



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 26

WELL (ABANDONED) AND SPRINGS

Preliminary Docket Information

00-00-0000: water right record: id no. romo w1705730f26

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #26

IDENTIFICATION NO: ROMO, W, 1, 7, 0, 5, 7, 3, C, F, 2, 6

DITCH/WATER SYSTEM: Aspenglen Campground (Abandoned)

SOURCE OF SUPPLY: Well

LOCATION: SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Sec. 17, T5N, R73W of the 6th PM, whence the east 1/16 (C-C) corner bears south 52°56' west, 49.21 feet.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 1429

Certificate Record Number:

Date of Priority: June 27, 1958

Quantity of Water: .056 cfs

Purpose: Domestic and public use

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a 54 ft. well, pump, 25,000 gallon reservoir, water and sewer system.

Filing 22745-accepted for filing in the office of the State Engineer of Colorado on January 13, 1966.

This well failed to produce enough water, so the pump was pulled, the pump house taken down and the site obliterated.

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #26

IDENTIFICATION NO: ROMO, R 2 1, 0 5, 7 3, A, F, 2 6,

DITCH/WATER SYSTEM: Aspenglen Campground

SOURCE OF SUPPLY: Springs tributary to Fall River

LOCATION: NW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 21, T5N, R73W, of the 6th PM, from whence the NW corner bears north 79°06' west, 1236.12 feet. 3000 feet southeast of campground.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: Decreed Priority #57 - April 30, 1876, transferred from Jones Ditch on January 30, 1939.

Quantity of Water: 0.064 cfs

Purpose: Domestic, sanitation, fire protection

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a two inch pipe.
This is kept as a standby system.

ROCKY MOUNTAIN

Docket 26

Tentative Table of Contents

PART I - Adjudication of Changed Point of Diversion - Priority 57

1. Drawing RM-6984
2. Findings and Decree of February 16, 1939.

Part II - Change to Well Supply - Application-Permit 1429

1. Plan of New System - Sketch 2 with Mott Memo of 5/21/58 (received).
2. Notice of Intent to Drill (?).
3. Log and History of Well - Form E (to be supplied).
4. Application for Use of Ground Water - Form C (received).
5. Permit to Use Ground Water (Form D (received)).

DOCKET INFORMATION SHEET

Docket Identity	ROMO W 17 05 73 C F 26
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	ASPENGLEN CAMPGROUND
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 26
Location	T5N R73W SEC 17 SE 1/4 NE 1/4
Acquired by	APPROPRIATION
Application	22745 JANUARY 13 1966
Permit	1429 WELL DRILLING
Certificate	
Priority	JUNE 27 1958 - .056 CFS
Reservation	JANUARY 26 1915
Status	INACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC AND PUBLIC
Quantity	.056 CFS
Hydrologic Unit	10190006
Remarks	THIS WELL FAILED TO PRODUCE ENOUGH WATER, SO THE PUMP WAS PULLED, THE PUMPHOUSE TAKEN DOWN AND THE SITE OBLITERATED

DOCKET INFORMATION SHEET

Docket Identity	ROMO S 21 05 73 A F 26
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	ASPEN GLEN CAMPGROUND
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 26
Location	T5N R73W SEC 21 NW 1/4 NW 1/4
Acquired by	APPROPRIATION
Application	
Permit	57
Certificate	COURT DECREE 10050
Priority	APRIL 30 1976 10.064 CFS
Reservation	JANUARY 26 1915
Status	INACTIVE FEDERAL JANUARY 30 1939
Source	GROUND WATER
Use	DOMESTIC SANITATION FIRE PROTECTION
Quantity	0.064
Hydrologic Unit	10190006
Remarks	DECREASED PRIORITY TRANSFERRED FROM JONES DITCH
	ON JANUARY 30 1939
	THIS IS KEPT AS A STAND-BY SYSTEM



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900
Telefax Number
(303) 294-1931
FTS/330-1931

January 15, 1993

VIA FEDERAL EXPRESS

Mr. Ray Liesman, Water Referee
WATER DIVISION 1
WELD COUNTY COURTHOUSE
9th Street & 9th Avenue
Room 418
Greeley, CO 80631

Re: Water Division 1
Case Nos.: 85CW348 & 85CW349

Dear Mr. Liesman:

Pursuant to Lynn Johnson's previous telephone message to your office, this is to confirm that we believe there is an error in the proposed rulings for the above cases. On item 2 of each of these proposed decrees, we believe the correct date for decree CA10050 is 01/30/39.

Thank you for your attention to this matter. If you have any questions, please let us know.

Respectfully,

Julia D. Draper
Julia D. Draper
Paralegal Specialist
General Litigation Section

/jdd
cc: Owen Williams
Ralph O. Canaday
Ken Czarkowski



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Ft. Collins, Colorado 80525
January 12, 1993



L54(479)
ROMO/Water Rights

Lynn A. Johnson, Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Water Division No. 1
Case Nos.: 85CW346, 85CW348, 85CW349 & 85CW383

Dear Lynn:

Per your January 6, 1993, request, we have reviewed the FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT, in the above-captioned cases. We find these rulings acceptable as written, with one possible correction required. In Item 2, Findings of Fact, 85CW348, and Item 2, Findings of Fact, 85CW349, we note that there are two different dates for CA 10050. From our research of the National Park Service water rights dockets, it would appear the correct date of the decree is January 30, 1939. This being the case, 85CW346 and 85CW383 correctly cite this date.

Thank for the opportunity to review these rulings. If you have any questions, please contact Dan McGlothlin of my staff, (303) 225-3536.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

cc: ROMO - Czarnowski
RMR - Wise
479 - McGlothlin, Dockets - ROMO 0025, 0026, 0027, 0028



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
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January 6, 1993

Ralph O. Canady, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarknowski
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW346, 85CW348, 85CW349 & 85CW383

Gentlemen:

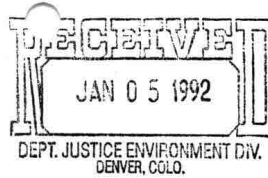
Enclosed please find copies of FINDINGS AND RULING OF THE REFEREE . . . in the above-captioned cases. Please let us know by **January 15, 1993**, whether these Rulings are acceptable.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

FILE



WATER DIVISION NO. 1
STATE OF COLORADO

DEC 31 1992

Date

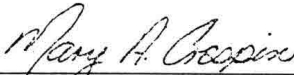
TO: Lynn A. Johnson, Esq.
999 18th St., #945
Denver, CO 80202

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 85CW349.

Please check your Ruling very CAREFULLY! If any errors are found, notify the Water Clerk's Office IMMEDIATELY.

You have twenty (20) days after the above date of mailing to file with the Water Clerk, any pleading in protest to or in support of the Referee's Ruling. Any such pleading to the Referee's Ruling must be filed on or before JAN 20 1993, plus any additional time allowed by Rule 6(e) CRCP. In the absence of any pleading being received, the Judge of the Water Court will incorporate the Referee's Ruling in the Decree which will be entered after JAN 20 1993.



Mary Cressin
Water Clerk, Water Division 1
P O Box C
Greeley, CO 80632
(303) 351-7300, Ext. 4550

FILED IN DISTRICT COURT
12 DEC 31 P 3:38
IN THE WATER COURT
BOULDER COUNTY COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW349
(Boulder County CA 4862 and CA 10050)

FINDINGS AND RULING OF THE REFEREE 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 November 26, 1985 to modify the decree in Boulder County CA 10050. The Referee 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 Referee has jurisdiction of this application.

No Statement of Opposition to said application has been filed and the time for filing such statement 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 June 29, 1916. The ditch was decree for irrigation of 60 acres with 5 cfs of water as of April 30, 1876.

85CW349

USA

Page 2

2. In CA 10050 decreed in Boulder County on January 30, 1936, 0.064 cfs was transferred to Springs tributary to Fall River in NW1/4 NW1/4, Section 21, Township 5 North, Range 73 West. The use was for domestic supply sanitation and fire protection in Aspenglen Campground. The amount transferred was limited to 11.407 acre feet per annum.

3. Applicant requests these rights be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of Fall River.

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

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

2. The name of the structures:

Jones Ditch No. 1 aka Aspenglen Campground Springs

3. The legal description of the structures:

NW1/4 NW1/4, Section 21, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point whence the NW corner Section 21 bears N 79 deg. 06' West, 1236 feet.

4. The source of the water:

Springs, tributary to Fall River

5. The date of appropriation:

April 30, 1876 as decreed in CA 4862 dated June 29, 1916.

85CW349
USA
Page 3

6. The amount of water:

0.064 cfs limited to 11.407 acre feet per annum.

7. The use of the water:

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

8. 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.

9. 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).

Dated: DEC 31 1992


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

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

Dated: _____

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

January 11, 1989

LSA(479)
ROMO/Water Rights
X PLFO/Water Rights

Mr. John Hill, Jr.
Attorney, General Litigation Section
U.S. Department of Justice
Land and Natural Resources Division
Denver Field Office
Federal Building, 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

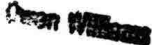
Re: Water Division No. 1 - Case Numbers 85CW374; 85CW375; W-8792-77;
W-8790-77; W-8795-77; W-8796-77; W-8799-77; W-8800-77; W-8801-77;
W-8802-77; W-8803-77 - Your letter of January 3, 1989.

Dear Mr. Hill:

We have reviewed the copies of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT in the above captioned cases. We have verified our claims and the courts findings and find the Rulings to be acceptable. During our review we identified conflicting legal locations for W-8792-77 and W-8799-77. We will investigate these conflicts and if found to be in error in the Ruling, will make the appropriate changes in legal location at a later date.

If you have any questions, please call me.

