WATER-RIGHT DOCKET

Mesa Verde National Park

Docket No: 1

WEST MANCO'S RIVER. PART 1 AND PART 2.

State Water Rights Documentation

10-12-1961: notice from county clerk and recorder regarding new diversions of water from the west mancos river

Telephone LOgan 5-7358

OFFICE OF

County Clerk and Recorder

MONTEZUMA COUNTY

Box 940

Cortez, Colorado

October 12, 1961

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT NO NEW DIVERSIONS OF WATER FROM THE WEST MANCOS RIVER ABOVE THE POINT OF DISCHARGE OF THE OUTLET CANAL FROM THE JACKSON GULCH RESERVOIR HAVE BEEN MADE SINCE 1941.

GIVEN UNDER MY HAND AND SEAL THIS 12TH DAY OF OCTOBER, 1961, AT CORTEZ, COLORADO.

John Leavitt

JOHN LEAVITT, COUNTY CLERK,
MONTEZUMA COUNTY, COLORADO

WATER-RIGHT DOCKET

Mesa Verde National Park

Docket No: 1

WEST MANCO'S RIVER. PART 1 AND PART 2.

Land History

00-00-0000: commitment no. bc-066474: commitment for title insurance

COMMITMENT: 2 Date Income Reported 3 Case Number | 5 Liability 6 Charge | 8 Endorsement Charge 9 Total Revenue | 11 County Code 12 Property type | 14 Commission/Retention

COMMITMENT NO. **BC-** 066474

Lawyers Title Insurance Corporation

A STOCK COMPANY
Home Office—Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

1. Effective Date July 1, 1982 at 8:00 A.M. Case No. 82-6-124

2. Policy or policies to be issued:

(a) Amount $ To be agreed upon
☒ ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70)
☐ ALTA Residential Title Insurance Policy—1979
Proposed insured:

THE UNITED STATES OF AMERICA

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70) Amount $_____
Proposed insured:

(c) Amount $_____
Proposed insured:

3. Title to the Fee Simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

BENJAMIN D. SHAW, as Trustee under the provisions of a trust agreement dated the 27th day of November 1970.

4. The land referred to in this Commitment is described as follows:

The SW/4 of Section 16, Township 36 North, Range 13 West, N.M.P.M., except any portion thereof lying in and being used as a County Road.

County of Montezuma
State of Colorado.

Countersigned at Cortez, Colorado
MONTEZUMA-DOLORES TITLE CO.
Ruth R. Jarmon
Authorized Officer or Agent

Commitment No. BC-066474
Schedule A—Page 1

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

Form No. 91-88 (SCH. A)
035-1-088-0001/2

ORIGINAL

Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office—Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Partial Release of that certain Mortgage from Benjamin D. Shaw, Trustee under Trust Instrument dated November 27, 1970, to The Federal Land Bank of Wichita, dated July 12, 1978 and recorded July 20, 1978 in Book 492 at page 841; and re-recorded September 18, 1978 in Book 494 at page 259.

2. Deed from Benjamin D. Shaw, as Trustee under the provisions of a trust agreement dated the 27th day of November 1970, to the buyer conveying the subject property.

NOTE: Taxes for the year 1981 are paid in full in the amount of $708.98 as per Tax Certificate No. 26230.

Lawyers Title Insurance Corporation

Home Office—Richmond, Virginia

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes and assessments for the year 1982, and subsequent years.
7. Title to all minerals, ores and metals of any kind and character and all coal, asphaltum, oil, gas or other like substance as reserved to the State of Colorado in Patent recorded in Book 106 at page 532; and all leases, assignments and easements with respect thereto.
8. Right of way easement to Colorado-Ute Electric Association as recorded in Book 257 at page 35.
9. Right of way easement to Shell Pipe Line Corporation as recorded in Book 529 at page 600.

Exceptions numbered NONE are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

(1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).

(2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.

(3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Form 91-88 B2 Rocky Mt.
035-1-088-0504

ORIGINAL

Lawyers Title Insurance Corporation

Home Office — Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Lawyers Title Insurance Corporation

Robert C. Dawson

President

Attest:

SEAL 1925

Secretary.

91-88 ROCKY MT. COVER
035-1-088-0506

ROCKY MOUNTAIN

COMMITMENT
FOR
TITLE INSURANCE

Lawyers Title

Insurance Corporation

Home Office
Richmond, Virginia

Book 106, Page 532

of right of Rio Grande Southern Railroad Company; thence along said W line of right of Way of Rio Grande Southern Railroad Co., N to intersection with S line of NE¼ NE¼ of Section 20; thence W along said last named line to place of beginning, being all that part of SE¼ NW¼ of Section 20, Township 36 North of Range 13 West of N.M.P.M., lying and being W of said right of way of Rio Grande Southern Railroad Co., and containing 10.52 acres, together with all priority No. 8 for 0.5 Sec. Ft. In McGrew Ditch No. 1, the head of said McGrew Ditch taking water from Chicken Creek a tributary of Rio Mancos River. Together with 6 water rights in Bauer Lake Irrigation Company as described in Water Right Contract #9 of the Bauer Lake Reservoir Company of record in book 48, page____ of records of Montezuma County; and together with 6 shares of stock in the Bauer Lakes Water Company.

with all its appurtenances and warrant the title to the same except the mortgage to the Land Federal Land Bank in the amount of $2500.00 and a mortgage to the Land Bank Commissioner in the amount of $[illegible] appearing of record in book_____, pages_____and_____respectively, Records of Montezuma County, Colorado.

Signed and delivered this 4th day of January, A.D. 1938

Sadie V. Bauer

John F. Bauer

STATE OF COLORADO,)
)ss.
County of Montezuma)

I, F. Marvin Shideler, a Notary Public in and for said Montezuma County, in the State aforesaid, do hereby certify that Sadie V. Bauer and John F. Bauer, who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and notariel seal, this 5th day of January, A.D. 1938.

My commission expires March 10th, A.D. 1941.

(Seal)

F. Marvin Shideler

Notary Public.

x-x-x-

Recorded at 9:35 o'clock A M 2 Sep 52
Reception No. 147522 Johan Leavitt Ex Off Recorder

WARRANTY DEED

BOOK 175 PAGE 109

THIS DEED, made this 15th day of August in the year of our Lord one thousand ninehundred and fifty-two between CARL F. BAUER and VIRGIL L. HALL of Montezuma County, Colorado and State of Colorado.

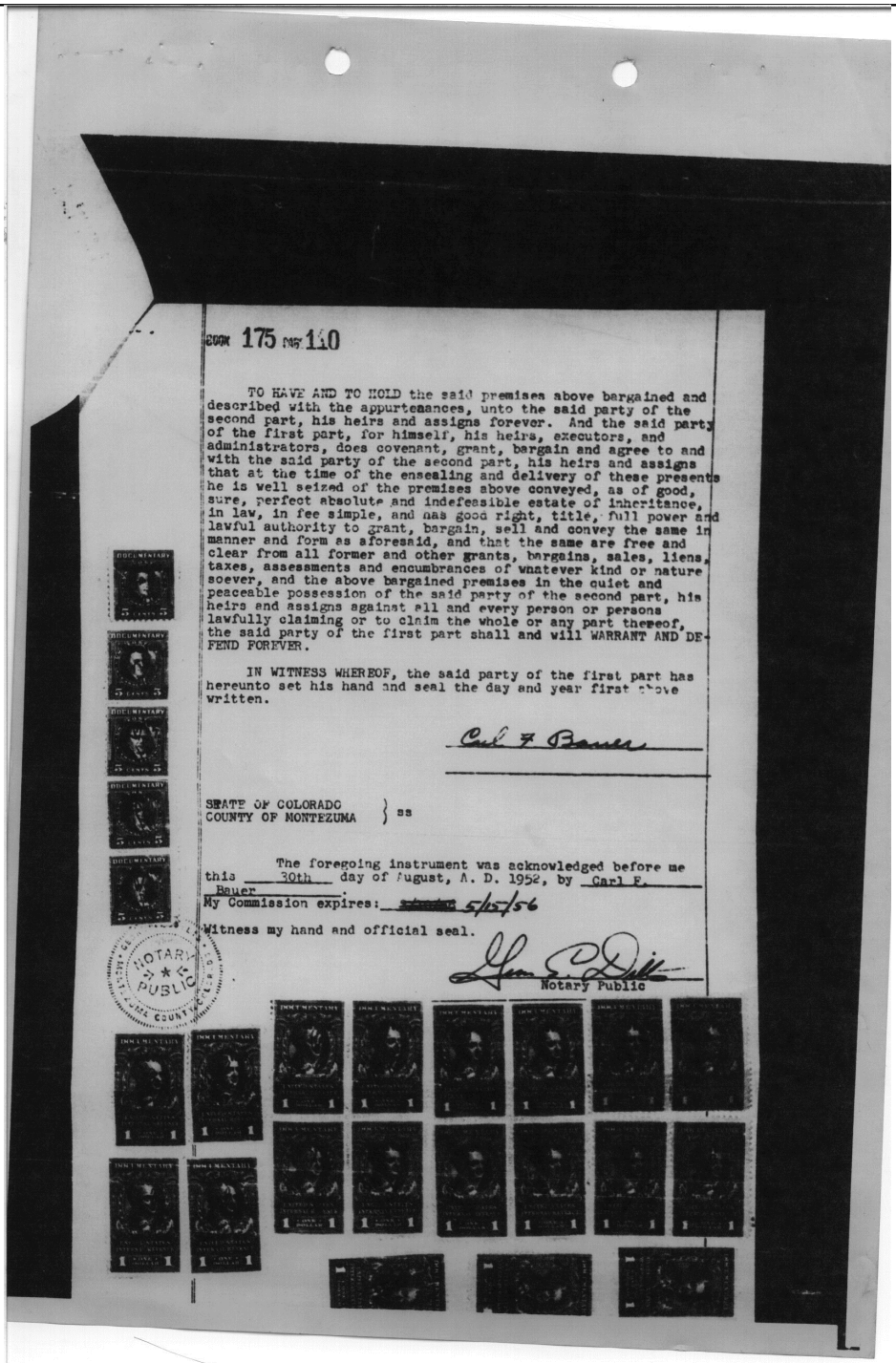
WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all the following described lots or parcels of land situate, lying and being in the County of Montezuma, State of Colorado, to-wit:

The East half of East half ($E\frac{1}{2}E\frac{1}{2}$) of Section 4, less lots numbered 1 to 37 as shown on Plat of Jackson Gulch Reservoir West Side View Subdivision, filed by Carl F. Bauer and James A. Bauer in the office of the County Clerk and Recorder of Montezuma County, in Plat Book 6, page 6; East Half ($E\frac{1}{2}$) and East half Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$) of Section 9, and Southwest Quarter Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 10, and the Southwest Quarter ($SW\frac{1}{4}$) of Section 16; East half Northwest Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section 20; West half Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) of Section 21, all in Township 36 North, Range 13 West, New Mexico Principal Meridian,

EXCEPT TRACTS DESCRIBED AS FOLLOWS: A strip of land 50 feet wide on each side of the center of the track of Rio Grande Southern Railroad as now surveyed and located and extending through the $E\frac{1}{2}NE\frac{1}{4}$ Section 20, Township 36 North, Range 13 West, N.M.P.M., and described in Book 3, Page 207. AND EXCEPT Beginning at the Southwest corner of $NE\frac{1}{4}NE\frac{1}{4}$ Section 20, Township 36 North, Range 13 West, thence South 1320 feet to the Southwest corner of $SE\frac{1}{4}NE\frac{1}{4}$ Section 20; thence East 325 feet to the intersection with West line of right of way of Rio Grande Southern Railroad Company, thence along said West line of right ofway of Rio Grande Southern Railroad Company, North to intersection with South line of $NE\frac{1}{4}NE\frac{1}{4}$ Section 20, thence West along said last named line to place of beginning being all that part of $SE\frac{1}{4}NE\frac{1}{4}$ Section 20, Township 36 North, Range 13 West, N.M.P.M. lying and being West of said Right of Way of Rio Grande Southern Railroad Company, AND EXCEPT Beginning 415 ft. West of the Northeast corner of Section 20, Township 36 North, Range 13 West on the North line of said Section 20, thence South 22 degrees 30 minutes West 330 feet, thence South 16 degrees East 315 ft. thence North 81 degrees West 630 feet, thence North 45 degrees West 383 feet, more or less to the intersection of the West line of the $E\frac{1}{2}NE\frac{1}{4}$ of Section 20, thence North along said West line of $E\frac{1}{2}NE\frac{1}{4}$ of said Section 20, 124 ft. more or less to the NW corner of said $E\frac{1}{2}NE\frac{1}{4}$ of said Section 20, thence East along north line of said Section 20, 905 ft. more or less to the point of beginning. AND EXCEPT:

An undivided one half (1/2) interest in all oil, gas and other minerals now owned by the Grantor, lying in, on or under the above described property, together with right of ingress and egress to remove the same.

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 permises, with the hereditaments and appurtenances.



BOOK 175 PAGE 110

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said party of the first part, for himself, his heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns that at the time of the ensealing and delivery of these presents he is well seized of the premises above conveyed, as of good, sure, perfect absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, title, 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, his heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND DEFEND FOREVER.

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

Carl F. Bauer

STATE OF COLORADO }
COUNTY OF MONTEZUMA } ss

The foregoing instrument was acknowledged before me this 30th day of August, A. D. 1952, by Carl F. Bauer.

My Commission expires: ~~[illegible]~~ 5/15/56

Witness my hand and official seal.

Notary Public

Recorded at 10 o'clock A.M. July 22 1952
Reception No. 183421
John Lovell, Recorder, Montezuma Co. Colo.

TRANSMISSION LINE - RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned, BOOK 257 PAGE 35

Virgil L. Hall

for a good and valuable consideration, the receipt thereof is hereby acknowledged, do hereby grant unto Colorado-Ute Electric Association, Inc., a cooperative corporation (hereinafter called the Cooperative"),, whose post office is Montrose, Colorado, and to its successors or assigns, the perpetual right to enter upon the lands of the undersigned, situated in the County of Montezuma, State of Colorado, and more particularly described as follows:

S½ SW¼ Sec. 16 Township 36N Range 13W

and to construct, reconstruct, repair, operate and maintain on the above described lands and/or in or upon all streets, roads or highways abutting said lands, an electric transmission and/or distribution line or system; to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within 50 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth of other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed); and to license, permit, or otherwise agree to the joint use or occupancy of the line or system by any other person, association or corporation for electrification or telephone purposes.

The undersigned agree that all poles, wire and other facilities, installed on the above-described lands at the Cooperative's expense, shall remain the property of the Cooperative, removable at the option of the Cooperative.

The Cooperative agrees to pay to the undersigned for the privileges herein granted, when said line or system has been completely constructed, $5 $5.00 for each structure and each anchor of said line or system located within the boundaries of said lands, or, in the event no poles or anchors are located on said lands, $1.00 for each 100 feet or fraction thereof of overhand located on said lands.

As a part of the consideration for the granting of this easement, Cooperative agrees to pay grantor the reasonable damage done to any growing crop in the construction of said transmission line. In the event the parties are unable to agree on the amount of such damage, if any, each party shall appoint one arbitrator, and such arbitrators, if unable to agree, shall appoint a third arbitrator, and the decision of a majority shall be final and binding on both parties.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 9th day of October, 19 51.

Virgil L Hall (SEAL)

(SEAL)

NOTARY PUBLIC

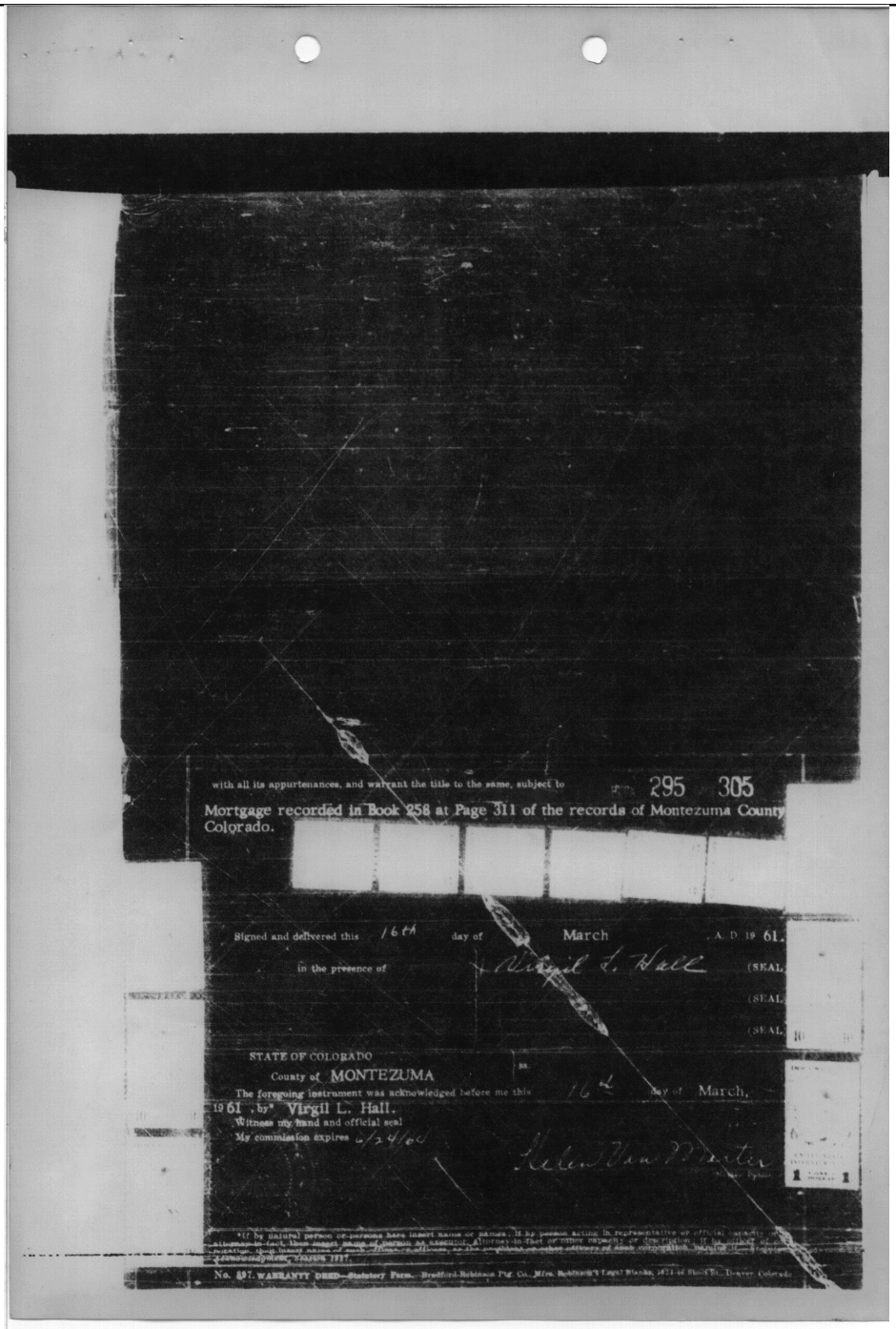
STATE OF COLORADO }
COUNTY OF Montezuma } SS

The above and foregoing easement was acknowledged before me this 9th day of October, 19 51, by Virgil L Hall.

WITNESS my hand and Notarial Seal.

Floyd L Porter

00-00-0000: mortgage recorded in book 258 at page 311



with all its appurtenances, and warrant the title to the same, subject to 295 305
Mortgage recorded in Book 258 at Page 311 of the records of Montezuma County Colorado.

Signed and delivered this 16th day of March A. D. 19 61.
in the presence of Virgil L. Hall (SEAL)
(SEAL)
(SEAL)

STATE OF COLORADO
County of MONTEZUMA ss.
The foregoing instrument was acknowledged before me this 16th day of March, 19 61, by* Virgil L. Hall.
Witness my hand and official seal
My commission expires 6/24/64
Helen Van Meter

*If by natural person or persons here insert name or names. If by person acting in representative or official capacity or by attorney-in-fact then insert name of person by whom acting, attorney-in-fact or other representative capacity, giving full name of each person, partner, officer, or the principal or other officers of each corporation, having no corporate seal.

No. 897. WARRANTY DEED—Statutory Form. Bradford-Robinson Ptg. Co., Mfrs. Robinson's Legal Blanks, 1624-46 Stout St., Denver, Colorado

07-09-1962: deed

Filed for record the 10th day of July A. D. 1962 at 9 o'clock A.M.
Reception No. 232057 BOOK 309 PAGE 166 John Leavitt, RECORDER

This Deed, Made this Ninth day of July in the year of our Lord one thousand nine hundred and Sixty-two between

LESTER CARTER and EDIE CARTER, his wife

of the County of Montezuma and State of Colorado, of the first part, and

JOHN D. CARTER, JOHN DAVID CARTER II, and DOUGLAS LEWIS CARTER

of the County of Montezuma and State of Colorado, of the second part;

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of Love and affection and other good, valuable and sufficient consideration DOLLARS, to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, ha VE granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot S or parcel S of land, situate, lying and being in the County of Montezuma and State of Colorado, to-wit:

The East Half of the East Half (E½E½), except Lots One (1) to Thirty Seven (37 inclusive of the Jackson Gulch Reservoir West Side View Subdivision of Section Four (4); East Half (E½) and the East Half of the Southwest Quarter (E½SW¼) of Section Nine (9); Southwest Quarter of the Southwest Quarter (SW¼SW¼) of Section Ten (10); Southwest Quarter (SW¼) of Section Sixteen (16); East Half of the Northeast Quarter (E½NE¼) of Section Twenty (20); West Half of the Northwest Quarter (W½NW¼) of Section Twenty-one (21); All in Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M.

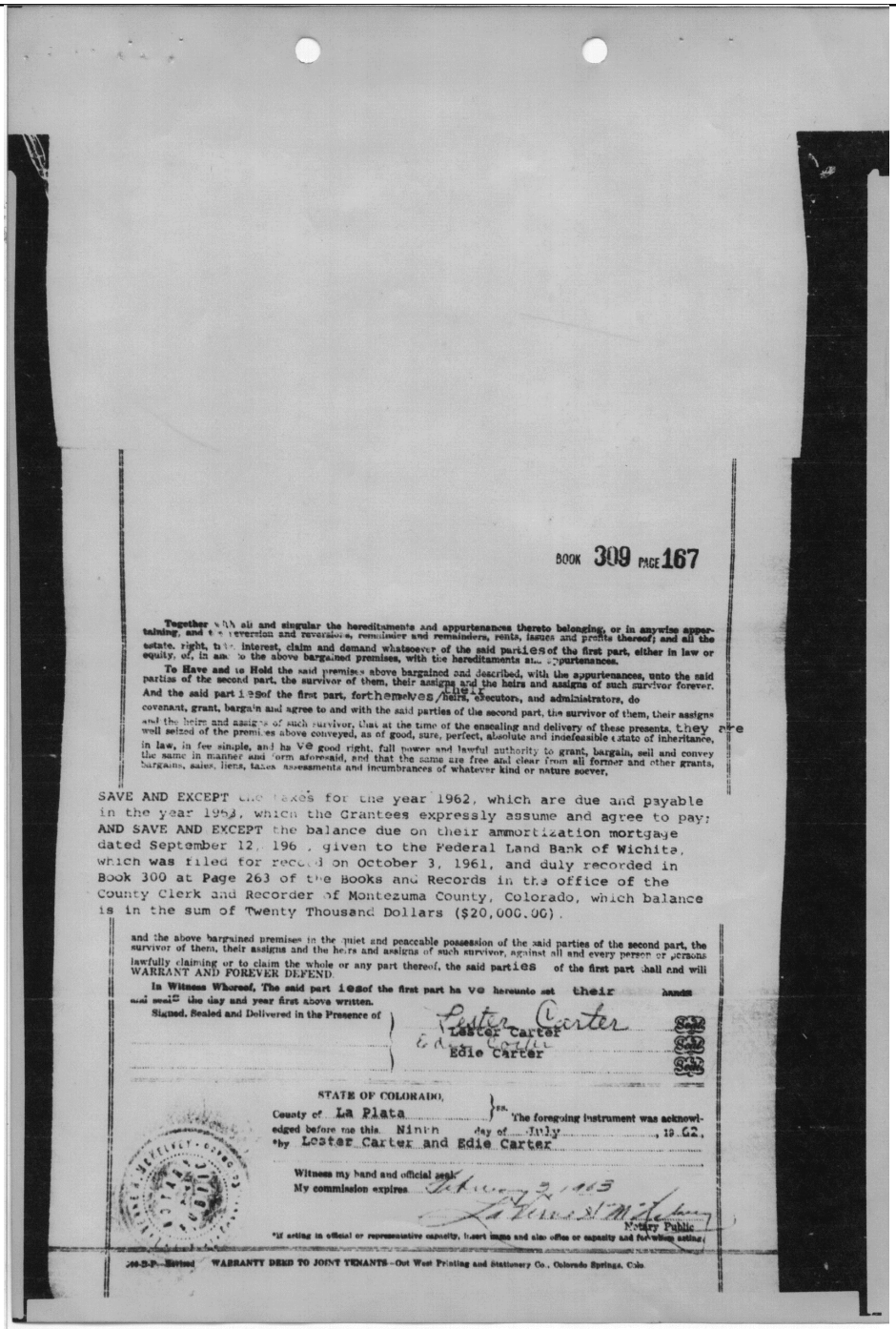
EXCEPT the following described tract:
Beginning at the Southwest Corner of the Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section Twenty (20), Township Thirty-six (36) North, Range Thirteen (13) West, thence South 1320 feet to the Southwest Corner of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section Twenty (20); thence East 325 feet to the intersection with the West line of the right of way of the Rio Grande Southern Railroad Company, thence along said West line of said Right of way of the Rio Grande Southern Railroad Company, North to the intersection with the South line of the Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section Twenty (20), thence West along said last named line to place of beginning being all that part of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section Twenty (20), Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M. lying and being West of said Right of Way of the Rio Grande Southern Railroad Company.

AND EXCEPT Beginning 415 feet West of the Northeast Corner of Section Twenty (20), Township Thirty-six (36) North, Range Thirteen (13) West on the North line of said Section Twenty (20), thence South 22°30' West 330 feet, thence South 16° East 315 feet, thence North 81° West 630 feet, thence North 45° West 382 feet, more or less, to the intersection of the West line of the East Half of the Northeast Quarter (E½NE¼) of Section Twenty (20), thence North along the said West line of the East Half of the Northeast Quarter (E½NE¼) of said Section Twenty (20), 124 feet more or less, to the Northwest Corner of the said East Half of the Northeast Quarter (E½NE¼) of said Section Twenty (20), thence East along the North line of said Section Twenty (20), 905 feet more or less, to the point of beginning.

ALSO EXCEPT A Ten (10) acre tract of land in the East Half of the Southeast Quarter (E½SE¼) of Section Four (4), Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M. More particularly described as beginning at a point on the South line of said Section Four (4) whence, a pile of rocks, the Southeast (SE) corner of said section bears South 89°56' East a distance of 208.71 feet; thence from said point of beginning North 0°04' East 2087.1 feet; thence North 89°56' West 208.71 feet; thence South 0°04' West 2087.1 feet; thence South 89°56' East 208.71 feet to the point of beginning.

Containing 858 acres, more or less, according to the U.S. Government Survey thereof. Together with all interest in the McGrew Ditch No. 1 and all interest in the 0.5 second feet of water allowed to flow therein under Priority No. 8; Two (2) shares of stock of the Bauer Lakes Water Company and 345 acre feet of water alloted from the Mancos Water Conservancy District a U.S.B.R. project.

(Deed of Gift hence no Internal Revenue Stamps are necessary)



BOOK 309 PAGE 167

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 parties 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 parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said part ies of the first part, for themselves, heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and ha ve good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever.

SAVE AND EXCEPT the taxes for the year 1962, which are due and payable in the year 1963, which the Grantees expressly assume and agree to pay; AND SAVE AND EXCEPT the balance due on their ammortization mortgage dated September 12, 196 , given to the Federal Land Bank of Wichita, which was filed for record on October 3, 1961, and duly recorded in Book 300 at Page 263 of the Books and Records in the office of the County Clerk and Recorder of Montezuma County, Colorado, which balance is in the sum of Twenty Thousand Dollars ($20,000.00).

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said part ies of the first part ha ve hereunto set their hands and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Lester Carter (SEAL)
Lester Carter
Edie Carter (SEAL)
Edie Carter
(SEAL)

STATE OF COLORADO,
County of La Plata } ss. The foregoing instrument was acknowledged before me this Ninth day of July, 19 62,
by Lester Carter and Edie Carter

Witness my hand and official seal.
My commission expires February 2, 1965

Notary Public

*If acting in official or representative capacity, insert name and also office or capacity and for whom acting.

300-S-P.—Revised WARRANTY DEED TO JOINT TENANTS—Out West Printing and Stationery Co., Colorado Springs, Colo.

Recorded at 3:50 o'clock P M October 8, 1975 BOOK 457 PAGE 940
Reception No. 304847 Jean Dalgliff Recorder Montezuma Co. Colo. RECORDER

This Deed, Made this 19th day of September in the year of our Lord one thousand nine hundred and seventy-five between John D. Carter and Martha M. Carter, husband and wife, John David Carter II and Debra J. Carter, husband and wife, of Mancos, Colorado and Douglas Lewis Carter and Cathy S. Carter, husband and wife of Enid, Oklahoma of the first part, and

Benjamin D. Shaw and Elizabeth P. Shaw of Dixon, Illinois

of the second part;

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of TEN DOLLARS and Other Valuable Consideration to the said part ies of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, ha ve granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot s or parcel s of land, situate, lying and being in the County of Montezuma and State of Colorado, to-wit:

as described in Exhibit "A" attached hereto, consisting of 2 pages, and made a part hereof by reference.

Also conveying unto Grantees herein, in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all of Grantors right, title and interest in the McGrew Ditch No. 1, being District Priority No. 11, Stream Priority No. 8 in Water District No. 34 for 0.5 Second Feet of water and together with all ditch and water rights thereby represented.

State Documentary Fee
Date Oct 8, 1975
$ 25.00 Pd.
Total Consideration $5,000.00

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 part ies 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 parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said part ies of the first part, for themselves their heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensealing and delivery of these presents, are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and ha ve good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except taxes and assessments for the year 1976 and subsequent years which grantees assume and agree to pay,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part ies of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said part ies of the first part ha ve hereunto set their hand s and seal s, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

John D. Carter (Seal)
Martha M. Carter, husband and wife (Seal)
John David Carter II (Seal)
Debra J. Carter, husband and wife (Seal)
Douglas Lewis Carter (Seal)
Cathy S. Carter, husband and wife (Seal)

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

The foregoing instrument was acknowledged before me this 19th day of September, 19 75, by John D. Carter and Martha M. Carter, husband and wife, John David Carter II and Debra J. Carter, husband and wife, and Douglas Lewis Carter and Cathy S. Carter, Husband and wife.

Witness my hand and official seal.
My commission expires February 17, 1979

Benjamin D. Shaw
Notary Public

*If acting in official or representative capacity, insert name and also office or capacity and for whom acting.

Exhibit "A"

Montezuma County, Colorado

Southwest Quarter (SW¼) of Section Sixteen (16); the East Half of the Northeast Quarter (E½NE¼) of Section Twenty (20); the West Half of the Northwest Quarter (W½NW¼) of Section Twenty-one (21); all in Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, together with all improvements thereon situate and together with all ditch and ditch rights, water and water rights thereunto belonging or in anywise appertaining, including, but not by way of limitation, one share of the capital stock of The Bauer Lakes Water Company and 345 acre feet of water annually from the works of the Mancos Water Conservancy District (Jackson Gulch Reservoir) and together with all ditch and water rights thereby represented.

LESS AND EXCEPT that portion of the above described property lying South and West of the Colorado Highway No. 184 right of way as it now exists.

ALSO EXCEPT the following described tracts:

A tract of land beginning at the point from whence the NE corner of Section 20, Township 36 N., Range 13 W., N.M.P.M., bears north 89°40' East a distance of 383.1 feet; thence S. 21°50' West a distance of 245.7 feet; thence South 4°40' East a distance of 376.6 feet; thence North 72°42' West a distance of 507.0 feet; thence South 51°29' West a distance of 115.9 feet; thence North 38°31' West a distance of 164.0 feet; thence North 51°29' East a distance of 34.8 feet; thence North 38°31' West a distance of 369.3 feet; thence North 0°14' West a distance of 82.3 feet; thence North 89°40' East a distance of 940.8 feet, to the point of beginning.

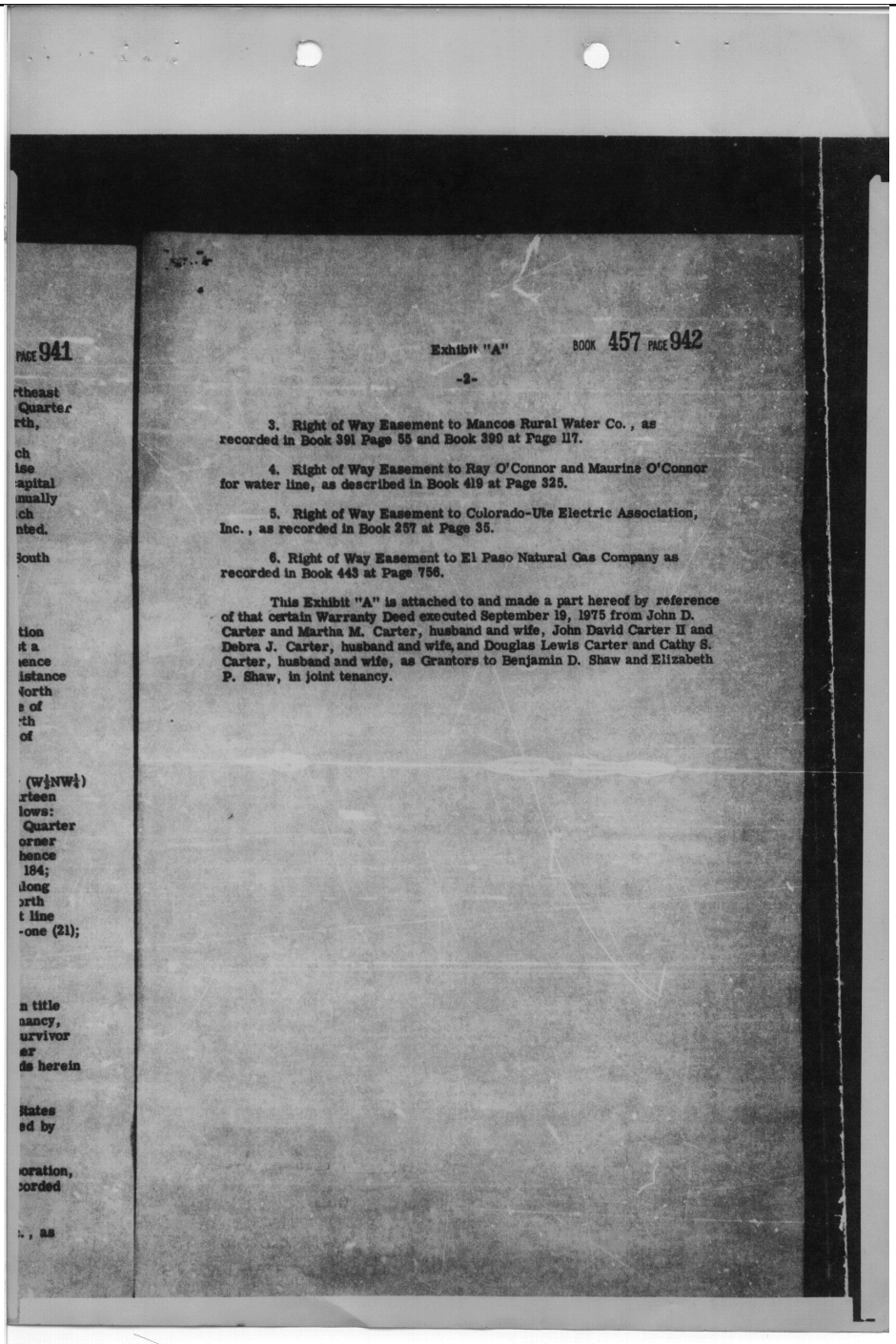
AND EXCEPT a tract of land in the West Half of the Northwest Quarter (W½NW¼) of Section Twenty-one (21), Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, described as follows: BEGINNING at the Southeast Corner of said West Half of the Northwest Quarter (W½NW¼) of Section Twenty-one (21), from which point the Northwest Corner of said Section Twenty-one (21) bears North 24°56' West 3071.02 feet; thence West 556.63 feet to the East right of way line of Colorado Highway No. 184; thence along said right of way line North 38°16' West 12.0feet; thence along the East bank of a small creek North 19°40' East 355.95 feet; thence North 27°56' East 524.5 feet; thence North 57°10' East 268.06 feet to the East line of said West Half of the Northwest Quarter (W½NW¼) of Section Twenty-one (21); thence along said East line South 1°35' West 952.16 feet to the point of beginning.

There is excepted from this conveyance any and all oil, gas and other minerals heretofore reserved and/or conveyed away by predecessors in title to the Grantors herein. Conveying unto the Grantees herein in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all right, title and interest of Grantors in the oil, gas and other minerals lying in, on and under and that may be produced from the lands herein conveyed.

This conveyance is subject to all reservations contained in the United States patents and all easements and rights of way of record and/or established by use, including the following:

1. Right of Way Easement to Pacific Northwest Pipelines Corporation, as recorded in Book 207 Page 58, and Surface Installment Contract recorded in Book 219 Page 269.

2. Right of Way Easement to Empire Electric Association, Inc., as recorded in Book 358 at Page 294.



PAGE 941

theast
Quarter
rth,

ch
ise
apital
nually
ch
nted.

outh

tion
t a
ence
istance
forth
s of
th
of

(W½NW¼)
rteen
lows:
Quarter
orner
hence
184;
long
orth
t line
-one (21);

n title
nancy,
urvivor
er
ds herein

Rates
ed by

oration,
corded

., as

Exhibit "A" BOOK 457 PAGE 942

-2-

3. Right of Way Easement to Mancos Rural Water Co., as recorded in Book 391 Page 55 and Book 390 at Page 117.

4. Right of Way Easement to Ray O'Connor and Maurine O'Connor for water line, as described in Book 419 at Page 325.

5. Right of Way Easement to Colorado-Ute Electric Association, Inc., as recorded in Book 257 at Page 35.

6. Right of Way Easement to El Paso Natural Gas Company as recorded in Book 443 at Page 756.

This Exhibit "A" is attached to and made a part hereof by reference of that certain Warranty Deed executed September 19, 1975 from John D. Carter and Martha M. Carter, husband and wife, John David Carter II and Debra J. Carter, husband and wife, and Douglas Lewis Carter and Cathy S. Carter, husband and wife, as Grantors to Benjamin D. Shaw and Elizabeth P. Shaw, in joint tenancy.

35477

Quit Claim Deed

INDIVIDUAL TO INDIVIDUAL

Elizabeth P. Shaw

TO

Benjamin D. Shaw

GEORGE E. COLE®
LEGAL FORMS

BOOK 483 PAGE 510

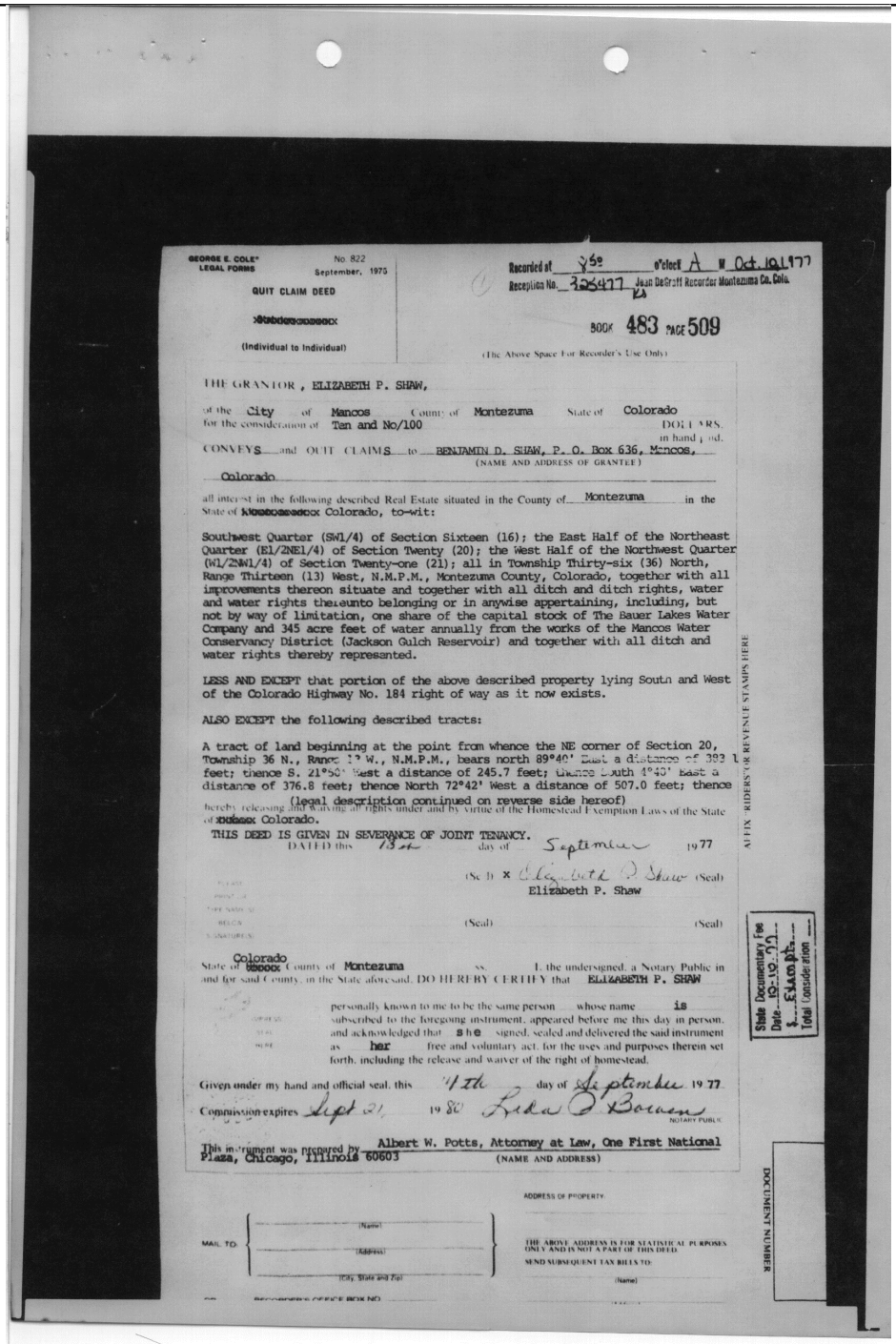
South 51°29' West a distance of 115.9 feet; thence North 38°31' West a distance of 164.0 feet; thence North 51°29' East a distance of 34.8 feet; thence North 38°31' West a distance of 369.3 feet; thence North 0°14' West a distance of 82.3 feet; thence North 89°40' East a distance of 940.8 feet, to the point of beginning.

AND EXCEPT a tract of land in the West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21), Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, described as follows: BEGINNING at the Southeast Corner of said West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21), from which point the Northwest Corner of said Section Twenty-one (21) bears North 24°56' West 3071.02 feet; thence West 556.63 feet to the East right of way line of Colorado Highway No. 184; thence along said right of way line North 38°16' West 12.0 feet; thence along the East bank of a small creek North 19°40' East 355.95 feet; thence North 27°56' East 524.5 feet; thence North 57°10' East 268.06 feet to the East line of said West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21); thence along said East line South 1°35' West 952.16 feet to the point of beginning.

There is excepted from this conveyance any and all oil, gas and other minerals heretofore reserved and/or conveyed away by predecessors in title to the Grantor herein. Conveying unto the Grantee herein, his assigns and successors, all right, title and interest of Grantor in the oil, gas and other minerals lying in, on and under and that may be produced from the lands herein conveyed.

Also conveying unto the Grantee herein, his assigns and successors, all of Grantor's right, title and interest in the McGrew Ditch No. 1, being District Priority No. 11, Stream Priority No. 8 in Water District No. 34 for 0.5 Second Feet of water and together with all ditch and water rights thereby represented.

10-10-1977: quit claim deed



GEORGE E. COLE® LEGAL FORMS No. 822 September, 1975

QUIT CLAIM DEED

(Individual to Individual)

Recorded at 3:50 o'clock P M Oct. 10, 1977
Reception No. 325477 Jean DeGraff Recorder Montezuma Co. Colo.

BOOK 483 PAGE 509

(The Above Space For Recorder's Use Only)

THE GRANTOR, ELIZABETH P. SHAW,

of the City of Mancos County of Montezuma State of Colorado
for the consideration of Ten and No/100 DOLLARS, in hand paid,
CONVEYS and QUIT CLAIMS to BENJAMIN D. SHAW, P. O. Box 636, Mancos, Colorado
(NAME AND ADDRESS OF GRANTEE)

all interest in the following described Real Estate situated in the County of Montezuma in the State of Colorado, to-wit:

Southwest Quarter (SW1/4) of Section Sixteen (16); the East Half of the Northeast Quarter (E1/2NE1/4) of Section Twenty (20); the West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21); all in Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, together with all improvements thereon situate and together with all ditch and ditch rights, water and water rights thereunto belonging or in anywise appertaining, including, but not by way of limitation, one share of the capital stock of The Bauer Lakes Water Company and 345 acre feet of water annually from the works of the Mancos Water Conservancy District (Jackson Gulch Reservoir) and together with all ditch and water rights thereby represented.

LESS AND EXCEPT that portion of the above described property lying South and West of the Colorado Highway No. 184 right of way as it now exists.

ALSO EXCEPT the following described tracts:

A tract of land beginning at the point from whence the NE corner of Section 20, Township 36 N., Range 13 W., N.M.P.M., bears north 89°40' East a distance of 382 1 feet; thence S. 21°50' West a distance of 245.7 feet; thence South 1°40' East a distance of 376.8 feet; thence North 72°42' West a distance of 507.0 feet; thence

(legal description continued on reverse side hereof)

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Colorado.

THIS DEED IS GIVEN IN SEVERANCE OF JOINT TENANCY.

DATED this 13th day of September 1977

(Seal) x Elizabeth P. Shaw (Seal)
Elizabeth P. Shaw

(Seal) (Seal)

AFFIX RIDERS OR REVENUE STAMPS HERE

State Documentary Fee Date 10-10-77 $ 5.50 Total Consideration

Colorado
State of ~~Colorado~~ County of Montezuma ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ELIZABETH P. SHAW

personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 11th day of September 1977.

Commission expires Sept 21, 1980 Linda D Barnes
NOTARY PUBLIC

This instrument was received by Albert W. Potts, Attorney at Law, One First National Plaza, Chicago, Illinois 60603
(NAME AND ADDRESS)

MAIL TO: (Name) (Address) (City, State and Zip)

RECORDER'S OFFICE BOX NO.

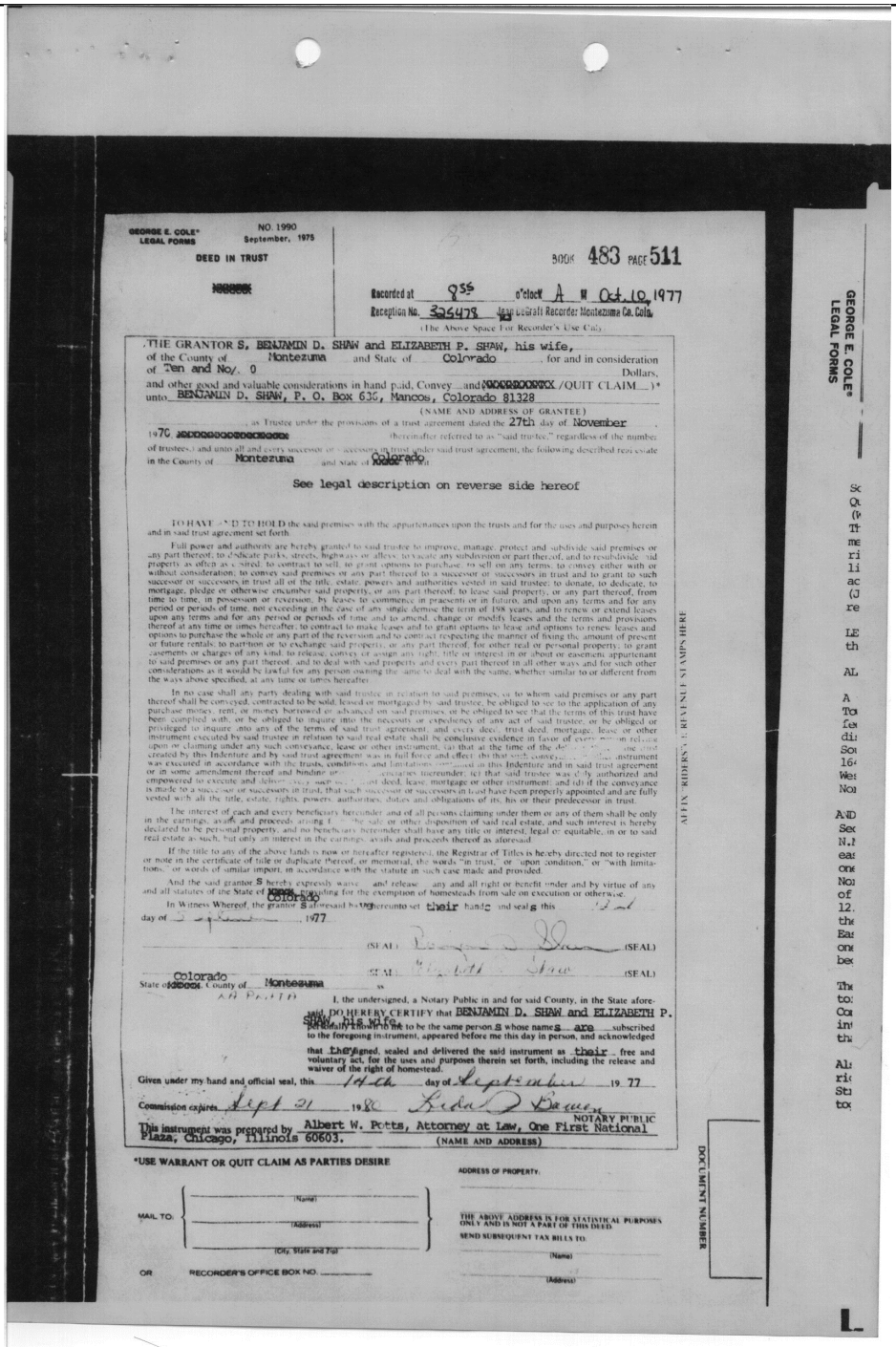
ADDRESS OF PROPERTY:

THE ABOVE ADDRESS IS FOR STATISTICAL PURPOSES ONLY AND IS NOT A PART OF THIS DEED.

SEND SUBSEQUENT TAX BILLS TO: (Name)

DOCUMENT NUMBER

10-10-1977: deed in trust



GEORGE E. COLE® LEGAL FORMS NO. 1990 September, 1975

DEED IN TRUST

BOOK 483 PAGE 511

Recorded at 955 o'clock A M Oct. 10, 1977
Reception No. 325478 Jean Dalrath Recorder Montezuma Co. Colo.
(The Above Space For Recorder's Use Only)

THE GRANTOR S, BENJAMIN D. SHAW and ELIZABETH P. SHAW, his wife,
of the County of Montezuma and State of Colorado, for and in consideration
of Ten and No/. 0 Dollars,
and other good and valuable considerations in hand paid, Convey and ~~XXXXXXXXX~~ /QUIT CLAIM)*
unto BENJAMIN D. SHAW, P. O. Box 636, Mancos, Colorado 81328
(NAME AND ADDRESS OF GRANTEE)
as Trustee under the provisions of a trust agreement dated the 27th day of November
1970 ~~XXXXXXXXXXXXXXXX~~ hereinafter referred to as "said trustee," regardless of the number
of trustees,) and unto all and every successor or successors in trust under said trust agreement, the following described real estate
in the County of Montezuma and State of Colorado, to-wit:

See legal description on reverse side hereof

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust agreement set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof; to dedicate parks, streets, highways or alleys; to vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to contract to sell; to grant options to purchase; to sell on any terms; to convey either with or without consideration; to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof; to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter; to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals; to partition or to exchange said property, or any part thereof, for other real or personal property; to grant easements or charges of any kind; to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof, and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder, (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument, and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

If the title to any of the above lands is now or hereafter registered, the Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided.

And the said grantor S hereby expressly waive and release any and all right or benefit under and by virtue of any and all statutes of the State of ~~XXXXX~~ Colorado providing for the exemption of homesteads from sale on execution or otherwise.

In Witness Whereof, the grantor S aforesaid ha VE hereunto set their hands and seals this 22nd day of September, 1977.

(SEAL) Benjamin D. Shaw (SEAL)

(SEAL) Elizabeth P. Shaw (SEAL)

State of ~~XXXXXX~~ Colorado County of Montezuma ss

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that BENJAMIN D. SHAW and ELIZABETH P. SHAW, HIS WIFE, personally known to me to be the same person S whose name S are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 14th day of September 19 77

Commission expires Sept 21 1980 Linda D. Bowen NOTARY PUBLIC

This instrument was prepared by Albert W. Potts, Attorney at Law, One First National Plaza, Chicago, Illinois 60603. (NAME AND ADDRESS)

*USE WARRANT OR QUIT CLAIM AS PARTIES DESIRE

ADDRESS OF PROPERTY:

MAIL TO: (Name) (Address) (City, State and Zip)

THE ABOVE ADDRESS IS FOR STATISTICAL PURPOSES ONLY AND IS NOT A PART OF THIS DEED.

SEND SUBSEQUENT TAX BILLS TO: (Name) (Address)

OR RECORDER'S OFFICE BOX NO. _____

AFFIX RECORD'S REVENUE STAMPS HERE

DOCUMENT NUMBER

GEORGE E. COLE® LEGAL FORMS

335428

Deed in Trust

Benjamin R. Shaw

Elizabeth P. Shaw TO

Benjamin R. Shaw

GEORGE E. COLE® LEGAL FORMS

BOOK 483 PAGE 512

Southwest Quarter (SW1/4) of Section Sixteen (16); the East Half of the Northeast Quarter (E1/2NE1/4) of Section Twenty (20); the West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21); all in Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, together with all improvements thereon situate and together with all ditch and ditch rights, water and water rights thereunto belonging or in anywise appertaining, including, but not by way of limitation, one share of the capital stock of The Bauer Lakes Water Company and 345 acre feet of water annually from the works of the Mancos Water Conservancy District (Jackson Gulch Reservoir) and together with all ditch and water rights thereby represented.

LESS AND EXCEPT that portion of the above described property lying South and West of the Colorado Highway No. 184 right of way as it now exists.

ALSO EXCEPT the following described tracts:

A tract of land beginning at the point from whence the NE Corner of Section 20, Township 36 N., Range 13 W., N.M.P.M., bears north 89°40' East a distance of 383.1 feet; thence S. 21°50' West a distance of 245.7 feet; thence South 4°40' East a distance of 376.8 feet; thence North 72°42' West a distance of 507.0 feet; thence South 51°29' West a distance of 115.9 feet; thence North 38°31' West a distance of 164.0 feet; thence North 51°29' East a distance of 34.8 feet; thence North 38°31' West a distance of 369.3 feet; thence North 0°14' West a distance of 82.3 feet; thence North 89°40' East a distance of 940.8 feet, to the point of beginning.

AND EXCEPT a tract of land in the West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21), Township Thirty-six (36) North, Range Thirteen (13) West, N.M.P.M., Montezuma County, Colorado, described as follows: BEGINNING at the Southeast Corner of said West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21), from which point the Northwest Corner of said Section Twenty-one (21) bears North 24°56' West 3071.02 feet; thence West 556.63 feet to the East right of way line of Colorado Highway No. 184; thence along said right of way line North 38°16' West 12.0 feet; thence along the East bank of a small creek North 19°40' East 355.95 feet; thence North 27°56' East 524.5 feet; thence North 57°10' East 268.06 feet to the East line of said West Half of the Northwest Quarter (W1/2NW1/4) of Section Twenty-one (21); thence along said East line South 1°35' West 952.16 feet to the point of beginning.

There is excepted from this conveyance any and all oil, gas and other minerals heretofore reserved and/or conveyed away by predecessors in title to the Grantors herein. Conveying unto the Grantee herein, his assigns and successors, all right, title and interest of Grantors in the oil, gas and other minerals lying in, on and under and that may be produced from the lands herein conveyed.

Also conveying unto the Grantee herein, his assigns and successors, all of Grantors right, title and interest in the McGrew Ditch No. 1, being District Priority No. 11, Stream Priority No. 8 in Water District No. 34 for 0.5 Second Feet of water and together with all ditch and water rights thereby represented.

BOOK 529 PAGE 600

RIGHT OF WAY GRANT

STATE OF COLORADO
COUNTY OF MONTEZUMA

RECORDED AT 1:45 O'CLOCK P M SEP 8 1981
Reception No. 253610 JEAN DuGRAFF Recorder Montezuma Co. Colo.
EL.

In consideration of Seven Thousand One Hundred Forty and no/100---------Dollars ($7,140.00) received, the undersigned ("Owner"), whether one or more, grants, sells and conveys to Shell Pipe Line Corporation ("Shell"), its successors and assigns, the following rights and easements:

(1) The right to lay, construct, operate, inspect, maintain, repair, renew, substitute, and remove one pipeline and appurtenances (including but not limited to communications cables buried in the pipeline ditch with necessary manholes and splice points at ground level, air patrol markers in fence lines, and corrosion control equipment at or near road crossings) for the transportation of liquids, gases, solids, or mixtures thereof on a strip of land ("the right of way") forty (40) feet wide, being located twenty (20) feet on each side of the centerline described and depicted on the attached Shell Drawing No. D-4285-1, located on the following described tract of land in Montezuma County, Colorado:

The Southwest Quarter (SW¼) of Section 16, Township 36 North, Range 13 West, N.M.P.M.

together with the right to use a temporary work space, forty (40) feet wide, along the permanent right of way as needed during the exercise of any of the rights and easements herein granted. Owner hereby agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working space, then Shell shall have the right and temporary access to additional working space which may be necessary for construction and Shell agrees to pay Owner any and all damages which Owner suffers by reason of Shell's use of said additional working space. Owner agrees that the pipeline right of way above-described may be altered as to its precise location because of cultural resources along the presently proposed right

of way to include, but not by way of limitation, archaelogical, paleonto-logical, and historical resources. In the case such resources are discovered on Owner's land, Shell is entitled to relocate its right of way so as to avoid those resources, after consultation with the Owner. The parties will mutually agree as to the relocation of the pipeline in the event its precise right of way has to be altered because of the above factors and in the event of such relocation, the property shall be reappraised for purposes of determining whether or not the initial price paid for the property is appropriate under the circumstances.

(2) The right of ingress and egress in, on, over, across and through the 40 foot wide right of way for any and all purposes convenient to the exercise of the rights and easements herein granted.

Shell agrees to bury the pipeline to a minimum depth of 36 inches, except where blasting of rock is required, the pipeline shall be buried not less than 18 inches below the present contour of the land. Shell also agrees to pay any damages to fences, buildings, timber, drain tile, other improvements, livestock and crops (including loss of crop production as hereinafter provided), but after initial construction of the pipeline Shell shall not be liable for damages caused by keeping the right of way clear of trees, undergrowth and other obstructions. Additionally, Shell will pay Owners any damages resulting from the transportation of any substance through the pipeline other than CO_2 caused by the temperature of such commodity being greater than the temperature of CO_2. Should Shell's activities involve entering lands outside of the above described 40 foot wide right of way, the 40 foot wide temporary work space and the additional work space, if any, required at roads, railroads, creeks, rivers, or other waterways, Shell shall pay Owner damages as follows: for all trees destroyed over 4 feet in height Shell shall pay to Owner $50.00 per tree for the first ten trees destroyed, $25.00 per tree for the next 20 trees destroyed, and $10.00 for any other trees destroyed.

Shell agrees that its pipeline construction activities on the right of way shall be accomplished with the least amount of disruption to Owner's farming operations as is reasonably practicable. If Owner is substantially prevented from planting, cultivating, irrigating or harvesting any agricultural crop on the land adjacent to the right of way as a result of Shell's operations, or if the agricultural crop on the 40 foot right of way sustains poor growth as compared

with the adjacent land off of the right of way, Shell shall be responsible for any resulting crop damage, but the total damage shall not exceed the difference between the amount actually received for the crop and the gross matured value of such crop without pipeline construction or activities. If such crop can be planted, cultivated, irrigated or harvested but, as a result of Shell's operations, only at a cost in excess of the normal cost thereof in the absence of such operations, Shell shall be responsible for such excess for the first year's crop, but thereafter Shell shall only be responsible for the excess to the extent that it does not exceed the gross matured value of such crop without pipeline construction or activities. The determination of damages shall take into account crops which require more than one growing season.

Shell agrees to restore the surface of the ground, including restoration of contour lines and drainage flow patterns, as nearly as is reasonably practicable, to as good a condition as presently exists upon completion of construction of the pipeline. Shell agrees to dispose of all slash, brush, timber, rock or other debris resulting from pipeline construction in a manner and location satisfactory to the Owner so long as the same is reasonable. Shell agrees to revegetate the entire right of way in areas not under cultivation so as to protect the soil and protect against erosion, all upon completion and construction of the pipeline. If revegetation does not occur after Shell has exhausted all reasonable efforts, Shell shall pay damages from failure of such revegetation. Shell shall re-contour the right of way as necessary after sufficient time is allowed for settling of the ground.

Owner reserves the right to use the right of way except as such use may unreasonably interfere with the enjoyment of the rights and easements herein granted, but, unless otherwise herein provided, Owner will not construct or permit structures, plant trees, drill, excavate or fill within the right of way. Owner reserves the right to construct and maintain roadways, water lines, sewer lines, utility lines and irrigation ditches ("the improvements") across (but not parallel and along) the right of way except that such use shall not endanger or unreasonably interfere with Shell's facilities. The improvements shall be constructed in a good and workmanlike manner in accordance with generally accepted and applicable standards and specifications. Owner shall notify Shell of Owner's intention to construct the improvements across the right of way at least sixty (60) days before such construction, and Shell will have sixty (60) days in which to notify Owner of any construction requirements which Shell

believes is required for its protection; if Shell does not notify Owner of any such requirements, any objections to construction shall be waived. Further, Owner need not notify Shell of construction of any ditches or water lines which does not require the disturbance of soil closer than one foot from the pipeline. Any such notices shall be mailed certified or registered via the U. S. Postal Service to:

Shell	Shell Pipe Line Corporation Manager, Land & Environmental Dept. P. O. Box 2648 Houston, TX 77001
Owner	Benjamin D. Shaw P. O. Box 628 Mancos, Colorado 81328

Shell agrees to pay any increase in the cost of the improvements reasonably made by Owner because of the existence of the pipeline pursuant to this agreement or because of requirements imposed by Shell, except Shell shall not pay such increased costs where the improvements are made in connection with a subdivision of the land, construction of a roadway to be maintained by a governmental entity, or with facilities constructed by or for a public utility or other pipeline company. After the improvements are in place, Shell shall be responsible for any damages to them caused by Shell.

Shell will provide Owner at least thirty (30) days advance notice of when pipeline construction will begin on the right of way. Construction, once commenced, shall be completed within six (6) months. If construction is begun more than three (3) years from the date hereof, the consideration set forth in this agreement will be increased as follows: Shell will pay an amount equal to the consideration multiplied by a fraction, the numerator of which is the Producers Price Index for all items (as published by the U. S. Department of Labor, Bureau of Statistics) for the month immediately proceeding the month in which construction commences, and the denominator of which is the figure representing the Producers Price Index for the month in which this agreement is executed. If no construction is commenced on or before five years from the date of this agreement, then this entire Agreement is null and void and the right of way shall be lost forever.

Shell agrees that on land that has been cultivated or PASTURE LAND OR HAYFIELD it will remove the surface soil separately for the full width of the pipe trench to a depth of not less than ten (10) inches and to the extent feasible, replace said surface soil on the top of the backfill over the pipeline trench as part of the initial pipeline construction (commonly known as "double ditch").

Shell agrees to bury rock on land that has been cultivated at least eighteen (18) inches below the surface of the ground within the confines of the right of way or, at Shell's option, deposit it in a manner and at other locations on Owner's land which shall be designated as being satisfactory to Owner so long as the same is reasonably suitable. The word "rock" as used herein shall mean rock more than two (2) inches in diameter which is uncovered as a result of Shell's construction on the right of way. Owner reserves the right to prove additional damages to Shell by the presence of rock over 1½ inches in diameter that exist on the right of way after completion of construction.

Shell shall indemnify Owner against and from all liability or expense on account of damages to property of other parties or injury or death of persons caused by or arising out of any exercise of the rights herein granted.

Should Shell abandon the pipeline, the right of way herein granted shall revert in its entirety to Owner, and both parties shall be relieved of all responsibility hereunder except that Shell may, at its option, remove the pipeline or abandon it in place.

This agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto, and the rights and easements herein granted may be leased or assigned, together or separately, and in whole or in part, but Shell agrees that this agreement may not be assigned (except as hereinafter provided) in whole or in part to parties other than Shell's successors in interest (by mergers or otherwise), partners or other forms of business enterprises that include Shell without Owner's prior consent, which consent shall not be unreasonably withheld. Should any such assignment be made without Owner's consent, then Shell shall not be relieved of any of its obligations under this agreement. It is mutually agreed that the terms and conditions hereof shall be binding upon and inure to the benefits of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto.

Executed September 3, 1981.

Owner(s):

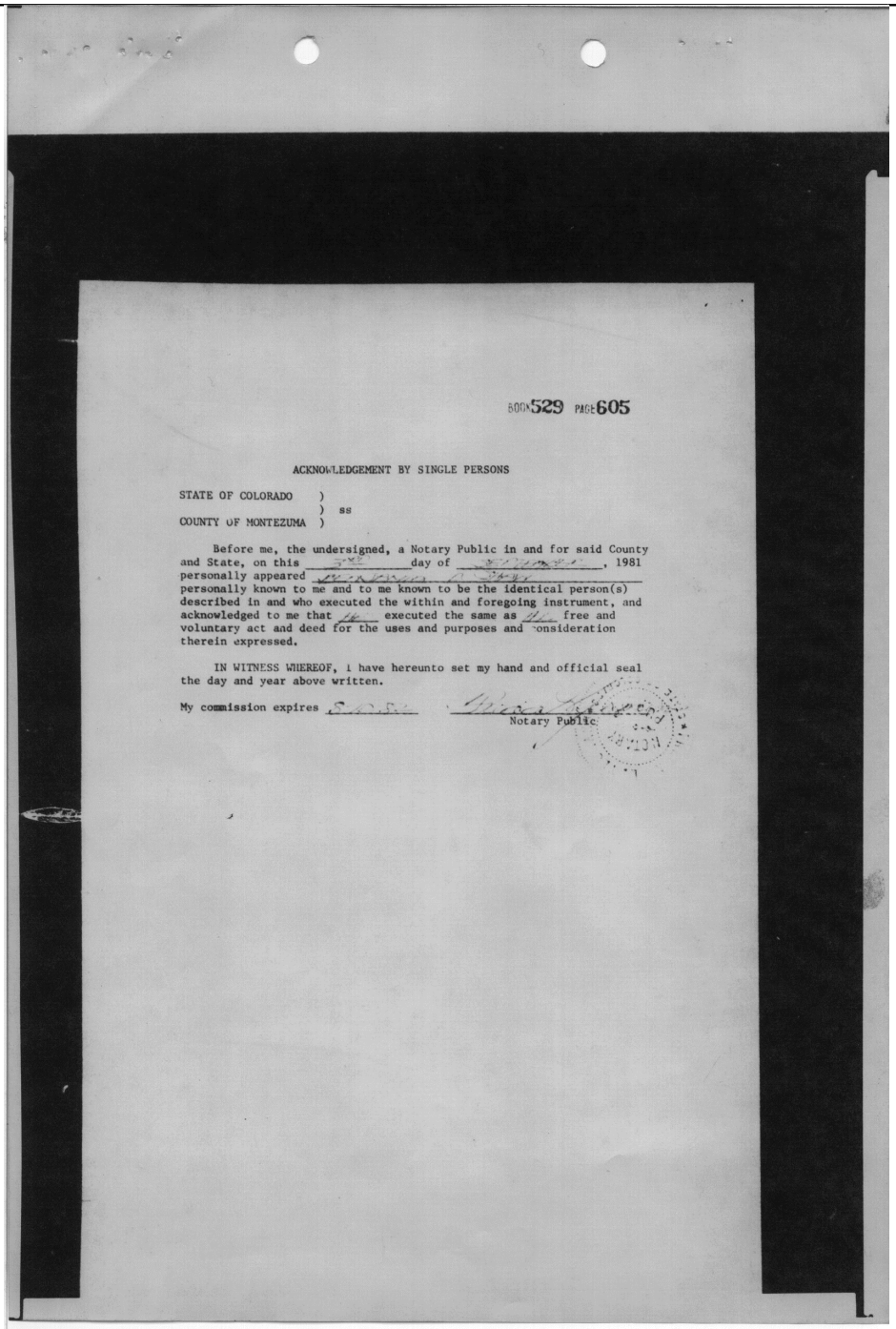
Benjamin D. Shaw

BENJAMIN D. SHAW

_____

_____

00-00-0000: acknowledgement by single persons



BOOK 529 PAGE 605

ACKNOWLEDGEMENT BY SINGLE PERSONS

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 1981 personally appeared _____ personally known to me and to me known to be the identical person(s) described in and who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year above written.

My commission expires _____

_____
Notary Public

MANCOS WATER CONSERVANCY DISTRICT

MANCOS, COLORADO

RECEIVED
NPS SOUTHWEST REGIONAL OFFICE
MAR 25 1963

	Surname	Date
Regional Director		
Cons., Interp & Use		
Administration		
Resource Planning		3/25
Program Coord.		
Operations		
Concessions		
Natural History		
Hist & Archaeology		
Ranger Services		
Files		

MWells
Kell

March 22,1963

U.S. Dept of the Interior
National Park Service, Southwest Region,
Santa Fe, New Mexico.

Dear sir:

This is to advise that transfer from Bureau of Reclamation to Mancos Water Conservancy District was made Jan. 1, 1963, and that the District now assumes obligations, and also is entitled to benefits previously agreed upon by Bureau of Reclamation contracts.

Sincerely,

Lloyd Harper

Secretary Treasure

10-03-1962: memorandum to superintendent from regional director regarding easement for location of pumping station and chlorin

Southwest Region
Santa Fe, New Mexico

L1425
Kelly

Memorandum

OCT 3 - 1962

To: Superintendent, Mesa Verde

From: Regional Director

Subject: Easement for Location of Pumping Station and Chlorination Station, Ira Kelly Property, Jackson Gulch Reservoir, Mesa Verde

Returned is a reproduced copy of the easement for a pumping and chlorination station, Jackson Gulch Reservoir, Mesa Verde pipeline. This instrument executed the 21st day of August by Ira E. Kelly and Mary C. Kelly, husband and wife, was recorded at 3:35 P.M., September 13, Book 311, pages 180-182 in the records of Montezuma County, Colorado.

The recording fees can be charged to the Regional Office Account 143.2, which is a different account than was mentioned in our memorandum of August 8.

SIONER

Thomas J. Allen
Regional Director

Enclosure

Copy to: R. Giles

JEKell:dv 10/3/62

L1425-Mesa
Kelly

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mesa Verde National Park
Colorado

IN REPLY REFER TO:

L1425(Kelly)

September 27, 1962

RECEIVED
OFFICE
SEP 28 1962

	Surname	Date
Regional Director		
Chief, Branch of Design		
Chief, Branch of Construction		
Regional Counsel		
Operations		
Concessions		
Natural History		
Hist. & Archaeology		
Ranger Services		
Files		

9/30

CERTIFIED MAIL
Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Mesa Verde

Subject: Easement for Location of Pumping Station and Chlorination Station, Ira Kelly Property, Jackson Gulch Reservoir, Mesa Verde

I am enclosing the original Easement for the tract of land on which we are building our Chlorination Station.

This Easement has been executed by Mr. and Mrs. Kelly and recorded at the Montezuma County Courthouse in Cortez, Colorado, in Book 311, page 180.

This instrument is being returned to you for the purpose of reproducing copies as outlined in your memorandum dated August 8.

Chester A. Thomas
Superintendent

In duplicate

Enclosure

cc:
Chief, WODC (2) w/o encl.

L1425 Mesa
Kelly

Recorded 3:25 O'Clock P M. Sept 13, 1962
Reception No. 224151 John Lenvill, Recorder, Montezuma Co. Colo.
E.D.

BOOK 311 PAGE 180 EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

This easement made the 31st day of August 1962, by and between Ira C Kelly and Mary C Kelly, husband and wife, as grantors, and the United States of America, grantee,

WITNESSETH:

That as a donation for public purposes and on the conditions hereinafter set forth, the grantors herein do hereby grant to the UNITED STATES OF AMERICA and its assigns, easement across the real property hereinafter described, for the construction, installation and maintenance of a building to be used as a chlorination station. This station is to be constructed over the Mesa Verde pipeline leading from Jackson Gulch Reservoir to the headquarters area at Mesa Verde National Park. The easement granted shall include the necessary ingress and egress to maintain the above-described building as a chlorination station to be located in the NE¼NE¼ Section 10, Township 36 North, Range 13 West, New Mexico Principal Meridian, County of Montezuma, State of Colorado and more particularly described as follows:

> Starting at a point that is 216 feet North 89° 52' West and 30 feet South 0° 08' West of the NE corner of Sec. 10, T. 36 N, R. 13 W, New Mexico Principal Meridian, Montezuma County, Colorado; thence 24 feet South 0° 08' West to SE corner of the tract; thence 24 feet North 89° 52' West to SW corner; thence 24 feet North 0° 08' East to NW corner; thence 24 feet South 89° 52' East to NE corner, the point of beginning. Said tract contains 0.013 acres more or less.

The grantee shall have the right to construct and maintain a fence on the exterior boundary line of the above-described tract. The property shall be used for the purpose of maintenance and operation of said chlorination station and in the event of the termination or discontinuance of use of the chlorination station at some future date all rights granted herein shall revert to the grantors, their heirs and assigns, subject to a right of removal by the grantee of the structures and equipment installed by the grantee under the grant herein made.

BOOK 311 PAGE 181

IN WITNESS WHEREOF, the granters have hereunto set their names the day and year first above written.

Ira E Kelly
Ira Kelly

Mary C. Kelly
Mary Kelly

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

The foregoing instrument was acknowledged before me this 21st day of August, 1962, by Ira E. Kelly and Mary C. Kelly

WITNESS my hand and official seal.

Geraldine H. Wallace
Title of Officer

My commission expires: MY COMMISSION EXPIRES DECEMBER 31, 1964

08-28-1962: memorandum to superintendent from assistant regional director regarding easement for location of chlorination statio

Kell

Southwest Region
Santa Fe, New Mexico

L1425
Kelly

AUG 28 1962

Memorandum

To: Superintendent, Mesa Verde

From: Assistant Regional Director

Subject: Easement for Location of Chlorination Station, Ira Kelly Property, Jackson Gulch Reservoir, Mesa Verde National Park

Enclosed are two prints of Drawing NP-MV-7105 revised in accordance with the corrections supplied by you with your memorandum of August 16.

We have not added an "A" to the drawing number although it does show a revision of 8-28-62.

By copy of this memorandum we are sending one print of the corrected plat to the Western Office of Design and Construction.

SIGNED

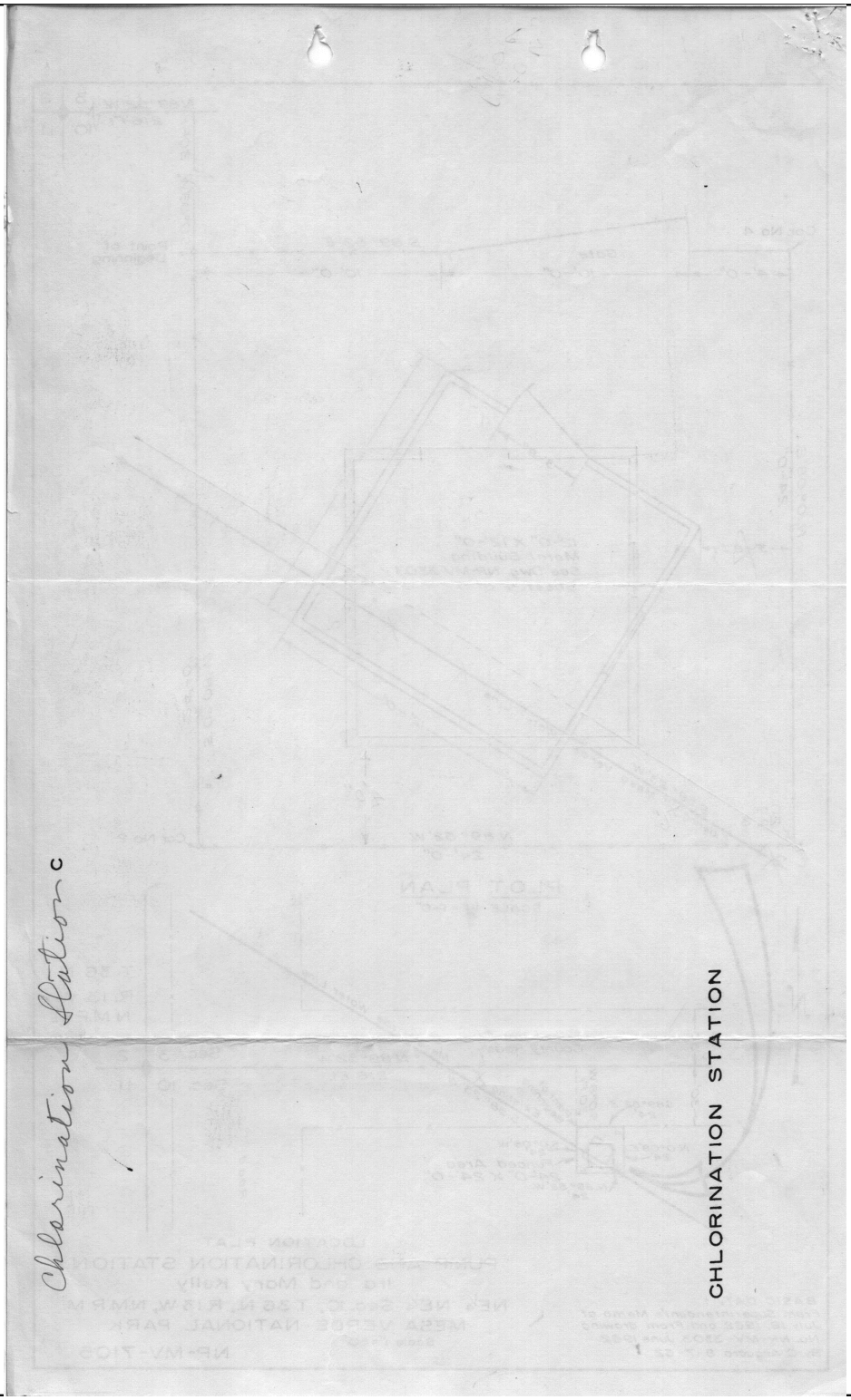
J. M. Carpenter
Assistant Regional Director

Enclosures (2)

Copy to: WODC (2)
w/1 set enclosures

JEKell:dv 8/28/62

L 1425 Mesa
Kelly


Chlorination Station C
CHLORINATION STATION

08-08-1962: memorandum to superintendent from regional director regarding easement for location of pumping station and chlorin

Kelly
Carpenter

Southwest Region
Santa Fe, New Mexico

L1425
Kelly

AUG 8 - 1962

Memorandum

To: Superintendent, Mesa Verde

From: Regional Director

Subject: Easement for Location of Pumping Station and Chlorination Station, Ira Kelly Property, Jackson Gulch Reservoir, Mesa Verde

We have Acting Superintendent Ellis' memorandum of July 18 regarding the proposed easement for the location of a pumping station and a chlorination station, Jackson Gulch Reservoir. This station is to be built over the existing 4" Mesa Verde pipeline a short distance from the county road in the NE¼NE¼ of Section 10, T. 36 N., R. 13 W., N.M.P.M. You have advised that Mr. Kelly will donate an easement providing the Government will pay the required legal fee.

With Field Solicitor Barton's assistance we have drafted an easement and the original and one copy is enclosed. We have used the description provided in Mr. Ellis' memorandum of July 18. We have made one slight change in the phraseology of the last sentence of the description.

We have noted that the county road abuts the proposed location of the chlorination station and that an easement for access is unnecessary. However, in order to be on the safe side we have included the ingress and egress provision on the remote chance that the county road might be moved in the future to a different location.

The instrument has been made for both Mr. and Mrs. Kelly to sign. The names, as they would appear on a legal instrument, were supplied by Superintendent Thomas to Mr. Hall in a telephone conversation on August 1. If, after you review the plat and the description, it appears to be satisfactory you should have the instrument executed by Mr. and Mrs. Kelly and recorded.

We have also enclosed reproduced prints of MP-MV-7105 showing the location of the existing plot of land, 24 by 24 feet in square form, in relation to the corner common to Sections 2, 3, 10 and 11, T. 36 N., R. 13 W., N.M.P.M. At the top of this sheet is a detail at a scale of 1/4" = 1'

L 1425 Mesa Kellay

showing the approximate arrangement of the chlorination station inside the fenced area.

If this sketch as prepared is basically correct we suggest you also have it recorded at the same time you record the easement. This is with the understanding that the county uses a photostat machine for recording or will accept the plat for recording.

If there are any changes you wish on the plat, please mark one copy in red and return it to this office for the necessary corrections prior to the recording.

The recording fees should be paid by you and charged to the Regional Office account 126.2. After the instrument has been recorded and returned to you, please return it to this office and we will make reproduced copies and return it to you for your files. We have enclosed a second assembly for your reference while the original is being recorded.

SIGNED

Thomas J. Allen
Regional Director

In duplicate

Enclosures

Copy to: Chief, WCDC
w/o enclosures

Mr. Giles
w/o enclosures

Lands Office
w/enclosures

JEKell:dv 8/7/62

07-18-1962: memorandum to regional director from acting superintendent regarding easement for location of pumping station and

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mesa Verde National Park
Colorado

RECEIVED
NPS SOUTHWEST REGIONAL OFFICE
JUL 19 1962

	Surname	Date
Regional Director		
Conservation & Use		
Administrative Officer	Sec	7/19
Resource Planning		
Prog. Off. Coord.		
2 Operations		7/20
Concessions		
Natural History		
Hist. & Archaeology		
Ranger Services		
File		8/9

IN REPLY REFER TO:

L1425

July 18, 1962

Memorandum

To: Regional Director, Southwest Region

From: Acting Superintendent, Mesa Verde

Subject: Easement for Location of Pumping Station and Chlorination Station, Jackson Gulch Reservoir, Mesa Verde

As requested by telephone conversation between Jerry Miller and John Kell of your office and Mr. Ellis, confirmed by Mr. Carpenter's memorandum of July 13, we have contacted Mr. Ira Kelly concerning an easement deed for the chlorination station to be built over the pipeline a short distance from the county road in the NE¼ of the NE¼ of Sec. 10, T. 36 N., R. 13 W.

Mr. Kelly is willing to donate an easement provided that the Government pay the required legal fees.

The following is a description of the plot of ground, for your use in preparing the easement deed:

> Starting at a point that is 216 feet North 89° 52' West and 30 feet South 0° 08' West of the NE corner of Sec. 10, T. 36 N, R. 13 W, New Mexico Principal Meridian, Montezuma County, Colorado, thence 24 feet South 0° 08' West to SE corner, thence 24 feet North 89° 52' West to SW corner, thence 24 feet North 0° 08' East to NW corner, Whence 24 feet South 89° 52' East to NE corner, the point of beginning. Said plot to contain about 0.013 acres.

Although not shown on Bradley's drawing, the county has a road right of way extending east and west between Sections 3 and 10. The plot on which we plan to place the chlorination station abuts this right of way. Therefore, it will be unnecessary to obtain easement for access to the station.

Vincent Ellis
Acting Superintendent

Copy (x) 05039 Mesa

L1425 Mesa
Kelly

Draft Cleared By Barton 7/13

Southwest Region
Santa Fe, New Mexico

JUL 1 3 1962

L1425

(X)-D5039

Memorandum

To: Superintendent, Mesa Verde

From: Assistant Regional Director, Administration

Subject: Easement for Location of Pumping Station and Chlorination Station, Jackson Gulch Reservoir, Mesa Verde National Park

In accordance with the telephone conversation of July 12 between Acting Superintendent Ellis, Jerry Miller and John Kell of this Office, we have enclosed prints of Willard Bradley's pipeline drawing. There are two prints, each showing the Ira Kelly property lying in Sections 2, 3 and 10, T. 36N., R. 13 W., NMPM.

Mr. Bradley's sketch also shows the location of the Jackson Gulch Reservoir.

From the conversation with Mr. Ellis it is our understanding that the chlorination station is to be built over the pipeline a short distance from the county road in the NE-1/4NE-1/4 of Sec. 10, T. 36 N., R. 13 W. If Mr. Kelly is willing to donate an easement for the construction of the chlorination station, Park Engineer Anderson should locate the plot of ground, make the necessary tie to the section corner common to Secs. 2, 3, 10 and 11 (we assume from the conversation with Mr. Ellis that this is the closest corner to the proposed building) and he should show the distance and width of the proposed access from the county road to the chlorination station. After the description is obtained, this Office will then prepare the necessary instrument. It will be necessary to record the instrument in the county and if Mr. Kelly is willing to make the grant of a permanent easement as a donation, then our Service can pay the required fees.

copy D5039 Mesa

L1425 Mesa Kelly

As promised by Mr. Kell, the sketches from the Bradley survey are being left at the Park entrance ranger station. Mr. Kell will be out of the office until July 22 or 23. If there are any questions in the interim, we suggest you telephone this office and discuss the proposal with Jerry Miller.

/S/ James M. Carpenter

James M. Carpenter
Assistant Regional Director

Enclosures

Copy to: Chief, WODC (2)
w/1 enclosure

Blind copy to Assistant Regional Director Miller

JEKell:hhe
7/13/62

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

June 15, 1951

Memorandum

To: Director

From: Acting Regional Chief, Land and Recreation Planning

Subject: Right-of-Way Agreement between State of Colorado and the United States, Mesa Verde National Park

There is attached the original right-of-way agreement between the State of Colorado and the United States of America (National Park Service, Mesa Verde National Park, Colorado). The original shows the document was recorded on May 16, 1951, in Book 165, pages 147 to 150. A certified copy has been retained by Mesa Verde and the Regional Office.

/s/ J. E. Kell

John E. Kell
Acting Regional Chief of
Land and Recreation Planning

Attachment

Copy to: Supt., Mesa Verde

05-29-1951: memorandum to director from regional engineer regarding right-of-way from mesa verde pipe line across guy w. pick

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

May 29, 1951

Memorandum

To: Director

From: Regional Engineer

Subject: Right-of-way from Mesa Verde Pipe Line across Guy W. Pickens Land

There is attached copy of Superintendent Rose's memorandum of May 23 and a certified copy of agreement for right-of-way across the property of Guy W. Pickens.

This agreement is filed in the Courthouse of Montezuma County in Book No. 165, pages 145 and 146.

/s/ J. R. Lassiter

J. R. Lassiter
Regional Engineer

Attachment

Copy to: Supt., Mesa Verde

05-23-1951: memorandum to regional director from superintendent regarding transmittal of certified copies of guy w. pickens agre

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK, COLORADO

May 23, 1951

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde

Subject: Transmittal of certified copies of Guy W. Pickens Agreement on Easement for Right-of-Way West Mancos River Water Supply Line

We are transmitting herewith, in duplicate, certified copies of Agreement on Easement for Right-of-Way between the Government and Mr. Guy W. Pickens. You will note that this document has been recorded in the Recorder's Office, Montezuma County, Colorado, at 11:35 A. M., May 16, 1951. The original copy of this Agreement is in our Park records.

Robert H. Rose
Superintendent

Enclosures

05-24-1951: agreement on easement for right of way and acceptance

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK, COLORADO

May 24, 1951

This is to certify that the attached copy of Agreement on Easement for Right of Way and Acceptance, consisting of two pages, between Guy W. Pickens and the United States of America, is a true and correct copy of original instrument which is recorded in the records of Montezuma County, State of Colorado in Book 165 on Pages 145 and 146.

Robert H. Rose, Superintendent

Recorded at 11:35 o'clock A.M., May 16, 1951
Reception No. 144435 John Leavitt, Recorder, Book 165 Page 145

AGREEMENT ON EASEMENT FOR RIGHT OF WAY

This agreement, made this 23rd day of June, 1950, between Guy W. Pickens of Mancos, State of Colorado, grantor, and the United States of America, grantee.

WITNESSETH, That for and in consideration of payment to the grantee a sum in the amount of Twenty five dollars ($25.00) the grantor does hereby grant, bargain, convey, and confirm unto the United States of America, an easement for right-of-way over the tract, lot, piece, or parcel of land situate, lying and being in the County of Montezuma, State of Colorado, bounded and particularly described as follows:

A strip of land 67½ feet long and 10 feet wide each side of a center line that runs N 47° 29' E from a point on the center line of Section 25, Twp. 36, N., Rg. 14 W., N.M.P.M. 2685.0 feet south from the N¼ corner of said Section 25.

The said easement for right-of-way hereby granted is for the full, free, unrestricted, and quiet use and enjoyment by the grantee of the land of the grantor, occupied by the West Mancos River Water Supply Line furnishing water to Mesa Verde National Park, for any and all purposes deemed necessary or beneficial for, or in connection with, the control, administration, repair, replacement or use, of said water supply line, including the right of ingress and egress to, from, and over the above described land of the grantor by the grantee, its officers or agents, for all purposes necessary to the successful purchasing of the said water supply line.

This grant shall be effective as long as the said land shall be actually used for the aforesaid purposes, and all rights hereunder shall revert to the grantor when and in the event the said use thereof shall be discontinued or abandoned, of which due notice shall be given to the grantor by the grantee.

IN WITNESS WHEREOF, the said grantor has hereunto set his hand and seal on this the day and year first above written.

/s/ Guy W. Pickens
Guy W. Pickens

Signed, sealed and delivered in the presence of:

STATE OF COLORADO)
COUNTY OF MONTEZUMA) ss

On this 1st day of Sept. 1950, before me personally appeared Guy W. Pickens to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

My commission expires Jan. 8, 1951

May L. McCalliard, Notary Public

NOTARY PUBLIC SEAL

03-20-1951: acceptance of foregoing right of way deed

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

Book 165 Page 146 Mar. 20, 1951

The foregoing right of way deed dated June 23, 1950, from Guy W. Pickens to the United States of America, is hereby accepted on behalf of the United States, under the authority contained in paragraph (h) of the act of August 7, 1946 (60 Stat. 885; 16. U.S.C., 1946 ed., sec. 17j-2) and pursuant to Departmental Order No. 2402 dated June 14, 1948 (13 F. R. 361)

/s/ A. E. Demaray
Acting Director

Regional Director, Region Three

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK, COLORADO

Mesa Verde
Docket No. 1

May 24, 1951

This is to certify that the attached copy of Agreement on Easement for Right of Way and Acceptance, consisting of two pages, between Guy W. Pickens and the United States of America, is a true and correct copy of original instrument which is recorded in the records of Montezuma County, State of Colorado in Book 165 on Pages 145 and 146.

Robert H. Rose, Superintendent

Recorded at 11:35 o'clock A.M., May 16, 1951
Reception No. 141435 John Leavitt, Recorder, Book 165 Page 145

AGREEMENT ON EASEMENT FOR RIGHT OF WAY

This agreement, made this 23rd day of June, 1950, between Guy W. Pickens of Mancos, State of Colorado, grantor, and the United States of America, grantee.

WITNESSETH, That for and in consideration of payment to the grantee a sum in the amount of Twenty five dollars ($25.00) the grantor does hereby grant, bargain, convey, and confirm unto the United States of America, an easement for right-of-way over the tract, lot, piece, or parcel of land situate, lying and being in the County of Montezuma, State of Colorado, bounded and particularly described as follows:

A strip of land 674 feet long and 10 feet wide each side of a center line that runs N 47° 29' E from a point on the center line of Section 25, Twp. 36, N., Rg. 14 W., N.M.P.M. 2685.0 feet south from the N¼ corner of said Section 25.

The said easement for right-of-way hereby granted is for the full, free, unrestricted, and quiet use and enjoyment by the grantee of the land of the grantor, occupied by the West Mancos River Water Supply Line furnishing water to Mesa Verde National Park, for any and all purposes deemed necessary or beneficial for, or in connection with, the control, administration, repair, replacement or use, of said water supply line, including the right of ingress and egress to, from, and over the above described land of the grantor by the grantee, its officers or agents, for all purposes necessary to the successful purchasing of the said water supply line.

This grant shall be effective as long as the said land shall be actually used for the aforesaid purposes, and all rights hereunder shall revert to the grantor when and in the event the said use thereof shall be discontinued or abandoned, of which due notice shall be given to the grantor by the grantee.

IN WITNESS WHEREOF, the said grantor has hereunto set his hand and seal on this the day and year first above written.

/s/ Guy W. Pickens
Guy W. Pickens

Signed, sealed and delivered in the presence of:

STATE OF COLORADO)
COUNTY OF MONTEZUMA) SS

On this 1st day of Sept. 1950, before me personally appeared Guy W. Pickens to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

My commission expires Jan. 8, 1951

Mary L. McGalliard, Notary Public

NOTARY PUBLIC SEAL

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

Book 165 Page 146

Mar. 20, 1951

The foregoing right of way deed dated June 23, 1950, from Guy W. Pickens to the United States of America, is hereby accepted on behalf of the United States, under the authority contained in paragraph (h) of the act of August 7, 1946 (60 Stat. 885; 16. U.S.C., 1946 ed., sec. 17j-2) and pursuant to Departmental Order No. 2402 dated June 14, 1948 (13 F. R. 361)

/s/ A. E. Demaray

Acting Director

State of Colo.

U. S. of America

141436

R/W-1032-Bk-10.

RIGHT OF WAY NO. E-1924

UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK SERVICE
REGIONAL OFFICE 111
MESA VERDE, COLORADO

APP. NO. E-1924

RECEIVED
MAY 18 1951
MESA VERDE
NATIONAL
PARK

MAY 16 1951 1132 A
165
147
JOHN LEAHY
R.W.
5.00 pd.
Jo. M. Rose
Mesa Verde Natl Park

RECEIVED
JUN 1951
National Park Service
Region Three
Office

Regional Director, Region Three
Mesa Verde
Docket No. 1

Recorded at 11 38 o'clock A M. May 16, 1951 BOOK 165 PAGE 147
Reception No. 141436 John Scott Recorder

RIGHT OF WAY NO. 1032, BOOK NO. 10

THIS INDENTURE, Made this twenty-sixth day of March, A. D., 1951, between the STATE OF COLORADO, by its duly authorized officers, party of the first part, and the UNITED STATES OF AMERICA (National Park Service, Mesa Verde National Park, Colorado), party of the second part, WITNESSETH:

WHEREAS, Party of the second part has made application to the State Board of Land Commissioners, having control of the lands held by the State of Colorado, for Right of Way over, upon, under and across the surface of certain portions of State lands as hereinafter described for pipe lines; and

WHEREAS, Said State Board of Land Commissioners has, in manner and form as provided by statute, granted such Right of Way for the purpose aforesaid, and none other, upon the terms and conditions set forth herein, and has duly authorized the proper officers of said State to execute Right of Way deed:

NOW, THEREFORE, THESE PRESENTS WITNESSETH, That the said party of the first part, in consideration of the premises and in the further consideration of the sum of Two Hundred and No/100 Dollars ($200.00), lawful money of the United States, by second party to first party in hand paid, the receipt whereof is hereby confessed and acknowledged, has granted and by these presents does grant unto the party of the second part, its successors and assigns, a Right of Way to lay, construct, re-construct, replace, renew, maintain and operate pipe lines for the transportation of water; together with the right of ingress and egress, in, on, over, under and across and through the portions of the hereinafter mentioned land, more particularly described as follows:

A strip of land 20 feet wide, being 10 feet on each side of the following described center line:

Township 36 North-Range 13 West of the N.M.P.M.

Section 16, N½

Beginning at a point on the North line of Section 16; whence the Northeast corner bears E 174.4 feet; thence S. 52° 55' 30" W. 352.5 feet; thence along the arc of a curve to the left, whose radius is 300 feet through an angle of 12° 30' for a distance of 65.4 feet; thence along the arc of a curve to the right, whose radius is 300 feet through an angle of 46° for a distance of 240.8 feet; thence along the arc of a curve to the left, whose radius is 300 feet through an angle of 57° for a distance of 298.5 feet; thence South 29° 25' 30" W. 1.7 feet; thence along the arc of a curve to the right, whose radius is 275 feet through an angle of 31° 3' for a distance of 149 feet; thence S. 60° 28' 30" W. for a distance of 129.9 feet; thence along the arc of a curve to the left, whose radius is 1,000 feet through an angle of 14° 12' 30" for a distance of 247.9 feet; thence S. 46° 16' W. 185.3 feet; thence along the arc of a curve to the left, whose radius is 2,000 feet through an angle of 5° 5' 30" for a distance of 177.7 feet; thence South 41° 10' 30" W. 87 feet; thence along the arc of a curve to the right, whose radius is 2,000 feet through an angle of 5° for a distance of 174.5 feet; thence along the arc of a curve to the left, whose radius is 300 feet through an angle of 25° 30' for a distance of 133.5 feet; thence along the arc of a curve to the right, whose radius is 300 feet through an angle of 49° 30' for a distance of 259.2 feet; thence South 70° 10' 30" W. 3.9 feet; thence along the arc of a curve to the left, whose radius is 375 feet through an angle of 23° 21' 30" for a distance of 152.9 feet; thence South 46° 49' W. 802.8 feet; thence along the arc of a curve to the left, whose radius is 2,000 feet through an angle of 13° 30' for a distance of 471.2 feet; thence S. 33° 19' W. 70 feet, more or less, to a point on the East and West center line of said Section 16;

Township 35 North-Range 15 West

Section 1, NE¼

Beginning at a point on the East boundary of Section 1; whence the Northeast corner bears N. 668.6 feet; thence S. 38° 40' 30" W. 25.2 feet; thence S. 37° 57' 30" W. 168.6 feet; thence S. 38° 38' 30" W. 1,965.6 feet; thence along the arc of a curve to the right, whose radius is 500 feet through an angle of 15° for a distance of 130.9 feet; thence S. 53° 38' 30" W. 325 feet, more or less, to a point on the South boundary of said NE¼ of Section 1;

Reserving, however, to the State of Colorado, all rights to any and all minerals, ores and metals of any kind and character; and all coal, asphaltum, oil, gas or other like substance in or under said land; the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances.

This grant of Right of Way is made subject to any and all easements and Rights of Way heretofore legally obtained and now in full force and effect, if any there be.

The party of the second part in accepting this deed covenants and agrees to bury the pipe, or pipes, below plow depth; that said pipe line shall be constructed in such a manner as to prevent any injury or damage to State lands, or to the person or property of lessees of State lands, the same to be determined by the State Board of Land Commissioners in case of controversy, and that said Right of Way shall not be fenced.

It is expressly understood and agreed by and between the parties hereto that this grant is made for the sole and only purpose of pipe lines as hereinabove described, and for no other purpose whatsoever, and in the event that the party of the second part, its successors or assigns, shall at any time use, or attempt to use, the said described parcels of land, or any of them, for any other purpose whatsoever than hereinabove set forth, or shall abandon or discontinue the use of the parcels of land, or any of them, hereinabove described as and for the purpose of this grant, or shall fail or refuse to comply with any of the terms or conditions hereof, then this grant shall become void and of no effect, and all rights hereunder granted to the party of the second part shall immediately terminate.

The party of the second part shall have the right to assign, transfer and convey all rights herein granted to any other person, firm, corporation or association of persons, and such rights, transfer or assignment shall exist in every subsequent vendee or transferee who may be successor in title to the grantee herein.

BOOK 165 PAGE 159

IN WITNESS WHEREOF, The party of the first part has caused these presents to be executed in its name and on its behalf by Harold F. Collins, President; J. J. Sylvester, Register; and A. S. Willburn, Engineer, of the State Board of Land Commissioners, and has caused the seal of the said State Board of Land Commissioners to be hereto attached by said Register of said State Board of Land Commissioners on the day and the year first above written.

STATE BOARD OF LAND COMMISSIONERS

Harold F. Collins
President

Register

Engineer

Land description verified:

By Geo L Williams
Associate Engineer

GFW-ofh

App.No.E-1924

05-02-1951: memorandum to regional director from superintendent regarding right-of-way notices

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

May 2, 1951

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde

Subject: Right-of-way notices, West Mancos Water Supply System

As requested in Mr. Lassiter's memorandum of February 9, attached are the copies of the right-of-way notices sent to Ira Kelly, G. L. Thompson, Geo. W. Culp, Mrs. Blanche Graham, J. R. Allum, W. R. Veach, Lyle G. and W. L. Wallace, and Misses Minnie and Luella Swanson.

Copies of the remaining notices sent out have been forwarded to you in connection with claims for crop damage for interference with crops.

Robert H. Rose
Superintendent

Enclosures



UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

May 2, 1951

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde

Subject: Right-of-way notices, West Mancos Water Supply System

As requested in Mr. Lassiter's memorandum of February 9, attached are the copies of the right-of-way notices sent to Lee Kelly, G. L. Thompson, Geo. W. Culp, Mrs. Blanche Graham, C. R. Allum, W. R. Veach, Lyle G. and W. L. Wallace, and Misses Minnie and Luella Swanson.

Copies of the remaining notices sent out have been forwarded to you in connection with claims for crop damage for interference with crops.

Robert H. Rose
Superintendent

Enclosures

04-24-1951: memorandum to regional director from chief regarding license for pipe line crossing of bureau of reclamation

In reply refer to:
D5039 MESA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

April 24, 1951

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: License for Pipe Line Crossing of Bureau of Reclamation Mancos Project Inlet and Outlet Canals by Mesa Verde Water Supply Line

Acknowledgment is made of Mr. Lassiter's memorandum of April 18 enclosing two copies of the license executed by Superintendent Rose and Regional Director E. O. Larson of the Bureau of Reclamation, authorizing three crossings of the Bureau of Reclamation canals by the Mesa Verde pipe line.

We have made copies of the license for the assemblies of Mesa Verde Deed 4, and attach two copies to be inserted in the assemblies of that deed in your office and at the Park. They should be placed just below the tab marked "Part II - Right-of-Way."

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 2

SEHicks:sh

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

April 18, 1951

Memorandum

To: Director

From: Acting Assistant Regional Director

Subject: License for pipe line crossing of Bureau of Reclamation Mancos Project inlet and outlet canals by Mesa Verde Water Supply Line

There are enclosed two copies of the license executed by Superintendent Rose and Regional Director E. O. Larson of the Bureau of Reclamation, authorizing three crossings of the Bureau of Reclamation Canals by the Mesa Verde pipe line.

/s/ J. R. Lassiter

J. R. Lassiter
Acting Assistant Regional Director

Attachments 2

00-00-0000: license for erection and maintenance of structures

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

PROJECT Mancos DIVISION STATE Colorado

LICENSE FOR ERECTION AND MAINTENANCE OF STRUCTURES

1. Pursuant to authority given by the Commissioner of the Bureau of Reclamation, thereunto duly authorized by the Secretary of the Interior, the undersigned hereby accepts a license to construct and maintain a six-inch pipe line over the Inlet Canal and Outlet Canal of the Mancos Project as follows:

(1) Over the concrete covered bench flume section at about inlet canal station 69/00.

(2) Under the earthen canal section at about inlet canal station 141/75.

(3) Over the earthen canal section at about outlet canal station 21/00.

in connection with the Mancos project, Bureau of Reclamation, constructed pursuant to the act of Congress approved Aug. 11, 1939 (53 Stat., 1418) and acts amendatory thereof or supplementary thereto, at points described above upon the terms and conditions hereinafter set forth:

2. The licensee shall be liable for any and all damages to the property of the United States, or of any third party or parties, by reason of the exercise of the privileges conferred by this license.

3. This license shall continue so long as in the opinion of the Commissioner, Bureau of Reclamation, it is considered to be expedient and not detrimental to the public interest, and shall be revocable by said officer upon ten days' written notice to the licensee. Upon each revocation the aforesaid structure or structures and all accessories shall be removed without delay at the expense of the Licensee.

4. The aforesaid structure or structures shall be so erected as not to obstruct in any manner the flow of water in the canals, laterals or drain ditches of the United States, or to interfere in any manner whatsoever with the construction, operation and maintenance of any part of the project.

5. In the erection of the aforesaid structure or structures the following specifications and conditions must be complied with:

(a) At Inlet Canal Station 69/00 the licensee shall maintain a minimum clearance of One Foot between the top of the concrete covered bench flume Section and the bottom of the six inch pipe line; at Inlet Canal Station 141/75 the licensee shall maintain a minimum clearance of Three Feet between the bottom of the canal and the top of the six inch pipe line; and at Outlet Canal Station 21/00 the licensee shall maintain a minimum clearance of One Foot between the maximum operating water level and the bottom of the six-inch pipe line.

(b) All excavated material shall be replaced and compacted to the satisfaction of a representative of the Bureau of Reclamation.

(c) Any damage to the concrete in canal linings or to the concrete in the covered bench flume section caused by use of mechanical equipment or pipe laying operations shall be repaired to the satisfaction of a representative of the Bureau of Reclamation at the sole cost and expense of the licensee.

(d) The licensee shall assume full responsibility for damages caused to the canal foundation by leakage from the pipe line.

(e) The licensee shall at its sole cost and expense make such changes in the pipe line as are, or may be, required by the Bureau of Reclamation in the operation, maintenance, enlargement, repair or change of location of the inlet or outlet canals.

SGD Robert H. Rose, Superintendent
Licensee

Dated at Mesa Verde National Park,
Colo., this 1st day of June, 1950.

Witness: SGD Ruth H. Ferril

Approved Jan 19 1951

SGD E. O. Larson,
Regional Director, Bureau of
Reclamation

00-00-0000: memorandum to regional director from acting director regarding acceptance of easement deed from guy w. pickens fo

In reply refer to:
L2225 MESA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

MAR 20 1951

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Acceptance of Easement Deed from Guy W. Pickens for Water Supply Line, Mesa Verde National Park

Among several vouchers submitted to this Office some time ago by Superintendent Rose covering claims for damages alleged to have resulted from the construction of the West Mancos River Water Supply Line was one from Guy W. Pickens seeking payment of the sum of $25 for an easement granted by a deed dated June 23, 1950, which conferred upon the United States the right to construct and maintain the water line in question across a strip of the grantor's land 67 feet in length and 10 feet in width along either side of a center line.

Attached to the voucher executed by Mr. Pickens were the original and a duplicate original of the easement deed executed by him on June 23, 1950. The original of the deed has been detached from the voucher and, in order to complete the record of the acquisition of the easement thereby conveyed, we have today formally accepted the deed of June 23, 1950, under the authority contained in paragraph (h) of the act of August 7, 1946 (60 Stat. 885; 16 U.S.C., 1946 ed., sec. 17j-2), and pursuant to Departmental Order No. 2402 dated June 14, 1949 (15 F. R. 361), delegating authority to this Service to accept deeds of conveyance.

The deed, to which an endorsement has been appended indicating its acceptance, is attached and it is suggested that it be forwarded to Superintendent Rose with instructions to place it of public record in Montezuma County, Colorado. Payment of the recording fee may be effected from the funds made available for the West Mancos River Water Supply Line. After the deed has been recorded, copies should be made and the original returned to this Office for permanent retention in our files.

The voucher submitted by Mr. Pickens covering the $25 consideration for the easement is being placed in line for payment, and a check should be issued thereon within the next week or ten days.

(SGD) A. E. DEMARAY
Acting Director

Copy to: Land Planning
Mr. Dunn
Legal

AFRollins:mrb

In duplicate

Attachment

03-01-1950: memorandum to director, nps from director, bureau of land management regarding water pipe line right-of-way

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

2059867 "ADL:HSA"

MAR 1 - 1950

Memorandum

To: Director, National Park Service

From: Director, Bureau of Land Management

Subject: Water Pipe Line Right-of-Way

On February 5, 1946 permission was granted to the National Park Service under the act of February 15, 1901 (31 Stat. 790, 43 U.S.C. sec. 959) to use right-of-way across the public lands involved for the construction, operation and maintenance of a water pipe line and appurtenant structures extending from a point in section 19, T. 37 N., R. 12 W. to a point in section 15, T. 35 N., R. 15 W., N.M.P.M., Colorado.

On October 22, 1948 you forwarded linen tracing in duplicate showing same relocations of the pipe line in T. 37 N., Rs. 12 and 13 W. and secs. 2 and 10 of T. 36 N., R. 13 W. On February 14, 1950 you forwarded tracing showing some further changes in the location in sections 2 and 10, supra.

As the land affected in T. 37 N., Rs. 12 and 13 W. is within the San Juan National Forest, under the jurisdiction of the Department of Agriculture and the land in sections 2 and 10 is privately owned we are taking no action on the tracings. We have filed them with the record of the right-of-way for purposes of information.

For the Director:

/s/ W. O. Hancock

Chief, Branch of Land Use
and Disposal
Division of Adjudication

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

FEB 14 1950

Memorandum

To: Director, Bureau of Land Management

From: Acting Director

Subject: Pipe line right-of-way for West Mancos Water Supply System, Mesa Verde National Park

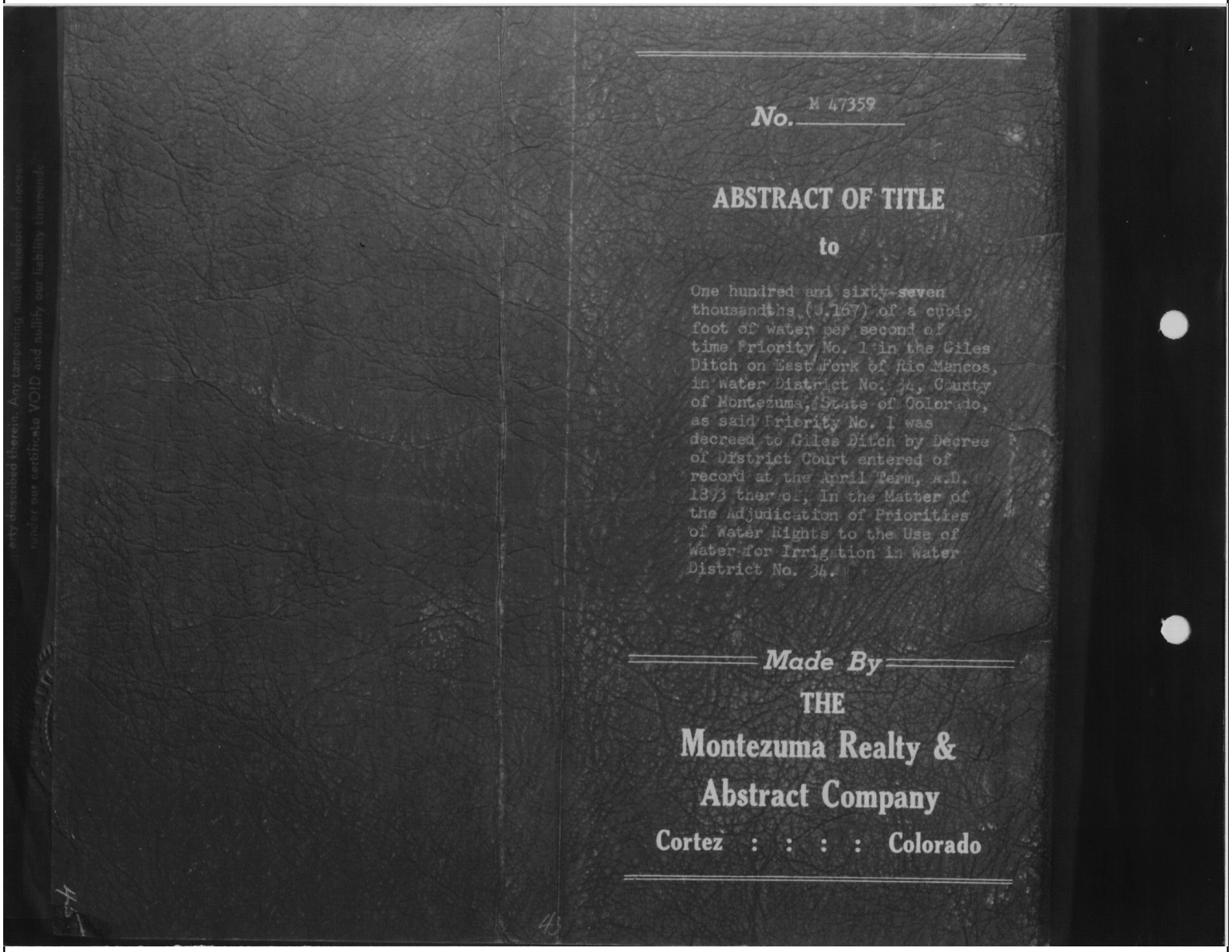
By memorandum of July 24, 1945, we submitted to you two process tracings of our drawing No. NP-MV-6979, and obtained right-of-way across public lands other than the Montezuma National Forest for use in connection with the West Mancos Water Supply System for Mesa Verde National Park. (Mis. No. 2059867 "F".)

A supplemental drawing, No. NP-MV-6984, was submitted to you by memorandum of October 22, 1948, to amend the right-of-way reservation adjacent to the Jackson Gulch Reservoir and within the National Forest, which has now become part of the San Juan National Forest.

It has become necessary to file the enclosed drawing No. NP-MV-6984-A, in duplicate, to cover further amendments. This is probably the last amendment, since the intake structure was constructed during October and November 1949.

(SGD) HILLORY A. TOLSON
Acting Director

Attachments 2



No. M 47359

ABSTRACT OF TITLE

to

One hundred and sixty-seven thousandths (.167) of a cubic foot of water per second of time Priority No. 1 in the Giles Ditch on East Fork of Rio Mancos, in Water District No. 34, County of Montezuma, State of Colorado, as said Priority No. 1 was decreed to Giles Ditch by Decree of District Court entered of record at the April Term, A.D. 1893 thereof, In the Matter of the Adjudication of Priorities of Water Rights to the Use of Water for Irrigation in Water District No. 34.

Made By

THE

Montezuma Realty &

Abstract Company

Cortez : : : : Colorado

erty described therein. Any tampering with the seal of this abstract makes it VOID and nullifies our liability thereunder.

00-00-0000: abstract of title

CAUTION:

This abstract is made for the benefit of the owners of the property described therein. Any tampering must therefore of necessity render our certificate VOID and nullify our liability thereunder.

ABSTRACT OF TITLE

TO THE FOLLOWING PROPERTY IN MONTEZUMA COUNTY, COLO.

One hundred and sixty-seven thousandths (0.167) of a cubic foot of water per second of time of Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, in Water District No. 34, in the County of Montezuma, and State of Colorado, as said Priority No. 1 was decreed to the Giles Ditch by Decree of the District Court entered of record at the April Term, A.D. 1893, thereof, In the Matter of the Adjudication of Priorities of Water Rights to the Use of Water for Irrigation in Water District No. 34.

MADE BY THE MONTEZUMA REALTY & ABSTRACT COMPANY

3

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Statement & Plat					8	12	1887	3:45 P.M.	11	273	8	8	1887

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

WATER RIGHT

TO

WM. A. MENEFEE

-1-

COMMISSION EXPIRES Not given **(SEAL)**

ACK'D. BEFORE Blair Burwell, N.P., La Plata County, Colorado

Recites: In the Matter of Priorities of Water Rights in District No. 34. Statement of Claim of Water Right. Wm. A. Menefee being first duly sworn according to law on oath says that he is a citizen of the United States over the age of 21 years. That his postoffice address is Mancos, Colo. That he claims, owns and holds a possessory right and ownership in and to the S½ NE¼, NE¼ SW¼, NW¼ SE¼, N½ NE¼, E½ NW¼, SW¼ NW¼, NW¼ SW¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. That said land is situate in the State, County, District and Water Division above named. That he is sole owner of one certain irrigatin ditch known and to be known as the Giles Ditch. That said ditch takes its water from the East Fork of the Rio Mancos. That the location of said ditch, its courses, distances and the description thereof are more particularly described and set forth in the accompanying field notes and plat of the survey of the same which plat and field notes are

made a part of this statement. That said ditch was begun in the summer of 1874. That water was appropriated through said ditch October 1, 1874. That of the lands herein described 275 acres are situate and lie under said ditch and are proposed to be irrigated by water from said ditch. That for the said 260 acres to the said Wm. A. Menefee claims 5 1/5 cu. ft. of water per second of time.

/s/ William A. Menefee.

PUBLIC TRUSTEE FOR THE USE OF JOHN J. HARRIS

TO

WILLIAM A. MENEFEE AND SARAH A. MENEFEE

-3-

Nature of Instrument	Consideration	Date of Instrument			When Filed				Where Recorded		When Acknowledged		
	$ Cts.	M	D	Y	M	D	Y	Hour	Book	Page	M	D	Y
Release	THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.							P.M.					
Deed	2.00	11	15	1895	11	15	1895	1:00	21	238	11	15	1895

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE Frank Humble, County Clerk, Montezuma County, Colorado

Conveys: All of the SE¼ NE¼, NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. containing 80 acres according to Government survey. Together with all improvements thereon situate. Together with all interest of the parties of the first part in the Gyles Irrigating Ditch covering said lands and all other ditch and water rights thereto belonging or in anywise appertaining.

Releases: Trust Deed recorded in Book 21, page 19.

7

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO					
Water Right Certificate		9 22 1906	9 22 1906 A.M. 8:10	31 390	

STATE OF COLORADO

TO

W. A. MENEFEE AND
C. WISCARVER

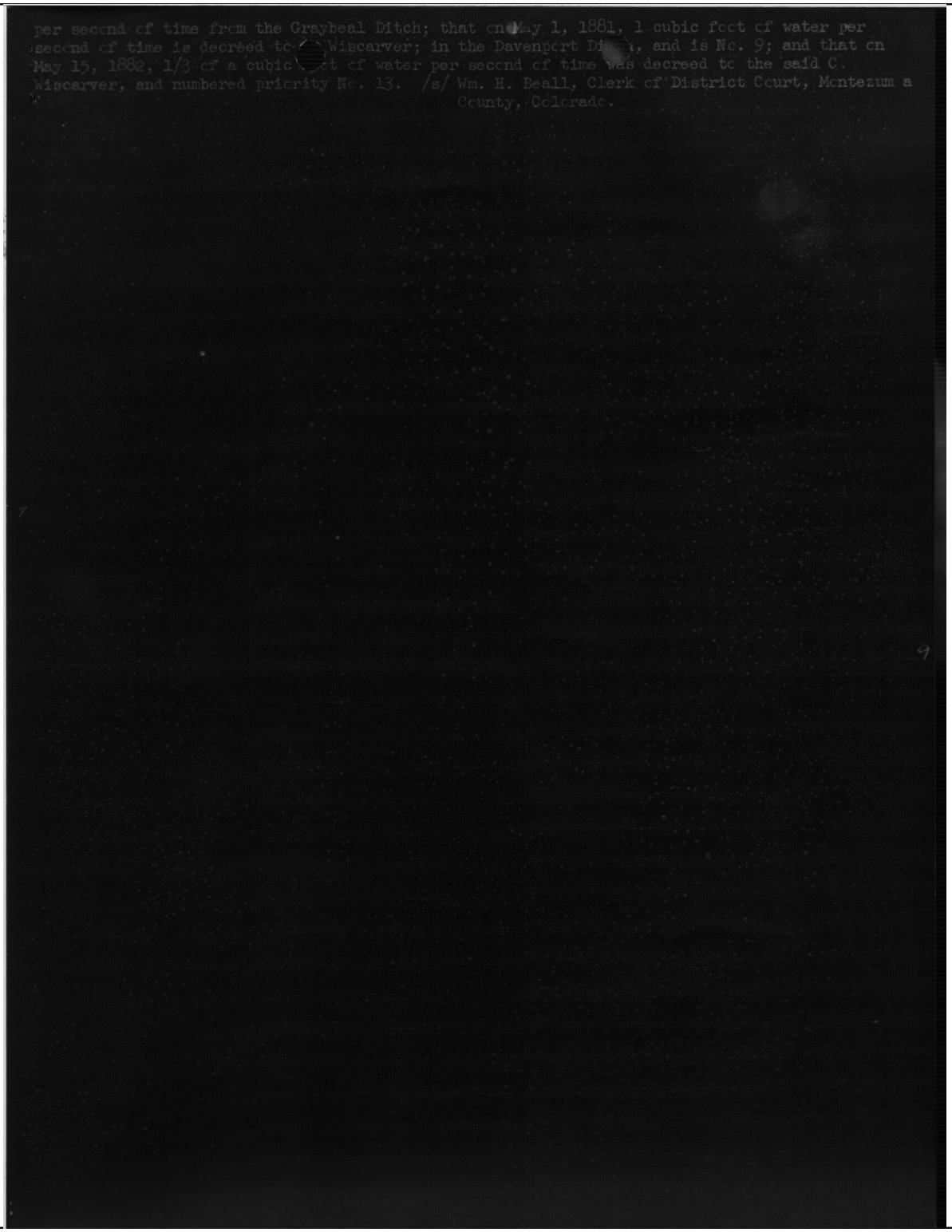
COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

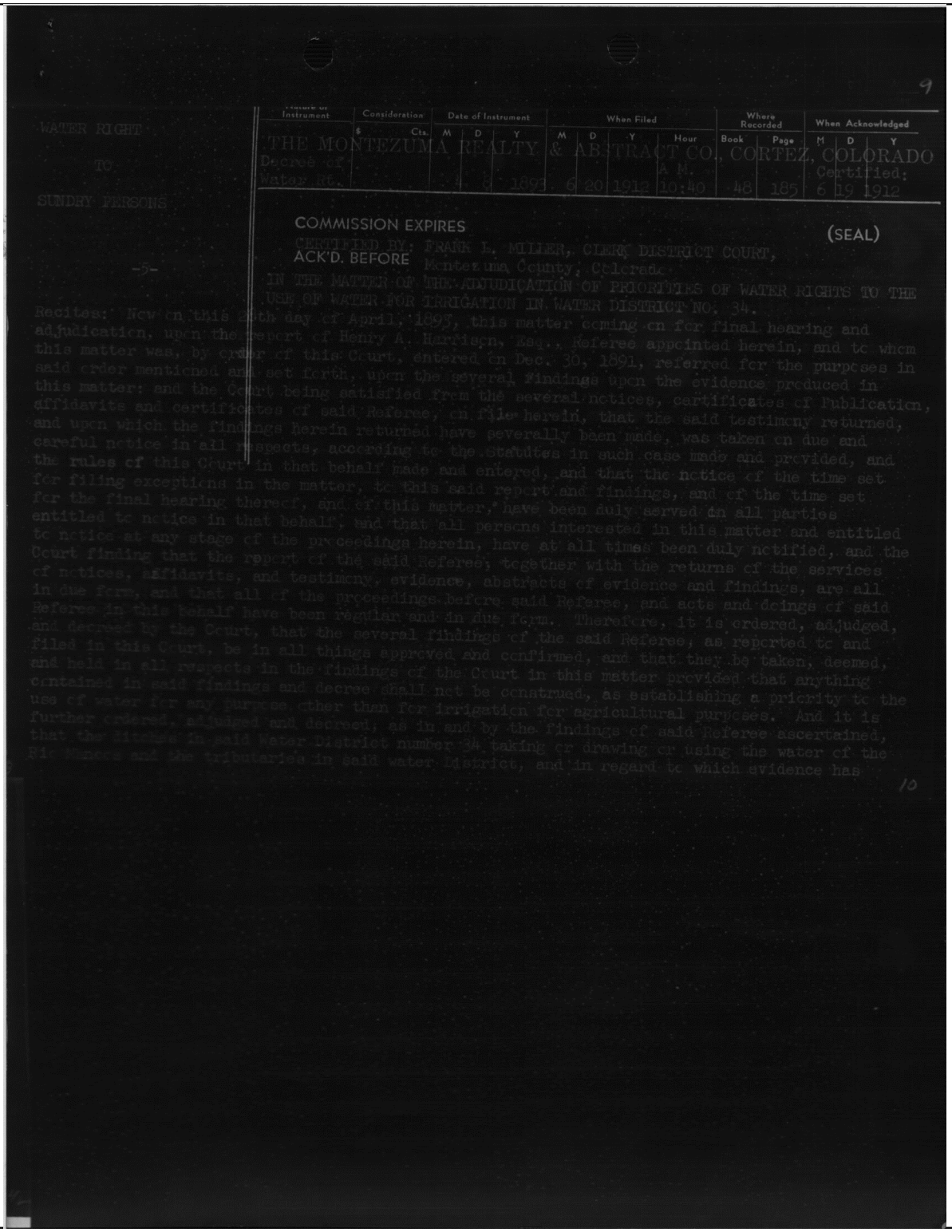
-4-

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS TO THE USE OF WATER FOR IRRIGATION IN WATER DISTRICT NO. 34.

Recites: I, Wm. H. Beall, Clerk of the District Court of Montezuma County, Colorado, do hereby certify, that the following appears from the record of the decree entered in the above matter at the April Term, A.D. 1893, of said District Court as regards the Giles Ditch. That said ditch is supplied with water from the East Fork of the Rio Mancos, a tributary of the Rio Mancos, in Montezuma County, Colorado; that the lands watered from said ditch and irrigated therefrom, and the ownership thereof respectively is as follows, namely: S½ NE¼, NE¼ SW¼, NW¼ SE¼ Section 23, Township 36, Range 13 West, N.M.P.M. N½ NE¼ Section 26, Township 36 North, Range 13 West, E½ NW¼, SW¼ NW¼ and NW¼ SW¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. all owned by W. A. Menefee; and also as regards to the Davenport Ditch. That said ditch is supplied with water from the Middle Fork of the Rio Mancos, a tributary of the Rio Mancos, in Montezuma County, Colorado; that the lands watered from said ditch and irrigated therefrom, and the ownership thereof respectively, is as follows, namely: SW¼ SW¼ Section 13, SE¼ SE¼ Section 14, Township 36 North, Range 13 West, N.M.M. NW¼ SW¼ Section 13, and N½ SE¼, SW¼ SE¼ Section 14, Township 36 North, Range 13 West, N.M.M., owned by C. Wiscarver, and also as regards to the Graybeal Ditch. That said ditch is supplied with water from a branch channel of the East Fork of the Rio Mancos, a tributary of the Rio Mancos; in Montezuma County, Colorado, that the lands watered from said ditch and irrigated therefrom, and the ownership thereof respectively, is as follows: namely: NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.M. owned by W. A. Menefee; That the date of Priority No. 1 is July 1, 1874, and by said decree W. A. Menefee is entitled to the use of 2½ cubic feet of water per second of time from the said Giles Ditch; and that by priority No. 19 dated May 15, 1881, 1½ cubic feet of water per second of time is decreed to W. A. Menefee in the said Giles Ditch; and that the said W. A. Menefee is by decree of May 15, 1886 and No. 29 entitled to the use of 1/6 of a cubic foot of water



per second of time from the Graybeal Ditch; that on May 1, 1881, 1 cubic foot of water per second of time is decreed to C. Wiscarver; in the Davenport Ditch, and is No. 9; and that on May 15, 1882, 1/3 of a cubic foot of water per second of time was decreed to the said C. Wiscarver, and numbered pricrity No. 13. /s/ Wm. H. Beall, Clerk of District Court, Montezuma County, Colorado.



WATER RIGHT

TO

SUNDRY PERSONS

-5-

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
Decree of Water Rt.		1893	6 20 1912 10:40 A M.	48 185	Certified: 6 19 1912

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO

COMMISSION EXPIRES

ACK'D. BEFORE

(SEAL)

CERTIFIED BY: FRANK L. MILLER, CLERK DISTRICT COURT,
Montezuma County, Colorado.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS TO THE USE OF WATER FOR IRRIGATION IN WATER DISTRICT NO. 34.

Recites: Now on this 28th day of April, 1893, this matter coming on for final hearing and adjudication, upon the report of Henry A. Harrison, Esq., Referee appointed herein, and to whom this matter was, by order of this Court, entered on Dec. 30, 1891, referred for the purposes in said order mentioned and set forth, upon the several findings upon the evidence produced in this matter: and the Court being satisfied from the several notices, certificates of Publication, affidavits and certificates of said Referee, on file herein, that the said testimony returned, and upon which the findings herein returned have severally been made, was taken on due and careful notice in all respects, according to the statutes in such case made and provided, and the rules of this Court in that behalf made and entered, and that the notice of the time set for filing exceptions in the matter, to this said report and findings, and of the time set for the final hearing thereof, and of this matter, have been duly served on all parties entitled to notice in that behalf, and that all persons interested in this matter and entitled to notice at any stage of the proceedings herein, have at all times been duly notified, and the Court finding that the report of the said Referee, together with the returns of the services of notices, affidavits, and testimony, evidence, abstracts of evidence and findings, are all in due form, and that all of the proceedings before said Referee, and acts and doings of said Referee in this behalf have been regular and in due form. Therefore, it is ordered, adjudged, and decreed by the Court, that the several findings of the said Referee, as reported to and filed in this Court, be in all things approved and confirmed, and that they be taken, deemed, and held in all respects in the findings of the Court in this matter provided that anything contained in said findings and decree shall not be construed, as establishing a priority to the use of water for any purpose other than for irrigation for agricultural purposes. And it is further ordered, adjudged and decreed, as in and by the findings of said Referee ascertained, that the lands in said Water District number 34 taking or drawing or using the water of the Dolores and the tributaries in said water District, and in regard to which evidence has

been adduced in this matter, be and the same are hereby numbered according to the date of their several and respective origin[illegible] constructions, as follows: No[illegible]. The Giles Ditch. Other ditches listed. And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained that each several appropriation of the waters of the Rio Mancos and its tributaries in said Water District and in regard to which evidence has been adduced in this matter, be and the same are hereby numbered according to their respective priorities, and the dates of said priorities, respectfully fixed as follows: Priority No. 1. W. A. Menefee; July 1, 1874. (others) And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained, that each several appropriation of the waters of the Rio Mancos and its tributaries in said water District, and in regard to which evidence has been adduced in this matter, shall be entitled to a certain quantity of water according to their respective priorities, by and through certain ditches in said water District, and the said quantities of water to which each several appropriation of water in said water district is entitled, and the ditches by and through which each several appropriation of water is to be used, according to their respective priorities, be and the same are hereby respectively fixed as follows:
Priority No. 1. W. M. Menefee, Giles Ditch 2½ cu. ft. (others)
And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained, that the several appropriations of waters of the Rio Mancos and its tributaries in said water district, through and by the construction, enlargements, and extension of ditches in said water district, and in regard to which evidence has been adduced in this matter be and the same are hereby fixed, according to their respective priorities as follows: Priority No. 1
W. A. Menefee, Giles Ditch, construction. (others)
And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained, that the several ditches in said water district taking and using the waters of the Rio Mancos and its tributaries in said water district, and the several appropriations of water, by and through each respective ditch according to their respective priority, and the amount of water to which each appropriation is entitled according to its respective priority, and the total amount of water to which each ditch is entitled according to the several appropriations of water made by and through them according to the respective priority thereof, and in regard to which evidence has been adduced in this matter, be and the same are hereby fixed, in the order of the construction of the respective ditches, respectively as follows:
The Giles Ditch: Priority No. 1. W. A. Menefee, 2½ cu. ft. --see next page.

Nature of Instrument	Consideration $	Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
WATER RIGHT														
TO	THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.													
	Cert.Copy								A.M.			Certified:		
SUNDRY PERSONS	Findings Referee					10	9	1912	9:00	48	297	9	25	1912

COMMISSION EXPIRES (SEAL)

CERTIFIED BY: Frank L. Miller, Clerk District Court,

ACK'D. BEFORE Montezuma County, Colorado

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS TO THE USE OF WATER FOR IRRIGATION IN WATER DISTRICT NO. 34.

-6-

Recites: Arranging the facts in a statement shewing the several ditches in water District No. 34, in the State of Colorado, the users of water from them, the pricrity number of each user, the description of the land upon which water is used under the pricrity, the number of acres irrigable and the quantity of water to which each pricrity is entitled, the Referee finds as follows:

Ditch and Users:	Pricrity	Land	Acres	Water-cu.ft.
Giles Ditch, W. A. Menefee	1	S½ NE¼, NE¼ SW¼, NW¼ SE¼ Section 23, Tp. 36 N., R. 13 W., N.M.P.M.	150	2½

/3

SARAH A. MENEFEE

TO

JAMES L. SHEEK

Nature of Instrument	Consideration $	Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Quit Claim Deed	1.00 & other		10	20	1923	10	22	1923	4:10 P.M.	79	319	10	20	1923

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

COMMISSION EXPIRES Dec. 30, 1923 (SEAL)

ACK'D. BEFORE S. Warner Carpenter, N.P., Montezuma County, Colorado

-3-

Conveys: One half of one cubic foot of water per second, Priority No. 1, Giles Ditch, Ric Mancos, according to decree of the District Court of said County of Montezuma, certified copy of which is of record in Book 48, page 297, and following, in the office of the County Clerk and Recorder of said County of Montezuma, and more especially by reason of the provision in that certain Warranty Deed from said Sarah A. Menefee to said James L. Sheek, dated November 21, 1917, and recorded in the office of said County Clerk and Recorder in Book 60, page 481; namely: provided, however, that if at any time hereafter the party of the first part, her heirs or assigns, shall tender to the party of the second part, his heirs or assigns, a warranty deed duly executed and acknowledged, conveying to said party of the second part, his heirs or assigns, clear title of record to one half of one cubic foot of water per second of time of a priority not later than Priority No. 4, in the Lee and Burke

15

Ditch, taking water from the west fork of said Rio Mancos, then and in that event the party of the second part, his heirs or assigns, shall by like deed convey to said party of the first part, her heirs or assigns, clear title of record to said one half of one cubic foot of water per second of said Priority No. 1.

BLANCHE MELUGIN, formerly known as BLANCHE REDDERT FREDRICK E. REDDERT, DAVID HALLS, LEON D. HALLS, and THE MANCOS NATIONAL FARM LOAN ASSOCIATION, A CORPORATION, DEF.

TO

THE FEDERAL LAND BANK OF WICHITA, WICHITA, KANSAS, A CORPORATION PLAINTIFF

-10-

Nature of Instrument	Consideration $	Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Trans. of Judgment	2605.	51	9	28	1932	9	30	1932	A.M. 11:30	File	57	Certified: 9	28	1932

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

CERTIFIED BY: J. M. Brumley, Clerk District Court, Montezuma County, Colorado

Recites: Amount of Judgment $2605.51
Judgment Book 2, page 242.
Fee Book 4, page 410.

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

18

Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
Decree of Adjudication		12 7 1933	3 26 1934 4:00	104 1 to 270	

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

DISTRICT COURT OF
MONTEZUMA COUNTY

TO

SUNDRY PERSONS

-11-

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS TO THE USE OF WATER FOR IRRIGATION IN THE WATER DISTRICT NO. 34.
Includes: Decree of Adjudication. Decretal Order.
Decree.--------Therefore in consideration of the premises, it is ordered, adjudged and decreed by the Court, that the several findings of the said Referee, as reported to and filed in this Court, be in all things approved and confirmed, and that they be taken, deemed and held in all respects as the findings of the Court in this matter provided that anything contained in said findings and decree shall not be construed, as establishing a priority to the use of water for any purpose other than for irrigation for agricultural purposes. And it is further ordered, adjudged and decreed, as in and by the findings of said Referee ascertained, that the ditches in said Water District Number 34 taking or drawing or using the waters of the Rio Mancos and its tributaries in said Water District, and in regard to which evidence has been adduced in this matter, be and the same are hereby numbered according to the date of their several and respective original constructions, as follows: No. 1. The Giles Ditch. (others) ---- And it is further ordered, adjudged and decreed as in and by findings of said Referee ascertaindd, that each several appropriation of the waters of the Rio Mancos and its tributaries in said Water District, and in regard to which evidence has been adduced in this matter, be and the same are hereby numbered according to the date of each appropriation, and without respect to the ditches or reservoirs by means of which such appropriations were made, as follows: No. 1. W. A. Menefee. ----And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained, that each several appropriation of the Waters of the Rio Mancos, and its tributaries in said Water District, and in regard to which evidence has been adduced in this matter, be and the same are hereby numbered according to their respective priorities, and the dates of said priorities, respectfully fixed as follows: Priority No. 1. W. A. Menefee, July 1, 1874. -----And it is further ordered, adjudged and decreed that each several appropriation of the waters of the Rio Mancos and its tributaries in said Water District, shall be entitled to a certain quantity of water according to their respective priorities, by and through certain ditches in said water district, and the said quantities of water to which

17 19

each several appropriation of water in said water district as entitled, and the ditches by and through which each several appropriation of water is to be used, according to their respective priorities, be and the same are hereby respectively fixed as follows: Priority No. 1. W. A. Menefee, Giles Ditch, 2½ cu. ft. ------And it is further ordered, adjudged and decreed as in and by the findings of said Referee ascertained, that the several appropriations of waters of the Rio Mancos and its tributaries in said water district, through and by construction, enlargements and extensions of ditches in said water district, and in regard to which evidence has been adduced in this matter, be and the same are hereby fixed, according to their respective priorities as follows: Priority No. 1. W. A. Menefee, Giles Ditch , Construction. ---------
And it is further ordered, adjudged and decreed that the several ditches in said water district taking and using the waters of the Rio Mancos and its tributaries in said water district, and the several appropriations of water by and through each respective ditch according to their respective priority, and the amount of water to which each appropriation is entitled according to its respective priority, and the total amount of water to which each ditch is entitled, be and the same are hereby fixed, in the order of the construction of the respective ditches, respectively as follows: THE GILES DITCH: Priority No. 1 W. A. Menefee 2-1/2 cu. ft.
Priority No. 10 W. A. Menefee 1-1/12 cu. ft.
Priority No. 20 W. A. Menefee 1/6 cu. ft.
Total 3-3/4 cu. ft.

-----And it is further ordered, adjudged and decreed, that nothing in this decreed contained, shall be taken or held to affect in any manner any question or claim of right between the respective owners or claimants in any ditch, canal or reservoir herein mentioned as between each other, or to affect in any manner any appropriation claimed to have been made by or through any ditch concerning which evidence has been offered in this matter, but after the closing of the hearing for the taking of such testimony, or to adjudge to any claimant or present or future representatives of any claim in or to any ditch concerning which evidence has been offered in this proceeding, any right to take, divert or carry by or through any such ditch any water except to be applied for the use for which the appropriation was made, or to allow any excessive use or waste of water whatsoever. And it is further ordered, that each and every party interested in or claiming any interest in any ditch or appropriation of water herein mentioned shall receive from Clerk of this Court a certificate under the seal of this Court showing the date or dates and amount or amounts of the appropriations adjudged to have been made by and through such ditch, canal or reservoir and in favor of such ditch, canal or reservoir, and by virtue of construction, extensions and enlargements thereof severally, and also specifying the number of said ditch as adjudged by the date of its construction, also priority of each appropriation under such ditch, canal or reservoir to which same is herein adjudged to be entitled. --continuedon next page.

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

	Nature of Instrument	Consid-eration	Date of Instrument	When Filed	Where Recorded	When Acknowledged
THE BOARD OF CONSERVATION OF COLORADO	Certificate of Approval		8 28 1935	8 31 1935 8:20 A.M.	File 57	
TO						
THE MANCOS VALLEY PUBLIC IRRIGATION DISTRICT						

COMMISSION EXPIRES
ACK'D. BEFORE (SEAL)

-12-

Recites: Pursuant to the provisions of Chapter 145, Session Laws of Colorado 1935, We, the Board of Conservation of the State of Colorado, received on 8/28/35 the duly executed petition, which had been thereto fore filed in the office of the Secretary of State of the State of Colorado, for the organization of The Mancos Valley Public Irrigation District, and, that after due investigation, we find, and do hereby so declare, that said proposed district is feasible and conforms to the public convenience and welfare; and that said petition should be, and the same is hereby approved.

Includes: E½ Section 23, Township 36 North, Range 13 West, N.M.P.M.

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
ESTATE OF SARAH A. MENEFEE, DECEASED TO MABEL MENEFEE, BLANCHE MENEFEE, CLARA MENEFEE, SADIE MENEFEE					
Decree of Final Settlement	7 25	1940	7 27 1940 A.M. 9:30	110 478	7 25 1940

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO
Certified:

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

CERTIFIED BY: C. R. Hickman, Clerk County Court, Montezuma Co., Colo.

-13-

IN THE MATTER OF THE ESTATE OF SARAH A. MENEFEE, DECEASED

Recites: And now on this day comes Lewis K. Menefee, the administrator with will annexed of the Estate of Sarah A. Menefee, deceased, and presents to the Court a final report of his acts and doings as such, asks that the same be approved and that he be discharged and said estate decreed to be fully administered according to law.

And it appearing to the Court, from the records and files herein, and the Court doth find that Sarah A. Menefee departed this life on or about the 30th day of November, A.D. 1936; and thereafter Lewis K. Menefee was duly appointed administrator with will annexed of said Estate. And it further appearing to the Court and the Court doth find that a notice to claimants to file claims against said Estate was published, in the manner and as required by law, and that all claims allowed by the Court against said estate, and all costs of administration and inheritance taxes have been paid and that said administrator with will annexed of said estate has sent notices to all claimants whose claims had not been allowed, of the date fixed for final settlement as required by law and such claims of such claimants have been allowed and satisfied or disallowed. And the Court doth further find that more than one year has elapsed since letters were issued herein and that there has been published, in the manner and as required by law, and in accordance with an order of this Court, a notice that said final report would be presented for approval on Monday, April 22, 1940, and that the hearing thereon was regularly continued to this date. And it appearing from said report, and the Court doth find, that said Lewis K. Menefee has received, for and on behalf of said Estate, the sum of $1630.82; and has expended the sum of $1530.32, leaving in his hands the sum of $100.00 to be distributed to the following named legatees, to-wit: To Mabel Menefee, legatee of said deceased, $25.00; To Blanche Menefee, legatee, $25.00; To Clara Menefee, legatee, $25.00; To Sadie Menefee, legatee, $25.00. And the Court doth further find that said Lewis K. Menefee has faithfully administered the estate of said deceased which has come to his hands and has fully performed his duties as such and as provided by law. IT IS THEREFORE ORDERED, ADJUDGED

23

AND DECREED that the said final report and all acts and doings of said Lewis K. Menefee in and about the administration of the said Estate be, and the same are hereby in all things fully ratified, confirmed and approved by the Court, and the said Lewis K. Menefee is further ordered to distribute the money in his hands, to the above named parties respectively, or to their legal representatives, in the amounts as above set forth, and having so distributed the same and having filed proper receipts therefor in this Court, that he be discharged and his bondsmen released from further liability in the premises.
By the Court: C. R. Hickman, Judge.

24

consents to the closing of the estate and that an order may be entered herein to the above effect. George Hetherington, Inheritance Tax Commissioner, by [illegible] S. Brinker, Deputy. Countersigned and approved by Byron G. Rogers, Attorney General by Geo. Hetherington, Assistant Attorney General.

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that no transfer of any property of said deceased described herein, is liable to taxation under the Inheritance Tax Laws of this State. /s/ J. M. Brumley, Judge.

29

said Estate. And it satisfactorily appearing to the Court from the testimony of said subscribing witnesses that they were present and saw the testator sign said Will and attested the same at his request and that he then and there acknowledged the same to be his Last Will and Testament and that said Testator at the time of signing and acknowledging the same was of sound mind and memory and under no constraint. It is ordered that said instrument be and the same is hereby declared to be duly and sufficiently proven and authenticated as the true last will and testament of the said W. A. Menefee deceased, and that said will be entered of record.
/s/ C. J. Scharnhorst, Judge.

31

04-19-1950: memorandum to regional director from acting director regarding right-of-way for pipe line to serve meve

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

APR 19 1950

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Right-of-way for pipe line to serve Mesa Verde National Park

We have received Mr. Patraw's memorandum of March 27, transmitting a copy of a letter of March 18 from George R. Armstrong to the Superintendent of Mesa Verde National Park. Mr. Armstrong is attorney for one of the landowners whose property is subject to the right-of-way reserved under the act of August 30, 1890 (26 Stat. 391, 43 U. S. C. sec. 945). He takes the view that the reservation does not include as one of its purposes the installation of a pipe line, and requests citations to legal authorities relating to the question.

There are enclosed four copies of an opinion of the Solicitor (M. 33127, dated August 9, 1943, 58 I. D. 490), holding that the reservation includes pipe lines within its purposes. Although this opinion is not authoritative outside this Department, it is considered persuasive. We are obliged to rely upon the conclusion, not only because the opinion is conclusive as to this Department, but the Comptroller General would not approve the expenditure of funds for the purchase of such an easement over property covered by the reservation.

There are enclosed four copies of an opinion and list of citations of authorities which are relied upon by the Bureau of Reclamation in considering questions similar to the present one. It contains no citation to a judicial decision which is precisely in point, but it will strongly indicate that the position taken by this Service is correct.

Notwithstanding Mr. Patraw's suggestion that we reply directly to Mr. Armstrong, we think it is preferable that you send copies of the enclosed material, together with a copy of Mr. Armstrong's letter and a copy of this memorandum, to the United States Attorney. Since Superintendent Rose has already consulted with him regarding the matter, you should have his approval before furnishing

the material to the counsel who will presumably be in opposition if an action is begun in the District Court. If the United States Attorney approves, we have no objection to furnishing Mr. Armstrong with copies of the material. We suggest that you answer Mr. Armstrong's letter, informing him that you have relevant material indicating that the Department is clearly of the opinion that it is free to go ahead, but that you have submitted it to the United States Attorney. Mr. Armstrong will readily understand the point of professional ethics involved.

Mr. Armstrong's reference to the desire of this Service for a strip of land 10 feet wide is not clear. In all previous memoranda we have tried to make it plain that the reserved right-of-way is an incorporeal interest of the United States in the private lands, and that it has no definite dimensions. Reasonable and necessary use by the United States is the only measure of the right reserved. With that idea in mind, we have carefully refrained from inserting anything in the notice to landowners which would indicate an interest in land of any particular width. It may be that Mr. Armstrong's client has misunderstood some oral statement which was intended as an estimate of the width of terrain which it will be necessary to disturb in the course of laying the pipe. Construction of the line, with the necessary incidents of disturbing the soil and hauling material, makes a temporary added burden on the servient tenant which he is obliged to sustain if due care is exercised. However, we can properly disavow any claim to an easement having a particular width.

We see no reason to fear that the work of constructing the pipe line will be suspended by any legal action which may be taken by dissatisfied landowners. They are entitled to their "day in court" if they believe they have a case. We prefer to have them represented by counsel who will properly advise them rather than have them attempt to obstruct the work by other, and perhaps unlawful, means. If they begin an action, a copy of the complaint will be served upon the United States Attorney, and probably a copy will be served upon the Superintendent of Mesa Verde National Park. If the plaintiffs ask for a temporary restraining order, a temporary injunction, and a permanent injunction, as well as money damages, do not be alarmed. Since for any injury to the plaintiffs they can be compensated in money, it is unlikely that any restraining order will be issued. In any event, a considerable bond would normally be required as a condition of stopping the work by order of the court. Once it is determined that the work will not be interrupted by the

litigation, the case can be tried and determined on the questions of law. There is practically no dispute as to the facts. If the plaintiffs are finally found to have suffered a legal wrong, they will be compensated by payment of the judgment awarded them. If not, the judgment of the court will serve as a valuable precedent.

We should cooperate with the United States Attorney if, in the conduct of the case, he feels obliged to stipulate that the work will be suspended temporarily. However, if he fully understands the importance of uninterrupted work in the short season available in that area, and the difficulties which would result from a suspension, he will not consent to any suspension except for most compelling reasons.

(Sgd) A. E. Demaray
Assistant Director
Acting

Attachments 8

In triplicate

Copy to: Mr. Vint
Mr. Price
Mr. Dunn

MerrittBarton:sh

RESERVATION FOR RIGHTS OF WAY FOR CANALS AND DITCHES IN FAVOR OF UNITED STATES OVER FORMER PUBLIC LANDS OF THE UNITED STATES WEST OF THE 100th MERIDIAN.

On October 2, 1888 (1) Federal funds were appropriated for the survey of western lands for reservoirs, ditches, and canals and all sites were reserved from entry and sale. As a result of the Attorney General's ruling of May 27, 1890, that no land west of the 100th meridian could be entered until such survey was made, Congress determined to repeal that portion of the Act (2), and the surviving portion of the 1888 Act, together with the 1890 Act are codified today as 43 U.S.C. 662, 43 U.S.C. 945. However, it still retains the following provision:

> That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

The provision granting a free canal right of way to Uncle Sam has been extensively utilized in the past and will be increasingly used in the future as the trend of reclamation projects swings from creation of a primary water supply for raw public lands, to development of supplemental waters for existing irrigated areas.(3).

All those lands taken up under any of the public land laws of the United States subsequent to October 2, 1888, are subject to rights of way for ditches or canals constructed by authority of the United States (4), and since a large proportion of western lands have been entered after that date the reservation accordingly affects a vast acreage west of the 100th meridian in private ownership.

The practitioner's acquaintance with the 1890 Act ordinarily arises when his client presents him with a notice issued by the Bureau of Reclamation which is customarily mailed out by registered mail (5). There is nothing in the Act which limits its exercise to the Bureau of Reclamation and it is possible that the Department of Agriculture, the United States Indian Service, the Grazing Service or the Fish and Wildlife Service might have some projects under which these rights can be claimed (6). On January 27, 1943 the Assistant Secretary of the Interior approved a decision by the Solicitor of that Department whereby it was held that Indian Reservations created subsequent to October 2, 1888 are subject to this right of way in favor of the United States and on August 9, 1943, the Assistant Secretary of the Interior approved his Solicitor's opinion that the right of way reserved by the Act of August 30, 1890 (26 Stat. 391) may be used to convey water for domestic purposes to National Parks and Monuments.

The first decisions to arise under the Act presented the contention of the landowner that the reservation in favor of the United States was limited to existing canals at the time of the passage of the Act and that prospective or future canals were without the scope of the legislation. (7). The Court determined that the legislation was applicable to canals to be constructed by the Government in the future, saying:

> At that time it (United States) had no such ditches or canals Congress must and could have referred only to those it intended to construct.

The same decision in the State Court (8) gives an excellent summary of the legislative history of the Act and apparently there was a substantial difference of opinion in Congress concerning the Act at the time of the passage thereof for Senator Reagan, in speaking of the reservation in patents to be issued in the future, states:

> However much may be said about the House of Representatives in resisting that, they, in my judgment, are entitled to the profound gratitude of the American people for saving to them the little that they have saved in this conference report.

And Senator Dolph said:

> This provision, while it will be of no practical value to anyone, will be a cloud or encumbrance on every man's title who secures a portion of the public domain.

This decision likewise held that the language, "constructed by the authority of the United States," in said Act, was applicable without reference to time of construction and that future construction was included within the scope of the Act. The ruling in the Green v. Willhite decision was affirmed again in the United States v. Ide, Wyoming, 277 Fed. 373, and affirmed in 68 L. Ed. 407, so that today it has been conclusively established that the reservation was made for the benefit of future as well as past construction and includes ditches constructed after patent has issued as well as ditches constructed prior to issuance of patent.

It was next contended in a decision arising in Colorado (9), in connection with the Uncompahgre project, that the reservation in the 1890 Act was void because of an indefinite description and this contention also was rejected by the Court and the officials of the United States were held to be authorized by the Act to determine the route of the canal. (9a).

It is a well known fact that where irrigation is practiced extensively, the need for drainage commonly arises, and the United States in connection with an irrigation project which required drainage claimed that the reservation in the 1890 Act was applicable to drainage ditches (10); the drainage waters collected by the ditches were to be delivered to land privately owned and outside of the boundaries of the Federal project. The Court determined that drainage ditches were included within the meaning of the Act, stating:

> Putting it in another way, the proposed disposition of the water is incidental to the construction and maintenance of the Boise project, and, therefore, the proposed canal is within the scope of the authority conferred by law and for it the Government may occupy rights of way under the Act of August 30, 1890, or exappropriate them by suitable condemnation proceedings.

This conclusion was subsequently affirmed in the United States v. Ide, supra. This liberal construction of the Act has been applied by Courts to the same type of legislation under other acts dealing with irrigation development and right of way for canals and ditches for private companies (11).

The statutory right of way reserved by this Act of 1890 in favor of the United States includes the power to straighten, widen or deepen a natural ravine or draw to be used in the conveyance of water (12) and this decision states that the patentees are estopped by acceptance of patent to question propriety of reservation being inserted therein. This does not preclude the patentee from challenging the necessity of exercising the reserved rights nor the reasonableness of the route chosen for these issues were raised in a decision in Colorado (13) and the Court reserved judgment upon these points until the case was finally disposed of on its merits indicating that the Court, at least, considered the objections of the landowner. In the Ide decision, the Court stated that the right in favor of the United States must be exercised with ordinary care, otherwise damages can be recovered, and concerning the issue of the necessity of exercising the right, the Court heard evidence and determined that the changes sought be made by the United States were in fact necessary. The mere fact that the Court heard evidence upon the issue indicates that the necessity of exercising the right was considered a proper issue. (See also note 26).

Where a canal has been constructed by the United States under the authority of this Act and the canal is crossed by a railroad or other improvement, such crossings must be made without expense or loss to the United States and any increased cost of maintenance of canals caused thereby must be borne by the person crossing the same (17).

It has been the policy of the Bureau of Reclamation to interpret the words "ditches" or "canals" to include any form of conveyance of water, such as siphon, penstock, tunnel, drain, flume or conduit, in addition to open ditches and canals and there is ample justification for this interpretation. Thus in Sefton v. Prentice (18) the term "conduit" as defined by Webster was accepted by the Court to mean "a general word which applies to any channel or structure by which flowing water can be conducted from one point to another. It includes a ditch, flume, pipe or any kind of aqueduct," and in Colorado (19) Section 7 of Article 16 of the State Consitution provides "all persons and corporations shall have the right of way across public, private and corporation lands for the construction of ditches, canals and flumes for the purpose of conveying water ***, and the Court stated, concerning the condemnation of a right of way for a pipe line:

> It does not mention a pipe line but its evident object was to permit a right of way for a conduit through which to convey water for the purposes designated and hence the kind of conduit employed and utilized is of no material moment so far as any question in the case at bar is involved.

and in Washington (20) Section 16 of Article 1 of the Constitution provided that private property shall not be taken except "for drains, flumes or ditches on or across the land of others for agriculture *** purposes," and the Court decided that the condemnation of a right of way for a private pipeline was a public use and never mentions the fact that a pipeline is being built; apparently it was

assumed by all the parties involved to be beyond question. Recently in Colorado (21) in an action to condemn a right of way for a pipeline across a placer claim, the Court affirmed its earlier decision in the Lyons case by stating "the provisions quoted above (Section 7, Article 16 Colorado Constitution) cover pipe lines."

In an article in the Reclamation Era (22) D. G. Tyree, Attorney for the Bureau, concludes with the words "ditches and canals include a tunnel," quoting Webster's definition of a "tunnel" as "a subterraneous passage way, especially one horizontal and open at both ends, as for a railroad, canal, drain, etc.," and the author concludes:

> If a tunnel is correctly defined as a passageway for a canal, it is evident that a canal may be an underground waterway as well as an open ditch and that the right of way for a tunnel is, in fact, right of way for a canal. (23)

The Federal Government has been consistent in a liberal interpretation of the words "ditches" and "canals," not only when it sought to exercise a right existing in favor of the United States, but also when a private party sought to exercise such a right across Federal lands. In a decision arising in Colorado (24) the applicant sought a right of way for a pipe line under the Act of March 3, 1891, which granted to private parties rights of way for ditches, canals or reservoirs," which request was refused and on appeal the decision was reversed, stating:

> From the foregoing authorities, it appears that the words "canal" or "ditch" are used to designate any artificial waterway for irrigation *** the methods used for conveying water *** to the lands to be irrigated vary according to topography of the country, character of the soil, climate, permanency of the works, etc. The purpose for which the conduit is constructed and the water conveyed will largely control the descriptive term used and is very material in cases arising before this Department in connection with applications for rights of way under the several laws governing the granting of such easements or licenses. That purpose is irrigation and the fact that the words "reservoir, canal, and lateral" are used in the act does not warrant the assumption that it refers to and only authorizes the use of the rights of way granted for open canals or laterals. On the contrary, it is the evident purpose of Congress to grant the necessary rights of way through public lands for any and all structures essential or necessary to the accomplishment of the purpose of irrigation.

There are numerous states which have statutes granting to the United States a right of way for ditches and canals across State lands and the validity of these statutes have been challenged and sustained (29). The status of these statutes in Colorado is a bit uncertain (30).

Although the United States has reserved the right for canals in patents to lands issued by it, it has not exercised its right oppressively and it has made it a policy to pay for all improvements injured or damaged by reason of the construction of the canal. This is not required by the law. The ordinary procedure is to appraise all improvements on the lands and to offer the landowner a sum of money which will compensate him for the damages sustained. Thus it has been held (32) that a contract between employees of the Bureau of Reclamation and a contractor constructing a canal for the Bureau whereby the Government would assume one half of the cost of removing an electrical transmission line constructed upon lands subject to the Act of 1890 was not binding upon the United States because the reservation in the patent under the Act of 1890 constituted a conveyance running with the land of which the Power Company had notice and therefore the Company could not obtain a right of way superior to that of the United States, and, accordingly, there is no authority for the payment from public funds for a right of way which the United States possesses. This decision was overruled, or at least since issuance thereof, it has been consistently distinguished. Thus, it has been held that a landowner is entitled to damages sustained by him through the exercise of the 1890 canal right by the United States (33) as to any improvements owned by him, but not as to his land (34).

Compensation has likewise been paid by the United States for any materials removed in the construction of the canal and utilized by the United States in construction of some feature of the project off of the right of way where found (35); likewise, where a project has been constructed for a mixed purpose, i.e., irrigation and flood control, and a canal was built for irrigation purposes and also levees several hundred feet on each side of the canal, compensation has been paid for the additional area occupied by the levees and not needed for the canal, the Comptroller General stating (36)

> The Act of August 30, 1890, does not specify for what purposes the ditches and canals to be constructed by the United States are to be used. The history of the act, however, clearly indicates that it had reference to ditches or canals to convey water for the reclamation of arid lands by irrigation. To the extent therefore that the proposed project is for irrigation purposes alone the title to right of way is all ready vested in the United States and no payment may be made for the lands required therefor *** for the additional area required for flood control purposes payment may be made at a reasonable price not in excess of the appraised value of the land involved. (37).

BIBLIOGRAPHY

1. 25 Stat., 505

2. Act of August 30, 1890, 26 Stat., 371.

3. By far the greater number of irrigation projects now investigated by the Bureau of Reclamation for post-war construction concern themselves with "firming up" present hazardous irrigation water supplies. Municipal water demands likewise call for construction work in settled areas. The same is true of hydro-electric developments. Necessarily more and more people will be affected by the exercise of this canal right reserved to the United States.

4. General Land Office circular of July 25, 1903.

5. The right of way notice is in the following form:

"UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
_____ Irrigation Project

RIGHT OF WAY NOTICE

_____
(Date)

_____

_____

It is understood that you have an interest in the land described as _____, Section_____, T. _____, R. _____ M.,_____, and that the United States has an interest in the same land because it was entered after October 2, 1888, and is accordingly subject to the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat., 391).

Under the act of June 17, 1902 (32 Stat., 388), and related enactments the United States is advancing large sums of money for irrigation work in the West, creating much larger values in the lands benefited. Operations have reached the point where such work calls for the use of the right of way reserved to the United States across the land described above. The purpose of this

letter is to notify you and any others interested in the land that the United States is about to utilize its right of way across the land. If desired, the project office will be glad to answer questions or give more definite information concerning the location of the proposed ditch or canal, etc.

Very respectfully,

Project Superintendent."

No statutory requirement of mailing or giving this notice exists. It is a matter of policy, however, to mail it.

6. There are no decisions of Courts, of the Land Department, or administrative rulings extant where any other agency other than the Bureau of Reclamation, is involved. See also note 36, and last quotation in this article.

7. Green v. Willhite, Ida. 1906, 160 Fed 755.

8. Green v. Willhite, Ida. 1908, 93 P. 971.

9. U. S. v. Van Horn, 197 Fed. 611, Colo. 1912.

9a. See note 26 as to reasonableness of choice of route.

10. Griffiths v. Cole, Ida. 264 Fed. 369.

11. See Section 18 Act of March 3, 1891 (26 Stat., 1101, 43 U.S.C. 946) and U. S. v. Big Horn Land and Cattle Company 17 Fed 2d. 357, holding that the words "canal" or "ditch" were used in an inclusive sense and embrace the entire project. This holding was affirmed in Twin Falls Canal Company v. American Falls Reservoir District No. 2, 59 Fed 2d. 19. Johnson Irrigation Company v. Ivory, 24 P 2d. 1053; U. S. v. Tujungha Co. 48 Fed. 2d. 689.

12. Ide v. U. S. (supra)

13. United States v. Van Horn, Colo. 1912, 197 F. 611.

14. United States v. Van Horn (13)

14a. The general welfare clause of the United States Constitution, municipal needs for domestic water and development of electricity are believed by author to be sufficient justification for the exercise of these rights under the Act.

15. Griffiths v. Cole (10)

16. The very opposite contention to the dictum was urged by the landowner in United States v. O'Neill, in which case the landowner claimed that a canal existed which could be utilized by the United States through enlargement and that the United States was obligated under said statute to do so. The Court refused to apply the statute to the United States because it found no canals were in existence which could be enlarged. 198 Fed. 677, Colo.1912. The O'Neill decision arose, however, in eminent domain proceedings.

17. U. S. v. Minidoka and S. W. Railroad Company, 176 Fed. 762, Aff.59 L. Ed.200.

18. 37 P. 641, Calif. 1894

19. Town of Lyons v. City of Longmont 129 P. 198, 1913.

20. State v. Superior Court, 266 P. 198

21. Pine Martin Mining Company v. Empire Zinc Co.,Colo.1932, 11 P2 221.

22. 25 Reclamation Era, 246.

23. The Bureau of Reclamation has interpreted the 1890 Act to cover pipe lines, whether above the ground or buried, including penstocks to power plants.

24. Fraser Sources Irrigation and Power Company, 43 Decisions Public Lands,110.

25. It will be noted that the grant commented upon by the Court was broader than the 1890 Act in that it applied to the successors of the United States. In practice, however, the 1890 Act is construed to include successors, for, under repayment contracts with the United States the operation of existing projects is frequently turned over to the water users and canals may be constructed by them for the benefit of the project and rights of way therefor claimed under the 1890 Act.

26. Fulcher v. Dierks Lumber Company, 261 S W 649.

27. See Cosby v. Danziger Calif. 1918, 175 P 809; Wilson v. Coffey, Calif. 1928, 268 P 408; Dopps v. Alderman, Washington, 1942, 121 P2 388.

28. As a matter of safety in conveyancing, it is recommended that contracts of sale be drawn subject to "all reservations contained in the patent", as this will avoid this type of question.

29. United States v. Fuller, Ida. 1937, 20 Fed. Supp. 839.

30. The present statute is found in 4 C.S.A. Chap. 134, Par. 81, and Sec. 29 of Chap. 187 of the 1919 Session Laws, Page 651, repeals the Acts of 1905 and 1917, but does not mention Chap. 207 of the Session Laws of 1909, which act resembles the first statute quoted, save that attached to it was the following language:

> "The right of way is hereby given * * * to the United States to locate, construct and maintain such roads, bridges, canals, ditches, tunnels, pipelines, telephone and transmission lines as may be constructed for the purpose of irrigation by authority of the United States over and through any of the lands which are now or may be the property of the State. All conveyances of State lands hereafter shall contain a reservation of such rights of way".

and it would therefore seem that the sentence last quoted from the 1909 Act is still in effect. No litigation on this point exists in Colorado.

Other statutes for cooperation with the United States will be found in Vol. 2 C.S.A. Chap.134,Sections 68,69. See also the Ide decision (supra).

31. Payette-Boise Water Users' Association vs. Cole, 263 Fed. 734.

32. 7 Comp.Gen.217."Reclamation Service - Rights of Way".

33. Albert W. C. Smith, 47 Public Lands Decisions 158,1919.

34. "The rights of the owner of an easement are paramount to the extent of the grant or reservation to those of the owner of the soil. An easement gives to the owner thereof all such rights as are incident or necessary to the reasonable and proper enjoyment of the easement. Where the easement is not specifically defined, the rule is that it need be only such as is reasonably necessary and convenient for the purpose for which it was created. A grant or reservation of an easement in general terms is limited to a use such as is reasonably necessary and convenient, and as little burdensome to the servient estate as possible for the use contemplated. In other words, an unlimited conveyance of an easement is in law a grant of unlimited reasonable use. Under the above principles, it is clear that the United States, under the reservation of the right of way contained in the Act of August 30, 1890, has the right to use such portion of the tract entered as is necessary for the construction, operation, and maintenance of the lateral. The United States is not liable for damages resulting to land 'because it did that which it had a right to do' ".

35. Reclamation decision July 26, 1913.

36. 17 Comp. Gen. 1039. "Real Estate - Rights of Way - Rio Grande Canalization Project."

37. All decisions, administrative rulings and articles extant to September 1944 are cited herein.

03-27-1950: memorandum to director from associate regional director regarding right-of-way for pipe line

Return to Denver WR Copy

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

March 27, 1950

Memorandum

To: Director

From: Associate Regional Director

Subject: Right-of-way for Mesa Verde pipe line

There is enclosed copy of Acting Superintendent Brown's letter of March 21 to Mr. George Armstrong, and copy of Mr. Armstrong's letter to Superintendent Rose of March 18.

Since Mr. Armstrong raises the question as to whether the 1890 reservation can be construed to include a right-of-way for a pipe line, it is suggested that, if you agree, it would be better for the Chief Counsel to reply direct to Mr. Armstrong, giving him the citations and decisions which bear upon this matter.

Mr. Rose was in Denver conferring with the United States District Attorney at the time Mr. Brown answered Mr. Armstrong's letter and it may be that upon his return Mr. Rose had some information for him.

Please advise this office of any action taken in the matter.

(SIGNED)

P. P. Patraw
Associate Regional Director

In duplicate

Attachments 2

Copy to: Supt., Mesa Verde

03-23-1950: letter to attorneys from nps regarding right-of-way for a water line

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Mesa Verde National Park, Colorado

C
O
P
Y

March 23, 1950

Mr. George Armstrong
Milenski & Armstrong
Attorneys at Law
Cortez, Colorado

My dear Mr. Armstrong:

Thank you for your letter of March 18, requesting a copy of the notice sent to your client, Mr. Fowler, regarding the right-of-way for a water line across his land.

There is attached a copy of this notice. However, Superintendent Rose is out of the Park for several days and upon his return your letter will be called to his attention.

Very respectfully,

(Signed)

Perry E. Brown
Acting Superintendent

Copy to: Regional Director with
copies of Armstrong's
letter in duplicate

PEBrown:PEB:lbs

03-18-1950: letter to superintendent from attorneys-at-law regarding right-of-way for water line

MILENSKI & ARMSTRONG
ATTORNEYS-AT-LAW
Cortez, Colorado

March 18, 1950

Mr. Robert Rose, Superintendent
Mesa Verde National Park,
Colorado

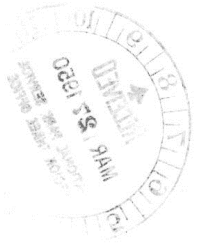
Dear Bob:

Pursuant to our conversation of several weeks ago I wonder if you would be good enough to forward to me your citations in regard to your right-of-way for a water line across Mr. Fowler's land.

As your state in your right-of way notice the Federal Government reserved a right-of-way across the lands for a ditch or canal constructed by the authority of the United States under the law of August 13,1890.

My client has no objection to the construction of a ditch or canal in accordance with the patent. However as we construe, and as I mentioned to you, the reservation I believe does not cover water lines and would therefore have to object to its construction accorss the land.

As near as I can determine the law a reservation such as that resting in the United States against the servient estate owner must be strictly construed and based upon the reservations and the act of Congress. I do not believe it can be amplified to include a pipe line.



03-27-1950: stamp of receipt

MILENSKI & ARMSTRONG
ATTORNEYS-AT-LAW
Cortez, Colorado

March 18, 1950

Mr. Robert Rose, Superintendent
Mesa Verde National Park,
Colorado

Dear Bob:

Pursuant to our conversation of several weeks ago I wonder if you would be good enough to forward to me your citations in regard to your right-of-way for a water line across Mr. Fowler's land.

As your state in your right-of way notice the Federal Government reserved a right-of-way across the lands for a ditch or canal constructed by the authority of the United States under the law of August 13,1890.

My client has no objection to the construction of a ditch or canal in accordance with the patent. However as we construe, and as I mentioned to you, the reservation I believe does not cover water lines and would therefore have to object to its construction across the land.

As near as I can determine the law a reservation such as that resting in the United States against the servient estate owner must be strictly construed and based upon the reservations and the act of Congress. I do not believe it can be amplified to include a pipe line.

00-00-0000: letter to robert rose from george armstrong regarding width of the ditch or canal to be built and that no set width can b

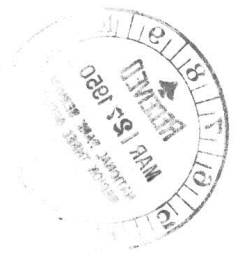
Also I was wondering the basis upon which you desired a strip 10 feet wide since I believe the width is governed by the width of the ditch or canal to be built and that no set width can be specified ' under the reservation.

We would greatly appreciate your assistance in this matter.

Very truly yours,

/s/ George R Armstrong

GRA:jw



03-27-1950: stamp of receipt

-2-
Robert Rose
RE: Water Line

Also I was wondering the basis upon which you
desired a strip 10 feet wide since I believe the
width is governed by the width of the ditch or canal
to be built and that no set width can be specified
under the reservation.

We would greatly appreciate your assistance
in this matter.

Very truly yours,

/s/ George R Armstrong

GRA:jm

RECEIVED
MAR 27 1950
NATIONAL PARK SERVICE
REGION THREE OFFICE

03-21-1950: memorandum to regional director from director' regarding right-of-way over state lines for pipe line

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

Air Mail

MAR 21 1950

Memorandum

To: Regional Director, Region Three

From: The Director

Subject: Right-of-way over State lands for the West Mancos pipe line to serve Mesa Verde National Park

The correspondence transmitted with your memorandum of February 24 raises the question whether there is any reserved right-of-way over the lands of the State of Colorado for the above-mentioned pipe line.

The State lands in question were vested in the State of Colorado before 1890, either as part of the original grant of 1875 for school purposes, or as lieu selections. The surveys and selection approvals were all before 1890, making it unnecessary to determine what would be the effect of a later vesting of title in the State.

Since no right-of-way has been reserved by the United States, we may properly apply to the State for the necessary right-of-way and make the payments for the grant as required by State law.

(SGD.) NEWTON B. DRURY

Director

In duplicate

Copy to: Mr. Vint
Mr. Dunn

MerrittBarton:sh

03-13-1950: letter to chief counsel from chief regarding dates of state selection of land along the right of way

In reply refer to:
D5039 MESA

Chief Counsel

March 13, 1950

Chief, Water Resources Branch

Right of way, West Mancos Water Supply System,
Mesa Verde National Park

In accordance with request by Mr. Barton, I have investigated the dates of State selection of land along the right of way of West Mancos Water Supply System for Mesa Verde National Park, as follows:

Survey of North half of Northeast, West half of Southwest, and the Northwest quarter of Section 36, Township 37 North, Range 13 West, was filed October 2, 1882. There is also an independent filing of the same land which was approved September 7, 1881, and filed November 2, 1882.

The Northeast quarter of Section 1, Township 35 North, Range 15 West, was selected by the State in 1884, and the selection was approved in 1886 under the act of April 8, 1884.

These are the only two State sections of which we have record along the right of way for the above-mentioned water system.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

AvanVDunn:sh

03-24-1950: memorandum to regional director from associate director regarding pipe line right-of-way

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

Memorandum

MAR 24 1950

To: Regional Director, Region Three

From: Associate Director

Subject: Pipe line right-of-way for West Mancos Water Supply System, Mesa Verde National Park

The enclosed prints of drawing No. NP-MV-6984-A are submitted in accordance with the request of December 15, 1949, from Mr. Lassiter. We have forwarded two process tracings directly to the Bureau of Land Management.

Your office should now file one or more prints as needed with the Forest Service, together with a request for right-of-way across the San Juan National Forest. In addition, prints should be available in your office and at the Park for the inspection of those who are receiving copies of the notice of Federal intent to apply the act of August 30, 1890, relating to reservation of right-of-way across land patented thereafter.

When you obtain the necessary permit relating to the use of lands within the National Forest, the original should be sent to this Office for inclusion in the deed assembly. Three copies should also be made--one for the duplicate copy of Mesa Verde Deed No. 4 in this Office, and the other two for the assemblies in your office and at the Park. We will provide such duplicates if you do not do so before sending us the original.

Two of the enclosed eight prints should be inserted at the top of the portion of the water right deed assembly relating to land right-of-way, just above drawing NP-MV-6984 which is now a part of that assembly. Also enclosed are two copies of our memorandum of February 14 forwarding the process tracings to the Bureau of Land Management, which should be filed directly above the map. In addition, you should provide four copies of the memorandum of application for right-of-way across the National Forest, which will also make reference to the submission to the Forest Service of a print of such drawing. Two copies of that memorandum are for the deed assemblies in your office and at the Park, and two should be submitted to this Office.

(SGD.) A. E. DEMARAY

Associate Director

In duplicate
Attachments 10

Copy to: Mr. Dunn
AvanVDunn:sh

03-06-1950: memorandum to regional director from chief regarding pipe line right-of-way

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

March 6, 1950

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Pipe line right-of-way for West Mancos Water Supply System, Mesa Verde National Park

Enclosed are two copies of a memorandum of March 1 from W. O. Hancock, Chief, Branch of Land Use and Disposal, Bureau of Land Management, which serves as an acknowledgment of the filings of drawings Nos. NP-MV-6984 and 6984-A, Revised Right of Way for Part of the West Mancos Water Supply System, Mesa Verde National Park. These drawings have been filed to establish right of way across public lands for the West Mancos Water Supply System.

This memorandum should be filed in the assembly of Mesa Verde Deed 4 directly above the memorandum of February 14, transmitting drawing NP-MV-6984-A to the Bureau of Land Management.

You will notice that all changes are considered to have been made in the portion of the Monument within the National Forest, and, therefore, the record is only of informatory value to the Bureau of Land Management.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Attachments 2

In duplicate

AvanVDunn:sh

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

2059867 "ADL:HSA"

MAR 1 - 1950

Memorandum

To: Director, National Park Service

From: Director, Bureau of Land Management

Subject: Water Pipe Line Right-of-Way

On February 5, 1946 permission was granted to the National Park Service under the act of February 15, 1901 (31 Stat. 790, 43 U.S.C. sec. 959) to use right-of-way across the public lands involved for the construction, operation and maintenance of a water pipe line and appurtenant structures extending from a point in section 19, T. 37 N., R. 12 W. to a point in section 15, T. 35 N., R. 15 W., N.M.P.M., Colorado.

On October 22, 1948 you forwarded linen tracing in duplicate showing same relocations of the pipe line in T. 37 N., Rs. 12 and 13 W. and secs. 2 and 10 of T. 36 N., R. 13 W. On February 14, 1950 you forwarded tracing showing some further changes in the location in sections 2 and 10, supra.

As the land affected in T. 37 N., Rs. 12 and 13 W. is within the San Juan National Forest, under the jurisdiction of the Department of Agriculture and the land in sections 2 and 10 is privately owned we are taking no action on the tracings. We have filed them with the record of the right-of-way for purposes of information.

For the Director:

/s/ W. O. Hancock

Chief, Branch of Land Use
and Disposal
Division of Adjudication

02-14-1950: memorandum to director from acting director regarding pipe line right-of-way

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
B5039 MMSA

FEB 14 1950

Memorandum

To: Director, Bureau of Land Management

From: Acting Director

Subject: Pipe line right-of-way for West Mancos Water Supply System, Mesa Verde National Park

By memorandum of July 24, 1945, we submitted to you two process tracings of our drawing No. NP-MV-6979, and obtained right-of-way across public lands other than the Montezuma National Forest for use in connection with the West Mancos Water Supply System for Mesa Verde National Park. (His. No. 2059867 "F".)

A supplemental drawing, No. NP-MV-6984, was submitted to you by memorandum of October 22, 1948, to amend the right-of-way reservation adjacent to the Jackson Gulch Reservoir and within the National Forest, which has now become part of the San Juan National Forest.

It has become necessary to file the enclosed drawing No. NP-MV-6984-A, in duplicate, to cover further amendments. This is probably the last amendment, since the intake structure was constructed during October and November 1949.

(SGD) HILLORY A. TOLSON
Acting Director

Attachments 2

Copy to: Regional Director, Region Three (2)
Mr. Dunn

AvanVDunn:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

REGISTERED MAIL
RETURN RECEIPT REQUESTED

RIGHT-OF-WAY NOTICE

January 31, 1950
(Date)

Mr. J. R. Allum

Mancos, Colorado

It is understood that you have an interest in the land described as Parcel of land in _____, Sections 33 & 34 T. 36 N, R. 14 W, N.M.P.M. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

> "That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose
Superintendent
Mesa Verde National Park

66979

02-01-1950: letter to whom it may concern from superintendent regarding transfer of ownership and title to lands of meve

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT
MESA VERDE NATIONAL PARK
COLORADO



05-04-1951: received stamp

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

RIGHT-OF-WAY NOTICE

January 31, 1950
(Date)

Misses Minnie and Luella Swansen

Augusta, Illinois

It is understood that you have an interest in the land described as Parcel of land in 15 & 16, Section 9, 10, T. 36 N., R. 13 W. N.M.PM. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

> "That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose,

Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



01-31-1950: letter to whom it may concern from superintendent, meve regarding ownership records

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

January 31, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed, If such changes in land ownership have occurred, we would greatly a ppreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT
MESA VERDE NATIONAL PARK
COLORAIO

05-04-1951: received stamp

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLO.

January 31, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT
MESA VERDE NATIONAL PARK
COLORADO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

RIGHT-OF-WAY NOTICE

REGISTERED MAIL
RETURN RECEIPT REQUESTED

January 31, 1950
(Date)

Lyle G. and W. L. Wallace

Mancos, Colorado

It is understood that you have an interest in the land described as Parcel of land in _____, Section 16,17 &20 T 36 N _____, R. 13 W. N M PM _____. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

> "That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose
Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



02-01-1950: letter to whom it may concern from superintendent, meve regarding ownership records

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT
MESA VERDE NATIONAL PARK
COLORADO



05-04-1951: received stamp

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

REGISTERED MAIL
RETURN RECEIPT REQUESTED

RIGHT-OF-WAY NOTICE

January 31, 1950

Mr. W. R. Veath

Mancos, Colorado

It is understood that you have an interest in the land described as Parcel of land in , Section 10, T. 35 N., R. 15 W. N. M. P.M. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

> "That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose
Superintendent
Mesa Verde National Park

66979

02-01-1950: letter to whom it may concern from superintendent, meve regarding ownership records

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT,
MESA VERDE NATIONAL PARK
COLORADO



05-04-1951: received stamp

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

RIGHT-OF-WAY NOTICE

REGISTERED MAIL
RETURN RECEIPT REQUESTED

January 31, 1950
(Date)

Mr. G. L. Thompson

Mancos, Colorado

It is understood that you have an interest in the land described as Parcel of land in Secs. 25 & 26, Section 25 & 36, T. 36 N., R. 14 W N.M.P.M. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

> "That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose
Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

REGISTERED MAIL
RETURN RECEIPT REQUESTED

RIGHT-OF-WAY NOTICE

January 31, 1950
(Date)

Mr. Ira Kelly

Mancos, Colorado

It is understood that you have an interest in the land described as Parcel of land in _____, Section 23, 10, & 11 T. 36 N, R. 13 W. N.M.P.M. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose,
Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



02-01-1950: letter to whom it may concern from superintendent, meve regarding ownership records

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT,
MESA VERDE NATIONAL PARK
COLORADO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

RIGHT-OF-WAY NOTICE

REGISTERED MAIL
RETURN RECEIPT REQUESTED

January 31, 1950
(Date)

Mrs. Blanche Graham

Point Lookout, Colorado

It is understood that you have an interest in the land described as parcel of land in _____, Section _____, T. _____, R. _____, M. _____. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose,
Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

REGISTERED MAIL
RETURN RECEIPT REQUESTED

RIGHT-OF-WAY NOTICE January 31, 1950

(Date)

Mr. Geo. W. Culp

Mancos, Colorado

Parcel of land in

It is understood that you have an interest in the land described as 11 35 N 15 W N.M.P.M., Section _____, T. _____, R. _____, M._____. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Robert H. Rose,

Superintendent
Mesa Verde National Park

66979

05-04-1951: received stamp



C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L5039 MESA

Region Three
Santa Fe, New Mexico

January 16, 1950

Memorandum

To: Superintendent, Mesa Verde

From: Associate Regional Director

Subject: Right of Way Notices for West Mancos Water Supply System for Mesa Verde National Park

There is enclosed a copy of Mr. Demaray's air mail memorandum of January 13. The instructions in this memorandum should be followed in serving on the land owners notices of our intent to acquire rights of way for the pipe line under the reservation contained in the original patents as required by the Act of August 30, 1890.

These instructions are not quite in conformity with the idea expressed in Mr. Tolson's memorandum to the Regional Director dated November 30, 1949, in which he stated that the land owners may be compensated for actual value of their improvements on the right of way (including growing crops, fences and other structures). However, these later instructions should govern your actions in serving these notices.

The third paragraph on page two of Mr. Demaray's memorandum should be thoroughly studied and an attitude should be taken which will permit the neighborly relations referred to therein.

Feb. 1945

(SIGNED)

P. P. Patraw
Associate Regional Director

Attachment

Copy to: Director

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

JAN 13 1950

Air Mail

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Right-of-Way Notices for West Mancos Water Supply System for Mesa Verde National Park

We have received a copy of your memorandum of December 21 to the Superintendent, Mesa Verde National Park, instructing him to deliver copies of the right-of-way notices, with copies of maps of the individual tracts, to the owners of private lands whose property will be used for the pipe line right-of-way.

There appears to be some misinterpretation of the fact that the right-of-way notices make no reference to ingress and egress, nor to the injury to real property along the pipe line location caused by the work of laying the pipe. It may be that you have in your files a letter from this Office which refers to an obligation on the part of the United States to pay for injury caused by the construction work and for loss of crop values occasioned by the then proposed pipe line. We are unable to identify such a letter in our files, but if one exists it was probably written at a time when we contemplated the necessity of acquiring the right-of-way by condemnation. Had such means of acquisition been necessary, the injury to land and crops would have been proper elements in determining the compensation.

