



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 34

SPRING. BEAR LAKE PIPE LINE NO. 2

Preliminary Docket Information

00-00-0000: water right record: id no. romo s070473cf34

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #34
(Formerly 10)

IDENTIFICATION NO: ROMO S 0 7 0 4 7 3 C F 3 4

DITCH/WATER SYSTEM: Bear Lake Pipe Line No. 2

SOURCE OF SUPPLY: Spring area located approximately 500 ft. northwest of Nymph Lake

LOCATION: No. 1 - From a point whence the north-south, southwest 1/256th corner of Sec. 7, T4N, R73W, bears N 70°48' E, 11,090 feet.

No. 2 - From a point whence the said 1/256th corner of Sec. 7, bears N 71°40' E, 11,070 feet.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing No. 16551, accepted by the State Engineer of Colorado on April 19, 1939.

Certificate Record Number:

Date of Priority: Domestic Priority No. 44, as of June 20, 1932, in accordance with Decree of Colorado District Court in Case No. 10077,
Quantity of Water: 0.12 cfs

Purpose: Domestic

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a 4 inch tile across a spring area, two pipe lines, a 20,000 gallon reservoir and distribution system. Work was started June 20, 1932 and completed in 1939.

Final Decree, September 23, 1940. For general conditions relating to adjudication and decree, see Docket No. 13.

This pipe line has been removed. See Docket #34 for Pipe Line No. 3

State Water Rights Documentation



U.S. Department of Justice

Environment and Natural Resources Division

WMC:LAJ
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 27, 1992

Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521



Re: Water Division No. 1 - Case No. W-8794-77

Dear Owen:

Enclosed for your records please find a copy of FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT entered February 26, 1992, covering Bear Lake Well aka Bear Lake Pipeline No. 3.

We will now consider this file inactive.

Sincerely,

Lynn A. Johnson
Attorney
General Litigation Section

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

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

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8794-77

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 CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977. The Referee being fully advised in the premises does hereby find:

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

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

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

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

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

W-8794-77
USA
Page 2

2. The name of the structure:

USA Rocky Mountain National Park
Bear Lake Well aka Bear Lake Pipeline No. 3

3. The legal description of the structure:

NW1/4 SW1/4, Section 14, Township 4 North, Range 74 West, 6th P.M., Larimer County, at a point approximately 2075 feet from the South line and 730 feet from the West line, Section 14. This gallery is located in an unsurveyed area. This is a projected location. The location is also described as a point whence Thatchtop Mountain bears S 0°21'E 10,840.94 feet and Half Mountain bears S 39°13'E 9,121.42 feet.

The point of diversion is below Dream Lake outlet in the alluvium of Tyndall Creek. Water flows through a 3 inch pipe to a 5,000 gallon storage tank, thence to a point near the Bear Lake parking lot for use.

4. The source of the water:

Groundwater, tributary to Tyndall Creek.

5. The date of appropriation:

July 31, 1951

6. The amount of water:

0.027 cfs (12 gpm) limited to less than 1/3 acre foot annually.

7. The use of the water:

Drinking water at Bear Lake parking area.

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

Dated: **JAN 31 1992**

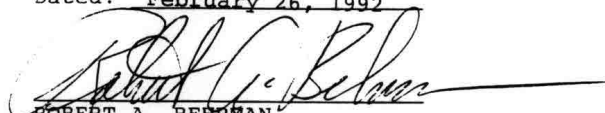

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

W-8794-77
USA
Page 3

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

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

Dated: February 26, 1992

A handwritten signature in dark ink, appearing to read "Robert A. Behrman", is written over a horizontal line.

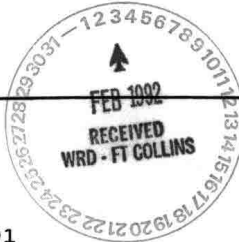
ROBERT A. BEHRMAN
Water Judge
Water Division No. 1
State of Colorado



U.S. Department of Justice

Environment and Natural
Resources Division

WMC:LAJ
90-1-2-892



March 12, 1991

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

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

Telex Number
(303) 294-1931
FTS/330-1931

Mr. Owen Williams
Assistant Chief, Water Resources Division
National Park Service
301 South Howes Street
Fort Collins, Colorado 80521

Water Division No. 1 - Case No. W-8794-77

Dear Owen:

Enclosed please find a copy of Referee Leisman's FINDINGS
AND RULING OF THE REFEREE . . . in the above-captioned case.

