



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 44

NORTH INLET CREEK

Preliminary Docket Information

00-00-0000: water right record: kauffman ditch

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #44

IDENTIFICATION NO: ROMO, R, 3 4, 0 4, 7 5, A, F, 4 4

DITCH/WATER SYSTEM: Kauffman Ditch

SOURCE OF SUPPLY: North Inlet Creek

LOCATION: Point of diversion is on the northwest bank of North Inlet Creek in the southwest corner of the southeast quarter of the northwest quarter of Sect. 34, T4N, R75W, at a point whence the south quarter corner of Sect. 33, T4N, R75W, bears south 55°55' west 4806.6 feet.

WATER RIGHT:

Appropriator: Belle Kauffman

Application/Permit Number: Filing accepted by State Engineer's Office
November 18, 1908

Certificate Record Number:

Date of Priority: September 19, 1908

Quantity of Water: 3.5 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS: Owned by the United States. Acquired by deed, May 10, 1954.

Docket No. ⁴⁴43

Use Discontinued.

KAUFFMAN DITCH

MAY 8 1957

Ditch No. , Water District No. 51.

USE

Irrigation. This ditch was constructed to irrigate the Summerland meadows. Mrs. Kauffman stated that it was used for a number of years after 1909. No evidence of use in recent years.

HEADGATE

Point of Diversion in on the Northwest bank of North Inlet Creek in the Southwest Corner of the Southeast Quarter of the Northwest Quarter of Section 34, Township 4 North, Range 75 West, at a point whence the South Quarter Corner of Section 33, Township 4 North, Range 75 West, bears South 55° 55' West 4806.6 feet.

PRIORITY

This water right has not been adjudicated. A map was filed with and accepted by the State Engineer of Colorado on November 18, 1908.

AMOUNT

Claim was made for 3.5 cubic feet of water per second of time to be diverted from the North bank of North Inlet Creek at the said point of diversion.

OWNERSHIP and OPERATION

Owned by United States. Acquired by purchase from Belle Kauffman by deed, dated May 10, 1954. No operation.

MAPS

Photo Copy, Map & Statement, accepted by State Engineer, November 18, 1908.

Western Ranger District.

Summerland Area.

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. 44

STATE FILING No.
APPLICATION NO. 5288

PERMIT NO. _____

CERTIFICATE NO. _____

TITLE OF DOCKET KAUFFMAN DITCH (Summerland Area)

PRIORITY 9/13/1908

REMARKS: _____

Rocky Mountain National Park
Index to Water Right Docket No. 44

KAUFFMAN DITCH (SUMMER LAND AREA)

Outline of Assembly

1. Abstract of Title No. 1378-1.
2. Warranty Deed from Belle Kauffman to the United States dated
May 5, 1954.
3. Filing No. 5288.
4. Summary Sheet Kauffman Ditch.

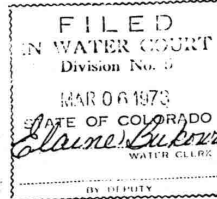
Docket Identity	ROMO R 34 04 75 A F 44
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	KAUFFMAN DITCH
State	COLORADO
County	GRAND
Docket	ROMO WATER RIGHT DOCKET 44
Location	T4N R75W SEC 34
Acquired by	PURCHASE
Application	NOVEMBER 18 1908
Permit	
Certificate	
Priority	SEPTEMBER 19 1908 - 3.5 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	SURFACE WATER
Use	IRRIGATION
Quantity	3.5 CFS
Hydrologic Unit	14010001
Remarks	ACQUIRED BY DEED MAY 10 1954

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

Civil Action No. 1768 COUNTY OF GRAND



PARAGRAPH 15, p. 11.

