



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 51

PHANTOM CREEK, TRIBUTARY OF THE NORTH FORK OF THE COLORADO RIVER

Preliminary Docket Information

00-00-0000: water right record: id no. romo r180575bf51; phantom ditch

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #51

IDENTIFICATION NO: ROMO R 180575 BF51

DITCH/WATER SYSTEM: Phantom Ditch

SOURCE OF SUPPLY: Phantom Creek, a tributary of the North Fork of the Colorado River

LOCATION: Point of diversion is located on the South bank of Phantom Creek at a point whence the North Quarter Corner of Sect. 18, T5N, R75W of the 6th P.M. bears: N56°44'W. 2,479

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: *14928 March 28, 1928*

Certificate Record Number:

Date of Priority: ~~August 31, 1955~~ *July 15, 1915*

Quantity of Water: 6.6. c.f.s.

Purpose: Domestic and power generation purposes.

Irrigated Land Description:

SUMMARY OF STATUS: ~~This is an absolute right, granted on March 6th, 1973.~~

Owners Quarters, Phantom Valley Ranch Well Registration No N-926

Phantom Valley Trading Post Well Registration No N-722

State Water Rights Documentation

Form G (Rev.)
6-58/2M

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
Ground Water Section

Phantom Valley
Permit area

PERMIT TO USE GROUND WATER
AND NOTICE OF WELL REGISTRATION Domestic

To: National Park Service
Rocky Mountain National Park of P.O. Box 1086, Estes Park, Colorado.

In accordance with the provisions of Section 2 of the

COLORADO GROUND WATER LAW
As amended by SB -233 - 1961

The well situated NW $\frac{1}{4}$, NW $\frac{1}{4}$, Se. 18, Twp 5 N., Rge. 75 W., 6 PM, Grand County

Has been regularly registered in this office and assigned No. RN-922
and this Permit is issued for the use described in the statement filed.

Signed and Sealed in Denver, Colorado

this 4 day of January, 19 62.

DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER

J. C. Whitten
State Engineer

By *H. W. Colburn*
Authorized Agent

KEEP THIS AS A PERMANENT RECORD

ROCKY MTN. NATL. PARK

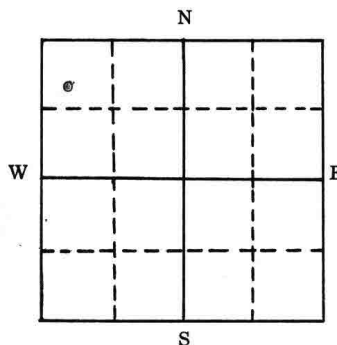
JAN 5 3 32 PM '62

Form F (Rev.)
7-57/5MSTATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTIONN-922
REGISTRATION NO. _____ OF WELLRegistrant National Park Service
Rocky Mountain National Park Date Dec. 28 19 61
P.O. Box 1086
P.O. Address Estes Park, Colorado, Colo.WELL DATA
Depth 23' 4" ft. Diameter 6 in.
Casing : _____ ft. Plain; _____ ft. Perfor.
Static Water Level _____ ft. from topYield _____ (gpm)(cfs) from _____ ft.
Used for Commercial and
Domestic purposes on/atPhantom Valley Trading Post, abandoned
(legal description of land or site)

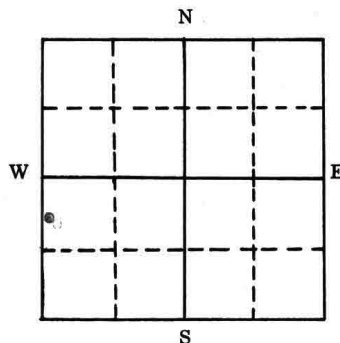
Water conveyed by _____, size _____

PUMP DATA
Type No pump Size Well is capped

Driven by _____ at _____ RPM

Well was first used _____, 19 _____
for _____ using _____ gpmWell enlarged _____, 19 _____ to
deepened _____
(gpm)(cfs)(ft)LOG SHOULD BE GIVEN ON REVERSE
SIDE IF AVAILABLEWELL LOCATION
County Grand
NW 1/4, NW 1/4 Section 18
Twp. 5 N, Rge. 75 W, 6th PMWELL TO BE LOCATED AS ACCUR-
ATELY AS POSSIBLE WITHIN A
SMALL SQUARE WHICH REPRESENTS
40 ACRES; OR IF IN A TOWN OR
SUBDIVISION FILL IN THE FOLLOW-
ING:North Fork Colorado River Upper Valley
Town or Subdivision
Rocky Mountain National Park
Street address or Lot and BlockThe above well (has) (has not) been registered in the Office of the State Engineer prior
to May 1, 1957. If Registered give Filing No. Not Registered.If NOT Registered prior to May 1, 1957, a \$5.00 filing fee accompanies this form.The above statements are true and correct to the best of my knowledge and belief.
Subscribed and Sworn before methis 28th day of December, 19 61.My commission expires U.S. Code, Title 28, 637.
Thomas E. Whitcraft, Acting
Registrant, Superintendent
Rocky Mountain National Park(SEAL) Wayne H. Hackett, U.S. Commissioner
Notary PublicFOR STATE ENGINEER'S USE
Located in _____ district, _____ County for _____

Registration No. _____ in _____, on _____, 19 _____.

