



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 2

BRIMWOOD PIPELINE & BRIMWOOD DITCHES #'S 1,2,3,4,5

Preliminary Docket Information

00-00-0000: water right record # romo r310573 f02

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #2

IDENTIFICATION NO: ROMO, R, 3 10 5 7 3, E, 0 2

DITCH/WATER SYSTEM: Brinwood Pipeline and Ditches

SOURCE OF SUPPLY: Big Thompson River

LOCATION: The pipeline diversion is on the north bank of the north branch of the Big Thompson River whence the SE cor. of Sec. 31, T5N, R73W, bears ^A S10°15'E 1977.65 ft.

Ditch No. 1: South bank of the Big Thompson River whence the SE cor of said ^B Sec. 31 bears S42°02'E 21077.77 ft.

Ditch No. 2: North bank of the Big Thompson River whence the SE cor of said ^C Sec. 31 bears S40°20'E 1766.47 ft.

Ditch No. 3: North bank of the middle branch of the Big Thompson River whence ^D the SE cor. of said Sec. 31 bears S10°10'W, 1039.65 ft.

Ditch No. 4: North bank of the south course of the north branch of the Big ^A Thompson River whence the SW cor. of Sec. 32, T5N, R73W, bears S8°18'E 1747.98

Ditch No. 5: North bank of the middle branch of the Big Thompson River whence ^B the SW cor. of said Sec. 32 bears S23°29'W 901.30 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application No.: Map No. 16487 filed in the office of the State Engineer, November 26, 1938.

Date of Priority: Pipeline: Domestic Priority #10, as of June 20, 1906, in accordance with the Decree of the Court No. 10077, November 14, 1939.
Ditches: Irrigation Priorities Nos. 83, 84, 85, 86, & 87, Dec. 31, 1878.

Quantity of Water: Pipeline: .04 C.F.S. for domestic purposes. ✓
Ditches: No. 1, 2 c.f.s., No. 2, 2 c.f.s., No. 3, 2 c.f.s., No. 4, 1.08 c.f.s., No. 5, 5 c.f.s. for irrigation purposes.

SUMMARY OF STATUS: This is a Federal water right, land conveyed to the U.S. by deed dated February 3, 1932. Construction work began on ditches and was completed to the year 1879. Construction of the pipeline was done in 1906. Presently not in use.

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBERWater Use Map NP-RM-6975
Sheet Number 1 of 1

DITCH/WATER SYSTEM: BRIMWOOD DITCH #1

SOURCE OF SUPPLY: BIG THOMPSON RIVER

LOCATION:

Legal description and tie: at Point whence the SE corner of SEC 31,
(Point of Diversion) T. 5 N, R 73 W bears S 42° 02' east 2107.77 ft.

Headgate location: On the South bank of the Big Thompson River

WATER RIGHT:

Appropriator: U.S. purchased from Chas. Reed in 1932

Certificate Record Number:

Permit Number: Fed. Dist. Ct. Decree # 10077

Date of priority: 12/31/1878

Quantity of Water: 2.00 cu. ft./sec.

Purpose: IRRIGATION

Irrigate Land Description:

NW 1/4 SW 1/4 SEC 32 0.20 acres

SW 1/4 SW 1/4 SEC 32 16.12 acres

SW 1/4 SW 1/4 SEC 32 24.95 acres

TOTAL 41.27 acres

SUMMARY OF STATUS:

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBERWater Use Map NP-RM-6975
Sheet Number 1 of 1

DITCH/WATER SYSTEM: BRIMWOOD DITCH #2

SOURCE OF SUPPLY: BIG THOMPSON RIVER

LOCATION:

Legal description and tie: *On islands in rt point whence the SE*
(Point of Diversion) *corner of SEE 31, T5N, R73W of the 6th PM.*
*bears S 40° 20' east 1766.47 ft.*Headgate location:
on islands in the Big Thompson River

WATER RIGHT:

Appropriator: *U.S. purchased from Chas Reed in 1932*

Certificate Record Number:

Permit Number: *Jed. Dist. Court Decree # 10077*Date of priority: *12/31/1878*Quantity of Water: *2.00 cu. ft./sec*Purpose: *IRRIGATION*

Irrigate Land Description:

NW 1/4	SW 1/4	SEC 32	8.58 acres
NE 1/4	SW 1/4	SEC 32	3.80 acres
TOTAL			<u>12.38 acres</u>

SUMMARY OF STATUS:

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBERWater Use Map NP-*RM-6975*
Sheet Number *1 of 1*DITCH/WATER SYSTEM: *BRIMWOOD DITCH #3*SOURCE OF SUPPLY: *BIG THOMPSON RIVER*

LOCATION:

Legal description and tie: *at a point whence the SE corner of*
(Point of Diversion) *SEC 31, T5N, R73W bears south, 1°10'*
west 1039.65 ft.
Headgate location: *On island in the Big Thompson River.*

WATER RIGHT:

Appropriator: *U.S. purchased from Chas. Reed in 1932*

Certificate Record Number:

Permit Number: *Sed Dist Ct Decree # 10077*Date of priority: *12/31/1878*Quantity of Water: *2.00 cu.-ft./sec.*Purpose: *IRRIGATION*

Irrigate Land Description:	<i>NW 1/4 SW 1/4</i>	<i>SEC 32</i>	<i>0.85 acres</i>
	<i>SW 1/4 SW 1/4</i>	<i>SEC 32</i>	<i>8.85 acres</i>
		<i>TOTAL</i>	<i>9.35 acres</i>

SUMMARY OF STATUS:

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBER

Water Use Map NP- 6975
Sheet Number 10/1

DITCH/WATER SYSTEM: BRIMWOOD DITCH #4

SOURCE OF SUPPLY: BIG THOMPSON RIVER

LOCATION:

Legal description and tie: *at a point whence the SE corner of*
(Point of Diversion) *SEC 31, T5N, R73W of the 6th P.M. bears*
south 8°18' west 1747.98 ft.
Headgate location: *On an island in the Big Thompson River.*

WATER RIGHT:

Appropriator: *U.S. purchased from Chas. Reed in 1932*

Certificate Record Number:

Permit Number: *2d Dist Ct Decree*

Date of priority: *12/31/1878*

Quantity of Water: *1.08 cu. ft./sec.*

Purpose: IRRIGATION

Irrigate Land Description:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 31	3.60 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 31	2.51 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 32	0.06 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 32	0.45 acres
TOTAL	6.62 acres

SUMMARY OF STATUS:

*Construction work began on all of said ditches (1-5)
and was completed prior to the year 1879 by the
predecessor in title & interest of the present owner, the
U.S., the latter having acquired the priority right
in connection with said land as an appurtenance
to the land conveyed to it by deed dated 2/3/1932.*

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBER

Water Use Map NP-*RM-6975*
Sheet Number *1 of 1*

DITCH/WATER SYSTEM: *BRIMWOOD DITCH #5*

SOURCE OF SUPPLY: *BIG THOMPSON RIVER*

LOCATION:

