



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 15

MILNER PASS PIPELINE, UNNAMED CREEK

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #15

IDENTIFICATION NO: ROMO R 090575 AF15

DITCH/WATER SYSTEM: Milner Pass Pipeline (Abandoned)

SOURCE OF SUPPLY: Unnamed creek

LOCATION: On the west bank of Unnamed Creek at a point whence the NE cor. of Sec. 1, T5N, R75W, 6th PM.M bears N69°03'E 20,752 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing #16659, accepted by the State
Engineer on October 2, 1939.

Certificate Record Number:

Date of Priority: July 1, 1919

Adjudicated August 6, 1976

Quantity of Water: 0.3 c.f.s.

Purpose: Domestic, recreation and fire protection

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right. First beneficial use was by the Road Contractor's Construction Camp in 1919.

Abandoned

Docket No. 15.

Not Adjudicated.

MILNER PASS ROAD CAMP PIPE LINE

Pipe Line No. , Water District No. 51.

USE

Domestic. Supplies water to the Milner Pass Road Camp.

HEADGATE

Sec. 9

Point of Diversion is on the West bank of Unnamed Creek about 200 feet North of the Trail Ridge Road and about 1600 feet Northeast of the Road Camp buildings, at a point whence the Northeast Corner of Section 1, Township 5 North, Range 75 West, bears North 69° 03' East 20,752 feet.

PRIORITY

This water right has not been adjudicated. First beneficial use was by the Road Contractor's Construction Camp on July 1, 1919.

AMOUNT

No Decree. 0.3 cubic feet of water per second of time is claimed to flow from Unnamed Creek at said point of diversion or 134.6 gallons per minute.

OWNERSHIP and OPERATION

Claimed and owned by United States. Operated by Park Service.

MAPS

Filing No. 16659, accepted by State Engineer of Colorado on October 2, 1939.

Western Ranger District

Milner Pass.

DOCKET INFORMATION SHEET

Docket Identity	RD.M.D. R. 09.05.75 A.F. 15
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	MILLNER PASS PIPELINE
State	COLORADO
County	GRAND
Docket	RD.M.D. WATER RIGHT DOCKET 15
Location	T5M R75W SEC 9
Acquired by	APPROPRIATION
Application	16659 OCTOBER 2 1939
Permit	
Certificate	
Priority	JULY 1, 1919 - 0.3 CFS
Reservation	JANUARY 26, 1915
Status	INACTIVE FEDERAL
Source	SURFACE WATER
Use	DOMESTIC RECREATION FIRE PROTECTION
Quantity	0.3 CFS
Hydrologic Unit	14010001
Remarks	FIRST BENEFICIAL USE WAS BY THE ROAD CONTRACTOR CONSTRUCTION CAMP IN 1919 ABANDONED

IN THE DISTRICT COURT
IN AND FOR THE COUNTY OF GRAND
STATE OF COLORADO
CIVIL ACTION NO. 1768

IN THE MATTER OF THE	)	
SUPPLEMENTAL ADJUDICATION OF	)	
RIGHTS TO THE USE OF WATER	)	NOTICE OF SUPPLEMENTAL
IN WATER DISTRICT NO. 51,	)	ADJUDICATION OF WATER
FOR ALL BENEFICIAL USES AND	)	RIGHTS FOR ALL BENEFICIAL
PURPOSES,	)	PURPOSES IN WATER DISTRICT
	)	NO. 51.
CHARLES E. CLAYTON,	)	
	)	
Petitioner.	)	
	)	

The people of the State of Colorado: To all persons, associations, corporations and entities owning or claiming any water rights through any ditch, pipe line, canal or reservoir, or otherwise, in Water District No. 51 of the State of Colorado, and to all persons, associations, corporations, and entities resisting any claim for water rights in said water District No. 51, in the above En Titled matter, greeting:

WHEREAS, an order of the above Court was entered in the District Court, County of Grand and State of Colorado, on the 6th day of FEBRUARY, 1968, and filed in said cause on said date, in the matter of the supplemental adjudication of priorities of rights to the use of water for all beneficial purposes in said Water District No. 51, in said County and State.

NOW, THEREFORE, notice is hereby given to all persons, associations, corporations and entities interested as owners or claimants of water rights in Water District No. 51, Irrigation Division No. 5, in the State of Colorado, either for domestic, municipal, irrigation, sanitation, mining, milling, manufacturing, power-generation or other beneficial uses and purposes, and to the owners and claimants of ditches, canals, pipe lines and reservoirs in said District, that on the 30th day of April, 1968, at the hour of 10 o'clock A.M. of said day, in the District Court Room at the County Court House in Hot Sulphur Springs, Colorado, the Court will convene for the purpose of commencing the hearing and taking of evidence relative to priorities of right to the use of water in said District, and that hearings before the Court for such purpose will continue from day to day and be adjourned from time to time as provided by law until all persons, associations, corporations and entities are given a reasonable length of time to file their respective statements of claim for water rights in said District and to submit proof in support thereof; and that at said time and place fixed for said hearings and at all subsequent times to which said hearings might be adjourned and continued, all persons, associations, corporations and entities are hereby

notified that they shall have the right to resist any claim which may be made for any water right in said proceeding by any person, association, corporation or entity.

You are further notified that all persons, associations, corporation and entities listed as owners or claimants of water rights in said Water District No. 51 in the State of Colorado, and as the owners of any ditch, pipe line, canal or reservoir in said water District, are to attend said hearing by themselves, their agents or attorneys at the time and place above appointed and are then and there to file their statements of claim in case the same have not theretofore been filed in the office of the Clerk of this Court, under and pursuant to the statutes of the State of Colorado in such case made and provided, and to present their several proofs touching their claim for such priorities, by them or any of them for reservoirs in said District, and to present their proof for or against any priority to the use of water sought to be shown and established by any other person, association, corporation or entity claiming water rights in said District, provided: That this notice shall not require any owner or claimant of a water right which has already been adjudicated to submit such water right in this supplemental proceeding.

Notice is further given that, as defined by the statute of the State of Colorado, Water District No. 51 is described as follows:

"Water District No. 51 shall consist of all lands irrigated by water taken from the Grand River above the mouth of the Blue River, and from the streams draining into said portion of the Grand River except the Muddy and the Muddy and Troublesome Creeks and the streams draining into said creeks."

Witness my hand and the seal of the above Court at Hot Sulphur Springs, Grand County, Colorado, this 8TH day of FEBRUARY, 1968.

LS MARGUERITE BLOUCH
Marguerite Blouch, Clerk of
the District Court in and for
the County of Grand.

CERTIFICATE OF MAILING

I, FRANK P. LAND, Attorney at Law, and Attorney for the Petitioner in the above named Submittal Water Adjudication, do hereby certify that I have mailed a copy of the above and foregoing Notice of Supplemental Adjudication of Water Rights for all Beneficial Purposes in Water District No. 51, to all persons named on the list supplied to the Court by the Water Commissioner, Water District No. 51, Water Division No. 5 and the State Engineer of the State of Colorado, with sufficient postage thereon to carry each to its destination.

Frank P. Land
Frank P. Land,
Attorney for Petitioner

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF GRAND
AND THE STATE OF COLORADO

IN THE MATTER OF THE ADJUDICATION)	CIVIL ACTION NO. 1768
OF PRIORITIES TO THE USE OF WATER)	STATEMENT OF CLAIM OF THE
FOR WATER DISTRICT NO. 51)	UNITED STATES OF AMERICA FOR
IN THE STATE OF COLORADO)	MILNER PASS ROAD CAMP PIPELINE :

Comes now the United States of America by its attorneys, and makes
the following statement of claim pursuant to Colorado Rev. Stat. Ann.
148-9-8 (1963):

I.

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

II.

The Post Office address of the claimant is Kenneth J. Burke, Trial
Attorney, Department of Justice, P. O. Box 1656, Denver, Colorado 80201.

III.

The name of the structure for which claim is made is the Milner Pass
Road Camp Pipeline.

IV.

The source of supply is Unnamed Creek, a tributary of the North
Fork of the Colorado River, from which it derives its supply of water,
and diverted therefrom through a pipeline of two and one-half ($2\frac{1}{2}$) inch
diameter. The grade of said pipeline is two hundred and nine (209) feet
per one thousand (1,000) feet, with a carrying capacity of three-tenths
(.3) cubic foot of water per second of time.

V.

The point of diversion is located at a point on the South, or right
bank of Unnamed Creek, from which it derives its supply of water, whence
the northeast corner of Section one (1), Township five (5) North, Range
seventy-five (75) West of the 6th Principal Meridian, bears North sixty-
nine degrees, three minutes ($69^{\circ} 03'$) East twenty thousand, seven hundred
and fifty-two (20,752) feet.

VI.

The diameter of said pipe line from the diversion or intake point to a distribution reservoir or tank, with a capacity not exceeding ten thousand (10,000) gallons, is two and one half ($2\frac{1}{2}$) inches.

VII.

Construction of said pipeline was begun on July 1, 1919, and was completed during the summer of that year.

VIII.

The total amount of water claimed is three-tenths (.3) of a cubic foot of water per second of time.

IX.

A map and statement of claim for said Milner Pass Road Camp Pipeline was filed with and accepted by the State Engineer of the State of Colorado on October 3, 1939, and was assigned by his filing number sixteen thousand six hundred fifty-nine (16,659).

X.

The character of use for which claim is hereby made is for domestic, recreational and fire protection purposes.

The United States 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 dates.

Respectfully submitted.

James L. Treece
United States Attorney

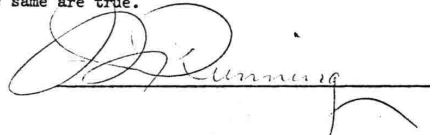
By _____
Kenneth J. Burke
Trial Attorney
Department of Justice
P. O. Box 1656
Denver, Colorado 80201

State of Colorado
County of Grand

}

ss

J. L. Dunning, Superintendent, being first duly sworn upon oath,
deposes and says that he has read the foregoing application, knows the
contents thereof and that the same are true.



Subscribed and sworn to before me this _____ day of

_____, 19____.

My commission expires _____.

Notary Public

C
O
P
Y

IN THE DISTRICT COURT IN AND FOR THE
COUNTY OF GRAND AND STATE OF COLORADO

Filed July 12, 1948,
at Hot Sulphur Springs,
Colorado.

*Rocky Mountain
Docket No. 15*

IN THE MATTER OF THE
ADJUDICATION OF THE
PRIORITIES OF RIGHT TO
THE USE OF WATER FOR
IRRIGATION PURPOSES IN
WATER DISTRICT NO. 51,
IN THE STATE OF COLORADO.

NO. 814

STATEMENT OF CLAIM OF
THE UNITED STATES OF AMERICA
FOR MILNER PASS ROAD CAMP PIPE LINE.

Comes now C. V. Marmaduke, Jr., Special Assistant to the Attorney General, duly authorized and directed by the Attorney General of the United States, appearing for the purpose of this claim only and not submitting the rights of the United States, which are hereafter set out, to the jurisdiction of the above-entitled court, or in any way subjecting its rights to the jurisdiction of the State of Colorado or any of its agencies, and makes the following statement:

I.

The name of the claimant is United States of America.

II.

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

III.

The name of the pipe line for which claim is made herein is the Milner Pass Road Camp Pipe Line.

IV.

The headgate or intake of said pipe line is located at a point on the south, or right bank of a nameless stream, a tributary of the North Fork of the Colorado River through Beaver Creek, from which nameless tributary it derives its supply of water, whence the northeast corner of Section one (1), Township

-2-

five (5) North, Range seventy-five (75) West of the 6th Principal Meridian, bears North sixty-nine degrees, three minutes ($69^{\circ} 03'$) East twenty thousand, seven hundred and fifty-two (20,752) feet.

V.

The general course of the diversion pipe line 16.5' in length is southeasterly and the distribution pipe line is southwesterly.

VI.

The diameter of said pipe line from the diversion or intake point to a distribution reservoir or tank, with a capacity not exceeding ten thousand (10,000) gallons, is two and one-half ($2\frac{1}{2}$) inches.

The grade of said pipe line is two hundred and nine (209) feet per one thousand (1,000) feet.

VII.

The water from said reservoir or tank is distributed at places of use in Milner Pass road camp and the public camp ground area, situated in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) and the North half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$) of Section nine (9), Township five (5) North, Range seventy-five (75) West of the Sixth (6th) Principal Meridian, by a distribution pipe. Cost of construction to date is \$100.00 and the ultimate cost will be \$2500.00.

VIII.

The carrying capacity of said two and one-half ($2\frac{1}{2}$) inch pipe line is three-tenths (.3) cubic foot of water per second of time. Three-tenths (.3) of a cubic foot of water per second of time is needed at times for flushing said reservoir tank and for irrigation and fire protection purposes.

Claim is made of a right to use three-tenths (.3) of a cubic foot of water per second of time for domestic, including irrigation of lawns, recreational and fire protection purposes.

-3-

IX.

Construction of said pipe line was begun on July 1, 1919, and was completed during the summer of that year, and said pipe line has been used every year since to the capacity thereof, for the purposes stated.

X.

A map and statement of claim for the said pipe line was filed with and accepted by the State Engineer for the State of Colorado on October 3, 1939, and was assigned by his filing No. 16,659.

WHEREFORE, without submitting or in any way subjecting the water rights of the United States hereinabove described to the jurisdiction of the above-entitled court, but respectfully stating that said court and the State of Colorado are without jurisdiction over the water rights of the United States and are without jurisdiction to enter any order to make any determination affecting, or in any way affect, said water rights owned by the United States in said Colorado River Watershed, it is suggested that the said court adjust its findings, determinations and decrees in the proceedings referred to according to the rights herein disclosed on the part of the United States and that it take cognizance of such rights in the said findings, determinations and judgment.

This statement is made and should be considered in conjunction with similar statements filed by the United States on this date in relation to Timber Creek Water System, Grand Lake Lodge Power Pipe Line, and Grand Lake Lodge and Ranger Station Water System.

Dated July 9, 1948.

C. V. MARMADUKE, JR.

Special Assistant to the Attorney General

-4-

UNITED STATES OF AMERICA }
DISTRICT OF COLORADO } ss

DAVID H. CANFIELD, being first duly sworn, on his oath deposes
and says that he is the Superintendent of the Rocky Mountain National Park,
National Park Service, Department of Interior, United States of America,
that he has read the foregoing statement and that the contents thereof are
true of his own personal knowledge.

Subscribed and sworn to before me this 8 day of July,
A. D. 1948.

/s/ Wayne H. Hackett
United States Commissioner
Rocky Mountain National Park

IN THE DISTRICT COURT IN AND FOR THE
COUNTY OF GRAND AND STATE OF COLORADO.

IN THE MATTER OF THE ADJUDICATION OF THE PRIORITIES OF RIGHT TO THE USE OF WATER FOR PURPOSES IN WATER DISTRICT NO. 51, IN THE STATE OF COLORADO.	)))))	NO. STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR MILNER PASS ROAD CAMP PIPE LINE.
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NOW COMES the United States of America by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this its petition and statement of claim herein, and shows unto this honorable court that:

I.

The name of the claimant is United States of America.

II.

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

III.

The name of the pipe line for which claim is made herein is the Milner Pass Road Camp Pipe Line.

IV.

The headgate or intake of said pipe line is located at a point on the south, or right bank of a nameless stream, a tributary of the North Fork of the Colorado River through BeaverCreek, from which nameless tributary it derives its supply of water, whence the northeast corner of Section one (1), Township five (5) North, Range seventy-five (75) West of the 6th Principal Meridian, bears North sixty-nine degrees, three minutes (69° 03') East twenty thousand, seven hundred and fifty-two (20,752) feet.

V.

The general course of said pipe line is southwesterly.

VI.

The diameter of said pipe line from the diversion or intake point to a small distribution reservoir or tank, ~~with a capacity not exceeding ten thousand (10,000) gallons,~~ is two and one-half (2½) inches.

The grade of said pipe line is two hundred and nine (209) feet per one thousand (1000) feet.

The length thereof is sixteen and five-tenths (16.5) feet.

VII.

The water from said reservoir or tank is distributed at places of use in Milner Pass road camp and the public camp ground area, situated in the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) and the North half of the Southwest quarter ($N\frac{1}{2}SW\frac{1}{4}$) of Section nine (9), Township five (5) North, Range seventy-five (75) West of the Sixth (6th) Principal Meridian, by a distribution pipe with a capacity of twelve one-thousandths (.012) cubic foot of water per second of time. A right is claimed to provide a larger distribution pipe and reservoir for greater fire protection, but no increased diversion will be made.

VIII.

The carrying capacity of said two and one-half ($2\frac{1}{2}$) inch pipe line is three-tenths (0.3) cubic foot of water per second of time, but all water is immediately returned to the stream as over-flow from the distribution tank with the exception of the twelve one-thousandths (0.012) cubic foot of water which is distributed to the Milner Pass road camp and public camp ground.

Claim is made of a right to use twelve one-thousandths (0.012) cubic foot of water per second of time for domestic, recreational, and fire protection purposes.

IX.

Construction of said pipe line was begun on July 1, 1919, and was completed during the summer of that year, and said pipe line has been used every year since to the capacity thereof, for the purposes stated, except during the past few years when the war has temporarily reduced public travel.

X.

A map and statement of claim for the said pipe line was filed with and accepted by the State Engineer of the State of Colorado on October 2, 1939, and was assigned by him filing No. 16,659. The diameter of the distribution pipe is in error thereon.

WHEREFORE, it is prayed that the petitioner, 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 said Water District No. 51, State of Colorado, 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 adjudicating and decreeing to the petitioner, United States of America, a priority right as of July 1, 1919, to the use of ~~three-tenths~~ twelve one-thousandths (0.012) of a cubic foot 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

Address of Claimant's Attorney:
704 Ernest & Crammer Building,
Denver, Colorado.

By _____
Special Assistant to the Attorney
General.

STATE OF COLORADO,)
County of Larimer) ss.

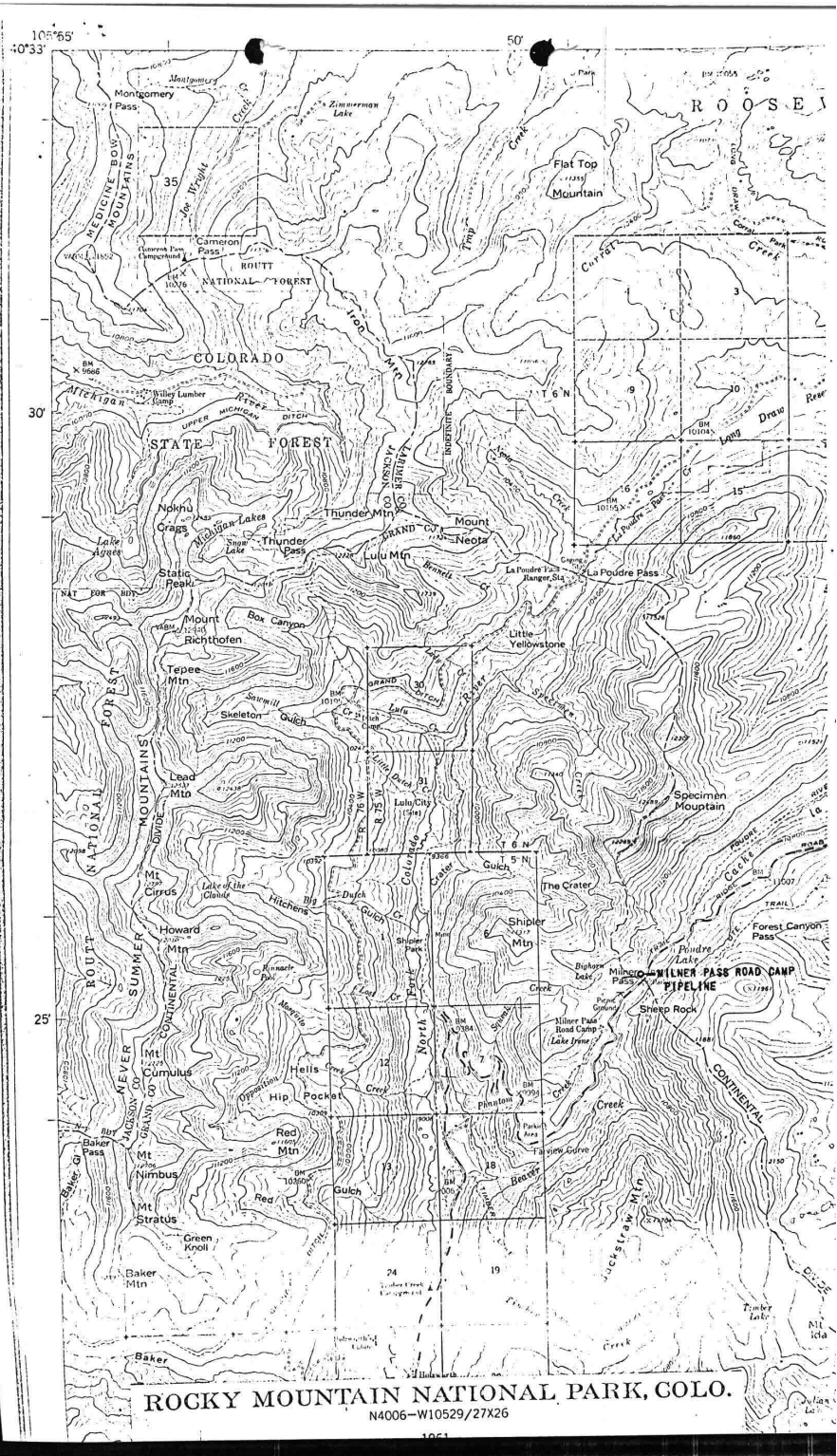
D.H.C.
~~JOHN E. DOERR~~, being first duly sworn, deposes

and says that he is Superintendent of Rocky Mountain National Park and makes this affidavit on behalf of United States of America; that he has read the foregoing statement of claim and that the contents thereof are true to the best of affiant's knowledge and belief.

Subscribed and sworn to before me this _____ day of _____
1946.

My commission expires _____

Notary Public.



Docket Compiled: 6/14/2011