Form F (Rev.)
7-57/5MSTATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTIONREGISTRATION NO. N-926 OF WELLRegistrant National Park Service
Rocky Mountain National Park Date Dec. 28 19 61
P.O. Address P.O. Box 1086
Estes Park, Colorado, Colo.WELL DATA
Depth 12'3" ft. Diameter 27 in.
Casing : Yes - VCP ft. Plain; VCP ft. Perfor.
Static Water Level 8 8 ft. from top
Yield _____ (gpm)(cfs) from _____ ft.
Used for Domestic purposes on/at
Owner's Quarters, Phantom Valley Ranch
(legal description of land or site)Water conveyed by _____, size _____
PUMP DATA
Type Centrifugal Size 1/2 H.P.
Driven by Electric, at 1760 RPM
Well was first used June, 19 56
for _____ using _____ cfs
gpm
Well enlarged _____, 19 _____ to
deepened _____ (gpm)(cfs)(ft)LOG SHOULD BE GIVEN ON REVERSE
SIDE IF AVAILABLEWELL LOCATION
County Grand
NW 1/4, SW 1/4 Section 7
Twp. 5 N., Rge. 75 W., 6th PMWELL TO BE LOCATED AS ACCUR-
ATELY AS POSSIBLE WITHIN A
SMALL SQUARE WHICH REPRESENTS
40 ACRES; OR IF IN A TOWN OR
SUBDIVISION FILL IN THE FOLLOW-
ING:Upper North Fork Colorado River Valley
Town or Subdivision
Rocky Mountain National Park
Street address or Lot and BlockThe above well (has) (has not) been registered in the Office of the State Engineer prior
to May 1, 1957. If Registered give Filing No. Not Registered.If NOT Registered prior to May 1, 1957, a \$5.00 filing fee accompanies this form.The above statements are true and correct to the best of my knowledge and belief.
Subscribed and Sworn before methis _____ day of December, 19 61.My commission expires U.S. Code, Title 28, 637.
Thomas E. Whitcraft, Acting
Registrant, Superintendent
Rocky Mountain National Park(SEAL) Wayne H. Hackett, U.S. Commissioner
Notary PublicFOR STATE ENGINEER'S USE
Located in _____ district, _____ County for _____
Registration No. _____ in _____, on _____, 19 _____.

FRANK P. AND
ATTY. AT LAW

1/1-1968, Colo.
80446

#51?



file no. 22848

NP-RM 2667

Rocky Mtn. Nat. Park
Pahntom Valley Pipeline
Box 1080
Estes Park, Colo.

IN THE DISTRICT COURT
IN AND FOR THE COUNTY OF GRAND
STATE OF COLORADO
CIVIL ACTION NO. 1768

IN THE MATTER OF THE)
SUPPLEMENTAL ADJUDICATION OF)
RIGHTS TO THE USE OF WATER) NOTICE OF SUPPLEMENTAL
IN WATER DISTRICT NO. 51,) ADJUDICATION OF WATER
FOR ALL BENEFICIAL USES AND) RIGHTS FOR ALL BENEFICIAL
PURPOSES,) PURPOSES IN WATER DISTRICT
) NO. 51.
CHARLES E. CLAYTON,)
)
Petitioner.)

The people of the State of Colorado: To all persons, associations, corporations and entities owning or claiming any water rights through any ditch, pipe line, canal or reservoir, or otherwise, in Water District No. 51 of the State of Colorado, and to all persons, associations, corporations, and entities resisting any claim for water rights in said water District No. 51, in the above En Titled matter, greeting:

WHEREAS, an order of the above Court was entered in the District Court, County of Grand and State of Colorado, on the 6th day of FEBRUARY, 1968, and filed in said cause on said date, in the matter of the supplemental adjudication of priorities of rights to the use of water for all beneficial purposes in said Water District No. 51, in said County and State.

NOW, THEREFORE, notice is hereby given to all persons, associations, corporations and entities interested as owners or claimants of water rights in Water District No. 51, Irrigation Division No. 5, in the State of Colorado, either for domestic, municipal, irrigation, sanitation, mining, milling, manufacturing, power-generation or other beneficial uses and purposes, and to the owners and claimants of ditches, canals, pipe lines and reservoirs in said District, that on the 30th day of April, 1968, at the hour of 10 o'clock A.M. of said day, in the District Court Room at the County Court House in Hot Sulphur Springs, Colorado, the Court will convene for the purpose of commencing the hearing and taking of evidence relative to priorities of right to the use of water in said District, and that hearings before the Court for such purpose will continue from day to day and be adjourned from time to time as provided by law until all persons, associations, corporations and entities are given a reasonable length of time to file their respective statements of claim for water rights in said District and to submit proof in support thereof; and that at said time and place fixed for said hearings and at all subsequent times to which said hearings might be adjourned and continued, all persons, associations, corporations and entities are hereby

notified that they shall have the right to resist any claim which may be made for any water right in said proceeding by any person, association, corporation or entity.

You are further notified that all persons, associations, corporation and entities listed as owners or claimants of water rights in said Water District No. 51 in the State of Colorado, and as the owners of any ditch, pipe line, canal or reservoir in said water District, are to attend said hearing by themselves, their agents or attorneys at the time and place above appointed and are then and there to file their statements of claim in case the same have not theretofore been filed in the office of the Clerk of this Court, under and pursuant to the statutes of the State of Colorado in such case made and provided, and to present their several proofs touching their claim for such priorities, by them or any of them for reservoirs in said District, and to present their proof for or against any priority to the use of water sought to be shown and established by any other person, association, corporation or entity claiming water rights in said District, provided: That this notice shall not require any owner or claimant of a water right which has already been adjudicated to submit such water right in this supplemental proceeding.

