



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 24

MILL CREEK

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #24

IDENTIFICATION NO: ROMO, R, 0 6 0 4, 7 3, D, F, 2 4

DITCH/WATER SYSTEM: Rocky Mountain Boys Camp Pipeline

SOURCE OF SUPPLY: Mill Creek

LOCATION: The headgate is located in the north bank of Mill Creek at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T4N, R73W, 6th PM

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Map #16526, accepted by the State Engineer, 2/24/39

#

Certificate Record Number:

Date of Priority: Domestic Priority No. 28, Water District No. 4, as of Sept. 30, 1919, in accordance with Decree of Colorado District
Quantity of Water: .012 c.f.s. Court in Case No. 10077, 11/14/39.

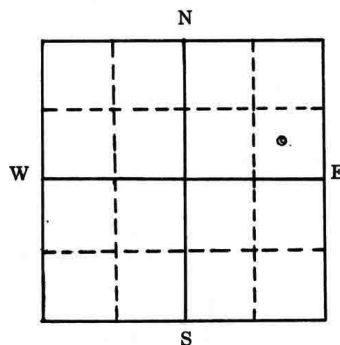
Purpose: Domestic

Irrigated Land Description:

SUMMARY OF STATUS: Construction of this pipe line was commenced on Sept. 30, 1919. Right to 0.005 c.f.s. under this decree (#10077) conveyed to the Park Service by Deed No. 119 of Sept. 24, 1951 from David C. Primrose. Bowen-Woods had Special Use Permits in 1952 and 1953 for .007 c.f.s.

*Bowen-Woods Cabin Camp Well Registration No N-925
First use June, 1951*

State Water Rights Documentation

Form F (Rev.)
7-57/5MSTATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTIONREGISTRATION NO. N-925 OF WELLRegistrant National Park Service Date Dec. 28 19 61
Rocky Mountain National Park
P.O. Box 1086
P.O. Address Estes Park, Colorado, Colo.WELL DATA
Depth 75 ft. Diameter 4 in.
Casing : 65 ft. Plain; 10 ft. Perfor.
Static Water Level _____ ft. from top
Yield 8 (gpm)(cfs) from _____ ft.
Used for Commercial and
Domestic purposes on/atBowen-Woods Cabin Camp
(legal description of land or site)Water conveyed by _____, size _____
PUMP DATAType Submersible Size 1/2 H.P.Driven by Electric at _____ RPMWell was first used June, 19 51
for _____ using _____ cfs
gpmWell enlarged _____, 19 _____ to
deepened _____
(gpm)(cfs)(ft)LOG SHOULD BE GIVEN ON REVERSE
SIDE IF AVAILABLEWELL LOCATION
County Larimer
S.E. 1/4, N.E. 1/4 Section 6,
Twp. 4 N., Rge. 73 W., 6th PMWELL TO BE LOCATED AS ACCUR-
ATELY AS POSSIBLE WITHIN A
SMALL SQUARE WHICH REPRESENTS
40 ACRES; OR IF IN A TOWN OR
SUBDIVISION FILL IN THE FOLLOW-
ING:Mill Creek Drainage

Town or Subdivision

Rocky Mountain National Park

Street address or Lot and Block

The above well (has) (has not) been registered in the Office of the State Engineer prior
to May 1, 1957. If Registered give Filing No. Not registered.If NOT Registered prior to May 1, 1957, a \$5.00 filing fee accompanies this form.The above statements are true and correct to the best of my knowledge and belief.
Subscribed and Sworn before methis 28th day of December, 19 61.My commission expires U.S.C. Title 28, -637.(SEAL) Wayne H. Hackett, U.S. Commissioner.
Notary PublicRegistrant
Acting Superintendent
Rocky Mountain National ParkFOR STATE ENGINEER'S USE
Located in _____ district, _____ County for _____

Registration No. _____ in _____, on _____, 19 ____.

Docket # 24

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

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077.

IN THE MATTER OF THE ADJUDICATION
OF PRIORITY OF RIGHTS TO USE OF
WATER FOR IRRIGATION AND OTHER
BENEFICIAL PURPOSES, IN WATER
DISTRICT NO. 4, WATER DIVISION
NO. 1, IN THE STATE OF COLORADO.)

*Right to 0.005 sec.-ft under
this decree conveyed to U.S.
by deed No. 119 of Sept. 24, 1981
from David C. Primrose
DECREE.*

Docket No. 13

(General provisions omitted here.)

THE ROCKY MOUNTAIN BOYS CAMP PIPE LINE

(Domestic Priority No. 28; Ditch--Pipe Line--No. 27.)

1. The claimant of this ditch or pipe line, which is named Rocky Mountain Boys Camp Pipe Line, is David C. Primrose, whose address is Estes Park, Colorado.

2. This pipe line was constructed and it has been maintained and operated for the diversion of water for domestic purposes.

