WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 41

ONAHU CREEK (FISH CREEK)

Preliminary Docket Information

00-00-0000: water right record: appl. no. 16968

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #41

IDENTIFICATION NO: ROMO R 12 04 76 A F 41

DITCH/WATER SYSTEM: Hertel Ditch

SOURCE OF SUPPLY: Onahu Creek (Fish Creek)

LOCATION: Point of diversion is on the west bank of Onahu Creek (Fish Creek) about 230 feet south of the U.S. highway No. 34 bridge at a point from whence the South Quarter Corner of Section 12, Township 4 North, Range 76 West, bears South 54°10' West 2060 feet.

WATER RIGHT:

ppropriator:

pplication/Permit Number: Filing No. 16968 accepted by the State Engineer of Colorado, on June 16, 1941.

ertificate Record Number:

ate of Priority: Irrigation Priority #1, on Onahu Creek, Water Distrct #51, with 5.1 c.f.s., 4/25/1889, 2.4. c.f.s. 5/16/1941 Decree July 15, 1941

Quantity of Water: 3.5 c.f.s. United States
4.0 c.f.s. Green Mountain Ranch and Onahu Ranch

Purpose: Irrigation

Irrigated Land Description: Kawuneeche Meadows.

SUMMARY OF STATUS:

Appropriation No. 431 and 433.
3.5 c.f.s. owned by the United States was acquired from Carl and Ada Nelson by Deed, July 22, 1954.

4.0 c.f.s. owned by the Green Mountain Ranch (1.6 c.f.s.) and the Onahu Ranch (2.4. c.f.s.)

The ditch is operated by three owners; the United States has no maintenance obligation.

WATER DOCKET INFORMATION

AREA ROCKY MOUNTAIN N P

DOCKET NO. 41 (Includes former Alien Water Right 48)

APPLICATION NO.

PERMIT NO.

CERTIFICATE NO.

TITLE OF DOCKET

PRIORITY

REMARKS:

County Filing Book 13, Page 80 Decreed Priority #1 Hertel Ditch Priority 4/25/1889
Filing 3308 Schnoor Ditch " 6/1/1899
Filing 16968 Decreed Priority #3 Hertel Ditch Enlargement " 5/16/1941
Onahu Creek

00-00-0000: docket information regarding hertel and schnoor ditches

ROCKY MOUNTAIN NATIONAL PARK
Docket 41
Hertel and Schnoor Ditches
Onahu Creek

Part I - Land Status

1. Drawing 6965, showing Schnoor, Hertel & Christiansen Ditches and land status from Washington Office Tract Book, BLM.

2. Excerpts from Washington Office Tract Books, BLM 11/4/57.

3. Abstract for Deed 142.

Part II - Water Rights

1. County filing of September 25, 1889 for Hertel Ditch.

not in Docket 41

2. Filing 3308 of December 17, 1906, for Schnoor Ditch accepted by State Engineer January 16, 1907.

3. Filing 16968 of March 16, 1941, for Hertel Ditch Enlargement, accepted by State Engineer May 29, 1941.

4. Statement of Claim for Hertel Ditch.

5. Statement of Claim for Hertel Ditch Enlargement.

6. Pages 1-10- of testimony.

7. Hertel Ditch Decree-Approp. 431, Priority No. 1-Onahu Creek.

8. Hertel Ditch Enlargement Decree Approp. 433, Priority No. 3, Onahu Creek.

9. Statement of November 5, 1957, by A. van V. Dunn.

Part III- Federal Acquisition of Land and Water Rights

1. Deed 142-Land and Part of Nelson Interest in Hertel Ditch and its Enlargement and Priority No. 1, Onahu Creek.

2. Deed 134 (conveys undefined appurtenant rights.)

3. Deed 142 Nelson interest in Schnoor Ditch.

Last (top) statement of November 5, 1957 by A. van V. Dunn.

Part IV - Conflicting Alien Claims

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 12 04 76 A F 41
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	HERTEL DITCH
State	COLORADO
County	GRAND
Docket	ROMO WATER RIGHT DOCKET 41
Location	T4N R76W SEC 12
Acquired by	PURCHASE AND APPROPRIATION
Application	16968 JUNE 16 1944
Permit	51
Certificate	COURT DECREE CIVIL ACTION 1768
Priority	APRIL 25 1889 - 3.5 CFS AND 4.0 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL - JULY 15 1944
Source	SURFACE WATER
Use	IRRIGATION
Quantity	3.5 CFS - 4.0 CFS GREEN MOUNTAIN + OMAHU RANCH
Hydrologic Unit	14010001
Remarks	APPROPRIATION 431 AND 433, 3.5 CFS ACQUIRED BY THE UNITED STATES FROM CARL AND ADA NELSON BY DEED ON JULY 22 1954 1.6 CFS GREEN MOUNTAIN RANCH AND 2.4 CFS OMAHU RANCH

State Water Rights Documentation

OCT 26 1987
DEPT. JUSTICE LANDS DIVISION

DISTRICT COURT, WATER DIVISION NO. 5, COLORADO

Case No. 86 CW 327

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA, IN THE NORTH FORK OF THE COLORADO RIVER, OR ITS TRIBUTARIES, TRIBUTARY INVOLVED: ONAHU CREEK (FISH CREEK), IN GRAND COUNTY

THIS MATTER comes before the court upon motion of the Applicant, United States of America, for summary judgment. The Applicant is represented by John R. Hill, Jr., Attorney, Department of Justice. The court, having read the briefs and examined the records and files herein, and being now fully and sufficiently advised in the premises, hereby makes the following Findings of Fact, Conclusions of Law and Decree:

FINDINGS OF FACT

1. The United States of America was joined as a party in Water Division No. 5 pursuant to the McCarran Amendment, 43 U.S.C. 666, by service of the resume upon the Attorney General.

2. The United States of America filed an application for change of water rights on December 22, 1986.

3. The Colorado Water Conservation Board (CWCB) filed a timely Statement of Opposition which was withdrawn pursuant to a Stipulation Regarding Withdrawal of Statements of Opposition filed with the court on September 3, 1987, which is attached hereto and made a part hereof as though fully set forth herein at this point.

4. The name of the structure is HERTEL DITCH.

5. The name and address of the Applicant: United States of America; c/o John R. Hill Jr., Attorney; Department of Justice, Land and Natural Resources Division; 1961 Stout Street, Drawer 3607; Denver, Colorado.

6. The source of the water is Onahu Creek aka Fish Creek tributary to the North Fork of the Colorado River.

7. The historic point of diversion is located at a point on the west bank of Onahu Creek whence the 1/4 corner between sections 12 and 13, Township 4 North, Range 76 West of the 6 th P.M., bears South 54 degrees 10 minutes West 2060 feet.

8. On June 16, 1941, a map and statement of claim for Hertel Ditch was filed with and accepted by the State Engineer of the State of Colorado and was assigned by him filing No. 16968. On July 17, 1941, in Civil Action No. 768, the Grand County District Court awarded to Hertel Ditch, Appropriation No. 431, Priority No. 1, Onahu Creek, an absolute water right for 5.1 cubic feet of water per second of time (cfs), for the irrigation of 202 acres of land, with a date of appropriation of September 25, 1889.

9. The United States purchased 3.5 c.f.s. of the 5.1 c.f.s. decreed to the Hertel Ditch, along with the land that has been historically irrigated by the ditch. This 202 acres of land has been permanently removed from irrigation and the ditch headgate to the formerly irrigated land has been obliterated leaving the historic consumptive use associated with the 3.5 cfs of the Hertel Ditch flowing in Onahu Creek aka Fish Creek.

10. The Application for Change of Water Right requests that the historic consumptive use for the irrigation of approximately 202 acres of land by said 3.5 cfs be changed to an instream flow by leaving the amount of historic consumptive use in Onahu Creek aka Fish Creek below the aforedescribed point of diversion for the instream beneficial uses of outdoor recreation, aesthetics, and wildlife and fish maintenance and propagation in Onahu Creek aka Fish Creek and the North Fork of the Colorado River to a point where the North Fork of the Colorado River crosses the Rocky Mountain National Park boundary located in the SW 1/4, SW 1/4, SE 1/4, of Section 25, T. 4 N., R. 76 W., of the 6 th P.M.

11. The monthly amounts of the historic consumptive use for irrigation under the original decree are as follows:

MONTH	ACRE-FEET	C.F.S.
May	48.65	0.79
June	70.20	1.18
July	57.74	0.94
August	34.68	0.56
September	23.90	0.75
Total	235.17	

12. The entire reach of Onahu Creek aka Fish Creek and the North Fork of the Colorado River for which this change to instream use is sought is within Rocky Mountain National Park.

13. The change of water right requested herein will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right,

and the application should be approved pursuant to C.R.S. 37-92-305(3).

CONCLUSIONS OF LAW

14. All notices required by law for filing and publication of the application in the Resume of Water Division Number 5 have been fulfilled and the court has jurisdiction over the subject matter and all parties whether or not they appeared.

15. This being a change of water right and not an original appropriation, and the Colorado Water Conservation Board having withdrawn its Statement of Opposition pursuant to stipulation with the United States, there is no conflict with section 37-92-102(3) and the above entitled application should be granted.

16. The United States has demonstrated its entitlement to this decree as a matter of law and there is no genuine issue as to any material fact. Accordingly, summary judgment is appropriate.

DECREE

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the 3.5 cfs of the 5.1 cfs decreed to Hertel Ditch by the Grand County District Court on July 17, 1941, in Civil Action No. 768, awarded Appropriation No. 431, Priority No. 1, Onahu Creek, with a date of appropriation of September 25, 1889, be changed from irrigation to instream flow uses for outdoor recreation, aesthetics, and wildlife and fish maintenance and propagation in the reach of Onahu Creek aka Fish Creek and the North Fork of the Colorado River beginning at the historic point of diversion on the west bank of Onahu Creek aka Fish Creek at a point whence the 1/4 corner between sections 12 and 13, Township 4 North, Range 76 West of the 6 th P.M., bears South 54 degrees 10 minutes West 2060 feet and ending at a point where the North Fork of the Colorado River crosses the Rocky Mountain National Park boundary located in the SW 1/4, SW 1/4, SE 1/4, of Section 25, T. 4 N., R. 76 W., of the 6 th P.M. in the amounts and at the times as set forth below:

MONTH	ACRE-FEET	C.F.S.
May	48.65	0.79
June	70.20	1.18
July	57.74	0.94
August	34.68	0.56
September	23.90	0.75
Total	235.17	

2. The court retains jurisdiction of this application for purposes of reconsideration of the question of injury to the vested rights of others upon application of any party to this action during the two year period commencing the first day of the month following the month in which this decree is entered.

3. The water clerk shall serve a copy of this Decree upon the Division Engineer, Water Division No. 5 and the State Engineer.

Dated October 22, 1987.

BY THE COURT:

Gavin D. Litwiller

GAVIN D. LITWILLER
Judge, Water Division No. 5

00-00-0000: in the united states district court for the district of colorado: statement of claim; number civil action no. 1768

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF GRAND

AND THE STATE OF COLORADO

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES TO THE USE OF WATER FOR WATER DISTRICT NO. 51 IN THE STATE OF COLORADO	)))	CIVIL ACTION NO. 1768 STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR HERTEL DITCH

Comes now the United States of America by its attorneys, and makes the following statement of claim pursuant to Colorado Rev. Stat. Ann. 148-9-8 (1963):

I.

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

II.

The Post Office address of the claimant is Kenneth J. Burke, Trial Attorney, Department of Justice, P O. Box 1656, Denver, Colorado 80201.

III.

The name of the structure for which claim is made is the Hertel Ditch.

IV.

The source of supply is Onahu Creek, a tributary of the North Fork of the Colorado River, from which it derives its supply of water, and diverted therefrom through a ditch four (4) feet wide at high water line, two (2) feet wide on bottom, one (1) foot in depth, for a distance of seven tenths (0.7) mile. The grade of said ditch is three (3) feet per one thousand (1000) feet, with a carrying capacity of five and one tenth (5.1) cubic feet per second of time.

V.

The headgate is located at a point on the west bank of Onahu Creek (Fish Creek) about two hundred thirty (230) feet south of the U. S. Highway No. 34 bridge at a point from whence the South Quarter Corner of

Section twelve (12), Township four (4) North, Range seventy-six (76) West, bears South fifty-four degrees ten minutes (54° 10') West two thousand sixty (2060) feet.

VI.

No storage involved.

VII.

The date of appropriation by original use of the ditch and beginning of construction is September 25, 1889.

VIII.

The total amount of water claimed is five and one tenths (5.1) cubic feet per second.

IX.

A map and statement of claim for said Hertel Ditch was filed with and accepted by the State Engineer of the State of Colorado on June 16, 1941, and was assigned by him, filing number sixteen thousand nine hundred sixty-eight (16968).

X.

The character of use for which claim is hereby made is for irrigation purposes.

The United States seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority dates.

Respectfully submitted.

James L. Treece
United States Attorney

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

State of Colorado)
County of Grand) ss

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

_____

Subscribed and sworn to before me this _____ day of _____, 19_____.

My commission expires _____.

_____
Notary Public

00-00-0000: in the united states district court for the district of colorado: application for water right

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-

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

APPLICATION FOR WATER RIGHT

1. Name of applicant: United States of America

   Address of applicant: c/o Kenneth J. Burke
   Department of Justice
   Land and Natural Resources Division
   P. O. Box 1656
   Denver, Colorado 80201

2. Name of ditch or other structure: Hertel Ditch. (State Engineer's Filing No. 16968).

3. Legal description of each point of diversion or proposed diversion: Point of diversion is on the west bank of Onahu Creek (Fish Creek) about 230 feet south of the U.S. Highway No. 34 bridge at a point from whence the S¼ Corner of Section 12, T. 4 N., R. 76 W., bears South 54° 10' West 2060 feet, in Rocky Mountain National Park, as indicated by attached map.

4. Description of ditch, pump or pipeline: A ditch 4 feet wide at high water line, 2 feet wide on bottom, one foot in depth with a grade of 3 feet per 1000 feet, length of 0.7 of a mile, and a carrying capacity of 5.10 c.f.s.

5. Source of water: Onahu Creek, a tributary of the North Fork of the Colorado River.

6. Date of initiation of the appropriation: Sept. 25, 1889.

7. Amount of water claimed by diversion in cubic feet per second of time: 5.1 c.f.s.

8. Use or proposed use of the water: Irrigation purposes.

9. In case of an irrigation priority, the number of acres being irrigated, none; the number of acres historically irrigated, 202 acres; and the number of acres proposed to be irrigated, none, by the decree sought.

10. Date water first applied to above use: April 25, 1889.

11. The United States seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority dates.

_____
Attorney for Applicant

HERTEL DITCH

Appropriation Number Four Hundred and Thirty one (431)

That said ditch is entitled to Priority No. 1 on Onahu Creek.

That the claimants are Carl J. Nelson and Ada C. Nelson; that it is a ditch used for the irrigation of lands, taking its supply of water from Onahu Creek, a tributary of the North Fork of the Colorado River; that the said ditch is 0.7 miles in length and runs in a westerly and then southwesterly direction from its headgate which is located at a point on the west bank of Onahu Creek whence the one fourth Corner between Secs. 12 and 13, Tp. 4 N., R. 76 W. of the 6th P. M. bears S. 54° 10' W. 2060 feet.

That it appears from the evidence that the claimants of the said ditch have beneficially used and applied to the lands lying thereunder and belonging to them 5.1 cubic feet of water per second of time since the construction of the said ditch which began on September 25, 1889 and that on account of the nature of the soil and subsoil, the altitude at which said lands lie and the shortness of the growing season such use is necessary and beneficial.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that there be allowed to flow into the said ditch from the said stream for the use aforesaid and for the benefit of the parties lawfully entitled thereto under and by virtue of construction and beneficial use and priority No. 1, so much water as will flow therein, it being 4 feet wide at high water line, 2 feet wide on bottom, 1 foot in depth and having a grade of 3 feet per 1000 feet which gives it a carrying capacity of 5.10 cubic feet of water per second of time, not to exceed the said capacity of 5.1 cubic feet of water per second of time.

HERTEL DITCH ENLARGEMENT.

Appropriation Number Four Hundred and Thirty Three (433)
That said ditch is entitled to Priority No. 5 on Onahu Creek.

That the name of the claimant of the said ditch is Myrle Hall; that it is a ditch used for the irrigation of lands taking the supply of water from Onahu Creek a tributary of the North Fork of the Colorado River; the date of appropriation by enlargement of the Hertel Ditch is May 16, 1941; the enlarged portion of the ditch to the claimants lateral is 0.56 miles and it flowes ina general westerly and southwesterly direction from its headgate which is located at a point on the west bank of Onahu Creek whence the S¼ Cor. Sec. 12, Tp. 4 N, R. 76 W. of the 6th p. m. bears S. 54° 10' W. 3060 Feet.

That it appears from the evidence that the claimant has enlarged the Hertel ditch to the point where his lateral joins the same and by said lateral has conveyed the water to lands belonging to him and has beneficially applied the same thereto for irrigation purposes and that he has increased the said capacity and carried therethrough to his lands 2.4 cubic feet of water per second of time in addition to that previously carried by the Hertel ditch; that on account of the nature of the soil and subsoil, the altitude at which the said lands lie, the shortness of the growing season and the general conditions surrounding the raising of crops on this land that such a use and amount of water is necessary and required and is a beneficial use of the said water.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that there be allowed to flow into the said ditch for the use aforesaid and for the benefit of the party lawfully entitled thereto under and by virtue of such enlargement and application to beneficial use and Priority No. 5 so much water as will flow in said ditch, it being 4.7 feet wide at top, 2.5 feet wide on bottom, 1.1 feet in depth with a grade of 5 feet per 1000 feet. not to exceed 2.4 cubic feet of water per second of time.

875

STATE OF COLORADO)
: SS.
County of Grand)

IN THE DISTRICT COURT.

No. 768

In the matter of the adjudication of the priorities of right to the use of water for irrigation purposes in Water District No. 51 in the State of Colorado

DITCH CLAIM STATEMENT.

The undersigned, CARL J. NELSON, one of the owners of the following described ditch herewith makes statement of claim for use in the above entitled matter as required by sections 1755 of the Compiled Laws of Colorado of 1921 and for the purpose of securing the benefits of the act of which said section is a part and of the amendments thereto and of other statutes of the State of Colorado pertaining to the use of water for irrigation purposes.

1. The name of the ditch is the HERTEL DITCH.

2. The names of the owners of said ditch are CARL J. NELSON and ADA C. NELSON, his wife, whose post office address is Grand Lake, Grand County, Colorado.

3. The headgate of the ditch is located at a point on the west bank of Onahu Creek, a tributary of the North Fork of the Colorado River whence the ¼ corner between sections 12 and 13, Tp. 4 N., R. 76 W. of the 6th P. M. bears S. 54° 10' W. 2060 feet.

4. The general course of the ditch is westerly and then south westerly.

5. The length of the ditch is 0.7 of a mile.

6. The ditch is 4 feet wide at high water line, 2 feet wide on bottom and 1 foot in depth with a grade of 3 feet per 1000 feet which gives it a carrying capacity of 5.10 cubic feet of water per second of time.

7. The date of appropriation by original use of the ditch and beginning of construction as shown by the Ditch Claim Statement filed in the office of the County Clerk and Recorder of Grand County Colorado in Book 13 page 80 is Sept, 25, 1889.

8. The number of acres of land lying under and along the line of the said ditch and irrigated by water therefrom is 202.

9. The soil is sandy loam and the subsoil is gravel and rocks.

10. That the full capacity of the said ditch, viz: 5.1 cubic feet of water per second of time is necessary and required for the proper growing of crops on this land and has been used since its original construction.

Carl J. Nelson

Ada C. Nelson

Grand Lake, Colorado

STATE OF COLORADO)
: SS.
County of Grand)

Carl J. Nelson, being first duly sworn upon his oath states that he is one of the claimants named in the foregoing statement of claim; that he has read the said statement of claim and knows the contents thereof and that the matters and things therein stated are true to the best of his knowledge, information and belief.

Carl J. Nelson

Subscribed and sworn to before me this 17th day of April, A. D. 1941.

Bruce Smith

Clerk of the District Court.

II-6

STATE OF COLORADO)
) SS.
COUNTY OF GRAND)

IN THE DISTRICT COURT

No. 768

ADJUDICATION OF HERTEL DITCH.)
)
Carl J. Nelson, Petitioner) Transcript of Testimony

July 17, 1941.

CARL J. NELSON,

the petitioner, called as a witness, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. Will you state your name. A. Carl J. Nelson,

Q. Where do you live? A. Five miles north of Grand Lake.

Q. Are you the owner of real estate in that vicinity? A. Yes.

Q. Are you acquainted with a ditch known as the Hertel Ditch?

A. Yes.

Q. When did you become acquainted with that ditch? A. When I bought the property in 1934.

Q. And the ditch was on the property? A. Yes.

Q. Had the ditch been constructed and used? A. Yes.

Q. Have you been able to determine how long that ditch had been used? A. Well, I know Mr. Snore had the property over forty years ago and had the ditch then.

Q. Did you find anything in the County records which would indicate how long that ditch had been used? A. Well, the

abstract shows a patent from 1888 or some time about then, I think.

Q. Yes. A. Yes.

MR. GILMORE: That instrument he refers to is one of the old ditch claim statements which was filed under the original ditch claim statement.

THE COURT: What is the priority you claim?

MR. GILMORE: September 25, 1989.

Q. Now, Mr. Nelson, did you employ an engineer to measure the ditch and the acreage under the ditch and the headgate?

A. Yes.

Q. Who was the engineer? A. Mr. Frank Huntington.

Q. Did you assist in that survey? A. Yes, sir.

Q. Do you remember how many acres were found to be irrigated?

A. I believe 202 acres, I believe on the Hertel Ditch.

Q. And you are irrigating that 202 acres under this ditch?

A. Yes.

Q. What is the nature of the soil and subsoil which you irrigate?

A. I would say fairly loose gravel base underneath.

Q. How long have you used that ditch? A. Ever since I have been there in 1934; that would be seven years.

Q. Would you say that the amount of water which you run through that ditch is necessary to properly irrigate that land? A. Yes, sir.

Q. This ditch has been enlarged recently? A. Yes.

Q. Your claim is based on the original ditch? A. Yes.

Q. Prior to the time it was enlaeged did you use the full capacity of the ditch for igrigating this land? A. Yes.

Q. And who is the present owner of the ditch? Anybody else besides yourself? A. My wife and I are the owners of the property jointly.

Q. What is her name? A. Ada C. Nelson.

Q. And you and she are the claimants in this adjudication?

A. Yes, sir.

Q. How is this land located with reference to the stream from which it takes its water? A. Well, I would say most of it just joins right on to the stream; of course, some of the meadow that we cut is a little way from the stream but the pasture land which we irrigate joins right on to the stream.

Q. And overflow or seepage water returns promptly to the stream? A. Yes.

Q. What stream? A. Onahu Creek and it used to be called Fish Creek.

Q. And what is that a tributary of? A. The North Fork of the Colorado.

Q. And that is in turn a tributary of the Colorado. A. Yes.

MR. GILMORE: I believe that is all.

FRANK E WAHLS,

a witness, called on the part of the petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. Will you state your name to the Reporter? A. Frank E. Wahls.

Q. Where do you live Mr. Wahls? A. Mr. Nelson's ranch.

Q. Are you employed by him? A. Yes, sir.

Q. Are you acquainted with the Hertel Ditch? A. Yes, sir.

Q. Are you acquainted with the land which he irrigates? A. Yes.

Q. Did you hear his testimony in regard to the use of this ditch and the number of acres irrigated? A. Yes, sir.

Q. Was that evidence substantially true as you understand it?

A. Yes, sir.

Q. And you have seen this ditch being used to irrigate that land? A. Yes, sir; I used it.

Q. You have personally irrigated from it? A. Yes, sir.

Q. Have you any knowledge of your own as to when this ditch was started? A. No, I wasn't in the country then.

Q. Have you had some experience as an irrigator? A. Yes.

Q. Do you believe that the water used on this land now is necessary and proper for the correct use of this land? A. Yes.

Q. And he is using no excessive amount of water? A. No.

MR. GILMORE: No.

FRANK I. HUNTINGTON,

a witness, called on the part of the Petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. Will you state your name. A. Frank I. Huntington, Hot Sulphur Springs, Civil Engineer.

Q. And also an irrigation engineer? A. Yes.

Q. How long have you been an irrigation engineer?

THE COURT: This witness has been qualified as an expert on irrigation so many times in this court that the Court will take judicial notice of that fact.

MR. HUNTINGTON: Thank you.

Q. Were you employed by Mr. and Mrs. Nelson to make a survey of the Hertel Ditch? A. Yes. in 1940.

Q. Did you measure the ditch and the tie to the ditch? A. Yes. I ran the tie to a subdivision corner and I measured the acreage under the ditch irrigated by said ditch.

Q. I hand you a plat marked Hertel Exhibit A and I will ask you

to state what that is? A. This is a blueprint of a map prepared from notes of the survey to which you refer.

Q. Will you state what that shows? A. The Hertel Ditch and a main latteral to it, the course of the ditch and the tie from the intake of the ditch on Onahu or Fish Creek to a government corner.

Q. Does that map show the acreage? A. Yes.

Q. How many acres? A. There are 202 acres measured actually irrigated by this ditch.

Q. Will you state to the Court the general physical structure of the ditch, the size and capacity? A. It is a little over a half mile long; the main ditch is considerably longer but the lateral distributes the water. The headgate is located on the West bank of Onahu Creek which used to be named Fish Creek. It was named Fish Creek when the first filing was made and the original filing of this water right was made September 25, 1889, and is file No. 4504 in Book 13 at Page 80, claiming 500 inches of water. The headgate is on the west bank whence the South Quarter Corner of Section 12, Township 4 North, Range 76 West of the 6th P.M. bears South 54°10' 2060 feet. Now continuing the description of the ditch the section at which the water was measured it was four feet at the highwater line, two feet on the bottom and carrying water one foot deed on a grade of three feet to the thousand feet. That is a capacity of 5.10 feet by formula. The number of acres measured under the ditch are shown on the may and is 202 acres.

Q. Now referring to the filing you just mentioned, this is the same ditch as described in that filing? A. Yes.

Q. And the same ditch about which Mr. Nelson testified? A. Yes.

Q. Will you describe to the Court what type of stream this is; is the flow of short duration? Q What is this a tributary of?

A. It is a tributary, a very large tributary ofthe North Fork

of the Colorado River.

Q. Do you know what other rights or appropriators there on this stream if any? A. There is one that is in Court here and that is the Christianson that heads just below on the east side of the Creek.

Q. Then, so far as you know, these are the only two ditches which head on this creek? A. Yes, to my knowledge.

Q. What Water District is this ditch in? A. That is Water District No. 51.

Q. And in Grand County, Colorado? A. Yes, sir.

MR. GILMORE: I believe that is all. I wish to ask for the capacity of the ditch, 5.1 cubic feet for approximately 200 acres of land.

THE COURT: Decree is ordered for 5.1 cubic feet per second of time with a priority number next later than the last adjudicated right.

MR. GILMORE: If the Court please, I believe it has been the custom in this district to give a date as shown in the evidence for the priority number and a appropriation number following the last decree.

THE COURT: Very well, if that is the custom you may have the claimed priority date of September 25, 1889, but it will have to be a right junior to the last adjudicated decree.

MEARL HALL,

a witness, called on the part of the Petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. State your name. A. Mearl Hall.

Q. Where do you live? A. Five miles north of Grand Lake.

Q. Are you the owner of land in that vicinity? A. Yes, sir.

Q. Do you have a ditch on that land? A. Yes.

Q. What is the name of that ditch? A. Christenson.

Q. I am asking about the Hertel Ditch. A. Yes.

Q. That is the same ditch Mr. Nelson just testified about? A. Yes.

Q. Did you make an enlargement of that ditch Mr. Hall? A. Yes.

Q. When was that made? A. Last month.

Q. Have you used the enlargement since you made it? A. Yes.

Q. After you enlarged the ditch how did you use it? Was it by extending the latterals? A. Yes.

Q. Did you employ an engineer to make a survey? A. Yes.

Q. And did he make such a survey? A. Yes.

Q. Did you assist him in making it? A. Yes, sir.

Q. From the information which you got at that time do you know how many acres that were irrigating by it? A. I think 74.

Q. It is 97 in the statement of claim? A. Yes, that is right.

Q. And in your statement of claim you say that you started this ditch by survey and construction on May 16, 1941, is that about right? A. Yes.

Q. Now, is this the first time this land has been irrigated? A. No.

Q. How was it irrigated prior to this time? A. Through the same Hertel ditch before.

Q. On this same land? A. Yes, sir; that is what I understood Mr. Christenson to tell me.

Q. With this present enlargement you get enough water on the land now? A. Yes.

Q. Do you know the nature of the soil and subsoil of the land irrigated by this ditch? A. Yes, sand and loam and gravel base.

Q. And do you know that the owner of the land before you so irrigated this land? A. Yes.

Q. And have you employed anybody to help you in this irrigating? A. I have a hired man, Mr. Nelson, to take care of the irrigation.

MR. GILMORE: That is all.

CARL J. NELSON,

a witness, called on the part of the Petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. State your name. A. Carl J. Nelson.

Q. You heard Mr. Hall's statement to the effect that you were working on this land and this ditch? A. Yes, sir.

Q. Is this ditch you use for the irrigation of Mr. Hall's land the same ditch as the Hertel Ditch you mentioned? A. Yes, sir.

Q. And since the time when these measurements were made has this ditch been enlarged? A. Yes, sir.

Q. And will now take more water than the amount needed for your land? A. Yes.

Q. And you use that water at the time you irrigate Mr. Hall's land? A. Yes.

Q. Were you also employed in the making of the survey of his land?

A. No, Mr. Hall assisted.

Q. Do you know of your own information or knowledge just how many acres are under this ditch? A. No, I really don't.

Q. Do you consider the amount of water which he uses from this enlargement if necessary to irrigate that amount of land?

A. Yes.

Q. Is that the same type of land as yours? A. Yes, it joins right on.

Q. And is irrigated the same as your land? A. Yes.

MR. GILMORE: That is all.

FRANK I. HUNTINGTON,

a witness, called on the part of the Petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. State your name. A. Frank I. Huntington, Civil Engineer, Hot Sulphur Springs.

Q. Were you employed by Mr. Hall to make a survey of this ditch and the acreage under the Hertel Ditch Enlargement? A. Yes.

Q. When was that? A. The survey was made May 16, 1941.

Q. I hand you a Plat marked Exhibit A and ask you if you will state what that is? A. This is a map made from data obtained by such survey showing the ditch and enlargement of the Hertel Ditch with the lant irrigated from the Hertel Ditch shown.

Q. And how many acres are there shown? A. 97 acres measured, irrigated by this enlargement of the Hertel Ditch.

Q. Now, Mr. Huntington, will you state the size and capacity of this enlargement from the figures compiled by your survey?

A.

A. The ditch was enlarged to make it 4.7 feet and the enlargement at the bottom one-half foot and to carry water 1.1 feet deep giving it a capacity of 7.5 cubic feet.

THE COURT: That would be 2.4 feet additional?

THE WITNESS: That is right. I used a current meter on this flow for greater accuracy. The ditch is the same grade as the Hertel Ditch.

MR. GILMORE: That is all.

MEARL HALL,

a witness, called on the part of the Petitioner, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GILMORE:

Q. Has that ditch been enlarged to the extent Mr. Huntington testified? A. It has.

MR. GILMORE: Based on this evidence I would like to ask for a decree for 2.4 cubic feet per second with apriority of May 16, 1941.

- - - - - -

STATE OF COLORADO)
: SS.
County of Grand)

IN THE DISTRICT COURT.

No. 768

In the matter of the adjudication of the priorities of right to the use of water for irrigation purposes in Water District No. 51 in the State of Colorado

DITCH CLAIM STATEMENT.

The undersigned, CARL J. NELSON, one of the owners of the following described ditch herewith makes statement of claim for use in the above entitled matter as required by sections 1755 of the Compiled Laws of Colorado of 1921 and for the purpose of securing the benefits of the act of which said section is a part and of the amendments thereto and of other statutes of the State of Colorado pertaining to the use of water for irrigation purposes.

1. The name of the ditch is the NERTEL DITCH.

2. The names of the owners of said ditch are CARL J. NELSON and ADA C. NELSON, his wife, whose post office address is Grand Lake, Grand County, Colorado.

3. The headgate of the ditch is located at a point on the west bank of Onahu Creek, a tributary of the North Fork of the Colorado River whence the ¼ corner between sections 12 and 13, Tp. 4 N., R. 76 W. of the 6th P. M. bears S. 54° 10' W. 2060 feet.

