WATER-RIGHT DOCKET

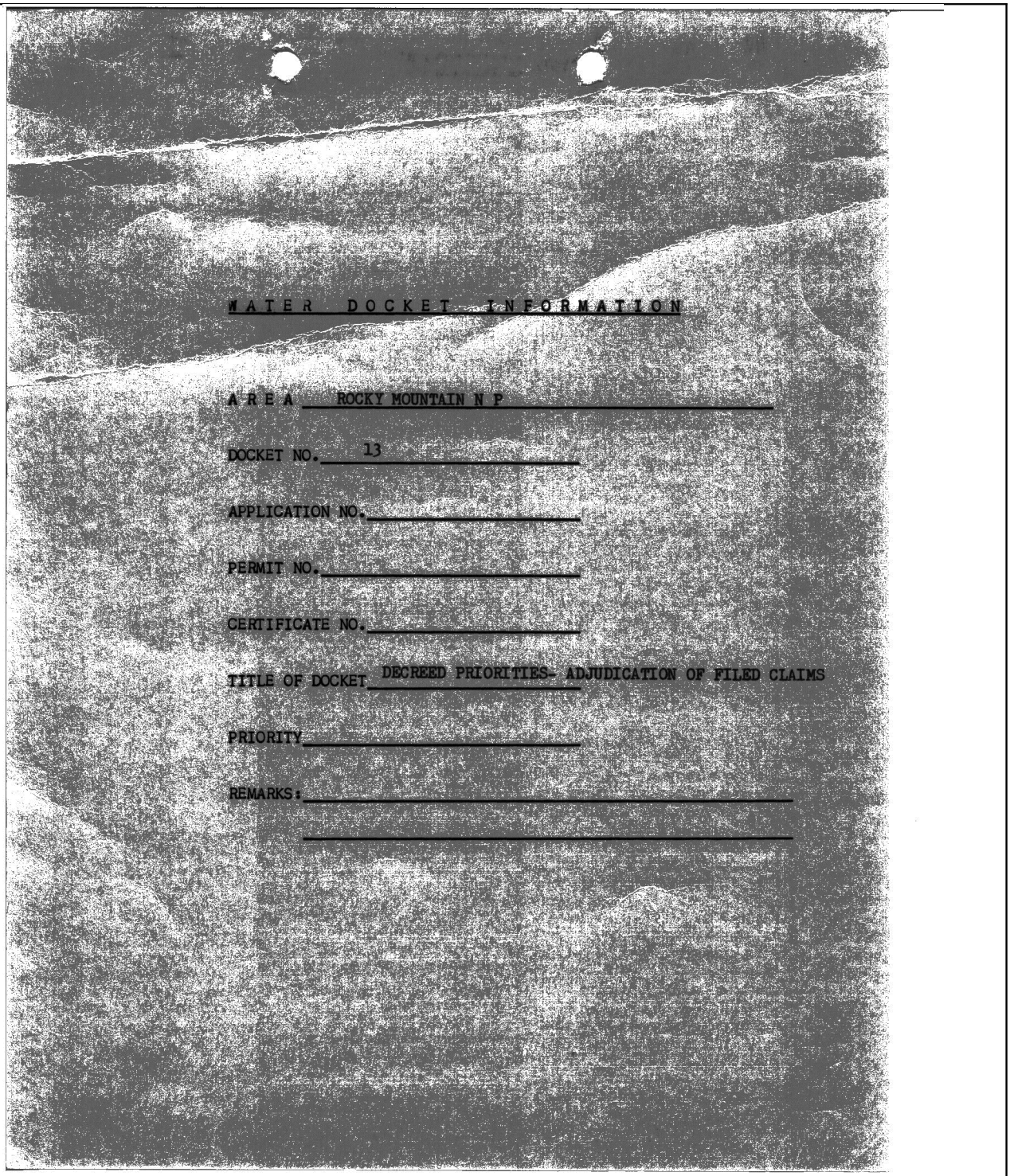
Rocky Mountain National Park

Docket No: 13

DECREED PRIORITIES, ADJUDICATION

Preliminary Docket Information

00-00-0000: water docket information



WATER DOCKET INFORMATION

AREA ROCKY MOUNTAIN N P

DOCKET NO. 13

APPLICATION NO.

PERMIT NO.

CERTIFICATE NO.

TITLE OF DOCKET DECREED PRIORITIES- ADJUDICATION OF FILED CLAIMS

PRIORITY

REMARKS:

cy of Index mailed 9/15/60 to Romo-Lewis-Wood

I N D E X

(Index prepared 6/7/60 by Region Two Office

ROCKY MOUNTAIN NATIONAL PARK

DOCKET NO. 13

Decreed Priorities - Adjudication of Filed Claims

STEAD'S CLAIM

1. Copy - Memo for Regional Attorney Joseph E. Taylor, June 30, 1939, signed by A. van V. Dunn

2. Copy - Memo for Regional Attorney Joseph E. Taylor, July 19, 1939, signed A. van V. Dunn

GRIFFITH DITCH PROTEST

1. Copy - Memo for Regional Attorney Joseph E. Taylor, June 26, 1939, signed by A.van V. Dunn (5 pages)

2. Copy - Memo for Regional Attorney Joseph E. Taylor, July 19, 1939, signed by A. van V. Dunn

~~CASE RE-OPENED FOR ADDITIONAL CLAIMS~~ General Adjudication

1. Copy - ORDER and copy - PETITION - in the District Court No. 10077 (each consisting of 3 pages, 1st page at bottom numbered Mar. 27 '39 92896), w/1 page of certification in blank.

2. Copy of NOTICE - 2 pages

3. Ltr. to Joseph E. Taylor, Esq., June 12, 1939, Re: Adjudication Proceedings...., signed by Worth Allen (copy)

4. Copy Ltr. to Hon. Harold L. Ickes, June 19, 1939, fm Attorney General

5. Copy of List of Maps accepted for Filing..... .

6. Copy of Ltr. to Attorney General, July 8, 1939, Re: Adjudication Proceedings, signed Worth Allen

7. Copy ltr. to Attorney General, Aug. 10, 1939, signed Oscar L. Chapman

8. Copy ltr. to Attorney General, Aug. 10, 1939 attached to copy of ltr to Joseph E. Taylor, August 17, 1939 signed Worth Allen

-continued-

14 9. Copy of ltr to Attorney General, Aug. 17, 1939 fm Worth Allen

15 10. Copy of Memo for the Director, Aug. 15, 1939, fm Joseph E. Taylor

16 11. Copy of ltr. to Hon. Oscar L. Chapman, Aug. 25, 1939 fm Robt. E. Mulroney

17 12. Copy of ltr. to Attorney General, Aug. 26, 1939 fm Worth Allen

18 19 13. Copy of NOTICE, w/list of Index to Priorities, etc.

20 14. Copy of Memo to Reg. Atty. Joseph E. Taylor fm John S. McLaughlin

21 15. Copy of Memo to Reg. Atty. Joseph E. Taylor, Oct. 9, 1939 fm A. van V. Dunn

22 16. Copy of ltr to C. W. Atkinson, Oct. 18, 1939 fm Worth Allen

23 17. Copy of Ltr to Joseph E. Taylor, Oct. 19, 1939 fm Worth Allen

24 18. Copy of suggestions... Nov. 7, 1939, Re: Water Adjudication No. 10077 - by Claude C. Coffin

26 19. Ltr (copy) to Atty. General, No. 10, 1939 fm Oscar L. Chapman

26 20. Copy DECREE - pages 1-5 incl. & page -214-

27 21. Copy ltr. to Atty. General, Dec. 6, 1939 fm Worth Allen

28 22. Copy ltr. to Oscar L. Chapman, Dec. 12, 1939 fm Norman M. Littell

29 23. Copy Memo for Reg. Attorney Taylor, Dec. 29, 1939 fm John S. McLaughlin

~~GENERAL ADJUDICATION NATIONAL PARK SERVICE CLAIMS~~

31 1. Copy Ltr to Atty. General, Oct. 2, 1940 fm Worth Allen

32 2. Copy ltr to Oscar L. Champman, Oct. 15, 1940 fm Norman M. Littell

SUPPLEMENTAL DECREE to MAKE CONDITIONAL RIGHTS FINAL
CASE RE-OPENED FOR ADDITIONAL CLAIMS

32 1. Copy NOTICE, published Sept. 24, 1940 - signed C. W. Atkinson

33 2. Copy, ltr. to Thomas A. Nixon, Oct. 2, 1940 from Spencer L. Baird

34 3. Copy, ltr. to Joseph E. Taylor, Oct. 7, 1940 from Worth Allen

35 4. Copy, ltr. to David H. Canfield, Nov. 2, 1940 from Worth Allen

-continued-

5. Copy - Memo for Associate Atty. Albert L. Johnson, Region Iv, from John E. Doerr

6. Copy - entitled Found, Ordered, Adjudged and Decreed by the Court - (page numbered 2)

7. Copy - Supplemental Decree for The Horseshoe Pipe Line (4 pages)

8. Copy - ltr to Attorney General, June 9, 1942 fm Allen, Worth

9. Copy - ltr to Hon. John J. Dempsey June 16, 1942 fm Norman M. Littell

10. Copy - Memo for Hydraylic Engineer A. van V. Dunn, June 17, 1942 from David Canfield

This item transferred to pocket No. 39 per Dunn memo of Nov. 23 '60

DOCKET INFORMATION SHEET

Docket Identity	ROMO F 13
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 13
Location	
Acquired by	
Application	
Permit	
Certificate	
Priority	
Reservation	JANUARY 26 1915
Status	
Source	
Use	
Quantity	
Hydrologic Unit	1 1 1 9 0 0 0 6
Remarks	

RECEIVED
NATIONAL PARK SERVICE
WASHINGTON OFFICE
OCT 24 8 34 AM '60

For Waso

I N D E X (Index prepared 6/7/60 by Region Two Office)

ROCKY MOUNTAIN NATIONAL PARK

DOCKET NO. 13

Decreed Priorities - Adjudication of Filed Claims

STEAD'S CLAIM

✓1. Copy - Memo for Regional Attorney Joseph E. Taylor, June 30, 1939, signed by A. van V. Dunn

✓2. Copy - Memo for Regional Attorney Joseph E. Taylor, July 19, 1939, signed A. van V. Dunn

GRIFFITH DITCH PROTEST

✓1. Copy - Memo for Regional Attorney Joseph E. Taylor, June 26, 1939, signed by A.van V. Dunn (5 pages)

✓2. Copy - Memo for Regional Attorney Joseph E. Taylor, July 19, 1939, signed by A. van V. Dunn

~~CASE RE-OPENED FOR ADDITIONAL CLAIMS~~ General Adjudication

✓1. Copy - ORDER and copy - PETITION - in the District Court No. 10077 (each consisting of 3 pages, 1st page at bottom numbered Mar. 27 '39 92896), w/1 page of certification in blank.

✓2. Copy of NOTICE - 2 pages condensed in 1 page WASO copy

✓3. Ltr. to Joseph E. Taylor, Esq., June 12, 1939, Re: Adjudication Proceedings...., signed by Worth Allen (copy)

✓4. Copy Ltr. to Hon. Harold L. Ickes, June 19, 1939, fm Attorney General

✓5. Copy of List of Maps accepted for Filing..... .

✓6. Copy of Ltr. to Attorney General, July 8, 1939, Re: Adjudication Proceedings, signed Worth Allen

✓7. Copy ltr. to Attorney General, Aug. 10, 1939, signed Oscar L. Chapman

✓8. Copy ltr. to Attorney General, Aug. 10, 1939 attached to copy of ltr to Joseph E. Taylor, August 17, 1939 signed Worth Allen

-continued-

9. Copy of ltr to Attorney General, Aug. 17, 1939 fm Worth Allen

10. Copy of Memo for the Director, Aug. 15, 1939, fm Joseph E. Taylor

11. Copy of ltr. to Hon. Oscar L. Chapman, Aug. 25, 1939 fm Robt. E. Mulroney

12. Copy of ltr. to Attorney General, Aug. 26, 1939 fm Worth Allen

13. Copy of NOTICE, w/list of Index to Priorities, etc.

14. Copy of Memo to Reg. Atty. Joseph E. Taylor fm John S. McLaughlin

15. Copy of Memo to Reg. Atty. Joseph E. Taylor, Oct. 9, 1939 fm A. van V. Dunn

16. Copy of ltr to C. W. Atkinson, Oct. 18, 1939 fm Worth Allen

17. Copy of Ltr to Joseph E. Taylor, Oct. 19, 1939 fm Worth Allen

18. Copy of suggestions... Nov. 7, 1939, Re: Water Adjudication No. 10077 - by Claude C. Coffin

19. Ltr (copy) to Atty. General, No. 10, 1939 fm Oscar L. Chapman

20. Copy DECREE - pages 1-5 incl. & page -214-

21. Copy ltr. to Atty. General, Dec. 6, 1939 fm Worth Allen

22. Copy ltr. to Oscar C. Chapman, Dec. 12, 1939 fm Norman M. Littell

23. Copy Memo for Reg. Attorney Taylor, Dec. 29, 1939 fm John S. McLaughlin

~~GENERAL ADJUDICATION NATIONAL PARK SERVICE CLAIMS~~

1. Copy Ltr to Atty. General, Oct. 2, 1940 fm Worth Allen

2. Copy ltr to Oscar L. Champman, Oct. 15, 1940 fm Norman M. Littell

SUPPLEMENTAL DECREE to MAKE CONDITIONAL RIGHTS FINAL

CASE RE-OPENED FOR ADDITIONAL CLAIMS

1. Copy NOTICE, published Sept. 24, 1940 - signed C. W. Atkinson

2. Copy, ltr. to Thomas A. Nixon, Oct. 2, 1940 from Spencer L. Baird

3. Copy, ltr. to Joseph E. Taylor, Oct. 7, 1940 from Worth Allen

4. Copy, ltr. to David H. Canfield, Nov. 2, 1940 from Worth Allen

-continued-

5. Copy - Memo for Associate Atty. Albert L. Johnson, Region Iv, from John E. Doerr

6. Copy - entitled Found, Ordered, Adjudged and Decreeded by the Court - (page numbered 2)

7. Copy - Supplemental Decree for The Horseshoe Pipe Line (3 pages)

8. Copy - ltr to Attorney General, June 9, 1942 fm Allen, Worth

9. Copy - ltr to Hon. John J. Dempsey (no date) fm Norman M. Littell

10. Copy - Memo for Hydraylic Engineer A. van V. Dunn, June 17, 1942 from David Canfield

00-00-0000: description of assembly

Description of Assembly

Rocky Mountain National Park ~~Deed 63~~ Water Right Docket No. 13

General Adjudication 10,077
Water District No. 4, Division No. 1

For original claims see ~~Deeds 52-62~~ Dockets 2-12.

Stead's Claim

Memorandum Dunn to Taylor June 20, 1939 - Analysis of Claim.
Memorandum Dunn to Taylor July 19, 1939 - No need to protest adjudication.

Griffith Ditch

Memorandum Dunn to Taylor June 26, 1939 - Analysis of Griffith Ditch.
Memorandum Dunn to Taylor July 19, 1939 - Excerpts from Griffith claim.

Baldwin Ditch

See Allen W.R. 9

Dunn's Report June 23, 1939 - Analysis of Baldwin Ditch Capacity.
Memorandum Dunn to Taylor June 27, 1939 - Velocity as control of capacity of Griffith and Baldwin Ditches.
Brief Re Extent of Water Appropriation - Baldwin Ditch.
Letter Worth Allen to Attorney General Aug. 12, 1939 - Transmits copy of preceding brief.
Letter Attorney Stephenson to Allen Sept. 11, 1939 - Offers to compromise on 1 sec. ft.
Letter Worth Allen to Attorney General, Sept. 16, 1939 - Transmits Stephenson letter.
Letter Allen to Taylor, Sept. 16, 1939 - Transmits preceding two letters.
Letter Dunn to Allen, Sept. 22, 1939 - Comments on Stephenson offer.
Memorandum McLaughlin to Taylor, Oct. 10, 1939 - Report of field inspection by Judge Coffin.
Objection by United States (not filed).
Letter Taylor to Allen, Oct. 20, 1939 - Advises against filing objection.
Allen to Stephenson, Nov. 4, 1939 - Reply to Stephenson letter.
Proposed decree for Baldwin Ditch.
Coffin to Stephenson, Nov. 8, 1939 - Transmits proposed decree.
Allen to Taylor, Nov. 9, 1939 - Transmits preceding and concurs in decree.

Hondius-Beaver Pipe Line

McLaughlin to Director, Feb. 4, 1939 - Advises of General Adjudication, describes relative positions of Mrs. Hondius and National Park Service regarding Hondius-Beaver Pipe Line and asks which should be the claimant.

Agreement between Hondius and Sinclair and Blackmer, Sept. 1, 1906, with acceptance by land owner Dec. 2, 1910.
Contract between Hondius and O. P. Low, Nov. 3, 1921.
Supplemental agreement between Hondius and Low, Nov. 4, 1931.
Sample contract between Hondius and water users.
Special use permit to P. Hondius, Feb. 23, 1932.
Mrs. Hondius to Senator Adams, Nov. 3, 1941 - Gives her interpretation of her rights in water rights.

General Adjudication

Petition of Northern Colorado Water Conservancy District - To broaden scope of adjudication.
Order of Court, March 15, 1939 - Broadens scope of adjudication.
Notice of Order of Court, March 15, 1939 - As published March-April, 1939.
Allen to Taylor, June 12, 1939 - Lists water claims filed for adjudication.
Attorney General to Secretary Ickes, June 19, 1939 - Requests check of National Park Service claims.
Statements of claim for:

Endovalley Fish Pond Pipe Line -	(For map see Deed 62).
Horseshoe Fish Pond Pipe Line -	(" " " " 61).
Sprague Ditch -	(" " " " 55).
Bear Lake Pipe Line No. 2 -	(" " " " 60).
Fall River Entrance Pipe Line -	(" " " " 59).
Tuxedo Park Pipe Line -	(" " " " 58).
Owls Pipe Lines 1 and 2 -	(" " " " 57).
Hollowell Park Pipe Lines 1 and 2 -	(" " " " 56).
Sprague Pipe Line -	(" " " " 55).
Hondius-Beaver Pipe Line -	(" " " " 54).
Moraine Museum Pipe Line -	(" " " " 53).
Brinwood Pipe Line -	(" " " " 52).
Hollowell Park Ditch No. 2 -	(" " " " 56).
Brinwood Ditches 1, 2, 3, 4, & 5 -	(" " " " 52).
List of maps filed by National Park Service for above claims -	(Deeds 52-62).

