



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 33

BOULDER BROOK

Preliminary Docket Information

00-00-0000: water right record id no. romo r180473af33

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #33

IDENTIFICATION NO: ROMO, R, 1, 8, 0, 4, 7, 3, A, F, 3, 3

DITCH/WATER SYSTEM: Glacier Basin Campground

SOURCE OF SUPPLY: Boulder Brook

LOCATION: East bank of Boulder Brook, at a point from whence the N $\frac{1}{2}$ cor.
of Sec. 18, T4N, R73W, 6th P.M., bears N50°15'E, 1332.6 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: May 5, 1876, transferred from Hupps-Beaver Ditches.

Domestic Priority #58-4 as of Jan. 30, 1939.

Quantity of Water: 0.589 c.f.s.

Purpose: Domestic, fire protection, sanitation.

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a 50,000
gallon storage tank, surface intake, gravity flow, 2 mi. long, 3" pipe,
built by the park in 1929.

Mountainside Lodge water line built in 1936. Now not in use.



U.S. Department of Justice

Environment and Natural Resources Division

WMC:LAJohnson
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

November 20, 1992

Mr. Kenneth Czarnowski
National Park Service
Division of Resources Management
Estes Park, Colorado 80517

Re: Water Division No. 1 - Case No. W-8791-77(A)

Dear Ken:

Enclosed is a copy of a Protest filed by the State to Referee Leisman's Ruling in the above-referenced case. I would like to try to work out a revised ruling with the State to address their concerns. Please give me a call when you have reviewed the Protest. Thank you.

Sincerely,

Lynn A. Johnson
Trial Attorney
General Litigation Section

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

Ralph O. Canaday, Esq.
Regional Solicitor's Office
Department of the Interior
Post Office Box 25007
Denver Federal Center
Denver, Colorado 80225

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. W-8791-77(A)

PROTEST TO THE RULING OF THE REFEREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF
THE UNITED STATES OF AMERICA,

IN LARIMER COUNTY.

The State of Colorado, Department of Natural Resources, and all other departments, agencies and divisions, and on behalf of the People of the State of Colorado, by and through their attorney, Gale A. Norton, Attorney General for the State of Colorado, hereby protest the Ruling of the Referee entered herein on October 30, 1992, and as grounds therefor state the following:

1. The Ruling of the Referee is in error in that the Sprague Lake Recreational Area Well has been historically used and is currently being used for purposes other than granted herein. The well serves the recreation area's public restrooms, a caretakers residence, and a horse rental livery facility.
2. The Ruling of the Referee is in error in that the historic and current use of the Sprague Lake Recreational Area Well is not an exempt use under the provisions of § 37-92-602(1), C.R.S. (1990).
3. The Ruling of the Referee is in error in that it grants the United States a municipal water right. The United States has not demonstrated that Rocky Mountain National Park is a municipality and should not be granted that type of use.
4. This protest is timely, although a copy of the ruling was not mailed to the State of Colorado, as a party, pursuant to § 37-92-303(1), C.R.S. (1990).
5. The ruling is not supported by the evidence and is not in accordance with the law.

Respectfully submitted this 9th day of November, 1992.

GALE A. NORTON
Attorney General

RAYMOND T. SLAUGHTER
Chief Deputy Attorney General

TIMOTHY M. TYMKOVICH
Solicitor General

PATRICIA S. BANGERT
Deputy Attorney General

WENDY C. WEISS
First Assistant Attorney General



CLIFF SEIGNIOR, 18981*
Assistant Attorney General
Natural Resources Section

Attorneys for the State of
Colorado

1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5117
FAX: (303) 866-3558
*Counsel of Record
AG Alpha No. LW FR HRDJ
AG File No. E9218981.24

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within PROTEST TO THE RULING OF THE REFEREE upon all parties herein by depositing copies of same in the United States mail, postage prepaid, at Denver, Colorado, this 19th day of November 1992, addressed as follows:

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and Woodruff, P.C.
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Westwood Lakes Water District
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Woodland Park, CO 80863

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3802 E. Florida Avenue
Denver, CO 80210

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General Litigation Section
Dept. of Justice
Environment &
Nat. Resources Div.
999 18th St.
#945
Denver, CO 80202

Hobbs, Trout & Raley
1775 Sherman St.
#1300
Denver, CO 80203



AG File No. E92KMHL.40

Case No. W-8791-77

Sprague Lake Recreation Area Well

This well was drilled in August of 1982 and produces 5 gallons per minute according to tests taken with the permanent pump installed. The well is located in the SW1/4 SE1/4 of S. 7, T4N, R73W, 6th P.M. (see attached map).

The well serves the recreation area and a horse livery. This seasonal horse rental facility consists of a barn and corral with a maximum of 60 head of horses, a caretaker's residence and public restrooms. The system operates from May through September. On the average, annual water use for the system has been 294,000 gallons per year. Water is used for drinking and sanitary facilities at the horse livery and water for the horses.

All sewage and waste water is discarded into two septic systems which eventually return the water into the Glacier Creek drainage.

Application for a late registration and a redrill permit has been made with the State Engineer's Office (copies attached).

Based on the above, it is believed that the Sprague Lake Recreation Area well should be deemed exempt as provided for in Colorado Statutes, Section 37-92-602(1)(c).

FORM NO. G-7B-12 10/99	STATE OF COLORADO OFFICE OF THE STATE ENGINEER 818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203 (303) 866-3581	For Office Use Only PERMIT NUMBER _____
FOR INSTRUCTIONS SEE REVERSE SIDE		
REGISTRATION OF EXISTING WELL		
1. WELL OWNER NAME(S) <u>USA/Rocky Mountain National Park</u> Mailing Address _____ City, St. Zip <u>Estes Park, CO 80517</u> Phone (<u>303</u>) <u>586-3565</u>		
2. WELL LOCATION: COUNTY <u>Larimer</u> OWNER'S WELL DESIGNATION <u>Sprague Lake Well</u> (Address) (City) (State) (Zip) <u>NW 1/4 of the SE 1/4, Sec. 7 Twp. 4</u> ☒ N. or ☐ S., Range <u>73</u> ☐ E. or ☒ W. <u>6th P.M.</u> Distances from Section Lines <u>800</u> Ft. from ☐ N. or ☒ S. Line, <u>2600</u> Ft. from ☒ E. or ☐ W. Line.		
3. The well has historically been used for the following purpose(s): <u>Domestic, watering of horses,</u> <u>public drinking facilities and sanitary facilities.</u>		
4. Water from the well was first used beneficially by the original owner for the above described purpose(s) on <u>Summer</u> 19 <u>09</u> .		
5. The total depth of this well is <u>2</u> feet.		
6. The pumping rate is <u>5</u> gallons per minute.		
7. The average annual amount of water diverted is <u>2.2</u> acre feet.		
8. The land area of home lawn and garden irrigated from this well is: <u>0.1</u> ☒ Acre or ☐ Square feet. (Number) described as: <u>SE1/4 S7, T4N; R73W, 6th P.M.</u> (Legal Description) or as _____ Subdivision Lot(s) _____ Block _____ Filing/Unit _____		
I (we) have read the statements made herein, know the contents thereof, and state that they are true to my (our) knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a Class 1 misdemeanor.]		
9. Name/Title (Please type or print) Kenneth Czarnowski, Hydrologist	Signature 	Date <u>12/17/91</u>
FOR OFFICE USE ONLY		
State Engineer By Date Court Case No. Div. Co. WD Basin MD Use		

WRJ-5-Rev. 75

COLORADO DIVISION OF WATER RESOURCES
 818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must
 be complete where
 applicable. Type or
 print in BLACK
INK. No overstrikes
 or erasures unless
 initialed.

