



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 42

1) HUNTERS CREEK, WILD BASIN PIPELINE; 2) DEER HAVEN WELL

Preliminary Docket Information

00-00-0000: water right record: appl. no. 22847

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #42

IDENTIFICATION NO: ROMO R 2 1 0 3 7 3 A F 4 2

DITCH/WATER SYSTEM: Wild Basin Pipeline

SOURCE OF SUPPLY: Hunters Creek

LOCATION: NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21, whence the $\frac{1}{4}$ cor of Sec. 21-22, T3N, R73W, 6th PM,
bears N71°14'E 2174.79 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing No. 22847, accepted for filing Aug. 11,
1966 in the office of the State Engr. of Colorado. Map #NP-RM-2670
Certificate Record Number:

Date of Priority: Claim was made for priority of 1915 by virtue of
recognized spring use, Diversion No. 1, which was abandoned upon completion
Quantity of Water: .219 c.f.s. of said pipeline.

Purpose: Domestic and sanitary

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a head-
gate, chlorinator house, 250 gallon tank and distribution system. The system
serves the ranger office, residence and ranger cabin.
The area was set aside as a recognized public campground in 1915. The original
diversion No. 1 was a spring near Hunters Creek. Diversion No. 2 was constructed
in 1932. Diversion No. 3 was constructed in 1962.

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #42

IDENTIFICATION NO: R S 2 1 0 3 7 3 A F 4 2

DITCH/WATER SYSTEM: Wild Basin Pipeline

SOURCE OF SUPPLY: At a point on Hunters Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21,
T3N,
LOCATION:

WATER RIGHT:

Appropriator:

Application/Permit Number:

Certificate Record Number:

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS:

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #42

IDENTIFICATION NO: ROMO W 2 2 0 3 7 3 A F 4 2

DITCH/WATER SYSTEM: Deer Haven

SOURCE OF SUPPLY: Well

LOCATION: SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 22, whence the NE cor. of Sec. 22, bears
N51°15' East 3700 feet.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: May 3, 1977

Quantity of Water: .02 c.f.s.

Purpose: Domestic

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a
150 ft. well.

This well serves the Deer Haven ranger station.

DOCKET INFORMATION SHEET

Docket Identity	ROMO W 22 Q3 73 A F 42
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	DEER HAVEN
State	COLORADO
County	BOULDER
Docket	ROMO WATER RIGHT DOCKET 42
Location	T3M R73W SEC 22 SE 1/4 NW 1/4
Acquired by	APPROPRIATION
Application	
Permit	
Certificate	
Priority	MAY 3 7 .02 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC
Quantity	.02 CFS
Hydrologic Unit	10190005
Remarks	

DOCKET INFORMATION SHEET

Docket Identity	ROMO, R. 21, 03, 73 A.F. 42
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	WILD BASIN PIPELINE
State	COLORADO
County	BOULDER
Docket	ROMO WATER RIGHT DOCKET 42
Location	T3N R73W SEC 21 NW 1/4 SE 1/4
Acquired by	APPROPRIATION
Application	22847 AUGUST 11, 1966 MAP N.P.-24-26.70
Permit	
Certificate	
Priority	1915 - 1919 CFS
Reservation	JANUARY 26, 1915
Status	ACTIVE FEDERAL
Source	SURFACE WATER
Use	DOMESTIC AND SANITARY
Quantity	1919 CFS
Hydrologic Unit	10190005
Remarks	ORIGINAL DIVERSION NO. 1 WAS A SPRING NEAR HUNTERS CREEK. DIVERSION NO. 2 WAS CONSTRUCTED IN 1932. DIVERSION NO. 3 WAS CONSTRUCTED IN 1962



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517



November 13, 1992

NOV 16 1992
RECEIVED
WATER DIVISION

Ms. Deirdre Hills
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street - Suite 945
Denver, CO 80202

Re: Water Division No. 1 - Case Nos. W-8789-77 and W-8791-77(A)

Dear Deirdre:

We have reviewed the above referenced cases and the findings and rulings of the water referee. They are acceptable as written.

