD SEPTEMBER 16, 1994

CASE NO. 94CW083 United States of America, National Park Service, North Fork Associates and Mountain Mutual Reservoir Company, Teller and Park Counties

JUNE 1994 RESUME

The applicants are seeking underground water rights, approval of a plan for augmentation including exchange and for a change of water rights, all related to the Florissant Fossil Beds National Monument. The applicants are seeking water rights for the Sawmill Trail Well, the Visitor Center Well #12, Permit No. 154810-A, and "other wells as may be required". The claimed uses for both wells are domestic, commercial, irrigation and fire protection. These two wells will be located in Sections 23 and 24, T13S, R71W.

The augmentation plan involves the applicants using up to 0.606 acre-feet of augmentation water per year to be provided by co-applicants North Fork Associates and Mountain Mutual Reservoir Company. This water will be provided to the South Platte River and depletions replaced via an exchange up Twin and Grape Creeks from the South Platte.

The Division Engineer reiterates the issues raised in the Statement of Opposition filed in this case on behalf of the State and Division Engineers. The Division Engineer further can not recommend approval of this application until the following concerns are addressed:

1) Since the applicants currently lack valid wells permits, the denial of well permit applications or six months inaction on such applications by the Office of the State Engineer, the Court currently lacks jurisdiction in this matter.

2) The applicants should not be granted water rights for "other wells as may be required" without submitting all of the information required by statute for obtaining a water right.

3) The applicants should not be allowed to include such "other wells as may be required" within this augmentation plan

because without specific information on each well it is impossible to evaluate the sufficiency of the proposed augmentation plan to replace the out-of-priority depletions of the wells in time, location and amount to prevent injury to other water rights.

4) Provide the Court with evidence that the necessary exchange potential exists throughout the proposed exchange reach to prevent injury to other water rights.

5) Provide the Court with evidence to support the claimed amounts of water to be pumped and consumed.

6) If not already in place, adequate measuring devices acceptable to the Division Engineer or Water Commissioner must be installed and properly maintained on all the structures referenced in this application.

7) The wells and the proposed plan of augmentation will be subject to administration by the Division Engineer and Water Commissioner. As such, the applicants should be required to provide accounting forms to the Division Engineer and Water Commissioner, acceptable to both of them, to allow for the proper administration of this plan prior to receiving a decree in this case.

Requested information should be submitted to the Water Court, P.O. Box C, Greeley, Colorado 80632 or Telephone 351-7300, Ext. 4598.

CRS 1973, 37-92-302(4), SIGNED IN TO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR HIS 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, AND 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 CONSULTATION IS MAILED TO OPPOSING PARTIES.

Alan D. Berryman
Division Engineer

DLN/dln
xc: Hal D. Simpson

STATE OF COLORADO

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

800 8th Avenue, Room 321
Greeley, CO 80631
Phone: (303) 352-8712
FAX: (303) 659-0579

Roy Romer
Governor
Ken Salazar
Executive Director
Hal D. Simpson
State Engineer
Alan D. Berryman
Division Engineer

CERTIFICATE OF MAILING

CASE NO. 94 CW 083

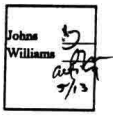
I hereby certify that on this 30th day of September 1994, I mailed a true and correct copy of the foregoing consultation letter by depositing it into the United State mail, postage prepaid, to the applicant or their attorney listed below:

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

United States of America
c/o Allison B. Rumsey
United States Department of Justice
Post Office Box 663
Washington, DC 20044

North Fork Associates
Mountain Mutual Reservoir Company
2525 South Wadsworth Boulevard, Suite 306
Denver, Colorado 80227

Linda R. Korf
Linda R. Korf



L54(479)
FLFO/Water Rights

State of Colorado
Division of Water Resources
Attn: Bill McIntyre
818 Centennial Building
1313 Sherman Street
Denver, Colorado 80203

CERTIFIED MAIL

Re: Application for Permit for Visitor Center Well #12 at Florissant Fossil Beds National Monument

Enclosed please find an application for a permit to use ground water from Visitor Center Well #12 at Florissant Fossil Beds National Monument, an affidavit, and a check for $60 to cover the cost of filing the application. **Could you please return a receipt to Alice Johns, at the address on this letterhead, to indicate that the filing fee, in the amount of $60.00, has been paid**?

A permit to replace a commercial exempt well with Visitor Center Well #12 was previously approved by your office (Number 154810-A). The well location on the enclosed permit application differs from that specified for Permit 154810-A. The new well location is based upon a recent survey (see attached affidavit).

Current uses of water from Visitor Center Well #12 exceed the amount allowed for a commercial exempt well. To remedy this, an augmentation plan is being filed. In the interim, Visitor Center Well #12 is being used in accordance with a Substitute Water Supply Plan (See Letters from the Colorado State Engineer to Mr. Ron Blatchley, of Blatchley Associates, Inc., dated August 10, 1993 and August 25, 1993), limiting diversions from the well to 1 acre-foot per year.

Sawmill Trail Well was to replace Visitor Center Well #12 and, once Sawmill Trail Well Began operating, Visitor Center Well #12 was to be plugged. (See Case No. 91CW019). However, the NPS now seeks to use and augment both wells. Accordingly, an application for a permit to use ground water from Visitor Center Well #12 is attached. Concurrent with filing this permit application, the United States will submit its application to the water court, Water Division 1, for underground water rights, approval of a plan for augmentation, and change of water rights, including exchanges. The average annual amount of ground-water to be appropriated (item 3 on the enclosed permit application) reflects the quantity sought from the water court for use from all wells under the Plan for Augmentation.

Under the Substitute Water Supply Plan, the United States can use water from the Visitor Center Well #12 and Sawmill Trail Well. A permit application form is not being submitted at this time for the Sawmill Trail, which was drilled in 1990 as a test well. (A permit for a commercial exempt well was applied for in 1990, but was returned by your office without approval (Receipt No. 15812-B). The Sawmill Trail Well will serve a new visitor center at the monument which will probably not be constructed for two years or more. The well is currently not connected to the monument's water supply system.

The NPS is concerned that, if a permit is requested for the Sawmill Trail Well at this time, beneficial use of water will likely not occur within the two year period after the permit is approved. On the other hand, the NPS does not want to run the risk of having to plug the well for not meeting State requirements or violating the terms of its Substitute Water Supply Plan. The NPS's consultant, Bill Blatchley of Blatchley Associates, Inc., informs us that Bill McIntyre of your office stated, in a March 30, 1994 telephone conversation, that the Sawmill Trail Well will not need to be plugged and that a permit for this well should not be filed until the water is intended to be used. If this is not the case, please contact Alice Johns of my office at (303)225-3534, so that we can take necessary actions to be in compliance with State law and avoid a requirement to plug this well.

If you have any questions, please contact Ms. Johns at (303)225-3534.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

cc: FLFO - Superintendent
RMR - Wise
DOJ (Washington) - Rumsey (w/enclosures)
Blatchley Associates Inc. - Bill Blatchley (w/enclosures)
479 - ~~Johns,~~ Inglis

bcc: FLFO Docket 11, FLFO docket 12 (w/ enclosures)

09-30-1994: permit application form; a permit to use ground water.

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
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP

( ) REPLACEMENT FOR NO. _____

( ) OTHER _____

WATER COURT CASE NO. 91CW019, 90CW149, and a Plan for Augmentation (No Case No. yet assigned) See Permit 154810-F

(1) APPLICANT - mailing address

United States of America

NAME National Park Service

STREET 1201 Oak Ridge Dr. Suite 250

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

TELEPHONE NO. (303) 225-3506

(2) LOCATION OF PROPOSED WELL

County Teller

NW ¼ of the NW ¼, Section 24

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

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18

Average annual amount of ground water to be appropriated (acre-feet): 3.82*

Number of acres to be irrigated: 0.14*

Proposed total depth (feet): 500

Aquifer ground water is to be obtained from:

Pikes Peak Granite

Owner's well designation Visitor Center Well #12

GROUND WATER TO BE USED FOR:

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

(X) OTHER (9) Fire Fighting

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling

Street P.O. Box 100

City Florissant CO (State) 80816 (Zip)

Telephone No. 748-3318 Lic. No. _____

* In combination with other wells under decreed Plan for Augmentation

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 _____

09-30-1994: permit application form; a permit to use ground water, exhibit a; other water rights used on this land.

Exhibit A

PERMIT APPLICATION FORM

WATER COURT CASE NO. 91CW019, 90CW149, and a Plan for Augmentation (no case no. yet assigned) See also Permit 154810-A

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

All the water rights listed below are those of the United State of America, at Florissant Fossil Beds National Monument.

Type or Right	Court Case Number	Used for (purpose)
Sawmill Trail Well (Receipt No. 1581-B) (The well is not currently being used.)	91CW019	Same as the subject well (Visitor Center Well #12)
Ghist Well #10	8802-77	domestic in a single family dwelling
Maytag Domestic Well #8	8800-77	domestic in a single family dwelling and stockwater
A-frame Well #11 (Permit #172092-A)	8803-77	domestic in a single family dwelling
Maytag Red Barn Well #6	8799-77	stockwater

05-17-1994: survey by christine gable, hydrologist, national parks service.

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 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 NE¼ SW¼ Sec. 23, T13S R71W, 6th P.M., at Florissant Fossil Beds National Monument on September 8, 1993. The Visitor Center Well #12 is located 390 feet from the North section line and 4400 feet from the East section line, Sec. 24, T13S R71W, 6th P.M., and the Sawmill Trail Well is located 2875 feet from the North section line and 3307 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, Water Resources Division. The requested accuracy was to survey within 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: On September 8, 1993, we 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 one-half 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 location was measured.

The survey was completed with a closure back to the corner section monument.

Christine A. Gable — 5/17/94 Date

Subscribed and sworn before me this 17 day of May 1994.

Notary Public Lynda William

Residing at 424 W. Oak Ft Collins CO

My commission expires 5-13-96

05-17-1994: permit application form; a permit to use ground water; applicant: national park service.

J-5-Rev. 76

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colora 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
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP
( ) REPLACEMENT FOR NO. _____
( ) OTHER _____

WATER COURT CASE NO. 91CW019, 90CW149, and a Plan for Augmentation (No Case No. yet assigned) See Permit 154810-A

(1) APPLICANT - mailing address

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

(2) LOCATION OF PROPOSED WELL

County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 71 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 3.82*
Number of acres to be irrigated: 0.14*
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from:
Pikes Peak Granite
Owner's well designation Visitor Center Well #12

GROUND WATER TO BE USED FOR:

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

(4) DRILLER

Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant CO (State) 80816 (Zip)
Telephone No. 748-3318 Lic. No. _____

* In combination with other wells under decreed Plan for Augmentation

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.

Received — → Betty

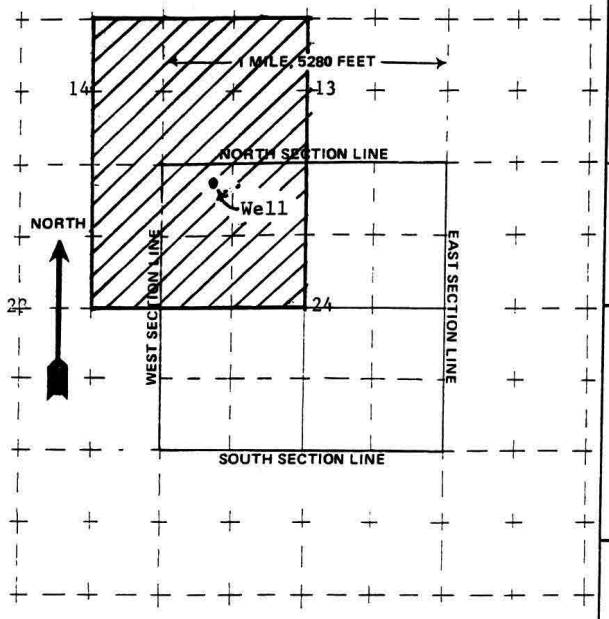
APPLICATION APPROVED

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 square mile, 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.

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

No. of acres 5998.09 . Will this be the only well on this tract? No

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

4 in. from 361 ft. to 461 ft.

4 in. at 130 ft. to _____ ft.

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

_____

_____

_____

_____

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

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

Legal description: _____

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

Water is to be used by park visitors and employees, including drinking water, restroom use, maintenance (including vehicle washing), administration and irrigation. Disposal is by septic tank/soil absorption.

(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
See Exhibit A		

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

_____

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

Exhibit A

PERMIT APPLICATION FORM

WATER COURT CASE NO. 91CW019, 90CW149, and a Plan for Augmentation (no case no. yet assigned) See also Permit 154810-A

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

All the water rights listed below are those of the United State of America, at Florissant Fossil Beds National Monument.

Type or Right	Court Case Number	Used for (purpose)
Sawmill Trail Well (Receipt No. 1581-B) (The well is not currently being used.)	91CW019	Same as the subject well (Visitor Center Well #12)
Ghist Well #10	8802-77	domestic in a single family dwelling
Maytag Domestic Well #8	8800-77	domestic in a single family dwelling and stockwater
A-frame Well #11 (Permit #172092-A)	8803-77	domestic in a single family dwelling
Maytag Red Barn Well #6	8799-77	stockwater

04-07-1994: survey by christine gable, hydrologist for the national park service.

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 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., at Florissant Fossil Beds National Monument on September 8, 1993. The Visitor Center Well #12 is located 390 feet from the North section line and 4400 feet from the East section line, Sec. 24, T13S R71W, 6th P.M., and the Sawmill Trail Well is located 2875 feet from the North section line and 3307 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, Water Resources Division. The requested accuracy was to survey within 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: On September 8, 1993, we 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 one-half 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 location was measured.

The survey was completed with a closure back to the corner section monument.

Christine A. Gable — 4/7/94
Date

Daniel L. Evans — 4/7/94
Date

Subscribed and sworn before me this 7th day of April 1994.

Notary Public Lynda Williams

Residing at 424 W. Oak Ft. Collins CO

My commission expires 5-13-96

December 21, 1993

L54(479)
FLFO/Water Rights

Mike Gheleta, Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Water Meter Verification at Florissant Fossil Beds
National Monument

Dear Mike,

Enclosed is a December 3, 1993 letter from Dale A. Ditmanson, Superintendent, Florissant Fossil Beds National Monument regarding water meter verification.

If you have any questions, please contact Alice Johns or Denise Newberry of my staff, at (303) 225-3534 or (303) 225-3525.

Sincerely,

Dan [illegible]

Owen R. Williams
Chief, Water Rights Branch

Enclosure

cc: FLFO - Superintendent (w/o enclosure)
RMR - Wise
SOL (Denver) - Canaday
479 - Johns
Blatchley Associates, Inc. - William Blatchley

bcc: Docket 11 and 12 (w/enclosure)

United States Department of the Interior

NATIONAL PARK SERVICE
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, Colorado 80816

IN REPLY REFER TO:

L54 (FLFO-S)

December 3, 1993

Denise Paprocki
Water Commissioner
35100 Highway 24
Lake George, Colorado 80827

Dear Commissioner Paprocki:

On November 3, 1993 we forwarded a copy of the annual water use for Florissant Fossil Beds National Monument. We noted, at that time, that the use was considerably less than prior reports. What we believed to have happened was that when information was requested in 1989 or 1990, an administrative staff person (not the water treatment person) transcribed information from monthly reports and left out a decimal point. (The last figure on the meter is tenths.) Therefore previous figures were inflated by a factor of ten.

As it turns out, the figures were not off, the last digit was not tenths and our original reported figures were correct. Add a zero to each of the monthly and annual figures reported for 1993.

Because the change in water use seemed extremely low, we contracted with the National Park Service Center in Denver to check our meter and water usage. The result indicated our meter was accurate without the final digit read as tenths.

Please let me know if you need additional information.

Sincerely,

Dale A. Ditmanson
Superintendent

cc: Alice Jahns, Water Resources Division

11-03-1993: letter to denise paprocki, water commissioner; from national parks service; re: annual water use.

United States Department of the Interior

NATIONAL PARK SERVICE
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, Colorado 80816

IN REPLY REFER TO:

L54 (FLFO-S)

November 3, 1993

Denise Paprocki
Water Commissioner
35100 Highway 24
Lake George, Colorado 80827

Dear Commissioner Paprocki:

Attached is the requested information regarding annual water use for Florissant Fossil Beds National Monument. In order to provide you with actual figures we have waited until the end of October to submit the report.

Note that the use is considerably less than prior reports. What we believe happened is that when information was requested in 1989 or 1990, an administrative staff person (not the water treatment person) transcribed information from monthly reports and left out a decimal point. (The last figure on the meter is tenths.) Therefore previous figures were inflated by a factor of ten.

Please let me know if you need additional information.

Sincerely,

Dale A. Ditmanson
Superintendent

cc: Alice Jahns, Water Resources Division

11-03-1993: exhibit c; water accounting form from november 1, 1992 to october 31, 1993.

Case No.
Sheet 4 of 5

EXHIBIT C
WATER ACCOUNTING FORM
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT
Case No. _____
November 1 92 to October 31 93

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
(1) Reading Date												
(2) Turf Equiv.[4] (Ac)												
(3) Turf Avg CU Rate (Ft)							0.117	0.180	0.111	0.324	0.298	
(4) Irrigation CU (2) X (3) (AF)												
(5) Irr Application (4)/0.75 (AF)												
(6) Sawmill Tr Well BOM Reading (Gal)												
(7) EOM Reading (Gal)												
(8) Water Diverted (7) - (6) (Gal)												
(9) Visitor Center Well BOM Reading (Gal)	105651	106127	106475	106975	107317	108149	110650	113449	116043	118949	120116	121303
(10) EOM Reading (Gal)	106127	106475	106975	107317	108149	110650	113449	116043	118949	120116	121303	124,10
(11) Water Diverted (10) - (9) (Gal)	476	348	500	342	832	2501	2799	2594	2906	1167	1187	2802
(12) Total Diverted (8) + (11) (Gal)												
(13) (12)/325,851 (AF)												
(14) In-building Use (13) - (5) (AF)												
(15) In-building CU (14) X 0.10 (AF)												
(16) Total CU (4) + (15) (AF)												

Abbreviations: Div = diversion; BOM = beginning of month; EOM = end of month; CU = consumptive use; Irr = Irrigation

[4] ((0 Sq Ft of lawn) + (0 Sq Ft garden/4))/43,560 = _____ Acres

Sum of May-Sep Line (16) _____

Send a completed copy of this form monthly to Mountain Mutual Reservoir Co.

Sum of Nov Apr & Oct Line (16) _____

09-10-1993: letter to alan berryman, division engineer from national park service; re: substitute water supply plan.

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:

September 10, 1993

L54(479)
FLFO/Water Rights

Mr. Alan Berryman
Division Engineer
Water Division 1
321 Arix Building
800 8th Avenue
Greeley, CO 80631

RE: Substitute Water Supply Plan for Florissant Fossil Beds National Monument (Response to August 10, 1993, Letter from the State Engineer)

Dear Mr. Berryman:

In accordance with Condition Number No. 3 of the August 10, 1993, letter from the State Engineer to Blatchley Associates, Inc. (the National Park Service's consultants) the National Park Service (NPS) hereby submits the attached accounting form for your approval. This accounting form will also be submitted to the water court with the Plan for Augmentation accompanying the United States water right application.

From a September 3, 1993, conversation between Denise Paprocki, District 23 Water Commissioner and Alice Johns of my staff, I understand Ms. Paprocki has requested that we begin reporting our annual water use this October, or at the latest, November 1, 1993. Reported water use should run through October or should include an estimate for October.

Water use at Florissant Fossil Beds National Monument will be reported to the water commissioner by the Superintendent of the monument, Dale Ditmanson.

If you have any questions concerning this matter, please contact Alice Johns at (303) 225-3534.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: (all w/enclosure)
FLFO - Superintendent
RMR - Wise
DOJ - Gheleta
SOL - Canaday
479 - Kimball, Flora, Flug, Jackson, Kliwinski, Johns
Blatchley and Associates - Bill Blatchley

EXHIBIT C
WATER ACCOUNTING FORM
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Case No. _____

November 1 ____ to October 31 ____

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
(1) Reading Date												
(2) Turf Equiv.[a] (Ac)												
(3) Turf Avg CU Rate (Ft)							0.117	0.480	0.441	0.324	0.298	
(4) Irrigation CU (2) X (3) (AF)												
(5) Irr Application (4)/0.75 (AF)												
(6) Sawmill Tr Well BOM Reading (Gal)												
(7) EOM Reading (Gal)												
(8) Water Diverted (7) - (6) (Gal)												
(9) Visitor Center Well BOM Reading (Gal)												
(10) EOM Reading (Gal)												
(11) Water Diverted (10) - (9) (Gal)												
(12) Total Diverted (8) + (11) (Gal)												
(13) (12)/325,851 (AF)												
(14) In-building Use (13) - (5) (AF)												
(15) In-building CU (14) X 0.10 (AF)												
(16) Total CU (4) + (15) (AF)												

Abbreviations: Div = diversion; BOM = beginning of month; EOM = end of month; CU = consumptive use; Irr = Irrigation

[a] ((_____ Sq Ft of lawn) + (_____ Sq Ft garden/4))/43,560 = _____ Acres

Sum of May-Sep Line (16) _____

Send a completed copy of this form monthly to Mountain Mutual Reservoir Co

Sum of Nov Apr & Oct Line (16) _____

12-21-1993: letter to mike gheleta, attorney, general litigation section; re water meter verification at florissant fossil beds national

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:

December 21, 1993

L54(479)
FLFO/Water Rights

Mike Gheleta, Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Water Meter Verification at Florissant Fossil Beds National Monument

Dear Mike,

Enclosed is a December 3, 1993 letter from Dale A. Ditmanson, Superintendent, Florissant Fossil Beds National Monument regarding water meter verification.

If you have any questions, please contact Alice Johns or Denise Newberry of my staff, at (303) 225-3534 or (303) 225-3525.

Sincerely,

for Owen R. Williams
Chief, Water Rights Branch

Enclosure

cc: FLFO - Superintendent (w/o enclosure)
RMR - Wise
SOL (Denver) - Canaday
479 - Johns
Blatchley Associates, Inc. - William Blatchley

12-03-1993: letter to denise paprocki, water commissioner; from national park service; re: annual water use.

United States Department of the Interior

NATIONAL PARK SERVICE
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, Colorado 80816

IN REPLY REFER TO:

L54 (FLFO-S)

December 3, 1993

Denise Paprocki
Water Commissioner
35100 Highway 24
Lake George, Colorado 80827

Dear Commissioner Paprocki:

On November 3, 1993 we forwarded a copy of the annual water use for Florissant Fossil Beds National Monument. We noted, at that time, that the use was considerably less than prior reports. What we believed to have happened was that when information was requested in 1989 or 1990, an administrative staff person (not the water treatment person) transcribed information from monthly reports and left out a decimal point. (The last figure on the meter is tenths.) Therefore previous figures were inflated by a factor of ten.

As it turns out, the figures were not off, the last digit was not tenths and our original reported figures were correct. Add a zero to each of the monthly and annual figures reported for 1993.

Because the change in water use seemed extremely low, we contracted with the National Park Service Center in Denver to check our meter and water usage. The result indicated our meter was accurate without the final digit read as tenths.

Please let me know if you need additional information.

Sincerely,

Dale A. Ditmanson
Superintendent

cc: Alice Jahns, Water Resources Division

09-10-1993: letter from national park service; re: substitute water supply plan for florissant fossil beds.

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:

September 10, 1993

L54(479)
FLFO/Water Rights

Mr. Hal D. Simpson, P.E.
State Engineer
Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203

Mr. Alan Berryman
Division Engineer
Water Division 1
321 Arix Building
800 8th Avenue
Greeley, CO 80631

Ms. Denise Paprocki
District 23 Water Commissioner
Route 1, Highway 24
Lake George, CO 80816

RE: Substitute Water Supply Plan for Florissant Fossil Beds National Monument (Response to Your August 10, 1993, and August 25, 1993, Letters)

Dear Mr. Simpson, Mr. Berryman, and Ms. Paprocki:

The National Park Service (NPS) accepts the conditions of the substitute water supply plan, as set forth in the State Engineer's August 10, 1993, letter and modified by the Assistant State Engineer's August 25, 1993, letter to Blatchley Associates, Inc. (the NPS's consultants in this matter).

On August 24, 1993, Alice Johns, of my staff, verbally accepted the conditions of the substitute water supply plan, subject to modification of Condition No. 6 to allow a sufficient volume of water for current uses. The August 25, 1993, letter from the Assistant State Engineer modified Condition No. 6 such that the annual volume limitations of 0.3 acre-feet and 0.33 acre-feet for Visitor Center Well #12 and the Sawmill Trail Well were increased to 1-acre-foot for each well. A review of past water diversion records by Blatchley Associates, Inc., concluded that the 1-acre-foot volume limitations will be adequate.

If you have any questions concerning this matter, please contact Alice Johns at (303) 225-3534.

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

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

09-07-1993: fax cover sheet from alice johns with draft response to state; re: substitute water supply plan.

NATIONAL PARK SERVICE
WATER RIGHTS BRANCH
WATER RESOURCES DIVISION
FORT COLLINS, COLORADO
FAX #: (303) 225-9965
VERIFICATION #: (303) 225-3506

WRD

DATE 9 / 8 / 93

TO
NAME Acting Supt. Tom Snoke — **GROUP** FLFO
OFFICE PHONE (719) 748-3253
FAX NUMBER (719) 748-3164 — **VERIFICATION**

NAME Mike Gheleta — **GROUP** ~~DOT~~ DOJ
OFFICE PHONE (303) 294-1900
FAX NUMBER (303) 294-1931 — **VERIFICATION**

NAME Bill Blatchley — **GROUP** Blatchley & Associates, P.C.
OFFICE PHONE (303) 989-6932
FAX NUMBER (303) 989-6938 — **VERIFICATION**

FROM
NAME Alice Johns — **GROUP** WRB

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET) 9

SPECIAL INSTRUCTIONS: Attached is draft response to State (re) substitute water supply plan. Call me today (if possible) if you have comments. I would like to send this out today or tuesday at the latest, to be responsive to the State. Thanks!

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or documents accompanying it) may contain confidential information belonging to the sender. The information is intended only for the use of the individual or entry name above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange the return of the document.

Receipt Verified By _____ Date _____ Time _____

9/10 a.m. Letter accepted by Alice.

9/7 P.M. I spoke with Ron Blatchley. Draft letter is acceptable to him.

08-30-1993: letter to alice johns from blatchley associates; modification of your substitute supply plan.

August 30, 1993

Facsimile Transmission

Alice Johns
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80225

Re: Florissant Fossil Beds N. M.
Substitute Water Supply Plan

Dear Alice:

Attached is a copy of the modification of your Substitute Supply Plan for the Florissant Fossil Beds N.M. This will provide sufficient water under this plan prior to receiving a decree from the water court. I would suggest you submit an acknowledgement of the supply plan and its conditions.

If I can be of any assistance in this please advise.

Sincerely,

BLATCHLEY ASSOCIATES, INC.

William M. Blatchley
Business Manager

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 • DENVER, COLORADO 80227 • (303) 989-6932
WATER RESOURCES, WATER RIGHTS, GROUND WATER, HYDROLOGY, ENVIRONMENTAL & GEOLOGICAL ENGINEERING

08-25-1993: letter to ron blatchley, pe; from state of colorado; re: 1993 substitute water supply plan modification.

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Roy Romer
Governor
Ken Salazar
Executive Director
Hal D. Simpson
State Engineer

August 25, 1993

Mr. Ron Blatchley, P.E.
Blatchley Associates, Inc.
2525 South Wadsworth Blvd. #306
Denver, Colorado 80227

Re: Florissant Fossil Beds
1993 Substitute Water Supply Plan Modification
Sections 13 & 14, T13S, R71W, 6th P.M.

Dear Mr. Blatchley:

This office forwarded approval of the above referenced substitute water supply plan on August 10, 1993. Condition number 6 of the 10 listed conditions deals with well pumping rates and annual volume limitations. The annual volume limitations of 0.3 acre-feet and 0.33 acre-feet are hereby modified to 1 acre-feet for each well. The amount of replacement water purchased for this plan is adequate to replace the more than 2.0 acre-feet of annual diversions but the wells would be limited to 1 acre-foot each as approved herein.

This modification was requested by Mr. Bill Blatchley on August 19, 1993. All other conditions remain in effect.

Sincerely,

Richard L. Stenzel, P.E.
Assistant State Engineer

cc: Alan Berryman, Division Engineer
Denise Paprocki, Water Commissioner
Al Eckermann

RLS/WCM/jhh:ssp:flrsnt01.wcm

08-18-1993: letter to alice johns from blatchley associates; re: approval of your substitute supply plan.

August 18, 1993

Facsimile Transmission

Alice Johns
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80225

Re: Florissant Fossil Beds N. M.
Substitute Water Supply Plan

Dear Alice:

Attached is a copy of the approval of your Substitute Supply Plan for the Florissant Fossil Beds. Of the conditions for approval, none are more restrictive than has been acknowledged in the original application so there should be no problem accepting them in a letter to those stated in the letter.

If I can be of any assistance in this please advise.

Sincerely,

BLATCHLEY ASSOCIATES, INC.

William M. Blatchley
Business Manager

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 · DENVER, COLORADO 80227 · (303) 989-6932
WATER RESOURCES, WATER RIGHTS, GROUND WATER, HYDROLOGY, ENVIRONMENTAL & GEOLOGICAL ENGINEERING

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

BLATCHLEY ASSOC.
RECEIVED
AUG 1 9 1993
AUG 2 1 1993
FILE NO.

Roy Romer
Governor
Ken Salazar
Executive Director
Hal D. Simpson
State Engineer

August 10, 1993

Mr. Ron Blatchley, P.E.
Blatchley Associates, Inc.
2525 South Wadsworth Blvd. #306
Denver, Colorado 80227

Re: **Florissant Fossil Beds**
1993 Substitute Water Supply Plan
Sections 13 & 14, T13S, R71W, 6th P.M.
Water Division 1, Water District 23

Dear Mr. Blatchley:

We have reviewed your request for a substitute water supply plan for the Florissant Fossil Beds National Monument (FLFO). The intent of the plan is to provide replacement water for two non-exempt wells serving the visitors center. The water system for the monument is now being supplied by the Florissant Visitors Center Well # 12, Permit No. 154180-A, but is exceeding the maximum allowed diversions for a commercial exempt well. You indicated that a permit application for the second well, referred to as the Sawmill Trail Well, was submitted under Receipt No. 15812-B and will be resubmitted under this substitute water supply plan.

FLFO has purchased 19.3 shares in Mountain Mutual Reservoir Company, representing 0.606 acre-foot of replacement water. Proposed uses include the visitors center, maintenance area, staff housing, and irrigation. Total annual well diversions are estimated at 3.82 acre-feet of which 0.579 acre-feet are consumed. The following assumptions were listed in your engineering report:

1. Projected annual number of visitors is 200,000.

2. The visitor center will use low-flush fixtures, 1.6 gallons for toilets, 1.25 gallons for urinals, and 0.5 gallons for lavatories.

3. It is assumed that 85% of visitors will use the restrooms, with the use equally divided between men and women, and 50% of those men using the facilities will use the urinal.

4. Staff population will be adjusted seasonally from 16 in the winter to 35 personnel in the summer.

5. Staff water usage is estimated at 10 gallons per capita per day.

6. Staff dwellings are projected at six, with an assumed population of 3.5 capita per unit and 80 gallons per day per capita usage.

7. Four summer staff trailer units are predicted with a 2.5 capita per unit and 80 gallons per capita per day.

8. About 6,000 square feet of turf or 24,000 square feet of garden irrigation is assumed. Lawn irrigation is based on a per acre application rate of 2.2 acre-feet with 1.66 acre-feet of consumptive use. Garden irrigation assumes an application rate of 0.6 acre-feet with 0.41 acre-feet of consumptive use.

9. Use for vehicle washing is assumed at 75 gallons per washing with the waste water being collected and discharged into a leach field. Consumptive use is assumed at 10%.

10. All inside water use assumes a 10% consumptive use rate based on a septic tank-soil absorption system.

The National Park Service has entered into an agreement with North Fork Associates and Mountain Mutual Reservoir Company to purchase 19.3 shares to provide sufficient replacement water for depletions to the South Platte River system. The holder of the shares is entitled to 0.606 acre-feet of augmentation water per year.

As proposed in your report, depletions to Grape Creek are to be augmented by exchange of the use of the Guiraud 3T Ditch (G3T) water right during the May through September period and from releases from Spinney Mountain Reservoir between October through April. The amount of water being assigned for this plan are 0.021 cfs from the Guiraud 3T Ditch, yielding 0.462 acre-feet per year, and 0.14 acre-feet of Spinney Mountain Reservoir water.

Based upon the above, this substitute water supply plan is hereby approved pursuant to Section 37-80-120, C.R.S. (1991), but subject to the following conditions:

1. A new well permit must be obtained from this office. Either consent or a hearing will be required prior to the issuance of the permits if another well is located within 600 feet of these wells. Should new permits be denied for reasons of 600-foot spacing, or any other legitimate reason, approval of this substitute water supply plan will be cancelled.

2. Exchange potential in Grape Creek shall be limited to physical availability of a live stream and non-injury to vested water rights in Grape Creek. Should exchange potential not exist, the wells shall be administered in priority. Prior to initiating an exchange, contact the water commissioner for approval.

3. Accounting forms shall be generated and approved by the Division Engineer. The wells shall be equipped with totalizing flow meters and volumes shall be recorded on a weekly basis, summarized monthly, and forwarded to the Division Engineer and Water Commissioner on an annual basis. The water commissioner responsible for the administration of this plan is Ms. Denise Paprocki, Route 1, Highway 24, Lake George, Colorado, telephone number (719) 836-2557.

4. Due to the small volume of annual stream depletions projected to occur, instantaneous stream depletions during times when the Guiraud 3T Ditch water right is not used for replacement purposes, shall be aggregated and replaced by one or more releases from storage of short duration. The rate and timing of an aggregated release shall be determined by the Division Engineer or his designated representative. No more than one aggregated release per month shall be permitted.

5. The exchange of the subject water rights will be at the confluence of Twin Creek and the South Platte River at Lake George, up Twin Creek about four miles to the confluence of Grape Creek one-half mile below the Town of Florissant, then up Grape Creek two miles to the point of depletion.

6. The pumping of the wells shall be limited to 18 gpm for well #12, and 15 gpm for the Sawmill Trail Well. Annual volume limitations shall be 0.3 acre-feet and 0.33 acre-feet respectively.

7. Approval of this plan is for the purposes stated herein. Any additional uses for which the water may be used must first be approved by this office. The replacement water, which is the subject of this plan, cannot be sold or leased to any other entity during the term of this approval.

8. This substitute water supply plan may be revoked or modified at any time should it be determined injury has or will occur as a result of the operation of this plan. Granting of this plan does not imply approval by this office of your application to be filed in Division 1 Water Court. Application shall be made prior to July 31, 1994.

9. Acceptance of these conditions shall be submitted in writing to this office, the Division Engineer, and the Water Commissioner within two weeks after receipt of this letter.

10. This plan shall be valid through July 31, 1994 unless revoked or modified.

Should you have any questions or comments, please contact Bill McIntyre of this office or Jim Hall, Assistant Division Engineer, in the Greeley office, at (303) 352-8712.

Sincerely,

Hal D. Simpson, P.E.
State Engineer

HDS/WCM/jhh:x:common:florfbed.ssp

321 Arix Building
800 8TH Ave
Greeley CO 80631

cc: Alan Berryman, Division Engineer
Denise Paprocki, District 23 Water Commissioner
Al Eckermann, Water Supply Branch, North Region

May 10, 1993

Mr. Harold Simpson, P.E.
Office of the State Engineer
Division of Water Resources
1313 Sherman, Room 818
Denver, CO 80203

Re: Florissant Fossil Beds
National Monument
Temporary Substitute
Water Supply Plan
BAI File 627.1

Dear Hal:

Enclosed herewith is a copy of the engineering report titled Plan For Augmentation, Florissant Fossil Beds National Monument, May 1993, which our office prepared for the Water Court application. We anticipate that the application will be submitted to the Division I Water Court soon. The water system for Florissant Fossil Beds National Monument (FLFO) is now being supplied by the Florissant Visitors Center Well #12, Permit No. 1-54180 but is exceeding the maximum allowed diversions for a commercial exempt well. A well permit application for a second well, the Sawmill Trail Well was submitted under Receipt No. 1581-B and will be resubmitted under this substitute supply plan. As soon as the Water Court application is finalized and submitted to the Water Court, we will submit a copy for your review.

FLFO has purchased 19.3 shares in Mountain Mutual Reservoir Company, representing 0.606 acre-foot of replacement water, to supply water rights for their plan for augmentation. A photocopy of the certificate of ownership of the Mountain Mutual Reservoir Company stock is enclosed. It is proposed that FLFO operate their water supply system under a temporary substitute water supply plan until a decree is signed by the Division I Water Judge. The application will include the 0.606 acre-foot purchased.

The utilization under a temporary substitute water supply involves only the present visitors center with an estimated annual consumption of less than 0.2 acre-foot and no residential or irrigation use. Any increase in diversion will occur no sooner than FY 1994.

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 • DENVER, COLORADO 80227 • (303) 989-6932
WATER RESOURCES, WATER RIGHTS, GROUND WATER, HYDROLOGY, ENVIRONMENTAL & GEOLOGICAL ENGINEERING

For administration of the substitute water supply, the FLFO water uses and replacement requirements will be added to the administrative system now in place for Mountain Mutual Reservoir Company. A suggested administrative form is in Exhibit C of the plan for augmentation engineering report.

Should you have any questions, please do not hesitate to call our office as we would like for the plan to be in place well in advance of the system being placed into operation.

Sincerely,

BLATCHLEY ASSOCIATES, INC.

Ronald K. Blatchley, P.E.
President

WMB:wb
Enclosures
cc: Alice Johns (w/encl.)
Richard Young (w/encl.)
Ralph Canaday (w/encl.)
Alan Berryman (w/encl.)

04-27-1993: mountain mutual reservoir company class a stock issued to national park service.

Water Court Case Number _____ Account Number 248

INCORPORATED UNDER THE LAWS OF THE STATE OF COLORADO

NUMBER 333

SHARES 19.3

AUTHORIZED CAPITAL
10,000 SHARES

NO PAR VALUE

MOUNTAIN MUTUAL RESERVOIR COMPANY

CLASS A STOCK

This Certifies That National Park Service, United States Department of Interior

is the owner of 19.3 *share(s) of the Capital Stock of MOUNTAIN MUTUAL RESERVOIR COMPANY assessable for maintenance and operation representing* 19.3 *unit(s) of a water right transferable only on the books of this Corporation in person or by Attorney upon surrender of this Certificate properly endorsed.*

The stock evidenced by this Certificate constitutes a water right for: in-house use and irrigation as specified in the Water Court Decree.

_____ *A single-family residential unit (in-house use only)* _____ *A multi-family residential unit, for* _____ *equivalent single-family residential units (in-house use only)*

_____ *With irrigation of* _____ *acres/sq. feet and/or*

_____ *Livestock watering, located on* the Florissant Fossil Beds National Monument, Teller County,

_____, *Colorado.*

An excerpt from the By-Laws of the Company is printed on the back of this Certificate to acquaint the holder with the principal conditions affecting their water right held by this Company for its Stockholders.

