



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 12

ENDOVALLEY FISH POND PIPELINE, CHIQUITA CREEK

Preliminary Docket Information

00-00-0000: water right record - id # r s110574 bf12

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #12

IDENTIFICATION NO: R S, 1 1, 0 5, 7 4, B, F, 1 2

DITCH/WATER SYSTEM: Endovalley Fish Pond Pipe Line

SOURCE OF SUPPLY: Chiquita Creek

LOCATION: The headgate is located at a point on the right, or west, bank of Chiquita Creek, at a point whence the SE cor. of Sec. 11, T5N, R74W, of the 6th PM, bears S 65°58'E 4883.2 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing No. 16552, April 19, 1939
NP-RM 6996

Certificate Record Number:

Date of Priority: August 30, 1934, Misc. Priority #3, in accordance with a Decree of Colo. Dist. Court No. 10077, Nov. 14, 1939

Quantity of Water: 0.86 c.f.s.

Purpose: Recreational and fish cultural purposes.

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a headgate and a 40 ft. pipe line. Construction was begun in Sept., 1935 and completed in October, 1936.

This is a non-consuming use priority. The full amount of water conveyed through the pipe line returns immediately to Fall River. Temporarily not being used.

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 110574 AF 12
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	END VALLEY FISH POND PIPE LINE
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 12
Location	T5N R74W SEC 11
Acquired by	APPROPRIATION
Application	16552 ON APRIL 19 1939
Permit	MISC. NO 3
Certificate	COURT DECREE 10077
Priority	AUGUST 30 1934 - 0.86 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL NOVEMBER 14 1939
Source	SURFACE WATER
Use	RECREATIONAL AND FISH CULTURE PURPOSES
Quantity	0.86 CFS
Hydrologic Unit	10190006
Remarks	THIS IS A NON-CONSUMING USE PRIORITY. THE FULL AMOUNT OF WATER CONVEYED THROUGH THE PIPE LINE RETURNS IMMEDIATELY TO FALL RIVER. TEMPORARILY NOT BEING USED

Docket #12

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 Fall River Entrance Pipeline
Legal description: At a point whence the NE corner of Section 17, T. 5 N.,
R. 73 W. bears S 70° 49' E, 1700.47 feet.
Source: Bighorn Creek, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 56 gpm

Name of Structure: NPS Endovalley Fish Pond Pipeline
Legal description: At a point whence the SE corner of Section 11, T. 5
N., R. 74 W. bears S 65° 58' E, 4883.2 ft.
Source: Fall River, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Recreation, Fire Fighting
Amount claimed: 420 gpm

Name of Structure: NPS Rocky Mountain Boys Camp Pipeline
Legal description: In the SW 1/4 SW 1/4 of Section 6, T. 4 N., R. 73 W.
Source: Mill Creek, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 6 gpm

Name of Structure: NPS Aspenglen Campground
Legal description: At a point whence the NW corner of Section 21, T. 5 N.,
R. 73 W. bears N 79° 06' W,
1236.12 ft.
Source: Fall River, tributary to Big Thompson
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 30 gpm

Name of Structure: NPS Forest Inn Pipeline
Legal description: At a point whence the SE corner of Section 35, T. 5
N., R. 74 W., bears N 81° 46' E, 3956.1 ft.
Source: Fern Creek, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 40 gpm

ENDOVALLEY FISH POND PIPE LINE

(Miscellaneous Priority No. 3; Ditch-Pipe Line-- No. 3)

1. The claimant of Endovalley Fish Pond 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 Chiquita creek, a tributary of Fall river, a tributary of the Big Thompson river.

3. The headgate of said pipe line is located at a point on the right, or west, bank of Chiquita creek, at a point whence the southeast (SE) corner of section eleven (11), township five north, range seventy-four (74) west of the 8th principal meridian bears south 65°58' east 4885.2 feet.

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

5. The diameter of said pipe line is four inches; the grade thereof is 150 feet per thousand feet; the length thereof is forty feet; the carrying capacity thereof is .86 cubic feet per second of time.

6. The water diverted by said pipe line is run into and through a pond located in the northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said section eleven (11), passing into Fall river near its junction with Chiquita creek.

7. The use, which is virtually non-consumptive, is for recreational and fish cultural purposes.

8. Work thereon was begun by survey made August 30, 1934, and was carried on with diligence to completion in October, 1936. Continuous use of water in the amount and for the purpose stated has since been made.

9. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on April 13, 1933, and was assigned No. 18,552.

10. As a matter of law the claimant is entitled to a decree to the effect that there be permitted to flow out of Chiquita creek into this pipe line and through said pond .86 cubic feet of water per second of time for recreational and fish cultural purposes, with Miscellaneous Priority No. 5, as of the 30th day of August, 1934.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court, that for recreational and fish cultural 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 Chiquita creek and into said pipe line and through said pond .86 cubic feet of water per second of time, with MISCELLANEOUS PRIORITY NO. 5, as of date August 30, 1934, subject to the general and paramount provisions of this decree.

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 ENDOVALLEY FISH
POND 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 Endovalley Pipe Line.

FOURTH: The headgate of said pipe line is located on the
right, or west, bank of Chiquita creek, a tributary to the Big
Thompson river, through Fall river, from which it derives its
supply of water, whence the southeast (SE) corner of section eleven
(11), township five (5) north, range seventy-four (74) west of the
6th principal meridian bears south 65° 58' east 4883.2 feet.

FIFTH: The general course of said pipe line is southwester-
ly;

The diameter is 4 inches;

The grade is 150 feet per thousand feet;

The length is 40 feet.

SIXTH: The carrying capacity of said pipe line is 0.86 cubic
feet of water per second of time, for which claim is hereby made for
fish cultural and ^{recreational} domestic purposes in the northwest quarter of the
southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said section eleven (11). The full
amount of water conveyed through said pipe line returns immediately

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to Fall river near its junction with Chiquita creek.

SEVENTH: Work was started by survey ^{August 30, 1934} ~~July 1, 1936~~, and was completed in October, 1936. The said pipe line has been used continuously since October, 1936.

EIGHTH: A map and statement of claim on the said Endovalley Fish Pond Pipe Line was filed by the claimant, and accepted in the office of the State Engineer, State of Colorado, on the 19th day of April, 1939, and was assigned filing No. 16562.

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.

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 ^{August 30, 1934} ~~July 1, 1936~~, to the use of 0.86 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. 62

Civil Subdivision _____

Area _____ acres _____

Rocky Mountain Nat. Park

Name of Park or Area

Right

~~Acquired~~ based on Surveyor's filingDate April 19, 1939Endovalley Fish Pond

Section of Park or Area

Legal Description: Filed Claim 16552 - Endovalley Fish Pond Pipe LineMethod 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 0.86 sec. ft. of water from Chiquita Creek for fish cultural 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-6996 ✓Remarks: See Deed 63 for adjudication and decree.

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