Notice is further given that, as defined by the statute of the State of Colorado, Water District No. 51 is described as follows:

"Water District No. 51 shall consist of all lands irrigated by water taken from the Grand River above the mouth of the Blue River, and from the streams draining into said portion of the Grand River except the Muddy and the Muddy and Troublesome Creeks and the streams draining into said creeks."

Witness my hand and the seal of the above Court at Hot Sulphur Springs, Grand County, Colorado, this 8TH day of FEBRUARY, 1968.

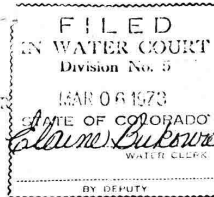
151 MARGUERITE BLOUCH
Marguerite Blouch, Clerk of
the District Court in and for
the County of Grand.

CERTIFICATE OF MAILING

I, FRANK P. LAND, Attorney at Law, and Attorney for the Petitioner in the above named Submittal Water Adjudication, do hereby certify that I have mailed a copy of the above and foregoing Notice of Supplemental Adjudication of Water Rights for all Beneficial Purposes in Water District No. 51, to all persons named on the list supplied to the Court by the Water Commissioner, Water District No. 51, Water Division No. 5 and the State Engineer of the State of Colorado, with sufficient postage thereon to carry each to its destination.

Frank P. Land
Frank P. Land,
Attorney for Petitioner

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5
STATE OF COLORADO



Civil Action No. 1768 COUNTY OF GRAND

Paragraph 14, p. 11.

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

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

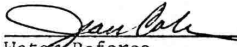
1. This application was referred to the Water Referee
of Water Division No. 5 on the 31st day of August 1972.
2. Name of Applicant: The United States of America
c/o Kenneth J. Burke, Trial Attorney
Address: P.O. Box 1656; Denver, Colorado
3. The legal description of the water right claimed is:
The point of diversion is located on the South bank
of Phantom Creek at a point whence the North Quarter
Corner of Section 18, T. 5 N., R. 75 W. of the 6th
P.M. bears: N. 56°44' W. 2,479.
4. The water is diverted through a ditch 0.36 mile long,
having a carrying capacity of 6.6 cubic feet per second
of time.
5. Location of point or points of use: The water is used
on property owned by the claimant in said Section 18.
6. The date of initiation of use: July 15, 1915.
7. The amount of water used is: 6.6 cubic feet per
second of time.
8. The use of the water is: domestic and power
generation purposes.
9. The priority date of the junior-most water right
heretofore adjudicated in Water District No. 51
is: August 31, 1955.

PS-Rocky Mtn NP

10. The date of the filing of the water right is: December 29, 1971.
11. Pursuant to the Initial Pre-trial Order of the Master Referee, the priority date is not determined in this ruling; and the Water Referee has determined in his discretion not to rule on the question of whether a valid appropriation of water has been made by the applicant.

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

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


Water Referee
Water Division No. 5
State of Colorado

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

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

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

I.

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

II.

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

III.

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

IV.

The source of supply is Phantom Creek, a tributary of the North
Fork of the Colorado River, from which it derives its supply of water,
and diverted therefrom through a ditch one (1) foot deep, three (3) feet
wide at top, one (1) foot wide on bottom, a distance of thirty-six
hundredths (0.36) miles. The grade of said ditch is ten (10) feet
per one thousand (1000) feet, with a carrying capacity of six and six-
tenths (6.6) cubic feet per second of time.

V.

The point of diversion is located on the South bank of Phantom
Creek at a point where the North Quarter Corner of Section eighteen (18),
Township five (5) North, Range seventy-five (75) West bears North fifty-
six degrees forty-four minutes (56°44') West two thousand four hundred
seventy-nine (2479) feet.

VI.

No storage involved.

VII.

The actual construction of the foregoing structure was initiated July 15, 1915.

VIII.

The total amount of water claimed is six and six-tenths (6.6) cubic feet per second of time.

IX.

A map and statement of claim for said Phantom Ditch was filed with and accepted by the State Engineer of the State of Colorado on March 28, 1928, and was assigned by him, filing number fourteen thousand nine hundred twenty-eight (14,928).

X.

The character of use for which claim is hereby made is for domestic and power generation purposes.

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

Respectfully submitted.

James L. Treece
United States Attorney

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

State of Colorado
County of Grand

} ss.

