



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 38

FALL RIVER

Preliminary Docket Information

00-00-0000: water right record - id no. romo r010575 af38

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #38

IDENTIFICATION NO: ROMO, R, O 1, 0 5, 7 5, A, F, 3 8,

DITCH/WATER SYSTEM: Fall River Pass Water System

SOURCE OF SUPPLY: Fall River

LOCATION: On the north bank of a headwaters tributary of Fall River at a point whence the northeast corner of Sec. 1, T5N, R75W, 6th PM, bears N21°48'E 549 feet.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: Priority No. 68, May 1, 1886, transferred from Horseshoe Ditch. Domestic Priority No. 68-(3)

Quantity of Water: 0.10 c.f.s.

Purpose: Domestic and sanitation.

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a diversion, pump house, ~~pass~~, a 20,000 gallon reservoir, an 80,000 gallon reservoir and distribution system. Supplies water to Fall River Pass comfort stations, Museum and Store.

Used from June 10th to September 8th.

WATER RIGHT RECORD

Park:

Docket Number:

IDENTIFICATION NO: _____

DITCH/WATER SYSTEM:

SOURCE OF SUPPLY:

LOCATION: _____

WATER RIGHT:

Appropriator:

Application/Permit Number:

Certificate Record Number:

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS:

Docket No. 38.

FALL RIVER PASS PIPE LINE

Pipe Line No. , Water District No. 4.

May 8 1957

USE

Domestic and Sanitation. Supplies water to the Fall River Pass Comfort Stations, Museum, and Store.

HEADGATE

Point of Diversion is on the North bank of a Headwaters tributary of Fall River about 2300 feet Southeast of the Fall River Pass Store building at a point whence the Northeast Corner of Section 1, Township 5 North, Range 75 West, bears North $21^{\circ} 45'$ East ~~549~~ feet.

350

PRIORITY

Domestic Priority No. 68-(3), Water District No. 4, as of January 30, 1939, May 1, 1886 claimed, in accordance with a Decree of the State District Court in Case No. 10050, January 30, 1939, with no greater or different priority than Irrigation Priority No. 68, Horseshoe Ditch, from which this right was transferred.

AMOUNT OF DECREE

0.10 cubic feet of water per second of time but not to exceed 16.947 acre-feet per annum (44.88 gallons per minute but not to exceed 5,522,180 gallons per annum) permitted to flow from Fall River at said point of diversion.

OWNERSHIP and OPERATION

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

MAPS

NP-RM-6984, Sheet 1 of 1, Transfers of Decreed Priorities.

NP-RM- , Sheet 4 of 4, Water Systems, Fall River Drainage.

Northern Ranger District.

Fall River Pass Area.

DOCKET INFORMATION SHEET

Docket Identity	ROMO, R 0110575 AF 38
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	FALL RIVER PASS WATER SYSTEM
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 38
Location	T5N R75W SEC 1
Acquired by	APPROPRIATION
Application	NP-RM-6984 TRANSFER OF PRIORITIES
Permit	68-3 AND 68
Certificate	COURT DECREE 10050
Priority	MAY 11 1886 - 0.10 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL JANUARY 30 1939
Source	SURFACE WATER
Use	DOMESTIC AND SANITATION
Quantity	0.10 CFS
Hydrologic Unit	10190006
Remarks	USED FROM JUNE 10 TO SEPTEMBER 8
	TRANSFERRED FROM HORSESHOE DITCH

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

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

Docket #38

AMENDED APPLICATION FOR SURFACE AND UNDERGROUND
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 maintain all streams, springs and seeps, lakes and all ground water at their natural flows, levels, and conditions, except as required for administrative uses, and claims reserved water rights for present and future administrative uses located on Rocky Mountain National Park in Boulder and Larimer counties.
3. The use of water claimed under this amended application is for the present and future purposes for which the reservation was created as set forth in paragraph 5(c) of this amended application.
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 Exhibits 1 thru 19,

Name of Structure: Longs Peak Ranger Station Well.
Legal description: In the NW1/4 NW1/4 Section 34, T. 4 N.,
R. 73 W.
Depth of Well:
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: 31 gpm Absolute

Name of Structure: Twin Owls Well.
Legal description: In the SW1/4 NE1/4, Section 13, T. 5 N.,
R. 73 W.
Depth of Well:
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: 5 gpm Absolute

Name of Structure: Twin Owls Water System.
Legal description: In the SW1/4 NE1/4, Section 13, T. 5 N.,
R. 73 W.
Description of Structure: Spring diversion
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: .081 cfs Absolute

Name of Structure: Fall River Pass Water System.
Legal description: At a point whence the NE corner of
Section 1, T. 5 N., R. 75 W., bears N. 21° 48' E. 350
feet.
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Historic - domestic
Amount claimed: .100 cfs Absolute

8. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8788-77.
9. The United States of America seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority date.

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

THE HORSESHOE DITCH - (Continued)

<u>New Points of Diversion.</u>	<u>New Use.</u>	<u>Quantity to be Used from New Point of Diversion.</u>
(4) Chiquita Creek, a tributary of Fall River, in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of section 11, Township 5 North, Range 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 Camp-ground, and Mountain side Lodge.	0.589 second-feet, but not to exceed 112.242 acre-feet per annum.
(5) Springs tributary to Fern Lake, which is tributary to Big Thompson River through Fern Creek, in the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 51° 14' East 9346.94 feet.	Domestic, sanitation, fire protection, at Fern Lodge and Fern Lake Ranger Station.	0.081 second-feet, but not to exceed 18.277 acre-feet per annum.
(6) East or right bank of Fern Creek, a tributary of Big Thompson River in Lot one (1) of the Northeast quarter (NE $\frac{1}{4}$) of Section 3, Township 4 North, Range 74 West of the 6th P. M., at a point from which the Southeast corner of Section 35, Township 5 North, Range 74 West of the 6th P. M., bears North 81° 46' East 3956.1 feet.	Domestic, sanitation, fire protection, at Forest Inn.	0.081 second-feet, but not to exceed 13.297 acre-feet per annum.
		<u>Quantity hereafter to be used from original points of diversion.</u>
		2.848 second-feet, but not to exceed 94.393 acre-feet per annum.