3. The natural stream from which water has been diverted by this pipe line is Mill Creek, which is a tributary of the Big Thompson river.

4. The headgate of said pipe line is located in the north bank of Mill Creek at a point in the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of section six (6), township four (4) north, range seventy-three (73) west of the 6th P. M., approximately 150 yards southwest of the northeast corner of said subdivision;

5. The size and dimensions of said pipe line are: Diameter of pipe 1 $\frac{1}{2}$ inches, having a 15% grade, approximately 3,400 feet in length, and said pipe line has a capacity in excess of .012 cubic feet of water per second.

6. The work of construction of this pipe line was commenced on the 30th day of September, 1919, and was prosecuted to completion with reasonable diligence.

7. Within a reasonable time after the completion of this pipe line water was thereby diverted to the extent of .012 cubic feet of water per second of time, and was applied to the purpose above mentioned.

8. .012 cubic feet of water per second is reasonably required for the purposes hereinabove described in paragraph 2.

9. As a matter of law, the claimant is entitled to a decree to the effect that there be permitted to flow out of the said Mill Creek, a tributary of said Big Thompson river and into this pipe line, under and by virtue of appropriation as by original construction, .012 cubic feet of water per second, for the use and benefit of the party or parties entitled to the enjoyment thereof for use for domestic purposes, with Domestic Priority No. 28, as of the 30th day of September, 1919.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court, that for domestic purposes, under and by virtue of appropriation as 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 Mill Creek, a tributary of said Big Thompson River, and into this pipe line so much water as will flow into a pipe line having the dimensions found and stated in paragraph 5 of the findings, estimated at .012 cubic feet of water per second, with DOMESTIC PRIORITY NO. 28, subject to the general and paramount provisions of this decree, the appropriation of which water may be deemed to have taken effect on, and said Domestic Priority No. 28 to date from the 30th day of September, 1919.

(Further general provisions omitted here.)

DONE IN OPEN COURT, this 14th day of November, A. D.
1939.



Judge.

STATE OF COLORADO)
COUNTY OF BOULDER) SS

IN THE DISTRICT COURT
NO. 10077

*Right to 0.005
sec. ft. under
this decree conveyed
to us by Deed No. 119
of Sept. 24, 1951, from
David C. Primrose*

IN THE MATTER OF THE ADJUDICATION OF)
PRIORITIES OF RIGHTS TO USE OF WATER)
FOR IRRIGATION AND OTHER BENEFICIAL)
PURPOSES IN WATER DISTRICT NO. 4)
WATER DIVISION NO. 1 IN THE STATE OF)
COLORADO.)

STATEMENT OF)
CLAIM OF THE ROCKY)
MOUNTAIN BOYS CAMP PIPE)
LINE)

Procket No. 13

The undersigned David C. Primrose, for the purpose of securing the benefit of the laws of the State of Colorado in relation to the adjudication of water rights, makes this his statement of claim of priority for use of water for beneficial purpose, to-wit: Domestic use from the Big Thompson River and its tributaries within the above named water district No. 4 as follows:

FIRST

That the name and post office address of claimant claiming ownership of said pipe line is David C. Primrose, Estes Park, Colorado;

SECOND

That the name of the ditch or pipe line for which decree of priority of right is sought herein is The Rocky Mountain Boys Camp Pipe Line;

THIRD

That the headgate or source from and by means of which water is diverted from said river and its tributaries is located on the north bank of Mill Creek at a point in the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section Six, Township Four North, Range 73 W. approximately 150 yards southwest of the northeast corner of said subdivision; that from said headgate water is conducted for domestic use by means of a one and one-half inch pipe line extending on 15% grade in a generally northeasterly direction approximately 3400 feet to the cottages and

other buildings served thereby; that said headgate from which water is diverted through said pipeline is located on the bank of Mill Creek, a tributary of the Big Thompson River;

FOURTH

That said pipe line was begun by actual construction on the last of September, 1919, and that said system was continued by due diligence thereafter and that priority of right is claimed through and for said pipe line from said stream dating from said last of September, 1919, in the amount of 11,000 gallons of water per day.

FIFTH

That water is carried through said pipe line by gravity and water is used therefrom for domestic use in several cottages and other buildings ~~and~~ for the use of approximately fifty people and that claimant has actually and beneficially used from and through said pipe line for domestic purposes and now needs for proper domestic use on his property and for said cottages and other buildings 7,500 gallons of water per day; that claimant's property upon which said water is used is the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) and Lot 10, being the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and a portion of Lot 9, being approximately 140 acres, all in Section Six, Township Four North, Range Seventy-three West of the 6th P. M., and that claimant maintains a boys summer camp on said property and that his use is for domestic use of patrons and employees of said camp;

SIXTH

That claimant has only partially completed or perfected his said appropriation and that it is his plan and purpose and that he is proceeding with due diligence as fast

as financial ability and circumstances will permit to increase the number of his cottages and the enrollment of his said camp until he shall have 75 patrons and employees enrolled and employed in said camp and consuming water from said pipe line, and that when said system shall be completed that he will ultimately under said system divert and apply to beneficial use 11,000 gallons of water per day for domestic use, for which amount claim is hereby made.

