



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 25

FALL RIVER

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #25

IDENTIFICATION NO: ROMO, R, 170573, B, E, 25

DITCH/WATER SYSTEM: The Jones Ditch

SOURCE OF SUPPLY: Fall River

LOCATION: Point of Diversion is on the south bank of Fall River at a point whence the E 1/16 corner of Section 17 bears S68°58'E 48.78 feet

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Map NP-RM-6984, May 16, 1938, Transfer of Decreed Priorities

Certificate Record Number: Decree No. 10050, July 7, 1939. 0.108 c.f.s.

transferred to: Aspenglen Campground, 0.064 c.f.s. - Little Horseshoe Park 0.064 cfs
Date of Priority: Irrigation Priority No. 57 - as of 4/30/1876.

Quantity of Water: 0.875 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS:

Original Decree was for 5.00 c.f.s. of water, but not to exceed 180 acre feet per annum. By Court Decree in a Change-In-Point-Of-Diversion Case, dated January 30, 1939, 0.108 c.f.s. but not to exceed 21.9 acre feet per annum was transferred to other water systems leaving a total of 4.892 c.f.s. but not to exceed 158.1 acre feet per annum, permitted to flow from Fall River as follows: For use of the United States 0.875 c.f.s. but not to exceed 13.5 acre feet per annum. For use of owners of 48.3 acres East of Park Boundary 4.017 c.f.s. but not to exceed 144.6 acre feet per annum. Town of E.P. 4.017 c.f.s.

Docket No. 25

JONES DITCH

MAY 8 1957

Ditch No. , Water District No. 4.

USE

Irrigation. Supplies water to irrigate 11.7 acres in Aspenglen Campgrounds and 48.3 acres outside the National Park boundaries.

HEADGATE

Point of Diversion is on the South bank of Fall River, a short distance above Aspenglen Campgrounds, at a point whence the East 1/16th Corner of Section 17, Township 5 North, Range 73 West, bears South 68° 58' East 48.78 feet.

PRIORITY

Irrigation Priority No. 57, Water District No. 4, as of April 30, 1876.

AMOUNT OF DECREE

Original Decree was for 5.00 cubic feet of water per second of time, but not to exceed 180 acre feet per annum. By Court Decree in a Change-In-Point-Of-Diversion Case, dated January 30, 1939, 0.108 cubic feet per second of time but not to exceed 21.9 acre feet per annum was transferred to other water systems leaving a total of 4.892 cubic feet per second of time but not to exceed 158.1 acre feet per annum, permitted to flow from Fall River as follows: For use of the United States 0.875 cubic feet per second of time but not to exceed 13.5 acre feet per annum. For use of owners of 48.3 acres East of Park boundary 4.017 cubic feet per second of time but not to exceed 144.6 acre feet per annum.

OWNERSHIP and OPERATION

Owned by United States and owners of 48.3 acres East of Park boundaries. United States' interest acquired by purchase.

MAPS

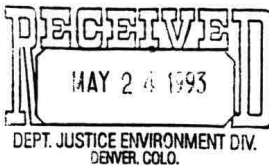
NP-RM-6984, May 16, 1938, Transfer of Decreed Priorities.

Northern Ranger District.

Aspenglen Campground Area.

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 17 05 73 B F 25
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	THE JONES DITCH
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 25
Location	TSM R73W SEC 17
Acquired by	PURCHASE
Application	NP-RM-6984 MAY 16 1938 TRANSFER OF DECREE
Permit	57
Certificate	COURT DECREE 10059
Priority	APRIL 30 1876 - 0.875 CFS*
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL JULY 7 1939
Source	SURFACE WATER
Use	IRRIGATION
Quantity	0.875 CFS
Hydrologic Unit	10190006
Remarks	*NOT TO EXCEED 13.5 ACRE FEET PER ANNUM



FILED IN
DISTRICT COURT
WATER DIV. 1
WELD CO. COLO.
MAY 17 1993

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW380
(Boulder County CA 4862 and CA 10050)

CORRECTED FINDINGS AND RULING AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK,
IN LARIMER COUNTY

THIS CHANGE was filed with the Water Clerk, Water Division 1, on December 19, 1985 to modify the decree in Boulder County CA 10050 which modified CA 4862. The Court being fully advised in the premises does hereby find:

All notice required by law of the filing of this application have been fulfilled, and the Court has jurisdiction of this application.

A Statement of Opposition to said application was filed by the Colorado Water Conservation Board and subsequently withdrawn by stipulation. The time for filing additional statements has expired.

All matters contained in the application were reviewed, and testimony was taken where such testimony was necessary and such corrections made as are indicated by the evidence presented.

FINDINGS OF FACT

1. Jones Ditch was decreed in Boulder County CA 4862 dated March 18, 1912 and changed in CA 10050 dated January 30, 1939. The ditch was decreed for irrigation of 60 acres with 5 cfs of water as of April 30, 1876. In CA 10050 Judge Clark found that only 0.983 cfs had been used on no more than 11.8 acres prior to the change.

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2. Applicant claims 41.55 acres were historically irrigated. Judge Frederic W. Clark found only 11.8 acres had been irrigated prior to the change dated January 30, 1939. It appears Judge Clark used the 3 acre feet per acre originally decreed in CA 4862, leaving 0.875 cfs but not to exceed 13.5 acre feet at the Jones Ditch headgate. This equates to 4.5 acres of irrigation after the change in CA 10050.

3. Using applicant's consumptive use of 1.0667 acre feet/acre, the irrigation of 4.5 acres produces an estimated consumptive use of 1.67 acre feet during June, 1.44 acre feet during July, 0.99 acre feet during August and 0.70 acre feet during September. All uses historically were within the boundaries of Rocky Mountain National Park.

4. Applicant requests the consumptively used portion of this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Big Thompson River.

