



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 5

SPRAGUE PIPELINE AND DITCH, GLACIER CREEK

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #5

IDENTIFICATION NO: ROMO, S 0 7 0 4 7 3, A, F, 5,

DITCH/WATER SYSTEM: Sprague Pipeline & Ditch

SOURCE OF SUPPLY: Glacier Creek

LOCATION: Pipeline: Spring located on the north bank of Glacier Creek
at a point whence the NSSW 1/256 cor. of Sec. 7, T4N, R73W, 6th P.M., bears
N83°25'W, 1395.86 ft.

/ Ditch: North bank of Glacier Creek, whence the NSSW 1/256 cor. of said sec.
7 bears N79°41'W, 1279.38 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing #16527, February 24, 1939

Certificate Record Number:

Date of Priority: Domestic Priority #13 as of June 1, 1909, in accord. with
Decree 10077, November 14, 1939. Power Priority #4, as of June 30, 1927.

Quantity of Water: .01 c.f.s. Same decree.
20.0 c.f.s. - Power

Purpose: Domestic and recreation
Power

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right acquired by the NPS in 1932.
Work was begun on a ditch June 1, 1909. This ditch was abandoned in 1914
when a pipeline was constructed.
Work was begun on the power ditch in June, 1927.

Presently not in use. 2

WATER RIGHT RECORD

Park:

Docket Number:

IDENTIFICATION NO: F 6 19 12 71 A F 03

DITCH/WATER SYSTEM: F 6 19 12 71 A F 03

SOURCE OF SUPPLY:

LOCATION:

WATER RIGHT:

Appropriator:

Application/Permit Number:

Certificate Record Number:

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS:

DOCKET INFORMATION SHEET

Docket Identity	ROMO S 07 04 73 A F 05
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	SPRAGUE PIPELINE AND DITCH
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 5
Location	T4N R73W SEC 17
Acquired by	
Application	16527 - FEBRUARY 24 1939
Permit	13 DOMESTIC 14 POWER
Certificate	COURT DECREE 110077
Priority	JUNE 11 1909 AND JUNE 30 1927 10.1 CFS & 20 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	GROUND WATER
Use	DOMESTIC RECREATION POWER
Quantity	10.1 CFS AND 20.0 CFS
Hydrologic Unit	10170006
Remarks	DITCH CONSTRUCTED IN 1909 AND ABANDONED IN 1914 WHEN A PIPELINE WAS CONSTRUCTED

Active or not?
Purchase or
appropriation?
Or both?

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 07 04 73 B F 05
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	SPRAGUE PIPELINE AND DITCH
State	COLORADO
County	LA PLATTE
Docket	ROMO WATER RIGHT DOCKET 5
Location	T4N R73W SEC 7
Acquired by	
Application	16527 - FEBRUARY 24 1939
Permit	13 DOMESTIC 14 POWER
Certificate	COURT DECREE 10077
Priority	JUNE 1 1909 AND JUNE 30 1927, 101 CFS + 20 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1989
Source	SURFACE WATER
Use	DOMESTIC RECREATION POWER
Quantity	101 CFS AND 20.0 CFS
Hydrologic Unit	10190006
Remarks	DITCH CONSTRUCTED IN 1909 AND ABANDONED IN 1914 WHEN A PIPELINE WAS CONSTRUCTED



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

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Denver, Colorado 80202

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May 28, 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.: 85CW375, 85CW376, 85CW377, 85CW378, 85CW379,
85CW380, 85CW381 and 85CW385

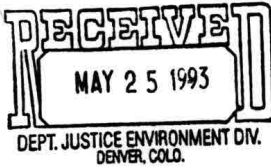
Gentlemen:

Enclosed please find copies of the CORRECTED FINDINGS AND
RULING AND DECREE OF THE WATER COURT in the above-captioned
cases.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures



DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW375
(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 December 19, 1985 and originally decreed in Boulder County CA10077 on November 14, 1939 and 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. 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.

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

85CW375

USA

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2. The name of the structure:

USA Rocky Mountain National Park:
Hallowell Park Ditch No. 2
Mill Creek Minimum Flow

3. The legal description of the structure:

Hallowell Park Ditch No. 2 - NE1/4 SE1/4 Section
6, Township 4 North, Range 73 West, 6th P.M., Larimer County, at
a point from whence the center of Section 6 bears North 52 deg.
19' West 1803.27 feet.

Transferred to Mill Creek Minimum Flow - The
natural stream channel from the historic headgate of Hallowell
Park Ditch No. 2 as described above as the upstream terminus and
extending to the NE1/4 Section 4, Township 4 North, Range 73
West, at a point where Glacier Creek crosses the National Park
Boundary as a downstream terminus.

4. The source of the water:

Mill Creek

5. The date of appropriation:

June 22, 1912 as decreed in Boulder County CA
10077 dated November 14, 1939.

6. The amount of water:

Hallowell Park Ditch #2 - 0.70 cubic feet per
second.

Mill Creek Minimum Flow - limited to historic
consumptive use during the months of:

June:	0.123 cfs limited to 7.42 acre feet
July:	0.106 cfs limited to 6.37 acre feet
August:	0.073 cfs limited to 4.41 acre feet
September:	0.051 cfs limited to 3.10 acre feet

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USA

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The remaining amounts of the original 0.70 cfs shall be relinquished to the stream.