DAVID C. PRIMROSE

By Mortimer Stone
and Alden T. Hill
His attorneys

STATE OF COLORADO)
 SS
COUNTY OF LARIMER)

DAVID C. PRIMROSE, being first duly sworn on oath, deposes and says: That he is the owner of the above named The Rocky Mountain Boys Camp Pipe Line and is the claimant herein for priority of water right to be awarded thereto; that he has read the foregoing statement of claim and knows the contents thereof and that the matters and things therein contained are true to the best of his knowledge and belief.

DAVID C. PRIMROSE

Subscribed and sworn to before me this 18th day of August, 1939. My Commission expires: May 20, 1943

(Notarial Seal)

CHARLES F. HIX
Notary Public.

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of November 28, 1951, under the authority contained in the Interior Department Appropriation Act, 1952 (Public Law 136, 82d Cong.), and pursuant to authority delegated by Departmental Order No. 2640, dated June 11, 1951 (16 F. R. 5846).

David C. Priarose
Acting Director
National Park Service

COMPARED

No.

64445

WARRANTY DEED

David C. Priarose

TO

United States of America

STATE OF COLORADO,

County of Larimer

I hereby certify that this instrument was filed for record in my office this _____ day of _____, A. D. 19 _____

SEP 27 1951

at _____ o'clock _____ A. M., and duly recorded in

Book _____ Page _____

Recorder.

Return to:

Superintendent
Rocky Mountain National Park
Estes Park, Colorado.

THE FORT COLLINS ABSTRACT COMPANY

CONVEYANCE NO. 13

David C. Primrose,
to
Charles Howard Woods and
Fred F. Bowen,

WARRANTY DEED. \$10 Dated Aug. 11, 1947.
Ack. Aug. 21, 1947 before Lois Nicholson, JP, Seal.
Larimer County, Colo. Com. Exp. Mar. 5, 1951.
Recorded Aug. 29, 1947 in Book 839, Page 395.

Conveys: Beginning at a point 1123 ft. N. of the NE corner of Sec. 6, Twp. 4, N. R. 73 W. 6th P.M., thence N. 209 ft. to the NE corner of Lot 9, thence W. 1320 ft. to the NW corner of Lot 9, thence S. 710 ft. to a point 610 ft. N. of the SE corner of Lot 9, thence W. 1100 ft. to the point of beginning, together with 1/2 interest in and to domestic priority No. 28 decreed by the Dist. Court of Boulder County, Colo. by decree in Case No. 10077 entered on Nov. 11, 1939, which decree is for .012 cubic ft. of water per second of time out of Mill Creek, for use through the Rocky Mountain Boys Camp pipe lines, the 1st party does further agree to deliver said water to the second parties, their heirs and assigns, at the end of the present 1 1/2 inch pipe line, and agrees to keep said pipe line in good repair and condition for the delivery of said water, and in the event the 1st party, his heirs, successors or assigns fail to keep said pipe line in repair, the 2nd parties may enter upon the premises to repair the same, and the 1st party, his

continued next sheet

THE FORT COLLINS ABSTRACT COMPANY

CONVEYANCE NO. 13

heirs, successors and assigns, shall lose their right to use said pipe line until the 2nd parties have been reimbursed for the cost of such repairs and maintenance. The 1st party further gives and grants unto the 2nd parties the right and privilege of constructing a pipe line from the end of the present 1 1/2 inch pipe line to the premises above described for the purpose of conveying said water to the above described lands, and for this purpose an easement for the construction, operation and maintenance of the pipe line is granted to the 2nd parties from the end of the present 1 1/2 inch pipe line to the above described premises.
\$6.05 I. W. Stamps.

THE FORT COLLINS ABSTRACT COMPANY

CONVEYANCE NO. 14

David C. Primrose,
to
The Bowen-Woods, a Co-partnership
composed of Charles H. Woods and
Fred F. Bowen.

WARRANTY DEED. \$50.00 Dated Oct. 9, 1948.
Ack. Oct. 22, 1948 before F. H. Bidolfson, JP, Seal.
Pamsey County, Minn. Com. Exp. Oct. 28, 1954.
Recorded Oct. 29, 1948 in Book 863, Page 559.

Conveys: Beginning at the NW corner of Lot 9 of Section 6, Twp. 4, N. R. 73 W. of the 6th P.M., thence S. 680 ft. to the true point of beginning, thence W. 20 ft., thence S. 400 ft., thence N. 20 ft., thence N. 400 ft. to the true point of beginning.
The Grantor hereby reserves from the well to be constructed on said premises by the grantee the right to use water for domestic purposes for one residence to be constructed by the Grantor on Lot 10 of said Sec. 6, and for that purpose the grantor reserves an easement across the above described premises for a pipe line and appurtenances.