Please check this carefully for accuracy and let us know by
February 14, 1992, whether or not it is acceptable to your
agency.

Thank you for your cooperation in this matter. If you have
any questions, please do not hesitate to contact me.

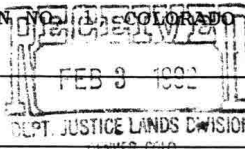
Sincerely,

Lynn A. Johnson
Attorney
General Litigation Section

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

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

DISTRICT COURT, WATER DIVISION



FILED IN DISTRICT COURT

32 JAN 31 P 2:11

CASE NO. W-8794-77

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 CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977. The Referee being fully advised in the premises does hereby find:

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

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

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

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

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

W-8794-77

USA

Page 2

2. The name of the structure:

USA Rocky Mountain National Park
Bear Lake Well aka Bear Lake Pipeline No. 3

3. The legal description of the structure:

NW1/4 SW1/4, Section 14, Township 4 North, Range 74 West, 6th P.M., Larimer County, at a point approximately 2075 feet from the South line and 730 feet from the West line, Section 14. This gallery is located in an unsurveyed area. This is a projected location. The location is also described as a point whence Thatchtop Mountain bears S 0°21'E 10,840.94 feet and Half Mountain bears S 39°13'E 9,121.42 feet.

The point of diversion is below Dream Lake outlet in the alluvium of Tyndall Creek. Water flows through a 3 inch pipe to a 5,000 gallon storage tank, thence to a point near the Bear Lake parking lot for use.

4. The source of the water:

Groundwater, tributary to Tyndall Creek.

5. The date of appropriation:

July 31, 1951

6. The amount of water:

0.027 cfs (12 gpm) limited to less than 1/3 acre foot annually.

7. The use of the water:

Drinking water at Bear Lake parking area.

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

Dated:

JAN 31 1992


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

W-8794-77
USA
Page 3

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

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

Dated: _____

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



U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

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

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

January 15, 1993

VIA FEDERAL EXPRESS

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

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

Dear Mr. Liesman:

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

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

Respectfully,

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

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



IN REPLY REFER TO:

United States Department of the Interior

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



L54(479)
ROMO/Water Rights

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

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

Dear Lynn:

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

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

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

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

0034



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.

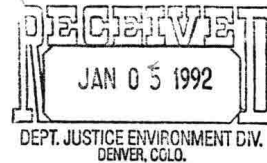
Respectfully,

A handwritten signature in cursive script, reading "Julia D. Draper", is written over the typed name.

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

FILE



WATER DIVISION NO. 1
STATE OF COLORADO

DEC 31 1992

Date

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

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 85CW348.

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

FILED WATER COURT
02 DEC 31 PM 3:38
DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 85CW348
(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. Hupps and Beaver Ditches were decreed in Boulder County CA 4862 dated June 29, 1916. The ditches were decreed for irrigation of 120 acres with 4 cfs of water as of May 5, 1876.

85CW348

USA

Page 2

2. In CA 10050 decreed in Boulder County on June 30, 1939, 0.086 cfs was transferred to springs, tributary to Bear Lake in NE1/4 NW1/4, Section 14, Township 4 North, Range 74 West. The use was for domestic, sanitation, fire protection for hotel, museum, and ranger station. The amount transferred was limited to 24.658 acre feet per annum.

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

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

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

2. The name of the structure:

Hupps Beaver Ditch at Springs aka
Bear Lake Pipeline No. 2

3. The legal description of the structure:

NE1/4 NW1/4, Section 14, Township 4 North, Range 74 West, 6th P.M., Larimer County, at a point whence the NSSW 1/256 corner Section 7, Township 4 North, Range 73 West, bears N 77 deg. 46' East, 10,696 feet.

85CW348
USA
Page 3

4. The source of the water:

Springs, tributary to Bear Lake, tributary to
Glacier Creek, tributary to Big Thompson River.