The reservation contained in the original patents for the lands in question, required by the act of August 30, 1890 (26 Stat. 391), is the reservation of an easement, which is a permanent interest in the lands granted by the patents. It is limited in purpose, but is not specific as to location on the ground or as to the acts which are to be considered as incidental to making use of the reserved rights-of-way.

A reservation in such terms carries with it by implication the right of ingress and egress, and the right to disturb the land surface as much as reasonably necessary to make effective use of the right reserved. The landowner whose property is subject to such a

burden is not entitled to any damages occasioned by construction work which is reasonably planned and executed, nor for the temporary deprivation of his use of the land for crops, so long as the work is not done in a negligent manner. The United States, as owner of the easement, is bound to refrain from unreasonably increasing the burden on the owner of the land, but is entitled, without payment of damages, to use all reasonable means to make use of the reserved right. Driving trucks along the pipe line location to carry materials, and using excavating machinery which may be required, should be considered necessary incidents. The normal access point to a particular property would be where the conduit location crosses a public road, or, in case of a more remote tract, where the line leaves one tract and enters the adjoining one.

We believe care should be taken to avoid giving any impression that claims for damages will be entertained. Any such claim would have to include a showing of negligent acts beyond the reasonably necessary incidents of construction work in installing the pipe before it could be considered for payment, and we should not anticipate such negligence on the part of our contractors or employees.

Notwithstanding the above, there is a proper place for neighborly relations in making use of the reserved rights-of-way. We would probably be bound in any event to place the pipe below plow depth, to repair any fences which might have to be opened, to dispose of any brush which might have to be cut, and to use adequate care in backfilling and disposal of excavated material. There would be no objection to discussing the matter with the landowners, expressing the desire of this Service to do the work carefully so as to minimize the burden on them, and receiving informal suggestions as to the means to accomplish this purpose.

The suggestion of the Chief Counsel, referred to in the last paragraph of your memorandum, was to the effect that a bond is normally required from parties who seek to enjoin a project, but only if such parties seek injunctive relief which stops the work during the time the suit is pending.

Also, since you consider it desirable to attach an individual plat of the right-of-way, or pipe location, to each notice, similar copies should be attached to the four copies of the notices which are to be filed in the water right assemblies. We actually

question the need for the individual plats so long as the overall right-of-way maps MV-6984, etc., are available, but you may use them if they are available.

(SGD.) A. E. DEMARAY
Associate Director

In duplicate

Copy to: Mr. Woods
Mr. Dunn

AvanVDunn:MB:sh

12-13-1949: memorandum to regional director, region three from associate director regarding right-of-way for west mancos water

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

Dunn
Vint
Barton
Lee

DEC 13 1949

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Right-of-way for West Mancos Water Supply System for Mesa Verde National Park

On December 2 we ordered the multilithing of 250 copies of the form to be used in notifying owners of land patented since 1888 of our intent to start the construction of the above-mentioned water system, using right-of-way across their land under the reservation of August 30, 1890 (26 Stat. 391). We expect to receive and forward the forms to you on or before December 9.

The form is to be signed by the Superintendent, and it advises that the alignment has been staked in the field, and that more details can be obtained from the Superintendent. We assume that Mr. Rose has a copy of drawing NP-MV-6979, which has been filed with the Bureau of Land Management, to show the location except for changes now being made on the national forest. Unless there has been a lot of damage to the stakes set in surveying the line, we see no reason to supply maps to individual landowners, but we will supply copies on request.

So far as we can determine, there are about 36 parcels of patented land to be crossed, but in some cases several parcels are owned by one man, and in others two or three men share a tract. There may also have been a few subdivisions since our record was compiled. We believe, however, that 250 forms will permit the preparation of 5 copies of each notice, the original to go to the owner of one or more tracts in a section, and the other 4 copies to be distributed for the water right deed assemblies, two of which are in this Office. If your land records suggest a need for more forms, we can have them multilithed, or you can prepare and substitute a mimeographed copy for one water right assembly--presumably the second assembly in this Office.

As a result of your inquiries when Mr. Kittredge was there last summer, we asked the Chief Counsel what obligation the United States had to permit owners of land traversed by the pipe line to tap the water system. His opinion is quoted as follows:

"Two further questions were posed by Mr. Carnes in his memorandum of October 5. The first was whether there is any obligation on the part of the United States to permit landowners along the proposed pipe line to obtain water from it. This question is answered in the negative. Much as we may regret the suggestions to that effect, made in the field before the effect of the reservation in the act of August 30, 1890, was understood there, the reservation is sufficient in itself. It is doubtful whether any additional consideration directly involving the expenditure of funds could be given by the United States. A gratuitous permission might be allowable, but there is certainly no obligation to give it."

Mr. Dunn also points out that the pipe line is being designed with a capacity only equal to, or less than the water right to be perfected for the Park. Therefore, no authorization to tap the pipe line should be contemplated at this time. There will be far less danger of future misunderstanding if no taps are permitted.

The Chief Counsel also offers the following opinion with regard to possible law suits because the United States is to cross his land without monetary recompense, or the grant of permission to take water from the pipe. The potentiality, remote as it seems, is added justification for issuing the right-of-way notices as soon as possible.

"There is no way to avoid the possibility that a dissatisfied landowner or landowners might, by proper pleading, sue for an injunction which would delay the construction. However, it is my opinion that, in order to obtain a temporary injunction or temporary restraining order, the parties plaintiff would be required to post bond in a large amount. This would act as a deterrent, but would not avoid the possibility."

This will also remind you that we had prepared drawing NP-MV-6984 to amend the right-of-way across the land to be crossed by the upper portion of the pipe line, largely in the national forest,

when you decided to make further modification of alignment about the Jackson Gulch Reservoir Area. This map, or a new one, must be filed both with the Bureau of Land Management and the Forest Service. Accordingly, we shall appreciate an early print of the final plan covering that alignment.

(SGD) A. E. DEMARAY
Associate Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

December 1, 1949

Memorandum

To: Chief of Development

From: Chief Counsel

Subject: Right-of-way for West Mancos Water Supply System for Mesa Verde National Park

Referring to your memoranda of October 5 and November 17, there is attached a revised Right-of-way Notice which it is recommended that you use in notifying the owners whose lands are to be crossed by the pipe line which is about to be installed. It is understood that the line as now laid out will not cross any private lands except those subject to the reserved right-of-way.

Two further questions were posed by Mr. Carnes in his memorandum of October 5. The first was whether there is any obligation on the part of the United States to permit landowners along the proposed pipe line to obtain water from it. This question is answered in the negative. Much as we may regret the suggestions to that effect, made in the field before the effect of the reservation in the act of August 30, 1890, was understood there, the reservation is sufficient in itself. It is doubtful whether any additional consideration directly involving the expenditure of funds could be given by the United States. A gratuitous permission might be allowable, but there is certainly no obligation to give it.

There is no way to avoid the possibility that a dissatisfied landowner or landowners might, by proper pleading, sue for an injunction which would delay the construction. However, it is my opinion that, in order to obtain a temporary injunction or temporary restraining order, the parties plaintiff would be required to post bond in a large amount. This would act as a deterrent, but would not avoid the possibility.

Jackson E. Price
Chief Counsel

Attachments 3

00-00-0000: right-of-way notice form

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

West Mancos Water Supply System for
Mesa Verde National Park

RIGHT-OF-WAY NOTICE

_____
(Date)

_____

_____

It is understood that you have an interest in the land described as _____, Section _____, T. _____, R. _____, M._____. The United States has an interest in the said land, because the entry, which is the basis of your title, was made after October 2, 1888, and the land is accordingly subject to ditch or canal right-of-way reserved for the United States under the following provision of law:

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right of way thereon for ditches or canals constructed by the authority of the United States." (Act of Aug. 30, 1890, 26 Stat. 391.)

Under the act of August 25, 1916 (39 Stat. 535), and the other acts of Congress, the United States is spending appreciable sums of money to provide safe and adequate water supplies in the national parks and monuments, for the protection of the visiting public. Operations have reached the point where such work calls for the use of the right-of-way reserved to the United States across the land described above. The purpose of this letter is to notify you and any others interested in the land that the United States is about to utilize its right-of-way across the land. The line has been surveyed and staked upon the ground. Construction is expected to begin in the spring of 1950. If desired, more definite information concerning the location of the proposed right-of-way, probable date of construction, and answers to other questions, may be obtained at the office of Mesa Verde National Park.

Very respectfully,

Superintendent
Mesa Verde National Park

Original sent to Mich Services for duplicating 250 copies 12/2/49

Chief Counsel

October 5, 1949

Acting Chief of Development

Right of way for West Mancos Water Supply System for Mesa Verde National Park

The attached form is a modification of one used by the Bureau of Reclamation to notify landowners of proposed Federal use of land under the act of August 30, 1890 for right of way purposes. The modified form was worked up by Messrs. Sanders and Dunn about March 1946 with the idea that it would be printed, mimeographed, or otherwise reproduced when needed in connection with the establishment of right of way for the water system, Mesa Verde National Park.

We are now provided with $325,000 in the 1950 appropriations for the construction of the water system and shall wish to exercise our right of way during the coming summer. In fact, we might start some construction this winter, but the chief purpose in the notice is to prevent needless planting along rights of way such that the United States might have to pay for damages to the crops. This feature will not be important until next summer.

The first question is whether this form still seems to be adequate after over three years of further studies. Mr. Dunn suggests, for instance, that it might be well to insert a reference to the Solicitor's opinion M. 33127 of August 9, 1943, to the effect that reservation of right of way for canals and ditches also includes pipe lines of the type contemplated.

On his trip this summer, Mr. Kittredge was also advised that many landowners along the route of the pipe line have been anticipating the right to tap the pipe line to obtain water in exchange for the use of their land. In fact, there seems to have been some unofficial concurrence in this idea by some employees of the Region or Park. The question arises as to whether the United States is under any obligation to permit landowners to obtain water from the pipe line in exchange for the right of way.

In this connection, Mr. Dunn points out that the pipe line is being designed to provide practically no water in excess of the 1/6 of a second-foot for which it was proposed to purchase rights from Mr. Reddert. The purchase is not to be made, but the quantity of water is still the estimated ultimate need of the Park. In fact, a capacity of 1/6 of a second-foot is far less than is desirable if

the National Park Service were to use the full 120 acre-feet of water per year for which conditional water rights have been decreed. Furthermore, since the United States still has only a conditional right, it must still make proof of full beneficial use of 120 acre-feet of water per annum at Mesa Verde National Park for domestic, recreational, and fire protection purposes, before the United States can obtain a final decree for the designated purposes. Of course it seems quite possible that the terms of the conditional decree which also cover the rights of the Bureau of Reclamation are such that the United States can make proof and obtain the final decree on the basis of municipal and irrigation uses provided under the contract between the Bureau of Reclamation and the West Mancos Water Conservancy District, with the proviso that not more than 120 acre-feet may be used as needed at Mesa Verde National Park.

With these explanations, it is requested:

1. That you modify the draft of the notice for right of way and return it as soon as possible, in order that we may make arrangements for its printing.

2. That you explain whether there is any obligation on the part of the United States to permit landowners along the proposed pipe line to obtain water.

We should also like to know whether there is any danger that the hopeful landowners might be able to obtain an injunction that would delay construction of the pipe line.

(SIGNED)

W. G. Carnes
Acting Chief of Development

Attachment

Copy to: Mr. Dunn

AvanVDunn:sh

08-08-1949: memorandum to chief of development from chief engineer regarding questions pertaining to rights of property owners

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

August 8, 1949

Memorandum

To: Chief of Development

From: Chief Engineer Kittredge

Subject: Questions pertaining to rights of property owners through whose property the Mesa Verde pipe line will pass

It is expected that the park will issue notices, such as that proposed October 1945, to all owners of property through which the pipe line will pass that such action will take place. We have in mind also Mr. Tolson's memorandum for the Commissioner, General Land Office of October 2, 1945.

There are two types of property rights: First, those who took up the land prior to the Act of 1890 whose rights are clear; Second, those who acquired rights since the Act of 1890. This act provided that the Government should have full rights of access for all lines across such land.

In the first case it is necessary for the Government to purchase such rights for the proposed line; in the second, the Government has to give notice of intent and to pay for damage inflicted on the property owner.

However, we find that apparently years ago at least some of these owners have been promised water from the Government pipe line.

The park may have difficulty with the property owners if the Government should refuse to permit tapping of the Government line. It will be necessary for the Government to give notice of intent. The next step may be a formal injunction against the Government to stop the building of the pipe line until the owners are assured of water or other compensation. The next step might be a counter injunction by the Government to permit continuation of construction pending settling of the dispute.

Several questions arise: First, are we legally able to give Government water from the proposed pipe line to any owner of land through which we pass. The water is Government water obtained through permit for use within the park.

If we are able to give such water is there any limit to the amount we might give upon demand. Several of the property owners could develop their property quite considerably either for crop growing, camp sites, or home sites if they has promise of water.

If a definite quantity of water is agreed upon for owners, is the Service vulnerable to further requests to such extent that the Government needs might be jeopardized? Could we be vulnerable to requests from other property owners? Have we a right to give or dispense water with or without charge?

Could we be forced by court action to sell water?

If we do sell water under any circumstances, do we not then become subject to all the laws and regulations of public utilities?

A fundamental question arises as to whether the Act of 1890 was intended to cover such projects as the proposed pipe line. The question has arisen as to whether the act was intended to cover such service, as proposed in the present Mesa Verde pipe line, for any agency or person. It might become necessary for us to buy the rights-of-way through all land acquired subsequent to the Act of 1890 under certain interpretations.

Must we compensate property owners through which the pipe line passes in cash or may they be compensated in water. This water would of course be from that which we had acquired for the purpose of serving Mesa Verde National Park. Water and water rights in Colorado carry the same status as legal property.

As stated in the beginning the park will proceed in the giving of notices(perhaps through the sheriff) to all property owners who obtained their property subsequent to 1890 but the above questions might be pertinent and we should at least consider them before running into any complications. Possibly the sheriff could not be called into this action and the delivery of papers would have to be made by registered mail or park representative.

Frank A. Kittredge
Chief Engineer

December 10, 1948.

Statement by A. van V. Dunn

Drawing NP-MV-6984 became obsolete before acceptance by the Bureau of Land Management, and before being filed with the Forest Service. No attempt will be made to obtain a permit to use land in Montezuma National Forest until a revised drawing is made and filed with the Bureau of Land Management.

(SGD.) A. VAN V. DUNN.
Chief, Water Resources Branch.

[illegible]
[illegible] Service

CONTRACT NO. I-100np-52

[illegible]

[illegible], hereinafter known as the vendor, in consideration of the examination and appraisal of the water rights hereinbelow described by the United States and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby agree for himself, herself, or themselves, or heirs, administrators, executors and assigns, as follows:

(1) That at any time within two (2) years from the date of this instrument, if requested so to do by an authorized representative of the United States, the said vendor will sell and at his, her, their, or its expense, convey, free of all encumbrances whatsoever, to the United States or its nominee by proper deed of conveyance with general warranty of title, under conditions hereinafter provided, a portion of Decreed Water Right Priority No. 1 for the diversion and use of the waters of the East Rancos River now appurtenant to land situate and lying in the County of Montezuma, State of Colorado, being a right to divert and use of 1/6 (0.167) cubic foot of water per second of time, more 75 g.p.m. 107.000 gpd 120 a-ft/yr particularly described as follows: One hundred and sixty-seven thousandths (0.167) of a cubic foot of water per second of time of Priority No. 1 in the Giles Ditch on the East Fork of the Rio Rancos, in Water District No. 34, in the County of Montezuma, and State of Colorado, as said Priority No. 1 was decreed to the Giles Ditch by Decree of the District Court entered of record at the April Term, A.D. 1893, thereof, In the Matter of the Adjudication of

riorities of Water Rights to the Use of Water for Irrigation in Water District No. 34.

(2) That the price at which said water rights will be sold to the United States as hereinbefore provided shall be Four Thousand Dollars ($4,000.00).

(3) That in case the vendor is unable to show and establish title to the above described water rights satisfactory to the United States Government, then, and in that event, the vendor agrees that the United States may, in its discretion, institute condemnation proceedings for the acquisition of said water rights and that the price hereinabove set forth is hereby agreed to by the vendor as to the value of the water rights to be acquired under said condemnation proceedings.

(4) That, at the date of this instrument, the title to said water rights is clear, free and unencumbered, except None

which said vendor agrees to have released and has full right, power, and authority to convey to the United States an unencumbered fee simple title to the aforesaid water rights.

(5) That, when requested by the proper representative of the United States, at any time after the exercise of this option in the manner hereinafter specified, the said vendor will promptly at his own or her own, furnish an abstract of title which shall later be extended to include any instrument subsequently required to be recorded by the United States in connection with the title to said water rights to show unencumbered fee simple title or a title certificate, and will also record the deed of conveyance and/or other necessary papers made pursuant to this instrument; provided, that if said vendor fails to furnish a proper

abstract of title, or title certificate, within sixty (60) days after such request, then the United States may procure same at the expense of said vendor and deduct the cost thereof from the purchase price hereinabove set forth.

(6) That during the period covered by this instrument the vendor shall permit the United States to adjudicate a change in point of diversion to its said proposed West Mancos Water Supply System, and change the purpose of use; and final conveyance of title, and payment to the vendor, shall be conditioned on successful change in point of diversion and purpose of use.

(7) That during the period covered by this instrument that said vendor does hereby grant to the officers and accredited agents and representatives of the United States, at all proper times, unrestricted right and privilege to survey or enter said lands for all proper and lawful purposes in connection with the negotiations for the acquisition of the said water rights.

(8) That when the United States of America acting through the Secretary of the Interior, or other authorized representative, shall have approved and signed this option for the purchase of the water rights as herein provided then, in that event, this instrument shall constitute a contract of bargain and sale between the parties hereto.

(9) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom. Nothing in this paragraph, however, shall invalidate this contract if made with a corporation for its general benefit.

10-10-1947: received stamp



In witness whereof we have set our hands and seals to these presents on this Second day of August, 1947.

Signed, sealed and delivered in the presence of: (2 witnesses to each signature)

J. E. Reddert (SEAL)

Lee O. Reddert

Lottie W Reddert (SEAL)

Ruth M. Reddert

(SEAL)

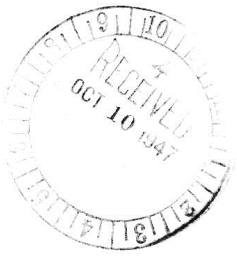
(SEAL)

Approved: SEP 16 1947 (Date)

Oscar L Chapman

Under Secretary of the Interior

10-10-1947: received stamp



C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON 25, D.C.

RIGHT-OF-WAY

Misc. No. 2059867 "F"

By virtue of the authority vested in the Secretary of the Interior and pursuant to the provisions of the Act of February 15, 1901 (31 Stat. 790, 43 U.S.C. sec. 959), and subject to the regulations approved May 31, 1943 (43 CFR, Part 244, Circ. No. 1237b), and to all future regulations issued thereunder which are pertinent to water pipe line rights-of-way and to all valid existing rights, permission is hereby given to the National Park Service, Department of the Interior, to use a right-of-way over the public lands outside of the Montezuma National Forest for the construction, operation, and maintenance of a water pipe line and appurtenant structures on the location shown on the map filed in the General Land Office, Washington, D. C., on July 27, 1945, Misc. No. 2059867, but reserving rights-of-way for ditches and canals constructed under authority of the United States.

IN WITNESS WHEREOF, and pursuant to Departmental Order No. 1799, of March 19, 1943, I have subscribed my name hereto on this day FEB 5 1946.

(Sgd) Fred W. Johnson

Commissioner.

Item R

11-27-1945: memorandum to nps from commissioner, general land office regarding reference to application for right-of-way for a

COPY

In reply refer to:
2059867 "F"

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington 25, D. C.

November 27, 1945.

MEMORANDUM for the National Park Service,
Chicago 54, Illinois.

Reference is made to your application dated July 24, 1945, for right-of-way for a water pipe line extending from a point in section 19, T. 37 N., R. 12 W., to a point in section 15, T. 35 N., R. 15 W. (the north boundary of the Mesa Verde National Park), N.M.P.M., Colorado, and also to your memorandum of October 2, concerning the form of notice you contemplate sending to owners of patented lands to be crossed by the proposed pipe line.

T. 37 N., Rs. 12 and 13 W. are a part of the Montezuma National Forest. Section 4 of the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 524), provides for the granting of rights-of-way for municipal and mining purposes only. Therefore, your application cannot be entertained as to these townships. Application for right-of-way for this portion of the proposed pipe line should be made to the Forest Service, Department of Agriculture.

This office does not invoke the Act of August 30, 1890 (26 Stat. 391), in the matter of appropriating rights-of-way across patented lands, and therefore, is not in a position to offer any suggestions concerning the notice you propose to send to the owners of such lands. The Bureau of Reclamation of this Department does invoke the Act and may be able to offer you valuable information as to its procedure in such cases.

We are of the opinion the map (NP - MV 6979) showing the proposed right-of-way is sufficient to enable a competent engineer or surveyor to locate such right of way on the ground.

Upon receipt of all the necessary reports from other interested bureaus, action will be taken looking to the issuance of the right-of-way permit applied for over the unreserved public lands involved.

(Sgd.) Fred W. Johnson,
Commissioner.

54

September 6, 1945.

MEMORANDUM for the Commissioner,
General Land Office.

We have a project to construct a water system with a diversion on the West Manaos River and delivery at Mesa Verde National Park. The alignment is shown on drawing NP-MV-6078 which we sent to you with our memorandum of July 24, for right of way permit in compliance with the act of February 15, 1901 (31 Stat. 790). For right of way across private land we propose to evoke the clause in patents issued since August 30, 1890, which reserves a right of way for canals or ditches to be built by the United States. Will you please verify our belief that all of the following described land has been patented since August 30, 1890, with that reservation:

T. 36 N., R. 13 W., N.M.P.M. - Section 2, W½.
Section 3, E½.
Section 10, E½, SW¼ SW¼.
Section 9, SE¼.
Section 16, SW¼.
Section 17, SE¼.
Section 20, E½.
Section 30, NW¼.

T. 36 N., R. 14 W., N.M.P.M. - Section 25, E½, SW¼.
Section 26, E½ E½.
Section 35, NW¼.
Section 34, E½.
Section 33, S½ N½ and N½ S½.
Section 32, SE¼.

T. 35 N., R. 13 W., N.M.P.M. - Section 1, S½ NW¼.
Section 11, E½.

Also, will you please advise us as to whether the same reservation applies to the following land which is owned by the State of Colorado:

T. 36 N., R. 13 W., N.M.P.M. - Section 16, N½.
T. 35 N., R. 13 W., N.M.P.M. - Section 1, NE¼.

(SGD) A. W. BURNETT

Chief Engineer.

AvVD:sh.

cc: Regional Director, Region Three (2).
Mr. Dunn.

07-24-1945: memorandum to commissioner, bureau of reclamation from acting chief engineer regarding memorandum about map

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, 54, ILLINOIS

July 24, 1945.

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

In accordance with the memorandum of July 2 from Acting Director Hillory A. Tolson, we enclose a copy of map No. NP-MV-6979--Proposed Right of Way for West Mancos Water Supply System, Mesa Verde National Park, which we have just sent to the General Land Office with a request for a permit for such right-of-way. In answer to Mr. Warne's memoranda of March 26 to this Office regarding lands which the Grazing Service wishes to use, and of May 28 to the Resident Engineer of the Mancos Project with regard to oil and gas lease application (Pueblo 058864 "N") we suggest that all withdrawn land in Tps. 35 and 36 N. be released as soon as word is received that the permit is granted. As indicated in the attached copy of our memorandum for the Commissioner, General Land Office, we have requested that you be advised directly when such permit is granted.

In T. 37 N., N.M.P.M. you may also release all withdrawals except as noted below. We wish to retain these withdrawn parcels until we are more certain as to the final point of diversion:

T. 37 N., R. 13 W. Sec. 25 SE1/4NE1/4; SE1/4; SE1/4SW1/4.
Sec. 36 NW1/4NE1/4; NW1/4; NW1/4SW1/4.
Sec. 35: SE1/4.
T. 37 N., R. 12 W Sec.17: SW1/4SW1/4.
Sec. 18: SE1/4SE1/4.
Sec. 19: E1/2NE1/4; SE1/4.
Sec. 30: NW1/4NE1/4; NW1/4; NW1/4SW1/4.
Sec. 20: NW1/4NW1/4.

(SGD) A. W. BURNEY

Acting Chief Engineer.

Enclosure 983.

cc: Regional Director, Region Three(2).
Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

Office of the Commissioner DEC 18 1943

The Director,
National Park Service,
Chicago 54, Illinois.

Dear Mr. Director:

The Bureau of Reclamation proposes to release from reclamation withdrawal approximately 3,920 acres of public land in the State of Colorado now withdrawn under the first form of reclamation withdrawal in connection with the Mancos project. Of this acreage approximately 2,000 acres have been placed under reclamation withdrawal upon your request in connection with the construction of a water pipe line which is to convey water from the West Mancos River to the Mesa Verde National Park.

National Park Service Regional Director Tillotson has recommended to the Resident Engineer of the Mancos project that all lands now withdrawn for your Service be restored to the public domain, except the following:

New Mexico Principal Meridian

T. 37 N., R. 12 W.,
sec. 17, $SW\frac{1}{4}SW\frac{1}{4}$;
sec. 18, $SE\frac{1}{4}SE\frac{1}{4}$;
sec. 19, $E\frac{1}{2}$, $NE\frac{1}{4}$;
sec. 20, $NW\frac{1}{4}NW\frac{1}{4}$.

Information available in this office indicates that your office will desire to retain these lands for the protection of the domestic water supply. Inasmuch as it is not the intention of the Reclamation Act of 1902 to reserve lands for such purposes, it is requested that you direct a letter to the Commissioner of the General Land Office requesting that the necessary lands be withdrawn from the public domain by an appropriate public land order. You will note that the lands described above in section 19 are in conflict, in that the $NE\frac{1}{4}$ is a part of the $E\frac{1}{2}$. It is assumed that this description should be $E\frac{1}{2}NE\frac{1}{4}$ but is repeated as received from your Regional Director.

In view of your Regional Director's statement that the lands now withdrawn for your Service will no longer be needed, it is further assumed that the application and maps necessary to reserve the right of way for the water pipe line has been filed in the General Land Office.

A list of the lands which it is proposed to restore to the public domain is attached for your convenience. Further action on the restoration order will be suspended awaiting your reply.

Very truly yours,

For the Commissioner:

(Sgd) William E. Warne

William E. Warne,
Assistant Commissioner.

Enclosure 249

New Mexico Principal Meridian, Colorado

T. 37 N., R. 12 W.
Sec. 17, S½NW¼, SW¼
Sec. 18, SE¼
Sec. 19, all
Sec. 20, NW¼
Sec. 30, NE¼NE¼, S½NE¼, SE¼, S½SW¼
T. 36 N., R. 13 W.
Sec. 19, lot 4, SE¼SW¼, SE¼
Sec. 20, SW¼
Sec. 29, N½NW¼
Sec. 30, NE¼, NW¼SE¼
T. 37 N., R. 13 W.
Sec. 25, W½NE¼, NW¼, N½SW¼, SW¼SW¼
Sec. 34, SE¼
T. 35 N., R. 14 W.
Sec. 6, lot 4
T. 36 N., R. 14 W.
Sec. 25, SW¼NE¼
Sec. 26, S½SW¼, SW¼SE¼
Sec. 31, lots 3 and 4, E½SW¼, SE¼
Sec. 32, N½SW¼, SW¼SW¼
T. 35 N., R. 15 W.
Sec. 1, S½SW¼, NW¼SE¼
Sec. 2, SE¼SE¼
Sec. 10, SW¼SE¼
Sec. 11, N½NE¼, NW¼SW¼
Sec. 12, NW¼NW¼
Sec. 15, NE¼

07-24-1943: letter to secretary of the interior from office of the commissioner, bureau of reclamation regarding a recommendation

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

Office of the Commissioner

JUL 24 1943

FIRST FORM RECLAMATION WITHDRAWAL
Mancos Project, Colorado

The Secretary
of the Interior.

(Through the Grazing Service and the General Land Office)

Sir:

In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in Section 10, Act of October 14, 1940 (54 Stat. 1119), and that Departmental order of April 8, 1935, establishing Colorado Grazing District No. 4, be modified and made subject to the withdrawal effected by this order.

Mancos Project, Colorado
New Mexico Principal Meridian

T. 36 N., R. 13 W.,
sec. 19, Lot 4 and SE¼SW¼.

T. 35 N., R. 14 W.,
sec. 6, Lot 4.

T. 36 N., R. 14 W.,
sec. 25, SW¼NE¼;
sec. 26, S½SW¼ and SW¼SE¼;
sec. 31, Lots 3, 4, E½SW¼ and SE¼;
sec. 32, N½SW¼ and SW¼SW¼.

T. 35 N., R. 15 W.,
sec. 1, S½SW¼ and NW¼SE¼;
sec. 2, SE¼SE¼;
sec. 10, SW¼SE¼;
sec. 11, N½NE¼ and NW¼SW¼;
sec. 12, NW¼NW¼;
sec. 15, NE¼.

Respectfully,

(Sgd) H. W. Bashore

Acting Commissioner.

I concur

(Sgd) Archie D. Ryan.
Acting Director of the Grazing Service.

I concur OCT 26 1943

(Sgd) Fred W. Johnson
Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR
NOV 2 1943

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

(Sgd) Michael W. Straus

First Assistant Secretary.

1 original and 3 copies to GLO.
1 original and 3 copies to Federal Register. (Through Reclamation.)
1 copy to USGS.
1 copy to GS.
1 copy to NPS.

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

June 29, 1943.

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

By orders approved by the Under Secretary on February 7, 1941, and November 10, 1941, certain lands were withdrawn for the Mancos Project, Colorado, for the purpose of the pipe line to be installed by this Service to convey water from a point on the West Mancos River to Mesa Verde National Park. It has now been determined that additional lands should be withdrawn to protect the needed right-of-way for the pipe line.

It will be appreciated, therefore, if you will recommend to the Secretary the withdrawal from entry of the following additional parcels of lands:

T. 36 N., R. 13 W., Sec. 19 - $S\frac{1}{2}$ $SW\frac{1}{4}$

T. 36 N., R. 14 W., Sec. 25 - $SW\frac{1}{4}$ $NE\frac{1}{4}$
Sec. 26 - $S\frac{1}{2}$ $SW\frac{1}{4}$ and $SW\frac{1}{4}$ $SE\frac{1}{4}$
Sec. 31 - $S\frac{1}{2}$
Sec. 32 - $W\frac{1}{2}$ $SW\frac{1}{4}$, $W\frac{1}{2}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$, $NE\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$.

T. 35 N., R. 14 W., Sec. 6 - $NW\frac{1}{4}$ $NW\frac{1}{4}$

T. 35 N., R. 15 W., Sec. 1 - $NW\frac{1}{4}$ $SE\frac{1}{4}$ and $S\frac{1}{2}$ $SW\frac{1}{4}$
Sec. 2 - $SE\frac{1}{4}$ $SE\frac{1}{4}$
Sec. 10- $SW\frac{1}{4}$ $SE\frac{1}{4}$
Sec. 11- $N\frac{1}{2}$ $NE\frac{1}{4}$ and $NW\frac{1}{4}$ $SW\frac{1}{4}$
Sec. 12- $NW\frac{1}{4}$ $NW\frac{1}{4}$
Sec. 15- $NE\frac{1}{4}$

It has been further determined that the $S\frac{1}{2}$ $NW\frac{1}{4}$, Sec. 2, T. 35 N., R. 14 W., withdrawn by the order of November 10, 1941, is not required for the purpose of the pipe line. It is requested, therefore, that you recommend that the withdrawal of said parcel be rescinded.

(SGD) Hillory A. Tolson
Acting Director.

07-11-1941: letter to secretary of the interior from acting commissioner regarding a recommendation to withdrawal described land

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

Office of the Commissioner

FIRST FORM RECLAMATION WITHDRAWAL
MANCOS PROJECT, COLORADO

JUL 11 1941

The Secretary

of the Interior.

Sir:

It is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 10, Act of October 14, 1940 (54 Stat. 1119):

Mancos Project, Colorado
New Mexico Principal Meridian
T. 37 N., R. 12 W., Sec. 17, SW¼, S½NW¼;
Sec. 18, SE¼;
Sec. 19, N½;
Sec. 20, NW¼.

Respectfully,

(Sgd) H. W. Bashore

Acting Commissioner.

I concur SEP 30 1941

(Sgd) Fred W. Johnson
Commissioner of the General Land Office

DEPARTMENT OF THE INTERIOR

NOV 10 1941

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

(Sgd.) JOHN J. DEMPSEY
Under Secretary.

Copy to USGS
GLO
Forest S.
NPS

07-11-1941: letter to director, nps from acting commissioner regarding a reference made to acting director demaray's memorandu

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

Office of the Commissioner

JUL 11 1941

The Director

of the National Park Service.

Dear Mr. Drury:

Reference is made to Acting Director Demaray's memorandum of April 25, suggesting that in view of the close relation the construction of the proposed water pipe line for the water supply of the Mesa Verde National Park has with the Mancos Project, Colorado, certain public lands lying outside of the Park boundaries be included in reclamation withdrawal until the pipe line has been constructed.

By letters of even date to the Secretary of the Interior the lands in question, with the exception of Sec. 16, T. 36 N., R. 13 W., N. M. P. M., Colorado, which appears to be State land, have been recommended for first form reclamation withdrawal.

Very truly yours,

(Sgd) H. W. Bashore

Acting Commissioner.

04-25-1941: memorandum to commissioner of reclamation from acting director regarding certain lands were withdrawn for the ma

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

April 25, 1941.

MEMORANDUM for the Commissioner of Reclamation.

By order approved by the Under Secretary on February 7, 1941, certain lands were withdrawn for the Mancos Project, Colorado. This Service has under consideration a proposal to install a pipe line from a point on the West Mancos River to the headquarters of Mesa Verde National Park, which proposal has been frequently discussed with representatives of the Bureau of Reclamation by reason of its close relation to the Mancos Project.

There is attached a map (NP-MV 6002) showing the tentative location of the proposed pipe line, for which it will be necessary to secure a right-of-way from the intake to the park boundary. It will be advantageous to this Service if the unpatented lands along the route of the pipe line can be withdrawn until the line is laid or a suitable reservation of a right-of-way can be made before initial steps are taken to dispose of the lands. There also are several parcels of unpatented land surrounding the pipe line intake which should be withdrawn, perhaps permanently, to safeguard the water supply.

It will be appreciated if you will recommend to the Secretary that he withdraw from entry the parcels of public land shown in red on the attached map and described as follows:

New Mexico Principal Meridian
T. 35 N., R. 14 W.,
Sec. 2, $S\frac{1}{2}NW\frac{1}{4}$.

T. 36 N., R. 13 W.,
Sec. 16, all;
Sec. 19, $SE\frac{1}{4}$;
Sec. 20, $SW\frac{1}{4}$;
Sec. 29, $N\frac{1}{2}NW\frac{1}{4}$;
Sec. 30, $NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.

T. 37 N., R. 12 W.,
Sec. 17, $SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$;
Sec. 18, $SE\frac{1}{4}$;
Sec. 19, $N\frac{1}{2}$;
Sec. 20, $NW\frac{1}{4}$.

cc Chief of Engineering
Regional Director,
Region III
Supt., Mesa Verde
Assoc. Att. Johnson
Mr. Sanders

(SGD) A. E. DEMARAY

A. E. Demaray,
Acting Director.

In duplicate
Enclosure 2534328

04-23-1941: memorandum to chief of operations from nps regarding described lands that have been withdrawn from public entry

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

April 23, 1941.

MEMORANDUM for the Chief of Operations.

In connection with the Mancos Irrigation Project, Colorado, and upon the recommendation of the Commissioner, Bureau of Reclamation, the following described lands have been withdrawn from public entry by the Secretary:

New Mexico Principal Meridian

T. 37 N., R. 12 W.,
Sec. 19, S 1/2
Sec. 30, all;
T. 37 N., R. 13 W.,
Sec. 25, all;
Sec. 34, SE 1/4;
Sec. 35, S 1/2;
Sec. 36, N 1/2 NE 1/4,
NW 1/4, and
W 1/2 SW 1/4.

The tentative location of the proposed pipe line, which will carry water to Mesa Verde National Park from the West Mancos River, crosses several parcels of public or unpatented lands which, we believe, should be withdrawn from entry, to avoid the complications which would, perhaps, result were any of the land required for a right-of-way filed on before completion of the project. There is also considerable public land in the vicinity of the proposed water line intake on the West Mancos River which should be withdrawn, perhaps permanently, to permit safeguarding the water supply from contamination.

The following described land is recommended for withdrawal from public entry:

New Mexico Principal Meridian

T. 37 N., R. 12 W.,
Sec. 17, SW 1/4, S 1/2 of NW 1/4
Sec. 18, SE 1/4
Sec. 19, N 1/2
Sec. 20, NW 1/4

T. 36 N., R. 13 W.,
Sec. 16, all;
Sec. 19, SE 1/4
Sec. 20, SW 1/4
Sec. 29, N 1/2 of NW 1/4
Sec. 30, NE 1/4
Sec. 30, NW 1/4 of SE 1/4
T. 35 N., R. 14 W.,
Sec. 2, S 1/2 of NW 1/4

This matter of additional withdrawals was discussed informally by Mr. Taylor with Mr. Nelson, of the Bureau of Reclamation, who advised that the Bureau would make no objections to any public land withdrawals which the Park Service thought necessary.

Attached is a copy of our land status map of the area along the pipe line location on which the proposed land withdrawals are shown in red. The data for preparing this map was obtained informally from the records of the General Land Office. It is presumed that the Service memorandum to the Secretary, recommending that these lands be withdrawn from public entry, will be routed through the General Land Office, which will give that Office an opportunity to check the areas with their records.

Sgd. - A. W. Burney

Acting Chief of Engineering.

Enclosure 2561693

Washington Copy

D5039

March 12, 1957

Memorandum 1957 MAR 13 AM 8 41

To: Chief, Western Office of Design and Construction
Attention: Supervisory Engineer

From: Superintendent, Mesa Verde

Subject: Utilities, Mesa Verde National Park, West Mancos Water System

The following is in reply to Mr. Smith's memorandum of February 15, 1957 which refers to Mr. A. van V. Dunn's memorandum of February 6 to the Regional Director, Region Three.

We have attached a copy of the agreement with the Bureau of Reclamation to answer Mr. Smith's question No. 1, and copies of Mr. V. van V. Dunn's graphic Water Use Study, December 1953 and Comments on Mesa Verde Water Claims of October 31, 1950 in reply to request No. 2.

In these attachments there is a wealth of information on the Mesa Verde water system, of value to planning.

There is no need in the near future for use of water direct from the Jackson Gulch Reservoir. In 1956, a very dry year, minimum river flow at our intake, three miles above the reservoir diversion works, was many times the volume taken by the Park pipe line.

Mr. V. van V. Dunn's graphic Water Use Study has proved quite accurate through 1956 as to annual and August (or peak month) visitor and water use trends. It will be noted that deficiencies are forecast in the following order: first, failure of the line's 75 gpm gravity flow to meet peak demand (August); second, inadequacy of maximum decreed rate of river diversion of 150 gpm to meet peak demand; and third, the total decreed 120 acre feet and maximum decreed August quota of diversion are reached simultaneously.

We have not found data in our files establishing a maximum decreed rate of river diversion of 150 gpm nor a decreed August quota of 237 gpm. No doubt the degrees upon which Mr. A. van V. Dunn based these figures are on file in the Washington Office.

The following figures based on water use in the 1956 fiscal year may be of interest:

D & Lu
Vinb
Dunn
Files

MEVA

Item No.	Type of Use	Gallons Used 1956 f.y.	
1.	NPS Campgrounds, Public Bldgs., etc.	3,137,760	
2.	NPS Employees' Quarters	2,538,845	
	Total Government Use		5,676,605
3.	Sold to Public Service Concessioners and Mesa Verde Enterprises	4,188,226	
4.	Sold to Construction Contractors	1,339,390	
	Total Water sold		5,527,616
	Total beneficial use, 1956 f.y.		11,204,221 gals.
	This amounts to about		34 acre feet

Water use directly related to visitor use is considered to be as follows:

Item No.	Type of Use	Gallons
1.	NPS Campgrounds, Public Bldgs, etc.	3,137,760
3.	Sold to Concessioners	4,188,226
	1956 water use geared to number of visitors	7,325,986
	Total number of visitors, 1956 f.y. 171,888	
	Approximate water use per visitor 43 gallons	
	Requirement for 500,000 visitors @ 43 gallons per visitor	21,500,000 gals.
	Plus estimated flat figure for use of employees, contractors, etc.	5,000,000 gals.
	Total annual Park water use with 500,000 visitors, or about	26,500,000 gals. 81 acre feet

This amount, 81 acre feet, is, by coincidence, the maximum quantity that could be supplied for beneficial use, (considering fluctuating seasonal demand), with our present water line and million gallon reservoir, even with a booster pump added. (See last paragraph on Page 4 of Mr. N. van V. Dunn's comments.)

In looking up on Mesa Verde water rights we note that a claim has been made for an additional one hundred (100) acre feet of water from the West Manoos-Jackson Gulch Project. The Amended Petition and Statement of Claim of the United States for the Manoos Project in Case No. 967 In the Matter of the Adjudication of Water Rights in Water District No. 34, dated December 1950, states in part as follows:

"Sec. 11, West Manoos Water Supply for Mesa Verde National Park.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park, one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both, from West Mancos River with compensatory exchange releases of water from Jackson Gulch Reservoir; the right is also reserved to take an additional one hundred (100) acre feet of water per year from said reservoir or from said stream as the occasion and necessity of use thereof is required in the same manner as set out for the 120 acre feet. Water for said Park will be taken at times from and through said reservoir, and at other times from West Mancos River by a pipe line leading therefrom to said Park."

We have no further information on the validity of the claim to an additional one hundred (100) feet of water. If it can be "proved up" by beneficial use like the initial conditional right to one hundred and twenty (120) acre feet, and a decreed priority right obtained for the whole two hundred and twenty (220) acre feet; then the Park should have an adequate water right for the foreseeable future. It is probable, however, that this petitioned right is on an unsound basis. Otherwise, we do not believe that Mr. A. van V. Dunn would have recommended purchase of additional water rights in his memorandum of February 6, 1957 to the Regional Director, Region Three.

(SIGNED)

Superintendent

Attachments

Copy to: Director
Regional Director, Region Three

WR Copy

Region Three
Santa Fe, New Mexico

July 16, 1952

Memorandum

To: Director

From: Acting Regional Director

Subject: Approval of Plans for Connection of Bureau of Reclamation Water Supply System to Mesa Verde Pipeline

Attached are a copy of Regional Director Larson's letter of July 9 and prints of Bureau of Reclamation plans for Permanent Water Facilities, Mancos Project - Colorado, numbered 341-406-28 and 29, which we recommend for your approval.

These plans are submitted in accordance with Article 5 of the Memorandum of Understanding approved by you June 9, 1952. For ready reference a copy is attached.

At present we are able to send you only one copy each of the attached plans, but after you advise us of your approval, we will request additional copies from Mr. Larson for the necessary distribution.

(SIGNED)
P. P. Patraw
Acting Regional Director

Attachments 4

In duplicate

WR Copy filed

In reply refer to:
D5039 MESA-C

Richey
Dunnett
O.F.

JUN 18 1952

Memorandum

To: Commissioner, Bureau of Reclamation

From: Chief Counsel, National Park Service

Subject: Memorandum of Understanding between the National Park Service and the Bureau of Reclamation - Mancos Project, Colorado

Director Wirth of this Service has signed the memorandum of understanding between the Service and the Bureau of Reclamation relating to the use of water from Jackson Gulch Reservoir for the Mesa Verde National Park, which was signed by Acting Commissioner Lineweaver and transmitted to this Service on June 2. I am returning three copies of the Memorandum of Understanding, which has been dated June 9, 1952.

(SGD) JACKSON E. PRICE

Jackson E. Price
Chief Counsel

Attachments 3

Copy to: Regional Director, Region Three (2)
Mr. Richey
Mr. Carr, with copy of agreement for addition to compilation.
Mr. Price

RDaugherty:rd

6/3/52

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL PARK SERVICE AND THE BUREAU OF RECLAMATION
RELATING TO THE USE OF WATER FROM JACKSON GULCH RESERVOIR
FOR MESA VERDE NATIONAL PARK

It is agreed by and between the NATIONAL PARK SERVICE, hereinafter referred to as the Service, and the BUREAU OF RECLAMATION, hereinafter referred to as the Bureau:

1. Jackson Gulch Reservoir water in quantities not exceeding 120 acre-feet annually reserved by the United States for use of the Service in connection with Mesa Verde National Park by Article 16 of the contract between the United States of America and the Mancos Water Conservancy District, dated July 20, 1942, shall be released by the Bureau into the West Mancos River to the extent necessary to replace water diverted by the Service from such river into the West Mancos Water Supply System. Such water releases from Jackson Gulch Reservoir shall be made as nearly simultaneously with diversions by the Service as shall be practicable.

2. The Service shall be permitted at its option to take from the outlet of Jackson Gulch Reservoir such part of the 120 acre-feet as shall not have been theretofore released into the West Mancos River as provided in Article 1 hereof. The plans for the pipeline from such outlet to the West Mancos Water Supply System shall be approved by the Regional Director, Region 4, of the Bureau.

3. All water diverted by the Service from the West Mancos River shall be measured by and at the expense of the Service, and notice of the rate of flow of the water diverted and any changes thereof shall be promptly given by the Service to the Reservoir operator. The Service shall submit to the Bureau monthly statements showing the quantity and rates of flow of water so diverted.

4. The Service shall pay to the Bureau on or before February 1 of each year, beginning in 1952, as its share of the cost of operation and maintenance of the Mancos project works, including the Jackson Gulch Dam and Reservoir, and the Inlet and Outlet Canals, the proportion of such cost that 120 acre-feet bears to the total quantity of water allotted or contracted by the Mancos Water Conservancy District, together with the 120 acre-feet reserved by the United States for use in connection with Mesa Verde National Park, for the calendar year in which the cost is incurred.

5. The Service shall permit the installation, by and at the expense of the Bureau, of a pipe connection and necessary

valves and meters with the West Mancos Water Supply System to provide water for Bureau headquarters at the Jackson Gulch Dam. The plans for the connection shall be approved by the Director of the Service. If the Bureau installs such connection and diverts water from the Mancos Water Supply System, it agrees to pay to the Service $50.00 annually for the use of its facilities. The water diverted by the Bureau shall not be charged against the 120 acre-feet reserved for the Service.

6. If the Bureau should hereafter transfer to the Mancos Water Conservancy District the operation and maintenance of the Mancos Project, it is agreed that one of the conditions of the transfer shall be that the District shall have the benefits and shall assume the obligations of the Bureau under this Memorandum.

DATED this 9th day of June, 1952.

NATIONAL PARK SERVICE

By (SGD) Conrad L. Wirth

BUREAU OF RECLAMATION

By (SGD) G. W. Lineweaver



I-14-149

L54 (RMR-ML)

JUN 25 1982

Memorandum

To: Superintendent, Mesa Verde National Park

From: Acting Associate Regional Director, Park Operations,
Rocky Mountain Region

Subject: Mesa Verde Waterline, Water Rights Docket #1

On June 24, 1982 Bill Mekeel and Lee Garrison met with Messrs. Vern Witham and Curtis Menefee in the Regional Solicitor's Office and discussed the legality of the Park Service water pipeline from the Mancos River to the park boundary.

The Shell Pipeline Co. has requested a crossing permit from the Park Service and they have also questioned the Park Service's authority for the existing Park Service waterline in the SW¼ of section 16, T. 36 N. R. 13 W., N.M.P.M., Colorado.

Section 16 was granted to the State of Colorado on April 24, 1877, which was prior to the Act of August 30, 1890 (26 Stat. 392), which reserved a right-of-way to the United States of America for ditches and canals on all lands patented by the United States of America after October 2, 1888.

The National Park Service constructed the subject waterline in 1951. On January 31, 1950 the then private owners of the land in the SW¼ of said section 16 (and other landowners) were served notice of the Government's intent to construct said waterline under authority of the Act of August 30, 1890, and the water pipeline was subsequently constructed by the Government.

In the discussion with Mr. Witham and Mr. Menefee it was learned that even though the construction of the waterline by reason of the reservation, under the authority of the 1890 Act, may not have been proper, the Government nevertheless has a valid right-of-way for the pipeline.

The Government's right-of-way was acquired by the actual construction and taking in 1951 and recourse by the private owners under authority of the Tucker Act (28 USC 1346 - 2401) was limited by a 6-year statutory limitation. No suit has been brought against the Government for this taking as of the present date and the statutory period of six years has long since elapsed for filing such action.

It was also the opinion of Messrs. Witham and Menefee that the Government has the right to repair, maintain, and replace the existing waterline within the 20-foot limit of the right-of-way without paying damages to the existing surface owners. If however, surface damage or crop damage exceeds the right-of-way limits or becomes excessive and prolonged or affects lands or crops not within the right-of-way, then the Government may have to pay for such damage.

If, for example, a landowner's irrigation ditch is disrupted by the Government's installation of a new waterline, and this should cause crop damage to a landowner because his field could not be watered, then the Government would no doubt be liable for damage or for complete crop failure.

Hopefully, this will answer your questions on this issue.

/s/ C. Keith Miller

Enclosures
Copies of excerpts from Judiciary and Judicial Procedure and Federal Reporter

cc:
RMR-ML w/c enc. (Mekeel)

LLGARRISON:ek 6/25/82:234-2766

TITLE 28

JUDICIARY AND JUDICIAL PROCEDURE

PART IV—JURISDICTION AND VENUE—Continued

CHAPTER 85—DISTRICT COURTS; JURISDICTION—Continued

§ 1346. United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the Court of Claims, of:

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;

(2) Any other civil action or claim against the United States, not exceeding $10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort, except that the district courts shall not have jurisdiction of any civil action or claim against the United States founded upon any express or implied contract with the United States or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

[See main volume for text of (b) to (d)]

(e) The district courts shall have original jurisdiction of any civil action against the United States provided in section 7426 or section 7428 (in the case of the United States district court for the District of Columbia) or section 7429 of the Internal Revenue Code of 1954.

[See main volume for text of (f)]

As amended Oct. 4, 1976, Pub.L. 94–455, Title XII, § 1204(c)(1), Title XIII, § 1306(b)(7), 90 Stat. 1697, 1719; Nov. 1, 1978, Pub.L. 95–563, § 14(a), 92 Stat. 2389.

References in Text. Sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978 are classified to sections 607(g)(1) and 609(a)(1) of Title 41, Public Contracts.

1978 Amendment. Subsec. (a)(2). Pub.L. 95–563 excluded from the jurisdiction of district courts civil actions or claims against the United States founded upon any express or implied contract with the United States or for damages in cases not sounding in tort subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978.

1976 Amendment. Subsec. (e). Pub.L. 94–455 inserted "or section 7428 (in the case of the United States district court for the District of Columbia) or section 7429" following "section 7426".

Effective Date of 1978 Amendment. Amendment by Pub.L. 95–563 effective with respect to contracts entered into 120 days after Nov. 1, 1978 and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub.L. 95–563, set out as a note under section 601 of Title 41, Public Contracts.

Legislative History. For legislative history and purpose of Pub.L. 94–455, see 1976 U.S.Code Cong. and Adm.News, p. 2897. See, also, Pub.L. 95–563, 1978 U.S. Code Cong. and Adm.News, p. 5235.

Supplementary Index to Notes

Copyright infringement 472
Feres doctrine 473
Injunctive relief 538a
Interference with contract rights 197a
Jurisdiction
Customs Court 17a
Domicile 17b
Liens 101a
Loss of parental care, custody, and guidance 458a

CHAPTER 159—INTERPLEADER

§ 2361. Process and procedure

25. Discharge of plaintiff
In interpleader action brought by insurer to resolve controversy between defendants concerning their respective entitlement to proceeds of life insurance policy, plaintiff insurer would not be discharged prior to discovery, in view of fact that insurer itself could be held liable as result of procedures it employed to insure that policy in question was written in accordance with wishes of insured. Companion Life Ins. Co. v. Schaffer, D.C.N.Y.1977, 442 F.Supp. 826.

27. Injunctions—Generally
Life insurer suing in interpleader was entitled to be discharged from further liability regarding policies and was entitled under this section to permanent relief enjoining defendants from instituting federal court action. Metropolitan Life Ins. Co. v. Kwicinski, D.C.Wis.1978, 78 F.R.D. 235.

30. —— Preliminary or temporary injunctions
After insurer filed interpleader complaint to resolve controversy between defendants concerning their respective entitlement to proceeds of life insurance policy, all parties to interpleader action would be restrained from continuing or bringing any action, in any court, concerning the right to and distribution of life insurance policy proceeds which were the subject of the interpleader action. Companion Life Ins. Co. v. Schaffer, D.C.N.Y.1977, 442 F.Supp. 826.

31. —— Permanent injunctions
Since insurer had paid proceeds of life policy, which exceeded $12,000, into the registry of the court, since claimants were of diverse citizenship who had asserted conflicting entitlements to the proceeds, since some of the claimants had filed an action in state court for payment of the policy, and since other claimants had filed a claim with the insurer for payment of the proceeds, court would enter permanent injunction prohibiting the claimants, from instituting or prosecuting any state or federal court action, other than the instant interpleader action, affecting the proceeds of the policy and would order that the insurer be discharged from further liability under the policy. Metropolitan Life Ins. Co. v. Harris, D.C.Wis.1978, 446 F.Supp. 936.

36. Attorney's fees—Generally
In interpleader proceeding, attorney fees and costs are awarded to an innocent and otherwise disinterested stakeholder who has been required to expend time and money to participate in a dispute not of his own making and the outcome of which has no impact upon him; however, in cases in which the claims are of the type that arise in the ordinary course of business, fees should not be granted perfunctorily. Companion Life Ins. Co. v. Schaffer, D.C.N.Y.1977, 442 F. Supp. 826.

CHAPTER 161—UNITED STATES AS PARTY GENERALLY

Sec.
2412. Costs and fees.

1980 Amendment. Pub.L. 96–481, Title II, § 204(b), Oct. 21, 1980, 94 Stat. 2329, substituted "Costs and fees" for "Costs" in item 2412.

§ 2401. Time for commencing action against United States

(a) Except as provided by the Contract Disputes Act of 1978, every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

As amended Nov. 1, 1978, Pub.L. 95–563, § 14(b), 92 Stat. 2389.

References in Text. The Contract Disputes Act of 1978, referred to in subsec. (a), is classified to section 601 et seq. of Title 41, Public Contracts.

1978 Amendment. Subsec. (a). Pub.L. 95–563 added Contract Disputes Act of 1978 exception.

Effective Date of 1978 Amendment. Amendment by Pub.L. 95–563 effective with respect to contracts entered into 120 days after Nov. 1, 1978 and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub.L. 95–563, set out as a note under section 601 of Title 41, Public Contracts.

Legislative History. For legislative history and purpose of Pub.L. 95–563, see 1978 U.S.Code Cong. and Adm.News, p. 5235.

00-00-0000: memorandum to superintendent, meve from acting associate regional director, park operations, rocky mtn. region reg

ed by the clerk of the court in the official registry but later was transferred to a registry fund checking account in the name of the clerk and the "Department of the Treasury of the United States".

The appellant, Mrs. Drossner, asserts in her brief that Isaacson and Drossner "* * acting on behalf of Holly Beverage Company, owned by Miriam Drossner, * * * purchased with funds belonging to Holly Beverage Company from * * * Stephenson and * * * Mobbs, U. S. Army personnel, sugar stolen from the U. S. Army." This is uncontradicted by the appellee and we will accept it. A stipulation of facts states in part, "No evidence was produced at * * * [the] trial [of Isaacson and Drossner] of any knowledge whatever on the part of said Miriam Drossner, proprietor of said Holly Beverage Company, of the identity of said * * * Stephenson and * * * Mobbs, or either of them, nor of the transactions involved in the purchase of said sugar, and no evidence touching on the implication or knowledge on the part of Miriam Drossner in the purchase of said sugar, or in the price paid for same, was produced at * * * [the] trial, nor is any evidence of same available to the government."

Mrs. Drossner filed a petition pursuant to Section 852 of old Title 28 U.S.C., now Section 2042 of the Judicial Code of 1948, 28 U.S.C.A., to cause the money to be returned to her. The court below held that the funds had become "tainted by the illegality of the transaction in which they were involved" and that for this reason Mrs. Drossner "is not entitled to invoke the aid of the court in the recovery of the funds". The court below expressly found that the money was not "bribe" money.

[1, 2] In our view it is not necessary to discuss the federal statutes hereinbefore referred to for the instant case is ruled by our decision in United States v. Rice, 176 F.2d 373, 375. We said there: "* * * we know of no theory, and none has been suggested to us, whereby the registry of the United States district court may be made a depository for money used in evidence. * * * A United States district court is a court of limited jurisdiction and possesses only those powers which are conferred on it by statute under Article III of the Constitution. * * * It cannot assume jurisdiction".

[3] There was pending no justiciable controversy respecting the $2282 or the chose in action which represents it. The court below, through its clerk, is without power to retain the money as it was without power to receive it. Accordingly, the order of the District Court must be vacated and the clerk may then return the $2282 to the present United States Attorney who may make such disposition of it as he may see fit subject to the direction of the Attorney General and without the interposition of the court below. The District Court may make such orders as are necessary to effect the foregoing.

An order will be entered in accordance with this opinion.

Judge O'CONNELL heard the argument and participated in the consideration of this case but died before the opinion was filed.



ERCEG v. UNITED STATES.
No. 12314.

United States Court of Appeals Ninth Circuit.
Jan. 19, 1950.

Suit by Mike Erceg against the United States to recover rent due under a written contract of rental of drilling equipment.

The District Court for the Territory of Alaska, Fourth Division, Harry E. Pratt, Judge, entered a judgment dismissing the complaint and plaintiff appealed.

The Court of Appeals, Per Curiam, held that the action was barred by six-year statute of limitations in absence of allegation of a termination claim under Contract Settlement Act of 1944, §§ 1–25, 41 U.S.C.A. §§ 101–125, permitting suit within 90 days after rejection of such claim.

Judgment affirmed.

1. United States ⇐133

The statute requiring civil actions against the United States to be commenced within six years governs claims under the Tucker Act. 28 U.S.C.A. § 2401(a).

2. Limitation of actions ⇐22(2)
United States ⇐133

Cause of action against United States for rent due under written contract of rental of drilling equipment used by United States until December 1, 1942, accrued on that date and action thereon commenced in 1949 was barred by Alaskan six-year statute of limitations relative to actions on sealed instruments and by six-year statute of limitations in respect of civil actions against the United States, in absence of allegation of any termination claim under Contract Settlement Act permitting suit within 90 days after rejection of such claim. Contract Settlement Act of 1944, §§ 1–25, 3(d, h), 41 U.S.C.A. §§ 101–125, 103(d, h); 28 U.S.C.A. § 2401(a); A.C.L.A. §§ 55-2-1, 55-2-4.

Robert A. Parrish, Fairbanks, Alaska, for appellant.

H. G. Morison, Asst. Atty. Gen., Harry O. Arend, U. S. Atty., Everett W. Hepp, Asst. U. S. Atty., Fairbanks, Alaska (Edward H. Hickey, Sp. Asst. to Atty. Gen., Joseph B. McGrath, Atty., Dep. of Justice, Washington, D. C., of counsel), for appellee.

Before HEALY, McALLISTER,[1] and ORR, Circuit Judges.

PER CURIAM.

[1] On April 20, 1949, appellant filed suit on a written contract under the terms of which he had rented to the War Department drilling equipment at a specified daily rental of $30. His complaint alleged that the government used the equipment pursuant to the contract from July 17, 1942, to December 1st following and now refuses to pay the rental accrued during that period, namely the sum of $4,020. Judgment was prayed for in that sum. The government interposed a demurrer on the ground that the action was barred by the six-year limitation prescribed by §§ 55-2-1 and 55-2-4 of the Alaska Compiled Laws, Annotated, 1949, relating to actions on sealed instruments.[2] The demurrer was sustained and the complaint dismissed.

[2] Appellant relies on the provisions of the Contract Settlement Act of 1944, 41 U.S.C.A. §§ 101–125, permitting the initiation of a suit within 90 days after rejection of a claim by the contracting agency. It is obvious, however, that no termination claim under this Act is pleaded. See 41 U.S.C.A. §§ 103(h) and 103(d). Appellant's pleading discloses that the contract was fully performed, and that the cause of action accrued as of December 1, 1942. The cause appears to be an ordinary suit under the Tucker Act.

Affirmed.



NATIONAL LABOR RELATIONS BOARD v. UNION MFG. CO.
No. 12718.

United States Court of Appeals, Fifth Circuit.
Jan. 26, 1950.

The National Labor Relations Board filed a petition against the Union Manufacturing Company for enforcement of an order of the board requiring respondent to bargain collectively and in good faith with its employees through their representative union, and to post appropriate notices of its intention to comply with the National Labor Relations Act and the order issued by board thereunder.

1. Sixth Circuit, sitting by special designation.

2. Section 2401(a), Title 28 U.S.C.A., likewise provides a six-year limitation in respect of civil actions against the United States. This limitation governs claims under the Tucker Act.

05-20-1977: memorandum to regional director, rocky mtn. region from superintendent, mesa verde regarding memorandum of un

United States Department of the Interior

NATIONAL PARK SERVICE
Mesa Verde National Park
Colorado 81330

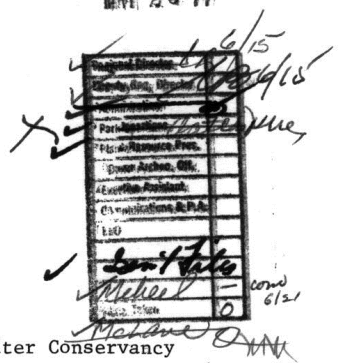
Rocky Mountain Regional Office

MM 25'77

IN REPLY REFER TO:

May 20, 1977

A44



Memorandum

To: Regional Director, Rocky Mountain Region

From: Superintendent, Mesa Verde

Subject: Memorandum of Understanding with Mancos Water Conservancy District for your permanent files

Enclosed is the original signed agreement between Mesa Verde National Park and other users of water from Jackson Gulch Reservoir regarding modifications to the supply duct under the reservoir. It is the result of negotiations conducted by myself and others on my staff with the users connected to this particular duct. Negotiations were held in concert with the Mancos Water Conservancy District and the Bureau of Reclamation. The agreement meets their requirements. All parties concerned have been provided signed copies.

We are proceeding with the procurement of conduit and fittings to do the job and hope to have the installation completed by mid-June.

Ronald R. Switzer

Ronald R. Switzer

Enclosure

cc: PC
files
6/14/77
mm
REA

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

MEMORANDUM OF UNDERSTANDING

BETWEEN THE NATIONAL PARK SERVICE AND THE MANCOS COLORADO WATER CONSERVANCY DISTRICT RELATING TO THE USE OF WATER FROM JACKSON GULCH RESERVOIR FOR MESA VERDE NATIONAL PARK.

This memorandum is to document and confirm the terms of an agreement made between representatives of Mesa Verde National Park, the Mancos Water Conservancy Board, the Town of Mancos, the Mancos Rural Water Company and the Lake Mancos Guest Ranch in Mancos, Colorado, on May 12, 1977, regarding modifications to the water intake system under Jackson Gulch Reservoir and the use of water from the reservoir by Mesa Verde National Park.

BACKGROUND

Memorandum of Understanding No. 177r-666 between the National Park Service and the Bureau of Reclamation, dated June 9, 1952, (transferred to Mancos Water Conservancy District on January 1, 1963) provides for release of up to 120 acre feet of water from the reservoir to the West Mancos River to replace water withdrawn from the river upstream by the National Park Service. The agreement further provides for access by the Service to reservoir water from the outlet below the dam. However, there is no provision at this outlet for an additional tap, and the pipe supplying the outlet from the gallery under the reservoir is of insufficient capacity to supply the Service in addition to those users presently connected to the outlet. Additionally, the Service has a reserve of 100 acre feet over and above the basic 120 acre feet allotment. In drought years when the Service intake upstream goes dry, it is impossible to draw water against these allotments without direct access to water in the

reservoir. Such a situation now exists due to insufficient snowfall during the winter of 1976-77. An estimated 30-45 days remain before the intake goes dry.

THEREFORE IT IS AGREED THAT:

1. The National Park Service, the Town of Mancos and the Mancos Rural Water Company will share equally in the cost of increasing from 4" to 6" approximately 900 feet of duct from the gallery intake under the reservoir to the treatment plant below the dam. This will provide sufficient capacity to serve all users as the need arises. The installation will be accomplished by mutual effort on the part of all concerned. The details of the cost-sharing arrangements will be resolved by representatives of the three entities to their mutual satisfaction and to provide for the most expedient and efficient accomplishment of the project.
2. Upon completion of the installation, the National Park Service, the Town of Mancos, the Mancos Rural Water District and the Lake Mancos Guest Ranch will assume responsibility for Maintenance and rehabilitation of the ducts and valves as necessary to maintain the duct in good working order. The cost of this maintenance will be shared on a pro rata basis according to the basic flow allotments listed in Section 3 of this agreement, excluding the amount shown for "Reserve."
3. Service from the new 6" duct will be limited to the four signatories to this agreement. The use of the duct will be

on a cooperative basis, with none of the entities pre-empting the available capacity of the duct to the detriment of the other(s). Flow in the duct will be monitored and controlled by the Reservoir Operator to provide the following proration:

National Park Service	.30 sec. ft.
Mancos Rural Water Company	.66 sec. ft.
Town of Mancos	1.50 sec. ft.
Lake Mancos Guest Ranch	.22 sec. ft.
Reserve	.52 sec. ft.
	3.20 sec. ft.

4. The "Reserve" flow allotment shown above will be reserved for the exclusive use of the Mancos Water Conservancy District in regulating flows to accommodate peak loads of individual users as required. A tap and shut-off valve will be provided on the new 6" duct at the treatment plant site for each of the four users. The Service will provide a meter, filtration/treatment plant, pumping station, and connecting duct to its existing aqueduct which traverses the area below the dam. All other users will likewise provide meters at their own expense.

5. The National Park Service will draw from the cooperative duct only when water is not available at its primary intake source upstream of the reservoir. This intake is the Service's preferred source, and it will be relied upon as long as it provides an adequate supply to meet actual needs. It is contemplated that supply from the reservoir will be required only during periods of drought when the watershed is depleted,

or in case of other emergency or unusual situations which would render the intake unusable.

6. Nothing in this agreement is intended to abrogate the terms or conditions of other agreements presently in force between or among the Bureau of Reclamation and the various agencies named above.

DATED this 19th day of May, 1977

TOWN OF MANCOS
By Lyle [illegible]
Title Mayor

NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
By Ronald R. Switzer
Title Superintendent

MANCOS RURAL WATER COMPANY
By Jack R. Allum
Title Pres

LAKE MANCOS GUEST RANCH
By Lloyd Schmert
Title President

Approved:

MANCOS WATER CONSERVANCY DISTRICT
By Roland W. Alexander
Title Pres.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE - REGION 4
P. O. BOX 360
SALT LAKE CITY 10, UTAH

IN REPLY
REFER TO: 4-400

RECEIVED
FEB 8-1963
Surname | Date

FEB 5 1963

To: Regional Director, Southwest Region, National Park Service, Santa Fe, New Mexico

From: Regional Director, Region 4, Bureau of Reclamation, Salt Lake City, Utah

Copy sent to: Mesa Verde

Subject: Transfer of Operation and Maintenance to Mancos Water Conservancy District, Mancos Project, Colorado

(9)

A "Memorandum of Understanding between the National Park Service and the Bureau of Reclamation Relating to the Use of Water from Jackson Gulch Reservoir for Mesa Verde National Park," Contract No. 177r-666, dated June 6, 1952, was signed by Conrad L. Worth, for the Park Service and by G. W. Lineweaver, for the Bureau of Reclamation. That agreement, among other things, provides for: (1) Reservation of 120 acre-feet of Jackson Gulch water annually in connection with Mesa Verde National Park, (2) payment by the National Park Service of its share of the annual cost of operation and maintenance to the Bureau, (3) use of the Park Service water conveyance facilities for payment by the Bureau of $50.00 annually, and (4) transfer of the Bureau's rights and obligations to the Mancos Water Conservancy District in the event the project operation and maintenance are transferred to the District.

Operation and maintenance of the Mancos Project were transferred from the Bureau to the District on January 1, 1963. Therefore, the rights and obligations of the Bureau have been transferred to the District as they affect the above-mentioned memorandum between the Service and the Bureau.

The operation and maintenance charges to be paid by the Service have been paid through calendar year 1961 and a Standard Form 1081, Voucher and Schedule of Withdrawals and Credits, for payment of 1962 charges in the amount of $169.00 has been prepared and is being processed. Future billings will be made by the Mancos Water Conservancy District and payments by the Service will be made to the District.

Paid on 1081 # 33-225 of 1/22/63.

L 54 Mesa

Payment of $50.00 annually by the Bureau to the Service, for use of the Service water conveyance facilities, has been made on a fiscal year basis and payments have been made through FY 1962. It will be appreciated if you would bill the Bureau for one-half year, in the amount of $25.00, which will, when paid by the Bureau, complete our obligation to the end of calendar year 1962. Future billings should be made to the Mancos Water Conservancy District, Mancos, Colorado. Early submission of the billing for the last half of calendar year 1962 will be appreciated so we can expediently refund any unused funds previously advanced by the District.

F. M. Clinton

cc:
Project Manager, Durango, Colorado
Mancos Water Conservancy District, Mancos, Colorado

00-00-0000: memorandum to director from acting assistant regional director, resource planning regarding transfer from bureau of

WR Copy
EWR
~~GWR~~
WRS

Southwest Region
Santa Fe, New Mexico

L54

Memorandum

To: Director

From: Acting Assistant Regional Director, Resource Planning

Subject: Transfer From Bureau of Reclamation to Mancos Water Conservancy District, Docket No. 1, Mesa Verde

The memorandum of understanding between the National Park Service and Bureau of Reclamation relating to the use of water from Jackson Gulch Reservoir for Mesa Verde National Park, Contract No. 177r-666 dated June 9, 1952, anticipated the eventual transfer of the Bureau's rights and obligations to the Mancos Water Conservancy District.

In this connection, we have enclosed a reproduced copy of a memorandum dated February 5, 1963, to the Regional Director, National Park Service, Southwest Region, from the Regional Director, Region 4, Bureau of Reclamation, Salt Lake City, Utah. This memorandum advises that the "operation and maintenance of the Mancos project were transferred from the Bureau to the District on January 1, 1963."

There is enclosed a copy of the Regional Director's memorandum of March 1 to the Mancos Water Conservancy District, Mancos, Colorado, and a reply from them signed by the secretary-treasurer dated March 22, 1963, advising this office that the transfer was made effective January 1, 1963, and the District now assumes obligations and also is entitled to the benefits previously agreed on by Bureau of Reclamation contracts.

We are placing this information in Mesa Verde Docket No. 1 Filing 16989 under the tab Part I, Inter-Bureau Agreements. By copy of this memorandum we have transmitted a copy to the Superintendent and WODC for insertion in their records.

If we have not selected the proper section of the docket, will you please advise at your convenience.

In duplicate ✓ John E. Kell

Enclosures 2.

cc: WODC (2) w/encl.
Superintendent, Mesa Verde w/encl.

JR Cofy

WATR

September 7, 1961

L54-CHL

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Construction Program, 1963 Fiscal Year, Mesa Verde

The Director's memorandum of July 28 refers to PCPU-39 which provides for duplication of the West Mancos Water Supply System to provide double capacity for gravity diversion from the West Mancos River. Both the physical and legal aspects of this plan need further consideration before the plan is adopted.

The water rights, Docket 1, provide for gravity diversion of only 0.2 c.f.s. (90 gpm) from the River by the existing pipeline, and an ultimate capacity of 0.33 c.f.s. (150 gpm) with a booster pump and lateral pipeline from the Jackson Gulch Reservoir. The right was based on plans prepared after first considering the purchase of earlier decreed rights.

Attached are copies of my (1) Analytical Appraisal of High Priority Water Rights of February 21, 1947; (2) Appraisal and Justification for Purchase of July 15, 1947; and (3) cover memorandum of the latter date. Copies are also being sent to WODC, which doubtless has none, but I have no further duplicates for the Superintendent and assume that you and he already have copies.

The significant point, on page 3 of the Analytical Appraisal, is the record of minimum flows of less than 0.33 c.f.s. in July, August and September 1939. I believe these were at the proposed headgate of the Jackson Inlet Canal, but cannot locate the Bureau of Reclamation Report No. 52, at the moment. However, I believe there should be more comprehensive records of the flow at the headgate now, and recommend a thorough check of the adequacy of the summer flows before spending money on a larger diversion capacity instead of the suggested lateral from Jackson Gulch Reservoir.

The storage in the Reservoir, to which the Park Service is entitled under the decree, is presumably available for either direct withdrawal by the previously proposed lateral, or for release to downstream

appropriators to compensate for direct diversions from the River. However, you will find in the Docket 1 assembly that we do not have copies of the final decree, which should be obtained for all four docket assemblies.

The proposal, between 1941 and 1943, to purchase an earlier decree, was abandoned or deferred on the assumption that the Reservoir storage (flood waters) was sufficient to make the decreed right, with priority of 1936, adequate. There were no diversions but those of the United States above the point where the Reservoir Outlet Canal discharges into the River at that time. However, there should be an up-to-date confirmation that no new diversions have been made above that point.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Mesa Verde
Chief, WODC (2), w/c attachment
Mr. P. Miller
Lands
Mr. Dunn

AvVDunn:lct

15. Permittee shall have a[illegible]s to the line and Government [illegible]operty for the necessary maintenance and operation of their line from the point of connection to the Mesa Verde Enterprises, Incorporated property at the site of the former Point Lookout Lodge.

16. Permittee shall be limited to the use of water which is surplus to the needs of the United States and its concessioner at Mesa Verde National Park. The use of water shall be limited to domestic purposes and shall not exceed 150,000 gallons in any one month.

17. This permit shall be terminated when the Federal water demand reaches the quantity for which water rights have been established, or the pipe capacity, (whichever is sooner) and permittee agrees to arrange for water from any alternate source as soon as any such source may be made available.

18. Permittee agrees to permit the United States to make emergency use of water from their water supply at the same rate charged them per 1,000 gallons for water from the Park water line.

19. All water use shall be under water rights provided by the United States.

20. Permittee shall maintain the entire line serving the Mesa Verde Enterprises, Incorporated property at the site of the former Point Lookout Lodge, from the point of connection to their reservoir as shown on Drawing No. NP-MV-5333-B attached as a part of this permit.

21. Permittee shall pay for all water at a determined rate and as approved by the Director, National Park Service. This rate may be modified at the discretion of the Director of the National Park Service, on the basis of cost of delivery. Payment for all water used shall be made monthly based upon actual meter readings. The fee of $10.00 per annum shall be made on or before January 1 of each calendar year.

22. The Government is not responsible for any damage resulting fromfailure of the Government pipe line and resulting in inability to furnish water until repairs have been made.

23. It is understood that water from the system supplying the Mesa Verde National Park is not an assured long term asset of the corporately owned Mesa Verde Enterprises, Incorporated property at the site of the former Point Lookout Lodge and that consent for the use of the water supply, as at present, may not be automatically expected by purchasers of interests in the site of business enterprise.

24. As contemplated by Executive Order No. 9346 of May 27, 1943, the permittee shall not discriminate against any employee or applicant for employment because of race, creed or color, or national origin, and shall include a provision similar to this provision in any subcontract made with respect to the privileges herein granted.

25. This permit shall be in effect upon payment of the fees on an annual basis for a period not to extend beyond December 31, 1959. At that time a new permit must be prepared. The rates recited in this permit are subject to change at any time as outlined in Special Condition No. 21 above.

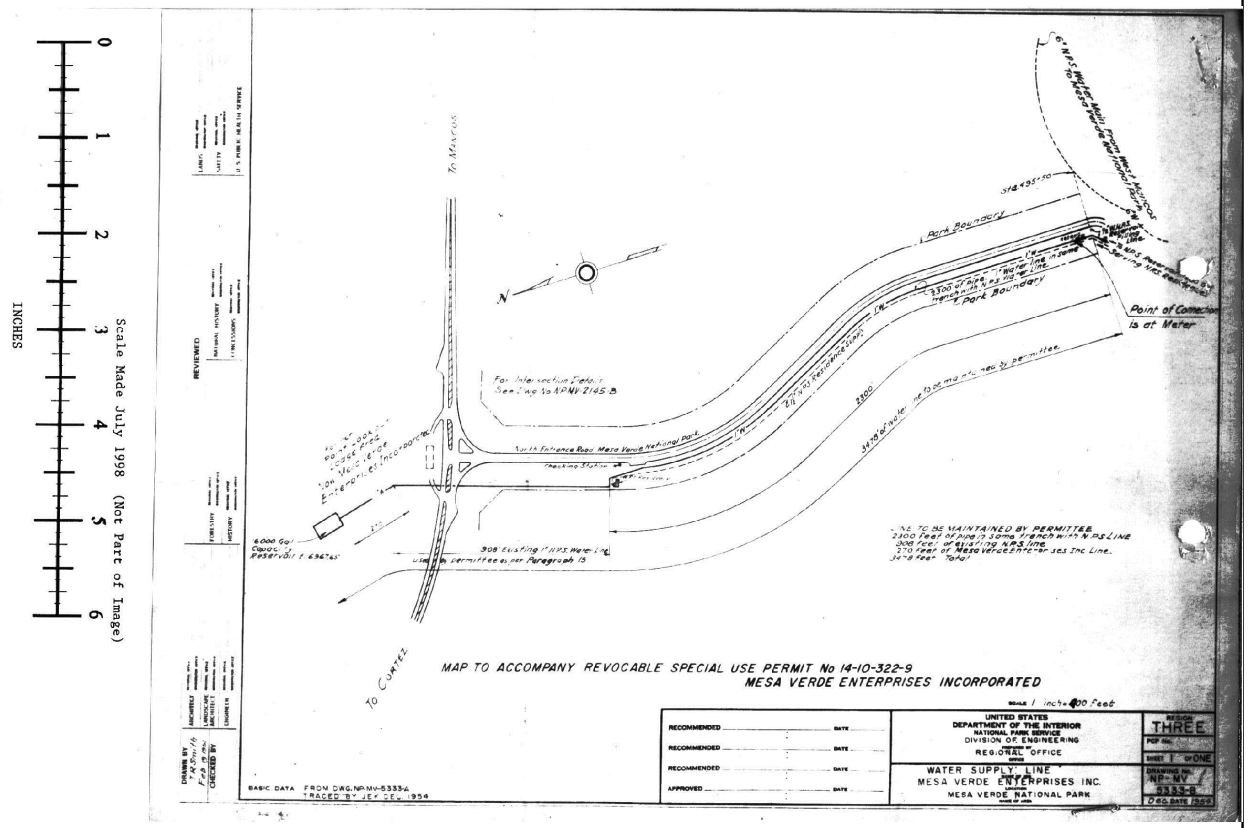
06-19-1955: received stamp

I, James A. Hall, certify that I am the duly appointed Secretary of the corporation named as Permittee herein; that James A. Hall who signed this Permit #44-01-355-P on behalf of the Permittee, was then President of said corporation; that he had full power and authority to execute said Permit on behalf of said corporation; that said corporation is duly existing under the laws of the State of Utah and has full power to own all property leased to it by said Permit and to carry on business as now conducted and as set forth in the Permit.

James A. Hall

(SEAL) Notary Public

James A. Hall


INCHES
Scale Made July 1998 (Not Part of Image)
MAP TO ACCOMPANY REVOCABLE SPECIAL USE PERMIT No 14-10-322-9
MESA VERDE ENTERPRISES INCORPORATED
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF ENGINEERING
REGIONAL OFFICE
WATER SUPPLY LINE
MESA VERDE ENTERPRISES INC.
MESA VERDE NATIONAL PARK
THREE
NP-MV
BASIC DATA FROM DWG NP-MV-5333-A
TRACED BY JEK SEP 1954
To Mancos
To Cortez
Park Boundary
Point of Connection is at Meter
South Entrance Road Mesa Verde National Park
Checking Station
308' Existing 1" NPS Water Line
6,000 Gal. Concrete Reservoir
RECOMMENDED
RECOMMENDED
RECOMMENDED
APPROVED

1952

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL PARK SERVICE AND THE BUREAU OF RECLAMATION
RELATING TO THE USE OF WATER FROM JACKSON GULCH RESERVOIR
FOR MESA VERDE NATIONAL PARK

It is agreed by and between the NATIONAL PARK SERVICE, hereinafter referred to as the Service, and the BUREAU OF RECLAMATION, hereinafter referred to as the Bureau:

1. Jackson Gulch Reservoir water in quantities not exceeding 120 acre-feet annually reserved by the United States for use of the Service in connection with Mesa Verde National Park by Article 16 of the contract between the United States of America and the Mancos Water Conservancy District, dated July 20, 1942, shall be released by the Bureau into the West Mancos River to the extent necessary to replace water diverted by the Service from such river into the West Mancos Water Supply System. Such water releases from Jackson Gulch Reservoir shall be made as nearly simultaneously with diversions by the Service as shall be practicable.

2. The Service shall be permitted at its option to take from the outlet of Jackson Gulch Reservoir such part of the 120 acre-feet as shall not have been theretofore released into the West Mancos River as provided in Article 1 hereof. The plans for the pipeline from such outlet to the West Mancos Water Supply System shall be approved by the Regional Director, Region 4, of the Bureau.

3. All water diverted by the Service from the West Mancos River shall be measured by and at the expense of the Service, and notice of the rate of flow of the water diverted and any changes thereof shall be promptly given by the Service to the Reservoir operator. The Service shall submit to the Bureau monthly statements showing the quantity and rates of flow of water so diverted.

4. The Service shall pay to the Bureau on or before February 1 of each year, beginning in 1952, as its share of the cost of operation and maintenance of the Mancos project works, including the Jackson Gulch Dam and Reservoir, and the Inlet and Outlet Canals, the proportion of such cost that 120 acre-feet bears to the total quantity of water allotted or contracted by the Mancos Water Conservancy District, together with the 120 acre-feet reserved by the United States for use in connection with Mesa Verde National Park, for the calendar year in which the cost is incurred.

5. The Service shall permit the installation, by and at the expense of the Bureau, of a pipe connection and necessary

valves and meters with the West Mancos Water Supply System to provide water for Bureau headquarters at the Jackson Gulch Dam. The plans for the connection shall be approved by the Director of the Service. If the Bureau installs such connection and diverts water from the Mancos Water Supply System, it agrees to pay to the Service $50.00 annually for the use of its facilities. The water diverted by the Bureau shall not be charged against the 120 acre-feet reserved for the Service.

6. If the Bureau should hereafter transfer to the Mancos Water Conservancy District the operation and maintenance of the Mancos Project, it is agreed that one of the conditions of the transfer shall be that the District shall have the benefits and shall assume the obligations of the Bureau under this Memorandum.

DATED this 9th day of June, 1952.

NATIONAL PARK SERVICE

By (SGD) Conrad L. Wirth

BUREAU OF RECLAMATION

By (SGD) G. W. Lineweaver



I-14-149

06-05-1952: memorandum to chief of lands from chief, water resources branch regarding memorandum of understanding between

In reply refer to:
D5039 MESA-L

June 5, 1952

Memorandum

To: Chief of Lands

From: Chief, Water Resources Branch

Subject: Memorandum of Understanding between Bureau of Reclamation and National Park Service, concerning Mancos Project and West Mancos Water Supply System for Mesa Verde

The subject agreement was discussed by Messrs. Wirth, Allen, Bennett of the Bureau of Reclamation, and me on May 28. It has now been signed by Mr. Lineweaver and returned for Mr. Wirth's further consideration, as he requested at the meeting. The following points merit further consideration.

Paragraph 3 provides for measurements which this Service cannot make until it installs the proper devices. Region Three has agreed to provide devices when funds permit.

Paragraph 4 provides for annual payment for 120 acre-feet, although not more than 30 or 40 acre-feet will be diverted for many years. However, at only about $1.00 per acre-foot, full payment may be cheap insurance for future water.

Paragraph 5 (last sentence) provides that this Service shall rent pipe capacity rather than sell water for Bureau Headquarters. I think NPS water rights would be strengthened by actual sale of water under its Federal water rights.

Paragraph 6 means that NPS, as agency of U.S., will ultimately pay the District perpetually for the 120 acre-feet of water per year, although the U. S. is authorized by Congress to give Project title to District on repayment of only $900,000 of the $3,400,000 Federal investment.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

AvanVDunn:sh

In reply refer to:
D5039 MESA-L

May 21, 1952

Memorandum

To: Director

Through: Chief of Lands

From: Chief, Water Resources Branch

Subject: Proposed Agreement with Bureau of Reclamation with Regard to Use of Water from Mancos Project and West Mancos Water Supply System for Mesa Verde

The subject agreement, of which four copies are attached, seems to represent the final conditions which are satisfactory to the Bureau of Reclamation. In my search for the files I finally found the copies, and other attached records, in the office of Mr. Newcomb B. Bennett, who was quite irritated over the prospects that changes might be suggested, and said he was holding them for personal discussion with Mr. Wirth.

I believe that Mr. Wirth should consider the following points before taking final action:

1. The contract of July 20, 1942 (paragraph 1) was negotiated without NPS participation and signed by Under Secretary Fortas with a commitment to the effect that the National Park Service would pay its proportionate share of annual cost of operation and maintenance of the Mancos Project. (The objectional features will be pointed out later.)

2. Paragraph 1 and the water right decree provide that waters from Jackson Gulch Reservoir shall be released to compensate for quantity of water diverted from the West Mancos Water Supply System. By memorandum of April 29, Mr. Miller indicates that necessary measuring device will be installed when PCP is approved and funds are provided.

3. Paragraph 2 provides for direct connection between Jackson Gulch Reservoir and the West Mancos Water Supply System, and actual NPS use of water from the reservoir. This is satisfactory, but the plan has been shelved, for the time being at least.

4. Paragraph 3 provides for NPS measurement of diverted water, and monthly report of rates of diversion. The only measurements now possible are of quantities of water used without regard to pipe line losses, and some of the uses must be measured by meters installed by consumers such as the owner of Point Lookout Lodge. I also question whether releases at the million-gallon reservoir for wildlife, or as overflow waste, will be measured until headgate meters are installed.

5. Paragraph 4 provides that the National Park Service shall pay annual maintenance and operating charges, in conformity with aforesaid contract of July 20, 1942 (see comment on paragraph 1), on the basis of the diversion and use of 120 acre-feet per year. However, the Park Service is not now using more than 20 acre-feet per year, and may never use more than 40 or 45 acre-feet per year. This may be satisfactory for the following reasons:

a. Payment is now estimated to be about $1.00 per acre-foot, and the difference between $20 and $120 is not going to be a large amount of money, even though for 500% of proportionate share of water use.

b. Payment for 120 acre-feet will strengthen rights to full amount for possible future needs--a relatively cheap insurance at $80 to $100 per year.

6. Paragraph 5 provides for Bureau use of water from the West Mancos Water Supply System, with conditions. One condition may be satisfactory, but one should be changed to protect National Park Service water rights.

a. The annual payment of $50 as a lump sum is less than the actual cost, and less than the rate charged the concessioner and owner of Point Lookout Lodge if 250 gallons per day are used throughout the year. On the other hand, it is higher than the rate the National Park Service will pay for Jackson Gulch Reservoir water, particularly if water is only used part of the year, and will compensate for part of the National Park Service payments for unused water. Mr. Miller's explanation of the approximate nature of derivation is probably satisfactory.

b. The Bureau water use is not to be charged against 120 acre-feet of water reserved for the National Park Service. This is the one condition which must be eliminated to protect the NPS water right. There is no excess pipe capacity by which the Bureau could obtain water from the System without reducing NPS diversions below the decreed rate of diversion and use. In addition, the temporary Bureau use of water should be accepted as evidence of part of the beneficial use under the NPS right, and water delivery should be considered as a sale of water, and not as a pipe line rental.

7. Paragraph 6 provides for potential assignment of all Bureau benefits and interests to the Mancos Water Conservancy District. I seem to be alone in my objections, as follows, since Messrs. Miller and Barton seem to think limits of contractual repayment imply Congressional approval of Federal gifts to the District:

a. I do not see why this Service, as a Federal agency, should continue to pay operation and maintenance costs to the District if the District only pays the United States $900,000 for the $3,400,000 Project, under the existing contract.

b. I do not see why the District should pay any more or less than the owner of the Point Lookout Lodge for water from the West Mancos Water Supply System.

c. I do not see why the District should be assured of a fixed rate for the water when the rates for the Point Lookout Lodge and Park concession are both subject to change at your discretion.

d. I do not see why the District should be guaranteed water which might be needed at the Park when the owner of Point Lookout Lodge is only entitled to water which is surplus to such needs.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

00-00-0000: memorandum to regional director, region three from assistant director regarding proposed agreement with the bureau

(a)

In reply refer to:
D5039 MESA-L

MAY - 7 1952

Air Mail

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Proposed Agreement with the Bureau of Reclamation Concerning the Use of Water from the Mancos Project in Connection with the West Mancos Water Supply System at Mesa Verde National Park

Since receipt of the memorandum of April 29 from Mr. Miller we have been unable to locate either the memorandum of March 5 from you, or the memorandum of March 27 from the Acting Commissioner of Reclamation with five copies of the proposed agreement. Those instruments may have been inadvertently included with our memorandum of April 16.

Please return any part of the correspondence which belongs here, and send us a copy of the agreement and your memorandum of March 5 in any case. We have copies of Mr. Linneweaver's memorandum of March 27.

(SGD) THOMAS J. ALLEN

Assistant Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

04-16-1952: memorandum to regional director, region three from assistant director regarding proposed agreement with the bureau

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA-L

Air Mail APR 16 1952

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Proposed Agreement with the Bureau of Reclamation with Regard to the Use of Water from the Mancos Project in Connection with the West Mancos Water Supply System at Mesa Verde National Park

We have received your memorandum of March 5 with copy of draft of subject agreement. By memorandum of March 27 from the Acting Commissioner of Reclamation, we have also received five copies of the same draft for execution.

Two copies of Mr. Linneaver's memorandum and of our reply are attached. We should like to have your comments before we are called upon to discuss the matter.

As one of the details mentioned in the memorandum to the Commissioner, we should like to know how you arrived at the $50 charge for water to the Project caretaker's quarters. A fair estimate of water consumption would be 250 gallons per day, or 91,250 gallons per year if the caretaker is to be on duty throughout the year. At $0.70, which is now the charge for water to the concessioner and Point Lookout Lodge, the annual charge should be $63.88, to which a charge of $10 might be added for the pipe connection.

The $0.70 rate is considerably less than the cost of water delivered to the Park, but more than the cost of annual operation and maintenance. On the basis of increasing water consumption, and Mr. Monteith's estimate that 23.3% of the cost of water was for operation and maintenance, and 76.7% was for amortization of the plant, the present operation and maintenance cost is now about $0.44, and decreasing annually. This rate, and the estimated use of 91,250 gallons per year at the caretaker's quarters would give an annual charge of about $40, and the addition of $10 for pipe connection would agree with your figure of $50 per year. It will be coincidental

if the increasing maintenance and gross water use keep the rate constant. There are also questions as to whether the Bureau should pay only operation and maintenance charges, and whether it should pay for the pipe connection.

It is noted at the start, in your memorandum, that you do not propose to install a measuring device at the intake of the West Mancos Water Supply System. We realize that the construction funds are limited at this time, and that the need for the device may not be great for several years, but it should be installed at the very first opportunity in the next few years.

Such a device is required under the state water laws. In this case the United States has subjected itself to the jurisdiction of the State Court in obtaining its decreed right. Regardless of the question as to whether the United States is subject to the state water laws, the device is essential to proper allocation of water above any point where there may be wastes from pipe line leakage. It would be contrary to the spirit of all conservation measures and Federal-State cooperation not to provide and use the device. It is also impossible to comply with paragraph 1 of the proposed agreement without the device because it provides for releases from the Jackson Gulch Reservoir equal to the actual diversions by the West Mancos Water Supply System, and not just amounts equal to beneficially used water.

It would doubtless be satisfactory, for many years to come, to make the monthly reports to the Bureau on water diversions under paragraph 3, based on meter readings of water used, with only periodic checks of actual diversions and computation of percentage allowances for pipe line losses.

(SGD) THOMAS J. ALLEN
Assistant Director

In duplicate

Attachments 4
Copy to: Mr. Dunn
AvanVDunn:sh

04-16-1952: memorandum to commissioner, bureau of reclamation from director, nps regarding memorandum of understanding b

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA-L

Memorandum

APR 16 1952

To: Commissioner, Bureau of Reclamation

From: Director, National Park Service

Subject: Memorandum of Understanding between the Bureau of Reclamation and the National Park Service concerning the Use of Water from the Mancos Project and the West Mancos Water Supply System for Mesa Verde National Park

The subject agreement, of which five copies were submitted for execution with the memorandum of March 27 from Mr. Linqueaver, incorporates several ideas which we did not contemplate and which, in our opinion, merit further consideration before it is executed. We are writing to our regional office for clarification of details, but there are two fundamental matters of policy which we should like to discuss with the proper representative of your office before a final decision is made.

Paragraph 6 provides for possible assignment of all responsibilities for the Mancos Project and benefits from the contracts, by the Bureau of Reclamation. We question whether this Service, as a Federal agency, should continue to contribute to the cost of operation and maintenance of the Project if the Bureau of Reclamation assigns it to the Mancos Water Conservancy District in consideration of the reimbursement of only about 26% of the Federal investment. It is significant, in this connection, that the contract No. 11-138k of July 20, 19k2, and amendment of December 22, 19k7, between the Bureau and the District, with commitments for payment of operating and maintenance charges by the National Park Service, were negotiated without the participation of this Service.

We believe that there will be less danger of public criticism if the District agrees to assume all costs of operation and maintenance, and to continue to release any part of the 120 acre-feet of water allocated to Mesa Verde National Park in exchange for direct diversions by the West Mancos Water Supply System, in consideration of the Federal investment, without reimbursement, of the $2,500,000. Since the Federal rights to said 120 acre-feet of water have the same priority as the Federal rights to the rest of the waters in the Jackson Gulch Reservoir, which are held in trust for, and will become

appurtenant to the private lands in the District, we also believe that the United States should retain a first priority interest in said 120 acre-feet of water in dry years, in further consideration of the unreimbursed investment of $2,500,000 in the Mancos Project.

We also believe that different terms will be necessary for delivery of water from the West Mancos Water Supply System to the caretaker's quarters at the Project, under respective ownerships of the United States and the District. The water rights appurtenant to the Water Supply System have been established in the name of the United States. Accordingly, the Bureau of Reclamation, as an agency of the United States, is probably entitled to any portion of the diverted water which is temporarily surplus to the needs of the Park, in consideration of the payment of the proportionate share of the cost of maintenance and operation of the Water System based on the percentage of diverted water which it uses.

This difference cannot be recognized if the present provision for lump sum payment is retained in paragraph 5. It also seems inconsistent to provide for this lump-sum, annual payment for water delivered to the caretaker's quarters while paragraph 4 provides that the National Park Service shall pay a variable and indefinite price for its proportionate exchange use of waters from the Jackson Gulch Reservoir.

There are, of course, certain Federal interests which will be adversely affected by either method of payment. The caretaker will probably make a fairly consistent use of about 250 gallons of water per day if he has an average family. At this rate, he would use 7,500 gallons in a 30-day month, and 91,250 gallons per year, if he occupies the residence throughout the year. On the other hand, the Park attendance and resultant water consumption are increasing rapidly, but the water consumption is far below the authorized 120 acre-feet per year. Prewar water consumption of about 130 gallons per capita per day has been cut in half since 1946, and actual water consumption at the lower rate increased from 8.85 acre-feet in 1946 to 15.55 acre-feet in 1950, the last year before completion of the West Mancos Water Supply System. There may be an increase in the rate of use, now that there is a more plentiful supply, but an annual water consumption of 35 acre-feet will probably be the limit for many years to come.

It also seems both needless and improper to provide that water delivered to the caretaker's quarters shall not be charged against the 120 acre-feet of water in the Jackson Gulch Reservoir which is allotted to Mesa Verde National Park. The water right appurtenant to the Water Supply System is a Federal right, and not the exclusive property of the National Park Service. There is no surplus pipe capacity which others might use without jeopardy to the Federal rights. Furthermore, in the event that the Project were assigned to the District, the United States should sell the water under the Federal rights which this Service has established.

(SGD) CONRAD L. WIRTH

Director

Copy to: Regional Director, Region Three (2)
Mr. Dunn

AvanVDunn:HKS:sh

COPY

In reply refer to:
430

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

March 27, 1952

Memorandum

To: Director, National Park Service

From: Acting Commissioner, Bureau of Reclamation

Subject: Memorandum of Understanding between the National Park Service and the Bureau of Reclamation - Mancos Project, Colorado

A draft of a Memorandum of Understanding between the National Park Service and the Bureau of Reclamation, relating to the use of water from Jackson Gulch Reservoir for Mesa Verde National Park, is attached in quintuplicate for your approval.

The draft was prepared in the field and submitted for review and comment to Regional Director Tillotson, National Park Service, Santa Fe, New Mexico, who, by letter of March 5, 1952, informed our Regional Director at Salt Lake City, Utah, of his concurrence and recommended that it be forwarded to Washington for execution.

This agreement, which is beneficial to both the National Park Service and the Bureau of Reclamation, completes the arrangement for the National Park Service to obtain water for Mesa Verde National Park.

Upon execution, please retain one copy of the Memorandum of Understanding and return the others to this office for distribution.

/s/ C. W. Lineweaver

Acting Commissioner

Attachments

notice of the rate of flow of the water diverted and any changes thereof shall be promptly given by the Service to the Reservoir operator. The Service shall submit to the Bureau monthly statements showing the quantity and rates of flow of water so diverted.

4. The Service shall pay to the Bureau on or before February 1 of each year, beginning in 1952, as its share of the cost of operation and maintenance of the Mancos project works, including the Jackson Gulch Dam and Reservoir, and the Inlet and Outlet Canals, the proportion of such cost that 120 acre-feet bears to the total quantity of water allotted or contracted by the Mancos Water Conservancy District, together with the 120 acre-feet reserved by the United States for use in connection with Mesa Verde National Park, for the calendar year in which the cost is incurred.

5. The Service shall permit the installation, by and at the expense of the Bureau, of a pipe connection and necessary valves and meters with the West Mancos Water Supply System to provide water for Bureau headquarters at the Jackson Gulch Dam. The plans for the connection shall be approved by the Director of the Service. If the Bureau installs such connection and diverts water from the Mancos Water Supply System, it agrees to pay to the Service $50.00 annually for the use of its facilities. The water diverted by the Bureau shall not be charged against the 120 acre-feet reserved for the Service.

6. If the Bureau should hereafter transfer to the Mancos Water Conservancy District the operation and maintenance of the Mancos

Project, it is agreed that one of the conditions of the transfer shall be that the District shall have the benefits and shall assume the obligations of the Bureau under this Memorandum.

DATED this _____day of _____, 1951.

NATIONAL PARK SERVICE

By_____

BUREAU OF RECLAMATION

By_____

Approved: _____, 1951.

_____
Assistant Secretary of the Interior.

C O P Y

In reply refer to:
430

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

March 27, 1952

Memorandum

To: Director, National Park Service

From: Acting Commissioner, Bureau of Reclamation

Subject: Memorandum of Understanding between the National Park Service and the Bureau of Reclamation - Mancos Project, Colorado

A draft of a Memorandum of Understanding between the National Park Service and the Bureau of Reclamation, relating to the use of water from Jackson Gulch Reservoir for Mesa Verde National Park, is attached in quintuplicate for your approval.

The draft was prepared in the field and submitted for review and comment to Regional Director Tillotson, National Park Service, Santa Fe, New Mexico, who, by letter of March 5, 1952, informed our Regional Director at Salt Lake City, Utah, of his concurrence and recommended that it be forwarded to Washington for execution.

This agreement, which is beneficial to both the National Park Service and the Bureau of Reclamation, completes the arrangement for the National Park Service to obtain water for Mesa Verde National Park.

Upon execution, please retain one copy of the Memorandum of Understanding and return the others to this office for distribution.

/s/ G. W. Lineweaver

Acting Commissioner

Attachments

04-19-1951: memorandum to regional director, region three from assistant director regarding proposed agreement with the bureau

In reply refer to:
D5039 MESA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

APR 19 1951

Memorandum

To: Regional Director, Region Three

From: Assistant Director Tolson

Subject: Proposed Agreement with the Bureau of Reclamation with Regard to the Use of Water from the Mancos Project in Connection with the West Mancos Water Supply System at Mesa Verde National Park

While in Salt Lake City last week on other matters, a copy of the draft of the above-designated agreement was referred to Mr. Dunn by Mr. J. S. McMaster, Regional Attorney of the Bureau of Reclamation, and subsequently discussed by Mr. Dunn and Mr. McMaster. Mr. Dunn advised that it was intended that the negotiations should be completed between the regional offices of the two bureaus and that any comments by him at the time were subject to further consideration by you. His comments were as follows:

Under item 1, it is specified that exchange releases from Jackson Gulch Reservoir shall be of as nearly the same quantity of water as those being diverted by the National Park Service in simultaneous periods.

Under item 3, the measurements are to be made at monthly rates or as frequently as practical, with the National Park Service responsible for making the measurements of diversions at the headgate of the West Mancos Water Supply System. The quantity of water diverted at the headgate will only differ from that actually delivered to the various places of use to the extent of any transit losses due to pipe leakage. Accordingly, it will either be necessary to make frequent trips to the headgate to measure or check measurements, or to provide an automatic measuring device at the headgate. This feature of design should be considered before the agreement is accepted in its present form. In addition, it might be desirable and more practical for the caretaker of the Jackson Gulch Reservoir to make the measurements at the headgate and supply copies of the records both to the Bureau of Reclamation and the National Park Service.

The second item as stated seems somewhat involved and might be condensed to indicate merely that the quantity of water

diverted from the headgate of the West Mancos Water Supply System, and any water which might ultimately be taken from the Jackson Gulch Reservoir for use at Mesa Verde National Park, shall not collectively exceed 120 acre-feet of water per annum.

Under item 5 it is proposed that the Bureau of Reclamation shall pay a lump sum of $50 per year if it uses water from the Mesa Verde Water System, but does not indicate whether the charge is purely for the connection or also for the use of the water.

It was found that Mr. McMaster anticipated the adjudication of a changed point of diversion of part of the rights now being adjudicated for the Jackson Gulch Reservoir. Mr. Dunn pointed out that the pipe capacity was less than the right being adjudicated for the Mesa Verde Water System and that the water rights for Mesa Verde were in the name of the United States and not specifically in the name of the National Park Service. Accordingly, all water use should be under rights being perfected by the National Park Service.

In addition, the $50 a year charge is roughly equivalent to 50 cents per thousand gallons if the caretaker is to use approximately 250 gallons per day at his quarters. This is less than the 70 cents per thousand now paid by the concessioner and somewhere between one-third and one-half of the actual cost of water as determined by Mr. Monteith last fall. Accordingly, the rate should be increased, and item No. 5 should indicate that the charges are for the connection to the pipe line and also for the use of the water.

There is also some inconsistency in fixing and stating the rate the Bureau of Reclamation will pay, while leaving the amount to be paid by the National Park Service for the 120 acre-feet unfixed for periodic adjustments, as a proportion of the changing rate which the Mancos Water Conservancy District will pay.

Item No. 6 provides for Federal payment to the Mancos Water Conservancy District instead of to the Bureau of Reclamation if the Mancos Project is turned over to the District, and Mr. McMaster stated that such a step might be anticipated within a matter of a few years. Mr. Dunn called attention to the fact that the United States has invested at least $2,500,000 in the Mancos Project which the District has not contracted to repay. Accordingly, the United States will become a pretty generous Santa Claus if it not only gives the Jackson Gulch Reservoir to the District

at a cost of only $900,000, but also continues to pay the District annually for the use of the 120 acre-feet of water.

Mr. Dunn suggests that possibly the District might be required to absorb the annual cost of storing the 120 acre-feet and releasing it for the National Park Service in consideration of the additional $2,500,000 or more which the United States has invested in the project.

Mr. Dunn agreed that it was satisfactory to make no mention of the extra 100 acre-feet of storage to which Federal claim was made for Mesa Verde National Park in the testimony presented to the court in connection with the adjudication of the water rights last December.

(Sgd) Hillory A. Tolson
Assistant Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

JAN 25 1951

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Proposed Agreement Between National Park Service and Bureau of Reclamation Concerning Use of Water from Jackson Gulch Reservoir and West Mancos Water Supply System for Mesa Verde National Park

By memorandum of September 5, 1950, Mr. Dunn sent you copies of the contracts of July 20, 1942, and December 22, 1947, between the Bureau of Reclamation and the Mancos Water Conservancy District concerning payments for water from the Jackson Gulch Reservoir. By memorandum of September 6, 1950, we instructed you to draft a special use permit to authorize Mrs. Blanche J. Graham to obtain water from the West Mancos Water Supply System for Mesa Verde National Park, and to institute negotiations with the Regional Office of the Bureau of Reclamation for the consummation of an interbureau agreement to cover the use of 120 acre-feet of the waters of said Reservoir by the National Park Service.

This matter was given further consideration while Mr. Dunn was in Region Three in December, in connection with the adjudication of the related water rights, and his subsequent discussion with Mr. Dean Stuver of the Bureau of Reclamation in Salt Lake City. We enclose two copies each of his report of January 15 and of a tentative draft of the proposed agreement. We are also sending two copies of this memorandum and of the enclosures to the Commissioner of Reclamation, in order that one may be forwarded to his Regional Office.

Please take over the further negotiations relating to the agreement in accordance with the instructions of September 6. The enclosed draft is only intended to be a guide and summary of past discussion. For instance, we have suggested that the Bureau of Reclamation may have 1,000 gallons of water per day from the Park Water System, but doubt if more than a few hundred gallons

will be needed for the designated purpose and we would be willing to double the amount if further use is desirable, and provided that an increased amount would be classed as water surplus to the Park needs.

(SGD) HILLORY A. TOLSON
Acting Director

In duplicate

Attachments 4

Copy to: Commissioner of Reclamation (2) with 2 copies each of Mr. Dunn's report and proposed agreement
Mr. Dunn

AvanVDunn:sh

00-00-0000: revocable special use permit; no. i-22np-82

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
16-114
(June 1950)
(Revised)

COPY 1/25/51

No. I-22np-82

REVOCABLE SPECIAL USE PERMIT

Year, 19 51

Mrs. Blanche Graham, of Point Lookout Lodge, Colorado, is hereby authorized during the period from January 1, 19 51, to December 31, 19 51, to use the following-described land in the above-named area: connect to and obtain water from the water system serving Mesa Verde National Park, and to install and maintain a pipe line, one (1) inch in diameter from point of connection to the north side of the Entrance Station residence. At this point connection will be made with the existing one (1) inch line serving the residence from Point Lookout Lodge.

for the purpose of serving her operation known as "Point Lookout Lodge."

(See print attached for location of line.)

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of Ten and no/100 dollars ($ 10.00), in advance, or as follows: xxxxxxxxxx plus the rate for water as determined by Paragraph 21 hereof, payment to be made to the Superintendent by express or postal money order, certified check, or draft payable to Treasurer, United States.

Signed at Mesa Verde National Park, Colo. this 25 day of January 19 51

/s/ Robert H. Rose
(Robert H. Rose)
Superintendent.

The undersigned hereby accepts this revocable permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

/s/ Marjorie B. Kern
Address Point Lookout, Colo.

/s/ Hubert Kern
Address Point Lookout, Colo.

/s/ Mrs. Blanche Graham*
Address Point Lookout Lodge, Colorado

Address

ACTING
APPROVED: Regional Director, Region Three, National Park Service.

/s/ Hugh M. Miller
Hugh M. Miller

Date MAR 22 1951

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

16—35968-2

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
10-114
(June 1950)
(Revised)

REVOCABLE SPECIAL USE PERMIT

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the area.

2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

3. The United States reserves the right to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

4. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

5. Permittee shall dispose of brush and other refuse as required by the Superintendent.

6. Permittee shall pay the United States for any damage resulting from this use.

7. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.

8. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.

9. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

10. This permit may be terminated upon violation of any of the conditions hereof or at the discretion of the Director, National Park Service.

11. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided*, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

12. All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

13. Permittee shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

14. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

Address

U. S. GOVERNMENT PRINTING OFFICE 16—85968-2

APPROVED: Regional Director, Region three, National Park Service.

Hugh M. Miller

Date MAR 22 1951

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

16—85968-2

15. Permittee shall have access to the line to make the connection and shall have access for maintenance and operation of her line from the point of connection to the point where her line leaves the Park boundary. If permittee desires, she may use the existing Government line extending from the entrance station to Point Lookout Lodge. In such case, the permittee agrees to assume all responsibility for maintenance on this line.

16. Permittee shall be limited to the use of water which is surplus to the needs of the United States and its concessioner at Mesa Verde National Park. The use of water shall be limited to domestic purposes and shall not exceed 150,000 gallons in any one month.

17. This permit shall be terminated when the Federal water demand reaches the quantity for which water rights have been established, or the pipe capacity, (whichever is sooner) and permittee agrees to arrange for water from any alternate source as soon as any such source may be made available.

18. Permittee agrees to permit the United States to make emergency use of water from her water supply at the same rate charged her per 1,000 gallons for water from the Park water line.

19. All water use shall be under water rights provided by the United States.

20. Permittee shall maintain the entire line serving Point Lookout Lodge, from the point of connection to the Park line to her reservoir.

21. Permittee shall pay for all water metered through her meter at a rate to be determined by the Director, National Park Service. This rate may be modified at the discretion of the Director of the National Park Service, on the basis of cost of delivery. Permittee will be advised by separate notice of the rate so determined, and of any modifications thereof. Payment for all water used shall be made quarterly, based upon actual meter readings.

22. The Government is not responsible for any damage resulting from failure of the Government pipe line and resulting in inability to furnish water until repairs have been made.

23. This permit shall be automatically renewable at its expiration for a further period of one year, but not to extend beyond December 31, 1969, unless extended by written renewal thereof.

Region Three
Mesa Verde Docket No. 1

COPY

QUIT CLAIM AND WAIVER

The undersigned, Blanche Graham, hereby waives and relinquishes to Ivan L. Dixon, Jennie E. Dixon, Howard Shelhamer and Margaret I. Shelhamer, all of her right, title, interest, claim and equity in and to her right to draw water from that certain water line extending between Jackson Gulch Reservoir and Mesa Verde National Park, upon which the undersigned holds permission to draw water.

Executed this 30 day of July, A. D. 1951.

/s/ Blanche Graham

STATE OF COLORADO)
SS
COUNTY OF MONTEZUMA)

The above and foregoing instrument was acknowledged before me this 30 day of July, A. D. 1951 by Blanche Graham.

Witness my hand and official seals.

My commission expires: 3-29-55.

/s/ Evelyn M. Schenck
Notary Public

11-23-1951: received stamp

COPY

KENYAN DNA NIAID TIDO

The undersigned, Alfredo Chacon, hereby waives and relinquishes to Tavi L. Dixon, Jennie E. Dixon, Howard Shoffner and Margaret I. Shoffner, all of her rights, title, interest, claim and equity in and to that tract of real estate from first certain water line extending northeast Jackson Gulch Reservoir and keep water above National Park, upon which the undersigned holds homestead to this water.

Executed this 9th day of July, A. D. 1951.

\s\ Alfredo Chacon

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

The above and foregoing instrument was acknowledged before me this 9th day of July, A. D. 1951 by Alfredo Chacon.

Witness my hand and official seal.

My commission expires: 3-25-55.

\s\ Evelyn M. Bowman
Notary Public.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

PROJECT Mancos DIVISION STATE Colorado

LICENSE FOR ERECTION AND MAINTENANCE OF STRUCTURES

1. Pursuant to authority given by the Commissioner of the Bureau of Reclamation, thereunto duly authorized by the Secretary of the Interior, the undersigned hereby accepts a license to construct and maintain a six-inch pipe line over the Inlet Canal and Outlet Canal of the Mancos Project as follows:

(1) Over the concrete covered bench flume section at about inlet canal station 69+00.

(2) Under the earthen canal section at about inlet canal station 141+75.

(3) Over the earthen canal section at about outlet canal station 21+00.

in connection with the Mancos project, Bureau of Reclamation, constructed pursuant to the act of Congress approved Aug. 11, 1939 (53 Stat., 1418) and acts amendatory thereof or supplementary thereto, at points described above upon the terms and conditions hereinafter set forth:

2. The licensee shall be liable for any and all damages to the property of the United States, or of any third party or parties, by reason of the exercise of the privileges conferred by this license.

3. This license shall continue so long as in the opinion of the Commissioner, Bureau of Reclamation, it is considered to be expedient and not detrimental to the public interest, and shall be revocable by said officer upon ten days' written notice to the licensee. Upon each revocation the aforesaid structure or structures and all accessories shall be removed without delay at the expense of the Licensee.

4. The aforesaid structure or structures shall be so erected as not to obstruct in any manner the flow of water in the canals, laterals or drain ditches of the United States, or to interfere in any manner whatsoever with the construction, operation and maintenance of any part of the project.

5. In the erection of the aforesaid structure or structures the following specifications and conditions must be complied with:

(a) At Inlet Canal Station 69/00 the licensee shall maintain a minimum clearance of One Foot between the top of the concrete covered bench flume Section and the bottom of the six inch pipe line; at Inlet Canal Station 1h1/ 75 the licensee shall maintain a minimum clearance of Three Feet between the bottom of the canal and the top of the six inch pipe line; and at Outlet Canal Station 21/00 the licensee shall maintain a minimum clearance of One Foot between the maximum operating water level and the bottom of the six-inch pipe line.

(b) All excavated material shall be replaced and compacted to the satisfaction of a representative of the Bureau of Reclamation.

(c) Any damage to the concrete in canal linings or to the concrete in the covered bench flume section caused by use of mechanical equipment or pipe laying operations shall be repaired to the satisfaction of a representative of the Bureau of Reclamation at the sole cost and expense of the licensee.

(d) The licensee shall assume full responsibility for damages caused to the canal foundation by leakage from the pipe line.

(e) The licensee shall at its sole cost and expense make such changes in the pipe line as are, or may be, required by the Bureau of Reclamation in the operation, maintenance, enlargement, repair or change of location of the inlet or outlet canals.

SGD Robert H. Rose, Superintendent
Licensee

Dated at Mesa Verde National Park,
Colo., this 1st day of June, 1950.

Witness: SGD Ruth H. Ferril

Approved Jan 19 1951

SGD E. O. Larson,
Regional Director, Bureau of
Reclamation

signed 5/11/50

Form 832
(Revised Sept. 1946)

SPECIAL USE PERMIT

U
USES - San Juan
Mesa Verde National Park Service
Water Transmission
(Pipe Line) 2/23/50

(Case designation)

Permission is hereby granted to National Park Service
Care Park Superintendent
of Mesa Verde National Park, Colorado

to use the following-described lands: A right of way of approximately 19,000 feet
(Describe the lands to be occupied, if unsurveyed, by metes and bounds, with reference to a road or stream or well-known landmark; right of way by terminal points, direction, and lands occupied)
extending from a point in Section 19, T. 37 N., R. 12 W., to the Forest boundary in Section 35, T. 37 N., R. 13 W., N. M. P. M., as more particularly shown by a map on file in the office of the Forest Supervisor, San Juan National Forest

for the purpose of maintaining a tool house and pipe line for transmission of water to Mesa Verde National Park for domestic use
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)

subject to the following conditions:

This permit is issued free of charge under Reg. U-11 (G) of the Forest Service, U.S.Department of Agriculture.

1. ~~The permittee shall pay to the Regional Fiscal Agent designated by the Forest officer for deposit to the credit of the Treasurer of the United States, in consideration for this use, the sum of~~ ~~_____ dollars ($_____)~~ for the period from _____, 19____, to _____, 19____, and thereafter annually, ~~on _____, _____ dollars ($_____)~~.

2. The permittee shall comply with the regulations of the Department of Agriculture governing the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires. 16—38077-2

cc Mancos

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of Colorado, as well as the laws of the United States.

6. ~~The permittee shall pay the United States for any damage resulting from this use.~~

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within 12 months, be completed within 2 years from the date of the permit, and this use shall be actually exercised at least 180 days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. The charges for this use may be readjusted whenever necessary to place this permit on a basis consistent with the charge to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five-year period thereafter.

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Chief Forest Service.

14. The permitee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. No Member of or Delegate to Congress shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

16. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses will control.

17. The permittee agrees to take all reasonable precautions to avoid damage to property and resources of the United States, and diligently to undertake suppression action in the event of fire resulting from the exercise of the privileges herein granted.

(Special stipulations necessary)

18. This permit confers no rights upon the permittee to the use of the water involved; such rights must be obtained under State law.

19. All construction work shall be so conducted as to preserve and enhance the scenic, inspirational, educational, and recreational values of the site and adjoining lands.

(Date) (Signature of officer issuing permit)

(Title)

RECEIVED JUN 30 1950 NATIONAL PARK SERVICE REGION THREE OFFICE

U. S. GOVERNMENT PRINTING OFFICE 16—38077-2

20. Back slopes of the cut banks shall be not steeper than three-quarters horizontal to one vertical, except where rock is encountered, and such slopes shall be flattened and rounded into the natural ground surface, so far as such transition grading is feasible under local conditions.

21. The permittee shall cut only such trees as in the opinion of the Forest officer interfere with carrying out the terms of this permit, shall do no unnecessary damage to young growth or trees left standing, and shall handle not timber illegally cut. Payment for all trees cut shall be made in advance at such rates as may be determined by the Forest Supervisor and in accordance with the scale, estimate, or count of the Forest officer.

22.. All brush and debris resulting from construction work shall be piled and burned at a place and time designated by the Forest Supervisor.

23. This permit is issued subject to the provisions of the Boulder Canyon Project Act of December 21, 1928 (45 Stat.,1064) particularly Section 13.

24. In using explosives, the permittee shall adopt precautions to prevent damage to surrounding objects, and the scattering of rocks, stumps, or other debris. When necessary, and at any point of special danger, the permittee shall use suitable mats, or some other approved method to smother blasts.

25. The permittee shall permit free and unrestricted access by the public to and upon the premises at all times for all lawful and proper purposes not inconsistent with the objects of the permit or with the reasonable exercise and enjoyment by the permittee of the rights thereof.

26. The permittee, in the exercise of this permit, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall include in all subcontracts a provision imposing a like obligation on subcontractors.

27. The permittee shall make the conditions of this permit a part of the obligations of all contractors to whom construction work on the project is given.

28. This permit shall have no force or effect, until the permittee has signified its acceptance of it by signing and returning the duplicate copy to the Forest Supervisor.

April 28, 1950

Edw. Wright
EDW. WRIGHT
Forest Supervisor.

The foregoing permit has been read by the undersigned permittee, and it agrees to accept and abide by its terms and conditions.

NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK

Robert H. Rose
BY ROBERT H. ROSE,
Superintendent

6/11/50.
(date)

06-30-1950: received stamp

20. Back slopes of the cut banks shall be not steeper than three-quarters horizontal to one vertical, except where rock is encountered, and such slopes shall be flattened and rounded into the natural ground surface, so far as such transition grading is feasible under local conditions.

21. The permittee shall cut only such trees as in the opinion of the Forest officer interfere with carrying out the terms of this permit, shall do no unnecessary damage to young growth or trees left standing, and shall handle such timber lllegally cut. Payment for all trees cut shall be made in advance at such rates as may be determined by the Forest Supervisor and in accordance with the scale, estimate, or count of the Forest officer.

22.. All brush and debris resulting from construction work shall be piled and burned at a place and time designated by the Forest Supervisor.

23. This permit is issued subject to the provisions of the Boulder Canyon Project Act of December 21,1928 (45 Stat.,1057) particularly Section 15.

24. In using explosives, the permittee shall adopt precautions to prevent damage to surrounding objects, and the scattering of rocks, stumps, or other debris. When necessary, and at any point of special danger, the permittee shall use suitable mats, or some other approved method to smother blasts.

25. The permittee shall permit free and unrestricted access by the public to and upon the premises at all times for all lawful and proper purposes not inconsistent with the objects of the permit or with the reasonable exercise and enjoyment by the permittee of the rights thereof.

26. The permittee, in the exercise of this permit, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall ~~x~~ include in all subcontracts a provision imposing a like obligation on subcontractors.

27. The permittee shall make the conditions of this permit a part of the obligations of all contractors to whom construction work on the project is given.

28. This permit shall have no force or effect, until the permittee has signified ~~him~~ acceptance of it by signing and returning the duplicate copy to the Forest Supervisor.

April 28, 1950

EDW. WRIGHT
Forest Supervisor.

The foregoing permit ~~has~~ been ~~accepted~~ by the undersigned permittee, and it agrees to accept and abide by the terms and conditions.

NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK

ROBERT H. ROSE,
Superintendent

RECEIVED
JUN 30 1950
NATIONAL PARK SERVICE
REGION THREE OFFICE

6/11/50.
(Date)

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

January 9, 1948.

MEMORANDUM for the Director.

Reference is made to our memorandum of January 2, transmitting data on the status of plans and a revised estimate of the cost of the Mesa Verde pipe line. At that time the effect of the reduction of our water right from 150 to 75 gpm was overlooked. If the line be constructed as shown by drawing MV-5329, sheet 1, copy attached, it would have a capacity of 100 gpm. Other water users from the Mancos River could protest using water at this rate or might object to the installation of a system with a capacity in excess of the water right.

In view of the above, it is our recommendation that the design of this line be changed so as to deliver to the park 75 gpm, the amount of our water right, which is now under option for purchase. This can be accomplished by moving the intake down stream approximately three-fourths of a mile, or by reducing the size of the pipe from 5" ID to 4½" ID. Either of these changes would result in a saving of from $10,000 to $15,000.

We will withhold completion of the plans and their submission to Superintendent Rose until Messrs. Kittredge and Dunn check on the above recommendation and advise us as to its approval or disapproval.

(Sgd) J. R. Lassiter

J. R. Lassiter,
Regional Engineer.

Enclosure 2953202.

cc: Supt., Mesa Verde.

Mesa Verde Deed 4

Sym bol & Number
Ilr-1384
(Amendatory)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

MANCOS PROJECT, COLORADO

THIS AMENDATORY CONTRACT, Made this 22nd day of December, 1947 , in pursuance of the Act of August 11, 1939 (53 Stat., 1418), and acts amendatory thereof and supplementary thereto, and specifically the Act of October 14, 1940 (54 Stat., 1119) and the Act of June 25, 1947 (Public Law 109, 80th Congress, 1st Session), between THE UNITED STATES OF AMERICA, herein styled the United States, acting in this behalf by William E.Warne, Assistant Secretary of the Interior, herein styled the Secretary, and the MANCOS WATER CONSERVANCY DISTRICT, herein styled the District, a water conservancy district, organized and existing under the laws of the State of Colorado, with its principal place of business at Mancos, Colorado; WITNESSETH, That

2. WHEREAS, the United States is constructing Jackson Gulch Dam and an inlet canal and an outlet canal for the storage, diversion and beneficial use of the water of the West Mancos River, commonly known as the Mancos Project, pursuant to the provisions of that certain contract between the parties hereto dated July 20, 1942 (Symbol & Number Ilr-1384), and

6223

3. WHEREAS, said contract of July 20, 1942, provides, among other things, that the District will pay to the United States the sum of Six Hundred Thousand Dollars ($600,000) as the amount of the reimbursable construction cost of the Mancos Project in Forty (40) successive, equal, annual installments, and

4. WHEREAS, the cost of constructing the Mancos Project has increased and the District is willing to amend the said contract dated July 20, 1942, to increase its payment obligation from Six Hundred Thousand Dollars ($600,000) to Nine Hundred Thousand Dollars ($900,000) and to extend the repayment period from Forty (40) successive, equal, annual installments to Sixty (60) successive, equal, annual installments, which amendment has been authorized by the Act of June 25, 1947, (Public Law 109, 80th Congress, 1st. Session).

INCREASED AMOUNT TO BE PAID BY DISTRICT TO THE UNITED STATES AND EXTENDED PERIOD OF REPAYMENT

5. NOW, THEREFORE, in consideration of the premises and the stipulations herein contained, it is mutually agreed that the contract of July 20, 1942, between the parties hereto be, and the same is, hereby amended by the substitution of the words and figures Nine Hundred Thousand Dollars ($900,000) in lieu of the words and figures Six Hundred Thousand Dollars ($600,000) wherever the same appear in Articles 4 and 9 of the contract of July 20, 1942, and the substitution of the words and figures Sixty (60) in lieu of the words and figures Forty

(40) wherever the same appear in Article 9, save and except the words and figures Forty percent (40%) in the last proviso clause in said Article 9 of the contract of July 20, 1942.

CONTRACT AMENDATORY OF CONTRACT OF JULY 20, 1942

6. This contract is amendatory of that certain contract between the United States and the District dated July 20, 1942, and said contract and all the provisions thereof shall remain in full force and effect, except as herein modified.

CONFIRMATION OF CONTRACT

7. The execution of this amendatory contract shall be authorized by the qualified electors of the District at an election held for that purpose. Thereafter, without delay, the District shall prosecute to decree proceedings in Court for a judicial confirmation of the proceedings authorizing the execution of this contract by the District and for a decree finding this contract legal and valid and binding on the District. The District shall furnish the United States for its files a certified copy of such confirmation proceedings and a copy of all proceedings taken by the District for the authorization of this contract.

OFFICIALS NOT TO BENEFIT

8. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this restriction shall not be construed to extend to this contract if

made with a corporation or company for its general benefit.

SUCCESSORS AND ASSIGNS OBLIGATED

9. The provisions of this contract shall apply to and bind the successors and assigns of the respective parties.

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

THE UNITED STATE OF AMERICA

By

Assistant Secretary of the Interior.

MANCOS WATER CONSERVANCY DISTRICT

By

President.

ATTEST: (SEAL)

Secretary.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

NOV 14 1946

MEMORANDUM for the Director,
National Park Service.

Reference is made to Acting Director Tolson's memorandum dated June 19, and my interim reply dated July 10, concerning the water rights of the National Park Service in the Jackson Gulch Reservoir of the Mancos Project.

The Mancos Project was approved by the President on October 24, 1940, pursuant to the Act of August 11, 1939 (53 Stat., 1418) as amended. In the approval papers it was specifically mentioned that approximately 120 acre-feet of the reservoir storage would be allocated to the Park Service. The Park Service was to pay no part of the reimbursable construction cost of the project but was to supply such CCC labor as was available to it in aiding construction. After completion of the project, the Park Service was to pay a proper operation and maintenance charge.

The repayment contract which was entered into with the Mancos Water Conservancy District on July 20, 1942, in Article 16(b)(4)(i), reserves to the United States the right to store, divert, and make beneficial use for any purpose in connection with the Mesa Verde National Park, not to exceed 120 acre-feet per annum of the project water supply.

In view of the foregoing it is the opinion of the Regional Director, in which I concur, that the attempted dollar evaluation of the CCC contribution of the Park Service towards the construction of the Jackson Gulch Dam is immaterial. If the project construction is completed, the Park Service will have the use of such portion of the Jackson Gulch Reservoir storage as it requires, which shall in no event exceed 120 acre-feet per annum, upon an agreement being reached as to the annual operation and maintenance charge to be payable by the Park Service. This question, however, need not be determined until it is certain that the Mancos Project is to be completed and the extent of the Park Service requirements is definitely known.

Bids were taken recently for completion of the Jackson Gulch Dam by contract, but the low bid received was greatly in excess of the Bureau's estimate for performance of the work and repayment ability of the water users. The status of this project is likely to remain indefinite pending further analysis by the Regional Director.

Your proposal to reduce your allotment from the Jackson Gulch Reservoir, when completed, to 45 acre-feet per year and to transfer that right to another party in exchange for a high-priority water right along the river at another location will be satisfactory to this Bureau subject to your keeping me fully advised concerning your negotiations for such transfer.

(Sgd) Kenneth Markwell

Acting Commissioner.

09-12-1946: memorandum to regional director, region three from nps regarding reference made to mr. lassiter's memorandum wit

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 12, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Lassiter's memorandum of September 4 with regard to the West Manoes Water Supply System for Mesa Verde National Park. We are deferring for a few days our comments on the pipe offered by the War Assets Administration, until we learn more about the procedure for acquiring this surplus property. This is intended to clarify only the questions related to water rights.

Whether we buy existing high priority rights or not, it is essential that we work on the immediate assumption that we will perfect rights to divert water without such purchase, and recompense senior claimants by the release of an equivalent amount of water from the Jackson Gulch Reservoir. We shall go t hrough with the adjudication of rights covered by the joint claim of this Service and the Bureau of Reclamation. A copy of a letter to Mr. Thomas J. Morrissey, United States Attorney in Denver, on that matter, will be sent to you as soon as it is prepared.

We are now awaiting a reply from the Bureau of Reclamation to our memorandum of June 19 regarding the extent of our present investment in the Jackson Gulch Reservoir and the amount of storage to which we are entitled. If the estimated and contracted cost of the reservoir is now $1,900,000, as Mr. Lassiter states, and the Bureau agrees to our estimate of $17,600 invested by this Service, we are now entitled to 0.926% of the total storage of 9,840 acre-feet, or about 91 acre-feet, or nearly 300% of our anticipated needs. The Commissioner of Reclamation acknowledged our memorandum on July 10 and advised that the matter was being referred to the Regional Office in Salt Lake City for comments. We hope to receive a reply in the near future.

We shall start negotiations for the possible purchase of an earlier right as soon as we know what interest we have in the Jackson Gulch Reservoir, which may be offered to the vendor as partial payment, or as an incentive to sell.

Mr. Lassiter suggests that the diversion in the West Manoes River might be moved downstream 2,600 feet if the pipe of the War Assets Administration is used. Although the claim now being adjudicated provides only for a change of 1,500 feet in the point of diversion, we do not think it would be difficult to obtain a right to move further, particularly before the decree is rendered. However,

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

we consider it far more important to pick a point of diversion on the merits of its adaptability to the diversion structure, and to permit the best pipe line location in getting out of the canyon than to move downstream for the sole purpose of reducing pipe length. Assuming that the diversion described in the water claim is a good one, therefore, it would not be desirable to move the diversion downstream to save a few hundred feet of pipe unless an equally good, or better, diversion can be built at the lower site.

Since there is some doubt as to when we can actually do much construction under the War Mobilization and Reconversion Directive No. 128, the acquisition of the pipe of the War Assets Administration would be particularly helpful at this time as a step in the perfection of water rights. It would constitute a step toward diligent prosecution of the project in spite of other unavoidable difficulties of war and reconversion, and we should report such action the next time the United States gives testimony as to the prosecution of the Jackson Gulch project.

(SGD) WARD P. WEBBER

AvVD:sh. Acting Chief Engineer.

In duplicate.

cc: Mr. Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 19, 1946.

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

During the early part of the war the Bureau of Reclamation and the National Park Service were attempting to draft a cooperative agreement under which this Service was to contribute toward the construction of the Mancos Project in payment for 120 acre-feet of storage capacity in the Jackson Gulch Reservoir to provide a water supply for Mesa Verde National Park. On the assumption that the agreement would be completed, we presented a combined water claim for adjudication in Colorado Water District No. 34, and have presented joint testimony to support a claim for the use of that quantity of stored water at the Park. Due to the termination of the CCC, the negotiations for the agreement were temporarily terminated by your memorandum of January 6, 1945.

In anticipation of the agreement, this Service did contribute CCC labor and trucks between October 1941 and May 1942, and it has loaned a rock crusher since the beginning of construction. In connection with our postwar plans, we should like to determine our present investment in the Jackson Gulch Reservoir. Late in May, Assistant Chief Counsel Donald E. Lee of this Service discussed the matter with Liaison Specialist F. E. Byrns of the Bureau, but the report of their meeting does not give us the answers to our questions.

Between October 8, 1941, and May 22, 1942, the CCC crews of the National Park Service cut and peeled 205 power line poles, dug 257 post holes, and did considerable clearing and excavation at the Jackson Gulch Reservoir site. Under agreement of October 21, 1941, with renewals, the Bureau has had the loan of the Park rock crusher. As of June 30, 1946, we estimate the value of National Park Service contribution to the Mancos Project to be as follows:

1,294 CCC enrollee man-days of labor at $3.75 per day -	$4,852.50
162 CCC foreman man-days at $6.00 per day -	972.00
609 CCC truck-hours (76.166 truck-days) at $1.50 per day -	114.25
1,167 rock crusher days (280 work days per year) at $10.00 per day -	11,670.00
Total NPS participation	$17,608.75



The man and truck days are taken from the records of the CCC camp. The value of a CCC enrollee day is approximate, and we will accept any other reasonable value you may prefer. The assumption that you have used the rock crusher 280 days a year may be high, but the suggested per diem loan value is conservatively low. We shall appreciate having you correct this appraisal on the basis of any additional information you can contribute.

The Manoos Project was originally estimated to cost $1,600,000, and the total storage was to be 9,840 acre-feet. The National Park Service has already contributed 1.1% of that cost and should be entitled to 1.1% of the storage, or 108.24 acre-feet, if it contracts to assume the annual operating and maintenance charges. We realize that the cost of the project will be considerably more than $1,600,000, due partially to the higher postwar prices but if the cost were doubled this Service would still have a 0.55% interest, or a claim to 54.12 acre-feet of storage. We should like to be advised as to just what storage we are entitled on the basis of your estimate of the value of our past contributions and the latest estimate of the total cost of the project.

In our former negotiations, and our statement of claim to water from the Manoos River, we have considered an annual water use of 120 acre-feet. However, this was an arbitrary amount, based on a diversion capacity of approximately 10 acre-feet per month. Our present design provides a capacity of 10.261 acre-feet per month. However, this full diversion will not be needed except in August, and the August demand constitutes approximately 28.5% of the annual total. Our total needs, therefore, should not exceed about 36 acre-feet per year, but to be conservative we propose to provide for the use of about 45 acre-feet per year through the use of rather large regulatory storage capacity in the Park. The National Park Service, therefore, has already contributed approximately its share toward the construction of the Jackson Gulch Reservoir.

For various reasons, our plans are now to divert all water directly from the River instead of the Jackson Gulch Reservoir and to use the storage in the latter for exchange releases to satisfy senior water rights below. As an alternative, we are considering the purchase of a high-priority water right and its transfer to our proposed diversion. We believe that we could induce the present owner of that right to sell more readily, and perhaps at a considerable reduction in price, if we could offer him our interest in the storage in Jackson Gulch Reservoir.

In order to negotiate properly with the owner of the diversion rights we should be able to offer some idea as to the value of the storage rights we can offer in exchange. In the draft of the proposed interbureau agreement submitted to you by memorandum of February 26, 1942, provision was made for an annual payment of $240 for operation and maintenance charges, based on storage of 120 acre-feet. On this basis, the annual charges for 45 acre-feet would be approximately $90, and the total charges for 40 years would be $3,600. It seems possible that this rate and total might be reduced if we have already contributed more than the proportionate construction cost for 45 acre-feet of storage. We should like to know if this estimate is approximately correct in order that we may use it in discussion with the owner of the diversion rights which we should like to purchase.

In the interview between Messrs. Lee and Byrne it was decided that we should take these matters up with your regional director in Salt Lake City. Because of the potential need for research, we think he might prefer to consider this memorandum first. In fact, it seems possible that complete agreement may be reached by correspondence.

HILLORY A. TOLSON

Acting Director.

AvVD:sh.

cc: Mr. Demaray.
Regional Director, Region Three (2).
Mr. Dunn.

06-04-1946: memorandum to messrs. webber, price and tolson from chief, water rights division regarding mr. demaray's memora

Messrs. Webber, Price, and Tolson. June 4, 1946.

Mr. Dunn.

Mr. Demaray's memorandum of May 27 regarding the interest of this Service in Jackson Gulch Reservoir as source of water for Mesa Verde National Park.

The questions we want answered are:

1. Does the Bureau of Reclamation agree to our contention that we had invested $14,800 in the Jackson Gulch Reservoir by June 30, 1945, and that we have contributed an additional $10 per day since that date if the Bureau is still using the rock crusher from Mesa Verde?

2. To how many acre-feet, or what percent of the capacity of the Jackson Gulch Reservoir, is this Service entitled by that investment, or portion thereof which the Bureau recognizes?

The questions were raised in memorandum of October 9, 1945, and again in memorandum of May 3. We want that information before we attempt to purchase independent water rights. We have not gotten it by going through third and fourth parties in Washington, and we probably will not get it through third and fourth parties in the field.

If any more conferences are to be held, they should be between engineers of the two bureaus. However, since the Bureau of Reclamation cannot answer the question without study, I suggest the attached memorandum first.

(SGD.) A. VAN V. DUNN

AvVD:sh. Chief, Water Rights Division.

Hebber 5/8/46
Burney
Dundee
WRC/mj

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

May 3, 1946.

MEMORANDUM for Mr. Demaray.

Reference is made to our memorandum of October 9, 1945, to you concerning the extent of the National Park Service's contribution to the construction of the Jackson Gulch Dam in return for 120 acre feet of water per annum for Mesa Verde National Park. This memorandum was in reply to yours of September 17, 1945, in which you stated that, "The Bureau of Reclamation was somewhat concerned as to what contribution the Park Service is going to be able to make to the project."

In our memorandum to you we listed the amount of labor and the value of equipment rental which this Service had contributed to the project, a total of $14,808.75. We stated that, because of the absence of an interbureau agreement or of a record of any commitments that might have been made, we were at a loss to know just what the Service is expected to contribute in order to obtain the right to 120 acre feet of water per annum and expressed the thought that perhaps the Bureau could offer some helpful suggestions or state an amount which they considered a reasonable contribution from this Service.

We explained that our present plans provided for purchasing a high priority water right which would permit diverting water directly from the West Mancos River at a place about 3 miles above the Jackson Gulch Dam, which would obviate the need for water stored by the Jackson Gulch Dam. The only advantage of contributing further to the dam project would be to acquire an interest in the stored water which could be used for trading purposes when negotiating for the purchase of a water right. However, this would be more of a factor to induce sale than in reducing the price of the water right, which would not be more than a few thousands at the most.

Just as soon as funds are appropriated for constructing the Mesa Verde pipe line, we want to start proceedings to purchase a water right and complete the construction plans so as to permit the project being advertised for contracting as soon as practicable. Before doing so, it is essential that we have the reaction of the Bureau of Reclamation to our memorandum of October 9.



It is hoped that, when the Director and I are in Washington next week, we shall have an opportunity to discuss this matter with Bureau of Reclamation officials, but it may save time if, in the meantime, Mr. Lee or Mr. Knox could contact these officials so that they may be considering the matter and have the essential data available for our discussion with them next week.

(SGD) HILLORY A. TOLSON

Acting Director.

cc: Mr. Burney.

AWB:HT:sa

11-27-1945: memorandum to nps from general land office regarding right-of-way for a pipe line

COPY

In reply refer to:
2059867 "F"

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington 25, D. C.

November 27, 1945.

MEMORANDUM for the National Park Service,
Chicago 54, Illinois.

Reference is made to your application dated July 24, 1945, for right-of-way for a water pipe line extending from a point in section 19, T. 37 N., R. 12 W., to a point in section 15, T. 35 N., R. 15 W. (the north boundary of the Mesa Verde National Park), N.M.P.M., Colorado, and also to your memorandum of October 2, concerning the form of notice you contemplate sending to owners of patented lands to be crossed by the proposed pipe line.

T. 37 N., Rs. 12 and 13 W. are a part of the Montezuma National Forest. Section 4 of the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 524), provides for the granting of rights-of-way for municipal and mining purposes only. Therefore, your application cannot be entertained as to these townships. Application for right-of-way for this portion of the proposed pipe line should be made to the Forest Service, Department of Agriculture.

This office does not invoke the Act of August 30, 1890 (26 Stat. 391), in the matter of appropriating rights-of-way across patented lands, and therefore, is not in a position to offer any suggestions concerning the notice you propose to send to the owners of such lands. The Bureau of Reclamation of this Department does invoke the Act and may be able to offer you valuable information as to its procedure in such cases.

We are of the opinion the map (NP - MV 6979) showing the proposed right-of-way is sufficient to enable a competent engineer or surveyor to locate such right of way on the ground.

Upon receipt of all the necessary reports from other interested bureaus, action will be taken looking to the issuance of the right-of-way permit applied for over the unreserved public lands involved.

(Sgd.) Fred W. Johnson,
Commissioner.

02-09-1947: stamp of receipt



C O P Y

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

January 23, 1945.

Mr. A. W. Bainbridge,
Resident Engineer, Mancos Project,
Bureau of Reclamation,
Mancos, Colorado.

Dear Mr. Bainbridge:

In reply to your written request of January 20, 1945, it is agreeable to this office that the Memorandum of Understanding between the National Park Service and the Bureau of Reclamation, dated October 21, 1941, and approved by the Department on December 6, 1941, and mutually extended until June 30, 1944 by your request of March 22, 1943 and my reply of August 21, 1943, be further extended through June 30, 1945.

Your letter of January 20, requesting continuation of the said Memorandum of Understanding, and this letter consenting thereto constitute the basis for extending this Memorandum of Understanding through June 30, 1945.

Very truly yours,

(Sgd) Jesse L. Nusbaum,

Superintendent.

01-20-1945: letter to superintendent from resident engineer regarding copies of the extension of the memo of understanding

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Manoos, Colorado

January 20, 1945

Mr. Jesse L. Nusbaum,
Superintendent, Mesa Verde National Park,
Mesa Verde, Colorado

Dear Mr. Nusbaum:-

Memorandum of Understanding - Use of National Park Service Crushing and Screening Plant by Bureau of Reclamation.

A memorandum of Understanding, as stated above, dated October 21, 1941, was approved by the Secretary's office and was extended to June 30, 1944. This memorandum does not involve transfer of funds.

It was believed that an extension of this agreement would not be necessary, but the condition of our access roads have reached such a stage that they are urgently in need of repairing. Therefore, it is desired that this agreement be continued to June 30, 1945.

If the continuation of this agreement is agreeable with your office, it is desired that you furnish this office with three signed copies of a letter to that effect.

Very truly yours,

/s/ A. W. BAINBRIDGE
Resident Engineer.

08-21-1943: letter to resident engineer from nps regarding continuation of memo of understanding between the nps and the burea

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

August 21, 1943.

Mr. A. W. Bainbridge,
Resident Engineer, Mancos Project,
Bureau of Reclamation,
Mancos, Colorado.

Dear Mr. Bainbridge:

In reply to your written request of March 22, 1943, it is agreeable to this office that the Memorandum of Understanding between the National Park Service and the Bureau of Reclamation, dated October 21, 1941, and approved by the Department on December 6, 1941, governing loan to and use by the Bureau of Reclamation of a crushing plant owned by Mesa Verde National Park, be continued to June 30, 1944.

Your letter of March 22, requesting continuation of the Memorandum of Understanding, and this letter consenting thereto constitute the basis for mutually extending the present Memorandum of Understanding to June 30, 1944.

Approval of this informal method of continuing the pertinent Memorandum of Understanding was only recently received from our Regional and Director's Offices.

(Sgd.) Jesse L. Nusbaum

Jesse L. Nusbaum,
Superintendent.

00-00-0000: letter to bureau of reclamation from nps regarding approved continuation for memo of understanding between nps an

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

D R A F T

Mr. A. W. Bainbridge, Resident Engineer,
Bureau of Reclamation,
Mancos, Colorado.

Dear Mr. Bainbridge:

In reply to your written request of March 22, 1943, it is agreeable to this office that the Memorandum of Understanding between the National Park Service and the Bureau of Reclamation, dated October 21, 1941, and approved by the Department on December 6, 1941, governing loan to and use by the Bureau of Reclamation of a crushing plant owned by Mesa Verde National Park, be continued to June 30, 1944.

Your letter of March 22, requesting continuation of the Memorandum of Understanding, and this letter consenting thereto constitute the basis for mutually extending the present Memorandum of Understanding to June 30, 1944.

Very truly yours,

Jesse L. Nusbaum,
Acting Superintendent.

C O P Y

DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Mancos, Colorado.
March 22, 1943.

MEMORANDUM for Mr. Jesse L. Nusbaum:

In regard to the continuation of Memorandum of Understanding of use of Park Service crushing plant by Bureau of Reclamation, reference is made to your proposed method of continuing this agreement. The Bureau District Counsel suggested that the continuation of this agreement be approved by the Chief Engineer. However, the Chief Engineer questions the propriety of a formal continuation of this agreement by this office without prior similar approval from the office of the Secretary, but suggests the informal method of this office requesting by letter the continuation of the agreement and the concurrence of your office also by letter, copies of these letters to be forwarded to the offices of the District Counsel and Chief Engineer.

With this authority from the Chief Engineer this office is agreeable and the enclosed letter is the request from this office. If you and your office are agreeable to continue this agreement by this method, a formal reply to the enclosed letter will complete the matter and any further continuation of the agreement would be by the same exchange of letters.

I transmitted seven signed copies of the continuation agreement furnished by you to the Chief Engineer, all of which he retained without approving.

Carbon copy of your "Memorandum for the Director", dated February 19, 1943, is herewith returned in accordance with your letter of February 20, 1943.

/s/ A. W. Bainbridge,
Resident Engineer.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Mancos, Colorado.

March 22, 1943.

Mr. Jesse L. Nusbaum,
Superintendent, Mesa Verde National Park,
Mesa Verde, Colorado.

Dear Mr. Nusbaum:-

Memorandum of Understanding - Use of National Park Service Crushing and Screening Plant by Bureau of Reclamation.

A memorandum of Understanding, as stated above, dated October 21, 1941, was approved by the Secretary's office. This memorandum does not involve transfer of funds.

When this memorandum was made the Bureau of Reclamation considered the time limit to June 30, 1942, would be sufficient, but since that time the war effort has seriously hindered the Bureau's activity. Therefore, it is desired that this agreement be continued until June 30, 1944.

If the continuation of this agreement is agreeable with your office, it is desired that you furnish this office with three signed copies of a letter to that effect.

Yours very truly,

/s/ A. W. Bainbridge,

A. W. Bainbridge,
Resident Engineer.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

January 21, 1943.

MEMORANDUM for the Director.

There is enclosed a copy of our memorandum of January 21 for Acting Superintendent Nusbaum of Mesa Verde National Park, advising him concerning the procedure to be followed in extending the Memorandum of Agreement between the Bureau of Reclamation and the National Park Service.

It seems to us that, since the original agreement was approved in the Secretary's Office, it should also be signed by the heads of the two bureaus concerned.

We will appreciate advice from you in this connection to clarify the handling of future agreements of this type.

(Sgd) Charles A. Richey

Acting Regional Director.

In dupl.
Encl. 1896634.

01-21-1943: memorandum to acting superintendent from nps regarding joint signed memo for the extension of the memorandum

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

January 21, 1943.

MEMORANDUM for the Acting Superintendent,
Mesa Verde National Park.

Reference is made to your memorandum of January 15, relative to the extension of the Memorandum of Understanding between the Bureau of Reclamation and the National Park Service, concerning the use of the crushing plant belonging to Mesa Verde National Park.

It is suggested that you prepare a joint memorandum to be signed by you and Mr. Bainbridge, extending the original agreement for a period of two years.

As the original was approved by Mr. Burlew, we believe that the extension should also be approved in the Secretary's Office. Therefore, after you and Mr. Bainbridge sign the extension agreement, a signed copy should be submitted to this office and to Mr. Bainbridge's superior office for submission to the heads of our respective bureaus for their concurrence and submission to the Secretary's Office for approval.

CHARLES A. RICHEY.

Acting Regional Director.

cc: The Director.

C O P Y

SLC draft of 9/19/41

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF RECLAMATION AND THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, RELATIVE TO THE USE OF A CERTAIN CRUSHING PLANT BELONGING TO THE NATIONAL PARK SERVICE

THIS MEMORANDUM OF UNDERSTANDING, Made and entered into by and between the Bureau of Reclamation (hereinafter referred to as the Bureau) in pursuance of the Act of October 14, 1940 (54 Stat., 1119), and the National Park Service (hereinafter referred to as the Park Service) in pursuance of Public Law 136, 77th Congress, Interior Department Appropriation Act 1942, (Approved June 28, 1941);

WITNESSETH:

1. WHEREAS, the Bureau proposes to construct the Mancos Federal water conservation and utilization project near Mancos, Colorado; and

2. WHEREAS, the Park Service owns a certain crushing plant on the East side of Mud Creek, about four miles West of the Town of Mancos, North of Highway 160; and

3. WHEREAS, the Park Service will benefit by the construction of said conservation and utilization project and desires to co-operate in the construction of said project by permitting the Bureau to use said crushing plant.

NOW, THEREFORE, it is understood that:

4. The Bureau shall have the right, from the date hereof until June 30, 1942, to use without any charge or rental therefor that certain crushing plant on the East side of Mud Creek, about four miles West of the Town of Mancos, North of Highway 160.

5. The Bureau shall have the right to alter, adjust, modify, or expand said crushing plant to meet the needs and requirements of the Bureau.

6. The Bureau agrees to maintain said crushing plant in good repair, to replace all broken parts, and to pay all operating expenses of said crushing plant so long as the Bureau uses said crushing plant pursuant to this agreement.

7. The Bureau, upon expiration of this agreement, shall deliver said crushing plant to the Park Service in as good condition as it was when first used by the Bureau in accordance with this agreement, ordinary wear excepted.

8. All improvements or alterations made to the crushing plant shall become the property of the Park Service.

9. The Bureau will negotiate directly with landowners in purchasing or otherwise securing crushing material to be used by the Bureau in operation of the plant.

10. The Park Service reserves the right to use the crushing plant at such times as the field representatives of the Bureau and the Park Service may agree upon.

11. If it becomes necessary for the Bureau to remove the plant to another site it is understood that the Bureau will bear the Expense of returning the plant to any site in Mesa Verde National Park or the vicinity designated by the Superintendent.

Dated at Mancos, Colorado, this 21st day of October A. D., 1941.

BUREAU OF RECLAMATION

By (Sgd) A. W. Bainbridge

Resident Engineer

NATIONAL PARK SERVICE

By (Sgd) John S. McLaughlin

Superintendent,

APPROVED: DEC - 6 1941

(Sgd) E. K. Burlew

E. K. Burlew,

First Assistant Secretary.

07-20-1940: contract between the united states and mancos water conservancy district relating to the mancos project

ORIGINAL TO

Symbol I1 r - 1384

Field for record and return.....

General Accounting Office.....9/5/42

Engineer notified .....9/2/42.....

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MANCOS PROJECT, COLORADO

mkg.

Contract Between the United States and Mancos Water Conservancy District Relating to the Mancos Project

THIS CONTRACT, Made this 20th day of July, 1940, pursuant to the Act of August 11, 1939 (53 Stat. 1418), and acts amendatory thereof and supplementary thereto, herein referred to as the Act, and specifically the Act of October 14, 1940 (54 Stat. 1119), herein referred to as the Amendatory Act, between the United States of America herein styled the United States, acting by and through the Secretary of the Interior, herein styled the Secretary, and Mancos Water Conservancy District, herein styled the District, a water conservancy district organized and existing under the laws of the State of Colorado, with its principal place of business at Mancos, Colorado;

WITNESSETH, That

2. WHEREAS, the United States has planned, investigated, and proposes to construct the Mancos Federal water conservation and utilization project for the storage, diversion, and beneficial use of the waters of the West Mancos River, and

3. WHEREAS, the District desires that the United States, pursuant to said Act and Amendatory Act, construct said project in order to make a water supply available to the District, including a supplemental water supply for certain district lands now irrigated with a partial water supply under existing canals, and

4. WHEREAS, the amount of the reimbursable construction costs of the project has been fixed pursuant to the provisions of the said Amendatory Act in the sum of Six hundred thousand dollars ($600,000), constituting and hereinafter referred to as the District's reimbursable construction costs obligation to be paid to the United States by the District as herein provided;

5. NOW, THEREFORE, in consideration of the mutual and dependent stipulations and covenants herein contained, it is hereby mutually agreed by and between the parties hereto as follows:

Works to be Constructed by the United States

6. The project works to be constructed by the United States will include, without being limited by reason of this enumeration, a dam and storage reservoir, herein referred to as the Jackson Gulch dam and reservoir, of approximately 9600 acre feet capacity in Sections 2, 3, and 10, Township 36 North, Range 15 West, N.M.P.M., together with an inlet and an outlet canal respectively of approximately 250 second feet and 200 second feet capacities extending

from the West Nueces River to said reservoir and from said dam to a draw or gulch, tributary to said West Nueces River, and works incidental thereto, together with lands and rights of way therefor. The project works designated herein are only tentatively determined upon and may be changed in location, or works may be eliminated or added to the foregoing list, and the decision of the Secretary on any such changes, eliminations or additions shall be conclusive. All of the works, together with lands and rights of way therefor, above described, including those changed in location or those added as provided above, are herein referred to as the "Project Works."

Expenditures for Construction of Project Works

7. Subject to the provisions of Article 8 of this contract, the United States hereby agrees to commence construction of the Project Works: Provided, that to the extent the operations of this contract extend beyond the fiscal year in which this contract is executed, the obligations of the United States under this contract after the expiration of such fiscal year are contingent on Congress making the necessary appropriations for the fulfillment of such obligations: Provided further, that the United States shall not be obligated to expend toward the construction of the Project Works in any one fiscal year out of funds appropriated by the Congress pursuant to the act and the mandatory act an amount exceeding the sum determined by the Secretary as the limit of expenditures from said funds for said project works in such fiscal year.

Conditions Precedent to Actual Construction

8. The United States shall be under no obligation to commence or, having commenced, to continue the construction of the Project Works until (a) Rights of way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the Project Works have been secured, with titles and at prices satisfactory to the Secretary; and (b) the Secretary has found

(i) That water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with the laws of the State of Colorado and any applicable interstate agreements and in a manner satisfactory to the Secretary; and

(ii) That such water rights can be utilized for the purposes of the project in conformity with the laws of the State of Colorado and any applicable interstate agreements and in a manner satisfactory to him.

(iii) Sufficient progress, in the opinion of the Secretary, has been made by the District toward compliance with the provisions of Article 17 hereof to justify commencing or continuing construction.

Terms of Repayment of the Reimbursable Construction Costs

9. The District shall pay to the United States the sum of Six hundred thousand dollars ($600,000), which has been fixed, pursuant to the provisions of the Amendatory Act, as the amount of the reimbursable construction costs of the Project Works in forty (40) successive, equal, annual installments of Fifteen thousand dollars ($15,000) each, the first of which shall become due and payable on December 31 of the year next following the last year of the development period fixed in Article 10 hereof: Provided, that, if construction of the Project Works is abandoned prior to the completion of such works by reason of lack of funds, failure of the District to perform those things on its part to be performed under the terms of this contract, or for any reason which, in the judgment of the Secretary, requires that construction of the project works be abandoned, then the District shall pay to the United States the reimbursable portion of the amount expended by the United States in the partial construction of the Project Works in forty successive, equal, annual, installments, the first of which shall become due and payable on December 31 of the year following the year in which construction of the Project Works is abandoned: Provided further, that in such case, the

reimbursable portion of the amount so expended by the United States from whatever source shall not exceed forty (40) per cent of the amount so expended, exclusive of the administrative expenses incurred in the District of Columbia in connection with the investigation or construction of the Project Works.

Development Period

10. There is hereby established a development period of three calendar years, herein called the "Development Period", commencing with the second calendar year next succeeding that in which the Secretary gives to the District the Development Period Notice, as provided herein. When, in the determination of the Secretary, water will be available in the second ensuing calendar year for release from the Project Works for delivery by the District under this contract, the Secretary will give to the District a notice thereof, herein called the "Development Period Notice". Said notice must be given on or before August 1 of the year in which given and shall include a notice of the amount of the Development Period Charges for the first year of such Development Period. During the Development Period, the United States will release water from the reservoir for delivery by the District to those entitled thereto upon payment by the District to the United States annually in advance as herein provided, of such per acre foot or other charge or charges, herein

called the "Development Period Charges", as may be fixed by the Secretary. Such charges, fixed for each year of the Development Period, shall be sufficient to return, over the whole Development Period, the cost of operating and maintaining the Project Works during that Period, taking into account payments, if any, made to the United States toward such operation and maintenance during the Development Period by other than the District. Notice of the amount of the Development Period Charges so fixed for the second and third years of the Development Period shall be given to the District on or before August 1 of the second year preceding that on account of which such charges are fixed. The District agrees to pay in advance, on or before December 15 of the year following the year in which each notice of such charges is given, said Development Period Charges in accordance with the statement of the amount thereof as in this article provided. In case the amount collected on account of Development Period Charges exceeds the cost of operation and maintenance during the Development Period, as thereafter determined by the Secretary, such excess will be credited to the District's Reimbursable Construction Cost obligation provided in Article 9 in the manner determined by the Secretary.

Operation and maintenance by the United States and Payment of Charges Therefor

11. The United States will retain possession of and, subject to payment by the District in advance of operation and maintenance charges in the manner, amounts, and at the times herein provided, will operate and maintain the Project Works so long as is deemed necessary by the Secretary.

On or before August 1 of the second year of the Development Period provided for in Article 10 hereof, and on or before each August 1 thereafter, the Secretary will make an estimate and give to the District a notice of such estimate, herein called the "Operation and Maintenance Charge Notice", of the cost for the second ensuing calendar year of operating and maintaining all or any part of the Project Works to be operated and maintained by the United States. The District shall pay to the United States the amount specified in any such Operation and Maintenance Charge Notice on or before December 15 of the year preceding that for which such estimate is made. Whenever, in the opinion of the Secretary, funds so advanced will be inadequate properly so to operate and maintain the project or such part thereof to the end of any calendar year, he may give a supplemental Operation and Maintenance Charge Notice, stating therein the amount of additional advances required; and the District shall pay to the United States the amount thereof on

or before the date specified in such supplemental Operation and Maintenance Charge Notice. If funds advanced by the District under this article exceed the actual cost of such operation and maintenance for the calendar year for which advanced, the excess will be credited on the amount otherwise becoming due on December 15 of the next ensuing year.

In the event the Operation and Maintenance Charges provided for in this article and the Development Period Charges provided for in Article 10 hereof are not paid when due, the United States may at its election suspend operations of the Project Works in whole or in part and refuse to release water from the Project Works or reduce the amount of water to be released, as determined by the Secretary.

The amount of payments toward the cost of operation and maintenance of the Project Works as may be made by the National Park Service on account of its use of water provided for in Article 16 (b) hereof, pursuant to such agreement as it may make with the Commissioner of the Bureau of Reclamation shall, as and when received, reduce, to the extent of any such payment, the amount of Development Period Charges or Operation and Maintenance Charges otherwise next required to be paid by the District pursuant to the provisions of Article 10 hereof or of this article.

Computation of Costs

12. The costs, which under this contract the District obligates itself to pay, shall embrace all expenditures of whatsoever kind, including the cost of labor, property, material and equipment, engineering and legal work, superintendence, administration, overhead, general expense, special services, and damage claims of all kinds; inspection, repair, and protection of the Project Works and water supply, inspection of the books, records, and papers of the District so far as the same may be determined by the Secretary to be necessary to ascertain whether the terms of this contract are being faithfully executed by the District; surveys and investigations in connection with the irrigation of project lands, and soil investigations made under the direction of the Bureau of Reclamation, if any: Provided, however, that administrative expenses incurred in the District of Columbia in connection with the investigation, construction or operation and maintenance of the Project Works shall not be included in the computation of costs herein provided for nor shall they be charged to the District or the water users in any way.

The determination of what costs are properly chargeable hereunder, and whether properly chargeable as a part of the cost of construction or a part of the cost of operation and maintenance, and the amount thereof, shall be conclusively made by the Secretary.

District to Use All Powers to Collect Charges

13. The District shall cause to be levied and collected all necessary taxes and assessments, and cause to be fixed or established all necessary charges, rates, and tolls, including sufficient amounts to make up for the defaults of those who do not pay the same, and shall use all of the powers and resources of the District, including without limitation by reason of this enumeration the full powers of the District to levy and collect taxes and assessments, and the power to withhold delivery of water, to collect and pay to the United States all charges or sums required by this contract to be paid by the District, in full at or before their maturity, provided, however, that the limit of liability of any property within the district in Class A as defined in Section 16 of Chapter 266 of the 1937 Session Laws of Colorado shall during the existence of this contract be limited to an assessment not to exceed one and one-half mills in any one year as provided by Sections 16 and 20 of said Chapter 266. The debts due the United States hereunder are hereby declared to be prior to all other obligations of the District; and, from any moneys coming into the possession of the District and applicable to the payment of its obligations, the United States shall be paid prior to all other claimants whomsoever.

Refusal of Water on Account of Delinquency

14. The Secretary may, in his discretion, refuse to release water from the reservoir for delivery by the District to or for any land or party receiving its right to such water from or through the District while either the District, said land, or said party is in arrears in the advance payment of Operation and Maintenance Charges or Development Period Charges or in arrears for more than twelve months in the payment of any installment of the Reimbursable Construction Costs.

The District shall refuse water service from the Project Works to or for any land or party while either said land or party is

(a) In arrears in the payment to the District of any taxes, assessments, tolls or other charges levied or established by the District to meet its advance payment of Operation and Maintenance Charges or Development Period Charges required to be paid as herein provided, or

(b) In arrears for more than twelve months in the payment to the District of any taxes, assessments, tolls or other charges levied or established by the District to meet its payments of the Reimbursable Construction Costs required to be paid as herein provided.

The provisions of this article are not exclusive and shall not in any manner hinder the United States from exercising any other remedy to enforce collection of any amount due hereunder.

Acquisition of Lands and Easements

15. The District shall, at its own expense, negotiate for the purchase of all lands and easements which the District may be advised by the United States are needed for the construction or operation and maintenance of the Project Works, using for that purpose such forms of contracts, deeds, and other necessary papers as may be designated by or satisfactory to the Secretary. Upon procuring the execution of the necessary contracts, deeds, and any other papers, the District shall transmit the same to the United States, and payment of the purchase price will be made by the United States in due course if, in the opinion of the duly authorized officer of the United States, the purchase price is reasonable and said instruments are satisfactory in form and contents and show satisfactory title in the United States.

In case any such needed lands or easements cannot be purchased by agreement, the District shall initiate and prosecute to completion the necessary condemnation proceedings for their acquisition, the entire expense of which, including the payment of any award or purchase price for the right of way so acquired, shall be borne by the District from its own funds. Upon the

acquisition by condemnation of such lands or easements, the District shall convey the same to the United States upon terms and conditions and at prices satisfactory to the Secretary, said prices not to exceed the actual cost to the District of such acquisition.

District to Have Perpetual Right to Use of Project Works and Water Supply

16. (a) The District shall have the perpetual right to the use of all water that becomes available through the construction and operation of the Project Works, delivered at the lower end of the outlet canal for irrigation, domestic, municipal, and industrial purposes exclusive of the development of hydro-electric power as hereinafter excepted.

(b) The rights of the District, its assigns, and those claiming any right, by, through or under the District, to the use of the project water supply as in subdivision (a) of this article provided shall be subject to

(1) All of the provisions of the Amendatory Act and of this contract and compliance therewith by the District and its assigns or those claiming any right to the use of water by, through or under the District;

(2) Payment of all sums by the District at the times and in the manner herein provided;

(3) The provisions of Section 13 of the Boulder Canyon Project Act approved December 21, 1928 (45 Stat. 1064);

(4) The rights hereby excepted and reserved to the United States as follows:

(i) To store, divert and make beneficial use for any purpose in connection with the Mesa Verde National Park of not to exceed 120 acre feet per annum of the project water supply.

(ii) To use the Project Works and water supply for the development of hydro-electric power to such extent as the same may, in the judgment of the Secretary, be practicable without substantial interference with the District's primary right to the use of the Project Works and water supply for irrigation and domestic municipal and industrial purposes, as provided in subdivision (a) of this article. Revenues from any such power development shall be the property of the United States;

(iii) To establish and maintain bird reserves or wild life refuges upon land acquired for the Jackson Gulch dam and reservoir, and require the observance of such reasonable regulations for the protection of such reserves or refuges as from time to time may be made by the Fish and Wildlife Service of the Department of the Interior in accordance with any agreement pertaining thereto between the Bureau of Reclamation and said Wildlife Service heretofore or hereafter made with the approval of the Secretary;

(iv) To permit, subject to such reasonable regulations as the Secretary may make for the protection of the Project Works and water supply, the use of the lake to be created by Jackson Gulch dam and reservoir, for fishing and recreational purposes, for which the District shall not impose a charge of any kind;

(v) To use or permit the use of the Project Works or water supply for any other purpose not inconsistent with the right of the District to the use of the said Works and water supply for irrigation, domestic, municipal, and industrial purposes as provided in subdivision (a) of this article;

(vi) To dispose of that part of the project water supply not required for use within the District for irrigation, domestic, municipal or industrial purposes upon such terms and conditions as the Secretary may fix, consistent with his authority under law, subject to the approval of the Board of Directors of the District.

(vii) To restrict the release of water from the reservoir to the extent necessary to preserve a minimum storage content of 200 acre feet.

Disposal by District of Rights to the Use of Water

19. The District shall allot or contract for the disposal of the use within the District of the project water supply to

the use of which it may be entitled under the provisions of Article 16 hereof, for irrigation, domestic, municipal or industrial uses in accordance with and subject to the provisions of all applicable State and Federal laws and of this contract. All allotments of, or contracts for the disposal or the use of the project water supply which may be made by the District, in addition to complying with all applicable State and Federal laws shall be in form and, in the case of contracts for the right to the use of water, with security, satisfactory to the Secretary.

Release of Stored Water by the United States - Responsibility of District as to Water Distribution

18. (a) Stored water made available by and through the Project Works and to which the District is entitled under this contract will be released from the reservoir by the United States, acting through the engineer of the Bureau of Reclamation in charge of the Project Works, and delivered at the lower end of the said outlet canal or at points along said outlet canal, at times and in amounts, to the extent of the capacity of the said outlet canal, in accordance with requests from time to time made, at least twenty-four hours in advance of the time such delivery is needed, directed to said engineer by the Board of Directors of the District or such person as may be designated in writing by the said board for that purpose. The District will provide for delivery of such water to the water users entitled thereto through the existing canals or such

additional or modified canals as may be provided by the District or others, without expense to the United States for the construction, operation or maintenance of any of the said canals, provided that this provision shall not be construed as a contract for the benefit of any water user whereby such user can require the district to construct, operate or maintain any canals or ditches, and said district shall have authority to designate the points at which water users shall receive said stored water.

(b) The United States shall not be responsible for the control and handling of water which may be so released for delivery, as aforesaid, beyond the end of the said outlet canal, and the District shall hold the United States harmless on account of damage of any nature whatsoever for which there is legal liability, including but without limitation by reason of this enumeration, property damage or damage on account of personal injury or death arising out of or connected with the control, handling, use, disposal or distribution, beyond the end of the outlet canal, of water which may be so delivered by the United States at that point as aforesaid.

(c) In case of dispute as to the character, extent, priority or validity of the right of the United States to the use of water of the West Nueces River as the principal project water supply, the District shall promptly bring and diligently prosecute judicial proceedings for the determination of such dispute; and in any event

shall take all measures toward the defense and protection of the project water supply. Nothing in this paragraph, however, shall be construed as precluding the United States, independently or in cooperation with the District, from taking such action as the Secretary deems necessary to protect the project water supply. The cost of any such action taken by the Secretary shall be included as a part of the operation and maintenance cost of the Project Works. Pending or in absence of such judicial determination as to the character, extent, priority or validity of these rights of the United States, the District shall be conclusively bound by the Secretary's determination of the amount of water to be released from storage to satisfy any prior or superior water rights or claims thereof.

United States not Liable for Water Shortage

19. On account of drouth, inaccuracy in distribution, hostile diversion, prior or superior claims, or other causes, it is expected that there will occur at times a shortage in the quantity of water which will be made available through and by means of said Project Works constructed hereunder, but in no event, whatsoever the cause, shall any liability accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom, and the payments to the United States provided for herein shall not be reduced because of any such shortage or damage.

Waste Water, Seepage Water and Return Flow

20. (a) The United States does not abandon or relinquish any of the waste or seepage water or return flow water coming from the lands irrigated with water supplied from said storage reservoir, but the same is reserved and intended to be retained for the use and benefit of the United States as a source of supply of said project.

(b) If suitable drainage or return flow water from any part of the territory of the project shall at any time be or become available at points where the same can be used on project lands, the United States and the District, or either of them, may substitute in lieu of stored water from the said reservoir an equal amount of such drainage or return flow water to the extent that the same is available for delivery by the District into the ditches supplying said lands at points where the same can be used thereon and at the times that water is needed. The landowners who accept the benefits of this contract shall be deemed thereby to have consented to such substitution.

Drainage

21. If any drainage of District lands should be required in connection with the irrigation of lands from the project water supply, the necessary drainage works shall be provided either by the District or by the landowners in the District, without cost or expense to the United States, and the United States, its agents, servants, and employees, shall be in no way responsible for such

drainage or for any damage or claim of damage for seepage, whether resulting from the use of the stored waters of said reservoir or otherwise, provided that no drainage works shall be constructed without prior approval of the Secretary or his duly authorized representative.

Economical Use of Water

22. To the end that the said Jackson Gulch reservoir may be effective in reducing water shortage in dry cycles, the District shall take every reasonable measure to effect the economical and efficient use of water by every water user in the District, and whenever wasteful, inefficient or uneconomical use of water is being made by a water user within the District, the District, with the advice and cooperation of officers of the United States, will take such action as may be necessary and reasonably practicable to correct such wasteful, inefficient or uneconomic use of water.

Limit of Irrigable Lands in Single Ownership

23. Pursuant to the provisions of the Arcndatory Act, the Secretary has established the size of a farm unit of irrigable land which may be entitled to receive water from the Project Works at not to exceed one hundred sixty irrigable acres. No water shall be delivered through and by means of the Project Works to or for more than a single farm unit of one hundred sixty acres of irrigable land owned by a single land owner; provided, that the provisions of this article and Article 24 hereof shall not

apply to the United States or any agency or instrumentality thereof, corporate or otherwise.

Disposal of Land at not to Exceed Appraised Values

34. No water shall be delivered through or by means of the Project Works to or for any land transferred or disposed of on or subsequent to October 24, 1940 and within three years from the date water becomes available from the Project Works, as fixed in the Development Period Notice provided in Article 10 hereof, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative, that the land has been transferred or disposed of at a price not exceeding the appraised value of said land, and the improvements thereon, at the time of the transfer or disposal, or contract for such transfer or disposal, whichever is earlier. The Secretary will make such appraisals, excluding any increment attributable to the construction of the Project Works, but appraisals may be revised by the Secretary from time to time on the request of any owner to reflect changes in value attributable to other reasons. Copies of all appraisals and revisions shall be filed in the principal office of the District, but need not be made available for public inspection.

Upon proof of fraudulent representation as to the true consideration involved in any such transfer or disposal, the Secretary may cancel the right of the land involved to receive water from,

through or by means of the Project Works or from the project water supply; Provided, that nothing herein shall be construed to create an authority to interfere with the delivery of water under prior rights.

The District shall take all measures that may be necessary to enforce observance of the provisions of this article and of Articles 25 and 25 hereof, and shall, on or before December 31 of each calendar year commencing December 31 of the year in which this contract is executed and within three years from the date water first becomes available from the Project Works, make a complete report of all transfers or disposals of lands in the District appearing of record or within the personal knowledge of the Secretary of the District.

Crop Reports, Accounting, and Other Measures

25. The District shall take such measures as it may be advised by the Secretary are deemed proper to secure the adoption of proper accounting, to protect the condition of the Project Works, and to provide for the proper use thereof, and to protect project lands to be irrigated against deterioration due to improper use of water.

The District shall install and maintain in a manner satisfactory to the Secretary a modern set of books of account showing all financial transactions of the District and furnish such

financial reports and statements as may be required from time to time by the Secretary.

The District shall keep a reasonably accurate record of all crops raised and agricultural or livestock products produced under the irrigation system of the District and furnish the Secretary on or before December 31 of each year a crop report, including the aforesaid data, in form prescribed by the Secretary.

Performance of Work with Contributed Funds

26. The United States will perform with funds contributed by the District any construction or maintenance work on the project not otherwise provided for by this contract or any construction work covered by this contract but for which funds may not be available; provided, that the plans therefor must be approved by the Secretary and it is found by him that acceptance of such funds will not impair the title of the United States to the Project Works nor materially impair the District's ability to meet its obligations under this contract. When the undertaking of such work is approved, funds therefor shall be advanced by the District as may be directed by the Secretary, and there shall be submitted to the Secretary a certified copy of the resolution of the Board of Directors of the District describing the work to be done and authorizing its performance with contributed funds. When the funds so advanced in any case in this article provided for have been exhausted, no further work shall be done pursuant to this

article unless and until additional funds have been advanced by the District for the continuation of such work.

After completion of any work so undertaken, the District will be furnished with a statement of the cost thereof as conclusively determined by the Secretary; and any unexpended balance of the funds will be refunded to the District or applied as otherwise directed by the District.

Title to Remain in United States

27. The United States shall retain title to the Project Works until Congress otherwise provides.

Changes in Organization of District

28. While this contract is in effect, no change will be made in the organization or boundaries of the District either by inclusion or exclusion of lands, by partial or total consolidation or merger with another district, by proceedings to dissolve or otherwise except upon the Secretary's written assent thereto.

Agreed Charges a General Obligation

29. The District as a whole is obligated to pay to the United States the full amount or amounts herein agreed upon according to the terms stated, notwithstanding the individual default in the payment to the District by individual water users of assessments, tolls or other charges levied or established by the District, subject to the conditions and restrictions as contained in Article 13 of this contract.

Penalty for Delinquency

30. Delinquencies in any payments due to the United States under this contract shall be penalized by a penalty of one half of one per cent per month on the unpaid balance of any delinquent sum until paid, and the District agrees to pay said penalties.

Secretary Arbiter of Disputes Involving Questions of Fact

31. In the event of disputes between the parties hereto arising out of this contract involving questions of fact and insofar as the provisions hereof require a determination of fact to be made, the Secretary is hereby designated as the arbiter of such questions and as the one required to make such determination of facts, and his decision thereon shall be conclusive and binding upon the parties hereto.

Rules and Regulations

32. The Secretary reserves the right, so far as the purport thereof may be consistent with the provisions of this contract, to make reasonable rules and regulations and to add to or modify them as may be deemed proper and necessary to carry out the true intent and meaning of the law and of this contract.

Representative of the Secretary

33. Where this contract requires action by the Secretary, such action except as to that provided for in Articles 31 and

38 hereof may be taken for and on behalf of the Secretary by his representative duly authorized in writing by the Secretary.

Assurances Relating to Validity of Contract

34. The execution of this contract shall be authorized by the qualified electors of the District at an election held for that purpose. Thereafter, without delay, the District shall prosecute to decree proceedings in court for a judicial confirmation of the proceedings authorizing the execution of this contract by the District and for a decree finding this contract legal and valid and binding upon the District. The District shall furnish the United States for its files certified copies of such confirmation proceedings and copies of all proceedings relating to the organization of the District and to the election upon the contract.

Officials not to Benefit

35. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

Contract Nonassignable Without Consent

36. No voluntary transfer or assignment of this contract shall be made without the written approval of the Secretary.

STATE OF COLORADO)
) SS
COUNTY OF MONTEZUMA)

On this 20th day of July A.D., 1942, before me, May L. McGalliard a Notary Public, in and for said County in the State aforesaid, personally appeared Ira E Kelly, to me personally known to be the President and C. R. Beers, to me personally known to be the Secretary of the Mancos Water Conservancy District, a conservancy district organized and existing under and by virtue of the laws of the State of Colorado, and the said Ira Kelly and C. R. Beers deposed and said: That the Seal affixed to the foregoing contract is the corporate seal of said District and acknowledged that said contract was signed, sealed and delivered by authority of its Board of Directors, and acknowledged said contract to be the free act and deed of said District for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

May L. McGalliard
Notary Public.

(SEAL)

My commission expires:
Jan. 5, 1943

In the event, however, of a valid transfer or assignment, the successor or assignee shall be subject to all the provisions and conditions of this contract to the same extent as though such successor assignee were the original contractor hereunder.

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

THE UNITED STATES OF AMERICA

(Sgd) Under By Abe Fortas (9/1/42)
Secretary of the Interior

MANCOS WATER CONSERVANCY DISTRICT

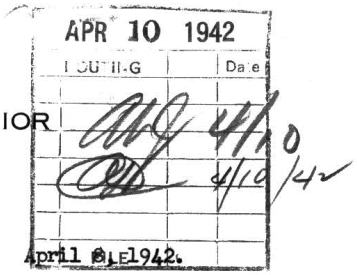
(SEAL) /S/ By Ira E. Kelly
President

Attest

/S/ C. R. Beers
Secretary

Beers

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO



April 8, 1942.

MEMORANDUM for the Water Rights Section, Region Four.

Reference is made to your memoranda of February 24 and 26 concerning the acquisition by the United States of a right-of-way for the construction and use of the West Mancos water line for Mesa Verde National Park.

From a study of the correspondence, we are agreed on the following matters:

1. That the instrument of acquisition should be a perpetual easement, and that it should be so designated.

2. That we do not need a formal notice but that a letter typed to each land owner should be sufficient. A revised form of letter is enclosed which we believe will be suitable.

3. That the authority of the act of August 30, 1890, is sufficient to authorize the Government a right-of-way for pipeline purposes in this instance.

On the following matters we do not appear to be in agreement:

1. That the easement be revised to contain a reversionary clause which would become operative after seven to ten years if such construction is not commenced. I do not believe the Department would accept any of the easements until all were obtained, approved, and accepted by the Under Secretary. In my opinion the Department would delay such acceptance until funds for all acquisition and construction were appropriated and made available. You will note that the reversionary clause in paragraph 2, page 2, of the instrument entitled pipeline easement would not become operative until three years after the acceptance. It seems that this would amply protect the Government.

2. As to the width of such right-of-way, you and Mr. Taylor feel that no width should be specified in the easement as it contains an ingress and egress clause. Mr. Lassiter and I feel that the easement form should remain substantially as it is with the right-of-way extended from a width of 10 feet to 20, 30, or possibly 40 feet, and still retain the ingress and egress clause. We feel that considerable trouble may be encountered with the private owners if such unlimited authority is given to the Government. Personally, I have encountered such opposition on previous cases.

As you sent copies of your above-mentioned memoranda to the Director in each case, three copies of such pipeline easement are being submitted to the Director for preliminary review and approval as to form.

Raymond Sroay
Regional Attorney.

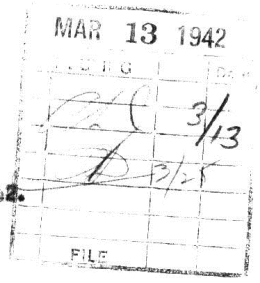
Encl. 1874571.

cc: The Director.
Supt. McLaughlin.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

February 26, 1942.



MEMORANDUM for the Commissioner of Reclamation:

There are attached the original and five copies of a draft of a proposed memorandum of agreement between the National Park Service and the Bureau of Reclamation, relating to the use of water of the West Mancos River, Colorado, for Mesa Verde National Park. The proposed memorandum has been drafted after considerable consultation and correspondence between representatives of the Bureau of Reclamation and the National Park Service, both in the field and in the Washington Offices, and is designed to facilitate the construction and operation of the Mancos project which has been undertaken by your Bureau and of the proposed pipe line from the West Mancos River to Mesa Verde National Park.

We have not had available certain data showing the exact relationship between the Mancos Conservancy District, the present users of water within that watershed, and the prospective users of the additional supply which will be made available when the Jackson Gulch Reservoir is completed and in operation. For that reason, some of the provisions of the proposed memorandum are general in their terms, and it may be desirable to supplement it at a later time when such relationships are clearly understood.

Please consider the proposed memorandum and indicate whether it meets with your approval.

(Signed) Newton B. Drury

[redacted], Director.

Enclosure 2978822

cc: Supt., Mesa Verde National Park, and copy of enclosure.
Region Three. " " " "
Mr. O. C. Taylor. " " " "
Mr. Wirth. " " " "
Mr. Moskey. " " " "
Attorney Albert L. Johnson, Region [redacted]. " "

MEMORANDUM OF AGREEMENT
BETWEEN
THE NATIONAL PARK SERVICE
AND
THE BUREAU OF RECLAMATION

Relating to the use of water of the West Mancos River on behalf of Mesa Verde National Park, Colorado.

WHEREAS the Bureau of Reclamation, under and by virtue of the act of August 11, 1939 (53 Stat. 1418), and acts amendatory thereof and supplementary thereto, and specifically the act of October 14, 1940 (54 Stat. 1119), is charged with the construction, operation and maintenance of the Jackson Gulch Reservoir, a part of the Mancos Federal Water conservation and utilization project; and

WHEREAS the plans of said project provide for storage of the water of the West Mancos River for stabilization of the said river and for use upon lands within the Mancos Conservancy District; and

WHEREAS there is need of a water supply at Mesa Verde National Park, Colorado, to which end the National Park Service contemplates the construction of a pipe line leading to distribution works within the said park, and diverting water from the West Mancos River at a point approximately six miles upstream from the proposed site of the Jackson Gulch Reservoir, with a standby line into the said reservoir itself; and

WHEREAS the National Park Service has in contemplation the acquisition of adjudicated water rights for transfer to its proposed di-

version and intends to use the assurance of an equal supply of project water both as a justification in its adjudication of change of point of diversion and method and place of use outside of the watershed and also as an inducement toward a lower purchase price; and

WHEREAS by agreement with the Mancos Conservancy District, the Bureau has reserved the right to store, divert and make beneficial use for any purpose in connection with the Mesa Verde National Park of not to exceed 120 acre feet per annum of the Mancos project water supply; and

WHEREAS the National Park Service has located a CCC camp at Mancos, Colorado, for the purpose of assisting in the construction of the Mancos project.

NOW, THEREFORE, the National Park Service and the Bureau of Reclamation, with the approval of the Secretary of the Interior, do hereby mutually agree as follows:

Article I

The Bureau of Reclamation will provide for the release from the Jackson Gulch Reservoir outlet of such water as may be necessary to compensate for the use of water from the West Mancos River by the National Park Service at the rate of Thirty-three hundredths (.33) cubic feet per second of time, but not to exceed one hundred and twenty (120) acre feet in any one year.

Article II

The National Park Service will install suitable meters upon the pipe line leading from its direct diversion from the West Mancos River

and upon any standby line from the Jackson Gulch Reservoir. These meters shall be accessible to the proper officers of the Bureau of Reclamation or of the Mancos Conservancy District in order that the rate of use or rate of compensatory release from the reservoir may be determined.

Article III

The primary duty of the said CCC camp shall be to assist the Bureau of Reclamation on the construction of the Mancos project; Provided, however, that whenever all or any part of the CCC facilities cannot be used or are not required in connection with the construction of the Mancos project, such facilities may then be used by the National Park Service in any such manner as will not interfere with the furtherance of the said project.

Article IV

The National Park Service will seek annual appropriations for the purpose of contributing to the payment of its proportionate share of operation and maintenance charges of the project, and to that end, whenever funds are available for such purpose, it will pay the sum of two hundred and fifty ($250) dollars per year.

