



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 43

1) ADAMS CREEK DITCH (SELAKE) #1 2) RANGER CREEK SELAK DITCH #2 3) POLE CREEK, POLE CREE

Preliminary Docket Information

00-00-0000: water right record: application/permit number, decree #298

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #43

IDENTIFICATION NO: ROMO, R, 19, 0375, A, F, 43

DITCH/WATER SYSTEM: Selak Ditch #1

SOURCE OF SUPPLY: Adams Creek

LOCATION: Point of diversion on the left bank of Adams Creek at a point from whence the N $\frac{1}{2}$ of Section 19, T3N, R75W of the 6th P.M., bears S45°55' West 2263 feet.

WATER RIGHT:

Appropriator:

Application/Permit Number: Decree #298, Water District #51, March 18, 1915

Certificate Record Number:

Date of Priority: #1 June 1, 1913

Quantity of Water: 3.0 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS:

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal 43

IDENTIFICATION NO: ROMO R 1 9 0 3 7 5 B F 4 3

DITCH/WATER SYSTEM: Selak Ditch #2

SOURCE OF SUPPLY: Ranger Creek

LOCATION: Point of diversion on the right bank of Ranger Creek at a point
whence the N $\frac{1}{2}$ corner of Section 19, T3N, R75W of the 6th P.M., bears
North 74° 21' West 1757 feet.

WATER RIGHT:

Appropriator:

Application/Permit Number: Decree #299, Water District #51, March 18, 1915

Certificate Record Number:

Date of Priority: #1, June 1, 1913

Quantity of Water: 1.0 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS:

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #43

IDENTIFICATION NO: ROMO, R, 18, 0375, AF, 43

DITCH/WATER SYSTEM: Pole Creek Ditch

SOURCE OF SUPPLY: Pole Creek, a tributary to the North Fork of the Colorado River.

LOCATION: North bank of the Pole Creek whence the $\frac{1}{4}$ corner between Sections 18 and 19, T3N, R75W, of the 6th P.M. bears N. 50°10' West, 5200 feet.

WATER RIGHT:

Appropriator:

Application/Permit Number: Decree #339, Water District #51, November 5, 1937

Certificate Record Number:

Date of Priority: #1, June 29, 1916

Quantity of Water: 3.80 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS: To supplement the flow of water for the Selak No. 1, and Selak No. 2, ditches and to begin when water for said ditches fails to flow in said stream to provide for their decreed amounts.

W A T E R D O C K E T I N F O R M A T I O N

A R E A ROCKY MOUNTAIN N P

DOCKET NO. 43

APPLICATION NO.

PERMIT NO.

CERTIFICATE NO.

TITLE OF DOCKET SELAK DITCH SYSTEM

PRIORITY

REMARKS:

Decree No. 298
Decree No. 299
Decree No. 339

Selak No. 1 Ditch-Div. Adams Creek	Priority	6/1/1913
Selak No. 2 Ditch- Div. Ranger Creek	"	6/1/1913
Pole Creek Ditch-Div.Pole Creek	"	6/29/1916

ROCKY MOUNTAIN NATIONAL PARK

DOCKET 43

Selak Ditch System

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- B. Abstract #783 - Land Status to 1929
- C. Abstract #539-783 - Supplemental - Land and Water Rights to U.S.
- D. Certificate that RRR/W was never exercised.
- E. Certificate that Grand River Placer Claim was non-existent.
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- G. LAND OWNERSHIP RECORD - prepared by A. V. Dunn 11/22/43

PART II - Appurtenant Decreed Water Rights

- A. Selak Ditch No. 1 - Decree No. 298.
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- C. Pole Creek Ditch-Sup. Supply - Cond. Decree No. 339.
" " " " " Final Decree No. 339

PARTIII - Water Right Amendment by United States

ROMO R 19 03 75 A F 43
ROCKY MOUNTAIN
ROCKY MOUNTAIN NATIONAL PARK
SELUK DITCH NO 1
COLORADO
GRAND
ROMO WATER RIGHT DOCKET 43
T3N R75W SEC 19 N 1/4 COR BEARS S45°55' W 2263 FT
PURCHASE
NO 11
DEGREE 298
JUNE 1 1913 - 31.0 CFS
JANUARY 26 1915
ACTING FEDERAL MARCH 18 1915
SURFACE WATER
IRRIGATION
31.0 CFS
14010001

DOCKET INFORMATION SHEET

Docket Identity	ROMO R 19 03 75 B F 43
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	SELUK DITCH NO 2
State	COLORADO
County	GRAND
Docket	ROMO WATER RIGHT DOCKET 43
Location	T3N R75W SEC 19 N1/4 COR BEARS N74°21'W 1757 FT
Acquired by	PURCHASE
Application	
Permit	NO 1
Certificate	DEGREE 299
Priority	JUNE 11 1913 - 11.0 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL MARCH 18 1915
Source	SURFACE WATER
Use	IRRIGATION
Quantity	11.0 CFS
Hydrologic Unit	14010091
Remarks	

ROMO R 18 03 75 A F 43
ROCKY MOUNTAIN
ROCKY MOUNTAIN NATIONAL PARK
POLE CREEK DITCH
COLORADO
GRAND
ROMO WATER RIGHT DOCKET 43
T3M R75W SEC 18
PURCHASE
NO. 1
DECREE 339
JUNE 29, 1916 - 31.80 CFS
JANUARY 26, 1915
ACTIVE FEDERAL NOVEMBER 5, 1937
SURFACE WATER
IRRIGATION
31.80 CFS
1.4010001
TO SUPPLEMENT THE FLOW OF WATER IN SELAK
DITCHES NO. 1 AND NO. 2

ROCKY MOUNTAIN	Docket 43	Filing No.	Decree 298	<u>Selak Ditch System</u> (Redwood Fiber's Ranch.) Selak No. 1 Ditch-Div. Adams Creek Selak No. 2 Ditch-Div. Ranger Creek Pole Creek Ditch-Div. Pole Creek	Priority June 1, 1913
		Filing No.	Decree 299		Priority June 1, 1913
		Filing No.	Decree 339		Priority June 29, 1916

DISTRICT COURT, WATER DIVISION NO. 5, COLORADO

Case No. 86 CW 326

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: RANGER 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 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 SELAK DITCH NO. 2.
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 Ranger Creek tributary to the North Fork of the Colorado River.
7. The historic point of diversion is located at a point on the right bank of Ranger Creek whence the North 1/4 corner of section 19, Township 3 North, Range 75 West of the 6 th P.M., bears North 74 degrees 21 minutes West 1757 feet.

8. On March 18, 1915, in Civil Action No. 304, the Grand County District Court awarded to Selak Ditch No. 2, Appropriation No. 299, Priority No. 1, Ranger Creek, an absolute water right for 1.0 cubic foot of water per second of time (c.f.s.), for irrigation with a date of appropriation of June 1, 1913.

9. The United States purchased the 1.0 cfs decreed to the Selak No. 2 Ditch, along with the land that has been historically irrigated by the ditch. This 93 acres of land has been permanently removed from irrigation and the headgate to the formerly irrigated land has been obliterated thereby leaving the historic consumptive use associated with the irrigation flowing in Ranger Creek.

10. The Application for Change of Water Right requests that the historic consumptive use for the irrigation of approximately 93 acres of land by said 1.0 cfs be changed to an instream flow by leaving the amount of historic consumptive use in Ranger Creek below the afordescribed point of diversion for the instream beneficial uses of outdoor recreation, aesthetics, and wildlife and fish maintenance and propagation in Ranger 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 NE 1/4, NE 1/4, SW 1/4, of Section 19, T. 4 N., R. 75 W., of the 6 th P.M.

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

<u>MONTH</u>	<u>ACRE-FEET</u>	<u>C.F.S.</u>
May	6.82	0.11
June	9.09	0.15
July	8.41	0.14
August	5.33	0.09
September	3.35	0.11
Total	33.00	

12. The entire reach of Ranger 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.

14. 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.

15. 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 water right for 3.0 cfs historically used for irrigation of 93 acres of land decreed to SELAK DITCH NO.2 in Civil Action No. 304, by the Grand County District Court on March 18, 1915, awarded appropriation No. 299, Priority No. 1, Ranger Creek, date of appropriation of June 1, 1913, be changed from irrigation to instream flow uses for outdoor recreation, aesthetics, and wildlife and fish maintenance and propagation in the reach of Ranger Creek and the North Fork of the Colorado River beginning at the historic point of diversion at a point on the right bank of Ranger Creek whence the North 1/4 corner of section 19, Township 3 North, Range 75 West of the 6 th P.M., bears North 74 degrees 21 minutes West 1757 feet and ending at a point where the North Fork of the Colorado River crosses the Rocky Mountain National Park boundary located in the NE 1/4, NE 1/4, SW 1/4, of Section 19, T. 4 N., R. 75 W., of the 6 th P.M. in the amounts and at the times as set forth below:

<u>MONTH</u>	<u>ACRE-FEET</u>	<u>C.F.S.</u>
May	6.82	0.11
June	9.09	0.15
July	8.41	0.14
August	5.33	0.09
September	3.35	0.11
Total	33.00	

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

GAVID D. LITWILLER
Judge, Water Division No. 5



DIVISION OF WATER RESOURCES

WATER DIVISION V
ORLYN J. BELL
DIVISION ENGINEER
P.O. BOX 396
1429 GRAND AVENUE
GLENWOOD SPRINGS, COLORADO 81602
945-5665

July 5, 1991

Kenneth J. Czarnowski
Hydrologist
United States Department of the Interior
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

Re: Protest to 1990 Abandonment List - - Protest No. PN-142

Dear Mr. Czarnowski:

This letter is to acknowledge receipt of the above-referenced protest and fee received in our office July 1, 1991 from you on behalf of the United State of America with regards to the following structure in Water District 51:

<u>Water Right Name</u>	<u>ID No.</u>	<u>Sequence No.</u>	<u>Amount Abandoned</u>
Pole Creek Ditch	834	484	3.80 cfs

Enclosed is your receipt for the protest fee and a date-stamped copy of the protest.

After review of the field inspection report from the water commissioner, review of your protest and any further documentation, you will be contacted if further information is required or when a decision is rendered.

Should you have questions regarding this process, please contact me.

Sincerely,


Robert D. McCabe
Senior Water Resource Engineer
for Orlyn J. Bell, Division Engineer

RDM:nch
Receipt No. 9388
cc: Jim Daxton, Water Commissioner, District 51

(Note: A fee of ten dollars, payable to the Division of Water Resources, is required for filing this document)

BEFORE THE DIVISION ENGINEER, WATER DIVISION NO. 5, STATE OF COLORADO
Protest No. _____

STATEMENT OF OBJECTION TO THE DIVISION ENGINEER'S 1990 ABANDONMENT LIST

IN THE MATTER OF THE PROTEST OF United States of America

INVOLVING WATER RIGHTS TO THE North Fork Colorado River

IN Grand COUNTY
Water District 51

PURSUANT TO Section 37-92-401(3), C.R.S. (1989 Supp.), the undersigned hereby Protests the Division Engineer's 1990 Abandonment List. The specific structures which are being protested herein are as follows:

Pole Creek Ditch with a decreed amount of 3.80 CFS and an appropriation
date of June 29, 1916, and a decree date of August 11, 1917, found in
Abandonment List Sequence No. 484.

The reasons I believe that this (or these) water rights should be removed from the abandonment list are as follows:

There has been no intent to abandon this right, and there has been no long
period of no use since the United States has changed the use of the above-
referenced water right from the decreed use to a use conforming with Federal
land management policies and directives.

(Note: If additional space is needed for descriptions of either of the above please provide on the back of this form or on a separate attached sheet of paper. If there is further written evidence, affidavits, photographs, etc., please attach hereto.)

DATED THIS 25 DAY OF June, 1991.

Ralph O. Canaday
Ralph O. Canaday, Agency Counsel
Signature of Protestant

Office of the Solicitor
Address: PO Box 25007

Denver Federal Center

Denver, CO 80225

Telephone: 236-8444

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-

In THE MATTER OF THE	}	<u>APPLICATION FOR WATER RIGHT</u>
APPLICATION FOR WATER RIGHTS		
OF UNITED STATES OF AMERICA		
IN GRAND COUNTY		

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: Selak Ditch No. 2.
3. Legal description of each point of diversion or proposed diversion:
Point of diversion is on the North bank of Ranger Creek at a point whence the N $\frac{1}{4}$ Corner of Section 19, T. 3 N., R. 75 W., bears North 74° 21' West 1757 feet, in Rocky Mountain National Park, as indicated on attached map.
4. Description of ditch, pump or pipeline: a ditch one foot wide at top and bottom, depth of flow 6 inches and grade of 15 feet per mile, with capacity not to exceed 1.0 c.f.s., 900 feet in length.
5. Source of water: Ranger Creek, a tributary of the North Fork of the Colorado River.
6. Date of initiation of the appropriation: June 1, 1913.
7. Amount of water claimed by diversion in cubic feet per second of time: 1.0 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, 93 acres; and the number of acres proposed to be irrigated, none, by the decree sought.
10. Date water first applied to above use: June 1, 1913.
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

VI.

No storage involved.

VII.

VIII.

The total amount of water claimed is one (1) cubic foot per second.

IX.

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

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF GRAND
AND THE STATE OF COLORADO

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

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 Selak
Ditch Number Two.

IV.

The source of supply is Ranger 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 one (1) foot wide at top and bottom,
with a six (6) inch depth of flow a distance of nine hundred (900) feet.
The grade of said ditch is fifteen (15) feet per mile, with a carrying
capacity of one (1) cubic feet per second of time.

V.

The headgate is located at a point on the North bank of Ranger
Creek whence the North Quarter Corner of Section nineteen (19), Township
three (3) North, Range seventy-five (75) West bears North seventy-four
degrees, twenty-one minutes ($74^{\circ} 21'$) West one thousand seven hundred
fifty-seven (1757) feet.

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	)	<u>APPLICATION FOR WATER RIGHT</u>
OF UNITED STATES OF AMERICA	)	
IN GRAND COUNTY	)	

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: Pole Creek Ditch.

3. Legal description of each point of diversion or proposed diversion:
Point of Diversion is on the North bank of Pole Creek at a point
whence the N $\frac{1}{4}$ Corner of Section 19, T. 3 N., R. 75 W., bears North
50° 10' West 5200 feet, in Rocky Mountain National Park, as
indicated on the attached map.