5. The date of appropriation:

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

6. The amount of water:

0.086 cfs limited to 24.658 acre feet per annum

7. The use of the water:

Wildlife and fish maintenance and propagation and
recreation all within the natural channel of Glacier 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

85CW348

USA

Page 4

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 #34

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. Lindsfold
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. Rondius in person and by her attorneys, Fred W. Stover and Dale E. Shannon.

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

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

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

Gertrude H. Grant, August 22, 1938.

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

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

Alice G. Henry, August 27, 1938.

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

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

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

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

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

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

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

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

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

PRIORITY NUMBER 57.

THE JONES DITCH.

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(1) Springs tributary to Fall River in the Northwest quarter (NW $\frac{1}{4}$) of the 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 73 West of the 6th P.M. from which the Southeast corner of said section bears south 85° 02' East 2309.1 feet.	Domestic supply, sanitation, fire protection, in Little Horseshoe Park and adjacent (Ashton) ranch, and public campground to be built and established.	0.145 second-feet, ✓ but not to exceed 34.499 acre-feet per annum.
(3) The North side of a nameless tributary at the headwaters of Fall River in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 1, Township 5 North, Range 75 West of the 6th P.M., and from which point the Northeast corner of said Section 1 bears North 21° 48' East 549 feet. (The corner being a scribed stone of GLO survey of 1882).	Domestic, sanitation and fire protection at Fall River Pass Museum, public comfort station and parking area.	0.100 second-feet, ✓ but not to exceed 16.947 acre-feet per annum.

THE HORSESHOE DITCH - (Continued)

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(4) Chiquita Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of section 11, Township 5 North, Range 7 $\frac{1}{2}$ West of the 6th P. M., at a point from which the Southeast corner of said section bears South 58° 53' East 5173.6 feet.	Domestic, sanitation, fire protection, at Endovalley Campground.	0.118 second-feet, but not to exceed 20.736 acre-feet per annum.
		<u>Quantity hereafter to be used from original point of diversion.</u>
		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 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.	0.061 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. 1, 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.

Pipe Line No. 2 - Abandoned
Adjudicated

REC'D OCT 5 1940

STATE OF COLORADO)
) SS.
 COUNTY OF BOULDER)

IN THE DISTRICT COURT
 No. 10077.

IN THE MATTER OF THE ADJUDICATION)
 OF PRIORITIES OF RIGHTS TO THE USE)
 OF WATER FOR IRRIGATION AND OTHER) FINAL DECREE
 BENEFICIAL PURPOSES IN WATER DIS-)
 TRICT NO. 4, WATER DIVISION NO. 1,) AS TO BEAR LAKE
 IN THE STATE OF COLORADO.) PIPE LINE NO. 2.

This matter coming on for hearing in open court, pursuant to an order made herein by the Court on April 1, 1940, the latter date being the first biennial adjudication day after the entry of the decree herein on November 14, 1939, and the United States of America having appeared by Worth Allen, its attorney, and no other persons having appeared herein,

And the Court having heard testimony and being duly advised in the premises, subject to the general conditions and provisions set forth in said decree of November 14, 1939, IT IS FOUND, ORDERED, ADJUDGED AND DECREED By the Court, with respect to

BEAR LAKE PIPE LINE NO. 2

(Domestic Priority No. 44; Ditch-- Pipe Line-- No. 40.)

In said decree of November 14, 1939, claimant was found to be entitled to a decree to the effect that there be permitted to flow out of the spring area therein described, at the point therein described, into said Bear Lake Pipe Line No. 2, .12 cubic feet of water per second of time, for domestic, sanitary, fire protection and recreational purposes at the Bear Lake Lodge, Ranger Station, and recreational area, with Domestic Priority No. 44, conditional, as of June 20, 1932, provided that the claimant within a reasonable time after the entry of said decree should complete the construction of said pipe line and should apply said water to beneficial use. Said decree further provided that a final decree should be thereafter entered for such an amount of water

as should be shown in subsequent proceedings to have been applied to beneficial use with reasonable diligence, and that the amount of water so to be thereafter finally decreed should in no event be in excess of .12 cubic feet per second of time.

Said claimant, since November 14, 1939, has completed construction of said line, and during the summer of 1940, has made beneficial use of .12 cubic feet of water per second of time through and by means of said pipe line. The uses to which said water was applied were those for which the conditional decree was made.

