



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 60

HOUSMAN DITCH

State Water Rights Documentation

08-05-1991: memorandum to chief from hydrologist regarding quit-claim deed

L1425

XL54

August 5, 1991

Memorandum

To: Chief, Lands Division, Rocky Mountain Region
From : Hydrologist, Rocky Mountain National Park
Subject: Quit-Claim Deed, Water Rights at Housman Ranch

Enclosed for your files is the original quit-claim deed signed by the former Mrs. Pat Housman. This document has been recorded in Grand County, Colorado.

Signed

Ken Czarnowski

Enclosure

cc:
WRD - Williams

KCzarnowski:jim:8/5/91

Czarnowski ✓
Steele
Thompson

L54

June 28, 1991

Mrs. Pat Wetherill
1211 West Portal Road
Grand Lake, CO 80447

Dear Mrs. Wetherill:

Enclosed is a copy of the Quit-Claim Deed regarding the water rights associated with the Housman Ranch claimed by your late husband, Charles Housman. Your assistance in executing this document is very much appreciated.

Sincerely,

(Sgd) James B. Thompson
James B. Thompson
Superintendent

Enclosure

CC:
RMR - Young, Lands
- Williams, WRD
- Canaday, SOL

KCzarnowski:jim:7/1/91

No. _____

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That I, Ms. Pat Wetherill, formerly Ms. Pat Housman of Grand Lake, County of Grand and State of Colorado, widow of Charles S. Housman, for the consideration of no/100 dollars, hereby sell and Quit-Claim to The United States of America, the following real property, situate in the County of Grand, and State of Colorado, to-wit:

Water Rights claimed by Charles S. Housman for the Housman Ranch, in the District Court, State of Colorado, County of Grand (No. 1430). The point of diversion and headgate is located at a point on the left bank of an unnamed tributary of the creek flowing out of Baker Gulch, which is a tributary of the Colorado River. Said point of diversion and headgate is located at a point whence the Northwest corner of Section 1, Township 4 North, Range 75 West of the 6th P.M. bears S. 0 degrees 18 minutes E. for 2330 feet.

The date of the initiation of the original appropriation by survey was August 3, 1963. The amount of water claimed is 2.1 cubic feet of water per second of time. The character of uses of the water diverted and to be diverted by and through said ditch is domestic, including stock watering, irrigation and all other beneficial uses to man. The number of acres being irrigated and proposed to be irrigated from said ditch is 80.

The Grand County District Court awarded the Housman Ditch a right of 2.1 cubic feet of water per second of time with a priority date of August 3, 1963. An Interlocutory Decree was signed for Civil Action No. 1430 on June 6, 1972.

Signed and delivered this 26th day of June, A.D., 1991.

Alberta (Pat) Housman
Pat Wetherill (formerly
Mrs. Pat Housman)

In the Presence of

Kenneth Gornau)
_____)

STATE OF COLORADO)
COUNTY OF GRAND) ss

The foregoing instrument was acknowledged before me this 26th day of June, 1991, by Alberta (Pat) Housman.

Witness my hand and official seal.

My commission expires April 6 1995.

Jean A. Warrick
Notary Public

Filed for record the _____ day of _____ A.D. 1991, at _____ o'clock _____.

Recorder.

RCPTN # 295139 RECORDED 07/09/91 AT 09:37:17
SARA L. ROSENE, RECORDER - GRAND COUNTY CO

BOOK 481 PAGE 338 FEE 5.00
PG # 1 OF 1 DOC FEE EXEMP

NO REAL PROPERTY DECLARATION
RECEIVED DATE 07/09/91

HON. DON LORENZ
JUDGE

District Court

ROUTT COUNTY COURTHOUSE
Steamboat Springs, Colo. 80477
Phone 879-0322

THE STATE OF COLORADO
GRAND, ROUTT & MOFFAT COUNTIES

March 12, 1971

Charles S. Houseman
Grand Lake, Colorado

Dear Sir:

Enclosed you will find copies of Findings of Fact in Case No. 1430. You will note this matter has been set for May 13, 1971 at 3:00 P.M. for hearing on any objections and exceptions that may be filed, which are to be filed prior to May 1st, 1971.