Legal description and tie: *at a point whence the SE corner of*
(Point of Diversion) *sec. 31, T5N, R73W of the 6th P.M. bears*
south 23°19' west 901.39 ft.
Headgate location: *On an island in the Big Thompson River.*

WATER RIGHT:

Appropriator: *U.S. Purchased from Chas. Reed in 1932*
Certificate Record Number:
Permit Number: *Sed. Dist Ct. Decree # 10077*
Date of priority: *12/31/1878*
Quantity of Water: *5.00 cu ft/sec.*
Purpose: *IRRIGATION*
Irrigate Land Description: *SE 1/4 SE 1/4 SEC 31 6.28 acres*

SUMMARY OF STATUS:

WATER RIGHT RECORD

DOCKET NUMBER 1
ALIEN WR NUMBER

Water Use Map NP-~~RM-6975~~
Sheet Number ~~317~~

DITCH/WATER SYSTEM: BRIMWOOD PIPE LINE #1

SOURCE OF SUPPLY: R/G THOMPSON RIVER

LOCATION:

Legal description and tie:

(Point of Diversion) AT A POINT WHENCE THE SE CORNER SEC. 31, T. 5N,
R. 73 W OF THE 6TH R.M. BEARS S. 11° 51' E
Headgate location: 1977.65 FT.

WATER RIGHT:

Appropriator: CHAS. L. REED

Certificate Record Number: ³⁹⁰⁵⁴¹ 16487

Permit Number:

Date of priority: 6/22/06

Quantity of Water: .04 ~~SEC. FT.~~ CU. FT

Purpose: DOMESTIC, RECREATIONAL, FIRE PROTECTION

Irrigate Land Description: N.E. 1/4 SE 1/4 SEC 31, T 5N, R 73W.
6TH R.M.

SUMMARY OF STATUS:

=====

=====

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 31 05 73 A F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRINWOOD PIPELINE
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	T5N R73W SEC 31 S10°15'E 1977.65 FT FR SE COR
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	110
Certificate	COURT DECREE 110077
Priority	JUNE 20 1906 - 1.04 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	DOMESTIC
Quantity	1.04 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932
	PIPELINE CONSTRUCTED IN 1906 - NOT PRESENTLY IN
	USE

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 31 05 73 B F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRIWWOOD DITCH NO 1
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	T5N R73W SEC 31 6420 02'E 210.77.77 FT FR SE COR
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	83
Certificate	COURT DECREE 10077
Priority	DECEMBER 31 1878 - 2 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	2 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932
	DITCHES WERE CONSTRUCTED IN 1879

Docket Identity	ROMO R 31 05 73 G F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRINWOOD DITCH NO 2
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	T5N R73W SEC 31 S40°20'E 1766.47 FT. FR SE COR
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	84
Certificate	COURT DECREE 10077
Priority	DECEMBER 31 1878 - 2 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	2 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932 DITCHES WERE CONSTRUCTED IN 1879

DOCKET INFORMATION SHEET

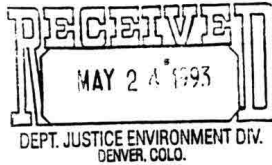
Docket Identity	ROMO R 31 05 73 D F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRIMWOOD DITCH NO 3
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	TSM R73W SEC 31 S10 T10 N 1039.65 FT FR SE CORNER
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	85
Certificate	COURT DECREE 10077
Priority	DECEMBER 31 1878 - 2 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	2 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932
	DITCHES WERE CONSTRUCTED IN 1879

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 32 05 73 A F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRINWOOD DITCH NO 4
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	T5N R73W SEC 32 S80.18'E 1747.98 FT FR SW CORNER
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	86
Certificate	COURT DECREE 10077
Priority	DECEMBER 31 1878 - 1.08 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	1.08 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932
	DITCHES WERE CONSTRUCTED IN 1879

DOCKET INFORMATION SHEET

Docket Identity	ROMO, R 32 05 73 B F 02
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	BRINGWOOD DITCH NO 5
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 2
Location	T5N R73W SEC 32 S23°29'14" W 90°1'30" FT FR SW CORNER
Acquired by	APPROPRIATION
Application	16487 NOVEMBER 26 1938
Permit	87
Certificate	CONVEY DEGREE 100.77
Priority	DECEMBER 31 1878 - 5 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	5 CFS
Hydrologic Unit	10190006
Remarks	LAND CONVEYED TO U.S. BY DEED FEBRUARY 3, 1932
	DITCHES WERE CONSTRUCTED IN 1879



DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW379
(Boulder County CA 10077)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on November 26, 1985 to modify the decree in Boulder County CA 10077. The Court 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 Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements 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. Brinwood Ditch No. 1 was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for irrigation of 6.28 acres with 2 cfs of water as of December 31, 1978.

85CW379

USA

Page 2

2. According to applicant's engineer, the irrigation of 6.28 acres produces an estimated consumptive use of 2.33 acre feet during June, 2.00 acre feet during July, 1.39 acre feet during August and 0.97 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

3. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Brinwood Ditch No. 1

3. The legal description of the structure:

NW1/4 SE1/4, Section 31, Township 5 North, Range
73 West, 6th P.M., Larimer County, at a point whence the SE
corner Section 31 bears S 42 deg. 02' East 2107.77 feet.

4. The source of the water:

Big Thompson River

5. The date of appropriation:

December 31, 1878 as decreed in CA 10077 dated
November 14, 1939.

85CW379

USA

Page 3

6. The amount of water:

Brinwood Ditch No. 1 was decreed for 2 cfs. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

June	0.039 cfs
July	0.033 cfs
August	0.023 cfs
September	0.016 cfs

The remainder of the 2 cfs is relinquished to the stream system.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Big Thompson River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

85CW379

USA

Page 4

10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

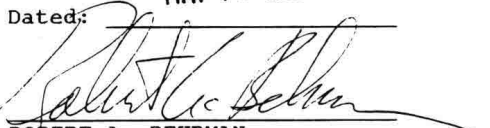
11. This change shall be subject to reconsideration by the water judge on the question of injury to the vested rights of others for a period of 5 years from the date of this decree pursuant to CRS 37-92-304(6).

PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

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

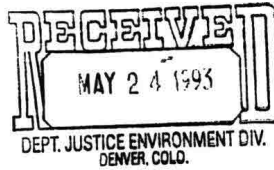
MAY 19 1993

Dated:



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

COPY FOR YOUR
INFORMATION



FILED IN
DISTRICT COURT
WATER DIV. I
WELD CO. COLG.
MAY 19 1993

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW378
(Boulder County CA 10077)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on November 26, 1985 to modify the decree in Boulder County CA 10077. The Court 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 Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements 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. Brinwood Ditch No. 2 was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for irrigation of 6.62 acres with 2 cfs of water as of December 31, 1978.