The completion of said pipe line and the beneficial use of water through the same and by means thereof were made with reasonable diligence, and final decree should now be entered.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court, that for domestic, sanitary, fire protection, and recreational purposes, and by virtue of an appropriation by survey and construction, and for the benefit of the party or parties entitled to the enjoyment thereof, there be permitted to flow out of said spring area into said pipe line .12 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 44, as of date June 20, 1932, subject to the general and paramount provisions of the decree of November 14, 1939, in this cause.

Done in Open Court this 23rd day of September, A. D. 1940.

Judge.

C O P Y

STATE OF COLORADO }
COUNTY OF BOULDER } ss

IN THE DISTRICT COURT
NO. 10077.

IN THE MATTER OF THE ADJUDICATION
OF PRIORITIES OF RIGHTS TO USE OF
WATER FOR IRRIGATION AND OTHER
BENEFICIAL PURPOSES IN WATER DIS-
TRICT NO. 4, WATER DIVISION NO. 1,
IN THE STATE OF COLORADO. }

CLAIM OF THE UNITED STATES
OF AMERICA FOR BEAR LAKE
PIPE LINE NO. 2.

P E T I T I O N .

Now comes the United States of America, by Worth Allen
and Wayne C. Williams, Special Assistants to the Attorney General
of the United States, thereunto duly authorized and directed by
the Attorney General, and by Joseph E. Taylor, Regional Attorney,
National Park Service, and represents to the court that

On November 14, 1939, the court made a decree herein
awarding a conditional priority of right to the petitioner on
and in connection with Bear Lake Pipe Line No. 2.

The use of said pipe line will be seasonal. Since the
summer season of 1939 had passed at the time the decree herein
was made, your petitioner has not had an opportunity to make the
maximum use of said pipe line. During the summer of 1940, use
will be made of said pipe line, and after said season has passed
petitioner will be ready and desirous of making further proof
herein in order to have the said conditional priority right ad-
judged a final one.

WHEREFORE, this petitioner prays this honorable court to
set the matter for hearing on a day certain after the summer
season of 1940.

Respectfully,

Special Assistants to the Attorney General

Regional Attorney, National Park Service.

UNITED STATES OF AMERICA,)
State of Colorado,) ss
County of Larimer.)

JOHN S. McLAUGHLIN, being first duly sworn, on his oath deposes and says that he is Assistant Superintendent of Rocky Mountain National Park, and makes this affidavit on behalf of the United States of America, petitioner; that he has read the foregoing petition and is conversant with the facts therein stated, and that the contents thereof are true of his own personal knowledge.

Assistant Superintendent,
Rocky Mountain National Park.

Subscribed and sworn to before me this _____ day of
_____ 1940.

Notary Public.

My commission expires _____.

BEAR LAKE PIPE LINE NO. 2.

(Domestic Priority No. 44, Conditional; Ditch--Pipe Line-- No. 40)

1. The claimant of Bear Lake Pipe Line No. 2 is United States of America, Rocky Mountain National Park, Estes Park, Colorado.

2. The source of supply of said pipe line is springs on the northern edge of Nymph lake which is tributary to the Big Thompson river through Glacier creek.

3. The head works of said pipe line consists of two lines of 4-inch vitrified tile across the said spring area and draining into a 1000 gallon settling basin at points whence the N35W 1/2SE corner of section seven (7), township four (4) north, range seventy-three (73) west of the 6th principal meridian, established by the General Land Office, bears

From diversion No. 1 at end of tile line No. 1, north 70°48' east 11090 feet,

From diversion No. 2 at end of tile line No. 2, north 71°40' east 11070 feet.

4. The general course of the main pipe line is northeasterly.

5. The description of said pipe line is as follows;

The diameter of said pipe is 2 inches; the grade of said pipe line is 108 feet per thousand; the length of the main pipe line is 650 feet to a 20,000 gallon distribution reservoir; the capacity of said pipe line is 0.12 cubic feet per second of time.

6. The use of said pipe line is for domestic, sanitary, fire protection, and recreational purposes in the Bear Lake recreational area located in the south half of the northeast quarter (S½NE¼) of section fourteen (14), township four (4) north, range seventy-four (74) west of the 6th principal meridian.

