



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 7

TWIN OWLS PIPELINES, NO. 1 & 2, SPRINGS ON BLACK CANYON CREEK

Preliminary Docket Information

00-00-0000: water right record - docket 7

WATER RIGHT RECORD

Park: ROMO

Docket Number:
F #7

IDENTIFICATION NO: ROMO S P 1 3 0 5 7 3 A F 0 7

DITCH/WATER SYSTEM: Twin Owls Pipe Lines Nos. 1 & 2

SOURCE OF SUPPLY: Springs on the north bank of Black Canyon Creek

LOCATION: 1. Whence the southeast corner of Sec. 13, T5N, R73W, bears south 31°09' east 4287.5 feet. **A**
2. Whence the southeast corner of Sec. 13, T5N, R73W, bears south 32°16' east 3704.3 feet. **B**

WATER RIGHT: United States of America, National Park Service

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: 1. July 1, 1917 - Domestic Priority #27
2. July 15, 1920 - Domestic Priority #29

Quantity of Water: 1. 0.041 cfs
2. 0.040 cfs

Purpose: Domestic

Irrigated Land Description:

SUMMARY OF STATUS: Filing #16529, accepted by the State Engineer of Colorado on February 24, 1939. For general conditions relating to adjudication and decree, see Docket #13.

1. One inch pipeline, 400 ft. long.
2. One inch pipeline, 20 ft. long.

DOCKET INFORMATION SHEET

Docket Identity	ROMO S 13 05 73 A F 07
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	TWIN OWLS PIPE LINE NO 1
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 7
Location	T1M R73W SEC 13
Acquired by	
Application	16529 ON FEBRUARY 24 1939
Permit	27
Certificate	
Priority	JULY 1 1917 - 0.041 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC
Quantity	0.041 CFS
Hydrologic Unit	10190006
Remarks	

Docket Identity	BO.MO.S 13 05 73 B.F 107
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIDNAL PARK
Site	TWIN OWLS PIPE LINE MO 2
State	COLORADO
County	LABI MER
Docket	BO.MO. WATER RIGHT DOCKET 7
Location	T5M R73W SEC 13
Acquired by	
Application	16529 AM FEBRUARY 24 1939
Permit	29
Certificate	
Priority	JULY 15 1920 7 0.040 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC
Quantity	0.040 CFS
Hydrologic Unit	10190006
Remarks	

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8788-77)

*Docket
#7*

AMENDED APPLICATION FOR SURFACE AND UNDERGROUND
WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA
FOR RESERVED WATER RIGHTS IN ROCKY MOUNTAIN NATIONAL PARK IN
BOULDER AND LARIMER 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 reserved water rights consisting of the right to maintain all streams, springs and seeps, lakes and all ground water at their natural flows, levels, and conditions, except as required for administrative uses, and claims reserved water rights for present and future administrative uses located on Rocky Mountain National Park in Boulder and Larimer counties.
3. The use of water claimed under this amended application is for the present and future purposes for which the reservation was created as set forth in paragraph 5(c) of this amended application.
4. The original application, as amended, is hereby further amended by substituting a new subparagraph 5(a)(1) as follows:

(a) Source of water:

(1) Those portions of the South Platte River and waters tributary thereto which are situated within this Water Division and which are located in, on, under, adjacent or otherwise appurtenant to the lands described in the attached Exhibits 1 thru 19,

Name of Structure: Longs Peak Ranger Station Well.
Legal description: In the NW1/4 NW1/4 Section 34, T. 4 N.,
R. 73 W.
Depth of Well:
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: 31 gpm Absolute

Name of Structure: Twin Owls Well.
Legal description: In the SW1/4 NE1/4, Section 13, T. 5 N.,
R. 73 W.
Depth of Well:
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: 5 gpm Absolute

Name of Structure: Twin Owls Water System.
Legal description: In the SW1/4 NE1/4, Section 13, T. 5 N.,
R. 73 W.
Description of Structure: Spring diversion
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: .081 cfs Absolute

Name of Structure: Fall River Pass Water System.
Legal description: At a point whence the NE corner of
Section 1, T. 5 N., R. 75 W., bears N. 21° 48' E. 350
feet.
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: .100 cfs Absolute

8. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8788-77.
9. The United States of America seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority date.