4. Description of ditch, pump or pipeline: A ditch with the depth of
0.8 feet, a width at top of 3 feet, a width at bottom of 2 feet,
grade of 20 feet to the mile, 1.25 miles in length, with a carrying
capacity not to exceed 3.8 c.f.s.

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

6. Date of initiation of the appropriation: June 29, 1916.

7. Amount of water claimed by diversion in cubic feet per second of
time: 3.80 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, 93 acres; and the
number of acres proposed to be irrigated, none, by the decree sought.

10. Date water first applied to above use: June 29, 1916.

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

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF GRAND
AND THE STATE OF COLORADO

IN THE MATTER OF THE ADJUDICATION	)	CIVIL ACTION NO. 1768
OF PRIORITIES TO THE USE OF WATER	)	STATEMENT OF CLAIM OF THE
FOR WATER DISTRICT NO. 51	)	UNITED STATES OF AMERICA FOR
IN THE STATE OF COLORADO	)	POLE CREEK 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 Pole
Creek Ditch.

IV.

The source of supply is Pole 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 with a depth of eight tenths (0.8)
feet, a width at top of three (3) feet, a width at bottom of two (2)
feet, for a distance of one and twenty-five hundredths (1.25) miles .
The grade of said ditch is twenty (20) feet to the mile with a carrying
capacity of three and eight tenths (3.8) cubic feet per second of time.

V.

The headgate is located at a point on the North bank of Pole Creek
whence the North Quarter Corner of Section nineteen (19), Township three

(3) North, Range seventy-five (75) West bears North fifty degrees ten minutes (50°10') West five thousand two hundred (5200) feet.

VI.

No storage involved.

VII.

VIII.

The total amount of water claimed is three and eight-tenths (3.8) cubic feet per second of time.

IX.

X.

The character of use for which claim is hereby made is for domestic and 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

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 Q	)	<u>APPLICATION FOR WATER RIGHT</u>
IN GRAND COUNTY	)	

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: Selak Ditch No. 1.

3. Legal description of each point of diversion or proposed diversion:
Point of diversion is on the South bank of Adams Creek at a point
whence the N $\frac{1}{4}$ Corner of Section 19, T. 3 N., R. 75 W., bears South
45° 55' West 2263 feet, in Rocky Mountain National Park, as
indicated on attached map.

4. Description of ditch, pump or pipeline: a ditch one foot deep,
two feet wide at top and bottom, with a grade of 10 feet per mile,
0.5 miles in length, capacity not to exceed 3.0 c.f.s.

5. Source of Water: Adams Creek, a tributary of the North Fork of
the Colorado River.

6. Date of initiation of the appropriation: June 1, 1913.

7. Amount of water claimed by diversion in cubic feet per second of
time: 3.0 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, 93 acres; and the
number of acres proposed to be irrigated, none, by the decree sought.

10. Date water first applied to above use: June 1, 1913.

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

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF GRAND
AND THE STATE OF COLORADO

IN THE MATTER OF THE ADJUDICATION	)	CIVIL ACTION NO. 1768
OF PRIORITIES TO THE USE OF WATER	)	STATEMENT OF CLAIM OF THE
FOR WATER DISTRICT NO. 51	)	UNITED STATES OF AMERICA FOR
IN THE STATE OF COLORADO	)	SELAKE DITCH NO. 1

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 Selak
Ditch No. 1.

IV.

The source of supply is Adams 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 one (1) foot deep, two (2) feet wide
at top and bottom, a distance of five tenths (0.5) miles . The grade
of said ditch is ten (10) feet per mile, and the carrying capacity thereof
is three (3) cubic feet per second of time.

V.

The headgate is located on the south bank of Adams Creek at a point
whence the North Quarter Corner of Section nineteen (19), Township
three (3) North, Range seventy-five (75) West, bears South forty-five
degrees, fifty-five minutes (45° 55') West two thousand two hundred
sixty-three (2263) feet.

VI.

No storage involved.

VII.

VIII.

The total amount of water claimed is three (3) cubic feet per second of time.

IX.

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

Case No. 657.

FINAL DECREE

Water Adjudication Records of the District Court of Grand County, Volume No. 1, Page 451, in the Office of the Clerk of the District Court at Hot Sulphur Springs, Colorado.

POLE CREEK DITCH, Number 339. (Priority No. 1 in Pole Creek, Water District 51)

D E C R E E

That said ditch is entitled to Priority No. 1 on Pole Creek, a tributary of the North Fork of the Colorado River.

That claimant is Redwood Fisher; that it is a ditch used for the irrigation of lands, taking its supply of water from Pole Creek, which is a tributary of the North Fork of the Colorado River, the date of appropriation being June 29, 1916; that it is 1.25 miles in length and running in a general Northwesterly direction from its headgate which is located at a point on the North bank of Pole Creek whence the 1/4 corner between Section 18 and 19, Township 3 North, Range 75 West of the 6th P.M. bears North 50° 10' West 5200 feet.

It appearing from the evidence that the claimant has with due diligence completed said ditch and the beneficial application of water therethrough to 93 acres of land lying thereunder and capable of being irrigated therefrom; that the said lands are irrigated during the early spring by the Selak No. 1 Ditch and the Selak No. 2 Ditch out of very small streams nearby, but that the flow in the said streams is of very short duration not generally extending after the 15th of May or the 1st of June; that there are 4 cubic feet of water per second of time decreed to the said two Selak ditches but after the flow in the said creeks stops it is necessary to supply water to the said Selak ditches by water from Pole Creek carried through the Pole Creek Ditch to the said two small streams and that on account of the nature of the soil and subsoil, the location of the lands in the river bottom and the climatic conditions resulting from the altitude of this land a larger amount of water than normal is required to properly irrigate the lands of the claimant;

And it further appearing that in general adjudication proceedings of 1917 a conditional decree was granted to this ditch in which it was erroneously given a Priority No. 9 by clerical error of the Officers of this Court with the thought that it was on Pole Creek, a tributary of the Fraser River, and it is in fact the only ditch on Pole Creek, a tributary of the North Fork of the Colorado River, and is therefore entitled to Priority No. 1 on said creek.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the said Priority Number be corrected to read Priority Number No. 1 on Pole Creek, a tributary of the North Fork of the Colorado River; that there be allowed to flow into said ditch for the use aforesaid and for the benefit of the party lawfully entitled thereto under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in the said ditch, it being 3 feet in width at top, 2 feet on bottom with a depth of 0.8 feet and a grade of 20 feet to the mile, not to exceed 3.8 cubic feet of water per second of time to supplement the flow of water for the Selak No. 1 and the Selak No. 2 ditches, and to begin when water for said ditches fails to flow in said streams to provide for their decreed amounts.

DONE IN OPEN COURT at Hot Sulphur Springs, County of Grand in the State of Colorado on the 5th day of November, A.D. 1937. Case No. 657.

Chas. E. Herrick, Judge.

CONDITIONAL DECREE

Water Adjudication Records of the District Court of Grand
County, Volume 1, Page 360, in the Office of the Clerk of
the District Court at Hot Sulphur Springs, Colorado.

IN THE MATTER OF THE ADJUDICATION OF)
THE PRIORITIES OF WATER RIGHTS IN WATER) Case No. 304.
DISTRICT No. 51, STATE OF COLORADO.)

POLE CREEK DITCH, Number 339, Water District No. 51.

That said ditch is entitled to Priority No. 9.

The claimant is Fred N. Selak; that it is a ditch to be used
for the irrigation of lands, taking its supply of water from Pole
Creek, the date of appropriation being June 29th, 1916, that it is
1.14 miles in length and running in a Northwesterly direction from its
headgate which is located on the Northwest bank of Pole Creek at a
point whence the 1/4 corner between Sections 18 and 19, Township 3
North, Range 75 West of the 6th P.M. bears North 50° 10' West 5200
feet.

IT IS HEREBY ADJUDGED AND DECREED That there be allowed to flow
into said ditch from said stream for the use aforesaid and for the
benefit of the party lawfully entitled thereto, under and by appropri-
ation by construction and Priority No. 9, so much water as will flow
in said ditch, it being 3.5 feet wide at the high water line, 2 feet
wide at the bottom, depth of flow 0.8 feet and with grade of 20 feet
to the mile, sufficient to irrigate so much of the 160 acres as may be
cleared and irrigated by water therethrough.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the above decree
is conditioned upon the completion of said ditch and the beneficial
application of water therethrough with due diligence.

DONE IN OPEN COURT on the 11th day of August, A.D. 1917.

Harry S. Glass

Judge.

D E C R E E

IN THE MATTER OF THE ADJUDICATION OF)
THE PRIORITIES OF WATER RIGHTS IN WATER) Case No. 304.
DISTRICT No. 51, STATE OF COLORADO)

SELAK DITCH No. 1, Number 298, Water District No. 51.

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

That claimant is Fred N. Selak; that said ditch is used for the irrigation of lands, taking its supply of water from Adams Creek, the date of appropriation being June 1, 1913; that it is 0.5 mile in length and running in a Southwesterly direction from its headgate which is located on the left bank of said Adams Creek at a point from whence the North 1/4 corner of Section 19, Township 3 North, Range 75 West of the 6th P.M., bears South 45° 55' West 2263 feet.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That there be allowed to flow into said ditch from said Adams Creek, for the use of aforesaid claimant and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in said ditch, it being 2 feet wide at top and bottom, depth 1 foot and grade 10 feet per mile, but not to exceed 3.0 cubic feet of water per second of time.

SELAK DITCH No. 2, Number 299, Water District No. 51.

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

That claimant is Fred N. Selak; that said ditch is used for the irrigation of lands, taking its supply of water from Ranger Creek, the date of appropriation being June 1, 1913; that it is 900 feet in length, and running in a Northwesterly direction from its headgate which is located on the right bank of said Ranger Creek at a point whence the North 1/4 corner of Section 19, Township 3 North, Range 75 West of the 6th P.M., bears North 74° 21' West 1757 feet.

IT IS HEREBY ADJUDGED AND DECREED, That there be allowed to flow into said ditch from said Ranger Creek for the use aforesaid, and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in said ditch, it being 1 foot wide at top and bottom, depth of flow 6 inches and grade of 15 feet per mile, but not to exceed 1.0 cubic feet of water per second of time.

DONE IN OPEN COURT, this 18th day of March, A.D. 1915.

H. S. Glass

Judge.

*NOTE: See supplemental supply from Pole Creek through Pole Creek Ditch.

FINAL DECREE

Water Adjudication Records
of the District Court of Grand County, Volume No. 1,
Page 451 in the Office of the Clerk of the District
Court at Hot Sulphur Springs, Colorado.

DECREE

Pole Creek Ditch, Number 339. (Priority No. in Water District
No. 51)

That said ditch is entitled to Priority No. 1 on Pole Creek, a
tributary of the North Fork of the Colorado River.

The claimant is Redwood Fisher; that it is a ditch used for the
irrigation of lands, taking its supply of water from Pole Creek, which is
a tributary of the North Fork of the Colorado River, the date of June 29,
1916, 1.25 miles in length and running in a general northwesterly direc-
tion from its headgate which is located at a point on the north bank of
Pole Creek whence the 1/4 corner between Secs. 18 and 19, T 3 N, R 75 W,
of the 6th P. M. bears N. 50° 10' W, 5200 feet.

It appearing from the evidence that the claimant has with due dili-
gence completed said ditch and the beneficial application of water there-
through to 93 acres of the land lying thereunder and capable of being
irrigated therefrom; that the said lands are irrigated during the early
spring by the Selak No. 1, Ditch and the Selak No. 2, Ditches out of
very small streams nearby but that the flow in the said streams is of
very short duration not generally extending after the 15th of May or the
1st of June; that there are 4 cubic feet of water per second of time
decreed to the said two ditches that after the flow in the said creeks
stops it is necessary to supply water to the said ditches by water from
Pole Creek carried through the Pole Creek Ditch to the said two small
streams and that on account of the nature of the soil and subsoil, the
location of the lands in the river bottom and the climatic conditions
resulting from the altitude of this land a larger amount of water than
normal is required to properly irrigate the lands of the claimant;

And it further appearing that in general adjudication proceedings of
1917 a conditional decree was granted to this ditch in which it was er-
roneously given a priority No. 9, by clerical error of the officers of
this Court with the thought that it was on Pole Creek, a tributary of
the Fraser River, and it is in fact the only ditch on Pole Creek, a trib-
utary of the North Fork of the Colorado River and is therefore entitled
to Priority No. 1, on said creek;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the said Priority
Number be corrected to read Priority Number One (No. 1) on Pole Creek
tributary of the North Fork of the Colorado River; 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 said appropriation by construction and Priority No. 1 so much water as will flow in the said ditch, it being 3 feet in width at top, 2 feet on bottom with a depth of 0.8 feet and a grade of 20 feet to the mile, not to exceed 3.80 cubic feet of water per second of time to supplement the flow of water for the Selak No. 1, and Selak No. 2, ditches and to begin when water for said ditches fails to flow in said stream to provide for their decreed amounts.

Done in open Court at Hot Sulphur Springs, in the County of Grand in the State of Colorado the 5th day of November, A. D. 1937.

Chas. E. Herrick

Judge.

CONDITIONAL DECREE

Case No. 304

(Volume 1, page 360, of Water Adjudication
Records of the District Court of Grand
County, Colorado)

In the matter of the adjudication of the priorities of
water rights in Water District No. 51 in the State of
Colorado.

11th day of August, A. D. 1917.

Number 339 (Priority)

Pole Creek Ditch

That said ditch is entitled to Priority No. 9. (Priority number
corrected by Court Nov. 5, 1937, to read Priority No. 1.)

The claimant is Fred N. Selak; that it is a ditch to be used for the
irrigation of lands, taking its supply of water from Pole Creek, the date
of appropriation being June, 29th, 1916, 1.14 miles in length and running
in a northwesterly direction from its headgate which is located on the
northwest bank of Pole Creek at a point whence the 1/4 corner between Secs.
18 and 19, T 3 N, R 75 W, 6th P. M. bears N 50° 10' W, 5200 feet.

IT IS HEREBY ADJUDGED AND DECREED, that there be allowed to flow into
said ditch from said stream, for the use aforesaid and for the benefit
of the party lawfully entitled thereto, under and by appropriation by
construction and priority No. 9, so much water as will flow in said ditch,
it being 3.5 feet wide at high water line, 2 feet wide at bottom, depth
of flow .8 of a foot and grade of 20 feet to the mile, sufficient to
irrigate so much of the 160 acres as may be cleared and irrigated by
water therethrough.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the above decree
is conditioned upon the completion of said ditch and the beneficial ap-
plication of water therethrough with due diligence.