(X) A PERMIT TO USE GROUND WATER
 (X) A PERMIT TO CONSTRUCT A WELL
 FOR: (X) A PERMIT TO INSTALL A PUMP

(X) REPLACEMENT FOR NO. Late Registration, Sprague Lake Well
 () OTHER _____
 WATER COURT CASE NO. W-8791-77

(1) APPLICANT - mailing addressNAME USA/Rocky Mountain National Park

STREET _____

CITY Estes Park, CO 80517
(State) (Zip)TELEPHONE NO. (303) 586-3565**(2) LOCATION OF PROPOSED WELL**County LarimerSW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7Twp. 4 N. Rng. 73 W. 6th P.M.
(N, S) (E, W)**(3) WATER USE AND WELL DATA**Proposed maximum pumping rate (gpm) 5Average annual amount of ground water
 to be appropriated (acre-feet): 1Number of acres to be irrigated: 1Proposed total depth (feet): 63

Aquifer ground water is to be obtained from:

Alluvium, Glacier CreekOwner's well designation Sprague Lake Well**GROUND WATER TO BE USED FOR:**

() HOUSEHOLD USE ONLY - no irrigation (0)
 () DOMESTIC (1) () INDUSTRIAL (5)
 () LIVESTOCK (2) () IRRIGATION (6)
 (X) COMMERCIAL (4) Exempt () MUNICIPAL (8)

() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLERName Unknown

Street _____

City _____
(State) (Zip)

Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause
 no material injury to existing water rights. The
 issuance of the permit does not assure the applicant
 that no injury will occur to another vested water
 right or preclude another owner of a vested water
 right from seeking relief in a civil court action.

APPLICATION APPROVED

PERMIT NUMBER _____

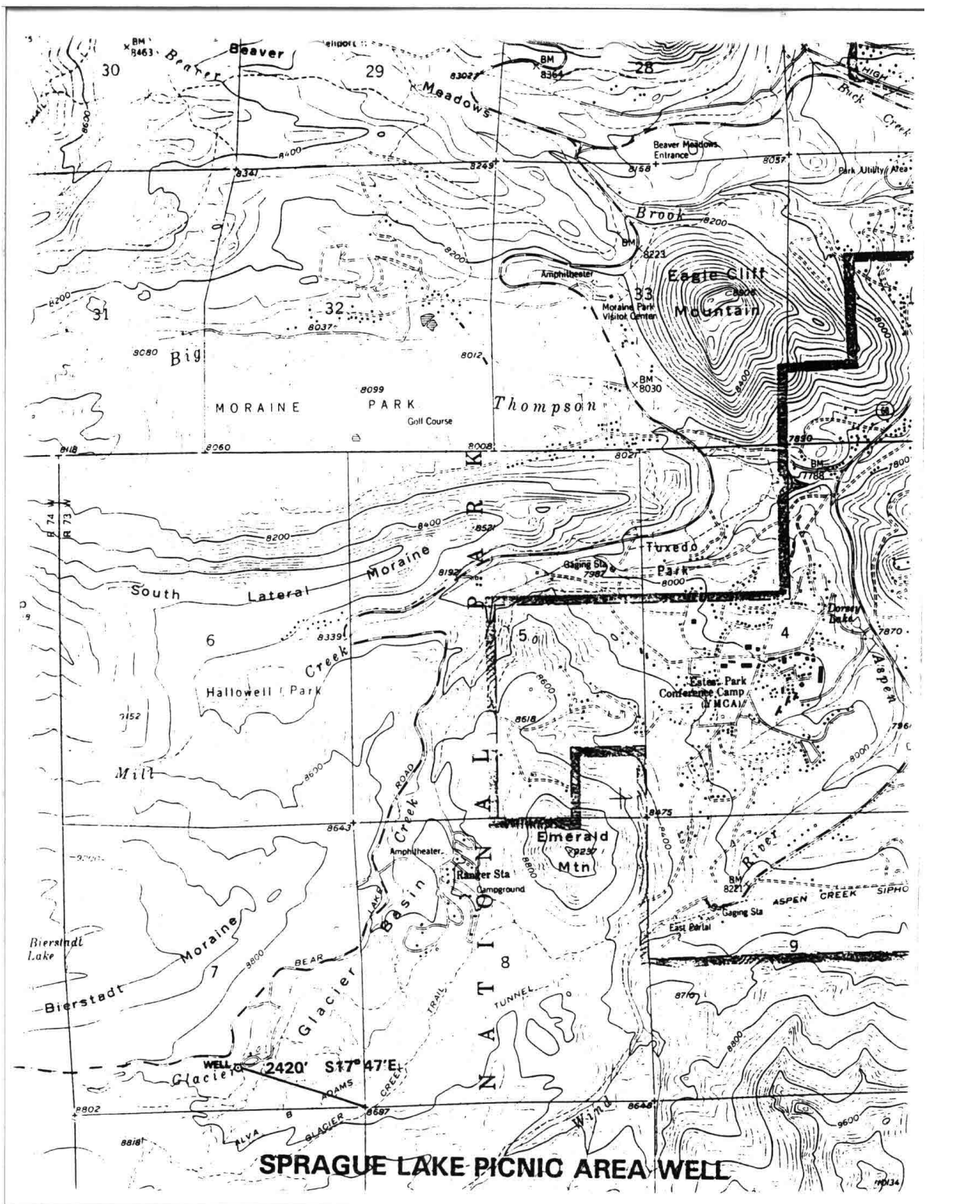
DATE ISSUED _____

EXPIRATION DATE _____

(STATE ENGINEER)

BY _____

I.D. _____ COUNTY _____





United States Department of the Interior
NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517



IN REPLY REFER TO:

L54

December 17, 1991

Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street
Denver, Co. 80203

Dear Sir:

Enclosed are applications for permits for the use of groundwater for the Deer Haven Ranger Station, Sprague Lake Recreation area, the Bighorn Ranger Station, plus the late registration of an existing well at Sprague Lake Recreation area, all within Rocky Mountain National Park. Also enclosed is a third party draft in the amount of \$180 to cover the cost of the filing fees. We understand that since the late registration for the Sprague Lake Well is accompanied by a permit for a replacement well in the same aquifer, there will not be an additional fee.

If you have any questions regarding these applications, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Thank you for your assistance in this matter.

Sincerely,

(Sgd) James B. Thompson

James B. Thompson
Superintendent

Enclosures



DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

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, IN LARIMER COUNTY

THIS CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977 and amended on September 4, 1984 and October 4, 1984. The Referee being fully advised in the premises, does hereby find:

All notices required by law of the filing of this application were fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entries of Appearance were filed in 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 were indicated by the evidence presented.

Moraine Park Well No. 2 and Moraine Park Well No. 3 have been bifurcated and will be adjudicated in case No. W-8791-77(B). The remaining 5 wells will be case No. W-8791-77(A).

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

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

USA
W-8791-77(A)
Page 2

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well
Black Cabin Well

3. The legal description of the structure:

Moraine Park Well 1-4019: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 500 feet from the South line and 2100 feet from the West line, Section 33.

Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

Moraine Park Well 1-4019: July 1, 1959

Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

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USA
Page 3

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Municipal,
including but not limited to domestic, limited irrigation of
lawns, commercial in administrative and maintenance buildings,
Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for
three single family dwelling.

Bighorn Ranger Station Well 165966: Domestic
for two single family dwellings including irrigation of
approximately 1000 square feet.

Sprague Lake Recreation Area Well:
Commercial, drinking and sanitary uses at Sprague Lake. Uses
limited to less than 1 acre foot annually.

Black Cabin Well: Domestic for one single
family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger
Station Well 165966, Sprague Lake Recreation Area Well and Black
Cabin Well - 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.

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USA
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9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water right for Moraine Park Well 1-4019 is entitled to antedation and shall be granted a priority date of July 1, 1959, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

Dated: OCT 30 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

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

REVISED 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, IN LARIMER COUNTY

THIS CLAIM was filed with the Water Clerk, Water
Division 1, on December 29, 1977 and amended on September 4, 1984
and October 4, 1984. The Referee being fully advised in the
premises, does hereby find:

All notices required by law of the filing of this
application were fulfilled, and the Referee has jurisdiction of
this application.

Numerous Statements of Opposition and Entries of
Appearance were filed in 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 were indicated by the evidence
presented.

