WATER-RIGHT DOCKET

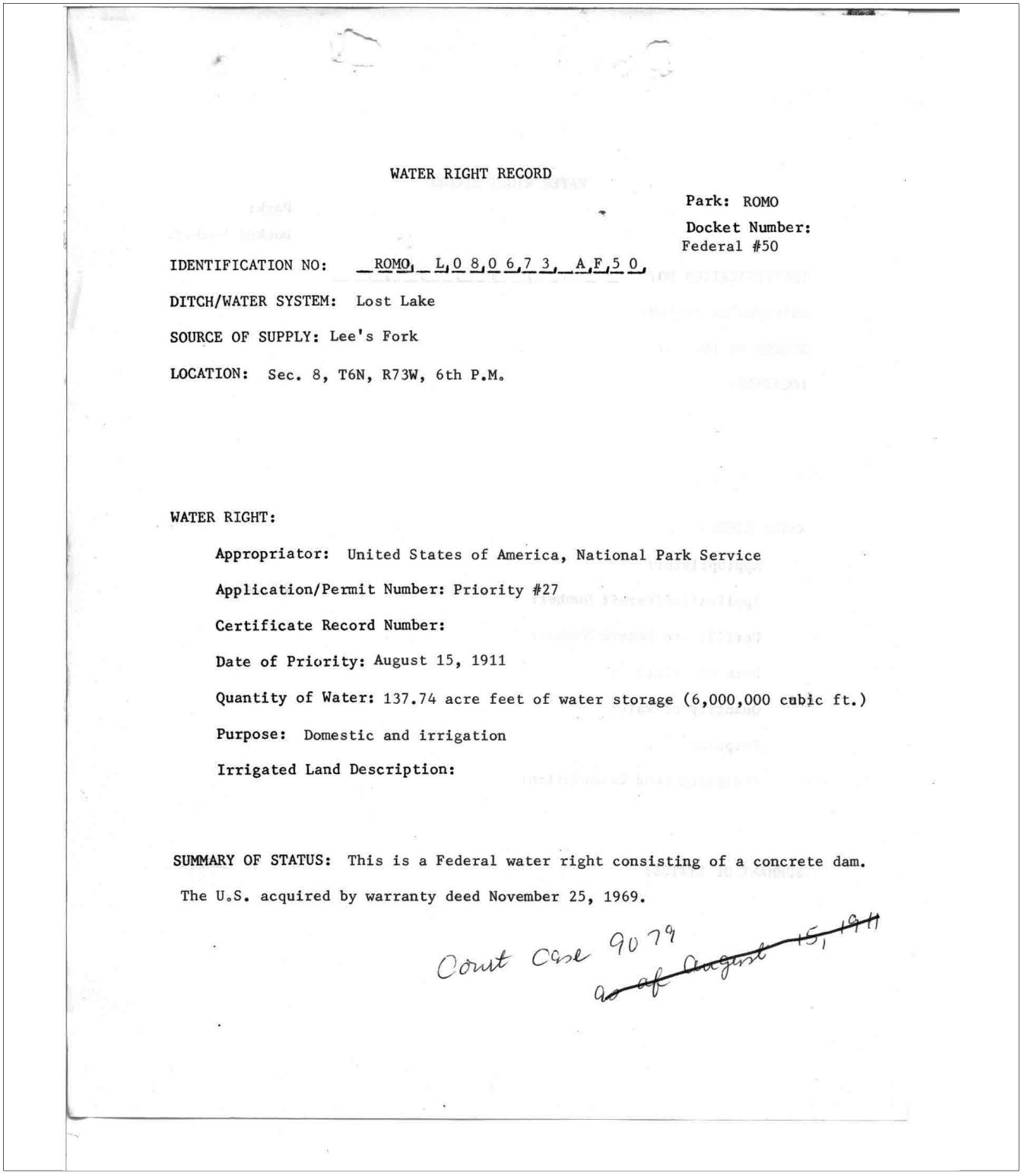
Rocky Mountain National Park

Docket No: 50

LOST LAKE IMPOUNDMENT OF LEE'S FORK, TRIBUTARY OF THE N. FORK OF THE BIG THOMPSON RIV

Preliminary Docket Information

00-00-0000: water right record: id no. romol080673af50; source - lee's fork



WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #50

IDENTIFICATION NO: ROMO, L,0 8,0 6,7 3, A,F,5 0,

DITCH/WATER SYSTEM: Lost Lake

SOURCE OF SUPPLY: Lee's Fork

LOCATION: Sec. 8, T6N, R73W, 6th P.M.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Priority #27

Certificate Record Number:

Date of Priority: August 15, 1911

Quantity of Water: 137.74 acre feet of water storage (6,000,000 cubic ft.)

Purpose: Domestic and irrigation

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a concrete dam. The U.S. acquired by warranty deed November 25, 1969.

Court Case 9079
~~as of August 15, 1911~~

00-00-0000: water right record

WATER RIGHT RECORD

Park:

Docket Number:

IDENTIFICATION NO: _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

DITCH/WATER SYSTEM:

SOURCE OF SUPPLY:

LOCATION:

WATER RIGHT:

Appropriator:

Application/Permit Number:

Certificate Record Number:

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS:

ALIEN WATER RIGHT NO. 30
GLACIER RESERVOIRS 1 (LOST LAKE) & 2 (HUSTED LAKE)

1. GLO R/W Filing 016423 Denver.

2. Letter of August 24, 1925, from Commissioner, GLO to Director advising that Reservoir No. 2 had been relinquished.

3. Water Right Filing No. 1147.

4. Water Right Filing No. 9185.

5. Statement.
   Glacier No. 1
   Decreed Priority No. 27, of August 15, 1911 for 6,000,000 cu. ft.
   Glacier No. 2
   Abandoned.

13,774 aft
0.0062 cfs
on annual basis

McCoy

File in AWR 30
Rocky MA

NORTH FORK OF BIG THOMPSON RIVER DRAINAGE

Water District No. 4

GLACIER RESERVOIR No. 1 -- LOST LAKE

The right-of-way easement was obtained under the provisions of the Acts of March 3, 1891, and May 11, 1898, approved by 1st Assistant Secretary of Interior, A. A. Jones, on September 26, 1913, and filed in the General Land Office records as Denver 016423. Mr. M. R. Lee, Johnstown, Colorado, claimant, obtained an easement for 16.25 acres of public domain located in Sections 8 and 5, Township 6 North, Range 73 West of 6th P.M.

Water Rights Decree of the Colorado District Court, dated April 1, 1931, assigned Reservoir Priority No. 27, in Water District No. 4, as of August 15, 1911, permitting the storage of 137.75 acre feet of water in Glacier Reservoir No. 1, also known as Lost Lake, located upon a tributary of the North Fork of the Big Thompson River.

Records of the District No. 4 Water Commissioner show that no water from this reservoir has been stored and sold during the past 6 years.

This water storage decreed right is owned by the heirs of M. R. Lee, deceased. Mr. Jay Lee, 2436 16th Avenue, Greeley, Colorado, is the principal owner and has recently been trying to sell this storage right to some down stream user who would attempt to get a change in point of storage by a petition filed in the District Court.

We believe that the Lee heirs have abandoned their right-of-way easement because of their failure to use the reservoir site for the purpose for which it was issued for a period of more than 5 years.

Rec'd w/ Eg. memo 6/
to WOPC

June 21, 1946.

Statement Relating to Glacier Reservoirs Nos. 1 and 2, Rocky Mountain National Park

Glacier Reservoir No. 1 (Lost Lake) was decreed Priority No. 27, of August 15, 1911, for 6,000,000 cubic feet.

Glacier Reservoir No. 2 (Husted Lake) has been abandoned.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

08-24-1925: narrative for glacier reservoirs no. 1 and 2

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington August 24, 1925.

In reply please refer to

Denver 016423 "F" JKR

Glacier Reservoirs Nos. 1 and 2 : Advice.

The Director,

National Park Service.

My dear Mr. Mather:

Reference is had to your communication of June 18, 1925, wherein you transmitted report of the superintendent of the Rocky Mountain National Park, wherein report is made on Glacier Reservoir No. 1, (Lost Lake), and Glacier Reservoir No. 2 (Husted Lake), showing that reservoir No. 1 has been constructed and that reservoir No. 2 has not been constructed and with the recommendation that the last named reservoir easement be canceled.

The easements were granted to N. R. Lee on September 26, 1913, pursuant to the acts of March 3, 1891 (26 Stat., 1095), and May 11, 1898 (30 Stat., 404), affecting lands in Secs. 5 and 8, T. 6 N., R. 73 W., 6th P.M.

The records of this office show that proof of construction as to reservoir No. 1 has been accepted and that relinquishment of reservoir No. 2 has been accepted and the case closed as to said reservoir No. 2.

Very respectfully,

(S) Thos.Havill
Acting Commissioner.

8-21 hhc

DOCKET INFORMATION SHEET

Docket Identity	ROMO 4 08 06 73 A F 50
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	LOST LAKE
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 50
Location	T6N R73W SEC 8
Acquired by	PURCHASE
Application	
Permit	MO 27
Certificate	COURT DECREE 9079
Priority	AUGUST 15 1911 - 137.74 ACRE FEET OF STORAGE
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	SURFACE WATER
Use	DOMESTIC AND IRRIGATION
Quantity	137.74 ACRE FEET OF STORAGE
Hydrologic Unit	10190006
Remarks	U S ACQUIRED BY DEED NOVEMBER 25 1969

State Water Rights Documentation

10-26-1970: deed for glacier reservoir no. 1

Recorded at 11:33 o'clock A M., OCT 27 1970 BOOK 1445 PAGE 87

Reception No. S 38826 James D. Thompson Recorder.

THIS DEED, Made this 26th day of October, 19 70

between Jay Lee, Individually and Jay Lee Attorney in fact for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis, Dixie Lee King of the County of and State of Colorado, of the first part, and United States of America of the County of and State of Colorado, of the second part:

STATE DOCUMENTARY FEE OCT 27 1970 $ EXEMPT

WITNESSETH, That the said party of the first part, for and in consideration of the sum of $34,435.00 DOLLARS to the said party of the first part in hand paid by said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Larimer and State of Colorado, to wit:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sections 5 and 8, T 6 N., R. 73 W. of the 6th P.M., together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

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 their selves heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, being 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 its hand and seal the day and year first above written.

Jay Lee, Attorney in fact (SEAL)

Jay Lee (SEAL)

for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis and Dixie Lee King. (SEAL)

STATE OF COLORADO, County of Larimer ss.

The foregoing instrument was acknowledged before me this 26 day of October, 19 70, by Jay Lee, Individually and Jay Lee, Attorney in Fact for Etta Lee Hansen, Richard M. Lee, Lucil, Lee Davis and Dixie Lee King.

My commission expires December 6, 19 Witness my hand and official seal.

Edward H. Watkins
Notary Public.

No. 932. WARRANTY DEED.—For Photographic Record.—Bradford Publishing Co., 1624-46 Stout Street, Denver, Colorado

10-27-1970: warranty deed no. 988826

No. 988826

WARRANTY DEED

TO

STATE OF COLO.
LARIMER COUNTY
CERTIFIED AND FILED

'70 OCT 27 AM 11:33

James B. Thompson
CLERK AND RECORDER

09-03-1970: special warranty deed for glacier reservoir no. 1

Book 1440 PAGE 876 Recorded SEP 3 1970 at 11:11 o'clock A.M.
Reception No. 5.017 James P. Thompson

SPECIAL WARRANTY DEED

Exempt

KNOW ALL MEN BY THESE PRESENTS, That Jay Lee, Lucille Lee Davis, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King, Grantors, for the consideration of Thirty-four Thousand, Four Hundred Thirty-five Dollars ($34,435.00) paid, hereby sell and convey to the United States of America, the following real estate and property:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T 6 N., R. 73 W. of the 6th P.M.,

together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

Signed and delivered this 25th day of November, 1969.

Etta Lee Hansen — Jay Lee

Richard M. Lee — Lucille Lee Davis

Jay Lee — Etta Lee Hansen, as Agent for Dixie Lee King

STATE OF COLORADO)
COUNTY OF WELD) SS

The foregoing instrument was acknowledged before me this 2nd day of November, 1969 by Jay Lee and Etta Lee Hansen.
WITNESS my hand and official seal.
My commission expires: Nov 24, 1973.

Notary Public

STATE OF COLORADO)
COUNTY OF ~~EL PASO~~ Weld) SS

The foregoing instrument was acknowledged before me this 2nd day of November, 1969 by Richard M. Lee.
WITNESS my hand and official seal.
My commission expires: Nov 24, 1973.

Notary Public

BOOK 1140 PAGE 877

STATE OF WYOMING)
COUNTY OF ~~ALBANY~~ LARAMIE) SS

The foregoing instrument was acknowledged before me this day of November, 1969 by Lucille Lee Davis.

WITNESS my hand and official seal.

My commission expires: Jan 5, 1970

Notary Public

STATE OF COLORADO)
COUNTY OF WELD) SS

The foregoing instrument was acknowledged before me this day of November, 1969 by ~~Etta Lee Hansen~~ Jay Lee as Agent for Dixie Lee King.

WITNESS my hand and official seal.

My commission expires: My Commission expires Mar. 1, 1971

Notary Public

00-00-0000: narrative for water right, glacier reservoir no. 1 lost lake

WATER RIGHT
GLACIER RESERVOIR NO. 1.
LOST LAKE

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6,000,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August, 15, 1911, in Water District No. 4, for domestic and irrigation purposes.

12-16-1946: judgment and decree for civil action no. 10776

IN THE DISTRICT COURT IN AND FOR

THE COUNTY OF WELD AND STATE OF COLORADO

CIVIL ACTION NO. 10776

FILED IN DISTRICT COURT WELD CO. COLO. DEC 16 1946 A. J. LUTHER, CLERK.

LUCILLE M. DAVIS, formerly LUCILLE M. LEE,

Petitioner,

vs.

FRED S. LEE; ETTA LEE; THE FEDERAL LAND BANK OF WICHITA, WICHITA, KANSAS; FEDERAL FARM MORTGAGE CORPORATION; EDWARD P. LEE; MARTIN G. FIELD, Duly Appointed, Qualified and Acting Public Trustee in and for Weld County, Colorado; THE HILL AND BRUSH DITCH COMPANY, a Corporation; THE SEVEN LAKES RESERVOIR COMPANY, a Corporation; THE LOVELAND AND GREELEY RESERVOIR COMPANY, a Corporation; and THE GREELEY AND LOVELAND IRRIGATION COMPANY, a Corporation,

Respondents.

JUDGMENT

and

DECREE

This cause having come on for trial to the Court on the 26th day and continuing through the 27th and 29th days of November, 1946, upon the petition of Lucille M. Davis for partition of farm lands in Weld County, Colorado, the respondents Fred S. Lee, Etta Lee and Edward P. Lee having filed their answer and cross-complaint denying petitioner's claim of title, and respondents The Federal Land Bank of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation having filed answers praying for a determination and decree of their mortgage liens as described in the petition, and all other respondents having failed to appear or plead, and the Court having examined the files and pleadings, and having heard the evidence offered by the parties and the arguments of counsel, and being now sufficiently advised in the premises, DOTH ASCERTAIN AND FIND:

FINDINGS OF FACT

1. That the lands and water rights in question here were formerly owned by Nutter R. Lee. At his death title passed by descent to his four sons, Leonard D. Lee, Fred S. Lee, Edward P. Lee and Jay R. Lee. Thereafter Jay R. Lee conveyed his interest to Leonard D. Lee, Fred S. Lee and Edward P. Lee who thereupon became the owners each of an undivided one-third interest in said property.

2. That Leonard D. Lee conveyed his undivided one-third interest to Lucille M. Lee, now Lucille M. Davis, by warranty deed dated April 9, 1941, and said deed was recorded on April 10, 1941, in Book 1077 at page 233 of the Weld County Records. That by inadvertance and mistake said grantor in said deed incorrectly described the North Half (N½) of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67), being a part of Parcel 2, as the North Half (N½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of said Section.

3. That said deed from Leonard D. Lee to Lucille M. Lee was the free and voluntary act and deed of said Leonard D. Lee, and the Court finds that there was no fraud, duress or undue influence attendant upon its execution.

4. That Edward P. Lee conveyed his interest in said property to Fred S. Lee and Etta B. Lee as joint tenants by deed dated January 1, 1945.

5. That petitioner has been compelled to employ an attorney and to obligate herself for attorney fees and other costs in the prosecution of this partition action; that a part of the costs and services rendered by petitioner's attorney has been in the interest of both petitioner and respondent owners herein and has been for the common good and interest of all of the parties hereto; that services of petitioner's

attorney rendered in defending the contest of her title have not been in the common good or interest and that no allowance can be made therefor from the common fund. The Court finds that it is proper to award petitioner in partition actions attorney fees from the common fund, and that a reasonable charge, in view of services rendered by petitioner's attorney incurred in so far as they have been rendered for the common good, is Four Hundred Dollars ($400.00) to the date of this decree; that costs incurred herein in the contest of petitioner's title should be assessed against the respondents Fred S. Lee, Etta Lee and Edward P. Lee; and costs incurred for the common good should be assessed against the common fund.

6. That each of the said tenants in common is of lawful age and under no legal disability.

CONCLUSIONS OF LAW

1. That service of process upon each and all of the respondents is regular, complete and in due form of law.

2. That this is an action in rem and that the Court has jurisdiction of the subject matter of said action and of all parties hereto.

3. That petitioner is the owner in fee simple absolute and is in possession of an undivided one-third interest, as tenant in common, of the lands and water rights described in the petition.

4. That respondent Fred S. Lee is the owner in fee simple absolute and is in possession of an undivided one-third interest, as tenant in common, in said lands and water rights.

5. That the respondents Fred S. Lee and Etta Lee, as joint tenants, are the owners in fee simple absolute and in possession of an undivided one-third interest in the lands and water rights described in the petition.

6. That the interests of petitioner and respondents as determined herein are subject to the liens and encumbrances described in the petition; and that said interests are further subject to the lien of an indebtedness to the First National Bank of Johnstown, Colorado, secured by an assignment of Contract No. 87 in the Greeley and Loveland Irrigation Company.

7. That petitioner is entitled to the sum of Four Hundred Dollars ($400.00) as and for her attorney fees incurred to the date of this decree in the prosecution of this action for the common good; that petitioner's attorney fees incurred in defense of the contest made of petitioner's title are disallowed and no award against the common fund is made therefor.

JUDGMENT AND DECREE

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED,

1. That petitioner, Lucille M. Davis, respondent Fred S. Lee, and respondents Fred S. Lee and Etta Lee as joint tenants, are the owners in fee simple absolute and seized and possessed each of an undivided one-third interest in and to the following described lands, tenements, hereditaments and water stock, to wit:

PARCEL 1. The Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Thirty-three (33), in Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, save and except rights of way as set forth and described in Book 287, page 46, and Book 1000, page 595, of the Records of the Clerk and Recorder of Weld County, Colorado.

PARCEL 2. Lots Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8), of Crebbins' Subdivision of the Southeast Quarter (SE¼) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, otherwise described as the South Half (S½) of the Southeast Quarter (SE¼), the South

Half (S½) of the North Half (N½) of the Southeast Quarter (SE¼), and the North Half (N½) of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, subject to reservations and exceptions contained in deed recorded in Book 365, at page 345, of the Records of the Clerk and Recorder of Weld County, Colorado, and save and except rights of way as set forth and described in Book 280, at page 78, and Book 190, page 360, of said County Records, and in Book 459, page 281, of said Records, and further excepting therefrom a strip of land conveyed to Weld County, Colorado, as shown by deed recorded in Book 370, at page 241, of said Weld County Records.

PARCEL 3. Any and all land, water, water rights, reservoir and reservoir rights and rights of way described in those two certain deeds recorded in Book 140, at pages 54 and 55, respectively, of the Weld County Records.

Together with thirty-two (32) shares of the capital stock of The Hill and Brush Ditch Company, four (4) shares of the capital stock of The Seven Lakes Reservoir Company, eight (8) shares of the capital stock of The Greeley and Loveland Irrigation Company, and Contract No. 87 for one (1) water right in The Loveland and Greeley Reservoir Company.

2. That petitioner is entitled to partition of said lands and water stock and to that end Robert Snedden and Arthur Salberg of Johnstown, Colorado, and Thomas M. Welsh of Greeley, Colorado, are hereby designated and appointed commissioners herein, each of whom shall take an oath before this Court or some Justice of the Peace, fairly and impartially to make partition of said lands, tenements and hereditaments in accordance with the judgment of the Court as to the rights and interests of the parties herein, if the same can be done consistently with the interests of the estate, and said commissioners, upon taking their oath and acceptance herein, shall go upon said premises and make partition of said lands, tenements and hereditaments, assigning to each party his or her share by metes and bounds or other appropriate description, if the same can be done consistently with the interests of the estate, and if said lands, tenements and hereditaments are so circumstanced that

a division thereof cannot be made without manifest prejudice to the parties herein, then said commissioners shall so ascertain and make report under their hands and seals to this Court of their findings and determinations.

3. That petitioner shall have and recover to be taxed as costs, from the common fund in proportion to the interests of the parties as herein decreed, Four Hundred Dollars ($400.00), as and for her attorney fees incurred to the date hereof in the partition of the property herein. Costs incurred in the contest of petitioner's title are assessed against the respondents Fred S. Lee, Etta Lee and Edward P. Lee. All other costs are assessed against the common fund proportionately.

Done in Open Court this 16th day of December, 1946, as of November 29, 1946.

By the Court:

Albert A. Hoffin,
Judge

Certified to be a full, true and correct copy of the original in my custody.
Dated 6-17-70
Mary M. Cornwell
Clerk of the District Court
Weld County, Colorado
By LaJane Wood
Deputy

-6-

Land History

DESCRIPTION FOR QUIT CLAIM DEED 8/20/61

All of the grantor's interest in, rights to, and claims to the following described property:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6,000,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the Colorado District Court in Case No. 9079, dated April 1, 1931, which assigned for domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P.M.

10-26-1970: deed for glacier reservoir no. 1, lost lake

Reception No. [illegible] Recorded at [illegible] o'clock [illegible] M.

THIS DEED, Made this 26th day of October, 19 70

between Jay Lee, Individually and Jay Lee Attorney in fact for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis, Dixie Lee King of the County of and State of Colorado, of the first part, and United States of America of the County of and State of Colorado, of the second part:

STATE DOCUMENTARY FEE
OCT 27 1970
$ EXEMPT

WITNESSETH, That the said party of the first part, for and in consideration of the sum of $34,435.00 DOLLARS to the said party of the first part in hand paid by said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the County of Larimer and State of Colorado, to wit:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sections 5 and 8, T 6 N., R. 73 W. of the 6th P.M., together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

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 their sellers heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents, being 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 its hand and seal the day and year first above written.

Jay Lee
Jay Lee, Attorney in fact (SEAL)

Jay Lee (SEAL)

for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis and Dixie Lee King. (SEAL)

STATE OF COLORADO,
County of Larimer ss.

The foregoing instrument was acknowledged before me this 26 day of October, 1970, by Jay Lee, Individually and Jay Lee, Attorney in Fact for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis and Dixie Lee King.

My commission expires December 28, 1970 Witness my hand and official seal.

Edward M. Mathias
Notary

PUBLIC

No. 932. WARRANTY DEED.—For Photographic Record.—Bradford Publishing Co., 1624-46 Stout Street, Denver, Colorado

RCMC DEED H 307

00-00-0000: warranty deed no. 988826

No. 988826

WARRANTY DEED

TO

STATE OF COLO.
LARIMER COUNTY
CERTIFIED AND FILED

'70 OCT 27 AM 11:33

James P. Thompson
CLERK AND RECORDER

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

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

.....
Recorder.

.....
Deputy.

Fees, $.....

Mail to: National Park Service
(or return to) 1709 Jackson St.
Omaha, Nebraska 68102

Send future tax statements to:

.....

.....

9123 N 27 B 2.50

1-68 BRADFORD PUBLISHING CO., DENVER

00-00-0000: special warranty deed for glacier reservoir no. 1, lost lake

BOOK 1141 PAGE 078 Recorder's Stamp 1970 at 11:11 o'clock A.M.
Reception No. 86017 James P. Thompson

STATE DOCUMENTARY FEE
1971
Exempt

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Jay Lee, Lucille Lee Davis, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King, Grantors, for the consideration of Thirty-four Thousand, Four Hundred Thirty-five Dollars ($34,435.00) paid, hereby sell and convey to the United States of America, the following real estate and property:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T 6 N., R. 73 W. of the 6th P.M.,

together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

Signed and delivered this 25th day of November, 1969.

Etta Lee Hansen
Etta Lee Hansen

Jay Lee
Jay Lee

Richard M. Lee
Richard M. Lee

Lucille Lee Davis
Lucille Lee Davis

Jay Lee

Etta Lee Hansen, as Agent for
Dixie Lee King

STATE OF COLORADO)
COUNTY OF WELD) SS

The foregoing instrument was acknowledged before me this 26th day of November, 1969 by Jay Lee and Etta Lee Hansen.
WITNESS my hand and official seal.
My commission expires: 7/24/1973.

Notary Public

STATE OF COLORADO)
COUNTY OF ~~EL PASO~~)
Weld) SS

The foregoing instrument was acknowledged before me this 26th day of November, 1969 by Richard M. Lee.
WITNESS my hand and official seal.
My commission expires: 7/24/1973.

Notary Public

STATE OF WYOMING)
COUNTY OF ALBANY-) SS

The foregoing instrument was acknowledged before me this day of November, 1969 by Lucille Lee Davis.

WITNESS my hand and official seal.

My commission expires: Jan 1 1972

Notary Public

STATE OF COLORADO)
COUNTY OF WELD) SS

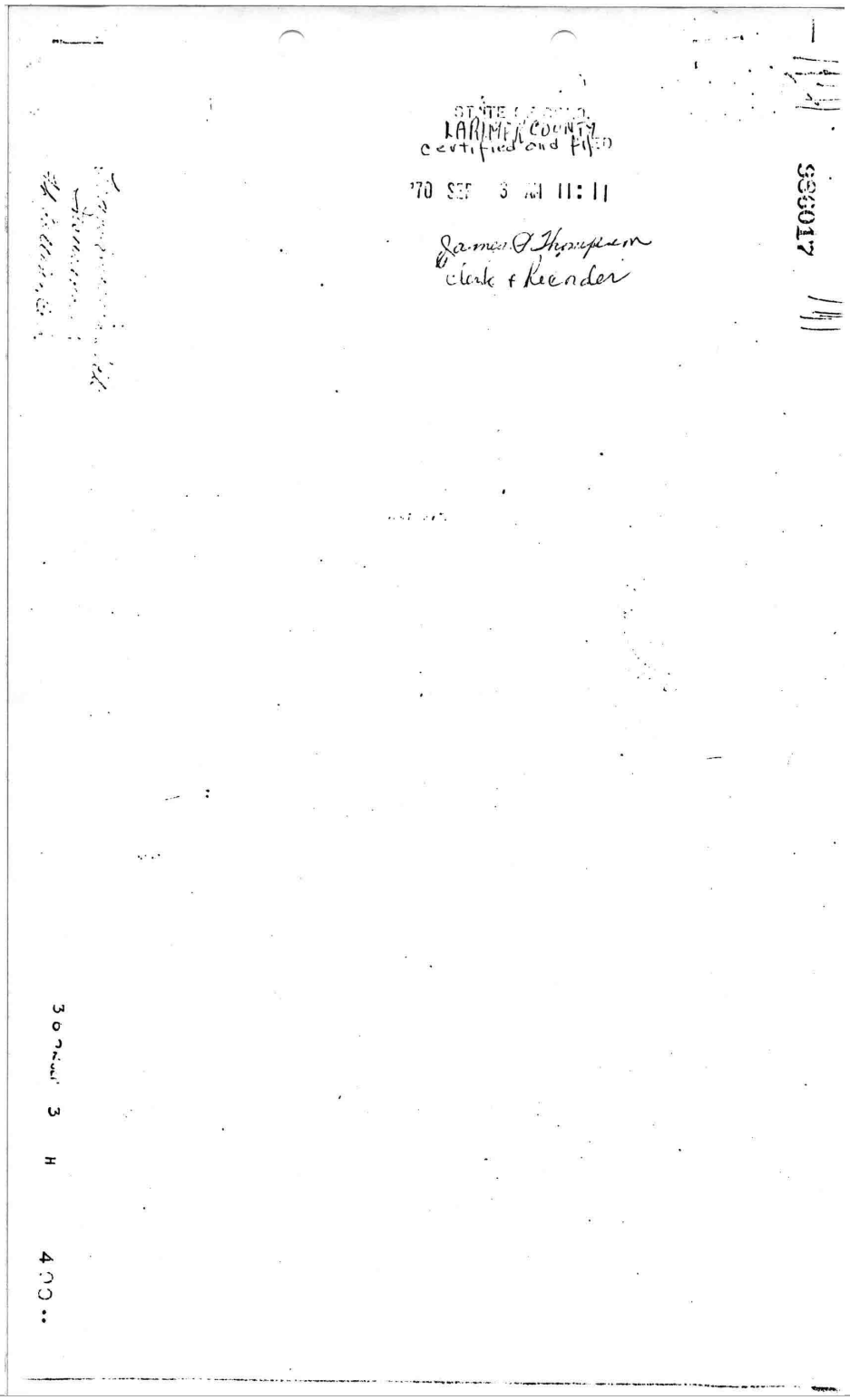
The foregoing instrument was acknowledged before me this day of November, 1969 by Etta Lee Hansen as Agent for Dixie Jay Lee Lee King.

WITNESS my hand and official seal.

My commission expires:

Notary Public

09-03-1970: back cover page - larimer county certified and filed



STATE OF COLORADO
LARIMER COUNTY
Certified and Filed
'70 SEP 3 AM 11:11
James D. Thompson
Clerk & Recorder

559017

April 9, 1971

Honorable Rogers C. B. Morton
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made of the title data relating to the right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27, as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, this reservoir being located in Section 8, T. 6 N., R. 73 W., of the Sixth P. M. in Larimer County, Colorado, together with all right, title and interest in and to any pertinent easements and/or rights of way.

This right to impound water together with all its appurtenances was conveyed to the United States of America under the provisions of existing legislation by two deeds. The first deed was executed by Jay Lee, et al., on November 25, 1969, filed for record on September 3, 1970, and recorded in Book 1440 at page 876. The second deed was executed by Jay Lee, Individually and as Attorney in Fact for Etta Lee Hansen, et al., on October 26, 1970, filed for record on October 27, 1970, and recorded in Book 1445 at page 87. The file number of this Department is 33-6-206-180.

This right to impound water, together with appurtenances, and the location of Glacier Reservoir No. 1, is described in the aforesaid deeds, which recite a total consideration of $34,435.00.

The abstract, consisting of 28 entries, was last satisfactorily certified on October 30, 1970, by Transamerica Title Insurance Company.

The abstract, recorded deeds and accompanying data disclose valid title to this right to impound water to be vested in the United States of America.

The abstract, original recorded deeds and related papers are enclosed.

Sincerely yours,

Enclosure

Attorney General

Water District No. 4 in ... District Court, Sea... Weld County, Colorado.
Division No. 1 of the State of ...do. Recorded Dec. 2, 1... in Book 686, Page 95.

In the District Court of Boulder County, Colorado. No. 9079.

Glacier Reservoir No. 1. Irrigation Reservoir No. 23.

The claimant of this reservoir is Rutter R. Lee whose address is Milliken, Colorado; this reservoir has been constructed and it has been maintained and operated for the storage of water for agricultural purposes; the natural stream from which water has been diverted for storage in this reservoir is Lee's Fork, which is a tributary of the North Fork of the Big Thompson River; the location of this reservoir is in the channel of said Lee's Fork in the N½ of NE¼ of Sec. 8, Twp. 6 N. R. 73 W. 6th P. M.; its area at high water line is 16½ acres and all of the water can be withdrawn therefrom; its available storage capacity is estimated at 6,000,000 cubic feet; the reservoir receives the entire flow of the water in the natural channel of said Lee's Fork

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY Conveyance No. ...

above said reservoir. The work of construction of said reservoir was commenced on Aug. 15, 1911 Within a reasonable time after completion of this reservoir unappropriated water not needed for immediate use for domestic or irrigation purposes sufficient to fill the same was diverted and stored therein and the same was thereafter applied to agricultural purposes.

DECRETAL ORDER. It is therefore Adjudged and Decreed by the Court pursuant to the foregoing findings that for storage for agricultural purposes under and by virtue of appropriation by original construction of said Glacier Reservoir No. 1 for benefit of party or parties entitled to the enjoyment thereof there be permitted to be impounded in said Lee's Fork by means of construction of a dam crossing the same, sufficient water not needed for immediate use for domestic or irrigation purposes to fill said Glacier Reservoir No. 1 once a year to a height of 16 feet measured from bottom of its outlet tube in quantity estimated at 6 million cubic feet under reservoir priority No. 27 dating from Aug. 15, 1911 but subject to the paramount general provisions of this decree.

Done in open Court April 1, 1931. Claude C. Coffin, Judge.

STATE OF COLORADO } ss
County of Larimer }

No. 51743

THE FORT COLLINS ABSTRACT COMPANY, a corporation organized and doing business under the laws of the State of Colorado, within and for said County, in the State aforesaid, hereby certifies the foregoing to be a true and complete Abstract of Title to

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

according to the records in the office of the County Clerk and Recorder of said Larimer County. It further certifies that there are no Abstracts or Transcripts of Judgment, Tax Sales, Homestead Marginal Entries or any instruments or conveyances pertaining to or relating to the title of said described real estate, of record in the office of said County Clerk and Recorder and not enumerated herein, excepting, however, rights of way for irrigating ditches, public roads, ditch statements and reservoir filings.

The foregoing Abstract consists of --4-- conveyances, numbered consecutively from -1- to -4- inclusive.

That the undersigned is a duly qualified and bonded abstracter operating under a license granted by the State of Colorado.

IN WITNESS WHEREOF, the said Company has caused these presents to be signed by its President, and attested by its Secretary, and its Corporate Seal to be affixed at Fort Collins, Colorado, this fourth day of December A. D. 1935, at seven o'clock A. M.

THE FORT COLLINS ABSTRACT COMPANY

Attest: J. W. Lyon, Secretary By ..., President

NOTE: We do not certify as to lien of taxes except after the date of sale, when it becomes a matter of record in the office of County Clerk and Recorder. Taxes become delinquent and subject to advertisement for sale after August 20.

THE FORT COLLINS ABSTRACT COMPANY Conveyance No. 5

Rutter R. Lee,
M. A. Lee
to
Public Trustee

DEED OF TRUST Dated Sept. 1, 1935
Ack. Jan. 3, 1936 before Lily Underwood, NP, Seal, City & County of Denver, Colo. Com. Exp. Dec. 6, 1937.
Recorded Jan. 6, 1936 in Book 657, Page 494.

Conveys: Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado entered April 1, 1931 decreeing to said reservoir six million cubic feet of water under reservoir Priority No. 27, as of Aug. 15, 1911 Water District No. 4, Irrigation Division No. 1.

Also the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2 according to plat filed in the office of the State Engineer familiar with all water rights, ... and rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Secures ... to Denver Joint Stock Land Bank of Denver ...81.88 with interest at ... per annum, payable ... ually; being 1 note for ...82.88 due Feb. 1, 1936 and 4 notes for ...0.00 each, Dec. 1, ..., Dec. 1, 1937, Dec. 1, 1938 and Dec. 1, 1939 respectively.

ABSTRACT OF TITLE

County of Larimer) ... 1935 ... at ... M. to the date hereof, and ... Sales, Homestead Marginal ... s or any instruments of conveyances pertaining, ... tracts or Transcript of Judgments, Tax or relating to the title to

No. 51823

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and Eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

NOTE: We do not certify as to lien of taxes except after the date of sale, when it becomes a matter of record in the office of County Clerk and Recorder. Taxes become delinquent and subject to advertisement for sale after August 20.
Rights of way for irrigating ditches, public roads and railroads, ditch statements and reservoir filings excepted.

only as herein set forth in Entries Nos. --5-- to --5-- inclusive.
That the undersigned is a duly qualified and bonded abstracter operating under a license granted by the State of Colorado.
IN WITNESS WHEREOF, the said Company has caused these presents to be signed by its President, and attested by its Secretary, and its Corporate Seal to be affixed at Fort Collins, Colorado, this tenth day of January A. D. 1936, at seven o'clock A. M.

THE FORT COLLINS ABSTRACT COMPANY

Attest: J. W. Lyon Secretary. By ... President

THE LARIMER COUNTY ABSTRACT CO. 803501 ENTRY No. 6

George E. Cheatham as the Public Trustee in said County of Larimer

to

Present owner of real estate

RELEASE DEED OF TRUST
Dated August 14, 1961.
Ack. August 14, 1961 before George M. James, NP Seal. State of Colorado. (Com. Exp. 6/15/64)
Recorded August 15, 1961 at 8:12 A. M. in Book 1148, page 5.

Conveys: Real estate in said Deed of Trust particularly described, reference to which is hereby made for greater certainty;

Releases Deed of Trust executed by Nutter R. Lee, also known as N. R. Lee, dated September 1, 1935, recorded January 6, 1936 in Book 657, page 494 at the request of T. E. McClintock, Trustee of the Denver Joint Stock Land Bank of Denver.

THE LARIMER COUNTY ABSTRACT CO. 473958 ENTRY No. 7

Edward P. Lee

to

Public Trustee

DEED OF TRUST
Dated February 11, 1939
Ack. February 11, 1939 before Edna Heinecke, N. P. Seal. Weld County, Colorado
Recorded February 16, 1939 at 2:06 P. M. in Book 426 at page 133

Conveys: An undivided 1/3 interest in following described land: Glacier Reservoir No. 1 and designated as Reservoir No. 23 located in the channel of Lee's Fork in the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 8, Township 6 North Range 73 West 6th P. M. in Larimer County, Colorado, subject to present encumbrances.

Secures to M. E. Hagen, $50.00 due October 1, 1939, interest 1% per annum.

THE LARIMER COUNTY ABSTRACT CO. 502682-2 ENTRY No.