Allen to Attorney General, July 8, 1939 - Describes presentation of proof and protest of Baldwin Ditch claim.
Chapman to Attorney General, Aug. 10, 1939 - Questions accuracy of some statements of claim.
Allen to Taylor, Aug. 17, 1939 - Requests explanation of above.
Allen to Attorney General, Aug. 17, 1939 - Comments on above.
Taylor to Director, Aug. 15, 1939 - Explains variations.
Mulroney to Chapman, Aug. 25, 1939 - To keep records straight.
Allen to Attorney General, Aug. 26, 1939 - Advises of intended variations, etc.
Notice of Court, Sept. 25, 1939 - Proposed decree for comments.
Hackett to Taylor, Oct. 4, 1939 - Transmits proposed decrees for review and comments.
Dunn to Taylor, Oct. 9, 1939 - Suggested corrections in decree.

Allen to Clerk of Court, Oct. 18, 1939 - Requests above changes for most part.
Allen to Taylor, Oct. 19, 1939 - Explains where Dunn's suggestions are not advisable.
Coffin to Allen, Nov. 7, 1939 - Advises corrections are made.
Chapman to Attorney General, Nov. 10, 1939 - Accepts findings and decrees.
General portions of decree with following special rights, Nov. 14, 1939:
Endovalley Fish Pond.
Horseshoe Fish Pond.
Sprague Ditch.
Bear Lake Pipe Line No. 2.
Fall River Entrance Pipe Line.
Sunny Slope Pipe Line (proposed) (alien).
Tuxedo Park Pipe Line.
Owls Pipe Lines 1 & 2.
Hollowell Park Pipe Lines 1 & 2.
Sprague Pipe Line.
Hondius-Beaver Pipe Line.
Moraine Museum Pipe Line.
Brinwood Pipe Line.
Baldwin Ditch (alien).
Hollowell Park Ditch No. 2.
Brinwood Ditches 1, 2, 3, 4 & 5.
Allen to Attorney General, Dec. 6, 1939 - Transmits above.
Littell to Chapman, Dec. 12, 1939 - Transmits copy of above.
McLaughlin to Taylor, Dec. 29, 1939 - Transmits copy of above with comments.

Supplemental Final Decrees of 1940

Petition of claim for Bear Lake Pipe Line No. 2.
Petition of claim for Fall River Entrance Pipe Line.
Final decree as to Fall River Entrance Pipe Line.
Final decree as to Bear Lake Pipe Line No. 2.
Allen to Attorney General, Oct. 2, 1940 - Transmits decrees.
Littell to Chapman, Oct. 15, 1940 - Transmits copy of above.

Case Reopened for Additional Claims

Notice of petition to reopen by Sanborn, Sept. 23, 1940.
Baird to Nixon, Oct. 2, 1940 - Sends copy of notice.
Allen to Taylor, Oct. 7, 1940 - Sends copy of notice.
Allen to Canfield, Nov. 2, 1940 - Does not see National Park Service interest.
Doerr to Johnson, Dec. 23, 1940 - Advises petition accepted and date set.
Supplemental decree, June 9, 1942 - Re Horseshoe Pipe Line (alien).
Allen to Attorney General, June 9, 1942 - Transmits above.
Littell to Dempster, June 16, 1942 - Transmits same.
Canfield to Dunn, June 17, 1942 - Transmits same.

Case Re-opened for Additional Claims

06-17-1942: memorandum to hydraulic engineer from superintendent regarding copy of a decree

COPY

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

June 17, 1942.

MEMORANDUM for Hydraulic Engineer A. van v. Dunn:

Enclosure is made of a copy of the Decree granted to Minnie March Service for her Horseshoe Pipe Line on June 9, 1942, by Honorable Claude C. Coffin, together with a copy of Mr. Worth Allen's letter to the Attorney General concerning the hearing at Boulder on June 9.

Commissioner Hackett states that their proof of continuous and beneficial use was very weak, consisting of statements by the witnesses to the effect that this amount of water had been used for domestic and power purposes each season since the pipe line was constructed. Mrs. Service stated to the Court that she did not wish a Conditional Decree for additional water for future development.

(Sgd.) David Canfield

Superintendent.

Enclosures (2)
cc: Regional Director.

06-16-1942: letter to dept. of the interior from the attorney general regarding satisfactory decree

REM-WHW

90-1-2-79 June 16, 1942 FLM

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
JUN 18 1942
TO SOLICITOR

Honorable John J. Dempsey
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Dempsey:

There are enclosed a copy of a letter dated June 9, 1942 from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, and a copy of page 2 of the decree entered for the Horseshoe Pipe Line in the adjudication proceeding for Water District No. 4, Colorado, in which decrees have been entered for certain claims of the National Park Service.

Mr. Allen states that the decree for the Horseshoe Pipe Line is satisfactory to the officials of the Rocky Mountain National Park. Since there appears to be no further action to take in the proceeding, this Department is closing its files.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 652607

332 Postoffice Building,
Denver, Colorado, June 9, 1942.

The Attorney General,
Washington, D. C.

General adjudication proceeding,
Water District No. 4, Rocky Mountain
National Park-- Claim of Minnie
March Service.

Sir:

Mr. Wayne Mackett, Commissioner of Rocky Mountain National Park, and I appeared in the District Court in Boulder today where the claim of Minnie March Service for The Horseshoe Pipe Line was heard.

The proof given was in support of the statement of claim and of the proposed decree, two copies of which have heretofore been sent to you, except in the following particulars:

1. Paragraph 3 was rewritten to show that the location of the point of diversion is 330 feet north of the point heretofore described.

2. The figure "17" appearing in paragraph6 of the proposed decree was changed, in line with the suggestion made in the letter of June 3, 1942, addressed to me by Mr. George W. Miller, Acting Superintendent of the park, to "5.3".

In order that your records may be clearer, I have had page 2 of the decree re-written to show the changes which were made.

In the blanks appearing in paragraph 9 and in the ordering portion of the decree 22½ should be inserted as the domestic priority number and 2½ as the power priority number.

The order was signed by Hon. Claude C. Coffin, Judge of the court.

The matter has thus been terminated to the entire satisfaction of the officials of Rocky Mountain National Park.

Respectfully,

Worth Allen,
Special Assistant to
the Attorney General.

WA/MEM

FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT: With respect to The Horseshoe Pipe Line, as follows:

1. That the name of this Pipe Line is The Horseshoe Pipe Line. The claimant of The Horseshoe Pipe Line is Minnie March Service of Estes Park, Larimer County, Colorado.

2. That this Pipe Line was constructed and has been kept, operated and maintained for the diversion of water for domestic and power purposes.

3. The source of supply for The Horseshoe Pipe Line is Roaring River, which is a tributary of Fall river, which, in turn, is a tributary of the Big Thompson River, in Water District No. 4, Water Division No. 1, in the State of Colorado; the place of diversion being on the East Bank of Roaring River at a point which is 330 feet North of a point on the East Bank of said Roaring River, whence the Southeast corner of Section Twelve (12), Township Five (5) North of Range Seventy-four (74) West of the 6th P.M., Larimer County, Colorado, bears South 52° 46' East, 3056.6 feet.

4. The headgate of The Horseshoe Pipe Line is located at the above described point of diversion.

5. That said Pipe Line runs in a Southeasterly direction from the intake thereof, and the water is diverted from said stream into an iron pipe with an inside diameter of 8" and is carried in said 8" pipe line for a distance of 310 feet; thence carried in a 6" pipe line for a distance of 180 feet, and thence carried in a 4" pipe line for a distance of 1240 feet, an aggregate total distance of 1730 feet, to a water turbine and generator house; that the fall of The Horseshoe Pipe Line is 17 feet per 100 feet, with a total fall of 284 feet from the intake to said power house.

6. A 1½" iron pipe line 20 feet above said power house, branches at right angles from said main 4" pipe line for the supply of domestic water to Fall River Lodge and other buildings owned by claimant. Said 1½" branch pipe, for domestic water, runs 327 feet in a Southerly direction to said Fall River Lodge and other buildings, and the fall thereof is 5.3 feet per 100 feet.

That the water diverted for power purposes by said The Horseshoe Pipe Line is returned to Fall River by means of a tailrace from said power house.

7. That the capacity of The Horseshoe Pipe Line for power purposes is 1.15 cu. ft. per second of time and the capacity thereof for domestic purposes is .05 cu. ft. per second of time, carried by said 1½" branch line, an aggregate capacity of 1.2 cu. ft. per second of time.

12-23-1940: memorandum to associate attorney, region 4 from acting superintendent regarding petition to reopen adjudication in d

C O P Y

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

December 23, 1940

Memorandum for Associate Attorney Albert L. Johnson, Region IV:

Reference is made to the Sanborn Pipe Line Company's petition to reopen the water adjudication in District No. 4.

United States Commissioner Wayne H. Hackett was present at the hearing on this petition in the District Court at Boulder, Colorado, this morning, Monday, December 23. Mr. Hatfield Chilson, Attorney for Mr. Sanborn, assisted by the Rocky Mountain Transportation Company's attorney, Joseph H. Hodges, presented the arguments for reopening in order to adjudicate water now being used by the Estes Park Chalets Hotel. Judge Coffin granted the petitionand set the date of hearing of the claims on the first Monday in April 1942.

Mr. Hatfield Chilson promised to furnish Commissioner Hackett a copy of his Petition of Claim when it is prepared for filing with the Clerk of the District Court. This office will forward you a copy of this petition immediately upon receipt.

(Sgd.) John E. Doerr

Acting Superintendent

12-23-1940: letter to superintendent from special assistant to the attorney general regarding reopening of a decree

C O P Y

332 Postoffice Building,

Denver, Colorado, November 2, 1940.

Mr. David H. Canfield,
Superintendent, Rocky Mountain National Park,
Estes Park, Colorado.

Re: General adjudication, Water District No. 4,-- Claims for Rocky Mountain National Park.

Dear Dave:

I acknowledge receipt of your memorandum of October 28, addressed to Associate Attorney Albert L. Johnson.

While, as a practical matter, the United States has little interest in an appropriation from Fish creek, I am wondering whether an attempt has been made to make Sanborn's water right do double duty by supplying his own needs and also supplying not less than twenty thousand gallons of water per day to the Estes Park Chalets Ranch. I am inclined to believe it might be a good idea for us to appear at the hearing when proof is given in support of the claim and participate in the hearing. It is not a good idea to permit a decree to be entered which will result in making a water right perform a double duty.

Your concluding sentence is a question, viz: "Could we agree to the reopening of the adjudication with the understanding that all additional decrees be made junior to those handed down last October, 1939?"

The matter of the re-opening of the decree is largely a matter within the discretion of the court. The very purpose of re-opening the decree and putting in proof in this proceeding is so that, as to all parties in the proceeding, including the original ones, the priority date may take its place according to the date in the list of priorities. If the matter is re-opened, there will be no basis for a requirement that the priority right adjudicated be junior to other rights which really are junior. If it were not desired to have the priority right take its proper place among the priorities adjudicated in the recent proceeding it would be left to a subsequent adjudication instead of being adjudicated in the current proceeding following the reopening.

With respect to the claim of Mr. Jack Christian, I repeat what I have, in substance, already written, viz: that the re-opening of the proceeding by one person does not, ipso facto, give any other person the right to make proof of a claim. It will be necessary for the other person to secure a re-opening also.

Respectfully,
(Sgd.) Worth Allen.
Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,
Denver, Colorado, October 7, 1940.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re: Water Adjudication in
Water District No. 4--
Claims for National
Park Service.

Dear Sir:

Enclosed herewith please find a copy of a letter dated October 2, 1940, written by Spencer L. Baird, District Counsel, Bureau of Reclamation, to Mr. Thomas A. Nixon, attorney for Northern Colorado Water Conservancy District, and a copy of the notice referred to in said letter.

Superintendent Canfield and Commissioner Hackett of Rocky Mountain National Park were in the Court room at Boulder on the 23rd when the petition of Carl B. Sanborn was presented.

It is my opinion that the officials of Rocky Mountain National Park do not feel disposed to contest the claim.

However, I am mailing them a copy of this letter, together with a copy of the letter to Mr. Nixon and a copy of the notice.

The notice does not state how much water is claimed or the priority date. The petition on file in the office of the Clerk of the court doubtless contains this information and can there be examined by Superintendent Canfield and by Commissioner Hackett. I stand ready, of course, to aid them and render any service desired.

Since you are now stationed in Seattle, I wonder whether we should communicate with some other person in San Francisco in the future.

Very truly yours,

(Sgd.) Worth Allen

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

10-02-1940: letter to attorney and counselor at law from district counsel regarding water rights

C O P Y

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CUSTOMHOUSE

DENVER, COLORADO October 2, 1940.

Mr. Thomas A. Nixon,
Attorney and Counselor at Law,
Coronado Building,
Greeley, Colorado.

Dear Mr. Nixon:

Your letter of September 27 was received during my leave.

Mr. Preston furnished me with a copy of the notice which was sent to him by registered mail directed to "United States of America, c/o Bureau of Reclamation, Estes Park, Colorado" in an envelope with a return address designated as Hatfield Chilson, 1st National Bank Bldg., Loveland, Colorado. Copies of this notice are being furnished to you, District Counsel Alexander, Mr. Worth Allen, and to the Commissioner.

I am in agreement with you that these proceedings are apparently of no particular interest to the Colorado-Big Thompson project, and having for their object the adjudication of the water rights on a tributary of the Big Thompson River, any decree entered would apparently be junior to the conditional decree entered by the Court in the proceedings just completed in which the rights of the United States for and on behalf of the Colorado-Big Thompson project were conditionally decreed.

Thank you for calling this to my attention.

Very truly yours,

(Sgd) Spencer L. Baird,
District Counsel.

Encl.

cc-Commissioner
-DC Salt Lake
-Supv. Engr., Estes Park
-Mr. Worth Allen
(With copy of encl. to each)

C O P Y

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077.

NOTICE

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

Notice is hereby given that Carl B. Sanborn has filed in the above entitled action a Petition praying for permission to submit statements of claim and proof for the adjudication of his claim of priority rights to use of water for domestic purposes for the SANBORN WATER COMPANY PIPE LINES, which pipe lines take their supply of water from Fish Creek in Water District No. 4, Water Division No. 1 in the State of Colorado; said Fish Creek being a tributary to the Big Thompson River, as though the claim and proof of said Carl B. Sanborn for the SANBORN WATER COMPANY PIPE LINES had been submitted in the adjudication proceedings heretofore had in the above entitled matter.

Notice is further given that the hearing on said Petition will be had at the District Court Room in the City of Boulder, County of Boulder and State of Colorado on Monday, the 23rd day of December, 1940, at the hour of ten o'clock A. M., at which time and place any person or party in interest may appear and object to the granting of the prayer of the Petition of the said Carl B. Sanborn.

Notice is further given that should the prayer of said Petition be granted, the hearing on the statement of claim for the adjudication of priorities to the SANBORN WATER COMPANY PIPE LINES will be heard at the District CourtRoom in the City of Boulder, County of Boulder and State of Colorado on Monday, the sixth day of April, 1942, at the hour of ten o'clock A. M., the next biennial adjudication day, or on such day to which such hearing may regularly be continued, at which time and place any person in interest may

appear and be heard in the adjudication of said claim.

WITNESS my hand as Clerk of said Court and the seal thereof at Boulder in the County of Boulder and State of Colorado this 23rd day of September, 1940.

(SEAL)

C. W. ATKINSON

Clerk of the District Court in and for the County of Boulder, State of Colorado.

By LOUISE BADER,
Dep. Clerk

Published in the Reporter-Herald, Loveland, Colorado, September 24, 1940.

Supplemental Decree to Make Conditional Rights Final

10-15-1940: letter to assistant secretary from assistant attorney general regarding enclosed copy of letter

REM-CEF

90-1-2-79

HRC

October 15, 1940

Honorable Oscar L. Chapman,
Assistant Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Chapman:

There is enclosed herewith for your information a copy of a letter dated October 2, 1940, from Worth Allen, Special Assistant to the Attorney General, at Denver, Colorado, together with copies of the final decrees with respect to Bear Lake Pipe Line No. 2 and Fall River Entrance Pipe Line entered on September 23, 1940, in the proceeding instituted by the Loveland Lake and Ditch Company in the State Court for the adjudication of the priorities of appropriation in the Big Thompson River and its tributaries in Water District No. 4.

You will be advised promptly of any further developments.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Enclosure
No. 123578

10-02-1940: letter to attorney general from special assistant to the attorney general regarding final decrees in respect to bear lake

C O P Y

90-1-2-79.

332 Postoffice Building,

Denver, Colorado, October 2, 1940.

The Attorney General,
Washington, D. C.

Re: General adjudication,
Water District No. 4--
Claims for National
Park Service.

Sir:

Enclosed please find two copies each of the final decrees in respect to Bear Lake Pipe Line No. 2 and Fall River Entrance Pipe Line, as finally prepared and signed by Judge Coffin.

Respectfully,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

General Adjudication National Park Service Claims

12-29-1939: memorandum to regional attorney from acting superintendent regarding decrees handed down involving certain water

C O P Y

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

December 29, 1939

Memorandum for Regional Attorney Taylor:

Attached are copies of the following decrees, etc., handed down by Judge Claude C. Coffin on November 14, 1939, involving certain water uses in this Park.

General Provisions of the Decree
Sprague Ditch
Tuxedo Park Pipe Line
Hondius-Beaver Pipe Line
Sprague Pipe Line
Bear Lake Pipe Line No. 2
Hollowell Park Pipe Line Nos. 1 & 2.
Hollowell Park Ditch No. 2
Moraine Museum Pipe Line
Fall River Entrance Pipe Line
Brinwood Pipe Line
Brinwood Ditches 1, 2, 3, 4, and 5
Endovalley Fish Pond Pipe Line
Owls Pipe Lines Nos 1 & 2

We are also furnishing copies of the following decrees.

The Baldwin Ditch
Sunny Slope Pipe Line.

Mr. Allen states that the Sunny Slope decreeis the "proposed decree" which Judge Coffin furnished him. We have not had an opportunity to check this with the final draft incorporated in the decree. I regret we have not been able to furnish this material to you earlier, but we have lacked necessary stenographic assistance to complete the work. At first opportunity we will secure abstracts of all priorities handed down in the final decree and the Griffith Ditch decree. We will of course send this material to you. Since correspondence indicates the Department of Justice has furnished the Director with copies of the decisions listed above, we are not sending copies of the attached to Washington.

It is noted the Owl Pipe Line decree states the source springs are "on the north bank of Black Canyon Creek, a tributary of the Big Thompson river through Fall River." I don't know how this slipped by us with all the checking and rechecking that was done, but it is obviously incorrect. Perhaps we can correct this when submitting final proof on Bear Lake Pipe Line No. 2 next spring.

(Sgd.) John S. McLaughlin

John S. McLaughlin
Acting Superintendent

Enclosure

cc The Director
The Regional Director, Region II

12-12-1939: letter to assistant secretary from assistant attorney general regarding adjudication of priorities of appropriation of the

CHF-EMP

90-1-2-79

December 12, 1939.

Honorable Oscar L. Chapman,
Assistant Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Chapman:

There is enclosed herewith a copy of a letter dated December 6, 1939, from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, together with a copy of that portion of the decree entered on November 14, 1939, relating to the claims on behalf of the Rocky Mountain National Park filed in the proceeding instituted by the Loveland Lake and Ditch Company in the State Court for the adjudication of priorities of appropriation of the waters of the Big Thompson River and its tributaries in Water District No. 4.