Moraine Park Well No. 2 and Moraine Park Well No. 3
have been bifurcated and will be adjudicated in case No.
W-8791-77(B). The remaining 5 wells will be case No.
W-8791-77(A).

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1. The name and address of the claimant:

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

USA
W-8791-77(A)
Page 2

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well —
Black Cabin Well

map
5

3. The legal description of the structure:

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Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

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Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

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USA
Page 3

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock,
domestic, limited irrigation of lawns and gardens, commercial in
administrative and maintenance buildings, Visitor Center, museum
and campground.

Moraine Park Well 0-924-N: Domestic for
three single family dwellings.

Bighorn Ranger Station Well 165966: Domestic
for two single family dwellings including irrigation of
approximately 1000 square feet.

Sprague Lake Recreation Area Well: Domestic,
commercial, drinking, sanitary and stockwater uses for
livery/stable operation at Sprague Lake.

Black Cabin Well: Domestic for one single
family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger
Station Well 165966 and Black Cabin Well - These water rights, so
long as uses are limited to those decreed herein, are exempt from
administration by the State Engineer pursuant to CRS, 37-92-602.

W-8791-77
USA
Page 4

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

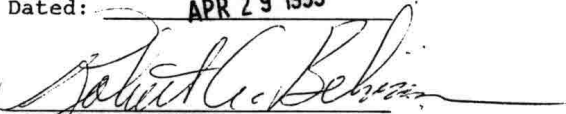
Dated: APR -8 1993


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: APR 29 1993


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



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

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FTS/330-1900
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March 2, 1993

Ralph O. Canaday, 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 Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

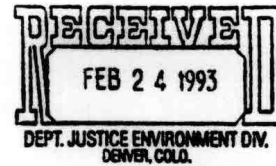
Gentlemen:

Enclosed please find copies of the last page of FINDINGS AND
RULING OF THE REFEREE . . . indicating that the decree has been
entered in the above-captioned cases on February 23, 1993.

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures



85CW384
USA
Page 4

Dated: JAN 29 1993


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: FEB 23 1993


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



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
February 10, 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.: 85CW344, 85CW345, 85CW347 & 85CW384

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.

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

Sincerely,

for
Owen R. Williams
Chief, Water Rights Branch

cc: ROMO - Czarnowski
RMR - Wise
479 - McGlothlin, Dockets - ROMO 0003, 0029, 0033, 0036



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

February 2, 1993

Ralph O. Canaday, 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 Czarnowski
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

Gentlemen:

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

Respectfully,

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

WATER DIVISION NO. 1
STATE OF COLORADO

JAN 28 1993

Date

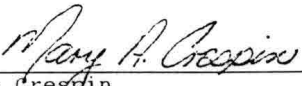
TO: Lynn A. Johnson, Esq.
999 18th St., #945
Denver, CO 80202

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 85CW384.

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 FEB 18 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 FEB 18 1993.



Mary Crespin
Water Clerk, Water Division 1
P O Box C
Greeley, CO 80632
(303) 356-4000, Ext. 4550

FILED IN DISTRICT COURT
13 JAN 26 6:29
DISTRICT WATER COURT
BOULDER COUNTY COLORADO

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW384
(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.

Statements of Opposition to said application were filed by The Thompson Water Users Association and The Colorado Water Conservation Board. The Colorado Water Conservation Board subsequently withdrew its opposition by stipulation. The time for filing additional statements has expired.

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

FINDINGS OF FACT

1. The Hupps Ditch and Beaver Ditch were decreed in Boulder County CA 4862 dated June 29, 1916. The ditch was decreed for irrigation of 120 acres with 4 cfs of water as of May 5, 1876.

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USA

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2. In CA 10050 decreed in Boulder County on January 30, 1939, 0.589 cfs was transferred to the right bank of Boulder Brook in the NE1/4 NE1/4, Section 18, Township 4 North, Range 73 West. The uses at the new point of diversion were for domestic, sanitation, fire protection at Sprague's Hotel, Glacier Basin Campground and Mountainside Lodge.

3. Applicant requests this right be changed to wildlife and fish maintenance and propagation and recreation uses all within the natural stream channel of the Boulder Brook.

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
General Litigation Section
999 18th St., #945
Denver, CO 80202

2. The name of the structure:

Hupps and Beaver Ditches
aka Glacier Basin Campground Diversion

3. The legal description of the structure:

NE1/4 NE1/4, Section 18, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point whence the N1/4 corner of Section 18 bears North 50 deg. 15' East 1333 feet.

4. The source of the water:

Boulder Brook tributary of Big Thompson River

5. The date of appropriation:

May 5, 1876 as decreed in CA 4862 dated June 29, 1916.

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USA

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6. The amount of water:

0.589 cfs but not to exceed 112.242 acre feet per annum

7. The use of the water:

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

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

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

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

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

85CW384
USA
Page 4

Dated: JAN 29 1993


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

Docket #33

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

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

AMENDED APPLICATION FOR SURFACE, UNDERGROUND, AND STORAGE
RESERVED WATER RIGHTS

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

1. Name and address of Applicant:

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

2. The United States of America claims reserved water rights consisting of the right to (a) secure favorable conditions of water flows and (b) to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations and for the benefit and enjoyment of the people of the United States. Specifically, to maintain all streams, springs and seeps, lakes and all ground water at their natural flows, levels, and conditions, except as required for administrative uses, and claims reserved water rights for present and future administrative uses located on Rocky Mountain National Park in Boulder and Larimer counties.
3. The use of water claimed under this amended application is for the present and future needs to fulfill the purposes for which the reservation was created as set forth in paragraph 5(c) of the amended application filed on December 29, 1977.
4. The original application, as amended, is hereby further amended by substituting a new subparagraph 5(a)(1) as follows:

(a) Source of water:

- (1) Those portions of the South Platte River and waters tributary thereto which are situated within this Water Division and which are located in, on, under, adjacent or otherwise appurtenant to the lands described in the attached Exhibit 1 through 19, which are attached hereto and by the Act of December 22, 1980 (94 Stat. 3265) and Public Land order 6444, dated July 18, 1983 (48

Name of Structure: NPS Bear Lake Pipeline #2
Legal description: From a point whence Thatchtop Mountain bears S 50° 24' E. 10848.94 ft. and Half Mountain bears S 39° 13' E 9121.42 ft.

Source: Tyndall Creek, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 60 gpm

Name of Structure: NPS Endo Valley Campground Pipeline
Legal description: At a point whence the SE corner of Section 11, T. 5 N., R. 74 W. bears S 58° 53' E, 5173.6 ft.
Source: Chiquita Creek, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 58 gpm

Name of Structure: NPS Endo Valley Picnic Area Well
Legal description: In the NW 1/4 of the SW 1/4 of Section 11, T. 5 N., R. 74 W.
Source: Fall River, tributary to Big Thompson River
Depth of Well: 21.5 feet
Description of Structure: Well
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 20 gpm

Name of Structure: NPS Trail Ridge Road Camp Water System
Legal description: In the NW 1/4 of the SW 1/4, Section 16, T. 5 N., R. 74 W.
Source: Fall River, tributary to Big Thompson River
Description of Structure: Proposed pipeline
Date of Reservation: January 26, 1915
Use of Water: Domestic
Amount claimed: 2 gpm

Name of Structure: NPS Glacier Basin Water System
Legal description: At a point from whence the N 1/4 corner of Section 18, T. 4 N., R. 73 W. bears N 50° 15' E, 1332.6 ft.
Source: Boulder Brook, tributary to Big Thompson River
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, recreation, fire protection
Amount claimed: 264 gpm

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

Reception No. 480428 Stanley A. Curtis, Recorder

STATE OF COLORADO,)
COUNTY OF BOULDER.) ss. IN THE DISTRICT COURT
No. 10050.

IN THE MATTER OF PRIORITY)
OF WATER RIGHTS IN DISTRICT)
NO. 4.)
ON PETITION OF THE UNITED STATES
OF AMERICA TO CHANGE POINTS OF
DIVERSION OF A PORTION OF THE
WATER HERETOFORE AUTHORIZED TO BE
TAKEN AND USED UNDER PRIORITIES
NUMBERED 57, 58 AND 68.