IN THE MATTER OF THE APPLICATION)	
FOR WATER RIGHTS OF: THE UNITED)	<u>KAUFFMAN DITCH</u>
STATES OF AMERICA)	
IN THE COLORADO RIVER)	RULING OF THE REFEREE
OR ITS TRIBUTARIES--)	
TRIBUTARY INVOLVED: NORTH INLET)	ABSOLUTE WATER RIGHT
CREEK AND THE NORTH FORK OF)	
THE COLORADO RIVER)	
)	
IN GRAND COUNTY)	
)	

The Referee having made the investigations required by Article 21 of Chapter 148, C.R.S. 1963, as amended, does hereby make the following ruling, to wit:

1. This application was referred to the Water Referee of Water Division No. 5 on the 31st day of August 1972.
2. Name of Applicant: The United States of America
c/o Kenneth J. Burke, Trial Attorney
Address: P.O. Box 1656; Denver, Colorado
3. The legal description of the water right claimed is:
The point of diversion is located on the Northwest bank of North Inlet Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T. 4 N., R. 75 W. of the 6th P.M. at a point whence the South Quarter Corner of Section 33, said Township and Range, bears: S. 55°55' W. 4, 806 feet.
4. The water is diverted through a ditch 2803.67 feet long, with a capacity of 3.5 cubic feet per second of time.
5. Location of point or points of use: The water is used on lands owned by the claimant in said Section 33.
6. The date of initiation of use: September 19, 1908.
7. The amount of water used is: 3.5 cubic feet per second of time.
8. The use of the water is: irrigation.
9. The priority date of the junior-most water right heretofore adjudicated in Water District No. 51 is: August 31, 1955.

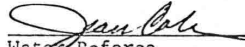
For Rocky Mtn NP

10. The date of the filing of the water right
is: December 29, 1971.

11. Pursuant to the Initial Pre-trial Order of the
Master Referee, the priority date is not deter-
mined in this ruling; and the Water Referee
has determined in his discretion not to rule on
the question of whether a valid appropriation of
water has been made by the applicant.

It is accordingly Ordered that this ruling shall be
filed with the Water Clerk and be distributed to all parties
of record; and that in accordance with 148-21-19(2) C.R.S.
1963, as amended (1969), the above-entitled matter be and
is hereby re-referred to the Master Referee for a determin-
ation of the matters referred to in paragraph numbered 11
above.

Done at the City of Glenwood Springs, Colorado, this
6th day of MARCH 19 73.


Water Referee
Water Division No. 5
State of Colorado

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	)	KAUFFMAN 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 Kauffman
Ditch.

IV.

The source of supply is North Inlet 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, three
(3) feet wide at the top, two (2) feet wide at the bottom for a distance
of two thousand eight hundred three and sixty-seven one-hundredths (2803.67)
feet. The grade of said ditch is nine (9) feet per mile, with a carrying
capacity thereof three and five tenths (3.5) cubic feet per second of time.

V.

The point of diversion is location on the Northwestern bank of North
Inlet Creek in the Southwest Corner of the Southeast Quarter of the Northwest
Quarter of Section thirty-four (34), Township four (4) North, Range
seventy-five (75) West at a point where the South Quarter Corner of Section
thirty-three (33) bears South fifty-five degrees fifty-five minutes (55°55')
West four thousand eight hundred six (4806) feet.

VI.

No storage involved.

VII.

The survey of the foregoing structure was initiated on September 19, 1908.

VIII.

The total amount of water claimed is three and five-tenths (3.5) cubic feet per second of time.

IX.

A map and statement of claim for said Kauffman Ditch was filed and accepted by the State Engineer of the State of Colorado on November 18, 1908, and was assigned by him, filing number five thousand two hundred eighty-eight(5288).

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.

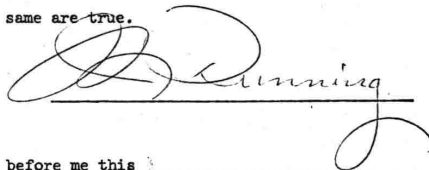
James L. Treece
United States Attorney

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

Recorded at 30 o'clock P. M. May 10, 1954
 Reception No. 71914 R.O. Brockmorton Recorder.