You are further advised that a copy of the proposed decree has been filed with the Clerk of Court at Hot Sulphur Springs, and that you may examine it at her office. This is a Master Decree containing decrees for all of the claims and is too lengthy to send to each individual.

Yours truly,


Judge

DL/brm

IN THE DISTRICT COURT OF THE FOURTEENTH JUDICIAL DISTRICT
COUNTY OF GRAND, STATE OF COLORADO
Civil Action No. 1430

IN THE MATTER OF THE SUPPLEMENTAL)
ADJUDICATION OF RIGHTS TO THE USE)
OF WATER IN WATER DISTRICT NO. 51)
STATE OF COLORADO)

FINDINGS OF FACT

The Court, having heard and reviewed the evidence and claims herein, makes its Findings of Fact pursuant to C.R.S. 148-9-11.

The Court finds that the statements of claim filed herein pertaining to the claims set forth in these Findings of Fact were in proper form and were properly filed. The Court further finds that diligence was shown by the respective claimants in prosecuting their appropriations up to the time evidence was received in this Court upon said respective claims. The Court further finds the matters set forth hereinafter regarding each claimed appropriation:

IT IS ORDERED that a Decree shall enter in due course, based upon said Findings, and upon any corrections or modifications thereof.

IT IS FURTHER ORDERED that Thursday, May 13, 1971 at 3:00 p.m., at the District Court in Hot Sulphur Springs, is set for hearing and for the consideration of such objections and exceptions as may be filed to said Findings.

IT IS FURTHER ORDERED that all objections and exceptions to said Findings, shall be made in writing and shall be filed with the Clerk of the District Court in Hot Sulphur Springs prior to May 1, 1971.

DATED at Steamboat Springs, Colorado, this 11th day of March, 1971.

BY THE COURT:

Don Long, Judge

STATE OF COLORADO) IN THE DISTRICT COURT
) ss.
COUNTY OF GRAND) No. 1430

IN THE MATTER OF THE SUPPLEMENTAL)
ADJUDICATION OF RIGHTS TO THE USE OF)
WATER IN WATER DISTRICT NO. 51 FOR)
ALL BENEFICIAL USES AND PURPOSES)

* * * * *

STATEMENT OF CLAIM

OF

CHARLES S. HOUSMAN

* * * * *

1. The name of the claimant herein is Charles S. Housman,
whose postoffice address is Grand Lake, Colorado.

2. The name of the ditch by means of which the water under
the water right herein claimed is diverted is

HOUSMAN DITCH.

3. The general physical description of said Housman Ditch is
as follows:

(a) The point of diversion and headgate of said ditch is located
at a point on the left bank of an unnamed tributary of the creek flowing
out of Baker Gulch, which is a tributary of Colorado River, from which
tributary it derives its supply of water.

(b) Said point of diversion and headgate is located at a point
whence the Northwest corner of Section 1, Township 4 North, Range 75
West of the 6th P.M. bears S. 0° 18' E. for 2338 feet.

(c) The depth of the said ditch at high water line is 1.0 feet;
the bottom width of said ditch is 0.75 feet; the width of said ditch at
high water line is 3.0 feet; the grade of said ditch is 2.0 feet per
1,000 feet and the length of said ditch is 357 feet.

HOUSMAN DITCH

CHARLES S. HOUSMAN, CLAIMANT

(d) Said ditch runs in a generally Southeasterly direction from its point of diversion as hereinabove described.

(e) The present capacity of said ditch is 2.1 cubic feet of water per second of time.

4. The source of supply of said ditch is an unnamed tributary of the creek flowing out of Baker Gulch, which is a tributary of Colorado River.

5. The date of the initiation of the original appropriation by survey was August 3, 1963.

6. The amount of water claimed by the original appropriation is 2.1 cubic feet of water per second of time.

7. A map of said ditch was accepted for filing in the office of the State Engineer of Colorado on January 21, 1964, and by him assigned No. 22343. A copy of said map marked "Exhibit A" is filed herewith and by reference made a part hereof.

