



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 52

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

Preliminary Docket Information

09-20-1927: water right record

WATER RIGHT RECORD

Park: ROMO

Docket Number:

IDENTIFICATION NO: ROMO, R, 1 8 0 5 7 5, C, F 5 2

Federal #52

DITCH/WATER SYSTEM: Wheeler Ditch

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

LOCATION: North bank of Wheeler Creek at a point whence the North Quarter Corner of Sect. 18, T5N, R75W, of the 6th P.M. bears: N. 37°02' W. 3,265 feet

WATER RIGHT:

Appropriator: United States of America, National Park Service.

Application/Permit Number:

Certificate Record Number:

Date of Priority: ~~August 31, 1955~~ *Sept 20, 1927*

Quantity of Water: 1.2 c.f.s.

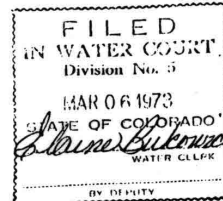
Purpose: Irrigation and domestic.

Irrigated Land Description:

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

State Water Rights Documentation

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



Civil Action No. 1768 County of Grand

Paragraph 13, p. 10.

IN THE MATTER OF THE APPLICATION)	
FOR WATER RIGHTS OF: THE UNITED)	<u>WHEELER DITCH</u>
STATES OF AMERICA)	
IN THE COLORADO RIVER)	RULING OF THE REFEREE
OR ITS TRIBUTARIES--)	
TRIBUTARY INVOLVED: WHEELER)	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 19 72.
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 headgate is located on the North bank of Wheeler 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. 37°02' W. 3,265 feet.
4. The water is diverted through a ditch 200 feet long, with a capacity of 1.2 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: September 20, 1927.
7. The amount of water used is: 1.2 cubic foot per second of time.
8. The use of the water is: irrigation and domestic.
9. The priority date of the junior-most water right heretofore adjudicated in Water Division No. 51 is: August 31, 1955.

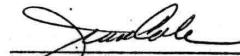
RS - Rocky Mtn NP

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

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

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

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


Water Referee
Water Division No. 5
State of Colorado

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

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

IV.

The source of supply is Wheeler 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 five tenths (0.5) feet deep, two (2)
feet wide at top, one (1) foot wide at bottom, with a grade of five (5)
feet per one thousand (1000) feet, two hundred (200) feet in length, with
a carrying capacity thereof of one and two tenths (1.2) cubic feet per
second of time.

V.

The headgate is located on the north bank of Wheeler Creek at a
point where the North Quarter Corner of Section Eighteen (18), Township
Five (5) North, Range Seventy-five (75) West bears North Thirty-seven
degrees, Two minutes (37° 2') West, a distance of three thousand two hundred
sixty-five (3265) feet.

VI.

No storage involved.

VII.

The survey of the foregoing structure was initiated on September 20, 1927.

VIII.

The total amount of water claimed is one and two tenths (1.2) cubic feet per second.

IX.

A map and statement of claim for said Wheeler Ditch was filed with and accepted by the State Engineer of the State of Colorado on August 17, 1928, and was assigned by him, filing number fourteen thousand nine hundred ninety (14990).

X.

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

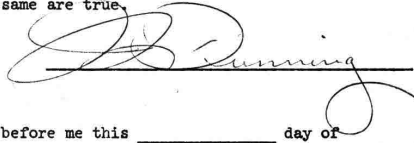
James L. Treece
United States Attorney

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 of 3135 MAR 2 1961
 Registration No. 33602 Doc. Exemption Certificate

DEED 226
 51.73 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. Bestie 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:

W¹/₄N¹/₄NE¹/₄, W²/₄N¹/₄NE¹/₄, W³/₄N¹/₄NE¹/₄, W⁴/₄N¹/₄NE¹/₄, SE¹/₄SE¹/₄SW¹/₄NE¹/₄,
 S¹/₄SW¹/₄SE¹/₄NE¹/₄, NW¹/₄SE¹/₄, W¹/₄NE¹/₄SE¹/₄, N¹/₄SW¹/₄SE¹/₄, NW¹/₄SE¹/₄SE¹/₄ 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. 1077 \$ 2.00
 SEE PAID UNDER S. B. 1077 \$ 2.00
 SEE EXCISE 3.00

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 COLORADO }
CITY AND COUNTY OF DENVER } ss

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.

John P. Connolly
Notary Public



S0300

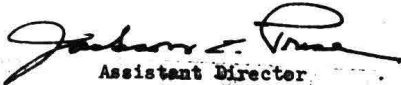
Return to:
 William L. Rice
 c/o Auguste Blay
 December 2, Colorado

STATE OF COLORADO
 County of GRAND
 Filed for record this
 day of MAR 8 1961
 at 2:35 o'clock P.M.
 Recorded in Book 13 Page 25-06
 DON BUCHHEISTER
 Recorder
 Fee \$ 2.50
 Deputy

93602
 20

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.


 Assistant Director
 National Park Service

(REPT)

Other Supporting Information

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

104
Mr. Kenneth J. Burke, Esq.
Trial Attorney
Department of Justice
Post Office Box 1695
Denver, Colorado

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

Dear Mr. Burke:

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

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 on substantially continuous service since construction in 1920, according to our records. In 1966, 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, 1966. 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 Ranger Center and Assistant Superintendent Wayne Goss can both testify back to 1928 when they were previously assigned to the park. Wayne Goss will be out of the country on an overseas assignment from May 15th 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 Molares would be available during the summer months. Mr. Molares 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. Mekeel,
Legal Assistant

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

WMekeel:hsk

~~L54~~
MNR (OL)

JUN 22 1964

Other Water Rights # 52

Memorandum

To: The Director
From: Associate Regional Director, Midwest Region
Subject: Composite Listing of Water Right Docket Outline of
Assemblies, Rocky Mountain National Park, Colorado

This office has prepared a composite listing of the outline of assemblies of water dockets received from the Area and your Office, which shows the comparative contents of water right dockets in each office.