Sincerely,



Owen E. Williams
Chief, Water Rights Branch

cc: RMR - Rouse, Hermance
ROMO - Superintendent
PLFO - Superintendent
ESOLRMR - Cannaday
WRD - Ponce

FNP:WBN:sep:1/11/89:221-8302:WANC#496



U.S. Department of Justice

Land and Natural Resources Division

Denver Field Office

Federal Bldg., 1961 Stout Street

Drawer 3607

Denver, Colorado 80294

Commercial Number

(303) 844-3627

FTS/564-3627

January 3, 1989

Mr. Owen R. Williams,
Chief, Water Resources Division
National Park Service
Federal Building, 301 S. Howes Street
Fort Collins, Colorado 80521

Re: Water Division No. 1 - Case No. W-8790-77

Dear Owen:

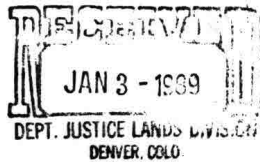
Enclosed please find a copy of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT in the above-captioned case. Please let us know by January 12, 1989, whether this Ruling is acceptable to your agency. We look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Hill, Jr.", is written over the typed name.

John R. Hill, Jr.
Attorney
General Litigation Section

cc: Ralph O. Canaday, Esq.
Regional Solicitor's Office
Department of the Interior
Denver, Colorado



FILED IN CASE NO. 8790-77

18 DEC 22 AM 1:33

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO, DISTRICT COURT
WELD COUNTY COLO.

CASE NO. W-8790-77

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

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

THIS CLAIM was filed with the Water Clerk, Water
Division 1, on December 29, 1977 and the Referee 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 Referee has
jurisdiction of this application.

Numerous Statements of Opposition and Entires of
Appearance were filed to all the USA cases. Upon agreement of
all counsel this case is to be ruled on as if no opposition had
been filed.

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.

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

United States of America
Department of Justice
Land and Natural Resources Division
1961 Stout Street
P. O. Drawer 3607
Denver, CO 80294

2. The name of the structure:

USA Rocky Mountain National Park
Aspenglen Campground Well No. 23820

W-8790-77

Page 2

3. The legal description of the structure:

SE1/4NE1/4 Section 17, Township 5 North, Range 73
West, 6th P.M., Larimer County, at a point approximately 1,720
feet from the North line and 980 feet from the East line,
Section 17.

4. The source of water:

Groundwater.

5. The date of appropriation:

June 1, 1965

6. The amount of water:

0.07 cubic feet per second (30 gpm) limited to one
acre foot annually.

7. Drinking and sanitary facilities in campground
with 61 camp sites.

8. This water right, so long as uses are limited to
those decreed herein, is exempt from administration by the State
Engineer pursuant to CRS 37-92-602.

Dated: December 29, 1988


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

W-8790-77
Page 3

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

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

Dated: _____

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

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8788-77)

AMENDED APPLICATION FOR SURFACE, ~~AND~~ 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 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 purposes for which the reservation was created as set forth in paragraph 5(c) of ~~this~~ ^{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 Fed. Reg. 33717). This includes all perennial and intermittent streams and springs, seeps and other natural sources of water on lands reserved from the public domain including, but not limited to, Fox Creek, North Saint Vrain Creek, Horse Creek, Cabin Creek, Roaring Fork, Alpine Brook, Inn Brook, Aspen Brook, Wind

to reserve the stream and the water as a public object and the
in the like manner and to provide for the same in the
same manner and to provide for the same in the same manner

NPS
 Name of Structure: ^{NPS} Milner Park Pipeline
 Legal description: ^{NPS} At a point whence the NE corner of Section 1, T. 5 N.,
 R. 75 W. bears N 69°03' E, 20,752 ft.
 Source: Unnamed creek tributary to the Cache la Poudre River
 Description of Structure: Surface Diversion
 Date of Reservation: January 26, 1915
 Use of Water: ~~Historic~~ Domestic, Recreation, Fire Fighting
 Amount claimed: 147 gpm ~~Absolute~~

NPS
 Name of Structure: ^{NPS} Rocky Mountain Boys Camp Pipeline
 Legal description: ^{NPS} 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: ~~Historic~~ Domestic, Recreation, Fire Fighting
 Amount claimed: 6 gpm ~~Absolute~~

NPS
 Name of Structure: ^{NPS} Aspenglen Campground
 Legal description: ^{NPS} 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: ~~Historic~~ Domestic, Recreation, Fire Fighting
 Amount claimed: 30 gpm ~~Absolute~~

NPS
 Name of Structure: ^{NPS} Forest Inn Pipeline
 Legal description: ^{NPS} 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: ~~Historic~~ Domestic, Recreation, Fire Fighting
 Amount claimed: 40 gpm ~~Absolute~~

NPS
 Name of Structure: ^{NPS} Bear Lake Pipeline #2
 Legal description: ^{NPS} From a point whence the north-south, southwest 1/256th
 corner of Section 7, T. 4 N., R. 73 W., bears N 71°40'
 E, 11,070 ft.
 Source: Tyndall Creek, tributary to Big Thompson River
 Description of Structure: Surface diversion
 Date of Reservation: January 26, 1915
 Use of Water: ~~Historic~~ Domestic, Recreation, Fire fighting
 Amount claimed: 60 gpm ~~Absolute~~

Case No. W-8439-76 (W-8789-77 through W-8794-77)

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR
APPROPRIATIVE WATER RIGHTS IN ROCKY MOUNTAIN NATIONAL PARK IN
LARIMER AND BOULDER COUNTIES.

- United States of America
c/o John E. Lindsfold
Attorney, Department of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

- Larimer County

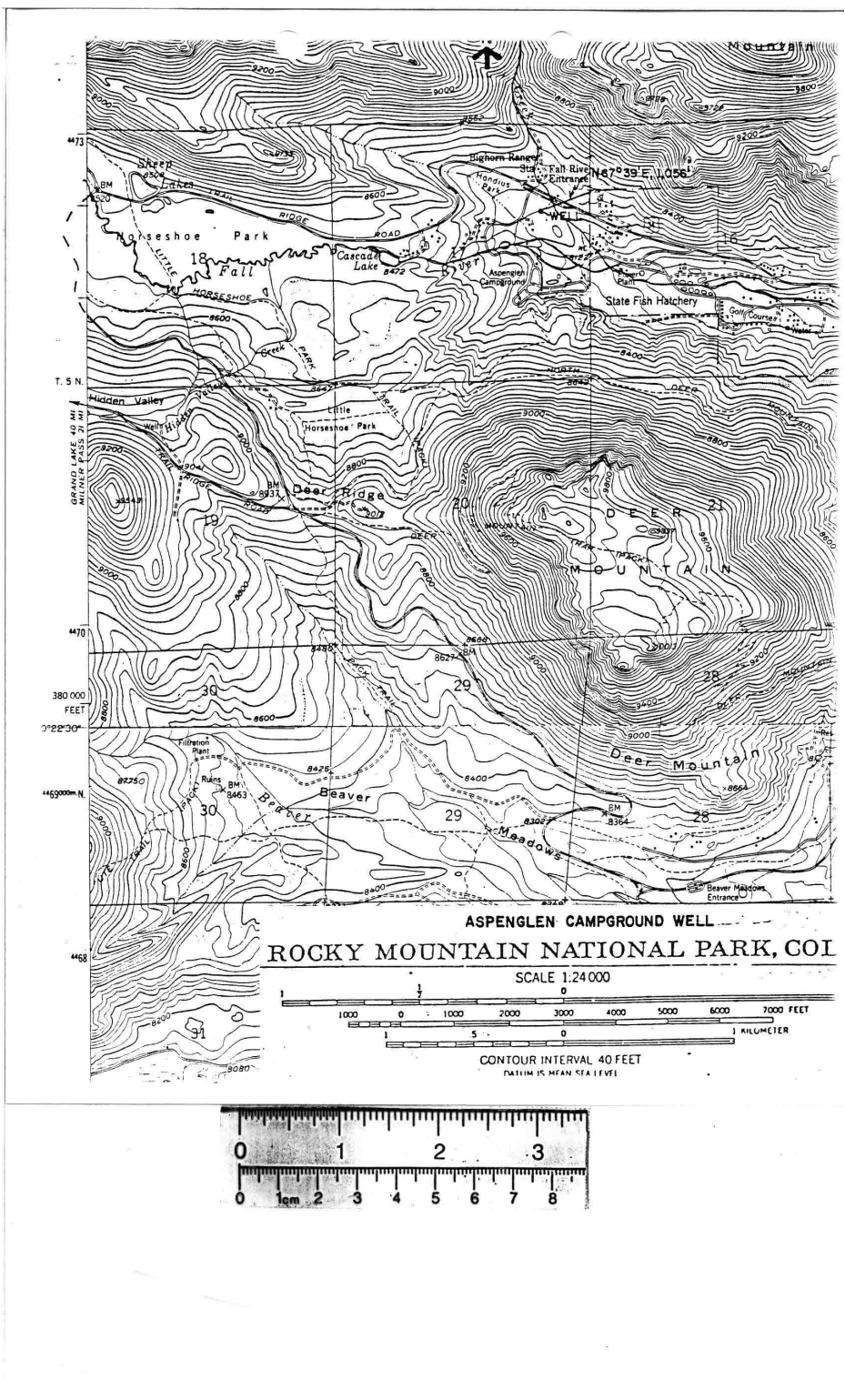
Name of Structure: Bighorn Ranger Station Well
Legal description: In the NE 1/4 NE 1/14, Section 17, T. 5 N., R. 73 W.
Source: Bighorn Creek, tributary to Big Thompson River
Depth of Well: 128 feet
Date of appropriation: June, 1982
Date water applied to beneficial use: August, 1982
How appropriation was initiated: Drilling well
Amount claimed: 20 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Sprague Lake Picnic Area Well
Legal description: In the SW 1/4 SE 1/4, Section 7, T. 4 N., R. 73 W.,
whence the SW corner of Section 7, T. 4 N., R. 73 W.,
bears S. 74° 30' W, 3100 feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of Well: 63 feet
Date of appropriation: August, 1982
Date water applied to beneficial use: September, 1982
How appropriation was initiated: Drilling of well
Amount claimed: 13 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Black Cabin Well
Legal description: In the NW 1/4 SE 1/4, Section 32, T. 4 N., R. 73 W.
Source: Big Thompson River
Depth of well: Alluvium
Date of initiation of appropriation: October, 1964
Date water applied to beneficial use: October, 1964 ¹⁹⁶⁵
How appropriation was initiated: Drilling of well
Amount claimed: 10 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Hallowell Park Well
Legal description: In the SE 1/4 NW 1/4 of Section 6, T. 4 N., R. 73 W.,
whence the monumented corner common to lots 6, 7, 10, 8
and 11, of said Section 6 bears N 2° 24' E, 1335.60
feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of well: 122 feet
Date of appropriation: April, 1965
Date water applied to beneficial use: June, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 50 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Aspenglen Campground Well
Legal description: In the SE 1/4 NE 1/4 of Section 17, T. 5 N., R. 73 W.,
at a point whence the N. 1/16 corner of Sections 16 and
17, T5N, R73W, bears N 67° 39' E., 1056.36 feet.
Source: Fall River, tributary to Big Thompson River
Depth of well: 101 feet
Date of appropriation: June, 1965
Date water applied to beneficial use: August, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 55 gpm Absolute
Use: Domestic, recreation, fire fighting



IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-

IN THE MATTER OF THE
APPLICATION FOR WATER
RIGHTS OF THE UNITED
STATES OF AMERICA IN
LARIMER COUNTY

} APPLICATION FOR UNDERGROUND
} WATER RIGHT (WELL)
}

1. Name of applicant: United States of America

Address of applicant: c/o Kenneth J. Burke
Department of Justice
Land and Natural Resources Division
P. O. Box 1656
Denver, Colorado 80201
2. Legal description of location of well: A point within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, T. 5 N., R. 73 W. of the 6th P.M., in Rocky Mountain National Park, as indicated on the attached map, and known as the Aspenglen Campgrounds Well.
3. Depth of Well: 54 feet.
4. Date of initiation of appropriation: June 27, 1958.
5. Amount of water claimed in cubic feet per second of time: .056 c.f.s.
6. Proposed use of water: Domestic and public use.
7. Permit No. 1429.
8. The United States seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this court from awarding to the United States its water rights bearing their true priority dates.

$$\begin{array}{r} 10 \text{ gpm} = .02 \text{ cfs} \\ 10 \\ \hline .02 = \frac{x}{.056} \end{array}$$

Attorney for Applicant

$$\begin{array}{r} .56 = .02x \\ 28 \text{ gpm} = x \end{array}$$

State of Colorado
Larimer County

} ss.

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

Subscribed and sworn to before me this _____ day of

_____, 19____.

My commission expires _____

Notary Public

Name, address and telephone number
of Attorney for Applicant:

James L. Treece
United States Attorney

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

(303) 837-4961

Form C Rev.
9-62/10M

STATE OF COLORADO

APPLICATION FOR: ☐ A PERMIT TO USE GROUND WATER
☒ A PERMIT TO CONSTRUCT A WELL

National Park Service

Applicant Rocky Mountain National ParkP.O. Address Box 1080, Estes Park, ColoradoQuantity applied for 30 gpm or
AF StorageUsed for Domestic and Public
Campground Purposeson/at Bighorn Ranger Station and
Aspenglen Campground, Rocky
(legal description of land site)Mountain National Park

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL

Hole size: 6 in. to 100 ft.
in. to ft.Casing Plain 6 in. from 0 to 75 ft.

in. from to ft.

Open or Perf. 6 in. from 75 to 100 ft.

in. from to ft.

PUMP Outlet

DATA: Type Submersible HP HP SizeDischarge head unknown at presentUse initiation date 1966

(Use Supplemental pages for additional data)

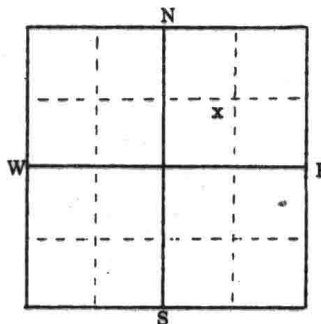
Driller to furnish Log and History (Form E)
within 30 days after completion of well.

LOCATION OF WELL

County LarimerSW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sect. 17, Twp. T5NRge. R73W, 6 P.M. OR

Street Address or Lot & Block No.

Town or Subdivision

Locate
well in
40 acre
(small)
square
as near
as possible.
Large square
is one section.\$25.00 fee required for uses other
than Domestic or Livestock.Applicant Rocky Mountain National ParkAgent or Granville B. EdlesDriller Superintendent No. Address P. O. Box 1080, Estes Park, Colorado**NOTE — SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION**

*Rec'd with ltr dated Mar 2, 1965, to State Eng from
Supt. ltr & filed in Docket no. 26 Aspenglen.*

Form E (Rev.)
9-57/5MSTATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
GROUND WATER SECTION

LOG AND HISTORY OF WELL

PERMIT NO. 1429, Approved June 29, 1958.

Lic.

Drilled by Harry J. Young No. 24

WELL LOCATION

Owner National Park Service, Dept. of Interior,Larimer CountyAddress Estes Park, ColoradoS.E. 1/4 of N.E. 1/4 of Sect. 17

Tenant _____

Twp. 5 North, Rge. 73 W., 6 PMUsed for Domestic and Recreation purposesLOCATE WELL ACCURATELY
IN THE SMALL SQUARES REP-
PRESENTING 40 ACRESon or by Aspen Campgrounds

(description of site or land)

Date Started July 9th, 1958Date Completed Aug. 14th, 1958Date Tested 11th 12th 13th, 1958Yield 15 to 21 gpm _____ cfsPump type submersible Outlet Size 1 1/2 in.Driven by 3/4 HP @ RPM 3500Depth to Water 24 Ft. Draw down 12 Ft.Depth to Inlet 45 Ft.; Bowl 2 1/2 Ft.Size and Kind of Casing: 6 1/4 I. B.From 1 ft. to 54 ft. Type steel Wt. 11 lbs.

From _____ to _____ Type _____ Wt. _____

From _____ to _____ Type _____ Wt. _____

Perforations: Size and Type

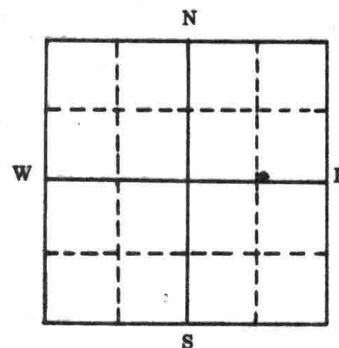
From 32 ft. to 54 ft. Type steel Size 1/2 in.

From _____ to _____ Type _____ Size _____

From _____ to _____ Type _____ Size _____

Well description: Total Depth 54 Ft.(from 1 ft. to 54 ft. _____ in.Hole (from 6 in. to _____ in.

Diam. (from _____ to _____ in.

If the above is not applicable
fill in:Rocky Mountain National Park
Town or Subdivision

Street Address or Lot & Block _____

Ground elevation 8250 ft.
(if known)

How Drilled:

Cable tools _____

REMARKS

Cementing, Packing, Type of
Shut-off, Depth to Shut-off, etc.
PUT LOG OF WELL ON RE-
VERSE SIDETO BE MADE OUT IN QUADRUPPLICATE: Original Blue and Duplicate Green to
State Engineer's Office, White copy to Owner, and Yellow copy to Driller

Received w/ Supt. memo 3/31/60

LOG OF WELL
(ADD SPACES AS NEEDED)

From 1 ft. to 30 ft. *sands + gravel*
30 ft. to 40 ft. *gravel*
40 ft. to 54 ft. *gravel + glacial flour*
____ ft. to ____ ft.
____ ft. to ____ ft.

Harvey J. Young
Well Drillers
Rt. 1, Box 361
Loveland Colo
Ph. NO. 7-3098

National Park Service
Dept. of Interior,
Estes Park, Colo.

Oct. 8, 1958

Well at Aspenglen Camp Ground

Well drilled 54 ft.

Pump setting at 45 ft.

Bottom electrode 18 in. above intake

Top electrode 8 ft. above intake

Pump 5 ft. from bottom of well.

Harvey J. Young

Form C(Rev.)
-1-58/2.5M

STATE OF COLORADO

APPLICATION FOR USE OF GROUND WATER

Applicant National Park Service
Department of InteriorP.O. Address Estes Park, ColoradoQuantity applied for 25 gpm or
 AF StorageUsed for Domestic and Recreation Purposeson/at Aspenglen Campgrounds
(legal description of land site.)

Total acreage irrigated and other rts.

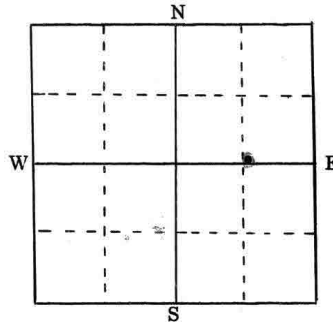
ESTIMATED DATA OF WELL:

Hole size: 8 in. to 40 ft.
 in. to ft.Casing: Plain 8 in. from 0 to 25 ft. in. from to ft.Perf. 8 in. from 25 to 40 ft. in. from to ft.PUMP Submersible - 3/4 H.P. - 1 1/2 inch
Type, Horsepower, Discharge size.Use initiation date July 15, 1958.
(Use Supplemental pages for additional data)

THIS APPLICATION APPROVED

NO. 1429DATE June 27, 1958

LOCATION OF WELL

County LarimerS.E. 1/4, N.E. 1/4, Sect. 17, Twp. 5 N.Rge. 73 W. 6th P.M. ORN. 48°52'E. 49.6 feet from East Center
Street Address or Lot & Block No.1/16th Corner, Sec. 17, T 5 N, R 73 W.
Town or Subdivision\$25.00 fee required for Industrial,
Commercial or Irrigation uses.Applicant National Park Service
Department of InteriorAgent James V. Lloyd
James V. Lloyd, Superintendent,
Rocky Mountain National Park.Nothing herein shall constitute a waiver of any
right which the United States has to the same water.

Form D (Rev.)
1/58STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTION

PERMIT TO USE GROUND WATER

This permit is issued to the applicant of the address shown below authorizing the use of ground water in the amount, for the use as indicated on/at the location given in the application, and as of the initiation date shown.