8. The character of uses of the water diverted and to be diverted by and through said ditch is domestic, including stock watering, irrigation and all other uses beneficial to man.

9. The number of acres being irrigated and proposed to be irrigated from said ditch is 80.

BARNARD AND BARNARD

by

Claimant's Address:
Grand Lake, Colorado

Duane L. Barnard
Attorneys for Claimant
Granby, Colorado
Phone: 303-887-3362

Charles S. Housman

STATE OF COLORADO)
) ss.
COUNTY OF GRAND)

Charles S. Housman, being first duly sworn, upon oath

HOUSMAN DITCH

CHARLES S. HOUSMAN, CLAIMANT

deposes and says that he is the claimant above named, that he has read the above and foregoing statement of Claim, knows the contents thereof and that the matters and things therein contained are true of his best knowledge and belief.

Charles S. Housman

Subscribed and sworn to before me by ^{CHARLES S. HOUSMAN}~~Edward Seaton~~

_____, 1964.

Witness my hand and official seal.

Notary Public

My commission expires

HOUSMAN DITCH

CHARLES S. HOUSMAN, CLAIMANT

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 second day of July, 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 right 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 thirtieth day of April, 1968.

/S/ Marguerite Blouch
Marguerite Blouch, Clerk of
the District Court in and for
the County of Grand.

CERTIFICATE OF MAILING

I, Marguerite Blouch, 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.

/S/ Marguerite Blouch

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.

IS/ 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

Water Rights of Pontiac Lodge:

MAP OF IRRIGATION DITCH
Grand County, Colorado
Irrigation Division No. 5
Water District No. 51
Courses referred to true Meridian
Scale 1 inch = 300 ft.

KNOW ALL MEN BY THESE PRESENTS: that the undersigned, Clarence T. Lee, claimant, whose postoffice address is Grand Lake, Colorado has caused to be located the Irrigation Ditch as hereinafter mentioned, has made these several statements relative thereto, and filed the same in compliance with the laws of the State of Colorado. The accompanying map shows the location of said ditch, and forms a part of this filing.

FIRST: The headgate is located at a point on the west bank of the North Fork of the Colorado River from which it derives its supply of water, whence the ~~36~~ corner of Section No. 36, Township 5 N. Range 76 W. of the 6th Meridian bears S 6° 27' W a distance of 2122.0 ft.
SECOND: The depth of said ditch at high water line is 0.7 ft. The width of said ditch at high water line is 4.1 ft. The bottom width of said ditch is 2 ft. The grade of said ditch is 6 ft/1000 ft. The length of said ditch is 4336.5 ft.

THIRD: The carrying capacity of said ditch is 5 cubic ft per second of time, for which claim is hereby made for irrigation purposes.

FOURTH: The estimated cost is \$1500.00.

FIFTH: Work was commenced by survey on the 17th day of August, 1947

Lot 6, Section 1, Twp. 4 N. Range 76 W 6th P.M.

Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Twp. 4 N. 76 W 6th P.M.

91.60 acres more or less

Lots 1 SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 and that part of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1 lying West of West Bank of Colorado River Twp 4 N, Range 76 W 6th P.M.

All that part of E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ lying West of West Bank of Colorado River and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36 Twp 5 N 76 W 6th P.M.
139.72 acres more or less

Dept of Ditch at high water line is 0.7 feet (8 $\frac{1}{2}$ inches)

4 abstracts for Pontiac Lodge

*Priority # 508 Lee Irrigation Ditch out of N. fork of Colorado River
5 cu ft per second*

Other Supporting Information

Meeting with Jim Daxton, Water Commissioner

On 8/14/91 I met with Jim Daxton and discussed the three water rights on the abandonment list. Jim was sympathetic of our needs and indicated that he did **not** want to abandon any of our water rights. Yet he said we must work within the system to keep them from being declared abandoned.

He said we must show that there has been some use of the water rights and there has been no intent to abandon. Then we discussed the three water rights in detail.