Docket #7

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8788-77)

AMENDED APPLICATION FOR SURFACE, UNDERGROUND, AND STORAGE
RESERVED WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED
WATER RIGHTS IN ROCKY MOUNTAIN NATIONAL PARK IN BOULDER AND LARIMER 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 reserved water rights consisting of the right to (a) secure favorable conditions of water flows and (b) to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations and for the benefit and enjoyment of the people of the United States. Specifically, to maintain all streams, springs and seeps, lakes and all ground water at their natural flows, levels, and conditions, except as required for administrative uses, and claims reserved water rights for present and future administrative uses located on Rocky Mountain National Park in Boulder and Larimer counties.
3. The use of water claimed under this amended application is for the present and future needs to fulfill the purposes for which the reservation was created as set forth in paragraph 5(c) of the amended application filed on December 29, 1977.
4. The original application, as amended, is hereby further amended by substituting a new subparagraph 5(a)(1) as follows:

(a) Source of water:

- (1) Those portions of the South Platte River and waters tributary thereto which are situated within this Water Division and which are located in, on, under, adjacent or otherwise appurtenant to the lands described in the attached Exhibit 1 through 19, which are attached hereto and by the Act of December 22, 1980 (94 Stat. 3265) and Public Land order 6444, dated July 18, 1983 (48

Name of Structure: NPS Longs Peak Campground Water System
Legal description: At a point whence the West 1/16 corner of Sections 27 and 34, T. 4 N, R. 73 W. bears N 21° 38' E, 1505.12 ft.
Source: Alpine Brook, tributary to North St. Vrain Creek
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Recreation, fire fighting
Amount claimed: 220 gpm

Name of Structure: NPS Twin Owls Well
Legal description: In the SW 1/4 NE 1/4, Section 13, T. 5 N., R. 73 W.
Source: Black Canyon Creek, tributary to the Big Thompson River
Depth of Well: 171 feet
Date of Reservation: January 26, 1915
Use of Water: Domestic
Amount claimed: 5 gpm

Name of Structure: NPS Twin Owls Pipeline No. 1
Legal description: At a point whence the SE corner of Section 13, T. 5 N., R. 73 W. bears S 31° 09' E, 4287.5 ft.
Source: Black Canyon, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Recreation, Fire Fighting
Amount claimed: 40 gpm

Name of Structure: NPS Twin Owls Pipeline No. 2
Legal description: At a point whence the SE corner of Section 13, T. 5 N., R. 73 W., bears S 32° 16' E 3704.3 ft.
Source: Black Canyon, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Recreation, Fire Fighting
Amount claimed: 20 gpm

Name of Structure: NPS Fall River Pass Water System
Legal description: At a point whence the NE corner of Section 1, T. 5 N., R. 75 W., bears N. 21° 48' E. 549 feet.
Source: Fall River, tributary to the Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic
Amount claimed: 50 gpm

OWLS PIPE LINES NOS. 1 AND 2.

(Domestic Priorities 27 and 28; Ditch-Pipe Line-- No. 26)

1. The claimant of Owls pipe Lines Nos. 1 and 2 is United States of America, Rocky Mountain National Park, Estes Park, Colorado.
2. The sources of the water diverted by and through said pipe lines are springs, herein numbered 1 and 2, on the north bank of Black Canyon creek, a tributary of the Big Thompson river through Fall river.
3. The said springs from which the water is diverted are located at a point whence the southeast (SE) corner of section thirteen (13), township five (5) north, range seventy-three (73) west of the 6th meridian bears:
 - (a) For Spring No. 1, Pipe Line No. 1, south $31^{\circ}09'$ east 4287.5 feet;
 - (b) For Spring No. 2, Pipe Line No. 2, south $32^{\circ}16'$ east 3704.3 feet.
4. The general courses of said pipe lines are southerly.
5. The descriptions of said pipe lines to the point where reservoirs are located and from which the distribution system extends are as follows:

	<u>Pipe Line No. 1.</u>	<u>Pipe Line No. 2.</u>
The diameter is	1 inch	1 inch
The grade per 1000 feet is	360 feet	350 feet
The length is	400 feet	20 feet

The carrying capacities of said pipe lines are

 - (a) Of Pipe Line No. 1, 0.041 cubic feet per second of time, but the available spring flow is only 0.004 cubic feet per second of time; and

- (b) Of Pipe Line No. 2, 0.040 cubic feet per second of time, but the available spring flow is only 0.001 cubic feet per second of time.