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

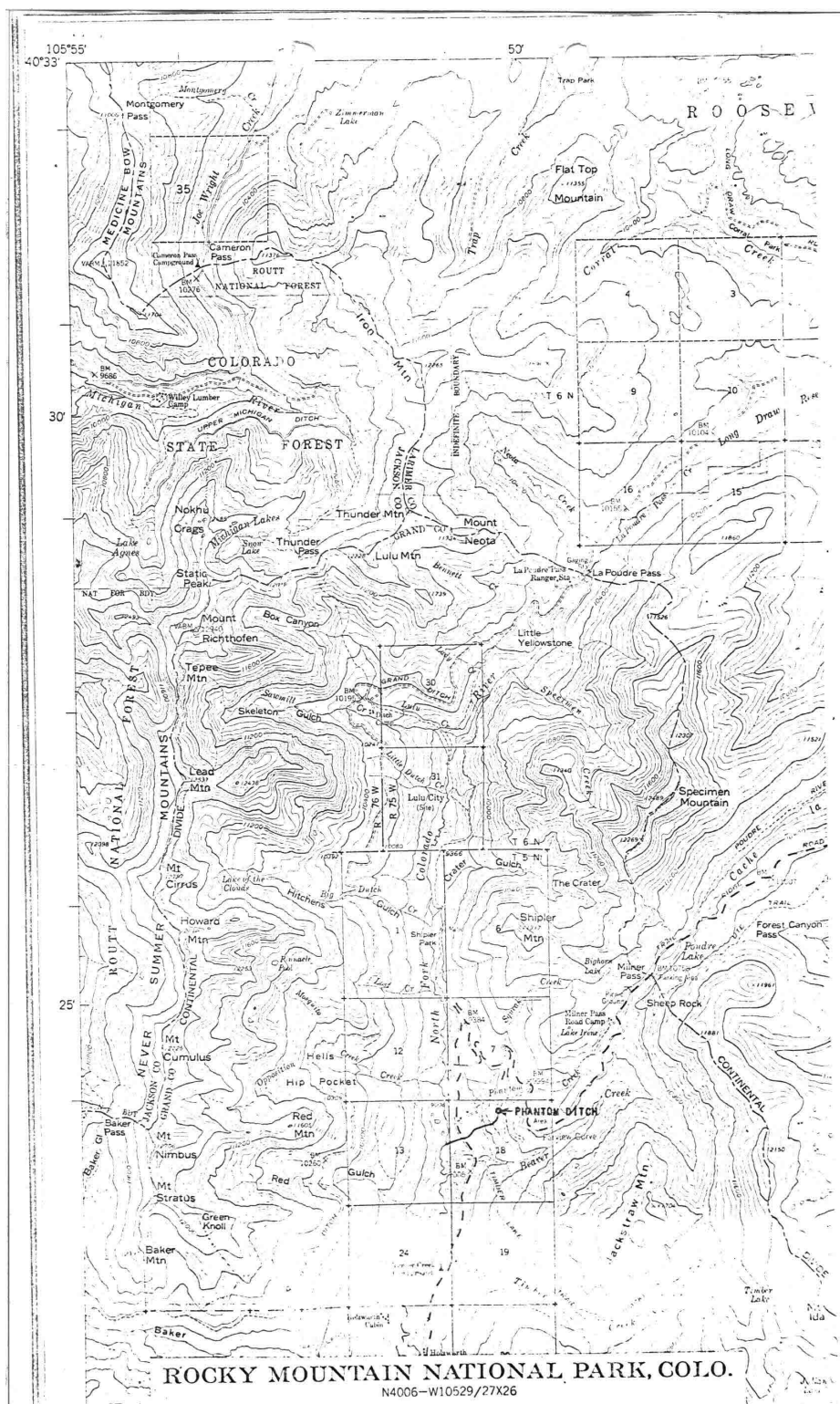


Subscribed and sworn to before me this _____ day of

_____, 19____.

My commission expires _____.

Notary Public



Land History

Filed for record at 3:35 P.M. MAR 2 1961
 Registration No. 93602 Doc. Suchbauer - Recorder

DEED 226
 151.73 ACRES

DEED

THIS DEED, Made this 24th day of September in the year of our Lord one thousand nine hundred and sixty between Irwin S. Beattie of the County of Grand and State of Colorado, of the first part, and United States of America, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One hundred twenty-five thousand and 00/100 Dollars, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, and its assigns forever, all the following described lots or parcels of land, situate, lying and being in the County of Grand and State of Colorado, to wit:

W1/4NW1/4, W1/2NW1/4, W3/4NW1/4, W1/2SW1/4, SE1/4SW1/4, S1/2SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SE1/4 Sec. 18, Tp. 5 N., R. 75 W. 6th P.M., said lands being known as Tract 37 in Townships 5 N., R. 75 and 76 W., together with any and all water rights acquired or established by party of the first part, including those recorded by Filings 14928, 14990 and 15312, and excepting rights of way and easements of record.

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, and its 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, and its assigns, that at the time of the enrolling 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 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, and its 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.

SEE PAID UNDER S. B. 1072 & 1073
 SEE PAID UNDER S. B. 1072 & 1073
 SEE EXCISE DEC. 1 (3)

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

Irwin S. Bestie (SEAL)

STATE OF CALIFORNIA

CITY AND COUNTY OF DENVER

The foregoing instrument was acknowledged before me this
1st day of March A. D. 1961, by Irwin S. Bestie.

My commission expires May 26, 1963. Witness
my hand and official seal.

Notary Public



50305

93602

STATE OF COLORADO
County of GRAND

Filed for record this
day of MAR 8 1961

at 3:35 o'clock P.M.

Recorded by REC'D
DON BUCHHEISTER

Recorder

Receives \$ 250.00 Deputy

Return to:

William L. Rice
File Manager
Bldg. 2, Colorado

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

The within deed is accepted on behalf of the United States as of May 8, 1960, under the authority contained in the Department of the Interior and Related Agencies Appropriation Act, 1960 (73 Stat. 92), and delegated by sections 1 and 7 of Departmental Order No. 2640, as amended, delegating authority to Assistant Directors of this Service to accept deeds.

John C. Vane
Assistant Director
National Park Service

Other Supporting Information

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

154
Mr. Kenneth J. Burke, Esq.
Trial Attorney
Department of Justice
Post Office Box 1696
Denver, Colorado

Re: Civil Action No. 1768, County of Grand; Squeak
Pipeline, Paragraph 1E, P. 9, Wheeler Ditch,
Paragraph 13, P. 10 and Phantom Ditch, Paragraph 14,
P. 11, Grand Lake Lodge and Ranger Station, Paragraph
15, P. 12 and the Kauffman Ditch, Paragraph 15, P. 11.