4. The general course of the ditch is westerly and then south westerly.

5. The length of the ditch is 0.7 of a mile.

6. The ditch is 4 feet wide at high water line, 2 feet wide on bottom and 1 foot in depth with a grade of 3 feet per 1000 feet which gives it a carrying capacity of 5.10 cubic feet of water per second of time.

7. The date of appropriation by original use of the ditch and beginning of construction as shown by the Ditch Claim Statement filed in the office of the County Clerk and Recorder of Grand County Colorado in Book 13 page 80 is Sept, 25, 1889.

8. The number of acres of land lying under and along the line of the said ditch and irrigated by water therefrom is 202.

9. The soil is sandy loam and the subsoil is gravel and rocks.

10. That the full capacity of the said ditch, viz: 5.1 cubic feet of water per second of time is necessary and required for the proper growing of crops on this land and has been used since its original construction.

Carl J. Nelson

Ada C. Nelson

Grand Lake, Colorado

BOOK 13, Page 80

GRAND COUNTY RECORDS

Ditch Notice

Know all men by these presents that I Charles F. Hertel of the County of Grand and State of Colorado, have this day located and claim and by these presents do locate and claim by virtue of said claim, location and use, Five hundred inches of water of the stream of the Fish Creek to be used for the purposes of irrigation.

Said ditch is to be known and called the Hertel Ditch and said ditch is described as follows viz: Width 2 feet, depth one foot, and described as follows; The Headgate of said ditch where the water of Fish Creek is diverted from said stream, is located in the SW Cor of SW¼ of SE¼ Sec 12, running thence in a southwesterly about five hundred yards; thence in a southerly direction three quarters of a mile running through W½ of NE¼ and NW¼ of SE¼ Sec 13, Twp 4 N, R 76 W.

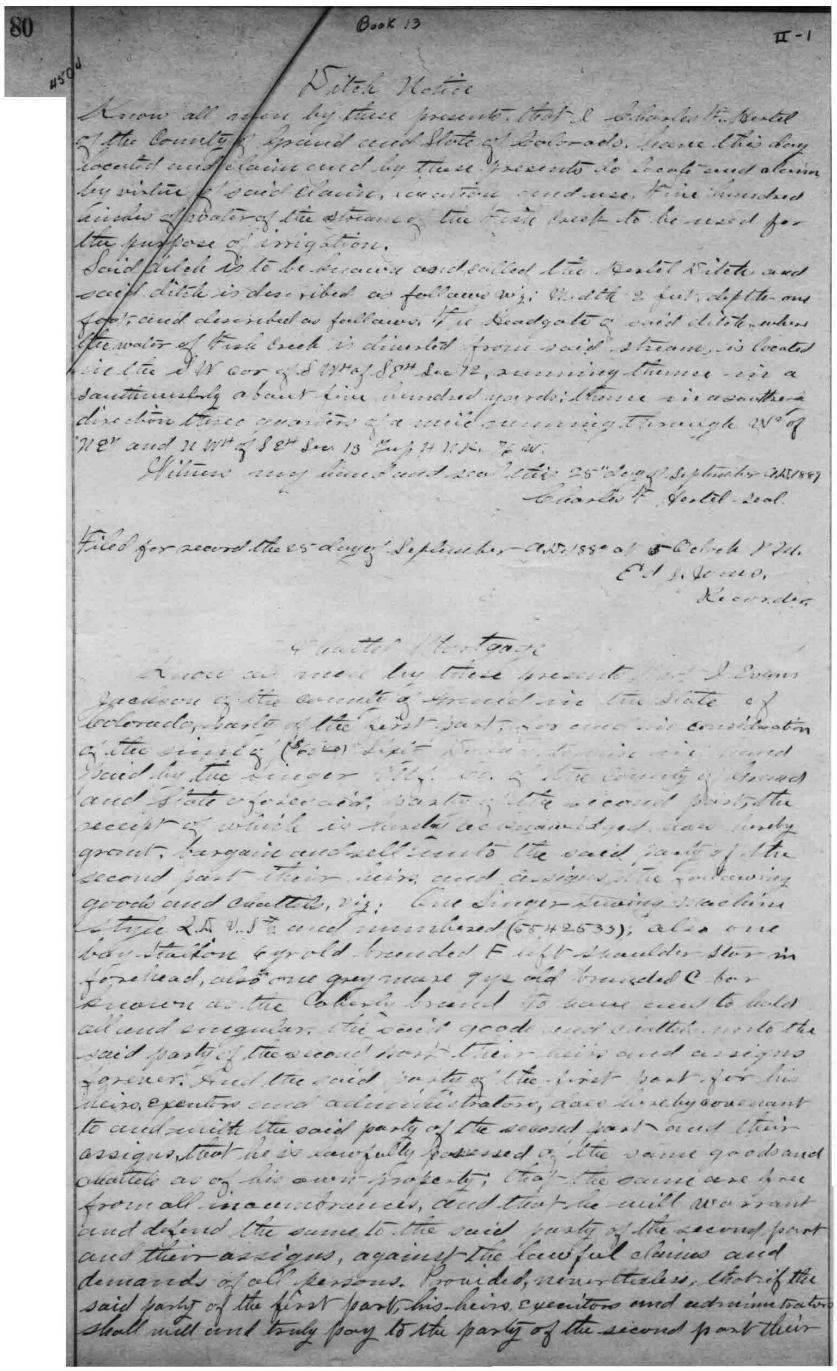
Witness my hand and seal this 25th day of September, A.D. 1889.

Charles K. Hertel (SEAL)

Filed for record the 25th day of September, A.D. 1889 at 5 o'clock P.M.

Ed. J. Jones
Recorder

09-25-1889: ditch notice



80 Book 13 II-1

Ditch Notice

Know all men by these presents, that I Charles F. Bertel of the County of Grand and State of Colorado, have this day located and claimed and by these presents do locate and claim by virtue of said claim, location and use, Five hundred inches of water of the stream of the Fish Creek to be used for the purpose of irrigation.

Said ditch is to be known and called the Bertel Ditch and said ditch is described as follows viz: Width 2 feet, depth one foot and described as follows: The headgate of said ditch whereby the water of Fish Creek is diverted from said stream, is located three chains W. and 10 links N. of the SW cor. of the NW¼ of SW¼ Sec 12, running thence N 70 W a southwesterly about five hundred yards, thence in a southerly direction three quarters of a mile crossing through SW¼ of NE¼ and N ½ of SE¼ Sec 13 Twp 4 N R. 7 W.

Witness my hand and seal this 25th day of September A.D. 1889

Charles F. Bertel seal

Filed for record this 25 day of September A.D. 1889 at 8 o'clock P.M.

E. J. Stowell

Recorder

Bertel Mortgage

Know all men by these presents, that I Evans Pearson of the County of Grand and State of Colorado, party of the first part, for and in consideration of the sum of ($250.00) Two Hundred and fifty and no/100 Dollars lawful money of the United States and State aforesaid, party of the second part, the receipt of which is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain and sell unto the said party of the second part their heirs and assigns the following goods and chattels, viz: One Singer sewing machine No. Type 2 V. No. and numbered (6584 2633); also one bay stallion 4 yrs old, branded F left shoulder, star in forehead, and one gray mare 9 yrs old branded C bar [illegible] as the Roberts brand. To have and to hold all and singular the said goods and chattels unto the said party of the second part their heirs and assigns forever. And the said party of the first part for his heirs, executors and administrators, does hereby covenant to and with the said party of the second part and their assigns, that he is lawfully possessed of the same goods and chattels as of his own property; that the same are free from all incumbrances, and that he will warrant and defend the same to the said party of the second part and their assigns, against the lawful claims and demands of all persons. Provided, nevertheless, that if the said party of the first part, his heirs, executors and administrators shall well and truly pay to the party of the second part their

Land History

07-15-1957: quit claim deed

Filed for record at 10 A.M. o'Clock July 22 1957
Reception No. 95180 Dora Burkhalter Recdr.
Docket Park III Item 2
41

No. 1917 QUIT-CLAIM DEED — Printed and for sale by The W. H. Kistler Stationery Co., Denver

Reception No.
QUIT CLAIM DEED
TO
Filed for Record at o'clock M. A. D. 19
Clerk and Recorder.

This Deed, Made this 9th day of July in the year of our Lord one thousand nine hundred and fifty seven, BETWEEN Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the first part, and The United States of America and/or its assigns of the ~~State of Colorado~~ of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of **One Dollar and other valuable considerations,** ~~DOLLARS~~ to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have remised, released, sold, conveyed and QUIT-CLAIMED, and by these presents do remise, release, sell, convey and QUIT-CLAIM unto the said party of the second part, its heirs, successors and assigns forever, all the right, title, interest, claim and demand which the said parties of the first part have in and to the following described water right filing situate, lying and being in the County of Grand and State of Colorado, to-wit:

All of the first parties interest, right, title or claim whatsoever to the water rights described in Filing No. 3308, accepted by the State Engineer of Colorado on the 16th day of January, A. D. 1907, and to the Schnoor Ditch together with all right-of-ways and appurtenances thereto belonging.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Barbara Dougal
Julia H. Hegsted

Carl J. Nelson (SEAL)
Carl J. Nelson (SEAL)
Ada C. Nelson (SEAL)
Ada C. Nelson (SEAL)

STATE OF COLORADO, } ss.
County of ...

WAYNE H. HACKETT — NOTARY PUBLIC — DISTRICT OF COLORADO

The foregoing instrument was acknowledged before me this 15th day of July 19 57 by Carl J. Nelson and Ada C. Nelson.

My commission expires Nov. 6, 1957. Witness my hand and official seal.

Wayne H. Hackett
United States Commissioner Notary Public.

*Note: If acknowledged by natural person or persons insert name or names, if by person acting in representative or official capacity, or as attorney-in-fact, then insert name of person, as executor, attorney-in-fact, or other capacity or description; if by officer of corporation, insert name of such officer or officers, as the president or other officers of such corporation, naming it.

File in Rocky Mt. N.P. Deed 142

United States
Department of the Interior
National Park Service

The within deed is accepted on behalf of the United States as of July 5, 1957, under the authority contained in the act of June 5, 1920 (41 Stat. 917), and pursuant to authority delegated by Departmental Order No. 2640, dated June 11, 1951 (16 F. R. 5846).

Ben H. Thompson
Acting Director
National Park Service

No. 85180

QUIT-CLAIM DEED

Carl J. Nelson and Ma C. Nelson

TO

United States of America

STATE OF COLORADO, } ss.
County of Grand }

I hereby certify that this instrument was filed for record in my office at 10:22 o'clock A.M. July 29 1957, and is duly recorded in Book 122 Page 176.

DON BUCHHEISTER Clerk and Recorder.
By Laura Beckwith Deputy.

Fee $ 1.00

Return to Superintendent Rocky Mountain National Park Estes Park, Colorado.

THIS DEED, Made this 3rd day of June in the year of our Lord one thousand nine hundred and fifty-seven between J. W. Eloder and Myrtle J. Eloder of the County of Grand and State of Colorado, of the first part, and Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other good and sufficient consideration, to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold and quit-claimed, and by these presents does remise, release, sell and quit-claim, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivors forever, all of the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

The following described water rights in Water District No. 51:

1. Hertel Ditch, App. No. 431, 5.1 c.f.s.

2. An undivided one-half interest in the Christiansen Ditch, App. No. 432; Grantor herein expressly reserving their undivided one-half interest therein.

Correction deed - consideration less than $100.00.

To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of said survivors forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

/S/ J. W. Eloder Seal

/S/ Myrtle J. Eloder Seal

STATE OF COLORADO)
)ss.
County of Grand)

I, Sylvia Carlson, a Notary Public in and for said County, in the State aforesaid, do hereby certify that J. W. Eloder and Myrtle J. Eloder who are personally known to me to be the persons whose names subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal, this 3rd day of June, A. D. 1957.

My commission expires April 20, A. D. 1961.

/S/ Sylvia Carlson
Notary Public

QUIT CLAIM DEED TO JOINT TENANTS

No. _____

QUIT CLAIM DEED
TO JOINT TENANTS

To

STATE OF COLORADO)
)ss.
County of Grand)

I hereby certify that this instrument was filed for record in my office this 26th day of November, A. D. 1957 at 3:10 o'clock P. M., and duly recorded in Book 123, Page 192.

Don Buchheister
Recorder

/S/ Laura Cochran
Deputy

Fees, $ 1.25

WHEN RECORDED RETURN TO
BARNARD and BARNARD

THIS DEED, Made this 17th day of June in the year of our Lord one thousand nine hundred and fifty-seven between Ophelia H. Wolter of the County of Grand and State of Colorado, of the first part, and Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and sufficient consideration, to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold and quit-claimed, and by these presents does remise, release, sell and quit-claim, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivors forever, all of the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

The following described water rights in Water District No. 51:

1. Hertel Ditch, App. No. 431, 5.1 c.f.s.

2. An undivided one-half interest in the Christiansen Ditch, App. No. 432; Grantor herein expressly reserving her undivided one-half interest therein.

Correction deed - consideration less than $100.00.

To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of said survivors forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

/S/ Ophelia H. Wolter Seal

STATE OF COLORADO,)
)ss.
County of Grand)

I, Sylvia Carlson, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Ophelia H. Wolter who is personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal, this 22nd day of November, A. D. 1957.

My commission expires April 20, A. D. 1961.

/S/ Sylvia Carlson
Notary Public

QUIT CLAIM DEED TO JOINT TENANTS

No._____

QUIT CLAIM DEED
TO JOINT TENANTS

To

STATE OF COLORADO)
)ss.
County of Grand)

I hereby certify that this instrument was filed for record in my office this 26th day of November A. D. 1957, at 3:05 o'clock P. M., and duly recorded in Book 123, Page 190.

Don Buchheister Recorder

By /S/ Laura Cochran Deputy

Fees, $_____

WHEN RECORDED RETURN TO
BARNARD and BARNARD

THIS DEED, Made this 3rd day of June in the year of our Lord one thousand nine hundred and fifty-seven between Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the first part, and J. W. Hloder and Myrtle J. Hloder of the County of Grand and State of Colorado, of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other good and sufficient consideration, to the said parties of the first part, in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold and quit-claimed, and by these presents does remise, release, sell and quit-claim unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivors forever, all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

The following described water rights in Water District No. 51:

1. Hertel Ditch Enlargement, App. No. 433, 2.4 c.f.s.

2. An undivided one-half interest in the Christiansen Ditch, App. No. 432; Grantors herein expressly reserving their undivided one-half interest therein.

Correction deed - consideration less than $100.00.

To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of said survivors forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

/S/ Carl J. Nelson Seal

/S/ Ada C. Nelson Seal

STATE OF COLORADO,)
)ss.
County of Grand)

I, Sylvia Carlson, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Carl J. Nelson and Ada C. Nelson who are personally known to me to be the persons whose names subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal, this 4th day of June, A. D. 1957.

My commission expires April 20, A. D. 1961.

/S/ Sylvia Carlson
Notary Public

QUIT CLAIM DEED TO JOINT TENANTS

No.

QUIT CLAIM DEED

TO JOINT TENANTS

To

66

STATE OF COLORADO)
) ss.
County of Grand)

I hereby certify that this instrument was filed for record in my office this 26th day of November A. D. 1957 at 3:05 o'clock P. M. and duly recorded in Book 123, Page 191.

Don Buchheister
Recorder

By /S/ Laura Cochran
Deputy

Fees, $ 1.25

WHEN RECORDED RETURN TO

BARNARD and BARNARD

November 1, 1957

Land Status, Sections 12 and 13, T 4 N, R 76 W, 6 PM from Washington Office
Tract Books of BLM
(Exclusive of withdrawals for National Forest and subsequent Rocky
Mountain National Park)

Sec. 12, T 4 N, R 76 W, 6 PM

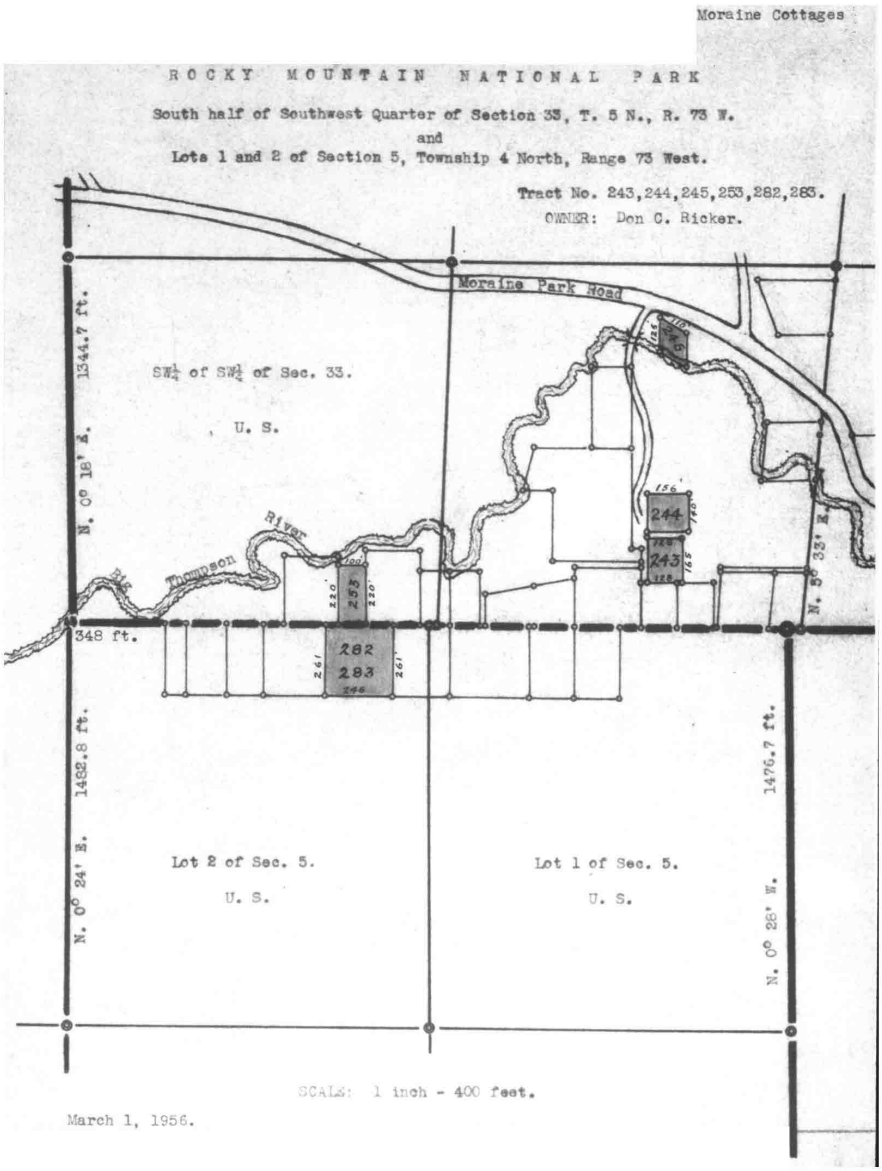
Patent # 804464 of April 26, 1921, SW¼ NE¼; SE¼ NW¼; NW¼ SE¼; and NE¼ SW¼
160 acres to Almond N. House
Receipt of November 23, 1914, # 20693-Denver
Patent assumed but not recorded-Certificate # 763 of February 15, 1890-Preemption of SE¼ NW¼ - Homestead Entry SE¼ NE¼ and NE¼ SE¼ Sec. 11 and SW¼ NW¼ and NW¼ SW¼ Sec. 12 - Purchase receipts # 763 and 427- Final Certificate 205, October 10, 1887, to John H. Hedrick.
Homestead Entry Cancelled - W½ SE¼ and SE¼ SE¼ Sec. 11; and SE¼ SE¼ and SW¼ SW¼ Sec. 12 to Edward E. Garlough # 21674 cancelled. "H" January 1, 1912, also patent assumed but not recorded - SE¼ SW¼, SW¼ SE¼ Sec. 12 (see also Sec. 13) Preemption Cash Certificate # 791.

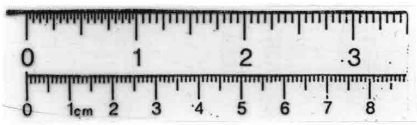
Sec. 13, T 4 N, R 76 W, 6 PM

Patent assumed but not recorded. Preemption Certificate # 791, SE¼ SW¼ and SW¼ SE¼ and E½ NW¼ to Christian F. Young, June 17, 1890.
Patent assumed but not recorded - Homestead Entry E½ SE¼, and E½ NE¼ to Isaac P. Mayfield for $10 July 9, 1892, # 997. Final Certificate # 449, October 12, 1897.
Homestead Entry relinquished October 14, 1913 - E½ NW¼, Serial 011584 Denver, to Andrew B. Christiansen on November 11, 1912.
Patent # 771317 of September 2, 1920, Final Certificate of June 17, 1920, Homestead Entry, Serial # 019072 - Denver, to Mark E. Christiansen for S½ SE¼ and E½ SW¼
Homestead Entry cancelled March 14, 1921, to W½ NW¼ and W½ SW¼ by Clark E. Renshaw.
Patent assumed but not recorded. Homestead entry to W½ NE¼ and N½ SE¼ by Charles F. Hertel, No. 678 of June 21, 1888 - Final certificate # 383 d of August 20, 1894.
Homestead Entry cancelled August 10, 1907, to claim to S½ SE¼ and E½ SW¼ by James F. Neill.
Patent # 979916 of May 27, 1926, Serial # 327542 - Denver, of May 1, 1921, to W½ NW¼ and W½ SW¼, East of Colorado River to Henry F. Nicholls.
Homestead Entry cancelled May 29, 1893, Sale # 723 of April 25, 1889, of S½ SE¼ and E½ SW¼ to Luther Hertel.
Homestead Entry cancelled March 9, 1906, Sale # 723 of S½ SE¼ and E½ SW¼ to Elias Timberson
Homestead Entry relinquished, No. 06510 of September 23, 1907, for S½ SE¼ and E½ SW¼ to William H. Brooks.

(SGD.) A. VAN [illegible]

03-01-1956: lot map of the morraine cottages





Hurd

Extra Copy

To: Superintendent
Rocky Mountain National Park

This is not in field assemblies of Packet Dead 161

Date May 7, 1956

APPRAISAL REPORT

Tracts No. 243, 244, 245, 253, 282 and 283.

Owner's name and address: Don C. Ricker, Estes Park, Colorado

Lands located in Rocky Mountain National Park, Larimer County, Colorado

Legal description: Township 5 North, Range 73 West of 6th PM, Section 33,
Township 4 North, Range 73 West of 6th PM, Section 5

See supplemental sheet No. 1

Area: Total ownership 3.32 acres; Area to be taken All acres.

Deed or Patent dated, 195__; Filed

Title or Interest to be acquired: Fee simple. (Subject to access road right-of-ways)

Character, topography, and adaptability:

See supplement No. 2

Hurd
Supplement No. 1.

ROCKY MOUNTAIN NATIONAL PARK

Tracts No. 243, 244, 245, 253, 282 and 283

MORAINE COTTAGES

OWNER: Donald C. Ricker.

LEGAL DESCRIPTION

In the South half of the Southwest Quarter of Section 33, Township 5 North, Range 73 West of the 6th P. M., the following described tracts:

(1) Beginning at a point 436 feet West and 165 feet North of the Southeast Corner of the Southwest Quarter of Said Section 33, thence North 165 feet, thence West 128 feet, thence South 165 feet, thence East 128 feet to the point of beginning. (Tract No. 243)

(2) Beginning at a point 564 feet West and 350 feet North of the Southeast Corner of the Southwest Quarter of said Section 33, thence North 140 feet, thence East 156 feet, thence South 140 feet, thence West 156 feet to the point of beginning. (Tract No. 244)

(3) Beginning at a point 427 feet West and 1084 feet North of the Southeast Corner of the Southwest Quarter of said Section 33 this point being on the South side of the Moraine Park road, thence West along the South side of said road 110 feet, thence South 125 feet to the center line of the Big Thompson River, thence Easterly along said center line of river 110 feet, thence North 125 feet to point of beginning. (Tract No. 245)

(4) Beginning on the South line of said Section 33 at a point 260 feet West of the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 33, thence North 220 feet, thence West 100 feet, thence South 220 feet, thence East along said South section line 100 feet to the point of beginning. (Tract No. 253)

In Lot 2 of Section 5, Township 4 North, Range 73 West of the 6th P. M., the following described tract:

Beginning on the North line of said Section 5 at a point 936.5 feet East and 25 feet South of the Southwest Corner of Section 33, Township 5 North, Range 73 West of the 6th P. M., thence East along a line parallel to said North section line 171 feet, thence North 25 feet, thence East 75 feet, thence South 261 feet, thence West 246 feet, thence North 236 feet to the point of beginning. (Tract No. 282 and 283)

SUBJECT to all easements and rights-of-way of record.

TOGETHER WITH all water rights and all pipe lines appurtenat to or used in connection with the above described tracts, including the right to divert water through the Green Pipe Line in accordances with the terms of the Decree of the District Court of Boulder County, Colorado, Priority No. 34 in case No. 10077, November 14, 1939, and all rights-of-way of every kind and nature connected with the Green Pipe Line.

December 1, 1955.

Hurd

Supplement No. 2

Character, topography, and adaptability:

Tract No. 245 is a slightly sloping commercial lot with 110 feet of frontage on Moraine Drive oiled highway and the back of the lot fronts on the river for 110 feet.

Tract No. 244 is open and approximately level with no trees. Adaptable for summer home or commercial building sites.

Tract No. 243 is level, open and with some trees. Adaptable for home or commercial building sites.

Tract No. 253 is slightly timbered and slightly sloping with willow meadow as supporting land. This tract is suitable for one good sized cottage site or two small cabin sites.

Tracts Nos. 282 and 283 are sloping, timbered, with some steep timbered slope. This tract is adaptable for summer home sites.

All tracts can be reached by dirt access roads and domestic water is accessable for all lots.

The subject tracts all have improvements thereon but the location and type of some of the improvements do not reflect the best or most valuable use of the lands.

All tracts are within 0.5 miles of the Moraine Park oiled highway.

Subject property is located within the Estes Park Recreation Area and is 5.5 miles West of the Town of Estes Park.

Hurd

CLASSIFICATION OF LAND VALUES

Acres	Classification	Unit Value	Total Value
.32	Commercial		$1,400.00
0.5	Building Sites		1,400.00
.48	Building Sites		1,600.00
.55	Building Sites		1,500.00
1.47	Building Sites		3,500.00
			$9,400.00

Kind	Size	Construction	Roof	Foundation	Condition	Present Value
		See supplemental sheet No. 3				

Total appraised value of Land Improvements: $ 49,283.00

Assessed Value: Land $_____, Improvements $_____

Severance Damage: $1,693.00

The subject property is a profitable going concern and the moveable equipment is a necessary part of the operation. Purchase of the real property without the purchase of the moveable equipment will subject the moveable equipment to forced sale to the highest bidder as used or junk equipment. Consequently, the owner or vendor is entitled to the difference between the going concern value of said moveable equipment and the forced sale value. See supplemental sheet.

Kind of Bldg.	Size Square Feet of Floor Area	Improvements Construction	Roof	Foundation	Condition	Replacement Cost	Depreciated Net Value
Home and Office	1047-Basement 567	Frame	Cedar Shingles	Concrete	Good	$9,064.00	$ 5,891.00
Garage	690 sq. ft.	Frame	Composition	Concrete	Good	2,325.00	1,860.00
Mayfield Cottage	495 sq. ft.	Slabs over Sheeting	Composition	Stone Piers Log Sills	Good	3,270.00	2,289.00
Crib Cottage	460 sq. ft.	Logs-Slabs over Sheeting	½ Composition ½ Cedar	Rock	Fair	2,600.00	1,430.00
Balsom Cottage	762 sq. ft.	Frame - Drop Siding	Cedar	Rock	Good	7,838.00	5,878.00
Virginia Cottage	620 sq. ft.	Frame, Boards and Batts	Cedar	Rock	Good	5,330.00	3,997.00
Buckskin Cabin	326 sq. ft.	Frame - Drop Siding	Composition	Rock Piers	Good	1,793.00	1,434.00
Prospector Cabin	417 sq. ft.	Frame, Boards and Batts	Composition	Rock Piers	Fair	1,820.00	1,274.00
Tile Roof Cottage	721 sq. ft.	Frame Sheating & Shingles	Tile	Rock	Good	6,989.00	4,959.00
Chipmunk Cabin	360 sq. ft.	Frame-Cedar Shingles, Sides & Roof	Cedar	Concrete and Rock	Good	2,310.00	1,732.00
Coal House	48 sq. ft.	Frame-Sheating	Composition	Rock Piers	Fair	96.00	58.00
Chiquita Cottage	480 sq. ft.	Frame, Log Siding	Composition	Concrete Piers	Good	4,050.00	3,240.00
Twin Owls Cabin	261 sq. ft.	Frame, Log Siding	Composition	Concrete Piers	Good	1,424.00	1,140.00
Snow Water	261 sq. ft.	Frame, Log	Composition	Concrete	Good	1,424.00	1,140.00

Hurd.
Supplement No. 3.

Kind of Bldg.	Size Square Feet of Floor Area	Improvements Construction	Roof	Foundation	Condition	Replacement Cost	Depreciated Net Value
Saw Tooth	261 sq. ft.	Frame, Log Siding	Composition	Concrete Piers	Good	$1,424.00	$1,140.00
Pump House	71 sq. ft.	Concrete Walls	Composition	None	Poor	106.00	53.00
Concrete Cellar	50 sq. ft.	Concrete Walls	Concrete & Dirt	None	Poor	300.00	100.00
Complete Water System and Distribution Lines						3,125.00	2,320.00
Total Depreciated Value of Improvements and Water System							$39,883.00

Hurd
Supplement No. 3
Continued

Hurd

Supplement No. 4

SEVERANCE DAMAGE AND TERMINATION LOSS

ARTICLE		GOING CONCERN VALUE	FORCED SALE VALUE	TERMINATION OF USE LOSS
Mattress Pads	24	48.00	12.00	36.00
Pillows	48	50.00	9.00	41.00
Bedspreads	30	150.00	45.00	105.00
Sheets	132	132.00	10.00	122.00
Pillow slips	132	132.00	10.00	122.00
Blankets	60	180.00	60.00	120.00
Double Beds	23	276.00	75.00	201.00
Frigidairs	12	600.00	480.00	120.00
Davenports	3	60.00	45.00	15.00
Day Beds	3	60.00	30.00	30.00
Cots	6	36.00	18.00	18.00
Tables	20	300.00	160.00	140.00
Arm Chairs	25	125.00	40.00	85.00
Out Door Chairs	8	40.00	20.00	20.00
Straight Chairs	53	160.00	50.00	110.00
Gas Plates	7	70.00	20.00	50.00
Curtains		60.00	5.00	55.00
Washing Machine	1	75.00	40.00	35.00
Mangle	1	75.00	40.00	35.00
Table Lamps	6	24.00	12.00	12.00
Floor Lamps	7	49.00	28.00	21.00
Kitchen Utensils		30.00	5.00	25.00
Dishes		50.00	20.00	30.00
Silverware		125.00	20.00	105.00
Coal Ranges	5	75.00	35.00	40.00
		2,982.00	1,289.00	1,693.00

Hurd

ENCUMBRANCES AND RESERVATIONS

Coal or mineral rights, rights-of-way in favor of the public or third parties, limitations on use, etc.

SUPPORTING DATA

Recent sales have been investigated in the area of the subject property and these sales have been used as a basis in arriving at the value of the subject property by considering the similarity as to location, access to highway, highway frontage, river frontage, and scenic view that appeals to most buyers for a summer home or a commercial site. A list of recent sales can be furnished upon request. Replacement cost less depreciation was used to determine the values of the subject property and sales of comparable property.

CERTIFICATION AND OPINION

We, the undersigned, do hereby certify that we have made a thorough and careful inspection of the property described in this report and that we have considered recent sales and or leases involving the said described property or similar properties located adjacent thereto and the prices and or rentals paid therefor where, in our opinion, they were indicative of value. We further certify that we have no personal interest, present or prospective, in the property being appraised and that our appraisal represents the fair market value of the property according to the accepted standards of appraisal practice. We have appraised the land on the assumption that the area stipulated is correct. On the basis of the inspection and knowledge as aforesaid, it is our opinion that the present fair cash market value of the property described in this report is Fifty Thousand Nine Hundred Seventy-Six Dollars ($50,976.00)

APPRAISERS:

S. M. Hurd

S. M. Hurd

_____

_____

07-22-1954: deed: # 78362

Recorded at 2:45 o'clock P.M. July.22,1954.
Reception No. 8362 R.O.Throckmor l. Recorder.