FINDINGS AND DECREE.

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

And the petitioner, appearing by Worth Allen and Wayne C. Williams, special assistants to the Attorney General of the United States, and the objectors or protestants or others appearing in person or by counsel as follows: Eleanor E. 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 Aspenglen (Public) Campground.	0.064 second-feet, but not to exceed 11.407 acre-feet per annum.
*The Sixth Principal Meridian is hereafter referred to as the 6th P. M.		
(2) On the right or South bank of Hidden Valley Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 18, Township 5 North, Range 73 West of the 6th P. M. from which the Southeast corner of said section bears South 85° 02' East 2309.1 feet.	Domestic supply, sanitation, fire protection, at camp in Little Horseshoe Park and adjacent (Ashton) ranch, and public campground to be built and established.	0.044 second-feet, but not to exceed 10.493 acre-feet per annum.
		<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 7 $\frac{1}{2}$ West of the 6th P. M., and from which the Southeast one-sixteenth (1/16) corner of Section 14, Township 5 North, Range 7 $\frac{1}{2}$ 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 7 $\frac{1}{2}$ 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 7 $\frac{1}{2}$ 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 74 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 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 Campground, 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.

Administrative Agreements

**Authority for water service to Mountainside Lodge
from Glacier Basin Water System**

Special Use Permit I-14p-298 to John J. Bittel, January 1 to December 31, 1936.

Special Use Permit I-14p-366 to J. J. Bittle Estate, C. H. Woods, Administrator, January 11, 1940 to December 31, 1940, with automatic renewals not to exceed 5 years.

Special Use Permit I-14p-366 to Mrs. J. J. Bittel, January 1, 1942, to December 31, 1942, with automatic renewals not to exceed 5 years.

Special Use Permit I-35np-12 to Mrs. J. J. Bittell, January 1, 1946, to December 31, 1946, with automatic renewals not to exceed 5 years.

Memorandum of November 1, 1949, to Superintendent, Rocky Mountain National Park, from Regional Director, advising that Permit I-35np-12 is hereby canceled as of December 31, 1948, since when no benefit has been derived therefrom.

No. I-35np-12Superseding No. I-14p-407YEAR, 19 46

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK

SPECIAL USE PERMIT

10-114
(November 1937)Mrs. J. J. Bittell, of Estes Park, Colorado, is hereby authorizedduring the term of one year from January 1, 19 46, to December 31, 19 46, to use the following-described land in the above-named park:

A right of way, 1146 feet in length, being 1 1/2 feet on each side of the following described line: Beginning at the quarter corner common to Sections 5 and 8, Township 4 North, Range 73 West of the 6th P.M.; thence running south 89 degrees 32 minutes east, a distance of 312 feet to the true point of beginning; thence south 48 degrees 21 minutes west, a distance of 1146 feet; together with authority to tap the existing Glacier Basin Water System where above-described line intersects the water system.

for the purpose of maintaining a two-inch underground water line to supply water to be furnished by the Government for domestic use only during the summer season to the existing lodge development in the southwest quarter of the southeast quarter, Section 5, T4N, R73 W, of the 6th P.M.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of Fifteen dollars (\$ 15.00) ^{per annum} in advance, or as follows:

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

Signed at Estes Park, Colorado, this 9th day of January, 19 46

David H. Langford
Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

David H. Langford
Address Estes Park

George W. Miller
Address Estes Park, Colo.

Mrs. J. J. Bittell.
By Chas H Woods
Agent
Address Estes Park, Colo.

Address _____

APPROVED:

Associate Director, National Park Service.

[In quintuple]

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

10-35903-1

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the park.
2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.
3. No building or other structure shall be erected under this permit except upon plans and specifications approved by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and slightly condition.
4. Permittee shall dispose of brush and other refuse as required by the Superintendent.
5. Permittee shall pay the United States for any damage resulting from this use.
6. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the park.
7. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
8. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.
9. This permit shall terminate upon the violation of any of the conditions hereof or of any Act of Congress or regulation of the Secretary of the Interior governing the park or anything in it, or at the discretion of the Director, National Park Service.
10. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.
11. There is reserved to the United States the right, at any and all times, to enter upon the lands herein described, and mine and remove radio-active mineral substances.
12. It is understood and agreed that the United States shall not be under any obligation either to furnish water (except during summer season) or assume any responsibility for the delivery of water to permittee.
13. Permittee shall install and maintain a shut-off valve at point of tapping the Glacier Basin water system, and install and maintain automatic shut-off valves at all outlets to eliminate waste of water.
14. Permission of the Superintendent of the park must be secured before water service is extended to additional or new structures and the fee charged will be revised in accordance, if such permission is granted.
15. This permit shall be automatically renewable at its expiration for further periods of one year upon payment of the annual fee, but said permit shall not be continued in effect for a term longer than five years unless extended by written renewal.

No. 3-112-346 - Revised

UNITED STATES

10-114
(November 1937)YEAR, 19 42

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Mr. Knox
Rocky Mountain Natl. Park

SPECIAL USE PERMIT

Mrs. J. J. Mittel

of Estes Park, Colorado

is hereby authorized

during the term of one year from January 1, 19 42, to December 31, 19 42, to use the following-described land in the above-named national park:

A right of way, 1116 feet in length, being 1/2 foot on each side of the following described line: Beginning at the quarter corner common to Sections 5 and 8, Township 4 North, Range 73, West of the 6th P.M.; thence running south 89 degrees 32 minutes east, a distance of 312 feet to the true point of beginning; thence south 1/4 degrees 21 minutes west, a distance of 1116 feet; together with authority to tap the existing Glacier Basin Water System where above-described line intersects the water system.

for the purpose of maintaining a two-inch underground water line to supply water to be furnished by the Government for domestic use only to the existing lodge development in the southwest quarter of the southeast quarter, Section 5, T4N, R73W, of the 6th P.M.

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

of the sum of Fifteen dollars (\$ 15.00), in advance, or as follows: annually

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

Signed at Estes Park, Colorado, this 29th day of July, 19 42

James H. Langford
Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

W. B. Bussay
Address Estes Park, Colorado

W. B. Bussay (Agent)
Address Estes Park

Wallace S. W. Caw
Address Estes Park, Colorado

Address _____

APPROVED: AUG 21 1942

G. A. Moseley
Chief *Assistant* Director, National Park Service.

[In quintuple]

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses. 6-8216

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the park.
2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.
3. No building or other structure shall be erected under this permit except upon plans and specifications approved by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.
4. Permittee shall dispose of brush and other refuse as required by the Superintendent.
5. Permittee shall pay the United States for any damage resulting from this use.
6. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the park.
7. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
8. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.
9. This permit shall terminate upon the violation of any of the conditions hereof or of any Act of Congress or regulation of the Secretary of the Interior governing the park or anything in it, or at the discretion of the Director, National Park Service.
10. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.

11. It is understood and agreed that the United States shall not be under any obligation either to furnish water (except during summer season) or assume any responsibility for the delivery of water to permittee.

12. Permittee shall install and maintain a shut-off valve at point of tapping cluster basin water system, and install and maintain automatic shut-off valves at all outlets to eliminate waste of water.

13. This permit shall be automatically renewable at its expiration for further periods of one year upon payment of the annual fee, but said permit shall not be annually renewable for a term longer than five years unless extended by written renewal thereof.