On August, 11, 1917.

Harry S. Class

Judge.

DECREE OF MARCH 18, 1915.

DECREE

SELAK DITCH NO. 2.

Number 299. (Priority in Water District No. 51)

That said ditch is entitled to Priority No. 1 in Ranger Creek:

That claimant is Fred N. Selak, that it is a ditch used for the irrigation of lands, taking its supply of water from Ranger Creek, the date of appropriation being June 1, 1913, 900 feet in length, and running in a north-westerly direction from its headgate which is located on the right bank of said creek at a point whence the N $\frac{1}{2}$ Corner Sec. 19, T3N, R75W, 6th P.M. bears N. 74° 21' W, 1757 feet.

IT IS HEREBY ADJUDGED AND DECREED, that there be allowed to flow into said ditch from said creek, for the use aforesaid, and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in said ditch, it being one foot wide at top and bottom, depth of flow 6 inches and grade 15 ft. per mile, not to exceed one cu. ft. of water per second of time.

Done in open Court, 18th day of March 1915.

H. S. Glass

Judge.

DECREE OF MARCH 18, 1915

Case No. 259
Water District No. 51

(Volume 1, Page 304, Water Adjudication Records of the District Court in the office of the Clerk of the District Court at Hot Sulphur Springs, Colorado.)

DECREE

SELAK DITCH NO.1.

Number 298. (Priority in District No. 51)

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

That claimant is Fred N. Selak; that said ditch is used for the irrigation of lands, taking its supply of water from Adams Creek, the date of appropriation being June 1, 1913, 1/2 mile in length, and running in a southwesterly direction from its headgate which is located on the left bank of said creek at a point whence the N $\frac{1}{2}$ Corner Section 19, T2N, R75W, 6th P.M. bears S 45° 55' W., 2263 feet.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that there be allowed to flow into said ditch from said creek, for the use of aforesaid and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1 so much water as will flow in said ditch, it being 2 feet wide at top and bottom, depth 1 foot and grade 10 ft. per mile, not to exceed 3 cu. ft. of water per second of time.

Done in open Court, 18th Day of March 1915

H. S. Glass

JUDGE

WARRANTY DEED

THIS DEED, Made this 8th day of August in the year of our Lord one thousand nine hundred and thirty nine between Redwood Fisher of the County of Grand and State of Colorado, of the first part, and United States of America of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Four Thousand Five Hundred Ninety (\$4,590.00)-- Dollars to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has 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 successors and assigns forever, all the following described lots or parcels of land, situate, lying and being in the County of Grand and State of Colorado, to-wit:

The South West Quarter ($SW\frac{1}{4}$) of the South East Quarter ($SE\frac{1}{4}$) of Section Eighteen (Sec. 18); the West Half ($W\frac{1}{2}$) of the North East Quarter ($NE\frac{1}{4}$) of Section Nineteen (Sec. 19); that portion of the South East Quarter ($SE\frac{1}{4}$) of the North West Quarter ($NW\frac{1}{4}$) of Section Nineteen (Sec. 19) lying east of the west or right bank of the Colorado River; and that portion of the North East Quarter ($NE\frac{1}{4}$) of the South West Quarter ($SW\frac{1}{4}$) of Section Nineteen (Sec. 19) lying north of an East-West Line One Thousand Seventy Five feet (1075 feet) south of the center of Section Nineteen and lying east of the west or right bank of the Colorado River; all in Township Three North (T3N), Range Seventy Five West (R75W) of the Sixth Principal Meridian (6PM), Colorado, and more particularly described by courses and distances as follows:

Beginning at the restored one-quarter Section Corner between Sections Eighteen (18) and Nineteen (19); thence North $2^{\circ} 17'$ East on the meridional center line of Section Eighteen (Sec. 18) a distance of 1338.48 feet to the South one-sixteenth (S $1/16$) Section Corner on the meridional center line; thence South $89^{\circ} 06'$ East along the latitudinal South one-sixteenth (S $1/16$) Section line a distance of 1300.20 feet to the South East one-sixteenth (SE $1/16$) Section Corner; thence South $1^{\circ} 37'$ West along the meridional East one-sixteenth (E $1/16$) Section line a distance of 1343.10 feet to the East one-sixteenth (E $1/16$) Section Corner between Sections Eighteen and Nineteen (Secs. 18 and 19); thence South $1^{\circ} 32'$ West along the meridional East One-sixteenth (E $1/16$) Section line of Section Nineteen (Sec. 19) a distance of 2624.16 feet to the East one-sixteenth (E $1/16$) Section Corner on the center line of Section Nineteen (Sec. 19); thence South $89^{\circ} 45'$ East along the latitudinal center line of Section Nineteen (Sec. 19) a distance of 1308.12 feet to the center one-quarter Section Corner; thence South $1^{\circ} 17'$ West on the meridional center line a distance of 1075.27 feet to the intersection of the meridional center line and a true East West line lying 1075 feet South of the center one-quarter Section Corner of Section Nineteen (Sec. 19); thence true west on said East-West line a distance of 630 feet more or less to the intersection of the West or right bank of the Colorado River, sometimes called the North Fork of the Grand River, and a true East-West line lying 1075 feet South of the Center one-quarter Section Corner; thence northerly along the West or right bank of the said Colorado River to the intersection of the West or right bank of the Colorado River and the meridional West one-sixteenth (W $1/16$) Section line of Section Nineteen (Sec. 19); thence North $1^{\circ} 08'$ East

along the meridional West one-sixteenth (W 1/16) Section line of Section Nineteen (19) a distance of 700 feet more or less to the North West one-sixteenth (NW 1/16) corner of Section Nineteen (Sec. 19); thence South 89° 22' East along the latitudinal North one-sixteenth (N 1/16) Section line a distance of 1307.65 feet to the North one-sixteenth (N 1/16) Section Corner on the meridional center line of Section Nineteen (Sec. 19); thence North 1° 17' East along the meridional center line a distance of 1321.32 feet to the point of beginning; all in Township Three North (T3N), Range Seventy Five West (R75W), of the Sixth Principal Meridian (6PM), Colorado. Together with all appurtenances, rights of way and water rights attached thereto, except the 1939 hay crop, except the fence on and along the north and east boundary of the tract described above, and except the two small one room cabins now located on the above described portion of the North East Quarter (NE $\frac{1}{4}$) of the South West Quarter (SW $\frac{1}{4}$) of Section Nineteen (Sec. 19), Township Three North (T3N), Range Seventy Five West (R75W) of the Sixth principal Meridian (6PM), Colorado. The above excepted hay crop, fence, and two cabins to be removed from the above described tract of land by Mr. Redwood Fisher at his own expense on or before the 30th day of November 1939.

It is intended to convey, set over and transfer Four cubic feet of water per second of time (4 cu. ft. per sec.) of any and all water rights owned by the vendor and used upon, or in connection with, the above described lands, whether adjudicated under the laws of the State of Colorado or otherwise; and it is also and specifically intended to convey, set over and transfer free of all encumbrances whatsoever all of One cubic foot of water per second of time (1 cu. ft. per sec.) of his certain rights in and to the use of the waters of Ranger Creek, by and through Selak Ditch No. 2; all of Three cubic feet of water per second of time (3 cu. ft. per sec.) of his certain rights in and to the use of the waters of Adams Creek, by and through Selak Ditch No. 1; and Three and Eight Tenths cubic feet of water per second of time (3.8 cu. ft. per sec.) of his certain rights in and to the use of the waters of Pole Creek to supplement the flow of water from Adams Creek and Ranger Creek when said streams fail to provide for their decreed amounts, all within the State of Colorado, more particularly described as follows:

The rights acquired under and by virtue of the laws of the State of Colorado to divert One cubic foot of water per second of time (1 cu. ft. per sec.) for irrigation use, said right having a priority of No. 299; and to divert Three cubic feet of water per second of time (3 cu. ft. per sec.) for irrigation use, said right having a priority of No. 298, as determined and established by decree of the District Court of Grand County, State of Colorado, in an action numbered 259 and entitled "In The Matter Of The Adjudication Of Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak and confirming said rights unto Fred N. Selak which said decrees were made on the 18th day of March, 1915, and entered in Volume 1 at page 304, Water Adjudication Records of the District Court of Grand County, State of Colorado.

Together with the rights acquired under and by virtue of the laws of the State of Colorado to divert Three and Eight Tenths cubic feet of water per second of time (3.8 cu. ft. per sec.) for irrigation use, said right having a priority of No. 339, as determined and established by conditional decree of the District Court of Grand County, State of Colorado, in an action numbered 304 and entitled "In The Matter Of The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak, confirming said right to Fred N. Selak which said decree was made on the 11th day of August, 1917, and entered in Volume 1 at page 360, of Water Adjudication Records of the District Court of Grand County, State of Colorado; and in an action entitled "In The Matter Of A Correction In The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Redwood Fisher, confirming said

right to Redwood Fisher which said final decree was made on the 5th day of November, A. D. 1937, and entered in Volume 1 at page 451, Water Adjudication Records of the District Court of Grand County, State of Colorado. Said Decree filed for record in the records of the County Clerk and Recorder of Grand County, Colorado, on the 29th day of August, 1938, as Instrument No. 50099, in Book 87 on Page No. 268.

TOGETHER With all and singular the hereditaments and appurtenances thereunto 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 party 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 successors and assigns forever.

And the said Redwood Fisher party of the first part, for his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the en-sealing and delivery of these presents, is well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances 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 successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

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

Signed, Sealed and Delivered in Presence of /s/ Redwood Fisher (Seal)

/s/ Helene Fisher (Seal)

STATE OF COLORADO)
County of Grand) ss.

I, Brice Sheriff, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that Redwood Fisher personally known to me to be the person whose name is subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal, this 8th day
of August A. D. 1939.

My Commission expires June 10, 1943.

/s/ Brice Sheriff
Notary Public

STATE OF COLORADO)
County of Grand) ss.

I, Brice Sheriff, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Helene Fisher who is personally known to me to be the person whose name is subscribed to the annexed instrument, 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 official seal, this 2nd
day of March A. D. 1940.

My Commission expires June 10, 1943.

/s/ Brice Sheriff
Notary Public

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEState Colorado

LAND OWNERSHIP RECORD

Tract No. _____

County GrandDeed No. 48

Civil Subdivision _____

Area 170 acres Rocky Mountain Nat. Park

Name of Park or Area

Area based on survey of _____

Date Aug. 8, 1939S. W. corner of Park

Section of Park or Area

Legal Description: Parts of Sec. 18 & 19, T. 3 N., R. 75 W., 6 P. M.Method of Acquisition: PurchaseAppropriation or Source of funds: Water RightsCost ~~(to be based on estimated value)~~ \$4,590Acquired from: Redwood Fisher et al.Accepted by Secretary (X)

Opinion of Att'y. Gen.-title in U. S. ()

date: June 20, 1940Physical Characteristics: Relatively flat land along Colorado River, partially cut over.
Irrigated meadows. Good elk and deer range.Improvements on Land at time of Acquisition: Simple ranch buildings.Salak Ditch No. 1 - Decreed Priority 298 to divert 3 sec. ft. of water.Salak Ditch No. 2 - Decreed Priority 299 to divert 1 sec. ft. of waterPole Creek Ditch - Decreed Priority 339 to divert 3.8 sec. ft. of water
if not available at source for Salak DitchesExisting or outstanding special use permits, reservations, rights, or rights of way: Lapsed railway and placer
locationsReport Based on: Records of Water Rights SectionPrepared by: A. van V. Dunn, Hydraulic Engineerdate: 11/22/43Map References: NP-RM-5390 attachedRemarks: Water rights to be amended when Shadow Lake Recreational Area is developed.

Form 100 D.

WARRANTY

A.—The Out West Printing and Stationery Co., Colorado, Inc., Colo.

Deed 43

This Deed, Made this 8th day of August in the year of our Lord
one thousand nine hundred and thirty nine between Redwood Fisher

of the _____ County of Grand and State of Colorado, of the first part, and
~~The National Park Service, Department of the Interior, United States of~~
~~America~~
of the second part:

Witnesseth, That the said part y _____ of the first part, for and in consideration of the sum of
Four Thousand Five Hundred Ninety (\$4,590.00)----- DOLLARS,
to the said part y _____ of the first part in hand paid by the said part y _____ of the second part, the receipt whereof
is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm unto the said part y _____ of the second part, ~~its/~~ ^{successors} ~~the~~
and assigns forever, all the following described lots or parcels of land, situate, lying and being in the County

of Grand and State of Colorado, to-wit:

The South West Quarter (SW $\frac{1}{4}$) of the South East Quarter (SE $\frac{1}{4}$) of Sec-
tion Eighteen (Sec. 18); the West Half (W $\frac{1}{2}$) of the North East Quarter
(NE $\frac{1}{4}$) of Section Nineteen (Sec. 19); that portion of the South East
Quarter (SE $\frac{1}{4}$) of the North West Quarter (NW $\frac{1}{4}$) of Section Nineteen (Sec.
19) lying east of the west or right bank of the Colorado River; and that
portion of the North East Quarter (NE $\frac{1}{4}$) of the South West Quarter (SW $\frac{1}{4}$)
of Section Nineteen (Sec. 19) lying north of an East-West Line One
Thousand Seventy Five feet (1075 feet) south of the center of Section
Nineteen and lying east of the west or right bank of the Colorado River;
all in Township Three North (T3N), Range Seventy Five West (R75W) of
the Sixth Principal Meridian (6PM), Colorado, and more particularly
described by courses and distances as follows:

Beginning at the restored one-quarter Section Corner between Sections
Eighteen (18) and Nineteen (19); thence North 2° 17' East on the merid-
ional center line of Section Eighteen (Sec. 18) a distance of 1338.48
feet to the South one-sixteenth (S 1/16) Section Corner on the meridional
center line; thence South 89° 06' East along the latitudinal South one-
sixteenth (S 1/16) Section line a distance of 1300.20 feet to the South
East one-sixteenth (SE 1/16) Section Corner; thence South 1° 37' West
along the meridional East one-sixteenth (E 1/16) Section line a distance
of 1343.10 feet to the East one-sixteenth (E 1/16) Section Corner between
Sections Eighteen and Nineteen (Secs. 18 and 19); thence South 1° 32'
West along the meridional East one-sixteenth (E 1/16) Section line of
Section Nineteen (Sec. 19) a distance of 2624.16 feet to the East one-
sixteenth (E 1/16) Section Corner on the center line of Section Nineteen
(Sec. 19); thence South 89° 45' East along the latitudinal center line
of Section Nineteen (Sec. 19) a distance of 1308.12 feet to the center
one-quarter Section Corner; thence South 1° 17' West on the meridional
center line a distance of 1075.27 feet to the intersection of the merid-
ional center line and a true East West line lying 1075 feet South of the
center one-quarter Section Corner of Section Nineteen (Sec. 19); thence
true west on said East-West line a distance of 650 feet more or less to
the intersection of the West or right bank of the Colorado River, some-
times called the North Fork of the Grand River, and a true East-West line
lying 1075 feet South of the Center one-quarter Section Corner; thence
northerly along the West or right bank of the said Colorado River to the
intersection of the West or right bank of the Colorado River and the
meridional West one-sixteenth (W 1/16) Section line of Section Nineteen
(Sec. 19); thence North 1° 08' East along the meridional West one-six-
teenth (W 1/16) Section line of Section Nineteen (19) a distance of 700
feet more or less to the North West one-sixteenth (NW 1/16) Corner of
Section Nineteen (Sec. 19); thence South 89° 22' East along the latitudi-
nal North one-sixteenth (N 1/16) Section line a distance of 1307.65 feet
to the North one-sixteenth (N 1/16) Section Corner on the meridional center
line of Section Nineteen (Sec. 19); thence North 1° 17' East along the
meridional center line a distance of 1321.32 feet to the point of begin-
ning; all in Township Three North (T3N), Range Seventy Five West (R75W),
of the Sixth Principal Meridian (6PM), Colorado. Together with all

appurtenances, rights of way and water rights attached thereto, except the 1939 hay crop, except the fence on and along the north and east boundary of the tract described above, and except the two small one room cabins now located on the above described portion of the North East Quarter (NE $\frac{1}{4}$) of the South West Quarter (SW $\frac{1}{4}$) of Section Nineteen (Sec. 19), Township Three North (T3N), Range Seventy Five West (R75W) of the Sixth Principal Meridian (6PM), Colorado. The above excepted hay crop, fence, and two cabins to be removed from the above described tract of land by Mr. Redwood Fisher at his own expense on or before the 30th day of November, 1939.

It is intended to convey, set over and transfer Four cubic feet of water per second of time (4 cu. ft. per sec.) of any and all water rights owned by the vendor and used upon, or in connection with, the above described lands, whether adjudicated under the laws of the State of Colorado or otherwise; and it is also and specifically intended to convey, set over and transfer free of all encumbrances whatsoever all of One cubic foot of water per second of time (1 cu. ft. per sec.) of his certain rights in and to the use of the waters of Ranger Creek, by and through Selak Ditch No. 2; all of Three cubic feet of water per second of time (3 cu. ft. per sec.) of his certain rights in and to the use of the waters of Adams Creek, by and through Selak Ditch No. 1; and Three and Eight Tenths cubic feet of water per second of time (3.8 cu. ft. per sec.) of his certain rights in and to the use of the waters of Pole Creek to supplement the flow of water from Adams Creek and Ranger Creek when said streams fail to provide for their decreed amounts, all within the State of Colorado, more particularly described as follows:

The rights acquired under and by virtue of the laws of the State of Colorado to divert One cubic foot of water per second of time (1 cu. ft. per sec.) for irrigation use, said right having a priority of No. 299; and to divert Three cubic feet of water per second of time (3 cu. ft. per sec.) for irrigation use, said right having a priority of No. 298, as determined and established by decree of the District Court of Grand County, State of Colorado, in an action numbered 259 and entitled "In The Matter Of The Adjudication Of Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak and confirming said rights unto Fred N. Selak which said decrees were made on the 18th day of March, 1915, and entered in Volume 1 at page 304, Water Adjudication Records of the District Court of Grand County, State of Colorado.

Together with the rights acquired under and by virtue of the laws of the State of Colorado to divert Three and Eight Tenths cubic feet of water per second of time (3.8 cu. ft. per sec.) for irrigation use, said right having a priority of No. 339, as determined and established by conditional decree of the District Court of Grand County, State of Colorado, in an action numbered 304 and entitled "In The Matter Of The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak, confirming said right to Fred N. Selak which said decree was made on the 11th day of August, 1917, and entered in Volume 1 at page 360, of Water Adjudication Records of the District Court of Grand County, State of Colorado; and in an action entitled "In The Matter Of A Correction In The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Redwood Fisher, confirming said right to Redwood Fisher which said final decree was made on the 5th day of November, A. D. 1937, and entered in Volume 1 at page 451, Water Adjudication Records of the District Court of Grand County, State of Colorado. Said Decree filed for record in the records of the County Clerk and Recorder of Grand County, Colorado, on the 29th day of August, 1938, as Instrument No. 50099, in Book 87 on page No. 268.



Together With all and singular the hereditaments and appurtenances thereunto 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 party 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 successors** and assigns forever.

And the said **Redwood Fisher**

party of the first part, for **his** heirs, executors and administrators, do **SS** covenant, grant, bargain and agree to and with the said party of the second part, **its successors** and assigns, that at the time of the ensealing and delivery of these presents, **is** well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and ha **S** good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever.



and the above bargained premises, in the quiet and peaceable possession of the said part 7 of the second part, its ~~successors~~ ~~heirs~~ and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part 7 of the first part shall and will Warrant and Forever Defend.

In Witness Whereof, The said part 7 of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Redwood Fisher
Helene Fisher

S.S.

S.S.

S.S.

S.S.

STATE OF COLORADO, }
County of Grand } ss. I, Brice Sheriff, a Notary Public
in and for the said County, in the State aforesaid, do hereby certify that Redwood Fisher

personally known to me to be the person whose name is subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal, this 8th day
of August A. D. 19 39.

My Commission expires June 10, 1943.

Brice Sheriff
Notary Public

No. 619. NOTARY'S ACKNOWLEDGMENT. ~~NOTARY'S ACKNOWLEDGMENT~~

STATE OF COLORADO, }
COUNTY OF Grand } ss. I, Brice Sheriff, a Notary Public in and for said County,
in the State aforesaid, do hereby certify that Helene Fisher
who is personally known to me to be the person whose name is subscribed to the annexed instrument, 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 official seal, this 2nd day of March A. D. 19 40.
My Commission expires June 10, 1943.

Brice Sheriff
Notary Public

PROOF READ
No. 52160

Warranty Deed.

REDWOOD FISHER

TO

NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR,
UNITED STATES OF AMERICA.

STATE OF COLORADO,
COUNTY OF GRAND ss.

This Warranty Deed was filed for Record
at 9:15 o'clock A.M.,
March 4 1940
and duly Recorded in Book 88
Page 186

R. O. Hildman
RECORDER.
By R. O. Hildman
DEPUTY.

FEES, \$ 2.50

The Out West Printing and Stationery Co., Colorado Springs.

A-F-F-I-D-A-V-I-T

Rennie A. Mitchell, being first duly sworn upon his oath, states, That he is a son of B. J. Mitchell, now deceased, who, together with Polly A. Mitchell, Hugh Mitchell, J. W. Snider, Ida M. Snider, S. M. Snider, Ed. Evans and Eva M. Evans filed, in the office of the County Clerk and Recorder of Grand County, Colorado on May 20, 1903, a location certificate for the Grand River Placer, covering SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 Tp. 3 N., R. 75 W. 6th. P.M., containing 160 acres.

That he knows of his own knowledge that the above named claimants did not perform the development and assessment work necessary to establish any mineral rights on this property, and that they did not obtain a patent to this mining claim, and that no such rights exist at this time.

Rennie A. Mitchell

Subscribed and sworn to before me this 29 day of February, A. D. 1940.

My commission expires June 10, 1943.

Orice Shiff
Notary Public

A-F-F-I-D-A-V-I-T

R. O. Throckmorton and J. N. Pettingell, each for himself and not one for the other states that he has been a continuous resident of Grand County, Colorado since June 15th, 1903; that during all of that time they have been familiar with the lands described as E 1/4 Sec. 19 Tp. 3 N., R. 75 W. 8th.P.M. and know of their own knowledge that the railway described in that certain agreement between Rebecca E. McLaren and William L. Sperry, as recorded in Book 19, Page 448 of Grand County Records was never constructed across, upon, or over the above described lands.

R.O. Throckmorton

J.N. Pettingell

Subscribed and sworn to before me this 24th day of February, A. D. 1940.

My commission expires June 10, 1943.

Bruce Shiff
Notary Public

NO. 539-783 Supplemental

ABSTRACT OF TITLE

--TO--

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, Tp. 3 N.,
R. 75 W., 6th P.M.

And
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, or the Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19, Tp. 3 N.,
R. 75 W.; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M.

PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY

HOT SULPHUR SPRINGS, COLORADO

No. 1

John L. Ish and Harry Albert
Selak as Administrators of
the Estate of Fred N. Selak,
deceased

Administrator's Deed \$1600.00
Dated Nov. 12, 1928
Ack. Nov. 12, 1928
Rec. April 29, 1929
Book 78 page 2
39003

to

Charles G. Fisher

In the County Court, Grand County, Colorado, on July 2, 1928, in the Matter of the Estate of Fred N. Selak, deceased, a decree for the sale of real estate of said estate was entered, a certified copy of which is duly recorded in the office of the County Clerk and Recorder of Grand County, Colorado on page 505 of Book 75 of said records in which decree the property hereinafter described was, together with other real estate of said estate ordered sold.

In pursuance of such order, the said parties of the first part did, on Oct. 18, 1928, sell at private sale, for the total sum of \$1600.00, to the party of the second part, the following described real estate, to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, Tp. 3 N., R. 75 W., 6th P.M. in Grand County, Colorado.

On Nov. 12, 1928, the said parties of the first part as Administrators of said estate as aforesaid, submitted to the said Court a report of such sale so made as aforesaid; and on said last named day, the said sale was by order of said Court duly approved and confirmed, and the said parties of the first part were authorized and directed to execute and deliver to the purchaser of said above described premises, the party of the second part, a good and sufficient Deed of Conveyance for the premises, and property sold, which order is as follows, to-wit:

ORDER CONFIRMING SALE OF REAL ESTATE

Now on this day come John L. Ish and Harry Albert Selak, Administrators of said estate, in person, and by Hugh Gilmore, their attorney, all other persons in interest not appearing, either in person or by attorney, and there being no minor heirs concerned, and this matter, having been heretofore continued to this day, comes on to be heard upon the report of sale of real estate, made under and by virtue of the decree of this Court. And it appearing to the Court that in making said sale, the said Administrators have in all respects fully complied with the law in such case made and provided, and with the decree of this Court.

ORDERED AND DECREED that the sale made by the said John L. Ish and Harry Albert Selak as such Administrators to Charles G. Fisher of the following described lots or parcels of land, situate in the County of Grand, State of Colorado, to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, Tp. 3 N., R. 75 W., 6th P.M., for the sum of \$1600.00, said sum being more than the appraised value of said described real estate, said sum is not disproportionate to the value of said real estate, a greater sum not being obtainable, be and the same is hereby approved and confirmed.

ORDERED that the said John L. Ish and Harry Albert Selak as Administrators of said estate, make, execute, acknowledge, and deliver unto the said Charles G. Fisher a good and sufficient deed of conveyance, conveying to said purchasers all the right, title, interest and estate in and to the said premises and property so sold, which the said Fred N. Selak had therein at the time of his decease, with the same effect as if made by said decedent during his lifetime.

ORDERED that said report as aforesaid be and it is hereby approved and that the same be and it is hereby ordered recorded.

Done in open Court this 12th day of November, 1928.

By the Court: J. N. Pettingell, County Judge.

True copy certified Nov. 12, 1928. J. N. Pettingell, Clerk (SEAL)



No. 2

Charles G. Fisher

to

Redwood Fisher

Warranty Deed \$10.00 etc.
Dated April 26, 1929
Ack. April 26, 1929
Rec. May 11, 1929
Book 73 page 447
39031

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, all in Tp. 3 N., R. 75 W.,
6th P.M.
(No exceptions.)

No. 3

County Treasurer,
Grand County, Colo.

to

Grand County

Tax Sale Certificate #33-66
Dated Dec. 30, 1933
Sale 1933 General Taxes 1932
Rec. Tax Sale Record #3
Amount: \$107.15

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M. N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, Tp. 3 N., R. 75 W., 6th P.M.
Assessed in the name of Redwood Fisher for General Taxes of 1932.

No. 4

County Treasurer,
Grand County, Colo.

to

The Moffat Tunnel
Improvement District

Tax Sale Certificate #MT-66
Dated Dec. 30, 1933
Sale 1933 Moffat Tunnel Tax 1932
Rec. Tax Sale Record #3
Amount: \$10.31

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M. N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, Tp. 3 N., R. 75 W., 6th P.M.
Assessed in the name of Redwood Fisher for Moffat Tunnel Tax of 1932.

No. 5

Grand County, by
County Treasurer

to

Redwood Fisher

Redemption Certificate #2153 H.B. #200
Dated Nov. 22, 1935
Rec. Tax Sale Record #3
Amount Paid: \$213.01 & 75¢ fee
45873

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M. N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, Tp. 3 N., R. 75 W., 6th P.M.
Redeems above described property from lien of Tax Sale Certificate
#33-66, dated Dec. 30, 1933, for General Taxes of 1932.



No. 6

The Moffat Tunnel
Improvement District,
by County Treasurer

to

Redwood Fisher

Redemption Certificate #MT-122 H.B. #201
Dated Nov. 22, 1935
Rec. Tax Sale Record #3
Amount Paid: \$16.79 & 75¢
45872

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M. N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ N $\frac{1}{2}$ Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, Tp. 3 N., R. 75 W., 6th P.M.
Redeems above described property from lien of Tax Sale Certificate
#MT-66, dated Dec. 30, 1933, for Moffat Tunnel Tax of 1932.