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

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

FREDERIC W. CLARK
JUDGE.

Book 685 Page 540

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

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

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

(SEAL)

/s/ C. W. Atkinson
Clerk.

Other Supporting Information

Form 10-174
(June 1962)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Park Rocky Mountain National Park	Region Midwest	Work Order No. 2-WR-65B (2nd Rev.)
Location in Park Fall River Entrance	State(s) Colorado	Fund Symbol 14X1035 (0343)
☒ Contract and/or ☐ Day Labor	County or Counties Larimer	Year Programmed 1965
Work Order Title Drill test well		PCP No. --
		Master Plan No. NP-RM 3445-A
		Master Plan Corrected By --
		As Built Drawings By --
		Date Started May 6, 1965
		Date Completed June 25, 1965

DESCRIPTION OF FIXED ASSETS
(For completion by employee in charge of project)TOTAL COSTS
(For completion by FFO)

100.8 - Utilities

1. Water System

TOTAL

\$

DISTRIBUTION		THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES		
No.	To	Submitted By:	Title:	Date:
1	WASO	<i>William P. Jensen</i>	Civil Engineer	10-8-65
1	MW Region			
1	WDBC	Approved By:	Title:	Date:
1	Engr. BOMC	<i>Samuel B.</i>	Superintendent	10-11-65
2	Fiscal			
1	Files			
		COSTS VERIFIED	Title:	Date:
		BY		

11360

Form 10-174A
(June 1962)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPOSITION OF COST FOR COMPLETION REPORT

Work Order Number

2-WR-65B (2nd Rev.)

Fund Symbol

14X1035 (0343)

Year Programmed

1965

Park

Rocky Mountain National Park

Region

Midwest

Location in Park

Fall River Entrance

Work Order Title

Drill Test Well

COMPOSITION OF COST

COSTS CHARGED TO FUNDS ALLOTTED TO FIELD FINANCE OFFICE

(1) Personal Services.....	\$	
(2) Travel.....		
(3) Contract Work.....		
(4) Supplies and Materials.....		
(5) Other Direct Expenses.....		
(6) Operation of Equipment.....		
(7) Depreciation of Equipment.....		
(8) Purchase of Construction Equipment.....		
(9) Purchase of Other Accountable Equipment.....		
(10) Other Costs:		
(11) TOTAL COST CHARGED TO FFO FUNDS	XXXXXXXXXX	\$

OTHER COSTS:

(12) PS&S, AP, and/or Facilitating Services @ _____ %.....	\$	
(13) Inventory and Other Non-Fund Costs		
(14) GROSS WORK ORDER COSTS	XXXXXXXXXX	\$
LESS:		
(15) Residual Value of Construction Equipment on Line 8	\$	
(16) Other Credits		
(17) NET COST OF FIXED ASSETS	XXXXXXXXXX	\$

Identify other costs and other credits by line item entry, on an attached schedule, or explain in narrative.

11061

NARRATIVE STATEMENT
Drill Well - Fall River Entrance
Contract No. 14-10-0232-927

Harry J. Young
 Rt. 3, Box 178C, Longmont, Colorado
 Account No. 2-WR-65B (2nd Rev.)

This project consisted of drilling a well at Fall River Entrance to supplement the flow of water coming from a surface intake on Bighorn Creek. At the present time, the surface intake supplies sufficient water for the Fall River Entrance development. However, in the 1968 FY Construction Program, it is proposed that additional housing will be constructed in this area. At that time additional water will be necessary.

The Invitation for Bids was dated March 9, 1965. One bid was received and opened March 30, 1965, with Harry J. Young being the bidder in the amount of \$2,470.00 for work authorized and completed.

The Notice of Award was mailed on April 16, 1965, and the beginning date of the contract was established as May 6 with a contract termination date of July 4, 1965.

The well was drilled to a depth of 103 ft. and cased with 6" (19#/ft.) steel pipe to a depth of 68 ft. Log of the well drilled is attached.

The well produced a yield of sufficient quantity to supply a flow of 55 g.p.m. This is more than what would be necessary for the Fall River Entrance development. The USGS report recommended a pumping rate of less than 30 g.p.m. so as to eliminate any silt or sand problems in the pump.

At the time the well was being surged and bailed, small sand particles kept entering the well. It was decided that it would be beneficial to the government to place a 5" diameter 20 ga. galvanized steel liner inside of the main casing and gravel pack around the outside of the casing. Change Order No. 1 was issued to cover the expense of the liner and gravel pack. After some additional surging and pumping, no more sand was detected inside of the well casing.

This was a unit price contract in the amount of \$3,054.50. The contract consisted of the following items:

	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
1. Drilling 6" diameter well	100 ft.	\$ 18.00	\$1,800.00
2. Furnishing and installing 6" ID (19#/ft.) casing	53 ft.	3.25	172.25

	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
3. Testing for yield and drawdown	16½ hr.	40.00	660.00
4. Furnish and install 6" ID perforated casing, field perforated (19#/ft.)	17 ft.	4.25	72.25
Change Order No. 1			
1. Gravel Pack around well	Lump Sum	200.00	200.00
2. Furnish and install a 5 inch perforated galv. metal liner	100 ft.	1.50	<u>150.00</u>
Total amount			3,054.50

There were no unobligated funds remaining in this account.