The entry of the decree on November 14, 1939, concludes this case and our files are being closed.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Enclosure 65612

DEC 14 '39 11118

COPY

90-1-2-79.

332 Postoffice Building,

Denver, Colorado, December 6, 1939.

The Attorney General,
Washington, D. C.

Re: General Adjudication, Water District No. 4-- Claims for Rocky Mountain National Park.

Sir:

Enclosed herewith are two copies of the general portions of the final decree and of those portions thereof relating to the following named structures on which claims were filed by the United States for the National Park Service:

Fall River Entrance Pipe Line,
Hollowell Park Pipe Lines Nos. 1 and 2,
Sprague Ditch,
Brinwood Ditches Nos. 1-2-3-4-5,
Bear Lake Pipe Line No. 2,
Hondius-Beaver Pipe Line
Sprague Pipe Line,
Owls Pipe Lines Nos. 1 and 2,
Brinwood Pipe Line,
Endovalley Fish Pond Pipe Line,
Tuxedo Park Pipe Line,
Hollowell Park Ditch No. 2,
Horseshoe Fish Pond Pipe Line,
Moraine Museum Pipe Line.

Enclosed also are two copies of the claim relating to the Baldwin Ditch, concerning which, as you will recall, we are interested.

Respectfully,

(sgd.) Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

11-14-1939: decree: adjudication of priority of rights to use of water for irrigation and other beneficial purposes

STATE OF COLORADO)
) -ss
COUNTY OF BOULDER)

IN THE DISTRICT COURT

No. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

D E C R E E

Now, on this 14th day of November, A. D. 1939, being one of the juridical days of the October Term, A. D. 1939, of this Court, this matter came on for final hearing and determination and decree, petitioner and the several claimants herein appearing by their respective attorneys;

Thereupon, the Court having heard all the evidence offered in this proceeding in open court, having examined the several claims and objections filed, and heard the arguments of counsel, and having considered the same, and now being sufficiently advised in the premises, does render the following findings and decree herein:

ON PRELIMINARY AND JURISDICTIONAL MATTERS

The Court finds:

1. That The Loveland Lake and Ditch Company, as claimant and owner of The Loveland Reservoir, on October 17, A. D, 1939, filed its petition and claim for adjudication of its rights as an irrigation reservoir appropriator in said Water District No. 4, praying the adjudication of priorities to the right to the use of water 'for irrigation purposes' in said Water District No. 4. That thereupon proceedings were

duly had whereby notice of this proceeding for adjudication of priorities "for irrigation purposes" was duly given by prepaid registered mail as provided by statute in such cases, and also by publication and posting as required by Order of Court made and entered in this cause.

2. That thereafter such proceedings were had in this court that, on March 18, 1939, upon petition of The Northern Colorado Water Conservancy District, the title and scope of this proceeding, originally instituted by the said The Loveland Lake and Ditch Company for the adjudication of priority of rights to the use of water "for irrigation purposes" only, was duly ordered enlarged to include the use of water "for irrigation and other beneficial purposes." And thereupon, on last said date, the Court further ordered that printed notice of these proceedings, as amended aforesaid, be served upon each claimant, or the last named grantee of any claimant, by prepaid registered mail, as provided by statute, at the post office address set forth in the list, theretofore duly prepared and certified by the state engineer pursuant to prior order of this Court, of all filings or claims for appropriation of water for irrigation or other beneficial purposes within Water District No. 4, Irrigation Division No. 1, of the State of Colorado, which had not theretofore been noted as cancelled or submitted for adjudication; and that copy of said notice, including copy of said order, has been duly served by registered mail on all persons, associations and corporations entitled thereto; and that copies of said order and notice have been duly published and posted as required by law and by Order of Court entered in this cause.

3. That on said 18th day of March, A. D. 1939, the

Court, by order duly made and entered, continued the time for filing statements of claim in said proceeding to and until April 22, 1939, and fixed the time for the taking of evidence in support of any statements of claim filed as the 2d day of May, A.D. 1939, at the hour of 9:30 o'clock A.M. in open court, in the District Court room in the Court House, in the City of Boulder, County of Boulder and State of Colorado; that thereafter, on April 20, 1939, the Court, by order, duly extended the time for filing statements of claim to and including June 24, 1939 (commencement of taking testimony, however, remaining fixed as May 2, 1939); and thereafter on July 6, 1939, the Court, by order, by order, duly extended the time further for filing statements of claim to and including September 1, 1939 (the taking of testimony however, continuing as theretofore ordered).

4. That on said 2d day of May, A. D. 1939, pursuant to said orders, the Court did proceed to hear and examine testimony and evidence introduced in support of the respective claims of all claimants who had filed claims herein; and the hearing and taking of testimony and evidence in support of such claims was thereafter duly continued to July 6, 1939, and July 7, 1939, and July 11, 1939, and July 27, 1939, and September 6, 1939, and September 7, 1939, and the Court ordered that said testimony and evidence be transcripted and filed with the Clerk of this Court, which was accordingly done.

GENERAL CONDITIONS AND PROVISIONS WHICH CONTROL EACH AND EVERY SPECIAL DECRETAL ORDER HEREIN.

The Court finds:

First: No part of this decree shall in any way be taken, deemed or held to confirm, impair, or in any manner

effect any claim of right or property held or claimed by any person, association or corporation, in or to any ditch, pipe line, canal, or reservoir, or any part thereof, or the land or any part thereof on which the same may be situate, or the land held or claimed as right-of-way of or for any of them; nor shall it in any manner affect any question or claim of right between the co-owners or claimants of any individual ditch, pipe line, canal, or reservoir as between each other; neither shall it affect any claim or priority made between parties using water from the same ditch, pipe line, canal, or reservoir as to such water.

Second. No part of this decree shall be taken or held to allow any excessive use or waste of water whatever; nor allow any diversion of water except for lawful and beneficial uses, or any use other than the use for which such appropriation has been made.

Third. This decree shall be taken, deemed and held as determining the several priorities of right by appropriation to the use of water from the natural streams and springs of said Water District No. 4 for agricultural, domestic, mechanical, and other beneficial purposes, incident to the several ditches, pipe lines, canals, and reservoirs in said water district, each according to the construction, enlargement or extension thereof, with the amount of water held to have been appropriated.

Fourth. Nothing in this decree shall be deemed, taken, or held to impair in any manner any right to the use of water for agricultural, domestic, mechanical or other beneficial purposes established by any former decree or decrees of this Court rendered and entered and now in force in the

matter of the adjudication of the priorities of right to the use of water in Water District No. 4; or be deemed, taken, or held to establish any right to the use of water adverse or antagonistic to any right for the same purpose established by any such former decree or decrees of this Court, but all rights established by this decree shall at all times be deemed, taken, and held to be subject and subordinate and junior to those established by any such former decree or decrees, any date of appropriation found in this decree to the contrary notwithstanding.

Fourth. Whenever the dimensions of any ditch, pipe line, canal, or reservoir, or the height to which any reservoir may be filled, is stated in the decree, such dimensions shall be deemed and taken to control the statement of the estimated carrying or storage capacity thereof.

Fifth. The several irrigation reservoirs adjudicated by this decree are given consecutive irrigation reservoir numbers beginning with No. 25, which next follows No. 24--Enlarged Handy Reservoir--adjudicated in former decree of this Court rendered on the 1st day of April, A.D. 1931. The

several irrigation reservoir priorities adjudicated by this decree are consecutively numbered beginning with reservoir priority No. 30, the next consecutive number following number 29, heretofore in said former decree adjudicated as effected by means of Enlargement of Hertha Reservoir, being irrigation reservoir No. 22.

The several irrigation ditches, pipe lines, and canals adjudicated by this decree are given consecutive irrigation ditch numbers beginning with ditch No. 49, next following Ditch No. 48-The Huppe Ditch-adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate ditch irrigation priority here adjudicated is numbered 33, being the next consecutive number following No. 32, heretofore in said former decree adjudicated as effected by means of said The Huppe [illegible] Ditch.

The several ditches, pipe lines, and canals adjudicated by this decree for domestic and related purposes are given consecutive numbers beginning with No. 6, next following No. 5-- Greeley-Boulder Pipe Line--adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate domestic priority here adjudicated is numbered 5, being the next consecutive number following No. 4 heretofore in said former decree adjudged as effected by means of said Greeley-Boulder Pipe Line.

The several ditches, pipe lines, and canals for power purposes adjudicated by this decree are given consecutive numbers beginning with No. 1. The first power priority here adjudicated is numbered 1.

The several reservoirs, ditches, pipe lines and canals for the use of water for any other beneficial purpose, other than domestic, agricultural or manufacturing or power, adjudicated by this decree are given consecutive numbers beginning with No. 1, with the name of the use. And the first priority for such other beneficial purpose here adjudicated is numbered 1, with the name

Sixth. The priority numbers, and not the dates when each priority is found to have been effected, shall determine the precedence of right to receive water, because each priority adjudicated herein is of inferior right and junior to the priorities for the same uses heretofore adjudged in decrees of this Court pertaining to said Water District No. 4.

Subject to the general conditions and provisions hereinabove set forth, IT IS FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT , with respect to each of the several ditches, pipe lines, canals, and reservoirs herein adjudicated as follows:

IT IS FURTHER ORDERED by the Court that docket fees paid by the several claimants in this proceeding be applied by the Clerk of this Court as advance fees to the Clerk of this Court as in other civil actions and special proceedings, and shall be paid by the Clerk over to the County Treasurer of Boulder County; and that the residue of the costs and expenses taxed as costs in this case, including expense of serving and publishing notices herein, the extending of the testimony, the writing and rewriting and certifying of this decree, together with copies thereof, as required by law, shall be paid by the counties in said Water District No. 4, in equal amount as provided by law, said residue of costs and expenses to be certified by the Clerk of this Court to the respective counties for allowance and payment by the Boards of County Commissioners in said Counties.

IT IS FURTHER ORDERED by the Court that all the evidence taken in this matter and extended and filed in this Court, including all the exhibits, being a part of said evidence, be and the same is hereby made a general bill of exceptions herein, and any party aggrieved by any finding or provision of this decree is hereby granted one year from the date of the entry of this decree in which to make and tender a particular bill of exceptions involving such matters as he may desire to have reviewed by the Supreme Court, said bill of exceptions to be made from what is hereinbefore described as a general bill of exceptions herein, and when so made, may be then tendered, signed and sealed by any Judge of this Court and filed herein.

DONE IN OPEN COURT, this 14th day of November, A. D. 1939.

(Sgd) Claude C. Coffin
Judge.

11-10-1939: letter to attorney general from assistant secretary regarding proposed findings and decree with respect to statements

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

NOV 10 1939

The Honorable

The Attorney General.

My dear Mr. Attorney General:

I have received your letter of October 26 (WMC - CEF, 90-1-2-79), enclosing copies of the proposed findings and decree with respect to statements of claim filed on behalf of Rocky Mountain National Park in the pending proceedings in the District Court, County of Boulder, State of Colorado, for the adjudication of priorities of appropriations of waters of the Big Thompson River and its tributaries in Water District No. 4. There also were enclosed copies of correspondence with Mr. Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, relating to the same proceedings.

The proposed findings and relevant portions of the proposed decree have been checked and, with the corrections already noted by Mr. Allen, are entirely satisfactory to this Department.

According to the latest information, it was not decided whether the protest should be filed against the proposed findings and decree relating to the Baldwin Ditch. Whatever action was taken with regard to this matter is satisfactory to this Department, since the principal provisions of the proposed findings and decree appear fully to protect the interests of the United States, and the point covered by the protest is relatively a minor one.

In accordance with your request, the copies of the proposed findings and decree are returned herewith.

Sincerely yours,

(SGD.) OSCAR L. CHAPMAN
Assistant Secretary.

Enclosure 2111805.

cc: 8 cc by NPS

cc: Supt., Rocky Mt. Nat. Park (by NPS)
Regional Attorney Taylor (by NPS)
Regional Dir., Region II

11-07-1939: letter to special assistant to the attorney general regarding water adjudication no. 10077

C O P Y

November 7, 1939.

In re: Water Adjudication, No. 10077

The suggestions concerning the water adjudication decree in District No. 4, contained in your letter of October 16, respecting

Hollowell Park Ditch No. 2,
Tuxedo Park Pipe Line,
Owls Pipe Lines Nos. 1 and 2,
Sprague Pipe Line
Moraine Museum Pipe Line
Hollowell Park Pipe Lines Nos. 1 and 2,
Fall River Entrance Pipe Line

have been incorporated in the final decree to be signed November 14, 1939.

The decree to be signed November 14th incorporates the corrections agreed upon in conference at Greeley respecting Colorado-Big Thompson.

Very truly yours,

(Sgd) Claude C. Coffin.

To Worth Allen, Esq.,
Special Assistant to the Attorney General,
332 Post Office Building,
Denver, Colorado.

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, October 19, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re General Adjudication, Water District No. 4-- Claims for Rocky Mountain National Park.

Dear Joe:

I enclose herewith a copy of a letter which I have written to the Clerk of the District Court in Boulder with respect to the suggested changes in the various drafts containing proposed findings and decretal orders affecting our National Park structures; also, a copy of the formal protest with respect to the proposed finding and decree as to the capacity of the Baldwin Ditch.

I have in most instances followed the suggestions made by Mr. Dunn. The instances in which I have not followed his suggestions are as follows:

Dunn suggested an acre foot per annum limitation for Hollowell Park Ditch No. 2. The proposed general provisions of the decree contain a paragraph providing that no part of the decree shall be taken or held to allow any excessive use or wasteful use of water, nor allow any diversion of water except for lawful and beneficial uses, or any other use than that for which appropriation has been made. There is no provision in the decree with respect to the matter of acre feet, except possibly in individual cases where some proof was given as to the number of acre feet required. Such an instance is the case of Brinwood Ditches, Nos. 1, 2, 3, 4, and 5. While heretofore there have been provisions in general decrees limiting the number of acre feet per annum to 3, we made proof that in the case of the land irrigated from the Brinwood Ditches, 4 acre feet per annum are required because of the large amount of gravel in the soil. The proposed findings of the Court respecting those ditches allows that amount of water. I do not believe it advisable to be raising the question of duty with respect to those ditches where no evidence on that point was given.

What I have said about Hollowell Park Ditch No. 2 applies equally to the Beaver or Griffith Ditch. In the case of that ditch we gave our proof. Moreover, the Court has since viewed the area which is irrigated from that ditch.

With respect to Fall River Entrance Pipe Line and Sunny Slope Pipe Line, I cannot agree with Mr. Dunn that there is any ambiguity in the proposed findings and orders. Whatever the facts may be, and whatever contentions we might properly have made, the fact is that Mr. McLaughlin, Assistant Superintendent of the Park, told us to make an agreement or stipulation in open court by which the United States was to secure a final decree as of April 1, 1925, for 0.066 of a cubic foot of water per second of time, and a conditional decree as of the same date for 0.034 of a second foot, and to allow a decree to the Sunny Slope Pipe Line for 0.015 of a cubic foot of water per second of time. He further authorized us to agree that when the water in Bighorn Creek, from which both structures take their water, does not exceed 0.030 of a cubic foot of water per second of time, the water shall be divided equally between the two structures. The Court's findings and decree are in accordance with said stipulation and agreement.

The language used in the findings and decree relating to Fall River Entrance Pipe Line varies in an insignificant manner from that in the findings and decree relating to Sunny Slope Pipe Line. In the case of the Fall River Entrance Pipe Line is found this language: " * * * provided, that in the event at any time or times the available supply of water in said Bighorn Creek for said two pipe lines does not exceed .030 cubic feet of water per second of time, the total available water should be divided in equal parts between this Fall River Entrance Pipe Line, claimed by United States of America, and said Sunny Slope Pipe Line, claimed by Anna Snyder." In the case of the Sunny Slope Pipe Line, the language is: " * * * except that when the total volume of water available in said stream is less than .03 cubic feet per second, the water shall be divided between said priorities equally."

Of course Mr. Dunn has informed you that the attorney for the Sunny Slope Pipe Line objected to our getting a decree for as much water as the Court allowed us, and that the Court in rather positive terms expressed his opinion with respect to our rights to said attorney.

Some mention is made by Mr. Dunn of the fact that Mrs. Snyder changed the name of her structure from Sunny Slope Camp Pipe Line to Sunny Slope Pipe Line. It seems to me that this is a matter of no significance.

In the proposed findings and decree relating to the Fall River Entrance Pipe Line, the Court, adopting the finding submitted by us, makes it quite clear that the Sunny Slope Pipe Line is what was originally the Sunny Slope Camp Pipe Line.

In the case of Hollowell Park Pipe Lines Nos. 1 and 2, I cannot agree with the suggestion made by Mr. Dunn that the word "of" should be changed to "or" in the following context: "On April 15, 1934, the

National Park Service of claimant began and completed", etc. The claimant is the United States and the National Park Service is the National Park Service of the United States. My idea obviously agrees with the position taken by you in your memorandum for the Superintendent of the Park.

The final decree will not be signed before November 14. If you have any further suggestions, even though they disagree with any position I have taken, I should be glad to have you write me at once.

Very truly yours,

(Sgd) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.

The copy of the formal protest with respect to the Baldwin Ditch has been sent you by airmail, together with a copy of a letter to Mr. McLaughlin, dated October 19.

10-18-1939: letter to clerk of the district court from special assistant to the attorney general regarding general adjudication, claims

COPY

332 Postoffice Building,

Denver, Colorado, October 18, 1939.

Mr. C. W. Atkinson,
Clerk of the District Court,
Court House,
Boulder, Colorado.

Re General Adjudication-- Claims of
U. S. for Rocky Mountain
National Park.

Dear Mr. Atkinson:

Pursuant to the order of the Court and the notice sent out by you, I herein respectfully make some suggestions with respect to the proposed findings and decretal orders submitted by the Court as to the claims filed by Rocky Mountain National Park.

TUXEDO PARK PIPE LINE:

In the third line of paragraph 8, the date is doubtless April 28, 1939. The figures "28" on our copy are a little dim and I am not sure that the date in the draft is the 28th. That date is correct.

OWLS PIPE LINES NOS. 1 and 2:

The first line under this heading reads:

"(Domestic Priorities 27 and 29 ; Ditch-Pipe Line-- Nos. 26 and ___)"

Either another number should be inserted, it seems to me, or the abbreviation "Nos." should be changed to "No." and the "and" stricken.

SPRAGUE PIPE LINE:

The number appearing at the end of paragraph 8 as "16,257" should be "16,527".

MORAINE MUSEUM PIPE LINE:

In paragraph 2 is found the following line:

"From Diversion No. 2-- south 70° 90' west 1281,42 feet." "70° 90'" should be "70° 09'".

The last word in paragraph 3 should be "southeasterly" instead of "southwesterly". This is an error which appears in paragraph Fifth of our Statement of Claim and is called to my attention now for the first time by the Engineer.