IT IS HEREBY THE DECREE OF THE WATER COURT

1. The name and address of the applicant:

United States of America
Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Jones Ditch

3. The legal description of the structure:

SW1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point whence the SE corner, SW1/4 NE1/4 Section 17 bears 68 deg. 58' East 48.78 feet.

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4. The source of the water:

Fall River

5. The date of appropriation:

April 30, 1876 as decreed in CA 4862 dated March 18, 1912.

6. The amount of water:

Jones Ditch was decreed for 5 cfs and changed to two new points of diversion leaving 0.875 cfs at original headgate. To prevent injury to other water rights, only the consumptive use is transferred herein as follows:

June	0.028 cfs
July	0.023 cfs
August	0.016 cfs
September	0.012 cfs

The remainder of the Jones ditch right is relinquished to the stream system except the 0.064 cfs transferred to Aspenglen Campground and 0.044 cfs transferred to Little Horseshoe Park both in CA 10050.

7. The use of the water:

Wildlife and fish maintenance and propagation and recreation all within the natural channel of the Fall River, all limited to use within Rocky Mountain National Park.

8. This change was filed pursuant to a Stipulation for Deletion from Abandonment List in Case Nos. 84CW426 through 84CW466 between the United States and the State Engineer and Division Engineer for Water Division No. 1. In accordance with that stipulation, the United States agrees not to use the water right decreed herein outside of the exterior boundaries of Rocky Mountain National Park unless otherwise expressly directed by

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statute. Furthermore, the United States agrees not to sell the water right decreed herein unless otherwise expressly directed by statute. Should the United States desire to change the place, manner, or time of use of the decreed water right, the United States agrees to file a change of water right application at such time.

9. This decree was entered pursuant to a stipulation between the United States and the Colorado Water Conservation Board and the issues decided herein were not litigated between the parties. In accordance with that stipulation, the parties shall not be collaterally estopped from asserting any factual or legal claims or defenses in any other case as a result of this decree. Additionally, the parties agree they shall not cite this decree as precedent in any other case.

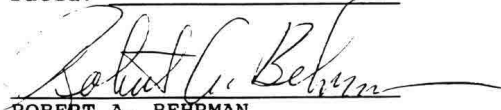
10. Due to the unique location of this water right and the limitation contained herein, water rights of others will not be injured by this change.

11. This change shall be subject to reconsideration by the water judge on the question of injury to the vested rights of others for a period of 5 years from the date of this decree pursuant to CRS 37-92-304(6).

PARAGRAPHS 8 AND 9 WERE ADDED PURSUANT TO STIPULATION AMONG PARTIES.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: **MAY 19 1993**


ROBERT A. BEHRMAN
Water Judge
Water Division No. 1
State of Colorado

Recorded JUL 7, 1939 at 9:00 o'clock A. M.

Reception No. 480428 Stanley A. Curtis, Recorder

STATE OF COLORADO,)
COUNTY OF BOULDER.) ss.

IN THE DISTRICT COURT
No. 10050.

IN THE MATTER OF PRIORITY)
OF WATER RIGHTS IN DISTRICT)
NO. 4.)

ON PETITION OF THE UNITED STATES
OF AMERICA TO CHANGE POINTS OF
DIVERSION OF A PORTION OF THE
WATER HERETOFORE AUTHORIZED TO BE
TAKEN AND USED UNDER PRIORITIES
NUMBERED 57, 58 AND 68.

FINDINGS AND DECREE.

THIS MATTER NOW COMING ON TO BE HEARD in open Court this 30th day of January A. D. 1939, upon the petition of the UNITED STATES OF AMERICA, praying for authority to make changes in points of diversion of a portion of the waters authorized to be taken under adjudication priorities numbered 57, 58 and 68, in Water District No. 4, within and for the State of Colorado.

And the petitioner, appearing by Worth Allen and Wayne C. Williams, special assistants to the Attorney General of the United States, and the objectors or protestants or others appearing in person or by counsel as follows: Eleanor E. Rondius in person and by her attorneys, Fred W. Stover and Dale E. Shannon.

And this cause having been originally set by order of this court made on August 11, 1938, for hearing on the 28th day of September, 1938, and having been duly continued from time to time by order of this court, each continuance having been made at or before the time for which the matter previously had been set,

And the Court having heard and received evidence, and heard argument of attorneys, and being fully advised in the premises, finds that:

1. All parties who may be affected by the proposed changes in points of diversion have been duly notified, as by law required, and that the following named persons and corporations, in written instruments filed with the Clerk of this Court, acknowledged service upon them on the dates set opposite their respective names, of a printed copy of the notice issued by the Clerk of this Court:

Gertrude H. Grant, August 22, 1938.

The Farmers Irrigating Ditch and Reservoir Company, a corporation, by T. M. McKee, President, August 24, 1938.

Florence E. Kistler,
by Clarence L. Ireland, her attorney, August 26, 1938.

Alice G. Henry, August 27, 1938.

The Eaton Investment Company, a corporation,
by Robert G. Smith, its attorney, September 1, 1938.

2. The Petitioner, United States of America, is now the lawful owner of and is entitled to exercise the rights in and to, said adjudicated priorities numbered 57, 58, and 68, in Water District No. 4, within and for the State of Colorado, having acquired said rights as appurtenances to land purchased by it from Pieter (Peter) Hondius in the years 1923, 1924 and 1932, which said lands are described in detail in the petition filed herein, and which said conveyances are more particularly described as follows:

Warranty deed dated September 22, 1923, filed for record as Instrument No. 269762 in the office of the County Clerk and Recorder of Larimer County, State of Colorado, on April 8, 1924, and recorded in Book 481, page 101 of the public records of said county.

