



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 27

HIDDEN VALLEY

Preliminary Docket Information

00-00-0000: water right record, id no. romo r180573cf27

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #27

IDENTIFICATION NO: ROMO R 1 8 0 5 7 3 C F 2 7

DITCH/WATER SYSTEM: Little Horseshoe Park Pipe Line

SOURCE OF SUPPLY: Hidden Valley Creek

LOCATION: The south bank of Hidden Valley Creek, whence the SE corner of Section 18, T5N, R73W, bears S85°01' E, 2309.1 feet.

WATER RIGHT:

Appropriator:

Application/Permit Number: Map NP-RM-6984, May 16, 1938, transfers of decreed priorities.

Certificate Record Number:

Date of Priority: Domestic Priority No. 57-(2) and 68-(2) as of Jan. 30, 1939, with no greater or different priority than Irrigation priority #57 and #68, 4/30/1876 and 5/1/1886

Quantity of Water: 0.189 c.f.s.. 0.044 c.f.s. transferred from the Jones Ditch and 0.145 c.f.s. from the Horseshoe Ditch.

Purpose: Domestic

Irrigated Land Description:

SUMMARY OF STATUS: Transfers from the Jones Ditch and the Horseshoe Ditch in a Change-in-Point-of-Diversion Case 1/30/39

Docket No. 27.

MAY 8 1957

LITTLE HORSESHOE PARK PIPE LINE

Pipe Line No. , Water District No. 4

USE

Domestic. Supplies water to employee quarters (Ashton Cabins) in Little Horseshoe Park.

HEADGATE

Point of Diversion is on the South bank of Hidden Valley Creek, a short distance West of the Ashton Cabins, at a point whence the Southeast Corner of Section 18, Township 5 North, Range 73 West, bears South 85° 02' East 2309.1 feet.

PRIORITY

Domestic Priority No. 57-(2) and Domestic Priority No. 68-(2), as of January 30, 1939, with no greater or different priority than Irrigation Priority No. 57 and No. 68. 4/30/76, 5/1/86

AMOUNT OF DECREE

0.189 cubic feet of water per second of time but not to exceed 44.992 acre-feet per annum permitted to flow from Hidden Valley Creek at said point of diversion. 0.044 cubic feet per second was transferred from the Jones Ditch and 0.145 cubic feet per second from the Horseshoe Ditch in a Change-In-Point-Of-Diversion Case, January 30, 1939.

OWNERSHIP and OPERATION

Owned by United States and acquired by adjudication. Operated by National Park Service.

MAPS

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

Northern Ranger District.

Little Horseshoe Park Area

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 18 05 73 B F 27
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	LITTLE HORSESHOE PARK PIPE LINE
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 27
Location	T5M R73W SEC 18
Acquired by	APPROPRIATION
Application	NP-RM-6984 MAY 16 1938 TRANSFER OF PRIORITIES
Permit	57-(2) AND 68-(2) NO GREATER THAN 57 AND 68
Certificate	COURT DECREE 10050
Priority	SIEG BELOW - 0.189 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	SURFACE WATER
Use	DOMESTIC
Quantity	0.189 CFS
Hydrologic Unit	10190006
Remarks	0.044 CFS TRANSFERRED FROM JONES AND 0.145 CFS FROM HORSESHOE DITCH IN A CHANGE IN POINT OF DIVERSION CASE JANUARY 30 1939 IRRIGATION PRIORITY 57 APRIL 30 1976 IRRIGATION PRIORITY 68 MAY 1 1986



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



Per memo dated 1/15/93, 1/16/93, 1/20/93
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 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 Czarkowski
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

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

Gentlemen:

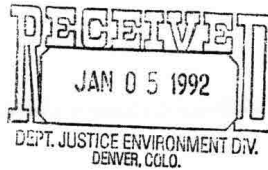
Enclosed please find copies of FINDINGS AND RULING OF THE REFEREE . . . in the above-captioned cases. Please let us know by **January 15, 1993**, whether these Rulings are acceptable.

Respectfully,

A handwritten signature in cursive script that reads "Julia D. Draper".