78362 R.O.Throckmorton

THIS DEED, Made this 22nd day of July in the year of our Lord one thousand nine hundred and fifty four between Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the first part, and

The United States of America and/or its assigns

~~of the County of and State of Colorado~~, of the second part:

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of - - - - - - Thirteen Thousand DOLLARS, to the said part ies of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

In Township 4 North, Range 76 West of the 6th P.M., all of the Southeast Quarter of the Southwest Quarter lying East of the West bank of the Colorado River, and the Southwest Quarter of the Southeast Quarter of Section 12; and all of the Northeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northeast Quarter, and the West one-half of the Southeast Quarter of the Northwest Quarter of Section 13. Together with the right to divert 3.5 cubic feet of water per second of time from Onahu Creek through the Hertel Ditch in accordance with the Decree of the District Court of Grand County, Colorado, dated July 15, 1941, assigning Priority No. 1 on Onahu Creek with a priority date of September 25, 1889. Reserving the right to transport 1.6 cubic feet of water per second of time through the Hertel Ditch as now constructed on and over the above described tract of land to lands lying to the South and East. Subject to rights-of-ways for existing telephone and power lines.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part ies of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said part ies of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever,



premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Carl J. Nelson (SEAL)

Carl J. Nelson (SEAL)

Ada C. Nelson (SEAL)

Ada C. Nelson

STATE OF COLORADO }
County of Grand } ss.

The foregoing instrument was acknowledged before me this 22nd day of July, 1954 by Carl J. Nelson and Ada C. Nelson.

My commission expires Feb. 10, 1955. Witness my hand and official seal.

Notary Public.

CHARLES W. BLOOM, Notary Public
My Commission expires Feb. 10, 1955

No. 132. WARRANTY DEED.—For Photographic Record.
—The Bradford-Robinson Ptg. Co., Mfrs. Robinson's Legal Blanks, 1846 Stout St., Denver, Colo.

07-22-1954: deed # 78362

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of October 15, 1954, under the authority contained in the Interior Department Appropriation Act, 1954 (Public Law 172, 83d Cong.), and pursuant to authority delegated by Departmental Order No. 2640, dated June 11, 1951 (16 F. R. 5846).

Assistant Director
National Park Service

N

No. 78362

WARRANTY DEED

Carl J. and Ada C. Nelson

TO

United States of America

STATE OF COLORADO, } ss.
County of Grand }

I hereby certify that this instrument was filed for record in my office this ... day of ..., A. D. 19..
at ... o'clock ... M., and duly recorded in Book 110, Page 5

... Recorder.

By ... Deputy.

Fees, $ ...

Return to
Superintendent
Rocky Mountain National Park
Estes Park, Colorado.

$-21 THE SMITH-BOSWORTH PUB. CO., DENVER

08-12-1954: certificate of taxes due: no. 1209

Form 126—Out West Printing and Stationery Co., Colo. Spgs., Colo. L7981

STATE OF COLORADO,
County of Grand } ss.

Certificate of Taxes Due

No. 1209

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes, or unredeemed tax sales, as appears of record in this office, on the following described property, to-wit:

$SE\frac{1}{4}SW\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$: Sec. 12, Twp. 4 N., R. 76
$NE\frac{1}{4}NW\frac{1}{4}$; $NW\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$: Sec. 13, Twp. 4 N., R. 76

1953 and all prior Taxes are paid or satisfied, and no further Taxes will be assessed because of sale to the United States.

In Witness Whereof, I have hereunto set my hand and seal, this 12th day of August, A. D. 19 54

Carl J. & Ada C. Nelson
Grand County Abstract Co.
Fee $2.00 paid.

Carl J. Fischer (SEAL)
Treasurer of Grand County, Colorado.
By Helen M. Shiflet Deputy.

COPY

The Larimer County Abstract Co.

O. O. Green, Jessie R. Green

to

Donald C. Ricker

WARRANTY DEED $10
Dated September 12, 1952
Ack. September 12, 1952 before Jim A. Cross, NP
Seal. Larimer County, Colorado
(Com. Exp. 6/19/53)
Recorded September 22, 1955 at 8:10 A.M. in Book 1003, page 96

Conveys: Part of the SW¼ of SW¼ of Sec. 33, Twp. 5 N.R. 73 W. 6th P.M., described as follows: Commencing at a point 260 feet West of SE corner of said SW¼ of SW¼, thence W. 100 feet, thence N. 220 feet, thence E. 100 feet, thence S. 220 feet to point of beginning, and

Commencing at a point 936.5 feet East of the SW corner of Sec. 33, Twp. 5 N.R. 73 W. 6th P.M., thence E. 171 feet, thence S. 25 ft., thence W. 171 feet, thence N. 25 feet to the point of beginning (being a part of Lot 2 in Sec. 5, Twp. 4 N.R. 73 W. 6th P.M.). Together with all easements, rights of way, pipe lines and water rights appurtenant thereto as now of record and as now established. Subject to the rights of way of record; and

That certain pipe line known as Green Pipe Line, located in the S½ of Sec. 33, Twp. 5 N.R. 73 W. 6th P.M. and Lots 1 and 2, Sec. 5, Twp. 4 N.R. 73 W. 6th P.M., together with all rights of way for said pipe line both as conveyed by Freelan O. Stanley in deed recorded in Book 442 page 91 and any and all other rights of way for said pipe line and Priority No. 34, being the appropriation adjudicated in November 14, 1939 in the District Court of Boulder County in Case #10077 for Green Pipe Line, togehter with any and all water rights and rights of every kind and nature under and connected with said pipe line and appropriation.

COPY

The Larimer County Abstract Co.

O. L. Green

To

O. L. Green and Jessie R. Green

WARRANTY DEED: $1.00
Dated September 27, 1941
Ack. September 27, 1941 before MaryR. Lee, N.P. Seal, Larimer County, Colorado
Recorded September 29, 1941 at 8:38 A.M. in Book 732, Page 413

Conveys: No in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, that certain pipe line known as Green Pipe Line, located in the S½ of Section 33, Township 5 North, Range 73 West 6th P.M., and Lots 1 and 2, Section 5, Township 4 North, Range 73 West 6th P.M., together with all rights of way for said pipe line, both as conveyed by Freelan O. Stanley in deed recorded in Book 442 at page 91 of the records of Larimer County, Colorado and any and all other rights of way for said pipe line and priority No. 34, being the appropriation adjudicated on November 14, 1939 in the District Court of Boulder County in case No. 10077 for Green Pipe Line, together with any and all water rights and rights of every kind and nature under and connected with said pipe line and appropriation.

COPY

The Fort Collins Abstract Co. Conveyance No. 44

Jessie R. Green

to

O. L. Green

QUIT CLAIM DEED
Dated March 24, 1923
Date of Filing March 26, 1923
Recorded in Book 442, Page 150
Ack. March 24, 1923 by Glen O. Draggoo, N.P., Larimer County, Colorado

Conveys: A right of way for a pipeline over and through a portion of lot 2 of Sec. 5, Township 4, Range 73, containing 5 acres, more or less, and particularly described as follows: Beginning at a point whence the SW Corner of Sec. 33, Township 5, Range 73 is W. 348 ft. and running thence E. 834.5 ft. thence S. 261 ft., thence W. 834.5 ft., thence N. 261 ft. to point of beginning. The line joining the SW. corner with S. center corner of Sec. 33, Township 5 N. R. 73 W. 6th P.M. was assumed E. and W. and all bearings were taken relative thereo.

Subject to a right of way for a road hereby reserved for use of owners of land situated in Lot 4 of Sec. 4 and Lots 1, 2, 3 and 4 of Sec. 5, Township 4 N. R. 73 W. 6th P.M.

COPY

The Fort Collins Abstract Co.

F. O. Stanley (Other Places "Freelan O. Stanley")

to

O. L. Green

Conveyance No. 43

QUIT CLAIM DEED
Dated October 9, 1922
Date of Filing December 13, 1922
Recorded in Book 442 Page 91
Ack. October 21, 1922 before Cornelius H. Bond N.P., Larimer County, Colorado

Conveys: The right of way for pipe line over and through a portion of lots 1 and 2 of Sec. 5, Township 4, Range 73

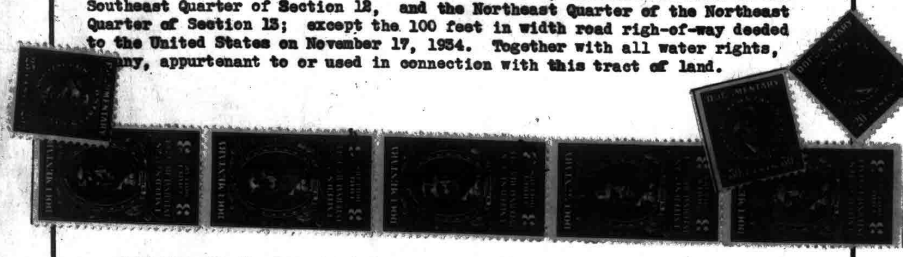
The right to construct a reservoir on said pipeline is also herein conveyed. Said pipeline to be covered. Party of the first part to have the privilege of tapping said pipeline as he sees fit in the development of his property and without charge to him, other than a rate similar to that charged by the Estes Park Water Company for the use of water under its system.

Recorded at ..... o'clock A M. Dec. 15, 1953
Reception No. 76[illegible]6 ..... R. O. Throckmo[illegible]on Recorder.

THIS DEED, Made this 5th day of ~~November~~ December in the year of our Lord one thousand nine hundred and fifty three, between Roy R. Lewis and Orda E. Lewis of the County of Los Angeles and State of California, of the first part, and The United States of America and/or its assigns ~~and the~~ ~~County~~ ~~and State of Colorado~~, of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ------Fourteen Thousand Five Hundred DOLLARS, to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

In Township 4 North, Range 76 West of the 6th P.M., the East one-half of the Southeast Quarter of Section 12, and the Northeast Quarter of the Northeast Quarter of Section 13; except the 100 feet in width road righ-of-way deeded to the United States on November 17, 1934. Together with all water rights, [illegible]any, appurtenant to or used in connection with this tract of land.



TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever,

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals 5th the day and year first above written.

Roy R. Lewis (SEAL)
Roy R. Lewis (SEAL)
Orda E. Lewis (SEAL)
Orda E. Lewis

County of Los Angeles

STATE OF ~~COLORADO~~ CALIFORNIA } ss.
County of Los Angeles }

The foregoing [illegible] was acknowledged before me this 5th day of December A. D. 1953

My commission expires [illegible], 19 . Witness my hand and official seal.

Ronald J. Stadler
Notary Public.

No. 982. WARRANTY DEED [illegible] —The Kistler Stationery Co., Kistler's Legal Blanks, 1845 Stout St., Denver, Colo.

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of March 2, 1954, under the authority contained in the Interior Department Appropriation Act, 1954 (Public Law 172, 83d Cong.), and pursuant to authority delegated by Departmental Order No. 2040, dated June 11, 1951 (16 F. R. 5846).

Assistant Director
National Park Service

No. 78886

WARRANTY DEED

Roy R. and Orda M. Lewis

TO

United States of America

STATE OF COLORADO,
County of Grand } ss.

I hereby certify that this instrument was filed for record in my office this 15th day of Dec. A. D. 1953 at 9 o'clock A. M., and duly recorded in Book 103, Page 128

Recorder.

By Deputy.

Fee $2.50

Return to:
Superintendent
Rocky Mountain National Park
Estes Park, Colorado

NO. 837-C

ABSTRACT OF TITLE

-TO-

E½SE¼ Sec. 12, NE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W.
6th P. M., Grand County, Colorado

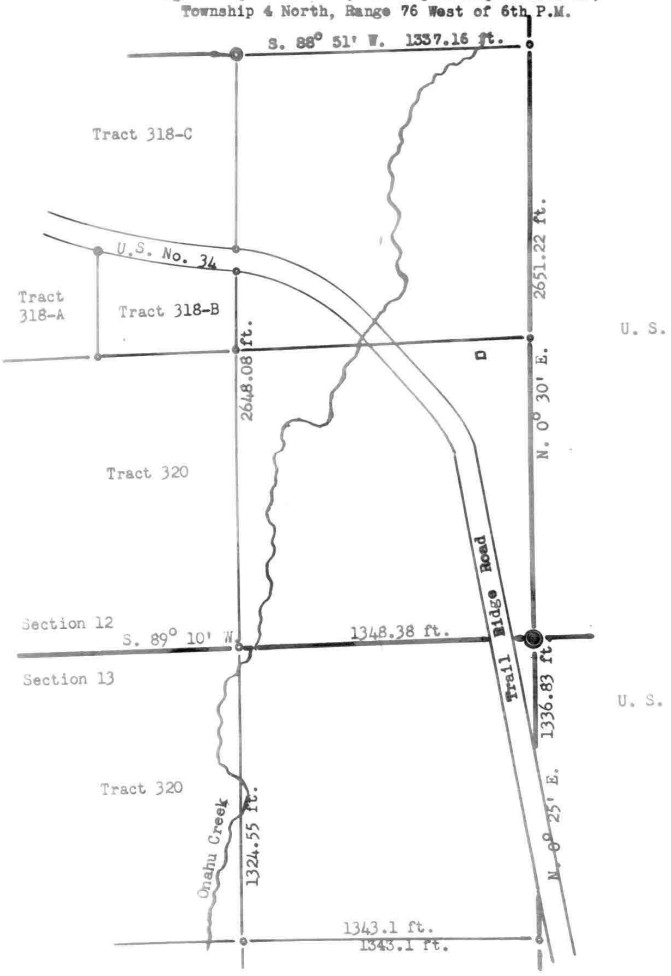
PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO

ROCKY MOUNTAIN NATIONAL PARK

TRACT No. 319-A OWNERS: R. R. & O. E. Lewis.

E½ of SE¼ of Sec. 12, and NE¼ of NE¼ of Sec. 13,
Township 4 North, Range 76 West of 6th P.M.

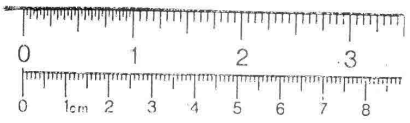


SCALE: 1 inch = 500 feet.

Tract No. 319-A contains 115.7 acres, more or less.

DEC 10 '53

4



No. 1
United States

to

Isaac P. Mayfield

Patent Cert. #4491 App'ln.997
Dated Feb. 3, 1898
Rec. Jan. 25, 1912
Book 17 Page 228
#16907

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.
Act of May 20, 1862 and supplemental acts.
Subject to any vested and accrued water rights and rights to ditches and reservoirs used in connection with such water rights and the right of the proprietor of a vein or lode to extract and remove his ore therefrom. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

No. 2
Issac P. Mayfield and
Alpharetta Mayfield, his wife

to

Benoni W. Smith

Warranty Deed $600.00
Dated Dec. 12, 1911
Ack. Dec. 12, 1911
Rec. April 2, 1911
Book 46 Page 500
#17093

GRAND COUNTY ABSTRACT CO. EST. 1902 COLORADO

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.

No. 3
Benoni W. Smith

to

Sam Kimble

Warranty Deed $1000.00
Dated Jan. 22, 1914
Ack. Jan. 22, 1914
Rec. Feb. 12, 1914
Book 54 Page 161
#19041

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.

No. 4
Sam Kimble

to

Wilbur W. Wiswall

Warranty Deed $1600.00
Dated Feb. 5, 1919
Ack. Feb. 5, 1919
Rec. Feb. 24, 1919
Book 58 Page 392
#23545

E½SE¼ Sec. 12, E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres more or less. (I. R. S. $2.00 2-5-1919 S.K.)

No. 5
Wilbur W. Wiswall

to

(No Trustee named), use
Sam Kimble

Deed of Trust $1,000.00
Dated Feb. 10, 1919
Ack. Feb. 15, 1919
Rec. Feb. 24, 1919
Book 59 Pages 283-284
#23546

"THIS INDENTURE, Made this 10th day of February 1919, between WILBUR W. WISWALL a single man whose address is Grand Lake, County of Grand and State of Colorado, party of the second part, WITNESSETH"
To secure 4 notes of even date payable to the order of Sam Kimble of Manhattan, Kansas at the International Trust Company Banking Offices, Denver, Colo., for the aggregate sum of $1000.00, one $250.00 note due 1 year; One 250.00 due 2 years, One 250.00 note due 3 years and one $250.00 due 4 years after date and with interest at the rate of 6% per annum, interest payable annually.
Conveys: E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. containing 160 acres more or less.
Sale at front door of Court House, in County Seat of Grand County, Colorado after 4 weeks notice in Grand County newspaper.
Abstracters Note: At no place in the recording of this Deed of Trust is the Public Trustee, or a private trustee named.

- -

No. 6
W. W. Wiswall

to

Public Trustee, use of
Annie M. Patterson

Trust Deed $800.00
Dated Feb. 9, 1920
Ack. Feb. 9, 1920
Rec. Sept. 19, 1922
Book 29 Page 221
#27482

E½SE¼ Sec. 12, E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, more or less, according to the Government Survey thereof.
To secure note of even date for $800.00 payable in nine years, with interest at the rate of 8% per annum, payable annually on Feb. 9 of each year.
Subject to that certain trust deed given to secure the payment of $1,000.00 which trust deed is recorded in Book 59 at page 283 in the office of the Recorder of Grand County, Colorado.

- -

No. 7
Public Trustee, use of
Sam Kimble

to

Wilbur W. Wiswall

Release of Trust Deed
Dated April 24, 1923
Ack. April 24, 1924
Rec. April 24, 1923
Book 60 Page 338
#28115

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, more or less, according to the Government Survey thereof.
Releases Trust Deed dated Feb. 10, 1919, recorded in Book 59 page 283 of Grand County Records.
Request for release signed: Sam Kimble, beneficiary named in said trust deed and legal holder of indebtedness secured by said trust deed.
Ack. before Hugh J. Harrison, N. P., Grand County, Colorado, on April 24, 1924, by H. F. Adams, as Public Trustee, Grand County, Colo.
N. P. Seal.

- -

No. 8

Wilbur W. Wiswall		Quit Claim Deed $10.00 etc.
		Dated Feb. 10, 1931
to		Ack. Feb. 10, 1931
		Rec. Feb. 16, 1931
Margaret Patterson and		Book 70 Page 202
M. Rose Patterson		#40878

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, more or less.

- -

No. 9

Public Trustee, use of		Release of Trust Deed
Margaret Patterson		Dated April 11, 1931
		Ack. April 11, 1931
to		Rec. April 17, 1931
		Book 72 Page 415
Wilbur W. Wiswall		#41017

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, according to Government Survey thereof.
Releases Trust Deed dated Feb. 9, 1920, recorded in Book 29 page 221 of Grand County Records.
Request for release signed: Margaret Patterson, legal holder of indebtedness secured by said trust deed.
Signature of Margaret Patterson Ack. March 18, 1931.

GRAND COUNTY ABSTRACT CO 1953 COLORADO

- -

No. 10

Margaret Patterson and		Warranty Deed $130.00
M. Rose Patterson		Dated Nov. 17, 1934
		Ack. Nov. 17, 1934
to		Rec. Sept. 23, 1935
		Book 80 Page 460
The United States of America		#45602

Right of Way 100 ft. in width, described as follows: Beginning at a point on the west boundary of NE¼SE¼ Sec. 12, said point being S. 0° 26' W. 953.2 ft. from NW corner of NE¼SE¼; thence southeasterly 937.1 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; thence S. 28° 35' E. 763.5 ft.; thence Southeasterly 373.3 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; said point being S. 89° 10' W. 138.5 ft. from section corner common to Sec. 12, 13, Tp. 4 N., R. 76 W., and Secs. 7, 18 Tp. 4 N., R. 75 W.; thence S. 89° 10' W. 104.7 ft.: (which crosses the surveyed center line at Sta. 910/79.3) thence Northwesterly 358.4 ft. on the true arc of a curve left with a radius equal to 1382.5 ft.; thence N. 28° 35' W. 763.5 ft.; thence Northwesterly 887.1 ft. on the true arc of a curve left with a radius equal to 1382.5 ft.; thence N. 0° 26' E. 111.5 ft. (which crosses the surveyed centerline at Sta. 890/38) to the point of beginning.
The above described property contains 4.827 acres more or less.
Also, beginning at a point on the section line common to Secs. 12 13, Tp. 4 N., R. 76 W. said point being S. 89° 10' W. 138.2 ft. from section corner common to Secs. 7,18, Tp. 4 N., R. 75 W., 12, 13, Tp. 4 N., R. 76 W.; thence Southeasterly 90 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; thence S. 10° 20' E. 647.6 ft. to a point on the east boundary of NE¼NE¼, thence S. 0° 25' W. 535.1 ft. (which crosses the surveyed center line at Sta. 929/97.8); thence N. 10° 20' W. 1174.4 ft.; thence Northwesterly 105 ft. on the true arc of a curve left with a radius equal to 1382.5 ft. thence N. 89° 10' E. 104.7 ft. (which corsses the surveyed centerline at Sta. 910/79.3) to the point of beginning.
The above described property contains 2.317 acres, more or less.

- -

No. 11
Mabel Hall

to

Dora M. Hearn

Warranty Deed $10.00 etc.
Dated May —, 1940
Ack. Sept. 4, 1940
Rec. Dec. 30, 1940
Book 89 Page 128
#54856

S½SE¼, SE¼SW¼, NE¼, SW¼ Sec. 13, Tp. 4 N., R. 76 W., commonly known as the Onahu Ranch, in Grand County, Colorado.
Except all taxes and encumbrances.
Signed: Mabel Hall; Myrle Hall.

- -

No. 12
Dora M. Hearn

to

Myrle Hall and Mabel Hall

Warranty Deed to Joint Tenants
$10.00
Dated May 17, 1940
Ack. May 17, 1940
Rec. Dec. 30, 1940
Book 86 Page 105-A
#54857

S½SE¼, SE¼SW¼, NE¼, SW¼ Sec. 13, Tp. 4 N., R. 76 W., comonly known as the Onahu Ranch, Grand County, Colorado.
Except all taxes and encumbrances.
Conveys not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.

GRAND COUNTY ABSTRACT CO. 1962 COLORADO

- -

No. 13
Myrle Hall and Mabel Hall

to

Margaret Patterson and
M. Rose Patterson

Quit Claim Deed $1.00
Dated Sept. 29,1943
Ack. Sept. 29,1943
Rec. Sept. 30,1943
Book 85 Page 433
#58999

E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M.
This deed is given for the purpose of eliminating contentions due to the error in descriptions contained in certain deeds of Mabel Hall to Dora M. Hearn, and Dora M. Hearn to Mabel Hall and Myrle Hall and Mabel Hall, appearing in the Grand County Records in Book 89 at page 128 and in Book 86, at Page 105-A.

- -

No. 14
Margaret Patterson and
M. Rose Patterson

to

Ernest McLaughlin

Warranty Deed $10.00 etc.
Dated Oct. 4, 1943
Ack. Oct. 4, 1943
Rec. Dec. 9, 1943
Book 89 Page 530
#59216

E½SE¼ Sec. 12, E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., excepting therefrom the right of way deeded to the United States of America on the 17th day of November, 1934, and of record in the Grand County Records in Book 80 at page 460, net area being 156.856 acres.
R. S. $3.85 F. I. H.

- -

No. 15
Ernest McLaughlin

to

Roy R. Lewis and
Glen H. West

Warranty Deed $10.00 etc.
Dated July 11, 1944
Ack. July 11, 1944
Rec. July 29, 1946
Book 93 Page 546
#63770

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom the right of way deeded to the United States of America on the 17th day of Nov. 1934 and of record in Book 80 Page 46 of Grand County Records.
I. R. S. $4.95 F. I. H. 7/11/44.

- -

No. 16
Glen H. West

to

Roy R. Lewis

Warranty Deed $10.00 etc.
Dated July 24, 1944
Ack. July 24, 1944
Rec. July 29, 1946
Book 93 Page 549
#63771

GRAND COUNTY ABSTRACT CO. COLORADO

An undivided one-half interest in and to the following:
E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom that certain right of way described in Book 80 Page 460 of Grand County Records.
I. R. S. $1.10 J. A. C. 7/24/44.

- -

No. 17
Roy R. Lewis

to

Roy R. Lewis and
Orda E. Lewis

Warranty Deed to Joint Tenants
$10.00
Dated July 24, 1946
Ack. July 24, 1946
Rec. July 29, 1946
Book 93 Page 547
#63772

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom that certain right of way described in Book 80 at Page 460 of Grand County Records.
The actual consideration for this conveyance is less than $50.00
Conveys not in tenancy in common, but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.

- -

No. 18
County Treasurer,
Grand County, Colo.

to

Victor Huffaker Co.

Tax Sale Cert. #51-MT-17
Dated Dec. 10, 1951
Sale 1951 Gen. Tax 1950
Rec. Tax Sale Record #4
Amount: $45.24

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 153.856 acres.
Assessed in the name of Roy L. Lewis and Oreda E. Lewis, General taxes for year 1950.

- -

No. 19
County Treasurer,
Grand County, Colo.

to

Victor Huffaker Co.

Tax Sale Cert. #51-MT-17
Dated Dec. 10, 1951
Sale 1951 MT Tax 1950
Rec. Tax Sale Record #4
Amount: $5.24

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 acres.
Assessed in the name of Roy L. Lewis and Oreda E. Lewis Moffat Tunnel
Tax for year 1950.

- -

No. 20
Victor Huffaker Co.,
by County Treasurer

to

Mrs. Roy Lewis

Redemption Cert. #3222
Dated Sept. 15, 1952
Rec. Tax Sale Record #4
Amount paid: $50.67
#74689

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 acres.
Redeems above described property from lien of Tax Sale Certificate No.
51-17, dated Dec. 10, 1951, general taxes for year 1950.

- -

No. 21
Victor Huffaker Co.,
by County Treasurer

to

Redemption Cert. #1005
Dated Sept. 15, 1952
Rec. Tax Sale Record #4
Amount paid: $5.87
#74688

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 acres.
Redeems above described property from lien of Tax Sale Certificate No.
51-MT-17, dated Dec. 10, 1951, Moffat Tunnel taxes for year 1950.

- -

No. 22
Roy R. Lewis and
Orda E. Lewis

to

The United States of America
and/or its assigns

Warranty Deed $14,500.00
Dated Dec. 5, 1953
Ack. Dec. 5, 1953
Rec. Dec. 15, 1953
Book 107 Page 128
#76886

In Tp. 4 N., R. 76 W., 6th P. M., E½SE¼ Sec. 12, and NE¼NE¼ Sec. 13;
except the 100 ft. in width road righ-of-way deeded to the United
States on Nov. 17, 1934. Together with all water rights, if any,
appurtenant to or used in connection with this tract of land.
I. R. S. $15.95.

- -

GRAND COUNTY ABSTRACT CO. EST. 1902 COLORADO

No. 23
State of Colorado

to

Grand Lake Fire
Protection District

Findings and Decree
Dated Aug. 9, 1952
Certified Aug. 12, 1952
Filed Aug. 12, 1952
File No. 74535

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO. No. 1030.
IN THE MATTER OF THE ORGANIZATION OF THE GRAND LAKE FIRE PROTECTION DISTRICT.
Recites: The above entitled cause coming on for hearing before the Court this 9th day of August, A. D. 1952, the same being one of the regular juridical days of the March, A. D. 1952 Term of said Court, and being the date fixed by order of this Court for the hearing of the above entitled matter upon the petition of certain tax payers who are electors within the boundaries of the proposed Grand Lake Fire Protection District, as defined in the said petition wherein and whereby is sought the formation of a fire protection district under the laws of the State of Colorado relating thereto and more particularly Chapter 164 of the Session Laws of 1949 of the State of Colorado and the Court having considered the said Petition, having heard the testimony and evidence produced in support thereof and being now fully advised in the premises, doth find as follows:
I. Said Petition praying for the formation and organization of the Grand Lake Fire Protection District, has been signed and presented and all proceedings have been had in connection therewith in all respects in compliance with the provisions of Chapter 164 of the Session Laws of 1949 of the State of Colorado, and that the same have been signed by the requisite number of tax paying electors within the boundaries of the said Grand Lake Fire Protection District as said boundaries are defined in and by the said petition.
II. That the allegations of the said petition and each and all thereof are true.
III. That no protesting petitions have been filed.
IV. That notice of hearing upon said petition has been duly and legally given by publication in the manner and for the time required by the above mentioned statute and that copies of the said notice have been sent by the Clerk of this Court to the Town of Grand Lake and to the Board of County Commissioners of Grand County, Colorado by registered mail as required by said statute; that this Court has full jurisdiction of the parties hereto and of the subject matter hereof, and has full jurisdiction, power and authority to declare and decree the said District formed and organized.
IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED by the Court and the Court doth hereby ORDER, ADJUDGE AND DECREE as follows:
1. That a fire protection district is hereby declared and decreed to be organized as prayed for in the said petition; the territory to be included therein to be as follows: Includes all of Sections 12 & 13, Tp. 4 N., R. 76 W., 6th P. M., together with other property.

II. That the name of the Fire Protection shall be the GRAND LAKE FIRE PROTECTION DISTRICT.
III. The first Board of Directors of the said the Grand Lake Fire Protection District shall be and are hereby designated and appointed as follows:
1. John G. Holzworth to hold office until the first biennial election.
2. Ernest E. McCoy and John Shay to hold office until two years after said election.
3. Richard C. Cadell and G. A. Earnest to hold office until four years after said election.
Done in open Court at Hot Sulphur Springs, Grand County, Colorado, this 9th day of August, A. D. 1952.
By the Court: Addison M. Gooding, Judge.
True copy certified August 12, 1952, by Charles W. Bloom, Clerk of the District Court, Grand County, Colorado. (SEAL)

- -

UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING 23 ENTRY-IES NUMBERED 1 TO 23 , INCLUSIVE, CONSTITUTE-S A TRUE AND CORRECT ORIGINAL ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH APPEAR OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND COUNTY, COLORADO, FROM
UNITED STATES GOVERNMENT TO Dec. 22, 1953 at 8:30 o'clock A. M.
AFFECTING THE TITLE TO:

E½SE¼ Sec. 12, NE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., except the 100 ft. in width road right-of way deeded to the United States on Nov. 17, 1934. Together with all water rights, if any appurtenant or used in connection with this tract of land.

IN GRAND COUNTY, COLORADO.

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABSTRACTOR, OPERATING UNDER A LICENSE GRANTED BY THE STATE OF COLORADO, AND IS A MEMBER IN GOOD STANDING OF THE COLORADO TITLE ASSOCIATION.

ALL ACKNOWLEDGEMENTS APPEAR REGULAR UNLESS OTHERWISE NOTED.

DATED AT HOT SULPHUR SPRINGS, COLORADO, THIS 22nd DAY OF December A.D. 1953

GRAND COUNTY ABSTRACT COMPANY

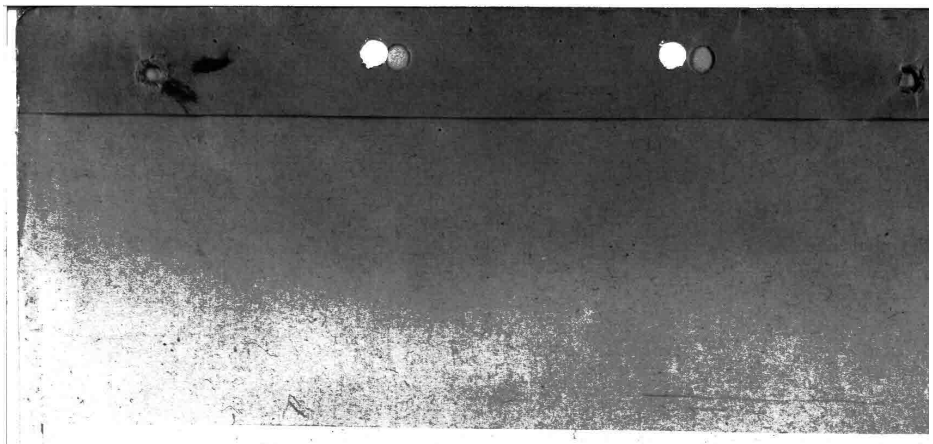
By _____ Manager

bcr

837-C

12

12-24-1953: certificate of taxes due: no. 1158



Form 126—Out West Printing and Stationery Co., Colo. Spgs., Colo. L/7981

STATE OF COLORADO,
County of Grand } ss.