No. 4 Irrigation Division No. 1. Also the original Glacier Reservoir enlarged and Glacier Reservoir No. 2 according toa plat filed in the office of the State Engineer familiar with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Chas. M. Armstrong, Treasurer of the State of Colorado, by Chas. T. Haines, Deputy, Seal.

Book 723, page 92

Estate of Nutter R. Lee,
Deceased

In the County Court of Weld County, Colorado.
Receipt No. 86529.

Received of E. H. Houtchens, Attorney of the estate of Nutter R. Lee, deceased, $1.00 for Inheritance Tax and fees for examination and issuance of waiver due to the State of Colorado from said estate, pursuant to an order of Hon. Benj. Woodcock, Judge of the County Court of Weld County. Date of Death of Decedent: August 18, 1937.

Description of property: (With other property) Glacier Reservoir No. 1 and all water rights appurtenant thereto, including Water Rights Decreed thereto under the Decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said Reservoir 6 000 000 cu. ft. of water under Reservoir Priority No. 27 as of Aug. 15, 1911. Water District

(cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 502683 ENTRY NO.

In the Matter of the Estate of Nutter R. Lee, Deceased

DECREE OF HEIRSHIP
Dated February 13, 1940
Certified true copy January 2, 1941 by R. I. Shaklee Clerk of the County Court, Weld County, Colo. Ser
Recorded January 20, 1941 at 10:10 A.M. in Book 723, page 93

In the County Court, Weld County, Colorado. No. 4582

Now, on this day, comes Robert Snedden as Administrator de bonis non of the Estate of Nutter R. Lee, Deceased, and thereupon the petition for the ascertainment and determination of the heirs of the said deceased coming on regularly to be heard pursuant to order of Court. And it appearing to the Court from the records and files herein that due and sufficient notice hereof has been given as provided by law. And the Court being sufficiently advised in the premises doth

FIND, ASCERTAIN and DETERMINE that said deceased died on or about the 18th day of

(cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 502683-2 ENTRY NO.

August, 1937 and that the sole and only heirs at law of said deceased, and their interests in said estate, are as follows, to-wit: Jay R. Lee, Son, Leonard D. Lee, Son, Fred S. Lee, Son, Edward P. Lee, Son - each 1/4 interest.

It is Therefore ORDERED, ADJUDGED and DECREED, By the Court that the said heirs at law are the sole and only heirs at law of said deceased, and upon the death of said deceased became seized and possessed of all the right, title and interest which the said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments, personal and other property of which the said deceased died seized and possessed or entitled to.

Done by the Court this 13th day of February, 1940. Benj. A. Woodcock, County Judge. County Court, Seal.

THE LARIMER COUNTY ABSTRACT CO. 502684 ENTRY NO.

Jay R. Lee

to

Leonard D. Lee, Fred S. Lee and Edward P. Lee

QUIT CLAIM DEED $10
Dated November 23, 1938
Ack. November 23, 1938 before Evert H. Houtchen NP, Seal. Weld County, Colorado
Recorded January 20, 1941 at 10:12 A.M. in Book 723, page 94

Conveys: Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorad entered April 1, 1931, decreeing to said reservoir 6,000,000 cubic feet of water under reservoi Priority No. 27, as of August 15, 1911. Water District No. 4, Irrigation Division No. 1.

Also, the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2, according to a plat filed in the office of the State Engineer familiar with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

THE LARIMER COUNTY ABSTRACT CO. 502685 ENTRY No.

tate of Colorado

to

state of Nutter R. Lee, Deceased

RECEIPT FOR INHERITANCE TAX
Dated January 10, 1938
Recorded January 20, 1941 at 10:14 A.M. in Book 723, page 93

County Court of Weld County, Colorado. No. 76542

Received of P. W. Peel, Adm. of the estate of Nutter R. Lee, deceased, $15.00 for Inheritance Tax and fees for examination and issuance of waiver due to the State of Colorado from said estate, pursuant to an order of the Hon. Robert G. Strong, Judge of the County Court of Weld County. Date of death of decedent: August 18, 1937.

Description of property: (With other property) Glacier Reservoir No. 1 and designated as Reservoir No. 23 located in the channel of Lee's Fork in the N½ of NE¼ Section 8, Township North, Range 73 West of the 6th P.M. and decreed to the use and benefit of Nutter R. Lee on April 1, 1931, by the Dist. Court of Larimer County, in Fort Collins, Colorado.

Homer F. Bedford, Treasurer of the State of Colorado, by R. L. Shattuck, Deputy, Seal.

THE LARIMER COUNTY ABSTRACT CO. 803355 ENTRY No.

Edward P. Lee

to

Lucille M. Lee

QUIT CLAIM DEED $1.
Dated February 26, 1947.
Ack. February 26, 1947 before Carl C. Burch, N
Seal. Weld Co., Colo. (Com. Exp. 5/10/48)
Recorded August [illegible] at 1:34 P.M. in
Book 1147, page 430.

Conveys: All his right, title and interest in and to Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir 6,000,000 cubic feet of water under reservoir Priority No. 27 as of August 15, 1911, Water District No. 4, Irrigation Division No. 1.

EQUITY TRANSFER ONLY; NO CONSIDERATION.

THE LARIMER COUNTY ABSTRACT CO. 502683 ENTRY No.

y R. Lee, Imogene Carrel Lee, Parties
f the 1st Part

to

onard D. Lee, Lucille Lee, Fred S. Lee,
tta Lee, Edward P. Lee, Dorothy Lee,
rties of 2nd part

CONTRACT & DEED OF CONVEYANCE
Dated November 22nd, 1938
Recorded January 20, 1941 at 10:06 A.M.
in Book 723, page 88

See Photograph of this Instrument attached to front cover of this abstract.

01-16-1936: abstract title of the glacier reservoir

State of Colorado, } ss.
County of Larimer }

January 16, 1936 at 7:00 A. M.

No. 67918

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.

Licensed and bonded under the laws of the State of Colorado.
Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.
N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 1 to 2 both inclusive.
Except, however, right of way for public roads, railroads, ditches, reservoir filings, and mining claims, if any.)
Dated at Fort Collins, in said Larimer County, the 16th day of August A. D. 19 61 at 7:00 A. M.

Attest: [illegible] Secretary — THE LARIMER COUNTY ABSTRACT COMPANY By [illegible] President

THE LARIMER COUNTY ABSTRACT CO. 516414 ENTRY No. 16

Edward P. Lee
to
Lucille M. Lee

WARRANTY DEED $10.00
Dated January 13, 1942
Ack. January 13, 1942 before Charles F. Hix, N.P. Seal. Larimer County, Colorado
Recorded January 29, 1942 at 2:02 P.M. in Book 737, page 37

Conveys: An undivided 1/3 interest in and to the following: Glacier Reservoir No. 1 a all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoi 6 million cubic feet of water under reservoir Priority No.27, as of August 15, 1911. Water Distri No. 4, Irrigation Division No. 1.

Also the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2 according to a plat filed in the office of the State Engineer together with all water rights, lateral rights, and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Except subject to encumbrances of record. 55¢ IRS.

THE LARIMER COUNTY ABSTRACT CO. 805635 ENTRY No. 17

Etta Lee Hansen, Richard M. Lee, Dixie Lee King
to
Jay Lee

WARRANTY DEED $10
Dated August 28, 1961
Ack. August 28, 1961 before John E. Lythgoe, N. P. Seal Clearfield County, Utah (Com. Exp. 3/18/65)(ELH)
Ack. _____ before Cora P. Jackson, N. P. Seal. (Com. Exp. at pleasure of Governor)(RML)
Ack. _____ before William A. R. Dalton, 1st Lt. USA Asst. Staff Judge Advocate (DLK) (No Seal required)
Recorded September 21, 1961 at 11:40 A. M. in Book 1152, page 74

Conveys: An undivided one-half interest of each of the Grantor's interest in, rights to, and claims to the following described property: The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6,000 cubic feet (137. 74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a decree of the

(Continued on next page)

THE LARIMER COUNTY ABSTRACT CO. 805635-2 Continuation of ENTRY No. 17

Colorado District Court in Case No. 9079, dated April 1, 1931, with assigned for; domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P. M.

THE LARIMER COUNTY ABSTRACT CO. 803985 ENTRY NO.

Lucille Lee Davis

to

Jay Lee

WARRANTY DEED
Dated August 22, 1961.
Ack. August 22, 1961 before Philip White, NP, Seal. Laramie Co., Wyo. (Com. Exp. 6/1/62)
Recorded August 24, 1961 at 8:32 A.M. in Book 1148, page 417.

Conveys: An undivided 1/2 of all of grantors' interest in, rights, to and claims to the following described property: The right to impound in Glacier Reservoir No. 1 also known as Lost Lake, 6,000,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a decree of the Colorado District Court in Case No. 9079, dated April 1, 1931, which assigned for domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the

(Cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 803985-2 ENTRY NO.

Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P.M.

THE LARIMER COUNTY ABSTRACT CO. CERTIFICATE OF EXTENSION

State of Colorado } ss.
County of Larimer }

THE LARIMER COUNTY ABSTRACT COMPANY, a Corporation duly created and existing under the laws of the State of Colorado, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since August 16th, 1961 at 7:00 A.M.

No. 74478

Glacier Reservoir and the Enlargment thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of 6th P.M.

Licensed and bonded under the laws of the State of Colorado.
Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.
N. P. Commissions are regular rates otherwise noted.

Only as shown by entries numbered 13 to 16 both inclusive.
Except brewery, right of way for public roads, railroads, ditches, reservoirs, oil and mining claims, if any.
Dated at Fort Collins in said Larimer County the [illegible] day of [illegible] A.D. 19[illegible] at [illegible] A.M.

Attest: [illegible] Secretary

THE LARIMER COUNTY ABSTRACT COMPANY
By [illegible]

17

(See Map in cover of Abstract)

JUN 6 1963

JUN 6 1963

JUN 6 1963

THE LARIMER COUNTY ABSTRACT CO. CERTIFICATE OF EXTENSION

State of Colorado, } ss.
County of Larimer }

THE LARIMER COUNTY ABSTRACT COMPANY, a Corporation duly created and existing under the laws of the State of Colorado, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other Instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since April 22, 1963 at 7:00 A. M.

No. 75563

Glacier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.

Licensed and bonded under the laws of the State of Colorado.
Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.
No Z. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 17 to 17 both inclusive.
Except, however, right of way for public roads, railroads, ditches, reservoirs and mining claims, if any.
Dated at Fort Collins, in said Larimer County, the 10th day of May A. D. 1963 at 7:00 A. M.

THE LARIMER COUNTY ABSTRACT COMPANY

Attest: John D. Hartman Secretary By: Edward M. Mathews President

THE LARIMER COUNTY ABSTRACT CO. 904242 ENTRY NO. 17

Etta Lee Hansen, Richard M. Lee, Dixie Lee King

to

Jay Lee

POWER OF ATTORNEY
Ack. October 28, 1965 before John E. Lythgoe, NP, Seal. State of Utah (ELH)
Ack. September 1, 1961 before Cora P. Jackson, NP, Seal. State of South Carolina (RML)
Ack. before William A. R. Dalton 1st Lt Ass't Staff Judge Advocate (No seal Required, Sec. 1, Act 5 May 1950, 64 Sta 143) (DLK)
Recorded November 15, 1965 at 11:40 AM i Book 1311, Page 405

KNOW ALL MEN BY THESE PRESENTS: That we, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King of the County of _____ in the _____ of _____ re- posing special trust and confidence in Jay Lee of the County of Weld in the Stat of Colorado have made, constituted and appointed, and by these presents do make,

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 904242-2 Continuation of ENTRY NO. 17

onstitute and appoint the said Jay Lee true and lawful attorney for us and in ou ame, place and stead, for our sole use and benefit to manage, store water in an ivert water from, mortgage, sell, lease, rent, and/or convey all of our right, itle and interest in Glacier Reservoir No. 1, also known as Lost Lake, located n Rocky Mountain National Park, Larimer County, Colorado, and to change the poin f diversion of the inlet ditch or to have decreed to said reservoir additional aters from whatever source available through whatever ditch that may be practica r to change the use of said reservoir and the stored waters therein;

Hereby giving and granting unto our said attorney full power and authority t o and perform all and every act and thing whatsoever requisite and necessary to e done in and about the premises, as fully to all intents and purposes as we mig r could do if personally present, with full power of substitution and revocation ereby ratifying and confirming all that our said attorney or his substitutes sh awfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, A.D. one thousand nine hundred and _____.

THE LARIMER COUNTY ABSTRACT CO. 973922 ENTRY NO.

Dixie Lee King

to

Jay Lee

POWER OF ATTOR[illegible]
Dated November 25, 1969
Sworn to December 1, 1969 before Joseph S. Quinn, Major USAF Staff Judge Advocate
Power without Seal. Article 936 UCMJ (10USC 936), Sevilla, Spain
Recorded December 8, 1969 at 3:28 P.M. in Book 1423, Page 316

Know All Men By These Presents That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee and Dixie Lee King hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection

(Continued on next sheet)

THE LARIMER COUNTY ABSTRACT CO. 973922-2 Continuation of ENTRY NO. 10

of the purchase price and the distribution thereof. The undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows:

Lucille Lee Davis $594.70

Etta Lee Hansen $484.99

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting, title correction or other matters as may arise out of said sale.

THE LARIMER COUNTY ABSTRACT CO. 902268 ENTRY NO 20

Lucille Lee Davis,

to

Jay Lee

POWER OF ATTORNEY
Dated August 22, 1961
Ack. August 22, 1961 before Philip White, NP, Seal. Laramie County, Wyoming
Recorded October 15, 1965 at 3:02 P.M. in Book 1308, Page 572

That I, Lucille Lee Davis of the County of Laramie in the State of Wyoming, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Jay Lee my true and lawful attorney for me, and in my name, place, and stead to manage, store water in and divert water from, mortgage, sell, lease, rent, and/or convey all of my right, title and interest in Glacier Reservoir No. 1, also known as Lost Lake, located in Rocky Mountain National Park, Larimer County, Colorado, and to change the point of diversion of the inlet ditch or to have decreed to said reservoir additional waters

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 902268-2 Continuation of ENTRY NO 20

from whatever source available through whatever ditch that may be practical or to change the use of said reservoir and the stored waters therein;

Etta Lee Hansen, Richard M. L , Jay Lee, Lucille Lee Davi

to

Jay Lee

POWER OF ATTORNEY
Dated November [illegible], 969
Recorded November 26, 1969 at 2:12 P.M.
Book 1422, Page 734

KNOW ALL MEN BY THESE PRESENTS That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee, and Dixie Lee King by her agent, Etta Lee Hansen, hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a cop of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection of the purchase price and the distribution thereof. Th undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 973521-2 Continuation of ENTRY NO. [illegible]

with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows: Lucille Lee Davis, $594.70. Etta Lee Hansen, $484.99.

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting title correction or other matters as may arise out of said sale.

Jay Lee as agent agrees that the Deed above referred to shall be deposit with the First National Bank of Greeley in escrow to be delivered to the United States of America upon payment of the agreed purchase price into escro to be distributed by Jay Lee in accordance with the agreement and the power o attorney.

/s/ Jay Lee.

THE LARIMER COUNTY ABSTRACT CO. CERTIFICATE OF EXTENSION

THE LARIMER COUNTY ABSTRACT COMPANY, A duly licensed and bonded abstracter, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since July 10, 1963 at 7:00 A. M.

No. 99832

Gracier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.;

The title is subject to any notices filed by any person who has contracted to perform work or labor or to provide material pursuant to the provisions of 1935 Colorado Revised Statutes (35-1, et seq., as amended, which do not describe the subject property, or any part thereof, by Legal description.

Up entity to any judgments, federal or State Tax liens, indexed to/or against any person, firm or corporation named in this abstract.

Licensed and bonded under the laws of the State of Colorado.

Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.

U. P. Commissions are regular unless otherwise noted.

We do not certify to Financing Statements of record which do not include a description citing a Section, Township and Range Number and/or Lot, Block and Subdivision.

Only as shown by entries numbered 18 to 24 both inclusive.

Except, however, right of way for public roads, ditches, reservoir filings, sworn-statements, and mining claims, if any.

Dated at Fort Collins, in said Larimer County, the 26th day of May A.D. 1970 at 7:00 A. M.

THE LARIMER COUNTY ABSTRACT COMPANY

By [signature] Authorized Signature

TRANSAMERICA TITLE INSURANCE COMPANY 985751 ENTRY NO. 22

Jay R . Lee

AFFIDAVIT
Ack. July 24, 1970 before Kathryn N. Kreim, NP, Seal. State of Wyoming
Recorded August 31, 1970 at 1:21 P.M.
in Book 1440, page 494

STATE OF WYOMING, COUNTY OF LARAMIE:

Jay R. Lee, being duly sworn on aoth deposes and says: That he has been acquainted with Lucille M. Davis for over 30 years last past and that he knows that Lucille M. Davis, Lucille Lee, Lucille M. Lee and Lucille Lee Davis is one in the same person.

Lucille M. Davis, formerly Lucille M. Lee, Petitioner

vs.

Fred S. Lee; Etta Lee; The Federal Land Bank of Wichita, Wichita, Kansas; Federal Farm Mortgage Corporation; Edward P. Lee; Martin G. Field, Duly Appointed, Qualified and Acting Public Trustee in and for Weld County, Colorado; The Hill and Brush Ditch Company, a Corporation,; The Seven Lakes Reservoir Company, a Corporation; The Loveland and Greeley Reservoir Company, a Corporation; and The Greeley and Loveland Irrigation Company, a Corporation, Respondents.

AMENDMENT OF DECREE
Dated February 26 1947
Certified August 19, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By L. Jane Wood, Deputy, No seal.
Recorded August 31, 1970 at 1:21 P.M. in Book 1440, page 495

AMENDED TO:

Etta B. Lee, Administratrix of the Estate of Fred S. Lee, Deceased; Etta B. Lee, Richard M. Lee and Dixie Ann Lee as the sole and only (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985752-2 Continuation of ENTRY NO. 28

heirs at law of Fred S. Lee, deceased; Frederic W. Clark, Guardian ad Litem for Richard M. Lee and Dixie Ann Lee, Minors; Etta Lee; the Federal Land Bank of Wichita, Wichita, Kansas; Federal Farm Mortgage Corporation; Edward P. Lee; Martin G. Field, Duly Appointed, Qualified and Acting Public Trustee in and for Weld County, Colorado; The Hill and Brush Ditch Company, a Corporation, The Seven Lakes Reservoir Company, a Corporation; The Loveland and Greeley Reservoir Company, a Corporation; and The Greeley and Loveland Irrigation Company, a Corporation, Respondents.

Pursuant to stipulation and agreement of petitioner, Lucille M. Davis, formerly Lucille M. Lee, appearing by Robert M. Gilbert, Esquire, her attorney, and of the respondents, Etta B. Lee Administratrix of the Estate of Fred S. Lee, deceased, Etta B. Lee, Richard M. Lee and Dixie Ann Lee as the sole and only heirs at law of Fred S. Lee, deceased, Etta Lee and Edward P. Lee appearing by Apple and West through Clay R. Apple, Esquire, their attorneys, and Frederic W. Clark, heretofore duly appointed Guardian Ad Litem, for Richard M. Lee and Dixie Ann Lee, minors, and Etta B. Lee, as mother and natural guardian of said minors also appearing, this matter comes on (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985752-3 Continuation of ENTRY NO. 28

for hearing and settling of a decree amending and modifying the decree of this Court entered herein on the 16th day of December, 1946, as of November 29, 1946, and recorded in Book 1198 at page 348 of the Weld County Records, and

It appearing to the Court that all parties hereto have waived their right to appeal from, or to sue out a writ of error to review said decree, and have corsented to the entry of said decree as hereby modified, and that in consideration thereof petitioner has waived her right to attorney fees and costs as in said original decree provided, and that both parties have consented and agreed to the sale of the property described in said decree at private sale, without partition or further Order herein,

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED That said original decree heretofore entered herein be and it is hereby amended and modified by striking and deleting therefrom paragraph 5 of the Findings of Fact, paragraph 7 of the Conclusions of Law, and paragraphs 2 and3 of the Judgment and Decree, and that, except as hereby amended, said original decree is hereby confirmed as and it shall be the final decree herein.

By the Court: (illegible) Judge.

TRANSAMERICA TITLE INSURANCE COMPANY 985856 ENTRY NO. 29

In the Matter of the Estate of Fred S. Lee, Deceased.

PETITION (for sale of real estate)
Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke, Deputy, Seal.
Recorded September 1, 1970 at 3:40 P.M. in Book 1440, page 647

STATE OF COLORADO, COUNTY OF WELD, IN THE COUNTY COURT NO. 5991:

It is represented that Petitioner was duly appointed Administratrix of said estate on the Eleventh day of December, 1946, by this Court; that the amount and value of the personal property belonging to said estate is $500.00; that the amounts of the legacies, debts and claims against said estate so far as the same are known, are as follows: legacies $none , debts $4000.00 (und. share), claims $1000.00 probable, and that the description of the real estate of said estate petitioner desires to sell mortgage, together with the nature of the title by which the several parcels are held and the value of each parcel and all encumbrances thereon is as follows, to-wit: (cntd. next page)

Description: AN UNDIVIDE[illegible] (Duplicate) [illegible] Quarter (NE 1/4) and the [illegible]st Quarter (NE 1/4) [illegible] Northwest Quarter (NW 1/4) of Section Thirty three (33), in Township [illegible]ve (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, save and except rights of way as set forth and described in Book 287, page 46, and Book 1000, page 595, of the Records of the Clerk and Recorder of Weld County, Colorado. Together with Ten (10) shares of the capital stock of the Hill and Brush Ditch Company, four (4) shares of capital stock of The Seven Lakes Reservoir Company, eight (8) shares of the capital stock of The Greeley and Loveland Irrigation Company, and Contract No. 87 for one (1) water right in The Loveland and Greeley Reservoir Company. Nature of Title: Fee simple in undivided share as tenant in common. Value: Of entire property $20,000 Encumbrances: $6000.

Description: PARCEL 2. Lots Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Crebbins' Subdivision of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, otherwise described as the South Half (S 1/2) of the Southeast Quarter (SE 1/4), the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4), and (next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-4 Continuation of ENTRY NO. 24

That all of the reasons why it is deemed necessary or expedient for or to the best interest of the estate or the persons in interest therein that the real property or part thereof should be mortgaged, sold are fully and specifically set forth as follows:

Also, the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2, according to the plat filed in the office of the State Engineer together wit all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

That all of the reasons why it is deemed necessary or expedient for or to the best interest of the estate or the persons in interest therein that real property should be sold are fully and specifically set forth as follows: That parties claiming other undivided interests are requesting sale; that a good price for said lands can probably now be obtained; that a portion of the funds to be derived is needed for the payment of debts.

That the names, residences and post office addresses, so far as known, of all persons in interest, including guardians and conservators of heirs or devisees except creditors, of the wife, husband and such other persons as would inherit in case of the death of said Ward, are as follows, to-wit: (next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-3 Continuation of ENTRY NO. 24

the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, subject to reservations and exceptions contained in deed recorded in Book 365, at page 345, of the Records of the Clerk and Recorder of Weld County, Colorado, and save and except rights of way as set forth and described in Book 280, page 78, and Book 190, page 360, of said County Records, and in Book 459, page 281, of said Records, and further excepting therefrom a strip of land conveyed to Weld County, Colorado, as shown by deed recorded in Book 370, at page 241, of said Weld County Records, Together with Twenty-two (22) shares of the capital stock of the Hill and Brush Ditch Company, and all rights described in deeds recorded in Book 140, pages 54 & 55.

PARCEL 3. Glacier Reservoir No. 1 and all water rights appurtenant thereto including water rights decreed theretounder the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir six million (6,000,000) cubic feet of water under reservoir Priority No. 27, as of August 15, 1911. Water District No. 4, Irrigation Division No. 1 Value $4000. Encumbrances None. (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-5 Continuation of ENTRY NO. 24

Etta B. Lee, Milliken, Colorado, Widow, Adult; Richard M. Lee, Milliken, Colorado, Son, Minor; Dixie Ann Lee, Milliken, Colorado, Daughter, Minor.

Wherefore, The petitioner prays that the Court may enter an order directing said petitioner to sell at private sale the above described real estate according to law, or so much thereof as may be deemed necessary or proper or expedient or to the best interest of the estate or the persons in interest therein, and to make such further order herein as to the Court may seem meet.

/s/ Etta B. Lee, Administratrix of the estate of Fred S. Lee, deceased.

Sworn to before T.F. Shaklee, Clerk of the County Court, Weld County, Colorado, on December 24, 1946.

TRANSAMERICA TITLE INSURANCE COMP 985854 ENTRY NO.

In the Matter of the Estate of Fred S. Lee

DECREE OF HEIRSHIP
Dated February 3, 1947
Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke Deputy, Seal.
Recorded September 1, 1970 at 3:39 P.M. in Book 1440, page 645

STATE OF COLORADO COUNTY OF WELD IN THE COUNTY COURT NO. 5991

Now, on this day, comes Etta B. Lee, Administratrix, by her Attorneys Apple and West and thereupon the petition for the ascertainment and determination of the heirs of the said deceased coming on regularly to be heard pursuant to order of Court. And it appearing to the Court from the records and files herein that due and sufficient notice thereof has been given as provided by law. And the Court being sufficiently advised in the premises doth

FIND, ASCERTAIN AND DETERMINE that said deceased died on or about the 8th day of December, A.D. 1946, and that the sole and only heirs (next page cntd.)

TRANSAMERICA TITLE INSURANCE COMPANY 985854-2 Continuation of ENTRY NO.

at law of said deceased, and their interest in said estate, are as follows, to-wit: Name: Etta B. Lee, Relationship: Widow, Fractional Interest: one-half, Name: Richard M. Lee, Relationship: Son, Fractional Interest: one-fourth, Name: Dixie Ann Lee, Relationship: Daughter, Fractional Interest: one-fourth.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, By the Court that the said heirs at law are the sole and only heirs at law of said deceased, and upon the death of the said deceased became seized and possessed of all the right, title and interest which the said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments, personal and other property of which the said deceased died, seized and possessed or entitled to.

Done by the Court this 3rd day of February, A.D. 1947. /s/ Donald A. Carpenter, County Judge. Recorded in Heirship Book 3, page 234.

TRANSAMERICA TITLE INSURANCE COMPANY 985855 ENTRY NO.

In the Matter of the Estate of Fred S. Lee

DECREE OF FINAL SETTLEMENT
Dated July 22, 1947
Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke, Deputy, Seal.
Recorded September 1, 1970 at 3:39 P.M. in Book 1440, page 646

STATE OF COLORADO, COUNTY OF WELD, IN THE COUNTY COURT NO. 5991:

And now on this day comes Etta B. Lee now Etta B. Hansen, the Administratrix of the Estate of Fred S. Lee, deceased, and presents to the Court a final report of her acts and doings as such, asks that the same be approved and that she be discharged and said estate decreed to be fully administered according to law.

And it appearing to the Court, from the records and files herein, and the Court doth find that Fred S. Lee departed this life on or about the 8th day of December, AD. 1946, and that on the 11th day of December AD.(cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985855-2 Continuation of ENTRY NO.

1946, Letters of Administration were issued to Etta B. Lee

And it further appearing to the Court and the Court doth find that a notice to creditors to file claims against said Estate was published, in the manner and as required by law, and that all claims allowed by the Court against said Estate, and all costs of administration including Inheritance Taxes and fees have been paid.

And the Court doth further find that more than six months has elapsed since letters were issued herein and that there has been published, in the manner and as required by law, and in accordance with an order of this Court, a notice that said final report would be presented for approval on Monday the 21st day of July, A.D. 1947, and that the hearing thereon was regularly continued to this date.

And it appearing from said report, and the Court doth find that said Administratrix has received, for and on behalf of said Estate, the sum of $10,576.27; and has expended the sum of $5,361.63, leaving in her hands the sum of $5,214.64 to be distributed to the following named heirs at law and legatees, to-wit:

Etta B. Lee, now Etta B. Hansen, Widow, $2,607.32; Richard (cntd. next pa

Reservoir Priority No. 27 [illegible] of August 15, 1911, [illegible] in Sec. 8, T 6 N., R. 73 W. of the 6th P.M., domestic and irrigation [illegible]es, Reservoir being l[illegible]
SDF Exempt.

TRANSAMERICA TITLE INSURANCE COMPANY 988826 ENTRY NO. [illegible]

Jay Lee, Attorney in fact, Jay Lee, for Etta Lee Hansen, Richard M. Lee, Lucille Lee Davis and Dixie Lee King,	WARRANTY DEED $34,435.00 Dated October 26, 1970 Ack. October 26, 1970 before Edward W. Withrow, NP, Seal. State of Colorado Recorded October 27, 1970 at 11:33 A.M. in Book 1445, Page 87
to	
United States of America	Conveys: The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, [illegible]

million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of th District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sections 5 and 8, T 6N., R 73 W. of the 6th P.M., together with all its appurtenances, and warrant the

(Continued next page)

TRANSAMERICA TITLE INSURANCE COMPANY 988826-2 Continuation of ENTRY NO. [illegible]

title to the same against all persons claiming under them.
SDF Exempt.

TRANSAMERICA TITLE INSURANCE COMPANY CERTIFICATE OF EXTENSION

TRANSAMERICA TITLE INSURANCE COMPANY, A duly licensed and bonded abstracter, operating under certificate of authority granted by the State of Colorado and whose b is in force at the date of this certificate, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances of other instruments whatsoever filed for record the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since September 1, 1970 at 3:40 P. M.

No. 401773
(100915)

Glacier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.;

The title is subject to any notices filed by any person who has contracted to perform work or labor or to provide material pursuant to the provisions of 1963 Colorado Revised Statutes 86-1, et seq., as amended, which do not describe the subject property, or any part thereof, by legal description.

We certify to any Judgments, Federal or State Tax Liens, indexed to/or against any person, firm or corporation named in this abstract.

We do not certify to Financing Statements of record which do not include a description citing a Section, Township and Range Number and/or Lot, Block and Subdivision.

Licensed and bonded under the laws of the State of Colorado.

Taxes are certified to, only after Date of Sale, after which they become a record in office of County Clerk and Recorder.

N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered [illegible] to [illegible] both inclusive.

Except, however, right of way for public roads, ditches, reservoir filings, sworn statements claiming easements, etc.

Dated at Fort Collins, in said Larimer County, this 30th day of October A.D. 19[illegible] at 8:00 A.M.

TRANSAMERICA TITLE INSURANCE CO.

By [illegible]
Authorized Signature

1720-CW

Abstract of Title

of

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

in Larimer County, Colorado

COMPILED BY

The Fort Collins Abstract Company

PROPRIETORS OF ORIGINAL ABSTRACT RECORDS OF LARIMER COUNTY, COLO.

SUCCESSORS TO

THE LARIMER COUNTY ABSTRACT CO. — THE LARIMER COUNTY ABSTRACT OF TITLE CO.

THE LARIMER ABSTRACT AND INVESTMENT CO. — THE SECURITY ABSTRACT AND INVESTMENT CO.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 1

acier Resevoir
- - - - -
e Glacier Resevoir Company, Claimant.

MAP AND STATEMENT Dated Sept. 21, 1903
Sworn to Sept. 21, 1903 before E. S. Allen, NP, Seal,
Larimer County, Colo. Com. Exp. Jan. 22, 1905.
Recorded Jan. 12, 1904 in Plat Book 1, Page 2.

Irrigation Division No. 1. Water District No. 4.

The resevoir is located in Sec. 5, Twp. 6 N. R. 73 W. 6th P. M. Larimer County, Colorado the mountains well up to timber line, in a natural basin; said resevoir is fed by rain and ow waters of the mountain ranges adjacent thereto, running into said basin or lake. The outl said resevoir is the natural stream coursing thru the mountain canon and emptying into the rth Fork of the Big Thompson River, said outlet unnamed. The headgate and dam of said resevoi located 1320 ft. N. and 1594 ft. W. 5° North from SE cor. Sec. 5, Twp. 6 N. R. 73 W. The tal amount of water that can be drawn off said resevoir when filled to the high water mark as own by the map thereof is 4,023,170 cubic feet. Said water to be used by the owners of said sevoir for the irrigation of lands in the valley for agriculture. That the dam to be constru at said resevoir will not exceed nine feet in height and the length will be approximately

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No.

0 feet. That said Glacier Resevoir Company hereby claims the right to appropriate the said sevoir and the water to be accumulated and stored therein when not required for immediate rigation to the amount as herein set forth, to-wit: the right to store in said resevoir 023,170 cubic feet of water. That the estimated cost of said dam and resevoir will be ,000.00 and the same was commenced Aug. 18, 1903.

(Signed) The Glacier Resevoir Company, By C. E. Seely, President, Attest: M. R. Kilburn, cretary.

L. G. Carpenter, State Engineer, certifies that this map and statement has been examined d approved by him and is a duplicate of the one filed in his office Nov. 4, 1903. Seal.

ABSTRAC OF TITLE

...ey, C. E. Seely,
...lburn
...o
...R. Lee

QUIT CLAIM DEED $100.00 ...ly 27, 1911
Ack. July 27, 1911 before ...liam A. Thomson, NP, Seal,
Larimer County, Colorado. Com. Exp. Feb. 15, 1913.
Recorded Oct. 30, 1911 in Book 285, Page 329.

Conveys: The Glacier Reservoir located in Sec. 5, Twp. 6 N. R. 73 W. 6th P. M. together with all work that has been done up to this time on said Reservoir including making of trails, putting house logs and building bridges.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 3

...riginal Glacier Reservoir Enlarged
...nd Glacier Reservoir No. 2.
- - - - - -
...utter R. Lee, Claimant.

MAP AND STATEMENT
Sworn to Oct. 16, 1911 before Charles B. Henderson, NP, Seal, Larimer County, Colo. Commission expires Dec. 22, 1914 (for E. L. Stevens, Engineer)
Filed Oct. 30, 1911. File No. 939.

Irrigation Division No. 1. Water District No. 4.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned claimant has caused to be enlarged the Original Glacier Reservoir as hereinafter mentioned; has made the several statements relative thereto and filed the same in compliance with the laws of the State of Colorado; the accompanying map which shows the location of said reservoir forms a part of this filing; height of dam is 13 feet; the initial point of survey is located at a point whence a monument bears N 18°35' E. 1761 ft. and from said monument the SW cor. of Sec. 16, Twp. 7 N. R. 73 W. 6th P. M. bears N. 3 miles and 4281 feet; total capacity of said reservoir is 6,023,750 cubic feet; the total capacity of Original Glacier Reservoir 4,023,170 cubic feet; increased capacity of said reservoir is 2,000,580 cubic feet of water for which claim is hereby made for irrigation and

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 3

...omestic purposes; source of supply is from Lee's Fork, flood and spring water accumulating fr ...Lee's Fork basin into Original Glacier Reservoir; masonry dam was completed Oct. 9, 1911.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned claimant has caused to be located Th ...Glacier Reservoir No. 2 and has made these several statements relative thereto and filed the ...same in compliance with the laws of the State of Colorado. The accompanying map which shows t ...location of said Reservoir forms a part of this filing; height of dam 7 feet; initial point of ...survey located at a point whence a monument bears N. 73°30' E. 3585 ft. and from said monument ...the SW cor. of Sec. 16, Twp. 7 N. R. 73 W. 6th P. M. bears N. 3 miles 4281 feet; total capacit ...of said reservoir is 3,017,418 cubic feet of water, for which claim is hereby made for irriga- ...tion and somestic purposes; the source of supply is from springs in the reservoir and from the ...flood and drainage water from a small basin tributary thereto; said basin being headwaters of ...Lee's Fork, a small creek which flows Southeasterly thru Secs. 5, 8 and 9, Twp. 6 N. R. 73 W. ...6th P. M. Work commenced by survey Oct. 9, 1911.

Accepted for filing in office of State Engineer of the State of Colorado, Oct. 17, 1911.
Charles W. Comstock, State Engineer, By J. W. Johnson, Deputy.

M. Lee, Son, $1,303.00; Dixie [illegible] Daughter, $1,303 [illegible]

payable to the said minors, to be paid to Etta B. [illegible]n as legal guardian.

And the Court doth further find that said Etta B. Lee now Etta B. Hansen has faithfully administered the estate of said deceased which has come to her hands and fully performed her duties as such and as provided by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said final report and all acts, and doings of said Administratrix in and about the administration of the said Estate be, and the same are hereby in all things fully ratified, confirmed and approved by the Court, and the said Etta B. Lee now Etta B. Hansen further ordered to distribute the money in her hands, to the above named parties respectively, or to their legal representative, in the amounts as above set forth, and having so distributed the same and having filed proper receipts therefor in this Court, that she be discharged and her bondsmen released from further liability in the premises

And it appearing to the Court that the said Etta B. Lee now Etta B. Hansen has made said distribution and filed receipts therefor, It is

ORDERED that the said Etta B. Lee now Etta B. Hansen be and she is discharged as such Administratrix that her bondsmen be and (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985855-4 Continuation of ENTRY NO. [illegible]

they are hereby released from further liability in the premises.

Done in open Court this 22nd day of July, A.D. 1947. /s/ Donald A. Carpenter, Judge.

TRANSAMERICA TITLE INSURANCE COMPANY CERTIFICATE OF EXTENSION

TRANSAMERICA TITLE INSURANCE COMPANY, A duly licensed and bonded abstracter, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since May 26, 1970 at 7:00 A. M.

No. 400937

(100572)

The title is subject to any notices filed by any person who has contracted to perform work or labor or to provide material pursuant to the provisions of 1963 Colorado Revised Statutes 86-3-1, et seq., as amended, which do not describe the subject property, or any part thereof, by legal description.

We certify to any Judgments, Federal or State Tax Liens, indexed to/or against any person, firm or corporation named in this abstract.

Gracier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.;

We do not certify to Financing Statements of record which do not include a description citing a Section, Township and Range Number and/or Lot, Block and Subdivision.

Licensed and bonded under the laws of the State of Colorado.

Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.

N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 23 to 26 both inclusive.

Except, however, right of way for public roads, ditches, reservoir filings, sworn statements, and mining claims, if any.

Dated at Fort Collins, in said Larimer County, the 1st day of September, A. D. 1970 at 3:40 P. M.