Warranty deed dated May 8, 1924, filed for record as Instrument No. 274366, in the office of the County Clerk and Recorder of Larimer County, State of Colorado, on June 19, 1924, and recorded in Book 481, page 360 of the public records of said county.

Warranty deed dated February 18, 1932, filed for record as Instrument No. 390196, in the office of the County Clerk and Recorder of Larimer County, State of Colorado, on March 15, 1932, and recorded in Book 623, page 424 of the public records of said county.

The Petitioner has made continuous use of the full amount of water authorized to be taken under and by said priorities numbered 57, 58, and 68, except as to Priority Right Number 57. Under said priority right number 57, it has continuously used nine hundred and eighty three one thousandths (0.983) of one cubic foot of water per second upon eleven and eight-tenths (11.8) acres of land. It has not used and is not entitled to use water under said priority right upon any more land than 11.8 acres.

3. The changes in points of diversion sought in the petition to be made will not injuriously affect the rights of any water users in said Water District No. 4.

Authority should, therefore, be granted to the petitioner to make the changes in points of diversion as prayed, but with a proviso and condition that, in taking water from the new points of diversion, the rights of the petitioner to water shall not become superior with respect to the matter of priority to any rights that are now senior thereto. In other words, a condition should be made to the effect that no greater priority right shall be obtained by reason of making a domestic or other use of the water taken from said new points of diversion than such right or rights as are now held in connection with the use of water taken under said adjudicated rights for irrigation purposes.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that authority be and the same is hereby granted to the United States of America to make the following changes in points of diversion of a portion of the water authorized to be taken under said priority rights numbered 57, 58 and 68, in Water District No. 4, State of Colorado, the points of diversion, the new use, and the amount of water in both second feet, and acre feet per annum, to be used from both the original and new points of diversion, being stated as follows:

(PRIORITY NUMBER 57.)

THE JONES DITCH.

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(1) Springs tributary to Fall River in the Northwest quarter (NW $\frac{1}{4}$) of the North-west quarter (NW $\frac{1}{4}$) of Section 21, Town-ship 5 North, Range 73 West of the Sixth Principal Meridian* from which the North-west corner of said section bears North 79° 06' West 1236.12 feet.	Domestic supply, sanitation, fire protection, in Aspenglen (Public) Campground.	0.064 second-feet, but not to exceed 11.407 acre-feet per annum.
*The Sixth Principal Meridian is hereafter referred to as the 6th P. M.		
(2) On the right or South bank of Hidden Valley Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 18, Township 5 North, Range 73 West of the 6th P. M. from which the Southeast corner of said section bears South 85° 02' East 2309.1 feet.	Domestic supply, sanitation, fire protection, at camp in Little Horseshoe Park and adjacent (Ashton) ranch, and public campground to be built and established.	0.044 second-feet, but not to exceed 10.493 acre-feet per annum.

(Quantity hereafter to be used from original point of diversion.)

0.875 second-feet, but not to exceed 13.5 acre-feet per annum.

PRIORITY NUMBER 68.

THE HORSESHOE DITCH.

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(1) Three springs, being headwaters of Sundance Creek, a tributary of Fall River, in the Northwest quarter (NW $\frac{1}{4}$) of Southwest quarter (SW $\frac{1}{4}$) of Section 16, Township 5 North, Range 74 West of the 6th P. M., and from which the Southeast one-sixteenth (1/16) corner of Section 14, Township 5 North, Range 74 West of the 6th P. M., bears as follows: From Spring No. 1, South 86° 24' East 13,319 feet. From Spring No. 2, South 85° 54' East 13,328 feet. From Spring No. 3, South 86° 15' East 13,304 feet.	Domestic, sanitation and fire protection at the Trail Ridge Road Maintenance Camp.	0.004 second-feet, but not to exceed 1.35 acre-feet per annum.
(2) On the right or South bank of Hidden Valley Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 18, Township 5 North, Range 73 West of the 6th P.M. from which the Southeast corner of said section bears south 85° 02' East 2309.1 feet.	Domestic supply, sanitation, fire protection, in Little Horseshoe Park and adjacent (Ashton) ranch, and public campground to be built and established.	0.145 second-feet, but not to exceed 34.499 acre-feet per annum.
(3) The North side of a nameless tributary at the headwaters of Fall River in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 1, Township 5 North, Range 75 West of the 6th P.M., and from which point the Northeast corner of said Section 1 bears North 21° 48' East 549 feet. (The corner being a scribed stone of GLO survey of 1882).	Domestic, sanitation and fire protection at Fall River Pass Museum, public comfort station and parking area.	0.100 second-feet, but not to exceed 16.947 acre-feet per annum.

THE HORSESHOE DITCH - (Continued)

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(4) Chiquita Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of section 11, Township 5 North, Range 7 $\frac{1}{2}$ West of the 6th P. M., at a point from which the Southeast corner of said section bears South 58° 53' East 5173.6 feet.	Domestic, sanitation, fire protection, at Endovalley Campground.	0.118 second-feet, but not to exceed 20.736 acre-feet per annum.
		Quantity hereafter to be used from original point of diversion.
		4.633 second-feet, but not to exceed 181.468 acre-feet.

PRIORITY NUMBER 58.

THE HUPPS AND BEAVER DITCHES.

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(1) Springs tributary to Big Thompson River in the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 34, Township 5 North, Range 73 West of the 6th P. M., from which the North quarter corner of said Section 34 bears North 85° 44' West 376 feet.	Domestic, industrial and fire protection, in Park Utility and employees' residential area.	0.015 second-feet, but not to exceed 11.16 acre-feet per annum.
(2) South or right bank of Big Thompson River in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 4, Township 4 North, Range 73 West of the 6th P. M., at a point from which the Southeast corner of Section 33, Township 5 North, Range 73 West of the 6th P. M. bears North 78° 26' East 1069 feet.	Domestic, sanitation, fire protection, for a lodge, store and housekeeping cabins at Camp Woods and Big Thompson River Entrance to Park.	0.300 second-feet, but not to exceed 85.973 acre-feet per annum.