- 1) Pole Creek. Daxton was familiar with this water right and the instream flow use that Williams and Hill acquired for water on adjacent streams. He believes it is still in use for irrigation purposes (flood) and the use is for deer and elk. He also recognizes that there are other purposes (recreation, fish, aesthetics). I indicated that the NPS had no intention of abandoning the water right, rather we have changed the use.
- 2) Holzwarth ditches. Jim was not as familiar with these water rights. I showed him the original claim and maps and the language on the Ditch #5 that had flood irrigation. Apparently when the river rises, it floods the adjacent lands. No action is needed on the part of the NPS now for this to occur. Again, the uses are the same as for Pole Creek. There was no point of diversion indicated on the claim. Daxton said he would put this in his field report.
- 3) Housman Ditch. Daxton and I went into the field to find the ditches and the headgate. We found several lateral ditches but we did not find the headgate. Daxton asked that I locate the headgate on the ground and then contact him so he could look at them. He also indicated it would be a good idea to get an affidavit from the former manager as to the irrigation practices.

Daxton stressed the following:

- * Show that you have used water for at least once in the last ten years.
- * Indicate that there is no intent to abandon.
- * Daxton is not hung up on structures to divert. We can use shovels and that is acceptable.
- * From now on, go out and move some dirt; do some minimal irrigating. Keep up the intent to use the water.

Strategy: The following is how Daxton suggested that we proceed.

He will put together a field report using vague and general language that he has found some evidence of use and there was no intent to abandon. He will make a recommendation to the District Engineer that the water right be removed from the abandonment list. He doesn't think that will happen, yet the Division Engineer puts much credence in his reports. What he does see is the Division Engineer calling a meeting with the Commissioner, ROMO staff, Canaday, Johnson, legal counsel from the State Engineer's office and then negotiating a settlement as to how the water is used and how we will settle the issue. We must show there is no injury, and there is use occurring, and there is no intent to abandon. Then after all agree, we will have the lawyers put a decree together (findings of fact) for the Judge to sign.

Note; Daxton did not like our idea of moving the water rights (consumptive portion) to the new seasonal housing project. He said that sounds a lot like speculation. He really doesn't think that the Judge would believe that it was our intent when we got the water rights that we intended to use it for housing. He also said the seasons of use did not match and we were dealing with very small quantities of water and would have to do a lot of work that might be questioned.

(Revised April 1, 1955)

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

2710

Hausman, Chas S.

Pasture

6-15-63

MAP SHEET

ARAPAHO

National Forest

Division

District

SULPHUR

Block

T. 5 N

R. 76 W.

6th

M., Section

35

Quarter

SE 1/4

Mapped by Edward H. Busch

Scale: 8 inches = 1 mile.

Survey by Compass & chain-Notes were:
Starting on the N.F. Boundary and on
the South Bdry. of Sec. 35 T. 5 N., R.
76 W. at a point 6.20 chains due west
of the SE corner of said Sec. 35;

Thence N. 4° E. 3.00 Chains

N. 3° E. 4.00 "

N. 9° E. 2.00 "

N. 3° W. 2.00 "

N. 2° W. 5.00 "

N. 14° W. 4.00 "

N. 4° W. 2.35 "

N. 67° E. 0.45 "

N. 9° W. 6.10 "

N. 28° W. 2.00 "

N. 17° W. 2.00 "

N. 11° W. 2.74 "

N. 4° W. 1.82 "

N. 60° E. 1.48 "

S. 56° E. 1.52 "

N. 81° E. 2.20 "

N. 35° E. 2.60 "

N. 33° E. 1.52 "

to the
Holzworth Fence at a point 2.75 Ch.
due west of the East 1/4 corner of
said Sec. 35

Survey by EHB 6-15-63

T 5 N

T 4 N

35

36

Sec 2

Sec 1

NATIONAL FOREST BOUNDARY

NATIONAL PARK BOUNDARY

EXISTING FENCE

PROPOSED FENCE

Number of Documents in Docket	17		
Documents Dated from	6/15/1963	to	8/5/1991
Docket Compiled:	6/16/2011		