TRANSAMERICA TITLE INSURANCE COMPANY

By Edward W. Michael
Authorized Signature

1720-CW

TRANSAMERICA TITLE INSURANCE COMPANY 986017 ENTRY NO. 213

Beca Lee Hansen, Richard M. Lee, Jay Lee, Lucille Lee Davis, Jay Lee Agent, for Dixie Lee King,

to

United States of America,

SPECIAL WARRANTY DEED $34,435.00
Dated November 25, 1969
Ack. November 26, 1969 before Iris Hughes, NP, Seal. State of Colorado (JL, ELH, RML)
Ack. November 25, 1969 before W. A. Swiman NP, Seal. State of Wyoming (LLD)
Ack. November __, 1969 before Delores Schmick, NP, Seal. State of Colorado (DL)
Recorded September 3, 1970 at 11:11 A.M. in Book 1440, Page 876

Conveys: The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Park, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which includes

(continued next page)

Abstract of Title

of

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

in Larimer County, Colorado

COMPILED BY

The Fort Collins Abstract Company

PROPRIETORS OF ORIGINAL ABSTRACT RECORDS OF LARIMER COUNTY, COLO.

SUCCESSORS TO

THE LARIMER COUNTY ABSTRACT CO. — THE LARIMER COUNTY ABSTRACT OF TITLE CO.

THE LARIMER ABSTRACT AND INVESTMENT CO. — THE SECURITY ABSTRACT AND INVESTMENT CO.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 1

Glacier Resevoir

The Glacier Resevoir Company, Claimant.

MAP AND STATEMENT Dated Sept. 21, 1903 Sworn to Sept. 21, 1903 before E. S. Allen, NP, Seal, Larimer County, Colo. Com. Exp. Jan. 22, 1905. Recorded Jan. 12, 1904 in Plat Book 1, Page 2.

Irrigation Division No. 1. Water District No. 4.

The resevoir is located in Sec. 5, Twp. 6 N. R. 73 W. 6th P. M. Larimer County, Colorado in the mountains well up to timber line, in a natural basin; said resevoir is fed by rain and snow waters of the mountain ranges adjacent thereto, running into said basin or lake. The outlet of said resevoir is the natural stream coursing thru the mountain canon and emptying into the North Fork of the Big Thompson River, said outlet unnamed. The headgate and dam of said resevoir is located 1320 ft. N. and 1594 ft. W. 5° North from SE cor. Sec. 5, Twp. 6 N. R. 73 W. The total amount of water that can be drawn off said resevoir when filled to the high water mark as shown by the map thereof is 4,023,170 cubic feet. Said water to be used by the owners of said resevoir for the irrigation of lands in the valley for agriculture. That the dam to be constructed at said resevoir will not exceed nine feet in height and the length will be approximately.

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 1

100 feet. That said Glacier Resevoir Company hereby claims the right to appropriate the said resevoir and the water to be accumulated and stored therein when not required for immediate irrigation to the amount as herein set forth, to-wit: the right to store in said resevoir 4,023,170 cubic feet of water. That the estimated cost of said dam and resevoir will be $1,000.00 and the same was commenced Aug. 18, 1903.

(Signed) The Glacier Resevoir Company, By C. E. Seely, President, Attest: M. R. Kilburn, Secretary.

L. G. Carpenter, State Engineer, certifies that this map and statement has been examined and approved by him and is a duplicate of the one filed in his office Nov. 4, 1903. Seal.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE No. 2

A. N. Turney, C. E. Seely, M. R. Kilburn to N. R. Lee

QUIT CLAIM DEED $100.00 Dated July 27, 1911 Ack. July 27, 1911 before William A. Thomson, NP, Seal, Larimer County, Colorado. Com. Exp. Feb. 15, 1913. Recorded Oct. 30, 1911 in Book 285, Page 329.

Conveys: The Glacier Reservoir located in Sec. 5, Twp. 6 N. R. 73 W. 6th P. M. together with all work that has been done up to this time on said Reservoir including making of trails, cutting house logs and building bridges.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE NO. 3.

Original Glacier Reservoir Enlarged and Glacier Reservoir No. 2.
- - - - - -
Nutter R. Lee, Claimant.

MAP AND STATEMENT
Sworn to Oct. 16, 1911 before Charles B. Henderson, NP, Seal, Larimer County, Colo. Commission expires Dec. 22, 1914 (for E. L. Stevens, Engineer)
Filed Oct. 30, 1911. File No. 939.

Irrigation Division No. 1. Water District No. 4.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned claimant has caused to be enlarged the Original Glacier Reservoir as hereinafter mentioned; has made the several statements relative thereto and filed the same in compliance with the laws of the State of Colorado; the accompanying map which shows the location of said reservoir forms a part of this filing; height of dam is 13 feet; the initial point of survey is located at a point whence a monument bears N. 18°35' E. 1761 ft. and from said monument the SW cor. of Sec. 16, Twp. 7 N. R. 73 W. 6th P. M. bears N. 3 miles and 4281 feet; total capacity of said reservoir is 6,023,750 cubic feet; the total capacity of Original Glacier Reservoir 4,023,170 cubic feet; increased capacity of said reservoir is 2,000,580 cubic feet of water for which claim is hereby made for irrigation and

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE NO. 3

domestic purposes; source of supply is from Lee's Fork, flood and spring water accumulating from Lee's Fork basin into Original Glacier Reservoir; masonry dam was completed Oct. 9, 1911.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned claimant has caused to be located The Glacier Reservoir No. 2 and has made these several statements relative thereto and filed the same in compliance with the laws of the State of Colorado. The accompanying map which shows the location of said Reservoir forms a part of this filing; height of dam 7 feet; initial point of survey located at a point whence a monument bears N. 73°30' E. 3585 ft. and from said monument the SW cor. of Sec. 16, Twp. 7 N. R. 73 W. 6th P. M. bears N. 3 miles 4281 feet; total capacity of said reservoir is 3,017,418 cubic feet of water, for which claim is hereby made for irrigation and somestic purposes; the source of supply is from springs in the reservoir and from the flood and drainage water from a small basin tributary thereto; said basin being headwaters of Lee's Fork, a small creek which flows Southeasterly thru Secs. 5, 8 and 9, Twp. 6 N. R. 73 W. 6th P. M. Work commenced by survey Oct. 9, 1911.

Accepted for filing in office of State Engineer of the State of Colorado, Oct. 17, 1911.
Charles W. Comstock, State Engineer, By J. W. Johnson, Deputy.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE NO. 4

In the matter of the adjudication of priorities to the rights to use of water in Water District No. 4 in Water Division No. 1 of the State of Colorado.

DECREE Dated April 1, 1931
Certified Nov. 21, 1935 by Amos A. Mahan, Clerk District Court, Seal, Boulder County, Colorado.
Recorded Dec. 2, 1935 in Book 656, Page 95.

In the District Court of Boulder County, Colorado. No. 9079.

Glacier Reservoir No. 1. Irrigation Reservoir No. 23.

The claimant of this reservoir is Nutter R. Lee whose address is Milliken, Colorado; this reservoir has been constructed and it has been maintained and operated for the storage of water for agricultural purposes; the natural stream from which water has been diverted for storage in this reservoir is Lee's Fork, which is a tributary of the North Fork of the Big Thompson River; the location of this reservoir is in the channel of said Lee's Fork in the N½ of NE¼ of Sec. 8, Twp. 6 N. R. 73 W. 6th P. M.; its area at high water line is 16¼ acres and all of the water can be withdrawn therefrom; its available storage capacity is estimated at 6,000,000 cubic feet; the reservoir receives the entire flow of the water in the natural channel of said Lee's Fork

(continued next sheet)

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE NO. 4

above said reservoir. The work of construction of said reservoir was commenced on Aug. 15, 1911. Within a reasonable time after completion of this reservoir unappropriated water not needed for immediate use for domestic or irrigation purposes sufficient to fill the same was diverted and stored therein and the same was thereafter applied to agricultural purposes.

DECRETAL ORDER. It is therefore Adjudged and Decreed by the Court pursuant to the foregoing findings that for storage for agricultural purposes under and by virtue of appropriation by original construction of said Glacier Reservoir No. 1 for benefit of party or parties entitled to the enjoyment thereof there be permitted to be impounded in said Lee's Fork by means of construction of a dam crossing the same, sufficient water not needed for immediate use for domestic or irrigation purposes to fill said Glacier Reservoir No. 1 once a year to a height of 16 feet measured from bottom of its outlet tube in quantity estimated at 6 million cubic feet under reservoir priority No. 27 dating from Aug. 15, 1911 but subject to the paramount general provisions of this decree.

Done in open Court April 1, 1931. Claude C. Coffin, Judge.

STATE OF COLORADO } ss
County of Larimer }

No. 51743

THE FORT COLLINS ABSTRACT COMPANY, a corporation organized and doing business under the laws of the State of Colorado, within and for said County, in the State aforesaid, hereby certifies the foregoing to be a true and complete Abstract of Title to

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

according to the records in the office of the County Clerk and Recorder of said Larimer County. It further certifies that there are no Abstracts or Transcripts of Judgment, Tax Sales, Homestead Marginal Entries or any instruments or conveyances pertaining to or relating to the title of said described real estate, of record in the office of said County Clerk and Recorder and not enumerated herein, excepting, however, rights of way for irrigating ditches, public roads, ditch statements and reservoir filings.

The foregoing Abstract consists of --4-- conveyances, numbered consecutively from -1- to -4- inclusive.

That the undersigned is a duly qualified and bonded abstracter operating under a license granted by the State of Colorado.

IN WITNESS WHEREOF, the said Company has caused these presents to be signed by its President, and attested by its Secretary, and its Corporate Seal to be affixed at Fort Collins, Colorado, this fourth day of December, A. D. 1935, at seven o'clock A. M.

THE FORT COLLINS ABSTRACT COMPANY

Attest: J. W. Lyon, Secretary By [signature], President

NOTE: We do not certify as to lien of taxes except after the date of sale, when it becomes a matter of record in the office of County Clerk and Recorder. Taxes become delinquent and subject to advertisement for sale after August 20.

THE FORT COLLINS ABSTRACT COMPANY — CONVEYANCE NO. 5

Nutter R. Lee,
N. R. Lee
to
Public Trustee

DEED OF TRUST Dated Sept. 1, 1935
Ack. Jan. 3, 1936 before Lily Underwood, NP, Seal, City & County of Denver, Colo. Com. Exp. Dec. 6, 1937.
Recorded Jan. 6, 1936 in Book 657, Page 494.

Conveys: Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado entered April 1, 1931 decreeing to said reservoir six million cubic feet of water under reservoir Priority No. 27, as of Aug. 15, 1911 Water District No. 4, Irrigation Division No. 1.

Also the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2 according to plat filed in the office of the State Engineer familiar with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Secures to Denver Joint Stock Land Bank of Denver $2429.83 with interest at 6% per annum, payable annually; being 1 note for $429.83 due Feb. 1, 1936 and 4 notes for $500.00 each, due Dec. 1, 1936, Dec. 1, 1937, Dec. 1, 1938 and Dec. 1, 1939 respectively.

CERTIFICATE OF EXTENSION

STATE OF COLORADO } ss
County of Larimer }

THE FORT COLLINS ABSTRACT COMPANY hereby certifies that it has carefully searched the records of the Office of the County Clerk and Recorder in said County from the fourth day of December, A. D. 1935 at seven o'clock A. M. to the date hereof, and find no Abstracts or Transcript of Judgments, Tax Sales, Homestead Marginal Entries or any instruments or conveyances pertaining to or relating to the title to

No. 51828

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections five (5) and eight (8), Township six (6) North, Range seventy-three (73) West of the Sixth Principal Meridian;

only as herein set forth in Entries Nos. --5-- to --5-- inclusive.

That the undersigned is a duly qualified and bonded abstracter operating under a license granted by the State of Colorado.

IN WITNESS WHEREOF, the said Company has caused these presents to be signed by its President, and attested by its Secretary, and its Corporate Seal to be affixed at Fort Collins, Colorado, this tenth day of January, A. D. 1936, at seven o'clock A. M.

THE FORT COLLINS ABSTRACT COMPANY

Attest: J. W. Lyon, Secretary. By [signature], President

NOTE: We do not certify as to lien of taxes except after the date of sale, when it becomes a matter of record in the office of County Clerk and Recorder. Taxes become delinquent and subject to advertisement for sale after August 20.
Rights of way for irrigating ditches, public roads and railroads, ditch statements and reservoir filings excepted.

THE LARIMER COUNTY ABSTRACT CO. — 803501 — ENTRY No. 6

George E. Cheatham as the Public Trustee in said County of Larimer

to

Present owner of real estate

RELEASE DEED OF TRUST
Dated August 14, 1961.
Ack. August 14, 1961 before George M. James, NP, Seal. State of Colorado. (Com. Exp. 6/15/64)
Recorded August 15, 1961 at 8:12 A. M. in Book 1148, page 5.

Conveys: Real estate in said Deed of Trust particularly described, reference to which is hereby made for greater certainty;

Releases Deed of Trust executed by Nutter R. Lee, also known as N. R. Lee, dated September 1, 1935, recorded January 6, 1936 in Book 657, page 494 at the request of T. E. McClintock, Trustee of the Denver Joint Stock Land Bank of Denver.

THE LARIMER COUNTY ABSTRACT CO. 473958 ENTRY No. 7

Edward P. Lee
to
Public Trustee

DEED OF TRUST
Dated February 11, 1939
Ack. February 11, 1939 before Edna Heinecke, N. P. Seal. Weld County, Colorado
Recorded February 16, 1939 at 2:06 P. M. in Book 426 at page 133

Conveys: An undivided 1/3 interest in following described land: Glacier Reservoir No. 1 and designated as Reservoir No. 23 located in the channel of Lee's Fork in the N½ of the NE¼ of Section 8, Township 6 North Range 73 West 6th P. M. in Larimer County, Colorado, subject to present encumbrances.

Secures to M. E. Hagen, $50.00 due October 1, 1939, interest 1% per annum.

THE LARIMER COUNTY ABSTRACT CO. 502682-2 ENTRY No. 8

No. 4 Irrigation Division No. 1. Also the original Glacier Reservoir enlarged and Glacier Reservoir No. 2 according toa plat filed in the office of the State Engineer familiar with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Chas. M. Armstrong, Treasurer of the State of Colorado, by Chas. T. Haines, Deputy, Seal.

THE LARIMER COUNTY ABSTRACT CO. 502682 ENTRY No. 8

State of Colorado
to
Estate of Nutter R. Lee, Deceased

INHERITANCE TAX RECEIPT
Dated May 14, 1940
Recorded January 20, 1941 at 10:08 A.M. in Book 723, page 92

In the County Court of Weld County, Colorado.
Receipt No. 86529.

Received of E. H. Houtchens, Attorney of the estate of Nutter R. Lee, deceased, $1.00 for Inheritance Tax and fees for examination and issuance of waiver due to the State of Colorado from said estate, pursuant to an order of Hon. Benj. Woodcock, Judge of the County Court of Weld County. Date of Death of Decedent: August 18, 1937.

Description of property: (With other property) Glacier Reservoir No. 1 and all water rights appurtenant thereto, including Water Rights Decreed thereto under the Decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said Reservoir 6 000 000 cu. ft. of water under Reservoir Priority No. 27 as of Aug. 15, 1911. Water District

(cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 502683 ENTRY No. 9

In the Matter of the Estate of Nutter R. Lee, Deceased

DECREE OF HEIRSHIP
Dated February 13, 1940
Certified true copy January 2, 1941 by R. I. Shaklee, Clerk of the County Court, Weld County, Colo. Seal
Recorded January 20, 1941 at 10:10 A.M. in Book 723, page 93

In the County Court, Weld County, Colorado. No. 4582

Now, on this day, comes Robert Snedden as Administrator de bonis non of the Estate of Nutter R. Lee, Deceased, and thereupon the petition for the ascertainment and determination of the heirs of the said deceased coming on regularly to be heard pursuant to order of Court. And it appearing to the Court from the records and files herein that due and sufficient notice thereof has been given as provided by law. And the Court being sufficiently advised in the premises doth

FIND, ASCERTAIN and DETERMINE that said deceased died on or about the 18th day of

(cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 502683-2 ENTRY No. 9

August, 1937 and that the sole and only heirs at law of said deceased, and their interests in said estate, are as follows, to-wit: Jay R. Lee, Son, Leonard D. Lee, Son, Fred S. Lee, Son, Edward P. Lee, Son - each 1/4 interest.

It is Therefore ORDERED, ADJUDGED and DECREED, By the Court that the said heirs at law are the sole and only heirs at law of said deceased, and upon the death of said deceased became seized and possessed of all the right, title and interest which the said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments, personal and other property of which the said deceased died seized and possessed or entitled to.

Done by the Court this 13th day of February, 1940. Benj. A. Woodcock, County Judge. County Court, Seal.

THE LARIMER COUNTY ABSTRACT CO. 502684 ENTRY No. 10

Jay R. Lee	QUIT CLAIM DEED $10
	Dated November 23, 1938
to	Ack. November 23, 1938 before Evert H. Houtchens,
	NP, Seal. Weld County, Colorado
Leonard D. Lee, Fred S. Lee	Recorded January 20, 1941 at 10:12 A.M. in
and Edward P. Lee	Book 723, page 94

Conveys: Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir 6,000,000 cubic feet of water under reservoir Priority No. 27, as of August 15, 1911. Water District No. 4, Irrigation Division No. 1.

Also, the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2, according to a plat filed in the office of the State Engineer familiar with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

(cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 502684-2 ENTRY No. 10

(The parties to this transaction are the sole and only heirs at law of Nutter R. Lee, Deceased).

THE LARIMER COUNTY ABSTRACT CO. 502685 ENTRY No. 11

State of Colorado	RECEIPT FOR INHERITANCE TAX
	Dated January 10, 1938
to	Recorded January 20, 1941 at 10:14 A.M. in
	Book 723, page 95
Estate of Nutter R. Lee, Deceased	
	County Court of Weld County, Colorado. No. 76542

Received of P. W. Peel, Adm. of the estate of Nutter R. Lee, deceased, $15.00 for Inheritance Tax and fees for examination and issuance of waiver due to the State of Colorado from said estate, pursuant to an order of the Hon. Robert G. Strong, Judge of the County Court of Weld County. Date of death of decedent: August 18, 1937.

Description of property: (With other property) Glacier Reservoir No. 1 and designated as Reservoir No. 23 located in the channel of Lee's Fork in the $N\frac{1}{2}$ of $NE\frac{1}{4}$ Section 8, Township 6 North, Range 73 West of the 6th P.M. and decreed to the use and benefit of Nutter R. Lee on April 1, 1931, by the Dist. Court of Larimer County, in Fort Collins, Colorado.

Homer F. Bedford, Treasurer of the State of Colorado, by R. L. Shattuck, Deputy, Seal.

THE LARIMER COUNTY ABSTRACT CO. 803355 ENTRY No. 12

Edward P. Lee

to

Lucille M. Davis

QUIT CLAIM DEED $1.
Dated February 26, 1947.
Ack. February 26, 1947 before Carl C. Burch, NP
Seal. Weld Co., Colo. (Com. Exp. 5/10/48)
Recorded August 11, 1961 at 1:54 P.M. in
Book 1147, page 430.

Conveys: All his right, title and interest in and to Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir 6,000,000 cubic feet of water under reservoir Priority No. 27 as of August 15, 1911, Water District No. 4, Irrigation Division No. 1.

EQUITY TRANSFER ONLY; NO CONSIDERATION.

THE LARIMER COUNTY ABSTRACT CO. 502681 ENTRY No. 13

Jay R. Lee, Imogene Carrel Lee, Parties of the 1st Part

to

Leonard D. Lee, Lucille Lee, Fred S. Lee, Etta Lee, Edward P. Lee, Dorothy Lee, Parties of 2nd part

CONTRACT & DEED OF CONVEYANCE
Dated November 22nd, 1938
Recorded January 20, 1941 at 10:06 A.M.
in Book 723, page 88

See Photograph of this Instrument attached to front cover of this abstract.

THE LARIMER COUNTY ABSTRACT CO. CERTIFICATE OF EXTENSION

State of Colorado, } ss.
County of Larimer }

THE LARIMER COUNTY ABSTRACT COMPANY, a Corporation duly created and existing under the laws of the State of Colorado, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since January 10, 1936 at 7:00 A. M.

No. 67918

Glacier Reservoir, Glacier Reservoir Enlarged and Glacier Reservoir No. 2, in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.

Licensed and bonded under the laws of the State of Colorado.
Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.
N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 6 to 12 both inclusive.
Except, however, right of way for public roads, railroads, ditches, reservoir filings, and mining claims, if any.
Dated at Fort Collins, in said Larimer County, the 16th day of August A. D. 19 61 at 7:00 A. M.

Attest: John D. Hartman Secretary

THE LARIMER COUNTY ABSTRACT COMPANY
By Edward A. Hickman President

THE LARIMER COUNTY ABSTRACT CO. 516414 ENTRY No. 14

Edward P. Lee

to

Lucille M. Lee

WARRANTY DEED $10.00
Dated January 13, 1942
Ack. January 13, 1942 before Charles F. Hix, N.P.
Seal. Larimer County, Colorado
Recorded January 29, 1942 at 2:02 P.M.
in Book 737, page 37

Conveys: An undivided 1/3 interest in and to the following: Glacier Reservoir No. 1 and all water rights appurtenant thereto, including water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir 6 million cubic feet of water under reservoir Priority No.27, as of August 15, 1911. Water District No. 4, Irrigation Division No. 1.

Also the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2 according to a plat filed in the office of the State Engineer together with all water rights, lateral rights, and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

Except subject to encumbrances of record. 55¢ IRS.

THE LARIMER COUNTY ABSTRACT CO. 805635 ENTRY No. 15

Etta Lee Hansen, Richard M. Lee, Dixie Lee King to Jay Lee	WARRANTY DEED $10 Dated August 28, 1961 Ack. August 28, 1961 before John E. Lythgoe, N. P. Seal. Clearfield County, Utah (Com. Exp. 3/18/65)(ELH) Ack. _____ before Cora P. Jackson, N. P. Seal. (Com. Exp. at pleasure of Governor)(RML) Ack. _____ before William A. R. Dalton, 1st Lt. USAF Asst. Staff Judge Advocate (DLK) (No Seal required) Recorded September 21, 1961 at 11:40 A. M. in Book 1152, page 74

Conveys: An undivided one-half interest of each of the Grantor's interest in, rights to, and claims to the following described property: The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a decree of the

(Continued on next page)

THE LARIMER COUNTY ABSTRACT CO. 805635-2 Continuation of ENTRY No. 15

Colorado District Court in Case No. 9079, dated April 1, 1931, with assigned for; domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P. M.

THE LARIMER COUNTY ABSTRACT CO. 803985 ENTRY No. 16

Lucille Lee Davis to Jay Lee	WARRANTY DEED $1. Dated August 22, 1961. Ack. August 22, 1961 before Philip White, NP, Seal. Laramie Co., Wyo. (Com. Exp. 6/1/62) Recorded August 24, 1961 at 8:32 A.M. in Book 1148, page 417.

Conveys: An undivided 1/2 of all of grantors' interest in, rights, to and claims to the following described property: The right to impound in Glacier Reservoir No. 1 also known as Lost Lake, 6,000,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a decree of the Colorado District Court in Case No. 9079, dated April 1, 1931, which assigned for domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the

(Cont. next sheet)

THE LARIMER COUNTY ABSTRACT CO. 803985-2 ENTRY No. 16

Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P. M.

THE LARIMER COUNTY ABSTRACT CO. **CERTIFICATE OF EXTENSION**

State of Colorado, County of Larimer } ss.

THE LARIMER COUNTY ABSTRACT COMPANY, a Corporation duly created and existing under the laws of the State of Colorado, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since August 16th, 1961 at 7:00 A. M.

No. 74478

Glacier Reservoir and the Enlargment thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of 6th P.M.

Licensed and bonded under the laws of the State of Colorado. Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder. N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 13 to 16 both inclusive. Except, however, right of way for public roads, railroads, ditches, ~~reservoir filings~~ and mining claims, if any.
Dated at Fort Collins, in said Larimer County, the 22nd day of April A. D. 19 63 at 7:00 A. M.

Attest: John D. Hartman, Secretary — THE LARIMER COUNTY ABSTRACT COMPANY By Edward O. Whitaker, President

17

842157

(See Map in cover of Abstract)

JUN 3 - 1963

JUN 4 3 37 PM 1963

THE LARIMER COUNTY ABSTRACT CO. **CERTIFICATE OF EXTENSION**

State of Colorado, County of Larimer } ss.

THE LARIMER COUNTY ABSTRACT COMPANY, a Corporation duly created and existing under the laws of the State of Colorado, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since April 22, 1963 at 7:00 A. M.

No. 75563

Glacier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.

Licensed and bonded under the laws of the State of Colorado. Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder. N. P. Commissions are regular unless otherwise noted.

Only as shown by entries numbered 17 to 17 both inclusive. Except, however, right of way for public roads, railroads, ditches, ~~reservoir filings~~ and mining claims, if any.
Dated at Fort Collins, in said Larimer County, the 10th day of July A. D. 19 63 at 7:00 A. M.

Attest: John D. Hartman, Secretary — THE LARIMER COUNTY ABSTRACT COMPANY By Edward O. Whitaker, President

THE LARIMER COUNTY ABSTRACT CO. 904242 ENTRY NO. 18

Etta Lee Hansen, Richard M. Lee, Dixie Lee King to Jay Lee	POWER OF ATTORNEY Ack. October 28, 1965 before John E. Lythgoe, NP, Seal. State of Utah (ELH) Ack. September 1, 1961 before Cora P. Jackson, NP, Seal. State of South Carolina (RML) Ack. before William A. R. Dalton 1st Lt Ass't Staff Judge Advocate (No seal Required, Sec. 1, Act 5 May 1950, 64 Stat 143) (DLK) Recorded November 15, 1965 at 11:40 AM in Book 1311, Page 405

KNOW ALL MEN BY THESE PRESENTS: That we, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King of the County of _____ in the _____ of _____ reposing special trust and confidence in Jay Lee of the County of Weld in the State of Colorado have made, constituted and appointed, and by these presents do make,

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 904242-2 Continuation of ENTRY NO. 18

constitute and appoint the said Jay Lee true and lawful attorney for us and in our name, place and stead, for our sole use and benefit to manage, store water in and divert water from, mortgage, sell, lease, rent, and/or convey all of our right, title and interest in Glacier Reservoir No. 1, also known as Lost Lake, located in Rocky Mountain National Park, Larimer County, Colorado, and to change the point of diversion of the inlet ditch or to have decreed to said reservoir additional waters from whatever source available through whatever ditch that may be practical or to change the use of said reservoir and the stored waters therein;

Hereby giving and granting unto our said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as we might or could do if personally present, with full power of substitution and revocation hereby ratifying and confirming all that our said attorney or his substitutes shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this day of _____, A.D. one thousand nine hundred and_____.

THE LARIMER COUNTY ABSTRACT CO. 973922 ENTRY NO. 19

Dixie Lee King

to

Jay Lee

POWER OF ATTORNEY
Dated November 25, 1969
Sworn to December 1, 1969 before Joseph S. Quinn, Major USAF Staff Judge Advocate Power without Seal. Article 936 UCMJ (10USC 936), Sevilla, Spain
Recorded December 8, 1969 at 3:28 P.M. in Book 1423, Page 316

Know All Men By These Presents That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee and Dixie Lee King hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection

(Continued on next sheet)

THE LARIMER COUNTY ABSTRACT CO. 973922-2 Continuation of ENTRY NO. 19

of the purchase price and the distribution thereof. The undersigned further authorize said Jay lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows:

Lucille Lee Davis $594.70

Etta Lee Hansen $484.99

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting, title correction or other matters as may arise out of said sale.

THE LARIMER COUNTY ABSTRACT CO. 902268 ENTRY NO. 20

Lucille Lee Davis,

to

Jay Lee

POWER OF ATTORNEY
Dated August 22, 1961
Ack. August 22, 1961 before Philip White, NP, Seal. Laramie County, Wyoming
Recorded October 15, 1965 at 3:02 P.M. in Book 1308, Page 572

That I, Lucille Lee Davis of the County of Laramie in the State of Wyoming, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Jay Lee my true and lawful attorney for me, and in my name, place, and stead to manage, store water in and divert water from, mortgage, sell, lease, rent, and/or convey all of my right, title and interest in Glacier Reservoir No. 1, also known as Lost Lake, located in Rocky Mountain National Park, Larimer County, Colorado, and to change the point of diversion of the inlet ditch or to have decreed to said reservoir additional waters

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 902268-2 Continuation of ENTRY NO. 20

from whatever source available through whatever ditch that may be practical or to change the use of said reservoir and the stored waters therein;

THE LARIMER COUNTY ABSTRACT CO. 973521 ENTRY NO. 21

Etta Lee Hansen, Richard M. Lee, Jay Lee, Lucille Lee Davis,

to

Jay Lee

POWER OF ATTORNEY
Dated November 25, 1969
Recorded November 26, 1969 at 2:12 P.M. in Book 1422, Page 734

KNOW ALL MEN BY THESE PRESENTS That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee, and Dixie Lee King by her agent, Etta Lee Hansen, hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection of the purchase price and the distribution thereof. The undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection

(Continued next page)

THE LARIMER COUNTY ABSTRACT CO. 973521-2 Continuation of ENTRY NO. 21

with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows: Lucille Lee Davis, $594.70. Etta Lee Hansen, $484.99.

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting title correction or other matters as may arise out of said sale.

Jay Lee as agent agrees that the Deed above referred to shall be deposited with the First National Bank of Greeley in escrow to be delivered to the United States of America upon payment of the agreed purchase price into escrow to be distributed by Jay Lee in accordance with the agreement and the power of attorney.

/s/ Jay Lee.

THE LARIMER COUNTY ABSTRACT CO. **CERTIFICATE OF EXTENSION**

THE LARIMER COUNTY ABSTRACT COMPANY, A duly licensed and bonded abstracter, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since July 10, 1963 at 7:00 A. M.

No. 99832

Gracier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.;

The title is subject to any notices filed by any person who has contracted to perform work or labor or to provide material pursuant to the provisions of 1963 Colorado Revised Statutes 86-3-1, et seq., as amended, which do not describe the subject property, or any part thereof, by legal description.

We certify to any Judgments, Federal or State Tax Liens, indexed to/or against any person, firm or corporation named in this abstract.

Licensed and bonded under the laws of the State of Colorado.

Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.

N. P. Commissions are regular unless otherwise noted.

We do not certify to Financing Statements of record which do not include a description citing a Section, Township and Range Number and/or Lot, Block and Subdivision.

Only as shown by entries numbered 18 to 21 both inclusive.

Except, however, right of way for public roads, ditches, reservoir filings, sworn statements, and mining claims, if any.

Dated at Fort Collins, in said Larimer County, the 26th day of May A.D. 1970 at 7:00 A. M.

THE LARIMER COUNTY ABSTRACT COMPANY

By _____ Authorized Signature

TRANSAMERICA TITLE INSURANCE COMPANY 985751 ENTRY NO. 22

Jay R . Lee

AFFIDAVIT
Ack. July 24, 1970 before Kathryn N. Kreim, NP, Seal. State of Wyoming
Recorded August 31, 1970 at 1:21 P.M. in Book 1440, page 494

STATE OF WYOMING, COUNTY OF LARAMIE:

Jay R. Lee, being duly sworn on aoth deposes and says: That he has been acquainted with Lucille M. Davis for over 30 years last past and that he knows that Lucille M. Davis, Lucille Lee, Lucille M. Lee and Lucille Lee Davis is one in the same person.

TRANSAMERICA TITLE INSURANCE COMPANY 985752 ENTRY NO. 23

Lucille M. Davis, formerly Lucille M. Lee, Petitioner

vs.

Fred S. Lee; Etta Lee; The Federal Land Bank of Wichita, Wichita, Kansas; Federal Farm Mortgage Corporation; Edward P. Lee; Martin G. Field, Duly Appointed, Qualified and Acting Public Trustee in and for Weld County, Colorado; The Hill and Brush Ditch Company, a Corporation,; The Seven Lakes Reservoir Company, a Corporation; The Loveland and Greeley Reservoir Company, a Corporation; and The Greeley and Loveland Irrigation Company, a Corporation, Respondents.

AMENDMENT OF DECREE
Dated February 26, 1947
Certified August 19, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By L. Jane Wood, Deputy, No seal.
Recorded August 31, 1970 at 1:21 P.M. in Book 1440, page 495

AMENDED TO:

Etta B. Lee, Administratrix of the Estate of Fred S. Lee, Deceased; Etta B. Lee, Richard M. Lee and Dixie Ann Lee as the sole and only (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985752-2 Continuation of ENTRY NO. 23

heirs at law of Fred S. Lee, deceased; Frederic W. Clark, Guardian ad Litem for Richard M. Lee and Dixie Ann Lee, Minors; Etta Lee; the Federal Land Bank of Wichita, Wichita, Kansas; Federal Farm Mortgage Corporation; Edward P. Lee; Martin G. Field, Duly Appointed, Qualified and Acting Public Trustee in and for Weld County, Colorado; The Hill and Brush Ditch Company, a Corporation, The Seven Lakes Reservoir Company, a Corporation; The Loveland and Greeley Reservoir Company, a Corporation; and The Greeley and Loveland Irrigation Company, a Corporation, Respondents.

Pursuant to stipulation and agreement of petitioner, Lucille M. Davis, formerly Lucille M. Lee, appearing by Robert M. Gilbert, Esquire, her attorney, and of the respondents, Etta B. Lee Administratrix of the Estate of Fred S. Lee, deceased, Etta B. Lee, Richard M. Lee and Dixie Ann Lee as the sole and only heirs at law of Fred S. Lee, deceased, Etta Lee and Edward P. Lee appearing by Apple and West through Clay R. Apple, Esquire, their attorneys, and Frederic W. Clark, heretofore duly appointed Guardian Ad Litem, for Richard M. Lee and Dixie Ann Lee, minors, and Etta B. Lee, as mother and natural guardian of said minors also appearing, this matter comes on (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985752-3 Continuation of ENTRY NO. 23

for hearing and settling of a decree amending and modifying the decree of this Court entered herein on the 16th day of December, 1946, as of November 29, 1946, and recorded in Book 1198 at page 348 of the Weld County Records, and

It appearing to the Court that all parties hereto have waived their right to appeal from, or to sue out a writ of error to review said decree, and have consented to the entry of said decree as hereby modified, and that in consideration thereof petitioner has waived her right to attorney fees and costs as in said original decree provided, and that both parties have consented and agreed to the sale of the property described in said decree at private sale, without partition or further Order herein,

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED That said original decree heretofore entered herein be and it is hereby amended and modified by striking and deleting therefrom paragraph 5 of the Findings of Fact, paragraph 7 of the Conclusions of Law, and paragraphs 2 and3 of the Judgment and Decree, and that, except as hereby amended, said original decree is hereby confirmed as and it shall be the final decree herein.

By the Court: (illegible) Judge.

TRANSAMERICA TITLE INSURANCE COMPANY 985856 ENTRY NO. 24

In the Matter of the Estate of Fred S. Lee, Deceased.

PETITION (for sale of real estate) Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke, Deputy, Seal.
Recorded September 1, 1970 at 3:40 P.M. in Book 1440, page 647

STATE OF COLORADO, COUNTY OF WELD, IN THE COUNTY COURT NO. 5991:
It is represented that Petitioner was duly appointed Administratrix of said estate on the Eleventh day of December, 1946, by this Court; that the amount and value of the personal property belonging to said estate is $500.00; that the amounts of the legacies, debts and claims against said estate so far as the same are known, are as follows: legacies $none , debts $4000.00 (und. share), claims $1000.00 probable, and that the description of the real estate of said estate petitioner desires to sell mortgage, together with the nature of the title by which the several parcels are held and the value of each parcel and all encumbrances thereon is as follows, to-wit: (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-2 Continuation of ENTRY NO. 24

Description: AN UNDIVIDED INTEREST: (Disputed) PARCEL 1. The Northeast Quarter (NE 1/4) and the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty-three (33), in Township five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, save and except rights of way as set forth and described in Book 287, page 46, and Book 1000, page 595, of the Records of the Clerk and Recorder of Weld County, Colorado. Together with Ten (10) shares of the capital stock of the Hill and Brush Ditch Company, four (4) shares of capital stock of The Seven Lakes Reservoir Company, eight (8) shares of the capital stock of The Greeley and Loveland Irrigation Company, and Contract No. 87 for one (1) water right in The Loveland and Greeley Reservoir Company. Nature of Title: Fee simple in undivided share as tenant in common. Value: Of entire property $20,000 Encumbrances: $6000.

Description: PARCEL 2. Lots Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Crebbins' Subdivision of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, otherwise described as the South Half (S 1/2) of the Southeast Quarter (SE 1/4), the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4), and (next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-3 Continuation of ENTRY NO. 24

the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), Township Five (5) North, Range Sixty-seven (67) West of the Sixth Principal Meridian, subject to reservations and exceptions contained in deed recorded in Book 365, at page 345, of the Records of the Clerk and Recorder of Weld County, Colorado, and save and except rights of way as set forth and described in Book 280, page 78, and Book 190, page 360, of said County Records, and in Book 459, page 281, of said Records, and further excepting therefrom a strip of land conveyed to Weld County, Colorado, as shown by deed recorded in Book 370, at page 241, of said Weld County Records, Together with Twenty-two (22) shares of the capital stock of the Hill and Brush Ditch Company, and all rights described in deeds recorded in Book 140, pages 54 & 55.

PARCEL 3. Glacier Reservoir No. 1 and all water rights appurtenant thereto including water rights decreed theretounder the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir six million (6,000,000) cubic feet of water under reservoir Priority No. 27, as of August 15, 1911. Water District No. 4, Irrigation Division No. 1 Value $4000. Encumbrances None. (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-4 Continuation of ENTRY NO. 24

That all of the reasons why it is deemed necessary or expedient for or to the best interest of the estate or the persons in interest therein that the real property or part thereof should be mortgaged, sold are fully and specifically set forth as follows:

Also, the original Glacier Reservoir Enlarged and Glacier Reservoir No. 2, according to the plat filed in the office of the State Engineer together with all water rights, lateral rights and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs.