THE HUPPS AND BEAVER DITCHES (Continued)

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(3) Springs tributary to Bear Lake, which is tributary to Big Thompson River through Glacier Creek, in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 14, Township 4 North, Range 74 West of the 6th P. M., from which point the NSSW 1/256 corner of Section 7, Township 4 North, Range 73 West of the 6th P. M. bears North 77° 46' East 10,696 feet. (Corners of Section 14 burned out about 1896.)	Domestic sanitation, fire protection, for hotel, museum, ranger station, and parking area at end of motor road at Bear Lake.	0.086 second-feet, but not to exceed 24,658 acre-feet per annum.
(4) Right bank of Boulder Brook, a tributary of Big Thompson River through Glacier Creek, in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 18, Township 4 North, Range 73 West of the 6th P. M., from which the North quarter (N $\frac{1}{4}$) corner of said Section 18 bears North 50° 15' East 1332.6 feet.	Domestic, sanitation, fire protection, at Sorague's Hotel, Glacier Basin Camp-ground, and Mountain side Lodge.	0.589 second-feet, but not to exceed 112.242 acre-feet per annum.
(5) Springs tributary to Fern Lake, which is tributary to Big Thompson River through Fern Creek, in the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 51° 14' East 9346.94 feet.	Domestic, sanitation, fire protection, at Fern Lodge and Fern Lake Ranger Station.	0.081 second-feet, but not to exceed 18,277 acre-feet per annum.
(6) East or right bank of Fern Creek, a tributary of Big Thompson River in Lot one (1) of the Northeast quarter (NE $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 81° 46' East 3956.1 feet.	Domestic, sanitation, fire protection, at Forest Inn.	0.081 second-feet, but not to exceed 13,297 acre-feet per annum.
		<u>Quantity hereafter to be used from original points of diversion.</u>
		2.848 second-feet, but not to exceed 94.393 acre-feet per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the authority hereby granted is subject to the condition hereby made, that in making the said changes in points of diversion, United States of America, and all future owners of the water rights under which water shall be diverted from said new points of diversion, shall acquire no greater or different priority rights by reason of making a domestic or other use of the water so diverted than if the water so diverted were used for irrigation purposes, as authorized in the general adjudication decree made and signed by this Court on June 29, 1916.

DONE IN OPEN COURT this 30th day of January, 1939.

FREDERIC W. CLARK
JUDGE.

Book 685 Page 540

STATE OF COLORADO,)
COUNTY OF BOULDER.) SS.

I, C. W. ATKINSON, Clerk of the District Court in and for said County, in the State aforesaid, and as such Clerk custodian of the files and records of said Court, do hereby certify that the foregoing is a full, true and correct copy of FINDINGS AND DECREE, in Case No. 10050, duly entered on the 30th day of January, A. D. 1939, IN THE MATTER OF PRIORITY OF WATER RIGHTS IN DISTRICT NO. 4, ON PETITION OF THE UNITED STATES OF AMERICA TO CHANGE POINTS OF DIVERSION OF A PORTION OF THE WATER HERETOFORE AUTHORIZED TO BE TAKEN AND USED UNDER PRIORITIES NUMBERED 57, 58 and 68, as the same appears of record in this Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in Boulder, this 16th day of February, A. D. 1939.

(SEAL)

/s/ C. W. Atkinson
Clerk.

No. 269762

WARRANTY DEED - R. 8 (1st West Printing and Stationery Co., Colorado Springs, Colo.)

This Deed, Made this 1st day of September in the year of our Lord one thousand nine hundred and twentieth year.

of the County of LaRimer, and State of Colorado, of the first part, and

of the County of LaRimer, and State of Colorado, of the second part:

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of \$100.00 Dollars, to the said part 2nd of the first part in hand paid by the said part 2nd of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said part 2nd of the second part, his heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of LaRimer and State of Colorado, to-wit: All that portion of the northeast quarter (N.E. 1/4) of the southeast quarter (S.E. 1/4) of Section 36, Township 36 North, Range 102 East, 6th P.M., lying south of the center line of the State Road of All Colorado, extending north-south, 270 feet, more or less, all that portion of the southeast quarter (S.E. 1/4) of the northeast quarter (N.E. 1/4) of said section, and all that portion of the North Branch of Fall River, containing four acres, more or less, together with the right of first use of that section right of way for road purposes from the main road to the above described tract, over and across that portion of the southeast quarter (S.E. 1/4) of the northeast quarter (N.E. 1/4) and the northeast quarter (N.E. 1/4) of the southeast quarter (S.E. 1/4) of said section, as described in, and in accordance with, approved plat of Ed. Carlstrom and Peter Lindquist recorded in Book 473 at page 162, of the public records of said Larimer County and to have and to hold the right to lay, maintain and operate a pipe line across the northeast quarter (N.E. 1/4) of the southeast quarter (S.E. 1/4) of said section, for the purpose of supplying the above described tract with water, it being grantor's intention to allow grantee the first usage and right of way as to owner, and nothing more. There is hereby expressly reserved a right of way for road purposes over and across the premises herein conveyed, for the grantor, his heirs and assigns, from and to lands of the grantor lying west and southeast of said section.

Together with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part 1st of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described, with the appurtenances unto

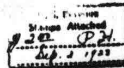
the said part 2nd of the second part, his heirs and assigns forever. And the said

part 2nd of the first part, for himself, his heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part 2nd of the second part, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he will be seised of the premises above conveyed, as of good, pure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and hold good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, leases, tenures, mortgages and incumbrances of whatever kind or naturesoever.

and the above bargained premises in the quiet and peaceable possession of the said part 2nd of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part 1st of the first part shall and will Warranty and Forever Defend.