At the end of the first line in paragraph 7, is found the word and figures "June, 1908." It may be that the year is written "1906", but our dim copy looks like "1908". In any event "1906" is correct.

In line 7, appearing at the bottom of page 2 of the findings with respect to this pipe line, the "No." should be retyped, as one letter is imposed upon another.

In line 13, on page 2, the letter "s" is omitted at the beginning of the word "southeasterly."

In the last line on page 3, following the words "Pipe Line" is the figure "8". This figure should be erased.

BEAR LAKE PIPE LINE NO. 2:

We are planning to make final proof in this matter on a day to be fixed by the Court. A letter has heretofore been written about this matter.

HOLLOWELL PARK PIPE LINES NOS. 1 & 2:

In the fourth line of paragraph 3, the word "north" should be changed to "south".

Because of the dimness of our copy, we are not sure what is the year appearing in the third line of paragraph 6. The year should be 1913. It is possible that it is written 1915.

FALL RIVER ENTRANCE PIPE LINE:

On page 3, the fifth line, "0.065" should be "0.066". It will be noted that the correct figure appears near the middle of page 4.

HOLLOWELL PARK DITCH NO. 2:

The figures in line 5 of paragraph 3, "893.27" should be "803.27."

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

601 Sheldon Building,
San Francisco, Calif.,
October 9, 1939.

Memorandum for Regional Attorney Joseph E. Taylor:

In reviewing the proposed decree of water rights in District No. 4, Colorado, I have checked engineering data and have the following comments to make.

General Conditions

Since domestic use is supposed to be the most beneficial and there are so many domestic claims in this adjudication, I should think Judge Coffin would recognize and list these claims ahead of the reservoirs and irrigation ditches. I think, too, he might state in his narrative that as among uses, the domestic uses come first. I do not know the law back of this priority, but certainly some admission should be made, especially since most reservoir decrees are for refill.

Tuxedo Park

I have penciled in a date which is not clear in our copy.

Owl Pipe Lines 1 and 2

I believe, at the top of the page, under "Pipe Lines Nos. 26 and ___" either "26" or "same" should be inserted in second blank for clarity of posterity. It is all one system now.

On receipt of Mr. Allen's letter of September 30, 1939, I suggested cutting claims from 0.041 and 0.040 sec. ft. respectively, to 0.004 and 0.001 sec. ft. respectively. After reading decrees, however, I find that they are limited by spring flows which are stated as 0.004 and 0.001 sec. ft. I now favor leaving decree as drawn, as it shows we do not claim full capacity, that the quantity, is very small, and that we can divert what we can get without other regulation unless the District Engineer should feel justified in shutting down all of either or both diversions.

Sprague Pipe Line

File No. 16527 of the map is transposed, in paragraph 8, page 2.

Moraine Museum Pipe Line

Tie to Diversion No. 2 should be S 70°09' W instead of S 70° 90' W.

The last word under 3 should be "southeasterly" instead of "southwesterly". This error also appears in the statement of claim, but can be shown to be in error by reference to the filed map.

The first line under the seventh paragraph, the date should be 1906 -- our carbon looks like 1908.

Last line page 2 -- Pipe Line No. 1 -- the word "No" needs retyping.

Page 3 -- Line 13 -- second word, "s" in "southeasterly" is omitted.

Last line, page 3, should stop after "Pipe Line."--erase the "S".

Bear Lake Pipe Line No. 2

Has construction been completed? Beneficial use, of course, cannot be made until next spring.

Hollowell Park Pipe Lines Nos. 1 and 2

Third paragraph, last line, paragraph on Pipe Line No. 1 should be South 53-33 West.

Eighth line, page 2, "In September 1913" is correct date. Looks as though incorrectly typed as "1915".

Page 3, last word of eleventh line should be "or" instead of "of".

Baldwin Ditch

I feel that evidence was ample to limit present diversion to 0.8 sec. ft. instead of 1.0 sec. ft.

Page 2, third line from bottom, "Beaver Creek" should be capitalized.

I should like to see a limiting capacity for pipe line included in this decree. I think evidence was ample to limit beneficial use to between 0.078 and 0.11 sec. ft.

The protection of Hondius-Beaver Pipe Line seems well covered during conditional use.

Fall River Entrance Pipe Line

Page 3, fifth line, 0.065 sec. ft. should be 0.066.

Page 4, fourteenth line, 0.066 sec. ft. is correct.

See also Sunny Slope Pipe Line.

Sunny Slope Camp Pipe Line

Line 13 -- East was omitted in bearing.

I anticipate that Attorney Stone will call attention to the fact that he tried to obtain a conditional decree to the balance of the diversion capacity of 0.1 sec. ft. which cannot be conveyed to point of use, or even diverted now until the 2" pipe is extended to replace the 1" pipe. If this is done, I think the Snyder rights, from the testimony on this and the Fall River Entrance Pipe Line, are:

Sunny Slope Pipe Line - Snyder Interest	
Final decree, April 1, 1925,	0.015 sec. ft.
Conditional decree, April 1, 1925	0.035 sec. ft.
Fall River Entrance Pipe Line, from Sunny Slope Camp Pipe Line - N.P.S. Interest	
Final decree, April 1, 1925	0.066 sec. ft.
Conditional decree, April 1, 1925	0.034 sec. ft.

There is certain ambiguity in both decrees which I would simplify as follows:

1. Stone objected to any priority as of the Ditch.

2. He claimed a conditional right to a full half of the original 0.1 sec. ft. diverted by Sunny Slope Camp Pipe Line, or conditional right to 0.05 sec. ft.

3. He agreed to N.P.S. right to half of Sunny Slope Camp Pipe Line original diversion of 0.1 sec. ft., or 0.05 sec. ft. as of April 1, 1925, and to further N.P.S. right of 0.05 sec. ft. from old Sunny Slope Ditch if it was not granted a priority prior to April 1, 1925, and provided that in any case the Snyder right got at

least half of the stream flow when or if said stream flow fell below 0.030 sec. ft., and provided the 0.034 sec. ft. not yet applied beneficially by the National Park Service was made conditional on such application.

However, as I have stated to you before, Mr. Stone used "criminal case" procedure, and was not always careful to differentiate between Mrs. Snyder's half interest in the Sunny Slope Camp Pipe Line, and a half flow of the stream which Mrs. Snyder does not have. I think I was not caught by his fast talk, but due to uncertainty, I would not attempt to amend either decree unless Mr. Stone tries to do so.

Note also that Mr. Hondius and the National Park Service have always called the Snyder Pipe Line the "Sunny Slope Camp Pipe Line". Stone has dropped the word "Camp". It is all right to change the name (we did of Hondius Water System to its original Hondius-Beaver Pipe Line), but I wonder if Mrs. Snyder's decree should not indicate that .

Hollowell Park Ditch No. 2

Paragraph 3, last line, distance if 803.27 ft., and not 893.27.

No limit as to acre feet per acre per annum is decreed, though the statement of claim indicatea a duty of 3 acre feet per acre per annum, which should be indicated to prevent misuse of water.

Beaver Creek Ditch -- Priority No. 97 -- Ditch No. 63

This decree was not submitted to us for comment, though we are vitally interested. We do not object to a diversion of 0.62 second feet, but we do wish to have the decree limited to 3 acre feet per acre per annum, and we wish to keep the total acreage as low as possible.

A. Griffith claimed 12 acres, but we questioned this. Dan Griffith and Miss Griffith were not too sure in court. John Griffith testified it was probably nearer 8 acres, which would limit annual diversion to 24 acre feet. At all events, Griffith did not give evidence to show more than the normal duty of 3 acre feet per acre per annum, whether 8 or 12 acres is irrigated.

Endovalley Fish Pond Pipe Line
Horseshoe Fish Pond Pipe Line
Brinwood Pipe Line
Hondius-Beaver Pipe Line
Sprague Ditch
Brinwood Ditches 1, 2, 3, 4, and 5

I have no comments to make on any of the above water systems.

A. van V. Dunn,
Associate Engineer.

10-04-1939: memorandum to regional attorney from acting superintendent regarding proposed decrees as the result of the recent

COPY

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

October 4, 1939.

Memorandum to Regional Attorney Joseph E. Taylor:

Reference is made to water decrees in Water District No. 4, BigThompson Drainage. Find enclosed copies of 16 decrees which Judge Coffin of the District Court proposes as the result of the recent adjudication in district No. 4, and also the Court's notice that objections to the form and substance of these proposed decrees must be filed on or before Monday, October 23, 1939.

Please examine these decrees at your earliest convenience and inform us whether they meet your approval, or if you wish us to file objections to any of the forms or substance.

We feel that we are very fortunate in the final outcome of the Hondius-Beaver Pipe Line decree as herein proposed.

John S. McLaughlin,
Acting Superintendent.

By (Sgd.) Wayne H. Hackett
United States Commissioner,
Rocky Mountain National Park.

09-25-1939: notice of the adjudication of priority of rights to use of water for irrigation and other beneficial purposes

C O P Y

STATE OF COLORADO)
-SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077

IN THE MATTER OF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO

N O T I C E

To Claimants, their Attorneys, and all Persons Interested:

Take Notice of the following Order this day made and entered in the above entitled matter, to-wit:

"Proposed decree in the above entitled cause has this day been lodged with the Clerk of this Court, for examination by any party interested.

"IT IS ORDERED That any objection to the form or substance of such proposed decree, or any portion thereof, be made in writing and filed with the Clerk of this Court on or before MONDAY, OCTOBER 23, 1939; and any and all objections or requests for changes therein so filed will be thereafter heard and considered in Open Court on TUESDAY, NOVEMBER 14, 1939, and final decree settled and signed as of last said date.

"IT IS FURTHER ORDERED That the Clerk forthwith give notice by ordinary mail to all attorneys whose appearance has been entered in this cause.

"Done in Open Court, this 25th day of September, A. D. 1939.
(Signed) Claude C. Coffin, Judge."

For your convenience there is enclosed with this notice a copy of the alphabetical index and general provisions of the proposed decree, and also a carbon copy of those portions of the proposed decree pertaining specifically to claims of claimants represented by you. The original of these and also the findings and specific orders as to other claims may be examined in the office of the Clerk.

You are requested to examine these carefully, and particularly the specific findings and decretal orders as to the several claims, as these have NOT been carefully proof read, and call attention to any errors or suggested changes on or before the date set for filing objections.

Obvious errors or mere matters of form may be called to attention by letter to the Clerk (which will be submitted to the Court), but objections or requested changes as to substance must be in written form as objections and filed in the cause.

Due Notice must be given to counsel for any claimant's claim to which objection is made prior to the date set for final hearing as in other cases.

Dated at Boulder, Boulder County, Colorado, this 25th day of September, A. D. 1939.

(Sgd.) C. W. Atkinson.
Clerk of the District Court

To:_____ By_____ Deputy

_____

_____

INDEX TO PRIORITIES

RESERVOIRS

Priority No.	Date	Capacity	Name of Reservoir	Reserv. No.
30	Sept. 15 1874	120 acre ft	Rist (Buckingham) Res	25
31	Nov 20 1882	12,806,640 cu ft	Hummel Reservoir	26
32	Nov 30 1882	25,928,940 " "	Chapman Reservoir	27
33	May 10 1883	11,825,600 " "	DeFrance Reservoir	28
34	May 1 1890	21,480,000 " "	Okahoma Lake	29
35	June 14 1894	1,225,000 " "	Big Hollow Reservoir	30
36	Sept 15 1898	81,469,344 " "	Loveland Reservoir	31
37	Nov 23 1901	18,378,450 " "	Coleman Reservoir	32
38	Apr 26, 1903	16,281,000 " "	Rist & Benson Res.	33
39	Dec 4 1905	20,773,764 " "	Loveland Res (Enl)	31
40	June 15 1907	400,000,000 " "	Home Supply Res (refill)	1
41	June 16 1907	50,000,000 " "	Louden Res (refill)	2
42	June 17 1907	180,000,000 " "	Mariano Res (refill)	3
43	June 18 1907	31,796,870 " "	Ryan Gulch Res (refill)	12
44	June 19 1907	15,285,639 " "	South Side Res (refill)	13
45	Sept 22 1911	4,380,988 " "	Koenig Reservoir	34
46	Sept 30 1911	394 acre ft.	Rist (Buckingham)Res(Enl)	25
47	June 30 1921	51,816,430 cu ft	Buckhorn Res (refill)	14
48	Aug 8 1921	13,205,374 " "	South Side Res (Enl)	13
49	June 15 1923	215,849,700 " "	Handy R.Enlarged (refill)	24
50	June 15,1923	13,205,374 " "	South Side R. " "	13
51	June 15 1923	25,832,325 " "	Hertha Res. (refill)	22
52	Dec 31 1930	5,121,000 " "	Rist & Benson Res (Enl)	33
53	Aug 1 1931	33,088,100 " "	Lawn Reservoir (refill)	11
54*	Sept 14 1933	109,020 acre ft	Carter Lake	35
55*	Sept 14 1933	49,992 acre ft	Arkins Reservoir	36
56*	Sept 14 1933	110,660 acre ft	Horsetooth Reservoir	37

*Conditional

IRRIGATION DITCHES

83	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 1	49
84	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 2	50
85	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 3	51
86	Dec 31 1878	1.08 " "	Brinwood Ditch No. 4	52
87	Dec 31 1878	5 sec. ft	Brinwood Ditch No. 5	53
88	Dec 31 1888	1.06 " "	Osborn Irrigation Sys.	54
89	June 30 1891	1.125 Sec.ft	Saw Mill Ditch	55
90	Dec 31 1892	.8 " "	Kinkaid Ditch	56
91	May 31 1897	1. " "	Hershman Ditch No. 1	57
92	May 31 1897	1 " "	Hershman Ditch No. 2	58
93	June 22 1899	.8 " "	Bartholf Ditch No. 1	59
94	June 22 1899	1.3 " "	Bartholf Ditch No. 2	60
95	May 10 1901	4 " "	Lawrence Spring Ditch	61
96	June 1 1904	2 " "	Stead Ditch	62
97	June 30 1904	.62 " "	Beaver Creek Ditch	63
98	Apr 25 1906	8.28 " "	Williams Ditch	64
99	June 22 1912	.7 " "	Hollowell Park D. No. 2	65
100*	Sept 14 1933	300 " "	Carter Lake Supply Canal	66
101*	Sept 14 1933	500 " "	Arkins Supply Canal	67
102*	Sept 14 1933	450 " "	Horsetooth Supply Canal	68

DOMESTIC

Priority No.	Date	Capacity		Name	Ditch No.
5	Dec 31 1875	.0394	sec ft	Stead Pipe Line No. 1	6
6	Dec 31 1899			Baldwin Ditch	7
7	June 1 1904	.0134	sec ft	Stead Pipe Line No. 2	8
8	July 31, 1905	.18	sec ft	Witwer Pipe Line	9
9	Aug 21, 1905	2.	sec ft	Estes P. Town Co. P L	10
10	June 22 1906	.04	sec ft	Brinwood Pipe Line	11
11	June 30 1906	.025	sec ft	Moraine Museum P. L.	12
12	Sept 1 1906	.33	sec ft	Hondius Beaver P. L.	13
13	June 1 1909	.01	sec ft	Sprague Pipe Line	14
14	Aug 16 1909	.12	sec ft	Pearson Pipe Line	15
15	Dec 31 1909	.02	sec ft	Griffith Well No. 1	16
16	July 31 1910	.01	sec ft	Tritch P. L. No. 1	17
17	Nov 9 1911	1.73	sec ft	Estes P. Water Co. P. L.	18
18	Dec 31 1911	.02	sec ft	Griffith Well No. 2	19
19	June 30 1913	.01	sec ft	Hollowell Park P L No.2	20
20	July 15,1914	.01	sec ft	Ft. Morgan C. Club P L	21
21	Oct 1 1914	.004	sec ft	Boyd Water System	22
22	Dec 31 1914	.01	sec ft	Griffith Well No. 4	23
23	Nov 10 1916	.015	sec ft	Moraine Museum P. L.	12
24	Dec 31 1916	.01	sec ft	Griffith Well No. 5	24
25	June 30 1917	.016	sec ft	Hollowell Park P L No 1	25
26	June 30 1917	.03	sec ft	Hollowell Park P L No.2	20
27	July 1 1917	.041	sec ft	Owls Pipe Line No 1	26
28	Sept 30 1919	.012	sec ft	Rocky Mt Boys Camp P L	27
29	July 15 1920	.04	sec ft	Owls P L No. 2	26
30	July 31 1921	.03	sec ft	Shubert Sp & P L No 1	28
31	May 1 1922	.005	sec ft	Cliff Ass'n Pipe Line	29
32	May 31 1922	.02	sec ft	Tuxedo Park Pipe Line	30
33	Sept 22 1922	.012	sec ft	Cascade Pipe Line	31
34	May 20 1923	.029	sec ft	Green Pipe Line	32
35	Dec 31 1924	.02	sec ft	Griffith Well No 3	33
36	Apr 1 1925	.015	sec ft	Sunny Slope Pipe Line	34
37	Apr 1 1925	.066	sec ft	Fall River Entrance P L	35
38*	Apr 1 1925	.034	sec ft	Fall River Entrance P L	35
39*	May 20 1925	2. 4.100	sec ft	Glacier Creek Pipe Line	36
40	Sept 30 1925	.03	sec ft	Tritch Pipe Line No. 2	17
41	May 1 1927	.08	sec ft	Cheley Pipe Line	37
42	June 22 1928	.004	sec ft	Davis Pipe Line	38
43	Aug 14 1928	.006	sec ft	Woods Pipe Line	39
44*	June 20 1932	.12	sec ft	Bear Lake Pipe Line	40
45	Sept 1 1933	.04	sec ft	Moraine Museum P. L.	12
46	June 1 1937	.1	sec ft	Cheley Pipe Line (Enl)	37
47	June 1 1937	.088	sec ft	Trails End Well & P L	41
48*	June 5 1939	.175	sec ft	Shubert Sp P L Nos 2 & 3	28
49*	July__ 1939	4.38	sec ft	Pearson Pipe Line (Enl)	15

*Conditional

POWER

1	Nov 10 1908	13.	sec ft	Hondius Cascade P. L.	1
2	July 14 1913	74	sec ft	Idylwild Pipe Line	2
3	June 30 1919	22.5	sec ft	Hondius Cascade P. L.	3
4	June 30 1927	20.	sec ft	Sprague Ditch	4
5*	Sept 14 1933	650.	sec ft	Colo-Big Thompson P No 2	5
6*	Sept 14 1933	650.	sec ft	Colo-Big Thompson P.No 3	6
7*	Sept 14 1933	750.	sec ft	Colo-Big T.Power No. 4	7

*Conditional

MISCELLANEOUS

1	Nov 1 1920	.7	sec ft	Jelsema Ditch & Pond	1
2	Aug 14 1933	.5	sec ft	Horseshoe Fish Pond P L	2
3	Aug 30 1934	.86	sec ft	Endovalley Fish Pond P L	3

11-14-1939: decree in the matter of the adjudication of priority of rights to use of water for irrigation and other beneficial purposes

STATE OF COLORADO)
- SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077

IN THE MATTEROF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

D E C R E E

Now, on this 14th day of November, A. D. 1939, being one of the juridical days of the October Term, A. D. 1939, of this Court, this matter came on for final hearing and determination and decree, petitioner and the several claimants herein appearing by their respective attorneys;

Thereupon, the Court having heard all the evidence offered in this proceeding in open court, having examined the several claims and objections filed, and heard the arguments of counsel, and having considered the same, and now being sufficiently advised in the premises, does render the following findings and decree herein:

ON PRELIMINARY AND JURISDICTIONAL MATTERS

The Court finds:

1. That the Loveland Lake and Ditch Company, as claimant and owner of The Loveland Reservoir, on October 17, A. D. 1939, filed its petition and claim for adjudication of its rights as an irrigation reservoir appropriator in said Water District No. 4, praying the adjudication of priorities to the right to the use of water "for irrigation purposes" in said Water District No. 4. That thereupon proceedings were

duly had whereby notice of this proceeding for adjudication of priorities "for irrigation purposes" was duly given by prepaid registered mail as provided by statute in such cases, and also by publication and posting as required by Order of Court made and entered in this cause.