THE FORT COLLINS ABSTRACT COMPANY

CONVEYANCE NO. 16

Bowen-Woods, Charles Howard Woods,
Co-Partner, Fred F. Bowen, Co-Partner,
(Cap. "a co-Partnership composed of"--
Ack: Charles Howard Woods and Fred F.
Bowen, of Estes Park, Colo.)
to
David C. Primrose,

WARRANTY DEED. Dated Aug. 31, 1951.
Ack. Aug. 31, 1951 before Roberta Cameron Straub, JP,
Seal. Larimer Co. Colo. Com. Exp. Oct. 17, 1954.
Recorded Sept. 5, 1951 in Book 919, Page 314.

Conveys: In Sec. 6, Twp. 4, N. R. 73 W. of the 6th P.M., beginning at a point which is 680 ft. S. of the NW corner of Lot 9 of Sec. 6, thence N. 20 ft., thence S. 400 ft., thence E. 20 ft., thence N. 400 ft. to the point of beginning, together with 1/2 interest in and to domestic priority No. 28, decreed by District Court of Boulder County, Colorado, by Decree in Case No. 10077, entered on Nov. 11, 1939 which decree is for 0.012 cubic ft. of water per sec. of time out of Mill Creek, for use through the Rocky Mountain Boys Camp pipe lines, and any and all rights to the delivery of this water through said pipe lines, and any and all rights to or obligations for the maintenance and repair of said pipe lines, and any and all interest in the easement granted for construction, operation and maintenance of a pipe line from the end of the Rocky

continued next sheet

THE FORT COLLINS ABSTRACT COMPANY

CONVEYANCE NO. 16

Mountain Boys Camp pipe lines to 1st parties lands located in Lot 9 of Sec. 6, all of which were conveyed to 1st parties by Deed dated Aug. 11, 1947, and recorded in the records of Larimer County, Colorado in Book 839 at Page 395.

C O P Y

Docket No. 13

W A R R A N T Y D E E D

David C. Primrose

Dated - August 31, 1951.

to

Recorded - September 5, 1951,
in Book 920 at Page 315 of
the Larimer County records.

Bowen - Woods, a co-partnership
composed of Charles H. Woods
and Fred F. Bowen

Conveys:

In Section 6, Township 4 North, Range 73 West of the 6th P. M.;
this deed conveys 0.007 cubic feet of water per second of time,
part of Domestic Priority No. 28, a water right decreed by the
District Court of Boulder County, Colorado, by decree in Case
No. 10077 entered on November 14, 1939, which decree is for a
total of 0.012 cubic feet of water per second of time out of Mill
Creek for use through the Rocky Mountain Boys Camp pipe line.
This Deed does not convey any interest in the Rocky Mountain Boys
Camp pipe lines or pipe line right-of-way.

(Signed) David C. Primrose.

Acknowledged August 31, 1951, before Roberta Cameron Straub,
a Notary Public, whose Commission expires October 17, 1954.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
14-114
(October 1952)
(Revised)

William R. H. R.
June
SPECIAL USE PERMIT
Rocky Mountain National Park

No. **14-10-235-70**

Previous Permit

No. **I-354-297**

Brown-Woods, a copartnership
composed of Charles H. Woods
and Fred F. Brown

, of

Estes Park, Colorado

, is hereby authorized

during the period from **January 1**, 19**53**, to **December 31**, 19**53**,
to use the following-described ~~land~~ in the above-named area:
pipeline

In Section 6, Township 4 North, Range 73 West of the 6th P.M., the right to transport 0.007 cubic feet of water per second of time through the Rocky Mountain Boys Camp pipe line as now constructed from a point on Mill Creek in the Southeast Quarter of the Southwest Quarter, then extending through and across lands now owned by the Government to private land located in Lot 9 of said Section 6, map attached.

for the purpose of **carrying or transporting water for domestic purposes through Rocky Mountain Boys Camp pipe line and entering upon above described pipe line right-of-way for the purpose of operating and maintaining said pipe line.**
(NO RIGHT-OF-WAY OR OTHER EASEMENT IS GRANTED BY THIS PERMIT).

subject to the conditions on the reverse hereof, and to the payment to the Government of the United States

of the sum of **Five - - - - -** dollars (\$ **5.00**), in advance, or as follows:

payment to be made to the Superintendent by express or postal money order, certified check, or draft payable to Treasurer, United States.

Signed at **Estes Park, Colorado**, this **27th** day of **May**, 19**53**

(SGD) DAVID H. CANFIELD

David H. Canfield

Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

/s/ Rex Norman

Address **Estes Park, Colorado**

/s/ Valerie Norman

Address **Estes Park, Colorado**

Brown-Woods, a copartnership,

*** /s/ Charles H. Woods**

Member of firm

Address

/s/ Fred F. Brown

Member of firm

Address **Estes Park, Colorado**

APPROVED *[Signature]* Regional Director, Region **Two**, National Park Service.