Dear Mr. Burke:

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

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

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

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

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

In regard to providing witnesses to establish beneficial use of the Grand Lake Lodge water right, Superintendent Roger Connor and Assistant Superintendent Wayne Coon can both testify back to 1928 when they were previously assigned to the park. Wayne Coon will be out of the country on an overseas assignment from May 13th to about July 1, 1973, so would not be available during that period. If you feel testimony for a longer period of time would be desirable, there is a good possibility that retired District Ranger Fred McLaren would be available during the summer months. Mr. McLaren spent 35 years on the west side of the park, starting in 1922. He now resides in the State of Washington but generally spends the summer months in Grand Lake.

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

Sincerely yours,

William L. McKeel,
Legal Assistant

cc:
Curtis E. Macrae, Reg.
Director, Midwest Region

WMekeel:hsk



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



IN REPLY REFER TO:

154

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

August 31, 1966

Memorandum

To: Chief, Land and Water Rights, SSC
From: Superintendent, Rocky Mountain
Subject: Water Rights Filings

Enclosed are four copies of each of the following water rights drawings which have been accepted for filing in the Office of the State Engineer of Colorado:

- ✓ NP:RM 2487 Longs Peak Campground Pipeline # 18
- ✓ NP:RM 2670 Wild Basin Campground Pipeline (42)
- NP:RM 2667 Phantom Valley Pipeline 57, 58
- ✓ NP:RM 2761 Fall River Entrance Well # 9

Two copies of each of these prints have been sent to the Chief of Water Resources, WASO; one copy has been filed in our water rights dockets; and one copy will be filed with the County Clerk of the county in which the water system is located in compliance with Colorado State law.

Frederick G. Mook
Superintendent

Enclosures

194-2110

December 4, 1963

W O D C

DEC 6 1963

CHF	
ADM	
PERS	
P & P	
FINCH	
ANCH	
SPEC	
CONT	
SFTY	
HABS	
ACTION TAKEN - DATE	

[Handwritten signatures and initials are present over the bottom half of the form.]

Discussion

To: Regional Director, Midwest Region
From: Hydraulic Engineer, Branch of Water Resources
Subject: Docket Items, Phantom Valley Ranch, Rocky Mountain

As evidence of Federal ownership copies of the enclosed Deed 226 for Phantom Valley Ranch have been inserted in the Director's Dockets 51 and 52 just above the maps. Copies are enclosed for field dockets.

SIGNED

Gordon W. Robertson

Enclosure

cc:
Superintendent, Rocky Mountain, w/c enc.
Chief, WRC (2), w/c enc.

September 20, 1960

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Acceptance of Option to Purchase from Irwin S. Beattie and Sarah V. Beattie Tract 309 (Phantom Valley Ranch), Rocky Mountain National Park

In his memorandum of August 8 to you Mr. Price stated that I would follow up later on the water right question relating to Filings 14928, 14990 and 15312, Alien Water Rights (51, 52 and 53, because I was on leave at the time.

The option, Contract 14-10-0100-1119 is satisfactory, but there would be less ambiguity if the deed conveyed "all water rights acquired, or established by the vender, including those recorded by Filings 14928, 14990 and 15312". I assume that the status of the rights was checked recently enough in the District Court or State Engineer's Office, to be sure that they were not adjudicated in 1959 - the last odd year for such action.

Assuming that the rights are still only evidenced by the filings and the constructed water systems, they will have the same status as other Federal NPS filings in Water District 51 when acquired. The Alien Water Rights 51, 52 and 53 should be reclassified as dockets, and copies of the deed should be added. They, and the Federal claims under Filings 16511, 16658, 16659, 16668 and 17579, Dockets 14, 15, 16, 17 and 20, should all be adjudicated when, or if, the Department of Justice decides to do so. The claims may all need revision before such action.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Rocky Mountain
Chief, WOBC (2)

154-CBL

2

W O B C

SEP 22 1960

CHIEF	
ADM	
PER	
P & P	
ARCH	
ENG	
L.A.	
SPEC	
CONT	
SFTY	

ACTION TAKEN - DATE

LS4-GEL

October 19, 1959

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Water Rights, Phantom Valley Ranch, Rocky Mountain

Attached are three copies of the letter of February 18, 1954, to me from the Office Engineer, State Engineer's Office, Denver, advising that none of the following water rights had been adjudicated at that time. One copy should be filed in each of the alien water rights.

Filing 14928, Phantom Ditch, AWR 51
Filing 14990, Wheeler Ditch, AWR 52
Filing 15312, Squeak Pipeline, AWR 53

In his memorandum of October 1, Mr. Lloyd stated that he had the land inspected and no water systems, or traces of former water systems had been found where described in the filings. Under Colorado law, the filings only record water claims for future adjudication, and advise the clerk of the district court of the names and addresses of water claimants who must be notified of the next adjudication. Many of the filings are in error due to poor surveys, or changes in plans at the time of construction. The standard form also states that a system is constructed although the survey may only have been made for construction. Such matters are corrected at the time of adjudication.