Certificate of Taxes Due

No. 1158

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes, or unredeemed tax sales, as appears of record in this office, on the following described property, to-wit:

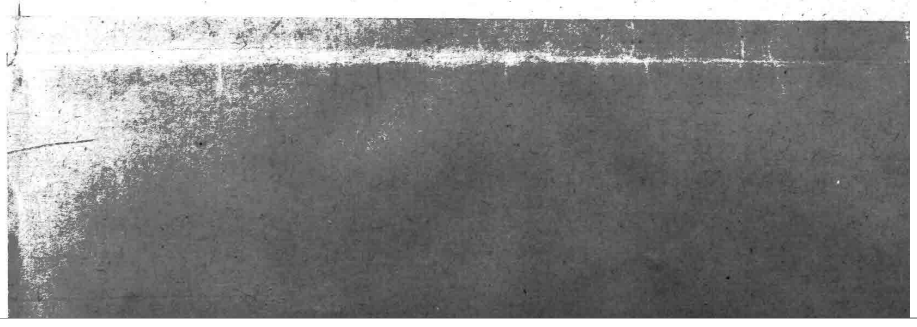
E½SE¼: Sec. 12, Twp. 4N, R. 76
NE¼NE¼: Sec. 13, Twp. 4N., R. 76
Less Road ROW

1953 and all prior taxes are paid or satisfied, and no further taxes will be assessed because of sale to the United States.

In Witness Whereof, I have hereunto set my hand and seal, this 24th day of December, A. D. 19 53

Roy R. Lewis
Roy R. and Orda E. Lewis
Fee $2.00 paid.

Carl F. Fischer (SEAL)
Treasurer of Grand County, Colorado.
By Helen M. Shiflet Deputy.



No. 837-C

ABSTRACT OF TITLE

. . TO . .

E½SE¼ Sec. 12, NE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M., Grand County, Colorado

The Grand County Abstract Co.

Abstract of Title to All Lands, Lots and Mining Claims

GRAND COUNTY, COLORADO

Hot Sulphur Springs, Colorado

07-22-1954: deed no. 142

Recorded at 2:4[illegible] o'clock P.M. July.22, 1954.
Reception No. 8[illegible]2 R.O.Throckmor Recorder.

Deed 142
Item 1

78362 R.O.Throckmorton

THIS DEED, Made this 22nd day of July in the year of our Lord one thousand nine hundred and fifty four between Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the first part, and The United States of America and/or its assigns ~~of the County of and State of Colorado~~, of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of - - - - - - Thirteen Thousand DOLLARS, to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

In Township 4 North, Range 76 West of the 6th P.M., all of the Southeast Quarter of the Southwest Quarter lying East of the West bank of the Colorado River, and the Southwest Quarter of the Southeast Quarter of Section 12; and all of the Northeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northeast Quarter, and the West one-half of the Southeast Quarter of the Northwest Quarter of Section 13. Together with the right to divert 3.5 cubic feet of water per second of time from Onahu Creek through the Hertel Ditch in accordance with the Decree of the District Court of Grand County, Colorado, dated July 15, 1941, assigning Priority No. 1 on Onahu Creek with a priority date of September 25, 1889. Reserving the right to transport 1.6 cubic feet of water per second of time through the Hertel Ditch as now constructed on and over the above described tract of land to lands lying to the South and East. Subject to rights-of-ways for existing telephone and power lines.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever,



premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Carl J. Nelson (SEAL)
Carl J. Nelson (SEAL)
Ada C. Nelson (SEAL)
Ada C. Nelson

STATE OF COLORADO
County of Grand } ss.

The foregoing instrument was acknowledged before me this 22nd day of July, A. D. 1954, by Carl J. Nelson and Ada C. Nelson.
My commission expires July 10, 1955. Witness my hand and official seal.

Charles W. Bloom
Notary Public.
CHARLES W. BLOOM, Notary Public
My Commission expires Feb. 10, 1955

No. 332 WARRANTY DEED.—For Photographic Record.
—The Bradford-Robinson Ptg. Co., Mfrs. Robinson's Legal Blanks, 1846 Stout St., Denver, Colo.

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of October 15, 1954, under the authority contained in the Interior Department Appropriation Act, 1954 (Public Law 172, 83d Cong.), and pursuant to authority delegated by Departmental Order No. 2640, dated June 11, 1951 (16 F. R. 5846).

Assistant Director
National Park Service

N

No. 78362

WARRANTY DEED

Carl J. and Ada C. Nelson

TO

United States of America

STATE OF COLORADO, } ss.
County of Grand

I hereby certify that this instrument was filed for record in my office this ... day of ..., A. D. 1954, at ... o'clock ... M., and duly recorded in Book 110, Page 5.

... Recorder.

By ... Deputy.

Fees, $ ...

Return to
Superintendent
Rocky Mountain National Park
Estes Park, Colorado.

241 THE SMITH-ROBINSON PTG. CO., DENVER

Recorded at 2:10 o'clock P.M. October 29, 1953 DEED 142
Reception No. 76654 R.O. Throckmorton Recorder.

THIS DEED, Made this 29th day of October in the year of our Lord one thousand nine hundred and fifty three, between Carl J. Nelson and Ada C. Nelson of the County of Grand and State of Colorado, of the first part, and The United States of America and/or its assigns, ~~within the County of and State of Colorado~~ of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of - - - - Two Thousand Four Hundred DOLLARS, to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

In the Southeast Quarter of the Northeast Quarter, a Quarter-quarter section, of Section 13, Township 4 North, Range 76 West of the 6th P.M.; Beginning at the East Quarter Corner of Section 13, thence North along the East section line of said Section 13 to the Northeast Corner of said Quarter-quarter section, thence West along the North line of said Quarter-quarter section to the Northwest Corner of said Quarter-quarter section, thence South 576.6 feet along the West line of said Quarter-quarter section, thence East along a line parallel to the North line of said Quarter-quarter section to a point 150 feet West of the East section line of said Section 13, thence South along a line parallel to the East section line of said Section 13 to the South line of said Quarter-quarter section, thence East 150 feet to the point of beginning.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said parties of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever,



and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

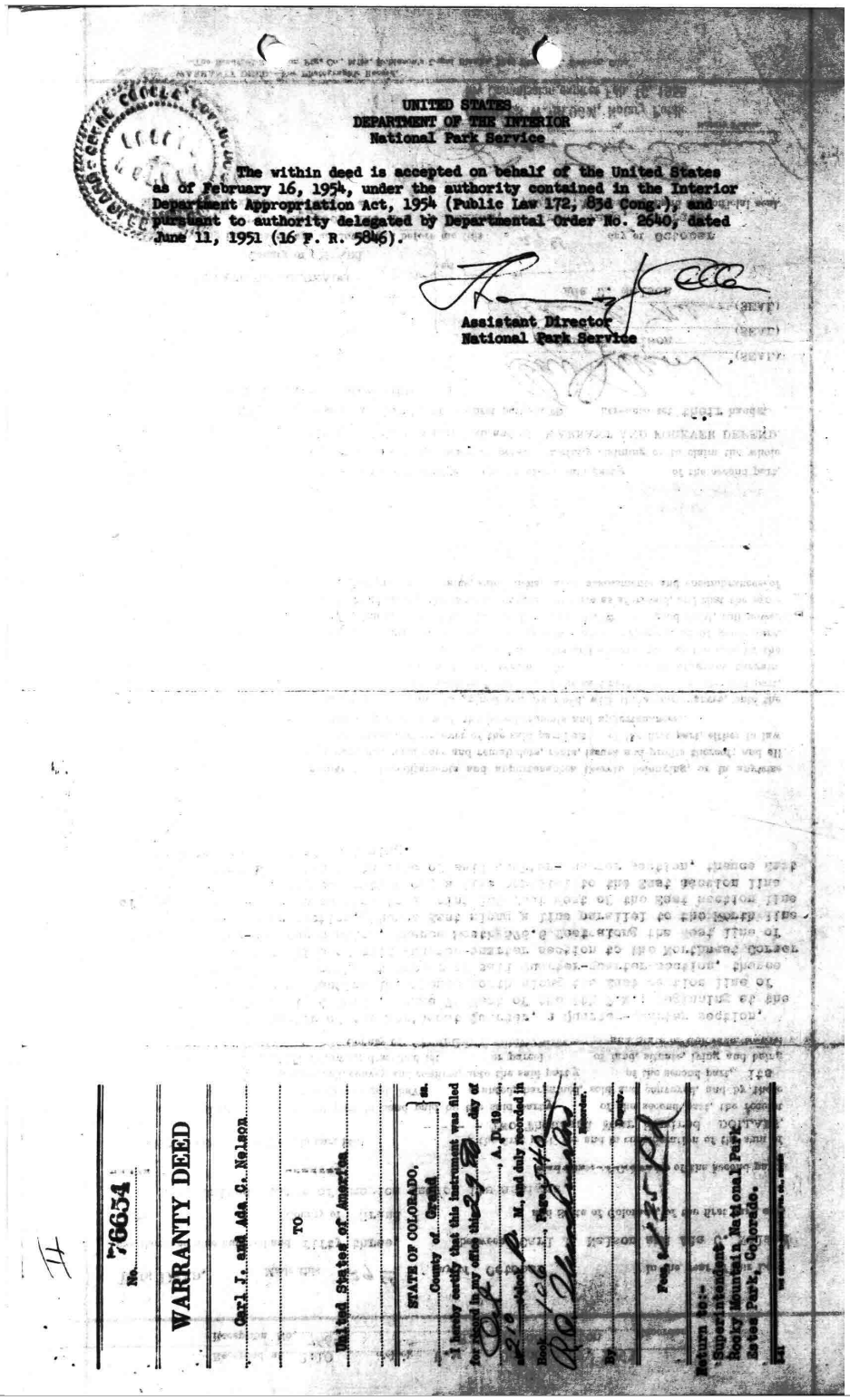
Carl J. Nelson (SEAL)
Carl J. Nelson (SEAL)
Ada C. Nelson (SEAL)

STATE OF COLORADO
County of Grand } ss.

The foregoing instrument was acknowledged before me this 29th day of October 1953 by Carl J. Nelson and Ada C. Nelson, of Grand Lake, Colorado.
My commission expires Feb. 10, 1955. Witness my hand and official seal.

Notary Public.
CHARLES W. BLOOM, Notary Public
My Commission expires Feb. 10, 1955

No. 952. WARRANTY DEED.—For Photographic Record.
—The Bradford-Robinson Ptg. Co., Mfrs. Robinson's Legal Blanks, 1646 Stout St., Denver, Colo.



UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of February 16, 1954, under the authority contained in the Interior Department Appropriation Act, 1954 (Public Law 172, 83d Cong.), and pursuant to authority delegated by Departmental Order No. 2640, dated June 11, 1951 (16 F. R. 5846).

Assistant Director
National Park Service

No. 76654

WARRANTY DEED

Carl J. and Ada C. Nelson

TO

United States of America

STATE OF COLORADO,
County of Grand } ss.

I hereby certify that this instrument was filed for record in my office this 29 day of Oct A. D. 19 53 at 2:10 o'clock P. M. and duly recorded in Book 126 Page 542

Recorder.

By Deputy.

Fee $ 2.50

Return to:-
Superintendent,
Rocky Mountain National Park,
Estes Park, Colorado.

NO. 837-B

ABSTRACT OF TITLE

--TO--

In the SE¼NE¼, a Quarter-quarter section of Sec. 13, Tp. 4 N., R. 76 W., 6th P. M; Beginning at the East Quarter Corner of Sec. 13, thence N. along the East section line of said Sec. 13, to the NE Corner of said Quarter-quarter section, thence West along the North line of said Quarter-quarter section to the NW corner of said Quarter-quarter section, thence S. 576.6 ft. along the West line of said Quarter-quarter section, thence East along a line parallel to the North line of said Quarter-quarter section to a point 150 ft. West of the East section line of said Sec. 13, thence South along a line parallel to the East section line of said Sec. 13 to the South line of said Quarter-quarter section, thence East 150 ft. to the point of beginning.

PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO

836-206-42

Form 126—Out West Printing and Stationery Co., Colo. Spgs., Colo. L7981

STATE OF COLORADO,
County of Grand } ss.

Certificate of Taxes Due

No. 1149

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes, or unredeemed tax sales, as appears of record in this office, on the following described property, to-wit:

In the Southeast Quarter of the Northeast Quarter, a Quarter-quarter section, of Section 13, Township 4 North, Range 76 West of the 6th P.M.: Beginning at the East Quarter Corner of Section 13, thence North along the East section line of said Section 13, to the Northeast Corner of said Quarter-quarter section, thence West along the North line of said Quarter-quarter section to the Northwest Corner of said Quarter-quarter section, thence South 576.6 feet along the West line of said Quarter-quarter section, thence East along a line parallel to the North line of said Quarter-quarter section to a point 150 feet West of the East section line of said Section 13, thence South along a line parallel to the East section line of said Section 13 to the South line of said Quarter-quarter section, thence East 150 feet to the point of beginning.

1953 and all prior taxes are paid or satisfied, and no further taxes will be assessed because of sale to the United States.

In Witness Whereof, I have hereunto set my hand and seal, this 16th day of November, A. D. 19 53

Carl J. Nelson
Carl J. & Ada C. Nelson
Fee $2.00 paid.

Carl F. Fischer (SEAL)
Treasurer of Grand County, Colorado.
By Helen M. Shiflet Deputy.

No. 1
United States

to

Isaac P. Mayfield

Patent Cert. #4491 App'ln. 997
Dated Feb. 3, 1898
Rec. Jan. 25, 1912
Book 17 Page 228
#16907

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.
Act of May 20, 1862 and supplemental acts.
Subject to any vested and accrued water rights and rights to ditches and reservoirs used in connection with such water rights and the right of the proprietor of a vein or lode to extract and remove his ore therefrom. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

- -

No. 2
Isaac P. Mayfield and
Alpharetta Mayfield, his wife

to

Benoni W. Smith

Warranty Deed $600.00
Dated Dec. 12, 1911
Ack. Dec. 12, 1911
Rec. April 2, 1911
Book 46 Page 500
#17093

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.

- -

No. 3
Benoni W. Smith

to

Sam Kimble

Warranty Deed $1000.00
Dated Jan. 22, 1914
Ack. Jan. 22, 1914
Rec. Feb. 12, 1914
Book 54 Page 161
#19041

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres.

- -

No. 4
Sam Kimble

to

Wilbur W. Wiswall

Warranty Deed $1600.00
Dated Feb. 5, 1919
Ack. Feb. 5, 1919
Rec. Feb. 24, 1919
Book 58 Page 392
#23545

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres more or less.
I. R. S. $2.00 2-5-1919 S.E.

- -

837-B

No. 5

Wilbur W. Wiswall	Deed of Trust $1,000.00
	Dated Feb. 10, 1919
to	Ack. Feb. 15, 1919
	Rec. Feb. 24, 1919
(No Trustee named), use	Book 59 Pages 283-284
Sam Kimble	#23546

"THIS INDENTURE, made this 10th day of February 1919, between WILBUR W. WISWALL a single man whose address is Grand Lake, County of Grand and State of Colorado, party of the second part, WITNESSETH"
To secure 4 notes of even date payable to the order of Sam Kimble of Manhattan, Kansas at The International Trust Company Banking Offices, Denver, Colo., for the aggregate sum of $1000.00, One "250.00 note due 1 year; One 250.00 due 2 years, one 250.00 note due 3 years and one $250.00 due 4 years after date and with interest at the rate of 6% per annum, interest payable annually.
Conveys: E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. containing 160 acres more or less.
Sale at front door of Court House, in County Seat of Grand County, Colorado after 4 weeks notice in Grand County newspaper.
Abstracters note: At no place in the recording of this Deed of Trust is the Public Trustee, or a private trustee named.

- -

No. 6

W. W. Wiswall	Trust Deed $800.00
	Dated Feb. 9, 1920
to	Ack. Feb. 9, 1920
	Rec. Sept. 19, 1922
Public Trustee, use of	Book 29 Page 221
Annie M. Patterson	#27482

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, more or less, according to the Government Survey thereof.
To secure note of even date for $800.00 payable in nine years, with interest at the rate of 8% per annum, payable annually on Feb. 9, of each year.
Subject to that certain trust deed given to secure the payment of $1,000.00 which trust deed is recorded in Book 59 at page 283 in the office of the Recorder of Grand County, Colorado.

- -

No. 7

Public Trustee, use of	Release of Trust Deed
Sam Kimble	Dated April 24, 1923
	Ack. April 24, 1924
to	Rec. April 24, 1923
	Book 60 Page 338
Wilbur W. Wiswall	#28115

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, more or less, according to the Government Survey thereof.
Releases Trust Deed dated Feb. 10, 1919, recorded in Book 59 page 283 of Grand County Recrods.
Request for release signed: Sam Kimble, beneficiary named in said trust deed and legal holder of indebtedness secured by said trust deed.
Ack. before Hugh J. Harrison, N. P. Grand County, Colorado, on April 24, 1924 by H. F. Adams, as Public Trustee, Grand County, Colo.
N. P. Seal.

- -

No. 8
Wilbur W. Wiswall

to

Margaret Patterson and
M. Rose Patterson

Quit Claim Deed $10.00 etc.
Dated Feb. 10, 1931
Ack. Feb. 10, 1931
Rec. Feb. 16, 1931
Book 70 Page 202
#40878

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M, containing 160 acres, more or less.

- -

No. 9
Public Trustee, use of
Margaret Patterson

to

Wilbur W. Wiswall

Release of Trust Deed
Dated April 11, 1931
Ack. April 11, 1931
Rec. April 17, 1931
Book 72 Page 415
#41017

E½SE¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, according to Government Survey thereof.
Releases Trust Deed dated Feb. 9, 1920, recorded in Book 29 Page 221 of Grand County Records.
Request signed: Margaret Patterson, legal holder of indebtedness secured by said trust deed.
Signature of Margaret Patterson Ack. March 18, 1931.

- -

No. 10
Margaret Patterson and
M. Rose Patterson

to

The United States of America

Warranty Deed $130.00
Dated Nov. 17, 1934
Ack. Nov. 17, 1934
Rec. Sept. 23, 1935
Book 80 Page 460
#45602

Right of Way 100 ft. in width, described as follows: Beginning at a point on the W. boundary of NE¼SE¼ Sec. 12, said point being S. 0° 26' W. 953.2 ft. from NW corner of NE¼SE¼; thence southeasterly 937.1 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; thence S. 28° 35' E. 763.5 ft.; thence southeasterly 373.3 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; said point being S. 89° 10' W. 138.5 ft. from section corner common to Sec. 12, 13, Tp. 4 N., R. 76 W., and Secs. 7, 18, Tp. 4 N., R. 75 W.; thence S. 89° 10' W. 104.7 ft.; (which crosses the surveyed centerline at Sta. 910/79.3) thence Northwesterly 358.4 ft. on the true arc of a curve left with a radius equal to 1382.5 ft.; thence N. 28° 35' W. 763.5 ft.; thence Northwesterly 387.1 ft. on the true arc of a curve left with a radius equal to 1382.5 ft.; thence N. 0° 26' E. 111.5 ft. (which crosses the surveyed centerline at Sta. 890/38) to the point of beginning.
The above described property contains 4.827 acres more or less. Also, beginning at a point on the section line common to Secs. 12, 13, Tp. 4 N., R. 76 W. said point being S. 89° 10' W. 138.2 ft. from section corner common to Secs. 7, 18, Tp. 4 N., R. 75 W., 12, 13, Tp. 4 N., R. 76 W.; thence Southeasterly 90 ft. on the true arc of a curve right with a radius equal to 1482.5 ft.; thence S. 10° 20' E. 647.6 ft. to a point on the east boundary of NE¼NE¼, thence S. 0° 25' W. 535.1 ft. (which crosses the surveyed center line at Sta. 929/97.8); thence N. 10° 20' W. 1174.4 ft.; thence Northwesterly 105 ft. on the true arc of a curve left with a radius equal to 1382.5 ft. thence N. 89° 10' E. 104.7 ft. (which crosses the surveyed centerline at Sta. 910/79.3) to the point of beginning.
The above described property contains 2.317 acres, more or less.

No. 11
Mabel Hall

to

Dora M. Hearn

Warranty Deed $10.00 etc.
Dated May __, 1940
Ack. Sept. 4, 1940
Rec. Dec. 30, 1940
Book 89 Page 128
#54856

S½SE¼, SE¼SW¼, NE¼, SW¼ Sec. 13, Tp. 4 N., R. 76 W., commonly known as the Onahu Ranch, in Grand County, Colorado.
Except all taxes and encumbrances.
Signed: Mabel Hall; Myrle Hall.

- -

No. 12
Dora M. Hearn

to

Myrle Hall and Mabel Hall

Warranty Deed to Joint Tenants $10.00
Dated May 17, 1940
Ack. May 17, 1940
Rec. Dec. 30, 1940
Book 86 Page 105-A
#54857

S½SE¼, SE¼SW¼, NE¼, SW¼ Sec. 13, Tp. 4 N., R. 76 W., commonly known as the Onahu Ranch, Grand County, Colorado.
Except all taxes and encumbrances.
Conveys not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.

- -

No. 13
Myrle Hall and Mabel Hall

to

Margaret Patterson and
M. Rose Patterson

Quit Claim Deed $1.00
Dated Sept. 29, 1943
Ack. Sept. 29, 1943
Rec. Sept. 30, 1943
Book 85 Page 433
#58999

E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M.
This deed is given for the purpose of eliminating contentions due to the error in descriptions contained in certain deeds of Mabel Hall to Dora M. Hearn, and Dora M. Hearn to Mabel Hall and Myrle Hall and Mabel Hall, appearing in the Grand County Records in Book 89 at page 128 and in Book 86 at Page 105-A.

- -

No. 14
Margaret Patterson and
M. Rose Patterson

to

Ernest McLaughlin

Warranty Deed $10.00 etc.
Dated Oct. 4, 1943
Ack. Oct. 4, 1943
Rec. Dec. 9, 1943
Book 89 Page 530
#59216

E½SE¼, Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., excepting therefrom the right of way deeded to the United States of America on the 17th day of Nov., 1934, and of record in the Grand County Records in Book 80 at page 460, Net area being 156.856 acres.
I. R. S. $3.85 F. I. H.

- -

GRAND COUNTY ABSTRACT CO. COLORADO

No. 15
Ernest McLaughlin

to

Roy R. Lewis and
Glen H. Wests

Warranty Deed $10.00 etc.
Dated July 11, 1944
Ack. July 11, 1944
Rec. July 29, 1946
Book 93 Page 546
#63770

E½S3¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom the right of way deeded to the United States of America on the 17th day of Nov. 1934 and of record in Book 80 Page 460 of Grand County Records.

No. 16
Glen H. West

to

Roy R. Lewis

Warranty Deed $10.00 etc.
Dated July 24, 1944
Ack. July 24, 1944
Rec. July 29, 1946
Book 93 Page 549
#63771

GRAND COUNTY ABSTRACT

An undivided one-half interest in and to the following:
E½S3¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom that certain right of way described in Book 80 Page 460 of Grand County Records.
I. R. S. $1.10 J. A. C. 7/24/44.

No. 17
Roy R. Lewis

to

Roy R. Lewis and
Orda E. Lewis

Warranty Deed to Joint Tenants
Dated July 24, 1946
Ack. July 24, 1946
Rec. July 29, 1946
Book 93 Page 547
#63772

E½S3¼ Sec. 12; E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, excepting therefrom that certain right of way described in Book 80 at Page 460 of Grand County Records.
The actual consideration for this conveyance isless than $50.00.
Conveys not in tenancy in common, but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.

No. 18
Roy R. Lewis and
Orda E. Lewis

to

Carl J. Nelson and
Ada C. Nelson

Warranty Deed to Joint Tenants
$10.00 etc.
Dated April 29, 1950
Ack. April 29, 1950
Rec. May 9, 1950
Book 100 Page 90
#70723

SE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M.
Conveys not in tenancy in common, but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.
No I. R. S. Shown.

No. 19
Carl J. and Ada C. Nelson

to

Public Trustee, Grand County, Colo., use of Melvin E. or Marie C. Adkins

Deed of Trust $2,000.00
Dated May 3, 1950
Ack. ___ 8, 19
Rec. May 9, 1950
Book 101 Page 75
#70724

S½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colo.
To secure their promissory note bearing even date herewith for the principal sum of $2000.00 payable on or before 5 years after the date thereof, with interest thereon from date until maturity at the rate of 6% per annum, interest payable annually.
Sale at Front door of Court House, Grand County, Colorado after 4 weeks notice in some newspaper of general circulation.
Receiver's Clause: Allows a reasonable amount for attorney's fees in case of foreclosure.

- -

No. 20
County Treasurer, Grand County, Colo.

to

Victor Huffaker Co.

Tax Sale Cert. #51-17
Dated Dec. 10, 1951
Sale 1951 Gen. Tax 1950
Rec. Tax Sale Record #4
Amount: $45.24

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 Acres.
Assessed in the name of Roy L Lewis and Creda E. Lewis, general taxes for year 1950.

- -

No. 21
County Treasurer, Grand County, Colo.

to

Victor Huffaker Co.

Tax Sale Cert. #51-MT-17
Dated Dec. 10, 1951
Sale 1951 MT Tax 1950
Rec. Tax Sale Record #4
Amount: $5.24

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 Acres.
Assessed in the name of Roy L. Lewis and Creda E. Lewis, Moffat Tunnel Tax for year 1950.

- -

No. 22
Victor Huffaker Co., by County Treasurer

to

Mrs. Roy Lewis

Redemption Cert. #3222
Dated Sept. 15, 1952
Rec. Tax Sale Record #4
Amount paid: $50.67
#74689

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W.
153.856 Acres.
Redeems above described property from lien of Tax Sale Certificate No. 51-17, dated Dec. 10, 1951, general taxes for year 1950.

- -

No. 23
Victor Huffaker CO.,
by County Treasurer

to

Mrs. Roy Lewis

Redemption Cert. #1005
Dated Sept. 15, 1952
Rec. Tax Sale Record #4
Amount paid: $5.87
#74688

S½SE¼ Sec. 12, Tp. 4 N., R. 76 W. E½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 153.856 Acres.
Redeems above described property from lien of Tax Sale Certificate No. 51-MT-17, dated Dec. 10, 1951, Moffat Tunnel taxes for year 1950.

- -

No. 24
Carl J. Nelson and
Ada C. Nelson

to

The United States of America
and/or its assigns

Warranty Deed $2,400.00
Dated Oct. 29, 1953
Ack. Oct. 29, 1953
Rec. Oct. 29, 1953
Book 106 Page 540
#76654

In the SE¼NE¼, a Quarter-quarter section, Sec. 13, Tp. 4 N., R. 76 W., 6th P. M.; Beginning at the East Quarter Corner of Sec. 13, thence N. along the East section line of said Sec. 13, to the NE Corner of said Quarter-quarter section, thence West along the North line of said Quarter-quarter section to the NW corner of said Quarter-quarter section, thence S 576.6 ft. along the West line of said Quarter-quarter section, thence East along a line parallel to the North line of said Quarter-quarter section to a point 150 ft. West of the East section line of said Sec. 13, thence South along a line parallel to the East section line of said Sec. 13 to the South line of said Quarter-quarter section, thence East 150 ft. to the point of beginning.

- -

No. 25
State of Colorado

to

Grand Lake Fire
Protection District

Findings and Decree
Dated Aug. 9, 1952
Certified Aug. 12, 1952
Filed Aug. 12, 1952
File No. 74535

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO. No. 1030.
IN THE MATTER OF THE ORGANIZATION OF THE GRAND LAKE FIRE PROTECTION DISTRICT.
Recites: The above entitled cause coming on for hearing before the Court this 9th day of August, A. D. 1952, the same being one of the regular juridical days of the March, A. D. 1952 Term of said Court, and being the date fixed by order of this Court for the hearing of the above entitled matter upon the petition of certain tax payers who are electors within the boundaries of the proposed Grand Lake Fire Protection District, as defined in the said petition wherein and whereby is sought the formation of a fire protection district under the laws of the State of Colorado relating thereto and more particularly Chapter 164 of the Session Laws of 1949 of the State of Colorado and the Court having considered the said Petition, having heard the testimony and evidence produced in support thereof and being now fully advised in the premises, doth find as follows:
I. Said Petition praying for the formation and organization of the Grand Lake Fire Protection District, has been signed and presented and all proceedings have been had in connection therewith in all respects in compliance with the provisions of Chapter 164 of the Session Laws of 1949 of the State of Colorado, and that the same have been signed by the requisite number of tax paying electors within the boundaries of the said Grand Lake Fire Protection District as said boundaries are defined in and by the said petition.
II. That the allegations of the said petition and each and all thereof are true.
III. That no protesting petitions have been filed.
IV. That notice of hearing upon said petition has been duly and legally given by publication in the manner and for the time required by the above mentioned statute and that copies of the said notice have been sent by the Clerk of this Court to the Town of Grand Lake and to the Board of County Commissioners of Grand County, Colorado by registered mail as required by said statute; that this Court has full jurisdiction of the parties hereto and of the subject matter hereof, and has full jurisdiction, power and authority to declare and decree the said District formed and organized.
IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED by the Court and the Court doth hereby ORDER, ADJUDGE AND DECREE as follows:
1. That a fire protection district is hereby declared and decreed to be organized as prayed for in the said petition; the territory to be included therein to be as follows: Includes Sec. 13, Tp. 4 N., R. 76 W., 6th P. M., Grand County, Colorado.

II. That the name of the Fire Protection shall be the GRAND LAKE FIRE PROTECTION DISTRICT.
III. The first Board of Directors of the said the Grand Lake Fire Protection District shall be and are hereby designated and appointed as follows:
1. John G. Holzworth to hold office until the first biennial election.
2. Ernest E. McCoy and John Shay to hold office until two years after said election.
3. Richard C. Cadell and G. A. Earnest to hold office until four years after said election.
Done in open Court at Hot Sulphur Springs, Grand County, Colorado, this 9th day of August, A. D. 1952.
By the Court: Addison M. Gooding, Judge.
True copy certified August 12, 1952, by Charles W. Bloom, Clerk of the District Court, Grand County, Colorado. (SEAL)

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UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING TWENTY-FIVE (25) **ENTRY-IES NUMBERED** 1 **TO** 25 **, INCLUSIVE, CONSTITUTE-S A TRUE AND CORRECT** ORIGINAL **ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH APPEAR OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND COUNTY, COLORADO, FROM** United States Government **TO** Nov. 6, 1953 at 8:30 o'clock A. M. **AFFECTING THE TITLE TO:**

In the S½NE¼, a Quarter-quarter section of Sec. 13, Tp. 4 N., R. 76 W., 6th P. M.; Beginning at the East Quarter Corner of Sec. 13, thence N. along the East section line of said Sec. 13, to the NE Corner of said Quarter-quarter section, thence West along the North line of said Quarter-quarter section to the NW corner of said Quarter-quarter section, thence S. 576.6 ft. along the West line of said Quarter-quarter section, thence East along a line parallel to the North line of said Quarter-quarter section to a point 150 ft. West of the East section line of said Sec. 13, thence South along a line parallel to the East section line of said Sec. 13 to the South line of said Quarter-quarter section, thence East 150 ft. to the point of beginning.

IN GRAND COUNTY, COLORADO.

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABSTRACTOR, OPERATING UNDER A LICENSE GRANTED BY THE STATE OF COLORADO, AND IS A MEMBER IN GOOD STANDING OF THE COLORADO TITLE ASSOCIATION.

ALL ACKNOWLEDGMENTS APPEAR REGULAR UNLESS OTHERWISE NOTED.

DATED AT HOT SULPHUR SPRINGS, COLORADO, THIS 6th **DAY OF** November **A. D. 19** 53

GRAND COUNTY ABSTRACT COMPANY

By_____ **Manager**

bcr

837-B

No. 26

Public Trustee, Grand County, Colo., use of Melvin E. Adkins and Marie C. Adkins

to

Carl J. Nelson and Ada C. Nelson

Partial Release Deed of Trust
Dated Nov. 18, 1953
Ack. Nov. 18, 1953
Rec. Nov. 18, 1953
Book 106 Page 611
76740

In the SE¼NE¼, a quarter-quarter section of Sec. 13, Tp. 4 N., R. 76 W. 6th P.M.; Beginning at the E¼ corner Sec. 13, thence N along the E Sec. line of said Sec. 13, to the NE corner of said quarter-quarter section, thence W along the N line of said quarter-quarter section to the NW Cor. of said quarter-quarter section, thence S 576.6 ft. along the W line of said quarter-quarter section, thence E along a line parallel to the N line of said quarter-quarter section to a point 150 ft. W of the E Sec. line of said Sec. 13, thence S along a line parallel to the E Sec. line of said Sec. 13 to the S line of said quarter-quarter section, thence E 150 ft. to the point of beginning.
Releases the above described property from Deed of Trust dated May 3, 1950 and recorded May 9, 1950 in Book 101 at page 75 of Grand County records.
Request signed: Melvin E. Adkins and Marie C. Adkins.
Release signed: Helen M. Shiflet, Deputy Public Trustee, Grand County, Colorado. (SEAL)

- -

UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING ONE (1) ENTRY-IES NUMBERED 26 ~~45~~ , INCLUSIVE, CONSTITUTE-S A TRUE AND CORRECT CONTINUATION ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH APPEAR OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND COUNTY, COLORADO, FROM Nov. 6, 1953 at 8:30 o'clock A.M. TO Dec. 1, 1953 at 8:30 o'clock A.M. AFFECTING THE TITLE TO:

In the SE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P.M.; Beginning at the E¼ corner Sec. 13, thence N along the E Sec. line of said Sec. 13 to the NE corner of said ¼-¼ Sec., thence W along the N line of said ¼-¼ Sec. to the NW corner of said ¼-¼ Sec., thence S 576.6 ft. along the W line of said ¼-¼ Sec., thence E along a line parallel to the N line of said ¼-¼ Sec. to a point 150 ft. W of the E Sec. line of said Sec. 13, thence S along a line parallel to the E Sec. line of said Sec. 13 to the S line of said ¼-¼ Sec., thence E 150 ft. to the point of beginning.