THIS DEED, Made this 5th day of May in the year of our Lord
 one thousand nine hundred and fifty four, between Belle Kauffman
 of the City and County of Denver and State of Colorado, of the first part, and
 The United States of American and/or its assigns
 of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 ----- One Hundred Fifty- 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
 heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being
 in the County of Grand and State of Colorado, to-wit:

Lots 31 and 32 in Block 13 of Summerland Subdivision, a subdivision of record
 of the Southeast Quarter of Section 33, Township 4 North, Range 75 West of the
 6th P. M. Together with all of my interest or claim to the Kauffman Ditch and
 to the water rights described in the statement of claim in Filing No. 5288,
 dated November 18, 1908, as recorded in the State Engineer's Office of the
 State of Colorado.



TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise
 appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all
 the estate, right, title, interest, claim and demand whatsoever of the said 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 heirs and assigns forever. And the said party of the first part,
 for her self, her heirs, executors, and administrators, do as covenant, grant, bargain,
 and agree to and with the said party of the second part, its heirs and assigns, that at the time of the
 enrolling and delivery of these presents she 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 as aforesaid, and that the same
 are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of
 whatever kind or nature soever,

and the above bargained premises in the quiet and peaceable possession of the said party of the second part,
 its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole
 or any part thereof, the said 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 her hand
 and seal the day and year first above written.

 + Belle Kauffman (SEAL)
 Belle Kauffman, also known as
 Mrs. E. H. Kauffman. (SEAL)
 + Mrs. E. H. Kauffman (SEAL)
 Belle Kauffman, Administratrix,
 Estate of E. H. Kauffman.

STATE OF COLORADO
 City and County of Denver.



This instrument was acknowledged before me this 5th day of May,
 1954, at 11:16, 1954. Witness my hand and official seal.

Joseph M. Thompson
 Notary Public.

No. 322 WARRANTY DEED.—For Photographic Record.
 —The Bradford-Robinson Fig. Co., Mfrs. Robinson's Legal Blanks, 1846 Stout St., Denver, Colo.

Rocky M. Deed 139

Chuck

NO. 1378-1

ABSTRACT OF TITLE

-TO-

**Lots 31 and 32 in Block 13 of Summerland
Subdivision, Grand County, Colorado.**

PREPARED BY

**THE GRAND COUNTY ABSTRACT COMPANY
HOT SULPHUR SPRINGS, COLORADO**

No. 1
United States

to

Ezra H. Kauffman

Patent, Cert. #4964--Appl. #1094
Dated Sept. 17, 19
Rec. Dec. 26, 1902
Book 17 Page 164
#5029

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M., Colorado, containing 160 acres. Subject to any vested and accrued water rights, and rights to ditches and reservoirs used in connection with such water rights, also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom. Reserved, a right of way thereon for ditches or canals constructed by the authority of the United States.

No. 2
Ezra H. Kauffman (in body)

to

Frank N. Briggs, Cashier
Bank of Grand County

Mortgage \$200.00
Dated June 5, 1904
Ack. June 20, 1904
Rec. June 27, 1904
Book 12 Page 43
#10002

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M., situate in Grand County, Colorado.
To secure note of even date payable in 90 days.
Signed: E. H. Kauffman.

-----Marginal Release-----

Nov. 23, 1904.
This mortgage is Paid and fully discharged.
Signed: Frank N. Briggs, Cashier.
Attest: J. N. Pettingell, Clerk.

No. 3
Ezra H. Kauffman and Belle
Kauffman, his wife

to

Public Trustee, Grand County,
Colo., use "Frank N. Briggs,
as guardian of the estate of
Valdo Frank & Howard William"

Deed of Trust \$700.00
Dated March 3, 1908
Ack. March 3, 1908
Rec. March 9, 1908
Book 29 Page 74
#13463

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 160 acres, and Lots 15 & 16, Block 5, Town of Grand Lake, as the same is platted and record in the recorders office of said Grand County, Colorado.
To secure note of even date with interest at the rate of 10% per annum, interest payable semi-annually at the bank of Grand County.
Sale at the front door of the Court House, Hot Sulphur Springs, Grand County, Colorado, after 4 weeks notice in some Grand County newspaper. (No receiver's clause shown).