_____
Director, National Park Service.

Approved:

_____
Commissioner, Bureau of Reclamation.

_____
Secretary of the Interior.

C O P Y

SLC Draft 12-5-41
(As revised W. O.
12-19-41)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MANCOS PROJECT, COLORADO

Contract Between the United States and Mancos Water Conservancy District Relating to the Mancos Project

---

THIS CONTRACT, Made this _____day of _____, 1941, pursuant to the Act of August 11, 1939 (53 Stat. 1418), and acts amendatory thereof and supplementary thereto, herein referred to as the Act, and specifically the Act of October 14, 1940 (54 Stat. 1119), herein referred to as the Amendatory Act, between the United States of America herein styled the United States, acting by and through the Secretary of the Interior, herein styled the Secretary, and Mancos Water Conservancy District, herein styled the District, a water conservancy district organized and existing under the laws of the State of Colorado, with its principal place of business at Mancos, Colorado;

WITNESSETH, That

2. WHEREAS, the United States has planned, investigated, and proposes to construct the Mancos Federal water conservation and utilization project for the storage, diversion, and beneficial use of the waters of the West Mancos River, and

3. WHEREAS, the District desires that the United States, pursuant to said Act and Amendatory Act, construct said project in order to make a water supply available to the District, including a

supplemental water supply for certain district lands now irrigated with a partial water supply under existing canals, and

4. WHEREAS, the amount of the reimbursable construction costs of the project has been fixed pursuant to the provisions of the said Amendatory Act in the sum of Six hundred thousand dollars ($600,000), constituting and hereinafter referred to as the District's reimbursable construction costs obligation to be paid to the United States by the District as herein provided;

5. NOW, THEREFORE, in consideration of the mutual and dependent stipulations and covenants herein contained, it is hereby mutually agreed by and between the parties hereto as follows:

Works to be Constructed by the United States

6. The project works to be constructed by the United States will include, without being limited by reason of this enumeration, a dam and storage reservoir, herein referred to as the Jackson Gulch dam and reservoir, of approximately 9800 acre feet capacity in Sections 2, 3, and 10, Township 36 North, Range 13 West, N.M.P.M., together with an inlet and an outlet canal respectively of approximately 250 second feet and 200 second feet capacities extending from the West Mancos River to said reservoir and from said dam to a draw or gulch, tributary to said West Mancos River, and works incidental thereto, together with lands and rights of way therefor. The project works designated herein are only tentatively determined upon and may be changed in location, or works may be eliminated or added to the foregoing list, and the decision of the Secretary on any such changes,

eliminations or additions shall be conclusive. All of the works, together with lands and rights of way therefor, above described, including those changed in location or those added as provided above, are herein referred to as the "Project Works."

Expenditures for Construction of Project Works

7. Subject to the provisions of Article 8 of this contract, the United States hereby agrees to commence construction of the Project Works: Provided, that to the extent the operations of this contract extend beyond the fiscal year in which this contract is executed, the obligations of the United States under this contract after the expiration of such fiscal year are contingent on Congress making the necessary appropriations for the fulfillment of such obligations: Provided further, that the United States shall not be obligated to expend toward the construction of the Project Works in any one fiscal year out of funds appropriated by the Congress pursuant to the act and the amendatory act an amount exceeding the sum determined by the Secretary as the limit of expenditures from said funds for said project works in such fiscal year.

Conditions Precedent to Actual Construction

8. The United States shall be under no obligation to commence or, having commenced, to continue the construction of the Project Works until (a) Rights of way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the Project works have been secured, with titles and at prices satisfactory to the Secretary; and (b) the Secretary has found

(i) That water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with the laws of the State of Colorado and any applicable interstate agreements and in a manner satisfactory to the Secretary; and

(ii) That such water rights can be utilized for the purposes of the project in conformity with the laws of the State of Colorado and any applicable interstate agreements and in a manner satisfactory to him.

(iii) Sufficient progress, in the opinion of the Secretary, has been made by the District toward compliance with the provisions of Article 17 hereof to justify commencing or continuing construction.

Terms of Repayment of the Reimbursable Construction Costs

9. The District shall pay to the United States the sum of Six hundred thousand dollars ($600,000), which has been fixed, pursuant to the provisions of the Amendatory Act, as the amount of the reimbursable construction costs of the Project Works in forty (40) successive, equal, annual installments of Fifteen thousand dollars ($15,000) each, the first of which shall become due and payable on December 31 of the year next following the last year of the development period fixed in Article 10 hereof: Provided, that, if construction of the Project Works is abandoned prior to the completion of such works by reason of lack of funds, failure of the District to perform those things on its part to be performed under the terms of this contract, or for any reason which, in the judgment of the Secretary,

requires that construction of the project works be abandoned, then the District shall pay to the United States the reimbursable portion of the amount expended by the United States in the partial construction of the Project works in forty successive, equal, annual, installments, the first of which shall become due and payable on December 31. of the year following the year in which construction of the Project Works is abandoned: Provided further, that in such case, the reimbursable portion of the amount so expended by the United States from whatever source shall not exceed forty(40) per cent of the amount so expended, exclusive of the administrative expenses incurred in the District of Columbia in connection with the investigation or construction of the Project Works.

Development Period

10. There is hereby established a development period of three calendar years, herein called the "Development Period", commencing with the second calendar year next succeeding that in which the Secretary gives to the District the Development Period Notice, as provided herein. When, in the determination of the Secretary, water will be available in the second ensuing calendar year for release from the Project Works for delivery by the District under this contract, the Secretary will give to the District a notice thereof, herein called the "Development Period Notice". Said notice must be given on or before August 1 of the year in which given and shall include a notice of the amount of the Development Period Charges for the first year of such Development Period. During the Development Period,

the United States will release water from the reservoir for delivery by the District to those entitled thereto upon payment by the District to the United States annually in advance as herein provided, of such per acre foot or other charge or charges, herein called the "Development Period Charges", as may be fixed by the Secretary. Such charges, fixed for each year of the Development Period, shall be sufficient to return, over the whole Development Period, the cost of operating and maintaining the Project Works during that Period, taking into account payments, if any, made to the United States toward such operation and maintenance during the Development Period by other than the District. Notice of the amount of the Development Period Charges so fixed for the second and third years of the Development Period shall be given to the District on or before August 1 of the second year preceding that on account of which such charges are fixed. The District agrees to pay in advance, on or before December 15 of the year following the year in which each notice of such charges is given, said Development Period Charges in accordance with the statement of the amount thereof as in this article provided. In case the amount collected on account of Development Period Charges exceeds the cost of operation and maintenance during the Development Period, as thereafter determined by the Secretary, such excess will be credited to the District's Reimbursable Construction Cost obligation provided in Article 9 in the manner determined by the Secretary.

Operation and maintenance by the United States and Payment of Charges Therefor

11. The United States will retain possession of and, subject to payment by the District in advance of operation and maintenance charges in the manner, amounts, and at the times herein provided, will operate and maintain the Project Works as long as is deemed necessary by the Secretary.

On or before August 1 of the second year of the Development Period provided for in Article 10 hereof, and on or before each August 1 thereafter, the Secretary will make an estimate and give to the District a notice of such estimate, herein called the "Operation and Maintenance Charge Notice", of the cost for the second ensuing calendar year of operating and maintaining all or any part of the Project Works to be operated and maintained by the United States. The District shall pay to the United States the amount specified in any such Operation and Maintenance Charge Notice on or before December 15 of the year preceding that for which such estimate is made. Whenever, in the opinion of the Secretary, funds so advanced will be inadequate properly so to operate and maintain the project or such part thereof to the end of any calendar year, he may give a supplemental Operation and Maintenance Charge Notice, stating therein the amount of additional advances required; and the District shall pay to the United States the amount thereof on or before the date specified in such supplemental Operation and Maintenance Charge Notice. If funds advanced by the District under this article exceed the actual cost of such operation

and maintenance for the calendar year for which advanced, the excess will be credited on the amount otherwise becoming due on December 15 of the next ensuing year.

In the event the Operation and Maintenance Charges provided for in this article and the Development Period Charges provided for in Article 10 hereof are not paid when due, the United States may at its election suspend operations of the Project Works in whole or in part and refuse to release water from the Project Works or reduce the amount of water to be released, as determined by the Secretary.

The amount of payments toward the cost of operation and maintenance of the Project Works as may be made by the National Park Service on account of its use of water provided for in Article 16 (b) hereof, pursuant to such agreement as it may make with the Commissioner of the Bureau of Reclamation shall, as and when received, reduce, to the extent of any such payment, the amount of Development Period Charges or Operation and Maintenance Charges otherwise next required to be paid by the District pursuant to the provisions of Article 10 hereof or of this article.

Computation of Costs

12. The costs, which make up the charges to be paid by the District to the United States as provided in Articles 10 and 11 hereof, shall embrace all expenditures of whatsoever kind, other than those for constructing the Project Works, made by the United States from and after the commencement of the Development Period provided for in Article 10 hereof, including the cost of labor, property, material and equipment, engineering and legal work, superintendence,

administration, overhead, general expense, special services, and damage claims of all kinds; inspection, repair, and protection of the Project Works and water supply, inspection of the books, records, and papers of the District so far as the same may be determined by the Secretary to be necessary to ascertain whether the terms of this contract are being faithfully executed by the District; surveys and investigations in connection with the irrigation of project lands, and soil investigations made under the direction of the Bureau of Reclamation, if any; Provided, however, that administrative expenses incurred in the District of Columbia in connection with the investigation, construction or operation and maintenance of the Project Works shall not be included in the computation of costs herein provided for nor shall they be charged to the District or the water users in any way. The determination of what costs are properly chargeable hereunder, and the amount thereof, shall be conclusively made by the Secretary.

District to Use All Powers to Collect Charges

13. The District shall cause to be levied and collected all necessary taxes and assessments, and cause to be fixed or established all necessary charges, rates, and tolls, including sufficient amounts to make up for the defaults of those who do not pay the same, and shall use all of the powers and resources of the District, including without limitation by reason of this enumeration the full powers of the District to levy and collect taxes and assessments, and the power to withhold delivery of water, to collect and pay to the United States all charges or sums required by this contract to be paid by

the District, in full at or before their maturity, provided, however, that the limit of liability of any property within the district of Class A as defined in Section 16 of Chapter 266 of the 1937 Session Laws of Colorado shall during the existence of this contract be limited to an assessment not to exceed one and one-half mills in any one year as provided by Sections 16 and 20 of said Chapter 266. The debts due the United States hereunder are hereby declared to be prior to all other obligations of the District; and, from any moneys coming into the possession of the district and applicable to the payment of its obligations, the United States shall be paid prior to all other claimants whomsoever.

Refusal of Water on Account of Delinquency

14. The Secretary may, in his discretion, refuse to release water from the reservoir for delivery by the District to or for any land or party receiving its right to such water from or through the District while either the District, said land, or said party is in arrears in the advance payment of Operation and Maintenance Charges or Development Period Charges or in arrears for more than twelve months in the payment of any installment of the Reimbursable Construction Costs.

The District shall refuse water service from the Project Works to or for any land or party while either said land or party is

(a) In arrears in the payment to the District of any taxes, assessments, tolls or other charges levied or established by the District to meet its advance payment of Operation and Maintenance Charges or Development Period Charges required to be paid as herein provided, or

(b) In arrears for more than twelve months in the payment to the District of any taxes, assessments, tolls or other charges levied or established by the District to meet its payments of the Reimbursable Construction Costs required to be paid as herein provided.

The provisions of this article are not exclusive and shall not in any manner hinder the United States from exercising any other remedy to enforce collection of any amount due hereunder.

Acquisition of Lands and Easements

15. The District shall, at its own expense, negotiate for the purchase of all lands and easements which the District may be advised by the United States are needed for the construction or operation and maintenance of the Project Works, using for that purpose such forms of contracts, deeds, and other necessary papers as may be designated by or satisfactory to the Secretary. Upon procuring the execution of the necessary contracts, deeds, and any other papers, the District shall transmit the same to the United States, and payment of the purchase price will be made by the United States in due course if, in the opinion of the duly authorized officer of the United States, the purchase price is reasonable and said instruments are satisfactory in form and contents and show satisfactory title in the United States.

In case any such needed lands or easements cannot be purchased by agreement, the District shall initiate and prosecute to completion the necessary condemnation proceedings for their acquisition, the

entire expense of which, including the payment of any award or purchase price for the right of way so acquired, shall be borne by the District from its own funds. Upon the acquisition by condemnation of such lands or easements, the District shall convey the same to the United States upon terms and conditions and at prices satisfactory to the Secretary, said prices not to exceed the actual cost to the District of such acquisition.

District to Have Perpetual Right to Use of Project Works and Water Supply

16. (a) The District shall have the perpetual right to the use of all water that becomes available through the construction and operation of the Project Works, delivered at the lower end of the outlet canal for irrigation, domestic, municipal, and industrial purposes exclusive of the development of hydro-electric power as hereinafter excepted.

(b) The rights of the District, its assigns, and those claiming any right, by, through or under the District, to the use of the project water supply as in subdivision (a) of this article provided shall be subject to

(1) All of the provisions of the Amendatory Act and of this contract and compliance therewith by the District and its assigns or those claiming any right to the use of water by, through or under the District;

(2) Payment of all sums by the District at the times and

in the manner herein provided;

(3) The provisions of Section 13 of the Boulder Canyon Project Act approved December 21, 1928 (45 Stat. 1064);

(4) The rights hereby excepted and reserved to the United States as follows:

(i) To store, divert and make beneficial use for any purpose in connection with the Mesa Verde National Park of not to exceed 120 acre feet per annum of the project water supply.

(ii) To use the Project Works and water supply for the development of hydroelectric power to such extent as the same may, in the judgment of the Secretary, be practicable without substantial interference with the District's primary right to the use of the Project Works and water supply for irrigation and domestic municipal and industrial purposes, as provided in subdivision (a) of this article. Revenues from any such power development shall be the property of the United States;

(iii) To establish and maintain bird reserves or wild life refuges upon land acquired for the Jackson Gulch dam and reservoir, and require the observance of such reasonable regulations for the protection of such reserves or refuges as from time to time may be made by the Fish and Wildlife Service of the Department of the Interior in accordance with any agreement pertaining thereto between the Bureau of Reclamation and said Wildlife Service heretofore or hereafter made with the approval of the Secretary;

(iv) To permit, subject to such reasonable regulations as the Secretary may make for the protection of the Project Works and water supply, the use of the lake to be created by Jackson Gulch dam and reservoir, for fishing and recreational purposes, for which the District shall not impose a charge of any kind;

(v) To use or permit the use of the Project Works or water supply for any other purpose not inconsistent with the right of the District to the use of the said Works and water supply for irrigation, domestic, municipal, and industrial purposes as provided in subdivision (a) of this article;

(vi) To dispose of that part of the project water supply not required for use within the District for irrigation, domestic, municipal or industrial purposes upon such terms and conditions as the Secretary may fix, consistent with his authority under law, subject to the approval of the Board of Directors of the District.

(vii) To restrict the release of water from the reservoir to the extent necessary to preserve a minimum storage content of 200 acre feet.

Disposal by District of Rights to the Use of Water

17. The District shall allot or contract for the disposal of the use within the District of the project water supply to the use of which it may be entitled under the provisions of Article 16 hereof, for irrigation, domestic, municipal or industrial uses in accordance with and subject to the provisions of all applicable State and

Federal laws and of this contract. All allotments of, or contracts for the disposal or the use of the project water supply which may be made by the District, in addition to complying with all applicable State and Federal laws shall be in form and, in the case of contracts for the right to the use of water, with security, satisfactory to the Secretary.

Release of Stored Water by the United States - Responsibility of District as to Water Distribution

18. (a) Stored water made available by and through the Project Works and to which the District is entitled under this contract will be released from the reservoir by the United States, acting through the engineer of the Bureau of Reclamation in charge of the Project Works, and delivered at the lower end of the said outlet canal or at points along said outlet canal, at times and in amounts, to the extent of the capacity of the said outlet canal, in accordance with requests from time to time made, at least twenty-four hours in advance of the time such delivery is needed, directed to said engineer by the Board of Directors of the District or such person as may be designated in writing by the said board for that purpose. The District will provide for delivery of such water to the water users entitled thereto through the existing canals or such additional or modified canals as may be provided by the District or others, without expense to the United States for the construction, operation or maintenance of any of the said canals, provided that this provision shall not be construed as a contract for the benefit of any water user whereby such

user can require the district to construct, operate or maintain any canals or ditches, and said district shall have authority to designate the points at which water users shall receive said stored water.

(b) The United States shall not be responsible for the control and handling of water which may be so released for delivery, as aforesaid, beyond the end of the said outlet canal, and the District shall hold the United States harmless on account of damage of any nature whatsoever for which there is legal liability, including but without limitation by reason of this enumeration, property damage or damage on account of personal injury or death arising out of or connected with the control, handling, use, disposal or distribution, beyond the end of the outlet canal, of water which may be so delivered by the United States at that point as aforesaid.

(c) In case of dispute as to the character, extent, priority or validity of the right of the United States to the use of water of the West Mancos River as the principal project water supply, the District shall promptly bring and diligently prosecute judicial proceedings for the determination of such dispute; and in any event shall take all measures toward the defense and protection of the project water supply. Nothing in this paragraph, however, shall be construed as precluding the United States, independently or in cooperation with the District, from taking such action as the Secretary deems necessary to protect the project water supply. The cost of any such action taken by the Secretary shall be included as a part of the operation and maintenance cost of the Project Works. Pending or in

absence of such judicial determination as to the character, extent, priority or validity of these rights of the United States, the District shall be conclusively bound by the Secretary's determination of the amount of water to be released from storage to satisfy any prior or superior water rights or claims thereof.

United States not Liable for Water Shortage

19. On account of drouth, inaccuracy in distribution, hostile diversion, prior or superior claims, or other causes, it is expected that there will occur at times a shortage in the quantity of water which will be made available through and by means of said Project Works constructed hereunder, but in no event, whatsoever the cause, shall any liability accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom, and the payments to the United States provided for herein shall notbe reduced because of any such shortage or damage.

Waste Water, Seepage Water and Return Flow

20. (a) The United States does not abandon or relinquish any of the waste or seepage water or return flow water coming from the lands irrigated with water supplied from said storage reservoir, but the same is reserved and intended to be retained for the use and benefit of the United States as a source of supply of said project.

(b) If suitable drainage or return flow water from any part of the territory of the project shall at any time be or become available at points where the same can be used on project lands, the United States and the District, or either of them, may substitute in

lieu of stored water from the said reservoir an equal amount of such drainage or return flow water to the extent that the same is available for delivery by the District into the ditches supplying said lands at points where the same can be used thereon and at the times that water is needed. The landowners who accept the benefits of this contract shall be deemed thereby to have consented to such substitution.

Drainage

21. If any drainage of District lands should be required in connection with the irrigation of lands from the project water supply, the necessary drainage works shall be provided either by the District or by the landowners in the District, without cost or expense to the United States, and the United States, its agents, servants, and employees, shall be in no way responsible for such drainage or for any damage or claim of damage for seepage, whether resulting from the use of the stored waters of said reservoir or otherwise, provided that no drainage works shall be constructed without prior approval of the Secretary or his duly authorized representative.

Economical Use of Water

22. To the end that the said Jackson Gulch reservoir may be effective in reducing water shortage in dry cycles, the District shall take every reasonable measure to effect the economical and efficient use of water by every water user in the District, and whenever wasteful, inefficient or uneconomical use of water is being made by a water user within the District, the District, with the advice and

cooperation of officers of the United States, will take such action as may be necessary and reasonably practicable to correct such wasteful, inefficient or uneconomic use of water.

Limit of Irrigable Lands in Single Ownership

23. Pursuant to the provisions of the Amendatory Act, the Secretary has established the size of a farm unit of irrigable land which may be entitled to receive water from the Project Works at not to exceed one hundred sixty irrigable acres. No water shall be delivered through and by means of the Project Works to or for more than a single farm unit of one hundred sixty acres of irrigable land owned by a single land owner; provided, that the provisions of this article and Article 24 hereof shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise.

Disposal of Land at not to Exceed Appraised Values

24. No water shall be delivered through or by means of the Project Works to or for any land transferred or disposed of on or subsequent to October 24, 1940 and within three years from the date water becomes available from the Project Works, as fixed in the Development Period Notice provided in Article 10 hereof, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative, that the land has been transferred or disposed of at a price not exceeding the appraised value of said land, and the improvements thereon, at the time of the transfer or disposal, or contract for such transfer or disposal, whichever is

earlier. The Secretary will make such appraisals, excluding any increment attributable to the construction of the Project Works, but appraisals may be revised by the Secretary from time to time on the request of any owner to reflect changes in value attributable to other reasons. Copies of all appraisals and revisions shall be filed in the principal office of the District, but need not be made available for public inspection.

Upon proof of fraudulent representation as to the true consideration involved in any such transfer or disposal, the Secretary may cancel the right of the land involved to receive water from, through or by means of the Project Works or from the project water supply; Provided, that nothing herein shall be construed to create an authority to interfere with the delivery of water under prior rights.

The District shall take all measures that may be necessary to enforce observance of the provisions of this article and of Articles 23 and 25 hereof, and shall, on or before December 31 of each calendar year commencing December 31 of the year in which this contract is executed and within three years from the date water first becomes available from the Project Works, make a complete report of all transfers or disposals of lands in the District appearing of record or within the personal knowledge of the Secretary of the District.

Crop Reports, Accounting, and Other Measures

25. The District shall take such measures as it may be advised by the Secretary are deemed proper to secure the adoption

of proper accounting, to protect the condition of the Project Works, and to provide for the proper use thereof, and to protect project lands to be irrigated against deterioration due to improper use of water.

The District shall install and maintain in a manner satisfactory to the Secretary a modern set of books of account showing all financial transactions of the District and furnish such financial reports and statements as may be required from time to time by the Secretary.

The District shall keep a reasonably accurate record of all crops raised and agricultural or livestock products produced under the irrigation system of the District and furnish the Secretary on or before December 31 of each year a crop report, including the aforesaid data, in form prescribed by the Secretary.

Performance of Work with Contributed Funds

26. The United States will perform with funds contributed by the District any construction or maintenance work on the project not otherwise provided for by this contract or any construction work covered by this contract but for which funds may not be available; provided, that the plans therefor must be approved by the Secretary and it is found by him that acceptance of such funds will not impair the title of the United States to the Project Works nor materially impair the District's ability to meet its obligations under this contract. When the undertaking of such work is approved, funds therefor shall be advanced by the District as may be directed by the Secretary,

and there shall be submitted to the Secretary a certified copy of the resolution of the Board of Directors of the District describing the work to be done and authorizing its performance with contributed funds. When the funds so advanced in any case in this article provided for have been exhausted, no further work shall be done pursuant to this article unless and until additional funds have been advanced by the District for the continuation of such work.

After completion of any work so undertaken, the District will be furnished with a statement of the cost thereof as conclusively determined by the Secretary; and any unexpended balance of the funds will be refunded to the District or applied as otherwise directed by the District.

Title to Remain in United States

27. The United States shall retain title to the Project Works until Congress otherwise provides.

Changes in Organization of District

28. While this contract is in effect, no change will be made in the organization or boundaries of the District either by inclusion or exclusion of lands, by partial or total consolidation or merger with another district, by proceedings to dissolve or otherwise except upon the Secretary's written assent thereto.

Agreed Charges a General Obligation

29. The District as a whole is obligated to pay to the United States the full amount or amounts herein agreed upon according to the terms stated, notwithstanding the individual default in the

payment to the District by individual water users of assessments, tolls or other charges levied or established by the District, subject to the conditions and restrictions as contained in Article 13 of this contract.

Penalty for Delinquency

30. Delinquencies in any payments due to the United States under this contract shall be penalized by a penalty of one-half of one percent per month on the unpaid balance of any delinquent sum until paid, and the District agrees to pay said penalties.

Secretary Arbiter of Disputes Involving Questions of Fact

31. In the event of disputes between the parties hereto arising out of this contract involving questions of fact and insofar as the provisions hereof require a determination of fact to be made, the Secretary is hereby designated as the arbiter of such questions and as the one required to make such determination of facts, and his decision thereon shall be conclusive and binding upon the parties hereto.

Rules and Regulations

32. The Secretary reserves the right, so far as the purport thereof may be consistent with the provisions of this contract, to make reasonable rules and regulations and to add to or modify them as may be deemed proper and necessary to carry out the true intent and meaning of the law and of this contract.

Representative of the Secretary

33. Where this contract requires action by the Secretary, such action except as to that provided for in Articles 31 and 32

hereof may be taken for and on behalf of the Secretary by his representative duly authorized in writing by the Secretary.

Assurances Relating to Validity of Contract

34. The execution of this contract shall be authorized by the qualified electors of the District at an election held for that purpose. Thereafter, without delay, the District shall prosecute to decree proceedings in court for a judicial confirmation of the proceedings authorizing the execution of this contract by the District and for a decree finding this contract legal and valid and binding upon the District. The District shall furnish the United States for its files certified copies of such confirmation proceedings and copies of all proceedings relating to the organization of the District and to the election upon the contract.

Officials not to Benefit

35. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

Contract Nonassignable Without Consent

36. No voluntary transfer or assignment of this contract shall be made without the written approval of the Secretary. In the event, however, of a valid transfer or assignment, the successor or assignee shall be subject to all the provisions and conditions of this contract to the same extent as though such successor or assignee

were the original contractor hereunder.

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

THE UNITED STATES OF AMERICA

By_____
Secretary of the Interior

MANCOS WATER CONSERVANCY DISTRICT

By_____
President

(SEAL)

Attest

_____
Secretary

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

DEC 16 1941
FILE

December 13, 1941.

MEMORANDUM for the Regional Attorney, Region Four.

Attached are two copies of a proposed Memorandum of Understanding between the Bureau of Reclamation and the National Park Service, covering the water supply for Mesa Verde National Park from the Jackson Gulch Reservoir, a facility in the Bureau of Reclamation's Mancos project.

It was my understanding that this agreement was to be worked up in Washington by the Bureau and this Service. However, Mr. A. W. Bainbridge, resident engineer in charge of the Mancos project, tells me that the attached agreement was worked up in the Bureau of Reclamation District Counsel's office in Salt Lake City, Utah, at the request of the Chief Engineer of the Bureau of Reclamation.

Mr. Bainbridge informs me that the draft of the contract between the Water District and the Bureau of Reclamation provides for several stipulations of interest to this Service. First, Park Service payments for operation and maintenance of the project will be handled by the Bureau of Reclamation and will be applied so as to reduce the amount repaid by the district to the Government in the amount of $250 per year. Second, the Water District will recognize and honor all reservations for water use made by the Government.

The contract then goes on to recite the various amounts of water reserved by the Government and the list includes 120 acre feet per annum for use by Mesa Verde National Park. The district has not as yet accepted the contract but the election by which the contract will be accepted or rejected is scheduled for late next month.

The terms of this proposed agreement seem acceptable to me. However, the fact that we propose to purchase a water right and make our diversion direct from the stream rather than the reservoir may require that the proposed agreement go more into detail as to what is contemplated. The Resident Engineer is informed in a general way of our plans and he is of the opinion that our proposal to divert direct from the stream need not change the terms of the proposed agreement. The agreement will require some small changes as to

form; for instance, I believe that while it might be satisfactory to have the field representatives of the Bureau and this Service sign the agreement, the heads of the two bureaus involved should also be parties to the agreement.

I will appreciate receiving your comments and suggestions on this matter at the earliest practicable date.

John S. McLaughlin,
Superintendent.

Enclosures.

cc Director
Regional Director, Region Three.

C
O
P
Y

MEMORANDUM OF UNDERSTANDING

Pursuant to the Act of August 11, 1939 (53 Stat. 1418) and particularly the Act of October 14, 1940 (54 Stat. 1119), the Bureau of Reclamation, hereinafter referred to as the Bureau, and the National Park Service, hereinafter referred to as Park Service agree that

2. WHEREAS, the Bureau, subject to the availability of funds therefor, will construct a reservoir for the storage of water near Mancos, Colorado to be known as the Jackson Gulch Reservoir, and

3. WHEREAS, Mesa Verde National Park is so located that waters to be impounded by said reservoir can be conveyed by pipeline for domestic use within said Park, and

4. WHEREAS, said Park Service is in need of domestic water, and

5. WHEREAS, there has been made available by the Park Service without charge to the Bureau a CCC camp to aid in the construction of said reservoir;

6. NOW, THEREFORE, it is hereby agreed

(a) From the waters to be impounded by said reservoir, the Park Service, subject to availability of water therefor, shall be entitled to store, divert, and make beneficial use annually and shall have first and prior right to 120 acre feet of water at not to exceed the rate of 150 gallons a minute taken at the inlet of the pipeline at said reservoir as provided by the Bureau, commencing in the year the Secretary of the Interior shall announce that water is ready for delivery to said Park.

(b) The Park Service, without expense to the Bureau, shall locate, construct, maintain, repair, and operate all pipe lines, pumps, and other equipment necessary to utilize said water from said reservoir to Mesa Verde National Park, save and except the inlet valve to said pipeline, which said valve, the Bureau will operate, and said Park Service shall furnish all necessary meters and equipment in connection therewith.

(c) The Park Service shall annually pay to Secretary of the Interior a sum of $250 on or before July 1 of each year hereafter, commencing with the year in which the Secretary of the Interior announces water is ready for delivery to said Park; said sum to be in lieu of any and all advances, development period charges and all operation and maintenance charges in connection with said reservoir and the use of water thereof by said Park.

(d) On account of drought, inaccuracy in distribution or other causes, there may occur at times a shortage in the water supply of the Park Service; and while the Bureau so long as it remains in control of said works will use all reasonable means to guard against such shortage, in no event shall the Bureau be responsible for the same nor shall any obligation provided for herein be reduced because of any such shortage or damage. The maintenance and potability of water for domestic use shall be the responsibility of the Park Service.

(e) In the event the Park Service does not use all of the water (120 acre feet) to which it is entitled in any one year, the carry over storage of the Park Service at the end of each calendar year shall become part of the common available water supply of the reservoir.

DATED this_____day of_____,A.D. 1941.

NATIONAL PARK SERVICE

By_____
Superintendent of Mesa Verde
National Park

Approved

BUREAU OF RECLAMATION

_____
Secretary of Interior

By_____
Resident Engineer, Mancos Project

C O P Y

SLC draft of 9/19/41

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF RECLAMATION AND THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, RELATIVE TO THE USE OF A CERTAIN CRUSHING PLANT BELONGING TO THE NATIONAL PARK SERVICE

THIS MEMORANDUM OF UNDERSTANDING, Made and entered into by and between the Bureau of Reclamation (hereinafter referred to as the Bureau) in pursuance of the Act of October 14, 1940 (54 Stat., 1119), and the National Park Service (hereinafter referred to as the Park Service) in pursuance of Public Law 136, 77th Congress, Interior Department Appropriation Act 1942, (Approved June 28, 1941);

WITNESSETH:

1. WHEREAS, the Bureau proposes to construct the Mancos Federal water conservation and utilization project near Mancos, Colorado; and

2. WHEREAS, the Park Service owns a certain crushing plant on the East side of Mud Creek, about four miles West of the Town of Mancos, North of Highway 160; and

3. WHEREAS, the Park Service will benefit by the construction of said conservation and utilization project and desires to co-operate in the construction of said project by permitting the Bureau to use said crushing plant.

NOW, THEREFORE, it is understood that:

4. The Bureau shall have the right, from the date hereof until June 30, 1942, to use without any charge or rental therefor that certain crushing plant on the East side of Mud Creek, about four miles West of the Town of Mancos, North of Highway 160.

5. The Bureau shall have the right to alter, adjust, modify, or expand said crushing plant to meet the needs and requirements of the Bureau.

6. The Bureau agrees to maintain said crushing plant in good repair, to replace all broken parts, and to pay all operating expenses of said crushing plant so long as the Bureau uses said crushing plant pursuant to this agreement.

7. The Bureau, upon expiration of this agreement, shall deliver said crushing plant to the Park Service in as good condition as it was when first used by the Bureau in accordance with this agreement, ordinary wear excepted.

8. All improvements or alterations made to the crushing plant shall become the property of the Park Service.

9. The Bureau will negotiate directly with landowners in purchasing or otherwise securing crushing material to be used by the Bureau in operation of the plant.

10. The Park Service reserves the right to use the crushing plant at such times as the field representatives of the Bureau and the Park Service may agree upon.

11. If it becomes necessary for the Bureau to remove the plant to another site it is understood that the Bureau will bear the Expense of returning the plant to any site in Mesa Verde National Park or the vicinity designated by the Superintendent.

Dated at Mancos, Colorado, this 21st day of October A. D., 1941.

BUREAU OF RECLAMATION

By (Sgd) A. W. Bainbridge

Resident Engineer

NATIONAL PARK SERVICE

By (Sgd) John S. McLaughlin

Superintendent,

APPROVED: DEC - 6 1941

(Sgd) E. K. Burlew

E. K. Burlew,

First Assistant Secretary.

00-00-0000: memorandum of agreement between the nps and the bureau of reclamation, concerning the mutual use of ccc person

Memorandum of Agreement Between the National Park Service and the Bureau of Reclamation, concerning the Mutual Use of CCC Personnel from Camps NP 13 and BR 93 and 94

5 30 41

1. The Bureau of Reclamation is initiating construction of the Mancos Project, consisting of an earth dam and storage reservoir, located in Jackson Gulch about six miles north and east of Mancos, Colorado, with about 2½ miles of inlet canal from the Mancos River and about 2 miles of outlet canal for the return of stored water to the Mancos River. Except for a small amount of W.P.A. labor, CCC enrollees will be used for the construction of the project and work is now under way on the establishment of CCC camps BR 93 and 94 on the NE¼ of Section 10, Township 36 N., Range 13 W.

2. Establishment of CCC camp NP 13, to be largely used for the construction by the National Park Service of a water supply line from the Mancos Reservoir, which will be created by the dam in Jackson Gulch, to Mesa Verde Park, is nearing completion and will be occupied in the very near future. Camps BR 93 and 94 will be simultaneously constructed and will not be ready for occupancy before the first part or middle of October. The advance cadre of enrollees from Camp BR 71 at Montrose, Colorado, will be entirely engaged on the erection of these camps.

3. It is essential that the construction of certain features of the project be initiated, or completed, before severe winter weather. These are reservoir clearing to the extent necessary to

supply poles for a power transmission line from Mancos to the dam site, and installation of that line, and stripping of the dam foundation to permit placing concrete for the cut-off walls and outlet conduit during the winter months when earth-placing operations will not be possible. To accomplish these items of work it is necessary that they be started at the earliest possible date. The required construction organization, equipment and supplies are on hand.

4. In view of the CCC enrollees and supervisory personnel that will shortly be occupying Camp NP 13 it is desired to effect an agreement whereby a part of this personnel may be assigned to work on the Mancos Project pending completion of Camps BR 93 and 94, and repayment in kind be later made from these camps by providing an equal number of man-days for work on the Mesa Verde Pipe Line.

5. Accordingly, it is mutually understood and agreed that:

(a) Assignment of approximately 50 enrollees, together with required supervisory personnel and trucks for transportation of enrollees will be made from Camp NP 13 for such period of time as they can be spared, and not to exceed that period of time when enrollees will be available from Camps BR 93 and 94.

(b) General supervision and direction of the work projects outlined in paragraph 3 will be by the Bureau of Reclamation Resident Engineer and his staff. The Bureau of Reclamation agrees to abide by and conform to all CCC safety regulations and any regulations in effect by the National Park Service.

(c) The Bureau of Reclamation will keep such records and prepare all reports concerning use of the enrollees and features of work upon which they are engaged, that may be required by the National Park Service.

(d) The Bureau of Reclamation will provide the National Park Service with an equal amount of man-days, supervisory personnel, and transportation facilities from Camps BR 93 and 94, during the winter months when desired or required for work on the Mesa Verde Pipe Line.

Signed about Aug. 20-1941

(Sgd) M. R. Tillotson

Regional Director
National Park Service

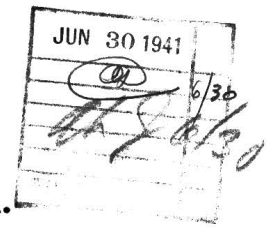
Signed about Sept. 1, 1941

(Sgd) S. O. Harper

Chief Engineer
Bureau of Reclamation

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE



June 25, 1941.

MEMORANDUM for Hydraulic Engineer Dunn:

Reference is made to your memorandum of May 9, transmitting a draft of a proposed statement of claim of right to divert water from the West Mancos River for the proposed pipe line to Mesa Verde National Park.

The first question in your memorandum is that regarding the signing of the statement of claim. Since the proposed statement specifies two diversion points, one of which is the outlet from Jackson Gulch Reservoir, it will be in part a supplement to filing No. 16951 made by Chief Engineer Harper of the Bureau of Reclamation as agent for the United States. We think it is not necessary for the Director to sign the statement, in view of the plan for a formal interbureau agreement relating to the matter. The Bureau of Reclamation has informally advised us that Mr. Harper need not sign it, for the reason that the supplemental nature of our statement of claim may be established by language in the statement itself, and it will be filed on behalf of the same principal, that is, the United States, on whose behalf the original claim was filed. The original filing claims all flow and storage water of the West Mancos River, and if the State Engineer is in doubt by reason of the apparent conflict between the two filings, Mr. Harper can informally advise him that the two will be reconciled and that our filing is not to be considered as conflicting. If Mr. Harper were to sign our statement, it would be necessary, in accordance with the practice of the Bureau of Reclamation, to submit the statement to the Secretary's Office for approval before filing, whereas if the statement is signed only by the Superintendent of Mesa Verde National Park, such submission would not appear necessary.

Your second question relates to the limitation of 120 acre-feet per annum. The question is, at what stage of the proceedings should this Service formally announce its acceptance of the limitation of 120 acre-feet instead of the 480 acre-feet which would result from a continuous flow of the claimed diversion of .335 second feet? It is our view that the acceptance of the limitation need not be in the statement of claim, but should be stated in the interbureau agreement, to which the Mancos Conservancy District will give its assent or to which it may possibly become a party.

Your third question relates to the function of the interbureau agreement. We think it should be formal and should have the approval of the First Assistant Secretary. We are drafting such an agreement for submission to the Bureau of Reclamation. It will be sent to their

Denver office for review, and will be discussed with the Mancos Conservancy District with a view to securing concurrence. It appears that the filing of the statement of claim need not wait upon the execution of the agreement, and it is unlikely that the agreement will be executed in time to enable you to make reference to it in the statement of claim.

We note your suggestion that the use of the Jackson Gulch Reservoir by this Service will be only to induce a cheaper purchase price for an existing water right. It seems we have the additional purpose of using such storage to provide an assured supply in case of extremely low flow of the river at the point of our direct diversion. There is no information now available as to whether the owners of priorities 1 and 2 or other early priorities would be willing to make an exchange or are in a position to do so. We shall request Superintendent McLaughlin to investigate the matter as soon as possible. Until the matter of the interbureau agreement is settled, we will not have any definite portion of the reservoir storage allotted for our use or disposal.

Yes.

Although the matter of securing the rights-of-way across private lands by furnishing water from the pipe line was not mentioned in your memorandum, it seems this point should be clarified. As Mr. Moskey stated in his memorandum of March 27 to Superintendent McLaughlin, the Government cannot undertake any permanent obligation to deliver water at any point along the pipe line. A proposal of that nature was considered in connection with the headquarters supply at Lassen Volcanic National Park, but was finally abandoned, partly for the reason that we could not enter into a binding contract to deliver water. The limit of the obligation would be a special use permit revocable at any time, which would specifically provide that the United States may shut off the water whenever necessity requires, and that water may be permitted to be drawn from the pipe line only when it is available. Whether or not such permits are contemplated in acquiring the rights-of-way, the deeds conveying the easements will not be acceptable if they are made conditional upon the granting of the permits.

Yes.

There is another difficulty in the way of securing pipe line easements by allowing take-offs. Since it is understood that most of the landowners concerned are situated in other watersheds, any use of the pipe line by them will necessarily increase the diversion within the watershed of the West Mancos River. Either the Bureau of Reclamation or the Mancos Conservancy District might find such added diversion objectionable. Objection on their part, especially that of the conservancy district, would justify this Service in refusing to consider the proposal further.

In view of the difficulties mentioned above, it appears most

desirable to purchase the easements outright. However, we are not ready to end all consideration of the possibility of allowing take-offs. It is possible that the greatest need of the landowners is for clean water in small amounts for domestic purposes, and that the pipe line could easily carry the added amounts, especially if each user could provide a proper amount of storage. If take-offs are permitted, we agree with your statement that each user should secure his own water right and that the pipe line be used merely as a conduit, with the understanding that the landowners are not to acquire any vested interest in the pipe line.

Conrad L. Wirth

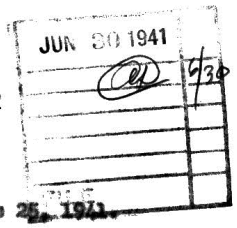
Acting Director.

cc- Bureau of Reclamation (in duplicate) (with copies of memorandum of May 9)
Chief of Engineering
Region III
Supt., Mesa Verde
Mr. Moskey

06-25-1941: memorandum to superintendent from nps regarding proposed water system to supply mesa verde

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE



June 25, 1941.

MEMORANDUM for the Superintendent,
Mesa Verde National Park:

Reference is made to my memorandum of June 25 for Hydraulic Engineer Dunn, relating to the proposed water system to supply Mesa Verde National Park. A copy of the memorandum, which is self-explanatory, has been sent to you.

The Interior Department Appropriation Bill for the fiscal year 1942, as passed by the Congress and sent to the President for approval, contains the item of $75,000 for beginning the work of constructing the system.

Please investigate the matter of securing the necessary water rights for the park supply. Your attention is specially invited to the first paragraph beginning on page 2 of the memorandum, indicating our lack of information regarding the availability of water rights having early priorities.

Also, we think it is time to take further steps to secure the necessary rights-of-way for the pipe line. Negotiations should be begun with the owners of lands over which easements will be required, as soon as the route of the pipe line is definitely settled. If your negotiations indicate that excessive prices will be asked, it may be necessary to condemn the easements. It may be desirable to deviate from the planned route to some extent, if such deviation appears more economical from all points of view, including lower costs for the right-of-way.

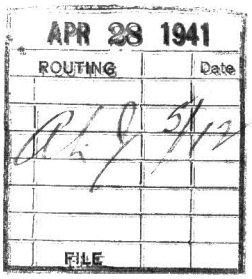
Please report any worthwhile information which may be acquired in the course of the negotiations, so that we may be currently informed.

(SGD) Conrad L. Wirth

Acting Director.

cc- Region III
Asso. Atty. Johnson
Mr. O. G. Taylor

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO



April 25, 1941.

Memorandum for the Regional Director - Region Three:

During my travels of the past two weeks I have collected a great deal of data to supplement my previous studies of the proposed Mancos River Water Supply for Mesa Verde National Park. A complete tabulation and record will be prepared on my return to San Francisco. The following summary is offered for immediate use during the discussions with the Chief of Engineering and Senior Sanitary Engineer Homson:

To correct an error in my memorandum to Associate Attorney Albert L. Johnson of March 13, 1941, all rights in the Sheek Ditch apply at the point designated in the filing No. 16499 in Section 31, T36N, R13W, NMPM. There are 10.533 sec. ft. less of rights above the proposed Bureau of Reclamation and Park Service Divisions than given on the map with that report.

The Bureau of Reclamation had filed its claim No. 16951, in 3 sheets, before I reached Denver. Prints are submitted herewith, for your information. Two points in the claim are important.

1. The B of R claims the rights to all flow, developed water, recaptured, and stored water.

2. It designates the use to be to stabilize stream flow for use in conduits having their diversions in the Mancos River.

From Messrs. Hedderman and Riter, of the Bureau of Reclamation, I have learned that it is hoped and planned to pool existing rights, and make them all physically real by regulated stream flow. The State Division Engineer is evidently not fully cognizant of the plan, as he proposes to administer the stored water as a separate entity at the direction of the officers of the Conservancy District. State Engineer Hinterleider questions whether the full claim is legal, or will be accepted by the District Court, but considers it to be for supplemental water under existing rights and claims as it will be adjudicated. (Rights as here designated, are decreed; and claims are filings which have not yet been adjudicated since the Court last sat.)

The Park Service has no conduit, filing or decreed right. The conduit will be the Mesa Verde Mancos River pipe line now under consideration. From the District Engineer's explanation that would satisfy park needs. From the State Engineer's discussion and my own belief, a Park Service filing is also needed to define and legalize the conduit; and designate the place, purpose, and quantity of water use.

I propose to make a filing as soon as the quantity of water and possibility of service to private individuals along the right-of-way are determined. It would be desirable to have your final alignment, design, and point of diversion before making the filing, but I can make a preliminary one from the Bureau plan and amend it any time before the adjudication at very little extra cost.

The Town of Mancos has transferred its point of diversion from springs near the town to the West Mancos River. It has decreed right No. 3 in the irrigation priorities. There are no preferred rights for domestic or municipal use from the river. In 1940, 1937, and several years before, the river became so low that this right was shut down. The town was served by rented or borrowed rights under priority No. 2 from the owners of the Webber or Ratliff and Root Ditches. For an assured independent right the Park Service will have to buy right No. 1, which may be hard to buy as it is only for 0.5 second foot and the sale of 0.15 sec. ft. would be an appreciable loss to the present owner. A part of right No. 2 would also be fairly reliable but if the river ever did get below past recorded flow the Park Service might have to share a deficit with the other owners. Actually under proposed regulation of the river, priority No. 4 now in the Lee and Burk Ditch, or priority No. 6, which is scattered among several ditches at the mouth of the West Mancos, should be reliable rights. Rights junior to priority No. 2 will not be safe until the Jackson Gulch Reservoir is in operation, however.

The Bureau Report on the Mancos Project, dated May 1937; the Supplemental Report, dated May 1938; and Assistant Engineer Hedderman, all suggest that the Jackson Gulch Reservoir will supply more than present decreed rights in some years. The reports even suggest the use of surplus water on the Indian Reservation below Mesa Verde, but all these suggestions have been made without consideration of the rather extensive filings made since late in 1937.

From the 1937 Bureau Report the Jackson Gulch Reservoir would have been filled in only 10 of the preceding 16 years. It would have been drained during the summer in 8 of the 16 years. These figures are based on an irrigation schedule recommended by the Bureau, which does not entirely agree with current practice. No mention is made in either report

of the possible use of water at Mesa Verde. If the Park Service is to rely entirely on a priority to be adjudicated on the basis of its proposed filing, it would have a curtailed water supply, half of the years if all rights are pooled. It might have no supply in the same half of the years if the Irrigation District does not succeed in pooling the rights.

The cost of water rights is going to be small in proportion to the total project cost in any case. The following procedure is recommended:

1. Arrange an interbureau agreement with the Bureau of Reclamation for storage in the Jackson Gulch Reservoir equal to the full proposed Park Service need, with two alternate provisions to be used depending on whether the Park Service system is to divert from that reservoir or directly from the river.

    a. For release to the Park Service as needed.
    b. For release through the Bureau's Outlet Canal as needed to satisfy other rights senior to the Park Service priority.

2. Buy any decreed right--the earlier priorities being preferred--offering the proportionate share of exchange waters owned by the Park in the Jackson Gulch Reservoir as an inducement for a low purchase price.

3. Adjudicate a change in place of diversion, place and method of use of the water right purchased from the existing ditch to the Park Service headgate designated in the proposed final or amended filing.

There are no water claims or filings between the proposed Park Service diversion and release by the Outlet Ditch from Jackson Gulch Reservoir. Every effort should be made to prevent any until Park Service rights are decided. Right of entry should be withdrawn on intervening land as suggested in my memorandum to the Director of April 1, 1941. The same memorandum suggested the need for all possible precaution to make the ditch right-of-way clause in land patent deeds issued since 1890 for land west of the 100th Meridian applicable for pipe lines as well.

It is assumed that any Park Service filings can claim priority October 31, 1936, the same as that for the Bureau Project. If the Court should not accept that date (if we have to adjudicate a right) we shall have to fall back to the date of the preliminary interbureau agreement or date of first Bureau survey directly applicable to the

Park Service system. The three-year interval from October 1936 to the date of the agreement on May 5, 1939 places enough additional claims senior to those of the Park Service to justify the preparation of a careful case history by those who can do so.

The releases from Jackson Gulch Reservoir will be high enough to permit reservoir use for either Park Service supply or exchange; hence I see no reason why the Water Rights Section should participate in the relative merits of a Park system diverting directly from the River or pumping from the Jackson Gulch Reservoir. It is conceivable, however, that a direct diversion might be strengthened by provision for possible alternate reservoir supply if the stream flow should fall too low. It has been as low as 2.5 second feet.

Pipe line alignment should be determined to require the purchase of as little private right-of-way as possible, but Superintendent McLaughlin anticipates a total right-of-way cost of under $2000 for 8 parcels, which is a very small portion of the total project cost and no serious drain on water right funds if the 1942 budget is passed without too much reduction.

It is hoped that right-of-way purchases can all be for cash, unless an exception is made of Hallar's resort at the Park Entrance. The Chief Counsel has suggested that exchange of rights-of-way for water service do not seem possible. I do not know just why such exchanges would be any less possible than the various arrangements considered and accepted in the case of the Martin Creek purchase at Lassen. In case such changes should become possible or essential, certain provisions should be included in the contracts:

1. The Park Service should not provide the water rights for private use unless such use was only to be granted until the water was needed at Mesa Verde.

2. If the Park Service were to provide all rights in the pipe line it should receive senior claim to its own estimated need with no need for sharing dry year deficits.

3. If possible, private service should be limited to the difference between estimated Park needs and the full capacity of the nearest larger commercial pipe size.

4. The number and sites for private laterals should be designated, quantity of water specified, provision for metering should be provided, and the Park Service should retain full supervision as water master.

The quantity of water and resulting pipe size have varying relations to the water rights. If an existing decreed right is purchased, any size of pipe can be installed with the idea that it will be enlarged when needed. If, on the other hand, a junior right is to be adjudicated, the pipe capacity will limit the proof of diversion and actual beneficial use will limit further the right to the quantity diverted. Definitely, full ultimate beneficial use cannot now be proved. A final decree to maximum use at the time of adjudication would be obtained and the balance of ultimate need would be awarded a conditional decree. Immediate pipe capacity would only need to be equal to the right covered by the final decree, but the diversion works, tunnels and other portions whose later enlargement would be expensive, should be built to ultimate capacity as an indication of bona fide intent. The headgates must include proper facilities for measuring the diverted water, and should include a similar device for measuring the remainder being released to lower appropriators. The headgate must be designed so that either the Park Service or District Water Commissioner can look it at any desired rate of diversion.

It has been my understanding from a discussion with the Chief of Engineering in July 1940 that the Park Service was to obtain an interest in the storage in Jackson Gulch Reservoir in exchange for the use of 2 or 3 CCC Camps for the reservoir construction. Nothing was said as to whether this was the total Park Service cost or merely the Park Service share of fixed charges. The following tabulation from the Bureau report is given as an indication of the need for further information as to possible annual operating costs. (Pencil notes in Mr. Hedderman's copy of the report suggest that all cost estimates may have been increased since 1937 in the rates of $4.55 to $5.10.)

Cost of Project - $750,000
Annual payment to U. S. by Irrigation District - $18,750
Operating Costs
Operation, maintenance and repair - - - - - 5,000
Legal, accounting and cost of District Office 2,000
Total District cost per year - - - - - - - - - - - $25,750

Annual Cost per acre-foot (pencil notation $5.10) $4.55
Annual Cost per second-foot per day 9.02

If the Park Service provides CCC labor in lieu of the $18,750 per year it should pay, it may still have an annual cost of 7000 x $5.10 = 25,750 or $1.39 per acre-foot.

Attachment.

cc Director, w/print.
Regional Director-Reg.Three, w/print.
Supt.McLaughlin, w/print.
Regl.Engr.Diehl. "
~~Water Rights-Reg.Four~~, w/print.
C.G.Taylor, w/print.
Hydrl.Engr.Dunn. "

A. van V. Dunn,,
Hydraulic Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

March 13, 1941.

Memorandum for Associate Attorney Albert L. Johnson:

Reference is made to the Chief Counsel's memorandum to Superintendent McLaughlin of February 26, 1941, and mine to you of March 4, 1941, regarding pipe line rights of way for the Mancos River water system for Mesa Verde National Park. I have obtained copies of the State Engineer's index of water rights on the Mancos, and plotted them on the attached drawing No. NP-MV-6975, Mancos River Water Rights.

As usual, the index is not perfect and I had to determine locations partially from it and partially from the General Map in the "Project Investigations Report No. 52" by the Bureau of Reclamation. The result is supposed to be correct to the nearest section of land and proper water course and sufficiently accurate for present purposes. The study has brought out several important matters to consider.

Pipe Line Right of Way

The Chief Counsel suggests that you draw up forms of conveyance for rights of way. Mr. McLaughlin has suggested that many of the rights of way will be hard to obtain except in exchange for water service. The map shows that such water service would be largely to people in the Mud Creek drainage or other tributaries from which return flow would not reach the Mancos until below the lowest recorded appropriator. Service to the lodge at the park entrance might even return to the Dolores which does not unite with the Mancos until past the park. The National Park Service return seems to be to the Mancos via Soda Canyon or Navajo Canyon, in either case below the lowest appropriator on the Mancos. Furthermore, there are only a very few recorded rights and claims along the proposed pipe line route or near enough to profit by practical laterals from it.

Several points seem to merit consideration before any form of right of way conveyance can be drawn:

1. Any water service to private users should be conditional on the provision of proper water rights by the private party. As explained later, there is likely to be some difficulty purchasing and transferring rights to the National Park Service headgate for use which will result in complete loss of return flow to the owners of some 246 second feet of decreed rights or filings which can still be perfected with seniority over the pipe line.

2. Service to private individuals along the National Park Service pipe line will require pipe capacity. Such service might result in the need for a pipe at least 2" greater in diameter from diversion to the lowest private water user. Changing from 4" to 5", or 5" to 6", adds about $20 per 100 feet to the factory price; changing from 6" to 8" would increase the cost by about $35 per 100 feet. Freight would also increase, due to increased weight of about 5 pounds per foot for each increase in diameter cited.

If the right of way can be purchased for cash, I think you could draw up a form of conveyance. If there is to be a barter type of conveyance we should know:

1. About how many private users will want how much water?

2. How many outlets to be allowed per user?

3. What contributions toward financing extra pipe size might be borne by private user?

4. What provision should be included regarding acquisition of water rights?

The Mancos Valley Project

Project Investigations Report No. 52 would be much more valuable for water rights analysis if we knew more about the general plan of the Mancos Valley Project. I assume that the Jackson Gulch, Menefee, and Golconda Reservoirs, and enlargement of the Weber Reservoir, are all part of that project. I gather that the Bauer Reservoirs are independent. I also find that there may be a Webber Reservoir No. 2 across the river and south of Mancos, probably served by Webber No. 2 Ditch.

With decreed rights and good filings totalling about 300 second feet to divert from a river whose gauges record a flow of only about 3 second feet in August 1939, there is not much unappropriated direct flow. In fact, the recorded flow was after a few diversions in the headwaters, but probably before all of them were satisfied. I take it that the recorded flows were really forced releases to satisfy priorities 1, 2, and 3, which by inspection total about that amount. In other words, new filings above the mouth of the West Mancos are of little value in any of the branches.

From this, the available unappropriated water is all from winter floods which can be used only with storage. Even if the Webber No. 2 Reservoir exists, my rough check indicates that the Report No. 52 is about right in its table 1, page 3 of Appendix "A". Rights to that potential stored water look more valuable than any but the first few priorities of direct diversion rights.

To consider the Middle Fork, therefore, I wonder just what storage is possible at Menefee and enlarged Weber Reservoirs. Then, we should know what distribution systems are contemplated for these and the Jackson Gulch, which could be used for exchange purposes above the first existing appropriator below suggested Park Service direct diversions.

The Middle Fork Diversion Plan

From my present data I am opposed to further consideration of the Middle Fork plan, as follows:

1. With the Weber diversion at the mouth of Horse Creek, and the use of the Mancos-Horse Creek Canal to augment that supply, any diversion above is a conflict with all existing rights above their mouths on both the East and Middle Forks.

2. The earliest direct diversion priority No. 9 on these two streams is in the Davenport Ditch, and has the following disadvantages for potential purchase considerations:

   a. It is the lowest on the Middle Fork, and therefore it might require considerable financial recompense to the higher appropriators to obtain a decreed change in point of diversion even if its purchase were possible.

b. The value of 0.15 sec. ft., approximately National Park Service needs according to our recent correspondence, would be great to the present owner because more than 10% of his total rights.

c. The chance of enjoying that right for total National Park Service consumption would be far less than its chance of enjoyment with roughly 40% return at the present diversion. This introduces protests by all other users on the main river and sets its probable cost at that of priority No. 1 with the added equal recompense to holders of priorities 1, 2, and 3, and perhaps to many more.

d. Report No. 52 gives no assurance that the Weber Reservoir would be enlarged by the time the Park Service pipe line was completed, as the alternate method of satisfying the lower users by exchange of stored flood flow for the National Park Service direct diversion.

The Jackson Gulch Reservoir Plan

A Park Service intake from the Jackson Gulch Reservoir is decidedly the simplest from the point of water rights. Water seems to be available, and rights to the use can be perfected either as a separate entity or part of the Mancos Valley Project claims, in either case under proper interbureau agreement. No purchase of existing rights would be necessary or even desirable.

This plan is not so desirable to the Public Health Service because of the quality of the stored water, nor to the park administration because of pumping needs and resulting annual costs of operation and greater maintenance. In spite of these facts, this plan should not be abandoned entirely at this time.

The West Mancos Direct Diversion Plan

Direct diversion from the West Mancos has the same general water right problems as that from the Middle Mancos, but they are much more easily adjusted.

1. It seems possible that a pipe or ditch, as shown on the map, might be installed from the Jackson Gulch Reservoir to the stream just above the Lee and Burk Ditch. Perhaps service to this highest appropriator is already provided in the Mancos Valley Project plan. This conduit would permit exchange of flood storage for the direct flow, and eliminate all need for the acquisition of existing rights and their transfer upstream to the Park Service diversion. Even if the Park Service had to bear the cost of this exchange conduit, it might be less than the cost of an existing right by the time it was transferred to the National Park Service headgate.

2. The Field Ditch with 0.5 sec. ft. of priority No. 1 is on the West Mancos with only the Lee and Burk Ditch between it and the proposed National Park Service diversion. There is some question as to willingness to sell at a reasonable price when that would involve 10% of the total ditch rights, but transfer past the Lee and Burk Ditch should be less difficult as 0.15 sec. ft. is a relatively small amount of the 4.167 sec. ft. in it.

3. There are at least 26 second feet less of decreed rights in the main river below the diversion than in the case of the Middle Mancos plan.

The Report No. 52 indicates that part of Right No. 2 might be purchased from the Ratliff and Root Ditch. It is possible that a much lower purchase price might be obtained, partially because the right is inferior, and partially because the owner has 4.5 sec. ft. of it and could spare 0.15 sec. ft. much more easily than the owner of Field Ditch. However, the transfer costs might be much greater to get by 49.933 sec. ft. of inferior rights in the Webber Ditch and past the slightly better rights in the Lee and Burk Ditch.

Conclusions

I have referred to the park water demand as 0.15 sec. ft. in the preceding discussion merely as an approximation and to show the relative value as compared with those of conflicting claims. The demand, and pipe line design, are both still to be determined, but from ideas expressed in recent correspondence it is close enough to draw the following conclusions:

1. Right of way negotiations involving water service to the vendors should not be initiated until the Chief Engineer or his Regional representatives determine their influence on the water system design and cost.

2. The Superintendent should supply the engineers with a preliminary rough estimate of the quantity of water, and its points of delivery, in such possible exchanges of water service for rights of way.

3. We should obtain a copy of the general Mancos Valley Project plan, or I should plan to devote some time to its study in Denver, before we make any final decision on water right procedure.

4. The Middle Mancos plan seems sufficiently inferior to the other two alternates to justify its abandonment.

5. Either of the proposed West Mancos plans seems to be satisfactory from the water rights point of view, but the use of Jackson Gulch Reservoir storage would be desirable in either case, and further investigation should be made at once of the possibilities of exchange releases from that Reservoir to the West Mancos at, or above, the headgate of the Lee and Burk Ditch.

6. A quiet attempt should be made to determine whether approximately 0.15 sec. ft. of priority 1 in the Field Ditch or priority 2 in Ratliff and Root Ditch can be purchased, and at what price.

G. vaud. Dean

Hydraulic Engineer.

cc: Director.
Director (for Bureau of Reclamation).
Reg. Director, Reg. III.
Supt., Mesa Verde Nat. Park.
Sanitary Engineer H. B. Hommon (mailed 4/1/41.).

601 Sheldon Building
January 6, 1941

Memorandum for the Director:

Reference is made to the correspondence regarding the inter-bureau agreement for the Park Service use of water from the Jackson Gulch Reservoir on the Mancos River.

The Chief Engineer has suggested that I participate in any further interviews between Mr. Dehler and the Park Service officials in Denver, in order to assist in obtaining the proper water rights for the Park Service.

After reviewing the Report No. 52 by the Bureau of Reclamation, I feel that the Park Service itself should have slightly more definite ideas as to its needs before any interbureau conference is held, and before the Park Service attempts to perfect any water rights. For this reason, in the following pages I have offered some comments for the preliminary consideration of the Chief Engineer and Regional officials, which also answer some of Superintendent McLaughlin's preliminary questions.

Hydraulic Engineer.

Enclosure 1943988 (in duplicate).

AvVD:SH

cc: Regional Director, Region III, with enclosure.
Supt., Mesa Verde Nat. Park, with enclosure.

FILE COPY

COMMENTS ON PLANS FOR PROPOSED MANCOS RIVER WATER SUPPLY FOR MESA VERDE NATIONAL PARK

By

A. van V. Dunn
Hydraulic Engineer

601 Sheldon Building,
San Francisco, California,
January 6, 1941.

Basis

These comments are based on the following information:

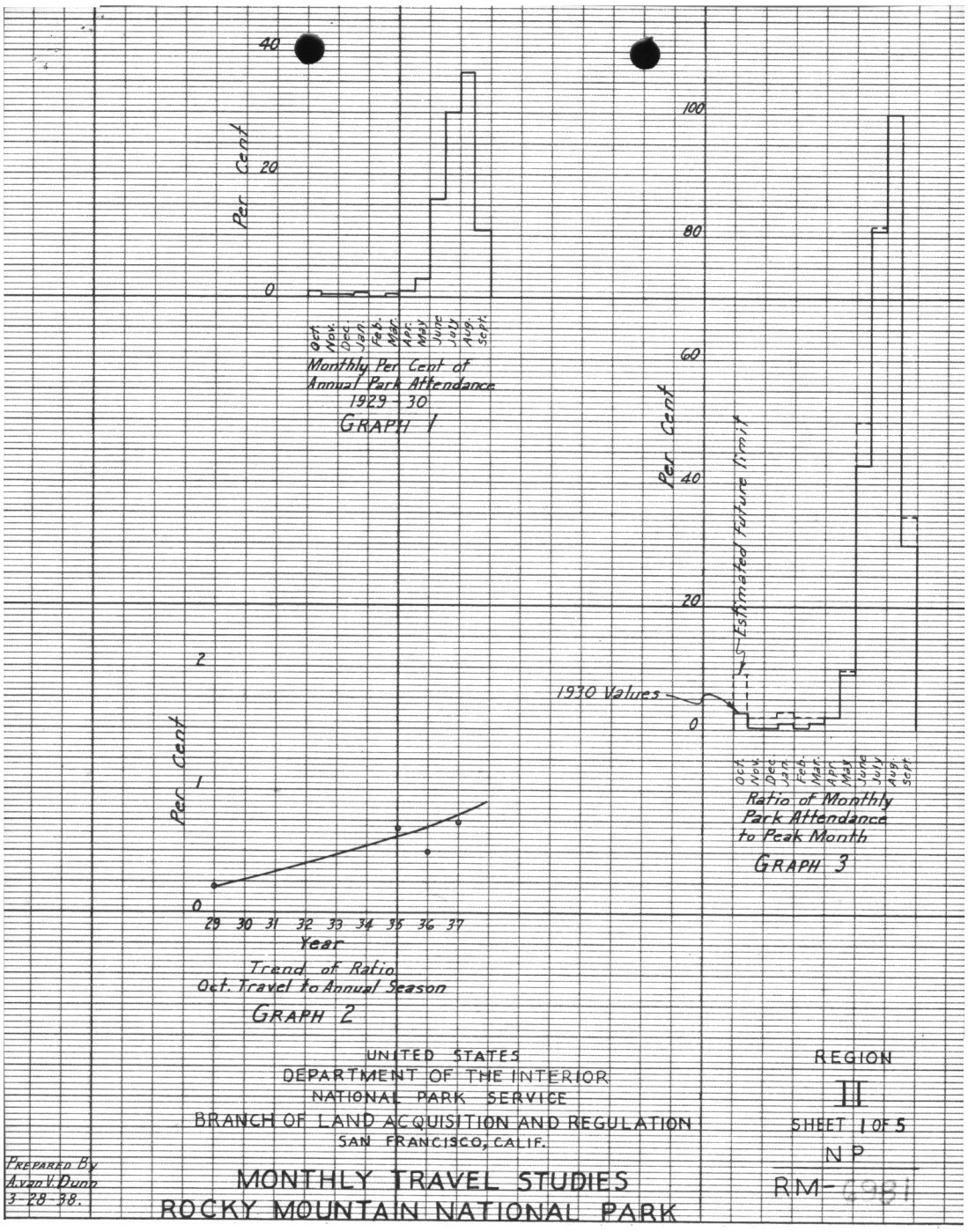
1. Survey and Estimates for Water Supply Line for Mesa Verde National Park, Colorado, Project Investigations Report No. 52, by Bureau of Reclamation, dated September 1940.

2. Memorandum from Superintendent, Mesa Verde, to the Director, of December 13, 1940.

3. Memorandum from the Chief Engineer to the Superintendent of December 23, 1940.

The proposal has been made that the writer will participate in conferences between the Park Service and the Bureau of Reclamation in Denver regarding the proposed Park Service water supply from the Mancos Project. The question of the best water right procedure has also been referred to the Water Rights Section for consideration.

A review of the preceding list of information indicates that a slightly better understanding of Park Service water needs should be completed between Park Service officials, and between the Park Service and the Bureau of Reclamation, before a conference is called in Denver. The writer does not know what previous exchanges of ideas have been made by others, and realizes that some of the following questions may have been more completely adjusted since the "Survey and Estimates....." was prepared.


40
20
0
Per Cent
Oct. Nov. Dec. Jan. Feb. Mar. Apr. May June July Aug. Sept.
Monthly Per Cent of Annual Park Attendance 1929 - 30
GRAPH 1
100
80
60
40
20
0
Per Cent
Estimated future limit
1930 Values
Oct. Nov. Dec. Jan. Feb. Mar. Apr. May June July Aug. Sept.
Ratio of Monthly Park Attendance to Peak Month
GRAPH 3
2
1
0
Per Cent
29 30 31 32 33 34 35 36 37
Year
Trend of Ratio Oct. Travel to Annual Season
GRAPH 2
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
SAN FRANCISCO, CALIF.
REGION
II
SHEET 1 OF 5
NP
RM-G-81
Prepared By
Avon V. Dunn
3-28-38.
MONTHLY TRAVEL STUDIES
ROCKY MOUNTAIN NATIONAL PARK

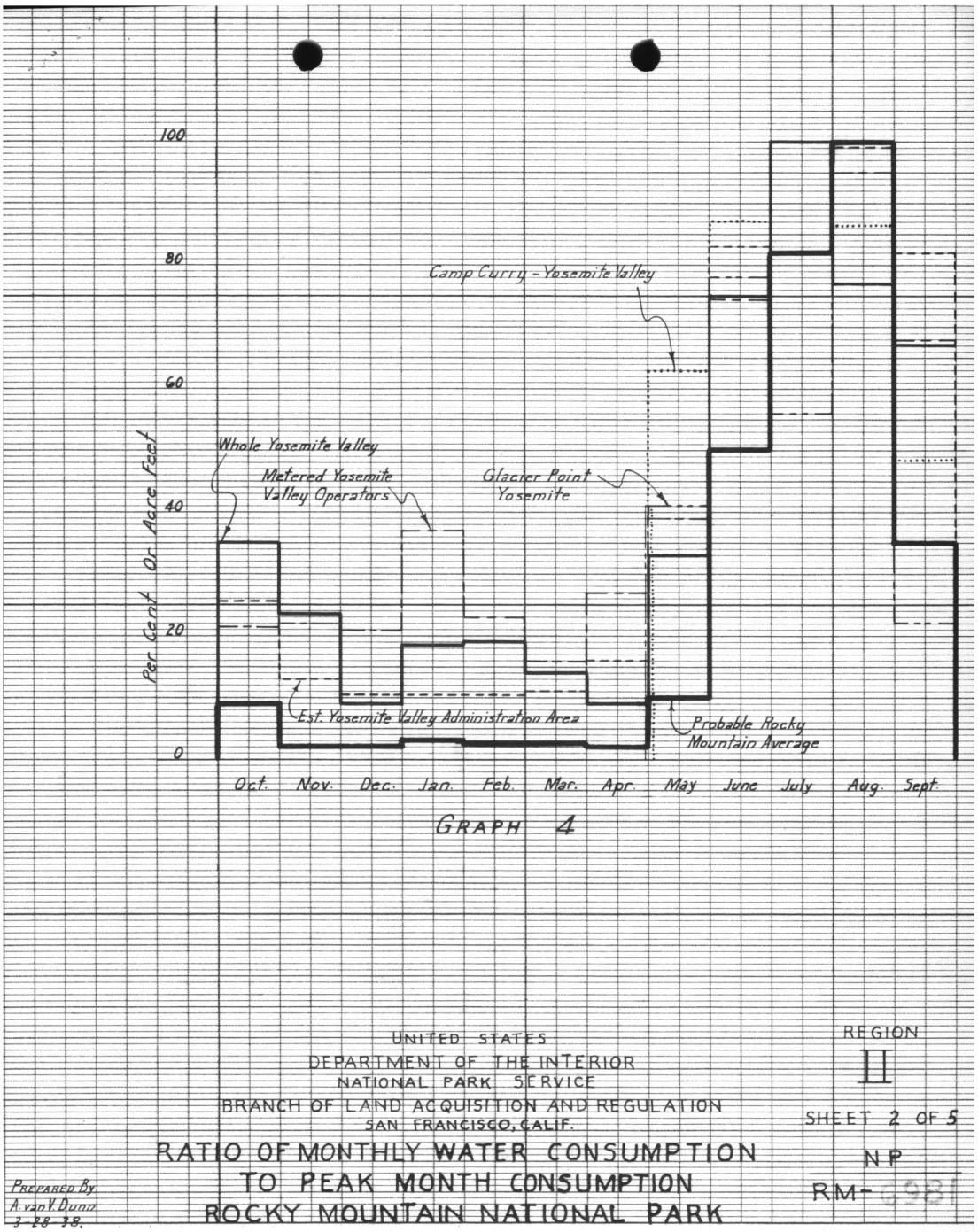
Quantity of Water

The report suggests a supply of 150 g.p.m., pumping half time with a total of 120 AF per annum, and also suggests no reduction in the quantity if a gravity diversion is made and allowed to flow continuously. More data is needed on the ultimate capacity of the NPS distribution tanks to determine how nearly the 150 g.p.m. supply could be reduced toward 75 g.p.m. if the gravity system were used. To reduce the quantity to half cuts the cost of a purchased right to nearly half, and also makes that quantity far more nearly what the owner of priorities Nos. 1 or 2 would sell.

Further, is the ultimate Park water demand to be 150 g.p.m. (0.333 second feet) or 120 AF per annum? The two measures offer entirely different operating procedure, differences in the possible cost of purchasing a right, and different values for relative quantities of water which will be needed during the irrigation and flood flow seasons. Another consideration in this connection is that the Bureau estimate of winter and summer demand is sufficiently contrary to the conditions at Rocky Mountain National Park to suggest a need for immediate amendment.

Sheet 1 of drawing NP-RM-6981 shows a far larger proportion of park attendance during the summer months than is indicated by Bureau suggestion of 80 AF demand in summer and 40 AF in winter. Sheet 2 of the same drawing shows the water demand estimated for Rocky Mountain and as metered at Yosemite. The estimate for Rocky Mountain was made when winter sports were negligible and nearly all winter use was by employees, while that for Yosemite definitely covers a winter sports area. The Bureau estimate is comparable to Yosemite conditions, but is not Mesa Verde more like the Rocky Mountain of 1936 or 1937?

The following table has been prepared from the Rocky Mountain data, giving the average monthly water demand on the basis of an annual total of 120 AF and on the basis of a maximum average monthly of 0.333 second feet. On the basis of 120 AF per annum Mesa Verde would need a maximum average diversion of 0.651 second feet instead of 0.333 second feet. On the basis of 150 g.p.m. it would only need 62.48 AF per annum; and the 0.333 second feet, and therefore this annual limit can really be cut to 31.24 AF.


100
80
60
40
20
0
Per Cent Or Acre Feet
Whole Yosemite Valley
Metered Yosemite Valley Operators
Glacier Point Yosemite
Camp Curry - Yosemite Valley
Est. Yosemite Valley Administration Area
Probable Rocky Mountain Average
Oct.
Nov.
Dec.
Jan.
Feb.
Mar.
Apr.
May
June
July
Aug.
Sept.
GRAPH 4
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
SAN FRANCISCO, CALIF.
REGION
II
SHEET 2 OF 5
NP
RM-
RATIO OF MONTHLY WATER CONSUMPTION
TO PEAK MONTH CONSUMPTION
ROCKY MOUNTAIN NATIONAL PARK
Prepared By
A. van V. Dunn
3-28-38.

Mesa Verde Water Demand
on Basis of
Rocky Mountain Demand

Month	Percent of Annual Travel	Proposed 120 Acre Feet		Proposed 150 g.p.m. Maximum	
		Acre Feet Required	Equivalent Second Feet	Equivalent Second Feet	Acre Feet Required
October	3.0%	3.60	0.059	0.030	1.84
November	0.7%	0.84	0.014	0.007	0.42
December	0.7%	0.84	0.014	0.007	0.43
January	1.0%	1.20	0.019	0.010	0.61
February	0.8%	0.96	0.015	0.008	0.44
March	0.8%	0.96	0.015	0.008	0.49
April	0.7%	0.84	0.014	0.007	0.42
May	3.3%	3.96	0.065	0.033	2.03
June	16.7%	20.00	0.325	0.167	10.22
July	27.3%	32.76	0.532	0.273	16.74
August	33.3%	40.00	0.651	0.333	20.44
September	11.7%	14.04	0.236	0.140	8.40
		120.00			62.48

In other words, a water right may be needed for a maximum of 0.651, 0.333, or 0.167 second feet of flow, and for an annual limit of 120, 62.48, or 31.24 acre feet. It is also possible that 111.6 AF may be needed between April and September instead of the 80 suggested by the Bureau. On the basis of flowage, it would be only 58.25 AF at 150 g.p.m. or 29.13 AF at 75 g.p.m. basis. In all cases, the peak week and peak day demands are assumed to be covered by storage at distribution tanks.

The maximum annual Park attendance to date is slightly over 36,000, but increasing too rapidly to give authentic estimate of the ultimate. At 100 g.p.c. the present water demand is roughly 36,000 g.p.d. or 0.056 second feet if a 100 day season is used. Unless there are plans for extensive irrigation, it seems probable that a daily flow of only 0.167 second feet and annual total of 31.24 AF will be needed.

Relative Merits of Direct Diversion and Storage Rights

As suggested by the Bureau, rights for either storage or direct diversion are possible. The storage right to flood flow can be used either directly for release from the Jackson Gulch Reservoir to a pump line to the Park, or for release to the river to replace the direct diversion of the Park Service, but in the latter case the released water would not reach the West Fork, but would flow in Jackson Gulch or Chicken Creek to a junction with the main river some 2 miles below the town of Mancos. Although there are no diversions between the proposed National Park Service diversion and the gauging station, nothing is said of the number of diversions between that gauge and the return of flow, a distance of 6 miles and including the town of Mancos.

Thus the principle of exchange rights would require the satisfaction of appropriators in that 6 miles. It would require the purchase of a part of the oldest right in that area in an amount at least equal to the Park water needs during the dry season. In the last column of the table on page 23 of the Bureau Report the water right cost would therefore be as described under (b), plus the cost of purchasing part of the oldest (or possibly No. 2) right in that 6-mile stretch. As stated in the discussion of quantity of water, however, we might only need 29.13 AF of water at a maximum diversion rate of 0.167 second feet instead of the suggested 80 AF at 0.651 second feet.

Under the pump line plan, column 2 of the same table, the Bureau plan seems well described except that the quantity could be any value between 31.24 AF and the 120 AF which is sugg ested, depending on National Park Service desires. This storage right can be adjudicated in the name of the Mancos Project with place of use designated as Mesa Verde National Park, or it could be adjudicated as a separate right in the name of the United States for the Park. In the former case the Park Service has the status of any other user party to the Project. In the latter it is a separate appropriator merely owning capacity in the diversion ditch and reservoir under interbureau agreement which is still to be drawn. The last plan offers assurance of the National Park Service independence which Superintendent McLaughlin seems to wish according to his memorandum.

Either method requires an adjudication. Certain National Park Service witnesses will have to appear in court. A map will have to be filed with the State Engineer. If the first plan is followed, the Bureau will have to prepare the map. Under the second plan, the Bureau or Park Service might file the map. It would be more economical to have the map prepared by the Bureau, although the statement will have to be signed by the Superintendent. In either case an engineer of the Park Service should take an active part in the preparation of data on use and demand.

The purchased right described in column 3 of the table might cost only half or a third of the $10,000 suggested, depending on the quantity of water finally determined. The main question is whether a suitable right is really for sale.

As stated in the report, the right would still have no value to the Park Service until a change in point of diversion was adjudicated. If the right is purchased from the appropriator nearest the NPS diversion, this adjudication would be relatively simple, but require a map showing the NPS water system and the water system from which the right is transferred. It will also require appearance of NPS officials in court. As in the case of the adjudication of the storage right, the Bureau or Park Service could either prepare the map by agreement, but since the change in point would not be adjudicated as part of the storage right case, it is more probable that the Park Service would have to handle its own court case through the Attorney General. Any adjudication by the Park Service involves from $500 to several thousand dollars from the funds of the Water Rights Section and Park together, with unknown amounts which are borne by the Department of Justice, mostly in salaries and travel expenses of regular employees unless a temporary survey crew is needed.

If a purchased right has to be transferred upstream past other appropriators, there will probably be protests by any of these appropriators who have junior rights. Success in such a case may require:

1. Payment of damages to the protestant.

2. Partial exchange of priorities to place National Park Service and protestant's rights on a par as a compromise.

The second procedure might require the purchase of more of the better rights for reliable dry season supply.

A weakness exists in that the Park cannot now apply all the proposed water supply to beneficial use. An adjudication of storage or flood rights in the next few years will result in a final decree to the use at that time and a conditional decree, with the same priority, for the rest. It will be necessary to appear at each subsequent adjudication, usually every 2 years, to prove further use or diligence until the total amount is finally decreed. These further appearances are more bother than expense unless the system is changed to require new maps. The purchase of a decreed right has the advantage of being fully perfected for the full amount once the change in point of diversion is adjudicated. It is unfortunate that the right has to be purchased before the uncertain extra costs of transfer can be fully determined by adjudication, although it might be possible to arrive at a close estimate after a more thorough study of the rights to be passed, and a discussion of plans with their owners.

It is quite evident that the suggested direct diversion involves water right problems which will require considerable investigation. Such investigations and negotiations for possible purchase of rights should be well advanced before making a final decision. This time element may not be possible of adaptation to the construction program. The pump plan offers the most quickly appraised procedure and will probably provide a satisfactory right if the present well and rain catchments are retained for emergency. The question would then be merely whether the Park Service is to perfect independent rights or participate with the Project, the extent to which the Bureau will perfect the rights for the Park by preparation of maps, and so forth, and the agreement as to procedure and costs.

C O P Y

MEMORANDUM OF AGREEMENT
between the
National Park Service, Department of the Interior
and the
Bureau of Reclamation, Department of the Interior

- - - -

THIS MEMORANDUM OF AGREEMENT entered into this 5th day of May, by and between the National Park Service (hereinafter called "Service") and the Bureau of Reclamation (hereinafter called "Bureau").

5/5/1939

WITNESSETH that:

WHEREAS, the proposed Mancos Project contemplates the construction of a storage reservoir and inlet and outlet ditches to provide a supplemental water supply for lands now irrigated in the Mancos Valley, near Mancos, Colorado, and

WHEREAS, the Service has under consideration the possible use of water stored in the proposed Jackson Gulch Reservoir of said project as a water supply for the Mesa Verde National Park and desires the Bureau to make a survey of a gravity line diverting water from said reservoir to the said Park headquarters, and

WHEREAS, the Service has available funds which can be used to reimburse the Bureau for the expenses incurred in connection with the survey and the Bureau is equpped and willing to undertake the work.

NOW THEREFORE, it is mutually agreed as follows:

(1) The Bureau will make a survey to secure necessary engineering data as to the location and estimated cost of a gravity line from

the proposed reservoir to the headquarters of the Mesa Verde National Park and a written report of such survey shall be furnished the Service covering the following features:

(a) A chain pipe line survey with profile levels of the pipe line location.

(b) Preliminary design and cost estimates for the pipe line with the estimate to show separately the costs for:

1. Right of way.
2. Clearing.
3. Excavation by classes and backfill.
4. Essential materials and supplies f.o.b. Mancos, Colo.
5. Installation of pipe and appurtenances.
6. Essential structures, including pump equipment, if necessary.
7. Engineering, including cost of preparing final plans and construction supervision.

(c) Estimates of relative costs for doing work by contract or in the alternative with CCC or relief labor, assuming that skilled help would be employed at prevailing wages.

(2) The Bureau may, from time to time as the survey progresses, or when the survey has been completed, submit to Service bill or bills to cover the cost of the undertaking. The cost to be paid by Service shall include all expenditures for personal services, for travel and subsistence, and for drafting supplies and all other proper expenses of any kind or nature whatsoever, incident to carrying out the provisions of this Memorandum of Agreement: Provided, That the Total amount of the payments to be made by Service under this agreement shall not exceed $3,000.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures as of the date first above written.

(Sgd.) A. E. Demaray
Acting Director,
National Park Service

(Sgd.) John C. Page
Commissioner,
Bureau of Reclamation

Approved: July 6, 1939

(Sgd.) Oscar L. Chapman

Ass't. Secretary of the Interior.

02-08-1955: memorandum to regional director from chief regarding water use from the west mancos water supply system

WR Copy

In reply refer to:
L54-L

FEB - 8 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Use from the West Mancos Water Supply System for Mesa Verde National Park

Attached are two prints of the graphical representation of my estimate of 1953 which was used to support the justification for not permitting further private use of water from the West Mancos Water Supply System. The actual use for 1954 has been added.

The August water use was low presumably because of the reduced facilities at Point Lookout Lodge after the fire. The reduction in the Lodge use has less significance in the annual total. As pointed out in my Water Use Study, there appears to be some use for which I cannot account, perhaps a larger release for wildlife, or an unrecognized hotel use. However, the 1954 figures indicate that use will probably follow the indicated trends, but from a slightly higher base. The need for termination of service to the Point Lookout Lodge, and enlarged storage or the use of a pump, will probably materialize three or four years earlier than I indicated.

SIGNED

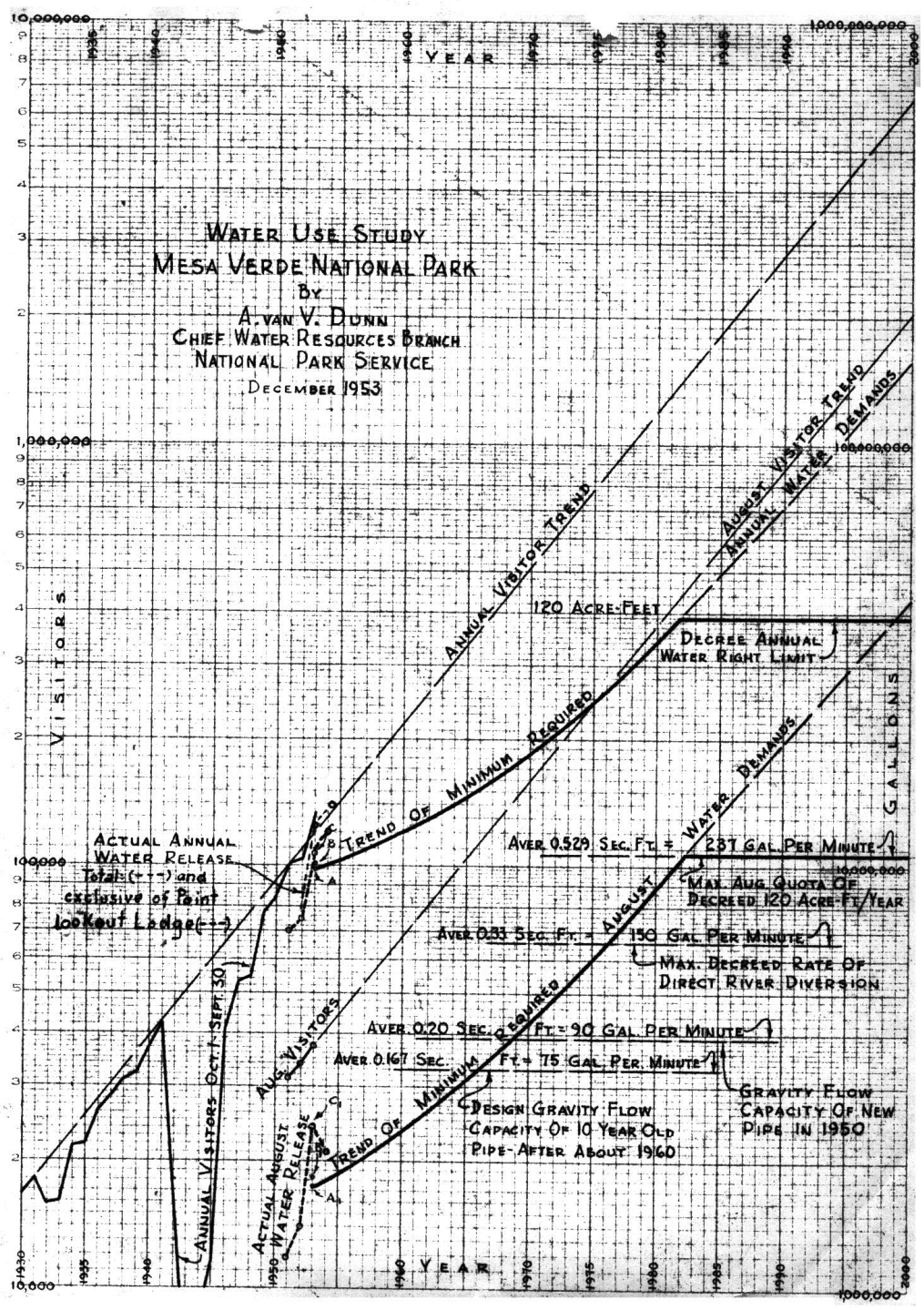
A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 2

Copy to: Western Office of Design and Construction, with attachment
Mr. Dunn

AvVDunn:lct


WATER USE STUDY
MESA VERDE NATIONAL PARK
BY
A. VAN V. DUNN
CHIEF WATER RESOURCES BRANCH
NATIONAL PARK SERVICE
DECEMBER 1953
VISITORS
GALLONS
YEAR
ANNUAL VISITOR TREND
AUGUST VISITOR TREND
ANNUAL WATER DEMANDS
120 ACRE-FEET
DECREE ANNUAL WATER RIGHT LIMIT
TREND OF MINIMUM REQUIRED
ACTUAL ANNUAL WATER RELEASE
Total (+ + -) and exclusive of Point Lookout Lodge (- - -)
AVER. 0.529 SEC. FT. = 237 GAL. PER MINUTE
MAX. AUG. QUOTA OF DECREED 120 ACRE-FT/YEAR
AUGUST WATER DEMANDS
AVER. 0.335 SEC. FT. = 150 GAL. PER MINUTE
MAX. DECREED RATE OF DIRECT RIVER DIVERSION
ANNUAL VISITORS OCT. 1-SEPT. 30
AUG. VISITORS
AVER. 0.20 SEC. FT. = 90 GAL. PER MINUTE
AVER. 0.167 SEC. FT. = 75 GAL. PER MINUTE
MINIMUM REQUIRED
ACTUAL AUGUST WATER RELEASE
TREND OF MINIMUM
DESIGN GRAVITY FLOW CAPACITY OF 10 YEAR OLD PIPE - AFTER ABOUT 1960
GRAVITY FLOW CAPACITY OF NEW PIPE IN 1950
EUGENE DIETZGEN CO.
NO. 340 L310 DIETZGEN GRAPH PAPER
EMI LOGARITHMIC - 3 CYCLES X 70 DIVISIONS

aR Copies (6)

In reply refer to:
L3031-MEVE-L

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE January 6, 1955

Memorandum

To: Director

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the fourth quarter of the 1954 calendar year. This will conclude these reports.

Master Meter Park Headquarters

Reading December 31	10,336,000		
Reading October 1	8,143,900		
Total	2,192,100		2,192,100
Entrance Station, October 1 - December 31			1,240
Point Lookout Lodge, October 1 - December 31			291,730
		Grand Total	2,485,070

Record By Months

	October	November	December	Total
Point Lookout Lodge	50,000	112,780	128,950	291,730
Concessioners				
Mesa Verde Company	184,410	23,330	-	207,740
Mesa Verde Pack & Saddle	970	-	-	970
National Park Service				
Entrance Station	1,240	-	-	1,240
Headquarters	686,120	514,770	782,500	1,983,390
Grand Total	922,740	650,880	911,450	2,485,070
Visitors	10,003	2,855	1,336	14,194

(SIGNED)

O. W. Carlson
Superintendent

In duplicate
Copy to: Regional Director, Region Three

In reply refer to:
L3031-MEVE-L

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

January 6, 1955

Memorandum

To: Director

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owners To Tap West Mancos Water Supply For Mesa Verde

Following is a summary report of water consumption at this area during 1954, along with a table comparing the use with 1951, 1952 and 1953.

	Point Lookout	Concessioners		National Park Service			
Month	Lodge	MV Co.	MV F&S Co.	Ent. Sta.	Hdqrs.	GRAND TOTAL	Total Visitors
Jan.	110,570	5,000	-	-	375,200	490,770	1,055
Feb.	90,260	5,000	-	-	563,500	658,760	1,536
Mar.	124,090	8,000	-	-	274,370	406,460	1,773
April	101,300	55,550	1,200	220	485,250	643,520	4,616
May	131,970	258,660	1,880	1,650	731,260	1,125,420	10,015
June	166,820	485,170	21,300	2,110	651,130	1,326,530	25,097
July	136,200	738,220	21,980	1,890	1,623,300	2,521,590	34,357
Aug.	100,730	708,180	3,270	1,890	1,275,090	2,089,160	40,909
Sept.	50,000	550,510	11,350	1,920	1,062,600	1,676,380	16,778
Oct.	50,000	184,410	970	1,240	686,120	922,740	10,003
Nov.	112,780	23,330	-	-	514,770	650,880	2,855
Dec.	128,950	-	-	-	782,500	911,450	1,336
Total	1,303,670	3,022,030	61,950	10,920	9,025,090	13,423,660	150,330
% of Total	9.71	22.51	0.46	0.09	67.23	100	

01-06-1955: summary of metered water use and visitor count by months

SUMMARY OF METERED WATER USE

AND VISITOR COUNT BY MONTHS

Month	1951		1952		1953		1954	
	Visitors	Gallons	Visitors	Gallons	Visitors	Gallons	Visitors	Gallons
Jan.	125	238,237	40	249,470	214	372,460	1,055	490,770
Feb.	201	496,140	97	447,210	779	327,220	1,536	658,760
Mar.	772	234,440	246	301,620	1,953	440,050	1,773	406,460
April	2,127	322,310	1,364	360,190	2,611	513,200	4,616	643,520
May	6,328	609,585	7,393	603,800	9,216	896,200	10,015	1,125,420
June	18,250	994,505	18,432	1,003,950	25,547	1,768,680	25,097	1,326,530
July	23,155	1,120,830	28,061	1,107,730	32,125	2,063,700	34,357	2,521,590
Aug.	31,199	1,195,080	33,964	1,396,200	37,222	2,378,700	40,909	2,089,160
Sept.	13,480	953,700	10,718	1,116,690	17,844	2,324,670	16,778	1,676,380
Oct.	2,819	513,250	4,788	487,894	6,379	595,170	10,003	922,740
Nov.	758	265,280	519	187,270	1,516	615,460	2,855	650,880
Dec.	95	217,290	78	267,520	717	581,180	1,336	911,450
Total	99,309	7,160,647	105,700	7,529,544	136,123	12,876,690	150,330	13,423,660

O. W. Carlson
Superintendent

WR Copy

In reply refer to:
L3031 - MEVE-L

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

October 12, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the third quarter of 1954.

Master Meter Park Headquarters

Reading September 30	8,143,900	
Reading July 1	2,149,400	
	5,994,500	5,994,500
Entrance Station, July 1 to Sept. 30		5,650
Point Lookout Lodge, July 1 to Sept. 30		286,930
		6,287,080

Record By Months

	July	August	September	Total
Point Lookout Lodge	136,200	100,730	50,000	286,930
Concessioners				
Mesa Verde Company	738,220	708,180	550,510	1,996,910
Mesa Verde Pack & Saddle Co.	21,980	3,270	11,350	36,600
National Park Service				
Entrance Station	1,890	1,840	1,920	5,650
Headquarters	1,623,300	1,275,090	1,062,600	3,960,990
GRAnd TOTAL	2,521,590	2,089,110	1,676,380	6,287,080
Visitors	34,357	40,910	16,778	92,045

(SIGNED)

O. W. Carlson
Superintendent


OCT 1954

DIRECTOR UR Copy

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1954 SEP 24 AM 8:29

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L3031

Note for Gen. files

September 16, 1954

Memorandum

To: Regional Director, Region Three

From: Acting Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Enclosed herewith are daily water use records for the month of August and September 1 through September 10.

The regular quarterly report will be submitted at the end of this month.

(SIGNED)

Fred C. Fagergren
Acting Superintendent

MEVE

MESA VERDE NATIONAL PARK
Daily Record of Water Use
September 1-10, 1954

DATE	POINT LOOKOUT METER	POINT LOOKOUT GALLONS	PARK ENTRANCE METER	PARK ENTRANCE GALLONS	PARK HEADQUARTERS METER	PARK HEADQUARTERS GALLONS	TOTAL GALLONS	TOTAL VISITORS
1	715,990*		420,730		6,519,800			755
2					6,586,010	66,210	66,210	689
3					6,664,400	78,390	78,390	655
4								1,061
5								1,583
6								691
7					6,732,400	68,000	68,000	438
8					6,883,600	151,200	151,200	696
9								572
10			421,670		7,039,200	155,600	155,600	477
Total		15,000*	940			519,400	535,340	7,617

Mesa Verde Company used 249,400 gallons and had 1,756 overnight guests.
Mesa Verde Pack & Saddle Horse Co. used 10,180 gallons.

*Meter broke - estimated use 1,500 gallons per day.

09-00-1954: mesa verde national park daily record of water use, page 2 - stamp of receipt



MESA VERDE NATIONAL PARK
Daily Record of Water Use
August, 1954

DATE	POINT LOOKOUT METER	POINT LOOKOUT GALLONS	PARK ENTRANCE METER	PARK ENTRANCE GALLONS	PARK HEADQUARTERS METER	PARK HEADQUARTERS GALLONS	TOTAL GALLONS	TOTAL VISITORS
1	633,260		418,890		4,532,900			1,259
2					4,563,300	30,400	30,400	941
3					4,609,700	46,400	46,400	1,145
4					4,661,800	52,100	52,100	1,116
5					4,674,600	12,800	12,800	1,314
6			418,930	40	4,751,900	77,300	77,340	1,179
7								1,487
8								1,345
9			419,050	120	4,969,700	217,800	217,920	1,316
10			419,190	140	5,046,800	77,100	77,240	1,478
11	685,090	51,830	419,310	120	5,121,400	74,600	126,550	1,466
12	690,000	4,910	419,470	160	5,187,800	66,400	71,470	1,260
13			419,500	30	5,261,800	74,000	74,030	1,256
14								1,235
15	707,380*	17,380	419,600	100	5,410,200	148,400	165,880	1,527
16	712,900	5,520	419,660	60	5,481,400	71,200	76,780	1,563
17	713,990	1,090	419,750	90	5,548,900	67,500	68,680	1,508
18	714,550	560	419,770	20	5,621,000	72,100	72,680	1,461
19	715,990**	1,440	419,840	70	5,696,100	75,100	76,610	1,566
20		1,500	419,880	40	5,775,700	79,600	81,140	1,332
21		1,500					1,500	1,476
22		1,500					1,500	1,520
23		1,500	420,130	250	5,979,600	203,900	205,650	1,250
24		1,500			6,044,000	64,400	65,900	1,401
25		1,500			6,128,700	84,700	86,200	1,472
26		1,500	420,300	170	6,201,600	72,900	74,570	1,275
27		1,500			6,256,700	55,100	56,600	1,189
28		1,500					1,500	1,020
29		1,500					1,500	1,426
30		1,500	420,660	360	6,449,400	192,700	194,560	1,027
31		1,500	420,730	70	6,519,800	70,400	71,970	1,099
Total		100,730		1,840		1,986,900	2,089,110	40,909

Mesa Verde Company used 708,180 gallons, had 8,619 overnight guests.
Mesa Verde Pack & Saddle Horse Co. used 3,270 gallons.

*Mesa Verde Company took over operation.
**Meter broke - balance of month estimated.

DIRECTOR WR-Copy

In reply refer to:
L3031-MEVE-L

RECEIVED
1954 AUG 13 AM 9:14

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

August 12, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Attached hereto is a table showing the daily record of water use for the month of July, 1954.

We failed to call your attention to the over-usage by Point Lookout Lodge during the month of June wherein they used 166,820 gallons. This was due to the fire that occurred and burned the inn down the night of June 30 and morning of July 1. The use shown for July 6 of 31,460 gallons likewise is related to the fire.

(SIGNED)
O. W. Carlson
Superintendent



08-12-1954: memorandum to regional director from superintendent regarding application of private landowners for permission to t



MESA VERDE NATIONAL PARK
Daily Record of Water Use
July, 1954

DATE	POINT LOOKOUT METER	POINT LOOKOUT GALLONS	PARK ENTRANCE METER	PARK ENTRANCE GALLONS	PARK HEADQUARTERS METER	PARK HEADQUARTERS GALLONS	TOTAL GALLONS	TOTAL VISITORS
1	497,060		417,000		2,149,400			1,082
2					2,225,100	75,700	75,700	918
3								1,323
4								1,672
5								1,362
6	528,520	31,460	417,280	280	2,513,300	288,200	319,940	1,083
7	531,920	3,400	417,330	50	2,588,000	74,700	78,150	1,131
8	538,910	6,990	417,390	60	2,664,400	76,400	83,450	1,203
9	541,150	2,240	417,430	40	2,742,600	78,200	80,480	942
10								1,022
11					2,888,900	146,300	146,300	1,127
12	551,030	9,880	417,620	190	2,967,400	78,500	88,570	1,027
13	555,130	4,100	417,680	60	3,033,600	66,200	70,360	1,004
14	558,930	3,800	417,700	20	3,119,600	86,000	89,820	940
15	564,960	6,030	417,770	70	3,147,300	27,700*	33,800	953
16	569,280	4,320	417,820	50	3,245,100	97,800	102,170	1,060
17								1,082
18								1,142
19	579,630	10,350	418,020	200	3,513,700	268,600	279,150	1,190
20	582,850	3,220	418,050	30	3,588,300	74,600	77,850	1,203
21	587,430	4,580	418,100	50	3,672,200	83,900	88,530	1,222
22	590,860	3,430	418,160	60	3,743,500	71,300	74,790	1,223
23	595,140	4,280	418,190	30	3,825,000	81,500	85,810	825
24								1,107
25								1,250
26	608,120	12,980	418,400	210	4,109,500	284,500	297,690	1,021
27	613,400	5,280	418,430	30	4,209,800	100,300	105,610	1,143
28	617,670	4,270	418,480	50	4,295,600	85,800	90,120	1,065
29	622,960	5,290	418,550	70	4,383,200	87,600	92,960	1,066
30	625,630	2,670	418,630	80	4,470,000	86,800	89,550	931
31	633,260	7,630	418,890	260	4,532,900	629,000	70,790	1,038
Total		136,200		1,890		2,383,500	2,521,590	34,357
Total 1953		102,200		6,600	2,063,700		2,172,500	32,125

Mesa Verde Company used 738,220 gallons, had 7,084 overnight guests.
Mesa Verde Pack & Saddle Horse Co. used 21,980 gallons.

*Water leak developed and repaired at Bureau of Reclamation outlet near Jackson Reservoir.

07-00-1954: mesa verde national park daily record of water use, page 2 - stamp of receipt



To DIRECTOR. WR copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to: L3031-[redacted]-L

July 7, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the second quarter of 1954.

Master Meter Park Headquarters

Reading April 30	7,820,000		
Reading April 1	7,305,000		
	515,000	515,000	

New Meter placed in operation May 1

Reading June 30	2,149,400		
Reading May 1	000,000		
	2,149,400	2,149,400	
Total Master Meter		2,664,400	2,664,400
Entrance Station, April 1 to June 30			3,980
Point Lookout Lodge, April 1 to June 30			400,090
Total			3,068,470

Record By Months

	April	May	June	Total
Point Lookout Lodge	101,300	131,970	166,820	400,090
Concessioners				
Mesa Verde Company	55,550	258,660	485,170	799,380
Mesa Verde Pack & Saddle Co.	1,200	1,880	21,300	24,380
National Park Service				
Entrance Station	220	1,650	2,110	3,980
Headquarters	458,250	731,260	651,130	1,840,640
GRAND TOTAL	616,520	1,125,420	1,326,530	3,068,470
Total Visitors	4,616	10,015	25,097	39,728

(SIGNED)
O. W. Carlson
Superintendent

MEVE

WR Copy

In reply refer to:
L3031-MEVE-L

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

April 9, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the first quarter of 1954.

Master Meter Park Headquarters

Reading March 31	7,305,000 gallons	
Reading January 1	6,072,900 gallons	
Total	1,232,100 gallons	1,232,100 gals.
Entrance Station		0
Point Lookout Lodge, January 1 to March 31		324,920 gals.
		1,557,020 gals.

Record By Months

	January	February	March	Total
Point Lookout Lodge	110,570	90,260	124,090	324,920
Concessioners				
Mesa Verde Company	5,000	5,000	8,000	18,000
Mesa Verde Pack & Saddle Co.	0	0	1,030	1,030
National Park Service				
Entrance Station	0	0	0	0
Headquarters	375,200	*563,500	274,370	1,213,070
GRAND TOTAL	490,720	658,760	407,490	1,557,020
Visitors	1,055	1,536	1,773	4,364

*Tanks cleaned.

(SIGNED)

O. W. Carlson
Superintendent


APR 1954

WR Copy

In reply refer to:
L3031

Region Three
Santa Fe, New Mexico

January 27, 1954

Memorandum

To: Director

From: Assistant Regional Director

Subject: Application of Private Land Owners for Permission to Tap West Mancos Water Supply for Mesa Verde

In connection with the application of private land owners for permission to tap West Mancos water supply at Mesa Verde, we have attached copies of two memoranda submitted by Superintendent Carlson, both dated January 21. The first report covers the use of water at Mesa Verde for the fourth quarter of the 1953 calendar year; the second memorandum is a summary report of water consumption along with a table comparing the use with 1951 and 1952 calendar years.

P. P. Patraw
Assistant Regional Director

In duplicate

Attachments 2, in duplicate
Copy to: Supt., Mesa Verde

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

In reply refer to:
L3031-MEVE-L

C
O
P
Y

January 21, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owners to Tap West Mancos Water Supply for Mesa Verde

Following is a summary report of water consumption at this area during 1953, along with a table comparing the use with 1951 and 1952.

	Point Lookout	Concessioners		National Park Service		GRAND	Total
Month	Lodge	MV Co.	Koppenhafer	Ent. Sta.	Hdqrs.	TOTAL	Visitors
Jan.	12,000	5,000	0	0	355,460	372,460	214
Feb.	16,000	3,500	0	0	307,720	327,220	779
Mar.	25,530	6,500	0	0	408,020	440,050	1,953
Apr.	70,000	0	0	100	443,100*	513,200	2,611*
May	70,000	241,500	3,340	300	581,060	896,200	9,216
June	89,790	365,000	7,190	21,550	1,285,150	1,768,680	25,547
July	102,000	435,000	17,120	6,600	1,502,980	2,063,700	32,125
Aug.	124,340	496,000	2,880	7,060	1,748,420	2,378,700	37,222
Sept.	107,970	395,000	10,390	2,730	1,808,580	2,324,670	17,844
Oct.	101,570	138,000	1,010	0	354,590	595,170	6,379
Nov.	83,060	46,000	0	0	486,400	615,460	1,516
Dec.	90,680	15,000	0	0	475,500	581,180	717
Total	892,940	2,146,500	41,930	38,340	9,756,980	12,876,690	136,123
	6.92%	16.67%	0.33%	0.30%	75.78%	100%	

*Error found in former report

SUMMARY OF METERED WATER USE

AND VISITOR COUNT BY MONTHS

	1951		1952		1953	
	Visitors	Gallons	Visitors	Gallons	Visitors	Gallons
Jan.	125	238,237	40	249,470	214	372,460
Feb.	201	496,140	97	447,210	779	327,220
Mar.	772	234,440	246	301,620	1,953	440,050
April	2,127	322,310	1,364	360,190	2,611	513,200
May	6,328	609,585	7,393	603,800	9,216	896,200
June	18,250	994,505	18,432	1,003,950	25,547	1,768,680
July	23,155	1,120,830	28,061	1,107,730	32,125	2,063,700
August	31,199	1,195,080	33,964	1,396,200	37,222	2,378,700
Sept.	13,480	953,700	10,718	1,116,690	17,844	2,324,670
Oct.	2,819	513,250	4,788	487,894	6,379	595,170
Nov.	758	265,280	519	187,270	1,516	615,460
Dec.	95	217,290	78	267,520	717	581,180
Total	99,309	7,160,647	105,700	7,529,544	136,123	12,876,690
Increase Over Previous Years						
No.			6,391	368,897	30,423	5,346,146
%			6%	5%	29%	71%

(SIGNED)
O. W. Carlson
Superintendent

C
O
P
Y

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

In reply refer to:
L3031-MEVE-L

January 21, 1954

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the fourth quarter of 1953 calendar year.

Master Meter Park Headquarters

Reading December 31	6,072,900	
Reading October 1	4,556,400	
Total	1,516,500	1,516,500
Entrance Station, October 1 to Dec. 31		0
Point Lookout Lodge, October 1 to Dec. 31		275,310
GRAND TOTAL ALL WATER		1,791,810 gals.

Record By Months

	October	November	December	Total
Point Lookout Lodge	101,570	83,060	90,680	275,310
Concessioners				
Mesa Verde Company	138,000	46,000	15,000	199,000
Koppenhafer	1,010	0	0	1,010
National Park Service				
Entrance Station	0	0	0	0
Headquarters	354,590	486,400*	475,500	1,316,490
GRAND TOTAL	595,170	615,460	581,180	1,791,810
Visitors	6,379	1,516	717	8,612

*Million gallon tank cleaned.

(SIGNED)
O. W. Carlson
Superintendent

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Refer to:
L-3031-L

November 30, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners to Tap West Mancos Water Supply System

We have reviewed Mr. Dunn's Water Use Study, Mesa Verde, dated October 12, transmitted by Mr. Allen's memorandum of October 20 and Mr. Patraw's of October 28, and offer the following information that we hope will answer some of the questions raised.

It is true that Mr. Hall sends his guest linen to a laundry in a nearby town. He does, however, provide a laundry equipped with two home size washing machines for his employees and guests. He is also providing for a laundry room in one of the two new comfort stations being built at his tent area. It is to be equipped with automatic washers and a dryer for guest use.

The great difference between the amount of water reported for July, August and September this year and the same period last year is due partly from the increased visitation and partly from the method of reporting.

The use reported for 1951 and 1952 was based on a chart record that has been maintained for many years on water consumption in the Park. It is an excellent record but in arriving at the total used per month or per year it has been the sum of the readings of the individual meters scattered around the area on various buildings, systems and residents plus an estimated figure for line and tank leakages and the unmetered water. When the present study was initiated it was decided that the report should reflect the total water run through the master meter which is located on the new water line just before it enters the million gallon tank. This meter was installed in 1950 when the new line was completed and the method of recording the use was not changed until this year. This latter method, of course, measures every drop going into the tanks and distribution systems and as a result the records indicate that the old charts were not too accurate, probably because the estimated figures were too low.

(This was received with Mr. Patraw's memo of Dec. 9, 1953 - in file L3 031.)

This is borne out to a certain extent by a comparison of the amount of water used this year in January, March, April and the same months last year. Since the resident population was practically the same and as there were but a very few more visitors, the amount of water should have been about the same. The record shows an average of 50% more. The February record cannot be used as we had line trouble in 1951 and 1952 and the record is not comparable.

The average increase in June, July and August was greater, being about 80%. Part of this we can account for. As stated above and in previous reports, when the tanks were being filled all water is metered. When not being filled the water has been by-passed at a valve before the meter. Beginning the latter part of June and continuing through September, the Utility Mechanic did not by-pass any water but put all the water through the meter due to the demand that was being made and in order to keep the tanks full. We learned this while trying to analyze the figures reported. While this does upset the records, it has provided us with some information we believe to be even more important, the amount of water actually available to us during this period.

The amount of water received between July 1 and July 8 (just before the meter broke) was 481,600 gallons, or the rate of flow was but 41.8 gallons per minute. With the estimated figures included, the rate of flow for all of July was 66.6 g.p.m. For all of August the flow was 53.3 g.p.m. (excluding the estimated figures, after the meter was repaired) the rate was 54.8 g.p.m. During September we metered 2,213,970 gallons; this is a flow rate of 49.6 g.p.m.

We have attached tables Mr. Fagergren made in an attempt to determine the water use. He has used the California table included with Mr. Dunn's report as a basis for the figures. One table covers this past August and the other an average daily demand based on the August analysis. The omission found as a result of this analysis will be discussed further on, but the daily table indicates an average normal daily demand of 54,675 gallons or a flow of 38 g.p.m. Since the visitation some days was much greater than the average, it supports a statement made by the Utility Mechanic that with all the water in the line going into the tanks there were "many times when the draw-down was greater than the water going in". As a matter of fact he stated that with all the water going in he observed more going out the overflows than 15 g.p.m. (In the August table this overflow is reflected and figured at 7.5 g.p.m. or one-half of 0 to 15 gallons per minute).

0

This information, we hope, will help to modify some of the statements made. The draft for August, for example, (average 38 g.p.m.) was 71% of the average monthly flow of 53.3 g.p.m. This information also points out the need of additional storage facilities within the very near future. We have no flow records of the Mancos stream at hand but we do know there is considerable fluctuation in the stream flow. Our waterman reports flow rates up to 90 g.p.m. in the spring and as little as 35 g.p.m. in the winter or times when the weather is freezing or colder.

The total visitor count for August was 37,222, the figure used in our report. Somewhere along the line, in copying, the daily travel figures for August 19 and 22 were transposed. These should have been 1417 and 1218 respectively, rather than 1471 and 1281 as shown by Mr. Dunn's table. At the end of October the total travel for the year was 133,890 and the calendar year will total close to 136,000.

We have noted the following omissions or corrections that could be made:

Appendix D - "70 Transients" - this we believe can be raised considerably since the figure of "5,000 additional people stopping for a meal" included the dining room only and did not include the lunch counter and fountain. The Public Health Service reports show some 220 people a day are served sandwitches, drinks, etc. at this facility.

In computing our table we have used 100 people a day picnicking and believe it is conservative. These people and the others who do not remain overnight have an average stay of seven hours in the park and the per capita figures we have used seem fair with this factor as a consideration.

The actual campground use was more than shown. We believe 30 gallons per person is a better figure since the comfort stations are equipped with hot showers and the subsequent use is much greater therefore.

Under operational use we have added other items of use.

This past July we cleaned the sewer lines and sluiced the sludge from the septic tanks. To do this, a 50' length of 2½" fire hose attached to a fire hydrant at the new tent area was placed in the sewer line and let run for some 40 hours. The pressure at the hydrant was about 60# and the

valve was open about half way. This use will reoccur annually in order to clean the septic tank located in the canyon.

The water system is so constructed that many of the fire hydrants are at dead ends. Consequently whenever a fire drill is held or the water disturbed, considerable turbulence results in a very dirty looking water. To overcome this and for test purposes, the Utility Mechanic opened and flushed in August all of the 30 hydrants. As noted on the table, these hydrants were let to run at least 10 minutes each at a full head. The amount of water to do this as well as to clean the septic tank could well be more than shown. Mr. Dunn or someone else can no doubt compute a more accurate figure than the one we have shown. While opening hydrants to clear the lines of "dead water" has not been practiced in the past, we expect to repeat the process once a month if the water supply on hand permits. When done at regular intervals the amount used should not be quite as much as it was this first time.

We have added to the table "Cleanup of Restrooms". This is done daily during the summer by washing out the rooms with a 3/4" garden hose and nozzle. The Fire Control Aid Station at Park Point was omitted in our first report as was water used to clean garbage cans at the garbage pit and to sprinkle the dust around the grounds at the comfort stations and garbage racks.

We used the water shown for construction in August to settle and compact the campground and Cedar Tower roads prior to oiling. The concessioner has also been using water for mixing cement, mortar, etc. in the construction of the two new comfort stations and tent area.

Another previously omitted use is in the storage and refilling of the standly water tanks. This is an old practice to provide water in case of fire, a line break or other emergency. Some 393,000 gallons are stored in four different tanks. This water is drained and the tanks cleaned and refilled spring and fall. The million gallon tank is likewise cleaned twice a year, however, it is done as the water level permits. Only a small quantity is required for this.

This year the number of employees' families and residents at Point Lookout Lodge total 14; Appendix E, item 10 should be amended accordingly. Likewise, the Jackson Gulch Reservoir people this year number 6.

On page 3 of Mr. Dunn's report, he discusses the possibility of subdividing the land of the six owners. This paragraph could well include a statement that should these six landowners be granted water, the other eight families whose land the water line crossed, will also want water. There are many others living near the water line who would have the same request to make.

The metered measurements at the Utility Area we find include only the water used at the Comfort Station located there. The water used to wash cars, drinking fountain and all other water used in this area is unmetered.

Analysis of Water Use - August 1953

Visitor Use (Travel Count 37,222 people and 55,520 visitor days.)

Lodge - 7,830 guest or visitor days

46% or 3602 in room without bath @15gpd -	54,030		
54% or 4228 in room with bath @50gpd -	211,400		
Total 7,830 guests	265,430		265,430

Other Visitors

Campgrounds - 10,468 camper days @30gpd	314,040	314,040	
Balance of visitor days 37,222			
Fountain & Cafe average 220 a day 6,820 @7.5	51,150		
Picnickers - average 100 a day 3,100 @7.5	23,250		
Balance 27,302 @2.5	68,255		
Total 37,222	142,655	142,655	
Total		456,695	456,695
Grand Total for Visitor Use			722,125

19.40 g.p. visitor
13 g.p. visitor day

Those visitors who do not remain overnight average 7 hours stay in the Park.

Operation

1 - Employees, families and residents			
NPS	162		
Mesa Verde Company	84		
MV Pack & Saddle Co.	4		
Total	250 @50 gpd	12,500	387,500
2 - Universidy of Colorado Student Group in dormitory and bunkhouse (July 30-Aug. 25) 20 students for 25 days @50 gpd			15,500
3 - Fish & Game men, 4 in dorm all month @50 gpd			6,200
4 - Saddle stock, 20 head @15			9,300
5 - Rest room cleanup - each of seven are "hosed down" daily with garden hose - estimated use 50 gals. per room per day			10,850
6 - Park Point Fire Lookout Station Fire Control Aid - 5 gals. a day August visitors 5,708 (Summer of 1953 14,684 visitors total)			2,000
7 - Irrigation of lawns - 1 acre 43,560 sq. ft. @18.5 g/100 sq. ft.			249,820
8 - Sprinkling grounds vicinity of two comfort stations on campground and garbage racks (6) 12,000 sq. ft. @10 g/100			37,200
9 - Utility Area Use			35,580
10 - Road Construction Sprinkling and compacting surface prior to oiling - Cedar Tree Tower Road - 10 loads			10,000
Lower Campground Loop - 15 loads			15,000
11 - Concessioner's Construction Two comfort stations tent area and related work			15,000
12 - Water hauled and stored at garbage pit for washing cans			2,000
13 - Each of the 30 fire hydrants were flushed by running 5-15 min. (2½" discharge at average of 50# pressure)			150,000

14 - Fire Drills at Lodge - two per month Full discharge 100' of hose at 65# pressure with 3/4" nozzle tip - about 5 min. each time. Estimate 130 gal. per min.	1,300	
15 - Line and Tank leakage loss	45,000	
16 - Released for wildlife 5,000 gal./day	155,000	
Total operational use	1,147,250	1,147,250
Grand total all use		1,869,375
Overflow 0-15 gal. per minute (average 7½ gals.)		334,800
Total		2,204,175
Water metered and reported		2,378,700

Metered use at lodge in August 496,000

Total estimated use from table

Visitors	265,430	
Fountain & Cafe	51,150	
Employees (84)	130,260	
Construction	15,000	
Fire Drills	1,300	
	463,140	463,140

Average Normal Daily Use August

Visitor Days

Lodge (7830) August 252

46% in room without bath @15 gal.		1,740
57% in room with bath @50 gal.		6,800
	Total	8,540

Other Visitors

Campground average (10,468) 338 @30 gal./day		10,140
Picnickers average 100 @7.5		750
Fountain and Cafe 220 @7.5		1,650
Balance average 881 @2.5		2,202
	Total	14,742
Total visitor use per day		23,282

Average use per visitor 19.4 gal. per day

Operation

1 - Employees - 250 @50	12,500
2 - Saddle Stock - 20 head @15	300
3 - Students and other residents (24) @50	1,200
4 - Rest Rooms	350

5 - Park Point		67	
6 - Lawns		8,059	
7 - Grounds		1,200	
8 - Utility Area Use		1,150	
9 - Garbage Pit		67	
10 - Leakage loss		1,500	
11 - Wildlife Release		5,000	
	Total	31,393	31,393
	Total		54,675

Equals 38 gal. per minute or 1,694,925 per month.

We shall forward a quarterly report at the end of December and continue the recordings next year.

O. W. Carlson
Superintendent

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

L3031 - MEVE-L

October 13, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Following is a report of water use for the third quarter of the 1953 calendar year.

Master Meter Park Headquarters			
Reading September 30	4,556,400		
Reading August 10	921,000		
Total	3,635,400 gallons		3,635,400 gal.
*Meter repaired. Between July 11 and August 9 when meter was broken, use was estimated as shown on reports for July and August.			
Total quantity for period			2,292,000
Reading July 10	10,952,200		
Reading July 1	10,460,500		
Total	491,700		491,700
Sub-total at master meter			6,419,100
Point Lookout Lodge	July 1 - September 30		334,310
Entrance Station	July 1 - September 30		16,390
Grand total all water			6,769,800 gal.

Record By Months

	July	August	September	Total
Point Lookout Lodge	102,000	124,340	107,970	334,310
Concessioners				
Mesa Verde Company	435,000	496,000	395,000	1,326,000
Koppenhafer	17,120	2,880	10,390	30,390
National Park Service				
Entrance Station	6,600	7,060	2,730	16,390
Headquarters*	1,502,980	1,748,420	1,808,580	5,062,710
Grand Total	2,063,700	2,378,700	2,324,670	6,769,800
Visitors	32,125	37,222	17,844	87,191

* August with 2.4 inches of precipitation was one of our "wettest" months while September was unusual insofar as no precipitation occurred.

O. W. Carlson
Superintendent


OCT 1953

09-16-1953: memorandum to director from assistant regional director regarding application of private landowners for permission t

WR Copy

In reply refer to:
L3031

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

September 16, 1953

Memorandum

To: Director

From: Assistant Regional Director

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply for Mesa Verde

Attached are daily water use records for the month of August and covering September 1 to 11, inclusive. Assistant Superintendent Fagergren has advised that the regular quarterly report will be submitted at the end of September.

P. P. Patraw
Assistant Regional Director

Attachment

In duplicate

Copy to: Supt., Mesa Verde

Mesa Verde National Park
Daily Record of Water Use
August, 1953

Date	Point Lookout		Park Entrance		Park Headquarters		Total	Total
	Meter	Gallons	Meter	Gallons	Meter	Gallons	Gallons	Visitors
S 1					*337,000	72,000	72,000	813
S 2						72,000	72,000	1,158
M 3	277,210	15,320	403,920	700		72,000	88,020	1,021
T 4	288,030	10,820	404,140	220		72,000	83,040	1,162
W 5	293,150	5,120	404,450	310		72,000	77,430	1,132
T 6	296,200	3,050	404,660	210		72,000	75,260	1,296
F 7	296,850	650	404,830	170		72,000	72,820	1,076
S 8						72,000	72,000	1,084
S 9						72,000	72,000	1,264
M 10	307,600	10,750	405,420	590	921,000**	72,000	83,340	1,063
T 11	309,290	1,690	405,580	160	1,006,000	85,000	86,850	1,582
W 12								1,368
T 13								1,427
F 14	322,920	13,630	406,300	720	1,249,900	243,900	258,250	1,241
S 15								1,152
S 16								1,589
M 17	330,880	7,960	406,730	430	1,483,700	233,800	242,190	1,462
T 18	333,910	3,030	407,010	280	1,558,900	75,200	78,510	1,400
W 19	339,880	5,970	407,190	180	1,630,700	71,800	77,950	1,471
T 20	344,010	4,130	407,450	260	1,716,100	85,400	89,790	1,241
F 21	347,170	3,160	407,670	220	1,810,200	94,100	97,480	1,002
S 22								1,281
S 23								1,609
M 24	362,640	15,470					15,470	1,274
T 25	366,340	3,700					3,700	1,267
W 26	371,020	4,680			2,147,600	337,400	342,080	1,182
T 27	375,660	4,640	408,680	1,010	2,237,400	89,800	95,450	1,063
F 28			408,970	290			290	973
S 29			409,290	320	2,415,500	178,100	178,420	910
S 30			409,550	260			260	906
M 31	386,230	10,570	410,280	730	2,579,700	164,200	175,500	870
Total		124,340		7,060		2,378,700	2,510,100	~~37,~~222 37,339

* Meter broken - estimated gallon based on metered flow per minute
** Meter Replaced.
Mesa Verde Company used 496,000 gallons, had 7,830 overnight guests
Mesa Verde Pack & Saddle Company used 2,880 gallons.


SEP 1953
RECEIVED

Mesa Verde National Park
Daily Record of Water Use
September 1-10, 1953

Date	Point Lookout		Park Entrance		Park Headquarters		Total	Total
	Meter	Gallons	Meter	Gallons	Meter	Gallons	Gallons	Visitors
T 1	388,770	2,540	410,290*	10	2,665,100	85,400	87,950	1,010
W 2	391,850	3,080	410,340	50	2,750,700	85,600	88,730	946
T 3	396,300	4,450	410,380	40	2,826,700	76,000	80,490	845
F 4	397,630	1,330	410,440	60	2,901,300	74,600	75,990	784
S 5	398,630	1,000	410550	110	2,970,900	69,600	70,710	1,250
S 6	404,510	5,880			3,035,050	64,150	70,030	1,996***
M 7	411,880	7,370	410,570	20	3,100,800	65,750	73,140	1,059
T 8	413,960	2,080	410,580	10	3,194,400	93,600	95,690	512
W 9	417,340	3380	410,580	0	3,277,100	82,700	86,080	585
T 10	420,020	2,680	410,610	30	3,339,400	62,300	65,010	526
F 11	422,330	2,310	411,090	480**	3,403,300	63,900	66,690	470
Total		36,100		810		823,600	860,510	9,983

* House vacated by family of three and occupied by single ranger.

** Family of three occupied quarters.

*** Largest single day's travel in history of park.


SEP 1953
RECEIVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

In reply refer to:
L 3031

August 17, 1953

Memorandum

To: Director

From: Regional Chief, Land and Recreation Planning

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply System, Mesa Verde

Attached is the record of daily water use at Mesa Verde National Park for the month of July. Superintendent Carlson explains that the meter broke on July 10, and it has been necessary to estimate the flow since that date. A replacement has been ordered and the August report will be actual meter readings.

Milton J. McColm
Regional Chief of Land
and Recreation Planning

Attachment

In duplicate

Copy to: Supt., Mesa Verde

UNITED STATES L3031 MEVE-L

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

August 11, 1953

Memorandum-

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Landowners for Permission to Tap West Mancos Water Supply System for Mesa Verde

Enclosed herewith is a record of daily water use during the month of July. This information was requested in the Director's memorandum of February 5.

As will be noted the meter in the headquarters line broke on July 10 and it was necessary to estimate the use from the metered flow measurement. We ordered a replacement and have word that we can expect to receive it shortly.

O. W. Carlson
Superintendent

Enclosure

MESA VERDE NATIONAL PARK
Daily Record of Water Use
July, 1953

	DATE	POINT LOOKOUT METER	POINT LOOKOUT GALLONS	PARK ENTRANCE METER	PARK ENTRANCE GALLONS	PARK HEADQUARTERS METER	PARK HEADQUARTERS GALLONS	TOTAL GALLONS	TOTAL VISITORS
W	1	159690		396620		10,460,500			1,001
T	2	162010	2,320	396830	210	10,496,600	36,100	38,630	910
F	3	162220	210	396940	110	10,559,500	62,900	63,220	1,004
S	4					10,633,000	73,500	73,500	1,541
S	5					10,694,000	61,000	61,000	1,148
M	6	172950	10,730	397720	780	10,781,300	87,300	98,810	1,032
T	7	174,760	1,810	398050	330	10,866,300	85,000	87,140	1,046
W	8	179,030	4,270	398,200	150	10,942,100	75,800	80,220	993
T	9	179,030	0	398,440	240	10,944,900	62,800	63,040	995
F	10					*10,952,200	47,300	47,300	788
S	11						65,000	65,000	859
S	12						65,000	65,000	1,070
M	13	202,060	23,030	399,340	900		65,000	88,930	1,026
T	14	203,940	1,880	399,590	250		65,000	67,130	1,112
W	15	211,180	7,240	400,020	430		48,300	55,970	919
T	16						72,000	72,000	1,080
F	17						72,000	72,000	923
S	18						72,000	72,000	894
S	19						72,000	72,000	1,211
M	20	226,220	15,040	400,650	630		72,000	87,670	956
T	21	230,540	4,320	400,860	210		83,700	88,230	1,225
W	22	232,840	2,300	401,170	310		72,000	74,610	1,086
T	23	232,840	0	401,520	350		72,000	72,350	1,106
F	24	233,170	330	401,600	80		72,000	72,410	1,012
S	25						72,000	72,000	1,068
S	26						72,000	72,000	1,184
M	27	249,400	16,230	402,300	700		72,000	88,930	960
T	28	253,980	4,580	402,520	220		72,000	76,800	1,038
W	29	259,890	5,910	402,980	460		72,000	78,370	952
T	30						72,000	72,000	1,097
F	31	261,890	2,000	403,220	240		72,000	74,240	889
	Totals		102,200		6,600		2,063,700	2,172,500	32,125

* Meter broke - estimated gallons based on metered flow per minute.

Mesa Verde Company used 435,000 gallons, had 7,250 overnight guests.
Mesa Verde Pack and Saddle Horse concession used 17,120 gallons.

07-00-1953: mesa verde national park daily record of water use, page 2 - stamp of receipt



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L3031 MEVE-L

July 6, 1953

C
O
P
Y

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owners to tap West Mancos Water System

Following is a report of water use for the second quarter of the 1953 calendar year.

Master Meter Park Headquarters	June 30	10,460,500		
	June 20	9,940,800		
		519,700 gallons		
Meter broken and replaced)			519,700	gals.
Estimated 51,840 gallons per day for 10 days)			518,840	
Old Meter broke June 10 @ 9,440,900				
Meter on March 31	7,553,900			
	1,887,000		1,887,000	
Total Park Headquarters			2,925,540	gals.
Point Lookout Lodge April 1 - June 30			229,790	gals.
Entrance Station			21,950	
Grand Total			3,177,280	gals.

RECORD BY MONTHS

	April	May	June	Total	
Point Lookout Lodge	70,000	70,000	89,790	229,790	gal.
Concessions					
Mesa Verde Company	-0-	241,500	365,000	606,500	
Koppenhafer	-0-	3,340	7,190	10,530	
National Park Service					
Park Entrance	100	300	21,550	21,950	
Headquarters	442,300	581,060	1,285,150	2,308,510	
GRAND TOTAL	512,300	896,200	1,768,680	3,177,280	
Visitors	2,708	9,216	25, 547	37,471	

/s/ O. W. CARLSON
O. W. Carlson
Superintendent

L3031 MEVE-L

UNITED STATES

C
O
P
Y

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

April 8, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owner to tap the West Mancos Water Supply System for Mesa Verde

As requested by Mr. Patraw's memorandum of February 12 and Mr. Tolson's memorandum of February 5 a report of the water used at this park follows:

Master Meter Park Headquarters March 31	7,553,900	gallons	
Master Meter Park Headquarters January 1	6,467,700	"	
Total	1,086,200	"	1,086,200
Point Lookout Lodge January 1 - March 31			53,530
Park Entrance			0
Grand Total			1,139,730

RECORDS BY MONTH AND

	Jan.	Feb.	Mar.	Total
Point Lookout Lodge	12,000	16,000	25,530	53,530
Concessioners:				
Mesa Verde Co.	5,000	3,500	6,500	15,000
Kopenhafer	0	0	0	0
National Park Service				
Park Entrance	0	0	0	0
Headquarters	355,460	307,720	408,020	1,071,200
Grand Total	372,460	327,220	440,050	1,139,730

/s/ O. W. CARLSON
O. W. Carlson
Superintendent

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

October 12, 1953

Water Use Study

Mesa Verde National Park

by

A. van V. Dunn
Chief, Water Resources Branch

This study of the use of water at Mesa Verde was initiated in January 1953 to determine whether there is a surplus which might be made available to owners of private land which is traversed by the West Mancos Water Supply System for Mesa Verde. The results, indicated on the accompanying chart, suggest that the existing water system, with gravity diversions, will probably be inadequate to supply the Park needs by 1970, and possibly as early as 1960, unless there is a radical drop in the trend of annual attendance which has continued at the same accelerated rate since 1925. The decreed maximum rate of direct diversion from the West Mancos River, by a pump which must be installed at the proper time, will probably be reached about 1978. Thereafter, until about 1984, when the decreed annual limit of 120 acre-feet is used, nearly 40% of the water will have to come from flood waters stored in the Jackson Gulch Reservoir, pumped through a lateral pipe line which has not been constructed, and treated by chlorination and possible filtration. A supplemental water supply will be needed after 1984.

Of course, this schedule becomes more speculative as it is projected further into the future. However, the water rights and preliminary water system design were initiated in 1941, when slightly less than 42,000 people visited the Park during the entire year. In 1953, there were 37,330 visitors in the single month of August, and there were 133,004 visitors during the comparable travel year from October 1 to September 30. It is quite easy to picture three periods of approaching water shortage, in approximately 1970, 1978, and 1984, as the National Park Service struggles for several years, in each case, to obtain appropriations to enlarge the water system which has already cost more than a third of a million dollars.

The chart also shows that the ratio of water consumption, or at least draft, in 1952 and 1953, was much greater than the ratio of Park attendance, both for the travel years and the months of August. The water consumption in 1953 was approximately that calculated as the trend for about 1963, despite the fact that estimates for the month while the meter was being repaired were conservatively low by comparison with records for the rest of August. Insufficient information has been obtained to determine whether there was wasteful use or an additional water demand in 1953 which was not included in the calculation of the trend. It is known that unit water consumption was subnormal until 1950, because of water shortages, and that adjustments of habits and facilities are now in progress. Even though there may have been excessive use of water in 1953, the comparison of meter readings and calculated trends for 1951, 1952, and 1953 indicates that the speculation in future needs is conservative.

This means that there is no assurance of surplus water for more than a year or so, although a limited amount may be available for a decade, and again periodically at higher cost until sometime in the early eighties. With a million and a quarter gallons of storage capacity in the Park, about the supply for two weeks in the summer of 1953, these dates are subject to slight extension; but at least half of the storage must be maintained for fire protection. It is doubtful if the private landowners can rationally justify the investment necessary for the short-term water service. It is also questionable whether the United States should permit the pipeline to be weakened by taps which will probably contribute so little to the public or private good.

As a further consideration, Special Use Permit No. I-22np-82 authorizes the owner of the Point Lookout Lodge, at the Park Entrance, to obtain a maximum of 150,000 gallons per month from the West Mancos Water Supply System. The deliveries in August 1953 totalled 124,340 gallons. The Lodge, like the Park, caters to the vacation travel, and its water demand will follow the same trend as that of the Park. The demand in August 1954 will probably exceed 150,000 gallons, the extra demand being supplied from storage at the Lodge if such storage is adequate. No further deliveries to Point Lookout Lodge are included in the trends of Park water demand, because of the permit terms. Before considering the potential service to other landowners in the Point Lookout community, some thought should be given to the potential requests for increasing water service to the Point Lookout Lodge.

In her letter of November 22, 1952, as correspondent for the six private landowners in the Point Lookout community who would like to obtain water, Mrs. Besse M. Ripley based the justification on the erroneous assumption that only half the available water was being used in the Park. The average draft in July 1953 was 54% of the new pipe capacity, and the August draft averaged 62% of that capacity. The draft on three days ranged from 74% to 79% of the pipe capacity, not counting the last week of August when the draft was continuously in excess of 72% of the pipe capacity. The statement was more nearly true for 1952 only because the unit consumption in the Park was subnormal due to lack of facilities and skimping habits of the population served.

The applicants also make a request for an unspecified quantity of water, but imply only domestic use. The purely domestic use for six residences should not exceed the insignificant total of about 1,000 gallons per day, or roughly 30,000 gallons per month. The entire 100,000 gallons for the summer use of the six families could probably be stored during the winter months for nearly 20 years, if they wished to provide that much storage for such limited use. However, there will be an increasing temptation to subdivide the six properties, or to duplicate the Point Lookout Lodge, if the travel trend continues. Every indication suggests that there will be no water for visitors who cannot be accommodated in the Park, for more than a few years.

A quarter of a century or more ago, Mr. O. E. Meinzer of the Geological Survey, and Congressman Edward T. Taylor of Colorado envisaged a multipurpose project on the Mancos River which would serve the Park, towns, and adjacent ranchers, but by 1940 the Bureau of Reclamation could not justify a Mancos Project in excess of what has been constructed. In fact, the Mancos Conservancy District has only contracted to repay about 25% of the Federal investment. Almost as soon as the Project, and the independent West Mancos Water Supply System, were completed, the Bureau of Reclamation inquired as to the possibility of using the West Mancos Water Supply System to deliver water to the town of Cortez in the overappropriated Dolores River drainage. There is evidently a demand for a far more comprehensive water resources development in Colorado Water District No. 34, which includes the Mancos and Dolores Rivers, when the potential consumers are willing to pay the high cost.

At thesuggestion of the National Park Service, Mrs. Ripley wrote to the Bureau of Reclamation on August 20 concerning possible water service from the Mancos Project. The reply was probably discouraging unless there has been more study in the past five years than I believe. It may even be premature to consider an expanded Project for the relief of those left out of the Mancos Conservancy District. The Bureau of Reclamation has made a nonreimbursable Federal investment of $2,500,000 in the Mancos Project. The Mancos Conservancy District will be indebted for part of the other $900,000 invested in that Project for more than half a century. The National Park Service has also made a Federal investment of nearly $350,000 in the West Mancos Water Supply System which should have a useful life of about 30 years, with some further investment in pump units and pipe laterals as needed. It is up to the united residents of the Colorado Water District, including the United States as a consumer, to work out an accelerated amortization of existing investments and a more permanently adequate development for the future. However, the private interests should concentrate on the unification and definition of their needs for a year or two, while the National Park Service refines its estimates of future trends on the basis of future records of attendance and water consumption.

Appended are the basic data and computations used in preparing the chart.

C O P Y

In reply refer to:
L3031 MEVE-L

APPENDIX A

June 10, 1953

Memorandum

To: Regional Director, Region Three

From: Acting Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owners to Tap West Mancos Water Supply System for Mesa Verde

We delayed a reply to Mr. Kell's memorandum of May 6 which transmitted Mr. Richie's memorandum of April 23 both in regards to subject above until the Lodge was opened and more accurate data could be obtained.

Following is a table and a few figures that we believe will answer the questions:

1. Average number of employees including families:

	N. P. S.	Mesa Verde Co.	Horse Concessioner Koppenhafer
Permanent year 'round	88	4	0
Month of April (additional)	14	10	4
May 1 - Sept. 30 "	70	80	4
Month of October "	20	45	2

2. There were 22,793 people who used the public campground overnight last year. At least 6,000 additional people picnicked or used the area.

3. The lodge accommodated 24,536 people overnight and had an estimated 5,000 additional people stop for a meal and use their facilities.

4. We have seven public rest rooms. Four are operated year around and have a total of the following fixtures: 11 toilets, 7 lavatories and 3 urinals. Used in addition from April 15 - October 31 (depending on weather) are three more stations with 14 toilets, 6 lavatories, 5 urinals, 6 showers and 3 laundry tubs.

5. The horse concessioner has 20 horses here between May 1 and October 15. Some of these are placed to pasture on occasion in Prater Canyon but an average of 15 head are watered from the headquarters system

6. From September 1 to about May 25 our Community building is used as a school for children of employees. The building has an apartment equipped with a bath, toilet and lavatory for the teacher and two rest rooms with two toilets and two lavatories.

7. Planted around the residence, we now have a total of about one acre of lawn and flowers. This amount will be doubled when all the landscaping is completed.

8. Metered measurements of water used at our utility area last year averaged 5,500 gallons per winter month and 11,860 gallons per summer month.

9. Our charts of use show an average estimated leakage on storage tanks, lines and appurtenances of 45,000 per month.

10. It is difficult to estimated closely on the amount of water used by wildlife. However, at Navaho Canyon a small amount of water is allowed to run from the valve during the spring, summer and fall months. It would amount to about what would flow from a ½" pipe at about 30 pounds pressure. We believe some 50 deer utilize this water. It is not metered and was not included in our report of April 8.

At the million gallon reservoir whenever the water is not being run into the tank, it is by-passed into an open ditch which is used by some 20 deer and the horses that might be in the pasture nearby.

(SIGNED)
Fred C. Fagergren
Acting Superintendent

In duplicate

Excerpt from Rules, Regulations and Information Pertaining to Appropriation of Water in California - 1952 Edition

Title 23 - Division of Water Resources--State Engineer--Public Works--Water

657. Instances of What Is Considered Reasonably Necessary. The amounts considered reasonably necessary for various uses shall be determined in the following manner:

* * * * * * * * * *

(b) Domestic Use. Allowances for domestic use are variable, depending upon the character of the place of use, method of use, character of use and availability of water. The maximum quantities considered reasonable for the respective domestic uses are as follows:

Homes, Resorts, Motels, Organization Camps, etc.

Fully plumbed	50 to 55 gallons per day per person
Sink and flush toilet only	40 gallons per day per person
Sink and shower only	35 gallons per day per person
Sink only	25 gallons per day per person
Outside supply only	15 gallons per day per person
Cafe, fountain, etc.	2.5 gallons per day per person

Camp Grounds

Depending upon facilities provided, allowances range from 5 gallons per person, where faucets only are provided, to 30 gallons per day per person where washbowls, showers, flush toilets and laundry trays are provided.

Lawn, Garden, Orchard and Grounds

Irrigation	18.5 gallons per day per 100 square feet
Sprinkling to allay dust	7.5 to 10 gallons per day per 100 square feet

Livestock

Milch cows	30 gallons per day per head
Horses	15 gallons per day per head
Goats and hogs	2.5 gallons per day per head
Poultry, rabbits, etc.	0.25 gallons per day per head

(c) Stock-watering Use. For use for watering commercial livestock, the maximum quantities considered necessary are as follows:

Range cattle and horses	15 gallons per day per head
Hogs and goats	2.5 gallons per day per head
Sheep	1.5 gallons per day per head
Milch cows	30 gallons per day per head
Hosing out dairy barn	35 gallons per day per head

Mesa Verde National Park
Daily Record of Water Use
September 1-10, 1953

Date	Point Lookout		Park Entrance		Park Headquarters		Total	Total
	Meter	Gallons	Meter	Gallons	Meter	Gallons	Gallons	Visitors
1	388,770	2,540	410,290*	10	2,665,100	85,400	87,950	1,010
2	391,850	3,080	410,340	50	2,750,700	85,600	88,730	946
3	396,300	4,450	410,380	40	2,826,700	76,000	80,490	845
4	397,630	1,330	410,440	60	2,901,300	74,600	75,990	784
5	398,630	1,000	410,550	110	2,970,900	69,600	70,710	1,250
6	404,510	5,880			3,035,050	64,150	70,030	1,996***
7	411,880	7,370	410,570	20	3,100,800	65,750	73,140	1,059
8	413,960	2,080	410,580	10	3,194,400	93,600	95,690	512
9	417,340	3,380	410,580	0	3,277,100	82,700	86,080	585
10	420,020	2,680	410,610.	30	3,339,400	62,300	65,010	526
11	422,330	2,310	411,090	480**	3,403,300	63,900	66,690	470
Total		36,100		810		823,600	860,510	9,983

* House vacated by family of three and occupied by single ranger.

** Family of three occupied quarters.

***Largest single day's travel in history of park.

Mesa Verde National Park
Daily Record of Water Use
August, 1953

Date	Point Lookout		Park Entrance		Park Headquarters		Total	Total
	Meter	Gallons	Meter	Gallons	Meter	Gallons	Gallons	Visitors
1					*337,000	72,000	72,000	813
2						72,000	72,000	1,158
3	277,210	15,320	403,920	700		72,000	88,020	1,021
4	288,030	10,820	404,140	220		72,000	83,040	1,162
5	293,150	5,120	404,450	310		72,000	77,430	1,132
6	296,200	3,050	404,660	210		72,000	75,260	1,296
7	296,850	650	404,830	170		72,000	72,820	1,076
8						72,000	72,000	1,084
9						72,000	72,000	1,264
10	307,600	10,750	405,420	590	921,000**	72,000	83,340	1,063
11	309,290	1,690	405,580	160	1,006,000	85,000	86,850	1,582
12								1,368
13								1,427
14	322,920	13,630	406,300	720	1,249,900	243,900	258,250	1,241
15								1,152
16								1,589
17	330,880	7,960	406,730	430	1,483,700	233,800	242,190	1,462
18	333,910	3,030	407,010	280	1,558,900	75,200	78,510	1,400
19	339,880	5,970	407,190	180	1,630,700	71,800	77,950	1,471
20	344,010	4,130	407,450	260	1,716,100	85,400	89,790	1,241
21	347,170	3,160	407,670	220	1,810,200	94,100	97,480	1,002
22								1,281
23								1,609
24	362,640	15,470					15,470	1,274
25	366,340	3,700					3,700	1,267
26	371,020	4,680			2,147,600	337,400	342,080	1,182
27	375,660	4,640	408,680	1,010	2,237,400	89,800	95,450	1,063
28			408,970	290			290	973
29			409,290	320	2,415,500	178,100	178,420	910
30			409,550	260			260	906
31	386,230	10,570	410,280	730	2,579,700	164,200	175,500	870
Total		124,340		7,060		2,378,700	2,510,100	37,339

* Meter broken - estimated gallon based on metered flow per minute
** Meter Replaced.
Mesa Verde Company used 496,000 gallons, had 7,830 overnight guests
Mesa Verde Pack & Saddle Company used 2,880 gallons.

MESA VERDE NATIONAL PARK
Daily Record of Water Use
July, 1953

DATE	POINT LOOKOUT METER	POINT LOOKOUT GALLONS	PARK ENTRANCE METER	PARK ENTRANCE GALLONS	PARK HEADQUARTERS METER	PARK HEADQUARTERS GALLONS	TOTAL GALLONS	TOTAL VISITORS
1	159,690		396,620		10,460,500			1,001
2	162,010	2,320	396,830	210	10,496,600	36,100	38,630	910
3	162,220	210	396,940	110	10,559,500	62,900	63,220	1,004
4					10,633,000	73,500	73,500	1,541
5					10,694,000	61,000	61,000	1,148
6	172,950	10,730	397,720	780	10,781,300	87,300	98,810	1,032
7	174,760	1,810	398,050	330	10,866,300	85,000	87,140	1,046
8	179,030	4,270	398,200	150	10,942,100	75,800	80,220	993
9	179,030	0	398,440	240	10,944,900	62,800	63,040	995
10					*10,952,200	47,300	47,300	788
11						65,000	65,000	859
12						65,000	65,000	1,070
13	202,060	23,030	399,340	900		65,000	88,930	1,026
14	203,940	1,880	399,590	250		65,000	67,130	1,112
15	211,180	7,240	400,020	430		48,300	55,970	919
16						72,000	72,000	1,080
17						72,000	72,000	923
18						72,000	72,000	894
19						72,000	72,000	1,211
20	226,220	15,040	400,650	630		72,000	87,670	956
21	230,540	4,320	400,860	210		83,700	88,230	1,225
22	232,840	2,300	401,170	310		72,000	74,610	1,086
23	232,840	0	401,520	350		72,000	72,350	1,106
24	233,170	330	401,600	80		72,000	72,410	1,012
25						72,000	72,000	1,068
26						72,000	72,000	1,184
27	249,400	16,230	402,300	700		72,000	88,930	960
28	253,980	4,580	402,520	220		72,000	76,800	1,038
29	259,890	5,910	402,980	460		72,000	78,370	952
30						72,000	72,000	1,097
31	261,890	2,000	403,220	240		72,000	74,240	889
Totals		102,200		6,600		2,063,700	2,172,500	32,125

* Meter broke - estimated gallons based on metered flow per minute.

Mesa Verde Company used 435,000 gallons, had 7,250 overnight guests.
Mesa Verde Pack and Saddle Horse concession used 17,120 gallons.

C O P Y

In reply refer to:
L3031 MEVE-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

July 6, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Onwers to tap West Mancos Water System

Following is a report of water use for the second quarter of the 1953 calendar year.

Master Meter Park Headquarters	June 30	10,460,500		
	June 20	9,940,800		
		519,700 gallons		
Meter broken and replaced)				519,700 gals.
Estimated 51,840 gallons per day for 10 days:				518,840
Old Meter broke June 10 @		9,440,900		
Meter on March 31		7,553,900		
		1,887,000		1,887,000
Total Park Headquarters				2,925,540 gals.
Point Lookout Lodge April 1 - June 30				229,790 gals.
Entrance Station				21,950
Grand Total				3,177,280 gals.

	RECORD BY MONTHS			
	April	May	June	Total
Point Lookout Lodge	70,000	70,000	89,790	229,790 gal.
Concessions				
Mesa Verde Company	-0-	241,500	365,000	606,500
Koppenhafer	-0-	3,340	7,190	10,530
National Park Service				
Park Entrance	100	300	21,550	21,950
Headquarters	442,300	581,060	1,285,150	2,308,510
GRAND TOTAL	512,300	896,200	1,768,680	3,177,280
Visitors	2,708	9,216	25,547	37,471

/s/ O. W. CARLSON
O. W. Carlson
Superintendent

C O P Y

L3031 MEVE-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

April 8, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Mesa Verde National Park

Subject: Application of Private Land Owner to tap the West Mancos Water Supply System for Mesa Verde

As requested by Mr. Patraw's memorandum of February 12 and Mr. Tolson's memorandum of February 5 a report of the water used at this park follows:

Master Meter Park Headquarters March 31	7,553,900 gallons		
Master Meter Park Headquarters January 1	6,467,700 "		
	1,086,200 "		1,086,200
Point Lookout Lodge January 1 - March 31			53,530
Park Entrance			0
Grand Total			1,139,730

RECORDS BY MONTH AND

	Jan.	Feb.	Mar.	Total
Point Lookout Lodge	12,000	16,000	25,530	53,530
Concessioners:				
Mesa Verde Co.	5,000	3,500	6,500	15,000
Kopenhafer	0	0	0	0
National Park Service				
Park Entrance	0	0	0	0
Headquarters	355,460	307,720	408,020	1,071,200
Grand Total	372,460	327,220	440,050	1,139,730

/s/ O. W. CARLSON

O. W. Carlson
Superintendent

00-00-0000: summary of metered water use and visitor count by months

APPENDIX B

Summary of Metered Water Use and Visitor Count by Months

	1951			1952			1953		
	Visitors	Water Use-Gallons	Gal./Visitor	Visitors	Water Use-Gallons	Gal./Visitor	Visitors	Water Use-Gallons	Gal./Visitor
January	125	238,237		40	249,470		214	372,460	
February	201	496,140		97	447,210		779	327,220	
March	772	234,440		246	301,620		1,953	440,050	
April	2,127	322,310		1,364	360,190		2,611	512,300	
May	6,328	609,585	96.3	7,393	603,800	81.7	9,216	896,200	97.3
June	18,250	994,505	54.4	18,432	1,003,950	54.4	25,547	1,768,680	69.2
July	23,155	1,120,830	48.5	28,061	1,107,730	42.0	32,125	2,172,500	67.7
August	31,199	1,195,080	38.3	33,964	1,396,200	41.1	37,330	2,510,100	67.3
September	13,480	953,700	70.7	10,718	1,116,690	104.0	(9,983* (17,844	860,510*	
October	2,819	513,250		4,788	487,894				
November	758	265,280		519	187,270				
December	95	217,290		78	267,520				
Totals	100,247	7,160,647		103,987	7,529,544		109,775	8,999,510	
Jan-Aug. Total	82,166	5,211,127		89,596	5,470,170				
Ratio of Totals for Year, Annual & Jan-Aug. Period	122%	137.5%		116%	137.5%				
Estimated Annual Total							130,500**	12,350,000**	
Total Acre-feet for the Year		16.00 AF			16.83 AF			27.65 AF	
Ratio of Use in Aug. and Entire Year		16.7%			18.55%				

* First 11 days of September.
** Estimated from mean ratios of Jan.-August to total annual.

APPENDIX C

Summary of Visitors, Visitor-Days, and Length of Visit, by Months

Month	1951 Visitors	1951 Visitor-Days	1951 Length of Visit	1952 Visitors	1952 Visitor-Days	1952 Length of Visit	1953 Visitors	1953 Visitor-Days	1953 Length of Visit
January	125	125	1.00 day	40	40	1.00 day	214	214	1.00 day
February	201	204	1.01 "	97	97	1.00 "	779	779	1.00 "
March	772	786	1.02 "	246	246	1.00 "	1,953	1,974	1.01 "
April	2,127	2,209	1.04 "	1,364	1,428	1.05 "	2,611	2,708	1.04 "
May	6,328	8,372	1.32 "	7,393	9,635	1.28 "	9,216	11,676	1.27 "
June	18,250	27,279	1.49 "	18,432	27,046	1.47 "	25,547	35,698	1.40 "
July	23,155	35,019	1.51 "	28,061	41,243	1.47 "	32,125	47,557	1.48 "
August	31,199	44,000	1.41 "	33,964	50,719	1.49 "	37,330	55,520	1.51 "
September	13,480	18,450	1.37 "	10,718	16,310	1.52 "	17,844	24,687	1.38 "
October	2,819	3,375	1.20 "	4,788	5,900	1.23 "			
November	758	764	1.01 "	519	519	1.00 "			
December	95	95	1.00 "	78	78	1.00 "			
Total	100,247	140,678		103,987	153,261				
Mean			1.40 "			1.47 "			
Total Jan-Aug.	82,166	117,994		89,596	130,454		109,775	156,126	
Mean Jan-Aug.			1.42 "			1.46 "			1.42 "

APPENDIX D

Derivation of Probable Unit Water Consumption by Visitors

1950 Lodge Capacity	Rate of Consumption	Total Water Demand	Equivalent Average per Registered Guest
237 in rooms with baths	40 gal. per day	9,480 gal. per day	
108 in rooms without baths	15 " " "	1,620 " " "	
70 transients use fountain	2.5 " " "	175 " " "	
Total 1950 water demand		11,275 " " "	32.7 gal./day

1952 guest count 24,536 (80% over 90 days) required 811,700 gallons

1950 Campground Capacity			
85 sites at 3.25 people= 276	25 gal. per day	6,900 gal. per day	
1952 guest count 22,793 (92.5% over 90 days)		required 522,000 gal.	
1952, 6000 picnickers	5 gal. per capita	30,000 "	
Probable 1952 campground use		552,000 "	24.3 gal./day

Total 1952 visitor days		153,261	
" " Lodge guests	24,536		
" " campers	22,793		
" " picnickers	6,000		
Total		53,329	
Residual transient Park visitors using 5 gal. per capita		99,932	499,660 gal.
Total 1952 visitor water demand			1,863,360 gallons
Average for each of recorded 103,987 visitors			18.6 gallons
Average for each of recorded 153,261 visitor-days			12.15 gallons.

(There were 133,004 visitors during the 1953 travel year, or 127.7% of the 1952 count, who should require 2,380,000 gallons at 18.6 gallons per capita. This study and report were prepared before the September record was received, estimating 125% of 1952 demand, or 2,328,000 gallons. Any resulting inconsistency is negligible.)

APPENDIX E

Derivation of Probable Annual Water Demand for Park Operation

Total Park and Concession Personnel		Rate of Water Use	Total Water Use for Year
All year (365 days) -	92	50 gal. per day	1,642,500 gallons
April 1-Oct. 31 (extra) (214 days) -	28	50 " " "	299,600 "
May 1-Sept. 30 (extra) -	(63	40 " " ")	674,730 "
	(63	30 " " ")	
Oct. 1-30 (extra) -	39	30 " " "	36,270 "
1. Total annual permanent water use			2,653,100 "
2. Average saddle stock watering May 1-Oct. 15 - 15 head at 15 gph/d			37,800 "
3. School use - large included in domestic			--
4. Irrigation, 1 acre of lawn at 2 AF/yr.			653,400 "
5. Utility area use, Nov. -March - 5 months at 5500 gal.			27,500 "
6. Utility area use, April -Oct. - 7 months at 11,860 gal.			83,020 "
7. Leakage and other transit losses - 12 months at 45,000 gal.			540,000 "
8. Releases for wildlife - 5000 gpd for 365 days			1,825,000 "
9. Entrance Ranger Station - 90 days at 250 gpd			22,500 "
10. Point Lookout Lodge, 5 people at 50 gpd - 365 days			91,250 "
11. Jackson Gulch Reservoir Caretakers - 3 at 50 gpd - 365 days			54,750 "
Total operating water demand per year			5,989,320 "

Total Point Lookout Lodge water use, Aug. 1953 - 124,340 gal.
Probable operating use Aug. 1953 (8.47% of item 10) - 7,725 "

Probable visitor use in August 1953 - 116,615 "

Probable visitor use in August 1952 at 80% 85,250 "

Comparative probable water demands:	1952	1953
Operation	5,989,320 gal.	5,989,320 gal.
Visitor use at Park	1,863,360 "	2,328,000 "
Visitor use at Point Lookout	85,250 "	116,615 "
Totals	7,937,930 "	8,433,935 "
August need at 18.55% of annual, based on 1952 metered records (conservatively low for future)	1,470,000 "	1,560,000 "

APPENDIX F

Derivation of Probable August Water Demand for Park Operation

August constant water consumption estimate:

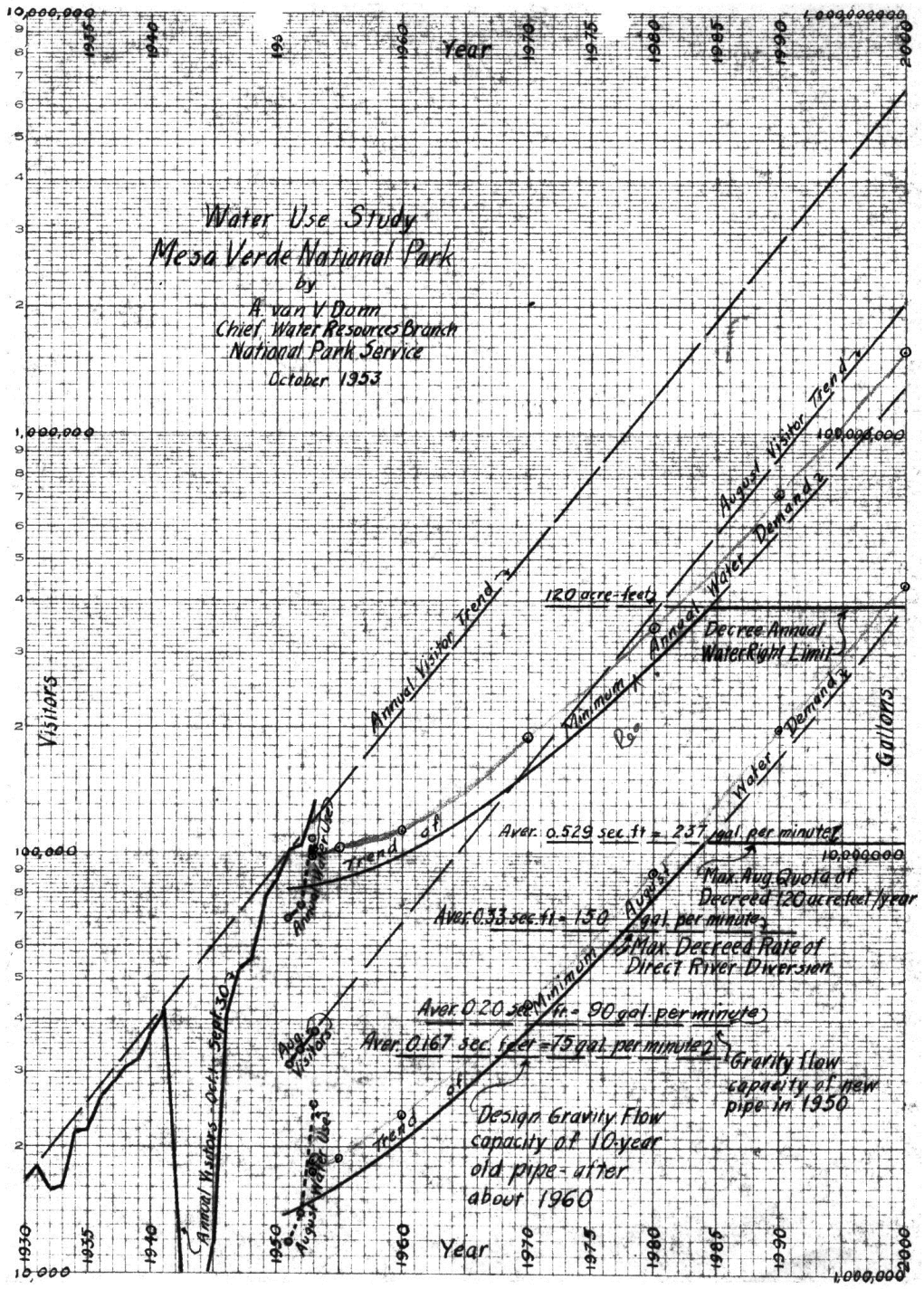
All year employees -	139,400 gallons	
April-October employees -	43,400 "	
May-September employees -	136,300 "	
1. Total Park domestic -		319,100 gallons
2. Saddle Stock -		6,975 "
4. Irrigation (1/3 of annual) -		217,800 "
6. Utility -		11,860 "
7. Transit Losses -		45,000 "
8. Release to wildlife -		155,000 "
9. Entrance Ranger Station -		4,650 "
10. Point Lookout Lodge -		7,750 "
11. Jackson Gulch -		4,650 "
Total constant -		772,785 "

1953 Point Lookout Guest Use 124,340 - 7,750	=	116,590 gallons	
1952 " " " " @ 80%	=	93,400 "	
1954 " " " " @ 112% of 1953	=	119,500 "	(exceeds quota)

APPENDIX G

Probable Total Park Water Demand in Four Scattered Years for Control Points on Water Use Trends

Year	Probable August Attendance	Transient Water Use at 18.6 Gals.	Constant Use	Total Demand
Aug. 1953	37,330	694,000 gal.	772,785 gal.	1,466,785 gal.
" 1970	160,000	2,975,000 "	772,785 "	3,747,785 "
" 1980	375,000	6,970,000 "	772,795 "	7,742,785 "
" 2000	2,050,000	38,100,000 "	772,795 "	38,872,785
	Annual Attendance	**Transient Annual Use of 18.6 Gals.**		
1953	134,000	2,380,000 gal.	5,989,320 gal.	8,369,320 gal.
1970	505,000	9,400,000 "	5,989,320 "	15,389,320 "
1980	1,200,000	22,300,000 "	5,989,320 "	28,289,320 "
2000	6,600,000	122,700,000 "	5,989,320 "	128,689,320 "


Water Use Study
Mesa Verde National Park
by
A. van V. Dunn
Chief, Water Resources Branch
National Park Service
October 1953
Year
Visitors
Gallons
Annual Visitor Trend
Annual Water Demand
120 acre-feet
Decree Annual Water Right Limit
Minimum Pe
Aver. 0.529 sec. ft. = 237 gal. per minute
Max. Aug. Quota of Decreed 120 acre feet/year
Aver. 0.33 sec. ft. = 130 gal. per minute
Max. Decreed Rate of Direct River Diversion
Aver. 0.20 sec. ft. = 90 gal. per minute
Aver. 0.167 sec. feet = 75 gal. per minute
Gravity flow capacity of new pipe in 1950
Design Gravity Flow capacity of 10-year old pipe - after about 1960
Annual Visitors - Oct. 1 - Sept. 30
Year

07-07-1950: memorandum to regional director from chief regarding water rights appurtenant to west mancos water supply system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

July 7, 1950

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Rights Appurtenant to West Mancos Water Supply System, Mesa Verde National Park

Enclosed are two copies of your teletype of today advising that the contractor started delivering water to the Park on July 6. Please have these copies inserted at the top of Part IV of Mesa Verde Deed 4 for record and reference when proof is needed under the conditionally decreed water right.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Attachments 2

In duplicate

AvanVDunn:sh

07-07-1950: memorandum to regional director from chief regarding water rights appurtenant to west mancos water supply system,

Pal

COPY

D5039 MESA

338 WA AQ /I-NPS/

SANTA FE NEW MEXICO 7-7-50 823A

DIRECTOR NATIONAL PARK SVC

WA

SUPT ROSE REPORTS NEW MESA VERDE WATER SYSTEM BEGAN DELIVERING WATER TO STORAGE RESERVOIR IN PARK 1245 PM JULY 6 HE ESTIMATES FLOW WELL IN EXCESS OF 75 GALLONS PER MINUTE PRESSURE. RATE OF CLEARING AND EVERYTHING SATISFACTORY.

TILLOTSON NATL PARK SVC

1245 PM 6 75

ES 824A

07-05-1950: memorandum to regional director from acting director regarding water rates

PLANNING AND CONSTRUCTION DIVISION
FILE COPY
NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5051 MESA

JUL 5 - 1950

Memorandum

To: Regional Director, Region Three

From: Acting Director

601

Subject: Water Rates - Mesa Verde National Park

A preliminary review of the cost of the new water supply and distribution system shown on the attached tabulation indicates that the investment in physical facilities is 2.4 times greater than the system supplied by pumping and the annual operating charges will be 1.37 times greater. Allowing for an annual increase in water use from 3 to 5 million gallons the cost of water from the new system will be:

Operating and Maintenance	$1.36 per thousand gallons
Depreciation	$2.40 " " "
Total	$3.76 per thousand gallons

It appears that there will not be much change in the cost of water from that under the former well supply.

Applying these unit costs to the requirements of the Mesa Verde Company and the National Park Service, the annual charge would be:

1947

		NPS	Mesa Verde Co.	Total
Water Use - M. gal		2607	1685	4,292
Charge				
Operation & Mtnce.	$1.36	$3,543	$2,290	$ 5,833
Depreciation	2.40	6,260	4,050	10,310
Total	3.76	$9,803	$6,340	$16,143

1948

		NPS	Mesa Verde Co.	Total
Water Use - M. gal		2,675	1,863	4,538
Charge				
Operation & Mtnce.	$1.36	$ 3,640	$2,535	$ 6,175
Depreciation	2.40	6,420	4,475	10,895
Total	$3.76	$10,060	$7,010	$17,070

For comparison we obtained the water rates for Gallup, Santa Fe and Albuquerque and for an annual consumption of 2,000 M gallon (147 M gallon more than the concessioner used in 1948). The costs would be:

Town	Annual Cost	Avge. Cost per M Gal.
Gallup	$1,360	$ .68
Santa Fe	308	.154
Albuquerque	881	.44

For this summer and pending a more thorough study of water costs following the completion of the new supply line, we suggest a rate of $0.70 per 1,000 gallons. This is approximately the rate charged competing public accommodation enterprises in nearby Gallup. The charge does not cover the estimated operating and maintenance cost but is more justifiable than the present $100 per year charged the Mesa Verde Company. You and Superintendent Rose have recommended a $1.15 rate as representing past operating and maintenance costs (excluding depreciation charges) but as these need to be redetermined an interim rate of $0.70 is proposed. Enclosed are three copies of the approved rate schedule.

(SGD) [illegible]

Acting Director

In duplicate
Attachments 3

Copy to: Mr. Vint
Mr. Monteith

CDMonteith:ms

07-05-1950: water service rate

WATER SERVICE RATE
MESA VERDE NATIONAL PARK

Effective July 1, 1950.

(Superseding rate schedule effective May 1, 1946.)

Pending the completion of the new water supply line and determination of final costs and the establishment of a new rate schedule based on a field study, the following meter rate for water supplied for concessioners' and other non-government requirements shall prevail.

$0.70 per 1000 gallons.

Approved June 30, 1950.

Acting Director

Copy to: Regional Director, Region Three (3)
Accounts (2) (Original for GAO)
Washington Office
Mr. Vint
Mr. Monteith (3)

Preliminary Study - Mesa Verde Water Costs

June 29, 1950

Investment	Present System	New System
Deep well	$ 62,995	$
Storage Tanks and Reservoir	76,720	76,720
Pumping Machinery	20,170	
Pipe Lines	12,397	12,397
Catchment Surfaces	14,542	
Fence	2,726	
Water Meters	666	666
27 Mile Pipe Line		364,137
Total Investment	$190,016	$455,920

Operating Statement - Annual Charge and Rate

		Rate per M Gal.			Rate per M Gal.
Operating Expense	$ 4,024				
Maintenance	1,920				
Sub-total	$ 5,944	1.985	(1½%)	$6,809	1.36
Depreciation	7,781	2.890		12,020	2.40
Total (Supt.5/15/49)	$13,725	4.575		$18,829	3.766

Water Delivered - M Gal.

Concessions	$ 1,300		
N.P.S.	$ 1,700	(1950)	5,000
	3,000		

Chief of Planning and Construction,
through the Chief Engineer

March 2, 1950

Mr. Dunn

Status of West Mancos Water Supply System for Mesa Verde National Park

The attached memorandum for the Director was prepared under date of February 14 while I was Acting Chief Engineer, but has had to be rewritten because Mr. Pipes has obtained some additional information while checking statements which I originally assembled. I am still addressing it to the Director rather than to you, with the idea that either you or Mr. Tolson may wish to refer it to the Regional Director for further verification or as an interim record.

It should be noted that the accounts indicate construction expenditures beginning in 1942, although so far as I know the only real construction was the headgate and diversion works constructed last fall at a cost of approximately $2,463.85, of which half seems to have come from the 1947 appropriation and half from the 1950 allotment.

It is also significant that approximately $485,000 have been appropriated or allotted from to time, exclusive of CCC funds and water rights funds, and that $135,000 have been transferred to other accounts. In most cases, the transfers were justifiably made because they were inadequate for construction purposes, although apparently more than enough for all of the surveys and plans which have or will be provided.

However, it is particularly alarming to me to find that $19,542.00 have been transferred from the 1950 allotment before the bids were opened or even advertised. I think it is particularly alarming because bids for the delivery of pipe have subsequently been opened and found to be in excess of the estimate on the 6-inch pipe, and because the contractor who will bid in the spring for the trenching and laying of pipe is more than likely to bid considerably more than would ordinarily be expected because he had been denied the opportunity to make any profit off of the sale of the pipe itself. I realize, however, that this transfer is apparently about all that is carrying the routine activities of the Regional Planning and Construction Division.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Attachment

AvanVDunn:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

March 2, 1950

Memorandum

To: The Director

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

Subject: Status of West Mancos Water Supply System for Mesa Verde National Park

As requested by Mr. Tolson, the following statement on the above subject is offered as a supplement to the letter of December 15, 1948, to Mr. Samuel M. Dodd, Chief Budget Examiner, Bureau of the Budget, from Mr. Tolson.

1. The first survey of a route for the pipe line was made by the Bureau of Reclamation between July 1939 and September 1940 under interbureau agreement dated July 6, 1939. The agreement indicates that the survey and report were to be financed by transfer of NPS funds (no record of this financial transaction in the Washington Office) amounting to $3,000.00

2. The Bureau route was rejected by naturalists and landscape architects, and a survey of an alternate route, approximately as now adopted, was started by the Regional Engineer during May 1941. This may, or may not, have been the survey made from the 1942 appropriation, at an ultimate expenditure of 6,578.40

3. The balance of the 1942 appropriation, amounting to $68,422.00, was transferred to other accounts.

4. Between October 5, 1941, and May 22, 1942, the National Park Service contributed CCC labor toward the Jackson Gulch Reservoir Project in compliance with anticipated interbureau agreement by which 120 acre-feet of reservoir capacity would be allocated for use at Mesa Verde National Park. The approximate value of the CCC is as follows:

1,294 enrollee man-days (est.) at $3.75	$4,852.50	
162 foreman man-days at $6.00	972.00	
609 CCC truck-hours (est.) at $1.50	~~114.25~~ 913.50	
Total probable value of CCC participation toward Jackson Gulch Project	~~5,938.75~~ 5738.00	

5. A rock crusher from Mesa Verde National Park was loaned to the Bureau of Reclamation for use on the Jackson Gulch Project from October 21, 1941, to at least June 30, 1946. It is not known in this Office whether the crusher has been returned to the Park, or was a complete loss at the close of project construction. Assuming that the crusher operated 280 days per year from October 21, 1941, to June 30, 1946, a reasonable loan value would be 1,167 rock crusher-days at $10 $11,670

6. An allotment of $50,000 was made for the project from the 1947 appropriation as follows:

Disposition of funds	Project	Plans, Surveys, and Supervision	Total
1947 fiscal year allotment	$46,000.00	$4,000.00	$50,000.00
Expenditures 1947 fiscal year	608.64	-	608.64
Expenditures 1948 fiscal year	23.01	-	23.01
Expenditures 1949 fiscal year	492.47	1,000.31	1,492.78
Expenditures 1950 fiscal year through 1/31/50	1,229.84	499.69	1,729.53
Unexpended of above allotment	42,646.04	3,500.00	46,146.04
Allotment changes during 1949 f.y.:			
Withdrawal and reallotment to:			
Carlsbad Caverns....$22,800			
Olympic..... 1,500			
Big Bend..... 10,000			
Isle Royale..... 700			
Mesa Verde for repairs to deep well 8,500	- 43,500.00		- 43,500.00
Allotment transfer during 1950 f. y. to balance account	853.96		853.96
Allotment withdrawal 1949 f. y. for reallotment for supervision at Big Bend water system, and Carlsbad Caverns power system		- 3,500.00	- 3,500.00
Status of allotment as of 1/31/50	.00	.00	.00

7. The amount of $360,385 was programmed for the water system from the 1950 fiscal year appropriation. Of that amount, $324,376 was for project work and has been allotted for that purpose. The amount programmed for supervision was $36,009, but after considerable exchange of correspondence and with the concurrence of the Region Three Office for PS&S allotments under this appropriation, the amount of $16,467 was allotted for supervision of the Mesa Verde project. The balance of $19,542 included in the program has been allotted to the Region Three Office for PS&S on other construction projects in Region Three. The 1950 allotment stood as follows on January 31, 1950:

Disposition of funds	Project	Plans, Surveys, and Supervision	Total
Allotment 1950 f. y.	$324,000.00	$16,467.00	$340,467.00
Expenditures through 1/31/50	1,234.01	1,584.81	2,818.82
Balance available	$322,765.99	$14,882.19	$337,648.18

8. The National Park Service and the Bureau of Reclamation filed a joint statement of claim for waters of the Mancos River in April 1943 and a conditional decree was awarded by the District Court, Colorado Water District No. 34, granting the right to use 120 acre-feet of flood waters, or to divert 0.33 second-foot of water directly from the West Mancos River in exchange for release of said stored flood flow from the Jackson Gulch Reservoir with priority of October 31, 1936, for use at Mesa Verde National Park. The costs of the preparation of claims, and the adjudication, were borne partially by the Department of Justice, partially by the National Park Service, from water rights funds. The exact cost is indeterminate in both cases.

9. Since the Jackson Gulch Reservoir will not be 100% efficient, due partially to the irregularity of annual flood flow and partially to the low priority of the water right, an option to purchase part of Decreed Priority No. 1 was obtained by the National Park Service on August 2, 1947, and approved by the Under Secretary of the Interior on September 16, 1947. The option involved the purchase of 0.167 second-foot for $4,000, subject to successful prior adjudication of change in point of diversion and change in

purpose of use to cover the demands at the park (Contract I-100np-52). The option was for two years. The purchase, and any incidental costs involved in appraisals, and the adjudication were to be paid from water rights funds. However, the Attorney General refused to adjudicate the changes. The option has accordingly been allowed to lapse.

10. Negotiations were initiated during the CCC days, for an agreement between the Bureau of Reclamation and the National Park Service with regard to terms under which water would be released from the Jackson Gulch Reservoir for use at Mesa Verde National Park. The plan was based on National Park Service participation in construction of the Jackson Gulch Project with CCC labor (see item 4 above), and the negotiations were terminated because of liquidation of the CCC at the beginning of the war.

11. Despite the lack of interbureau agreement, and without the concurrence of the National Park Service, the Bureau of Reclamation entered into Contract Ilr-1384 with the Mancos Water Conservancy District on July 20, 1942, by which the District agreed to reimburse $600,000 of the $1,800,000 which the construction of the project was estimated to cost the United States, and to pay all annual operating and maintenance charges except the proportionate part to be borne by the National Park Service for its interest in 120 acre-feet of 9,800 acre-feet of storage to be provided by the Reservoir.

12. Due to the rising postwar costs, the estimated cost of the Jackson Gulch Project rose from $1,800,000 to $3,400,000 by the time funds were made available for diligent prosecution of the construction. Accordingly, by amendatory Contract Ilr-1384 of December 22,1947, the Mancos Water Conservancy District agreed to increase its repayment of part of the construction cost from $600,000 to $900,000.

13. The Reclamation Act of 1939 authorized the allocation of non-reimbursable costs to Flood Control and Navigation. The act of 1946 authorized the allocation of non-reimbursable costs to Fish and Wildlife Protection. The bills of 1949 were all passed by Congress with the authorization of allocation of non-reimbursable costs to Recreation, but only the act relating to the Central Utah Project was signed by the President, the rest being vetoed because of lack of general authorization for allocation of costs to Recreation. H. R. 1770, now before Congress, would authorize such allocation. Because the federal

deficit of $2,500,000 in constructing the Jackson Gulch Project could be somewhat better justified if partially allocated to recreational benefits, at Mesa Verde National Park, preliminary steps were taken to resume negotiations relating to an interbureau agreement, when passage of the Reclamation bills of 1949 suggested a way to discuss further exemption of this Service from obligations for maintenance and operation of the Jackson Gulch Project. Veto of these bills led the Water Resources Branch to drop the idea of completing the interbureau agreement until near the time when the West Manco Water Supply System may be completed, or until a bill such as H. R. 1770 is passed.

14. The bids for the pipe were opened at the Regional Office on February 2, 1950, and on the following day Mr. Lassiter advised that a contract for the 3" pipe would be awarded to one of two bidders, but that the 6" pipe (majority of the order) would be readvertised, calling for modified thickness of wall to conform to what is more readily available.

15. Proposals for the construction of the water supply system, with pipe to be supplied by the United States (see item 14) were due for advertising about February 28, 1950, and to be opened as soon as possible after the melting snow permits inspection of the route.

16. Drawing NP-MV-6979 was filed with the Bureau of Land Management on July 24, 1945, as application for right of way across unreserved public land, and the right of way was granted as Mis. No. 4059867 "F". Drawing NP-MV-6984 was filed with the Bureau of Land Management on October 22, 1948, to amend right of way near Jackson Gulch Reservoir and in Montezuma (now San Juan) National Forest. Drawing NP-MV-6984-A was mailed to the same Bureau February 14, 1950, to cover the final changes in right of way above Jackson Gulch Reservoir. Prints are also on order, to be sent to the Regional Director for filing with the U. S. Forest Service in connection with specific application for the right to use lands in San Juan National Forest.

17. Forms to be used to notify private landowners that the United States would exercise the act of August 30, 1890 (26 Stat. 391) for right of way across land patented since that date (presumably all), were sent to the Regional Director with memorandum of December 8, 1949, from the Chief Engineer, and to the Superintendent by memorandum of December 21 from the Regional Director.

18. The Jackson Gulch Project was completed in the fall of 1949, and the Bureau of Reclamation can convert the conditional water right decree to final status as soon as proof of full beneficial use of the water is available (presumably all irrigation use can be proved at the end of 1950, but the Town of Mancos may not care to restrict its municipal use to present demand, and the National Park Service cannot show full use at Mesa Verde until attendance and public water-using facilities are both materially increased.)

19. Several advance prints of the plan of the pipe line have been received in this Office, but none with title, file number, or complete profile. Presumably these will be received when the pipe laying contract is advertised at the end of the month.

20. The conditional decree granted the United States permission to move the proposed intake structure up or down the West Mancos River a distance of 1,500 feet from the point initially selected. The diversion structure as constructed in October and November of 1949, and as shown on drawing NP-MV-6984-A, is approximately 3,000 feet below the point initially selected. A draft of a proposed letter to the Attorney General, to advise of the variation, is now being considered by Messrs. Barton and Dunn.

21. The following summary of expenditures by fiscal years is offered:

Disposition of funds			Project	Plans, Surveys, and Supervision	Total
1939	Fiscal Year (PWA)		$ -	$ 3,000.00 b/	$3,000.00
1942	"	"	64.62	6,513.78	6,578.40
1947	"	"	606.64	-	606.64
1948	"	"	23.01	-	23.01
1949	"	"	492.47	1,000.31	1,492.78
1950	"	" through 1/31/50	2,463.85 a/	2,084.50	4,548.35
	Totals		$3,652.59	$12,598.59	$16,251.18

a/Largely on intake structure, which is reported complete.
b/Memorandum of June 4, 1940, for Mr. Preece from Chief of Engineering forwarding copy of estimate indicates that Bureau of Reclamation had made survey and estimate with $3,000 transferred from NPS-PWA funds in previous year.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (2): Please submit any corrections or other comments you have to offer.
Mr. Neilson
Mr. Price

AvanVDunn:HGP:sh

In reply refer to:
L54 MESA

Finance Officer, through Chief of Development and Chief Counsel — Sept. 14, 1949

Mr. Dunn

Option for purchase of water rights of F. E. and Lottie W. Reddert, Mesa Verde National Park

In accordance with teletype of August 9 to the Regional Director, Region Three, we have allowed the option for purchase of the water rights of F. E. and Lottie W. Reddert, Contract No. I-100np-52, to lapse.

The Assistant Attorney General advised by letter of July 22 that he would not adjudicate the change in point of diversion necessary to make the water right appurtenant to the proposed West Mancos Water Supply System for Mesa Verde National Park in accordance with the terms of said option.

Accordingly, it is requested that you cancel the obligation of $4,000 under the Water Right Appropriation 14x1056, Account No. 701.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

AvanVDunn:sh

09-24-1948: memorandum to regional director from nps regarding photostat copies of the abstract of title

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE
Washington 25, D. C.

September 24, 1948.

MEMORANDUM for the Regional Director, Region Three.

We enclose two photostat copies of the abstract of title to Mr. Reddert's interest in the portion of decreed priority No. 1 on the Mancos River which is appurtenant to the Giles Ditch, and two copies each of the letters of November 8, 1947, from the District Engineer of Colorado Irrigation Division No. 7. These have been duplicated while assembling data for the proposed adjudication of change in point of diversion to the headgate of the West Mancos Water Supply for Mesa Verde.

Please file these instruments at the top of Part 5, Acquisition of Decreed Priority No. 1, in the Mesa Verde Deed & assemblies in your office and at the Park.

(SGD.) A. VAN V. DUNN.

Chief, Water Resources Branch.

AvVD:sh.
Enclosure 312.
In duplicate.



07-26-1948: memorandum to regional director from nps regarding acceptance of selection of the point of diversion at site b

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ADDRESS ONLY THE DIRECTOR, NATIONAL PARK SERVICE

WASHINGTON 25, D. C.

July 26, 1948.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the memorandum of July 16 from Mr. Lassiter with regard to the West Mancos Water Supply System for Mesa Verde National Park.

We will accept your selection of the point of diversion at Site B. On that basis, the next requirement is to determine the location of the proposed collecting sump at the lower end of the area to be developed with infiltration galleries, and to supply us with a tie from that site to a section corner, and with a metes and bounds description of the minimum area above which you are sure will be ample for all anticipated infiltration galleries, or collecting laterals. This much information is needed before we can proceed with the adjudication of change in point of diversion under decreed priority No. 1.

The tie to the point of diversion (center of collecting sump, or point where the collecting pipe enters that sump) should be as accurate as possible, but an error, or later change of 10' to 25', would be permissible as long as there are no other diversions within that distance. Within reason, it may be cheaper to bury the collecting sump deeper at a point selected now, than to have to negotiate a new option for the water right because of failure to complete the purchase during this year.

The size and shape of the collecting area, also need be only approximate. Sheet 2, to which Mr. Lassiter refers, shows a distance of only 220 feet from the collecting sump to the end of the most remote collecting pipe. However, there is no objection to describing an area of 500 or 1,000 feet along the channel of the river, even though the ultimate design only involves the lower quarter or half of it.

The location of desilting sumps, if independent of collecting sump, details of collecting pipes, and the location of diversion main, are not needed for the adjudication. They can be worked out a little more leisurely.

We concur in your plan to construct the diversion works this summer, as that will help establish the change in point of diversion, but it is not essential to make the start until 1949. We do not

concur in your suggestion to buy transite pipe with any part of the $45,000 not needed for the diversion works. You have already agreed that you would prefer to defer all construction, other than diversion works, until you have funds to complete the project. There are also other projects which can be completed with those funds now, such as the water system for Big Bend headquarters, and a few small systems in Region Four.