2. That thereafter such proceedings were had in this cause that, on March 15, 1939, upon petition of The Northern Colorado Water Conservancy District, the title and scope of this proceeding, originally instituted by the said The Loveland Lake and Ditch Company for the adjudication of priority of rights to the use of water "for irrigation purposes" only, was duly ordered enlarged to include the use of water "for irrigation and other beneficial purposes." And thereupon, on last said date, the Court further ordered that printed notice of these proceedings, as amended aforesaid, be served upon each claimant, or the last named grantee of any claimant, by prepaid registered mail, as provided by statute, at the post office address set forth in the list, theretofore duly prepared and certified by the state engineer pursuant to prior order of this Court, of all filings or claims for appropriation of water for irrigation or other beneficial purposes within Water District No. 4, Irrigation Division No. 1, of the State of Colorado, which had not theretofore been noted as cancelled or submitted for adjudication; and that copy of said notice, including copy of said order, has been duly served by registered mail on all persons, associations and corporations entitled thereto; and that copies of said order and notice have been duly published and posted as required by law and by Order of Court entered in this cause.

3. That on said 15th day of March A. D. 1939, the

Court, by order duly made and entered, continued the time for filing statements of claim in said proceeding to and until April 22, 1939, and fixed the time for the taking of evidence in support of any statements of claim filed as the 2d day of May, A. D. 1939, at the hour of 9:30 o'clock A. M. in open court, in the District Court room in the Court House, in the City of Boulder, County of Boulder and State of Colorado; that thereafter, on April 20, 1939, the Court, by order, duly extended the time for filing statements of claim to and including June 24, 1939 (commencement of taking testimony, however, remaining fixed as May 2, 1939); and thereafter on July 6, 1939, the Court, by order, duly extended the time further for filing statements of claim to and including September 1, 1939 (the taking of testimony, however, continuing as theretofore ordered).

4. That on said 2d day of May, A. D. 1939, pursuant to said orders, the Court did proceed to hear and examine testimony and evidence introduced in support of the respective claims of all claimants who had filed claims herein; and the hearing and taking of testimony and evidence in support of such claims was thereafter duly continued to July 6, 1939, and July 7, 1939, and July 11, 1939, and July 27, 1939, and September 6, 1939, and September 7, 1939, and the Court ordered that said testimony and evidence be transcripted and filed with the Clerk of this Court, which was accordingly done.

GENERAL CONDITIONS AND PROVISIONS WHICH CONTROL EACH AND EVERY SPECIAL DECRETAL ORDER HEREIN.

The Court finds:

First. No part of this decree shall in any way be taken, deemed or held to confirm, impair, or in any manner

affect any claim of right or property held or claimed by any person, association or corporation, in or to any ditch, pipe line, canal, or reservoir, or any part thereof, or the land or any part thereof on which the same may be situate, or the land held or claimed as right-of-way of or for any of them; nor shall it in any manner affect any question or claim of right between the co-owners or claimants of any individual ditch, pipe line, canal, or reservoir as between each other; neither shall it affect any claim or priority made between parties using water from the same ditch, pipe line, canal, or reservoir as to such water.

Second. No part of this decree shall be taken or held to allow any excessive use or waste of water whatever; nor allow any diversion of water except for lawful and beneficial uses, or any use other than the use for which such appropriation has been made.

Third. This decree shall be taken, deemed and held as determining the several priorities of right by appropriation to the use of water from the natural streams and springs of said Water District No. 4 for agricultural, domestic, mechanical, and other beneficial purposes, incident to the several ditches, pipe lines, canals, and reservoirs in said water district, each according to the construction, enlargement or extension thereof, with the amount of water held to have been so appropriated.

Fourth. Nothing in this decree shall be deemed, taken, or held to impair in any manner any right to the use of water for agricultural, domestic, mechanical or other beneficial purposes established by any former decree or decrees of this Court rendered and entered and now in force in

the matter of the adjudication of the priorities of right to the use of water in Water District No. 4; or be deemed, taken, or held to establish any right to the use of water adverse or antagonistic to any right for the same purpose established by any such former decree or decrees of this Court, but all rights established by this decree shall at all times be deemed, taken, and held to be subject and subordinate and junior to those established by any such former decree or decrees, any date of appropriation found in this decree to the contrary notwithstanding.

Fourth. Whenever the dimensions of any ditch, pipe line, canal, or reservoir, or the height to which any reservoir may be filled, is stated in the decree, such dimensions shall be deemed and taken to control the statement of the estimated carrying or storage capacity thereof.

Fifth. The several irrigation reservoirs adjudicated by this decree are given consecutive irrigation reservoir numbers beginning with No. 25, which next follows No. 24 --Enlarged Handy Reservoir--adjudicated in former decree of this Court rendered on the 1st day of April, A. D. 1931. The several irrigation reservoir priorities adjudicated by this decree are consecutively numbered beginning with reservoir priority No. 30, the next consecutive number following number 29, heretofore in said former decree adjudicated as affected by means of Enlargement of Hortha Reservoir, being irrigation reservoir No. 22.

The several irrigation ditches, pipe lines, and canals adjudicated by this decree are given consecutive irrigation ditch numbers beginning with ditch No. 49, next following ditch No.48-The Huppe Ditch-adjudicated in said former decree of this Court rendered on the 1st day of April,A.D.1931. The

first immediate ditch irrigation priority here adjudicated is numbered 33, being the next consecutive number following No. 32, heretofore in said former decree adjudicated as effected by means of said The Huppe Ditch.

The several ditches, pipe lines, and canals adjudicated by this decree for domestic and related purposes are given consecutive numbers beginning with No. 6, next following No. 5--Greeley-Boulder Pipe Line--adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate domestic priority here adjudicated is numbered 5, being the next consecutive number following No. 4 heretofore in said former decree adjudged as effected by means of said Greeley-Boulder Pipe Line.

The several ditches, pipe lines, and canals for power purposes adjudicated by this decree are given consecutive numbers beginning with No. 1. The first power priority here adjudicated is numbered 1.

The several reservoirs, ditches, pipe lines and canals for the use of water for any other beneficial purpose, other than domestic, agricultural or manufacturing or power, adjudicated by this decree are given consecutive numbers beginning with No. 1, with the name of the use. And the first priority for such other beneficial purpose here adjudicated is numbered 1, with the name of the use.

Sixth, The priority numbers, and not the dates when each priority is found to have been effected, shall determine the precedence of right to receive water, because each priority adjudicated herein is of inferior right and junior to the priorities for the same uses heretofore adjudged in decrees of this Court pertaining to said Water District No. 4.

Subject to the general conditions and provisions hereinabove set forth, IT IS FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT, with respect to each of the several ditches, pipe lines, canals, and reservoirs herein adjudicated as follows:

(here follows 102 specific findings and decrees)

IT IS FURTHER ORDERED by the Court that docket fees paid by the several claimants in this proceeding be applied by the Clerk of this Court as advance fees to the Clerk of this Court as in other civil actions and special proceedings, and shall be paid by the Clerk over to the County Treasurer of Boulder County; and that the residue of the costs and expenses taxed as costs in this case, including expense of serving and publishing notices herein, the extending of the testimony, the writing and rewriting and certifying of this decree, together with copies thereof, as required by law, shall be paid by the counties in said Water District No. 4, in equal amount as provided by law, said residue of costs and expenses to be certified by the Clerk of this Court to the respective counties for allowance and payment by the Boards of County Commissioners in said Counties.

IT IS FURTHER ORDERED by the Court that all the evidence taken in this matter and extended and filed in this Court, including all the exhibits, being a part of said evidence, be and the same is hereby made a general bill of exceptions herein, and any party aggrieved by any finding or provision of this decree is hereby granted one year from the date of the entry of this decree in which to make and tender a particular bill of exceptions involving such matters as he may desire to have reviewed by the Supreme Court, said bill of exceptions to be made from what is hereinbefore described as a general bill of exceptions herein, and when so made, may be then tendered, signed and sealed by any Judge of this Court and filed herein.

DONE IN OPEN COURT, this 14th day of November, A.D. 1939.

_____

Judge.

C O P Y

90-1-2-79/

332 Postoffice Building,

Denver, Colorado, August 26, 1939.

The Attorney General,
Washington, D. C.

Re: General adjudication,
Water District No. 4,
Claims for Rocky Mountain
National Park.

Sir:

With further reference to your letter of August 15, with which was sent a copy of a letter dated August 10, from Assistant Secretary of the Interior Oscar L. Chapman:

On August 15, Joseph E. Taylor, Regional Attorney, National Park Service, San Francisco, wrote a "Memorandum for the Director", with respect to this matter, two copies of which are enclosed herewith.

As you know, there were some fourteen claims filed in this adjudication for the National Park Service, and there were so many details that it was difficult for me to recall why we had prepared the claim in the manner we did, omitting reference to portions of the pipe lines. However, I now recall that we concluded that it was unnecessary to describe that part of the system of Owls Pipe Lines Nos. 1 and 2, extending beyond the storage reservoirs. The lengths of the two one-inch pipe lines from the points of diversion or sources of supply are correctly stated in the statement of claim as being 400 and 20 feet respectively.

I am inclined to believe that the details of our system beyond the reservoirs need not, and probably should not, be stated. It is quite possible that at some time or other some changes might be made in the method of use and distribution from the reservoirs. If the decree should tie us down to the system now in use, it would be an undesirable situation. I am inclined to believe that the details of the system beyond the reservoirs should be left flexible, as is the system of a municipality, for instance, in distributing water appropriated by it through its various city lines.

However, I should be glad to have any further ideas you may have.

Respectfully,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to the Attorney General.

WA/ELM

CHP-MBC

90-1-2-79

August 25, 1939

Honorable Oscar L. Chapman
Assistant Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Chapman:

There are enclosed herewith copies of letters dated August 12 and August 17, 1939, from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, together with a copy of a brief prepared by Mr. Allen and a copy of his letter dated August 17, 1939 to Joseph E. Taylor, Regional Attorney, with respect to the statements of claim filed in behalf of the Rocky Mountain National Park in the proceedings instituted in the District Court, County of Boulder, State of Colorado, by the Loveland Lake and Ditch Company for the adjudication of priorities of appropriation of waters of the Big Thompson River and its tributaries in Water District No. 4.

You will note from Mr. Allen's letter of August 17, 1939 that steps are being taken to correct the errors in the statements of claim referred to in your letter of August 10, 1939.

You will be advised promptly of further developments.

Respectfully,
For the Attorney General

ROBT. E. MULRONEY
Acting Assistant Attorney General

Enclosure
No. 81273

AUG30'39 3140

08-15-1939: memorandum to director from regional attorney regarding statements of claim to be filed with particular reference to t

COPY

601 Sheldon Building
August 15, 1939

Memorandum for the Director:

Reference is made to the letter from the Assistant Secretary to the Attorney General dated August 10, relating to the statements of claim to be filed on behalf of the United States for the use of water in Rocky Mountain National Park, and with particular reference to the errors found in the copies of the statements supplied to the Department of the Interior by the Attorney General with respect to Owls Pipe Lines Nos. 1 and 2 and the Horseshoe Fish Pond Pipe Line.

With respect to the apparent error in the Owls Pipe Lines Nos. 1 and 2, please be advised that the length of Pipe Line No. 1, as stated in the copy supplied the Department by the Attorney General -- namely, 400 feet -- and that for Pipe Line No. 2 -- namely, 20 feet -- did appear in the statements as filed. Our records originally gave the overall length of the pipe lines in connection with these statements, but it was decided prior to the filing of the statements of claim that we should give only the length from the points of diversion to the distribution reservoir. This is all that is required, and consequently the lengths as given in the statements of claim may be considered correct.

With respect to the general course of the Horseshoe Fish Pond Pipe Line, the statements as first drafted did describe the course as northeasterly. Approximately a week or so prior to filing of the statements, this mistake was discovered by Associate Engineer Dunn and corrected in the office of the Special Assistant to the Attorney General at Denver. I am almost positive that the statement as filed gave the general course as northwesterly, and, while Mr. Worth Allen did write the Attorney General calling attention to this correction, it is probable that it was not placed upon the copies held in Washington.

As a final conclusive check, I will suggest to the Superintendent of Rocky Mountain National Park that when the opportunity presents itself he examine the original of this statement as filed in the District Court at Boulder, Colorado.

cc: Supt., Rocky Mountain.(Self-explanatory)
Reg.Director,Region II.
Mr. Worth Allen.

Joseph E. Taylor,
Regional Attorney.

COPY

CEC - CEF

90-1-2-79

332 Postoffice Building,

Denver, Colorado, August 17, 1939.

The Attorney General,
Washington, D. C.

Re: Adjudication proceedings, Water District No. 4, County of Boulder, State of Colorado - Claims of Rocky Mountain National Park.

Sir:

Receipt of your letter of August 15, accompanied by a copy of the letter from Hon. Oscar L. Chapman, is acknowledged.

I enclose herewith copies of a letter which I have this day written to Mr. Joseph E. Taylor, Regional Attorney, National Park Service.

I have in my files three carbon copies of the claim of the United States with respect to the Horseshoe Fish Pond Pipe Line. Line 1 of Paragraph Fifth, on the first page reads:

"The general course of said pipe line is northwesterly"

All three copies bear evidence that the word "northwesterly" is not the word originally written. Obviously the correction from "northeasterly" to "northwesterly" was made without my calling your attention to that particular change or correction.

I am sure I shall find on September 6, when I go to Boulder again, that the original filed with the court has been corrected as have my office copies.

Regretting that the errors crept into the statement of claim as to the Owls Pipe Lines, I am

Respectfully,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

(a)

DEPARTMENT OF JUSTICE

REC'D AUG 21 1939

332 Postoffice Building,

Denver, Colorado, August 17, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re adjudication, Water District No. 4,
Claims for Rocky Mountain National
Park.

Dear Joe:

I am in receipt today of a letter from the Attorney General dated August 15, the body of which reads as follows:

> "There is enclosed herewith a copy of a letter dated August 10, 1939, from Assistant Secretary of the Interior Oscar L. Chapman, in which several minor errors are pointed out in the statements of claim filed in the above-entitled proceeding on behalf of the United States for the use of water in the Rocky Mountain National Park.
>
> These apparent errors appear to be of minor importance but the correct figures should appear in the findings and decree. The Department will leave it to your judgment as to the best way to handle the matter."

Accompanying that letter was a copy of a letter written by Hon. Oscar L. Chapman, Assistant Secretary of the Interior, to the Attorney General. I enclose a copy of that copy.

I intended to give back to Mr. McLaughlin, Assistant Superintendent of Rocky Mountain National Park, at the hearing copies of all maps and statements of claim which had been filed with the State Engineer. However, I find one such copy in my files, and that happens to be with respect to the Owls Pipe Lines Nos. 1 and 2. The The statement of claim does show, as stated by Mr. Chapman, that the length of pipe line No. 1 is 875 feet, of which 400 feet is of 1-inch pipe, and 475 feet is of 3-inch pipe. The statement shows, also, an interconnecting fire line of 615 feet of 3-inch pipe. The statement shows also the length of pipe line No.2 is 155 feet, as stated by Mr. Chapman.

It would seem, therefore, that I should obtain leave from the Court who resumes hearings in this matter on September 6, to make the necessary corrections in the statement of claim with respect to these pipe lines.

However, inasmuch as the statements filed with the court were all checked by Mr. Dunn before they were filed, it occurred to me that, out of an abundance of caution, I should call your attention to the apparent errors. Kindly write me, after consultation with Mr. Dunn whether there is any reason why the amendments should not be made as suggested.

My three copies of the Horseshoe Fish Pond Pipe Line Statement of Claim show that the course of the line is northwesterly, after some erasure had been made. Obviously, the correction was made from northeasterly to northwesterly. However, I shall check the original on September 6, when I go to Boulder.

With kind regards, I remain

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

08-10-1939: letter to attorney general from assistant secretary regarding statements of claim then proposed to be filed

(Copy)

UNITED STATES

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

WASHINGTON

Aug. 10, 1939.

The Honorable

The Attorney General.

My dear Mr. Attorney General:

I have received your letters of July 6 and July 19 to Secretary Ickes, relating to the statements of claim then proposed to be filed on behalf of the United States for the use of water in Rocky Mountain National Park, in the proceeding now pending in the District Court, County of Boulder, State of Colorado, entitled "In the Matter of the Adjudication of Priorities of Rights to Use of Water for Irrigation and Other Beneficial Purposes in Water District No. 4, Water Division No. 1, in the State of Colorado."

The statements of claim have been checked with the records of this Department. Nearly all of the errors and omissions were noted and corrected by Mr. Worth Allen in accordance with his letter of June 22 to you. In addition, the following statements of claim appear to contain minor errors:

Owls Pipe Lines Nos. 1 and 2 - the length given in the statement of claim for pipe line No. 1 is 400 feet, and for pipe line No, 2 is 20 feet. The length of pipe line No. 1 as shown by our records is 875 feet, in addition to 615 feet of 3-inch interconnecting fire line. The length shown for pipe line No. 2 is 155 feet.

Horseshoe Fish Pond Pipe Line - the general course of the line is given in the statement of claim as northeasterly, whereas our records show the general course to be northwesterly.

These apparent errors may be considered as of minor importance. It is understood that all the statements of claim have been filed, and the necessity for amendments in such minor particulars may be left to the consideration of your Department.

Sincerely yours,

(Sgd) Oscar L. Chapman
Assistant Secretary.

07-08-1939: letter to attorney general from special assistant to the attorney general regarding adjudication proceedings, water distr

C O P Y

332 Postoffice Building,

Denver, Colorado, July 8, 1939.

90-1-2-71

The Attorney General,
Washington, D. C.

Re Adjudication proceedings, Water
District No. 4. Claims for
Rocky Mountain National Park.