That all of the reasons why it is deemed necessary or expedient for or to the best interest of the estate or the persons in interest therein that the real property should be sold are fully and specifically set forth as follows: That parties claiming other undivided interests are requesting sale; that a good price for said lands can probably now be obtained; that a portion of the funds to be derived is needed for the payment of debts.

That the names, residences and post office addresses, so far as known, of all persons in interest, including guardians and conservators of heirs or devisees except creditors, of the wife, husband and such other persons as would inherit in case of the death of said Ward, are as follows, to-wit: (next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985856-5 Continuation of ENTRY NO. 24

Etta B. Lee, Milliken, Colorado, Widow, Adult; Richard M. Lee, Milliken, Colorado, Son, Minor; Dixie Ann Lee, Milliken, Colorado, Daughter, Minor.

Wherefore, The petitioner prays that the Court may enter an order directing said petitioner to sell at private sale the above described real estate according to law, or so much thereof as may be deemed necessary or proper or expedient or to the best interest of the estate or the persons in interest therein, and to make such further order herein as to the Court may seem meet. /s/ Etta B. Lee, Administratrix of the estate of Fred S. Lee, deceased.

Sworn to before T.F. Shaklee, Clerk of the County Court, Weld County, Colorado, on December 24, 1946.

TRANSAMERICA TITLE INSURANCE COMPANY 985854 ENTRY NO. 25

In the Matter of the Estate of Fred S. Lee

DECREE OF HEIRSHIP
Dated February 3, 1947
Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke Deputy, Seal.
Recorded September 1, 1970 at 3:39 P.M. in Book 1440, page 645

STATE OF COLORADO, COUNTY OF WELD, IN THE COUNTY COURT NO. 5991:

Now, on this day, comes Etta B. Lee, Administratrix, by her attorneys, Apple and West and thereupon the petition for the ascertainment and determination of the heirs of the said deceased coming on regularly to be heard pursuant to order of Court. And it appearing to the Court from the records and files herein that due and sufficient notice thereof has been given as provided by law. And the Court being sufficiently advised in the premises doth

FIND, ASCERTAIN AND DETERMINE that said deceased died on or about the 8th day of December, A.D. 1946, and that the sole and only heirs (next page cntd.)

TRANSAMERICA TITLE INSURANCE COMPANY 985854-2 Continuation of ENTRY NO. 25

at law of said deceased, and their interest in said estate, are as follows, to-wit: Name: Etta B. Lee, Relationship: Widow, Fractional Interest: one-half, Name: Richard M. Lee, Relationship: Son, Fractional Interest: one-fourth, Name: Dixie Ann Lee, Relationship: Daughter, Fractional Interest: one-fourth.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, By the Court that the said heirs at law are the sole and only heirs at law of said deceased, and upon the death of the said deceased became seized and possessed of all the right, title and interest which the said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments, personal and other property of which the said deceased died, seized and possessed or entitled to.

Done by the Court this 3rd day of February, A.D. 1947. /s/ Donald A. Carpenter, County Judge. Recorded in Heirship Book 3, page 234.

TRANSAMERICA TITLE INSURANCE COMPANY 985855 ENTRY NO. 26

In the Matter of the Estate of Fred S. Lee

DECREE OF FINAL SETTLEMENT
Dated July 22, 1947
Certified September 1, 1970 by Mary M. Connell, Clerk of the District Court, Weld County, Colorado, By Joan E. Menke, Deputy, Seal.
Recorded September 1, 1970 at 3:39 P.M. in Book 1440, page 646

STATE OF COLORADO, COUNTY OF WELD, IN THE COUNTY COURT NO. 5991:

And now on this day comes Etta B. Lee now Etta B. Hansen, the Administratrix of the Estate of Fred S. Lee, deceased, and presents to the Court a final report of her acts and doings as such, asks that the same be approved and that she be discharged and said estate decreed to be fully administered according to law.

And it appearing to the Court, from the records and files herein, and the Court doth dind that Fred S. Lee departed this life on or about the 8th day of December, AD. 1946, and that on the 11th day of December AD.(cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY 985855-2 Continuation of ENTRY NO. 26

1946, Letters of Administration were issued to Etta B. Lee

And it further appearing to the Court and the Court doth find that a notice to creditors to file claims against said Estate was published, in the manner and as required by law, and that all claims allowed by the Court against said Estate, and all costs of administration including Inheritance Taxes and fees have been paid.

And the Court doth further find that more than six months has elapsed since letters were issued herein and that there has been published, in the manner and as required by law, and in accordance with an order of this Court, a notice that said final report would be presented for approval on Monday the 21st day of July, A.D. 1947, and that the hearing thereon was regularly continued to this date.

And it appearing from said report, and the Court doth find that said Administratrix has received, for and on behalf of said Estate, the sum of $10,576.27; and has expended the sum of $5,361.63, leaving in her hands the sum of $5,214.64 to be distributed to the following named heirs at law and legatees, to-wit:

Etta B. Lee, now Etta B. Hansen, Widow, $2,607.32; Richard (cntd. next page

TRANSAMERICA TITLE INSURANCE COMPANY 985855-3 Continuation of ENTRY NO. 26

M. Lee, Son, $1,303.66; Dixie Ann Lee, Daughter, $1,303.66. The amount payable to the said minors is to be paid to Etta B. Hansen as legal guardian.

And the Court doth further find that said Etta B. Lee now Etta B. Hansen has faithfully administered the estate of said deceased which has come to her hands and fully performed her duties as such and as provided by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said final report and all acts, and doings of said Administratrix in and about the administration of the said Estate be, and the same are hereby in all things fully ratified, confirmed and approved by the Court, and the said Etta B. Lee now Etta B. Hansen further ordered to distribute the money in her hands, to the above named parties respectively, or to their legal representative, in the amounts as above set forth, and having so distributed the same and having filed proper receipts therefor in this Court, that she be discharged and her bondsmen released from further liability in the premises

And it appearing to the Court that the said Etta B. Lee now Etta B. Hansen has made said distribution and filed receipts therefor, It is

ORDERED that the said Etta B. Lee now Etta B. Hansen be and she is discharged as such Administratrix that her bondsmen be and (cntd. next page)

TRANSAMERICA TITLE INSURANCE COMPANY CERTIFICATE OF EXTENSION

TRANSAMERICA TITLE INSURANCE COMPANY, A duly licensed and bonded abstracter, operating under certificate of authority granted by the State of Colorado, and whose bond is in force at the date of this certificate, hereby certifies the foregoing entries to be a full and complete Abstract of Conveyances or other instruments whatsoever filed for record in the office of the Clerk and Recorder of Larimer County which in any way affects the title to the property hereinafter described, since May 26, 1970 at 7:00 A. M.

No. 400937

(100572)

The title is subject to any notices filed by any person who has contracted to perform work or labor or to provide material pursuant to the provisions of 1963 Colorado Revised Statutes 86-3-1, et seq., as amended, which do not describe the subject property, or any part thereof, by legal description.

We certify to any Judgments, Federal or State Tax Liens, indexed to/or against any person, firm or corporation named in this abstract.

Licensed and bonded under the laws of the State of Colorado.

Taxes are certified to, only after date of sale, after which they become a record in office of County Clerk and Recorder.

N. P. Commissions are regular unless otherwise noted.

Gracier Reservoir and the Enlargement thereof (Glacier Reservoir Enlarged) in Sections 5 and 8, Township 6 North, Range 73 West of the 6th P.M.;

We do not certify to Financing Statements of record which do not include a description citing a Section, Township and Range Number and/or Lot, Block and Subdivision.

Only as shown by entries numbered 22 to 26 both inclusive.

Except, however, right of way for public roads, ditches, reservoir filings, sworn statements, and mining claims, if any.

Dated at Fort Collins, in said Larimer County, the 1st day of September, A. D. 1970 at 3:40 P. M.

TRANSAMERICA TITLE INSURANCE COMPANY

By Edward M. Mathews
Authorized Signature

1720-CW

TRANSAMERICA TITLE INSURANCE COMPANY 985855-4 Continuation of ENTRY NO. 26

they are hereby released from further liability in the premises.

Done in open Court this 22nd day of July, A.D. 1947. /s/ Donald A. Carpenter, Judge.

11-26-1969: power of attorney - sign over of lost lake/glacier reservoir to the usa

1422 PAGE 734

Recorded at 2:12 o'clock P.M.
Reception No. 973521 James P. Thompson

D C

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee, and Dixie Lee King by her agent, Etta Lee Hansen, hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection of the purchase price and the distribution thereof. The undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows:

Lucille Lee Davis $594.70

Etta Lee Hansen $484.99

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting, title correction or other matters as may arise out of said sale.

Dated this 25th day of November, 1969.

Etta Lee Hansen
Etta Lee Hansen

Jay Lee
Jay Lee

Richard M. Lee
Richard M. Lee

Lucille Lee Davis
Lucille Lee Davis

Etta Lee Hansen as Agent for
Dixie Lee King

Jay Lee as agent agrees that the Deed above referred to shall be deposited with the First National Bank of Greeley in escrow to be delivered to the United States of America upon payment of the agreed purchase price into escrow to be distributed by Jay Lee in accordance with the agreement and the power of attorney.

Jay Lee
Jay Lee

12-01-1969: special warranty deed - right to impound lost lake reservoir

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Jay Lee, Lucille Lee Davis, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King, Grantors, for the consideration of Thirty-four Thousand, Four Hundred Thirty-five Dollars ($34,435.00) paid, hereby sell and convey to the United States of America, the following real estate and property:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T 6 N., R. 73 W. of the 6th P.M.,

together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

Signed and delivered this 1st day of DEUEMBER 1969.

Dixie Lee King
Dixie Lee King

SEVILLA, SPAIN

The foregoing instrument was acknowledged before me this 1st day of December 1969 by Dixie Lee King.

WITNESS my hand and official seal.

~~My commission expires:~~

POWER WITHOUT SEAL
ARTICLE 136, UCMJ
(10 USC 936)

Notary Public

JOSEPH S. QUINN
STAFF JUDGE ADVOCATE

BOOK 1440 PAGE 876 Recorded SEP 3 1970 at 11:11 o'clock A.M.
Reception No. 986017 James P. Thompson

STATE DOCUMENTARY FILE
SEP 3 1970
Exempt

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Jay Lee, Lucille Lee Davis, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King, Grantors, for the consideration of Thirty-four Thousand, Four Hundred Thirty-five Dollars ($34,435.00) paid, hereby sell and convey to the United States of America, the following real estate and property:

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T 6 N., R. 73 W. of the 6th P.M.,

together with all its appurtenances, and warrant the title to the same against all persons claiming under them.

Signed and delivered this 25th day of November, 1969.

Etta Lee Hansen
Etta Lee Hansen

Jay Lee
Jay Lee

Richard M. Lee
Richard M. Lee

Lucille Lee Davis
Lucille Lee Davis

Jay Lee Etta Lee Hansen, as Agent for
Dixie Lee King

Jay Lee, agent.

STATE OF COLORADO)
COUNTY OF WELD) -SS

The foregoing instrument was acknowledged before me this 26th day of November, 1969 by Jay Lee and Etta Lee Hansen.
WITNESS my hand and official seal.
My commission expires: Nov. 24, 1973.

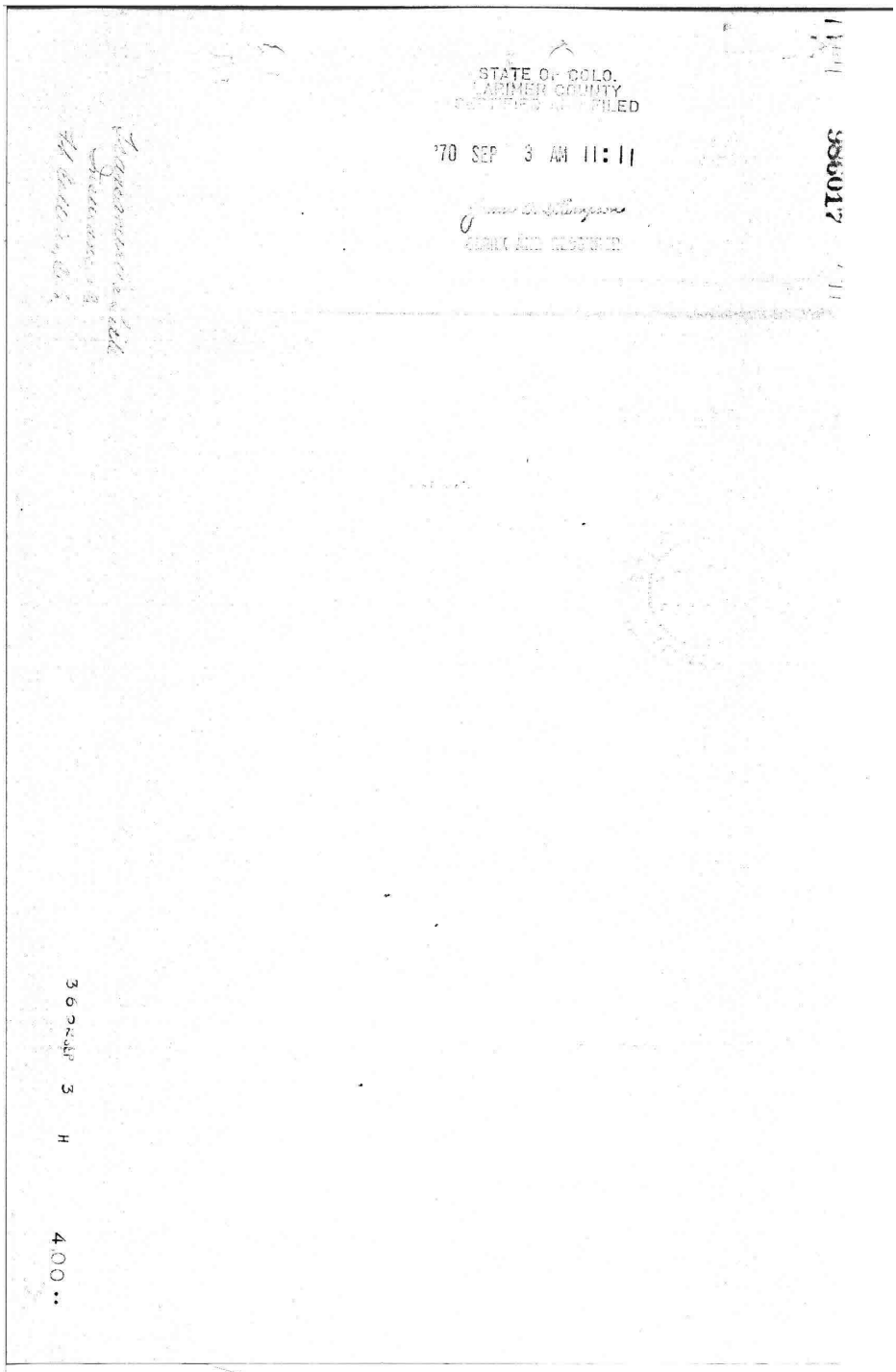
Iris Hughes
Notary Public

STATE OF COLORADO)
COUNTY OF ~~EL PASO~~ Weld) SS

The foregoing instrument was acknowledged before me this 26th day of November, 1969 by Richard M. Lee.
WITNESS my hand and official seal.
My commission expires: Nov. 24, 1973.

Iris Hughes
Notary Public

09-03-1970: back cover page - larimer county certified and filed



STATE OF WYOMING)
COUNTY OF ~~ALBANY~~ LARAMIE) SS

The foregoing instrument was acknowledged before me this 25 day of November, 1969 by Lucille Lee Davis.

WITNESS my hand and official seal.

My commission expires: Jan 8, 1970

Notary Public

STATE OF COLORADO)
COUNTY OF WELD) SS

The foregoing instrument was acknowledged before me this day of November, 1969 by ~~Etta~~ Jay Lee Hansen as Agent for Dixie Lee King.

WITNESS my hand and official seal.

My commission expires: My Commission expires March 20, 1971

Notary Public

IN THE DISTRICT COURT IN AND FOR THE
COUNTY OF LARIMER AND STATE OF COLORADO
DIVISION I
NO. 14834

WALTER McC. MAITLAND and RUTH V. MAITLAND,

Plaintiffs,

vs.

LEWIS V. McWHORTER, ET. AL.,

Defendants.

FINDINGS

This matter was tried to the Court on April 13, 14, 15, 21 and 22, 1966 and the Court having heard all the evidence and the arguments of counsel and being fully advised in the matter doth find:

That this action was brought as a quiet title action by the plaintiffs against numerous named defendants and all unknown persons who claim any interest in the subject matter of the action. That the named defendants Lewis V. McWhorter, Dorothy McWhorter, Jay Lee, Otis L. Whiteside, Opal Whiteside, Jess W. Mathews, and Harold Eastwood appeared and defended upon the grounds that the following roads and trails, some portion or portions of which cross some of the lands described by plaintiffs in their amended Complaint and are in Township 6 North, Range 72 West of the 6th P.M. in Larimer County, Colorado, to-wit; the Dunraven Glade road or way, the Miller Fork road or way, the Black Creek road or way, the Signal Mountain road or way, and the Storm Mountain road or way, are all public roads or ways, that plaintiffs failed to state a claim upon which relief can be granted, that plaintiffs' rights, if any, are barred by the statutes of limitations and by laches, that the said roads and ways are public roads by virtue of the provisions of 43 USC

And the branch thereof which leads thereon to the Southwest Quarter of the Southwest Quarter of section 10-6-72 W of 6th P.M. being the land of L V McW

932; CRS 1963, 120-1-1 (3) and the applicable decisions of the Supreme Court of Colorado, and that the named defendants had acquired easements over and across the said roads and ways by adverse user or by prescription for a period of more than eighteen (18) years.

The Court finds that there is ample evidence to establish that the Dunraven Glade road or way was in existence and use as a wagon road as early as 1901 and that at that time it was a well-defined way. The testimony of Ralph Foster was to the effect that he traversed that road or way for the first time in early September, 1901, going to the deserted village. He further testified that the Simmons sawmill was ~~quite~~ then in operation and that he saw people hauling lumber from the said mill down the Dunraven Glade road or way a number of times from 1901 to 1907. The same witness was in charge of a county crew in 1938 or 1939 which crew was cleaning up dead wood in Dunraven Glade and Miller Fork and he testified that there were fairly good roads in both at that time.

The witness Frank Blow testified that on a number of occasions commencing in 1903 and continuing until 1920 he made wagon trips over both the Dunraven Glade road or way and the Miller Fork road or way. These trips were for the purpose of hauling lumber from the sawmills on those roads and also for freighting from Loveland to Estes Park, for which purpose he traversed a portion of the Dunraven Glade road or way. He testified that the Dunraven Glade road passed the Goodwin house at a distance of about thirty (30) feet. He testified that he saw members of the public using both of those roads on the various occasions when he traversed them, and that there were no obstructions to use on either of said roads.

The witness Edgar Hyatt testified that he first saw the Miller Creek road in 1917 when he went to obtain timber on Danner Hill. He first saw the Dunraven Glade road in 1919 or 1920 when he made a pack trip to Lost Lake. He has been on both roads a number of times since those dates. In 1944 to 1947 he worked for the United States

Forest Service doing maintenance work on the Dunraven Glade road. On most occasions when he used said roads or was working as aforesaid, he saw other persons using those roads. He has personally used all of the roads and ways involved in the action on numerous occasions since the early 1940's. He has never asked permission of anyone to use any of said roads or ways. He testified that there was a telephone line in existence along the Miller Fork road or way some years ago.

Jay Lee testified that he first went up the Dunraven Glade road to Lost Lake in 1911 and that he made many trips over the same road to Lost Lake continuously until 1931. He had traversed it every month of the year in one year or another. Lee was then out of the State until about 1961 and since that time he has again continued to use the road, at all times without asking permission. Lee has at some time or another used all of the roads and ways above referred to.

Otis L. Whiteside has used all of the roads and ways, without obtaining permission from anyone, for a period of more than twenty (20) years. Such use consisted of guiding hunting parties and other horseback-mounted groups over said roads and ways, and driving upon the Dunraven Glade road and portions of the Miller Fork and Black Creek roads in a pickup truck.

Dr. Henry S. Reid testified, in his deposition which is in evidence, that he was familiar with the Dunraven Glade road since 1914 to the present time. He testified that in 1914 that way was well marked. From about 1916 to 1920 he drove a four cylinder Oldsmobile frequently as far as the Deserted Village on that way. On those occasions there were seven or eight cottages and a main building at Deserted Village and he entertained guests there. At various times he saw persons using this road to go to Lost Lake where they camped. He stated that there was an old sawmill above Deserted Village and while it was still operating when he first knew

it it was just concluding its operations at that time, and he further testified that the operator of the mill transported the lumber from the mill via the Dunraven Glade road. He also stated that he never asked permission of anyone to use this road. Dr. Reid further testified that there was an old cottage at Lost Lake. He thought it belonged to the Lees.

Other witnesses, including A. A. Boothroyd, Gladys M. Castleton, Lewis V. McWhorter, Carl Hyatt, and Harold Alps testified to using, and observing the use of, the said roads and ways at various times from 1907 to the present. All of them testified that permission was not requested for such use.

The Court finds that the deed of September 3, 1914 from Frank C. Goodwin to Rosa B. Quinby and Alice E. Fuller, which is exhibit 42, conveys that portion of plaintiffs' lands which are outlined by a heavy black line on exhibit 2, and that said deed excepts, "rights of way for roads now in use." That the deeds which are exhibits 40 (dated October 29, 1927) and 41 (dated October 8, 1928) and which convey all of plaintiffs' lands in which the above-named defendants claim some right or interest, each contain the same exception. That the said roads and ways were each in use on the dates of said three (3) deeds and prior thereto as is shown by ample testimony.

The Court finds that under the provisions of 43 USC 932; CRS 1963, 120-1-1 (3) and the applicable decisions of the Supreme Court of Colorado, the said named roads and ways are public roads and ways. Therefore the Court further finds that it is not necessary to determine the other issues between plaintiffs and these defendants as raised by the other defenses of these defendants.

The Court finds that the location of said roads and ways as shown upon defendants' exhibits 4, 8, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 26, 28, 32, and 36, together with the testimony of the defendants' witnesses, particularly Otis L. Whiteside and Jay Lee concerning the same, is sufficient to establish the location of said roads and ways.

Done in open Court this____day of_____, 1966.

BY THE COURT:

_____
Judge

APPENDIX A

Dunraven Glade Traverse

A public way 15 feet on either side of the following described center line:

	Starting Point. Bridge across North Fork Thompson River on South Bank East ¼ corner Section 26 bears South 89° 20' East 1836.5 feet	
1 - 2	North 37° 19' East 154.8 feet	(All in Lot 16 Crozier Mt. Subdivision No. 2)
2 - 3	North 30° 08' West 135.8 feet	
3 - 4	North 53° 09' West 90.2 feet	
4 - 5	North 2° 33' East 185.4 feet	
5 - 6	North 28° 39' East 239.0 feet	
6 - 7	North 28° 39' East 81.4 feet	
7 - 8	North 34° 46' West 348.4 feet	
8 - 9	North 61° 15' West 349.4 feet	
9 - 10	North 37° 00' West 207.4 feet	
10 - 11	North 55° 22½' West 510.1 feet	(North ¼ Corner Section 26 Bears North 10° 50' East 835.9 feet)
11 - 12	North 45° 27' West 248.0 feet	
12 - 13	North 74° 26' West 377.1 feet	
13 - 14	North 37° 07' West 200.3 feet	
14 - 15	North 67° 14' West 587.0 feet	(North West Corner Section 26 Bears North 85° 22' West 127.5 feet)
15 - 16	North 60° 36' West 586.4 feet 4251.3	(South West Corner Section 23 Bears South 79° 10' West 826.7 feet)
16 - 17	North 64° 00' West 549.8 feet	(South West Corner Section 23 Bears South 38° 38' West 507.2 feet)
17 - 18	North 49° 42' West 1022.6 feet	
18 - 19	North 47° 33' West 754.3 feet	
19 - 20	North 59° 02½' West 168.5 feet	
20 - 21	North 50° 11' West 475.5 feet	(Line Passes - Gate 235.5 feet from Point 20)
21 - 22	North 68° 05½' West 301.8 feet	
22 - 23	North 46° 12' West 556.8 feet	
23 - 24	North 60° 43' West 2304.6 feet	
24 - 25	North 64° 33' West 1576.0 feet	
25 - 26	North 77° 13' West 427.5 feet	
26 - 27	North 65° 03' West 725.2 feet	
27 - 28	North 61° 10' West 335.6 feet 9198.7	(Bearing tree 18" Pine South 13° 50' West 61.0 feet. Bearing tree 18" Pine South 56° 27' West 71.0 feet from Point 28)
28 - 29	North 65° 00' West 165.2 feet	(Gate in Fence 63' from Point 28)
29 - 30	North 39° 03' West 240.5 feet	
30 - 31	North 15° 48' West 332.1 feet	

31 - 32	North 81° 34' West 228.5 feet	(Set Stone in Place Bears North 55° 12' West 93.0 feet From Point 32)
32 - 33	North 74° 37' West 268.1 feet	
33 - 34	North 63° 55' West 1234.0 feet	(Stadia Distances)
34 - 35	North 64° 42' West 188.0 feet	
35 - 36	North 39° 53' West 203.0 feet	
36 - 37	North 77° 30' West 174.0 feet	
37 - 38	North 44° 44' West 175.0 feet	
38 - 39	North 28° 00' West 259.0 feet	(18" Pine Marked with Forest Service Sign)

2,501.01
3.38 Mi.

Black Creek Traverse

A public way 15 feet on either side of the following described center line:

	Starting Point. Gate on Fence Side-North West ¼ North West ¼ 6 North, Range 72 West 6 P.M.	East and West-South Section 25 Township
0 - 1	North 7° 16' West 155.0 feet	
1 - 2	North 55° 47' West 79.6 feet	
2 - 3	North 0° 04' West 100.2 feet	
3 - 4	North 68° 47' West 220.0 feet	
4 - 5	North 15° 53' West 371.6 feet	
5 - 6	North 41° 35' West 165.2 feet	
6 - 7	North 62° 19' West 200.4 feet	
7 - 8	North 82° 44' West 330.5 feet	(North East Corner Section 26 Bears North 2° 16' East 269.2 feet)
8 - 9	North 65° 03' West 298.6 feet	(North East Corner Section 26 Bears North 62° 56' East 344.0 feet)
9 - 10	North 43° 11' West 279.0 feet	
10 - 11	North 80° 39' West 95.8 feet	
11 - 12	North 23° 42' West 241.2 feet	(Miller Creek Trail Forks Left)

Black Creek Traverse-Continued

A public way 5 feet on either side of the following described center line:

12 - 13	North 15° 00' East 475.3 feet	
13 - 14	North 14° 15' West 273.9 feet	
14 - 15	North 16° 45' West 237.6 feet	
15 - 16	North 36° 07' West 203.3 feet	
16 - 17	North 69° 17' West 62.0 feet	
17 - 18	North 13° 07' West 185.0 feet	
18 - 19	North 27° 59' East 178.3 feet	
19 - 20	North 2° 17' West 189.0 feet	
20 - 21	North 25° 24' East 144.3 feet	
21 - 22	North 27° 51' East 275.6 feet	
22 - 23	North 33° 16' West 188.6 feet	

23 - 24 North 50° 52' West 66.8 feet
24 - 25 North 11° 38' West 142.8 feet (Storm Mountain Trail Right Bears South 58° 34' East)
25 - 26 North 33° 17' West 174.6 feet
26 - 27 North 42° 19' West 124.4 feet
27 - 28 North 16° 20' East 163.2 feet
28 - 29 North 58° 25' East 84.0 feet
29 - 30 North 79° 21' East 257.0 feet
30 - 31 North 11° 32' East 178.0 feet
31 - 32 North 53° 08' West 217.1 feet
32 - 33 North 2° 31' West 207.7 feet
33 - 34 North 32° 38' East 99.0 feet
34 - 35 North 51° 18' East 246.2 feet
35 - 36 North 53° 44' East 94.9 feet
36 - 37 North 2° 15' East 104.8 feet
37 - 38 North 38° 21' West 74.8 feet
38 - 39 North 8° 01' East 117.0 feet
39 - 40 North 59° 03' West 193.1 feet
40 - 41 North 70° 43' West 116.4 feet
41 - 42 North 0° 27' East 172.1 feet
42 - 43 North 17° 07' West 166.2 feet
43 - 44 North 8° 25' West 287.2 feet
44 - 45 North 25° 04'East 99.6 feet
45 - 46 North 1° 14' East 104.0 feet
46 - 47 North 56° 37' East 90.7 feet (End of Traverse Center of Gate Cross Fence)

Miller Creek Traverse

A public way 5 feet on either side of the following described center line: (Commencing at point 12 of Black Creek Traverse)

12 - 1 North 25° 46' West 273.3 feet (Leave Black Creek at 12)
1 - 2 North 61° 02' West 246.0 feet
2 - 3 North 36° 02' West 408.0 feet
3 - 4 North 66° 02' West 394.0 feet
4 - 5 North 59° 02' West 466.0 feet
5 - 6 North 50° 12' West 156.0 feet
6 - 7 North 60° 15' West 242.0 feet
7 - 8 North 19° 21' West 392.0 feet
8 - 9 North 38° 40' West 384.0 feet
9 - 10 North 59° 37' West 336.0 feet
10 - 11 North 63° 26' West 94.0 feet
11 - 12 North 16° 42' West 418.0 feet
12 - 13 North 77° 40' West 328.0 feet
13 - 14 North 60° 57' West 206.0 feet
14 - 15 North 78° 41' West 153.0 feet
15 - 16 North 45° 00' West 212.0 feet
16 - 17 North 55° 13' West 438.0 feet
17 - 18 North 61° 56' West 170.0 feet
18 - 19 North 57° 59' West 283.0 feet
19 - 20 North 64° 59' West 166.0 feet
20 - 21 North 45° 00' West 142.0 feet
21 - 22 North 36° 20' West 422.0 feet

22 - 23 North 47° 29' West 163.0 feet
23 - 24 North 14° 56' West 155.0 feet
24 - 25 North 34° 17' West 266.0 feet
25 - 26 North 60° 15' West 161.0 feet
26 - 27 North 7° 21' East 313.0 feet
27 - 28 North 30° 28' West 197.0 feet
28 - 29 North 10° 18' West 224.0 feet
29 - 30 North 38° 40' West 128.0 feet
30 - 31 North 67° 23' West 130.0 feet
31 - 32 North 78° 41' West 306.0 feet
32 - 33 North 56° 53' West 275.0 feet
33 - 34 North 34° 47' West 438.0 feet
34 - 35 North 47° 44' West 297.0 feet
35 - 36 North 36° 02' West 272.0 feet
36 - 37 North 64° 59' West 331.0 feet
37 - 38 North 62° 25' West 609.0 feet
38 - 39 North 26° 34' West 224.0 feet
39 - 40 North 54° 28' West 344.0 feet
40 - 41 North 26° 34' East 268.0 feet
41 - 42 North 39° 48' East 312.0 feet
42 - 43 North 42° 16' West 297.0 feet
43 - 44 North 27° 54' West 385.0 feet
44 - 45 North 73° 30' West 282.0 feet
45 - 46 North 8° 08' East 141.0 feet (Trail Forks Left)
46 - 47 North 560.0 feet
47 - 48 North 13° 23' East 432.0 feet
48 - 49 North 55° 22' East 668.0 feet
49 - 50 North 24° 14' East 439.0 feet (End of Traverse)
50 - 51 West 180.0 feet
51 - 52 North 82° 24' West 151.0 feet
52 - 53 North 31° 16' West 328.0 feet

Trail Left From Point 46 of Miller Creek Traverse

46 - 1 North 70° 49' West 244.0 feet
1 - 2 South 50° 12' West 156.0 feet
2 - 3 South 45° 00' West 142.0 feet
3 - 4 North 47° 14' West 545.0 feet
4 - 5 North 45° 00' West 469.0 feet
5 - 6 North 1° 33' East 370.0 feet
6 - 7 North 54° 10' West 222.0 feet
7 - 8 North 75° 58' West 247.0 feet
8 - 9 North 27° 50' West 351.0 feet Indian Trail Left
9 - 10 North 26° 34' East 189.0 feet
10 - 11 North 46° 54' West 425.0 feet
11 - 12 North 11° 19' West 204.0 feet
12 - 13 North 21° 48' West 323.0 feet
13 - 14 North 29° 45' West 403.0 feet
14 - 15 North 21° 48' West 215.0 feet
15 - 16 North 35° 24' West 466.0 feet
16 - 17 North 32° 44' West 333.0 feet
17 - 18 North 400.0 feet
18 - 19 North 47° 17' West 177.0 feet
19 - 20 North 42° 11' West 432.0 feet End of Calculated Traverse in Forest Land

torm Mountain Traverse commencing at point 25 of Black Creek
raverse

A public way 5 feet on either side of the following described
enter line:

25 - 1	South 58° 34' East 150.0 feet	
1 - 2	North 87° 29' East 161.0 feet	
2 - 3	North 73° 18' East 313.0 feet	
3 - 4	North 59° 02' East 233.0 feet	
4 - 5	North 56° 49' East 311.0 feet	End of Traverse Calculated in Forest Land

Signal Mountain or Bulwark Ridge Traverse commencing at point 28 of Dunraven Glade Traverse

A public way 5 feet on either side of the following described center line:

28 - 1	North 36° 33' East 404.0 feet	
1 - 2	North 36° 15' East 372.0 feet	
2 - 3	North 38° 40' East 128.0 feet	
3 - 4	South 68° 12' East 215.0 feet	
4 - 5	East 220.0 feet	
5 - 6	North 50° 12' East 78.0 feet	
6 - 7	North 80.0 feet	
7 - 8	North 37° 34' West 328.0 feet	
8 - 9	North 15° 25' West 301.0 feet	
9 - 10	North 20° 14' West 203.0 feet	
10 - 11	North 12° 00' West 133.0 feet	
11 - 12	North 26° 34' West 224.0 feet	
12 - 13	North 6° 31' East 352.0 feet	
13 - 14	North 23° 30 ' West 251.0 feet	
14 - 15	North 15° 15' West 228.0 feet	
15 - 16	North 11° 19' West 51.0 feet	
16 - 17	North 43° 32' West 276.0 feet	
17 - 18	North 63° 26' West 134.0 feet	
18 - 19	North 83° 32' West 584.0 feet	
19 - 20	North 69° 52' West 320.0 feet	
20 - 21	North 72° 25' West 1060.0 feet	End of Calculated Traverse in Forest Lands

05-19-1964: statement of authenticity

(CERTIFIED COPY)

'ATE OF COLORADO, } ss.
COUNTY OF LARIMER }

I, James P. Thompson County Clerk and Recorder and for said County and State, do hereby certify that the within and foregoing is a full, true and rrect copy of Just Claims - A.N. Lucas, C.E. Lacy, M.L. Tilburn to M.R. Lee

). 143543 as it appears of record in my office

Book 285 at page 329

Witness my hand and official seal at Ft. Collins, Colo., this 19th day of May 1964

sued to Jay Lee

James P. Thompson
County Clerk and Recorder, Larimer County, Colorado

). 14488 Fee 35¢ By Inez D. Dirison Deputy

UT WEST—3 BKS—T-4927

August 1, 1961.

N. R. Lee (original applicant) had four sons:- Jay Lee, Leonard Lee, Fred Lee and Edward Lee.

No. 3. Heirs of Fred Lee -- 1/3 interest in Glacier Reservoir No. 1.

(wife) Etta Hanson, Box 23, Clearfield, Utah ½ of Freds Estate

(son) Ricahard M. Lee, 934A Quince, Myrtle Beach A F B ¼ of Fred's Estate
South Carolina

(daughter) Mrs. Dixie King (wife of John King) ¼ of Fred's Estate
A/1c, A.F. 17379012
Tuslog, Det. 30. (now in Turkey)
Box 402 A P O 254, N Y New York

No.2. Heirs of Leonard Lee -- 1/3 interest plus 1/3 purchased from Edward.
Lucille Davis, Buford, Wyoming. (Wife)

No. 1. Jay Lee, now living at 2436 - 16th Ave., Greeley, Colorado.(No interest 8/1/61)

No. 4. Edward Lee (address unknown) gave a Warranty Deed conveying his alleged 1/3 interest in Glacier Reservoir No. 1, to Lucille Davis (wife of Leonard Lee). On record in Larimer County.
Has disposed of his interests in Estate lands and water rights.

****

BOOK 1077 PAGE 234

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, her heirs and assigns forever. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, her heirs and assigns, that at the time of the ensealing and delivery of these presents he 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 have 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: Subject to encumbrances now appearing of record in the office of the County Clerk and Recorder of Weld County, Colorado, and subject to any unpaid taxes and tax assessments, subject also to reservations and exceptions appearing in chain of title to said property,

and the above premises, in the quiet and peaceable possession of the said party of the second part, her 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 his hand and seal the day and year first above written.

Witness:

George W Bird — Leonard D. Lee (SEAL)

THE STATE OF WYOMING)
(SS.
COUNTY OF SWEETWATER)

On this 9th day of April, A.D. 1941, before me personally appeared Leonard D. Lee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed, including the release and waiver of the right of homestead.

NOTARY PUBLIC SWEETWATER COUNTY WYOMING

George W Bird
Notary Public

My commission expires March 10th, 1943.