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures



WATER DIVISION NO. 1
STATE OF COLORADO

DEC 31 1992

Date

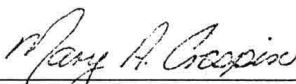
TO: Lynn A. Johnson, Esq.
999 18th St., #945
Denver, CO 80202

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 85CW346.

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

FILED IN DISTRICT COURT
02 DEC 31 P 3: 38
DISTRICT COURT
WATER DIVISION NO. 1
Boulder County COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW346
(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 and Horseshoe Ditch were decreed in Boulder County CA 4862 dated June 29, 1916. The Jones Ditch was decreed for irrigation of 60 acres with 5 cfs of water as of April 30, 1876 and the Horseshoe Ditch was decreed for irrigation of 85 acres with 5 cfs of water as of May 1, 1886.

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USA
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2. In CA 10050 decreed in Boulder County on January 30, 1939, 0.044 cfs of the Jones Ditch right was transferred to a point on the South bank of Hidden Valley Creek in SW1/4 SE1/4, Section 18, Township 5 North, Range 73 West and 0.145 cfs of the Horseshoe Ditch was transferred to the same point. The uses at the new point of diversion was domestic supply, sanitation, fire protection at a camp in Little Horseshoe Park and public campground. Both ditches were limited to a total of 44.992 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 Hidden Valley Creek and 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 *correct?*

2. The name of the structures:

Jones Ditch No. 2
Horseshoe Ditch No. 2

Both of these ditches are known as Little Horseshoe Park Pipeline.

3. The legal description of the structures:

Both ditches have a common headgate in SW1/4 SW1/4, Section 18, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point whence the SE corner Section 18 bears S 85 deg. 01' East, 2309 feet.

Handwritten calculations:
10.407
10.495
20.902
20.736
41.638
16.947
58.585

Handwritten: 58.585

85CW346

USA

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4. The source of the water:

Hidden Valley Creek, tributary to Fall River

5. The date of appropriation:

Jones Ditch No. 2: April 30, 1876

Horseshoe Ditch No. 2: May 1, 1886

Both as decreed CA 4862 dated June 29, 1916

6. The amount of water:

Jones Ditch No. 2: 0.044 cfs

Horseshoe Ditch No. 2: 0.145 cfs

for a total of 0.189 cfs limited to 44.992 acre feet
per annum

7. The use of the water:

Wildlife and fish maintenance and propagation and
recreation all within the natural channel of Hidden Valley Creek
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

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USA
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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
.

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

Reception No. 480428 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.New Points of
Diversion.

- (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.

*The Sixth Principal Meridian is hereafter referred to as the 6th P. M.

New Use.

Domestic supply, sanitation, fire protection, in Aspen Glen (Public) Campground.

Quantity to be
Used from New
Point of Diversion.

0.064 second-feet, but not to exceed 11.407 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, 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.

see also p. 4

Quantity hereafter
to be used from
original point of
diversion.

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

PRIORITY NUMBER 68.

THE HORSESHOE DITCH.

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(1) Three springs, being headwaters of Sundance Creek, a tributary of Fall River, in the Northwest quarter (NW $\frac{1}{4}$) of Southwest quarter (SW $\frac{1}{4}$) of Section 16, Township 5 North, Range 74 West of the 6th P. M., and from which the Southeast one-sixteenth (1/16) corner of Section 14, Township 5 North, Range 74 West of the 6th P. M., bears as follows: From Spring No. 1, South 86° 24' East 13,319 feet. From Spring No. 2, South 85° 54' East 13,328 feet. From Spring No. 3, South 86° 15' East 13,304 feet.	Domestic, sanitation and fire protection at the Trail Ridge Road Maintenance Camp.	0.004 second-feet, but not to exceed 1.35 acre-feet per annum.
(2) On the right or South bank of Hidden Valley Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 18, Township 5 North, Range 73 West of the 6th P.M. from which the Southeast corner of said section bears south 85° 02' East 2309.1 feet.	Domestic supply, sanitation, fire protection, in <u>Little Horseshoe Park</u> 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.

see also p. 3

THE HORSESHOE DITCH - (Continued)

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

PRIORITY NUMBER 58.

THE HUPPS AND BEAVER DITCHES.