Sir:

On Wednesday morning, July 5, I met at the train Joseph E. Taylor, Esq., Regional Attorney, National Park Service, and Mr. A. van V. Dunn, engineer for the Park Service, and took them to Estes Park, where we spent the day interviewing witnesses. On the morning of the 6th we drove to Boulder and spent the day putting in proof in support of a part of our fourteen statements of claim. The proof was concluded yesterday, the 7th.

Without going into detail, I might say that the proof was all in very satisfactory shape.

In the case of the Fall River Entrance Pipe Line, the Court, on the 6th, expressed some question about our right to tie in the water right in connection with the present Fall River Entrance Pipe Line with the Sunny Slope Ditch, the appropriation for which was made in 1904. Yesterday we got the Court to reopen that claim and put in further proof. Our proof showed that over one second foot of water had been diverted through the ditch up until the time the United States bought the water right from Peter Hondius, and that the use was then converted to a domestic one, the agricultural use being abandoned and the domestic use being substituted.

No objection to any of the claims was made by anybody; hence, we have very good reason for believing, as well as hoping, that our priority will date from 1904, although the use is a different one from the one originally made and the point of diversion is a substantial distance away from the original point of diversion.

We spent an hour and a half or two hours in the later afternoon opposing the claim of the Baldwin Ditch. This ditch has a priority right earlier than the Hondius-Beaver Pipe Line. The stream from which both the Baldwin Ditch and the Hondius-Beaver Pipe Line

divert water has a very limited flow, particularly from the first of July. The Hondius-Beaver Pipe Line serves from 135 to 140 cottages, as well as the Park Residential and Utility Area. The amount of water that we claim the use of for that line is only .33 cubic feet per second of time. The Baldwin Ditch serves some 48 cottages and the amount of water which they claim the right to use is 3.2 second feet. We objected to the amount of water claimed on two grounds. One is that the ditch, according to the testimony which Mr. Dunn, the engineer, gave, will not carry as much as one second foot of water. His testimony showed the capacity thereof, in view of the size of the ditch, the nature of the ground through which it runs, and the grade thereof. The other ground is that the use made is a wasteful one. The evidence showed that, towards the end of the ditch, the water is allowed to flow over a mountain side in an area of some six acres, and that, near the foot of the draw, there is a well or so-called spring, in which only a part of the water discharged on the hillside is caught. In other words, our contention was that the use is extravagant and wasteful, particularly in view of the fact that all the water possible should be conserved.

We requested the Court to view the ditch itself, and I believe he will do so.

I am returning to Boulder on the 11th at which time further proof will be given with respect to other claims. There is a claim on the Griffith Ditch which asks for an earlier priority than that claimed for the Hondius-Beaver Pipe Line. We are naturally interested in trying to prove, if possible, a later priority instead of an earlier one for the Griffith Ditch, and in limiting, as much as possible, the amount of water decreed to the ditch.

Respectfully,

(Sgd) Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM.

00-00-0000: list of maps accepted for filing in office of state engineer, with filing numbers and dates of filing

LIST OF MAPS ACCEPTED FOR FILING IN OFFICE OF STATE ENGINEER OF COLORADO, WITH FILING NUMBERS AND DATES OF FILING.

Drawing No.	Title	Filing Number	Filing Date
NP-RM-6975	Brinwood Pipe Line, and Brinwood Ditches Nos. 1, 2, 3, 4, and 5	16487	Nov. 1, 1938
NP-RM-6977 (sheets 2 & 3 of 3)	Hollowell Park Pipe Lines Nos. 1 & 2, and Hollowell Park Ditches Nos. 1, 2, 3, & 4	16526	Feb. 24, 1939
NP-RM-6993	Sprague Ditch and Sprague Pipe Line	16527	Feb. 24, 1939
NP-RM-6989	Sunny Slope Camp Pipe Line, and Fall River Entrance Pipe Line	16528	Feb. 24, 1939
NP-RM-6980	Owl Pipe Lines No. 1 and 2	16529	Feb. 24, 1939
NP-RM-6983 (sheets 5 & 6 of 6)	Hondius-Beaver Pipe Line	16549	April 13, 1939
NP-RM-6994	Moraine Museum Pipe Line	16550	April 13, 1939
NP-RM-6995	Bear Lake Pipe Line	16551	April 19, 1939
NP-RM-6996	Endovalley Fish Pond Pipe Line	16552	April 19, 1939
NP-RM-6997	Horseshoe Fish Pond Pipe Line	16553	April 19, 1939
NP-RM-6998	Tuxedo Park Pipe Line	16558	April 28, 1939

C O P Y

90-1-2-79

June 19, 1939

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

In further reference to the statements of claim proposed to be filed in behalf of the Rocky Mountain National Park, in the proceedings instituted in the District Court, County of Boulder, State of Colorado, by the Loveland Lake and Ditch Company, for the adjudication of priorities of appropriation of waters of the Big Thompson River and its tributaries in Water District No. 4, there are enclosed herewith for your information and files copies of the following:

Letters dated June 9 and June 13, 1939, from Worth Allen, Special Assistant to the Attorney General, at Denver, Colorado.

Letter dated June 12, 1939, from Worth Allen to Joseph E. Taylor, Regional Attorney.

Letter dated June 9, 1939, from Worth Allen to John S. McLaughlin, Assistant Superintendent, Rocky Mountain National Park.

Proposed statements of claim for the following ditches and pipe lines:

Owls Pipe Lines, Nos. 1 and 2
Brinwood Pipe Line
Sprague Pipe Line
Tuxedo Park Pipe Line
Hondius-Beaver Pipe Line
Bear Lake Pipe Line No. 2
Brinwood Ditches Nos 1, 2, 3, 4 and 5
Endovalley Fish Pond Pipe Line
Horseshoe Fish Pond Pipe Line
Sprague Ditch
Hollowell Park Ditch No. 2

JUN 23 '39 98528

While it appears that the descriptions and information contained in the statements of claim have been furnished by field representatives of the National Park Service, it will be appreciated if the information contained in the statements of claim is checked with the records in your Department.

You will be advised promptly of further developments.

Respectfully,

Attorney General

Enclosure 319250

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, June 12, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re Adjudication Proceedings,
Water District No. 4, Claims
for Rocky Mountain National
Park.

Dear Sir:

I have checked the files in this general adjudication case and have a list of all claims filed. The following are pipelines and ditches for which claims have been made:

Idylwild Pipe Line: This claim is made by the City of Loveland for hydroelectrical purposes. 78 second feet is claimed as of July 14, 1913.

Davie Pipe Line: This claim is made by Eugene W. Davie and Maud D. Davie of Estes Park. The source of water is said to be dug wells in the southeast quarter of the southeast quarter (SE¼ SE¼) of section 26, township 5 north, range 73 west. The priority date claimed is the spring of 1928, and the amount claimed is 2500 gallons, for cabins, 22of which are now said to be supplied, with an allegation that 11 more will be constructed and furnished with water from the pipe line.

The Cliff Association Pipe Line: This claim was filed by C. H. Woods, John Timothy Stone and the Cliff Association, unincorporated. You are familiar with the location of this pipe line. Priority date of May 1, 1922, is claimed. The amount claimed is 3500 gallons per day. The amount claimed is said to be the capacity of the pipe line, although it is stated that the plant is only partially completed and that they are proceeding with due diligence, as fast as their financial ability and circumstances will permit, to increase the number of cottages to a total of 30.

Woods Pipe Line: C. H. Woods, claimant. You are doubtless familiar with the location of this pipe line. It is alleged that the pipe is a 1½-inch one. Priority date is August 14, 1928. Claim is made for 4,000 gallons per day, with the statement that 3500 gallons are now being used in 25 summer cottages. It is further claimed that the total amount claimed will be used when the number of cottages is

increased from 25, the present number, to 40. The same allegation is made with respect to completion as soon as financial ability and circumstances will permit.

Jelsema Ditch: This claim is filed by Frank H. Cheley. Priority date of November 1, 1921, is claimed. The amount of water claimed is 0.7 cubic feet per second of time.

Cheley Pipe Line: This claim was likewise filed by Frank H. Cheley. It is alleged that on May 1, 1927, construction work began on a 2-inch pipe line, 200 feet long, extending to a reservoir with a capacity of 462.4 cubic feet, from which there extends a 1½ inch pipe line some 708 feet long, with a fall of 110 feet and a capacity of 0.08 cubic feet. It is further alleged that on June 1, 1937, an enlargement was made by substituting a 2-inch pipe line for the 1½-inch one with the capacity increased to 0.18 cubic feet. Consequently claim is made for 0.08 cubic feet as of date of May 1, 1927, and 0.1 cubic feet as of June 1, 1937.

Trails End Well and Pipe Line: Before I finished my notes, the Clerk of the Court wanted to close the office. Hence in my hurry, I overlooked the name of the claimant. The priority date claimed is June 1, 1937. The pipe line is said to take water out of Fox creek in the west half of the southeast quarter (W½ SE¼) of section 28, township 6 north, range 72 west. It is said to be 325 feet long, leading to a galvanized reservoir 8 feet in diameter and 10 feet high, with a capacity of 502 cubic feet. The water is forced through the line with a Demming pump. The line has a rise of 66 feet and an alleged carrying capacity of 0.88 cubic feet.

Fort Morgan Outing Club Pipe Line: Claim is signed by R. M. Steele, President of the Fort Morgan Outing Club Association and attested by Arlington Taylor, Secretary. The priority date claimed is June 15, 1914. The water is claimed for an unstated number of cabins located on a 20-acre tract. The pipe line is a 2-inch one, length not stated, grade 84 feet per 1,000 feet. The amount claimed is 0.10 of a cubic foot.

The Witwer Pipe Line: There are some eight claimants. The priority date is June 10, 1905. The amount claimed is 0.10 cubic feet. The pipe line is said to be a 1-inch one, length 490 feet, grade not stated. I believe this pipe line is located at Glenhaven.

The Baldwin Ditch: This claim was filed by High Drive Development Company, a corporation. The priority date claimed is August 17, 1899. The depth of the ditch is 0.7 feet, the width at high water is 2.4 feet and the width at the bottom is 1.0 feet. The grade is said to be 10 feet per 1000 feet and the carrying capacity 3.2 cubic feet.

If Mr. Dunn, the engineer, should be of the opinion that any or some of these claims are for more water than the capacity or for more than can reasonably be used, and it is deemed of enough importance to take the matter up with the claimants or their attorneys, I shall be glad to follow that course. If the water decrees of agricultural ditches below the Big Thompson Canon were strictly enforced, it is doubtful whether any of the pipe lines in question or those of the United States would ever get any water except at remote intervals. However, as you know, as a practical matter, there has been no objection to the small uses made by small pipe lines serving domestic purposes on the upper reaches of the stream.

Very truly yours,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.

There are some other claims, but they are for agricultural uses on the plains below the canon. You are doubtless not familiar with the structures. Hence I have not described the claims. I might simply refer to them as the claims on:

Rist Reservoir, made by Charles G. Buckingham; Oklahoma Lake, made by the Big Cut Lateral and Reservoir Company, a corporation, Big Hollow Reservoir, John A. Cross, attorney; Koenig Reservoir, John A. Cross, attorney; Loveland Reservoir; De France Reservoir, Lucretia C. DeFrance, claimant; Hummel Reservoir, F. M. Waggener, claimant; Coleman Reservoir, Coleman Ditch & Reservoir Company, claimant, and Colorado-Big Thompson Project, United States of America, claimant.

You are familiar with the last-named claim.

NOTICE

In the District Court

No. 10077

State of Colorado)
) ss.
County of Boulder)

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES) OF RIGHTS TO USE OF) WATER FOR IRRIGATION) AND OTHER BENEFICIAL) PURPOSES IN WATER DISTRICT NO. 4 WATER DIVISION NO. 1, IN THE STATE OF) COLORADO.)

THE PEOPLE OF THE STATE OF COLORADO TO ALL PERSONS, ASSOCIATIONS AND CORPORATIONS INTERESTED AS CLAIMANTS OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED THAT ON THE 15th day of March, A. D. 1939, being one of the regular juridical days of the October, 1938, term of this court, an ORDER was made by the said Court, which, after venue and title, is in words and figures, as follows, to-wit:

ORDER

This matter now coming on to be heard in open Court upon the petition of the Northern Colorado Water Conservancy District, a quasi-municipal corporation, asking for an order of Court providing, **inter alia**, that the title and scope of the proceeding herein be enlarged to include an adjudication of priorities of rights to use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

And the Court having read the said Petition, and being fully advised in the premises, and good cause having been shown therefor,

It is Therefore Ordered, Adjudged and Decreed that:

The scope of these proceedings heretofore instituted by The Loveland Lake and Ditch Company, a corporation, which under that company's petition as amended extends only to the adjudication of priorities of rights to use of water from said streams for irrigation purposes only, be, and they are hereby, enlarged as prayed in said petition of the Northern Colorado Water Conservancy District, as aforesaid.

The title of these proceedings hereafter shall be "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

Petitioner and The United States of America be, and they are hereby, authorized to file herein their Statement of Claim, tendered herewith, to priority rights in connection with what is known as the Colorado-Big Thompson Project.

The Clerk of this Court be and he is hereby instructed to publish notice, in the manner provided by law, of these proceedings as enlarged and extended in each of the following newspapers:

The Loveland Reporter-Herald, published in the City of Loveland, County of Larimer, Longmont Times-Call, published in the City of Longmont, County of Boulder, The Greeley Daily Tribune and The Greeley Republican, published in the City of Greeley, County of Weld, all in the State of Colorado.

The Clerk of this Court is further ordered to send a printed copy of the notice of these proceedings by prepaid, registered mail, addressed to each claimant, or the last named grantee of any claimant, at the Postoffice address set forth on the list prepared and certified by the State Engineer under the statutes of this State.

It Is Further Ordered that ten (10) printed copies of said notice shall be posted by the petitioner herein, Northern Colorado Water Conservancy District, in ten public places in said Water District No. 4, not less than twenty (20) days before the day appointed for said hearing.

It Is Further Ordered that all persons, associations and corporations who desire to appear in these proceedings file their statements of claim, if any they have, on or before April 22, 1939.

It is further Ordered that the 2d day of May, A. D. 1939, at the hour of 9:30 o'clock A. M., in the District Court room in the Court House in the City of Boulder, County of Boulder and State of Colorado, be and the same are hereby fixed as the time and place for the taking of evidence in support of Statements of Claim filed, and for other proceedings to be had in accordance with the statutes of the State of Colorado.

Done and signed in open Court this 15th day of March, A. D. 1939.

BY THE COURT:
Claude C. Coffin,
District Judge.

And you and each of you are hereby notified to file any Statements of Claim which you may have of priorities of rights to use of water for irrigation and other beneficial purposes in said Water District No. 4, Water Division No. 1, in the State of Colorado, on or before the 22nd day of April, 1939.

And you are further notified to appear in the District Court room, in the City of Boulder, County of Boulder, State of Colorado, at the hour of 9:30 o'clock A. M., on the 2d day of May, 1939, and then and there offer proof in support of said Statements of Claims and otherwise to participate in these proceedings.

You are further notified that all claimants who fail to appear or submit their claims and proofs will be subject to having their rights and claims forfeited and cancelled, as provided by Chapter 147, Session Laws of Colorado, 1919.

WITNESS my hand as Clerk of said Court and the seal thereof, at Boulder, in the County of Boulder, State of Colorado, this 15th day of March, 1939.

Seal of District Court,
Boulder County, Colorado.

C. W. ATKINSON,
Clerk of the District Court
in and for the County of
Boulder, State of Colorado.

Mar. 23, 30, Apr. 6, 13.

Received with Howard Allen's letter of March 21, 1939.

COPY

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT

NO. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

ORDER

This matter now coming on to be heard in open Court upon the petition of the Northern Colorado Water Conservancy District, a quasi-municipal corporation, asking for an order of Court providing, inter alia, that the title and scope of the proceeding herein be enlarged to include an adjudication of priorities of rights to use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

And the Court having read the said Petition, and being fully advised in the premises, and good cause having been shown therefor

It is Therefore Ordered, Adjudged and Decreed that:

The scope of these proceedings heretofore instituted by The Loveland Lake and Ditch Company, a corporation, which under that company's petition as amended extends only to the adjudication of priorities of rights to use of water from said streams for irrigation purposes only, be, and they are hereby, enlarged as prayed in said petition of the Northern Colorado Water Conservancy District, as aforesaid.

The title of these proceedings hereafter shall be "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

MAR 27 '39 92896

Petitioner and The United States of America be, and they are hereby, authorized to file herein their Statement of Claim, tendered herewith, to priority rights in connection with what is known as the Colorado-Big Thompson Project.

The Clerk of this Court be and he is hereby instructed to publish notice, in the manner provided by law, of these proceedings as enlarged and extended in each of the following newspapers:

The Loveland Reporter-Herald, published in the City of Loveland, County of Larimer, Longmont Times-Call, published in the City of Longmont, County of Boulder, The Greeley Daily Tribune and The Greeley Republican, published in the City of Greeley, County of Weld, all in the State of Colorado.

The Clerk of this Court is further ordered to send a printed copy of the notice of these proceedings by prepaid, registered mail, addressed to each claimant, or the last named grantee of any claimant, at the Postoffice address set forth on the list prepared and certified by the State Engineer under the statutes of this State.

It is Further Ordered that ten (10) printed copies of said notice shall be posted by the petitioner herein, Northern Colorado Water Conservancy District, in ten public places in said Water District No. 4, not less than twenty (20) days before the day appointed for said hearing.

It is Further Ordered that all persons, associations and corporations who desire to appear in these proceedings file their statements of claim, if any they have, on or before April 22, 1939.

It is Further Ordered that the 2nd day of May, A. D. 1939, at the hour of 9:30 o'clock A.M., in the District Court room in the Court House in the City of Boulder, County of Boulder and State of Colorado, be and the same are hereby fixed as the time and place for

the taking of evidence in support of Statements of Claim filed, and for other proceedings to be had in accordance with the statutes of the State of Colorado.

Done and signed in open Court this 15th day of March, A. D. 1939.

BY THE COURT

(Sgd) Claude C. Coffin,
District Judge.

C O P Y

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
NO. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES TO THE RIGHT TO THE USE OF WATER FOR IRRIGATION PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

P E T I T I O N .

Comes now Northern Colorado Water Conservancy District, a quasi-municipal corporation, petitioner herein, and respectfully represents to the Court:

I.

That the petitioner is a quasi-municipal corporation duly organized and existing under and by virtue of the "Water Conservancy Act" of Colorado, the same being Ch. 266, Session Laws of Colorado 1937.

II.

That heretofore and on the 17th day of October, 1938 The Loveland Lake and Ditch Company filed its petition herein, which, as amended, prays for a general adjudication of the priorities of the rights of all claimants to the use of water for irrigation purposes between the several ditches, canals and reservoirs taking water from the Big Thompson River and its tributaries in Water District No. 4, in Water Division No. 1 of the State of Colorado.

III.