7. The use of the water:

Hallowell Park Ditch #2 - Irrigation of 19.97 acres of native grass hay during the months of June to September period. Historic consumption use transferred to: Mill Creek Minimum Flow - instream flow purposes of outdoor recreation, wildlife and fish maintenance and propagation in Mill Creek and Glacier Creek.

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.

10. This transfer from irrigation use to instream use when limited to the historic consumptive use of irrigation as described in paragraph 6 above to instream flow will not injure water rights of others.

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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 25 1993

A handwritten signature in cursive script, reading "Robert A. Behrman", written over a horizontal line.

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

#5

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May 4, 1993

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Mr. Owen Williams
Chief, Water Resources Division
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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 No.: W-8791-77(A)

Gentlemen:

Enclosed please find a copy of the replacement page and signature page of the Decree entered in the above matter on April 29, 1993.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

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USA
Page 3

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock, domestic, limited irrigation of lawns and gardens, commercial in administrative and maintenance buildings, Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for three single family dwellings.

Bighorn Ranger Station Well 165966: Domestic for two single family dwellings including irrigation of approximately 1000 square feet.

Sprague Lake Recreation Area Well: Domestic, commercial, drinking, sanitary and stockwater uses for livery/stable operation at Sprague Lake.

Black Cabin Well: Domestic for one single family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger Station Well 165966 and Black Cabin Well - These water rights, so long as uses are limited to those decreed herein, are exempt from administration by the State Engineer pursuant to CRS, 37-92-602.

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USA
Page 4

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

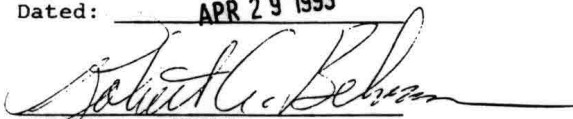
Dated: APR -8 1993


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

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

Dated: APR 29 1993


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

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

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

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

THIS CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977 and amended on September 4, 1984 and October 4, 1984. The Referee being fully advised in the premises, does hereby find:

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

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

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

Moraine Park Well No. 2 and Moraine Park Well No. 3 have been bifurcated and will be adjudicated in case No. W-8791-77(B). The remaining 5 wells will be case No. W-8791-77(A).

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

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

USA
W-8791-77(A)
Page 2

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well —
Black Cabin Well

map
5

3. The legal description of the structure:

Moraine Park Well 1-4019: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 500 feet from the South line and 2100 feet from the West line, Section 33.

Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

Moraine Park Well 1-4019: July 1, 1959

Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

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Page 3

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock, domestic, limited irrigation of lawns and gardens, commercial in administrative and maintenance buildings, Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for three single family dwellings.

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Sprague Lake Recreation Area Well: Domestic, commercial, drinking, sanitary and stockwater uses for livery/stable operation at Sprague Lake.

Black Cabin Well: Domestic for one single family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger Station Well 165966 and Black Cabin Well - These water rights, so long as uses are limited to those decreed herein, are exempt from administration by the State Engineer pursuant to CRS, 37-92-602.

W-8791-77
USA
Page 4

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

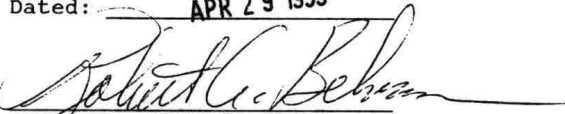
Dated: APR -8 1993


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

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

Dated: APR 29 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

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April 12, 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 No.: W-8791-77(A)

Gentlemen:

Enclosed please find copies of the REVISED FINDINGS AND RULING OF THE REFEREE . . . in the above-captioned case. Please let us know by April 23, 1993, whether these Rulings are acceptable. Please note that in paragraph 7, Sprague Lake Recreation Area Well, the reference to limitation of 1 acre foot annually should be eliminated.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

WATER DIVISION NO. 1
STATE OF COLORADO

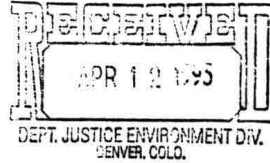
COPY FOR YOUR
INFORMATION

APR 8 1993

Date

TO: Lynn A. Johnson, Esq.
999 - 18th St., #945
Denver, CO 80202

Cliff Seigneur, Esq.
1525 Sherman St., 5th Fl.
Denver, CO 80203

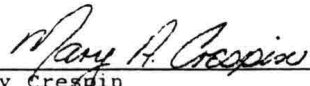


STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Revised Ruling in Case No. W-8791-77(A).

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 APR 28 1993, 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 APR 28 1993.


Mary Cressin
Water Clerk, Water Division 1
P O Box C
Greeley, CO 80632
(303) 356-4000, Ext. 4550

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

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

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

THIS CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977 and amended on September 4, 1984 and October 4, 1984. The Referee being fully advised in the premises, does hereby find:

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

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

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

Moraine Park Well No. 2 and Moraine Park Well No. 3 have been bifurcated and will be adjudicated in case No. W-8791-77(B). The remaining 5 wells will be case No. W-8791-77(A).

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

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

USA
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Page 2

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well
Black Cabin Well

3. The legal description of the structure:

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Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

Moraine Park Well 1-4019: July 1, 1959

Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

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USA
Page 3

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

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Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock, domestic, limited irrigation of lawns and gardens, commercial in administrative and maintenance buildings, Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for three single family dwelling.

Bighorn Ranger Station Well 165966: Domestic for two single family dwellings including irrigation of approximately 1000 square feet.

Sprague Lake Recreation Area Well: Domestic, commercial, drinking, sanitary and stockwater uses for livery/stable operation at Sprague Lake. Uses limited to less than 1 acre foot annually.