In Witness Whereof, The said part 1st of the first part has hereunto set his hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF



Peter Lindquist

STATE OF COLORADO,

COUNTY OF LaRimer

In and for the said LaRimer

Charles J. Hill

County, in the State aforesaid, do hereby certify that

Charles J. Hill personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the foregoing instrument of writing as his free and voluntary act and deed, for the uses and purposes therein expressed.

Given under my hand and Notarial seal, this 22nd day of September, A.D. 1920.

My commission expires August 11th

Charles J. Hill



Filed for record the 8 day of April

A.D. 1920

Marshall G. Hill

R. R. Criswell

WARRANT DEED - B. 8-Cut West Printing and Stationery Co., Colorado Springs, Colo.

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2077-2

This Deed, Made this twenty-second day of September in the year of our Lord one thousand nine hundred and twenty-three between Peter Hondius of the County of Primer, and State of Colorado, of the first part, and The United States of America of the County of _____, and State of Colorado, of the second part:

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of _____ Dollars, to the said part 2d of the first part in hand paid by the said part 1st of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said part 2d of the second part, his heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Larimer and State of Colorado, to-wit: All that portion of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of section seventeen (17) township five north of range twenty three west of the 10th M. lying south of the center line of the Fort Brand of Well River, containing thirty acres, more or less, all that portion of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of said section seventeen (17) township five north of range twenty three west of the 10th M. lying south of the center line of the North Branch of Well River, containing thirty acres, more or less, together with the right of first use of that certain right of way for road purposes from the main road to the above described tract, over and across that portion of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) and the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of said section seventeen (17) as described in, and in accordance with agreement between C. D. Carlton and Peter Hondius recorded in Book 173 at page 12, of the public records of said Larimer County, and together with the right to lay, maintain and operate a pipe line across the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of said section seventeen (17) for the purpose of supplying the above described tract with water, it being grantor's intention to allow grantee the first use of such right of way as he owns, and nothing more, there is hereby expressly reserved a right of way for road purposes over and across the premises. Heirs conveyed, for the grantor, his heirs and assigns, from and to lands of the grantor lying west and southeast of said described fields.

Together with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the revenues and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part 1st of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described, with the appurtenances unto The United States of America

the said part 2d of the second part, his heirs and assigns forever. And the said Peter Hondius part 1st of the first part, for himself and his heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part 2d of the second part, his heirs and assigns, that at the time of the enacting and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, leases, tenements and incumbrances of whatever kind or nature sever.

and the above bargained premises in the quiet and peaceable possession of the said part 2d of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part 1st of the first part shall and will Warrant and Forever Defend.

In Witness Whereof, The said part 1st of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

STATE OF COLORADO, County of Larimer, Charles J. Hix Notary Public
in and for the said Larimer County, in the State aforesaid, do hereby certify that Peter Hondius

extra is personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notarial seal, this 22nd day of September, A. D. 1923
My commission expires August 11th, A. D. 1927

Charles J. Hix Notary Public

Filed for record the 8 day of April, A. D. 1923 at 8 46 o'clock A. M.
By Matthew Field
By G. R. Cushing

Other Supporting Information

* Northern Ranger District.

JONES DITCH

WATER DISTRICT No. 4.

PRIORITY

Irrigation Priority No. 57, as of April 30, 1876.

Decree date, June 29, 1916, and October 5, 1925.

Decreed Amount, 5.00 cubic feet of water per second of time to irrigate 60 acres of land, but not entitled to divert more than 180 acre feet per annum under this priority. This priority shall be subordinate to any rights decreed on May 28, 1883, and on March 22, 1890.

POINT OF DIVERSION. (a short distance above Aspenglen Campgrounds)

Headgate is on the South bank of Fall River at a point from whence the East 1/16th Corner of Section 17, Township 5 North, Range 73 West of 6th P.M., bears South 68° 58' East 48.78 feet.

OWNERS OR CLAIMANTS.

Town of Estes Park & Others - 4.017 cubic feet of water per second of time but not to exceed 144.6 acre feet per annum to irrigate 48.2 acres of land.

United States of America - - 0.983 cubic feet of water per second of time but not to exceed 35.4 acre feet per annum for the irrigation of 11.8 acres of land.

* Note: United States is now entitled to divert 0.875 cubic feet of water per second of time through the Jones Ditch but not to exceed 13.5 acre feet per annum. 0.108 cubic feet of water per second but not to exceed 21.9 acre feet per annum was transferred to other National Park Systems by the Courts Decree in a Change In Point Of Diversion Case, dated January 30, 1939.

154

Ricky

4-11-63

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Memorandum

To: The Director

Docket 25

From: Acting Assistant Regional Director, Midwest Region

Subject: Water Rights on Hupps, Beaver, Jones and Horseshoe Ditches.

Enclosed is a copy of Mr. Whitcraft's comments regarding the status of subject water rights. This reply is with reference to Mr. Dunn's August 28, 1962 memorandum.

The following is a tabular summary of the use of subject rights and the availability for transfer:

Hupps - Beaver Ditches

Priority No. 58

<u>System</u>	<u>Quantity</u>	<u>Remarks</u>
Forest Inn	.061 c.f.s.	Abandoned
Fern Lake	.061 c.f.s.	Will use at Fern Lake Patrol Cabin
Camp Woods	.300 c.f.s.	Plan to use at picnic ground, later
Glacier Basin	.589 c.f.s.	In use
Beaver Lake Pipeline No. 2	.120 c.f.s.	In use
Utility Area	.015 c.f.s.	In use

Jones Ditch

Priority No. 57

Aspenglen	.064 c.f.s.	In use
Little Horseshoe	.044 c.f.s.	Available for transfer
Federal owned (Jones Ditch)	.875 c.f.s.	(.775 c.f.s. available for transfer)
		(.10 c.f.s. retained to irrigate campground)
Estes Park	4.017	(Diverting in pens tack of Bendis Cascade pipeline.)
Total	5.000	

Horseshoe Ditch

Priority No. 68

Horseshoe Ditch	4.633 c.f.s.	Retained and available for transfer
Little Horseshoe Park	.145 c.f.s.	Availability for transfer
Endovalley Campground	.118 c.f.s.	In use
Trail Ridge Road Camp	.004 c.f.s.	In use
Fall River Pass	.100 c.f.s.	In use

Pending further developments where some of the available water rights can be used, we will hold the docket in their present status.