In Witness Whereof, *the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed, this* 27th *day of* April *A.D. 19* 93

William M Blatchley
SECRETARY

Frank M Blatchley
PRESIDENT

May 18, 1993

Mr. Harold Simpson, P.E.
Office of the State Engineer
Division of Water Resources
1313 Sherman, Room 818
Denver, CO 80203

Re: Florissant Fossil Beds National Monument Temporary Substitute Water Supply Plan

Dear Mr. Simpson:

The National Park Service hereby submits a temporary water supply plan for Florissant Fossil Beds National Monument for your consideration. Enclosed is a letter from Ronald K. Blatchley, P.E., of Blatchley Associates, Inc., which describes the plan. Attached to the letter is a Plan For Augmentation. Both were prepared by Blatchley Associates, Inc., under contract to the National Park Service.

Technical questions concerning these documents should be directed to Blatchley Associates, Inc.

Charles W. Pettee

Owen R. Williams
Chief, Water Rights Branch

Enclosure

cc: Water Division 1 - Berryman (w/enclosure)
Office of the State Engineer - Eckerman

bcc: FLFO - Superintendent (w/enclosure)
RMR - Wise
SOL - Canaday (w/enclosure)
DOJ - Johnson
Blatchley Associates, Inc. - Bill Blatchley

FNP:AJOHNS:kt:(303)225-3506:05/18/93:B:\FLFOSE.COV

Florissant Fossil Beds National Monument
National Park Service
12795 West Alameda Parkway, RMR-RN
Lakewood, Colorado 80228

PLAN FOR AUGMENTATION
National Park Service
Florissant Fossil Beds National Monument
Order No. PX-1268-2-2417

Blatchley Associates, Inc.
2525 South Wadsworth Blvd., #306
Denver, CO 80227
File No. 627.1
May 1993

Plan for Augmentation
National Park Service
Florissant Fossil Beds National Monument
Order No. PX-1268-2-2417

The engineering studies, conclusions and recommendations contained in this report were prepared by and/or under the direction of Ronald K. Blatchley P.E.

Ronald K. Blatchley P.E.



PLAN FOR AUGMENTATION
National Park Service
Florissant Fossil Beds National Monument

INDEX

Background.....1

Future Water Needs.....1

Source of Water.....5

Water Rights.....5
1. Spinney Mountain Reservoir.....6
2. Woodside Reservoir.....6
3. Lower Sacramento Creek Reservoir Company.....7
4. Guiraud 3T Ditch.....8
5. Glasman Ditch and Glasman Ditch No. 2.....9

Utilization of Subject Rights.....9

Protection of Other Water Rights.....12

Plan Administration.....13

Figure 1	Regional Map	2
Table 1	Water Requirements	4
Exhibit A	Guiraud 3T Water	Following Text
Exhibit B	Spinney Mountain Reservoir Water	Following Text
Exhibit C	Administrative Forms	Following Text

Florissant Fossil Beds National Monument
Plan For Augmentation
Water Division No. 1

BACKGROUND

Florissant Fossil Beds National Monument (FLFO) administered by the National Park Service is located within Water Division 1, in Township 13 South, Range 70 West and Township 13 South, Range 71 West, 6th P.M. in Teller County, Colorado. The park contains approximately 6000 acres all within the drainage of Grape Creek which is tributary to Twin Creek, whose confluence is one-half mile below the Town of Florissant. Twin Creek is tributary to the South Platte River whose confluence is at Lake George, Colorado. See Figure 1.

The FLFO visitor center presently has limited water services supplied by a commercial-exempt well (Well #12, permit No. 154810A, Division 1 Court Case No. 90CW149) which would not allow sufficient water for the projected expansion of the facilities as will be described later. To satisfy the increased needs an application for a permit for the Saw Mill Trail Well was returned because the amount requested would exceed the allowance of a commercial exempt well.

This report should provide sufficient engineering background data for making an application to the Division 1 Water Court for a plan for augmentation.

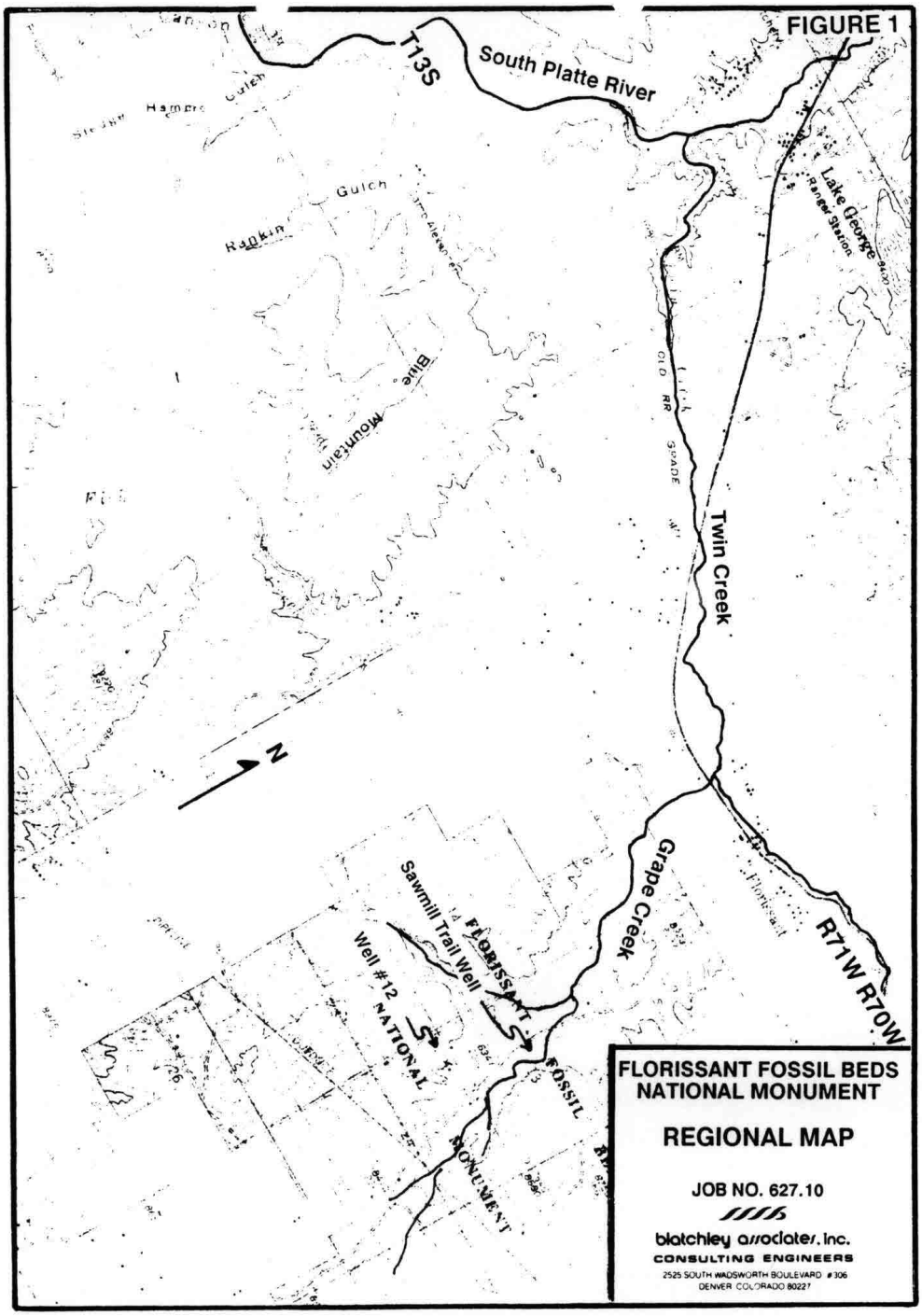
FUTURE WATER NEEDS

Data from the Design Analysis, Visitors Center/Administration Area Preliminary Design dated July 1990, as modified, was used to determine the future water requirements of the park. The following assumptions and calculations were used for the revised projections.

1. The initial projection of 295,000 visitors was revised downward to 200,000. Past monthly visitor numbers were used to distribute the projected number in the same ratio.

2. The proposed visitor center will use low-flush fixtures, 1.6 gallons for toilets, 1.25 gallons for urinals and 0.5 gallon for lavatories.

05-18-1993: plan for augmentation; national park service; by blatchley associates; florissant fossil beds national monument, map.



3. It is assumed that 85% of the visitors will use the restrooms equally divided between men and women and 50% of the men using the facilities will use the urinal.

4. Staff projected population was adjusted seasonally from 16 personnel in the winter months to 35 personnel in the summer.

5. Water use for staff was based on 10 gallon per capita per day.

6. Projected number of staff dwellings were two single family units and two duplex units for a total of six single family dwellings. Water requirements were based on 3.5 capita per unit and 80 gallons of water per day per capita.

7. Four summer staff trailer units' water use was calculated on 2.5 capita and 80 gallons per capita per day.

8. 6,000 square feet of turf or 24,000 square feet of garden irrigation will be allowed until such time when the water is needed for inside use. Lawn irrigation is based on 2.2 feet application and 1.66 feet consumptive use. Garden irrigation is based on 0.6 foot application and 0.41 feet consumptive use.

9. Vehicle washing is based on 75 gallon per washing with the waste water collected and discharged into a leach field. Consumptive use is assumed to be 10%.

10. All inside use water is assumed to have a 10% consumptive use rate based on a septic tank-soil absorption system.

11. Because of the possibility of developing a mechanical waste water treatment system or tying into the Florissant Water and Sanitation District waste water system, the option to do so and receive the appropriate credits should be incorporated into the decree to reflect a lower consumptive use rate than the septic tank - soil absorption systems. It is recommended that a 5% consumptive use rate be established for a mechanical wast water treatment system or if waste water is discharged to Florissant Water and Sanitation District the rate of consumptive use would be as required by the Districts waste water system.

Using these assumptions in Table 1, it is proposed that the total diversion from the wells would be 3.82 acre-feet of which 0.579 acre-feet would be consumed.

TABLE 1
WATER REQUIREMENT
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

		VISITOR CENTER				MAINTENANCE AREA				HOUSING					IRRIGATION			TOTAL WATER		
		RATIO OF VIS-	VISITORS NO. PER	WATER USED	STAFF NO. PER	WATER USED	STAFF NO. PER	WATER USED	VEHICLES WASH INGS	WATER USED	NO. OF HOUSE UNITS	WATER USED	NO. OF TRAIL- ER UNITS	WATER USED	TOTAL INSIDE CU	IRRIG- ATED AREA	IRRIG WATER USED	IRRIG WATER CU	WATER USE	WATER USE	CU
MON	DAYS	ITORS	MONTH	(GAL)	DAY	(GAL)	DAY	(GAL)		(GAL)		(GAL)		(GAL)	(AF)	(Sq Ft)	(GAL)	(AF)	(GAL)	(AF)	(AF)
JAN	31	1.3%	2587	4425	10	3100	4	1240	0	0	6	52080			0.019				60845	0.187	0.019
FEB	28	1.4%	2777	4751	10	2800	4	1120	0	0	6	47040			0.017				55711	0.171	0.017
MAR	31	2.8%	5516	9436	10	3100	4	1240	6	450	6	52080			0.020				66306	0.203	0.020
APR	30	3.6%	7185	12291	12	3600	5	1500	12	900	6	50400			0.021				68691	0.211	0.021
MAY	31	8.4%	16847	28819	15	4650	8	2480	26	1950	6	52080	4	24800	0.035	6000	12288	0.028	127067	0.390	0.064
JUN	30	13.6%	27221	46565	25	7500	10	3000	26	1950	6	50400	4	24000	0.041	6000	31598	0.073	165012	0.506	0.114
JUL	31	23.3%	46544	79619	25	7750	10	3100	26	1950	6	52080	4	24800	0.052	6000	18432	0.042	187731	0.576	0.094
AUG	31	24.0%	47950	82025	25	7750	10	3100	26	1950	6	52080	4	24800	0.053	6000	18432	0.042	190137	0.584	0.095
SEP	30	12.5%	25077	42897	15	4500	8	2400	26	1950	6	50400			0.031	6000	17993	0.041	120140	0.369	0.073
OCT	31	5.5%	10986	18793	15	4650	8	2480	12	900	6	52080			0.024				78903	0.242	0.024
NOV	30	2.1%	4262	7290	12	3600	5	1500	6	450	6	50400			0.019				63240	0.194	0.019
DEC	31	1.5%	3048	5214	10	3100	4	1240	0	0	6	52080			0.019				61634	0.189	0.019
	365	100%	200000	342125		56100		24400		12450		613200		98400	0.352		98743	0.227	1245418	3.822	0.579
MAY-SEP	153		163639	279925		32150		14080		9750		257040		98400	0.212		98743	0.227	790087	2.425	0.439
OCT-APR	212		36361	62200		23950		10320		2700		356160		0	0.140		0	0.000	455330	1.397	0.140

TOTAL REQUIREMENTS

WATER SOURCE	DIST- ANTS (MILES	STREAM TRANS CHG (%)	NET CU (AF)	STREAM TRANS CHG (AF)	TOTAL CU (AF)
SPINNEY MT	21	2.73%	0.140	0.004	0.144
G3T DITCH	40	5.20%	0.439	0.023	0.462
TOTAL			0.579	0.027	0.606

SOURCE OF WATER

The water for the above mentioned uses will be drawn from one or more of the following sources:

1. The Sawmill Trail Well located in the NE1/4 SW1/4 Section 23, Township 13 South, Range 71 West, 6th P.M. and 2500 feet from the south section line and 2000 feet from the west section line. The depth of the well is 220 feet in fractured granite. The requested permit was under receipt number 15812B.

2. Well No. 12 located in the NW1/4 NW1/4 Section 24, Township 13 South, Range 71 West, 6th P.M. and 400 feet from the north section line and 500 feet from the west section line. This well is registered under permit number 154810A.

3. Other wells as needed.

WATER RIGHTS

The National Park Service has entered into an agreement with North Fork Associates and Mountain Mutual Reservoir Company, a non-profit Colorado Corporation, to purchase 19.3 shares of the Mountain Mutual Reservoir Company to provide sufficient water rights to replace depletions to the South Platte River system by the FLFO operation.

Mountain Mutual Reservoir Company was created for the following principal purposes:

1. To receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands, easements, rights-of-way, and other related facilities, in trust for its stockholders; and
2. To administer for its stockholders, water rights and operate facilities in accordance with individual plans for augmentation approved by the Water Court.

The holder of the 19.3 shares of stock is entitled to receive 0.606 acre feet of augmentation water per year from the water rights and storage facilities which Mountain Mutual Reservoir Company holds for the benefit of its shareholders. A copy of Mountain Mutual's Bylaws is on file with the Court.

It is proposed to provide a plan for augmentation whereby the depletions to Grape Creek will be augmented by exchange by the use of the Guiraud 3T Ditch (G3T) water right during the May through September period and by release(s) from Spinney Mountain Reservoir or other listed storage facilities during the October through April period. These sources, owned by North Fork Associates and Mountain Mutual Reservoir Company are more specifically described as follows:

1. **SPINNEY MOUNTAIN RESERVOIR**

Located on the South Platte River, with the left abutment of the dam at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23°26' West a distance of 8314.3 feet. North Fork Associates/Mountain Mutual Reservoir Company have a deeded right from the City of Aurora for a firm annual delivery of 80 acre-feet from the water decreed to the Spinney Mountain Reservoir including but not limited to the following:

Decree	Appropriation Date	Amount (Acre-Feet)
1973; Case No. W-7395	March 26, 1973	86,000

The waters are decreed for domestic, irrigation, municipal and all other beneficial uses. As stated in a special warranty deed dated March 23, 1987, recorded in Park County on May 29, 1987, at Book 411, Page 876, from the City of Aurora, grantor, to Seller and Reservoir Company, grantees, the supply of water which is lawfully available to the Seller and subject to this Agreement includes an undivided interest in the right of first use of a firm yield of 80 acre-feet of water per annum from "any of the water rights owned by Aurora and decreed for storage in Spinney Mountain Reservoir."

2. **WOODSIDE RESERVOIR**

Not yet constructed, but will be located in the Elk Creek drainage basin in the East 1/2 Southwest 1/4, Section 26, Town-

ship 6 South, Range 72 West, 6th P.M., Park County, Colorado. North Fork Associates/Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Decree	Appropriation Date	Amount (Acre-Feet)
1978; Case No. W-8771-77	September 1, 1977	50
Case No. 82CW369	Change in Location and Filler Ditch	

This reservoir is decreed for domestic, municipal, commercial, irrigation, recreation, light industrial, piscatorial, fire fighting, exchange and all other beneficial uses. An application for quadrennial finding of reasonable diligence with respect to the Woodside Reservoir, Case No. 82CW355, was approved by the Water Court, Water Division No. 1, on October 5, 1988.

3. LOWER SACRAMENTO CREEK RESERVOIR COMPANY

The Lower Sacramento Creek Reservoir Company, a non-profit Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The Reservoir is located in the Northeast 1/4 Northwest 1/4, Section 32, and the Southeast 1/4 Southwest 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The Reservoir has been constructed and is entitled to store water under the following decree:

Decree	Appropriation Date	Amount (Acre-Feet)
1974; Case No. W-7741-74	July 25, 1974	40
Case No. 84CW250	Use for Recharge	
Case No. 85CW465	Use for Recharge	

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other ownerships in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which

Seller has no interest.

Each of the three reservoirs may be filled and used on their own decrees or by exchange or transfer.

4. GUIRAUD 3T DITCH

The headgate is located on the right bank of the Middle Fork of the South Platte River in the Northeast 1/4 of Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast corner of the Northeast 1/4 of said section bears North 63°35' East, 1,305 feet. North Fork Associates/Mountain Mutual Reservoir Company own 2.556 c.f.s. of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount
October 18, 1889 Original adjudication Water Dist. 23	July 1, 1867	20 c.f.s.

Originally decreed for irrigation, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. One cfs yields 21.825 acre-feet of consumptive use water per year. The owner of the lands historically irrigated by the 2.556 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove 37.19 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

5. **GLASMAN DITCH AND GLASMAN DITCH NO. 2**

The headgate is located in Park County on the right bank of Elk Creek at a point from which the Western 1/4 corner of Section 26, Township 6 South, Range 72 West of the 6th P.M. bears North 52°44' West, a distance of 2,030 feet, more or less. The water rights decreed to the ditch are as follows:

Adjudication Date	Appropriation Date	Amount
May 22, 1913	May 1, 1885	1.0 cfs (a)
Case No. 83-CW-002	August 31, 1981	0.7 cfs (b)

(a) In Water Case No. 81-CW-144, 6.0 acre feet of the historic consumptive use of the Glasman Ditch was changed from irrigation use to allow utilization as a credit to Woodside Reservoir's annual evaporation losses and/or irrigation.

(b) Glasman Ditch No. 2 conditionally decreed for domestic, commercial, irrigation, piscatorial, recreational, municipal and all other beneficial uses. Application for Quadrennial Finding of Reasonable Diligence was filed in the office of the Water Clerk for Water Division No. 1 during the month of November, 1988, Water Case Number 88CW191, and was approved May 31, 1989.

UTILIZATION OF SUBJECT RIGHTS

In order to assure that sufficient augmentation water will be available for the Florissant Fossil Beds National Monument, North Fork Associates has agreed to assign to Mountain Mutual Reservoir Company for the benefit of The United States, its successors and assigns, and for use in this augmentation plan, 0.021 of a cubic foot per second of the Guiraud 3T Ditch priority, yielding 0.462 acre feet of water per year, from the 2.556 cubic feet per second above described. In addition, North Fork Associates has agreed to assign to Mountain Mutual Reservoir Company, 0.144 acre feet of its right to annual water deliveries from Spinney Mountain Reservoir. In order to provide augmentation water from the Guiraud 3T Ditch for use in this plan, North Fork Associates and Mountain Mutual Reservoir Company have caused 0.667 of an acre of the grounds historically irrigated by the Guiraud 3T Ditch to be removed from irrigation for each acre foot

of consumptive use water under the Ditch. Sufficient acreage has previously been monumented in the field and set aside for the benefit of plans for augmentation administered by Mountain Mutual Reservoir Company. The approval and monumentation of the dried up lands are on the basis of criteria which have been approved and accepted by the Water Court in prior plans for augmentation and which have been adopted by the State Engineer. Deliveries from Spinney Mountain Reservoir and the Guiraud 3T Ditch which are committed to other augmentation plans and stockholders of Mountain Mutual Reservoir Company are set forth in the attached Exhibits "A" and "B."

Depletions to the South Platte River drainage basin which are attributable to water use at the proposed development will be augmented during the period May through September, inclusive, by leaving the above referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir, the Lower Sacramento Creek Reservoir No. 1 or Woodside Reservoir. Transportation charges from the point where water is released to the stream system from Mountain Mutual Reservoir Company's facilities, to the point of exchange, shall be computed on the basis of 0.13 percent per mile.

In order to provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual Reservoir Company will attempt to fill the Lower Sacramento Creek Reservoir No. 1 and Woodside Reservoir under the reservoirs' own priorities. If the structures cannot be so filled, Mountain Mutual Reservoir Company may elect to exchange water from Spinney Mountain Reservoir to storage in either Woodside Reservoir or Lower Sacramento Creek Reservoir No. 1. These exchanges have been decreed in prior plans for augmentation. Mountain Mutual Reservoir Company has previously agreed to limit the exchange between Woodside Reservoir and either Spinney Mountain Reservoir or Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980,

which divert water from Elk Creek and/or the North Fork of the South Platte River between the point of diversion for Woodside Reservoir and the confluence of the North Fork and the main stem of the South Platte River are either in priority and fully satisfied to the extent of their call, or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain Reservoir water. The rate of exchange is decreed to be limited to 5 c.f.s. Similarly, the exchange from Spinney Mountain Reservoir to Lower Sacramento Creek Reservoir No. 1 is limited to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion from the Lower Sacramento Creek Reservoir NO. 1 and Spinney Mountain Reservoir are either in priority and fully satisfied to the extent of their call, or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain Reservoir water. The rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 c.f.s. Evaporation losses incurred by Woodside Reservoir will be replaced by six acre-feet of consumptive use water from the Glasman Ditch as decreed in Case No. 81CW144. Evaporation losses incurred by the Lower Sacramento Creek Reservoir No. 1 will be replaced by the exchange of Spinney Mountain Reservoir water to storage.

Due to the small volume of annual stream depletions projected to occur from the Florissant Fossil Beds National Monument, instantaneous stream depletions during times when the Guiraud 3T Ditch water right is not used for augmentation purposes, shall be aggregated and replaced by one or more release from storage of short duration. The rate and timing of an aggregated release shall be determined by the Division Engineer or his designated representative; provided, however, that an aggregated release should be required no more frequently than once per month. With respect to releases to be made from Spinney Mountain Reservoir,

the Mountain Mutual Reservoir Company and the Division Engineer, or his designated representative, shall provide the City of Aurora, operator of Spinney Mountain Reservoir, with at least 24 hours prior notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

PROTECTION OF OTHER WATER RIGHTS

The exchange of the subject water rights will be at the confluence of Twin Creek and the South Platte River at Lake George, up Twin Creek approximately four miles to the confluence of Grape Creek one-half mile below the Town of Florissant, then up Grape Creek two miles to the point of depletion.

The Wilson Ditch is the one known intervening water right on Twin Creek. It is decreed for three cubic feet per second with an adjudication date of June 21, 1922. Because it is a junior water right, on an average it is only in priority approximately 20% of the time from May through August.

The maximum rate of depletion by Florissant Fossil Beds National Monument's use of the tributary water is estimated to be as follows:

Season	Rate in CFS	Rate in GPM
Winter (January)	0.0003	0.14
Summer (August)	0.0016	0.72

During the times the Wilson Ditch is in priority the depletions created by the Florissant Fossil Beds National Monument would have a diminutive effect to the available water in Twin Creek.

There are other exchange rights being established on Twin Creek. The one that may be the most senior exchange right may be established by Highland Lakes Water District Water Court application in Case No. 85-CW-363. The Highland Lakes application may establish a variable exchange right of less than one c.f.s. This case is scheduled before the Referee in February 1993. The Florissant Water and Sanitation District recently filed in Water Court in Case No 92-W-107 requesting an exchange right of 0.25

c.f.s. with a priority date of December 5, 1992. It may be necessary to subordinate FLFO's exchange rights to these two rights.

PLAN ADMINISTRATION

The proposed uses of water at Florissant Fossil Beds National Monument can be placed in two groups, irrigation and in-building use. Because the irrigation will probably be used in conjunction with the housing units it would be difficult and more expensive to meter the two uses separately. It is proposed that the total pumpage be metered from the well for record purposes but the consumptive use be calculated on a unit rate as shown on page 4 of Exhibit C.

Florissant Fossil Beds National Monument will file a monthly report as shown in Exhibit C to Mountain Mutual Reservoir Company. The company will then combine this with the other plans for augmentation in its system and make appropriate releases from its facilities.

An example of all of Mountain Mutual Reservoir Company's reporting forms are attached to this report as Exhibit "C."

EXHIBIT A
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Decreed Plans For Augmentation

Decree Date	Division 1 Case Number	Names of Application & Development	Decreed to PFA (cfs)	Surplus (cfs)
09/22/1983	W-6355-72	Mountain W&S Dist. J. T. McDowell & Sons	0.500	0.500[8]
12/03/1973	W-7440	Hartsel Ranch Corp. J. T. McDowell & Sons	2.000	0.0
11/11/1974	W-7466	Woodside Park Assoc., J. T. McDowell & Sons; Woodside Park	1.000	0.0
03/12/1975	W-7388	Parkview Associates Ltd., Parkview	0.330	0.0
03/12/1975	W-7590	Arnold C. Harms; Ravenswood	0.035	0.005
03/18/1975	W-7610	Beaver Ridge, ltd. James T. McDowell; Beaver Ridge Recreation Village	1.000	0.0
07/18/1975	W-7785-74	Venture 73 Partnership J. T. McDowell & Sons; Venture 73 Subdivision	0.080	0.0
12/02/1975	W-7784-74	L. S. Development Co., J. T. McDowell & Sons	0.460	0.770
03/08/1976	W-7742-74	T-R Development Corp; Valley of the Sun	0.710	0.0
07/29/1976	W-8107-75	Elkhorn Ranch Co., J. T. McDowell & Sons; Elkhorn Ranch	0.750	0.0
03/10/1977	W-8259-76	Helen M. Brockman, Ronald T. Grice, William L. Annen, James S. Mueller & Gerald J. Bylsma; Piano Meadows	0.074	0.0

Case No. 93-CW-

EXHIBIT A (Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Decreed Plans For Augmentation

Decree Date	Division 1 Case Number	Names of Application & Development	Decreed to PFA (cfs)	Surplus (cfs)
08/04/1977	W-8109-75	Western Union Realty Corp.; Western Union Ranch	3.500	0.0
04/11/1978	W-8625-77	F. B. Howes, Jr., D/B/A S & H Construction Co.; Broken Wheel Village	0.130	0.0
05/15/1978	W-8568-77	Chatfield East Development Co.	0.386	0.0
Dismissed	W-8572-77	Warm Springs Ranch	0.0	1.500(3)
05/17/1978	W-8389-76	Widdowfield & Parkview Assoc. Ltd; Widdowfield Subdivision	0.170	0.0
08/22/1978	W-8574-77	Richard R. Helmick, J. T. McDowell & Sons; Wildwood Recreational Village	1.250	0.0
12/07/1978	W-8648-77	Kenneth H. Winchell, J. T. McDowell & Sons	1.048	0.690(9)
12/07/1978	W-8668-77	Thomas L. Debonis, Roberta J. Debonis, & Venture 73 Partnership	0.170	0.0
01/16/1979	W-8345-76	J. T. McDowell & Sons	1.012(1)	0.0
05/10/1979	W-8770-77	Woodside Ltd.	(2)	0.0
07/30/1979	W-9358-78	Kenneth H. Barber, William W. Poleson, J. T. McDowell & Sons; Silverheels Ranch	0.500	0.0
03/25/1980	W-8480-77	Fairplay-Four Mile Creek Ltd; Foxtail Pines	0.640	0.0

Case No. 93-CW-

EXHIBIT A Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Decreed Plans For Augmentation

Decree Date	Division 1 Case Number	Names of Application & Development	Decreed to PFA (cfs)	Surplus (cfs)
08/11/1980	79-CW-163	William W. Poleson; Michigan Hill Ranch	0.490	0.0
04/17/1981	80-CW-131	Thomas L. Debonis, Robert J. Debonis & Venture 73 Partnership; Spruce Hill	0.0(4)	0.0
12/02/1981	80-CW-194	Frank and Jean Ann Leach; Adventure Placer & Key Placer	0.170	0.0
06/15/1981	80-CW-195 (79-CW-163)	Melba Farr; Sun Mountain	0.130(6)	0.0
10/04/1983	81-CW-129	Woodside Park 5&6 Homeowners Association, North Fork Associates, Mountain Mutual Res. Co.; Woodside Park	0.0(5)	0.0
	TOTALS FROM DECREES AND PLANS		16.535	3.465

EXHIBIT A (Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Plans for Augmentation Based on
North Fork Associates' 2.556 cfs(3)(8)

Date of Application	Decree Date	Division 1 Case Number	Names of Applicants & Development	Decree or Application Amount (cfs)
03/29/1980	05/02/1982	80CW050	North Fork Associates, Mountain Mutual Res. Co., Burland Meadows, Ltd.; Burland Meadows	.205
04/30/1981	06/09/1983	81CW144	North Fork Associates, Mountain Mutual Res. Co., Will-O-Wisp; Will-O-Wisp P.U.D.	.467
04/20/1981	05/16/1989	81CW145	North Fork Associates, Mountain Mutual Res. Co., Crystal Lake Resort Properties; Pine Valley North and Pine Valley South Subdivision	.020
07/01/1981	05/25/1983	81CW212	North Fork Associates Mountain Mutual Res. Co., Wagon Tongue Company; Wagon Tongue Subdivision	(10)
08/31/1981	05/13/1983	81CW282	North Fork Associates, Mountain Mutual Res. Co., David Hall, Golden Hill Estates	.024
05/27/1983	12/19/1983	83CW124	North Fork Associates Mountain Mutual Res. Co., Woodside Park 5 and 6 Homeowners Association; Woodside Park Units 5 and 6	.010
12/27/1983	12/12/1984	83CW323	North Fork Associates, Mountain Mutual Res. Co.; Raven's Subdivision	.001
04/26/1985	04/29/1987	85CW110	North Fork Associates, Mountain Mutual Res. Co., Camp ID-RA-HA-JE Assn.	.058

EXHIBIT A (Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Plans for Augmentation Based on
North Fork Associates' 2.556 cfs(3)(8)

Date of Application	Decree Date	Division 1 Case Number	Names of Applicants & Development	Decree or Application Amount (cfs)
09/30/1985	12/24/1986	85CW254	Freedonia Company North Fork Associates Mountain Mutual Res. Co. Freedonia Ranch	.009
06/29/1988	06/27/1990	88CW102	Tranq. Ac Wtr. Supply, Inc. North Fork Associates	.060
08/28/1986(7)	12/04/1987	85CW326	Mooredale Ranch Resort, Inc.	.052
08/28/1987 12/20/1987(7)	06/02/1988	87CW148	Douglass Ranch Venture, Inc.	.113(11)
01/29/1988	11/22/1988	88CW013	Robert Kessler	.007
03/30/1988	11/18/1988	88CW060	Jeff. Co. Sch. Dist. R-1 North Fork Assoc. Mountain Mutual Res. Co.	.034
12/ /1988	06/29/1990	88CW205	Marcus J. Pardi North Fork Assoc. Mountain Mutual Res. Co.	.003
05/30/1989	07/03/1990	89CW079	Maurice W. Davis North Fork Assoc. Mountain Mutual Res. Co. Rancho Mirage	.022
08/31/1990	04/03/1991	90CW063	Hendrie Associates, Ltd. North Fork Assoc. Mountain Mutual Res. Co.	.014
06/28/1991	01/22/1992	91CW050	James P. Campbell North Fork Assoc. Mountain Mutual Res. Co.	.007
12/31/1991	11/17/1992	91CW119	Sharon F. Manning Charles W. Manning North Fork Assoc. Mountain Mutual Res. Co.	.028

EXHIBIT A (Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Plans for Augmentation Based on
North Fork Associates' 2.556 cfs(3)(8)

Date of Application	Decree Date	Division 1 Case Number	Names of Applicants & Development	Decree or Application Amount (cfs)
06/30/1992	11/18/1992	92CW074	Conifer Associates North Fork Assoc. Mountain Mutual Res. Co.	.070
07/31/1992	01/29/1993	92CW087	Maurice Davis North Fork Assoc. Mountain Mutual Res. Co. Belle Meade Subdivision	.040
09/30/1992	In Process	92CW107	Florissant Water And Sanitation District North Fork Assoc. Mountain Mutual Res. Co.	.238
11/30/1992	In Process	92CW124	Safari Ranch, Ltd. North Fork Assoc. Mountain Mutual Res. Co.	.010
	In Process		National Park Service North Fork Assoc. Mountain Mutual Res. Co.	.021
	TOTAL OF CURRENT (May 1993) NORTH FORK ASSOCIATES' OBLIGATIONS TO PLANS FOR AUGMENTATION			1.407
	SURPLUS FROM NORTH FORK ASSOCIATES' OWNERSHIP OF 2.556 CFS			1.149

FOOTNOTES FOR EXHIBIT A

Decreed Plans for Augmentation

(1) Due to an error in estimating the area irrigated by the Guiraud 3T Ditch, 1.012 cfs was abandoned.

(2) Depletions were covered by the 1.0 cfs of Guiraud 3T right in Case No. W-7466.

(3) The right for 1.500 cfs was acquired by North Fork Associates from Warm Springs Ranch. W-8572-77 was dismissed by stipulation.

EXHIBIT A (Contd.)
TABULATION OF GUIRAUD 3-T WATER
IN PLANS FOR AUGMENTATION (PFA)
May 1993

Plans for Augmentation Based on
North Fork Associates' 2.556 cfs(3)(8)

(4) Case No. 80CW131 was an application for amendment to Case No. W-8668-77, involving no additional use of Guiraud 3T water.

(5) Case No. 81CW129 was an application to modify the uses of water decreed in Case Nos. W-7466 and W-8770-77. No additional use of Guiraud 3T water is involved. Also, none of the 2.556 cfs of North Fork Associates' ownership of Guiraud 3T water is involved.

(6) Applicant purchased 0.13 cfs out of 0.30 cfs surplus in Case No. 79CW163.

(7) Application amendment date.

(8) The right of 0.366 cfs of the 0.50 cfs surplus Guiraud 3T water right in W-6355 was acquired by Agreement by North Fork Associates from Mountain Water and Sanitation District.

(9) Ownership successor to W-8648-77, i.e., Theodore Zigan, sold the 0.470 cfs surplus (10.25 ac-ft CU) plus 0.22 cfs (4.75 ac-ft CU) from the augmentation plan water to North Fork Associates Managing Partners. The 0.22 cfs may be subject to approval by the Water Court.

(10) Mountain Mutual Reservoir Company water rights have been withdrawn from Case No. 81CW212.

(11) 0.026 cfs of Mountain Mutual Reservoir Company's water rights have been withdrawn from 87CW148.