Permit No. 23820 was issued for drilling the well.

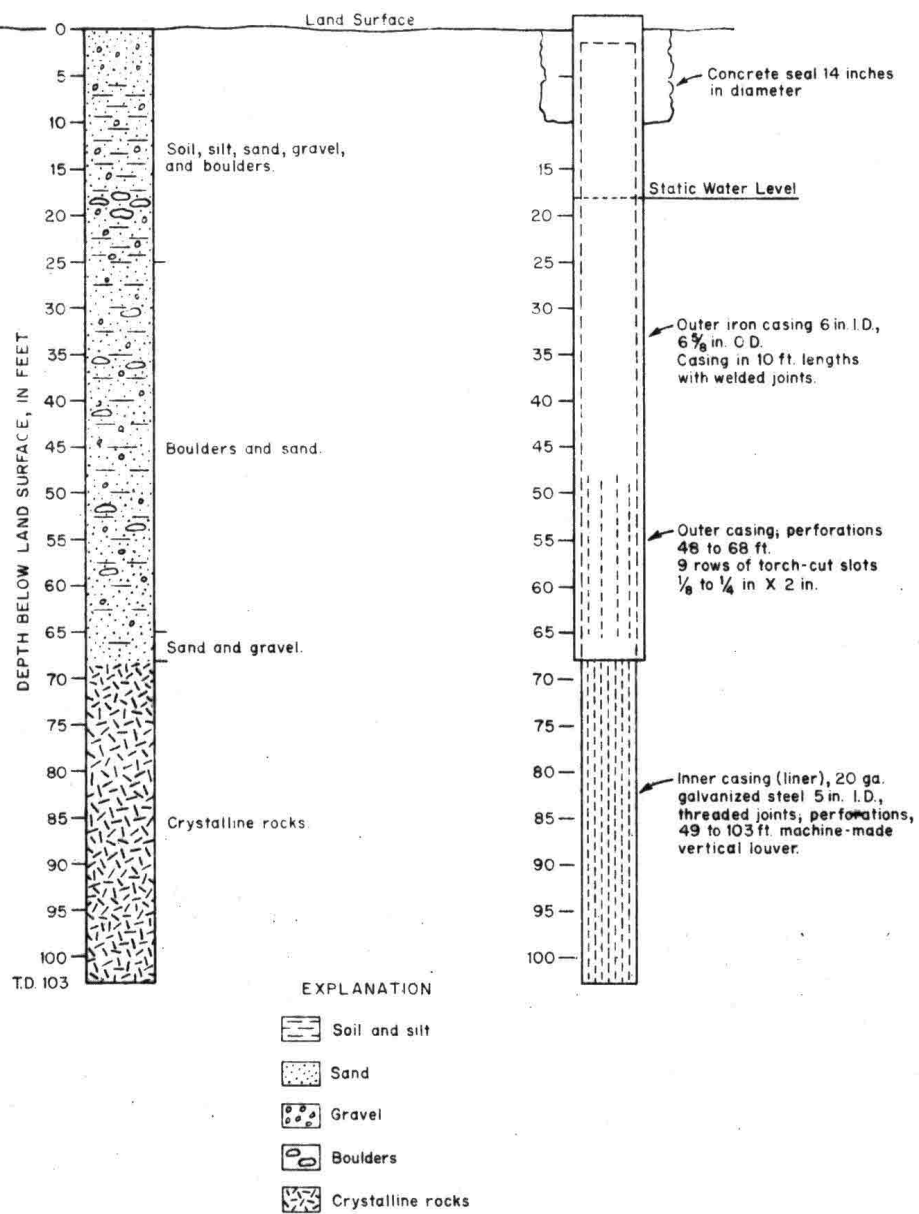


FIGURE 1. - Graphic log and casing record of the well near Fall River Entrance.

Form 10-11
(October 1957)UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

1963

PROJECT CONSTRUCTION PROGRAM PROPOSAL

1. NAME OF AREA Rocky Mountain National Park		LOCATION OF AREA (STATE) Colorado	
2. PROPOSED WORK Improve Water and Sewer Systems at <u>Fall River Pass</u>			
3. DIMENSIONAL DATA See attached sheet.			
4. LAND STATUS AND DATA Government Owned			
5. CONSTRUCTION DATA Replace pump equipment with electrically operated and controlled pumps, install chlorinator, replace approximately 500 L.F. of 2" water line, install 3500 L.F. insulated 6" CIP sewer line, construct 7500 gallon septic tank ahead of existing tank, construct secondary lagoon with fence, 10 manholes, deisel power generator with fuel tank, underground cable, and control circuit and generator house. Additional 40,000 gallon concrete reservoir.			
6. JUSTIFICATION With the development of the facilities at the Fall River Pass area, the water and sewer systems must be improved. The pump equipment is old and inadequate with serious operational and maintenance problems. The sewer system freezes up each year and the heavy infiltration adds to the problem. The disposal system must be increased to handle the additional load of the new facilities. The water and sewer systems will serve both the concessioner and the Park facilities.			
7. MISCELLANEOUS DATA—REMARKS—REPORT REFERENCES This project to be accomplished by contract. The Western Office to collect field data and prepare plans.			
8. DATA ON THIS FORM PREPARED BY August 14, 1961 Name <u>Forrest O. Beardmore</u> Roy K. Stamps Title <u>Norman W. Adams</u> <i>Forrest O. Beardmore</i> Name <u>Allyn P. Hanks</u> Title <u>Superintendent</u>		9. PCP CROSS-REFERENCES R-156 B-147 U-118-1 11. DRAWING NO. Preliminary Working 12. ~~RECOMMENDED~~ Reviewed <i>Paul J. Gorbun</i> Date <u>1/16/62</u> FOR CHIEF, ~~FIELD~~ OFFICE, D & C	
		10. ESTIMATE—CLASS C Construction and Facilitating Services \$ 100,500 Contingencies \$ 5,840 Plans, Surveys, and Supervision \$ 11,760 Grand Total \$ 117,600 13. APPROVED <i>George W. Giff</i> Date <u>1/16/62</u> Regional Chief of Operations SUPERINTENDENT REG. OFF.	
14. NAME OF PROJECT Improve Water and Sewer Systems Route No. _____ Master Plan Drawing No. NP-RM-3506		15. LOCATION WITHIN AREA OR TERMINI Fall River Pass 16. INDEX NO. U-78-2 BPR ☐ NPS ☐	