Thank you for the opportunity to review these cases.

Sincerely,

Kenneth Czarnowski
for Kenneth Czarnowski
Hydrologist

cc: WRD - Williams
SOL - Canaday
RMR - Wise



U.S. Department of Justice

Environment and Natural Resources Division

WMC:dh
90-1-2-892

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

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

November 2, 1992

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

Re: Water Division No. 1 - Case Nos. W-8789-77 and W-8791-77(A)

Dear Ken:

Enclosed please find copies of FINDINGS AND RULING(S) OF THE REFEREE . . . in the above-captioned cases. Please study these carefully and let us know by **November 16, 1992**, whether or not these Rulings are acceptable to your agency.

We look forward to hearing from you.

Sincerely,

Deirdre Hills

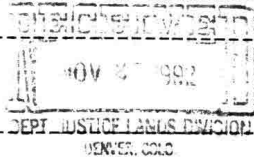
Deirdre Hills
Legal Technician
General Litigation Section

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

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

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8789-77



FILED IN DISTRICT COURT
32 OCT 30 1984
2ND DIST. WATER COURT
WELD COUNTY COLO.

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF
UNITED STATES OF AMERICA, IN ROCKY MOUNTAIN NATIONAL PARK,
IN BOULDER COUNTY

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

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

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

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

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

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

2. The name of the structure:

USA Rocky Mountain National Park:
Deer Haven Well No. 165965

USA
W-8789-77
Page 2

3. The legal description of the structure:

In the SE1/4 NW1/4, Section 22, Township 3 North, Range 73 West, 6th P.M., Boulder County, at a point approximately 2250 feet from the North line and 2125 feet from the West line, Section 22.

4. The source of the water:

Groundwater

5. The date of appropriation:

May 3, 1977

6. The amount of water:

0.022 cfs (10 gpm)

7. The use of the water:

Domestic in two single family dwellings and irrigation of less than one acre and stockwater.

8. This well was approved pursuant to CRS 37-92-602(3)(b)(II) as the only well on a tract of 35 acres or more in SE1/4 NW1/4, Section 22.

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

Dated: OCT 30 1992


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

USA
W-8789-77
Page 3

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

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

Dated: _____

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

Form No.
GWS-25OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

APPLICANT

WELL PERMIT NUMBER 165965
DIV. 1 CNTY. 7 WD 5 DES. BASIN MD

Lot: Block: Filing: Subdiv:

US NATIONAL PARK SERVICE RKY MTN

ESTES PARK CO 80517

(303)586-3565

APPROVED WELL LOCATION
BOULDER COUNTYSE 1/4 NW 1/4 Section 22
Twp 3 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES

2250 Ft. from North Section Line
2125 Ft. from West Section Line

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) for the use of an existing well constructed in 1977 and as the only well on a tract of land of 40 acres described as the SE 1/4 of the NW 1/4 of Sec. 22, Twp. 3 N., Rng. 73 W. of the 6th P.M., Boulder County.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside 2 single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.
- 5) The maximum pumping rate shall not exceed 10 GPM.
- 6) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall have been constructed not more than 200 feet from the location specified on this permit.

J.H. M. 9-2-92

OWNER'S COPY

APPROVED
MAM

State Engineer

Receipt No. 0333418C

DATE ISSUED SEP 03 1992

By

M.A. Mullay
EXPIRATION DATE SEP 03 1994

Form No.
GWS-25OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXST

APPLICANT

WELL PERMIT NUMBER 165965

DIV. 1 CNTY. 7 WD 5 DES. BASIN MD

Lot: Block: Filing: Subdiv:

US NATIONAL PARK SERVICE RKY MTN

ESTES PARK CO 80517

(303)586-3565

APPROVED WELL LOCATION

BOULDER COUNTY

SE 1/4 NW 1/4 Section 22
Twp 3 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES

2250 Ft. from North Section Line

2125 Ft. from West Section Line

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
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- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside 2 single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.
- 5) The maximum pumping rate shall not exceed 10 GPM.
- 6) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall have been constructed not more than 200 feet from the location specified on this permit.