Black Cabin Well: Domestic for one single family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger Station Well 165966 and Black Cabin Well - These water rights, so long as uses are limited to those decreed herein, is exempt from administration by the State Engineer pursuant to CRS, 37-92-602.

W-8791-77
USA
Page 4

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

Dated: APR -8 1993


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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

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

Dated: _____

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



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

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March 1, 1993

Ralph O. Canaday, Esquire
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Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
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Mr. Kenneth Czarnowski
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW343 & 85CW351

Gentlemen:

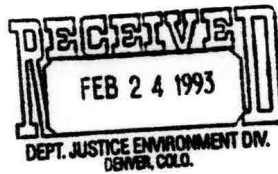
Enclosed please find copies of CORRECTED FINDINGS AND RULING
AND DECREE OF THE WATER COURT in the above-captioned cases.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

COPY FOR YOUR
INFORMATION



FILED IN DISTRICT COURT
03 FEB 23 AM 11:14
DISTRICT COURT
WATER DIVISION
DENVER, COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW351
(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. Sprague Ditch was decreed in Boulder County CA 10077 dated November 14, 1939. The ditch was decreed for electric power purpose at a hydroelectric plant for 20 cfs of water as of June 30, 1927.

85CW351

USA

Page 2

2. This right has historically been used for power generation for a lodge at Sprague Lake. Water was diverted from Glacier Creek and carried 250 feet in a ditch to the hydroelectric plant penstock. After passing through the plant, the water was returned to Glacier Creek with very little, if any, consumption. Glacier Creek has not always contained 20 cfs at the point of diversion.

3. Applicant requests this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of Glacier Creek.

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:

Sprague Ditch

3. The legal description of the structure:

SE1/4 SW1/4, Section 7, Township 4 North, Range 73
West, 6th P.M., Larimer County, whence the NSSW 1/256 Corner,
(C-N-S-SW) Section 7 bears N 79 deg. 41' W, 1279.38 feet, aka
approximately 800 feet North and 90 feet West of the S1/4 Corner.

4. The source of the water:

Glacier Creek

5. The date of appropriation:

June 30, 1927 as decreed in CA 10077 dated
November 14, 1939.

85CW351
USA
Page 3

6. The amount of water:

20 cfs

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of Glacier Creek, 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.

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).

85CW351

USA

Page 4

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

8 Copies delivered to DOJ
9/28/84 RRI
Docket
#5

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8789-77 through W-8794-77)

AMENDED APPLICATION FOR SURFACE AND UNDERGROUND
WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR
APPROPRIATIVE WATER RIGHTS IN ROCKY MOUNTAIN NATIONAL PARK IN
LARIMER AND BOULDER COUNTIES.

1. Name and address of Applicant:

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

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

Larimer County

Name of Structure: Bighorn Ranger Station Well
Legal description: In the NE 1/4 NE 1/4, Section 17, T. 5 N., R. 73 W.
Source: Bighorn Creek, tributary to Big Thompson River
Depth of Well: 128 feet
Date of appropriation: June, 1982
Date water applied to beneficial use: August, 1982
How appropriation was initiated: Drilling well
Amount claimed: 20 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Sprague Lake Picnic Area Well
Legal description: In the SW 1/4 SE 1/4, Section 7, T. 4 N., R. 73 W.,
whence the SW corner of Section 7, T. 4 N., R. 73 W.,
bears S. 74° 30' W, 3100 feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of Well: 63 feet
Date of appropriation: August, 1982
Date water applied to beneficial use: September, 1982
How appropriation was initiated: Drilling of well
Amount claimed: 13 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Black Cabin Well
Legal description: In the NW 1/4 SE 1/4, Section 32, T. 4 N., R. 73 W.
Source: Big Thompson River
Depth of well: Alluvium
Date of initiation of appropriation: October, 1964
Date water applied to beneficial use: October, 1964
How appropriation was initiated: Drilling of well
Amount claimed: 10 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Hallowell Park Well
Legal description: In the SE 1/4 NW 1/4 of Section 6, T. 4 N., R. 73 W.,
whence the monumented corner common to lots 6, 7, 10, 8
and 11, of said Section 6 bears N 2° 24' E, 1335.60
feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of well: 122 feet
Date of appropriation: April, 1965
Date water applied to beneficial use: June, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 50 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Aspenglen Campground Well
Legal description: In the SE 1/4 NE 1/4 of Section 17, T. 5 N., R. 73 W.,
at a point whence the N. 1/16 corner of Sections 16 and
17, T5N, R73W, bears N 67° 39' E., 1056.36 feet.
Source: Fall River, tributary to Big Thompson River
Depth of well: 101 feet
Date of appropriation: June, 1965
Date water applied to beneficial use: August, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 55 gpm Absolute
Use: Domestic, recreation, fire fighting

Filed at 144 P. M. SEP 7 1947 BOOK 841 PAGE 63
 Reception No. 87394

Bargain Sale Deed
THIS DEED, Made this 30th day of August in the year of our Lord one thousand nine hundred and forty-seven between

John M. Carmack
 of the County of Larimer and State of Colorado, of the first part,
 and
 William F. Grove
 of the County of Larimer and State of Colorado, of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Hundred Dollars and other valuable consideration ~~XXXXXX~~

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part his heirs and assigns forever, all the following described ~~property~~ ^{property} parcel of land, situate, lying and being in the County of Larimer and State of Colorado, to-wit:

That domestic water system known as the "Hondius-Beaver Pipe Line and as "Hondius Water Supply" and as "Hondius Pipe Line" insofar as the same is situate in the East Half of the Southwest Quarter (SE 1/4) and the Southeast Quarter (SE 1/4) of Section Twenty-seven (27), Township Five (5) North, Range Seventy-three (73) West of the Sixth (6th) P.M. and outside Rocky Mountain National Park, said water system being more particularly shown on that map and statement thereof No. 16549 filed in the office of the State Engineer of Colorado in 1939; together also with first party's rights under special use permit dated February 23, 1932, from the National Park Service of the United States for the use of water from supplies of said Hondius-Beaver Pipe Line and the streams, springs, and sources of water therefor within Rocky Mountain National Park and all rights or preferences first party may have for renewal or transfer of such special use per permit; conveying hereby all mains, pipes, reservoirs, hydrants, taps, valves, structures, and appliances of any kind relating to said water system outside the National Park and all tools, supplies, and equipment used therewith, and all rights to use of water and rights of way held or acquired in connection therewith and all extensions and betterments which shall hereafter be made to said system; together also with all rights under contracts of Eleanor E. Hondius relating to said water system or now held by her and all rights of way therefor and privileges to use of water therefrom and subject to obligations thereof insofar as now in force; together also with the right to construct a reservoir below surface of the ground and right of way for water mains to and from said reservoir, on a tract described as follows: Commencing at the South quarter corner of said Section Twenty-seven (27), thence running West 140 feet, North 1220 feet, Northeasterly 110 feet to the public road, thence Southeasterly along said road to a point which is 450 feet North of the South quarter corner, thence running South 450 feet to the point of beginning; excepting and reserving, however, to Eleanor E. Hondius, her heirs and assigns, the right to make five connections with said water system on customary regulations and charges for use of water for domestic purposes for five dwellings on 25 acres in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section Twenty-seven (27) adjacent to the National Park Service Utility Area.

Said William F. Grove agrees that he will operate the property conveyed as a domestic water system and will diligently maintain the same and keep it in good repair.

No. 832. WARRANTY DEED—The Bradford-Robinson Map Co., Mfrs. Robinson's Legal Blanks, 1224 Stout St., Denver, Colo.

BOOK 841 P. 64
 TOGETHER with all and singular the hereditaments and appurtenances hereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of the said party of the first part either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto William F. Grove
 the said party of the second part his heirs and assigns forever.

And the said John M. Carmack

part y of the first part,
 for him self heirs, executors and administrators, do es covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of the sealing and delivery of these presents he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has 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, except the 1947 taxes which are due in 1948; except also a deed of trust securing Eleanor M. Mondius a note for the original principal sum of \$7,200, balance due on which note is \$6,400, all of which the party of the second part assumes and agrees to pay, with interest on said note from October 1, 1940.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

John M. Carmack [SEAL]

STATUTORY ACKNOWLEDGMENT, SESSION 1947

STATE OF COLORADO,

County of Larimer } ss.

The foregoing instrument was acknowledged before me this 13 day of September

1947, by John M. Carmack

Witness my hand and official seal.

My commission expires

My commission expires June 21, 1949

Burtha Ramsey
 Notary Public

* If by natural person or persons here insert name or names; if by person acting in representative or official capacity insert name of person as executor, attorney-in-fact, or other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.

(CERTIFIED COPY)

STATE OF COLORADO
 COUNTY OF LARIMER } ss.
 I, *C. Marion Bragford* County Clerk and Recorder
 in and for said County and State, do hereby certify that the within and foregoing is a full, true and correct copy of *Deed - John M. Carmack to William F. Grove*
 No. *587394* as it appears *4* record in my office
 in Book *841* at page *63*
 Witness my hand and official seal at Fort Collins, Colo., this *7th* day of *February*, 1948
 Signed to *National Park Service*
 No. *11520* Fee *1.25*
 By *W. D. Harrison* Deputy

No. ^{COMPARE} 733294

QUIT CLAIM DEED

William F. Grove

TO

United States of America

STATE OF COLORADO,

County of Larimer

I hereby certify that this instrument was fi
for record in my office at 11:40
o'clock H. M., SEP 13 1957 19
and is duly recorded in book 1000
page 420