(If additional space is needed to insure complete description, use reverse and refer to item No.)

6374

51488

U-78-2, Improve Water and Sewer Systems

10. Estimate.

Modify existing pump house, purchase and install electric pump to produce 15 GPM against 750' head	\$ 2,500
Deisel powered generator - 25 KW	5,500
Generator house, block construction	3,000
1500 gallon fuel oil tank and piping	750
Control cable, reservoir to pump - 2,500 L.F.)	6,500
Power and control cables, generator to pump - 600 L.F.)	
Automatic equipment	2,000
Lightning protection	200
40,000 gallon concrete reservoir addition	15,000
Chlorinator and shelter	2,000
Replace 500 L.F. 2" GSP @ \$4.00	2,000
1,000 L.F. 6" CIP water line @ \$7.00	7,000
Three fire hydrants @ \$350	1,050
7,500 gallon concrete septic tank with drain valves, to be located ahead of existing tank	8,000
Secondary lagoon with fence	3,000
3,500 L.F. 6" insulated CIP sewer line @ \$8.00	28,000
Ten manholes @ \$350	3,500
	<u>\$ 90,000</u>
Local differential 10%	9,000
	<u>\$ 99,000</u>
Facilitating services 1½%	1,485
	<u>\$100,485</u>
	 \$100,500

Form 10-174 (June 1962)		UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE		Work Order No. 121-211703	
FACE SHEET FOR COMPLETION REPORT				Fund Symbol 14X1035	
Park Rocky Mountain National Park		Region Midwest		Year Programmed 1963	
Location in Park Fall River Pass		State(s) Colorado		PCP No. U-78-2	
☒ Contract and/or ☐ Day Labor		County or Counties Larimer		Master Plan No. NP-RM-3506A	
Work Order Title Water and sewer systems				Master Plan Corrected By O'Shea	
				As Built Drawings By DCSSC	
				Date Started 8/23/63	
				Date Completed 7/22/65	
DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)				TOTAL COSTS (For completion by FFO)	
230 Utility systems				130,891.85	
Water and sewer					
Contract 112,837.80					
PS&S 18,054.05					
130,891.85					
Contract 14-10-0235-736					
State Contractors, Inc. Box 1004, Boulder, Colo.					
TOTAL				\$ 130,891.85	
DISTRIBUTION		THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES			
No.	To	Submitted	Title	Date	
1	WSCDC	By: <i>J. M. O'Shea, Jr.</i>	Acting Project Supvr.	3/20/68	
1	SSC	Approved	Title	Date	
1	Programs	By: <i>Fred J. Novak</i>	Superintendent	3/20/68	
1	FFO	COSTS VERIFIED	Title	Date	
1	ROMO	By: <i>Bruce E. Helser</i>	REGIONAL ACCOUNTANT	MAY 24 1968	

Form 10-174A
(June 1962)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEWork Order Number
121-211703

COMPOSITION OF COST FOR COMPLETION REPORT

Fund Symbol

14X1035

Year Programmed

1963

Park

Rocky Mountain National Park

Region

Midwest

Location in Park

Fall River Pass

Work Order Title

Water and Sewer Systems

COMPOSITION OF COST

COSTS CHARGED TO FUNDS ALLOTTED TO FIELD FINANCE OFFICE

(1) Personal Services.....	\$	
(2) Travel.....		
(3) Contract Work..... 14-10-0235-736	112,837.80	
(4) Supplies and Materials.....		
(5) Other Direct Expenses.....		
(6) Operation of Equipment.....		
(7) Depreciation of Equipment.....		
(8) Purchase of Construction Equipment.....		
(9) Purchase of Other Accountable Equipment		
(10) Other Costs:		
(11) TOTAL COST CHARGED TO FFO FUNDS	xxxxxxxxxx	\$ 112,837.80
OTHER COSTS:		
(12) PS&S, AP, and/or Facilitating Services @ 16 %.....	\$ 18,054.05	
(13) Inventory and Other Non-Fund Costs		18,054.05
(14) GROSS WORK ORDER COSTS	xxxxxxxxxx	\$ 130,891.85
LESS:		
(15) Residual Value of Construction Equipment on Line 8	\$	
(16) Other Credits		
(17) NET COST OF FIXED ASSETS	xxxxxxxxxx	\$ 130,891.85

Identify other costs and other credits by line item entry, on an attached schedule, or explain in narrative.