(SGD) **James V. Lloyd**

Date **JUL 22 1953**

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

16-55008-3

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the area.

2. Use by the permittee of the land covered hereby is, subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said land, and further to the use by travelers and others of such roads and trails as well as of those already existing.

3. ~~3. The permittee shall not use the land for any purpose other than that for which it was granted.~~
 b. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

4. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

5. Permittee shall dispose of brush and other refuse as required by the Superintendent.

6. Permittee shall pay the United States for any damage resulting from this use.

7. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.

8. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.

9. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

10. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

11. Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided*, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

12. All uranium, thorium, and all other material determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761), to be peculiarly essential to the production of fissionable material, contained in whatever concentration, in deposits in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

13. Permittee shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

14. Upon expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

15. The term "Director, National Park Service" as used herein shall include the appropriate Regional Director, National Park Service as the representative of the Director.

16. The United States reserves the right to carry and transport 0.005 cubic feet of water per second of time through Rocky Mountain Boys Camp pipe line at any and all times.

17. This permit is limited to authorization for permittees to use said pipe line for conveyance of only 0.007 cubic feet of the waters of Mill Creek per second of time under Decreed Priority No. 28 and grants no right-of-way, easement, or other access by which to perfect further water rights or to enlarge the pipe line or provide additional capacity or an independent pipe line, or to install laterals on government-owned lands.

18. The permittees agree to assume all responsibility for the maintenance of the said main Boys Camp Pipe Line from and including the diversion works to their property line, and will keep same in an operating condition satisfactory to the Superintendent; and the United States will maintain such laterals as it now uses or hereafter installs.

19. This permit shall be automatically renewable at its expiration for further periods of one year upon payment of the annual fee; but said permit shall not be continued in effect for a term longer than twenty (20) years in all unless extended by written renewal.

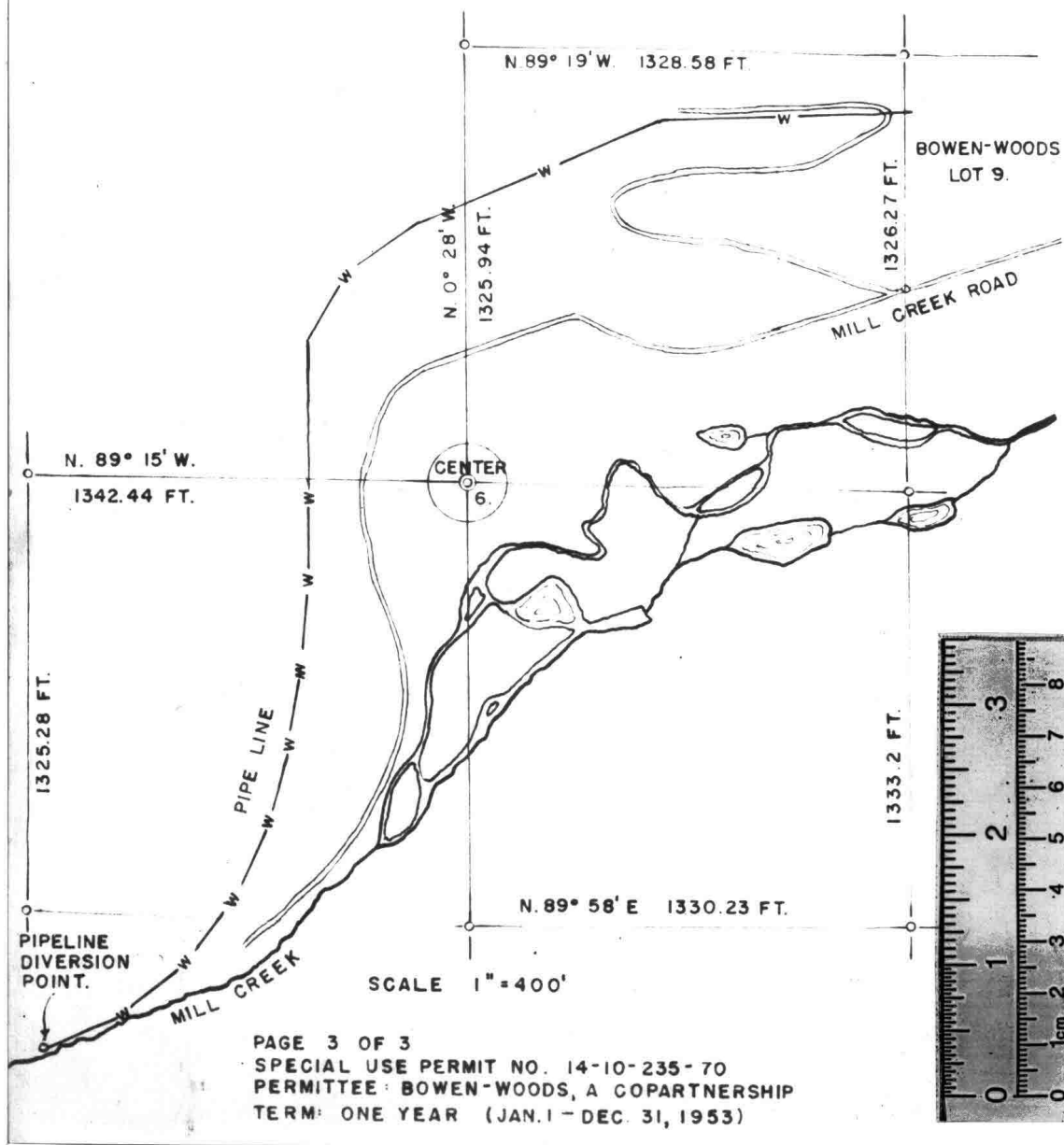
20. The water right involved in this permit is described as follows:

The right to divert 0.012 cubic feet of water per second of time from Mill Creek at a point in the Southeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 73 West of the 6th P.M., a water right acquired under and by virtue of a decree by the District Court, Boulder County, Colorado, entered November 14, 1939, as Domestic Priority No. 28.

This permit is issued on the premise that Bowen-Woods owns 0.007 cubic feet of water per second of time, a part of the total decreed amount of 0.012 cubic feet per second of time from Mill Creek.

Page 3 of 3
Special Use Permit No. 14-10-235-70
Permittees: Bowen-Woods, a copartnership
Term: One year (January 1 to December 31, 1953)

ROCKY MOUNTAIN NATIONAL PARK
ROCKY MOUNTAIN BOYS CAMP PIPE LINE
Section 6, Township 4 North, Range 73 West of 6th P.M.



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
10-114
(June 1950)
(Revised)

COPY

No. I-35mp-297

REVOCABLE SPECIAL USE PERMIT

Year, 19 52Docket No. 13

Bowen-Woods, a copartnership
composed of **Charles H. Woods**
and **Fred F. Bowen**, of **Estes Park, Colorado**, is hereby authorized
during the period from January 1, 19 52, to December 31, 19 52,
to use the following-described ~~land~~ pipe line in the above-named area:

In Section 6, Township 4 North, Range 73 West of the 6th P.M., the right to
transport 0.007 cubic feet of water per second of time through the Rocky
Mountain Boys Camp pipe line as now constructed from a point on Mill Creek
in the Southeast Quarter of the Southwest Quarter, then extending through and
across government lands now owned or hereafter acquired to private land located
in Lot 9 of said Section 6, map attached,

for the purpose of carrying or transporting water for domestic purposes through Rocky
Mountain Boys Camp pipe line and entering upon above described pipe line right-of-
way for the purpose of operating and maintaining said pipe line.

(NO RIGHT-OF-WAY OR OWNER EASEMENT IS GRANTED BY THIS PERMIT.)

subject to the conditions on the reverse hereof and to the payment to the Government of the United States
of the sum of One ----- dollars (\$ 1.00), in advance, or as follows: -----

-----, payment to be made
to the Superintendent by express or postal money order, certified check, or draft payable to Treasurer,
United States.

Signed at Estes Park, Colorado, this 24th day of September, 19 51.

/s/ David H. Canfield

Superintendent.

The undersigned hereby accepts this revocable permit subject to the terms, covenants, obligations,
and reservations, expressed or implied, therein.

Two witnesses to signatures:

Bowen-Woods, a copartnership,

/s/ Wayne H. Hackett

/s/ Charles H. Woods

United States Commissioner

Member of firm

Address Estes Park, Colorado

Address -----

/s/ Fred F. Bowen

Member of firm

Address -----

Address -----

APPROVED: Acting Regional Director, Region Two, National Park Service.

(Sgd) James V. Lloyd

Date Nov. 9, 1951

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer
authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in
lieu of witnesses.

215-663-10-114 National Park Service

10-35008-2

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the area.
2. Use by the permittee of the ~~land~~ ^{pipe line} covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said ~~land~~ ^{pipe line right-of-way}, and further to the use by travelers and others of such roads and trails as well as of those already existing.
3. ~~Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.~~
4. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.
5. Permittee shall dispose of brush and other refuse as required by the Superintendent.
6. Permittee shall pay the United States for any damage resulting from this use.
7. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.
8. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
9. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.
10. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.
11. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided*, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.
12. All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.
13. Permittee shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.
14. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.
15. **The United States reserves the right to carry and transport, if and when acquired, 0.005 cubic feet of water per second of time through Rocky Mountain Boys Camp pipe line at any and all times.**
16. **The issuance of this permit for the right to carry or transport water through Rocky Mountain Boys Camp pipe line does not obligate the Government to furnish permittee any share or part of the right to divert 0.005 cubic feet of water per second of time from Mill Creek through said pipe line, which right the Government may acquire at a future date. And furthermore, it is understood the permittee shall maintain the**

main pipeline from the point of diversion on and across the Government lands, now owned or hereafter acquired, to permittee's property in Lot 9, and that the Government will maintain any lateral or take-off from the main pipe line used to transport or carry government-owned water.