No. 4

Public Trustee, Grand County,
Colorado, use "Frank N. Briggs,
as guardian of the estate of
Waldo, Frank and Howard William
Wilson"

Release of Deed of Trust
Dated Jan. 15, 1910
Ack. Jan. 15, 1910
Rec. Jan. 15, 1910
Book 29 Page 447
#15060

to

Ezra H. Kauffman and Belle
Kauffman, his wife

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 160 acres and lots 15 & 16, Block 5,
Town of Grand Lake, as the same is platted and recorded in the record-
ers office of said Grand County, Colorado.
Releases above described property from lien of Deed of Trust dated
March 9, 1906, recorded in Book 29, Page 74, Grand County Records.
Request for release signed: Frank N. Briggs, Guardian of estate of
Waldo, Frank and Howard William Wilson.
Release signed: Schuyler J. Button, as the Public Trustee in said
Grand County, Colorado. (No seal shown)

No. 5

Ezra H. Kauffman and Belle
Kauffman, his wife

Deed of Trust \$1000.00
Dated Jan. 12, 1910
Ack. Jan. 12, 1910
Ack. Jan. 15, 1910
Rec. Jan. 18, 1910
Book 36 Page 239
#15064

to

Public Trustee, Grand County,
Colo., use Frank N. Briggs

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W.; 160 acres, and Lots 15 & 16, Block 5,
Town of Grand Lake, as the same is platted and recorded in the record-
ers office of said Grand County, Colo.
To secure note of even date payable in 1 year, with interest at the
rate of 8% per annum, interest payable semi-annually.
Agreed: That in case of default in any of said payments or principal
or interest, or of a breach in any of the covenants or agreements, then
and in that case, the whole of the indebtedness hereby secured and the
interest thereon may, at the option of the holder or holders thereof,
at once become due and payable, and this deed of trust be foreclosed in
the manner and with the same effect as if said indebtedness had matured.



No. 6
Public Trustee, Grand County
Colo., use Frank N. Briggs

to

Esra H. Kauffman and Belle
Kauffman

Release of Deed of Trust
Dated Sept. 9, 1902
Ack. Sept. 13, 1902
Rec. Sept. 13, 1902
Book 29 Page 514
#17759

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 160 acres. And lots 15 & 16, Block 5, Town of Grand Lake, as the same is platted and recorded in the Records office of said Grand County, Colo.
Releases Deed of Trust dated Jan. 18, 1910, recorded in Book 36, Page 239 of Grand County Records.
Request for release signed: Valdo F. Wilson, the legal holder of the indebtedness secured by said Deed of Trust.
Release signed: Lewis W. Kennedy, Public Trustee, Grand County, Colo. (No Seal Shown)

No. 7
Esra H. Kauffman and Belle
Kauffman

to

Chester W. Chapin

Mortgage \$1000.00
Dated Sept. 7, 1912
Ack. Sept. 7, 1912
Rec. Sept. 13, 1912
Book 42 Page 168
#17749

The SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 6th P. M., situate in Grand County, Colorado. Together with other property.
To secure note of even date payable on or before 3 years, with interest at the rate of 6% per annum, interest payable annually.
Upon default in the payment of said note, or any of the interest thereon, or upon the breach of any of the covenants or agreements herein contained this mortgage may be forthwith foreclosed.

No. 8
Henry Carlton Kauffman and
Mary Kauffman Dawson

to

Belle Kauffman

Quit Claim Deed \$1.00 etc.
Dated Oct. 3, 1922
Ack. Oct. 5, 1922
Rec. Oct. 7, 1922
Book 49 Page 375
#27527

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M., situated in Grand County, Colorado.
I. R. S. 50¢ H. C. K. 10-3-1922.