85CW378

USA

Page 2

2. According to applicant's engineer, the irrigation of 6.62 acres produces an estimated consumptive use of 2.46 acre feet during June, 2.11 acre feet during July, 1.46 acre feet during August and 1.03 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

3. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Brinwood Ditch No. 2

3. The legal description of the structure:

SE1/4 SE1/4, Section 31, Township 5 North, Range
73 West, 6th P.M., Larimer County, at a point whence the SE
corner Section 31 bears S 40 deg. 20' East 1766.47 feet.

4. The source of the water:

Big Thompson River

5. The date of appropriation:

December 31, 1878 as decreed in CA 10077 dated
November 14, 1939.

85CW378
USA
Page 3

6. The amount of water:

Brinwood Ditch No. 2 was decreed for 2 cfs. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

.June	0.041 cfs
July	0.035 cfs
August	0.024 cfs
September	0.017 cfs

The remainder of the 2 cfs is relinquished to the stream system.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Big Thompson River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

85CW378

USA

Page 4

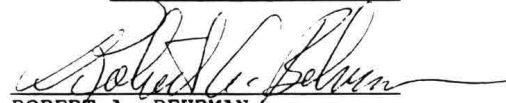
10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

11. 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 37-92-304(6).

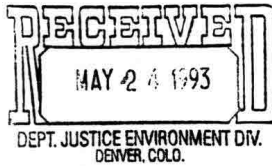
PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

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

Dated: MAY 19 1993



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



DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW377
(Boulder County CA 10077)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on November 26, 1985 to modify the decree in Boulder County CA 10077. The Court 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 Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements 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. Brinwood Ditch No. 3 was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for irrigation of 9.35 acres with 2 cfs of water as of December 31, 1978.

85CW377

USA

Page 2

2. According to applicant's engineer, the irrigation of 9.35 acres produces an estimated consumptive use of 3.48 acre feet during June, 2.98 acre feet during July, 2.06 acre feet during August and 1.45 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

3. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Brinwood Ditch No. 3

3. The legal description of the structure:

SW1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point whence the SW corner Section 32 bears S 1 deg. 10' West 1039.65 feet.

4. The source of the water:

Big Thompson River

5. The date of appropriation:

December 31, 1878 as decreed in CA 10077 dated November 14, 1939.

85CW377

USA

Page 3

6. The amount of water:

Brinwood Ditch No. 3 was decreed for 2 cfs. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

June	0.068 cfs
July	0.049 cfs
August	0.034 cfs
September	0.024 cfs

The remainder of the 2 cfs is relinquished to the stream system.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Big Thompson River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

85CW377

USA

Page 4

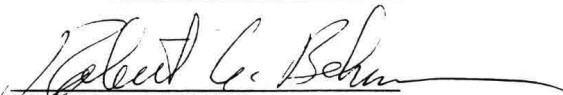
10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

11. 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 37-92-304(6).

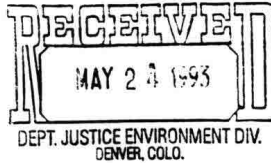
PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

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

Dated: MAY 19 1993



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



FILED IN
DISTRICT COURT
WATER DIV. I
WELD CO. COLO.
MAY 16 1993

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW385
(Boulder County CA 10077)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on November 26, 1985 to modify the decree in Boulder County CA 10077. The Court 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 Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements 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. Brinwood Ditch No. 4 was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for irrigation of 12.38 acres with 1.08 cfs of water as of December 31, 1978.

85CW385

USA

Page 2

2. According to applicant's engineer, the irrigation of 12.38 acres produces an estimated consumptive use of 4.60 acre feet during June, 3.95 acre feet during July, 2.73 acre feet during August and 1.92 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

3. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Brinwood Ditch No. 4

3. The legal description of the structure:

NW1/4 SW1/4, Section 32, Township 5 North, Range
73 West, 6th P.M., Larimer County, at a point whence the SW
corner Section 32 bears S 8 deg. 13' East 1747.98 feet.

4. The source of the water:

Big Thompson River

5. The date of appropriation:

December 31, 1878 as decreed in CA 10077 dated
November 14, 1939.

85CW385
USA
Page 3

6. The amount of water:

Brinwood Ditch No. 4 was decreed for 1.08 cfs. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

June	0.076 cfs
July	0.066 cfs
August	0.045 cfs
September	0.032 cfs

The remainder of the 1.08 cfs is relinquished to the stream system.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Big Thompson River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

85CW385

USA

Page 4

10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

11. 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 37-92-304(6).

PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

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

Dated: MAY 19 1993



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



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900
Telefax Number
(303) 294-1931
FTS/330-1931

March 9, 1993

Ralph O. Canaday, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW342

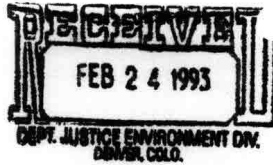
Gentlemen:

Enclosed please find a copy of the CORRECTED FINDINGS AND
RULING AND DECREE OF THE WATER COURT in the above-captioned case.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosure



FILED IN DISTRICT COURT
33 FEB 23 AM 11:14
DISTRICT COURT
Boulder County, CO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW342
(Boulder County CA 10077)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on November 26, 1985 to modify the decree in Boulder County CA 10077. The Court 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 Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements 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. Brinwood Ditch No. 5 was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for irrigation of 41.27 acres with 5 cfs of water as of December 31, 1978.

85CW342

USA

Page 2

2. According to applicant's engineer, the irrigation of 41.27 acres produces an estimated consumptive use of 15.34 acre feet during June, 13.17 acre feet during July, 9.11 acre feet during August and 6.40 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

3. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Brinwood Ditch No. 5

3. The legal description of the structure:

SW1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point whence the SW corner Section 32 bears S 23 deg. 29' West 901.3 feet.

4. The source of the water:

Big Thompson River

5. The date of appropriation:

December 31, 1878 as decreed in CA 10077 dated November 14, 1939.

85CW342

USA

Page 3

6. The amount of water:

Brinwood Ditch No. 5 was decreed for 5 cfs. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

June	0.254 cfs
July	0.218 cfs
August	0.151 cfs
September	0.106 cfs

The remainder of the 5 cfs is relinquished to the stream system.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Big Thompson River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

85CW342

USA

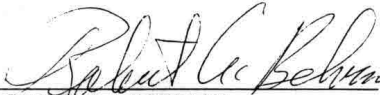
Page 4

10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

11. 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 37-92-304(6).

PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

Dated: FEB 23 1993

A handwritten signature in cursive script, appearing to read "Robert A. Behrman", is written over a horizontal line.

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

C
O
P
YSTATE OF COLORADO)
COUNTY OF BOULDER)

SS.