7. Work was commenced by survey made on June 20, 1952, and has since been continuously carried on with reasonable diligence, but has not yet been completed.

8. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on April 19, 1959, and was assigned filing No. 16,551.

9. As a matter of law, claimant is entitled to decree to the effect that there be permitted to flow out of the spring area at the point hereinbefore described into said pipe line .12 cubic feet of water per second of time for domestic, sanitary, fire protection and recreational purposes at the Bear Lake Lodge, Ranger Station and recreational area, with Domestic Priority No. 44, conditional, as of June 20, 1952; provided that the claimant, within a reasonable time after the entry of this decree, shall complete the construction of said pipe line and shall apply said water to beneficial use, and provided further that a final decree shall be hereafter entered for such an amount of water as shall be shown in subsequent proceedings to have been applied to beneficial use with reasonable diligence, and that the amount of water so to be hereafter finally decreed shall in no event be in excess of .12 cubic feet per second of time.

WHEREFORE, IT IS ORDERED ADJUDGED AND DECREED by the Court, that for domestic, sanitary, fire protection, and recreational purposes, and by virtue of an appropriation by survey and construction, and for the benefit of the party or parties entitled to the enjoyment thereof, there be permitted to flow out of said spring area into said pipe line .12 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 44, conditional, as of date June 20, 1952, subject to the general

and paramount provisions of this decree, and provided that the claimant, within a reasonable time after the entry of this decree, shall complete the construction of said pipe line and shall apply said water to beneficial use, and provided further that a final decree shall be hereafter entered for such an amount of water as shall be shown in subsequent proceedings to have been applied to beneficial use with reasonable diligence, and that the amount of water so to be hereafter finally decreed shall in no event be in excess of .12 cubic feet per second of time.

C O P Y

STATE OF COLORADO }
COUNTY OF BOULDER } SS IN THE DISTRICT COURT
NO. 10077.

IN THE MATTER OF THE ADJUDICATION }
OF PRIORITIES OF RIGHTS TO USE OF } STATEMENT OF CLAIM OF THE
WATER FOR IRRIGATION AND OTHER } UNITED STATES OF AMERICA
BENEFICIAL PURPOSES IN WATER DIS- } FOR THE BEAR LAKE PIPE
TRICT NO. 4, WATER DIVISION NO. 1, } LINE NO. 2.
IN THE STATE OF COLORADO. }

Now comes the United States of America, by Worth Allen
and Wayne C. Williams, Special Assistants to the Attorney General
of the United States, thereunto duly authorized and directed by
the Attorney General, and by Joseph E. Taylor, Regional Attorney,
National Park Service, and hereby presents this petition and
statement of claim herein, and shows unto this honorable court
that:

FIRST: The name of the claimant is the United States of
America.

SECOND: The postoffice address of the claimant is Rocky
Mountain National Park, Estes Park, Colorado.

THIRD: The name of the pipe line for which claim is made
herein is Bear Lake Pipe Line No. 2.

FOURTH: The said pipe line derives its supply of water
from springs on the Northern edge of Nymph lake which is tribu-
tary to the Big Thompson river through Glacier creek.

FIFTH: The headworks of said pipe line consist of two
lines of 4-inch vitrified tile across the said spring area and
draining into a 1000-gallon settling basin whence the NSSW 1/256
corner of section seven (7), township four (4) north, range seventy-
three (73) west of the 6th principal meridian bears:

From diversion No. 1 at end of tile line No. 1 -
north 70° 48' east 11090 feet.

From diversion No. 2 at end of tile line No. 2 -
north 71° 40' east 11070 feet.

SIXTH: The general course of the main pipe line is north-
easterly;

The diameter of said pipe is 2 inches;

The grade of said pipe is 108 feet per thousand;

The length of the main pipe line is 850 feet to
a 20,000 gallon distribution reservoir.

The capacity of said main pipe line is 0.12 cubic
feet per second of time, for which claim is hereby made for domestic, sanitary, fire protection, and recreational purposes.

SEVENTH: Work was commenced by survey ~~in~~ August, 1932, and
on June 20,
has since been continuously carried on with reasonable diligence
on Sept. 20,
and will be completed ~~in~~ June, 1939.