If the designated ditches and pipelines were constructed before, or within one year after the date the filing was made, and the diversion is from the designated stream and used for the designated purpose, the burden of proof is on a protestant to show that the filing does not cover the constructed system. Moreover, the Colorado courts have consistently decreed rights with the claimed priority, but junior to all decrees awarded in prior adjudications even though there may be a number of adjudications between the year of filing and year when the water claim is submitted for adjudication. As a

C. C. MAILED 10

BY _____ DATE _____

matter of fact the Department of Justice has declined to adjudicate the rights in Water District 51 for which I made filings 20 years ago, although there have been adjudications in nearly every odd numbered year, but priorities of about 1939 but junior to rights decreed between 1939 and 1959 can still be obtained if the claims are adjudicated.

Accordingly, I believe that the appraisal of the subject water rights will require a map showing each water system as described in the filing and as constructed, showing sources of water and section corner ties, and the irrigated acreage or other development which is served. We should also have the dates of water system construction, and the maximum quantity of water which has been diverted and used.

The water right values will then be the value of rights which might be adjudicated in 1961, based on the extent such water can be diverted and used without protest, less the cost of amended maps and the adjudication. Protests are not very likely in this case. The value may be the difference in land values with and without the water, less adjudication costs of \$1,000 to \$2,000.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Rocky Mountain, w/c 3 attachments
✓ Chief, WRDC, w/c 3 attachments

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
JUL 20 1957	
City	CHICAGO
Address	200 N. LAKE ST.
Room	FOURTH FLOOR
Phone	PLANS & PROS.
	SAFETY
	ARCHITECT
	ENGINEER
	LAND. & SURV.
	1-2 <i>Chas. H. H. H.</i>
	30 <i>Garfield</i>
CITY OF CHICAGO	
<i>None</i>	

NO COPY MADE IN MAIL ROOM

M
awr 51

S. J. 7/30
Germantown
Garfield

ACTION TAKEN—

7-30 ACTION TAKEN
None

None

100

1

one or two pages of the decree describing the water system covered by Priority No. 34 in Case 10077. Assuming that the map was made by Park Engineer, he must have print of the map (with statement of claim and file number) as filed with State Engineer. We should at least like the file number if we are to order the reproducible copies of both instruments from the State Engineer.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Rocky Mountain, w/c one attachment
✓ Chief, WODC, w/c one attachment

List of Missing (?) Alien Water Rights
Rocky Mountain

AWR 38 - Filings 1204	Copeland Reservoir	Mailed 7/10/51
10501		
AWR 39 -	Hutchins Reservoirs 1, 2 and 3	Mailed 7/10/51
AWR 40 - Now Docket 22	Lyons Reservoirs 1 and 2	Mailed 1/18/47
AWR 41 - Filings 3145	Supply Reservoir #1 (Sand Beach Lake)	Mailed 7/10/51
5983		
AWR 42 - Filing 1032	Virginia Reservoir (R/W Permit Revoked)	Mailed 7/10/51
AWR 43 - Filing 1523	Carnes Reservoir & Pipeline (abandoned)	Mailed 7/10/51
AWR 44 - Filing 1988	Carnes Reservoir No. 2	Mailed 7/10/51
AWR 45 - Filing 1989	Carnes Reservoir No. 3	Mailed 7/10/51
AWR 46 - Filing 5287	Carnes No. 6 Ditch	Mailed 7/10/51
AWR 47 - Filing 9856	Quincy Ditch	Mailed 7/10/51
AWR 48 - To be Docket	41 - Schnoor Ditch & Hertel Ditch	Mailed 7/10/51
AWR 49 - Filing 5288	Kauffman Ditch (Summerland Area)	Mailed 7/10/51
AWR 50 - Filing 12503	Porter Pipeline	Mailed 7/10/51
AWR 51 - Filing 14928	Phantom Ditch	Mailed 7/10/51
AWR 52 - Filing 14990	Wheeler Ditch	Mailed 7/10/51
AWR 53 - Filing 15312	Squeak Pipeline	Mailed 7/10/51
AWR 54 - Filing 14764	Greeby-Boulder Pipeline	Mailed 7/10/51
AWR 55 - Filing 1769	Fleshuts Ditch	Mailed 7/10/51
AWR 56 - Filing 13611	Sanborn Water Company Pipeline	Mailed 7/10/51
AWR 57 - Filing 15041	Cascade Pipeline	Mailed 10/1/46

M. C. HINDERLIDER
STATE ENGINEER
C. C. HEZMALHALCH
DEPUTY



STATE OF COLORADO
OFFICE OF STATE ENGINEER
DIVISION OF WATER RESOURCES

DENVER 2

February 18, 1954

L. T. BURGESS
CHIEF HYDROGRAPHER
A. RALPH OWENS
OFFICE ENGINEER

SUBJECT:

Your File L54-L

U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Attention: A. van V. Dunn
Chief, Water Resources Branch

Gentlemen:

In reply to your letter of February 15, we find no decree listed in our records for the Phantom Ditch, Wheeler Ditch, and Squeak Pipe Line. It is entirely possible that an adjudication proceeding is open in Water District No. 51 at this time. If such is the case, we will, of course, receive a copy from the Court when the case is closed.

Very truly yours,

A. Ralph Owens
Office Engineer

ARO:as

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK
ESTES PARK, COLO.

December 27, 1940

Memorandum for Hydraulic Engineer A. van V. Dunn:

Region IV

Enclosure is made of a rough draft by Commissioner Hackett which attempts to establish and to justify a value for the water rights appurtenant to Phantom Valley Ranch. An attempt is now being made to prepare an appraisal for Phantom Valley Ranch and its existing water rights in order to take advantage of an offer the owners have made to sell under the 50% funds.