Contract No.
No. I-14p-366

UNITED STATES

10-114
(November 1937)

YEAR, 1940

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

SPECIAL USE PERMIT

John Bittle Estate,

C. H. Woods, Administrator, of Estes Park, Colorado, is hereby authorized

during the term of one year from January 1, 1940, to December 31, 1940, to use the following-described land in the above-named national park:

A right of way, 1146 feet in length, being 1 1/2 feet on each side of the following described line: Beginning at the quarter corner common to Sections 5 and 6, Township 4 North, Range 73, West of the 6th P.M.; thence running south 89 degrees 32 minutes east, a distance of 312 feet to the true point of beginning; thence south 45 degrees 21 minutes west, a distance of 1146 feet; together with authority to tap the existing Glacier Basin Water System where above-described line intersects the water system.

for the purpose of maintaining a two-inch underground water line to supply water for domestic use only to the existing lodge development in the southeast quarter of the southeast quarter, Section 5, T. 4 N., R. 73 W. of the 6th P.M.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of Fifteen dollars (\$15.00), in advance, or as follows: annually

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

Signed at Estes Park, Colorado, this 12th day of July, 1940

Don Williams
Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

R. E. Hamacher
Address Estes Park

Norman R. ...
Address Estes Park

John Bittle Estate By *C. H. Woods*
Address Estes Park

Address _____

APPROVED: AUG 1 1940
G. A. M. ...

Associate Director, National Park Service.

[In quintuple]

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses. 6-8216

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the park.
2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.
3. No building or other structure shall be erected under this permit except upon plans and specifications approved by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.
4. Permittee shall dispose of brush and other refuse as required by the Superintendent.
5. Permittee shall pay the United States for any damage resulting from this use.
6. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the park.
7. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
8. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.
9. This permit shall terminate upon the violation of any of the conditions hereof or of any Act of Congress or regulation of the Secretary of the Interior governing the park or anything in it, or at the discretion of the Director, National Park Service.
10. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.

11. It is understood and agreed that the United States shall not be under any obligation either to furnish water (except during summer season) or assume any responsibility for the delivery of water to permittee.

12. Permittee shall install and maintain a shut-off valve at point of tapping Glacier Basin water system, and install and maintain automatic shut-off valves at all outlets to eliminate waste of water.

13. This permit shall be automatically renewable at its expiration for further periods of one year upon payment of the annual fee, but said permit shall not be annually renewable for a term longer than five years unless extended by written renewal hereof.

No. ~~i-14g-298~~ (ext)

10-114

YEAR, ~~1936~~ 1936

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Rocky Mountain

NATIONAL PARK

SPECIAL USE PERMIT.

John J. Bittel of Chicago, Illinois is hereby authorized during the term of one year, from January 1, 1936 ~~1936~~ to December 31, 1936 ~~1936~~, to

use the following-described land in the above-named national park:

A right-of-way, 1146 feet in length, being 1 1/2 feet on each side of the following described line: beginning at the quarter corner common to Sections 5 and 8, Township 4 North, of Range 73, West of the 6th P.M.; thence running south 89 degrees 32 minutes east, a distance of 312 feet to the true point of beginning; thence south 48 degrees 21 minutes west, a distance of 1146 feet; together with authority to tap the existing Glacier Basin Water System where above described line intersects the water system.

for the purpose of construction, building and maintaining a two-inch underground water line to supply water for domestic use only to the existing development known as Mountainide Inn, in southwest quarter of southeast quarter, Section 5, T. 4 N., R. 73 W., 6th P.M.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of ~~---Fifteen and 00/100---~~ dollars (\$15.00), in advance, or as follows:

....., payment to be made through the Superintendent of the Park by express or postal money order, certified check, or draft payable to the ~~Director of the National Park Service~~ Treasurer of the United States.

Signed at Estes Park, Colorado this 15th day of May, 1936

[Signature]
Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

[Signature]
Address *Estes Park, Colo.*

[Signature]
Address *Estes Park, Colo.*

[Signature]
Address *Estes Park, Colo.*

Address

Approved:

[Signature]
Acting Assoc. Director, National Park Service.

[In quintuple.]

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

SPECIAL CONDITIONS.

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

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

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

4. Permittee shall dispose of brush and other refuse as required by the superintendent.

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

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

7. No timber may be cut or destroyed without first obtaining permit therefor from the Director of the National Park Service.

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

9. This permit shall terminate upon the violation of any of the conditions hereof or of any Act of Congress or regulation of the Secretary of the Interior governing the park or any thing in it, or at the discretion of the Director of the National Park Service.

10. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive either directly or indirectly any pecuniary benefit to arise therefrom.

11. Permittee to abandon and remove existing water line and pump on Glacier Creek.

12. It is understood and agreed that the United States shall not be under any obligation either to furnish water (except during summer season) or assume any responsibility for the delivery of water to Permittee.

13. Permittee shall install and maintain a shut-off valve at point of tapping Glacier Basin Water System, and install and maintain automatic shut-off valves at all outlets to eliminate waste of water.

Environment and Natural
Resources Division

~~WMC:LAJohnson~~
90-1-2-1377

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

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

January 9, 1992

Raymond A. Leisman
Water Referee
Water Division No. 1
P. O. Box C
Greeley, CO 80632

Re: W-8789-77 RMNP Deer Haven Well
W-8791-77 RMNP Moraine Park, et al
W-8794-77 RMNP Bear Lake Pipeline No. 3

Dear Ray:

As requested in your letter of October 3, 1991, attached are statements prepared by staff at Rocky Mountain National Park responding to the questions you raised. Also included are copies of applications for well permits or late registration of wells as appropriate.

We request that you defer any decision on Moraine Park Wells Nos. 2 and 3 at this time. Your assistance and patience in these matters is very much appreciated. If you have any questions or need additional information, please call me at 294-1900 or Ken Czarnowski at 586-0131, ext. 263.

Sincerely,



Lynn A. Johnson
Attorney
General Litigation Section

Enclosures

cc: Mr. Owen Williams (w/encls.)
Mr. Ken Czarnowski (w/encls.)
Mr. Ralph Canaday (w/encls.)



L54

December 17, 1991

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

Dear Ms. Johnson:

Enclosed are statements responding to questions raised by the Water Referee, Water Division 1, regarding selected claimed water rights in the park. Please transmit this information along with the attached copies of well permit applications and late registrations to the Water Referee. A draft transmittal letter has been prepared for your consideration.

If you have any questions, please call Ken Czarnowski at 586-3565, ext. 263. Your assistance in this matter is very much appreciated.

Sincerely,

(Sgd) James B. Thompson

James B. Thompson
Superintendent

Enclosures

cc:

SOL - Canaday

WRD - Williams

RMR - Chaney

DRAFT

Raymond A. Leisman
Water Referee
Water Division No. 1
P.O. Box C
Greeley, Co 80632

Re: W-8789-77 RMNP Deer Haven Well
W-8791-77 RMNP Moraine Park et. al.
W-8794-77 RMNP Bear Lake Pipeline No. 3

Dear Mr. Leisman:

As requested in your letter of October 3, 1991, attached are statements prepared by staff at Rocky Mountain National Park responding to the questions you raised. We have also included copies of applications for well permits or late registration of wells as appropriate.

We request that you defer any decision on Moraine Park Wells Nos. 2 and 3 at this time. Your assistance and patience in these matters is very much appreciated. If you have any questions or need additional information, please call me at 294-1900 or Ken Czarnowski at 586-0131, ext. 263.

Sincerely,

Lynn A. Johnson
Attorney

Richard R. Inglis J
RKX

Stanley L. Ponce
SLP

LS4 (479)
RGNQ/Docket #33

Rocky Mountain Regional Office
655 Parfet Street, P.O. Box 25267
Denver, CO 80225

October 9, 1964

Memorandum

To: John Lindskold, Attorney
Department of Justice, Land and Natural Resources Division
Denver, Colorado

From: Associate Director for Operations
Rocky Mountain Regional Office

Subject: Transfer of a water right to a new well in Rocky Mountain
National Park

In order to provide safe drinking water at Sprague Lake Picnic Ground, a well was drilled August 4, 1962, a pump was installed on August 3, 1964, and will be put into use June 1965. This will replace, in part, the Glacier Basin Campground water system, a surface diversion from Boulder Brook which has a decreed water right transferred from the Mupps-Beaver Ditches. All of the described areas are located in Larimer County (Colorado Water Division No. 1).

Another well was drilled the same time at Glacier Basin Campground and is located nearby, but is on federal reserved lands. It is our understanding that it will not need an appropriative water right.