154

Roxby

4-11-63,

W O D C
1 APR 15 1963

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

Memorandum

To: The Director

From: Acting Assistant Regional Director, Midwest Region

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

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

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

<u>System</u>	<u>Quantity</u>	<u>Remarks</u>
<u>Hupps - Beaver Ditches</u> <u>Priority No. 58</u>		
Forest Inn	.081 c.f.s.	Abandoned
Fern Lake	.081 c.f.s.	Will use at Fern Lake Patrol Cabin
Camp Woods	.300 c.f.s.	Plan to use at picnic ground, later
Glacier Basin	.589 c.f.s.	In use
Bear Lake Pipeline No. 2	.120 c.f.s.	In use
Utility Area	.015 c.f.s.	In use
<u>Jones Ditch</u> <u>Priority No. 57</u>		
Aspenglen	.064 c.f.s.	In use
Little Horseshoe	.044 c.f.s.	Available for transfer
Federal owned (Jones Ditch)	.875 c.f.s.	(.775 c.f.s. available for transfer (.10 c.f.s. retained to irrigate campground
Estes Park	4.017	(Diverting in pens tack
Total	5.000	(of Hendius Cascade pipeline.

Horseshoe Ditch

Priority No. 68

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

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

(Sgd) Harry B. Robinson

In duplicate *Asst.* Assistant Regional Director

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



IN REPLY REFER TO:

154

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

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

January 3, 1963

Memorandum

To: Regional Director, Midwest Region

From: Acting Superintendent, Rocky Mountain

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

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

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

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

Reg. Director	
Admin. Asst.	
Asst. to R. D.	
Admin.	
Cons. Int. Use	
Res. Planning	
Prog. Coord.	
Inf. & Publs.	
Field Solis.	
<i>Director</i>	<i>1-10</i>
<i>Acting Asst. Dir.</i>	<i>1-10</i>
Action taken	
<i>Director</i>	<i>1-10</i>
File	<i>4-8-63</i>

Director
4-8-63

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

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

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

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

Thomas E. Whitcraft

Thomas E. Whitcraft

In duplicate

154-1

OCT 7 1957

Memorandum

To: Regional Director, Region Two

From: Assistant Director

Subject: Potential Supplemental Water Supply for Town of Estes Park
from Fall River, Rocky Mountain National Park

In the attached copy of the subject report, Mr. Dunn indicates that the Town of Estes Park and its utility companies now have access to four points of diversion within the Park, on Black Canyon Creek, Fall River, and Glacier Creek, provided they obtained the necessary permit for the upper diversion on Black Canyon Creek from the Forest Service before the Park was established. However, the authority for Cascade Lake at the intake of the Houdius-Cascade Pipeline may or may not be fully covered in the right-of-way deeds from Mr. Houdius to the Power Company and from the Company to Mr. Stanley, of which we should obtain copies.

It is also evident that the Town and its utility companies have adequate decreed rights to the combined Thompson River drainage above the Estes Park Lake of the Colorado-Big Thompson Project to serve their needs, and that those rights can be redistributed with no grounds for protest by other water users at or below that Lake. The Town as well as the United States and other water users above that Lake should have a common interest in preserving an adequate flow in Fall River and Glacier Creek to preserve fish life below the diversions. If the Town should divert water from Fall River for its domestic purposes, it should either reduce its power diversions by the same amount, or provide upstream diversions for compensatory releases.

Mr. Dunn seems to believe that more storage at Cascade Lake is impractical, and prolonged summer use of the existing storage would result in reduced head for the power plant when it is most needed. Assuming that the Secretary will deny any rights to construct new reservoirs within the Park, the Town must either rely on existing storage or enlarge existing reservoirs. Mr. Dunn considers enlargement of Cascade Lake impractical. He believes that use of existing storage in Lawn Lake would be practical, and might improve and certainly would not be detrimental to the Park values.

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
OCT 11 1957 A.M.	
1	CHIEF
	ADMIN. ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
3	ENGINEER
	LAND. ARCH.
ACTION TAKEN—DATE	
None	

Mr. Dunn also questions whether it would not be more economical for the Town to pump from Estes Park Lake than to continue to enlarge and maintain its long gravity pipelines. The pump system would require some standpipes or other pressure controls which might be incompatible with the natural setting if not located along the existing artificial developments of the Colorado-Big Thompson Project.

We agree with Mr. Dunn's conclusion that the Town can probably make a Fall River diversion without exceeding its existing rights, and without significant effect on Park values. We should obtain more information on its plans as the information becomes available, but do not believe that we now have grounds to protest the plan.

(SGD) JACKSON E. PRICE

Attachment

Assistant Director

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

September 30, 1957

Potential Supplemental Water Supply
for
Town of Estes Parks
from
Fall River, Rocky Mountain National Park
by
A. van V. Dunn
Chief, Water Resources Section

Sept 1957

This report is the result of an article in the Estes Park Trail of August 16, in which it was reported that the Town planned to triple its water supply by making a new diversion from Fall River in the neighborhood of the Estes Park Power Plant, and rumors that the matter had been referred to Under Secretary Chilson. The following analysis is based on data I have collected since 1929 and a refresher inspection on August 30, 1957.

Superintendent Lloyd had not discussed the plans with the Town representatives, and did not consider it advisable to do so at the time. Accordingly, this report is only to offer background for further action, later. Attached Drawing NP-RM-6964 has been prepared for that purpose.

The vicinity map shows the Town of Estes Park and adjacent boundary of Rocky Mountain National Park; the Estes Park unit of the Colorado-Big Thompson Project; the Estes Park, Houdius-Cascade and Glacier Creek pipelines, which are owned by the Town or its water and electric companies; the Jones Ditch which is owned partially by the United States and in which the other interests are reported to have been acquired by the Town; and Lawn Lake, which has been developed as a reservoir by the Farmers Irrigation Ditch and Reservoir Company. My conclusion from the following observations is that the Town of Estes Park can obtain a supplemental water supply from Fall River, at a point within the Park, entirely under rights and rights-of-way which it already has; and such appropriations would probably have no significant effects on Park interests. It might also obtain the water from Glacier Creek, but somewhat less favorable effects on the Park interests might result.