Case No. 93-CW-

EXHIBIT B
CURRENT OBLIGATIONS AGAINST 80 ACRE-FEET ANNUALLY
AVAILABLE FROM SPINNEY MOUNTAIN RESERVOIR
May 1993

Date of Application	Decree Date	Division 1 Case Number	Names of Application & Development	Amount of Obligation Ac-Ft Per Year
06/22/1977	05/13/1980 08/30/1985	W-8564-77	M.D. Properties 1978, Ltd.; Conifer Center	2.49
03/29/1980	05/02/1982	80CW050	North Fork Associates Mountain Mutual Res. Co. Burland Meadows Ltd. Burland Meadows	3.50
04/20/1981	10/04/1983	81CW129	Woodside Park 5 & 6 Homeowners Association, North Fork Associates, Mountain Mutual Res. Co., Woodside Park Unit One Homeowners' Association, Inc., Woodside Park Homeowners' Association Units 2, 3 and 4, Woodside Park	4.00
04/30/1981	06/09/1983	81CW144	North Fork Associates Mountain Mutual Res. Co. Will-O-Wisp Will-O-Wisp P.U.D.	8.19
04/30/1981	05/16/1989	81CW145	North Fork Associates Mountain Mutual Res. Co. Crystal Lake Resort Prop. Pine Valley North and Pine Valley South Subdivisions	0.55
07/01/1981	05/25/1983	81CW212	North Fork Associates . Mountain Mutual Res. Co. Wagon Tongue Company Wagon Tongue Subdivision	(c)
08/31/1981	05/13/1983	81CW282	North Fork Associates Mountain Mutual Res. Co. David Hall Golden Hill Estates	0.73
12/27/1983	12/12/1984	83CW323	North Fork Associates Mountain Mutual Res. Co. Raven's Subdivision	0.04

EXHIBIT B (Contd.)
May 1993

Date of Application	Decree Date	Division 1 Case Number	Names of Application & Development	Amount of Obligation Ac-Ft Per Year
04/26/1985	04/29/1987	85CW110	North Fork Associates Mountain Mutual Res. Co. Camp ID-RA-HA-JE Assn.	1.48
09/30/1985	12/24/1986	85CW254	Freedonia Company North Fork Associates Mountain Mutual Res. Co. Freedonia Ranch	0.146
01/30/1986	12/24/1986	86CW021	Tiny Town Investment Corp. 285 Business Center	4.00
06/29/1988 06/29/1988	06/27/1990 06/27/1990	88CW102 88CW102	Tranq. Ac. Water Supply, Inc. North Fork Associates	1.47[a]
08/28/1986[b]	12/04/1987	85CW326	Mooredale Ranch Resort, Inc.	1.24
12/31/1986	03/15/1988	86CW372	Pete C. Kuyper	15.00
08/28/1987 12/30/1987[b]	06/02/1988	87CW148	Douglass Ranch Venture, Inc.	0.933
10/30/1987	06/07/1990	87CW200	Mountain W&S Dist.	3.000
01/29/1988	11/22/1988	88CW013	Robert Kessler	0.113
03/30/1988	11/18/1988	88CW060	Jeff. Co. Sch. Dist. R-1 North Fork Assoc. Mountain Mutual Res. Co.	0.331
12/ /1988	06/29/1990	88CW205	Marcus J. Pardi North Fork Assoc. Mountain Mutual Res. Co.	0.031
05/30/1989	07/03/1990	89CW079	Maurice W. Davis North Fork Associates Mountain Mutual Res. Co. Rancho Mirage	0.678
06/28/1991	01/22/1992	91CW050	James P. Campbell North Fork Assoc. Mountain Mutual Res. Co.	0.128
12/31/1991	11/17/1992	91CW119	Sharon F. Manning Charles W. Manning North Fork Assoc. Mountain Mutual Res. Co.	0.395[a]

EXHIBIT B (Contd.)
May 1993

Date of Application	Decree Date	Division 1 Case Number	Names of Application & Development	Amount of Obligation Ac-Ft Per Year
06/30/1992	11/18/1992	92CW074	Conifer Associates North Fork Assoc. Mountain Mutual Res. Co.	1.540[a]
07/31/1992	01/29/1993	92CW087	Maurice Davis North Fork Assoc. Mountain Mutual Res. Co. Belle Meade Subdivision	1.167[a]
09/30/1992	In Process	92CW107	Florissant Water And Sanitation District North Fork Assoc. Mountain Mutual Res. Co.	0.808[a]
11/30/1992	In Process	92CW124	Safari Ranch, Ltd North Fork Assoc. Mountain Mutual Res. Co.	0.174[a]
	In Process		National Park Service North Fork Assoc. Mountain Mutual Res. Co.	0.144[a]

Sub-Total of obligations	52.278
Transportation charges when not included above	2.932
Evaporation losses at Lower Sacramento Creek Reservoir	1.600
TOTAL OBLIGATIONS AGAINST MOUNTAIN MUTUAL RESERVOIR COMPANY'S USE OF 80 ACRE-FEET PER YEAR FROM SPINNEY MOUNTAIN RESERVOIR	56.810

(a) Includes Transportation Charges
(b) Application Amendment Date
(c) Mountain Mutual Reservoir Company water rights have been withdrawn from Case No. 81CW212

EXHIBIT C
YEARLY ACCOUNTING FOR REPLACEMENT OF DEPLETIONS DIRECTLY FROM STORAGE
November 1, 19____ to October 31, 19____

Case No. 92-CW-124
Sheet 1 of 5

Name of Development & Case No.	Obligation For Project Replacement From Storage Full Develop. AF	Present Develop. AF	From Spinney Mtn. Res. Amount Released To Stream AF	Trans. Chgs. %	Trans. Chgs. AF	Net Depletion Replacement AF	From Woodside Res. Amount Released To Stream AF	Trans. Chgs. %	Trans. Chgs. AF	Net Depletion Replacement AF	From Lower Scramento Creek Res. No. 1 Amount Released To Stream AF	Trans. Chgs. %	Trans. Chgs. AF	Net Depletion Replacement AF	From All Reservoirs Total Net Depletion Replacement AF
Conifer Center W-8564	2.49			8.7				3.1				12.5			
Burland Meadows 80-CW-050	3.50			8.7				1.4				12.5			
Woodside 5 & 6 81-CW-129	4.00			8.7				0.0				12.5			
Will-O-Wisp 81-CW-144	8.19			8.7				1.4				12.5			
Pine Valley N. 81-CW-145	0.55			8.7				1.4				12.5			
Golden Hills 81-CW-282	0.73			0.0				3.1				0.0			
Raven's Sub-division 83-CW-323	0.04			10.5				4.9				14.3			
Camp ID-RA-HA-JE 85-CW-110	1.48			5.4				0.0				9.2			
Freedonia Ranch 85-CW-254	0.146			5.3				0.0				9.1			
Tranquil Acres 88-CW-102	1.47			6.9				3.1				10.7			
Mooredale Ranch 85-CW-326	1.24			5.0				(0.6)				8.8			
Tinytown 86-CW-021	4.00			9.6				3.9				13.4			
Pete C. Kuyper 86-CW-372	15.00			3.0				0.0				6.8			
Douglass Ranch 87-CW-148	0.933			6.2				0.6				10.0			
Mtn. W&S Dist. 87-CW-013	3.00			5.9				0.3				9.7			
Robert Kessler 88-CW-013	0.113			6.2				0.6				10.0			
Elk Cr. Sch. 88-CW-060	0.331			6.0				0.6				9.8			
Marcus J. Pardi 88-CW-205	0.031			10.5				4.9				14.3			
Rancho Mirage 89-CW-079	0.678			8.7				2.4				12.5			
Beaver Ridge #4 91-CW-050	0.128			0.0				3.1				0.0			
Wildhorn Ranch 91-CW-119	0.372			5.8				3.1				9.6			
Conifer Ridge 92-CW-074	1.417			8.7				2.4				12.5			
Belle Meade 92-CW-087	1.074			8.7				2.4				12.5			
Florissant Water & Sanitation Dist 92-CW-107	0.786			2.8				3.1				6.6			
Safari Ranch 92-CW-124	0.174			0.0				3.1				1.3			
Florissant Fossil Beds N.M.	0.144			2.8				3.1				6.6			

Case No.
Sheet 2 of 5

EXHIBIT C
LOWER SACRAMENTO CREEK RESERVOIR NO. 1 OPERATIONS
WATER YEAR November 1, 19___, to October 31, 19___
Acre-Feet
Lower Sacramento Creek Reservoir No. 1 Accounting

Month	(1) Storage At Beginning Of Month	(2) Storage At End of Month	(3) Total Releases	(4) Total Stored (Gaged)	(5) Stored By G3T Right	(6) Stored by Storage Exch. Storage Releases	(7) Stored by Storage Exch. Trans. Charge	(8) Stored by Storage Exch. Amount Stored 6-7	(9) Stored Under Own Rights 4-5-6	(10) Total Net Losses 1-2-3-4	(11) MMRC Storage At Beginning Of Month	(12) MMRC Share of LSCR #1 Net Loss If 9>0, enter 27% x (10-9). If 9<0, enter 27% x (10).	(13) MMRC Releases For Depletions	(14) MMRC Charge On Storage 8-12-13	(15) MMRC Storage At End Of Month 11+14
Nov.															
Dec.															
Jan.															
Feb.															
Mar.															
Apr.															
May															
Jun.															
Jul.															
Aug.															
Sep.															
Oct.															
TOTALS															

EXHIBIT C
WOODSIDE RESERVOIR OPERATIONS
WATER YEAR November 1, 19___, to October 31, 19___

Month	(1) Storage At Beginning Of Month	(2) Storage At End of Month	(3) Releases For Depletions	(4) Total Net Gain In Storage 2 - 1 + 3	(5) Stored by Exchange: Storage Releases	(6) Stored by Exchange: Transportation Charges	(7) Stored by Exchange: Amount Stored 5 - 6	(8) Net Amount Stored Under Own Right 4 - 7
Nov.								
Dec.								
Jan.								
Feb.								
Mar.								
Apr.								
May								
Jun.								
Jul.								
Aug.								
Sep.								
Oct.								
TOTALS								

EXHIBIT C
WATER ACCOUNTING FORM
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT
Case No. _____
November 1 ____ to October 31 ____

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
(1) Reading Date												
(2) Turf Equiv.[a] (Ac)												
(3) Turf Avg CU Rate (Ft)							0.117	0.480	0.441	0.324	0.298	
(4) Irrigation CU (2) X (3) (AF)												
(5) Irr Application (4)/0.75 (AF)												
(6) Sawmill Tr Well BOM Reading (Gal)												
(7) EOM Reading (Gal)												
(8) Water Diverted (7) - (6) (Gal)												
(9) Visitor Center Well BOM Reading (Gal)												
(10) EOM Reading (Gal)												
(11) Water Diverted (10) - (9) (Gal)												
(12) Total Diverted (8) + (11) (Gal)												
(13) (12)/325,851 (AF)												
(14) In-building Use (13) - (5) (AF)												
(15) In-building CU (14) X 0.10 (AF)												
(16) Total CU (4) + (15) (AF)												

Abbreviations: Div = diversion; BOM = beginning of month; EOM = end of month; CU = consumptive use; Irr = Irrigation

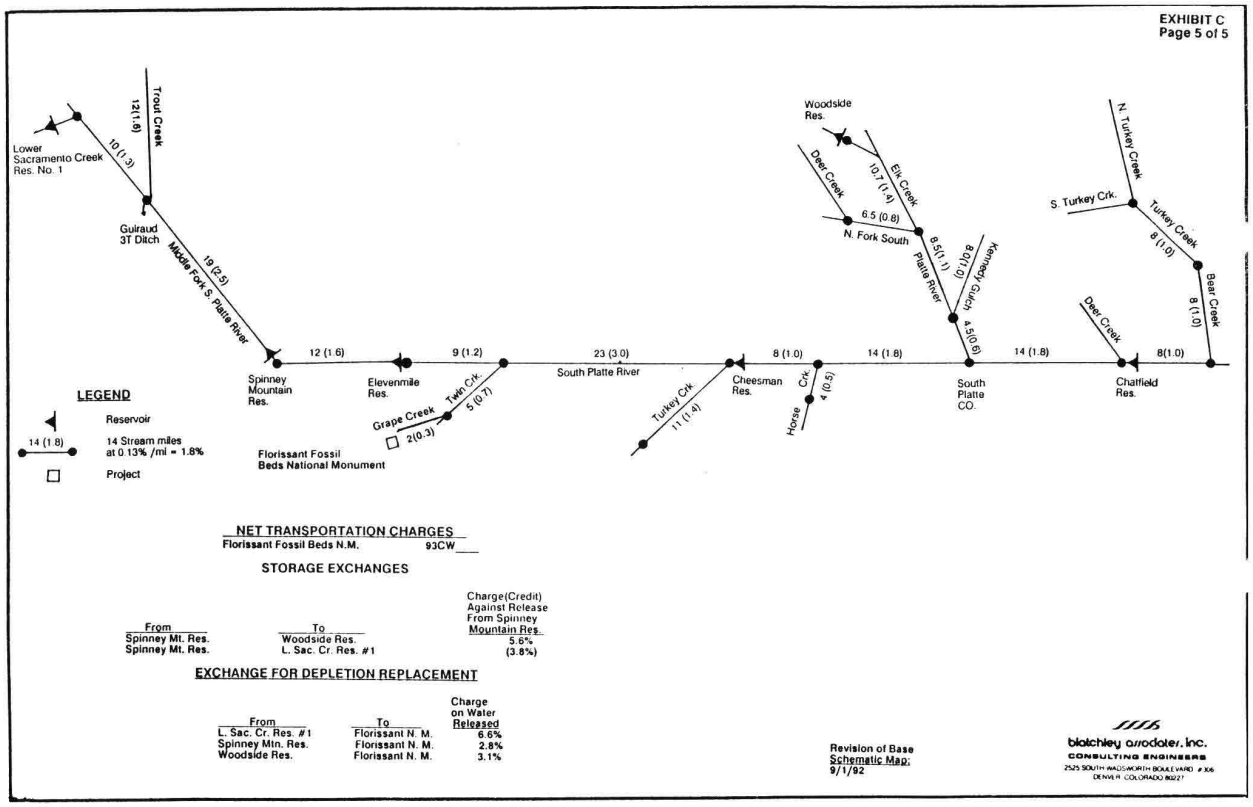
[a] ((_____ Sq Ft of lawn) + (_____ Sq Ft garden/4))/43,560 = _____ Acres

Sum of May-Sep Line (16) _____

Send a completed copy of this form monthly to Mountain Mutual Reservoir Co.

Sum of Nov-Apr & Oct Line (16) _____

05-18-1993: net transportation charges/exchange for depletion replacement, map.



04-02-1991: leter to fred loo, division of water resources; re: permit application form for a replacement well.

W.R. Hansen WRH 4/3/91
Dan McGlothlin DW 4/3/91
Owen Williams OR

April 2, 1991

L54(479)
FLFO/Water Rights

Mr. Fred Loo
Colorado Division of Water Resources
818 Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Re: Permit Application Form for a Replacement Well

Dear Mr. Loo:

Please find the enclosed Permit Application Form for a replacement well at Florissant Fossil Beds National Monument (FLFO). Sawmill Trail Well was previously drilled under File No. MH-15812. The Application requests a permit to replace FLFO Well No. 12 (decreed in 90CW149) with Sawmill Trail Well for drinking and sanitary facilities at a new Visitor's Center.

The original Application Form was submitted to you by Gary Anderson, Denver Service Center, National Park Service (NPS), and apparently rejected because the NPS did not have water rights for the well. The NPS has filed an Application for Change of Water Right with the District Court, Water Division 1. The required application fee of $60.00 was previously submitted to the Division of Water Resources through NPS Purchase Order No. 2175-0-1190 (see attachment). Please use purchase order number 2171-0-1190 as payment for the enclosed Permit Application Form.

Please contact Bill Hansen, of my staff, at (303) 493-1441, if you have any questions concerning this application or related matters.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosure

cc: FLFO - Superintendent
RMR - Chaney
DOJ - Johnson
WD1 Water Court - Liesman

bcc: 479 - FLFO Water Right Docket #12
FLFO Sawmill Trail Well Water Right Docket

FNP:BHANSEN:jt:(303)493-1441:04/03/91:A:\FLFOAPP.WD1

04-02-1991: order for supplies or services.

ORDER SUPPLIES OR SERVICES

PAGE 1 OF PAGES 1

NT: Mark all packages and papers with contract and/or order numbers.

OF ORDER	2. CONTRACT NO. (If any)	3. ORDER NO.	4. REQUISITION/REFERENCE NO.
04/05/90	STATE AGENCY	PX-2175-0-1213	2175-0-247

5. ISSUING OFFICE (Address correspondence to)
NATIONAL PARK SERVICE RMR-AC
P.O. BOX 25287
DENVER, COLORADO 80225-0287

6. SHIP TO: (Consignee and address, ZIP Code)
NATIONAL PARK SERVICE ATTN: J. WENDELTON OR
12795 WEST ALAMEDA PARKWAY G. ANDERSON
LAKEWOOD, COLORADO 80228
SHIP VIA: BEST WAY

7. TO: CONTRACTOR (Name, address and ZIP Code)

COLORADO DIVISION OF WATER RESOURCES
CENTENNIAL BLDG. #818
1313 SHERMAN STREET
DENVER,CO 80203

8. TYPE OF ORDER
[X] A. PURCHASE – Reference your VERBAL QUOTE
Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of: FAR 13
[ ] B. DELIVERY – Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA
2001-4178-402 N-2500 F3*

10. REQUISITIONING OFFICE
RR DSC-TCE-WENDLETON OR ANDERSON

11. BUSINESS CLASSIFICATION (Check appropriate box(es))
[ ] SMALL [X] OTHER THAN SMALL [ ] DIS-ADVAN-TAGED [ ] WOMEN-OWNED

12. F.O.B. POINT	14. GOVERNMENT B/L NO.	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)	16. DISCOUNT TERMS
DESTINATION	N/A	6/5/90	NET 30
13. PLACE OF INSPECTION AND ACCEPTANCE			

17. SCHEDULE (See reverse for Rejections)

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
1.	WELL PERMIT APPLICATION FEE FOR A WELL AT FLORISSANT FOLLIL BEDS NATIONAL MONUMENT IN TELLER COUNTY, NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 23, TOWNSHIP 13S, RANGE 71 W.	1	EA	60.00	60.00	

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.		17(H). TOT. (Cont. pages)
-	-			

SEE BILLING INSTRUCTIONS ON REVERSE

21. MAIL INVOICE TO: (Include ZIP Code)
NATIONAL PARK SERVICE ATTN: RMR-APP
P.O. BOX 25287, DENVER, CO. 80225-0287

60.00 — 17(I). GRAND TOTAL

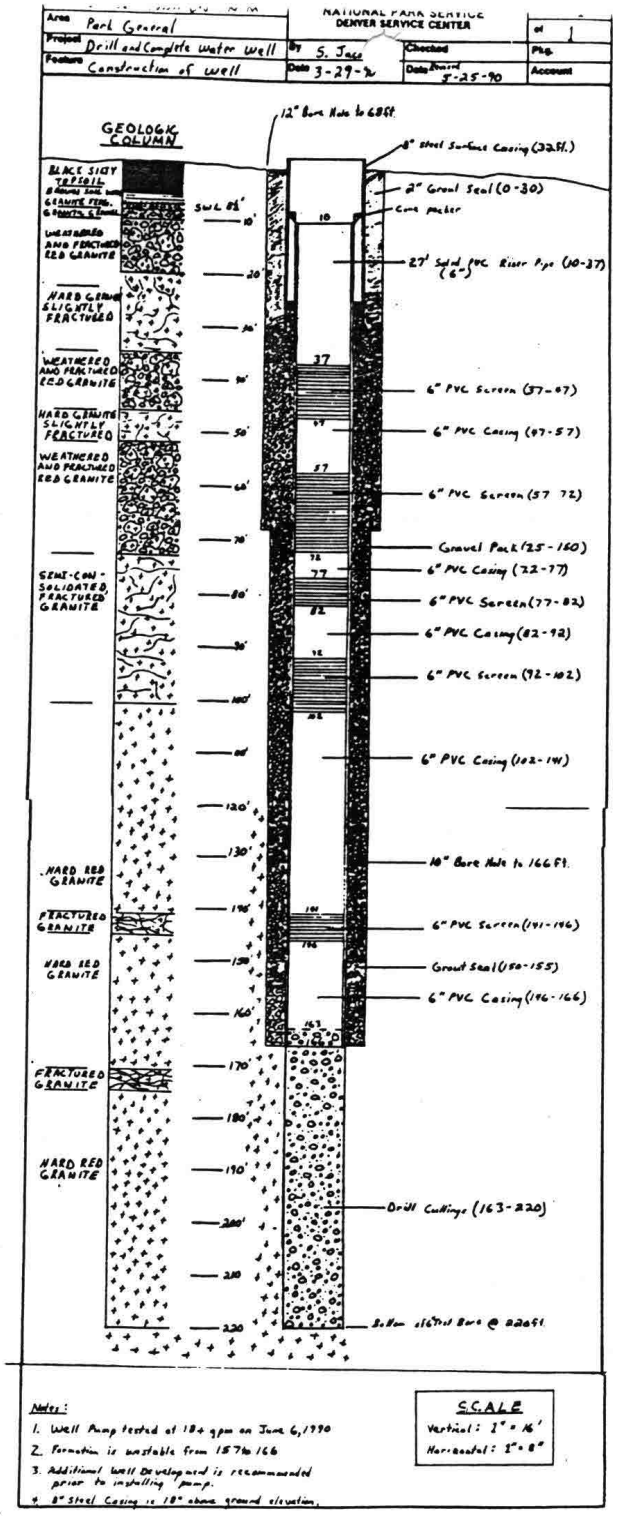
22. UNITED STATES OF AMERICA BY (Signature) Frank R Morrissey

23. NAME (Typed)
FRANK R.MORRISSEY(303)969-2792(RM-116)
TITLE: CONTRACTING/ORDERING OFFICER

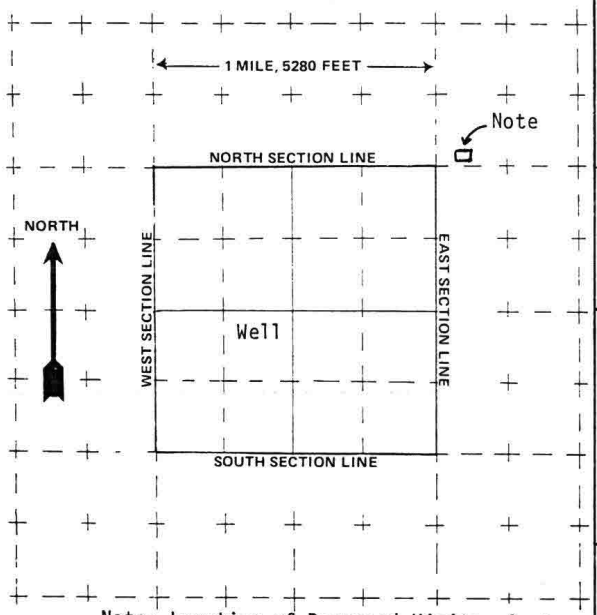
NPS Form 10-3470 (3-86)

NATIONAL PARK SERVICE

04-02-1991: order for supplies or services, diagram of well.



(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.



Note: Location of Proposed Visitor Center
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.

2500 ft. from south (north or south) sec. line

2000 ft. from west (east or west) sec. line

LOT N/A BLOCK N/A FILING # N/A

SUBDIVISION N/A

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

No. of acres 5992 . Will this be the only well on this tract? No

(8) PROPOSED CASING PROGRAM

Plain Casing See attached drawing of propose well construction.

____ in. from ____ ft. to ____ ft.

____ in. from ____ ft. to ____ ft.

Perforated casing

____ in. from ____ ft. to ____ ft.

____ in. from ____ ft. to ____ ft.

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

Sawmill Trail Well is 5150 ft. S 60° W from Well No. 12. Well No. 12 will b plugged w/concrete when new Visitor Center facilities are complete.

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

Owner(s): USDI National Park Service, Florissant Fossil Beds NM No. of acres: 5992

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

(11) DETAILED DESCRIPTION of the use of ground water: **Household use and domestic wells must indicate type of disposal system to be used.** Water to be used by park visitors and employees at a newly constructed Visitor Center/Headquarters. Sewage disposal will be by septic tank and absorption field 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

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

O. R. Williams

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

04-02-1991: permit application for to use ground water.

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. Well No. 12 as decreed in 90CW149
( ) with by Sawmill Trail Well
WATER COURT CASE NO. _____

(1) APPLICANT - mailing address

NAME United States of America
National Park Service
Florissant Fossil Beds NM
STREET 301 S. Howes Street
CITY Fort Collins, Colorado (State) 80521 (Zip)
TELEPHONE NO. (303) 493-1441

(2) LOCATION OF PROPOSED WELL

County Teller
NE ¼ of the SW 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) 15
Average annual amount of ground water to be appropriated (acre-feet): 0.33
Number of acres to be irrigated: None
Proposed total depth (feet): 180
Aquifer ground water is to be obtained from:
Fractured Granite
Owner's well designation Sawmill Trail Well

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking & Sanitary Facilities as decreed in 90CW149
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name William Dietrich
Street P.O. Box 287
City Florissant, (State) Colorado (Zip) 80816
Telephone No. (719)687-6379 Lic. No. 1155

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 _____

03-18-1991: letter to mary crespin from water division no 1; re: application for change of water right.

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJohnson
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

March 18, 1991

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

Re: Water Division No. 1 - United States of America,
Application for Change of Water Right

Dear Mary:

Enclosed for filing and publication please find the original and four copies of our Application for Change of Underground Water Right from Florissant Fossil Beds National Monument Visitor's Center Well No. 12 to Sawmill Trail Well (replacement well), together with U. S. Treasury Check No. 213 3769 in the amount of $159.00.

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

Thank you for your continuing cooperation in these matters.

Sincerely,

Deirdre Hills
Legal Technician
General Litigation Section

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

cc: Mr. Kenneth Czarnowski
Hydrologist
National Park Service
Water Resources Division
Federal Building, 301 S. Howes Street
Fort Collins, Colorado 80521

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. _____

APPLICATION FOR CHANGE OF WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:
United States of America
Florissant Fossil Beds National Monument, in Teller County.

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

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

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

USA Florissant Fossil Beds National Monument Visitor's Center Well No. 12

3. From previous Decree:

A. Date Entered: March 6, 1991 Case No. 90CW149* Court: District Court Water Division 1

B. Decreed point of diversion (include map): NW¼, NW¼, S24, T13S, R71W, 6th P.M., 400 feet from the N line and 500 feet from the W line.

C. Source: Ground water

D. Appropriation Date: October 31, 1951 Amount: 0.033cfs (15 gpm) 0.33 acre-ft/yr.

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

Drinking and sanitary facilities at the Visitor's Center.

*See Case No. W-8795-77 entered on 12/29/88.

Bradford Publishing, 5825 W. 6th Ave., Lakewood, CO 80214 — (303) 233-6900

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

Proposed change is a replacement well. USA Florissant Fossil Beds National Monument Well No. 12 decreed March 6, 1991, in 90CW149, Water Division No. 1. Decreed point of diversion NW¼NW¼, S24, T13S, R71W, 6th P.M., at a point approximately 400' from the N line and 500' from the W. line. Source: Groundwater Appropriation: 10/31/1951. Amount: 0.033 cfs(15 gpm) 0.33 acre-ft/yr. Historic use: Drinking and sanitary facilities at the Visitor's Center. Well No. 12 will be replaced by Sawmill Trail Well and used at a new Visitor's Center at Florissant Bed National Monument. (Permit Application Form Filed). Sawmill Trail Well is located in the NE¼ SW¼, S23, T13S, R71W,6th P.M., 2500' from the S line and 2000' from the W line. Use is for drinking and sanitary facilities at the new Visitor's Center. Amount is 0.033cfs(15gpm) not to exceed 0.33acre-ft/yr. Water will be used by park visitors and employees. Well No. 12 will be abandoned and filled w/concrete when the new Visitor's Center is complete.

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

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

MICHAEL J. NORTON
UNITED STATES ATTORNEY

By: Lynn A. Johnson
Signature of Applicant (or Attorney)

Lynn A. Johnson (15394)
Department of Justice, Environment and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294 (303) 844-3627
Address of Applicant (or Attorney)
Telephone No.

Attorney Registration No. 15394

STATE OF COLORADO
COUNTY OF Larimer } ss.

I, Owen R. Williams, state under oath that I have read this application and verify its content.

Owen R. Williams
Applicant

Subscribed under oath before me on 19 Feb 91.
date

My commission expires: My Commission Expires October 9, 1994
date

Susan A. Mercer
Notary Public

03-18-1991: application for change of water right; district court water division 1; colorado, map.



FEB 2
DEPT. JUSTICE LANDS DIVISION
DENVER, COLO.

FILED
91 JAN 3 AM 8:11
WELD COUNTY COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 90CW149 and 84CW419
(W-8795-77)

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

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF

UNITED STATES OF AMERICA, FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, IN TELLER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on September 13, 1990 and is considered as an amendment to case No. 84CW419 filed on December 20, 1984 and originally filed in case No. W-8795-77 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.

No Statement of Opposition to said application has been filed and the time for filing such statement has expired.

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.

FINDINGS OF FACT

1. Florissant Fossil Beds Visitors Center Well No. 1 has historically been used for drinking and sanitary facilities at the National Monument Visitors Center.

2. Case No. 84CW419 was filed on December 20, 1984 for Visitors Center Well No. 12. This well was required to supply water to the Visitors Center when water was not available from Visitors Center Well No. 1 as decreed in case No. W-8795-77.

USA

3. A change of water right has been filed herein to transfer the water right from Visitors Center Well No. 1 to Visitors Center Well No. 12.

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

United States of America
Department of Justice
Land and Natural Resources Division
1961 Stout Street
P.O. Drawer 3607
Denver, CO 80293

2. The name of the structure:

USA Florissant Fossil Beds National Monument
Visitors Center Well No. 1 (a/k/a Well No. 12)

3. The legal description of the structure:

As decreed in case No. W-8795-77: SW1/4SW1/4, Section 13, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 10 feet from the South line and 650 feet from the West line, Section 13.

As transferred herein: NW1/4NW1/4, Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 400 feet South and 500 feet East of the Northwest corner, Section 24.

4. The source of the water:

Groundwater

5. The date of appropriation:

October 31, 1951 as decreed in case No. W-8795-77 dated February 8, 1989.

6. The amount of water:

0.033 cfs (15 gpm) limited to 1/3 acre foot (108,600 gallons) annually.

0.007 cfs (15 gpm) abandoned as a condition of the transfer herein.

7. The use of the water:

Drinking and sanitary facilities in Visitors' Center.

8. Moving the location of the well approximately 500 feet Southwest will not result in injury to vested water rights of others.

9. This change shall be subject to reconsideration by the water judge on the question of injury to the vested rights of others for a period of 5 years from the date of this decree pursuant to CRS 37-92-602.

Dated: [illegible]

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.

RECEIVED
MAR 8 - 1991
DEPT JUSTICE LANDS DIVISION
DENVER COLO

Dated: MAR - 6 1991

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

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJ
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

January 23, 1991



Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. 90 CW 149

Dear Owen:

Enclosed please find a copy of Summary of Consultation submitted by Alan D. Berryman, Division Engineer, Water Division No. 1. Please let me know if you have any reason to believe the recommended terms cannot be met. Thank you.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

Lynn A. Johnson
Attorney
General Litigation Section

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

12-18-1990: summary of consultation held december 3, 1990.

Lynn - FYI only - Orig. filed

ROY ROMER
Governor

JERIS A. DANIELSON
State Engineer

DIVISION OF WATER RESOURCES
WATER DIVISION I

Alan D. Berryman
Division Engineer
800 8th Ave.-Room 209- ARIX Bldg.
Greeley, Colorado 80631
(303) 352-8712

December 18, 1990

SUMMARY OF CONSULTATION HELD DECEMBER 3, 1990

CASE NO. 90 CW 149 United States of America Florissant Fossil Beds National Monument, Teller County

SEPTEMBER 1990 RESUME

The applicant seeks the water rights to a well, Visitors Center well No. 12 which replaces Visitors Center well No. 1.

The Division Engineer recommends that the water right be granted provided the applicant is restricted to the permitted flowrate and the annual limit to the amount of water pumped.

The requested information should be submitted to the Water Court, P. O. Box C, Greeley, Colorado 80632 or Telephone 356-4000, Ext.4398.

CRS 1973, 37-92-302(4), SIGNED IN TO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR HIS 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, AND 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 CONSULTATION IS MAILED TO OPPOSING PARTIES.

Alan D. Berryman
Alan D. Berryman
Division Engineer

xc: Jeris A. Danielson

No Opposition filed. L.

CERTIFICATE OF MAILING

CASE NO. 90 CW 149

I hereby certify that on this 27th day of December 90, 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:

Jeris A. Danielson, State Engineer
Division of Water Resources
Room 818, 1313 Sherman Street
Denver, CO 80203

Lynn A. Johnson
1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Rachel Boardman

Bill H. ___
Alice J. ___

TO ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIVISION I: Pursuant to CRS, 37-92-302, you are hereby notified that the following pages comprise a resume of applications and amended applications filed in the office of the Water Clerk for Water Division No. 1 during the month of September, 1990.

90CW147 BETTY G. RICHARDSON, 2911 S. Cook St., Denver, CO 80210. Application for Change of Water Right, IN DOUGLAS COUNTY. Richardson Well #CP10183-F decreed 9/3/1973 in Case No. W-2585, Water Division 1. Decreed point of diversion: Located in the SW1/4NE1/4, S20, T10S, R65W, 6th P.M., at a point 2475' W and 2310' S of the NE corner of said S20. Source: Dawson Formation, non-tributary Appropriation: 8/19/1965 Amount: 0.0467 cfs Proposed change: Richardson Well #CP10183-F is located in the SW1/4NE1/4, S20, T10S, R65W, 6th P.M., at a point 2600' W and 1925' S of the NE corner of said S20. (2 pages)

90CW148 ART PIRNIE, 11021 N. County Road 3, Wellington, CO 80549. (Darrell V. Goodman, MARCH AND MYATT, POB 469, Ft. Collins, CO 80522) Application for Change of Water Right, IN LARIMER COUNTY. Tucker Mason Drainage Ditch Pumpstation No. 1, decreed 6/30/1972 in Case No. W-6318 in Water Division No. 1. Decreed point of diversion: Pumpstation No. 1 bears N 09°52' W, 1274' from the SE Corner of S14, T9N, R68W, 6th P.M. Source: Seepage from the Indian Creek - Cache La Poudre River Drainage Appropriation: 11/30/1961 Amount: 1.0 cfs Historic use: 1. Original use- Domestic, stock watering and irrigation of 80 acres in the S1/2SE1/4, S14, T9N, R68W, 6th P.M. 2. Current use- Domestic, stock watering and irrigation of 40 acres in the SW1/4SE1/4, S14, T9N, R68W, 6th P.M. Proposed change: a) Alternate point of diversion - move Tucker Mason Drainage Ditch Pumpstation No. 1 from present location to NE1/4SE1/4, S14, T9N, R68W, 6th P.M. Water to be used on same. b) see a) above c) Domestic, stock watering and irrigation d) all (see page). Name and address of owner of land on which structure is located: Lynn and Kathryn L. Greenwood, 1824 W. Vine Drive, Ft. Collins, CO 80521 (2 pages)

90CW149 USA, Dept. of Natural Resources Division, 1961 Stout St., PO Drawer 3607, Denver, CO 80294. (Lynn A. Johnson, 1961 Stout St., Drawer 3607, Denver, CO 80294). Application for Change of Water Right, IN TELLER COUNTY. USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1 decreed 12/29/1988 in Case No. W-8795-77, Water Division No. 1. Decreed Point of diversion SW1/4SW1/4, S13, T13S, R71W, 6th P.M., at a point approximately 10' from the S line and 650' from the W line, S13. Source: Groundwater Appropriation: 10/31/1951 Amount: 0.04 cfs (18 gpm)-0.3 acre-ft/yr Historic use: Drinking and sanitary facilities at the Visitors' Center Proposed change: Proposed change is a replacement well. USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1 would be replaced by Visitor Center Well Number 12 (see approved PERMIT APPLICATION FORM 154810-A, for Replacement for Well No. 1 as decreed, by Well No. 12). Well Number 1 has been abandoned (See Well abandonment Affidavit of Justin S. Ankrum describing the abandonment). Well Number 12 is located in the NW1/4NW1/4, S24, T13S, R71W, 6th P.M., 400' from the N line and 500' from the W line. Use is for drinking and sanitary facilities at Visitors Center. Amount is 0.04 cfs (18 gpm) not to exceed 0.3 acre-feet/year. Water will be used by park visitors and employees. (2 pages)

90CW150 CHERYL RAMSEY, 3862 Elm, Parker, CO 80134. Application for Underground Water Right, IN DOUGLAS COUNTY. Well No. 134281 is located in the NE1/4NE1/4, S7, T6S, R66W, 6th P.M., at a point approximately 124' from the N line and 580' from the E line , a/k/a Block 11, Lot 6, Grandview Estates, 3862 Elm. Source: Dawson Aquifer Depth: 170'-280' Appropriation: 1/3/1984 Amount claimed: 15 gpm Proposed use: Number of acres proposed to be irrigated: 0.1 acres Total number of acres proposed to be irrigated: 0.2 acres The legal description of the land irrigated: NE1/4NE1/4, S7, T6S, R66W, 6th P.M., Block 11, Lot 6, Grandview Estates. Area of lawns and gardens irrigated: 0.2 acres. Remarks: Domestic and livestock use. Lawn is buffalo and low water grasses. Using water conserving appliances and drip irrigation. (2 pages)

09-17-1990: memo to superintendent; from chief, water rights division; subject: change application for visitors' center wells #1 and

United States Department of the Interior
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521

IN REPLY REFER TO:
L54(479)
FLFO/Water Rights

September 17, 1990

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: Chief, Water Rights Branch

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

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

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

Daniel J. McGlothlin

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

09-11-1990: letter to mary crespin, clerk, water division; re: application for change of water right.

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJohnson
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

September 11, 1990

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

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

Dear Mary:

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

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

Thank you for your continuing cooperation in these matters.

Sincerely,

Lynn A. Johnson
Attorney, General Litigation Section

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

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

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

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION NO. 1 , COLORADO

Case No. _____

APPLICATION FOR CHANGE OF WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:
UNITED STATES OF AMERICA
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT , in TELLER County.

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

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

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

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

3. From previous Decree:

A. Date Entered: December 29, 1988 Case No. W-8795-77 Court: District Court, Water Division 1

B. Decreed point of diversion (include map): SW1/4SW1/4, Section 13, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 10 feet from the South line and 650 feet from the West line, Section 13.

C. Source: Ground water

D. Appropriation Date: October 31, 1951 Amount: 0.04 cfs (18 gpm) 0.3 acre-ft/yr

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

Drinking and sanitary facilities at the Visitors' Center

4. Proposed change: (a) describe change requested: alternate point of diversion/replacement/change of use; (if well, please list pertinent information from well permit) (b) location; (c) use; (d) amount; (e) give proposed plan for operation (if (b) thru (e) applicable, please give full descriptions.)
Proposed change is a replacement well. USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1 would be replaced by Visitor Center Well Number 12(See approved PERMIT APPLICATION FORM 154810-A, for Replacement for Well No. 1 as decreed, by Well No. 12). Well Number 1 has been abandoned (See Well Abandonement Affidavit and Affidavit of Justin S. Ankrum describing the abandonement). Well Number 12 is located in the NW1/4NW1/4, Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County. Use is for drinking and sanitary facilities at Visitors Center. Amount is 0.04 cfs (18gpm) not to exceed 0.3 acre-feet/year. Water will be used by park visitors and employees.

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

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

MICHAEL J. NORTON
UNITED STATES ATTORNEY

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

STATE OF COLORADO
COUNTY OF Larimer } ss.

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

Alice E. Johns
Applicant

Subscribed under oath before me on Sept 10, 1990.
date
My Commission Expires 2/28/93
My commission expires: _____.
date

Leonard C. Utter
Notary Public

07-18-1989: permit application form; replacement for well no. 1.

...Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203 JUL 2 0 1989

WATER RESOURCES STATE ENGINEER CDLB.

PERMIT APPLICATION FORM

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

RECEIVED JUL 1 1 1989 WATER RESOURCES STATE ENGINEER CDLB.

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

07-11-89 3:13 P
032472 20.00
CDSS PD015
ITL 20.00

(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
~~DRILLED~~ by Well No. 12 (84-CW-419)

WATER COURT CASE NO. _____ CHEQUE 20.0

(1) APPLICANT - mailing address
United States of America,
NAME National Park Service
STREET 301 S. Howes St. Room 353
CITY Ft. Collins Colorado (State) 80521 (Zip)
TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL
County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 71 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA
Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 0.3
Number of acres to be irrigated: None
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from:
Pikes Peak Granite
Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:
( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER
Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant Colorado (State) 80816 (Zip)
Telephone No. 748-3318 Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN
ITM 1
Receipt No. 302588 CL-1 / OA2588
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

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

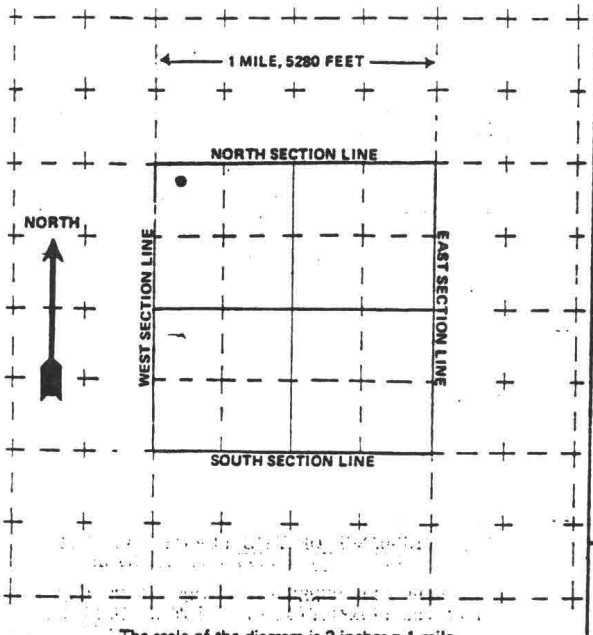
ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT

1) APPROVED PURSUANT TO CRS 37-92-602(3)(c) FOR THE RELOCATION OF EXISTING WELL PERMIT NO. 154810 . THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO TH WATER WELL CONSTRUCTION AND PUMP INSTALLATION RULES WITHIN NINETY (90) DAYS OF COMPLETION O THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.
2) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO DRINKING AND SANITARY FACILITIES A DESCRIBED IN CRS 37-92-602(1)(c), FOR A VISITOR CENTER. WATER FROM THIS WELL SHALL NO BE USED FOR LAWN OR LANDSCAPE IRRIGATION.
3) THE MAXIMUM PUMPING RATE OF THIS WELL SHAL NOT EXCEED 15 G.P.M.
4) THE MAXIMUM ANNUAL OF GROUND WATER TO BE DIVERTED BY THIS WELL SHALL NOT EXCEED 1/3 ACRE-FOOT (108,600 GALLONS).
5) A TOTALIZING FLOW METER MUST BE INSTALLED ON THIS WELL AND MAINTAINED IN GOOD WORKING ORDER. PERMANENT RECORDS OF ALL DIVERSIONS MUST BE MAINTAINED BY THE WELL OWNER (RECORDE AT LEAST ANNUALLY) AND SUBMITTED TO THE DIVISION ENGINEER UPON REQUEST. mm 7-24-8

OWNER'S COPY

APPLICATION APPROVED
PERMIT NUMBER 154810-A
DATE ISSUED JUL 26 1989
EXPIRATION DATE JUL 26 1991
Jim A. Danielson (STATE ENGINEER)
BY M. A. Malloy
I.D. 1-23 COUNTY 60

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



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

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

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

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

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

Wm. R. Dawson Acting Chief, Water Rts Branch

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

08-06-1990: letter to division of water resources; re permit, replacement for well no. 1.