No. 9

In the matter of the Estate
of Ezra H. Kauffman, deceased

Decree
Dated Aug. 28, 1922
Cert. Oct. 6, 1922
Rec. Oct. 7, 1922
Book 63 Page 510
#27528

IN THE COUNTY COURT, DECREE AWARDING WIDOW'S ALLOWANCE

This matter coming on to be heard this 28th day of August, A. D. 1922, upon the petition of Belle Kauffman, the widow of Ezra H. Kauffman, deceased, that certain of the real property of said estate be awarded to her as widow's allowance in lieu of ordering such real property sold in order to pay such allowance.

And it appearing to the court from the verified petition of said Belle Kauffman and from the records of this Court and from the evidence introduced, that the petitioner is the widow of said Ezra H. Kauffman, deceased, that she is the mother of three minor children, heirs of said Ezra H. Kauffman who are dependant upon her for support and home, that she is providing a home and support for said three minor children; that as the widow of said decedent, petitioner is entitled to the allowance made by the statutes of the State of Colorado for widows, and the property of the estate consists of only such personal property as would be useless to said widow as her allowance and that there are none of the articles in said estate which are by statute designated as forming such allowance; that most of the personal property of said estate such as it was has been sold to pay the debts of said decedent, and that what remains is not sufficient to pay pay such widows allowance; that the value of the ranch lands belonging to said estate to-wit: SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 6th P. M. appraised for the sum of \$1600.00 by the appraisers duly appointed herein; that the value of said property is not more than sufficient to pay the amount of such allowance and that there are no claims filed against the said estate superior to said allowance, except such as are secured by mortgage on real estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said above described real property in lieu of its being sold to pay such widow's allowance, be and it is hereby awarded to said Belle Kauffman, her heirs, administrators and assigns forever, as such allowance pursuant to Section 7228 of the Revised Statutes of the State of Colorado of 1908.

Done in open Court this 28th day of August, A. D. 1922.

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

True copy certified October 6, 1922 by Adaline T. Morgan, Clerk of the County Court, Grand County, Colorado. (SEAL)

No. 10

Chester W. Chapin

to

Ezra H. Kauffman and
Belle Kauffman

Release of Mortgage
Dated Oct. 19, 1922
Ack. Oct. 19, 1922
Rec. Oct. 30, 1922
Book 66 Page 483
#27613

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W., 6th P. M., Grand County, Colorado, together with other property.
Releases Mortgage recorded in Book 42, Page 168 of the records of Grand County, Colorado.

No. 11
Belle Kauffman

to

Florence Snedaker Tabler

Warranty Deed \$1600.00
Dated Oct. 7, 1922
Ack. Oct. 10, 1922
Rec. Oct. 30, 1922
Book 61 Page 370
#27612

SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M., situated in Grand County,
Colorado.
I. R. S. \$2.00 B. K. 10-10-1922.

No. 12
Florence Snedaker Tabler

to

Summerland, A Subdivision
of Lands near Grand Lake,
Colorado

Plat & Dedication
Rec. Jan. 19, 1923
Book 1 Page 57, Town Plats
Ack. Dec. 4, 1922
#27860

The undersigned, being the sole owner of the SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M., Grand County, Colorado, as shown on the accompanying map, have caused the same to be laid out, subdivided and platted under the name and style of Summerland and by these presents do hereby grant to the public the perpetual right of way over and thru the avenues and streets shown on this plat in so much as their right, title and interest may appear.

Signed: Florence Snedaker Tabler.

No. 13
State of Colorado

to

Estate of Ezra H. Kauffman,
deceased

Release of Inheritance Tax Lien
Dated Feb. 17, 1922
Rec. Aug. 22, 1947
Book 95 Page 480
#65830

Date of death of decedent Dec. 5, 1920.
Gross value of property \$6,938.30, deductions \$1,720.00, net \$5,218.30.
Description of property: SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P. M.,
together with other property.
Signed: Arthur M. Stong, Treasurer of the State of Colorado, by Chas.
Davis, Deputy. (SEAL)
True copy certified Aug. 20, 1947 by H. Rodney Anderson, State Treasurer,
by Arthur D. Baker, Deputy. (SEAL)



No. 14

Florence Snedaker Tabler

to

Belle Kauffman

Warranty Deed \$10.00 etc.