IN THE DISTRICT COURT

NO. 10077

IN THE MATTER OF THE ADJUDICATION	)	STATEMENT OF CLAIM OF THE
OF PRIORITIES OF RIGHTS TO USE OF	)	UNITED STATES OF AMERICA
WATER FOR IRRIGATION AND OTHER	)	FOR THE BRINWOOD DITCHES
BENEFICIAL PURPOSES IN WATER DIS-	)	NOS. 1, 2, 3, 4, and 5.
TRICT NO. 4, WATER DIVISION NO.	)	
1, IN THE STATE OF COLORADO.	)	

Now comes the United States of America, by Worth Allen and Wayne C. Williams, Special Assistants to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and by Joseph E. Taylor, Regional Attorney, National Park Service, and hereby presents this petition and statement of claim herein, and shows unto this honorable court that:

FIRST: The name of the claimant is the United States of America.

SECOND: The postoffice address of the claimant is Rocky Mountain National Park, Estes Park, Colorado.

THIRD: The names of the ditches for which claim is made herein are the Brinwood Ditches Nos. 1, 2, 3, 4, and 5.

FOURTH: The headgate of Ditch No. 1 is located on the south bank of, and the headgates of Ditches Nos. 2, 3, 4, and 5, are located on islands in, the Big Thompson river, from which they derive their supply of water, whence the southeast corner of section thirty-one (31), township five (5) north, range seventy-three (73) west of the 6th principal meridian bears:

From Diversion of Ditch No. 1 - south 42° 02' east	2107.77 feet
From Diversion of Ditch No. 2 - south 40° 20' east	1766.47 feet
From Diversion of Ditch No. 3 - south 1° 10' west	1039.65 feet
From Diversion of Ditch No. 4 - south 8° 18' west	1747.98 feet
From Diversion of Ditch No. 5 - south 23° 19' west	901.30 feet

-1-

JUN 23 '39 98528

FIFTH: The general courses of the said ditches are southeasterly, and their diversions are as follows:

	<u>No. 1.</u>	<u>No. 2.</u>	<u>No. 3.</u>	<u>No. 4.</u>	<u>No. 5.</u>
The depths of said ditches at high water line are	0.8 feet	1.0 feet	0.6 feet	0.4 feet	1.2 feet
The widths of said ditches at high water line are	5.0 "	3.8 "	3.0 "	2.0 "	6.0 "
The bottom widths of said ditches are	5.0 "	3.7 "	1.5 "	1.5 "	5.5 "
The grades of said ditches are per 1000 feet	3.2 "	6.4 "	9.4 "	6.8 "	5.7 "
The lengths of said ditches are 2000 feet, 1250 feet, 650 feet, 1150 feet, and 1200 feet, respectively.					

SIXTH: The carrying capacities of said ditches are in excess of the following:

Ditch No. 1 - 2.00 cubic feet of water per second of time,
Ditch No. 2 - 2.00 cubic feet of water per second of time,
Ditch No. 3 - 2.00 cubic feet of water per second of time,
Ditch No. 4 - 1.08 cubic feet of water per second of time,
Ditch No. 5 - 5.00 cubic feet of water per second of time,

for which stated amounts claim is hereby made for irrigation purposes on the following lands in township 5 north, range 73 west of the 6th principal meridian.

By Ditch No. 1 - SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	6.28 acres
By Ditch No. 2 - SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	3.60 acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	2.51 acres
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.06 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.45 acres
Total	6.62 acres
By Ditch No. 3 - NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.85 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	8.50 acres
Total	9.35 acres
By Ditch No. 4 - NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	8.58 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	5.80 acres
Total	12.38 acres
By Ditch No. 5 - NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.20 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	16.12 acres
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	24.95 acres
Total	41.27 acres
Grand Total	75.90 acres

The tracts of land to be irrigated by these ditches are, with one exception, islands in the Big Thompson river, the other and on Cub Creek, a tributary thereof, tract being situated on the bank of said river, / The land is quite rocky and porous and requires a minimum of 4 acre feet per acre per annum, and that amount of water has continuously been used to irrigate said tracts.

SEVENTH: Construction work was begun and completed prior to the year 1879, and beneficial and continuous use ever since has been made of said ditches by conveying through them the full amount of water appropriated.

The said ditches, and the priority right in connection therewith, were conveyed to the United States as appurtenances to the lands therein described by deed dated February 3, 1932, and designated as instrument No. 390541, Larimer County Records, and filed for record in the office of the County Clerk and Recorder of said county / on March 26, 1932 and recorded in Book 623, page 463, and claimant is now the owner of said ditches.

EIGHTH: A map of and statement of claim on said ditches was filed by claimant with, and accepted by, the State Engineer, State of Colorado, on the 26th day of November, 1938, and was assigned filing No. 16487.

Wherefore, it is prayed that the petitioner, the United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from the Big Thompson river and its tributaries and sources, the allowance of which may be adverse to the interests of the United States in the premises.

It is further prayed by the petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, the

United States of America, a priority right as of date the year 1879, to the use of 12.08 cubic feet of water per second of time, but not to exceed 303.6 acre-feet per annum, for the purposes and in the amounts hereinabove in detail set forth and claimed, and for all other and further proper relief in the premises.

THE UNITED STATES OF AMERICA,

By _____

Special Assistants to the
Attorney General.

Regional Attorney, National
Park Service.

UNITED STATES OF AMERICA,)
State of Colorado,) SS.
County of Larimer.)

JOHN S. McLAUGHLIN, being first duly sworn on oath, deposes and says that he is Assistant Superintendent of Rocky Mountain National Park, and makes this affidavit on behalf of the United States of America, claimant; that he has read the foregoing statement of claim and is conversant with the facts therein stated, and that the matters therein referred to are true to the best of his knowledge and belief.

Assistant Superintendent,
Rocky Mountain National Park.

Subscribed and sworn to before me this _____
day of _____ 1939.

Notary Public.

My commission expires _____.

BRINWOOD DITCHES NO. 1, 2, 3, 4, and 5.

(Irrigation Ditch Priorities Nos. 83, 84, 85, 86, and 87; Ditch Nos. 49, 50, 51, 52, 53, and 54.)

1. The claimant of Brinwood Ditches Nos. 1, 2, 3, 4, and 5, is United States of America, Rocky Mountain National Park, Estes Park, Colorado.

2. The natural stream from which water has been diverted is the Big Thompson river.

3. The headgate of Ditch No. 1 is located on the south bank of, and the headgates of Ditches Nos. 2, 3, 4, and 5, are located on islands in, the Big Thompson river, from which they derive their supply of water, at points whence the southeast corner of section thirty-one (31), township five (5) north, range seventy-three (73) west of the 6th principal meridian bears

From Diversion of Ditch No. 1, south $42^{\circ}02'$ east 2107.77 feet;

From Diversion of Ditch No. 2, south $40^{\circ}20'$ east 1766.47 feet;

From Diversion of Ditch No. 3, south $1^{\circ}10'$ west 1059.65 feet;

From Diversion of Ditch No. 4, south $8^{\circ}18'$ west 1747.98 feet;

From Diversion of Ditch No. 5, south $25^{\circ}19'$ west 901.50 feet;

4. The general course of said ditches is southeasterly.

5. The descriptions of said ditches are as follows:

	<u>No. 1.</u>	<u>No. 2.</u>	<u>No. 3.</u>	<u>No. 4.</u>	<u>No. 5.</u>
The depths of said ditches at high water line are	0.8 feet	1.0 feet	0.6 feet	0.4 feet	1.2 feet
The widths of said ditches at high water line are	5.0 feet	3.8 feet	5.0 feet	2.0 feet	6.0 feet
The bottom widths of said ditches are	5.0 feet	3.7 feet	1.5 feet	1.5 feet	5.5 feet
The grades of said ditches are per 1000 feet	3.2 feet	6.4 feet	9.4 feet	6.8 feet	5.7 feet

The lengths of said ditches are 2000 feet, 1250 feet, 650 feet, 1150 feet, and 1200 feet, respectively.