August 6, 1990

L54(479)
FLFO/Water Rights

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

Re: Permit Number 154819-A, Replacement for Well No. 1 (Decreed in W-8793-77) by Well Number 12 (84-CW-419)

As a condition for approval of Permit Number 154819-A, attached please find a completed Well Abandonment Affidavit affirming that Well Number 1 (also known as Headquarter's Well Number 1) was plugged in November of 1984. Also attached is the affidavit of Justin Ambrum, formerly employed by BIB Well Services, which describes the procedure used to plug the well.

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

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

cc: Liesman, Water Court, Water Division 1

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

06-13-1990: well abandonment affidavit; denver, colorado.

DENVER, COLO) 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO)
) ss.
COUNTY OF TELLER)

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

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

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

on November, 1984.

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

_____ from _____ feet to _____

_____ from _____ feet to _____

Signature of affiant(s) Noel R Poe

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

My Commission expires: June 29 1994

Notary Public

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

(See reverse side for Abandonment Regulations)

07-13-1990: justin scott ankrum; plugged well.

STATE OF COLORADO }
} ss:
COUNTY OF TELLER }

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

Justin L. Ankrum
Signature

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

Notary Public
Address:

My commission expires: June 29, 1994

FEB
DEPT
DENVER

FILED
21 JAN
WELD COUNTY COURT
COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 90CW149 and 84CW419
(W-8795-77)

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

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF

UNITED STATES OF AMERICA, FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, IN TELLER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on September 13, 1990 and is considered as an amendment to case No. 84CW419 filed on December 20, 1984 and originally filed in case No. W-8795-77 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.

No Statement of Opposition to said application has been filed and the time for filing such statement has expired.

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.

FINDINGS OF FACT

1. Florissant Fossil Beds Visitors Center Well No. 1 has historically been used for drinking and sanitary facilities at the National Monument Visitors Center.

2. Case No. 84CW419 was filed on December 20, 1984 for Visitors Center Well No. 12. This well was required to supply water to the Visitors Center when water was not available from Visitors Center Well No. 1 as decreed in case No. W-8795-77.

USA

3. A change of water right has been filed herein to transfer the water right from Visitors Center Well No. 1 to Visitors Center Well No. 12.

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

United States of America
Department of Justice
Land and Natural Resources Division
1961 Stout Street
P.O. Drawer 3607
Denver, CO 80293

2. The name of the structure:

USA Florissant Fossil Beds National Monument
Visitors Center Well No. 1 (a/k/a Well No. 12)

3. The legal description of the structure:

As decreed in case No. W-8795-77: SW1/4SW1/4, Section 13, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 10 feet from the South line and 650 feet from the West line, Section 13.

As transferred herein: NW1/4NW1/4, Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 400 feet South and 500 feet East of the Northwest corner, Section 24.

4. The source of the water:

Groundwater

5. The date of appropriation:

October 31, 1951 as decreed in case No. W-8795-77 dated February 8, 1989.

6. The amount of water:

0.033 cfs (15 gpm) limited to 1/3 acre foot (108,600 gallons) annually.

0.007 cfs (15 gpm) abandoned as a condition of the transfer herein.

7. The use of the water:

Drinking and sanitary facilities in Visitors' Center.

8. Moving the location of the well approximately 500 feet Southwest will not result in injury to vested water rights of others.

9. This change shall be subject to reconsideration by the water judge on the question of injury to the vested rights of others for a period of 5 years from the date of this decree pursuant to CRS 37-92-602.

Dated: [illegible]

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.

MAR
DEPT. OF NATURAL RESOURCES DIVISION
OF WATER

Dated: MAR - 6 1991

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

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJ
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

January 23, 1991



Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. 90 CW 149

Dear Owen:

Enclosed please find a copy of Summary of Consultation submitted by Alan D. Berryman, Division Engineer, Water Division No. 1. Please let me know if you have any reason to believe the recommended terms cannot be met. Thank you.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

Lynn A. Johnson
Attorney
General Litigation Section

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

ROY ROMER
Governor

JERIS A. DANIELSON
State Engineer

DIVISION OF WATER RESOURCES
WATER DIVISION I

Alan D. Berryman
Division Engineer
800 8th Ave.-Room 209- ARIX Bldg.
Greeley, Colorado 80631
(303) 352-8712

December 18, 1990

SUMMARY OF CONSULTATION HELD DECEMBER 3, 1990

CASE NO. 90 CW 149 United States of America Florissant Fossil Beds National Monument, Teller County

SEPTEMBER 1990 RESUME

The applicant seeks the water rights to a well, Visitors Center well No. 12 which replaces Visitors Center well No. 1.

The Division Engineer recommends that the water right be granted provided the applicant is restricted to the permitted flowrate and the annual limit to the amount of water pumped.

The requested information should be submitted to the Water Court, P. O. Box C, Greeley, Colorado 80632 or Telephone 356-4000, Ext.4598.

CRS 1973, 37-92-302(4), SIGNED IN TO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR HIS 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, AND 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 CONSULTATION IS MAILED TO OPPOSING PARTIES.

Alan D. Berryman
Division Engineer

xc: Jeris A. Danielson

No Opposition filed.

CERTIFICATE OF MAILING

CASE NO. 90 CW 149

I hereby certify that on this 27th day of December 90, 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:

Jeris A. Danielson, State Engineer
Division of Water Resources
Room 818, 1313 Sherman Street
Denver, CO 80203

Lynn A. Johnson
1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Rachel Boardman

August 6, 1990

L54(479)
FLFO/Water Rights

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

Re: Permit Number 154818-A, Replacement for Well No. 1 (Decreed in W-8795-77) by Well Number 12 (84-GW-419)

As a condition for approval of Permit Number 154818-A, attached please find a completed Well Abandonment Affidavit affirming that Well Number 1 (also known as Headquarter's Well Number 1) was plugged in November of 1984. Also attached is the affidavit of Justin Ambrum, formerly employed by ESB Well Services, which describes the procedure used to plug the well.

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

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

cc: Lieman, Water Court, Water Division 1

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

07-13-1990: afadavit of well capping

STATE OF COLORADO }
} ss:
COUNTY OF TELLER }

I Justin (Scott) Ankrum of 2075 County Road, Guffy Colorado, 80820 was in 1984, employed by B & B Well Services, 4675 Splendid Circl South, Colorado Springs, Colorado, 80917, which company is n longer in business. The former owner, Mike Berry, has moved and his whereabouts are not known to me. While in B & B's employ, I recall B & B plugging the well known as Visitor Center Well # 1, located within Florissant Fossil Beds National Monument in the SW1/4 SW1/4 Sec. 13 T13S R71W, 6th P.M. I shoveled gravel into the well and poured concrete to cap it. I do not recall the specific depths to which gravel was placed or concrete poured. After the well was plugged, we poured a concrete slab over the well. Upon this slab, a pumphouse was placed.

Justin S Ankrum
Signature

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

Notary Public
Address:

My commission expires: June 29, 1994

07-13-1990: well abandonment affidavit.

DENVER, DO 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO)
) ss.
COUNTY OF TELLER)

I (we) Noel R. Poe, Superintendent ,bei

first duly sworn upon oath, dispose and say:

That an old well, located in the SW 1/4 of the SW 1/4, Section _

Township 13S ___, Range 71W ___, 6th P.M., was

for the following reason(s): insufficient flow of water and the quali
was not acceptable to serve to the park visitors.

That the old well, which was replaced by a new well drilled under per

number 154810-A , was plugged and abandoned according to the

rules and regulations of the State Board of Examiners of Water Well and Pu

Installation Contractors by B & B Well Services, Colorado Springs, Colo
(person(s) or company)

on November, 1984.

That the old well was plugged with the following materials placed at :

indicated intervals: See Attached

_____ from _____ feet to ____

_____ from _____ feet to ____

Signature of affiant(s) Noel R Poe

Subscribed and sworn to before me this 13th

of July, 1990.

My Commission expires: June 29 1994.

Notary Public

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

(See reverse side for Abandonment Regulations)

07-11-1989: permit application form; replacement for well no. 1, and well no. 12 (84-cw-419).

WR1 5-Rev. 76

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

RECEIVED
JUL 20 1989
WATER RESOURCES
STATE ENGINEER
COLO.

PERMIT APPLICATION FORM

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

RECEIVED
JUL 11 1989
WATER RESOURCES
STATE ENGINEER
COLO.

FOR:
( ) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP
(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
( ) OTHER by Well No. 12 (84-CW-419)
WATER COURT CASE NO. _____

07-11-89 3:13 P
032472 20.00
PD015
TTL 20.00
CHEQUE 20.00
CHG NO

FOR OFFICE USE ONLY. DO NOT WRITE IN THIS COLUMN
ITM 1
Receipt No. 30258 CL-1 / 0A2588
Basin _____ Dist. _____

(1) APPLICANT - mailing address

NAME United States of America, National Park Service
STREET 301 S. Howes St. Room 353
CITY Ft. Collins Colorado (State) 80521 (Zip)
TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL

County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 71 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 0.3
Number of acres to be irrigated: None
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from: Pikes Peak Granite
Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant Colorado (State) 80816 (Zip)
Telephone No. 748-3318 Lic. No. _____

CONDITIONS OF APPROVAL

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

ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT

1) APPROVED PURSUANT TO CRS 37-92-602(3)(c) FOR THE RELOCATION OF EXISTING WELL PERMIT NO. 154810 . THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE WATER WELL CONSTRUCTION AND PUMP INSTALLATION RULES WITHIN NINETY (90) DAYS OF COMPLETION OF THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.
2) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO DRINKING AND SANITARY FACILITIES AS DESCRIBED IN CRS 37-92-602(1)(c), FOR A VISITOR CENTER. WATER FROM THIS WELL SHALL NOT BE USED FOR LAWN OR LANDSCAPE IRRIGATION.
3) THE MAXIMUM PUMPING RATE OF THIS WELL SHALL NOT EXCEED 15 G.P.M.
4) THE MAXIMUM ANNUAL OF GROUND WATER TO BE DIVERTED BY THIS WELL SHALL NOT EXCEED 1/3 ACRE-FOOT (108,600 GALLONS).
5) A TOTALIZING FLOW METER MUST BE INSTALLED ON THIS WELL AND MAINTAINED IN GOOD WORKING ORDER. PERMANENT RECORDS OF ALL DIVERSIONS MUST BE MAINTAINED BY THE WELL OWNER (RECORDED AT LEAST ANNUALLY) AND SUBMITTED TO THE DIVISION ENGINEER UPON REQUEST. mm 7-24-89

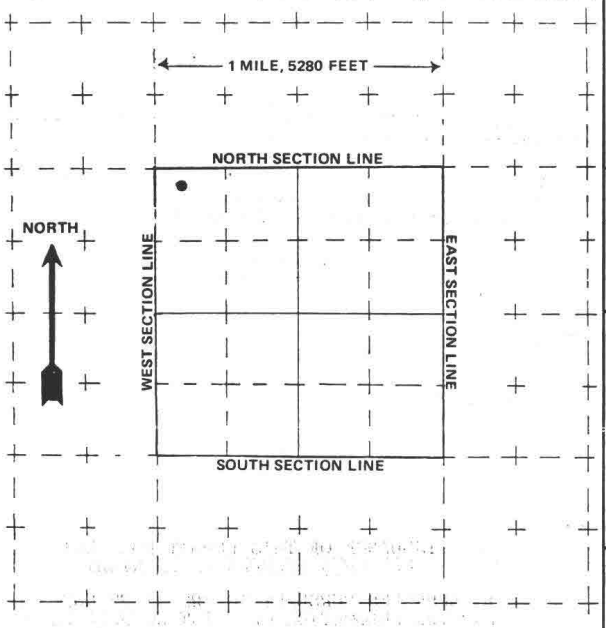
OWNER'S COPY

APPLICATION APPROVED

PERMIT NUMBER 154810-A
DATE ISSUED JUL 26 1989
EXPIRATION DATE JUL 26 1991

Jim A. Danielson
(STATE ENGINEER)
BY M.a. Malloy
I.D. 1-23 COUNTY 60

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



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

WATER EQUIVALENTS TABLE (Rounded Figures)

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

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

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

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

Wm. R. Dawson Acting Chief, Water Rights Branch

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

07-26-1989: late registration per w-8795-77; to colorado division of water resources.

WRJ-26-75

COLORADO DIVISION OF WATER RESOURCES

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

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

STATE OF COLORADO
COUNTY OF _____ } SS. **AFFIDAVIT**

_____ STATEMENT OF BENEFICIAL USE OF GROUND WATER
_____ AMENDMENT OF EXISTING RECORD
__X__ LATE REGISTRATION per W-8795-77

PERMIT NUMBER 154810 LOCATION OF WELL

THE AFFIANT(S) United States of America, Dept. of Justice, whose mailing address is Land and Natural Resources Div. 1961 Stout St., P.O. Drawer 3607 City Denver, CO 80294 (STATE) (ZIP)

County Teller

SW ¼ of the SW ¼, Section 13

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

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon; the well is located as described above, at distances of 10 feet from the south (NORTH OR SOUTH) section line and 650 feet from the west (EAST OR WEST) section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 31 day of Oct., 19 51; the maximum sustained pumping rate of the well is unk gallons per minute, the pumping rate claimed hereby is 18 gallons per minute; the total depth of the well is unk feet; the average annual amount of water to be diverted is .3 acre-feet; for which claim is hereby made for drinking & sanitary facilities purpose(s); the legal description of the land on which the water from this well is used is unk of which 0 acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

(COMPLETE REVERSE SIDE OF THIS FORM)

Signature(s) per decree

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

My Commission expires: _____
(SEAL)

_____
NOTARY PUBLIC

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

1) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 37-92-304(8), C.R.S. THE STATE ENGINEER HAS ENTERED INTO HIS WELL RECORDS, UNDER THE ABOVE ASSIGNED WELL PERMIT NUMBER, THE DETERMINATIONS MADE BY THE DIVISION 1 WATER COURT IN CASE NO. W-8795 FOR VISITOR CENTER WELL NO. 1. M.M. 7-24-89

FOR OFFICE USE ONLY

Court Case No. _____

Prior. _____ Mo. _____ Day _____ Yr. _____

Div. 1 Cty. 60

Sec. _____ _____ ¼, _____ ¼, _____ ¼.

Well Use _____ _____ _____ _____

Dist. 23 Basin _____ Man. Dis. _____

JUL 26 1989
DATE

Jim A. Davidson
STATE ENGINEER

M. A. Malley
BY

07-26-1989: colorado division of water resources; permit application form.

WR-5-Rev. 76

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

RECEIVED
JUL 20 1989
WATER RESOURCES
STATE ENGINEER
COLO.

PERMIT APPLICATION FORM

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

RECEIVED
JUL 11 1989
WATER RESOURCES
STATE ENGINEER
COLO.

( ) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP
(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
( ) OTHER by Well No. 12 (84-CW-419)
WATER COURT CASE NO. _____

07-11-89 3:13 P
032472 20.00
AE0089 POOL5
TTL 20.00
CHEQUE 20.00
CHG 0.00

(1) APPLICANT - mailing address
NAME United States of America, National Park Service
STREET 301 S. Howes St. Room 353
CITY Ft. Collins (State) Colorado (Zip) 80521
TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL
County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 71 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA
Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 0.3
Number of acres to be irrigated: None
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from: Pikes Peak Granite
Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:
( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER
Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant (State) Colorado (Zip) 80816
Telephone No. 748-3318 Lic. No. _____

FOR OFFICE USE ONLY. DO NOT WRITE IN THIS COLUMN
ITM 1
Receipt No. 302588 CL-1 / OA2588
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

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

ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT

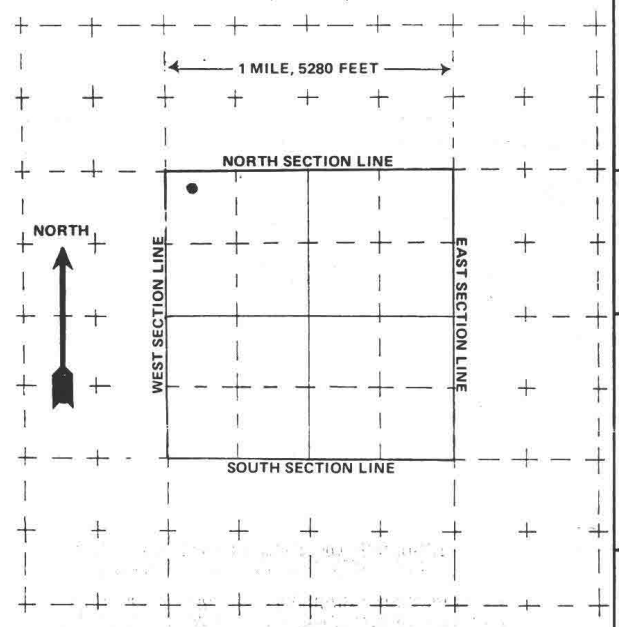
1) APPROVED PURSUANT TO CRS 37-92-602(3)(c) FOR THE RELOCATION OF EXISTING WELL PERMIT NO. 154810. THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE WATER WELL CONSTRUCTION AND PUMP INSTALLATION RULES WITHIN NINETY (90) DAYS OF COMPLETION OF THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.
2) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO DRINKING AND SANITARY FACILITIES AS DESCRIBED IN CRS 37-92-602(1)(c), FOR A VISITOR CENTER. WATER FROM THIS WELL SHALL NOT BE USED FOR LAWN OR LANDSCAPE IRRIGATION.
3) THE MAXIMUM PUMPING RATE OF THIS WELL SHALL NOT EXCEED 15 G.P.M.
4) THE MAXIMUM ANNUAL OF GROUND WATER TO BE DIVERTED BY THIS WELL SHALL NOT EXCEED 1/3 ACRE-FOOT (108,600 GALLONS).
5) A TOTALIZING FLOW METER MUST BE INSTALLED ON THIS WELL AND MAINTAINED IN GOOD WORKING ORDER. PERMANENT RECORDS OF ALL DIVERSIONS MUST BE MAINTAINED BY THE WELL OWNER (RECORDED AT LEAST ANNUALLY) AND SUBMITTED TO THE DIVISION ENGINEER UPON REQUEST. mm 7-24-89

PUMP INSTALLER'S COPY

APPLICATION APPROVED
PERMIT NUMBER 154810-A
DATE ISSUED JUL 26 1989
EXPIRATION DATE JUL 26 1991

Jim A. Danielson
(STATE ENGINEER)
BY M. a. Malloy
I.D. 1-23 COUNTY 60

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



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

WATER EQUIVALENTS TABLE (Rounded Figures)

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

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

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

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

Wm. R. Dawson Acting Chief, Water Rights Branch

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

07-26-1989: blank abandonment form.

GW-9-76

DIVISION OF WATER RESOURCES
1313 SHERMAN STREET, RM. 818
DENVER, COLORADO 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO)
) ss.
COUNTY OF _____)

I (we) _____, being first duly sworn upon oath, despose and say:

That an old well, located in the _____1/4 of the _____1/4, Section _____, Township _____ _____, Range _____ _____, _____P.M., was replaced for the following reason(s):

That the old well, which was replaced by a new well drilled under permit number _____, was plugged and abandoned according to the rules and regulations of the State Board of Examiners of Water Well and Pump Installation Contractors by _____
(person(s) or company)

on _____, 19___.

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

_____ from _____ feet to _____ feet

_____ from _____ feet to _____ feet

Signature of affiant(s) _____

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

My Commission expires: _____

_____
Notary Public

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

(See reverse side for Abandonment Regulations)

REVISED AND AMENDED RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS ABANDONMENT AND APPEALS SECTIONS EFFECTIVE DATE -- DECEMBER 15, 1972

Section 1. COLORADO CODE FOR WATER WELL CONSTRUCTION AND PUMP INSTALLATION

(1) These rules and regulations provide minimum standards for location, construction, modification or abandonment of water wells and installation, modification or repair of pumping equipment. After the effective date of adopting of these rules and regulations, no water well shall be constructed, repaired, or modified or any pump be installed, repaired, or modified contrary to the provisions of these rules and regulations.

Section 5. ABANDONMENT REGULATIONS

(1) General: The sealing of abandoned wells is intended to prevent contamination of ground water aquifers.

(2) Unconfined Water Wells:

(a) Small diameter wells formerly producing from unconfined material shall be abandoned by filling with sand or gravel to the static water level, then with inert materials to within 10 feet of the surface. The top 10 feet shall be filled with concrete, neat cement, or other approved material.

(b) Large diameter wells formerly producing from unconfined material shall be abandoned by filling with sand or gravel to the top of the water level, with inert material to the surface and by installing a permanent cover of adequate strength water tight at the top of the casing. On farm lands the top 5 feet of casing shall be removed, the hole filled with sand or gravel to the top of the water level, with inert materials to within 5 feet of the surface, and shall be capped with concrete or steel 5 feet below the surface.

(3) Confined-Water Wells: Wells formerly completed in confined and unconfined formations or in confined formations only shall be abandoned by plugging with concrete, neat cement or other approved material at the first impervious strata above each zone and cement grouted from the surface to a depth of 10 feet. No plug shall be less than 5 feet in length.

Section 7. APPEALS

(1) Requests for exception to any of the foregoing rules must be submitted to the Board in writing and contain all information relevant to the request. Such requests must specifically set forth why such exception should be considered.

The Board may make exceptions after due consideration of such appeals.

07-19-1989: letter to colorado division of water resources from national park service; re: permit application form for a replacement

Docket

United States Department of the Interior
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

July 19, 1989

L54 (479)
RMR/FLFO Water Rights

Colorado Division of Water Resources
818 Centennial Building
1313 Sherman Street
Denver, CO 80203

Dear Sir or Madam:

A signed Permit Application Form for a replacement well at Florissant Fossil Beds National Monument is enclosed. The signature was overlooked when we sent you this application on July 10, 1989. Please accept my appologies for any inconvenience this may have caused.

As explained in my July 10 letter, Well No. 12 (described in 84-CW-419) replaces the old Visitor Center Well No. 1 decreed in Case W-8795-77. It will supply sanitation and drinking water for two comfort stations and a drinking fountain at the visitor center.

If you have any questions please contact Bill Hansen at 221-8333 or me at 221-8301.

Wm. R. Hansen

Owen R. Williams
Acting Chief, Water Rights Branch

Enclosure

07-11-1989: permit application form.

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.

RECEIVED
JUL 1 1 1989
WATER RESOURCES
STATE ENGINEER
COLO.

( ) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP
(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
/// OTHER by Well No. 12 (84-CW-419)
WATER COURT CASE NO. _____

07-11-89 3:13
032472 20.00
[illegible] 40.00
TML 20.00

(1) APPLICANT - mailing address
United States of America,
NAME National Park Service
STREET 301 S. Howes St. Room 353
CITY Ft. Collins Colorado (State) 80521 (Zip)
TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL

County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 71 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 0.3
Number of acres to be irrigated: None
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from:
Pikes Peak Granite
Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant Colorado (State) 80816 (Zip)
Telephone No. 748-3318 Lic. No. _____

FOR OFFICE USE ONLY. DO NOT WRITE IN THIS COLUMN

ITM 1
CL-1 DA2588
Receipt No. 302588 /
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.

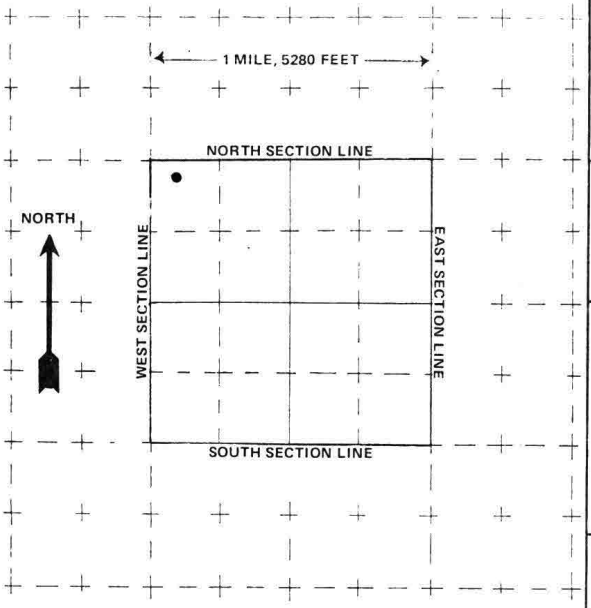
APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
I.D. 1-23 COUNTY 60

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



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

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

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

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

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

Wm. R. Dawson Acting Chief, Water Rights Branch

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

07-17-1989: form to applicant from mel malley; to initial changes.

COLORADO DIVISION WATER RESOURCES
818 Centennial Building, 1313 Sherman Street
Denver, Colorado 80203

FROM: Mel Malley
DATE: 7-17-89
PHONE: (303) 866-3587

APPLICANT (X) WELL DRILLER ( ) AGENT ( ) ATTORNEY ( )

RE: Well Permit Application Receipt No. 302588

Your application for a well permit is being returned for the reason(s) indicated below. The additional data and corrections which we are requesting will aid us in evaluating your application. Prompt completion or correction of ALL items checked and the immediate return of the application to this office will expedite its processing. Please make corrections on the application, NOT on this flyer. Thank you for your attention.

PLEASE INITIAL ALL CHANGES--PLEASE TYPE OR PRINT IN BLACK INK

Item Nos.		
	( )	Statute requires a $____ fee for this application. Please return the application with required fee.
2	( )	The well location must be designated by the county and the 1/4 of 1/4, Section, Township, Range and P.M.
2,6,10	( )	The 1/4 of 1/4 section (Item 2) does not agree with distances from section lines (Item 6). Distances place well in _____ 1/4 of _____ 1/4.
3,11	( )	For a HOUSEHOLD USE ONLY WELL, no irrigation of lawns or gardens or stock watering can be permitted.
3,11	( )	For a DOMESTIC WELL, no more than one (1) acre of lawn or gardens can be irrigated (Item 3).
3	( )	Please indicate the proposed total depth.
3	( )	If this well is to be used for HOUSEHOLD PURPOSES ONLY, with no lawn or garden watering, please indicate on the application under "Ground Water to be Used For." Do not indicate HOUSEHOLD USE ONLY and DOMESTIC as they are different.
6	( )	Distances from section lines must be shown.
8	( )	The proposed casing program must be completed.
9	( )	The existing well must be plugged and abandoned according to rules and regulations. Please include the distance and direction from the old well.
10	( )	If this well is to be the only well on 35 acres or more, please describe the acreage on the back of the application in Item 10. PLEASE ATTACH FULL METES AND BOUNDS PROPERTY DESCRIPTION OR SURVEY.
11	( )	Please indicate the specific use intended for the water, and the type of disposal system to be used, or send a copy of the disposal permit.
12	( )	Please describe other water rights on this land and their use.
13	(X)	Signature of applicant is required on application unless it is accompanied by a power of attorney.
	( )	Please provide a copy of a tax receipt, a surveyor's plat or a warranty deed to show ownership of the property described in Items 6 and 10. This must give the date when the land was subdivided.
	( )	Please complete Item(s) _____ where checked.
	( )	Please complete the enclosed ownership affidavit in full and return it with your application.
	( )	Please fill out the enclosed blank application form. Copies of the blank application form are not accepted due to their interference with microfilm and copy quality.
	( )	Other: _____

07-10-1989: letter to colorado division of water resources; enclosed with a permit application form for replacement well at florissan

July 10, 1989

L54 (479)
RMR/FLFO Water Rights

Colorado Division of Water Resources
818 Centennial Building
1313 Sherman Street
Denver, CO 80203

Dear Sir or Madam;

Enclosed is a Permit Application Form for a replacement well at Florissant Fossil Beds National Monument. Well No. 12 (described in 84-CW-419) replaces the old Visitor Center Well No. 1 decreed in Case W-8795-77. It will supply sanitation and drinking water for two comfort stations and a drinking fountain at the visitor center.

To cover charges, a personal check for $20 is enclosed. Please acknowledge receipt of payment by completing the following information and returning it to this office. An envelope has been provided for your use.

Received payment on _____

Check Number _____

Payment acknowledged by _____
Signature

If you have any questions please contact Bill Hansen at 221-8333 or me at 221-8301.

Owen R. Williams
Chief, Water Rights Branch

Enclosures

FNP:BVoelkel:bv:221-8323:05/18/89:WANG #192

07-10-1989: permit application form.

WRJ-5-Rev. 7/

COLORADO DIVISION OF WATER RESOURCES

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

(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
///OTHER/ by Well No. 12 (84-CW-419)
WATER COURT CASE NO. _____

(1) APPLICANT - mailing address

NAME United States of America, National Park Service

STREET 301 S. Howes St. Room 353

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

TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL

County Teller

NW ¼ of the NW ¼, Section 24

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

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18

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

Number of acres to be irrigated: None

Proposed total depth (feet): 500

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

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

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1) ( ) INDUSTRIAL (5)
( ) LIVESTOCK (2) ( ) IRRIGATION (6)
( ) COMMERCIAL (4) ( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling

Street P.O. Box 100

City Florissant Colorado (State) 80816 (Zip)

Telephone No. 748-3318 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 _____

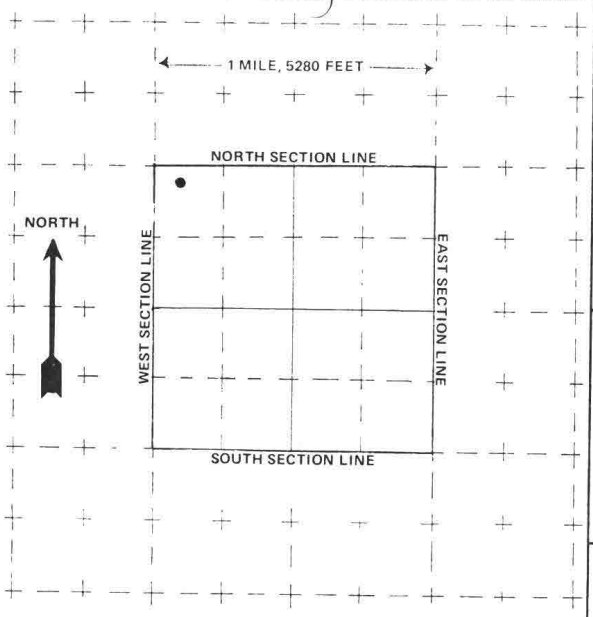
EXPIRATION DATE _____

_____
(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.

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

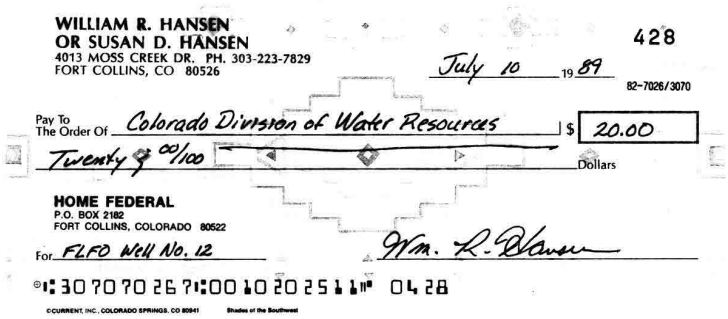
(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

_____

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

07-10-1989: check from william hansen to colorado division of water resources; $20.00.



WILLIAM R. HANSEN
OR SUSAN D. HANSEN
4013 MOSS CREEK DR. PH. 303-223-7829
FORT COLLINS, CO 80526

428

July 10 19 89

82-7026/3070

Pay To The Order Of Colorado Division of Water Resources $ 20.00

Twenty 00/100 Dollars

HOME FEDERAL
P.O. BOX 2182
FORT COLLINS, COLORADO 80522

For FLFD Well No. 12

Wm. R. Hansen

⑈307070267⑈00102025511⑈ 0428

©CURRENT, INC., COLORADO SPRINGS, CO 80941 Shades of the Southwest

04-09-1985: letter to stanley ponce from land and natural resources division; re: water division no. 1 case nos. 84 cw 419.

United States Department of Justice
LAND AND NATURAL RESOURCES DIVISION
Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

(303) 844-3627
FTS 564-3627

Commercial Number
~~(303) 837-4961~~
~~FTS: 327-4961~~

April 9, 1985

Mr. Stanley L. Ponce
Water Resources Branch - Air and Water Quality
Control Division
National Park Service
Federal Building, 301 S. Howes Street
Fort Collins, CO 80521

Re: Water Division No. 1 - Case Nos. 84 CW 419

Dear Sir:

Enclosed please find a copy of SUMMARY OF CONSULTATION held March 15, 1985, covering the application for Visitor Center Well (#12) published in the December, 1984, resume.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By: John E. Lindskold
John E. Lindskold
Attorney

cc: Mr. Ronald Hermance
National Park Service
Rocky Mountain Regional Office
655 Parfet Street
Post Office Box 25287
Denver, Colorado 80225

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

03-28-1985: summary of consultation held march 15, 1985.

RICHARD D. LAMM
Governor

JERIS A. DANIELSON
State Engineer

RECEIVED
APR 9 1985
DEPT. JUSTICE LANDS DIVISION
DENVER, COLO.
STATE OF COLORADO 1876

I hereby certify that a copy of the foregoing was mailed on the above date to the following:
SEE ATTACHED LIST
Date of Mailing 4-5-85
Deputy Water Clerk

DIVISION OF WATER RESOURCES
WATER DIVISION I

James R. Clark
Division Engineer
800 8th Ave.-Room 209- ARIX Bldg.
Greeley, Colorado 80631
(303) 352-8712

March 28, 1985

SUMMARY OF CONSULTATION HELD MARCH 15, 1985

CASE NO. 84 CW 419 U.S.A. in Teller County

DECEMBER 1984 RESUME

Applicant seeks approval for a well that will supply a visitor center. The claimed uses are domestic, recreation, and fire fighting. The domestic and recreation uses were not defined.

Our information indicates this well was drilled in early summer 1984 as a replacement well. The old well was never registered, and a permit was not obtained for the new well. Our records indicate a permit application has not been submitted to the State Engineer.

It is recommended that approval not be granted because:

1) The applicant has not submitted a permit or denial to the Court, and there is no evidence of six months inaction by the State Engineer.

2) The applicant has not defined the domestic and recreation uses.

James R. Clark
Division Engineer

xc: Jeri Danielson

12-19-1984: letter to marcie spelts, clerk, water division no 1; enclosed with application for visitor center well no. 12 and us treasur

December 19, 1984

Ms. Marcie Spelts
Clerk, Water Division No. 1
Post Office Box C
Greeley, Colordo 80632

Dear Marcie:

Re: Water Division No. 1 - Application of the United States of America - Visitor Center Well No. 12 - Florrisant Fossil Beds National Monument

Enclosed for filing and publication please find our application for Visitor Center Well No. 12, together with U. S. Treasury Check No. 62,197 in the amount of $76.00 to cover the filing fee. May we ask that one file stamped copy of the application be returned to us.

Thank you for your cooperation in this matter.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By:
John E. Lindskold
Attorney

cc: Mr. Stanley L. Ponce
Water Resources Branch - Air and Water Quality Control Division
National Park Service
Federal Building, 301 S. Howes Street
Fort Collins, CO 80521

Ralph O. Canaday, Esq.
Regional Solicitor's Office
Department of the Interior
Post Office Box 25007
Denver Federal Center
Denver, CO 80225

12-19-1984: application for underground water right, district court, water division 1, colorado.

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. _____

APPLICATION FOR UNDERGROUND WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF: UNITED STATES OF AMERICA FOR NATIONAL PARK SERVICE VISITOR CENTER WELL, #2. FLORRISANT FOSSIL BEDS NATIONAL MONUMENT.

_____, in TELLER County

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

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

2. Name of well and registration number (as registered in State Engineer's office, or, if a new well, the number on the permit): VISITOR CENTER WELL (#12)
New well - letter authorization for permission to drill a test well 12/15/83.
Application for well permit mailed to State Engineer 12/12/84.

3. Legal description of well: (include feet from Section Line, 1/4 1/4, Section, Township, Range and County)

At a point 400 feet South of the North section line and 500 feet East of the West section line, NW1/4 NW1/4, Section 24, T. 13 S., R. 71 W., 6th P.M., Teller County.

4. Source: Grape Creek, tributary to Twin Creek, tributary to South Platte River.

A. Depth: 500 feet

5. A. Date of appropriation: May 15, 1984

B. Date water applied to beneficial use: November 27, 1984

C. How appropriation was initiated: Drilling of Well

6. Amount claimed in gpm: 10 (x) Absolute ( ) Conditional

7. Use or proposed use: Domestic, recreation, fire fighting.

JDF - 298 Bradford Publishing, 5825 W. 6th Ave., Lakewood, CO 80214 — (303) 233-6900 — 9-82 APPLICATION FOR UNDERGROUND WATER RIGHT R8/81

8. Legal description and acreage of land irrigated:

N/A

ROBERT N. MILLER
United States Attorney

By: John E. Lindskold
Signature of Applicant's Attorney
JOHN E. LINDSKOLD
Attorney, Department of Justice - Lands
Address: 1961 Stout Street, Drawer 3607
Denver, Colorado 80294
Telephone No. (303) 844-3627

Attorney Registration No. _____

STATE OF COLORADO
COUNTY OF DENVER } ss.

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

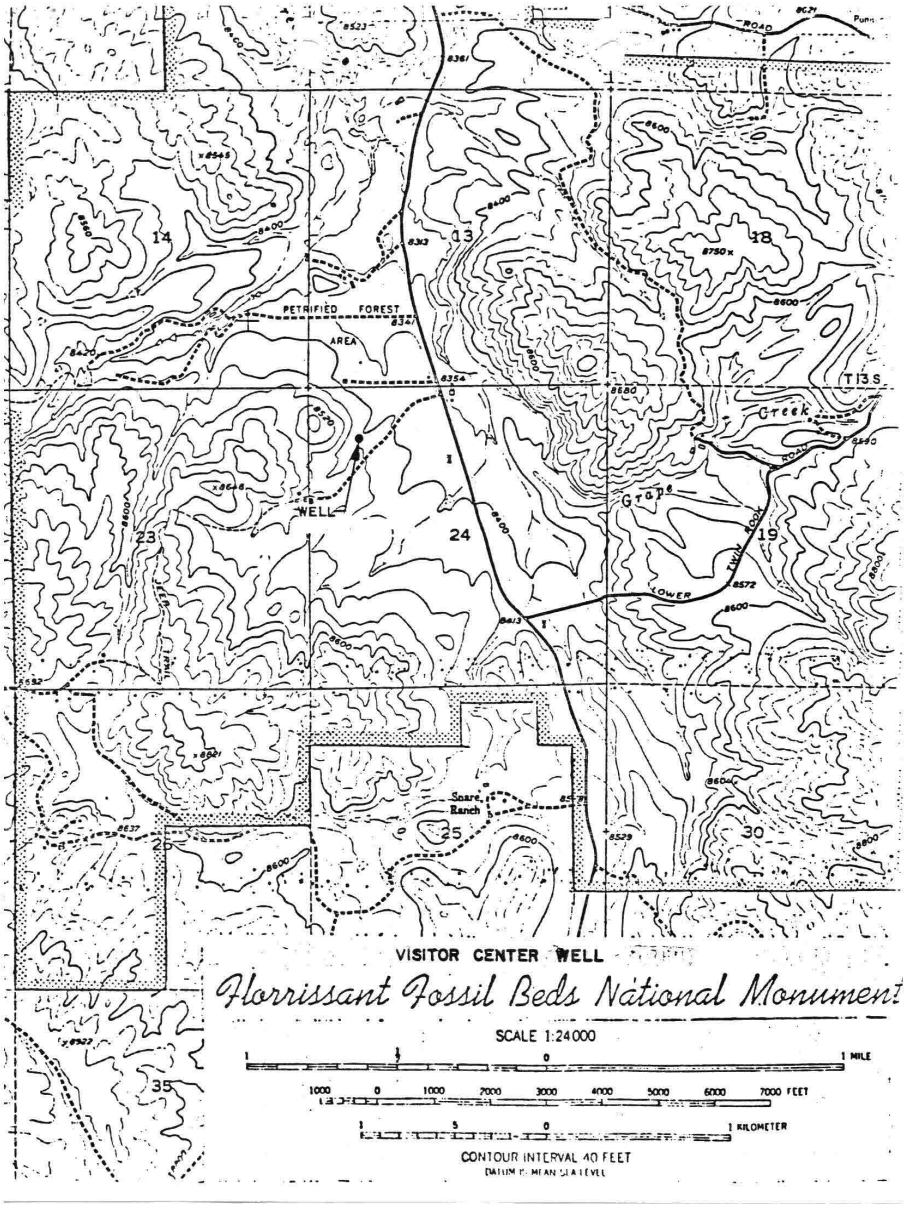
Stanley L. Ponce
Applicant
Water Resources, National Park Service

Subscribed under oath before me on Dec. 17, 1984
date

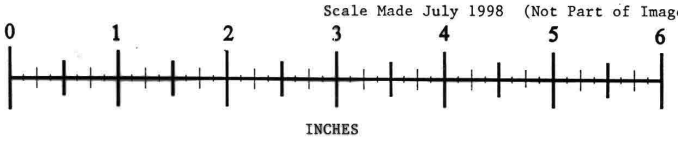
My commission expires: April 23, 1986
date

Harriet E. Bozek
Notary Public
4620 W. 3rd Ave

00-00-0000: florrissant fossil beds national monument; contour map.