Dated Aug. 11, 1923

Ack. Aug. 11, 1923

Rec. Aug. 26, 1923

Book 69 Page 261

31278

Lots 31 and 32 in Block 13 of Summerland, a subdivision of SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P.M., Grand County, Colorado, as per plat of said subdivision duly recorded in office of the recorder of Grand County, Colorado.

No. 15

Belle Kauffman, also known
as Mrs. E. H. Kauffman, and
Belle Kauffman, Administratrix
Estate of Ezra H. Kauffman

to

Warranty Deed \$150.00

Dated May 5, 1954

Ack. May 5, 1954

Rec. May 10, 1954

Book 106 Page 539

77914

The United States of America
and/or its assigns

Lots 31 and 32 in Block 13 of Summerland Subdivision, a subdivision of record of the SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P.M., Grand County, Colorado. Together with all of my interest or claim to the Kauffman Ditch and to the water rights described in the statement of claim in Filing No. 5288, dated Nov. 18, 1908, as recorded in the State Engineer's Office of the State of Colorado.
I.R.S. 554

No. 16
State of Colorado

to

Grand Lake Fire
Protection District

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

IN THE DISTRICT COURT, GRAND COUNTY, COLORADO. No. 1030.
IN THE MATTER OF THE ORGANIZATION OF THE GRAND LAKE FIRE PROTECTION DISTRICT.

Recites: The above entitled cause coming on for hearing before the Court this 9th day of August, A. D. 1952, the same being one of the regular juridical days of the March, A. D. 1952 Term of said Court, and being the date fixed by order of this Court for the hearing of the above entitled matter upon the petition of certain tax payers who are electors within the boundaries of the proposed Grand Lake Fire Protection District, as defined in the said petition wherein and whereby is sought the formation of a fire protection district under the laws of the State of Colorado relating thereto and more particularly Chapter 164 of the Session Laws of 1949 of the State of Colorado and the Court having considered the said Petition, having heard the testimony and evidence produced in support thereof and being now fully advised in the premises, doth find as follows:

I. Said Petition praying for the formation and organization of the Grand Lake Fire Protection District, has been signed and presented and all proceedings have been had in connection therewith in all respects in compliance with the provisions of Chapter 164 of the Session Laws of 1949 of the State of Colorado, and that the same have been signed by the requisite number of tax paying electors within the boundaries of the said Grand Lake Fire Protection District as said boundaries are defined in and by the said petition.

II. That the allegations of the said petition and each and all thereof are true.

III. That no protesting petitions have been filed.

IV. That notice of hearing upon said petition has been duly and legally given by publication in the manner and for the time required by the above mentioned statute and that copies of the said notice have been sent by the Clerk of this Court to the Town of Grand Lake and to the Board of County Commissioners of Grand County, Colorado by registered mail as required by said statute; that this Court has full jurisdiction of the parties hereto and of the subject matter hereof, and has full jurisdiction, power and authority to declare and decree the said District formed and organized.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED by the Court and the Court doth hereby ORDER, ADJUDGE AND DECREE as follows:

1. That a fire protection district is hereby declared and decreed to be organized as prayed for in the said petition; the territory to be included therein to be as follows:

Includes all of Summerland Subdivision, a subdivision of the SE $\frac{1}{4}$ Sec. 33, Tp. 4 N., R. 75 W. 6th P.M., together with other property.

II. That the name of the Fire Protection shall be the GRAND LAKE FIRE PROTECTION DISTRICT.

III. The first Board of Directors of the said the Grand Lake Fire Protection District shall be and are hereby designated and appointed as follows:

1. John G. Holzworth to hold office until the first biennial election.
2. Ernest E. McCoy and John Shay to hold office until two years after said election.

3. Richard C. Cadell and G. A. Earnest to hold office until four years after said election.

Done in open Court at Hot Sulphur Springs, Grand County, Colorado, this 9th day of August, A. D. 1952.