(Sgd) Harry B. Robinson

In duplicate Asst. Dir. Assistant Regional Director

cc: Superintendent, Rocky Mountain
✓ Chief, WDC - in duplicate w/enclosure



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Rocky Mountain National Park
and

IN REPLY REFER TO:

L54

Shadow Mountain National Recreation Area
P. O. Box 1080, Estes Park, Colorado

January 3, 1963

Memorandum

To: Regional Director, Midwest Region
From: Acting Superintendent, Rocky Mountain

Subject: Water rights on Hupps, Beaver, Jones and Horseshoe Ditches

Mr. Melaas' September 12, 1962, memorandum asked for a review of the status of the above water rights and if any of them might be transferred or used by new systems in the same drainage areas.

Docket No. 28, Hupps and Beaver Ditches, indicates that we retained a right to use 2.848 cubic feet per second under this right. It has not been abandoned and is used occasionally to irrigate portions of Beaver Meadows. At this time the ditches and headgates are in need of repair. This water right originally had four cubic feet decreed to it, but in the change in point of diversion made in 1939 by the National Park Service, 1.152 cubic feet of water were transferred to water systems at Forest Inn, Fern Lake, Camp Woods, Glacier Basin, Bear Lake and the Utility Area. Of these, the .081 c.f.s. used at Forest Inn has been abandoned and is available for transfer to other systems. The .081 c.f.s. transferred to Fern Lake is not currently being used but it is our plan to move the pipeline to the Fern Lake patrol cabin when Fern Lake Lodge is torn down in the near future. The .300 c.f.s. of water transferred to Camp Woods is not currently being used, as Camp Woods has been removed. However, our long range planning includes a picnic area in this location and therefore only part of this right is available for transfer to other locations. Water transferred in 1939 to Glacier Basin, Bear Lake and the Utility Area is still in use.

In the same 1939 adjudication .108 c.f.s. of the Jones Ditch water right was transferred to Aspenglen (.064) and the Little Horseshoe Pipeline (.044). The Aspenglen water is being used for the campground but the water at Little Horseshoe has not been used since the Public Health Department declared it unsafe for human consumption at the Little Horseshoe residences. This .044 c.f.s. is available for transfer to the other systems. The remainder of 4.892 c.f.s. of decreed

Reg. Director	
Admin. Asst.	
Asst. to R. D.	
Admin.	
Cons. Int-Use	
Res. Planning	
Prog. Coord.	
Info. & Publs.	
Field Solis.	
<i>Director's Office</i>	<i>1-10</i>
<i>Mr. Melaas</i>	<i>1/3/63</i>
Action taken	<i>1/3/63</i>
<i>Director's Office</i>	<i>1/3/63</i>
Filed	<i>1/3/63</i>

Director
1/3/63
4-863

water left in Jones Ditch is divided between the United States (.875 c.f.s.) and the Town of Estes Park (4.017 c.f.s.). The United States-owned water is allowed to run through the campground in the original Jones Ditch where it helps maintain plant growth in the heart of the campground. The Town of Estes Park is now diverting its share of the water further up in the penstock of the Hondius Cascade Pipeline. Headgate repairs are needed on the Jones Ditch point of diversion. A large share of the .875 c.f.s. owned by the United States would be available for transfer to some other system as .10 c.f.s. would be adequate for the ditch flow through the campground.

Horseshoe Ditch (Docket No. 35) retains a decreed right of 4.633 c.f.s. and is used several times a year to irrigate the meadows in Horseshoe Park. In the 1939 change in point of diversion .367 c.f.s. of the original 5 c.f.s. was transferred to Little Horseshoe, Endovalley Campground, Trail Ridge Road Camp, and Fall River Pass water systems. These are all in use with the exception of Little Horseshoe mentioned above concerning Jones Ditch.

Much of the 4.633 c.f.s. retained in the Horseshoe Ditch right is available for transfer to other systems.

At the time of this writing, there are no new systems in the drainage areas occupied by the Hupps, Beaver, Jones and Horseshoe Ditches which are in need of water right protection which could be gained by transferring parts of the above rights thereto. We are grateful, however, to Mr. Dunn for suggesting this review, as it reminded us of the .081 c.f.s. available for transfer from the abandoned Forest Inn Pipeline and the .189 c.f.s. now in disuse at Little Horseshoe Park residence area.

Thomas E. Whitcraft

Thomas E. Whitcraft

In duplicate

Office of
Chief, Western Office
Div. of Design and Const.

DEC 7 1955 A.M.

Supv. Architect

Supv. Engineer

Supv. Landscape Arch.

Safety Engineer

Chief, Water Resources Section

December 2, 1955

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Rights for Water System at Hidden Valley Ski Area,
Drawing 3404-A, Rocky Mountain

The subject drawing should have a tie to a section corner for water right purposes. The tie may be to any part of the traverses provided the courses are all given from the tie to the point of diversion by traverse. We shall appreciate a print of the necessary sheet of the drawing when the information can be supplied.