M.M. 9-2-92

PUMP INSTALLER'S
COPYAPPROVED
MAM

State Engineer

Receipt No. 0333418C

DATE ISSUED SEP 03 1992

By

M.A. Malley
EXPIRATION DATE SEP 03 1994

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8789-77 through W-8794-77)

8 Copies delivered to DOS
9/28/84 PRL
Docket #42

AMENDED APPLICATION FOR SURFACE AND UNDERGROUND
WATER RIGHTS

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

1. Name and address of Applicant:

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

2. The United States of America claims a total of ten water rights including four additional surface and underground water rights (diversions, pipelines and wells) situated on lands acquired for and located in Rocky Mountain National Park in Larimer County.
3. The use of the water claimed in this amended application is domestic water for use in picnic areas, campgrounds, ranger stations, cabins under permit from the National Park Service in the Rocky Mountain National Park.
4. Legal descriptions and data pertaining to each well or diversion (all descriptions refer to 6th P.M.):

Larimer County

Name of Structure: Bighorn Ranger Station Well
Legal description: In the NE 1/4 NE 1/4, Section 17, T. 5 N., R. 73 W.
Source: Bighorn Creek, tributary to Big Thompson River
Depth of Well: 128 feet
Date of appropriation: June, 1982
Date water applied to beneficial use: August, 1982
How appropriation was initiated: Drilling well
Amount claimed: 20 gpm Absolute
Use: Domestic, recreation, fire fighting

Boulder County

Name of Structure: Deer Haven Well
Legal description: In the SE 1/4 NW 1/4 of Section 22, T. 3 N., R. 73 W.,
whence the NE corner of Sections 22, bears N51° 15' E
3700 feet.
Source: North Saint Vrain Creek
Depth of well: 150 feet
Date of appropriation: May, 1977
Date water applied to beneficial use: July, 1977
Amount claimed: 10 gpm Absolute
Use: Domestic, recreation, fire fighting

5. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8789-77 through W-8794-77. This amendment is in lieu of the amendment filed on September 4, 1984.
6. The United States of America seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority date.

ROBERT N. MILLER
UNITED STATES ATTORNEY

By _____
JOHN E. LINDSKOLD
Attorney, Dept. of Justice
Land and Natural Resources Div.
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

Telephone: (303) 844-3627

SSC

ROUNIM N NAIL PARR

JAN 20 2 00 PM '67

**IN THE DISTRICT COURT IN AND FOR THE COUNTY
OF BOULDER AND STATE OF COLORADO
ACTION No. 20716**

IN THE MATTER OF THE
ADJUDICATION OF PRIORI-) NOTICE OF SUPPLE-
TIES TO THE RIGHT OF THE) MENTAL ADJUDICA-
USE OF WATER FOR ALL) TION OF WATER RIGHTS
BENEFICIAL PURPOSES IN) IN WATER DISTRICT NO. 5,
WATER DISTRICT NO. 5, IR-) IRRIGATION DIVISION NO. 1,
RIGATION DIVISION NO. 1,) STATE OF COLORADO.
STATE OF COLORADO

THE PEOPLE OF THE STATE OF COLORADO:

TO: ALL OWNERS, CLAIMANTS, OR TRANSFEREES OF
WATER RIGHTS IN WATER DISTRICT NO. 5, IRRIGA-
TION DIVISION NO. 1, STATE OF COLORADO; ALL
WATER USERS WITHIN SAID WATER DISTRICT; AND
ALL OWNERS, CLAIMANTS, OR TRANSFEREES OF
ALL DITCHES; RESERVOIRS AND OTHER STRUC-
TURES BY WHICH WATER HAS BEEN DIVERTED OR
STORED IN SAID WATER DISTRICT.