Attached are copies of pertinent facts retrieved from our files. If additional information is necessary, please contact Rick Inglis of the Water Services Unit (303-221-5341) or Brian Lippert in Rocky Mountain National Park (303-586-2371, ext. 233).

We would appreciate your ensuring that all things are in order and that the Application for Change of Water Right is filed in Water Division No. 1.

Homer Bouse

Attachments

cc: Ron Cotton, Assistant Park Superintendent of Operations, NOMO
Stan Ponce, Chief, Water Rights Unit, Ft. Collins

FNP:RInglis:pml:9/14/64:221-5341:0914ing8.mm1

IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 1
STATE OF COLORADO

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

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF
AMERICA IN WATER DIVISION NO. 1 IN THE BIG THOMPSON RIVER OR ITS
TRIBUTARIES, IN LARIMER COUNTY.

APPLICATION FOR UNDERGROUND WATER RIGHT - Glacier Basin Campground Well

1. Name of Applicant: United States of America, Department of the Interior,
National Park Service.

Mailing Address: John Lindskold, Trial Attorney, Department of Justice,
Land and Natural Resources Division, 1961 Stout
Street, Drawer 3607, Denver, Colorado 80294.
2. Legal Description of Well Location:

In the SE 1/4 of the NW 1/4 of Section 8, Township 4 North, Range 73 West,
Sixth P.M. at a point whence the SE corner of said Section 8 bears S 46°
06'E, 4760 feet.
3. Depth of Well: 93 feet
4. Date of Initiation of Appropriation: August 1983
5. Amount of Water Claimed in cubic feet per second of time: .067 cfs
6. Use of Water: Historic use or proposed use (indicate which):

Proposed Use: Domestic, recreation and fire fighting
7. Number of Well as Registered in State Engineer's Office or, if a new well,
the number on the Permit:
8. Land Irrigated (description and acreage):

Attorney for Applicant
John E. Lindskold, Attorney
Department of Justice
Land & Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, CO 80294 (303)844-3627

State of Colorado)
) ss.
County of)

_____, being first duly sworn upon oath, deposes
and says that he has read the foregoing application, knows the contents
thereof and that the same is true.

Subscribed and sworn to before me this ____ day of _____, 1984.
Witness my hand and seal.

Notary Public

My commission expires: _____

Address: _____

Submit original plus 3 copies

Bradford Publ. 2, 5825 W. 6th Ave., Lakewood, CO 80214 — (303) 233-6900 — 8-81

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. _____

APPLICATION FOR CHANGE OF WATER RIGHT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF
AMERICA IN THE BIG THOMPSON RIVER OR ITS TRIBUTARIES._____ in Larimer County

1. Name, address, telephone number(s) (residence and business) of applicant(s)

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
 Telephone: (303) 844-3627

2. Name of structure: (indicate whether ditch, well, spring, reservoir, etc.)

Sprague Lake Picnic Area Well

3. From previous Decree:

Transferred from Hupps-Beaver Ditches.
 Domestic Priority #58-4

A. Date entered: January 30, 1939 Case No. 10050 Court: Water District No. 4

B. Point of diversion: (include feet from Section Line, $\frac{1}{4}$ $\frac{1}{4}$, Section, Township, Range and County).

East bank of Boulder Brook at a point from whence the N $\frac{1}{4}$ corner of

Section 18, Township 4 North, Range 73 West, 6th P.M. bears North 50°

15' East, 1332.6 feet, in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 4N, R. 73W, 6th P.M.

C. Source: Boulder Brook

D. Appropriation Date: May 5, 1876 Amount: 0.589

E. Use: Domestic, sanitation, fire protection

4. Proposed change: (describe change requested, location, use, alternate point, or amount and give proposed plan for operation)

The surface diversion from Boulder Brook that supplied water to Glacier Basin Water System is being replaced, in part, by a new well called the Sprague Lake Picnic Area well, completed August 4, 1982.

The right on Boulder Brook was transferred from the Hupps-Beaver Ditch which was adjudicated June 29, 1916, and has an appropriation date of May 5, 1876. All the above are located in the Big Thompson drainage inside Rocky Mountain National Park.

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: Groundwater

Depth of Well: 63 feet

Date of initiation of appropriation: August 4, 1982

Date water applied to beneficial use: August 4, 1982 June, 1985

How appropriation was initiated: Drilling of well

Amount claimed: 12 gpm Absolute

Signature of Applicant (or Attorney)
John E. Lindskold, Attorney
Dept. of Justice, Land & Natural Resources Div.
1601 Stout Street, Drawer 3607, Denver, CO 80294
Telephone No. (303) 844-3627

Attorney Registration No. _____

STATE OF COLORADO

COUNTY OF _____

} ss.

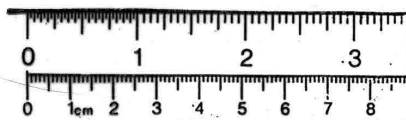
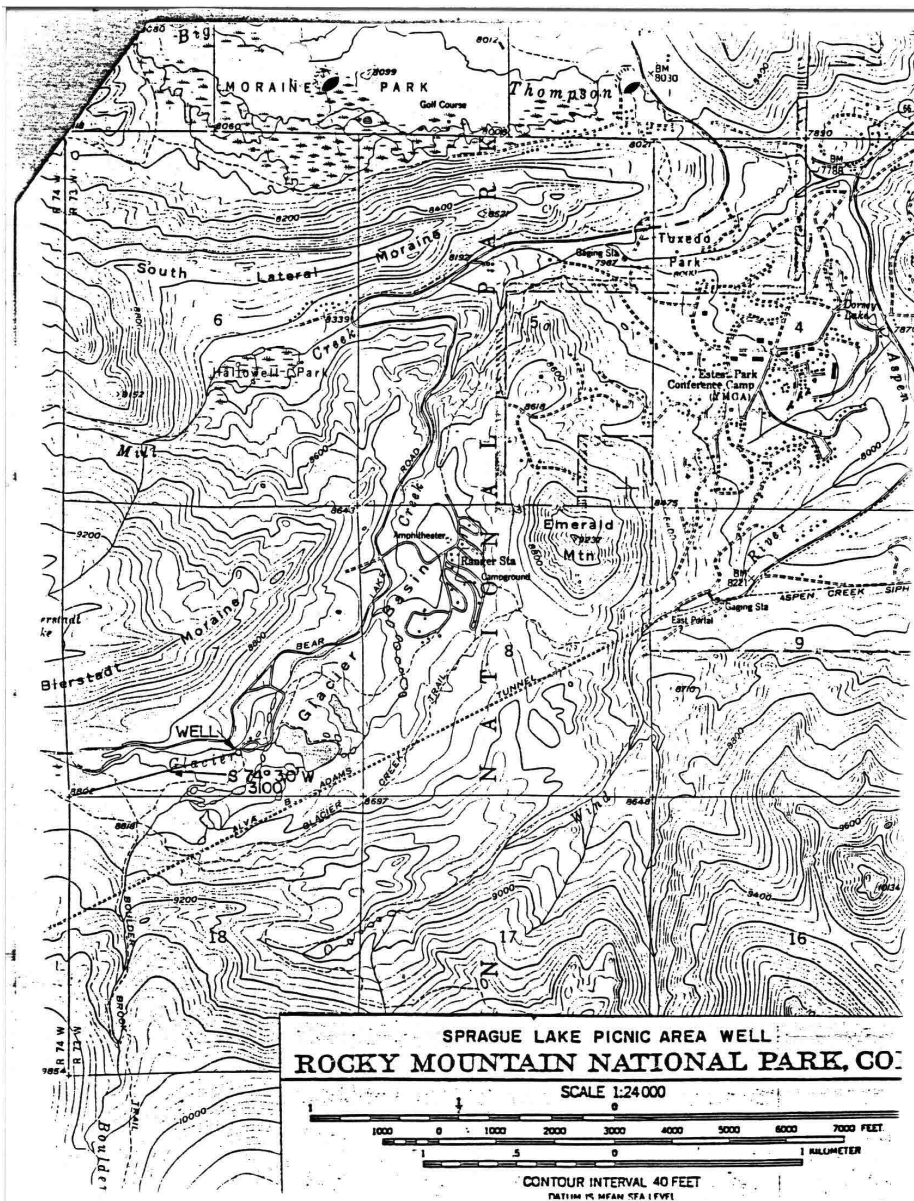
I, _____, state under oath that I have read this application, and verify its content.