IN GRAND COUNTY, COLORADO.

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABSTRACTOR, OPERATING UNDER A LICENSE GRANTED BY THE STATE OF COLORADO, AND IS A MEMBER IN GOOD STANDING OF THE COLORADO TITLE ASSOCIATION.

ALL ACKNOWLEDGMENTS APPEAR REGULAR UNLESS OTHERWISE NOTED.

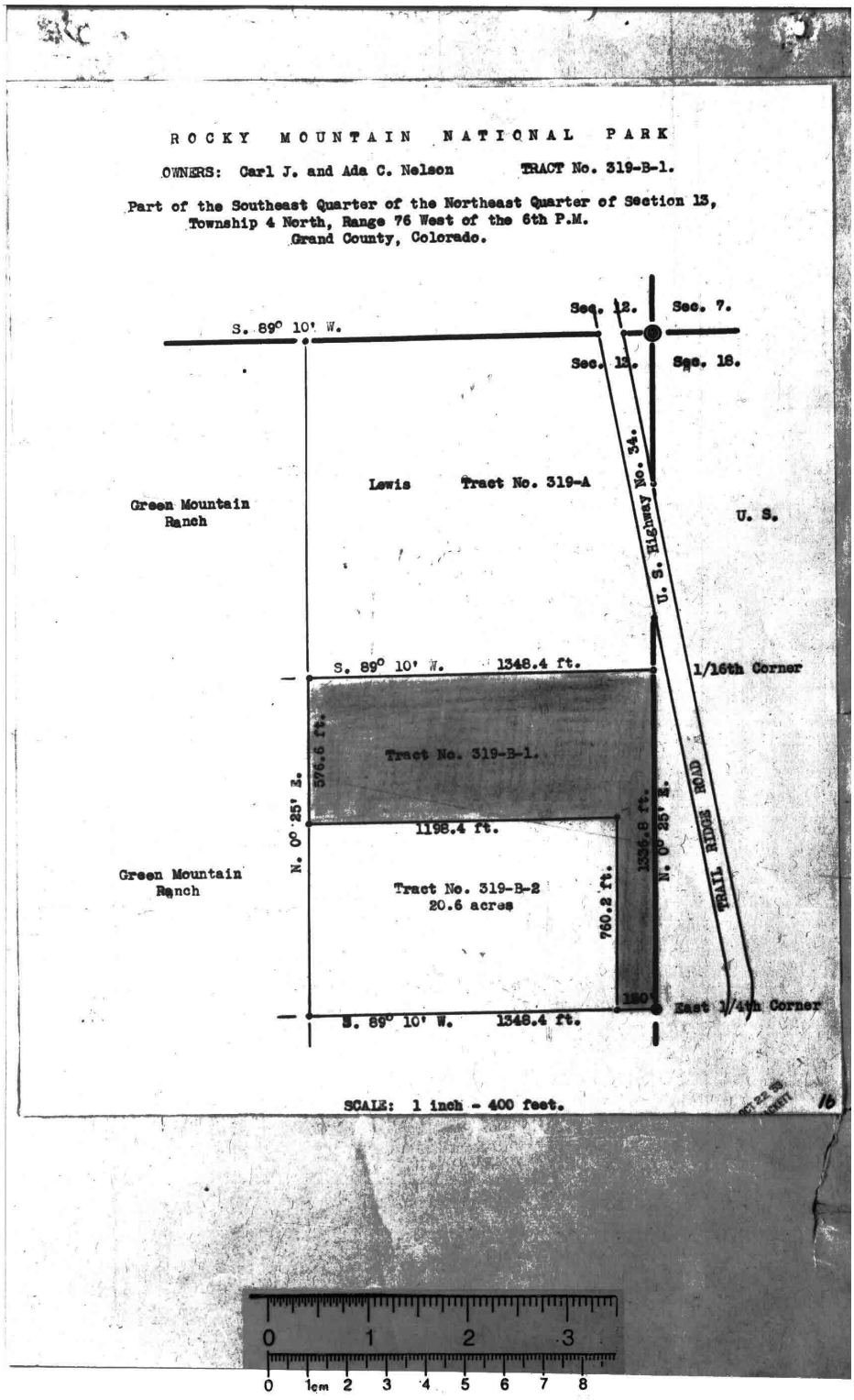
DATED AT HOT SULPHUR SPRINGS, COLORADO, THIS 1st DAY OF December A. D. 1953.

GRAND COUNTY ABSTRACT COMPANY

By _____ Manager

cwb

00-00-0000: map of tract. no. 319-b-1



No. 837-B

ABSTRACT OF TITLE

..TO..

A Quarter-quarter section in the
SE¼NE¼ Sec. 13, Tp. 4 N., R. 76 W.,
6th P. M., Grand County, Colorado.

The Grand County Abstract Co.

Abstract of Title to All Lands, Lots
and Mining Claims
GRAND COUNTY, COLORADO

Hot Sulphur Springs, Colorado

00-00-0000: abstract of title no. 837-b

Abstract
Deed 142

NO. 2395

ABSTRACT OF TITLE

--TO--

All of the SE¼SW¼ lying E of the W bank of the Colorado River, the SW¼SE¼ Sec. 12; NE¼NW¼, NW¼NE¼, W½SE¼NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P.M., togethe r with water rights in the Hertel Ditch, Priority No. 1 on Onahu Creek in Water District No. 51, Grand County, Colorado.

PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO

No. 1

United States	Receiver's Receipt $200.00
	Dated June 17, 1890
to	Rec. June 24, 1890
	Book 13 Page 109
Christian F. Young	# 4520

SE¼SW¼, SW¼SE¼ Sec. 12; E½NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P.M., Colorado, containing 160 acres.
Received of Christian F. Young $200.00 being in full for the above described property 160 acres at $1.25 per acre.
Samuel Newell, Receiver.

- -

No. 2

United States	Patent No. 791
	Dated Nov. 9, 1891
to	Rec. Mar. 7, 1913
	Book 34 Page 310
Christian F. Young	# 18173

SE¼SW¼, SW¼SE¼ Sec. 12; E½NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P.M., Colorado, containing 160 acres.
Act of Congress April 24, 1820 and Supplemental Acts.
Subject to any vested and accrued water rights and rights to ditches and reservoirs used in connection with such water rights, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, and there is reserved a right of way for ditches or canals constructed by the authority of the United States.

- -

No. 3

Christian F. Young	Deed of Trust $600.00
	Dated Aug. 27, 1890
to	Ack. Aug. 29, 1890
	Rec. Aug. 29, 1890
Frederick M. Dille, Trustee,	Book 12 Page 202
for use of Alfred P. Bacon	# 4214

E½NW¼ Sec. 13; SE¼SW¼, SW¼SE¼ Sec. 12, Tp. 4 N., R. 76 W. 6th P.M., Grand County, Colorado, containing 160 acres, including all water rights and irrigation privileges used for and necessary to the irrigation of said land as derived from Fish Creek or any other source whatever.
To secure promissory note of even date for the principal sum of $600.00 payable 5 years after date with interest at 8% per annum.
Sale at front door of Court House, Grand County, Colorado, after 30 days notice in a Grand County newspaper of general circulation.
Acting Sheriff of Grand County, Colorado, successor in trust.

- -

No. 4

County Treasurer, Grand	Tax Sale Cert. #1893-43
County, Colorado	Dated Nov. 6, 1893
	Sale 1893, Tax of 1892
to	Rec. Tax Sale Record #1
	Amount: $20.52
Grand County	

E½NW¼ Sec. 13; SE¼SW¼, SW¼SE¼ Sec. 12, Tp. 4 N., R. 76 W.
Assessed in the name of C. F. Young, taxes for the year 1892.
Assigned to Alfred Bacon, April 10, 1896.

- -

4

No. 5

County Treasurer, Grand County, Colorado

to

Alfred Bacon

Certificate of Cancellation
Dated Aug. 6, 1954
Rec. Aug. 6, 1954
Tax Sale Record #1
78473

E½NW¼ Sec. 13; SE¼SW¼, SW¼SE¼ Sec. 12, Tp. 4 N., R. 76 W.
Cancels Tax Sale Certificate No. 1893-43, dated Nov. 6, 1893, pursuant to Sec. 4, Chapter 241, Session Laws of Colorado 1945 as amended.

- -

No. 6

Sheriff of Grand County, Colorado

to

Edith Woolsey

Trustee's Deed $300.00
Dated Aug. 14, 1894
Ack. Aug. 14, 1894
Rec. Aug. 30, 1894
Book 15 Page 228
4816

E½NW¼ Sec. 13; SE¼SW¼, SW¼SE¼ Sec. 12, Tp. 4 N., R. 76 W. 6th P.M., Grand County, Colorado, containing 160 acres, together with and including all water rights and irrigation privileges used for and necessary to the irrigation of said land as derived from Fish Creek or any other source whatever.
Recites default in payment of 3 certain notes of $24.00 each secured by Deed of Trust recorded in Book 12 page 202 of Grand County Records. Frederick M. Dille, the trustee named in said Deed of Trust, resigned his office as trustee and refused to act as such trustee, and the undersigned successor in trust was requested to act as such trustee.
Notice of sale given by advertisement published in Middle Park Times for period of 30 days or 6 consecutive insertions, sale to be held Aug. 14, 1894.
At said sale Edith Woolsey was the highest and best bidder and did bid the sum of $300.00.
Conveys the above described property to Edith Woolsey.
Signed: Solomon Jones, Sheriff of Grand County, Colorado, Successor in Trust.

- -

No. 7

Edith Woolsey

to

Julius Christianson

Special Warranty Deed $800.00
Dated Feb. 14, 1913
Ack. Feb. 14, 1913
Rec. Mar. 20, 1913
Book 52 Page 169
18227

E½NW¼ Sec. 13; SE¼SW¼, SW¼SE¼ Sec. 12, Tp. 4 N., R. 76 W. 6th P.M., Grand County, Colorado, containing 160 acres, together with all water rights and irrigation privileges used for and necessary to the irrigation of said land as derived from Fish Creek or any other source whatever.

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No. 8

United States	Patent Cert. #3836 App. #678
	Dated Feb. 11, 1895
to	Rec. March 26, 1895
	Book 13 Page 360
Charles F. Hertel	#4675

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres. Act of May 20, 1862 and supplemental acts. Subject to any vested and accrued water rights and rights to ditches and reservoirs used in connection with such water rights and the right of a proprietor of a vein or lode to extract his ore therefrom.

- -

No. 9

State of Colorado	Ditch Notice
	Dated Sept. 25, 1889
to	Rec. Sept. 25, 1889
	Book 13 Page 80
Charles F. Hertel	#4504

Charles F. Hertel, Grand County, Colo., claims, by location and use, 500 inches of water of Fish Creek to be used for irrigation. Said ditch to be known as the Hertel Ditch and described as follows: Width 2 ft.; depth 1 ft. Headgate located in SW corner of SW¼SE¼ Sec. 12, running thence SW'erly about 500 ft.; thence S'erly 3/4 mile running through W½NE¼, NW¼SE¼ Sec. 13, Tp. 4 N., R. 76 W.

- -

No. 10

Charles F. Hertel	Trust Deed $800.00
	Dated Dec. 1, 1896
to	Ack. Dec. 1, 1896
	Rec. Dec. 4, 1896
Public Trustee, Elbert County, Colo., use of Augustus Turtle	Book 15 Page 397
	#4900

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. and other property. To secure 2 notes of even date; one note for $400, payable 1 year after date; 1 note for $400.00 payable 2 years after date, with interest at the rate of 10% per annum, interest payable semi-annually. Sale at front door of Court House in Elbert County, Colo. after 4 weeks notice in Elbert County newspaper. Executed under Act of March 5, 1894.

- -

No. 11

Charles F. Hertel	Warranty Deed $1000.00
	Dated July 15, 1897
to	Ack. July 15, 1897
	Rec. Sept.13, 1906
Henry Schnoor	Book 33 Page 75
	#12110

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. (No exceptions)

- -

No. 12

Augustus Turtle, Belfast, Ireland	Power of Attorney
	Dated May 1, 1902
to	Ack. May 1, 1902
	Rec. Dec.11, 1906
Lee Ramsey, Arapahoe County, Colo.	Book 27 Page 335
	#12423

Continued

No. 12-continued

To collect any sums of money due me; to sign any papers necessary to foreclose mortgages or trust deeds given to me or to a trustee for my use or benefit. Limited to business affairs in Colorado.

- -

No. 13

C. F. Hertel, Public Trustee, Elbert County, Colo., use of Augustus Turtle

to

Henry Schnoor, present owner

Release of Trust Deed
Dated Nov. 12, 1906
Ack. Nov. 13, 1906
Rec. Dec. 11, 1906
Book 29 Page 397
#12424

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. in Grand County, Colo., and other property.
Releases Trust Deed dated Dec. 1, 1896, recorded Dec. 9, 1896 in Book 25 page 99 of Elbert County Records.
Request for release signed: Augustus Turtle, by Lee Ramsey, his attorney in Fact.

- -

No. 14

Henry Schnoor, Judgment Debtor

to

Frank N. Briggs, Leonidas E. Wills, as executors of the last will and testament of J. T. Wills, deceased, Judgment Creditors

Transcript of Judgment Docket
Cert. Sept. 20, 1906
Rec. Sept. 20, 1906
Book 39 Page 2
#12157

Judgment entered in District Court, Grand County, Colo., Dec. 16, 1905 in amount of $118.00; $3.60 costs.
True copy certified Sept. 20, 1906 by H. F. Adams, Clerk of District Court, Grand County, Colo. (SEAL)

- -

No. 15

Frank N. Briggs, Sole Executor of last will and testament of J. T. Wills, deceased

to

Henry Schnoor

Satisfaction of Judgment
Dated Jan. 22, 1907
Ack. Jan. 23, 1907
Rec. Jan. 23, 1907
Book 25 Page 594
#12585

In consideration of the sum of $125.10, acknowledges full satisfaction of judgment obtained by Frank N. Briggs and Leonidas E. Wills, as executors of last will and testament of J. T. Wills, deceased, against Henry Schnoor recorded in Book 39 page 2 of records of District Court.

- -

No. 16

Henry Schnoor

to

The Baker-Brooks Live Stock Company

Warranty Deed $1800.00
Dated Sept. 6, 1906
Ack. Sept. 6, 1906
Rec. Nov. 24, 1906
Book 35 Page 110
#12368

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., containing 160 acres, together with all ditch and water rights appertaining thereto or in any wise connected therewith and especially the 500 inches of water from Fish Creek through the Hertel Ditch.

- -

No. 17

County Treasurer, Grand County, Colo.

to

The Bank of Kremmling

Tax Sale Certificate #1
Dated Nov. 13, 1909
Sale 1909 Tax 1908
Rec. Tax Sale Record #1
Amount: $46.28

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76.
Assessed in the name of The **Baker-Brooks** Live Stock Co.

- -

No. 18

The Bank of Kremmling, by County Treasurer

to

G. A. Webb. Cash.

Tax Sale Redemption
Dated Oct. 14, 1911
Rec. Tax Sale Record #1
Amount paid: $158.43

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76.
Redeems above described property from lien of Tax Sale Certificate #1, dated Nov. 13, 1909 for tax of 1908.

- -

No. 19

The Baker Brooks Live Stock Co., a Colorado corporation

to

G. A. Webb

Mortgage Deed $2000.00
Dated Feb. 19, 1909
Ack. March 6, 1909
Rec. March 8, 1909
Book 37 Page 21
#14313

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., containing 160 acres, together with all ditch and water rights appertaining thereto or in any way connected therewith and especially the 500 inches of water from Fish Creek through the Hertel Ditch.
To secure note of even date for $2000.00, payable in 6 months, with interest at the rate of 8% per annum, interest payable annually.
Signed: Raymond J. Baker, President.
Attest: Brookfield H. Brooks, Secretary.

- -

No. 20

Raymond J. Baker and Broomfield H. Brooks, doing business as Baker Brooks Live Stock Co., Judgment Debtors

to

Racine Sattler Company, Judgment Creditors

Transcript of Judgment Docket
Cert. Feb. 3, 1911
Rec. Feb. 8, 1911
Book 39 Page 9
#15677

Judgment entered in District Court, City and County of Denver, Colo. Sept. 26, 1919 in amount of $200.00; 3.55; 1.83.
Execution to City and County, Denver Feb. 3, 1911.
True copy certified Feb. 3, 1911 by Perry A. Clay, Clerk, by H. W. Prouty, Deputy Clerk of District Court, City and County of Denver, Colo. (SEAL)

- -

No. 21

The Baker Brooks Live Stock Company, a Colorado Corporation

to

G. A. Webb

Warranty Deed $2000.00
Dated April 29, 1911
Ack. May 4, 1911
June 2, 1911
Rec. Oct. 19, 1911
Book 46 Page 341
#16677

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M.
Together with all ditch and water rights appertaining thereto or in anywise connected therewith, and especially the 500 inches of water from Fish Creek, through the Hertel Ditch.
Signed: The Baker Brooks Live Stock Co., by Raymond J. Baker, Pres.
Attest: Broomfield H. Brooks, Secretary. (CORPORATE SEAL)

- -

No. 22

G. A. Webb

to

John McNabb

Quit Claim Deed $1000.00
Dated Nov. 9, 1912
Ack. Nov. 9, 1912
Rec. Nov.14, 1912
Book 49 Page 20
#17889

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. Together with all ditch and water rights appertaining thereto or in any way connected therewith and especially the 500 inches of water from Fish Creek, through the Hertel Ditch.

- -

No. 23

John McNabb

to

Fred Dyer

Warranty Deed $1500.00
Dated March 15, 1914
Ack. April 4, 1914
Rec. April 7, 1914
Book 50 Page 238
#19162

W½NW¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres with improvements thereon. Together with a water right of 500 inches pertaining to said land.

- -

No. 24
Fred Dyer

to

John McNabb

Mortgage Deed $1500.00
Dated March 15, 1914
Ack. April 4, 1914
Rec. April 7, 1914
Book 42 Page 234
#19163

W½NW¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, with improvements thereon. Together with a water right of 500 inches from Fish Creek pertaining to said land.
To secure note of even date, payable on or before 5 years from date, with interest at the rate of 7% per annum, interest payable annually.

- -

No. 25
John McNabb (in body)

to

Fred Dyer

Warranty Deed $1.00 etc.
Dated March 15, 1914
Ack. Jan. 21, 1915
Rec. Jan. 23, 1915
Book 50 Page 345
#19895

N½SE¼, W½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with a water right of 500 inches from Fish Creek pertaining to said land.
To correct an error in description in deed between same parties.
I. R. S. 504
Signed: John M. McNabb.

- -

No. 26
Fred Dyer

to

Public Trustee, Grand County, Colo., use of John McNabb

Trust Deed $1500.00
Dated March 15, 1914
Ack. Jan. 21, 1916
Rec. Jan. 23, 1915
Book 54 Page 479
#19897

N½SE¼, W½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with a water right of 500 inches from Fish Creek, pertaining to said land.
To secure note of even date for $1500.00 payable 5 years after date, with interest at the rate of 7% per annum.
Sale at front door of Court House in Grand County, Colo. after 4 weeks notice in Grand County newspaper.
Ack. Jan. 21, 1916 before J. Cairns, N. P., Grand County, Colo.
Commission expires April 16, 1916. (SEAL)

- -

No. 27
John McNabb, Plaintiff

vs.

Fred Dyer and L. W. Kennedy, Public Trustee, Grand County, Colo., Defendants

Lis Pendens
Filed July 21, 1915
Book 54 Page 599
#20289

Notice is given that an action has been commenced in County Court, Grand County, Colo. between above named parties to foreclose a mortgage dated March 15, 1914, recorded in Book 42 page 234 of Grand County Records; that there was an error in the description of the land set out in said mortgage and said error was corrected by the parties thereafter when for such purpose and none other, the defendant Fred Dyer executed a Trust Deed to Public Trustee, ante-dated March 15, 1914 containing a corrected description of the land intended to

No. 27-continued

have been described in said mortgage, said trust deed recorded in Book 54 page 479 of Grand County Records.
Land affected by this action are as follows:
N½SE¼, W½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with a water right of 500 inches from Fish Creek, pertaining to said land.

- -

No. 28

Fred Dyer	Warranty Deed	$1872.95
	Dated	July 31, 1915
to	Ack.	July 31, 1915
	Rec.	Aug. 5, 1915
Julius Christianson	Book 50	Page 417
	#20331	

N½SE¼, W½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with a water right of 500 inches from Fish Creek, pertaining to said land.
I. R. S. $2.00 7/31/15 F. D.

- -

No. 29

Public Trustee, Grand County, Colo., use of John McNabb	Release of Trust Deed	
	Dated	Aug. 12, 1915
to	Ack.	Aug. 12, 1915
	Rec.	Aug. 12, 1915
Fred Dyer	Book 29	Page 568
	#20339	

N½SE¼, W½NE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with water right of 500 inches from Fish Creek pertaining to said land.
Releases Trust Deed dated March 15, 1914 recorded in Book 54 page 479 of Grand County Records.
Request for release signed: John McNabb, Beneficiary named in said Trust Deed and legal holder of indebtedness secured by said Trust Deed.

- -

No. 30

John McNabb	Release of Mortgage	
	Dated	Aug. 4, 1915
to	Ack.	Aug. 10, 1915
	Rec.	Aug. 12, 1915
Fred Dyer	Book 48	Page 139
	#20340	

W½NW¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres with improvements thereon, together with a water right of 500 inches from Fish Creek pertaining to said land.
Releases Mortgage Deed dated March 15, 1914, recorded in Book 42 page 234 of Grand County Records.

- -

No. 31

John McNabb, Plaintiff

vs.

Fred Dyer, Defendant

Order of Dismissal
Cert. Oct. 23, 1915
Rec. Oct. 23, 1915
Book 56 Page 26
#20441

IN THE COUNTY COURT, GRAND COUNTY, COLO. No. 899

ORDER OF DISMISSAL

Upon motion of the plaintiff the above cause is hereby dismissed at the cost of plaintiff.
Done in open Court this 6th day of August, A. D. 1915.
By the Court: David Kennedy, Judge.
True copy certified Oct. 23, 1915 by David Kennedy, Clerk of the County Court. (SEAL)

- -

No. 32

Julius Christianson

to

Henry Cowgill

Warranty Deed $1.00 etc.
Dated July 17, 1917
Ack. July 18, 1917
Rec. Aug. 17, 1917
Book 58 Page 172
#22092

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M. Together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889, recorded in Book 13 page 80 of Grand County Records.

- -

No. 33

Henry Cowgill, Deceased

to

H. Morse Cowgill

Decree of Final Settlement and Decree of Heirship
Dated Aug. 22, 1921
Rec. Oct. 13, 1921
Book 63 Page 286
#26531

IN THE COUNTY COURT, LARIMER COUNTY, COLO.
IN THE MATTER OF THE ESTATE OF HENRY COWGILL, DECEASED
DECREE OF FINAL SETTLEMENT AND DETERMINATION OF HEIRSHIP

H. Morse Cowgill, administrator of the estate of Henry Cowgill, deceased presents final report and asks that same be approved and that he be discharged and said estate decreed fully administered.
COURT FINDS: That Henry Cowgill died about July 23, 1920 and thereafter H. Morse Cowgill was aprointed administrator of said Estate; That notice to creditors to file claims against said estate was published as required by law and that all claims allowed against said estate, all costs of administration have been paid, that more than 1 year has elapsed since letters were issued and that there has been published, as required by law, a Notice that said final report would be presented for approval on Aug. 22, 1921.
That said administrator has faithfully administered said estate;
That said decedent died leaving intestate lands, tenements or hereditaments and that a petition was filed herein by H. Morse Cowgill claiming to be an heir at law of said deceased and making application for determination of heirship and that the Order for notice of final settlement and published notice included a notice of said application; that the sole and only heirs at law of said deceased and their interest in said estate are as follows:

Continued

No. 33-continued

H. Morse Cowgill Son Entire Interest

DECREED: That said heirs at law are the sole and only heirs at law of said decedent and upon the death of said decedent became seized and possessed of all right, title and interest which said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments or other property of which said deceased died seized or possessed.
That said final report and all acts and doings of said administrator be approved and that said administrator be discharged and his bondsmen released from further liability in the premises.
Done in open Court this 22nd day of August, A. D. 1921.
By the Court: Jay H. Bouton, Judge.
True copy certified Aug. 22, 1921, by Clark L. Bouton, Clerk of County Court, Larimer County, Colo., By Helen Cuthbertson, Deputy. (SEAL)

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No. 34

County Treasurer, Grand County, Colo.	Tax Sale Certificate #17
	Dated Dec. 14, 1926
	Sale 1926 Tax 1925
to	Rec. Tax Sale Record #2
	Amount: $54.96
Grand County	

W½SE¼, W½NE¼, E½NW¼ Sec. 13; SW¼SE¼, SE¼SW¼ Sec. 12, Tp. 4 N., R. 76.
Assessed in the name of H. M. Cowgill.

- -

No. 35

Grand County, Colo., by County Treasurer	Redemption Cert. #1049
	Dated Nov. 10, 1928
	Rec. Tax Sale Record #2
to	Amount paid: $72.09 & fees #35620
H. M. Cowgill	

W½SE¼, W½NE¼, E½NW¼ Sec. 13; SW¼SE¼, SE¼SW¼ Sec. 12, Tp. 4 N., R. 76.
Redeems above described property from lien of Tax Sale Cert. #17, dated Dec. 14, 1926 for tax of 1925.

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No. 36

County Treasurer, Grand County, Colo.	Tax Sale Cert. #26
	Dated Nov. 16, 1929
	Sale 1929 Tax 1928
to	Rec. Tax Sale Record #2
	Amount: $68.68
Grand County	

N½SE¼, W½NE¼, S½NW¼ Sec. 13; SW¼SE¼, SE¼SW¼ Sec. 12, Tp. 4 N., R. 76.
Assessed in the name of H. M. Cowgill.

- -

No. 37

H. Morse Cowgill	Right of Way Grant $1.00
	Dated May 4, 1933
to	Rec. May 20, 1933
	Book 81 Page 398
The Mountain States Telephone and Telegraph Co.	#42858

N½SE¼ Sec. 13; SW¼SE¼ Sec. 12, Tr. 4 N., R. 76 W. 6th P. M.
The right to construct, operate and maintain its lines of Telephone and Telegraph poles, cables, wires and fixtures upon, over and across the above described lands and upon and along the streets, roads or highways adjoining said property, with the right to permit the attachment of the wires of any other company, and the right to trim and remove any trees along said lines so as to keep the wires cleared at least 48 inches, to erect and set the necessary guy and brace poles and anchors and to attach thereto the necessary guy wires. Said sum being received in full payment therefor.

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No. 38

H. Morse Cowgill	Trust Deed $1000.00
	Dated Nov. 13, 1933
to	Ack. Nov. 13, 1933
	Rec. Nov. 24, 1933
Public Trustee, Grand County, Colo., use of E. A. Shinn	Book 72 Page 216
	#43422

Parcel 1. SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼ Sec. 13 Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889 and recorded in Book 13 Page 80 of Grand County Records.
Parcel 2. W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M.
To securenote of even date for $1000.00 payable to E. A. Shinn, whose address is Wellington, Colo., 1 year after date, with interest at the rate of 6% per annum, interest payable at maturity.
Sale at front door of Court House in Hot Sulphur Springs, Colo., after 4 weeks notice in Grand County newspaper.
Receiver's clause: Allows $100.00 as attorney's fee for supervision of sale by Public Trustee.

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No. 39

Grand County, Colo., by County Treasurer	Assignment of Tax Sale Cert. #26
	Dated March 19, 1934
to	Rec. Tax Sale Record #2
Carl J. Nelson	

N½SE¼, W½NE¼, S½NW¼ Sec. 13; SW¼SE¼, SE¼SW¼ Sec. 12, Tp. 4 N., R. 76.

Subsequent taxes enteres as follows:	$73.65	12-31-30
	61.76	12-31-31
Assigns Tax Sale Certificate #26,	44.79	12-31-32
Dated Nov. 16, 1929 for Tax 1928.	39.51	11--1-33
	43.81	3-19-34

- -

No. 40

H. Morse Cowgill

to

Carl J. Nelson and
Jessie B. Nelson

Warranty Deed $10.00 etc.
Dated June 14, 1934
Ack. June 14, 1934
Rec. July 2, 1934
Book 80 Page 347
#44036

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼ Sec. 13; Also W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889 and recorded in Book 13 Page 80 of Grand County Records.
Subject to unpaid general taxes.
Conveys not in tenancy in common but in joint tenancy, the survivor of them and the heirs and assigns of such survivor forever.
I. R. S. $1.50 H.M.C. 6-29-1934.

- -

No. 41

Grand County, Colo.
by County Treasurer

to

Carl J. Nelson

Redemption Cert. #1973
Dated July 18, 1934
Rec. Tax Sale Record #2
Amount Paid: Fees Only
#44087

N½SE¼, W½NE¼, S½NW¼ Sec. 13; SW¼SE¼, SE¼SW¼ Sec. 12, Tp. 4 N., R. 76 W., 6th P. M.
Redeems above described premises from lien of Tax Sale Certificate #26, sale of 1929 taxes of 1928.

- -

No. 42

Public Trustee, Grand County,
Colo., use of E. A. Shinn

to

Present owner or owners of
said real estate

Release Deed of Trust
Dated Dec. 28, 1934
Ack. Jan. 3, 1935
Rec. Jan. 3, 1935
Book 82 Page 29
#44641

Parcel 1. SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice recorded in Book 13 Page 80 of Grand County Records.
Parcel 2. W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M.
Releases Trust Deed dated Nov. 13, 1933, recorded in Book 72 Page 216 of Grand County Records.
Request signed: The Lashley-Persons Investment Company, by H. B. Persons, Sec., The legal holder of the indebtedness secured by said Trust Deed.
Release signed: Charles W. Bloom, Public Trustee, Grand County, Colo. (SEAL)

- -

No. 43

State of Colorado

to

The Baker-Brooks Live Stock Company

Articles of Incorporation
Dated Sept. 10, 1906
Filed Sept. 11, 1906
Aug. 14, 1934
Book 81 Page 571
#44173

Raymond J. Baker, B. H. Brooks and H. I. Garbutt incorporate The Baker-Brooks Live Stock Company, with a capital stock of $10,000, divided into 10,000 shares of $1.00 each.
Raymond J. Baker, William H. Brooks and Bloomfield H. Brooks, directors for first year.
Term of existance: 20 years. Principal office: Fort Collins, Colo.
OBJECT: To buy, sell, lease and improve real estate; to buy, sell grow and feed livestock and borrow and lend money and execute necessary trust deeds in regard thereto and all necessary things in conduct of said business.
Signed: Raymond J. Baker; Bloomfield H. Brooks; H. I. Garbutt.
Ack. Sept. 10, 1906.
True copy certified by Chas. M. Armstrong, Secretary of State of Colo., June 22, 1934. (SEAL)

- -

No. 44

G. A. Webb

to

The Baker Brooks Live Stock Company, a Corporation

Release of Mortgage
Dated June 25, 1934
Ack. July 11, 1934
Rec. Aug. 14, 1934
Book 81 Page 572
#44174

W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., containing 160 acres, together with all ditch and water rights appertaining thereto or in anywise connected therewith and especially 500 inches of water from Fish Creek through Hertel Ditch.
Releases Mortgage recorded in Book 37 page 21 of Grand County Records.