TAKE NOTICE that the above entitled supplemental adju-
dication suit for the adjudication of water rights in Water Dis-
trict No. 5, Irrigation Division No. 1, State of Colorado, for all
beneficial purposes, was initiated in the District Court in and
for the County of Boulder, State of Colorado, on the 15th day of
November, 1966, pursuant to law.

TAKE FURTHER NOTICE that the Court has fixed the 20th
day of February, 1967 at the hour of 9:30 o'clock A.M. in Court-
room in the Hall of Justice in the City of Boulder, County of
Boulder, State of Colorado, as the time and place for beginning
the taking of the evidence in said adjudication suit.

TAKE FURTHER NOTICE that all owners or claimants of
any unadjudicated water rights in said Water District No. 5 are
hereby notified to file a statement of claim for such right, as
provided in Section 148-9-8, C.R.S. '63 and to appear at said
time and place for the taking of evidence in regard to all water
rights so owned or claimed by them, or be forever barred from
setting up any claim to priority or rights to water in said Water
District No. 5 adverse or contrary to the effect of the Decree
to be entered in said adjudication suit.

TAKE FURTHER NOTICE that all water users, within said
Water District No. 5, are hereby notified to be present at the
time and place appointed for the beginning of the taking of evi-
dence in case they wish to resist a claim which may be made
for any water right in said suit.

TAKE FURTHER NOTICE that this Notice does not re-
quire any owner or claimant of a water right which has already
been adjudicated to submit such water right in this supplemental
adjudication.

TAKE FURTHER NOTICE that this Notice, when published
as provided by law, is deemed to be sufficient notice to all water
users not otherwise served with this Notice.

WITNESS my hand and the seal of this Court this 8th day of
December, A.D., 1966.

CHAS. E. SNIVELY
Clerk of the District Court in
and for the County of Boulder and
State of Colorado.
By: William R. Permer, Deputy

(SEAL)

class, for example, nonirrigation, then service shall be necessary on those whose rights have already been adjudicated.

Source: L.43, p. 618, § 7; CSA, C. 90, § 189 (7); CRS 53, § 147-9-7.

General:

Interception of water by a drainage ditch, which water if not so intercepted was originally tributary to a natural stream, will not support an independent appropriation of water from the ditch, as against senior adjudicated priorities from the stream; nor a supplemental decree therefor. *Peterson v. Reed* (1962) 149 C. 573, 369 P.2d 981.

After a general decree has been entered, a further decree adjudicating water rights entered in supplemental proceedings without notice as required by the statutes, or at all, is subject to attack and a demurrer to a petition so stating is erroneously sustained; and the four-year statute (148-9-17) has no application to those not parties, who do not participate in the benefits, or have knowledge of the rendition of such a decree. *Quirico v. Hickory Jackson Ditch Co.* (1952) 126 C. 464, 251 P.2d 937.

No priority in a supplemental proceeding may be given a number or date earlier than the last priority in the next preceding adjudication. *Hardesty Reservoir & Canal Co. v. Arkansas Valley Sugar Beet Co.* (1929) 85 C. 555, 277 P. 763.

A supplemental or additional statutory adjudication decree which purports to subordinate earlier decreed priorities to priorities awarded in the supplemental decree is to that extent absolutely void. Although there may be successive adjudications in the same water district, all priorities must be consecutively numbered and water distributed in accordance there-

to. *Huerfano Valley Ditch & Reservoir Co. v. Hinderlider* (1927) 81 C. 468, 256 P. 305.

In a supplemental decree proceeding evidence of increased irrigated acreage and diversion of an increased amount of water only at flood time when no question of priority was involved, will not support an award by relation back to the date of the original decree, as against adjudicated decrees junior to claimant's original decree. *Baca Irrigating Ditch Co. v. Model Land & Irrigation Co.* (1927) 80 C. 398, 252 P. 358.

Where a decree of defendant's rights in supplemental proceedings was expressly made subject and junior to plaintiff's right, he cannot object to the regularity of such proceedings; it is not a ground for plaintiff's objection that the supplemental decree awarded amounts in excess of water in the stream. *Chey Spring Cattle Co. v. Bassett* (1925) 76 C. 510, 233 P. 156.