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

THE HUPPS AND BEAVER DITCHES (Continued)

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(3) Springs tributary to Bear Lake, which is tributary to Big Thompson River through Glacier Creek, in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 14, Township 4 North, Range 74 West of the 6th P. M., from which point the NSSW 1/256 corner of Section 7, Township 4 North, Range 73 West of the 6th P. M. bears North 77° 46' East 10,696 feet. (Corners of Section 14 burned out about 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 Sorague's Hotel, Glacier Basin Camp-ground, and Mountain side Lodge.	0.589 second-feet, but not to exceed 112,242 acre-feet per annum.
(5) Springs tributary to Fern Lake, which is tributary to Big Thompson River through Fern Creek, in the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 51° 14' East 9346.94 feet.	Domestic, sanitation, fire protection, at Fern Lodge and Fern Lake Ranger Station.	0.081 second-feet, but not to exceed 18,277 acre-feet per annum.
(6) East or right bank of Fern Creek, a tributary of Big Thompson River in Lot one (1) of the Northeast quarter (NE $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 81° 46' East 3956.1 feet.	Domestic, sanitation, fire protection, at Forest Inn.	0.081 second-feet, but not to exceed 13,297 acre-feet per annum.
		<u>Quantity hereafter to be used from original points of diversion.</u>
		2.848 second-feet, but not to exceed 94.393 acre-feet per annum.

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

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

FREDERIC W. CLARK
JUDGE.

Book 685 Page 540

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

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

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

(SEAL)

/s/ C. W. Atkinson
Clerk.

Other Supporting Information

154

Rocky

4-11-63.

W O D C

APR 15 1963

CHF	ADM	PERS	P & P	ARCH	ENGR	L. A.	SPEC	CONT	SFTY	HABS	STATION TAKEN - DATE

Memorandum

To: The Director

From: ^{Asst} Assistant Regional Director, Midwest Region

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

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

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

Hupps - Beaver Ditches

Priority No. 58

System	Quantity	Remarks
Forest Inn	.081 c.f.s.	Abandoned
Fern Lake	.081 c.f.s.	Will use at Fern Lake Patrol Cabin
Camp Woods	.300 c.f.s.	Plan to use at picnic ground, later
Glacier Basin	.589 c.f.s.	In use
Bear Lake Pipeline No. 2	.120 c.f.s.	In use
Utility Area	.015 c.f.s.	In use
<u>Jones Ditch</u>		
Aspenglen	.064 c.f.s.	In use
✓ Little Horseshoe	.044 c.f.s.	Available for transfer
Federal owned (Jones Ditch)	.875 c.f.s.	(.775 c.f.s. available for transfer (.10 c.f.s. retained to irrigate campground
Estes Park	4.017	(Diverting in pens back of Hendius Cascade pipeline.
Total	5.000	

Priority No. 57

Horseshoe Ditch

Priority No. 68

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

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

(Sgd) Harry B. Robinson

In duplicate Asst. Assistant Regional Director

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



IN REPLY REFER TO:

154

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

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

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Admin. Asst.	
Asst. to R. D.	
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Cons. Int-Use	
Res. Planning	
Prog. Control	
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Field Solis.	
<i>Director</i>	<i>1-10</i>
<i>W. M. Melaas</i>	<i>1-10</i>
Action taken	
<i>Director</i>	<i>1-10</i>
File	<i>1-10</i>

Director
W. M. Melaas
4-10-63

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 Mondius Cascade Pipeline. Headgate repairs are needed on the Jones Ditch point of diversion. A large share of the .875 c.f.s. owned by the United States would be available for transfer to some other system as .10 c.f.s. would be adequate for the ditch flow through the campground.

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

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

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

Thomas E. Whitcraft

Thomas E. Whitcraft

In duplicate

Office of Chief, Western Office Div. of Design & Const.	
DEC 7 1955 A.M.	
Supv. Architect	
✓ Supv. Engineer	PA 12/1
Supv. Landscape Arch.	
Safety Engineer	
December 2, 1955	
Memorandum	
To:	Regional Director, Region Two
From:	Chief, Water Resources Section
Subject: Water Rights for Water System at Hidden Valley Ski Area, Drawing 3404-A, Rocky Mountain	

154-L

Rocky mtn.