No. 7

Fred N. Selak, Deceased

to

Edith A. Oliver, Gertrude
Pulsifer, Lillian Thomas
Coffee, Albert Selak, Jack
Selak, Barbara Beechy, Frank
Selak, Harry Albert Selak,
Ralph Edward Selak, Barbara
McQueary, Catherine Harper,
George Edward Selak, Mary
O'Brien

Decree of Final Settlement and
Determination of Heirship
Dated Oct. 27, 1932
Rec. Oct. 19, 1933
Book 81 page 458
43297

IN THE COUNTY COURT, GRAND COUNTY, COLORADO
IN THE MATTER OF THE ESTATE OF FRED N. SELAK, DECEASED
Recites: That Administrators present Final Report and ask that same be
approved and they be discharged and that said estate be decreed fully
administered.
COURT FINDS: That Fred N. Selak died about July 21, 1926 and thereafter
John L. Ish and Harry Albert Selak were appointed Administrators of said
estate; that more than 1 year has elapsed since letters issued herein
and that all claims allowed by Court against said estate and all costs of
administration have been paid; that the sole and only heirs at law of
said deceased are as follows:

Edith A. Oliver	Niece	1/10 interest
Gertrude Pulsifer	"	1/10 "
Lillian Thomas Coffee	Sister	1/5 "
Albert Selak	Nephew	1/20 "
Jack Selak	"	1/20 "
Barbara Beechy	Niece	1/20 "
Frank Selak	Nephew	1/20 "
Harry Albert Selak	"	1/25 "
Ralph Edward Selak	"	1/25 "
Barbara McQueary	Niece	1/25 "
Catherine Harper	"	1/25 "
George Edward Selak	Nephew	1/25 "
Mary O'Brien	Niece	1/5 "

DECREED: That said heirs at law are the sole and only heirs at law of
said deceased and upon his death became seized and possessed of all right,
title and interest which said deceased enjoyed during his lifetime to any
lands, tenements, hereditaments or other property of which said deceased
died seized and possessed.
That said final report and all acts and doings of said Administrators are
hereby approved and upon filing final receipts they be discharged and their
bondsmen released from further liability in the premises.
True copy certified Oct. 27, 1932 by J. N. Pettingell, Clerk of
County Court, Grand County, Colo. (SEAL)



No. 8

Albert Selak, Barbara Beechy,
and Frank Selak

to

Jack Selak

Power of Attorney

Dated Nov. 15, 1935

Ack. Dec. 6, 1935; Dec. 23, 1935; Dec. 28

Rec. Jan. 11, 1937

1935

Book 82 page 458

47629

Do hereby, make constitute and appoint said Jack Selak our true and lawful attorney for us in our names, place and stead, for our sole use and benefit to bargain for, sell, either at public or private sale or to exchange any part or parts or the whole of our interest in the lands and premises in Grand County, Colorado, for such consideration and upon such terms as our attorney shall think best or fit to execute and deliver good and sufficient deed or deeds or other instruments for the conveyance or transfer of the same with such covenants or warranties or otherwise as our attorney shall think fit and to give good and effectual receipt or receipts for all or any part of the purchase price or other consideration and to make such agreements in regard to carrying out of such sale or sales, transfer and transfers, and to pay such necessary expenses thereof or therefor as to our said attorney shall seem right and proper.

Note: Ack. by Albert Selak, Dec. 26, 1935; Before Anthony Bos, Witness, and Alexander MacKay, Justice of the Peace, at the village of Larder Lake, in the District of Temiskaming, Ontario. (SEAL)

ABSTRACT CO.

No. 9

Lillian Thomas Coffee, Albert Selak, Frank Selak, Barbara Beechy named in the Deed of Final Settlement of Fred N. Selak as Barbara Beechy, Jack Selak, Mary O'Brien, Edith A. Oliver, Gertrude Pulsifer, Harry Albert Selak, Ralph Edward Selak, Barbara McQueary, Catherine Harper, and George Edward Selak

On Claim Deed \$1.00 etc.

Dated Oct. 20, 1936

Ack. Oct. 20, 1936; Dec. 15, 1936;

Book 81, 1936; Nov. 18, 1936; Jan 11, 1937

Rec. July 24, 1939

Book 87 page 520

51924

to

Charles G. Fisher

SW $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, Tp. 3 N., R. 75 W., 6th P.M., together with the Selak No. 1 Ditch out of Adams Creek, App. No. 298, the Selak No. 2 Ditch out of Granger Creek, App. No. 299 and the Pole Creek Ditch out of Pole Creek, tributary to the Colorado River, App. No. 339 all in Water District No. 51 in the State of Colorado. This Deed is given for the purpose of confirming the administrators deed heretofore given for the above described real property dated on or about Nov. 12, 1928 by Harry Albert Selak and John L. Ish as the Administrators of the estate of Fred N. Selak, deceased, of which the above named grantors are the heirs at law, and for the purpose of conveying any interest the grantors may have in the above named water rights which were intended to be conveyed with said lands but were inadvertently omitted from the deed aforesaid conveying the same and that no money consideration is given for this deed. Signed: Harry Albert Selak, Ralph Edward Selak, Barbara McQueary, Catherine Harper, George Edward Selak, Lillian Thomas Coffee, Albert Selak By Jack Selak Attorney in fact, Frank Selak By Jack Selak Attorney in fact, Barbara Beechy By Jack Selak Attorney in fact, Jack Selak, Mary O'Brien, Edith A. Oliver, Gertrude Pulsifer.



No. 10

State of Colorado

to

Pole Creek Ditch

Ditch Decree

Certified May 13, 1938

Rec. Aug. 26, 1938

Book 87 page 268

50099

POLE CREEK DITCH, No. 339.

That said ditch is entitled to Priority No. 1 on Pole Creek, a tributary of the North Fork of the Colorado River.

The claimant is Redwood Fisher; that it is a ditch used for the irrigation of lands, taking its supply of water from Pole Creek which is a tributary of the North Fork of the Colorado River, the date of June 29, 1916, 1.25 miles in length and running in a general northwesterly direction from its headgate which is located at a point on the north bank of the said Pole Creek whence the 1/4 corner between Secs. 18 and 19, Tp. 3 N., R. 75 W., 6th P.M., bears N. 50°10' W. 5200 ft.

It appearing from the evidence that the claimant has with due diligence completed said ditch and the beneficial application of water there-through to 93 acres of the land lying thereunder and capable of being irrigated therefrom; that the said lands are irrigated during the early spring by the Selak No. 1 Ditch and the Selak No. 2 Ditches out of small streams nearby but that the flow in the said streams is of very short duration not generally extending after the 15th of May or the 1st of June; that there are 4 cu. ft. of water per second of time decreed to the said two ditches; that after the flow in the said creeks stops it is necessary to supply water to the said ditches by water from Pole Creek carried through the Pole Creek Ditch to the said two small streams and that on account of the nature of the soil and subsoil, the location of the lands in the river bottom and the climatic conditions resulting from the altitude of this land a larger amount of water than normal is required to properly irrigate the lands of the claimant; And it further appearing that in the general adjudication proceeding of 1917 a conditional decree was granted to this ditch in which it was erroneously given a priority No. 9 by a clerical error of the officers of this Court with the thought that it was on Pole Creek, a tributary of the Fraser River, and it is in fact the only ditch on Pole Creek, a tributary of the North Fork of the Colorado River and is therefore entitled to Priority No. 1 on said creek;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Priority number be corrected to read Priority No. 1 on Pole Creek, tributary of the North Fork of the Colorado River; that there be allowed to flow in to the said ditch for the use aforesaid and for the benefit of the party lawfully entitled thereto under and by virtue of said appropriation by construction and priority No. 1 so much water as will flow in the said ditch, it being 3 ft. in width at top, 2 ft. on bottom with a depth of 0.8 ft. and grade of 20 ft. to the mile, not to exceed 3.80 cu. ft. of water per second of time to supplement the flow of water for the Selak No. 1 and Selak No. 2 ditches and to begin when water for said ditches fails to flow in said stream to provide for their decreed amounts.

CERTIFICATE

State of Colorado, County of Grand. ss.

I, Brice Sheriff, Clerk of the District Court of Grand County, do hereby certify the above and foregoing to be a true, perfect and complete copy of that part of the decree entered in said Court on the 5th day of Nov. 1937, Case No. 657, entitled: IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHT TO THE USE OF WATER FOR IRRIGATION PURPOSES AND FOR BENEFICIAL PURPOSES OTHER THAN IRRIGATION in Water District No. 51 in the State of Colorado, as applies to the following

THE POLE CREEK DITCH, Appropriation No. 339

the original of which remains in the files and records of this court. Witness my hand and seal of said Court, at my office in Hot Sulphur Springs, Colorado, this 13th day of May, 1938.

Brice Sheriff, Clerk of the District Court.



No. 11
 Mary L. Cairns and
 Patience M. Cairns
 to
 Redwood Fisher
 Warranty Deed \$2,100.00
 Dated Aug. 28, 1930
 Ack. Sept. 15, 1930
 Rec. Oct. 3, 1930
 Book 80 page 2
 # 40470

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M. N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19,
 Tp. 3 N., R. 75 W., 6th P.M. (No exceptions.)

No. 12
 State of Colorado
 to
 Pole Creek Ditch
 Ditch Decree
 Dated August 11, 1917
 Rec. August 10, 1939
 Book 87 page 543
 # 52068

In the District Court, Grand County, Colorado, Case No. 304, entitled
 IN THE MATTER OF THE ADJUDICATION OF RIGHT TO THE USE OF WATER FOR
 IRRIGATION PURPOSES IN WATER DISTRICT No. 51 IN THE STATE OF COLORADO,
 a decree was signed by the Judge, which insofar as it relates to the
 POLE CREEK DITCH, is in words and figures as follows:
 Number 339. Pole Creek Ditch. That said ditch is entitled to Priority
 No. 9. The claimant is Fred N. Selak; that it is a ditch used for the
 irrigation of lands, taking its supply of water from Pole Creek, the
 date of appropriation being June 29, 1916, 1.14 miles in length and
 running in a northwesterly direction from its headgate which is located
 on the northwest bank of Pole Creek at a point whence the $\frac{1}{4}$ Cor. between
 Secs. 18 and 19, T.3 N., R. 76 W., 6th P.M. bears N.50°10'W. 5200 ft.
 DECREED: That there be allowed to flow into said ditch from said stream,
 for the use aforesaid (and for the benefit of the party lawfully entitled
 thereto, under and by virtue of said appropriation by construction and
 Priority No. 9, so much water as will flow in said ditch, it being
 3.5 ft. wide at high water line, 2 ft. wide at bottom, depth of flow
 .8 of a foot and grade of 20 ft. to the mile, sufficient to irrigate
 so much of the 160 acres as may be cleared and irrigated by water
 therethrough.
 DECREED: That the above decree is conditioned upon the completion of
 said ditch and the beneficial application of water therethrough with
 due diligence.
 True copy certified by Brice Sheriff, Clerk of the District Court,
 Grand County, Colorado, Aug. 9, 1939.

No. 13
 State of Colorado
 to
 Selak Ditch No. 1
 and Selak Ditch No. 2
 Ditch Decrees
 Dated March 18, 1915
 Rec. August 10, 1939
 Book 87 page 544
 # 52069

In the District Court, Grand County, Colorado, Case No. 259, entitled
 IN THE MATTER OF THE ADJUDICATION OF THE PRIORITIES OF WATER RIGHTS,
 IN WATER DISTRICT No. 51 IN THE STATE OF COLORADO, a decree was signed
 by the Judge, which insofar as it relates to the Selak Ditch No. 1,
 and Selak Ditch No. 2, is in words and figures as follows:

(Continued)



No. 13 (Continued)

SELAK DITCH NO. 1

Number 298. Selak Ditch No. 1. That said ditch is entitled to Priority No. 1. The claimant is Fred M. Selak; that said ditch is used for the irrigation of lands, taking its supply of water from Adams Creek, the date of appropriation being June 1, 1913, 1/2 mile in length, and running in a southwesterly direction from its headgate which is located on the left bank of said creek at a point whence the N 1/2 Cor. Sec. 19, T. 3 N., R. 75 W., 6th P.M. bears S. 45° 55' W. 2263 ft.

DECREED: That there be allowed to flow into said ditch from said creek, for the use aforesaid and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in said ditch, it being 2 ft. wide at top and bottom, depth 1 ft., and grade 10 ft. per mile, not to exceed 3 cu. ft. of water per second of time.

SELAK DITCH NO. 2

Number 299. Selak Ditch No. 2. That said ditch is entitled to Priority No. 1. The claimant is Fred M. Selak; that it is a ditch used for the irrigation of lands, taking its supply of water from Ranger Creek, the date of appropriation being June 1, 1913, 900 ft. in length, and running in a northwesterly direction from its headgate which is located on the right bank of said creek at a point whence the N 1/2 Cor. Sec. 19, T. 3 N., R. 75 W., 6th P.M. bears N. 74° 21' W. 1767 ft.

DECREED: That there be allowed to flow into said ditch from said creek, for the use aforesaid, and for the benefit of the party lawfully entitled thereto, under and by virtue of said appropriation by construction and Priority No. 1, so much water as will flow in said ditch, it being 1 ft. wide at top and bottom, depth of flow 6 inches and grade 15 ft. per mile, not to exceed 1 cu. ft. of water per second of time.

True copy certified by Bruce Sheriff, Clerk of the District Court, Grand County, Colorado, August 9, 1939.



UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

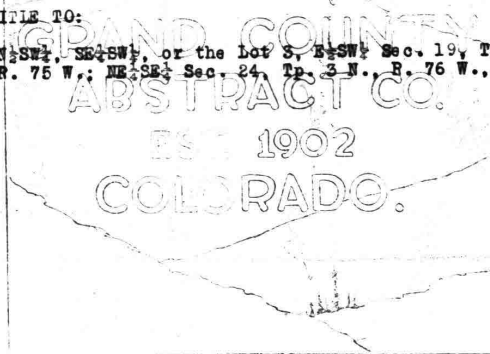
THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING THIRTEEN (13)
ENTRY-IES NUMBERED 1 TO 13, INCLUSIVE, CONSTITUTE-S A TRUE AND CORRECT
SUPPLEMENTAL ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH APPEAR OF
RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND COUNTY, COLORADO, FROM
November 2, 1928 at 10:00 o'clock A.M. TO August 14, 1939 at 5:00 o'clock P.M.
AFFECTING THE TITLE TO:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, Tp. 3 N.,
R. 75 W., 6th P.M.

AND FROM September 2, 1930 at 12:00 o'clock M. TO August 14, 1939 at 5:00
o'clock P.M.

AFFECTING THE TITLE TO:

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, or the Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19, Tp. 3 N.,
R. 75 W.; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W., 6th P.M.



IN GRAND COUNTY, COLORADO.