We would appreciate your assistance in analyzing and establishing the current value of these water rights, also your opinion as to the expected increase in their value during the next ten years. We feel a clear statement of the need to acquire more water for future use in this park would be an important addition to your appraisal justification.

Our appraisal should reach Washington by January 15. If you find it convenient, we would like to have your opinion a few days before that date in order to fit it into our final total for land and water before forwarding to the Director.

/s/ John E. Doerr

Acting Superintendent

COPY

ROUGH DRAFT

WHH:elm

PHANTOM VALLEY RANCH WATER RIGHTS -

The water rights appurtenant to the Phantom Valley Ranch have never been adjudicated and are recorded only as filings in the State Engineer's Office.

The three rights are best described as follows:

1. The Phantom Ditch:

Claims 6.6 cu. ft. per second of time with a date of first use on July 15, 1915. Filed on March 28, 1928, as No. 14928.

2. The Wheeler Ditch:

Claims 1.2 cu. ft. per second of time with a date of first use on September 20, 1927. Filed on August 17, 1928, as No. 14990.

3. The Squeak Pipe Line:

Claims 7.75 cu. ft. per second of time with a date of first use of June 26, 1930. Filed on August 21, 1930, as No. 15312.

The cash market value of adjudicated water rights in Water District No. 51 is mounting at a fast rate due to the scramble for water since the Big Thompson-Grand Lake Conservancy District has laid claim to all unclaimed rights originating above the proposed Granby Storage Reservoir. Adjudicated water rights in District No. 51 are rated on the present market at from \$2000 to \$6000 per second foot in accordance with their priority.

The Reclamation Service, Forest Service, and the National Park Service, are expecting to start an adjudication action in the U. S. District Court at an early date. The National Park Service has several claims ready for presentation in this coming adjudication. If the Phantom Valley water rights could be purchased now, they could be adjudicated with very little additional

expense as our attorneys and engineers will be present to establish our other claims. The Phantom Valley rights could, because of their previous filing and early date of first use, obtain a priority ahead of the Big Thompson-Grand Lake Diversion claims.

It would be difficult for the Government to prove continuous and beneficial use of more than three cu. ft. of water per second of time. If we can successfully adjudicate 3 cu. ft. per second of time it is our opinion it would have a present day value of \$10,000. If water values continue to increase during the next ten years as they have in the past 10 years, by 1950 this water would have a market value of at least \$15,000.

This water, when adjudicated, would soon become a very valuable asset to this park, both as to cash value and as a protection to our many uses of water in Water District No. 51. Rocky Mountain National Park is in need of additional water rights which have a proven early date of first use in order to protect some of our uses which can not show an early date of first use and which have no early priority. If this park continues to grow as fast during the next fifteen years as it has during the past fifteen years, we are going to find our uses exceeding our old established priority right. Now is the time for us to acquire all the water rights we expect to use in the future. The Phantom Valley Water Rights would help fill part of this need providing they can be acquired in time to be adjudicated in the coming hearing.

As the Phantom Valley water rights have their origin above the Grand Lake entrance to the Diversion tunnel, this water could be diverted through the tunnel for use on the east slope by securing a change in point of diversion.

KNOW ALL MEN BY these presents, that the undersigned, THE UNITED STATES OF AMERICA, Plaintiff,
 whose post office address is Rocky Mountain National Park, Estes Park, Colorado, has caused to be
 located the Photon-Velodyne Miclio And Wolf by Karschoffor machines, has made these revealed statements relative
 thereto, and filed the same in compliance with the laws of Colorado. The accompanying map shows
 the location of said mail and forms a part of this filing.

First: The well is located in Grand County in the northwest quarter of the northwest quarter of section 18, Township 5 North, Range 70 West, 5th Principal Meridian, whence the northwest corner of said section reads N 22°13' W, 1039.88 feet.

Second: The pump type of solid well is head operated.

The depth of solid wall is 25 feet with a 6 inch steel casing.

Third: The yield of said well is 100 gal. per min. for 11

Fourth: Work on said well was completed prior to 1956.

Fifth: Survey of solid waste was made on October 1991 and June 1993.

By _____
Supt. Rocky Mountain National Park

1942 that the survey and map of the Houston valley
Flooded Wall was made under his supervision and

statements, and that each survey is accurately represented
in this way, that he has read the statements therein, and
that the same are true of his knowledge.

Frank C. Karabin
Registered Professional Engineer
(License No 4441)
Park Engineer
Parks, Mountain National Park

2200048 and 22015 is valid for 10/19/54 at
Tolc 1954

Robert C. Krasner
Registered Professional Engineer
(License No 4461)
Park Engineer
Rocky Mountain National Park