The carrying capacities of said ditches are in excess of the following:

Ditch No. 1, 2.00 cubic feet of water per second of time;

Ditch No. 2, 2.00 cubic feet of water per second of time;

Ditch No. 3, 2.00 cubic feet of water per second of time;

Ditch No. 4, 1.08 cubic feet of water per second of time;

Ditch No. 5, 5.00 cubic feet of water per second of time;

6. The water diverted by said ditches is used in irrigating hay or meadow lands in township five (5) north, range seventy-three (73) west of the sixth principal meridian, as follows:

By Ditch No. 1, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	6.28 acres
By Ditch No. 2, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	3.60 acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31	2.51 acres
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.06 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	<u>0.45 acres</u>
Total	6.62 acres
By Ditch No. 3, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.85 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	<u>8.60 acres</u>
Total	9.45
By Ditch No. 4, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	8.58 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	<u>3.80 acres</u>
Total	12.38 acres
By Ditch No. 5, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	0.20 acres
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	16.12 acres
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32	<u>24.35 acres</u>
Total	41.27 acres
Grand Total	75.90 acres

The tracts of land irrigated by these ditches are, with one exception, islands in the Big Thompson river. The other tract is situated on the bank of said river and on Cub creek, a tributary thereof. The land irrigated is quite porous and

rocky, requiring a comparatively large amount of water, which, for the most part, finds its way back to the stream. Four acre feet per acre per annum has been continuously used in the irrigation of said land and is necessary for the irrigation thereof.

7. Construction work began on all of said ditches and was completed prior to the year 1873 by the predecessor in title and interest of the present owner and claimant herein, the latter having acquired the priority right in connection with said land as an appurtenance to the land conveyed to it by deed dated February 3, 1932.

8. Map and statement of claim on these ditches was filed in the office of the State Engineer by the claimant on November 26, 1938, and was assigned No. 16,487.

9. As a matter of law, the claimant is entitled to a decree to the effect that there be permitted to flow out of the Big Thompson river into said ditches 2 cubic feet per second of time in each of the ditches Nos. 1, 2, and 3, 1.08 cubic feet per second of time in ditch No. 4, and 5 cubic feet per second of time in ditch No. 5; and a total of 4 acre feet per acre per annum for irrigation purposes, with respective Irrigation Ditch Priority Nos. 83, 84, 85, 86, and 87, as of December 31, 1878, said five numbered priorities have, in fact, the same and equal priority.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that, for irrigation purposes, and under and by virtue of appropriation by original construction, and for the benefit of the party or parties entitled to the enjoyment thereof, there be permitted to flow out of the Big Thompson river into said ditches a total of 12.08 cubic feet of water per second of time, as follows:

Into Brinwood Ditch No. 1, 2 cubic feet per second,
with IRRIGATION DITCH PRIORITY NO. 85;

Into Brinwood Ditch No. 2, 2 cubic feet per second,
with IRRIGATION DITCH PRIORITY NO. 84;

Into Brinwood Ditch No. 3, 2 cubic feet per second,
with IRRIGATION DITCH PRIORITY NO. 86;

Into Brinwood Ditch No. 4 1.08 cubic feet per second,
with IRRIGATION DITCH PRIORITY NO. 86;

Into Brinwood Ditch No. 5, 5 cubic feet per second,
with IRRIGATION DITCH PRIORITY NO. 87;

and subject to the general and paramount provisions of this decree,
each of said Irrigation Ditch Priorities Nos. 85, 84, 86, 86 and
87, to be of the same priority, as of date December 31, 1878.

BRINWOOD PIPE LINE

(Domestic Priority No. 10; Ditch--Pipe Line-- No. 11.)

1. The claimant of Brinwood Pipe Line is United States of America, Rocky Mountain National Park, Estes Park, Colorado.
2. The natural stream from which water has been diverted is the Big Thompson river.
3. The headgate of said pipe line is located on the north or left bank of the Big Thompson river, from which it derives its supply of water, at a point whence the southeast (SE) corner of section thirty-one (31), township five (5) north, range seventy-three (73) west of the 6th principal meridian, bears south $10^{\circ}15'$ east 1377.85 feet.
4. The general course of said pipe line is northerly.
5. The description of said pipe line is as follows:
The diameter of said pipe line is $1\frac{1}{2}$ inches; the pipe line is served by a pump with a pump lift of 84.0 feet to two distributing tanks; the length of the pipe line is 600 feet; the carrying capacity of said pipe line is 16.67 gallons per minute, or 0.04 second feet.
6. The water diverted by said pipe line is delivered to distribution tanks of 18,000-gallon total capacity, from which a distribution system serves the Brinwood Hotel and ranch in the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said section thirty one (31), for domestic, recreational and fire protection purposes.
7. Construction work was begun and completed in the spring of 1906, and water in the amount stated has been diverted and beneficially used ever since by claimant and its predecessor in title and

interest. Claimant obtained the priority right to the use of water at the place and for the purposes stated as an appurtenance to the land conveyed to it by deed dated February 3, 1932.

8. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on November 26, 1938, and was assigned No. 18,487.

9. As a matter of law the claimant is entitled to a decree to the effect that there be permitted to be pumped from the Big Thompson river into said pipe line and distribution system .04 cubic feet of water per second of time for domestic, recreational and fire protection purposes, with Domestic Priority No. 10, as of the date of June 22, 1906.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED BY the court that for domestic, recreational and fire protection purposes, and under and by virtue of appropriation by original construction, and for the benefit of the party or parties entitled to the enjoyment thereof, there be permitted to be pumped out of the Big Thompson river and into said pipe line and distribution system, .04 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 10, as of date June 22, 1906, subject to the general and paramount provisions of this decree.

C
O
P
Y

STATE OF COLORADO)
COUNTY OF BOULDER)

IN THE DISTRICT COURT
SS.
NO. 10077

IN THE MATTER OF THE ADJUDICATION)
OF PRIORITIES OF RIGHTS TO USE OF)
WATER FOR IRRIGATION AND OTHER)
BENEFICIAL PURPOSES IN WATER DIS-)
TRICT NO. 4, WATER DIVISION NO. 1,)
IN THE STATE OF COLORADO.)