By the Court: Addison M. Gooding, Judge.

True copy certified August 12, 1952, by Charles W. Bloom, Clerk of the District Court, Grand County, Colorado. (SEAL)

UNIFORM CERTIFICATE

Adopted by The Colorado Title Association September 28, 1931

THE UNDERSIGNED HEREBY CERTIFIES: THAT THE FOREGOING SIXTEEN
ENTRY-IES NUMBERED 1 TO 16 , INCLUSIVE, CONSTITUTE-S A TRUE AND
CORRECT ORIGINAL ABSTRACT OF TITLE, SHOWING ALL INSTRUMENTS WHICH
APPEAR OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GRAND
COUNTY, COLORADO, FROM

UNITED STATES GOVERNMENT TO May 13, 1954 at 8:30 o'clock A.M.
AFFECTING THE TITLE TO:

Lots 31 and 32 in Block 13 of Summerland Subdivision.

IN GRAND COUNTY, COLORADO.

THAT THE UNDERSIGNED IS A DULY QUALIFIED AND BONDED ABTRACTOR, OPERATING UNDER A LACENSE
GRANTED BY THE STATE OF COLORADO, AND IS A MEMBER IN GOOD STANDING OF THE COLORADO TITLE AS-
SOCIATION.

ALL ACKNOWLEDGEMENTS APPEAR REGULAR UNLESS OTHERWISE NOTED.

DATED AT HOT SULPHUR SPRINGS, COLORADO, THIS 13th DAY OF May
A.D. 19 54.

GRAND COUNTY ABSTRACT COMPANY

By

Manager

owb

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

STATE OF COLORADO,
County of Grand

} ss.

Certificate of Taxes Due

No. 1188

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:

Lots 31 and 32; Block 13; Summerland, Grand Lake.

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

In Witness Whereof, I have hereunto set my hand and seal, this 14th day of

May, A. D. 1954

Mrs. E. H. Kauffman
Grand County Abstract Co.
Fee \$2.00 paid.

Earl F. Fischer (SEAL)
Treasurer of Grand County, Colorado.

By Nelen M. Shiflet Deputy.

No. 1378-1

ABSTRACT OF TITLE

. TO .

Lots 31 and 32 in Block 13 of
Summerland Subdivision, 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

Other Supporting Information

~~LSH~~
MMR (OL)

JUN 22 1964

W O D C
JUN 22 1964
CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE

Memorandum

Docket #44

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 outlines 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 I&P Accounts.

We shall appreciate your consideration of this project and suggestions regarding its accomplishment.

(Sgd) George F. Baggey

In duplicate

Associate Regional Director

Enclosures

cc:
Chief, WODC (2), w/e of enclosures
Superintendent, Rocky Mountain, w/e enclosures

FILE COPY

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>SELAK 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-L-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, Wolf and Williams to U. S. of Jan. 22, 1955	x	x	

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Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
Estes Park, Colorado 80517

Mr. Kenneth J. Burke, Esq.
Trial Attorney
Department of Justice
Post Office Box 1696
Denver, Colorado

Re: Civil Action No. 1768, County of Grand: Squeak
Pipeline. Paragraph 12, P. 9, Wheeler Ditch,
Paragraph 13, P. 10 and Phantom Ditch, Paragraph 14,
P. 11, Grand Lake Lodge and Ranger Station, Paragraph
16, P. 12 and the Kauffman Ditch, Paragraph 15, P. 11.

Dear Mr. Burke:

As requested by your letter of March 21, we have reviewed the National
Park Service's water rights claims listed above, with the following
result,

The Squeak pipeline, the Wheeler Ditch, and the Phantom Ditch claims
were acquired by the National Park Service in 1960, with the purchase
of the Phantom Ranch. There is no evidence to indicate any of these
systems were ever constructed or any diversion of water made. Consequently,
there is no possibility of proving the water was put to beneficial use
either before or after acquisition by the Park Service. Therefore, it
is requested that these claims either not be exerted or withdrawn, whichever
you feel is appropriate under the circumstances.