Wm. H. Granton
UNITED STATES COMMISSIONER

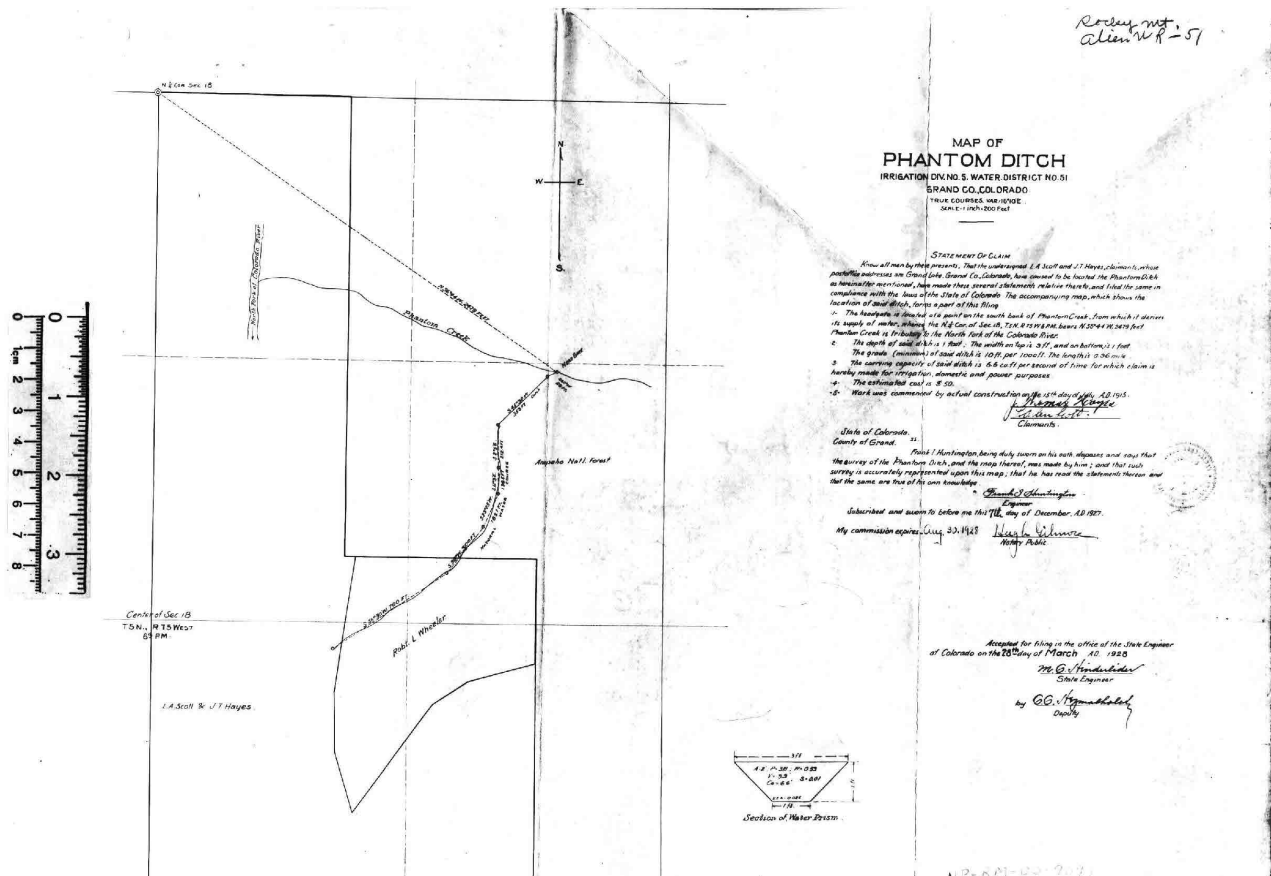
NOVEL STATION 10-10 is the section common to sections 7 and 10. It has 75M and sections 12 and 13. It has 75M. Coordinates for points of interest were taken from camp and mapping completed by the US Bureau of Public Roads, Region Nine, Denver Federal Center. Field work completed June 20th of 1961. Data taken from drawing no. NPIAM 352B.

1986年9月 星期日	
10月1日	1. 31.77 13.28
10月2日	2. 32.77 13.28
10月3日	3. 33.77 13.28
10月4日	4. 34.77 13.28
10月5日	5. 35.77 13.28
10月6日	6. 36.77 13.28
10月7日	7. 37.77 13.28
10月8日	8. 38.77 13.28
10月9日	9. 39.77 13.28
10月10日	10. 40.77 13.28
10月11日	11. 41.77 13.28
10月12日	12. 42.77 13.28
10月13日	13. 43.77 13.28
10月14日	14. 44.77 13.28
10月15日	15. 45.77 13.28
10月16日	16. 46.77 13.28
10月17日	17. 47.77 13.28
10月18日	18. 48.77 13.28
10月19日	19. 49.77 13.28
10月20日	20. 50.77 13.28
10月21日	21. 51.77 13.28
10月22日	22. 52.77 13.28
10月23日	23. 53.77 13.28
10月24日	24. 54.77 13.28
10月25日	25. 55.77 13.28
10月26日	26. 56.77 13.28
10月27日	27. 57.77 13.28
10月28日	28. 58.77 13.28
10月29日	29. 59.77 13.28
10月30日	30. 60.77 13.28
10月31日	31. 61.77 13.28

File in Docket
51

SCALE 1"=40'

DATE 1-14-60		20-000
HALL - CIVIL SERVICE DIVISION		HARDEEN
UNITED STATES		20-010
DEPARTMENT OF THE INTERIOR		NO 0036
BUREAU OF LAND MANAGEMENT		MOORE
ROCKY MOUNTAIN NATIONAL PARK		
PHANTOM VALLEY RICHIE AREA WELL		REPT OF 1
GRAND CANYON NATIONAL PARK		NO 0036 NO
ROCKY MOUNTAIN NATIONAL PARK		NO 01
		DATE 4-1-63
PROVISION DIVISION NO-4 MAILED 2-25-60 NO-2		
ACCEPTED FOR FILING IN THE OFFICE OF THE STATE ENGINEER OF COLORADO ON THE DAY OF 1960		



Docket Information

Number of Documents in Docket 35

Documents Dated from 3/28/1928 to 3/6/1973

Docket Compiled: 6/16/2011