STATEMENT OF CLAIM OF
THE UNITED STATES OF AMERICA
FOR THE BRINWOOD PIPE LINE

Now comes the United States of America, by Worth Allen
and Wayne C. Williams, Special Assistants to the Attorney General of
the United States, thereunto duly authorized and directed by the
Attorney General, and by Joseph E. Taylor, Regional Attorney,
National Park Service, and hereby presents this petition and state-
ment of claim herein, and shows unto this honorable court that:

FIRST: The name of the claimant is the United States of
America.

SECOND: The postoffice address of the claimant is Rocky
Mountain National Park, Estes Park, Colorado.

THIRD: The name of the pipe line for which claim is made
herein is the Brinwood Pipe Line.

FOURTH: The headgate of said pipe line is located on the
north, or left, bank of the Big Thompson river, from which it de-
rives its supply of water, whence the southeast (SE) corner of
section thirty-one (31), township five (5) north, range seventy-
three (73), west of the 6th principal meridian, bears south 10° 15'
east 1977.65 feet.

FIFTH: The general course of said pipe line is northerly;

The diameter of said pipe is 1½ inches;

The pipe line is served by a pump with a pump lift
of 84.0 feet to two distribution tanks;

The length of the pipe line is 600 feet.

SIXTH: The carrying capacity of said pipe is 16.67 gallons
per minute, or 0.04 second feet, as delivered by said pump to said
distribution tanks of 18,000-gallon total capacity, from which a
distribution system serves the Brinwood hotel and ranch, in the

northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said section thirty-one (31), for domestic, recreational, and fire protection purposes.

SEVENTH: Construction work was begun and completed in the spring of 1906; and water has been diverted and beneficially used ever since by claimant and its predecessor in interest.

By deed designated as Instrument No. 390541, Larimer County records, dated February 3, 1932, and filed for record in the office of the County Clerk and Recorder of said county / on March 26, 1932, and recorded in book 625, page 465, the Brinwood Pipe Line was conveyed to claimant as an appurtenance to the land therein described, and claimant ever since has been and is now the owner of said pipe line.

EIGHTH: A map of and statement of claim on said pipe line was filed by claimant with, and accepted by, the State Engineer, State of Colorado, on the 26th day of November, 1938, and was assigned filing No. 16487.

Wherefore, it is prayed that the petitioner, the United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from the Big Thompson river and its tributaries and sources, the allowance of which may be adverse to the United States in the premises.

It is further prayed by the petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, the United States of America, a priority right as of date of September 20, 1906, to the use of 0.04 cubic feet of water per second of time for the purposes and in the amounts hereinabove in detail set forth and claimed, and for all other and further proper relief in the premises.

THE UNITED STATES OF AMERICA
By _____

Special Assistants to the Attorney General.

Regional Attorney National
Park Service.

UNITED STATES OF AMERICA, }
State of Colorado, } SS.
County of Larimer. }

JOHN S. McLAUGHLIN, being first duly sworn on oath,
deposes and says that he is Assistant Superintendent of Rocky
Mountain National Park, and makes this affidavit on behalf of
the United States of America, claimant; that he has read the
foregoing statement of claim and is conversant with the facts
therein stated, and that the matters therein referred to are
true to the best of his knowledge and belief.

Assistant Superintendent,
Rocky Mountain National Park.

Subscribed and sworn to before me this _____
day of _____ 1939.

Notary Public.

My commission expires _____.

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEState Colorado

LAND OWNERSHIP RECORD

Tract No. _____

County LarimerDeed No. 52

Civil Subdivision _____

Area _____ acres

Rocky Mountain Nat. Park

Right

Name of Park or Area

based on Survey & filingDate Nov. 26, 1938Brinwood Hotel & RanchSection of Park or Area
In Moraine ParkLegal Description: Filed Claim No. 16487 - Brinwood Pipe Line & DitchesMethod of Acquisition: Purchase and filingAppropriation or Source of funds: Federal, Donated, & water rights

Cost (if purchased) or estimated value: _____

Acquired from: Ghas. L. Reed & State of Colorado

Accepted by Secretary (____)

Opinion of Att'y. Gen.-title in U. S. (____)

date: _____

Physical Characteristics: Claim to divert:0.04 sec. ft. of water for domestic purposes with priority 6/22/06 in BrinwoodPipe Line2.00 sec. ft. of water for irrigation purposes with priority 12/3/78 in Ditch No. 12.00 sec. ft. of water for irrigation purposes with priority 12/3/78 in Ditch No. 22.00 sec. ft. of water for irrigation purposes with priority 12/3/78 in Ditch No. 31.08 sec. ft. of water for irrigation purposes with priority 12/3/78 in Ditch No. 45.00 sec. ft. of water for irrigation purposes with priority 12/3/78 in Ditch No. 5Improvements on Land at time of Acquisition: See Deed 32

Existing or outstanding special use permits, reservations, rights, or rights of way: _____

Report Based on: Records of Water Rights SectionPrepared by: A. van V. Dunn, Hydraulic Engineerdate: 11/23/43Map References: NP-RM-6975 in the filingRemarks: See Deed 63 for subsequent adjudication and decree

WARRANTY DEED, of and between Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, and United States of America, of the second part, recorded October 1, 1932 in Book 27, Page 10, of the County Records, and described as follows:

That the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land in the NE corner of the SW¹/₄ of Sec. 25, Tp. 5 N. R. 72 E. of the 5th P. M., as established by the Government Survey of 1911, thence East along the North line of said SW¹/₄ 425.8 feet to a point, thence South to the South line of the SW¹/₄ of the SW¹/₄ of said Sec. 25, along a line parallel to a line drawn from Corner #1 to the South quarter corner of said Section, thence East along the South line of said SW¹/₄ of SW¹/₄

all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

WITNESSETH, that the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

WITNESSETH, that the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

Witness my hand and official seal, this 15th day of December, A. D. 1932.

Marcus H. Sherrill

Notary Public in and for the County of Contra Costa, State of California.

My Commission Expires July 18, 1933.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

That I, R. H. Standish, a Notary Public in and for said Contra Costa County, in the State of California, do hereby certify that the foregoing Deed, signed before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal, this 15th day of December, A. D. 1932.

My Commission Expires July 18, A. D. 1933.

R. H. Standish

Notary Public.

In and for the County of Contra Costa,
State of California
MY COMMISSION EXPIRES JULY 18th, 1933

Witness my hand and official seal, this 15th day of December, A. D. 1932.

Witness my hand and official seal, this 15th day of December, A. D. 1932.

WARRANTY DEED

WITNESSETH, that the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

WITNESSETH, that the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

WITNESSETH, that the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

That the said Charles L. Reed and Thelma H. Reed, his wife, of the County of Larimer, and State of Colorado, of the first part, do hereby warrant and convey unto the said United States of America, of the second part, all that certain piece or parcel of land, its and appurtenances, then unto belonging, or in any way connected with the possession or enjoyment, remainder and remainders, rents, issues and profits of the first part, either in law or equity, of, in and to the above bargained premises, with the law covenants and warranties.

104

...the North line of said Sec. 32, Township 5 N. R. 72 East of the 6th P. M., to the place of beginning.