Scale Made July 1998 (Not Part of Image)



12-13-1984: permit application form for a permit to use ground water, and install a pump.

WRJ-5-Rev. 76

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

RECEIVED
DEC 13 1984
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
( ) A PERMIT TO CONSTRUCT A WELL
(X) A PERMIT TO INSTALL A PUMP

( ) REPLACEMENT FOR NO. _____
( ) OTHER _____
WATER COURT CASE NO. _____

(1) APPLICANT - mailing address

NAME National Park Service
STREET RMR-ME, P.O. BOX 25287
CITY Denver CO (State) 80225 (Zip)
TELEPHONE NO. 236-8743

(2) LOCATION OF PROPOSED WELL

County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N,S), Rng. 70 W (E,W), 6 P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 10 gpm
Average annual amount of ground water to be appropriated (acre-feet): 0.5
Number of acres to be irrigated: 0
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from:
Pike's Peak Granite
Owner's well designation Visitor Center well (#12)

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)
(X) OTHER (9) Recreational
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump & Drilling
Street P.O. Box 100
City Florissant CO (State) 80816 (Zip)
Telephone No. 748-3318 Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 19269 / _____
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.

Acc 4/18/85

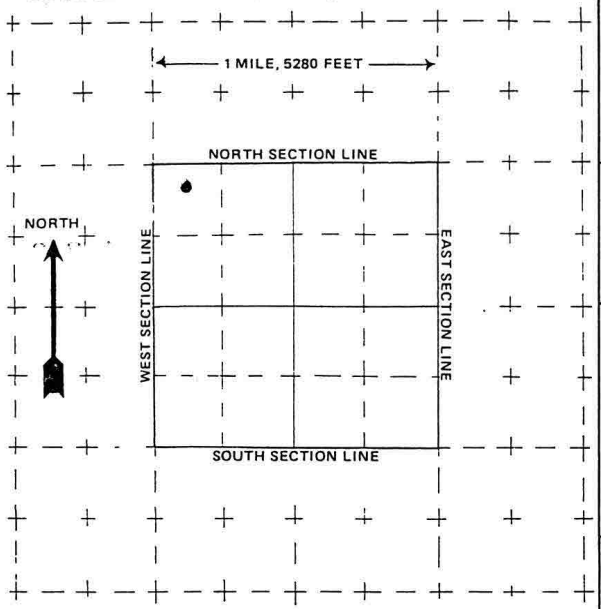
APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
LD 1-08 COUNTY 60

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



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

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

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

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

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

Owner(s): U.S. Dept.of the Interior, National Park Service No. of acres: 5,998.09

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

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

Water to be used by park visitors & employees. The water system will supply 2 comfort stations containing three toilets and three sinks. Additionally, a drinking fountain will be installed.

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

Type or right	Used for (purpose)	Description of land on which used

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

Homer L. Rouse

Homer L. Rouse, Associate Regional Director, Park Operations, RMR

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

RICHARD D. LAMM
Governor

JERIS A. DANIELSON
State Engineer

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

April 18, 1985

National Park Service
P. O. Box 25287
Denver, CO 80225

RE: Well Permit Application Receipt No. 10269

Gentlemen:

The referenced application for a permit to construct a well to be used for a Park Visitor Center is being returned for additional information needed to determine if issuance of a well permit will injure other water rights.

Preliminary evaluation of the application indicates that the proposed use may be a use exempted under the provisions of Colorado Revised Statute 37-92-602(1)(c) and that the well would divert ground water tributary to Rule Creek and the South Platte River System, an overappropriated stream system. It is the policy of the State Engineer that in such cases there shall be a rebuttable presumption that such use will not injure other vested water rights or wells provided that certain conditions are met. In order to determine if your proposed well can meet these conditions the following information or documents must be provided.

1) Evidence to support the application showing that the proposed use will not create a demand greater than 1/3 acre-foot (108,600 gallons) annually. An engineering report or a water supply report detailing all uses and their water requirements may be required.

2) Evidence to support the application showing that the consumptive use of ground water will not exceed 10% of the volume diverted. An approved septic tank and non-evaporative leach field is an acceptable discharge method in most cases. If another type of system is to be used, the application must be accompanied by an engineering report that demonstrates that no more than 10% will be consumptively used and that water rights between point of withdrawal and point of discharge will not be materially injured

3) The application is also being returned for the following reasons:

   The proposed well is to be located in the NW 1/4, NW 1/4, Section 24, Township 13 South, Range 70 West, 6th Principal Meridian (40 acres).

Would this proposed well be the only well on this 40 acres? If not, you will need to designate at least a 35-acre tract on which there are no other wells.

Please make the necessary corrections and/or provide the information and documents requested above. Additional delays can be avoided by correctly completing the application and providing all the information requested. If you have any questions feel free to contact this office.

Sincerely,

John W. Bilisoly

John W. Bilisoly
Engineering Technician
Ground Water Section

JWB/jp
Enclosures

4468I(new form)

12-13-1984: order for supplies or services; application to appropriate ground water as per attached form.

RR: RMR- -Hermance/ Info. RMR-AB-Vickie RECEIVED

DEC 13 1984

WATER RESOURCES

ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF PAGES

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER	2. CONTRACT NO. (If any)	3. ORDER NO.	4. REQUISITION/REFERENCE NO.
Dec. 11, 1984	Govt. Agency	PX 1200-5-0297	

5. ISSUING OFFICE (Address correspondence to)
National Park Service RMRO
655 Parfet St. P.O.Box 25287
Denver CO. 80225

6. SHIP TO: (Consignee and address, ZIP Code)
National Park Service RMR-ME
655 Parfet St. P.O.Box 25287
Denver CO. 80225 Attn: Ron Hermance

SHIP VIA: Best Way

7. TO: CONTRACTOR (Name, address and ZIP Code)
State of Colorado
Colorado Div. of Water Resources
818 Centennial Building
1313 Sherman St.
Denver CO. 80203

8. TYPE OF ORDER
☐ A. PURCHASE — Reference your _____
Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of:
☒ B. DELIVERY — Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA
1264-0001-291 N (2600) 49N

10. REQUISITIONING OFFICE

11. BUSINESS CLASSIFICATION (Check appropriate box(es))
☐ SMALL ☒ OTHER THAN SMALL ☐ DISADVANTAGED ☐ WOMEN-OWNED

12. F.O.B. POINT	14. GOVERNMENT B/L NO.	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)	16. DISCOUNT TERMS
Destination	N/A	30 days	Net

13. PLACE OF INSPECTION AND ACCEPTANCE

17. SCHEDULE (See reverse for Rejections)

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
	Florissant Fossil Beds N.M. Application to appropriate ground water as per attached form.	1	ea	$25.00	$25.00	

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.		17(H). TOT. (Cont. pages)

SEE BILLING INSTRUCTIONS ON REVERSE

21. MAIL INVOICE TO: (Include ZIP Code) National Park Service RMR-AF
655 Parfet St. P.O.Box 25287 Denver CO. 80225

$25.00 — 17(I). GRAND TOTAL

22. UNITED STATES OF AMERICA BY (Signature) Edwina Ward Burton (303)236-4661

23. NAME (Typed) Edwina Ward Burton
Regional Purchasing Agent
TITLE: CONTRACTING/ORDERING OFFICER

NSN 7540-01-152-8083 50347-101 OPTIONAL FORM 347 (10-83)
Prescribed by GSA
FAR (48 CFR) 53.213(e)

RICHARD D. LAMM
Governor

JERIS A. DANIELSON
State Engineer

DIVISION OF WATER RESOURCES
WATER DIVISION I

James R. Clark
Division Engineer
800 8th Ave.-Room 209 - ARIX Bldg.
Greeley, Colorado 80631
(303) 352-8712

March 28, 1985

SUMMARY OF CONSULTATION HELD MARCH 15, 1985

CASE NO. 84 CW 419 U.S.A. in Teller County

DECEMBER 1984 RESUME

Applicant seeks approval for a well that will supply a visitor center. The claimed uses are domestic, recreation, and fire fighting. The domestic and recreation uses were not defined.

Our information indicates this well was drilled in early summer 1984 as a replacement well. The old well was never registered, and a permit was not obtained for the new well. Our records indicate a permit application has not been submitted to the State Engineer.

It is recommended that approval not be granted because:

1) The applicant has not submitted a permit or denial to the Court, and there is no evidence of six months inaction by the State Engineer.

2) The applicant has not defined the domestic and recreation uses.

James R. Clark
Division Engineer

xc: Jeri Danielson

Administrative Agreements

08-12-1993: mountain mutual reservoir co; letter to stockholders; subject: annual stockholders meeting.

MOUNTAIN MUTUAL RESERVOIR CO.

2525 S. WADSWORTH BLVD., #306
LAKEWOOD, CO 80227
TELEPHONE (303) 989-6932

August 12, 1993

FLFO has 19.3 shares

To: Stockholders in Mountain Mutual Reservoir Company

Subject: Annual Stockholders Meeting

The Annual Stockholders Meeting of Mountain Mutual Reservoir Company will be held Saturday, August 14, 1993, 11:00 A.M. at 2525 South Wadsworth Blvd., Suite 306, Lakewood, Colorado. Company records indicate your shares of ownership, as of this date, as shown on the attached proxy card.

The following items will be included in the meeting agenda:

1. Election of Board of Directors for the following year.
2. Selection of a firm to accomplish administrative services for the following year.
3. Determination of 1993-1994 assessments.
4. Other agenda requested by the membership.

To transact the required business, a majority of shares must be represented at this meeting. If you are unable to attend, please complete the enclosed proxy card indicating your selected proxy and return it to this office prior to the meeting. If a majority is not represented, we will incur the added expense of sending notices for a second meeting.

If you no longer own the property or have a different address please return the card indicating the name and address, if known, of the new owner or your new address.

Sincerely,

William M. Blatchley
Secretary/Treasurer

Enclosure

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ► 1

To Alice Johns — From Dale Ditmanson

Dept./Agency — Phone #

Fax # — Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

- Ralph -- No problem having Blatchley go as proxy.
- he can write in Blatchley

Canada

- If annual fee, they will bill us. Bridge that when you come to it.

01-00-1993: letter to andy walsh, us dept of justice; environment and natural resources division.

L1425 (RMR-PA)
FLFO - WAP

JAN 1 [illegible] 1993

Mr. Andy Walsh
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th Street, Suite 945
Denver, Colorado 80202

Dear Mr. Walsh:

In order to provide sufficient water for park needs at Florissant Fossil Beds National Monument in Teller County, Colorado, the United States proposes to utilize a well. In order to obtain a permit from the State of Colorado for the well, we must provide replacement water to nearby tributaries of the South Platte River.

We have contracted with an area water consulting firm, Blatchley Associates, Incorporated, to locate and evaluate sources of augmentation water and to prepare an augmentation plan acceptable to the Water Court. One of the requirements prior to submitting a plan to the court is a commitment from a reliable source to supply the necessary water.

Enclosed is a copy of a Water Rights Purchase Agreement submitted to us by the proposed provider of the water. There are several sections which are incompatible with Federal law or procedures and we will have to negotiate changes to this document.

The reason for the submission of this document to you at this time is paragraph 9, page 4. I intend to execute a revised version of this agreement under the acquisition authority set forth in 16 U.S.C. §17j-2(g), the funding authority in 16 U.S.C. §1d and my delegated authority for acquisition of lands or interests therein. Paragraph 9 requires me to commit resources of your Department, which is obviously not within my authority.

I would appreciate the opportunity to discuss this with you at your earliest convenience. Any comments or suggestions you have on the remainder of the agreement would also be appreciated. I may be reached at 969-2610.

Sincerely,

Richard A. Young, Chief
Division of Land Resources

Enclosure

cc:
Canaday, Regional Solicitor, w/o enc.

bcc:
Johns, WRD, w/o enc.
Supt. Florissant Fossil Beds NM, w/o enc.

RAY:krs:1/19/93:969-2610

04-00-1993: memo to superintendent, flfo; from chief, division of land resources,; water augmentation plan.

United States Department of the Interior

NATIONAL PARK SERVICE

ROCKY MOUNTAIN REGIONAL OFFICE
12795 W. ALAMEDA PARKWAY
P.O. BOX 25287
DENVER, COLORADO 80225-0287

IN REPLY REFER TO:

L1425 (RMR-PA)
FLFO - WAP

APR [illegible] 93

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: Chief, Division of Land Resources, Rocky Mountain Region

Subject: Water Augmentation Plan

Enclosed is the original agreement between the United States and North Fork Associates, original certificate for 19.3 shares of the Mountain Mutual Reservoir Company and the original Payment and Closing Sheet and receipt for the check. These documents should become a part of your permanent files.

Unless the Water Court decrees that additional water is necessary, consummation of this purchase ends our involvement with this matter.

[illegible]

Richard A. Young

Enclosure

cc:
Johns, WRD, w/cy enc.
Canaday, SOL, w/cy enc.
Wise, RMR-RN, w/cy enc.

04-27-1993: mountain mutual stock certificate.

Water Court Case Number _____ Account Number 248

INCORPORATED UNDER THE LAWS OF THE STATE OF COLORADO



NUMBER 333

SHARES 19.3

AUTHORIZED CAPITAL
10,000 SHARES

NO PAR VALUE

MOUNTAIN MUTUAL RESERVOIR COMPANY

CLASS A STOCK

This Certifies That National Park Service, United States Department of Interior

is the owner of 19.3 *share(s) of the Capital Stock of MOUNTAIN MUTUAL RESERVOIR COMPANY assessable for maintenance and operation representing* 19.3 *unit(s) of a water right transferable only on the books of this Corporation in person or by Attorney upon surrender of this Certificate properly endorsed.*

The stock evidenced by this Certificate constitutes a water right for: in-house use and irrigation as specified in the Water Court Decree.

_____ *A single-family residential unit (in-house use only)* _____ *A multi-family residential unit, for* _____ *equivalent single-family residential units (in-house use only)*

_____ *With irrigation of* _____ *acres/sq. feet and/or*

_____ *Livestock watering, located on* the Florissant Fossil Beds National Monument, Teller County,

_____, *Colorado.*

An excerpt from the By-Laws of the Company is printed on the back of this Certificate to acquaint the holder with the principal conditions affecting their water right held by this Company for its Stockholders.

In Witness Whereof, *the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed, this* 27th *day of* April, *A.D. 19* 93.

William M Blatchley
SECRETARY

Thomas M Blatchley
PRESIDENT

04-28-1993: payment and closing sheet.

Form 10-113
R (6/78)

U.S. DEPAR NT OF THE INTERIOR
NATIONAL PARK SERVICE

PAYMENT AND CLOSING SHEET

PROJECT		
Florissant Fossil Beds National Monument		
COUNTY		STATE
Teller		CO
TRACT(S)		ACREAGE(S)
N/A Water Rights		N/A

VENDOR'S NAME	ADDRESS	PHONE	VENDOR'S AGENT
North Fork Associates	2525 S. Wadsworth Lakewood, CO 80227	(303) 989-6932	

TOTAL PURCHASE PRICE (Including $ _____ (SEVERANCE DAMAGE) ..... $ 10,484.00
LESS DEPOSIT OR OPTION MONEY ..... ( )
LESS SALVAGE VALUE .....(TRACT(S)) ..... ( )
LESS RETAINED ESTATE VALUE:
($) X (%) X ( ) YEARS ..... ( )
AMOUNT OF U.S. TREASURY CHECK NO. 3007 36859136, DATED 4/7/93 $ 10,484.00

ITEM	PAYMENTS BY VENDOR	PAYMENTS FROM TREASURY CHECK
Mortgage Payment To:		
Principal		
Interest from To		
Prepayment penalty or release fee		
Mortgage Payment To:		
Principal		
Interest from To		
Prepayment penalty or release fee		
Other Liens or Judgments Paid:		
Taxes Paid: N/A		
All five years preceding closing—YES NO		
Preceding Year's Taxes Paid: (19) $ N/A		
Escrowed For Current Year's Taxes: (19)		
Broker's Commission, if any		
Notary Fees		
Recording Fees		
State Revenue Stamps or Transfer Tax		
Curative Material Recording Fees ( )		
Miscellaneous Items and Fees Paid:		
TOTAL PAYMENTS FROM U.S. TREASURY CHECK		$ -0-
BALANCE DISBURSED TO VENDOR AT CLOSING AND CONVEYANCE OF TITLE		$ 10,484.00

The above is a complete, true and correct account of funds disbursed by the Vendor and the undersigned Agent and a report of the actions taken in closing the transaction.

Date	Name of Closing Agent	Signature of Closing Agent
4/28/93	Richard A. Young, NPS-RMR-PA	Richard A. Young

I (we) have examined the above closing statement and find it correct and hereby approve the disbursements shown therein. I (We) further acknowledge receipt of the check as listed below, payable to the undersigned:

Date of Check	Check Drawn on:	Amount of Check
4/7/93	U.S. Treasury	$10,484.00

Typed Name of Payee(s)	Signature of Payee(s)
North Fork Associates	
Typed Name of Payee(s) By: William M. Blatchley	Signature of Payee(s) William M. Blatchley
Typed Name of Payee(s)	Signature of Payee(s)
Typed Name of Payee(s)	Signature of Payee(s)

Contract No. CX 1200-3-L126
Date: March 30, 1993

WATER RIGHTS PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this 22 day of March, 1993, by and between NORTH FORK ASSOCIATES, a limited partnership, party of the first part (hereinafter referred to as "Seller"), The United States of America, for the use of the National Park Service, United States Department of the Interior, party of the second part (hereinafter referred to as "Purchaser"), and MOUNTAIN MUTUAL RESERVOIR COMPANY, a Colorado corporation, (hereinafter referred to as "Reservoir Company").

WITNESSETH:

A. WHEREAS, the Seller and the Reservoir Company are the owners of the following described water rights (hereinafter referred to as the "Water Rights") and physical facilities:

1. SPINNEY MOUNTAIN RESERVOIR

Located on the South Platte River, with the left abutment of the dam at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23°26' West a distance of 8314.3 feet. North Fork Associates/Mountain Mutual Reservoir Company have a deeded right from the City of Aurora for a firm annual delivery of 80 acre-feet from the water decreed to the Spinney Mountain Reservoir including but not limited to the following:

Decree	Appropriation Date	Amount (Acre-Feet)
1973; Case No. W-7395	March 26, 1973	86,000

The waters are decreed for domestic, irrigation, municipal and all other beneficial uses. As stated in a special warranty deed dated March 23, 1987, recorded in Park County on May 29, 1987, at Book 411, Page 876, from the City of Aurora, grantor, to Seller and Reservoir Company, grantees, the supply of water which is lawfully available to the Seller and subject to this Agreement includes an undivided interest in the right of first use of a firm yield of 80 acre-feet of water per annum from "any of the water rights owned by Aurora and decreed for storage in Spinney Mountain Reservoir."

2. WOODSIDE RESERVOIR

Not yet constructed, but will be located in the East 1/2 Southwest 1/4, Section 26, Township 6 South, Range 72 West, 6th P.M., Park County, Colorado. North Fork Associates/Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Decree	Appropriation Date	Amount (Acre-Feet)
1978; Case No. W-8771-77 Case No. 82CW369	September 1, 1977 Change in Location and Filler Ditch	50

This reservoir is decreed for domestic, municipal, commercial, irrigation, recreation, light industrial, piscatorial, fire fighting, exchange and all other beneficial uses. An application for quadrennial finding of reasonable diligence with respect to the Woodside Reservoir, Case No. 82CW355, was approved by the Water Court, Water Division No. 1, on October 5, 1988.

3. LOWER SACRAMENTO CREEK RESERVOIR COMPANY

The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The Reservoir is located in the Northeast 1/4 Northwest 1/4, Section 32, and the Southeast 1/4 Southwest 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The Reservoir has been constructed and is entitled to store water under the following decree:

Decree	Appropriation Date	Amount (Acre-Feet)
1974; Case No. W-7741-74	July 25, 1974	40
Case No. 84CW250	Use of Res. as Recharge Facility	
Case No. 85CW465	Use of Res. as Recharge Facility	

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other ownerships in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Seller has no interest.

Each of the three reservoirs may be filled and used on their own decrees or by exchange or transfer.

4. GUIRAUD 3T DITCH

The headgate is located on the right bank of the Middle Fork of the South Platte River in the Northeast 1/4 of Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast corner of the Northeast 1/4 of said section bears North 63°35' East, 1,305 feet. North Fork Associates/Mountain Mutual Reservoir Company own 1.866 c.f.s. of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount
October 18, 1889 Original adjudication Water Dist. 23	July 1, 1867	20 c.f.s

Originally decreed for irrigation, this water right has been subject to various change proceedings.

5. GLASMAN DITCH AND GLASMAN DITCH NO. 2

The headgate is located in Park County on the right bank of Elk Creek at a point from which the Western 1/4 corner of Section 26, Township 6 South, Range 72 West of the 6th P.M. bears North 52°44' West, a distance of 2,030 feet, more or less. The water rights decreed to the ditch are as follows:

Adjudication Date	Appropriation Date	Amount
May 22, 1913	May 1, 1885	1.0 cfs (a)
Case No. 83-CW-002	August 31, 1981	0.7 cfs (b)

(a) In Water Case No. 81-CW-144, 6.0 acre feet of the historic consumptive use of the Glasman Ditch was changed from irrigation use to allow utilization as a credit to Woodside Reservoir's annual evaporation losses and/or irrigation.

(b) Glasman Ditch No. 2 conditionally decreed for domestic, commercial, irrigation, piscatorial, recreational, municipal and all other beneficial uses. Application for Quadrennial Finding of Reasonable Diligence was filed in the office of the Water Clerk for Water Division No. 1 during the month of November, 1988, water case number 88CW191 and was approved May 31, 1989.

B. WHEREAS, Seller is willing to sell and Purchaser is willing to buy a proportionate share of the aforementioned water rights in equal priority with all other owners thereof, in amounts sufficient to meet the needs of Purchaser for replacement water under its plan of augmentation as more fully described hereinafter; and,

C. WHEREAS, the purchase of such water rights is authorized by the Act of August 7, 1946, 60 Stat. 885 and the Act of September 2, 1960, 74 Stat. 737, more specifically 16 U.S.C. § 17j-2(g) and the Act of August 8, 1953, 67 Stat. 496, 16 U.S.C. § 1d; and

D. WHEREAS, the Reservoir Company, a non-profit corporation under the Colorado Non-Profit Corporation Act, was organized for the purposes and with powers, among others, to receive and hold title to direct flow and storage water rights, reservoirs and interests therein, as well as lands, easements, rights-of-way, and other facilities in trust for its stockholders and to administer such water rights and operate facilities, related thereto, for the benefit of its stockholders in accordance with individual plans for augmentation contracted for only by Seller, its successors and assigns and approved by a decree or decrees entered by the District Court of Water Division No. 1; and,

NOW THEREFORE, in consideration of the premises and the mutual promises, conditions and covenants hereinafter contained, the parties hereto mutually agree and covenant as follows:

DEFINITIONS

1. As used herein, unless altered by context, the following terms shall mean:

a. Share of Stock - A share of stock or "share" shall be one share of the capital stock issued by the MOUNTAIN MUTUAL RESERVOIR COMPANY, which share will represent the right to receive 0.0314 of an acre foot of replacement water per year from the direct flow and storage rights and facilities owned or available to the Reservoir Company.

b. Plan for Augmentation - For purposes of this agreement, "Plan for Augmentation" means a detailed water program designed to provide Purchaser with a source of water enabling it and its assigns to replace the out of priority steam depletions associated with the use of water at the Development described herein. Said plan will encompass a change of water rights uses and water exchanges.

c. Development - The Development, known as Florissant Fossil Beds National Monument, is a National Park Service facility lying in Township 13 South, Range 70 West and Township 13 South Range 71 West of the 6th P.M., Teller County, Colorado, containing 6000 acres, more or less, on which Purchaser provides or may provide water service.

PURCHASE AGREEMENT

2. The Development includes or may include a visitor center, administrative building and staff housing. Water is to be supplied by one or more wells located throughout the Development. Water will be used for in-building, domestic, commercial, fire protection and turf irrigation purposes. All unconsumed water from in-building uses within the Development will be treated by a septic tank-soil absorption system.

3. Preliminary estimates of the water uses at the existing Development plus future growth of the Development indicate that 19.3 shares of stock will be required. Proposed augmentation requirements have been based on estimates of the potential growth of the Development provided by the Purchaser. Purchaser acknowledges that water usage in excess of that contemplated will require additional replacement water from that contemplated herein.

4. Seller agrees to sell and Purchaser agrees to buy 19.3 shares of the capital stock of the Reservoir Company, subject to certain terms, conditions and covenants as hereinafter set forth for the total purchase price of $10,484.00. For the purpose of any adjustment in the quantity of replacement water as determined by the Water Court, the unit price of the replacement water shall be $14,000.00 per acre-foot.

5. Purchaser understands that the 0.606 acre-feet of augmentation water represented by the 19.3 shares may be delivered by Seller and the Reservoir Company from any of the Water Rights and physical facilities described above. Notwithstanding the foregoing, to ensure that sufficient replacement water will be available to Purchaser each year, Seller agrees to commit to Purchaser's Plan for Augmentation approximately 0.462 acre-feet of the historic yield of the Guiraud 3T Ditch and approximately 0.144 of an acre-foot of the storage water delivered from Spinney Mountain Reservoir or combination of reservoirs owned by Seller or in which Seller has an ownership interest. The figures set forth herein include an estimate for stream transportation charges which are the responsibility of Purchaser as more particularly described herein. Seller shall be responsible for all evaporation charges from the reservoirs described in Section "A". The specific quantity of water to be committed from each source may be modified by the Water Court decree, and Seller and the Reservoir Company will comply with said decree.

6. Seller agrees to transfer to Mountain Mutual Reservoir Company, or to assign from the uncommitted portions of previous transfers to said Company, a sufficient quantity of water from the water rights owned by Seller to supply Purchaser's water replacement requirements. Subject to modification by the terms and conditions of Purchaser's Augmentation Decree, Seller agrees that the transfer shall include approximately 0.144 of an acre-foot of consumptive use water, of the annual water contract deliveries from Spinney Mountain Reservoir and approximately 0.021 of a cubic-foot-per-second of Seller's Guiraud 3T Ditch entitlement. Shares of stock sold to Purchaser, shall be issued by the Reservoir Company from Seller's transfers of water rights to said Reservoir Company in sufficient quantity to supply Purchaser's water replacement requirements.

7. Seller warrants that it has title to the water rights and can convey same and that said shares shall be conveyed to Purchaser free and clear of all liens, taxes and financial encumbrances.

8. The Reservoir Company shares sold by Seller to Purchaser are warranted to be sufficient to yield 0.606 acre-feet, less transportation charges, at Purchaser's Development in Sections 23, Township 13 South, Range 71 West, 6th P.M. Transportation charges shall be calculated from the historic head gate of the Guiraud 3T Ditch and Spinney Mountain Reservoir to the point of Purchasers required replacement at the confluence of Twin Creek with the South Platte River at Lake George.

9. Purchaser agrees to provide legal counsel for representation before the Water Court. It is mutually understood and agreed that Seller has no responsibility to provide counsel.

10. Purchaser agrees to provide, at Purchaser's expense, a consulting engineer specializing in water rights matters, who shall assist purchaser's legal counsel. Said consulting engineer shall assist in negotiations with the objectors to the Plan for Augmentation and participate in all hearings for the presentation of the proposed decree to the Water Court. Within thirty days of the signing of this contract, Purchaser will diligently pursue the development of a plan for augmentation and water rights exchange.

TERMS

11. The purchase price paid by Purchaser to Seller for the Water Rights required to supply Purchaser's needs and which are to be conveyed by Seller to Purchaser shall be paid as follows:

    a. The purchase price for the Water Rights described herein shall be the total sum of $10,484.00 inclusive of a one-time administrative fee of $2,000.00.

    b. Such sum shall be paid by United States Treasury check and shall be paid to North Fork Associates at Lakewood, Colorado, or elsewhere as it may direct.

    c. Upon receipt of payment, Seller shall deliver to Purchaser the stock certificate issued by the Reservoir Company for 19.3 shares.

CRITERIA

12. The shares of stock in the Reservoir Company to be sold to Purchaser have been estimated upon the basis of the total volume of replacement water estimated to be required to serve the Development. The volume of replacement water contemplates compensation for the consumptive use of water incurred as follows:

Use	Water Requirement	Unit	Quantity	CU Rate	Replace Require Ac-Ft	Including Transp. Charges Ac-Ft
Visitor Center	annual average	gallons	398,000	10%	0.122	0.127
Maintenance	annual average	gallons	37,000	10%	0.011	0.012
Housing	annual average	gallons	711,600	10%	0.218	0.227
Irrigation	annual average	acres	0.14	1.66a.f./ac.	0.228	0.240
				Totals	0.579	0.606

All of the above estimates include transportation charges of 2.7% from Spinney Mountain Reservoir and 5.2% from the Guiraud 3T Ditch.

13. All stream losses associated with delivery of the replacement water to Purchaser's Development from the historic headgate of the Guiraud 3T Ditch and Spinney Mountain Reservoir shall be the responsibility of the Purchaser, as noted at item 12, above, and as the Water Court may direct.

14. The price for adjusting upward or downward the acre-foot of replacement (consumptive use) water is based on $14,000.00 per acre-foot.

15. Seller agrees to furnish, and hereby grants Purchaser the option to purchase, the exact number of shares in excess of the 19.3 shares at the prices shown in paragraph 14 as are necessary for implementation of Purchaser's plan for augmentation as determined by the Water Court thus enabling Purchaser to provide the water requirements of its Development. The option shall be limited for the purpose of this agreement to 20 shares, unless agreed upon in writing between the Seller and Purchaser.

CONDITIONS

16. The Plan for Augmentation to be initiated and processed by Purchaser and its consultants shall effect the following results: To permit a change in the point of diversion, type and place of use of portions of the Water Rights owned by Seller including storage water in Spinney Mountain Reservoir and direct flow

rights decreed to the Guiraud 3T Ditch which, in turn, would enable Purchaser to utilize said waters by exchange for replacement purposes to operate a water system for the Florissant Fossil Beds National Monument in Section 23, Township 13 South, Range 71 West, 6th P.M., in Teller County, Colorado, as more fully described in Paragraph 2 above.

17. The Water Court proceedings contemplated by this agreement shall include whatever action is necessary to accomplish the above described result.

    a. A portion of the annual allotment from Spinney Mountain Reservoir will be reserved to meet the water replacement requirements of Purchaser.

    b. Use of the Guiraud 3T Ditch water right for augmentation purposes will require a change in point of diversion, place and type of use. Seller agrees and covenants that it has the ability to remove and has removed from irrigation, dried up, and monumented to the satisfaction of the State and Division Engineers approximately 0.667 acre, more or less, of those lands historically irrigated with Seller's Guiraud 3T Ditch water rights, for each acre-foot of historic direct-flow consumptive use water required for Purchaser's augmentation plan or such other acreage as may be required by the decree approving Purchaser's Plan for Augmentation.

18. a. The contemplated change of water rights and Plan for Augmentation will include an exchange of direct flow water rights from the point of delivery of a portion of the Guiraud 3T Ditch water rights at or near Hartsel to direct flow rights diverting at the point where depletions from Purchaser's Development occur within the drainage of Grape Creek, tributary to Twin Creek, tributary to the South Platte River, and will replace depletions during the historic irrigation season resulting from the use of water by Purchaser, as more fully described in Paragraph 2 above. The point of exchange shall be at the confluence of Twin Creek with the South Platte River which is at Lake George.

    b. A portion of the annual allotment from Spinney Mountain Reservoir will be reserved to meet the water replacement requirements of the Development or it may be transferred to Woodside Reservoir or Lower Sacramento Creek Reservoir No. 1 by exchange, when required, for storage and release together with or in lieu of release of water stored under the Woodside and Lower Sacramento Creek Reservoir priorities to meet the water replacement requirements of the Purchaser's water system as a result of depletions from water use during periods when the direct flow rights are out of priority and to supply other depletion requirements.

19. Upon approval of the Plan for Augmentation and entry of the decree approving same, Seller will, if it has not previously done so, assign, transfer and convey by special warranty deed to the Reservoir Company that portion of the Water Rights required by such decree to replace the total consumptive use of water which is the subject matter of the Plan for Augmentation.

20. It is understood and agreed that the Purchaser shall become a stockholder in Mountain Mutual Reservoir Company and the shares of stock of the Reservoir Company, shall be transferred in accordance with the Bylaws of the Company to the Purchaser. As hereinabove provided, the Seller will purchase and cause the Reservoir Company to issue to Purchaser, or its designee, 19.3 shares of stock or whatever greater or lesser amount may be required after water court approval and shall deliver same to Purchaser or its designee, following approval of the Plan for Augmentation and upon receipt of the payments herein promised to be made by Purchaser. If Purchaser determines that it has a surplus of replacement water above and beyond its own needs, such water may be sold or leased to third parties provided the use by third parties is pursuant to law and in accordance with the Reservoir Company Bylaws. Any transfer of stock to third parties shall be recorded in the stock book and records of the Reservoir Company.

Any transfer or sale of stock by Purchaser which calls for delivery of the purchased replacement water to locations outside of the South and Middle Forks of the South Platte River drainage basin shall only be made with the written consent of the Reservoir Company, which consent shall not be unreasonably withheld, but any such third party transferee shall be charged with transportation losses if the point of delivery is downstream of the confluence of Twin Creek and the South Platte River at Lake George.

COVENANTS

21. It is mutually understood and agreed that Purchaser, its assigns, transferees, grantees, and successors in title, including any quasi-municipal district which may be formed to administer the water facilities of Purchaser shall be subject to and be bound by the following covenants, to-wit:

Purchaser, for itself, its transferees, grantees, and successors in title shall be:

a. Bound by all of the terms and conditions set forth in the Plan for Augmentation decree to be obtained by Purchaser. The property covered by the Plan for Augmentation outlined herein shall be subject, in particular, to the provisions of any protective covenants and declaration of covenants to be furnished in accordance with the Bylaws of the Reservoir Company relating to the terms and conditions upon which an owner may obtain a well permit from the State Engineer and drill an on-site well or central municipal-type well to supply water for its own use.

b. Required not to waste water or use it for any purpose other than those authorized in the Plan for Augmentation decree and, if Purchaser commits waste or uses the water for any other purpose not permitted, by the decreed plan of augmentation, then it is agreed that the Reservoir Company may withhold its replacement water. Purchaser also agrees that the Reservoir Company may withhold its replacement water from it if it has not paid its pro-rata share of operating expenses regularly made when due and payable.

c. Required to pay its pro-rata share of operating expenses of the Reservoir Company, for the lawful and reasonable operations of the Reservoir Company in accordance with the Bylaws of the Reservoir Company. It is agreed and understood that the Purchaser shall not be responsible for any operating expenses incurred prior to the date of this instrument.

d. Bound by and subject to all the provisions of the Bylaws and the Articles of Incorporation of the Reservoir Company, except as modified hereby.

e. It is further agreed and understood that all obligations of the Purchaser hereunder are subject to the availability of appropriated funds.

Neither North Fork Associates nor the Reservoir Company will be:

f. Required to furnish the physical water supply to meet the annual water requirements of Purchaser. Purchaser will pay costs for the drilling of and equipping any well(s) it constructs or operates.

g. Required to pay costs for the construction and maintenance of an on-site sewage disposal system(s) or central water and sewage system(s) on Purchaser's land. Purchaser shall be responsible for all expenses incurred in the operation and maintenance of such central water and sewage disposal system(s).

22. In order to insure continuing supervision and enforcement of this agreement, the Purchaser and its successors in interest, shall supervise enforcement of the terms, conditions and covenants of this agreement and the Plan for Augmentation.

23. Seller does covenant and agree with Purchaser as follows:

    a. Seller shall cause all water augmentation facilities intended to be operated by the Reservoir Company either to be constructed within a reasonable period following the date the decree of the Water Court approving the Plan for Augmentation becomes final or provide an alternate storage facility. Purchaser shall not be required to pay for nor to be liable for the costs of construction or lease of water storage space subject to the provisions of the Bylaws of the company.

    b. The Plan for Augmentation submitted by Purchaser in the Water Court shall be conducted by attorney(s) selected by the Purchaser at Purchaser's sole cost and expense. Purchaser's selection of the United States Attorney General to process the Plan for Augmentation is approved by Seller.

    c. The Plan for Augmentation to be filed with for the Water Court shall be developed using engineer(s) selected by Purchaser at Purchaser's sole cost and expense. Purchaser's selection of the engineering firm of Blatchley Associates, Inc. is approved by Seller. The Purchaser shall have sole and exclusive discretion in the employment of said engineers.

    d. Seller will be consulted in the development of the Plan for Augmentation and must consent to same prior to filing with the Water Court, which consent will not be unreasonably withheld.

MISCELLANEOUS PROVISIONS

24. In order for Purchaser to proceed with the Plan for Augmentation as herein required, Seller covenants to aid and assist Purchaser in preparation of the Plan for Augmentation, participate in its processing and attend court hearings as required at no additional cost to Purchaser. Purchaser will provide Seller with all required subdivision data or additional data as requested to reasonably review Purchaser's Plan for Augmentation.