17. This permit shall be automatically renewable at its expiration for further periods of one year upon payment of the annual fee, but said permit shall not be continued in effect for a term longer than twenty (20) years in all unless extended by written renewal.

18. The water right involved in this permit is described as follows;

The right to divert 0.012 cubic feet of water per second of time from Mill Creek at a point in the Southeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 73 West of the 6th P. M., a water right acquired under and by virtue of a decree by the District Court, Boulder County, Colorado, entered November 14, 1939, as Domestic Priority No. 28.

This permit is issued on the premise that Bowen-Woods owns 0.007 cubic feet of water per second of time, a part of the total decreed amount of 0.012 cubic feet per second of time from Mill Creek.

Sheet 2 of Special Use Permit

No. I-35mp-297

Permittee: Bowen-Woods, a copartnership

Term: One year (Jan. 1 - Dec. 31, 1952)

Other Supporting Information

C O P Y

STATE OF COLORADO
OFFICE OF STATE ENGINEER
DIVISION OF WATER RESOURCES
DENVER 2

January 25, 1952

Subject:
154 ROCK-L

Mr. A. van V. Dunn
Chief, Water Resources Branch
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

Replying to your letter of January 21, with reference to the use of waters of Mill Creek, which are appurtenant to the Rocky Mountain Boys Camp Pipe Line, this is to advise that this water right has been decreed, but no filing was ever made.

Very truly yours,

/s/ A. Ralph Owens

Office Engineer

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C O P Y

L-2223-ROCK-1

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

Docket No. 13

November 28, 1951

Air Mail

Memorandum

To: Regional Director, Region Two

From: Superintendent, Rocky Mountain National Park

Subject: Deed of September 24, 1951, David C. Primrose to United States, conveying Tract 292-A, the Rocky Mountain Boys Camp Pipe Line, the Pipe Line right-of-way and part of Decreed Water Priority No. 28.

Mr. Dunn's comments contained in the Director's memorandum to Region Two, dated November 15, 1951, requested information concerning the Rocky Mountain Boys Camp Pipe Line and its right-of-way, Decreed Water Priority No. 28, and the status of a formerly proposed well to have been located in a strip of land 20 feet wide by 400 feet long on the east line of Lot 10, all contained in questions numbered 1 to 5. We will endeavor to answer each question by number as follows:

1. Enclosure is made of an original copy and three carbon copies of a Warranty Deed, David C. Primrose to Bowen-Woods (owners of the North 14.0 acres of Lot 9), dated August 31, 1951, recorded September 5, 1951, in Book 920 at Page 315 of the Larimer County Recorder's records, conveying 0.007 cubic feet of water per second of time, part of Domestic Priority No. 28, and providing that this deed does not convey any interest in the Rocky Mountain Boys Camp Pipe Lines or pipe line right-of-way.

We do not know of any Colorado Law or Court Decision that would give Bowen-Woods a majority interest or any interest in the Rocky Mountain Boys Camp Pipe Line or in the pipe line's right-of-way because a part of the Decreed Domestic Water Right, Priority No. 28, was conveyed to the partnership. In Colorado a Water Decree is for the purpose of diverting a measured amount of water for a stated beneficial use from a described point of diversion and the State Water Court does not and cannot determine or assign title to real property such as the structures, works or pipe of a water system or the title to any right-of-way used by the headgates or distribution system in or during any water adjudication action. Consequently, the licensed abstractors did not include the above deed in their certified abstract because the instrument does not affect title to the property being conveyed to the United States by Primrose.

2. We are advised by Region Two that two copies of the approved special use permit, authorizing Bowen-Woods to transport their 0.007 cubic feet of water per second of time through the Rocky Mountain Boys Camp Pipe Line, have been forwarded to the Director's Office.

3. Bowen-Woods intend to use their 0.007 second-feet of water as a domestic supply for the 15 log cabins situated on the north 14.0 acres of Lot 9. This office hopes that this property can be acquired by the United States at a date not too far in the future.

4. No well has been dug, drilled or constructed on the strip of land 20 feet wide and 400 feet long lying along the East line of Lot 10 and no pump installation or pipe line construction has been made on this land. This strip was purchased early in the development of Lot 9 with the intent to construct a well to furnish winter water for the 15 cabins constructed on the 14.0 acres. Part of one winter's residence on the property changed Mr. Bowen's plans and the idea had been abandoned for some time before Mr. Primrose decided to sell to the United States. All trace of the "Griffith Upper North Ditch" east of the present Ice and Fish Pond has disappeared from the landscape and could not have been used to supply a well on this strip of land.