- -

No. 45

Carl J. Nelson and
Jessie B. Nelson

to

Public Trustee, Grand County, Colo., use of The Lashley-Persons Investment Company, a Corporation

Deed of Trust $500.00
Dated Dec. 14, 1934
Ack. Dec. 26, 1934
Rec. Jan. 3, 1935
Book 84 Page 3
#44642

Parcel 1. SW¼SE¼, S½SW¼ Sec. 12; E½NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889, recorded in Book 13 page 80 of Grand County Records.
Parcel 2. W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M.
Subject to a road right of way as of record in the office of the County Recorder of Grand County, Colo.
To secure note of even date for $500.00 payable 2 years after date, with interest at the rate of 5% per annum, payable semi-annually as evidenced by interest coupons attached.
Sale at front door of Court House in Grand County, Colo., after 4 weeks notice in Grand County newspaper.
Receiver's Clause: Allows attorney's fees as provided in note.
Ack. Dec. 26, 1934 by Carl J. Nelson and Bessie B. Nelson, before Oran V. Siler, N. P. Commission expires Feb. 11, 1936 (SEAL)

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16

No. 46

The Mountain States Telephone and Telegraph Co., a corporation

to

United States of America

Quit Claim Deed
Dated July 9, 1935
Ack. July 9, 1935
Rec. July 12, 1935
Book 82 Page 153
#45316

NE¼NW¼, NW¼SE¼, SW¼NE¼, SE¼NW¼ Sec. 12, Tp. 4 N., R. 76 W., 6th P. M. N½SE¼ Sec. 13, SW¼SE¼ Sec. 13, S½SE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M., all in Grand County, Colo. Together with other property.

- -

No. 47

Carl J. Nelson and Jessie B. Nelson

to

Public Trustee, Grand County, Colo., use of The Lashley-Persons Investment Company a Corporation

Deed of Trust $1500.00
Dated Oct. 20, 1937
Ack. Oct. 23, 1937
Rec. Oct. 23, 1937
Book 84 Page 51
#48843

SW¼SE¼, SE¼SW¼ Sec. 12; Also E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W., 6th P. M., together with all buildings and improvements located thereon and also together with all water and water rights, ditches and ditch rights and all other irrigation rights and privileges appurtenant thereto including a decree for 500 inches of water as recorded on Sept. 25, 1879 in the Grand County Records in Book 13 at Page 80. Subject to rights of way for roads and ditches as now established and constructed.
To secure 2 promissory notes bearing even date herewith for the aggregate sum of $1500.00, there being 1 note for $1000.00 and one for $500.00, payable to The Lashley-Persons Investment Company, a Corporation whose address is 2027 Twelfth St., Boulder, Colo., 3 years after the date thereof, with interest at the rate of 5% per annum, payable semi-annually as evidenced by interest coupons thereto attached.
Sale at front door of Court House in Grand County, Colo., after 4 weeks notice in Grand County newspaper.
Receiver's Clause: Allows attorney's fees as provided in note.

- -

No. 48

Public Trustee, Grand County, Colo., use of The Lashley-Persons Investment Company

to

Carl J. Nelson and Jessie B. Nelson

Release Deed of Trust
Dated Feb. 8, 1937
Ack. Feb. 8, 1937
Rec. Feb. 9, 1937
Book 82 Page 476
#47774

Releases Deed of Trust dated Dec. 15, 1934 recorded in Book 84 page 3 of the records of Grand County, Colo.
Request signed: The Lashley-Persons Investment Company, by H. B. Persons, Treasurer, the beneficiary of said Deed of Trust.
Release signed: Charles W. Bloom, Public Trustee, Grand County, Colo. (SEAL)

- -

No. 49

Public Trustee, Grand County, Colorado, use of the Lashley-Persons Investment Company	Release of Deed of Trust
	Dated Dec. 12, 1938
	Ack. Dec. 12, 1938
	Rec. Dec. 12, 1938
	Book 87 Page 342
to	#50648
Carl J. Nelson and Jessie B. Nelson	

Reference made to original Deed of Trust for description of property.
Releases Deed of Trust dated Oct. 20, 1937 and recorded in Book 84 at Page 51 of Grand County Records.
Request signed: The Lashley-Persons Investment Company, by H. B. Persons.
Release signed: Charles W. Bloom, Public Trustee, Grand County, Colo.
(SEAL)

- -

No. 50

Carl J. Nelson and Ada C. Nelson	Deed of Trust $12,000.00
	Dated June 20, 1946
	Ack. June 20, 1946
to	Rec. June 26, 1946
	Book 96 Page 6
Public Trustee, Grand County, Colo., use of F. C. Jones and Harry B. Jones	#63494

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado.
To secure 2 notes of even date, $7,500.00 payable to F. C. Jones on or before 5 years; $4,500.00 payable to Harry B. Jones on or before 5 years, with interest at the rate of 5% per annum.
Sale at the front door of the Court House, Grand County, Colorado, after four weeks notice in some newspaper of general circulation.
Receiver's Clause: Allows a reasonable attorney's fee in case of foreclosure.

- -

No. 51

Carl J. Nelson	Quit Claim Deed $10.00 etc.
	Dated July 31, 1946
	Ack. July 27, 1946
to	Rec. Aug. 14, 1946
	Book 85 Page 522
Carl J. Nelson and Ada C. Nelson	#63870

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889 recorded in Book 13 Page 80 of Grand County Records, Grand County, Colorado.
Conveys not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever.
(No I. R. S. Shown.)

- -

No. 52

State of Colorado

to

Mrs. Jessie B. Nelson

Certificate of Death
Dated Dec. 21, 1937
Rec. Aug. 27, 1946
Book 96 Page 49
#63949

Date of Death Dec. 18, 1937; Automobile accident on Highway East of Aurora, Adams County, Colorado. Age, about 52 years. Date of birth, about 1885 in State of Kansas, Housewife. Wife of Carl J. Nelson. Father, Wm. Hampton. Mother, Martha Hoff.
J. Wm. Wells, MD., Coroner, Adams County, Colorado.
True copy certified Sept. 21, 1939, by R. L. Cleere, M. C., State Registrar of Vital Statistics, by K. C. Nachazel, Deputy.

- -

No. 53

W. B. Showalter, Affiant

Supplemental Affidavit
Dated (No Date)
Ack. July 30, 1946
Rec. Aug. 27, 1946
Book 96 Page 49
#63951

IN THE MATTER OF THE TITLE TO REAL PROPERTY IN JOINT TENANCY
SUPPLEMENTAL AFFIDAVIT

W. B. Showalter says, that he has personal knowledge of the fact that Jessie B. Nelson referred to in the certified copy of the Death Certificate, certified to by the State Registrar of Vital Statistics of Colorado, on Sept. 21, 1939, was at the time of her death on Dec. 18, 1937, the owner in joint tenancy with Carl J. Nelson of the following described property situate in Grand County, Colorado:
SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by ditch notice filed for record Sept. 25, 1889 and recorded in Book 13 Page 80 of Grand County Records.
Signed: W. B. Showalter.

- -

No. 54

State of Colorado

to

Estate of Jessie B. Nelson, deceased

Release of Inheritance Tax Lien
Dated Aug. 5, 1946
Rec. Aug. 27, 1946
Book 96 Page 47
#63950

Date of death Dec. 18, 1937.
SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., together with 500 inches of water for irrigation purposes as shown by Ditch Notice filed for record Sept. 25, 1889, recorded in Book 13 Page 80 of Grand County Records. Record owners--Carl J. and Jessie B. Nelson as Joint Tenants.
Releases above described property from lien of inheritance tax.
Signed: H. Lawrence Hinkley, Attorney General of Colorado, by Berton C. Gobble, Assistant Attorney General.

- -

No. 55

Carl J. Nelson and Ada C. Nelson	Deed of Trust	$3,000.00
	Dated	Sept. 23, 1947
to	Ack.	Sept. 23, 1947
	Rec.	Sept. 24, 1947
Public Trustee, Grand County,	Book 96	Page 579
Colo., use of F. C. Jones	#66003	

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado.
Except Deed of Trust in favor of F. C. and Harry Jones dated June 20, 1946 securing the sum of $12,000.00.
To secure their promissory note of even date, payable one year after date, with interest at the rate of 5% per annum, payable semi-annually.
Sale at the front door of the Court House, Grand County, Colorado, after four weeks notice in some newspaper of general circulation.
Receiver's Clause: Allows a reasonable attorney's fee in case of foreclosure.

- -

No. 56

Public Trustee, Grand County,	Release of Deed of Trust	
Colo., use of Harry B. Jones	Dated	Aug. 16, 1949
	Ack.	Aug. 16, 1949
to	Rec.	Aug. 16, 1949
	Book 97	Page 429
Carl J. Nelson and Ada C. Nelson	#69646	

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado.
Releases Deed of Trust dated June 20, 1946 and recorded in Book 96 at Page 6 of Grand County Records.
Request signed: Harry B. Jones and F. C. Jones.
Release signed: Carl F. Fischer, Public Trustee, Grand County, Colo. (SEAL) Original note and Original deed of trust Exhibited.

- -

No. 57

Public Trustee, Grand County,	Release of Deed of Trust	
Colo., use of F. C. Jones	Dated	Aug. 16, 1949
	Ack.	Aug. 16, 1949
to	Rec.	Aug. 16, 1949
	Book 97	Page 430
Carl J. Nelson and Ada C. Nelson	#69647	

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colo.
Releases Deed of Trust dated Sept. 23, 1947 recorded in Book 96 at Page 579 of Grand County Records.
Request signed: F. C. Jones.
Release signed: Carl F. Fischer, Public Trustee, Grand County, Colo. (SEAL) Original Note and Original Deed of Trust Exhibited.

- -

No. 58

Carl J. Nelson and Ada C. Nelson	Deed of Trust $22,000.00
	Dated Aug. 16, 1949
to	Ack. Aug. 16, 1949
	Rec. Aug. 17, 1949
Public Trustee, Grand County,	Book 97 Page 431
Colo., use of Melvin E. Adkins	#69649
or Marie C. Adkins	

SW¼SE¼, SE¼SW¼ Sec. 12; E½NW¼, W½NE¼, N½SE¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P. M., Grand County, Colorado, together with all or any water or water rights belonging to or used in connection with any of the above described land. Also together with all furniture and fixtures now located in 10 cabins and used in the operation thereof.
To secure their promissory note of even date for t e principal sum of $22,000.00, payable on or before 10 years, but not less than $1,000.00 payable each year beginning at the end of the second year, with interest at the rate of 6% per annum, interest payable annually.
Sale at the Front door of the Court House, Grand County, Colorado, after four week's notice in some newspaper of general circulation.
Receiver's Clause: Allows a reasonable attorney's fee in case of foreclosure.

- -

No. 59
State of Colorado

to

Grand Lake Fire
Protection District

Findings and Decree
Dated Aug. 9, 1952
Certified Aug. 12, 1952
Filed Aug. 12, 1952
File No. 74535

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO. No. 1030.
IN THE MATTER OF THE ORGANIZATION OF THE GRAND LAKE FIRE PROTECTION DISTRICT.
Recites: The above entitled cause coming on for hearing before the Court this 9th day of August, A. D. 1952, the same being one of the regular juridical days of the March, A. D. 1952 Term of said Court, and being the date fixed by order of this Court for the hearing of the above entitled matter upon the petition of certain tax payers who are electors within the boundaries of the proposed Grand Lake Fire Protection District, as defined in the said petition wherein and whereby is sought the formation of a fire protection district under the laws of the State of Colorado relating thereto and more particularly Chapter 164 of the Session Laws of 1949 of the State of Colorado and the Court having considered the said Petition, having heard the testimony and evidence produced in support thereof and being now fully advised in the premises, doth find as follows:
I. Said Petition praying for the formation and organization of the Grand Lake Fire Protection District, has been signed and presented and all proceedings have been had in connection therewith in all respects in compliance with the provisions of Chapter 164 of the Session Laws of 1949 of the State of Colorado, and that the same have been signed by the requisite number of tax paying electors within the boundaries of the said Grand Lake Fire Protection District as said boundaries are defined in and by the said petition.
II. That the allegations of the said petition and each and all thereof are true.
III. That no protesting petitions have been filed.
IV. That notice of hearing upon said petition has been duly and legally given by publication in the manner and for the time required by the above mentioned statute and that copies of the said notice have been sent by the Clerk of this Court to the Town of Grand Lake and to the Board of County Commissioners of Grand County, Colorado by registered mail as required by said statute; that this Court has full jurisdiction of the parties hereto and of the subject matter hereof, and has full jurisdiction, power and authority to declare and decree the said District formed and organized.
IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED by the Court and the Court doth hereby ORDER, ADJUDGE AND DECREE as follows:
1. That a fire protection district is hereby declared and decreed to be organized as prayed for in the said petition; the territory to be included therein to be as follows: Includes all of Section 12 and Sec. 13, Tp. 4 N., R. 76 W., 6th P. M., Grand County, Colorado, together with other property.
II. That the name of the Fire Protection shall be the GRAND LAKE FIRE PROTECTION DISTRICT.
III. The first Board of Directors of the said the Grand Lake Fire Protection District shall be and are hereby designated and appointed as follows:
1. John G. Holzworth to hold office until the first biennial election.
2. Ernest E. McCoy and John Shay to hold office until two years after said election.
3. Richard C. Cadell and G. A. Earnest to hold office until four years after said election.
Done in open Court at Hot Sulphur Springs, Grand County, Colorado, this 9th day of August, A. D. 1952.
By the Court: Addison M. Gooding, Judge.
True copy certified August 12, 1952, by Charles W. Bloom, Clerk of the District Court, Grand County, Colorado. (SEAL)

- -

No. 60
Carl J. Nelson and Ada C. Nelson

to

The United States of America and/or its assigns

Warranty Deed $13,000.00
Dated July 22, 1954
Ack. July 22, 1954
Rec. July 22, 1954
Book 110 Page 5
#78362

In Tp. 4 N., R. 76 W., 6th P. M., all of the SE¼SW¼ lying E. of the W. bank of the Colorado River, and the SW¼SE¼ Sec. 12; and all of the NE¼NW¼, NW¼NE¼, and W½SE¼NW¼ Sec. 13. Together with the right to divert 3.5 cubic feet of water per second of time from Onahu Creek through the Hertel Ditch in accordance with the Decree of the District Court of Grand County, Colorado, dated July 15, 1941, assigning Priority No. 1 on Onahu Creek with a priority date of Sept. 25, 1889. Reserving the right to transport 1.6 cubic feet of water per second of time through the Hertel Ditch as now constructed on and over the above described tract of land to lands lying to the South and East. Subject to rights-of-ways for existing telephone and power lines.
I. R. S. $14.30. C.W.B. 7/22/54.

- -

No. 61
Public Trustee, Grand County, Colo., use of Melvin E. Adkins and Marie C. Adkins

to

Carl J. Nelson and Ada C. Nelson

Partial Release of Deed of Trust
Dated July 22, 1954
Ack. July 22, 1954
Rec. July 28, 1954
Book 110 Page 44
#78395

In Tp. 4 N., R. 76 W., 6th P. M., all of the SE¼SW¼ E. of W. bank of the Colorado River, and the SW¼SE¼ Sec. 12, and all of the NE¼NW¼, NW¼NE¼, W½SE¼NW¼ Sec. 13. Together with the right to divert 3.5 cubic ft. of water per second of time from Onahu Creek, thru the Hertel Ditch in accordance with the Decree of the District Court of Grand County, Colo., dated July 15, 1941, assigning priority No. 1, on Onahu Creek with a priority date of Sept. 25, 1889. Reserving the right of the vendors to transport 1.6 cubic ft. of water per second of time thru the Hertel Ditch as now constructed on and over above described tract of land lying to the S. and E. Subject to rights-of-ways of existing telephone and REA power lines.
Releases Deed of Trust dated Aug. 16, 1949 recorded Aug. 17, 1949 in Book 97 page 431 of Grand County Records.
Request signed: Melvin E. Adkins and Marie C. Adkins.
Release signed: Carl F. Fischer, Public Trustee, Grand County, Colo. (SEAL)

- -

UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING SIXTY-ONE ENTRY-IES NUMBERED 1 TO 61 , INCLUSIVE, CONSTITUTE-S A TRUE AND CORRECT ORIGINAL ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH APPEAR OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND COUNTY, COLORADO, FROM

UNITED STATES GOVERNMENT TO August 6, 1954 at 8:30 o'clock A.M.

AFFECTING THE TITLE TO:

All of the SE¼SW¼ lying E of the W bank of the Colorado River, the SW¼SE¼ Sec. 12; NE¼NW¼, NW¼NE¼, W½SE¼NW¼ Sec. 13, Tp. 4 N., R. 76 W. 6th P.M., together with water rights in the Hertel Ditch, Priority No. 1 on Onahu Creek in Water District No. 51.

IN GRAND COUNTY, COLORADO.

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABSTRACTOR, OPERATING UNDER A LICENSE GRANTED BY THE STATE OF COLORADO, AND IS A MEMBER IN GOOD STANDING OF THE COLORADO TITLE ASSOCIATION.

ALL ACKNOWLEDGEMENTS APPEAR REGULAR UNLESS OTHERWISE NOTED.

DATED AT HOT SULPHUR SPRINGS, COLORADO, THIS 6th DAY OF August A.D. 19 54.

GRAND COUNTY ABSTRACT COMPANY

By _____
Manager

cwb

08-12-1954: certificate of taxes due no. 1209

Form 126—Out West Printing and Stationery Co., Colo. Spgs., Colo. L7981

STATE OF COLORADO,
County of Grand } ss.

Certificate of Taxes Due

No. 1209

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes, or unredeemed tax sales, as appears of record in this office, on the following described property, to-wit:

$SE\frac{1}{4}SW\frac{1}{4}$: $SW\frac{1}{4}SE\frac{1}{4}$: Sec. 12, Twp. 4 N., R. 76
$NE\frac{1}{4}NW\frac{1}{4}$: $NW\frac{1}{4}NE\frac{1}{4}$: $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$: Sec. 13, Twp. 4 N., R. 76

1953 and all prior Taxes are paid or satisfied, and no further Taxes will be assessed because of sale to the United States.

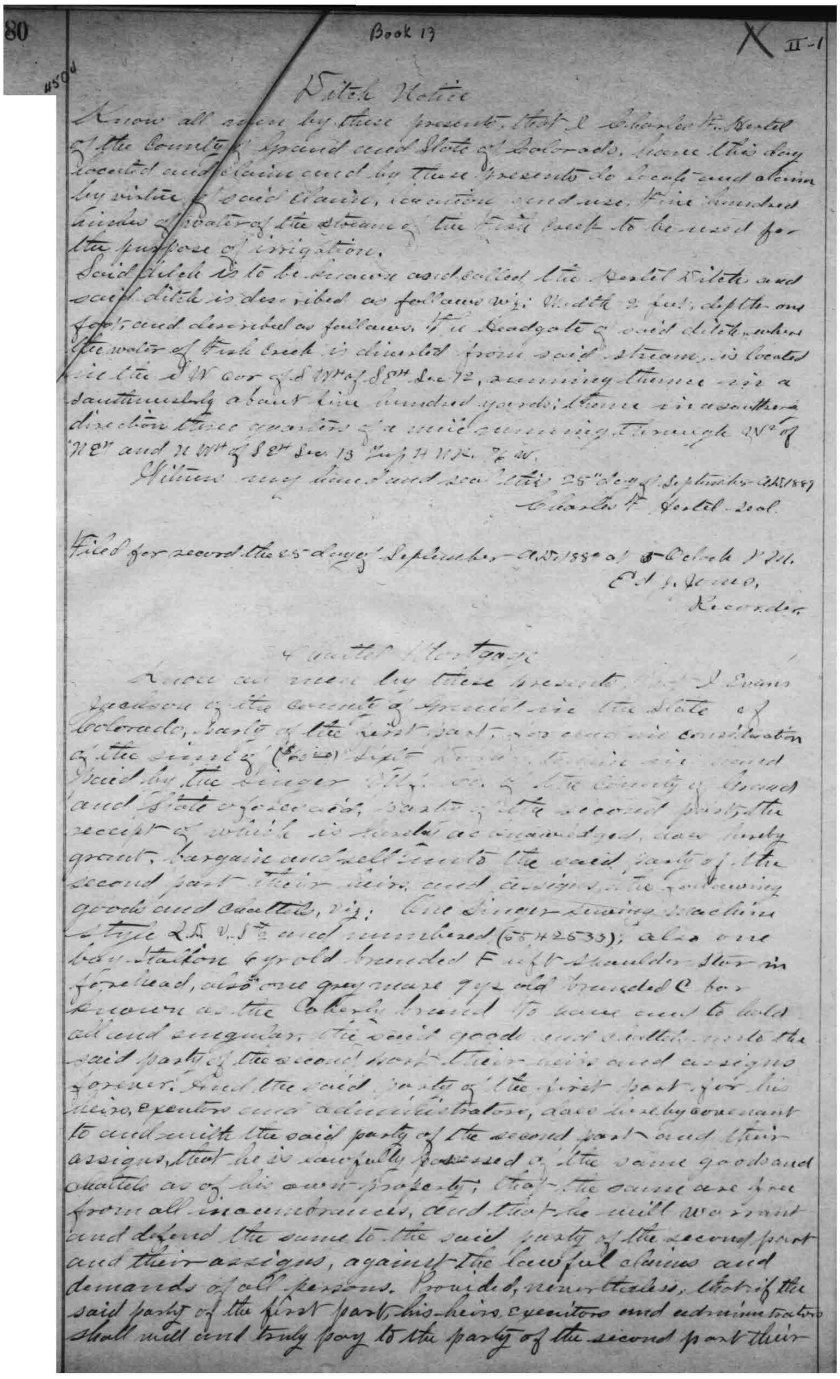
In Witness Whereof, I have hereunto set my hand and seal, this 12th day of August, A. D. 19 54

Carl J. Fischer (SEAL)
Treasurer of Grand County, Colorado.

Carl J. & Ada C. Nelson
Grand County Abstract Co.
Fee $2.00 paid.

By Helen M. Shiflet Deputy.

08-12-1954: ditch notice



80 Book 17 X II-1

4504

Ditch Notice

Know all men by these presents, that I Charles F. Gerstel of the County of Grand and State of Colorado, have this day located and claim and by these presents do locate and claim by virtue of said claim, location and use, Five hundred inches of water of the stream of the Fish Creek to be used for the purpose of irrigation.

Said ditch is to be known and called the Gerstel Ditch and said ditch is described as follows: Its width 2 feet, depth one foot and described as follows. The headgate of said ditch where the water of Fish Creek is diverted from said stream, is located in the E½ NW cor of S 17 of S 8 Sec 12, running thence in a southwesterly about five hundred yards, thence in a southerly direction three quarters of a mile crossing through NW of NE and N½ NW¼ of S 24 Sec 13 Twp 7 N R 79 W.

Witness my hand and seal this 25th day of September A.D. 1889

Charles F. Gerstel seal

Filed for record this 25 day of September A.D. 1889 at 8 o'clock P.M.

E. J. Stone,
Recorder.

Water Notice

Know all men by these presents, That I Evans Pearson of the County of Grand in the State of Colorado, party of the first part, for and in consideration of the sum of ($250.00) Dollars, lawful money of the United States, paid by the Denver Fuel Co. of the County of Grand and State aforesaid, party of the second part, the receipt of which is hereby acknowledged, have hereby granted, bargained and sold unto the said party of the second part their heirs and assigns, the following goods and chattels, viz: One Singer sewing machine No Type 24 V.S. and numbered (56 #2533); also one bay stallion 6 years old branded F left shoulder star in forehead, also one gray mare 9 yrs old branded C bar known as the Cabell brand to have and to hold all and singular the said goods and chattels unto the said party of the second part their heirs and assigns forever. And the said party of the first part for his heirs, executors and administrators, does hereby covenant to and with the said party of the second part and their assigns, that he is lawfully possessed of the same goods and chattels as of his own property, that the same are free from all incumbrances, and that he will warrant and defend the same to the said party of the second part and their assigns, against the lawful claims and demands of all persons. Provided, nevertheless, that if the said party of the first part his heirs, executors and administrators shall well and truly pay to the party of the second part their

Other Supporting Information

02-21-1958: memorandum to regional director from chief regarding hertel ditch

L54-L

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

February 21, 1958

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Hertel Ditch, Docket 41, Rocky Mountain

Attached are your copies of the following instruments for the subject docket:

1. Part II - 1 Photostat copy of Page 80, Book 13, County record, including filing of 1889, to be placed below filing 3308 which has been at bottom of contents of Part II.

2. A typewritten copy of above photostat, as it relates to the Hertel Ditch Claim.

3. Part II - 4 Statement of Claim for original, unenlarged Hertel Ditch, for adjudication, which should be placed above Filing 16968, as now in docket.

5. Statement of Claim for Hertel Ditch Enlargement, for the adjudication, which should be placed above II-4.

4. Part II - 6 Pages 1-10 of testimony, which should be placed directly above item 3 - Part II-5.

5. Revised table of contents with new Part II, items 4, 5 and 6 added between old items 3 and 4, and total number of items increased from 6 to 9.

This seems to complete the docket and includes no explanation of the disposition of the Schnoor Ditch Filing 3308. I believe that the Schnoor Ditch was identical with the Hertel Ditch, and Filing 3308 may be considered to have been dropped as a claim.

Your attention is called to the fact that the point of diversion, and ¼ sections which the ditch traverses, are erroneously described in the county filing, II-1. It seems quite evident that the intent was to describe the Hertel Ditch in the nominal manner it was subsequently described in filing 16968, but it and the Schnoor filing 3308 have little more than historical interest, now that the rights have been decreed.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 5

Copy to: Superintendent, Rocky Mountain, with 5 attachments
Chief, WODC, with 5 attachments

ROCKY MOUNTAIN NATIONAL PARK
Docket 41
Hertel and Schnoor Ditches
Onahu Creek

Part I - Land Status

1. Drawing 6965, showing Schnoor, Hertel & Christiansen Ditches and land status from Washington Office Tract Book, BLM.
2. Excerpts from Washington Office Tract Books, BLM 11/4/57.
3. Abstract for Deed 142.

Part II - Water Rights

1. County filing of September 25, 1889 for Hertel Ditch.
2. Filing 3308 of December 17, 1906, for Schnoor Ditch accepted by State Engineer January 16, 1907.
3. Filing 16968 of March 16, 1941, for Hertel Ditch Enlargement, accepted by State Engineer May 29, 1941.
4. Statement of Claim for Hertel Ditch.
5. Statement of Claim for Hertel Ditch Enlargement.
6. Pages 1-10- of testimony.
7. Hertel Ditch Decree-Approp. 431, Priority No. 1-Onahu Creek.
8. Hertel Ditch Enlargement Decree Approp. 433, Priority No. 3, Onahu Creek.
9. Statement of November 5, 1957, by A. van V. Dunn.

Part III- Federal Acquisition of Land and Water Rights

1. Deed 142-Land and Part of Nelson Interest in Hertel Ditch and its Enlargement and Priority No. 1, Onahu Creek.
2. Deed 134 (conveys undefined appurtenant rights.)
3. Deed 142 Nelson interest in Schnoor Ditch.

Last (top) statement of November 5, 1957 by A. van V. Dunn.

Part IV - Conflicting Alien Claims

02-04-1958: memorandum to regional director from chief regarding quit claim deeds

L54-L

(1)

That Corr files See memorandum attached

February 4, 1958

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Rights, Hertel Ditch, Docket 41 and Christiansen Ditch, Alien Water Right 60, Water District 51, Rocky Mountain

We have filed the one of the two copies of each of three quit claim deeds in the subject assemblies, in accordance with the memorandum of December 26, 1957, from Mr. Lloyd and January 13 from Mr. Aiton. I think it may also clarify matters if copies of Mr. Lloyd's memorandum of December 26, 1957, and the letter of December 10, 1957, from Attorney Barnard are also filed above the quit claim deeds in each assembly. Two copies of the memo and letter are attached to each copy of this memorandum for that purpose.

Copies of the quit claim deeds should have been sent to WODC for its assemblies of the docket and alien water right, but there is no indication that such distribution was made by Mr. Lloyd or Mr. Aiton. I believe that Mr. Lloyd's memorandum and the letter from Mr. Barnard, which I am supplying, are sufficiently comprehensive to serve the purpose this time, but it is requested that WODC be included as one of the four offices to which records for dockets and alien water rights should be distributed.

As a matter of record, we have obtained copies of the county filing for the original Hertel Ditch, and of the statements of claim and testimony used in the adjudication of rights for each of the ditches. These will be distributed as soon as photostat copies are made.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 6 1958 A.M

CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
2 ENGINEER	2/6
LAND ARCH.	
1	2/7

ACTION TAKEN—DATE
None

Attachments 4

Copy to: Superintendent, Rocky Mountain, with 4 attachments
Chief, WODC, with 4 attachments

12-26-1957: memorandum to regional director from superintendent regarding ownership in hertel ditch

COPY

154

Docket 41

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

December 26, 1957

Memorandum

To: Regional Director, Region Two

From: Superintendent, Rocky Mountain

Subject: Ownership in Hertel Ditch, Water Docket 41, and in Christiansen Ditch, Alien Water Right 60, Rocky Mountain National Park

Enclosed are two copies each of the following three Quit Claim Deeds which convey respective grantor's interests to portions of the Hertel and Christiansen Ditch water rights:

1. Quit Claim Deed, dated June 3, 1957, recorded in Book 123 at Page 192 of Grand County records, in which J. W. Bloder and Myrtle J. Bloder, former owners of Oahu Ranch (Tract No. 322), convey to Carl J. Nelson and Ada C. Nelson, owners of Green Mountain Ranch (Tract No. 320-A), all their interest in the original Hertel Ditch Water Right Decree for 5.1 cubic feet of water per second of time, Appropriation No. 431, and all their interest in one-half of the Christiansen Ditch Water Right Decree for 3.5 cubic feet of water per second of time, Appropriation No. 432, both in Water District No. 51.

2. Quit Claim Deed, dated June 3, 1957, recorded in Book 123 at Page 191 of Grand County records, in which Carl J. Nelson and Ada C. Nelson, owners of Tract No. 320-A, convey to J. W. Bloder and Myrtle J. Bloder, former owners of Tract No. 322, all their interest in the Hertel Ditch Enlargement Water Right Decree for 2.4 cubic feet of water per second of time, Appropriation No. 433, and all of their interest in one-half of the Christiansen Ditch Decreed Water Right for 3.5 cubic feet of water per second of time, Appropriation No. 432, both in Water District No. 51.

3. Quit Claim Deed, dated June 17, 1957, recorded in Book 123 at Page 190 of the Grand County records, in which Ophelia H. Wolter, present owner of Oahu Ranch (Tract No. 322), conveys to Carl J. Nelson and Ada C. Nelson all of her interest in the original

Hertel Ditch Water Right Decree for 5.1 cubic feet of water per second of time out of Onahu Creek, Appropriation No. 431, and all of her interest in one-half of the Christiansen Ditch Water Right Decree for 3.5 cubic feet of water per second of time out of Onahu Creek, Appropriation No. 432, both in Water District No. 51.

Also, enclosed are two copies of Mr. Dunne L. Barnard's letter of transmittal, dated December 10, 1957, which gives his opinion concerning the present ownership of the Hertel and Christiansen Ditch Water Rights. Mr. Barnard is the attorney who handled the legal mechanics of the sale of Onahu Ranch (Tract No. 322) by Mr. and Mrs. Bloder to Mrs. Wolter and Mr. Vogt, and the sale by Mr. Vogt of his interest in this property to Mrs. Wolter. Please note that if there are any questions, Mr. Barnard will be glad to answer them.

Carl J. and Ada C. Nelson conveyed to the United States on July 22, 1954, Deed No. 142, 3.5 cubic feet of water per second of time of the original Hertel Ditch Water Right Decree, and retained for their own use the remaining 1.6 cubic feet of water per second of time of this decree.

The decreed water rights in the Hertel and Christiansen Ditches now seem to be owned as follows:

1. The United States owns 3.5 cubic feet of water per second of time of the original decreed right to divert 5.1 cubic feet of water per second of time from Onahu Creek, through the Hertel Ditch, Appropriation No. 431, Water District No. 51.

2. Carl J. Nelson and Ada C. Nelson, Tract No. 320-A, own 1.6 cubic feet of water per second of time of the original decreed right to divert 5.1 cubic feet of water per second of time from Onahu Creek through the Hertel Ditch, Appropriation No. 431. Also, 1.75 cubic feet of water per second of time of the decreed right to divert 3.5 cubic feet of water per second of time from Onahu Creek through the Christiansen Ditch, Appropriation No. 432, Water District No. 51.