25. It is also mutually agreed that:

    a. In the event Seller defaults in the performance of any condition or covenant to be performed by it, prior to the filing of the Water Court Application described herein, then all payments made hereunder shall be returned to the Purchaser and the agreement shall be terminated. If Seller defaults subsequent to the filing of an application with the Water Court, Purchaser shall provide Seller with written notice of the specific default being alleged. Failure of Seller to correct the default within 15 days after receipt of the notification from Purchaser shall provide Purchaser with the option of terminating this agreement and recovering all payments made to Seller.

    b. If the Water Court denies Purchaser's Augmentation Plan because of a deficiency in Seller's water rights, then Seller will refund the full purchase price, including the administrative fee. Purchaser will return to Seller all shares of stock acquired hereunder. The term deficiency shall include but not necessarily be limited to a finding by the water court that the water rights are not satisfactory to prevent injury to other rights at the confluence of Twin Creek and the South Platte River at Lake George.

26. Seller shall not be required to pay any portion of the costs of any augmentation reservoir which may be required to be constructed as a result of Purchaser's Plan for Augmentation other than those reservoirs set forth in recital paragraph A herein. In no event shall Seller be responsible for the expense of the operation and maintenance of any such additional reservoir nor shall Seller be required to participate in or make contributions to the costs of acquisition of water rights in order to provide a physical supply of water to Purchaser's Development.

27. All headings set forth in this Agreement are intended for convenience only and shall not control or affect the meaning, construction or effect of this Agreement or of any of the provisions thereof.

28. This Agreement shall be binding upon the parties hereto, their heirs, administrators, executors, and assigns, and the parties hereto do covenant and agree that they themselves and their heirs, executors, administrators, and assigns will execute any and all instruments, releases, assignments, and consents that may be required of them in accordance with the provisions of this Agreement.

29. The Seller represents and it is a condition of this offer that no member of or delegate to Congress, or resident commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

30. All obligations of the United States hereunder are subject to the availability of appropriated funds.

In WITNESS WHEREOF, the parties have hereto set their hands and seals the day and year first above written.

ATTEST:

UNITED STATES OF AMERICA

By _____
Richard A. Young
Chief, Division of Land Resources
Rocky Mountain Region
National Park Service
United States Department of the Interior

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

Subscribed and sworn to before me on this 19TH day of MARCH, 1993.
My commission expires MY COMMISSION EXPIRES OCTOBER 5, 1996.

_____
Notary Public

NORTH FORK ASSOCIATES,
A Limited Partnership

General Partner

MOUNTAIN MUTUAL RESERVOIR CO.
A Colorado Corporation

ATTEST:

(SEAL)

Secretary, Mountain Mutual
Reservoir Company

By
President

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

Subscribed and sworn to before me on this 22nd day of March, 1993.
My commission expires October 6, 1996.

Notary Public

10-18-1993: memo to regional director; trip report for travel by chris gable and dan evans to flfo on september 8-9, 1993.

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:

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

10-18-1993: memo to dan b. kimball, chief, water rights branch; subject: trip report for travel by chris gable and dan evans to flfo f

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 Owen 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.

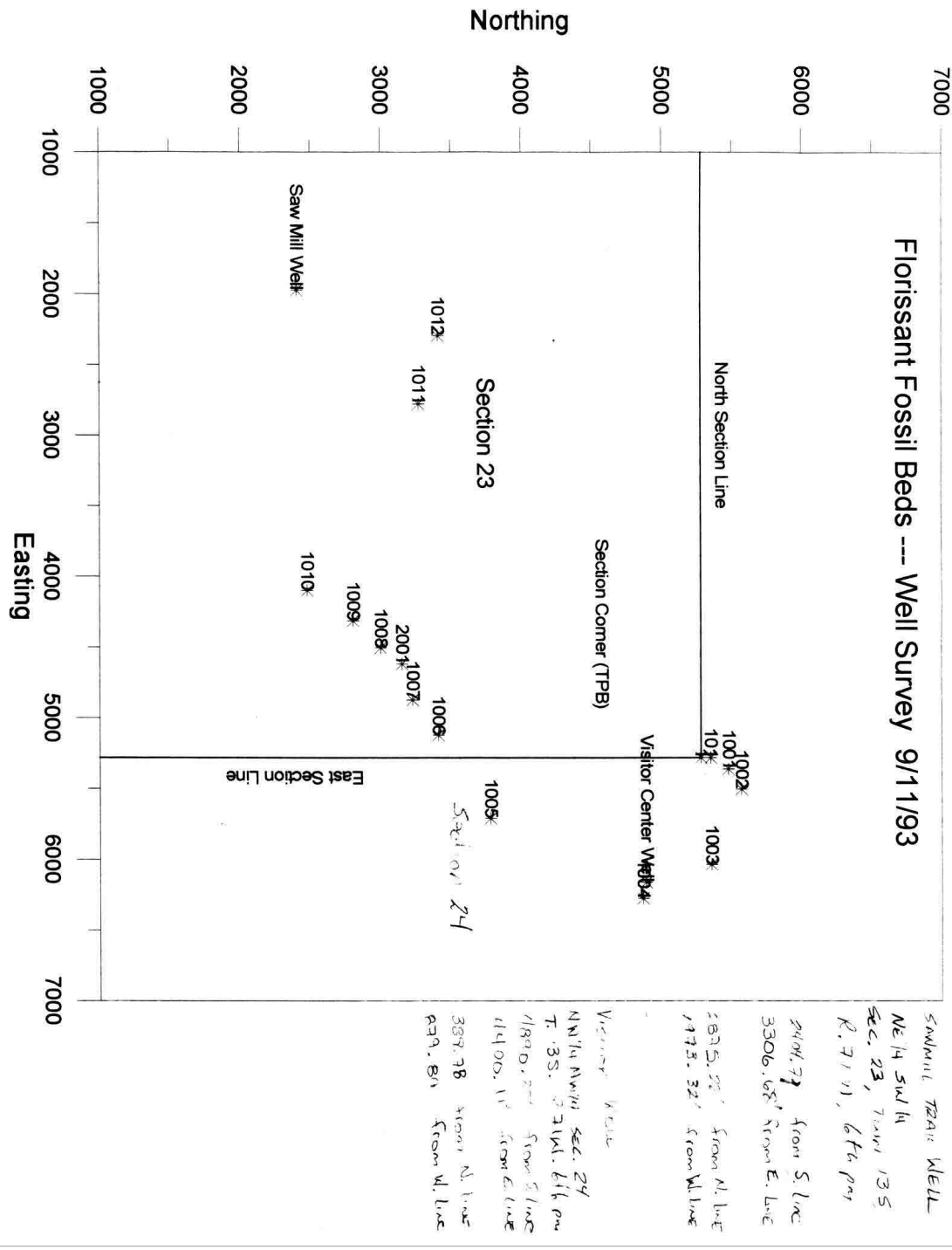
   Responsible party: Johns. Target Date: October 30, 1993.

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

   Responsible party: Johns. Target Date: As requested.



09-11-1993: well survey; 9/11/93.



10-04-1993: memo to alice; re: results of survey for the visitor center well #12 and sawmill trail well.

Alice,
The following are the results of the survey for the Visitor Center Well #12 and the Sawmill Trail Well at Florrisant Fossil Beds National Monument, conducted on September 8, 1993.

I've included the distances stated previouslyin our records and the distances derived from the survey as a comparison.

VISITOR CENTER WELL

NW¼ NW¼ Sec.24, T13S R71W, 6th P.M.

PREVIOUS RECORDS	SURVEY	DIFFERENCE
400 ft. from North sec. line	389.78 ft. from North sec. line	10.22 ft.
500 ft. from West sec. line	4400.11 ft. from East sec. line	379.89 ft.

888

SAWMILL TRAIL WELL

SW¼ NE¼ Sec.23, T13S R71W, 6th P.M.

PREVIOUS RECORD	SURVEY	DIFFERENCE
2500 ft. from South sec. line	2875.22 ft. from North sec. line	95.21 ft.
2000 ft. from West sec. line	3306.68 ft. from East sec. line	26.68 ft.

2,405 S.
1,973.32 W.

Attached is a graph created by Dan Evans.

Let me know if you have any questions or comments.

Chris Gable 10/04/93

Other Supporting Information

U.S. Department of Justice

Environment and Natural Resources Division

WMC:ABRumsey
90-1-2-892

General Litigation Section *Washington, D.C. 20530*

March 19, 1996

Alice Johns
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Drive, Suite 250
Fort Collins, Colorado 80525

Re: Florissant Fossil Beds National Monument

Dear Alice:

Enclosed for your records is a copy of a signature page from a letter for the above-captioned case.

Sincerely,

Allison B. Rumsey
Attorney, General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice
P. O. Box 663
Washington, D.C. 20044-0663

Enclosure

03-19-1996: letter to nps from u.s. department of justice regarding a copy of a signature page from a letter for the flfo national mo

filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record. If no such petition is lodged within the five year period, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this decree shall become final under its own terms.

32. The applications for water rights awarded herein to Sawmill Trail Well and Visitor Center Well No. 12 were filed in the Water Court in 1994 and shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical dates of appropriation and not affected by the date of entry of ruling.

33. It is also ordered that the conditional water right herein awarded to Sawmill Trail Well is hereby continued in full force and effect until January, ~~1997~~ 2002. If the United States desires to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before January, ~~1997~~ 2002, or a showing made on or before such date that the conditional water right for Sawmill Trail Well has become an absolute water right by reason of the completion of the appropriation.

DATED this 16th day of January, 1996.

Raymond S. Liesman
Water Referee
Water Division No. 1

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

DATED: FEB 28 1996

Jonathon W. Hayes
Water Judge
Water Division No. 1
State of Colorado

United States Department of the Interior

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

February 21, 1996

IN REPLY REFER TO:
L54(2380)

Memorandum

To: Superintendent, Florissant Fossil Beds National Monument

From: Chief, Water Rights Branch

Subject: Referee's Ruling Concerning Underground Water Rights, a Plan For Augmentation, Including Exchanges, and Change of Water Rights (Case No. 94CW083) at Florissant Fossil Beds National Monument

A copy of the above-captioned ruling, which has been signed by the water referee for Colorado Water Division 1 (South Platte River Basin), was FAXed to you and to Ralph Canaday of the Office of the Solicitor, Denver, on February 20, 1996, for review and approval. If the NPS wishes to protest the ruling, pleadings must be filed by the NPS's legal counsel (Allison Rumsey, Department of Justice) by February 27, 1996. If no pleadings are received, the Judge of the Water Court will incorporate the Referee's Ruling in the court decree.

The South Platte River Basin, in which Florissant Fossil Beds National Monument (FLFO) is located, is fully appropriated; only senior water rights with early dates of priority are assured a supply of water on a sustained year-round basis. This ruling represents the culmination of six years of effort by the National Park Service and its legal counsel to obtain sufficient water rights at Florissant Fossil Beds National Monument (FLFO) to serve existing and future needs. The ruling is virtually identical to a draft decree submitted to the water court by Ms. Rumsey on behalf of the United States, NPS; and agreed to by the United States and opposers to the United States' application (Highland Lakes Water District and the State Engineer for the State of Colorado). The material contained in the ruling was previously reviewed and approved by legal counsel, by the previous superintendent of FLFO, by my staff, and by Blatchley Associates, (the NPS's contractor). I, therefore, recommend that the NPS accept the ruling.

To assist you in this matter, let me provide a little background. In February 1990, the Denver Service Center drilled a test well (Sawmill Trail Well) in an attempt to secure a water supply for planned facilities at FLFO. Through discussions between the NPS and the Colorado State Engineer's Office, it became apparent that NPS had insufficient water rights to cover existing water withdrawals from Visitor Center Well #12 at FLFO, let alone those for planned facilities.

To obtain the needed water rights, the Water Resources Division contracted with Blatchley Associates of Lakewood Colorado to locate senior water rights for purchase and prepare a Plan of Augmentation. The NPS purchased 19.3 shares of the capital stock of the Mountain Mutual Reservoir Company from North Fork Associates. The shares represent the right to receive 0.606 acre-feet of augmentation water per year from the water rights and storage facilities of Mountain Mutual. Essential elements of the Plan of Augmentation prepared by Blatchley Associates have been incorporated into the ruling, including the following:

--Withdrawals of ground water are allowed from Visitor Center Well #12, Sawmill Trail Well, and if these do not meet the specified needs of the NPS, up to 3 additional wells. A maximum of 3.5 acre-feet of water per year may be used by park visitors and employees for domestic and commercial purposes, including drinking water, restroom use, maintenance and irrigation, at a visitor center, administrative offices, and residences. A maximum of 0.3 acre-feet per year will be used for irrigation.

--To offset depletions to the river system caused by the NPS's water withdrawals from Visitor Center Well #12 and Samill Trail Well, senior water rights purchased by the NPS from Mountain Mutual Reservoir Company will be used to augment stream flows and thereby prevent injury to other water right holders.

--Mountain Mutual Reservoir Company will administer the purchased water rights and operate Mountain Mutual Reservoir Company facilities. Mountain Mutual will make the required release of augmentation water through in-stream delivery of replacement water from its various direct flow and water storage facilities.

The ruling creates for the NPS certain responsibilities:

"It shall be the responsibility of the Park Service to maintain a water accounting form on a monthly basis indicating the total water pumped, area of total lawn and garden irrigated and the amount of water consumed. The form shall be submitted to Mountain Mutual Reservoir Company and Water Division #1 at least annually prior to November 1" (page 11, item 29). (This is the same form that FLFO has been submitting under the Temporary Water Supply Plan, and was submitted last fall).

Under the ruling, a conditional water right will be awarded for the Sawmill Trail Well. The NPS will obtain an absolute water right when it follows the state's procedures to maintain the conditional right or to place the water to beneficial use. "If the United States desires to maintain such a conditional decree, an application for a finding of reasonable diligence shall be filed on or before Feb. 2002, or a showing made on or before such date that the conditional water right for Sawmill Trail Well has become an absolute water right by reason of the completion of the appropriation." (Page 13, item 33.) Thus, FLFO must keep a written record of the NPS's efforts to develop the new facilities and water distribution system at FLFO, including reasons for any delays.

In addition, the water rights purchase agreement between the United States and North Fork Associates executed in March of 1993 requires the NPS to pay a pro-rata share of operating expenses of the Mountain Mutual Reservoir Company on a regular basis, subject to the availability of appropriated funds. (The monument should have a copy of this purchase agreement, if not, I would be glad to provide one.)

Please contact Alice Johns of my staff by February 23, 1996, and let her know if the ruling is acceptable to you. If there are any concerns, we will be glad to assist in addressing them by working with legal counsel. If you would like further information concerning the NPS's responsibilities, please contact me or Alice Johns at (970)224-3505 and (970)225-3534, respectively, or via cc:mail.

cc: Deputy Field Director, Intermountain Field Area - Everhardt (w/o attachment)
Rocky Mountain Cluster - Nickels (GRTE)
Rocky Mountain SSO - Superintendent (Snyder) (w/o attachment)
Rocky Mountain SSO - Wylie (w/o attachment)
SOL (Denver) - Canaday (w/attachment)
DoJ (Washington) - Rumsey (w/o attachment)
Blatchley Associates - Bill Blatchley (w/o attachment)

bcc: Dockets, FLFO (w/attachment)

WM[illegible]Rumsey

U.S. Departm[illegible] of Justice

Environment and Natural Resources Division

90-1-2-892

General Litigation Section

Washington, D.C. 20530

February 13, 1996

Alice Johns
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Drive, STE 250
Fort Collins, CO 80525

Re: Florissant Fossil Beds National Monument

Dear Alice:

Enclosed please find a copy of the decree signed by the water referee. Any pleadings to protest or support the water referee's ruling must be filed by February 27, 1996.

Sincerely,

Allison B. Rumsey
U.S. Department of Justice
Environment and Natural
Resources Division

Enclosure

02-06-1996: letter to james felt, esq. from state of colorado regarding ruling in case no. 94cw083

DEPARTMENT OF JUSTICE
GENERAL LITIGATION
SECTION

96 FEB 12 AM 10:51

WATER DIVISION NO. 1
STATE OF COLORADO

Date 2-6-96

TO: James Felt, Esq.
319 North Weber
Colorado Springs, CO 80903

United States of America
c/o Allison Rumsey
P.O. BOX 663
Washington, D.C. 20044

North Fork Associates
Mountain Mutual Reservoir Co.
2525 South Wadsworth Blvd. , Suite 306
Denver, CO 80227

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 94CW083.

Please check your Ruling very CAREFULLY! If any errors are found, notify the Water Clerk's Office IMMEDIATELY.

You have twenty (20) days after the above date of mailing to file with the Water Clerk, any pleading in protest to or in support of the Referee's Ruling. Any such pleading to the Referee's Ruling must be filed on or before 2-27-96 , plus any additional time allowed by Rule 6(e) CRCP. In the absence of any pleading being received, the Judge of the Water Court will incorporate the Referee's Ruling in the Decree which will be entered after 2-27-96

Nicholas J. Hamlin
Assistant Water Clerk,
Water Division 1
P.O. Box C
Greeley, CO 80632
(970) 351-7300 EXT:4553

filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record. If no such petition is lodged within the five year period, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this decree shall become final under its own terms.

32. The applications for water rights awarded herein to Sawmill Trail Well and Visitor Center Well No. 12 were filed in the Water Court in 1994 and shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical dates of appropriation and not affected by the date of entry of ruling.

33. It is also ordered that the conditional water right herein awarded to Sawmill Trail Well is hereby continued in full force and effect until Dec. 31, ~~1997~~ 2002. If the United States desires to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before Dec. 31, ~~2002~~, or a showing made on or before such date that the conditional water right for Sawmill Trail Well has become an absolute water right by reason of the completion of the appropriation.

DATED this 6th day of January, 1998.

Raymond S. Liesman
Water Referee
Water Division No. 1

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

DATED:_____

_____
Jonathon W. Hayes
Water Judge
Water Division No. 1
State of Colorado

L54 (FLFO-S)

October 27, 1995

William M. Blatchley
Blatchley Associates, Inc.
2525 W. Wadsworth Blvd. #306
Denver, Colorado 80227

Dear Mr. Blatchley:

Enclosed is the requested form for recording annual water use for Florissant Fossil Beds National Monument. In order to provide you with actual figures we have waited until the end of October to submit the report.

We believe that, when information was requested in 1989 or 1990, an administrative staff person (not the water treatment person) transcribed information from monthly reports and left out a decimal point. (The last figure on the meter is tenths.) Therefore, previous figures were inflated by a factor of ten.

Please let me know if you need additional information.

Sincerely,

Jean H. Rodeck
Superintendent

Enclosure

cc: Denise Paprocki, Water Commissioner, w/enclosure
✓Alice Johns, Water Resources Division, w/enclosure

Case No
Sheet 4 of 5

EXHIBIT C
WATER ACCOUNTING FORM
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT
Case No.
November 1 94 to October 31 95

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
(1) Reading Date	30	31	31	25	31	30	31	30	31	31	30	31
(2) Turf Equiv.[a] (Ac)												
(3) Turf Avg CU Rate (Ft)							0.117	0.480	0.441	0.334	0.298	
(4) Irrigation CU (2) X (3) (AF)												
(5) Irr Application (4)/0.75 (AF)												
(6) Sawmill Tr Well BOM Reading (Gal)												
(7) EOM Reading (Gal)												
(8) Water Diverted (7) - (6) (Gal)												
(9) Visitor Center Well BOM Reading (Gal)	151420	157611	167450	172370	179140	190080	191000	208900	237220	268880	302550	EST
(10) EOM Reading (Gal)	157611	167450	172370	179140	190080	191000	208900	237220	268880	302550	319750	
(11) Water Diverted (10) - (9) (Gal)	6191	9839	4920	6770	10940	920	17900	28320	31660	33670	17200	16000
(12) Total Diverted (8) + (11) (Gal)												
(13) (12)/325.85 (AF)												
(14) In-building Use (13) - (5) (AF)												
(15) In-building CU (14) X 0.10 (AF)												
(16) Total CU (4) + (15) (AF)												

Abbreviations: Div = diversion; BOM = beginning of month; EOM = end of month; CU = consumptive use; Irr = Irrigation

[a] ((0 Sq Ft of lawn) + (0 Sq Ft garden/4))/43,560 = 0 Acres

Sum of May-Sep Line (16) _____

Send a completed copy of this form monthly to Mountain Mutual Reservoir Co.

Sum of Nov-Apr & Oct Line (16) _____

00-00-0000: water accounting form

U.S. Department of Justice

Environment and Natural Resources Division

WMC:ABRumsey90-1-2-892

General Litigation Section *Washington, D.C. 20530*

May 26, 1995

James Felt, P.C.
Highland Lakes Water District
319 North Weber
Colorado Springs, CO 80903

Re: Application for Underground Water Rights, Approval of Plan for Augmentation, Including Exchanges, and Change of Water Rights at Florissant Fossil Beds National Monument: Case No. 94 CW 083.

Dear Mr. Felt:

I enjoyed speaking with you on the telephone yesterday. I understand that your primary concern with the water augmentation plan proposed for Florissant Fossil Beds National Monument is that the United States will be taking water from Twin Creek and augmenting at Spinney Mountain Reservoir. However, the depletion is very small. The maximum rate of depletion by Florissant Fossil Beds National Monument's use of the tributary water is estimated to be as follows:

Season	Rate in CFS	Rate in GPM
Winter (Jan.)	0.0003	0.14
Summer (Aug.)	0.0016	0.72

This de minimus depletion from Twin Creek should not injure the Highland Lakes Water District.

In addition, you indicated that you would like to have included in the decree a statement of the Highlands Water District's Right of Exchange. Although I have not seen the language that you propose, I do not anticipate any problem with including it.

I hope that this will address all of your concerns with the proposed decree. As I mentioned on the telephone, I am going on maternity leave on June 2, 1995. I would like to finalize the decree before then but in the event I am not able to Lynn

Johnson, United States Department of Justice, will be taking over the final details. Her number is 303/294-1900.

If you have any questions, feel free to call me at 202/272-6854.

Sincerely,

Allison B. Rumsey
U.S. Department of Justice
Environment and Natural
Resources Division

cc: Lynn Johnson, DOJ
Alice Johns, NPS
Bill Blatchley

10-30-1995: letter to nps from u.s. department of justice regarding copy of decree and the stipulation

WMC:ABRumsey

U.S. Department of Justice

Environment and Natural Resources Division

90-1-2-892

General Litigation Section

Washington, D.C. 20530

October 30, 1995

Alice Johns
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Drive, STE 250
Fort Collins, CO 80525

Re: Florissant Fossil Beds National Monument

Dear Alice:

Enclosed please find a copy of the decree and the stipulation which I sent to Jim Felt and Steve Sims. I have called both to notify them that this will soon arrive on their desk and to request that they return it as quickly as possible.

Sincerely,

Allison B. Rumsey
U.S. Department of Justice
Environment and Natural
Resources Division

Enclosures

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW083

STIPULATION

APPLICATION FOR UNDERGROUND WATER RIGHTS, APPROVAL OF A PLAN FOR AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS

Applicant, United States of America, and Opposers, Highland Lakes Water District and the State Engineer, by and through their respective attorneys, hereby stipulate and agree that Rulings and Decrees may be entered in the above-captioned cases, provided that they are at least as stringent as the attached Exhibit A.

RESPECTFULLY SUBMITTED this 30th day of October, 1995.

Allison B. Rumsey
Department of Justice
Environment and Natural
Resources Division
P.O. Box 663
Washington, DC 20044
202/272-6854

ATTORNEY FOR APPLICANT,
UNITED STATES OF AMERICA,
NATIONAL PARK SERVICE.

James Felt, P.C.
Highland Lakes Water District
319 North Weber
Colorado Springs, CO 80903

ATTORNEY FOR OBJECTOR
HIGHLAND LAKES WATER DISTRICT

Steven Sims
Assistant Attorney General
Natural Resources Division
1525 Sherman St., 5th Floor
Denver CO 80203

ATTORNEY FOR OBJECTOR
THE STATE ENGINEER
STATE OF COLORADO

. . . REPORT OF TELEPHONE CONVERSATION

DATE: December 15, 1994 TIME: 4:30 p.m.
PROJECT:

NPS PERSON ON CALL: Alice E. Johns

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

PERSON: Al Eckermann
ORGANIZATION: Colorado State Engineer's Office
ADDRESS:

TELEPHONE: 866-3587

DISCUSSION: Mr. Eckermann called concerning the NPS's application for a permit for Visitor Center Well #12. He said that he recalled turning down the permit application for Sawmill Trail Well once before. I reminded him that we were not currently using the Sawmill Trail Well, and probably would not be until the new visitor center was built, that we had only submitted a permit application for Visitor Center Well #12. I asked if he was aware that the NPS had been operating under a temporary supply plan. He said that he was not.

We both stepped away from our desks to get documentation. He obtained the first letter sent by the State Engineer (Aug. 10, 1993) setting forth the temporary supply plan but did not have the second (August 25, 1993) which modified the first. I informed him that the NPS had accepted the conditions of the supply plan as modified by the August 25, 1993 letter. He asked for a copy of this letter. I asked if he wanted documentation of the NPS's acceptance as of the plan, and he said that he did. I asked if he wanted documentation of our compliance with the terms, and he said yes. I informed him that we had, through our consultant also requested an extension of time on the temporary supply plan. He asked if we had a response on that. I said that I did not think so, but that I would need to verify that with our consultant (Blatchley Associates) to be sure. He said he would walk down to the FAX machine and await its arrival.

I FAXed him the information right away. He called me back at the same time I called him back to make sure he had gotten the FAX. His voice mail message informed me that everything I had sent relates to an August 25, 1003 supply plan, which expired some time in July of 1993. He said in the voice mail message that he was concerned that we were not operating under an approved plan right now.

I spoke with him on the phone and confirmed that he had not received the second (and most crucial) page of the FAX, the August 10, 1994 letter to Hal Simpson from Blatchley Associates requesting an extension. He asked that I FAX that. I FAXed it right away and called back to confirm its arrival, but he had apparently already left for the day (It was 5:00 p.m.).

I called Bill Blatchley of Blatchley Associates and informed him of the conversation and FAXing. I also asked if he had received approval for the request for extension. He said that he had not, and recommended that he follow up with a phone call to the State Engineer's office tomorrow morning to inquire about its status with Bill McCintyre. I agreed that would be a good idea.

ACTION TO BE TAKEN: Follow up tomorrow morning with Bill Blatchley and Al Eckermann.

COPIES TO: Docket 12

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW083

FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE OF THE WATER COURT APPROVING UNDERGROUND WATER RIGHTS, A PLAN FOR AUGMENTATION, INCLUDING EXCHANGES, AND CHANGE OF WATER RIGHTS.

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA

IN TELLER AND PARK COUNTIES

This matter, comes before the Water Referee upon the Application of the United States of America for Approval of Underground Water Rights, a Plan for Augmentation, including Exchanges, and Change of Water Right. The Referee having considered the pleadings, the filings herein, the evidence presented and the comments of the Division Engineer makes the following findings and the Court does hereby confirm and decree:

FINDINGS OF FACT

1. The Application was filed with the Water Clerk, Water Division No. 1, on June 15, 1994. All notices required by law of the filing of this Application have been fulfilled, and the Referee has jurisdiction over the subject matter of this proceeding and over all parties affected hereby, whether they have appeared or not. The land and water rights involved herein are not included within the boundaries of any designated groundwater basin.

2. Statements of Opposition to the Application were filed by the Highland Lakes Water District, August 29, 1994, and the State Engineer on August 26, 1994. No other statements of opposition have been filed and the time for filing such statements has now expired.

3. The State Engineer and Highland Lakes Water District have stipulated to the entry of this decree. See Stipulation Attached.

4. The Applicant is the United States of America. The Applicant's address is:

Allison B. Rumsey
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 663

Washington, D.C. 20044

5. This decree addresses water needs at Florissant Fossil Beds National Monument ("National Monument"). The National Monument is administered by the National Park Service ("NPS") and contains approximately 6000 acres located in Water Division 1, Township 13 South, Range 70 West, Sections 18, 19, and 30, and Township 13 South, Range 71 West, Sections 11, 12, 13, 14, 15, 22, 23, 24, 25, and 26, 6th P.M. in Teller County, Colorado. The National Monument is within the drainage of Grape Creek. The National Monument's mailing address is as follows:

Address: Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185
(719)748-3253

6. To meet increasing visitor use, NPS is constructing a new visitor center, the equivalent of six single family dwellings, and four summer staff housing units. To provide water for the planned visitor center and other facilities, the NPS drilled a new well, Sawmill Trail Well, and the United States submitted an application to transfer a water right for a commercial exempt well from Visitor Center Well #12 to Sawmill Trail Well. In Case No. 91CW019, it was decreed that the water right would be transferred and, when the NPS began using Sawmill Trail Well, Visitor Center Well #12 would be plugged. The Sawmill Trail Well is not yet operational because the planned facilities have not yet been constructed.

However, since that decree was issued, water use for Visitor Center #12 has been exceeding the amount permitted for a commercial exempt well under Permit No. 1-54810-A and the NPS now wishes to use both wells, and to have the option to use additional wells if necessary. Water is now being supplied under a substitute supply plan approved by the State Engineer, which allows for diversion from Visitor Center #12 and Sawmill Trail Well. Therefore, the United States seeks to augment both Sawmill Trail Well and Visitor Center Well #12.

a. Confirmation of an absolute underground water right for Visitor Center Well #12 is requested by the United States. Visitor Center Well #12, is located in the NW 1/4 NW 1/4 of Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, and 390 feet from the north section line and 880 feet from the west section line of said section. Application for a well permit for Visitor Center Well #12 was approved by the State Engineer on January 17, 1995 (Permit No. 044471-F). The date of appropriation of the Visitor Center Well #12 is

October 31, 1951. The pumping rate for Visitor Center Well #12 will not exceed 18 gpm.

b. A conditional underground water right for Sawmill Trial Well is requested by the United States. The Sawmill Trail Well is located in the NE 1/4 SW 1/4 of Section 23, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado, 2,405 feet from the south section line and 1,973 feet from the west section line. Application for a well permit for Sawmill Trail Well approved by the State Engineer on April 14, 1995 (Permit No. 044784-F). The date of appropriation of the Sawmill Trail Well is February 1990. The pumping rate at Sawmill Trail Well will not exceed 20 gpm.

c. If the Sawmill Trail Well and Visitor Center Well #12 do not meet the needs of the NPS, as described herein, the United States will need up to three additional wells in the National Monument in the Grape Creek drainage. No well will be within 600 feet of any other well not owned by the United States. The date of appropriation would be the installation date of the wells. Total diversions and consumptive use of all wells would not exceed the total amount requested in this decree.

7. The source of water for the wells is groundwater which is tributary to Grape Creek, a tributary of Twin Creek, a tributary of the South Platte River.

8. Water is used by park visitors and employees for domestic and commercial purposes, including drinking water, restroom use, maintenance and irrigation, at a visitor center, administrative offices, and residences.

9. The NPS's engineering consultants have estimated that the gross annual water requirements of the National Monument will not exceed 3.5 acre feet. 0.3 af of the water diverted by the NPS each year is anticipated to be used for irrigation.

10. The volume of water projected to be consumed at the National Monument to meet both current and projected needs is 0.579 af. This figure is based on 10% consumptive use of the in-building water and subsequent treatment by a septic tank - leach field system. There is a possibility of developing a mechanical water treatment system or tying into the Florissant Water and Sanitation District waste water system. In this event, the consumptive use rate would be 5% for a mechanical waste water treatment system or as required by the Florissant Water and Sanitation District's waste water treatment system. The United States seeks: (1) recognition of the option to convert waste water treatment systems; and (2) to receive appropriate credits

to the quantity of augmentation water required with the lower consumptive use rate.

It is further assumed that irrigation of lawn grass within the National Monument will consume 1.66 af of water per irrigated acre, and that the application rate is 2.2 af per irrigated acre. Garden water is based on 0.41 af of water per acre irrigation and that the application rate is 0.60 af per irrigated acre. Six thousand square feet of turf or 24,000 square feet of garden may be irrigated until such time as the water is needed for other National Monument uses. In the event that future summer water use at the Visitor Center exceeds the present projected in-building uses, allocation of water for irrigation of lawn grass will be reduced proportionally to compensate for the increase.

11. In order to provide the necessary replacement water to the stream system, the United States has purchased from North Fork Associates ("North Fork"), 19.3 shares of the capital stock of the Mountain Mutual Reservoir Company ("Mountain Mutual"). Mountain Mutual Reservoir Company is a non-profit corporation which has been created for the following principal purposes:

i. To receive and hold title to direct flow and storage water rights, reservoirs and interests therein, lands easements, rights-of-way, and other related facilities in trust for its stockholders, and

ii. To administer, for its stockholders, water rights and operate Mountain Mutual Reservoir Company facilities in accordance with individual plans for augmentation approved by the Water Court, such as the plan herein proposed.

The 19.3 shares represent the right to receive 0.606 acre-feet of augmentation water per year from the water rights and storage facilities Mountain Mutual holds for the benefit of its shareholders.

12. North Fork and Mountain Mutual own the following water rights which will be used to meet the annual augmentation requirements for the out-of-priority depletions from the above-mentioned wells operated by the NPS at the National Monument:

a. Guiraud 3T Ditch: North Fork and Mountain Mutual own 2.556 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount

October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE 1/4 of said Section 8 bears North 63° 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. A decree authorizing a change of the point of diversion and place of use was entered on May 15, 1954, in Civil Action No. 3376, Park County District Court. Subsequent to 1954, various change of water right and plan for augmentation proceedings have either been decreed or are pending which are anticipated to reduce the quantity of water left at the Guiraud 3T Ditch headgate to 0 cfs. Historically, water diverted through the Guiraud 3T Ditch was used to irrigate 276.28 acres of hay meadows in Sections 9, 10 and 15, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 1.5 acre feet per acre. The owner of the lands historically irrigated by the 2.556 cfs now owned by North Fork Associates and Mountain Mutual Reservoir Company has contracted to remove and has removed 37.19 acres of land from irrigation. Said acreage has been surveyed and monumented in the field.

b. Spinney Mountain Reservoir: North Fork and Mountain Mutual are the owners by deed of an annual delivery of 80 af of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23° 26' West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication Date	Appropriation Date	Amount

1973: Case No. W-7395 March 26, 1973 86,000 AF

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Water Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 af.

c. Lower Sacramento Creek Reservoir No. 1: North Fork owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

Adjudication Date	Appropriation Date	Amount
1974: Case No. W-7741-74	July 25, 1974	40 AF

The Reservoir is located in the NE 1/4 NW 1/4, Section 32 and SE 1/4 SW 1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465.

d. Woodside Reservoir: North Fork Associates and Mountain Mutual Reservoir Company own all of the physical facilities and the water rights decreed to the Woodside Reservoir as follows:

Adjudication Date	Appropriation Date	Amount
1978: Case No. W-8771-77	September 1, 1977	50 AF

The Reservoir is decreed for domestic, municipal, commercial, irrigation, recreation, light industrial, piscatorial, fire fighting, exchange and all other beneficial uses. It is not yet constructed but will be located in the Elk Creek drainage basin in the E 1/2 SW 1/4 of Section 26, Township 6 South, Range 72 West, 6th P.M., Park County, Colorado.

13. In order to assure that sufficient augmentation water will be available for the Applicants, North Fork has agreed to assign to Mountain Mutual for the benefit of the United States and its assigns, and for use in their augmentation plan, up to 0.021 of a cfs of the Guiraud 3T Ditch priority, yielding 0.462 acre-feet of water per year, from the 2.556 cfs described above. In addition, North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir. In order to provide augmentation water from the Guiraud 3T Ditch for use in this plan, North Fork and Mountain Mutual have caused 0.667 of an acre of the grounds historically irrigated by the Guiraud 3T Ditch to be removed from irrigation for each acre-foot of consumptive use water under the Ditch. Sufficient acreage has previously been monumented in the field and set aside for the benefit of plans for augmentation administered by Mountain Mutual. The approval and monumentation of the dried up lands are on the basis of criteria which have been approved and accepted by the Water Court in prior plans for augmentation and which have been adopted by the State Engineer. Deliveries from Spinney Mountain Reservoir and the Guirard 3T Ditch which are committed to other augmentation plans and stockholders of Mountain Mutual Reservoir Company are set forth in the attached Exhibits A and B.

14. Depletions to the stream system which are attributable to water use within the National Monument will primarily be augmented during the period May through September, inclusive, by leaving the above-referenced Guiraud 3T Ditch water rights in the stream. During times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir and Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from the Mountain Mutual's facilities to the stream system, to the point of replacement, will be computed on the basis of 0.13 percent per mile.

15. It is anticipated that the augmentation requirements for the National Monument, plus any water to offset transportation charges allocable to this plan, will not exceed 0.606 acre-feet (0.021 cfs of the Guiraud 3T Ditch water right and 0.144 acre-feet of storage water in Spinney Mountain Reservoir).

16. To provide the necessary augmentation water for this and other augmentation plans, Mountain Mutual will attempt to fill Lower Sacramento Creek Reservoir No. 1 under the Reservoir's own priority. If the structure cannot be so filled, Mountain

Mutual may elect to exchange water from Spinney Mountain Reservoir to storage in Lower Sacramento Creek Reservoir No. 1. The exchange has been decreed in prior plans for augmentation. Mountain Mutual has previously agreed to limit the exchange between Spinney Mountain Reservoir and Lower Sacramento Creek Reservoir No. 1 to those times when all vested water rights with priority dates senior to February 29, 1980, which divert water from Sacramento Creek and/or the Middle Fork of the South Platte River between the point of diversion for Lower Sacramento Creek Reservoir No. 1 and Spinney Mountain Reservoir, are either in priority and fully satisfied or are out-of-priority because of a downstream call initiated by a more senior water right which can be at least partially satisfied by the release of Spinney Mountain water. The decreed rate of exchange into Lower Sacramento Creek Reservoir No. 1 is limited to 2 cfs. Evaporation losses incurred by Lower Sacramento Creek Reservoir No. 1 will be made by exchange of Spinney Mountain Reservoir water to storage.

17. Out-of-priority depletions associated with water diverted from the United States' wells will be calculated on a regular basis. The total irrigated area within the National Monument irrigated by said wells will be surveyed annually. The volume of water delivered for outside irrigation will be estimated and subtracted from the total well diversions. Seventy-five percent of water applied to irrigation will be considered consumed by the irrigation process. The balance of the water pumped will be assumed to be consumed at a rate of ten percent of the volume pumped. Mountain Mutual will include such depletions in the reports which are presently being made to the State water officials for other plans for augmentation which utilize Mountain Mutual augmentation water supplies. On the basis of the submitted reports, not only for this plan but other plans administered by Mountain Mutual, and in accordance with the directives of the Division Engineer, Mountain Mutual will make the required release of augmentation water by properly documenting the in-stream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir and the Lower Sacramento Creek Reservoir No. 1. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions during times when the Guiraud 3T Ditch is not available will be aggregated and replaced by one or more releases from storage of short duration, as directed by the Division Engineer or his representative. Prior to requesting any release of water from Spinney Mountain Reservoir, Mountain Mutual will provide the City of Aurora, the owner and operator of the structure, with at least

twenty four hours notice during regular working hours, Monday through Friday, of the required time and amount of such releases.

18. The Court finds that the source of replacement water and the protective terms outlined above are sufficient to protect the vested rights of other water users in the South Platte River Basin.

CONCLUSIONS OF LAW

19. This Application was filed with the Water Clerk, Water Division No. 1, pursuant to §37-92-302(a), 15 C.R.S. (Supp. 1993). Statements of Opposition were filed by the Highland Lakes Water District, August 29, 1994, and the State Engineer on August 26, 1994. No other statements of opposition have been filed and the time for filing such statements has now expired.