Through the three aforesaid pipelines and its reported interest in the Jones Ditch, the Town has necessary access to desirable points of diversion within the Park. It has decreed municipal rights to 5.73 sec.ft. of water. However, the Trail reports that the Town now uses only 600,000 gpd, or 0.93 sec.ft., as an average, and 1,000,000 gpd, or 1.5 sec.ft., during the peak of the summer season. It could apparently triple its use under existing rights if the pipelines are adequate and there is sufficient flow at the existing headgates. It has other rights which might be amended as to purpose of use and point of diversion, and might acquire more.

The Town first constructed the Estes Park pipeline under Filing No. 2436 of December 11, 1905, with diversion from Black Canyon Creek below the boundary of the Park which was only established by the Act of January 26, 1915. It extended the pipeline to a new diversion under Filing 9695 of July 27, 1912, also before the Park was established. All of the pipeline except the upper diversion and a short section of pipe are on the land of the Don MacGregor Estate, the portion of that land within the Park being Tract No. 156. I have found no records of a land use permit to cover the diversion works on the Federal land, which was probably issued by the Forest Service, and a search for such a permit should be made.

The water rights for this pipeline were determined in the general adjudication of 1939. Domestic Priority No. 9 of August 21, 1905, was awarded for the diversion of 2.0 sec.ft. of Black Canyon Creek at the diversion covered by Filing 2436, and Domestic Priority No. 17 of November 9, 1911, was awarded for the diversion of 1.73 sec. ft. of the same Creek at the diversion covered by Filing 9695. I am reasonably certain that the total rights to 3.73 sec.ft. are in excess of the available flow of Black Canyon Creek except during periods of spring floods; and in conflict with MacGregor rights or claims, and lower appropriators, as follows:

1. Irrigation Priority No. 56 of April 1, 1876,
for the Black Canyon Ditch diversion of 5.0 sec.ft.
2. Irrigation Priority No. 64 of May 15, 1880,
for the Estes Park Ditch No. 3 diversion of 7.0 sec.ft.

If the Town cannot obtain its 3.73 sec.ft. of water from Black Canyon Creek, when needed from June to October, it should either acquire and amend the necessary portion of the senior irrigation rights, or amend its domestic rights by changing the point of diversion to a more adequate source of supply, such as Fall River or Glacier Creek.

The Town constructed the Glacier Creek Pipeline approximately in 1938 or 1939 under Filing No. 14179 of June 6, 1925, and obtained Domestic Priority No. 39 of May 20, 1925, in the general adjudication of 1939 for 2.0 sec.ft. The rights-of-way for the upper portion of this pipeline were obtained from the Estes Park Conference of the Y.M.C.A., and are listed as exceptions in the description of Tract 277 B. The flow of Glacier Creek is such that any failure to obtain the decreed 2.0 sec.ft. must result from pipe capacity less than claimed in testimony for the decree.

There is enough physical flow at the headgate of the Glacier Creek Pipeline to satisfy more rights, which might be transferred from Black Canyon Creek. However, the Park Service should discourage further diversions until it determines what flow is desired along the approximately 2 miles of Creek below the diversion point within the Park.

The Hondius-Cascade Pipeline and related diversion dam and power plant on Fall River were constructed under Filing No. 4922 of July 11, 1908, claiming 40.0 sec.ft. of water. Total rights to 35.5 sec.ft. were decreed under Power Priorities Numbers 1 and 3 of November 10, 1908, for 13.0 sec.ft. and June 30, 1919, for 22.5 sec.ft., both in the general adjudication of 1939. The development is entirely on land conveyed to the United States by Deed No. 21 G, and excepted Parcels b, c and d in that Deed, in Sec. 17, T 5 N, R 73 W, within the Park, and on private land in $N\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 16 of same township and range., outside of the Park. No mention is made of the pipeline encumbrance in Deed 21 G, and the land was acquired with title certificate in lieu of an abstract. However, exception b (tract 159 a) has subsequently been acquired by Deed No. 126 and an abstract which shows that Water Right Filing No. 4922 was made by P. Hondius and F. L. Clere. The right-of-way for said Hondius-Cascade Pipeline, in accordance with said file maps, was conveyed to the Estes Park Electric Light and Power Company by P. Hondius, by quit claim deed of November 10, 1908, which was recorded at page 160 of Book 237 of the Larimer County Records on November 11, 1908. The abstract also shows a Warranty Deed to F. O. Stanley from said Light and Power Company, dated February 15, 1915, and recorded at page 102 of Book 334 of the Larimer County Records on March 2, 1915, which conveyed the right-of-way for 2 pipelines and rights to 40 sec.ft. of water as appropriated for the Hondius-Cascade Pipeline.

Filing No. 4922 shows an intake without dam or reservoir. During my incumbency as Park Engineer, until the fall of 1936, there was a dam which created a reservoir with water surface about 5 or 6 feet below the top of the River bank. On August 30 it was quite evident that the dam had been relatively recently reconstructed or raised, and the water level had been raised about 3 or 4 feet. I have ordered copies of Decreed Power Priorities 1 and 3 to determine the basis for the change, if it was made between 1936 and 1939.

The introduction of any dam has created a small reservoir and the use of Fall River from bank to bank. The Superintendent has been requested to obtain copies of the county records of the

right-of-way assignments from Hondius to the Power Company, and from the Power Company to Stanley, and to look for another assignment from Stanley which may have been made before part of the dam and reservoir site was conveyed to the U. S. by Mr. Hondius by Deed 21 G. The existing records of this office only indicate that the Town has rights to the use of land to the north of the center line of Fall River. However, a dam and reservoir were evident encumbrances on the land at the time of acquisition of the land covered by Deed 21 G. The only question is whether the dam has been raised, and flooded more land of the U. S. and privately owned Tract 167 since the Federal land acquisition in the winter of 1931-32.