Form C (Rev.)
1-58/2.5M

STATE OF COLORADO

APPLICATION FOR USE OF GROUND WATER

Applicant National Park Service
Department of InteriorP.O. Address Rocky Park, ColoradoQuantity applied for 25 gpm or
AF StorageUsed for Domestic and Recreation purposes
on/at Approx 40 Acres
(legal description of land site.)

Total acreage irrigated and other rts.

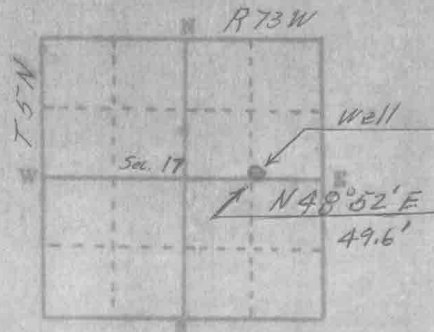
ESTIMATED DATA OF WELL:

Hole size 8 in. to 10 ft.
in. to ft.Casing: Plain 3 in. from 0 to 25 ft.
in. from to ft.
Perf. 3 in. from 25 to 40 ft.
in. from to ft.PUMP Submersible 1 1/2 inch
Type, Horsepower, Discharge size.Use initiation date July 1, 1958
(Use Supplemental pages for additional data.)

THIS APPLICATION APPROVED

NO. 1429DATE July 1, 1958, 1958THE ABOVE APPLICATION, BEING A PART OF THIS PERMIT, IS APPROVED AS
INDICATED.

LOCATION OF WELL

County LarimerS.E. 1, N.E. 1, Sect. 17, Twp. 5 N.,Rge. 73 W., 6th P.M. ORN. 48° 52' E., 49.6 feet from East Center
Street Address or Lot & Block No.1/16th Corner, Sec. 17, T 5 N. R 73 W.
Town or Subdivision\$25.00 fee required for Industrial,
Commercial or Irrigation uses.National Park Service
Applicant Department of InteriorAgent James V. Lloyd
James V. Lloyd, Superintendent,
Rocky Mountain National Park.

By

STATE ENGINEER

Authorized Agent

Form E (Rev.)
9-57/5M

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
GROUND WATER SECTION

LOG AND HISTORY OF WELL

PERMIT NO. 1429, Approved June 29, 1958.

Lic.

Drilled by Harry J. Young No. 24

WELL LOCATION

Owner National Park Service, Dept. of Interior, Larimer County

Address Estes Park, Colorado S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Sect. 17

Tenant _____

Twp. 5 North, Rge. 73 W., 6 PM

Used for Domestic and Recreation purposes

LOCATE WELL ACCURATELY
IN THE SMALL SQUARES REPRESENTING 40 ACRES

on or by Aspenglen Campgrounds
(description of site or land)

Date Started July 9th, 1958

Date Completed Aug. 14th, 1958

Date Tested 11th 12th 13th, 1958

Yield 15 to 21 gpm cfs

Pump type submersible Outlet Size 1 1/4 in.

Driven by 3/4 HP @ RPM 3500

Depth to Water 24 Ft. Draw down 12 Ft.

Depth to Inlet 45 Ft.; Bowl 2 1/2 Ft.

Size and Kind of Casing: 6 1/4 S. D.

From 1 ft. to 54 ft. Type steel Wt. 11 lbs.

From _____ to _____ Type _____ Wt. _____

From _____ to _____ Type _____ Wt. _____

Perforations: Size and Type

From 32 ft. to 54 ft. Type torch Size 5/8 to 1/4 in.

From _____ to _____ Type _____ Size _____

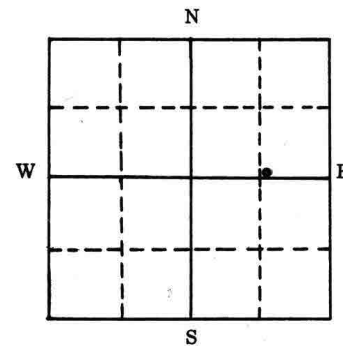
From _____ to _____ Type _____ Size _____

Well description: Total Depth 54 Ft.

(from 1 ft. to 54 ft. _____ in.

Hole (from 6 in. to _____, _____ in.

Diam. (from _____ to _____, _____ in.



If the above is not applicable
fill in:

Rocky Mountain National Park
Town or Subdivision

Street Address or Lot & Block _____

Ground elevation 8250 ±
(if known)

How Drilled:

Cable tools

REMARKS

Cementing, Packing, Type of
Shut-off, Depth to Shut-off, etc.
PUT LOG OF WELL ON REVERSE SIDE

TO BE MADE OUT IN QUADRUPLICATE: Original Blue and Duplicate Green to
State Engineer's Office, White copy to Owner, and Yellow copy to Driller

From 1 ft. to 30 ft. siltstone + gravel
30 ft. to 40 ft. gravel
40 ft. to 54 ft. gravel + glacier flour
 ft. to ft.
 ft. to ft.

LOG OF WELL
(ADD SPACES AS NEEDED)

From 1 ft. to 30 ft. *folded + gravel*
30 ft. to 40 ft. *gravel*
40 ft. to 54 ft. *gravel + glacial flour*
____ ft. to ____ ft.
____ ft. to ____ ft.

4

Harvey J. Young
Well Driller
Rt. 1, Box 361
Loveland Colo
Ph. NO. 7-3098

National Park Service
Dept. of Interior,
Estes Park, Colo.

Oct. 8, 1958

Well at Aspenglen Camp Ground

Well drilled 54 ft.

Pump setting at 45 ft.

Bottom electrode 18 in. above intake

Top electrode 8 ft. above intake

Pump 5 ft. from bottom of well.

Harvey J. Young

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

Reception No. 180428 Stanley A. Curtis, Recorder

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

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. Hondius 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 Northwest quarter (NW $\frac{1}{4}$) of Section 21, Township 5 North, Range 73 West of the Sixth Principal Meridian* from which the Northwest corner of said section bears North 79° 06' West 1236.12 feet.	Domestic supply, sanitation, fire protection, in <u>Aspenglen (Public) Campground.</u>	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.
		<u>Quantity hereafter to be used from original point of diversion.</u>
		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 HUPES 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 N55W 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 1898.)	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 Sprague'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.

Supporting Hydro Data

Form 10-174
(Rev. 2-56)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION Two	AREA Rocky Mountain National Park	COUNTY Larimer	STATE Colorado
PROJECT OR JOB TITLE Water and Sewer Systems			PCP NO. U-84-2 Water U-111 Sewer
LOCATION IN AREA Aspenglen Campground		MASTER PLAN NO. NP-RM-3007-I	BUILDING NO.
WORKING DRAWING NO. AND TITLE NP-RM-3423 Sewer and Water Extensions, Aspenglen Campground.			AS-BUILT DRAWING BY:
APPROPRIATION TITLE AND SYMBOL Construction, NPS, 14 x 1035			WORK ORDER NO. 332.10 Water 332.11 Sewer
CONTRACT NO. 14-10-235-379		DATE WORK STARTED June 17, 1958	DATE WORK COMPLETED July 9, 1959
NAME OF CONTRACTOR Flora Construction Company		ADDRESS Denver, Colorado	

COST ANALYSIS

CONSTRUCTION ITEMS	QTY.	UNIT COST IN PLACE	TOTAL COST IN PLACE
Water System			20,561.41
Sewer System			32,958.00
TOTAL			53,519.41

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

W. J. Cuskelly
W. J. Cuskelly
Supervisory Accountant

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT 99.60	MATERIALS AND SUPPLIES
OTHER 377.82	P.S.&S. - 7,104.73	

CHANGE ORDERS			
ORIGINAL CONTRACT AMOUNT 47,742.15	FIRST -500.00	SECOND +57.50	THIRD -150.00
FINAL CONTRACT AMOUNT 45,937.26	FOURTH	FIFTH	SIXTH

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH
APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title) Ferrest O. Boardman, Engineer	DATE JAN 25 1960
APPROVED BY (Name and title) James V. Lloyd, Superintendent	DATE JAN 25 1960

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

GPO 1957:28

COMPLETION REPORT NARRATIVE

Contract No. 14-10-235-379, Work Order Nos. 332.10 and 332.11
Aspenglen Campground, Rocky Mountain National Park

Bids were opened on May 22, 1958, with four bidders participating. Flora Construction Company of Denver was the low bidder in the amount of \$47,742.15. Notice of Contract Award was given on May 29, and Notice to Proceed established the beginning date as June 17, 1958.

Construction began immediately with the sewer system being placed in operation within 60 days of the beginning date. The water system and all items of the work were completed within the period of the contract. A delay in construction of commercial power service to the pump site forced activation of the well into late October and November. Extremely dry weather conditions resulted in a lowering of water tables and stream flow and while the yield of the well declined from 12 to 10 gallons per minute in the 30 days ending November 20, evidence indicated the depletion of the waterbearing formations lowered the well yield. Due to uncertainty regarding the development of the well, a stop order was issued and a time extension was granted for a period of 100 days to enable further testing of the well with the advent of warm weather and under more favorable and typical groundwater conditions. With higher water tables the sustained well yield increased to approximately 15 gallons per minute in July, 1959.

A relatively thin water-bearing formation approximately 10 feet in thickness, with underlying glacial flour and rock formations, was a limiting factor in the well yield. Production is ample to meet the needs of the campground design and conforms with the quality requirement of the Public Health Service.

Three change orders were initiated, resulting in a reduction in the total cost of the completed work in the amount of \$592.50.