3. Ophelia H. Wolter, Tract No. 322, owns 2.4 cubic feet of water per second of time, which is all of the Hertel Ditch Enlargement Decree, from Onahu Creek through the Hertel Ditch, Appropriation No. 433. Also, 1.75 cubic feet of water per second of time of the decreed right to divert 3.5 cubic feet of water per second of time from Onahu Creek through the Christiansen Ditch, Appropriation No. 432, Water District No. 51.

We have placed copies of the above Quit Claim Deeds in the Christiansen Ditch, Alien Water Right No. 60 folder under Part II -

Water Rights; and copies in the Hertel Ditch, Water Rights Docket No. 41 folder under Part IV - Conflicting Alien Interests.

Mr. A. van V. Dunn's memorandum to you of December 10, 1957, requested us to check the original Water Right Decree for the correct spelling of Christiansen Ditch. The last three letters in Christiansen are "sen" and not "son" as found in Filing 16967.

/s/ James V. Lloyd

James V. Lloyd
Superintendent

Enclosures

In duplicate

12-10-1957: letter to united states commissioner from attorney at law regarding quit claim deed

COPY

Docket 41

BARNARD AND BARNARD
Attorneys at Law
Granby, Colorado

December 10, 1957

Mr. Wayne H. Hackett
United States Commissioner
Estes Park, Colorado

Dear Wayne:

I have finally obtained, and had recorded the quit claim deeds intended to clarify the water rights heretofore owned by Mr. and Mrs. Nelson and Mr. and Mrs. Bloder. I enclose herewith thereno-fax copies of these deeds, and have marked on them the book and page at which they are recorded.

It is my opinion that these deeds clarify the water rights in the Hertel Ditch, the Hertel Ditch Enlargement and in the Christiansen Ditch. Even though the Wolter and Bloder deeds were recorded after the transfer of the property, the fact that a warranty deed was given from Mr. and Mrs. Bloder to Mrs. Wolter and Mr. Vogt, the after-acquired title carries.

If there are any questions, however, I would be glad to answer them.

Yours very truly,

/s/ Duane

Duane L. Barnard
for Barnard and Barnard

12-10-1957: letter to united states commissioner from attorneys at law regarding quit claim deed

COPY

BARNARD AND BARNARD
Attorneys at Law
Granby, Colorado

December 10, 1957

Mr. Wayne H. Hackett
United States Commissioner
Estes Park, Colorado

Dear Wayne:

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If there are any questions, however, I would be glad to answer them.

Yours very truly,

/s/ Duane

Duane L. Barnard
for Barnard and Barnard

11-21-1957: memorandum to regional director from chief regarding onahu water rights

L54-L

Copy

(1)

WESTERN D
DESIGN & CONS
NOV 25 19

CHIEF
ADMIN.ASSIS
PERSONNEL
PLANS & PRC
SAFETY
ARCHITECT
ENGINEERS
LAND. ARCH.

ACTION TAKEN
Alone

November 21, 1957

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Onahu Water Rights, Docket 41 and Alien Water Right 60, Hertel and Christiansen Ditches, Rocky Mountain

With copies of this memorandum, we are sending new folders for Rocky Mountain Docket 41 to you, the Superintendent, and WODC, and filing our own copy in the Water Resources Section, which include data with Mr. Baggley's memorandum of September 5. Each assembly contains certain new records, and an outline. The rest of the listed contents should be in the assemblies of Alien Water Right 48, in the Region and Park, and in recent correspondence in WODC, if all have followed the recent correspondence concerning the Hertel and Schnoor Ditches correctly. All the designated records should be placed in Docket 41 and Alien Water Right 48 should be eliminated.

Docket 41 does not include any contents of "Part IV-Conflicting Alien Interests", but such alien interests in the Hertel Ditch rights may be placed there as we acquire more adequate data. That section can also be removed, and set up as a new Alien Water Right 48 for the Hertel Ditch instead of the Schnoor Ditch if future developments justify such action.

As previously indicated, we need copies of county water right filing at page 80 of Book 13 to clarify part of the records. We should also have transcriptions of testimony for the Hertel Ditch, Hertel Ditch Enlargement and Christiansen Ditch from the District Court for the same purpose. We are purchasing the necessary copies as a result of the memorandum of November 5 from Mr. Baggley. Since Mr. Lloyd has already found that transcripts make no reference to Schnoor Ditch, the next question is whether they refer to the former point of diversion for the Hertel Ditch was approximately as described on Filing 3308.

As Part I, item 1, in all dockets we have supplied new prints of Drawing 6965 with faint notations on data on land patents and homestead entries. Item 2 of same part is an excerpt from BLM Tract Books. Item 3 is photostat of abstract for Deed 142. My unproven opinion is that county filing at page 80 of Book 13, of 1889 for the Hertel Ditch, and state filing 3308 of 1906 for the

Schnoor Ditch are for nominally the same point of diversion of water for the irrigation of Tract 320 of which the U.S. has only acquired one quarter. Filing 16968 for Hertel Ditch Enlargement is for diversion at new point to permit irrigation of Federal land acquired under Deed 142, and privately-owned Tract 322. In all cases, the irrigation east of Onahu Creek has been made by Christiansen Ditch to prevent necessary flumes across Onahu Creek. These personal opinions can be confirmed, at least partially, with the county filings and transcripts. We may wish some simple surveys later.

Assuming that the priority 1 in the Hertel Ditch is based on county filing at page 80 of Book 13, and state filing 3308 for only Tract 320 (W½ NE¼ and N½ SE¼ Sec. 13), the Nelsons were only required to convey ¼ of 5.1 sec.ft., or 1.275 sec.ft., of priority 1 for irrigation of NW¼ NE¼ Sec. 13, and 2.225 sec.ft. of priority 3 for the rest of land covered by Deed 142. However, the owner of a water right in Colorado may change the area of use as he choses, and only needs corrective or supplemental decrees for changes in point of diversion and purpose of use, or for the use of more water. It is permissible, and the Park Service was fortunate in being grant 3.5 sec.ft. of decreed priority 1 on Onahu Creek.

Drawing 6965 does not show the outlines of the irrigated areas under either the Hertel or Christiansen Ditches. So, it is not possible to determine whether the U.S. has obtained its proportion of amount by acreage, in 3.5 sec.ft. under priorities 1 and 3 in Hertel Ditch and 2 in Christiansen Ditch. Also, although deed 130 specified no appurtenant water rights and deed 134 conveyed undefined appurtenant water rights, the appraisals indicate that tracts 319A and 319B-1 included certain "sub-irrigated hay land". Drawing 6965 shows that tract 319A is traversed by sections of the Hertel, Schnoor and Christiansen Ditches, and Onahu Creek; and that tract 319B-1 is not traversed by any of those water conduits. Before completing docket 41 we should determine whether either of the tracts is irrigated from surface water in any of the conduits, or an additional unrecorded ditch from the creek, or only from underground seepage from them. Any former application of surface ditch water should be covered by deed to the required water, if the former vendor is willing. (No land owner is required to sell water rights with his land if he can use it elsewhere). However, I believe that "sub-irrigation" means only groundwater seepage for which no rights would have to be initiated to date.

New Docket 41 includes a copy of deed 134 as well as deed 142 and the deed to Nelson interests in the Schnoor Ditch. We are attaching original of Schnoor Ditch deed to land deed 142. The copy of deed 134 is included in Docket 41 as a precaution in case there is some irrigation from the Hertel or Schnoor Ditch along the west edge of tract 319A (E½ SE¼ Sec. 12 and NE¼ NE¼ Sec. 13).

November 5, 1957

STATEMENT

From the evidence on hand, subject to data which may be obtained from a copy of Hertel Ditch filing page 80 of Book 13 of county records, and the transcript of testimony for decreed priorities 1 and 3 on Onahu Creek, it appears that decreed priority No. 1 was formerly appurtenant to Tract 320 (N½ SE¼ and W½ NE¼ Sec. 13 of which only NW¼ NE¼ has been acquired by the United States.) The rest of priority No. 1 was used on SW¼ NE¼ and N½ SE¼ Sec. 13 which is still owned by Carl J. and Ada C. Nelson as Tract 320. The rest of land acquired by the U.S., by Deeds 130, 134, and 142 are probably irrigated under priority No. 3, Hertel Ditch, and Priority No. 2, Christiansen Ditch, except as Nelsons have agreed to exchange of priorities 1 and 3 in Deed 142.

No water rights appurtenant to tract 319-A or 319-B-1, under priority No. 2 in Christiansen Ditch, or priority 1 or 3 in Hertel Ditch, were assigned by deed 130, 134, or 142, from the Nelsons, and Roy R. and Orda E. Lewis, but the appraisal indicate that both tracts have sub-irrigated hay field. Such sub-irrigation would have to be from Hertel or Christiansen Ditches, if artificial; or from Onahu Creek, if natural.

Filing 16967 and the transcript of testimony for decreed priority No. 2, Onahu Creek, should be searched to determine whether any of that priority or interest in the Christiansen Ditch should have been conveyed with deeds 130 and 134 for sub-irrigation of the hay meadows. If not, the interest in that ditch and right should be conveyed in future deeds to tracts 320 from the Nelsons and 322 from Halls.

Deed No. 142 conveys 3.5 sec.ft. of priority No. 1 to U.S. from Nelsons, leaving 1.6 sec.ft. to be conveyed with deeds to tracts 320 and 322, less any water which should now be conveyed by Nelsons and Lewis for sub-irrigation of tracts 319A and 319B-2. The Nelsons and Halls also hold all interest in Priority No. 3, to 2.4 sec.ft. of flow of Onahu and partial interest in the Hertel, and possibly the Schnoor Ditch, which should be conveyed with tracts 320 and 322.

For related claims, see Alien Water Right 60, Christiansen Ditch.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Each office is also being supplied with a print of Drawing 6965 with additions of November 5, and copies of deeds 130 and 134 for addition to Alien Water Right 60 for the Christiansen Ditch. The older print of Drawing 6965 should be replaced by the new print, and the older print may be destroyed.

Drawing 6965 is a pretty messy work sheet, but we do not yet have a draftsman. It might be reproduced in your office or the Park as convenient, but it may be well to defer such action until the rights are all propertly ties to the land by missing records and possible surveys. For instance, I do not see why Hall was claimant to all of decreed priority 3 in Hertel Ditch when some of the water seems to be for use in SW¼ SE¼ and SE¼ SW¼ of Sec. 12 which Nelson conveyed to U.S. There is also doubt as to what total area is irrigated by the Christiansen Ditch but I believe it is the parts of tracts 320 and 322 east of Onahu Creek. Part of the enlargement is quite evidently for irrigation of tract 322 west of Onahu Creek.

The general conclusion from my study and work on assemblies is that all L-forms should be flagged to indicate that any further options and deeds for land acquisition in S½ Sec. 12 and in Sec. 13 should include the conveyance of all rights under decreed priorities 1, 2 and 3, Onahu Creek, and interest in ditch through which they are exercised, which the venders can be induced to sell. The option and deed should also indicate the number of acres in each conveyed 40 acre subdivision have been irrigated by the water under said rights. The possessory rights reports, and possibly the appraisals, should also take cognizance of the water systems and rights.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Rocky Mountain, with 3 attachments
Chief, WCDC, with 3 attachments

11-13-1957: letter to grand county district court from chief, water resources section regarding enlargement of hertel and christianse

RECEIVED
ROCKY MOUNTAIN NATIONAL PARK
NOV 18 1957
AM 6|7|8|9|10|11|12|1|2|3|4|5|6 PM

L34-L

November 13, 1957

Mr. Charles Bloom, Clerk
Grand County District Court
Hot Sulphur Springs, Colorado

Re: Rocky Mountain National Park
Hertel Ditch, Hertel Ditch Enlargement and Christiansen Ditch

Dear Mr. Bloom:

We wish to obtain good reproducable copies of the written statements of claim for the Hertel Ditch, Hertel Ditch Enlargement, and Christiansen Ditch, on which Appropriation 431, Onahu Creek Priority 1 and Appropriation 433, Onahu Creek Priority 3 for the Hertel Ditch, and Appropriation 432, Onahu Creek Priority 2 for the Christiansen Ditch were decreed on July 15, 1941, in Case 768 in Water District 51. These are the narrative statements to support the Filing Numbers 3308, 16968 and 16967 with the State Engineer, and not the copies of the decrees or filings with the State Engineer. Presumably the best copies would be direct reading photostat negatives. Before placing our order, we should like to know the number of pages and cost of photostating for each of statements of claim for the three priorities.

If these statements do not supply required information, we may also wish similar photostat negatives of the testimony for the rights to each of the ditches. For this purpose, and a possible order, we should like to know the page numbers of the testimony, and the cost of similar photostat negatives.

We also wish to obtain a reproducable copy of the original county filing of September 25, 1889, at page 80 of Book 13 for the Hertel Ditch, which seems to be the basis for Appropriation 431, Priority 1 on Onahu Creek. Presumably this copy, either photostat negative or vandyke print can be supplied by someone in your building. We shall appreciate it if you will obtain and include the information as to medium of reproduction, cost and payee for such an order in your reply to this letter.

This letter is for the information and shall not be construed as an order. However, we should also like to know whether any purchase orders and vouchers should be addressed to and made in favor of you or some other office.

Sincerely yours,

SIGNED

A. Wm F. Dunn
Chief, Water Resources Section

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

This inquiry is in preparation for further purchase of records by this office, after receipt of the memorandum of Nov. 5 from Mr. Bagley

November 5, 1957

STATEMENT

From the evidence on hand, subject to data which may be obtained from a copy of Hertel Ditch filing page 80 of Book 13 of county records, and the transcript of testimony for decreed priorities 1 and 3 on Onahu Creek, it appears that decreed priority No. 1 was formerly appurtenant to Tract 320 (N½ SE¼ and W½ NE¼ Sec. 13 of which only NW¼ NE¼ has been acquired by the United States.) The rest of priority No. 1 was used on SW¼ NE¼ and N½ SE¼ Sec. 13 which is still owned by Carl J. and Ada C. Nelson as Tract 320. The rest of land acquired by the U.S., by Deeds 130, 134, and 142 are probably irrigated under priority No. 3, Hertel Ditch, and Priority No. 2, Christiansen Ditch, except as Nelsons have agreed to exchange of priorities 1 and 3 in Deed 142.

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Filing 16967 and the transcript of testimony for decreed priority No. 2, Onahu Creek, should be searched to determine whether any of that priority or interest in the Christiansen Ditch should have been conveyed with deeds 130 and 134 for sub-irrigation of the hay meadows. If not, the interest in that ditch and right should be conveyed in future deeds to tracts 320 from the Nelsons and 322 from Halls.

Deed No. 142 conveys 3.5 sec.ft. of priority No. 1 to U.S. from Nelsons, leaving 1.6 sec.ft. to be conveyed with deeds to tracts 320 and 322, less any water which should now be conveyed by Nelsons and Lewis for sub-irrigation of tracts 319A and 319B-2. The Nelsons and Halls also hold all interest in Priority No. 3, to 2.4 sec.ft. of flow of Onahu and partial interest in the Hertel, and possibly the Schnoor Ditch, which should be conveyed with tracts 320 and 322.

For related claims, see Alien Water Right 60, Christiansen Ditch.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

November 5, 1957

STATEMENT

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For related claims, see Alien Water Right 60, Christiansen Ditch.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

November 5, 1957

STATEMENT

The State Engineer's filings for Water District 51 start on April 18, 1889. The abstract with Deed 142 indicates that the claim for Hertel Deitch was made while Hertel owned W½ NE¼ and N½ SE¼ by filing at page 80 of Book 13 of the Grand County records on September 25, 1889. Said abstract also shows that Hertel conveyed said to Henry Schnoor, with no exceptions by deed of July 15, 1897, which was recorded September 13, 1906. Schnoor made filing No. 3308 of December 17, 1906, for the Schnoor Ditch with the State Engineer which was accepted January 16, 1907. Schnoor conveyed said land and appurtenant ditch and water rights to the Baker-Brooks Live Stock Company by deed of September 6, 1906, recorded November 24, 1906. The abstract shows proper chain of title to Nelson at time of enlargement and decree of water rights.

Subject to such further light which the Hertel Ditch claim, page 80 of Book 13 of the county records, may reveal, the evidence suggests that the original Hertel and Schnoor ditches were identical, and that Hertel may have made the county filing without being aware that water right records were transferred to the State Engineer by an act of the 1889 legislature. It is also suggested that by the deed of July 15, 1897, Henry Schnoor was not aware of the county filing, page 80, Book 13, or did not remember it, and made filing 3308 with the State Engineer in 1906 to clarify title when selling his interests to the Baker-Brooks Live Stock Company.

It is also probable that the differences between filings 3308 and 16968 represent the enlargements made between 1906 and the time of adjudication in 1941. The abstract indicates that said county water right filing, page 80 of Book 13 was for 500 miners inches in 1889. As of 1923 the following statutory conversions had been adopted:

1.0 sec.ft. equals 50 miners inches in about half the western states
1.0 sec.ft. equals 40 miners inches in about half the western states
1.0 sec.ft. equals 38.4 miners inches in Colorado.

By reputed county filing Hertel claimed 13.0 sec.ft. By filing 3308 Schnoor claimed 4.02 sec.ft. By decree of 1941 priority No. 1 was granted 5.10 sec.ft., presumably on the basis of evidence that the original ditch had a capacity of 196 miners inches instead of the claimed 500 miners inches in county filing. Part of the lesser cpacity and use was supported by filing 3308 of 1906.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

(1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

I-54

AUG 16 1957

Memorandum

To: Superintendent, Rocky Mountain National Park

From: Acting Regional Director

Subject: Hertel Ditch, Old Alien Water Right 48 and Proposed Docket 41, Rocky Mountain National Park

With reference to Mr. Dunn's memorandum of August 9 on the above subject, we hope that you will be able to check the two points mentioned in the last paragraph of that memorandum.

(Sgd) William E. Robertson

William E. Robertson
Acting Regional Director

Copy to: The Director
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
AUG 19 1957 A.M.

	CHIEF
	ADMIN. ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
2	ENGINEER
	LAND. ARCH.
1	
	ACTION TAKEN—DATE

NO COPY MADE IN MAIL ROOM

X

08-15-1957: memorandum to director from supervisory engineer regarding water right filings and decrees

L 54

Crowley

Smith

August 15, 1957

Memorandum

To: Director

From: Supervisory Engineer, WCDC

Subject: Water Right Filings and Decrees, Colorado Water District 51, Rocky Mountain National Park

Referring to your August 9 memorandum to Region Two on the subject by Mr. Dunn, we would appreciate receiving copies of the remaining records so we will have a complete file.

[SGD] P. E. SMITH

P. E. Smith
Supervisory Engineer

In duplicate

HLCROWLEY:uk

FILE COPY

10-29-1957: letter to rocky mountain national park service from attorneys at law regarding correction deeds

JOHN B. BARNARD
DUANE L. BARNARD
DOYTE C. DUDLEY

BARNARD AND BARNARD
ATTORNEYS AT LAW
GRANBY, COLORADO
TUcker 7-3362

RECEIVED
ROCKY MOUNTAIN NATIONAL PARK
OCT 31 1957

October 29, 1957

Rocky Mountain National Park Service
Rocky Mountain National Park
Estes Park, Colorado

Attention: Mr. Wayne Hackett

Dear Wayne:

In respect to the Bloder and Nelson water rights, I have correction deeds in my possession from Mr. and Mrs. Bloder and from Mr. and Mrs. Nelson. I am retaining them until I receive a confirmation deed from Mrs. Wolter. I cannot quite understand why her attorney does not forward it to me. I had discussed the matter with him, and he appeared to be in complete agreement with me.

If the National Park Service succeeds to the interest of Mrs. Wolter by purchase, and if we have not received the quit claim deed from her by them, the matter can be clarified by the execution of a quit claim deed from the National Park Service to Mr. and Mrs. Nelson in order to clarify the description of the water right. However, I am in hopes that I will receive the deed from Mr. Kane shortly, after which I can record all three of them and accomplish that purpose.

With personal regards, I will let you know if I receive the deed.

Yours very truly,

Duane L. Barnard
for Barnard and Barnard

DLB:sc

11-01-1957: memorandum to regional director from acting superintendent regarding land acreage served by hertel ditch

L54

s/b
Umphrey
Hackett
Hartzog

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

November 1, 1957

Memorandum

To: Regional Director, Region Two

From: Acting Superintendent

Subject: Hertel Ditch, Filing No. 16968, Priority No. 1 on Onahu Creek, Rocky Mountain National Park

Mr. A. van V. Dunn's memorandum to you of October 21, 1957, requested information concerning the land acreage served by the Hertel Ditch on Tract No. 322, Onahu Ranch, and Tract No. 320-A, Green Mountain Ranch, and also the statements of claim filed with the Grand County District Court in obtaining priority decrees in the Water Adjudication Case No. 768 of July 15, 1941.

Acreage (See attached map)

Testimony given in support of the claims during the adjudication hearing (Case No. 768) indicated that 202 acres were irrigated under the original Hertel Ditch and that 97 additional acres were to be added under the enlargement.

From the Hertel Ditch, at the present time, approximately 155 acres are subject to irrigation in Tract No. 320-B, owned by the United States. Approximately 49 acres are being irrigated in Tract No. 320-A, Green Mountain Ranch owned by Nelson, lying in the East half of the Southeast Quarter of the Northwest Quarter, the West half of the Southwest Quarter of the Northeast Quarter, and the West half of the Northwest Quarter of the Southeast Quarter of Section 13, Township 4 North, Range 76 West of 6th P.M. Approximately 89 acres are being irrigated in Tract No. 322, Onahu Ranch owned by Miss Walter, lying in the East half of the Southwest Quarter and in the West half of the Southwest Quarter of the Southeast Quarter of said Section 13.

Statement of Claim

Verifax photo copies of the statements of claim filed with the District Court and of the testimony notes can be obtained by writing to Mr. Chas Bloom, Clerk, Grand County District Court, Hot Sulphur Springs, Colorado.

(SGD) GEORGE B. HARTZOG JR.

Copy to: Hackett

08-09-1957: memorandum to regional director from chief regarding hertel ditch, old alien water right 48 and proposed docket 41

154-L

August 9, 1957

Memorandum

NO COPY MADE IN MAIL ROOM

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Hertel Ditch, Old Alien Water Right 48 and Proposed Docket 41, Rocky Mountain

Attached are your copies of Filing 16968, map of Hertel Ditch Enlargement; Decree for original Hertel Ditch, page 873; and Decree for Hertel Ditch Enlargement, page 875. These should be filed in your Rocky Mountain Alien Water Right 48 until we supply new folders for proposed Docket 41. Similar copies are being sent to the Park and to WODC.

As stated in previous correspondence, there may be a county filing for the original ditch, which should be located if possible. When convenient, it would also be desirable to check the transcript of testimony in the adjudication to see if any explanation is given of the relation between the Hertel and Schnoor Ditches.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Rocky Mountain, w/c attachments
Chief, WODC (2), w/c attachments

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DESIGN & CONSTRUCTION
AUG 12 1957 A.M.

	CHIEF
	ADMIN. ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
3	ENGINEER
	LAND. ARCH.
	~~Crowley~~
2	

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DWW 8/12

154-L

August 9, 1957

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Right Filings and Decrees, Colorado Water District 51, Rocky Mountain National Park

Attached are photostat copies of the water right filings and decrees in Colorado Water District No. 51, which includes the Shadow Mountain National Recreation Area and part of Rocky Mountain for which negatives have just been purchased from the State Engineer. The first pages of filings and decrees, respectively, are duplications of the last pages we obtained and sent to you and Rocky Mountain about 1938 or 1939 together with similar records for the other water districts in which Rocky Mountain is located.

We are sending a similar set, and the oversized negatives from which they have been made, to Rocky Mountain.

We are also sending a set to WODC although it does not have the records through 1938. Our records through 1938 are the photostat negatives of the earlier purchase, reduced to the size of the attached positives. We should like to know whether WODC wishes copies of the rest of our records, or considers the present copies as needless clutter for its files.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Rocky Mountain, w/c attachments
Chief, WODC (2), w/c attachments

Where are attachments
MS

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ARCHITECT
2 ENGINEER
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Memo to Dir 8/15

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

I-54

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ARCHITECT
ENGINEER
LAND, ARCH.
ACTION TAKEN—DATE
Done

NO COPY MADE IN MAIL ROOM AUG 8 1957

Memorandum

To: The Director

From: Regional Engineer, Region Two

Subject: Green Pipeline, Docket 40 and Schnoor and Hertel Ditches, Alien Water Right 48 to be Docket 41, Rocky Mountain

Reference is made to Mr. Dunn's memorandum of July 24 on the above subject.

Mr. Dunn's memorandum of July 3, with copy of land deed 142 and abstract, were forwarded to this office from Region Four and, in accordance with Mr. Dunn's suggestion, we have a temporary folder for Alien Water Right 48 and placed the deed and abstract in that folder which is to eventually become Docket 41.

We have again searched our files in an attempt to locate Alien Water Rights 38-57. We have found that Alien Water Right 40 has now been placed in Docket 22 and we do find that we have Alien Water Right 57 which had been out of order in our files.

However, we do not find any trace of other Alien Water Rights 38-57, nor do we find Mr. Dunn's memorandum of July 10, 1951, with which these documents were forwarded to this office. They are not in our Docket Series. By copy of this memorandum to Rocky Mountain, we are asking that they search their files to see if they have extra copies of these Alien Water Rights.

We trust that Rocky Mountain will be able to furnish the information and material requested in the last two paragraphs of Mr. Dunn's memorandum.

(Sgd) William E. Robertson

William E. Robertson
Regional Engineer

Copy to: Supt., Rocky Mountain NP
Chief, WODC

07-24-1957: memorandum to regional director from chief regarding green pipeline, docket 40 and schnoor and hertel ditches, alier

(19)

L54-L

July 24, 1957

NO COPY MADE IN MAIL ROOM

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Green Pipeline, Docket 40 and Schnoor and Hertel Ditches, Alien Water Right 48 to be Docket 41, Rocky Mountain

The memoranda of July 11 and 12 from Mr. Robertson are somewhat confusing.

From the former we gather that our memorandum of July 3, with copy of land deed 142 and abstract, which were sent to Region Four in error, have been received by you from Region Four. These should be placed in folder for Alien Water Right 48, even if a temporary folder has to be made.

Attached is a list of Alien Water Rights 38-57, which you say are missing. Alien Water Right 40 should now be found as Docket 22. The rest all seem to have been mailed to you in duplicate on July 10, 1951. You may have placed them in the docket series, or forwarded both assemblies to the Park. Before we make further duplicates, we shall appreciate further check in your Office and the Park.

The Lyons Reservoirs 1 and 2, formerly Alien Water Right 40, now Docket 22, were forfeited as a result of failure to construct and the resulting decree in U.S. vs. Town of Lyons, Case 1952. Attached is an extra copy of the decree, which seems to have been filed with the Federal and State District Courts, but may or may not have been reported to the State Engineer. Filing 7949 might be cancelled, and the Superintendent should determine what the State Engineer has, or may be able to do about it.

The Item I-G in Docket 40, covering the Green Pipeline, is the filing in the State Engineer's Office. The Docket now contains a print of a copy of map made by the Park Service in August 1956, which does not include the file number. We also lack the

one or two pages of the decree describing the water system covered by Priority No. 34 in Case 10077. Assuming that the map was made by Park Engineer, he must have print of the map (with statement of claim and file number) as filed with State Engineer. We should at least like the file number if we are to order the reproducible copies of both instruments from the State Engineer.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

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

07-24-1957: list of missing alien water rights

List of Missing (?) Alien Water Rights
Rocky Mountain

AWR 38 -	Filings 1204 10601	Copeland Reservoir	Mailed 7/10/51
AWR 39 -	-	Hutchins Reservoirs 1, 2 and 3	Mailed 7/10/51
AWR 40 -	Now Docket 22	Lyons Reservoirs 1 and 2	Mailed 1/18/47
AWR 41 -	Filings 3145 5983	Supply Reservoir #1 (Sand Beach Lake)	Mailed 7/10/51
AWR 42 -	Filing 1032	Virginia Reservoir (R/W Permit Revoked)	Mailed 7/10/51
AWR 43 -	Filing 1523	Carnes Resvoir & Pipeline (abandoned)	Mailed 7/10/51
AWR 44 -	Filing 1988	Carnes Reservoir No. 2	Mailed 7/10/51
AWR 45 -	Filing 1989	Carnes Reservoir No. 3	Mailed 7/10/51
AWR 46 -	Filing 5287	Carnes No. 6 Ditch	Mailed 7/10/51
AWR 47 -	Filing 9856	Quincy Ditch	Mailed 7/10/51
AWR 48 -	To be Docket 41	- Schnoor Ditch & Hertel Ditch	Mailed 7/10/51
AWR 49 -	Filing 5288	Knuffman Ditch (Summerland Area)	Mailed 7/10/51
AWR 50 -	Filing 12503	Porter Pipeline	Mailed 7/10/51
AWR 51 -	Filing 14928	Phantom Ditch	Mailed 7/10/51
AWR 52 -	Filing 14990	Wheeler Ditch	Mailed 7/10/51
AWR 53 -	Filing 15312	Squeak Pipeline	Mailed 7/10/51
AWR 54 -	Filing 14764	Greeby-Boulder Pipeline	Mailed 7/10/51
AWR 55 -	Filing 1769	Fleshuts Ditch	Mailed 7/10/51
AWR 56 -	Filing 13611	Sanborn Water Company Pipeline	Mailed 7/10/51
AWR 57 -	Filing 15041	Cascade Pipeline	Mailed 10/1/46

07-11-1957: memorandum to director from acting regional chief of operations regarding clearing title to water right filing 5308, sch

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L-54

JUL 11 1957

Memorandum

To: The Director

From: Acting Regional Chief of Operations, Region Two

Subject: Clearing Title to Water Right Filing 5308, Schnoor Ditch and Interests of U.S. and Nelson in Hertel Ditch, Water District No. 51, Rocky Mountain National Park

We have Mr. Dunn's memorandum of July 3 on the above subject, which was addressed and sent to Region Four, and have been unable to find any folder for Alien Water Right No. 48 or any mention of such folder in our files. We have folders for Alien Water Right No. 37 and for Alien Water Right No. 58, but nothing between these two numbers.

However, we have been able to correct Mr. Dunn's memorandum of June 20, as suggested in the last paragraph of his memorandum of July 3.

(Sgd) William E. Robertson

William E. Robertson
Acting Regional Chief of Operations

Copy to: Supt., Rocky Mountain NP
Chief, WODC

NO COPY MADE IN MAIL ROOM

WESTERN OFFICE
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JUL 15 1957 A.M.

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	SAFETY
	ARCHITECT
/	ENGINEER 7/16
	LAND. AR. H.
	7/16
	ACTION TAKEN—DATE

L54-L

July 3, 1957

Memorandum

NO COPY MADE IN MAIL ROOM

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Clearing Title to Water Right Filing 5308, Schnoor Ditch and Interests of U.S. and Nelson in Hertel Ditch, Water District No. 51, Rocky Mountain

The attached copy of Deed 142 and the abstract are to supplement the information in my memorandum of June 20.

For the time being I am putting our copy in the folder for Alien Water Right No. 48, and marking the folder as Alien Water Right 48 and Docket 41, listing Hertel Ditch under Schnoor Ditch, giving Nelson and U. S. as claimants thereto, and adding priority of September 25, 1889 under that for the Schnoor Ditch. New folders will be needed when the interests are clarified.

Apparently Docket No. 40 was assigned to the rights for the Green Pipe Line, while I was tentatively assigning it to the Hertel Ditch and Schnoor Ditch on June 20. Therefore, on the first line of past paragraph, page 2, of the June 20 memorandum concerning the Schnoor Ditch, please change Docket 40 to Docket 41.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain, w/c attachment
Chief, WODC, with Docket folder and copy of attachment

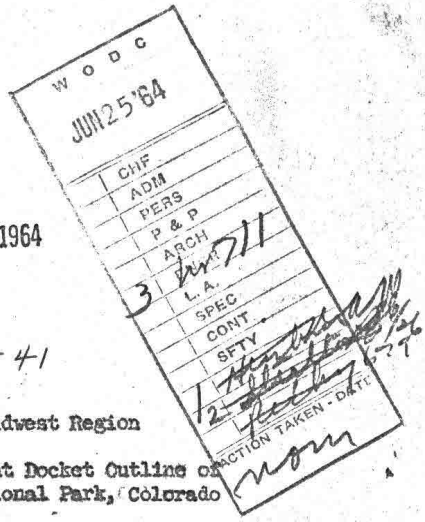
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	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
1	ENGINEER
	LAND. ARCH.
2	

ACTION TAKEN—DATE
None

154
MWR (OL)

JUN 22 1964



Memorandum

To: The Director Docket #41

From: Associate Regional Director, Midwest Region

Subject: Composite Listing of Water Right Docket Outline of Assemblies, Rocky Mountain National Park, Colorado

This office has prepared a composite listing of the outline of assemblies of water dockets received from the Area and your Office, which shows the comparative contents of water right dockets in each office.