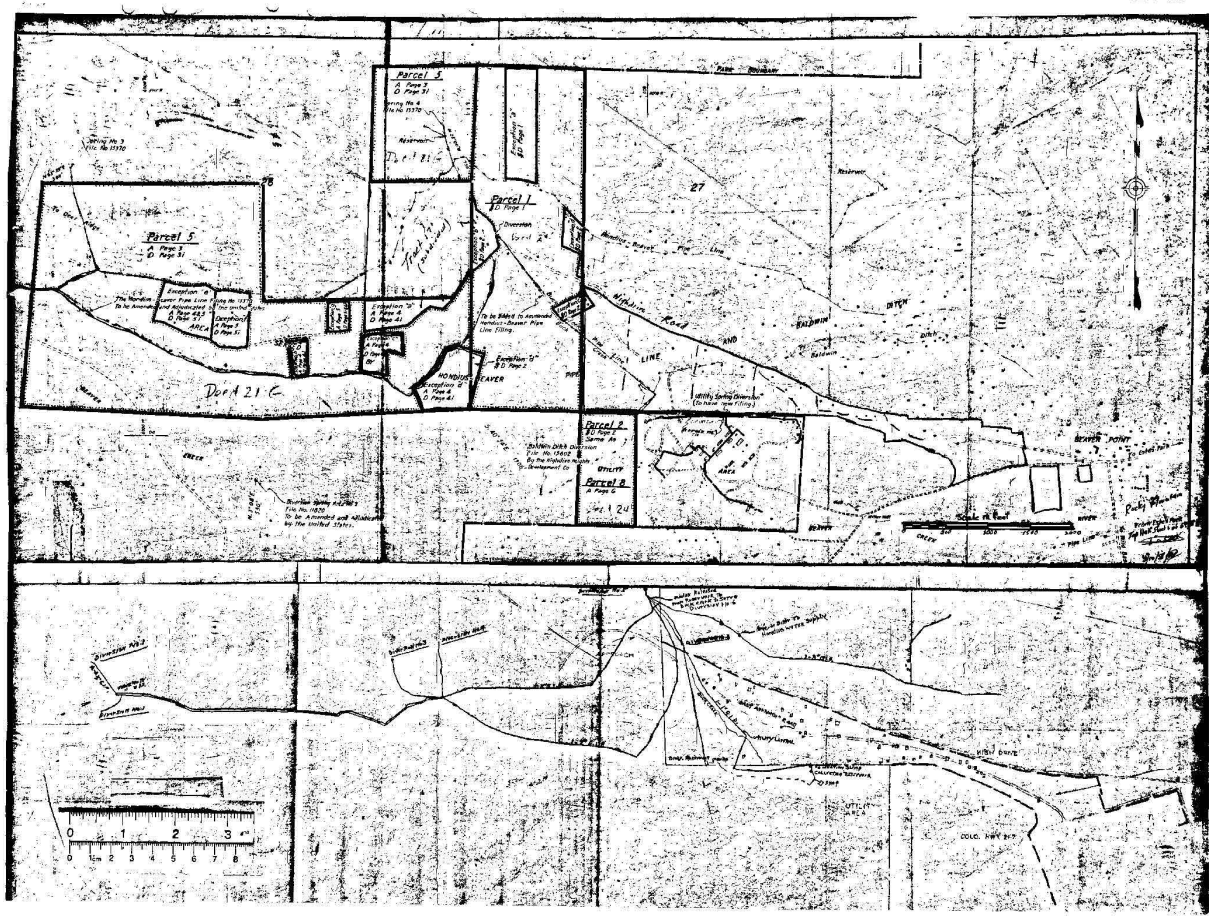
C. Marion Brufford
County and Recorder
By *Greg D. Greison*
Deputy

Fees, \$.....

Has 1000S 9262 1957J3S
Superintendent
Rocky Mountain National Park
Estes Park, Colorado

5-67

BRADFORD-ROBINSON PLS. CO., DENVER



C
O
P
Y

STATE OF COLORADO)
COUNTY OF BOULDER) SS.

IN THE DISTRICT COURT
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 SPRAGUE 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 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 name of the pipe line for which claim is made herein is the Sprague Pipe Line.

FOURTH: The headworks of said pipe line are located at a spring at a point on the north, or left, bank of Glacier creek, a tributary of the Big Thompson river, from which it derives its supply of water, whence the NSSW 1/256 corner of section seven (7), township four (4) north, range seventy-three (73) west of the 6th principal meridian, as located and described by the General Land Office, bears north 83° 25' west 1395.88 feet.

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

The diameter of said pipe line is 1 inch;

The grade of said pipe line is 39 feet per thousand feet;

The length of said pipe line is 540 feet.

SIXTH: The carrying capacity of said pipe line is 0.01 cubic feet of water per second of time, for which claim is hereby made for domestic and recreational purposes at the Sprague hotel in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said section seven (7).

SEVENTH: On June 1, 1909, construction of a ditch was begun and immediately completed by Abner Sprague, claimant's predecessor in title and interest, which had approximately the same location and point of diversion as has the pipe line thereafter constructed and now in use. Said ditch was 12 inches wide on the bottom, 18 inches wide at the top and averaged 6 inches in depth. It had a capacity of approximately 0.70 cubic feet per second of time.

In the summer of 1914, the pipe line hereinbefore described, was constructed in lieu of said ditch, which was then abandoned. Said pipe line has been continuously used since by said Sprague and by claimant.

By deed designated as instrument No. 390569, Larimer County records, dated March 7, 1932, and filed for record in the office of the County Clerk and Recorder of Larimer county, State of Colorado, / on March 28, 1932 and recorded in Book 619, page 270, the Sprague Pipe Line and all priority right in connection therewith were conveyed to the 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: Claimant has filed a map and statement of claim on the said Sprague Pipe Line, which was accepted in the office of the State Engineer, State of Colorado, on the 24th day of February, 1939, and assigned filing No. 16527.

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 June 1, 1909, to the use of 0.01 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 _____

SPRAGUE PIPE LINE

(Domestic Priority No. 13; Ditch--Pipe Line-- No. 14)

1. The claimant of Sprague Pipe Line is United States of America, Rocky Mountain National Park, Estes Park, Colorado.

2. The source of the water diverted by said pipe line is a spring located at a point on the north or left bank of Glacier creek, a tributary of the Big Thompson river.

3. The head-works of said pipe line are located at a point whence the N55W 1/256 corner of section seven (7), township four (4) north, range seventy-three (73) west of the 6th principal meridian, as located and described by the General Land Office, bears north 85°25' west 1395.88 feet.