[illegible] instrument is filed for record in my office on the [illegible]

BOOK 723 PAGE 91

BOOK 1073 PAGE 59

-4-

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

On this 12th day of December in the year 1940, before me, Lenard L. White a Notary Public, personally appeared Leonard D. Lee and Lucille Lee, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY PUBLIC WELD COUNTY, COLORADO
My Commission Expires Oct. 15, 1942

Lenard L. White
Notary Public

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

On this 12th day of December in the year 1940, before me, Lenard L. White a Notary Public, personally appeared Fred S. Lee and Etta Lee, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY PUBLIC WELD COUNTY, COLORADO
My Commission Expires Oct. 15, 1942

Lenard L. White
Notary Public

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

On this 12th day of December in the year 1940, before me, Lenard L. White a Notary Public, personally appeared Edward F. Lee and Dorothy Lee, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY PUBLIC WELD COUNTY, COLORADO
My Commission Expires Oct. 15, 1942

Lenard L. White
Notary Public

BOOK 723 PAGE 90

BOOK 1173 PAGE 58

located in Big Horn County, State of Montana, belonging to the said Nutter R. Lee at the time of his death, subject to all the indebtedness against the said property in this paragraph described or referred to and subject to any indebtedness of the Estate of Nutter R. Lee in Big Horn County, Montana. It is the intention of the parties of the second part to transfer and assign all of their right, title and interest in and to any and all personal property to Jay R. Lee of which the said Nutter R. Lee died seized and possessed located in Big Horn County, State of Montana. Included in said transfer herein is the right of inheritance of the said parties of the second part in and to any portion of the Estate of said Nutter R. Lee located in Big Horn County, State of Montana.

No obligation of warranty of title to any of the property above mentioned is covered by this transfer.

IN WITNESS WHEREOF the parties hereto have hereunto subscribed their names the day and year first above written.

Jay R. Lee — Imogene Carrel Lee

Parties of the First Part

Leonard D. Lee — Lucille Lee

Fred S. Lee — Etta Lee

Edward P. Lee — Dorothy Lee

Parties of the Second Part

STATE OF MONTANA, }
County of Big Horn. } ss.

The foregoing instrument was acknowledged before me this 17th day of July, 1940, by Jay R. Lee and Imogene Carrel Lee, his wife.

My commission expires June 6, 1942

WITNESS my hand and official seal.

R. P. ROSS NOTARIAL SEAL STATE OF MONTANA

Notary Public

BOOK 723 PAGE 89

-2- BOOK 1973 PAGE 57

Also hereby included in the transfer of property are as follows:

32 shares of the capital stock of The Hill and Brush Ditch Company

Contract No. 87 covering one water right in The Loveland and Greeley Reservoir Company

8 shares of the capital stock of The Greeley and Loveland Irrigation Company

4 shares of the capital stock of The Seven Lakes Reservoir Company

Water rights decreed thereto under the decree of the District Court of Boulder County, Colorado, entered April 1, 1931, decreeing to said reservoir 6,000,000 cubic feet of water under reservoir priority No. 27, as of August 15, 1911 in Water District No. 4, Irrigation Division No. 1; also the original Glacier Reservoir enlarged and Glacier Reservoir No. 2 according to a plat filed in the office of the State Engineer familiar with all water rights, lateral rights, and carriage rights in any way appertaining to or held in connection with the hereinabove described reservoirs,

and all other land, water, water rights, reservoir and reservoir rights not herein specifically described, located in the Counties of Weld and Larimer and State of Colorado, belonging to the said Hutter R. Lee at the time of his death, including the rents, issues and profits arising therefrom.

The said parties of the second part do hereby sell, transfer and assign to the said Jay R. Lee, one of the parties of the first part above named, all of their right, title and interest in and to the following described property, to wit:

NE¼ of the SE¼ of Section 19, Township 3 South, Range 33 East of the M.P.M.

NW¼ of the SW¼ of Section 20, Township 3 South, Range 33 East of the M.P.M.

NE¼ of the SW¼ of Section 20, Township 3 South, Range 33 East of the M.P.M.

SE¼ of the SW¼ of Section 17, Township 3 South, Range 33 East of the M.P.M.

SW¼ of the NE¼ of Section 20, Township 3 South, Range 33 East of the M.P.M.

all located in Big Horn County, State of Montana, together with all water, water rights, reservoir and reservoir rights which were owned by the said Hutter R. Lee and used in connection with or belonging to the aforesaid described property in this paragraph mentioned and all other land not specifically described herein, together with water and water rights

BOOK 723 PAGE 88

Recorded JAN 20 1941 at 10 24 o'clock A.M.
BOOK 1073 PAGE 58 Reception No. 522681 Stanley A. Curtis, Recorder

Recorded JAN 10 1941 at 2 15 O'clock P.M.
Reception 522273 WALTER F. McMINIMEE, Recorder

THIS CONTRACT AND DEED OF CONVEYANCE made and entered into this 22nd day of November, 1938, by and between JAY R. LEE and IMOGENE CARREL LEE, his wife, both of the County of Big Horn, State of Montana, parties of the first part and LEONARD D. LEE and LUCILLE LEE, his wife, FRED S. LEE and ETTA LEE, his wife, and EDWARD P. LEE and DOROTHY LEE, his wife, all of the County of Weld and State of Colorado, parties of the second part,

WITNESSETH, That heretofore and on the 18th day of August, 1938, the said Nutter R. Lee departed this life in Weld County, Colorado, leaving him surviving as his sole and only heirs at law, the following named persons, to wit: Jay R. Lee of Big Horn County, Montana, Leonard D. Lee, Fred S. Lee and Edward P. Lee all of Weld County, Colorado, and,

WHEREAS, at the time of his death the said Nutter R. Lee died seized and possessed of certain real estate, reservoir and reservoir rights, ditch and ditch rights, lateral and lateral rights and personal property located in the Counties of Weld and Larimer in the State of Colorado and in Big Horn County in the State of Montana.

In consideration of the mutual covenants and agreements herein contained, the parties of the first part do hereby sell, assign, transfer and convey unto the said Leonard D. Lee, Fred S. Lee and Edward P. Lee, share and share alike, all of their right, title, interest and estate in and to all of the property, both real and personal, of which the said Nutter R. Lee died seized and possessed and located in the Counties of Weld and Larimer in the State of Colorado, and do hereby transfer and assign all of their right of inheritance to the said described property located in the said Counties of Weld and Larimer, subject to all of the indebtedness of the said Nutter R. Lee existing against the above described property and against the estate of Nutter R. Lee, Deceased, now in the process of administration in the County of Weld, State of Colorado.

The items of real estate and water rights included in the transfer of property in Weld and Larimer Counties by the party of the first part to the said Leonard D. Lee, Fred S. Lee and Edward P. Lee are described as follows:

Lots 2, 3, 4, 5, 6, 7 and 8 of Crebbin's Subdivision of the SE¼ of Section 29, Township 5 North, Range 67 West of the 6th P.M., otherwise described as the S½ of the SE¼, the S½ of the N½ of the SE¼ and the N½ of the NE¼ of the SE¼ of said Section 29, Township 5 North, Range 67 West of the 6th P.M., subject to exceptions and reservations contained in chain of title to said property.

The NE¼ and the NE¼ of the NW¼ of Section 33 in Township 5 North, Range 67 West of the 6th P.M., subject to reservations and exceptions contained in chain of title to said property.

08-22-1961: warranty deed #303985

WARRANTY DEED—FORM NO. 8 Record AUG 24 1961 at 2 o'clock P.M. BOOK 1140 PAGE 411

Reception 303985 C. Marion Bradford, Rec.

FEE PAID UNDER PROTEST FEE EXCUSED

WARRANTY DEED

Lucille Lee Davis

grantor, of Laramie County, and State of Wyoming, for and in consideration of One dollar and other good and valuable consideration DOLLARS in hand paid, receipt whereof is hereby acknowledged, CONVEY AND WARRANT TO Jay Lee

grantee, of Weld County and State of Colorado

the following described real estate, situate in Larimer County and State of ~~Wyoming~~ Colorado, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit: an undivided one-half of all of grantor's interest in, rights to, and claims to the following described property: The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6,000,000 cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a decree of the Colorado District Court in Case No. 9079, dated April 1, 1931, which assigned for domestic and irrigation purposes, Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, together with any interest grantor may have, if any there be, in an application made by a map of location, approved on September 26, 1913, by First Assistant Secretary of the Interior, A. A. Jones, as a Special Use Permit for the impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake, located in Section 8, Township 6 North, Range 73 West of the 6th P. M.

WITNESS my hand this 22nd day of August, 19 61.

x Lucille Lee Davis

THE STATE OF WYOMING, County of Laramie } ss.

On this 22nd day of August, 1961, before me personnally appeared Lucille Lee Davis

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she excuted the same as her free act and deed.

Philip White

My commission expires on the 1st day of June, A. D., 1962.

02-13-1940: decree of heirship no. 6582

Law of 1927. DECREE OF HEIRSHIP.—The [illegible]e-Republican Publishing Co., Greeley, Colo.

FILED IN COUNTY COURT
Weld County, Colorado

STATE OF COLORADO, } ss.
COUNTY OF WELD. }

IN THE COUNTY COURT FEB 13 1940
No. 6582
R. I. Shelden, Clerk

IN THE MATTER OF THE ESTATE OF
Nutter R. Lee
DECEASED.

DECREE OF HEIRSHIP

Now, on this day, comes Robert Snedden as Administrator de bonis non of the Estate of Nutter R. Lee, Deceased

and thereupon the petition for the ascertainment and determination of the heirs of the said deceased coming on regularly to be heard pursuant to order of Court. And it appearing to the Court from the records and files herein that due and sufficient notice thereof has been given as provided by law. And the Court being sufficiently advised in the premises, doth

Find, Ascertain and Determine that said deceased died on or about the 18th day of August, A. D. 193 7, and that the sole and only heirs at law of said deceased, and their interests in said estate, are as follows, to-wit:

NAME	RELATIONSHIP	FRACTIONAL INTEREST
Jay R. Lee	Son	1/4
Leonard D. Lee	Son	1/4
Fred S. Lee	Son	1/4
Edward P. Lee	Son	1/4

It Is Therefore Ordered, Adjudged and Decreed, By the Court that the said heirs at law are the sole and only heirs at law of said deceased, and upon the death of said deceased became seized and possessed of all the right, title and interest which the said deceased enjoyed during his lifetime in and to any and all lands, tenements, hereditaments, personal and other property of which the said deceased died seized and possessed or entitled to.

Done by the Court this 13th day of February, A. D. 1940.

[signature]
COUNTY JUDGE.

STATE OF COLORADO, } ss.
COUNTY OF WELD. }

I, Clerk of the County Court within and for the _____ County aforesaid, do hereby certify the above and foregoing to be a true copy of the Decree of Heirship duly made and entered in said estate.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this _____ day of _____, A. D. 193__.

CLERK OF THE COUNTY COURT.

By _____, DEPUTY.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington August 24, 1925.

In reply please refer to

Denver 016423 "F" JKR

Glacier Reservoirs Nos. 1 and 2 : Advice.

The Director,

National Park Service.

My dear Mr. Mather:

Reference is had to your communication of June 18, 1925, wherein you transmitted report of the superintendent of the Rocky Mountain National Park, wherein report is made on Glacier Reservoir No. 1, (Lost Lake), and Glacier Reservoir No. 2 (Husted Lake), showing that reservoir No. 1 has been constructed and that reservoir No. 2 has not been constructed and with the recommendation that the last named reservoir easement be canceled.

The easements were granted to N. R. Lee on September 26, 1913, pursuant to the acts of March 3, 1891 (26 Stat., 1095), and May 11, 1898 (30 Stat., 404), affecting lands in Secs. 5 and 8, T. 6 N., R. 73 W., 6th P.M.

The records of this office show that proof of construction as to reservoir No. 1 has been accepted and that relinquishment of reservoir No. 2 has been accepted and the case closed as to said reservoir No. 2.

Very respectfully,

(S) Thos.Havill
Acting Commissioner.

8-21 hhc

10-18-1915: letter to acting supervisor from assistant to the secretary regarding special use permit issued on october 31, 1911

COPY

DEPARTMENT OF THE INTERIOR

WASHINGTON

Oct 18 1915

Mr. Chas. R. Trowbridge,
Acting Supervisor,
Rocky Mountain Natl Park,
Estes Park, Colorado.

Dear Capt. Trowbridge:

In compliance with the recommendation contained in your letter of October 12th, the special use permit issued by the Forest Service on October 31, 1911, to Mr. N. R. Lee, of Johnstown, Colorado, for use of ¼ acre of land within the park on which to maintain a cabin to be used in connection with the looking after of irrigation reservoir, is hereby extended to December 31, 1915. No charge is made for this privilege.

Cordially yours,

/s/ Stephen T. Mather

Assistant to the Secretary.

Other Supporting Information

United States Department of the Interior
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

May 8, 1991

IN REPLY REFER TO:
L54(479)
General

Ms. Lynn A. Johnson
Attorney, General Litigation Section
Land and Natural Resources Division
U. S. Department of Justice
1961 Stout Street
Denver, CO 80294

Re: Water Division No. 1 - Case Nos. W-8439-76 (W-8977-77, W-9052-7777, W-9064-77 and W-9065-77) (Your Faxed letter of May 8, 1991)

Dear Lynn:

I have reviewed the draft stipulation (copy enclosed) and have discussed same with Park and Regional staff. We have no objections to what is proposed. We suggest, however, that a footnote be added, as you suggested. This footnote should read as follows, or indicate to the effect that:

> While the United States intends to keep this site in as close to a natural condition as possible, it is still ~~its~~ the intention of the United States to retain the water right. No determination has been made as to the eventual disposition of the right. This notwithstanding, the proposed stipulation is acceptable to the National Park Service.

If we may be of further assistance please call me at (303) 493-1441.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosure

cc: RMR - Rouse, Chaney
ROMO - Superintendent, Axtell, Czarnowski

NATIONAL PARK SERVICE 75 1916 - 1991

05-07-1991: telefax cover sheet to water rights division from justice department

SENT BY:ACUMENICS DOJ GREE

U.S. Department of Justice

Land and Natural Resources Division

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS/364-3627

TELEFAX COVER SHEET

Date: 5/7/91

From: Name: LYNN A. JOHNSON - JUSTICE - DENVER FIELD OFFICE

To: Name: OWEN WILLIAMS

Organization: WATER RIGHTS - NPS

Phone: (303) 493-1441

Telefax No.: 303 221-8315

No of pages, including cover sheet: 6

U.S. Departme[illegible] f Justice

Land and Natural Resources Division

WMC:LAJohnson
90-1-2-892

Denver Field Office
Federal Bldg., 1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Commercial Number
(303) 844-3627
FTS 564-3627

May 8, 1991

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

VIA TELEFAX

Re: Water Division No. 1 - Case Nos.W-8439-76 (W-8977-77, W-9052-77, W-9064-77 and W-9065-77)

Dear Owen:

Pursuant to our conversation on May 8, 1991, enclosed is a draft of the Stipulation we are preparing to enter into with the objectors in the Forest Service reserved rights case. Page 16 is also enclosed, which is part of Exhibit A of the Stipulation. Please let me know by May 10, 1991, if possible, if you have any changes or additions to the language concerning Glacier Reservoir No. 1. As you are aware, the letter from Mr. Thompson concerning the Reservoir, which is also enclosed, was admitted as an exhibit in the trial.

Thank you.

Sincerely,

ENVIRONMENT AND NATURAL RESOURCES DIVISION

Lynn A. Johnson
Attorney
General Litigation Section

Enclosures

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

Case Nos. W-8439-76 (W-8877-77, W-8052-77, W-8064-77 and W-8065-77)

STIPULATION AMONG THE UNITED STATES, NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND THE STATE OF COLORADO REGARDING POTENTIALLY AFFECTED WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED WATER RIGHTS IN THE SOUTH PLATTE RIVER IN BOULDER, GILPIN, LARIMER, CLEAR CREEK, DOUGLAS, EL PASO, JEFFERSON AND PARK COUNTIES (ARAPAHO, ROOSEVELT, PIKE AND SAN ISABEL NATIONAL FORESTS)

Applicant United States of America and Objectors Northern Colorado Water Conservancy District and State of Colorado have jointly reviewed the lists of water rights in Exhibits V-290A to V-290M that Mr. Jon Altenhofen testified were upstream from and junior to the United States' claimed quantification points, and information concerning the status of these water rights obtained by Mr. George Nagy, an employee of the Forest Service, and others. Based on this information, the parties stipulate and agree to certain modifications of Exhibits V-290A to V-290M, and other related matters, as follows:

A. The water rights listed on attached Exhibit A should be deleted from Exhibits V-290A to V-290M for the reasons stated therein and based on the agreements of the parties stated therein.

B. Attached Exhibit B correctly reflects the current status of the water rights listed therein. The parties do not agree on whether the water rights listed on Exhibit B should be deleted from Exhibits V-290A to V-290M.

C. Exhibits V-290A to V-290M should be modified in accordance with attached Exhibit C, to reflect the agreements embodied in Exhibit A, and the effects of deleting the disputed water rights listed in Exhibit B.

D. Attached Exhibit D lists all quantification points that do not have water rights listed on Exhibits V-290A to V-290M, as modified in this stipulation, above them.

05/06/1994 11:07 DAVIS GRAHAM & STUBBS DUR 303 893 1379 P.02
NOV 3V1 XEROX TELECOPIER 7011 ; 5- 6-94 11:06AM ; 303 893 1379-

E. Attached Exhibit E lists all quantification points that do have water rights listed on Exhibits V-290A to V-290H, as modified in this stipulation, above them.

F. Attached Exhibit F lists all quantification points that have only water rights listed on Exhibit E above them. As explained in paragraph E above, the parties do not agree on whether the water rights listed on Exhibit E should be deleted from Exhibits V-290A to V-290K.

G. The parties jointly ~~request~~ that the Court take judicial notice of ~~the current~~ State Engineer's Office tabulation of ~~water~~ rights for Water Division No. 1 current through Dec. 12, 1990.

The United States by entering into this stipulation does not waive its previous objections to Exhibits V-290A to V-290K and Mr. Altenhofen's related testimony based on relevancy and other grounds.

Dated: _____, 1991.

MICHAEL J. NORTON
United States Attorney

By_____
Andrew F. Walch
Lynn A. Johnson, #18394
Department of Justice
Environment & Natural
Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294
Telephone: (303) 844-3627

Attorneys for
United States Government

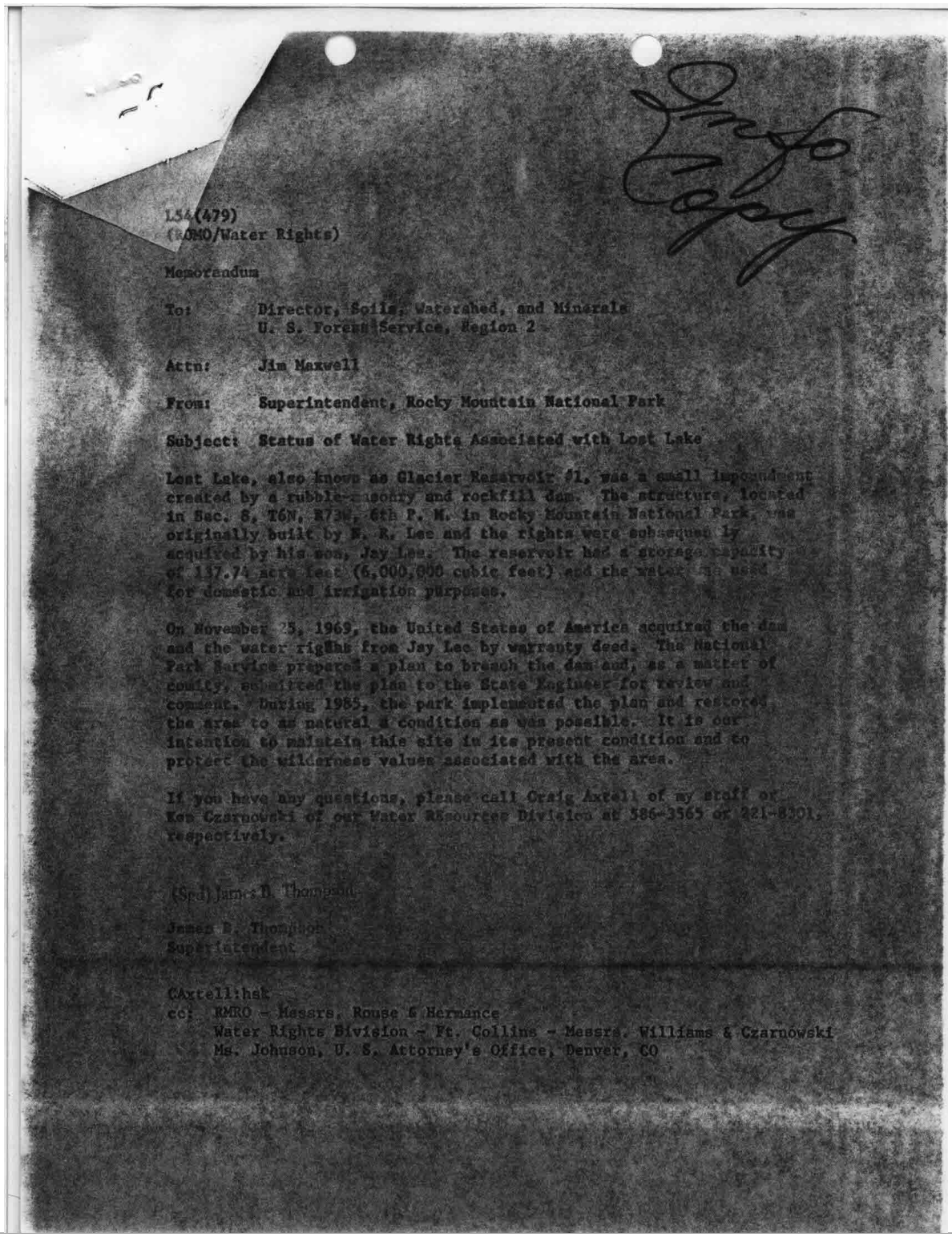
U.S. OWNERSHIP

This water right is deleted from Altenhofen's summary of potentially impacted rights because it is owned by the United States and as such will not be potentially impacted by any Decree for instream flows which may be granted to the United States.

Name	Absolute		Conditional	Exhibit
Water District 4				
Glacier Reservoir #1	137.74	AF	--	A-1468 A-1469

	Number	Absolute		Number	Conditional
Subtotal	--	--		--	--
	1	137.74	AF	--	--

00-00-0000: memorandum to director, soils, watershed, and minerals us forest service, region 2 from superintendent regarding st



Info Copy

L54(479)
(RMO/Water Rights)

Memorandum

To: Director, Soils, Watershed, and Minerals
U. S. Forest Service, Region 2

Attn: Jim Maxwell

From: Superintendent, Rocky Mountain National Park

Subject: Status of Water Rights Associated with Lost Lake

Lost Lake, also known as Glacier Reservoir #1, was a small impoundment created by a rubble-masonry and rockfill dam. The structure, located in Sec. 8, T6N, R73W, 6th P. M. in Rocky Mountain National Park, was originally built by E. R. Lee and the rights were subsequent ly acquired by his son, Jay Lee. The reservoir had a storage capacity of 137.74 acre feet (6,000,000 cubic feet) and the water was used for domestic and irrigation purposes.

On November 25, 1969, the United States of America acquired the dam and the water rights from Jay Lee by warranty deed. The National Park Service prepared a plan to breach the dam and, as a matter of courtesy, submitted the plan to the State Engineer for review and comment. During 1985, the park implemented the plan and restored the area to as natural a condition as was possible. It is our intention to maintain this site in its present condition and to protect the wilderness values associated with the area.

If you have any questions, please call Craig Axtell of my staff or Ken Czarnowski of our Water Resources Division at 586-3565 or 221-8301, respectively.

(Sgd) James D. Thompson

James D. Thompson
Superintendent

CAxtell:hsk
cc: RMRO - Messrs. Rouse & Hermance
Water Rights Division - Ft. Collins - Messrs. Williams & Czarnowski
Ms. Johnson, U. S. Attorney's Office, Denver, CO

10-31-1990: memorandum to director, soils watershed and minerals u.s. forest service, region 2 from superintendent regarding st

:19 -AMDFTC NO.005 001

October 31, 1990

Helen,
PS. type of
Thanks!
CC

L54(479)
ROMO\Water Rights

Memorandum

To: Director, Soils, Watershed and Minerals
U.S. Forest Service, Region 2

Attention: Jim Maxwell

From: Superintendent, Rocky Mountain National Park

Subject: Status of Water Rights Associated with Lost Lake

Lost Lake, also known as Glacier Reservoir #1, was a small impoundment created by a ~~concrete~~ rubble-masonry and rockfill dam. The structure, located in Sec. 8, T6N, R73W, 6th P.M. in Rocky Mountain National Park, was originally built by N.R. Lee and the rights were subsequently acquired by his son, Jay Lee. The reservoir had a storage capacity of 137.74 acre-feet (6,000,000 cubic feet) and the water was used for domestic and irrigation purposes.

On November 25, 1969, the United States of America acquired the dam and the water rights from Jay Lee by warranty deed. The National Park Service prepared a plan to breach the dam and, as a matter of comity, submitted the plan to the State Engineer for review and comment. During the summer of 1984 the Park implemented the plan and restored the area to as natural a condition as was possible. It is our intention to maintain this site in its present condition and to protect the wilderness values associated with the area.

If you have any questions, please call Craig Axtell of my staff or Ken Czarnowski of our Water Resources Division at 586-3565 or 221-8301, respectively.

cc: RMR - Rouse, Hermance
WRD - Williams, Czarnowski
DOJ - Johnson

02-18-1986: domestic return receipt for article number p522954988

Maint

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:
Assistant Commissioner
USDI BOR, Engineer & Research Center
Denver Federal Center Bldg. 67
PO Box 25007
Denver, CO 80225-0007

4. Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number
P 522 954 988

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X SPINOZA

6. Signature – Agent
X

7. Date of Delivery
FEB 18 1986

8. Addressee's Address *(ONLY if requested and fee paid)*
DENVER FEDERAL CENTER
80225

DOMESTIC RETURN RECEIPT

~~Cotten~~
Brown
Thompson

D46

February 13, 1986

RETURN RECEIPT REQUESTED # P 522 954 988

Memorandum

To: Assistant Commissioner, Engineering & Research, Bureau of Reclamation

From: Superintendent, Rocky Mountain National Park

Subject: Removal of Lost Lake Dam, Rocky Mountain National Park, Colorado

Reference is made to the Travel Report and the accompanying letter dated January 24, 1986. This is to officially notify you that Glacier Number 1 Dam (Lost Lake) was completely removed during August 1985. A copy of the Project Report, RemovalLost Lake Dam - Rocky Mountain National Park dated September 16, 1985 by Joseph R. Arnold is attached.

If you have any further questions about the removal, please contact Ronald Cotten, Chief, Division of Maintenance at 303-586-2371, Extension 231.

(SGD) JAMES B. THOMPSON

James B. Thompson
Superintendent

Enclosure

cc: Maintenance

RECotten:mmd:2/12/86

PROJECT REPORT

REMOVE LOST LAKE DAM

ROCKY MOUNTAIN NATIONAL PARK

September 16, 1985

Joseph R. Arnold
Civil Engineering Technician

NARRATIVE STATEMENT

REMOVE LOST LAKE DAM

WORK ORDER NO.: 1521-0005-105

DESCRIPTION OF WORK: Breech and remove 97 ft. x 20 ft. x 10 ft. concrete and rock rubble dam at Lost Lake on the North Fork of the Big Thompson River, elevation 10,714 feet. Headworks were removed and rock debris scattered to restore site to original grade.

PLANS: Plans for the job were prepared by Orville Thomas and George Havens, Maintenance Division.

STATUS OF DRAWINGS: On file in Rocky Mountain National Park, Engineering and Maintenance Office.

PROJECT ACTIVITIES:

An inspection trip was made to the dam in late April 1985 to determine the extent of snow cover and to assess the best means for breeching the dam.

On May 6, 1985 a crew of 3 and approximately one ton of gear was flown to the lake to begin breeching operations. Because of extensive snow cover the crew was flown out on May 10 and a 4 man crew was flown in on May 13. The crew was able to put a 20 foot long by 15 foot wide by 6 foot high breech at the center of the dam by breaking apart the mortar and by prying loose the boulders and subsequently skidding the rocks across the snow to a deposition area by using a donkey winch. By May 17 the snow had melted to the point where skidding was no longer possible and the crew and gear was flow out. Approximately 350 man hours and $12,500 were spent in the initial breeching operation.

Although the dam was breeched, some 75 feet of the original structure remained. Since it was desired to remove the entire dam for aesthetic reasons, an inspection flight was made on August 2, 1985 to determine a new method for removing the remaining portion of the dam. Several options, including a portable crane and skidding by mule team were considered; however, because of expense and rough terrain neither option was considered feasible. As a result Roads & Trails Foreman Orville Thomas devised a skid constructed of a 2 piece 60 foot I-beam and a rock bolt with track skids which could be pulled by donkey winch to skid boulders from the dam site.

On August 12 a six man crew, one ton of gear and two 800 pound beam pieces were flown into the lake. The crew worked 5 ten-hour days for 3 weeks, walking to and from the dam site at the beginning and end of the work week. By August 30 the entire dam had been removed and scattered over a 100 foot by 120 foot area. The crew, the beams and all gear were flown out on August 30, 1985. The original steel headworks were also removed and flown out. The second dam removal operation cost approximately $15,200 and took 900 man hours to complete.

CONCLUSION:

This project proved the ability of park crews to remove a 97 foot by 20 foot by 10 foot rock rubble and concrete dam for a minimum expense despite high altitude, remote site and frequent bad weather.

COST SUMMARY

INITIAL BREECHING, MAY 1985

Labor & Travel Expense	$ 5,201.31
Helicopter Rental	7,330.80
Sub-Total	$12,532.11

FINAL DAM REMOVAL, AUGUST 1985

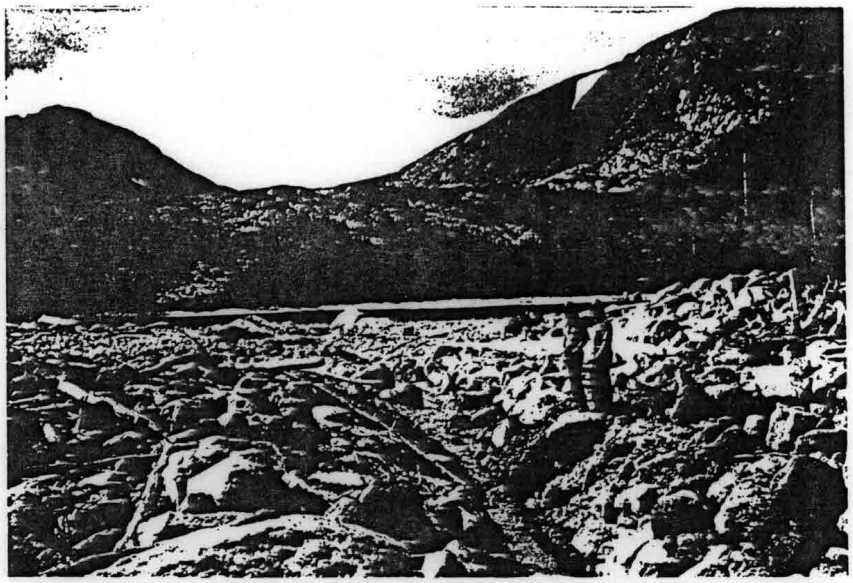
Labor & Travel Expense	$10,108.15*
Helicopter Rental	6,193.60
Sub-Total	$16,211.75

TOTAL COSTS

May, breeching	$12,532.11
August, removal	16,211.75*
Misc. expenses and inspection flights	3,200.89
Grand Total	$31,944.75
NET CHARGED TO 1521-0005-105	$25,379.10

*Includes $6,565.65 basic salary covered by Trails Account.

PHOTOGRAPHS

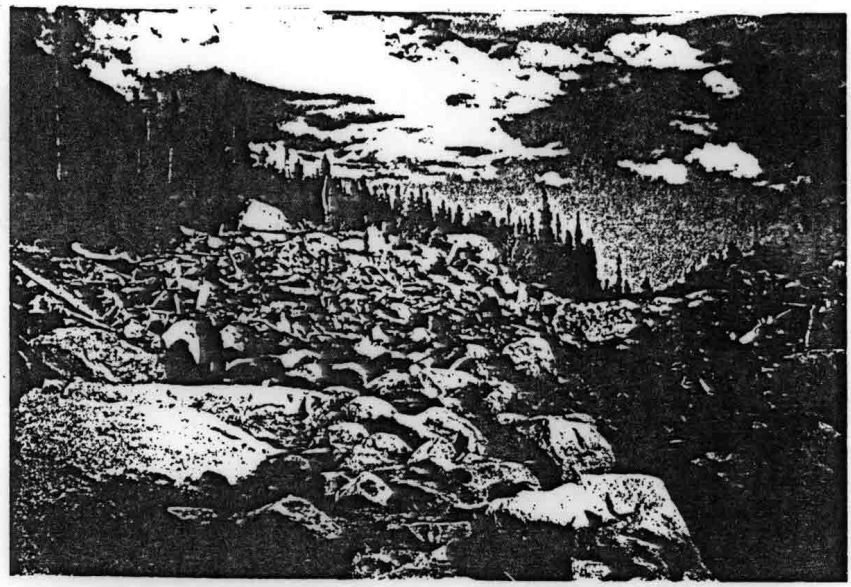


1. FORMER SITE OF LOST LAKE DAM LOOKING WEST



2. FORMER SITE OF LOST LAKE DAM LOOKING EAST. DRAINAGE CHANNEL IN FOREGROUND

PHOTOGRAPHS



3. FORMER SITE OF LOST LAKE DAM. EMPLOYEE SITS AT SITE OF FORMER HEADWORKS.



4. AERIAL VIEW OF BOULDER FIELD AT FORMER SITE OF LOST LAKE DAM.

ENVIRONMENTAL ASSESSMENT
FOR THE
BREACHING AND SITE RESTORATION OF
GLACIER RESERVOIR NO. 1 DAM (LOST LAKE)

April 1985

United States Department of the Interior
National Park Service
Rocky Mountain National Park

Superintendent
Rocky Mountain National Park

April 10, 1985
Date

ENVIRONMENTAL ASSESSMENT
BREACHING AND RESTORATION OF GLACIER RESERVOIR NO. 1 DAM

I. PURPOSE AND NEED

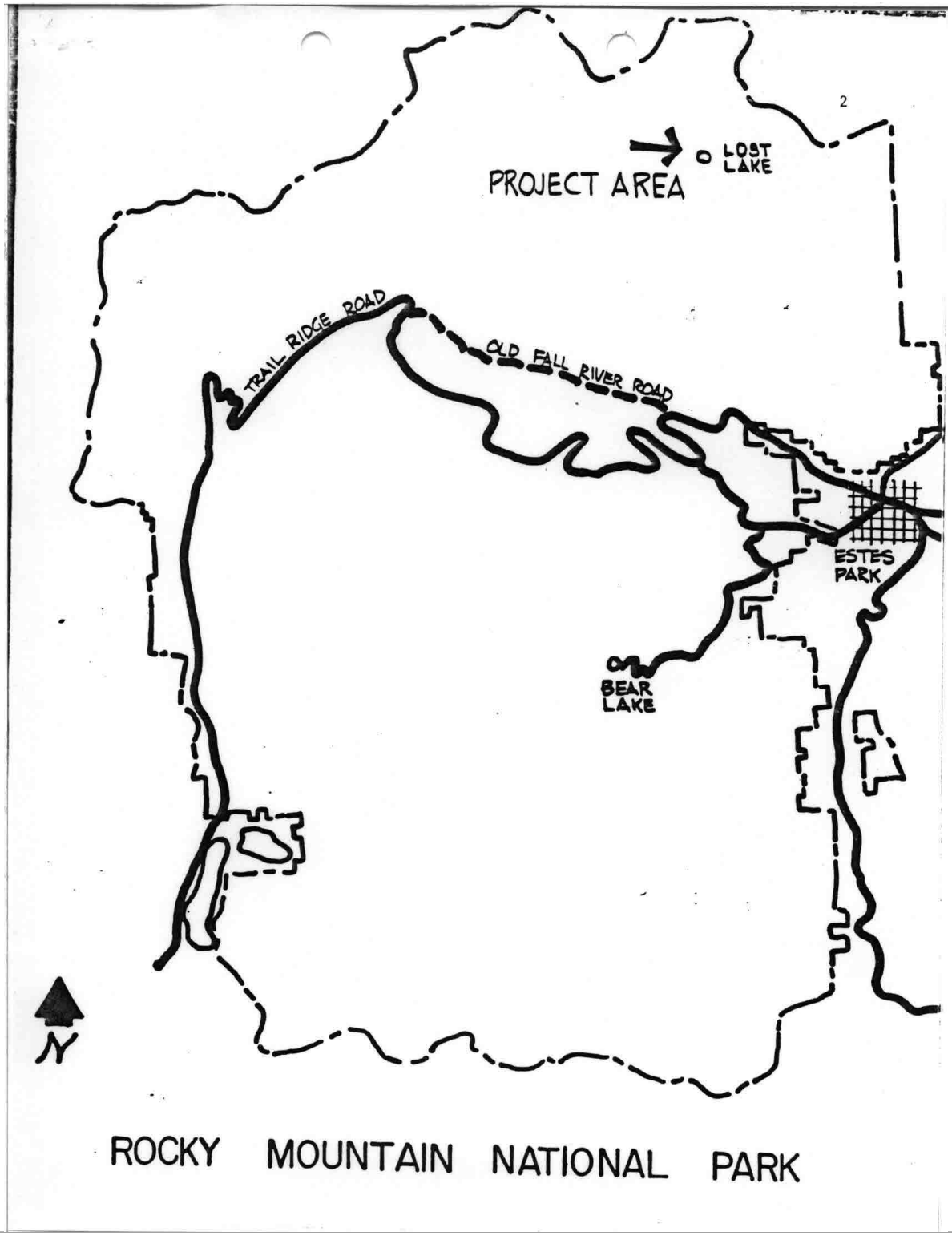
The park master plan, completed in 1976, calls for the acquisition and removal of a number of water reservoirs in the park. Previous policy also directed efforts toward that end, and on November 25, 1969 the water rights to Glacier Reservoir Number 1 (Lost Lake) were acquired by the United States by a Warranty Deed.

The failure of Lawn Lake Dam on July 15, 1982 prompted an inspection of dams throughout Rocky Mountain National Park. As a result, Glacier Reservoir Number 1 dam was assigned a significant hazard rating by the U.S. Bureau of Reclamation, Division of Dam and Structural Safety, that same year. This assessment addresses a proposal to breach and remove this dam, and to restore the site and exposed lakeshore to natural conditions.