6. Water diverted by said pipe lines is used for domestic and fire protection purposes at the residences and official guest quarters of the superintendent and assistant superintendent of Rocky Mountain National Park, in the southwest quarter of the northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said section thirteen (13).

7. Work by construction of Pipe line No. 1 was begun July 1, 1917, and was carried to completion with reasonable diligence during said year. Work by construction of Pipe line No. 2 was begun July 15, 1920, and was carried to completion with reasonable diligence during said year.

Continuous use of the available water from both springs for the purposes stated has since been made.

8. Map and statement of claim on these pipe lines was filed in the office of the State Engineer on February 24, 1923, and was assigned No. 16,529.

9. As a matter of law the claimant is entitled to a decree to the effect that there be permitted to flow from said springs through said pipe lines to said reservoirs the total amount of water available in said springs, but not in excess of the capacities of the respective pipe lines, to-wit .041 cubic feet per second of time in Pipe Line No. 1, and .04 cubic feet per second of time in Pipe Line No. 2, for domestic, and fire protection purposes, with Domestic Priority No. 27, as of the 1st day of July, 1917, for Pipe Line No. 1, and Domestic Priority No. 23, as of the 15th day of July, 1920, for Pipe Line No. 2.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that for domestic and fire protection purposes, and under and by virtue of appropriations 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 spring described as No. 1, the full available supply therefrom into Pipe Line No. 1, but not in excess of .041 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 27, as of date July 1, 1917, subject to the general and paramount provisions of this decree, and out of the spring described as No. 2 the full available supply therefrom into Pipe Line No. 2, but not in excess of .04 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 28, as of date July 15, 1920, subject to the general and paramount provisions of this decree.

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

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 OWLS PIPE LINES NOS. 1 AND 2.

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 names of the pipe lines for which claim is made
 herein are the Owl Pipe Lines Nos. 1 and 2.
 of said pipelines

FOURTH: The headgates/ are located at springs from which
 they derive their supply of water, on the north bank of Black Canyon
 creek, a tributary of the Big Thompson river through Fall river,
 whence the southeast (SE) corner of section thirteen (13), township
 five (5), north, range seventy-three (73), west of the 6th principal
 meridian bears:

- (a) For Pipe Line No. 1 - south $31^{\circ}09'48''$ east 4287.5 feet;
 4294.8
 (b) For Pipe Line No. 2 - south $32^{\circ}16'04''$ east 3704.3 feet.

FIFTH: The general courses of said pipe lines are southerly
 with the following descriptions:

	<u>Pipe Line No. 1</u>	<u>Pipe Line No. 2</u>
The diameter is	1 inch	1 inch
The grade per 1,000 feet is	360 feet	350 feet
The length is	400 feet	20 feet

JUN 23 '39

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FIFTH: The general course of Pipe Line No. 1 is northeasterly, and the general course of Pipe Line No. 2 is northerly. They have the following descriptions:

	<u>Pipe Line No. 1</u>	<u>Pipe Line No. 2</u>
The controlling diameters are	1 $\frac{1}{2}$ inches	2 inches
The grades per 1000 feet are	56 feet	16 feet
The lengths are	1248 feet	3048 feet

SIXTH: The carrying capacities of said pipe lines are:

- (1) Of Pipe Line No. 1 - 0.046 cubic feet of water per second of time for domestic, recreational and fire protection purposes in Lot 5 in the Northwest quarter (NW $\frac{1}{4}$) of said section five (5);
- (2) Of Pipe Line No. 2 - 0.040 cubic feet of water per second of time for domestic, recreational, and fire protection purposes in Lot 11 in the northwest quarter (NW $\frac{1}{4}$) of said section six (6).