Furthermore, the proposed diversion, at Site B, is low. Before we concur in the purchase of 6-inch pipe, we want to see the completed plans and profile of the system, and to be sure that the first 1,000 to 5,000 feet of the line should not be 8-inch or 10-inch pipe, to pick up grade to increase the capacity.

We are not in a position to comment on the use of the bank of the intake canal of the Bureau of Reclamation as a pipe line location. If the bank is a graded portion of the natural ground, it would probably be satisfactory. If it is a fill, it might be subject to settlement if not sliding.

(Sgd) A. E. Demaray.
Acting Director.

In duplicate.

04-23-1948: memorandum to regional director from nps regarding location and design of the west mancos water supply system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

April 23, 1948.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the memorandum of March 31 from Mr. Lassiter, concerning the location and design of the West Mancos Water Supply System for Mesa Verde National Park.

Our only requirements are that the pipe line will have a capacity of at least 75 gpm (0.167 sec. ft.) throughout the life of the pipe; and that no unwarranted economies be attempted which may shorten the life or usefulness of the system.

We enclose two prints of drawing NP-MV-6983, on which Mr. Dunn has analyzed the relative merits of the elevations of proposed intakes at station 3+07 and station 28+61.6 respectively of the survey of 1946. The profile may be off slightly in length, due to equations along the line, but is close enough for purposes of illustration.

There is considerable doubt as to when we can obtain pipe with a coefficient of c=120, or of c=145. There is also much doubt as to how long a pipe of the Duroline type (c=145) would retain its high coefficient. Therefore, if part of the construction is to start at the diversion works during the coming summer, when we do not even have enough money to order all pipe, it is essential that the diversion works be high enough to permit the use of pipes with low coefficients such as ordinary GI pipe with c=100.

To deliver 75 gpm from station 28+61.6 with GI pipe c=100, the gradient would follow X_4 X_5 X_3. To deliver 75 gpm from 3+07 the gradient would be $X_{10}X_{11}$ X_3. It will require 58,000 feet more of 6-inch pipe to use the lower diversion. Assuming that the 6-inch pipe costs roughly $0.50 per foot more than the 5-inch pipe, the lower diversion may result in an added cost of about $29,000 to balance against the saving of $10,000 due to shorter overall pipe length.

The drawing also shows other combinations from both points of diversion, and gradients for the same size and type of pipe when designed to carry 90 gpm. We believe that the diversion at station

28+61.6 is so near the minimum elevation that its adoption is unwise if an equally good site, with appreciable increase in elevation, can be found within a mile above.

By way of analysis or comparison, a 5" GI pipe with a coefficient of c=120 will deliver 75 gpm from station 3+07 to Chapin Mesa with about 30 feet of residual pressure (as close a margin of safety as we should use), the gradient being indicated by line X_1 X_2 X_3. To move the diversion down to station 28+61.6, it will only be necessary to introduce about 31,000 feet of 6-inch pipe with the same coefficient c=120, the revised gradient being X_4 X_2 X_3, as compared with 58,000 feet if pipe with a coefficient of c=100 were used. However, the cost would still be greater than the saving in overall length of pipe.

From Mr. Lassiter's memorandum, it is evident that diversion between stations 0+00 and 3+07 does not offer good pipe line construction through the canyon. No such features were mentioned in connection with earlier diversion points still further upstream. For this reason, we also wonder if it would not be advantageous to reconsider the diversion sites near the point described in the water right claim now being adjudicated by the District Court, or about 1,000 feet above present station 0+00. We refer to the site near station 38+15 on drawing NP-MV-6978.

We should not adopt any point of diversion for transfer of Decreed Priority No. 1 until your plans are complete and approved by this Office. It also appears that you may wish to make another inspection of the various sites before completing the design, an inspection that cannot be made until the snow is out. We will defer the further action on amendment of water rights until you submit a point of diversion that is entirely satisfactory to you.

We concur in your suggestion to build the diversion works this summer, with force account, if you can select the site and complete the design in time. However, if such work is attempted, we recommend that the intake pipes be at least 8 inches in internal diameter to permit the use of any pipe size which may be necessary when the purchase is made.

We do not consider it wise to buy any part of the pipe at this time. It will be better to wait and purchase all pipe at once. Mr. Lassiter has offered two reasons why the partial order should not be

placed now. In addition, any purchase will only restrict further design adjustment when the funds are available for the rest of the purchase, and may result in more unsuitable pipe like that now on hand.

For this reason, as soon as you can determine what your construction costs may be this summer, please advise us of the monetary balance you will have. We will then take steps to reallocate the money to other urgent projects.

Earlier in this discussion, it was pointed out that we are not too sure of the exact length of the profile on drawing NP-MV-6983. Because of the same difficulty in equating different surveys, we are not too sure of the tie from station 25+61.6 to the 1/4 corner common to Sections 17 and 18, T. 37 N., R. 12 W., N.M.P.M. Mr. Dunn has arrived at a tentative bearing of: N. 7° 42' W. 4998 feet. When you select the point of diversion, please supply us with a tie to a section corner based on your more complete survey notes.

(SGD) A. E. DEMARAY

Associate Director.

AvVD:sh.
Enclosure 195.
In duplicate.

cc: Mr. Langley.
Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

March 31, 1948.

MEMORANDUM for the Director.

Yesterday, with Mr. Woods and Mr. Hamilton, I reviewed the entire proposal for the construction of the gravity water pipe line to serve Mesa Verde National Park. In order to give Mr. Woods more background on the origin of the project and development to the present stage of the plan, considerable time was devoted to discussing the steps that had been taken since 1939.

It develops that at the time I came to Region Three, the size of the pipe had been set at 5-9/16" O.D. for the steel pipe and 5" I.D. for the asbestos cement pipe. These sizes have always been accepted as having been previously determined, and no consideration was ever given to changing the size of pipe. As the amount of water proposed to be delivered to the park varied from time to time theintake was shifted up and down the river to provide the elevation requisite to deliver the volume of water through pipe of the aforementioned sizes. Consequently, no considerationwas given to locating the intake on the flat now proposed, designated as Intake B in your memorandum of March 26, as it never fell within the required elevation. However, every time I was by this site, I always remarked what an ideal location it would be for the development of the intake system as proposed on our sheet 2 for the location designated by you as Site A. It so happens that the 75 gallons per minute of water provided for in the water right which is to be purchased can be delivered to the park from this site by gravity through the sizes of pipe previously accepted. When thisinformation was brought to light, I immediately suggested thatwe move the intake to Point B.

To provide you with information on which to judge the relative merits of Sites A and B for the intake, there follows a brief description of the advantages and disadvantages of each site:

Site A. This site was originally chosen as being at proper elevation to deliver by gravity 100 g.p.m. through the previously selected pipe. It is upstream some 3000 feet above Site B. This portion of Mancos Canyon is much narrower than the part downstream which adds to the difficulty of construction. At 3 points in this 3000 feet, the stream is directly against the toe of the slope extending down from the west rim of the canyon. This will necessitate laying the pipe in the bed of the creek at the toe of the slope and protecting it from erosion and possible damage from slides with a heavy layer of riprap. The site itself is small and it is doubtful if an adequate supply can be picked up in underground tile lines on the west side of the river. It may be

necessary to extend the collecting system under the bed of the river into a small flat on the east side of the river and above the proposed intake structure.

Site B. This site is in a large, relatively level, smooth valley floor of three or four acres in extent. The Forest Service trail from the west rim reaches the floor of the canyon at this point thus eliminating the necessity of constructing any trail higher up on the canyon floor. The extensive area and smooth ground lends itself extremely well for the installation of an underground tile collecting system of sufficient size to gather underground water far in excess of our immediate requirements. This will insure longer life to our collecting system with a minimum of maintenance. There will be a reduction in cost of at least $10,000 in eliminating the upper 3000 feet of this line. To make up for the difference in head between the upper and lower intakes it is suggested that the asbestos cement pipe be increased from 5" to 6" which will give a theoretical discharge of approximately 90 g.p.m. This will add approximately $5,000 to the cost or a net saving of $5,000 for the project as a whole.

If this proposal is approved, Mr. Dunn can calculate a tie from the Quarter corner, Sections 17 and 18, T. 32 N., R. 12 W., N.M.M. to the P.I. station 28+61.6 and use this as the point of diversion. The collecting sump will be located within a few feet of this point. You will note from your print of sheet 3 that this point lies above the swamp to which exception was taken and will thus eliminate possible contamination.

It is our proposal to put in the intake structure this summer by force account, utilizing a portion of the funds now available to the park for this project. Since this part of the work can be accomplished independently of the pipe line construction, we believe that the best use that can be made of the remaining balance would be to purchase pipe at this time, and place it in storage until sufficient funds are made available to complete the entire project in one undertaking. Even this will not be economical as it will necessitate handling and rehandling and probably deterioration of stored pipe prior to its delivery to the line and installation in the ground. Even before any pipe is purchased, additional studies should be made of corrosive characteristics of both water and soil so that we will be sure that the best pipe for the service intended and maximum life of the pipe is obtained. We will have a sample of the water analyzed and Mr. Woods will check in Washington as to what has happened to the soil tests which were conducted by Mr. Webber in 1941.

If you feel there are advantages to be obtained by moving the point of diversion to the one recommended, the construction of the intake structure will be accomplished during the coming year at this point. If, however, it is felt that the advantages of Site B do not warrant changing the location

of the intake structure, construction will take place at diversion Point A.

Plans are now complete and ready for submission to the Superintendent for his approval. Adjustments in the plans to provide for moving the point of diversion to Site B can be made in a day or two.

(Sgd) J. R. Lassiter.

J. R. Lassiter,
Regional Engineer.

cc: Supt., Mesa Verde.

03-26-1948: memorandum to regional director from nps regarding possible change in the proposed point of diversion

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 26, 1948.

Air Mail

MEMORANDUM for the Regional Director, Region Three.

We have memorandum of March 15 from Mr. Hamilton concerning the possible change in the proposed point of diversion of the West Mancos Water Supply System for Mesa Verde National Park.

We are concerned over the suggestion in Mr. Hamilton's letter, that if a greater supply than 75 gallons per minute should be needed the supply could be increased by pumping. In order to be sure that no such contingency would ever arise, we have caused an analysis of pipe capacities to be made. Enclosed are two copies of the memorandum and comments by Mr. Dunn, which carries both his and Mr. Woods' analysis.

We realize that we may not be able to obtain the type of pipe which we might wish in these times and feel very strongly that there should be a reasonable margin of safety which will assure, at least, 75 gallons per minute through any type of pipe we may have to purchase and within approximately the size limits which you have proposed.

Unless you have other points not heretofore considered, we prefer to approve the location which you first proposed; that is, Diversion A in the vicinity of Station 1+50.

We shall defer further action in connection with the water rights until about mid-April; and, unless you have further comments, shall then proceed with the adjudication of water rights.

(SGD.) A. E. DEMARAY
Associate Director.

FAK:sh.
Enclosure 160.
In duplicate.

cc: Mr. Kittredge, with copy of
Mr. Dunn's comments of March 25.
Mr. Dunn.

03-25-1948: memorandum to director from nps regarding suggestion to move the intake of the west mancos water supply system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 25, 1948.

MEMORANDUM for the Director. (Through the Chief Engineer.)

A review of the memorandum of March 15 from Mr. Hamilton, in response to a request from the Chief Engineer, leaves the impression that office computations are the principal basis for the suggestion to move the intake of the West Mancos Water Supply System for Mesa Verde National Park 3000 feet downstream from station 1+50 on drawing NP-MV-5329, hereafter designated as Diversion A, to a point near station 30+00, hereafter designated as Diversion B. The loss of head can be computed for pipes with certain specifications, and added to the elevation at the summit of Chapin Mesa to obtain the lowest elevation along the river at which the intake can be constructed to provide the specified pipe capacity of 75 gallons per minute. I have checked the two red circle locations indicated by Mr. Hamilton near Diversion B, by that method.

There also seems to be so little assurance as to the coefficient of the pipe to be used, that two values have been used for cement-asbestos and enamel lined pipe. It is then indicated that a flat, which is also marshy, about 300 feet above the upper red circle so selected, offers better construction possibilities than the site which has been under consideration since 1945, at Diversion A. However, until this time it has not appeared sufficiently favorable to warrant a topographic survey and consideration of a larger sized pipe to pick up the required loss of head. Such a survey is proposed for next summer.

At this point it has come to mind that our option to buy part of water right priority No. 1 is conditional on prior adjudication of the change in point of diversion, and will expire in two years from the date of its execution. One of the two years allowed for the adjudication of the change in point of diversion will have expired by the time the topographic map is completed, and there is no assurance that the detailed survey will prove that the site is any better than the one which has been accepted for the past three years. In fact, the marshy nature of the location suggests that it might be considered entirely unsuitable for use for a domestic water supply, when inspected by the Public Health Service.

A review of Bulletin No. 21 of the National Tube Company also leaves much uncertainty as to the characteristics of the "enamel" lined pipe being considered. My edition of the bulletin was copyrighted in 1935, although only received last summer, and the Scobey

Formula for API Line Pipe is on page 44 of this edition. Tables involving that formula are on page 46, to which Mr. Hamilton refers. There is some question, therefore, as to whether we are considering the same thing.

In any case, Bulletin No. 21 deals with Duroline Pipe for which the 5-9/16 OD size would only have an internal diameter of 4.548 inches, and API Line Pipe for which the 5-9/16 OD size would have an internal diameter of 5.047 inches.

This Duroline Pipe would only carry about 60 gallons per minute, using Diversion B and no cement-asbestos pipe. To deliver 75 gallons per minute, using all Duroline Pipe, the diversion would have to be within about 30 feet of the elevation of Diversion A. Using the combination of cement-asbestos, and Duroline Pipe, suggested on our sheet 1 of drawing NP-MV-5329, the diversion would have to be at least as high as the midpoint between Diversions A and B.

The API Line Pipe is satisfactory, hydraulically, when new, but the coating is too thin for long life. We note on page 44 of our bulletin that Fred C. Scobey is quoted, with regard to his formula, as stating:

> " ... pipe would be chemically protected with a coating which would form the true interior surface, at least during the first years of the life of the conduit."

Before approving any design involving enamel lined pipe, we will have to know what is meant, and be convinced that it is durable. The cost and magnitude of the West Mancos Water Supply System does not justify any experimentation.

On the basis of these remarks, we should withdraw our approval of the plan to move the diversion downstream. The details shown on sheet 2 indicate that a proper diversion can be made at the site previously selected, and give enough residual head to permit some flexibility in the pipe line design. This seems particularly important at this time because Mr. Woods has found that some types of lined pipe, with high coefficients, have not been made for a number of years. The only suggestion we can add, with regard to Diversion A, is that it may be desirable to build a low dam or cut-off wall across the river between stations 1+90 and 3+07, to hold the cover over the collecting pipe.

If we accept Diversion A, any standard pipe with a 5-inch internal diameter and coefficient of at least c=110 will carry 75 gallons per minute over Chapin Mesa. Ordinary GI pipe, with c=100, can be used to carry the water if only slightly more than 20,000 feet of 6-inch and the balance of 5-inch pipe is used. Therefore, in order that we may proceed with the water right amendment and purchase, I recommend immediate adoption of Diversion A, at station 1+50 on drawing MM-MV-5329 unless it has drawbacks not apparent in this Office.

(SGD.) A. VAN V. DUNN
Chief, Water Resources Branch.

AvVD:sh.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REGION THREE
SANTA FE, NEW MEXICO

March 15, 1948.

MEMORANDUM for the Director.

Reference is made to Mr. Kittredge's memorandum of March 5, stating that it will be satisfactory to move the intake down stream until the head will provide a flow of 75 g.p.m. through the 5 inch asbestos-cement and 5-9/16 O.D. enamel lined steel pipe proposed for the West Mancos Water Supply for Mesa Verde National Park. There are enclosed prints of sheets 2, 3 and 4 of the tentative plans. On sheet 4 is marked in red pencil the locations at which the intake box would be located to provide 75 g.p.m. on the basis of C=135 and 140 for the asbestos cement pipe and 140 and 145 for the enamel lined steel. The elevation of the intake figures at elevation 8235 for the smaller C's (higher friction loss) and 8225 for the larger C's. The formula on page 46 of "Steel Pipe for Underground Water Lines," Bulletin No. 21 of the National Tube Company, was used in arriving at these figures.

Both Mr. Lassiter and Mr. Bradley have said that the flat in the neighborhood of Station 30 is a better place to pick up water than at the place shown on sheet 2. When possible next summer topography of this flat will be taken to locate accurately the collecting lines and overflow line from the collecting basin. Meanwhile it is believed Mr. Dunn can locate the intake area with sufficient accuracy for his purpose.

The three thousand feet of construction thus avoided is said by Messrs. Lassiter and Bradley to be much more difficult than that encountered below the flat.

We are confident that the 75 g.p.m. 24 hour flow will prove ample for the park during the lifetimeof thepipe line. Should the pipe last longer than expected or water usage increase faster than expected, a 100 g.p.m. pump could be installed in the line to increase the head 100 feet.

(Sgd) J. B. Hamilton

J. B. Hamilton,
Acting Regional Engineer.

Enclosure 2953322.

03-05-1948: memorandum to regional director from nps regarding plans for the point of diversion for the west mancos water suppl

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 5, 1948.

MEMORANDUM for the Regional Director, Region Three.

The memorandum of February 20 from Mr. Lassiter, regarding the plans for the West Mancos Water Supply for Mesa Verde National Park, as well as the other recent correspondence, covers so many topics that we are making separate replies for each subject. The right of way matters are discussed in another memorandum. The following discussion relates to the point of diversion.

If you are satisfied that a better diversion may be made by moving the proposed intake 4,000 feet down the river, and that the pipe line will carry at least 0.167 second-foot (75 gpm) of water, that plan will be satisfactory, although we would have preferred to have more margin of safety. In satisfying yourself as to whether the present pipe in the lower intake would carry the 75 gallons per minute, we would like you to consider also whether or not the pipe will carry that amount at the end of, say, 20 years and after it has been subjected to possible deposit. We are not in a position to give a more definite comment until we receive copies of the plans.

If the lower point of diversion is to be adopted, it is essential that the new plan and profile be sent to us at once for use in connection with the adjudication and final purchase of the water right of Mr. Reddert. We had just arranged with the Attorney General as to adjudication procedure when the change in point of diversion was suggested. Since then we have had to defer the preparation of the statement of claim; and the filing of a revised right of way plat, our drawing NP-MV-6982, with the Bureau of Land Management and the Forest Service.

Enclosed are two copies of analysis prepared by Mr. Dunn.

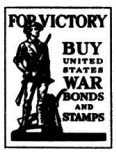
(Sgd) Frank A. Kittredge.

Chief Engineer.

AvVD:FAK:sh.

Enclosure 141.
In duplicate.

cc: Mr. Dunn.



AN ANALYSIS OF WATER USED AND CAPACITIES OF PROPOSED WATER SYSTEM

MESA VERDE NATIONAL PARK

The quantity of water previously used at the Park and the possible future demand have ceased to be immediate problems. We are purchasing rights to 0.167 sec. ft. of water, and the water system capacity must be provided to handle that quantity of water under flexible operating conditions. There will be a minimum of flexibility with a pipe capacity of 0.167 sec. ft. (75 gpm).

It would be possible, of course, to reduce both the quantity of water to be purchased, and the complementary pipe capacity, but we do not agree with the conclusions in the last paragraph on page 1 of Mr. Lassiter's memorandum. The quantity of water used in the past is not a measure of the demand because the use has been restricted. The Park and concession personnel are extremely saving in their water use, and there are signs in all lavatories to request the guests to be sparing. If only 760,000 gallons of water were used in August 1947, when the Park guest count was 27,821 visitor days, only 27.25 gallons per capita per day were used. It is less than 27 gallons per capita if we add the demands of the Federal and concessioner employees.

We do not know the total employee population for August 1947, but we believe the following water demand would have existed if there had been sufficient water and no restrictions:

Hotel use - 6321 guest-days at 150 gallons -	948,150	gallons
Other Park guests - 21,200 guest-days at 25 gallons -	530,000	"
Estimate employees - 1,550 employees days at 50 gallons -	77,500	"
Utility operations -	3,000	"
Total August water demand -	1,558,650	gallons
Average daily water demand -	50,279	gallons
or	0.07779	sec. ft.
or	34.9	gal. per min.

This is approximately half of the quantity of water for which rights are being purchased. On the basis of present trends, the number of annual visitors may double in the next 10 or 12 years, except to the extent that entree may have to be restricted because of limited facilities and accommodations. The water system itself will not be in operation until a large part of that increase has materialized. On this basis, we do not believe that a pipe capacity of 75 or even 100 gallons per minute is unreasonable for immediate design and construction.

12-31-1947: letter to the montezuma realty and abstract co. from nps regarding attached purchase order and voucher

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 31, 1947.

(File Mesa Verde 660-05.7.)

Mr. Claude L. Goff, Manager,
The Montezuma Realty and Abstract Co.,
Cortez, Colorado.

My dear Mr. Goff:

The attached purchase order and voucher have been prepared on the basis of information in your letter of December 17 concerning information in your Abstract No. M. 47359 relating to Decreed Priority No. 1 in the Giles Ditch in Water District No. 34. Please sign the voucher on the line indicated by pencilled cross and return it for payment with the order.

I am not familiar with the Recordak process. If it is necessary to make a photostat negative from which to prepare further positives we should like to have the negatives sent with our order.

Sincerely yours,

(SGD.) A. VAN V. DUNN

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

AvVD:sh.

Enclosure 661.



12-17-1947: letter to nps from the montezuma realty and abstract co. regarding photographic equipment services rendered by the

INSURANCE

ABSTRACTING

The Montezuma Realty & Abstract Co.

CLAUDE L. GOFF, Manager

MONTEZUMA COUNTY

DOLORES COUNTY

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

CORTEZ, COLORADO

1947 DEC 22 AM 9:28

December 17, 1947

Mesa Verde 660-05.7

United States Department of Interior
National Park Service
Washington 25, D.C.

Gentlemen: Att: A.van V. Dunn Chief, Water Resources Branch

In connection with Abstract of Title No. M. 47359 relating to Decreed Priority No. 1 in the Giles Ditch, in Water District No. 34, which we prepared at the request of Mr. F. D. Reddert.

The statement and plat shown in Book 11, at Page 273, refers to the Records of Montezuma County instead of LaPlata County. The map itself is filed in Plat Book 1 and can be photographed and a print made for you.

The County Clerk and Recorder of this County does not have photographic equipment. We are prepared to make such photographs at a cost of $1.00 each, and on receipt of your order would be pleased to rush this work for you. We use Recordak equipment and would furnish a facsimile print of the map. We can also furnish prints of the statement which accompanied it, which appears at Entry 1 if you so desire. The statement itself covers two pages of Book11 of the Montezuma County Records and would therefore take two prints to give you the complete instrument.

Very truly yours,

THE MONTEZUMA REALTY & ABSTRACT CO.

Claude L. Goff

CG/wa

Manager.

12-11-1947: letter to montezuma realty and abstract co. from nps regarding obtaining a print or photostat copy of the plat

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
~~XXXXXXXXXXXXXXXX~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 11, 1947.

Mesa Verde 660-05.7

Montezuma Realty and Abstract Company,

Cortez, Colorado.

Dear Sirs:

We have received Abstract of Title No. M. 47359 relating to Decreed Priority No. 1 in the Giles Ditch, in Water District No. 34, which you prepared at the request of Mr. F. E. Reddert. The first instrument is a statement and plat filed by Wm. A. Menefee on August 12, 1887, at page 273, Book 11 of the records of La Plata County.

We wish to obtain a print or photostat copy of the plat mentioned in that statement, depending on the type of reproduction which is possible. We should like to know, therefore, whether you found the records in the La Plata County records, in Durango, or whether they were transferred to the Montezuma County Records at Cortez, and how the plat is filed and identified.

With the requested information, our next step would be to purchase the copy of the plat from the Recorder or his authorized reproducing company. It would save us at least one letter if you could also tell us who will be able to make the copy, the type of copy which can be made, and what the charges usually are for such work.

Very truly yours,

(SGD.) A. VAN V. DUNN

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

AvVD:sh.



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
(54)

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 8, 1947.

MEMORANDUM for the Regional Director, Region Three.

The option granted to the United States by F. E. and Lottie W. Reddert, to buy 1/6 (0.167) second foot of Decreed Priority No. 1 for the diversion of water of the Mancos River was approved by the Under Secretary on September 16, 1947, and has been designated as Contract No. I-100np-52. For some reason, we had only the original and one fully executed copy, one of which has been sent to the Audit Division, General Accounting Office. As the remaining signed copy may be needed for adjudication purposes, we enclose a photostat copy for delivery to Mr. Reddert.

We also enclose two additional photostat copies of the contract, with copies of the memorandum of July 18 by which Superintendent Rose submitted them to this Office, and two index strips to segregate a Part V in Mesa Verde National Park Deed No. 4. With copies of a memorandum of July 15 for the Director from Mr. Dunn, you have already received two copies of his Appraisal and Justification for Purchase of Part of Decreed Priority No. 1 in Giles Ditch on the East Fork of Mancos River, Colorado Water District No. 34. Please insert one copy of each instrument listed in this paragraph in the copies of Deed 4 in your office, and at the Park, just under the Outline of Assembly.

The next step is to adjudicate a change in point of diversion, method of conveyance, and place and purpose of use. To do this, we must first have the description of the point of diversion with a tie to a section corner. The point so described should be within 50 feet of the headgate which will be constructed. Closer refinement is not necessary unless there are other diversions, different land ownerships, or authorized private land uses within a few hundred feet. Please determine the final point of diversion with that degree of accuracy, and send us the tie as soon as possible.

As soon as the point of diversion is determined, you should also be able to give us the final pipe line location across the Forest Service land. This is needed in order that we may prepare a request for a permit to construct the diversion works, and lay pipe across the National Forest land. As you may recall, the status of right-of-way for the water system is now as follows:

1. Permit has been obtained to lay pipe across all unreserved public domain in accordance with drawing NP-MV-6979, which has been filed with the Bureau of Land Management and approved by order of Commissioner Fred W. Johnson, dated February 5, 1946. (See Part II of Deed 4.)



2. The same map, and a notice to private landowners, are drafted and ready to be completed and distributed to each owner of the parcels involved, to advise them that the pipe line will be constructed across their land along the right-of-way hereby claimed under reservations in the Federal patents made pursuant to the act of August 30, 1890 (26 Stat. 391). These notices should be completed and distributed before any crops are planted on the land involved which would be growing during the construction season.

3. Application for permission to use Forest Service land cannot be prepared until point of diversion and plan of diversion structures and pipe line are completed and submitted to this Office.

When transmitting Mr. Reddert's copy of the approved option to him, he should be requested to furnish an abstract of title as required by Section 5. Some question may arise concerning the extent to which an abstracting company will abstract a water right. As a minimum, it is suggested that the company provide an abstract of title to the land on which the water is used, between the date of priority No. 1, with particular reference to the statements relating to appurtenant rights. If possible, the abstract should also include the adjudication records relating to Decreed Priority No. 1, showing the total amount decreed to the Giles Ditch, and the amount transferred to the Fields Ditch by later adjudication. A statement should also be obtained from the District Engineer, in Durango, to the effect that Priority No. 1 is all adjudicated to the two ditches in such proportion, and that Mr. Reddert, and his predecessors in the ownership of certain land, have used so many second feet of water on that land since 18___, without protest.

(SGD) GREGORY A. TOLSON

Acting Director.

In duplicate.
Enclosure 865.

cc: Mr. Richey.
Mr. Dunn.
AvVD:rd

09-25-1947: letter to mr. patraw and mr. sanders from acting chief counsel regarding purchase of portion of reddert water right for

Mr. Patraw.

September 25, 1947.

Mr. Sanders.

Purchase of portion of Reddert Water right for Mesa Verde National Park water supply system.

On September 16, 1947, Under Secretary Chapman approved an option by which F. E. Reddert and Lottie W. Reddert, his wife, agree to sell to the United States 1/6 (0.167) second foot of Decreed Water Right Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, for use in developing a water supply system for Mesa Verde National Park (Contract No. I-100mp-52). The agreed purchase price is $4,000.

It is requested that an obligation in the amount of $4,000 be set up against the $15,000 item for the investigation and purchase of water rights contained in the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Cong.).

(SGD.) HARRY K. SANDERS

Acting Chief Counsel.

cc: Mr. Richey.
Mr. Dunn.
Mr. Sanders.
AFR:en

09-25-1947: letter to general accounting office from nps regarding original of an option to sell decreed water right for use in develo

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

(54)

September 25, 1947.

Audit Division,
General Accounting Office,
Washington, 25, D. C.

Gentlemen:

There is enclosed the original of an option approved by the Under Secretary of the Interior on September 16, 1947 (contract No. I-100mp-52), by which F. E. Haddert and Lottie M. Haddert, his wife, offer to sell to the United States 1/6 (0.167) second foot of Decreed Water Right Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, for use in developing a water supply system for Mesa Verde National Park.

Sincerely yours, (SGD.) HARRY K. SANDERS

Harry K. Sanders,
Acting Chief Counsel.

Enclosure 818.

cc: Regional Director, Region Three.
Supt., Mesa Verde.

Mr. Dunn, with option and related papers attached for further action.
Mr. Sanders.
AFR:en



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO (54), ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 5, 1947.

Memorandum

To: The Secretary.

From: The Acting Director, National Park Service.

Subject: Approval of option to purchase portion of Reddert water right for developing water supply system, Mesa Verde National Park.

There is attached an option executed by F. E. Reddert and Lottie W. Reddert, his wife, containing an offer to sell to the United States for $4,000, 1/6 (0.167) second foot of Decreed Water Right Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, now appurtenant to land situate and lying in Montezuma County, Colorado, for use in developing a water supply system for Mesa Verde National Park as authorized by paragraph (h), Section 1, of the act of August 6, 1946 (Public Law 633, 79th Cong.).

The option covers a period of two years from August 2, 1947, and provides that during this period the vendors shall permit the United States to adjudicate a change in point of diversion of the water to this Service's proposed West Mancos Water Supply System and to change the purpose of use of the water. The final conveyance of title and payment to the vendors are conditioned upon successful change in point of diversion and purpose of use.

The purchase of an interest in this water right is authorized by paragraph (g), Section 1, of the act of August 6, 1946, supra. Funds for the purchase were made available by the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Cong.).

The problem of obtaining an adequate water supply for Mesa Verde National Park has long presented difficulties. Years ago a deep water well was drilled to a depth of 4,100 feet. At that depth water was obtained which rose in the well to the 1,300-foot level. The necessity for pumping all water obtained from this well has involved a continuous expense, and, while the supply has been limited to 20 to 25 gallons per minute during pumping operations, the Park has had sufficient water to operate. The well casing is corroding badly and may fail at any time with a resultant complete loss of this source of supply. The casing has already exceeded its originally estimated life by several years.

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

To meet this threatened emergency, a project to obtain water by piping from outside the Park was inaugurated some time ago and is now being carried forward. Two possibilities have been studied. One, to pump water from the Jackson Gulch Reservoir, is undesirable because the

water stored in the reservoir will not be potable without constant treatment. In addition, as pointed out in the accompanying appraisal and justification, no owner of storage rights in the Jackson Gulch Reservoir, or of diversion rights other than priority No. 1, is assured of the complete satisfaction of his rights in dry years. Moreover, the cost of maintaining and operating a pumping plant, and the annual maintenance charges for operating the storage reservoir, would be excessive.

The second and more desirable proposal is to purchase a water right and divert from a point on the West Fork of the Mancos River at an elevation sufficient to provide a gravity flow through the pipe system. The original cost of this second proposal will be appreciably more than that of pumping water from the Jackson Gulch Reservoir, but the annual operating cost will be only nominal and will involve only the normal maintenance of the pipe line after installation. The attached option has been obtained and is being submitted for your approval in furtherance of this plan.

The attached appraisal and justification prepared and submitted under date of July 15, 1947, by A. Van V. Dunn, Chief, Water Division, of this Service, demonstrates that the interest in decreed priority No. 1 in the Giles Ditch proposed for purchase has a value in excess of the $4,000 purchase price agreed upon.

Your approval of the option is respectfully recommended.

(SGD) HILLORY A. TOLSON

Acting Director.

Enclosure 782.

Enclosure approved by SEP 16 1947

(SGD.) OSCAR L. CHAPMAN,

Under Secretary of the Interior
and returned.

cc: Regional Director, Region Three.
Supt., Mesa Verde.
Mr. Demaray.
Mr. Richey.
Mr. Dunn
Mr. Sanders.
AFR:rd

08-26-1947: letter to mr. sanders from mr. webber regarding danger of losing water supply since the well casing is corroding badly

C O P Y

To: Mr. Sanders. August 26, 1947.

From: Mr. Webber.

The problem of obtaining an adequate water supply for Mesa Verde National Park has always been difficult to solve. Years ago a deep water well was drilled to a depth of 4,100 feet, at which depth water was obtained which rose in the well to the 1,300 foot level. It has been a continuous expense to pump all water obtained from the well, but although the supply has been limited, 20 to 25 gallons per minute while the pump was operating, the Park has had sufficient water to operate. Now there is grave danger of losing this source of supply, since the well casing is corroding badly and may fail at any time.

To correct this dangerous situation, a project to obtain water by piping from outside the Park has been inaugurated. Two possibilities have been studied. One, to pump water from the Jackson Gulch Reservoir, is undesirable for two reasons. The water stored in Jackson Gulch will not be potable without constant treatment and the maintenance and operation of a pumping plant plus the annual maintenance charge for operating the storage reservoir will be excessive.

The second proposal is to purchase a water right and divert from a point on the West Fork of the Mancos River at an elevation sufficient to provide a gravity flow. The first cost of this second proposal will be appreciably more than the one to pump water from the Jackson Gulch Reservoir, but the annual operating cost will be only nominal, consisting only of normal maintenance of the pipe line.

Before actual construction on the pipe line can begin, it will be necessary to purchase the water right for which an option has been obtained and secure the necessary change in the point of diversion. Otherwise there might be some slip up which would find us with the pipe line partially constructed, but with no water.

(Sgd) Ward P. Webber.

Chief of Design Division.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
(54)

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

August 21, 1947.

AIR MAIL

MEMORANDUM for the Superintendent,
Mesa Verde National Park.

In your memorandum of July 18 you request advice concerning a number of exceptions taken by attorney Dan Milenski of Cortez, Colorado, to the form of option proposed for execution by Fred E. Heddert and Lottie M. Heddert, his wife, agreeing to sell to the United States for $4,000, 1/6 (0.167) second foot of Priority No. 1 water right in the Giles Ditch on the East Fork of the Rio Mancos for use in developing a water supply for the Park.

In view of your memorandum of August 18 transmitting the option properly executed by Mr. and Mrs. Heddert, we assume that it is not now necessary to pass upon Mr. Milenski's exceptions to the form of the option. The optionors, however, merely as a matter of information, may desire to know whether the $4,000 purchase price will be placed in escrow when steps are undertaken to effect a change in the point of diversion, as recommended by their attorney. They may be informed that under existing Government regulations governing acquisitions of property such procedure would be impracticable and that for the reasons stated below, we do not believe an escrow arrangement is necessary.

Upon approval of the option by the Department, funds presently available to consummate this purchase will be "obligated" for that purpose and will, in effect, be reserved and set apart to meet the contractual obligation incurred by the United States to purchase the water right upon the terms and conditions set forth in the approved option or contract. So long as the obligation to purchase remains in effect, the funds so obligated and reserved will remain available for payment to the optionors; and upon completion of the purchase and acceptance of title by the Department, payment to them will follow as a matter of course. The optionors, therefore, may be assured that the standard Government procedure as outlined herein affords them ample protection with respect to receiving payment of the purchase price without the necessity of placing the money in escrow.

The submission of the executed option to the Secretary of the Interior for approval will receive prompt attention.

(SGD) J. D. COFFMAN

Acting Director.



cc: Regional Director, Region Three.
Mr. Demaray.
Mr. Richey.
Mr. Dunn.
Mr. Sanders.

AFR:rd

Mr. Dunn

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

San Francisco, Calif.

August 5, 1947

Memorandum for the Director:

The enclosed copy of the memorandum of July 18 for you, from Superintendent Rose, relating to the option on 1/6 of a second foot of water under water right priority No 1 should be given to Miss Hicks to add to the file of the Water Division.

In answer to the first legal exception, I see no reason why the money should not be placed in escrow. I believe that the Government does place funds in escrow, in connection with condemnations, and this case is similar.

Exceptions 2 and 4, relating to the order of payment, recording, and conceyance of title, seem contrary to normal procedure, but I am hot too certain about them, and am sure that Mr Sanders has the answers.

To answer the third exception, I will have to give some references. This Service purchased certain lands and water rights from Redwood Fisher, including the Selak Ditches, in the southwest corner of ~~RMP~~ Rocky Mountain National Park about 1939 or 40. I suggest a check to see what form of abstract was given in Grand County, and was satisfactory to the United States. In addition, Ass't. Chief Counsel, Fish and Wildlife Service, Joseph E Taylor was having some difficulty obtaining an abstract - I think, in Colorado- about six months ago, and his final action should be determined. We can also obtain certificate of District Irrigation Engineers in Colorado, as to appurtenance of right to a certain ditch, or of River Master except that the latter is one of the venders in this case. Even the court which adjudicates the priority, or the proposed change in point of diversion, however, does not ahve authority to determine title. Hence, the last resort would be condemnation.

cc Roy Head in Duplicate ~~cc~~ cc Water Division

Chief. Water Division

07-18-1947: memorandum to director from superintendent regarding purchasing second foot of water

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1947 AUG 6 PM 1:36

July 18, 1947.

MEMORANDUM for the Director.

On July 11 Mr. A. van V. Dunn advised your office that we had received a verbal commitment in connection with an option to purchase 1/6 (0.167) second foot of water right for $4,000 from Mr. Lee Reddert of Mancos, Colorado involving Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos.

Chief Clerk Carpenter of this office, who aided Mr. Dunn in the negotiations, delivered the final draft of the option to Mr. Reddert on July 14. Mr. Lee Reddert then advised that the actual owners were Mr. Fred E. Reddert and his wife, Lattie W. Reddert, who reside in California, and that he was actually only their agent. Before sending the option papers to the owners for their required signatures he secured the services of Dan Milenski, Cortez lawyer, on July 16 who reviewed the option. On that evening he contacted Mr. Carpenter with reference to several exceptions that Lawyer Milenski had taken to the option form.

These exceptions are listed below and we would appreciate your advice on each item, as Mr. Lee Reddert indicates that perhaps some portion of the option should be rewritten, or perhaps riders attached, before final signatures of the vendors are given.

Mr. Milenski's exceptions are as follows:

1. When change of point of diversion is commenced the $4,000 should be placed in escrow.
2. When Government wants title they should pay before deed is recorded.
3. Abstracts of title are not given to the U. S. Government.
4. Deed is not to be recorded until full payment received.

Mr. Lee Reddert agreed to Mr. Carpenter's proposal that he send the option on th the owners for the required signatures, but stated he desired your rulings on the above stated exceptions before turning the signed option over to the Service. We advised him that we would contact you immediately and secure this technical advice.

A copy of the option, as given to Mr. Reddert, is enclosed herewith for your information and files. We will appreciate your air mailing your reply.

(SGD) ROBERT H. ROSE

Robert H. Rose,
Superintendent.

Enclosure -#900829.

In duplicate.

cc: Regional Director, Region Three.
Chief, Water Rights Division Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CONTRACT NO. I-100-np-52

OPTION TO SELL REAL ESTATE
TO
THE UNITED STATES GOVERNMENT

THE UNDERSIGNED, hereinafter known as the vendor, in consideration of the examination and appraisal of the water rights hereinbelow described by the United States and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby agree for himself, herself, or themselves, or heirs, administrators, executors and assigns, as follows:

(1) That at any time within two (2) years from the date of this instrument, if requested so to do by an authorized representative of the United States, the said vendor will sell and at his, her, their, or its expense, convey, free of all encumbrances whatsoever, to the United States or its nominee by proper deed of conveyance with general warranty of title, under conditions hereinafter provided, a portion of Decreed Water Right Priority No. 1 for the diversion and use of the waters of the East Mancos River now appurtenant to land situate and lying in the County of Montezuma, State of Colorado, being a right to divert and use of 1/6 (0.167) cubic foot of water per second of time, more particularly described as follows: One hundred and sixty-seven thousandths (0.167) of a cubic foot of water per second of time of Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, in Water District No. 34, in the County of Montezuma, and State of Colorado, as said Priority No. 1 was decreed to the Giles Ditch by Decree of the District Court entered of record at the April Term, A. D. 1893, thereof, In the Matter of the Adjudication of

Priorities of Water Rights to the Use of Water for Irrigation in Water District No. 34.

(2) That the price at which said water rights will be sold to the United States as hereinbefore provided shall be Four Thousand Dollars ($4,000.00).

(3) That in case the vendor is unable to show and establish title to the above described water rights satisfactory to the United States Government, then, and in that event, the vendor agrees that the United States may, in its discretion, institute condemnation proceedings for the acquisition of said water rights and that the price hereinabove set forth is hereby agreed to by the vendor as to the value of the water rights to be acquired under said condemnation proceedings.

(4) That, at the date of this instrument, the title to said water rights is clear, free and unencumbered, except None

which said vendor agrees to have released and has full right, power, and authority to convey to the United States an unencumbered fee simple title to the aforesaid water rights.

(5) That, when requested by the proper representative of the United States, at any time after the exercise of this option in the manner hereinafter specified, the said vendor will promptly at his own or her own, furnish an abstract of title which shall later be extended to include any instrument subsequently required to be recorded by the United States in connection with the title to said water rights to show unencumbered fee simple title or a title certificate, and will also record the deed of conveyance and/or other necessary papers made pursuant to this instrument; provided, that if said vendor fails to furnish a proper abstract of title, or title certificate, within sixty (60)

days after such request, then the United States may procure same at the expense of said vendor and deduct the cost thereof from the purchase price hereinabove set forth.

(6) That during the period covered by this instrument the vendor shall permit the United States to adjudicate a change in point of diversion to its said proposed West Mancos Water Supply System, and change the purpose of use; and final conveyance of title, and payment to the vendor, shall be conditioned on successful change in point of diversion and purpose of use.

(7) That during the period covered by this instrument that said vendor does hereby grant to the officers and accredited agents and representatives of the United States, at all proper times, unrestricted right and privilege to survey or enter said lands for all proper and lawful purposes in connection with the negotiations for the acquisition of the said water rights.

(8) That when the United States of America acting through the Secretary of the Interior, or other authorized representative, shall have approved and signed this option for the purchase of the water rights as herein provided then, in that event, this instrument shall constitute a contract of bargain and sale between the parties hereto.

(9) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom. Nothing in this paragraph, however, shall invalidate this contract if made with a corporation for its general benefit.

In witness whereof we have set our hands and seals to these presents on this Second day of August, 19 47.

Signed, sealed and delivered in the presence of: (2 witnesses to each signature)

(Sgd) Lee O. Reddert

(Sgd) Ruth M. Reddert

(Sgd) F. E. Reddert (SEAL)

(Sgd) Lottie W. Reddert (SEAL)

(SEAL)

(SEAL)

Approved: SEP 16 1947
(Date)

(Sgd) Oscar L. Chapman
Under Secretary of the Interior

07-15-1947: memorandum to director regarding enclosed files

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Grand Canyon National Park

July 15, 1947.

MEMORANDUM for the Director:

There are enclosed:

1. My file (Water Division) on Mesa Verde National Park, 660-05.7, for the years 1945 to 1947.

2. My copy (Water Division) of Mesa Verde National Park Alien Water Right No. 1.

3. A draft of an appraisal, and justification for the purchase of Decreed Priority No. 1.

I am not sure that both Reddert partners (brothers) have been available yet, in Mancos, to sign the option, but both the Chief Clerk, Mr. Carpenter, and I had the feeling that there would be no further complications. The price is to be $4,000 and the enclosed appraisal should justify $8,500 entirely on the basis of the cost of Jackson Gulch Reservoir water. This leaves over 100% leeway if Mr. Reddert becomes more demanding. I have also suggested value or saving in not having to build the lateral pipe line or pump unit, but do not have the latest design and estimate from which to compute them. I believe that Mr. Webber will be back, and if the added value is needed will supply that information as a supplement; and that he, or Mr. Hamilton, will be able to prepare such a statement with more ease and speed.

Please be sure that all possible copies of my appraisal, and any other instruments, are made so that we may include them in our water right deed.

You will note that a great deal still depends on the adjudication of change in point of diversion, and, if possible, on change in purpose of use. Although the option has been tentatively accepted with two years in which to try such case before we pay for the right, we should plan to introduce our case as soon after acceptance of the option as possible. This means the need for final location of the headgate of the proposed West Mancos Water Supply System, first. It also means that we should not release the last 75 acre-feet of storage in the Jackson Gulch Reservoir, to which we are entitled, until we know we do not need it due to failure of the adjudication, or for trade, in the adjudication. However, since talking with the District Irrigation Engineer, and

Mr. Reddert, who is River Commissioner as well as the proposed vendor, I am more confident of the success of the adjudication of changes.

I do not think that the Assistant U. S. District Attorney, Mr. Marmaduke, will be too keen for the proposed adjudication, but will comply with a request to take such action. I also feel that he is not qualified to prepare the case until we have presented a well arranged claim. Therefore, I hope that only the acceptance of the option, and decision as to point of diversion for the West Mancos Water Supply System are completed by the latter part of September.

AvVD:sh.
Attachment.

(SGD.) A. VAN V. DUNN
Chief, Water Division.

cc: Regional Director, Region Three, (2),
with 2 copies of attached appraisal.

July 15, 1947.

Appraisal and
Justification for Purchase
of
Part of Decreed Priority No. 1 in Giles Ditch
on East Fork of Mancos River - Colorado Water District No. 54
for
Mesa Verde National Park

Value of Water Rights

By memorandum of December 19, 1946, Superintendent Rose gave certain information regarding past sales of water rights in the Mancos Valley.

1. The Town of Mancos paid $1,960 for 1.6 second-foot of Priority No. 5, without land, on May 9, 1905. This gave a 1905 value per second-foot of $1,225.

2. George Mauler purchased 60 acres of land, and 0.50 second-foot of Priority No. 1 for $1,500, date of purchase unknown. He transferred the right, under decree of May 28, 1930. If the land, without water, is worth $5 per acre, the water right cost $1,200. 1 second-foot would have been worth $2,400.

   In transferring from the Giles to the Field Ditch, the diversion passed the Webber No. 1 Ditch, but the point of return flow was not altered. Thus, there was probably no protest or damage claim involved in the transfer.

The Project Investigations Report No. 52, by the Bureau of Reclamation, cites the following sales in the same vicinity, but not all on the same rivers or water district:

3. Inquiry in Mancos suggested that the 0.5 second-foot of Priority No. 1 might be purchased for $5,000 in 1940, or a rate per second-foot of $10,000.

4. The City of Durango paid $15,000 for 1.0 second-foot of Priority No. 1, and 1.0 second-foot of Priority No. 6, in the adjacent water district in 1929. It is not unreasonable to assume that Priority No. 1 was valued at twice the value of Priority No. 2 as follows:

Priority No. 1	$10,000.
Priority No. 2	$ 5,000.

5. Animas City, in June, 1940, bought 5/12 second-foot of Priority No. 1 for $1,800, the Mayor (former City Engineer of Durango) considering the true value at $3,000, to give a cost per second-foot of $4,330.
Possible value per second foot $7,200.

This right was still to be changed to new point of diversion, the cost of adjudication and possible damage costs not estimated. Such transfer may cost $4,330 per second-foot to give total cost of $8,660 per second-foot and possible value at new place of use per second-foot as $10,000.

From Engineering News-Record, November 14, 1946; Civil Engineering, June 1946; and Proceedings of American Society of Civil Engineers, March 1946; the following cost indices are available (approximate averages of different sources):

	Materials	Building Costs	Construction Costs	Union Wages
1903	?	?	95	?
1913	100	100	100	100
1929	100	190	205	270
1930	90	180	200	275
1940	100	200	240	290
1946	150	275	370	?

The value of a water right is closely allied to real estate costs, for which there is no index trend in this Office, and to the market value of the products resulting from the use of the water, and the availability of the water when needed. It is assumed, here, that the Materials cost index above is nearest to real estate costs, and that the price of commodities rose to a new general level between 1900 and the close of the First World War, and was then fairly stable until about 1943 or 1944. From "Evaluation of Water Rights" by John E. Field, M., A.S.C.E., presented at meeting of Irrigation Division, A.S.C.E., July 14, 1927, and published in Transactions, the general water right values in the Fort Lyons Canal, in Colorado, approximately doubled between 1900 and 1920, and then leveled off. The rights with priority of 1890 at approximately 25% of those of 1887-1889; and the value of those with priority of 1886 and earlier, all about double the value of those of 1887-1889.

All four of the Mancos water rights, Priorities 1-4, under consideration for purchase by the United States, have dates of priority one year apart, between 1874 and 1877. It may be assumed, therefore, that

their values per second-foot were about equal until the first year of low flow. It is believed, therefore, that the difference between $1,225 per second-foot purchase in 1903, and $2,400 purchase in 1930, reflects the normal rise between 1900 and 1920. From the materials trends, it is also reasonable to recognize a 50% increase in value between 1940 and 1946. Therefore:

On this basis, one second-foot of water right of the average quality of Priorities 1 through 4 in years of normal flow should now be worth $3,600.

On July 8, 1947, the writer interviewed Mr. Ray Williams, District Irrigation Engineer of the State of Colorado, the District including the drainages of the Animas, Mancos, and Dolores Rivers, with headquarters in Durango, Colorado. It was learned that only Priority No. 1, on the Mancos River, had been fully satisfied in the three dry years of 1934, 1939, and 1940. The operation of the headgates of ditches to which Priority No. 2 has been decreed, is most significant.

There are 5.5 second-feet of Priority No. 2, of which 4.5 second-feet are decreed to the Ratliffe and Root Ditch, and the other 1.0 second-foot is decreed to the Webber No. 1 Ditch. When there is insufficient water in the river, all of Priority No. 3 headgates, and those with lower priority, are closed, and water which is not needed to satisfy Priority No. 1 is prorated to the Ratliffe and Root and Webber Ditches in the ratio of 4.5 to 1 respectively. The following records show the effect of the low river flow on the deliveries to the Ratliffe and Root Ditch under Priority No. 2.

1934 - June 12 was the last day on which 4.5 second-feet were delivered.

June 26 through August, only 1.0 second-foot was delivered.

1939 - June 18 was date of minimum diversion of 2.5 second-feet, and during the remainder of the season there was intermittent rain which kept deliveries slightly above this amount.

1940 - August 1, the deliveries were cut to 3.0 second-feet.

August 14-17, the delivery was cut to 1.75 second-feet, after which there was a gradual increase until the end of the season.

It is possible to consider Priority No. 2 as having a rather high average value, as average values run for Priorities 1 to 4, and in a year like 1934 it is only worth 1/4.5 as much as Priority No. 1. On this basis, Priority No. 1 is worth at least 4.5 times as much as Priority No. 2. Accepting $3,600 as the mean value of Priorities 2 and 3, in 1946, Priority No. 1 was worth $16,200, or more, in that year.

The Jackson Gulch Reservoir of the Mancos Project, which is being constructed by the Bureau of Reclamation, is largely to provide supplemental water for the lands now irrigated, when water is available, under water right Priorities 2 to 46 inclusive. As an alternate approach, the value of Priorities Nos. 1, 2, 3, and 4 differ by the amount of investment needed in the Jackson Gulch Reservoir to make all four rights equally efficient. In addition, the cost of the Jackson Gulch Reservoir, in 1946, was to cost the water users $600,000, but under the amended contract of 1947 the water users will pay $900,000 for the same storage. It follows that the general value of water rights may be considered to have increased 50% between 1946 and 1947. Such increases, over a year, or group of years, have been recognized by such engineers as John E. Field, M., American Society of Civil Engineers, as previously explained.

It has been suggested that the value of Priority No. 1 was worth $16,200 per second-foot in 1946. As a result of the revision in repayment of the Jackson Gulch Reservoir, during 1947, the value of all water rights may be considered to have increased 50% during the past year. Accordingly, Priority No. 1 has increased from $16,200 to $24,300 per second-foot. The United States proposes to purchase 1/6 of a second-foot, whose value is therefore, $4,050.00 .....Appraised value #1.

To consider the alternate source of water from the Jackson Gulch Reservoir, it was found that Mr. George Mauler, who owns the 0.5 second-foot of Priority No. 1, which is appurtenant to the Field Ditch, is authorized to irrigate 60 acres, but is dependent on a supplemental supply, under Priority No. 17 for the cultivation of 20 of these acres, and frequently finds only the 40 acres irrigated by the water under Priority No. 1 productive. It was also found that Lee and Fred Reddert, from whom it is proposed to purchase part of Priority No. 1, have rights to 1.00 second-foot under that priority, and considerable right under lower priority, for supplemental supply. Mr. Mauler and Mr. Lee Reddert individually stated that 1.00 second-foot of firm water would irrigate 80 acres, but only because a relatively long season, and local water right administration, permitted the application of 4.5 acre-feet per acre, to the sandy porous soil. On this basis, 1.0 second-foot of irrigation water is equivalent to 360 acre-feet, and 1/6 of a second-foot is equivalent to 60 acre-feet. The required storage

in the Jackson Gulch Reservoir would have to include approximately 25% additional for evaporation and transit losses between the Reservoir and land on which it would be applied. Hence, the alternate source of water supply, for irrigation, would involve the storage of 75 acre-feet. The District Engineer also estimated roughly an 80% efficiency of the reservoir (failure to fill in dry years) to increase the required total to 94 acre-feet.

Since the water users have, or are contracting to pay $900,000 for 9,800 acre-feet of storage, the repayment will amount to $92.00 per acre-foot. The cost of 94 acre-feet will be $8,648, to be equal to water under Priority No. 1 from a direct diversion of 1/6 of a second-foot.

In addition, the water users have been assured that the operation and maintenance of the reservoir will not exceed $1.00 per acre-foot per year, to be assessed in addition to the annual repayment. There is no time limit on this operation and maintenance, but accepting the 67-year limit for repayment of the $900,000, we may use the same time for a minimum period of operation and maintenance. At $94 per year, the operation and maintenance for storage equal to 1/6 of a second-foot of direct diversion will amount to $6,298.

The total cost of 94 acre-feet of storage in the Jackson Gulch Reservoir, therefore (the equivalent of 1/6 second-foot of direct diversion) will be $8,648 for repayment of the portion of the construction, plus $6,298 for operation and maintenance over 67 years, or a total of $14,946.00. The writer does not have interest tables with him, but by laborious process has determined that approximately 57% of this amount invested at 1.5% now, and drawn on as needed, will cover the total payments over 67 years. On this basis, the present value of 94 acre-feet of storage in the Jackson Gulch Reservoir, or the value of 1/6 of a second-foot of Priority No. 1 for direct diversion, is worth 57% of $14,946, or $8,500 .....Appraised value #2.

It is evident, from Appraisals Nos. 1 and 2 that the value of 1/6 of a second-foot or Priority No. 1, on the basis of past sale prices which have proved profitable, and an inflated value due to the introduction of the Jackson Gulch Reservoir is only $4,050; but that the local water users are contracting to attempt to make a profit by inflating the value to $8,500. The owners of Priority No. 2, as previously shown from records of the District Engineer, will profit by 22.2% of firm rights to direct diversion at the lower rate, and 77.8% of the storage, or a total cost of $7,500 for 1/6 of a second-foot, instead of full storage cost of $8,500.00. Owners of Priorities 3, 4, and on through No. 46, will bear costs between $7,500 and $8,500.

It follows that under the present financing plan for the Jackson Gulch Reservoir, the United States can justify a payment of $8,500 for 1/6 s.f. of Priority No. 1, $7,500 for Priority No. 2, and progressively less for junior priorities. However, it will be necessary for the United States to adjudicate a change in point of diversion to its proposed headgate for the proposed West Mancos Water Supply System for Mesa Verde National Park, and a change in purpose of use, from irrigation to domestic or municipal. These may require payment of damages to other water users. It is, therefore, desirable to pay as little more than $4,050 as is necessary until the cost of such adjudication is completed, although, if conversion of purpose of use is successful, the maximum value of the right will exceed $8,500.

To illustrate, the domestic water demand under Priority No. 1 would have to be satisfied before the irrigation demand under the same priority if the conversion of purpose is made. On the other hand, as previously stated, all deficits in water are prorated among the owners of a given priority and purpose of use. The Town of Mancos has purchased and changed point of diversion of part of Priority No. 3, and is using it for municipal and domestic purposes, but has not adjudicated a change in purpose of use. As a result, in 1934 the Town had to rent a part of Priority No. 1 to satisfy its obligations for human needs. The added value for Priority No. 1, if converted to domestic purposes, would be the saving in dry year water right rental or damage payments to the Town if it should convert the purpose of use under its Priority No. 3. Such values can be approximately determined but do not appear necessary at this time.

Attached to this appraisal is Mesa Verde Alien Water Right Assembly No. 1, being the records of rights on the Mancos River. Drawing 6980, near the top of the assembly, shows the locations of the Field and Giles Ditches to which decreed Priority No. 1 is appurtenant, and other ditches and their decreed rights, between the headgates of these two ditches and that of the proposed West Mancos Water Supply System. The river, between, is shown in blue, and the arrows indicating various high priorities, are shown in other colors for easier identity. Each owner of a headgate between present and proposed diversion is a potential protestant of any adjudication of change in point of diversion. In addition, the Court may discount or deny the change if it is generally detrimental to the water users. There will be general detriment in any diversion by the West Mancos Water Supply System because the return flow of water will not be available to the other water users in Colorado, except to the Indians on the Reservation south of Mesa Verde National Park. It is believed, however, that the Federal adjudication of change in point of diversion can be made, and the opinion is shared by the District Irrigation Engineer of Colorado because:

1. The quantity of water (1/6 of a second-foot) is small.

2. The United States can afford to pay the reasonably anticipated damage claims.

3. The United States does not have the need for more than 1/2 or 2/3 of the acre-foot limitation involved in the present irrigation at 4.5 acre-feet per acre per annum because of lower evaporation and transit losses, and the lower waste involved in domestic use.

4. The United States is already guaranteed the right to take equivalent water away from the other water users, from the Jackson Gulch Reservoir, both by the rights now being adjudicated, and by the consent of the Water Users Association, and these rights in the reservoir will be released to the Bureau of Reclamation and water users in exchange for the successful adjudication of changes in the portion of Priority No. 1 to be acquired.

Since the United States is already assured of a water supply from the Jackson Gulch Reservoir, there may be some question as to why that supply should be released in favor of the purchase and changes of Priority No. 1. The question may be strengthened by the fact that the United States is incurring a cost of approximately $2,500,000 by constructing the reservoir, which will not be repaid by the water users. There are the following justifications for abandoning any interest in this deficit for the water supply for Mesa Verde National Park, and, in lieu, buying decreed Priority No. 1.

1. The United States, through Mesa Verde National Park, will save the added cost of operation and maintenance, previously appraised at $6,298, and throw that cost onto the water users instead of the United States.

2. As previously stated, the Jackson Gulch Reservoir will not be able to deliver the full 9,800 acre-feet of water in some dry years, and all claimants thereto will have equal proportions of their total rights reduced during June to September when the Park domestic demands will be greatest, and there is little likelihood that the United States could maintain a claim for more than its normal annual demand to have a reserve in the one to three years out of ten when more storage would be needed.

3. The stored water, in the Jackson Gulch Reservoir, will be less suitable for domestic consumption than water diverted directly from the river further above the farming areas. Although the reservoir water could be released as a rule, in exchange for the direct diversion from the river, the chance that such exchange might not always be possible to the full extent, due to inadequate storage and evaporation and transit losses, would make it also necessary to construct and maintain a pump unit and approximately 2,900 feet of lateral pipe line which would require annual maintenance even if only used once in 20 years. (The proposed direct diversion will provide gravity delivery to the Park.) The cost of this lateral and pump, to construct, maintain, and operate, would be several times the cost of diverting water under decreed Priority No. 1, and there would have to be at least one replacement during the 67-year period being used in this appraisal. This added cost, or saving, may be determined, but does not seem essential for this appraisal, or to justify the purchase of decreed Priority No. 1.

(SGD.) A. VAN V. DUNN
Chief, Water Division.

C
O
P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mesa Verde National Park
COLORADO

Routed by:
Burney
Sanders
Tolson
Monteith

July 11, 1947.

MEMORANDUM for the Director.

Last night about 9:00 P. M., we obtained the agreement of Mr. Lee Raddert, the River Commissioner on the Mancos River, to sell 1/6 second foot of water under priority No. 1, for $4,000, to make the sale conditional on prior adjudication of the change in point of diversion, and the purpose of use, and to grant us 2 years in which to make the final purchase. The right, however, is in the Giles Ditch on the East Mancos, and not in the Field Ditch on the West Mancos. The owner of the portion of the right in the latter ditch backed out at the last minute, about 8:00 P. M. last night.

The adjudication of charge in point of diversion may be slightly more difficult than if we had obtained our final agreement, but I feel quite confident that it can be made. The right we are obtaining, is owned by Lee Reddert and his brother, the latter due here from California in the next 10 days. Final execution of the option, therefore, must await the brother's return, or Lee Reddert's receipt of power of attorney, but I do not expect further complications. A justification and appraisal, will be sent to you from Grand Canyon at the end of the week.

In order to facilitate the adjudication, and to satisfy the Regional Office of the Bureau of Reclamation, I suggest that my previous discussion with Mr. E. O. Larson should be confirmed. Under present plans we will not need any part of the Jackson Gulch storage. However, 70 acre- feet, until we complete the adjudication of change in point of diversion, so that we can show its release in court, if necessary to compensate for taking priority No. 1 up the West Mancos.

This means that we should plan to adjudicate the change in point in fall. Before we make such adjudication, we also decide finally, on the exact point of diversion. Please explain this to the Regional Director and Engineer.

The enclosed Water Supply papers are from my book case in the office. Please return them to Miss Hicks for filing.

Please have copies of this memo sent to the Park and Regional Offices for record.

/s/ A. van V. Dunn,
Chief, Water Division

dd: Mr. Dunn.

C
O
P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service
Denver, Colorado

June 30, 1947

Via Air Mail

MEMORANDUM for the Director:

This relates to the proposed purchase of a water right for the West Mancos Water Supply System at Mesa Verda National Park. The picture is considerably different after discussion today, with State Engineer Henderleider; Chief Engineer Walter Young and Regional Director O. E. Lawson from Salt Lake City, and both of the Bureau of Reclamation; and with Mr. Marmaduke, Assistant U.S. District Attorney who has superceded Worth Allen, Special Assistant to the Attorney General in work relating to Federal Water Rights.

My instructions from Mr. Burney, on leaving, were to get an option on the best water right — and I was naturally to prepare an appraisal and justification by which the solicitor could recommend Secretarial acceptance. I am now much more doubtful of my ability to justify a purchase and should like comments on the following facts by the time I reach Santa Fe, on July 7, if possible; or by the time I reach Mesa Verde, on July 9, in any case. Both Mr. Burney and the Acting Chief Counsel should consider the following:

When Mr. Rose quoted an offer of $4000 for a priority No. 2, last week, he questioned whether we could get it transferred to our point of diversion. I asked the State Engineer whether the court could deny the right to change point of diversion if the potential protestants were recompensed for their claimed damages. He said that the court could both reduce the quantity of water involved, to provide equity, and could deny the right to change the point of diversion if it considered it detrimental to lose the return flow. He did not know what the court would do if we condemned to obtain the transfer, but he recommended that no one should buy without being sure of the outcome of the attempt to transfer. In other words, I should, now, only get an option subject to an adjudicated transfer before final purchase.

I called on Chief Engineer Walker Young to see if he could give me a better idea of potential annual operation and maintenance charges if we used the waters of the Jackson Gulch Reservoir either in exchange for direct diversions, or as an obligation a vendor would have to assume if we traded such interests as part payment for such decreed right as we might buy. The Regional Director was in the next room in conference, and was called in to answer. He was primarily interested in knowing how much storage we were going to need, anticipating a demand in excess of the 120 acres, and said they could not even contract to sell all the rest of the water until that point was settled. I

assured him we did not expect to use more than the 120 acre-feet and that my best estimates were that we could not use more than 45 acre-feet, on the basis of the seasonal variation in attendance.

Mr. Larson then stated that the Jackson Gulch Project was a lemon, that the cost had risen from $1,425,000 to $3,400,000 -- to about $700 per acre foot, and that the U.S. was the loser by all except the $900,000 which the water users were contracting to pay. He did not see how the NPS could justify, or obtain acceptance of a purchase of another decreed right when the U.S. was already in debt to the tune of about $2,500,000, and could get equivalent water from the reservoir for the mere payment of annual operation and maintenance, particularly since testimony had been given to the Congressional Committees, this year, to the effect that NPS water supply was one of the benefits to be derived from the purely Federal investment of $2,500,000. I failed to find that testimony while in Washington.

I countered that the annual operation and maintenance charges were a considerable item if they ran for even at $2 per acre foot, as quoted to me in Washington. He said such charges might run between $0.08 and $0.25, certainly not over $1.00, and never as high as $2.00. He added however, that the Washington Office, and not he, would fix any interbureau rates, and he hoped they made charges instead of writing off the deficits to recreation because it would look better on their books. The point, to me, now is, that I find it difficult to justify an expenditure for an independent decreed right in excess of the cost of water from Jackson Gulch, and I do not think we should pay more for the right plus the compensation to protestants in the adjudication of transfer.

I then called on the Assistant District Attorney to see what his reaction was going to be to an attempt to change a point of diversion. He admitted he had never thought about water rights until a year ago. He also stated that his office had opposed one request for a change in point so far, that he hoped we realized that such transfers were particularly difficult on the western slope, and that the District Attorney here would follow instructions, but not recommend such action. He did, however, agree with my original idea, that the counsel could not deny the right to change point of diversion if protestants were properly recompensed.

My principal concern, now, is whether the Bureau of Reclamation will let our attempt to purchase and transfer a right clear the Secretary without a protest. I also think that the idea is weak from a broad Federal point of view. Finally, I wonder whether we should

attempt what looks like a gamble, or be conservative if we do attempt an option. I might add that the Jackson Gulch Reservoir is supposed to have water available in 2 years -- before I think we can use it.

Mr. Burney may wonder if the situation is not due to our not purchasing a year or two ago. I think it is a situation which has existed ever since we agreed to the first affiliation in the Mancos Project. If we were going to buy a right, we should have done it before the first interbureau agreement was made in 1940. I think we have been the goat in the Bureau plan ever since.

On another subject, I also discussed the West Side Rocky Mountain adjudication. Mr. Vedder, Attorney Generals Office has been through, is now in Salt Lake City, will come back through here the end of the week, and plans to see Mr. Price when he returns to Washington. I want to talk with Supt. Canfield before reporting on that subject, but request that Mr. Price, or any NPS official await my report before committing himself on the latest Vedder proposals.

/s/ A. van V. Dunn
Chief, Water Division

Please type and send copies of this to Reg. Three

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

June 10, 1947.

MEMORANDUM for the Superintendent, Mesa Verde.

There is enclosed copy of Mr. Tolson's memorandum of June 9, in which he proposes to attempt to secure an option to purchase 0.167 second foot of water from one of the owners of the first four priorities on the West Mancos River.

We believe that if it is possible to obtain a satisfactory price and option for this water, it will be by far the best solution to your water right problem as it will affect the proposed Mancos River pipe line.

From your earlier correspondence, it is evident that we should be able to secure such an option at a price lower than that mentioned and we request that you immediately assign someone to investigate the possibility of securing such an option and try to get it in time to have it approved by the Director and Secretary's office in order to encumber funds which will expire June 30.

M. R. TILLOTSON

M. R. Tillotson,
Regional Director.

Enclosure 2850860.

cc: The Director.

06-09-1947: memorandum to regional director from acting director regarding water rights funds which will revert

WR Copy
Mesa Verde.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

June 9, 1947.

AIRMAIL

MEMORANDUM for the Regional Director, Region Three.

We have water rights funds which will revert if not obligated by June 30, due to the collapse of negotiations which have been in progress on several water right purchases. To obligate these funds, it is necessary to have an option actually accepted by the Secretary on, or before, June 30, which must be accompanied by an appraisal to show full value for the purchase.

As you know, we have for some time deemed it desirable to take water direct from the West Mancos River in order to obtain a gravity supply, also a better grade of water than would be available in the reservoir. We have deferred negotiations for the purchase of a water right for the West Mancos Water Supply System for Mesa Verde National Park because of the uncertainty as to water right values. The uncertainty is partially due to the limited information which is available with regard to past sales, as explained in the memorandum of December 19 from Mr. Rose, and partially to the effect which may have resulted from the increasing cost of the Jackson Gulch Reservoir and the modifications in the proposed financing.

Mr. Dunn has gone to Washington to obtain information regarding the costs and financing of the Jackson Gulch Reservoir and their possible effect on water right values. Later in the month, he may be in Santa Fe and Mesa Verde National Park, when he could complete an appraisal and negotiate an option, if possible, but it would be too late to get such an option approved by the Secretary before the July 1 deadline. The purchase after that date would depend upon the availability of 1948 fiscal year funds for purchasing water rights.

Mr. Dunn is reasonably satisfied that the priority No. 1 is worth at least $10,000, and that priorities Nos. 2, 3, and 4 are worth at least $5,000 per second-foot. We propose to purchase a right to 75 gallons per minute, or 0.167 second-foot, which would cost at least $1,670 if we obtained priority No. 1, or $835 if we obtained priority No. 4.

FOR VICTORY
BUY
UNITED STATES
WAR
BONDS
AND
STAMPS

The first values are for the portions of priority No. 1 in the Field Ditch, which is owned by George Mauler, according to our records, and such an option and deed should include his further agreement to have the right transferred to a point above the headgate of the Lee and Burke Ditch, in which he also owns part of priority No. 4, without protest from him, or his heirs or assigns.

The second value is for a part of priority No. 4 in the Lee and Burke Ditch. Our records show ownership by Harry T. Reed, O. E. Skoog, Frank Mauler, and Ansel Hall. We also have a memorandum from you which suggests that Mr. Hall has sold his tract. This right has the one advantage of being capable of unprotested transfer to the proposed NPS diversion. It has the disadvantage of being shut off in dry summers. Some advantage might be obtained by purchasing a right to double the quantity of water desired, but this has not been fully studied. Priority No. 3 of J. J. Jensen, in the Willis Ditch, may also be worth considering, but since Mr. Jensen only owns rights to 0.4 second-foot, his willingness to sell would be doubtful.

The purpose of this memorandum is to suggest that, if you concur, and believe that an option can be negotiated and approved by July 1, you assign some one from your office or Mr. Rose to make the necessary contacts. They should first determine whether any of the owners of priorities Nos. 1, 3, or 4, except the portion of No. 3 owned by the Town of Mancos, seem particularly agreeable to selling 0.167 second-foot of their rights, and about what they consider the right worth. Should Mr. Mauler consider his priority No. 1 worth approximately $10,000 per second-foot, and an option could be obtained and rushed to this Office, it is possible that approval could be obtained by June 30. If, however, he and the other owners place an unreasonably high value on their water rights, the matter had best be deferred until Mr. Dunn arrives and without giving Mr. Mauler the opportunity to fix a definite price.

Inquiries could also be made as to the willingness to sell, and approximate prices, of the Menefee interests in priority No. 1 in the Giles Ditch, and the interests of Phillip Bauer and Fred Jeep, in priority No. 2 in the Webber Ditch. However, our appraisal of these rights will require further study of the points of diversion for which we do not have proper descriptions.

You and Mr. Rose have Alien Water Right Assembly No. 1 which includes most of the data we are using for these suggestions. Mr.

Dunn's Analytical Appraisal, near the top of that assembly, gives a good summary of the problem.

In the event you decide to proceed with negotiations to purchase a water right and questions arise which you believe should be referred to this Office for a determination, please telephone, since the time is too short to make your presentation and receive reply through the mails.

(SGD) HILLORY A. TOLSON
Acting Director.

AvVD:AWB:sh.

In duplicate.

cc: Mr. Dunn.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Chicago 54, Illinois

December 6, 1946.

MEMORANDUM for the Regional Director, Region Three.

We enclose two copies of a memorandum of November 14 from the Acting Commissioner of Reclamation with regard to the interests of this Service in the waters of Jackson Gulch Reservoir for Mesa Verde National Park. This memorandum does not give the concise answers we hoped to obtain to our memorandum of June 19, but we gather that the CCC labor, which has been performed in the past, is acceptable as our share of the cost of constructing the reservoir and related ditches, and that the Service will be entitled to use the water on payment of the annual operating costs, which have not yet been determined.

Our next step is to negotiate a purchase of a high priority direct flow right on the West Mancos River. In order to appraise the rights which we may buy, we should like to know what has previously been paid for similar ones. Please have the Superintendent look up the county records of the following transactions and give us the sale prices where they are noted, and the dates of the sales:

1. Mr. George Mauler now owns 0.5 second-foot of priority No. 1, which was transferred from the Giles Ditch to the Fields Ditch. Because of the transfer, we believe that the water right was probably sold without appurtenant land.

2. Phillip Bauer, and Fred Jeep or H. V. Carr, each own 0.5 second-foot of priority No. 2, which were transferred from the Ratliff and Root Ditch to the Webber No. 1 Ditch, and probably purchased without appurtenant land.

3. The Town of Mancos purchased 1.6 second-feet of priority No. 3 and transferred it from the Willis Ditch to its own pipe line, apparently purchasing from J. J. Jensen or his predecessor, and apparently without appurtenant land.

4. Stanley Mitchell, H. J. Dyer, and James T. Giles have transferred 0.5 and 0.4 second-foot to the Ratliff and Root Ditch, and 0.3 second-foot to the Weston and Jarrell Ditch, respectively, and presumably acquired the water rights with priority No. 6, without appurtenant land.

5. Artis G. Clampitt has transferred 0.417 second-foot of priority No. 8 to the Boss Ditch, and Ira E. Kelley transferred 0.667 second-foot of the same priority to the Crystal Creek Ditch, from the Henry Bolen and Sheek Ditches, respectively, and presumably acquired these rights without appurtenant lands.

It is also noted that Ansel Hall now owns 0.25 second-foot under priority No. 4 in the Lee and Burke Ditch, and 0.5 second-foot of priority No. 29 in the Webber No. 1 Ditch. We do not know whether these were both acquired as appurtenances to the land he purchased, or as separate rights and transferred from one ditch to another. His purchases should be investigated because of the relatively recent date of the transaction.

The county recorder or clerk of the District Court may be able to suggest other recent sales of water rights. If possible without too much research, we should like to know the priority of right, date of sale, quantity of water involved, and price paid. However, we only need records of 5 or 10 sales during the past 10 or 15 years with priorities from about 1 to 10 if possible. After these data have been received and studied, we will advise you in the matter of acquiring a water right.

(SGD) HILLORY A. TOLSON

Acting Director.

AvVD:AWB:sh.
Enclosure 469.
In duplicate.

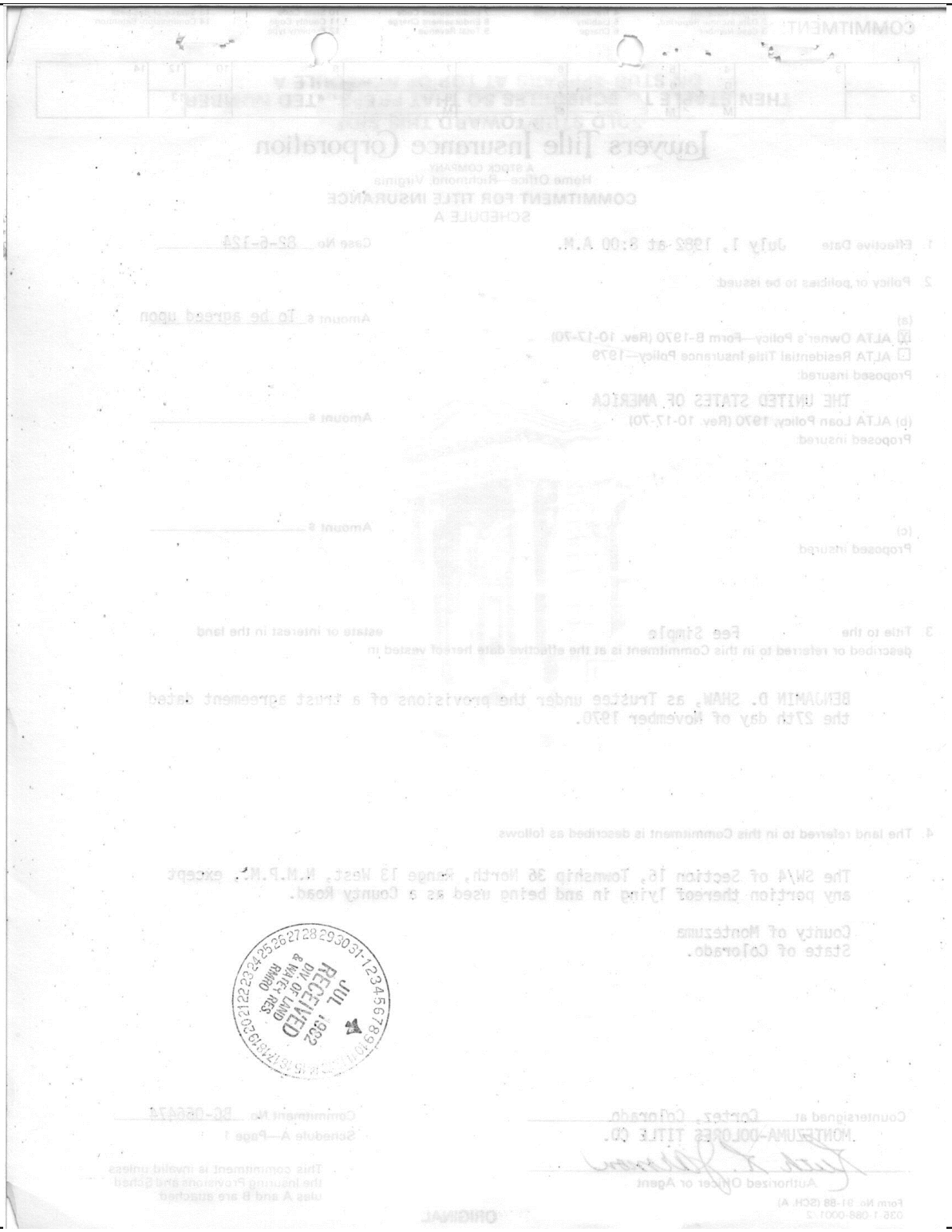
cc: Mr. Dunn.

2

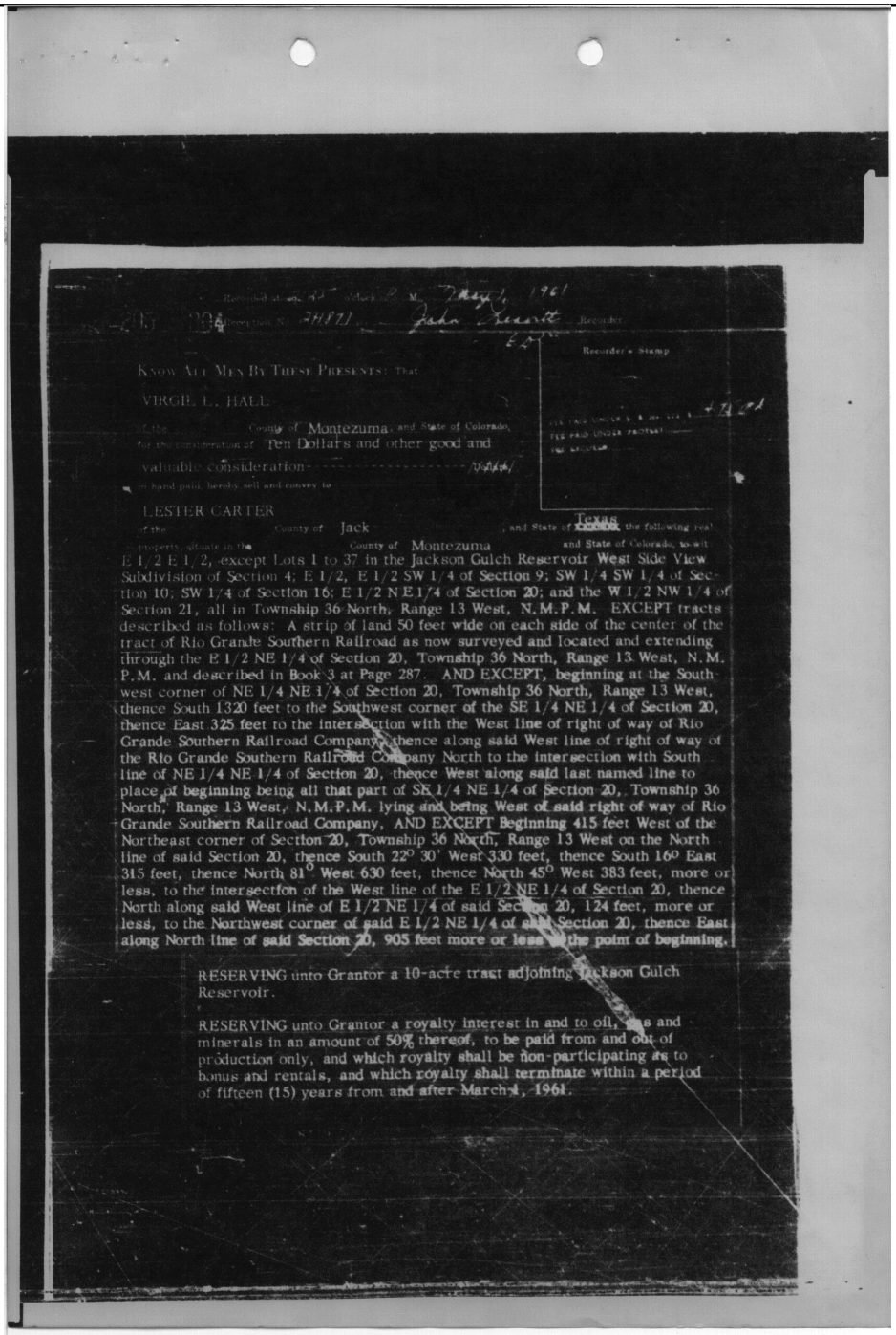
WEST MANCO'S RIVER. PART 1.

Land History

07-09-1992: received stamp, division of land & water resources rmro



00-00-0000: unreadable, but looks like a legal contract



Recorded at ... o'clock ... M. March 1, 1961
Reception No. 24771 John Leavitt Recorder

Recorder's Stamp

KNOW ALL MEN BY THESE PRESENTS: That

VIRGIL L. HALL

of the County of Montezuma, and State of Colorado, for and in consideration of Ten Dollars and other good and valuable consideration ---------- Valid

in hand paid, hereby sell and convey to

LESTER CARTER

of the County of Jack, and State of Texas, the following real property situate in the County of Montezuma and State of Colorado, to-wit

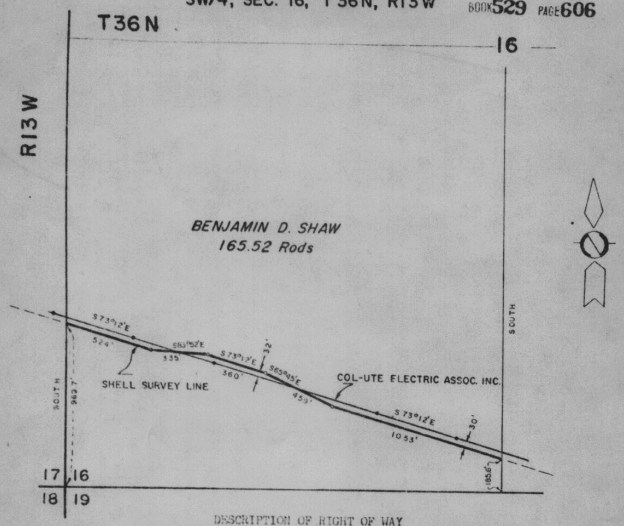
E 1/2 E 1/2, except Lots 1 to 37 in the Jackson Gulch Reservoir West Side View Subdivision of Section 4; E 1/2, E 1/2 SW 1/4 of Section 9; SW 1/4 SW 1/4 of Section 10; SW 1/4 of Section 16; E 1/2 N E 1/4 of Section 20; and the W 1/2 NW 1/4 of Section 21, all in Township 36 North, Range 13 West, N.M.P.M. EXCEPT tracts described as follows: A strip of land 50 feet wide on each side of the center of the tract of Rio Grande Southern Railroad as now surveyed and located and extending through the E 1/2 NE 1/4 of Section 20, Township 36 North, Range 13 West, N.M. P.M. and described in Book 3 at Page 287. AND EXCEPT, beginning at the South west corner of NE 1/4 NE 1/4 of Section 20, Township 36 North, Range 13 West, thence South 1320 feet to the Southwest corner of the SE 1/4 NE 1/4 of Section 20, thence East 325 feet to the intersection with the West line of right of way of Rio Grande Southern Railroad Company, thence along said West line of right of way of the Rio Grande Southern Railroad Company North to the intersection with South line of NE 1/4 NE 1/4 of Section 20, thence West along said last named line to place of beginning being all that part of SE 1/4 NE 1/4 of Section 20, Township 36 North, Range 13 West, N.M.P.M. lying and being West of said right of way of Rio Grande Southern Railroad Company, AND EXCEPT Beginning 415 feet West of the Northeast corner of Section 20, Township 36 North, Range 13 West on the North line of said Section 20, thence South 22° 30' West 330 feet, thence South 16° East 315 feet, thence North 81° West 630 feet, thence North 45° West 383 feet, more or less, to the intersection of the West line of the E 1/2 NE 1/4 of Section 20, thence North along said West line of E 1/2 NE 1/4 of said Section 20, 124 feet, more or less, to the Northwest corner of said E 1/2 NE 1/4 of said Section 20, thence East along North line of said Section 20, 905 feet more or less to the point of beginning.

RESERVING unto Grantor a 10-acre tract adjoining Jackson Gulch Reservoir.

RESERVING unto Grantor a royalty interest in and to oil, gas and minerals in an amount of 50% thereof, to be paid from and out of production only, and which royalty shall be non-participating as to bonus and rentals, and which royalty shall terminate within a period of fifteen (15) years from and after March 1, 1961.

00-00-0000: map and description of right away

SW/4, SEC. 16, T 36N, R13W BOOK 529 PAGE 606



DESCRIPTION OF RIGHT OF WAY

A strip of land 40 feet wide, and 2,731.00 feet, or 165.52 rods long, crossing the Benjamin D. Shaw land in the Southwest Quarter of Section 16, Township 36 North, Range 13 West, N. M. P. M. (Col), Montezuma County, Colorado, being 20 feet right, and 20 feet left of the line more particularly described as follows:

Beginning at a point on the west boundary line of the said Section 16, from which point the southwest corner of the said Section 16 lies south a distance of 969.7 feet; thence, south 73°12' east across the said land a distance of 524 feet to a point; thence, south 83°52' east a distance of 335 feet to a point; thence, south 73°12' east a distance of 360 feet to a point; thence, south 65°45' east a distance of 459 feet to a point: thence, south 73°12' east a distance of 1,053 feet to a point on the east boundary line of the Southwest Quarter of the said Section 16, from which point the south quarter corner of the said Section 16 lies south a distance of 185.60 feet.

165.52 Rods

I hereby certify that this plat was made from notes taken in the field in a bona fide survey made under my supervision, and that the same is true and correct to the best of my knowledge and belief.

John W. West.
John W. West, Col PE&LS No. 2980

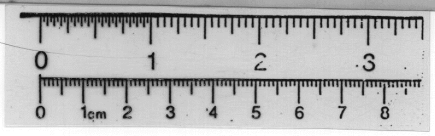
2980

HOUSTON SHELL PIPE LINE CORPORATION - CO_2 PIPELINE TEXAS

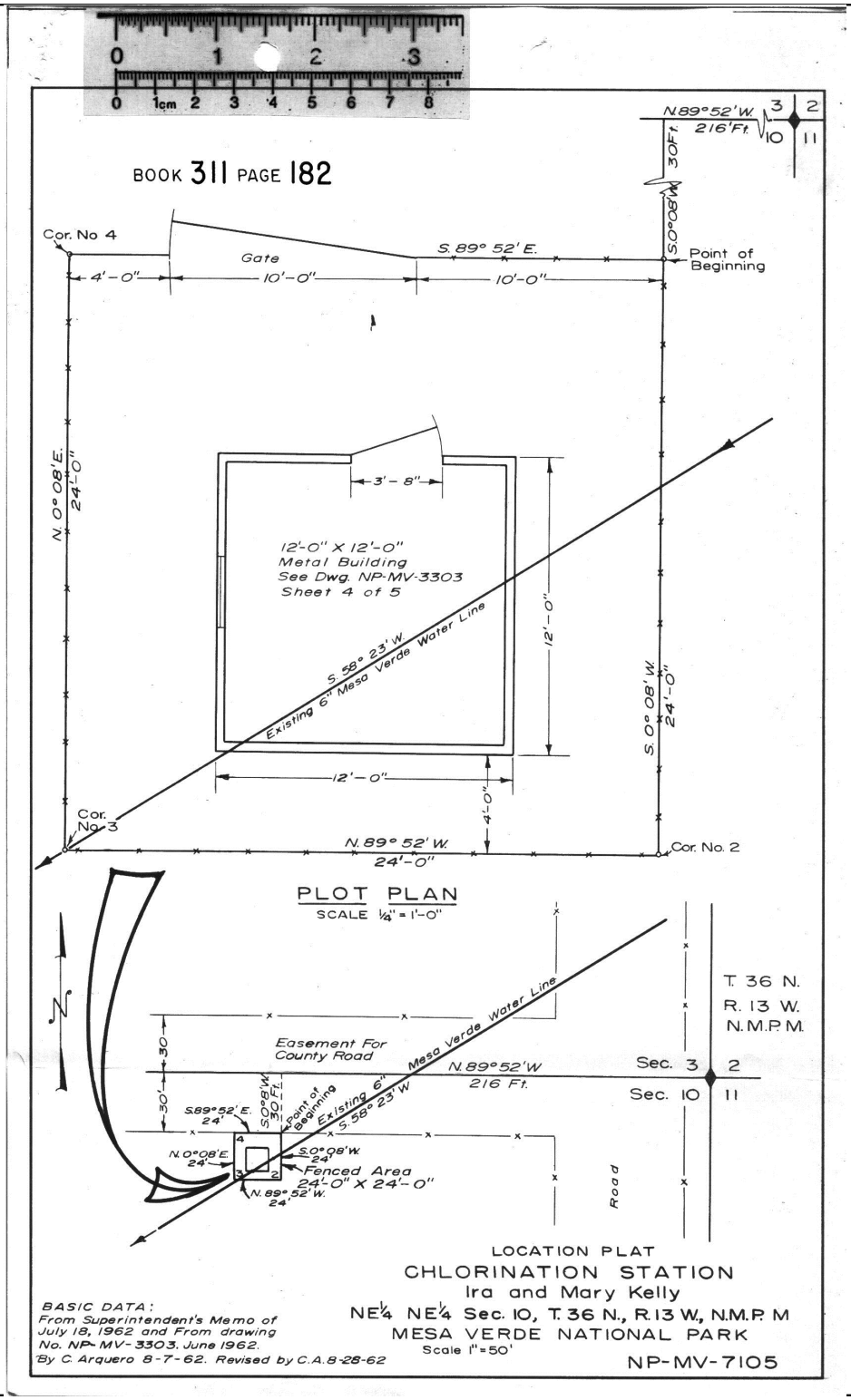
STEEL PIPELINE CROSSING THE BENJAMIN D. SHAW LAND

SECTION(S) 16
TOWNSHIP 36 NORTH
RANGE 13 WEST
COUNTY MONTEZUMA
STATE COLORADO

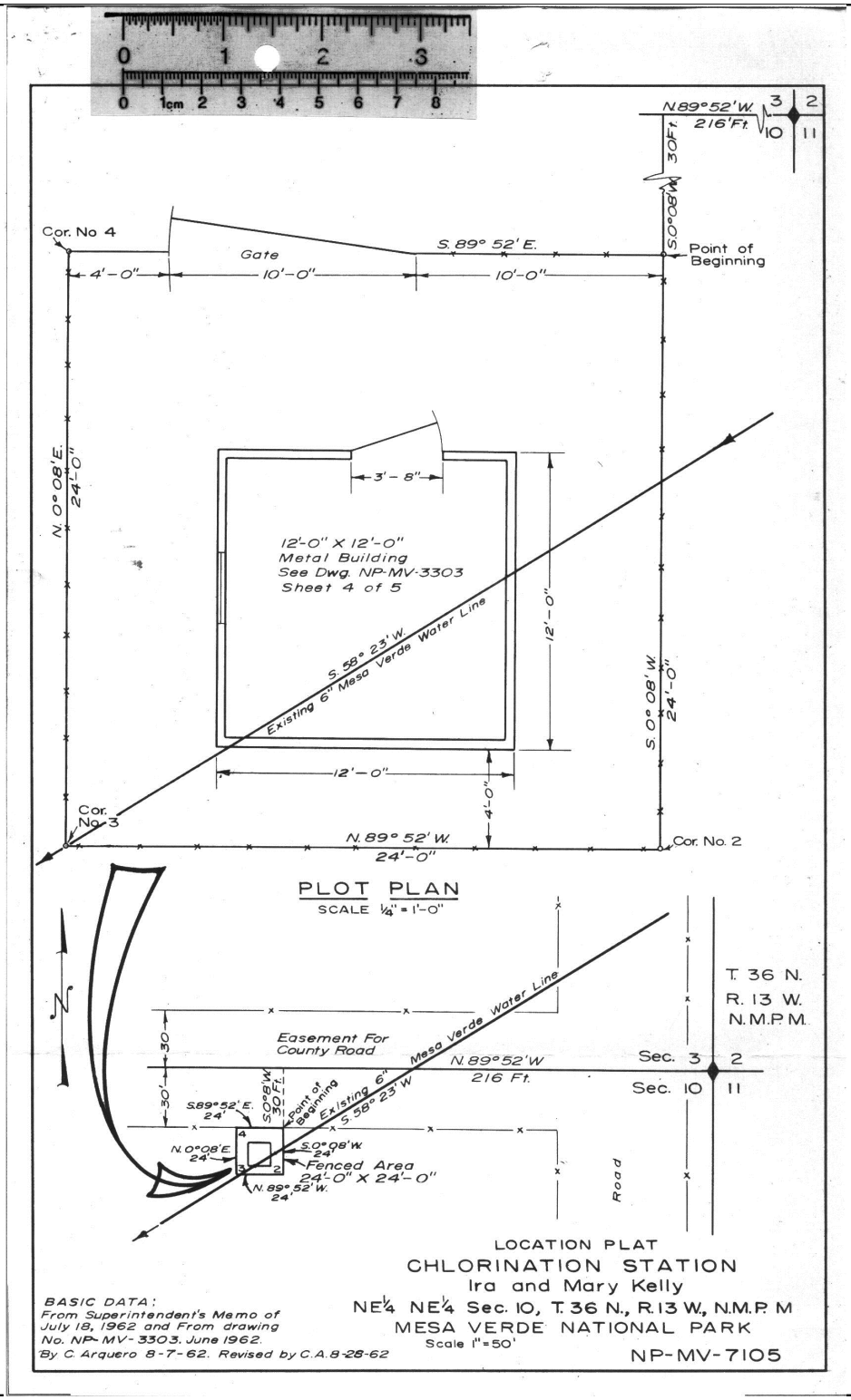
DATE 8/27/81 | DRAWN BY chb | SCALE 1"= 500' | D- 4265-1



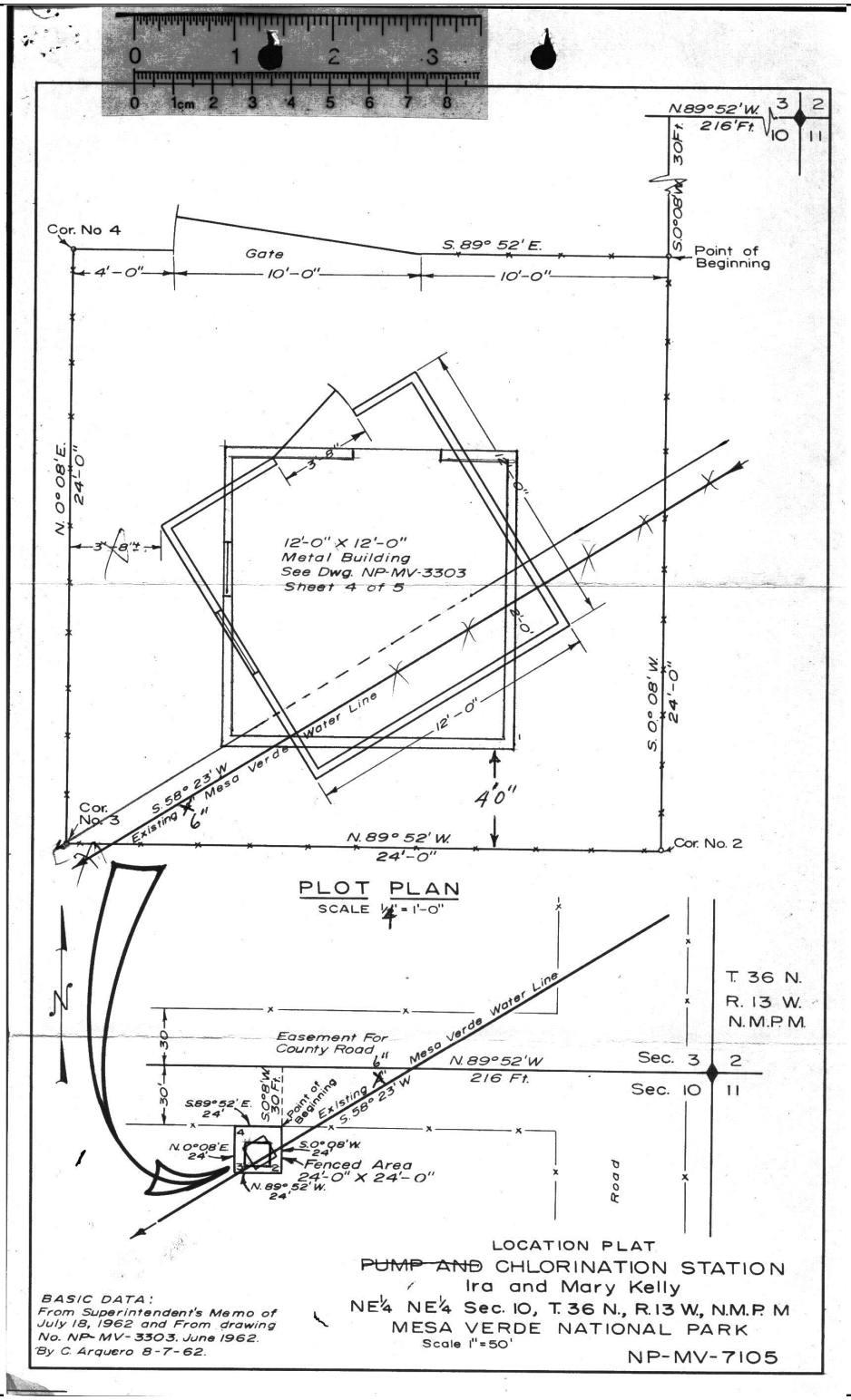
00-00-0000: plot plan: location plat chlorination station

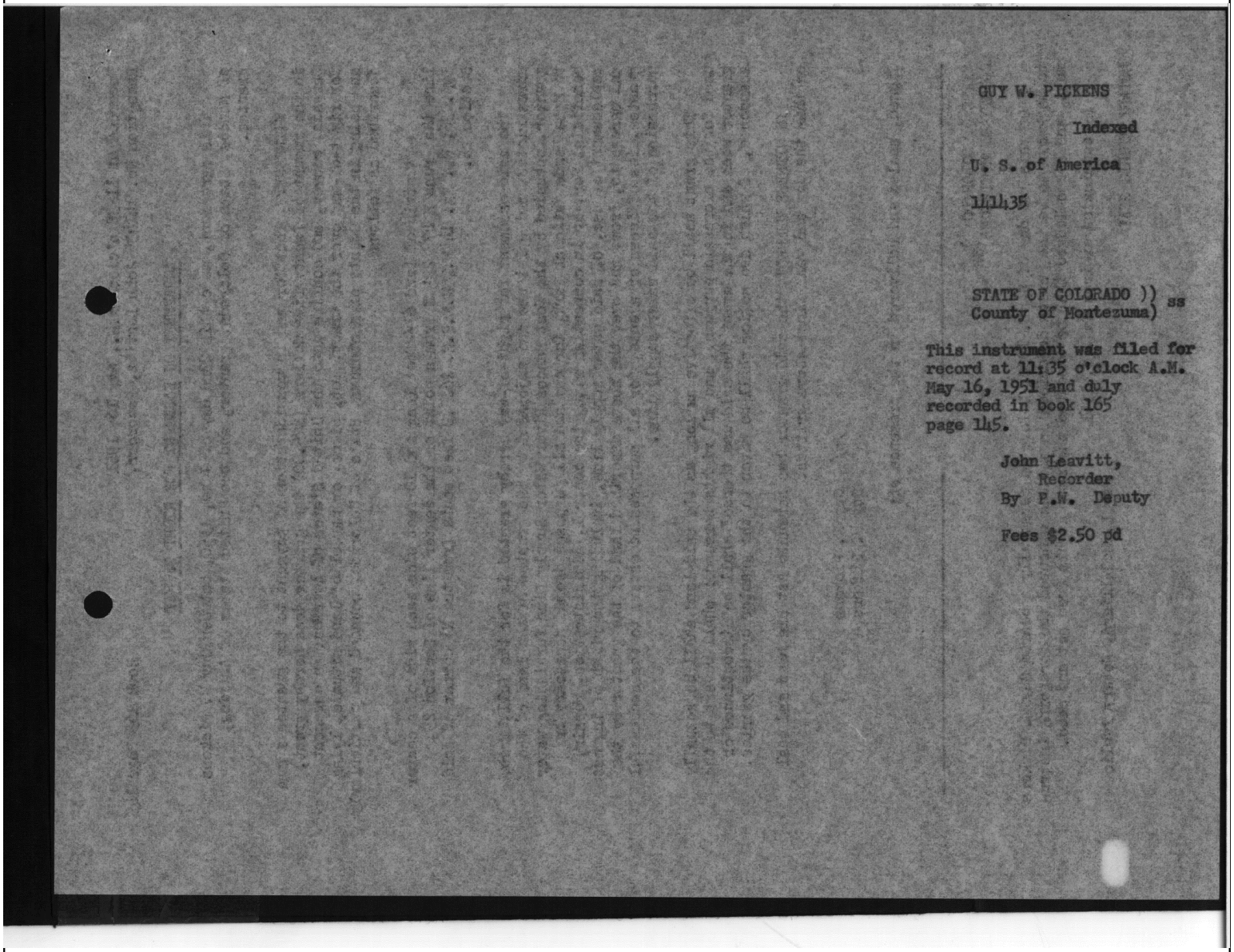


00-00-0000: plot plan: location plat chlorination station



00-00-0000: plot plan: location plat chlorination station





GUY W. PICKENS

Indexed

U. S. of America

11:11:35

STATE OF COLORADO))
County of Montezuma) ss

This instrument was filed for record at 11:35 o'clock A.M. May 16, 1951 and duly recorded in book 165 page 145.

John Leavitt,
Recorder
By P.W. Deputy

Fees $2.50 pd

00-00-0000: indexed

GUY W. PICKENS,

Indexed

U. S. of America

114435

STATE OF COLORADO))
County of Montezuma) ss

This instrument was filed for record at 11:15 o'clock A.M. May 16, 1951 and duly recorded in book 165 page 145.

John Leavitt,
Recorder
By: P.W. Deputy

Fees $2.50 pd

00-00-0000: abstract of title

STATE OF COLORADO, }
County of Montezuma } ss.

THE MONTEZUMA REALTY AND ABSTRACT COMPANY, a duly bonded and licensed abstractor, operating under certificate of authority granted by the State of Colorado, whose bond is in force at the date of this certificate, hereby certifies that the foregoing -26- sealed entries numbered -1- to -26- inclusive, are a true and correct Original Abstract of Title, showing all instruments filed or recorded in the office of the Recorder of the County of Montezuma, State of Colorado, from Beginning of history of said County to November 15, 1947 at 5:00 P.M., affecting the title to the following described real estate situated in said County: One hundred and sixty-seven thousandths (0.167) of a cubic foot of water per second of time of Priority No. 1 in the Giles Ditch on the East fork of the Rio Mancos, in Water District No. 34, in the County of Montezuma, and State of Colorado, as said Priority No. 1 was decreed to the Giles Ditch by Decree of the District Court entered of record at the April Term, A.D. 1893, thereof, In the Matter of the Adjudication of Priorities of Water Rights to the Use of Water for Irrigation in Water District No. 34.

This Abstract of Title is made for the use and benefit of the United States Government.

Without limiting the foregoing coverage, this Certificate includes a search of the records in said office for patents, deeds, deeds of trust, leases, mortgages, satisfactions and releases of mortgages and deeds of trust, transcripts of judgments from State and Federal Courts, Federal Tax liens, foreign judgments, mechanics' and materialmen's liens, attachments, suits pending, lis pendens, probate and special proceedings, executions, tax sales, assignments and redemptions therefrom as well as other instruments so filed or recorded; and that none of the foregoing appear of record in said office, except as shown in this abstract;

This Certificate DOES NOT INCLUDE:

(1) Rights of ways for public highways not conveyed by deed.

(2) Maps, statements and filings pertaining to highways, roads, ditches and reservoirs wherein the descriptions are insufficient to identify the land affected.

(3) Chattel liens affecting crops, equipment, attachments and fixtures.

THE MONTEZUMA REALTY & ABSTRACT COMPANY

For identification purposes, this is

By [signature]

Abstract No. M 47359 Manager.

3

5

WILLIAM A. MENEFEE AND
SARAH A. MENEFEE

TO

PUBLIC TRUSTEE FOR THE
USE OF JOHN J. HARRIS

-2-

4

6

Nature of Instrument	Consideration	Date of Instrument			When Filed				Where Recorded		When Acknowledged		
	$ Cts.	M	D	Y	M	D	Y	Hour	Book	Page	M	D	Y
Trust Deed	500.00	4	8	1895	4	8	1895	P.M. 5:00	21	19	4	8	1895

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

COMMISSION EXPIRES January __, 1896 (SEAL)

ACK'D. BEFORE Orville D. Pyle, J.P., Montezuma County, Colorado

Conveys: All of the SE¼ NE¼, NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. containing 80 acres, according to Government survey. Together with all improvements thereon situate. Together with all interests of parties of the first part in the Gyles Irrigating Ditch covering said lands and all other ditch and water rights thereto belonging or in anywise appertaining.

Secures: Note for $500.00 due 5 years, interest at the rate of 1% per month, payable semi-annually at the end of each and every six months or to be added to the principal and draw interest at the same rate as principal.

fixed, in the order
The Giles Ditch: Pricrity No. 1. W. A. Menefee, 2½ cu. ft. --see next page.

9

11

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO

48 185--continued

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

-5- continued

And it is further ordered, adjudged and decreed, that nothing in this decree contained, shall be taken or held to affect in any manner any question or claim of right between the respective owners or claimants in any ditch, canal or reservoir herein mentioned as between each other; or to affect in any manner any appropriation claimed to have been made by or through any ditch concerning which evidence has been offered in this matter, but after the closing of the hearing for the taking of such testimony; or to adjudge to any claimant or present or future representatives of any claim in or to any ditch concerning which evidence has been offered in this proceeding, any right to take, divert or carry by or through any such ditch any water except to be applied for the use for which the appropriation was made, or to allow any excessive use or waste of water whatsoever. And it is further ordered, that each and every party interested in or claiming any interest in any ditch or appropriation of water herein mentioned shall, upon application to the Clerk of this Court, and the payment of a reasonable fee therefor, which is hereby fixed at the sum of 15 cents per folio for matters necessarily included and the usual fee for certificate and seal, receive from said Clerk a certificate under the seal of this Court, showing the date or dates and amount or amounts of the appropriations adjudged to have been made by and through such ditch, canal or reservoir and in favor of such ditch, canal or reservoir, and by virtue of the constructions, extensions, and enlargements thereof severally, and also specifying the number of said ditch as adjudged by the date of its construction and also the priority of each appropriation under such ditch, canal or reservoir to which the same is herein adjudged to be entitled. /s/ George T. Sumner, Judge.

10

12

00-00-0000: abstract of title

MRS. SARAH A. MENEFEE

TO

JAMES L. SHEEC

Instrument	Consideration	Date of Instrument			When Filed				Where Recorded		When Acknowledged		
	$ Cts.	M	D	Y	M	D	Y	Hour	Book	Page	M	D	Y
THE MONTEZUMA REALTY & AB TRACT CO., CORTEZ, COLORADO													
Warranty Deed	3200.00	11	21	1917	12	9	1918	5:40 P.M.	60	481	11	21	1917

COMMISSION EXPIRES Dec. 23, 1919 (SEAL)

ACK'D. BEFORE S. Warner Carpenter, N.P., Montezuma County, Colo.

-7-

Conveys: The NW¼ SW¼ and W½ NE¼ SW¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. together with one-half of one cubic foot of water per second, Priority No. 1, Giles Ditch, Ric Mancos, according to decree of the District Court of said County of Montezuma, certified copy of which is of record in Book 88, page 297 and following, in the office of the County Clerk and Recorder of said Montezuma County; ALSO, the right to take and use the waste water from the irrigation of the lands of the party of the first part now owned by her which can be conveyed to the said tract and the necessary right of way for the conveyance of said water last mentioned in the Ditch as now constructed for carrying said waste water to said land hereby conveyed; ALSO, the necessary right of way in the Lee & Burke Ditch, taking water from the West Fork of the said Ric Mancos, for the conveyance of one half of one cubic foot of water per second for use upon the land hereby conveyed, provided, however, that if at any time hereafter the party of the first part, her heirs or assigns, shall tender to the party of the second part, his heirs or assigns, a warranty deed duly executed and acknowledged, conveying to said party of the second part, his heirs or assigns, clear title of record to one half of one cubic foot of water per second of time, of a priority not later than Priority No. 4, in the Lee and Burke Ditch, taking water from the West Fork of said Ric Mancos, then and in that event the party of the second part, his heirs or assigns, shall by like deed convey to said party of the first part, her heirs or assigns, clear title of record to said one half of one cubic foot of water per second of time of said Priority No. 1, provided further that nothing herein shall be taken to prevent said party of the second part, his heirs or assigns, from changing the point of diversion of the water of said last mentioned water right from the intake of said Giles Ditch to the point of intake of another ditch at any such point on said Ric Mancos or its tributaries as will allow the conveyance of the water of said last mentioned water right for the irrigation of the tract of land hereby conveyed. EXCEPT a certain deed of trust recorded in Book 46, page 264.

14

14

Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
W. A. MENEFEE TO SARAH ANN MENEFEE Cert. Copy Will		9	15	1897	8	3	1928	P.M. 2:30	94	55	Certified: 8	3	1928

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO

-9-

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE CERTIFIED BY: J. M. Brumley, Clerk County Court, Montezuma County, Colorado

Recites: This is to certify I this day bequeath all of the described property to my wife Sarah Ann Menefee to hold and to make a living out of during her natural life so long as she retains my name if she gets married again then she forfeits all right to any of the property here after described it will then be turned over to Charles Arther Menefee and Lewis Keemle Menefee jointly between the two if one of them should die the property shall all be turned to the other one, C. A. M. or L. K. M. the property is the SE¼ NE¼, NE¼ SE¼ which contains 80 acers Sec. 23 Tp. 36 Ran 13 that the house and the three barns is on also orchard. Also the land I bought of Wilky Mc Lin known as the James Davenport land which contains 240 acers all the horses branded M on right shoulder that may be on said ranch at my death also all the cattle I may own at my demise or death all the farm wagons machinery such as rakes mower ploughs harrows and all implements used on ranch shall be held and own jointly between the boys Charley and Lewis Menefee. Also the water rights to said lands the water right of No. 1 known as the Giles Ditch so much of said ditch as covers the said 80 acers or its proportionate part of cubit feet also the ditch on the McLin or Davenport ditch No. 9 also one sixth interest in the Graybeal ditch No. 29. All harness that may be owned by me at the time of my death all house hold furniture pictures organ picture frames &c &c.
/s/ W. A. Menefee. Witnesses: John Roessler and John White.
May 20, 1899. Since writing the above I W. A. Menefee has given to George W. Menefee Edward Hendrick Menefee and William M. Menefee their proportion part of all I W. A. Menefee intend to bequeath or give to each one of them in cattle which each one of them have put their respective brands (on) upon and have turned the same over to (them) each one of them respectively. /s/ W. A Menefee

15

17

or amounts of the appropriations adjuged to have been made by and through such ditch, canal or reservoir and in favor of such ditch, canal or reservoir, and by virtue of construction, extensions and enlargements thereof several and also specifying the number of said ditch as adjudged by the date of its construction, also priority of each appropriation under such ditch, canal or reservoir to which same is herein adjudged to be entitled. --continuedon next page.

20

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

104 1-270 continued

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

-11- continued

All priorities of Water Rights in the Mancos River and its Tributaries within said Water District No. 34, shall, for better convenience, and for the purpose of indentifying, separately, such priorities in said Mancos River and its tributaries, be given a second series of consecutive numbers, commencing with the first and superior priority upon such river-system as "No. 1", but shall have prefixed thereto the word "Mancos" as, for example: "Mancos-1.".

That all ditches which divert their supply of water from the Mancos River and its Tributaries included within said Water District No. 34, as now constituted, shall be numbered in one consecutive order, commencing with the first and superior priority of appropriation in its true and decreed relation to each other priority, as "Ditch No. 1-Mancos", and each such ditch (including all extensions, enlargements or laterals thereof) shall be designated by one and the same number, and the number thereof shall not be varied to correspond with the number of the priority thereby carried. That all Reservoirs in said District No. 34 shall be numbered, with respect to the stream-system from which it diverts its supply of water, in like manner as the ditches, but shall have a separate series of numbers commencing with "Reservoir 1-Mancos," etc.

Concerning each and all of the ditches, canals, pipelines, reservoirs and other structures, and priorities, claiming, taking or using water for irrigation purposes in said Water District No. 34, herein adjuiic ted upon and awarded priorities in this decree, and subject to the general findings and provisions hereinabove found and decreed.

SCHEDULE "A" of PRIORITIES OF WATER RIGHTS FOR IRRIGATION IN WATER DISTRICT No. 34 of Colorado. 1933 Decree.

Priority No. 1. Stream Priority M-1, Number in former Decrees,-1; Date of Priority, July 1, 1874; 2.5 cu. ft. per second: 150 acres irrigated; Number of Ditch+ 1-Mancos.

Name of Ditch-GILES. Name of Claimant, W. A. Menefee; Stream and remarks: Mancos R. Ditch #1 1893 decree.

21

24

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO					
Cert.Copy			P.M.	115210	Certified:
Will		12 5 1927	10 2 1945	4:00 F11 55	10 2 1945

SARAH A. MENEFEE

TO

GEORGE W. MENEFEE, ET AL

COMMISSION EXPIRES (SEAL)

CERTIFIED BY: Anna Patten, Clerk Cc. Court, Montezuma Co., Colorado

ACK'D. BEFORE

-14-

Recites: I, Sarah A. Menefee, a widow, of Mancos, County of Montezuma and State of Colorado, make this my last will. I give, devise, bequeath my estate and property, real and personal, as follows: that is to say: To my son, George W. Menefee, a life lease to the land now occupied by him, being the N½ NE¼, NE¼ NW¼ Section 23, Tp. 36 North, Range 13 West, containing 120 acres more or less, with ½ cubic feet of water in the Menefee Ditch, priority No. 1, and 3/4 cubic feet of water in the Davenport ditch priority No. 10, with the understanding that he is to pay all taxes and keep in repair all improvements on the said land and at his death the said property shall be given to his children for their sole use and benefit, provided they shall be of legal age, if not of legal age then a guardian shall be appointed to care for their interests until they become of age, and it is my wish that Charles or Lewis Menefee be appointed as such guardian. Alice Menefee, wife of George W. Menefee, may be allowed to live on this property until her death or until she shall marry again. It is my wish that Andrew, son of George W. and Alice Menefee, be given the land where they live, with the improvements, and Frances E., daughter of George W. and Alice Menefee, be given the other half of the land, provided there are no other children to share in the property. To my son William M. Menefee, a life estate to the land now occupied by him, being the SW¼ NE¼, S½ NW¼ Section 23, Township 36 N., Range 13 W. N.M.P.M., with ½ cu. feet of water from the Menefee ditch, priority No. 1 and 3/4 cu. feet of water from the Davenport ditch priority No. 10, with the understanding that all taxes must be kept paid and all improvements on the said property be kept in good repair and at his death the said property is to be given to his children, 1/3 to his daughter Hazel and 2/3 to his son William Chester, by his wife Ellen Sitzer, provided he has no other children to share in the property. To my son; Edward B. Menefee a life lease to NW¼ SW¼ and S½ NE¼ SW¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. and 1/2 cu. feet of water from Menefee ditch, priority No. 1 and at his death to be given to his son Frank Herman. To my son Lewis E. Menefee, a life lease on the home place being the NE¼ NE¼ and NW¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. with one cubic foot of water in the Menefee ditch, priority No. 1 and 1/6 cu. ft. each in

25

pricrities Nc. 20 and Nc. 29, with the understanding that he is to keep all taxes paid and all imprcvements in gccd repair at his death the prcperty is to be given tc his children, Lecna Menefee and Clarence Menefee. Tc my scn Charles A. Menefee, a life lease tc the land knccwn as the James Davenpcrt place being the W½ SW¼ Section 13 and SE¼ Section 14, Tcwnship 36 Ncrth, Range 13 West, N.M.P.M. with cne cubic fcct cf water frcm Pricrity Nc. 9 knccwn as the Davenpcrt Ditch, with the understanding that he is tc keep all taxes paid and all imprcvements in gccd repair and at his death tc be given tc his children. All cther prcperty cf which I may die pcssessed is tc be divided equally between my scns, Gecrge, William, Edward, Lewis and Charles after paying all my just debts and funeral expenses. It is my wish tc have the lands as given tc my scns, under a life lease, held in trust and imprcved fcr the benefit cf their children. Phyllis, wife cf Charles A. Menefee, may be allcwed tc live cn the land cccupied by them during her life time cr until she marries again. If my scn Lewis dies befcre his children are cf legal age it is my wish that his brcther Charles A. Menefee be appcinted as guardian fcr his children and that nc member cr relative cf the family cf his wife be appcinted as such guardian. If the child cr children cf either Gecrge, William cr Edward Menefee die befcre ccming tc legal age then the prcperty tc be inherited by such child cr children is tc be given equally tc the child cr children cf the cther brcther cr brcthers. If the child cr children cf my scns Lewis cr Charles die befcre ccming tc legal age then the prcperty tc be inherited by such child cr children shall be given tc the children cf the cther brcther. Tc my daughter-in-law, Mabel, wife cf my scn Edward, I give the sum cf $25.00. I appcint Edward E. Humistcn cf Mancos, Cclcradc, executcr cf this my last will and crder him tc carry cut and fulfill the ccnditicns herein. Signed July 20, 1922 by Sarah A. Menefee.

Witnesses: James M. Brcwn, John L. Martin and Ray O. Smalley.

CODICIL TO MY LAST WILL AND TESTAMENT. I, Sarah A. Menefee, a widcw, cf Mancos, Ccunty cf Mcntezuma and State cf Cclcradc, dc make this ccdicil tc my last will and testament by me made and executed cn July 20, 1922. 1. I dc hereby revcke that prcvisicn cf my said will wherein it is prcvided that Phyllis, wife cf Charles A. Menefee, may be allcwed tc live cn the land cccupied by them during her lifetime cr until she marries again. 2. I dc hereby revcke that prcvisicn cf my said will wherein I appcint Edward E. Humistcn executcr cf said will. 3. In additicn tc the devises and be pests in said will contained, I dc hereby bequeath the sum cf $25.00 tc thcse perscns whc may be the wives cf my scns, Gecrge, William, Lewis, and Charles, each respectively, at the time cf my decease. Dated Dec. 5, 1927.
/s/ Sarah A. Menefee, Witnesses: James M. Brcwn, Gec. H. Wheeler, J. L. Martin. --next page

26

the sum of $25.00 to those persons who may be the wives of my sons, George, William, Lewis, and Charles, each respectively at the time of my decease. Dated Dec. 5, 1927. /s/ Sarah A. Menefee, Witnesses: James M. Brown, Geo. H. Wheeler, J. L. Martin. --next page

26

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y

THE MONTEZUMA REALTY & ABSTRACT CO. CORTEZ, COLORADO

File 55-continued

-14- continued

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

CODICIL OF LAST WILL AND TESTAMENT OF SARAH A. MENEFEE.

I, Sarah A. Menefee, a widow, of Town of Manecos, County of Montezuma, State of Colorado do make this codicil to my last will and Testament, by me made and executed, on the 15th day of March, A.D. 1933. In addition to the several devises and bequests, said will contained. 1st. I hereby bequeath any note or mortgages, that I may hold at the time of my death, against Frank N. Menefee, to his father Edward H. Menefee, together with 1/2 cubic feet of water per second of time, in the Giles Ditch, priority No. 1. In addition to my former bequests to him. 2nd. On the death of George Menefee, I give to his daughter, Carrie Menefee Barr, the 40 acres now occupied by George Menefee as a home. With all improvements on said 40 acres. 3rd. If any of my sons are dissatisfied, with the terms of said will and testament, and should hire a lawyer, to break said will, he shall forfeit any bequest I shall have made him, and said bequest shall be devided equally among his children. I hereby bequeath to the son who shall try to break said will, the sum of $25.00, and that is all he can get from my estate. 4th. I hereby appoint Hugh Weston as Executor of this my last will and testament, and order him to carry out and fulfill the conditions of same.

In witness hereof I the above named Testatrix have hereunto set my hand and seal this 15th day of March A.D. 1933. /s/ Sarah A. Menefee. Witnesses: Jas. M. Brown, Geo. H. Wheeler & J. L. Martin.

27

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
Inh. Tax Waiver	1.00	8 23 1937	10 2 1945 4:02 P.M.	File 55	Certified: 10 2 1945

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO

INHERITANCE TAX COMMISSIONER

TO

ESTATE OF SARAH A. MENEFEE, DECEASED

-15-

COMMISSION EXPIRES (SEAL)

CERTIFIED BY: Anna Patten, Clerk Co. Court, Montezuma Co., Colorado

ACK'D. BEFORE

Recites: The Inheritance Tax Commissioner upon investigation, in the matter of an inheritance tax in the above entitled estate, finds as follows: That the decedent died testate, on the 30th day of Nov.,A.D. 1936, a resident of Mancos, in the State of Colorado, leaving the following property subject to taxation under the inheritance Tax Law of the State of Colorado;

Description of Property and valuation: N½NE¼, NE¼ NW¼ Section 23, Township 36 North, Range 13 west, 120 acres, more or less, with 1/4 cu. ft. of water in Menefee Ditch, Priority No. 1 and 3/4 cu. ft. of water in Davenport Ditch Priority No. 10, $2970.00; SW¼ NE¼, S½ NW¼ Section 23, Township 36 North, Range 13 west, N.M.P.M. with 1/4 cu. ft. of water from Menefee Ditch, Priority No. 1 and 3/4 cu. ft. of water from Davenport Ditch Priority No. 10, $1335.00; NW¼ SE¼, E½ of NE¼ SW¼ Section 23, Township 36 North, Range 13 west, N.M.P.M. and 1/2 cu. ft. of water from Menefee Ditch Priorit No. 1 $895.00; W½ SW¼ Section 13 and SW¼ (SE¼) Section 14, Township 36 north, Range 13 west, N.M.P.M. with 1 cu. ft. of water fro Priority No. 9, Davenport Ditch, $2275.00; Lots 1, 2, 3, 4, Block 11, Lemmons Townsite Mancos, $370.00; East 40 ft. Lot 3 and West 25 ft. Lot 2, Block 6, Bauer's Subdivision in the Town of Mancos, $565.00; Note Milton Roberts $45.00. Total value of estate is $8455.00; That the claims and deductions allowed amount to $1268.76; th t the net value of the estate if $7186.24; That the cash value of all estates, annuities, life estates and terms of years, the tax to which the same are liable, and the parties to whom the property passes is as follows: George W. Menefee, son, $2970.00, life estate; William M. Menefee, son, $1335.00, life estate; Edward H. Menefee, $895.00, life estate; Charles A. Menefee, Son, $1986.24, life estate; Fees for issuance of waiver $1.00. That the Inheritance Tax Commissioner, upon such investigation, is satisfied that all fees for examination, and issuance of waiver have been paid to the State Treasurer and that the transfer of the property of the deceased (except as to property subsequently found to belong to the estate) is not liable to taxation, and that no interest in the above described property received by any beneficiary of said estate is taxable under the Inheritance Tax Laws of this St te. The State therefore

28

17

29

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
COUNTY COURT OF MONTEZUMA COUNTY TO ESTATE OF W. A. MENEFEE, DECEASED Probate of Will		12 29 1902	12 19 1945 3:40 P.M.	126 68	Certified: 12 14 1945

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLORADO

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

CERTIFIED BY: Anna Patten, Clerk Co. Court, Montezuma Co., Colorado

-16-

IN THE MATTER OF THE ESTATE OF W. A. MENEFEE, DECEASED.

Recites: Now on this 29th day of December A.D. 1902, at the hour of 2 o'clock P.M. the above matter comes on in open Court upon the matter of the Probate of the last will and testament of W. A. Menefee, deceased, and it appears to the Court from the record and the papers on file in said matter, that citation were duly issued under the seal of said Court to Sarah A. Menefee, widow of said decedent, and George W. Menefee, Edward H. Menefee, William M. Menefee, Charles A. Menefee and Louis K. Menefee the heirs at law of said decedent, also that citation was duly issued under the seal of said Court to J. F. Giles who was heretofore appointed guardian ad litem for Louis K. Menefee minor heir at law of said decedent. And that said citations have been duly served upon all of said persons as provided by law, and proof of service thereof have been filed in this Court; And it further appearing to the satisfaction of the Court from the affidavit of Sarah Ann Menefee on file herein, that said W. A. Menefee departed this life at his residence near Mancos, Montezuma County, Colorado, on or about the 9th day of November A.D. 1902, and was at the time of his decease a resident of said County; and that decedent left a paper purporting to be his last will and testament which was presented for probate by Sarah Ann Menefee on November 29th 1902. And it further appearing from said instrument of writing that John Roessler and John White were subscribing witnesses thereto, and that summons was issued out of said Court December 6, 1902 to John Roessler and John White said subscribing witnesses, said summons being returned duly served and on file herein, and the said subscribing witnesses now appearing in open Court, and the hearing on the probate thereof set for this day; the Court thereupon proceeded to hear the testimony of the subscribing witnesses. The testimony of John Roessler as subscribing witness to said will also that of John White was reduced to writing and signed by the said subscribing witnesses under oath as provided by law and duly filed with the papers in this matter, and attached to said Last will and testament, and made a part of the records of this Court and of

28

30

00-00-0000: abstract of title

31

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Admitting Will to Probate		5	20	1937	12	19	1943	3:42 P.M.	125	69	12	14	1945

THE MONTEZUMA REALTY & ABSTRACT CO. CORTEZ, COLORADO

Certified:

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

Anna Patten, Clerk Cc. Court, Montezuma Co., Colorado

COUNTY COURT,
MONTEZUMA COUNTY, COLO.

IN THE MATTER OF THE ESTATE OF SARAH A. MENEFEE, DECEASED.

ESTATE OF SARAH A.
MENEFEE, DECEASED

-17-

Recites: And now on this day, pursuant to order heretofore made in this matter, comes on for hearing the probate of an instrument in writing, heretofore filed in this Court, purporting to be the last will and Testament of Sarah A. Menefee, deceased. And it appearing to the Court from the verified petition filed herein, that said Sarah A. Menefee, late of the County of Montezuma and State of Colorado, departed this life on or about the 30th day of November, 1937, leaving said instrument in writing as and for her Last Will and Testament and leaving as her heirs at law, devisees and legatees under said will, the following to-wit: George W. Menefee; William A. Menefee; Edward Menefee; Lewis E. Menefee; Charles A. Menefee; Blanche Menefee; Clara Nelson; Sadie A. Menefee; Mabel Menefee; Princess Carrie Barr (Also known As Carrie Menefee Barr); Hazel E. Pope; William Chester Menefee, Frank Herman Menefee; Clarence Menefee, Aleen Menefee Saunders; Eden T. Menefee; and Charles C. Menefee. And it further appearing to the Court from the records and files herein, that citation to the heirs at law and devisees and legatees under said Last Will and Testament was duly issued from this Court and service made upon said heirs and notices sent to devisees and legatees within the time and in the manner required by law, of the time and place of the hearing hereof, and that John Veach, Guardian ad Litem for William Chester Menefee, Eden T. Menefee and Charles C. Menefee, minors, was present in Court and required proof as to the execution of said will; And it further appearing from the testimony of James A. Brown and John L. Martin, subscribing witnesses to said will, who appeared and testified in open court, that they were present at the execution of said last will and Testament of said Sarah A. Menefee, deceased and saw and heard the said Sarah A. Menefee, deceased, sign said will and testament and acknowledge the same to and for her last will and testament and they, at her request, and in her presence, and in the presence of each other, on the date of the execution thereof of said will and codicils, subscribed their names to said will and codicils as attesting witnesses

32

theretc, and that they believed the said Sarah A. Menefee tc be cf scund mind and memcry, and under nc restraint. And the Court being ncw sufficiently advised in the premises- It is Ordered and Decreed, that the aforesaid prccfs be filed, and that said Will be and same hereby is duly admitted tc prcbate as and fcr the last Will and Testament cf Sarah A. Menefee, deceased, and that the same be entered cf reccrd. It is further crdered, that upcn taking the cath as administratcr with will annexed and giving bcnd as required by law, that Letters Testamentary with Will annexed issue tc Lewis K. Menefee, and that the same be filed fcr reccrd. /s/ J. M. Brumley, Judge.

33

33

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Cert. of death		9	9	1931	12	19	1945	3:43 P.M.	126	70			

BUREAU OF VITAL STATISTICS, STATE OF UTAH

TO

CRYSTAL LECNE MENEFEE

-18-

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

COMMISSION EXPIRES (SEAL)

ACK'D. BEFORE

Recites: Place of Death, Salt Lake County, City of Salt Lake, Enroute to emergency Hospital. Full name: Crystal Lecne Menefee. Date of birth, July 10, 1910. Parents: Father- Luis K. Menefee; Mother-(maiden name) Maudie Kramer. Date of death, Sept. 27, 1931. /s/ J. J. Galligan, M.D.

34

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
LEWIS K. MENEFEE TO WHOM IT MAY CONCERN			THE MONTEZUMA REALTY & ABSTRACT CO. CORTEZ, COLO. A.M.		
Affidavit			1 11 1946 10:35	126 133	12 19 1945

COMMISSION EXPIRES Not given (SEAL)

ACK'D. BEFORE George R. Armstrong, N.P., Montezuma County, Colorado

-19-

Recites: Lewis K. Menefee, being first duly sworn upon oath deposes and says: that he is the son of Sarah A. Menefee, whose will is recorded in File 25 of the records of Montezuma County, State of Colorado, in the office of the Clerk and Recorder of Montezuma County, Colorado, That he is the father of one Lecna Menefee now deceased, as mentioned in said will and the father of Chrystal Lecne Menefee which is recorded in Book 12[illegible], page 70 of the books and records of Montezuma County, Colorado; that he knows of his own knowledge that Chrystal Lecne Menefee and Lecna Menefee are one and the same person; that he was the father of said Chrystal Lecne Menefee, now deceased, having passed away September 27,1931, Salt Lake City, State of Utah; and that the date of her death was prior to the death of Sarah A. Menefee, your affiant's mother, who passed away Nov. 30, 1936. Further then this the affiant sayeth not. /s/ Lewis K. Menefee.

35

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
LEWIS K. MENEFEE AND CLARENCE MENEFEE													
Warranty Deed	10.00 & other	12	15	1945	5	20	1946	11:35 A.M.	123	200	12	15	1945

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

TO

G. I. PERKINS

-20-

COMMISSION EXPIRES August 23, 1948 (SEAL)

ACK'D. BEFORE George R. Armstrong, N.P., Montezuma County, Colorado

Conveys: SE¼ NE¼ and NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M., together with one cubic foot of water in the Giles Ditch, priority No. 1, and 1/6 cubic foot of water in the Giles Ditch priority No. 20, and 1/6 cubic foot of water in the Graybeal Ditch, priority No. 29. (I.R. $5.50)

36

G. I. PERKINS

TO

LEE C. REDDERT AND
RUTH REDDERT

-21-

Nature of Instrument	Consideration $	Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
Warranty Deed to J.T.	1.00 & other		5	18	1946	5	20	1946	11:37 A.M.	124	261	5	18	1946

THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.

COMMISSION EXPIRES August 23, 1946 (SEAL)

ACK'D. BEFORE George R. Armstrong, N.P., Montezuma County, Colorado

Conveys: SE¼ NE¼ and the NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M., together with one cubic foot of water in the Giles Ditch, pricrity No. 1, and 1/6 cubic foot of water in the Giles Ditch pricrity No. 20 and 1/6 cubic foot of water in the Graybeal Ditch; pricrity No. 29, together with all ditch and ditch rights, water and water rights used in connection therewith. (I.R.: $5.90)

37

Nature of Instrument	Consideration $ Cts.	Date of Instrument M D Y	When Filed M D Y Hour	Where Recorded Book Page	When Acknowledged M D Y
GEORGE W. MENEFEE, CHARLES A. MENEFEE & WILLIAM M. MENEFEE TO G. I. PERKINS	THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO. Quit Claim Deed 1.00 5 18 1946		5 22 1946 P.M. 3:30	125 142	5 18 1946

COMMISSION EXPIRES July 22, 1948 (SEAL)

ACK'D. BEFORE C. Roy Beers, N.P., Montezuma County, Colorado

Conveys: SE¼ NE¼ and NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. containing 80 acres and one cubic foot of water in the Giles Ditch, priority No. 1, and 1/6 cubic foot of water priority No. 20 and 1/6 cubic foot of water Priority No. 29, together all ditch and ditch rights, water and water rights in connection therewith. Correction deed, no revenue.

-22-

37

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
					THE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.								
Quit Claim Deed	1.00	6	1	1946	6	5	1946	P.M. 3:10	125	151	6	1	1946

EDWARD H. MENEFEE

TO

G. I. PERKINS

-23-

COMMISSION EXPIRES November 9, 1948 (SEAL)

ACK'D. BEFORE John T. Hardy, N.P., Franklin County, Ohio

Conveys: SE¼ NE¼ and NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. containing 80 acres and one cubic foot of water in the Giles Ditch, Priority No. 1 and 1/6 cubic foot of water, Priority No. 20 and 1/6 cubic foot of water Priority No. 29, together with all ditch and ditch rights, water and water rights in connection therewith.

39

Nature of Instrument	Consideration	Date of Instrument			When Filed				Where Recorded		When Acknowledged		
	$ Cts.	M	D	Y	M	D	Y	Hour	Book	Page	M	D	Y
Warranty Deed to J.T.	10.00 & other	6	26	1946	6	29	1946	11:10 A.M.	124	28	6	26	1946

LEE O. REDDERT AND RUTH REDDERT (Signed: RUTH M. REDDERT)

TO

FRED E. REDDERT AND LOTTIE W. REDDERT

-24-

THE MONTEZUMA REALTY & ABSTRACT CO, CORTEZ, COLO.

COMMISSION EXPIRES August 23, 1948 (SEAL)

ACK'D. BEFORE George R. Armstrong, N.P., Montezuma County, Colorado

Conveys: SE¼ NE¼ & NE¼ SE¼ Section 23, Township 36 North, Range 13 West, N.M.P.M. together with one cubic feet of water in the Giles Ditch priority No. 1 and 1/6 cubic feet of water in the Giles Ditch priority No. 20 and 1/6 cubic feet of water in the Graybeal Ditch, priority No. 29, together with all ditch and ditch rights, water and water rights used in connection therewith. (No revenue)

40

Nature of Instrument	Consideration $ Cts.	Date of Instrument M	D	Y	When Filed M	D	Y	Hour	Where Recorded Book	Page	When Acknowledged M	D	Y
		FILE MONTEZUMA REALTY & ABSTRACT CO., CORTEZ, COLO.											
Satis. of Judgment		8	20	1940	7	24	1946	4:05 P.M.	126	249	8	20	1940

THE FEDERAL LAND BANK OF WICHITA, BY C. B. KURT, VICE PRES; ATTEST: J. A. CAREICO, ASS'T. SEC'Y. (CORP. SEAL)

TO

BLANCHE MELUGIN, FORMERLY KNOWN AS BLANCHE REDDERT, FREDERICK E. REDDERT, DAVID HALLS, LEON D. HALLS, THE MANCOS NATIONAL FARM LOAN ASSOCIATION, A CORP. OF MANCOS, DEFENDANTS

COMMISSION EXPIRES November 23, 1940 (SEAL)

ACK'D. BEFORE Bethry Porter, N.P., Sedgwick County, Kansas

Recites: WHEREAS, after making application and distribution of the proceeds arising from the sheriff's sale held on the 24 day of September, 1932, pursuant to the judgment entered in the above entitled action on the 3 day of June, 1932, there remained due, unpaid and owing to the plaintiff upon said judgment the sum of $2605.51, together with interest thereon at the rate of 8% per annum. WHEREAS, said judgment, together with all interest accrued thereon, is the property of and is now owned and held by the undersigned; NOW, THEREFORE, the undersigned, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, for and in consideration of the sum of $1.00 and other valuable consideration to it in hand paid, has released

and discharged, and does by these presents satisfy, release and discharge the said judgment of record; and the Clerk of the above named Court is hereby authorized, empowered and directed to enter full and complete satisfaction of the said judgment upon the books and records in said office.

/s/ THE FEDERAL LAND BANK OF WICHITA, Wichita, Kansas, a corporation, by C. R. Kurt, Vice Pres.

Attest: J. A. Carrico, Ass't. Sec'y. (Corp. Seal)

Judgment and
Current and

Judgment and Current and Delinquent Taxes

	$	Cts.	M	D	Y	M	D	Y	Hour	Book	Page	M	D	Y

JUDGMENTS Docketed in any court of record in Montezuma County, Colorado, against the name of any grantee of record herein within the period of this search but not exceeding six years and not including contract holders.

None except as hereinbefore abstracted.

TAXES as shown by the current roll and delinquent list:

No levy against the water rights specifically. All taxes on the land on which the water is used have been paid to and including 1946 taxes.

01-31-1950: letter to recognize owner of parcel of land

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

January 31, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT,
MESA VERDE NATIONAL PARK
COLORADO

02-01-1950: letter to the owner of land from nps regarding transferred ownership and title of the lands

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT,
MESA VERDE NATIONAL PARK
COLORADO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK, COLORADO

February 1, 1950

TO WHOM IT MAY CONCERN:

Montezuma County records, checked a few months ago, show that you are the owner, or owners, of the parcel, or parcels, of lands as shown on the attached plats. We realize the possibility that you have transferred ownership and title to part, or all, of the lands indicated on the plats and over which the Mesa Verde water supply line right-of-way has been surveyed. If such changes in land ownership have occurred, we would greatly appreciate your giving us the names and addresses of the new owners and returning this information to us, together with the enclosed land plat or plats.

THE SUPERINTENDENT,
MESA VERDE NATIONAL PARK
COLORADO

05-25-1977: statement of receipt

RECEIVED
MAY 25 8 34 AM '77
NATIONAL PARK SERVICE
DENVER, COLORADO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
10-114
(June 1950)
(Revised)

COPY

(1/21/55)

REVOCABLE SPECIAL USE PERMIT

No. 14-10-322-9

Year, 19 54
Previous Permit No.
I-22 NP-95

Mesa Verde Enterprises, Inc., of Point Lookout, Colorado, is hereby authorized during the period from January 1, 19 55, to December 31, 19 59, to use the following-described land in the above-named area:

To connect, maintain and obtain water from the water system serving Mesa Verde National Park. This authorization covers one connection for a one (1) inch pipe line as now in existence and shown on Drawing No. NP-MV-5333-B attached hereto and made a part of this permit.

for the purpose of a water supply to serve the Mesa Verde Enterprises, Incorporated property at the site of the former Point Lookout Lodge.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of Ten and no/100 dollars ($ 10.00), in advance, annually or as follows: plus the rate for water as determined by paragraph 21 hereof from August 15, 1954 to December 31, 1954 and thereafter, payment to be made to the Superintendent by express or postal money order, certified check, or draft payable to Treasurer, United States.

Signed at Mesa Verde National Park, this 21 day of January, 19 55

(Signed)
O. W. Carlson *Superintendent.*

The undersigned hereby accepts this revocable permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

/s/ Mrs. Ralph P. Cadwell
Address 3060 Clermont, Denver 7, Colo.

/s/ Laurel E. Hall
Address 2811 Kearney St., Denver 7, Colo.

Mesa Verde Enterprises, Incorporated

*By (Signed)
Ansel F. Hall, President
Address Point Lookout, via Mancos, Colo.

Address

APPROVED: Regional Director, Region ____, National Park Service.

Date

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Superintendent's files)

16—35968-2

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the area.

2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

3. The United States reserves the right to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

4. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

5. Permittee shall dispose of brush and other refuse as required by the Superintendent.

6. Permittee shall pay the United States for any damage resulting from this use.

7. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.

8. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.

9. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

10. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

11. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided*, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

12. All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

13. Permittee shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

14. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

U. S. GOVERNMENT PRINTING OFFICE 16—35068-2

06-20-1955: statement of receipt

I, June A. Hall, certify that I am the acting Secretary of the corporation named as Permittee herein; that Ansel F. Hall who signed this Permit #14-10-322-9 on behalf of the Permittee, was then President of said corporation; that said permit was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

/s/ June A. Hall

June A. Hall

Acting Secretary (SEAL)



WR Copy

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL PARK SERVICE AND THE BUREAU OF RECLAMATION
RELATING TO THE USE OF WATER FROM JACKSON GULCH RESERVOIR
FOR MESA VERDE NATIONAL PARK

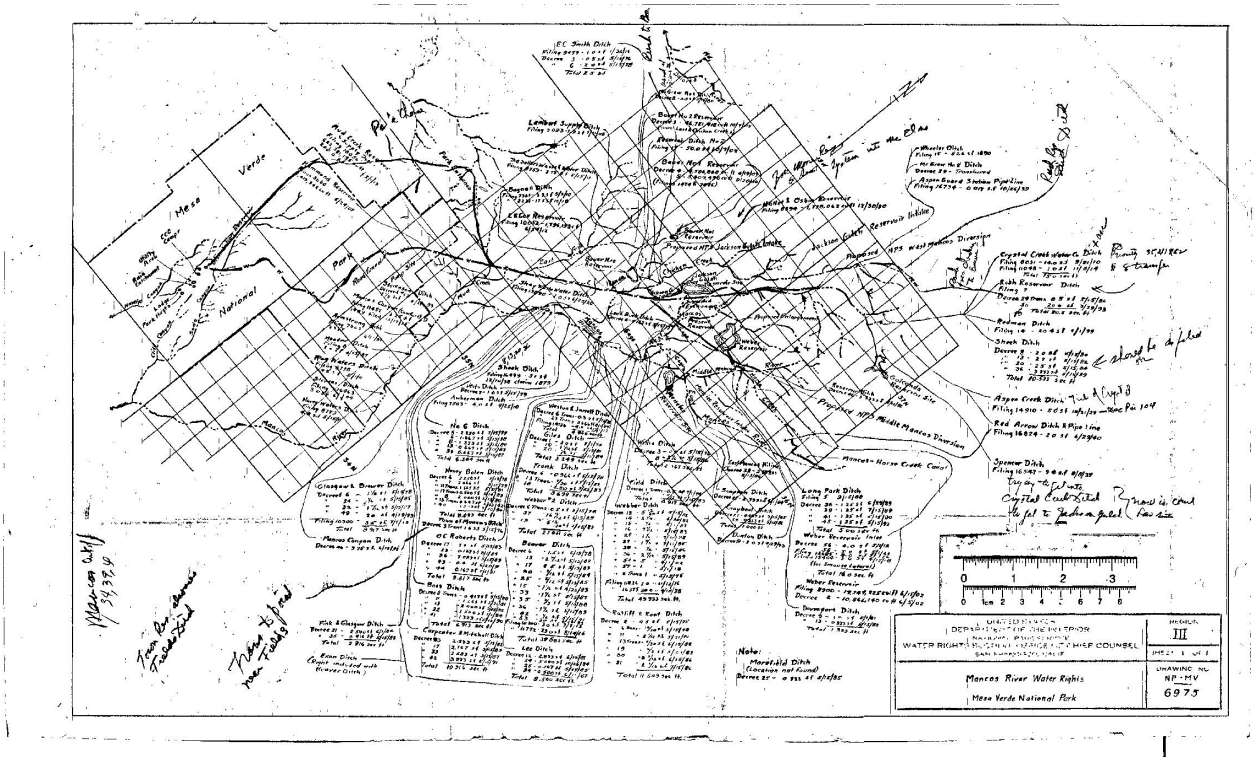
It is agreed by and between the NATIONAL PARK SERVICE, hereinafter referred to as the Service, and the BUREAU OF RECLAMATION, hereinafter referred to as the Bureau:

1. Jackson Gulch Reservoir water in quantities not exceeding 120 acre-feet annually reserved by the United States for use of the Service in connection with Mesa Verde National Park by Article 16 of the contract between the United States of America and the Mancos Water Conservancy District, dated July 20, 1942, shall be released by the Bureau into the West Mancos River to the extent necessary to replace water diverted by the Service from such river into the West Mancos Water Supply System. Such water releases from Jackson Gulch Reservoir shall be made as nearly simultaneously with diversions by the Service as shall be practicable.

2. The Service shall be permitted at its option to take from the outlet of Jackson Gulch Reservoir such part of the 120 acre-feet as shall not have been theretofore released into the West Mancos River as provided in Article 1 hereof. The plans for the pipeline from such outlet to the West Mancos Water Supply System shall be approved by the Regional Director, Region 4, of the Bureau.

3. All water diverted by the Service from the West Mancos River shall be measured by and at the expense of the Service, and

00-00-0000: map of the mancos river water rights


Mesa Verde National Park
Park Headquarters
Chapin Mesa
Wetherill Mesa
Far View
Morefield Campground
Knife Edge
Prater Ridge
Point Lookout
Mancos River
Spruce Tree Trail
Cliff Palace
Balcony House
Square Tower House
Long House
Step House
Fewkes Canyon
Soda Canyon
Rock Canyon
Navajo Canyon
Wetherill Mesa Road
Mesa Verde Visitor & Nature Center
Far View Visitor Center
Far View Lodge
Far View Terrace
Far View Motor Inn
Far View Group Campground
Far View Sites
Park Headquarters
Park Entrance
Park Point
Park Point Fire Lookout
Park Point Overlook
Park Point Trail
Park Point Fire Tower
Park Point Fire Tower Trail
Park Point Fire Tower Road
Park Point Fire Tower Parking
Park Point Fire Tower Picnic Area
Park Point Fire Tower Restrooms
Park Point Fire Tower Water Fountain
Park Point Fire Tower Trash Can
Park Point Fire Tower Bench
Park Point Fire Tower Sign
Park Point Fire Tower Map
Park Point Fire Tower Guidebook
Park Point Fire Tower Brochure
Park Point Fire Tower Postcard
Park Point Fire Tower Souvenir
Park Point Fire Tower Gift Shop
Park Point Fire Tower Museum
Park Point Fire Tower Exhibit
Park Point Fire Tower Display
Park Point Fire Tower Interpretive Center
Park Point Fire Tower Ranger Station
Park Point Fire Tower Maintenance Shop
Park Point Fire Tower Storage Building
Park Point Fire Tower Garage
Park Point Fire Tower Utility Building
Park Point Fire Tower Water Tank
Park Point Fire Tower Propane Tank
Park Point Fire Tower Generator
Park Point Fire Tower Solar Panel
Park Point Fire Tower Wind Turbine
Park Point Fire Tower Weather Station
Park Point Fire Tower Radio Tower
Park Point Fire Tower Satellite Dish
Park Point Fire Tower Antenna
Park Point Fire Tower Flagpole
Park Point Fire Tower Flag
Park Point Fire Tower Bell
Park Point Fire Tower Clock
Park Point Fire Tower Thermometer
Park Point Fire Tower Barometer
Park Point Fire Tower Compass
Park Point Fire Tower Binoculars
Park Point Fire Tower Telescope
Park Point Fire Tower Camera
Park Point Fire Tower Video Camera
Park Point Fire Tower Microphone
Park Point Fire Tower Speaker
Park Point Fire Tower Amplifier
Park Point Fire Tower Mixer
Park Point Fire Tower Recorder
Park Point Fire Tower Player
Park Point Fire Tower Headphones
Park Point Fire Tower Earphones
Park Point Fire Tower Microphone Stand
Park Point Fire Tower Speaker Stand
Park Point Fire Tower Amplifier Stand
Park Point Fire Tower Mixer Stand
Park Point Fire Tower Recorder Stand
Park Point Fire Tower Player Stand
Park Point Fire Tower Headphone Stand
Park Point Fire Tower Earphone Stand
Park Point Fire Tower Microphone Cable
Park Point Fire Tower Speaker Cable
Park Point Fire Tower Amplifier Cable
Park Point Fire Tower Mixer Cable
Park Point Fire Tower Recorder Cable
Park Point Fire Tower Player Cable
Park Point Fire Tower Headphone Cable
Park Point Fire Tower Earphone Cable
Park Point Fire Tower Microphone Adapter
Park Point Fire Tower Speaker Adapter
Park Point Fire Tower Amplifier Adapter
Park Point Fire Tower Mixer Adapter
Park Point Fire Tower Recorder Adapter
Park Point Fire Tower Player Adapter
Park Point Fire Tower Headphone Adapter
Park Point Fire Tower Earphone Adapter
Park Point Fire Tower Microphone Extension
Park Point Fire Tower Speaker Extension
Park Point Fire Tower Amplifier Extension
Park Point Fire Tower Mixer Extension
Park Point Fire Tower Recorder Extension
Park Point Fire Tower Player Extension
Park Point Fire Tower Headphone Extension
Park Point Fire Tower Earphone Extension
Park Point Fire Tower Microphone Splitter
Park Point Fire Tower Speaker Splitter
Park Point Fire Tower Amplifier Splitter
Park Point Fire Tower Mixer Splitter
Park Point Fire Tower Recorder Splitter
Park Point Fire Tower Player Splitter
Park Point Fire Tower Headphone Splitter
Park Point Fire Tower Earphone Splitter
Park Point Fire Tower Microphone Combiner
Park Point Fire Tower Speaker Combiner
Park Point Fire Tower Amplifier Combiner
Park Point Fire Tower Mixer Combiner
Park Point Fire Tower Recorder Combiner
Park Point Fire Tower Player Combiner
Park Point Fire Tower Headphone Combiner
Park Point Fire Tower Earphone Combiner
Park Point Fire Tower Microphone Switch
Park Point Fire Tower Speaker Switch
Park Point Fire Tower Amplifier Switch
Park Point Fire Tower Mixer Switch
Park Point Fire Tower Recorder Switch
Park Point Fire Tower Player Switch
Park Point Fire Tower Headphone Switch
Park Point Fire Tower Earphone Switch
Park Point Fire Tower Microphone Volume
Park Point Fire Tower Speaker Volume
Park Point Fire Tower Amplifier Volume
Park Point Fire Tower Mixer Volume
Park Point Fire Tower Recorder Volume
Park Point Fire Tower Player Volume
Park Point Fire Tower Headphone Volume
Park Point Fire Tower Earphone Volume
Park Point Fire Tower Microphone Tone
Park Point Fire Tower Speaker Tone
Park Point Fire Tower Amplifier Tone
Park Point Fire Tower Mixer Tone
Park Point Fire Tower Recorder Tone
Park Point Fire Tower Player Tone
Park Point Fire Tower Headphone Tone
Park Point Fire Tower Earphone Tone
Park Point Fire Tower Microphone Balance
Park Point Fire Tower Speaker Balance
Park Point Fire Tower Amplifier Balance
Park Point Fire Tower Mixer Balance
Park Point Fire Tower Recorder Balance
Park Point Fire Tower Player Balance
Park Point Fire Tower Headphone Balance
Park Point Fire Tower Earphone Balance
Park Point Fire Tower Microphone Fader
Park Point Fire Tower Speaker Fader
Park Point Fire Tower Amplifier Fader
Park Point Fire Tower Mixer Fader
Park Point Fire Tower Recorder Fader
Park Point Fire Tower Player Fader
Park Point Fire Tower Headphone Fader
Park Point Fire Tower Earphone Fader
Park Point Fire Tower Microphone Pan
Park Point Fire Tower Speaker Pan
Park Point Fire Tower Amplifier Pan
Park Point Fire Tower Mixer Pan
Park Point Fire Tower Recorder Pan
Park Point Fire Tower Player Pan
Park Point Fire Tower Headphone Pan
Park Point Fire Tower Earphone Pan
Park Point Fire Tower Microphone Mute
Park Point Fire Tower Speaker Mute
Park Point Fire Tower Amplifier Mute
Park Point Fire Tower Mixer Mute
Park Point Fire Tower Recorder Mute
Park Point Fire Tower Player Mute
Park Point Fire Tower Headphone Mute
Park Point Fire Tower Earphone Mute
Park Point Fire Tower Microphone Solo
Park Point Fire Tower Speaker Solo
Park Point Fire Tower Amplifier Solo
Park Point Fire Tower Mixer Solo
Park Point Fire Tower Recorder Solo
Park Point Fire Tower Player Solo
Park Point Fire Tower Headphone Solo
Park Point Fire Tower Earphone Solo
Park Point Fire Tower Microphone Phase
Park Point Fire Tower Speaker Phase
Park Point Fire Tower Amplifier Phase
Park Point Fire Tower Mixer Phase
Park Point Fire Tower Recorder Phase
Park Point Fire Tower Player Phase
Park Point Fire Tower Headphone Phase
Park Point Fire Tower Earphone Phase
Park Point Fire Tower Microphone Polarity
Park Point Fire Tower Speaker Polarity
Park Point Fire Tower Amplifier Polarity
Park Point Fire Tower Mixer Polarity
Park Point Fire Tower Recorder Polarity
Park Point Fire Tower Player Polarity
Park Point Fire Tower Headphone Polarity
Park Point Fire Tower Earphone Polarity
Park Point Fire Tower Microphone Impedance
Park Point Fire Tower Speaker Impedance
Park Point Fire Tower Amplifier Impedance
Park Point Fire Tower Mixer Impedance
Park Point Fire Tower Recorder Impedance
Park Point Fire Tower Player Impedance
Park Point Fire Tower Headphone Impedance
Park Point Fire Tower Earphone Impedance
Park Point Fire Tower Microphone Sensitivity
Park Point Fire Tower Speaker Sensitivity
Park Point Fire Tower Amplifier Sensitivity
Park Point Fire Tower Mixer Sensitivity
Park Point Fire Tower Recorder Sensitivity
Park Point Fire Tower Player Sensitivity
Park Point Fire Tower Headphone Sensitivity
Park Point Fire Tower Earphone Sensitivity
Park Point Fire Tower Microphone Frequency
Park Point Fire Tower Speaker Frequency
Park Point Fire Tower Amplifier Frequency
Park Point Fire Tower Mixer Frequency
Park Point Fire Tower Recorder Frequency
Park Point Fire Tower Player Frequency
Park Point Fire Tower Headphone Frequency
Park Point Fire Tower Earphone Frequency
Park Point Fire Tower Microphone Response
Park Point Fire Tower Speaker Response
Park Point Fire Tower Amplifier Response
Park Point Fire Tower Mixer Response
Park Point Fire Tower Recorder Response
Park Point Fire Tower Player Response
Park Point Fire Tower Headphone Response
Park Point Fire Tower Earphone Response
Park Point Fire Tower Microphone Distortion
Park Point Fire Tower Speaker Distortion
Park Point Fire Tower Amplifier Distortion
Park Point Fire Tower Mixer Distortion
Park Point Fire Tower Recorder Distortion
Park Point Fire Tower Player Distortion
Park Point Fire Tower Headphone Distortion
Park Point Fire Tower Earphone Distortion
Park Point Fire Tower Microphone Noise
Park Point Fire Tower Speaker Noise
Park Point Fire Tower Amplifier Noise
Park Point Fire Tower Mixer Noise
Park Point Fire Tower Recorder Noise
Park Point Fire Tower Player Noise
Park Point Fire Tower Headphone Noise
Park Point Fire Tower Earphone Noise
Park Point Fire Tower Microphone Hum
Park Point Fire Tower Speaker Hum
Park Point Fire Tower Amplifier Hum
Park Point Fire Tower Mixer Hum
Park Point Fire Tower Recorder Hum
Park Point Fire Tower Player Hum
Park Point Fire Tower Headphone Hum
Park Point Fire Tower Earphone Hum
Park Point Fire Tower Microphone Buzz
Park Point Fire Tower Speaker Buzz
Park Point Fire Tower Amplifier Buzz
Park Point Fire Tower Mixer Buzz
Park Point Fire Tower Recorder Buzz
Park Point Fire Tower Player Buzz
Park Point Fire Tower Headphone Buzz
Park Point Fire Tower Earphone Buzz
Park Point Fire Tower Microphone Crackle
Park Point Fire Tower Speaker Crackle
Park Point Fire Tower Amplifier Crackle
Park Point Fire Tower Mixer Crackle
Park Point Fire Tower Recorder Crackle
Park Point Fire Tower Player Crackle
Park Point Fire Tower Headphone Crackle
Park Point Fire Tower Earphone Crackle
Park Point Fire Tower Microphone Pop
Park Point Fire Tower Speaker Pop
Park Point Fire Tower Amplifier Pop
Park Point Fire Tower Mixer Pop
Park Point Fire Tower Recorder Pop
Park Point Fire Tower Player Pop
Park Point Fire Tower Headphone Pop
Park Point Fire Tower Earphone Pop
Park Point Fire Tower Microphone Click
Park Point Fire Tower Speaker Click
Park Point Fire Tower Amplifier Click
Park Point Fire Tower Mixer Click
Park Point Fire Tower Recorder Click
Park Point Fire Tower Player Click
Park Point Fire Tower Headphone Click
Park Point Fire Tower Earphone Click
Park Point Fire Tower Microphone Thump
Park Point Fire Tower Speaker Thump
Park Point Fire Tower Amplifier Thump
Park Point Fire Tower Mixer Thump
Park Point Fire Tower Recorder Thump
Park Point Fire Tower Player Thump
Park Point Fire Tower Headphone Thump
Park Point Fire Tower Earphone Thump
Park Point Fire Tower Microphone Bump
Park Point Fire Tower Speaker Bump
Park Point Fire Tower Amplifier Bump
Park Point Fire Tower Mixer Bump
Park Point Fire Tower Recorder Bump
Park Point Fire Tower Player Bump
Park Point Fire Tower Headphone Bump
Park Point Fire Tower Earphone Bump
Park Point Fire Tower Microphone Scratch
Park Point Fire Tower Speaker Scratch
Park Point Fire Tower Amplifier Scratch
Park Point Fire Tower Mixer Scratch
Park Point Fire Tower Recorder Scratch
Park Point Fire Tower Player Scratch
Park Point Fire Tower Headphone Scratch
Park Point Fire Tower Earphone Scratch
Park Point Fire Tower Microphone Dent
Park Point Fire Tower Speaker Dent
Park Point Fire Tower Amplifier Dent
Park Point Fire Tower Mixer Dent
Park Point Fire Tower Recorder Dent
Park Point Fire Tower Player Dent
Park Point Fire Tower Headphone Dent
Park Point Fire Tower Earphone Dent
Park Point Fire Tower Microphone Ding
Park Point Fire Tower Speaker Ding
Park Point Fire Tower Amplifier Ding
Park Point Fire Tower Mixer Ding
Park Point Fire Tower Recorder Ding
Park Point Fire Tower Player Ding
Park Point Fire Tower Headphone Ding
Park Point Fire Tower Earphone Ding
Park Point Fire Tower Microphone Dong
Park Point Fire Tower Speaker Dong
Park Point Fire Tower Amplifier Dong
Park Point Fire Tower Mixer Dong
Park Point Fire Tower Recorder Dong
Park Point Fire Tower Player Dong
Park Point Fire Tower Headphone Dong
Park Point Fire Tower Earphone Dong
Park Point Fire Tower Microphone Ping
Park Point Fire Tower Speaker Ping
Park Point Fire Tower Amplifier Ping
Park Point Fire Tower Mixer Ping
Park Point Fire Tower Recorder Ping
Park Point Fire Tower Player Ping
Park Point Fire Tower Headphone Ping
Park Point Fire Tower Earphone Ping
Park Point Fire Tower Microphone Pong
Park Point Fire Tower Speaker Pong
Park Point Fire Tower Amplifier Pong
Park Point Fire Tower Mixer Pong
Park Point Fire Tower Recorder Pong
Park Point Fire Tower Player Pong
Park Point Fire Tower Headphone Pong
Park Point Fire Tower Earphone Pong
Park Point Fire Tower Microphone Ting
Park Point Fire Tower Speaker Ting
Park Point Fire Tower Amplifier Ting
Park Point Fire Tower Mixer Ting
Park Point Fire Tower Recorder Ting
Park Point Fire Tower Player Ting
Park Point Fire Tower Headphone Ting
Park Point Fire Tower Earphone Ting
Park Point Fire Tower Microphone Tong
Park Point Fire Tower Speaker Tong
Park Point Fire Tower Amplifier Tong
Park Point Fire Tower Mixer Tong
Park Point Fire Tower Recorder Tong
Park Point Fire Tower Player Tong
Park Point Fire Tower Headphone Tong
Park Point Fire Tower Earphone Tong
Park Point Fire Tower Microphone Ding Dong
Park Point Fire Tower Speaker Ding Dong
Park Point Fire Tower Amplifier Ding Dong
Park Point Fire Tower Mixer Ding Dong
Park Point Fire Tower Recorder Ding Dong
Park Point Fire Tower Player Ding Dong
Park Point Fire Tower Headphone Ding Dong
Park Point Fire Tower Earphone Ding Dong
Park Point Fire Tower Microphone Ping Pong
Park Point Fire Tower Speaker Ping Pong
Park Point Fire Tower Amplifier Ping Pong
Park Point Fire Tower Mixer Ping Pong
Park Point Fire Tower Recorder Ping Pong
Park Point Fire Tower Player Ping Pong
Park Point Fire Tower Headphone Ping Pong
Park Point Fire Tower Earphone Ping Pong
Park Point Fire Tower Microphone Ting Tong
Park Point Fire Tower Speaker Ting Tong
Park Point Fire Tower Amplifier Ting Tong
Park Point Fire Tower Mixer Ting Tong
Park Point Fire Tower Recorder Ting Tong
Park Point Fire Tower Player Ting Tong
Park Point Fire Tower Headphone Ting Tong
Park Point Fire Tower Earphone Ting Tong
Park Point Fire Tower Microphone Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Dong
Park Point Fire Tower Player Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Pong
Park Point Fire Tower Player Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Tong
Park Point Fire Tower Player Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Microphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Speaker Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Amplifier Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Mixer Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Recorder Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Player Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Headphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Earphone Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Ding Dong
Park Point Fire Tower Microphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Speaker Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Amplifier Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Mixer Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Recorder Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Player Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Headphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Earphone Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Ping Pong
Park Point Fire Tower Microphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Speaker Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Amplifier Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Mixer Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Recorder Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Player Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Headphone Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Ting Tong
Park Point Fire Tower Earphone Ting Ting Ting Ting Ting Ting

12-01-1953: water use/demand data

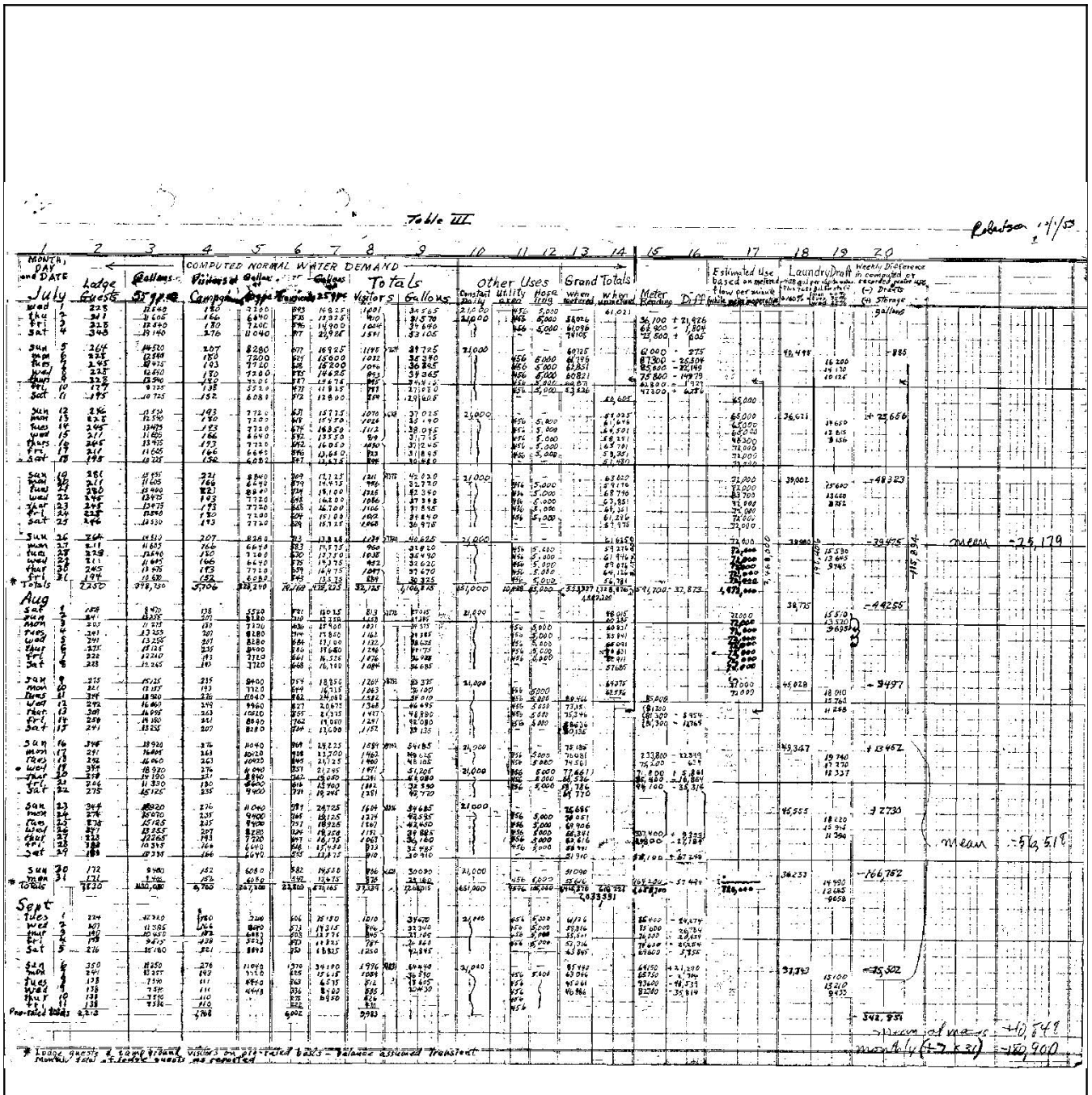


Table III

Robertson 12/1/53

COMPUTED NORMAL WATER DEMAND

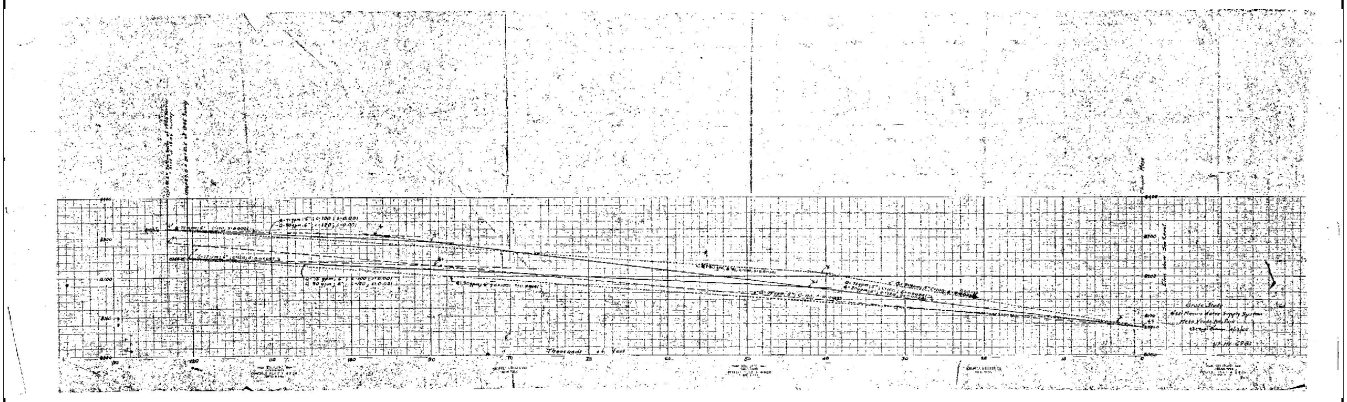
MONTH, DAY and DATE	Lodge Guests	Gallons per Guest	Campground Visitors	Gallons per Visitor	Trailer Visitors	Gallons per Visitor	Totals Visitors	Totals Gallons	Other Uses Constant Daily	Other Uses Utility 6.8%	Other Uses Hose Irrig	Grand Totals when metered	Grand Totals when unmetered	Meter Reading	Diff	Estimated Use based on metered use gal per night when flow per minute	Laundry Drain Tests Tests gallons per test	Laundry Drain 100% flow 75% flow 50% flow	Weekly Difference in computed or recorded water use (-) Drains (+) Storage gallons
July																			
Wed 1	225	13.640	150	2.100	893	16.825	1601	34.565	21.000	475	5.000	—	61.021						
Thu 2	241	2.606	166	6490	935	19.325	910	31.570	21.000	465	5.000	58.026		36.700	+ 21.676				
Fri 3	215	12.390	130	7.200	896	14.900	1040	34.490		446	5.000	61.096		68.900	- 1.804				
Sat 4	345	19.140	276	11.040	977	23.926	1591	53.106				74.105		73.500	+ 605				
Sun 5	264	16.520	207	8.280	977	16.925	1198	39.725	21.000	—	—	60.725		61.000	275				
Mon 6	225	12.599	180	7.200	929	15.000	1032	34.390		456	5.000	61.196		87.300	- 25.504	48.498		16.200	- 885
Tues 7	245	13.965	193	7.720	948	16.200	1086	36.865		466	5.000	63.851		85.800	- 22.149			24.130	
Wed 8	225	12.650	170	7.200	932	14.625	953	34.345		456	5.000	60.821		75.800	- 14.979			10.124	
Thurs 9	225	12.590	150	6.000	887	13.674	962	32.264		438	5.000	60.671		61.800	- 1.971				
Fri 10	197	9.355	138	5.520	872	11.935	993	27.810		456	5.000	63.836		47.300	+ 6.236				
Sat 11	195	10.725	152	6.080	972	13.800	1119	30.605					63.605			65.000			
Sun 12	236	11.530	193	7.720	871	15.715	1076	35.035	21.000	—	—	—	—	64.035		65.000	36.671		+ 25.656
Mon 13	225	12.590	180	7.200	929	15.070	1034	34.490		456	5.000	—	—	61.496		45.000		19.650	
Tues 14	245	13.475	193	7.720	976	16.850	1112	38.045		502	5.000	—	—	64.501		60.000		42.815	
Wed 15	217	11.655	166	6.640	932	13.550	849	31.715		471	5.000	—	—	56.291		46.300		9.336	
Thurs 16	245	13.965	193	7.720	962	16.050	1080	37.735		491	5.000	—	—	63.791		72.000			
Fri 17	217	11.605	166	6.640	896	13.660	923	31.885		450	5.000	—	—	58.385		72.000			
Sat 18	198	10.225	150	6.000	867	13.675	898	30.840					61.480			72.000			
Sun 19	286	15.935	221	8.840	869	17.225	1241	42.030	21.000	—	—	—	—	63.030		72.000	39.002		+ 48.323
Mon 20	217	11.605	166	6.639	879	14.915	996	32.750		514	5.000	—	—	59.176		72.000		25.640	
Tues 21	280	15.400	182	8.640	939	18.100	1226	42.340		554	5.000	—	—	68.796		68.700		13.660	
Wed 22	249	13.975	193	7.720	946	16.800	1086	37.395		491	5.000	—	—	63.851		91.900		8.921	
Thurs 23	245	13.475	193	7.720	965	16.700	1106	37.895		513	5.000	—	—	65.361		72.000			
Fri 24	225	12.590	180	7.200	924	15.109	1092	34.890		469	5.000	—	—	61.296		72.000			
Sat 25	246	13.530	193	7.720	929	15.729	1068	36.978					51.978			72.000			
Sun 26	266	14.910	207	8.280	913	13.836	1234	46.625	21.000	—	—	—	—	67.625		72.000	39.980		- 39.475
Mon 27	217	11.605	166	6.639	883	14.735	966	31.830		514	5.000	—	—	59.276		72.000		15.530	
Tues 28	280	15.400	180	7.200	930	17.205	1038	39.490		554	5.000	—	—	61.996		72.000		13.695	
Wed 29	211	11.605	166	6.640	875	14.375	952	32.620		456	5.000	—	—	59.076		72.000		9.945	
Thur 30	240	11.955	193	7.710	859	16.475	1092	37.670		456	5.000	—	—	64.126		72.000			
Fri 31	194	10.670	152	6.080	745	13.135	891	30.355		456	5.000	—	—	56.781		72.000			
* Totals	7.250	378,130	5.706	228,240	26,168	438,223	35,787	1,044,845	651,000	12,988	155,000	823,327	139,494	891,700	- 32,873	4,672,000			
													1,447,226						
Aug																			
Sat 1	188	9.970	138	5520	781	10.815	813	27.105	21.000	—	—	—	98.915			72.000	36.775		- 49.255
Sun 2	241	13.255	207	8280	910	12.350	1358	47.195					60.350			72.000		15.510	
Mon 3	207	11.385	193	7.720	830	17.900	1231	39.375		456	5.000		60.831			72.000		13.320	
Tues 4	241	13.255	207	8280	914	17.800	1362	39.385		456	5.000		63.941			72.000		9.695	
Wed 5	241	13.255	207	8280	884	17.100	1332	38.635		456	5.000		64.091			72.000		9.945	
Thur 6	235	12.158	235	9400	886	19.680	1356	41.238		456	5.000		64.631			72.000			
Fri 7	228	12.240	181	7.240	861	16.520	1270	36.998		469	5.000		61.911			72.000			
Sat 8	223	12.245	193	7.720	868	16.720	1084	36.685					57.185			72.000			
Sun 9	235	12.925	235	9400	954	18.350	1264	40.335	21.000	—	—	—	—	61.335		72.000	45.029		- 3497
Mon 10	221	12.155	193	7720	899	16.515	1063	36.390		514	5.000		66.956			72.000		18.910	
Tues 11	196	10.780	236	10.840	962	24.083	1382	45.610		554	5.000	69.464		85.008				15.260	
Wed 12	292	16.060	249	9960	827	20.675	1368	46.695		465	5.000	77.135		81.230				11.268	
Thur 13	208	14.498	263	10510	895	23.375	1457	48.830		470	5.000	85.296		81.300	- 8.934				
Fri 14	258	14.180	251	8840	962	19.010	1291	42.080		559	5.000	82.636		73.300	- 14.769				
Sat 15	241	13.255	207	8280	894	17.000	1152	39.135				80.136							
Sun 16	345	18.920	276	11040	969	24.225	1589	54.185	21.000	—	—	75.185					49.347		- 13.462
Mon 17	291	16.005	263	10520	908	22.700	1462	49.625		556	5.000	74.081		233.800	- 12.549			19.740	
Tues 18	332	18.260	263	10520	895	21.125	1490	49.905		559	5.000	74.561		76.400	- 624			17.270	
Wed 19	345	18.920	276	11040	957	23.925	1577	53.885	21.000				74.885	51.800	+ 5.841			12.337	
Thur 20	258	14.190	221	8840	962	19.240	1441	42.080		556	5.000	77.636		45.900	- 26.861				
Fri 21	206	11.330	180	7200	916	15.900	1302	34.430		556	5.000	73.386		98.100	- 35.316				
Sat 22	275	15.125	235	9400	939	19.265	1351	43.790					64.770						
Sun 23	345	18.920	276	11040	981	24.725	1604	54.685	21.000	—	—	75.685					46.555		- 2.720
Mon 24	274	15.070	235	9400	966	23.125	1375	47.595		556	5.000	58.051						18.620	
Tues 25	238	13.165	235	9400	957	18.925	1367	42.490		556	5.000	69.906						15.914	
Wed 26	291	15.955	207	8280	926	18.550	1151	39.885		556	5.000	66.341		287.900	+ 9.223			11.390	
Thur 27	253	13.915	193	7720	967	18.775	1453	36.780		556	5.000	63.616		278.700	- 21.784				
Fri 28	188	10.345	166	6640	933	15.945	1287	32.985		556	5.000	58.991							
Sat 29	185	10.175	166	6640	855	13.870	1210	30.910					51.910						
Sun 30	172	9.980	152	6080	882	19.650	1206	30.090	21.000	—	—	51.090		268.200	- 57.449		36.233		- 166.782
Mon 31	171	9.405	152	6080	792	17.675	1125	33.160		456	5.000	55.616						14.990	
* Totals	7.530	410,480	6.760	267,300	23,200	470,165	37,489	1,204,915	651,000	9.996	155,000	914,376	246,221	1,458,200		726,000		12.685	
													2,033,351					-965	
Sept																			
Tues 1	224	12.320	180	7200	904	15.150	1210	39.470	21.000	—	—	60.716		76.400	- 24.479				
Wed 2	207	11.385	166	6640	873	14.215	1146	32.340		554	5.000	57.896		52.600	- 29.734				
Thur 3	180	9.450	193	7.720	905	13.776	1278	30.946		513	5.000	55.541		76.300	- 24.859				
Fri 4	139	9.410	138	5520	893	14.935	1170	29.865		554	5.000	53.206		78.650	- 25.544				
Sat 5	216	11.880	221	8840	950	16.825	1250	37.545					65.869	67.800	- 3.956				
Sun 6	260	14.250	276	11040	1378	34.190	1976	64.440	21.000	—	—	85.440		64.150	+ 21.290		31.743		- 35.502
Mon 7	241	13.255	193	7.720	855	15.615	1289	36.590		556	5.404	63.046		68.750	- 5.704			13.100	
Tues 8	138	7.590	111	4440	863	14.515	912	26.545		554		17.605		93.600	- 14.533			15.610	
Wed 9	138	7.590	111	4440	836	14.100	885	26.130		554		46.984		82.260	- 35.819			9.435	
Thur 10	138	7.590	110		878	15.030	988			554									
Fri 11	138	9.336	110		878		988			554									
Pro-rated Totals	2,218		1,768				6,002		9,983									- 342.851	

Mean adjustment = +10,549

Monthly (27 x 31) = +180,900

* 1000s omitted & some original visitors in original basis - Balance assumed Transient
Monthly total as reported as reported

00-00-0000: water grade study - west mancos water system



Other Supporting Information

03-29-1963: memorandum to director from acting assistant regional director, resource planning regarding transfer from bureau of

Southwest Region
Santa Fe, New Mexico

154

MAR 2 9 1963

Memorandum

To: Director

From: Acting Assistant Regional Director, Resource Planning

Subject: Transfer From Bureau of Reclamation to Mancos Water Conservancy District, Docket No. 1, Mesa Verde

The memorandum of understanding between the National Park Service and Bureau of Reclamation relating to the use of water from Jackson Gulch Reservoir for Mesa Verde National Park, Contract No. 17Fr-666 dated June 9, 1952, anticipated the eventual transfer of the Bureau's rights and obligations to the Mancos Water Conservancy District.

In this connection, we have enclosed a reproduced copy of a memorandum dated February 5, 1963, to the Regional Director, National Park Service, Southwest Region, from the Regional Director, Region 4, Bureau of Reclamation, Salt Lake City, Utah. This memorandum advises that the "operation and maintenance of the Mancos project were transferred from the Bureau to the District on January 1, 1963."

There is enclosed a copy of the Regional Director's memorandum of March 1 to the Mancos Water Conservancy District, Mancos, Colorado, and a reply from them signed by the secretary-treasurer dated March 22, 1963, advising this office that the transfer was made effective January 1, 1963, and the District now assumes obligations and also is entitled to the benefits previously agreed on by Bureau of Reclamation contracts.

We are placing this information in Mesa Verde Docket No. 1 Filing 16985 under the tab Part 1, Inter-Bureau Agreements. By copy of this memorandum we have transmitted a copy to the Superintendent and WCDC for insertion in their records.

If we have not selected the proper section of the docket, will you please advise at your convenience.

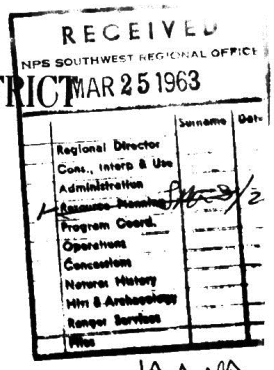
In duplicate

John E. Kell

Enclosures

cc: WCDC (2) w/encl.
Superintendent, Mesa Verde w/encl.
Giles w/ encl.

03-22-1963: memorandum to nps from secretary treasure regarding transfer of water rights



MANCOS WATER CONSERVANCY DISTRICT

MANCOS, COLORADO

March 22,1963

U.S. Dept of the Interior

National Park Service, Southwest Region,

Santa Fe, New Mexico.

Dear sir:

This is to advise that transfer from Bureau of Reclamation to Mancos Water Conservancy District was made Jan. 1, 1963, and that the District now assumes obligations, and also is entitled to benefits previously agreed upon by Bureau of Reclamation contracts.

Sincerely,

Floyd Hoerner

Secretary Treasure

Southwest Region
Santa Fe, New Mexico

L54

MAR 1 1963

Memorandum

To: Superintendent, Mesa Verde

From: Regional Director

Subject: Transfer of Operation and Maintenance of Jackson Gulch Reservoir, Mesa Verde

Your memorandum of February 19 refers to the copy of a memorandum of February 5 to this office from the Regional Director, Region 4, Bureau of Reclamation, Salt Lake City. It stated that the transfer of the Bureau's Mancos operation was made to the Mancos Water Conservancy District effective January 1, 1963.

We believe you have misinterpreted the purpose of the transfer and perhaps the memorandum of February 5, 1963 from the Bureau of Reclamation and we suggest that you review the memorandum of agreement of June 9, 1952 between the National Park Service and the Bureau of Reclamation relating to the use of water from Jackson Gulch Reservoir for Mesa Verde. This agreement was signed by Director Wirth for the National Park Service and by G. W. Lineweaver for the Bureau of Reclamation. The last paragraph (paragraph 6) contemplated and provided for the eventual transfer to the Manees Water Conservancy District.