To provide identical contents for each water right docket, it will be necessary to provide many copies of data which are missing from one or the other docket files.

Some of the documents, as shown in the individual outline of assemblies are difficult to identify and some of the items may refer to the same document. In other words, a particular document may be listed in the outline of assembly a little differently by the area, the Regional Office, and your Office.

It appears that each office should review the composite outline of assemblies and provide copies for the files of the other offices which do not list the document. A program of funds to cover these costs should be set up in our annual schedule of projects under M&P Accounts.

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

(Sgd) George F. Bagatoy

In duplicate

Associate Regional Director

Enclosures

cc:

Chief, WODC (2), w/c of enclosures
Superintendent, Rocky Mountain, w/c enclosures

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ACTION TAKEN: DATE	

FILE COPY

ROCKY MOUNTAIN NATIONAL PARK

Page VII

DOCKET NO.	ITEMS	AREA	MRO	WASO
46 (Cont'd)	6. Memo to Regional Director from Supt., Nov. 25, 1959		X	
	7. Record of Court Proceedings of July 7, 1926, Recorded Jan. 14, 1927		X	
47	<u>QUINCY DITCH</u>			
	1. Filing No. 9856	X	X	
	2. Letter of March 19, 1959 to Park Supt., from State Engineer - Re Abandonment	X	X	
	<u>NO ALIEN WATER RIGHT DOCKET NO. 48</u>	X	X	X
	<u>NO ALIEN WATER RIGHT DOCKET NO. 49</u>	X	X	X
50	<u>PORTER PIPE LINE</u>			
	1. Filing No. 12503	X	X	
51	<u>PHANTOM DITCH</u>			
	1. Filing No. 14928		X	
	2. Deed No. 26, Recorded March 2, 1961		X	
	3. Memo for A. van V. Dunn from Acting Supt., Dec. 27, 1940		X	
	4. Letter to A. van V. Dunn from Colorado's State Engineer's Office, Feb. 18, 1954		X	
	5. Memo to Regional Director from A. van V. Dunn, Oct. 19, 1959		X	
52	<u>WHEELER DITCH (PHANTOM VALLEY RANCH)</u>			
	1. Filing No. 14990		X	
	2. Deed 226, Recorded March 2, 1961		X	
	3. Memo for A. van V. Dunn from Acting Supt., Dec. 27, 1940		X	
	4. Letter to A. van V. Dunn from Colorado's State Engineer's Office, Feb. 18, 1954		X	
	5. Memo to Regional Director from A. van V. Dunn, Oct. 19, 1959		X	

154-NW

December 4, 1963

W O D C	
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Memorandum

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 V. Robertson

Enclosure *10/1/64*

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

EXTRA FILE COPY

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, WODC (2)

154-CBL

W O D C
SEP 22 1960

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ACTION TAKEN - DATE	

10/1/60

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, ANR 51
Filing 14990, Wheeler Ditch, ANR 52
Filing 15312, Squeak Pipeline, ANR 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

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, WDC, w/c 3 attachments

L54-L

19

July 24, 1957

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Green Pipeline, Docket 40 and Schnoor and Hertel Ditches,
Alien Water Right 48 to be Docket 41, Rocky Mountain

The memoranda of July 11 and 12 from Mr. Robertson are somewhat confusing.

From the former we gather that our memorandum of July 3, with copy of land deed 142 and abstract, which were sent to Region Four in error, have been received by you from Region Four. These should be placed in folder for Alien Water Right 48, even if a temporary folder has to be made.

Attached is a list of Alien Water Rights 38-57, which you say are missing. Alien Water Right 40 should now be found as Docket 22. The rest all seem to have been mailed to you in duplicate on July 10, 1951. You may have placed them in the docket series, or forwarded both assemblies to the Park. Before we make further duplicates, we shall appreciate further check in your Office and the Park.

The Lyons Reservoirs 1 and 2, formerly Alien Water Right 40, now Docket 22, were forfeited as a result of failure to construct and the resulting decree in U.S. vs. Town of Lyons, Case 1952. Attached is an extra copy of the decree, which seems to have been filed with the Federal and State District Courts, but may or may not have been reported to the State Engineer. Filing 7949 might be cancelled, and the Superintendent should determine what the State Engineer has, or may be able to do about it.

The Item I-G in Docket 40, covering the Green Pipeline, is the filing in the State Engineer's Office. The Docket now contains a print of a copy of map made by the Park Service in August 1956, which does not include the file number. We also lack the

GENERAL
ADMINISTRATIVE
JUL 29 1957
CLERK
RECORDS & COMM.
PLANS & MAPS
SAFETY
APPROPRIATE
RECORDS
LAND
WATER
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ATTENTION TAKEN
None

NO COPY MADE IN MAIL ROOM

awr 52

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, WDC, w/c one attachment

List of Missing (?) Alien Water Rights
Rocky Mountain

AWR 38 - Filings 1204 Copeland Reservoir 10501	Mailed 7/10/51
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) 5983	Mailed 7/10/51
AWR 42 - Filing 1032 Virginia Reservoir (R/W Permit Revoked)	Mailed 7/10/51
AWR 43 - Filing 1523 Carnes Resvoir & 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 Fleshtuts 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



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

STATE OF COLORADO
OFFICE OF STATE ENGINEER
DIVISION OF WATER RESOURCES

DENVER 2

February 18, 1954

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
A. Ralph Owens
Office Engineer

ARO:as

Reg

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.