To provide identical contents for each water right docket, it will be necessary to provide many copies of data which are missing from one or the other docket files.

Some of the documents, as shown in the individual outline of assemblies are difficult to identify and some of the items may refer to the same document. In other words, a particular document may be listed in the outline of assembly a little differently by the area, the Regional Office, and your Office.

It appears that each office should review the composite outline of assemblies and provide copies for the files of the other offices which do not list the document. A program of funds to cover these costs should be set up in our annual schedule of projects under M&P Accounts.

We shall appreciate your consideration of this project and suggestions regarding its accomplishment.

(Sgd) George F. Baggley

In duplicate Associate Regional Director

Enclosures

cc:
Chief, WODC (2), w/c of enclosures
Superintendent, Rocky Mountain, w/c enclosures

DOCKET NO.	ITEMS	AREA	MRO	WASO
35	HORSESHOE DITCH - DETAILS OF DECREES IN DOCKET NO. 1			
	1. Drawing No. 6984	x	x	
	2. Decree of Jan. 30, 1939	x	x	
	3. Summary Sheet of Horseshoe Ditch	x		
36	ENDOVALLEY CAMPGROUND WATER SYSTEM - DETAILS OF DECREES IN DOCKET NO. 1			
	1. Drawing No. 6984	x	x	
	2. Decree of Jan. 30, 1939	x	x	
	3. Summary Sheet of Endovalley Campground Water System	x		
37	TRAIL RIDGE ROAD CAMP WATER SYSTEM - DETAILS OF DECREES IN DOCKET NO. 1			
	1. Drawing No. 6984	x	x	
	2. Decree of Jan. 30, 1939	x	x	
	3. Summary Sheet of Trail Ridge Road Camp Pipe Line	x		
38	FALL RIVER PASS WATER SYSTEM - DETAILS OF DECREES IN DOCKET NO. 1			
	1. Drawing No. 6984	x	x	
	2. Decree of Jan. 30, 1939	x	x	
	3. Summary Sheet of Fall River Pass Water System Pipe Line	x		
39	HORSESHOE PIPE LINE			
	1. Profile of Horseshoe Pipe Line of Mrs. Minnie March Service of Nov. 17, 1941	x	x	
	2. Filing No. 11322	x	x	
	3. Decree of June 9, 1942 (Supplemental)	x	x	
	4. Warranty Deed from McKelvys to the United States Recorded May 13, 1955	x	x	
	5. Statement of June 21, 1946	x		
	6. Summary Sheet of Fall River Lodge Water System & Horseshoe Pipe Line	x		
	7. Copy, List of General Adjudication 10,077 Water District 4, Division 1 - For original claims see Deeds 52-62		x	
	8. Form NPS-L-1, Land Ownership Record Deed 63 by A. van V. Dunn of Nov. 23, 1943		x	
40	GREEN PIPE LINE			
	LAND STATUS AND ASSIGNMENT			
	1. Plat of Moraine Cottages		x	x
	2. Abstract of Deed of Oct. 9, 1922 conveying pipe line and right-of-way from Stanley to O. L. Green		x	x
	3. Abstract of Deed of March 26, 1923, conveying pipe line right-of way from Jessie R. Green to O. L. Green		x	x
	4. Abstract of Deed of Sept. 27, 1941 conveying pipe line and appurtenent Water Right No. 34 from O. L. Green to O. L. and Jessie R. Green		x	x
	5. Abstract of Deed of Sept. 12, 1952 conveying land, Green Pipe Line and appurtenent Water Right No. 34 from O. L. and Jessie R. Green to Donald C. Ricker		x	x
	6. Deed of Jan. 25, 1957		x	x
	7. Copy of Water Right Filing (made by Park Service)			x
	8. Deed of Feb. 4, 1957		x	x
	9. Letter of Acceptance of May 15, 1957 from Attorney General		x	x
	WATER RIGHT			
	10. Print of Filing with State		x	x
	11. Copy of Decree		x	x
41	HERTEL & SCHNOOR DITCHES - ONAHU CREEK			
	LAND STATUS			
	1. Drawing 6965 showing Schnoor, Hertel & Christiansen Ditches and land status from Washington Tract Book, BLM		x	x
	2. Excerpts from Washington Office Tract Books, BLM 11/4/57		x	x
	3. Abstract for Deed 142		x	x

06-22-1964: memorandum to director from associate regional director regarding composite listing of water right docket outline of a

DOCKET NO.	ITEMS	AREA	MRO	WASO
41 (Cont'd)				
	WATER RIGHTS			
	4. County Filing of Sept. 25, 1889 for Hertel Ditch		x	x
	5. Filing 3308 of Dec. 17, 1906 for Schnoor Ditch accepted by State Engineer Jan. 16, 1907			x
	6. Filing 16968 of March 16, 1941 for Hertel Ditch Enlargement accepted by State Engineer May 29, 1941		x	x
	7. Statement of Claim for Hertel Ditch		x	x
	8. Statement of Claim for Hertel Ditch Enlargement		x	x
	9. Pages 1-10 of Testimony		x	x
	10. Hertel Ditch Decree - Appro. 431, Priority No. 1 - Onahu Creek		x	x
	11. Hertel Ditch Enlargement Decree - Appro. 433, Priority 3, Onahu Creek		x	x
	12. Statement of Nov. 5, 1957 by A. van V. Dunn		x	x
	FEDERAL ACQUISITION OF LAND AND WATER RIGHTS			
	13. Deed 142 - Land and Part of Nelson Interest in Hertel Ditch and its Enlargement, Priority 1, Onahu Creek		x	x
	14. Deed 134 (Conveys undefined appurtenant rights)		x	x
	15. Deed 142, Nelson Interest in Schnoor Ditch		x	x
	16. Last (top) Statement of Nov. 5, 1957 by A. van V. Dunn		x	x
	CONFLICTING ALIEN CLAIMS			
	17. Abstract for Deed 134		x	
	18. Letter to Wayne Hackett, U.S. Commissioner from Barnard & Barnard, Attorneys of Dec. 10, 1957		x	
	19. Memo to Regional Director from Supt., of Dec. 26, 1957		x	
	20. Abstract for Deed 142		x	
42	WILD BASIN PIPE LINE			
	1. Drawing No. 6987-A	x	x	

DOCKET NO.	ITEMS	AREA	MRO	WASO
42 (cont'd)				
	2. Memo of Feb. 24, 1960 from A. van V. Dunn	x		
	3. Summary Sheet of Wild Basin Pipe Line	x		
43	SELAK DITCH SYSTEM			
	LAND AND WATER RIGHT PURCHASE			
	1. Abstract 539 - Land Status to 1929		x	x
	2. Abstract 783 - Land Status to 1929		x	x
	3. Abstract 539 - 783, Supplemental Land and Water Rights to U. S.		x	x
	4. Certificate that RRR/W was never exercised		x	x
	5. Certificate that Grand River Claim was non-existent		x	x
	6. Deed to U. S. of Land and Water Rights in Park		x	x
	APPURTENANT DECREED WATER RIGHTS			
	7. Selak Ditch No. 1, Decree 298		x	x
	8. Selak Ditch No. 2, Decree 299		x	x
	9. Pole Creek Ditch, Sup. Supply - Conditional Decree 339		x	x
	10. Pole Creek Ditch, Sup. Supply - Final Decree 339		x	x
	WATER RIGHT AMENDMENT BY UNITED STATES			
	11. Form NPS-L-1, Land Ownership Record, Deed 48 by A. van V. Dunn of 11/23/43		x	
44	KAUFFMAN DITCH (SUMMERLAND AREA)			
	1. Abstract of Title No. 1378-1	x	x	
	2. Warranty Deed from Belle Kauffman to United States of May 5, 1954	x	x	
	3. Filing No. 5288	x	x	
	4. Summary Sheet of Kauffman Ditch	x		
45	EATON PIPE LINES NOS. 1 AND 2 AND GRANT SPRING (PART INTEREST)			
	1. Abstract of Title to Eaton Property No. 2, Warranty Deed from Williams, Woolf and Williams to U. S. of Jan. 22, 1955	x	x	

L54-L

WESTERN OFFICE
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JUN 24 1957
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LAND. ARCH.
ACTION TAKEN—D

JUN 20 1957

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Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Clearing Title to Water Right Filing No. 3308 and the Schnoor Ditch, Alien Water Right No. 48, Rocky Mountain National Park

In response to the memorandum of June 14 from Mr. Baggley, we are sending a copy of this memorandum and a purchase order and voucher in favor of Cardwell Blue Print and Suply Company to the Superintendent. The object is to obligate the order under 1957 Investigation Funds, for reproducible copies of Filing 16968, the decree thereon, and of what have been the State Engineer's lists of filings and ditch decrees, beyond what I have previously obtained. The lists are on pages of a large volume and previous photostat copies have been reduced to 8½ X 11 sheets.

Due to the establishment of the State Department of Natural Resources, I am not sure whether the old procedure is still applicable. It was to submit the voucher and purchase order to the State Engineer with a letter of request for the copies. It will be appreciated if the Superintendent will check by phone or otherwise, and advise us of any new procedure. The negatives of the lists should be sent to us, but we only need a set of positives of the filing and decree for our assembly of the docket if you or the Superintendent wish to retain the negatives.

The Assistant Solicitor advises that the suggested Quit Claim Deed, by donation, would be acceptable although the Department of Justice prefers warranty deeds, that there should be an abstract, if possible; and the cost of abstract and recording could be paid from water right funds under Account 347. From our records, and my past experience, I question, however, whether such abstract can be obtained on Filing 3308. I do think that the abstract with Deed 142 is incomplete and should be expanded.

The State Engineer's list of filings, of which I have photostat negatives with Filing 16180 as the last entry, and of which you and the Superintendent were supplied with photostat positives about 1939, shows in the right hand column of left hand half, that there was action "1", no "ss", and no decree. I do not know what the "1" represents, but "ss" means that claimant filed a requested supplemental statement at some date, to show that he had not abandoned

the claim. Mr. Schnoor did not file the supplemental statement. It was the State Engineer's intent to try to weed out abandoned claims, but in 1939 and 1940 he still had no authority to do so. It would be desirable to find out whether such claims as 3308 have been nullified since 1940.

Attached "Partial History from Abstract with Deed 142" indicates that the Hertel claim for the Hertel Ditch was filed in the county at about the time that the State Engineer's functions as administrator of water rights were established, perhaps before his administration became effective. In any case, under Colorado Law, valid decreed rights such as Priority No. 1 on Onahu Creek, can be established without any filing. I doubt if Hertel filed with the State Engineer, since such filing is not mentioned in the abstract. We should obtain four copies of the complete filing at Page 80 of Book 13 either as part of an abstract, or individual purchase with funds from Account 347.

The attachment also shows that Schnoor made Filing 3308 when some part of the chain of title became confused about 1907, and he claimed use from 1899, two years after he obtained the related land from Hertel. I believe that the records of action to clarify title between 1906 and 1914 would show that filing 3308 was part of that action, and needless after the matter was settled.

It is also noted that the abstract refers to Hertel patent, but not to patents to other land which came into the picture through deed of July 17, 1917, to Henry Cowgill from Christianson. The question is whether the additional land was arid, or the abstractor overlooked important records. It is also to be noted that there is no copy of the decree (covered by attached purchase order and voucher) of July 15, 1941, granting priority No. 1 on Onahu Creek under date of September 25, 1889.

Under Colorado adjudication procedure a decree does not fix title. Moreover, under Colorado law a decree fixes point and date of diversion, and purpose of use but not the place of use. As long as the United States and Nelsons use the decreed ditch with decreed point of diversion for the decreed purpose, the place of such use does not matter unless there has been an amendment of the water laws since 1943 to require use of specified area.

We agree that there should be a Docket 40 to cover the Hertel Ditch, with several parts to record interests of the United States and the Nelsons. I assume that the Nelsons own the Green Mountain and Onahu Ranches. I think the alien interests should be in the same docket in this case because the United States and the Nelsons would prorate any water shortage if the flow dropped low enough. I suggest, however, first

that we obtain a copy of the decree and county filing. Incidently, if the decree refers to a map other than the county filing, a reproducible copy should be included in the work ordered from Cardwell Blue Print.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain - AIR MAIL - with two attachments
Chief, WODC, w/c attachment

Partial History from Abstract with Rocky Mountain Deed 142
by
A. van V. Dunn
Chief, Water Resources Section

The abstract with Deed 142 shows that W½ NE¼ and N½ SE¼ Section 13, T 4 N, R 76 W, 6 PM was patented to Charles F. Hertel on February 11, 1895, and the filing for the Hertel Ditch was made September 25, 1889, at page 80 of Book 13, of County Records. (The first entry in State Engineer's list of filings was made April 18, 1889, and filing 2 was made January 2, 1890, neither of which was by Hertel.)

The abstract also shows Charles F. Hertel conveying W½ NE¼ and N½ SE¼ Section 13, T 4 N, R 76 W, to Henry Schnoor on July 15, 1897, with no adequate indication as to water right disposal. (Filing 3308 claims priority of June 1, 1899.) Henry Schnoor conveyed the same, together with all ditch and water rights from Fish Creek through the Hertel Ditch to the Baker-Brooks Livestock Company on September 6, 1906. (Filing 3308 made on January 16, 1907.) The latter conveyed the same to G. A. Webb by deed of February 19, 1907 (mortgage) and April 29, 1911 (warranty). The latter gave Quit Claim to John McNabb, November 9, 1912, and to Fred Dyer by warranty, but citing appurtenant rights to same 500 inches of water but not ditch, on March 15, 1914. John McNabb conveyed to Fred Dyer by deed of March 15, 1914. John McNabb was plaintiff vs. Fred Dyer in Lis Pendens to foreclose mortgage July 21, 1915. Fred Dyer conveyed to Julius Christianson by warranty on July 31, 1915. With intervening mortgage references to McNabb and Dyer, Christianson conveyed SW¼ SE¼; SE¼ SW¼ Section 12 and E½ NW¼; W½ NE¼; and N½ SE¼ Section 13 to Henry Cowgill by warranty of July 17, 1917, together with only the same water rights and ditch as recorded at page 80, Book 13. Title passed to heirs of Cowgill in Decree of Final Settlement of August 22, 1921. H. Morse Cowgill conveyed to Carl J. and Jessie B. Nelson by warranty of June 14, 1934. Carl J. Nelson gave Quit Claim to Carl J. and Ada C. Nelson on July 31, 1946 (Jessie B. covered by certificate of death, dated December 21, 1937, and recorded August 27, 1946). Carl J. and Ada C. Nelson conveyed SE¼ SW¼ lying east of Colorado River and SW¼ SE¼ Section 12; and NE¼ NW¼; NW¼ NE¼ and W½ SE¼ NW¼ Section 13 to the United States by Warranty Deed of July 22, 1954, together with right to divert 3.5 sec.ft. from Onahu Creek through Hertel Ditch in accordance with decree of July 15, 1941, assigned Priority No. 1 on Onahu Creek with priority of September 25, 1889, and reserving right to 1.6 sec.ft. in Hertel Ditch.

10-28-1955: memorandum to regional director from chief regarding proposed hearing in u.s. district court, case no. 2782, united st

In reply refer to:
L54-L

October 28, 1955

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Proposed Hearing in U.S. District Court, Case No. 2782, United States vs. Northern Colorado Water Conservancy District et al., including Adjudication of Water Claims in Colorado Water District No. 51 for Rocky Mountain National Park

With copies of this memorandum we are distributing copies of the excellent but disappointing memorandum report of October 11 of the dismissal of the claims for Rocky Mountain, by Mr. Hartzog. The copies for you and the Superintendent should be placed at top of contents of Docket 19, to indicate the portion of the Complaint filed on June 10, 1949, which has been dismissed.

We should also like to obtain and include brief records of the main case and the claims of intervenors to which Mr. Hartzog refers. These may be covered in some of the newspaper report to which he refers, but of which we do not have copies, or in part of the court records. We can supply funds under Appropriation 14X1035, Acct. 347, for necessary parts of court records or proper issues of newspapers, or Mr. Hartzog may be able to cover the matter adequately in another memorandum. Copies should be made for correspondence files and dockets at this office, the Region, Park, and Western Office of Design and Construction.

In addition to the records now in the docket, we have additional notices and correspondence relating to past efforts to have the rights adjudicated in the State court. I will expand the docket to cover the complete history since 1939 as soon as possible, and make an assembly for WODC at that time. Meantime WODC is being supplied with a docket folder for filing records as received.

Office of
Chief, Western Offi
Div. of Design and Co
NOV 2 1955A
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

SIGNED
A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain, with attachment
Western Office of Design and Construction, with attachment

10-11-1955: memorandum to regional director from acting superintendent regarding proposed hearing in u.s. district court, case n

L54

Office of
Chief, Western O
Div. of Design and
OCT 14 1955
Supv. Architect
1- Supv. Engineer 10/14
Supv. Landscape Arch
Safety Engineer

Rocky Mountain National Park
Estes Park, Colorado

October 11, 1955

Memorandum

To: Regional Director, Region Two

From: Acting Superintendent, Rocky Mountain National Park

Subject: Proposed Hearing in U. S. District Court, Case No. 2782, United States vs. Northern Colorado Water Conservancy District et al., including Adjudication of Water Claims in Colorado Water District No. 51 for Rocky Mountain National Park

On October 7 our water claims in the above entitled case, as well as those of the U. S. Forest Service and the Oil Shale Experimental Station, were dismissed in U. S. District Court, without prejudice, on motion of Mr. Veeder, Assistant to the Attorney General in charge of the case.

This case was originally scheduled for hearing on October 3. As you probably know from newspaper accounts the various parties have been negotiating almost continuously for the past two weeks in an effort to reach a compromise on the claims of the Bureau of Reclamation and the cities of Denver, Arvada, and Colorado Springs. Such a compromise has now been reached and stipulated.

I discussed the dismissal of our claims with Special Assistant to the Attorney General H. Lawrence Hinkley, who is associated with Mr. Veeder in the case. Our claims, as well as the other claims of the above-mentioned Federal agencies, apparently were dismissed so as to permit a clear-cut decree in the Colorado-Big Thompson project involving the claims of the Bureau of Reclamation and the cities mentioned above. Mr. Hinkley said the parties did not wish the decree "muddied" with a lot of other claims. The claims of the intervenors in the case which arose out of alleged damages resulting from the construction of the Colorado-Big Thompson Project have, by agreement of the attorneys and the court, been temporarily set aside, although not dismissed, and they will be handled in separate decrees to be entered after the water claims of the cities and the Bureau have been adjudicated.

I inquired of Mr. Hinkley if it was Mr. Veeder's plan to enter a new suit in behalf of the claims which had been dismissed and he said he did not think so. As you know Mr. Veeder has contended that the Federal Government does not have to perfect water claims in

10-11-1955: memorandum to regional director from acting superintendent regarding proposed hearing in u.s. district court, case n

accordance with the State Water Code. It is his contention that when the Federal Government withdraws land that the withdrawal also applies to the water thereon which is unappropriated at the time of the withdrawal order. I understand that there is considerable disagreement among lawyers, and especially those of the appropriative water rights states, with this theory.

It does not appear that any further action can be taken by us locally in this matter. We were prepared all week to present our testimony in support of our claims and our witnesses, including Mr. Mayrose in accordance with Mr. Dunn's memorandum of September 16, spent two full days in Denver waiting to testify before it was decided to dismiss our claims from the suit.

(SGD) GEORGE B. HARTZOG JR.

George B. Hartzog, Jr.
Acting Superintendent

In Duplicate

Copy to: Western Office of Design and Construction

In reply refer to:
L54-1

Office of
Chief, Western Office
Div. of Design and Const.
SEP 21 1955 A.M.
Supv. Architect
Supv. Engineer 9/21
Supv. Landscape Arch.
Safety Engineer

September 16, 1955

1 -

Memorandum

To: Superintendent, Rocky Mountain

From: Chief, Water Resources Section

Subject: Proposed Hearing in U. S. District Court, Case No. 2782 United States vs. Northern Colorado Water Conservancy District et al., including Adjudication of Water Claims in Colorado Water District No. 51 for Rocky Mountain National Park

The memorandum of August 3 to the Regional Director from Mr. Lloyd indicates that the subject hearings are scheduled to begin about October 3 and that the testimony of claims for Rocky Mountain will probably be given about October 20. The potential witnesses are given as Messrs. Fred Anderson, Fred McLaren and Wayne Hackett.

The following claims are on file for Rocky Mountain:

Timber Creek Water System, Docket 14
Milner Pass Road Camp Water System, Docket 15
Grand Lake Lodge Power Pipeline, Docket 17
Grand Lake Lodge and Ranger Station Water System, Docket 20
The Consolidated Claim is in Docket 19.

Part of the testimony will relate to diversion and pipe capacities, and to the extent of maximum past beneficial use for the designated purposes. Such information must be given by a witness like Park Engineer Paul Mayrose or me. The former is in a better position to analyze recent maximum visitor use, estimate the resulting water use and he can also check the pipe and diversion capacities which I derived for the filings, and present the testimony which I would otherwise have to give.

Accordingly, it is recommended that Mr. Mayrose be included in the list of witnesses, and that he review the files and make such field checks as necessary to prepare him to testify. If he has any questions or seems to lack records, please advise us at once because I expect to be on leave during most of the last three weeks of October.

The maximum water use from the Milner Pass Road Camp Water System may have occurred some years ago. The maximum use of water from the Timber Creek, and Grand Lake Lodge and Ranger Station Water Systems is probably not to occur until some years hereafter, and it may be necessary to obtain a conditional right now. No final decree should be requested for less than the pipe capacity or available flow in any of these three cases.

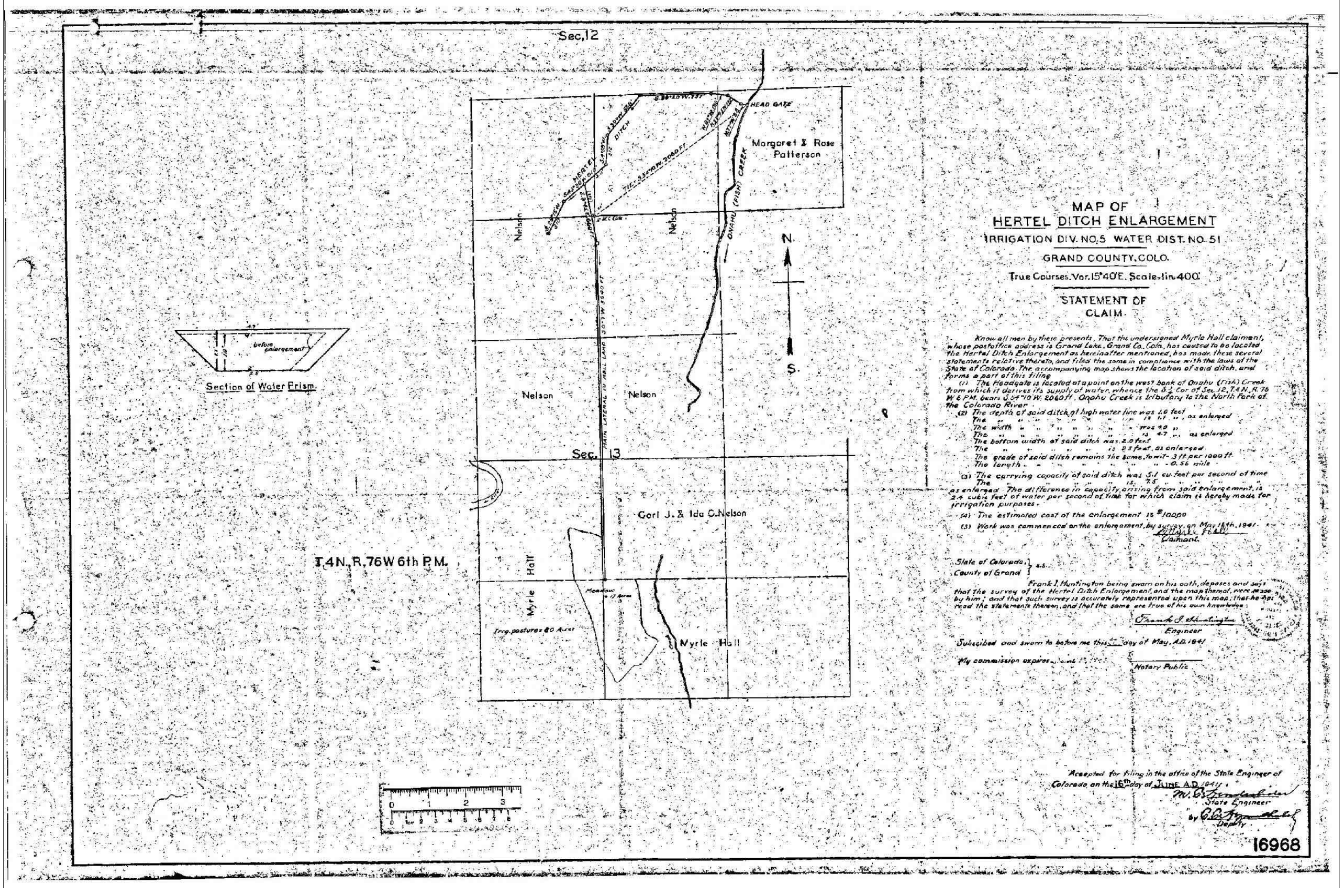
SIGNED

A. van V. Dunn
Chief, Water Resources Section

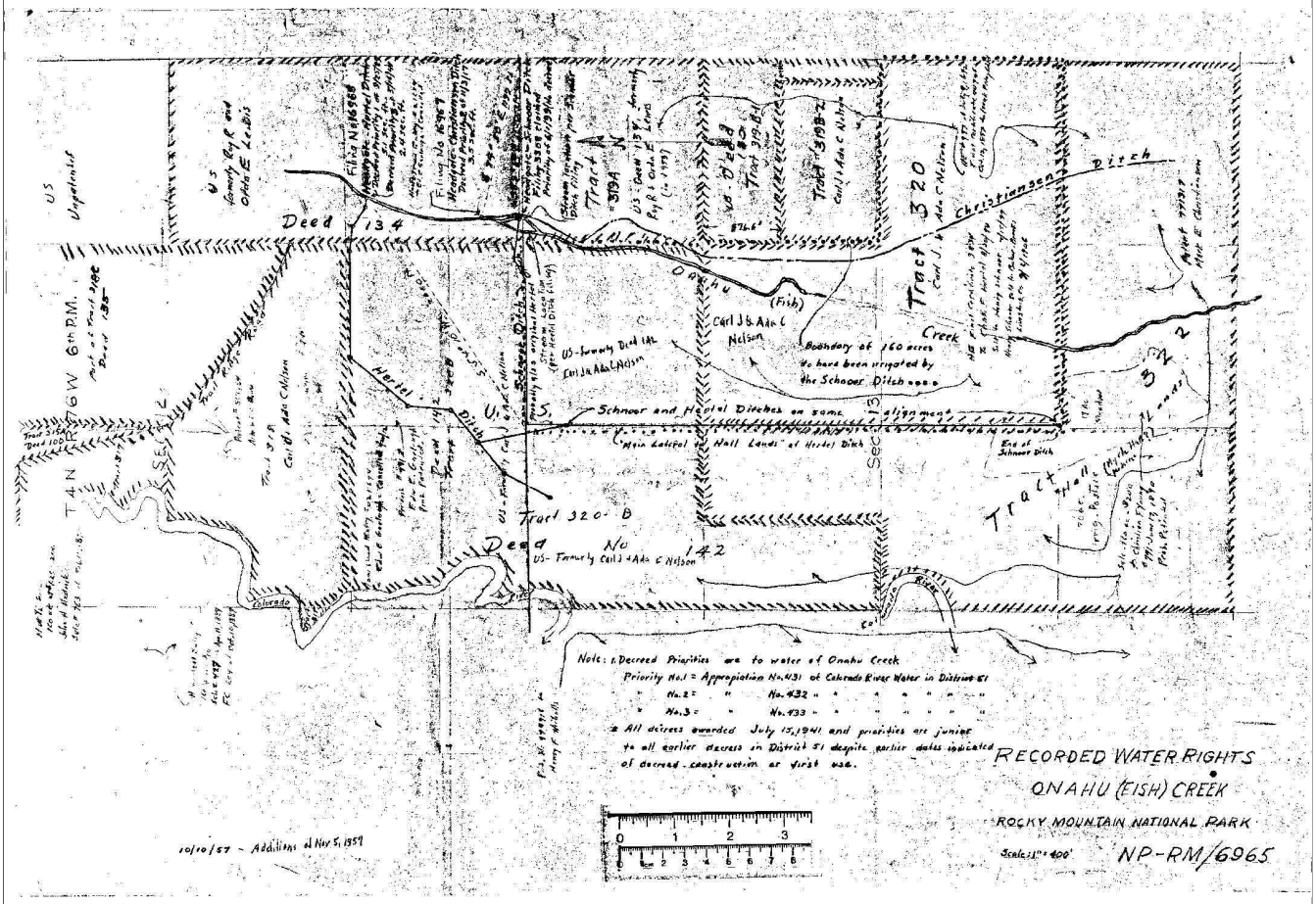
Copy to: Regional Director, Region Two
Western Office of Design and Construction

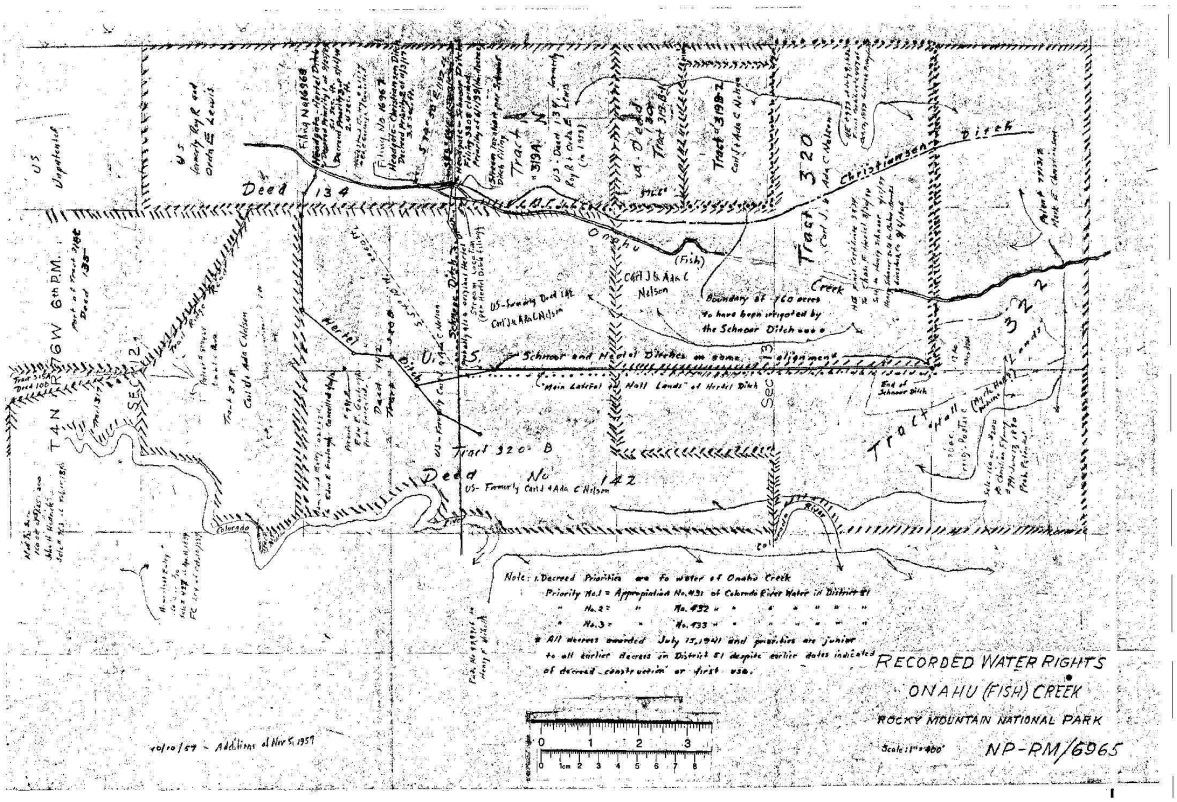
Maps and Miscellaneous Information

06-16-1941: map of the hertel ditch enlargement



10-10-1957: map of the recorded water rights - onahu creek





Docket Information

Number of Documents in Docket 152

Documents Dated from 9/25/1889 to 10/22/1987

Docket Compiled: 6/14/2011