As you are aware, this office has handled the billing under Contract No. 177r-666 and will continue to do so. We will follow through along the lines suggested in the last paragraph, page 2, of the memorandum of February 5, 1963 from the Bureau of Reclamation.

It will not be necessary to make a new agreement since the memorandum of June 9, 1952 contemplated the transfer and provided for the substitution of one of the parties. However, for accounting purposes, it would be advisable to have a statement in writing from the Mancos Water Conservancy District confirming the fact of the transfer and its effective date of January 1, 1963, and also confirming that it now will assume the obligations and receive the benefits provided in the memorandum of agreement dated June 9, 1952. Enclosed is a copy of our letter to the Mancos Water Conservancy District.

(SIGNED)

Thomas J. Allen

Enclosure

cc: Director (2) ✓

W O D C
SEP 11 '61
CRP
ADM
PERS
P & P
ANGL
2 PARK/LD
L.A.
SPEC
CONT
SFTY
ACTION TAKEN - DAT

September 7, 1961

L54-CBL

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Construction Program, 1963 Fiscal Year, Mesa Verde

The Director's memorandum of July 28 refers to PCPU-39 which provides for duplication of the West Mancos Water Supply System to provide double capacity for gravity diversion from the West Mancos River. Both the physical and legal aspects of this plan need further consideration before the plan is adopted.

The water rights, Docket 1, provide for gravity diversion of only 0.2 c.f.s. (90 gpm) from the River by the existing pipeline, and an ultimate capacity of 0.33 c.f.s. (150 gpm) with a booster pump and lateral pipeline from the Jackson Gulch Reservoir. The right was based on plans prepared after first considering the purchase of earlier decreed rights.

Attached are copies of my (1) Analytical Appraisal of High Priority Water Rights of February 21, 1947; (2) Appraisal and Justification for Purchase of July 15, 1947; and (3) cover memorandum of the latter date. Copies are also being sent to WODC, which doubtless has none, but I have no further duplicates for the Superintendent and assume that you and he already have copies.

The significant point, on page 3 of the Analytical Appraisal, is the record of minimum flows of less than 0.33 c.f.s. in July, August and September 1939. I believe these were at the proposed headgate of the Jackson Inlet Canal, but cannot locate the Bureau of Reclamation Report No. 52, at the moment. However, I believe there should be more comprehensive records of the flow at the headgate now, and recommend a thorough check of the adequacy of the summer flows before spending money on a larger diversion capacity instead of the suggested lateral from Jackson Gulch Reservoir.

The storage in the Reservoir, to which the Park Service is entitled under the decree, is presumably available for either direct withdrawal by the previously proposed lateral, or for release to downstream

appropriators to compensate for direct diversions from the River. However, you will find in the Docket 1 assembly that we do not have copies of the final decree, which should be obtained for all four docket assemblies.

The proposal, between 1941 and 1943, to purchase an earlier decree, was abandoned or deferred on the assumption that the Reservoir storage (flood waters) was sufficient to make the decreed right, with priority of 1936, adequate. There were no diversions but those of the United States above the point where the Reservoir Outlet Canal discharges into the River at that time. However, there should be an up-to-date confirmation that no new diversions have been made above that point.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Mesa Verde
Chief, WODC (2), w/c attachment

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L54
D5039
COPY IN

March 12, 1957

WESTERN OFFICE
DESIGN & CONSTRUCTIC
MAR 18 1957A.
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
ACTION TAKEN—DATE

Memorandum

To: Chief, Western Office of Design and Construction
Attention: Supervisory Engineer

From: Superintendent, Mesa Verde

Subject: Utilities, Mesa Verde National Park, West Mancos Water System

The following is in reply to Mr. Smith's memorandum of February 15, 1957 which refers to Mr. A. van V. Dunn's memorandum of February 6 to the Regional Director, Region Three.

We have attached a copy of the agreement with the Bureau of Reclamation to answer Mr. Smith's question No. 1, and copies of Mr. V. van V. Dunn's graphic Water Use Study, December 1953 and Comments on Mesa Verde Water Claims of October 31, 1950 in reply to request No. 2.

In these attachments there is a wealth of information on the Mesa Verde water system, of value to planning.

There is no need in the near future for use of water direct from the Jackson Gulch Reservoir. In 1956, a very dry year, minimum river flow at our intake, three miles above the reservoir diversion works, was many times the volume taken by the Park pipe line.

Mr. A. van V. Dunn's graphic Water Use Study has proved quite accurate through 1956 as to annual and August (or peak month) visitor and water use trends. It will be noted that deficiencies are forecast in the following order; first, failure of the line's 75 gpm gravity flow to meet peak demand (August); second, inadequacy of maximum decreed rate of river diversion of 150 gpm to meet peak demand; and third, the total decreed 120 acre feet and maximum decreed August quota of diversion are reached simultaneously.

We have not found data in our files establishing a maximum decreed rate of river diversion of 150 gpm nor a decreed August quota of 237 gpm. No doubt the decrees upon which Mr. A. van V. Dunn based these figures are on file in the Washington Office.

The following figures based on water use in the 1956 fiscal year may be of interest:

Item No.	Type of Use	Gallons Used 1956 f.y.	
1.	NPS Campgrounds, Public Bldgs., etc.	3,137,760	
2.	NPS Employees' Quarters	2,538,845	
	Total Government Use		5,676,605
3.	Sold to Public Service Concessioners and Mesa Verde Enterprises	4,188,226	
4.	Sold to Construction Contractors	1,339,390	
	Total Water sold		5,527,616
	Total beneficial use, 1956 f.y.		11,204,221 gals.
	This amounts to about		34 acre feet

Water use directly related to visitor use is considered to be as follows:

Item No.	Type of Use	Gallons	
1.	NPS Campgrounds, Public Bldgs, etc.	3,137,760	
3.	Sold to Concessioners	4,188,226	
	1956 water use geared to number of visitors	7,325,986	
	Total number of visitors, 1956 f.y. 171,888		
	Approximate water use per visitor 43 gallons		
	Requirement for 500,000 visitors @ 43 gallons per visitor		21,500,000 gals.
	Plus estimated flat figure for use of employees, contractors, etc.		5,000,000 gals.
	Total annual Park water use with 500,000 visitors, or about		26,500,000 gals.
			81 acre feet

This amount, 81 acre feet, is, by coincidence, the maximum quantity that could be supplied for beneficial use, (considering fluctuating seasonal demand), with our present water line and million gallon reservoir, even with a booster pump added. (See last paragraph on Page 4 of Mr. N. van V. Dunn's comments.)

In looking up on Mesa Verde water rights we note that a claim has been made for an additional one hundred (100) acre feet of water from the West Mancos-Jackson Gulch Project. The Amended Petition and Statement of Claim of the United States for the Mancos Project in Case No. 967 In the Matter of the Adjudication of Water Rights in Water District No. 34, dated December 1950, states in part as follows:

"Sec. 11, West Mancos Water Supply for Mesa Verde National Park.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park, one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both, from West Mancos River with compensatory exchange releases of water from Jackson Gulch Reservoir; the right is also reserved to take an additional one hundred (100) acre feet of water per year from said reservoir or from said stream as the occasion and necessity of use thereof is required in the same manner as set out for the 120 acre feet. Water for said Park will be taken at times from and through said reservoir, and at other times from West Mancos River by a pipe line leading therefrom to said Park."

We have no further information on the validity of the claim to an additional one hundred (100) feet of water. If it can be "proved up" by beneficial use like the initial conditional right to one hundred and twenty (120) acre feet, and a decreed priority right obtained for the whole two hundred and twenty (220) acre feet; then the Park should have an adequate water right for the foreseeable future. It is probable, however, that this petitioned right is on an unsound basis. Otherwise, we do not believe that Mr. A. van V. Dunn would have recommended purchase of additional water rights in his memorandum of February 6, 1957 to the Regional Director, Region Three.

Superintendent

Attachments

Copy to: Director
Regional Director, Region Three

L54

J.R. ROSSITER
CROWLEY
GARDNER
SMITH

February 15, 1957

Memorandum

To: Superintendent, Mesa Verde National Park

From: Supervisory Engineer, Western Office, Division of Design and Construction

Subject: Utilities, Mesa Verde National Park

L54

With reference to the memorandum of A. van V. Dunn (File D43-L) of February 6, 1957, this office would like to obtain the following information contained in paragraphs two and three of this memorandum:

1. Paragraph one states that two points of diversion have been established in the water right. Are these two diversion points a part of the NPS water-right of 128 acre feet per year?

2. Please forward a copy of Mr. A. van V. Dunn's estimates of approximate dates when the present gravity system will become inadequate. (Paragraph Three)

FILE COPY

(Sgd) P. E. Smith

P. E. Smith
Supervisory Engineer, Western Office
Division of Design and Construction

In duplicate

Copy to: Reg. Dir., Region Three
Rossiter

JRossiter:he

D43-L
WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 11 1957 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND ARCH.
ACTION TAKEN
DATE

L 64

February 6, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Utilities, Navajo Hill Development, Mesa Verde National Park

D5039

The memorandum of January 11 from Mr. Hill introduces a problem that has concerned me for some time.

He is correct in that any part of the established rights to the Mancos River may be used at the proposed Navajo Hill Development. The right establishes two points of diversion: for the Park Service pipeline, and for the Bureau of Reclamation ditch with storage in the Jackson Gulch Reservoir for subsequent use through a pipe connection which has not yet been made; for a quantity of water which can not be fully diverted and used until the Park Service pipeline capacity is increased by the introduction of a pump (in lieu of larger pipe for greater gravity capacity); a priority of first diversion and use; and a purpose of use. Under Colorado law the place of use is not restricted. Water can be distributed any place in the Park for the designated purpose.

Your files and those of the Park, but probably not WODC, contain my past estimates of approximate dates when the present gravity system will become inadequate, and a booster pump will be needed, presumably with a lateral to obtain part of the water from the Jackson Gulch Reservoir because it may not be possible to divert all required water from the River during the summer tourist season. That correspondence also suggested an approximate date when even the total right might become inadequate if annual attendance continues to increase. Those dates were offered primarily to suggest when the owner of the Lodge at the Park entrance would probably have to be denied further water from the "tap" above the checking station.

My estimates suggested that the booster pump might be needed during what has now become the first half of the MISSION 66 program. They also suggested that the total established rights would become inadequate during the 70's, or during the decade following the MISSION 66 program. It now appears that I may have estimated both dates too far in the future. In any case the full quantity of water will be needed by about the close of the MISSION 66 program.

Accordingly, the MISSION 66 program should include an analyses of future water, and related water right needs, to be financed under M&P Account 0140 (143.2), and determination of where additional water is to be obtained, and what additional rights may be needed. I assume that the additional water will have to come from winter impoundments in Jackson Gulch Reservoir. The Bureau of Reclamation may have surplus storage for sale in wet phases of the meteorological cycle, but probably no more water could be obtained from the Mancos River, directly or from winter storage, in average and dry years without purchase of rights now exercised on submarginal land. The problem will be to find those farmers who would like to sell their rights, probably also unloading their submarginal land, and purchase them. There may be competition with the Town of Mancos.

This boils down to the fact that the Park Service can provide additional public facilities for which rights have been established, either adjacent to Spruce Tree Lodge or elsewhere in the Park. But, it must also prepare to obtain additional water and water rights as needed, for the collective demands in the Park.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Mesa Verde National Park
Chief, WODC

If reply refer to:
L34-L

Office of
Chief, Western Office
Div. of Design and Const.
FEB 14 1955 A.M
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

FEB - 8 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Use from the West Mancos Water Supply System for Mesa Verde National Park

Attached are two prints of the graphical representation of my estimate of 1953 which was used to support the justification for not permitting further private use of water from the West Mancos Water Supply System. The actual use for 1954 has been added.

The August water use was low presumably because of the reduced facilities at Point Lookout Lodge after the fire. The reduction in the Lodge use has less significance in the annual total. As pointed out in my Water Use Study, there appears to be some use for which I cannot account, perhaps a larger release for wildlife, or an unrecognized hotel use. However, the 1954 figures indicate that use will probably follow the indicated trends, but from a slightly higher base. The need for termination of service to the Point Lookout Lodge, and enlarged storage or the use of a pump, will probably materialize three or four years earlier than I indicated.

SIGNED

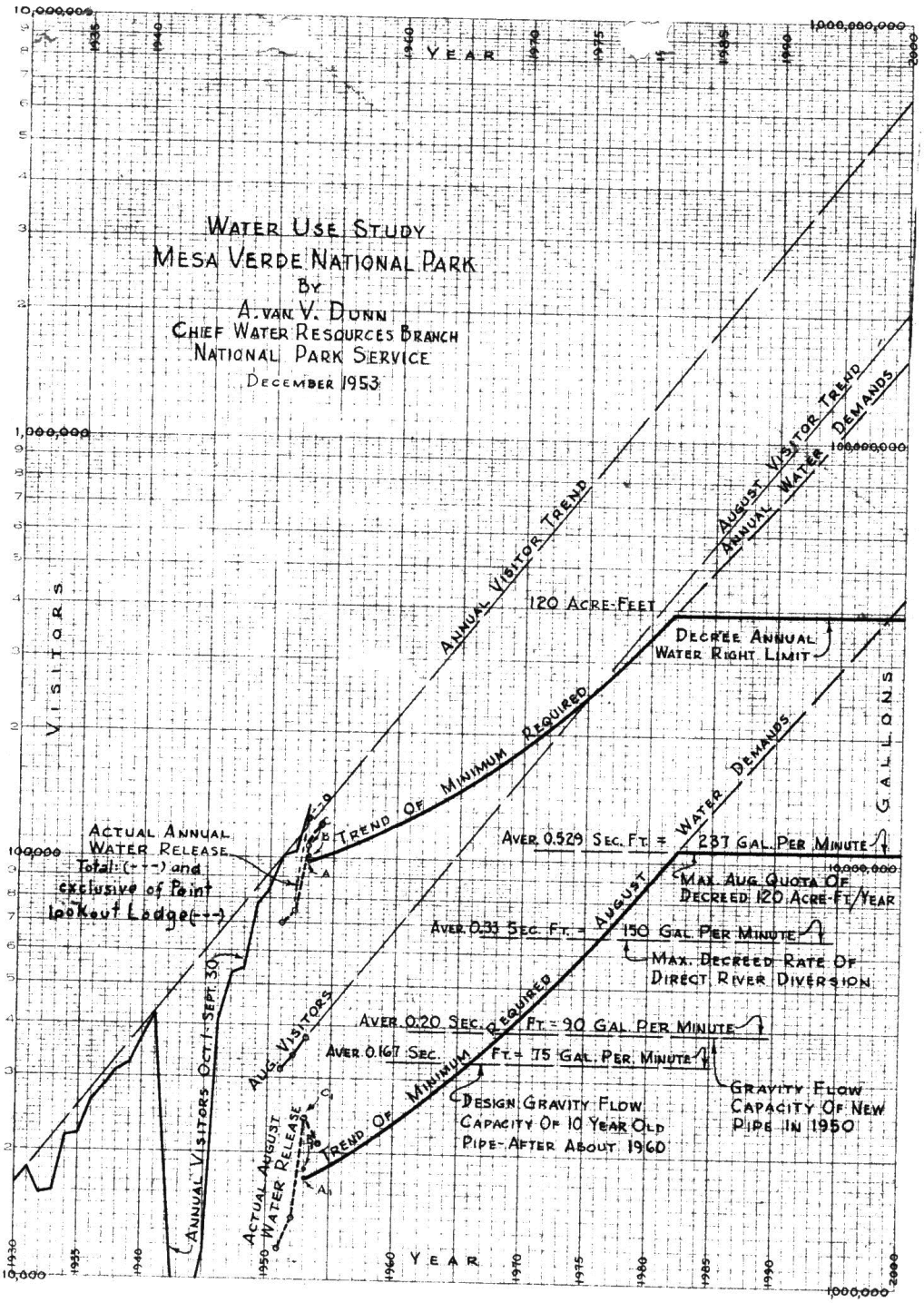
A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 2

Copy to: Western Office of Design and Construction, with attachment

12-00-1953: water use study



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

October 31, 1950

Comments on Federal Water Claims
for
West Mancos Water Supply System
for
Mesa Verde National Park

by
A. van V. Dunn
Chief, Water Resources Branch

The comments are in reply to the memorandum of October 10 from Mr. Patraw and the attached memorandum of October 5 by which Mr. Rose reported on his testimony before the District Court on September 28. The first part will deal with amendments which must be made in the statement of claim for the West Mancos Water Supply System, and the second part is intended to answer questions which have been raised in the memoranda as to why the amended claim should not be for more than 120 acre-feet. The third part deals with the problems of proof by which to make the conditional decree final.

I. Amendment of the Statement of Claim

The following items are lettered as in paragraph 11, Mesa Verde Pipe Line, beginning on page 8 of the photostat copy of the statement of claim filed under Part IV of Mesa Verde Deed 4. It is requested that the Regional Director correct the statements, where necessary, and supply the missing data as indicated.

Items (a), (b), and (c) need not be changed except that the name of said pipe line is: The West Mancos Water Supply System for Mesa Verde. The name was selected by Messrs. O. G. Taylor, A. W. Burney, and others, as a committee, to differentiate it from other pipe lines in the Park. The name was condensed in the old statement of claim without final approval of this Service and should be corrected. The correction should be made in the title of Section 11, and in all references in items (a), (b), and (c).

(d) The point of diversion as now recorded with the Bureau of Land Management and the U. S. Forest Service is at the settling basin on the west bank of the West Mancos River at a point whence the East quarter ($E\frac{1}{4}$) corner of Section eighteen (18), Township thirty-seven (37) North, Range twelve (12) West, of the New Mexico Principal

Meridian bears North seven degrees and three minutes East, four thousand, five hundred and forty and three-tenths (N7°03'E 4,540.3) feet. The water is collected in pipe laid under the West Mancos River and adjacent bottomlands in an area described as follows:

> Beginning at a point South twenty-one degrees and twenty-five minutes West, forty-six and three-tenths (S21°25'W 46.3) feet from the point of diversion; thence North seventy-two degrees West, two hundred (N72°W 200) feet; thence North eighteen degrees East six hundred and sixty (N18°E 660) feet; thence South seventy-two degrees East six hundred (S72°E 600) feet; thence South eighteen degrees West six hundred and sixty (S18°W 660) feet; and thence North seventy-two degrees West four hundred (N72°W 400) feet to point of beginning.

The point of diversion is described as located on drawing NP-MV-6984-A, which was executed by Mr. Kittredge on February 6, 1950, and has been submitted to the Bureau of Land Management and the U. S. Forest Service in connection with rights-of-way. The point of diversion is the brass cap on the settling basin, according to drawing NP-MV-5329-A (sheet 1 of 1).

From drawing NP-MV-6984-A, on which the northwest corner of Section 30 is only projected because we do not have its tie to the final pipe line traverse, it is indicated that the constructed point of diversion is approximately 3,350 feet below the point described in the statement of claim on which the conditional decree was granted. At the top of page 9 of that statement, the right was claimed, and the conditional decree was granted, to permit moving the point of diversion 500 yards (1,500 feet) up or downstream. Your change, therefore, has exceeded the decreed authorization by about 1,850 feet. Approximately 130 feet of the difference can be eliminated by describing the point of diversion as the center of the "collecting basin," but some of the collecting pipe lines seem to bypass this basin and discharge directly into the settling basin. Furthermore, there is little difference whether the point of diversion has been moved 1,720 feet or 1,850 feet farther than authorized in the conditional decree.

In either case, we are going to have to request the court to permit the United States to amend the description of the point of diversion. It is then up to us to show that there are no other diversions from the West Mancos River along the entire 3,350 feet between the decreed and constructed points of diversion, and that the correction can be made without detriment to other appropriators. It is important to verify this point and have a witness who can so testify. Otherwise, we might lose priority.

In the amended description of the collecting area, we have claimed a length of 660 feet along the sides with the bearings N18°E and S18°W. This is 60 feet greater than the distance on drawing NP-MV-6984-A, in order to include the northern portion of the collecting tile on the west side of the river, which discharges directly into the settling basin. Technically, we should correct the right-of-way map and the special use permit from the Forest Service, if the collecting pipe is as located on drawing NP-MV-5329-A.

Item (e). There is no change.

(f) and (g). The lengths, diameters, and controlling gradient are not clear from the records in this Office, and should be defined by you. The capacity of the pipe, with gravity flow, is 90 gallongs per minute, or two-tenths (0.20) of a cubic foot of water per second of time. The amended statement should also retain the proposal to install a booster pump, when necessary, to permit the diversion of thirty-three hundredths (0.33) of a cubic foot of water per second of time when the demand materializes. This is predicated on the assumption that the headgate has the larger capacity.

(h), (i), (j), (k), and (l), should be omitted. There is no longer a proposal to take water directly from the Jackson Gulch Reservoir, or to construct the necessary conduit for such a possibility, because of objections by the Public Health Service.

(m). The expenditures on this project, as of January 31, 1950, were approximately as follows, to which you should add the contracts and other costs of this summer:

	Disposition of funds	Project	Plans, Surveys, and Supervision	Total
1939	Fiscal Year (PWA)	$ -	$ 3,000.00 b/	$3,000.00
1942	" "	64.62	6,513.78	6,578.40
1947	" "	608.64	-	608.64
1948	" "	23.01	-	23.01
1949	" "	492.47	1,000.31	1,492.78
1950	" "through 1/31/50	2,463.85 a/	2,084.50	4,548.35
	Totals	$3,652.59	$12,598.59	$16,251.18

a/ Largely on intake structure, which is reported complete.
b/ Memorandum of June 4, 1940, for Mr. Preece from Chief of Engineering forwarding copy of estimate indicates that Bureau of Reclamation had made survey and estimate with $3,000 transferred from NPS-PWA funds in previous year.

(n) and (o). No change is needed.

As a further consideration, additional paragraphs should probably be included to describe the secondary system to the reservoirs at the Entrance Area and Point Lookout Lodge. As an alternate, the descriptions of these laterals may be included in items (f) and (g), which will, of course, have new letters, when the lengths, diameters, and elevations are supplied by you.

II. Quantity of Water

In the memorandum from Mr. Rose it is indicated that the discussion on September 28 included consideration of the possibility of using more than 120 acre-feet of water per year at the Park. The following explanation is offered to show that 120 acre-feet per year will be more than ample for the next half century, and that even the use of 120 acre-feet is impractical even if the pipe capacity is increased to 0.33 second-foot by the installation of a booster pump.

Before analyzing the needs, however, we should consider the rights. We have never received a copy of the conditional decree which was rendered in 1943, and one should be obtained, but it is presumably a nominal copy of the statement of claim. Paragraph 11(b) specifies that not more than 120 acre-feet of water per annum will be delivered to the Park. Paragraphs 11(f) and (1) prescribe that this amount will be diverted at not more than 0.33 cubic foot of water per second. Paragraph 13 provides further that these diversions and deliveries shall be counted in the total claim for 9,800 acre-feet of water per year to be diverted at the rate of 207.33 cubic feet of water per second and stored in the Jackson Gulch Reservoir

In past correspondence it has been pointed out that a continuous flow of 85 g.p.m. will deliver 10 acre-feet per month or 120 acre-feet per year. Under full continuous operation the pipe line with a capacity of 90 g.p.m. will deliver 12.276 acre-feet per 31-day month, or 144.54 acre-feet per year. With a booster pump capacity of 0.33 second-foot, the delivery in a 31-day month would be 20.2554 acre-feet, or 238.48 acre-feet per year. The Chief Engineer and the Chief Counsel fixed the first proposal for the use of 120 acre-feet per annum at the Park by estimating an ultimate water demand of 10 acre-feet in July and August, respectively, and multiplying it by 12.

However, the water consumption at a national park in August constitutes between 25% and 33% of the annual total. Therefore, even with a booster pump capacity of 0.33 second-foot, it is not possible to use more than 81 acre-feet of water per year unless the additional

amount is placed in storage in the Park during the winter and spring. To use even the authorized 120 acre-feet of water it will be necessary to provide the booster pump (or enlarge the entire pipe line), and construct a 40 acre-foot reservoir in the Park. Without the booster pump or pipe enlargement, the storage would have to be increased to 71 acre-feet. A storage capacity of 151 acre-feet would be required if 200 acre-feet were to be used during the year.

A million gallons, the capacity of the existing reservoir, is equivalent to 3.06 acre-feet. Accordingly, it would require 23.2 million-gallon reservoirs to provide the 71 acre-feet of storage to permit the use of 120 acre-feet of water per year unless an open reservoir, like the Jackson Gulch Reservoir but on a smaller scale, were provided. The Public Health Service would probably object to the use of water from an open reservoir in the Park, just as it has objected to the use of water from the Jackson Gulch Reservoir.

In preparing his analysis of the cost of water delivered, as included in the memorandum of July 5 from Mr. Tolson, Mr. Monteith used the reports from the Park to the effect that only 4,292,000 gallons were used in the Park in 1947, and 4,538,000 gallons were used in 1948. These figures convert to 13.17 acre-feet, and 13.92 acre-feet respectively for the whole of each year. Water consumption must, therefore, increase to about 353% of the 1948 use before the limits of the pipe and storage capacity are reached, and to 977% before the conditional right to 120 acre-feet per year is reached.

Mr. Monteith's figures also show that Federal water use increased only 3% between 1947 and 1948, while concessioner (public) use increased 11%, and concessioner use is not yet as great as Federal use. In addition, while Park attendance was 13% greater in 1948 than 1947, the water consumption was only 6% greater. It follows that even with the remote possibility of 10 times as many visitors in 1980, as explained hereafter, the water consumption will be only about 5 times as great.

There is no doubt but that the per capita water consumption has been low at Mesa Verde National Park until this time. This has been due to somewhat inadequate water-using facilities and posted instructions to conserve the limited water supply. There may now be some relaxation of conservation measures, but the concessioner will probably try to retain as much restriction as possible because of the cost. In referring to water-using facilities, reference is made to the complete bathroom facilities in cabins, and the number of

comfort stations in the campgrounds. The increase in the number of such facilities per capita is not likely to be great at this time, with the present trend of Federal restrictions to curb inflation and expedite the defense efforts. It is doubtful, therefore, whether there will be any marked increase in per capita water consumption for some time, although there will be some small immediate adjustments.

The big increase in water consumption will result from increasing annual Park attendance. My studies show that attendance at Mesa Verde is still increasing more rapidly than the trend of the parks as a whole, but the records for 1950 suggest that the period of excessive annual increases is about over. It seems probable that attendance may reach about 150,000 people in 1960, and 225,000 in 1970. If the average Park trend continues, there might be about 400,000 visitors in 1980. Should the 1930-1941 trend continue, and the 1950 attendance is only slightly below it, attendance might reach 200,000 in 1960; 500,000 in 1970; and 1,200,000 in 1980.

Either of these estimates is predicated on the provision of adequate accommodations. It is probable that these estimates are more accurate as to the number of people who will seek entrance at various dates than as to the number who will be accommodated. In addition to the economic and defense factors, it is conceivable that 1,000,000 or even 400,000 visitors per year might prove administratively impractical because of the acreage limitations at the points of attraction. (An explanatory graph will be supplied later.)

Considering all of these factors, it seems probable that a water demand of 40 or 50 acre-feet per year will not be reached until about 1975 or 1980. However, the 120 acre-feet are available if attendance of 1,200,000 materializes. Even water service to the Point Lookout Lodge probably will not create a demand for 120 acre-feet if a booster pump or local storage are provided. In the 1970's, when supply and demand approach a balance, the need will be for pipe capacity and regulatory storage, and not for more than 120 acre-feet of water.

The minutes of the Regional Director's staff meeting for October 3 included the statements that the million-gallon reservoir was overflowing, and that it might be desirable to provide "tanks" or charcos to be filled from the West Mancos Water Supply System for wildlife watering.

Under no circumstances should water be allowed to overflow the reservoir. There is also considerable question as to whether the Mancos Water Conservancy District, through the adjudication proceedings, would tolerate the use of "tanks" for wildlife watering because of the large proportion of the water which would normally evaporate.

The conditional decree is based on a claim to water for domestic, fire protection, industrial, and recreational purposes. Under the recreational use, it would probably be possible to provide a reasonable amount of water for wildlife. A "tank" 6 feet deep, 40 feet wide, and 181 feet long would impound 1 acre-foot, or about 326,000 gallons of water. Without evaporation, that would provide about 890 gallons per day if filled once each year. Sheep consume about 2.5 gallons per day, and cattle use about 12 gallons. A "tank" 6 feet deep would about dry up from evaporation during a year, but this analysis suggests that 3 to 6 small "tanks" would probably serve the wildlife needs, and might be provided under the "recreational" classification.

In past cases the courts have ruled that the State water laws only permit one filling of a storage reservoir per year, but the issue has been reopened from time to time and there might be a reversal. At this time it is recommended that the "tanks" be numerous, and deep enough to provide late season water without refilling, or else small enough to be classed as watering troughs. In the first case, there might be 6 "tanks" with a combined capacity of between 6 and 10 acre-feet. In the second case, there might be about the same number of 500-gallon pools. The pools should be designed so that there would be negligible seepage by grouting the soil in which they would be constructed. The point is that wildlife watering should not add more than about 10 acre-feet to the annual water demand, if the stock watering facilities are designed to prevent excessive seepage and evaporation losses.

The suggestion at the hearing of September 28 by Messrs. Crabtree and Marmaduke, that the water claim for Mesa Verde National Park might be increased from 120 acre-feet to 200 acre-feet per year, suggests that the Bureau of Reclamation has not been able to find purchasers for the entire 9,800 acre-feet of water which will be available in those years when the Jackson Gulch Reservoir is filled. The United States cannot have its conditionally decreed rights to that total storage made final until all of the water is put to beneficial use. It would expedite the perfection of rights if the National Park Service could use more water in the near future, but the preceding discussion indicates that it has little prospect of making use of even the authorized 120 acre-feet for at least half a century, if at all.

It is not out of order to consider the probable efficiency of the Jackson Gulch Reservoir before discarding the suggestion to claim more than 120 acre-feet of water for Mesa Verde National Park. In discussing the matter with the State District Engineer, in Durango, in 1947, he stated that he did not think that the Reservoir would be

more than 75% efficient. That is, over a large number of years the actual storage in the Reservoir would only average 75% of 9,800 acre-feet, or 7,350 acre-feet per year. There will doubtless be a number of years in which there may be only 4,900 acre-feet in the Reservoir.

If the water users, including the Mancos Water Conservancy District, the National Park Service, and perhaps others in the future, gear their activities to use 9,800 acre-feet, or even only 7,350 acre-feet of the water per year, they will have to operate on reduced rations in dry years. The deficit will be prorated, since only one priority is attached to all rights to store water in the Reservoir. The farmers will all have to reduce their cultivated acreage in those dry years. The Town of Mancos, as in the past, will probably have to claim preference under municipal status, and pay damages or rent part of an old right of very high priority to satisfy the needs of a population which cannot be reduced.

It is not entirely clear to me whether the National Park Service will have a preferred claim to 120 acre-feet (or 200 acre-feet) of water from the Jackson Gulch Reservoir or not. Such a priority may be justified because the United States has invested $2,500,000 of the total $3,400,000 in the Reservoir with no hope of reimbursement, and no justification except that the National Park Service will use 120 acre-feet (or 200 acre-feet) of the total water stored in that Reservoir. While it is a matter of interpretation, it is also believed that paragraphs 11(a) and (b) give the United States a preferred right to 120 acre-feet of water, regardless of the possible deficit in the total storage.

If it is true that the United States has a conditional right to use 120 acre-feet regardless of water shortages experienced by the other water users, the matter of the Reservoir efficiency may be disregarded in connection with the consideration of the ultimate total water need for the Park. If, however, the National Park Service must share the prorated deficit, the annual acre-foot limitation should be twice the anticipated demand. With the existing gravity system, the maximum demand to be supplied will be 60 acre-feet. If it should become necessary to install a booster pump, the total demand might rise to 81 acre-feet. The 60 acre-feet, with the gravity system, is just half of the authorized 120 acre-feet, and the desired condition is met. Even if the booster pump became necessary, it is not now conceivable that the entire 81 acre-feet of potential water would be used, and the part of it needed for wildlife watering could be sacrificed.

Accordingly, it is recommended that the Federal rights be limited to the use of 120 acre-feet of water per annum for Mesa Verde

National Park. However, it is also recommended that the National Park Service contract, in the pending interbureau agreement with the Bureau of Reclamation, to pay the annual operating and maintenance charges for 120 acre-feet, whether they are used or not, to strengthen the suggestion of preferred rights to that quantity as expressed in paragraphs 11(a) and (b) of the statement of claim.

III. Proof to Make Conditional Decree Final

In Part II it has been shown that it is not practical to use more than 50 or 60 acre-feet of water at the Park for many years, and it is doubtful if 120 acre-feet will be needed for more than half a century, if at all.

Since the National Park Service cannot make full use of its water for so many years, it must make provision to retain the rights for future needs through one of the following methods:

1. The court might grant the final decree now on the basis that the growing demand is comparable to that of a municipality, and the diversion capacity has been provided, and that the United States has used non-reimbursable funds to finance more than 70% of the cost of constructing the Jackson Gulch Project.

2. The court will recognize the diligent increase in use, based on periodic proofs, and keep the conditional decree open.

3. The Bureau of Reclamation may contract for the temporary sale to the Mancos Water Conservancy District of those portions of the 120 acre-feet which are not now needed at the Park, and the United States may then obtain the final decree for the full quantity of water stored in the Jackson Gulch Reservoir as soon as it has made full deliveries for one year, with the proviso that irrigation use will be reduced at the rate the direct river diversion for the preferred use at the Park increases from the present use of 14 acre-feet per annum with an ultimate limit of 120 acre-feet.

From the reports in the memorandum of October 5 from Mr. Rose, it is evident that proposal No. 2 is now being attempted. It is preferable to proceed in accordance with proposal No. 1 or No. 3. If proposal No. 3 is followed, the proof to be offered by December 1 should be limited to the following:

1. Revised statement of claim.

2. Testimony to show that change in point of diversion since conditional decree was granted in 1943 does not change its relation to other headgates.

3. That the construction of the West Mancos Water Supply System has been completed (except as the laterals at the Park Entrance may not be completed at that time), giving date.

4. That direct diversion of water from the West Mancos River by the West Mancos Water Supply System was started on July __, 1950, with the first delivery to the million-gallon reservoir on July 6, 1950, and the diversion reached a measured rate of 90 gallons per minute, or 0.20 of a cubic foot of water per second of time on September __, 1950.

5. That approximately 14 acre-feet of water (check figure at Park) were used in the Park in 1950 to serve 86,818 visitors, and the administrative personnel, and that the trends of annual attendance at the Park and at all other national parks suggests that the Park attendance will increase to at least 400,000 per year by 1980, and perhaps to as much as 1,000,000.

A. van V. Dunn
Chief, Water Resources Branch

C O P I

THE SECRETARY OF THE INTERIOR
WASHINGTON 25, D. C.

NOV - 4 1948

My dear Mr. Attorney General.

On the morning of January 14, Messrs. A. van V. Dunn, Chief, Water Resources Branch, and A. F. Rollins, Attorney, of the National Park Service, called on Mr. Veeder to discuss our plans to acquire part of Decreed Priority No. 1, on the Mancos River, Colorado Water District No. 34, in connection with a new water supply for Mesa Verde National Park. During the summer of 1947, we obtained an option to purchase this right with the condition that final purchase would be made within two years, subject to prior adjudication of change in point of diversion, method of conveyance, and purpose of use.

It was decided in the discussion mentioned above that the National Park Service would prepare a draft of its claim, and a justification for the adjudication and purchase in lieu of the use of waters from the Jackson Gulch Reservoir which is now under construction by the Bureau of Reclamation. We have had to defer such activities for some months because of changes in water system design which made a new survey necessary this summer to determine the location of the new point of diversion. These details have now been settled, and we enclose the following instruments for your consideration:

A. Two certified photostat copies of the option of the United States to purchase rights to 1/6 (0.167) second-foot of water under Decreed Priority No. 1 from F. E. and Lottie W. Reddert.

B. Two certified photostat copies of abstract of title to same, which include copy of Decreed Priority No. 1 appurtenant to Giles Ditch.

C. Two certified photostat copies of each of two letters of November 8, 1947, from J. R. Williams, Irrigation Division Engineer, Colorado Irrigation Division 7, advising of Mr. Reddert's unprotested use of the water under Decreed Priority No. 1.

D. Two photostat copies of pages 273 and 274, and a page of maps, from the District Court records, showing the statement of claim for the Giles Ditch to which Mr. Reddert's portion of Decreed Priority No. 1 is now attached.

E. Two prints of drawing NP-MV-6980, Location of Decreed Water Rights Suitable for Transfer to West Mancos Water Supply System, on which the Giles Ditch and West Mancos Water Supply System have been colored yellow, the River and Jackson Gulch Reservoir are in blue, and the ditches which might be most seriously affected by the transfer are shown in red.

F. Two prints of drawing NP-MV-6979, Proposed Right of Way for West Mancos Water Supply System, as filed with, and accepted by, the Bureau of Land Management.

G. Two prints of drawing NP-MV-6984, Revised Right of Way for Part of West Mancos Water Supply System, which are now being considered by the Bureau of Land Management and the U. S. Forest Service, to correct right of way across unreserved public lands, and to obtain permission to use lands within Montezuma National Forest, respectively. (This map shows the point of diversion to which we wish to transfer part of Decreed Priority No. 1, under the aforesaid option.)

H. Two copies of a draft of a statement of claim for the requested adjudication of change in point of diversion, method of conveyance, and purpose of use of part of Decreed Priority No. 1. This statement has been prepared in the general form which was used in adjudicating similar changes for Rocky Mountain National Park.

I. Two copies of Justification for Purchase and Transfer of Decreed Priority No. 1.

You will note from the option that the adjudication and purchase must be completed by August, 1949. We regret that we have had to defer this formal request for such action to make certain changes in the plan during the past summer. It is requested that the case be referred to the United States Attorney with instructions to take prompt action with a view to an early adjudication of the matter.

Sincerely yours,

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

Hon. Tom C. Clark,

Attorney General.

Enclosure 353.

October 27, 1948.

Justification for Purchase and Transfer of Decreed Priority No. 1, Mancos River Colorado Water District 34 for The Mesa Verde National Park Water Supply

by

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

As outlined in Appendix A, the United States has a conditional right to divert 120 acre-feet of the waters of the West Mancos River, to store them in the Jackson Gulch Reservoir, and to use them at Mesa Verde National Park. It has also obtained an option to purchase one-sixth of a second-foot (0.167 sec. ft.) of Decreed Priority No. 1, the final purchase being dependent on successful adjudication of a change in point of diversion, method of conveyance, and purpose of use. The National Park Service, as an agency of the United States, proposes to relinquish its interest in the conditional decree when it acquires the senior, finally decreed Priority No. 1. The following explanation is offered to show why the conditional rights are inadequate, and why the portion of Decreed Priority No. 1 will provide a more adequate water supply for Mesa Verde National Park.

Appendix A indicates that the United States is now incurring an investment of about $2,500,000 in the Jackson Gulch Reservoir, for which it does not expect to be reimbursed. The same appendix indicates that the National Park Service has contributed the use of an otherwise idle rock crusher, and the services of a CCC unit, approximately equivalent to $17,600, toward the construction of the said Jackson Gulch Reservoir, in addition to the Federal investments by the Bureau of Reclamation of $2,500,000. This discussion is intended to show that it will be to the advantage of the United States to acquire part of Decreed Priority No. 1 for the Mesa Verde Water Supply, and abandon interests in the Jackson Gulch Reservoir project.

The conditionally decreed rights to divert and store water in the Jackson Gulch Reservoir cannot be decreed final, permanent status until the designated 9,840 acre-feet are fully and beneficially used for the designated purposes, as explained in Appendix B. As also

explained, the final decree to 120 acre-feet of the quantity is conditional on its beneficial use at Mesa Verde National Park, for domestic, fire protection, industrial, and recreational purposes; but it is doubtful if more than 40 acre-feet will ever be so used, and even that amount will not be used for many years. During the intervening years the Federal rights to some part of the 120 acre-feet will be subject to lapse if there is not an annually increasing use. The increase in use will depend on the rate at which the annual Park attendance increases, and the rate at which the United States enlarges the public facilities to accommodate the additional visitors.

The trend of annual attendance is now favorable to full use of the water within 10 or 15 years, but the trend can be reversed by changes in the national economy or changes in public interests. The development program for the Park, on the other hand, is dependent on the extent of Congressional appropriations and the financial status of the concessioner, and has been seriously retarded since long before the war. In fact, although the Jackson Gulch Reservoir is nearing completion, the West Mancos Water Supply System to carry water to the Park is still little more than a plan backed by annual requests for appropriations which Congress has not granted.

While the conditional right is in this uncertain state, the United States must make frequent appearances in court, and prove diligence or show why the court should excuse the failure to proceed with the diligent perfection of rights. These appearances in court cost both time and money which the United States can save by purchasing a right, such as Decreed Priority No. 1, which has already been finally decreed, and is recognized as negotiable real property in the State of Colorado.

It is significant, as explained in Appendix C, that there is no assurance that Jackson Gulch Reservoir will be filled each year. Presumably it will be filled in 50% of the years, but it may provide only from 50% to 75% of the authorized water, as an average, during the remainder of the time. Drawing No. NP-MV-6985 reflects that not much more than 40% of the capacity would probably have been filled during the period from 1937 through 1946. The quality of the water, under these circumstances, will not be the best for human consumption. In addition, since the water in the Reservoir will be 246 feet, or more, below the high point on the Mesa Verde Water System, all water would have to be pumped to the Park through approximately 20 miles of pipe. As shown in Appendix B, the cost of such pumping would be approximately $130,000 during the 66 years during which the present contract between the United States and the Mancos Water Conservancy District is in force; and the

costs may be expected to continue indefinitely. For these reasons, direct use of waters from the Jackson Gulch Reservoir will not be made at Mesa Verde National Park under any circumstances. The water will be used instead for exchange, to satisfy senior water claims when the United States diverts water directly from the underground flow of the West Mancos River for use at the Park.

It is pointed out further, in Appendix C, that all rights to divert waters and store them in the Jackson Gulch Reservoir are covered by the one conditional decree which has been awarded to the United States. This means that all water users, including the United States at Mesa Verde National Park, the Town of Mancos, and individual farmers will have equal priority of rights to the use of the water. All must share any annual water shortages equally, except to the extent that the United States and the Mancos Water Conservancy District may recognize the preferential right of use for human consumption and sanitation over rights to use water for irrigation. If such preference is recognized, the Town of Mancos will have the preferred right for municipal purposes. The domestic use at Mesa Verde might have the second preference if the water were used there. However, as previously stated, the United States would only use its quota of water to satisfy senior claims, and those senior claims to be satisfied would be predominantly those for the use of water for irrigation. It is doubtful if the courts would recognize preferred Federal rights to satisfy irrigation demands except for the fact that the United States is assuming $2,500,000 of the project construction cost without anticipated reimbursement. This justification is hardly adequate to prevent ill feeling in the community.

It should also be borne in mind that the United States can only exercise a small portion of its ultimate water demand for many years. It would make very limited demands on the Bureau of Reclamation to release water for exchange purposes, therefore, until far in the future, when water is at more of a premium, and when the water users will have forgotten the $2,500,000 Federal gift which was necessary to make their water available. Furthermore, the farmers will probably make temporary use of the water not immediately needed by the United States. Therefore, the ultimate demands of the United States will have a double effect on the water shortage when they are made.

In addition to the Federal investment of $2,500,000 in the construction of the Jackson Gulch Reservoir, the United States must assume its quota of the annual charges for maintenance and operation of the Jackson Gulch Reservoir, Inlet and Outlet Canals, based on the quantity of water used. These charges have been tentatively fixed at $1 per

year per acre-foot of water. The United States can save an annual cost of $40, or a total of $2,640 over a 66-year period if it does not take water from the Jackson Gulch Reservoir for Mesa Verde National Park. This is not a large sum in itself, but it is in addition to the $2,500,000 expenditure already made by the United States in construction of the Reservoir. It is also a more appreciable expense to the National Park Service--the Federal agency which must pay it, and it is an expense which must be borne annually, although this agency of the United States cannot obligate future funds in advance of appropriations by Congress.

Finally, any attempt to release water from the Jackson Gulch Reservoir on an exchange basis is going to require additional administrative costs, in theory if not in practice. The release of 0.167 second-foot of water happens to be less than the probable limit of error which the Bureau of Reclamation will make in operating the Outlet Canal, but technically the National Park Service must keep the Bureau of Reclamation posted from day to day, of the quantity of water it is diverting, and the Bureau of Reclamation must adjust its releases accordingly.

From the preceding considerations, it should be evident that the National Park Service, as an agency of the United States, can well afford to invest $4,000 in a portion of Decreed Priority No. 1, and free itself of the uncertainties and complications which will result from an attempt to use waters from Jackson Gulch Reservoir at Mesa Verde National Park, either directly or by exchange. It is also quite evident that the $4,000 cost of Decreed Priority No. 1 is roughly balanced against annual costs which might be incurred by using the Jackson Gulch Reservoir water, and that the members of the Mancos Water Conservancy District will assume the equivalent operating and maintenance costs so abrogated by the United States. In addition, the cost of one adjudication, to change the point of diversion, method of conveyance, and purpose of use, is many times less than the recurring appearances in court which will be required otherwise, to perfect the conditional rights.

The preceding discussion offers the conclusion that the United States, as a whole, will lose nothing, and may save some expenses by divorcing the West Mancos Water Supply System for Mesa Verde National Park from the Mancos Project of the Bureau of Reclamation. Furthermore,

such action, through purchase and amendment of Decreed Priority No. 1, will greatly reduce the expenses and administrative problems of the National Park Service. It will also reduce the expenses and responsibilities of the Department of Justice, by settling the Federal water right problems for Mesa Verde National Park in one court action and purchase.

Appendix A

Historical Features of Mancos Project and West Mancos Water Supply System of Mesa Verde National Park

The Bureau of Reclamation is now constructing the Jackson Gulch Reservoir on the West Mancos River. In the initial planning, it was agreed that the National Park Service should have rights to 120 acre-feet per year of the water to be stored in this Reservoir. Such interests, or rights, were to be acquired by contributing a CCC camp for participation in the construction. However, the final interbureau agreement was never consummated because all CCC activities were terminated at the beginning of the war. No alternate plan has been suggested for the National Park Service to repay any part of the cost of construction. However, this Service has contributed toward the construction as follows, and may still be contributing through the loan of the rock crusher:

1. Loan of CCC camp Oct. 5, 1941 through May 22, 1942

(a) 1,294 CCC enrollee man-days at estimated man-day value of $3.75	$4,852.50
(b) 162 foreman man-days at $6.00	972.00
(c) 609 CCC truck-hours at estimated value of $1.50 per truck-day	114.25

2. Loan of rock crusher from Mesa Verde National Park from Oct. 21, 1941 through June 30, 1946, at estimated value of $10.00 per day for about 280 work days per year, or total of 1,167 rock crusher days — 11,670.00

$17,608.75

The total cost of constructing the Jackson Gulch Reservoir and the original Inlet and Outlet Canals was originally estimated at $1,600,000. According to a statement by E. O. Larson, Regional Director, Region 4, Bureau of Reclamation, in an interview in June 1947, the estimated construction cost had risen to $3,400,000 by that date, due largely to the increasing costs of labor and material. The cost is probably more by the date of this writing. The reservoir is to have a capacity of 9,840 acre-feet. This gives a construction cost of at least $345.53 per acre-foot. The National Park Service contribution of $17,608.75 constitutes the cost of approximately 51 acre-feet,

if the estimated unit values of such contributions are acceptable, or any proportion which may be obtained with other unit values. However, the National Park Service contributions have not been recognized as monetary investment in the project, and included in the estimated costs of the project. In addition, to use its quota of the water at Mesa Verde National Park the United States must also construct the West Mancos Water Supply System at an estimated cost of about $340,000 over and above the cost of the Mancos Project.

The United States has obtained a conditional decree to the flood waters of the West Mancos River. This conditional decree covers the following claims:

1. The right to store 9,840 acre-feet of the waters of the West Mancos River and Jackson Gulch in the Jackson Gulch Reservoir each year, with priority of Oct. 31, 1936.

2. The right to impound the run-off from above the reservoir, in Jackson Gulch, to provide part of said storage, with priority of Oct. 31, 1936.

3. The right to divert not to exceed 258.17 cubic feet per second, of the waters of the West Mancos River, to provide the major part of said storage, with priority of Oct. 31, 1936 (but only flood flows are available for such diversions).

The water is appropriated for irrigation, power, domestic, fire protection, recreational, industrial, municipal, manufacturing, and other purposes. The Mancos Water Conservancy District has been formed as a quasi-municipal corporation to represent the water users, other than agencies of the United States, to contract with the United States for partial repayment of the costs of the Jackson Gulch Reservoir Project, and to receive and distribute the waters from the said Reservoir to the headgates of the water systems of the respective water users. The water users, or individual members of the Mancos Water Conservancy District, consist of the Town of Mancos and a large number of individual farmers. The Town of Mancos, and the farmers, own their own water systems with diversions from the Mancos and West Mancos Rivers below the Outlet Canal from the Jackson Gulch Reservoir, and the Mancos Conservancy District and Bureau of Reclamation will cooperate in releasing water from the Jackson Gulch Reservoir through the Outlet Canal to the West Mancos River on a schedule, and in quantities to permit the water users to redivert it as needed. As of late June 1947, the Mancos

Water Conservancy District had contracted to repay only $900,000 of the estimated cost of $3,400,000 for the project.

This $900,000 was the maximum amount which the Mancos Water Conservancy District considered the water users capable of repaying and still make a profit through the use of the water. In fact, to pay that amount for the water, it was necessary for Congress to authorize a 56-year repayment period after a 10-year period of grace. That is, the farmers and Town of Mancos cannot economically justify the payment of more than 1/66 of $900,000 per year, or $13,636 per year, for the portion of the 9,840 acre-feet of water which they will use each year. The only apparent justifications for the United States to spend the remainder of the estimated cost ($2,500,000) for the project, are that the United States will need some part of 120 acre-feet of water at Mesa Verde National Park, and that considerable portions of the originally estimated cost have already been expended.

The Mancos Conservancy District and the National Park Service are also supposed to pay the annual costs of operation and maintenance of the Jackson Gulch Project, which were estimated at approximately $1.00 per acre-foot of water delivered at the time of last inquiry, in June 1947. The use of 9,720 acre-feet of water in any year, by the Mancos Conservancy District, would add $9,720 to its annual bill for water. Adding this to the charge of $13,636 for repayment on the initial investment, will give a total annual cost of $23,356 for 9,720 acre-feet of water if the reservoir is filled and the water is fully used in any year.

On a comparable basis, the United States would pay $120 per year for maintenance and operation, to obtain 120 acre-feet of water for Mesa Verde National Park, plus the $2,500,000 which it is now paying for construction of the project without hope of reimbursement. Over a 66-year period the National Park Service, as the interested agency of the United States, would pay operation and maintenance costs of $6,720 for the use of 120 acre-feet of water per year, or proportionately less if it used less than 120 acre-feet; and the payments would continue indefinitely, probably at increasing rates in the future.

The Federal investment of $2,500,000, which the Mancos Conservancy District does not propose to repay, may be distributed over the 66-year repayment period at $37,879 per annum as compared with the $13,636 per acre-foot to be paid by the Mancos Water Conservancy District. If the only Federal water use is to be at Mesa Verde National Park, and the

possible demand is 120 acre-feet per year, this means that the United States will absorb an annual loss of approximately $24,243 more than the District pays for water. Actually, the water demand at Mesa Verde National Park will probably never exceed 40 acre-feet per annum, which means that the annual loss will really be three times as great per acre-foot.

These explanations of the historical background, and their analysis, indicate that the Jackson Gulch Reservoir, or Mancos Project, does not offer an economical solution to the water supply problem at Mesa Verde National Park. In addition, the National Park Service, as the interested agency of the United States, would become overburdened with unjust obligations if it were to participate in the Project. Since it does not now have any binding agreement with the Bureau of Reclamation and Mancos Water Conservancy District, this is the time to reconsider the problem.

Appendix B

Perfection and Protection of Conditional Rights in Jackson Gulch Reservoir

The United States now has decreed conditional rights to the use of 9,840 acre-feet per annum of the flood waters of the Mancos River. Before final title to these rights can be obtained, it is necessary to prove full beneficial use of all of that water. The United States can rely on the members of the Water Conservancy District to make beneficial use of all water allotted to them in one or two years after the water becomes available. On the other hand, the water allocated to Mesa Verde National Park is more than will probably ever be used in that area, and even the probable maximum water use will not be reached for many years.

The estimated water demand of 120 acre-feet per annum, at Mesa Verde National Park, was obtained by multiplying the probable maximum August demand of 10 acre-feet by 12. Actually, the August water demand at a national park is between 25% and 33% of the annual total. On this basis, the water demand will never exceed 30 or 40 acre-feet per year. Therefore, the United States cannot obtain a final decreed right, or full title to more than 30 or 40 of the 120 acre-feet, unless it loans 80 or 90 acre-feet per year, to the Water Conservancy District for beneficial use. Such method of proof is not in keeping with the spirit of the water laws, and probably would not be recognized by the Court.

As a further consideration, the water use at Mesa Verde National Park during the 1947 travel year was only about 5,000,000 gallons, with a maximum of 750,000 gallons in August. The 5,000,000 gallons, used during the year, were equivalent to 15.35 acre-feet, or only about 45% of the probable ultimate demand. There are three reasons why the ultimate demand was not made, as follows:

1. The ultimate annual attendance (population using water) has not been reached and is still increasing. The attendance was 52,225 in 1947, when 5,000,000 gallons of water were used; and the attendance for 1948 was 59,029, or an increase of 15%.

2. The facilities are not adequate to permit the people to use as much water as modern standards require. Many of the guest cottages are without water, and the visitors must use central comfort stations.

3. All possible measures are being taken to encourage water conservation, because of the limited water supply now available. Signs are posted at every water outlet, to request water conservation, and direct action is taken when excessive use is observed.

New public accommodations and water facilities are not being provided as rapidly as the demand of increasing attendance warrants. It will be many years, therefore, before normal, ultimate water demands will be satisfied. Proof for a final decree for the right to use such water will have to be deferred accordingly. Meantime, the United States must make periodic appearances in Court and prove diligent progress toward the ultimate beneficial use of the full quantity of water.

Under the Colorado water laws, a conditional right may be lost by failure to make full use with reasonable diligence, and water is at such a premium in the Mancos drainage that the Federal claims of the United States, for Mesa Verde National Park, could readily be lost to the members of the Mancos Water Conservancy District, who can quickly make full use of the water. On the other hand, a finally decreed right is not subject to lapse, and is real, negotiable property. Under these circumstances, the National Park Service, as an agency of the United States, will gain far more in purchasing part of finally Decreed Priority No. 1 for $4,000 than to spend approximately the same amount over a long period of time for operation and maintenance of the Mancos Project, to retainconditional rights to waters in the Jackson Gulch Reservoir.

Appendix C

Adequacy of Jackson Gulch Reservoir as Source of Domestic Water Supply

Drawing NP-MV-6985 has been compiled from a chart in Reclamation Era for May 1948, as published by the Bureau of Reclamation, with a mean value determined by the writer. It shows that an average, or mean, reservoir near the corner common to the States of Arizona, Colorado, New Mexico, and Utah, might be expected to have been only about 40% full, as an average, during the 10-year period from 1937 to 1946, and only about 40% full on April 1, 1948. The average index of wetness on the San Juan River, near Bluff, Utah, for the years 1938-45, was approximately 96% of the long-time recorded mean. The index at Towaoc, on the Mancos River, was approximately 100% for the same period. These are very broad statements, but they suggest that the Jackson Gulch Reservoir, which is being constructed close to the corner common to these four States, might not have provided more than 40% of the anticipated flood water supply during the past 10 years. (The drought of 1948 has been more acute than during 1937-1946 in much of this area.)

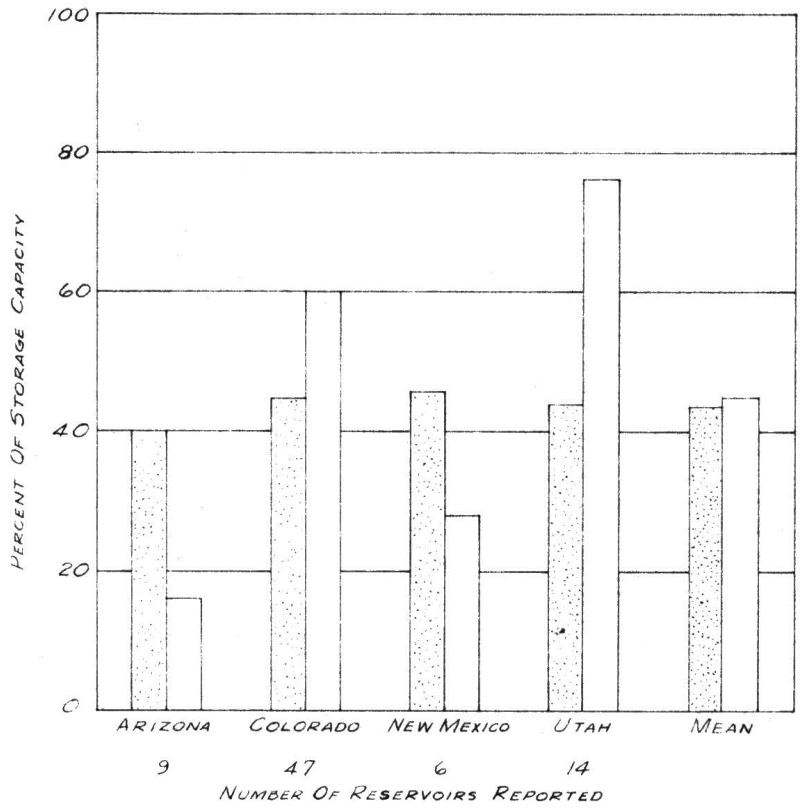
Since all rights which have been conditionally decreed to the United States for the Jackson Gulch Reservoir are of equal priority, the deficit might have to be shared alike, by all consumers. Therefore, the United States would have to have an interest in at least 100 acre-feet of storage to assure the required 40 acre-foot supply for the needs of Mesa Verde National Park. As indicated elsewhere, there is little probability that more than 40 acre-feet can ever be beneficially used at the Park to establish such right and title. Furthermore, if such proof could be made, the need would be increased accordingly, and shortage over the past 10 years would be equally acute at the higher figure.

There is, of course, some preferential right to the use of water for domestic and municipal purposes, as compared to the right to use water for irrigation, other things being equal. Furthermore, with a $2,500,000 investment in the project, as compared with the $900,000 of the Water Conservancy District, the United States might claim the lion's share of the water in a dry year. However, the Town of Mancos, with its municipal demands, is also a member of the Water Conservancy District. Preferential use, therefore, will involve a sufficient quantity of water to make such claims extremely unpopular.

As a further consideration, the long periods of low water, or the attempt to carry water over for several years, for use in dry years,

would make the reservoir water quite undesirable for human consumption without extensive treatment. This, together with the fact that water from the reservoir cannot be delivered to the Park without pumping, has led the National Park Service to abandon its original plan to use Reservoir water at the Park. Instead, if the United States retains an interest in water in the Reservoir, for Mesa Verde National Park, such water will only be used to satisfy other water claimants below, in exchange for direct diversions from the West Mancos River for consumption in the Park. This exchange practice will result in greater administrative complications and costs. It may also eliminate the possible preferential status of the Federal rights or claims.

NOTE:
DATA TAKEN FROM "WATER REPORT," PAGE 86, OF THE MAY 1948 ISSUE OF "THE RECLAMATION ERA".



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DEVELOPMENT DIVISION
WASHINGTON, D.C.

REGION
III

NP-MV-6985

PERCENT OF RESERVOIR STORAGE CAPACITY FILLED IN STATES ADJACENT TO MESA VERDE NATIONAL PARK

W.G.S. SEPT. 1948

Appendix D

Estimated Annual Cost of Pumping Water from
Jackson Gulch Reservoir to Mesa Verde National Park

Estimate 50% of 40 acre-feet of water to be consumed in July and August.

Assuming approximately uniform pumping each day of July and August, the rate of delivery would be 0.32258 acre-feet per day, which is equivalent to 12,439 cubic feet, or 93,042 gallons of water per day. Pumping continuously for 24 hours per day, the pump would have to deliver approximately 65 gallons per minute.

Using 5-inch GI pipe, the friction head would be 1.855 feet per 1,000 feet of pipe line. The same quantity of water could be delivered through a 6-inch pipe at approximately 97 gallons per minute in 16 hours of each day, with friction head loss of just under 1.62 feet per 1,000 feet of pipe line. This estimate will assume a delivery of 100 gallons per minute through 6-inch pipe with friction loss of 1.62 feet per 1,000 feet since there is adequate regulatory storage in the Park.

The total length of pipe, from Jackson Gulch Reservoir to the high point on the pipe line in Mesa Verde National Park, is 103,500 feet, or about 19.6 miles. The total friction loss in the pipe line would be 1.62 ft. x 103.5, or 167.67 feet. The static pump lift, between reservoir and high point on the line, from elevation 7825 to 8071 feet above sea level, is 246 feet. The total pumping head would be 167.67 feet plus 246 feet, or 413.67 feet.

A gallon of water weighs 8.34545 pounds. To deliver 100 gallons per minute, would require the lifting of 834.545 pounds, through 413.67 feet of elevation. This would require 345,227 foot pounds of energy per minute at 100% efficiency. One horse power is equivalent to 33,000 foot pounds per minute. The pump would, therefore, require the theoretical energy of 10.45 horse power. The efficiency of any power-pump unit is only about 75% to 80%. Therefore, the true power demand would have to be at least 14 horse power, or 10.4 kilowatts.

Assuming that 50% of the water would be pumped during 16 hours of each of the 62 days of July and August, the total annual power demand would be 16x2x62x10.4 kilowatt-hours, or 20,634 kilowatt-hours. On the basis of power costs at Mesa Verde National Park now, the annual cost of pumping this water would be as follows:

Stand-by charge - 10.4 KW at $2.75 per KW per month, for 12 months	$343.20
Energy charge - (5,000 KWH @ $0.0175	87.50
(15,634 KWH @ $0.02	312.68
Pump operator at $3,000 per year for 4 months	1,000.00
Maintenance and repair parts	250.00
Total annual cost of pumping 40 acre-feet of water per year	$1,993.38

This charge would continue more or less indefinitely. However, since the Jackson Gulch Reservoir is being constructed on the basis that the Mancos Water Conservancy District will repay its share of the construction costs in 66 years, it will be assumed here that the pumping charges should be considered for only that time. The total cost of pumping 40 acre-feet of water per year to Mesa Verde for 66 years would be $131,563.08.

09-05-1947: memorandum to secretary from acting director, nps regarding approval of option to purchase portion of reddert water

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
(54)

September 5, 1947.

Memorandum

To: The Secretary.

From: The Acting Director, National Park Service.

Subject: Approval of option to purchase portion of Reddert water right for developing water supply system, Mesa Verde National Park.

There is attached an option executed by F. E. Reddert and Lottie W. Reddert, his wife, containing an offer to sell to the United States for $4,000, 1/6 (0.167) second foot of Decreed Water Right Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos, now appurtenant to land situate and lying in Montezuma County, Colorado, for use in developing a water supply system for Mesa Verde National Park as authorized by paragraph (h), Section 1, of the act of August 6, 1946 (Public Law 633, 79th Cong.).

The option covers a period of two years from August 2, 1947, and provides that during this period the vendors shall permit the United States to adjudicate a change in point of diversion of the water to this Service's proposed West Mancos Water Supply System and to change the purpose of use of the water. The final conveyance of title and payment to the vendors are conditioned upon successful change in point of diversion and purpose of use.

The purchase of an interest in this water right is authorized by paragraph (g), Section 1, of the act of August 6, 1946, supra. Funds for the purchase were made available by the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Cong.).

The problem of obtaining an adequate water supply for Mesa Verde National Park has long presented difficulties. Years ago a deep water well was drilled to a depth of 4,100 feet. At that depth water was obtained which rose in the well to the 1,300-foot level. The necessity for pumping all water obtained from this well has involved a continuous expense, and, while the supply has been limited to 20 to 25 gallons per minute during pumping operations, the Park has had sufficient water to operate. The well casing is corroding badly and may fail at any time with a resultant complete loss of this source of supply. The casing has already exceeded its originally estimated life by several years.



To meet this threatened emergency, a project to obtain water by piping from outside the Park was inaugurated some time ago and is now being carried forward. Two possibilities have been studied. One, to pump water from the Jackson Gulch Reservoir, is undesirable because the

water stored in the reservoir will not be potable without constant treatment. In addition, as pointed out in the accompanying appraisal and justification, no owner of storage rights in the Jackson Gulch Reservoir, or of diversion rights other than priority No. 1, is assured of the complete satisfaction of his rights in dry years. Moreover, the cost of maintaining and operating a pumping plant, and the annual maintenance charges for operating the storage reservoir, would be excessive.

The second and more desirable proposal is to purchase a water right and divert from a point on the West Fork of the Mancos River at an elevation sufficient to provide a gravity flow through the pipe system. The original cost of this second proposal will be appreciably more than that of pumping water from the Jackson Gulch Reservoir, but the annual operating cost will be only nominal and will involve only the normal maintenance of the pipe line after installation. The attached option has been obtained and is being submitted for your approval in furtherance of this plan.

The attached appraisal and justification prepared and submitted under date of July 15, 1947, by A. Van V. Dunn, Chief, Water Division, of this Service, demonstrates that the interest in decreed priority No. 1 in the Giles Ditch proposed for purchase has a value in excess of the $4,000 purchase price agreed upon.

Your approval of the option is respectfully recommended.

Acting Director.

Enclosure 782.

Enclosure approved by SEP 16 1947

Under Secretary of the Interior

and returned.

C
O
P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mesa Verde National Park
COLORADO

July 18, 1947.

MEMORANDUM for the Director.

On July 11 Mr. A. van V. Dunn advised your office that we had received a verbal commitment in connection with an option to purchase 1/6 (0.167) second foot of water right for $4,000 from Mr. Lee Reddert of Mancos, Colorado involving Priority No. 1 in the Giles Ditch on the East Fork of the Rio Mancos.

Chief Clerk, Carpenter of this office, who aided Mr. Dunn in the negotiations, delivered the final draft of the option to Mr. Reddert on July 14. Mr. Lee Raddert then advised that the actual owners were Mr. Fred E. Reddert and his wife, Lattie W. Reddert, who reside in California, and that he was actually only their agent. Before sending the option papers to the owners for their required signatures he secured the services of Dan Milenski, Cortez lawyer, on July 16 who reviewed the option. On that evening he contacted Mr. Carpenter with reference to several exceptions that Lawyer Milenski had taken to the option form.

These exceptions are listed below and we would appreciate your advice on each item, as Mr. Lee Reddert indicates that perhaps some portion of the option should be rewritten, or perhaps riders attached, before final signatures of the vendors are given.

Mr. Milenski's exceptions are as follows:

1. When change of point of diversion is commenced the $4,000 should be placed in escrow.
2. When Government wants title they should pay before deed is recorded.
3. Abstracts of title are not given to the U. S. Government.
4. Deed is not to be recorded until full payment received.

Mr. Lee Reddert agreed to Mr. Carpenter's proposal that he send the option on to the owners for the required signatures, but stated he desired your rulings on the above stated exceptions before turning the signed option over to the Service. We advised him that we would contact you immediately and secure this technical advice.

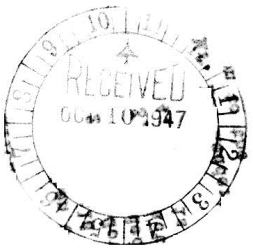
A copy of the option, as given to Mr. Reddert, is enclosed herewith for your information and files. Wewill appreciate your air mailing your reply.

/S/ Robert H. Rose,
Superintendent.

Enclosure -#900829.

In duplicate
cc: Regional Director, Region Three.
Chief, Water Rights Division Dunn.

10-10-1947: received stamp



07-15-1947: memorandum to director from nps regarding files, copies, and drafts about meve water rights

WODC

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Grand Canyon National Park

July 15, 1947.

MEMORANDUM for the Director:

There are enclosed:

1. My file (Water Division) on Mesa Verde National Park, 660-05.7, for the years 1945 to 1947.

2. My copy (Water Division) of Mesa Verde National Park Alien Water Right No. 1.

3. A draft of an appraisal, and justification for the purchase of Decreed Priority No. 1.

I am not sure that both Reddert partners (brothers) have been available yet, in Mancos, to sign the option, but both the Chief Clerk, Mr. Carpenter, and I had the feeling that there would be no further complications. The price is to be $4,000 and the enclosed appraisal should justify $8,500 entirely on the basis of the cost of Jackson Gulch Reservoir water. This leaves over 100% leeway if Mr. Reddert becomes more demanding. I have also suggested value or saving in not having to build the lateral pipe line or pump unit, but do not have the latest design and estimate from which to compute them. I believe that Mr. Webber will be back, and if the added value is needed will supply that information as a supplement; and that he, or Mr. Hamilton, will be able to prepare such a statement with more ease and speed.

Please be sure that all possible copies of my appraisal, and any other instruments, are made so that we may include them in our water right deed.

You will note that a great deal still depends on the adjudication of change in point of diversion, and, if possible, on change in purpose of use. Although the option has been tentatively accepted with two years in which to try such case before we pay for the right, we should plan to introduce our case as soon after acceptance of the option as possible. This means the need for final location of the headgate of the proposed West Mancos Water Supply System, first. It also means that we should not release the last 75 acre-feet of storage in the Jackson Gulch Reservoir, to which we are entitled, until we know we do not need it due to failure of the adjudication, or for trade, in the adjudication. However, since talking with the District Irrigation Engineer, and

Mr. Reddert, who is River Commissioner as well as the proposed vendor, I am more confident of the success of the adjudication of changes.

I do not think that the Assistant U. S. District Attorney, Mr. Marmaduke, will be too keen for the proposed adjudication, but will comply with a request to take such action. I also feel that he is not qualified to prepare the case until we have presented a well arranged claim. Therefore, I hope that only the acceptance of the option, and decision as to point of diversion for the West Mancos Water Supply System are completed by the latter part of September.

[illegible] VAN V. DUNN

Attachment. Chief, Water Division.

cc: Regional Director, Region Three, (2),
with 2 copies of attached appraisal.

July 15, 1947.

Appraisal and
Justification for Purchase
of
Part of Decreed Priority No. 1 in Giles Ditch
on East Fork of Mancos River - Colorado Water District No. 34
for
Mesa Verde National Park

Value of Water Rights

By memorandum of December 19, 1946, Superintendent Rose gave certain information regarding past sales of water rights in the Mancos Valley.

1. The Town of Mancos paid $1,960 for 1.6 second-foot of Priority No. 3, without land, on May 9, 1903. This gave a 1903 value per second-foot of $1,225.

2. George Mauler purchased 60 acres of land, and 0.50 second-foot of Priority No. 1 for $1,500, date of purchase unknown. He transferred the right, under decree of May 28, 1930. If the land, without water, is worth $5 per acre, the water right cost $1,200. 1 second-foot would have been worth $2,400.

   In transferring from the Giles to the Field Ditch, the diversion passed the Webber No. 1 Ditch, but the point of return flow was not altered. Thus, there was probably no protest or damage claim involved in the transfer.

The Project Investigations Report No. 52, by the Bureau of Reclamation, cites the following sales in the same vicinity, but not all on the same rivers or water district:

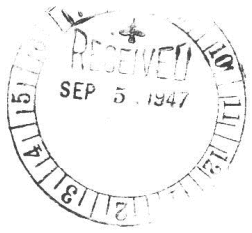
3. Inquiry in Mancos suggested that the 0.5 second-foot of Priority No. 1 might be purchased for $5,000 in 1940, or a rate per second-foot of $10,000.

4. The City of Durango paid $15,000 for 1.0 second-foot of Priority No. 1, and 1.0 second-foot of Priority No. 6, in the adjacent water district in 1929. It is not unreasonable to assume that Priority No. 1 was valued at twice the value of Priority No. 2 as follows:

Priority No. 1	$10,000.
Priority No. 2	$ 5,000.

1st page replacement sent with memo. of 9/3.

09-04-1947: received stamp



5. Animas City, in June, 1940, bought 5/12 second-foot of Priority No. 1 for $1,800, the Mayor (former City Engineer of Durango) considering the true value at $3,000, to give a cost per second-foot of $4,330.
Possible value per second foot $7,200.

This right was still to be changed to new point of diversion, the cost of adjudication and possible damage costs not estimated. Such transfer may cost $4,330 per second-foot to give total cost of $8,660 per second-foot and possible value at new place of use per second-foot as $10,000.

From Engineering News-Record, November 14, 1946; Civil Engineering, June 1946; and Proceedings of American Society of Civil Engineers, March 1946; the following cost indices are available (approximate averages of different sources):

	Materials	Building Costs	Construction Costs	Union Wages
1903	?	?	95	?
1913	100	100	100	100
1929	100	190	205	270
1930	90	180	200	275
1940	100	200	240	290
1946	150	275	370	?

The value of a water right is closely allied to real estate costs, for which there is no index trend in this Office, and to the market value of the products resulting from the use of the water, and the availability of the water when needed. It is assumed, here, that the Materials cost index above is nearest to real estate costs, and that the price of commodities rose to a new general level between 1900 and the close of the First World War, and was then fairly stable until about 1943 or 1944. From "Evaluation of Water Rights" by John E. Field, M., A.S.C.E., presented at meeting of Irrigation Division, A.S.C.E., July 14, 1927, and published in Transactions, the general water right values in the Fort Lyons Canal, in Colorado, approximately doubled between 1900 and 1920, and then leveled off. The rights with priority of 1890 at approximately 25% of those of 1887-1889; and the value of those with priority of 1886 and earlier, all about double the value of those of 1887-1889.

All four of the Mancos water rights, Priorities 1-4, under consideration for purchase by the United States, have dates of priority one year apart, between 1874 and 1877. It may be assumed, therefore, that

their values per second-foot were about equal until the first year of low flow. It is believed, therefore, that the difference between $1,225 per second-foot purchase in 1903, and $2,400 purchase in 1930, reflects the normal rise between 1900 and 1920. From the materials trends, it is also reasonable to recognize a 50% increase in value between 1940 and 1946. Therefore:

On this basis, one second-foot of water right of the average quality of Priorities 1 through 4 in years of normal flow should now be worth $3,600.

On July 8, 1947, the writer interviewed Mr. Ray Williams, District Irrigation Engineer of the State of Colorado, the District including the drainages of the Animas, Mancos, and Dolores Rivers, with headquarters in Durango, Colorado. It was learned that only Priority No. 1, on the Mancos River, had been fully satisfied in the three dry years of 1934, 1939, and 1940. The operation of the headgates of ditches to which Priority No. 2 has been decreed, is most significant.

There are 5.5 second-feet of Priority No. 2, of which 4.5 second-feet are decreed to the Ratliffe and Root Ditch, and the other 1.0 second-foot is decreed to the Webber No. 1 Ditch. When there is insufficient water in the river, all of Priority No. 3 headgates, and those with lower priority, are closed, and water which is not needed to satisfy Priority No. 1 is prorated to the Ratliffe and Root and Webber Ditches in the ratio of 4.5 to 1 respectively. The following records show the effect of the low river flow on the deliveries to the Ratliffe and Root Ditch under Priority No. 2.

1934 - June 12 was the last day on which 4.5 second-feet were delivered.

June 26 through August, only 1.0 second-foot was delivered.

1939 - June 18 was date of minimum diversion of 2.5 second-feet, and during the remainder of the season there was intermittent rain which kept deliveries slightly above this amount.

1940 - August 1, the deliveries were cut to 3.0 second-feet.

August 14-17, the delivery was cut to 1.75 second-feet, after which there was a gradual increase until the end of the season.

It is possible to consider Priority No. 2 as having a rather high average value, as average values run for Priorities 1 to 4, and in a year like 1934 it is only worth 1/4.5 as much as Priority No. 1. On this basis, Priority No. 1 is worth at least 4.5 times as much as Priority No. 2. Accepting $3,600 as the mean value of Priorities 2 and 3, in 1946, Priority No. 1 was worth $16,200, or more, in that year.

The Jackson Gulch Reservoir of the Mancos Project, which is being constructed by the Bureau of Reclamation, is largely to provide supplemental water for the lands now irrigated, when water is available, under water right Priorities 2 to 46 inclusive. As an alternate approach, the value of Priorities Nos. 1, 2, 3, and 4 differ by the amount of investment needed in the Jackson Gulch Reservoir to make all four rights equally efficient. In addition, the cost of the Jackson Gulch Reservoir, in 1946, was to cost the water users $600,000, but under the amended contract of 1947 the water users will pay $900,000 for the same storage. It follows that the general value of water rights may be considered to have increased 50% between 1946 and 1947. Such increases, over a year, or group of years, have been recognized by such engineers as John E. Field, M., American Society of Civil Engineers, as previously explained.

It has been suggested that the value of Priority No. 1 was worth $16,200 per second-foot in 1946. As a result of the revision in repayment of the Jackson Gulch Reservoir, during 1947, the value of all water rights may be considered to have increased 50% during the past year. Accordingly, Priority No. 1 has increased from $16,200 to $24,300 per second-foot. The United States proposes to purchase 1/6 of a second-foot, whose value is therefore, $4,050.00 .....Appraised value #1.

To consider the alternate source of water from the Jackson Gulch Reservoir, it was found that Mr. George Mauler, who owns the 0.5 second-foot of Priority No. 1, which is appurtenant to the Field Ditch, is authorized to irrigate 60 acres, but is dependent on a supplemental supply, under Priority No. 17 for the cultivation of 20 of these acres, and frequently finds only the 40 acres irrigated by the water under Priority No. 1 productive. It was also found that Lee and Fred Reddert, from whom it is proposed to purchase part of Priority No. 1, have rights to 1.00 second-foot under that priority, and considerable right under lower priority, for supplemental supply. Mr. Mauler and Mr. Lee Reddert individually stated that 1.00 second-foot of firm water would irrigate 80 acres, but only because a relatively long season, and local water right administration, permitted the application of 4.5 acre-feet per acre, to the sandy porous soil. On this basis, 1.0 second-foot of irrigation water is equivalent to 360 acre-feet, and 1/6 of a second-foot is equivalent to 60 acre-feet. The required storage

in the Jackson Gulch Reservoir would have to include approximately 25% additional for evaporation and transit losses between the Reservoir and land on which it would be applied. Hence, the alternate source of water supply, for irrigation, would involve the storage of 75 acre-feet. The District Engineer also estimated roughly an 80% efficiency of the reservoir (failure to fill in dry years) to increase the required total to 94 acre-feet.

Since the water users have, or are contracting to pay $900,000 for 9,800 acre-feet of storage, the repayment will amount to $92.00 per acre-foot. The cost of 94 acre-feet will be $8,648, to be equal to water under Priority No. 1 from a direct diversion of 1/6 of a second-foot.

In addition, the water users have been assured that the operation and maintenance of the reservoir will not exceed $1.00 per acre-foot per year, to be assessed in addition to the annual repayment. There is no time limit on this operation and maintenance, but accepting the 67-year limit for repayment of the $900,000, we may use the same time for a minimum period of operation and maintenance. At $94 per year, the operation and maintenance for storage equal to 1/6 of a second-foot of direct diversion will amount to $6,298.

The total cost of 94 acre-feet of storage in the Jackson Gulch Reservoir, therefore (the equivalent of 1/6 second-foot of direct diversion) will be $8,648 for repayment of the portion of the construction, plus $6,298 for operation and maintenance over 67 years, or a total of $14,946.00. The writer does not have interest tables with him, but by laborious process has determined that approximately 57% of this amount invested at 1.5% now, and drawn on as needed, will cover the total payments over 67 years. On this basis, the present value of 94 acre-feet of storage in the Jackson Gulch Reservoir, or the value of 1/6 of a second-foot of Priority No. 1 for direct diversion, is worth 57% of $14,946, or $8,500 .....Appraised value #2.

It is evident, from Appraisals Nos. 1 and 2 that the value of 1/6 of a second-foot or Priority No. 1, on the basis of past sale prices which have proved profitable, and an inflated value due to the introduction of the Jackson Gulch Reservoir is only $4,050; but that the local water users are contracting to attempt to make a profit by inflating the value to $8,500. The owners of Priority No. 2, as previously shown from records of the District Engineer, will profit by 22.2% of firm rights to direct diversion at the lower rate, and 77.8% of the storage, or a total cost of $7,500 for 1/6 of a second-foot, instead of full storage cost of $8,500.00. Owners of Priorities 3, 4, and on through No. 46, will bear costs between $7,500 and $8,500.

It follows that under the present financing plan for the Jackson Gulch Reservoir, the United States can justify a payment of $8,500 for 1/6 s.f. of Priority No. 1, $7,500 for Priority No. 2, and progressively less for junior priorities. However, it will be necessary for the United States to adjudicate a change in point of diversion to its proposed headgate for the proposed West Mancos Water Supply System for Mesa Verde National Park, and a change in purpose of use, from irrigation to domestic or municipal. These may require payment of damages to other water users. It is, therefore, desirable to pay as little more than $4,050 as is necessary until the cost of such adjudication is completed, although, if conversion of purpose of use is successful, the maximum value of the right will exceed $8,500.

To illustrate, the domestic water demand under Priority No. 1 would have to be satisfied before the irrigation demand under the same priority if the conversion of purpose is made. On the other hand, as previously stated, all deficits in water are prorated among the owners of a given priority and purpose of use. The Town of Mancos has purchased and changed point of diversion of part of Priority No. 3, and is using it for municipal and domestic purposes, but has not adjudicated a change in purpose of use. As a result, in 1934 the Town had to rent a part of Priority No. 1 to satisfy its obligations for human needs. The added value for Priority No. 1, if converted to domestic purposes, would be the saving in dry year water right rental or damage payments to the Town if it should convert the purpose of use under its Priority No. 3. Such values can be approximately determined but do not appear necessary at this time.

Attached to this appraisal is Mesa Verde Alien Water Right Assembly No. 1, being the records of rights on the Mancos River. Drawing 6980, near the top of the assembly, shows the locations of the Field and Giles Ditches to which decreed Priority No. 1 is appurtenant, and other ditches and their decreed rights, between the headgates of these two ditches and that of the proposed West Mancos Water Supply System. The river, between, is shown in blue, and the arrows indicating various high priorities, are shown in other colors for easier identity. Each owner of a headgate between present and proposed diversion is a potential protestant of any adjudication of change in point of diversion. In addition, the Court may discount or deny the change if it is generally detrimental to the water users. There will be general detriment in any diversion by the West Mancos Water Supply System because the return flow of water will not be available to the other water users in Colorado, except to the Indians on the Reservation south of Mesa Verde National Park. It is believed, however, that the Federal adjudication of change in point of diversion can be made, and the opinion is shared by the District Irrigation Engineer of Colorado because:

1. The quantity of water (1/6 of a second-foot) is small.

2. The United States can afford to pay the reasonably anticipated damage claims.

3. The United States does not have the need for more than 1/2 or 2/3 of the acre-foot limitation involved in the present irrigation at 4.5 acre-feet per acre per annum because of lower evaporation and transit losses, and the lower waste involved in domestic use.

4. The United States is already guaranteed the right to take equivalent water away from the other water users, from the Jackson Gulch Reservoir, both by the rights now being adjudicated, and by the consent of the Water Users Association, and these rights in the reservoir will be released to the Bureau of Reclamation and water users in exchange for the successful adjudication of changes in the portion of Priority No. 1 to be acquired.

Since the United States is already assured of a water supply from the Jackson Gulch Reservoir, there may be some question as to why that supply should be released in favor of the purchase and changes of Priority No. 1. The question may be strengthened by the fact that the United States is incurring a cost of approximately $2,500,000 by constructing the reservoir, which will not be repaid by the water users. There are the following justifications for abandoning any interest in this deficit for the water supply for Mesa Verde National Park, and, in lieu, buying decreed Priority No. 1.

1. The United States, through Mesa Verde National Park, will save the added cost of operation and maintenance, previously appraised at $6,298, and throw that cost onto the water users instead of the United States.

2. As previously stated, the Jackson Gulch Reservoir will not be able to deliver the full 9,800 acre-feet of water in some dry years, and all claimants thereto will have equal proportions of their total rights reduced during June to September when the Park domestic demands will be greatest, and there is little likelihood that the United States could maintain a claim for more than its normal annual demand to have a reserve in the one to three years out of ten when more storage would be needed.

3. The stored water, in the Jackson Gulch Reservoir, will be less suitable for domestic consumption than water diverted directly from the river further above the farming areas. Although the reservoir water could be released as a rule, in exchange for the direct diversion from the river, the chance that such exchange might not always be possible to the full extent, due to inadequate storage and evaporation and transit losses, would make it also necessary to construct and maintain a pump unit and approximately 2,900 feet of lateral pipe line which would require annual maintenance even if only used once in 20 years. (The proposed direct diversion will provide gravity delivery to the Park.) The cost of this lateral and pump, to construct, maintain, and operate, would be several times the cost of diverting water under decreed Priority No. 1, and there would have to be at least one replacement during the 67-year period being used in this appraisal. This added cost, or saving, may be determined, but does not seem essential for this appraisal, or to justify the purchase of decreed Priority No. 1.

(SGD.) A. VAN V. DUNN

Chief, Water Division.

Analytical Appraisal of High Priority Water Rights
Mancos River
Colorado Water District No. 34
for Possible Purchase
for
Mesa Verde National Park

by
A. van V. Dunn
Chief, Water Division

February 21, 1947

The following analysis is probably as close an appraisal of water right values at this time as can be made unless new market values are fixed by sales between now and the time that such appraisal is needed, or until all flow measurements between 1939 and 1946 are studied. Even the later flow measurements, however, will not constitute a record of sufficient length to give proper refinement.

This analysis indicates that only Priority No. 1 is suitable for a domestic supply in the extremely dry years without considerable storage, either in the Jackson Gulch Reservoir or in reservoirs at Mesa Verde National Park. It is intended to show that the National Park Service should not relinquish such claim as it has to capacity in the Jackson Gulch Reservoir until it has obtained other satisfactory water rights and complementary storage facilities.

The final appraised value, of $11,000 per second-foot for Priority No. 1 and $5,550 for Priorities Nos. 2, 3, and 4, is predicated on an enhanced value created by the present approximate estimated cost of the Jackson Gulch Reservoir and the assumption that local water use can economically repay that cost. These enhanced water right values should be reviewed or revised after further study of the final scheme of payment on the reservoir.

The existing decreed rights which might be purchased are listed with the one nearest the proposed headworks of the West Mancos Water Supply System first.

West Mancos Water Supply System - For which right is needed.
Jackson Gulch Reservoir Supply Ditch) - Can supply exchange water.
Jackson Gulch Reservoir Outlet Ditch)

Priority 4 - Lee & Burke Ditch		
	Harry T. Reed	1.167 s.f.
	O. E. Skoog	1.500 s.f.
	Frank Mauler	1.250 s.f.
	Ansel Hall	0.250 s.f.
Priority 3 - Willis Ditch		
	J. J. Jensen	0.400 s.f.
Priority 3 - Town of Mancos Water System		
	Town of Mancos	1.600 s.f.
Priority 1 - Field Ditch		
	George Mauler	0.500 s.f.
		6.667 s.f.
Priority 2 - Webber No. 1 Ditch (below confluence West & Middle Mancos)		
	Phillip Bauer	0.500 s.f.
	Fred Jeep (H. V. Carr)	0.500 s.f.
		1.000 s.f.
Priority 1 - Giles Ditch (on Middle Mancos above confluence with West Mancos)		
	George W. Menefee	0.250 s.f.
	Wm. A. Menefee	0.250 s.f.
	Edw. H. Menefee	0.500 s.f.
	Lewis H. Menefee	1.000 s.f.
		2.000 s.f.

The flow of the West Mancos River, between May 1, 1938, and Sept. 30, 1938, was as follows, for months of low flow, from G. S. Water Supply Paper 859:

Month	Maximum	Minimum	Mean
May	246 s.f.	60.0 s.f.	155.0 s.f.
June	251 s.f.	80.0 s.f.	129.0 s.f.
July	124 s.f.	19.0 s.f.	43.3 s.f.
Aug.	48 s.f.	7.8 s.f.	15.0 s.f.
Sept.	62 s.f.	6.6 s.f.	24.6 s.f.

The flow of the West Mancos River, between April 1, 1939, and Sept. 30, 1939, was as follows, for months of low flow, from Bureau of Reclamation Report No. 52, Survey and Estimates for Water Supply for Mesa Verde National Park, September 1940, prepared under agreement with National Park Service:

Month	Maximum	Minimum	Mean
April	32.0 s.f.	7.8 s.f.	17.4 s.f.
May	41.0 s.f.	11.0 s.f.	24.3 s.f.
June	16.0 s.f.	1.6 s.f.	6.96 s.f.
July	2.4 s.f.	0.3 s.f.	1.14 s.f.
Aug.	1.2 s.f.	0.0 s.f.	0.45 s.f.
Sept.	22.0 s.f.	0.2 s.f.	8.89 s.f.

As the flow of the river decreases, it is the duty of the river master to close lower priority rights to assure first use by owners of first few priorities. To be assured even a partial diversion throughout the month of August, it would be necessary for the National Park Service to own an interest in Priority No. 1. The 2.00 second-feet of priority in the Giles Ditch, with diversion on the Middle Mancos, can be supplied from the Middle Mancos and need not concern us in this appraisal. However, it is evident that there might be considerable protest, which this Service would have to settle by payment of damages to those now appropriating the waters of the West Mancos River, if it purchased any rights in the Giles Ditch, and attempted to transfer them to the West Mancos. It is not worth while considering purchase from the four Menefees except as a last resort, therefore.

If this Service purchases 0.167 second-foot of Priority No. 1, now in the Field Ditch, from George Mauler, it would be assured of an average diversion of 45/50 of the water covered by that right, or 0.15 second-foot during a month such as August 1939. The deficit of 0.017 second-foot, or 10,987 gallons per day, would amount to a total of 340,597 gallons, or only one-third of the storage in the main 1,000,000-gallon reservoir at the Park. It is believed, therefore, that this Service need buy only 0.167 second-foot of this priority, if it can get it, and should make the attempt to do so.

Transfer of Priority No. 1 to the proposed West Mancos Water Supply System headgate from Field Ditch, will move diversion from below to above:

Town of Mancos headgate - Priority No. 3 -		1.600 s.f.
Willis Ditch -	(J. J. Jensen- Priority No. 3 -	0.400 s.f.
	(August Maffey- Priority No. 8 -	1.083 s.f.
	(J. J. Jensen- Priority No. 8 -	1.083 s.f.
Lee & Burke Ditch -	(Harry T. Reed- Priority No. 4 -	1.167 s.f.
	(O. E. Skoog- Priority No. 4 -	1.500 s.f.
	(Frank Mauler- Priority No. 4 -	1.250 s.f.
	(Ansel Hall- Priority No. 4 -	0.250 s.f.
Total -		7.283 s.f.

All of these appropriators are in a position to protest, but Mr. Mauler's conveyance of Priority No. 1 should include the right to pass his interest in the Lee & Burke Ditch, and Ansel Hall should not protest since he will be the principal user at the Park. Damage payments to five other appropriators would be zero in years like 1938, but should be recognized in years like 1939. We need flow records for 1940-1946 and 1911 from the Geological Survey before fixing price estimate. Without full data from the Bureau of Reclamation to substantiate, I believe these could always be satisfied by releases from Jackson Gulch Reservoir even in dry years, if this Service establishes rights to equivalent storage therein. The interest of this Service in such storage is not yet fully determined.

It may be assumed that the Town of Mancos does not have water rights to sell. The second best purchase, therefore, would be Priority No. 3 in the Willis Ditch. This right would be worth as much as Priority No. 1 in years like 1938. It would provide no water during July and August of a year like 1939 except in exchange for releases from the Jackson Gulch Reservoir, again dependent on what interest the Service acquires.

If the Park needs its full pipe capacity of 75 gpm, or 0.167 second-foot, during July and August, it will need a total of 6,696,000 gallons, of which 1,285,000 could be provided from storage. To use Priority No. 3, therefore, it would also need 5,411,000 gallons, or 16.6 acre-feet, of storage in the Jackson Gulch Reservoir for exchange release to the Town of Mancos and to satisfy Mr. Mauler's interest in the Field Ditch. Some additional storage would be needed to prevent exhaustion of the fire control storage in the Park, but this would be negligible because the July water demand would not be more than about 75% of the August demand.

There would be little difference in buying Priority 3 or 4 for use in years like 1938. There would be need for about twice as much

exchange storage in the Jackson Gulch Reservoir in years like 1939, however. The advantage in buying Priority No. 4 would be that no other diversion is made between the Lee & Burke Ditch and the proposed diversion of the West Mancos Water Supply of this Service, except that for the Jackson Gulch Reservoir; there being, therefore, no potential damages to other appropriators.

It should be noted that the diversion for, and release from, the Jackson Gulch Reservoir is all between the proposed headgates of the West Mancos Water Supply System, and the headgate of the Lee & Burke Ditch. The reservoir, therefore, can be filled at periods of flood flow with damage to no one, and the water can then be released at times of low flow, to satisfy any other existing rights below the proposed headgate of the West Mancos Water Supply System.

This Service has been attempting to determine its interest in storage in the Jackson Gulch Reservoir, based on its limited participation in the construction with CCC labor, and the loan of the Mesa Verde rock crusher. By memorandum of June 19, 1946, for the Commissioner of Reclamation, it was suggested that the interest, by monetary conversion, was approximately $17,600, or 1.1% of the estimated cost of $1,600,000 for 9,840 acre-feet which the reservoir will provide. This would represent an interest in 108.24 acre-feet. An AP release of January 23 now suggests that the postwar cost is more likely to amount to $3,000,000, in which case the interest of this Service would be reduced to approximately 57.5 acre-feet. If the West Mancos Water Supply System is being designed with a capacity of 0.167 second-foot on the basis that 108,000 gallons per day will be the average August demand, which seems reasonable, the probable total annual demand will be only about 36 acre-feet.

On this basis, the National Park Service interest in the Reservoir may be assumed to be well over its total anticipated annual demand. By memorandum of November 14, 1946, Acting Commissioner Markwell replied to the memorandum of June 19, advising that the contributions by this Service were immaterial, the claim to as much of 120 acre-feet as needed would be available on completion of an agreement as to annual operating and maintenance charges. The AP clipping of January 23, however, quotes Senator Johnson of Colorado as stating that CPS labor, the cost of bringing water to Mesa Verde National Park and certain other items, should not be charged against the Jackson Gulch Reservoir project.

There never has been a plan to charge the cost of the West Mancos Water Supply System to the Reservoir Project. However, because of increasing costs of the latter, it is conceivable that the Congress will make it difficult for this Service to obtain an interest in even

the 36 acre-feet which it might need, to use Priority 3 or 4 for direct diversion, unless this Service can show an acceptable investment in the construction costs. The loan of the rock crusher, for 1,167 days prior to June 30, 1946, at $10 per day, gives a value of $11,670, which would justify an interest in about 38 acre-feet even if the CCC labor should be disallowed. It is necessary to establish an interest in the Jackson Gulch Reservoir if this Service is to contemplate buying any water right other than Priority No. 1, and it can probably acquire and transfer Priority No. 1 more reasonably if it can offer exchange water from the Reservoir at only the annual operating and maintenance cost.

If the vendor of a high priority water right were offered exchange water from the Jackson Gulch Reservoir, such offer should be conditioned on such vendor's assuming the operating and maintenance charges, so that the National Park Service would be free of the obligations. On this basis, it would be easier to negotiate for the recommended purchase of Priority No. 1 if an agreement could first be arranged between this Service and the Bureau of Reclamation, as to approximate operating and maintenance costs as well as the storage interests to be enjoyed by this Service.

By memorandum of December 19, 1946, Superintendent Rose gave certain information regarding past sales of water rights in the Mancos Valley.

1. The Town of Mancos paid $1,960 for 1.6 second-feet of Priority No. 3, without land, on May 9, 1903. This gave a 1903 value per second-foot of $1,225.

2. George Mauler purchased 60 acres of land, and 0.50 second-foot of Priority No. 1 for $1,500, date of purchase unknown. He transferred the right, under decree of May 28, 1930. If the land, without water, is worth $5 per acre, the water right cost $1,200. 1 second-foot would have been worth $2,400.

   In transferring from the Giles to the Field Ditch, the diversion passed the Webber No. 1 Ditch, but the point of return flow was not altered. Thus, there was probably no protest or damage claim involved in the transfer.

The aforesaid Project Investigations Report No. 52, by Bureau of Reclamation, cites the following sales in the same vicinity, but not all on the same rivers or water district:

3. Inquiry in Mancos suggested that the 0.5 second-foot of Priority No. 1 might be purchased for $5,000 in 1940, or a rate per second-foot of $10,000.

4. The City of Durango paid $15,000 for 1.0 second-foot of Priority No. 1, and 1.0 second-foot of Priority No. 6, in the adjacent water district in 1929. It is not unreasonable to assume that Priority No. 1 was valued at twice the value of Priority No. 1 as follows:

Priority No. 1	$10,000.
Priority No. 2	$ 5,000.

5. Animas City, in June, 1940, bought 5/12 second-foot of Priority No. 1 for $1,800, the Mayor (former City Engineer of Durango) considering the true value at $3,000, to give a cost per second-foot of $4,330.
Possible value per second foot $7,200.

This right was still to be changed to new point of diversion, the cost of adjudication and possible damage costs not estimated. Such transfer may cost $4,330 per second-foot to give total cost of $8,660 per second-foot and possible value at new place of use per second-foot as $10,000.

From Engineering News-Record, November 14, 1946; Civil Engineering, June 1946; and Proceedings of American Society of Civil Engineers, March 1946; the following cost indices are available (approximate averages of different sources):

	Materials	Building Costs	Construction Costs	Union Wages
1903	?	?	95	?
1913	100	100	100	100
1929	100	190	205	270
1930	90	180	200	275
1940	100	200	240	290
1946	150	275	370	?

The value of a water right is closely allied to real estate costs, for which there is no index trend in this Office, and to the market value of the products resulting from the use of the water, and the availability of the water when needed. It is assumed, here, that the

Materials cost index above is nearest to real estate costs, and that the price of commodities rose to a new general level between 1900 and the close of the First World War, and was then fairly stable until about 1943 or 1944. From "Evaluation of Water Rights" by John E. Field, M., A.S.C.E., presented at meeting of Irrigation Division, A.S.C.E., July 14, 1927, and published in Transactions, the general water right values in the Fort Lyons Canal, in Colorado, approximately doubled between 1900 and 1920, and then leveled off. The rights with priority of 1890 at approximately 25% of those of 1887-1889; and the value of those with priority of 1886 and earlier, all about double the value of those of 1887-1889.

All four of the Mancos water rights, Priorities 1-4, under consideration for purchase by the United States, have dates of priority one year apart, between 1874 and 1877. It may be assumed, therefore, that their values per second-foot were about equal until the first year of flow considerably below that of 1938, perhaps until 1939. It is believed, therefore, that the difference between $1,225 per second-foot purchase in 1903, and $2,400 purchase in 1930, reflects the normal rise between 1900 and 1920. From the materials trends, it is also reasonable to recognize a 50% increase in value between 1940 and 1946. Therefore:

1. On this basis, one second-foot of water right of the average quality of Priorities 1 through 4 should now be worth $3,600.

2. From the experience of flow conditions of 1939, Priority No. 1 should be worth at least $7,200.

However, as a further consideration, the value of water in the Mancos Valley is going to be further influenced by the final cost of the Jackson Gulch Reservoir and related structures in the Mancos Project. Between 1940 and January 1947, to judge from the aforesaid press release, the estimated cost of that project has risen from $1,300,000 to $3,000,000, or more--at least 230%. On this basis, the building, or the construction index would not be unreasonable as an actual market value as follows:

1. Probable market value Priorities 2-4 per sec. ft. $5,550.
2. Probable market value Priority 1 per sec. ft. $11,100.

It is recommended that final estimates for the Mancos Project, as of the date of negotiations for proposed water right purchase by this Service, be obtained and used for final revision of appraisal now recommended as follows:

0.167 sec. ft. Priority No. 1 @ $11,000/ per sec. ft. $1,850.
0.167 sec. ft. Priority Nos. 2-4 @ $5,550/ per sec. ft. 1,000.

It is also recommended that at least double these amounts be allocated to cover potential damage claims in transferring point of diversion and place of use, and converting from irrigation to domestic purposes. The damage value for changed point of diversion should be approximately equal to the purchase price, and an additional damage may be claimed because return flow will not reach lower appropriators. The total cost of proposed water right for the West Mancos Water Supply System is therefore estimated as follows, less any saving by exchange releases from Jackson Gulch Reservoir, but exclusive of costs of adjudication proceedings:

0.167 sec. ft. of Priority No. 1:

Purchase price	$1,850
Damages from change of point of diversion	1,850
Damages from changes in place and purpose of use	1,850
Total	$5,550

0.167 sec. ft. of Priority No. 2, 3, or 4, all about equal:

Purchase price	$1,000
Damages from change of point of diversion	1,000
Damages for changes in place and purpose of use	1,000
Total	$3,000

1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON
25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

CLERK'S OF

Name	ate
3 Tolson	January 9, 1947.
Richey	
~~+ Kintzel~~	~~TW~~
2 Burney	
Demaray	RAP 1/13

MEMORANDUM for the Director.

Reference is made to Acting Director Tolson's memorandum of December 9 concerning the National Park Service interest of 120 acre-feet of the storage of the Jackson Gulch Reservoir, Mesa Verde National Park. There is attached a hand-written note from Mr. Bernard Meyer, Bureau of Reclamation, of January 6, to which he has attached the following enclosures:

> Memorandum for the Secretary from the Acting Commissioner, Bureau of Reclamation, October 18, 1940, subject: Construction of Mancos Project, Colorado, under the provisions of the Act of August 11, 1939, (53 Stat. 1418), with enclosures.
>
> Letter to the President from the Secretary of the Interior, September 18, 1944, with enclosure.

Mr. Meyers advises that a letter from Mr. Wilson Cowen to the President, August 17, 1944, cannot be located in their files.

Attention is invited to the last sentence of the first paragraph on page two of the Secretary of the Interior's letter to the President (second enclosure to October 18 memorandum listed above), which states: "Approximately 120 acre-feet of the reservoir storage will be allocated to the Park Service, but the construction of the pipe line is not included as a part of the Mancos irrigation project." It is noted that this letter was approved by the White House on October 24, 1940.

J. B. Demaray
Associate Director.

Enclosure No. 843.

These constitute preliminary commitments regarding NPS interest in waters of Jackson Gulch Reservoir.

01-06-1947: a hand written note to smith, nps regarding enclosed documents relating to the appraisal of the mancos project from

2

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

1-6-47

Mr. Smith
National Park Service

I enclose the documents relating to the approval of the Mancos Project by the President on October 24, 1940, and a letter dated Sept. 18, 1944 to the President. I regret that a copy of the letter of August 17, 1944, from Mr. Wilson Carver to the President cannot be located in our files.

Bernard Meyer

104330

THE SECRETARY OF THE INTERIOR
Washington 25, D. C.

September 18, 1944

My dear Mr. President:

On October 24, 1940, you approved a report which I had submitted recommending the construction of the Mancos irrigation project in Montezuma County, Colorado, under the provisions of the Act of August 11, 1939 (53 Stat. 1418) as amended. Copies of papers relating to the authorization of this project are enclosed.

There is also enclosed a letter dated August 17, 1944, addressed to you, from Mr. Wilson Cowen, Assistant War Food Administrator, acting in the stead of the Secretary of Agriculture, relating to the proposed participation of the Department of Agriculture in the project.

When the original papers were submitted in 1940, there was included a letter addressed to me, dated September 19, 1940, signed by Mr. Paul H. Appleby, Acting Secretary of Agriculture. In this letter Mr. Appleby outlined the activities proposed to be undertaken by the Department of Agriculture, and estimated that $80,000 would be required in addition to a non-reimbursable contribution from the Works Project Administration amounting to approximately $45,000. It was indicated that these funds would be used primarily for field investigations, surveys, and planning for the entire project and for land development of not more than 2,000 acres which might be purchased to effect unit reorganizations. Since the approval of the project, the Department of Agriculture has carried on detailed economic and engineering studies and now believes that more extensive participation would be desirable. The work now proposed would involve an additional expenditure of approximately $393,000 from appropriations authorized by the Act of October 14, 1940 (54 Stat. 1119). Such expenditures would be made from funds under the control of the Department of Agriculture.

In his letter, Mr. Cowen estimates that the water users can repay $205,000 of the amount now requested, in addition to the $80,000 previously allocated to the Department of Agriculture. This total of $285,000 is in addition to the reimbursable construction cost of $600,000 which the Mancos Water Conservancy District has agreed to repay to the United States under a contract dated July 20, 1942. The repayment estimates are based upon the economic studies recently completed by that Department and have not been reviewed by the Department of the Interior.

Construction of the project was undertaken by the Bureau of Reclamation in 1941 and continued with labor furnished by the Works Project Administration and Civilian Conservation Corps until these agencies were liquidated. The War Production Board issued a stop construction order in connection with the Bureau's

work on November 16, 1942. At that time negotiations with the Selective Service System relating to the establishment of a Civilian Public Service camp were well advanced, and the November 16 order was lifted on December 4, 1942, to the extent necessary to keep Civilian Public Service assignees gainfully employed. A Civilian Public Service camp was opened on the project on July 1, 1943. On August 12, 1943, the War Production Board removed all restrictions previously imposed with respect to the employment of persons in the custody of Civilian Public Service. Construction was continued, however, with Civilian Public Service labor only as it was believed that the presence of contract labor or free Government forces on the project would provoke serious conflicts in labor relations. Under these conditions, reasonably satisfactory progress has been made to date, and it is planned to continue this program throughout the 1944 construction season. Consideration is now being given toward expanding construction activities in 1945 and it is believed that some storage could be made available by the 1946 irrigation season. While the storage to be provided by the Bureau would furnish a much-needed supplemental water supply, the lands are, to a large extent, now under irrigation and could benefit immediately through the land leveling and other activities proposed by the Department of Agriculture.

Following consultation with the War Food Administrator, acting in the stead of the Secretary of Agriculture, I find that the proposed construction is justifiable as an aid in the production of needed agricultural products. Accordingly, I transmit the recommendations of the Assistant War Food Administrator and recommend that you approve this report.

Sincerely yours,

Harold L. Ickes

Secretary of the Interior.

The President,
The White House.
(Through the Bureau of the Budget)

Enclosure 436

THE WHITE HOUSE Franklin D. Roosevelt

December 20, 1944.

Approved:

09-15-1944: memorandum to secretary from bureau of reclamation regarding papers containing specific recommendations of the

104330

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
Washington 25, D. C.

September 15, 1944

MEMORANDUM for the Secretary.

The papers which are enclosed contain specific recommendations of the Department of Agriculture to assist further in the development and settlement of the Mancos irrigation project in Montezuma County, Colorado.

Your report proposing this project for construction was approved by the President on October 24, 1940. A letter, dated September 19, 1940, written to you by the Acting Secretary of Agriculture and made part of your report to the President, indicated that the Department of Agriculture would require approximately $80,000 for its participation in addition to a contribution of approximately $45,000 from the Works Project Administration. It was stated in that letter that "These funds would be used primarily for field investigations and surveys and planning for the entire project and for development of not more than 2,000 acres which might be purchased to effect unit reorganizations". The Department of Agriculture has concluded a series of detailed economic and engineering studies relating to the reorganization of farm units and now makes specific recommendations for further participation.

Project lands in the Mancos area now do not have sufficient water for adequate irrigation. Construction to provide supplemental water was started by the Bureau of Reclamation shortly after the project was approved, and continued with labor furnished by the Civilian Conservation Corps and Works Project Administration until these agencies were liquidated. Thereafter, labor furnished by the Civilian Public Service camps of the Selective Service System was utilized. On November 16, 1942, the War Production Board issued a stop construction order in connection with the work of the Bureau of Reclamation. This order was lifted on December 4, 1942, to the extent necessary to keep Civilian Public Service assignees gainfully employed. On August 12, 1943, the War Production Board removed all restrictions previously imposed with respect to the employment of persons in the custody of Civilian Public Service. An amended application filed with the War Production Board was cleared on January 24, 1944, and an AA-3 preference rating assigned.

After this clearance was obtained, it appeared that any attempt to use contract labor or free Government forces on the project together with assignees from the Civilian Public Service camp would provoke a conflict in labor relations. Consequently, it was decided to continue construction with Civilian Public Service assignees only. Considering the type of labor, reasonably satisfactory progress has been made to date, and it is planned to continue this program through the 1944 construction season. Consideration is being given

toward expanding construction activities in 1945 and it is believed that some storage could be made available for the irrigation season of 1946. Therefore, it appears to be desirable for the Department of Agriculture to proceed with its part of the program at an early date in order that lands may be fully developed and made ready to utilize to the maximum extent the supplemental water as soon as it becomes available. Much of the land now under irrigation could benefit immediately through the land leveling and other activities of the Department of Agriculture.

I recommend that you sign the enclosed letter to the President and that the papers be forwarded to him through the Bureau of the Budget.

Commissioner.

Enclosure 437

304
118-1
MANCOS

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
Washington

October 18, 1940

MEMORANDUM for the Secretary.

Subject: Construction of Mancos Project, Colorado, under the provisions of the Act of August 11, 1939, (53 Stat. 1418).

The papers which are enclosed relate to the proposed construction of the Mancos Project in Colorado under the terms of the Act of August 11, 1939 (Case-Wheeler Act), as amended. The approval of the President of the recommendations contained in the accompanying letter will complete the authorization for the construction of the project under the terms of this Act.

Papers on this project were submitted to you on October 1, but since that time, the amendments to the Act have been approved, making it necessary to change the letter to the President in certain respects.

I recommend that you sign the two letters to the President and that the papers be forwarded to him through the Bureau of the Budget.

(Sgd) H. W. Bashore,

Acting Commissioner.

Enclosure 1202876.

Approved by:

(Sgd) Harold L. Ickes,

Secretary of the Interior
and returned to the
Bureau of Reclamation.

118118-2

THE SECRETARY OF THE INTERIOR

Washington

The President,

The White House.

(Through the Bureau of the Budget)

My dear Mr. President:

The attached letter contains recommendations for the construction of the Mancos Irrigation Project in Montezuma County, southwestern Colorado, under the provisions of the Act of August 11, 1939 (53 Stat. 1418), as amended.

The Mancos Valley, one of the oldest irrigated sections in western Colorado, is in need of storage works to regulate the water supply. At present only a limited number of crops can be raised. The dependable water supply which would be provided by the proposed construction would furnish protection from drought and permit more diversified farming to stabilize the agricultural industries in this area.

It is planned to build the project with the assistance of the Work Projects Administration and the Civilian Conservation Corps. The Department of Agriculture will participate through land development and settlement activities.

Papers relating to the proposed project are attached and if you approve of my recommendations you may wish to send the enclosed letter to the Commissioner of the Work Projects Administration.

Sincerely yours,

Acting Secretary of the Interior.

Enclosure 2546170.

118118-3

THE SECRETARY OF THE INTERIOR

Washington

The President,

The White House.

(Through the Bureau of the Budget)

My dear Mr. President:

In accordance with the requirements of the Act of August 11, 1939 (53 Stat. 1418), as amended, I submit this report on the Mancos irrigation project in Montezuma County, Colorado, and request your approval of the findings and certifications contained herein.

Project Plan

The proposed work involves the construction of a storage reservoir on Jackson Gulch, about four miles north of the town of Mancos, an inlet canal to take water from the West Mancos River and deliver it to the reservoir, and an outlet canal to which water will be released from the reservoir and returned to the river. The diversion and distribution system for the project lands has already been constructed. The dam will be an earth-fill structure, 130 feet high above the stream bed and 1,930 feet long across the crest. The inlet canal will be of 250 second-feet capacity and approximately three miles in length. The outlet canal will be of 200 second-feet capacity and less than three miles long. The reservoir back of the dam will have a capacity of 10,000 acre-feet.

The project lands, comprising approximately 10,000 acres, are situated in the valley along the Mancos River near the town of Mancos. The Mancos Valley, one of the oldest irrigated sections in western Colorado, has been settled for over sixty years, but many years ago the economic limit of settlement was fixed by the unregulated water supply. At present it is practicable to raise only some grain and forage crops, although the soil and climate are adapted to the growth of many other varieties. The dependable water supply which would be provided by construction of the project would furnish protection from drought and permit more diversified farming, thus stabilizing the agricultural industry in this community.

5

A new water supply for the Mesa Verde National Park is urgently needed. The present supply, which is from a deep well, is not satisfactory as the water is hot and must be cooled and treated to make it fit for use. The demand for water is constantly increasing and the park is becoming each year more popular. It is now planned to build a pipe line of 150 gallons per minute capacity, with an approximate length of twenty-one miles, to take water from the Jackson Gulch reservoir to the National Park headquarters. Approximately 120 acre-feet of the reservoir storage will be allocated to the Park Service, but the construction of the pipe line is not included as a part of the Mancos irrigation project.

Participation of Federal Agencies

It is proposed that the Bureau of Reclamation will construct the dam, reservoir, inlet canal, and outlet canal. The present plan, subject to change, is that the Bureau also will operate the irrigation works after they are built and negotiate contracts with the water users for the repayment of construction charges. The Department of Agriculture plans to make a detailed study of the agricultural pattern of the project to determine the part it can take in the rehabilitation of the area. It also plans to acquire and develop lands and to take other action which is indicated by the study to assist in accomplishing such adjustments as are shown to be necessary. The National Park Service expects to participate in the construction program by making available a Civilian Conservation Corps camp which would be used on the construction of the dam when suitable conditions permitted, and at other times on the installation of the pipe line. The Work Projects Administration and the Civilian Conservation Corps are expected to provide most of the labor and a relatively small amount of materials, supplies, and equipment. A report to you from the Work Projects Administration on the extent of its proposed participation is enclosed. The Department of Agriculture has advised that its proposed participation is discussed in a letter to me dated September 19, 1940, and that this letter, a copy of which is enclosed, may be used as its report to you. Until appropriations are made to the Department of Agriculture for its participation, it is planned that allocations from appropriations made under the authority of the Act of August 11, 1939 (53 Stat. 1418) will be made to the Bureau of Reclamation, and that the Department of Agriculture will be reimbursed for services by the Bureau of Reclamation through transfers or advancement of funds from the allocations.

6

Estimated Cost

The total estimated cost of the project is $1,600,000, of which $680,000 is expected to be obtained from appropriations made under the authority of the Act of August 11, 1939, and the amendments thereto, and $920,000 through work accomplished by the Work Projects Administration or the Civilian Conservation Corps, or both. The construction of works by the Bureau of Reclamation is estimated to cost $1,475,000, of which approximately $600,000 is expected to be spent on the dam, reservoir, and appurtenant works from appropriations made under the authority of the Act of August 11, 1939, and its amendments. The program of the Department of Agriculture is estimated to cost $125,000. A tabulation giving the estimated breakdown of expenditures is attached. Out of the $3,500,000 made available by the Interior Department Appropriation Act of 1941, it is estimated that $200,000 will be needed for work to be accomplished in the fiscal year 1941.

Allocation of Costs

The total estimated cost of the proposed construction can be properly allocated to irrigation. The reservoir will have no material influence on floods, and no flood control allocation is justified. There are no opportunities for profitable power development. Indian lands are not involved. It is believed that the irrigation interests can repay, in 40 annual installments, the entire allotment for construction from funds made available under the Act of August 11, 1939, and the amendments thereto, now estimated at $600,000. The amount of water to be reserved for the Park Service for use in the Mesa Verde National Park is relatively small, and it is planned that the financial contribution of the National Park Service to the construction of the dam, reservoir, and appurtenant works will be confined to the services, materials, or supplies which that agency may contribute in connection with the Civilian Conservation Corps camp which it shall make available to the project from its allotment of camps. The expenditures by the Department of Agriculture, estimated at $80,000 from funds appropriated under the Act of August 11, 1939 and the amendments thereto, will be repaid in accordance with Section 5 of the Act as amended.

Findings, Certifications, and Recommendations

Based on the foregoing report and other data available to me concerning the proposed project, I make the following findings and certifications:

1. I find and certify that the proposed project has engineering feasibility.

2. I find that the estimated cost of the proposed construction is $1,475,000, exclusive of the cost of participation by the Department of Agriculture, which is estimated at $125,000.

3. I find that the entire estimated cost of this project properly can be allocated to irrigation; that no part of the estimated cost of the project can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom; and that no part of the estimated cost of the project can properly be allocated to the irrigation of Indian trust and tribal lands, or to flood control.

4. I find and certify that the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of Section 4 of the Act of August 11, 1939, as amended, is $600,000, in addition to the monies out of the amount to be expended on land development and related activities to be repaid as provided in Section 5 of the Act of August 11, 1939, as amended.

I recommend that you approve the foregoing report and findings; and I recommend that you find, by your approval of this report that services, labor, materials, easements and other property, including monies for the construction of the project should be made available to the Department of the Interior by the Work Projects Administration, the Civilian Conservation Corps, or other Federal agencies in the amount found necessary by me to make up the difference between the estimated cost of the project construction and the amount which will be allocated from appropriations made under the provisions of the Act of August 11, 1939, and the amendments thereto.

Sincerely yours,

Secretary of the Interior.

Enclosure 2546235.

THE WHITE HOUSE

October , 1940.

Approved: OCT 24 1940

8

118118-5

C
O
P
Y

DEPARTMENT OF AGRICULTURE

Washington

September 19, 1940

The Honorable

The Secretary of the Interior

Dear Mr. Secretary:

One of the projects suggested for construction under the Act approved August 11, 1939 (53 Stat. 1418) is the Mancos Project in Montezuma County, Colorado. I am glad to advise you that the Department of Agriculture is sincerely interested in the proposed construction of a reservoir and other irrigation works to provide supplemental water for the area concerned.

The reports of the Bureau of Reclamation indicate that the project has engineering feasibility, and our own field investigations show the need for a supplemental water supply if the agriculture of the area is to be rehabilitated. I understand that part of the cost is to be absorbed by other than agricultural interests, and since we are not aware of the costs to be allocated to the various interests, we must assume that the charges to the farmers would be within their ability to repay. It is understood additional nonreimbursable funds will be made available for construction through the participation of the Work Projects Administration.

Construction of this project is recommended with the Department of Agriculture participating as follows:

1. Make a detailed farm and population study looking toward a possible reorganization of the farm units providing additional land for farmers now on inadequate-sized units.

2. Acquire and develop land to assist in accomplishing such adjustments as are shown necessary.

3. In cooperation with the Bureau of Reclamation, assist local people and organizations in reorganization and improvement of water distribution systems.

4. Assist farmers through reorganization of farm management practices, assisting in more effective and efficient tillage and cropping systems, home management, community and social activities. Loans, grants, debt adjustment and such other financial aid as may be necessary would be provided for the rehabilitation of the area and all needy families located therein.

5. Examine and approve tenure arrangements, adequacy and condition of home and farmstead buildings and other structures, and the condition and ability of land to meet debt and rent payments, and provide a decent living for the tenant families. With approximately 43% of the land under this project operated by tenants the need for this service is apparent. It is recommended that delivery of storage water to tenant-operated units be conditional upon this approval. I understand that water will not be delivered for use upon lands of one owner in excess of an adequate sized unit. Excess lands to be eligible for the delivery of water must be sold at not to exceed the Government appraised price; and in the event that the owner of excess lands has a water right which partially satisfies his needs for an adequate-sized unit, he will be delivered only sufficient additional water to fully satisfy his needs upon his specifically designated unit.

After completion of construction, a development period of several years will be necessary to complete unit reorganization and organize and stabilize production before returns will permit repayment of construction costs.

During this period, use and distribution of water should be carefully supervised. The Department of Agriculture will maintain supervision of operations of farm borrowers through its rehabilitation program. Supervision of use and distribution of water can well be consolidated with farm supervision; hence the Department of Agriculture is willing to assume this responsibility.

Our estimates indicate that the Department of Agriculture will require approximately $80,000 for its participation, in addition to a Work Projects Administration contribution of approximately $45,000. These funds would be used primarily for field investigations and surveys and planning for the entire project and for land development of not more than 2,000 acres which might be purchased to effect unit reorganizations.

Sincerely yours,

(Sgd) Paul H. Appleby
Acting Secretary.

11

118118-6

FEDERAL WORKS AGENCY
WORK PROJECTS ADMINISTRATION
1734 New York Avenue, NW.
Washington, D. C.

September 25, 1940.

The President
The White House

My dear Mr. President

The Secretary of the Interior has transmitted a copy of a letter requesting an allotment of $745,000 from the 1941 Water Conservation Appropriation and those to be made in the future years, under the authority of the Act of August 11, 1939, for the construction by the Bureau of Reclamation of the Mancos irrigation project in Montezuma County, Colorado. The Secretary states that the Work Projects Administration and the Civilian Conservation Corps are expected to provide most of the labor and a relatively small amount of material, supplies, and equipment amounting in all to $835,000 to complete the work.

As is indicated in the Secretary's letter, the time required for the construction of the project will depend largely on the availability of relief labor and of Civilian Conservation Corps camps and may extend to three or four years.

The Work Projects Administrator for Colorado reports that not more than 500 certified workers can be furnished for the project during the remainder of the fiscal year, if work camps are established at the job site.

In view of the time required to complete necessary plans, applications, and organizations prior to inaugurating construction, as well as the factors pertaining to available relief labor, it is obviously impossible for the Work Projects Administration to complete the contemplated work during the current fiscal year. Accordingly, it does not appear advisable to approve at the present time a project of a greater magnitude than can be prosecuted with the available relief labor during the remainder of the fiscal year. However, I shall be glad to give prompt consideration to any application which may be submitted to employ a reasonable average

number of relief workers, based on their estimated availability for the Mancos project when the plans and estimates of the Bureau of Reclamation have been developed to a point where a reasonable accurate estimate can be made of the requirements of the project during the balance of the current fiscal year.

Respectfully yours,

Corrington Gill,
Acting Commissioner.

cc: Mr. Page

118118-7
Oct. 24, 1940

THE WHITE HOUSE

Washington

My dear Mr. Commissioner:

Pursuant to the Act of August 11, 1939 (53 Stat. 1418), as amended, the Secretary of the Interior has submitted his findings on the engineering and economic feasibility of the Mancos irrigation project in Montezuma County, Colorado, and has recommended its construction under the terms of this act. I have approved the report, findings and recommendations, and have determined that services, labor, materials, easements, and other property, including money for construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies in the amount found to make up the difference between the estimated cost of construction and the amount which is to be expended from appropriations made under the Act of August 11, 1939 and the amendments thereto.

It is noted from your letter to me of September 25, which accompanied the papers submitted by the Secretary of the Interior, that you will give prompt consideration to any application submitted by the Bureau of Reclamation for work to be undertaken by this agency on the Mancos Project in the fiscal year 1941.

Sincerely yours,

FRANKLIN D. ROOSEVELT

Commissioner,
Work Projects Administration,
Washington, D. C.

14

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS 54

October 9, 1945.

MEMORANDUM for Mr. Demaray.

The receipt is acknowledged of your memorandum of September 17, concerning the extent of the Service's contribution to the construction of the Jackson Gulch Dam, a Bureau of Reclamation project near Mancos, Colorado. We know that you have followed the developments of the Jackson Gulch Dam and Mesa Verde pipe line projects from their inception and are, therefore, generally familiar with them, but some of the pertinent facts are recorded herein for the record.

By reference to Superintendent Nusbaum's memorandum of July 30, 1943, for the Regional Director, Region Three, it is noted that, at a meeting arranged by the late Congressman Taylor of Colorado, in January 1939, in Washington, D. C., a plan was proposed by representatives of the Mancos, Colorado, Public Irrigation District, under which Mesa Verde National Park could secure a perpetual right to waters of the West Mancos River, and reservoir storage rights for 350 acre-feet annually in return for assistance in achieving construction of Jackson Gulch Dam. The rendering of this assistance was later started with a CCC camp.

Mr. Nusbaum states that, acting upon your instructions, he prepared a memorandum embodying "proposed means of securing a dependable gravity water supply supported by a perpetual right for Mesa Verde National Park through cooperative arrangement with the Mancos Public Irrigation District or any other district formed for the control and use of the waters of the West Mancos River." That memorandum was submitted by you on January 25, 1939, to Commissioner Page of the Bureau of Reclamation. That Bureau made a survey, estimate, and report on the proposed Mesa Verde National Park water system under an agreement dated May 5, 1939, signed by Commissioner Page and you, and it was approved by the Assistant Secretary on July 6 of that year. This Service has received the reports and estimates, and made payment to the Bureau in accordance with that agreement.

Between 1940 and the termination of the CCC we were negotiating an agreement with the Bureau under which this Service was to provide a CCC camp for the use of the Bureau on the Mancos Project in exchange for 120 acre-feet of water storage in the Jackson Gulch Reservoir to be used at Mesa Verde National Park. The agreement had to be shelved temporarily because of the inability of this Service to provide the CCC labor. The Bureau's letter of January 6, 1943, closed the matter.

Our records show that at the time of these negotiations the Bureau estimated the cost of the Mancos Irrigation Project to be $1,600,000, and

that the design provided for a storage capacity of 9,840 acre-feet. The 120 acre-feet which were proposed for this Service was then 1.22%, which would have fixed our proportion of the construction cost at $19,520. To acquire our proposed storage, we should apparently contribute this amount with corrections for changing construction indices during the war.

We have a copy of an interbureau agreement which was signed in the latter part of August 1941 by Chief Engineer S. O. Harper of the Bureau and Regional Director M. R. Tillotson of this Service which provides for the temporary use of 50 men from our CCC Camp NP-13 on the Mancos Project and the required supervisory personnel and trucks for which the Bureau was to provide equivalent labor for the West Mancos Water Supply System from its CCC Camps BR-93 or 94 at a later date. No such exchange value has been received.

Our records show that, under this agreement, the National Park Service did contribute labor and trucking between October 5, 1941, and May 22, 1942, which cut and peeled 203 power line poles, dug 237 post holes 5 feet deep, and did considerable clearing and excavation at the Jackson Gulch Reservoir site. The monetary value of this participation is subject to further review, but should be approximately as follows:

1294 enrollee man-days @ $ 3.75	$ 4,852.50
162 foreman man-days @ $ 6.00	972.00
609 truck-hours (76.166 truck-days) @ $ 1.50	114.25
Total NPS CCC participation	$ 5,938.75

In addition, the Service loaned to the Bureau, under an interbureau agreement dated October 21, 1941, the Mesa Verde National Park rock crushing plant for use in producing concrete aggregate for the Jackson Gulch Dam. On the basis of 280 working days per year, the Bureau on June 30, 1945, had used this equipment 887 days. The rental at a nominal rate of $10 per day would amount to $8870.

Accordingly, this Service has contributed $14,808.75 towards the cost of the Mancos Project as of June 30, 1945, leaving a balance of $4711 on an obligation of $19,520 for 120 acre-feet of stored water from the Jackson Gulch Reservoir annually. This computation is premised on the originally estimated cost of the Mancos Irrigation Project. If the cost should increase 75%, our participation would increase to $33,160 for 120 acre-feet, leaving an unobligated balance of $18,352.

As a matter of fact, the 120 acre-feet of stored water was an arbitrary quantity which was suggested before any design or analysis of the needs of Mesa Verde National Park was made. We now know that the probable pipe capacity will be approximately 10.261 acre-feet per month, and that the water demand in August is approximately 28.5% of the annual total. This suggests that the Mesa Verde National Park water demand may be fully satisfied by a considerably smaller amount than the 120 acre-feet annually now under consideration. A reduction in our annual demand would tend to

reduce our contribution to the cost of the irrigation system proportionally, In our previous negotiations, the Bureau proposed that this Service also pay an annual service and operating charge of $250 on the basis of 120 acre-feet.

The original plans for the Mesa Verde National Park water supply provided for taking water from the Jackson Gulch Reservoir and conveying it to the 1,000,000-gallon reservoir located just north of park headquarters, crossing over the North Rim of the mesa through Nusbaum Cut which would be the high point in the pipe line. Since Nusbaum Cut is 200 feet higher than the Jackson Gulch Reservoir, the plans provided for installing pumps to force the water to Nusbaum Cut from which point it would flow by gravity to park headquarters.

The engineers favored the Nusbaum Cut route chiefly because of economy of construction, but it was disliked for various reasons by others, including the Regional Director, Superintendent, Chief Landscape Architect, and the Archeologist. Finally, the Director, in order to preserve certain scenic and archeological features, approved an alternate route that followed Montezuma Valley and crossed the North Rim of the mesa at the power line crossing. This alternate route to the crossing of the Rim is 6.5 miles longer than the original location over Nusbaum Cut and crosses the North Rim at a point that is 184 feet higher than Nusbaum Cut. It was estimated to cost approximately $40,000 more than the Nusbaum Cut route. The increased friction head in the 6.5 mile longer pipe line, combined with the 184 feet additional pumping head required heavier pumping equipment and would result in higher operating costs for pumping.

About this time Sanitary Engineer H. B. Hommon, U. S. Public Health Service, visited the area and expressed himself as not being satisfied with the Jackson Gulch Reservoir as a source of water supply for the park, since practically all of the water that feeds the reservoir will be the drainage from an unprotected watershed where there is some farming and considerable cattle grazing. It was also his opinion that such water could easily be contaminated, requiring constant heavy chlorination to make it safe for domestic use.

Further studies and surveys were then made with the result that it was decided to extend the pipe line several miles above the Jackson Gulch Reservoir site and divert water directly from the West Mancos River. Since then, all plans for the water system have been predicated on this diversion directly from the River in lieu of the reservoir. The construction cost will be greater, but this will be offset by the improved quality of water and in the annual saving in pumping cost, since the intake would be sufficiently high to provide for a gravity flow the entire length of the pipe line.

The United States has a water claim in the pending adjudication in Colorado Water District No. 34 which includes the claims of the Bureau and this Service in a single statement. The claim for this Service is for 120 acre-feet of stored water, and for a direct diversion of 0.33 of a sec. foot

from the River with exchange releases from the reservoir. In order to divert water directly from the River, it may be necessary to release equivalent water from its storage in the Jackson Gulch Reservoir to satisfy lower senior claimants. We would be in a better position if we were to purchase an existing decreed right of sufficiently early priority to assure a supply of water during dry years when the stream flow is greatly reduced.

The State Engineer's records show that priority No. 4 of May 15, 1877, for 4.1667 second-feet, was decreed to the Lee and Burke Ditch whose headgate is just below the mouth of the outlet ditch of the Mancos Project. It is our thought that we should buy enough of that right to cover a diversion of 75 gallons per minute, or 0.1671 of a second-foot, and transfer that right to our proposed diversion on the Mancos River. It is estimated that a right to this quantity of water can be purchased outright for $10,000 to $12,000, and perhaps somewhat less if we can offer the owners an equivalent amount of water from the Jackson Gulch Reservoir. The outright purchase would make the Service entirely independent of the Mancos Irrigation District and the Bureau. While this plan would, no doubt, best serve the interests of the Service, it would perhaps have a detrimental effect on our public relations in southwestern Colorado.

The Bureau's concern over what contribution this Service is, or will be able, to make is shared by this Office. Because of the absence of an interbureau agreement or of a record of any commitments that might have been made, we are at a loss to know just what the Service is expected to contribute in order to obtain a right to 120 acres or any other quantity of the stored water per year. At the present time, we have nothing to contribute and, unless some form of CCC or WPA develops (which seems very unlikely), our only means of contributing to the cost of the Mancos Irrigation Project would be to include an item for it in our estimate for the Mesa Verde National Park, West Mancos Water System. It is doubtful that the Bureau of the Budget would approve such an item. Perhaps the Bureau of Reclamation can offer some helpful suggestions or state an amount which they consider a reasonable contribution from this Service. However, if it is found possible to purchase a high priority water right to 75 gallons per minute (equivalent to 120 acre-feet peryear) for $10,000, it may be difficult to justify contributing a larger sum to the Mancos Irrigation System.

(Sgd) HILLORY A. TOLSON

Acting Director.

In duplicate.

cc: Mr. Drury.
Mr. Tolson.
Mr. Patraw.
Mr. Burney.
Mr. Dunn.
Regional Director, Region Three (2).

08-25-1943: letter to honorable abe fortas, under secretary from assistant attorney general regarding tow enclosed copies of a lett

C O P Y

DEPARTMENT OF JUSTICE
WASHINGTON (25)

August 25, 1943

REM-WHW
90-1-2-105

Honorable Abe Fortas
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Fortas:

There are enclosed two copies of a letter dated August 16, 1943 from Worth Allen, Special Assistant to the Attorney General and two copies of an amendment to the statement of claim filed by the United States for the Mancos Project in the adjudication proceeding for Water District No. 34, Montezuma County, Colorado. The claim filed by the United States covers appropriations of water made by the Bureau of Reclamation and the National Park Service.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Encl. No. 874632

C O P Y

90-1-2-105.

332 Postoffice Building,
Denver, Colorado, August 16, 1943.

The Attorney General,
Washington, D. C.

General Adjudication, Water
District No. 34 -- Mancos
Project, State of Colorado.

Sir:

On August 11, at 7:30 p.m., I left Denver for Durango, Colorado. Conferences were held in Durango in the afternoon of the 12th with witnesses who were to testify the following day.

The next morning, Mr. Charles J. Beise, Assistant District Counsel, Bureau of Reclamation, Mr. Reese McCloskey, attorney for Mancos Water Conservancy District, and I went to Mancos, Colorado, where we conferred with other witnesses. We then proceeded to Cortez where we spent the afternoon in hearings on the claim for the Mancos Project and on three claims for the Forest Service.

Before leaving Denver I had prepared an amendment to the petition and statement of claim in which slight changes were made, at the request of the Bureau of Reclamation, in the location of the inlet of the Outlet Canal and of the inlet of the lateral pipe line leading from the reservoir to the main Mesa Verde pipe line. Somedays before I left for Durango, Mr. Alexander, District Counsel, Bureau of Reclamation, requested that the claim be amended so as to include a claim of a right to use return flow from the project.

After some discussion by correspondence, and after some oral discussion in Durango on the afternoon of the 12th, a revised amendment covering both the changes in the two points above referred to and a claim for the use of the return flow, was prepared. This amendment was filed in court just before the hearings took place. Originally Mr. Alexander was of the opinion that it was not necessary to make a claim for return flow. However, after the statement of claim was filed, it developed that the Bureau had so planned the project as to make use of such flow.

The law in Colorado is quite strongly against the right to recapture return flow, at any point except in the form of surface water still on the land of the irrigator. However, we made the best showing possible in support of the claim and will exert our best efforts to secure a decree allowing the same. However, I am very fearful of the result.

The attorney for the Conservancy District, Mr. Reese McCloskey, one of the outstanding lawyers of Colorado, stated to Mr. Beise and me that he would recommend to the court that the claim for the right to use the return flow be disallowed, although it would seem to be in the interest of the district that the claim be allowed. Otherwise some land owners may avail themselves of return flow in the river without signing up and taking water from the project.

While I retained a copy of the final amendment which was filed, I find on my return to Denver that the same is not in my files. I am writing to Durango for a copy and will supply you with three copies thereof as quickly as possible.

In view of the proof made at the hearing, we anticipate no difficulty on any other aspect of the claim.

As we heretofore have pointed out, one claim, that for the Lee and Burke Ditch, asked for a decree of a right to use considerably more water than the ditch will carry. Proof in support of this claim was given at a hearing of which we had no notice. We have had an understanding with the referee and the judge of the court to the effect that we shall be permitted to submit proof in opposition to this claim and to any other claim.

The claim for the Spencer Ditch likewise is excessive. However, the priority date claimed for that ditch is in 1937, while the priority date claimed for the Mancos Project is October 31, 1936. Hence, unless the claimant of the right for the Spencer Ditch should at some later date seek to amend his claim in support of which proof has already been given, we shall have no reason to oppose the claim.

Excessive claims have been filed with the State Engineer for the Sheek Ditch and for East Mancos Highline. However, no claim has been filed in the court proceedings for those two ditches. We are having Mr. Bainbridge check the files of the court periodically to ascertain whether claims for those ditches, as well as any others, are filed in the adjudication proceeding.

It is our idea that shortly before the time for giving proof is terminated, we shall arrange with the referee for the giving of our proof in opposition to the claim of the Lee and Burke Ditch and to any other claims which may hereafter be filed which we deem excessive and injurious to the claim for the Mancos Project. A full understanding has been had with the referee to that effect. I might say that we thought it advisable to give the proof on our claim before taking steps to oppose the claims of any others; our idea being that we might thus avoid opposition to our claim which we might otherwise arouse.

There is no way of determining when the time for filing claims and for the taking of proof will be terminated.

Respectfully,

(Sgd) Worth Allen

Worth Allen,
Special Assistant to
the Attorney General.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

August 23, 1943.

MEMORANDUM for the Regional Director, Region Three:

Following advance conference in Durango on August 12 with Worth Allen, Special Assistant to the Attorney General of the United States, Bureau of Reclamation's Assistant District Counsel Charles Beise and Engineers Hedderman and Bainbridge, and other interested persons, Regional Engineer Lassiter and I audited and participated in Referee Peters' hearing "in the matter of adjudication of priorities of water rights in Water District 34," at Montezuma County Court House, Cortez, Colorado, from 1:30 to 6:00, August 13.

With the occasional assistance of Mr. Beise, Mr. Allen conducted the case of the United States superbly, chronologically developing, through the various Government and non-Government witnesses and eight Bureau and two Service exhibits, the significant history and objectives of Mancos Project, including the Mesa Verde pipe line. If the facts of mutually integrated interests and objectives were not presented voluntarily by witnesses, Messrs. Allen and Beise developed these facts by questioning said witnesses.

Of special interest to our Service is that Messrs. Beise, Hedderman, and Bainbridge, for the Bureau, and President Ira Kelley of the Mancos Water Conservancy District, all testified that since October 31, 1936 (date of Bureau's commencement of survey and date of appropriation of water to be diverted and carried in said canals in Jackson Gulch and in said pipe line, and to be stored in said reservoir and carried there through), the providing of a water supply to Mesa Verde by pipe line had been a constant and integral objective of all interested agencies.

Messrs. Bainbridge and Hedderman testified as to National Park Service cooperation, voluntarily, and in answer to certain questions asked by Mr. Beise, either as a result of our advanced discussion at park headquarters reference Service cooperation with the Bureau on Mancos Project, or as prompted by my suggestions in the course of the hearing.

Surprisingly, no objections to the Government claim developed in the hearing, although generally expected from one source. It was the concensus of the hearing that the Mancos Project claim of Mancos River water will be decreed by the Court in due course.

After the hearing was completed I had a splendid visit with District Judge O'Rourke who informed me for the first time that he tried personally to persuade Congressman Taylor not to appropriate funds for drilling the Mesa Verde deep well, but to provide funds for a pipe line diversion from Mancos River and thus end for all time the perennial water problems of Mesa Verde. For years Judge O'Rourke and I have attended all Upper and Lower Colorado River Drainage Basin committee meetings.

Not having visited Mesa Verde since 1928, Mr. Allen accepted my invitation to visit the park and be my overnight guest. On our arrival at park headquarters the night of August 13, I found Mr. Victor Olsen, Washington representative of the Civilian Public Service Branch of Selective Service System (who visited here with Mr. Bainbridge in January 1943) awaiting me, with Director Thomas of the Mancos Project's CPS Camp No. 111, to discuss cooperation with Mesa Verde--fire-fighting and other.

This report would have been submitted promptly on conclusion of the August 13 hearing had conditions permitted.

A copy for the Director is enclosed.

Jesse L. Nusbaum,
Superintendent.

cc Mr. Dunn, Region Four.

03-27-1943: letter to hydraulic engineer, nps from special assistant to the attorney general regarding water adjudication, district no

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, March 27, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco California.

Water Adjudication, District
No. 34, Mancos Project.

My dear Dunn:

On March 20, I wrote you a letter containing the following paragraph:

> "The statement of claim starts out by referring to the Acts of Congress pursuant to which the project is being constructed. Those Acts relate to the Bureau of Reclamation. I should appreciate your being good enough to have your legal department furnish you for me with the Acts, pursuant to which the pipe line to Mesa Verde National Park is to be constructed."

It seems doubtful whether either of the Acts, 53 Stat. 1418 and 54 Stat. 1119, has any relation to the construction by the Park Service of the Mesa Verde pipe line, or any similar project. Undoubtedly there is some Act or Acts which are broad enough to confer the necessary authority. Please be good enough at your earliest convenience to write me referring to the Act or Acts applicable.

I find in Section 9, 54 Stat. 1119, 1124, the following:

> "In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies * * *"

This Act would, therefore, conceivably confer authority on the United States to furnish water for some other Government project, but we should have the statutory authority for the construction of the other project.

With kind regards, I remain

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

March 22, 1943.

MEMORANDUM for the Director.

Reference is made to my trip to Santa Fe and Denver in the interest of the West Mancos Water Supply System for Mesa Verde. Mr. Lasaiter was present in all discussions at both places.

We found that the adjudication is rather an informal one which started in 1941 at the instigation of a claimant on the Dolores River. The Dolores and Mancos are two distinct streams in one water district and both are adjudicated at once. Hence, the United States had to participate if it wished to retain its priority for the Mancos Project of October 31, 1936.

This explains why the Bureau and Park Service are participating before they are really ready. Now I wonder why we were not notified at the start of the adjudication since we had a filed claim. I assume that it was probably due to the fact that no claimants on the Mancos appeared until later.

We found that the owner of the Lee and Burke Ditch introduced a claim to 14.0 sec. ft. in addition to the 4.167 sec. ft. already decreed. The ditch capacity is only 8.9 sec. ft. and the Bureau proposes to protest the excessive claim. It was my hope to date that we could buy part of Right No. 4 in that ditch, but this does not look favorable if the owner wants more rights even with the Mancos Project under construction to serve him. He will be even more reluctant to sell to the United States after the proposed Bureau action. Hence, for the time, the Park Service must get the best rights it can in the adjudication.

The following claims have been filed for adjudication, which conflict with Park Service interests:

Ditch	Quantity of Water	Claimed Priority	Evidence Introduced
Spencer Ditch	9.4 sec. ft.	8/ 8/37	4/29/41
Weber No. 1	20.0 " "	5/ 1/34	3/7/41
Red Arrow Pipe Line	0.2 " "	6/20/37	2/ 3/41
Red Arrow Ditch & Pipe Line	2.0 " "	6/23/40	2/ 3/41
Red Arrow Reservoir	6.05 acre ft.	7/13/40	2/ 3/41
Lee & Burke	14.0 sec. ft.	1884	8/19/41

The Bureau claims priority of October 31, 1936, for the Mancos Project. The Park Service agreement for the Bureau survey of the West Mancos Water Supply System was not signed until 1939 and the survey was started by their Mr. Hedderman on August 4, 1939. Hence, to get a priority senior to the Spencer, Weber and Red Arrow claims it is essential that the Park Service share in the Bureau priority. The only way is to show that the West Mancos Water Supply System is an integral part of the Greater Mancos Project.

This was perfectly agreeable to the Bureau; in fact, those with whom we talked thought that had been the plan until the idea of purchasing a right came into the picture. A draft of the combined claim, as now drawn, is attached. This, however, is subject to editing before it is presented to the court.

You will note under 11 (a) that we claim that the idea of water service to Mesa Verde predates October 31, 1936. We do not have any proof of this, but Attorney Brise of the Bureau is quite certain it is true. We should appreciate some copies of early correspondence or other proof if you have it.

This general adjudication is Civil Case No. 967. On December 12, 1942, as Civil Case No. 1336, Ira H. and Mary Kelley filed a claim to change the point of diversion of 2/3 sec. ft. under decreed priority No. 13 from No. 6 Ditch to the Crystal Creek Ditch. This moves the diversion from below the Park Service diversion to a point well above and the water will be returned to the stream below where we can use it. The lower end of the ditch is shown near the Park Service diversion on NP-MV-6978.

The Bureau is not interested, but we are. However, a protest might have an adverse effect on our treatment in the general adjudication. Hence, I have tentatively withheld action although Mr. Allen has agreed to investigate since I brought up the point.

You will note that we have designated a point of diversion and collecting area somewhat different than in previous claims, based on additional data I obtained in Santa Fe. The accompanying memorandum to Mr. Lassiter gives some idea of why the Park Service, like the Bureau, cannot yet pick a more specific point.

The lateral intake at the Jackson Gulch Reservoir is in the valve house of the outlet canal, and just above the valve on the outlet tube where it can derive water from the reservoir whether the outlet canal is in operation or not. However, a part of the Park Service structure will extend back to about mid-dam and must be provided while the dam is under construction.

This statement of claim seems to be in harmony with the proposed interbureau agreement and it eliminates the need for such agreement at the adjudication. The two, however, should be studied together and if you have any comments they should be forwarded to Mr. Allen immediately in order that changes can be made before the claim is filed.

At Mr. Allen's request we have called the West Mancos Water Supply System merely the Mesa Verde Pipe Line. The System now becomes the combined Mancos Project and Mesa Verde Pipe Line.

We have drawn this claim with Mr. Worth Allen after interviews with the following men in the Bureau:

Mr. Harper, Chief Engineer
Mr. Devries, General Field Counsel
Mr. Rider, Engineer
Mr. Iakisch, Engineer
Mr. Heimig, Engineer

At the request of Mr. Devries I reviewed the matter with his assistant, Mr. Brice in Salt Lake, who is more specifically assigned to the case.

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136679.

cc: Region Three.)
Supt., Mesa Verde.) with copy of
Mr. Worth Allen.) statement of
Mr. Harry Hommon.) claim.

Region Three.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.
601 Sheldon Building

January 26, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Water Adjudication, Water District No. 34,
Claim for West Mancos Water Supply System,
National Park Service.

Dear Mr. Allen:

Reference is made to your memorandum of January 19, 1943, regarding the Park Service water claim for Mesa Verde, and enclosing a copy of the claim of the Bureau of Reclamation.

The last two paragraphs in my draft of the Park Service claim of January 4, 1943, and the closing statement under (b) of the description of the Jackson Gulch Inlet Canal of the Bureau claim, have the same general meaning and intent. Both bureaus designate a specific point of diversion, and then claim the right to move it, presumably before a final decree is requested. The Bureau of Reclamation claims the right to move either up or downstream 200 yards or 600 feet, a total distance between extreme points of 1200 feet. The Park Service claims the right to put in a secondary diversion at any point over a distance of 4000 feet, all above the definite point.

The first difference is that the Park Service takes in almost four times as much length of river. I am still awaiting verification of land ownership at the Park Service diversion, but I believe that this Park Service diversion is over two miles from any private land or other diversion, while the diversion for the Jackson Gulch Inlet Canal is only about a thousand feet above State School land in which Ira Kelly seems to have some interest. In other words, a change of 4000 feet in the Park Service diversion does not offer nearly the potential conflict with other interests that might accrue in changing the point for the Jackson Gulch Outlet Canal diversion. If the court will accept the Bureau claim, it should also accept the Park Service claim, so far as variable points of diversion are concerned.

The pipe alignment in the claim of January 4, 1943, and as shown on drawing NP-MV6978, which was submitted therewith, is very closely that to be

used except for a portion in Mesa Verde National Park which may be moved about 100 feet to the east to follow the road more closely. As previously stated, however, this whole alignment is radically different from that on filing No. 16989.

As you state, the interbureau agreement and point where the Jackson Gulch Outlet Canal will discharge to the West Mancos River do not affect our success in getting a right to divert water. However, a favorable agreement and properly located outlet canal can give us much better treatment by the court. The Director is now pressing the Bureau for completion of the agreement. So far as the location of the Outlet Canal is concerned, we are only interested in having it discharge to the river such that there will be no other diversions with vested rights, except that of the Bureau, between the Park Service diversion and the releases from Jackson Gulch Reservoir. I believe we are only interested in keeping the Bureau releases above the diversion for the Lee and Burke Ditch with decreed right No. 4. I believe that this condition is satisfied so long as the point has not been moved downstream more than 2000 feet from that covered in filing No. 16951. I cannot check this matter without a copy of your exhibit "C", or assurance that it shows the outlet nominally as in filing No. 16951.

Coming now to your first paragraph, page 2, we propose to divert from the West Mancos River at some point less than 4000 feet above the diversion covered by filing No. 16989. The point in that filing is nearer the true ultimate one than is the upper point described as S 18°22' W 3202.5 feet from the NE corner of Section 17. Hence, I think it is better to use the point of diversion covered by filing No. 16989 for our initial claim than to grope upstream.

As you say, it does not matter whether our collecting area is on federal land or not. However, it does seem important to me that it is on land to which no one else has access. Since it is on federal land which has been withdrawn from entry, subject to a small amount of additional withdrawal which I recently requested, it does become an area over any part of which the Park Service may make diversions with no more effect on other claims than if it made all diversions at just one point in the area.

I have already pointed out that the large size of the collecting area, 1000 feet by 4000 feet, is relatively no more preposterous where it is located than one 1200 feet long where the Bureau proposes to divert because of the relative proximity of private lands near the two areas. The 1000 feet width is a little more than needed, but as close as we can come now, because our traverse in Sections 19, 18, and 17 is along an abandoned pipe line route rather than the river, and I do not know just how far pipe line and river diverge. I could, perhaps, cut 200 feet from the easterly side, and give a change in courses for the upper 1000 feet of length, but this refinement would only be for effect, to complicate the simple description I have used. It is definite and I made considerable study to arrive at a rectangle to cover the particular meanderings of the river.

I am not sure whether you wish all references to filings Nos. 16951 and 16989 omitted in both map and typed statement or just in the latter. The statement on sheet 2 of filing No. 16989 is labeled "Preliminary Statement." This was done to indicate that the claim would be perfected with some modifications. It implied that an amended statement would be made.

The claim we now wish to make is an amendment. The basic point of diversion is not changed, but the size and direction of the collecting area is altered. The quantity of water, place and purpose of use are not changed, but the route of the pipe line has been altered to cause less damage to archeological deposits in the portion of the park east of Chapin Mesa which have not been fully explored, and which we may not wish to excavate until the remote future. I wonder if these explanations might not alter your instructions.

As to priority, we claim that the survey for the West Mancos Water Supply System is part of the greater survey for the Bureau's Mancos Project, started on October 31, 1936. The whole survey has been made by one agency, the United States of America. It is true that the interbureau agreement for the survey of the particular West Mancos Water Supply System was not signed until May 5, 1939, but negotiations for that agreement had been in progress for some time before, and the subsequent surveys were actually made by the same Engineer Hedderman who surveyed Jackson Gulch Reservoir site and appurtenant canal sites. The Park Service took over the portion of the surveys in which it was interested in April or May 1941, only after a complete possible plan had been determined. Its later surveys and studies have not been to change the claim, but to adapt details to the exacting requirements of the archeological and naturalist branches of the Park Service, which do not always agree with those of an engineer. It is my idea that the Bureau and Park Service claims should have one priority. Is that your idea, too?

So far as I can determine, the second paragraph, page 3, of the claim of January 4, 1943, and the notation "pump" in Section 32, T. 36 N., R. 14 W., on the existing form of drawing NP-MV-6978, describe the pump about as you suggest. I did not use the word "probable" because I think the location is quite certain. It might be well, however, to say "approximate location of pump" to allow for movement of a hundred feet or so. Note, however, that the pump cannot be moved far and stay on the Park Service land, and some changes on this small spur of the park would not be acceptable because they would bring the structure into too great prominence along the public road.

In reviewing the claim for the Bureau development, I feel as you do, that it covers the Park Service rights in the reservoir pretty well. There are, however, several points which we might consider.

This claim and that of the Park Service are both statements by the United States, but the styles are different. If the Park Service claim is in the nature of a supplement to that of the Bureau, why not make it another unit such that the West Mancos Pipe Line System would be a section of the main claim just as the Outlet Canal is a section?

Then, if it is possible to give the very clear explanation of joint interest of the Bureau and Mancos Water Conservancy District, why would it not be well, in one or the other, or the combined claim, to point out that the Park Service and Bureau of Reclamation have been making cooperative use of CCC camps and with the termination of CCC activities have now rationed their respective CPS (conscientious objectors) camps for the greatest interest of the greater Mancos Project. I enclose a copy of a letter from the Director of the Park Service to the Commissioner of the Bureau, dated January 14, 1943, whose second paragraph well expresses my idea.

As a second point, as my claim of January 4 and that of the Bureau now stand, the pipe lateral from Jackson Gulch Reservoir to the main West Mancos Water Supply System is not described at any point. This lateral and the Outlet Canal are of approximately equal weight in the claims. As the two claims are now divided, it should properly be described in the Bureau statement. It is a pipe line, 2912.7 feet in length, 5-1/16 inches in diameter, net, based on enamel lining, the general course is southerly, and the grade is 5.00 feet per 1000 feet. The carrying capacity is to be 0.33 cubic feet of water per second of time.

I do not have the point where the lateral will divert from Jackson Gulch Reservoir, but it is nominally the same as the point given for the headworks of the Outlet Canal, a point whence the East monument on the axis of the dam bears N 57°41'30" E 563.4 feet. So far as I know, this lateral is still to follow the route selected by the Bureau and it will certainly take out of the dam at a point to be provided by the Bureau. Hence, if you wish more details, they should be supplied by that organization.

Under (f) of the Bureau claim for the Jackson Gulch Reservoir (page 3), I think we should add something about the use of the Park Service quota of 120 acre-feet as possible exchange for the direct diversion from the West Mancos. With all but the flood flow of the river already pretty well appropriated, the Park Service cannot expect much water from the river in summer unless it releases an equal amount of the stored flood flow of the reservoir to the river to compensate lower claimants, beginning with the owners of the Lee & Burke Ditch.

In the second place, if the Park Service ever perfects its full claim to 0.33 sec. ft., it will do so by diverting about 20 acre-feet in August and lesser amounts in other months such that the total for the year will be only about 60 acre-feet. On the other hand, with a right to 0.33 sec. ft.,

it could divert as much as 238 acre-feet a year, while not claiming more than 120 acre-feet. I do not think we should limit ourselves by giving an operating schedule in the statement, but the idea of exchange should be there so that we can use it for defense in court if necessary, either to cut our total claim to 120 acre-feet, or to show that the Park Service, in exchange for diverting directly from the river, will be able to give even more flow to the farmers for the same period of the summer from the reservoir. Of course, too, the exchange release would go down the Outlet Canal with the Bureau supply.

I attach hereto a revised fourth statement for the draft of the claim of January 4, to try to express the variable point of diversion more nearly as in the Bureau claim. This also covers the method of conveying the water from the collecting area to the main pipe line as you request, but you may wish to place this part at another point in the claim. I could rewrite the whole claim now, but since I have gotten some new ideas after reading that of the Bureau, I should first like to see whether they in turn may not lead you to suggest changes. Perhaps, too, you would like to rewrite it, or edit it, in the same style as the Bureau claim.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136656.
cc: Director (2) with enclosure.
Region Three, with enclosure.
Supt., Mesa Verde, with enclosure.
Mr. Hommon, with enclosure.

COPY

Region Three.

L
15

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, January 19, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Water Adjudication, Water District
No. 34-- Claim for West Mancos Water Supply System,
National Park Service.

Dear Mr. Dunn:

Replying to your letter of January 13, I shall try to take up the various questions raised by you in the order in which they appear in your letter.

I appreciate that it is unfortunate that we are now required to file a claim, although you may not know the exact, ultimate point of diversion. The Bureau of Reclamation had the same difficulty, as you know. The final draft of the statement of claim for the Bureau defines the point and proceeds: "or at a point within two hundred (200) yards thereof up or down stream." It is our opinion that, in the conditional decree, the court will permit this latitude. I am wondering whether or not we cannot locate your point of diversion with some similar language.

The fact that the alignment of your pipe line is much different than the one shown in your filing No. 16989 does not appear to me to be an insuperable difficulty. The important question now is, what is the present proposed alignment? Can you substantially describe it? The fact that you have not yet completed a final agreement with the Bureau of Reclamation seems to me to offer no difficulty. Both claims are filed in the name of the United States and it is simply an inter-Departmental matter. There is no question but what the Bureau intends that you should have 120 acre feet of water per year from the reservoir if you want it.

I note the statement of your hope that the place of release to the river is nominally the same as on filing 16951. I do not know just why you are concerned with this question. My belief is that the point of release is the same, although I have been informed that the line of the outlet canal is to be changed somewhat. My understanding has been that your pipe line will take out from the reservoir at some other point than the point of release to the outlet canal and river. Am I wrong in this understanding?

The draft of the claim which we propose to file should name the presently proposed point of diversion by your pipe line. It should not be the point named in your filing No. 16989, if there has been a change.

As to the collecting area, it should be described with as much definiteness as possible. You should also give me information as to how the water is to be carried from the collecting area to the pipe line proper. I presume it is by pipes. If so, the capacity and number thereof should be stated.

The fact that the collecting area will be located on Government land has no bearing on the necessity of describing the area thereof. The law of Colorado requires a decree to name the point of diversion. This applies, also, to the collecting area. It makes no difference whether the land abutting the stream at the point of diversion, or that in the collecting area, is privately-owned or Government-owned.

Of course, you should truthfully describe the collecting area. The difficulty that might arise would be in your uncertainty as to where the collecting works will be located, and in the possibility that you might describe an unreasonably large area in order to be certain that the works would be located within the area.

I now understand the sentence in your proposed statement about which I wrote you and you wrote me.

What I have said about the fact of land owned by the United States having no bearing on the necessity to describe the point of diversion, applies also to the matter of a change of point of diversion, which might be necessary after a decree has fixed the same.

It seems to me that, so far as the location of one or more pumps is concerned, you might show on the map "probable location of pump", etc.

Please understand definitely that I desire maps showing the presently proposed pipe line just as if you had never prepared another map and statement for the State Engineer. It is now my opinion that we should not file this second map, although the same should be drawn up in the usual form. Please omit all references to the previous maps filed, etc. by National Park Service or by the Bureau of Reclamation.

You ask for more explanation as to how you can get your priority back of that of the Bureau. I thought I had made it clear in my other letter that I know of no way that you can do it. The fact is that the Bureau made its survey long before you made yours, and it seems inadvisable for the Bureau to take a later priority date, and thus let in one or two later claims ahead of its priority merely in order that your priority may be ahead of it.

The statement of claim which I am going to file in this case for the Bureau will, in my opinion, amply take care of the Park so far as the 120 acre feet of water is concerned. The claim will include the right to both storage and direct flow to and through the reservoir.

As soon as I have the claim of the Bureau finished, I shall send you a copy thereof.

No time limit on the filing of claims has been fixed by the court. However, the case has been pending quite a while.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.
A copy of the proposed claim for the Bureau of Reclamation is enclosed herewith.

Mesa Verde 66-05.1

601 Sheldon Building

January 13, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Water Adjudication, Water District No. 34,
Claim for West Mancos Water Supply System,
National Park Service.

Dear Mr. Allen:

In reply to your letter of January 7, 1943, we hardly need to point out that the Park Service seems to have been placed in a rather difficult position by the federal participation in an adjudication before its claims are fully defined. We are trying to get them in order, but do not yet know how much time we have. We should very much like to know when your last date for filing claims, and the date of the first hearing will be.

We now have four major problems, as follows:

1. The ultimate point of diversion is not determined.

2. The alignment is definitely much different from that shown on filing 16,989.

3. We have not yet completed a final agreement with the Bureau.

4. You now advise that the diversion for the Jackson Gulch Reservoir has also been changed. I hope the place of release to the river from the reservoir is nominally the same as on filing 16,951.

In my draft of a court claim on January 4, 1943, I have used the original identical point of diversion covered by filing No. 16989 as the main point of diversion; hence, eliminating any change from that initiated by Mr. Hedderman of the Bureau as part of his surveys commenced on October 31, 1936. To this extent, we do not include any change of point which might alter priority.

COPY

As a second consideration, I claimed a collecting area, similar to spring areas we have used before, to cover the area of underground collecting laterals we intend to employ, radiating upstream from the main point of diversion. This claim, also, should be entirely acceptable to the court.

The system with this diversion works and all water actually not removed from the river until it reaches the main point of diversion (the one determined by Hedderman), will provide full claimed quantity of delivery to the park distribution reservoir because we will have to have a pump for other reasons and the pump will be low enough to pick up the full quantity of water from a gravity line and boost it up to the high point on Chapin Mesa. Hence, it is not even necessary to consider changing the point of diversion or the size of pipe to be able to prove up on the full quantity of water.

Normally, a spring area need not be more than a few hundred feet on a side, but many cities have developed large areas where they existed and the quantity of water required was great. In the case of my collecting area, I have miles of available river on federally owned land with no conflicting claims thereon (still subject to verification by engineers at Santa Fe). I have, therefore, been rather liberal in defining an area 1000 feet wide by 4000 feet long, but I have requested that it be withdrawn from further entry so that no conflicts with Park Service developments therein can be initiated by other people between now and the time we complete construction.

I could define a much more narrow area following the alignment of the center line of the river and just wide enough to include a narrow strip of dry land on each side if I had a traverse of the river, but I have not. This would reduce acreage appreciably. I consider the claim quite proper as drawn, and do not see why the court should not agree unless some other claimant on another part of the river is unduly antagonistic toward the federal developments.

Now if the United States wants to run a 4000 foot collecting lateral up the center of the river on its own land to which no others have access, I cannot see where the court can object so long as the quantity of water leaving the river at the main diversion below is limited to decreed rights. This plan is implied by claiming the 4000 foot collecting area.

To this point the claim is entirely according to surveys initiated October 31, 1936.

Now, suppose that the upper portion of the collecting spring area is enough higher in elevation to provide gravity flow of the required quantity of water to Chapin Mesa without pumping. We could plug up the holes by which water enters the system between this higher elevation and the main point of diversion, and including any such holes in the headworks at the

of diversion, and the water would flow
main point/to Chapin Mesa by gravity at a marked reduction in pumping charges. Technically, this would constitute a change in point of diversion. However, there are no other diversions between the old and new diversions and by withdrawing the intervening land from entry none can be made in the future.

On this basis, I do not see why the court should not grant the conditional right to move to this upper diversion as part of the decree granting the right to the main diversion established by Mr. Hedderman. It will save an adjudication for change in point of diversion later. Only those participating in the present adjudication will be interested in either adjudication and it will save both them and the United States time and cost.

I think the plan is worth trying, and I hope this description will explain the sentence you quote on page 2 of your letter as not being clear. However, I drew it in this form first, just to obtain comments. If you do not feel that we can properly offer such a claim, we can stick to the main diversion, reduce the size of collecting area, but leave the rest of the land withdrawn from entry to simplify the later adjudication of change in point of diversion.

As the next consideration, I do not feel that the case of the Y.M.C.A. pipe line adjudicated at Boulder is comparable. That involved a claim for domestic use, based on an old filing for power. We will claim the same purpose for use at the initial and any later changed point of diversion. The Y.M.C.A. also tried to claim the full quantity of water planned for power as the quantity to be used domestically — a case of a gross excess quantity, while the Park Service has no intention of claiming more than 0.33 sec. ft. in any case. Also as far as I can recall, it was you and I who challenged the Y.M.C.A. claim. So far as I was concerned, the distance between points of diversion was only offered as a means of showing change of plans and as an alternate means of blocking the excessive claim for quantity of water. Since we had no diversion between the two points we did not care which was used. If either point had been within the park (they were not), we should have favored the one that was not, or if both had been in we should have favored the one nearest the place of use. But in the case of the West Mancos Water Supply System, the United States will have full jurisdiction over all the land between, and including the two points of diversion. (Of course we will have to negotiate an interbureau permit from the Forest Service, and I wonder if we should do this now, too.)

In answer to your penultimate paragraph, you are at liberty to reword any part of my draft. I thought, merely, that I had to introduce the pump prematurely and wanted to explain why it was not desdribed at that point. We <u>do</u> have to cover the pump in the claim somewhere, though, because without the pump it will never be possible to deliver more than 0.223 sec. ft. of water to the distribution reservoir.

In this connection, we are claiming 0.33 sec. ft. of water, and providing capacity to obtain it. Actually only time will tell as to whether we can use that much at the park. Hence, we only expect a conditional decree now, and we are designing for a gravity flow of only 0.223 sec. ft. The difference may never be needed continuously throughout the day, but if not it still provides the higher rate of diversion so that we could pump the lesser amount in man's wakeful hours.

Your reference to the reservoir, in the last sentence, seems quite satisfactory. I do not see that I have said much more, but I have repeated. You may be able to eliminate some of the references.

I agree with you that we will not file another map with the State Engineer now. That should wait until we know where that second point of diversion will be. But to use filing 16,989 will give a false idea of pipe line alignment with errors of at least 5 miles in places. As a result of this alignment change, the pipe sizes and grades have also changed. It would be fine if we could adjudicate with no map (not even filing 16,989), but if that is introduced, I think we should show wherein these changes have been made. As soon as we hear from Region Three, we shall work it over according to your suggestions.

I should like more explanation from you as to how we can get our priority back of that of the Bureau, whether by consolidating all surveys and claiming the date the Jackson Gulch reservoir studies were started in our claim, or merely by testimony in court.

It would also be helpful to see a copy of the Bureau claim. I am sure you have covered any rights which the Park Service may derive, but I should like to see how they fit in with our independent claim. The point is that I feel that we can get much more tolerant treatment with regard to our independent diversion if we make it clear in one claim or the other that our total use, regardless of rate of diversion, is not to exceed 200 acre-feet a year, and that where we jeopardize the diversions of others by our direct diversion, we have storage to exchange. It is, as you say, a matter of regulation or operation, but it is also a good "selling point."

This is a pretty lengthy letter, but I think we need everybody's ideas we can get, if we have time before we go to court. Those unknown dates bother me a great deal.

Sincerely yours,

A. van V. Dunn,
Hydraulic Engineer.

cc: Director (2))with copy
Region Three)of Mr. Allen's
Supt., Mesa Verde)letter of
Mr. Harry Hommon)Jan. 7,1943.

AvVD:SH

4/8

C O P Y

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

336 Federal Building,
Salt Lake City, Utah,
July 13, 1942.

Mr. Worth Allen,
Special Assistant to
the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

Receipt is acknowledged of your letter of July 10, 1942, in regard to the United States participating in the water adjudication proceedings in Water District No. 34, Division 7, Montezuma County, Colorado, for the purpose of securing an appropriate decree for the Mancos Project, Colorado, for the right to the use of waters of the West Mancos River.

In regard to that portion of your letter which suggested that come representative of the Bureau make a check of all of the claims which have been or may possibly be submitted in this adjudication, you are advised that Mr. E. B. Debler, Hydraulic Engineer, had an investigation made of the appropriations of water from the Mancos River and its tributaries (including the West Mancos River) and it is thought he may have about all the information which you may require. I suggest that you take the matter up with his office and I am sure he will be glad to furnish any information which he has relative to the water rights for the Mancos Project. In case he does not have all necessary information it will, of course, be necessary to have someone from the Bureau gather what additional information is necessary.

In regard to Mr. McCloskey's letter I am quite sure that what he had in mind was a conditional decree and that it might not be possible to show a complete use of the water from the reservoir for possibly ten or fifteen years, which is his reason for mentioning said period or periods of time, and not that the conditional decree would be just for a temporary period or, in other words, it would not be possible to get a final decree before the period of time mentioned.

In my letter to the Commissioner, a copy of which was supplied you through the Attorney General's office with a copy of McCloskey's letter, I purposely tried to avoid going too much into detail until the matter could be looked into by us and a course of action determined upon.

As indicated, however, I am very much inclined to take the position that this is an adjudication where everything seems to be favorable for participation therein by the United States but of course that will be definitely decided upon later after we have discussed the matter and you have an opportunity to look over the data in regard to water rights which have been collected by the Bureau of Reclamation.

I will, of course, be glad to render any assistance I can in the matter.

Very truly yours,

(Sgd)
J. R. Alexander,
District Counsel.

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington

July 4, 1942.

The Honorable

The Attorney General.

Sir:

This Department has been advised that an adjudication of water rights in Water District No. 34, Division 7, Montezuma County, State of Colorado, is pending in the State courts. The action has been brought to adjudicate the water rights of the Mancos River and its tributaries, including the West Mancos River, which is the source of supply of the Mancos project of the Bureau of Reclamation, now under construction. A water filing for the Jackson Gulch Reservoir for 9,850 acre-feet was made by the United States and accepted by the State Engineer on April 19, 1941. Under this filing the effective date of priority claim is October 1, 1936.

It is recommended that Worth Allen, Special Assistant to the Attorney General, at Denver, Colorado, or such other officer of your Department as you may designate, investigate the matter and take such steps as may be necessary for the protection of the interests of the United States. District Counsel J. R. Alexander of the Bureau of Reclamation, Salt Lake City, Utah, will furnish such information and assistance as may be required by Mr. Allen or other officer designated by you. For your further information, there are enclosed, in duplicate, copies of a letter dated June 22, 1942, from Reese McLoskey, attorney for the Mancos Water Conservancy District, Mr. Alexander's reply dated June 25, and Mr. Alexander's letter to the Commissioner of the Bureau of Reclamation dated June 25.

This proceeding had been in progress for some time before its pendency was called to the attention of representatives of the Bureau of Reclamation. You will note that Mr. Alexander is attempting to secure a 60-day stay of proceedings until it can be ascertained whether the United States should file a statement of claim. It is requested, therefore, that instructions be issued by your Department at the earliest practicable date.

Very truly yours,

/s/ Abe Fortas

Under Secretary.

Enclosure 549.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

June 26, 1940.

OFFICE MEMORANDUM.

In reference to the plan to obtain a supply of water from the Jackson Gulch Reservoir for Mesa Verde National Park, the following estimate of water demand is compiled on the basis of 120,000 visitors per year, of which 80%, or 96,000, would be in the park during the 90 day summer period.

ESTIMATED WATER DEMAND FOR THREE MONTHS SUMMER PERIOD

	Capita Days	
96,000 Visitors (in 90 days), 1-1/2 days average stay	144,000	
200 CCC (1 camp) 90 days.....	18,000	
60 Residents - 90 days	5,400	
Total Capita Days	167,400	
Average " "	1,860	
Daily demand @ 100 g.p.d. per capita	186,000	Gal.
(Note: 186,000 Gal. per 24 hours is at the rate of .288 Sec. Ft.)		
Total demand for the 90 day period 16,740,000		Gal.

ESTIMATED WATER DEMAND FOR NINE MONTHS OFF SEASON PERIOD.

	Capita Days	
24,000 Visitors (in 9 Mos.) 1-1/2 Days average stay	36,000	
200 CCC (1 camp) 275 days	55,000	
60 Residents - 275 days	16,500	
Total Capita Days	107,500	
Average " "	391	
Daily demand @ 100 g.p.d. per capita	39,100	Gal.
(Note. 39,100 Gal. per 24 hours is at the rate of .06 Sec. Ft.)		
Total demand for 275 days 10,750,000		Gal.

TOTAL ANNUAL DEMAND

Summer - 90 days period.....16,740,000		Gal.
Balance of year - 275 days period 10,750,000		
Total 27,490,000		Gal.

27,490,000 Gal. = 84 acre feet.

In accordance with this tabulation, which provides for an increase of 400%, or from 30,000 to 120,000 per annum, the recommended adjudication of 100 acre feet should be sufficient.

In case water is taken from a stream above the Jackson Gulch Dam, without storage, a right to .288 Sec. Ft. of water will be necessary to take care of the high demand period.

Sgd. - A. W. Burney

Assistant Chief of Engineering.

C O P Y

(12)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

February 20, 1940

MEMORANDUM for the Secretary.

Through Commissioner Page,
Bureau of Reclamation.

Every year since the creation of Mesa Verde National Park in 1906, the foremost problem in the area has been to obtain an adequate water supply for the increasing number of visitors. Between 1916 and 1939 the visitation to the park increased from 1,385 to 32,246, and it is anticipated that over 100,000 visitors annually may be expected when the highways in every direction are made dustless. Oiling by the several State Highway Departments is now nearing completion.

The first water supply for the park was from a small spring of clear water about 200 feet below the mesa, the source being very muddy, impounded surface water which filtered through the sandstone. When this supply became inadequate, two acres of sheet metal catchment areas were prepared and appropriate storage reservoirs were constructed. The next effort to obtain an ample water supply was the drilling of a well to a depth of 4,192 feet. The supply of water encountered was adequate in quantity but poor in quality, containing objectionable minerals and requiring cooling, treating and filtering before it can be used. A year ago, when an attempt was made to increase the production from this deep well, it was found the well casing had become perforated by excessive corrosion, and it became necessary to drop back to the smaller production. We were at that time advised by Mr. Penn Livingston, a deep well expert from the U. S. Geological Survey, that this deep well will have a very short life and may go out most any time.

In the light of efforts to obtain water locally and the knowledge that a suitable and adequate water supply could be obtained from the mountain region above Mancos, Colorado, in connection with the proposed Jackson Gulch Reservoir, a small Public Works allotment was obtained for a survey and estimate of a pipe line from the proposed reservoir to the Mesa Verde National Park headquarters. This survey and estimate was made for the Service by the Bureau of Reclamation last summer. In the meantime, by other Public Works allotments, a one million gallon reservoir is being completed near the deep well and a shallow well was drilled to pick up a

small supply of water which was indicated by the drilling log of the deep well as being available. It was expected the increased reservoir capacity and the shallow well would tide us over until the mountain supply could be obtained. However, the shallow well did not furnish enough water to justify installing a pump. Our water supply problem, therefore, is critical and the mountain supply appears to be the only answer.

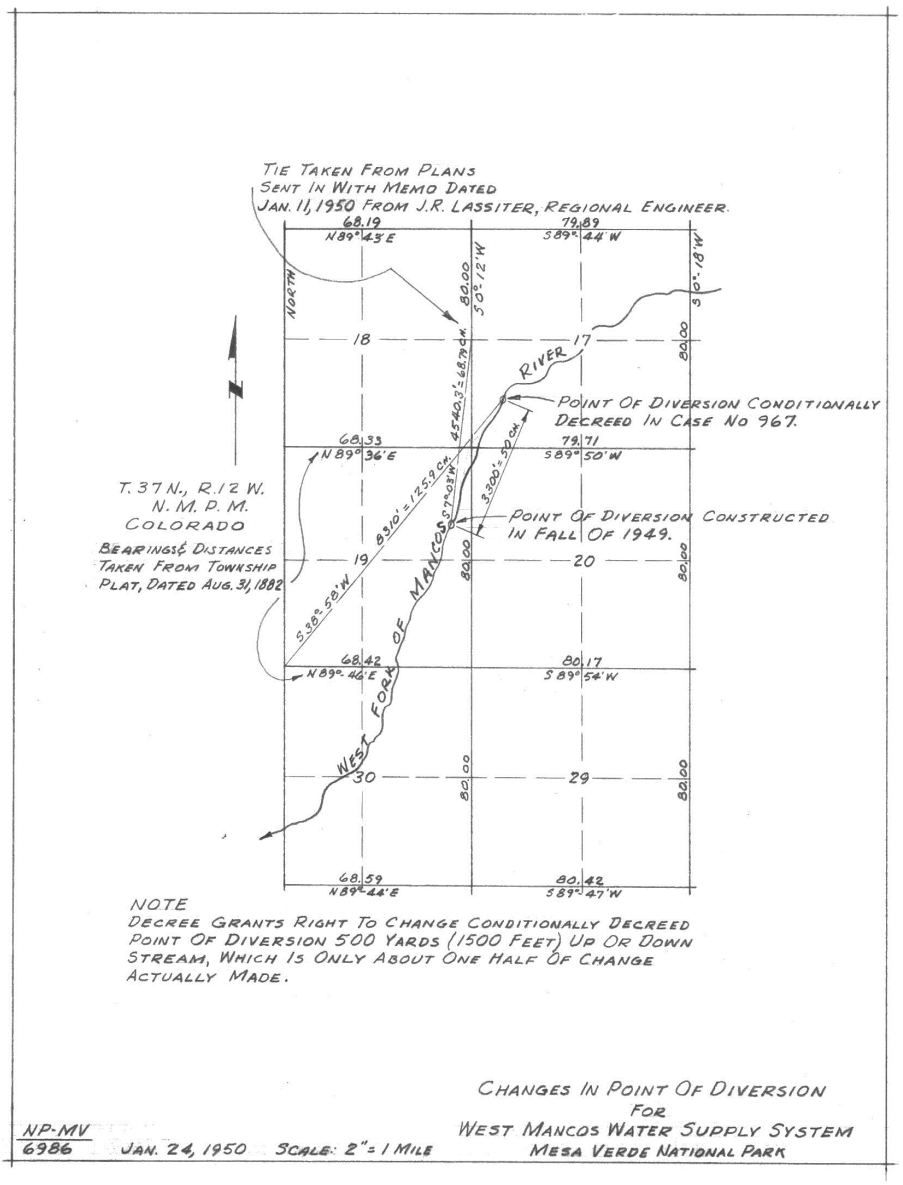
The pipe line to the proposed Jackson Gulch Reservoir would be 20.7 miles in length, and the Bureau of Reclamation estimates the cost at $259,500 by contract, $158,800 with CCC participation, and $177,000 with ERA participation. Authorization to use $1,305 of the above amount for right-of-way purchase will be required.

The Bureau of Reclamation advises the cost of the Jackson Gulch Reservoir will be approximately one million dollars. The irrigation district cannot finance the entire cost of the project, though it is eager to have it established. It appears the project could be set up with Federal participation under the authority and appropriation for water conservation and utilization in the Great Plains and arid and semi-arid areas of the United States, if funds remain available. With such a project the National Park Service would wish to obtain water rights to 180 gallons per minute, and it is anticipated it will need to reimburse the irrigation district annually for its proportionate share in the maintenance and operation of the reservoir, intake ditch and overflow ditch.

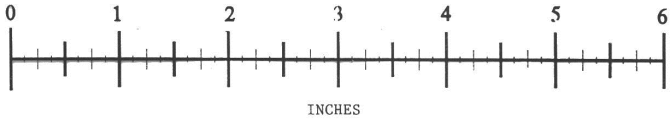
In view of the above the National Park Service recommends that early consideration be given to the approval of the Jackson Gulch Reservoir as the only means of furnishing an adequate water supply for Mesa Verde National Park.

Director.