20. The Application for Underground Water Rights, Approval of Augmentation Plan and Change of Water Rights, Including Exchanges, described herein is contemplated and authorized by law, and if administered in accordance with this decree, will permit the uninterrupted utilization of the wells described in Paragraph No. 6, supra, without adversely affecting any other vested water rights and the water exchanges in the South Platte River or its tributaries. Sections 37-92-305(3), (5), and (8), §37-80-120, and §37-83-104, 15 C.R.S. (Supp. 1993).

21. The State Engineer is required to administer this plan for augmentation and change of water rights and the water exchanges, in the manner set forth herein.

22. As a result of the operation of the Plan for Augmentation set forth herein, there is water available for withdrawal from the wells described in Paragraph No. 6, supra, and the use of the same will not result in material injury of the vested water rights of others. Accordingly, the State Engineer shall approve applications for well permits or replacement well permits submitted by the National Park Service for the National Monument. Section 37-90-137(2), 15 C.R.S. (Supp. 1993) and Cache La Poudre Water Users Association v. Glacier View Meadows, 191 Colo. 53, 550 P.2d 288 (1976).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

23. All of the foregoing Findings of Fact and Conclusions of Law are incorporated by reference herein, and are to be

considered a part of the decretal portion hereof as though set out in full.

24. The application for underground water rights and the plan for augmentation, change of water rights and water exchanges, proposed by the United States, North Fork Associates and Mountain Mutual Reservoir Company are approved.

25. The State Engineer, the Division Engineer and/or the Water Commissioner for the former Water District No. 23 shall not, at the request of appropriators, or on their own initiative, curtail the diversion and use of water by the NPS at the National Monument which are covered by this plan of augmentation, so long as the out-of-priority depletions associated with such diversions are replaced to the stream system pursuant to the conditions contained herein. To the extend that the United States or its assigns are ever unable to provide the replacement water required, then the diversion facilities described in Paragraph No. 6 shall not be entitled to operate under the protection of this Plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado. Pursuant to §37-92-305(8), 15 C.R.S. (Supp. 1994), the State Engineer shall curtail all out-of-priority diversions which are not so replaced as to prevent injury to vested water rights.

26. The NPS shall make available for release to the stream system, a sufficient quantity of water to replace depletions caused by diversions from the above-referenced wells. The volume of augmentation water required to be released each year shall be limited to out-of-priority depletions to the stream system directly attributable to diversions through the wells described in Paragraph No. 6, supra.

27. A total of 0.021 of a cubic foot per second of the above described 2.556 cubic feet per second decreed to the Guirard 3T Ditch is hereby changed to allow replacement of depletions associated with water use within the National Monument at the point of injury rather than at its present point of diversion at NE 1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado. The court also confirms that: (1) North Fork has agreed to assign to Mountain Mutual, up to 0.144 acre-feet of its right to annual water deliveries from Spinney Mountain Reservoir; and (2) during times when the Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir, Woodside Reservoir, and Sacramento Creek Reservoir No. 1.

28. The actual point of depletion associated with the out-of-priority diversions from the wells described herein is upstream of the point of delivery of augmentation water from the Guiraud 3T Ditch, Spinney Mountain Reservoir, the Lower Sacramento Creek Reservoir No. 1, and Woodside Reservoir. The United States is therefore decreed an appropriative right of substitute supply and exchange pursuant to §37-80-120 and §37-92-302(1)(a), 15 C.R.S. (Supp. 1994). The reach of the exchange shall extend from the confluence of the North Fork and the mainstem of the South Platte River, up the South Platte River to its confluence with Twin Creek at Lake George, and up Twin Creek to its confluence with Grape Creek and up Grape Creek to the point where the wells impact Grape Creek in the SW 1/4 NW 1/4, of Section 11, Township 13 South, Range 71 West, 6th P.M., Teller County, Colorado. The exchange will operate to replace depletions to the flow of water in Grape Creek as the depletions occur. The exchange shall be administered with a priority date of May 10, 1993 at a maximum flow rate of 0.10 cubic feet second to extent of 0.667 af per year.

29. Mountain Mutual Reservoir Company shall include such depletions which are out-of-priority in the monthly reports made to the State water officials for other plans for augmentation which utilize Mountain Mutual Reservoir Company augmentation water supplies. On the basis of the submitted reports, and in accordance with the directives of the Division Engineer, Mountain Mutual Reservoir Company shall make the required release of augmentation water by properly documenting the instream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Spinney Mountain Reservoir, Woodside Reservoir, and the Lower Sacramento Creek Reservoir No. 1. Releases of storage water shall be subject to the conditions stated in Paragraph No. 17, supra. It shall be the responsibility of the Park Service to maintain a water accounting form on a monthly basis indicating the total water pumped, area of total lawn and garden irrigated and the amount of water consumed. The form shall be submitted to Mountain Mutual Reservoir Company and Water Division #1 at least annually prior to November 1. An example of the type of information to be included in the annual water accounting report is attached as Exhibit "C."

30. As a result of the approval of this Plan for Augmentation, water will be made available from the tributary wells described in Paragraph No. 6, supra, and the vested rights of others will not be materially injured by the contemplated diversions therefrom. Pursuant to §37-92-305(6), 15 C.R.S., the State Engineer shall grant permits for the expanded use of

Sawmill Trail Well and Visitor Center Well #12 upon receipt of an appropriate application filed by the National Park Service. If this plan for augmentation is operating as envisioned herein at the time an application for one of the additional wells authorized under Paragraph No. 6 is submitted to the State Engineer, the new well will not be located within 600 feet of a then existing well not owned by the NPS or the United States, and the State Engineer finds pursuant to §37-90-137(2), 15 C.R.S. (Supp. 1993) that no well-to-well material injury will occur, a permit for construction of the new well shall be granted. The evaluation of whether a proposed new well will injure an existing well shall not apply to wells then owned by NPS or the United States. The reconstruction of all wells described in Paragraph No. 6 shall be approved upon the submittal of new applications to the State Engineer if the location of the replacement well will be within 200 feet of the location of the existing well; provided, however, that if the well to be replaced is within 600 feet of another well not owned by the NPS or the United States, such reconstruction will not result in the replacement well being moved any closer to the existing structure. Well permit requests which would result in the location of a new well at a point closer than 600 feet to an existing well not owned by the NPS or the United States shall be approved if the construction will not result in material injury to the existing well after a hearing pursuant to §37-90-137(2), 15 C.R.S. (Supp. 1993), or if the owner of the existing well executes a written waiver of objection to the proposed location.

31. Pursuant to the provisions contained in §37-92-304(6), 15 C.R.S. the plan for augmentation decreed herein shall be subject to the reconsideration of this Court, for the purpose of evaluating injury to vested water rights, for a period of five years from the date of this decree. Any person, within the five year period, may petition the Court to invoke its retained jurisdiction. Any such request shall state with particularly the factual basis for requesting that the Court evaluate injury to vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. Unless otherwise stated herein, the party lodging the petition shall have the burden of going forward to establish the prima facie facts alleged in the petition. If the Court finds those facts to be established, Applicants shall thereupon have the burden of proof to show: (a) that any modification sought by Applicants will avoid injury to other appropriators, or (b) that any modification sought by an Opposer is not required to avoid injury to other appropriators, or (c) that any term or condition proposed by Applicants in response to Opposer's petition does avoid injury to other appropriators. Such petition shall be

filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record. If no such petition is lodged within the five year period, and the retained jurisdiction period is not extended by the Court in accordance with the provisions of the statute, this decree shall become final under its own terms.

32. The applications for water rights awarded herein to Sawmill Trail Well and Visitor Center Well No. 12 were filed in the Water Court in 1994 and shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical dates of appropriation and not affected by the date of entry of ruling.

33. It is also ordered that the conditional water right herein awarded to Sawmill Trail Well is hereby continued in full force and effect until ____, 199__. If the United States desires to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before ____, 19__, or a showing made on or before such date that the conditional water right for Sawmill Trail Well has become an absolute water right by reason of the completion of the appropriation.

DATED this _____day of _____, 1995.

_____
Raymond S. Liesman
Water Referee
Water Division No. 1

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

DATED:_____

_____
Jonathon W. Hayes
Water Judge
Water Division No. 1
State of Colorado

00-00-0000: letter to clerk of the district court water division no 1 from nps regarding check in the amount of $696.00 for case no.

United States Department of the Interior

NATIONAL PARK SERVICE

ROCKY MOUNTAIN REGIONAL OFFICE
12795 W. ALAMEDA PARKWAY
P.O. BOX 25287
DENVER, COLORADO 80225-0287

IN REPLY REFER TO:

CLERK OF THE DISTRICT COURT
WATER DIVISION NO 1
POB "C"
GREELEY, CO 80632

DEAR SIRS

PLEASE FIND ENCLOSED A CHECK IN THE AMOUNT OF $696.00 FOR CASE NO. 94CW083, USA NORTH FORK ASSOCIATES AND MOUNTAIN MUTUAL RESERVOIR CO. RESUME: JUNE 1994, IN PARK AND TELLER COUNTIES.

PLEASE CREDIT TO THIS CASE.

THANK YOU.

Frank R Morrissey
FRANK R. MORRISSEY
CONTRACTING OFFICER

rec'd pd. 11-3-94
receipt # 47194

District Court, Weld County
9TH Avenue at 9TH Street
P.O. Box C
Greeley, CO 80632
351-7300

Receipt # 0047194 11/03/94 9:23 CHCK FAK TL196215

Case # 64CW-000001 In the Interest of: Misc 1994 Fees

Water Resume Recovery	696.00	
AMOUNT TENDERED	696.00	94CW83 - PD BY NATIONAL PARK S
AMOUNT APPLIED	696.00	
CHANGE	.00	

Receipt # 0047194

00-00-0000: receipt # 0047194 for $696.00

00-00-0000: letter to u.s. department of justice from nps regarding check in the amount of $159.00, payable to the clerk of the wat

JUN 0 7 1994

L54(479)
FLFO/Water Rights

Allison Rumsey
General and Litigation Section
Department of Justice
P O Box 663
Washington D C 20044-0663

Dear Allison:

I have enclosed a check in the amount of $159.00, payable to the Clerk of the Water Court. This check is to cover filing fees for an application for underground water rights, approval of a plan for augmentation, including exchanges, and change of water rights, for Florissant Fossil Beds National Monument.

Please have someone in the Office of the Clerk of the Water Court acknowledge receipt by completing the enclosed form and returning it to this office.

If you have any questions, please give me a call at (303)225-3534.

Alice Johns
Hydrologist, Water Rights Branch

Enclosures

cc: (w/o enclosures)
479 - Williams, Cox, Rouse
Blatchley and Associates, Inc. - Bill Blatchley

bcc: (w/enclosure)
479 - Dockets 11 and 12

RECEIPT OF PAYMENT

Please acknowledge receipt of payment for $159.00, to cover filing fees for an application for underground water rights, approval of a plan for augmentation, including exchanges, and change of water rights, for Florissant Fossil Beds National Monument, by completing the following information and returning it to the address listed below.

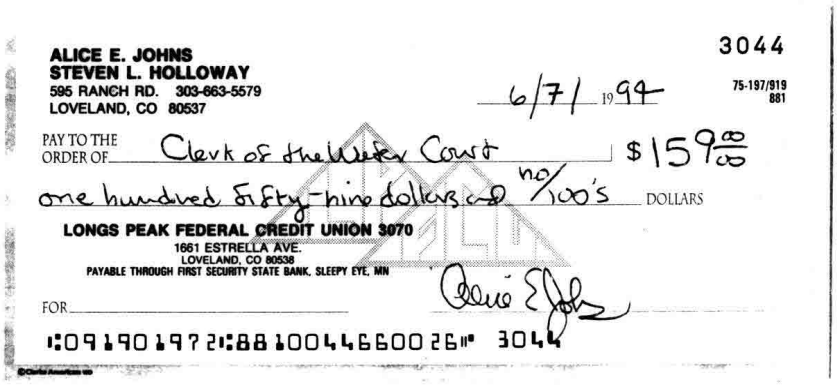
Received Payment on _____

Check Number _____

Payment acknowledged by _____

National Park Service
Water Resources Division
Water Rights Branch (Attn: Alice Johns)
1201 Oak Ridge Dr, STE 250
Fort Collins, CO 80525

00-00-0000: copy of check for $159.00 made out to clerk of the water court



ALICE E. JOHNS
STEVEN L. HOLLOWAY
595 RANCH RD. 303-663-5579
LOVELAND, CO 80537

3044

75-197/919
881

6/7/ 1994

PAY TO THE ORDER OF Clerk of the Water Court $159 00

one hundred fifty-nine dollars and no/100's DOLLARS

LONGS PEAK FEDERAL CREDIT UNION 3070
1661 ESTRELLA AVE.
LOVELAND, CO 80538
PAYABLE THROUGH FIRST SECURITY STATE BANK, SLEEPY EYE, MN

FOR

Alice E Johns

⑆091901972⑆88 100446600 26⑈ 3044

December 7, 1993

L54(479)
FLFO/Water Rights

Mike Gheleta, Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Application for Underground Water Rights, and a Plan For Augmentation and Change of Water Rights, Including Exchanges, at Florissant Fossil Beds National Monument

Dear Mike:

As you requested on August 19, 1993, at a meeting with Alice Johns of my staff, the following items are enclosed:

1) A summary report regarding the above cited case,
2) A copy of the existing contract (Scope of Work, and Purchase Order) between Blatchley Associates, Inc., and the National Park Service (NPS), and,
3) Recommended actions to secure permits and water rights.

Florissant Fossil Beds National Monument (FLFO) will operate its water supply system under a temporary substitute water supply plan until a decree is signed by the Division 1 Water Judge. The temporary plan, **submitted September 10, 1993, is valid for one year.**

To discuss the recommended actions and if you have any questions, please contact Alice Johns or Denise Newberry of my staff, at (303) 225-3534 or (303) 225-3525.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures
cc: (all w/enclosures)
FLFO - Superintendent
RMR - Wise
SOL - Mihan
479 - Kimball, Jackson, Flora, Johns
Blatchley Associates, Inc. - William Blatchley

bcc: Docket 11 and 12 (w/enclosures)

Summary Report

Prepared by
Denise Newberry
Water Rights Branch, Water Resources Division
December 7, 1993

Summary of Facts Relating to Application for Underground Water Rights, and a Plan For Augmentation and Change of Water Rights, Including Exchanges at Florissant Fossil Beds National Monument

The National Park Service's (NPS's) water rights at Florissant Fossil Beds National Monument (FLFO) are inadequate in priority, type, and amount to provide an assured supply of water for projected visitor and administrative uses.

The NPS is planning to construct a new park visitor center and support facilities. In anticipation of the new facilities, the NPS's Denver Service Center (DSC), in February of 1990, received permission from the State and developed one production well, the Sawmill Trail Well, under well Permit No. MH-15812. The NPS was allowed by the State Engineer's Office (SEO), one year to complete the well and begin using the water or the well would need to be plugged. In April of 1990, DSC requested permission from the State to install a pump and use ground water from the Sawmill Trail Well. The State Engineer denied the DSC application to install a pump. NPS was informed by the Division of Water Resources, Ground Water Section, that Sawmill Trail Well could not be completed and water put to beneficial use without a water right.

In mid-February 1991, the NPS requested that the Department of Justice transfer the water right for a "commercial exempt" use at Visitor Center Well #12 (FLFO's current water supply) to Sawmill Trail Well. This was an interim measure, so that the Sawmill Trail Well would not need to be plugged.

In March of 1991, it became apparent to both the NPS and the SEO that withdrawals from Visitor Center Well #12 had been exceeding the 0.33 acre-feet per year allowed under permit for a commercial exempt well. Apparently against the recommendation of the SEO, the Change of water rights from Visitor Center Well #12 to Sawmill Trail Well was approved. However, the SEO would not approve a "commercial exempt" permit for Sawmill Trail Well unless the NPS could demonstrate that it would not use more than 0.33 acre-feet at that well. Thus, the NPS has a water right decree for a commercial exempt well for the Sawmill Trail Well, but no permit from the SEO. For Visitor Center Well #12, the NPS has an approved permit for a commercial exempt well, but no water right.

At this point it became clear that the only way to ensure a supply of water for the park's current and future needs, which exceeded that allowed for a commercial exempt well, was through the

purchase of senior water rights and a plan for augmentation. In September of 1993, a contract was awarded to Blatchley Associates, Inc. to prepare a water rights valuation study, a substitute water supply plan, and a plan for augmentation. All of these products have been completed by Blatchley Associates, Inc. In addition, Blatchley Associates, Inc., is continuing to provide technical/expert support to obtain underground water rights, approval of the Plan for Augmentation, and change of water rights.

Blatchley Associates, Inc., completed the valuation study and recommended the purchase of water shares from the Mountain Mutual Reservoir Company to ensure a year-round supply of water without the need of constructing an additional water storage reservoir. The NPS purchased 19.3 shares (0.606 acre-feet) of the Mountain Mutual Reservoir Company under Water Rights Purchase Agreement, Contract CX1200-3-1126, dated March 3, 1993. The water shares are the basis for the Plan for Augmentation, prepared in May 1993, by Blatchley Associates, Inc.

Under the Plan for Augmentation, the total diversion from the wells at FLFO is estimated to be 3.82 acre-feet of which 0.579 acre-feet would be consumed. The total amount of water to be augmented is the amount consumed (0.579 acre-feet), plus transmission losses (0.027 acre-feet).

The water will be drawn from the Sawmill Trail Well, Visitor Center Well No. 12, and other wells as needed. The augmentation water would be released from the water rights and storage facilities which Mountain Mutual Reservoir Company holds for the benefit of its shareholders as described in the Plan for Augmentation, to offset downstream impacts from the well diversions at FLFO.

In May, 1993, the NPS submitted to the State Engineer a temporary substitute water supply plan for FLFO. The NPS accepted conditions of the temporary substitute water supply plan, as set forth in the State Engineer's August 10, 1993, letter, and modified by the Assistant State Engineer's August 25, 1993, letter, to Blatchley Associates, Inc. This was followed by written acceptance (see letter dated September 10, 1993, from Owen R. Williams, Chief, Water Rights Branch). (In the August 25, 1993 letter, the Assistant State Engineer modified Condition No. 6 of the plan such that the annual volume limitations of 0.3 acre-feet and 0.33 acre-feet for Visitor Center Well #12 and the Sawmill Trail Well were increased to 1-acre-foot for each well. A review of past water diversion records by Blatchley Associates, Inc., concluded that the 1-acre-foot volume limitations would be adequate).

As a term of the temporary substitute water supply plan, the annual water use must be reported to the District 23 Water Commissioner by November 1, of each year. Water use at FLFO for 1993 was reported by the Superintendent of the monument (see letter

of November 3, 1993, from Dale A. Ditmanson, Superintendent, FLFO). The Superintendent stated that water use for the monument in previous years was incorrectly recorded by a staff person who transcribed information from monthly reports and left out a decimal point, and to note that the use is considerably less than prior reports. However, the reported amount of water diverted for 1993 (18,574 gallons per year), seemed unusually low. Tom Harrington of the NPS's DSC, Engineering Services Division, checked the accuracy of the meter and concluded that the use should have been recorded at 185,740 gallons per year.

FLFO will operate its water supply system under a temporary substitute water supply plan until a decree is signed by the Division 1 Water Judge. The temporary substitute water supply plan, submitted September 10, 1993, is valid for one year, with extensions being granted by the State Engineer when appropriate.

Locations of Visitor Center Well #12 and the Sawmill Trail Well were surveyed within 10 feet in September 1993, to ensure that locations are correct on the water right application and any permit applications that need to be filed. The survey revealed the location of Visitor Center Well #12 differs by about 380 feet from the surveyed location; the location of the Sawmill Trail Well was about 95 feet from the location previously recorded.

ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF PAGES 1

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER	2. CONTRACT NO. (If any)	3. ORDER NO.	4. REQUISITION/REFERENCE NO.
09/11/92	OPEN MARKET	PX-1268-2-2417	1268-2-0232

5. ISSUING OFFICE (Address correspondence to)
NATIONAL PARK SERVICE RMR-AC
P. O. BOX 25287
DENVER, CO 80225-0287

6. SHIP TO: (Consignee and address, ZIP Code)
NATIONAL PARK SERVICE ATTN: STEVE CHANEY
12795 WEST ALAMEDA PARKWAY, RMR-RN
LAKEWOOD CO 80228
SHIP VIA: BEST WAY

7. TO: CONTRACTOR (Name, address and ZIP Code)
BLATCHLEY AND ASSOCIATES
2525 S. WADSWORTH, SUITE 306
LAKEWOOD, CO 80227

ATTN: R.K. BLATCHLEY

(303) 989-6932

8. TYPE OF ORDER
[X] A. PURCHASE — Reference your VERBAL QUOTE
Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of: FAR 13
[ ] B. DELIVERY — Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA
1268-2102-414 B259Z C31

10. REQUISITIONING OFFICE
RR & INFO: STEVE CHANEY, RMR-RN

11. BUSINESS CLASSIFICATION (Check appropriate box(es))
[X] SMALL [ ] OTHER THAN SMALL [ ] DISADVANTAGED [ ] WOMEN-OWNED

12. F.O.B. POINT	14. GOVERNMENT B/L NO.	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)	16. DISCOUNT TERMS
DESTINATION	N/A	09-29-93	NET 30
13. PLACE OF INSPECTION AND ACCEPTANCE			
N/A			

17. SCHEDULE (See reverse for Rejections)

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
1	WATER RIGHTS VALUATION STUDY, "SUBSTITUTE WATER SUPPLY PLAN", "PLAN OF AUGMENTATION" AND TECHNICAL/EXPERT SUPPORT FOR A WATER RIGHT APPLICATION FOR FLORISSANT FOSSIL BEDS NM PER THE ATTACHED SCOPE OF WORK.	1	JOB	6552.00	6,552.00	
2	EXPERT WITNESS OPTION 1 1. TRANSPORTATION TO DENVER AND/OR GREELEY LS $40.00 2. DAILY PER DIEM RATE $50.00 3. HOURLY RATE $85.00 HR $50.00 HR	1	LS	3448.00	3,448.00	

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.		17(H). TOT. (Cont. pages)

SEE BILLING INSTRUCTIONS ON REVERSE

21. MAIL INVOICE TO: (Include ZIP Code)
NATIONAL PARK SERVICE ATTN: RMR-AF
P.O. BOX 25287, DENVER, CO 80225

10,000.00 — 17(I). GRAND TOTAL

22. UNITED STATES OF AMERICA BY (Signature) Frank R Morrissey

23. NAME (Typed)
FRANK R MORRISSEY 303-969-2792 RM-116
TITLE: CONTRACTING/ORDERING OFFICER

NATIONAL PARK SERVICE

NPS FORM 10-3470 (3-92)

Water Rights Valuation Study, "Substitute Water Supply Plan", "Plan of Augmentation", and Water Right Application for Florissant Fossil Beds National Monument

Background

The information presented herein should not be relied on by the contractor without verification.

The Florissant Fossil Beds National Monument (park), administered by the National Park Service (NPS), is located within Colorado Water Division 1, Teller County, in Township 13 South, Range 70 West, and Township 13 South, Range 71 West, 6th P.M., south of Twin Creek, a tributary to the South Platte River. The park receives an estimated 100,000 visitors annually and requires a year-round dependable water supply.

A. Current Water Supply

Currently the park uses water from a "commercial-exempt" well (Well #12) to serve its needs (ATTACHMENT A). However, existing water needs may exceed the amount permitted for a "commercial-exempt" well. Total recorded water use at Visitor Center Well No. 12 was approximately 0.5 acre-feet in 1990. The decreed "commercial-exempt" water right for Well #12 was recently transferred to the Sawmill Trail Well (see below) to provide water for new facilities planned for the park. The park has initiated conservation measures to reduce water use. It is not known if historical water use at the monument has exceeded the permitted amount.

B. Future Water Supply

The NPS is planning to construct a new park visitor center and support facilities. Future water needs are to be met by using water from Sawmill Trail Well, an existing well, for which the NPS has a decreed water right for a "commercial-exempt" well (ATTACHMENT B). However, the NPS estimates future water needs will exceed the amount allowed by the State for a "commercial-exempt" well. Therefore, it is anticipated that NPS will need to obtain a water right and permit for Sawmill Trail Well as a "commercial (non-exempt)" well.

Preliminary estimates are that approximately 5.6 acre-feet per year (afy) of water will be required for these new facilities. This is comprised roughly of 2.2 afy for sanitary and drinking facilities for visitor and administrative purposes, 0.2 afy for the maintenance yard, and 3.2 afy for residential and domestic purposes. The NPS developed the Sawmill Trail Well to provide for these future needs.

To provide a secure water supply for use at the monument during times of shortage, the NPS has determined that a water right priority date in the late 1870's will be required. If the existing "commercial-exempt" right is not adequate for park needs, then a transferrable senior water right, which is immune from priority date "calls on the river", is required.

Scope of Work

A. Water Valuation Study

The Water Valuation Study shall entail researching the costs and sources of supply for available water rights to be used in a "Substitute Water Supply Plan" and "Plan of Augmentation" for Florissant Fossil Beds National Monument. The NPS requires a dependable year-round water supply to serve park needs. The valuation study will include, for each source of supply, a written price quote, on a per acre-foot basis, an analysis of strengths and limitations associated with each available supply and a list of comparable water rights sales in the most recent two years. Analyses shall include a historical review of the dependability of the right, i.e. whether the right is subject to "calls" by senior water right holders and whether the right meets year-round needs of the park. The contractor shall inform the Government of any potential effects a source of supply might have on the acceptance of the "Substitute Water Supply Plan" and "Plan of Augmentation" by the State Engineer, the Water Court, or likely protestants.

B. Substitute Water Supply Plan

The "Substitute Water Supply Plan" (see COLO. REV. STAT. 37-92-101 et seq.) must meet the State Engineer's requirements for meeting current and planned water uses until such time as the Water Court rules upon the water right application and the "Plan of Augmentation".

C. Plan of Augmentation

The "Plan of Augmentation" (see COLO. REV. STAT. 37-92-101 et seq.) must meet the State Engineer's and the Water Court's requirements for such a plan to assure future water supplies at Florissant Fossil Beds National Monument. The objective of the plan is to provide augmentation water adequate to meet downstream rights as compensation for ground-water withdrawals from Sawmill Trail Well used to supply the new visitor center and other NPS facilities.

It shall be the responsibility of the contractor to inform the appropriate Government contacts of specifically what information is needed from the Government for the contractor to prepare the "Substitute Water Supply Plan" and the "Plan of Augmentation" and to timely inform the Government of when this information is needed. The contractor shall be responsible for the accuracy of all water-use calculations incorporated in the "Substitute Water Supply Plan" and the "Plan of Augmentation".

The contractor shall contact the Superintendent, National Park Service, Florissant Fossil Beds National Monument, (719) 748-3253, to obtain additional specific information on future needs for water, planned facilities, and projected visitation.

D. Water Right Application

As part of the water right application process, the contractor shall provide all necessary supporting factual materials for submittal to the Water Court and State Engineer. The contractor may be called upon to provide expert witnesses to United States' attorneys in water court proceedings regarding the water right application for Sawmill Trail Well and the "Plan of Augmentation".

Deliverables

The Contractor will provide the following:

1. Water Valuation Study -- The study will be due 30 days after contract award.

2. Draft "Substitute Water Supply Plan" -- The draft plan will be due 45 days after contract award. The government will review the draft plan and return comments to the contractor within 10 days of receipt of the draft "Substitute Water Supply Plan".

3. "Substitute Water Supply Plan" -- The plan will be due 10 days after the Contractor receives comments from the Government on the draft "Substitute Water Supply Plan".

4. Draft "Plan of Augmentation" -- The draft "Plan of Augmentation" will be due 60 days after the due date for the final "Substitute Water Supply Plan". The government will review the draft plan and return comments to the contractor within 10 days of receipt of the draft "Plan of Augmentation".

5. Final "Plan of Augmentation" -- The final "Plan of Augmentation" will be due 20 days after the Contractor receives comments from the Government on the draft "Plan of Augmentation".

6. Support during consideration of the "Substitute Water Supply Plan", "Plan of Augmentation" and Water Right Application by the State Engineer and the Water Court. The work requested under this contract shall include technical assistance as requested by the Government, including expert witness services and preparation of factual materials as needed by legal counsel.

Water Rights Valuation Study, "Substitute Water Supply Plan", "Plan of Augmentation", and Water Right Application for Florissant Fossil Beds National Monument

Minimum Requirements for Prospective Bidders

1. Bidders must have experience in preparing water augmentation plans in Colorado Water Division 1, as demonstrated by:

   a. The documented completion of three such plans by the bidder, which each was accepted by the water court. Each bidder shall list the titles of the "Plans of Augmentation" and the water-right case numbers with which the plans are associated.

   b. The enclosure with the bid, of a copy of one completed "Plan of Augmentation" accepted by the Water Court and the State Engineer. The copy will be used to verify the bidders completion of a "Plan of Augmentation".

2. Bidders must provide 3 references (name, address, telephone number) with knowledge of the bidder's expertise in preparing "Plans of Augmentation" and of the bidders experience as an expert witness in support of such plans. The references may be called to ascertain if the prospective bidder is an expert in the preparation of augmentation plans and is an effective expert witness.

Application for Underground Water Rights, and a Plan For Augmentation and Change of Water Rights, Including Exchanges, at Florissant Fossil Beds National Monument

Recommended Actions to Secure Permits and Water Rights

1. File permit applications for both wells, indicating the correct locations of the wells and types of use (locations of Visitor Center Well #12 and the Sawmill Trail Well were recently re-surveyed).

2. Rescind the Division 1 Water Court Case No. 91CW019 for the Sawmill Trail Well (it is for a commercial-exempt use which is not adequate for FLFO's needs).

3. Prepare an affidavit (draft attached), describing survey of the locations of the Sawmill Trail Well and Visitor Center Well #12 and attach to permit applications.

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 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., at Florissant Fossil Beds National Monument on September 8, 1993. The Visitor Center Well #12 is located 390 feet from the North section line and 4400 feet from the East section line, Sec. 24, T13S R71W, 6th P.M., and the Sawmill Trail Well is located 2875 feet from the North section line and 3307 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, Water Resources Division. The requested accuracy was to survey within 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: On September 8, 1993, we 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 one-half 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 location was measured.

The survey was completed with a closure back to the corner section monument.

_____ _____
Christine A. Gable Date

_____ _____
Daniel L. Evans Date

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

Notary Public _____

Residing at _____

My commission expires _____

United States Department of the Interior

OFFICE OF THE SOLICITOR
Rocky Mountain Region
P.O. Box 25007
Denver Federal Center
Denver, Colorado 80225

June 15, 1993

NPS.RM.2354

United States Department of Justice
Environment and Natural Resources Division
Denver Field Office
999 - 18th Street, Suite 945
Denver, CO 80202

Re: Request For Your Office to File Application For Underground Water Rights, and Approval of the Plan For Augmentation and Change of Water Rights, Including Exchanges at Florissant Fossil Beds National Monument, Water Division I

Dear Gentlemen:

The National Park Service (NPS) has requested our office to submit to you an application for underground water rights and a Plan for Augmentation and other materials for you to seek approval of the State of Colorado in District Court for Water Division One.

In order to provide sufficient water for park needs at Florissant Fossil Beds National monument in Teller County, Colorado, the NPS proposes to utilize a well. In order to get a permit from the State of Colorado for the well, the NPS must provide replacement water to nearby tributaries of the South Platte River. The NPS has purchased 19.3 shares of the Mountain Mutual Reservoir Company under Water Rights Purchase Agreement, Contract CX1200-3-1126 dated March 3, 1993. (Copy enclosed). These shares provide enough water to replace the new well use and represents 0.606 acre-foot of replacement water. This water is the basis for an augmentation plan prepared by the consulting firm, Blatchley Associates, Inc. This plan is enclosed. On May 18, 1993, the NPS submitted to the State Engineer a temporary water supply plan for the Monument for his consideration along with a letter from Mr. Blatchley for the NPS.

At the present time, the water system for the Monument is being supplied by the Florissant Visitors Center well #12, Permit No. 1-54180 and is exceeding the maximum allowed diversions for a commercial exempt well. A well permit application for a second well, the Sawmill Trail Well, was submitted under Receipt No. 1581-B and will be resubmitted under the substitute supply plan.

It is proposed the Monument operate its water supply system under a temporary substitute water supply plan until a decree is signed by the Division I Water Judge. The utilization under a temporary substitute water supply involves only the present visitors center with an estimated annual consumption of less than 0.2 acre-foot and no residential or irrigation use.

The following documents are enclosed:

1. Draft water rights application in hard copy. Also draft water rights application in electronic copy (wordperfect 5.1).

2. Temporary substitute water supply plan and plan for augmentation, prepared by Blatchley Associates, Inc. (Additional copies are available from the Water Rights Branch upon request).

3. Copies of memorandum of April 29, 1993, from Chief, Division of Land Resources with attachments (includes executed water rights purchase agreement with North Fork Associates).

4. Selected correspondence between Blatchley Associates, Inc. and the National Park Service's Water Rights Branch.

5. Documentation of state permits and existing water rights for Sawmill Trail Well and Visitor Center Well No. 12.

6. Documentation related to a plan to increase the depth of the "A-frame" well used for domestic purposes at the "A-frame." (Note: this is not a part of the Plan for Augmentation. It is included for information only).

It is expected that the following people will be witnesses:

1. William M. Blatchley
   Blatchley Associates, Inc.
   2525 S. Wadsworth boulevard #306
   Denver, CO 80227 (303) 989-6932

   Knowledge area: Plan for Augmentation, Temporary Water Supply Plan, and Water Rights Purchase Agreement between United States, North Fork Associates, and Mountain Mutual Reservoir Company.

2. Richard A. Young
   Chief, Division of Land Resources
   P.O. Box 25287
   Denver, CO 80225-0287 (303) 969-2610

   Knowledge area: Water Rights Purchase Agreement between United States, North Fork Associates, and Mountain Mutual Reservoir Company.

3. Dale Ditmanson
Superintendent
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185 (719) 748-3253

Knowledge area: Visitor use, existing and planned facilities, and other needs for water at Florissant Fossil Beds National Monument

4. Tom Smoke
Maintenance Supervisor
Florissant Fossil Beds National Monument
P.O. Box 185
Florissant, CO 80816-0185 (719) 748-3253

Knowledge area: Locations of existing wells and measurement of current water use for Florissant Fossil Beds National Monument

If we may be of further assistance please advise.

Sincerely,

Ralph O. Canaday
Attorney

Enclosures

cc: NPS, Water Resources Division
1201 Oak Ridge Drive, Suite #250
Fort Collins, CO 80525
Attn: Alice Johns

Regional Director, NPS, RMR, Attn: Dick Young

June 14, 1993

L54(479)
FLFO/Water Rights

Memorandum

To: Regional Solicitor, Rocky Mountain Region
Attn: Ralph Canaday

From: Chief, Water Resources Division

Subject: Materials for Preparation of a Litigation Report Concerning an Application for Underground Water Rights, and Approval of a Plan For Augmentation and Change of Water Rights, Including Exchanges, at Florissant Fossil Beds National Monument

The Acting Associate Regional Director, Operations and Resource Management, Rocky Mountain Region, requested your assistance to prepare a litigation report for submission to the Department of Justice in the above-cited matter (See Memorandum of May 24, 1993).

Attached are the following materials to assist you in preparation of a litigation report:

1. Draft water rights application in hard copy.

2. Draft water rights application in electronic copy (Wordperfect 5.1).

3. Temporary Substitute Water Supply Plan and Plan for Augmentation, prepared by Blatchley Associates, Inc. (Additional copies are available from the Water Rights Branch upon request.)

4. Copies of memorandum of April 29, 1993 from Chief, Division of Land Resources with attachments (Including executed Water Rights Purchase Agreement with North Fork Associates).

5. Selected correspondence between Blatchley Associates, Inc. and the National Park Service's Water Rights Branch.

6. Documentation of state permits and existing water rights for Sawmill Trail Well and Visitor Center Well No. 12.

7. Documentation related to a plan to increase the depth of the "A-frame" well used for domestic purposes at the "A-frame". (Note: This is not a part of the Plan for Augmentation. It is included for information only.)

8. List of possible witnesses and their areas of expertise.

Please contact Alice Johns at (303) 225-3506 if you wish further assistance in preparing the litigation report.

Owen Williams

Attachments

cc: FLFO - Superintendent
RMR - Wise
Blatchley Associates, Inc. - Blatchley (w/attachments 1, 7, and 8)
DOJ - Johnson

FNP:AJOHNS:kt:(303)225-3506:06/10/93:S:\FLFOLIT.SOL

May 3, 1993

Mrs. Alice Johns
Water Resources Division
1201 Oak Ridge Dr., Suite 250
Fort Collins, CO 80525

Re: Florissant Fossil Beds
National Monument
Plan For Augmentation
BAI File 627.1

Dear Alice:

Enclosed are seven copies of the Plan For Augmentation, Florissant Fossil Beds National Monument, a letter to the State Engineer negotiating a temporary substitute supply and your proposed court application with our suggested changes and/or additions.

To recap our discussion of your letter dated April 26, 1993, the following items are submitted:

1. Retain the Visitors Center Well #12 and rescind the Division I Water Court Case No. 91CW019.

2. The request for a well permit for Sawmill Trail Well should be resubmitted but not as a replacement for #12.

3. The court will treat all needs as future needs. Thee should be sufficient data in the letter to the State Engineer for the current temporary supply plan.

4. The only conditional water right will be the Sawmill Trail well for diversion under its own priority. All others will be absolute.

5. The actual amount received from Mountain Mutual Reservoir Co. is 19.3 shares which will supply 0.606 acre-foot of consumptive use water.

6. Our report should be sufficient for the litigation report. If there are any objectors for which their concerns cannot

be negotiated, the added requirements will be determined at that time.

Please forward a copy of the report and the letter to the State Engineer to:

Alan Berryman, Division Engineer
Water Division I
800 Eighth Avenue, Room 209
Greeley, CO 80031

If you have any questions or additions, please call us.

Sincerely,

BLATCHLEY ASSOCIATES, INC.

William M. Blatchley
Business Manager

WMB:vs
Enclosures

Dec. 93

United States Department of the Interior

TAKE PRIDE IN AMERICA

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

IN REPLY REFER TO:

April 26, 1993

L54(479)
FLFO/Water Rights

William M. Blatchley
Blatchley Associates, Inc.
2525 South Wadsworth Boulevard, # 306
Denver, Colorado 80227

Subject: Comments on Draft Plan for Augmentation; Draft Application to be Submitted to District Court, Water Division 1; and Litigation Report

Dear Bill:

Comments on the draft Plan for Augmentation for Florissant Fossil Beds National Monument (FLFO) prepared by Blatchley Associates, Inc., follow.

As was discussed at our December 1992 meeting, the Plan for Augmentation will need to be revised to provide for the use of water from Visitors Center Well #12 (and/or other wells at FLFO) for both existing facilities and water needs as well as the projected expansion. No doubt you will or have already modified the Plan for Augmentation accordingly. In reviewing the plan, I noted the following:

--Page 1, Paragraph 2, under BACKGROUND, should be revised to reflect this change.

--Page 1. Should there be a brief section on current water needs similar to the one for FUTURE WATER NEEDS?

--Page 4. Should there be a table for current water requirements?

--I presume that an absolute water right will be sought for the quantity of water needed to provide for existing facilities and water needs, and a conditional water right for the additional water needed for projected expansion. Should this be addressed in the augmentation plan?