5. The land obtained from Primrose will be returned to open national park use as soon as the fences can be removed and some of the litter cleaned up. Park equipment and supplies stored in the old C.C.C. Camp will be transferred to the main log buildings in order that the C.C.C. buildings may be obliterated. The cottages and one of the main log buildings will be used for emergency summer employee residences. The 0.005 second-feet of water acquired in this purchase is more than adequate for this proposed use. Additional storage space and additional housing facilities becoming available at some other point may change our plans, in which case all buildings will be removed from the land leaving the water available for some other use.

/s/ David H. Canfield

David H. Canfield
Superintendent

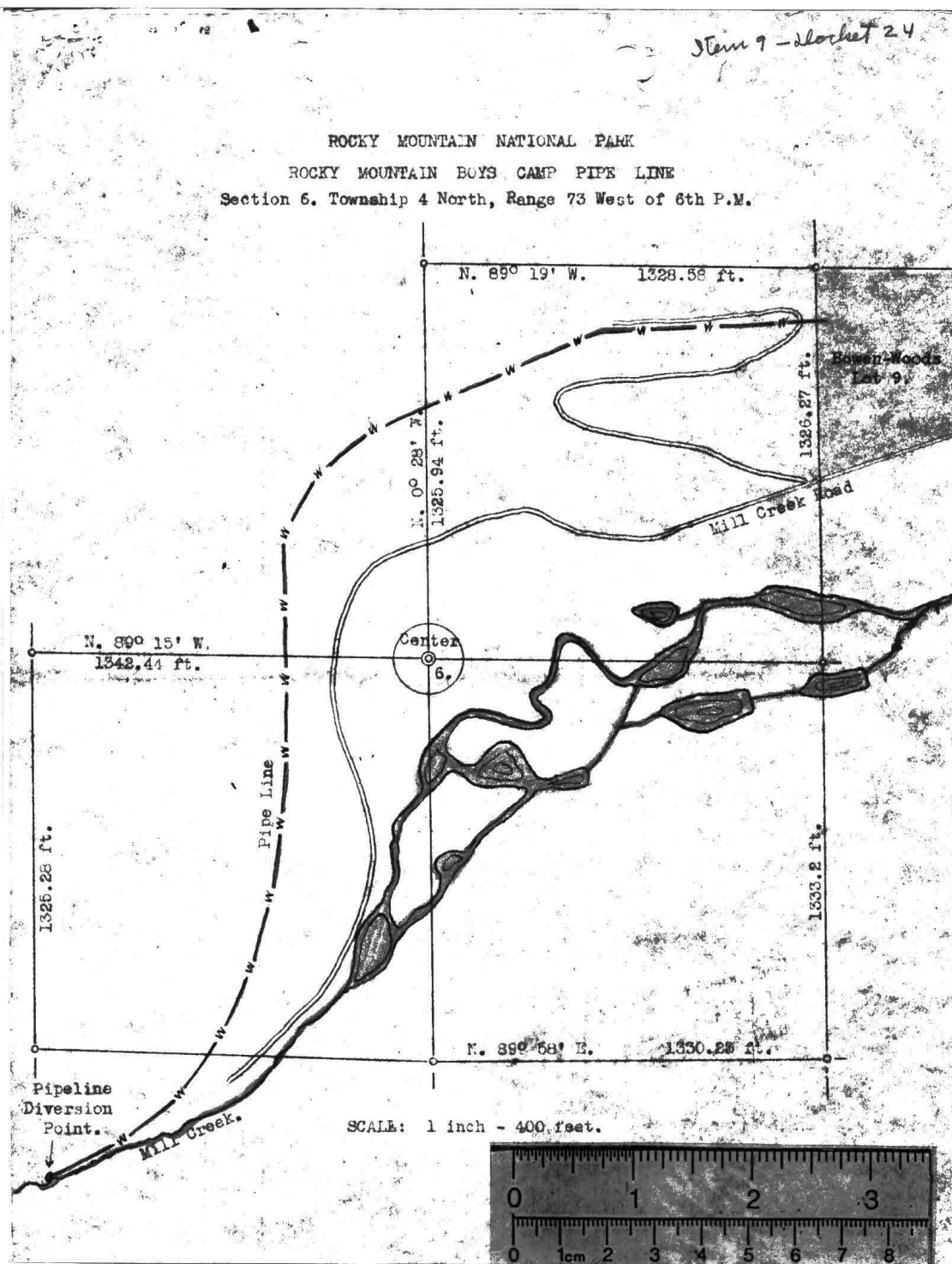
Enclosure

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 26

Documents Dated from 8/18/1939 to 12/28/1961

Docket Compiled: 6/14/2011