Records indicate that construction of the dam that impounds Lost Lake commenced on August 15, 1911. It was completed October 9, 1911. It was not until September 26, 1913, however, that the Department of the Interior approved an application for the impoundment of water for domestic and irrigation purposes. The reservoir is located in Section 8, T5N, R73W in Larimer County, Colorado (see location map, page 2). The right to store six million cubic feet (137.74 acre-feet) of water was granted in accordance with a Decree of the District Court dated April 1, 1931. This Decree, Case No. 9079, in Water District No. 4, assigned a reservoir priority No. 27 as of August 15, 1911, for domestic and irrigation purposes. The Decree authorized a 16-foot impoundment.

The water right was used only intermittently from the mid-1930s to 1961. In 1961, the owner began selling all or some of the water in the Greeley and Loveland, Colorado area for irrigation purposes. In 1969, the owner approached the National Park Service with an offer to sell the impoundment and water rights of Glacier Reservoir Number 1. They were purchased that same year by the U.S. Government for $34,435.

Glacier Reservoir Number 1 dam is a rubble-masonry and rockfill structure. It lies on bouldery glacial till and raises the waters of a natural, glacier-formed lake. The hydraulic height of the structure is 10.8 feet. The crest length of the dam is 97 feet and varies from 3 to 5 feet in width. The upstream face of the dam is nearly vertical, whereas the downstream face of the rockfill is steeply sloped (approximately 1/2:1) with boulders 1 to 3 feet in diameter. No valve stem is visible above water upstream from the dam, and an outlet pipe is not visible below the dam. A boulder field about 150 feet upstream and to the left of the dam serves as the spillway. (Diagramatic maps with dam measurements are contained in Appendix 1.) With the water level to the top of the dam, it is estimated that Lost Lake contains approximately 99 acre-feet of water (Rosenlund, 1984).


2
PROJECT AREA
LOST LAKE
TRAIL RIDGE ROAD
OLD FALL RIVER ROAD
ESTES PARK
BEAR LAKE
N
ROCKY MOUNTAIN NATIONAL PARK

There is a substantial flow discharging downstream from the rockfill. Concentrated seepage occurs around the right abutment, probably from fractures in the rock masonry wall. The masonry of the dam is excessively cracked and crumbled. The downstream rockfill appears to have settled slightly, resulting in longitudinal cracking of the masonry wall.

The valley downstream from the dam is narrow and steep, dropping about 350 feet per mile. Water discharged through Glacier No. 1 Dam enters the North Fork of the Big Thompson River about ½ mile downstream from Lost Lake. A ranger station is located along the North Fork of the Big Thompson River about 3½ miles downstream from the dam; Cheley Camp (Boy's Trail's End), a summer camp, is located approximately 6½ miles downstream; and the community of Glen Haven is located about 12 miles downstream. One campsite is located near Lost Lake above the dam, and three in the park are located downstream along the North Fork drainage.

II. ALTERNATIVES

The alternatives include No Action, Breaching, and Removal and Site Restoration.

A. No Action. The Glacier Reservoir No. 1 Dam has a significant hazard rating (U.S. BOR, 1982). Current management consists of periodic monitoring of the dam by park personnel. The unused structure would continue to deteriorate, and visual checks would be made to note obvious changes in the dam's structural integrity. To prevent additional water impoundment and possible subsequent failure, floating logs and other debris that pile up behind the dam are removed. No other maintenance or repair of the structure would take place. Due to its remote location, to conduct periodic inspections of the dam and to remove debris is difficult and increases the hazard potential.

B. Breaching. This action would breach the dam, resulting in elimination of the potential safety hazard of the dam failing under the maximum probable flood . The breaching would be done by the National Park Service. The Colorado State Engineer's guidelines for breaching dams would be followed, including the development of a plan for abandonment (Appendix 2). The breaching would be accomplished at low water, thus eliminating any abnormal flooding caused by the breaching operation. Breaching would remove rock and masonry by hand, tools, and blasting down to the original ground surface to permit a free-flowing stream to be reestablished. Helicopters would be used to carry in supplies, equipment, and personnel in late April. Approximately 3-5 trips would be expected.

The breach would be a minimum of 5-8 feet in width and located in line with the presumed outlet works. It would be excavated to an elevation at or immediately below any outlet works. Breaching would be limited to the manmade portion of the dam. Due to the low estimated flow of the natural stream and the small drainage area, no stabilizing of the active stream channel would be required. Rocks from the breaching operation would be spread on adjacent ground north and south of the dam in a natural pattern. All masonry would either be buried under the exposed shoreline if conditions permit, or removed from the area to an acceptable landfill site.

C. Removal and Site Restoration (NPS PREFERRED ALTERNATIVE). This alternative action includes Alternative B and, in addition, would remove all of the manmade portion of the dam above the natural landscape. The reservoir is a natural lake whose level was artificially raised by construction of the dam. All rock and masonry would be removed by hand, horses/mules, or winching. The rocks would be placed in the area of the dam site in a natural pattern of glacial erratics--in effect returned to the sites from which they were drawn. All masonry would be buried or removed and placed in an acceptable landfill. The use of helicopters, except as discussed in Alternative B, is not anticipated. Due to the low estimated flow and small drainage involved, no

stabilizing of the active stream channel would be required. The entire restoration area would be shaped to simulate the original glacial land form; the present shoreline is strewn with glacial debris, ranging from silt to massive boulders. Available soil would be spread along the exposed shoreline to encourage revegetation, and soil stabilization and planting of native plants would take place to reduce the visual impact of the "bathtub ring."

III. ENVIRONMENTAL IMPACTS

This assessment considers the effects of the proposals on:

A. Water resources. Glacier Reservoir Number 1 is situated in a high mountain cirque at an approximate elevation of 10,714 feet. Vegetation types in the vicinity consist of an Engelmann spruce-subalpine fir forest at the upper limit of its distribution, krummholz of the same species, and alpine tundra. Water quality, as for most high mountain streams that result from snowmelt and rain runoff, is very good. The pH is approxiamtely 6.5, with a specific conductivity of 25 umhos and an alkalinity of less than 20. As a result, the buffering capacity is very low. It would be expected that no water quality impacts would occur under the No Action alternative. Also, under the No Action alternative, the unused structure will continue to deteriorate, allowing greater amounts of seepage through the rockfill. A failure with the water surface near the dam crest would yield a discharge on the order of 7,200 $ft.^3$ per second at the dam site (Maximum Probable Flood). Flooding would affect three downstream backcountry campsites, and a flood depth of about 8 feet could occur near the town of Glen Haven. Loss of life could occur in the flood-prone area below the dam (U.S. BOR, 1982). Degradation of water quality due to temporary increases in suspended solids could occur if the dam is breached. Total restoration would cause the most disturbance, due to the greater quantity of material to be moved and the area to be disturbed. It could also be expected that some concrete dust from the mortar would temporarily alter the alkalinity of the water flowing through the activity area. Breaching and removal of the dam would reduce the capacity of the lake by approximately one-half, from an estimated 99 acre-feet to 50 acre-feet of water.

B. Aquatic Ecology. Lost Lake was historically the habitat of the greenback cutthroat trout, Salmo clarki stomias, a threatened fish species. Today the reservoir has only a population of hybrid and non-native Yellowstone cutthroat trout, introduced following the extirpation of the greenback cutthroat population. No stocking has occurred since 1968, when the park fish stocking program was terminated.

Lost Lake is scheduled to be restored to greenback cutthroat trout commencing in 1986, regardless of the action taken on the dam. As a result, the non-native fish would be removed with antimycin at that time. None of the alternatives should have a significant adverse effect on the fisheries, although some turbidity would result from the removal of all or part of the dam. Elimination of the dam, however, would restore the natural flow regime while leaving a smaller volume of water as a natural lake.

C. Wildlife. No detailed wildlife inventories have been conducted at Glacier Reservoir Number 1 (Lost Lake). Armstrong (1975) in a parkwide study reported mule deer, elk, marmots, bighorn, weasels and pine marten as representative mammal species in similar habitats. Ptarmigan are common in the alpine tundra.

Wildlife species of concern would include the peregrine falcon and golden eagle, neither of which has been observed nesting in the vicinity of Glacier Reservoir Number 1. Adverse impacts to wildlife are expected to be temporary, primarily due to the human activity and noise from activities in the area. The primary effect of this activity, including helicopter transportation, would be a temporary avoidance of the area by wildlife. No critical or essential wildlife habitat would be lost as a result of either breaching or restoring the area.

D. Soils. Soil deposits in the vicinity of the dam are minimal due to the high elevation and the past effects of glaciation. The exposed shorelines are strewn with sand, gravel, rock and boulders. As a result of dam construction activities, the entire reservoir area is extensively disturbed. Earth and rock, plus stone quarried from the reservoir area, were utilized to construct the impoundment facility. The Continue Present Management and No Action alternatives would have no effect on the soils. The breaching and restoration alternatives would result in a partial restoration of the materials removed from the soil profile during construction activities. The rock and earth materials would be scattered above the high water line. Where available, soil would be spread to encourage revegetation. To minimize erosion, the disturbed area would be stabilized and seeded with native grasses.

E. Vegetation. Little or no vegetation would be affected, as breaching and restoration activities would occur directly on the dam or on the exposed shoreline which is primarily devoid of vegetation. The National Park Service has listed 19 special interest plant species which occur in the park, none of which is legally protected. None of these plants would be affected by any of the alternatives. The breaching and restoration efforts would be restricted to the reservoir basin and dam structure area. Equipment, if used, would be restricted to the basin area and the upstream side of the dam.

F. Noise. The current noise levels vary with wind and atmospheric conditions. Although no noise measurements are available from the project site, it would be expected that the noise levels would be less than 40 decibels, with the primary noise factor being the stream itself during high water runoff. Noise would be generated by the breaching and site restoration activities, including blasting of the dam structure, helicopter transportation, and the use of hand tools. Except for the blasting and helicopter, the noise would be limited to the immediate Lost Lake area. The primary noise effect would be from the blasting. The use of helicopters would occur only in late April, prior to significant visitor use in the area. In late summer or early fall, additional supplies and equipment if needed would be brought in to the site by horses and mules. The Continue Present Management and No Action alternatives would have no effect on the noise levels; the restoration alternative would have the greatest effect on the noise levels due to the increased length of time for the project and the greater amounts of mortar to be removed.

G. Air Quality. Due to the remoteness of the site within a wilderness environment, it could be expected that the air quality would be good. Although no air quality measurements are available from the project site, any background pollutant levels would either be of natural origin or be transported to the area by prevailing winds from industrial sources elsewhere. Acid rain studies elsewhere in the park, however, indicate that the air quality has not adversely affected the pH of the park's aquatic ecosystems. Rocky Mountain National Park has been designated a Class 1 area and Colorado Category 1 relative to the Clean Air Act amendments of 1977. These categories protect against significant deterioration of air quality. Although any equipment would emit pollutants, an analysis of the fuel consumption indicates that the construction emissions would be minor and that the effects would be short-term on the environment. Any blasting of the masonry structure, however, would add an unknown quantity of fugitive dust. This adverse effect would be partially mitigated by minimizing the amount of blasting that would be required. The No Action alternative would have no effect on air quality.

H. Visual Resources and Recreation. Due to the trail access below the dam and around Lost Lake, the dam is an obvious visual intrusion upon the natural setting. When the water level is high, the lake looks quite natural except for the dam structure. When the water drains out through the leaks in the dam, then the vast exposed shoreline results in an obvious unnatural scene. The single designated campsite for Lost Lake is within 200 yards of the dam and within 30 yards of the reservoir. A group site is located at Lost Meadow, 1 mile from the reservoir. During breaching and restoration activities, the Lost Lake site may have to be closed due to the nearness to the project. Other camping areas, however, would remain open. The effect of closing one campsite (with a daily capacity of 7 campers) would be minimal for these alternatives. The No Action alternative would have no effect on visitor use but would continue the visual obtrusiveness of the dam on the natural landscape. Also under this alternative, the widely (unnatural) fluctuating lake levels due to leakage in the dame would continue, creating a visual intrusion with a large exposed "bathtub ring" shoreline. The restoration alternative would accomplish most in restoring the landscape to its natural condition.

I. Cultural Resources. Any work on the dam would be confined to the area of previous disturbance. Benedict and Olson (1978) report the treeline area of the park to be the most common site of prehistoric camps. Work would be halted to evaluate any archeologic resources encountered within the project area. Section 106 procedures for the dam, including a determination of eligibility for the National Register are being followed through separate documentation.

J. Visitor and Public Safety. An estimated 5,000 visitors use the North Fork of the Big Thompson River during May through September. Winter use is minimal. The primary safety concern is if the maximum probable flood would occur, causing breaching of the dam similar to that experienced during the devastating Lawn Lake flood of 1982. Eight

backcountry campsites lie downstream, some within 75 feet of the stream. Under the breaching or restoration alternatives, accidental dropping of equipment and supplies from a helicopter sling load is a concern. The threat to visitor safety would be minimized by establishing helicopter flight corridors away from trails and popular destination points. When the reservoir is not full, the dam has the ability to moderate extreme fluctuations in water flow. Under the breaching and site restoration alternatives, this moderation of water flow would no longer continue, and natural flows would occur. Extremely high natural flows, heretofore moderated by the dam, may adversely impact structures which were built close to the North Fork at a time when such flows were either regulated or moderated by the dam.

IV. IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES

There would be a commitment to eliminate and remove 99.0 acre-feet of impoundment storage from Government-owned lands within Rocky Mountain National Park, under Alternatives B and C. The artificially minimum/maximum controlled water releases and stream augmentation flows that previously occurred during the dam's operational period would be permanently returned to normal stream runoff patterns. Under Alternative C, the disturbed area surrounding the reservoir would be restored and returned to its natural condition.

V. SHORT-TERM USES VERSUS LONG-TERM PRODUCTIVITY OF THE ENVIRONMENT

The No Action alternative of not removing the dam, would continue to artificially impound 50 acre-feet of water in the short-term, over that which occurs naturally in the Lost Lake basin. Long-term productivity of vegetation along the exposed shoreline area would be foregone under the No Action alternative.

Noise and activity resulting from the breaching and restoration alternatives would increase and be a temporary annoyance to visitors and wildlife. Some equipment, material, and personnel would be transported via helicopter. These would be short-term uses that would occur prior to return of the area to a natural lake setting. The long-term potential exists for including the area in the park's wilderness recommendation plan (NPS 1974, 1976). The restored area will provide the opportunity to enhance future visitor wilderness experiences and be in accordance with recommendations of the 1982 Natural Resources Management Plan.

VI. CONSULTATION AND COORDINATION WITH OTHERS

The following were contacted and/or consulted in the preparation of the environmental assessment:

Colorado State Engineer
Colorado State Historic Preservation Officer

VII. REFERENCES

Armstrong, David. Rocky Mountain Mammals. Rocky Mountain Nature Association, 1975.

Benedict, James and Olson, Byron L. The Mount Albion Complex; a study of prehistoric man and The Altithermal Center for Mountain Archeology, 1978.

McKnight, Patrick. The Water Rights of Rocky Mountain National Park. Unpublished manuscript, 1983.

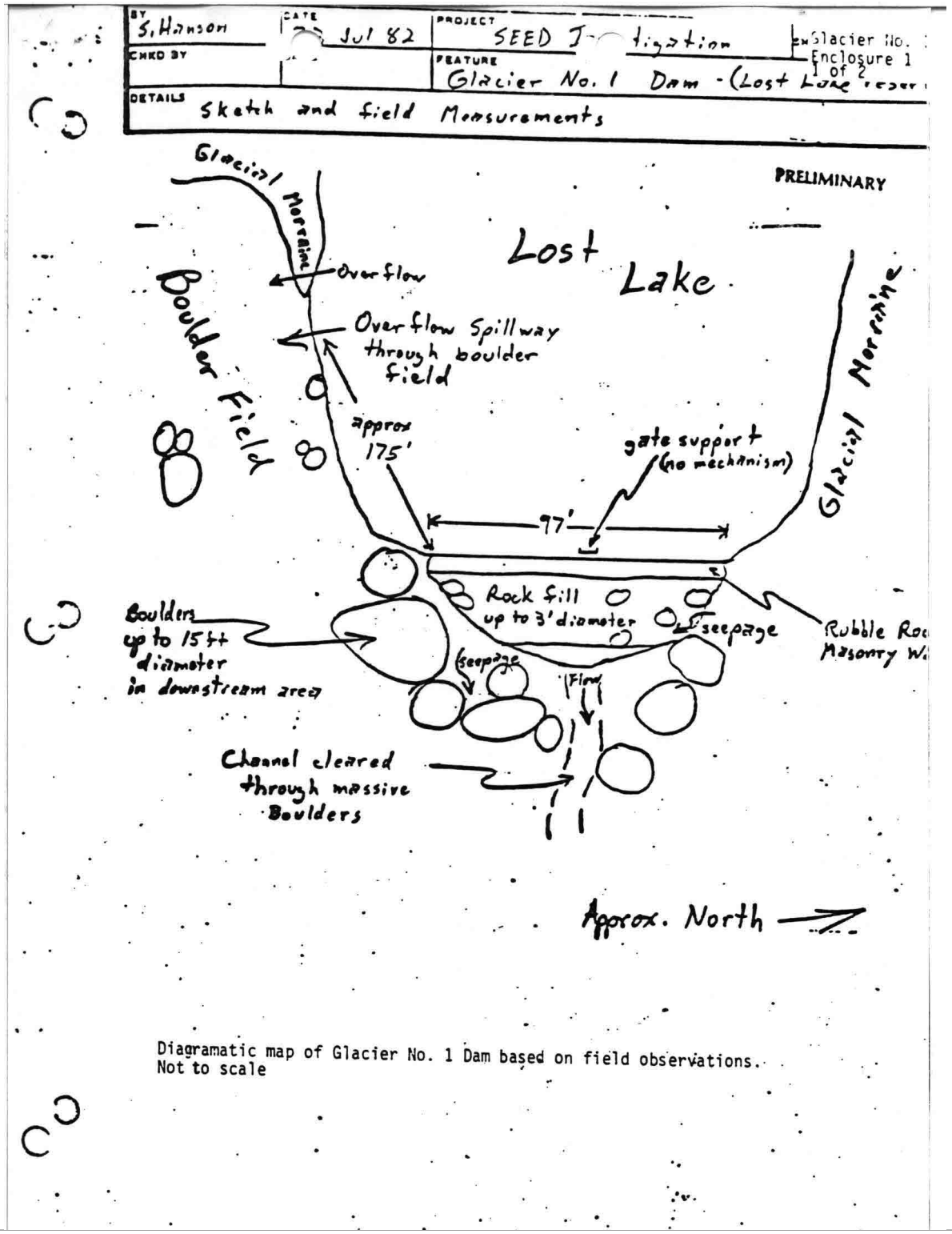
Rosenlund, Bruce D. Draft Report on greenback cutthroat trout reintroduction in the North Fork drainage. U.S. Fish & Wildlife Service, 1984.

U.S. Bureau of Reclamation, Division of Dam and Structural Safety. SEED report on Bluebird Dam, Pear Dam, Sandbeach Dam, Glacier No. 1 Dam, and Sprague Lake Dam located within the boundary of Rocky Mountain National Park, Colorado. Denver: BOR; prepared for the National Park Service, 1982.

U.S. National Park Service, Water Rights File. Federal Water Rights Docket #50.

Appendix 1

DIAGRAMATIC MAPS OF GLACIER NO. 1 DAM

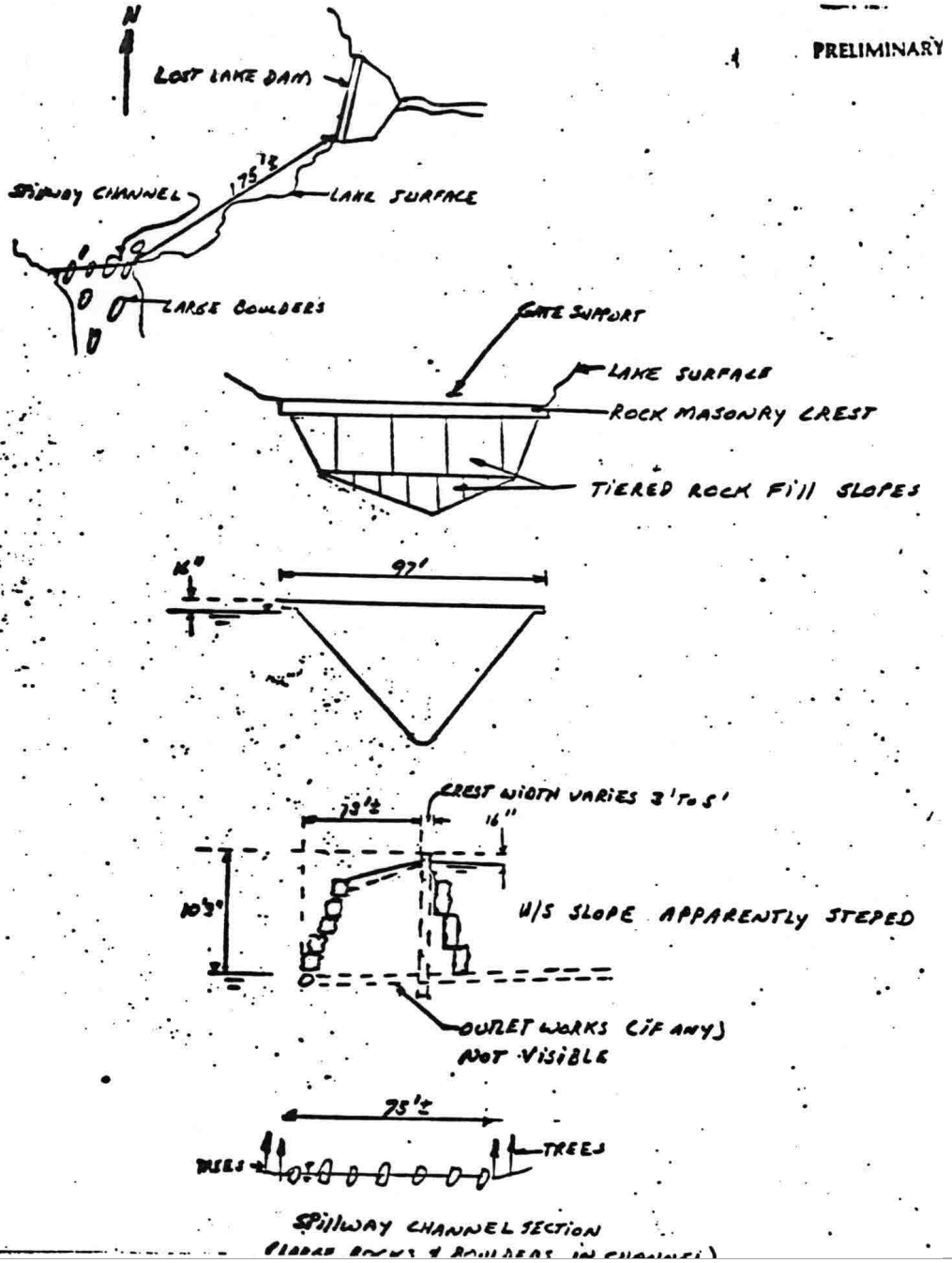


Diagramatic map of Glacier No. 1 Dam based on field observations.
Not to scale

BY | DATE | PROJECT: SEED INVESTIGATION | Glacier No. 1 Enclosure 1 2 of 2
CHKD BY | FEATURE: GLACIER No. 1 DAM - ROCKY MOUNTAIN
DETAILS

SKETCH & FIELD MEASUREMENTS (NOT TO SCALE)

PRELIMINARY



Appendix 2

BREACHING PLAN

BREACHING PLAN - Glacier Reservoir No. 1 (Lost Lake)

1. Location and size of the breach. The breach would be 5-8 feet in width at the top of the dam, roughly centered over and aligned with the presumed outlet works.

2. Lowest elevation of the excavation. Excavation or breaching would occur down to the natural stream channel (approximately 10½ feet) which appears when the lake is at low water.

3. Assessment of abnormal flooding on the breached dam. The dam currently has many leaks and seepages through the large boulders and rock making up the dam. This, along with a sufficiently wide breach (3-4 feet at the base and 5-8 feet at the top), should forestall any abnormal flooding impacts on the dam. (Note: Complete removal of the dam 3-4 months following breaching is proposed.)

4. Assessment of long-term migration of the silt load. As a natural lake would remain after breaching, much of the silt would remain in the lake bed, and continued silt inputs would return to a natural level. Some short-term silting would occur immediately after breaching from that which has collected immediately behind the dam in the stream channel.

5. Staged breach to empty reservoir storage or other plan. The breach would occur in late April before major snowmelt and runoff. Due to leakage in the dam, the water level in the lake is expected to be below the lowest point of the dam. That is, breaching would occur when only a stream channel exists behind the dam, no impounded water.

6. Estimate of outflow quantities and their effect on downstream properties. Because of leakage in the dam, during periods of low runoff there is no impounded water behind the dam. Water is contained only in a natural lakebed depression. Outflow during breaching would only be that which would occur naturally. Therefore, during the breaching operation, there would be no unnatural effect on downstream properties.

7. Actions required to control the growth of the breach section. The size of the rock and boulders in the dam (up to 3' in diameter) and the fact that no water would be impounded behind the dam during the breaching would preclude any growth of the breach.

8. Actions required to stabilize the enlarged active stream channel. The stream channel would not be enlarged over that which occurs normally during low lake levels and which exists with normal lake level fluctuations.

9. Disposal of excavated material. The rock and boulder material comprising the majority of the dam would be placed nearby in the area of the dam site in a natural pattern. This would largely be the area from which they were acquired for construction of the dam. The masonry material would be buried, if possible, in the area of the exposed shoreline left behind from the impounded water.

10. Schedule for execution. Breaching would take place in late April 1985 and complete site restoration in mid-late summer 1985.

05-28-1985: letter to state engineer from superintendent regarding progress in the breaching of glacier no. 1 dam (lost lake)

Axtell h/s
Brown h/s
Thompson

L54

May 28, 1985

Mr. Jeris A. Danielson
State Engineer
1313 Sherman Street, Room 818
Denver, CO 80203

Dear Mr. Danielson:

This letter is to inform you of our progress in the breaching of Glacier No. 1 Dam (Lost Lake). Significant progress was made during the weeks of May 6 and May 13. At this time this breach is approximately 20 feet wide at the top and 16 feet wide at the bottom, with a depth of approximately 6 to 8 feet. Water is currently flowing through the large rock material remaining in the breach.

Three items are enclosed which illustrate the progress made, including drawings of the dam and breach profile, four photographs taken on May 17, and an operations and maintenance log. The breach was inspected by Civil Engineer Ron Cotten on May 17.

It is our intention to complete the breach and dam removal in late summer and early fall of this year. In addition, during the spring runoff period, we intend to have a park ranger stationed at the North Fork Patrol Cabin, which is approximately three miles downstream from the dam, inspect the breach twice weekly to insure that log debris does not collect behind the breach. Also, a dam evacuation contingency plan is currently being prepared by the park.

Sincerely,

(SGD) JAMES B. THOMPSON

James B. Thompson
Superintendent

Enclosures

cc:
Ron Hermance, RMR

CAXTELL:pkp:5/28/85

LOST LAKE DAM BREACHING - MAY 1., 1985

GROUND LEVEL VIEW LOOKING WEST

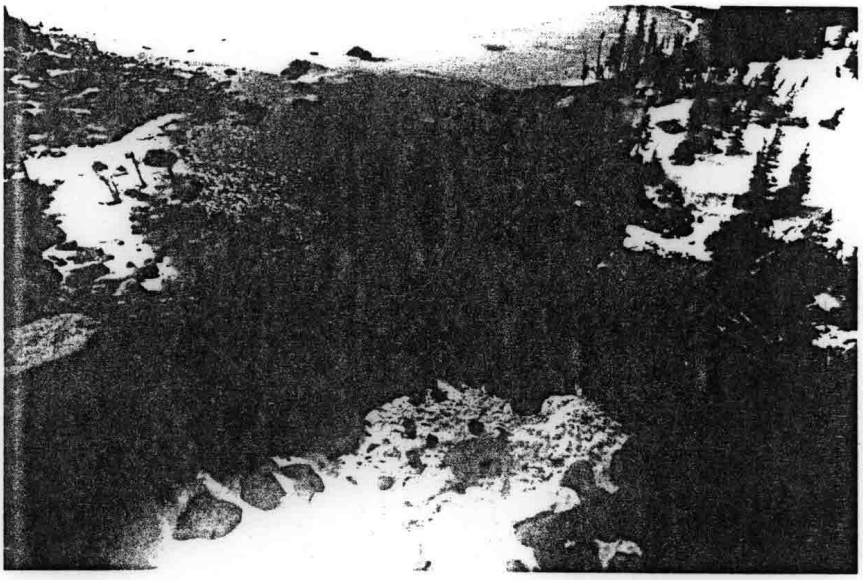


GROUND LEVEL VIEW LOOKING EAST



LOST LAKE DAM BREACHING - MAY , 1985

AERIAL VIEW FROM ABOVE LOOKING WEST



CLOSE-UP VIEW OF BREACH



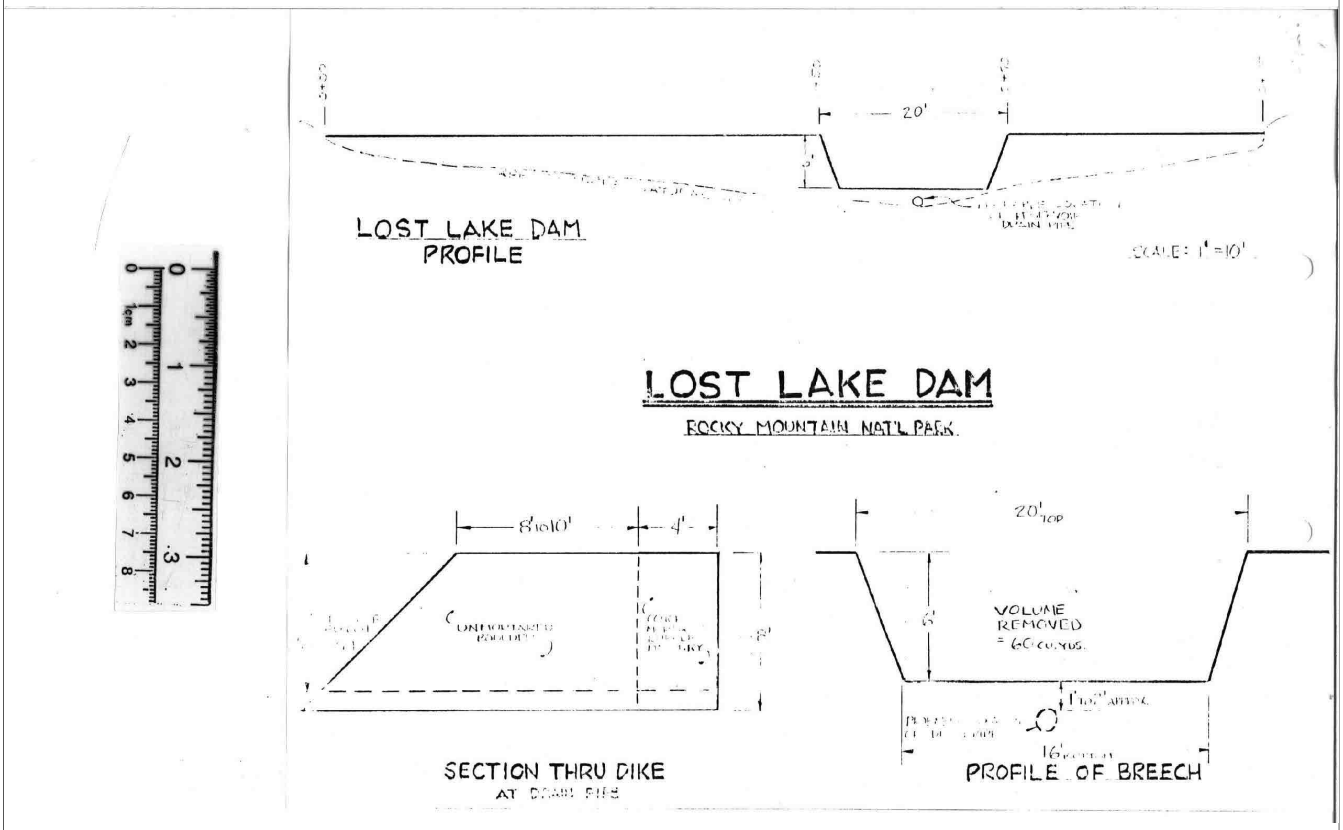
ROMD-22
(5/85)

ROCKY MOUNTAIN NATIONAL PARK
OPERATIONS & MAINTENANCE LOG
FOR (Lost Lake) Glacier #1 DAM
YEAR 1985

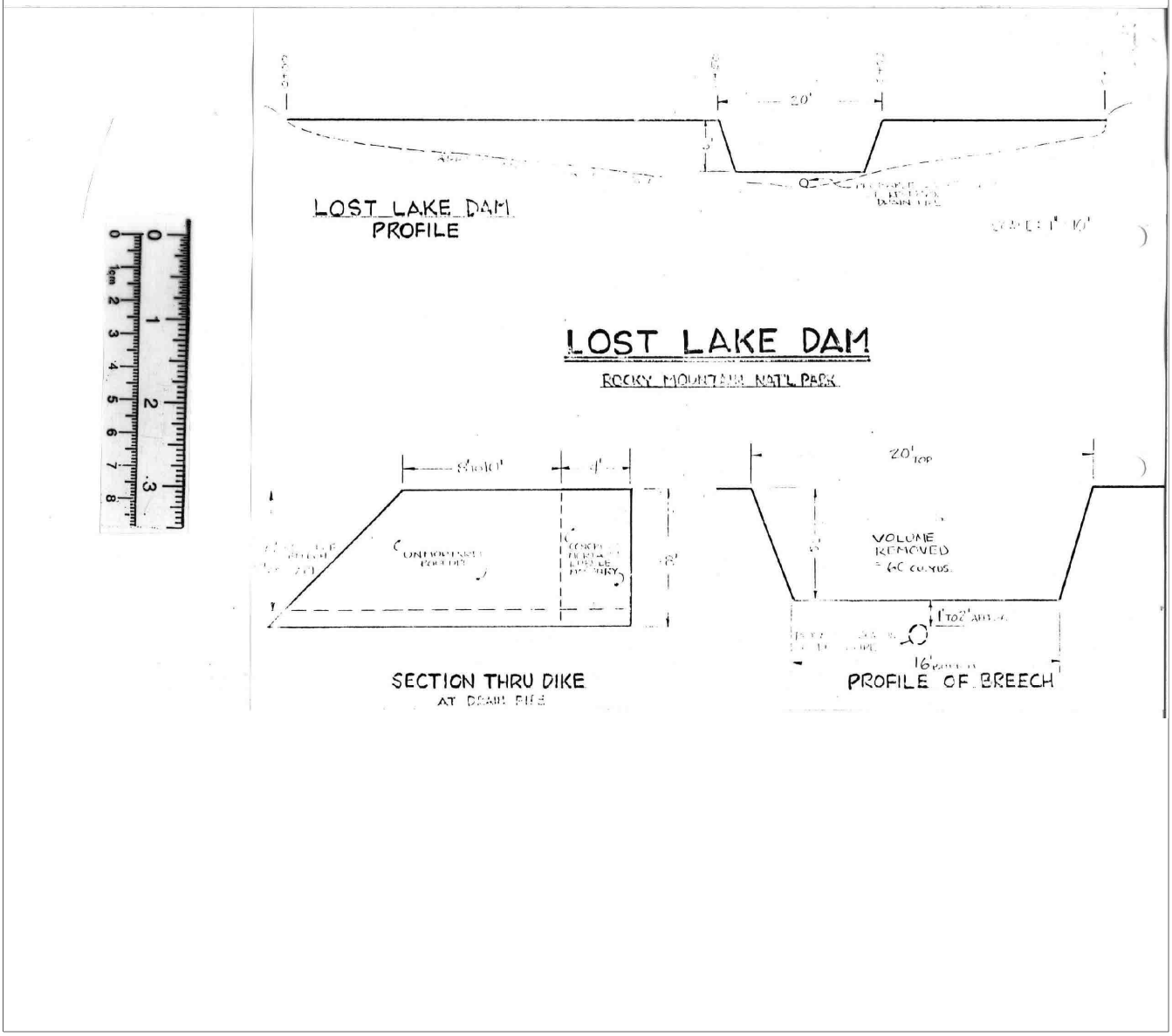
DATE	TIME	NAME OF RECORDER	RESERVOIR ELEVATION	DISCHARGE CFS	REMARKS
3/20	0700	R.E. Cotten	Frozen	Frozen	Snow drifted up on both faces of dam & lake frozen. Weather clear, cold & windy. Surrounding area snow covered
5/6	0730	R.E. Cotten	Frozen	Frozen	Began work to breach dam. 3 man crew
5/10	1500	R.E. Cotten	-	Hvy Seepage No measure	Stopped work for week.
5/13	1130	R.E. Cotten	-	Hvy Seepage No Measure	Restarted breaching work. 4 man crew
5/17	1630	R.E. Cotten	6ft below top of dam	Hvy Seepage No Measure	Spring breaching complete. Breach width ave. 18' x 7' deep. Est. 60 cu yds of matl. removed from breach. Lake Level down 10" from previous day. Est. 4" to 6" of water flowing through breach.

NOTES:

00-00-0000: lost lake dam profile



00-00-0000: lost lake dam profile



05-09-1985: letter to superintendent from state engineer regarding breaching plan for glarier no. 1 is approved

RICHARD D. LAMM
Governor

JERIS A. DANIELSON
State Engineer

85 MAY 15 A10:06

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

ROUTE STAMP
Supt.
Asst. Supt.
Admin.
Ranger
Interpret.
Res. Mgmt. CCC H/C
West Unit
All correspondence with this stamp must be returned to FILES.

May 9, 1985

Mr. James B. Thompson
Superintendent, National Park Service
Rocky Mountain National Park
Estes Park, Colorado 80517

Dear Mr. Thompson:

Your breaching plan for Glacier No. 1 Dam is approved. Verbal approval was given to Mr. Craig Axtal by Mr. Alan Pearson, Chief of our Dam Safety Branch, on Thursday, May 2, 1985, to proceed as you planned on Tuesday, May 7, 1985. The approval, however, is contingent on the water level being below the lowest point of the dam per Item 5 of your plan.