EIGHTH: A map with statement of claim was filed by the
claimant in the office of the State Engineer, State of Colorado,
on April 19, 1939, and has been accepted by the State Engineer and
assigned filing No. 16551.

NINTH: The water conveyed through said line is to be distributed in the Bear Lake recreational area in the south half of the northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of section fourteen (14), township four (4) north, range seventy-four (74) west of the 6th principal meridian.

TENTH: The diversion of 0.12 cubic feet of water per second of time by the Bear Lake Pipe Line No. 2 is necessary to provide additional domestic, sanitary, fire protection, and recreational facilities for the Bear Lake Lodge, Ranger Station and recreational area.

Wherefore, it is prayed that the petitioner, the United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from the Big Thompson river and its tributaries and sources, the allowance of which may be adverse to the interests of the United States in the premises.

It is further prayed by the petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, the United States of America, a priority of right as of the date June 20, 1932, to the uses of water for the purposes and in the amounts hereinbefore in detail set forth and claimed, which said decree, in the event that said Bear Lake Pipe Line No. 2 has not been completed prior to the date of the hearing herein, may be conditioned upon the final completion of said works and the application of waters therefrom to a beneficial use, and that, upon completion of said works and application of waters to a beneficial use thereby and therefrom, a priority right to the use of 0.12 cubic feet of water per second of time for the purposes and in the amounts hereinabove in detail set forth and claimed, shall be decreed to petitioner, and for all other and further proper relief in the premises.

THE UNITED STATES OF AMERICA,

By _____

Special Assistants to the
Attorney General.

Regional Attorney, National
Park Service.

UNITED STATES OF AMERICA,)
State of Colorado,) SS.
County of Larimer.)

JOHN S. McLAUGHLIN, being first duly sworn on oath, deposes and says that he is Assistant Superintendent of Rocky Mountain National Park, and makes this affidavit on behalf of the United States of America, claimant; that he has read the foregoing statement of claim and is conversant with the facts therein stated, and

that the matters therein referred to are true to the best of
his knowledge and belief.

Assistant Superintendent,
Rocky Mountain National Park.

Subscribed and sworn to before me this _____ day of
_____ 1939.

Notary Public.

My commission expires _____.