Applicant

Subscribed under oath before me on _____ date

My commission expires: _____ date

Notary Public



September 14, 1984

134 (479)
ROMO

Memorandum

To: The Files

From: Hydrologist, Water Services Unit

Subject: Change of Water Plant on Two Wells in Rocky Mountain National Park

I received a phone call from Brian Lippert, Civil Engineer Tech. from DSC, stationed at ROMO (586-2371#233), on September 11, 1984. Brian inquired about how to transfer a water right because the State of Colorado requested this when Brian applied for a new water right on Glacier Basin and Sprague Lake wells. These two wells will replace a surface diversion from Boulder Brook feeding the Glacier Basin Campground Water System (Docket #33). I called the State Engineer's Office in Greeley (352-8712) and talked to Less Caudy who will send me the required forms for "a change in the point of diversion." We may need to put in a clause saying this does in no way affect the Federal Reserved claims currently in litigation.

Follow-up action to be taken: Water Services Unit will fill out the forms and send copies to John Lindschold with Department of Justice, to ROMO, and to Brian Lippert and will complete the application permit.

Richard R. Inglis, Jr.
Richard R. Inglis, Jr.

cc: Homer Rouse, Associate Regional Director, Operations, RMR
Ron Cotton, Assistant Park Superintendent of Operations, ROMO
479 - Rouse
ROMO Docket #33

FNP:RInglis:pml:9/12/84:221-5341:0912ing8.mm1

September 14, 1984

LS4 (479)
ROMO

Memorandum

To: The Files

From: Hydrologist, Water Services Unit

Subject: Change of Water Right on Two Wells in Rocky Mountain National Park

I received a phone call from Brian Lippert, Civil Engineer Tech. from DSC, stationed at ROMO (586-23748233), on September 11, 1984. Brian inquired about how to transfer a water right because the State of Colorado requested this when Brian applied for a new water right on Glacier Basin and Sprague Lake wells. These two wells will replace a surface diversion from Boulder Brook feeding the Glacier Basin Campground Water System (Docket #33). I called the State Engineer's Office in Greeley (352-8712) and talked to Less Dandy who will send me the required forms for "a change in the point of diversion." We may need to put in a clause saying this does in no way affect the Federal Reserved claims currently in litigation.

Follow-up action to be taken: Water Services Unit will fill out the forms and send copies to John Lindskold with Department of Justice, to ROMO, and to Brian Lippert and will complete the application permit.

Richard R. Inglis, Jr.
Richard R. Inglis, Jr.

cc: Homer Ponce, Associate Regional Director, Operations, RMR
Don Cotton, Assistant Park Superintendent of Operations, ROMO
479 - Ponce
ROMO Docket #33

FNP:RInglis:pml:9/12/84:221-5341:0912ing6.am1

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

NOV 1 1949

Memorandum

To: Superintendent, Rocky Mountain National Park
From: Regional Director
Subject: Special Use Permit, Mrs. J. J. Bittell, Rocky Mountain National Park

We have received your memorandum of September 22 recommending that Special Use Permit No. I-35np-12 issued to Mrs. J. J. Bittell for a right-of-way for the purpose of maintaining a water line in Rocky Mountain National Park be canceled as of December 31, 1948.

As the permittee has apparently received no benefits under the permit since that date, the permit, No. I-35np-12, is hereby canceled effective December 31, 1948.

(SGD.) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

In duplicate

Copy to: Director, in duplicate
Audit Division, General Accounting Office

**Authority for water service to Mountainside Lodge
from Glacier Basin Water System**

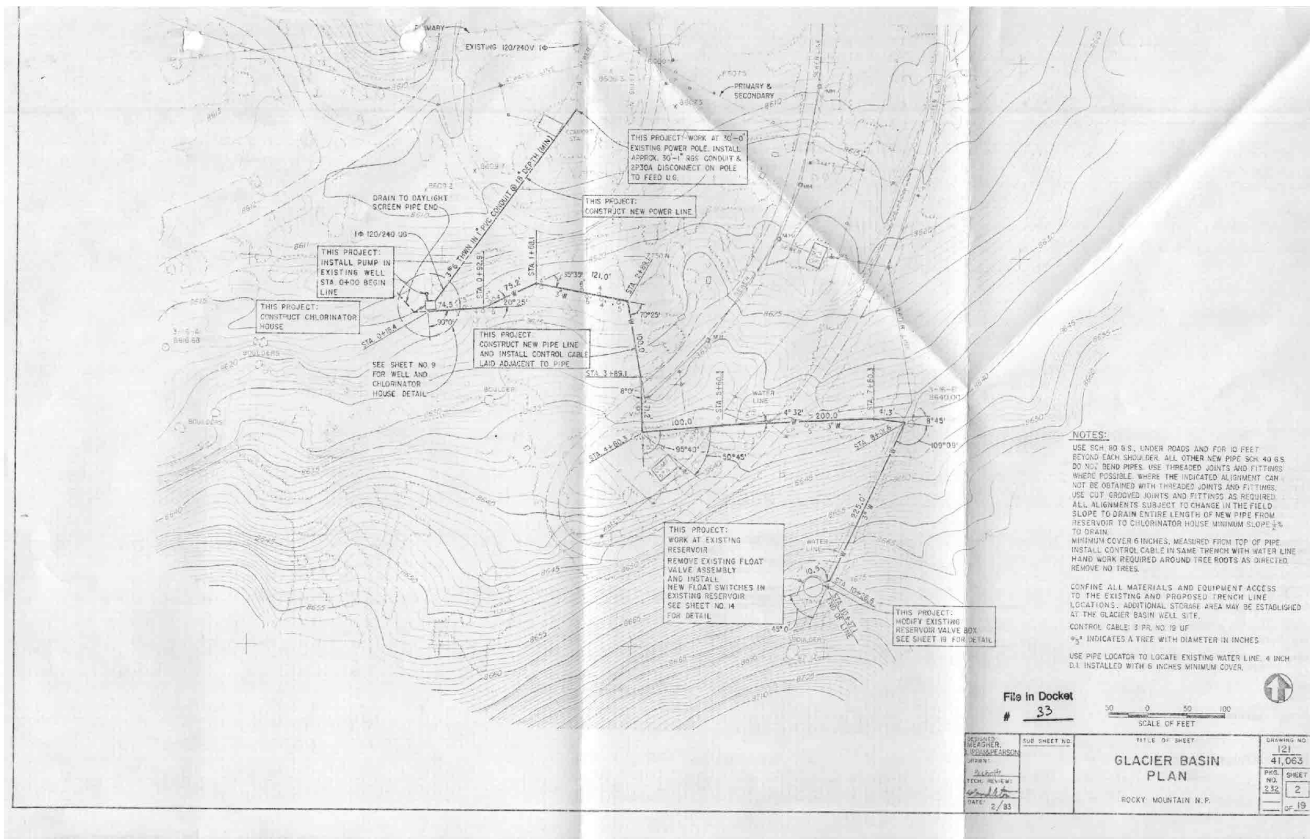
Special Use Permit I-14p-298 to John J. Bittel, January 1 to December 31, 1936.