Omission of a verification to a supplemental claim is not jurisdictional; a former absolute decree for a specified amount of water cannot be changed in a supplemental proceeding where the two and four-year statutes of limitation have expired. *Estes v. Crann* (1929) 75 C. 440, 216 P. 517.

Under the then existing statute, supplemental proceedings were part of the original proceedings and thereunder the decree in the original proceeding could be changed both as to number and amount. *Larimer Co. v. Aanis* (1913) 54 C. 331, 130 P. 1019.

148-9-8. Statement of claim in adjudication suits.—(1) No owner or claimant of any water right may introduce evidence concerning the same in any adjudication suit until there shall have been first filed in said suit a statement of claim duly signed and verified by or on behalf of one or more owners or claimants of such water right, and which statement of claim shall contain:

(2) The name together with the post office address of the claimant of such water right;

(3) The name of the ditch, reservoir or other structure by means of which the water under such water right is diverted or stored;

(4) A general physical description of such ditch, reservoir or other structure, with the present and proposed capacity in second feet of any ditch or other structure for diverting water, and the present and proposed capacity in acre-feet of any reservoir or other structure for storing water;

(5) The name of the stream or other source of supply with the location of the point of diversion and the location of any storage works;

- (6) The date of the initiation of the original appropriation and of each extension or enlargement thereof;
- (7) The amount of water claimed by the original appropriation and by each extension or enlargement thereof;
- (8) In the case of extensions and enlargements, the capacity as constructed or as proposed before and after each extension and enlargement;
- (9) A statement of any filings made in the office of the state engineer;
- (10) The character of uses; and
- (11) In case of an irrigation priority, the number of acres being irrigated and the number of acres proposed to be irrigated therefrom.

Source: L. 43, p. 619, § 8; CSA, C. 90, § 189(8); CRS 53, § 147-9-8.

Cited and applied:

Orchard City Irrigation Dist. v. Whitten (1961) 146 C. 127, 361 P.2d 130 (annot. 148-5-1).

148-9-9. Production of evidence.—The court, in adjudication suits, shall have the same power to compel depositions, the attendance and testifying of witnesses and the production of documents and other exhibits, as is possessed by the court in other civil cases. Any referee appointed in an adjudication suit shall have the same power in these matters as a referee or master in other civil cases. Refusal to testify or to produce documents or other exhibits shall be punishable for contempt in the same manner as in other civil cases.

Source: L. 43, p. 620, § 9; CSA, C. 90, § 189(9); CRS 53, § 147-9-9.

148-9-10. Trial of adjudication suits.—(1) On the day fixed for beginning the taking of evidence the court or referee shall proceed to hear all the evidence either in support of or against any water right for which a statement of claim has been filed in the adjudication suit, touching upon the truth of the matters alleged in the statements of claim and upon the diligence shown by the claimants in prosecuting their appropriations of water and concerning any other matter which may effect the right of the claimants to a decree evidencing the priority of right claimed for each ditch, reservoir or other structure.

(2) All the evidence shall be reduced to writing and certified or proved in such manner as the court or referee may determine to be sufficient. All such evidence so reduced to writing and certified or proved, whether the same be taken in open court or by or before the referee, shall be filed with the clerk of the court in which said proceeding is had and become a part of the permanent records of said court. Any evidence concerning a water right taken in any prior adjudication in the same water district shall be considered by the court or referee concerning the same water right. The taking of evidence may be adjourned from time to time, and notice of the time to which such adjournment is taken shall be given in the hearing at the time of such adjournment by the court or by the referee.

(3) No hearing shall be had at any other time except upon written notice by the clerk of the court or by the referee to all persons having claims on file in the proceeding. The owner or claimant of any water right in the water district, whether such water right has theretofore been adjudicated or not, shall be permitted to cross-examine witnesses on behalf of and to introduce evidence against any claim for another water right which might injuriously affect his own water right.