Case No. W-8794-77

Bear Lake Pipeline No. 3

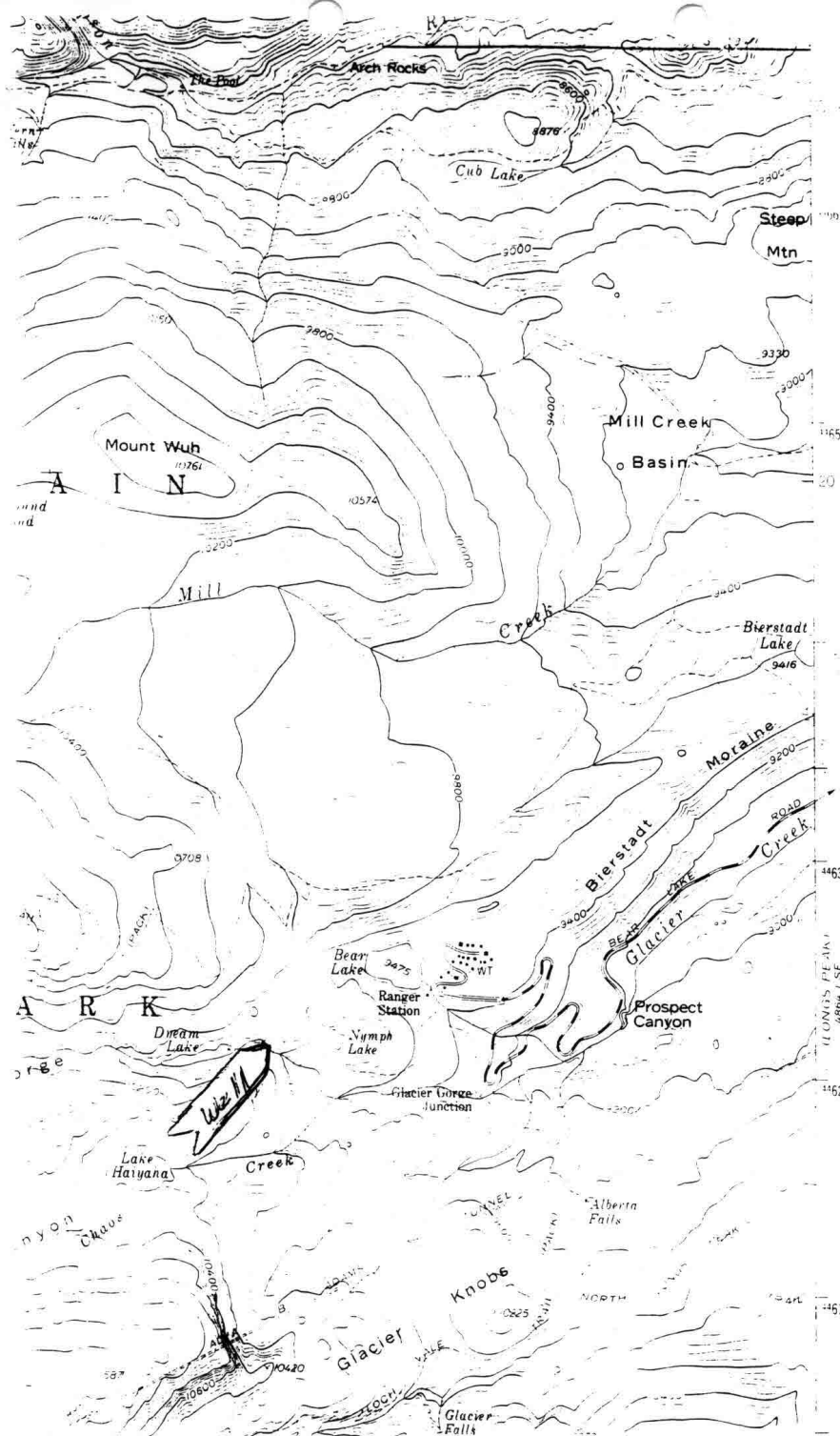
Bear Lake pipeline No. 3 originates at a shallow well located in the alluvium below Tyndall Creek, just downstream from the Dream Lake outlet (See attached map). The well is located in the NW1/4SW1/4 of S. 14, T4N, R74 W. 6th P.M. (projected) It is 732 feet from the west section line and 2,074 feet from the south section line. The well produces approximately 12 gpm and water is transported via 3" pipe to a 5,000 gallon storage tank. From the storage tank, water is piped to a drinking fountain at the Bear Lake parking lot. Water is also available for fire protection. There are no other uses associated with this pipeline. Water is supplied from late May through early September.

According to records maintained by the water plant operator from 1986 to the present, approximately 30,000 gallons of water are used annually. Sewage is transferred into a septic system and returns to the Glacier Creek drainage.