That the United States of America is the owner of "Colorado-Big Thompson Project" which, inter alia consists of Power Conduit No. 2, Power Conduit No. 3 and Power Conduit No. 4, and Carter Lake Supply Canal, Carter Lake Reservoir, Horsetooth Supply Canal, Horsetooth Reservoir, Arkins Supply Canal and Arkins Reservoir, all of which will take water, when completed, from the Big Thompson River in Water District No. 4, and claims for which are set forth in maps and statements filed

Mar. 27 '39 92896

in the office of the State Engineer on March 22, 1935, June 8, 1935 and July 22, 1938, and wherein appropriations are claimed for the said ditches, canals, reservoirs and other means of appropriation as of date September 14, 1935, under which maps and filings claim is made for water for irrigation, power, domestic, industrial and recreational purposes.

IV.

That the petitioner, Northern Colorado Water Conservancy District, is the owner of a beneficial interest in and to the use of said waters so appropriated by the United States of America, as aforesaid, under and by virtue of a contract entered into between the United States of America and petitioner under date July 5, 1938.

That a statement of claim by the United States of America and Northern Colorado Water Conservancy District is tendered herewith for filing in this cause.

V.

That it is necessary that an adjudication be had of the priorities of rights to the use of water between the several ditches, canals, reservoirs and other means of appropriation, for irrigation and other beneficial purposes in said District, not heretofore adjudicated in accordance with the statute in such case made and provided, in order that each and all persons, associations and corporations so owning, using and operating the same, may be protected in the rights to the use of water in said Water District No. 4, diverted from the Big Thompson River and its tributaries.

VI.

That in order that all persons, associations and corporations owning ditches, canals, reservoirs and other means of appropriation in said District as aforesaid may have the rights to the use of water for irrigation and other beneficial purposes adjudicated, it is necessary that the scope of the proceedings for adjudication of

the priorities of water rights in this cause be enlarged to include therein the adjudication of all priorities of right to use of water for irrigation and other purposes.

WHEREFORE petitioner prays that an order be entered herein by the Court:

1st-- Amending the title and caption of these proceedings to read "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

2nd-- That the scope of these proceedings be enlarged to include an adjudication of priorities to the use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Water Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

3rd-- That Petitioner and the United States be granted permission to file herein their statement of claim tendered herewith.

4th-- That an order may be entered by the Court fixing a date for filing claims and a date for commencing to hear and take evidence in open Court on such adjudication.

5th-- That proper notice shall be given by mailing, posting and publication, as required by law, of the date and place of taking such evidence, notifying all persons, associations and corporations interested as aforesaid to appear and file statements of their respective claims as provided by law, and that such proceedings be had and decree entered adjudicating the rights of all parties so appearing, in the manner and form provided by law.

6th-- For such other and further relief as to the Court may seem meet and proper.

(Sgd) Thomas A. Nixon
Attorney for Petitioner.

C O P Y

State of Colorado)
)
County of Weld)

CHARLES HANSEN, being first duly sworn, deposes and says:

That he is President of Northern Colorado Water Conservancy District, a corporation and petitioner herein;

That he has read the above and foregoing petition and knows the contents thereof and that the matters and things therein set forth are true to the best of his knowledge, information and belief.

_____

Subscribed and sworn to before me this _____ day of March, 1939.

My commission expires_____

_____
Notary Public.

Griffith Ditch Protest

07-19-1939: memorandum to regional attorney from associate engineer regarding data from statement of claim for the beaver cre

C O P Y.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
July 19, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

For the records at Rocky Mountain and our own files, I took the following data from Mr. A. Griffith's statement of claim for the Beaver Creek Ditch, which is now being adjudicated:

Traverse: Point of beginning and diversion at point on Beaver Creek whence NW corner Section 34, Township 5 North, Range 73 West of 6th P. M. bears N 0°08' E 692.8 feet; thence along said ditch S47-15 E 113.5 ft.; S 37-34E 56.4 ft.; S 12-12 W 157.6 ft.; S 68-49 E 318.4 ft.; S 55-47 E 299.5 ft.; S 45-26 E 279.9 ft.; S 55-11 E 81.1 ft.; S 75-45 E 371.5 ft.; S 54-39 E 207.0 ft.; S 38-03 E 140.0 ft.; S 14-01 W 173.5 ft.; S 8-50 W 188.5 ft.; S 25-16 E 165.8 ft.; S 40-09 E 307.6 ft.; S 53-07 E 293.5 ft.; S 27-24 E 133.6 ft.; S 58-04 E 145.7 ft.; S 58-04 E 525.0 ft.

The length claimed is 3958.1 ft.; T = 1.25 ft.; b = 0.50; d = 0.85; s = 0.005; and capacity = 0.62 sec. ft.

The use claimed is 12 acres of irrigation in NW¼ SE¼ of said Section 34, and for domestic purposes.

Reasons given for adjudicating were to prevent later filings and preserve priority from being cancelled in this proceeding.

(Sgd.) A. van V. Dunn.

A. van V. Dunn,
Associate Engineer.

06-26-1939: memorandum to regional attorney from associate engineer regarding plans to adjudicate a ditch diverting on the sout

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
June 26, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

According to reports from John Griffith, while I was at Rocky Mountain, his father plans to adjudicate his half interest in a ditch diverting on the south or right bank of Beaver Creek approximately 500 feet above the diversion for the Baldwin Ditch, and half a mile below the diversion No. 4 of the Hondius-Beaver Pipe Line.

Since Mr. Griffith Sr. had not filed his statement of claim at the time I was there, I do not know what quantity he will claim. However, with the flow of Beaver Creek so low, the Park Service should do all in its power to keep all claims within reason and no greater than actual diversion and use.

For the same reason, I submitted an analysis of the Baldwin Ditch yesterday. My data on the Griffith Ditch is less complete, but can be increased by a few measurements mentioned below. The following analysis is offered to permit you to arrange a general form of cross examination of the claimant, and to advise the park of certain necessary data I will need to testify in rebuttal.

Ditch Size and Capacity

We should obtain the grade of the ditch for a hundred feet or so at some point above first use, and the minimum cross section on the stretch in which the grade is obtained. The cross section should give the following:

1. Gross dimensions at which water would overflow down hillside.

2. Normal maximum dimensions of ditch proper.

3. Dimensions of ditch at normal or present water surface.

While in Colorado on June 20, I inspected the ditch and obtained the following rough information for the wetted ditch approximately 500' to 700' below the diversion:

T = 1.35 ft.; b = 1.0 ft.; d = 0.375 ft. (depth of water surface); a = 0.44 sq. ft.; p = 1.804; r = $\frac{a}{p}$ = 0.244.

Grade (crude estimate) 20'/1000' = S = 0.020; n = 0.035 (my judgment).

$$v \text{ (Kutter's formula)} \quad \frac{\left(1.811 + 41.6 + \frac{0.00281}{0.035}\right)}{\left(1 + \left(41.6 + \frac{0.00281}{0.02}\right)\frac{0.035}{0.244}\right)} \sqrt{0.244 \times 0.02}$$

$$= \frac{\left(51.74 + 41.6 + \frac{0.14}{0.07089}\right)}{\left(1 + (41.6 + 0.14)\right)} 0.07$$

$$= \frac{93.48}{5.174} \times 0.07 = 1.81 \text{ sec. ft.}$$

Q (quantity diverted) = av = 0.44 x 1.81 = 0.7964 sec. ft.

Use

On June 20, 1939, my inspection showed the ditch to extend approximately 0.5 mile across Section 34, T. 5 N., R. 73 W. The uphill slope was dry and the vegetation semi-arid. The land below the ditch, for 50 to 100 feet, was usually covered with a rich growth of native grass, weeds, and flowers. The ditch terminated in a small meadow of approximately 5 acres, which John Griffith reports to have been cultivated at various times. In all, the ditch irrigates approximately 11 acres, of which only 5 acres seems to have been intentional.

Presumably, Mr. Griffith derives his domestic water supply from artificial seepage in said 5-acre meadow. In addition, numerous other land-owners along the ditch have wells in, or just below, the 100-foot strip along the course of the ditch. U. S. Commissioner Wayne Hackett reports that F. I. Waters, one of these land-owners, has claimed he would never need a water right as long as he could develop shallow wells in the area of waste seepage from the ditch.

There are approximately 160 acres of subdivided land adjacent to the ditch, but little more than half of this area is below the ditch. Even this gross area, however, is less than half of that served by the Hondius-Beaver Pipe Line where a total domestic, recreational, and fire protection demand of 0.33 second-feet has been ample.

Beneficial Use

Assuming a per capita land occupancy equal to that along the Hondius-Beaver Pipe Line (which it is not) the total domestic, fire protection and recreational water demand cannot exceed one-half of 0.33 second-feet, or a total of 0.165 second-feet.

For irrigation, a second-foot of water is ample for 40-80 acres. Wyoming, for sugar beets, prohibits the use of more than 1.0 second-foot for 70 acres. At the adjudication in Colorado Water District 51 in 1937, the court accepted testimony to the effect that 1.0 second foot was needed for each 40 acres. The Park Service, since acquiring certain decreed water rights, has been transferring portions of the decrees, recognizing that for hay 1 second foot is ample for 70 to 80 acres, and that 1 second foot per 40 acres (3 acre-feet per acre per annum) is only needed for certain crops or where drainage is extremely rapid.

On this basis, a very liberal supply of irrigation water would be obtained at 1.0 second-foot per 40 acres, which would amount to only 0.275 second-feet for the total 11 acres profiting from the ditch.

The preceding discussion indicates a maximum total justifiable water use as follows:

Domestic, etc.	0.165 sec. ft.
Irrigation	0.275 sec. ft.
Total	0.440 sec. ft.

Waste

This system has three types of waste:

1. There are 6 acres irrigated for no apparent reason.

2. As in the Baldwin Ditch, there is probably at least 0.08 second-feet of vertical seepage per mile which cannot be reclaimed.

3. The method of delivery from ditch to the various pipe systems by wells and drain tile in artificial spring areas, as in the case of the Baldwin Ditch, is very inefficient. As in the case of the Baldwin Ditch, these methods are now needed for sanitary reasons, to filter drainage from privies on the same area.

In other words, assuming that at least half the present irrigation is needless, the real water demand is only 0.303 second-feet. Since the ditch seems to be diverting 0.796 second-feet, approximately 0.493 second-feet, or 62%, is wasted. Therefore, as in the case of the Baldwin Ditch, the decree should be limited to the quantity applied to beneficial use, but approximately 2 years could be allowed for conversion of the ditch to a pipe line, at least as far as domestic use is involved.

Ownership and Claims

According to John Griffith, his father has only a half interest in said ditch. Likewise, his irrigated area is only 5 of the total 11 acres. On this basis, Mr. Griffith, Sr., has a bona fide claim to only the following portion of the total capacity:

1/2 total diversion (temporarily)	0.398 sec. ft.
1/2 domestic diversion	0.083 sec. ft.
5/11 irrigation use	0.125 sec. ft.
Total beneficial use	0.208 sec. ft.

Assuming double the rate of flow for irrigation use, the maximum Griffith use would be 0.333 sec. ft. A 4-inch pipe can be built to serve this need very easily.

The other half interest is owned by various individuals and has been stated to consist of domestic and recreational use. The irrigation is not intentional. Assuming that these owners of the other half interest may adjudicate, they would be entitled to only 0.083 sec. ft., or 54,000 gallons per day. Their demand can be easily satisfied by a 2½" pipe, or by adding 1 inch to the diameter of the suggested Griffith pipe.

Conclusions

Any final conclusions are dependent on the actual profile and cross section of the upper portion of the ditch, but they influence the total diversion rather than the amount of water actually applied to beneficial use. It is recommended that the Park Service should attempt to obtain a reasonable limit for the claims by Mr. Griffith as follows:

1. A right to a maximum present domestic use by all partial owners of the ditch, of not over 0.33 second-feet, and probably not over half that amount.

2. A limit on irrigatinn use, based on 3 AF/A/Annum, based on the actual area intentionally irrigated, and diversion for this purpose at the rate of not over 1 second-foot per 40 acres.

3. A careful segregation of the claims and uses of Mr. Griffith, and a limit of decreed rights to those actually making claims in the adjudication.

4. As in the case of the Baldwin Ditch, a temporary period of approximately 2 years in which to reduce the wasteful diversion of water, with no conditional rights to said waste water dating prior to actual measures to conserve water in present diversions.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

Stead's Claim

07-19-1939: memorandum to regional attorney from associate engineer regarding water claim's for stead's ranch and hotel

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
July 19, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

Your attention is called to my memo of June 30, 1939, relating to water claims for Stead's Ranch and Hotel.

While at Rocky Mountain in July I discovered that the "drainage ditch" mentioned in the memo had been incorrectly labeled. It is, in reality, a portion of the river to the point of diversion for the Stead Ditch, and really Stead's Ditch from that point on.

At said point of diversion, the river turns northeasterly (not shown on my maps) and reunites with next branch north.

There may be some question as to water levels when using the Stead Ditch, but I cannot see that it concerns the Park Service now.

My memo of June 30 thus becomes a record of claims, which should be of interest to the park, and a notation regarding land boundaries which may need further investigation by park officials.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
June 30, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

While in Denver in mid-June, I found that Stead's Ranch water systems had been recently filed with the State Engineer, presumably for use in the present general adjudication.

This filing No. 16602 included:

By Pipe Line No. 1 - 17.7 g.p.m. - 0.0394 sec. ft.
By Pipe Line No. 2 - 6.0 g.p.m. - 0.0134 sec. ft.
By Ditch - 2.0 sec. ft.

These quantities are quite reasonable, but the filing did not give the acreage irrigated by the ditch as a basis for limiting the ditch diversion by acre feet. This should be requested at the adjudication, and is probably between 40 and 80 acres.

My particular attention was called to the location of the ditch diversion which seemed to be on the park lands purchased from Chas. Reed in 1932. On attached sheet 1 of 9 of drawing RM-6978A, I have plotted the ditch, the two pipe line diversions, and the boundary of Stead's Ranch. Several points are worth noting.

1. The ditch not only diverts on park land, but it seems to be practically the description of a ditch I have considered for drainage from our Brinwood Ditch No. 5. My survey did not extend beyond said "drainage" ditch, hence I am not sure whether they are identical or on opposite sides of another branch of the Thompson River.

   I have noted the elevations I found along the "drainage" ditch which indicate that the river would have to be approximately 6 ft. higher than I found it in July 1937 if it were to be used for diversion purposes. If the two ditches are identical, the other alternative is that the Stead Ditch actually uses return flow from the Brinwood Ditch No. 5 rather than direct diversions from the river.

Furthermore, if the two ditches are identical, I wonder if it would not be well to have Mr. Lewis amend his point of diversion to the point on the river. This should not concern us as to the water right, but only in order to perfect our records regarding park property and easements. We should also determine whether the deed to the Brinwood property recognized the Stead ditch right of way, since the ditch was quite evidently there prior to park purchase of the land.

2. Stead's fence through the middle of Section 32 runs north from the S¼ corner instead of along the North-South center line. I wonder which line was finally accepted as the boundary between Stead's Ranch and the Brinwood when the Park Service purchased the latter.

3. Special attention is called to the portion of the Stead property in the north half of Section 32. It starts 33' west of the E¼ corner of the section, and is described by lines due north, south, east, and west, which do not fit the legal subdivisions of the section. This is only of interest to the Park Service where these boundaries abut on park property.

As an explanation of the map, the fences shown by symbols, and portions of ditches and rivers with elevations, indicate portions thereof which are located by my actual surveys in 1937.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

06-17-1942: memorandum to hydraulic engineer from superintendent regarding decree for horseshoe pipe line

COPY

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

June 17, 1942.

MEMORANDUM for Hydraulic Engineer A. van v. Dunn:

Enclosure is made of a copy of the Decree granted to Minnie March Service for her Horseshoe Pipe Line on June 9, 1942, by Honorable Claude C. Coffin, together with a copy of Mr. Worth Allen's letter to the Attorney General concerning the hearing at Boulder on June 9.

Commissioner Hackett states that their proof of continuous and beneficial use was very weak, consisting of statements by the witnesses to the effect that this amount of water had been used for domestic and power purposes each season since the pipe line was constructed. Mrs. Service stated to the Court that she did not wish a Conditional Decree for additional water for future development.

(Sgd.) David Canfield

Superintendent.

Enclosures (2)
cc: Regional Director.

06-16-1942: letter to under secretary from assistant attorney general regarding decree entered for the horseshoe pipe line in the ad

COPY

REM-WHW

90-1-2-79

June 16, 1942 FLM

Honorable John J. Dempsey
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Dempsey:

There are enclosed a copy of a letter dated June 9, 1942 from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, and a copy of page 2 of the decree entered for the Horsehsoe Pipe Line in the adjudication proceeding for Water District No. 4, Colorado, in which decrees have been entered for certain claims of the National Park Service.

Mr. Allen states that the decree for the Horseshoe Pipe Line is satisfactory to the officials of the Rocky Mountain National Park. Since there appears to be no further action to take in the proceeding, this Department is closing its files.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 652607.

(COPY)

332 Postoffice Building
Denver, Colorado, June 9, 1942.

The Attorney General,
Washington, D. C.

General adjudication proceeding,
Water District No. 4, Rocky Mountain
National Park-- Claim of Minnie
March Service.

Sir:

Mr. Wayne Nackett, Commissioner of Rocky Mountain National Park, and I appeared in the District Court in Boulder today where the claim of Minnie March Service for The Horseshoe Pipe Line was heard.

The proof given was in support of the statement of claim and of the proposed decree, two copies of which have heretofore been sent to you, except in the following particulars:

1. Paragraph 3 was re-written to show that the location of the point of diversion is 330 feet north of the point heretofore described.

2. The figure "17" appearing in paragraph 6 of the proposed decree was changed, in line with the suggestion made in the letter of June 3, 1942, addressed to me by Mr. George W. Miller, Acting Superintendent of the park, to "5.3".

In order that your records may be clearer, I have had page 2 of the decree re-written to show the changes which were made.

In the blanks appearing in paragraph 9 and in the ordering portion of the decree 22½ should be inserted as the domestic priority number and 2½ as the power priority number.

The order was signed by Hon. Claude C. Coffin, Judge of the court.

The matter has thus been terminated to the entire satisfaction of the officials of Rocky Mountain National Park.

Respectfully,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM
C
O
P
Y

(COPY)

FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT: With respect to The Horseshoe Pipe Line, as follows:

1. That the name of this Pipe Line is The Horseshoe Pipe Line. The claimant of The Horseshoe Pipe Line is Minnie March Service of Estes Park, Larimer County, Colorado.

2. That this Pipe Line was constructed and has been kept, operated and maintained for the diversion of water for domestic and power purposes.

3. The source of supply for The Horseshoe Pipe Line is Roaring River, which is a tributary of Fall river, which, in turn, is a tributary of the Big Thompson River, in Water District No. 4, Water Division No. 1, in the State of Colorado; the place of diversion being on the East Bank of Roaring River at a point which is 330 feet North of a point on the East Bank of said Roaring River, whence the Southeast corner of Section Twelve (12), Township Five (5) North, of Range Seventy-four (74) West of the 6th P. M., Larimer County, Colorado, bears South 52° 46' East, 3036.6 feet.