4. The general course of said pipe line is easterly.

5. The description of said pipe line is as follows:
The diameter of said pipe line is 1 inch; the grade of said pipe line is 39 feet per thousand feet; the length of said pipe line is 540 feet; the carrying capacity of said pipe line is 0.01 cubic feet per second of time.

6. The use made of the water carried through said pipe is for domestic and recreational purposes at the Sprague Hotel, located in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of said section seven (7).

7. Work was begun by construction of a ditch on June 1, 1909, which was immediately thereafter completed by Abner Sprague, claimant's predecessor in title and interest. Said ditch had approximately the same location and point of diversion as had said pipe line. Said ditch was 12 inches wide on the bottom, 18 inches wide at the top, and averaged 6

inches in depth. It had a capacity of approximately .7 cubic feet of water per second of time. In the summer of 1914 the said pipe line was constructed in lieu of said ditch, which was then abandoned. Said pipe line has been continuously used since the summer of 1914 by said Sprague and by said claimant for the same purposes as said ditch was used, namely, domestic and recreational purposes.

8. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on February 24, 1939, and was assigned no. 18,527.

9. As a matter of law, the claimant is entitled to a decree to the effect that there be permitted to flow out of said spring into said pipe line .01 cubic feet of water per second of time for domestic and recreational 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 said spring at the location described and into said pipe line .01 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 13, as of date June 1, 1909, subject to the general and paramount provisions of this decree.

C
O
P
YSTATE OF COLORADO)
COUNTY OF BOULDER) SS.

IN THE DISTRICT COURT

NO. 10077

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENE- FICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.	)	STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR THE SPRAGUE DITCH.
--	---	---

Sprague Ditch - Power

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 name of the ditch for which claim is made is the Sprague Ditch.

FOURTH: The headgate of said ditch is located on the north, or left, bank of Glacier creek, a tributary of the Big Thompson river, from which it derives its supply of water, whence the N55W 1/256 corner of section seven (7) township four (4) north, range seventy-three (73) west of the 6th principal meridian, bears north 79° 41' west 1279.38 feet.

FIFTH: The general course of said ditch is easterly;

The depth of said ditch is 4 feet;
The top width of said ditch is 9 feet;
The bottom width of said ditch is 5 feet;
The grade of said ditch is 0.15 feet per 1000 feet;
The length of said ditch is 250 feet.

SIXTH: The carrying capacity of said ditch is 20 cubic feet of water per second of time, for which claim is hereby made for hydroelectric power purposes.

JUN 23 '39 98528

Said ditch serves a hydroelectric plant in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section seven (7), township four (4) north, range seventy-three (73) west of the 6th principal meridian, through 150 feet of penstock, and thence all water is immediately returned to Glacier creek through a tail-race.

SEVENTH: Construction work was begun in the month of June, 1927 and was completed shortly thereafter and water was diverted and used in the summer of 1927; and water has ever since been diverted and beneficially used by claimant's predecessor and claimant.

By deed designated as instrument No. 390569, Larimer County records, dated March 7, 1932, and filed for record in the office of the County Clerk and Recorder of Larimer County, State of Colorado, on March 28, 1932, and recorded in book 619, page 270, the Sprague Ditch and all priority of right in connection therewith were conveyed as appurtenances to the land therein described, and claimant ever since has been and is now the owner of said ditch.

EIGHTH:

/ A map of and statement of claim on said ditch was filed with and accepted by the State Engineer, State of Colorado, on February 24, 1939, and was assigned filing No. 16527.

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 on June 30, 1927 to the use of 20 85 cubic feet of water per second

of time for the purposes and in the amount 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. _____.

SPRAGUE DITCH

(Power Priority No. 4; Ditch No. 4.)

1. The claimant of Sprague Ditch is United States of America, Rocky Mountain National Park, Estes Park, Colorado.

2. The natural stream from which water has been diverted by said ditch is Glacier creek, a tributary of the Big Thompson river.

3. The headgate of said ditch is located on the North or left bank of Glacier creek, a tributary of the Big Thompson river, from which it derives its supply of water, at a point whence the NSS 1/256 corner of section seven (7) Township four (4) north, range seventy-three (73) west of the 6th principal meridian, as located and described by the General Land Office, bears north 79°41' west 1279.58 feet.

4. The general course of said ditch is easterly.

5. The description of said ditch is as follows:

The depth of said ditch is 4 feet; the top width of said ditch is 9 feet; the bottom width of said ditch is 5 feet; the grade of said ditch is 0.15 feet per thousand feet; the length of said ditch is 250 feet; the carrying capacity of said ditch is 20 cubic feet of water per second of time.

6. The use which is made of said water is for electrical power purposes at a hydroelectric plant located in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said section seven (7), the water being carried through 150 feet of penstock and then returned to Glacier creek through a tail-race.

7. Work was begun by construction in the month of June 1927, and shortly thereafter completed with due diligence. Water ever since has been diverted and beneficially used by

claimant's predecessor and by claimant.

8. Map and statement of claim on this ditch was filed in the office of the State Engineer by claimant on February 24, 1929, and was assigned No. 16,527.

9. As a matter of law, the claimant is entitled to a decree to the effect that there be permitted to flow out of Glacier creek into said ditch, to and through a hydroelectric plant, 20 cubic feet of water per second of time for hydroelectric purposes, with Power Priority No. 4, as of the 30th day of June, 1927.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that, for hydroelectric purposes, and under and by virtue of an 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 Glacier creek, at a point hereinbefore described, 20 cubic feet of water per second of time, with POWER PRIORITY NO. 4, as of date June 30, 1927, subject to the general and paramount provisions of this decree.