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

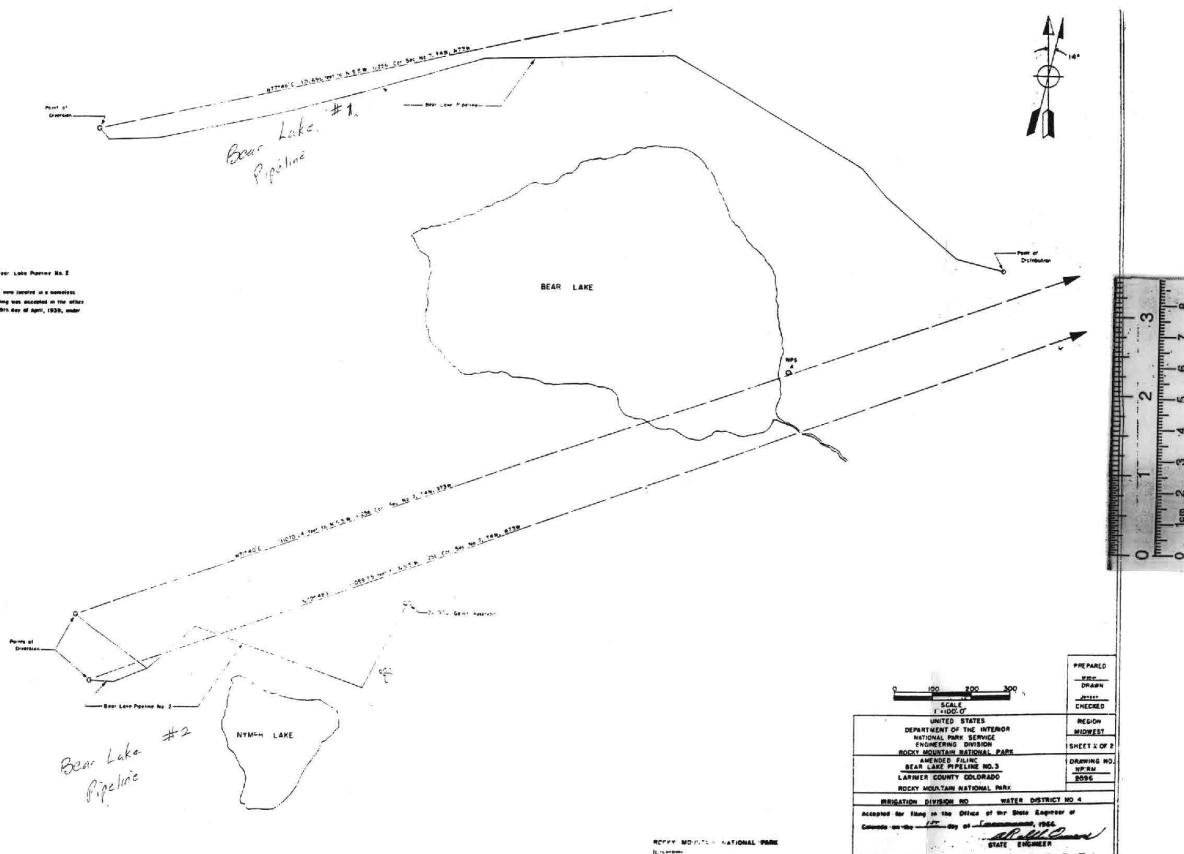
Bear Lake pipeline No. 1, aka Bear Lake pipeline, had a point of diversion where a bearing of N77 degrees 46 minutes E, 10,690 feet to N S SW 1/256 Cor, Sec No. 7, T14N, R73 W. (See attached drawing No. 2596). The pipeline served the Bear Lake Lodge and associated buildings.

Bear Lake pipeline No. 2 had two points of diversion in unnamed springs as depicted on the attached drawing No. 22851. The pipeline served the Ranger Station, residence and horse corral.



Bear Lake
Pipeline
No. 3 well

Points of the Bear Lake Pipeline and of Bear Lake Pipeline No. 2
have been located.
The construction of Bear Lake Pipeline No. 2 was completed in a hasty manner
during winter, 1914-1915. It was located in the winter
of 1914. The State Engineer of Colorado on the 1914 day of April, 1915, under
No. 1055.



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

DEC 1991
RECEIVED
WRD - FT COLLINS

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



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

1-9-92
RECEIVED
FBI-DENVER

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.)

C O P Y

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

February 28, 1950

Memorandum

To: Regional Director, Region Two
From: Acting Superintendent, Rocky Mountain National Park
Subject: Expansion of Rocky Mountain Water Right Deed 51

In Mr. Baker's memorandum of February 17 on the above subject he asked whether the Bear Lake Road Camp water system still exists. This water system is no longer in existence.

The copy of Sheet 7 of Drawing NP-RM-6978, which was forwarded with Mr. Baker's memorandum, will be inserted at the bottom of Deed 51 relating to the Glacier Basin Water System in accordance with instructions.

(Sgd) Francis D. LaNoue

Francis D. LaNoue
Acting Superintendent

The water right relating to this system is available to transfer to some other water system if and when additional rights are needed.
(Ref: New River memo from Wash. Off. 4-10-50)

(Signature)

<u>Horseshoe Ditch</u>		<u>Priority No. 68</u>
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 Acting Assistant Regional Director

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



IN REPLY REFER TO:

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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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<i>4-1-63</i>
Action taken
<i>Director 4/1/63</i>
File: <i>4-1-63</i>

Director
4-1-63

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

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

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

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

Thomas E. Whitcraft

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In duplicate