If conditions change materially from the plan before the breach is complete, you must notify Mr. Brian Ahrens of our Dam Safety Branch. You should be prepared to handle any runoff so it doesn't cause a safety problem.

Since you plan to totally remove the dam next fall, the five - eight foot breach appears adequate for the interim period. Mr. Axtal indicated that the breach will be more like sixteen feet, which is better.

Thank you for submitting your plan for approval.

Sincerely,

Jeris A. Danielson
State Engineer

JAD/AEP:jks/4728H

cc: Brian Ahrens
Jim Clark, Division I

Axtell hs
Brown hs
Thompson hs

L54

May 1, 1985

Jeris A. Danielson
Office of the State Engineer
Division of Water Resources
1313 Sherman St., Room 818
Denver, CO 80203

Dear Mr. Danielson:

Enclosed is a breaching plan for Glacier Reservoir No. 1 (Lost Lake) for your information and comment. Attached to the breaching plan are diagramatic maps of the dam from the SEED Report prepared by the Bureau of Reclamation.

We would very much appreciate an early response to this breaching plan.

Sincerely,

James B. Thompson
Superintendent

Enclosure

cc:
Mr. Allen Pearson, Office of the State Engineer
Ron Hermance, RMRO
RMS, ROMO

CAXTELL:pkp:5/1/85

BREACHING AND ABANDONMENT PLAN
Glacier Reservoir No. 1 (Lost Lake)

1. Location and size of the breach. The breach would be 5-8 feet in width at the top of the dam, roughly centered over and aligned with the presumed outlet works.

2. Lowest elevation of the excavation. Excavation or breaching would occur down to the natural stream channel (approximately 10½ feet) which appears when the lake is at low water.

3. Assessment of abnormal flooding on the breached dam. The dam currently has many leaks and seepages through the large boulders and rock making up the dam. This, along with a sufficiently wide breach (16 feet), should forestall any abnormal flooding impacts on the dam. (Note: Complete removal of the dam 3-4 months following breaching is proposed.)

4. Assessment of long-term migration of the silt load. As a natural lake would remain after breaching, much of the silt would remain in the lake bed, and continued silt inputs would return to a natural level. Some short-term silting would occur immediately after breaching from that which has collected immediately behind the dam in the stream channel.

5. Staged breach to empty reservoir storage or other plan. The breach would occur in late April before major snowmelt and runoff. Due to leakage in the dam, the water level in the lake is expected to be below the lowest point of the dam. That is, breaching would occur when only a stream channel exists behind the dam, no impounded water.

6. Estimate of outflow quantities and their effect on downstream properties. Because of leakage in the dam, during periods of low runoff there is no impounded water behind the dam. Water is contained only in a natural lakebed depression. Outflow during breaching would only be that which would occur naturally. Therefore, during the breaching operation, there would be no unnatural effect on downstream properties.

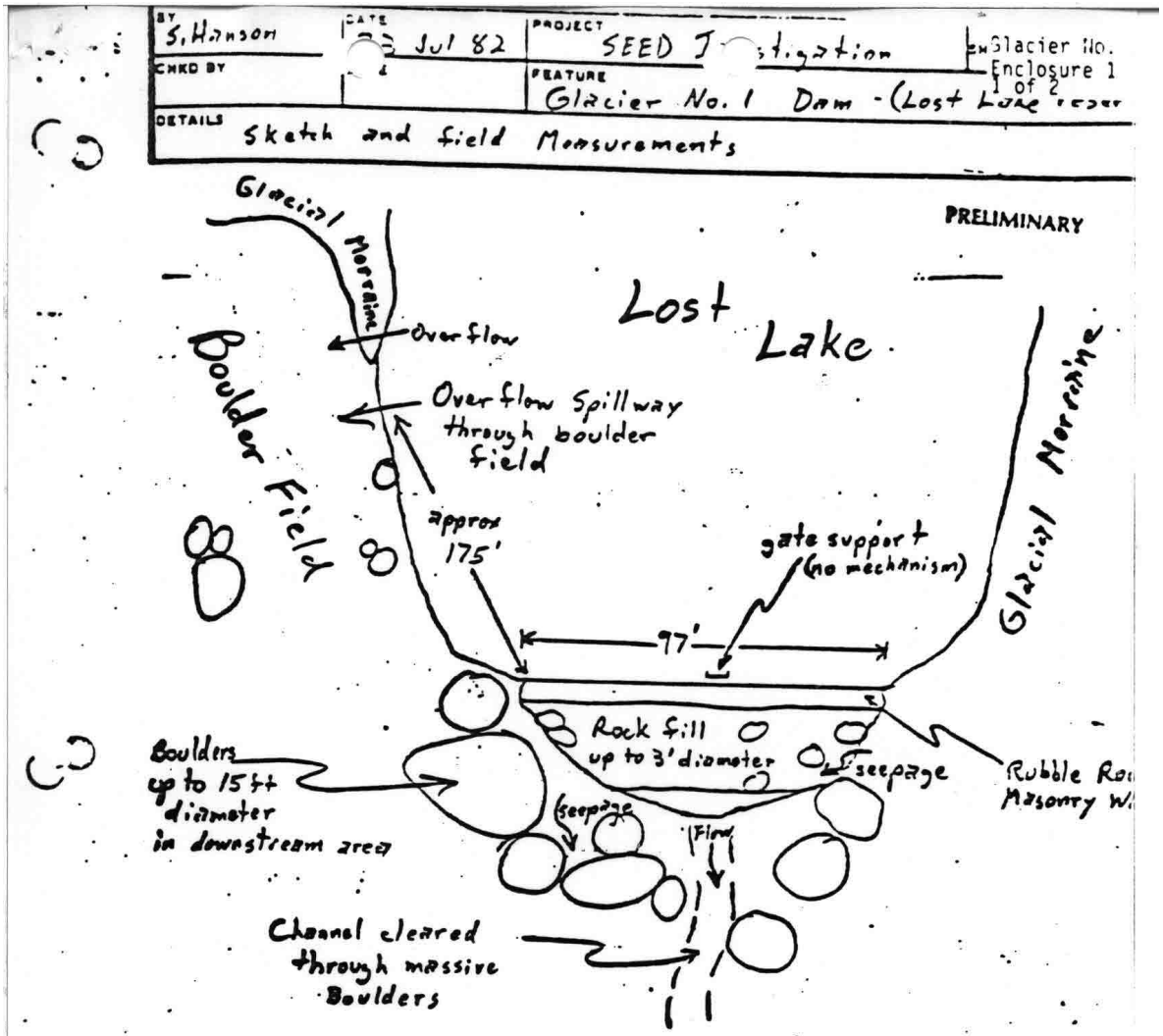
7. Actions required to control the growth of the breach section. The size of the rock and boulders in the dam (up to 3' in diameter) and the fact that no water would be impounded behind the dam during the breaching would preclude any growth of the breach.

8. Actions required to stabilize the enlarged active stream channel. The stream channel would not be enlarged over that which occurs normally during low lake levels and which exists with normal lake level fluctuations.

9. Disposal of excavated material. The rock and boulder material comprising the majority of the dam would be placed nearby in the area of the dam site in a natural pattern. This would largely be the area from which they were acquired for construction of the dam. The masonry material would be buried, if possible, in the area of the exposed shoreline left behind from the impounded water.

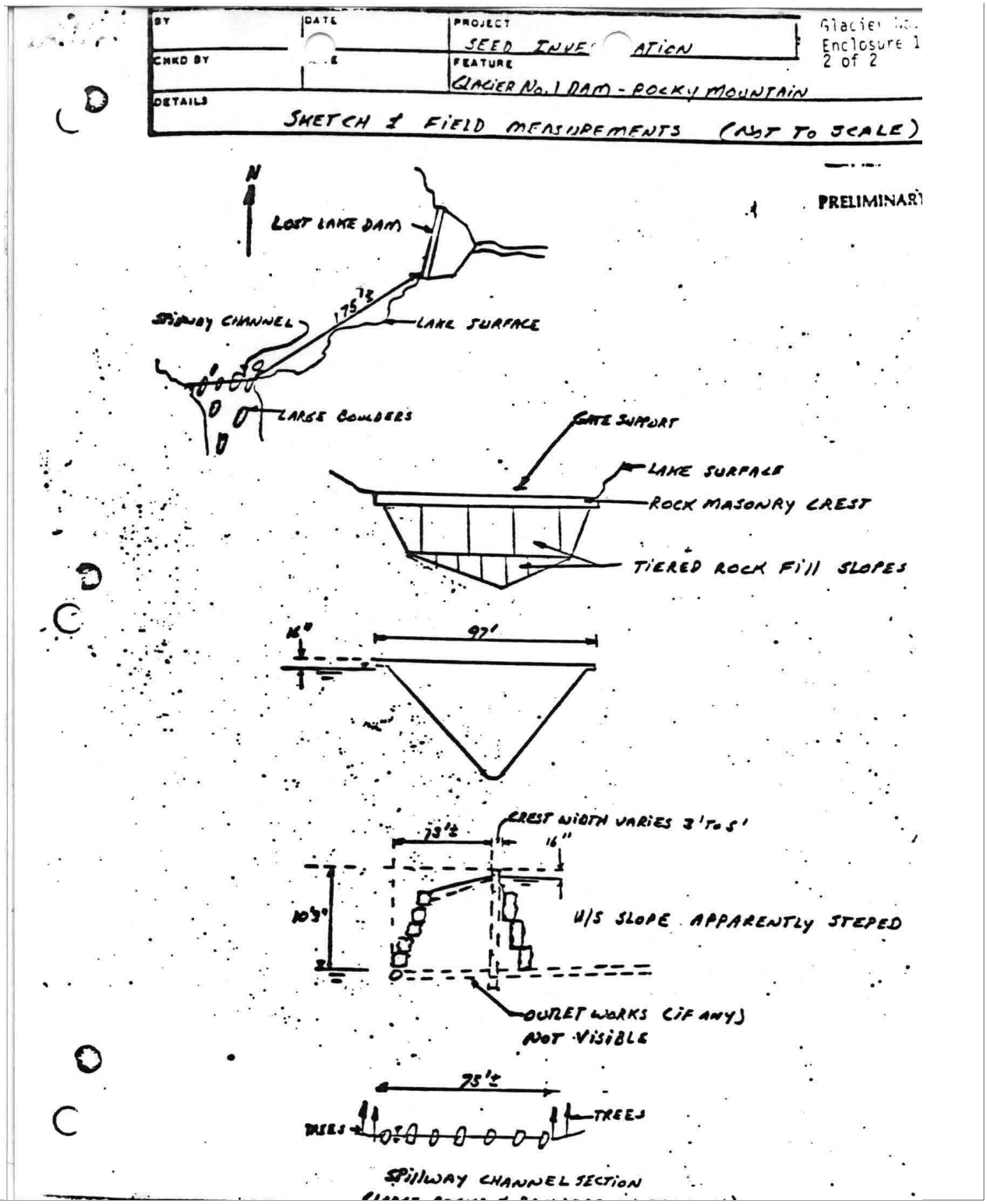
10. Schedule for execution. Breaching would take place in early May 1985 and complete site restoration in mid-late summer 1985. Estimated cost of breaching and removal is $18,000.

Additional information of this dam is available in SEED Report on Bluebird Dam, and Sprague Lake Dam located within the boundary of Rocky Mountain National Park, Colorado, prepared for the NPS ty the U.S.D.I., Bureau of Reclamation, dated November 1982.



Diagramatic map of Glacier No. 1 Dam based on field observations.
Not to scale

05-01-1985: letter to office of the state engineer, division of water resources from superintendent regarding breaching plan for glac



L54
XL76

March 29, 1985

Memorandum

To: Regional Director, Rocky Mountain Region
Attention: Chief, Compliance and Construction

From: Superintendent, Rocky Mountain National Park

Subject: Environmental Assessment - Lost Lake Dam

Enclosed is an Environmental Assessment for the breaching and site restoration of Glacier Reservoir No. 1 (Lost Lake) for your approval.

If approved, we would like to implement the proposed action the latter part of April of this year, in order to take advantage of the low water levels in the lake to breach the dam. We appreciate any assistance you can provide in expediting the review and approval process.

James B. Thompson

Enclosure

cc:
RMS w/copy enc.

Take from Allen Dr. # #29

ROCKY MOUNTAIN NATIONAL PARK — Page IV

DOCKET NO.	ITEMS	AREA	NPO	WASO
26	A. G. PEARSON POWER AND WATER-SUPPLY PIPE LINES			
	1. Filing No. 6464	x	x	
	2. Statement of June 21, 1946	x	x	
27	TO ALLEN WATER RIGHT DOCKET NO. 27	x	x	x
28	HOUSTON-CASCADE PIPE LINE (TOWN OF ESTES PARK)			
	1. Filing No. 4922	x	x	
	2. Warranty Deed of Jan. 2, 1945 from Public Service Company of Colorado to Town of Estes Park	x	x	
	3. Drawing No. NP-RM 6964	x		
	4. Memo to Regional Director from A. van V. Dunn, Oct. 7, 1957	x		
	5. Photostats of pertinent pages of Decree for Power Priority Nos. 1 & 3	x	x	
	6. Memo of June 2, 1959 to Supt., from Park Realty Officer	x		
	7. Statement of June 21, 1946 from A. van V. Dunn		x	
	8. Copies of Plat of July 8, 1908; Warranty Deed of Feb. 15, 1915 and Quit Claim Deed of Nov. 10, 1908		x	
	9. Memo to Regional Director from Supt., transmitting copies of six instruments (in triplicate) signed by Umphrey, Nov. 18, 1957		x	
29	GLACIER CREEK PIPE LINE			
	1. Filing No. 14479	x	x	
	2. Statement of June 21, 1946	x	x	
30	GLACIER DIVERSIONS NOS. 1 & 2 - GLACIER DIVERSION NO. 1 - LOST LAKE - GLACIER DIVERSION NO. 2 - HUSTED LAKE (ABANDONED)			
	1. Map, Drawing No. NP-RM-DO-9054 with Statement		x	x
	2. Letter to Director, NPS, from Thos. Havill, Acting Commissioner CLO, Aug. 25, 1925		x	x

Glacier Reservoir No 1 - Lost Lake

Glacier Reservoir No 2 Husted Lake (Abandoned)

DOCKET NO.	ITEMS	AREA	MRO	WASO
19 (Cont'd)				
	13. Memo to Regional Director from A. van V. Dunn, Oct. 14, 1958		x	
	14. Memo to Regional Director from A. van V. Dunn, Aug. 5, 1959		x	
	15. Right-of-Way Easement for Arbuckle Reservoir No. 4 known as Pear Lake, Oct. 13, 1933		x	
	16. Photographs of Arbuckle Reservoir No. 4 known as Pear Lake, Sept. 10, 1958		x	
	17. Sanders' Memo of Aug. 4, 1959		x	
	18. Decreed Priority No. 1 to Priority No. 26, Third Series, June 1, 1926 as recommended by Referee		x	
	BOX LAKE RESERVOIR			
	1. Drawing No. 9065	x	x	
	2. Record of Relinquishment of Nov. 3, 1925	x	x	
21	SNOWBANK LAKE RESERVOIR (ABANDONED)			
	1. Drawing No. 9074	x	x	
	2. Record of Abandonment, Nov. 3, 1925	x	x	
	3. Statement of May 27, 1947	x	x	
22	EAGLE LAKE RESERVOIR (ABANDONED)			
	1. Drawing No. 9072	x	x	
	2. Record of Relinquishment, Nov. 3, 1925	x	x	
23	THUNDER LAKE RESERVOIR (GREEN LAKE RESERVOIR)			
	1. Drawing No. 9088	x	x	
	2. Proof of Construction, Nov. 3, 1925	x	x	
24	MIRROR LAKE			
	1. Filing No. 14303	x	x	
	2. Statement of June 21, 1946	x	x	
	3. Copy, CACHE LA POUDRE DRAINAGE, Mirror Lake Reservoir		x	
25	MAHONEY DITCHES NOS. 1 & 2			
	1. Filing No. 12115	x	x	
	2. Statement of June 21, 1946	x	x	

DOCKET NO.	ITEMS	AREA	MRO	WASO
26	A. G. PEARSON POWER AND WATER-SUPPLY PIPE LINES			
	1. Filing No. 6464	x	x	
	2. Statement of June 21, 1946	x	x	
27	NO ALIEN WATER RIGHT DOCKET NO. 27	x	x	x
28	HONDIUS-CASCADE PIPE LINE (TOWN OF ESTES PARK)			
	1. Filing No. 4922	x	x	
	2. Warranty Deed of Jan. 2, 1945 from Public Service Company of Colorado to Town of Estes Park	x	x	
	3. Drawing No. NP-RM 6964	x		
	4. Memo to Regional Director from A. van V. Dunn, Oct. 7, 1957	x		
	5. Photostats of pertinent pages of Decree for Power Priority Nos. 1 & 3	x	x	
	6. Memo of June 2, 1959 to Supt., from Park Realty Officer	x		
	7. Statement of June 21, 1946 from A. van V. Dunn		x	
	8. Copies of Plat of July 8, 1908; Warranty Deed of Feb. 15, 1915 and Quit Claim Deed of Nov. 10, 1908		x	
	9. Memo to Regional Director from Supt., transmitting copies of six instruments (in triplicate) signed by Umphrey, Nov. 18, 1957		x	
29	GLACIER CREEK PIPE LINE			
	1. Filing No. 14179	x	x	
	2. Statement of June 21, 1946	x	x	
30	GLACIER RESERVOIRS NOS. 1 & 2 - GLACIER RESERVOIR NO. 1 - LOST LAKE - GLACIER RESERVOIR NO. 2 - HUSTED LAKE (ABANDONED)			
	1. Map, Drawing No. NP-RM-DO-9054 with Statement		x	x
	2. Letter to Director, NPS, from Thos. Havill, Acting Commissioner GLO, Aug. 25, 1925		x	x

ALIEN WATER RIGHT ASSEMBLIES - ROCKY MOUNTAIN NATIONAL PARK

DOCKET NO.	ITEMS	AREA	MRO	WASO
30 (Cont'd)				
	3. Statement of June 21, 1946 by A. van V. Dunn		x	
	4. Right-of-Way Easement for Glacier Reservoir No. 1 known as Lost Lake		x	
	5. Water Right Filing No. 1147			x
	6. Water Right Filing No. 9185			x
	7. Statement - Glacier No. 1 - Decreed Priority No. 27, Aug. 15, 1911 for 6,000,000 cu. ft.			x
	Statement - Glacier No. 2 - Abandoned			
	NO ALIEN WATER RIGHT DOCKET NO. 31	x	x	x
32	HORSESHOE PARK RESERVOIR, (ABANDONED)			
	1. Filing No. 2032	x	x	
	2. Statement of June 21, 1946	x	x	
33	LAWN LAKE RESERVOIR			
	LAND STATUS			
	1. Drawing No. 9053	x	x	
	2. Field Notes of the Lawn Reservoir	x	x	
	3. Statement of Farmers Irrigating Ditch and Reservoir Company	x	x	
	4. Notice of Construction, March 31, 1923	x	x	
	WATER RIGHTS			
	5. Plat and Field Notes of Reservoir	x	x	
	6. Filing No. 0091	x	x	
	7. Filing No. 0098	x	x	
	8. Adjudications of March 18, 1912 and Nov. 14, 1939	x	x	
	9. Water Supply Study by A. van V. Dunn of Sept. 30, 1957	x		
	10. Drawing No. 6966	x		
	11. List of Reservoir Priorities for Water District No. 4, Jan. 1, 1958	x		
	12. Statement of Colorado's State Engineer April 20, 1903		x	
	13. Statement of Colorado's Secretary of State, May 11, 1903		x	
	14. 26 Statutes, Fifty-First Congress approved May 11, 1898		x	

DOCKET NO.	ITEMS	AREA	MRO	WASO
33(Cont'd)				
	15. Letter from Secretary of the Interior to Commissioner, GLO, Dec. 19, 1903 and Form No. 1, 1903-212732, Jan. 5, 1904		x	
	16. Letter to Register & Receiver, Denver, Colorado from Commissioner of GLO, March 31, 1923		x	
	17. Memo to Regional Director from Supt., April 8, 1958		x	
	18. Memo to Regional Director from Supt., April 30, 1958		x	
	19. Letter to A. van V. Dunn from Colorado's State Engineer's Office, Jan. 17, 1958		x	
	20. Memo to Regional Director from Supt., Dec. 19, 1957		x	
	21. Statement of June 21, 1946 from A. van V. Dunn		x	
	22. Sample Contract and Specifications for the Dam and Outlet of the Lawn Lake Reservoir in blank		x	
	23. Lawn Lake Reservoir Report Photographs, Dec. 19, 1903		x	
	24. Plan and Crossection of Dam and Outlet of Lawn Reservoir approved Aug. 19, 1902		x	
	25. Sequence of Developments, Lawn Lake Reservoir, 3 pages		x	
	26. Right-of-Way Easement for Lawn Lake		x	
34	MILLS SPRUCE CREEK PIPE LINE			
	1. Filing No. 15850	x	x	
	2. Statement of June 21, 1946	x	x	
35	TAHOSA VISTA PIPE LINE			
	1. Filing No. 15849	x	x	
	2. Adjudication Proceedings of July 23, 1951	x	x	
	3. Statement of June 21, 1946	x	x	

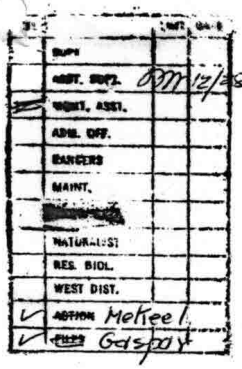
12-23-1970: memorandum to director, national park service from acting director, midwest region regarding request for final title op

ROCKY MTN NATL PARK

DEC 28 10 18 AM '70

DEC 23 1970

L1425
MWR (AML)



Memorandum

To: Director, National Park Service

From: Acting Director, Midwest Region

Subject: Request for Final Title Opinion, Tract 06-101, Rocky Mountain National Park

We are submitting an assembly for Tract 06-101 (Lee) consisting of the following documents:

1. Warranty Deed
2. Special Warranty Deed
3. Copy of abstract of title
4. Certificate of Inspection & Possession
5. Payment & closing sheet with receipt for check
6. Attorney General's Preliminary Title Opinion
7. Copy of Warranty Deed extinguishing Leonard D. Lee's interest.

These documents comprise the assembly for submission to the Attorney General for a Final Title Opinion for subject closed tract.

(Sgd.) Robert L. Giles

Acting Director

Enclosures

cc:
Supt., Rocky Mountain w/o enc.
Director, WSC w/o enc.

08-13-1970: memorandum to realty specialist from acting chief of lands, midwest region regarding tract 06-101

L1425 MWR (AML) AUG 13 1970

Memorandum

To: Stephen M. Gasper, Realty Specialist

From: Acting Chief of Lands, Midwest Region

Subject: Tract 06-101, Rocky Mountain

Enclosed as discussed in our phone conversation this morning is a copy of the Attorney General's Preliminary Title Opinion on the water rights which were acquired from Jay Lee and others. Objection No. 6 has been eliminated but No. 5 will have to be cleared up prior to closing. Please check with Superintendent Thompson and Mr. Lee and see if possibly there is a simple answer to this.

In the interest of expediting closing, when the check arrives, it is suggested that you get a copy of the deed which we will receive and review for acceptability. If you have any question concerning the deed, it would be well to check it with the Regional Solicitor, Bryan Kepford, and let him determine if it will meet our requirements.

John W. Wright, Jr.

Enclosure

JWWright:jm

07-14-1970: letter to secretary of the interior from attorney general regarding examination of the title data relating to the right to im

Office of the Attorney General
Washington, D. C.

July 14, 1970

Honorable Walter J. Hickel
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

An examination has been made of the title data relating to the right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court Dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, this Reservoir being located in Section 8, T 6 N, R 73 W, of the 6 th P.M. in Larimer County, Colorado, together with all right, title and interest in and to any pertinent easements and/or rights of way.

This right to impound water, together with pertinent easements, if any, is to be acquired for a consideration of $34,435.00 by authority of existing legislation. The file number of this Department is 33-6-206-180.

This right to impound water and the location of Glacier Reservoir No. 1 are described in the enclosed copy of option dated November 25, 1969 from Jay Lee, Individually and as Attorney in Fact for Lucille Lee Davis, et al. to the United States of America.

The abstract, consisting of 17 entries, was last satisfactorily certified on July 10, 1963 by the Larimer County Abstract Company.

The abstract and accompanying data disclose the title can be conveyed by Jay Lee, Lucille Lee Davis, Etta Lee Hansen, Richard M. Lee and Dixie Lee King, subject to:

303-353-4667

1. All taxes and assessments.

2. Rights or claims of persons in possession, if any, not shown of record.

3. Mechanics' liens, if any, not shown of record.

4. Easements for roads, highways, railroads, pipelines and public utilities, if any, not shown of record.

5. Right, title and interest of Leonard D. Lee and of Fred S. Lee, each of whom inheritied a ¼ share at entry 9 of the abstract and added a 1/12 additional share by deed shown at entry 13.

6. Proof that Lucille M. Lee, Lucille M. Davis and Lucille Lee Davis are one and the same person.

The abstract does not shown the source of title of Richard M. Lee, Dixie Lee King or Etta Lee Hansen and the necessary entries should be added to the abstract to include the derivation of title of each.

When the above requirements and objections numbered 1, 2 3, 4, 5 and 6 have been met, and a general warranty deed from the above-named vendors and spouses, if married, to the United States, duly executed and properly stamped, has been recorded, the purchase price has been paid, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely and showing the vesting of a valid title in the United States of America, the title will be approved.

The abstract and related papers are enclosed.

Sincerely yours,

John N. Mitchell

Attorney General

00-00-0000: memorandum to the director from director, midwest region regarding offer to sell water rights, lost lake

WSC L+W

RECEIVED
NATIONAL PARK SERVICE
San Francisco Service Center Office of
Land Acquisition & Water Resources
APR 17 1970
ACT. | INFO.
1 | CHIEF
INITIAL DATE 1970
| ASST. CHIEF
| ACQUISITION
| APPRAISALS
| Coord. & Contr.
| DOCKET
| EXCHANGE
| INHOLDINGS
3 | Water Resources
| FILE

RECEIVED
APR 16 70
Director
Assoc. Director
Ch. Admin. Mgt.
Asst. Dir. PS
Asst. Dir. CP
Chief, OE
Action Taken

L1425
MWR (OL)

Memorandum

To: The Director

From: Director, Midwest Region

Subject: Offer to Sell Water Rights, Lost Lake, Rocky Mountain National Park

Enclosed is an executed Offer to Sell of the subject water rights as per instructions of Philip Stewart, Chief, Division of Land Acquisition. We would appreciate prompt action in acquiring these water rights since the Offer to Sell expires on June 30, 1970.

Fred C. Fagergren

Enclosure

cc: Director, WSC w/enclosure
Supt. Romo

WESTERN SERVICE CENTER
APR 17 1970
DIRECTOR, WSC
CHIEF, DIV. OF PLANNING
CHIEF, DIV. OF DESIGN
CHIEF, DIV. OF CONSTRUCTION
CHIEF, DIV. OF MAINTENANCE

File in Romo temporarily;

This material will eventually be filed in a Water Docket

4/15/70 memo from MWR to the Director, NPW
subject: Offer to Sell Water Rights, Lost Lake,
Rocky Mountain NP w/encl Offer to sell -
& Power of Attorney Jay Lee

04-06-1970: national park service offer to sell real property

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

N.P.S. AREA Rocky Mountain National Park

TRACT No. _____

CONTRACT No. _____

OFFER TO SELL REAL PROPERTY

The undersigned, hereinafter called the Vendor, in consideration of the mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America and its assigns, the fee simple title to the following described ~~xxxx~~ water rights, *with the buildings and improvements thereon, and all rights, hereditaments, easements, and appurtenances thereunto belonging, located in the County of* Larimer, *State of* Colorado, *bounded and described as set forth in Exhibit (s)* "A" *attached hereto and made a part hereof, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines, and subject to the following exceptions and rights outstanding in third parties:* None

The Vendor reserves only the following rights and interests in the above described property: (namely:)

None

The terms and conditions of this offer are as follows:

(1) The vendor agrees that this offer may be accepted by the United States, through any duly authorized representative, by delivering, mailing, or telegraphing a notice of acceptance to the Vendor at the address stated below, at any time before June 30, 1970, whereupon this offer and the acceptance thereof become a binding contract.

(2) The United States of America agrees to pay the Vendor of the said land the sum of Thirty-four Thousand, four hundred thirty-five Dollars ($ 34,435.00), payable on the acceptance of this offer and approval of the Vendor's title; provided the Vendor can execute and deliver a good and sufficient general warranty deed conveying said land with the hereditaments and appurtenances thereto belonging to the United States of America and its assigns, in fee simple, free and clear from all liens and encumbrances, except those specifically excepted or reserved, above, together with all right, title, and interest of the Vendor in and to any streams, alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land.

(3) It is agreed that the United States will defray the expenses incident to the preparation and recordation of the deed to the United States and the procurement of the necessary title evidence.

(4) The Vendor agrees that all taxes, assessments, and encumbrances which are a lien against the land at the time of conveyance to the United States shall be satisfied of record by the Vendor at or before the transfer of title and, if the Vendor fails to do so, the United States may pay any taxes, assessments, and encumbrances which are a lien against the land; that the amount of any such payments by the United States shall be deducted from the purchase price of the land; that the Vendor will, at the request of the United States and without prior payment or tender of the purchase price, execute and deliver the general warranty deed to the United States, pay the documentary revenue stamp tax, and obtain and record such other curative evidence of title as may be required by the United States.

(5) The Vendor agrees that loss or damage to the property by fire or acts of God shall be at the risk of the Vendor until the title to the land and deed to the United States have been accepted by the United States through its duly authorized representative or until the right of occupancy and use of the land as hereinbelow provided for, has been exercised by the United States; and, in the event that such loss or damage occurs, the United States may, without liability, refuse to accept conveyance of the title or it may elect to accept conveyance of title to such property, in which case there shall be an equitable adjustment of the purchase price.

(6) The Vendor agrees that the United States may acquire title to said land by condemnation or other judicial proceedings, in which event the Vendor agrees to cooperate with the United States in the prosecution of such proceedings; agrees that the consideration hereinabove stated shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; agrees that any and all awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from said amount.

(7) The Vendor further agrees that from the date hereof, office and accredited agents of the United States shall have, at all proper times, rights and privileges to survey and enter upon said property for all lawful purposes in connection with the acquisition thereof.

(8) It is agreed that the spouse, if any, of the Vendor, by signing below, agrees to join in any deed to the United States and to execute any instrument deemed necessary to convey to the United States any separate or community estate or interest in the subject property and to relinquish and release any dower, curtesy, homestead, or other rights or interest of such spouse therein.

(9) The Vendor represents and it is a condition of acceptance of this offer that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

(10) The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors, and assigns of the Vendor.

(11) All terms and conditions with respect to this offer are expressly contained herein and the Vendor agrees that no representative or agent of the United States has made any representation or promise with respect to this offer not expressly contained herein.

SIGNED, SEALED, AND DELIVERED this 6 day of April, 1970
WITNESSES:

Jay Lee _____ (SEAL)

Etta Lee Hansen _____ (SEAL)

Richard M Lee Jay Lee as agent (SEAL)

Dixie Lee King by Power of attorney (SEAL)

Lucille Lee Davis _____ (SEAL)

William A. Mekel witness

NOTICE OF ACCEPTANCE OF THIS OFFER IS TO BE SENT TO:

Jay Lee, 2436 16th Avenue, Greeley, Colorado 80613
(Name and Address)

ACCEPTANCE OF OFFER TO SELL REAL PROPERTY

Date:

The offer of the Vendor contained herein is hereby accepted for and on behalf of the United States of America.

_____ By: _____
WITNESS

Title: _____

00-00-0000: exhibit 'a' for the right to impound in glacier reservoir no. 1 (lost lake)

EXHIBIT "A"

The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T6N, R73W, of the 6th P.M.,

And together with all right, title and interest to any pertinent easements and/or right-of-ways.

11-25-1969: letter of power of attorney

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee and Dixie Lee King hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection of the purchase price and the distribution thereof. The undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follows:

Lucille Lee Davis	$594.70
Etta Lee Hansen	$484.99

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting, title correction or other matters as may arise out of said sale.

Dated this 25th day of November, 1969.

Dixie Lee King
Dixie Lee King

(SEVILLA, SPAIN)

Subscribed and sworn to before me this 1st day of December 1969.

JOSEPH S. QUINN, MAJOR USAF
STAFF JUSGE ADVOCSTE

POWER WITHOUT SEAL
ARTICLE 936 UCMJ
(10USC 9360

11-25-1969: letter of power of attorney

BOOK 1422 PAGE 734 Recorded [illegible] at 2:12 o'clock P M
Reception No. 938521 [illegible] Recorder

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS That the undersigned Lucille Lee Davis, Etta Lee Hansen and Richard M. Lee, and Dixie Lee King by her agent, Etta Lee Hansen, hereby designate Jay Lee as their agent and power of attorney to complete all the necessary conveyances and instruments in connection with the offer, a copy of which is attached hereto and made a part hereof by reference, of certain water rights to the United States of America including the delivery of the deeds, the collection of the purchase price and the distribution thereof. The undersigned further authorize said Jay Lee to make the appropriate deduction from the purchase price for the amount of money expended by him in connection with the water rights so listed including repair, maintenance, attorneys fees and other items expended by him, said amounts being as follow:

Lucille Lee Davis $594.70

Etta Lee Hansen $484.99

The undersigned further authorize the deduction of attorneys fees to be paid to Miller and Ruyle in completing this transaction, plus such abstracting, title correction or other matters as may arise out of said sale.

Dated this 25th day of November, 1969.

Etta Lee Hansen
Etta Lee Hansen

Jay Lee
Jay Lee

Richard M. Lee
Richard M. Lee

Lucille Lee Davis
Lucille Lee Davis

Etta Lee Hansen as Agent for
Dixie Lee King

Jay Lee as agent agrees that the Deed above referred to shall be deposited with the First National Bank of Greeley in escrow to be delivered to the United States of America upon payment of the agreed purchase price into escrow to be distributed by Jay Lee in accordance with the agreement and the power of attorney.

Jay Lee
Jay Lee

04-09-1970: water resources section daily report: subject - offer to sell water rights

WATER RESOURCES SECTION

DAILY REPORT

FILE CODE
~~L54 (WSC)LWW~~
ROMO

DATE April 9, 1970

TO: Chief, (WSC)LW — X INFORMATION

PHONE (X) VISIT ( ) CORRESPONDENCE ( ) SUMMARY ( )

FROM: Fred Meyers, Land Appraiser, Midwest Region TO: G.S.Witucki, Chief, WSC-LWW

SUBJECT: "Offer to sell water rights" from Mr. Jay Lee, Greeley, Colorado - Rocky Mountain

Mr. Fred Meyers called and confirmed that fact that he had an "offer to sell" from Mr. Jay Lee, Greeley, Colorado, in regards to the water rights at Rocky. He has so informed Director Fagergren and indicated that a copy would be sent to the Director's office in Washington and its arrival should be anticipated. I told him that I would pass this information on to our Washington people so as to be sure that it would continue to be acted on. He is sending a copy of the offer to this office.

(Sgd)

Gerard S. Witucki

cc:
MW-WASO

green file cy

00-00-0000: received stamp

L 54
ROMO-GEN'L.

RECEIVED
WATER
MAR 19 1970

ACT.	INFO.		INITIALS	DT
		WITUCKI, G.		
		CHAVEZ, D.	DC	
		FILE		

REMARKS

00-00-0000: memo regarding 1/2 size mylar

OPTIONAL FORM NO. 10
5010-103

UNITED STATES GOVERNMENT

Memorandum

TO : Gerry Witucki - Dave Chavez DATE:

FROM : Bill Mekeel

SUBJECT: 1/2 size mylar

Here is the mylar I talked to you about on the telephone. I need to have it reduced by half, it is now one inch to the mile and I need one half inch to a mile. I want it, the copy that is, on mylar, the same material that the print is presently on. Hope you can rush this thru, as I promised it for a week ago. Also, please, please pack it real well, when you send it back, it represents one hell of a lot of work.

Thanks much,
Keep your powder dry and your wagons in a circle at night -

Bill M.

RETURNED ORIGINAL & (1) HALF SIZE REPRODUCTION TO W. MEKEEL 3/31/70. D. CHAVEZ

L54

February 27, 1970

Memorandum

To: Chief, Water Resources Division, WASO

From: Legal Assistant, Rocky Mountain National Park

Subject: Alien Water Right No. 30 - Lost Lake, Rocky Mountain N. P.

In late November, as reported in previous correspondence, we were contacted at the Park by Mr. Jay Lee of Greeley, Colorado, who owns the controlling interest in the subject water rights. Mr. Lee expressed an interest in selling the water rights to the Park Service. I had talked to Mr. Lee a few months previously and informed him that if he decided to sell the water right the Park Service would be interested.

The decreed rights originally in the name of Hutter R. Lee (Jay Lee's father) consist of the right to impound in Glacier Reservoir No. 1 (also known as Lost Lake) 6 million cubic feet or 137.74 acre feet of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River in accordance with a decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27, as of August 15, 1911, in Water District Number 4, State of Colorado, for domestic and irrigation purposes.

This water right, an impoundment structure and appurtenant right-of-way for access to the lake are apparently the only encroachment on an otherwise wilderness area. The present impoundment structure is constructed of rock and concrete and is approximately eight to ten feet in height. The Park maintenance people inform me that the structure could be removed quite easily by blasting. The decree authorizes a sixteen foot impoundment structure, and in the event the water right was sold to an outside interest it is almost certain that the structure would be raised to that height to fully develop the storage potential. Consequently, it appears that elimination of the present encroachment in an otherwise wilderness area, as well as precluding additional adverse use, certainly provides sufficient justification to acquire the right.