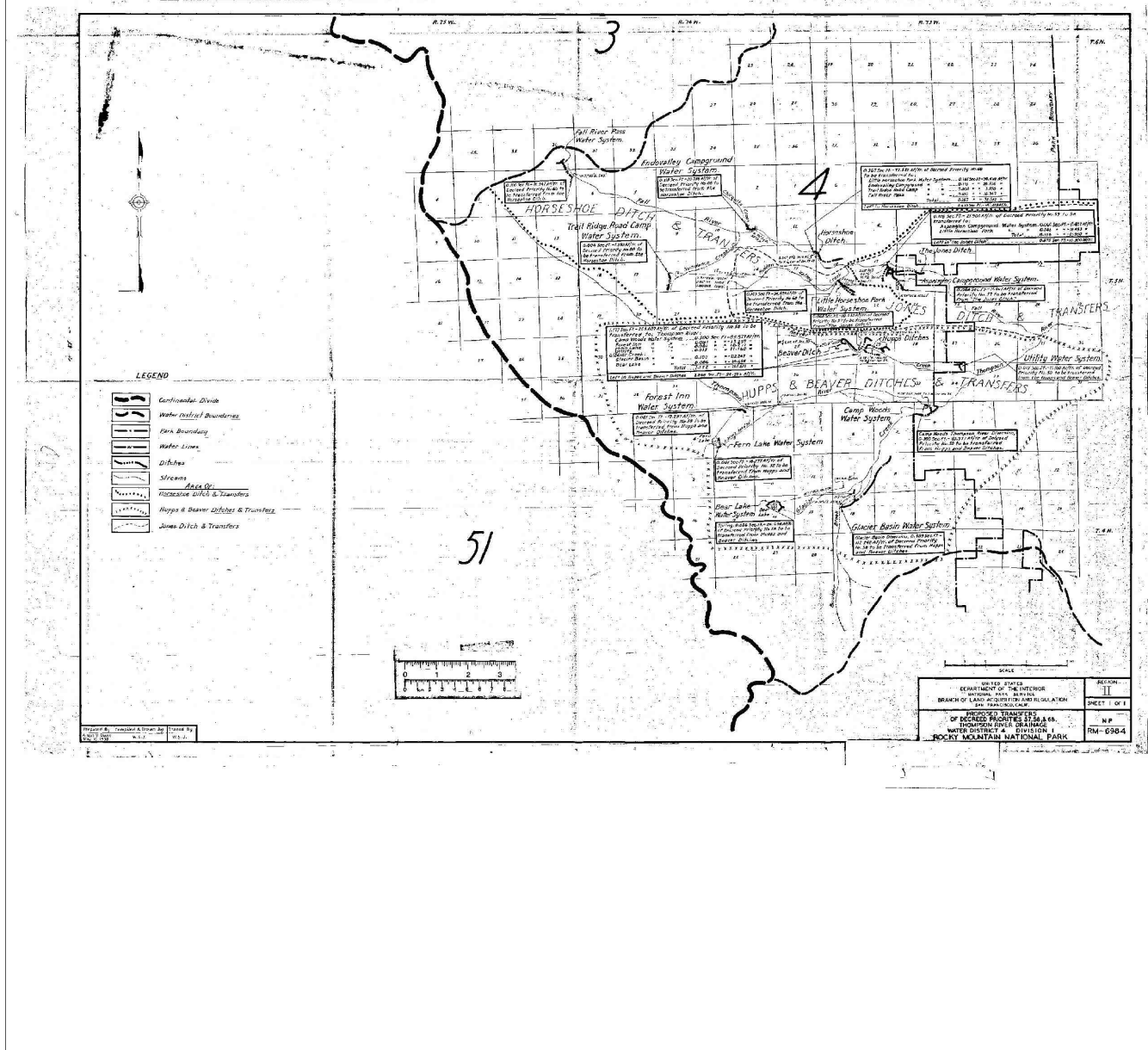
Special Use Permit I-14p-366 to J. J. Bittle Estate, C. H. Woods, Administrator, January 11, 1940 to December 31, 1940, with automatic renewals not to exceed 5 years.

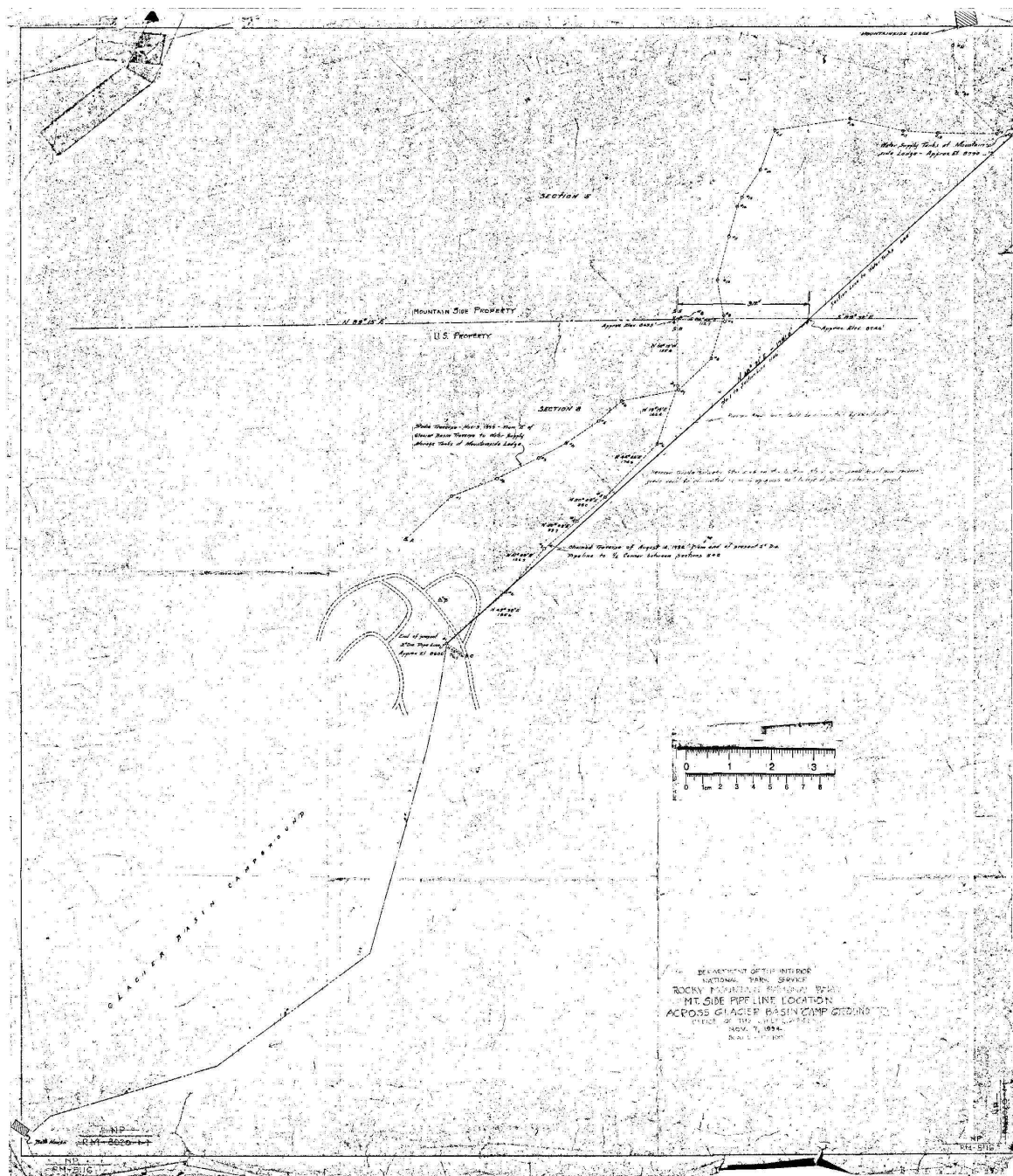
Special Use Permit I-14p-366 to Mrs. J. J. Bittel, January 1, 1942, to December 31, 1942, with automatic renewals not to exceed 5 years.

Special Use Permit I-35np-12 to Mrs. J. J. Bittell, January 1, 1946, to December 31, 1946, with automatic renewals not to exceed 5 years.

Memorandum of November 1, 1949, to Superintendent, Rocky Mountain National Park, from Regional Director, advising that Permit I-35np-12 is hereby canceled as of December 31, 1948, since when no benefit has been derived therefrom.







Docket Compiled: 6/14/2011