Page 5, item 2., under SOURCE OF WATER. Delete reference to Visitors Center Well No. 1 and verify that location given is correct for Visitors Center Well # 12. (Visitors Center Well No. 1 is plugged and Visitors Center Well # 12 replaced it.)

Page 5, under WATER RIGHTS, last paragraph, first sentence. This sentence states that 19.3 shares of stock entitle the holder to receive 0.606 acre-feet of water. The draft application you provided had the figure 31.9 shares penciled in. Which figure is correct?

Page 9, first paragraph , first sentence. Delete "National Park Service" and replace with "United States".

Also enclosed is a draft application for water rights. **I would appreciate any comments you may have, as I have never drafted an application which involves a plan for augmentation.** The initial draft you provided, which was based upon an application prepared for Florissant Water and Sanitation District, was extremely helpful. I incorporated the changes that you indicated and made some additional changes in an attempt to address (1) the need for water for both existing facilities and needs as well as projected facilities, and (2) the possibility of the park tying into Florissant Water and Sanitation District's waste-water treatment facilities. You can phone your comments to me at (303) 663-5579, FAX them to our office FAX at (303) 225-9965, or send them to me at the address on this letter head.

After I have revised the draft application and the Plan for Augmentation is finalized, they will be forwarded by our office to the Office of the Field Solicitor (SOL). In addition, the Field Solicitor has asked that we provide other materials they will need for a litigation report. (The litigation report, to be prepared by SOL, contains all the supporting information for the draft application, for example, the Plan for Augmentation, copies of permits, water use records, and names and expertise of witnesses for the United States.) The other materials for the preparation of the litigation report will be sent to SOL along with the draft application and the Plan for Augmentation. The litigation report and draft application will be sent by SOL to the Department of Justice, who will represent the United States, National Park Service, in court. **I will contact you to discuss any materials that you think appropriate to send to SOL for the litigation report.**

Sincerely,

for Alice E. Johns
Hydrologist

Enclosure

cc: FLFO - Superintendent
RMR - Young, Wise
SOL - Canaday
479 - Williams, McGlothlin

December 11, 1992

L54(479)

Bill Blatchley
Blatchley Associates
2525 S. Wadsworth Bvd., #306
Lakewood, CO. 80227

Re: Information Pertaining to Visitor Center Well #12, Florissant Fossil Beds National Monument

Dear Mr. Blatchley:

Enclosed please find a copy of the approved permit to replace Well No. 1 with Well No. 12, which you requested in a December 2, 1992, meeting.

If you have any questions, please contact me at (303) 225-3506.

Alice Johns

Alice E. Johns
Hydrologist

Attachment

bcc: (all w/o attachment)

FLFO - Superintendent
RMR - Wise, Morrisey
479 - Williams, McGlothlin, Hansen

FNP:AJOHNS:bb:(303)225-3500:12/10/92:B:\BLAT12.10

...18 Centennial Bldg., 1313 Sherman St., Denver, ...olorado 80203

JUL 2 0 1989

WATER RESOURCES STATE ENGINEER COLO.

PERMIT APPLICATION FORM

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

RECEIVED JUL 1 1 1989 WATER RESOURCES STATE ENGINEER COLO.

( ) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
( ) A PERMIT TO INSTALL A PUMP
(X) REPLACEMENT FOR NO. Well No. 1 as decreed in W-87 95-77
DRILLED by Well No. 12 (84-CW-419)
WATER COURT CASE NO. _____

07-11-89 3:13 P
032472 20.00
C0005 M0015
TTL 20.00
CHEQUE 20.0

(1) APPLICANT - mailing address

United States of America,
NAME National Park Service
STREET 301 S. Howes St. Room 353
CITY Ft. Collins Colorado (State) 80521 (Zip)
TELEPHONE NO. (303) 221-5341

(2) LOCATION OF PROPOSED WELL

County Teller
NW ¼ of the NW ¼, Section 24
Twp. 13 S (N.S), Rng. 71 W (E.W), 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 18
Average annual amount of ground water to be appropriated (acre-feet): 0.3
Number of acres to be irrigated: None
Proposed total depth (feet): 500
Aquifer ground water is to be obtained from: Pikes Peak Granite
Owner's well designation Visitor Center Well (#12)

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
( ) DOMESTIC (1)
( ) LIVESTOCK (2)
( ) COMMERCIAL (4)
( ) INDUSTRIAL (5)
( ) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Drinking and Sanitary Facilities in Visitor Center
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Rocky Mountain Pump and Drilling
Street P.O. Box 100
City Florissant Colorado (State) 80816 (Zip)
Telephone No 748-3318 Lic. No. _____

FOR OFFICE USE ONLY. DO NOT WRITE IN THIS COLUMN

ITM 1
Receipt No. 302581 CL-1 / OA2588
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

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

ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT

1) APPROVED PURSUANT TO CRS 37-92-602(3)(c) FOR THE RELOCATION OF EXISTING WELL PERMIT NO. 154810 . THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO TH WATER WELL CONSTRUCTION AND PUMP INSTALLATION RULES WITHIN NINETY (90) DAYS OF COMPLETION O THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.
2) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO DRINKING AND SANITARY FACILITIES A DESCRIBED IN CRS 37-92-602(1)(c), FOR A VISITOR CENTER. WATER FROM THIS WELL SHALL NO BE USED FOR LAWN OR LANDSCAPE IRRIGATION.
3) THE MAXIMUM PUMPING RATE OF THIS WELL SHAL NOT EXCEED 15 G.P.M.
4) THE MAXIMUM ANNUAL OF GROUND WATER TO BE DIVERTED BY THIS WELL SHALL NOT EXCEED 1/3 ACRE-FOOT (108,600 GALLONS).
5) A TOTALIZING FLOW METER MUST BE INSTALLED ON THIS WELL AND MAINTAINED IN GOOD WORKING ORDER. PERMANENT RECORDS OF ALL DIVERSIONS MUST BE MAINTAINED BY THE WELL OWNER (RECORDE AT LEAST ANNUALLY) AND SUBMITTED TO THE DIVISION ENGINEER UPON REQUEST. JM 7-24-8

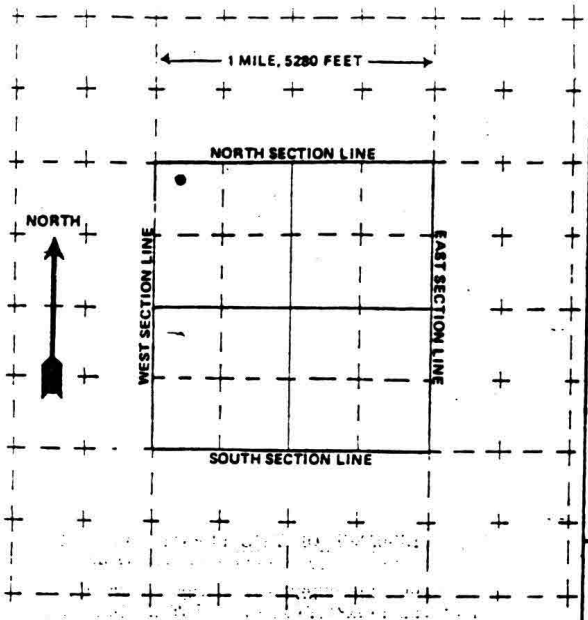
OWNER'S COPY

APPLICATION APPROVED

PERMIT NUMBER 154810-A
DATE ISSUED JUL 26 1989
EXPIRATION DATE JUL 26 1991

Jim A. Davidson
(STATE ENGINEER)
BY M.A. Malloy
ID 1-23 COUNTY 60

(5) THE LOCATION OF ... 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.

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

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

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

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

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

(8) PROPOSED CASING PROGRAM

Plain Casing

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

4 in. from 0 ft. to 485 PVC ft.

Perforated casing

_____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

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

Well #12 is 410' South and 150' West of Well #1. Well #1 is to be plugged with concrete.

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

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

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

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

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

Type or right	Used for (purpose)	Description of land on which used

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

Wm. R. Dawson Acting Chief, Water & Hts Branch

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

August 6, 1990

L34(479)
FLPO/Water Rights

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

Re: Permit Number 154810-A, Replacement for Well No. 1 (Decreed in W-8793-77) by Well Number 12 (84-CW-419)

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

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

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

cc: Liesman, Water Court, Water Division 1

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

DENVER, COLO 80203

WELL ABANDONMENT AFFIDAVIT*

STATE OF COLORADO)
) ss.
COUNTY OF TELLER)

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

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

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

on November, 1984.

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

_____ from _____ feet to _____

_____ from _____ feet to _____

Signature of affiant(s) Noel R Poe

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

My Commission expires: June 29 1994

Joyce L Gerner
Notary Public

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

(See reverse side for Abandonment Regulations)

STATE OF COLORADO }
} ss:
COUNTY OF TELLER }

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

Justin S. Ankrum
Signature

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

Notary Public
Address:

My commission expires: June 29, 1994

10-01-1992: fax cover sheet to nps from blatchley associates inc regarding table reflects the new visitor projections plus the additic

Dan OK
Bill WRH looks good
AJ (last)
FYI

FAX DOCUMENT TRANSMITTAL

DATE: October 1, 1992

OF PAGES 2 (including this page)

TO		FAX NUMBER(S)
	Dale Ditmanson	719-748-3164
	Alice Johns	303-493-1441

FROM: Bill Blatchley

PROJECT: Florissant Fossil Beds National Monument Water Plan

REMARKS: The attached table reflects the new visitor projections plus the addition of irrigation. The consumptive use for vehicle washing may vary depending on how the water is disposed. The Total requirement is just a sample using North Fork Associates water. We are on number eight of other prospective sellers with no interest.

PLEASE CALL 303-989-6932 IF THE DOCUMENT IS INCOMPLETE.

TO REPLY BY RAPIFAX DIAL 303-989-6938.

blatchley associates, inc. / CONSULTING ENGINEERS
2525 SOUTH WADSWORTH BOULEVARD, #306 · DENVER, COLORADO 80227 · (303) 989-6932
WATER RESOURCES · WATER RIGHTS · GROUNDWATER · ENVIRONMENTAL & GEOLOGICAL ENGINEERING

10-01-1992: faxed table from blatchley associates, inc.
BLATCHLEY ASS CIATES INC 3039896938 P.02

WATER REQUIREMENT
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

		VISITOR CENTER					MAINTENANCE AREA				HOUSING UNITS			LAWN IRRIGATION		TOTAL WATER		
	DAYS	RATIO OF VISITORS (%)	PRO-JECTED NO. OF VISITORS	WATER USED IN RESTROOM (GAL)	PRO-JECTED NO. OF STAFF	WATER USED BY STAFF (GAL)	PRO-JECTED NO. OF STAFF	WATER USED BY STAFF (GAL)	VEHI-CLES WASH-INGS	WATER USE ON VEHICLE (GAL)	NO. OF HOUSE UNITS	NO. OF TRAILER UNITS	WATER USED BY HOUSING (GAL)	WATER USED BY TRAILER (GAL)	IRRIG-ATED AREA (Sq Ft)	IRRIG WATER USE (GAL)	WATER USE (GAL)	WATER USE (AF)	CU (AF)
JAN	31	1%	2518	4307	8	2480	4	1240	0	0	6		52080				60107	0.184	0.018
FEB	28	1%	2703	4623	8	2240	4	1120	0	0	6		47040				55023	0.169	0.017
MAR	31	3%	5368	9183	8	2480	4	1240	6	450	6		52080				65433	0.201	0.020
APR	30	4%	6993	11962	10	3000	5	1500	12	900	6		50400				67762	0.208	0.021
MAY	31	8%	16396	28048	15	4650	8	2480	24	1800	6	4	52080	24800	6000	19749	133606	0.410	0.080
JUN	30	14%	26492	45318	20	6000	10	3000	24	1800	6	4	50400	24000	6000	19749	150266	0.461	0.086
JUL	31	23%	45297	77487	20	6200	10	3100	24	1800	6	4	52080	24800	6000	19749	185216	0.568	0.096
AUG	31	24%	46666	79829	20	6200	10	3100	24	1800	6	4	52080	24800	6000	19749	187557	0.576	0.097
SEP	30	13%	24405	41749	15	4500	8	2400	24	1800	6		50400		6000	19749	120597	0.370	0.076
OCT	31	5%	10692	18290	15	4650	8	2480	12	900	6		52080				78400	0.241	0.024
NOV	30	2%	4148	7095	10	3000	5	1500	6	450	6		50400				62445	0.192	0.019
DEC	31	2%	2967	5075	8	2480	4	1240	0	0	6		52080				60875	0.187	0.019
	365	100%	194645	332965		47880		24400		11700			634320	98400		98743	1227287	3.766	0.574
MAY-SEP	153		159257	272430		27550		14080		9000			257040	98400		98743	777242	2.385	0.435
JAN-APR+ OCT-DEC	212		35388	60535		20330		10320		2700			356160	0		0	450045	1.381	0.138

ASSUMPTIONS:
1. Monthly distribution of future visitor based on past distribution
2. 85% of visitor use restrooms; 50% of which are male and 50% female
3. Men use urinals 50% of time at 1.25 gallon per use; balance of time 1.6 gallons per use; .5 gallon at lavatory
4. Women use is based on 1.6 gallon per flush and 0.5 gallon for lavatory per person
5. Water use for staff based on 10 gallons per person per day
6. Housing units based on 3.5 persons at 80 gallons per person per day
7. Trailers based on 2.5 persons at 80 gallons per person per day
8. Vehicle washing at 75 gallons per washing with water run into a leach field
9. Lawn irrigation based on 2.2 feet total application and 1.66 feet consumptive use
10. Garden irrigation may be substituted for lawn irrigation at a ratio of 4 to 1 to equal the same consumptive use

TOTAL REQUIREMENTS

WATER SOURCE	DIST-ANTS (MILES)	STREAM TRANS CHG (%)	NET CU (AF)	STREAM TRANS CHG (AF)	TOTAL CU (AF)
SPINNEY MT RES	21	2.73%	0.138	0.004	0.142
63T DITCH	40	5.20%	0.435	0.023	0.458
TOTAL			0.574	0.026	0.600

CONFIDENTIAL
ATTORNEY WORK PRODUCT

September 15, 1992

L54(479)

Bill Blatchley
Blatchley Associates
2525 S. Wadsworth Blvd., #306
Lakewood, CO. 80227

Re: Information Pertaining to Sawmill Trail Well, Florissant Fossil Beds National Monument

Dear Mr. Blatchley:

Enclosed please find a copy of the file on the Sawmill Trail Well from the Water Rights Branch, Water Resources Division, National Park Service, which you requested in a September 14, 1992, telephone conversation with me. Materials include internal working documents and correspondence. Therefore, the file should, until reviewed by legal counsel, be considered confidential. Also, any calculations or other material--aside from approved state permits, signed water right applications, and court decrees--should not be relied upon without your verification.

Again, congratulations on obtaining the Government's contract for a valuation study, temporary water supply plan, and plan of augmentation at Florissant Fossil Beds National Monument. If you have any questions, please contact me at (303)493-1441.

Alice Johns

Alice E. Johns
Hydrologist

Attachment

bcc: FLFO - Superintendent
RMR - Wise, Morrisey
479 - Williams, McGlothlin, Hansen

FNP:AJOHNS:bb:(303)493-1441:09/15/92:B:\BLATCH.LET

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJ
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

March 12, 1991



Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. 90 CW 149 and 84 CW 419 (W-8795-77)

Dear Owen:

Enclosed please find a copy of the last page of FINDINGS AND RULING OF THE REFEREE . . . , in the above-captioned case indicating the Decree was entered March 6, 1991.

I can now proceed to file the Application for Change of Water Right for this right. Enclosed is the permit application for you to file with the State Engineer. The permit right must be perfected within one year. This requires completion of the well, application of the water to beneficial use and filing of a statement of beneficial use within the year.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

Lynn A. Johnson
Attorney
General Litigation Section

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

U.S. Department of Justice

Land and Natural Resources Division

WMC:LAJ
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

February 5, 1991



Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. 90 CW 149 and 84 CW 419 (W-8795-77)

Dear Owen:

Enclosed please find a copy of FINDINGS AND RULING OF THE REFEREE . . . Please let us know by February 15, 1991, whether this Ruling is acceptable to your agency people.

We look forward to hearing from you.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

for: Lynn A. Johnson

Lynn A. Johnson
Attorney
General Litigation Section

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

02-05-1991: letter to nps from u.s. department of justice regarding application for change of water right

U.S. Department of Justice

Land and Natural Resources Division

WMC:dh
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/564-3627

September 7, 1990

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

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

Dear Alice:

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

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

Deirdre Hills.

Deirdre Hills
Legal Technician
General Litigation Section

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

02-05-1991: federal express shipping carbon copy

SENDER'S COPY

FEDERAL EXPRESS

USE THIS AIRBILL FOR SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
USE THE INTERNATIONAL AIR WAYBILL FOR SHIPMENTS TO PUERTO RICO AND ALL NON U.S. LOCATIONS.
QUESTIONS? CALL 800-238-5355 TOLL FREE.

AIRBILL
PACKAGE TRACKING NUMBER
8265294181

FROM 8265294181

$12.60

SENDER'S COPY

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

1 From (Your Name) Please Print: N
Your Phone Number (Very Important):
Company: DOWNTOWN MAIL COMPANY
Department/Floor No.:
Street Address: 305 W MAGNOLIA
City: FT COLLINS
State: CO
ZIP Required: 8 0 5 2 1

2 To (Recipient's Name) Please Print:
Recipient's Phone Number (Very Important):
Company:
Department/Floor No.:
Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip + 4 Codes.):
City:
State:
ZIP Required:

YOUR INTERNAL BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice.)

H IF HOLD FOR PICK-UP, Print FEDEX Address Here
Street Address:
City:
State:
ZIP Required:

3 PAYMENT: 1 [X] Bill Sender 2 [ ] Bill Recipient's FedEx Acct. No. 3 [ ] Bill 3rd Party FedEx Acct. No. 4 [ ] Bill Credit Card
5 [ ] Cash/Check
Acct./Credit Card No.:
Exp. Date:

4 SERVICES (Check only one box)

Priority Overnight Service (Delivery by next business morning†)
11 [ ] YOUR PACKAGING
16 [ ] FEDEX LETTER *
12 [ ] FEDEX PAK *
13 [ ] FEDEX BOX
14 [ ] FEDEX TUBE

Standard Overnight Service (Delivery by next business afternoon†)
51 [ ]
56 [X] FEDEX LETTER *
52 [ ] FEDEX PAK *
53 [ ] FEDEX BOX
54 [ ] FEDEX TUBE

Economy Two-Day Service (formerly Standard Air) (Delivery by second business day†)
30 [ ] ECONOMY TWO-DAY SVC.

Heavyweight Service (for Extra Large or any package over 150 lbs.)
70 [ ] HEAVYWEIGHT **
80 [ ] DEFERRED HEAVYWEIGHT **

†Delivery commitment may be later in some areas.
*Declared Value Limit $100.
**Call for delivery schedule.

DELIVERY AND SPECIAL HANDLING (Check services required)

1 [ ] HOLD FOR PICK-UP (Fill in Box H)
2 [X] DELIVER WEEKDAY
3 [ ] DELIVER SATURDAY (Extra charge) (Not available to all locations) [ ]
4 [ ] DANGEROUS GOODS (Extra charge)
5 [ ]
6 [ ] DRY ICE ____ Lbs.
7 [ ] OTHER SPECIAL SERVICE
8 [ ]
9 [ ] SATURDAY PICK-UP (Extra charge)
10 [ ]
11 [ ] Broker to Clear
12 [ ] HOLIDAY DELIVERY (If offered) (Extra charge)

PACKAGES	WEIGHT In Pounds Only	YOUR DECLARED VALUE (See right)
Total	Total	Total

DIM SHIPMENT (Chargeable Weight)
[ ] lbs.

Received At:
1 [ ] Regular Stop 3 [ ] Drop Box
4 [ ] BSC
2 [ ] Will Call Stop 5 [ ] Station

FedEx Emp. No.:
Date/Time:

SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY

Use of this airbill constitutes your agreement to the service conditions in our current Service Guide, available upon request. See back of sender's copy of this airbill for information.
We will not be responsible for any claim in excess of $100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, and document your actual loss for a timely claim. Maximum amount limitations found in the current Federal Express Service Guide apply. Your right to recover from Federal Express for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of $100 or the declared value specified to the left. Recovery cannot exceed actual documented loss. The maximum Declared Value for FedEx Letter and FedEx Pak packages is $100.00.
In the event of untimely delivery, Federal Express will at your request and with some limitations, refund all transportation charges paid. See Service Guide for further information.

Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.

5 Release Signature:

Federal Express Use
Base Charges:
Declared Value Charge:
Other 1:
Other 2:
Total Charges:

REVISION DATE 8/90
PART #119501 TXEM 7/90
FORMAT #041

041

© 1990 FEC
PRINTED IN U.S.A.

TERMS AND CONDITIONS

DEFINITIONS

On this Airbill, we, our and us refer to Federal Express Corporation, its employees and agents. You and your refer to the sender, its employees and agents.

AGREEMENT TO TERMS

By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

RESPONSIBILITY FOR PACKAGING AND COMPLETING AIRBILL

You are responsible for adequately packaging your goods and for properly filling out this Airbill. Omission of the number of packages and weight per package from this Airbill will result in a billing based on our best estimate of the number of packages received from you and an estimated "default" weight per package, as determined and periodically adjusted by us.

AIR TRANSPORTATION TAX INCLUDED

Our basic rate includes a federal tax required by Internal Revenue Code Section 4271 on the air transportation portion of this service.

LIMITATIONS ON OUR LIABILITY AND LIABILITIES NOT ASSUMED

Our liability for loss or damage to your package is limited to your actual damages or $100, whichever is less, unless you pay for and declare a higher authorized value. We do not provide cargo liability insurance, but you may pay an additional charge for each additional $100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your package.

In any event we will not be liable for any damages, whether direct, incidental, special or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred including, but not limited to, loss of income or profits.

We won't be liable for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking or addressing, or for the acts or omissions of the recipient or anyone else with an interest in the package. Also, we won't be liable if you or the recipient violates any of the terms of our agreement. We won't be liable for loss of or damage to shipments of prohibited items.

We won't be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, acts of public enemies, war, strikes, civil commotions, or acts or omissions of public authorities (including customs and quarantine officials) with actual or apparent authority.

DECLARED VALUE LIMITS

The highest declared value we allow for FedEx Letter and FedEx Pak shipments is $100. For other shipments, the highest declared value we allow is $25,000 unless your package contains items of "extraordinary value," in which case the highest declared value we allow is $500. Items of "extraordinary value," include artwork, jewelry, furs, precious metals, negotiable instruments, and other items listed in our current Service Guide.

If you send more than one package on this Airbill, you may fill in the total declared value for all packages, not to exceed the $100, $500 or $25,000 per package limit described above. (Example: 5 packages can have a total declared value of up to $125,000.)

If more than one package is shipped on this airbill, our liability for loss or damage will be limited to the actual value of the package(s) lost or damaged (not to exceed the lesser of the total declared value or the per package limits described above). You have the responsibility of proving the actual loss or damage.

FILING A CLAIM

ALL CLAIMS MUST BE MADE BY YOU IN WRITING. You must notify us of your claim within strict time limits. See current Service Guide.

We'll consider your claim filed if you call and notify our Customer Service Department at 800-238-5355 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

RIGHT TO INSPECT

We may, at our option, open and inspect your packages prior to or after you give them to us to deliver.

NO C.O.D. SERVICES

NO C.O.D. SERVICES ON THIS AIRBILL. If C.O.D. service is required, please use a Federal Express C.O.D. airbill for this purpose.

RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any costs we may incur in either returning your package to you or warehousing it pending disposition.

RIGHT OF REJECTION

We reserve the right to reject a shipment at any time, when such shipment would be likely to cause damage or delay to other shipments, equipment or personnel or if the transportation of which is prohibited by law or is in violation of any rules contained in this Airbill or our current Service Guide.

MONEY-BACK GUARANTEE

In the event of untimely delivery, Federal Express will at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for further information.

Part #119500/119501
Rev. 8/90

84 CW 419

September 4, 1990

L54(479)
RMR/Water Rights

Lynn Johnson, Attorney
U.S. Department of Justice
Federal Building, 1961 Stout Street
Drawer 3607
Denver, Colorado 90294

Re: Case Nos. W-8788-77, W-8789-77, W-8791-77, W-8794-77, W-8797-77, W-8798-77, 84 CW 419, 85 CW 342, 85 CW 343, 85 CW 344, 85 CW 345, 85 CW 346, 85 CW 347, 85 CW 348, 85 CW 349, 85 CW 350, 85 CW 351, 85 CW 376 and 85 CW 384, 85 CW 377, 85 CW 378, 85 CW 379, 85 CW 380, 85 CW 381, 85 CW 382, 85 CW 383, 85 CW 385 (Response to Your Letter of August 22, 1990)

Dear Lynn:

The current status of the above-cited cases follows. In regard to case number W-8788-77, (reserved rights, Rocky Mountain National Park) we have taken initial steps towards the preparation of evidence. Referee Ray Lieseman indicated at the March 6, 1990, term day that the court has no intention of addressing other Federal reserved water rights claims until the United States Forest Service reserved right claims are handled.

In regard to W-8789-77, W-8791-77, W-8794-77, 85 CW 342, 85 CW 343, 85 CW 344, 85 CW 345, 85 CW 346, 85 CW 347, 85 CW 348, 85 CW 349, 85 CW 350, 85 CW 351, 85 CW 376 and 85 CW 384, 85 CW 377, 85 CW 378, 85 CW 379, 85 CW 380, 85 CW 381, 85 CW 382, 85 CW 383, 85 CW 385, (appropriative water right claims, Rocky Mountain National Park) Ken Czarnowski of my staff contacted Lieseman to discuss our progress on these cases. Czarnowski indicated the National Park Service (NPS) is moving forward on these cases but won't have anything available for this term day. Lieseman said he would not dismiss the cases so long as NPS was moving forward.

In regard to 84 CW 419, W-8797-77, and W-8798-77, Alice Johns of my staff contacted Lieseman to discuss progress on these cases. A summary of the status of these rights, as indicated to Lieseman, is attached (Appendix A). Also attached is the following documentation concerning these cases:

Appendix B: Case 84 CW 419:
--Completed change application and supporting documentation.

ONLY APPLICABLE APPENDICES INCLUDED

Appendix C: Case W-8797-77:
--Transmittal memorandum, pump test results, and an affidavit from William F. Dietrich, indicating a sustained pumping rate of 25.42 gallons per minute after 2 hours. (Lieman just asked that we measure the flow rate.)

Appendix D: Case W-8798-77:
--Memo to the Superintendent recommending that NPS not pursue a water right for that well and that DOJ request dismissal of the case.
--Memo from the Superintendent concurring that NPS not pursue a water right for the well.

In light of the attached information, the National Park Service requests that DOJ seek dismissal of Case Number W-8798-77.

If you have further questions concerning these cases, please contact me, Dan McClothlin (Rocky Mountain NP Federal reserved water rights), Ken Czarnowski (Rocky Mountain NP appropriative water rights), or Alice Johns (Florissant Fossil Beds NM appropriative water rights) at (303)221-8302.

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

cc: ROMO - Superintendent
FLFO - Superintendent
RNR - Hermance, (w/attachments)

[redacted]:jt:(303)221-8304:09/04/90:WANG ID #620

Appendix B

Case 84 CW 419

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. 84 CW 419

APPLICATION FOR CHANGE OF WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:
UNITED STATES OF AMERICA
FLORISSANT FOSSIL BEDS NATIONAL MONUMENT, in TELLER County.

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

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

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

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

3. From previous Decree:

A. Date Entered: December 29, 1988 Case No. W-8795-77 Court: District Court, Water Division 1

B. Decreed point of diversion (include map): SW1/4SW1/4, Section 13, Township 13 South, Range 71 West, 6th P.M., Teller County, at a point approximately 10 feet from the South line and 650 feet from the West line, Section 13.

C. Source: Ground water

D. Appropriation Date: October 31, 1951 Amount: 0.04 cfs (18 gpm) 0.3 acre-ft/yr

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

Drinking and sanitary facilities at the Visitors' Center

Bradford Publishing 5825 W. 60th Ave. Lakewood CO 80214 303 233-9900

4. Proposed change: (a) describe change requested: alternate point of diversion/replacement/change of use; (if well, please list pertinent information from well permit) (b) location; (c) use; (d) amount; (e) give proposed plan for operation (if (b) thru (e) applicable, please give full descriptions.)
Proposed change is a replacement well. USA Florissant Fossil Beds National Monument, Visitors Center Well No. 1 would be replaced by Visitor Center Well Number 12(See approved PERMIT APPLICATION FORM 154810-A, for Replacement for Well No. 1 as decreed, by Well No. 12). Well Number 1 has been abandoned (See Well Abandonement Affidavit and Affidavit of Justin S. Ankrum describing the abandonement). Well Number 12 is located in the NW1/4NW1/4, Section 24, Township 13 South, Range 71 West, 6th P.M., Teller County. Use is for drinking and sanitary facilities at Visitors Center. Amount is 0.04 cfs (18gpm) not to exceed 0.3 acre-feet/year. Water will be used by park visitors and employees.

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

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

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant (or Attorney)

Telephone No. _____

Attorney Registration No. _____

STATE OF COLORADO
COUNTY OF _____ } ss.

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

_____
Applicant

Subscribed under oath before me on _____ (date).

My commission expires: _____ (date).

_____
Notary Public

02-05-1990: report of telephone conversation to nps from water division regarding change of application for flfo visitor center wells

REPORT OF TELEPHONE CONVERSATION

DATE 2/5/90 TIME 1445 AM/PM

PROJECT FLFO Wells

NPS PERSON ON CALL Bill Hansen ☐ I CALLED ☒ S/HE CALLED

PERSON Ray Liesman

ORGANIZATION Water Div 1

ADDRESS

TELEPHONE NUMBER

DISCUSSION Called to discuss change application for FLFO Visitor Center Wells. Ray recommended we file a change application amending ~~84CW19~~ 84CW19 (Well #12) transferring the rt. from W8795 (Well #1). Change application will cost us additional $79. Ray will send us application.

REPORT OF TELEPHONE CONVERSATION

DATE 9/27/89 TIME 1445 AM/PM

PROJECT FLFO Well #12

NPS PERSON ON CALL Bill Hansen ☒ I CALLED ☐ S/HE CALLED

PERSON Noel Poe

ORGANIZATION FLFO

ADDRESS

TELEPHONE NUMBER 719-748-3258

DISCUSSION Discussed the conditions in Permit No. 154810-A (FLFO Visitor's Center Well #12 Cdecreed 84-CW-419). Asked Noel if the 5 conditions had been met.

Cond 1 - It is not known if the well was plugged (or is abandoned) Presently the well house pad & shelter sit on top of the well. Noel guesses that the well was capped only prior to pouring the concrete pad.

Cond 2 - The well has not been used for water of lawn or landscape. The 8x10' "yard" was watered once during very dry period in 1989.

Cond 3 - Maximum pumping rate of 15 gpm not exceeded

Cond 4 - Max. annual use of 108,600 gal not exceeded

Cond 5 - Totalizing flow meter in place & working

(OSC)

The Denver Serv. Center failed to hit water near the Christ property. Water 1/2 gpm was produced at 425-~~430~~ ft. Driller & OSC looking for other alternatives

It may be known if the old well (#1) is plugged if the new facilities are constructed or if a chlorine retention tank is installed at the pump house. At that pt. we could file the affadavit. Due to funding this might not occur until Fall 1990 or Spr of 1993.

09-27-1989: report of telephone conversation to nps from water referee regarding flfo well #12 decree cannot be issued until the dr

REPORT OF

TELEPHONE CONVERSATION

DATE 3/10/89 TIME 1100 AM/PM

PROJECT FLFO - Well #12, Main Valley Spring

NPS PERSON ON CALL: Bill Hansen ☐ I CALLED ☒ S/HE CALLED

PERSON Ray Liesman

ORGANIZATION Water Referee - WO1

ADDRESS Greeley

TELEPHONE NO. 356-4000 EXT. 4598

SUBJECTS DISCUSSED Discussed FLFO Well #12 - Ray cannot issue a decree until the drilling permit is obtained. We discussed the fact that Betty Dice (St Eng) found the permit on 4/17/85. He suggested I call Betty and obtain copy of permit (if possible?). If no permit is found, he suggested transferring the water right from Well #1 (Old VC) to Well #12. This was the original intent -- to replace old well due to high metals values -- and develop a replacement well.
Ray said the St Eng would not allow mixing commercial and residential exempt wells for use at the new residential facilities. He suggested obtaining a new permit (right) for Main Valley Spring (residential exempt). He said because the well would be exempt priority date was not important. He said a new permit would require attaching the right to a 35 ac tract separate from Maytag. He said the State would allow (?) the NPS to hook ~~FLFO~~ Well #12 into a storage system for backup use of Main Valley Spring but would not allow mixing of the 2 sources

ACTION TO BE TAKEN Call Betty Dice

COPIES TO:

April 24, 1987

L54 (479)
RMR/FLFO NM Water Rights

Memorandum

To: Thomas C. Wylie, Superintendent
Florissant Fossil Beds National Monument

From: Acting Chief, Water Resources Division

Subject: Status of Florissant Fossil Beds National Monument Water Rights

Our files contain twelve dockets pertaining to water rights at Florissant Fossil Beds. All water rights are on acquired lands, and no reserved water rights have been claimed. None of the dockets contain applications or permits for these water rights.

In December of 1984, the United States filed an amended application (Case # w-8439-76) for appropriative water rights with the Colorado Water Court, Division 1. (The court filing is attached.) Included in this filing were ten wells within the Monument. The name, amount claimed, and date of appropriation for each well are:

Well #1 -- .04 cfs/ October, 1951
Well #2 -- .011 cfs/ 1890
Well #3 -- .111 cfs/ May 1, 1955
Well #4 -- .002 cfs/ January 1, 1977
Well #6 -- .01 cfs/ April 30, 1960
Well #8 -- .01 cfs/ April 30, 1960
Well #9 -- .01 cfs/ June, 1950
Well #10 -- .04 cfs/ November, 1955
Well #11 -- 40 gpm/ July, 1961
Visitor Center Well -- 10 gpm/ August, 1964

Each claim lists domestic, recreation, and fire protection as the intended use. The case is still before the Water Court, and a prospective date for the resolution of the case is unknown.

The United States may also own water rights to five springs within the boundaries of the Monument. The springs are located on land acquired during the 1960s and 1970s. We have no record that applications to place the ownership of the water rights in the Monument's name have been filed, and the current physical status of the springs is unknown. The water rights, however, are listed on the current Colorado State Engineer's List of Water Rights, and

were originally adjudicated in 1910, and subsequently adjudicated March 24, 1953. The name, use, and amount of use for each spring as found on the State Engineer's List are:

Kirk Spring #4 -- other/ .0092 cfs
Kirk Spring #5 -- domestic and stock/ .0092 cfs
Kirk Spring #12 -- domestic and stock/ .0098 cfs
Kirk Spring #13 -- other/ .25 cfs
Kirk Spring #14 -- other/ .15 cfs

The Water Rights Branch will further investigate the situation concerning Kirk Springs, and we will be in contact with the Monument. If you have any further questions concerning water rights, please contact us at 221-5341

Stanley L. Ponce

cc: Homer Rouse, RMR-M
Ron Hermance, RMR-NS

FNP:WRusinek:cs:4/24/87:221-5341:Z0424rus.mml

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:

Q R Williams — Branch Chief — 2/2/89 — Date

For Court Decree's see Dockets # 1, 2, 6, 8-10, 11

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.

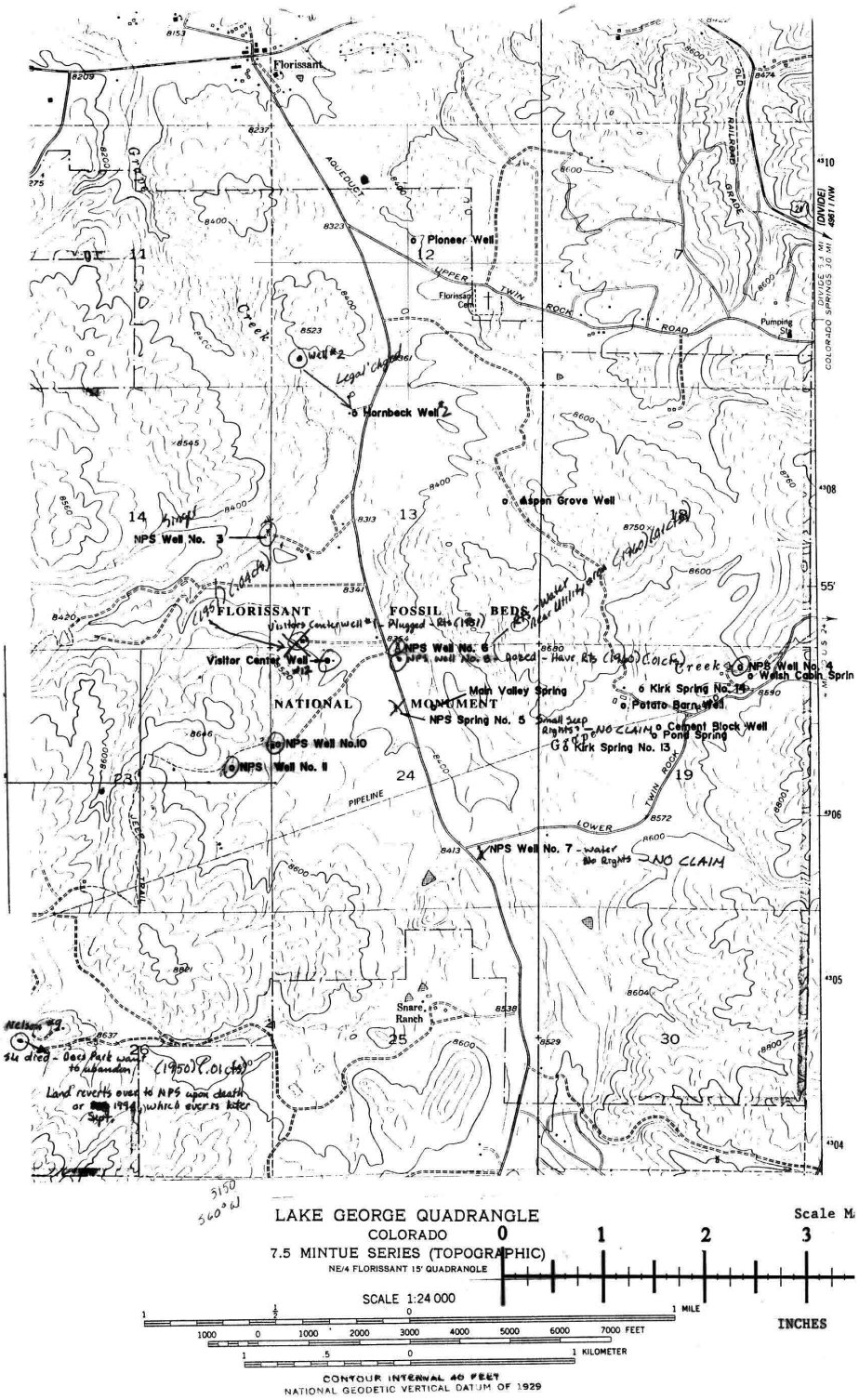
Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

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

FHP:WHunsen:scp:1/11/89:221-8302:WANG#495



Docket Information

Number of Documents in Docket 306

Documents Dated from 11/15/1972 to 5/21/1996

Docket Compiled: 3/21/2011