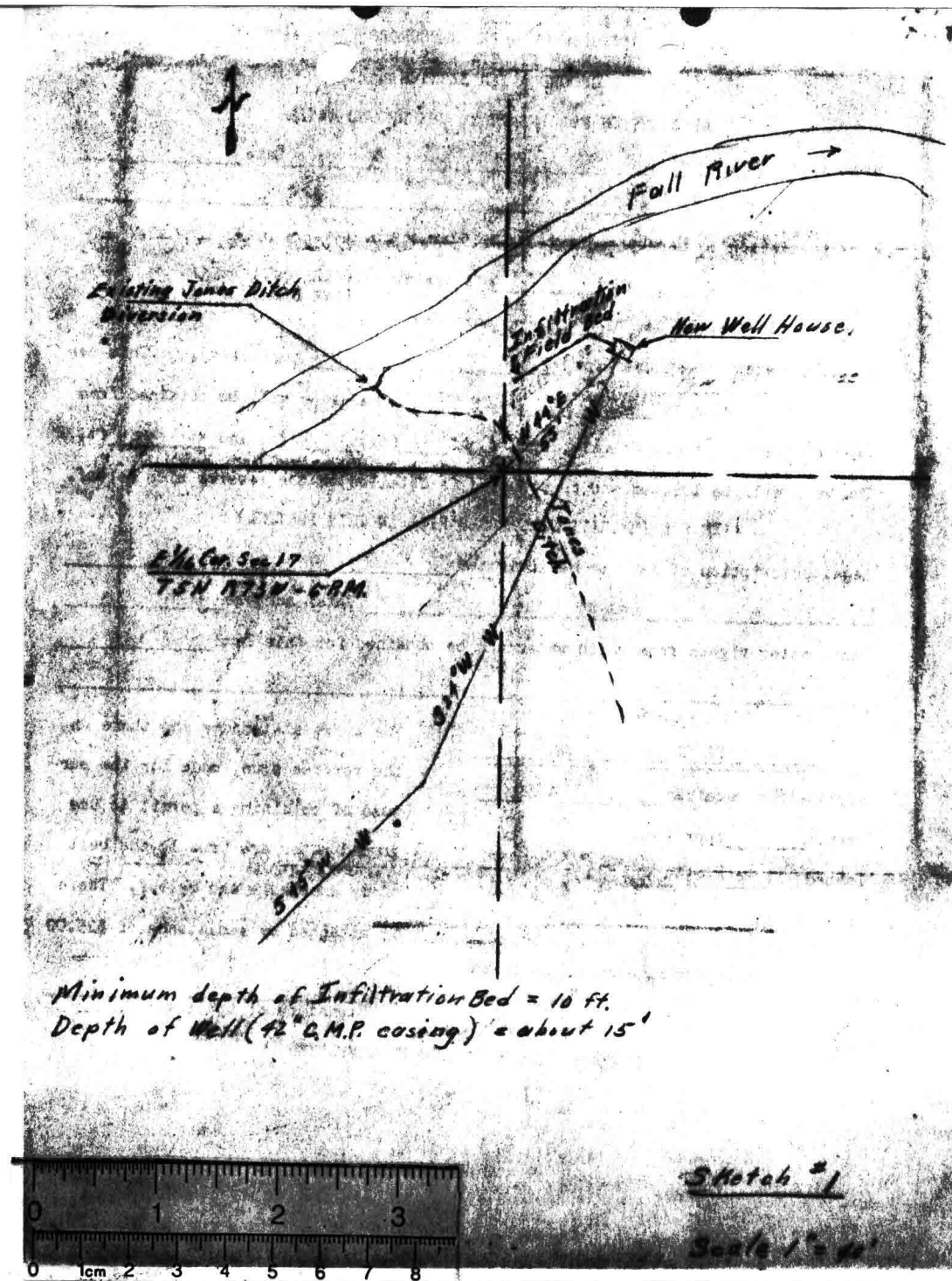
The quality of the construction was above average and the improvement is adequate to permit completion of programmed development of the campground.

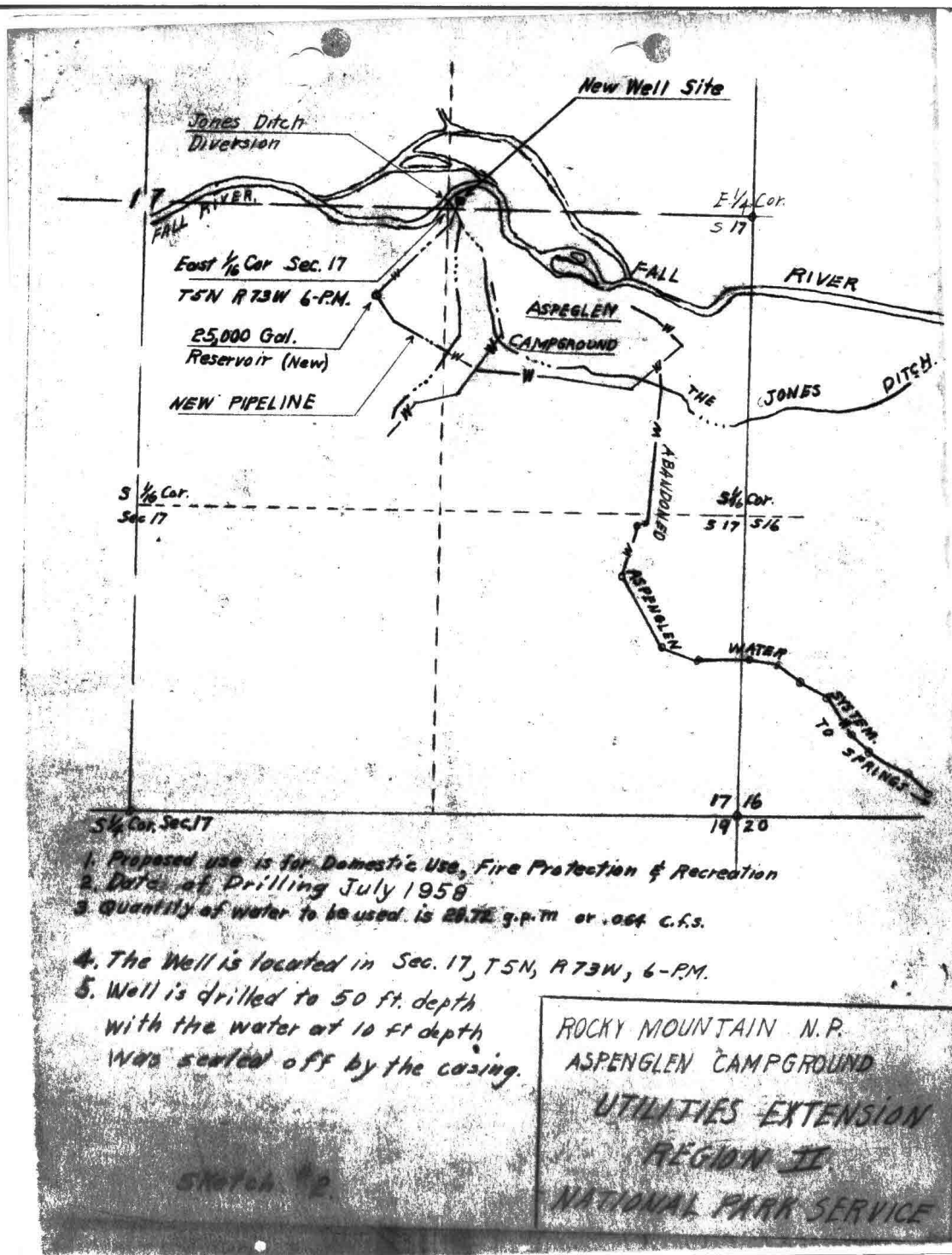
The contract was completed on July 9, 1959, which was within the time limit of the contract.

The final quantities in place under this contract are as follows:

- 1 Pump house and equipment
- 1 25,000 gallon steel reservoir
- 753.6 lin. ft. 4" class 150 cast iron pipe
- 1,029.1 lin. ft. 2" galvanized steel pipe
- 84.9 lin. ft. 1" galvanized steel pipe
- 35.2 lin. ft. 3/4" galvanized steel pipe
- 352.7 lin. ft. 2-conductor control circuit
- 1,606.2 lin. ft. 6" vitrified clay pipe
- 70 lin. ft. 4" vitrified clay pipe
- 125 lin. ft. 6" cast iron pipe
- 5 Concrete manholes
- 1 7,500 gallon septic tank and dosing chamber
- 1 Closed sand filter bed
- 1 Chlorinator house and pit with equipment
- 3 1 1/2" hose valves
- 3 Water hydrants
- 3 2" - 125 lb. brass gate valves with box
- 2 1" - 125 lb. brass gate valves with box

Account No. 332.10 has an unobligated balance of \$1,340.45 and Account No. 332.11 has an unobligated balance of \$21.94. These balances are being returned to the Region Two office by revised work orders.





Other Supporting Information

CONFIRMATION OF WD-1 ADJUDICATION INFORMATION
FOR FLORISSANT FOSSIL BEDS NATIONAL MONUMENT
AND ROCKY MOUNTAIN NATIONAL MONUMENT

Water Rights Branch
Water Resources Division
National Park Service
301 S. Howes Street
Fort Collins, Colorado 80521

Prepared By:

Wm. R. Olsen
Hydrologist

2/1/89
Date

Approved By:

O. R. Wilkin
Branch Chief

2/2/89
Date

ACTION PLANConfirmation of WD-1 Adjudication
Information for FLFO and ROMO

BACKGROUND - Amended applications were filed for adjudication procedures in District Court, Water Division No. 1, Colorado in 1984 for Florissant Fossil Beds National Monument (FLFO) and Rocky Mountain National Park (ROMO). The Findings and Ruling of the Referee and Decree of the Water Court were received from the Department of Justice (DOJ) on January 6, 1989. The DOJ asked the NPS to review and confirm acceptance of the Courts Decree. The case numbers reviewed were:

<u>Case Number</u>	<u>Name of Structure</u>
W-8795-77	FLFO - Visitors Center Well No. 1
W-8796-77	FLFO - Hornbuck Well No. 2
W-8799-77	FLFO - Maytag Red Barn Well No. 6
W-8800-77	FLFO - Maytag Domestic Well No. 8
W-8801-77	FLFO - Nelson Domestic Well No. 9
W-8802-77	FLFO - Ghist Domestic Well No. 10
W-8803-77	FLFO - A-Frame Domestic Well No. 11
W-8790-77	ROMO - Aspenglen CG Well No. 23820
W-8792-77	ROMO - Hallowell Park Well No. 23819
85 CW 374	ROMO - Hallowell Park Pipeline No. 3
85 CW 375	ROMO - Hallowell Park Ditch No. 2
	Mill Creek Minimum Flow

Each Ruling was reviewed for accuracy and compared with the Service filings filed in 1984. Each review considered name of structure, location, source, date of appropriation, amount of water and use (see attached summary sheets for FLFO and ROMO).