The Kauffman Ditch claim was acquired in 1954 with the purchase of a
tract of land from Mrs. Belle Kauffman. Our records indicate the original
diversion was made in 1908, and apparently the water was used to a
limited extent for three or four years. However, there is no record of
any use since about 1912. No evidence of the headgate structure or
ditches exists and no possibility of showing beneficial use of the water
either before or after acquisition by the Park Service. It is therefore
requested that this claim either not be exerted or withdrawn, whichever
you feel is appropriate.

The Grand Lake Lodge and Ranger Station Pipeline has been on substantially continuous service since construction in 1920, according to our records. In 1926, an additional diversion was made in close proximity to the first, with provision made for diversion from either point. The amount of water claimed is 0.072 c.f.s. and it appears technically 0.024 c.f.s. should have a priority date of June 1, 1920 and 0.048 should have a priority date of July 1, 1926. If you wish, I will prepare an amended claim since the one previously submitted indicates the total of 0.072 c.f.s. with a priority date of June 1, 1920.

In 1960, the Grand Lake Lodge and 47 adjoining acres of land was excluded from the park by a boundary change. Since that time, the Lodge has continued to use water by a Special Use Permit from the National Park Service. The Ranger Station burned in 1969 and there are presently no plans to replace it; consequently, that part of the water rights has not been used recently. However, we do not intend to abandon that part of this water right at this time.

In regard to providing witnesses to establish beneficial use of the Grand Lake Lodge water right, Superintendent Roger Costor and Assistant Superintendent Wayne Cone can both testify back to 1958 when they were previously assigned to the park. Wayne Cone will be out of the country on an overseas assignment from May 13th to about July 1, 1973, so would not be available during that period. If you feel testimony for a longer period of time would be desirable, there is a good possibility that retired District Ranger Fred McLaren would be available during the summer months. Mr. McLaren spent 35 years on the west side of the park, starting in 1922. He now resides in the State of Washington but generally spends the summer months in Grand Lake.

If you need further information, please do not hesitate to call.

Sincerely yours,

William L. McKeel,
Legal Assistant

cc:
Curtis E. Menafee, Esq.
Director, Midwest Region

WMcKeel:hsk

L54-AL

February 23, 1962

Docket 44

leaf 1

W O D C

FEB 26 1962

CHF

ADM

PERS

P & P

ARCH

ENGR

L. A.

SPEC

CONT

SFTY

HABS

FILED - DATE

Memorandum

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

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

154-682

December 17, 1959

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Conversion of Alien Water Right No. 49 to Water Right
Docket No. 44, Rocky Mountain National Park

Attached is your folder of the subject docket which now contains a copy of Warranty Deed dated May 5, 1954, and Abstract of Title No. 1378-1.

The water right filing 5885, map of the Guffness Ditch, should be transferred from AWR 49. The AWR 49 folder may then be destroyed.

We are including a copy of the file map in docket assembly for WDC, since they did not have a copy of AWR 49.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain National Park, w/ident. attach.
Chief, WDC (R), with docket assembly including file map
Mr. Dunn

VABerts:lp

December 17, 1959

LS4-08L

WESTERN OFFICE DESIGN & CONSTRUCTION	
DEC 21 1959 A.M.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	12/21
LAND. ARCH.	12/21
ACTION TAKEN DATE	

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Conversion of Alien Water Right No. 49 to Water Right Docket No. 44, Rocky Mountain National Park

Attached is your folder of the subject docket which now contains a copy of Warranty Deed dated May 5, 1954, and Abstract of Title No. 1378-1.

The water right filing 5288, map of the Kauffman Ditch, should be transferred from AMR 49. The AMR 49 folder may then be destroyed.

We are including a copy of the file map in docket assembly for WDC, since they did not have a copy of AMR 49.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Rocky Mountain National Park, w/ident. attach.
✓ Chief, WDC (2), with docket assembly including file map

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