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

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

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

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

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

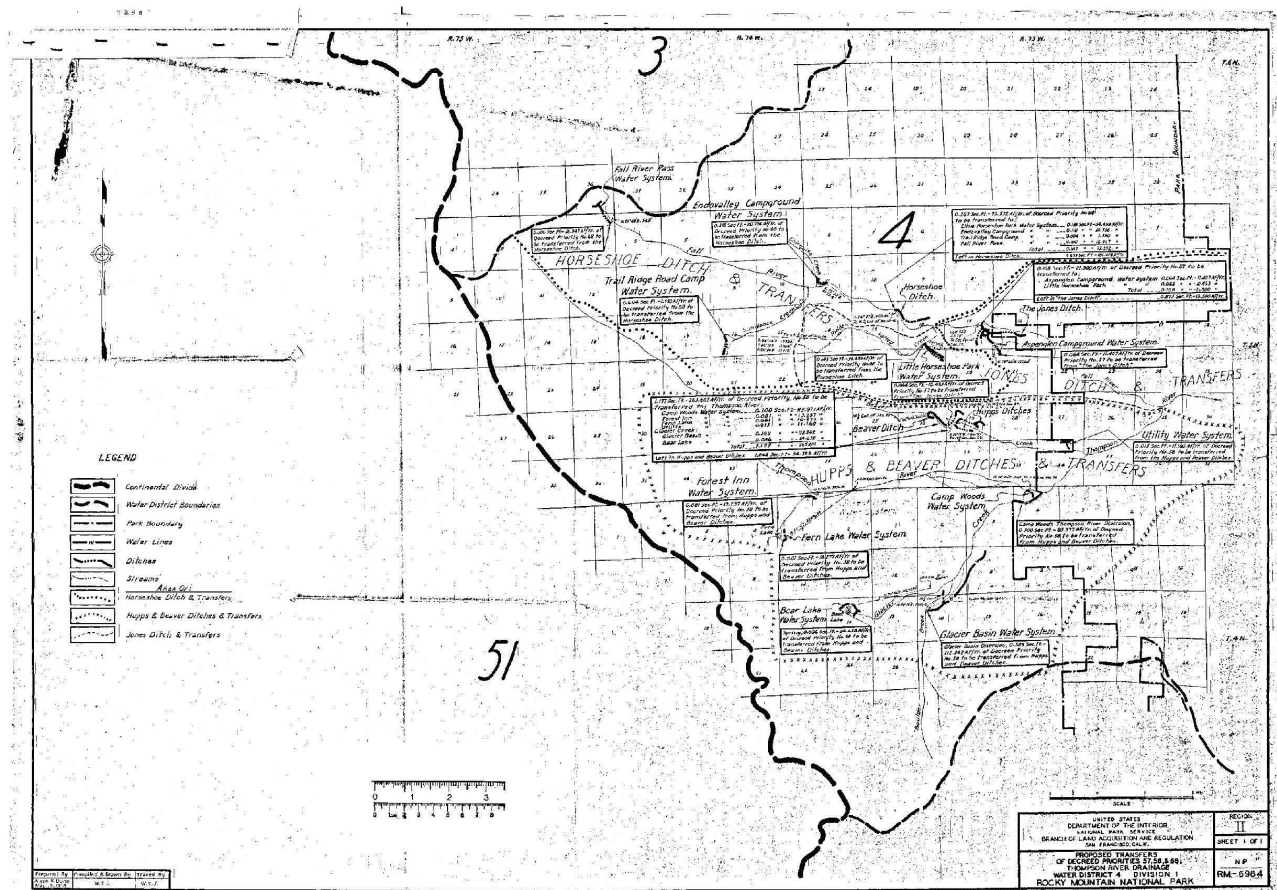
My original proposal to transfer rights from the Harbison Ditch to the Grand Lake Lodge and Entrance Area pipeline in Water District No. 51 was not accepted by former Special Assistant to the Attorney General. Perhaps that possibility should now have reconsideration by the Field and Regional Solicitors,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

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

SIGNED

A. van V. Dunn
Chief, Water Resources Section

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



Docket Information

Number of Documents in Docket 25

Documents Dated from 5/16/1938 to 1/12/1993

Docket Compiled: 6/14/2011