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEState Colorado

LAND OWNERSHIP RECORD

Tract No. _____

County LarimerDeed No. 55

Civil Subdivision _____

Area _____ acres

Rocky Mountain Nat. Park

Right

Name of Park or Area

~~xxxx~~ based on survey & filingDate Feb. 24, 1939Sprague's Lodge inSection of Park or Area
Glacier BasinLegal Description: Filed Claim 16527 - Sprague Pipe Line and DitchMethod of Acquisition: Purchase & filing Appropriation or Source of funds: Federal

Cost (if purchased) or estimated value: _____

Acquired from: Abner E. Sprague & State of Colorado

Accepted by Secretary () Opinion of Att'y. Gen.-title in U. S. () date: _____

Physical Characteristics: A claimed right to divert 0.01 sec. ft. of water from a spring for drinking fountain purposes at Sprague's Lodge, and to divert 25.0 sec. ft. from Glacier Creek for power purposes.Improvements on Land at time of Acquisition: See Deed 23.Existing or outstanding special use permits, reservations, rights, or rights of way: The systems are operated by Mr. Sprague and his family under special use permit.Report Based on: Records of Water Rights SectionPrepared by: A. van V. Dunn, Hydraulic Engineerdate: 11/23/43Map References: NP-RM-6993 ✓Remarks: See Deed 63 for subsequent adjudication and decrees.

Compared

21

No.

WARRANTY DEED

Abner E. Sprague and
M. Alberta Sprague, also
known as Alberta Sprague,
his wife,

TO

United States of America

STATE OF COLORADO,

County of LARIMER ss.

I hereby certify that this instrument was
filed for record in my office this
day of MAR 20 1932 A. D. 1932
at 8 o'clock P. M. and duly recorded
in Book 618 Page 270

Harvey A. Hissell
Recorder.

By

Deputy.

APR 15 7 1956 MAR 20 1932
PER 1

RETURN TO

THE TITLE GUARANTEE COMPANY

Title Office, Box

1555 3rd St. W. Fort Collins

DURING - - - - - 115

ROMO Deed 23

File in Docket

#

5

242 183

Reception No.

WARRANTY DEED

TO

Filed for Record at o'clock M.,

A. D. 1932

This Deed. Made this **Seventh** day of **March** in the year of our Lord, one thousand nine hundred and **thirty-two** between **Abner E. Sprague and M. Alberta Sprague** also known as Alberta Sprague, his wife,

of the County of **Larimer**

and State of Colorado, of the first part, and

United States of America,

~~Witnesseth~~ That the said part **ies** of the first part, for and in consideration of the sum of

Thirty-five thousand, one hundred forty and no/100 ----- DOLLARS,

to the said part **ies** of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, ha **ve** granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described **property** or parcel **s** of land, situate, lying and being in the County of **Larimer** and State of Colorado, to wit:

The South one half ($S\frac{1}{2}$) of the North one half ($N\frac{1}{2}$) of the Southeast one quarter ($SE\frac{1}{4}$) of the Southwest one quarter ($SW\frac{1}{4}$); The South one half ($S\frac{1}{2}$) of the Southeast one quarter ($SE\frac{1}{4}$) of the Southwest one quarter ($SW\frac{1}{4}$); The South one half ($S\frac{1}{2}$) of the Northeast one quarter ($NE\frac{1}{4}$) of the Southeast one quarter ($SE\frac{1}{4}$); The South one half ($S\frac{1}{2}$) of the South one half ($S\frac{1}{2}$) of the Northwest one quarter ($NW\frac{1}{4}$) of the Southeast one quarter ($SE\frac{1}{4}$) and the South one half ($S\frac{1}{2}$) of the Southeast one quarter ($SE\frac{1}{4}$) of Section Seven (7); The North one half ($N\frac{1}{2}$) of the North one half ($N\frac{1}{2}$) of the Northwest one quarter ($NW\frac{1}{4}$) of the Northeast one quarter ($NE\frac{1}{4}$) and the North one half ($N\frac{1}{2}$) of the North one half ($N\frac{1}{2}$) of the Northeast one quarter ($NE\frac{1}{4}$) of the Northwest one quarter ($NW\frac{1}{4}$) of Section Eighteen (18), all in Township Four (4) North, Range Seventy-three (73) West of the Sixth (6th) Principal Meridian, Colorado, together with all the improvements thereon and all ditch and water rights appertaining to or belonging to said lands, and all the rights, easements, and appurtenances thereunto belonging, containing One hundred sixty (160) acres, more or less.

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Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion 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 bargained premises, with the hereditaments and appurtenances.

To have and to hold the said premises above bargained and described, with the appurtenances unto the said party of the second part, its successors and assigns forever. And the said **Abner E. Sprague** and **M. Alberta Sprague**, also known as **Alberta Sprague**, his wife,

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 sealing 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 bargained 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 FOREVER DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

SHOWN, SEALED AND DELIVERED IN PRESENCE OF

Abner E. Sprague
M. Alberta Sprague
also known as
Alberta Sprague

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STATE OF COLORADO,
City and county of Denver }

I, Violet M. Richards, a Notary Public

in and for said City & County, in the State aforesaid do hereby certify that Abner E. Sprague,
and M. Alberta Sprague, also known as Alberta Sprague, his wife,

who are personally known to me to be the person whose name is set
scribed 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 notarial seal this Eighteenth day of
March A. D. 1932.

My commission expires March 16, 1935.

Violet M. Richards
Notary Public.