THAT DUE TO CONDITIONS PREVAILING IN GRAND COUNTY, COLORADO, THE FOLLOWING EXCEPTIONS
ARE MADE:

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 14th DAY
OF August A. D. 1939

GRAND COUNTY ABSTRACT COMPANY

BY

Bruce Sheriff
Manager



539-783 Supplemental

No. 14
State of Colorado

to

Estate of Fred N. Selak, deceased

Receipt for Inheritance Tax \$1208.86
Dated July 27, 1927 Part.
Rec. January 3, 1940
Book 88 page 137
52905

Received of John L. Ish, Adm of the estate of Fred N. Selak, deceased
\$1208 86 for Inheritance Tax and fees for examination and issuance of
waiver, pursuant to an order of the County Court of Grand County.
Date of death of decedent July 21, 1926 Value of property, gross
\$36 981 12 deductions \$2 010 40 net \$34 970 72

PARTIAL PAYMENT

Tax fixed by order of court \$1 208 86
Total 1 208 86

True copy of Inheritance Tax Receipt #40450 certified December 30, 1939
by Chas. M. Armstrong State Treasurer By Chas. T. Haines, Deputy (SEAL)

No. 15
State of Colorado

to

Estate of Fred N. Selak, deceased

Receipt for Inheritance Tax \$10.00 Bal.
Dated October 28, 1927
Rec. January 3, 1940
Book 88 page 138
52906

Received of John L. Ish, Adm. of the estate of Fred N. Selak, deceased
\$10.00 for Inheritance Tax and fees for examination and issuance of
waiver, pursuant to an order of the County Court of Grand County.
Date of death of decedent July 21, 1926 Value of property, gross
\$36 981 12 deductions \$2 010 40 net \$34 970 72

Description of property:

SW 1/4 Sec. 18: SE 1/4 NW 1/4, W 1/2 Sec. 19 T 3 N R 75 W 6th P.M.

Together with other real and personal property.

Tax fixed by order of court \$1 208 86

Fees, examination and waiver 10 00

Total 1 218 86

Less RCT No. 40450 BAL. \$ 10 00

True copy of Inheritance Tax Receipt #41234 certified December 30, 1939
by Chas. M. Armstrong State Treasurer By Chas. T. Haines, Deputy. (SEAL)

No. 16

In The Matter of The Estate of
Fred N. Selak, Deceased

Orders
Certified January 3, 1940
Rec. January 3, 1940
Book 88 page 139
52907

IN THE COUNTY COURT, GRAND COUNTY, COLORADO
ORDER FOR PUBLICATION OF NOTICE OF FINAL SETTLEMENT AND DETERMINATION
OF HEIRSHIP

Recites: That upon the application of Harry Albert Selak one of the
Administrators of the above entitled Estate and it appearing to the
Court that more than one year has elapsed since letters were granted
herein; that notice to creditors has been duly given according to law
and that said Estate is now ready for final settlement;

(Continued)



No. 16 (Continued)

ORDERED that Monday, February 8, 1932, be and hereby is set for the day and date on which said Administrators will present their accounts in said Estate for final settlement, and notice of such final settlement shall be published at least once a week, for four successive weeks, in the Middle Park Times, a weekly newspaper, printed and published in Grand County.

ORDERED that whereas Harry Albert Selak has filed a petition asking for a judicial ascertainment and determination of the heirs of said deceased, there shall be included in Notice of Final Settlement a notice that application for the determination of heirship of said deceased has been made and that on said day and date hereinbefore mentioned, or any date to which such hearing may then be continued, the Court will proceed to ascertain and determine who are the heirs of the said deceased and as such are entitled to inherit any lands, tenements, hereditaments or other property, real or personal, constituting all or a part of the Estate of the said deceased and enter a Decree accordingly, at which hearing all persons claiming to be heirs-at-law of said deceased may appear and present their proof.
Done by the Court this 20th day of December A. D. 1931.

J. N. Pettingell County Judge

"Continued over to the 27th of October 1932. J. N. Pettingell Judge."

J. N. Pettingell, Clerk of the County Court, certifies that on January 11, 1932, he mailed a copy of the Notice of Final Settlement and Determination of Heirship in the Estate of Fred N. Selak, Deceased, to J. Albert Selak, Jack Selak, Frank Selak and Barbara Beechey, at 312 Erie Street, West Windsor, Ontario, Canada, and to Lillian Thomas Coffee, at 545 Azusa St., Azusa, California, each in a sealed envelop, full postage to the above address.

Signed: J. N. Pettingell Clerk of the County Court (SEAL)

ACCEPTANCE OF SERVICE OF NOTICE AND CONSENT

The undersigned hereby consent that the hearing of the Final Settlement and Determination of the Heirship of Fred N. Selak, deceased, may be had upon the day named in the within notice, viz: Feb. 8th, A.D. 1932, or the day to which the same may be continued and that the prayer of the petition may be granted.

Signed: Harry Albert Selak, George William Selak, Barbara Elizabeth McQueary, Ralph Edward Selak, Katherine Harper.

Ack. by Harry Albert Selak, Ralph Edward Selak, Barbara McQueary,

Catherine Harper and George William Selak before J. N. Pettingell

Clerk of the County Court, Grand County, Colorado, Jan. 4, 1932. (SEAL)

ACCEPTANCE OF SERVICE OF NOTICE AND CONSENT

The undersigned hereby consents that the hearing of the Final Settlement and Determination of the Heirship of Fred N. Selak, deceased, may be had upon the day named in the within notice, viz: Feb. 8th, A.D. 1932, or the day to which the same may be continued and that the prayer of the petition may be granted.

Signed: Gertrude Pulsifer.

Ack. by Gertrude Pulsifer before Leatha C. Ives, N.P. Clear Creek County, Colorado, January 9, 1932. (SEAL) Commission expires February 3, 1935.

ACCEPTANCE OF SERVICE OF NOTICE AND CONSENT

The undersigned hereby consents that the hearing of the Final Settlement and Determination of the Heirship of Fred N. Selak, deceased, may be had upon the day named in the within notice, viz: Feb. 8th, A.D. 1932, or the day to which the same may be continued and that the prayer of the petition may be granted.

Signed: Edith A. Oliver.

Ack. by Edith A. Oliver before James B. Lippit, N.P. City and County of Denver, Colorado, January 6, 1932. Commission expires June 29, 1933. (SEAL)

(Continued)



No. 16 (Continued)

ACCEPTANCE OF SERVICE OF NOTICE AND CONSENT

The undersigned hereby consents that the hearing of the Final Settlement and Determination of the Heirship of Fred N. Selak, deceased, may be had upon the day named in the within notice, viz: Feb. 8th, A.D. 1932, or the day to which the same may be continued and that the prayer of the petition may be granted.

Signed: Mary O'Brien.

Ack. by Mary O'Brien before Maurice J. Hickey, N.P. City and County of Denver, Colorado, January 6, 1932. Commission expires June 11, 1933. (SEAL)
True copy of Order for Publication of Notice of Final Settlement and Determination of Heirship, Order of Continuance, Certificate of Mailing, Acceptance of Service of Notice and Consent, (Grand County Heirs), Acceptance of Gertrude Pulsifer, Acceptance of Edith A. Oliver, Acceptance of Mary O'Brien, as filed in the matter of the Estate of Fred N. Selak, Deceased, certified January 3, 1940 by J. N. Pettingell, Clerk of the County Court, Grand County, Colorado. (SEAL)

No. 17

Redwood Fisher

to

The United States of America

Warranty Deed \$4,690.00

Dated August 8, 1939

Ad. August 8, 1939; March 2, 1940

Rec. March 4, 1940

Book 88 page 186

GRAND COUNTY
ABSTRACT
EST 1939

SW $\frac{1}{4}$ Sec. 18; W $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19; that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19 lying east of the west or right bank of the Colorado River; and that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 lying north of an East-West line 1075 ft. south of the center of Sec. 19 and lying east of the west or right bank of the Colorado River; all in Tp. 3 N., R. 75 W. 6th P.M., Colorado, and more particularly described by courses and distances as follows:

Beginning at the restored one-quarter Sec. Corner between Secs. 18 and 19; thence N. 2°17' E. on the meridional center line of Sec. 18 a distance of 1338.48 ft. to the S 1/16 Sec. Corner on the meridional center line; thence S. 89°06' E. along the latitudinal S 1/16 Sec. line a distance of 1300.20 ft. to the SE 1/16 Sec. Corner; thence S. 1°37' W. along the meridional E 1/16 Sec. line a distance of 1343.10 ft. to the E 1/16 Sec. Corner between Secs. 18 and 19; thence S. 1°32' W. along the meridional E 1/16 Sec. line of Sec. 19 a distance of 2624.16 ft. to the E 1/16 Sec. Corner on the center line of Sec. 19; thence S. 89°45' E. along the latitudinal center line of Sec. 19 a distance of 1308.12 ft. to the center 1/4 Sec. Corner; thence S. 1°17' W. on the meridional center line a distance of 1075.27 ft. to the intersection of the meridional center line and a true East West line lying 1075 ft. South of the center 1/4 Sec. Corner of Sec. 19; thence true west on said East-West line a distance of 630 ft. more or less to the intersection of the West or right bank of the Colorado River, sometimes called the North Fork of the Grand River, and a true East-West line lying 1075 ft. South of the Center 1/4 Sec. Corner; thence northerly along the West or right bank of the said Colorado River to the intersection of the West or right bank of the Colorado River and the meridional W 1/16 Sec. line of Sec. 19; thence N. 1°08' E. along the

(Continued)



539-783 Supplemental

32

No. 17 (Continued)

meridional W 1/16 Sec. line of Sec. 19 a distance of 700 ft. more or less to NW 1/16 Corner of Sec. 19; thence S. 89°22' E. along the latitudinal N 1/16 Sec. line a distance of 1307.65 ft. to the N 1/16 Sec. Corner on the meridional center line of Sec. 19; thence N. 1°17' E. along the meridional center line a distance of 1321.32 ft. to the point of beginning; all in Tp. 3 N., R. 75 W. 6th P.M., Colorado. Together with all appurtenances, rights of way and water rights attached thereto, except the 1939 hay crop, except the fence on and along the north and east boundary of the tract described above, and except the two small one room cabins now located on the above described portion of the NE 1/4 SW 1/4 Sec. 19 Tp. 3 N., R. 75 W. 6th P.M., Colorado. The above excepted hay crop, fence, and two cabins to be removed from the above described tract of land by Mr. Redwood Fisher at his own expense on or before the 30th day of November, 1939.

It is intended to convey, set over and transfer 4 cu. ft. of water per second of time of any and all water rights owned by the vendor and used upon, or in connection with, the above described lands, whether adjudicated under the laws of the State of Colorado or otherwise; and it is also and specifically intended to convey, set over and transfer free of all encumbrances whatsoever all of 1 cu. ft. of water per second of time of his certain rights in and to the use of the waters of Ranger Creek, by and through Selak Ditch No. 23, as 3 cu. ft. of water per second of time of his certain rights in and to the use of the waters of Adams Creek, by and through Selak Ditch No. 23, and 3.8 cu. ft. of water per second of time of his certain rights in and to the use of the waters of Pole Creek to supplement the flow of water from Adams Creek and Ranger Creek when said streams fail to provide for their decreed amounts, all within the State of Colorado, more particularly described as follows:

The rights acquired under and by virtue of the laws of the State of Colorado to divert 1 cu. ft. of water per second of time for irrigation use, said right having a priority of No. 239; and to divert 3 cu. ft. of water per second of time for irrigation use, said right having a priority of No. 238, as determined and established by decree of the District Court of Grand County, State of Colorado, in an action numbered 259 and entitled "In The Matter Of The Adjudication Of Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak and confirming said rights unto Fred N. Selak which said decrees were made on the 18th day of March, 1915, and entered in Volume 1 at page 304, Water Adjudication Records of the District Court of Grand County, State of Colorado.

Together with the rights acquired under and by virtue of the laws of the State of Colorado to divert 3.8 cu. ft. of water per second of time for irrigation use, said right having a priority of No. 339, as determined and established by conditional decree of the District Court of Grand County, State of Colorado, in an action numbered 304 and entitled "In The Matter Of The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Fred N. Selak, confirming said right to Fred N. Selak which said decree was made on the 11th day of August, 1917, and entered in Volume 1 at page 360, of Water Adjudication Records of the District Court of Grand County, State of Colorado; and in an action entitled "In The Matter Of A Correction In The Adjudication Of The Priorities Of Water Rights In Water District No. 51, In The State Of Colorado." On application of Redwood Fisher, confirming said right to Redwood.

(Continued)



No. 17 (Continued)

Fisher which said final decree was made on the 5th day of November, A.D. 1937, and entered in Volume 1 at page 451, Water Adjudication Records of the District Court of Grand County, State of Colorado. Said Decree filed for record in the records of the County Clerk and Recorder of Grand County, Colorado, on the 29th day of August, 1938, as Instrument No. 50099, in Book 87 on page No. 268.

Signed: Redwood Fisher, Helene Fisher.
(I.R.S. \$5.00 R.F. 3-2-40)

No. 18

R. O. Throckmorton and
J. N. Pettingell, Affiants

Affidavit
Subscribed and sworn February 24, 1940
Rec. March 4, 1940
Book 88 page 188
53161

R. O. Throckmorton and J. N. Pettingell, each for himself and not one for the other, states that he has been a continuous resident of Grand County, Colorado since June 15, 1903, that during all of that time they have been familiar with the lands described as E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19, Tp. 3 N., R. 75 W. 6th P.M. and know of their own knowledge that the railway described in that certain agreement between Rebecca E. McLaren and William L. Sperry, as recorded in Book 39, Page 448 of Grand County Records was never constructed across, upon or over the above described lands.

Signed: R. O. Throckmorton, J. N. Pettingell.

No. 19

Rennie A. Mitchell, Affiant

Affidavit
Subscribed and sworn February 29, 1940
Rec. March 5, 1940
Book 88 page 190
53170

Rennie A. Mitchell, being first duly sworn, states:
That he is a son of J. B. Mitchell, now deceased, who, together with Polly A. Mitchell, Hugh Mitchell, J. W. Snider, Ida M. Snider, S. M. Snider, Ed. Evans and Eva M. Evans filed, in the office of the County Clerk and Recorder of Grand County, Colorado on May 20, 1903, a location certificate for the Grand River Placer, covering SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 Tp. 3 N., R. 75 W. 6th P.M., containing 160 acres.

That he knows of his own knowledge that the above named claimants did not perform the development and assessment work necessary to establish any mineral rights on this property, and that they did not obtain a patent to this mining claim, and that no such rights exist at this time.

Signed: Rennie A. Mitchell.



UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING SIX (6)
ENTRY-IES NUMBERED 14 TO 19 , INCLUSIVE, CONSTITUTES 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
August 14, 1939 at 5:00 o'clock P.M. TO March 6, 1940 at 5:00 o'clock P.M.
AFFECTING THE TITLE TO:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18: SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N.,
R. 75 W. 6th P.M.
and
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, or the Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N.,
R. 75 W.; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W. 6th P.M.

GRAND COUNTY
ABSTRACT CO.
EST. 1902
COLORADO.

THIS ABSTRACT IS CERTIFIED FOR THE BENEFIT OF THE UNITED STATES.

IN GRAND COUNTY, COLORADO.

THAT DUE TO CONDITIONS PREVAILING IN GRAND COUNTY, COLORADO, THE FOLLOWING EXCEPTIONS
ARE MADE:

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABTRACTOR, 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 March A. D. 1940.



GRAND COUNTY ABSTRACT COMPANY

BY

Bruce Shiff
Manager

539-783 Supplemental

Part III

No. 209

Fees 90% paid

(Fisher)

Form 126.—The C. F. Hoeckel Blank Book & Litho. Co., Denver, Colo. 11158

STATE OF COLORADO,
County of Grand ss.

Certificate of Taxes Due

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:

SW $\frac{1}{4}$ Section 18; W $\frac{1}{2}$ NE $\frac{1}{4}$, part of SE $\frac{1}{4}$ NE $\frac{1}{4}$, part of NE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 19, Tp. 3 North, Range 75 West 6th F.M., more particularly described in Warranty Deed recorded in Book 88 at page 186, Records of Grand County.

Taxes on the above described property are paid in full to and including the 1938 tax. There are no taxes due or exigible and there are no tax liens of any nature affecting the land described hereon.

In Witness Whereof, I have hereunto set my hand and seal, this 19th day of April A. D. 1940

Lawrence T. Bloom (SEAL)
Treasurer of Grand County, Col.

By _____ Deputy.

No. 539-783. Supplemental

ABSTRACT OF TITLE

.. TO ..

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$
Sec. 19, Tp. 3 N., R. 75 W.,
6th P.M.
and
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, or the Lot 3,
E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19, Tp. 3 N., R. 75 W.;
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Tp. 3 N., R. 76 W.,
6th P.M., in 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

16. 783

ABSTRACT OF TITLE

T O

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, or (the Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$) Sec. 19 Tp. 3 N., R.

75 W.; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 Tp. 3 N., R. 76 W. 6th. P.M.

PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO

45-11-0
33-66-82
S.B.H.

No. 1
Rebecca E. McLaren
to
William L. Sperry

Agreement for Right of Way
Dated June 15, 1903
Ack. June 17, 1903
Rec. June 18, 1903
Book 19 page 448
5719

E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.
Strip of land 50 ft. wide for right of way for Railway purposes across
above des'c. lands. Understood to run at foot of bluffs facing river.
Agrees to convey within 30 months, provided first party has so far
completed road that first car shall have been run over said Railway.

No. 2
United States

Location Certificate
Dated May 20, 1903
Rec. May 20, 1903
Book 24 page 469
8508

B. J. Mitchell, Polly A. Mitchell, Hugh
Mitchell, W. Snider, J. M. Snider
S. M. Snider, M. Evans, E. M. Evans

SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30 Tp. 3 N.,
R. 75 W. 6th. P.M. 160 acres.
Grand River Placer in Grand Lake Mining District, Grand County, Colo.
Date of Location: May 20, 1903.

No. 3
United States

Patent # 209599 - Denver 04412
Dated June 22, 1911
Rec. April 19, 1915
Book 53 page 236
20085

Rae C. Smith, infant child of
Rebecca E. Smith, formerly
Rebecca E. McLaren

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ or the Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W.; NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 24 Tp. 3 N., R. 76 W. 6th. P.M., containing 159.93 acres.
Act of May 20, 1862. Subject to any vested & accrued water rights.

No. 4
County Treasurer, Grand
County, Colo.

Tax Sale Cert. #98
Dated Dec. 18, 1912
Sale 1912, Taxes 1911
Rec. Tax Sale Record No. 1
Amount: \$13.03

to
James Cairns

W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 Tp. 3 N., R. 76.
Assessed in the name of Rae C. Smith.

No. 5
Grand County, Colo., by L. W.
Kennedy, County Treasurer

Treasurer's Tax Deed
Dated Oct. 23, 1916
Ack. Oct. 23, 1916
Rec. Dec. 7, 1916
Book 56 page 307
21409

to
James Cairns

NE $\frac{1}{4}$ Sec. 24 Tp. 3 N., R. 76 W. 6th. P.M.; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N.,
R. 75 W. 6th. P.M.
Above property sold on Dec. 18, 1912 for taxes 1911 to James Cairns
for the sum of \$13.03
Said James Cairns has paid subsequent taxes on said property to the
amount of \$37.04. More than 3 years have elapsed since said sale &
said property has not been redeemed as provided by law.
Subject to rights of redemption by minors, insane persons or idiots
as provided by law.

No. 9

James Cairns

to

Mary L. Cairns &
Patience Cairns

Decree

Dated July 28, 1926

Rec. Aug. 3, 1926

Book 71 page 565

#32292

IN THE COUNTY COURT, BOULDER COUNTY, COLO.

IN THE MATTER OF THE ESTATE OF JAMES CAIRNS, DECEASED.

DECREE OF FINAL SETTLEMENT AND DETERMINATION OF HEIRSHIP.

Mary L. Cairns, Administratrix of the estate of James Cairns, dec'd presents to the Court a final report of her acts as such and asks that the same be approved & that she be discharged & said estate decreed to be fully administered.

COURT FINDS: That James Cairns died about May 2, 1925 & that thereafter Mary L. Cairns was appointed administratrix of said Estate. That all claims against said estate, all costs of administration & inheritance taxes have been paid; that more than 1 year has elapsed since letters were issued, & a Notice has been published that said final report would be presented for approval on June 7, 1926 & that hearing was continued to this date.

That sole & only heirs at law of said deceased & their interests in said estate are as follows: to-wit: Mary L. Cairns, Widow, one half; Patience Cairns, Daughter, one half.

DECREED: That said heirs at law are the sole & only heirs at law of said deceased & upon the death of said deceased became seized & possessed of all right, title & interest which said dec'd. enjoyed during his lifetime.

That said final report & all acts & doings of said Mary L. Cairns in & about the administration of said estate be approved & confirmed & that she be discharged & her bondsmen released from further liability in the premises.

Done in open Court, July 28, 1926. By the Court, E. J. Ingram, Judge.
True Copy certified July 29, 1926 by Anna T. Thurston, Clerk. SEAL.

No. 10
Mary L. Cairns & Patience Cairns, Cert. Copy of Decree to Quiet
a minor, by Mary L. Cairns, her Title
mother & Guardian, ad Litem, Dated Sept. 18, 1929
Plaintiffs Rec. Sept. 19, 1929
vs. Book 77 page 192
39441
Rea C. Smith, Defendant

IN THE COUNTY COURT, GRAND COUNTY, COLO. No. 1236.
DECREE TO QUIET TITLE.
Complaint filed May 8, 1929. Mary L. Cairns appointed Guardian ad
Litem of Patience Cairns, a minor on May 8, 1929, to represent her
in the bringing of this suit.

Mark E. Fletcher, Sheriff of Grand County, Colo. makes return of
summons stating defendant lives in Ormstown, Province of Quebec,
Dominion of Canada & that he is unable to make personal service.

Dated May 20, 1929.
Service by publication for five successive weeks completed on June
30, 1929, as shown by affidavit of publisher of Middle Park Times,
filed herein, said day being 10 days after date of last publication
of said summons, viz June 20, 1929 & more than the statutory period of
time having expired since service of summons by publication & defendant
having failed to appear, it is ordered by the Court that default
of defendant be entered in this case.
Court finds that service of summons is complete as provided by law.
That plaintiffs & successors in title have been in possession of

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th P.M.; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 Tp.
3 N., R. 76 W. 6th P.M. & have paid all taxes assessed thereon since
Jan. 22, 1925, that claims of defendant without any right as against
the title of the plaintiffs & that plaintiffs are entitled to the
relief asked.

DECREED: That plaintiffs are declared to be true and lawful owners
& entitled to possession of the land & premises des'c. in complaint
& des'c. herein above & that their title thereto be adjudged quieted
against all claims of defendant.

Dated in open Court at Hot Sulphur Springs, Grand County, Colo.
Sept. 18, 1929. By the Court: J. N. Pettingell, Judge.

True Copy certified by J. N. Pettingell, Judge & acting Clerk of
County Court, Grand County, Colo. Sept. 18, 1929. (SEAL)

STATE of COLORADO)
COUNTY of GRAND) SS.

The Grand County Abstract Company, a corporation duly organized and existing
under the laws of the State of Colorado, hereby certifies that the foregoing entries
numbered from One (1) to Ten (10), both inclusive,
show all instruments of writing recorded in the office of the County ~~Recorder~~ Re-
corder of Grand County, Colo., since Title from United States Government
which in any way affect the title of the property described in the caption of the
within and foregoing abstract, viz N¹/₄SW¹/₄, SE¹/₄SW¹/₄, or the Lot 3, E¹/₄SW¹/₄
Sec. 19 Tp. 3 N., R. 75 W.; NE¹/₄SE¹/₄ Sec. 24 Tpl 3 N., R. 76 W.
6th. P.M.

Dated at Hot Sulphur Springs, Colorado, this 2nd.

day of September 1940 A. D. 1930 at 12:00 o'clock PM.

THE GRAND COUNTY ABSTRACT COMPANY

By

Bruce Sheriff

Manager.

MIDDLE PARK TIMES

783

ABSTRACT of TITLE

--TO--

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$, or Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 19 Tp. 3 N., R. 75 W.;
NE $\frac{1}{4}$ SE $\frac{1}{4}$ S ec. 24 Tp. 3 N., R. 76
W. 6th. P.M.

**The Grand County
Abstract Company**

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

Hot Sulphur Springs, Colorado

76.539

ABSTRACT OF TITLE

20

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 5 N., R.
75 W. 6th. P.M.

PREPARED BY

THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO

37003.7A-2

63-44
107-66

No. 1
United States
to
John M. Williams

Land Declaration
Dated July 19, 1880
Ack. Aug. 26, 1881
Rec. Aug. 26, 1881
Book 3 page 392
1568

John M. Williams claims E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W.

No. 2
United States
to
Louise J. Adams

Patent (Certified Copy)
Dated Sept. 25, 1896
Rec. Dec. 12, 1907
Book 17 page 191
13298

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.
containing 160 acres.
Certified copy Feb. 19, 1906, by Recorder of General Land Office.

No. 3
Louise J. Adams

Deed of Trust. \$500.00
Dated May 16, 1910
Ack. May 17, 1910
Rec. May 26, 1910
Book 36 page 8
15372

to
Willis M. Marshall, Trustee, use
of Central Savings Bank & Trust Co.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.
The secure note of even date for \$500.00, due in Six Months, with
interest at the rate of 8% per annum.

No. 4
Willis M. Marshall, Trustee, use
of Central Savings Bank & Trust Co.

Release of Trust Deed
Dated Nov. 1, 1912
Ack. Nov. 1, 1912
Rec. Nov. 8, 1912
Book 29 page 516
17871

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.
Releases Trust Deed dated May 16, 1910, recorded in Book 36 page 8
of Grand County Records.

No. 5
Mrs. L. J. Adams

Deed \$1.00
Dated July 27, 1911
Ack. (none)
Rec. Aug. 7, 1911
Book 46 page 291
16479

to

United States

A right of way over & across SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.
for Telephone & Telegraph line.

No. 6
Louise J. Adams

Warranty Deed \$900.00
Dated Nov. 1, 1912
Ack. Nov. 7, 1912
Rec. Nov. 8, 1912
Book 50 page 43
17877

to

Fred H. Selak

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 6th. P.M.

No. 7
State of Colorado
to

Harry Albert Selak &
John L. Ish

Letters of Administration
Dated Aug. 24, 1926
Copy Certified Oct. 7, 1926
Rec. Oct. 4, 1927
Book 76 page 9
33503

J.N. Pettingell, Judge & acting Clerk of the County Court of Grand County, Colo., certifies that Harry Albert Selak & John L. Ish, residents of said County & State were appointed administrators of the estate of Fred N. Selak, who died on or about July 21, 1926, to perform all acts which now or hereafter may be required by law.

No. 8
State of Colorado
to
Fred N. Selak, deceased

Decree for sale of Real Estate
Dated July 2, 1928
True Copy Certified Aug. 6, 1928
by W.S. Kennedy, deputy Clerk of
County Court.
Rec. Aug. 20, 1928
Book 75 page 505
34395

IN THE COUNTY COURT, GRAND COUNTY, COLORADO.
IN THE MATTER OF THE ESTATE OF FRED N. SELAK, DECEASED.
John L. Ish & Harry Albert Selak, Administrators, petitioners.
ORDERED & DECREED: That above petitioners sell all right, title & interest of Fred N. Selak, deceased in the following described real estate, viz:

Tract "B", SW¹/₄ Sec. 18; SE¹/₄ NW¹/₄, W¹/₂ Sec. 19 Tp. 3 N., R. 75 W. 6th.
P.M., together with other property.

COURT FINDS: That Notice was duly served & published in The Middle Park Times, a newspaper published in said County & that said real estate has been appraised within the 6 months next preceeding the commencement of this petition for sale.

STATE OF COLORADO }
COUNTY OF GRAND } ss.

The Grand County Abstract Company, a corporation duly organized and existing under the laws of the State of Colorado, hereby certifies that the foregoing entries numbered from One (1) to Eight (8), both inclusive, show all instruments of writing recorded in the office of the County Clerk and Recorder of Grand County, Colo., since Title from United States Government which in any way affect the title of the property described in the caption of the within and foregoing abstract, viz: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N., R. 75 W. 5th. P.M.

Dated at Hot Sulphur Springs, Grand County, Colorado, this 2nd.

day of November, A. D. 1928, at 10:00 o'clock A. m.

THE GRAND COUNTY ABSTRACT COMPANY,

BY Bruce Shiff MANAGER.

HIDOLE PARK TIMES

539
ABSTRACT of TITLE

--TO--

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 Tp. 3 N.,
R. 75 W. 8th. P.M.