An initial review revealed that the Court's Findings were acceptable with the exception of conflicting legal locations for FLFO - W-8799-77, and ROMO - W-8792-77. A letter dated 1/11/89 was sent to John Hill (DOJ) confirming such (attached).

After further file review it was determined that the Court's Findings for FLFO - W-8799-77 were accurate. Review revealed that location conflicts occurred on case numbers ROMO - W-8792-77, ROMO - 85 CW 374, FLFO - W-8796-77. This results in a need to accurately identify legal locations for these cases.

Discussions with Rick Inglis concerning FLFO - Hornbuck Well No. 2 (W-8796-77) confirmed the Court's Findings. Rick conducted a intensive field reconnaissance of the water developments in FLFO and specifically remembered the conflict in question. He is positive that the correct legal location is NE1/4, NW1/4, Section 13, T13S, R71W. Based upon Rick's field review, FLFO - W-8796-77 will be dropped from further review. Location changes in FLFO-Docket #2 were made on 1/19/89.

After a file review and discussions with Rick Inglis, there continues to be a need to confirm the legal locations for ROMO-W-8792-77 and ROMO - 85 CW 374. The following actions items are required to complete this review of the Court's Findings:

ACTION ITEMS

- 1) Field review the legal locations for the point of diversion for Hallowell Pipeline No. 3 and for Percival Well (85 CW 374). Utilize and investigate the Deed survey from the Singer property.
- 2) Field review the legal location for the Hallowell Park Well No. 23819 (W-8792-77). Utilize land acquisition survey drawing no. 2759.
- 3) Confirm legal locations and submit State forms for correcting clerical errors.
- 4) Update docket information.

Review of Court's Findings and Decree
in Water District No. 1

Florissant Fossil Beds National Monument

- * Visitors Center Well No. 1 (W-8795-77) - Location, source, date, and amount were correct. Court granted use for drinking and sanitation facilities at Visitor Center. Our amended claim (1984) requested use for domestic, recreation, and fire fighting (see below).
- * Hornbuck Well No. 2 (W-8796-77) - Source, date, and amount were correct. A conflict in location was noted between the Court's Findings and the Water Right Record. Discussions with Rick Inglis who conducted an intensive field review indicate that the correct location is the NE, NW, Sec. 13, T13S, R71W. Docket #2 data is incorrect and has been changed. Court granted use for domestic and stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Maytag Red Barn Well No. 6 (W-8799-77) - Location, source, date and amount were correct. Court granted use for stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Maytag Domestic Well No. 8 (W-8800-77) - Location, source, date and amount were correct. Court granted use for domestic and stockwater. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Nelson Domestic Well No. 9 (W-8801-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * Ghist Domestic Well No. 10 (W-8802-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).
- * A-Frame Domestic Well No. 11 (W-8803-77) - Location, source, date and amount were correct. Court granted use for domestic. Our amended claim (1984) requested use for domestic, recreation and fire fighting (see below).

Conflicts in Use - The Court granted our domestic use in all cases except the Maytag Red Barn Well No. 6. Well No. 6 has historically been used as a livestock and wildlife water. Because the well has a windmill and has not been used for domestic purposes the Court's Findings are acceptable. Recreational uses can be met through domestic water supplies and fire fighting uses will be met during any emergency situation using domestic water. Therefore, the Court's Findings on use are acceptable to the NPS.

Summary prepared by Wm. R. Hansen on 1/19/89

Review of Court's Findings and Decree
in Water District No. 1

Rocky Mountain National Park

- * Hallowell Park Ditch No. 2 (85 CW 375) - Location, source, date, amount and use were correct. Abandonment of 0.7 cfs correct.

- * Hallowell Park Pipeline No. 3 (85 CW 374) - Source, date, and amount were correct. Court granted use for domestic in 2 seasonable residences for government purposes. Our amended request (1984) requested use for domestic and fire fighting (see below). Conflicts in location of point of diversion (Pipeline No. 3) and location of new use at Percival Well were found.

Conflict - Point of diversion Pipeline No. 3

- Amendment (1984) - NW,SW, Sec. 5, T4N, R73W
- Court Finding (1989) - SW,NW, Sec. 5, T4N, R73W

Conflict - Location of Percival Well

- Amendment (1984) - NE,SE, Sec. 27, T5N, R73W
- Court Finding (1989) - SE,SE, Sec. 28, T5N, R73W
- Deed survey suggests location in SW,SE, Sec. 28, T5N, R73W.

- * Hallowell Park Well No. 23819 (W-8792-77) - Source, date, and amount were correct. Court granted use for drinking and sanitary facilities for Job Corps Camp. Our amended request (1984) requested use for domestic, recreation, and fire fighting (see below). Conflicts in legal location.

Conflict

- Water Right Record - NE,SW, Sec. 6, T4N, R73W
- Court Finding (1989) - SE,NW, Sec. 6, T4N, R73W
- Water Quality Report - SW,NE, Sec. 6, T4N, R73W
- Survey confirms SW,NW, Sec. 6, T4N, R73W - Drawing No. 2759.

- *Aspenglenn Campground Well No. 23820 (W-8790-77) - Source, date, location were correct. Court granted use for drinking and sanitary facilities in campground with 61 camp sites. Our amended request (1984) requested use for domestic, recreation, and fire fighting (see below). There were differences in amounts claimed and amounts granted by the Court.

Conflict

- Amendment dated 9/28/84 - Claimed 55 gpm (Appropriative).
- Amendment for W-8788-77 - Claimed 30 gpm (Reserved).
- Court Finding - 30 gpm limited to 1 ac-ft/yr.
- O. Williams confirmed that 30 gpm was acceptable.

Conflicts in Use - In all cases our primary need for domestic use was met. Recreational uses can and will be met with domestic water and fire fighting uses will be met during any emergency situation using domestic water. Therefore, the Court's Findings on use are acceptable to the NPS.

Summary prepared by Wm. R. Hansen on 1/19/89

137-3-4-65.

WR copy

154
Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1080, Estes Park, Colorado 80517

March 2, 1965

State of Colorado
Division of Natural Resources
Ground Water Division
State Services Building
Denver, Colorado

Attention: Mr. George W. Colburn

Gentlemen:

Enclosed are applications for permission to drill two wells within Rocky Mountain National Park in Larimer County. One well is to be located in Houdius Park between the Fall River Entrance and Aspen-glen Campground. The other well is to be located at the west end (upper) of Hallowell Park.

In the past, the application fee has been waived for permits issued in Rocky Mountain National Park. Will you please advise us if this is not now the case.

Your usual good cooperation in processing these applications will be very much appreciated.

Sincerely yours,

[Sgd.] Granville B. Liles

Superintendent

Enclosures (2)

cc:

Chief, Water Resources Section, WAGO w/ 2 enclosures
Regional Director, Midwest Region w/enclosure

Contor.
James
Hanks

223

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

L54 RMO

May 23, 1963

Memorandum

To: Regional Director, Midwest Region
From: Superintendent, Rocky Mountain
Subject: Water Rights, Aspenglen Campground, Docket 26, Rocky Mountain

Mr. Robinson's memorandum to the Director of April 25, requested information from this office relative to subject water right.

Please be advised that the spring diversion to Aspenglen Campground referred to as "Aspenglen Campground water system" and carrying .064 sec. ft. (not to exceed 11.407 af/yr), is now kept operational as a standby water supply in case of failure of the new well system.

The new well is approximately 35 ft. from the bank of Fall River. To the best of our knowledge there is no provision in Colorado law which would require the well to be filed other than as underground water.

(Signed) Allyn F. Hanks
Allyn F. Hanks

In triplicate

RJContor:ar

✓

154-L

(1)

COPY IN *Shadow Mt.*

August 25, 1958

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
SEP 2 1958	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND. ARCH.	
ACTION TAKEN DATE	

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Rights - (1) Sunset Point, Docket 1, Shadow Mountain
(2) Aspenglen, Docket 26, Rocky Mountain

As a result of Mr. Mott's memorandum of August 4 we are distributing a folder for Shadow Mountain Docket 1, with table of tentative contents. We are also distributing dividers for Parts I and II, and table of tentative contents for Rocky Mountain Docket 26, for which all offices have the folders and contents of Part I. The tables of contents are subject to revision as hereafter suggested.

The tables of contents indicate that certain items are to be supplied, and certain items are received. All items were received with the subject memorandum except Sketch 2, which I have taken from the attachments with Mr. Mott's memorandum of May 21, and made Part II-1 of Rocky Mountain Docket 26. Each office should make the same distribution.

I assume that the typed and signed copies of Form C (Rev) 1-58/2-5M are duplicates, and that Mr. Lloyd has another equally good one. The original carbon copy of instruments sent to a State Engineer, and the original permit from the State Engineer, Form D, should also be filed in his docket assemblies.

I have received two thermofax copies of the permits, Form D, for each well, but only the one copy of Form C in each case. The question is whether one copy of Form D was supposed to be to one of the other three copies of the subject memorandum for you, the Superintendent and WDC. Incidentally, while we wish two copies of all correspondence, we have discarded the duplicate docket assemblies as explained many years ago, and do not need but the one copy of the final applications, permits, logs, and other items which go in these dockets.

I do not believe that thermofax copies such as those of Form D which have been distributed, are suitable for the docket assemblies.

The dockets are supposed to be permanent records, and not even sent to Archives. Accordingly, I recommend photostat or Apece copies of those instruments which are to go in dockets, even if the original has to be sent to Denver or the Regional Office to obtain these more permanent copies.

I gather that Mr. Mott, Mr. Lloyd, or the well driller, filed a Notice of Intent to Drill, of unknown form number, and the Log and History of Well, Form E, which I have listed as items 2 and 3 of table of contents relating to each well. As explained in my memorandum of June 5 a sketch of the type which Mr. Mott offered as No. 2, would be better on any notice or application than the mere point in the section which Mr. Lloyd has shown. Since the rights may not be adjudicated until the first well is replaced by another adjacent one, I have provided for a map as item 1. Sketch 2 is fine for the Aspen-glen well. A similar sketch, or any one sheet plan of the Sunset Point Water System, with tie to section corner, should be supplied for Shadow Mountain Docket 1.