The water right was apparently exercised intermittently for a period of years, from the mid-Thirties until about 1961 when Jay Lee assumed the operation. Since that time, Mr. Lee has sold all or some part of the water in the Greeley-Loveland, Colorado, area for irrigation purposes.

Water rights in this area are steadily rising in value due to increased population, agriculture, and industrial growth in the valley north of Denver. Local inquiry indicates the current market value of water in this area is from $200 to $300 per acre foot. Mr. Lee has offered to sell the water rights at Lost Lake for $250 per acre foot. (137.74 x $250 equals $34,435.00).

Other possibilities exist to eliminate this water right from the Park. Inasmuch as impoundment rights only are involved, the right could be sold by Mr. Lee to an outside interest who could transfer the right to an impoundment site outside of the Park boundary. I have accomplished some initial study on this possibility, and it appears a shortage of suitable storage in the Big Thompson drainage is presently the limiting factor. Would it be possible for the Park Service to purchase the right from Mr. Lee et al, and sell it to an outside interest with the provision that the storage rights be moved outside the Park boundary when storage facilities become available? I know of no precedent for such a transaction involving a water right. However, since a water right is a vested property right it appears we could dispose of same in the same manner as any other property, probably through GSA.

The present ownership of the subject water right appears to be as follows: Jay Lee owns a 50% interest; Lucille Lee Davis (Jay Lee's sister-in-law) owns a 33 1/3% interest and Etta Lee Hansen (also Jay Lee's sister-in-law) and her children, Richard H. Lee and Dixie Lee King own a 16 2/3% interest. Jay Lee currently has power of attorney to convey the other interests. Lucille Lee Davis is quite elderly and in poor health and, according to Mr. Lee, changes her decisions frequently and could cancel her power of attorney at any time. Consequently, he is quite anxious to convey the right while he has the legal authority to do so. I initially informed Mr. Lee that we would not be interested in purchasing less than a 100% interest since we would have little to gain by doing so. Mr. Lee has indicated that he would not object to waiting until after the first of July, 1970, for payment of his 50% interest, but in view of the above, he feels payment of the remaining 50% interest should be made as soon as possible to preclude the possibility of adverse involvement.

I am attaching herewith one copy of abstracts and deeds furnished by Mr. Lee for your perusal.

SIGNED

William L. Nekeel

12-04-1969: memorandum to director, western service center from regional director, midwest region regarding water rights

LWW

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

IN REPLY REFER TO:

L1425 MWR (ARD)
L54(WSO) LWW
R000

DEC 4 1969

RECEIVED
NATIONAL PARK SERVICE
San Francisco Service Center [illegible] of
Land Acquisition & Water Re[illegible]
DEC 8 -1969

ACT.	INFO.		INITIALS	DATE
	1	CHIEF		
	2	ASST. CHIEF		
		ACQUISITION		
		APPRAISALS		
		Coord. & Contr.		
		DOCKET		
		EXCHANGE		
		INHOLDINGS		
	3	Water Resources		
		FILE		

Memorandum

To: Director, Western Service Center

From: Regional Director, Midwest Region

Subject: Water Rights, Rocky Mountain

It has just been brought to my attention that we forwarded to you, without comment, Superintendent Thompson's memorandum of November 21, 1969, regarding the acquisition of water rights at Lost Lake, Rocky Mountain National Park.

This is an opportunity for the Service to obtain all right and title to the water rights involved and we want to do just that at the earliest possible moment. Any delay may result in acquisition by other private interests. This is a top priority in this Region, and we urge immediate action.

Fred C. Fagergren

Fred C. Fagergren

cc:
Supt., Rocky Mountain
Chief, Division of Water Rights, WASO

11-21-1969: memorandum to regional director, midwest region from superintendent regarding water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK
AND
SHADOW MOUNTAIN NATIONAL RECREATION AREA
ESTES PARK, COLORADO 80517

IN REPLY REFER TO:

L54

NOV 21 [illegible]

INITIAL AND DATE	
Reg. Director	
Mrs. Howe	
Assoc. Reg. Dir.	
Park Opns. Eval.	
Park Mgmt.	
Adm. Mgmt.	
Park Support	
✓ Lands	
(1) ✓ CCO-Programs	
Arch. Res.	
Actn. Tkn. & Date	
File	

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Rocky Mountain

Subject: Water Rights

Enclosed is a copy of an Offer to Sell Water Rights in Rocky Mountain National Park. Mr. Jay Lee, Greeley, Colorado, was in my office November 13 to discuss the sale of the rights to 137.74 acre feet of water stored in the Lost Lake impoundment.

Lost Lake is situated in the northeast section of the park. The impoundment is the only adverse use we have in an otherwise pure wilderness area in this region of the park.

Water values are accelerating in the Fort Collins - Greeley area due to the entrance of Kodak and other large firms and the saleability of water rights is high. There is no doubt that many private interests will jump at the chance to acquire this water if the Service does not act quickly. Also, if this water right was acquired by another party there would most likely be improvements to the impoundment at Lost Lake.

A condition with the water rights is access to the Lake. This right-of-way varies from 15 feet on either side of the centerline to 5 feet on either side of the centerline when it approaches the lake. Both conditions are not permissible in wilderness. The acquisition of the right-of-way as a part of the package would provide access to the boundary and the northeast portion of the park.

C.C. MAILED TO
[illegible]
BY JM DATE [illegible]

I strongly recommend the acquisition of the 137.74 acre feet of water be given the highest priority. The purchase would eliminate an adverse use and prevent the threat of future reservoir development at Lost Lake. The northeast area of the park lends itself to wilderness designation. There are only a couple of jeep trails that lead up to the park boundary and they are controlled by landowners.

Legal Assistant William Mekeel is sending copies of the correspondence relating to this case to Chief, Division of Water Rights, WASO.

Theodore R. Thompson
Superintendent

In Duplicate

Enclosures:
Offer To Sell (2)
Lost Lake Area Maps (2)

11-20-1969: formal offer to sell: right to impound in glacier reservoir no. 1 (lost lake)

COPY

FORMAL OFFER TO SELL

The undersigned, hereinafter called the Vendor, in consideration of mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America, and its assigns, all right title and interest in the following described property:

> The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137,74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T6N, R73W, of the 6th P.M.

The Vendor certifies that he owns a 50% interest in the rights described above and that the remaining interests are owned by Lucille Lee Davis (33 1/3%); and, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King (16 2/3%). The Vendor further certifies that he presently has or will obtain legal authority to convey the 33 1/3% interest in the name of Lucille Lee Davis and that he has or will obtain legal authority to convey the 16 2/3% interest of Etta Lee Hansen, et. al.

The Vendor agrees to sell all right title and interest in the above-described rights for a unit price of $250 per acre foot.

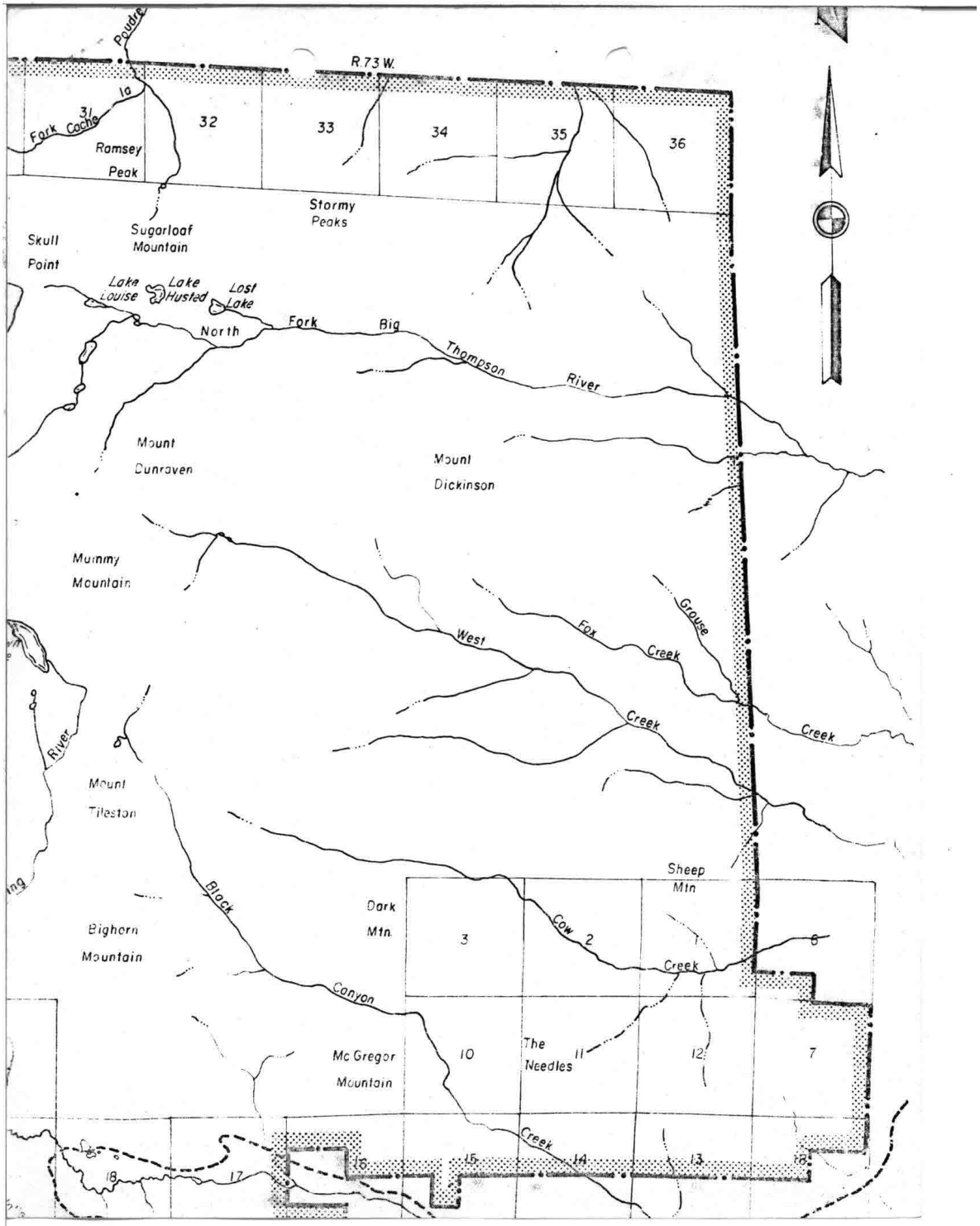
The Vendor agrees that this offer may be accepted by the United States through any duly authorized representative by delivery of a notice of acceptance to the Vendor.

Signed and Delivered this 20th day of November, 1969.

/s/ Jay Lee
Vendor

Jay Lee
2436 16th Avenue
Greeley, Colorado 80631

00-00-0000: map



11-26-1969: memorandum to the director, san francisco service center from land liaison officer, midwest region regarding water ri

Water

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

IN REPLY REFER TO:
L1425 MWR (ML)
L54 MWR #30

NOV 26 1969

Memorandum

To: The Director, San Francisco Service Center

From: Land Liaison Officer, Midwest Region

Subject: Water Rights, Rocky Mountain

Enclosed is a copy of a memorandum from Superintendent and a copy of an Offer to Sell water rights for further action by your office.

Robert W. Jackson

Enclosures

RECEIVED
WATER
NOV 28 1969

ACT.	INFO.		INITIALS	DATE
		WITUCKI, G.		
✓		CHAVEZ, D.		
✓		FILE		

REMARKS

11-21-1969: memorandum to regional director, midwest region from superintendent regarding water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK
AND
SHADOW MOUNTAIN NATIONAL RECREATION AREA
ESTES PARK, COLORADO 80517

IN REPLY REFER TO:

L54

NOV 21 1969

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Rocky Mountain

Subject: Water Rights

Enclosed is a copy of an Offer to Sell Water Rights in Rocky Mountain National Park. Mr. Jay Lee, Greeley, Colorado, was in my office November 13 to discuss the sale of the rights to 137.74 acre feet of water stored in the Lost Lake impoundment.

Lost Lake is situated in the northeast section of the park. The impoundment is the only adverse use we have in an otherwise pure wilderness area in this region of the park.

Water values are accelerating in the Fort Collins - Greeley area due to the entrance of Kodak and other large firms and the saleability of water rights is high. There is no doubt that many private interests will jump at the chance to acquire this water if the Service does not act quickly. Also, if this water right was acquired by another party there would most likely be improvements to the impoundment at Lost Lake.

A condition with the water rights is access to the Lake. This right-of-way varies from 15 feet on either side of the centerline to 5 feet on either side of the centerline when it approaches the lake. Both conditions are not permissible in wilderness. The acquisition of the right-of-way as a part of the package would provide access to the boundary and the northeast portion of the park.

00-00-0000: letter from superintendent recommending acquisition of water

I strongly recommend the acquisition of the 137.74 acre feet of water be given the highest priority. The purchase would eliminate an adverse use and prevent the threat of future reservoir development at Lost Lake. The northeast area of the park lends itself to wilderness designation. There are only a couple of jeep trails that lead up to the park boundary and they are controlled by landowners.

Legal Assistant William Mekeel is sending copies of the correspondence relating to this case to Chief, Division of Water Rights, WASO.

[Sgd] Theodore R. Thompson

Superintendent

In Duplicate

Enclosures:
Offer To Sell (2)
Lost Lake Area Maps (2)

11-20-1969: formal offer to sell: the right to impound in glacier reservoir no. 1 (lost lake)

FORMAL OFFER TO SELL

The undersigned, hereinafter called the Vendor, in consideration of mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America, and its assigns, all right title and interest in the following described property:

> The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T6N, R73W, of the 6th P.M.

The Vendor certifies that he owns a 50% interest in the rights described above and that the remaining interests are owned by Lucille Lee Davis (33 1/3%); and, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King (16 2/3%). The Vendor further certifies that he presently has or will obtain legal authority to convey the 33 1/3% interest in the name of Lucille Lee Davis and that he has or will obtain legal authority to convey the 16 2/3% interest of Etta Lee Hansen, et. al.

The Vendor agrees to sell all right title and interest in the above-described rights for a unit price of $250 per acre foot.

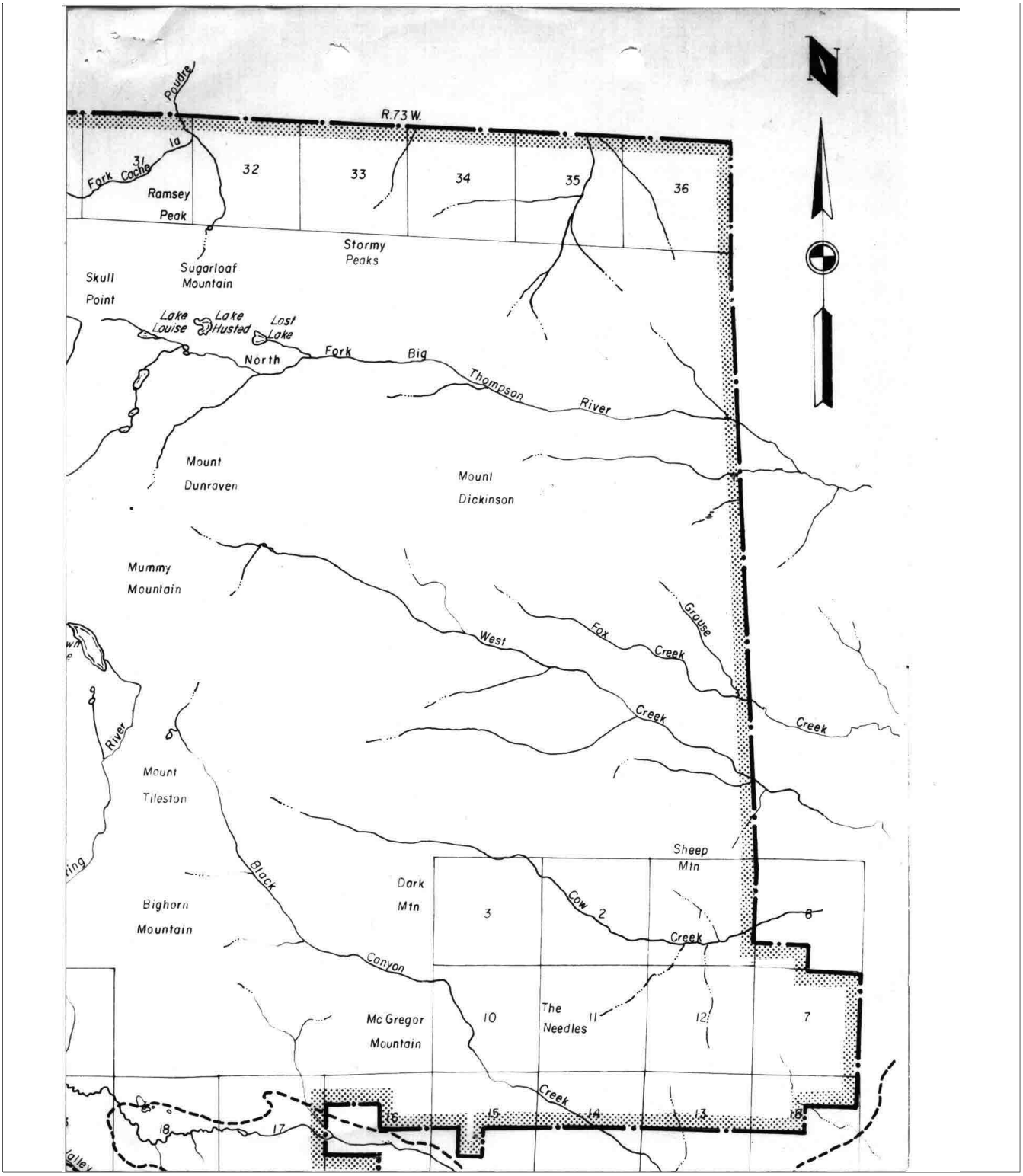
The Vendor agrees that this offer may be accepted by the United States through any duly authorized representative by delivery of a notice of acceptance to the Vendor.

Signed and Delivered this 20th day of November, 1969.

Jay Lee
Vendor

Jay Lee
2436 16th Avenue
Greeley, Colorado 80631

00-00-0000: map



11-26-1969: memorandum to chief, division of water resources, waso from legal assistant regarding alien water right no. 30 (lost l

RECEIVED
WATER
DEC 1 1969

ACT.	INFO.		INITIALS	DATE
		WITUCKI, G.		
	✓	CHAVEZ, D.		
		FILE		

REMARKS

NOV 26 1969

LS4
awr#3

Memorandum

To: Chief, Division of Water Resources, WASO

From: Legal Assistant, Rocky Mountain

Subject: Alien Water Right No. 30 - Lost Lake, Rocky Mountain N. P.

Recently we were contacted at the Park by Mr. Jay Lee of Greeley, Colorado, who owns the controlling interest in the subject water rights. Mr. Lee expressed an interest in selling the water rights to the Park Service.

The decreed rights, originally in the name of N. R. Lee (Jay Lee's father), consist of the right to impound in Glacier Reservoir No. 1 (also known as Lost Lake - see attached map) 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River in accordance with a decree of the District Court dated April 1, 1931, Case Number 9079, which assigned Reservoir Priority Number 27, as of August 15, 1911, in Water District Number 4, for domestic and irrigation purposes.

The right was apparently exercised intermittently for a period of years from the mid-thirties until about 1961 when Jay Lee assumed the operation. Since that time, Mr. Lee has sold all or some part of the water in the Greeley-Loveland, Colorado area for irrigation purposes.

I questioned Mr. Lee as to the ownership of the water right and it appears title rests as follows: Jay Lee owns a 50% interest; Lucille Lee Davis (Jay Lee's sister-in-law) owns a 33 1/3% interest and Etta Lee Hansen (also Jay Lee's sister-in-law) and her children, Richard M. Lee and Dixie Lee King own 16 2/3%. Mr. Lee indicated he has some kind of power of attorney to dispose of the 33 1/3% interest owned by Lucille Lee Davis. This leaves the 16 2/3% interest owned by Etta Lee Hansen, et al, which Mr. Lee believes he can obtain.

I also questioned Mr. Lee as to what he thought the water rights were worth. He indicated the current market price in this area is

approximately $250 per acre feet and he would set that price for the present, subject to verification and negotiation. Water values are rising steadily in the Fort Collins, Loveland, Greeley area due to the establishment of some large industrial complexes in the valley north of Denver.

The subject water rights, an impoundment structure on the lake and a right-of-way for access to the lake are the only encroachments on an otherwise wilderness area. I have no doubt that a number of private interests would welcome the opportunity to purchase the rights, and if so they would almost certainly increase the size of the impoundment structure for additional storage.

Attached is a copy of an Offer to Sell Water Rights signed by Mr. Lee. I strongly recommend the acquisition be given the highest possible priority.

SIGNED

William Mehrel
Legal Assistant

In duplicate

Enclosures:
Offer to Sell (2)
Lost Lake Area Map (2)

cc:
RSC-D w/enc.
RSC-MR w/enc.
WSC-MR w/enc.

11-20-1969: formal offer to sell: the right to impound in glacier reservoir no. 1 (lost lake)

FORMAL OFFER TO SELL

The undersigned, hereinafter called the Vendor, in consideration of mutual covenants and agreements herein set forth, offers to sell and convey to the United States of America, and its assigns, all right title and interest in the following described property:

> The right to impound in Glacier Reservoir No. 1, also known as Lost Lake, 6 million cubic feet (137.74 acre feet) of water from Lee's Fork, a tributary of the North Fork of the Big Thompson River, in accordance with a Decree of the District Court dated April 1, 1931, Case No. 9079, which assigned Reservoir Priority No. 27 as of August 15, 1911, in Water District No. 4, for domestic and irrigation purposes, Reservoir being located in Sec. 8, T6N, R73W, of the 6th P.M.

The Vendor certifies that he owns a 50% interest in the rights described above and that the remaining interests are owned by Lucille Lee Davis (33 1/3%); and, Etta Lee Hansen, Richard M. Lee, and Dixie Lee King (16 2/3%). The Vendor further certifies that he presently has or will obtain legal authority to convey the 33 1/3% interest in the name of Lucille Lee Davis and that he has or will obtain legal authority to convey the 16 2/3% interest of Etta Lee Hansen, et. al.

The Vendor agrees to sell all right title and interest in the above-described rights for a unit price of $250 per acre foot.

The Vendor agrees that this offer may be accepted by the United States through any duly authorized representative by delivery of a notice of acceptance to the Vendor.

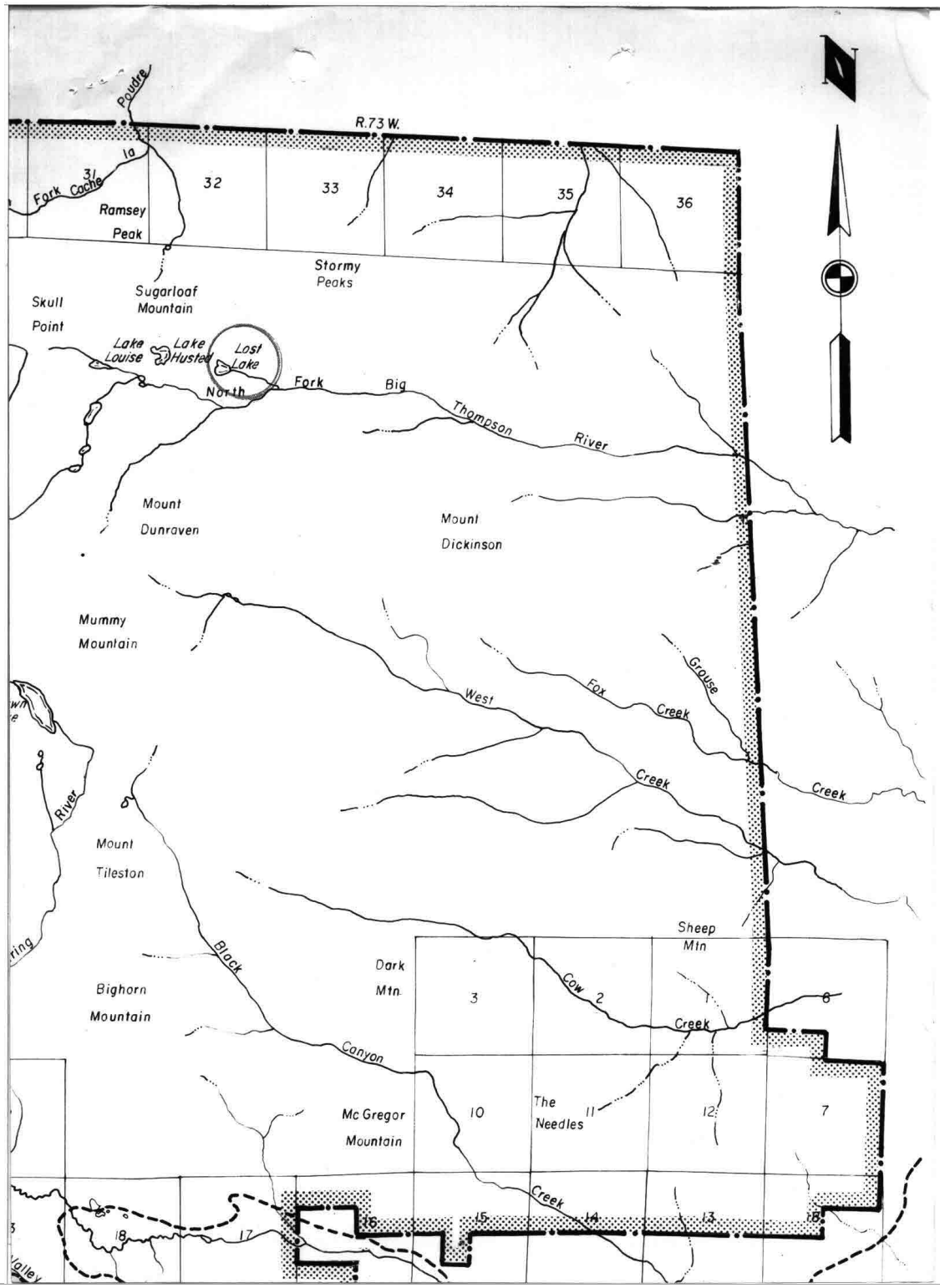
Signed and Delivered this 20th day of November, 1969.

Jay Lee

Vendor

Jay Lee
2436 16th Avenue
Greeley, Colorado 80631

00-00-0000: map



10-12-1964: memorandum to regional director, midwest region from superintendent regarding reservoirs

Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
L54 MWR(OL) P. O. Box 1080, Estes Park, Colorado 80517

October 12, 1964

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Rocky Mountain

Subject: Reservoirs, Rocky Mountain

We have a copy of Mr. Alberts' memorandum of September 30 to the Director. Unfortunately we were unable to make a physical reconnaissance of reservoirs within the Park this summer. Therefore we do not have current photographic coverage. However, we know there is no significant change in the information submitted with our memorandum of April 27. The only new information we might add is that there is now some interest on the part of the owners of Lost Lake Reservoir (Glacier Reservoir No. 1) in selling the rights which they inherited from their father, Mr. N. R. Lee.

(Sgd.) Granville B. Liles

Superintendent

In duplicate

10-14-1964: letter in reply to letter regarding glacier reservoirs no. 1 and 2

Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
L54 P. O. Box 1080, Estes Park, Colorado 80517

October 14, 1964

Mr. Garth W. Rogers
Allen, Stover and Mitchell
Fourdre Valley National Bank Bldg.
Fort Collins, Colorado

Dear Mr. Rogers:

Please excuse the delay in our reply to your letter of September 18, regarding Glacier Reservoirs No's 1 and 2. Our records show that Mr. N. R. Lee, father of J. Lee, obtained from the Forest Service a right-of-way permit for the construction of these two reservoirs on September 26, 1913. Glacier Reservoir No. 1 (Lost Lake) was actually constructed prior to the enactment of Rocky Mountain National Park on January 26, 1915. As no action was taken on Reservoir No. 2, it was considered abandoned and the case closed by Thomas Havill, acting Commissioner of the General Land Office in Washington on August 24, 1925. Subsequently a water right decree was made April 1, 1931, by the District Court in Water District No. 4, granting to Glacier Reservoir No. 1 Priority No. 27 as of August 15, 1911, for 137.74 acre feet of water storage from the north fork of the Big Thompson River. No such water right exists for Glacier Reservoir No. 2.

The National Park Service recognizes water rights and water right structures which existed in the Park prior to its establishment. As you may understand, the purposes for which the Park was established preclude any new development or expansion of existing developments. The several old reservoirs in the Park which were constructed primarily by hand labor, and which have now largely grown into a semi-wilderness appearance, may continue their existence until acquired by the Federal Government. Actually they are in conflict with the wilderness areas in which they exist. The various owners of these reservoirs have continued to maintain the dams and the outlet drains through the years, and to occasionally release the stored water late in the summer. Mr. Lee made some repairs on the Lost Lake Dam in 1963, with a gasoline powered air hammer and other portable tools.

Answers to your four questions are as follows:

1. The only access route to Glacier Reservoir No. 1 is via the north fork trail, a foot and horse trail maintained by the National Park Service for recreational use of the backcountry of the north fork drainage.

2. We would not permit construction of a vehicle access to the reservoir under any circumstances. Wheeled vehicles are prohibited on Park trails.

3. The present recreational use of the reservoir for fishing and backcountry camping is the highest and best possible use for this area. To permit cabin and other recreational developments would destroy the wilderness qualities of the area. As the reservoir already stores the amount of water decreed by the water right there would be no point in reconstructing the dam, as we understand the matter. However if reconstruction was necessary, it would naturally be permitted so long as the materials were taken from the bottom of the reservoir or brought in by pack horse, and so long as the surrounding vegetation, trees and lands were not damaged by the construction activity.

4. As J. Lee is the son of Mr. N. R Lee, who originally constructed the reservoir, his ownership of the reservoir would be subject to claims of the other heirs of his father. Larimer County records show that Lucille Davis has a Warranty Deed to one-third interest in Glacier Reservoir No. 1 and possibly an additional one-third which she purchased from Edward Lee. It also appears that the heirs of Fred Lee share a one-third interest in the reservoir rights.

It should be understood that ownership of the land remains with the Federal Government. The decreed right to impound water at subject reservoir site is, in our opinion, the only value which can be bought or sold by individuals.

If it appears that clear title to these storage rights can be conveyed, the United States would be interested in acquiring said rights at the fair market value in order to eliminate what is now a non-conforming use in the Park.

We hope we have answered your questions. If we can assist you further, please let us know.

Sincerely yours,

(Sgd.) Granville B. Liles

Granville B. Liles
Superintendent

cc: Regional Director, Midwest Region (2)

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

September 7, 1961

Mr. David M. Gaufin, Forest Supervisor
Roosevelt National Forest
P. O. Box 567
Fort Collins, Colorado

Dear Mr. Gaufin:

In regard to your letter of August 29 (Your File 2750-Easements/ Licenses), this is to say that Mr. Jay Lee of Greeley, who has an interest in the Lost Lake water impoundment indicated to us that his father had received a "lease" for land in the vicinity of Lost Lake which is now in the National Park. He is evidently making a thorough search for any record of permitted land use in this vicinity in addition to the water storage rights which were decreed by the state courts in 1931. The only document of which we have record provides only for the occupation of the lands below the high water mark in the reservoir. He made reference to a permit which was issued by the Forest Service, given at one time, for the use of 11 acres of land adjacent to the reservoir and used for the purpose of grazing animals utilized in construction and maintenance of the dam.

Mr. Lee has worked closely with us recently in removing some unsafe shelter structures at Lost Lake and in cleaning up the area in general.

He has been most cooperative in removal of the adverse use here and subject to obtaining full title to the water storage rights, plans to divert the water right to a lower facility where it might be used to better advantage.

It is thought that he made inquiry of your office due to Glacier Creek Reservoir No. 1 (Lost Lake) being under Forest Service jurisdiction in 1913, two years prior to Park formation.

While our reply to you is somewhat lengthy we have included it for background data in any future correspondence you may have with Mr. Lee.

Sincerely yours,

(Signed) Allyn F. Hanks

Allyn F. Hanks
Superintendent

In duplicate

Copy to: Lost Lake Water Docket

Estes Park, Colorado
August 4, 1961

Mr. Jay Lee
2436 - 16th Avenue
Greeley, Colorado

Dear Mr. Lee:

On September 26, 1913, First Assistant Secretary of the Interior, A. A. Jones, approved an application made by map of location for impoundment of water for domestic and irrigation purposes in Glacier Reservoir No. 1, known as Lost Lake. The application map showed the proposed reservoir to be located in Section 8, Township 6 North, Range 73 West of the 6th P.M., now a part of Rocky Mountain National Park. At a later date, proof of construction was accepted by the General Land Office, Denver, Colorado. Such acceptance constituted a Special-Use-Permit for the use of public lands located within the high water line of the constructed reservoir as long as used for the purpose for which granted. The Water Commissioner's records and the National Park's records indicate that no water has been stored or impounded in this reservoir and used ~~used~~ for either domestic or irrigation purposes during the past seven or more years. This failure to use this particular tract of public lands for the purposes for which the Permit was granted constitutes abandonment.

You are the only member of the original applicants family we have been able to locate and we hope you will be able to furnish us with the names and addresses of the other heirs.

Sincerely yours,

Wayne H. Hackett
United States Commissioner

CWR#30

NORTH FORK OF BIG THOMPSON RIVER DRAINAGE

Water District No. 4

GLACIER RESERVOIR No. 1 -- LOST LAKE

The right-of-way easement was obtained under the provisions of the Acts of March 3, 1891, and May 11, 1898, approved by 1st Assistant Secretary of Interior, A. A. Jones, on September 26, 1913, and filed in the General Land Office records as Denver 016423. Mr. M. R. Lee, Johnstown, Colorado, claimant, obtained an easement for 16.25 acres of public domain located in Sections 8 and 5, Township 6 North, Range 73 West of 6th P.M.

Water Rights Decree of the Colorado District Court, dated April 1, 1931, assigned Reservoir Priority No. 27, in Water District No. 4, as of August 15, 1911, permitting the storage of 137.75 acre feet of water in Glacier Reservoir No. 1, also known as Lost Lake, located upon a tributary of the North Fork of the Big Thompson River.

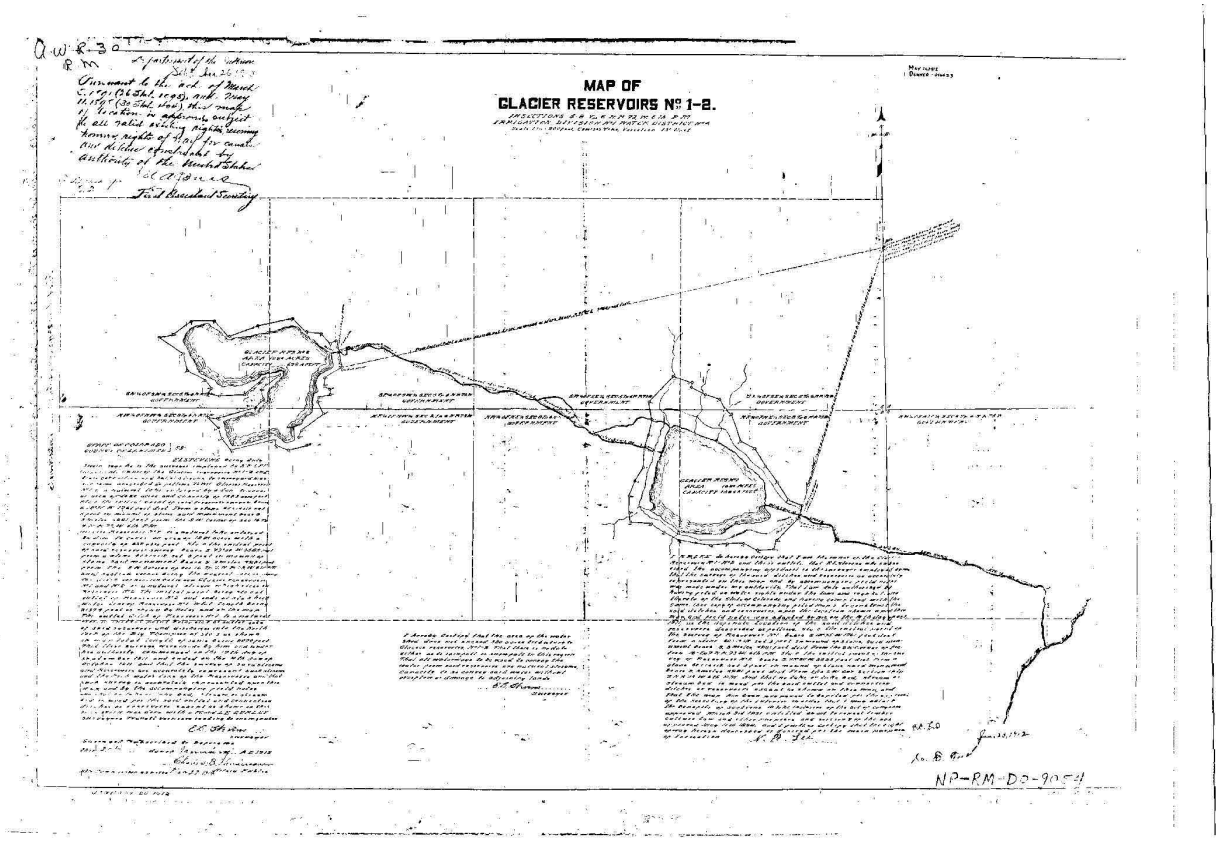
Records of the District No. 4 Water Commissioner show that no water from this reservoir has been stored and sold during the past 6 years.

This water storage decreed right is owned by the heirs of M. R. Lee, deceased. Mr. Jay Lee, 2436 16th Avenue, Greeley, Colorado, is the principal owner and has recently been trying to sell this storage right to some down stream user who would attempt to get a change in point of storage by a petition filed in the District Court.

We believe that the Lee heirs have abandoned their right-of-way easement because of their failure to use the reservoir site for the purpose for which it was issued for a period of more than 5 years.

Rec'd w/ Supt. Hank's
May 11, 1962 memo.
L54 Romo

Maps and Miscellaneous Information



Docket Information

Number of Documents in Docket 170

Documents Dated from 1/20/1912 to 5/8/1991

Docket Compiled: 6/16/2011