Also, that certain place or parcel of land conveyed by Horace W. Ferguson and Jane E. Ferguson, his wife, to David L. Ferguson by deed dated August 1, 1905 and recorded August 4, 1905 in book 180 at page 270, contains the following description: Beginning at a point 140.0 feet East and 42.2 feet South of the NE corner of Sections 31 and 32, Township 5 North, Range 72 East, 6th P. M., thence North 116 feet; thence West 200 feet to the place of beginning, and containing 1 acre, more or less.

Also, that certain place or parcel of land conveyed by Horace W. Ferguson and Jane E. Ferguson, his wife, to David L. Ferguson by deed dated Oct. 2, 1905 and recorded Dec. 5, 1905 in book 211, page 312, contains the following description: Beginning at a point 1620 feet East and 680 feet South of the quarter section corner between Sections 31 and 32, Township 5 North, Range 72 East, this point being the NE corner of said Section 32 and heretofore owned by Helen A. Ferguson; thence North 180 feet; thence West 240 feet; thence South 180 feet to the point of beginning, and containing 1 acre, more or less.

(d). That part of the SW $\frac{1}{4}$ of Sec. 32, Township 5 N. R. 72 East of the 6th P. M., described as follows: Beginning at the NE corner of the SW $\frac{1}{4}$ of Sec. 32, Tp. 5 N. R. 72 East of the 6th P. M. as established by Government Survey of 1901, thence West along the North line of said SW $\frac{1}{4}$ 897.5 feet to point "A", thence continue East along the N. line of said SW $\frac{1}{4}$ 485 feet to the true point of beginning, thence S. 647.9 feet to a point along a line parallel to a line drawn from Point "A" to the South quarter corner of said Section, thence from said point South 85° 05' West 163.6 feet to a point, thence N. 1° 44' E. 656.5 feet to the North line of the SW $\frac{1}{4}$ of said Section 32, thence East 124 feet to the true point of beginning, containing 2.5 acres, more or less.

(e). Also reserving that certain right of way heretofore conveyed to the United States by the parties of the first part and described as follows: A right of way 60 feet in width, being 30 feet on each side of the center line described as follows: Beginning at a point on the East line of the Reed tract, said point being 1018.1 feet East and 643.6 feet South of the 1/4 corner between Section 31 and 32, Tp. 5 N. R. 72 East; thence South 78° 01' West 128 feet; thence 125.04 feet on a curve to the right with a radius of 800 feet; thence North 87° 48' West 192.7 feet; thence 144 feet on a curve to the right with a radius of 800 feet; thence North 71° 10' West 126.9 feet; thence 141.25 feet on a curve to the left with a radius of 800 feet; thence N. 89° 22' West 837.8 feet; thence 49.98 ft. on a curve to the right with a radius of 1000 ft; thence North 84° 31' West 278.1 ft; thence 97.74 ft. on a curve to the left with a radius of 800 feet; thence South 67° 20' West 173.2 ft; thence 116.9 ft. on a curve to the right with a radius of 500 ft.; thence South 81° 09' West 208.6 ft; thence 48.5 ft. on a curve to the right with a radius of 1000 ft; thence South 82° 54' West 399.7 ft; thence 190.35 ft. on a curve to the left with a radius of 300 feet; thence South 48° 41' West 121.7 feet; thence 196.5 feet on a curve to the right with a radius of 300 feet; thence North 76° 12' West 382.6 feet; thence 34.9 feet on a curve to the left with a radius of 1000 ft; thence North 78° 11' West 319.4 feet; thence 122.2 feet on a curve to the right with a radius of 500 feet; thence North 64° 08' West 361.7 feet, more or less, to the West line of the Reed tract and containing 5.68 acres, more or less.

The area hereby conveyed is approximately 296.97 acres, more or less.

Together with all the rights, easements, and appurtenances thereto belonging.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversal and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above described premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above hereinabove and described, with the appurtenances unto the said party of the second part, its successors and assigns forever. And the said Charles L. Reed, Sally E. Reed, Roland F. Reed, Thelma M. Reed, Charles L. Reed, Jr. and Belle Reed, parties of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the executing and delivery of these presents they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, and the above hereinabove premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND DEFEND FORTH.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in Presence of

Charles L. Reed.....(SEAL)
Sally E. Reed.....(SEAL)
Roland F. Reed.....(SEAL)
Thelma M. Reed.....(SEAL)
Charles L. Reed Jr.....(SEAL)
Belle Reed.....(SEAL)

STATE OF IOWA,)
COUNTY OF LARIMER) ss.

I, Charles F. Mix, a Notary Public in and for said County, in the County aforesaid do hereby certify that Charles L. Reed, Sally E. Reed, Roland F. Reed, Thelma M. Reed, Charles L. Reed, Jr. and Belle Reed who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and material seal this 4th day of February, A. D. 1926.

My commission expires July 2nd, 1926.

Charles F. Mix
Notary Public.

Other Supporting Information

Docket No. 2

MAY 8 1957

BRINWOOD HOTEL WATER SYSTEM

BRINWOOD PIPE LINE

Pipe Line No. 11, Water District No. 4.

USE

Domestic. Supplies water to the Brinwood Hotel and Cabins.

HEADGATE

Point of diversion is on the North Bank of the North Branch of the Big Thompson River whence the Southeast Corner of Section 31, Township 5 North, Range 73 West, bears South 10° 15' East 1977.65 feet. A pump is installed at the headgate which forces water through an 1½ inch pipe line in a Northerly direction to the Hotel, Cabins and on to a storage reservoir.

PRIORITY

In Water District No. 4, Domestic Priority No. 10 as of June 20, 1906, for 0.04 cubic feet of water per second of time out of the North Branch of the Big Thompson River through the Brinwood Pipe Line in accordance with the Decree of the Court, dated November 14, 1939.

AMOUNT OF DECREE

0.04 cubic feet per second of time (16.67 gallons per minute).

OWNERSHIP and OPERATION

Owned by the United States. Acquired by purchase from Reed and Sons, but was adjudicated by United States. Operated by concessionaire.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District.

Moraine Park Area.

ROCKY MOUNTAIN NATIONAL PARK

Brinwood Ditch #1

WATER RIGHT #2

Brinwood Ditch #1, along with four other Brinwood ditches, was constructed sometime before 1879; since 1879, water has seasonably been diverted into Brinwood Ditch #1 for irrigation of 6.28 acres of land located in the SE¹/₄ of the SE¹/₄ section 31, township 5 North, range 73 West of the 6th ~~11~~⁷² principal meridian. This land is on and between the banks of the Big Thompson River and Cub Creek.

The land irrigated was part of a larger tract originally homesteaded by W. H. Ferguson. By various conveyances the land passed to Charles L. Reed, and in 1932, Reed conveyed the land to the U. S. Brinwood Ditch #1, and the priority right connected thereto, were conveyed as appurtenances to the land conveyed by Reed, by deed dated February 3, 1932, and designated as instrument No. 390541, Larimer County Records; the deed was filed March 26, 1932, and recorded in Book 623, page 463.