In supplying the log and history of the well, it will be helpful to send us two copies. I assume that all necessary copies can be typed with one run of the machine. The extra copy is to supply a request of some years ago from the Geological Survey for logs and pump tests of all wells.

Mr. Mott explains that the State Engineer classes any dry well as a test well. In the event that there may be two or more bores before developing a producing well, it should be pointed out that the logs of all the wells should go in the docket, and that the Geological Survey also wishes copies of them.

The Application and Permit for Well 1430 for the Sunset Point Well seem to be satisfactory except that the claimant should be the United States of America, and for the meagre sketch, and the State Engineer is not concerned with the one problem of our permanent records. Some other applications have been filed with the wrong name of claimant, so I would only make note of that for the future.

In the third paragraph of Mr. Mott's memorandum he has adequately covered my point, and the State Engineer's concurrence, concerning the change in point of diversion, as a general policy. However, I think that the claim of change in point of diversion should have been on the back of the Application for Use of Ground Water, Form C, or the letter of transmittal, and thus probably reflected in the Permit #1429 for Aspen-glen.

We have, of course, the option of making the change in point of diversion under Decreed Priority No. 57 of April 30, 1876, or of making other use of that water and introducing the new right which has been established with the application in the form it was filed.

My first question is whether the new well does intercept the underground flow of Fall River. As a 40 ft. well, we should probably first consider the well log of which I do not yet have a copy. We might prefer to claim independent rights to groundwater which is separated from the underground River flow, and change the point of diversion from the spring back to the headgate of the Jones Ditch from which the surface water was originally diverted. The question, in this case, is whether the United States still has sufficient residual rights in the Jones Ditch for all desired irrigation use.

No change in point of diversion is final until decreed, and the Department of Justice is adverse to adjudicating changes in points of diversion, or to entering state courts, while still uncertain as to what sovereign rights it may have to the water. For that reason it is suggested that no further attempt be made to classify the well as a change in point of diversion until I see the log, and refer the matter to the Solicitor.

I share Mr. Mott's question of the date of priority for the two wells - whether the date of filing or the date of initial use. I gather that it is the latter from Sec. 9 of the groundwater law. The possibility of claiming the 1876 priority for the Aspenglen well use might now be claimed, but can only be established by decree.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Rocky Mountain, with 2 attachments
Chief, WODC, with 2 attachments

154-L

June 19, 1958

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Water Rights for New Well, Aspenglen Water System Extension,
Docket 1 and 26, Water District 4, Rocky Mountain

The following attachments supplement our memorandum of
June 5:

1. Copy of letter of June 9 from the State Engineer.
2. Six copies of Form C, revised 1/58.
3. Six copies of Form F, revised 7/57.
4. Copy of memorandum of 6/18 to Region Three concerning Mosca Creek Well, Great Sand Dunes.

Some questions are still unresolved; because the State Engineer has been unable to supply the manual which was reported to be available by January 1 in the memorandum of July 3, 1957, from Mr. Lloyd, concerning Colorado Water laws. However, the State Engineer has indicated that a change in point of diversion from a decreed surface water supply to a well is only possible by petition to the District Court. I interpret this to mean an adjudication similar to the one in which the Jones Ditch rights were transferred to the Aspenglen (spring) Water System, Little Horseshoe Park Water System, and others, for which the basic records are in Docket 1. If the Department of Justice should agree to a similar adjudication in Water District No. 4, we should amend a number of other rights, and Mr. Mott and I have an extended project ahead; first, to determine what rights are to be amended, and to prepare the statements of claim for the case.

Mr. Mott's proposal to establish initial rights under the ground-water law now seems proper. The steps seem to be to: (1) file a Notice of Intention to Drill a Well (Form 3 or equivalent); (2) drill the well and obtain the log and pump test (Form 4 or equivalent) and file them with State Engineer if the driller does not do so; (3) decide on the well yield or water needs, and type and size of pump installation;

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ENGINEER	11/14/54
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and (4) prepare and file Application for Use of Ground Water (Form C). Some of these actions are the function of the well driller, or digger, but copies of the filed forms should be supplied for Docket 26 in all cases. Although not yet clear, I assume that the Registration of Well (Form F) is for wells which have been drilled before May 1, 1957, and probably used before that date. Any further information on these matters, which Mr. Mott obtains from the State Engineer, should be supplied to this office in duplicate, and to Region Three and WODC.

The attached Forms C and F are revisions of those previously available in your office and the Park. Six copies are supplied so one set can be kept for record purposes, the other five sets may be completed for submission to the State Engineer--one for State Engineer and copies for the four docket assemblies. It may be necessary to use the sixth copy if the application is submitted to the State Engineer in duplicate.

The Solicitor has specified that any application for the appropriation of water, which would include Form C, and probably Form F for wells used before May 1, 1957, must include the following statement:

"Nothing herein shall constitute a waiver of any right which the United States has to the same water."

Attached Form C does not provide the space which was available on the earlier form for this statement, but it invites the use of a supplemental page, in a parenthetical statement just above the approval block in the lower left corner. In the particular case the above quotation might follow a statement as below, if true:

"The well was first used on _____, and intercepts the underground flow of Fall River which has been diverted and used by the United States and its predecessors under decreed Priority No. 57 since April 30, 1876, and decreed Priority No. 68 since May 1, 1886".

The first quotation, without alteration, is to cover any other rights which the United States may have acquired in any land acquisition since 1939, or rights the Department of Justice may wish to claim by virtue of Federal Sovereignty.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: ~~Superintendent, Rocky Mountain, w/c attachments~~
Chief, WODC *No attach. with WODC copy 6/24/58*
Regional Director, Region Three

154-1

June 5, 1958

Memorandum

To: Regional Director, Region Two
 From: Chief, Water Resources Section
 Subject: Establishing Water Right, Proposed Water and Sewer System Extension, Aspen Glen Campground, Rocky Mountain National Park

The memorandum of May 21 from Mr. Mott provided my first knowledge that he had entered on duty. I should like to welcome him to the fold.

He has started work in a state and area where water right procedure is most complex. Attached is a copy of a letter of June 3 to the State Engineer which I should like to have answered before considering the appropriation of more water in Rocky Mountain. A copy of the reply and other requested forms and information will be supplied as soon as received.

My inquiries have been confined to those relating to relative rights to surface and underground water. There are other questions relating to procedure which should be determined, and might be determined by Mr. Mott. Incidentally, all correspondence relating to water rights and water resources should be sent to this office in duplicate, and to the area and WDC. Only one copy of Mr. Mott's letter was received. The second copy is for the working files of the Water Resources Section in this office.

Although Section 5 of the Colorado Groundwater Law of 1957 prescribes the filing of an application before a new well is drilled, Form C, which Mr. Mott partially completed and referred to us, seems to be for the use of the well after it is drilled, and calls for data which cannot be supplied until the well is drilled or dug, and tested. A Notification of Intention to Drill, on a Form 3 as revised 6/55, was filed first, in connection with a well drilled at Great Sand Dunes between April 24 and May 16, 1957. Although this was partially before the Groundwater Law became effective on May 1, 1957, I think Mr. Mott should determine (and advise us) whether such a form should not be used while the extent of use of the well is subject to drilling and testing.

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ADMIN. ASSIST.	
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9

I believe that Mr. Mott has prepared Sketch 2 from a print of RM-6978, in 9 sheets; of 6979, in 4 sheets, or one of the revisions of them. The 4 sheets of the latter are the same in both maps. A print of the sheet covering Aspenglen Campground, but without the file number, is in my A Plan for Park Service Usage of the Jones Ditch of March 1, 1938. The tracings were sent to your office a number of years ago, and may have been forwarded to the Park or WADC. I have reproducible prints. You and the Park were also supplied with typed copies of the computations of March 20, 1937, which have been used with various bases of coordinates in all our drawings. I still have all my computations for Rocky Mountain, and could supply copies as time permits.

Forms C and 3 both include standard sections on which to show the location of the well and proposed water system. Because of the small scale I think the data on Mr. Mott's sketch 1 is better than that on sketch 2. However, I would show the south bank of Fall River throughout the section, to outline limits of use in Sec. 17. I should also show entire pipeline from well to its junction with existing system. The tie, RM-55 ft., on sketch 1, is sufficient in this case, but it might also be well to indicate the distance from well to south bank of Fall River if we are to claim underground flow of the River. Incidentally, I do not know where Mr. Lloyd obtained 50.7 ft. as distance from Jones Ditch headgate to 1/16 corner. Legal ties are given on records in Dockets 1 and 26.

If Form C has to be used before the well is dug and tested, we have to estimate, and complete data on proposed well, to right and above the section plat, on back of the page. It is also noted that Mr. Mott has only claimed the 0.064 sec.ft. now decreed to the spring, on page 1, and suggested 24 hour pumping. If the decreed right is transferred to the new diversion, the quantity of water will be limited to the 41,357 gallons per day which would be obtained by continuous gravity diversion at 0.064 sec.ft. However, if the well can produce it, the same 41,357 gpd should be pumped during 8 or 10 hours, at about 90 or 100 gpm. For the time when that quantity of water is needed, provision should also be made, in plans, for duplicating the 25,000 gallon reservoir which is to be provided at once.

If the State Engineer agrees that we can change the point of diversion under the decreed right from the spring to the well, it will be proper to indicate that the gravity line from the spring is abandoned, as shown on sketch 2. However, if a new appropriation of groundwater is required, there should be no suggestion of abandonment

of the old system until the surface right is transferred. Until such change the use is legally only suspended. As a practical matter, I wonder whether the spring, or supplemental diversions from the well, may not be needed for the ultimate campground development and use.