4. The headgate of The Horseshoe Pipe Line is located at the above described point of diversion.

5. That said Pipe Line runs in a Southeasterly direction from the intake thereof, and the water is diverted from said stream into an iron pipe with an inside diameter of 8" and is carried in said 8" pipe line for a distance of 310 feet; thence carried in a 6" pipe line for a distance of 180 feet, and thence carried in a 4" pipe line for a distance of 1240 feet, an aggregate total distance of 1730 feet, to a water turbine and generator house; that the fall of The Horseshoe Pipe Line is 17 feet per 100 feet, with a total fall of 284 feet from the intake to said power house.

6. A 1-1/2" iron pipe line 20 feet above said power house, branches at right angles from said main 4" pipe line for the supply of domestic water to Fall River Lodge and other buildings owned by claimant. Said 1-1/2" branch pipe, for domestic water, runs 327 feet in a Southerly direction to said Fall River Lodge and other buildings, and the fall thereof is 5.3 feet per 100 feet.

That the water diverted for power purposes by said The Horseshoe Pipe Line is returned to Fall River by means of a tailrace from said power house.

7. That the capacity of The Horseshoe Pipe Line for power purposes is 1.15 cu. ft. per second of time and the capacity thereof for domestic purposes is .05 cu. ft. per second of time, carried by said 1-1/2" branch line, an aggregate capacity of 1.2 cu. ft. per second of time.

C O P Y

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077.

NOTICE

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

Notice is hereby given that Carl B. Sanborn has filed in the above entitled action a Petition praying for permission to submit statements of claim and proof for the adjudication of his claim of priority rights to use of water for domestic purposes for the SANBORN WATER COMPANY PIPE LINES, which pipe lines take their supply of water from Fish Creek in Water District No. 4, Water Division No. 1 in the State of Colorado; said Fish Creek being a tributary to the Big Thompson River, as though the claim and proof of said Carl B. Sanborn for the SANBORN WATER COMPANY PIPE LINES had been submitted in the adjudication proceedings heretofore had in the above entitled matter.

Notice is further given that the hearing on said Petition will be had at the District Court Room in the City of Boulder, County of Boulder and State of Colorado on Monday, the 23rd day of December, 1940, at the hour of ten o'clock A. M., at which time and place any person or party in interest may appear and object to the granting of the prayer of the Petition of the said Carl B. Sanborn.

Notice is further given that should the prayer of said Petition be granted, the hearing on the statement of claim for the adjudication of priorities to the SANBORN WATER COMPANY PIPE LINES will be heard at the District CourtRoom in the City of Boulder, County of Boulder and State of Colorado on Monday, the sixth day of April, 1942, at the hour of ten o'clock A. M., the next biennial adjudication day, or on such day to which such hearing may regularly be continued, at which time and place any person in interest may

appear and be heard in the adjudication of said claim.

WITNESS my hand and Clerk of said Court and the seal thereof at Boulder in the County of Boulder and State of Colorado this 23rd day of September, 1940.

(SEAL) C. W. ATKINSON

Clerk of the District Court in and for the County of Boulder, State of Colorado.

By LOUISE BADER,
Dep. Clerk

Published in the Reporter-Herald, Loveland, Colorado, September 24, 1940.

12-29-1939: memorandum to regional attorney from acting superintendent regarding copies of decrees involving certain water use

C O P Y

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

December 29, 1939

Memorandum for Regional Attorney Taylor:

Attached are copies of the following decrees, etc., handed down by Judge Claude C. Coffin on November 14, 1939, involving certain water uses in this Park.

General Provisions of the Decree
Sprague Ditch
Tuxedo Park Pipe Line
Hondius-Beaver Pipe Line
Sprague Pipe Line
Bear Lake Pipe Line No. 2
Hollowell Park Pipe Line Nos. 1 & 2.
Hollowell Park Ditch No. 2
Moraine Museum Pipe Line
Fall River Entrance Pipe Line
Brinwood Pipe Line
Brinwood Ditches 1, 2, 3, 4, and 5
Endovalley Fish Pond Pipe Line
Owls Pipe Lines Nos 1 & 2

We are also furnishing copies of the following decrees.

The Baldwin Ditch
Sunny Slope Pipe Line.

Mr. Allen states that the Sunny Slope decree is the "proposed decree" which Judge Coffin furnished him. We have not had an opportunity to check this with the final draft incorporated in the decree. I regret we have not been able to furnish this material to you earlier, but we have lacked necessary stenographic assistance to complete the work. At first opportunity we will secure abstracts of all priorities handed down in the final decree and the Griffith Ditch decree. We will of course send this material to you. Since correspondence indicates the Department of Justice has furnished the Director with copies of the decisions listed above, we are not sending copies of the attached to Washington.

It is noted the Owl Pipe Line decree states the source springs are "on the north bank of Black Canyon Creek, a tributary of the Big Thompson river through Fall River." I don't know how this slipped by us with all the checking and rechecking that was done, but it is obviously incorrect. Perhaps we can correct this when submitting final proof on Bear Lake Pipe Line No. 2 next spring.

(Sgd.) John S. McLaughlin

John S. McLaughlin
Acting Superintendent

Enclosure

cc The Director
The Regional Director, Region II

C O P Y CEF-BMP

90-1-2-79

December 12, 1939.

Honorable Oscar L. Chapman,
Assistant Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Chapman:

There is enclosed herewith a copy of a letter dated December 6, 1939, from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, together with a copy of that portion of the decree entered on November 14, 1939, relating to the claims on behalf of the Rocky Mountain National Park filed in the proceeding instituted by the Loveland Lake and Ditch Company in the State Court for the adjudication of priorities of appropriation of the waters of the Big Thompson River and its tributaries in Water District No. 4.

The entry of the decree on November 14, 1939, concludes this case and our files are being closed.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Enclosure 65612.

Dec. 14,'39 11118

COPY

90-1-2-79.

332 Postoffice Building

Denver, Colorado, December 6,1939

The Attorney General,
Washington, D. C.

Re: General Adjudication, Water
District No. 4--Claims for
Rocky Mountain National Park.

Sir:

Enclosed herewith are two copies of the general portions of the final decree and of those portions thereof relating to the following named structures on which claims were filed by the United States for the National Park Service:

Fall River Entrance Pipe Line,
Hollowell Park Pipe Lines Nos 1 and 2,
Sprague Ditch,
Brinwood Ditches Nos.1-2-3-4-5,
Bear Lake Pipe Line No. 2,
Hondius-Beaver Pipe Line
Sprague Pipe Line,
Owls Pipe Lines Nos. 1 and 2,
Brinwood Pipe Line,
Endovalley Fish Pond Pipe Line,
Tuxedo Park Pipe Line,
Hollowell Park Ditch No. 2,
Horseshoe Fish Pond Pipe Line,
Moraine Museum Pipe Line.

Enclosed also are two copies of the claim relating to the Baldwin Ditch, concerning which, as you will recall, we are interested.

Respectfully,

(sgd.) Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM.

11-14-1939: decree: adjudication of priority of rights to use of water for irrigation and other beneficial purposes in water district no.

STATE OF COLORADO)
) -SS
COUNTY OF BOULDER)

IN THE DISTRICT COURT

No. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO

D E C R E E

*

Now, on this 14th day of November, A. D. 1939, being one of the juridical days of the October Term, A. D. 1939, of this Court, this matter came on for final hearing and determination and decree, petitioner and the several claimants herein appearing by their respective attorneys;

Thereupon, the Court having heard all the evidence offered in this proceeding in open court, having examined the several claims and objections filed, and heard the arguments of counsel, and having considered the same, and now being sufficiently advised in the premises, does render the following findings and decree herein:

ON PRELIMINARY AND JURISDICTIONAL MATTERS

The Court finds:

1. That The Loveland Lake and Ditch Company, as claimant and owner of The Loveland Reservoir, on October 17, A. D. 1939, filed its petition and claim for adjudication of its rights as an irrigation reservoir appropriator in said Water District No. 4, praying the adjudication of priorities to the right to the use of water "for irrigation purposes" in said Water District No. 4. That thereupon proceedings were duly had whereby notice of this proceeding for adjudication of priorities "for irrigation purposes" was duly given by prepaid registered mail as provided by statute in such cases, and also by publication and posting as required by Order of Court made and entered in this cause.

2. That thereafter such proceedings were had in this court that, on March 15, 1939, upon petition of the Northern Colorado Water Conservancy District, the title and scope of this proceeding, originally instituted by the said The Loveland Lake and Ditch Company

for the adjudication of priority of rights to the use of water "for irrigation purposes" only, was duly ordered enlarged to include the use of water "for irrigation and other beneficial urposes." And thereupon, on last said date, the Court further ordered that printed notice of these proceedings, as amended aforesaid, be served upon each claimant, or the last named grantee of any claimant, by prepaid registered mail, as provided by statute, at the post office address set forth in the list, theretofore duly prepared and certified by the state engineer pursuant to prior order of this Court, of all filings or claims for appropriation of water for irrigation or other beneficial purposes within Water District No. 4, Irrigation Division No. 1, of the State of Colorado, which had not theretofore been noted as cancelled or submitted for adjudication; and that copy of said notice, including copy of said order, has been duly served by registered mail on all persons, associations and corporations entitled thereto; and that copies of said order and notice have been duly published and posted as required by law and by Order of Court entered in this cause.

3. That on said 14th day of March, A. D. 1939, the Court, by order duly made and entered, continued the time for filing statements of claim in said proceeding to and until April 22, 1939, and fixed the time for the taking of evidence in support of any statements of claim filed as the 2nd day of May, A. D. 1939, at the hour of 9:30 o'clock A.M. in open court, in the District Court room in the Court House, in the City of Boulder, County of Boulder and State of Colorado; that thereafter, on April 20, 1939, the Court, by order, duly extended the time for filing statements of claim to and including June 24, 1939 (commencement of taking testimony, however, remaining fixed as May 2, 1939); and thereafter on July 6. 1939, the Court, by order, by order, duly extended the time further for filing statements of claim to and including September 1, 1939 (the taking of testimony however, continuing as theretofore ordered).

4. That on said 2nd day of May, A.D. 1939, pursuant to said orders, the Court did proceed to hear and examine testimony and evidence introduced in support of the respective claims of all claimants who had filed claims herein; and the hearing and

taking of testimony and evidence in support of such claims was thereafter duly continued to July 6, 1939, and July 7, 1939 and July 11, 1939, and July 27, 1939, and September 6, 1939, and September 7, 1939, and the Court ordered that said testimony and evidence be transcripted and filed with the Clerk of this Court, which was accordingly done.

GENERAL CONDITIONS AND PROVISIONS WHICH CONTROL EACH AND EVERY SPECIAL DECRETAL ORDER HEREIN,

The Court finds;

First: No part of this decree shall in any way be taken, deemed or held to confirm, impair, or in any manner affect any claim of right or property held or claimed by any person, association or corporation, in or to any ditch, pipe line, canal, or reservoir, or any part thereof, or the land or any part thereof on which the same may be situate, or the land held or claimed as right-of-way of or for any of them; nor shall it in any manner affect any question or claim of right between the co-owners or claimants of any individual ditch, pipe line, canal, or reservoir as between each other; neither shall it affect any claim or priority made between parties using water from the same ditch, pipe line, canal, or reservoir as to such water.

Second. No part of this decree shall be taken or held to allow any excessive use or waste of water whatever; nor allow any diversion of water except for lawful and beneficial uses, or any use other than the use for which such appropriation has been made.

Third. This decree shall be taken, deemed and held as determining the several priorities of right by appropriation to the use of water from the natural streams and springs of said Water District No. 4 for agricultural, domestic, mechanical, and other beneficial purposes, incident to the several ditches, pipe lines, canals, and reservoirs in said water district, each according to the construction, enlargement or extension thereof, with the amount of water held to have been appropriated.

Fourth. Nothing in this decree shall be deemed, taken, or held to impair in any manner any right to the use of water for agri-

cultural, domestic, mechanical or other beneficial purposes established by any former decree or decrees of this Court rendered and entered and now in force in the matter of the adjudication of the priorities of right to the use of water in Water District No. 4; or be deemed, taken, or held to establish any right to the use of water adverse or antagonistic to any right for the same purpose established by any such former decree or decrees of this Court, but all rights established by this decree shall at all times be deemed, taken and held to be subject and subordinate and junior to those established by any such former decree or decrees, any date of appropriation found in this decree to the contrary notwithstanding.

Fourth. Whenever the dimensions of any ditch, pipe line, canal or reservoir, or the height to which any reservoir may be filled, is stated in the decree, such dimensions shall be deemed and taken to control the statement of the estimated carrying or storage capacity thereof.

Fifth. The several irrigation reservoirs adjudicated by this decree are given consecutive irrigation reservoir numbers beginning with No. 25, which next follows No. 24--Enlarged Handy Reservoir--adjudicated in former decree of this Court rendered on the 1st day of April, A. D. 1931. The several irrigation reservoir priorities adjudicated by this decree are consecutively numbered beginning with reservoir priority No. 30, the next consecutive number following number 29, heretofore in said former decree adjudicated as effected by means of Enlargement of Hertha Reservoir, being irrigation reservoir No. 22.

The several irrigation ditches, pipe lines, and canals adjudicated by this decree are given consecutive irrigation ditch numbers beginning with ditch No. 49, next following Ditch No. 48--The Huppe Ditch--adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate ditch irrigation priority here adjudicated is numbered 33, being the next consecutive number following No. 32, heretofore in said former decree adjudicated as effected by means of said The Huppe Ditch Reservoir, being irrigation The several ditches, pipe lines, and canals adjudicated by this decree for domestic and related purposes are given consecutive numbers beginning with No. 6, next following No. 5--Greeley-Boulder Pipe Line--adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate Domestic priority here adjudicated is numbered 5, being the next consecutive number following No. 4

heretofore in said former decree adjudged as effected by means of said Greeley-Boulder Pipe Line.

The several ditches, pipe lines, and canals for power purposes adjudicated by this decree are given consecutive numbers beginning with No. 1, The first power priority here adjudicated is Numbered 1.

The several reservoirs, ditches, pipe lines and canals for the used of water for any other beneficial purpose, other than domestic, agricultural or manufacturing or power, adjudicated by this decree are given consecutive numbers beginning with No. 1, with the name of the use. And the first priority for such other beneficial purpose here adjudicated is numbered 1, with the name of the use.

Sixth. The priority numbers, and not the dates when each priority is found to have been effected, shall determine the precedence of right to receive water, because each priority adjudicated herein is of inferior right and junior to the priorities for the same uses heretofore adjudged in decrees of this Court pertaining to said Water District No. 4.

* *

* *

Subject to the general conditions and provisions hereinabove set forth, IT IS FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT, with respect to each of the several ditches, pipe lines, canals, and reservoirs herein adjudicated as follows:

* *

* *

IT IS FURTHER ORDERED by the Court that docket fees paid by the several claimants in this proceeding be applied by the Clerk of this Court as advance fees to the Clerk of this Court as in other civil actions and special proceedings, and shall be paid by the Clerk over to the County Treasurer of Boulder County; and that the residue of the costs

and expenses taxed as costs in this case, including expense of serving and publishing notices herein, the extending of the testimony, the writing and rewriting and certifying of this decree, together with copies thereof, as required by law, shall be paid by the counties in said Water District No. 4, in equal amount as provided by law, said residue of costs and expenses to be certified by the Clerk of this Court to the respective counties for allowance and payment by the Boards of County Commissioners in said Counties.

IT IS FURTHER ORDERED by the Court that all the evidence taken in this matter and extended and filed in this Court, including all the exhibits, being a part of said evidence, be and the same is hereby made a general bill of exceptions herein, and any party aggrieved by any finding or provision of this decree is hereby granted one year from the date of the entry of this decree in which to make and tender a particular bill of exceptions involving such matters as he may desire to have reviewed by the Supreme Court, said bill of exceptions to be made from what is hereinbefore described as a general bill of exceptions herein, and when so made, may be then tendered, signed and sealed by any Judge of this Court and filed herein.

DONE IN OPEN COURT, this 14th day of November, A. D. 1939.

(Sgd) Claude C. Coffin
Judge.

C O P Y

November 7, 1939.

In re: Water Adjudication, No. 10077

The suggestions concerning the water adjudication decree in District No. 4, contained in your letter of October 16, respecting

Hollowell Park Ditch No. 2,
Tuxedo Park Pipe Line,
Owls Pipe Lines Nos. 1 and 2,
Sprague Pipe Line
Moraine Museum Pipe Line
Hollowell Park Pipe Lines Nos. 1 and 2,
Fall River Entrance Pipe Line

have been incorporated in the final decree to be signed November 14, 1939.

The decree to be signed November 14th incorporates the corrections agreed upon in conference at Greeley respecting Colorado-Big Thompson.

Very truly yours,

(Sgd) Claude C. Coffin.

To Worth Allen, Esq.,
Special Assistant to the Attorney General,
332 Post Office Building,
Denver, Colorado.

09-25-1939: notice: adjudication of priority of rights to use of water for irrigation and other beneficial purposes in water district no.

C O P Y

STATE OF COLORADO)
-SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077

IN THE MATTER OF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO

N O T I C E

To Claimants, their Attorneys, and all Persons Interested:

Take Notice of the following Order this day made and entered in the above entitled matter, to-wit:

"Proposed decree in the above entitled cause has this day been lodged with the Clerk of this Court, for examination by any party interested.

"IT IS ORDERED That any objection to the form or substance of such proposed decree, or any portion thereof, be made in writing and filed with the Clerk of this Court on or before MONDAY, OCTOBER 23, 1939; and any and all objections or requests for changes therein so filed will be thereafter heard and considered in Open Court on TUESDAY, NOVEMBER 14, 1939, and final decree settled and signed as of last said date.

"IT IS FURTHER ORDERED That the Clerk forthwith give notice by ordinary mail to all attorneys whose appearance has been entered in this cause.

"Done in Open Court, this 25th day of September, A. D. 1939.
(Signed) Claude C. Coffin, Judge."

For your convenience there is enclosed with this notice a copy of the alphabetical index and general provisions of the proposed decree, and also a carbon copy of those portions of the proposed decree pertaining specifically to claims of claimants represented by you. The original of these and also the findings and specific orders as to other claims may be examined in the office of the Clerk.

You are requested to examine these carefully, and particularly the specific findings and decretal orders as to the several claims, as these have NOT been carefully proof read, and call attention to any errors or suggested changes on or before the date set for filing objections.

Obvious errors or mere matters of form may be called to attention by letter to the Clerk (which will be submitted to the Court), but objections or requested changes as to substance must be in written form as objections and filed in the cause.

Due Notice must be given to counsel for any claimant's claim to which objection is made prior to the date set for final hearing as in other cases.

Dated at Boulder, Boulder County, Colorado, this 25th day of September, A. D. 1939.

(Sgd.) C. W. