



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 21

MILNER PASS DITCH SYSTEM RIGHT

Preliminary Docket Information

00-00-0000: water docket information

WATER DOCKET INFORMATION

A R E A ROCKY MOUNTAIN N P

DOCKET NO. 21

APPLICATION NO. _____

PERMIT NO. _____

CERTIFICATE NO. _____

TITLE OF DOCKET MILNER PASS DITCH SYSTEM RIGHT OF WAY

PRIORITY _____

REMARKS: _____

*Absolute
Partial Referral Report
p. 839*

Other Supporting Information

Rocky Mountain Deed 89.

Water Right Status

No water right claim was filed in the State Engineer's office,
and no water was ever diverted or used.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON 25, D. C.

In reply refer to:

Oct. 3, 1945.

2067201 "P"

MEMORANDUM for the Director,

National Park Service.

Reference is made to your memorandum of August 30, 1945, requesting the status of the Milner Pass Ditch System in the northwestern part of T. 5 N., R. 75 W., 6th P. M., Colorado.

The Milner Pass Ditch System affecting lands in secs. 5, 8, 9, 16, 17, and 20, T. 5 N., R. 75 W., was approved November 3, 1903, under the act of March 3, 1891 (26 Stat. 1695; 43 U.S.C. secs. 946-949), Denver 028422. July 27, 1923, a relinquishment was filed of the right-of-way for the ditches and by office order of August 23, 1923, the grant was canceled and the case closed.

Your attention is invited to office letter to you of November 27, 1925 in reply to a letter from your office of November 18, 1925 concerning the status of this and other rights-of-way.

(Sgd) Andrew Markhus

Chief, Reclamation and
Land Grant Division.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

November 27, 1925.

IN REPLY PLEASE REFER TO
Denver 018697-015896-028422-028813 "F" JKR.

Advice.

The Director,
National Park Service.

My dear Mr. Mather:

Reference is had to your communication of November 18, 1925 wherein you transmitted to this office a copy of a report of Superintendent Roger W. Toll of the Rocky Mountain National Park regarding the status of certain reservoirs and ditches in that park.

You request that further information be furnished regarding the filing of Cairns reservoir No. 1, if available, and also as to whether a filing was ever made with this office for the Harbison ditch.

Cairns reservoir Nos. 1, 2, and 3, permit granted by the Secretary of the Interior on reservoir No. 1, December 24, 1907, and by permit granted by the Secretary of Agriculture January 2, 1923. The records of this office disclose that Cairns reservoir is now listed under serial Denver 028813 and that the entire projects were relinquished by Mr. Cairns on January 7, 1924, and on April 7, 1924, upon which relinquishments the said rights of way and permits have been canceled and revoked.

Copeland reservoir under serial Denver 019716; this right of way was granted to the city of Longmont on June 26, 1916, and said permit was revoked by office order of March 29, 1924 and the case closed.

Milner Pass Ditch System, under serial Denver 028422, approved August 20, 1903. July 24, 1923, a relinquishment was duly executed and filed in this office and by office order of August 23, 1923, the said grant was canceled and the case closed.

Denver 018697 etc "F" JKR

Hutchinson reservoir No. 1 and 2, approved July 2, 1914 under the act of March 3, 1891 (26 Stat. 1095), under serial Denver 018697. In June 1924 a relinquishment of the above grant was filed by the grantee and by office order of November 4, 1924 the relinquishment was accepted, the grant canceled and the case closed.

Since Cairns has relinquished all his rights of way, it is not deemed necessary to furnish further information. However, if your office desires you will be furnished with a blue print copy of the map of reservoir No. 1.

The records of this office fail to disclose any filing or any application for the Harbison ditch.

Very respectfully,

(Sgd) William Spry
Commissioner.

11-24-FJ

C O P Y

JAMES CAIRNS

GENERAL MERCHANDISE

Grand Lake, Colo., 8/4 1923

Mr. Roger W. Toll,
Estes Park, Colo.

Dear Mr. Toll -

Yours of July 24 is at hand. In reply will say that Cairns Pipe Line No. 1 and 2 is located on my own patented land. I am using this, and have been doing so for the past ten years, for water works for the town.

Regarding Reservoirs No. 2 and 3, will say that I do not care to hold them. I have done a great deal of work on them, and I paid rent to the government for them, but I do not want to go ahead with construction work.

Regarding the Cairns Reservoir and Pipe Line, which may be the one referred to by you as No. 1, is practically all on my own property, and I want to hold it, as I have gone to a great deal of expense in having work done on it, and I hope to develop it.

Regarding Virginia Reservoir & Pipe Line, No. 17, it is my understanding that this was abandoned some time ago.

Regarding No. 18, Milner Pass Ditch System, I understand that it has been abandoned also.

If I can help you further, please let me know.

Yours truly,

/s/ J. Cairns

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK
ESTES PARK, COLO.

July
24th
1923

Mr. James Cairns,
Grand Lake, Colorado.

Dear Sir:

Among the records of reservoir filings in the National Park, I find the following notation:

No. 18, Cairns Reservoirs Nos. 1, 2 and 3, permit granted by the Secretary of the Interior on reservoir No. 1, on December 24, 1907. Permit granted by Secretary of Agriculture for reservoirs Nos. 2 and 3 on January 29, 1906. No proof of construction filed. (C. & R. 105).

These reservoir sites are located on the North Inlet and on the Little North Inlet (Tonahutu Creek).

It is my understanding that no work has ever been done at either of these two locations, and that the time within which the construction could have been completed has lapsed, so that these permits are now obsolete. Will you kindly advise me if this understanding is correct.

Another record is as follows:

No. 17, Virginia Reservoir and Pipe Lines permission granted June 10, 1905, by the Secretary of the Interior and the Secretary of Agriculture, under the act of February 15, 1901. Permit revoked on March 2, 1909 (C. & R. 7-68-102).

It is my understanding that this reservoir site was on the east inlet, and that the permit has been revoked because no work was done within the specified time. Is this correct?

Another record is as follows:

No. 16. Milner Pass Ditch System, approved November 3, 1903, under the act of March 3, 1891, to S. H. Southard and Albert Igo. No proof of construction filed. (C. & R. 6-58-84).

This covers a proposed system of diversion ditches, intended to carry water from the Pacific Slope, across Milner Pass and discharge it into the Cache La Poudre river.

Mr. James Cairns-2-

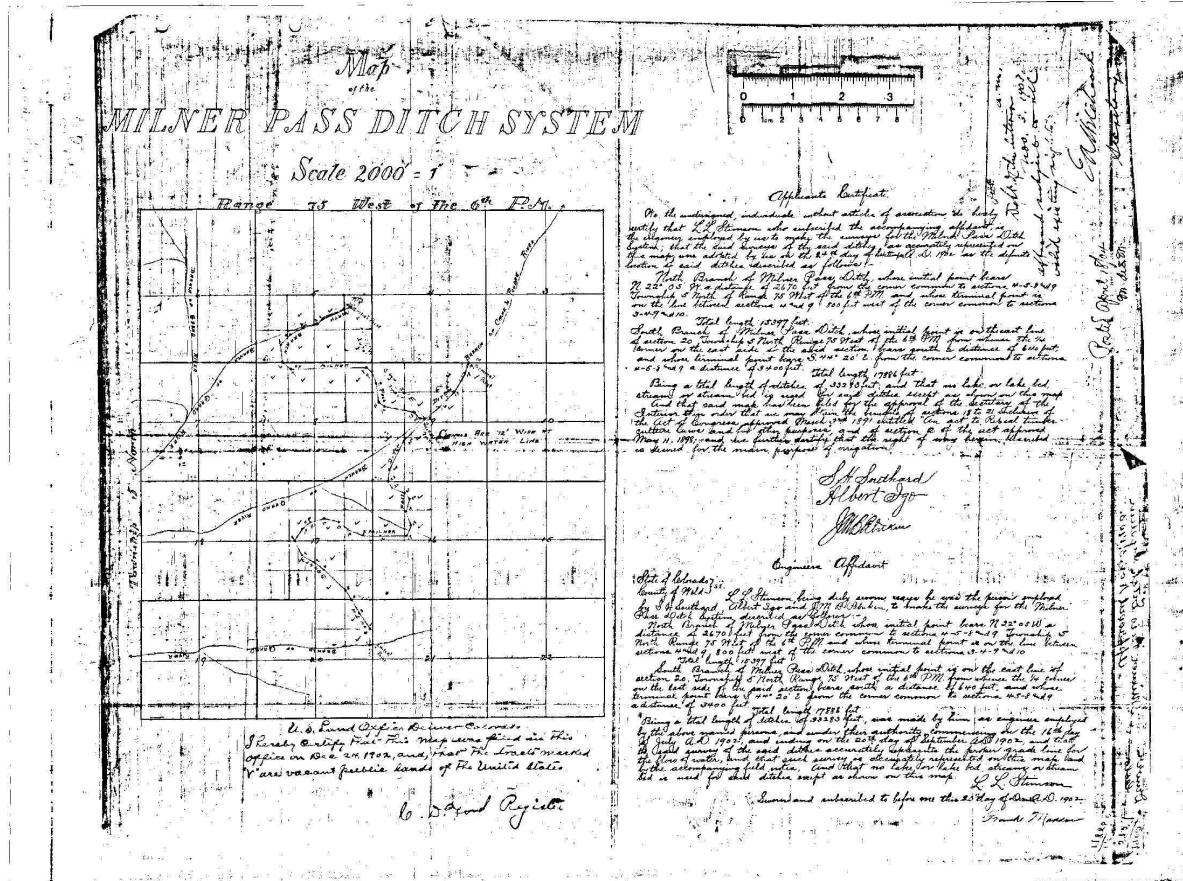
My understanding is that no work has been done under this permit, and that it has therefore lapsed.

If you can help me clear up these old records, I will greatly appreciate it.

Very truly yours,

Roger W. Toll

Superintendent



Docket Information

Number of Documents in Docket	10		
Documents Dated from	7/15/1902	to	10/3/1945
Docket Compiled:	6/14/2011		