The next question is how to establish water rights for the particular system. I favor the transfer of Federally-owned established rights, if possible. Please refer to dockets 25, 27, 35, 37 and 38 which show the following rights which may not be fully exercised, and for which little or no further use is contemplated by the existing systems and proposed systems:

- #25 - Jones Ditch - Priority 57 - 0.875 sec.ft. with annual limit of 13.5 AF.
- #27 - Little Horseshoe Park Water System (old Ashton - CCC System) - Priority 57 - 0.044 sec.ft. with annual limit of 10.493 AF.
- #35 - Horseshoe Ditch - Priority 68 - 4.633 sec.ft. with annual limit of 18.468 AF.
- #37 - Trail Ridge Road Camp - Priority 68 - 0.004 sec.ft. with annual limit of 1.35 AF.
- #38 - Fall River Pass Water System - Priority 68 - 0.100 sec.ft. with annual limit of 16.974 AF.

I believe that the Trail Ridge Road Camp may have been abandoned without constructing the water system. The Fall River Pass water rights are actually exercised to a large extent through the pipeline serving the public accommodations at the junction of the Fall River and Trail Ridge roads, but the point of diversion has not been transferred. We do not know the extent to which water is still used through the Little Horseshoe Park pipeline.

The rights now appurtenant to the Horseshoe and Jones ditches are residuals after the transfers in the adjudication of 1939, Case 10050 in the State Court of Water District No. 4. Additional portions may be transferred to pipelines as needed.

My original proposal to transfer rights from the Harbison Ditch to the Grand Lake Lodge and Entrance Area pipeline in Water District No. 51 was not accepted by former Special Assistant to the Attorney General. Perhaps that possibility should now have reconsideration by the Field and Regional Solicitors, since the alternative effort to have rights established in the Suit between the U. S. and City of Denver has fallen through. In addition, we should obtain the recommendations of the Field and Regional Solicitors as to whether we should prepare claims for adjudication of changes in points of diversion of water in the various water systems mentioned in Water District 4, when they would suggest that we request the Attorney General to initiate such an adjudication, and whether we should file any claims for such changes with the State Engineer.

The legal questions and the preparation of any statements of claim will require a prior report of the variations in uses and the rights recorded in the 5 dockets. If we are to adjudicate soon, we should also have a review of all water uses and rights in Water District 4 to see if other points of diversion should be amended.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Field Solicitor Mullady (2), Region Two Office
Superintendent, Rocky Mountain
~~Western Office of Design and Construction~~

Docket 25

Memorandum

To: Superintendent, Rocky Mountain National Park

From: Acting Assistant Regional Director

Subject: Transmittal of 14 individual dockets, 25 through 38, for the Jones, Happs-Beaver and Horseshoe Ditches and the 11 water systems to which parts of these rights have been transferred, Rocky Mountain National Park

Attached is a copy of Mr. Dunn's memorandum of August 11 on the above named subject. Under separate covers we are sending you a set of Dockets 25--38 inclusive and 14 prints of drawing No. 6984 for insertion in them in line with Mr. Dunn's advice. We regret we have not acceded to his suggestion that this office insert the drawings in the sets intended for you and for the Western Office of Design and Construction, but the combination of absences and current moving around of personnel and furniture in this office have made it advisable not to attempt to undertake Mr. Dunn's recommended insertions except for this office.

Signed

Harvey P. Benson
Acting Assistant Regional Director

In duplicate

Attachment

Copy to: Chief, Western Office
of Design and Construction
w/copy of Dunn's memo and
set of dockets and prints of
drawing
Director

174

154

AUG 26 1954

Office of Chief, Western Office Div. of Design and Const.
AUG 30 1954 A.M.
Supv. Architect.....
1 - Supv. Engineer..... <i>W. S. 1/30</i>
Supv. Landscape Arch.....
Safety Engineer.....



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

AUG 11 1954

REG. DIRECTOR
ASST. REG. DIRECTOR
CHIEF, DIV. OF ADMIN.
CHIEF, DIV. OF OPERATIONS
CHIEF, DIV. OF INTERP.
CHIEF, DIV. OF LAND ACQ.
FIELD SOLICITOR
ACTION TAKEN
FILE

Guigally
Robertson

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Transmittal of 14 individual dockets, 25 through 38, for the Jones, Hupps-Beaver and Horseshoe Ditches and the 11 water systems to which parts of these rights have been transferred, Rocky Mountain.

By memorandum of December 7, 1953, in connection with the L-1 form for Forest Inn property, I pointed out that there were appurtenant water rights which had been overlooked because the records were buried in Docket 1. In replies of January 19 and 26, Messrs. Canfield and McLaughlin concurred in the proposal to set up individual dockets for rights appurtenant to each water system.

Under separate cover we are transmitting three copies each of fourteen docket folders. Each folder contains a copy of a portion of the decree which gives pertinent details of each of the transferred rights. Before your copies are filed, and the copies are forwarded to the area and to the Western Design Office, a print of drawing NP-RM-6984 should be inserted below the enclosed portion of the decree. Since we sent the tracing of the drawing to you in May, 1953, the prints will have to be supplied by you or the Western Office of Design and Construction. There will be a total of 56 prints, of which 14 should be sent to this office. This will leave the existing print of the drawing in Docket 1, with the water systems all colored, near the bottom of the top section of the Docket marked "Adjudication of Changed Points - Decreed Priorities 57, 58 and 68."

In our assemblies, we are marking the portions of the decree in color which relate to the particular water system in each of the new dockets, and propose to color the related water system on the map in the same color. It is suggested that the same action be taken in each office after the assemblies are distributed.