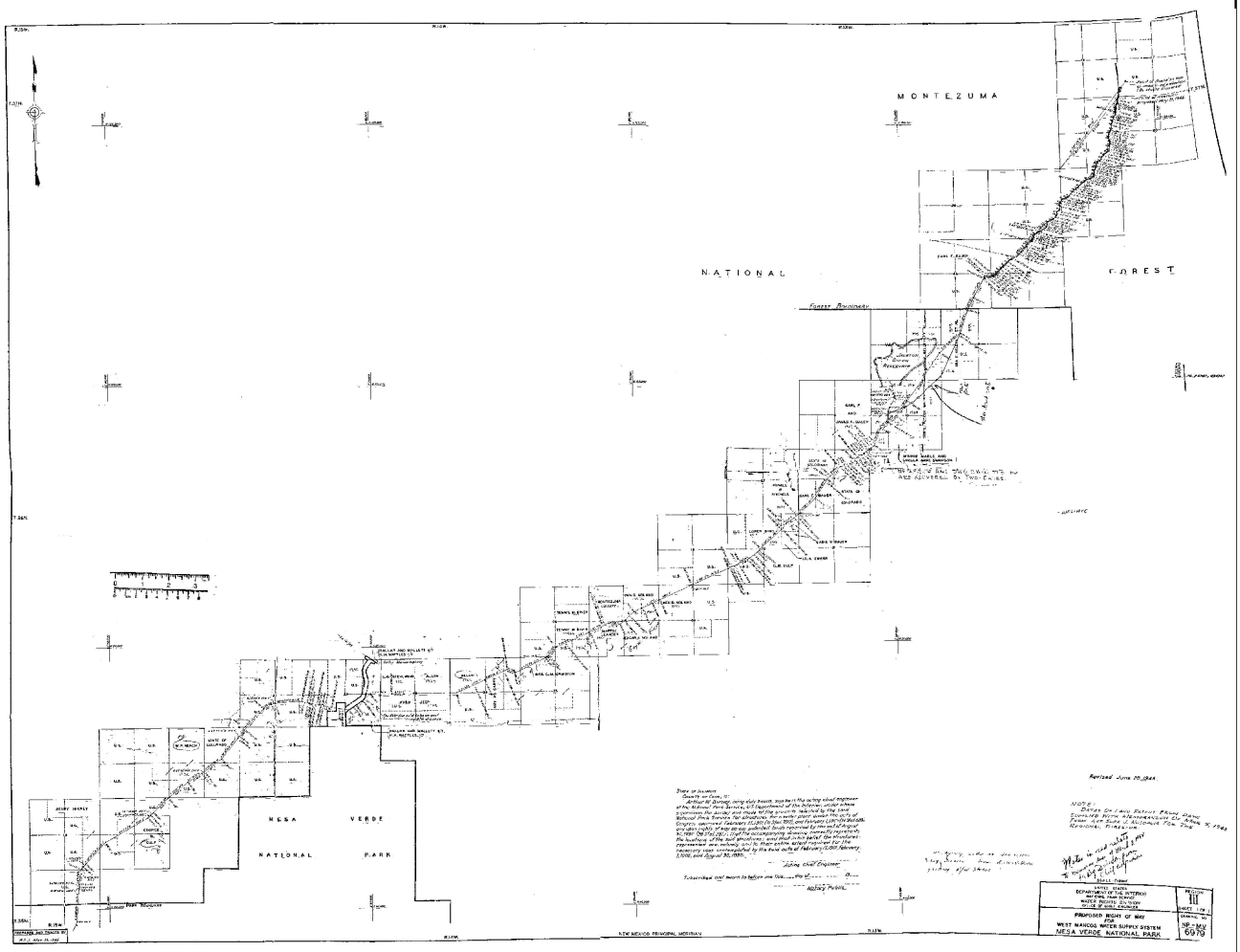
00-00-0000: map of changes in point of diversion for west mancos water supply system



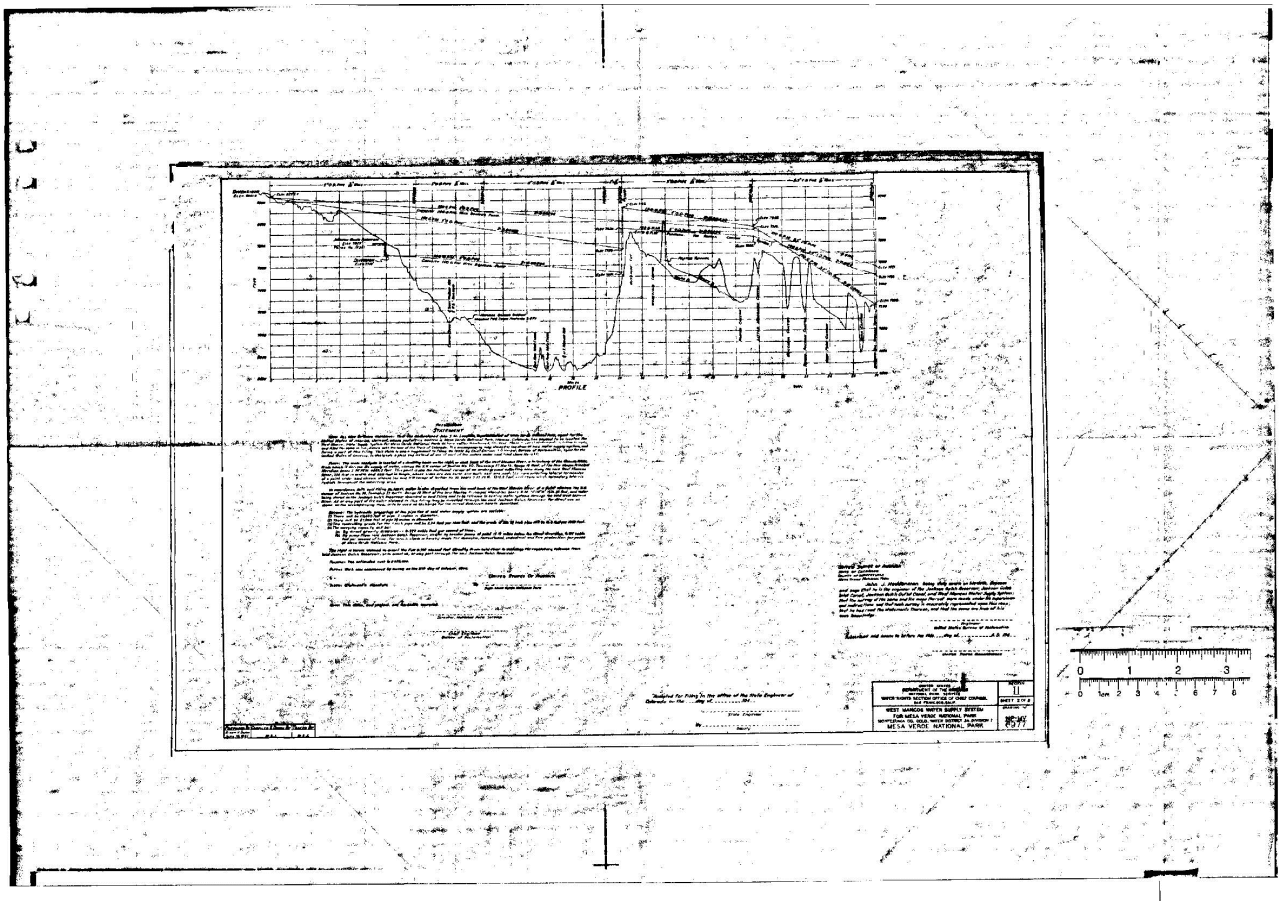
Scale Made July 1998 (Not Part of Image)



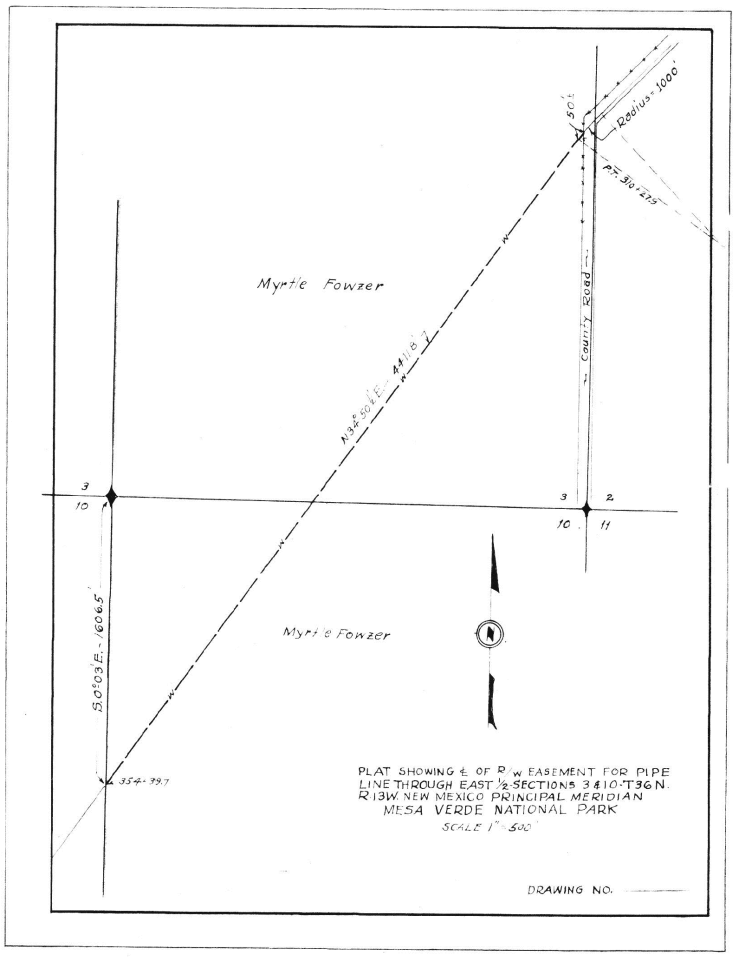
05-18-1965: map of proposed right of way - west mancos water supply system



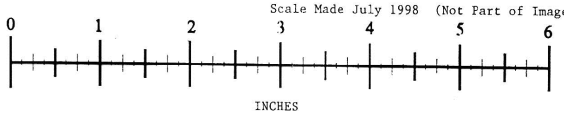
06-16-1941: profile of the west mancos water supply system



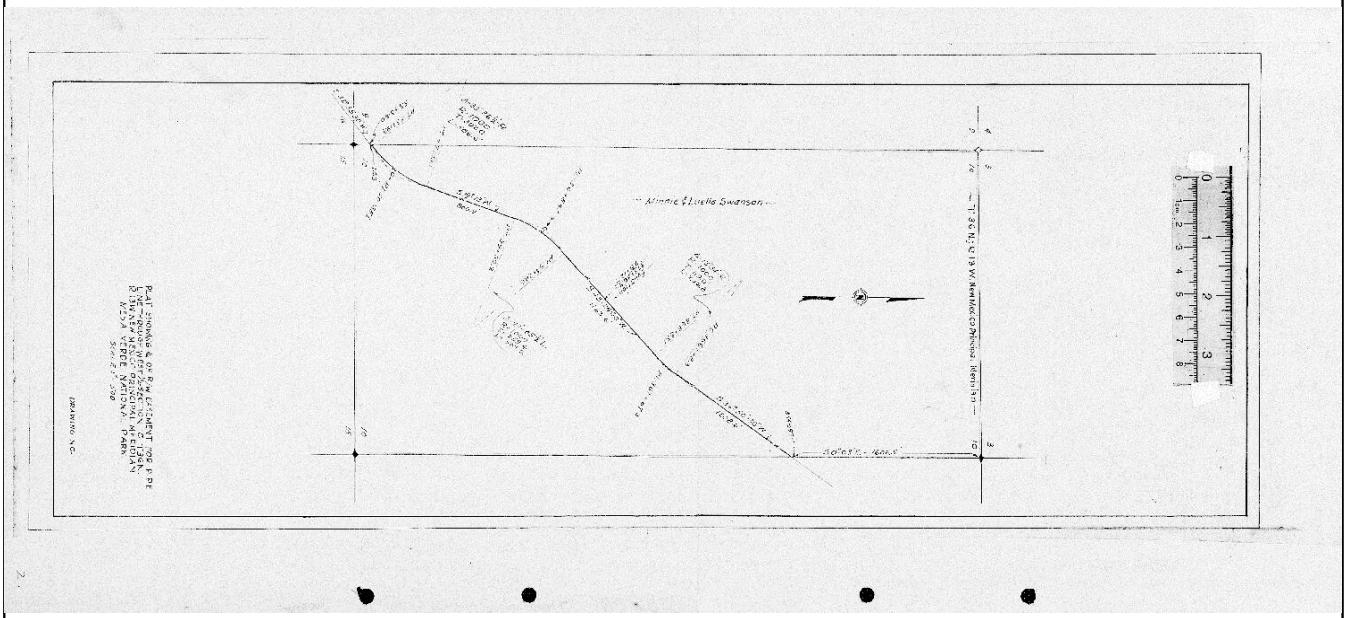
00-00-0000: map of plat showing e of r/w easement for pipe line through e 1/2 - secs. 3 & 10 - t36n, r13w, nmpm



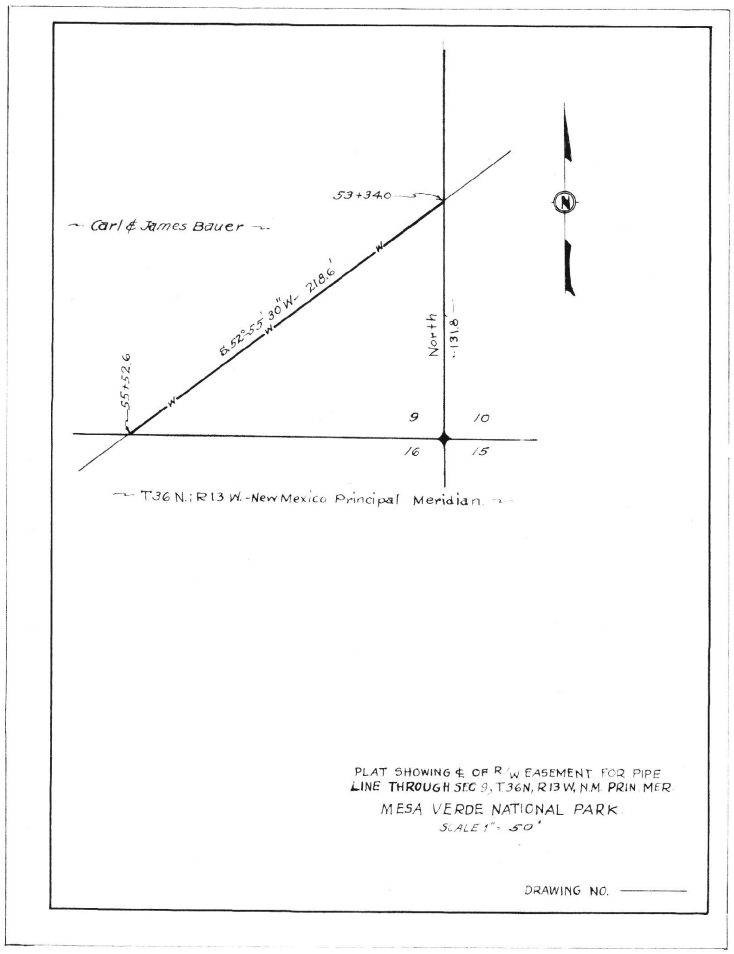
Scale Made July 1998 (Not Part of Image)



00-00-0000: pipe line map - t. 36n., r. 13w., nmpm

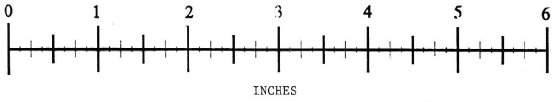


00-00-0000: map of plate showing e of r/w easement for pipe line through sec. 9, t36n, r13w, nmpm

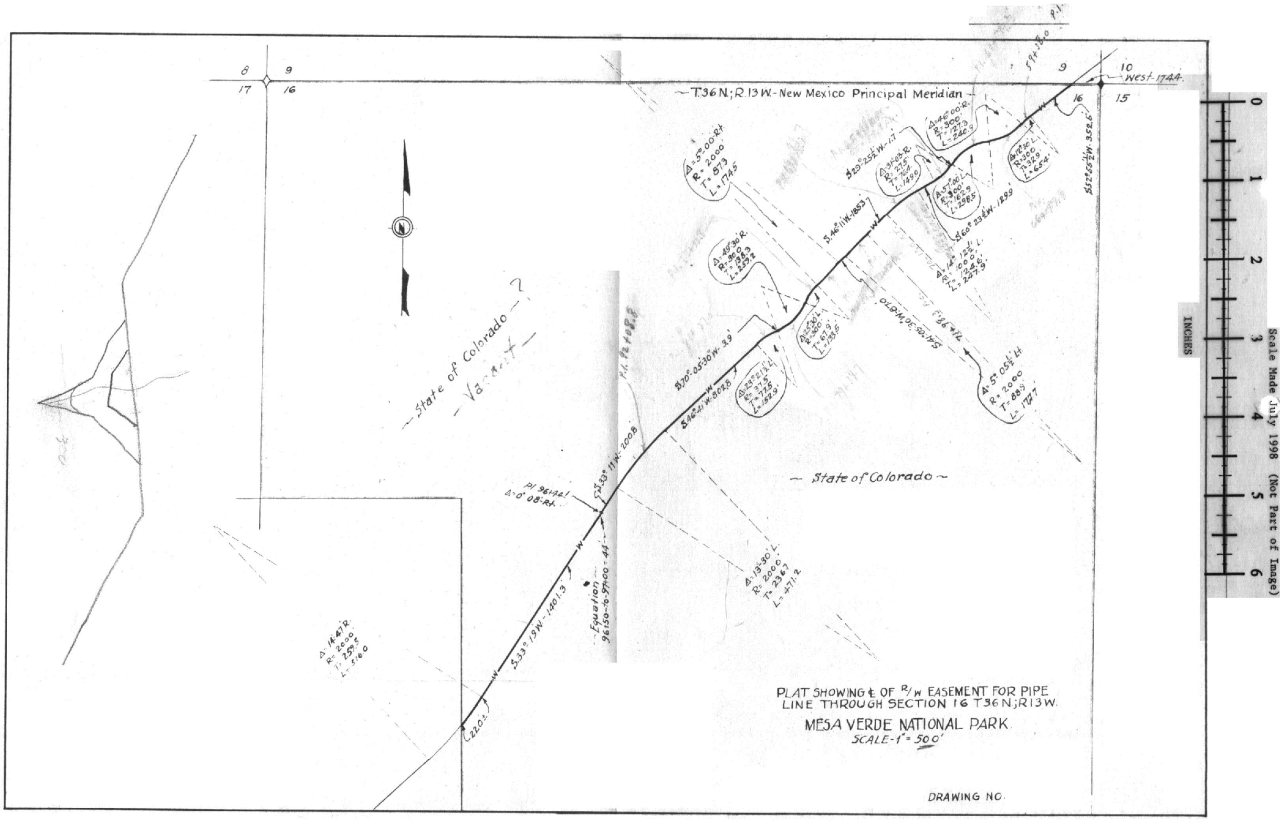


3

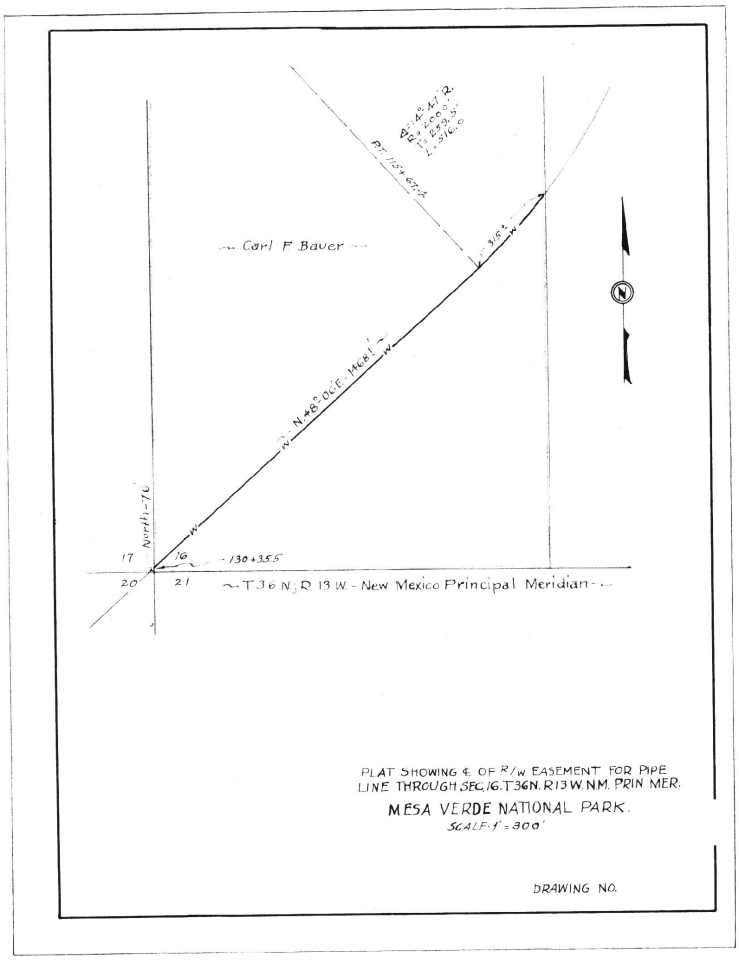
Scale Made July 1998 (Not Part of Image)



00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 16, t36n, r13w, nmpm

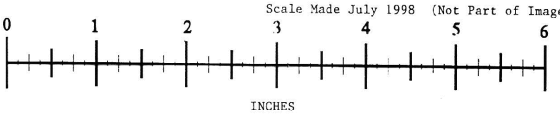


00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 16, t36n, r13w, nmpm

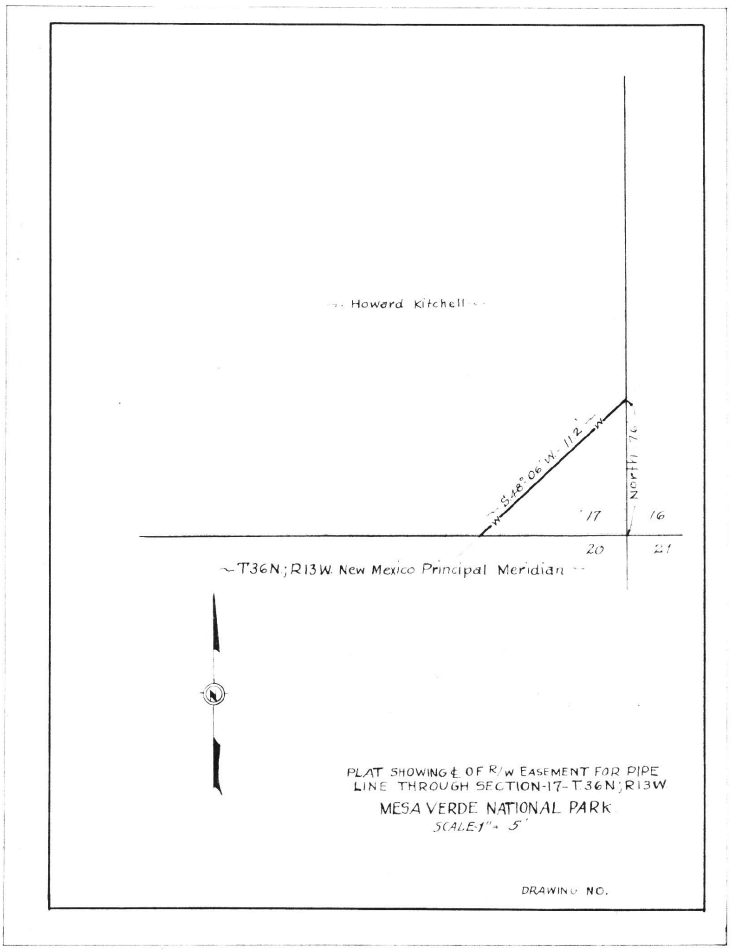


5.

Scale Made July 1998 (Not Part of Image)



00-00-0000: map of plate showing e of r/w easement for pipe line through sec. 17, t36n, r13w, nmpm



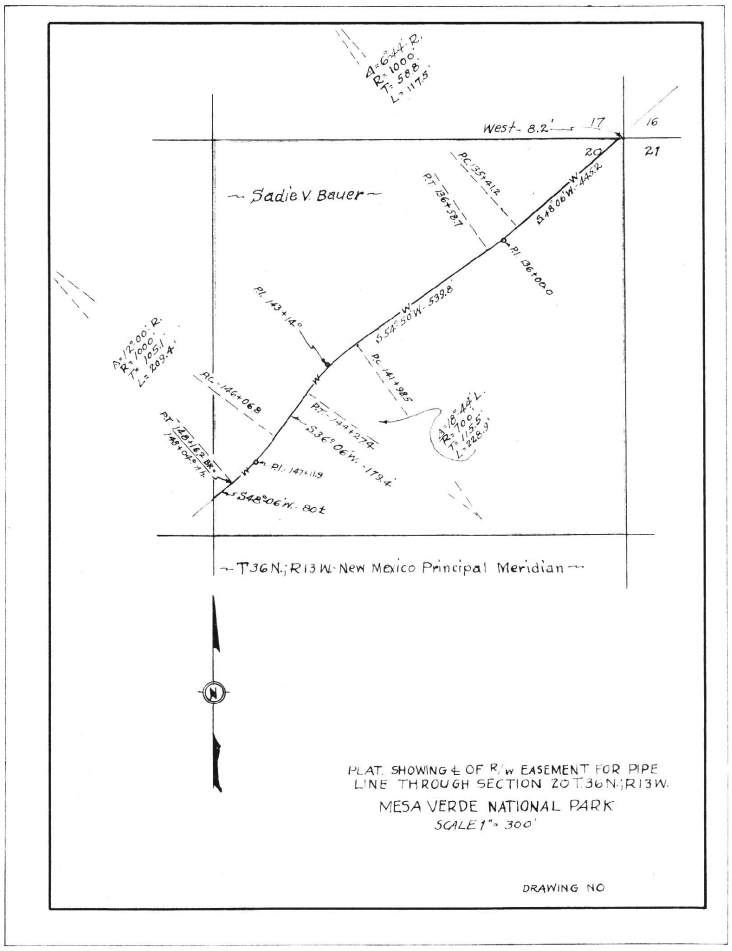
6.

Scale Made July 1998 (Not Part of Image)

0 1 2 3 4 5 6

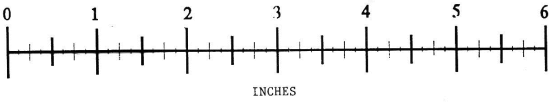
INCHES

00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 20, t36n, r13w, nmpm

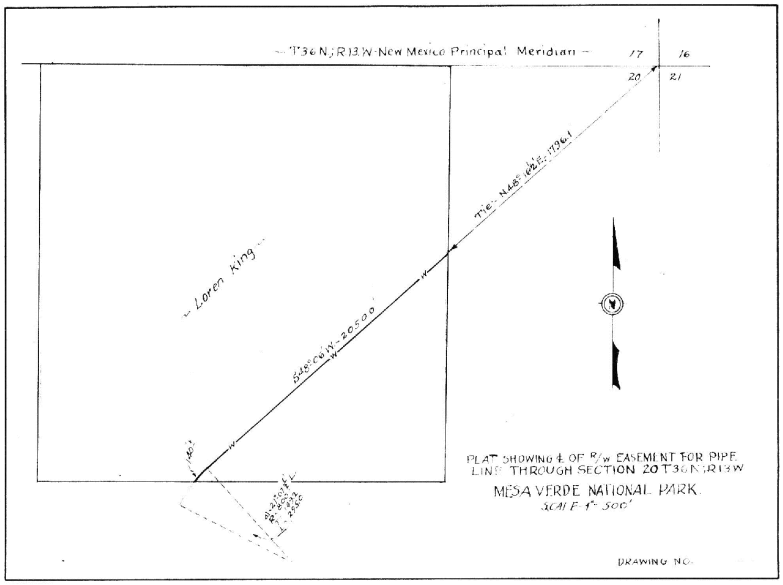


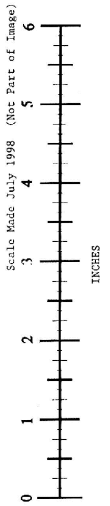
7.

Scale Made July 1998 (Not Part of Image)



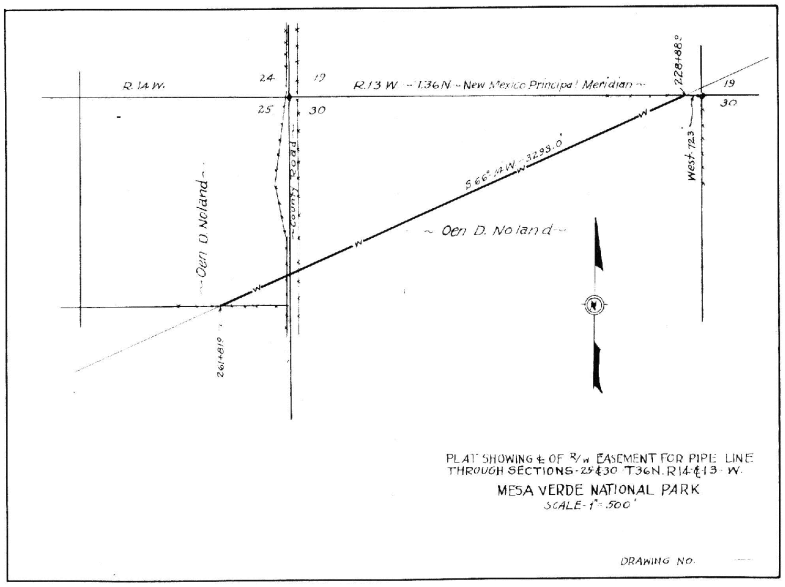
00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 20, t36n, r13w, nmpm

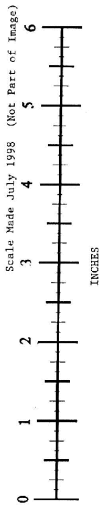




6.

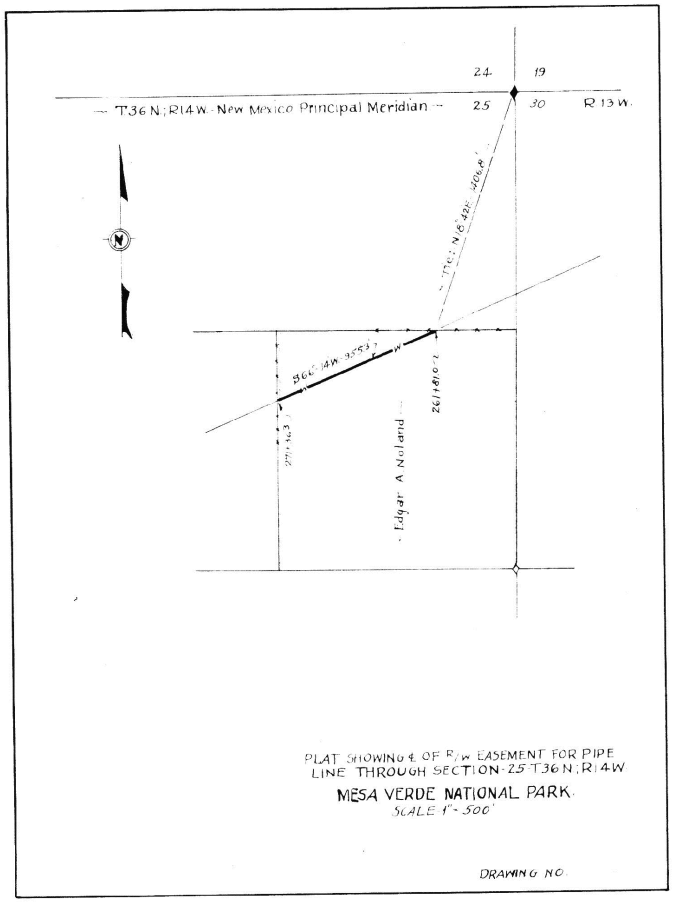
00-00-0000: map of plate showing e of r/w easement for pipe line through secs. 25 & 30, t36n, r14 & 13-w, nmpm





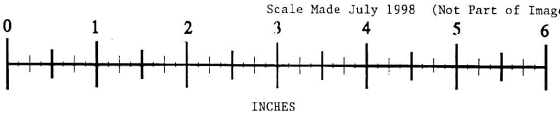
9.

00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 25, t36n, r14w, nmpm

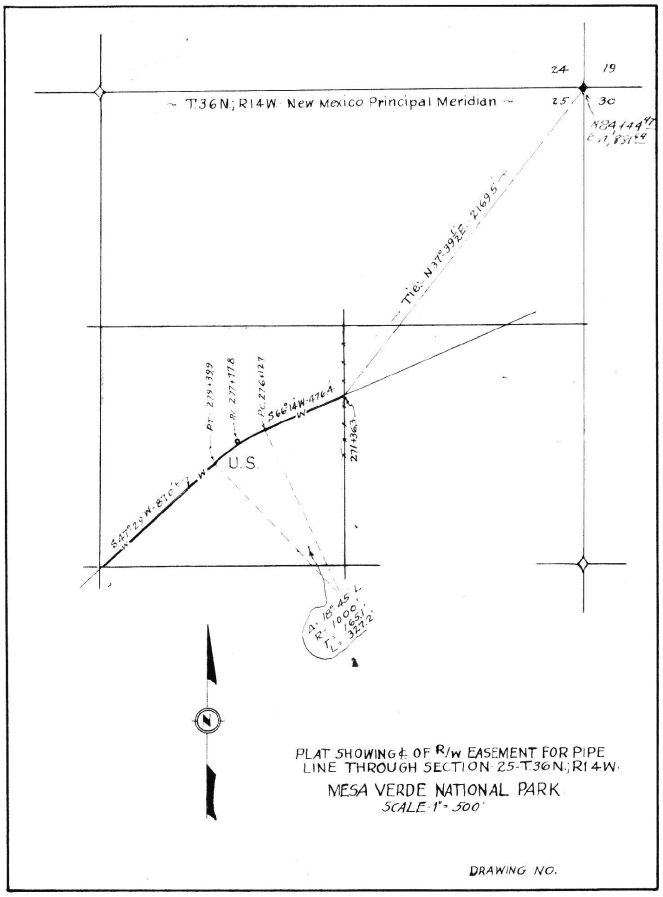


101

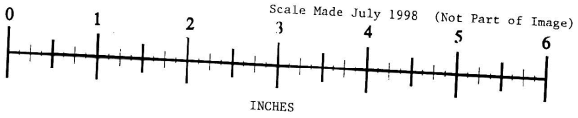
Scale Made July 1998 (Not Part of Image)



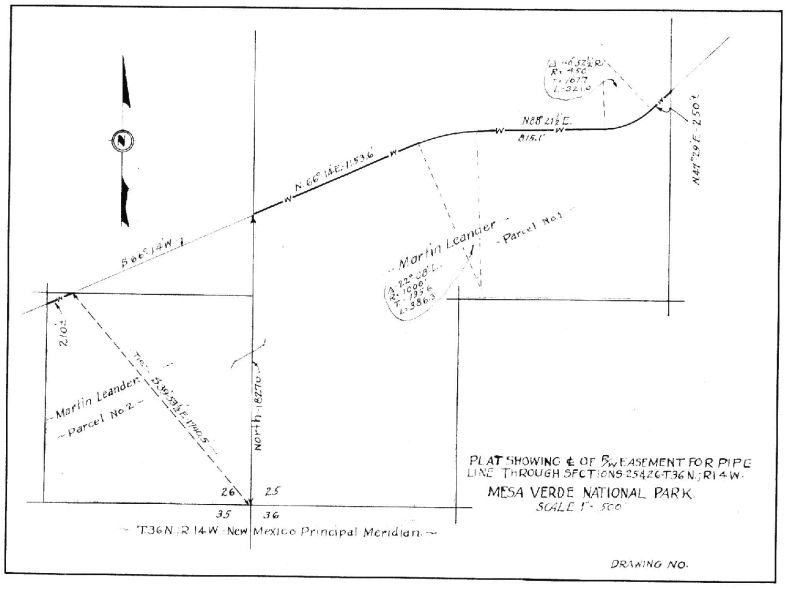
00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 25, t36n, r14w, nmpm

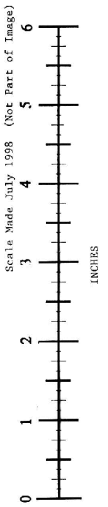


11

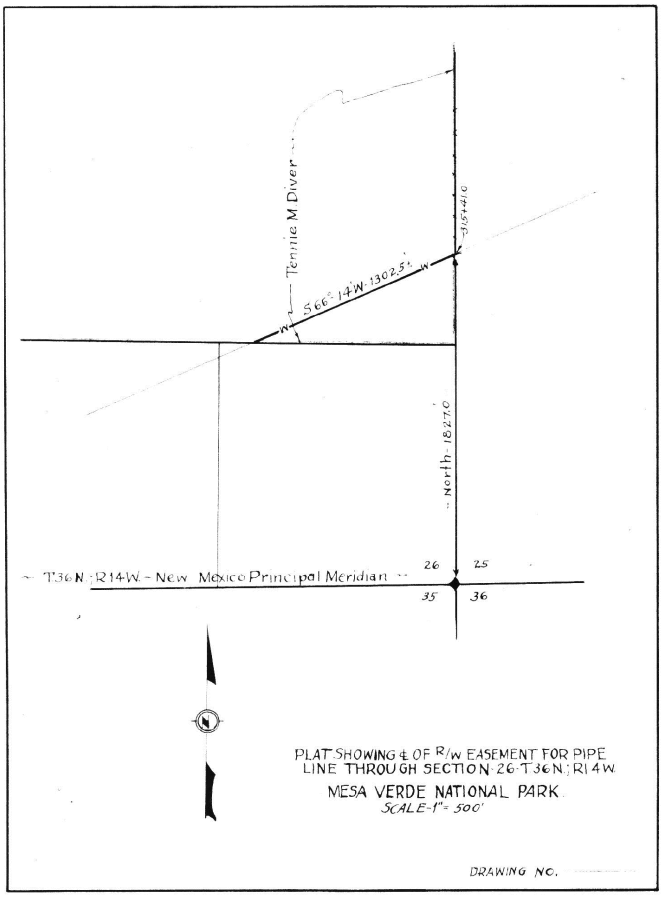


00-00-0000: map of plat showing e of r/w easement for pipe line through secs. 25 & 26, t36n, r14w, nmpm



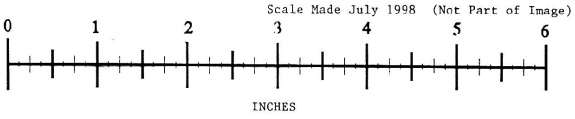


12.

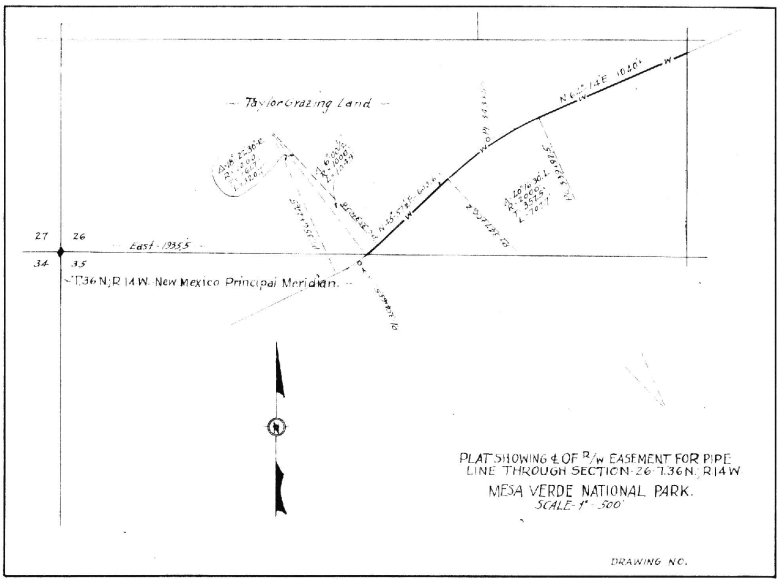


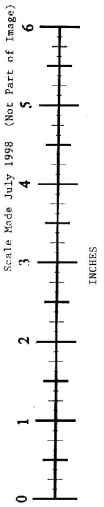
13.

Scale Made July 1998 (Not Part of Image)



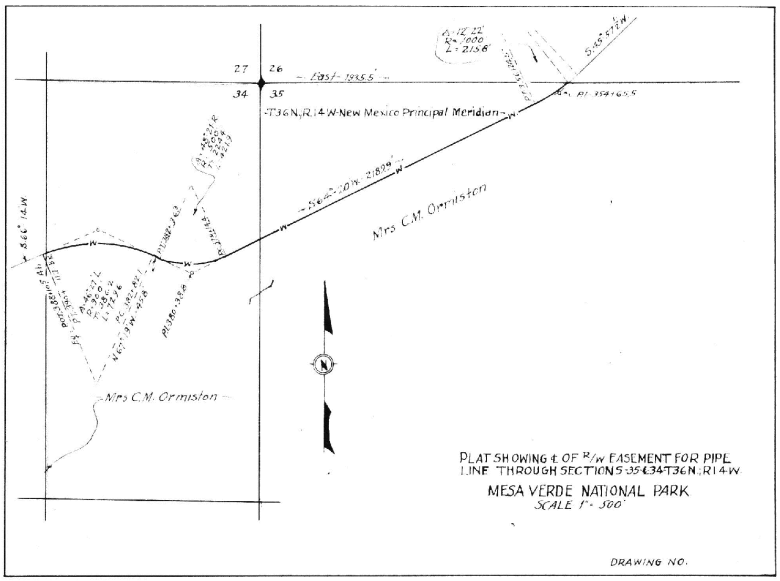
00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 26, t36n, r14w, nmpm

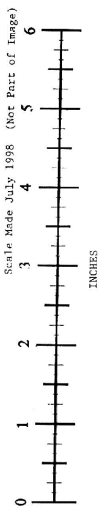




14.

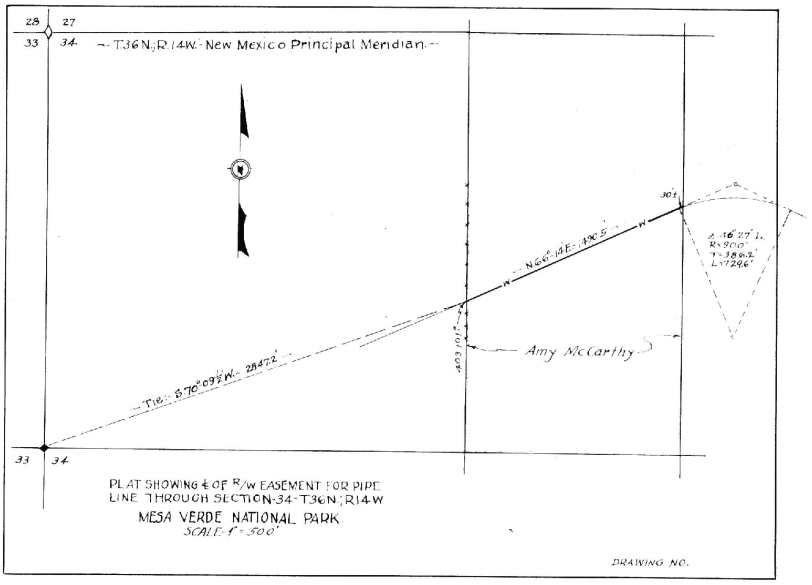
00-00-0000: map of plat showing e of r/w easement for pipe line through secs. 35 & 34, t36n, r14w, nmpm

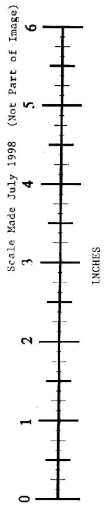




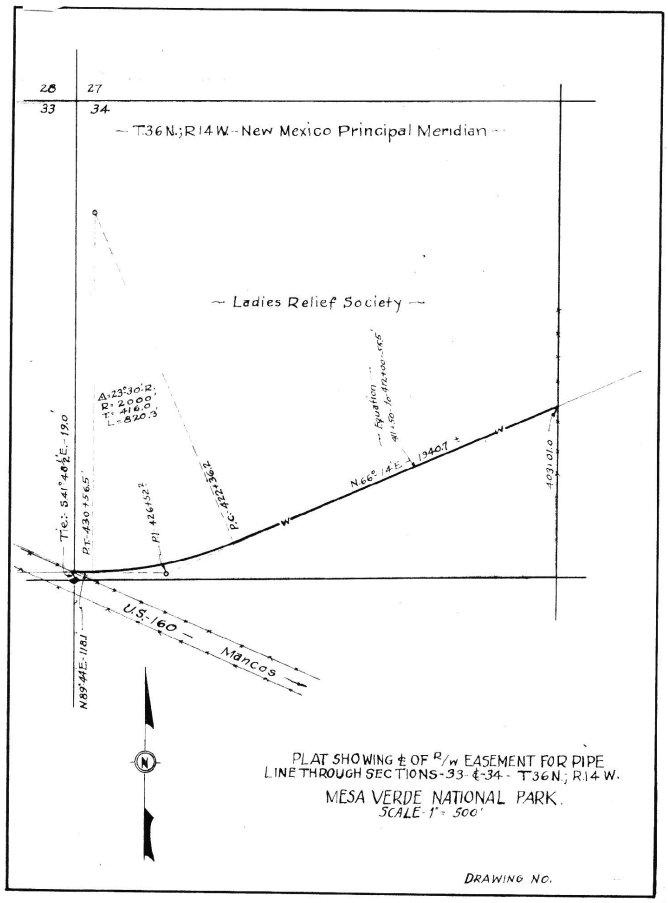
15.

00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 34, t36n, r14w, nmpm



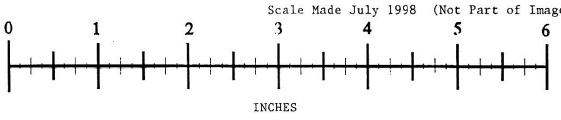


16.

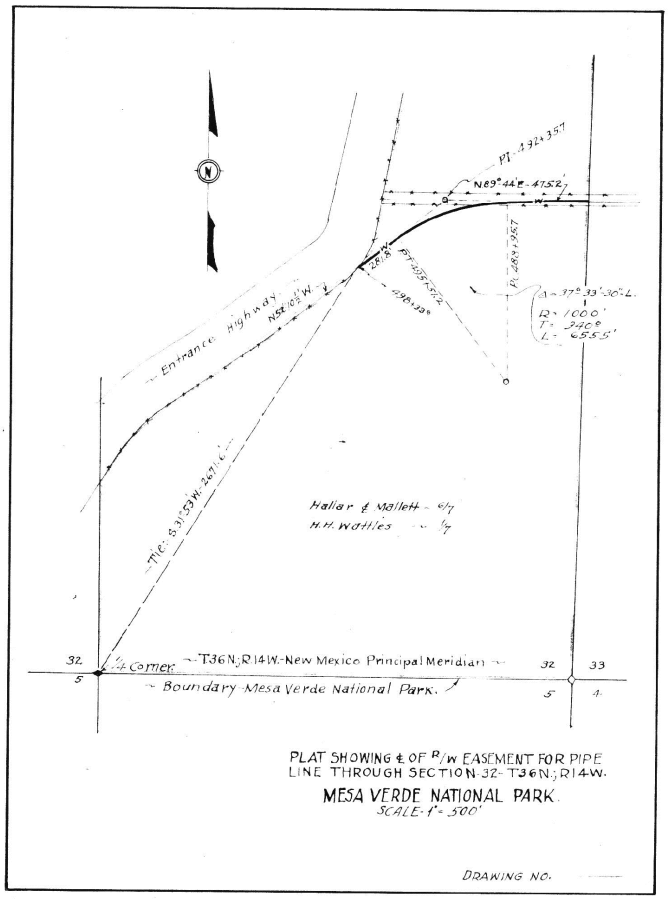


17.

Scale Made July 1998 (Not Part of Image)

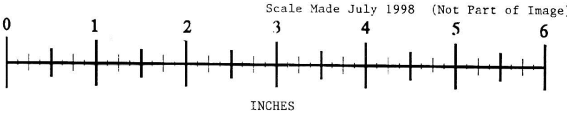


00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 32, t36n, r14w, nmpm

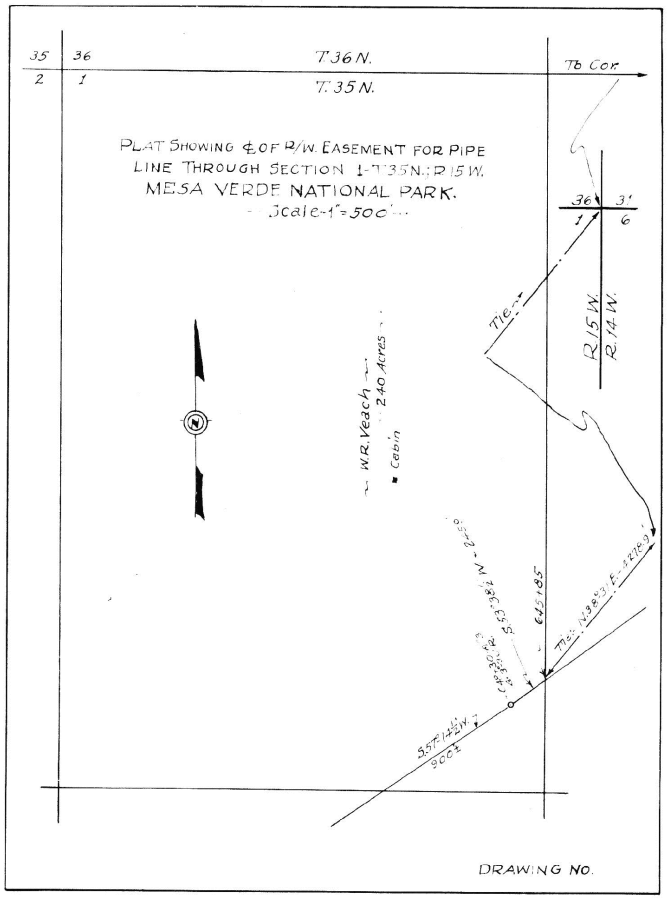


18.

Scale Made July 1998 (Not Part of Image)



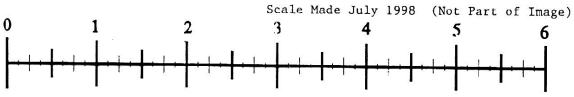
00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 1, t35n, r15w, nmpm



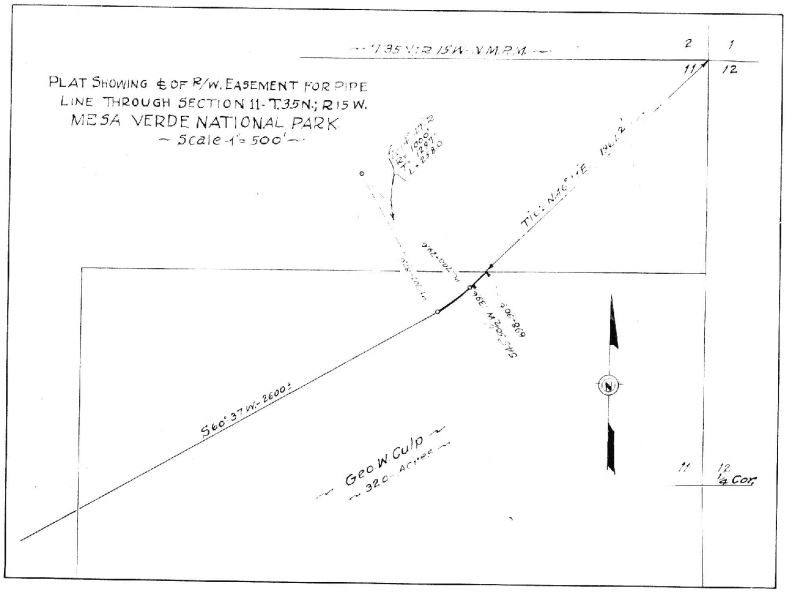
DRAWING NO.

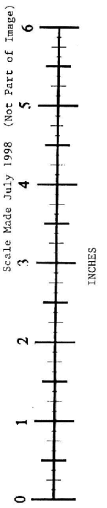
19.

Scale Made July 1998 (Not Part of Image)



00-00-0000: map of plat showing e of r/w easement for pipe line through sec. 11, t35n, r15w, nmpm





20.

04-17-1941: proposed pipe line to intake in west mancos river, described lands that have been withdrawn from public entry

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

April 17, 1941.

Mesa Verde National Park
Proposed Pipe Line to Intake in West
Mancos River

The following described lands have been withdrawn from public entry by the Secretary:

New Mexico Principal Meridian

T. 37 N., R. 12 W.,
Sec. 19, S 1/2
Sec. 30, all;
T. 37 N., R. 13 W.,
Sec. 25, all;
Sec. 34, SE 1/4;
Sec. 35, S 1/2;
Sec. 36, N 1/2 NE 1/4, NW 1/4, and W 1/2 SW 1/4.

The following additional land is recommended for withdrawal from public entry:

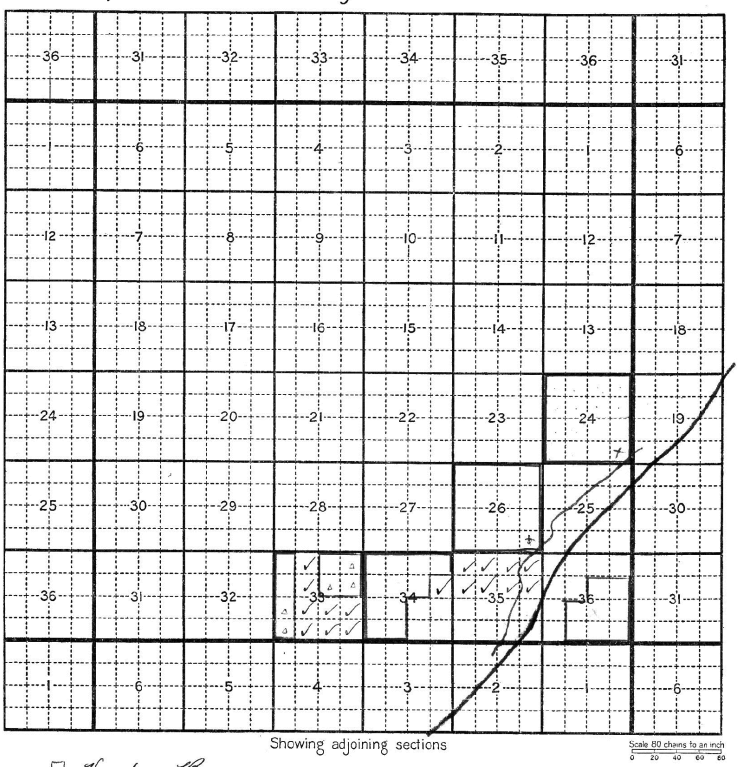
New Mexico Principal Meridian

T. 37 N., R. 12 W.,
Sec. 17, SW 1/4; S 1/2 of NW 1/4.
Sec. 18, SE 1/4
Sec. 19, N 1/2
Sec. 20, NW 1/4
T. 36 N., R. 13 W.,
Sec. 16, all
Sec. 19, SE 1/4
Sec. 20, SE 1/4
Sec. 29, N 1/2 of NW 1/4
Sec. 30, NE 1/4
Sec. 30, NW 1/4 of SE 1/4
T. 35 N., R. 14 W.,
Sec. 2, S 1/2 of NW 1/4

00-00-0000: map of irrigation ditch - 03153, shows adjoining sections

4-590 C

Township No. 31 N. Range No. 13 W., N. MEX. Mer.



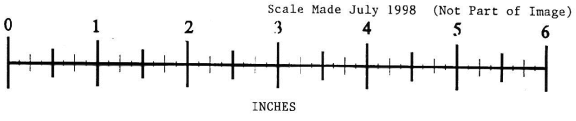
Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

□ = Vacant on SB.
✓ = Patented on SB.
Irrigation Ditch (act 3/3/01) 03153 Durango app 9/3/3 SE¼SE¼ sec 24, SW¼SE¼ 26.
NW Bauer Lake Res. Co. app Nov. 14/07 E½NE¼, SW¼NE¼, W½SW¼ sec 33.

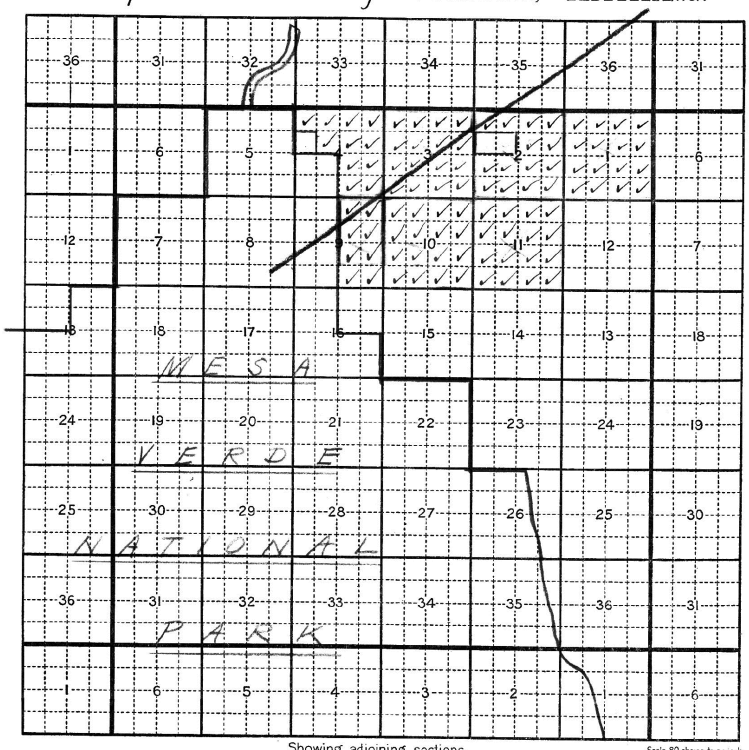
11/9/11 B.F. Darnall, C

Scale Made July 1998 (Not Part of Image)



4-590 C

Township No. 35 N. Range No. 14 W., N. MEX. Mer.



Showing adjoining sections

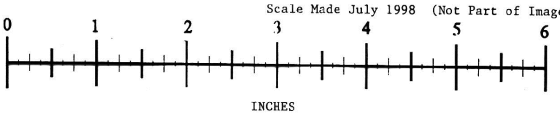
Scale 80 chains to an inch
0 20 40 60 80

☐ Vacant on T.B.
✓ Patented Land

4/10/11 B.F. Darnall/to

A
6—5773
A
U. S. GOVERNMENT PRINTING OFFICE

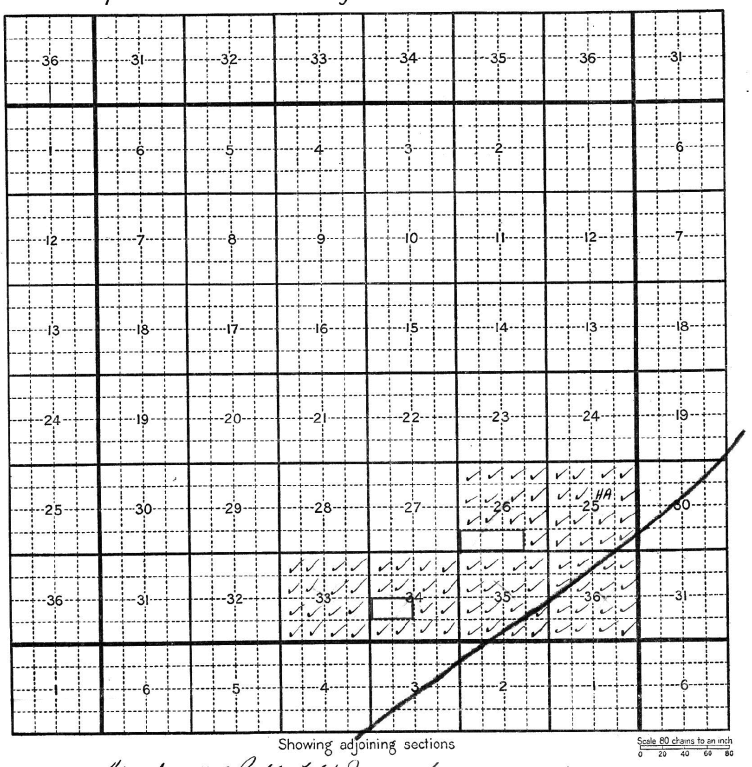
Scale Made July 1998 (Not Part of Image)



01-27-1936: map of irrigation ditch, shows adjoining sections

4-590 C

Township No. 36 N. Range No. 14 W., N. Mex. Mer.



Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

H.A. Hd appl. 056688 Pueblo Filed Jan. 27. 1936.
✓ Patented Land
☐ Vacant on T.B.

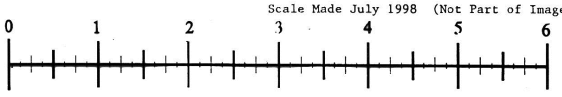
4/10/41 B.F. Darnall/O

A

6—8233

U. S. GOVERNMENT PRINTING OFFICE

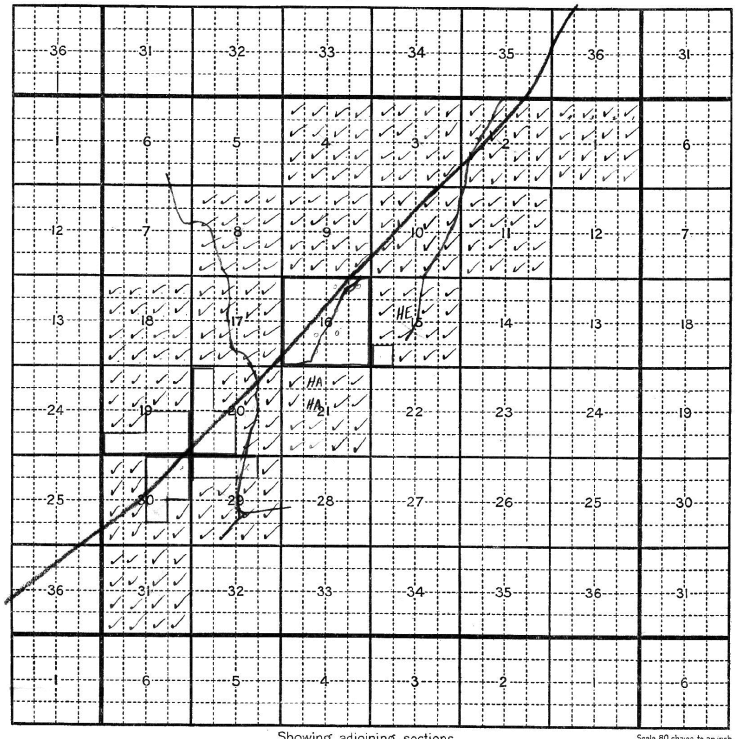
Scale Made July 1998 (Not Part of Image)



00-00-0000: map of irrigation ditch - 03201, shows adjoining sections

4-590 C

Township No. 36 N. Range No. 13 W., N. Mex. Mer.



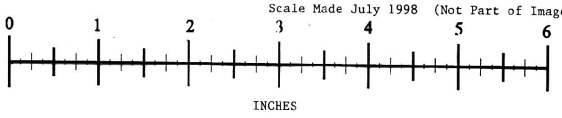
Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

√ Patented on T.B.
HE. Pending Hd. Entry 055550 Pueblo Allowed Aug 14. 1937 S½ NW sec 15.
H.A. " Hd application 058289 Pueblo Filed Sept 9 1940.
☐ Vacant on T.B.
R/W Irrigation Ditch (act 3/3/91) 03201 Durango app. 9/14/2. NW NE, S½ NE, NW SE, E½ SW sec 16.
R/W RR. (act 3/3/75) Rio Grande Southern R.R. 40444-91-app 3/28/91. NW NE sec 29.

4/9/41 B.F. Darnall/o

Scale Made July 1998 (Not Part of Image)

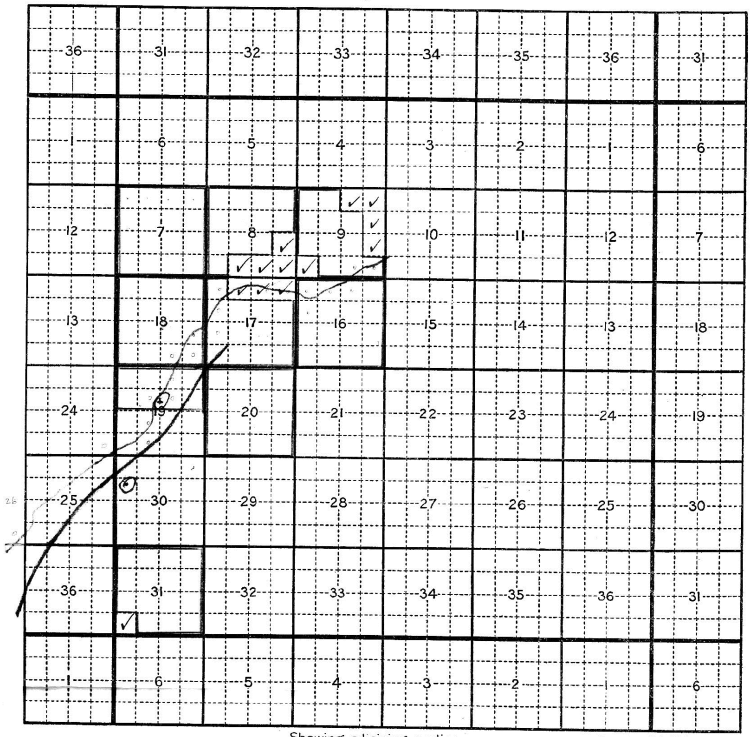


00-00-0000: map of irrigation ditch, shows adjoining sections

4-590 C

Pueblo 049108 - 03153
049109 - 03201

Township No. 37 N. Range No. 12 W., N. Mex. Mer.



Showing adjoining sections. Scale 60 chains to an inch 0 20 40 60 80

Montezuma County Colorado

Yellow indicates patent with withdrawals from entry

Blue line shows proposed pipeline location.

□ Vacant on T.B.

✓ Patented Land.

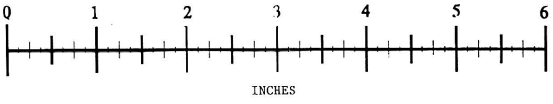
○ Pre Irrigation Ditch (last 9/91) Crystal Creek Water Co. 03153 Durango appr. 11/3/13 for S½SE sec 8, NWNE, NWNW, SWNW sec 16, NWNE, SWNW, NWSW sec 17, E½E½SWSE sec 18,

over

6—27232

U. S. GOVERNMENT PRINTING OFFICE

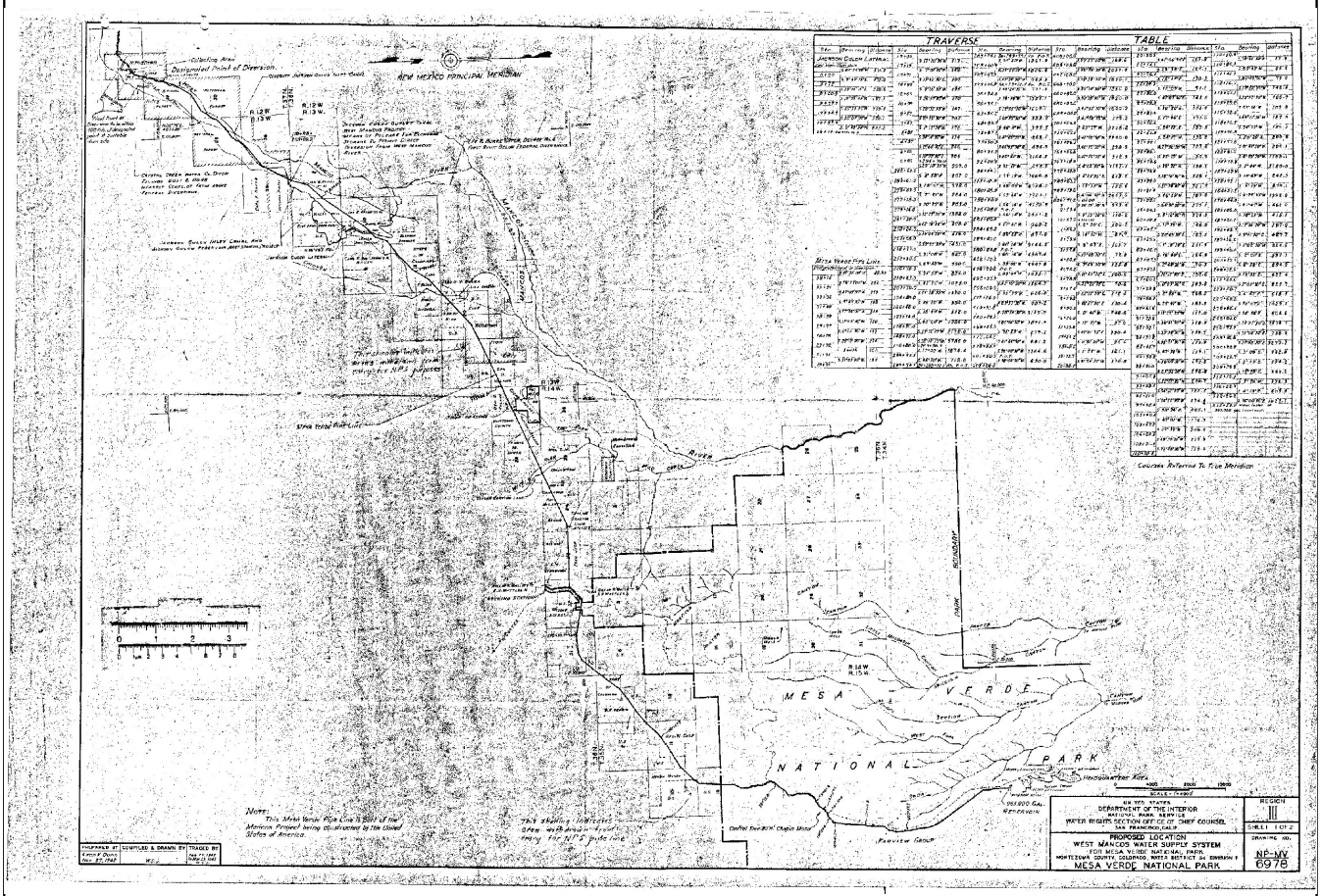
Scale Made July 1998 (Not Part of Image)



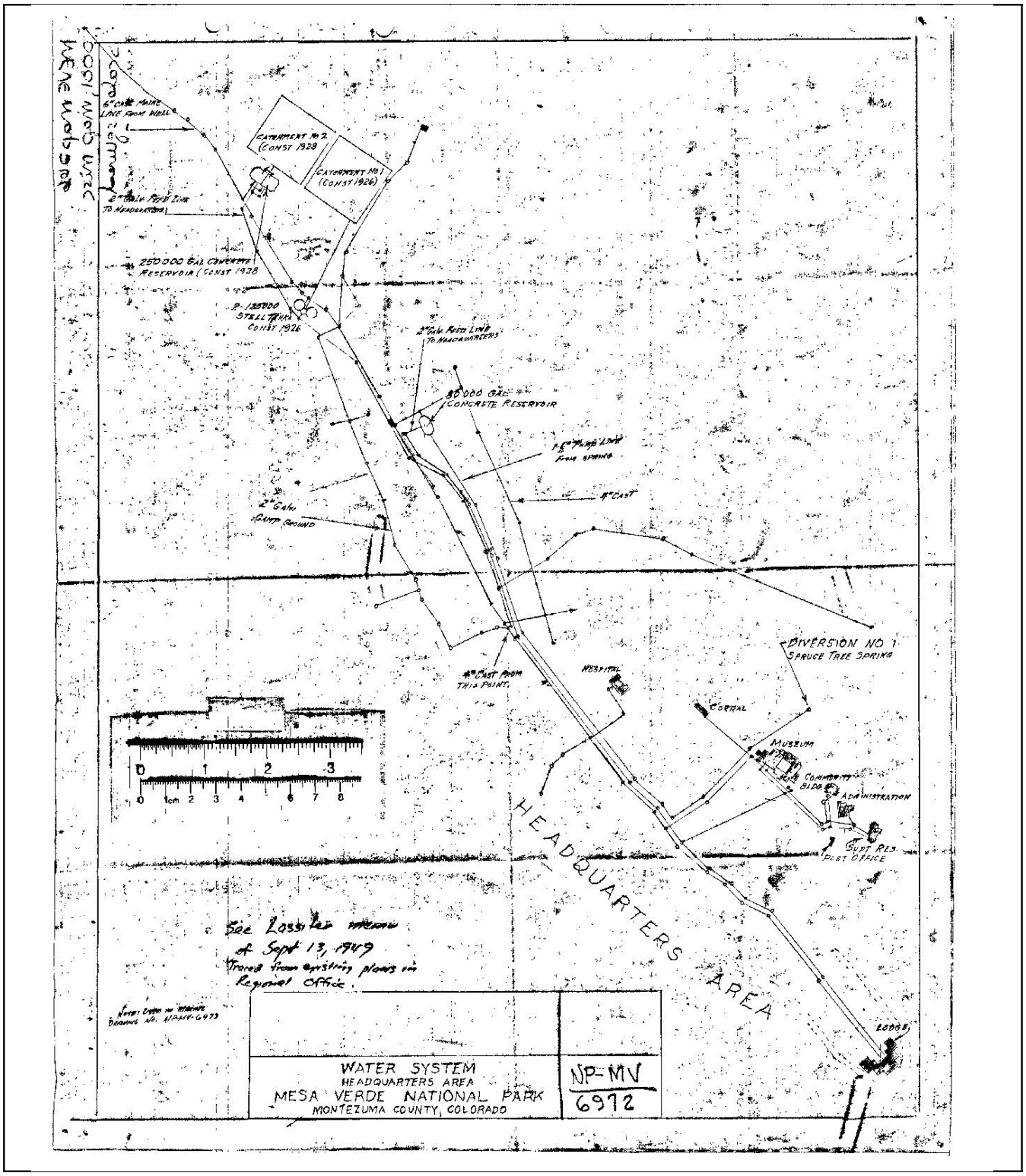
W½ NE, SE NW, E½ SW, Lot 4 sec 19.

4/9/41 B.F. Darnall/O

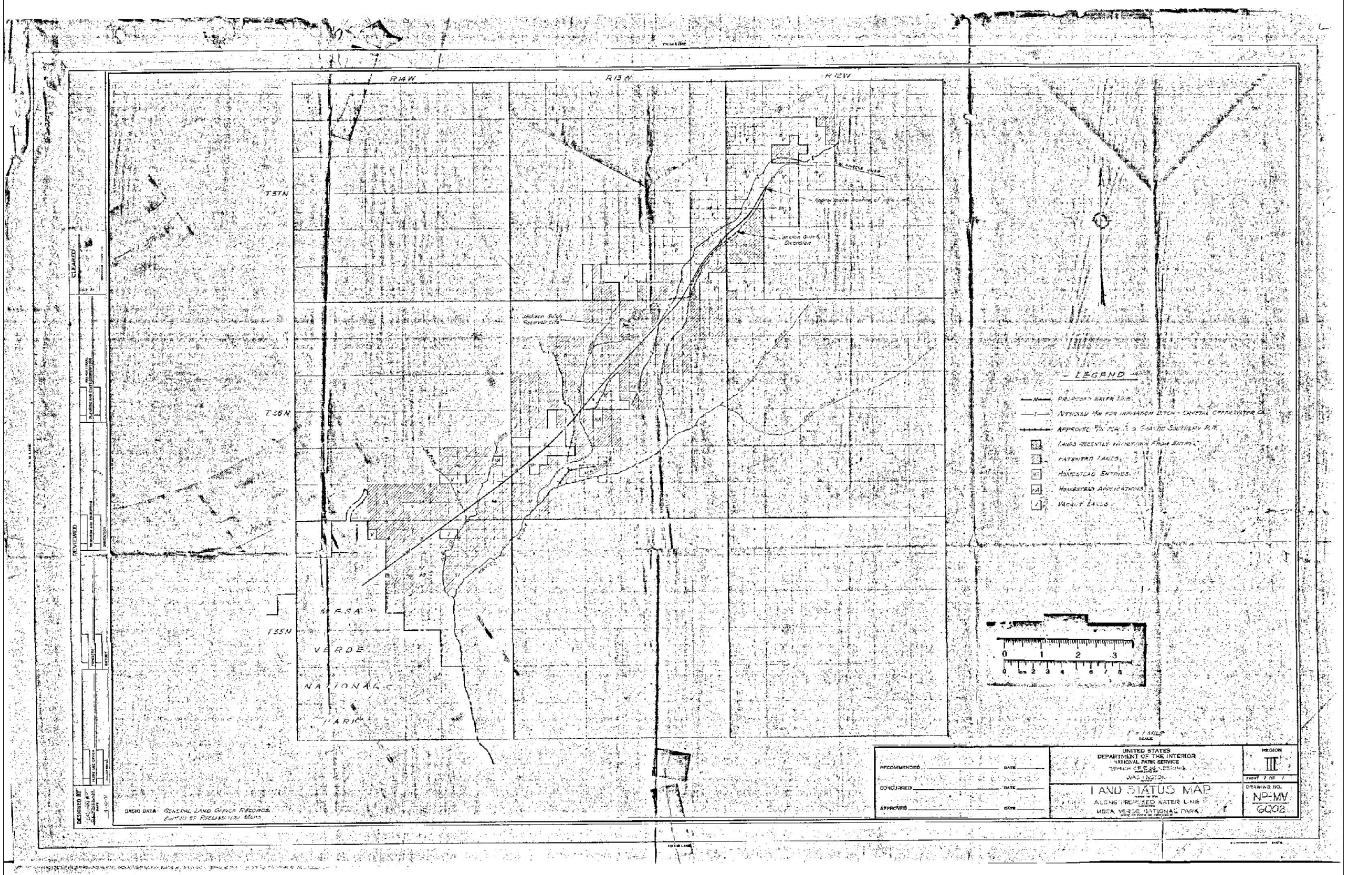
11-27-1942: map showing the proposed location of the west mancos water supply system



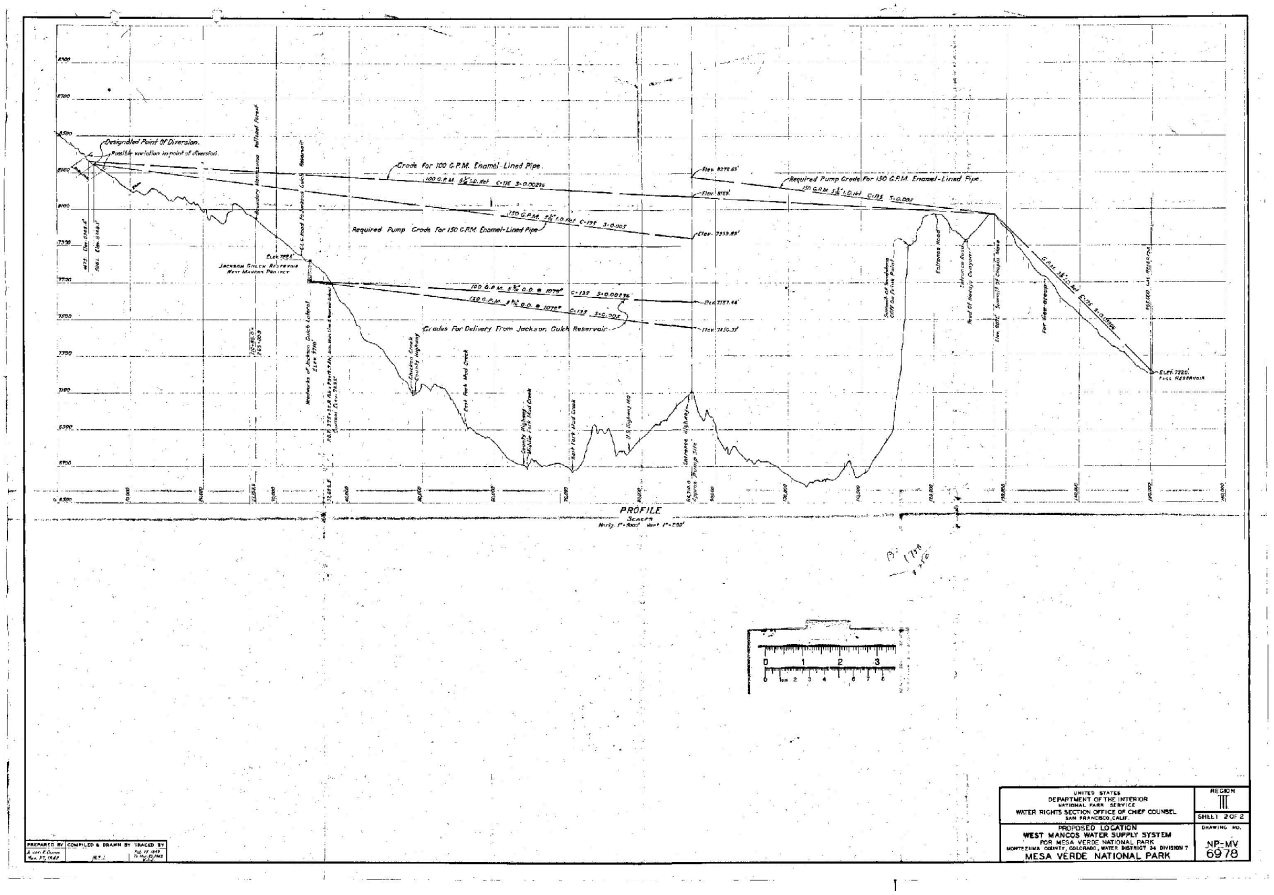
00-00-1949: map of the headquarters area water system



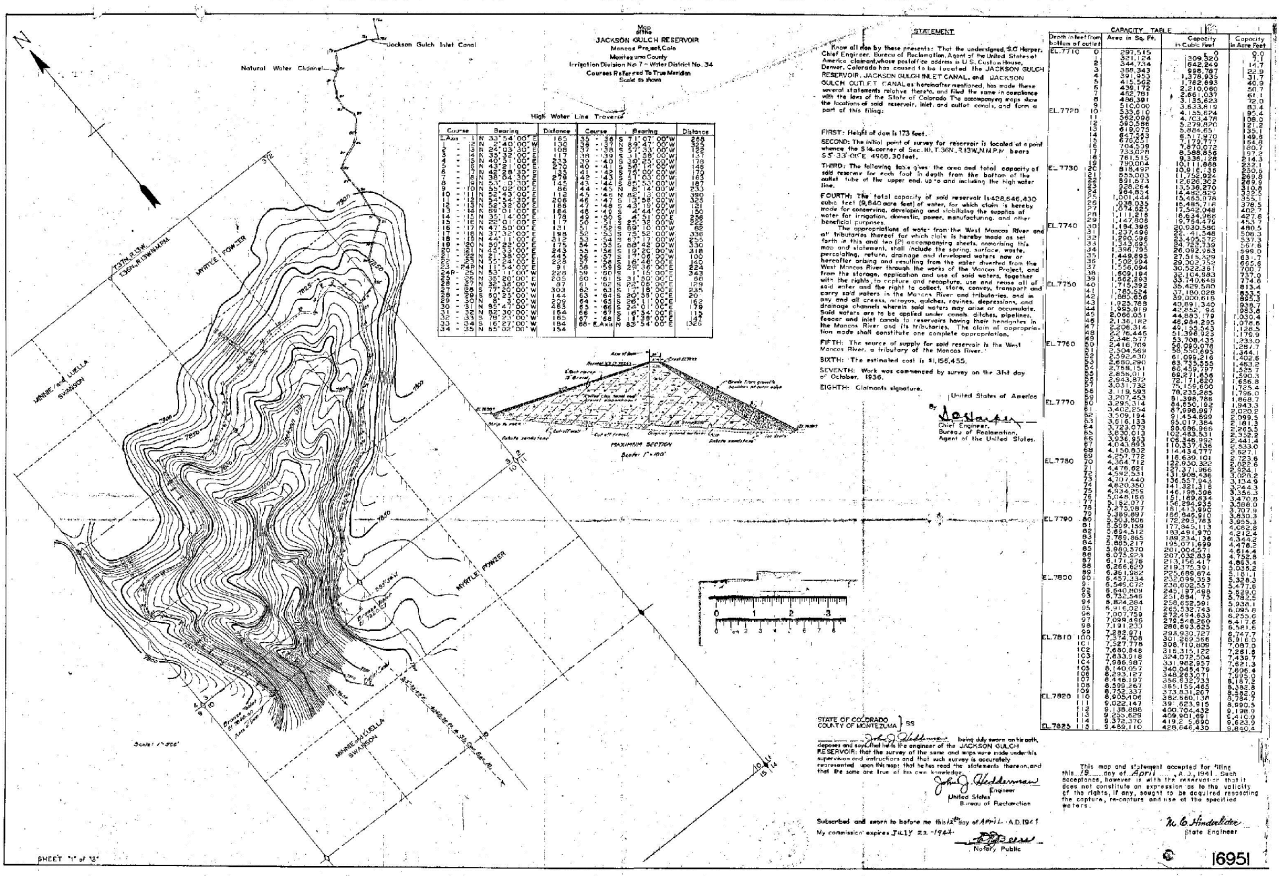
00-00-0000: land status map along proposed water line



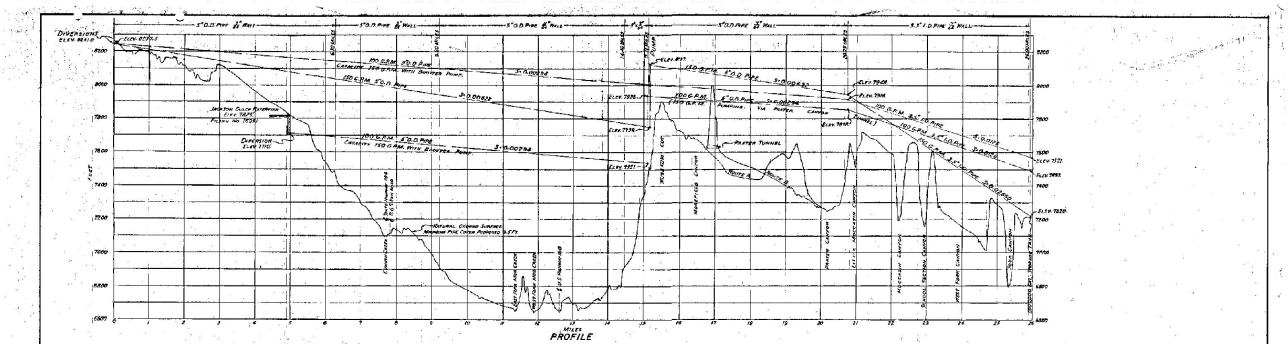
11-27-1962: map of the proposed west mancos water supply system location



04-12-1941: map of the jackson gulch reservoir



06-16-1941: map of the west mancos water supply system



STATEMENT

Know All Men By These Presents: That the undersigned John J. McDermott, Superintendent of Mesa Verde National Park, agent for the United States of America, claimant, whose post office address is Mesa Verde National Park, Montezuma County, Colorado, has caused to be located the West Mancos Water Supply System for Mesa Verde National Park as now constructed, mentioned, and described in the notice of location filed with the Clerk of the State of Colorado, the accompanying map shows the location of said water supply system, and forms a part of this Filing. This claim is also a supplement to Filing No. 6977, by Chief Ranger R.R. Hansen, Bureau of Reclamation, agent for the United States of America, to navigate a ditch and conduct water over a part of the surface under said Filing claim No. 6977.

Proof: The point adopted is located at a saddling back on the right, or west, bank of the West Mancos River, a tributary of the Mancos River, from which it derives its supply of water, whence the N.W. corner of Section No. 20, Township 37 North, Range 19 West, of the New Mexico Principal Meridian, bears S. 74°48'W. 4825.5 feet. This point is also the northwest corner of an underground collecting area along the said West Mancos River, 150 feet in width and 600 feet in length, whose sides are due north, east, south, and west. The area collecting lateral laminates at a depth ranging from a few inches to about 4 ft below the surface of Section No. 20 bears S. 27°29' W. 3270.3 Feet, and from which bearing laterals will be laid throughout the collecting area.

In accordance with said Filing No. 6977, water is also diverted from the east bank of the West Mancos River at a point whence the N.W. corner of said Section No. 20, Township 37 North, Range 19 West of the New Mexico Principal Meridian bears N. 87°10' W. 1574.2 Feet, said water is now conducted into Jackson Gulch Reservoir, as shown on the accompanying map, or to be used in exchange for the direct diversion now so diverted.

Records: The hydraulic gradient of the pipe line and water supply system are available:

(a) There will be 17,250 feet of pipe, 3 inches in diameter.
(b) There will be 22,250 feet of pipe 4½ inches in diameter.
(c) The centrifugal pump on the 4 inch pipe will be 3.74 feet per 100 feet, and the grade of the 4½ inch pipe will be 12.6 feet per 100 feet.
(d) The carrying capacity will be:
(1) By mixed gravity diversion — 0.223 cubic feet per second of time.
(2) By pump from the Jackson Gulch Reservoir, another by booster pump, at point 12.78 miles below the direct diversion, 0.223 cubic feet per second of time, for domestic, stock, irrigation, industrial, and fire protection purposes in above areas outlined for it.

The right is hereby claimed to divert the full 0.223 second feet directly from said river to exchange for regulatory releases from said Jackson Gulch Reservoir, or to divert all, or any part through the said Jackson Gulch Reservoir.

Figures: The estimated cost is $ 575,000.

Times: Work was commenced by myself on the 29th day of October, 1936.

Notice: Claimant's Signature

UNITED STATES OF AMERICA
By John J. McDermott
Supt. Mesa Verde National Park

UNITED STATES OF AMERICA
DEPT. OF COLORADO
County of Montezuma
Mesa Verde National Park

John J. Hedderman being duly sworn on his oath, deposes and says that he is the engineer of the Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, Jackson Gulch Outlet Canal, and West Mancos Water Supply System; that the survey of the same and the maps thereof were made under his supervision and instructions and that such survey is accurately represented upon this map; that he has read the statements thereon, and that the same are true of his own knowledge.

John J. Hedderman
Engineer
United States Bureau of Reclamation

Subscribed and sworn to before me this 16 day of August A.D. 1941.

United States Commissioner

"Received for Filing in the office of the State Engineer of Colorado on the 12 day of August, 1941
M. C. Hinderlider
State Engineer
By [illegible]
Deputy

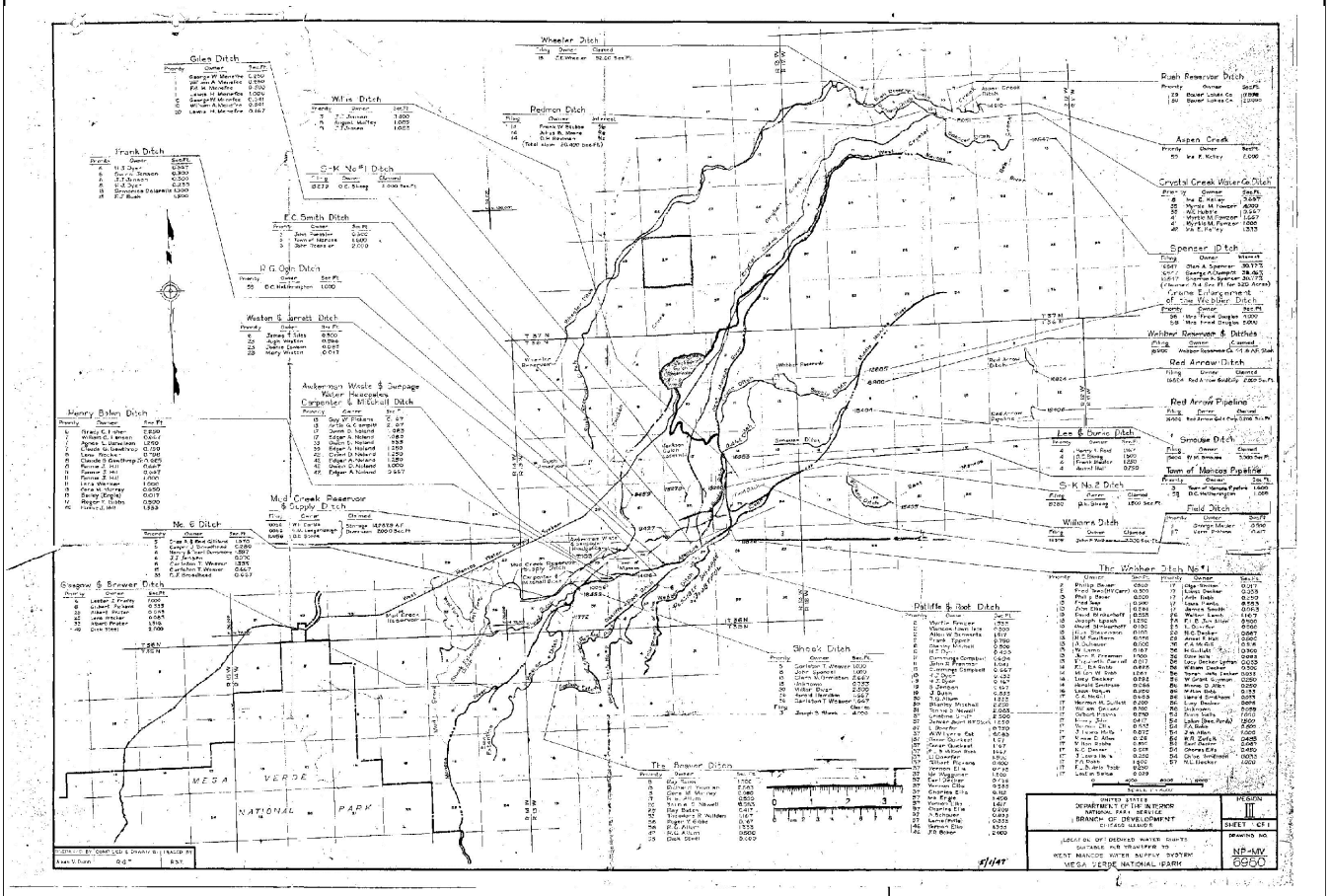
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION OFFICE OF CHIEF COUNSEL
SAN FRANCISCO, CALIF.

REGION III
SHEET 2 OF 2
DRAWING NO. NP-MV 6977

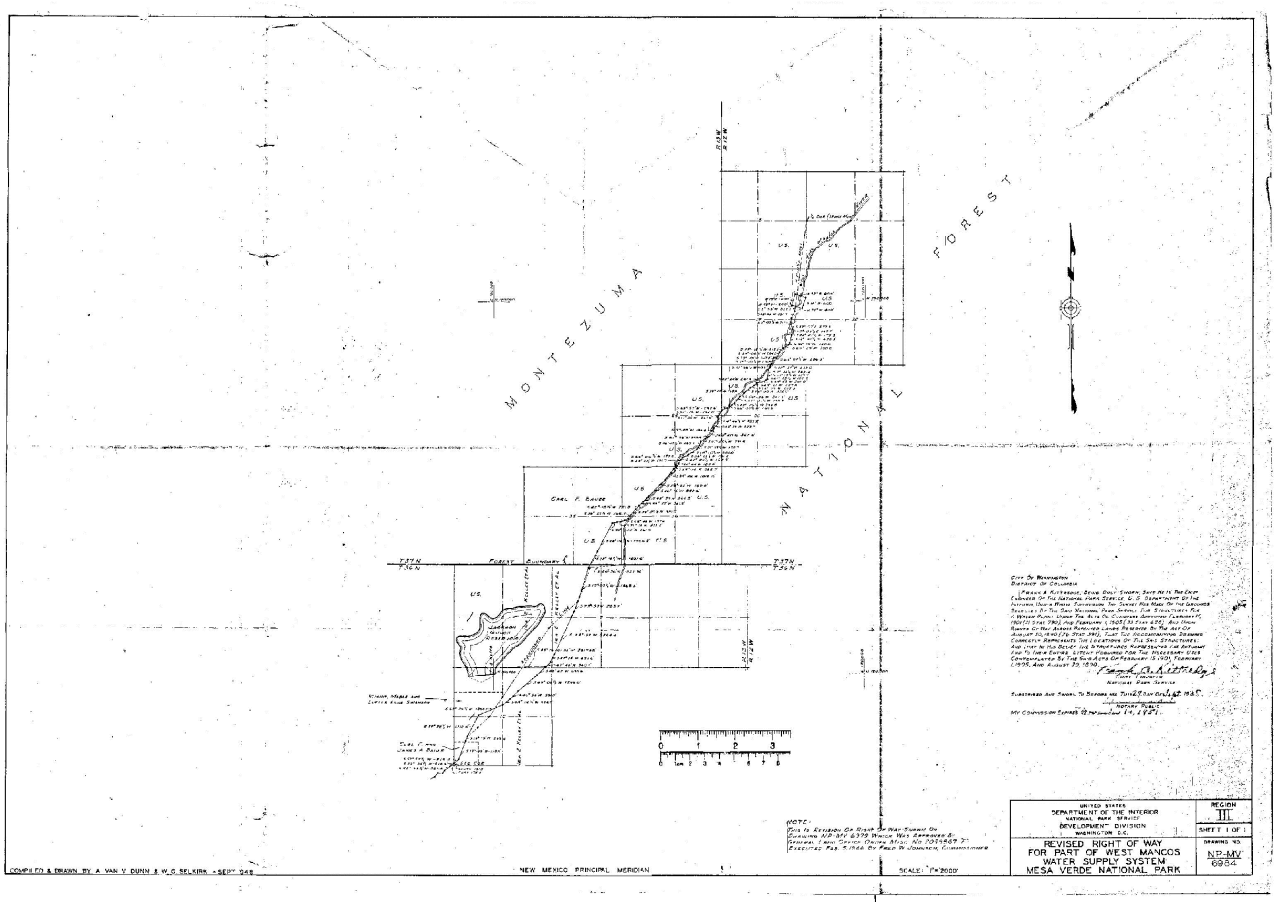
WEST MANCOS WATER SUPPLY SYSTEM
FOR MESA VERDE NATIONAL PARK
MONTEZUMA CO., COLO. WATER DISTRICT 36, DIVISION 7
MESA VERDE NATIONAL PARK

16989

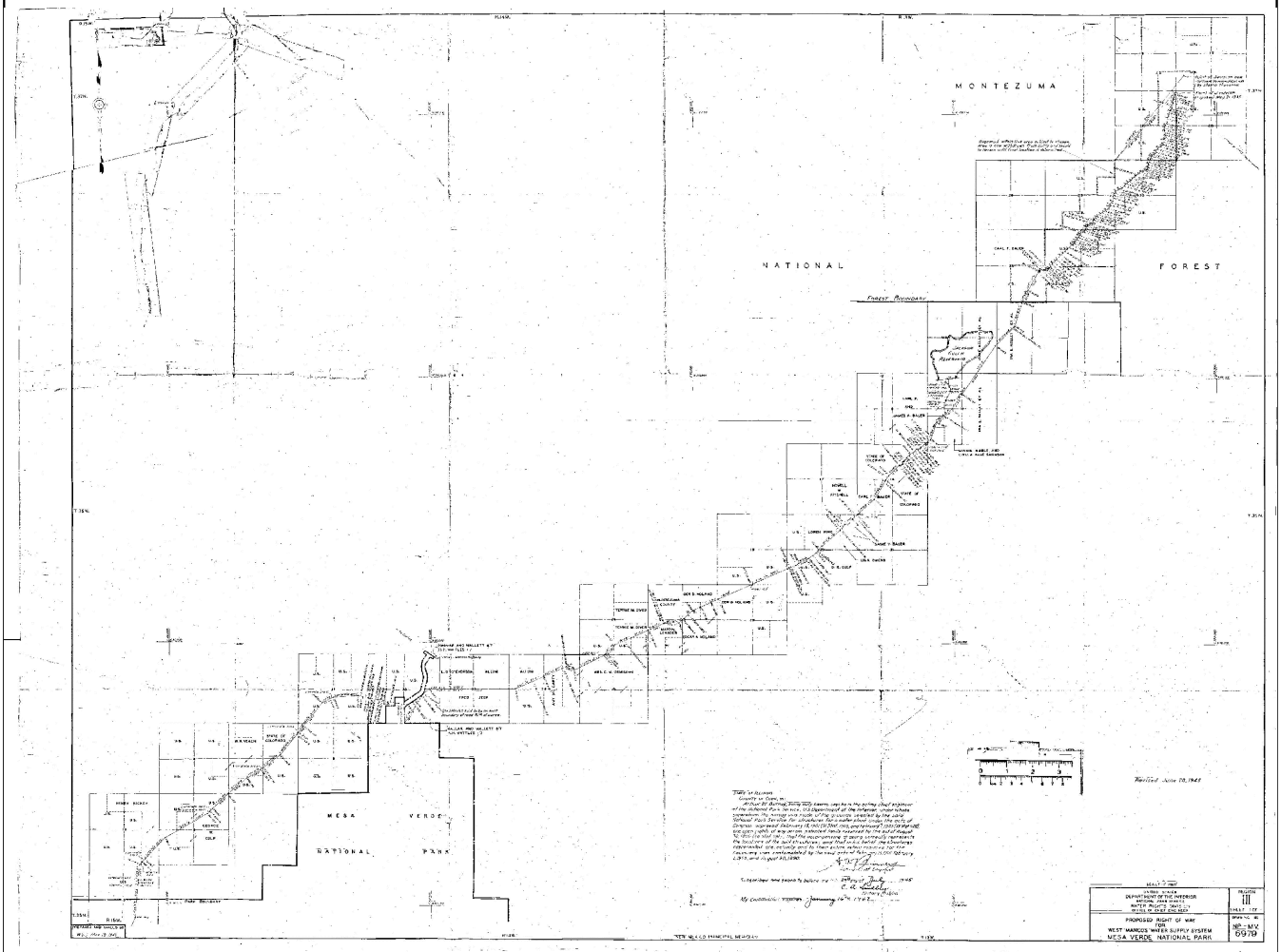
05-01-1947: map of the locations of decreed water rights suitable for transfer to the west mancos water supply system



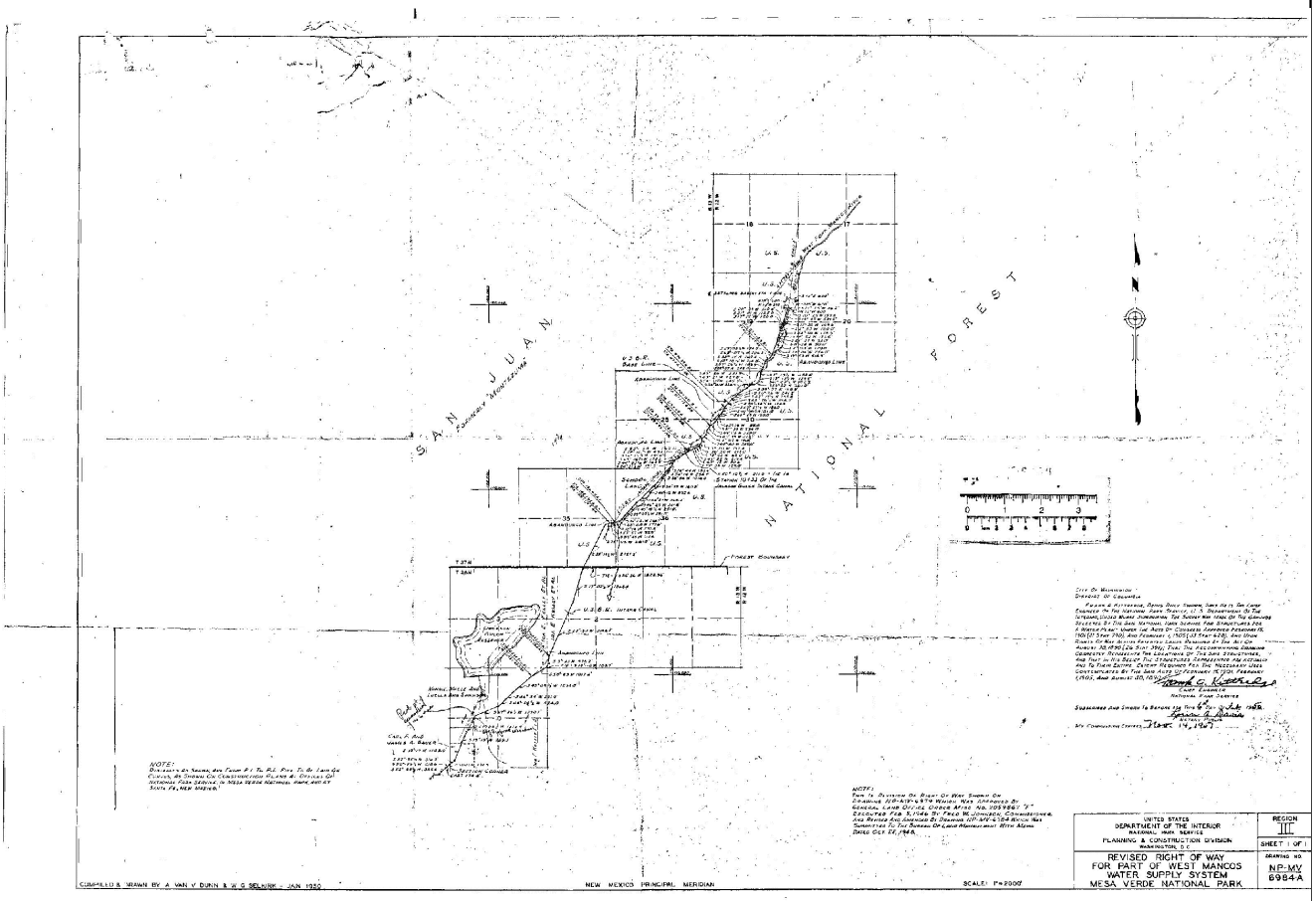
09-00-1948: map of the revised right of way for part of west mancos water supply system



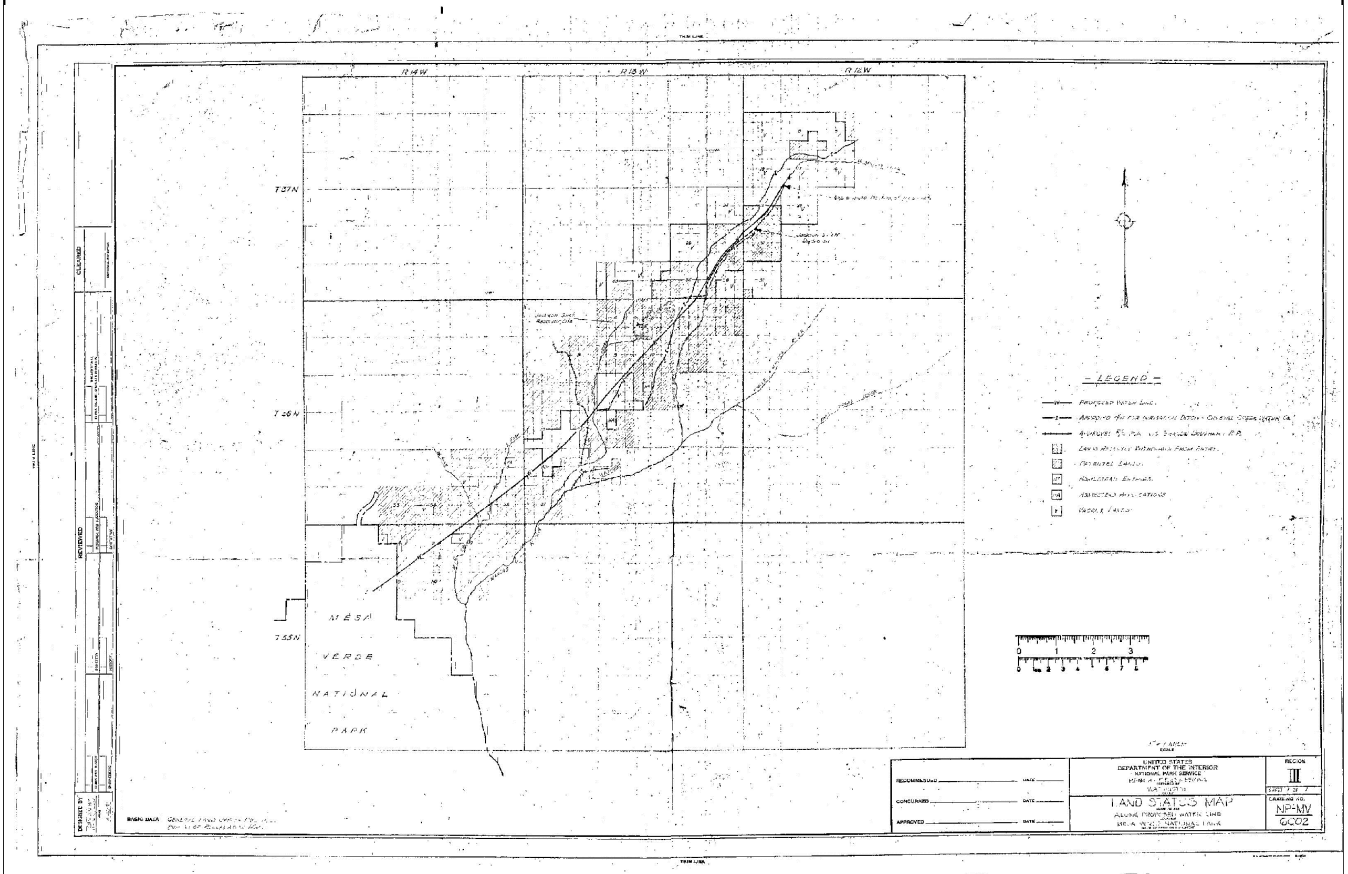
03-18-1946: proposed right of way for the west mancos water supply system

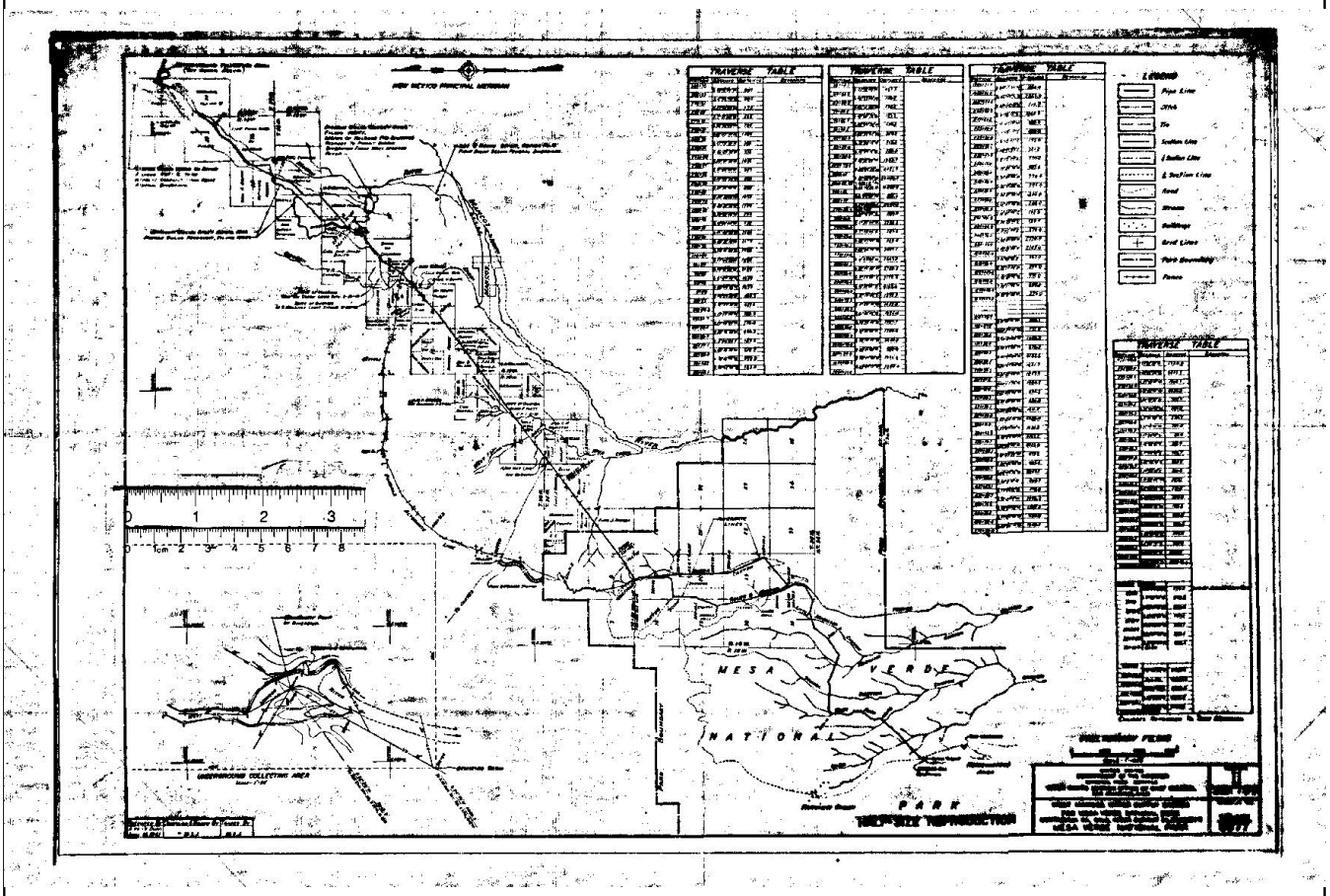


01-00-1950: map of the revised right of way for part of west mancos water supply system



00-00-0000: land status map along proposed water line





Docket Information

Number of Documents in Docket 676

Documents Dated from 1/27/1936 to 7/9/1992

Docket Compiled: 6/16/2016

COPY

DEPARTMENT OF JUSTICE

172 New Customhouse
Denver 2, Colorado
January 26, 1951

Mr. A. van V. Dunn
Chief, Water Resources Branch
National Park Service
Washington 25, D. C.

Re: General Adjudication, Water District No. 34, Mancos Project in Montezuma County, Colorado. National Park Service Civil No. 967.

Dear Mr. Dunn:

I acknowledge receipt of your letter of January 22, 1951, in connection with the above-entitled matter.

The amended petition which states the total length of the pipe to be 152,660 feet has heretofore been forwarded to the Referee for filing. Although I have called his attention to the discrepancy you mentioned, I do consider the error with regard to the length of the pipe to be immaterial as it relates to any rights under the pipe line.

I will watch the matter at the time the decree is entered to make sure it is correctly stated therein.

I very much appreciate your cooperation in connection with this matter.

Very truly yours,

/s/ C. V. Marmaduke Jr.

C. V. Marmaduke, Jr.
Special Assistant to
The Attorney General

FILE COPY
Surname:
PARKS

Swan
Lucker
Kittredge
Sandy

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

1/22/51

The Honorable

The Attorney General

Sir:

This will acknowledge receipt of the revised statement of Federal water claim for the Mancos Project and West Mancos Water Supply System for Mesa Verde National Park, Colorado Water District No. 34, Civil No. 967, your reference: REM-WHV 90-1-2-105 and 90-1-2-402. The statement is satisfactory, so far as it relates to the West Mancos Water Supply System for Mesa Verde National Park with the following exceptions:

The total length of the pipe should be 142,660 feet in paragraph 11(g), on page 7, being the sum of the lengths of the three pipes of different diameters as listed in the same paragraph. The statement now indicates a total length of 10,000 feet more.

The cost of the pipe line to date has been $342,000, as shown in paragraph 11(m) of the draft of the statement which you submitted. However, another copy of the statement was sent to Mr. A. van V. Dunn, Chief, Water Resources Branch of the National Park Service, who prepared the data, and that seems to have a typographical error in the amount shown in figures. Apparently, two copies of the statement have been typed, and the copies of one run should be corrected.

Mr. Dunn called both points to the attention of Mr. Marmaduke by letter of December 17, while he was still on the western trip, and the corrections have doubtless been made.

Very truly yours,

Soliciter

Copy to: Regional Director, Region Three, National Park Service (2)
(by NPS)
Mr. Dunn (by NPS)

AvanVDunn:sh

Not sent
all other copies
destroyed.

01-22-1951: letter to special assistant to the attorney general from nps regarding previous letter

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

January 22, 1951

Subject: General Adjudication, Water District No. 34, Mancos Project in Montezuma County, Colorado. Civil No. 967

Mr. C. V. Marmaduke, Jr.
Special Assistant to the Attorney General
172 New Customhouse
Denver 2, Colorado

Dear Mr. Marmaduke:

Since returning to Washington I have checked the information covered in my letter of December 17, 1950, concerning possible corrections in the statement of claim for the West Mancos Water Supply System for Mesa Verde National Park which you drafted under date of December 11. I have also received and compared another copy which was submitted by Mr. A. Dewitt Vaneeh, Assistant Attorney General, by letter of January 10.

The total length of the pipe, as given in paragraph 11(g), page 7, should be changed to read 142,660 feet instead of 152,660, as I indicated on December 17.

The distance from the diversion to the potential junction with the lateral from the Jackson Gulch Reservoir is correctly stated as 32,900 feet as given in paragraph 11(k) of your draft, and I was incorrect in suggesting that it might be shorter. There has been considerable consideration of the use of the diversion as constructed and that given in the original statement of claim for some time, and it appears that the error was in 11(k) of the original statement. Of course the lateral may not be constructed as now planned, anyway, so the location of the junction is not important within 3,000 feet.

The cost of $342,000 is correctly given, both in words and figures, in paragraph 11(m) of the draft submitted by Mr. Vaneeh. I believe that the draft which you sent to me in San Francisco must have been a rewrite with a typographical error. Accordingly, the only question is whether the run with the agreeing words and figures is being used. As stated in my

previous letter, the cost of $342,000 covers only the pipe line as now constructed, and there will be additional expenditures when, or if, a lateral is constructed from the Jackson Gulch Reservoir.

We shall appreciate information as to the changes in the statement as filed with Mr. Peters, and the date when it is filed.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

COPY

Address Reply to
"The Attorney General"
and Refer to
Initials and Number

REM - WHV

90-1-2-105
90-1-2-402

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

January 10, 1951

Mastin G. White, Esquire
Solicitor
Department of the Interior
Washington 25, D. C.

Dear Mr. White:

This will refer to the proceeding for the adjudication of priorities of rights to the use of water for irrigation in Water District No. 34, in Montezuma County, Colorado, Civil No. 967. (Your reference: National Park Service.)

There is enclosed a copy of a letter dated December 11, 1950, which is self-explanatory, together with a copy of a filing made by Mr. C. V. Marmaduke, Jr., Special Assistant to the Attorney General, Denver, Colorado, in regard to the matter. You will be kept advised of further developments in this proceeding.

Sincerely,

/s/ A. Devitt Vanech

A. Devitt Vanech
Assistant Attorney General

Enclosure
No. 65222

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

January 3, 1951

Memorandum

To: Director

From: Assistant Regional Director

Subject: General Adjudication, Water District No. 34, Mancos Project in Montezuma County, Colorado, Civil No. 967

As requested in the longhand draft of Mr. Dunn's memorandum of December 17, we have attached correspondence relating to the adjudication of water rights for Mesa Verde.

The attachments consist of a letter dated December 11 from Mr. C. V. Marmaduke, Jr., to Mr. Dunn to which is attached an amended Statement of Claim covering the Mancos Project. Also attached is a copy of Mr. Dunn's reply to Mr. Marmaduke dated December 17 and Mr. Dunn's longhand memorandum of the same date, to the Regional Director Region Three.

Copies of the amended Statement of Claim and the other correspondence have been sent to Mesa Verde for their files.

P. P. Patraw
Assistant Regional Director

Attachments 3

Copy to: Supt., Mesa Verde (with attachments)
~~Mr. Van Dunn, Region Four Office~~

In duplicate

00-00-0000: memorandum to regional director from associate director regarding mancos river water rights for mesa verde national

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

DEC 1 2 1945

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Mancos River water rights for Mesa Verde National Park

Mr. Vint has advised that you question the adequacy of federal rights to use water from the West Mancos River at Mesa Verde National Park. Please refer to the statement of claim and records of conditional decree in Part IV of Mesa Verde Water Right Deed 4 in your files. There is no question as to the federal right to divert the water. The Attorney General has indicated that the right is sufficient to make it unjustifiable to purchase and to change the point of diversion of Decreed Priority No. 1 at this time.

As stated in Mr. Demaray's memorandum of August 15, it is still necessary to complete an agreement with the Bureau of Reclamation with regard to terms under which water from the Jackson Gulch Reservoir will be released for exchange, in conformity with the conditional decree. This agreement, however, will only relate to the annual operating and maintenance charges, if any, which this Service may have to pay.

Of course, before the conditional decree can be made final, it is necessary to describe the location of the diversion on the West Mancos at a point instead of within limits along the river. This does not have to be done for a year or two, and cannot be done until you supply final plans of the upper portion of the water system.

(SGD.) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

11-29-1949: letter regarding recent history of mesa verde mancos river water system project for the washington office record

Mr. Vint

Nov. 29, 1949

Mr. Kittredge

Recent History of Mesa Verde Mancos River Water Supply Project for Washington Office Record.

In the winter of 1947-48 there was considerable discussion as to the location of the intake of this pipe line. The intake location had previously been tentatively established and agreed to, but the Region proposed moving the location downstream more than the 1500 feet authorized by conditional water right decree. This office was reluctant to make the change because of reduced head but in memorandum of December 7, 1948, concurred with the Region's proposal contingent upon the size of the pipe being increased sufficiently to convey the specified amount of water.

There was some question as to the location of the pipe line in the vicinity of the Bureau of Reclamation's reinforced concrete intake canal. This office agreed with the Region that the original line over the hill might be abandoned and our water line placed parallel to the intake canal and at some point agreeable to both the Park Service and the Bureau of Reclamation, and suggested conferences with the Bureau of Reclamation to establish location.

As a result of the regional conferences, the Region determined that it would not be practical to parallel the Bureau's intake canal and recommended return to the proposal of carrying our water line over the hill instead of parallel with the Bureau's canal. This arrangement was reviewed on the ground by Chief Engineer Kittredge with Mr. Lassiter last summer and the Region's proposal agreed to.

It was our hope during the summer that the Region could proceed rapidly with the survey of the necessary changes, principally the above mentioned line over the hill, but also including a few minor changes which were agreed to a year ago last summer, and advertise for bids and award contract in the summer of 1949 so that work might be undertaken in the late summer and fall of 1949. However, it was demonstrated that with the length of time required for completion of survey and the advertising of bids and the award of contract, it would be too late in the season for undertaking construction. Thus it was left per Chief Engineer Kittredge's report of August 8 that plans would be prepared, the project advertised for review by contractors during the summer and fall of 1949, and bids opened during the winter sufficiently late to give the bidders an opportunity to know the 1950 price and labor trends.

On September 23, 1949, the Director submitted Allotment Advice No. 7094 to the Region covering $324,000 for this project.

Although we had every reason to believe that this procedure would be followed, letter of September 30, 1949, was prepared to insure the following of this procedure. Memorandum of October 19 has been received from the Regional Director advising that plans are not sufficiently advanced to invite review for bids for trenching and pipe laying before Spring although the pipe will be purchased this Winter. Later, however, announcements were published and the project reviewed on the ground by prospective bidders on November 4, 1949.

(SGD) FRANK A. KITTREDGE

Chief Engineer

FAKittredge:ahg

Copy to: Mr. Dunn
Mr. Kittredge

Chief Engineer October 5, 1949

Chief, Water Resources Branch

Water rights for Mesa Verde National Park

On final advice from the Department of Justice that they would not proceed with the amendment of decreed rights under Priority No. 1, as one step under which we were proposing to acquire such rights from Mr. Reddert for Mesa Verde National Park, we advised the Commissioner of Reclamation by memorandum of July 14, supplemented by one of August 17, that the National Park Service claimed the full 120 acre-feet of storage in the Jackson Gulch Reservoir. We pointed out that no agreement had as yet been worked out between the Bureau of Reclamation and the National Park Service as to the terms under which such water should be supplied to Mesa Verde National Park other than that there would be no charge for construction of the Jackson Gulch Project. This charge was confirmed in memorandum of November 14, 1946, from Acting Commissioner Markwell.

On receipt of our memorandum of August 17, Mr. F. E. Byrns of the Division of Operation and Maintenance, Bureau of Reclamation, called on me and objected to the suggested terms with regard to non-payment of operation and maintenance costs on the ground that such procedure would conflict with the contract between the Bureau of Reclamation and the Mancos Water Conservancy District. I pointed out that the National Park Service had not been aware of any contracts which limited Park Service interests in the Jackson Gulch Reservoir, and I did not believe that the Park Service had been a party to any such agreements. This meeting was covered by my memorandum of August 23, copy attached. As a result of that meeting, Mr. Byrns sent me photostat copies of the contract of July 20, 1942, between the Bureau and the Conservancy District and a supplemental contract of December 22, 1947, copies attached. A few days later we received a memorandum of September 9 signed by Mr. Dixon as Commissioner of Reclamation.

It is my opinion that we should consummate the interbureau agreement as soon as possible, either at the Departmental level or at the Regional level, as suggested by Mr. Dixon, and since the United States has invested $2,500,000 in the project with no hope of obtaining reimbursement I believe that the Water Users Association should absorb all operation and maintenance charges which would normally be levied against the National Park Service, despite the

terms of the contract of 1942. As further argument for this policy, I would suggest the recent modification of the Reclamation Laws to permit the allocation of nonreimbursable charges to recreation, fish and wildlife, flood control, navigation, and other benefits.

On the other hand, the operation and maintenance charges were said to be estimated at about $1 per acre-foot when I talked with Mr. Larson of the Bureau of Reclamation in 1947. This would mean an annual charge of not more than $120 to the National Park Service. However, no one knows what the actual costs will be, and the Park Service charges might run to $300 or $400 a year. These charges may change from time to time, and they would continue indefinitely so long as the National Park Service is dependent on storage in the Jackson Gulch Reservoir for exchanges when diverting directly from the West Mancos River.

On this basis, I am not so concerned about the amount of money to be paid as I am by the policy. We have just introduced a clause in the bill relating to the Virgin Sub-basin Project of the Bureau whereby the National Park Service is to obtain certain water right benefits for Zion National Park and Monument at no cost, either for construction or for operation and maintenance. This condition should be carried over into all future legislation or agreements relating to construction of multipurpose projects adjacent to National Park Service areas, and they will be weakened if we do not obtain the same terms in connection with the Jackson Gulch Reservoir at this time. However, the main point at the present time is to complete an agreement.

I believe that this memorandum with the attachments should be referred to the Chief Counsel as the first step. I have marked the copy of the contract between the Bureau and the Conservancy District to indicate those features which have been consummated without Park Service representation which definitely tend to commit the National Park Service, and, if recognized, might be construed as a partial interbureau agreement.

After all interests have considered the contract and these comments, I think we should have a conference to decide just what the Park Service policy should be and then what answer to give to the Commissioner of Reclamation in connection with the consummation of the interbureau agreement.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Attachments

DEVELOPMENT DIVISION
FILE COPY
NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
D5039 MESA

SEP 12 1949

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Joint interests of National Park Service and Bureau of Reclamation in the Jackson Gulch Reservoir and West Mancos Water Supply System for Mesa Verde National Park

This refers to the memorandum of August 8 from Acting Construction Engineer Peterson to Mr. Lassiter and your reply of August 23, with regard to possible water service from the proposed West Mancos water supply system for a caretaker's residence to be maintained by the Bureau of Reclamation. Reference is also made in your letter to the apparently continuing applications from landowners along the proposed pipe line for water service, which was discussed with Mr. Kittredge.

No copy in Water Rights files

We have recently resumed negotiations with the representatives of the Bureau of Reclamation in this Office concerning the interbureau agreement which is necessary in connection with the use of storage in the Jackson Gulch Reservoir for exchange purposes in connection with diversions by the West Mancos water supply system, as indicated by our memorandum of August 17. Mr. Dunn has had one informal call from Mr. Byrns of the Division of Operation and Maintenance, Bureau of Reclamation, in connection with this matter, and we have discovered that the Bureau has consummated two contracts with the Mancos Water Conservancy District which more or less attempt to cover terms under which this Service will obtain such water.

The whole matter seems to be in a rather chaotic condition, particularly since this Service was not a party to any arrangements covered by the said contracts. At the present time, Mr. Byrns is awaiting a reply to certain inquiries from his Regional Office, and the matter may come to you through regional level. It is suggested at the moment that any further inquiry by Mr. Peterson or any inquiries in connection with our dealings with Mr. Byrns should

C O P Y

In reply refer to:
Attention: 430

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

SEP 9 1949

Memorandum

To: Director, National Park Service

From: Acting Assistant Commissioner

Subject: Water rights of National Park Service - Jackson Gulch Reservoir - Mancos Project, Colorado

Reference is made to Acting Director Demaray's memoranda of July 14 and August 17 on the above subject.

As we have previously advised you, the National Park Service is entitled to the use of not to exceed 120 acre-feet of water annually from Jackson Gulch Reservoir for use at the Mesa Verde National Park. For this reason, the Park Service is not obligated to repay any portion of the construction costs of the Mancos Project. Under existing law, however, there is no way in which the Park Service can be relieved from payment of a proper share of the annual operation and maintenance costs of the Project storage facilities.

I suggest that your Regional Director get in touch with Regional Director E. O. Larson, Bureau of Reclamation, Salt Lake City, Utah with regard to the preparation of an inter-Bureau agreement which will provide for payment by the Service of annual operation and maintenance costs, either on a fixed annual basis as previously proposed (during early discussions of this matter in 1942) or on a pro rata basis. We believe that Regional Director Larson would prefer payment to be established on a pro rata basis, but that he will agree to a fixed annual payment if that is your preference.

/s/ J. W. Dixon

Commissioner

Copies to: RegDir.,Salt Lake City,Utah
Area Engr.,Durango,Colo.

STANDARD FORM NO. 64

In reply refer to:
L54 MESA

Office Memorandum · UNITED STATES GOVERNMENT

TO : ~~Chief of Development~~ Chief of Lands and ~~Recreational~~ Planning ~~Chief Counsel~~ NRS 8/30

DATE: August 23, 1949

FROM : Mr. Dunn

SUBJECT: Proposed water supply for Mesa Verde National Park

Mr. F. E. Byrns of the Division of Operation and Maintenance, Bureau of Reclamation, called on me on August 18 in connection with our memorandum of August 17 concerning the potential arrangements for the use of waters of Jackson Gulch Reservoir directly, or by exchange releases, for the water supply for Mesa Verde National Park.

He was somewhat concerned that we had "again" (as he put it) raised the question of costs, but in further discussion it was revealed that there were still costs to be considered. The National Park Service is scheduled to pay annual operation and maintenance charges, but no provisions now exist for NPS reimbursement of construction costs.

He explained that the Commissioner's memorandum of June 22 was merely to bring their records up to date, in case this Service had made other plans of which the Bureau was not aware. I explained that our only other plan, to buy part of Decreed Priority No. 1 and drop the involved use of exchange releases from Jackson Gulch Reservoir, had been discussed by their Regional Director, E. O. Larson, and me in 1947, had been only an idea since that date, and had been definitely rejected by the Department of Justice in late July. In subsequent discussion, however, it was revealed that the Bureau of Reclamation had entered into two contracts with the Mancos Water Conservancy District in 1942 and 1947 which had definite effect on the interests of this Service, and that this Service did not seem to have been consulted or provided with final copies.

I pointed out that, as suggested in the memorandum of August 17, this Service believed it was time to complete an interbureau agreement, and that it could not be on the conditions contemplated before the war, with anticipated CCC participation. In addition, it seemed to be approaching the time when the Bureau could make proper proof for final water right decree, but should certainly have the interbureau agreement before doing so.

At this point I tried to explain our references to the increased cost of constructing the Mancos Project ($1,800,000 to $3,400,000), with the Water Conservancy District reimbursing only 26.4% (up from $600,000 to $900,000), as a sound justifidation for

Vol. 1 contracts returned to Mr Byrns, at his request, on Aug 31. Mr DeLee read and has time to review

exempting the National Park Service as a Federal agency from any of the annual operation and maintenance charges. I stated that the precedent had been started in the recent amendment of a bill now before Congress to authorize the Virgin River Subbasin Project, where representatives of the Bureau and this Service agreed that allocation of costs to recreation, flood control, fish and wildlife, and other purposes on a nonreimbursable basis, should also release the National Park Service from any operation and maintenance charges for water used at Zion National Park and Zion National Monument.

Mr. Byrns explained that he was in the Division of Operation and Maintenance, while the legislation was probably handled by their Division of Project Planning. In any case, he was not aware of the conditions in the bill covering the Virgin River Project. He was not particularly concerned by my suggestion that another bill might be introduced to make recreation a nonreimbursable benefit of the Mancos Project. However, he was concerned that I suggested terms which might be in conflict with the contracts between the Bureau and the Water Conservancy District.

As a result, Mr. Byrns has laoned us the attached volume, including the contracts between the United States and the Mancos Water Conservancy District. He also advised that he had written to their Regional Director for answers to some of the questions raised in our memorandum of August 17.

It was agreed that representatives of the two bureaus would get together to discuss the matter further when we have had an opportunity to study the contracts and they have obtained the information they want from their Regional Director. I have marked certain parts of the earlier contract which should be reviewed and discussed in this Service, before we have another meeting with the Bureau. We should certainly plan that the next meeting be attended by a representative of the Chief Counsel and a Recreational Planner, as well as by myself.

A. van V. Dunn
Chief, Water Resources Branch

111 R Copy

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

AUG 17 1949

Memorandum

To: Commissioner, Bureau of Reclamation

From: Acting Director

Subject: Proposed water supply for Mesa Verde National Park

By memorandum of June 22, your reference 430, you requested information regarding the requirements of water from the Jackson Gulch Reservoir for Mesa Verde National Park. By memorandum of July 14, we advised that we should certainly wish to retain an interest in 120 acre-feet of the storage--at least, until our independent action to acquire part of Decreed Priority No. 1 was successful or abandoned. We have now been advised that the Attorney General will not attempt the change in point of diversion which would be necessary to make part of Decreed Priority No. 1 suitable for use in connection with the West Mancos Water Supply System for Mesa Verde National Park.

Very definitely, therefore, it will be desirable to complete a final agreement as soon as possible relating to the allocation of 120 acre-feet of the water storage in the Jackson Gulch Reservoir for use at Mesa Verde National Park. As to the exact quantity of water needed at Mesa Verde National Park, 120 acre-feet may or may not be excessive. The exact demand cannot be determined until Park attendance reaches a relatively uniform annual figure at some time in the future. In this connection, the Park attendance is now increasing rapidly from year to year. All visitors arrive by bus or private motor car. In addition to awaiting the stabilization of attendance based on motor travel, we shall have to anticipate a future possible readjustment and radical increase when the airplane becomes a more universal means of transportation.

On this basis, we wish to retain an interest in the 120 acre-feet, even though full use may not be made at Mesa Verde National Park for many years. We feel justified in having the United States retain this interest on the ground that the United States is spending at least $3,400,000 for the Mancos Project,

of which not more than $900,000 is to be reimbursed by the Mancos Water Conservancy District, according to information supplied by Regional Director E. O. Larson of the Bureau of Reclamation in June of 1947. If the United States is investing nearly three-fourths of the total cost with no hope of reimbursement, it is certainly justified in claiming 120 acre-feet, or 1% of the storage water, for use at Mesa Verde National Park.

As you know, this project was authorized before Congress began prescribing the allocation of parts of the cost of a project to flood control, fish and wildlife purposes, and recreational purposes, on a non-reimbursable basis. In the particular case, we think steps should be taken to obtain Congressional authorization to recognize the non-reimbursable investment of a part of the cost of the project for recreational purposes at Mesa Verde National Park, and we think that the water used at Mesa Verde National Park should not only be at no repayment for construction but also at no annual payment for operation and maintenance. If the Mancos Water Conservancy District is to pay only 26.4% of the cost of construction, it should also be able to absorb the annual operation and maintenance costs involved in the use of 120 acre-feet, or only a little more than 1% of the water, at Mesa Verde National Park.

As stated in your memorandum of June 22, past correspondence terminated in 1946 at a time when we were still trying to find a suitable basis on which to allocate water to Mesa Verde National Park without the use of CCC participation in the construction as previously anticipated. We believe that the broadening of the reclamation laws during the last few years has offered this solution and that we should proceed with the drafting of an interbureau agreement with relation to the use of water.

As stated in my memorandum of July 14, although the Bureau has practically completed its Jackson Gulch Project, the National Park Service has not been so fortunate in obtaining appropriations and has done little more than plan the West Mancos Water Supply System for Mesa Verde National Park. We do hope to receive the $360,000 needed for this project in the 1950 appropriations, and the project should be completed in approximately two years. The question then arises as to whether the conditional decree which now covers diversions for both projects should be kept open until the Mesa Verde Water System is completed or whether it could be

converted to a final decree at an earlier date. One controlling feature of course would be whether the Jackson Gulch Reservoir is completely filled in any year before the Mesa Verde Water System is completed. Another would be whether the Bureau of Reclamation can successfully contract for temporary use of the water by members of the Water Conservancy District until such time as the water is needed and can be made available at the Park. In this connection, it is probable that as much as 50% or 60% of the 120 acre-feet may be available for temporary use by members of the Water Conservancy District for some years to come.

Finally, as you will recall, the statement of claim and conditional decree authorize the United States to divert water directly from the West Mancos River for use at Mesa Verde National Park at any point along a considerable reach of the river with the understanding that a definite point of diversion will be fixed before the final decree is rendered. We can provide the necessary description of the point of diversion in a relatively short time, but have made no attempt to prepare final maps up to this time on the assumption that changing conditions or availability of materials might make it desirable to change the point of diversion we have tentatively selected. For this reason, we should like to be kept advised as to when you anticipate having the reservoir completely filled for the first time and how soon you think you might be able to make final proof along the general lines outlined above.

We shall appreciate your early comments on all of the above points, and will be glad to discuss them and the proposed agreement when and where convenient to you.

(SGD.) A. E. DEMARAY

Acting Director

Copy to: Regional Director, Region Three (2)
Mr. Kittredge at Region Four
Mr. Dunn

AvanVDunn:kh

00-00-1949: memorandum to regional director from acting director regarding proposed water supply for mesa verde

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON
25, D. C.

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

In reply refer to:
L54 MESA

Memorandum

AUG 15 1949

To: Regional Director, Region Three

From: Acting Director

Subject: Proposed water supply for Mesa Verde National Park

We enclose, in duplicate, copies of letters to the Attorney General of December 21, 1948, and July 13, 1949, from Mr. C. V. Marmaduke, Special Assistant to the Attorney General, and the forwarding letter of July 22 from Mr. Vanech, Assistant Attorney General, to the Solicitor, all relating to the request to have the Attorney General take action necessary to comply with the conditions in the option to purchase 1/6 of a second-foot of the waters of Decreed Priority No. 1 from Mr. F. E. and Lottie W. Reddert, to provide a water supply for Mesa Verde National Park. Also enclosed, in duplicate, are copies of a memorandum of June 22 from the Commissioner of Reclamation, our reply of July 14 to the Commissioner, and Mr. Dunn's comments of August 8, on the same subject.

By teletype of August 9 we have already advised you that we are dropping the plan to acquire the Reddert rights and that the option of Mr. Reddert should be allowed to lapse. We are now negotiating with the Bureau of Reclamation in order to complete any Federal agreement which may be necessary in order to use the water from Jackson Gulch Reservoir for exchange releases to satisfy lower water users when diversions are made directly from the Mancos River by the proposed West Mancos Water Supply System.

We will keep you posted on these activities, and in the meantime you should proceed with the plans and construction of the West Mancos Water Supply System so far as funds permit, without regard to the water right features.

(SGD.) A. E. DEMARAY
Acting Director

Attachments 12

In duplicate

Copy to: Mr. Price
Mr. Dunn

AvanVDunn:sh

08-09-1949: memorandum to regional director from acting director regarding negotiation of extension of reddert option

DEVELOPMENT DIVISION Via PBA

FILE COPY

National Park Service

NATIONAL PARK SERVICE D. E. Lee

3217 3061

Water Rights
August 9, 1949

Regional Director, Region Three
National Park Service
Santa Fe, New Mexico

L54 MESA. Our memo July 15 authorized negotiation extension Reddert option for water rights Mesa Verde National Park. Department of Justice, after further consideration, again concludes that action to obtain changed point of diversion not proper. Suggest Reddert be advised that option will not be accepted. Full explanation follows by memo.

(SIGNED)

Demaray
Acting Director

CONFIRMATION

Copy to: Mr. Price
Mr. D. E. Lee
Mr. Dunn
Accounts-Voucher Unit

D.E.Lee:sh

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

August 8, 1949

Memorandum

To: The Director

From: Chief, Water Resources Branch

Subject: Letter of July 22 to Solicitor from A. Devitt Vanech, Assistant Attorney General, advising that Department of Justice will not adjudicate amendments of water rights under Decreed Priority No. 1 in Mancos River, to permit their purchase from F. E. and Lottie W. Reddert under Option I-100np-52

By refusing to institute the legal action necessary in connection with the purchase of part of Decreed Priority No. 1, the Department of Justice has made it necessary for the National Park Service to rely on the Federal rights to water to be stored in the Jackson Gulch Reservoir, which is now being completed by the Bureau of Reclamation. Such rights will be adequate except in very dry years, and the Department of Justice seems to have assumed the responsibility for determining the extent to which the Federal interest is protected.

From the letter of July 22 from Mr. Vanech and the enclosures therewith, together with my discussions with Regional Director E. O. Larson in 1947, as reported to you at that time, I am inclined to agree that the plan to sever the Federal interests in the Mancos Project and the West Mancos Water Supply System for Mesa Verde National Park cannot be made at this time without causing considerable embarrassment to the Bureau of Reclamation. Even though there are many potential inconveniences for the National Park Service, and perhaps for the Bureau of Reclamation as well, in continuing the original plan, I am agreeable to the decision of the Department of Justice.

Unfortunately, the attachments with the letter of July 22 include letters of December 21, 1948, and July 13, 1949, to the Attorney General from C. V. Marmaduke, Jr., Special Assistant to the Attorney General, which seem to merit some explanation to you and to the Regional Director.

The first point is that Mr. Marmaduke has consulted a Mr. Frank Merriell, an engineer of Denver formerly with the Bureau of Reclamation, to obtain interpretations of engineering data which was supplied from this Office. Many of the resulting statements in the letter of December 21 are incorrect or incomplete and constitute a weak basis on which to have the Attorney General make his decision.

Three comments on "Accuracy and Completeness of Data Transmitted in Department's Letter" are listed at the bottom of page 2. In the first, Mr. Marmaduke incorrectly states that the point of diversion of the Giles Ditch is shown to be in the northeast quarter of the southwest quarter of Section 24 on our drawing NP-MV-6980, whereas the field notes of said ditch provide that the headgate lies in the northeast quarter of the northwest quarter of said section. The said drawing actually shows the diversion to be very close to the center of the northwest quarter of the section at a point determined in part from the decree and in part from the plat filed with the court at the time of the original adjudication.

As item 2, he states that we have not shown what effect the proposed change in point of diversion might have on other ditches both on the Mancos and West Mancos Rivers. It has been my understanding that the purpose in adjudicating a change in point of diversion is to offer the owners of other ditches and water systems the opportunity to define and present their own description of damages and statement of claim. It would, therefore, seem somewhat out of order for me to suggest potential damages which these other ditch owners might not otherwise consider. I have made sufficient investigation to determine approximately the extent of such damages and to determine that we have the means by which to make recompense.

As the third item, Mr. Marmaduke expresses the opinion which I also share, that the court will continue the conditional decree until proper proof can be made in connection with the use of the 120 acre-feet of water allocated to the Park, but he does not point out the possible inconvenience to the Bureau of Reclamation, the Park Service, and the Mancos Water Conservancy District, in keeping the conditional decree open for many years if the Park Service must wait for the final stabilization of capacity attendance at the Park before making such proof when the final decree to the other 9,720 acre-feet of water stored in the Reservoir can be rendered in the next few years as soon as the Reservoir is filled and the water has been delivered to the farmers for one year under contract with the Water Conservancy District.

In this item Mr. Marmaduke questions whether he is required to pass on the legal conclusions set forth in an instrument entitled "Justification for Purchase." The subject of his letter of December 21 is also entitled "Water Supply for Mesa Verde National Park." Frankly, I am somewhat at sea as to whether Mr. Marmaduke is acting as an attorney or trying to pass judgment on engineering features which have been worked out in considerable detail over the past nine years by Messrs. O. G. Taylor, Frank Kittredge, A. W. Burney, Ward Webber, Ralph Lassiter, and myself.

For the next four pages of the letter of December 21 Mr. Marmaduke cites statements from various court cases with regard to the adjudication of the water rights, and ends with six conclusions and subsequent reasons therefor. The legal citations are definitely one-sided to oppose the action requested by this Service. All conclusions and subsequent explanations are also debatable, but I only wish to comment on two features.

In explanation of the first five conclusions, Mr. Marmaduke has attempted to reconcile the claims submitted for the conditional decree granted to the United States to store water in the Jackson Gulch Reservoir with the statement of claim submitted for the requested change in point of diversion of Decreed Priority No. 1, and he has confused the 1/6 of a cubic foot of water per second of time, which is a measure of rate of diversion, with the 120 acre-feet, which is a measure of over-all annual water consumption. He, and perhaps Mr. Merriell, have overlooked the fact that water is not consumed in the Park at a uniform rate throughout the year, and, in addition, that one statement of claim is still somewhat indefinite and subject to final proof, while the other relates to the amendment of rights to a specific quantity of water.

He refers to the potential abandonment of rights if only 40 acre-feet of water were used at the Park during the year after acquiring a right to divert 1/6 of a cubic foot of water per second, when such rate of diversion would permit the annual diversion of 131.5825 acre-feet. He overlooks the fact that no farmer has ever diverted 1.0 second-foot of water under Decreed Priority No. 1 continuously throughout the year and that, in obtaining the option to purchase the rights to 1/6 of a cubic foot of water per second of time, the United States could only obtain the right to use that rate of diversion to the extent that such diversion has been made in the past or to the extent that it would use water otherwise going to waste which will hereafter be impounded in the Jackson Gulch Reservoir.

It seems evident that, whether intentional or otherwise, much of this letter constitutes misconstruction of engineering principles of design and operation in order to justify the rejection of the request of the National Park Service.

In conclusion, at the top of page 7 and its explanation on page 9, Mr. Marmaduke suggests that the right to 120 acre-feet of storage in the Jackson Gulch Reservoir might be lost to the United States if not used at Mesa Verde National Park and that the Bureau of Reclamation should at least be permitted to contract for its disposal elsewhere at possible additional remuneration if it is not used in the Park.

This Service has kept the Bureau of Reclamation quite fully informed of each of its plans as they materialize, but has not of course provided the Department of Justice with copies of all of its negotiations because the two bureaus are both under the Department of the Interior. We have recently been in communication with the Commissioner of Reclamation and advised him of the uncertain status of the Park Service needs from the Jackson Gulch Reservoir pending final decision by the Department of Justice in the matter of amendment of rights under Decreed Priority No. 1, and by separate memorandum I am now drafting a further communication to lead to the resumption of negotiations for final agreement relating to the use of waters of Jackson Gulch Reservoir in connection with the operation of the West Mancos Water Supply System for Mesa Verde National Park.

In any case, since the Mancos Water Conservancy District is only planning to reimburse $900,000 of the $3,400,000 cost of construction of the Jackson Gulch Reservoir, for economic reasons it is quite evident that the Bureau of Reclamation would not derive any appreciable additional revenue if the 120 acre-feet now earmarked for use at Mesa Verde National Park were reallocated to use by the Mancos Water Conservancy District.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

07-22-1949: letter to solicitor from department of justice regarding proposed change of the point of diversion of certain water rights

COPY

Address reply to
"The Attorney General"
and refer to
initials and number

REM - WHV

90-1-2-402

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

July 22, 1949

Mastin G. White, Esquire
Solicitor
Department of the Interior
Washington, D. C.

Dear Mr. White:

This will refer to your letter of June 22, 1949, to this Department's letter of June 28, 1949, and to your most recent communication of July 15, 1949, in regard to the proposed change of the point of diversion of certain rights to the use of water of the Middle Mancos River to the West Mancos River. (Your reference: National Park Service.)

Accompanying your letter of June 22 was a memorandum by Mr. Dunn of the National Park Service. Careful consideration has been given to the comments of Mr. Dunn. Those comments were likewise discussed by Mr. Veeder and Mr. Marmaduke of this Department with Mr. Frank Merriell. Mr. Merriell is a highly competent engineer, well acquainted with the Mancos River and its tributaries. At the time of the conversation with Mr. Merriell he had returned from the dedication of the Jackson Gulch Reservoir which has its source from the West Mancos River. Mr. Merriell, then with the Bureau of Reclamation, assisted in the construction of the facility in question. He expressed surprise that the National Park Service is not planning to utilize the water allocated to it from the Jackson Gulch Reservoir.

Particular attention in the conversation was directed towards the proposal of the National Park Service to change the rights to the use of water from the Middle Mancos to the West Mancos. Mr. Merriell stated that in his opinion the change could not be effected by reason of the physical situation which exists. He pointed out that the proposal contemplates a change from one source to another with the new point of diversion being situated at a much higher elevation than the original. It is extremely doubtful, as Mr. Dunn has been advised, that the State procedure ever contemplated a change of that character.

The discussion then turned to ways and means of accomplishing the ends desired by the National Park Service. It was ultimately suggested that rather than changing the point of diversion, the appropriate course to pursue would be to effect an exchange of rights to the use of water in some manner. That could best be accomplished, it appears, by securing releases from all of the users from the West Mancos River and from the Mancos River itself which might be affected by the exchange proposed. This would not, in all likelihood, entail the institution of litigation if every user involved agreed to the exchange. In no other way does it appear legally possible to effectuate the proposal of Mr. Dunn. It is, of course, recognized that the adoption of the proposal outlined in regard to the exchange of water is one for administrative determination.

Enclosed is a copy of a letter dated July 13, 1949, from Mr. C. V. Marmaduke, Jr., Special Assistant to the Attorney General, Denver, Colorado, in regard to the subject. Mr. Marmaduke's letter is self-explanatory. There is likewise enclosed a copy of a letter dated December 21, 1948, from Mr. Marmaduke, in which there are reviewed at some length the problems presented by Mr. Dunn's suggestion. Mr. Marmaduke's conclusions in regard to the matter are especially pertinent.

Under the circumstances, therefore, and in the absence of additional information the action requested by Mr. Dunn will not be instituted.

Sincerely,

/s/ A. Devitt Vanech

A. Devitt Vanech
Assistant Attorney General

Enclosure
No. 314364

07-13-1949: letter to attorney general from special assistant to attorney general regarding water supply for mesa verde

C O P Y

101 New Custom House
Denver 2, Colorado
13 July 1949

AIR MAIL

The Attorney General
Lands Division
Washington 25, D. C.

Re: - Water Supply for Mesa Verde
National Park, Colorado
REM-WHV 90-1-2-402

Sir:

I acknowledge receipt of the Department's letter of June 28, 1949, in regard to the above-entitled matter. I have not answered earlier, as I desired to confer with Mr. William H. Veeder of the Department when he came to Denver.

I have considered the memorandum dated May 31, 1949, prepared by Mr. A. van V. Dunn, Chief of the Water Resources Branch, Department of the Interior. I am of the opinion that no new matters are contained therein, and am of the same opinion with reference to this matter as I expressed to the Department in my letter of December 21, 1948.

In the last week I have had occasion to talk with Mr. Frank Merriell, water engineer of the Western Slope, who was an employe of the Bureau of Reclamation some years ago. It was Mr. Merriell who located the reservoir site in connection with the Bureau project. At the time of my conversation with him he had just returned from a dedication of the project.

Mr. Merriell informed me that there is adequate water in the reservoir for the use of the Mesa Verde National Park, and suggests that it will be a much better supply than from the fork of the Mancos as suggested by Mr. van Dunn. He states that the outlet from the reservoir would be considerably higher than that from the fork of the Mancos.

I note in Mr. van Dunn's comments on page 3 that he refers to a discussion with me. I remember the conference with him, but that conference was in regard to claims of the Rocky Mountain National Park and possible conflict of same with certain purported rights of the Town of Grand Lake. I do not recall any discussion with Mr. Van Dunn in connection with the Mesa Verde National Park.

Respectfully

C. V. Marmaduke, Jr.
Special Assistant to
The Attorney General

C O P Y

101 New Custom House
Denver 2, Colorado
December 21, 1948

AIR MAIL

The Attorney General
Lands Division
Washington 25, D. C.

Re: Water Supply for Mesa Verde
National Park, Colorado
REM-WHV 90-1-2-402

Sir:

Reference is hereby made to the Department's letter of November 16, 1948, requesting that I review the data transmitted in said letter and give the Department the benefit of my opinion in regard to the proposed action, both as to the court in which the suit should be brought and any other factors which I consider pertinent.

It is requested by the Department of the Interior, National Park Service, that the point of diversion of 0.167 c.f.s., Priority No. 1 in the Giles Ditch, which draws water out of the east fork of the Mancos River in Water District No. 34, in the County of Montezuma, as said priority was decreed to the Giles Ditch by decree of the District Court, entered of record at the April Term, A.D. 1893, and as amended by the decree of that court in 1933, said decrees appearing at entries numbered 5 and 11 of the abstract, respectively, be transferred to the West Mancos River and the water thereunder be carried through the West Mancos Water Supply System and on to the Mesa Verde National Park.

My opinion is as follows:

Status of Title to Said 1/6(0.167) C.F.S. of Water

From an examination of the abstract of title covering said property and consisting of 26 entries prepared by The Montezuma Realty & Abstract Company and certified by that company to date of November 15, 1947, at 5:00 p.m., I am of the opinion that on said date a valid title to said water was vested in Fred E. Reddert and Lottie W. Reddert, subject to any taxes due and exigible.

In the Matter of the Adjudication of Priorities of Water Rights in Water District No. 34, County of Montezuma, Civil No. 967

Evidence was presented in the above entitled case on August 13, 1933. My file in connection therewith indicates that to the present date no decree, either conditional or final, has been entered. I call the Department's attention particularly to this fact, as certain of the documents transmitted with the Department's letter stated that a conditional decree had been entered.

The statement of claim filed therein sets forth a description of the Mesa Verde Pipe Line, with a statement that the Reclamation project intends to furnish for use in Mesa Verde National Park 120 acre feet of water per annum, to consist of either storage or direct flow, or both.

The prayer of said statement of claim prays priorities of right as of date, October 31, 1936, (1) To store the waters of the West Mancos River and of Jackson Gulch in an amount of 9,840 acre feet, (2) Of a priority right of the same date to divert for direct use for said purposes from the West Mancos River, through said inlet canal and pipe line 258.17 c.f.s, and (3) Of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priorities, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

Accuracy and Completeness of Data Transmitted in Department's Letter

1. Drawing No. NP-MV 6980. The Giles Ditch is shown thereon as originating in the NE¼SW¼, Sec. 24. The field notes of said ditch provide that its head gate lies in the NE¼NW¼, Sec. 24. The said map is apparently a freehand drawing of the subject works and in my opinion is not competent to offer in evidence.

2. Neither a list of the ditches which might be affected, nor studies to show how said ditches would be affected by the proposal were included in the enclosures. In my opinion, the said map is not sufficient for either purpose. The proposed petition does not describe the present point of diversion, except by reference, and it describes the head gate as being located on the Mancos River, when in truth and in fact the head gate is located on the East Mancos River.

3. Here, perhaps, it is not required that I pass upon the legal conclusions set forth in an instrument entitled "Justification for Purchase," dated October 27, 1948, yet I cannot pass over the

same without stating that I am unable to agree with said legal conclusions. I am of the opinion that the court would continue a conditional decree to the 120 acre feet based upon the probable proof as outlined in said "Justification for Purchase."

Statutes Involved

Chapter 90, Section 189, (22) Volume 3, 1935 CSA.

"Any owner . . . desiring to secure . . . the modification of his decree by changing the point of diversion shall present a petition in writing . . .

"(d) The point of diversion as fixed by decree.

"(f) A list of all ditches and other structures taking water from the same source, and all rivers . . . located on the same source between the decreed and new point of diversion, with names and addresses of owners or claimants.

"(g) A statement that the proposed change will not injuriously affect vested rights of others, or if so, that the terms and conditions suggested by petitioner to protect the parties affected."

Colorado Cases in Connection With Change in Point of Diversion

"A contract purchaser is within the statute." 39 Colo. 57, 61; 88 P. 1060. In that case the court said: (Matter within parentheses added)

"Though the owner of a water right has, as an incident of the ownership, the right to change the point of diversion from the natural stream, and to change the place of use, provided always that thereby the rights of others are not injuriously affected. . . The interests of the state are involved . . . A statute whose objects, inter alia, are to protect public officers in distributing water for irrigation, to preserve the peace and avoid a multiplicity of suits . . .

"It is the duty of the courts to enforce it (the procedural statute) and sua sponte to require that all persons who may be affected by the desired change shall be notified of the proceeding."

Under said statute, the only court which can authorize a change is the court which originally adjudicated the decree. Weiland v. Reorganized Catlin Consol. Canal Co., 61 Colo. 125; 156 P. 596. In that case the court said:

> "By sections 3226 - 3231, Id., provision is made for a change of point of diversion of a decreed priority. For this purpose, jurisdiction is vested in the District Court which entered the decree establishing the priority sought to be diverted at a point other than as originally established . . . If a change of point of diversion of a decreed priority is permitted, the original decree embracing it is to this extent modified. . . That there is to be but one decree by one court in a given district. . . That decree was rendered by the District Court of Bent County. Its jurisdiction for this purpose was exclusive. . ."

The following cases hold that a construction of the modified decree is required:

29 Colo. 317, 68 P. 431;
31 Colo. 62, 72 P. 49;
43 Colo. 343, 110 P. 75;
42 Colo. 285, 93 P. 1120.

In Lower Latham Ditch Co. v. Bijou Irrig. Co., 93 P. 483, the court said:

> "The right to change the point of diversion, or place of use, of water which has been obtained as the result of an appropriation, is one of the incidents of ownership . . . Such right was not limited to any particular territory, or confined to any arbitrary division of the stream . . . In (citing cases) it was held that they (decrees) become binding upon all consumers from the same source of supply, both within and beyond the district."

A change in point of diversion can only be exercised without injury to other vested rights. It is a conditional right and cannot be exercised until permission has been obtained in a proceeding. In the case of Farmers' High Line Canal & Reservoir Co. et al. v. Wolff et al., 23 Colo. App. 570, 578, 131 P. 291, the court said:

> ". . . but all ditches between the two points of diversion can be and have been supplied in

> a large measure by return water. But, upon the question of augmentation of the stream by return flow between the two points of diversion, there is no substantial conflict in the evidence. . . As against the change sought by petitioners, the junior appropriators had a vested right in the continuance of the conditions that existed on the stream at and subsequent . . . Unless the change can be made without injury to such right. . ."

"A change in point of diversion cannot be exercised unless the decree obtained contains a finding that vested rights are not impaired." 33 Colo. 392, 402, 81 P. 37. "And the utmost care is required to guard against such injury." 23 Colo. App. 570, 581, 130 P. 291.

The return flow of water should be taken into consideration. In the case entitled Farmers' Reservoir & Irrig. Co. v. Town of Lafayette, et al., 93 Colo. 173, 176, 24 P. 2d 756, which was a situation where the town bought 6½ shares of irrigation water from the Howard Co., which company's decree was for 36 c.f.s, the court held that the town was entitled to change the point of diversion and the manner of use from agricultural to domestic use, but one of the terms and conditions in the said decree was to reduce the 2.34 c.f.s. to 1.23 c.f.s. In that case the court said:

> "Return waters should be taken into consideration in determining the right of lower senior appropriators to have their full decreed priorities pass the headgate of upper junior appropriators. . . The otherwise enlarged use incident to the change in duty, i.e. agricultural to domestic and variable to regular, is taken care of by limitations in the decree above mentioned. . . Loss to the stream and the element of return and seepage water are balanced by reduction . . . from 2.34 c.f.s. to 1.23 c.f.s."

The courts unanimously hold that a petition to change should not be granted where the change results in an enlarged use. 25 Colo. 144, 53 P. 318; 49 Colo. 1, 111 P. 610; 29 Colo. 469, 68 P. 781.

In a case entitled The City of Denver v. The Colorado Land and Livestock Co., 86 Colo. 191, 193, 279 P. 46, the court said:

> "Junior appropriators have a vested right in the continuance of conditions existing on the stream at the date of and subsequent to, their appropriations. . . An appropriator will not be permitted to take his headgate upstream past a material portion of his former water supply. Id. We think

> the City has so failed as to numerous vested rights . . . A defendant whose consumptive appropriation is senior to those which theCity now diverts at its filters and reservoir, but junior to that which it seeks to change, and whose headgate is between the two, would be seriously injured by having this senior appropriator put on the stream above him and permitted to return its nonconsumptive appropriation to the stream below him."

The case which illustrates the type of proof required, is entitled Trinchera Ranch Co. v. Trinchera Irr. District, 83 Colo. 451, 459, 266 P. 204. In that case the court says:

> "In such a proceeding . . . certain data are of importance; e.g., the size and capacity of ditches from which and to which the change is sought, the quantity of water used, and the quantity it is intended to use after the change, the place where and the acreage upon which the water was used, and the place where and the acreage upon which it is intended to use the water after the change, the periods of nonuse between successive irrigations of the land, the time of intended future use; excessive use, if any, the character of the soil at the place of present use, the kind of crops raised at the place of present use, and so far as it is practicable to state it, the kind of crops intended to be used after the change is made. . . The present case was carelessly presented at the trial."

Conclusions and Reasons Therefor

From the foregoing I conclude:

1. That the action requested is not a true change in point of diversion as defined by Colorado Statutes and cases interpreting the same.

2. That such change is impracticable.

3. That actual damage to existing vested appropriations would result and that the plan of preventing said damage is impracticable.

4. That the court would not permit such change solely upon the question of injury to vested appropriations.

5. That such action would tend to abandon the water right purchased.

6. That the Reclamation Department might have other uses for the 120 acre-feet requested in the statement of claim filed, for which it could obtain additional reimbursement for the construction of the Jackson Gulch Reservoir, and that in all events this raises a question which should be settled between the Bureau of Reclamation and the Park Service before any action is taken.

Discussion of Conclusions

Paragraph Numbered 1. The east fork of the Mancos River and the west fork of the Mancos River constitute the two prongs of a "Y," which converge into the Mancos River, which becomes the tail of the "Y." If the diversion is allowed it will result in an appropriation on the east prong of the "Y," which has not before been burdened with such appropriation. The water of the Giles Ditch would, henceforward, flow down the west prong of the "Y," which has not been a condition in the past. The water taken under the decree is, therefore, not the same water. Ordinarily, where a change in point of diversion is allowed, the waters picked up are the same waters. The only case that I have been able to find in connection with this question is the case entitled, Consolidated Home Supply Ditch & Reservoir Co. et al. v. The Town of Evans, 59 Colo. 482, 149 P. 834. This was a case brought to confirm a change in point of diversion of a decreed priority in Water District No. 2, diverting from the South Platte River a short distance below the point where the Big Thompson empties into the South Platte to a point up the Big Thompson about 1½ miles from its mouth in Water District No. 4. The question of abandonment, etc., was ruled improper in this case, for the reason that the court stated the only matter which it could adjudicate was whether or not such change would injure vested appropriations. The court also stated that the petitioner had actually been diverting its water in said manner for a period of approximately 20 years. Because of the above I do not consider this case in point.

Paragraph Numbered 2. The court would not permit a change unless vested rights were uninjured. An examination of map NP-MV-6984 discloses that several ditches would be injured, as well as the Reclamation Bureau's Jackson Gulch Reservoir. Therefore, under the above cases such change would not be permitted by the court.

Paragraph Numbered 3. The plan as set forth in the proposed pleading for the purpose of eliminating damage involves the relinquishment of a claim to 120 acre feet of water and connection with the Jackson Gulch Reservoir. The "Justification for Purchase and Transfer," dated October 27, 1948, contains the following statements:

> "There is no assurance that Jackson Gulch Reservoir will be filled each year. Presumably, it will be

> filled in 50% of the years, but it may provide only from 50% to 75% of the authorized water, as an average."

The 1/6 c.f.s. of water is equal to 131.5825 acre feet of water. Therefore, if the 1/6 c.f.s. is taken from the West Mancos, approximately 131 c.f.s. must be provided to the stream to prevent injury. However, there will only be allocated to the Park Service 120 c.f.s. Also the Park Service estimates that only 50% to 75% of this amount will be available. Therefore, as a matter of mathematics, vested rights cannot be compensated.

It is contemplated in the "Justification for Purchase and Transfer," dated October 27, that the Park Service will be relieved of any contribution toward the construction of the Jackson Gulch Reservoir. I doubt if the Reclamation Department would compensate to the extent of 120 acre feet without being reimbursed therefor. The plan proposed is simply another method of utilizing the 120 acre feet.

Paragraph Numbered 4. Adequately discussed.

Paragraph Numbered 5. In the Consolidated Home Supply Ditch Co. case, mentioned above, the question of abandonment was raised and ruled improper. However, it can well be argued that the taking of the water from the West Mancos is an entirely new appropriation and inasmuch as the 1/6 c.f.s. as decreed cannot ever under the plan be utilized by the Park Service, this argument appears sound. I discussed this question with eminent water attorneys, who said that the abandonment theory is in their opinion sound.

Further, on the question of abandonment, the "Justification for Purchase and Transfer," above mentioned, contains the following:

> ". . . but it is doubtful if more than 40 acre-feet will ever be so used, and even that amount will not be used for many years. During the intervening years the Federal rights to some part of the 120 acre feet will be subject to lapse if there is not an annually increasing use."

These same facts would apply to the use of the 1/6 c.f.s., which in terms of acre feet is equal to 131.5825 acre feet.

Paragraph Numbered 6. The file in connection with the Jackson Gulch Reservoir discloses that it is a project of the Bureau of Reclamation; that the statement of claim allocates 120 c.f.s. to the Park Service. The proof offered at the hearing undoubtedly showed the justification for that amount of water for the Park Service.

If the Park Service does not want this water and does not intend to contribute to the project, it is reasonable to expect that the Bureau of Reclamation may be able to justify such amount of water by sale to farmers orother consumptive users. If the costs of such reservoir are so far from being met as set forth in said justification for purchase, the Bureau would be most likely to consider the sale of this water to persons other than the Park Service, which proposes to pay nothing for the relinquishment. I have information at hand which indicates that the Bureau could have used the water for other purposes and only upon considerable persuasion did it agree to supply the Mesa Verde Park.

I trust the above fully complies with the Department's request.

Respectfully,

C. V. Marmaduke, Jr.
Special Assistant to
the Attorney General

CVM:hmf

P. S. I just discovered that after the holding in the Trinchera case mentioned above, the Supreme Court adopted Rule 99, to state: "In actions to change the point of diversion of water, it shall be competent to prove abandonment."

00-00-0000: memorandum to regional director from associate director regarding proposed water supply for mesa verde

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.
25, D. C.

In reply refer to:
L2223 MESA
X D5039 MESA

JUL 15 1949

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Proposed Water Supply for Mesa Verde National Park

Reference is made to Associate Regional Director Patraw's memorandum of July 6 and Superintendent Rose's memorandum of July 1, written in response to our memorandum of June 22.

In the light of Mr. Rose's request, and the pendency before the Attorney General of the question of whether an action will be instituted to secure judicial approval of a changed point of diversion, it will not be objectionable for him to negotiate with Mr. Reddert for an extension of the present option so long as the extension can be obtained without additional cost.

Mr. Dunn will return to the Office next week and will add his comments.

(SGD.) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Price
Mr. Kittredge (Detached)
Mr. Dunn

FAKittredge:phs

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 MESA

25, D. C.

JUL 14 1949

Memorandum

To: Commissioner of Reclamation

From: Acting Director, National Park Service

Subject: Water Rights of National Park Service - Jackson Gulch Reservoir - Mancos Project, Colorado - Memorandum of June 22 (Reference 430) from Commissioner

Although the Jackson Gulch Reservoir of the Mancos Project was authorized by the Act of June 25, 1947, and has subsequently been virtually completed, as you state, the funds for the related West Mancos Water Supply System for Mesa Verde National Park have not been provided. Also, as you state, the National Park Service has taken certain steps with a view to acquiring independent rights to divert the necessary water from the West Mancos River when the water system is constructed.

An option to purchase such a right, subject to prior adjudication of change in point of diversion, was obtained in August 1947. This plan was discussed by Mr. A. vanV. Dunn of this Service, and Messrs. Walker Young and E. O. Larson of the Bureau, in June 1947, and the subsequent correspondence with the Department of Justice has cleared through the Secretary's Office. The option, which will soon expire if not renewed, was approved by the Secretary prior to delegation of such authority to the various bureaus.

Because of the unavoidably suspended status of the Water Supply Project for Mesa Verde National Park, it is essential that the United States retain its rights to use any part of 120 acre-feet of the water to be impounded in the Jackson Gulch Reservoir for domestic, recreational, industrial, fire protection, and other municipal types of purposes at Mesa Verde National Park through exchange diversions from the West Mancos River until, or unless it provides other definite rights to an adequate source of supply. Of course, as Mr. Dunn told Messrs. Young and Larson in 1947, use of not much more than a third of the 120 acre-feet of water at Mesa Verde would be needed now, or for some years to come.

As Mr. Larson told Mr. Dunn in 1947, the estimated cost of the Mancos Project has increased from $1,800,000 to $3,400,000. It may, or may not, be important to know what the actual cost has now

been, but it is important to recognize that the Act of June 25, 1947, only provides for the repayment of $900,000 over a period of 60 years by the Mancos Water Conservancy District. Therefore, even though the Act was too early to include the allocation of non-reimbursable costs to recreation and the propogation and preservation of wildlife, we believe the non-reimbursable investment of roughly at least $2,500,000 by the United States is ample justification for retaining a federal claim to 120 acre-feet of the 9,840 acre-feet which will be stored in the reservoir in years of average, or better run-off. We believe, too, that the United States, through the National Park Service, should be entitled to use those 120 acre-feet of water at Mesa Verde National Park with no further repayment of construction costs or annual payments of any operative and maintenance costs. If the Mancos Water Conservancy District is only going to repay approximately 25 per cent of the construction costs, it should certainly assume the annual operative and maintenance charges which may be incidental to the use of water at Mesa Verde National Park.

(SGD) A. E. BEMARAY

Acting Director

Copy to: Mr. Vint
Mrs. Benson
Mr. Dunn

AvanVDunn:phs

C
O
P
Y

W - Copy

Price

D. E. Lee

Dunn

M. V

Address reply to
"The Attorney General"
and refer to
initials and number:

REM - WHV

90-1-2-402

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

June 28, 1949

Mastin G. White, Esquire
Solicitor
Department of the Interior
Washington, D. C.

Interior Dept.

Jul 1 - 1949

Solicitor

to
Price
NPS

Dear Mr. White:

This will refer to your letter of June 22, 1949, regarding the proposed change of point of diversion of certain rights to the use of water of the Middle Mancos River to the West Mancos River. (Your reference: National Park Service.)

Accompanying your letter was a copy of a memorandum dated May 31, 1949, by Mr. Dunn of the National Park Service. Consideration has been given to the content of the memorandum and it has been referred to this Department's representative in Denver, Colorado, for his review and comment. As only one copy of Mr. Dunn's memorandum was submitted it would be appreciated if you would furnish this Department with another copy.

An early reply will be forthcoming from this Department in regard to the litigation proposed by Mr. Dunn.

Sincerely,

(SGD) A. Devitt Vanech

A. Devitt Vanech
Assistant Attorney General

July 7, 1949

An extra copy was obtained from Mr. Dunn's files and forwarded to Mr. D. E. Lee. Mrs. Starrett.

C
O
P
Y

C O P Y

Mr. Kittredge:

If you can obtain for me an extra copy of Dunn's memo, will be glad to send it to the Atty. Gen.

D. E. Lee

7/5

C O P Y

In reply refer to:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

Attention: 430

JUN 22 1949

Memorandum

To: Director, National Park Service

From: Commissioner

Subject: Water rights of National Park Service--Jackson Gulch Reservoir--Mancos Project, Colorado.

During 1946, we exchanged with you a series of letters concerning water rights of the Park Service in the Jackson Gulch Reservoir of the Mancos Project, in southwestern Colorado. The correspondence terminated in a memorandum dated November 14, 1946 from the Acting Commissioner of the Bureau to the Director, National Park Service.

In that memorandum, it was stated that the status of the Mancos Project was indefinite and likely to remain so, but that your proposal to reduce your allotment from the Jackson Gulch Reservoir and to transfer that right in exchange for a high-priority water right along the river in another location would be satisfactory to this Bureau subject to your keeping us advised concerning your negotiations for the transfer.

Completion of the Mancos Project was subsequently authorized by the Congress in an Act approved June 25, 1947, and construction of the Jackson Gulch Reservoir and appurtenant works is now substantially finished.

Will you advise us concerning your present requirements from Jackson Gulch Reservoir or the status of your negotiations for transfer of your storage rights for a right on the river.

/s/ Michael W. Straus

00-00-0000: memorandum to attorney general from solicitor regarding previous communication

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

Mr. Dunn

JUN 2 3 1949

The Honorable

The Attorney General.

Sir:

This relates to your letter of March 14 (Reference RMM-WHV-90-1-2-402) in reply to our request of November 4, 1948, for action in Colorado Water District No. 34 to change the point of diversion of certain waters of the Middle Mancos River to the West Mancos River.

There is attached, for your consideration, a memorandum dated May 31 for the Director of the National Park Service, prepared by Mr. A. van V. Dunn, Chief, Water Resources Branch of that Service, in which he presents further comments relative to the desirability of effecting a changed point of diversion.

It will be noted that Mr. Dunn cites instances in which diversions similar to the one requested have been made; that it does not appear practicable to obtain water from other sources; and that the pending option to acquire certain rights from F. E. and Lottie W. Reddert will expire in August 1949 if your Department does not initiate action in the proper court with a view to securing judicial approval of a changed point of diversion in accordance with the option.

It will be appreciated if you will review the comments made by Mr. Dunn and advise this Department whether, upon reconsideration, it appears that there is a basis for initiating such action as may be necessary to effect a changed point of diversion involving the rights of the Redderts.

Very truly yours,

Martin C. White

Martin C. White,
Solicitor.

Enclosure 552.

Copy to Mr. D. B. Lee.

6/29 cc mailed & Reg 3

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

In reply refer to:
Attention: 430

JUN 22 1949

Memorandum

To: Director, National Park Service

From: Commissioner

Subject: Water rights of National Park Service--Jackson Gulch Reservoir--Mancos Project, Colorado.

During 1946, we exchanged with you a series of letters concerning water rights of the Park Service in the Jackson Gulch Reservoir of the Mancos Project, in southwestern Colorado. The correspondence terminated in a memorandum dated November 14, 1946 from the Acting Commissioner of the Bureau to the Director, National Park Service.

In that memorandum, it was stated that the status of the Mancos Project was indefinite and likely to remain so, but that your proposal to reduce your allotment from the Jackson Gulch Reservoir and to transfer that right in exchange for a high-priority water right along the river in another location would be satisfactory to this Bureau subject to your keeping us advised concerning your negotiations for the transfer.

Completion of the Mancos Project was subsequently authorized by the Congress in an Act approved June 25, 1947, and construction of the Jackson Gulch Reservoir and appurtenant works is now substantially finished.

Will you advise us concerning your present requirements from Jackson Gulch Reservoir or the status of your negotiations for transfer of your storage rights for a right on the river.

/s/ Michael W. Straus

00-00-0000: memorandum to regional director from acting assistant director regarding change in point of diversion and purchase

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

JUN 22 1949

MEMORANDUM for the Regional Director, Region Three.

Within the next few days you should receive copies of a letter from the Solicitor to the Attorney General transmitting a memorandum of May 31 for the Director from Mr. Dunn in connection with a change in point of diversion and the purchase of part of Decreed Priority No. 1 now owned by F. E. and Lottie W. Reddert for use in connection with the proposed West Mancos Water Supply System for Mesa Verde National Park.

It looks very doubtful that any action can be taken before the expiration of the option, and the willingness of the Attorney General to proceed with this action is so necessary that it is not now justifiable to attempt to obtain an extension of time in connection with the option. However, no commitments in the matter should be made to Mr. Reddert until very near the date of expiration because of the slight possibility that the Attorney General may reverse his previous stand.

Meantime, for your own information, attention is called to the rights which have been conditionally decreed to the United States to make the same diversion with exchange releases from the Jackson Gulch Reservoir to satisfy lower appropriators. This conditionally decreed right, involving the integration with storage in the Jackson Gulch Reservoir, will be adequate for the Park Service needs except in some very dry years, although there may be some inconvenience in connection with payments, other bookkeeping, and some relations with other water users.

Therefore, the construction project should be carried through without regard to the water right complications which may be occasioned by the Attorney General's action. It may be that no exceptionally dry year will occur for a decade or even a generation.

(SGD.) JACKSON E. PRICE
Acting Assistant Director.

AvVD:sh.

In duplicate.

cc: Mr. Price.
Mr. Dunn.

Mr. Drury, through the Chief Counsel. June 1, 1949.

Mr. Vint.

Water rights for West Mancos Water Supply System for Mesa Verde National Park.

By routing the attached correspondence through you, I wish to call attention to the apparently unavoidable complications which have resulted in our attempt to acquire adequate water rights for Mesa Verde National Park.

On June 1, 1943, the United States filed a claim to the flood waters of the West Mancos River and obtained a conditional decree to store 9,840 acre-feet per year in the Jackson Gulch Reservoir for beneficial use with 120 acre-feet earmarked for Mesa Verde National Park. For a number of reasons, it was decided by Messrs. Taylor, Burney, Webber, and Dunn, that the interests of this Service would be better protected if all affiliation with the Jackson Gulch Project were severed, and a right were acquired to operate the water system under Decreed Priority No. 1.

An option to purchase the necessary portion of Decreed Priority No. 1 was obtained on August 2, 1947, and approved by the Under Secretary on September 16, 1947. The option was good for two years and purchase was subject to successful adjudication of change in point of diversion. Engineering and legal problems prevented us from presenting our claim to the Attorney General until last November, and on March 14 he replied with a tentative rejection of the proposal to adjudicate the changes.

In the attached memorandum of May 31 for you, and a draft of a reply for the Solicitor to send to the Attorney General, Mr. Dunn has given a comprehensive presentation of the problem. Any modification of the draft of the Solicitor's reply to the Attorney General seems to be a matter for the Chief Counsel. Likewise, although the Development Division is strongly in favor of complete independence of the West Mancos Water Supply System for Mesa Verde, and the Jackson Gulch Reservoir, we also favor acquisition of necessary rights to operate with that independence while there are now available funds, regardless of the procedure to be followed to obtain such objective. The Attorney General seems to have objected to the plan covered by the option, but has not offered a concrete alternative.

Thos. C. Vint,
Chief of Development.

AvVD:sh.
Attachments.

cc: Mr. Dunn.

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

May 31, 1949.

MEMORANDUM for the Director.

By letter of November 4, 1948, as requested by the National Park Service, the Solicitor, as Acting Assistant Secretary, submitted a request to the Attorney General for adjudication of a right to change the point of diversion of 1/6 second-foot of the waters of the Mancos River under Decreed Priority No. 1 in Colorado Water District No. 34 to provide a water supply for Mesa Verde National Park. By reply of March 14, 1949, to the Solicitor (Department of Justice Reference REM-WHV-90-1-2-402) the Assistant Attorney General has made certain comments, concluding with the statement that the requested action will not be instituted, but inviting further comments to confirm his opinion, or comments which might alter the conclusions. The matter has been referred to me for comments.

The success of this adjudication was prescribed as a condition under which the United States would purchase the amended right under an option which expires two years after August 2, 1947. The time limit is evidently too short for resolution of the complex questions, and I doubt if we can obtain a renewal on such favorable terms. In addition, Mr. Vanech has tentatively rejected the plan without offering a substitute. He has also indicated the danger of purchasing, or contracting to purchase, any water right for use in a national park or monument until the plan for changing the point of diversion, or place or purpose of use, is reviewed by the Attorney General. For these reasons, the following report is offered to permit the clarification of broad problems as well as to serve as a basis for a Departmental reply to the Attorney General.

For reasons set forth in my Justification, which was attached to the Solicitor's letter of November 4 as a report and series of appendices, it should be evident that the National Park Service will be involved with accounting and annual payments to the Bureau of Reclamation, or the succeeding owners of the Jackson Gulch Reservoir, for somewhere between sixty-six years and several centuries, if that source of supply is to be used at Mesa Verde National Park. Furthermore, it will have to keep its interest in the conditionally decreed rights for that reservoir open for several decades because of inadequate water demands to make final proofs at this time unless the right

is perfected by the Bureau of Reclamation for multiple purposes including ultimate Park needs. These appendices were also supposed to show that the maximum demands for waters from that reservoir, by Mesa Verde National Park, would occur when the conflicting demands by the Town of Mancos and other water users were also at a maximum in some very dry summer when the available supply might be less than 50% of the average annual flow. They also indicated that the waters of the reservoir were not suitable for the direct supply for the Park because of sanitary features which are objectionable to the Public Health Service, and low elevation which would make costly annual pumping charges essential.

From the engineering, fiscal, and administrative points of view, therefore, it seems to be to the interest of the National Park Service, and therefore of the United States, to divert waters of the Mancos River independently of supplies of flood waters which may be impounded in Jackson Gulch Reservoir, if adequate rights to such independent direct diversions can be obtained at less than the alternate cost of participation in the Jackson Gulch Project. In a conference in Denver, in 1947, Regional Director Larson of the Bureau of Reclamation pointed out that it would not be to the interest of the Bureau of Reclamation for the National Park Service to sever its interests in the Jackson Gulch Project because the small interest (about 40 acre-feet per annum out of the reservoir capacity of 9,840 acre-feet) was needed to justify the Federal expenditure of $3,400,000 for that Project, of which the Water Conservancy District would not agree to reimburse more than $900,000.

By memorandum of June 30, 1947, I reported to you on my interview with Mr. E. O. Larson and suggested that it might not be expedient to purchase an independent right at the time because of divergent interests of the two bureaus within the Department of the Interior, and because of the probably inflated price which might be asked by any owner of an adequate right. In reply, by telegram from Mr. Tolson, I was instructed to obtain the longest possible option on a high priority water right.

I was already familiar with the problems involved in the adjudication of a change in point of diversion in Colorado. I had prepared the factual data and appeared as an engineering witness in the adjudication of such changes in Water District No. 4 for Rocky Mountain National Park, in Case No. 10050, on which the decree was rendered in June 1939 on petition of Worth Allen, Special Assistant to the Attorney General. I had also made a comprehensive study of

the flow of the Mancos River, including both the Middle and West Branches, and the aggregate rights to the use of such water. However, as a further precaution, I discussed the adjudication procedure briefly with Mr. Marmaduke, who had succeeded Mr. Allen as Special Assistant to the Attorney General; I reviewed the procedure involved in changing point of diversion from one tributary to another with State Engineer Hinderlider; and I discussed the hydrological and meteorological conditions in the Mancos Valley, and their effect on the probable efficiency of the Jackson Gulch Reservoir, with State Water Division Engineer J. R. Williams in Durango.

As a result of these investigations, I determined that only Decreed Priority No. 1 would provide adequate rights to divert all water which will be needed at Mesa Verde in August of a very dry year after that Park is developed to accommodate the number of visitors for whom water is to be provided. I also determined that the required change in point of diversion under Priority No. 1, whether from the Giles Ditch on the Middle Mancos, or the Fields Ditch on the West Mancos, would upset the minimum number of rights of other water users, thus keeping the potential payment of damages to a minimum, and making it relatively easy to predetermine the damages for which the United States should have funds before it entered a court of adjudication.

I first tried to obtain an option to buy part of the Decreed Priority No. 1 which has already been transferred from the Giles Ditch on the Middle Mancos to the Fields Ditch on the West Mancos by decree of 1930 in Case No. 988. The wife of the present owner objected to such sale. Therefore, I obtained an option to buy 1/6 second-foot of rights under Decreed Priority No. 1 which still remains appurtenant to the Giles Ditch, at any time within two years after the date of the option on August 2, 1947, subject to successful adjudication of the necessary change in point of diversion and purpose of use by that date. The option was approved as Contract No. I-100np-52 on September 16, 1947, by the Under Secretary of the Interior; based, I presume, on my appraisal and justification for purchase and certain contributing statements by the Chief Engineer and the Chief Designing Engineer.

In a preliminary conference between Mr. William Veeder, of the Department of Justice, Mr. Alva F. Rollins of the Chief Counsel's office, and myself on January 14, 1948, it was decided that the claim of the National Park Service for the United States should be submitted with justifications. It is not now clear to me whether an engineering or a legal justification was wanted, but I prepared all the exhibits with relatively general legal assistance, and the result was largely

the testimony I could give as an hydraulic engineering witness for the United States. On March 8, as stated in the letter of March 14 from Mr. Vanech, Mr. Veeder called on Assistant Chief Counsel D. E. Lee; and Mr. Rollins and I were asked to join the conference. The gist of the discussion was that Mr. Veeder did not consider it practical or legally sound (exact word not certain) to change the point of diversion from the Middle Mancos to the West Mancos, and he stated, as indicated in the second paragraph of the letter from Mr. Vanech, "it is doubtful in the extreme, by reasons of physical factors and the law governing changes in points of diversion, that the suggested action would accomplish the desired results."

With reference to the practicability or legal soundness, I referred Mr. Veeder to the previous change in point of diversion decreed on behalf of James L. Sheek in 1930 in Case No. 988, and sent him a copy of the decree after the conference. In his letter of March 14, Mr. Vanech stated that the action cannot be accepted as precedent because the case was uncontested, although the consideration by his Department had not involved any investigation of the facts surrounding the case. As a hydraulic engineer, and the one responsible for the acquisition and adaptation of water rights to cover the water use in national parks and monuments, as Chief of the Water Resources Branch of the National Park Service, I am not so concerned by the decision of those in the Attorney General's office not to go through with the requested adjudication, as I am by the fact that the decision seems inconsistent with the Sheek case, is also inconsistent with the similar adjudication of 1939 in which a Special Assistant to the Attorney General and I both participated, and is not followed by adequate explanation for future engineering guidance.

The option was obtained with a two-year limit, and subject to successful adjudication of the change in point of diversion, purpose of use and method of conveyance, so far as the United States saw fit to make such changes, before final purchase. If the Attorney General, who is withholding final judgment, pending a reply to his letter of March 14, confirms his decision, we should notify the Regional Office and Mr. Reddert that we will not exercise the option.

It happens, however, that it is necessary to change the point of diversion, method of conveyance, purpose of use, and the place of use in many cases, before any purchased water right can be properly used by the United States in areas of the National Park System if the United States is to comply with State water laws. It is essential to my work, therefore, to obtain a more definite statement of the guiding principles and resulting policy of the Attorney General in connection with such proceedings in states like Colorado where legal action is necessary.

Mr. Veeder and I seem to have a basic difference of opinion as to whether a point of diversion can be made from one tributary to another. By reference to drawing NP-MV-6980, which was included with my Justification which was transmitted with the letter of November 4 from the Acting Assistant Secretary, legal features can be disregarded for a moment. The list of rights appurtenant to different ditches indicates that there have been fifteen changes in point of diversion, involving Priorities Nos. 1, 2, 3, 6, 8, 11, 13, 17, 23, and 29. The transfer of Priority No. 1 has seemed significant to me because it was a change in point of diversion from the Middle Mancos to the West Mancos. Priority No. 8 is significant because it was originally decreed to the Sheek Ditch, the Bolen, Willis and Ditch No. 6 enlargements, and McGrew Ditch, all with diversion on the Mancos River below the confluence of the Middle Mancos and West Mancos. By one transfer, part of Decreed Priority No. 8 has subsequently been conditionally transferred from the Sheek Ditch to the Crystal Creek Ditch, the latter being shown above the headwaters of the West Mancos River on drawing NP-MV-6980. (From data obtained since the map was drawn, I am inclined to believe that the Crystal Creek Draw which is shown to parallel the West Mancos River is a ditch or a proposed ditch.)