(4) In like manner, any appropriator of water in any other water district in the same irrigation division may also cross-examine and introduce evidence upon satisfactory showing that his own water rights might be

Case No. W-8789-77

Deer Haven Well

This well serves the Deer Haven Ranger Station which consists of three seasonal residences. The well is located in the SE1/4 NW1/4 of Section 22, T3N, R73W, 6th P.M. It is the only well located on a 40-acre parcel of land.

The well is 150 feet deep and was drilled in 1977 and produces 10 gallons per minute according to tests made with the permanent pump installed. Annual water use is approximately 54,000 gallons according to records of the water system operator.

Sewage is discharged into two septic systems which release the water back into the North St. Vrain drainage.

Application for a well permit has been made with the State Engineer's Office (copy Attached).

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

WRJ-5-Rev. 76

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

PERMIT APPLICATION FORM

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

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

() REPLACEMENT FOR NO. _____

() OTHER _____

WATER COURT CASE NO. W-8789-77**(1) APPLICANT - mailing address**NAME USA/Rocky Mountain National Park

STREET _____

CITY Estes Park, CO 80517
(State) (Zip)TELEPHONE NO. (303) 586-3565**(2) LOCATION OF PROPOSED WELL**County BoulderSE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 22Twp. 3 N, Rng. 73 W, 6th P.M.
(N,S) (E,W)**(3) WATER USE AND WELL DATA**Proposed maximum pumping rate (gpm) 10Average annual amount of ground water
to be appropriated (acre-feet): 1Number of acres to be irrigated: 1Proposed total depth (feet): 150

Aquifer ground water is to be obtained from:

Alluvium, North St. Vrain RiverOwner's well designation Deer Haven Well**GROUND WATER TO BE USED FOR:**

() HOUSEHOLD USE ONLY - no irrigation (0)

(X) DOMESTIC (1) exempt () INDUSTRIAL (5)

() LIVESTOCK (2) () IRRIGATION (6)

() COMMERCIAL (4) () MUNICIPAL (8)

() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLERName Unknown

Street _____

City _____
(State) (Zip)

Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

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

APPLICATION APPROVED

PERMIT NUMBER _____

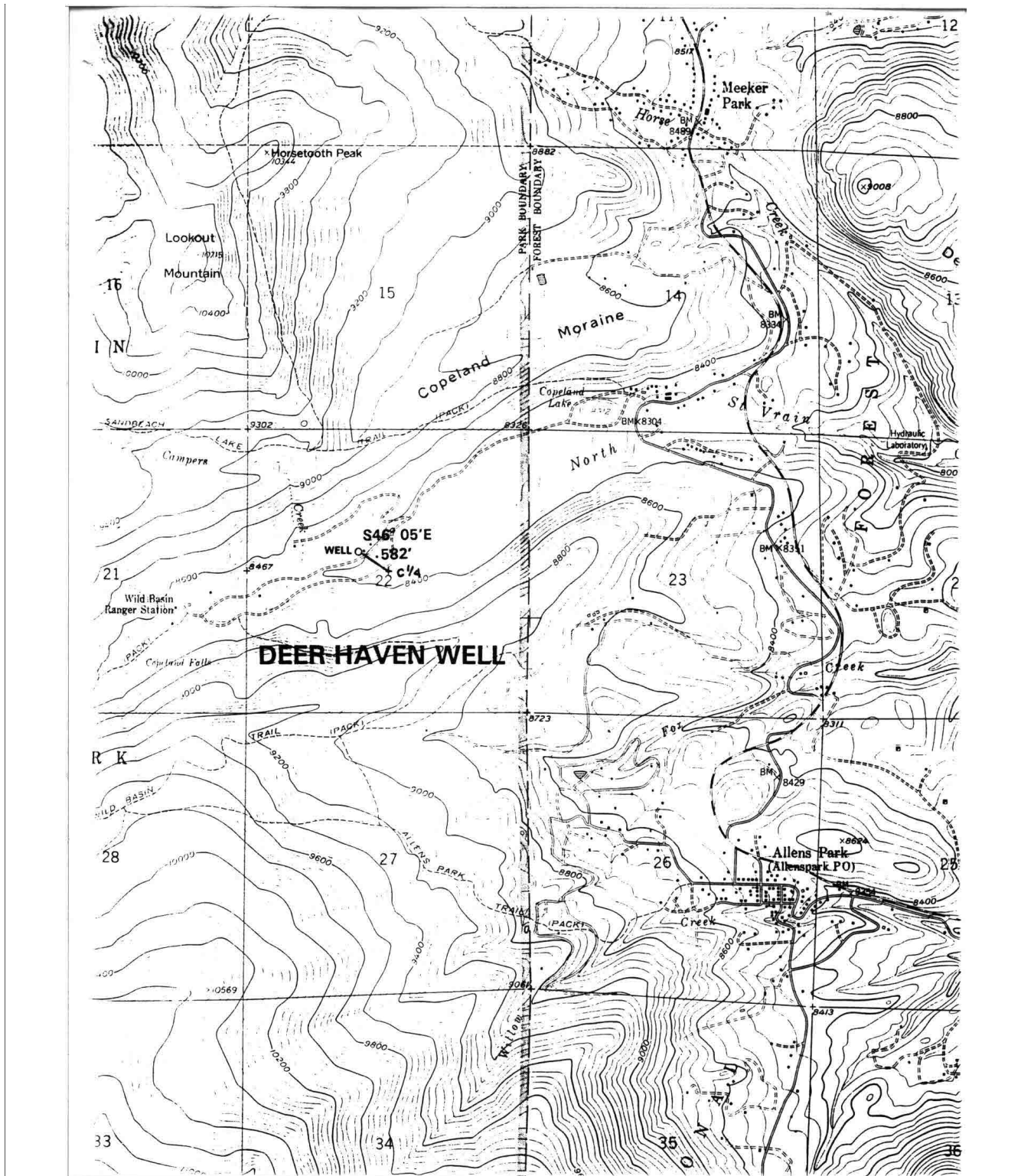
DATE ISSUED _____

EXPIRATION DATE _____

(STATE ENGINEER)

BY _____

I.D. _____ COUNTY _____



Other Supporting Information



Environment and Natural
Resources Division

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

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

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

January 9, 1992

1-12
RECEIVED
WSD - FT COLLINS

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

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

Dear Ray:

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

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

Sincerely,

Lynn A. Johnson
Attorney
General Litigation Section

Enclosures

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



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



IN REPLY REFER TO:

L54

December 17, 1991

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

Dear Sir:

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

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

Thank you for your assistance in this matter.

Sincerely,

(Sgd) James B. Thompson

James B. Thompson
Superintendent

Enclosures



L54

December 17, 1991

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

Dear Ms. Johnson:

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

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

Sincerely,

(Sgd) James B. Thompson

James B. Thompson
Superintendent

Enclosures

cc:

SOL - Canaday

WRD - Williams

RMR - Chaney

DEC 1991
RECEIVED
WRD - FT COLLINS

DRAFT

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

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

Dear Mr. Leisman:

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

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

Sincerely,

Lynn A. Johnson
Attorney

Name of Structure: NPS Wild Basin Pipeline
Legal description: At a point whence the 1/4 corner between Sections 21 and 22, T. 3 N., R. 73 W., bears N 71°14' E, 2174.79 ft.
Source: Hunters Creek, tributary to North St. Vrain Creek
Description of Structure: Surface diversion
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 107 gpm

Name of Structure: NPS Lower Hidden Valley Well
Legal description: At a point whence the SE 1/16 corner of Section 14, T. 5 N., R. 74 W., bears N 54° 58' W, 2498.77 ft.
Source: Hidden Valley Creek, tributary to Big Thompson River
Depth of Well: 20 feet
Description of Structure: Well
Date of Reservation: January 26, 1915
Use of Water: Domestic, Fire Fighting
Amount claimed: 44 gpm

Name of Structure: NPS Hidden Valley Well #2
Legal description: At a point whence the SW corner of Section 14, T. 5 N., R. 74 W., bears N 5° 15' W, 2100 ft.
Source: Hidden Valley Creek, tributary to Big Thompson River
Depth of Well: 62 feet
Description of Structure: Well
Date of Reservation: January 26, 1915
Use of Water: Domestic, Recreation, Fire Fighting
Amount claimed: 34 gpm

8. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8788-77. This amendment is in lieu of the amendment filed on September 4, 1984.
9. The United States of America seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority date.