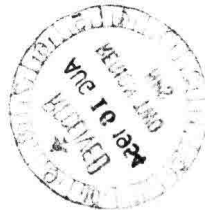
The new dockets, 25 through 38, supersede the sub-sections for individual water systems at the bottom of the aforesaid top section Docket 1, and their contents should be transposed to the top

of contents of the new dockets. Apparently there are items to transpose to the dockets 33 and 34 for the Glacier Basin and Bear Lake Water Systems. We are then removing the separators for the sub-sections.

You will note that each main fly of the new docket folders includes a cross reference to Docket 1. In a like manner we are inserting the following statement on fly of Docket 1: "For Individual Water Systems, see Dockets 25-38."

In my memorandum of December 7, I pointed out that water rights had been transferred to 10 pipe lines and the proposed Trail Ridge Road Camp Water System, but that we had no record that the latter had ever been constructed. Under the Colorado water laws, the right to the appurtenant 0.004 sec. ft. of water will not lapse. Moreover, the right is partially exercised if water is packed from the designated springs to the camp. However, while I was stationed at the Park, most of the water was hauled from a roadside spring to the west. We should keep in mind that the right should be transferred to some operating system before the water laws are amended to cover lapse of rights. However, such an amendment does not seem to be imminent, and I do not believe the present U. S. Attorney would attempt to adjudicate the transfer at this time.

A. van V. Dunn
A. van V. Dunn
Chief, Water Resources Section



2-4

Office of Chief, Western Office Div. of Design and Const.	
AUG 16 1954 A.M.	
Supv. Architect	
Supv. Engineer	<i>W. S. H.</i>
Supv. Landscape Arch.	
Safety Engineer	

Docket 25

AUG 11 1954

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section

Subject: Transmittal of 14 individual dockets, 25 through 38, for the Jones, Hupps-Beaver and Horseshoe Ditches and the 11 water systems to which parts of these rights have been transferred, Rocky Mountain.

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*2 folders
10/10/54*

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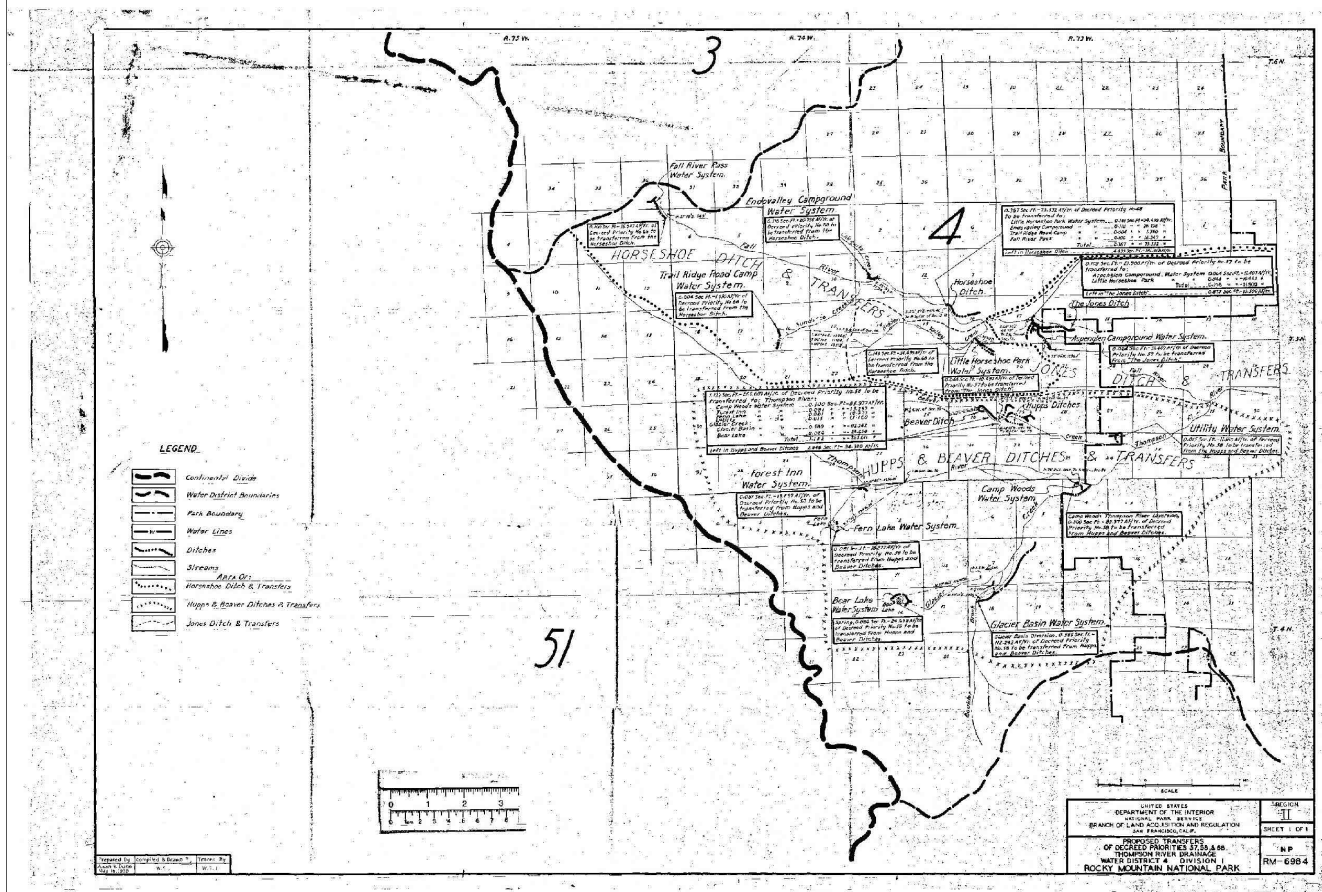
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(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Copy to: ~~Western~~ Office, Design & Construction



Docket Information

Number of Documents in Docket 30

Documents Dated from 9/22/1923 to 4/11/1963

Docket Compiled: 6/14/2011