As a practical matter, in any case, no one should question the practice of transferring a point of diversion from a tributary down onto the main river; or from the main river up onto a tributary if intervening water users do not protest. (Real damage can be done in moving a point of diversion upstream, but little or none really results from moving a point downstream.) The natural conclusion should be that a right can be transferred from a headgate on the Middle Mancos to a point below the confluence of the Middle and West Mancos Rivers, with no probable protest. It can also be transferred from its second location to a point on the headwaters of the West Mancos--as seems to have been the case with part of Priority No. 8; provided there is no protest, or provided the protest is eliminated by proper compensation for damages. As a practical matter, therefore, a point of diversion can be moved directly from one tributary to another with no different results than would occur if the transfer were made in two stages. This seems to have been recognized by the court when Mr. Sheek was decreed the right to change his diversion under Decreed Priority No. 1 from the Giles Ditch on the Middle Mancos to the Fields Ditch on the West Mancos River.

I do not know enough law to know why it matters whether the petition of Mr. Sheek to change the point of diversion under Decreed Priority No. 1 was contested or not. I cannot supply more facts surrounding the case without purchasing a transcript of the complete

records. However, we have a relatively parallel Case No. 10050 in Colorado Water District No. 4, in which the United States obtained rights by decree of June 1939 to change the points of partial diversion of waters of the Thompson River and its tributaries under Decreed Priorities Nos. 57, 58, and 68 in Rocky Mountain National Park. This case was handled by Mr. Worth Allen, Special Assistant to the Attorney General. So far as I know, this case was not protested except that the attorney for Mrs. Pieter Hondius showed interest. I prepared the engineering statements of claim and arguments for potential protest in this case, and know considerable about the details. In addition, it seems probable that the Attorney General must have complete records conveniently available here in Washington. Therefore, it may be more practical to consider this case for possible precedent.

I am attaching a print of drawing NP-RM-6984, which was used in that adjudication, on which I have added in red other water systems existing and which were affected by the changes in point of diversion from the Hupps and Beaver Ditches under Priority No. 58. It will be evident that the United States changed the point of partial diversion from the Hupps and Beaver Ditches, on Beaver Creek; to the Camp Woods, Forest Inn and Fern Lake water systems on the Thompson River, above the confluence of these two streams; and to the Glacier Basin and Bear Lake water systems on Glacier Creek above its confluence with the Thompson River and Beaver Creek.

If Mr. Vanech considers that Mr. Sheek did not accomplish anything by changing his point of diversion from the Middle Mancos to the West Mancos without protest, I should like to know what the United States did accomplish by the similar changes in point of diversion, as illustrated, in the Thompson River drainage.

It does happen that all water systems which are shown in red were operating without decreed rights at the time of the adjudication of transfers. The decree in the Federal adjudication of changes in point of diversion was rendered on January 30, 1939. All of the rights for water systems shown in red were decreed priorities on November 14, 1939, in a general adjudication under the spring term of the District Court. (Case No. 10077, in which Federal interests were also handled by Mr. Worth Allen as Special Assistant to the Attorney General. A feature of such decrees in Colorado is that they are awarded priorities of the first day of survey or construction, but junior to any rights decreed in previous adjudications.)

As a result of not having decreed rights, the owners of water systems shown in red were not specifically notified of the adjudication

of changes in point, although the notice had general circulation through publication in a local newspaper in the county. It could probably be argued that the owners of those water systems shown in red could not protest the changes if they had not subjected themselves to the jurisdiction of the District Court for determination of priority of right in previous adjudications. Apparently, only the United States, as successor to previous owners of the Brinwood, Camp Woods, and Hollowell Park water systems, owned both decreed rights and claims covered only by filings in the affected reaches of the Thompson River drainage. However, it may be significant to the Attorney General that Mrs. Hondius and the United States shared interests in the Hondius-Beaver Pipe Line, shown in red to cross the Hupps and Beaver Ditches under filed claims but no decree. The attorney for Mrs. Hondius did make inquiry as to the intent of the United States, but made no protest.

The Jones Ditch, with Decreed Priority No. 57, shown in Sections 16 and 17, T. 5 N., R. 73 W., is significant in that the Ditch and rights were only partially appurtenant to Federal land in the Park. The United States obtained a decreed right to divert part of the water with Priority No. 57 by the Aspenglen and Little Horseshoe Pipe Lines instead of by that Ditch, without protest and without fully determining who owned the non-Federal portions of the rights and interest in the lower portion of the Ditch.

Mr. Vanech also makes several comments with regard to the present status and ultimate disposition of any rights (120 acre-feet per annum) in the Jackson Gulch Reservoir which are tentatively earmarked for use, directly or by exchange, at Mesa Verde National Park. In the general adjudication of priorities in Water District No. 4 in 1939 (aforesaid Case No. 10077), the United States had separate claims for diversions by each Federal bureau or agency. Following the same procedure, the National Park Service and Bureau of Reclamation first prepared independent claims for those portions of the waters of Jackson Gulch Reservoir which were to be used at Mesa Verde National Park, and under contract between the Bureau of Reclamation and the farmers and other residents in and adjacent to the Town of Mancos. At the time, the National Park Service was negotiating an agreement with the Bureau of Reclamation under which it would contribute a CCC camp to help in constructing the Jackson Gulch Project, in exchange for an interest in 120 acre-feet of the capacity in the Jackson Gulch Reservoir. In fact, the Bureau of Reclamation prepared its claim to the full capacity of the Reservoir (of 9,840 acre-feet); and the National Park Service introduced an independent claim to 120 acre-feet of those waters, or the right to divert the equivalent quantity of water directly from the West Mancos in exchange for releases from the Reservoir.

However, the interbureau agreement could not be completed because the CCC was discontinued at the beginning of the war. Therefore, largely on my initiative, but with approval of the Chief Counsel, the two water claims were consolidated and introduced to the court as a single statement, thus creating Departmental unity of claim, making the Bureau of Reclamation a party to the Federal claims for Mesa Verde National Park, and establishing a public record of the earmarking of 120 acre-feet of storage in the Reservoir for that Park. A conditional decree has been rendered. The Bureau of Reclamation has subsequently practically completed the Jackson Gulch Project, but the National Park Service has been unable to obtain adequate appropriations and has scarcely begun the construction of its related water system to serve the Park.

It is my opinion, for what it may be worth, that the United States has a conditional decree to divert and store 9,840 acre-feet of water in the Jackson Gulch Reservoir, for subsequent release under contract for use by local farmers, the Town of Mancos, and, in quantities not to exceed 120 acre-feet, by the United States, its citizens and employees, at Mesa Verde National Park; or to divert the same 120 acre-feet directly from the natural flow of the River in exchange for release of equivalent storage from the Reservoir. Contrary to the suggestions by Mr. Vaneeh, I do not think any part of the right will lapse if not used at Mesa Verde, or that failure to use it at the Park will indicate abandonment, if the Bureau of Reclamation uses that portion of the right to supply an additional 120 acre-feet of water to the local farmers, the Town of Mancos, or other members of the Water Conservancy District.

As a further consideration, the Bureau of Reclamation is practically ready to start deliveries to the members of the Water Conservancy District; and I believe it can dispose of all the available water in one or two years, prove that the water is all beneficially used by the Town of Mancos and local farmers. It can then obtain a final decree to rights for all water which can be diverted and stored by the Jackson Gulch Project before the National Park Service is able to use a drop of water from the Reservoir, or by exchange from the West Mancos River. I also believe that after the National Park Service has completed its proposed water system it will still be unable to make full beneficial use of even one-third of its quota of the water (about 40 acre-feet per annum) for many more years. This will be partially due to the fact that the annual attendance at the Park will not have reached the anticipated ultimate magnitude. In addition, I question whether the adequate facilities for full beneficial use of the water will be provided for many years after the demand is reached, because of the limitations of Congressional appropriations and the financial

condition of the concessioners. In other words, if the United States is to obtain its final decree for rights to the full capacity of the Jackson Gulch Reservoir without many years of recurring appearance in court to prove diligence, it must do so without waiting for help by the National Park Service. It is fortunate, in this connection, that Colorado does not stress the place of use.

I am reasonably certain that the Bureau of Reclamation will wish to sell any water earmarked for Mesa Verde to local farmers until it can be delivered or until it is needed at that Park, in order to obtain the annual payment to cover operation and maintenance costs. I assume that the percentage of total available water used will not alter the total of $900,000 which the Water Conservancy District will pay for reimbursement of construction costs of $3,400,000, except as both these figures may have been modified since June 1947. I also believe that both the Department of Justice and the Bureau of Reclamation will take every possible action to obtain the final decree for the full capacity of the reservoir at the first opportunity, in order to eliminate further cost and inconvenience of recurring court appearances.

I believe that the court will grant a final decree to the United States to use all water stored in the Jackson Gulch Reservoir as soon as requested after the project is completed and the water is fully and beneficially used for one or more of the designated purposes. If the court recognizes Mesa Verde only as a potential customer of the Bureau of Reclamation, such rights may cover future use at the Park. The court may also decide that the alternate direct diversion from the river in exchange for releases from the reservoir, to provide water for the Park, is an administrative detail for future supervision by the River Master or District Engineer. On the other hand, the court may require final proof of construction of system and use of water at the Park before it renders the final decree to authorize the use of water at Mesa Verde National Park.

The latter action is not entirely justifiable on the basis of completion of system and beneficial use of water, which are good reasons in themselves, but also on the fact that the water to be used at the Park will not be returned to the Mancos River drainage as surface flow for reuse in the Water District or the State of Colorado. In contrast, the water which will be used by members of the Water Conservancy District will be largely returned to the Mancos River to permit a reasonable amount of reuse above, or to the east of Mesa Verde National Park. For this reason, the judge is justified in demanding final proofs before the decree to use water at Mesa Verde is made final.

However, it is significant that the court has already rendered a decree, which is only conditional on completion of the water system and full beneficial use of the water, to convey 120 acre-feet of water from Water District No. 34 to Mesa Verde National Park where it will be lost forever to other water users in the District. Therefore, in proposing to buy part of Decreed Priority No. 1, and use it in lieu of rights under the conditional decree for the Jackson Gulch Reservoir, the National Park Service is not proposing to alter the basic consumptive water use in the District which has been authorized. It is only proposing to acquire and use an earlier priority which will be more reliable in dry seasons, and which can be enjoyed without the inconvenience of accounting and annual financing through the Bureau of Reclamation. Other water users who will sell the senior right, or who will be adversely affected by the change in point of diversion, will operate on the basis of these undesirable features as soon as they become members of the Water Conservancy District, and should consent to the sale and amendment of rights under Decreed Priority No. 1 with a minimum of protest if they are assured that the alternate interests in the waters of Jackson Gulch Reservoir are being relinquished by the National Park Service in order that they may be allocated to the members of the Water Conservancy District.

For these reasons, the detailed procedure outlined on the second page of the letter of March 14 from Mr. Vanech, for reallocating waters in the Jackson Gulch Reservoir which are now earmarked for the National Park Service, can probably be most advantageously outlined, if not arranged in court as a trade, or shopping point in connection with the change in point of diversion under Decreed Priority No. 1. My analyses now provide all the data needed to help the representative of the Attorney General prepare his case or his defense.

Mr. Veeder has also suggested, in his conversation, that the National Park Service may make its direct diversion from the West Mancos River without obtaining prior court authority. He suggested that potential protestants would be in a better position to define their damages thereafter. Such action would not be in the spirit of the water laws, to say the least. Furthermore, assuming the United States could be, or consented to be, sued, the National Park Service might not be able to obtain the necessary funds to pay the damages for a number of years whereas it now has funds for just such cases. Immediate adjustment of the water rights for Mesa Verde National Park, therefore, would be more convenient to both the United States and potential protestants.

These have been my ideas, but they are also the ideas which have been fairly universally accepted in the National Park Service as the basis for negotiating and accepting the option, and for requesting the adjudication of change in point of diversion, method of conveyance, and purpose of use of 1/6 second-foot of the waters of the greater Mancos River under Decreed Priority No. 1. If, as seems probable, the action is to be dropped or deferred, we should have final definition of an alternate approved procedure as soon as possible, both to advise our Regional Office and to serve as a guide in future cases of the same type.

(SGD.) A. VAN V. DUNN.

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

AvVD:sh.

Attachments.

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. ~~Vint~~ W, through Mr. ~~Kittredge.~~ K

DATE: March 9, 1949.

FROM : Mr. Dunn.

SUBJECT:

Apparently the next step is to wait to be told how we may obtain the water ~~right~~ right. K

Yesterday morning Mr. Donald Lee phoned to say that Mr. Veeder of the Attorney General's Office would be over later to discuss the suggested adjudication of change in point of diversion under decreed Priority No. 1 of the Mancos River for Mesa Verde National Park, and advised me that he would notify me when Mr. Veeder arrived.

An hour or more later, Mr. Lee phoned to say that Mr. Veeder was up there and that they had been discussing the case. I went up to find Messrs. Lee, Rollins, and Veeder, and I gathered that they had pretty well exchanged their own points of view before I arrived.

On my arrival, I was told that Mr. Veeder and Mr. Lee did not see how we could adjudicate a change of point of diversion from the Middle Mancos to the West Mancos River, and therefore, disregarding the fact that they also failed to see what would be accomplished by such a change, they considered the proposal to be impracticable. I pointed out that we had a very definite precedent for such a change in point of diversion and agreed to supply Mr. Veeder with a copy of the decree.

The decree, Case No. 988, dated May 28, 1930, covers change in point of diversion of 1/2 a second-foot of the same decreed Priority No. 1 from the Giles Ditch on the Middle Mancos to the Fields Ditch on the West Mancos. Therefore, whether Messrs. Veeder and Lee consider it possible to make such a transfer or not, one has actually been made.

In connection with the other point, I brought out the fact that the efficiency of the Jackson Gulch Reservoir over a number of years would only be between 50% and 80%, and therefore, to rely on it as an alternate source of supply for Mesa Verde National Park where the maximum demand might come in the year of most inadequate available storage supply, was unsound from an engineering standpoint. In addition, the administrative red tape or paper work involved in making a release of water from Jackson Gulch in exchange for direct diversions from the West Mancos River would be costly in labor and money over a large number of years.

Finally, I pointed out that any use of water from the West Mancos River would involve annual payments to the Bureau of Reclamation which would amount to a large total amount of money in the aggregate during the life of the Jackson Gulch Reservoir. I pointed out

that we could justify an appreciable payment to quiet title to first priority rights at this time when we have funds for the payment of possible damages.

Basically, the Jackson Gulch Project of the Bureau of Reclamation has become a white elephant due to the increase in costs during its construction. The Mancos Water Conservancy District can now only agree to repay a small part of the total cost of the project, and, as previously stated, Mr. Larson told me two years ago that he was counting on the Federal needs for the trickle of water (1/6 of a second-foot) as justification for Federal absorption of the rest of the construction costs.

Considering these factors, and the fact that Mr. Veeder suggested yesterday that the Park Service merely put in its pipe line and take water as needed, leaving determination of rights for a future date when some other water user might protest, suggests to me that the National Park Service, with its small water claim with relatively small potential liability to damage, is to be the goat to protect the Bureau of Reclamation. There are several other cases to bear out this conclusion. The result is that I fail to see why the National Park Service should waste any time or any money in attempting to perfect a water right which may be needed for a national park or monument if it is at all at variance with the interests of the Bureau of Reclamation.

A. Dean T. Lapp

Chief, Water Resources Branch.

03-09-1949: letter to the attorney general from director, nps regarding questioned authority of the district court

Dear Kathryn Carver

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

The Honorable

The Attorney General.

Sir:

In conference with Messrs. Lee, Rollins and Dunn of this Office on the morning of March 8, Mr. Veeder questioned the authority of the District Court, in Colorado Water District No. 34, to decree a right to change a point of diversion from the main or Middle Mancos River to the West Mancos River.

As agreed at the conference, we enclose two copies of a decree of May 28, 1930, Case No. 988, under which Mr. James L. Sheek was authorized to transfer rights to one-half of one cubic foot of water per second under decreed Priority No. 1 from the headgate of the Giles Ditch on the Middle Mancos River to the headgate of the Fields Ditch on the West Mancos River. The two ditches are shown on drawing No. NP-MV-6980 which was included as item E in the letter of November 4 to you from the Acting Assistant Secretary of the Interior in connection with a request for a similar transfer of rights to provide a water supply for Mesa Verde National Park.

To record part of the discussion in the conference, this Service first tried to obtain an option to purchase part of the decreed Priority No. 1 which has already been transferred to the Fields Ditch under the aforementioned priority. The wife of the owner objected, and Mr. Dunn then negotiated, and obtained the option to purchase part of the same priority still remaining in the Giles Ditch, with the idea that it could also be transferred to the West Mancos River.

Of course, this Service has proposed to transfer the right further up the West Mancos, to a point above several additional headgates. We have anticipated that certain damages might be claimed by the owners of these headgates and appurtenant water rights. This Service now has the funds to cover such anticipated damages, and may not have funds if the change in point of diversion is deferred and becomes necessary at a later date.

NATIONAL PARK SERVICE
Director Office
Washington

Date: 3/9/49 Message

- Director
- Associate Director
- Assistant Director
- Special Assistant
- Chief Clerk
- ~~Chief Counsel~~
- Chief of Concessions
- ~~Chief of Development~~
- Chief Forester
- Chief Historian
- Chief of Information
- Chief of Lands
- Chief Naturalist
- Chief, Safety Office
- Chief, Travel Division
- Editor-in-Chief
- Finance Officer
- Personnel Officer

Mr. Dunn: Per our telephone conversation, I'm forwarding herewith Mr. Veeder's letter to the Dept. of Justice. Type your draft of a letter & enclosure for my signature. Also a formal letter for situation mentioned in the informal one. Then a formal letter to Secretary Chapman, following up on our informal memorandum of [illegible]

3/9/49 (Signature)

We have proposed to acquire and transfer part of decreed Priority No. 1 as a way to provide an adequate source of water supply if successful. There are very definite engineering, administrative, and financial reasons why the same type of water supply cannot be obtained through interests in the Jackson Gulch Reservoir. However, in following the precedent set in the aforesaid Case No. 988, we realize that we may not have suggested the best legal procedure to obtain the necessary rights. The particular case, and this explanation, are only offered for your further consideration.

Very truly yours,

Newton B. Drury,
Director.

AvVD:sh.
Enclosure 129.

cc: Mr. Price.
Mr. Dunn.

03-09-1949: court document: in the matter of the adjudication of priorities of water rights in water district no. 34, amended petition

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO

STATE OF COLORADO)
) ss
COUNTY OF MONTEZUMA)

No. 967

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

AMENDED PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT

COMES NOW the United States of America, by C. V. Marmaduke, Jr., Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this amended petition and statement of claim herein and shows unto this honorable Court that:

1. By this petition and amended statement of claim and by the filing and prosecution thereof, the United States does not submit for or consent to adjudication of, any rights within Water District No. 34, State of Colorado, which are owned by Indian wards of the United States, or by the United States as trustee for such Indians. Consent to the adjudication thereof and to this court acquiring any jurisdiction with respect thereto is hereby expressly withheld.

2. The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved June 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservation and Utilization Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved June 28, 1941, 55 Stat. 303, 351-352, has initiated and is now in process of constructing, developing and carrying forward to completion a Water Conservation and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservoir, to be used for storage purposes and as a conduit for direct uses, an inlet

canal, an outlet canal, and a pipe line, which pipe line is hereinafter referred to as West Mancos Water Supply System for Mesa Verde National Park. The names of the reservoir and of the said canals and pipe line are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, Jackson Gulch Outlet Canal, and West Mancos Water Supply System for Mesa Verde National Park.

3. The uses for which waters have been appropriated and will be used are for irrigation, power, domestic, fire protection, recreational, industrial, municipal, manufacturing and other beneficial purposes.

4. The total amount of money which had been spent on said project as of December 31, 1942, was one hundred and fifty-five thousand, seven hundred and sixty-two dollars and seventy-eight cents ($155,762.78). The total cost of the completed project was approximately one million, eight hundred and thirty-five thousand dollars ($1,835,000.00).

5. Mancos Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing to it of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder, and for domestic uses on said lands. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States a substantial part of the costs of constructing said project.

6. The town of Mancos will be furnished for domestic purposes a small amount of the storage water. The water so furnished to it will be turned back into West Mancos River.

7. In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(a) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, West Mancos Water Supply System for Mesa Verde National Park, and all other works and structures constituting the project.

(b) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(c) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals, in Jackson Gulch and in said pipe line, and to be stored in said reservoir, and carried therethrough, is October 31, 1936.

(d) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

(e) The following matter is stated with respect to the works and structures, etc., of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from West Mancos River and from Jackson Gulch.

8. Jackson Gulch Reservoir.

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located in and across Jackson Gulch, and upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range Thirteen (13). The exact location and description of said reservoir is more particularly shown by a map which will be offered in evidence.

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The said map gives the area and total capacity for each foot of depth from the bottom of the outlet tube at its inlet to the spillway level. The total capacity of said reservoir is four hundred and thirty-four million, seven hundred and twenty-eight thousand, eight hundred (434,728,800) cubic feet, or nine thousand, nine hundred and eighty (9,980) acre feet of water, for which claim is made for irrigation, power, domestic, fire protection, recreational, industrial, manufacturing, municipal and other beneficial purposes.

(d) The sources of supply of water to be impounded in said reservoir are West Mancos River and Jackson Gulch. Said reservoir will be used also as a conduit for the carriage therethrough of water carried thereto from said river through Jackson Gulch Inlet Canal, hereinafter described, from West Mancos River.

(e) The estimated cost of said reservoir is one million, two hundred and seventy-five thousand ($1,275,000.00) dollars.

(f) The water to be stored in said reservoir, and that to be carried therethrough for direct use, will be taken out of said reservoir by Jackson Gulch Outlet Canal and by West Mancos Water Supply System for Mesa Verde National Park, leading to Mesa Verde National Park, both of which are hereinafter described.

9. Jackson Gulch Inlet Canal.

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Mancos River, from which it derives its principal supply of water, whence the Northeast corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears North twenty-two degrees, twenty-nine minutes (22° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851.86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grades thereof, as originally to be constructed are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth at highwater line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

(e) The approximate length thereof is fourteen thousand, six hundred and twenty-five (14,625) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is one hundred and thirty-five thousand dollars ($135,000.00).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) Said canal empties into Jackson Gulch. The water carried in said canal and so emptied is to be carried down said gulch to and for storage in and direct passage through said reservoir. The water that may naturally be flowing in Jackson Gulch will be stored in said reservoir.

Water diverted from the West Mancos River will be diverted from said canal and from said gulch for the irrigation of lands lying thereunder, and for other purposes herein set forth.

10. Jackson Gulch Outlet Canal.

(a) The name of said canal is Jackson Gulch Outlet Canal.

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes (57° 41') East five hundred and sixty- seven and seventy-six one-hundredths (567.76) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

(e) The length is twelve thousand and ninety-seven (12,097) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is sixty-five thousand dollars ($65,000.00).

(h) Said canal is shown in more detail on a map which will be offered in evidence.

(i) West Mancos River and Mancos River are to be used for carriage of storage water released from said reservoir and carried therefrom through said outlet canal for the purposes stated. Some water, including both storage and direct flow, will be diverted, for irrigation and other purposes herein stated, from said canal at points intermediate to said reservoir and the point where said canal empties into the West Mancos River.

11. West Mancos Water Supply System for Mesa Verde National Park.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park, one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both, from West Mancos River with compensatory exchange releases of water from Jackson Gulch Reservoir. The right is also reserved to take an additional 100 acre feet of water per year from said reservoir or from said stream as the occasion and necessity of use thereof is required in the same manner as set out for the 120 acre feet. Water for said park will be taken at times from and through said reservoir, and at other times from West Mancos River by a pipe line leading therefrom to said park.

(b) The diversion of water directly from the river by the pipe line will make no greater demand upon the river than would be made by supplying all of said amount of water from and through said reservoir. When water in said river is not available under claimant's priority, diversion by said pipe line will continue, and senior adjudicated priority rights will be compensated by release to the river of an equal amount of storage water.

(c) The name of said pipe line is West Mancos Water Supply System for Mesa Verde National Park.

(d) The intake proper or point of diversion of the pipe line is located at a point whence the east quarter corner of Section eighteen (18), Township Thirty-seven (37) North, Range Twelve (12) West, of the New Mexico Principal Meridian, bears North seven degrees, three minutes east, Four thousand, five hundred and forty and three-tenths feet (N. 7° 3' E. 4,540.3'). Said point of diversion is at a settling basin on the West, or right, bank of the West Mancos River, and the water is collected in a series of collecting pipes buried under said river in an area described as follows:

Beginning at a point South twenty-one degrees and twenty-five minutes West, forty-six and three-tenths feet (S. 21° 25' W., 46.3') from the point of diversion; thence North seventy-two degrees West, two hundred feet (N. 72° W. 200'); thence North eighteen degrees East six hundred and sixty feet (N. 18° E. 660'); thence South seventy-two degrees East six hundred feet (S. 72° E. 600'); thence South eighteen degrees West six hundred and sixty feet (S. 18° W. 660'); and thence North seventy-two degrees West four hundred feet (N. 72° W. 400') to the point of beginning.

(e) The general course of said pipe line is southwesterly.

(f) The dimensions, grades, etc. thereof are as follows:

The inside diameter of that section of the pipe line extending from said River to Chapin Mesa is six (6) inches.

The inside diameter of the section of said pipe line extending for a distance of seventeen thousand six hundred (17,600) feet from the top of Chapin Mesa is three (3) inches; thence for a distance of four thousand six hundred and sixty (4,660) feet to the distribution reservoir is four (4) inches.

The grade is one and five hundred and three thousandths (1.503) per thousand feet.

The carrying capacity of said pipe line by gravity flow is two-tenths (.2) of a cubic foot of water per second of time. This capacity will be increased to thirty-three one-hundredths cubic foot of water per second of time by the installation of a booster pump at a point near the North entrance to Mesa Verde National Park.

(g) The length of that section of the pipe line having a six (6) inch diameter is one hundred twenty thousand, four hundred (120,400) feet.

The length of that section of pipe line having a three (3) inch diameter is seventeen thousand six hundred (17,600) feet.

The length of that section of the pipe line having a four (4) inch diameter is four thousand six hundred and sixty (4,660) feet.

The total length of the pipe line is one hundred fifty-two thousand, six hundred and sixty ~~(152,660)~~ 142,660 (correction sent to Court 2/6) feet.

(h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east slope of Jackson Gulch Reservoir, whence the east monument on the axis

of the dam bears north eighty-three degrees, fifty-four minutes (83° 54') east five hundred and seventy-two (572) feet.

(i) The general course of said lateral pipe line is southerly.

(j) The dimension and grade of said lateral pipe line are as follows:

The inside diameter is six (6) inches.

The grade is in excess of five (5) feet per one thousand (1000) feet.

(k) The length of said lateral pipe line is two thousand, nine hundred and thirteen (2913) feet. Said lateral pipe line will form a junction with the main pipe line at a point approximately thirty-two thousand, nine hundred (32,900) feet below the intake of the latter at West Mancos River.

(l) The carrying capacity of said lateral pipe line is thirty-three one-hundredths (.33) cubic feet of water per second of time.

(m) The actual cost of said pipe line is Three Hundred Forty-two Thousand ($342,000.00) Dollars.

(n) Water carried through said pipe line is delivered to a regulatory distribution reservoir in said park.

(o) Water carried through said pipe line to said park is used for domestic, fire protection, industrial, municipal and recreational purposes.

(p) Water was first diverted through the said pipe line on July 4, 1950, and used continuously after July 6, 1950. The water was first delivered at the full gravity flow pipe capacity of two-tenths (.2) of a cubic foot of water per second of time on September 30, 1950.

12. The number of acres of land lying under said project and proposed to be irrigated by water from and through said reservoir and said canals and gulch, and on which water is to be furnished for irrigation and domestic purposes, is not less than thirteen thousand (13,000), and said land is situated in Montezuma County, State of Colorado.

13. Claim is hereby made (1) of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, fire protection, recreational, industrial, manufacturing and other beneficial purposes in said reservoir to the capacity thereof, namely, nine thousand, nine hundred and eighty (9,980)

acre feet, to be carried to said reservoir in said inlet canal, as the latter now is proposed to be constructed and as the same may hereafter be enlarged, and in Jackson Gulch, (2) of a priority right as of date of October 31, 1936, to divert for direct use for said purposes, from West Mancos River, through said inlet canal and through said pipe line two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet of water per second of time, and through said outlet canal and said pipe line two hundred and seven and thirty-three one-hundredths (207.33) cubic feet of water per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein, and (3) of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priority, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from Mancos River and all of its tributaries, the granting or allowance of which may be adverse to the interests of the United States, of Mancos Water Conservancy District and of the Town of Mancos in the premises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of work or facts in evidence may warrant, demand, or as may be desirable by the United States, to the end that ultimately upon completion of the project named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date of October 31, 1936, to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made,

may be conditioned upon the final completion of said works, and the application of water to beneficial use, as hereinbefore set forth; that, after completion of said works and the application of water to beneficial use, the decree may be made absolute; and for all other and further proper relief.

Dated at Denver, Colorado, this _____ day of December, A. D. 1950.

THE UNITED STATES OF AMERICA,

By _____
Special Assistant to the Attorney General.

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

_____, being first duly sworn, on his oath deposes and says that he is _____ Chief Engineer of the Bureau of Reclamation of the United States; that he has read the foregoing amended statement of claim and is familiar therewith, and that all the matters and things therein stated are true to the best of his information, knowledge and belief.

_____
Chief Engineer
Bureau of Reclamation

Subscribed and sworn to before me this _____ day of December, 1950.

My commission expires _____.

_____
Notary Public.

12-20-1950: statement of receipt



COPY

Return to W. Dunn

THE SECRETARY OF THE INTERIOR
WASHINGTON 25, D. C.

NOV - 4 1948

My dear Mr. Attorney General.

On the morning of January 14, Messrs. A. van V. Dunn, Chief, Water Resources Branch, and A. F. Rollins, Attorney, of the National Park Service, called on Mr. Veeder to discuss our plans to acquire part of Decreed Priority No. 1, on the Mancos River, Colorado Water District No. 34, in connection with a new water supply for Mesa Verde National Park. During the summer of 1947, we obtained an option to purchase this right with the condition that final purchase would be made within two years, subject to prior adjudication of change in point of diversion, method of conveyance, and purpose of use.

It was decided in the discussion mentioned above that the National Park Service would prepare a draft of its claim, and a justification for the adjudication and purchase in lieu of the use of waters from the Jackson Gulch Reservoir which is now under construction by the Bureau of Reclamation. We have had to defer such activities for some months because of changes in water system design which made a new survey necessary this summer to determine the location of the new point of diversion. These details have now been settled, and we enclose the following instruments for your consideration:

A. Two certified photostat copies of the option of the United States to purchase rights to 1/6 (0.167) second-foot of water under Decreed Priority No. 1 from F. E. and Lottie W. Reddert.

B. Two certified photostat copies of abstract of title to same, which include copy of Decreed Priority No. 1 appurtenant to Giles Ditch.

C. Two certified photostat copies of each of two letters of November 8, 1947, from J. R. Williams, Irrigation Division Engineer, Colorado Irrigation Division 7, advising of Mr. Reddert's unprotested use of the water under Decreed Priority No. 1.

D. Two photostat copies of pages 273 and 274, and a page of maps, from the District Court records, showing the statement of claim for the Giles Ditch to which Mr. Reddert's portion of Decreed Priority No. 1 is now attached.

E. Two prints of drawing NP-MV-6980, Location of Decreed Water Rights Suitable for Transfer to West Mancos Water Supply System, on which the Giles Ditch and West Mancos Water Supply System have been colored yellow, the River and Jackson Gulch Reservoir are in blue, and the ditches which might be most seriously affected by the transfer are shown in red.

F. Two prints of drawing NP-MV-6979, Proposed Right of Way for West Mancos Water Supply System, as filed with, and accepted by, the Bureau of Land Management.

G. Two prints of drawing NP-MV-6984, Revised Right of Way for Part of West Mancos Water Supply System, which are now being considered by the Bureau of Land Management and the U. S. Forest Service, to correct right of way across unreserved public lands, and to obtain permission to use lands within Montezuma National Forest, respectively. (This map shows the point of diversion to which we wish to transfer part of Decreed Priority No. 1, under the aforesaid option.)

H. Two copies of a draft of a statement of claim for the requested adjudication of change in point of diversion, method of conveyance, and purpose of use of part of Decreed Priority No. 1. This statement has been prepared in the general form which was used in adjudicating similar changes for Rocky Mountain National Park.

I. Two copies of Justification for Purchase and Transfer of Decreed Priority No. 1.

You will note from the option that the adjudication and purchase must be completed by August, 1949. We regret that we have had to defer this formal request for such action to make certain changes in the plan during the past summer. It is requested that the case be referred to the United States Attorney with instructions to take prompt action with a view to an early adjudication of the matter.

Sincerely yours,

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

Hon. Tom C. Clark,

Attorney General.

Enclosure 353.

October 27, 1948.

Justification for Purchase and Transfer of Decreed Priority No. 1, Mancos River Colorado Water District 34 for The Mesa Verde National Park Water Supply

by

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

As outlined in Appendix A, the United States has a conditional right to divert 120 acre-feet of the waters of the West Mancos River, to store them in the Jackson Gulch Reservoir, and to use them at Mesa Verde National Park. It has also obtained an option to purchase one-sixth of a second-foot (0.167 sec. ft.) of Decreed Priority No. 1, the final purchase being dependent on successful adjudication of a change in point of diversion, method of conveyance, and purpose of use. The National Park Service, as an agency of the United States, proposes to relinquish its interest in the conditional decree when it acquires the senior, finally decreed Priority No. 1. The following explanation is offered to show why the conditional rights are inadequate, and why the portion of Decreed Priority No. 1 will provide a more adequate water supply for Mesa Verde National Park.

Appendix A indicates that the United States is now incurring an investment of about $2,500,000 in the Jackson Gulch Reservoir, for which it does not expect to be reimbursed. The same appendix indicates that the National Park Service has contributed the use of an otherwise idle rock crusher, and the services of a CCC unit, approximately equivalent to $17,600, toward the construction of the said Jackson Gulch Reservoir, in addition to the Federal investments by the Bureau of Reclamation of $2,500,000. This discussion is intended to show that it will be to the advantage of the United States to acquire part of Decreed Priority No. 1 for the Mesa Verde Water Supply, and abandon interests in the Jackson Gulch Reservoir project.

The conditionally decreed rights to divert and store water in the Jackson Gulch Reservoir cannot be decreed final, permanent status until the designated 9,840 acre-feet are fully and beneficially used for the designated purposes, as explained in Appendix B. As also

explained, the final decree to 120 acre-feet of the quantity is conditional on its beneficial use at Mesa Verde National Park, for domestic, fire protection, industrial, and recreational purposes; but it is doubtful if more than 40 acre-feet will ever be so used, and even that amount will not be used for many years. During the intervening years the Federal rights to some part of the 120 acre-feet will be subject to lapse if there is not an annually increasing use. The increase in use will depend on the rate at which the annual Park attendance increases, and the rate at which the United States enlarges the public facilities to accommodate the additional visitors.

The trend of annual attendance is now favorable to full use of the water within 10 or 15 years, but the trend can be reversed by changes in the national economy or changes in public interests. The development program for the Park, on the other hand, is dependent on the extent of Congressional appropriations and the financial status of the concessioner, and has been seriously retarded since long before the war. In fact, although the Jackson Gulch Reservoir is nearing completion, the West Mancos Water Supply System to carry water to the Park is still little more than a plan backed by annual requests for appropriations which Congress has not granted.

While the conditional right is in this uncertain state, the United States must make frequent appearances in court, and prove diligence or show why the court should excuse the failure to proceed with the diligent perfection of rights. These appearances in court cost both time and money which the United States can save by purchasing a right, such as Decreed Priority No. 1, which has already been finally decreed, and is recognized as negotiable real property in the State of Colorado.

It is significant, as explained in Appendix C, that there is no assurance that Jackson Gulch Reservoir will be filled each year. Presumably it will be filled in 50% of the years, but it may provide only from 50% to 75% of the authorized water, as an average, during the remainder of the time. Drawing No. NP-MV-6985 reflects that not much more than 40% of the capacity would probably have been filled during the period from 1937 through 1946. The quality of the water, under these circumstances, will not be the best for human consumption. In addition, since the water in the Reservoir will be 246 feet, or more, below the high point on the Mesa Verde Water System, all water would have to be pumped to the Park through approximately 20 miles of pipe. As shown in Appendix D, the cost of such pumping would be approximately $130,000 during the 66 years during which the present contract between the United States and the Mancos Water Conservancy District is in force; and the

costs may be expected to continue indefinitely. For these reasons, direct use of waters from the Jackson Gulch Reservoir will not be made at Mesa Verde National Park under any circumstances. The water will be used instead for exchange, to satisfy senior water claims when the United States diverts water directly from the underground flow of the West Mancos River for use at the Park.

It is pointed out further, in Appendix C, that all rights to divert waters and store them in the Jackson Gulch Reservoir are covered by the one conditional decree which has been awarded to the United States. This means that all water users, including the United States at Mesa Verde National Park, the Town of Mancos, and individual farmers will have equal priority of rights to the use of the water. All must share any annual water shortages equally, except to the extent that the United States and the Mancos Water Conservancy District may recognize the preferential right of use for human consumption and sanitation over rights to use water for irrigation. If such preference is recognized, the Town of Mancos will have the preferred right for municipal purposes. The domestic use at Mesa Verde might have the second preference if the water were used there. However, as previously stated, the United States would only use its quota of water to satisfy senior claims, and those senior claims to be satisfied would be predominantly those for the use of water for irrigation. It is doubtful if the courts would recognize preferred Federal rights to satisfy irrigation demands except for the fact that the United States is assuming $2,500,000 of the project construction cost without anticipated reimbursement. This justification is hardly adequate to prevent ill feeling in the community.

It should also be borne in mind that the United States can only exercise a small portion of its ultimate water demand for many years. It would make very limited demands on the Bureau of Reclamation to release water for exchange purposes, therefore, until far in the future, when water is at more of a premium, and when the water users will have forgotten the $2,500,000 Federal gift which was necessary to make their water available. Furthermore, the farmers will probably make temporary use of the water not immediately needed by the United States. Therefore, the ultimate demands of the United States will have a double effect on the water shortage when they are made.

In addition to the Federal investment of $2,500,000 in the construction of the Jackson Gulch Reservoir, the United States must assume its quota of the annual charges for maintenance and operation of the Jackson Gulch Reservoir, Inlet and Outlet Canals, based on the quantity of water used. These charges have been tentatively fixed at $1 per

year per acre-foot of water. The United States can save an annual cost of $40, or a total of $2,640 over a 66-year period if it does not take water from the Jackson Gulch Reservoir for Mesa Verde National Park. This is not a large sum in itself, but it is in addition to the $2,500,000 expenditure already made by the United States in construction of the Reservoir. It is also a more appreciable expense to the National Park Service--the Federal agency which must pay it, and it is an expense which must be borne annually, although this agency of the United States cannot obligate future funds in advance of appropriations by Congress.

Finally, any attempt to release water from the Jackson Gulch Reservoir on an exchange basis is going to require additional administrative costs, in theory if not in practice. The release of 0.167 second-foot of water happens to be less than the probable limit of error which the Bureau of Reclamation will make in operating the Outlet Canal, but technically the National Park Service must keep the Bureau of Reclamation posted from day to day, of the quantity of water it is diverting, and the Bureau of Reclamation must adjust its releases accordingly.

From the preceding considerations, it should be evident that the National Park Service, as an agency of the United States, can well afford to invest $4,000 in a portion of Decreed Priority No. 1, and free itself of the uncertainties and complications which will result from an attempt to use waters from Jackson Gulch Reservoir at Mesa Verde National Park, either directly or by exchange. It is also quite evident that the $4,000 cost of Decreed Priority No. 1 is roughly balanced against annual costs which might be incurred by using the Jackson Gulch Reservoir water, and that the members of the Mancos Water Conservancy District will assume the equivalent operating and maintenance costs so abrogated by the United States. In addition, the cost of one adjudication, to change the point of diversion, method of conveyance, and purpose of use, is many times less than the recurring appearances in court which will be required otherwise, to perfect the conditional rights.

The preceding discussion offers the conclusion that the United States, as a whole, will lose nothing, and may save some expenses by divorcing the West Mancos Water Supply System for Mesa Verde National Park from the Mancos Project of the Bureau of Reclamation. Furthermore,

such action, through purchase and amendment of Decreed Priority No. 1, will greatly reduce the expenses and administrative problems of the National Park Service. It will also reduce the expenses and responsibilities of the Department of Justice, by settling the Federal water right problems for Mesa Verde National Park in one court action and purchase.

Appendix A

Historical Features of Mancos Project and West Mancos Water Supply System of Mesa Verde National Park

The Bureau of Reclamation is now constructing the Jackson Gulch Reservoir on the West Mancos River. In the initial planning, it was agreed that the National Park Service should have rights to 120 acre-feet per year of the water to be stored in this Reservoir. Such interests, or rights, were to be acquired by contributing a CCC camp for participation in the construction. However, the final interbureau agreement was never consummated because all CCC activities were terminated at the beginning of the war. No alternate plan has been suggested for the National Park Service to repay any part of the cost of construction. However, this Service has contributed toward the construction as follows, and may still be contributing through the loan of the rock crusher:

1. Loan of CCC camp Oct. 5, 1941 through May 22, 1942

(a) 1,294 CCC enrollee man-days at estimated man-day value of $3.75	$4,852.50
(b) 162 foreman man-days at $6.00	972.00
(c) 609 CCC truck-hours at estimated value of $1.50 per truck-day	114.25

2. Loan of rock crusher from Mesa Verde National Park from Oct. 21, 1941 through June 30, 1946, at estimated value of $10.00 per day for about 280 work days per year, or total of 1,167 rock crusher days — 11,670.00

$17,608.75

The total cost of constructing the Jackson Gulch Reservoir and the original Inlet and Outlet Canals was originally estimated at $1,600,000. According to a statement by E. O. Larson, Regional Director, Region 4, Bureau of Reclamation, in an interview in June 1947, the estimated construction cost had risen to $3,400,000 by that date, due largely to the increasing costs of labor and material. The cost is probably more by the date of this writing. The reservoir is to have a capacity of 9,840 acre-feet. This gives a construction cost of at least $345.53 per acre-foot. The National Park Service contribution of $17,608.75 constitutes the cost of approximately 51 acre-feet,

if the estimated unit values of such contributions are acceptable, or any proportion which may be obtained with other unit values. However, the National Park Service contributions have not been recognized as monetary investment in the project, and included in the estimated costs of the project. In addition, to use its quota of the water at Mesa Verde National Park the United States must also construct the West Mancos Water Supply System at an estimated cost of about $340,000 over and above the cost of the Mancos Project.

The United States has obtained a conditional decree to the flood waters of the West Mancos River. This conditional decree covers the following claims:

1. The right to store 9,840 acre-feet of the waters of the West Mancos River and Jackson Gulch in the Jackson Gulch Reservoir each year, with priority of Oct. 31, 1936.

2. The right to impound the run-off from above the reservoir, in Jackson Gulch, to provide part of said storage, with priority of Oct. 31, 1936.

3. The right to divert not to exceed 258.17 cubic feet per second, of the waters of the West Mancos River, to provide the major part of said storage, with priority of Oct. 31, 1936 (but only flood flows are available for such diversions).

The water is appropriated for irrigation, power, domestic, fire protection, recreational, industrial, municipal, manufacturing, and other purposes. The Mancos Water Conservancy District has been formed as a quasi-municipal corporation to represent the water users, other than agencies of the United States, to contract with the United States for partial repayment of the costs of the Jackson Gulch Reservoir Project, and to receive and distribute the waters from the said Reservoir to the headgates of the water systems of the respective water users. The water users, or individual members of the Mancos Water Conservancy District, consist of the Town of Mancos and a large number of individual farmers. The Town of Mancos, and the farmers, own their own water systems with diversions from the Mancos and West Mancos Rivers below the Outlet Canal from the Jackson Gulch Reservoir, and the Mancos Conservancy District and Bureau of Reclamation will cooperate in releasing water from the Jackson Gulch Reservoir through the Outlet Canal to the West Mancos River on a schedule, and in quantities to permit the water users to redivert it as needed. As of late June 1947, the Mancos

Water Conservancy District had contracted to repay only $900,000 of the estimated cost of $3,400,000 for the project.

This $900,000 was the maximum amount which the Mancos Water Conservancy District considered the water users capable of repaying and still make a profit through the use of the water. In fact, to pay that amount for the water, it was necessary for Congress to authorize a 56-year repayment period after a 10-year period of grace. That is, the farmers and Town of Mancos cannot economically justify the payment of more than 1/66 of $900,000 per year, or $13,636 per year, for the portion of the 9,840 acre-feet of water which they will use each year. The only apparent justifications for the United States to spend the remainder of the estimated cost ($2,500,000) for the project, are that the United States will need some part of 120 acre-feet of water at Mesa Verde National Park, and that considerable portions of the originally estimated cost have already been expended.

The Mancos Conservancy District and the National Park Service are also supposed to pay the annual costs of operation and maintenance of the Jackson Gulch Project, which were estimated at approximately $1.00 per acre-foot of water delivered at the time of last inquiry, in June 1947. The use of 9,720 acre-feet of water in any year, by the Mancos Conservancy District, would add $9,720 to its annual bill for water. Adding this to the charge of $13,636 for repayment on the initial investment, will give a total annual cost of $23,356 for 9,720 acre-feet of water if the reservoir is filled and the water is fully used in any year.

On a comparable basis, the United States would pay $120 per year for maintenance and operation, to obtain 120 acre-feet of water for Mesa Verde National Park, plus the $2,500,000 which it is now paying for construction of the project without hope of reimbursement. Over a 66-year period the National Park Service, as the interested agency of the United States, would pay operation and maintenance costs of $6,720 for the use of 120 acre-feet of water per year, or proportionately less if it used less than 120 acre-feet; and the payments would continue indefinitely, probably at increasing rates in the future.

The Federal investment of $2,500,000, which the Mancos Conservancy District does not propose to repay, may be distributed over the 66-year repayment period at $37,879 per annum as compared with the $13,636 per acre-foot to be paid by the Mancos Water Conservancy District. If the only Federal water use is to be at Mesa Verde National Park, and the

possible demand is 120 acre-feet per year, this means that the United States will absorb an annual loss of approximately $24,243 more than the District pays for water. Actually, the water demand at Mesa Verde National Park will probably never exceed 40 acre-feet per annum, which means that the annual loss will really be three times as great per acre-foot.

These explanations of the historical background, and their analysis, indicate that the Jackson Gulch Reservoir, or Mancos Project, does not offer an economical solution to the water supply problem at Mesa Verde National Park. In addition, the National Park Service, as the interested agency of the United States, would become overburdened with unjust obligations if it were to participate in the Project. Since it does not now have any binding agreement with the Bureau of Reclamation and Mancos Water Conservancy District, this is the time to reconsider the problem.

Appendix B

Perfection and Protection of Conditional Rights in Jackson Gulch Reservoir

The United States now has decreed conditional rights to the use of 9,840 acre-feet per annum of the flood waters of the Mancos River. Before final title to these rights can be obtained, it is necessary to prove full beneficial use of all of that water. The United States can rely on the members of the Water Conservancy District to make beneficial use of all water allotted to them in one or two years after the water becomes available. On the other hand, the water allocated to Mesa Verde National Park is more than will probably ever be used in that area, and even the probable maximum water use will not be reached for many years.

The estimated water demand of 120 acre-feet per annum, at Mesa Verde National Park, was obtained by multiplying the probable maximum August demand of 10 acre-feet by 12. Actually, the August water demand at a national park is between 25% and 33% of the annual total. On this basis, the water demand will never exceed 30 or 40 acre-feet per year. Therefore, the United States cannot obtain a final decreed right, or full title to more than 30 or 40 of the 120 acre-feet, unless it loans 80 or 90 acre-feet per year, to the Water Conservancy District for beneficial use. Such method of proof is not in keeping with the spirit of the water laws, and probably would not be recognized by the Court.

As a further consideration, the water use at Mesa Verde National Park during the 1947 travel year was only about 5,000,000 gallons, with a maximum of 750,000 gallons in August. The 5,000,000 gallons, used during the year, were equivalent to 15.35 acre-feet, or only about 45% of the probable ultimate demand. There are three reasons why the ultimate demand was not made, as follows:

1. The ultimate annual attendance (population using water) has not been reached and is still increasing. The attendance was 52,225 in 1947, when 5,000,000 gallons of water were used; and the attendance for 1948 was 59,029, or an increase of 15%.

2. The facilities are not adequate to permit the people to use as much water as modern standards require. Many of the guest cottages are without water, and the visitors must use central comfort stations.

3. All possible measures are being taken to encourage water conservation, because of the limited water supply now available. Signs are posted at every water outlet, to request water conservation, and direct action is taken when excessive use is observed.

New public accommodations and water facilities are not being provided as rapidly as the demand of increasing attendance warrants. It will be many years, therefore, before normal, ultimate water demands will be satisfied. Proof for a final decree for the right to use such water will have to be deferred accordingly. Meantime, the United States must make periodic appearances in Court and prove diligent progress toward the ultimate beneficial use of the full quantity of water.

Under the Colorado water laws, a conditional right may be lost by failure to make full use with reasonable diligence, and water is at such a premium in the Mancos drainage that the Federal claims of the United States, for Mesa Verde National Park, could readily be lost to the members of the Mancos Water Conservancy District, who can quickly make full use of the water. On the other hand, a finally decreed right is not subject to lapse, and is real, negotiable property. Under these circumstances, the National Park Service, as an agency of the United States, will gain far more in purchasing part of finally Decreed Priority No. 1 for $4,000 than to spend approximately the same amount over a long period of time for operation and maintenance of the Mancos Project, to retainconditional rights to waters in the Jackson Gulch Reservoir.

Appendix C

Adequacy of Jackson Gulch Reservoir
as Source of Domestic Water Supply

Drawing NP-MV-6985 has been compiled from a chart in Reclamation Era for May 1948, as published by the Bureau of Reclamation, with a mean value determined by the writer. It shows that an average, or mean, reservoir near the corner common to the States of Arizona, Colorado, New Mexico, and Utah, might be expected to have been only about 40% full, as an average, during the 10-year period from 1937 to 1946, and only about 40% full on April 1, 1948. The average index of wetness on the San Juan River, near Bluff, Utah, for the years 1938-45, was approximately 96% of the long-time recorded mean. The index at Towaoc, on the Mancos River, was approximately 100% for the same period. These are very broad statements, but they suggest that the Jackson Gulch Reservoir, which is being constructed close to the corner common to these four States, might not have provided more than 40% of the anticipated flood water supply during the past 10 years. (The drought of 1948 has been more acute than during 1937-1946 in much of this area.)

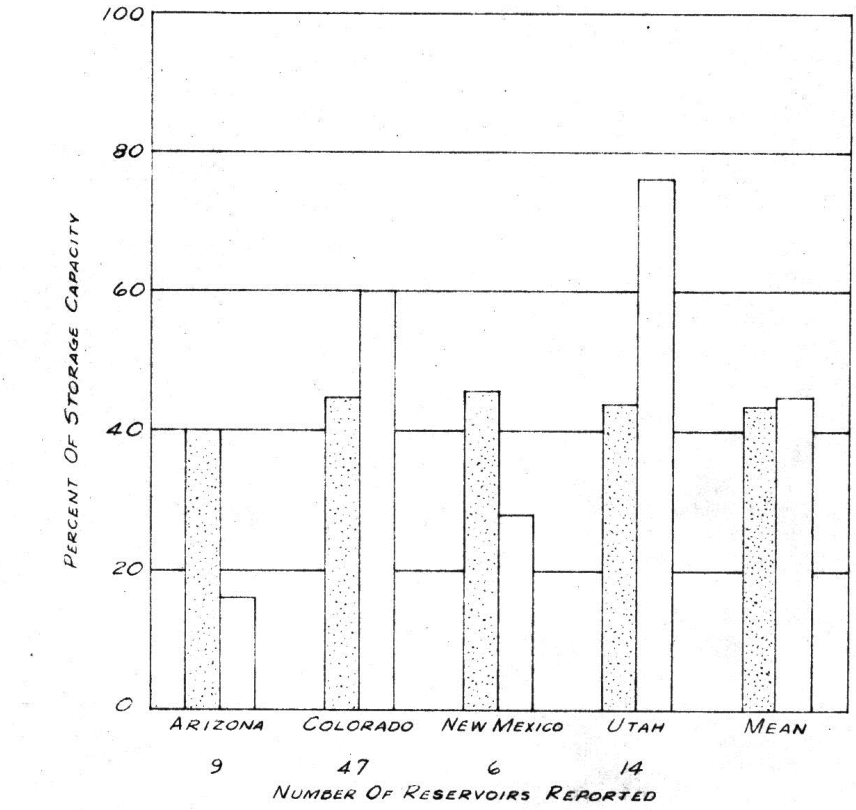
Since all rights which have been conditionally decreed to the United States for the Jackson Gulch Reservoir are of equal priority, the deficit might have to be shared alike, by all consumers. Therefore, the United States would have to have an interest in at least 100 acre-feet of storage to assure the required 40 acre-foot supply for the needs of Mesa Verde National Park. As indicated elsewhere, there is little probability that more than 40 acre-feet can ever be beneficially used at the Park to establish such right and title. Furthermore, if such proof could be made, the need would be increased accordingly, and shortage over the past 10 years would be equally acute at the higher figure.

There is, of course, some preferential right to the use of water for domestic and municipal purposes, as compared to the right to use water for irrigation, other things being equal. Furthermore, with a $2,500,000 investment in the project, as compared with the $900,000 of the Water Conservancy District, the United States might claim the lion's share of the water in a dry year. However, the Town of Mancos, with its municipal demands, is also a member of the Water Conservancy District. Preferential use, therefore, will involve a sufficient quantity of water to make such claims extremely unpopular.

As a further consideration, the long periods of low water, or the attempt to carry water over for several years, for use in dry years,

would make the reservoir water quite undesirable for human consumption without extensive treatment. This, together with the fact that water from the reservoir cannot be delivered to the Park without pumping, has led the National Park Service to abandon its original plan to use Reservoir water at the Park. Instead, if the United States retains an interest in water in the Reservoir, for Mesa Verde National Park, such water will only be used to satisfy other water claimants below, in exchange for direct diversions from the West Mancos River for consumption in the Park. This exchange practice will result in greater administrative complications and costs. It may also eliminate the possible preferential status of the Federal rights or claims.

NOTE:
DATA TAKEN FROM "WATER REPORT," PAGE 86, OF THE MAY 1948 ISSUE OF "THE RECLAMATION ERA".



UNITED STATES
DEPAPTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DEVELOPMENT DIVISION
WASHINGTON, D.C.

REGION
III
NP-MV-6985

PERCENT OF RESERVOIR STORAGE CAPACITY FILLED
IN STATES ADJACENT TO MESA VERDE NATIONAL PARK

MGS. SEPT. 1948

Appendix D

Estimated Annual Cost of Pumping Water from
Jackson Gulch Reservoir to Mesa Verde National Park

Estimate 50% of 40 acre-feet of water to be consumed in July and August.

Assuming approximately uniform pumping each day of July and August, the rate of delivery would be 0.32258 acre-feet per day, which is equivalent to 12,439 cubic feet, or 93,042 gallons of water per day. Pumping continuously for 24 hours per day, the pump would have to deliver approximately 65 gallons per minute.

Using 5-inch GI pipe, the friction head would be 1.855 feet per 1,000 feet of pipe line. The same quantity of water could be delivered through a 6-inch pipe at approximately 97 gallons per minute in 16 hours of each day, with friction head loss of just under 1.62 feet per 1,000 feet of pipe line. This estimate will assume a delivery of 100 gallons per minute through 6-inch pipe with friction loss of 1.62 feet per 1,000 feet since there is adequate regulatory storage in the Park.

The total length of pipe, from Jackson Gulch Reservoir to the high point on the pipeline in Mesa Verde National Park, is 103,500 feet, or about 19.6 miles. The total friction loss in the pipe line would be 1.62 ft. x 103.5, or 167.67 feet. The static pump lift, between reservoir and high point on the line, from elevation 7825 to 8071 feet above sea level, is 246 feet. The total pumping head would be 167.67 feet plus 246 feet, or 413.67 feet.

A gallon of water weighs 8.34545 pounds. To deliver 100 gallons per minute, would require the lifting of 834.545 pounds, through 413.67 feet of elevation. This would require 345,227 foot pounds of energy per minute at 100% efficiency. One horse power is equivalent to 33,000 foot pounds per minute. The pump would, therefore, require the theoretical energy of 10.45 horse power. The efficiency of any power-pump unit is only about 75% to 80%. Therefore, the true power demand would have to be at least 14 horse power, or 10.4 kilowatts.

Assuming that 50% of the water would be pumped during 16 hours of each of the 62 days of July and August, the total annual power demand would be 16x2x62x10.4 kilowatt-hours, or 20,634 kilowatt-hours. On the basis of power costs at Mesa Verde National Park now, the annual cost of pumping this water would be as follows:

Stand-by charge - 10.4 KW at $2.75 per KW per month, for 12 months	$343.20
Energy charge - (5,000 KWH @ $0.0175	87.50
(15,634 KWH @ $0.02	312.68
Pump operator at $3,000 per year for 4 months	1,000.00
Maintenance and repair parts	250.00
Total annual cost of pumping 40 acre-feet of water per year	$1,993.38

This charge would continue more or less indefinitely. However, since the Jackson Gulch Reservoir is being constructed on the basis that the Mancos Water Conservancy District will repay its share of the construction costs in 66 years, it will be assumed here that the pumping charges should be considered for only that time. The total cost of pumping 40 acre-feet of water per year to Mesa Verde for 66 years would be $131,563.08.

February 10, 1947.

Mesa Verde National Park

Proposed West Mancos Water System

Mesa Verde National Park is now supplied with water from a deep well located near the Utility Area. The water is hot and must be cooled for potable use. There are several water bearing strata through which the well passes and some are highly mineralized, the reaction on metal being such that the present well casing is nearly ready to collapse. When this occurs, the Park water supply will be limited to a very small spring and the quantity of rain and snow that is caught on two catchment areas. Although the minerals from the lower stratum are not particularly harmful to man, there is constant danger of infiltration of the undesirable water from higher levels, in part through increasing corrosion of the well casing, and in part due to reduced counter pressure as the water level of the lower stratum is reduced by pumping.

The well is 4,192 feet in depth, with 5-inch effective internal diameter pump casing. The first part of the well was drilled and lined with 12-inch casing; deeper sections were respectively 10 inches and 8 inches and 6 inches in diameter. The bore is not entirely plumb, and although relatively straight for such a deep shaft, the variations in alignment have caused some mechanical wear on the casing by the pump rods, thus accentuating the effect of corrosion. The cost of drilling and casing, including engineering and miscellaneous incidentals, was originally $59,447, and involved two contracts because inadequate and undesirable water was obtained at the depth covered by the first. Construction, alterations, and maintenance until January 31, 1940, the last complete summary, had amounted to $83,567.66. The maximum capacity, with present installation, is about 35 gallons per minute, or 50,000 gallons during a day, but it would not be practical to pump continuously because of frequent need for maintenance work. Pumping at this rate also brings up sand with the water.

The well was drilled between December 1930 and June 1932. It has about served its usefulness because of the short life of casing in such mineralized water. Its useful life, as estimated by Penn Livingston of the Geological Survey, has already passed. It is now planned to install a gravity flow pipe line to bring water from the West Mancos River. This pipe line will be approximately 28 miles in length and will have a capacity of 75 gallons per minute, or 108,000 gallons per day without the need for pumping. The capacity can be approximately doubled by

(Response to Mr. Thomas's request.)

the installation of a booster pump later, if needed, but a continuous flow of 108,000 gallons per day with the existing distribution reservoir of 1,000,000-gallon capacity will probably make it needless to pump.

This project has been partially integrated with the Jackson Gulch Reservoir Project of the Bureau of Reclamation. The water claims for both are being adjudicated in a single action with a combined statement of Federal claim. Storage of 120 acre-feet, in the Jackson Gulch Reservoir, is earmarked for the water supply to serve Mesa Verde National Park. This water will be released by the Bureau of Reclamation, on request, to satisfy claims of other water users along the Mancos River, and in exchange the National Park Service will make equivalent diversions directly from the River at a higher elevation. The booster pump, if installed, will also permit the use of water directly from the reservoir.

Final terms of payment to the Bureau of Reclamation for the stored water have not been completed because this Service has not been able to comply entirely with the original plans to lend the services of a CCC camp. However, this Service already has contributed a large part of its share of the cost of construction, as follows:

Value of CCC labor before the war, estimated at $3.75 per enrollee-day and $6.00 per foreman-day	$5,938.75
Loan of Park rock crusher, 1,167 days through June 30, 1946, at $10 per day value, but no charge made	11,670.00
Total contribution to Jackson Gulch Reservoir	$17,608.75

On a proportionate basis per acre-foot of total storage in the reservoir, this should constitute payment for about 91 acre-feet of storage on the basis of the original estimate of $1,900,000 for the reservoir.

In addition to the contributions toward the Jackson Gulch Reservoir, the National Park Service has spent the following sums of money on the proposed West Mancos Water Supply System for Mesa Verde National Park:

(1)	Preliminary survey for the pipe line, made by the Bureau of Reclamation under interbureau agreement, with funds provided by National Park Service	$3,000
(2)	Final surveys by the National Park Service, still in progress:	
	Payments to date	6,300
	Funds now being obligated	1,200
	Total survey costs to date	$10,500
(3)	Preparation of water right maps, and Federal participation in adjudication proceedings cannot be fully appraised because much of cost is borne by the Department of Justice. The National Park Service has spent approximately	1,500
	Total expenditures, except by Department of Justice, to date	$12,000

To complete the West Mancos Water Supply System and put it in operation will require:

(1)	Completion of plans and design	$25,630
(2)	Further water right and right-of-way costs	6,000
(3)	Construction of system, including engineering supervision	344,000
	Total cost of work to be done	$375,630

A print of drawing NP-MV-6978, in 2 sheets, is enclosed, to show the amended location now being adjudicated. This location supersedes the original filing No. 16898, accepted by the State Engineer on August 7, 1941.

An item of $50,000 to initiate construction of this pipe line (except the cost of water rights to be provided from other funds) is included in the National Park Service's 1947 physical improvements program. A further item of $69,000 is tentatively included in the 1948 physical improvements program.

Enclosures.

C O P Y

D5039 MESA

338 WA AQ /I-NPS/

SANTA FE NEW MEXICO 7-7-50 823A

DIRECTOR NATIONAL PARK SVC

WA

SUPT ROSE REPORTS NEW MESA VERDE WATER SYSTEM BEGAN DELIVERING WATER TO STORAGE RESERVOIR IN PARK 1245 PM JULY 6 HE ESTIMATES FLOW WELL IN EXCESS OF 75 GALLONS PER MINUTE PRESSURE. RATE OF CLEARING AND EVERYTHING SATISFACTORY.

TILLOTSON NATL PARK SVC

1245 PM 6 75

ES 824A

12-13-1946: memorandum to director from nps regarding statement of claim for the west mancos water supply system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

December 13, 1946.

MEMORANDUM for the Director.

This is in reply to Chief Water Rights Division, Dunn's memorandum of November 19, with further reference to his previous memorandum of March 22 regarding statement of claim for the West Mancos Water Supply System for Mesa Verde National Park.

The comparsion of the copy of statement of claim and the copy of amendment thereto with the original signed copies as on file in the District Court files, Montezuma County, Colorado, was made on December 10, 1946 by Chief Clerk Carpenter of this office.

Your copy of the original claim is returned herewith with extensions of dates and signatures.

Your attention is invited to the amendment; it was found that your copy of this instrument as submitted on March 22 is incomplete according to the District Court's copy. We return herewith your incomplete copy and also forward a true copy of this amendment, with dates and signatures extended, as it appears in the records of the District Court.

Robert H. Rose,
Superintendent.

Enclosure - 1848980.

cc: Regional Director, Region Three
w/copy of amendment as appears
in records of District Court.

COPY

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss.
County of Montezuma.)

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO.34.) AMENDMENT TO PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

NOW COMES United States of America and represents that there has been no change in the location of the inlets of Jackson Gulch Outlet Canal and of the lateral pipe line leading from Jackson Gulch Reservoir, all of which are described in the Petition and Statement of Claim; that the description of the location of said inlets have been found to be slightly inaccurate. Hence, the claimant, United States of America, hereby amends its said Statement of Claim as follows:

In lieu of paragraph 10 (b) the following is submitted, being a statement of the exact location of Jackson Gulch Outlet Canal:

The head-works of said canal are located at a point on the east slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the east monument on the axis of the dam bears north fifty-five degrees, thirty-one minutes (55° 31') east five hundred and twenty-nine and no hundredths (529.00) feet.

In lieu of paragraph 11 (h) the following is substituted, containing a statement of the exact location of the inlet of said lateral pipe line:

incomplete, Removed from Water Division assembly of Mesa Verde Head 4 and a true copy inserted.

The said reservoir will be connected with the said pipe line by a lateral pipe line, the inlet of which is located where the center line of the said lateral pipe line intersects the west wall of the Jackson Gulch Reservoir outlet works valve house, whence the east monument on the axis of the dam bears north fifty-six degrees, forty-eight minutes (56° 48') east five hundred thirty-two and one tenth (532.1) feet.

Note 5 more paragraphs Should be inserted her →

/s/ Worth Allen

STATE OF COLORADO)
) ss.
COUNTY OF)

A. W. BAINBRIDGE, being first duly sworn, on his oath deposes and says that he is a Resident Engineer, Bureau of Reclamation; that the facts stated in the foregoing Amentment to the Petition and Statement of Claim herein are true of his own personal knowledge.

/s/ A. W. Bainbridge

Subscribed and sworn to before me this 13th day of August, 1943.

My commission expires _____

/s/ C.R. Hickman
Notary Public.
Clerk County Court
By Anna Patten
Deputy

COPY

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss.
County of Montezuma.)

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO.34.) AMENDMENT TO PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

NOW COMES United States of America and represents that there has been no change in the location of the inlets of Jackson Gulch Outlet Canal and of the lateral pipe line leading from Jackson Gulch Reservoir, all of which are described in the Petition and Statement of Claim; that the description of the location of said inlets have been found to be slightly inaccurate. Hence, the claimant, United States of America, hereby amends its said Statement of Claim as follows:

In lieu of paragraph 10 (b) the following is submitted, being a statement of the exact location of Jackson Gulch Outlet Canal:

The head-works of said canal are located at a point on the east slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the east monument on the axis of the dam bears north fifty-five degrees, thirty-one minutes (55° 31') east five hundred and twenty-nine and no hundredths (529.00) feet.

In lieu of paragraph 11 (h) the following is substituted, containing a statement of the exact location of the inlet of said lateral pipe line:

Incomplete. Removed from Director's assembly of Mesa Verde Deed 4, and a true copy inserted.

The said reservoir will be connected with the said pipe line by a lateral pipe line, the inlet of which is located where the center line of the said lateral pipe line intersects the west wall of the Jackson Gulch Reservoir outlet works valve house, whence the east monument on the axis of the dam bears north fifty-six degrees, forty-eight minutes (56° 48') east five hundred thirty-two and one tenth (532.1) feet.

STATE OF COLORADO)
) ss.
COUNTY OF)

A. W. BAINBRIDGE, being first duly sworn, on his oath deposes and says that he is a Resident Engineer, Bureau of Reclamation; that the facts stated in the foregoing Amentment to the Petition and Statement of Claim herein are true of his own personal knowledge.

_____

Subscribed and sworn to before me this day of August, 1943.

My commission expires_____

_____
Notary Public.

PRELIMINARY DRAFT

October 27, 1948.

STATE OF COLORADO)
) ss. IN THE DISTRICT COURT.
COUNTY OF MONTEZUMA)

IN THE MATTER OF PRIORITIES OF WATER RIGHTS IN DISTRICT NO. 34	PETITION OF THE UNITED STATES OF AMERICA TO CHANGE POINT OF DIVERSION, METHOD OF CONVEYANCE, AND PURPOSE OF USE AS TO A PORTION OF DECREED PRIORITY NO. 1 ON THE MANCOS RIVER.

COMES NOW the Petitioner, United States of America, and respectfully shows to the Court that:

1. The Petition herein is filed on behalf of Petitioner by its undersigned attorney at the direction and under the authority of the Attorney General of the United States, pursuant to the request of the Secretary of the Interior.

2. F. E. Reddert, and Lottie W. Reddert, his Wife, are the owners of rights to divert one (1) cubic foot of water per second of time by the Giles Ditch under decreed priority No. 1, as said rights were decreed to said Ditch in the April term of this Court in 1903, as shown by accompanying abstract and substantiating records of the Irrigation District Engineer.

3. By accompanying option, dated August 2, 1947, and approved by the Under Secretary of the Interior on September 16, 1947, F. E. Reddert, and Lottie W. Reddert, his wife, did contract to sell rights to one-sixth (1/6) or one hundred and sixty-seven one-thousandths (0.167) of a cubic foot per second, under said decreed priority No. 1, to the United States, subject to prior successful adjudication of transfer of point of diversion to the headgate of the West Mancos

Water Supply System, and subject also to changes in authorized method of conveyance and purpose and place of use.

4. Petitioner now seeks authority to change the point of diversion, method of conveyance, and place and purpose of use of one-sixth (1/6) or one hundred and sixty-seven one-thousandths (0.167) cubic foot of water per second of time under said priority No. 1, in compliance with said option and proposed purchase.

5. The present point of diversion is at the headgate of the Giles Ditch, on the north or right bank of the Mancos River, as described in the Decree of the District Court entered of record at the April term, 1903, In the Matter of Adjudication of Priorities of Water Rights to the Use of Water for Irrigation in Water District No. 34; and the water is now used to irrigate the land of said F. E. & Lottie W. Reddert in Section Twenty-three (23), Township Thirty-six (36) North, Range Thirteen (13) West of the New Mexico Principal Meridian.

6. The proposed new point of diversion will be at the headgate and collecting sump of the West Mancos Water Supply System, on the west, or right bank of the West Mancos River in the southeast quarter of the northeast quarter (SE¼NE¼) of Section nineteen (19), Township Thirty-seven (37) North, Range Twelve (12) West of the New Mexico Principal Meridian, whence the east quarter (1/4) corner of Section Eighteen (18), of the same township and range, bears North seven degrees, eleven and one-half minutes East (N. 7°11½' E.), four thousand five hundred and eighty-five and one-tenth (4585.1) feet.

7. The water will be collected by a series of tile pipe buried under the West Mancos River adjacent to said point of diversion, and

the waters of the West Mancos River will be allowed to seep, or percolate into said tile pipe which will be arranged to drain into the collecting sump at the said new point of diversion, and the collecting tile will all be located within an area under, and adja ent to, the West Mancos River whose boundary is described as follows: Beginning at aforesaid new point of diversion at the collecting sump; thence North seventy-two degrees West (N. 72° W.) two hundred (200) feet; thence North eighteen degrees East (N. 18° E.) six hundred (600) feet; thence South seventy-two degrees East (S. 72° E.) six hundred (600) feet; thence South eighteen degrees West (S. 18° W.) six hundred (600) feet; thence North seventy-two degrees West (N. 72° W.) four hundred (400) feet to point of beginning at said point of diversion.

8. The water, which has heretofore been used to irrigate the lands of F. E. and Lottie W. Reddert in Section Twenty-three (23), Township Thirty-six (36) North, Range Thirteen (13) West of the New Mexico Principal Meridian, will be used hereafter for municipal, domestic, recreational, and fire protection purposes in Mesa Verde National Park, which comprises parts of Township Thirty-six (36) North, Range Fourteen (14) West; Township Thirty-five (35) North, Ranges Fourteen (14) and Fifteen (15) West; Township Thirty-four (34) North, Ranges Fourteen (14) and Fifteen (15) West, north of the Ute Line; and Township Thirty-four (34) North, Range Fifteen (15) West, south of the Ute line; all measured from the New Mexico Principal Meridian.

9. The water will be conveyed from the point of diversion to the place of use by means of the West Mancos Water Supply System.

(a) The length of the main pipe line, between the point of diversion and the distribution reservoir will be one hundred and thirty-four thousand, two hundred and thirty-seven (134,237) feet.

(b) The diameter of said pipe line will vary. The diameter will be six (6) inches for a distance of at least thirty-one thousand, one hundred and thirty-seven (31,137) feet below the point of diversion; five (5) inches for the next eighty-nine thousand, five hundred (89,500) feet to the high point on the route in Mesa Verde National Park; and three (3) inches from the said high point to the one million (1,000,000) gallon distribution reservoir.

(c) The controlling gradient is one and four hundred and sixty-seven one-thousandths (1.467) feet per one thousand (1,000) feet, between the collecting sump at the point of diversion and the aforesaid distribution reservoir.

(d) The carrying capacity of said pipe is to be at least one hundred and sixty-seven one-thousandths (0.167) of a cubic foot of water per second of time, the quantity of water for which rights are being acquired.

10. The acquisition of rights to make direct diversion under decreed priority is hereby countered by release of all claims to one hundred and twenty (120) acre-feet of storage in the Jackson Gulch Reservoir, which were conditionally decreed for use at Mesa Verde National Park, and conveyance by the said West Mancos Water Supply System, as such rights were covered in the claim of the United States which was filed with this Court under Case No. 967 In the Matter of the Adjudication of Priorities of Water Rights in Water District No. 34, and heard by the Court on August 13, 1943. The quantity of water to be taken from the Mancos River drainage is thus unaltered, whether taken from said Jackson Gulch Reservoir, or by direct diversion under decreed Priority No. 1; and the change is being made to simplify administrative and financial features.

11. The requested change in point of diversion will completely eliminate the claim to one hundred and sixty-seven one-thousandths (0.167) of a cubic foot per second of the waters of the Middle Fork of the Mancos, and thus benefit all other claimants to the waters of that stream.

12. The Jackson Gulch Reservoir, and the Outlet Canal of that Reservoir are above all headgates whose source of water supply might be affected by the requested change in point of diversion which is requested by this petition. Therefore, by relinquishing claims to an equivalent quantity of water in said Reservoir, the Petitioner will not alter the potentially available supply at said headgates by diverting water above under decreed Priority No. 1.

13. The following maps are filed as exhibits with this petition:

A. NP-MV-6980, Location of Decreed Water Rights Suitable for Transfer to West Mancos Water Supply System, which shows ditches of water claimants who might claim damage by requested change in point of diversion, method of conveyance, and purpose and place of use.

B. NP-MV-6979, Proposed Right of Way for West Mancos Water Supply System, which has been filed with, and approved by, the Bureau of Land Management as to right of way across public lands, and which shows the plan of said West Mancos Water Supply System.

C. NP-MV-6984, Revised Right of Way for Part of West Mancos Water Supply System, dated September 1948, which has been filed with the Bureau of Land Management and the U. S. Forest Service for approval as it relates to right of way and land use on the public domain and Montezuma National Forest.

D. MP-MV- , Profile of Proposed West Mancos Water Supply System, which shows hydraulic features of proposed system. (Not prepared at time of composing this draft.)

14. Right of way across private land is claimed under reservations in the patents, in accordance with the act of August 30, 1890 (26 Stat. 391).

10-23-1946: memorandum to regional director from nps regarding offer of proof to the assemblies of mesa verde national park de

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

October 23, 1946.

MEMORANDUM for the Regional Director, Region Three.

Please attach the two enclosed copies of Offer of Proof to the assemblies of Mesa Verde National Park Deed 4 in your office and at that Park. The letter of October 10 from Mr. Thomas J. Morrissey, United States Attorney, to the Referee, also in duplicate, should be placed in the correspondence files relating to the Mancos Water Supply System.

All proof relates to perfection of rights for the Jackson Gulch Reservoir, and not to the West Mancos Water Supply System, but it tends to keep the combined water claim open and active to the mutual benefit of both the Bureau of Reclamation and the National Park Service.

(SGD.) A. WAUNE V. DUKE

AvVD:sh.
Enclosure 448.
In duplicate.

Chief, Water Rights Division.



STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Messrs. Webber, Price, and Tolson. DATE: October 17, 1946.

FROM : Mr. Dunn.

SUBJECT: Offer of Proof, Case No. 967, Mancos Project, including claim for West Mancos Water Supply System for Mesa Verde.

It is probably harmless to present some proof on the greater project even though no showing is made for the NPS system. However, Mr. Worth Allen advised me, in June, that Mr. C. V. Marmaduke, who would handle the case for Mr. Morrissey, was not experienced in Colorado water law, and I feel that he may be inviting trouble in offering proof if it is not needed. I would feel better if this Service maintained more direct legal contact with the referee, as the attorneys of the Bureau of Reclamation do, or through them, since the case is supposed to be in suspended status during the war and reconversion emergency.

R. V. and. Dunn
Chief, Water Rights Division.

Proof presented is work done by the Bureau of Reclamation and not what was done by N.P.S. Does not appear to affect N. P. S. water right.
Webber.

No action needed in my opinion.

STATE OF COLORADO)
) SS.
COUNTY OF MONTEZUMA)

IN THE DISTRICT COURT

NO. 967

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34

OFFER OF PROOF

Comes Now, the United States of America, by Thomas J. Morrissey, United States Attorney for the District of Colorado, acting under the instructions of the Attorney General of the United States of America, and hereby offers to prove that the following work has been done by the United States of America in behalf of its Mancos Project after August 13, 1943, and to date, all in connection with statements of claim on file in the above-entitled matter on behalf of the United States of America, to-wit:

Excavation, stripping	124,832 c.y.
Excavation, common	322,647 c.y.
Excavation, rock	49,290 c.y.
Embankment, earthfill	114 c.y.
Drilling grout holes	5,951 l.f.
Grouting foundation	6,936 c.f.
Concrete placed	2,489 c.y.
Reinforcement steel placed	295,133 lb.
Tile drains installed	210 l.f.

and that there has been expended since August 13, 1943, to date, the sum of $607,685.00, on said project.

UNITED STATES OF AMERICA

By_____
THOMAS J. MORRISSEY
United States Attorney for the District of Colorado

CVM:P

Received with letter of Oct. 10, 1946 from United States Attorney Morrissey.

C O P Y

(Original placed in General Files)

WD 34
Case 967

October 10, 1946

E. D. Peters, Referee
Court House
Durango, Colorado

Dear Sir:

Re: Water Adjudication Proceeding - Water District No. 34, Case No. 967

My files disclose that evidence was presented by the United States in support of claims filed in its behalf in the above-mentioned water adjudication proceeding on August 13, 1943, and that there has been no proceedings since that date.

My files further indicate that findings have not been made, nor decrees presented to the Court. Inasmuch as considerable work in connection with its claim has been done, I thought it possible that you might wish additional proof of due diligence since that date. I am therefore enclosing a formal offer of proof in connection therewith.

In the event you desire further proof, or if any of the claimants wish the United States to make further proof at this time, please so advise me so that a date can be agreed upon. However, if you do not deem it necessary to offer further proof at this time, I am of the opinion that the filing in the cause of the enclosed offer of proof will adequately protect the Government.

Very truly yours,

THOMAS J. MORRISSEY
United States Attorney

CVM:P
Encl.

cc: J. Stewart McMaster, Regional Counsel, Dept. of Interior
The Director, National Park Service, Chicago, Illinois

00-00-0000: in the matter of the adjudication of priorities of water rights in water district no. 34: offer of proof

STATE OF COLORADO)
) SS.
COUNTY OF MONTEZUMA)

IN THE DISTRICT COURT

NO. 967

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34)
) OFFER OF PROOF
)

Comes Now, the United States of America, by Thomas J. Morrissey, United States Attorney for the District of Colorado, acting under the instructions of the Attorney General of the United States of America, and hereby offers to prove that the following work has been done by the United States of America in behalf of its Mancos Project after August 13, 1943, and to date, all in connection with statements of claim on file in the above-entitled matter on behalf of the United States of America, to-wit:

Excavation, stripping	124,832 c.y.
Excavation, common	322,647 c.y.
Excavation, rock	49,290 c.y.
Embankment, earthfill	114 c.y.
Drilling grout holes	5,951 l.f.
Grouting foundation	6,936 c.f.
Concrete placed	2,489 c.y.
Reinforcement steel placed	295,133 lb.
Tile drains installed	210 l.f.

and that there has been expended since August 13, 1943, to date, the sum of $607,685.00, on said project.

UNITED STATES OF AMERICA

By_____
THOMAS J. MORRISSEY
United States Attorney for the District of Colorado

CVM:P

09-09-1946: letter to attorney from nps regarding claim for water from the west mancos river for mesa verde national park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 9, 1946.

Mr. Thomas J. Morrissey,
United States Attorney,
Department of Justice,
Denver 1, Colorado.

My dear Mr. Morrissey:

Reference is made to your letter of August 27, addressed to me at our Regional Office in San Francisco, regarding the claim for water from the West Mancos River for Mesa Verde National Park, which has been presented in the General Adjudication proceedings in Colorado Water District No. 34, Case 967. The Water Rights Division was transferred to the Director's Office in Chicago two years ago, but apparently there has not been subsequent correspondence on this adjudication to show it in Mr. Allen's files. You will doubtless find the information in the file relating to the potential adjudication of rights in Water District No. 51 for Rocky Mountain National Park and the Colorado-Big Thompson Project.

The status of the West Mancos Water Supply System for Mesa Verde has changed very little since 1943 because of Federal curtailment of construction which would not contribute to the war effort or the present attempt to improve the national housing situation. There has been no construction although some work has been done on the details of design. An appropriation of $50,000 was authorized for construction during the present year, but its use is restricted under the War Mobilization and Reconversion Directive No. 128, Limitations on Federal Construction. We are also attempting to acquire pipe, valued at about $60,000, from the War Assets Administration, at this time, and might be able to testify to its purchase in a matter of weeks, as a measure of progress.

Under the circumstances, our immediate testimony, if any is needed, would be to support a request for a conditional decree and to show why the war and reconversion activities have prevented recent prosecution of the project. Witnesses for such testimony are available on reasonable notice and would be drawn variously from this Office, the staff of the Regional Director, Region Three, National Park Service in Santa Fe, New Mexico, and the staff of the Superintendent, Mesa Verde National Park, depending on the type of testimony to be presented.



As the records show, this water supply system is integrated with the Mancos Project of the Bureau of Reclamation on which work has continued during the war. At the beginning of the war the National Park Service and the Bureau of Reclamation were arranging an interbureau agreement under which the former was to contribute CCC labor toward the cost of the Jackson Gulch Reservoir and obtain a right to storage capacity in that reservoir. The agreement has not yet been completed because this Service has no CCC labor and has not found an alternate method of payment. However, during the winter of 1941-42 this Service did contribute some CCC labor in anticipation of the agreement, and it has loaned a rock crusher throughout the war. This Service has tentatively estimated the cost of these contributions at about $17,600 as of June 30, 1946, and is negotiating with the Bureau of Reclamation to define its present interest before resuming work on an interbureau agreement.

In addition to the aforesaid construction, the National Park Service paid the Bureau of Reclamation $3,000 for a preliminary survey and cost estimate for its proposed pipe line, approximately duplicated this work with a CCC crew during 1940 and 1941, and spent approximately $6,300 on design during the 1946 fiscal year. This gives a total of approximately $30,000 which has been invested in the water supply system which is now estimated to cost $342,300 more.

It is hoped that the conditional decree will be awarded on the basis of past testimony, or with only the added explanation of the unavoidable obstacles which have resulted from the war and reconversion difficulties. As a last resort, we could give record of expenditures as just explained. In any case, we should show that the United States is prosecuting the combined project with diligence even though it leaves most of the Water Supply System for Mesa Verde until the Jackson Gulch Reservoir is completed and starting to operate.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Rights Division.

AvVD:sh.

cc: Mr. Demaray (2).)with 2 copies of Mr. Morrissey's
Regional Director, Region Three (2)) letter of August 27.
Mr. Dunn, with 1 copy of Mr. Morrissey's letter of August 27 (detached).

C
O
P
Y

Department of Justice

UNITED STATES ATTORNEY

District of Colorado

Denver 1

WD #34
Case 967

August 27, 1946.

Mr. A. van V. Dunn
Department of Interior
National Park Service
601 Sheldon Building
San Francisco 5, California

Dear Sir:

Re: General Adjudication proceeding,
Water District No. 34 (Colorado)

Irrigation litigation for the United States of America, formerly handled by Worth Allen, then Special Assistant to the Attorney General, has been assigned to my office.

From the files, I find there is pending in the above-mentioned District case No. 967, and that evidence was offered to the Referee on August 13, 1943, covering the Mancos Project.

The claim filed by the United States for the Mancos Project includes those of the Bureau of Reclamation, and the National Park Service in connection with the Mesa Verde National Park. The Mesa Verde Pipe Line had not been completed on August 13, 1943. As far as I know, the case is still open for the taking of testimony. It occurred to me that the pipe line construction may have progressed substantially since that date and if so, it would be advisable to offer additional proof prior to the making of findings.

Please advise me whether or not any substantial work has been done on the pipe line since August 13,1943, and if so, whether the National Park Service can furnish witnesses to so testify within the near future. Upon receipt of the above information from you, I will write the Referee and advise you.

Very truly yours,

Thomas J. Morrissey /s/

THOMAS J. MORRISSEY
United States Attorney

CVM:P

03-22-1946: memorandum to superintendent from nps regarding signatures on the statements of water claim for the west mancos

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 22, 1946.

MEMORANDUM for the Superintendent, Mesa Verde.

Reference is made to your memorandum of February 27 regarding signatures on the statements of water claim for the West Mancos Water Supply System of Mesa Verde National Park. The information which you give therein does not entirely complete the records of signatures and dates of affidavits on these statements. It also seems desirable to verify the assumption that we have true copies of the statements as filed.

We enclose one of the two copies of each statement from our files. Please compare and complete it with data from your set. Then return it to us through the Regional Office so that they may complete their copy, too.

Also, please note whether your copy is one of the original carbons and whether it bears any actual signatures. If it does, your copy should be returned and you should substitute my enclosures after they are completed, the object being to make the Director's copy of each water right assembly the "original" so far as possible, and to provide complete "copies" for the Regional Director, Superintendent, and Water Rights Division. This transfer of the originals from the field to the Director's Office has been largely completed during the past two years, partially to get the permanent record in the General Files, and partially to complete formal assemblies of all records needed for proper interpretation of the rights.

[illegible] A. VAN W. DUPIN
Chief, Water Rights Division.

AvVD:sh.
Enclosure 385.

cc: Regional Director, Region Three.



WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

February 27, 1946.

MEMORANDUM for the Director.

Reference is made to Mr. A. van V. Dunn's memorandum of December 5, 1945, for the Regional Director, Region Three, stating, in paragraph four, that "we have no record of the signing and filing of the statement of claim."

As advised in Superintendent Nusbaum's memorandum for the Director of January 18, Referee E. D. Peters, Durango, was requested to furnish this information. Under date of February 16, Referee Peters forwarded this office the following information, supplied to him by the Clerk of the District Court, Cortez, Colorado:

> "Both the 'Amendment to Petition and Statement of Claim' and the 'Petition and Statement of Claim' were signed by Worth Allen, Assistant to the Attorney General, and the Petition was filed in this Court on June 7, 1943, and the amendment to the Petition was filed in this Court on August 13, 1943."

Our files indicate that verbatim copies of the statement of claim and the amendment thereto were forwarded to your office, the Region Three Office, and Mr. Dunn on November 6, 1943 by Superintendent Nusbaum.

If Mr. Dunn desires additional data in this matter, we will endeavor to obtain it.

John S. McLaughlin,
Superintendent.

cc: Regional Director, Region Three.

09-23-1944: letter to nps from department of justice regarding general adjudication proceedings, water district no. 34

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Mesa Verde 660-05.7

September 23, 1944.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
Department of the Interior,
Chicago 54, Illinois.

General Adjudication Proceedings,
Water District No. 34, Colo.

Dear Mr.Dunn:

I acknowledge receipt of your letter of September 11, which was not answered sooner because of the accumulation of matters found on my desk when I returned from a joint business and vacation trip to Estes Park.

No decree has been entered in the adjudication proceedings in question. I am inclined to think that none will be entered for quite a while. My understanding is that one reason for delaying the entry of decrees in various districts in which Judge O'Rourke has jurisdiction is that there may be men who are in service whose rights are affected.

Sincerely yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

(2 copies sent to Region Three; 1 copy to Director's Office. 9/28/44)

CHICAGO 54, ILLINOIS

September 11, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Superintendent Nusbaum's memorandum of August 23 with regard to the pending adjudication of rights for the West Mancos Water Supply System as Mesa Verde and the related Mancos Project of the Bureau of Reclamation.

The general procedure outlined by Mr. Nusbaum is that required by the Colorado statutes and that which was followed in the adjudication of rights on the Thompson River for Rocky Mountain National Park and the Colorado-Big Thompson Project of the Bureau. Mr. Worth Allen, Special Assistant to the Attorney General, and I have participated in both adjudications.

It happens that the even years are those designated in the statutes for further proof, when there is any to give. Mr. Allen said nothing about any need for proof this year while I was in Denver, so I gathered it was to be deferred until 1946. I wonder, however, whether Mr. Biese was merely explaining the procedure to Mr. Nusbaum, or whether he actually stated that the Bureau had arranged to introduce more proof before 1946. If the latter were the case this Service, as another federal agency, should also present proof. It seems desirable to ask Mr. Nusbaum to clarify his discussion with Mr. Biese.

Not having received any print of a final design for the West Mancos Water Supply System, it is assumed that no definite point of diversion has been selected. If I am correct, the only proof we could offer now is a record of further surveys and analyses since the claim and testimony were presented in August 1943. The matter of further proof can be neglected at this time if we do not have to go to court, but if action is to be taken the Water Rights Division should know what progress the Regional Engineer has made in the past year.

(Sgd.) A. V. Davis

AvVD:sh.

Hydraulic Engineer.

In duplicate.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

August 23, 1944.

MEMORANDUM for the Regional Director, Region Three.

Mr. Charles Biese, Assistant Counsel, Bureau of Reclamation, Region Four, Salt Lake City, and Norman T. Olsen, in charge of operations, Region Four, visited with me for a couple of hours on August 11. In our discussion of the Mesa Verde water line and the Bureau of Reclamation's Mancos Project, Mr. Biese suggested that, in the event it becomes necessary to change the point of diversion of our water line from that stated and supported in the joint adjudication proceedings of August 13, 1943, before Referee Peters of the District Court in Cortez, the Service should take this matter up, probably through the Secretary and the Bureau of Reclamation Commissioner, in whatever manner is required legally to establish this change through supplemental action of Mr. Worth Allen, Department of Justice representative who is handling the case for the Government.

Mr. Biese, until his association with the Bureau of Reclamation a prominent lawyer of Durango, Colorado, who handled most of the advance legal work in connection with the several Bureau of Reclamation projects in this region, stated that Judge O'Rourke of the District Court probably would not render a decision on the Bureau of Reclamation-National Park Service claim until both projects are completed--which Mr. Biese considers the most desirable procedure.

If a conditional decree should be given in the interim, it might condition phases of the claim and/or construction. Mr. Biese believes, since no opposition developed at the Cortez hearing, that we can assume that no decree limiting our dual rights will be given later, and that our course is, therefore, diligently to proceed with planning and construction so that this condition can beconfirmed every two years when the District Court reviews progress on the pending claim in the first or March term of alternate years.

During the past two months I have had several chance, friendly visits with Judge O'Rourke. When mention was made reference the joint claim, he stated that he had the matter under consideration, and that I should not be concerned whatever about any delay since both projects were being progressively advanced in planning or in construction and neither agency was limited in any way.

I am sending this information so that you will know the present status quo of legal proceedings and the legal procedure required should the point of diversion on West Mancos River be changed from that described in the claim.

A copy of this memorandum is enclosed for transmittal to the Director.

Jesse L. Nusbaum,
Superintendent.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

AUG 26 1943

August 23, 1943.

MEMORANDUM for the Regional Director, Region Three.

Following advance conference in Durango on August 12 with Worth Allen, Special Assistant to the Attorney General of the United States, Bureau of Reclamation's Assistant District Counsel Charles Beise and Engineers Hedderman and Bainbridge, and other interested persons, Regional Engineer Lassiter and I audited and participated in Referee Peters' hearing "in the matter of adjudication of priorities of water rights in Water District 34," at Montezuma County Court House, Cortez, Colorado, from 1:30 to 6:00, August 13.

With the occasional assistance of Mr. Beise, Mr. Allen conducted the case of the United States superbly, chronologically developing, through the various Government and non-Government witnesses and eight Bureau and two Service exhibits, the significant history and objectives of Mancos Project, including the Mesa Verde pipe line. If the facts of mutually integrated interests and objectives were not presented voluntarily by witnesses, Messrs. Allen and Beise developed these facts by questioning said witnesses.

Of special interest to our Service is that Messrs. Beise, Hedderman, and Bainbridge, for the Bureau, and President Ira Kelley of the Mancos Water Conservancy District, all testified that since October 31, 1936 (date of Bureau's commencement of survey and date of appropriation of water to be diverted and carried in said canals in Jackson Gulch and in said pipe line, and to be stored in said reservoir and carried there through), the providing of a water supply to Mesa Verde by pipe line had been a constant and integral objective of all interested agencies.

Messrs. Bainbridge and Hedderman testified as to National Park Service cooperation, voluntarily, and in answer to certain questions asked by Mr. Beise, either as a result of our advanced discussion at park headquarters reference Service cooperation with the Bureau on Mancos Project, or as prompted by my suggestions in the course of the hearing.

Surprisingly, no objections to the Government claim developed in the hearing, although generally expected from one source. It was the consensus of the hearing that the Mancos Project claim of Mancos River water will be decreed by the Court in due course.

After the hearing was completed I had a splendid visit with District Judge O'Rourke who informed me for the first time that he tried personally to persuade Congressman Taylor not to appropriate funds for drilling the Mesa Verde deep well, but to provide funds for a pipe line diversion from Mancos River and thus end for all time the perennial water problems of Mesa Verde. For years Judge O'Rourke and I have attended all Upper and Lower Colorado River Drainage Basin committee meetings.

Not having visited Mesa Verde since 1928, Mr. Allen accepted my invitation to visit the park and be my overnight guest. On our arrival at park headquarters the night of August 13, I found Mr. Victor Olsen, Washington representative of the Civilian Public Service Branch of Selective Service System (who visited here with Mr. Bainbridge in January 1943) awaiting me, with Director Thomas of the Mancos Project's CPS Camp No. 111, to discuss cooperation with Mesa Verde--fire-fighting and other.

This report would have been submitted promptly on conclusion of the August 13 hearing had conditions permitted.

A copy for the Director is enclosed.

Jesse L. Nusbaum,
Superintendent.

cc Mr. Dunn, Region Four.

COPY

90-1-2-105.

332 Postoffice Building,
Denver, Colorado, August 16, 1943.

The Attorney General,
Washington, D. C.

General Adjudication, Water
District No. 34 -- Mancos
Project, State of Colorado.

Sir:

On August 11, at 7:30 p.m., I left Denver for Durango, Colorado. Conferences were held in Durango in the afternoon of the 12th with witnesses who were to testify the following day.

The next morning, Mr. Charles J. Beise, Assistant District Counsel, Bureau of Reclamation, Mr. Reese McCloskey, attorney for Mancos Water Conservancy District, and I went to Mancos, Colorado, where we conferred with other witnesses. We then proceeded to Cortez where we spent the afternoon in hearings on the claim for the Mancos Project and on three claims for the Forest Service.

Before leaving Denver I had prepared an amendment to the petition and statement of claim in which slight changes were made, at the request of the Bureau of Reclamation, in the location of the inlet of the Outlet Canal and of the inlet of the lateral pipe line leading from the reservoir to the main Mesa Verde pipe line. Somedays before I left for Durango, Mr. Alexander, District Counsel, Bureau of Reclamation, requested that the claim be amended so as to include a claim of a right to use return flow from the project.

After some discussion by correspondence, and after some oral discussion in Durango on the afternoon of the 12th, a revised amendment covering both the changes in the two points above referred to and a claim for the use of the return flow, was prepared. This amendment was filed in court just before the hearings took place. Originally Mr. Alexander was of the opinion that it was not necessary to make a claim for return flow. However, after the statement of claim was filed, it developed that the Bureau had so planned the project as to make use of such flow.

The law in Colorado is quite strongly against theright to recapture return flow, at any point except in the form of surface water still on the land of the irrigator. However, we made the best showing possible in support of the claim and will exert our best efforts to secure a decree allowing the same. However, I am very fearful of the result.

The attorney for the Conservancy District, Mr. Reese McCloskey, one of the outstanding lawyers of Colorado, stated to Mr. Beise and me that he would recommend to the court that the claim for the right to use the return flow be disallowed, although it would seem to be in the interest of the district that the claim be allowed. Otherwise some land owners may avail themselves of return flow in the river without signing up and taking water from the project.

While I retained a copy of the final amendment which was filed, I find on my return to Denver that the same is not in my files. I am writing to Durango for a copy and will supply you with three copies thereof as quickly as possible.

In view of the proof made at the hearing, we anticipate no difficulty on any other aspect of the claim.

As we heretofore have pointed out, one claim, that for the Lee and Burke Ditch, asked for a decree of a right to use considerably more water than the ditch will carry. Proof in support of this claim was given at a hearing of which we had no notice. We have had an understanding with the referee and the judge of the court to the effect that we shall be permitted to submit proof in opposition to this claim and to any other claim.

The claim for the Spencer Ditch likewise is excessive. However, the priority date claimed for that ditch is in 1937, while the priority date claimed for the Mancos Project is October 31, 1936. Hence, unless the claimant of the right for the Spencer Ditch should at some later date seek to amend his claim in support of which proof has already been given, we shall have no reason to oppose the claim.

Excessive claims have been filed with the State Engineer for the Sheek Ditch and for East Mancos Highline. However, no claim has been filed in the court proceedings for these two ditches. We are having Mr. Bainbridge check the files of the court periodically to ascertain whether claims for those ditches, as well as any others, are filed in the adjudication proceeding.

It is our idea that shortly before the time for giving proof is terminated, we shall arrange with the referee for the giving of our proof in opposition to the claim of the Lee and Burke Ditch and to any other claims which may hereafter be filed which we deem excessive and injurious to the claim for the Mancos Project. A full understanding has been had with the referee to that effect. I might say that we thought it advisable to give the proof on our claim before taking steps to oppose the claims of any others; our idea being that we might thus avoid opposition to our claim which we might otherwise arouse.

There is no way of determining when the time for filing claims and for the taking of proof will be terminated.

Respectfully,

(Sgd) Worth Allen

Worth Allen,
Special Assistant to
the Attorney General.

4/25

7/13/43

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

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

Claimants Exhibit No. 2
Trial Reference Claim #17

Filed in the District Court
this 13 day of August, 1943
C. R. Hickman Clerk
By Anna Patten Deputy

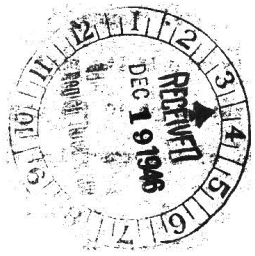
IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT No. 54 } AMENDMENT TO PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

NOW COMES United States of America and represents that there has been no change in the locations of the inlets of Jackson Gulch Outlet Canal and of the lateral pipe line leading from Jackson Gulch Reservoir, all of which are described in the Petition and Statement of Claim; that the descriptions of the locations of said inlets have been found to be slightly inaccurate. Hence, the claimant, United States of America, hereby amends its said Statement of Claim as follows:

In lieu of paragraph 10 (b) the following is substituted, being a statement of the exact location of Jackson Gulch Outlet Canal:

The head-works of said canal are located at a point on the east slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the east monument on the axis of the

00-00-0000: in the district court in and for the county of montezuma and state of colorado: in the matter of the adjudication of prior



dam bears north fifty-five degrees, thirty-one minutes (55^0 31') east five hundred and twenty-nine and no hundredths (529.00) feet.

In lieu of paragraph 11 (h) the following is substituted, containing a statement of the exact location of the inlet of said lateral pipe line:

The said reservoir will be connected with the said pipe line by a lateral pipe line, the inlet of which is located where the center line of the said lateral pipe line intersects the west wall of the Jackson Gulch Reservoir outlet works valve house, whence the east monument on the axis of the dam bears north fifty-six degrees, forty-eight minutes (56^0 48') east five hundred thirty-two and one tenth (532.1) feet.

Since prior to the inception of this project it has been the intention of the claimant to reuse on lands under said project all water diverted thereby, including all waste and seepage waters which return to the Mancos and its tributaries.

The claim of the United States, as contained in Paragraph 13 of said Petition and Statement of Claim is hereby amended by adding thereto the following:

The appropriation of water made by claimant includes the spring, surface, waste, percolating, return, drainage, and developed water now or hereafter arising and resulting from the water diverted from the West Mancos River and Jackson Gulch through the works of the Mancos Project and from the storage, application, and use of said water, together with the rights to capture and recapture, use and re-use, all of said water and the

the right to collect, store, convey, transport, and carry said waters in the Mancos River and tributaries and in any and all creeks, arroyas, gulches, ravines, depressions and drainage channels wherein said waters may arise or accumulate. Said waters are to be applied under canals, ditches, pipelines, feeder and inlet canals to reservoirs having their head gates in the Mancos River and its tributaries as well as to other lands and uses, all as is more fully set forth in said original petition.

That the prayer of petitioner as contained in said Petition and Statement of Claim is amended by adding thereto the following:

That the decree to be made in this proceeding adjudging and decreeing to the petitioner herein, The United States of America, priorities of right for the use of water as heretofore prayed include therein the rights claimed by said Petition, as are more fully set forth herein.

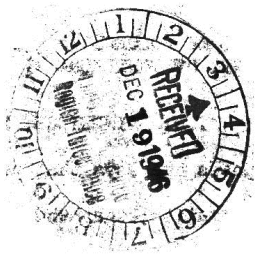
United States of America
By Worth Allen

Special Assistant to the
Attorney General.

STATE OF COLORADO)
COUNTY OF MONTEZUMA) ss.

A. W. BAINBRIDGE, being first duly sworn, on his oath deposes and says that he is a Resident Engineer, Bureau of Reclamation; that the facts stated in the foregoing Amendment to the Petition and Statement of Claim herein are true of his own personal knowledge.

A. W. Bainbridge.


RECEIVED
DEC 19 1986

Subscribed and sworn to before me this 13th day of August, 1943.

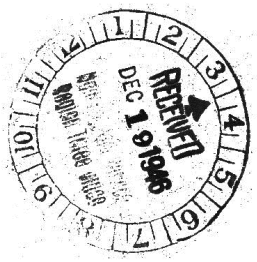
(SEAL) C. R. Hickman
Clerk County Court.
By Anna Patten
Deputy.

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

I, Anna Patten, Clerk of the District Court, in and for the County and State aforesaid, do hereby certify the foregoing and attached to be a true and complete copy of the "Amendment To Petition and Statement of Claim of the United States of America, For Mancos Project", as the same appears on file and of record in said District Court.

WITNESS my hand and the seal of the said District Court at Cortez, Colorado, this 10th day of December, A.D. 1946.

/s/ Anna Patten


RECEIVED
DEC 19 1986

COPY

IN THE DISTRICE COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
)ss.
County of Montezuma.

No. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.	PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

1. By this petition and statement of claim and by the filing and prosecution thereof, the United States does not submit for or consent to adjudication of, any rights within Water District No. 34, State of Colorado, which are owned by Indian wards of the United States, or by the United States as trustee for such Indians. Consent to the adjudication thereof and to this court acquiring any jurisdiction with respect thereto is hereby expressly withheld.

2. The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved June 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservation and Utilization Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress

approved June 28, 1941, 55 Stat. 303, 351-352, has initiated and is now in process of constructing, developing and carrying forward to completion a Water Conservation and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservior, to be used for storage purposes and as a conduit for direct uses, an inlet canal, an outlet canal, and a pipe line. The names of the reservoir and of the said canals and pipe line are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, Jackson Gulch Outlet Canal, and Mesa Verde Pipe Line.

3. The uses for which waters have been appropriated and will be used are for irrigation, power, domestic, fire protection, recreational, industrial, minicipal, manufacturing and other beneficial purposes.

4. The total amount of money which had been spent on said project on December 31, 1942, is one hundred and fifty-five thousand, seven hundred and sixty-two dollars and seventy-eight cents ($155,762.78). The total cost of the completed project is to be approximately one million, eight hundred and thirty-five thousand dollars ($1,835,000.00).

5. Mancos Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing to it of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder, and for domestic uses on said lands. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States

a substantial part of the costs of constructing said project.

6. The town of Mancos will be furnished for domestic purposes a small amount of the storage water. The water so furnished to it will be turned back into West Mancos River.

7. In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(a) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, Mesa Verde Pipe Line, and all other works and structures constituting the project.

(b) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(c) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals, in Jackson Gulch and in said pipe line, and to be stored in said reservoir, and carried therethrough, is October 31, 1936.

(d) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

(e) The following matter is stated with respect to the works and structures, etc., of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from West Mancos River and from Jackson Gulch.

8.

Jackson Gulch Reservoir.

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located in and across Jackson Gulch, and upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range thirteen (13). The exact location and description of said reservoir is more particularly shown by a map which will be offered in evidence.

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The said map gives the area and total capacity for each foot of depth from the bottom of the outlet tube at its inlet to the spillway level. The total capacity of said reservoir is four hundred and twenty-eight million, six hundred and forty-six thousand, four hundred and thirty (428,646,430) cubic feet, or nine thousand, eight hundred and forty (9,840) acre feet of water, for which claim is made for irrigation, power, domestic, fire protection, recreational, industrial, manufacturing and other beneficial purposes.

(d) The sources of supply of water to be impounded in said reservoir are West Mancos River and Jackson Gulch. Said reservoir will be used also as a conduit for the carriage therethrough of water carried thereto from said river through Jackson Gulch Inlet Canal, hereinafter described, from West Mancos River.

(e) The estimated cost of said reservoir is one million, two hundred and seventy-five thousand ($1,275,000.00) dollars.

(f) The water to be stored in said reservoir, and that to be carried therethrough for direct use, will be taken out of said reservoir by Jackson Gulch Outlet Canal and by Mesa Verde Pipe Line, leading to Mesa Verde National Park, both of which are hereinafter described.

9.

Jackson Gulch Inlet Canal.

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Mancos River, from which it derives its principal supply of water, whence the Northeast corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears North twenty-two degrees, twenty-nine minutes (22° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851,86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grades thereof, as originally to be constructed are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth at highwater line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

(e) The approximate length thereof is fourteen thousand, six hundred and twenty-five (14,625)feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is one hundred and thirty-five thousand dollars ($135,000).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) Said canal empties into Jackson Gulch. The water carried in said canal and so emptied is to carried down said gulch to and for storage in and direct passage through said reservoir. The water that may naturally be flowing in Jackson Gulch will be stored in said reservoir.

Water diverted from West Mancos River, not exceeding two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, will be diverted from said canal and from said gulch for the irrigation of lands lying thereunder, and for domestic purposes, as and when needed.

10.

Jackson Gulch Outlet Canal.

See amended Petition Aug 13, 1943

(a) The name of said canal is Jackson Gulch Outlet Canal.

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the

East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes (57° 41') East five hundred and sixty-seven and seventy-six one-hundredths (567.76) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

(e) The length is twelve thousand and ninety-seven (12,097) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is sixty-five thousand dollars ($65,000).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) West Mancos River and Mancos River are to be used for carriage of storage water released from said reservoir and carried therefrom through said outlet canal for the purposes stated. Some water, including both storage and direct flow, but not exceeding two hundred and seven (207) cubic feet of water per second of time of direct flow, will be diverted for irrigation and domestic purposes from said canal at points intermediate to said reservoir and the point where said canal empties into West Mancos River.

11.

Mesa Verde Pipe Line.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park, one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both. Water for said park will be taken at times from and through said reservoir, and at other times from West Mancos River by pipe line leading therefrom to said park.

(b) In no event will the amount of water delivered in said park, including that passing from and through said reservoir and that drawn directly from the river by said pipe line, exceed one hundred and twenty (120) acre feet per annum. The diversion of water directly from the river by pipe line will make no greater demand upon the river than would be made by supplying all of said amount of water fromand through said reservoir. At no time will the total amount of the water diverted through said pipe line and through the inlet canal for direct use exceed two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time. When water in said river is not available under claimant's priority, diversion by said pipe line will continue, and senior adjudicated priority rights will be compensated by release to the river of an equal amount of storage water.

(c) The name of said pipe line is Mesa Verde Pipe Line.

(d) The intake proper of the pipe line will be located at a point whence the northwest corner of Section Thirty (30), Township thirty-seven (37) north, Range twelve (12) bears South thirty-eight degrees, fifty-eight minutes (38° 58') West eight thousand, three hundred and ten (8,310) feet, or at a point

within five hundred (500) yards up or down stream therefrom. The pipe line will be supplied by a system of collection pipes to be laid in an area two hundred (200) feet wide and four hundred (400) feet long below the bed of the stream above said diversion point.

(e) The general course of said pipe line is southwesterly.

(f) The dimensions, grades, etc., thereof are as follows:

The inside diameter of that section of the pipe line extending from said river to Chapin Mesa is five and one-sixteenth (5 1/16) inches.

The inside diameter of the section of said pipe line extending from Chapin Mesa To the distribution reservoir is three and one-half (3½) inches.

The controlling gravity grade is two and thirty-six one-hundredths (2.36) feet per thousand feet.

A pump will be installed and operated in order to carry thirty-three one-hundredths (.33) cubic feet of water per second of time through the pipe line.

The pump will be located on said pipe line near the entrance to said park.

(g) The length of that section of the pipe line having the greater diameter is approximately one hundred and thirty-two thousand, fifty-five 132,055) feet.

The length of the section having the smaller diameter is approximately twenty-one thousand, eight hundred (21,800) feet.

(h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east

slope of Jackson Gulch Reservoir, whence the east monument on the axis of the dam bears north eighty-three degrees, fifty-four minutes (83° 54') east five hundred and seventy-two (572)feet.

(i) The general course of said lateral pipe line is southerly.

(j) The dimension and grade of said lateral pipe line are as follows:

The inside diameter is five and one-sixteenth (5 1/16) inches.

The grade is in excess of five (5) feet per one thousand (1000) feet.

(k) The length of said lateral pipe line is two thousand, nine hundred and thirteen (2913) feet. Said lateral pipe line will form a junction with the main pipe line at a point approximately thirty-two thousand, nine hundred (32,900) feet below the intake of the latter at West Mancos River.

(l) The carrying capacity of said lateral pipe line is thirty-three one-hundredths (.33) cubic foot of water per second of time.

(m) The estimated total cost of said pipe line, including said lateral pipe line and appurtenant structures, is three hundred and sixty thousand dollars ($360,000).

(n) Water carried through said pipe line will be delivered to a regulatory distribution reservoir in said park.

(o) Water carried through said pipe line to said park will be used for domestic, fire protection, industrial and recreational purposes.

12. The number of acres of land lying under said project and proposed to be irrigated by water from and through said reservoir and said canals and gulch, and on which water is to furnished for irrigation and domestic pupposes,

is not less than thirteen thousand (13,000), and said land is situated in Montezuma County, State of Colorado.

13. Claim is hereby made (1) of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, fire protection, recreational, industrial, manufacturing and other beneficial pruposes in said reservoir to the capacity thereof, namely, nine thousand, eight hundred and forty (9,840) acre feet, to be carried to said reservoir in said inlet canal, as the latter now is proposed to be constructed and as the same may hereafter be enlarged, and in Jackson Gulch, (2) of a priority right as of date of October 31, 1936, to divert for direct use for said pruposes, from West Mancos River, through said inlet canal and through said pipe line two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet of water per second of time, and through said outlet canal and said pipe line two hundred and seven and thirty-three one-hundredths (207.33) cubic feet of water per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein, and (3) of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priority, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim: that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of

others to the appropriation and use of water in and from Mancos River and all of its tributaries, the granting or allowance of which may be adverse to the interests of the United States, of Mancos Water Conservancy District and of the Town of Mancos in the premises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of work or facts in evidence may warrant, demand, or as may be desirable by the United States, to the end that ultimately upon completion of the project named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936,to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of water to beneficial use, as hereinbefore set forth; that, after completion of said works and the application of water to beneficial use, the decree may be made absolute; that the exact locations of the points of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this first day of June, A. D. 1943.

THE UNITED STATES OF AMERICA,

By /s/ Worth Allen
Special Assistant to the Attorney General.

STATE OF COLORADO,)
) ss.
City and County of Denver.)

WALTER R. YOUNG, being first duly sworn, on his oath deposes and says that he is Assistant Chief Engineer of the Bureau of Reclamation of the United States, and makes this affidavit on behalf of the United States of America, Claimant; that he has read the foregoing statement of claim, and that the statements made therein are true to the best of his knowledge and belief.

/s/ Walter R. Young
Assistant Chief Engineer, Bureau of Reclamation.

Subscribed and sworn to before me this first day of June, 1943.

My commission expires May 8, 1945

/s/ George L. Evans
Notary Public.

00-00-0000: in the district court in and for the county of montezuma and state of colorado: petition and statement of claim of the u

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

JUN 7 1943

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, June 3, 1943.

Mr. A. vanV. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

General Adjudication,
Water District No. 34,
Mancos Project-- Claim
for National Park Service.

My dear Dunn:

I was very glad to receive and read your letter of May 31, with respect to the then-proposed procedural code. The code was adopted by the last Legislature and a copy thereof is enclosed herewith. The session laws have not yet been printed. A number of more or less controversial subjects were taken out of the bill before the same was passed.

In answer to your inquiry as to the status of the Mancos adjudication, I sent over to the office of the Chief Engineer, Bureau of Reclamation, on Tuesday of this week the original final draft for his verification. The same was verified, but, out of an abundance of caution, the statement of claim was sent to Mr. Alexander in Salt Lake City. I expect to receive the same back today or tomorrow, and immediately to forward the same to the clerk of the Court in Cortez.

There was some delay due to the fact that there were some differences of opinion as to procedure, etc. between the Bureau and the Office of Indian Affairs. As I understand, the latter had some idea that we should not file a claim of any rights for the Indians, but should in some way or other get the court to adjudicate those rights. In the first place, it is difficult to see how any such course could be followed, and, in the second place, it would be quite undesirable, in my opinion, to submit any Indian rights for adjudication by a State Court.

Mr. Beise and I are planning to submit our proof on our claim before the Referee some time after the 10th of June. I wish you would be good enough to arrange to have our friend, Lassiter, in New Mexico, meet me in Durango the afternoon before the hearing so that I can go over the proof with him and have him testify at the hearing. My understanding is that you were to have him give the testimony. Please have



Three copies mailed to Region Three 6/7/43

him write me on what days, if any, he would not be able to be in Durango after the 10th of June and up until, say, the middle of July. I am not sure what date the Referee could give us.

It might be a good idea to have Mr. Nusbaum, Acting Superintendent, present at the hearing. I presume it will take place in Cortez.

With kind regards, I remain,

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

04-17-1943: letter to special assistant to the attorney general from hydraulic engineer regarding headgate of the lateral of the mes

April 17, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

Reference is made to the letter from Chief Engineer Harper of the Bureau of Reclamation to me of April 13, 1943, with regard to the headgate of the lateral of the Mesa Verde Pipe Line.

As a result, item h, page 7, of the statement of claim for the Mancos Project should be changed to read:

> (h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east slope of Jackson Gulch Canyon, whence the east monument on the axis of the dam bears north fifty-six degrees, forty-eight minutes (56° 48') east five hundred and thirty-two (532) feet.

We also enclose a revised print of sheet 1 of drawing MV-6978 with the tie changed accordingly. Please substitute this for the one sent on March 26 and destroy the older one.

In reply to your letter of April 5, our copy of the statement apparently had a couple of typographical errors which were not on yours. That is the difficulty with "re-run" copies. We have corrected ours to agree with yours.

Sincerely yours,

(SGT [illegible])

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136700.

cc: Director (2))with map and
Region Three)copy of letter from
Supt.,Mesa Verde)Bureau of Reclamation.

FILE COPY

April 17, 1943.

MEMORANDUM for the Acting Superintendent,
Mesa Verde National Park.

We return herewith the report by O. E. Meinzer on the possible sources of water supply for Mesa Verde National Park.

After reading it over I feel that it has very little value for the pending adjudication, but likewise has no information that is really detrimental. The mere fact that the catchment system was used first can still be construed as a temporary expedient on the basis of the information included in this report.

It is interesting to note that the Bureau of Reclamation came into the picture in 1925 in connection with this development. In fact, from the tone of the report it seems that the Park Service contemplated the use of the West Mancos supply before the Bureau of Reclamation.

AvVD:SH

A. van V.Dunn,
Hydraulic Engineer.

Enclosure 2878189.

cc: Region Three.

FILE COPY

04-13-1943: letter to hydraulic engineer from nps regarding proper tie to the intake of the proposed

ADDRESS ALL COMMUNICATIONS TO
THE CHIEF ENGINEER

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CUSTOMHOUSE
DENVER, COLORADO

OFFICE OF THE CHIEF ENGINEER

4/17
APR 16 1943
4/17

April 13, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, Park Service,
601 Sheldon Building,
San Francisco, California.

Dear Sir:

Reference is made to your letter of April 2, 1943, requesting that you be advised regarding the proper tie to the intake of the proposed Mesa Verde pipe line.

Present design drawings show the pipe for the Mesa Verde supply extending from the gate chamber to a point where it leaves the west side of the valve house. This point has been selected as the intake into the Mesa Verde pipe line and it bears S.56° 48' W., 532.1 feet from the east monument of the dam axis as shown on the attached print. In your letter you state that the location of the headgate of the outlet canal is described in the claim as bearing S.57° 41' W., 567.76 feet from the east monument of the dam axis. In order to conform with the latest designs, this should be corrected to S.55° 31' W., 529 feet. The previous description of the location of the headgate of the Mesa Verde pipe line, as given in your letter, indicates that it was determined from notes which located it in the gate house, the location of which has been changed in more recent designs.

As suggested in your letter, Mr. Worth Allen, by copy of this letter, is being advised of the above corrections.

Very truly yours,

S. O. Harper,
Chief Engineer.

Encl.

Copies mailed Director, Region Three, and Supt., Mesa Verde 4/17/43.



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO

APR 12 1943
ROUTING | Date
4/15
4/15
FILE

April 7, 1943.

MEMORANDUM for Mr. Dunn,
Water Rights Section, Region Four.

In response to your two memoranda of April 2 I wish to advise that a search has been made in our files for the information you desire on the time of the first negotiations with the Bureau of Reclamation in regard to the use of water from the West Mancos or the proposed Jackson Gulch Reservoir for Mesa Verde National Park and in particular the date of any negotiations with that Bureau prior to 1936.

I regret to say that no information has been found which will be helpful to you.

Olivia G. Taylor
Chief of Engineering.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

APR 9 1943
ROUTING | Date
Mace 4th 4-9
Johnson 4/10
FILE

April 6, 1943.

MEMORANDUM for the Regional Director, Region Four.

This refers to memoranda of March 31 and April 2 from Attorney Johnson and Engineer Dunn, respectively, advising us of Attorney Worth Allen's request for citations to the statutory authority for the construction of the Mesa Verde-Mancos water supply line.

Express statutory authority for the acquisition of rights-of-way and the construction of the above facility is contained in the Department of the Interior Appropriation Act for the fiscal year 1942 (Public Law 136, 77th Cong., 1st sess.), together with an appropriation of $75,000.00 to carry out the project, the money to remain available until expended. This authorization and appropriation constitute the last paragraph on page 54 of the act, a copy of which we are forwarding directly to Attorney Allen with a copy of this memorandum.

cc: Regional Director, Region Three.
Attorney Johnson, Region Four.
Engineer Dunn, Region Four.
Attorney Worth Allen, Denver, Colorado.

E. a. Hoxley
Acting Director.

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, April 5, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

General Adjudication, Water District No. 34 -- Mancos Project and Mesa Verde Pipe Line.

Dear Mr.Dunn:

Replying toyour letter of April 2, I am unable to account for your statements as to certain words being contained in the statement of claim, a copy of which was sent to you.

Both the original statement and the one remaining copy which I have have the word "water" correctly spelled in the title of the case.

The last word of the first line on page 6, in my original and copy, is "carriage". The sentence reads as follows:

> "West Mancos River and Mancos River are to be used for carriage of storage water released from said reservoir and carried therefrom through said outlet canal for the purposes stated."

I received a copy of Mr. Johnson's letter requesting the Chief Counsel to verify statutory authority.

Before filing the statement, I shall await further word with respect to this authority and also as to the tie referred to in next to the last paragraph of your letter.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.



WA/ELM

April 2, 1943.

MEMORANDUM for the Director.

Reference is made to Mr. Nusbaum's memorandum of March 29, 1943, to me with regard to early plan to divert water from the West Mancos River for use at Mesa Verde.

The attached evidence proves that the plan has been in mind since 1925. However, the data will have to be used with great care in court. It is not clear whether the construction of the precipitation catchment system in 1928, and the construction of the deep well system about 1933, were intended to be temporary expedients until water demand would justify the expensive system from Crystal Creek, or were intended to be final solutions to result in abandonment of the plan to divert Crystal Creek.

For this reason, we should still have a record of the first negotiations between the Director and Commissioner of Reclamation with regard to a joint system, if it exists. Therefore my request to you of March 22 still stands.

In the second place, the Meinzer plan was to divert from Crystal Creek with 30 miles of pipe. When the Bureau initiated its Mancos Project it offered the Park Service the opportunity to divert with an exchange of flood waters from the Jackson Gulch Reservoir to eliminate the need for purchasing expensive water rights; or, if purchasing them, to reduce the price that would be paid. It also offered a means of obtaining a more reliable supply from that reservoir at times when Mr. Meinzer seemed to feel that Crystal Creek, or the upper West Mancos River might prove inadequate.

On this basis, I think we can consider the surveys and plans to construct the West Mancos Water Supply System as the consummation of the Meinzer plan. If we introduce the Meinzer report at the adjudication, however, we must be sure that it does offer the precipitation catchment and deep well as temporary expedients rather than alternate solutions.

If the continuity of purpose since 1925, and the arguments for temporary use of catchment and well cannot be substantiated, we will have to consider the trend of water demand. The park had 7000 visitors in 1924, and Meinzer estimated an ultimate attendance of "2 or 3 times that" or 20,000 people. Actually, an attendance of 36,400 was reached in 1940, which was 13% more than in 1939.

FILE COPY

April 2, 1943.

MEMORANDUM for the Director.

Since writing you this morning with regard to initiation of interbureau plans for the Mancos Project we have received a letter from Mr. Allen advising in effect that he feels that the statement of claim is worded in a manner such that any independent substantiation of the priority of 1936 for the Park Service is not important. On this basis my request for the record of first agreements prior to 1936 may be cancelled.

At the same time it might be that in court some one would question the point. For this reason I think we still should know if possible when the first negotiations were started, but not to the extent of prolonging the research. It will probably be enough for Mr. Lassiter or for me to know that some one in your office actually recalls having started such negotiations with the Bureau prior to 1936. At present about the only source of such information is the recollection of an attorney for the Bureau.

(SGD) A. VAN V. DUNN

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Region Three.
Act. Supt., Mesa Verde Nat. Park.
Mr. Worth Allen.

AJ 4/2

FILE COPY

04-02-1943: letter to special assistant to the attorney general from hydraulic engineer regarding general adjudication, water district

April 2, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

General Adjudication, Water District No. 34— Mancos Project and Mesa Verde Pipe Line.

Dear Mr. Allen:

In accordance with your letter of March 28, 1943, I have reviewed your "final draft" of the statement of claim for the Mancos Project.

The claim seems to be well presented and satisfactory.

At the top of page 1, "In the Matter of the Adjudication of Priorities of Eater Rights...." should read "Water Rights".

On page 6, I wonder if the last word of the first line should not be changed from "storage" to "conveyance". I assume that you mean that the streams will be used as natural conduits for the released storage.

On page 7, item h, I am requesting verification of the tie by the Bureau as explained in accompanying letter. I suggest that you defer filing until we hear from the Bureau.

As you have also learned by now, Mr. Johnson has requested the Chief Counsel to verify statutory authority for the pipe line. This may modify your reference now limited to 55 Stat. 303. Hence, I think the claim should not be filed until we hear from the Director.

Sincerely yours,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 2136692.

cc: Director.
Region Three.
Act. Supt., Mesa Verde Nat. Park.

FILE COPY

APR 2 1943

DEPARTMENT OF JUSTICE

A. van V. Dunn

AvJ 4/3

332 Postoffice Building,

Denver, Colorado, March 31, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

General Adjudication, Water
District 34 -- Mancos Project.

Dear Mr. Dunn:

Since my contacts have been with you about this matter, I am writing direct to you about the memorandum dated March 29, written to you by Mr. Jesse L. Nusbaum, Acting Superintendent, Mesa Verde National Park.

I have already mailed to you a draft of what is thought to be the final statement of claim for the Mancos Project. The claim is so drawn as to permit the Park to take water direct from West Mancos River through its pipe line under the priority date in 1936, in which year the survey of the Mancos Project began.

You will observe that when .33 cubic foot of water per second of time is being taken directly through the pipe line, the amount diverted by the Inlet Canal will be decreased in that amount.

Hence, it seems unnecessary for us to attempt to establish a separate priority date in 1936 for the pipe line. Moreover, all of the preliminary studies and investigations hardly rise to the dignity of the institution of construction of the pipe line. Under the law in Colorado, the date of survey is the earliest date ordinarily which can become the priority date. Studies and investigations do not constitute the beginning of the project, although they are a necessary preliminary to such beginning.

A c opy of this letter is being sent direct to Superintendent Nusbaum.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.



WA/ELM

APR 3 1943

4/5/43

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, March 31, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

General Adjudication, Water District No. 34 — Mancos Project.

Dear Mr. Dunn:

Enclosed herewith you will find a copy of a letter which I have this day written to the Attorney General.

Very truly yours,

Worth Allen,
Special Assistant to the Attorney General.

WA/ELM

Copies to Director
Region Three
act. Supt, Mesa Verde
4/5/43



APR 3 1943

4/15

90-1-2-105.

332 Postoffice Building,

Denver, Colorado, March 31, 1943.

The Attorney General,
Washington, D. C.

General Adjudication, Water
District No. 34 — Mancos
Project.

Sir:

With my letter of March 29, I mailed to you two copies of the statement of claim which had been prepared in this matter. In view of the fact that we have included Mesa Verde Pipe Line as part of the Project, and the cost of that line constitutes a substantial part of the total cost, it seems to me that we might properly omit from paragraph 2 of the statement the words "a Water Conservation and Utilization Project, known as", and add the word "the" in lieu thereof.

In the last paragraph of the statement of claim is found this language:

> * * * and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of stored water and of water carried directly through said reservoir, to beneficial use;"

The language fails to include water carried through the pipe line. Moreover, it fails to take account of the use of water for direct irrigation which would be diverted from the inlet canal before it reaches the reservoir. Hence, I suggest that, in lieu of the language

> "and the application of stored water and of water carried directly through said reservoir, to beneficial use;"

we substitute

> "and the application of water to beneficial use, as hereinbefore set forth;"

Respectfully,

copies to Heisterman
Davis Thomas
Asst. Supt., Mesa Verde

4/5/43

Forth Allen,
Special Assistant to
the Attorney General.

WA/ELN

APR 1 1943

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

March 29, 1943.

MEMORANDUM for Mr. A. van V. Dunn, Hydraulic Engineer,
Region Four.

Reference is made to your memorandum of March 22 to Regional Engineer Lassiter, and to your memorandum of the same date to the Director, with a March 13, 1943, revision of "Petition and Statement of Claim for Mancos Project" attached, and particularly to your request in paragraph 3, page 2, of your memorandum to the Director for documentary evidence to support claim, under 11(a) of the Peitition, that the idea of water service to Mesa Verde (by pipe line from West Mancos River) predates October 31, 1936.

Because of the desperate water situation in Mesa Verde National Park, due primarily to increase in travel and demand within a year of my appointment as Superintendent (June 3, 1921), and establishment of residence at Spruce Tree Camp (now park headquarters), I progressively explored, within the park area, every potential means of increasing the water supply of park headquarters. Annually thereafter, I estimated and justified simple, economical means of modestly increasing the supply to meet increasing demands, and developed these, meanwhile exploring sources and means of providing a dependable supply of high potability, adequate to future park needs, by gravity pipe-line flow from La Plata Mountains.

On the morning of July 7, 1925, in connection with the annual field review of Mesa Verde needs of and justifications for appropriations by Chairman Cramton and members of his Congressional Subcommittee on Interior Department appropriations, together with Frederick J. Bailey, Bureau of the Budget representative on Interior appropriations, I showed the committee the progressive developments for increasing water supply, discussing cumulative cost and the futility of attempting to provide a dependable water supply, adequate to future needs of the park, by these temporary alleviating means.

I then presented to their consideration my proposal of providing a dependable gravity water supply of high potability, adequate to future needs, by constructing an approximate 30-mile pipe line from a major spring source on Crystal Creek on West Mancos River in the La Plata Mountains to these park headquarters. I informally estimated its all-over cost, including a storage reservoir high on the north park rim for withholding the flow during daylight hours so that it could be let down during the hours of darkness to generate our needs of hydro-electric energy at headquarters, at $450,000.

For perhaps an hour before lunch, at the site of the park's first and primary seep-and-cistern water supply deep in the head of Spruce Tree Canyon, Chairman Cramton, the late Congressman Taylor, Budget Representative Bailey, and other members of the committee discussed the proposal and questioned me as to details.

All were deeply interested in the proposal, frankly stating it probably represented the sole and only sound means of permanently providing an adequate supply for future park needs. Congressman Taylor, in commenting on the amount of the informally estimated cost, said that the Government could borrow money at 3%; that therefore the annual carring charge to Congress, including a caretaker, would approximate $15,000. In this connection, travel figures were considered, including the progressive annual increase in travel, and on this basis future demands of water were projected. It was the concensus of opinion that travel at that time did not justify so large an initial investment of Federal funds; that alternate and less costly means of increasing water supply should be sought for the time being, and that the pipe line project be deferred until increased travel and water demand approached the limits of less costly alleviating means.

I advised the Committee that I was not an engineer; that my estimate of cost was probably excessive, being based on informal small-lot quotations, hand-and-team methods of construction and transport. I therefore requested that they institute an independent technical survey of the proposed gravity supply from West Mancos River drainage, including all potential and less costly means of temporarily or permanently alleviating the water situation within the park area. My position was commended. Chairman Cramton, acting for the Committee, then prepared the telegram to the Director of the U. S. G. S., requesting the assignment, at his earliest convenience, of his most competent man to this purpose, and instructing that the report of findings be submitted directly to him.

Attached hereto, to document the Service's claim of gravity-flow water service from West Mancos River predating October 31, 1936, are copies of the following:

(1) Acting Director Sear's (U. S. G. S.) letter to me of October 31, 1925, transmitting copy of the Meinzer report of October 19, 1925.

(2) The Director's (U. S. G. S.) letter to Hon. Louis C. Cramton, Chairman, Subcommittee on Interior Department Appropriations.

(3) From the Meinzer report of October 19, 1925 -

(a) Title page.
(b) Contents page.

(c) Pages 1, 2, and 3 of the report, covering "Introduction," and "Conclusions and Recommendations" to the end of numbered paragraph 3.
(d) Pages 21-25, discussing "Pipe Line from La Plata Mountains."
(e) Analyses of water samples from natural or developed sources, MVNP, including "F", proposed source of water supply for pipe line, as submitted by Dr. Meinzer to me with his letter of March 10, 1926, supplemented, in this office, for comparative purposes, by "G", raw water analysis from deep well, July 1936, to show relative total of dissolved solids and hardness, and relative potability of present primary deep well supply, and West Mancos River supply.
(f) Detailed analysis of "G".

During the period of his investigation* I conducted Dr. Meinzer on most of his investigations within the park and up West Mancos River to Crystal Creek. (*August 27-September 2, 1925.)

In recent years, when the need of increasing the park water supply beyond the maximum combined capacity of the initial seep-cistern-impounding reservoir system, the two one-acre catchments and the deep water well became necessary, and the shallow well drilling was unsuccessful, Congressman Taylor on several occasions reaffirmed his regret that the Subcommittee had not provided for construction of the gravity system when I first proposed it, as cumulative costs of providing an inadequate supply of inferior water were now approaching the cost of providing a dependable gravity supply of superior quality, adequate to future needs. His determination to see Mesa Verde provided with an adequate and dependable gravity water supply before his work in Congress was ended, fathered Congressional authorizations and appropriations for the related Mancos Project and Mesa Verde Water Line.

I can loan you my Meinzer "bible" on Mesa Verde water investigations should you require the original to support the claim that the idea of pipe-line service from West Mancos River predates October 31, 1936.

Published proof of the visit and related action of the Subcommittee on Interior appropriations at Mesa Verde may be found in the Annual Report of the Director, NPS, 1925. (See my report as Superintendent, page 110, second paragraph, subtitle, "Water Situation Desperate.") To indicate the increasing gravity of the water situation in 1924 which prompted my water explorations outside of the park, I refer you to my statement on page 54 of the Director's Annual Report of 1924, under identical subhead.

Jesse L. Nusbaum,
Acting Superintendent.

Enclosures.
cc Director.
Regional Director; Mr. Allen.

10-31-1925: letter to mesa verde from nps regarding copy of the letter of transmittal

UNITED STATES
DEPARTMENT OF THE INTERIOR
Geological Survey
Washington

COPY

October 31, 1925.

Mr. Jesse L. Nusbaum, Superintendent,
Mesa Verde National Park,
Mancos, Colorado.

My dear Mr. Nusbaum:

I am sending you, under separate cover, a copy of the report by O. E. Meinzer, on the water supply of Mesa Verde National Park. This report has been transmitted to Hon. Louis C. Cramton, and I inclose a copy of the letter of transmittal.

Yours very truly,

/s/ Julian D. Sears,
Acting Director.

10-23-1925: letter to house of representatives from director regarding survey of the water supply situation

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY

WASHINGTON

C O P Y

October 23, 1925.

Hon. Louis C. Cramton,

House of Representatives.

My dear Mr. Cramton:

In further reply to your telegram of July 7 asking for a survey of the water supply situation in Mesa Verde National Park:

I am inclosing a report on the water supply of the Mesa Verde National Park, by O. E. Meinzer, Chief Ground Water Geologist of the Geological Survey. This report is based on a field examination made during the period August 27 to September 2, in which the possibilities of increasing the water supply from the flow of springs was considered, the geology was examined with respect to deep wells, studies were made of the catchment and storage of precipitation, and a reconnaissance examination was made of the possibility of diverting water through a pipe line from a tributary of Mancos River. The pipe line project involves many difficulties and would cost several hundred thousand dollars. Mr. Meinzer recommends the construction of catchment areas and storage reservoirs for collecting and conserving rainfall. Such a system can be built in units and increased in size indefinitely with the growth of traffic to the Park. The cost of such a system will be so small in comparison with the large cost of a pipe line from a tributary to Mancos River that I did not feel warranted in making further expenditures for a detailed survey of the pipe line.

Very cordially yours,

Director.

C O P Y

REPORT ON THE WATER SUPPLY OF MESA VERDE NATIONAL PARK, COLORADO,

by

O. E. Meinzer,

Geologist, United States Geological Survey.

Oct. 19, 1925.

Contents.

C O P Y

Page

Introduction;;;;..... 1

Conclusions and recommendations..... 2

Topography..... 5

Geology..... 9

Precipitation..... 6

Present water supply.....12

Possible sources of additional water supply..... 18

Tunnels in sandstone above shale beds..... 18

Dug wells in the canyons..... 18

Wells drilled in the Cliff House sandstone..... 19

Wells drilled to deeper sandstones..... 20

Pipe line from La Plata Mountains..... 21

Other pipe-line projects.....25

Rain catches..... 26

Maps.

Topographic map of Mesa Verde Natl. Park

Map of Montezuma National Forest

Topographic map of the La Plata Quadrangle

Figure 1. Sketch map and sections of vicinity of Spruce Tree Spring.

C O P Y

Report On The Water Supply of Mesa Verde National Park, Colorado.

by O. E. Meinzer.

INTRODUCTION

In response to a request from Hon. Louis C. Cramton, Chairman of the Interior Department sub-committee of the Committee on Appropriations in the House of Representatives, that the Geological Survey make an examination and report on the water supply of Mesa Verde National Park, the writer spent the period August 27 to September 2, 1925, in field work. The object of this investigation was to furnish data on the basis of which an authorization and appropriation might be made for enlarging the water supply of the Park at the next session of Congress.

An examination of the water supply of this Park was made by W. C. Mendenhall September 5 to 8, 1911, and a report thereon is on file, in manuscript form, in the Geological Survey. Since the time of Mr. Mendenhall's examination, the annual number of visitors to the Park has increased greatly and the need for an enlarged water supply has become more acute. In 1924 the number of visitors exceeded 7,000 and it is expected that in 1925 the number will be considerably greater. With improved roads in the Park and in the surrounding country the number of visitors will increase from year to year, and it is not unreasonable to look forward to the time when the annual number of visitors will be several times the number recorded in 1924.

In preparing the present report, use was made of the manuscript report by Mr. Mendenhall, a report by A. J. Collier on the geology and coal resources of an adjacent region (U. S. Geol. Survey Bull. 691-K), the precipitation records of the United States Weather Bureau, and the three maps listed under the table of contents. By far the most help was, however, obtained from Mr. Jesse Nusbaum, the efficient and energetic superintendent of the Park, who for a number of years has given careful study to the problem of the Park's water supply. The courteous and helpful attention given me by Mr. Nusbaum and his assistants is much appreciated.

Samples of water from several prospective sources were to be collected and sent to Washington for analysis in the Water Resources laboratory. On account of bad weather and road conditions the collection of the samples was delayed and the samples had not been received at the time this report was to be submitted. It is believed, however, that these data would not change the main conclusions.

CONCLUSIONS AND RECOMMENDATIONS

Careful consideration was given to various projects for developing an enlarged water supply for Mesa Verde National Park, which may be listed as follows: (1) drilling, digging, or tunnelling for underground water; (2) laying a long pipe line to bring in water from a distance; and (3) constructing rain catches and reservoirs to store the rain and snow water. The following conclusions were reached:

1. All projects for developing underground water are uncertain as to quantity or quality of water, or both, and unless the prospecting should give unexpectedly good results, they are likely to prove rather expensive. No underground water project appears to offer as satisfactory a solution of the problem as does the catching and storing of rain and snow water.

2. A 30-mile pipe line carrying water from Crystal Creek, in the La Plata Mountains, would, it is believed, furnish a very satisfactory supply. This project would, however, entail a very large expense proportionate to the small community that is to be served.

3. The project of catching rain and snow water on specially prepared surfaces and storing it in underground reservoirs that will feed by gravity into the existing waterworks appears to be a feasible means of providing a permanent supply of good water at a reasonable cost.

******

PIPE LINE FROM LA PLATA MOUNTAINS

The pipe-line project that appears to be the most satisfactory and practicable would divert water from Crystal Creek, a tributary of the West Fork of Mancos River, at an elevation of more than 9,000 feet above sea level. This creek is indicated on the map of the Montezuma National Forest and is shown but not labeled on the topographic map of the La Plata quadrangle. It drains a small area of forested upland or mountain country. According to the La Plata geologic folio (No. 60) most of the drainage basin of this creek is underlain by Mancos shale, but in traversing the creek a considerable distance only fine-grained igneous rocks were seen either in place or in the rock waste. There is considerable rock waste, which is perhaps in part glacial drift.

The soil and vegetal cover give good conditions for storage of shallow ground water that would supply the stream during dry seasons. The rather dense growth of timber and other vegetation, the abundance of springs and moist ground, and the high altitude all indicate that the precipitation is rather heavy. The stream is reported by the old settlers to be perennial and observed conditions support this report. However, as the drainage basin is small, the question of perennial supply ought to be investigated as carefully as possible before the pipe-line project is carried out. At the time it was examined, August 29, the stream was in flood caused by rains earlier in the day, and the water was somewhat turbid. However, spring-fed tributaries were found which were discharging clear water in such quantity that it was estimated that the spring or ground-water flor of Crystal Creek at that time was as much as a second-foot. Although there had been some recent rains it was a time of year when streams are generally near their minimum flow due to the prolonged evaporation and transpiration of the summer season.

As the drainage basin is in an uninhabited or very sparsely inhabited, wooded, and mountainous area in the National Forest, it can be absolutely protected from pollution. If the project is carried out it would probably be advisable to build a fence around the drainage basin to make the protection against pollution complete and also to preserve the vegetal cover and prevent erosion, and thus to maintain the best conditions possible for a perennial and well sustained water supply. This could doubtless be arranged, as all of the land is in the National Forest and probably all Government land. To the extent that the water comes out of granitic or felsitic rock it should be soft and low in mineral matter. A sample of water is to be collected from this stream at a time when it is not in flood for analysis in the Water Resources laboratory. Although the water was turbid at the time the creek was seen, it is believed that the turbidity is of short duration and that the water is generally clear. Moreover, the material that occasionally goes into suspension is doubtless rather coarse and will settle out rather quickly.

Crystal Creek occupies a hanging valley. Near its mouth it cascades, several hundred feet, into the West Ford of the Mancos. Its water is at present diverted above the cascading reach, at perhaps 9,300 feet above sea level, by a ditch that discharged into Chicken Creek from which the water is utilized for irrigation.

The project that seems the most feasible is to divert the water not far from the present diversion and to carry it in a pipe line all the way to Spruce Tree Camp. The water could be conducted through a ditch in the first stretch of its course but the relatively small saving that would thereby be accomplished would hardly be worth while in view of the danger of pollution to which the water would be subjected in the ditch.

The pipe line from Crystal Creek to Spruce Tree Camp would be about 30 miles long. Its alignment should be determined by a competent engineer. According to my best judgment, it should be carried westward across Chicken Creek; thence down the slope over relatively smooth country and across Mud Creek to the foot of the Mesa Verde; thence up the north slope of the mesa, following the main highway in most of this stretch because of the exceeding ruggedness of the country; thence, on either side of the divide, following the highway much of the distance, about to the bench mark labeled 8153 on the topographic map; thence across the head of School Section Canyon, down along Park Mesa, through Soda Canyon, upon Chapin Mesa, and thence to Spruce Tree Camp. It would start at about 9,300 feet, descent to perhaps 6,800 feet, ascent to about 8,300 feet, and again descent to about 7,000 feet. In addition there would be minor ups and downs that were not determined. It is considered that a flow of 50 gallons a minute would be adequate for all future needs. No attempt was made to calculate the size or strength of pipe required. Steel pipe would doubtless be used. A 4-inch pipe would probably be large enough, certainly the pipe would not have to be over 6 inches in diameter anywhere in its course, and at the lower end a 2-inch pipe may be adequate. The greatest static head would be around 1,500 feet, or 650 pounds to the square inch.

Some reservoir space should be provided at the discharge end to provide a supply in case the pipe line should be put out of duty by an accident anywhere along its course or in case of fire. As the water would not be needed except during the summer season, the pipe line could be drained in the fall and no provision need be made against freezing in the winter.

In addition to being a gravity system throughout, it is expected that enough power could be developed to operate the small electric light plant at Spruce Tree Camp. The system would also have the advantage of furnishing water at points along the road for use in automobile radiators, etc., and for camps of men engaged on road work. The water for these temporary camps is now hauled from various wells in the park.

The principal items of cost will consist of about 160,000 feet of pipe, including considerable high-pressure pipe, and the labor required to haul it to the ground and to install it. Other items will be the purchase of the water right, right of way in certain parts, construction of fence and simple diversion works, and of a reservoir and power plant at Spruce Tree Camp. Mr. Nusbaum made a rough estimate of $450,000 for the total cost.

The cost of operation should be small, and unless there is some defect in construction or the shale in which the pipe is buried proves very corrosive, there will be little expense for maintenance during a considerable period of years. It is difficult to make any comparison with respect to operation and maintenance between thispipe-line project and the rain-catch and storage project. In the long run, the pipe-line project would doubtless cost at least as much as the rain catch and storage project for operation and maintenance. It is uncertain how long the pipe will last, but even with a long life the depreciation will be a large figure.

C O P Y

Analyses of water from wells, springs, and streams
in or near the Mesa Verde National Park, Colorado

Analyzed by Margaret D. Foster. Parts per million.

Collected by Jesse L. Nusbaum, Supt., Mesa Verde National Park, Oct. 20 and 21, 1925.

	A	B	C	D	E	F	G
Silica (SiO_2)	19	12	11	14	19	21	
Iron (fe)	0.32	0.72	6.4	7.25	0.63	0.15	
Calcium (ca)	56	262	210	565	328	15	
Magnesium (Mg)	20	182	115	446	520	3.7	
Sodium and potassium (Na/K)	4.1	162	50	61	1322	3.0	
Bicarbonate radicle (HCO_3)	168	532	415	403	975	62	
Sulphate radicle (SO_4)	83	1213	694	2733	4638	5.4	
Chloride radicle (Cl)	1.8	28	16	89	125	1.2	
Nitrate radicle (NO_3)	2.5	3.0	0.67	0.27	14	0.10	
Total dissolved solids at 180° C	272	2238	1338	4440	8010	85	1161.17
Total hardness as $CaCO_3$ (Calculated)	222	1401	996	3241	2952	53	155.91

A. Spring at Spruce Tree Camp that furnished the water supply for the camp.
B. Morfield Well, in Morfield Canyon. Dug well about 30 feet deep. Described in report as Well No. 1 and shown on the topographic map of Mesa Verde National Park.
C. Upper Prater well, in Prater Canyon. Dug well about 35 feet deep. Well No. 2 in the report. Shown on the topographic map.
D. Emergency well in Spruce Canyon near the Spruce Tree Camp. Dug well 8 feet deep. Well No. 12 in the report.
E. Small spring at base of Echo Cliff, in Navaho Canyon, Mesa Verde National Park.
F. Spring at head of Crystal Creek, Montezuma National Forest, about 12 miles from Mancos.
G. "Raw" water from Deep Well, Mesa Verde; tests made July 1936 by Paul S. Nice, Denver. Complete test attached hereto.

PAUL S. NICE
Chemical Engineer and Bacteriologist
312 17th St.
Denver, Colorado Ref. to Lab. No. 59281

C O P Y

Report on filtered water

Submitted by H. B. Hommon, Sanitary Engineer,
U. S. Health Service, San Francisco.

Producer, Mesa Verde National Park, Colorado.

Remarks: Source, deep well, Mesa Verde Natl. Park. Temperature water as it comes from well 110 degrees F. Depth well 4192 ft. Depth water in well, 1,200 ft. Well drilled about 3 years ago. Pump rate of pumping 25 g.p.m.

	Parts/Million	Grains/Gallon
Chlorine	4.0	0.23
Sulphate	472.0	27.52
Bicarbonate	344.0	20.06
Silica (Note #1)	0.3	0.02
Iron (Note #1)	0.0	0.0
Calcium	42.5	2.48
Magnesium	12.1	0.71
Sodium	286.4	16.70
Total	1161.3	67.72
INCRUSTANTS		
Calcium Bicarbonate	171.82	10.02
Magnesium Bicarbonate	72.44	4.22
Iron & Aluminum Oxides	0.00	0.00
Silica	0.30	0.02
Total	244.56	14.26
NONINCRUSTANTS		
Sodium Bicarbonate	212.79	12.39
Sodium Sulphate	697.39	40.66
Sodium Chloride	6.43	0.37
Total	916.61	53.42
Total dissolved solids	1161.17	67.68
Total alkalinity as calcium carbonate	282.00	16.44
Total hardness as calcium carbonate	155.91	9.09

Pounds incrustants per 1000 gallons water..... 2.04
Pounds nonincrustants per 1000 gallons water..... 7.63
Hydrogen ion concentration(pH).....7.9 grs per gal.

Note #1. The entire sample (970cc) was filtered and the filtered water analyzed. The same bottle was then cleaned with hydrochloric acid and that passed through the filter. The material insoluble in xxx acid gave silica 24.0 parts per million. The filtrate gave iron (Fe) 6.0 parts per million equivalent to 8.85 parts per million iron oxide (Fe_2O_8)

03-28-1943: letter to hydraulic engineer from special assistant to the attorney regarding final draft of the statement of claim for the

APR 2 1943

DEPARTMENT OF JUSTICE

aaj 4/2

332 Postoffice Building,

Denver, Colorado, March 28, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco California.

General Adjudication, Water District
No. 34-- Mancos Project and Mesa
Verde Pipe Line.

Dear Mr. Dunn:

Enclosed herewith please find a copy of the final draft of the statement of claim for the Mancos Project.

Kindly let me know at once if this is in satisfactory form so I can get the same filed.

I have sent two copies to the Attorney General.

Very truly yours,

North Allen,
Special Assistant to
the Attorney General.

WA/EIM

Copies to Director
Region Three
Act. Supt., Mesa Verde } 4/2/43



APR 2 1943

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss.
County of Montezuma.)

No. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

COMES NOW the United States of America, by Werth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

1. By this petition and statement of claim and by the filing and prosecution thereof, the United States does not submit for or consent to adjudication of, any rights within the Water District No. 34, State of Colorado, which are owned by Indian wards of the United States, or by the United States as trustee for such Indians. Consent to the adjudication thereof and to this court acquiring any jurisdiction with respect thereto is hereby expressly withheld.

2. The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved January 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservation and Utilization Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved June 28, 1941, 55 Stat. 303, 351-352, has initiated and is now in process of constructing, developing and carrying forward to completion a Water Conservation and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservoir, to be used for storage purposes and as a conduit for direct uses, an inlet canal, an outlet canal, and a pipe line. The names of the reservoir and of the said canals and pipe line are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, Jackson Gulch Outlet Canal, and Mesa Verde Pipe Line.

The uses for which waters have been appropriated and will be used are for irrigation, power, domestic, fire protection, recreational, industrial, municipal, manufacturing and other beneficial purposes.

4. The total amount of money which had been spent on said project on December 31, 1942, is one hundred and fifty-five thousand, seven hundred and sixty-two dollars and seventy-eight cents($155,762.78). The total cost of the completed project is to be approximately one million, eight hundred and thirty-five thousand dollars ($1,835,000.00).

5. Manco Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing to it of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder, and for domestic uses on said lands. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States a substantial part of the costs of constructing said project.

6. The town of Mancos will be furnished for domestic purposes a small amount of the storage water. The water so furnished to it will be turned back into West Mancos River.

7. In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(a) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, Mesa Verde Pipe Line, and all other works and structures constituting the project.

(b) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(c) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals, in Jackson Gulch and in said pipe line, and to be stored in said reservoir, and carried therethrough, is October 31, 1936.

(d) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

(e) The following matter is stated with respect to the works and structures, etc., of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from West Mancos River and from Jackson Gulch:

8.
Jackson Gulch Reservoir.

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located in and across Jackson Gulch, and upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range thirteen (13). The exact location and description of said reservoir is more particularly shown by a map which will be offered in evidence.

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The said map gives the area and total capacity for each foot of depth from the bottom of the outlet tube at its inlet to the spillway level. The total capacity of said reservoir is four hundred and twenty-eight million, six hundred and forty-six thousand, four hundred and thirty (428,646,430) cubic feet, or nine thousand, eight hundred and forty (9,840) acre feet of water, for which claim is made for irrigation, power, domestic, fire protection, recreational, industrial, manufacturing and other beneficial purposes.

(d) The sources of supply of water to be impounded in said reservoir are West Mancos River and Jackson Gulch. Said reservoir will be used also as a conduit for the carriage therethrough of water carried thereto from said river through Jackson Gulch Inlet Canal, hereinafter described, from West Mancos River.

(e) The estimated cost of said reservoir is one million, two hundred and seventy-five thousand ($1,275,000.00).

(f) The water to be stored in said reservoir, and that to be carried therethrough for direct use, will be taken out of said reservoir by Jackson Gulch Outlet Canal and by Mesa Verde Pipe Line, leading to Mesa Verde National Park, both of which are hereinafter described.

9.

Jackson Gulch Inlet Canal.

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Nances River, from which it derives its principal supply of water, whence the Northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears North twenty-two degrees, twenty-nine minutes (22° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851.86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grades thereof, as originally to be constructed are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth at highwater line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

(e) The approximate length thereof is fourteen thousand, six hundred and twenty-five (14,625) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is one hundred and thirty-five thousand dollars ($135,000).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) Said canal empties into Jackson Gulch. The water carried in said canal and so emptied is to be carried down said gulch to and for storage in and direct passage through said reservoir. The water that may naturally be flowing in Jackson Gulch will be stored in said reservoir.

Water diverted from West Mancos River, not exceeding two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, will be diverted from said canal and from said gulch for the irrigation of lands lying thereunder, and for domestic purposes, as and when needed.

10.
Jackson Gulch Outlet Canal.

(a) The name of said canal is Jackson Gulch Outlet Canal.

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes (57° 41') East five hundred and sixty-seven and seventy-six one-hundredths (567.76) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

(e) The length is twelve thousand and ninety-seven (12,097) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is sixty-five thousand dollars ($65,000).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) West Mancos River and Mancos River are to be used for carriage storage of storage water released from said reservoir and carried therefrom through said outlet canal for the purposes stated. Some water, including both storage and direct flow, but not exceeding two hundred and seven (207) cubic feet of water per second of time of direct flow, will be diverted for irrigation and domestic purposes from said canal at points intermediate to said reservoir and the point where said canal empties into West Mancos River.

11.

Mesa Verde Pipe Line.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park, one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both. Water for said park will be taken at times from and through said reservoir, and at other times from West Mancos River by a pipe line leading therefrom to said park.

(b) In no event will the amount of water delivered in said park, including that passing from and through said reservoir and that drawn directly from the river by said pipe line, exceed one hundred and twenty (120) acre feet per annum. The diversion of water directly from the river by the pipe line will make no greater demand upon the river than would be made by supplying all of said amount of water from and through said reservoir. At no time will the total amount of the water diverted through said pipe line and through the inlet canal for direct use exceed two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time. When water in said river is not available under claimant's priority, diversion by said pipe line will continue, and senior adjudicated priority rights will be compensated by release to the river of an equal amount of storage water.

(c) The name of said pipe line is Mesa Verde Pipe Line.

(d) The intake proper of the pipe line will be located at a point whence the northwest corner of Section thirty (30), Township thirty-seven (37) north, Range twelve (12) bears South thirty-eight degrees, fifty-eight minutes (38° 58') West eight thousand, three hundred and ten (8,310) feet,

or at a point within five hundred (500) yards up or down stream therefrom. The pipe line will be supplied by a system of collection pipes to be laid in an area two hundred (200) feet wide and four hundred (400) feet long below the bed of the stream above said diversion point.

(e) The general course of said pipe line is southwesterly.

(f) The dimensions, grades, etc. thereof are as follows:

The inside diameter of that section of the pipe line extending from said river to Chapin Mesa is five and one-sixteenth (5 1/16) inches.

The inside diameter of the section of said pipe line extending from Chapin Mesa to the distribution reservoir is three and one-half (3½) inches.

The controlling gravity grade is two and thirty-six one-hundredths (2.36) feet per thousand feet.

A pump will be installed and operated in order to carry thirty-three one-hundredths (.33) cubic foot of water per second of time through the pipe line.

The pump will be located on said pipe line near the entrance to said park.

(g) The length of that section of the pipe line having the greater diameter is approximately one hundred and thirty-two thousand, fifty-five (132,055) feet.

The length of the section having the smaller diameter is approximately twenty-one thousand, eight hundred (21,800) feet.

(h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east slope of Jackson Gulch Reservoir, whence the east monument on the axis of the dam bears north eighty-three degrees, fifty-four minutes (83° 54') east five hundred and seventy-two (572) feet.

(i) The general course of said lateral pipe line is southerly.

(j) The dimension and grade of said lateral pipe line are as follows:

The inside diameter is five and one-sixteenth (5 1/16) inches.

The grade is in excess of five (5) feet per one thousand (1000) feet.

(k) The length of said lateral pipe line is two thousand, nine hundred and thirteen (2913) feet. Said lateral pipe line will form a junction with the main pipe line at a point approximately thirty-two thousand, nine hundred (32,900) feet below the intake of the latter at West Mancos River.

(l) The carrying capacity of said lateral pipe line is thirty-three one-hundredths (.33) cubic feet of water per second of time.

(m) The estimated total cost of said pipe line, including said lateral pipe line and appurtenant structures, is three hundred and sixty thousand dollars ($360,000).

(n) Water carried through said pipe line will be delivered to a regulatory distribution reservoir in said park.

(o) Water carried through said pipe line to said park will be used for domestic, fire protection, industrial and recreational purposes.

12. The number of acres of land lying under said project and proposed to be irrigated by water from and through said reservoir and said canals and gulch, and on which water is to be furnished for irrigation and domestic purposes, is not less than thirteen thousand (13,000), and is situated in Montezuma County, State of Colorado.

13. Claim is hereby made (1) of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, fire protection, recreational, industrial, manufacturing and other beneficial purposes in said reservoir to the capacity thereof, namely, nine thousand, eight hundred and forty (9,840) acre feet, to be carried to said reservoir in said inlet canal, as the latter now is proposed to be constructed and as the same may hereafter be enlarged, and in Jackson Gulch, (2) of a priority right as of date of October 31, 1936, to divert for direct use for said purposes, from West Mancos River, through said inlet canal and through said pipe line two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet of water per second of time, and through said outlet canal and said pipe line two hundred and seven and thirty-three one-hundredths (207.33) cubic feet of water per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein, and (3) of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priority, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

FEB 5 1943

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from Mancos River and all of its tributaries, the granting or allowance of which may be adverse to the interests of the United States, of Mancos Water Conservancy District and of the Town of Mancos in the premises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of the work or facts in evidence may warrant, demand, or as may be desirable by the United States, to the end that ultimately upon completion of theproject named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936, to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of stored water and of water carried directly through said reservoir, to beneficial use; that after completion of said works and the application of water to beneficial use, the decree may be made absolute; that the exact locations of the points of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this day of A.D. 1943.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the
Attorney General.

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, March 27, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco California.

Water Adjudication, District
No. 34, Mancos Project.

My dear Dunn:

On March 20, I wrote you a letter containing the following paragraph:

> "The statement of claim starts out by referring to the Acts of Congress pursuant to which the project is being constructed. Those Acts relate to the Bureau of Reclamation. I should appreciate your being good enough to have your legal department furnish you for me with the Acts, pursuant to which the pipe line to Mesa Verde National Park is to be constructed."

It seems doubtful whether either of the Acts, 53 Stat. 1418 and 54 Stat. 1119, has any relation to the construction by the Park Service of the Mesa Verde pipe line, or any similar project. Undoubtedly there is some Act or Acts which are broad enough to confer the necessary authority. Please be good enough at your earliest convenience to write me referring to the Act or Acts applicable.

I find in Section 9, 54 Stat. 1119, 1124, the following:

> "In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies * * *"

This Act would, therefore, conceivably confer authority on the United States to furnish water for some other Government project, but we should have the statutory authority for the construction of the other project.

With kind regards, I remain

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

r. Dunn.

3/26

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

601 Sheldon Building

March 25, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

In reply to your letter of March 20 to Mr. Dunn referring to Acts of Congress pursuant to which the pipe line to Mesa Verde National Park is to be constructed, I find the following references in United States Statutes from the 72nd Congress, Feb. 2, 1932, et seq.

47 United States Statutes at Large, page 22:

"Mesa Verde National Park: For an additional amount for the completion of a deep water well, fiscal years 1932 and 1933, $22,000."

49 United States Statutes at Large, page 1622:

"Mesa Verde National Park, Colorado: For an additional amount for improvement of the water system, fiscal years 1936 and 1937, $10,000."

50 United States Statutes at Large, page 605:

"Mesa Verde National Park, Colorado: . . . . Provided, that the unexpended balance of the appropriation of $10,000 contained in the First Deficiency Appropriation Act, fiscal year 1936, for improvement of the water system, is continued available for the same purposes for the fiscal year 1938."

55 United States Statutes at Large, page 352:

". . . . including not to exceed $75,000 for the acquisition of rights-of-way and construction of a water supply line partly outside of the boundaries of Mesa Verde National Park, $346,000, to remain available until expended."

There is also a reference in the U. S. Code Annotated, Title 16, Section 1llb, to the authority of the Secretary of the Interior to accept donations of land or right-of-way, but I judge this section was enacted for highway purposes only.

Since there hafe been various schemes devised for providing adequate water for Mesa Verde National Park and they have heretofore relied upon wells and reservoirs, I judge that the statute mentioned in Volume 55 is the only one you will wish to refer to in your petition. I am giving you the others merely for reference purposes, perhaps for discussion with the Bureau of Reclamation.

Sincerely yours,

Albert L. Johnson,
Attorney.

March 24, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

Reference is made to the letter from J. R. Alexander, Bureau of Reclamation, to the Resident Engineer, Mancos, Colorado, of March 13, with regard to the Spencer Ditch and other matters.

The Spencer Ditch diverts water from Bob Creek to Crystal Creek to supplement the supply of the Crystal Creek Ditch, and the latter does divert above and release the water below the Park Service water system. However, in the present form of claim for the United States, since the Park Service will enjoy the same priority as the Bureau of Reclamation, I see no reason why the Park Service should not adopt the same attitude as the Bureau with regard to the Spencer claim of 1937.

As stated while in Denver, I am more concerned with the special adjudication in which Kelly is transferring old decreed rights from the No. 6 Ditch to the Crystal Creek Ditch and thus moving his diversion from below to a point above the Mancos Project and source of direct diversion for the Mesa Verde Pipe Line. I should like to prevent any such transfers which are clearly intended to get a better control of the waters before they reach the Greater Mancos Project. At the same time I feel that a protest might result in more detriment to us in the general adjudication than to let it go through.

If the Kelly diversion through Crystal Creek Ditch were to result in drying up of the West Mancos River I should be quite concerned, but if other claimants, including the owners of the Lee and Burke Ditch, do not object the Park Service is probably amply protected by its provisions for exchange waters from the Jackson Gulch Reservoir. You will note that the owners of the Lee and Burke Ditch have one right senior to and one junior to No. 13 which is being transferred by Kelly.

I think the main thing to determine in your investigation which you suggested while I was in Denver is whether any one else besides

AJL 3/24

FILE COPY

Kelly is planning to transfer rights to the Crystal Creek Ditch. The one right No. 13 of Kelly's to 2/3 sec. ft. is not important, but a large number of such transfers would certainly be adverse to the Park Service interests and might become detrimental to the whole Mancos Project.

Sincerely yours,

(SGD.) A. VAN V. DUNN

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Three.
Supt., Mesa Verde N. P.

03-22-1943: memorandum to mr. lassiter from hydraulic engineer regarding change to the statement of claim

March 22, 1943.

MEMORANDUM for Mr. Lassiter, Region Three.

In our discussion of the point of diversion for the West Mancos Water Supply System for Mesa Verde, you designated station 26/26 as the lowest, 33/36 as the mean, and 38/15 as the probable upper limit, and we drafted the statement of claim accordingly.

On computing hydraulic properties I find that this gives a gradient of only 2.05 feet per 1000 feet while you have previously indicated a desire for 2.36 feet per 1000. A study of the map you gave me while in Santa Fe shows that the proper gradient requires a diversion at station 48/26. A cliff near 51/42 suggests that a better site may exist between that and 52/66. Any of these, however, mean that the pipe line will have to cross the river or traverse a slide area near station 41/43.

In order to provide for flexibility in design I have changed the statement of claim to provide for diversion opposite station 38/15, or within 500 yards above or below. This covers an area from well below 26/26 to 50 feet above 52/66 and still makes the possible variation sound relatively small when stated in yards as the Bureau has done. I did not take the exact midpoint, with reduction of 60 yards in variation, because that would fall in the slide area where no one would place a diversion. I retain the lower diversion in case you wish to sacrifice gradient to stay below the slide area.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Director (2).
Region Three.
Supt., Mesa Verde.
Mr. Worth Allen.
Mr. Harry Hommon.

FILE COPY

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, March 13, 1943.

Mr. A. vanV. Dunn,
Cosmopolitan Hotel,
Denver, Colorado.

General adjudication, Water
District No. 34-- State of
Colorado. Mancos Project
and Mesa Verde Pipe Line.

Dear Dunn:

Enclosed herewith is a copy of the rough draft of the statement of claim which we have been working on.

Will you please look the same over carefully and see whether you have any further suggestions? You will note on page 5 (a) that there is some further data to be furnished me.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/EIM



Prepared March 13, 1943
in Allen's office

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF
MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss. No. 967.
County of Montezuma.)

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.) PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

1. By this petition and statement of claim the United States does not submit for adjudication any rights within Water District No. 34, Colorado, which are owned by Indian wards of the United States, or by the United States as trustee for such Indians.

2. The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved January 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservancy and Utilization Act, and Acts amendatory thereof and supplemental thereto, has initiated and is now in process of constructing, developing and carrying forward to completion a Water Conservancy and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservoir, to be used for storage purposes and as a conduit for direct uses, an inlet canal, an outlet canal, and appurtenances. The names of the reservoir and of the said canals are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, and Jackson

Gulch Outlet Canal, and Mesa Verde Pipeline.

3. The uses for which the waters have been appropriated and will be used are for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes.

4. The total amount of money which had been spent on said project on December 31, 1942, is one hundred and [illegible] five thousand, three hundred and eighty-four dollars and twelve cents ($105,384.12). The total cost of the completed project is to be approximately one million, [illegible] hundred and thirty-nine thousand dollars ($1,139,000.00).

The Mancos Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States a substantial part of the costs of constructing said project.

5. In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(a) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, and all other works and structures constituting the project.

(b) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(c) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals and in Jackson Gulch and stored in said reservoir, and carried therethrough, is October 31, 1936.

(d) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

(a)

The following matter is stated with respect to the works and structures, etc. of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from the West Mancos River and from Jackson Gulch:

8.

~~Jackson Gulch Reservoir.~~

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located in and across Jackson Gulch and upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range thirteen (13). The exact location and description of said reservoir is more particularly shown by a map which will be filed in due course. ~~"Exhibit A", attached hereto, and by reference made a part hereof.~~

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The said map ~~tables incorporated in "Exhibit A"~~ gives the area and total capacity for each foot of depth from the bottom of outlet tube at its inlet up to the spillway level. The total capacity of said reservoir is four hundred and twenty-eight million, six hundred and forty-six thousand, four hundred and thirty (428,646,430) cubic feet, or nine thousand, eight hundred and forty (9,840) acre feet, of water, for which claim is made for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes.

(d) The sources of supply of water to be impounded in said reservoir are West Mancos River and Jackson Gulch. Said reservoir will be used also as conduit for the carriage therethrough of water carried thereto from said river through Jackson Gulch Inlet Canal, hereinafter described, from West Mancos River.

(e) The estimated cost of said reservoir is one million, two hundred and ~~fifty-six~~ twenty-five thousand, four hundred and ~~fifty-five~~ dollars ($1,225,400.00).

(f) The water to be stored in said reservoir, and that to be carried therethrough for direct use, will be taken out by Jackson Gulch Outlet Canal, and by Mesa Verde Pipe Line, leading to Mesa Verde National Park, both of which are hereinafter described.

9.

Jackson Gulch Inlet Canal.

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Mancos River, from which it derives its principal supply of water, whence the Northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears North twenty degrees, twenty-nine minutes (20° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851.86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grades thereof, as originally to be constructed, are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth at high water line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

(e) The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

(f) The approximate length is sixteen thousand, three hundred (16,300) feet.

Said canal empties into Jackson Gulch. The water carried in said canal and so emptied, and such water as naturally may from time to time be in Jackson Gulch, is to be carried through said gulch to and for storage in and direct passage through Jackson Gulch Reservoir, which is to be constructed in the channel of said gulch. Some of the water so diverted from West Mancos

River and some of the water naturally running in said gulch will be diverted therefrom for direct use for irrigation and domestic purposes.

(g) The estimated cost of said canal, as originally to be constructed, is one hundred and twenty-five thousand, two hundred and forty-three dollars ($125,243).

(h) Said canal is shown in more detail on ~~Exhibit B~~ Sheet No. 2, which is ~~attached hereto and by reference made a part hereof.~~ ~~which will be offered in evidence.~~

(i) Said canal empties into Jackson Gulch. The water carried in said canal and so emptied is to be carried down said gulch to and for storage in and direct passage through said reservoir. The water (other than that from West Mancos River) that may naturally be flowing in Jackson Gulch will be stored in said reservoir.

Water diverted from West Mancos River, not exceeding two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, will be diverted from said canal and from said gulch for the irrigation of lands lying thereunder, and for domestic purposes, as and when needed.

(j) The general ...

10.

Jackson Gulch Outlet Canal.

(a) The name of said canal is Jackson Gulch Outlet Canal.

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes, thirty-one seconds (57° 41' 31") East five hundred and sixty-three and four-tenths (563.4) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

(e) The length is fifteen thousand, seven hundred and seventy-five (15,775) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is sixty thousand, three hundred and ninety-two dollars ($60,392).

(h) Said canal is shown in more detail on ~~Exhibit "B"~~, which is attached hereto, and by reference made a part hereof.

(i) West Mancos River and Mancos River are to be used for carriage of the water released from said reservoir, and through said outlet canal for the purposes stated. Some water, including both storage and direct flow, ~~not exceeding two hundred and seven (207) cubic feet per second of time,~~ will be diverted for irrigation and domestic purposes from said canal at points intermediate to said reservoir and the point where said canal empties into West Mancos River.

-5-

11.

Mesa Verde Pipe Line.

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both. Water for said park will be taken at times from and through said reservoir, and at other times from said river by a pipe line leading therefrom to said park.

(b) In no event will the amount of water delivered in said park, including that passing from and through said reservoir and that drawn directly from the river by said pipe line, exceed one hundred and twenty (120) acre feet per annum. The diversion of water directly from the river by the pipe line will make no greater demand upon the river than would be made by supplying all of said amount of water from and through said reservoir. At no time will the sum of the water diverted through said pipe line and through the inlet canal for direct use exceed two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time. When water in said river is not available under claimant's priority, diversion by said pipe line will continue, and senior adjudicated priority rights will be compensated by release to the river of an equal amount of storage water.

(c) The name of said pipe line is Mesa Verde Pipe Line.

(d) The intake proper of the pipe line will be located at a point whence the northwest corner of Section thirty (30), Township thirty-seven (37) north, Range twelve (12) bears S. 58° 49' W. 7862.18 or at a point within four hundred (400) feet up or down stream therefrom. The pipe line will be supplied by a system of collection pipes to be laid below the bed of the stream above said diversion point two hundred (200) feet wide and four hundred (400) feet long.

(e) The general course of said pipe line is southwesterly.

(f) The diameter, grade, etc. thereof are as follows:

The inside diameter of that section of the pipe line extending from said river to Chapin Mesa is five and one-sixteenth (5 1/16) inches.

The inside diameter of the section of said pipe line extending from Chapin Mesa to the distribution reservoir is three and one-half (3½) inches.

6a

The controlling gravity grade is two and thirty-six one-hundredths (2.36) feet per thousand feet.

A pump will be installed and operated in order to carry thirty-three one-hundredths (.33) cubic foot of water per second of time through the pipe line.

The pump will be located on said pipe line near the entrance to said park.

(g) The length of that section of the pipe line having the greater diameter is approximately one hundred and thirty-two thousand, two hundred (132,200) feet.

The length of the section having the smaller diameter is approximately twenty-one thousand, eight hundred (21,800) feet.

(h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east slope of Jackson Gulch Reservoir, whence the east monument on the axis of the dam bears north eighty-three degrees, fifty-four minutes (83° 54') east five hundred and seventy-two (572) feet.

(i) The general course of said lateral pipe line is southerly.

(j) The dimension and grade of said lateral pipe line are as follows:

The inside diameter is five and one-sixteenth (5 1/16) inches.

The grade is in excess of five (5) feet per thousand feet.

(k) The length of said lateral pipe line is two thousand, nine hundred and thirteen (2913) feet. Said lateral pipe line will form a junction with the main pipe at a point approximately thirty-two thousand, nine hundred (32,900) feet below the intake of the latter.

(l) The carrying capacity od said lateral pipe line is thirty-three one-hundredths (.33) cubic foot of water per second of time.

(m) The estimated total cost of said pipe line, including said lateral pipe line, and appurtenant structures, is three hundred and sixty thousand dollars (360,000).

(n) Water carried through said pipe line will be delivered to a regulation distribution reservoir in said park.

(o) Water carried through said pipe line to said park will be used for domestic, fire protection, industrial and recreational purposes.

Mancos River. The town of Mancos and Mesa Verde National Park will receive domestic water from said Project. The water for the town of Mancos will be turned into West Mancos River and the water for Mesa Verde National Park will flow through a pipe line leading from said river to said park.

12. The number of acres of land lying under and proposed to be irrigated by water from and through said reservoir and said canals and gulch, is not less than thirteen thousand (13,000), and is situated in Montezuma County, State of Colorado.

13. Claim is hereby made (1) of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes in said reservoir to the capacity thereof, namely, nine thousand, eight hundred and forty (9,840) acre feet, to be carried to said reservoir in said Inlet Canal, as the same is now proposed to be constructed, and as the same may hereafter be enlarged, and in Jackson Gulch, and (2) of a priority right as of date of October 31, 1936, to divert for direct use for said purposes, from West Mancos River and Jackson Gulch, or from each or either of them, the amount of water which will flow through said Inlet Canal, which is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein, and the total amount of direct flow which will pass (3) of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priority, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from Mancos River and all of its tributaries, the granting or allowance of which may be adverse to the interests of the United States, and of the Town of Mancos and Mancos Water Conservancy District, in the premises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of

the work or facts in evidence may warrant, demand or be desirable by the United States, to the end that ultimately upon completion of the project named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936, to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of stored water and of water carried directly through said reservoir, to beneficial use; that after completion of said works and the application of water stored in said reservoir and conducted directly therethrough to ~~beneficial use~~ municipal use, the decree be made absolute; that the exact location of the point of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this day of A. D. 1942.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the
Attorney General.

Mesa Verde Deed Ky

March 13, 1943
(with Park Service diversion
tie added March 22.)

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF
MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss.
County of Montezuma.)

No. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

1. By this petition and statement of claim and by the filing and prosecution thereof the United States does not submit for or consent to adjudication of any rights within Water District No. 34, State of Colorado, which are owned by Indian wards of the United States, or by the United States as trustee for such Indians. Consent to the adjudication thereof and to this court acquiring any jurisdiction with respect thereto is hereby expressly withheld.

2. The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved January 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts amendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservancy and Utilization Act, and Acts amendatory thereof and supplemental thereto, has initiated and is now in process of constructing, developing and carrying forward to completion a Water Conservancy and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservoir, to be used for storage purposes and as a conduit for direct uses, an inlet canal, an outlet canal, and a pipe line. The

names of the reservoir and of the said canals and pipe line are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, Jackson Gulch Outlet Canal, and Mesa Verde Pipe Line.

3. The uses for which waters have been appropriated and will be used are for irrigation, power, domestic, fire protection, recreational, industrial, municipal, manufacturing and other beneficial purposes.

4. The total amount of money which had been spent on said project on December 31, 1942, is one hundred and fifty-five thousand, seven hundred and sixty-five dollars and twelve cents ($155,765.12). The total cost of the completed projett is to be approximately one million, eight hundred and thirty-five thousand dollars ($1,835,000.00).

5. Mancos Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States a substantial part of the costs of constructing said project.

6. The Town of Mancos will be furnished for domestic purposes a small amount of storage water. The water so furnished will be turned back into West Mancos River.

7. In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(a) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, Mesa Verde Pipe Line, and all other works and structures constituting the project.

(b) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(c) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals and in Jackson Gulch and stored in said reservoir, and carried therethrough, is October 31, 1936.

(d) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

(e) The following matter is stated with respect to the works and structures, etc. of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from the West Mancos River and from Jackson Gulch:

8. Jackson Gulch Reservoir

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located in and across Jackson Gulch and upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range thirteen (13). The exact location and description of said reservoir is more particularly shown by a map which will be offered in evidence.

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The said map gives the area and total capacity for each foot of depth from the bottom of outlet tube at its inlet up to the spillway level. The total capacity of said reservoir is four hundred and twenty-eight million, six hundred and forty-six thousand, four hundred and thirty (428,646,430) cubic feet, or nine thousand, eight hundred and forty (9,840) acre feet, of water, for which claim is made for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes.

(d) The sources of supply of water to be impounded in said reservoir are West Mancos River and Jackson Gulch. Said reservoir will be used also as a conduit for the carriage therethrough of water carried thereto from said

river through Jackson Gulch Inlet Canal, hereinafter described, from West Mancos River.

(e) The estimated cost of said reservoir is one million, two hundred and seventy-five thousand dollars ($1,275,000.00).

(f) The water to be stored in said reservoir, and that to be carried therethrough for direct use, will be taken out by Jackson Gulch Outlet Canal, and by Mesa Verde Pipe Line, leading to Mesa Verde National Park, both of which are hereinafter described.

9. Jackson Gulch Inlet Canal

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Mancos River, from which it derives its principal supply of water, whence the Northwest corner of Section thirty(30), Township thirty-seven (37) North, Range twelve (12), bears North twenty degrees, twenty-nine minutes (20° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851.86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grades thereof, as originally to be constructed, are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth at high water line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

(e) The approximate length is sixteen thousand, three hundred (16,300) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is one hundred and twenty-five thousand, two hundred and forty-three dollars ($125,243).

(h) Said canal is shown in more detail by a map which will be offered in evidence.

(i) Said canal empties into Jackson Gulch. The water carried in said canal and so emptied is to be carried down said gulch to and for storage in and direct passage through said reservoir. The water (other than that from West Mancos River) that may naturally be flowing in Jackson Gulch will be stored in said reservoir.

Water diverted from West Mancos River, not exceeding two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, will be diverted from said canal and from said gulch for the irrigation of lands lying thereunder, and for domestic purposes, as and when needed.

10. Jackson Gulch Outlet Canal

(a) The name of said canal is Jackson Gulch Outlet Canal.

Re amended Aug 13 1943

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes, thirty-one seconds (57° 41' 31") East five hundred and sixty-three

and four-tenths (563.4) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

(e) The length is fifteen thousand, seven hundred and seventy-five (15,775) feet.

(f) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(g) The estimated cost of said canal, as originally to be constructed, is sixty-five thousand dollars ($65,000).

(h) Said canal is shown in more detail by a map which will be introduced in evidence.

(i) West Mancos River and Mancos River are to be used for carriage of the water released from said reservoir, and carried through said outlet canal for the purposes stated. Some water, including both storage and direct flow -- but not exceeding two hundred and seven (207) cubic feet per second of time for direct uses -- will be diverted for irrigation and domestic purposes from said canal at points intermediate to said reservoir and the point where said canal empties into West Mancos River.

11. Mesa Verde Pipe Line

(a) Since prior to the time survey was made on October 31, 1936, claimant has intended to furnish from and by this project, for use in Mesa Verde National Park one hundred and twenty (120) acre feet of water per annum, said water to consist of either storage or direct flow, or both. Water for said park will be taken at times from and through said reservoir, and at

other times from said river by a pipe line leading therefrom to said park.

(b) In no event will the amount of water delivered in said park, including that passing from and through said reservoir and that drawn directly from the river by said pipe line, exceed one hundred and twenty (120) acre feet per annum. The diversion of water directly from the river by the pipe line will make no greater demand upon the river than would be made by supplying all of said amount of water from and through said reservoir. At no time will the sum of the water diverted through said pipe line and through the inlet canal for direct use exceed two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time. When water in said river is not available under claimant's priority, diversion by said pipe line will continue, and senior adjudicated priority rights will be compensated by release to the river of an equal amount of storage water.

(c) The name of said pipe line is Mesa Verde Pipe Line.

(d) The intake proper of the pipe line will be located at a point whence the northwest corner of Section thirty (30), Township thirty-seven (37) north, Range twelve (12) bears South thirty-eight degrees, fifty-eight minutes (38° 58') West eight thousand, three hundred and ten (8,310) feet, or at a point within five hundred (500) yards up or down stream therefrom. The pipe line will be supplied by a system of collection pipes to be laid below the bed of the stream above said diversion point in collecting area two hundred (200) feet wide and four hundred (400) feet long.

(e) The general course of said pipe line is southwesterly.

(f) The diameter, grade, etc. thereof are as follows:

The inside diameter of that section of the pipe line extending from said river to Chapin Mesa is five and one-sixteenth (5 1/16) inches.

The inside diameter of the section of said pipe line extending from Chapin Mesa to the distribution reservoir is three and one-half ($3\frac{1}{2}$) inches.

The controlling gravity grade is two and thirty-six one-hundredths (2.36) feet per thousand feet.

A pump will be installed and operated in order to carry thirty-three one-hundredths (.33) cubic foot of water per second of time through the pipe line.

The pump will be located on said pipe line near the entrance to said park.

(g) The length of that section of the pipe line having the greater diameter is approximately one hundred and thirty-two thousand, fifty-five (132,055) feet.

The length of the section having the smaller diameter is approximately twenty-one thousand, eight hundred (21,800) feet.

(h) The said reservoir will be connected with the said pipe line by a lateral pipe line, the headgate of which is located at a point on the east slope of Jackson Gulch Reservoir, whence the east monument on the axis of the dam bears north eighty-three degrees, fifty-four minutes (83° 54') east five hundred and seventy-two (572) feet.

(i) The general course of said lateral pipe line is southerly.

(j) The dimension and grade of said lateral pipe line are as follows:

The inside diameter is five and one-sixteenth (5 1/16) inches.

The grade is in excess of five (5) feet per thousand feet.

(k) The length of said lateral pipe line is two thousand, nine hundred and thirteen (2913) feet. Said lateral pipe line will form a junction with the main pipe at a point approximately thirty-two thousand, nine hundred (32,900) feet below the intake of the latter.

(l) The carrying capacity of said lateral pipe line is thirty-three one-hundredths (.33) cubic foot of water per second of time.

(m) The estimated total cost of said pipe line, including said lateral pipe line and appurtenant structures, is three hundred and sixty thousand dollars ($360,000).

(n) Water carried through said pipe line will be delivered to a regulatory distribution reservoir in said park.

(o) Water carried through said pipe line to said park will be used for domestic, fire protection, industrial and recreational purposes.

12. The number of acres of land lying under and proposed to be irrigated by water from and through said reservoir and said canals and gulch, and for which water is to be furnished for irrigation and domestic purposes, is not less than thirteen thousand (13,000), and is situated in Montezuma County, State of Colorado.

13. Claim is hereby made:

(1) Of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, fire protection, recreational, industrial, manufacturing and other beneficial purposes in said reservoir to the capacity thereof, namely, nine thousand, eight hundred and forty (9,840) acre feet, to be carried to said reservoir in said inlet canal, as the latter is now proposed to be constructed, and as the same may hereafter be enlarged, and in Jackson Gulch,

(2) Of a priority right as of date of October 31, 1936, to divert for direct use for said purposes, from West Mancos River, through said inlet canal and through said pipe line, two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet of water per second of time, and through said outlet canal two hundred seven (207) cubic feet of water per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein, and

(3) Of a right to divert water from said river through said pipe line at times when no water is available in the river to supply claimant's priority, upon turning into the river the amount of water so diverted to compensate senior adjudicated priority right holders.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by

filing and introducin any and all evidence and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from Mancos River and all of its tributaries, the granting or allowance of which may be adverse to the interests of the United States, of Mancos Water Conservancy District, and of the Town of Mancos in the premises; that full right and authority be reserved to the United States to amend, correct alter, or change this petitionand statement of claim without prejudice to the United States as the progress of the work or facts in evidence may warrant, demand or be desirable by the United States, to the end that ultimately upon completion of the project named the full interest, rights and titles of the United States shall be conxerved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936, to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of stored water and of water carried directly through said reservoir, to beneficial use; that after completion of said works and the application of water to beneficial use, the decree be made absolute; that the exact location of the point of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this day of A. D. 1943.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the
Attorney General.