ROBERT N. MILLER
United States Attorney

By _____
JOHN E. LINDSKOLD
Attorney, Department of Justice
Land and Natural Resources Div.
1961 Stout Street, Drawer 3607
Denver, Colorado 80294
Telephone: (303) 844-3627

Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1080, Estes Park, Colorado 80517

WR # 42

Memorandum

In accordance with the instructions received from Mr. Don Young of your office in response to Management Assistant Guiton's phone conversation on January 23, we are enclosing the Notice of Supplemental Adjudication of Water Rights in Water District No. 5, as received from the Clerk of the District Court, by Certified Mail, on January 20, 1967.

NP:RM 2670, Filing 22847, Accepted by the State Engineer
August 11, 1966

HP:RM 2487, Filing 16642A, Accepted by the State Engineer
August 11, 1966

Water Right Dockets No. 18 (Wild Basin) and No. 42 (Longs Peak) are also being furnished for your further information.

It appears the Claimant's Statement on each drawing will supply the information required in Section 148-9-8, C.R.S., '63 with the possible exception of the storage capacity in acre-feet. Our storage at Wild Basin consists of 250 gallon tank while the Longs Peak tank has a capacity of 550 gallons.

We would appreciate your consideration of this material and your opinion as to what additional steps may be required to satisfy our obligations, if any, and protect these rights.

We are furnishing copies of this memorandum to our Regional Office in Omaha, Nebraska as well as our Office of Land and Water Rights, San Francisco Service Center so they may be advised of this matter.

(Sgd) Fred J. Novak

Superintendent

Enclosures

Drawings

Notice

Dockets 18 and 42

cc:

Regional Director, Midwest Region, w/c of Notice, drawings, and
Section 148-9-8 of C.R.S., '63 Edition.

Chief, Office of Land and Water Rights - same enclosures as Region, ✓
Attention: Hydraulic Engineer

L54-CBL

February 24, 1960

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Transmittal of Water Right Docket 42, Wild Basin Pipeline,
Rocky Mountain National Park

Attached is your folder of the subject docket which contains a copy of Drawing NP-RM-6987-A.

You will note that the claim to historical first use is based on the lowest Ranger Cabin pipeline, and the drawing was left incomplete and unfilled because the ultimate claim was predicated on the acquisition of the adjacent Hall tract. The proposed development, straddling the Hall property line, was added to the tracing, in pencil, in 1957. Certain data on visitor use of the spring, in right hand column, is needed from old Park records to support the claim to 0.0002 sec.ft. (12 gpd).

This, and the Longs Peak Campground water claim, are the only ones in Water District No. 5 which have been started, and neither has been filed. Either filing would put the United States on State record for notice of the next adjudication, but would not establish any more right than now exists under the Colorado law, unless, or until, the Department of Justice submitted it for adjudication. The same claim can be submitted for adjudication without prior filing.

Accordingly, it is optional whether the filing is completed and filed. However, the records of progressive water development and use should be maintained in the docket as a basis for the claim. We can forward the tracing if you wish to use it. The tracing could be brought up-to-date with a supplemental engineer's statement and the addition of the latest water system plan.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain, w/identical attachment
Chief, WODC (2), w/identical attachment

UNITED STATES (S) A. MONTAGNA, DIRECTOR
 OFFICE OF THE DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WASHINGTON, D.C.

OFFICE OF THE DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
 WASHINGTON, D.C.

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3. *Exp. Int. 10/27/60*

1. [Signature]

2. [Signature]

THESE ARE THE RESULTS OF THE

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APPROVED BY: [Signature]