Until the general adjudication of 1939 no rights were decreed for fish culture. In that adjudication the U. S. obtained decreed miscellaneous Priorities 2 and 3 for the Horseshoe and Endovalley Fish Ponds. To circumvent the interpretation of the State water laws to the effect that rights could not be decreed for fish culture, the State constructed a lateral from the Hondius-Cascade Pipeline to its Hatchery, as shown on the main portion of attached Drawing 6964. No independent rights have been decreed for the hatchery, and until we obtain copies of decreed Power Priorities 1 and 3 we do not know whether they cover the use of water for fish culture.

During my inspection on August 30, I made special note of the fact that the intake dam of the Hondius-Cascade Pipeline has been raised to the maximum practical height. Further height will require long extensions or levees. If the levees are not made parallel with the creek banks, there will be extensive shallow flooding of more Federal land and privately owned Tract 167. Both land owners would object to the flooding. The owners of the pipeline would also find the evaporation losses excessive. The present reservoir has a live capacity of not over 4 or 5 acre-feet, or enough to provide a 100 day uniform flow of about 0.02 sec.ft. or about 13,000 gallons per day with a gradual drop in water level of about 15 feet. Ownership of the pipeline only gives the city right-of-way and access to the natural flow of the River at the dam.

The Superintendent suggested that the Town might abandon its power plant and use the water for municipal purposes. The present use, both at the power plant and fish hatchery, is nonconsumptive except for the evaporation from the reservoir and fish ponds. It would be difficult, if not impossible, to obtain a decreed conversion from the power rights to consumptive municipal right. It is not a customary type of conversion. Moreover, all property owners along Fall River between the diversion and the Town might protest any significant

decrease in the River flow if that water were conveyed by an extension from the existing Houdius-Cascade Pipeline. However, the Town probably wants only 1 or 2 sec.ft. of water which could be piped from the tail-race of the power plant after serving its purpose for power generation. This would be less than 10% of the decreed right, but the decreed right may be for considerably more than the actual flow and diversion.

On August 30 the pipeline was diverting most of the flow at the dam. There was a very small flow in Fall River between the dam and power house, including the reaches at the headgate of the Jones Ditch and past Aspen Glen Campground. The Park Service, as the Federal agency, is now interested in having enough water flow down these reaches to support fish, preserve sanitary conditions, and permit the diversion of its senior decreed quantity by the Jones Ditch. It has the authority to claim its decreed right-about a quarter of 5.0 sec.ft. of water. I do not know whether there is any state law to compel the Town to release other quantities of water at the dam to support fish and preserve sanitary conditions in the relatively short stretch of the River.

As previously stated, the Town is reported to have acquired all interests in the Jones Ditch and appurtenant water rights which are not owned by the United States. The interest in water rights under decreed Priority 57, with priority of April 30, 1876, is about 72% of 5 sec.ft., or 3.61 sec.ft. As a consumptive irrigation right this may be converted to a municipal right. But, as an irrigation right for use on about 29.6 acres at 3.0 acre-feet per acre per annum, the right might be limited to 88.8 acre-feet per year in any adjudication of amendments. This would convert to a uniform flow of about 0.45 sec.ft., or 289,000 gallons per day, during a 100 day tourist season when needed.

I do not know whether the court would permit conversion at the rate of 3.61 sec.ft. or at the smaller rate based on an acre-foot limitation. In the limited adjudication of changes of points of diversion in 1939, the Park Service took cognizance of the acre-foot limitation, but did not commit the United States to any abandonment of rights to ditch diversions in excess of that needed to support the acre-foot limitation.

In any case, the Town and its predecessors have not exercised any part of decreed irrigation Priority No. 57 through the Jones Ditch since I became Park Engineer at Rocky Mountain in 1929. The ditch had already been partially destroyed in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, just east of the Park. This right may be represented by the small flow of Fall River which is not diverted by the Houdius-Cascade Pipeline and

Federal portion of the Jones Ditch; or it may have been preempted by the owners of the Houdius-Cascade Pipeline if the small residual flow of Fall River is required by state law for the fish and sanitary purposes previously mentioned.

In any case, there are rights to somewhere between 0.45 sec.ft. and 3.61 sec.ft. of water under decreed Irrigation Priority No. 57 which the Town can convert to municipal rights and divert from the intake reservoir of the Houdius-Cascade Pipeline with equivalent reduction in the amount of water diverted under decreed Power Priorities Numbers 1 and 3. With a somewhat more complex adjudication the Town could also transfer any part of its rights to waters of Black Canyon Creek which are not supported by physical firm flow.

Lawn Lake on Roaring River, a tributary of Fall River above the Houdius-Cascade Pipeline, has been developed as a reservoir by the Farmers Irrigating and Reservoir Company, and its successors. There are decreed storage rights to 2200 acre-feet, which convert to a potential release of 6.25 acre-feet per day or 3.15 sec.ft. throughout the entire year. Two-thirds of these rights are to flood waters which are released during the irrigation season. They could be made more beneficial to the Park if released uniformly through the tourist season.

The Superintendent has suggested that the Lawn Lake water rights may be available for Town acquisition now that equivalent water can be obtained from the Colorado-Big Thompson Project without further maintenance of the dam at Lawn Lake by the Farmers' Irrigating and Reservoir Company. I am not sure that the Bureau of Reclamation, or the Northern Colorado Water Conservancy District may not also be interested in the storage rights for transfer to the Estes Park Lake or reservoirs below it. However, since the bulk of the water which is used by the Town is returned to the Thompson River as treated sewage, the Colorado-Big Thompson Project can be made to claim the return flow and compensate for Town diversions above Estes Park Lake.