03-13-1943: memorandum to district counsel from resident engineer regarding proof of water filing claim on spencer ditch, filed for

MAR 1943

Mr. Dunn

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
208 Federal Building
Salt Lake City, Utah
March 13, 1943

From District Counsel J. R. Alexander

To Resident Engineer, Mancos, Colorado

Subject Proof of Water Filing Claim on Spencer Ditch, filed for adjudication - Mancos Project

1. Receipt is acknowledged of your letter of March 10, 1943, on the above subject.

2. We have studied the tabulation attached to your letter and have noted the discrepancies in descriptions and ownership. Inasmuch as the claim for the Spencer Ditch claims a priority of 1937, and inasmuch as the claim of the United States for the Jackson Gulch Reservoir claims a priority date of 1936, it is not believed that the claim of the Spencer Ditch would interfere with the Jackson Gulch Reservoir filing, as any decree for the Spencer Ditch would be subsequent in point of time to the decreed rights of the reservoir. Of course, this situation might change in the event the claim of the United States were not established, or in the event the Spencers amended their filing and proof to claim a date antedating that of the United States. The National Park Service has probably made a separate direct flow claim, and just what effect the Spencer Ditch claim would have on the claim of the Park Service, we do not know, but we will call the same to the attention of Mr. Worth Allen who has general charge of all of the rights of the United States.

3. Generally speaking, it is not necessary in a statement of claim, or a map, to show the lands upon which the water will be applied and the only statutory requirements are that the number of acres to be irrigated shall be fixed, the description of the headgate correctly established and the general course of the ditch given. (Sections 153 and 158, Chap. 90, Vol. 3, 1935 C.S.A.). Also, it is not necessary that an appropriator own the land upon which he applies water in order to establish a valid right. The latest decision in Colorado is Kountz vs. Olson, 29 P. 2d. 627-629, wherein the Court says:

> "It is sufficient in order to perfect an appropriation to the right to use of water, if they had only an incomplete or unfinished title".

Under this decision, if the Spencers held an uncompleted contract of purchase on the Swanson land, or any of the other lands involved, such would be sufficient. Two other cases in Colorado exist, being Hotter vs. Kinsey, 163 Pac. 75, and Daum vs. Connelly, 59 Pac. 753, in which cases appropriators of water applied the same to public domain without any initiated rights to such lands and the Court, while deciding the cases on other grounds, makes it plain that it is not necessary that the applicant own the title to the land to which he seeks to apply the water.

4. If it could be shown that the Spencers are trespassers on the Swanson or other land, it might be that the Court would refuse their claim as to such lands. These matters are discussed in detail in Hutchin's "Selected Problems on the Law of Water Rights", page 310.

5. Should it become necessary to contest the claim of the Spencer Ditch, we would certainly want to show to the Court that lands of Mr. Kelly, withdrawn public lands and lands of the Swansons were involved, and we would certainly maintain that unless contractual or initiated rights as to these lands exist, the claim as to such would be without foundation. As to the land transferred by Clampitt to Bush, such transfer would likewise diminish the right of the Spencers unless Mr. Bush joined with them in proving up of the water right.

6. We suggest that you contact the directors of the district, and discuss with them the advisability of having them authorize Mr. McCloskey to procure a transcript of the evidence submitted in support of the claim of the Lee & Burke Ditch. Also, if they think it advisable, the same with reference to the Spencer Ditch. Mr. Baise understood that at the time of the conference at Mancos in December 1942, such transcript would be ordered. As it will take some time to prepare, it would be well to order this in advance so that the same can be studied prior to the presentation of proof in support of the claim of the United States.

J. R. Alexander.

cc Mr. Worth Allen with copy of Mr. Bainbridge's letter.
Mr. McCloskey, with copy of letter
C. E., Denver
Mr. Nusbaum, Mesa Verde

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

March 5, 1943.

MEMORANDUM for the Regional Director, Region Three.

For the information and use of Messrs. Dunn and Lassiter, and Mr. Worth Allen of the Department of Justice, in the course of their joint meeting on perfecting Service claim for the West Mancos-Mesa Verde water line, I attach in tabulated form a detailed synopsis of sequent actions leading to land withdrawals pursuant to location and future construction of this water line, as requested recently through the Region Three Office by Mr. Dunn.

Accompanying my yesterday's memorandum was copy of the Bureau of Reclamation's first form Reclamation withdrawals, Mancos Project, as published in cited editions of the Federal Register, Together these supply the information requested by Mr. Dunn.

Jesse L. Nusbaum,
Acting Superintendent.

Enclosure.

cc Director
Mr. Dunn
Mr. Worth Allen

Suggested Withdrawal	Additions	Requested	Federal Register	Remarks
Van Dunn to Director April 1, 1941	Burney to Region Three: April 23, 1941	Commissioner of Reclamation from Demaray April 25		
T. 37N. R.12W	T.37N., R.12W	T.37N., R.12W	/Sec.17:	
Sec.17 - SW¼	SW¼, S½NW¼ (Sec.17)	Sec.17 -SW¼;S½NW¼	FR-11/27/41-SW¼ S½ NW¼	Commissioner OK'd & requested withdrawal
Sec.18 - SE¼	Sec.18 - SE¼	Sec.18 - SE¼	Sec. 18 - SE¼	" " " "
Sec.19 - N½	Sec.19 - N½	Sec.19 - N½	Sec. 19 - N½	" " " "
	Sec.20 - NW¼	Sec.20 - NW¼	Sec. 20 - NW¼	" " " "
T.36N., R.13W.	T.36N., R.13W	T.36N., R.13W		
Sec. 2 - All	-	-	Not in Fed.Reg.	1942 Taxpayer -Douglas&Fowser
Sec.11 - All	-	-		1942 " - Fowser & others
Sec.14 - NW¼	-	-		Not Traversed by pipe line
-	Sec. 16 - All	Sec. 16 - All	" " " "	Not requested by Commissioner State Lands & Carl Bauer
-	Sec. 19 - SE¼	Sec. 19 - SE¼	F.R.11/27/41 - Sec.19 -SE¼	Comm'r.OK'd & requested withdrawal
-	Sec. 20 - SW¼	Sec. 20 - SW¼	"" Sec.20--SW¼	" " " " " "
-	Sec. 29 - N½ NW¼	Sec. 20 - N½ NW¼	"" Sec.29- N½NW¼	" " " " " "
-	Sec. 30 - NE¼-NW¼SE¼	Sec. 30 -NE¼ &NW¼SE¼	"" Sec.30-NE¼&NW¼ SE¼	" " " " " "
T.35N., R.14W.	T.35N., R.14W	T.35N., R.14W		
-	Sec.2 -S½ NW¼	Sec. 2- S½ NW¼	Sec.2 -S½ NW¼	Comm'r.OK & requested - Do not understand need as location would be directly under Sec.35- T.36N.,R.14W.

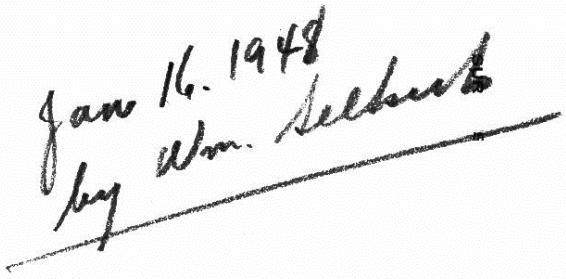
Federal Register of November 27, 1941 - page 6058 shows concurrence of Park Service requested withdrawals as follows:

T.37N - R12W - Concurred Sept.30, Fred W. Johnson, Comm. G.L.O. - Approved Nov.10, Under Sec. Dempsey /
T.36N - R13W - " Oct. 2, Grazing Service, Sept.30, G.L.O. - " " " " " "
T.35N - R14W - " " " " " " " " " " " " " " "

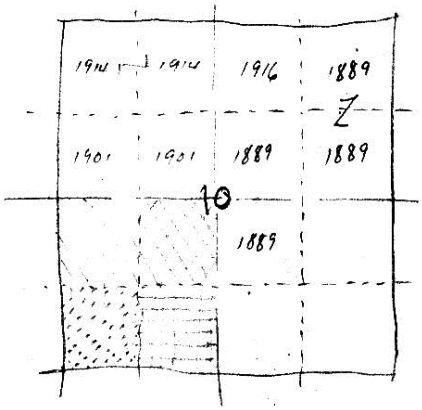
DESCRIPTION OF LANDS FROM POINT OF DIVERSION TO PARK BOUNDARY
OVER WHICH MESA VERDE PIPE LINE WILL PASS
AS DETAILED ON TRAVERSE MAP NP-MV-6978
from records of County Assessor, Montezuma County, Colorado

Sec.	Township	Range	Description	1943 Taxpayer	Original Owner	Date of Final Certificate
8	37	12	S½ SE¼ & NE¼ SE¼	Ira E. Kelley	Chas. B. Kelley	1889
			SE¼ SW¼	Ira E. Kelley	Ira E. Kelley	1905
9	37	12	SW¼ SW¼	Ira E. Kelley	Chas. B. Kelley	1889
17	37	12	N½ NE¼ & NE¼ NW¼	Ira E. Kelley	Ira E. Kelley	1905
17	37	12	SW¼ & S½ NW¼	(First Form Reclamation Withdrawal, approved Nov. 10, 1941)		
18	37	12	SE¼	(First Form Reclamation Withdrawal, approved Nov. 10, 1941)		
19	37	12	N½	(First Form Reclamation Withdrawal, approved Nov. 10, 1941)		
20	37	12	NW¼	(First Form Reclamation Withdrawal, approved Nov. 10, 1941)		
19	37	12	S½	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		
30	37	12	All	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		
31	37	12	SW¼ SW¼ (17.37 acre)	Frank Eppich	Edward H. Menefee	1904
25	37	13	All	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		
34	37	13	SE¼	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		
35	37	13	S½	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		
35	37	13	N½	Carl F. Bauer (1938)		
			(NE¼)		George M. Carr	1904
			(N½ NW¼)		Leon Ashback	1912
			(S½ NW¼)		Joseph E. Wheeler	1926
36	37	13	N½ NE¼ & NW¼ & W½ SW¼	(First Form Reclamation Withdrawal, approved Feb. 7, 1941)		

01-16-1948: signature on blank sheet of paper



T 36 N R 13 W



= 1893 = NE ¼ SW ¼
= 1901 = N ½ SW ¼
= 1893 = S ½ SW ¼
= 1904 = SE ¼ SW ¼
= 1917 = SW ¼ SW ¼

1	36	13	W½ W½	Mrs. Fred Douglas (1940)	William M. Menefee	1904
2	36	13	E½	Mrs. Fred Douglas (1940)		
			(E½ E½)		Heirs of William Menefee	1906
			NW¼ NE¼		Perry D. Babbitt	1914
			(SW¼ NE¼ & W½ SE¼)		Geo. E. Minneah	1913
2	36	13	W½	Ira E. Kelley, et. al.*		
			(E½ NW¼)		Ray Weston	1899
			(W½ NW¼)		Fred W. Hamblin	1898
			(N½ SW¼)		Ray Weston	1899
			(SW¼ SW¼)		Albert L. Brown	1914
			(SE¼ SW¼)		John F. Trauers	1900
3	36	13	E½.	Ira E. Kelley, et. al.*		
			(NE¼ NE¼)		Fred W. Hamblin	1898
			(NW¼ & SW¼ NE¼)		Albert L. Brown	1915
			(SE¼ NE¼)		Fred W. Hamblin	1898
			(SE¼)		Fred H. Taylor	1892
3	36	13	W½.	(County Plat Book shows W½ to U. S. Government)		
4	36	13	SE¼ NE¼ & E½ SE¼	Carl F. and James A. Bauer (addition to previous listing to show ownership west of reservoir)		
9	36	13	E½ & E½ SW¼	Carl F. and James A. Bauer (1941)		
			(SE¼)		Roger N. Ptolmey	1917
10	36	13	E½.	Ira E. Kelley, et. al.*		
			(E½ NE¼ & SW¼ NE¼ & NW¼ SE¼)		Mary A. Doolittle	1889
			NW¼ NE¼)		John P. Tolmy	1916
			(NE¼ SW¼ & S½ SW¼)		Geo. W. Spencer	1893
10	36	13	S½ NW¼, N½ SW¼ & SE¼ SW¼	Minnie, Mabel & Luella Anne Swanson (1939)		
			(S½ NW¼ & N½ SW¼		Wiley Pearman	1901
			(SE¼ SW¼)		Thos. A. Fielding	1904

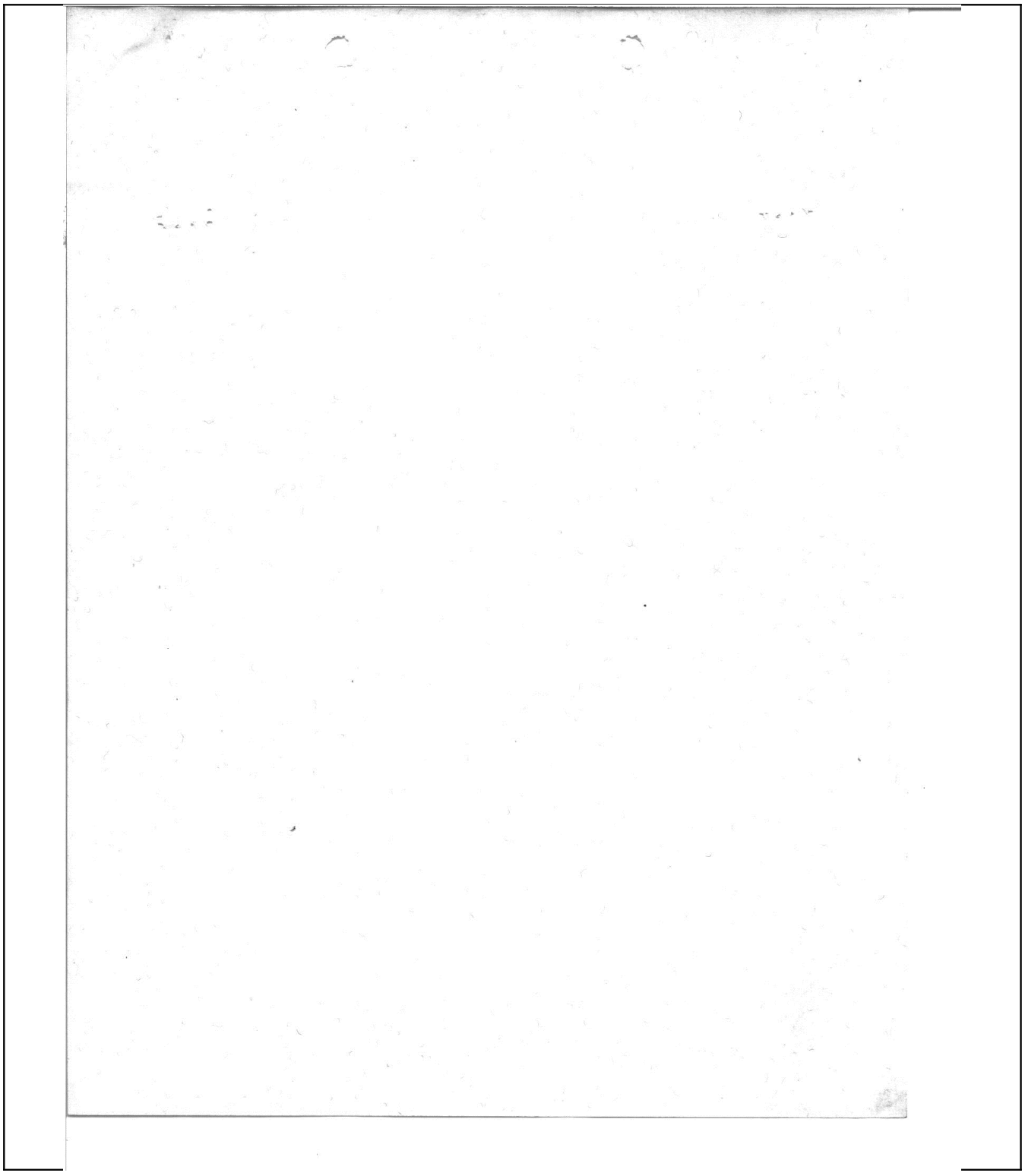
10	36	13	N½ NW¼.	(To U. S. Government in 1941)	Albert L. Brown	1914
10	36	13	SW¼ SW¼	Carl F. and James A. Bauer	Roger N. Ptolemy	1917
11	36	13	NE¼ NW¼ & W½ NW¼	Ira E. Kelley, et. al.* *(Less a tract of land in Secs. 10 & 11 T. 36, R.13 Des by metes and bounds in Book 89 p. 365 records Count. 28A. Also less 156 acres out of Sec. 3 & 10 to U. S. for Jackson Gulch Reservoir and roadway) Myrtle M. Fowzer sold her land to John Roessler in late 1942, and Roessler in turn sold to Ira E. Kelley. County records show Ira E. Kelley, et. al, as 1943 taxpayer.		
15	36	13	NE¼ NE¼, W½ NE¼ & NE¼ NW¼ (NW¼ NW¼)	Minnie, Mabel & Luella Anne Swanson (1939)	J. Alonso Daley	1913
15	36	13	W½ NW¼ & N½ SW¼	Sherron Spencer	J. Alonzo Daley	1913
16	36	13	E½ & NW¼	(State of Colorado)		
16	36	13	SW¼.	Carl F. Bauer (1939)		
17	36	13	SE¼.	Howell W. Kitchell (1938)	John F. Bauer	1909
19	36	13	N½ NE¼ & SE¼ NE¼	Minta M. Moore	Otha C. Chay	1915
19	36	13	SW¼ NE¼	Merle J. Cox (1938)	Larkin R. Cox	1913
19	36	13	NE¼ NW¼ & Lots 1&2 in W½ NW¼	Susan Freeman	Rodney K. Butler	1917
19	36	13	NE¼ SW¼, SE¼ NW¼ and Lot 3 NW¼ SW¼	Ernest Cox (1940)	Larkin R. Cox	1913
20	36	13	E½ NE¼ (less 10 acres)	Sadie V. Bauer	Robt. T. McGrew	1892
20	36	13	That part of SE¼ NE¼ lying W of R.G's RofW	Lila Owens	Robt. T. McGrew	1892

20	36	13	E½ NW¼ & W½ NE¼	Loren M. King	Harry Z. Owens	1918
20	36	13	SE¼	D. R. Culp (1942)	William C. Rush	1893
20	36	13	W½ NW¼. . . .	(Public Domain)		
19	36	13	SE¼	First Form Reclamation Withdrawal, approved Nov. 10, 1941.		
19	36	13	S½ SW¼. . . .	(Public Domain)		
20	36	13	SW¼	First Form Reclamation Withdrawal, approved Nov. 10, 1941.		
29	36	13	N½ NW¼. . . .	First Form Reclamation Withdrawal, approved Nov. 10, 1941.		
30	36	13	NE¼, NW¼ SE¼	First Form Reclamation Withdrawal, approved Nov. 10, 1941.		
30	36	13	NW¼	Oen D. Noland	Thos. Halls	1895
30	36	13	W½ SW¼. . . .	Edgar A. Noland	Robert E. Lee	1889
30	36	13	E½ SW¼. . . .	Memias Ruybalid (1939)	. . . . .	
30	36	13	E½ SE¼ & SW¼ SE¼	Guy W. Pickins (1938)	Joel M. Martin	1912
25	36	14	N½ NE¼. . . .	Oen D. Noland (1940)	Thomas Briscoe	1896
25	36	14	SE¼ NE¼, SE¼ SW¼ & SE¼ (SE¼ NE¼ & NE¼ SE¼) (SE¼ SE¼, W½ SE¼ & SE¼ SE¼)	Edgar A. Noland	 Robert E. Lee Porter Mitchell	 1889 1885
25	36	14	SW¼ NE¼	(Vacant--Not allowed)		
25	36	14	NW¼	Montezuma County		
25	36	14	N½ SW¼ & SW¼ SW¼	Martin Leander	Houston K. Wilson	1916
26	36	14	SE¼ SE¼ . . .	Martin Leander	Houston K. Wilson	1916

26	36	14	S½ NE¼ & N½ SE¼	Tennie M. Diver	John W. Gore	1914
26	36	14	N½ N½ & S½ NW¼ & N½ SW¼ (S½ NW¼ & N½ SW¼)	Milton Diver (N½N½ 1925)	. . . . . James W. Gore	1914
26	36	14	S½ SW¼ & SW¼ SE¼	(Public Domain)		
36	36	14	NW¼ & N½ SW¼	Delbert Puett (Certificate No. 3184 State of Colorado)		
35	36	14	NE¼ & W½ & NW¼ SE¼	Mrs. C. M. Ormiston (1923)	. . . . .	
34	36	14	E½ NE¼ & NE¼ SE¼	Mrs. C. M. Ormiston (1923)	. . . . .	
34	36	14	W½ NE¼ & NW¼ SE¼	Amy McCarty (1937)	. . . . .	
34	36	14	S½ SE¼ Lying N. of H-160	Amy McCarty (1937)	. . . . .	
34	36	14	NW¼	Sold to Allum on contract, deed not recorded (former owner Ladies Relief Society)	Geo. Jeep	1925
33	36	14	NE¼	Sold to Allum on contract, deed not recorded (former owner Ladies Relief Society)	Geo. Jeep	1925
33	36	14	NW¼	L. G. Stevenson	Wm. S. Stevenson	1912
33	36	14	N½ S½	Fred Jeep	John M. Selak	1913
33-	36	14	S½ S½ . . . . (S½ SE¼) (S½ SW¼)	Ennis J. Hodges (1942)	E. C. Mallett John Penrod	1912 1920
32	36	14	E½ NE¼, NW¼ NE¼ & SE¼	Ada Hallar & Vida Mallet (6/7 Int. - less 22 acre to US for MVNP)		
32	36	14	E½ NE¼, NW¼ NE¼ & SE¼ (E½ NE¼ & SE¼) (NW¼ NE¼)	Howard Wattles (1/7 Int. - less 22 acre to US for MVNP)	Howard H. Wattles Howard H. Wattles	1914 1935

32	36	14	W½ NW¼.	Dolores Investment (1940)	Miquel Espinoza	1931
31	36	14	E½ NE¼	Dolores Investment (1940)	Miquel Espinoza	1931
31	36	14	NW¼ NW¼ (Lot 1)	Douglas Hindmarsh (1940)	. . . . .	
1	35	15	NE¼	State of Colorado (No.lease or C. P.)		
1	35	15	SE¼ & S½.SW¼.	(Public Domain)		
1	35	15	NW¼ (Lots 3 & 4 in N½ NW¼)	W. R. Veach	Eustaero Espenuza	1930
			N½ SW¼	W. R. Veach	Eustaero Espenuza	1930
2	35	15	NE¼ SE¼	W. R. Veach	Eustaero Espenuza	1930
10	35	15	NE¼ NW¼, NW¼ NE¼, E½ NE¼ and E½ SE¼	Henry Hickey (1940)	. . . . .	
11	35	15	SE¼ NW¼, NE¼ SW¼, SE¼ and S½ NE¼	George W. Cupp (1940)	. . . . .	
2	35	14	S½ NW¼	First Form Reclamation Withdrawal, approved Nov. 10, 1941 (Why?)		

00-00-0000: blank sheet of paper



02-27-1943: letter to hydraulic engineer from special assistant to the attorney general regarding final form of the statement of clai

DEPARTMENT OF JUSTICE

MAR 2 1943

3/3/43

aj 3/2

332 Postoffice Building,

Denver, Colorado, February 27, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Water adjudication, Water District
No. 34- Mancos Water Supply System,
National Park Service.

Dear Mr. Dunn:

I hope very much that you will be here next week in order to put in final form the statement of claim for the Park Service. I am holding up the filing of the statement for the Mancos Project until we have completed yours. It may be that we might want to change the other statement somewhat when you are here.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM



601 Sheldon Building

February 26, 1943.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

We enclose a revised draft of a statement of claim for the West Mancos Water Supply System and a print of drawing NP-MV-6978.

I have attempted to use the style in your claim for the Bureau in the hope that it will clarify some points. The map is supposed to comply with your suggestions. These have been prepared in advance of my trip in order to consolidate our past correspondence and permit you to study them ahead of time. They also include some new ideas I got from the Bureau claim.

The map only shows part of the land withdrawn from entry by the Bureau, but I am bringing another which shows all. I think the withdrawals may be helpful in obtaining a flexible description of the point of diversion for both claims.

You will note that I have also added the description of the Jackson Gulch Lateral in the Park Service statement. We may wish to transfer it to the Bureau claim at the conference. If not, I wonder if the Bureau claim should not have the following additions:

Page 2, item (1), add "and pipe lateral to the West Mancos Water Supply System.

Page 6, last line, first paragraph, change "a pipe line" to "the West Mancos Water Supply System."

These are all mere suggestions for our consideration.

Sincerely yours,

(SGD) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 2136673.

cc: Director (2)
Region Three
Act.Supt.,Mesa Verde
Mr. Hommon
)with copies of enclosures.

FILE COPY

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO)
) ss.
County of Montezuma)

No. 967.

IN THE MATTER OF THE ADJUDICATION OF THE PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34

PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR WEST MANCOS WATER SUPPLY SYSTEM.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

The National Park Service and the Bureau of Reclamation are equal bureaus in the Department of the Interior which have been cooperating for the mutual prosecution of the West Mancos Project and the West Mancos Water Supply System. The West Mancos Project was started by survey on October 31, 1936, in accordance with acts designated in the claim for that project. The participation of the National Park Service was initiated by an agreement between that bureau and the Bureau of Reclamation which was entered into by memorandum of May 5, 1939, which was approved by the Assistant Secretary of the Interior on July 6, 1939. Said agreement provided for surveys and estimates for the West Mancos Water Supply System by the Bureau of Reclamation and a report thereon was rendered in September 1940. Further surveys and studies for adjustment of alignment, right of way and the preparation of plans and designs have been carried on by the National Park Service with due diligence since April 1941.

Further agreements between the National Park Service and the Bureau of Reclamation, for the allocation of costs and water, have been in process of perfection since 1940. In accordance with these incomplete agreements, the National Park Service assigned one of its CCC camps to the Bureau of Reclamation for assistance in construction of the West Mancos Project; said camp, along with other CCC camps of the National Park Service, being assigned to work on the West Mancos Water Supply System when working conditions were unfavorable near the Jackson Gulch Reservoir. As a war measure, all CCC camps were abandoned on July 1, 1942.

As a further war measure, the United States has established Civilian Public Service Camps to do some of the work previously assigned to the CCC camps. These camps are limited in number. In order to insure the allocation of a CPS camp to the combined project under the supervision of the Bureau of Reclamation, and in accordance with further agreements between the National Park Service and the Bureau of Reclamation, the National Park Service relinquished its Departmental priorities for a similar camp at Mesa Verde National Park. The Bureau of Reclamation has established its CPS camp, and is proceeding with construction.

The total amount which has been spent by the National Park Service on the said project and water supply system is $_____ for surveys, and _____ months of labor of the CCC camp which it assigned to the Bureau of Reclamation for construction.

In order to permit reasonable adjustments in the point of diversion as design of the system is perfected, the United States has withdrawn from all forms of entry those public lands on which alternate or secondary diversions may be made. Any latitude herein provided in the designation of said diversion, therefore, will not alter the priority nor adversely affect the rights and claims of others between now and the date of final decree. The first withdrawal was made on Nov. 10, 1941, and concurred in by the Commissioner of the General Land Office on September 30, 1941. The second

withdrawal was made on _____ 1943, and concurred in by the Commissioner on _____ 1943.

As another term of the pending agreement between the National Park Service and the Bureau of Reclamation, the National Park Service is to have a right to 120 acre feet of the storage in the Jackson Gulch Reservoir for which rights are now being perfected in the accompanying claim for the West Mancos Project. This stored water will be used in lieu of direct diversions, or by exchange to compensate the owners of lower senior rights during periods of inadequate normal stream flow.

The said Jackson Gulch Reservoir is lower than the control point on Chapin Mesa, within Mesa Verde National Park. In order to deliver water from said reservoir through said water system, a pump will be installed near the entrance to Mesa Verde National Park to lift the water over the mesa. The main pipe line will also have a greater hydraulic gradient between the point of direct diversion and said pump such that more water can be diverted from either source, by the system, by pumping than by gravity.

The system is being designed with a somewhat smaller pipe diameter because of the available pump, but it will be most economical to keep pumping at a minimum. To reduce such pumping during seasons of low water demand it is planned to provide a secondary diversion somewhat above the main point on the West Mancos River but within the area withdrawn from entry. The exact point of secondary diversion has not yet been determined but will be fully defined before the date of final decree.

In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(1) The United States of America is the claimant and owner of the West Mancos Water Supply System, including the lateral from the Jackson Gulch Reservoir.

(2) The Postoffice address of the claimant is the National Park Service, Mesa Verde National Park, Colorado.

(3) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said water supply system is October 31, 1936.

(4) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

The following matter is stated with respect to the works and structures, etc., of said water supply system to be constructed and used in connection with the diversion, carriage, regulatory storage and use of water appropriated and to be diverted from the West Mancos River:

Main Pipe Line

(a) The name of said pipe line is the West Mancos Water Supply System.

(b) The headgate of said pipe line is to be located on the right, or West bank of said West Mancos River, from which it derives its principal supply of water, whence the northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears South fifty-four degrees, thirty-nine minutes (54° 39') West four thousand, nine hundred and eighty-nine and five-tenths (4,989.5) feet, said point being also the point of beginning of a collecting area along said West Mancos River, described as follows:

> Beginning at said point of diversion, thence North seventy-four degrees, fourteen minutes (74° 14') West three hundred (300) feet, thence North fifteen degrees, forty-six minutes (15° 46') East four thousand (4000) feet, thence South seventy-four degrees, fourteen minutes (74° 14') East eight hundred (800) feet, thence South twenty-five degrees, fourteen minutes (25° 14') West twelve hundred and seventeen (1217) feet, thence South fifteen degrees, forty-six minutes (15° 46') West twenty-seven hundred and ninety-nine and six-tenths (2799.6) feet, and thence North seventy-four degrees, fourteen minutes (74° 14') West two hundred and ninety-nine and eight-tenths (299.8) feet, more or less, to the point of beginning.

The main diversion will be fed by gravity by laterals buried in the bed of said West Mancos River, within said collecting area, and will flow therefrom by gravity to a pump located near the entrance in Mesa Verde National Park, or directly to regulatory storage reservoirs in said park. In order to reduce

pumping charges in seasons of low water demand, one of the collecting laterals will be provided with by-pass valves at the main headgate to permit secondary diversion from a higher elevation near the upper end of the said collecting area.

(c) The general course of said pipe line is southwesterly.

(d) The dimensions thereof, as now designed, are as follows:

The internal diameter from the headgates to the control point on Chapin Mesa is to be five and one-sixteenth (5-1/16) inches.

The length is one hundred and twenty-eight thousand, two hundred and forty (128,240) feet.

The grade from the main diversion to Chapin Mesa will be one and four hundred and twenty-three one-thousandths (1.423) feet per one thousand (1000) feet.

The grade from the secondary diversion to Chapin Mesa will be two and thirty-six one-hundredths (2.36) feet per one thousand feet.

The grade from the main headgate to the pump will be five (5.00) feet per one thousand feet.

The internal diameter from Chapin Mesa to the main distribution reservoir will be three and one-half (3.5) inches.

The length will be twenty-one thousand, eight hundred (21,800) feet.

The grade will be thirty-nine and six one-hundredths (39.06) feet per one thousand feet.

The pump will be electrically driven and have a capacity of one hundred and fifty (150) gallons per minute or thirty-three one-hundredths (0.33) cubic feet of water per second of time.

The pipe line will serve four (4) distribution reservoirs with a total capacity of one million three hundred and ninety-five thousand (1,395,000) gallons.

The maximum gravity carrying capacity of said pipe line will be two hundred and twenty-three one-thousandths (0.223) cubic feet of water per second of time.

The carrying capacity of said pipe line, by pumping, will be thirty-three one-hundredths (0.33) cubic foot of water per second of time, for domestic, recreational and fire protection purposes at Mesa Verde National Park.

Jackson Gulch Reservoir Lateral

(a) A lateral pipe line from Jackson Gulch Reservoir to a junction with the main pipe line constitutes part of the aforesaid West Mancos Water Supply System.

(b) The headgate of said lateral will be located in the dam of the Jackson Gulch Reservoir adjacent to the outlet tube of said reservoir, whence it derives its supply of water, whence East monument on the axis of that dam, as described in the claim for the West Mancos Project, bears approximately North eighty-three degrees, fifty-four minutes (83° 54') West five hundred and seventy-two (572) feet.

(c) The general course of said lateral is southerly.

(d) The dimensions of said lateral are to be as follows:

The inside diameter is to be five and one-sixteenth (5-1/16) inches.

The length is to be twenty-nine hundred and thirteen (2913) feet to a junction with the main pipe line.

The controlling grade of said lateral is to be five (5.0) feet per one thousand feet.

In accordance with the claim for the West Mancos Project, a diversion capacity of two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet of water per second of time is available from the headgate of the Inlet Canal of that project to the headgate of the said Jackson Gulch Reservoir lateral during most of the year, or by arrangement with the Bureau of Reclamation.

The carrying capacity of the said lateral is thirty-three one-hundredths (0.33) cubic foot of water per second of time, for which the right is hereby claimed to divert all or any part through the Jackson Gulch Inlet

Canal in lieu of equivalent diversions at the headgate of the main pipe line when physical conditions make such diversion essential to the water supply for Mesa Verde National Park.

(5) The estimated cost of the West Mancos Water Supply System is three hundred and sixty thousand ($360,000) dollars.

(6) Said water supply system is shown in more detail in Drawing No. NP-MV-6978, in two (2) sheets, which is attached hereto, and by reference made a part hereof.

Water use at Mesa Verde National Park is to be at the employees residences, administration area, utility areas, a hotel, housekeeping cottages, public campgrounds and construction camps provided by the National Park Service and its operator.

Claim is hereby made to a priority right as of October 31, 1936, to divert thirty-three one-hundredths (0.33) cubic foot of water per second of time in the manner described and for the purposes described herein during the period from January 1 to December 31 of each year.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from Mancos River and all its tributaries, the granting or allowance of which may be adverse to the interests of the United States in the premises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of work or facts in evidence may warrant, demand or be desirable by the United States, to the end that ultimately upon completion of the system named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936, to divert for direct use, water for the purposes and in the amount hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of water carried through said system, to beneficial use; that after completion of said works and the application of water conducted therethrough to beneficial use, the decree be made absolute; that the exact location of the point of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this day of A. D. 1943.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the
Attorney General.

02-03-1943: letter to hydraulic engineer from special assistant to the attorney general regarding statement of claim

2/8

DEPARTMENT OF JUSTICE

FEB 8 1943

AVJ 2/8

332 Postoffice Building,

Denver, Colorado, February 3, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Miss Heiles
Please make copies for:
Director
Reg III
Miss Van de
sent 2/9/43 - S.H.

Water Adjudication, Water
District No. 34— Mancos
Water Supply System, National
Park Service.

Dear Mr. Dunn:

I have read several times your letter of January 26.

We do not seem to be making very fast progress. I appreciate that in these times we should limit travel. However, the claim is important, and a large amount of money is proposed to be spent on the project. Hence, I am wondering whether it would not be a good idea for you to make a trip to Denver so that we could put the claim in shape while you are here.

If you cannot come, I would suggest that you revamp the claim and submit it to me for what you term editing.

You have prepared a suggested form and I have prepared one already.

It seems to me that what you, in effect, want is two different decrees of priority rights, one to the Mancos Project, which includes water for the Park to the extent of .33 cubic feet per second of time, with a limitation that the amount so furnished will not exceed 120 acre feet per annum. The other claim is for an independent right to divert water through the Park system.

The only limitation that I see that should be proposed is that the amount of water that will be delivered to the Park at any one time will not exceed .33 of a cubic foot. My understanding is that the pipe line between the junction of the line from the reservoir and of the main line and the Park will not carry more than that amount of water.

Your right, so far as the same is derived from the Mancos Project, will have, I assume, a priority date as of the priority date of the first survey for that Project. So far as you claim an independent right, I doubt very much whether the priority date of that right can be based upon anything else than the beginning of your survey of the independent line.



I shall be glad to file the claim with the wide latitude desired by you with respect to the point or area of diversion. My idea is to have some latitude as to the point or area and not to use language indicating a change of point. We do not want to get into a case involving a change of point of diversion because that is the subject of an independent proceeding. Since the claim necessarily must be a conditional one, my idea is that the Court will permit some latitude in this regard.

I want no reference either in the statement of claim, or in the final copies of the map and statement which you will prepare, to the other or original map and statement. The new map and statement should be drawn up just as if it were the first one, even though it is, as a matter of fact, an amended one. Please do not file the new one with the State Engineer until and unless you have taken the matter up with me.

I again take the liberty respectfully to urge you to come to Denver, if possible.

I might add that I see no objection to inserting in the claim for the Mancos Project a statement of the point of discharge into the pipe line and a description of the line as it extends to the junction with the main line.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

It might be a good idea to state also the usual facts with respect to that part of the line extending from the junction point to the Park, breath, dimension, etc

02-01-1943: memorandum to superintendent from hydraulic engineer regarding rights to store 430,000 gallons in excess of the ca

601 Sheldon Building

February 1, 1943.

MEMORANDUM for the Superintendent,
Mesa Verde National Park.

Reference is made to your memorandum of January 28, 1943, with regard to rights to store 430,000 gallons in excess of the capacity of the main 1,000,000 gallon reservoir at Mesa Verde.

If the park actually uses its full proposed diversion of 0.33 sec. ft. of water, the 1,430,000 gallons of storage will be just about a week's supply. The 430,000 gallons will be just two days' supply. These reservoirs, therefore, do not provide long time storage as will be the case of the water in Jackson Gulch Reservoir. They are in reality only regulatory tanks to permit you to use nearly your full day's supply during the period from 5:00 to 10:00 p.m. and hold a certain additional amount for fire protection.

On this basis, it may be well to list the total capacity in the petition to the court; but we should also state that at least a third of the total is regulatory, to cover hourly fluctuation of demand and the Sunday and holiday use which may exceed the daily average.

This is also to request that the Regional Director send ties from the three reservoirs you list to the million gallon one, or to the monument nearby, in order that we may show them on the map.

AvVD:SH

(SGD.) A. WAY. DAVIS
Hydraulic Engineer.

cc: Director (2)
Region Three.
Mr. Worth Allen.
Mr. Harry Hommon.

FILE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

FEB 1 1943
ROUTING | Date
AWD 2/1
2/1/43
FILE

January 28, 1943.

MEMORANDUM for Hydraulic Engineer A. van V. Dunn,
Through the Regional Director, Region Four.

Reference is made to your memorandum for the Regional Director, Region Three, dated January 4, covering submission of a draft of a revised water claim for the West Mancos water supply system for Mesa Verde National Park, which I have just had opportunity to briefly review.

The primary purpose of this communication is to direct your attention to the fact that we have three underground concrete storage tanks of 430,000 gallons' combined capacity at park headquarters, in excess of the primary million gallon capacity distribution reservoir cited in the final paragraph of the draft of claim as basis for our right to keep one million (1,000,000) gallons of water in storage in the distribution reservoir.

It appears wise to increase the right of storage of water from the West Mancos supply to the over-all capacity of all concrete storage reservoirs. The following concrete tanks, all situated at a lower elevation than the million-gallon tank, and interconnected therewith, are listed for consideration.

1. Original Spruce Tree Spring System storage tank, adjacent public campgrounds..... 85,000 gal.
2. Deep Water Well storage tank..... 85,000 "
3. North Catchment Tank..... 260,000 "

Total additional capacity..... 430,000 Gal.

I have eliminated from consideration, because of limited remaining life, the two 3/8" rivited steel tanks erected in 1925 for conserving water from the original or south catchment area, and the 64,000 gallon capacity bolted steel tank purchased in emergency to permit the building up of a reserve supply from the Spruce Tree Spring System in advance of the travel season and prior to construction of any larger or more permanent storage reservoir.

In view of the fact that we shall have available for use 430,000 gallons of concrete storage space over and above the capacity of the million-gallon tank, when the West Mancos water supply system is completed, and that the present distribution system interconnects all storage reservoirs and provides

means for regulating gravity distribution of water from the million-gallon tank to the three supplementing tanks and the independent use of water therefrom as conditions dictate, it appears wise to increase "the right to keep one million gallons in storage in the distribution reservoir" to "the right to keep 1,430,000 gallons in the distribution reservoirs."

I am sending copy of this communication to Mr. Worth Allen at Denver for his information, with the understanding that my recommendation is subject to approval of higher Service authority.

Jesse L. Nusbaum,
Acting Superintendent.

cc Director.
Regional Director, Region Three.
Mr. Worth Allen, Denver.

01-27-1943: memorandum to director from hydraulic engineer regarding present form of the statement claim

January 27, 1943.

MEMORANDUM for the Director.

A copy of my letter to Mr. Worth Allen, Special Assistant to the Attorney General, dated January 26, 1943, and relating to the adjudication of water rights for Mesa Verde, is enclosed, together with a copy of Mr. Allen's letter of January 19 and copy of the present form of the claim for the Bureau of Reclamation for the same adjudication, to which it applies.

Some time ago we asked Mr. Allen to send copies of all correspondence to Park Service representatives to all those who are supposed to be following the West Mancos Water Supply System project. Since the originals of government letters do not show routing of carbons, it would be appreciated if you, the Regional Director, and Park Superintendent would advise whether you receive such carbons direct from Mr. Allen, or whether we should continue to make them.

In 1941 we were all instructed to send copies of all correspondence relating to this project to you, Region Three, Mesa Verde, Chief of Engineering, Chief of Planning, Mr. Wirth, Mr. Hommon of the Public Health Service, and to me. In order to save paper, I am sending you two copies and dropping Mr. Taylor, Mr. Vint, and Mr. Wirth from the list temporarily, and suggest that you reconsider the original instructions.

I am surprised to find that the Bureau, as well as the Park Service, is only partially prepared for an adjudication, but gratified to learn that no final date has been set for filing petitions and holding hearings. It also appears that, as two agencies of the United States, there is not as much coordinated effort as there might be. I do not know who led the Attorney General to initiate the adjudication at this time, but I feel that it might be well for Park Service and Bureau representatives to get togehher and consider what better preparation might result from another summer of surveys and study,and whether this might not justify deferment of the adjudication until next fall or the spring of 1944. The latter is the statutory date for general adjudications.

By memoranda of January 1 and 4, I requested that you have the General Land Office withdraw the following land from entry at the proposed Park Service diversion:

Section 17, SE¼ Section 18, E½ of E½ Section 19, and NW¼ Section 20, all in T. 37 N., R. 12 W., N.M.P.M.

mj 1/27

FILE COPY

ROUGH DRAFT

January 26, 1943.

STATE OF COLORADO,)
) ss.
COUNTY OF MONTEZUMA.)

IN THE DISTRICT COURT

NO. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR WEST MANCOS WATER SUPPLY SYSTEM.

* * * * *

* * * * *

FOURTH: The headgate or main point of diversion of said system is on the West or right bank of West Mancos River, whence the northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12) West of the New Mexico Principal Meridian bears south fifty-four degrees, thirty-nine minutes (54° 39') west four thousand, nine hundred and eighty-nine and five-tenths (4989.5) feet.

Said main point of diversion is also the point of beginning of an underground collecting area along said river described as follows:

> Beginning at said main diversion, thence north seventy-four degrees and fourteen minutes (74°14') west five hundred (500) feet, thence north fifteen degrees and forty-six minutes (15°46') east four thousand (4000) feet, thence south seventy-four degrees and fourteen minutes (74°14') east one thousand (1000) feet, thence south fifteen degrees and forty-six minutes (15°46') west four thousand (4000) feet, and thence north seventy-four degrees and fourteen minutes (74°14') west five hundred (500) feet to the point of beginning.

One or more lines of perforated pipe, or other forms of collecting galleries, will be buried in the bed of the West Mancos River in said collecting area, and will extend from the main diversion toward the upper end of the collecting area. Water from the river, including the underground flow, will seep into these collecting laterals, whence it will flow into a collecting sump and intake of the main pipe line at the aforesaid main point of diversion.

All water claimed herein will flow by gravity to a pump near the entrance of Mesa Verde National Park, whence it will be "boosted" to a control elevation on Chapin Mesa to continue by gravity to a distribution reservoir near the

Park Headquarters and Utility Areas. A small portion of the diverted water, but not the full claim, will flow by gravity from the main point of diversion directly to the control elevation on Chapin Mesa. The more recent surveys have shown that by extending the main pipe line from the main diversion, along the course of the proposed collecting laterals to a point near the upper end of the collecting area, and introducing a new or secondary diversion, enough additional elevation will be obtained to increase the gravity flow to Chapin Mesa to the average demand for the park from eighty-five (85) to one hundred (100) gallons per minute, and thus greatly reduce pumping charges.

This claim, therefore, includes the right to make the secondary diversion between the date of conditional decree and the time of petition and proof for final decree, the secondary point of diversion to be determined after further study at some point in the first four thousand (4000) feet above the main point of diversion. The said collecting area is on the public land of the claimant and there are no diversions by others thereon. Inorder that either point of diversion will have the same relation and influence on those of others, as the main diversion now enjoys, that portion of the public domain covered by the said collecting area Has been withdrawn from further entry by the General Land Office under Executive Orders Nos. _____ and _____, dated _____, 1941, and _____, 1943, respectively.

(Note: Dates and numbers of these Executive Orders will be supplied before statement is completed in final form.)

01-19-1943: letter to hydraulic engineer from special assistant to the attorney general regarding answering various questions raise

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, January 19, 1943.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Water Adjudication, Water District
No. 34-- Claim for West Mancos Water Supply System,
National Park Service.

Dear Mr. Dunn:

Replying to your letter of January 13, I shall try to take up the various questions raised by you in the order in which they appear in your letter.

I appreciate that it is unfortunate that we are now required to file a claim, although you may not know the exact, ultimate point of diversion. The Bureau of Reclamation had the same difficulty, as you know. The final draft of the statement of claim for the Bureau defines the point and proceeds: "or at a point within two hundred (200) yards thereof up or down stream." It is our opinion that, in the conditional decree, the court will permit this latitude. I am wondering whether or not we cannot locate your point of diversion with some similar language.

The fact that the alignment of your pipe line is much different than the one shown in your filing No. 16989 does not appear to me to be an insuperable difficulty. The important question now is, what is the present proposed alignment? Can you substantially describe it? The fact that you have not yet completed a final agreement with the Bureau of Reclamation seems to me to offer no difficulty. Both claims are filed in the name of the United States and it is simply an inter-Departmental matter. There is no question but what the Bureau intends that you should have 120 acre feet of water per year from the reservoir if you want it.

I note the statement of your hope that the place of release to the river is nominally the same as on filing 16951. I do not know just why you are concerned with this question. My belief is that the point of release is the same, although I have been informed that the line of the outlet canal is to be changed somewhat. My understanding has been that your pipe line will take out from the reservoir at some other point than the point of release to the outlet canal and river. Am I wrong in this understanding?

The draft of the claim which we propose to file should name the presently proposed point of diversion by your pipe line. It should not be the point named in your filing No. 16989, if there has been a change.

As to the collecting area, it should be described with as much definiteness as possible. You should also give me information as to how the water is to be carried from the collecting area to the pipe line proper. I presume it is by pipes. If so, the capacity and number thereof should be stated.

The fact that the collecting area will be located on Government land has no bearing on the necessity of describing the area thereof. The law of Colorado requires a decree to name the point of diversion. This applies, also, to the collecting area. It makes no difference whether the land abutting the stream at the point of diversion, or that in the collecting area, is privately-owned or Government-owned.

Of course, you should truthfully describe the collecting area. The difficulty that might arise would be in your uncertainty as to where the collecting works will be located, and in the possibility that you might describe an unreasonably large area in order to be certain that the works would be located within the area.

I now understand the sentence in your proposed statement about which I wrote you and you wrote me.

What I have said about the fact of land owned by the United States having no bearing on the necessity to describe the point of diversion, applies also to the matter of a change of point of diversion, which might be necessary after a decree has fixed the same.

It seems to me that, so far as the location of one or more pumps is concerned, you might show on the map "probable location of pump", etc.

Please understand definitely that I desire maps showing the presently proposed pipe line just as if you had never prepared another map and statement for the State Engineer. It is now my opinion that we should not file this second map, although the same should be drawn up in the usual form. Please omit all references to the previous maps filed, etc. by National Park Service or by the Bureau of Reclamation.

You ask for more explanation as to how you can get your priority back of that of the Bureau. I thought I had made it clear in my other letter that I know of no way that you can do it. The fact is that the Bureau made its survey long before you made yours, and it seems inadvisable for the Bureau to take a later priority date, and thus let in one or two later claims ahead of its priority merely in order that your priority may be ahead of it.

The statement of claim which I am going to file in this case for the Bureau will, in my opinion, amply take care of the Park so far as the 120 acre feet of water is concerned. The claim will include the right to both storage and direct flow to and through the reservoir.

As soon as I have the claim of the Bureau finished, I shall send you a copy thereof.

No time limit on the filing of claims has been fixed by the court. However, the case has been pending quite a while.

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.
A copy of the proposed claim for the Bureau of Reclamation is enclosed herewith.

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF

MONTEZUMA AND STATE OF COLORADO.

STATE OF COLORADO,)
) ss.
County of Montezuma.)

No. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.) PETITION AND STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA, FOR MANCOS PROJECT.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein and shows unto this honorable Court that:

By this petition and statement of claim the United States does not submit for adjudication any rights within the Water District No. 34 which are owned by Indian wards of the United States, or by the United States as trustee for such Indians.

The United States of America, through its proper officers, by authority and in pursuance of the provisions of the Act of Congress approved January 17, 1902, 32 Stat. 388, known as the Reclamation Act, and Acts ammendatory thereof and supplemental thereto, and of the provisions of the Act of Congress approved August 11, 1939, 53 Stat. 1418, as amended by the Act of October 14, 1940, 54 Stat. 1119, known as Water Conservancy and Utilization Act, and Acts amendatory thereof and supplemental thereto, has initiated and is now in process of constructing, developing and carrying forward to completion, a Water Conservancy and Utilization Project, known as Mancos Project, which consists and will consist of a storage reservoir, to be used for storage purposes and as a conduit for direct uses, an inlet and an outlet canal. The names of the reservoir and of the said canals are, respectively, Jackson Gulch Reservoir, Jackson Gulch Inlet Canal, and Jackson Gulch Outlet Canal.

The uses for which the waters have been appropriated and will be used are for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes.

The total amount of money which had been spent on said project on December 31, 1942, is one hundred and forty-five thousand, three hundred and twenty-five dollars and seventy-eight cents ($145,325.78). The total cost of the completed project is to be approximately one million, six hundred thousand dollars ($1,600,000.00).

Mancos Water Conservancy District is a quasi-municipal corporation, duly organized and existing and doing business under and by virtue of the laws of the State of Colorado. Said District was organized for the purpose, among other things, of contracting with the United States of America for the construction of said Mancos Project and the repayment of a portion of the costs thereof, and for the furnishing of most of the water so appropriated and developed by said project for irrigation of lands lying thereunder. Said District did so enter into a contract with the United States of America, on July 20, 1942, in and by which it agreed to pay the United States a substantial part of the costs of constructing said project.

In more detailed compliance with the requirements with respect to the matter to be stated in making claims for priorities of right to the use of water, it is stated that:

(1) The United States of America is the claimant and owner of the reservoir, inlet canal and outlet canal, and all other works and structures constituting the project.

(2) The Postoffice address of the claimant is United States Bureau of Reclamation, United States Custom House, Denver, Colorado.

(3) Work was commenced by survey on October 31, 1936, and ever since has been carried on with due diligence. The date of appropriation of water to be diverted and carried in said canals and in Jackson Gulch and stored in said reservoir, and carried therethrough, is October 31, 1936.

(4) All lands, points and courses herein described are situated West of the New Mexico Principal Meridian.

The following matter is stated with respect to the works and structures, etc. of said project to be constructed and used in connection with the diversion, carriage, storage and use of water appropriated and to be diverted from the West Mancos River and from Jackson Gulch:

Jackson Gulch Reservoir.

(a) The name of said reservoir is Jackson Gulch Reservoir.

(b) The said reservoir is located upon portions of Sections three (3) and ten (10), Township thirty-six (36) North, Range thirteen (13). The exact location and description of said reservoir is more particularly shown by "Exhibit A", attached hereto, and by reference made a part hereof.

(c) The height of said dam above the present stream bed is one hundred and seventy-three (173) feet. The table incorporated in "Exhibit A" gives the area and total capacity for each foot of depth from the bottom of outlet tube at its inlet up to the spillway level. The total capacity of said reservoir is four hundred and twenty-eight million, six hundred and forty-six thousand, four hundred and thirty (428,646,430) cubic feet, or nine thousand, eight hundred and forty (9,840) acre feet of water, for which claim is made for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes.

(d) The sources of supply of water for said reservoir, and to be carried through same for direct use, are West Mancos River and Jackson Gulch.

(e) The estimated cost of said reservoir is one million, one hundred and fifty-six thousand, four hundred and fifty-five dollars ($1,156,455.00).

(f) The water to be stored in and carried through said reservoir will be carried thereto through Jackson Gulch Inlet Canal and a portion of Jackson Gulch. The water to be carried through said reservoir for direct use, and to be stored therein, will be taken out through the Outlet Canal hereinafter more specifically described, and through a pipe line leading to Mesa Verde National Park.

Jackson Gulch Inlet Canal.

(a) The name of said canal is Jackson Gulch Inlet Canal.

(b) The headgate of said canal is located on the West bank of said West Mancos River, from which it derives its principal supply of water, whence the Northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12), bears North twenty degrees, twenty-nine minutes (20° 29') East four thousand, eight hundred and fifty-one and eighty-six one-hundredths (4,851.86) feet, or at a point within two hundred (200) yards thereof up or down stream.

(c) The general course of said canal is Southwesterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line of the earth sections of the canal is four and one-half (4½) feet.

The depth of high water line of the bench-flume sections is five and one-tenth (5.1) feet.

The width at high water line of the earth sections is twenty-five and one-half (25½) feet.

The width at high water line of the bench-flume sections is twelve and two hundred and seventy-five thousandths (12.275) feet.

The bottom width of the earth sections is twelve (12) feet.

The bottom width of the bench-flume sections is eleven (11) feet.

The grade of the earth sections is one-half (½) foot per one thousand (1000) feet.

The grade of the bench-flume sections is two (2) feet per one thousand (1000) feet.

The carrying capacity of said canal, as originally to be constructed, is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time.

The approximate length is sixteen thousand, three hundred (16,300) feet.

Said canal empties into Jackson Gulch. The water carried in said canal and so emptied, and such water as naturally may from time to time be in Jackson Gulch, is to be carried through said gulch to and for storage in and direct passage

through Jackson Gulch Reservoir, which is to be constructed in the channel of said gulch. Some of the water so diverted from West Mancos River and some of the water naturally running in said gulch will be diverted therefrom for direct use for irrigation and domestic purposes.

(e) The estimated cost of said canal, as originally to be constructed, is one hundred and twenty-five thousand, two hundred and forty-three dollars ($125,243).

(f) Said canal is shown in more detail in "Exhibit B", which is attached hereto and by reference made a part hereof.

Jackson Gulch Outlet Canal.

(a) The name of said canal is Jackson Gulch Outlet Canal.

(b) The head-works of said canal are located at a point on the East slope of Jackson Gulch Canyon, adjacent to the outlet tube of the Jackson Gulch Reservoir, from and through which it derives its supply of water, whence the East monument on the axis of the dam bears North fifty-seven degrees, forty-one minutes, thirty-one seconds (57° 41' 31") East five hundred and sixty-three and four-tenths (563.4) feet.

(c) The general course of said canal is Southeasterly.

(d) The dimensions and grade thereof, as originally to be constructed, are as follows:

The depth at high water line is four (4) feet.

The width at high water line is twenty-four (24) feet.

The bottom width is twelve (12) feet.

The grade is five-tenths (0.5) of a foot per one thousand (1000) feet.

The length is fifteen thousand, seven hundred and seventy-five (15,775) feet.

(e) The carrying capacity of said canal, as originally to be constructed, is two hundred and seven (207) cubic feet per second of time.

(f) The estimated cost of said canal, as originally to be constructed, is sixty thousand, three hundred and ninety-two dollars ($60,392).

(g) Said canal is shown in more detail in "Exhibit C", which is attached hereto, and by reference made a part hereof.

West Mancos River and Mancos River are to be used for carriage of the water

released from and carried through said reservoir and through said outlet canal for the purposes stated. Some water, including both storage and direct flow, will be diverted for irrigation and domestic purposes from said canal at points intermediate to said reservoir and the point where said canal empties into West Mancos River. The town of Mancos and Mesa Verde National Park will receive domestic water from said Project. The water for the town of Mancos will be turned into West Mancos River and the water for Mesa Verde National Park will flow through a pipe line leading from said river to said park.

The number of acres lying under and proposed to be irrigated by water from and through said reservoir and said canals and gulch is not less than thirteen thousand (13,000), and is situated in Montezuma County, State of Colorado.

Claim is hereby made (1) of a priority right as of date of October 31, 1936, to store the waters of West Mancos River and of Jackson Gulch for irrigation, power, domestic, municipal, manufacturing and other beneficial purposes in said reservoir to the capacity thereof, namely, nine thousand, eight hundred and forty (9,840) acre feet, to be carried to said reservoir in said Inlet Canal, as the same is now proposed to be constructed, and as the same may hereafter be enlarged, and in Jackson Gulch, and (2) of a priority right as of date of October 31, 1936, to divert for direct use for said purposes, from both West Mancos River and Jackson Gulch, or from each or either of them, the amount of water which will flow through said Inlet Canal, which is two hundred and fifty-eight and seventeen one-hundredths (258.17) cubic feet per second of time, the said reservoir being used, so far as direct flow and direct uses are concerned, as a conduit and not for the impounding of water therein. The total amount of direct flow which will pass into said Outlet Canal, under the priority right herein claimed, will be limited to the capacity thereof claimed, namely, two hundred and seven (207) cubic feet of water per second of time.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed and permitted to protect and secure its rights and interests by filing and introducing any and all evidence and by due examination of any and all witnesses

touching any and all claims of others to the appropriation and use of water in and from Mancos River and all its tributaries, the granting or allowance of which may be adverse to the interests of the United States and of Mancos Water Conservancy District in thepremises; that full right and authority be reserved to the United States to amend, correct, alter, or change this petition and statement of claim without prejudice to the United States as the progress of the work or facts in evidence may warrant, demand or be desirable by the United States, to the end that ultimately upon completion of the project named the full interest, rights and titles of the United States shall be conserved in this and all subsequent adjudications of water rights in said State.

IT IS FURTHER PRAYED by petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, United States of America, priorities of right, as of date October 31, 1936, to divert, for direct use and storage, water for the purposes and in the amounts hereinbefore in detail set forth and claimed, and that said decree, if conditional when made, may be conditioned upon the final completion of said works, and the application of stored water and of water carried directly through said reservoir, to beneficial use; that after completion of said works and the application of water stored in said reservoir and conducted directly therethrough to beneficial use, the decree be made absolute; that the exact location of the point of diversion on West Mancos River be made definite and certain in either the conditional or final decree, as the evidence may warrant, and for all other and further proper relief.

Dated at Denver, Colorado, this day of A. D. 1942.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the
Attorney General.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

JAN 21 1943
1/21/43
1/21

January 16, 1943.

MEMORANDUM for the Director.

Reference is made to A. van V. Dunn's memorandum of January 1 for the Regional Director, Region Three, requesting that I ascertain when the adjudication in connection with the West Mancos Water Supply System will be held, and in what court.

For the past several days I have been attempting to get in touch with Judge John O'Rourke of the District Court at Cortez, before whom the adjudication hearings will be held. Judge O'Rourke just returned to Durango at noon today.

He informs me that no claims have yet been filed by any Government agency, but that several inquiries have been made with respect to claims and adjudications through Mr. E. D. Peters, Clerk of the Court.

Judge O'Rourke stated that Mr. Worth Allen of Denver had been in touch with Mr. Peters, as he was looking after Government claims which included several for the Forest Service. Judge O'Rourke is anxious to clear all pending adjudications during the present year, but states that hearings may be conducted at any time, as the hearing time is variable with his District Court--not restricted to even years, as in some District Courts of Colorado. He wishes to allow adequate time to perfect claims and therefore feels that our Service could reasonably contemplate an additional month or more, if essential, to perfect our claim.

No date has yet been set for any adjudication and Judge O'Rourke advised me to keep in touch with Clerk E. D. Peters for further information. In this connection, he stated that publication of adjudication proceedings is always made in advance of court action.

The above information will, I am sure, be of particular interest to Mr. Dunn.

Jesse L. Nusbaum,
Acting Superintendent.

cc Regional Director, Reg. Three.
Mr. Dunn, Region Four

DEPARTMENT OF JUSTICE

JAN 12 1943

Ans. 1/13/43 AVVD.

332 Postoffice Building,

Denver, Colorado, January 7, 1943.

Mr. A. Van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Water Adjudication, Water
District No. 34-- Claim
for West Mancos Water Supply
System-- National Park Service.

Dear Mr. Dunn:

I acknowledge receipt of a copy of your Memorandum of January 4, 1943, "for the Regional Director, Region Three", together with a map in two parts.

You may have been in court in Boulder with me when proof in support of the claim of the Estes Park Y.M.C.A. was being given. Nobody made any objection to the claim or to the priority date sought. However, when it developed that the point of diversion of the pipe line leading from Wind River to the camp ground was somewhat different from the point of diversion of the line as originally surveyed, the Court spoke up, saying that the priority date to be awarded could not be the date of the original survey. The Court's position was based upon the doctrine of the case of Holbrook Irrigation District v. Fort Lyon Canal Co., 84 Colo. 174, 269 Pac. 574, wherein the Court said:

> "The 1902 priority dates were not even based on a continuous purpose or idea; they were predicated on an abandoned ditch."

The point of diversion of your original survey is stated with respect to the northeast corner of Section seventeen (17). The point of diversion now shown is with respect to the northwest corner of Section thirty (30). The distance between the two points is approximately seven thousand feet as the crow flies, considerably more as the river flows. As I recall, the distance between the two points of the Y.M.C.A. pipe line was much less.

Hence, I suggest that when you prepare the final maps of the line, as last surveyed (I note that such maps are to be prepared), you omit therefrom all reference to the original point of diversion and to the original filing, and that the word "Amended" in "Amended Location" and that the word "Amended" in "Amended Statement" be omitted. We have somewhat the same situation in the claim relating to the intake canal leading to Jackson Gulch Reservoir. Hence, I suggest that you omit "Filing No. 16951" found on one map under "Jackson Gulch Reservoir", and on the other under "Jackson Gulch Inlet Canal and Jackson Gulch Reservoir."



Copies to Director, Region Three, Supt. Mesa Verde, Mr. Hommon 1/13/43

Of course, if we should be asked at the hearing whether or not an earlier survey was made, we should frankly state the fact.

Inasmuch as you probably would be required, in the event of the making of another filing with the State Engineer, to show that the claim is an amended one, I suggest that you make no further filing. The law requires the filing of claims in adjudication proceedings even though no filing has been made with the State Engineer.

I note that you claim in the statement on one of the maps a right to divert directly from the river "in exchange for regulatory releases from Jackson Gulch Reservoir, or to divert all, or any part through the said Jackson Gulch Reservoir."

As to theexchange, that is a regulatory matter which would be permitted as a matter of course by the State officials. I doubt seriously whether the court should or would make any decree with respect thereto.

As to running direct-flow water through the reservoir to the Park, the Bureau is asking for that right for the Park. Aside from the propriety of having two separate decrees with respect to the matter, the priority date claimed by the Bureau is more than a year earlier than the date claimed by you. Mr. Debler of the Bureau is willing to give you an earlier date for the direct flow to the Park than the date of the Bureau. But, it seems to me, the matter should be taken care of by contract. He cannot give you an earlier date than is warranted by the proof in support of your claim. Hence, I ask you to consider whether it would not be better to omit from your statement any claim whatever so far as the reservoir is concerned.

The following sentence does not seem to be clear:

> "The underground collecting area is on public land of the claimant and has been withdrawn from entry such that any point therein has the same relation to the diversions of others as the main point of diversion."

Could you re-write it, possibly making two sentences? What do you mean by the word "others" in said sentence?

Is it necessary for us to describe later the pump referred to in the first line of your sheet 2. Could we not simply omit the words "to be described later"?

In referring to the distribution reservoir, could we not simply say that the reservoir is to be situated in the Park. I do not like to leave the claim too vague and indefinite. If the Court wants us to give more definite information at the hearing, or even at the later hearing when asking for a final decree, we can then be governed accordingly. I do not believe any such requirement will be made.

Very truly yours,

Worth Allen,
Special Assistant to the Attorney General.

WA/EIM

01-04-1943: memorandum to regional director from nps regarding adjudication date is still sufficiently remote

601 Sheldon Building

January 4, 1943.

MEMORANDUM for the Regional Director, Region Three.

In accordance with my memorandum of January 1, 1943, with regard to the water claim for the West Mancos water supply system at Mesa Verde, the following suggestions are now offered for consideration if the adjudication date is still sufficiently remote. As suggestions, however, their possible application must be determined in part by Mr. Worth Allen, the Director, and yourself. Mr. Johnson has not yet had time to review them, as it seems desirable to get the ideas before all at the first opportunity.

The accompanying draft of a revised petition to the court constitute the conclusion, with the following plan.

1. Claim the original point of diversion determined by the Bureau of Reclamation as of the surveys of October 31, 1936, but enlarge the collecting area such that it will take in enough of the river above to include a necessary supplemental diversion at an elevation to provide the required grade of 2.36 ft. per 1000 ft. (In the draft, I suggest a strip 4000 feet long and 1000 feet wide to allow for winding river. The length seems to be ample on the basis of uniform river grade and you have suggested that the secondary point will probably be nearer the main one, well within the area.)

2. As suggested on January 1, withdraw essential parts of Sections 17, 18, 19 and 20, at diversion from all forms of entry so that no conflicting water claims can be initiated between main and secondary diversions. (We must be sure the land is absolutely vacant now, and we better withdraw only the E½ of E½ of Section 19, half of what I suggested before, in order to exclude the Crystal Creek Water Company Ditch.)

3. Claim the conditional right to make a secondary diversion within any portion of the collecting area with the exact point to be determined before a final decree is granted. (This may be a little irregular, but should be acceptable as long as we control the access to the whole area. If legal counsel does not care to claim the secondary diversion

FILE COPY

we should still claim the full collection area for future ease in adjudicating a changed point with the same priority.)

4. Use alignment of Park Service survey of August 1942 from 269/80.9-110/86 to 1,000,000 gallon reservoir in order to show whose land will be crossed, and to obtain proper gradients and capacities. (Minor variations along road within the park can be ignored as they do not change conditions.)

5. Use pipe capacities based on enamel-lined pipe (C=135 or C=145) in order to conform to ultimate design as far as possible. (I have figured gravity capacity from main diversion to Chapin Mesa with C=145 to be about 85 gpm, to see if it would give desired 100 gpm, which it did not.)

6. Emphasize gradient for pumping 150 gpm (0.33 sec. ft.) as our full claim and refer to gravity capacities only as a means of reducing pumping charges when full diversion is not needed. (On this basis it really makes little difference whether gravity flow of 85 gpm from main diversion, or 100 gpm from a secondary diversion is cited as neither is full claim.)

7. Complete an agreement with the Bureau of Reclamation and bring it into the claim before the final draft is drawn. This is to limit our total claim to 200 AF per year, which is less than the 0.33 sec. ft. for 365 days. It will also, through features of exchange of water, offer reasons for greater tolerance of indefinite secondary diversion. It will also strengthen the reasons for using the pump as a measure of capacity. (This is temporarily omitted from the draft of the claim herewith.)

8. Do not file an amended claim with the State Engineer until the secondary point of diversion is determined, but complete the map and profile with a tentative point for use in court.

We have altered drawing NP-MV-6978, partially in ink and partially in pencil, to illustrate this plan. If we can get prints this afternoon they will be enclosed. If not, they will be sent as soon as possible. We are not holding the memo for the prints, as we wish to start consideration of the general idea and obtain a withdrawal of the land by the General Land Office.

AvVD:SH

Enclosure 2136644.

Hydraulic Engineer.

cc: Director, with copy of statement of claim, and print in 2 sheets.
Act.Supt. Nusbaum, " " " " " " " " " " " "
Mr. Worth Allen, " " " " " " " " " " " "
Mr. Johnson, " " " " " "

ROUGH DRAFT

January 4, 1943.

STATE OF COLORADO,)
) ss.
COUNTY OF MONTEZUMA.)

IN THE DISTRICT COURT

NO. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR WEST MANCOS WATER SUPPLY SYSTEM.

Comes now the United States of America, by Worth Allen, Special Assistant to the Attorney General, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein, and shows unto this honorable Court that:

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

SECOND: The postoffice address of the claimant is Mesa Verde National Park, Colorado.

THIRD: The name of the system for which claim is made herein is West Mancos Water Supply System.

FOURTH: The headgate or main point of diversion of said system is on the West or right bank of West Mancos river, whence the northwest corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12) West of the New Mexico Principal Meridian bears south fifty-four degrees, thirty-nine minutes (54° 39') west four thousand, nine hundred and eighty-nine and five-tenths (4989.5) feet.

Said main point of diversion is also the point of beginning of an underground collecting area along said river described as follows:

> Beginning at said main diversion, thence north seventy-four degrees and fourteen minutes (74°14') west five hundred (500) feet, thence north fifteen degrees and forty-six minutes (15°46') east four thousand (4000) feet, thence south seventy-four degrees and fourteen minutes (74°14') east one thousand (1000) feet, thence south fifteen degrees and forty-six minutes (15°46') west four thousand (4000) feet, and thence north seventy-four degrees and fourteen minutes (74°14') west five hundred (500) feet to the point of beginning.

The main diversion will be fed by gravity from underground collecting galleries in the bed of the river, within said collecting area. The water

will flow thence by gravity to a pump, to be described later, whence it will be pumped to a control elevation on Chapin Mesa in Mesa Verde National Park for gravity delivery to a distribution reservoir which is also to be described.

The underground collecting area is on public land of the claimant and has been withdrawn from entry such that any point therein has the same relation to the diversions of others as the main point of diversion. By introducing a secondary diversion near the upper end of the said area, the direct gravity flow to the control elevation on Chapin Mesa may be increased from eighty-five (85) gallons per minute to one hundred (100) gallons per minute with a resulting reduction in pumping costs during seasons of low consumptive demand.

A specific point of secondary diversion will be designated prior to petition for final decree.

FIFTH: The general course of the pipe line of said system is southwesterly from the diversion to a one million gallon distribution reservoir in Mesa Verde National Park, and has the following hydraulic properties:

The length of said pipe line is approximately one hundred and forty-one thousand (141,000) feet.

The inside diameter of the first one hundred and twenty-eight thousand four hundred (128,400) feet is five and one-sixteenth (5-1/16) inches to the control elevation on Chapin Mesa, and the inside diameter of the remainder is three and three-eighths (3-3/8) inches. Both diameters are net, based on enamel-lined pipe.

The controlling grade of the larger pipe, for gravity flow from the main point of diversion to Chapin Mesa, is one and four hundred and twenty-three one-thousandths (1.423) feet per one thousand (1000) feet. The proposed grade from the secondary diversion to Chapin Mesa is to be two and thirty-six one-hundredths (2.36) feet per one thousand (1000) feet. The grade from either point of diversion to the aforesaid pump site is in excess of the five (5) feet per one thousand (1000) feet which is needed to make full diversion. The grade of the smaller pipe, from Chapin Mesa to the distribution reservoir, is thirty-nine and seven-tenths (39.7) feet per one thousand (1000) feet.

The gravity carrying capacity of the pipe line is to be two hundred and twenty-three one-thousandths (0.223) of a cubic foot of water per second of time.

A pump unit is to be located near the entrance of Mesa Verde National Park, approximately seventy-eight thousand (78,000) feet below the main diversion, and at an elevation such that a gravity gradient of more than five (5) feet per one thousand (1000) feet thereto will be obtained and permit the gravity diversion and delivery of thirty-three hundredths (0.33) of a cubic foot of water per second of time. The pump will raise this water to the control elevation on Chapin Mesa whence it will again flow by gravity to the aforesaid distribution reservoir.

Claim, therefore, is hereby made for the use of thirty-three hundredths (0.33) of a cubic foot of water per second of time, for domestic, recreational, and fire protection purposes in said park.

Work was commenced by survey on October 31, 1936.

The cost of construction of said system will be approximately three hundred and sixty thousand dollars ($360,000).

A map and statement of claim for said system was filed with and accepted by the State Engineer, State of Colorado, on August 7, 1941, and was assigned filing number sixteen thousand nine hundred and eighty-nine (16,989).

An amended map and statement of claim was filed with and accepted by the said State Engineer on the _____day of _____, 1943, and was assigned filing number _____.

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence in support thereof, and by due examination of any and all witnesses, touching any and all claims of others to the

appropriation and use of water in said water district number thirty-four (34), State of Colorado, the allowance of which may be adverse to the interests of the United States in the premises.

IT IS FURTHER PRAYED by the Petitioner that a decree be made in this proceeding, adjudging and decreeing to the petitioner, United States of America, a conditional priority right as of October 31, 1936, to the use of thirty-three one-hundredths (0.33) cubic foot of water per second of time from the West Mancos River, with the right to divert at the designated point of diversion and/or any other point within the designated and reserved underground collecting area, and with the right to keep one million (1,000,000) gallons in storage in the distribution reservoir, for the purposes stated and for all other and further proper relief in the premises.

UNITED STATES OF AMERICA,

By_____
Special Assistant to the Attorney General.

Sent to Region Two by
error.

12-21-1942: memorandum to regional director from nps regarding water right for mesa verde national park

RECD DEC 28 1942 REGION TWO N. P. S.

DEC 31 1942
ROUTING
Regional Director — Date
12/31
Chief Clerk
12/31
Geology
Prop. Control
FILE
Engineer
Secretary

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

December 21, 1942.

MEMORANDUM for the Regional Director,
Region Four, San Francisco.

Attention: Water Rights Section.

Reference is made to Hydraulic Engineer Dunn's memorandum of December 17, relative to water right for Mesa Verde National Park.

The intake on the Mancos River, as now surveyed, is at elevation 8500. The summit elevation where the surveyed line meets the Park road on the Mesa, is 8074. However, the control summit is on Chapin Mesa, 7,125 feet south. This summit is at 8071 feet. This gives a difference in head between these points of 429 feet. The length of pipe line from intake to this summit is 128,236 feet, which includes all equations and increase in length for all grades over 10%. Using 5-9/16 inch O.D. pipe 3/16" thick, with enamel lining 2/32 inch thick gives an internal diameter of 5-1/16 inches. This size pipe, flowing 100 g.p.m., with C equals 135, figures an indicated loss of 2.36 feet per 1000. This would indicate a loss in head between the intake and the control summit of 0.00236 X 128236, or 302 feet, leaving a residual head of 127 feet.

ok
we scaled 8059
we have 129,168

Rather than use this 127 feet in increased flow resulting in increased loss of head, the intake should be moved down stream a corresponding distance, plus the saving in friction loss due to shortened length of pipe line. This should be between one mile and a mile and a quarter, but can only be accurately determined after survey.

If it is necessary to file the amended claim now, and the straight line gradient from intake to top of Mesa is essential, then that line should be shown. In such case, we believe that the resultant of such change should be in the quantity of flow rather than in the constant C., with a note that control gates shall be installed in the head works.

It is suggested that the proposed adjudication be based on the original filing, and later amended by change in point of diversion and location of line. This we will have to do anyway, after we determine these points.

The proposed change in alignment from the point where we first hit the road refers to the road on top of the Mesa. This change will not increase the length of line more than 100 feet, if that much.

cc:Director.
Actg.Supt.,Mesa Verde.

Regional Director.

12-10-1942: memorandum to water rights section from nps regarding tracing and one print of drawing no. nm-mv-6978

DEC 14 1942

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

December 10,1942.

MEMORANDUM for the Water Rights Section,
c/o Regional Director, Region Four.

We are returning the tracing and one print of Drawing No. NM-MV-6978, in two sheets, which accompanied your memorandum of December 14.

In laying the Mesa Verde pipe line it is our intention to use enamel-lined steel pipe throughout most of the distance, with the possibility of using cement asbestos pipe where the head is within the limits of strength of the latter. Both of these pipes are rated by the manufacturers and by engineers, as having a coefficient of friction of 145 and 140 respectively. With this in mind we furnished you with a map and profile of the line showing a hydraulic gradient based on C = 135, which we considered a conservative figure, taking into consideration the number of bends and fittings that will be required and the possibility of sediment and trash collecting in the sags, thus restricting the flow. Since we do not contemplate using plain steel or cast iron pipe with the coefficient of 105, we request that you remove from the profile all reference to hydraulic gradient based on the use of such pipe. This apparently confuses the profile and indicates that we are in doubt as to just what we propose to install.

While we are changing the drawings, it is requested that you change the notary's certification of Mr. Lassiter's signature, as he will sign the certification before the Secretary of State.

For your information we wish to advise that we contemplate two major revisions in the location of the pipe line. Since our hydraulic gradient clears the north rim of the Mesa by some 190', we propose to move the intake down the river a corresponding distance, locate the line down the floor of the Mancos Canyon to the proposed intake of the Bureau of Reclamation for the Jackson Gulch reservoir, and then climb abruptly to the rim of the Canyon.

Within the Park we propose to follow the shoulder of the highway from the point we first hit the road, to a point opposite the Million Gallon Reservoir. Both of these changes will be investigated in the Spring and surveyed after the snow is gone. Obviously these changes will require the filing of a further amended claim. We leave to your decision the necessity or wisdom of filing an amended claim at this time, in view of the proposed changes.

Encl: 2878122.

cc:The Director.
Actg.Supt.Nusbaum.

Regional Director.

12-04-1942: memorandum to regional director from nps regarding amended water claim relating to the west mancos water supply

601 Sheldon Building

December 4, 1942.

MEMORANDUM for the Regional Director, Region Three.

We enclose the tracing and one print of drawing NM-MV-6978 in two sheets, being the amended water claim relating to the West Mancos Water Supply System for Mesa Verde National Park.

If the claim is satisfactory it should be signed by Mr. Lassiter or the Acting Regional Engineer and by Mr. Nusbaum or his assistant as Acting Superintendent and forwarded to the State Engineer for filing. If, however, there are any features which do not seem satisfactory it is still possible to make corrections either in your office or here, but if you do it we should like to have a print immediately to show what has been done. As an alternate, the maps could be signed by the proper officials and returned to me for the corrections and final forwarding to the State Engineer.

The State Engineer makes no charge for federal filings in Colorado unless the policy has been changed in the last year. Therefore the tracing may be forwarded without voucher.

As soon as the filing has been accepted we shall wish to obtain a Van Dyke negative. For this reason we should like to be advised by you as soon as the map has been submitted to the State Engineer so that we may order it.

The one print is merely for your records until such time as we obtain a Van Dyke negative of the accepted claim.

We are also sending one print of the claim direct to the Director in order that he may suggest alterations if he wishes to do so before the claim is finally filed. Presumably he will be able to advise you of any alteration he might wish before the tracing has gone through both your hands and those of Mr. Nusbaum. However, it might be a measure of precaution to hold up the signed tracings for one or two days just in case the mails are a little slow.

It is presumed that since we have sent an advance print to Mr. Allen in Denver as well, it is not absolutely necessary that the filing be made within this one or two day period.

As a caution, please note that Mr. Lassiter will be certifying to a map in one State to be filed in another. As in the case of filing for Colorado National Monument about a year ago, it will be necessary to have the Secretary of State certify to the authority of the notary for taking Mr. Lassiter's oath, or the oath may be taken directly before the Secretary of State in Santa Fe.

We believe that room has been left below the certificate for any further certificate by the Secretary of State which you may have to add or that there will be minor modifications of the notary's affidavit if the Secretary of State himself signs.

AvVD:SH

Hydraulic Engineer.

Enclosure 2122084.

cc: Director, with 1 print.
Acting Supt. Nusbaum.

11-24-1942: letter to special assistant to the attorney general from nps regarding statement of claim

601 Sheldon Building

November 24, 1942.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Post Office Building,
Denver, Colorado.

Dear Mr. Allen:

Reference is made to your letter of November 18, 1942, with regard to the statement of claim for the National Park Service in the matter of the adjudication of priorities of water rights in Water District No. 34.

Due to various causes it will be about the end of this week before the amended file map is completed, but it is sufficiently advanced to indicate that certain basic data previously sent to you must be corrected. I offer the following revisions of your draft:

First through Fourth: (As in your statement).

Fifth: The general course of the pipe line of said system is southwesterly, with the following hydraulic properties:

The pipe line extends from the point of diversion to a one million (1,000,000) gallon distribution reservoir in Mesa Verde National Park.

The length of said pipe line is approximately one hundred and fifty thousand (150,000) feet.

The inside diameter of the first one hundred and twenty-nine thousand, two hundred and twenty-five (129,225) feet of said pipe line is five and three-sixteenths (5-3/16) inches. The inside diameter of the remainder of said pipe line is three and one-half (3-1/2) inches.

The controlling grade of said larger pipe, to a point on Chapin Mesa, is three and four hundred fifty-three one-thousandths (3.453)

FILE COPY

feet per one thousand (1,000) feet. The controlling grade of said smaller pipe, from Chapin Mesa to the aforesaid Reservoir, is forty and one hundred forty-four one-thousandths (40.144) feet.

The gravity carrying capacity of the pipe line is two hundred and twenty-three one-thousandths (0.223) cubic foot of water per second of time.

A pump unit is to be located near the entrance to Mesa Verde National Park, approximately eighty-six thousand seven hundred and fifty (86,750) feet below the diversion, and at an elevation such that the effective gradient of the main pipe line thereto is more than seven and three-tenths (7.30) feet per one thousand feet and the carrying capacity thereto will be one hundred and fifty (150) gallons per minute or thirty-three one-hundredths (0.33) cubic feet of water per second of time. The pump will raise this quantity of water to aforesaid Chapin Mesa under sufficient pressure to flow thence to the one million (1,000,000) gallon reservoir by gravity. The increased head required by pumping will be nine hundred and seventy-five (975) feet, or less, depending on which of several commercial pipes is accepted. Claim, therefore, is hereby made for the use of thirty-three one-hundredths (0.33) cubic feet of water per second of time, for domestic, recreational and fire protection purposes, in said park.

Work of construction of said system was commenced by survey on October 31, 1936.

The cost of construction of said system will be approximately three hundred and sixty thousand dollars ($360,000).

A map . . . . . (as in your statement).

In the previous statement I gave the gradient required to provide proper capacity with commercial pipe having very low friction losses, but it left approximately 450 feet of unused fall. Since we do not know that these pipes will be available at time of construction, I have revised the hydraulic properties to use the full fall. This permits the diversion with a pipe of C = 105, which is satisfactory for nearly any standard product and should eliminate any protest during your proceedings.

At the diversion, it is planned to extend one or more collecting laterals under the river for about two or three hundred feet upstream

to collect the underground rather than surface flow. I have not so stated in the claim because the Regional staff does not seem to have details for proper description, but you may wish to add a general statement to that effect.

Since this claim omits all reference to any Park Service interest in the Jackson Gulch Reservoir, we might cut about $5,000 from the total estimated cost of system, as the portion for the reservoir lateral, but it is hardly worth it as an estimate. I have also found that the lateral will still be only 2,913 feet long instead of the length given in my former draft and will join the main line about 37,720 feet below the main diversion. This will mean that the hydraulic properties are being revised on the file map whether used in court or not.

With regard to your final paragraph, the land between the diversion covered by filing No. 16989 and that covered by your statement of claim is all federally owned. Further, according to my investigations of the State Engineer's records there are no recorded diversions or places of water use between, as of April 1941. The Lee and Burke Ditch, with decreed right No. 4, seems to be the highest claim to be effected by either of our diversions and it diverts below our proposed exchange releases from the Jackson Gulch Reservoir. Hence, regardless of the law, the facts should entitle us to equal priority at the original or amended point of diversion. There is enclosed a copy of my drawing NP-MV-6975 which, although prepared in March, was still correct for the West Mancos River during the next month.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH
Enclosure 2122075.

cc: Director.
Region Three.
Act. Supt. Nusbaum.

NOV 24 1942

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, November 18, 1942.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

General Adjudication of Water Rights,
District No. 34, Mancos Project,
Claims of National Park Service.

Dear Mr. Dunn:

I have prepared a draft of the statement of claim to be filed in the adjudication proceeding in Water District No. 34.

As I have heretofore informed you, Mr. Beise, Assistant District Counsel, Bureau of Reclamation, and I have concluded that it is inadvisable to describe the pipeline, and to refer to the use of water from Jackson Gulch Reservoir. It is contemplated using some of the reservoir water for municipal purposes in the town of Mancos. The location and capacity of the line to the town of Mancos are now uncertain. We are confident that it is not necessary to describe lines leading from the reservoir either to the Park or to the said town.

Moreover, the United States is the claimant in both claims. It seems inadvisable to us to attempt to secure two different decrees in connection with the Mancos Project. The decree to that project will expressly provide for the use of a part of the water for domestic purposes. We expect to give some testimony at the hearing on the Mancos Project claim to the effect that it is contemplated supplying the Park with 120 acre feet from the reservoir.

You will note that the cost of this project, including the pipeline from the reservoir to the junction point is left blank in the statement. Will you kindly furnish me this information?

If you are confident that you have definitely determined upon the approximate location of the pumping or booster plant, I would appreciate your giving me the legal description thereof, so that the information can be inserted in the claim. However, it is not absolutely necessary, in my opinion, that we have this information. Kindly examine the preliminary draft sent to you and make any suggestion that may occur to you.



The Department of Justice is inclined to the position that, since it has no responsibility for the employment and services of attorneys in other departments, it is advisable not to have the names of such attorneys appear in the pleadings. Hence, I trust you will understand

Copies mailed Director, Region Three, and Acting Supt. Nusbaum 11/24/42

why I have omitted the name of Mr. Johnson.

I have purposely left out any reference to any exchange in order to compensate senior appropriators for direct diversion by the main pipeline. The matter of exchange is an administrative one and it is not customary to make any provision therefor in an adjudication decree.

If you are able to put in final form and file your amended map and statement of claim with the State Engineer, I would suggest that you give me the filing date and the number assigned thereto. I should like also a copy of the original map and statement and of the amended one.

The law in Colorado is that, if a system is substantially changed after the beginning thereof, whether by survey or actual construction, the priority date of the converted and different system cannot be the date on which the original and discarded system was instituted. Hence, I am considering leaving out of the statement of claim to be filed in court any reference to filings made with the State Engineer. If we state that two different maps and statements of claim have been filed with the State Engineer it might naturally cause any possible protestants to raise questions which might not otherwise occur to them. Under our law we have the right and duty to file a statement of claim in an adjudication proceeding even though no map and statement of claim ever has been filed with the State Engineer. Hence, I do not consider the omission from our statement of claim of any allegations about filings made with the State Engineer to be serious.

Very truly yours,

Morris Allen
Special Assistant to
the Attorney General.

WA/ELM

thirty-three one-hundredths (.33) cubic feet of water per second of time, for the use of which, for domestic, recreational and fire protection purposes, in said park, claim is hereby made.

Work of construction of said system was commenced by survey on October 31, 1936.

The cost of construction of said system will be approximately

A map and statement of claim for said system was filed with and accepted by the State Engineer, State of Colorado, on August 7, 1941, and was assigned filing number sixteen thousand, five hundred and eighty-nine(16,589).

An amended map and statement of claim was filed with and accepted by the said State Engineer on the day of 1942, and was assigned filing number .

WHEREFORE, it is prayed that the petitioner, United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence in support thereof, and by due examination of any and all witnesses, touching any and all claims of others to the appropriation and use of water in said water district number thirty-four (34), State of Colorado, the allowance of which may be adverse to the interests of the United States in the premises.

IT IS FURTHER PRAYED by the Petitioner that a decree be made in this proceeding, adjudging and decreeing to the petitioner, United States of America, a conditional priority right as of October 31, 1936, to the use of thirty-three one-hundredths (0.33) cubic feet of water per second of time from the West Mancos river, with the right to keep one million (1,000,000) gallons in storage in the distribution reservoir, for the purposes stated and for all other and further proper relief in the premises.

THE UNITED STATES OF AMERICA,

By_____
Special Assistant to the Attorney General.

STATE OF COLORADO,)
) ss.
COUNTY OF MONTEZUMA.)

Jesse L. Nusbaum, being first duly sworn, on his oath deposes and says that he is Acting Superintendent of Mesa Verde National Park, and makes this affidavit on behalf of the United States of America, claimant; that he has read

the foregoing statement of claim and is conversant with the facts therein stated, and that the matters therein referred to are true to the best of his knowledge and belief.

Subscribed and sworn to before me this day of

My commission expires

Notary Public.

NOV 24 1942

NOV 13 1942

DEPARTMENT OF JUSTICE

11/13

11/13

332 Postoffice Building,

Denver, Colorado, November 10, 1942.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Let's wait for his comments on my letter of Nov 9, 1942

General Adjudication of Water Rights,
District No. 34, Mancos Project,
Claims of National Park Service.

Dear Mr. Dunn:

Receipt of your letter of November 7, enclosing copies of your memoranda of the same date, one addressed to the Director, the other to the Regional Director, Region 3, and preliminary maps and statements, is acknowledged.

If it will not require more than ten days to furnish me a copy of your final map and statement of claim which is to be filed with the State Engineer, I agree with you that it is just as well to wait until the same has been filed, although, under the law, we have a right and a duty to file our claim in the adjudication proceeding even though no filing has been made with the State Engineer.

all applied by letter of Nov 9, 1942 covered in mail

From your experience with water adjudications, you know that the important facts are as follows:

1. Location of point of diversion.
2. Length of pipe line.
3. Dimensions of pipe line, stating length of each different size.
4. Grade of line.
5. Carrying capacity of line.
6. General direction of line.
7. Nature of use.
8. Priority date. The usual practice is to take the date of the survey as the priority date.

If actual construction work has begun, it is advisable for you to let me know when the same began and the amount of work which has already been done.



Of course, if you can give me briefly some of the facts as to the nature of the diversion works, pumps, etc., it is just as well to put that information in the statement of claim to be filed in court.

I am in process of preparing a statement of claim on the Mancos Project, including Jackson Gulch Reservoir. We have in mind simply

this is only NPS claim

stating that the water to be stored in the reservoir and to be carried through the same when, if ever, the direct flow is used, and the reservoir is used as a conduit, is to be devoted to irrigation, power, domestic and other beneficial purposes. We have in mind when the claim is heard simply giving some general testimony to the effect that 120 acre feet of the reservoir water is to, or may, be furnished for use at the Park. Mr. Beise and I have agreed that it is not necessary to put in the claim for the Mancos Project details of any pipe line extending from the reservoir to the Park, or to the junction with the line which you apparently contemplate building direct from the river to the Park.

I found from the engineers here in Denver that, so far as they know, the Bureau of Reclamation has never made any contact with the Park Service, although two or three drafts of a proposed contract are found in the files.

As soon as you can furnish me final information, including, if possible, a copy of the final statement of claim and map filed with the State Engineer, I shall immediately prepare and mail to you for approval a draft of the statement of claim to be filed in court. When the same has met with your approval, I shall forward it to the office of the Attorney General in Washingtonfor final approval.

file on what he needs.

With kind regards, I remain

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

Glad to hear about Jan.

In the next place, the memorandum of agreement, which had not been signed by last March, was based on availability of CCC labor, and there is no CCC now. Further, the agreement, as then drawn, indicated that the Park Service proposes to acquire an independent senior right by purchase, and we hope that this purchase can be made more economically if the vendor knows by the interbureau agreement that he can nominally obtain his equivalent needs through the Conservancy District by our exchange releases from the Jackson Gulch Reservoir. However, we have not negotiated for such purchase, and our funds are now nominally impounded until after the war. These may influence the method of presentation which the Park Service will wish to follow, and the final form of the agreement if it has not yet been signed.

During the spring Mr. McLaughlin, who had been handling the work as Park Superintendent, entered the Army. The draft is drawn for execution by Mr. Jesse L. Nusbaum who is now Acting Superintendent, but it may be that his assistant or some officer of the Regional Office will be appointed to act if one is still available who is more familiar with the problem.

We, in the Water Rights Section, have heard very little about the design since we prepared Filing No. 16989, and do not know whether the main diversion is to be from a dam or filtration gallery, nor whether we wish to claim a point of diversion or "spring area" diversion. We are also uncertain as to whether any construction was started before the death of CCC.

Any claim at this time is definitely conditional, but not so stated in the draft, as I believe we introduced that feature as testimony.

Although we have been called on to answer your last letter from here, we are, as in the Rocky Mountain adjudications, only technical advisors. Also, the Director of the National Park Service, Merchandise Mart, Chicago, and the Regional Director, as well as the Park Superintendent, are far more interested in this water supply problem than in the details at Rocky Mountain. Therefore, at least until

we fully coordinate our plans, please send copies of all correspondence to all of us.

Yours sincerely,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 2122063.

cc: Director, with draft of statement of claim.
Region Three, " " " " " "
Supt., Mesa Verde, " " " " " "
Mr. O. G. Taylor, " " " " " "
Mr. Harry Hommon, " " " " " "

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

IN THE DISTRICT COURT

NO. _____

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 34, WATER DIVISION NO. 7 OF THE STATE OF COLORADO

STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR THE WEST MANCOS WATER SUPPLY SYSTEM.

Now comes the United States of America, by North Allen, Special Assistant to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and Albert L. Johnson, Attorney, National Park Service, and hereby presents this petition and statement of claim herein, and shows unto this honorable court that:

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

SECOND: The postoffice address of the claimant is Mesa Verde National Park, Colorado.

THIRD: The name of the pipe line for which claim is made herein is the West Mancos Water Supply System.

FOURTH: The said West Mancos Water Supply System is part of a greater development by the United States designated as the Mancos Project-Jackson Gulch Reservoir. By Memorandum of Agreement between the National Park Service and the Bureau of Reclamation signed by the Director of the National Park Service and the Commissioner of the Bureau of Reclamation and approved by the Secretary of the Interior on _____, the Bureau of Reclamation will reserve 120 acre-feet of storage in the Jackson Gulch Reservoir for the use of the National Park Service.

FIFTH: There are two headgates for said Water Supply System:

1. For direct diversion from the West Mancos River, from a point on the west, or right, bank of said river whence the northeast (NE) corner of Section seventeen (17), Township thirty-seven (37) North, Range twelve (12) West of the New Mexico Principal Meridian, bears north 18°22' east 3202.5 feet.

U. S. GOVERNMENT PRINTING OFFICE 6—9495

2. For storage in the Jackson Gulch Reservoir, at the point of diversion claimed for that reservoir, on the west, or right, bank of said Mancos River whence the northwest (NW) corner of Section thirty (30), Township thirty-seven (37) North, Range twelve (12) West of the New Mexico Principal Meridian, bears north 20°05'08" west 1836.83 feet.

SIXTH: The general course of said water supply system is southwesterly, with the following hydraulic properties for various components:

1. The main pipe line from diversion No. 1 to a one-million gallon distribution reservoir in Mesa Verde National Park has a total length of 145,000 feet. The inside diameter of the first 123,500 feet is 5-3/16 inches; and the inside diameter of the remainder is 3.5 inches. The controlling grade of said pipe line is 2.36 feet per 1000 feet.

2. The length of pipe line from the Jackson Gulch Reservoir to a junction with the aforesaid main pipe line is 51,800 feet. The inside diameter of said pipe is 5-3/16 inches. The grade of said pipe line is 2.36 feet per 1000 feet to a pump.

3. The properties of the inlet and outlet canals of the Jackson Gulch Reservoir are as described by the Bureau of Reclamation in its claim therefor and for which Filing No. 16951 was accepted by the State Engineer on the 19th day of April 1941.

SEVENTH: The gravity carrying capacity of the main pipe line is 0.223 cubic feet of water per second of time for which claim is hereby made for domestic, recreational, and fire protection purposes at Mesa Verde National Park, in the lodge, public campgrounds, residential areas, utility shops, and other administrative and operating units.

The gravity carrying capacity of the lateral from the Jackson Gulch Reservoir is also 0.223 cubic feet of water per second of time, to the pump where it is boosted to the elevation of the aforesaid main pipe line. This pump unit is also so located and connected that by suction and pressure it can produce an effective gradient of 5.00 feet per 1000 feet and capacity of 150 gallons per minute or 0.33 cubic feet of water per second of time throughout the system.

The carrying capacity of the inlet and outlet canals of the Jackson Gulch Reservoir are as claimed by the Bureau of Reclamation therefor.

U. S. GOVERNMENT PRINTING OFFICE 6—9495

It is the plan of the National Park Service, and claim is hereby made, to divert 120 acre-feet of flood water from the West Mancos River at diversion No. 2 to the Jackson Gulch Reservoir in accordance with the schedule of the Bureau of Reclamation therefor. It is also the plan of the National Park Service, and claim is hereby made, to divert at an average rate of 0.223 cubic feet of water per second of time at the main diversion No. 1, but with variations not to exceed a total of 0.33 cubic feet of water per second of time as operation and consumption needs may require. It is further planned, and claim is hereby made, to release its share of storage in the said Jackson Gulch Reservoir either to the aforesaid West Mancos Water Supply System to compensate for deficits in the natural flow at diversion No. 1, or to the outlet canal of said reservoir, in accordance with the aforesaid Memorandum of Agreement between the National Park Service and the Bureau of Reclamation, for use by the Mancos Conservancy District in exchange for direct diversions which may conflict with senior priorities of its members.

EIGHTH: The work was commenced by survey of the Bureau of Reclamation on the 31st day of October, 1936. The work on the portion of the total development designated as the West Mancos Water Supply System was begun by the execution of an agreement between the National Park Service and the Bureau of Reclamation for a survey and design of the system, on the 5th day of May, 1939, which was approved by the Assistant Secretary of the Interior on the 6th day of July, 1939. Surveys for final design were begun by the National Park Service on the 14th day of April, 1941. The establishment of CCC camps and construction of appurtenant truck trails for actual construction were begun on the ____day of _____, 1942.

NINTH: Claimant has filed the following maps and Statement of Claim on behalf of said water supply system and appurtenant Jackson Gulch Reservoir which have been accepted by the State Engineer, State of Colorado, as follows:

U. S. GOVERNMENT PRINTING OFFICE 6—9405

1. Filing No. 16951 for the Jackson Gulch Reservoir, Inlet and Outlet Canals, accepted the 19th day of April 1941.

2. Filing No. 16989 for the West Mancos Water Supply System, accepted the 7th day of August 1941.

3. Filing No. _____ for amended location of the West Mancos Water Supply System, accepted the _____ day of December 1942.

Wherefore, it is prayed that the petitioner, the United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from the West Mancos River and its tributaries and sources, the allowance of which may be adverse to the interests of the United States in the premises.

It is further prayed by the petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, the United States of America, a priority right as of the 31st day of October 1936, to the use of an average of 0.223 cubic feet of water per second of time of the natural flow of the West Mancos River, to the further use of 120 acre feet of the flood flow of said river, and to vary the average daily direct normal flow diversions not to exceed 0.33 cubic feet of water per second of time to the extent that all direct diversions can be compensated by exchange releases from the Jackson Gulch Reservoir, for the purposes and in in the amounts hereinabove in detail set forth and claimed, and for all other and further proper relief in the premises.

THE UNITED STATES OF AMERICA,

By _____
Special Assistant to the
Attorney General

_____
Attorney, National Park Service

U. S. GOVERNMENT PRINTING OFFICE 0—9405

00-00-0000: jesse l. nusbaum swearing in

UNITED STATES OF AMERICA)
)
STATE OF COLORADO) ss.
)
COUNTY OF MONTEZUMA)

JESSE L. NUSBAUM, being first duly sworn on oath, deposes and says that he is Acting Superintendent of Mesa Verde National Park, and makes this affidavit on behalf of the United States of America, claimant; that he has read the foregoing statement of claim and is conversant with the facts therein stated, and that the matters therein referred to are true to the best of his knowledge and belief.

_____
Acting Superintendent,
Mesa Verde National Park.

Subscribed and sworn to before me this _____ day of _____ 1942.

_____
Notary Public.

My commission expires_____.

U. S. GOVERNMENT PRINTING OFFICE 6—9495

NOV 6 1942

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

November 3, 1942.

MEMORANDUM for the Water Rights Section,
601 Sheldon Building, San Francisco.

There is forwarded herewith copy of a letter dated October 27 from the Department of Justice, Denver Office, concerning water adjudication on the Mancos Valley Project.

Inasmuch as only a preliminary filing as of August 7, 1941 has been made, and as we understand you contemplate filing an amended application in the near future, it is thought best that your Office formulate the reply to be made to the Department of Justice.

With reference to the request for a copy of the agreement, our files indicate that the contract between the United States and the Mancos Water Conservancy District was not completely acceptable to all parties concerned, as noted in Acting Chief Counsel Lee's memorandum of March 25, 1942. As we have nothing further on this, we assume that the terms are still being reviewed by the respective agencies.

Please furnish this Office and the Superintendent of Mesa Verde National Park with a copy of your reply.

Charles A. Richey
Acting Regional Director.

cc: Actg.Supt.Mesa Verde N.P.

Encl. 1897687.

Copies mailed Director, Mr. O. J. Taylor, and Mr. Wirth 11/7/42

DEPARYMENT OF JUSTICE

332 Postoffice Building.

Denver, Colorado,Oct.27,1942.

Superintendent, Mesa Verde National Park,
Cortez, Colorado.

Water adjudication, District
No. 34, Mancos Project--
Jackson Gulch Reservoir.

Dear Sir:

I have been instructed to prepare and file statements of claim for the United States in the current proceeding involving the water rights in District No. 34, in which the park is located.

I have been informed that a contract between the park and the Bureau of Reclamation was in process of preparation. I was told that there was some question whether the park would merely take water out of Jackson Gulch Reservoir, or would also construct a pipe line direct from West Mancos River to the Park.

I should appreciate your furnishing me as quickly as possible a copy of the contract, if one has now been executed, and full information concerning the line or lines. Ordinarily a map and statement of claim is filed with the State Engineer. Such maps and statements of claim show the location of the headgate, or the point of diversion, the capacity of the line, the grade thereof, the length thereof, the estimated cost thereof, the date of the survey, and the date actual construction began, if such construction has begun. Whether a map and statement of claim has been filed or not, I shall need this information for the statement of claim to be filed in the adjudication proceeding.

The proceeding has been pending a long time and it is thought that we should not unnecessarily further delay the filing of our claim or claims.

Thanking you for your co-operation in the matter, I remain

Very truly yours,

/sgd/ Worth Allen
Worth Allen
Special Assistant to
the Attorney General.

WA/ELM

(COPY)

Copies mailed Director, Mr. O. J. Taylor, and Mr. Wirth 11/5/42

09-03-1942: memorandum to the director from nps regarding adjudication proceeding for water district no. 34

601 Sheldon Building

September 3, 1942.

AIR MAIL

MEMORANDUM for the Director.

Reference is made to the Under Secretary's letter to the Attorney General dated August 21, 1942, relating to the adjudication proceeding for Water District No. 34, Montezuma County, Colorado, involving water rights on the Mancos River and its tributaries.

The Under Secretary concludes that it may not be possible to secure any satisfactory determination of that part of the claim of the National Park Service which contemplates direct diversion from the West Mancos River, and for that reason this Department would interpose no objection to postponement for further proceedings.

We should like to request a reconsideration with reference to this recommendation.

Enclosed herewith are two copies of a memorandum for me by Hydraulic Engineer A. van V. Dunn dated August 31 upon this subject which is largely self-explanatory. Mr. Dunn's reference to a conditional decree is, in my judgment, entirely in order, and if the adjudication itself is to be handled by Special Assistant to the Attorney General Worth Allen he will understand immediately the nature of the request for a conditional decree. Ample precedents exist in connection with our other adjudications at Rocky Mountain National Park.

The survey previously made should be sufficient commencement of construction upon which to base a conditional decree, but if the Regional Office has made a further survey and selected a different alignment and/or a different point of diversion, they are requested by receipt of a copy of this transmittal to furnish the information immediately in order that our filing may be amended prior to the adjudication. If this proves impossible, it is believed that even at the time of the adjudication, if amendatory maps are prepared, we shall be able to have the conditional decree based upon the newer information.

FILE COPY

As Mr. Dunn points out, the conditional decree may not be a very valuable right, but, on the other hand, purchase of an early priority is by no means absolutely assured. We of course do not know absolutely that funds will be provided, nor do we know that any owners are willing to sell to permit acquisition in any form other than by condemnation. So little extra expense is involved in securing the conditional decree as a part of the balance of the adjudication that we feel we should go through with it and secure the right for whatever it turns out to be worth.

JET:SH

Regional Attorney.

Enclosure 2122007.

cc: Regional Director, Region Three,
with copy of Mr. Dunn's memo of 8/31/42.
Supt., Mesa Verde Nat. Park, with copy
of Mr. Dunn's memo of 8/31/42.

08-31-1942: memorandum to regional attorney from nps regarding water claim for the mancos river water system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building

August 31, 1942.

MEMORANDUM for Regional Attorney Joseph E. Taylor.

Reference is made to the Under Secretary's letter of August 21 to the Honorable Attorney General advising that the Park Service water claim for the Mancos River water system for Mesa Verde National Park should be adjudicated along with the claims of the Bureau of Reclamation for the Jackson Gulch Reservoir, but stating that only the portion of the claim covering the use of waters from that reservoir need be considered at the time. He recommends, further, that Indian Service claims not be adjudicated, but that advice as to the rights of that Service for water for domestic consumption by the Indians should be declared.

He further suggested that the reasons for not adjudicating a direct diversion by the Park Service would be: First, that we intended to buy superior rights; second, we have no funds with which to make the construction at this time; and third, that he did not know what form of a right could be obtained for a development so far in the future.

We can obtain a conditional decree with a priority as of the date of the Bureau survey to the proposed point of direct diversion in any adjudication now. It is true that the value of the water right so obtained even when finally perfected may not be very valuable, but the cost of obtaining the additional conditional decree will be so small since the other claim is to be adjudicated that I favor making every attempt to adjudicate both Park Service diversions. There will be no difficulty later in transferring another superior right to the upper diversion and abandoning that portion of the claim if we see fit.

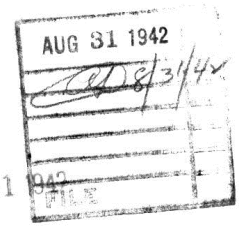
It is assumed that the Regional Office has probably picked a higher diversion than that previously selected by the Reclamation Service for the direct diversion, and it has also selected an alignment for the pipe line differing from that shown in drawing

Copies mailed Director, Region 3, and Supt. of Mesa Verde 9/3/42

NP-MV-6977 (filing 16989) from approximately the park entrance to the proposed reservoir. If the Region has prepared any form of plan covering either of these changes, it would be desirable to obtain them and file an amended claim with the State Engineer and use it at the time of the adjudication in order to reduce the cost of later adjudication of changes to fit final construction. Of course, however, if the new plans have not been completed and the Region has not sufficient staff to prepare the data necessary for our use in preparing another filing we will be able to establish our rights on the basis of the older filing, but I definitely concur in the plan to have the Park Service participate in the present adjudication regardless of the status of final plans.

A. Evan T. Swan
Hydraulic Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON



The Honorable

The Attorney General.

Sir:

Further reference is made to your letter of July 29, regarding the adjudication proceeding for Water District No. 34, Montezuma County, Colorado, involving water rights on the Mancos River and its tributaries. You inquired whether water right claims of the National Park Service and the Office of Indian Affairs should be submitted for determination in the pending proceeding, together with those of the Bureau of Reclamation.

It is recommended that the claims of the National Park Service be submitted. A filing, No. 16989, was made on August 7, 1941 by the Superintendent of Mesa Verde National Park on behalf of the United States for the West Mancos Water Supply System for Mesa Verde National Park. The statement of claim involved two points of diversion from the West Mancos River. One of the diversion points is the same as that for the Jackson Gulch Reservoir, and the right to store water in that reservoir is claimed, so that the claim is in part supplementary to that made by the Bureau of Reclamation. Although the claim is stated to provide for a withdrawal at the rate of .335 cubic feet per second, it is intended that the amount of storage will be limited to 120 acre-feet per annum, and such limitation may be stipulated as acceptable. In fact, provision has been made by the Bureau of Reclamation for the storage of that amount of water in the reservoir for use by the National Park Service.

It may not be possible to secure any satisfactory determination of that part of the claim of the National Park Service which contemplates direct diversion from the West Mancos River. There will be no objection if that part of the claim is postponed for further proceedings, since in any event it will probably be necessary to purchase a water right of high priority and change its point of diversion and place of use to provide a reliable supply of direct diversion water for the Mesa Verde system. That system cannot be constructed at this time.

With regard to claims on behalf of the Indians, we do not have detailed information immediately available as to whether the rights of any Indians are involved. In any event, the policy of this Department has been, as you are aware, not to submit such claims for adjudication by state courts. This is by reason of the fact that

of any Indians are involved. In any event, the policy of this Department has been, as you are aware, not to submit such claims for adjudication by state courts. This is by reason of the fact that at the time of the establishment of an Indian reservation there is impliedly reserved for the use of the Indians thereon sufficient water for irrigation and domestic purposes. This doctrine was established by the Supreme Court in the case of Winters v. U. S., 207 U. S. 564. It would appear, therefore, that in presenting the claims on behalf of the Bureau of Reclamation and the National Park Service, it should be clearly set forth that in addition to those claims, the Indians, whose reservations may be affected by the adjudication of the Mancos River and its tributaries, are entitled under the Winters doctrine to a prior and first right to use from such streams sufficient water for the irrigation and domestic needs of the Indians, and that the rights of the Indians are not being submitted to the jurisdiction of the court in this case.

Very truly yours,

Under Secretary.

cc: (by NPS) Commissioner, Bureau of Reclamation.
Commissioner, Office of Indian Affairs.
Regional Director, Region Three.
Superintendent, Mesa Verde National Park.
Attorney Albert L. Johnson.

08-25-1941: memorandum to hydraulic engineer from superintendent regarding payment by the water rights division

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

August 25, 1941

Memorandum for Hydraulic Engineer A. van V. Dunn.

Enclosed herewith, for payment by the Water Rights Division, is Public Voucher covering blue print service in the amount of $5.78, payable to the Cardwell Blue Print and Supply Company, in connection with the Mancos Valley Water Supply project.

John S. McLaughlin
Superintendent

Enclosure 1847808

given to Mrs Jones for payment
8/29/41

08-13-1941: memorandum to regional attorney from nps regarding negatives and one set of prints of filing 16989

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MESA VERDE NATIONAL PARK
COLORADO

8/25

8/25

August 13, 1941

MEMORANDUM for the Regional Attorney, Region Four.

Attached are negatives and one set of prints of Filing 16989, West Mancos Water Supply System, Mesa Verde National Park, accepted for filing by the State Engineer on August 7, 1941.

The system as filed with the State Engineer will be filed with the County Clerk, Montezuma County at an early date. The negative, four sets of prints, and a linen-backed print for filing with the County were prepared through the State Engineer's office.

No charge was made for filing with the State, but some cost was involved in preparation of the prints, etc. Your office will be billed for these charges shortly.

John S. McLaughlin,
Superintendent.

In duplicate

cc Director with print of filing No. 16989
Region Three w/ " " " " "

C O P Y

90-1-2-105

332 Postoffice Building,

Denver, Colorado, July 22, 1942.

The Attorney General,
Washington, D. C.

Adjudication Proceedings,
Water District No. 34,
Colorado.

Sir:

Enclosed herewith please find two copies of a letter of this date to Mr. Geraint Humpherys, District Counsel, Indian Field Service, and of a letter to Mr. J. R. Alexander, District Counsel, Bureau of Reclamation.

In checking over records in the office of the State Engineer, I noticed that the last filing made in Water District No. 34 was made by Mesa Verde National Park, the filing number being 16989, and the structure being West Mancos Water Supply System. It occurred to me that, if the United States files a claim for the Bureau of Reclamation on Jackson Gulch Reservoir, a claim or claims should also be filed for National Park Service, and, possibly, for the Forest Service. I am not sure what, if any, claims the latter has. It is possible that National Park Service may have other claims than the one I referred to. It is obvious that, if the United States goes into this proceeding, it should file all claims which it has in its own right.

Respectfully,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

332 Postoffice Building,

COPY

Denver, Colorado, July 22, 1942.

J. R. Alexander, Esq.,
District Counsel, Bureau of Reclamation,
335 Federal Building,
Salt Lake City, Utah.

Adjudication Proceedings,
Water District No. 34 - -
Colorado.

Dear Sir:

I acknowledge receipt of your letter of the 18th, informing me that you requested Mr. A. W. Bainbridge, resident engineer in charge of the Mancos Project, to get the information requested in my letter of July 15.

Mr. Geraint Humpherys, District Counsel, Indian Field Service, 1358 Federal Building, Los Angeles, California, has replied to my letter of July 15, the body of his letter being as follows:

"I have received your letter of July 15, in reference to an adjudication proceeding for Water District No. 34, Colorado, in which you inquire about what if any water rights are owned by the Indians in Mancos River or its tributaries.

"I know so little about the lands which are irrigable from Mancos River or its tributaries that I am unable to give you any information of value at this time.

"The Assistant Director Of Irrigation expects to be at the Consolidated Ute Agency on the 26th of July. While he is there he will collect such facts as are available with reference to the amount of irrigable land owned by the Indians along the Mancos River and its tributaries. He will return here about August 1. As soon as I have the information I will write you a more informative letter."

I have today written him respectfully urging him to let us know as quickly as possible what conclusion is reached by his Department.

You will recall that I informed you that Mr. Debler stated that their data with respect to water projects in District No. 34 was down to 1936. I have examined the filings made in the office of the State Engineer during the year 1936 and thereafter. For your information

and that of Mr. Bainbridge, I give you the following condensed information concerning these filings. In each case there is first stated the number of the filing. Following are the name of the structure, the name of the stream from which diversion is made, the date of filing, the priority date claimed, the amount of water claimed, being in cubic feet per second of time unless otherwise stated, location of and the point of diversion:

16146, Summit Irrigating Ditch Extn. Storage in Summit Resvr. Sept. 9, 1935 -- 1912, 37.0.

16287, Bear Creek Ditch, Bear Creek, Oct. 6, 1937 -- 1882, 10.6, 4-38-12.

16288, Frank Robinson Ditch, Dolores River, Oct. 6, 1937-18 80, 4.1, 4-38-12.

16289, Starrett Ditch, Dolores River, Oct. 6, 1937 -- 1882, 2.30, 1-38-14.

16375, Weber No. 1 Ditch Enlargement, Mancos River, May 2, 1938 -- April 18, 1939, 20.00, 26-36-13.

16406, Red Arrow Pipe Line, Gold Run Draw, June 14, 1938 -- June 20, 1937, 0.20, 11-36-12.

16463, Stevens Ditch, Mancos River, Sept., 22, 1938 -- June '24, 3.6, 1-34-14.

16481, Monument Rock Ditch, Dolores River, Oct. 16, 1938 -- June 1, 1885, 9.70, 10-32-13.

16491, Summit Resvr. Enlargement, Lost Canyon Creek, Dec. 1, 1938 -- June, 1937, 55,488,228 cu. ft.

16499 Sheck Ditch, Mancos River, Dec. 10, 1938 -- 1879, 5.1, 32-36-13.

16547, Spencer Ditch, Bob Creek, April 10, 1939 -- Aug. 8, 1937, 9.4, 14-37-12.

16683, Enlargement East Mancos High Line Ditch, East Mancos Draw, Dec. 18, 1939, _____3.00, 20-36-12.

J.R.A.-2.

16734, Aspen Guard Station Pipe Line, Spring, May 20, 1940 -- Oct. 26, 1939, 0.017, 8-37-12.

16753, Stoner Ditch, Dolores River, May 20, 1940 -- Nov. 27, 1939, 2.0, 6-38-13.

16754, Priest Gulch Pipe Line, Spring, May 20, 1940 -- Aug. 8, 1938, 0.165, 4-38-12.

16800, Tenderfoot Ditch, Tenderfoot Creek, July 16, 1940 -- May, 1914, 2.56, 29-39-11.

16824, Red Arrow Ditch and Pipe Line, Hungarian Creek, Aug. 19, 1940 - June 29, 1940, 2.00, 11-36-12.

16848, Red Arrow Resvr., Hungarian Creek, Sept. 14, 1940 -- July 13, 1940, 6.05 s.f., 2-36-12.

16893, Spencer Reservoir, Aspen Creek, Dec. 23, 1940 -- Oct. 8, 1940, 672,204 cu.ft., 14-37-12.

16951, Jackson Gulch Resvr. (Inlet Canal), West Mancos River, April 19, 1941 - Oct. 21, 1936, 258.0, 30-37-12.

16951, Jackson Gulch Resvr. (Outlet Canal), West Mancos River, April 19, 1941 -- Oct. 31, 1936, 207. See map.

16951, Jackson Gulch Resvr. (Reservoir), West Mancos River, April 19, 1941 -- Oct. 31, 1936, 428,646,430 cu.ft., 10-36-13.

16593, Englargement Lee & Burke Ditch, West Mancos River, April 23, 1941 -- _____ 14.0, 23-36-13.

16989, West Mancos Water Supply System, West Mancos River, Aug. 7, 1941 -- Oct. 31, 1936, .335, 30-37-12.

The Index book which I examined in most cases does not show whether the water claimed is in acre feet, cubic feet per second of time or cubic feet. Without taking the time to examine the filings themselves, I have assumed that, in the filings number 16491, 16893 and 16951 (being the claim filed by the Bureau of Reclamation) the figures obviously are of cubic feet.

The reason I give you this data is that, even though none of the claimants who have made the filings described has so far filed a claim in this adjudication proceeding, it is conceivable that some of them may file before the proceeding is closed. We simply want to know before we go in what, if any, conflicting claims we may have.

J.R.A.-3.

Since we appreciate that it is possible to file a claim in the adjudication proceedings and to secure a decree of priority thereon without ever having made a filing in the State Engineer's office, I respectfully suggested that you have a check made of the claims filed in the proceedings and of the evidence with respect thereto.

While we are wating for the Office of Indian Affairs to reach its determination, it seems to me that it might be advisable to be preparing our statement or statements of claim. Hence, I suggest that you be good enough to have forwarded to me a copy of the statement of claim and map filed with the State Engineer, being, as I understand, Filing No. 16951. I should know, also, on what date actual construction work began, whether it has been carried on continuously since, etc. In other words, I should have the usual facts which you know from experience are required for the preparation of claims. When I have prepared a rough draft, I should be glad to have your co-operation in having the same put in final form.

We all appreciate that the time for filing claims may be quite limited. Hence, my effort to expedite the matter as much as possible.

Very truly yours,

/s/ Worth Allen
Worth Allen
Special Assistant to
the Attorney General.

WA/ELM

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

V. sa Verde

L. T. BURGESS
CHIEF HYDROGRAPHER
W. T. BLIGHT
CHIEF CLERK DRAFTSMAN

MAY 19 1941
ans. AvVD 5/21
SUBJECT:

STATE OF COLORADO
ENGINEERING DEPARTMENT
DENVER

May 7, 1941

A van V. Dunn
National Park Service
San Francisco, California

Dear Mr. Dunn:

In compliance with your request of May 6th, we have sent tracings to the Cardwell Blue Print Company for negatives, and presume that they will send them direct to you together with their bill for services.

Regarding the Lee and Burk ditch, we wish to advise that on April 23rd of this year we received a filing on the Enlargement of a ditch known as the Lee and Burke ditch, except that Burk is spelled "Burke". It appears to be a ditch diverting from the West Mancos River with headgate located in Section 23, 36 North, 15 West.

If this is the ditch to which you refer we will be glad to send Cardwell the tracing of this filing so that you may have a negative prepared, but will not do so until you make the request.

Very truly yours,

W. T. Blight

Chief Clerk

WTB J

M. C. HINDERLIDER
STATE ENGINEER

C. C. HEZMALHALCH
DEPUTY

L. T. BURGESS
CHIEF HYDROGRAPHER

W. T. BLIGHT
CHIEF CLERK & DRAFTSMAN

STATE OF COLORADO
ENGINEERING DEPARTMENT
DENVER

March 3, 1941

MAR 1941
3/6
SUBJECT:

A. Van v Dunn
Hydraulic Engineer
National Park Service
San Francisco, California

Dear Mr. Dunn:

We enclose herewith the photostats of decrees and filings in Water District No. 34, which you requested some time ago, together with a bill from the Cardwell Blue Print Company for the same.

In ordering these you enclosed a voucher which you stated was made out in the name of the Cardwell Blue Print Company, but we note it was made to the State Engineer, and we are, therefore, returning it so that another may be made direct to the Cardwell Blue Print Company and, in this way, making it possible for you to pay direct to Cardwell.

Very truly yours,

W. T. Blight

Chief Clerk

WTB J

encls

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

STATE OF COLORADO
ENGINEERING DEPARTMENT
DENVER

L. T. BURGESS
CHIEF HYDROGRAPHER
W. T. BLIGHT
CHIEF CLERK & DRAFTSMAN

Ans. 2/24

FILE

SUBJECT:

February 21, 1941

WD #321

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
San Francisco, Calif.

Dear Mr. Dunn:

We have your letter of February 17th regarding tabulation of the filings and decrees on the Mancos River in Water District 34. It would appear that the simplest method of getting this information to you is by the use of photostats of our book index to said filings and decrees. This would necessitate photostating 19 pages of the abovementioned indexes and, if these sheets were reduced to letter size, the Cardwell Blue Print Co. will furnish these 19 photostats for $5.27.

Kindly advise if you desire these photostats and, if so, we will be glad to order them for you and you may remit directly to the Cardwell Blue Print Co. for them.

Very truly yours,

W. T. Blight.

WTB:EP

Chief Clerk

03-27-1939: m.c. hinderlinder swearing in

COPY

Filed in District Court this
27 day of March, 1939
C.R.Hickman ,
CLERK

STATE OF COLORADO)
) SS
STATE ENGINEER'S OFFICE)

I, M. C. HINDERLIDER, State Engineer of the State of Colorado, do hereby certify that the attached tabulation, consisting of two sheets, is a true and complete list of all filings or claims appropriating water for irrigation or other beneficial uses within Water District No. 34, Irrigation Division No. 7, of the State of Colorado, which have not heretofore been noted as cancelled or submitted for adjudication as provided by "an Act to make further provisions for settling the priority of rights to the use of water for irrigation and other beneficial purposes" being Chapter 147, Session Laws of Colorado for the year 1919, and as amended by Chapter 152, Session Laws, State of Colorado, for the year 1921, as the same appears from the records of this office.

This certificate and attached tabulation are hereby certified to the Clerk of the District Court within and for the County of Montezuma, State of Colorado, in compliance with an order of said court made and entered on the 15th day of March, A.D. 1939.

Given under my hand and official seal this 23rd day of March, A.D. 1939.

M. C. HINDERLIDER
State Engineer

By C.C.Hazmelhalch

C O P Y

LIST OF VALID CLAIMS TO WATER IN WATER DISTRICT NO. 34

Filing No.	Ditch or Reservoir	Name of claimant or last Grantee	Address
	Priest Gulch Pipe Line	D. & R.G.W.R.R.Co.	Denver, Colorado
	East Mancos Pipe Line	" "	" "
1592	Narraguinnip Lateral	Montezuma Valley Irrig. Co. J.J.Downey, Secretary	Cortez, "
1759	Montezuma Valley Irrig.Co. Ditch System	" "	" "
3842	Lambert Lateral	W.H.Lambert	Mancos "
5093	Lambert Seepage & Waste Water Ditch	"	" "
7363	Armstrong Ditch	F.L.Armstrong	" "
8394	Hallet & Osbin Res.	John Osbin	" "
8841	Ute Mountain Ditch	George W. Kingery) John M. Cooper)	Cortez " " "
9548	A.B.C.Ditch	A.B.Cole	Dolores "
9665	Porter-Butler Ditch	Hattie M. Porter) H.J.Porter)	Dolores "
10056	Mud Creek Res.&Sup.Ditch	W.H.Carlisle) G.M.Longenbauch) O.A.Stone)	Cortez " " " Dolores "
10362	Summit Ditch	Summit Res.& Irrig.Co.	Dolores "
10619	Summit Ditch Amended	" "	" "
11452	Comfort Ditch Enl.&Ext.	F.L.Armstrong) Chas.D.Freeman)	Mancos " " "
11612	Hammond Seepage & Waste Ditch	John H. Hammond	R.F.D. " Mancos
11613	Hammond Seepage & Waste Ditch No. 2	John H. Hammond	" "
12863	Summit Ditch	Summit Res. & Irrig.Co.	Dolores "
13090	Shay Waste Water Ditch	O.C.Shay	Mancos "
13169	Withers Ditch	J.N.Withers	Dolores "
13626	Teague Watse Water Ditch	Clarence Teague	Mancos "
13627	Chas.Ellis Waste & Seepage Water Ditch	Chas. W. Ellis	Mancos "
14136	Western & Jarrett Ditch	Hugo Weston	Mancos "

Filing No.	Ditch or Reservoir	Name of Claimant or Last Grantee	Address
15184	McPhee Water Supply	New Mexico Lumber Co.	McPhee, Colorado
15279	S-K No. 1 Ditch	O.E.Skoog	Mancos "
15280	S-K No. 2 Ditch	"	" "
15404	Smouse Ditch	W.M.Smouse	" "
15405	Williams Ditch	John Williams	" "
15746	Morgan Ditch	H.A.Morgan	Dolores "
15747	Brown Ditch	C.A.Brown	" "
16146	Summit Irrigation Ditch Ext.	Summit Res.& Irrig. Co.	" "
16287	Bear Creek Ditch	J. Ward Robinson	Rico "
16288	Frank Robinson Ditch	Frank Puett	Rico "
16289	Starrett Ditch	H.E.Kauffman	Stoner "
16375	Weber No. 1 Ditch, Enlg.	Weber Ditch Co.	Mancos "
16406	Red Arrow Pipe Line	Red Arrow Gold Corp.	" "
16463	Stevens Ditch	Francis Guinley Culbertson	320 Bourbon St. New Orleans, La.
16481	Monument Rock Ditch	John P. Gould	Stoner, Colorado
16491	Summit Res. Enlg.	Summit Res. & Irrig. Co.	Dolores "
16499	Sheek Ditch	Clara M. Ormiston	Mancos "

C O P Y

4/1

Filed in District Court this
15th day of March, 1939
C. R. Hickman
Clerk
By Katie Brumley
In the District Court.

State of Colorado)
) SS
County of Montezuma)

In the Matter of the Adjudication)
of Priorities of Water Rights to) Petition of C. A. Brown
the Use of Water for Irrigation)
In Water District No. 34

Comes now C. A. Brown, by Geo. W. Lane, his attorney and shows to the court and to the judge thereof the following, to-wit:

1. That there has been a general adjudication in the above matter of the waters taken from the streams of Water District No. 34 and from the Dolores river and its tributaries in said district and of the priorities to the use of the same and of the rights thereto and a general decree was entered in such adjudication on December 18, 1933;

2. That this petitioner has, by appropriation and use, acquired a right to the use of water from the said Dolores river and its tributaries in said district for the irrigation of his lands adjacent to his ditch conveying such water, which said right and the priority to which it is entitled, has not been adjudicated under the laws of the state of Colorado;

3. That the said petitioner is the owner of the Brown ditch and claims and is entitled to a priority as of October 15, 1933, therefore, through the said ditch for the use of 1.77 cubic feet of water per second of time from the Dolores river in said district;

4. That the only parties in said irrigation district entitled to water therein, other than the petitioner, as petitioner is informed and verily believes who are adversely interested in the adjudication herein requested and in the priorities herein sought are the following, to-wit; Harry Kauffman, postoffice address, Rico, Colo; J. Ward Robinson, postoffice address, Stoner, Colo; John P. Gould, postoffice address, Stoner, Colo; E. A. Gould, postoffice address, Stoner, Colo; Frank Puitt, postoffice address, Rico, Colo; William Ellermeyer, postoffice address, Cortez, Colo; Fay Stewart, postoffice address, Rico, Colo; Mrs. Katherine Sullivan, postoffice address, 209 N. Edith St., Albuquerque, N.M.

6. Wherefore this petitioner prays the court and the judge thereof to

proceed in open court if deemed practicable, to an adjudication of the unadjudicated priorities of rights to the use of water for all purposes between the several ditches, canals and reservoirs in said district No. 34 and more especially those deriving their supply of water from the Dolores river and its tributaries in said district, which priorities are subsequent to and subservient to those heretofore decreed as above set forth in the decree of December 18, 1933 and to enter of record an order appointing some day in a regular or special term of said court for commencing to hear and take evidence in such adjudication after causing due and timely notice thereof to be given, and at such time or at the time to which such hearing may be continued, to commence to hear and to take such evidence as may be offered concerning claims of priority for the use of water in said district and especially from the Dolores river and its tributaries in said district as may be offered, at which time or, at the time to which such hearing may be continued, all interested persons shall be required to attend, and consider all such evidence together with any and all evidence which may have been heretofore offered and taken in such district in such matter and also the arguments of parties and their counsel; And finally to make and cause to be entered a decree determining and establishing the several priorities of right by appropriation of water to the ditches canals and reservoirs above mentioned and any others which may be entered in said proceeding and concerning which evidence may be submitted;

8. Or, if from any cause, the court or the judge thereof shall deem it impracticable or inexpedient to proceed to hear evidence concerning the above matter in open court, that the court or the judge thereof may make and cause to be entered of record an order appointing some discreet person, properly qualified, a referee of said court, who shall take the oath required by law and to whom shall be referred all statements of claim filed in said cause and who shall be required to appoint a time and place for the purpose of taking evidence in the above matter after giving due and timely notice to all persons interested, as may be required by statute and may be deemed sufficient to the court or to the judge thereof at which time or at the time to which such matter shall be continued all interested persons shall be required to attend; And who shall be required to take evidence and report the same to the court and to make an

abstract and findings on the same and prepare a decree in said adjudication and who shall be further required to consider all of said evidence so taken, together with any and all evidence which may have been heretofore offered and taken concerning the waters included in said district in any prior adjudication concerning the same, together with the abstract of the same and the report of the referee who took the same and the decree entered in such matter, and who shall receive compensation and reimbursement of expenses subject to the statute in such case made and provided and to the approval of the court;

7. And to make and cause to be entered an order to the clerk of this court and to said referee, if one be appointed, requiring notice to be given to be dated and signed by the clerk of this court and by said referee, such notice to contain a copy of the order appointing said referee and the date and amount of the priority right of the petitioner herein and the source of supply from which the same shall be taken as well as the time when and the place where such hearing will be held; and the purpose thereof to take evidence touching the unadjudicated priority water right of all ditches, canals and reservoirs in said district and especially those taking their water from the Dolores river and its tributaries; and notifying all persons, associations and corporations interested as owners or consumers of unadjudicated water in said district and more especially those taking their supply of water from the Dolores river and its tributaries, to attend at said time and place, by themselves, their agents or attorneys; and notifying such owners and consumers then and there to file a statement of claim under oath, in case such statement has not already been filed, showing the ditch, canal or reservoir or two or more such, in which he, she or they claim an interest together with the names of all of the owners thereof and such other matters as are required by statute; and present their proofs touching any priority of right claimed by them for any ditch, canal or reservoir; and notifying all persons interested as owners or consumers that they may then and there present proofs for or against any priority right of water by appropriation sought to be shown by any party by or through any such ditch, canal or reservoir, either as owner or consumer of water drawn therefrom;

8. And such order to require ten printed copies of said notice to be posted in ten public places in said district not less than twenty days before the day appointed for said hearing and to require said notice to be published in one

newspaper in said county once each week until four successive weekly publications shall have been made the last of which shall be on a day previous to the day set for said hearing and to require said notice to be served on all persons owning or claiming priorities to the use of water in said district from the Dolores river and its tributaries subsequent to those decreed of December 18, 1933, or interested in any manner adversely to the issuance of the decree prayed for by petitioner herein; such service to be made within ten days of the time of the first publication of said notice and not less than 15 days prior to the date of such hearing.

9. And to make and cause to be entered of record an order requiring the State Engineer of Colorado to forthwith certify to the clerk of this court a true and complete list of all subsisting and unadjudicated filings of claims for appropriation of water from said river and its tributaries in said district not theretofore noted as cancelled by the state engineer or submitted for adjudication, with the names and postoffice addresses of the respective owners of such appropriations and the names of the ditches, reservoirs and other means of appropriation conveying or conserving the water so appropriated and the amount and date and source of supply of such appropriations, and the names and addresses of any persons who appear upon the records of the state engineer as the last grantees of the original claimants or as the last grantees of all rival claims, if any, thereto, as the same shall appear from the records and files in the office of said state engineer and to make and enter an order requiring the clerk of this court to certify such order to the state engineer;

10. And to make and cause to be entered an order requiring the clerk of this court, upon receipt of such list from the state engineer and not less than thirty days before the date set for the hearing of claims in such adjudication proceedings to forward a printed copy of said notice of adjudication proceedings by prepaid registered mail addressed to each claimant or the last grantee of any claimant and at the postoffice address set forth on said list and to take and file as a part of the files of this proceeding a receipt from the postoffice at which said notices are mailed, including a list of the names and addresses of the parties so noticed.

Dated March 15, 1939.

George W. Lane
Attorney for petitioner

State of Colorado)
) ss
County of Montezuma)

C. A. Brown, being first duly sworn upon his oath, deposes and says that he is the petitioner above named, that he had read the same and is acquainted with the contents thereof and that the same is true of his own knowledge except as to such matters as such are therein alleged on information and belief and as to such matters he has such information and believes it to be true.

C. A. Brown

Subscribed and sworn to before me this 18 day of October, 1938.

My Commission expires October 17, 1939

(Seal)

Harry Pyle
Notary Public

STATE OF COLORADO)
) ss
County of Montezuma)

IN THE DISTRICT COURT

No. 967

IN THE MATTER OF THE ADJUDICATION)
OF PRIORITIES OF WATER RIGHTS TO)
THE USE OF WATER FOR IRRIGATION IN) CERTIFICATE OF MAILING.
WATER DISTRICT NO. 34.

I, C. R. HICKMAN, Clerk of the District Court in and for the County of Montezuma and State of Colorado, DO HEREBY CERTIFY that on the 27th day of March, A.D., 1940, I mailed by registered mail a copy of NOTICE OF WATER RIGHT ADJUDICATION (as per copy hereto attached) to each person, association and corporation at their respective addresses as set forth in the list furnished and certified to by the State Engineer of the State of Colorado, as follows, to wit:

D. & R.G.W.R.R.Co.,		Denver, Colorado
Montezuma Valley Irrig. Co.,		
J.J.Downey, Secretary		Cortez, "
W.H.Lambert		Mancos "
F.L.Armstrong		Mancos "
John Oubin		Mancos "
George W. Kingrey		Cortez "
John M. Cooper		Cortez "
A.B.Cole		Dolores "
Hattie M. Porter		Dolores "
H.J.Porter		Dolores "
W.H.Carlile		Cortez "
G.M.Longenbaugh		Cortez "
O.A.Stone		Dolores "
Summit Res. & Irrig. Co.		Dolores "
Chas. D. Freeman		Mancos "
John H. Hammond	R.F.D.	Mancos "
O.C.Shay		Mancos "
J.N.Withers		Dolores "
Clarence Teaque		Mancos "
Chas. W. Ellis		Mancos "
Hugo Weston		Mancos "
New Mexico Lumber Co.		McPhee "
O.E.Skoog		Mancos "
W.M.Smouse		Mancos "
John Williams		Mancos "
H.A.Morgan		Dolores "
C.A.Brown		Dolores "
J. Ward Robinson		Rico "
Frank Puett		Rico "
H.E.Kauffman		Stoner "
Weber Ditch Co.		Mancos "
Red Arrow Gold Corporation		Mancos "
Francis Guinlet Culbertson, 320 Bourbon St.		New Orleans, La.
John P. Gould		Stoner, Colorado
Clara M. Ormiston		Mancos "

C O P Y

NOTICE OF WATER RIGHT ADJUDICATION

STATE OF COLORADO)
) SS IN THE DISTRICT COURT
COUNTY OF MONTEZUMA) NO. 967.

IN THE MATTER OF THE ADJUDICATION)
OF PRIORITIES OF WATER RIGHTS TO)
THE USE OF WATER FOR IRRIGATION) N O T I C E
IN WATER DISTRICT NO. 34.)

Whereas, by an order of the District Court of the Sixth Judicial District of Colorado in and for the County of Montezuma, the undersigned E. D. Peters was duly appointed Referee in the above matter, of which order the following is a copy:

STATE OF COLORADO)
) ss. IN THE DISTRICT COURT
COUNTY OF MONTEZUMA)

IN THE MATTER OF THE ADJUDICATION)
OF PRIORITIES OF WATER RIGHTS TO)
THE USE OF WATER FOR IRRIGATION) ORDER APPOINTING
IN WATER DISTRICT NO. 34.) REFEREE

Now on this 15th day of March, 1939, the above matter coming on for hearing in open court and C.A.Brown, the petitioner herein appears by his attorney Geo. W. Lane who presents the petition of the said C.A.Brown asking that the court, if deemed practicable after the giving of due and proper notice, proceed to adjudicate the priorities of right to the use of water for all purposes between the several ditches, canals and reservoirs in said district No. 34 and more especially those deriving their supply of water from the Dolores river and its tributaries in said district, which priorities are subsequent and subservient to those heretofore granted in a decree entered in said court on December 18, 1933.

And further asking that, if, for any cause it is deemed impracticable or inexpedient to proceed to hear evidence concerning the above matter in open court, that an order be made and entered of record appointing some discreet preson, properly qualified, a referee of said court to whom shall be referred the matters connected with such proceeding and the giving of notice thereof;

And the court having examined the said petition and being acquainted with the contents thereof doth find that there has been a general adjudication in this court of the priorities of water rights to the use of water for irrigation purposes of the waters of irrigation district No. 34 of Colorado and of the Dolores river and its tributaries therein and a general decree was entered in such adjudication on December 18, 1933;

And that the above named petitioned is interested as owner of a ditch in said water district using water from the streams of said district;

And that it is necessary that a further adjudication of the water rights of said district and more especially those of the Dolores river and its tributaries therein be held;

And, it being deemed impracticable and inexpedient to proceed to hear evidence concerning the above matter in open court and advisable that a referee be appointed for the purposes herein ordered.

IT IS ORDERED BY THE COURT, That

E. D. PETERS a discreet person, be and hereby is appointed as referee in said cause with all of the statutory powers conferred on such referee and that he shall take the oath required by law and that, to him shall be referred all statements of claim filed in the said cause that that he shall appoint a time and place for the purpose of taking evidence in said matter after giving due and timely notice to all persons interested, as may be required by statute and may be deemed sufficient to the court or to the judge thereof, at which time and place or at the time and place to which such matter shall be continued, all interested persons shall be required to attend; And that he shall take evidence and report the same to the court and make an abstract and findings on the same and prepare a decree in said adjudication and he shall consider all of such evidence so taken together with any and all evidence which may have been heretofore offered and taken concerning the waters included in said district in any prior adjudication concerning the same, together with the abstract of the same and the report of the referee who took the same and the decree entered in said matter and shall receive compensation and reimbursement of expenses subject to the statute in such case made and provided and to the approval of the court;

AND IT IS FURTHER ORDERED

That all statements of claim on file with the clerk of this court or which may be so filed in the matter of this adjudication as well as any lists of claimants so filed or to be filed by the state engineer under section 193 of Chapter 90 of 1935 Colorado Statutes Annotated are hereby referred to said referee for proceedings hereunder and in compliance with the provisions and requirements of this order.

And let all persons interested as claimants whose statements of claim have not been heretofore filed, file their statements of claim with the clerk of this court and present their evidence in support thereof to said referee and let all persons adversely interested to any claims so filed appear before said referee and present their objections thereto.

By the Court.

(signed) John B. O'Rourke, Judge.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN to all PERSONS, ASSOCIATIONS and CORPORATIONS interested as owners or consumers of water in said WATER DISTRICT no. 34, that the said Referee will attend in the District Court Room in the County Court House in the town of Cortez in said County of Montezuma, at the hour of 10:00 o'clock A.M. on the 29th day of April, 1940, and will then and there take evidence touching the priority or water rights of all ditches, canals and reservoirs in said Water District No. 34, and said Referee will continue such hearings from day to day and from time to time, either at said place or at any other place or places in said County as may be found convenient, until all evidence is concluded;

And you are further notified to attend at said time or times and place or places, by yourselves or by your agents or attorneys, then and there to file a statement of claim, in case no such statement has been heretofore filed in the office of the Clerk of the District Court of said Montezuma

County, State of Colorado, such statement to be under oath, showing the ditch, canal or reservoir in which the interest is claimed, together with the name of the owner or owners thereof, and such other matters as are required by law; and all persons interested may then and there present proofs for or against any priority of right by appropriation sought to be shown by any party by or through any such ditch, canal or reservoir, either as owner or consumer of water obtained therefrom.

And you are further notified that C.A.Brown, the petitioner herein, under his said petition, alleged that he is the owner of the Brown Ditch having its source of supply from the Dolores River in said Water District No. 34, and that he claims a priority of October 5, 1933, for the use of 1.77 cubic feet of water per second of time for irrigation purposes.

Dated at Cortez, Montezuma County, State of Colorado, this 15th day of January, 1940.

(SEAL)

(Signed) E. D. Peters, Referee

(Signed) C.R.Hickman
Clerk of the District Court
Montezuma County, Colorado.

C O P Y

Filed in District Court this
15th day of March 1939
C.R.Hickman
Clerk
In the District Court.
By Katie Brumley
Deputy Clerk

State of Colorado)
) SS
County of Montezuma)

In the matter of the adjudication)
of the Priorities of Water Rights to)
the use of water for Irrigation in)
Water District No. 34) Order to State Engineer

Now on this 15th day of March, 1939, the above matter coming on in open court and C.A.Brown, the petitioner herein appearing by his attorney Geo. W. Lane who presents the petition of the said C.A.Brown asking for an order of the court requiring the State Engineer of the state of Colorado to certify to the clerk of this court a true and complete list of all subsisting and unadjudicated filings or claims for appropriation of water from the Dolores river and its tributaries in said Water District No. 34 with the names of the respective owners of such appropriations and the names of the ditches conveying the water so appropriated and the amount and date and source of supply of such appropriations with a true and complete list of all filings or claims for appropriation of water from said river and its tributaries not theretofore noted as cancelled or submitted for adjudication as shall appear from the records and files of the office of the State Engineer and to make and enter an order requiring the clerk of this court to certify such order to the State Engineer;

And the court having read said petition and being acquainted with the contents thereof, doth find that an order has been heretofore entered in this court pursuant to which there has been commenced therein an adjudication of priorities to the use of water in said irrigation district and especially to the use of water from the Dolores river and its tributaries in said district;

NOW THEREFORE, IT IS ORDERED BY THE COURT That the State Engineer of the state of Colorado shall forthwith certify to the clerk of this court a true and complete list of all subsisting and unadjudicated filings or claims for appropriation of water from the Dolores river and its tributaries in said water district No. 34 not theretofore noted as cancelled by the State Engineer or submitted for adjudication, with the names and postoffice addresses of the respective owners of such appropriations and the names of the ditches, reservoirs

and other means of appropriation, conveying or conserving the water so appropriated and the amount and date and source of supply of such appropriations and the names and addresses of any persons who appear upon the records of the state engineer as the last grantees of the original claimants or as the last grantees of all rival claims, if any, thereto, as the same shall appear from the records and files in the office of said state engineer;

And let the clerk of this court forthwith certify such order to the said state engineer.

By the court,

John B. O'Rourke
Judge.

C O P Y

Filed in District Court this
15th day of March, 1939

C.R.Hickman
In the District Court Clerk
By Katie Brumley
Deputy

State of Colorado)
) SS
County of Montezuma)

In the Matter of the Adjudication)
of the Priorities of Water Rights to)
the Use of Water for Irrigation) Order for Notice.
in Water District No. 34

Now on this 15th day of March, 1939, the above matter coming on in open court upon the petition of C. A. Brown for an order for the clerk of this court and to the referee hereinbefore appointed herein, requiring the giving of due and timely notice to all parties interested herein, and the said petitioner appearing by his attorney, Geo. W. Lane, and the court having read said petition and being acquainted with the contents thereof and it appearing that heretofore the court has caused to be made and entered an order in said cause to proceed with the adjudication of the unadjudicated priorities of right to the use of water for all purposes between the several ditches, canals and reservoirs in said water district No. 34 and more especially those deriving their supply of water from the Dolores river and its tributaries in said district and that the court has appointed E.D.Peters a referee to conduct the proceedings in connection therewith;

IT IS ORDERED That the clerk of this court and the said referee date, sign and issue a notice stating the time when and the place whereat hearing will be held in said matter and the purpose thereof to take evidence touching the unadjudicated priority rights to the use of water through all ditches, canals and reservoirs in said district and especially those taking their water from the Dolores river and its tributaries and containing a copy of the order appointing said referee and the sate and amount of the priority right of the petitioner herein and the source of supply from which the same shall be taken and notifying all persons, associations and corporations interested as owners or consumers of unadjudicated water in said district and more especially those taking their supply of water from the Dolores River and its tributaries, to attend at said time and place by themselves, their agents or attorneys and notifying such owners and consumers then and there to file a statement of claim under oath, in case such statement has not already been filed, showing the ditch, canal or reservoir or two or more of such in which he, she or they claim an interest together

with the names of all of the owners thereof and such other matters as are required by law, and present their proofs touching any priority of right claimed by them for any ditch, canal or reservoir and notifying all persons interested as owners or consumers that they may then and there present proofs for or against any priority right to water by appropriation sought to be shown by any party by or through any such ditch, canal or reservoir either as owner or consumer of water drawn therefrom;

And it is further ordered that the said clerk and said referee cause ten printed copies of said notice to be posted by a credible person in ten public places in said district not less than twenty days before the day appointed for said hearing and cause said notice to be published in The Dolores Star, a weekly newspaper in said county once each week for four successive weekly publications, the last of which shall be on a day previous to the day set for said hearing and to cause said notice to be served on all persons owning or claiming priorities to the use of water in said district from the Dolores river and its tributaries subsequent to those decreed in the decree heretofore entered in this court on December 18, 1933, relating to the adjudication of priorities for the use of water in said district No. 34 and to cause said notice to be served on all persons interested in any manner adversely to the issuance of the decree prayed for by petitioner herein, such notices to be served within ten days of the time of the first publication of said notice and not less than fifteen days prior to the date of such hearing.

And whereas there has been heretofore issued and entered an order of this court requiring the state engineer of the state of Colorado forthwith to certify to the clerk of this court a true and complete list of all subsisting and unadjudicated filings of claims for appropriation of water from said Dolores river and its tributaries in said district with the names of the respective owners of such appropriations and the names of the ditches conveying the water so appropriated and the amount and date and source of supply of each such appropriations with a true and complete list of all filings or claims for appropriation of water from the Dolores river and its tributaries in said district not theretofore noted as cancelled by the state engineer or submitted for adjudication as the same shall appear from the records and files in the office of said state engineer; which said order has been certified to said state engineer by the clerk of this court,

IT IS THEREFORE THE FURTHER ORDER OF THE COURT, That the clerk of this court, upon the receipt of such list from the state engineer and not less than thirty days before the date set for the hearing of claims in such adjudication proceedings, forward a printed copy of said notice of adjudication proceedings by prepaid mail, registered and addressed to each claimant or the last grantee of any claimant and at the postoffice address set forth in said list and take and file as a part of the files of this proceeding a receipt from the post office at which said notices are mailed, including a list of the names and addresses of the parties so noticed.

By the Court,

John B. O'Rourke
Judge.

This statement waives no previous rights but is for the purpose of more clearly defining existing rights.
Signed this 8th day of August 1907.

William L. Whitlock

Signed and sworn to before me this the 8th day of August A.D. 1907. Blair Burwell, Notary Public. (Notarial Seal)

Field Notes Henry Bolen Ditch Surveyed Aug. 2, 1907.
Beginning at a point on the West bank of the Rio Mancos in the N.W.¼ of S.E.¼ of Sec. 31 Township 36 N. Range 13 W. N.M.P.M. at Head Gate. whence ¼ stone center of said section bears Var 14°10' E. 47° 0' W 700 ft a cottonwood tree marked BI bears S 4°00' E 9 ft. Cottonwood is 6 inches in diameter. Headgate is 6 ft long, 3 ft. wide, 3 ft deep. var 14° 4' E.
Thence S 36° 60' W 094 ft to 2+94 at master gate.
" S 49° 30' W. 832 " " 11+26 Thence S 33° 3' W. 1168 ft. to 22+41
" S 41° 30' W 777 " " 25+16 being center of bridge in County Road at point 306 ft west of ¼ stone at center of S. 31 of said Section 31.
Thence S 63° 40' W 959 ft to center of bridge in road 34+75
" S 81° 0' W. 101 " " E line of Township 35 N. R. 14 W 35+76 at point. Thence 467 ft south of N.E. corner of said Township.
Thence S 65° 3' W. 1480 ft to E line of N.W.¼ N.E.¼ of Sec. 1 50+5
" S 46° 30' W 246 ft " S " of " " " 53+51
" West along the north side of said line 761 ft to 61+12
" S 85° 50' W. 3113 ft. to point 26¼ ft south of S.W. corner of said N.W.¼ 64+55, Thence S 3° 0' W 300 ft 67+55, Thence S 11° 15' W 1305 ft to line of N.E.¼ of S.W.¼ of Sec. 1. 80+80. Thence S 16° 50' W 2418 ft. to E line of S.E.¼ of S.E.¼ of Sec 2 at point 995 ft N of S.E. corner of Sec 2 104+91. Thence South along said line 995 ft to center of road at stone and 1389 ft. to 117+07. Thence S 33° 15' W 704 ft to junction with Mansfield ditch 124+91. Thence S 1° 10' W 451 " " N line S.E.¼ N.W.¼ Sec 1. 129+49. Thence S 53° 33' W 1608 ft to 145+57 Thence S 70° 55' W 978 ft to 155+32 line 15 ft west of center of section 11. Thence over the land of J.J. Mansfield. Ditch is 3½ ft. wide. ½ ft deep, fall ½ inch to rod below Head Gate. Capacity 9½ cubic feet per second of time. Stations 100 ft. each

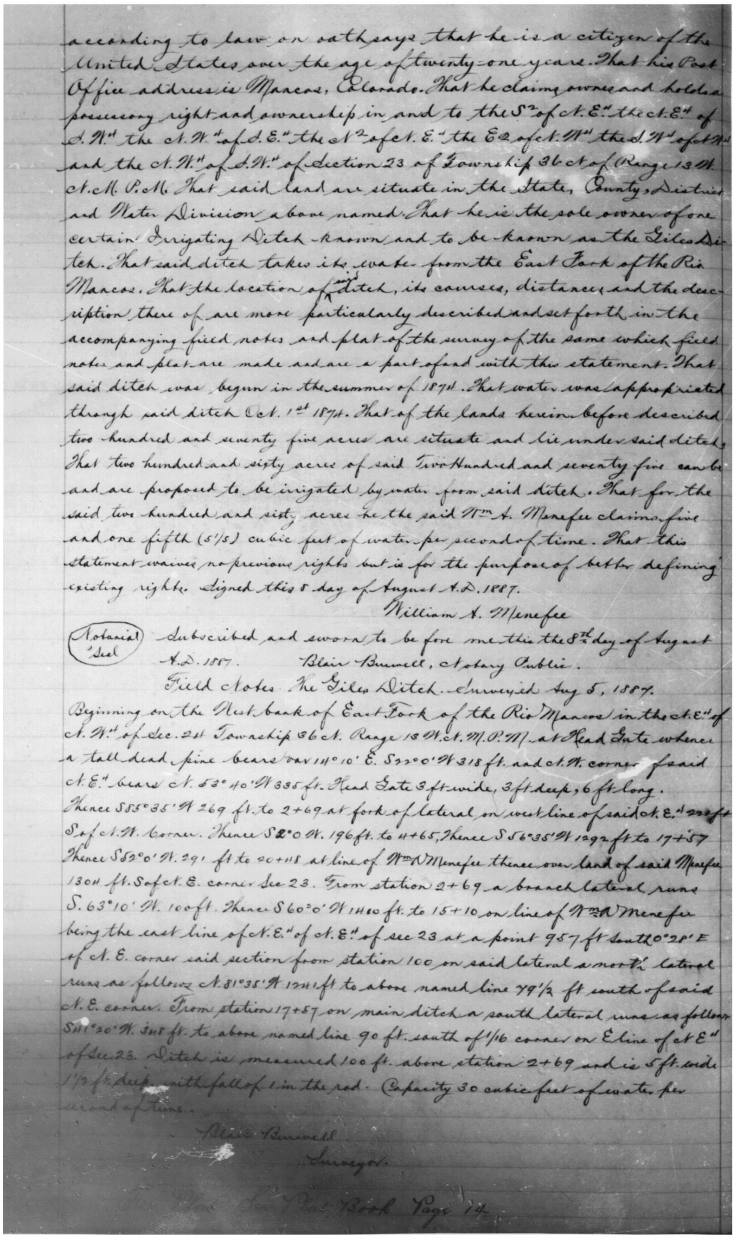
Blair Burwell, Surveyor.

For Plat see Plat Book Page 14

Statement and Plat
Water Right
Wm. A. Mansfield et al
State of Colorado } ss
County of La Plata }
This instrument was filed for Record at 8 o'clock P.M. August 12 1907 and duly recorded in Book 57 Page 332
J. R. Easton
Ex Officio Recorder
By [illegible] Deputy

State of Colorado } ss
County of La Plata }
In the District Court of the 6th Judicial District of the State of Colorado, within and for said La Plata County.
In the matter of Priorities of Water Rights in District No 34 of the San Juan Division constituting Water Division No 7 of and in the State of Colorado.
Statement of Claim of Water Right
Wm. A. Mansfield being first duly sworn

274



according to law on oath says that he is a citizen of the United States over the age of twenty-one years. That his Post Office address is Marcos, Colorado. That he claims owns and holds a possessory right and ownership in and to the S½ of S.E.¼ the S.E.¼ of S.W.¼ the S.W.¼ of S.E.¼ the S½ of S.E.¼ the E½ of S.W.¼ the S.W.¼ of S.W.¼ and the S.W.¼ of S.W.¼ of Section 23 of Township 36 S. of Range 13 W. of N.M.P.M. That said land are situate in the State, County, District and Water Division above named. That he is the sole owner of one certain Irrigating Ditch known and to be known as the Giles Ditch. That said ditch takes its water from the East Fork of the Rio Marcos. That the location of said ditch, its courses, distances and the description there of are more particularly described and set forth in the accompanying field notes and plat of the survey of the same which field notes and plat are made and are a part of and with this statement. That said ditch was begun in the summer of 1894. That water was appropriated through said ditch Oct. 1st 1894. That of the lands herein before described two hundred and seventy five acres are situate and lie under said ditch. That two hundred and sixty acres of said Two Hundred and seventy five acres and are proposed to be irrigated by water from said ditch. That for the said two hundred and sixty acres he the said Wm. A. Menefee claims five and one fifth (5/5) cubic feet of water per second of time. That this statement waives no previous rights but is for the purpose of better defining existing rights. Signed this 8 day of August A.D. 1897.

William A. Menefee

(Notarial Seal) Subscribed and sworn to before me this the 8th day of August A.D. 1897. Blair Burnell, Notary Public.

Field Notes. The Giles Ditch. Surveyed Aug 5, 1897.

Beginning on the West bank of East Fork of the Rio Marcos in the S.E.¼ of S.W.¼ of Sec. 23 Township 36 S. Range 13 W. S. M. P. M. at Head Gate whence a tall dead pine bears Var 11° 10' E. S 32° 0' W 318 ft. and S. W. corner of said S.E.¼ bears S. 53° 40' W 335 ft. Head Gate 3 ft. wide, 3 ft. deep, 6 ft. long. Thence S 85° 35' W 269 ft. to 2+69 at fork of lateral on west line of said S.E.¼ 220 ft. S. of S. W. corner. Thence S 2° 0' W. 196 ft. to 4+65, Thence S 56° 35' W 1092 ft to 17+57 Thence S 83° 0' W. 291 ft to 20+48 at line of W. A. Menefee thence over land of said Menefee 1301 ft. S. of S.E. corner Sec 23. From station 2+69 a branch lateral runs S. 63° 10' W. 100 ft. Thence S 60° 0' W 1140 ft. to 15+10 on line of W. A. Menefee being the east line of N.E.¼ of S.E.¼ of sec 23 at a point 957 ft South 0° 28' E of N. E. corner said section from station 100 on said lateral a north lateral runs as follows N. 81° 35' W 1241 ft to above named line 79½ ft south of said N. E. corner. From station 17+57 on main ditch a south lateral runs as follows S 11° 20' W. 318 ft. to above named line 90 ft. south of 1/16 corner on E line of S.E.¼ of Sec 23. Ditch is measured 100 ft. above station 2+69 and is 5 ft. wide 1½ ft. deep with fall of 1 in the rod. Capacity 30 cubic feet of water per second of time.

Blair Burnell
Surveyor

Rec'd Book Page 14

WEST MANCO'S RIVER. PART 1.

Preliminary Docket Information

WATER RIGHT RECORD

Park: MEVE

Docket Number: Federal #1

IDENTIFICATION NO: MEVE, R,1 9,3 7,1 2,A ,F,0 1,

DITCH/WATER SYSTEM: West Mancos Water Supply System

SOURCE OF SUPPLY: West Mancos River

LOCATION: E½ Cor. Sec. 18, T37N, R12W, NMPM, bears N7°3'E 4,540.3 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 16989

Certificate Record Number:

Date of Priority: September 1961

Quantity of Water: 0.2 c.f.s. 14.1 gpm

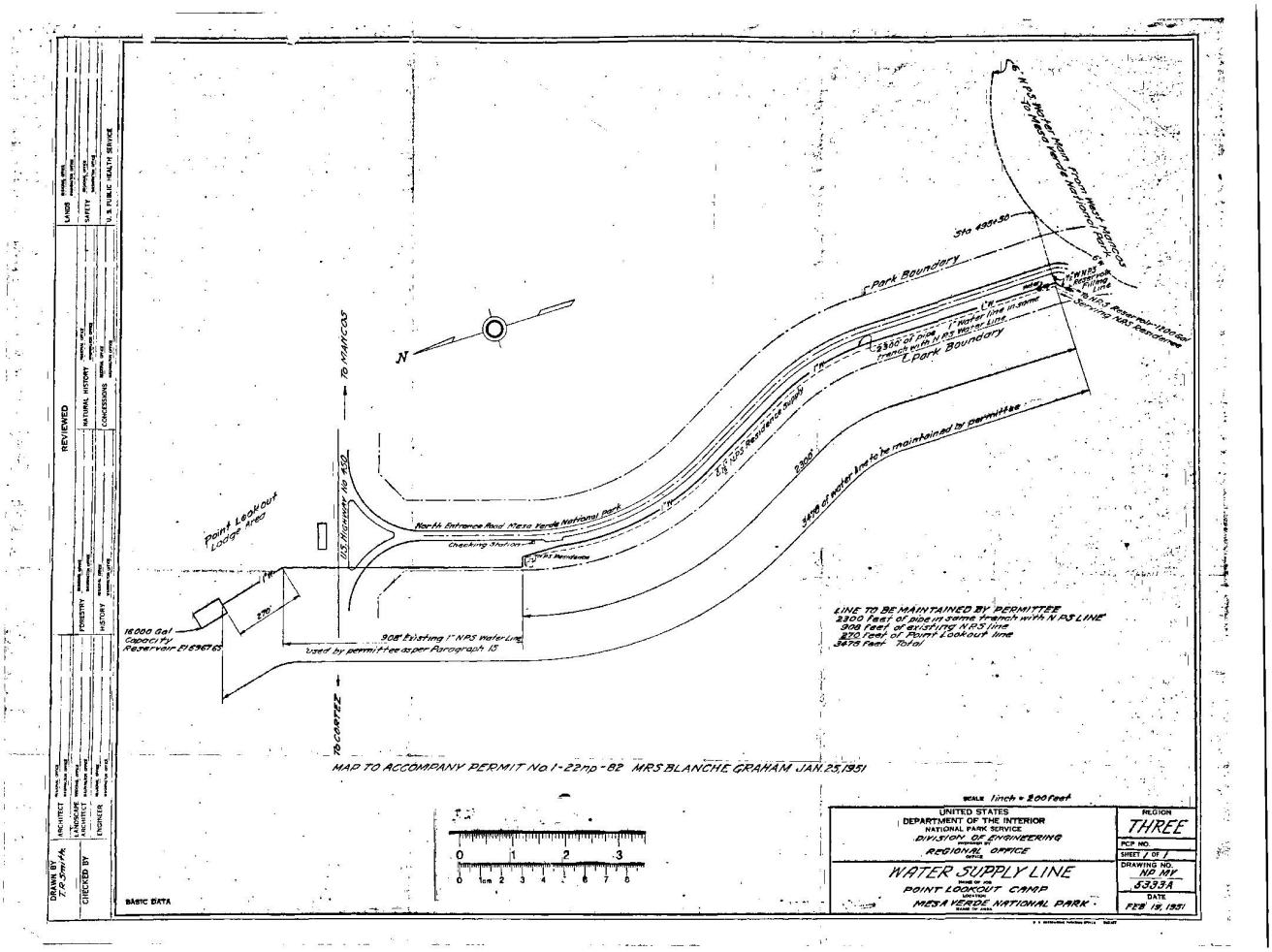
Purpose: Municipal, domestic, recreational and fire protection

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a pipe laid under the Mancos River and distribution system.

A "Memorandum of Understanding between the NPS and BOR Relating to the Use of Water from Jackson Gulch Reservoir for Mesa Verde National Park" provides for (1) Reservation of 120 acre-feet of Jackson Gulch water annually. (4) Transfer of the Bureau's rights and obligations to the Mancos Water Conservancy District in the event the project operation and maintenance are transferred to the District. Operation and maintenance of the Mancos Project were transferred from the Bureau to the District on January 1, 1963.

01-25-1951: plans for the water supply line - point lookout camp



State Water Rights Documentation

be confined to clarification of the situation and that it should be made quite clear to Mr. Peterson or any one else that this Service can make no commitments until a satisfactory interbureau agreement is worked out. For your own information, too, we believe that such an interbureau agreement may necessitate amendment of the present contracts with the Bureau of Reclamation and may require Congressional legislation to authorize the National Park Service to obtain the maximum recreational benefits as a Federal service to compensate for the two and a half million dollars being invested in the Jackson Gulch Reservoir by the United States.

(SGD) A. E. DEMARAY

(SGD) Acting Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

On this basis, the water demand is nearly double any quantity conceived in 1925 and still increasing rapidly except for the temporary wartime interruption. In 1934 and 1935 attendance was static at about Meinzer's value (21,500) which might have suggested near ultimate water demand except that 1934 attendance had been 32% more than the year before. Whether we had attempted catchment and well as ultimate or not, they proved inadequate for the demand some time between 1934 and 1936. The records of that period which can fix our readoption of the plan to divert the West Mancos thus become important.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Region Three.
Act. Supt., Mesa Verde.
Mr. Worth Allen.

By memorandum of January 8, Mr. Tillotson advised me that there was duplication to the extent of the following land withdrawn July 11, 1941, and concurred in by the Commissioner of Reclamation on September 30, 1941:

SW¼ & S½ NW¼ Section 17; SE¼ Section 18; N½ Section 19; and NW¼ Section 20; T. 37 N., R. 12 W., N.M.P.M.

I realized that I gave some duplication, but the new description fits the needs a little better than the old. The General Land Office may either cancel the portion of the withdrawal of 1941 pertaining to T. 37 N., R. 12 W., and substitute the new one, or withdraw the additional portions of Sections 17 and 19 therein.

For some reason we do not seem to have received the same memorandum as Mr. Tillotson giving the dates of the earlier withdrawal, and of course cannot expect a report on the present request for some time. But if the withdrawals are to be mentioned in the petition to the court, we should have all dates, Executive Order numbers, and the act authorizing such withdrawals in order that they may be cited as Mr. Allen has done in the case of other steps taken by the United States.

(SGD.) A. VAN V. DUNN

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136657.

cc: Region Three, with enclosure.
Act. Supt., Mesa Verde, with enclosure.
Mr. Hommon, with enclosure.

01-07-1943: memorandum to regional director, region three from attorney regarding the reference made concerning revised water

January 7, 1943.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Dunn's memorandum to you of January 4 concerning revised water claim for the West Mancos water supply system. If Mr. Dunn is correct in his surmise that the water adjudication will not take place until 1944 because such adjudications always take place in even numbered years in Colorado, I cannot see why the physical plans cannot be finally settled prior to any court hearing.

I have not attempted to review or criticize the rough draft of the "Statement of Claim" as that will be the responsibility of Mr. Worth Allen after final plans are adjusted by our National Park Service technicians and officials. But I would like to emphasize the importance of point two (2) suggested by Mr. Dunn -- namely, to withdraw the necessary parts of the four named sections of land so as to obviate conflicting water claims.

Most of the other points made by Mr. Dunn are engineering and technical details of importance. However, I can say that the last two points -- namely, Nos.7 and 8 -- are obvious necessities. It seems essential to complete our agreement with the Bureau of Reclamation before the final draft is drawn or before we proceed with litigation in the Colorado State Court. Also we should determine the secondary point of diversion before filing an amended claim with the State Engineer. In some ways it seems that we are proceeding backwards in starting action with the Department of Justice before we have ironed out differences in our own Service and with a coordinate bureau like the Bureau of Reclamation.

(SGD.) ALBERT L. JOHNSON

ALJ:SH

Attorney.

cc: Director.
Supt., Mesa Verde N. P.

FILE COPY

11-24-1942: memorandum to director from attorney regarding enclosed copies of a letter from special assistant to the attorney ge

11/24

601 Sheldon Building

November 24, 1942.

MEMORANDUM for the Director.

We are enclosing copies of a letter of November 18, 1942, from Mr. Worth Allen, Special Assistant to the Attorney General, and his revision of Mr. Dunn's statement of claim for the West Mancos Water Supply System at Mesa Verde, which do not indicate whether they were also sent to you or not.

Mr. Dunn has replied with regard to engineering features by memorandum of this date, a copy of which is enclosed. We feel that Mr. Allen's claim, with these corrections, is about all that we can make so long as no final interbureau agreement exists; but the lack of such specific agreement and its provision for exchange water throws the claim open to much greater potential protest by the other water users. Further, the priority is so low that without the exchange from the Jackson Gulch Reservoir our diversion would be closed during the critical season of most years.

We wonder, therefore, if some form of agreement cannot be executed at once to show "that, by agreement with the Mancos Conservancy District, the Bureau of Reclamation has reserved the right to store, divert and make beneficial use for any purpose in connection with the Mesa Verde National Park of a maximum of 120 acre-feet per annum of the Mancos Project water supply, with the terms to be adjusted to the mutual satisfaction of the Bureau and the National Park Service." This would be substantially the agreement previously drafted but with the paragraph extending from the bottom of page 1 to top of page 2; the third paragraph, page 2, and Article III omitted to eliminate references to purchase of independent rights and use of the defunct CCC. With reference to Mr. Moskey's memorandum of November 13, 1942, as a caution, we are sending Mr. Allen a copy of the old draft with those exceptions marked, to show wherein the claim might be strengthened.

AvVD:SH

(SGD.) ALBERT L. JOHNSON

Attorney.

Enclosure 2122077.

cc: Region Three.
Act. Supt. Nusbaum.
Mr. Worth Allen.

FILE COPY

STATE OF COLORADO,)
) ss.
COUNTY OF MONTEZUMA.)

IN THE DISTRICT COURT

NO. 967.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 34.

STATEMENT OF CLAIM OF THE UNITED STATES OF AMERICA FOR WEST MANCOS WATER SUPPLY SYSTEM.

COMES NOW the United States of America, by Worth Allen, Special Assistant to the Attorney General, thereunto duly authorized and directed by the Attorney General, and hereby presents this petition and statement of claim herein, and shows unto this honorable Court that:

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

SECOND: The postoffice address of the claimant is Mesa Verde National Park, Colorado.

THIRD: The name of the system for which claim is made herein is WEST MANCOS WATER SUPPLY SYSTEM.

FOURTH: The headgate orpoint of diversion of said system is on the West or right bank of West Mancos river, whence the northeast corner of Section seventeen (17), Township thirty-seven (37) North, Range twelve (12) West of the New Mexico Principal Meridian beare north eighteen degrees, twenty-two minutes (18° 22') east three thousand, two hundred and two and five-tenths (3,202.5) feet.

FIFTH: The general course of the pipe line of said system is southwesterly, with the following hydraulic properties:

The line extends from the point of diversion to a one million (1,000,000) gallon distribution reservoir in Mesa Verde National Park.

The length of said pipe line is approximately one hundred and forty-five thousand (145,000) feet.

The inside diameter of the first one hundred and twenty-three thousand, five hundred (123,500) feet of said pipe line is five and three-sixteenths (5 3/16) inches. The inside diameter of the remainder of said pipe line is three and one-half (3½) inches.

The controlling grade of said pipe line is two and thirty-six one-hundredths (2.36) feet per one thousand (1000) feet.

The gravity carrying capacity of the pipe line is two hundred and twenty-three one thousandths (0.223) cubic feet of water per second of time.

A pumping unit is to be located on the line so that by suction and pressure there will be produced an effective gradient of five (5) feet per one thousand (1,000) feet and a capacity of one hundred and fifty (150) gallons per minute or

Copies mailed Director, Region Three, & Asst. Supt. Wusbahm 11/24/42

601 Sheldon Building

November 9, 1942.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Post Office Building,
Denver, Colorado.

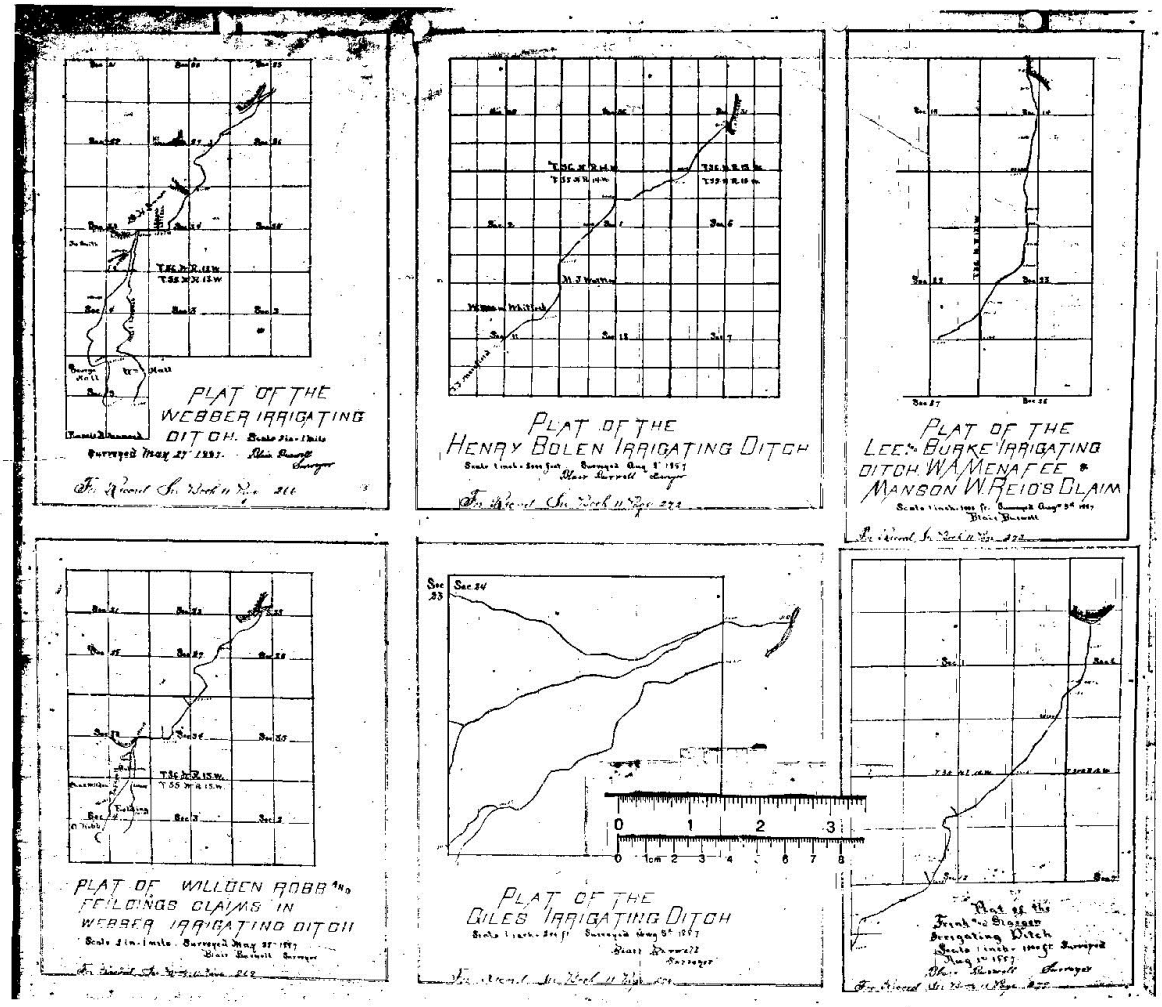
Dear Mr. Allen:

With further reference to my letter of November 7, 1942, there is enclosed a preliminary draft of a statement of claim for the West Mancos Water Supply System for Mesa Verde. There is also enclosed a copy of the memorandum of agreement between the National Park Service and Bureau of Reclamation covering the preliminary cooperative action by these bureaus, as copied from our copy of the report of September 1940 by the Bureau of Reclamation covering the water supply for Mesa Verde National Park.

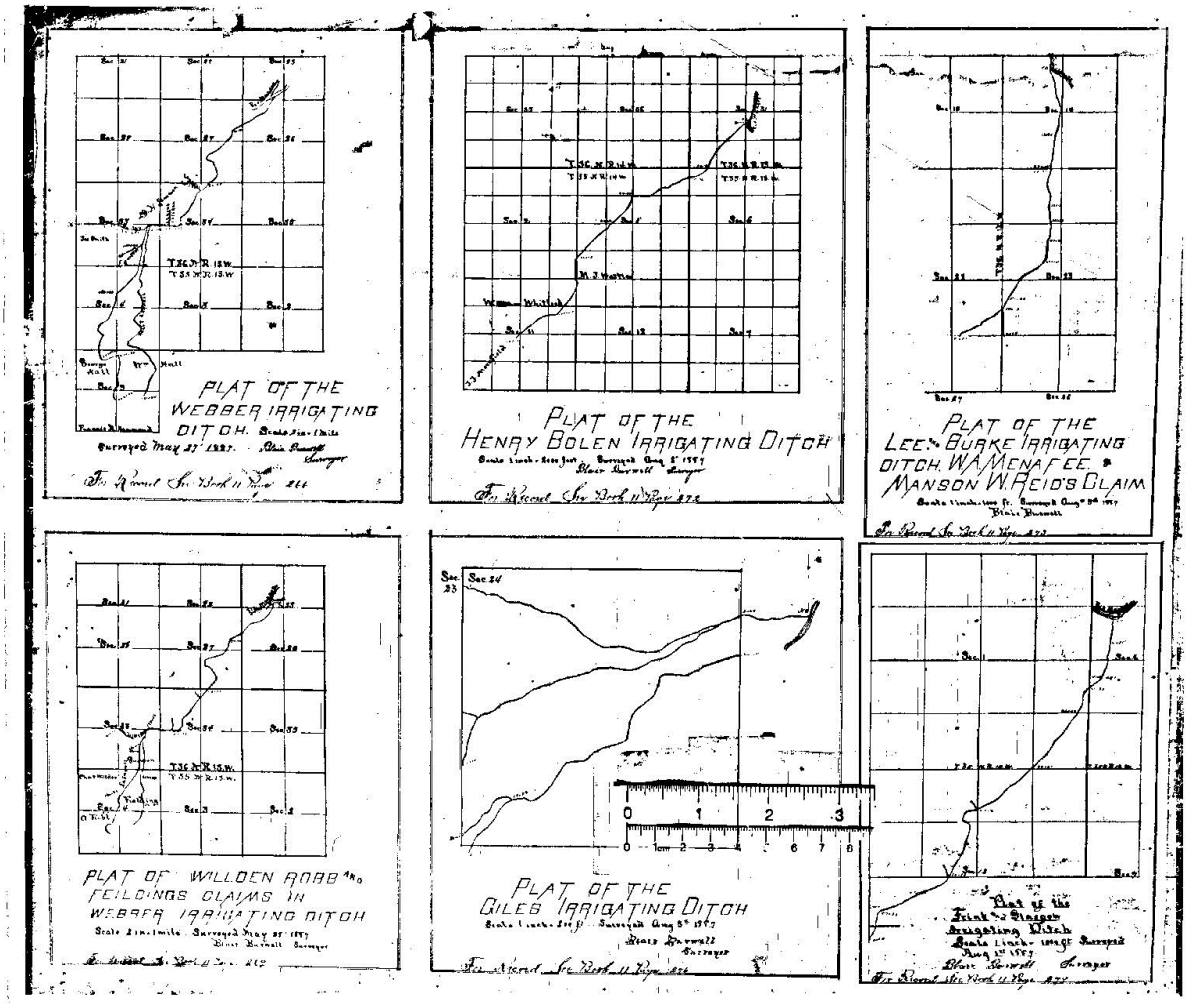
The statement is prepared as an engineer's description in the form you used for Rocky Mountain, as a basis for discussion and to show what is still lacking if you use that form. Mr. Albert L. Johnson, Attorney, of this office is carrying on during Mr. Taylor's military furlough, but is now absent with a cold. He will doubtless wish to offer some suggestions, but not knowing the date of your hearing and due to the number of other questions to be settled, it is being circulated at once.

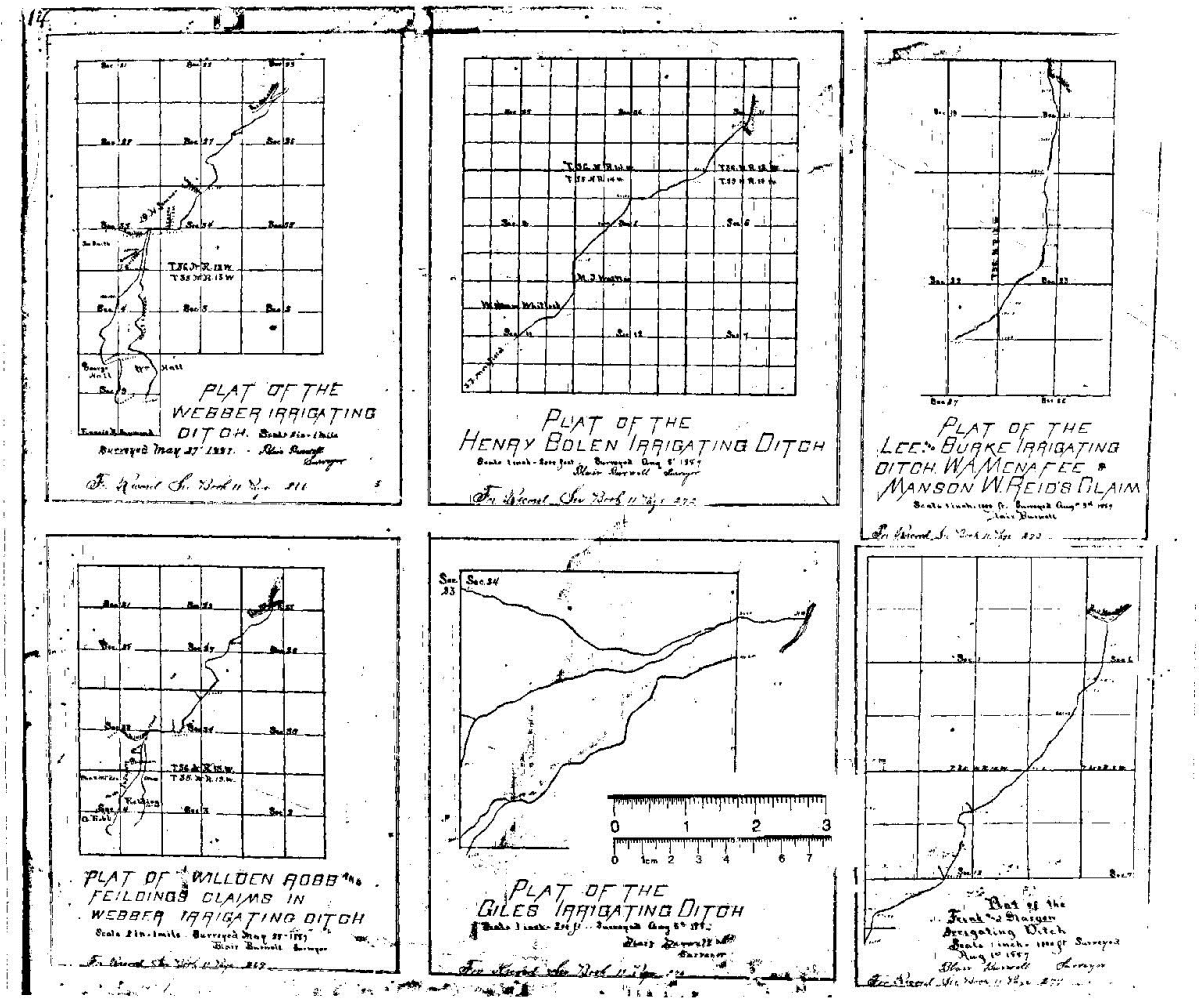
My first question is whether the Bureau of Reclamation has filed any other claim than No. 16951 which will change the place of diversion for storage in the Jackson Gulch Reservoir. Second, should the Park Service claim independent flood water diversion for its storage in that reservoir, or just show that by agreement we have such storage for exchange when making direct diversion? Third, can we, or do we want to mix storage and direct diversion in one statement, or should we introduce another claim because of the State classification of these two types of rights?

FILE COPY


PLAT OF THE
WEBBER IRRIGATING
DITCH.
PLAT OF THE
HENRY BOLEN IRRIGATING DITCH
PLAT OF THE
LEE & BURKE IRRIGATING
DITCH W.A. MENAFEE &
MANSON W. REID'S CLAIM
PLAT OF WILLDEN ROBB AND
FEILDINGS CLAIMS IN
WEBBER IRRIGATING DITCH
PLAT OF THE
GILES IRRIGATING DITCH
Sec 34
Sec 35
0 1 2 3
0 1km 2 3 4 5 6 7 8

00-00-0000: plan maps of six irrigation ditches - meve





Docket Information

Number of Documents in Docket 1006

Documents Dated from 10/15/1925 to 7/9/1992

Docket Compiled: 6/16/2016