The Grand County
Abstract Company

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

Hot Sulphur Springs, Colorado

~~154~~
MR (OL)

JUN 22 1964

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JUN 25 '64	
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Memorandum

Docket # 43

To: The Director

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. Bagley

In duplicate

Associate Regional Director

Enclosures

cc:

Chief, WODC (2), w/c of enclosures

Superintendent, Rocky Mountain, w/c enclosures

ROCKY MOUNTAIN NATIONAL PARK

Page XII

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	<u>SELAKE DITCH SYSTEM</u>			
	<u>LAND AND WATER RIGHT PURCHASE</u>			
	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
	<u>APPURTENANT DECREED WATER RIGHTS</u>			
	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
	<u>WATER RIGHT AMENDMENT BY UNITED STATES</u>			
	11. Form NPS-I-1, Land Ownership Record, Deed 48 by A. van V. Dunn of 11/23/43		x	
44	<u>KAUFFMAN DITCH (SUMMERLAND AREA)</u>			
	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	<u>EATON PIPE LINES NOS. 1 AND 2 AND GRANT SPRING (PART INTEREST)</u>			
	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-AL

February 23, 1962

Docket 43

last 1/20

Memorandum

To: Regional Director, Region Two
From: Hydraulic Engineer, Branch of Water Resources
Subject: Water Right Docket Numbers, Rocky Mountain

W O D C	
FEB 26 1962	
CHF	
ADM	
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P & P	
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ENGR	1/20
L. A.	
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CONT	
SFTY	
HABS	
<i>Habitat Dept</i>	
<i>Alan</i>	
ACTION TAKEN - DATE	
<i>File</i>	
<i>Blunt</i>	

Regarding Mr. Baggeley's memorandum of February 15, all file copies of Rocky Mountain Dockets should include Dockets numbered 42 through 46. Copies of memoranda transmitting folders, partitions or material relating to each of these five dockets are enclosed to enable you to locate them.

Note that the closing statement of the first paragraph of the enclosed July 17, 1959, memorandum refers to material subsequently transmitted by memoranda included in the other enclosed copies.

Gordon W. Robertson
Hydraulic Engineer, Branch of Water Resources

Enclosures

Copy to: Superintendent, Rocky Mountain, w/c enclosures
Chief, WODC (2), w/1 copy enclosures

L54-08L

May 12, 1959

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Right Docket 43, Selak Ditch System, Rocky Mountain

WESTERN OFFICE DESIGN & CONSTRUCTION	
MAY 13 1959 A.M.	
CHIEF	
ADMIN. ASST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND ARCH.	
RECORDS & COMM.	
ACTION (DATE) DATE	

The attached Docket 43 has been largely assembled before receipt of Mr. Mott's memorandum of February 13; with copy of memorandum of January 27 from Mr. Rutter, and other attachments. The abstracts and Deed 48 had already been photostated, and we had found four copies of the same typed copies of the decrees. The photostat negatives are used for your docket, to permit duplication in the future.

In order that all deeds will be identical, I have used the data we assembled, and sent field duplications to the general correspondence files. You will note that the supplemental abstract 539-783, in Part I, includes copies of the water right decrees, and that other copies are filed in Part II. The duplicating field copies may be substituted if compared and preferred in any office.

You will also find a sketch of the three ditches at the front of said supplemental abstract. You will also note that the final decree of November 5, 1937, to the Pole Creek diversion grants only a supplemental supply, although the conditional decree makes no such limitation. Copies of the statements of claim, and possibly the testimony, would have to be investigated to determine the basis, but I doubt if that is necessary. The decrees to the Selak Ditches 1 and 2 grant 4.0 sec.ft., and I think that would be recognized as the limit of firm rights, with authority to provide up to 3.8 sec.ft. of any deficiency from the Pole Creek source.

I believe that the Selak Ditch System is proper for the docket at this time. However, these rights are of little value until amended and exercised through NPS water systems if I am correct in believing that they can no longer be exercised through the original system, and on the original irrigated areas.

In suggesting amendment I realize that we have been unable to get the Department of Justice to amend the Harbison Ditch Rights, or to obtain a general adjudication of priorities for the Federal pipelines in Water District 51. Under agreement of 1936 (?) with the Bureau of Reclamation, we are also protected against protests of Federal water use by other appropriators below the Shadow Mountain and Granby Reservoirs. The Park Service seems to be operating in Water District 51 with releases of water under decreed rights to compensate for domestic diversions for which rights have not been established.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain, w/c attachment
✓ Chief, WOCC (2), w/c attachment



UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1086, Estes Park, Colorado

January 27, 1959

IN REPLY REFER TO:

L54

REG. DIRECTOR
ASST. REG. DIRECTOR
CHf. DIV. OF ADMIN.
CHf. DIV. OF OPERATIONS
CHf. DIV. OF INTERP.
CHf. REC. RES. PLANNING
CHf. RANGER ACTIVITIES
FIELD SOLICITOR
<i>MED</i>
ACTION TAKEN
FILE

Memorandum

To: Regional Director, Region Two

From: Acting Superintendent

Subject: Docket Numbers For Units Of Selak Irrigation System,
Rocky Mountain National Park.

In order that we may have similar assembly folders with assigned docket numbers for all water rights owned by the United States in Rocky Mountain National Park, we are enclosing the following instruments covering the Selak Irrigation System.

1. 9 copies of the Warranty Deed, dated August 8, 1939, from Redwood Fisher to the United States of America, conveying the adjudicated right to divert 3.0 cubic feet of water from Adams Creek through Selak Ditch No. 1, to divert 1.0 cubic feet of water from Ranger Creek through Selak Ditch No. 2, and to divert 3.8 cubic feet of water from Pole Creek through the Pole Creek Ditch for irrigation purposes.

2. 6 copies of the Decree, dated March 18, 1915, granting Priority No. 298 in Water District No. 51 to Selak Ditch No. 1 and Priority No. 299 to Selak Ditch No. 2., Case No. 304 in the Grand County District Court, H. S. Class presiding Judge.

3. 3 copies of the Conditional Decree, dated August 11, 1917, granting Priority No. 339 in Water District No. 51 to the Pole Creek Ditch, Case No. 304 in the Grand County District Court, Judge Harry S. Class presiding.

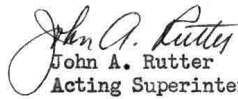
4. 3 copies of the Final Decree, dated November 5, 1939, granting Priority No. 339 in Water District No. 51 and assigning Priority No. 1 in Pole Creek to the Pole Creek Ditch, Case No. 657 in the Grand County District Court, Charles E. Herrick, presiding Judge.

C. C. MAILED TO:

BY _____ DATE _____

We are enclosing sufficient copies to enable the Water Resources Division to make an assembly for each individual ditch or for just one assembly covering the whole Selak Irrigation System, as they may elect. We are retaining enough copies to complete either one or three dockets when advised as to docket number or numbers assigned to this system.

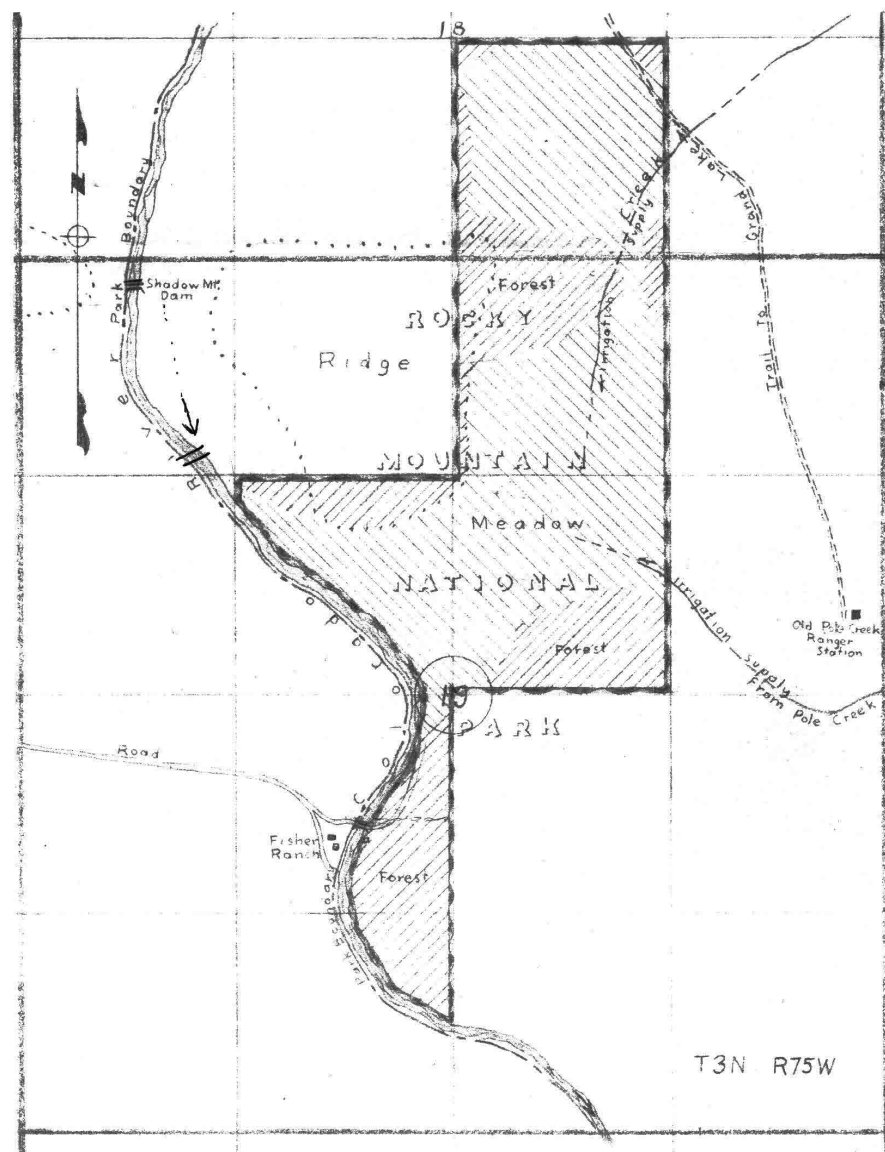
A representative from our office has examined the records in the State Engineer's Office, the Grand County Abstract Company Office and the Grand County Recorder's Office, but found no filings or sketch maps covering or appertaining to these ditches.


John A. Rutter
Acting Superintendent

In triplicate

Attachments

Maps and Miscellaneous Information



Portion of Redwood Fisher Ranch

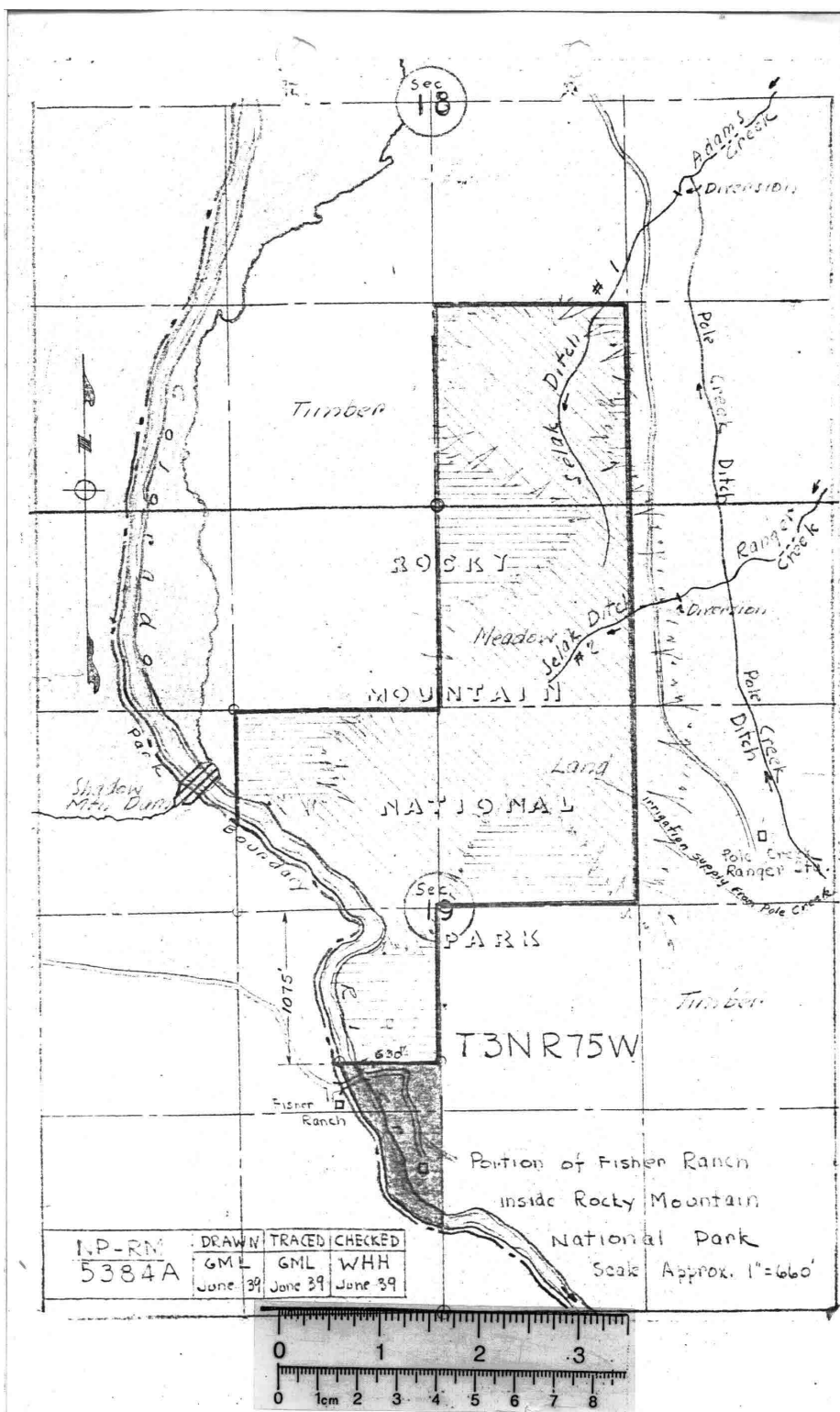
Inside the boundaries of Rocky Mountain National Park

NP-RM
5384

DRAWN	TRACED	CHECKED
WHH	RLH	GML
MARCH 39	MAY 39	MAY 39

Scale 1"=660'





Docket Information

Number of Documents in Docket 86

Documents Dated from 3/18/1915 to 7/5/1991

Docket Compiled: 6/14/2011