STATE OF COLORADO,
COUNTY OF }

I, a Notary Public

in and for said County, in the State aforesaid do hereby certify that

who personally known to me to be the person whose name

scribed to the annexed instrument of writing, appeared before me this day in person, and acknowledged that

signed, sealed and delivered the said instrument of writing as free and

voluntary act and deed, for the uses and purposes therein set forth and that said

wife of the said

did, after having been by me fully

apprised of her rights and the effect of signing said instrument of writing, freely and voluntarily, separate and apart

from her husband, sign and acknowledge the same.

Given under my hand and notarial seal this day of

A. D. 192

My commission expires 19

Notary Public

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Recd. No. 23
 Sent date 3/17/32
 Sub. No. 4/8/32
 160 Acres +

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by the Act of Congress approved January 26, 1916, (39 Stat. 798), and the Act approved February 14, 1931, (46 Stat. 1115), I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed dated March 7, 1932, wherein and whereby Abner E. and M. Alberta Sprague, convey to the United States of America certain land situated within the area of the Rocky Mountain National Park.

In witness whereof, I, as said Assistant Secretary, hereunto set my hand officially and have caused the seal of said Department to be affixed hereto and in attestation hereof this 5th day of April, 1932.

Wm H. Sprague
 Assistant Secretary
 W.H.S.



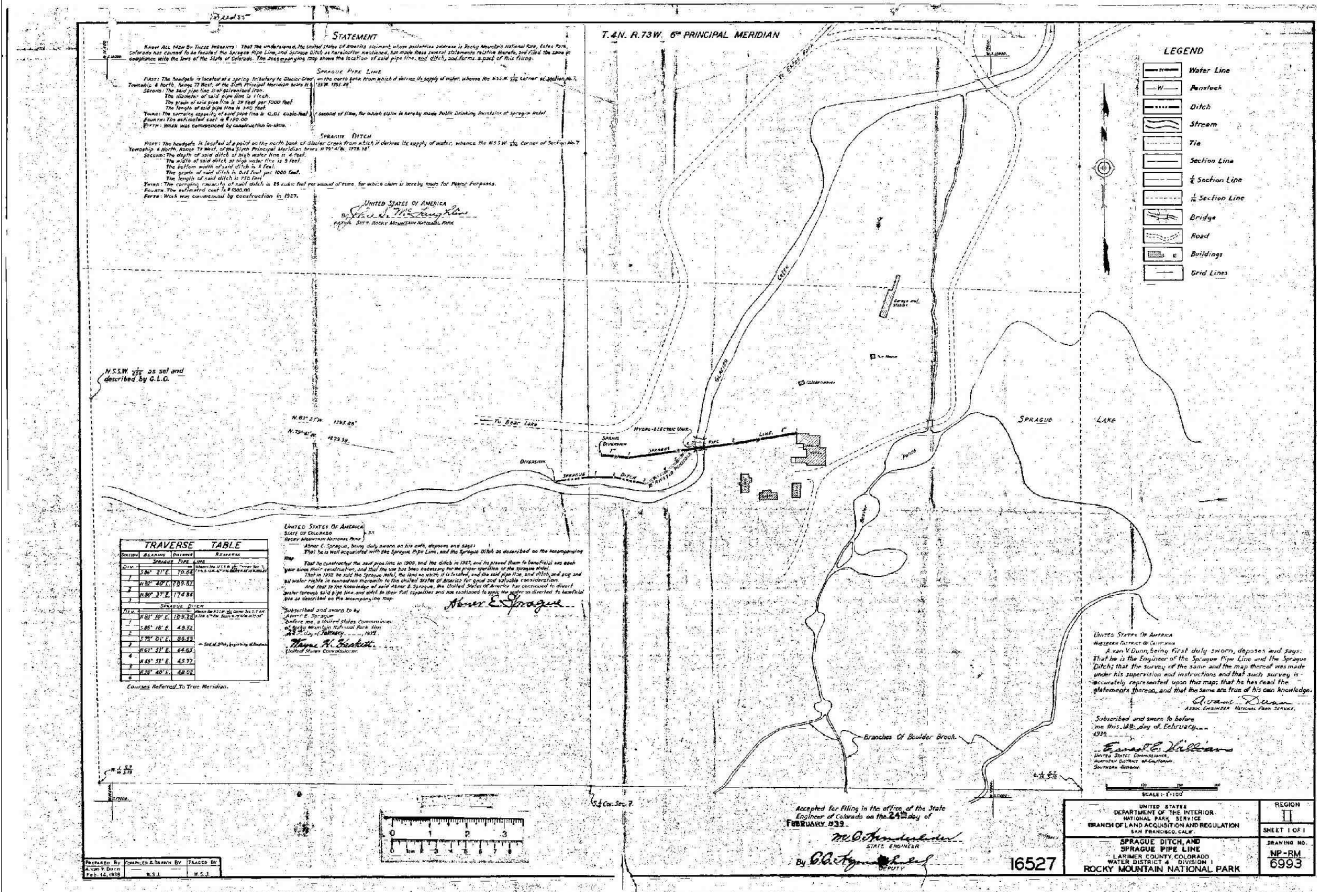
File in Docket
 # 5

April 9, 1953

STATEMENT

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

(SGD.) A. VAN V. DUNN.
A. van V. Dunn
Chief, Water Resources Branch



Docket Information

Number of Documents in Docket 53

Documents Dated from 3/20/1932 to 5/28/1993

Docket Compiled: 6/14/2011