We will supply more specific instructions as soon as we hear from the State Engineer. Meantime, however, we should not introduce new water claims at Rocky Mountain until we are sure that the existing decreed rights can not be amended to cover the changed uses.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain, w/c attachment
Chief, WDC, w/c attachment

154-1

June 3, 1958

Mr. J. E. Whitten
State Engineer
Division of Water Resources
Denver 2, Colorado

Dear Mr. Whitten:

Section 1(2) of the Colorado Groundwater Law of 1957 seems to make the law applicable to all water which is not visible on the surface. We should like to know at once, however, whether the underground flow in the alluvial channel of a stream must be so classified, or can be treated as a temporarily invisible part of the surface stream flow.

We should also like to know whether you have authority, and the proper forms, to act on applications to change the point of diversion from a surface source to the underground flow of a stream without an adjudication.

We have a case in which part of a decreed ditch right was converted from irrigation to domestic use and transferred from a stream to a tributary spring by a 1939 adjudication. We should now like to change the point of diversion from the spring to a stream-side well near the original ditch diversion, at Rocky Mountain National Park.

The Park Service has been progressively acquiring decreed surface water rights since 1932, while acquiring private land within the Park; and probably has all that are needed for Park development, subject to some further amendments. At the same time, the Public Health Service is encouraging the use of more underground water in lieu of the surface supplies, as a general policy. The questions at present are whether it is possible to interchange surface and underground rights, rather than establish more new ones, and whether the changing State water laws will permit your administrative amendments without the process of further adjudication.

We have a copy of the Colorado Groundwater Law, Forms C and F, and your instructions for filling them out. If you have similar, up to date publications relating to surface waters, we shall appreciate receipt of three copies. We should also like to have a dozen copies of Forms C and F, respectively.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Two
Regional Director, Region Three
Superintendent, Rocky Mountain
Chief, WDRS



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	
Reg. Comm.	
Info. & Publs.	
Field Staff	
Action taken	
Director 1/6/63	
File 4-2-63	

RECEIVED BY
Director
1/6/63
4-2-63

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

**Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1086, Estes Park, Colorado**

August 18, 1958

Memorandum

To: Regional Director, Region Two

From: Superintendent

**Subject: Preserving Water Right, Proposed Water and Sewer Extension,
Aspenglen Campground, Rocky Mountain National Park**

Mr. Mott's memorandum of August 4 with attached copy of memorandum from Mr. Dunn of June 5 was so at variance to our understanding of the problems of surface water rights and well drilling regulations in Colorado that we took steps to ascertain if we were right in previously assuming they comprise two separate functions in the State's control of water.

A visit earlier in the week with Mr. Harry Sitzler, of the Surface Water Rights Section of the State Engineer's Office, at the State Capitol by two qualified representatives of this office verified our understanding that surface water rights and wells requiring pumping are in no way related unless the well is within fifty feet of a running stream; in which case the owner of such well must defend his right to use of such water from users with surface rights, if an objection is filed in the State Water Court.

The well at Aspenglen Campground does not fall in this category. Also, this well is not an appropriation of more water in Rocky Mountain National Park under the general sense of the term as we do not intend to claim underground flow of Fall River. The Aspenglen well cased off shallow water at ten feet and found good water at fifty feet. It is problematical as yet if the water is in sufficient quantity to serve the purpose and if not, we may find need for continued use of water from the spring.

In any event, we do not appear to be required to surrender any surface water rights by reason of drilling wells, such as Mr. Mott indicates he was informed by Mr. Sitzler. Many farmers and ranchers are supplementing their water rights with wells, but in no case are

154

WESTERN OFFICE DESIGN & CONSTRUCTION	
AUG 21 1958 A.M.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	8/21
LAND. ARCH.	8/21
ACTION TAKEN—DATE	

g. mott

they losing their surface water rights nor is there any State law whereby a filing or adjudication is necessary for underground water; nor is there any provision in the Water Code to transfer surface rights to wells.

The new law calling for a permit to drill and the registration of each well is largely academic. The regulations call for refusal of well permits where there is danger of exhausting the ground water, but provides for a referendum of users in the area to sustain such a refusal. In the only case in which this was submitted for a vote, the State refusal to issue drilling permits was not upheld by the users in the district, and since that time no further attempt has been made to regulate the number of drilling permits issued. These permits have a priority, and it is foreseeable that in the event of a crisis some wells with latest priority may suffer discontinuance or curtailment.

Colorado State laws do not have any provision for filing or adjudicating underground water. The only case where a transfer of such use took place was occasioned by the condemnation of land along the South Platte River by the City and Denver and removing the water users' point of diversion. As partial compensation for this action the City dug the vendor a shallow well and placed a pump on it large enough for the user to obtain the full amount of his water right.

Summing up the information received from the State Engineer's Office, we find that:

1. We cannot obtain adjudicated water rights on a well.
2. With the ever increasing pressure for water in the Fall River drainage, we would not be acting in the best interests of the Government to release any of our surface water rights in the Aspenglen area.
3. Mr. George Colburn, Chief of the Underground Water Section of the State Engineer's Office, waived the application fees for drilling as the United States is not required to pay such fees and this waiving should not be considered a transfer of water rights.
4. There is no provision in the Colorado State laws for transferring surface water rights to ground water rights as they are two separate and distinct uses of water.

Mr. Sitzer expressed his regret that Mr. Mott should have left his office with the impressions that he did and said he had evidently misunderstood a considerable part of their conversation. Mr. Sitzer did not recall any advice to Mr. Mott that we relinquish any surface water rights because of drilling a well and was emphatic that we would be very unwise to do this. We therefore recommend that the water rights to the Aspenglen spring be left undisturbed and use be continued to some extent in order to prevent any future claim of abandonment.

With water having such an ever increasing significance in the economic and political life of this region, we feel that the Park should be consulted prior to any recommendations being made for the transfer or other disposition of any of our adjudicated water rights. Senior adjudicated water rights are increasing in value every year and are a scarce commodity necessary to the life of the surrounding territory.

We are fortunate in having representatives in the Park familiar with the Colorado Water Code who will be glad to work with Mr. Mott on any of our water problems and can meet him in Denver whenever the necessity arises for consultation with Colorado State officials. We feel such assistance will be mutually beneficial and will help eliminate any action or misunderstandings which may be adverse to the best interests of Rocky Mountain National Park.

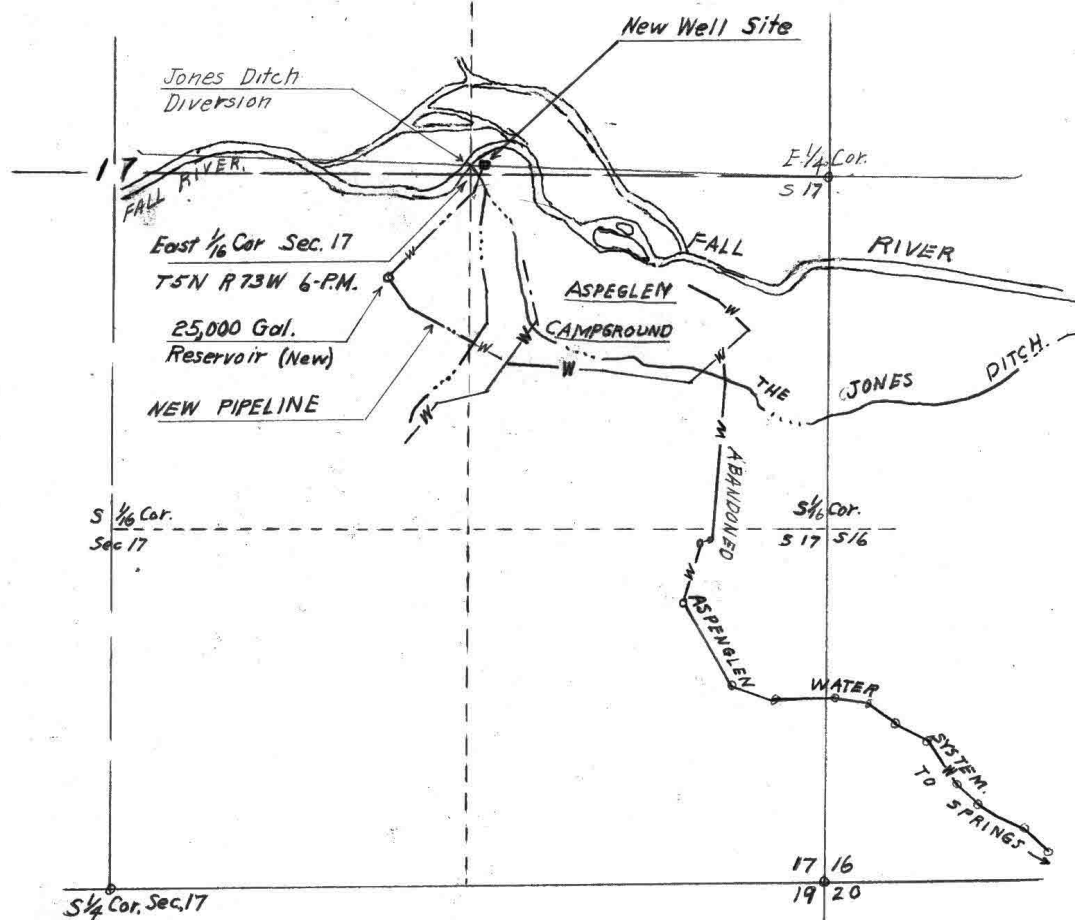
Personally, I have just completed a year's active service on the Governor's Advisory Committee on Natural Resources and know how critical and complicated are the water supplies and laws of Colorado.

(Sgd) James V. Lloyd

James V. Lloyd
Superintendent

In duplicate

Copy to: Regional Director, Region Three
✓ Chief, WODC



1. Proposed use is for Domestic Use, Fire Protection & Recreation
2. Date of Drilling July 1958
3. Quantity of water to be used is 28.72 g.p.m. or .064 c.f.s.
4. The Well is located in Sec. 17, T5N, R73W, 6-P.M.
5. Well is drilled to 50 ft. depth with the water at 10 ft depth sealed off by casing.

Sketch #2.

ROCKY MOUNTAIN N.P.
 ASPEN GLEN CAMPGROUND
 UTILITIES EXTENSION
 REGION II.
 NATIONAL PARK SERVICE