SEVENTH: Work was commenced by construction as follows:

In September, 1913, John Griffith constructed a then unnamed ditch recently designated for convenience as Hollowell Park Ditch No. 3. The headgate of said ditch is located on the south or right bank of said Mill Creek at a point whence the west quarter corner of section five (5), bears south 10° 05' west 885.86 feet. The general course of said ditch was easterly. Its length was 1175 feet; its width at high water line was 1.25 feet; its bottom width was 1 foot; its depth was 1 foot and its grade was 1 foot per thousand feet. Its carrying capacity was 0.44 cubic feet of water per second of time. From the time of its construction until the summer of 1916 there was carried in said Hollowell Park Ditch No. 3, 0.44 second feet of water for domestic, recreational and fire protection purposes and for irrigation of one acre of land, the said land being situate, and the said uses having been made, in the northwest quarter (NW $\frac{1}{4}$)

of Lot eight (8) of said section five (5).

In June, 1916, claimant's predecessor, John Griffith, constructed the then unnamed pipe line recently designated for convenience as Pipe Line No. 3, from the same point of diversion as Ditch No. 3, and along the same course. The diameter of said pipe line was two (2) inches; the carrying capacity thereof was 0.010 cubic feet of water per second of time. Said pipe line was continuously used to carry said amount of water from the year 1916 to the year 1934.

In June, 1917, said Griffith built pipe line No. 1 with the capacity of .046 second feet. The use made of this pipe line continued from the year 1917 until the year 1934 as to .046 second feet of water and thereafter with the use of .016 second feet, .030 second feet then being transferred to Pipe Line No. 2.

In the year 1932 Pipe Line No. 3 and all priority rights in connection therewith, and Pipe Line No. 1, and all priority rights in connection therewith were conveyed to the United States of America.

On April 15, 1932, the National Park Service of claimant began and completed on May 15, of said year, construction of Pipe Line No. 2 for domestic, fire protection and recreational purposes, having a capacity of .04 second feet of water, of which .03 second feet was transferred from Pipe Line No. 1, and of which .01 second feet was transferred from Pipe Line No. 3, the latter then being abandoned.

Since May 15, 1934, claimant has been carrying in pipe lines Nos. 1 and 2 water as follows:

By Hollowell Park Pipe Line No. 1:	0.016 sec. ft.
By Hollowell Park Pipe Line No. 2:	
By transfer from Pipe Line No. 1	0.030 sec. ft.
By transfer from Pipe and Ditch Nos. 3	<u>0.010 sec. ft.</u>
Total	0.056 sec. ft.

EIGHTH: A map of said Hollowell Park Pipe Lines Nos. 1, 2, and 3, and Hollowell Park Ditch No. 3, was filed by the claimant with, and accepted by, the State Engineer, State of Colorado, on the 24th day of February, 1939, and assigned Filing No. 16526.

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 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, priority rights as of dates as follows:

To Pipe Line No. 1, 0.016 second feet of water as of June 30, 1917.

To Pipe Line No. 2, 0.030 second feet of water as of June 30, 1917, and 0.010 second feet of water as of September 30, 1913, being a total of .040 second feet

for the purpose hereinabove in detail set forth and claimed and for all and other and further 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. 57

Civil Subdivision _____

Area _____ acres

Rocky Mountain Nat. Park

Right

~~Deed~~ based on surveyor's filingDate Feb. 24, 1939

Name of Park or Area

Superintendent'sResidential Area

Section of Park or Area

Legal Description: Filed Claim 16529 - Owls Pipe Lines 1 & 2Method of Acquisition: filingAppropriation or Source of funds: Water Rights

Cost (if purchased) or estimated value: _____

Acquired from: State of Colorado

Accepted by Secretary ()

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

date: _____

Physical Characteristics: A claimed right to divert 0.004 sec. ft. of water from Owls Pipe Line No. 1 for domestic & fire protection purposes; and
to divert 0.001 sec. ft. from a spring by Owls Pipe Line No. 2 for domestic and fire protection purposes.

Improvements on Land at time of Acquisition: _____

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-6980 ✓Remarks: See Deed 63 for subsequent adjudication and decrees.

25348

Other Supporting Information

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