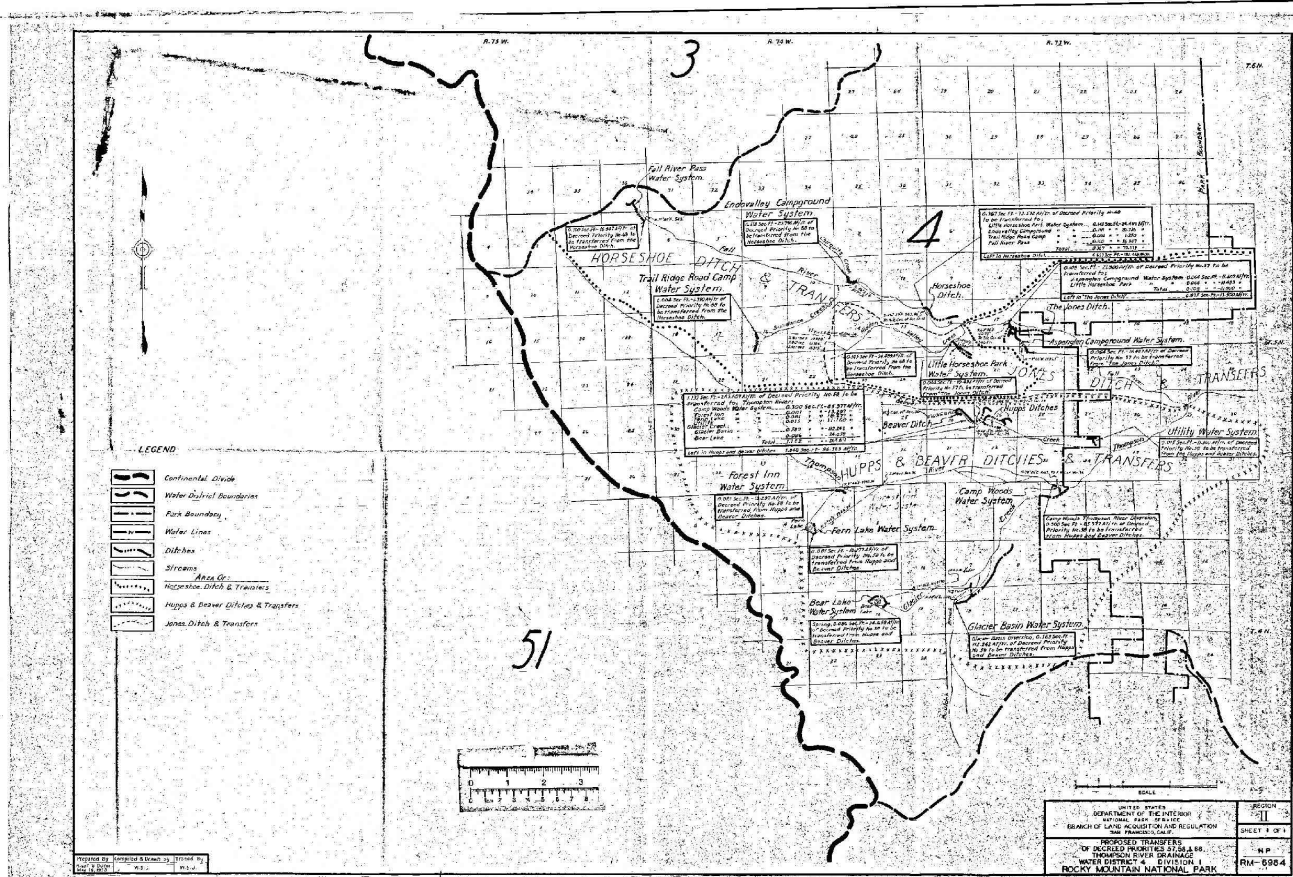
It is evident from the report in the Trail that the Town only contemplates total ultimate water use of less than the 5.73 sec.ft. to which it has rights, and that it wants regulatory storage of off-season flows which exceed the supply or existing diverting capacity when needed. It is not clear whether the proposed plan calls for the addition of a long pipeline from the Houdius-Cascade Pipeline to the Estes Park and Glacier Creek pipelines which have already been constructed, or for the construction of a large pipeline from the Houdius-Cascade Pipeline and abandonment of the other two. The latter plan would permit the use of Lawn Lake for storage, if necessary.

It has already been pointed out that the Town has both water rights, at existing points of inadequate flow, and necessary rights-of-way within the Park. It has also been pointed out that the apparent plans seem to be for developments which would not seriously affect Park interests, and any development to include steady summer releases of water stored in Lawn Lake would improve the tourist season flows of Roaring River and Fall River within the Park.

However, continued use of the Estes Park and Glacier Creek pipelines, and construction of a Fall River pipeline would create a total of at least 15 miles of pipeline to maintain. The one pipeline from the Houdius-Cascade Pipeline would be about six miles long. As an alternative, I am not sure it would not be cheaper and more reliable for the Town to transfer its 5.73 sec.ft. of decreed municipal rights to a pump diversion at Estes Park Lake. In lieu of long pipelines and possible extensive storage, this plan would require small pressure reservoirs or standpipes and a treatment plant, in or adjacent to the Town site.

SIGNED

A. van V. Dunn
Chief, Water Resources Section



Docket Information

Number of Documents in Docket 37

Documents Dated from 5/16/1938 to 3/20/1968

Docket Compiled: 6/14/2011