The headgate of Brinwood Ditch #1 is located on the South bank of the Big Thompson River (in the same area as the land irrigated by the ditch), and the ditch derives its water from that source. At high water line the depth and width of this ditch are 0.8 ft. and 5.0 ft. respectively; the bottom width of the ditch is also 5.0 ft., and the grade per 1000 ft., it being 2000 ft. in length, is 3.2 ft.

A map and statement of the water claim by the U. S. on the ditch was filed with the State Engineer of Colorado, and accepted by him on November 26, 1939, and assigned filing No. 16487.

In 1939 (apparently), in the state of Colorado and the County of Boulder, in the District Court, No. 10077, it was found that the irrigated land was quite porous and rocky, and required four acre feet per acre per anum for irrigation thereof. That amount being necessary, the court decreed that there be permitted to flow out of the Big Thompson River into Brinwood Ditch #1 two cubic feet of water per second of time. (There was no question but that the ditch could carry on excess amount of water over that decreed, but two cubic feet per second was all that was asked for and all that was given).

On January 28, 1966, in a memorandum for the associate Regional Director to the Superintendent, Rocky Mountain National Park, it was noted on an enclosure that the amount of water claimed at that time from Brinwood Ditch #1 was two cubic feet per second, and that such water was still used for irrigation purposes. To the best of my knowledge, this is the latest information on the subject. Furthermore, there was nothing to indicate on the memorandum or enclosure that there were other water rights in the ditch than those belonging to the U. S.

Roger P. Smith

Docket No. 2.

BRINWOOD DITCH No. 1

MAY 8 1957

Ditch No. 49, Water District No. 4.

USE

Irrigation. To irrigate 6.28 acres in the Southeast Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 73 West.

HEADGATE

Point of Diversion is on the South bank of the Big Thompson River whence the Southeast Corner of Section 31, T. 5 N., R. 73 W., bears South 42° 02' East 2107.77 feet. This headgate is in the Southeast Corner of the Northwest Quarter of the Southeast Quarter of Section 31.

PRIORITY

Irrigation Priority No. 83, Water District No. 4, as of December 31, 1878, in accordance with Decree of the Colorado District Court, dated November 14, 1939.

AMOUNT OF DECREE

2.0 cubic feet of water per second of time but not to exceed 25.12 acre feet per annum. (4 acre feet for each acre of land)

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Reed and Sons, but was adjudicated by United States. Operated by concessionaire, Fred Steffens.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District.

Moraine Park Area.

Docket No. 2.

BRINWOOD DITCH No. 2.

MAY 8 1957

Ditch No. 50, Water District No. 4.

USE

Irrigation. To irrigate 6.62 acres in the East half of the Southeast Quarter of Section 31, Township 5 North, Range 73 West.

HEADGATE

Point of Diversion is on the North bank of the Big Thompson River whence the Southeast Corner of Section 31, T. 5 N., R. 73 W., bears South 40° 20' East 1766.47 feet. This headgate is in the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 31.

PRIORITY

Irrigation Priority No. 84, Water District No. 4, as of December 31, 1878, in accordance with a Decree of the Colorado District Court, dated November 14, 1939.

AMOUNT OF DECREE

2.0 cubic feet of water per second of time but not to exceed 26.48 acre feet per annum. (4 acre feet for each acre of land)

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Reed and Sons but was adjudicated by United States. Operated by concessionaire, Fred Steffens.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District.

Moraine Park Area.

Docket No. 2.

BRIMWOOD DITCH No. 3.

MAY 8 1957

Ditch No. 51, Water District No. 4.

USE

Irrigation. To irrigate 9.35 acres in the Southwest Quarter of the Southwest Quarter of Section 32, Township 5 North, Range 73 West.

HEADGATE

Point of Diversion is on the North bank of the Middle Branch of the Big Thompson River whence the Southeast Corner of Section 31, T. 5N., R. 73 W., bears South $1^{\circ} 10'$ West 1039.65 feet. This headgate is just East of the section line common to Sections 31 and 32.

PRIORITY

Irrigation Priority No. 85, Water District No. 4, as of December 31, 1878, in accordance with a Decree of the Colorado District Court, dated November 14, 1939.

AMOUNT OF DECREE

2.0 cubic feet of water per second of time but not to exceed 37.40 acre feet per annum. (4 acre feet for each acre of land)

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Reed and Sons but adjudicated by United States. Operated by concessionaire, Fred Steffens.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District.

Moraine Park Area.

Docket No. 2.

BRINWOOD DITCH No. 4.

Ditch No. 52, Water District No. 4.

MAY 8 1957

USE

Irrigation. To irrigate 12.38 acres in the North half of the Southwest Quarter of Section 32, Township 5 North, Range 73 West.

HEADGATE

Point of Diversion is on the North bank of the South course of the North Branch of the Big Thompson River whence the Southwest Corner of Section 32, T. 5 N., R. 73 W., bears South 8° 18' West 1747.98 feet. This headgate is in the Southwest part of the Northwest Quarter of the Southwest Quarter of said Section 32.

PRIORITY

Irrigation Priority No. 86, Water District No. 4, as of December 31, 1878, in accordance with a Decree of the Colorado District Court, dated November 14, 1939.

AMOUNT OF DECREE

1.08 cubic feet of water per second of time but not to exceed 49.52 acre feet per annum. (4 acre feet for each acre of land)

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Reed and Sons, but was adjudicated by United States. Operated by concessionaire, Fred Steffens.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District.

Moraine Park Area.

Decket No. 2.

BRINWOOD DITCH No. 5.

Ditch No. 53, Water District No. 4.

MAY 8 1957

USE

Irrigation. To irrigate 41.27 acres in the South-half of the Southwest Quarter of Section 32, Township 5 North, Range 73 West.

HEADGATE

Point of Diversion is on the North bank of the Middle Branch of the Big Thompson River whence the Southwest Corner of Section 32, T. 5 N., R. 73 W., bears South 23° 29' West 901.30 feet. This headgate is in the West central part of the Southwest Quarter of the Southwest Quarter of said Section 32.

PRIORITY

Irrigation Priority No. 87, Water District No. 4, as of December 31, 1878, in accordance with a Decree of the Colorado District Court, dated November 14, 1939.

AMOUNT OF DECREE

5.0 cubic feet of water per second of time but not to exceed 165.08 acre feet per annum. (4 acre feet for each acre of land)

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Reed and sons, but was adjudicated by United States. Operated by concessionaire, Fred Steffen.

MAPS

Filing No. 16487, accepted by the State Engineer of Colorado on November 26, 1938.

Central Ranger District

Moraine Park Area

April 9, 1953

STATEMENT

For general conditions relating to adjudication and
decree, see Rocky Mountain National Park Booklet No. 13.

(SGD.) A. VAN V. DUNN,

A. van V. Dunn
Chief, Water Resources Branch



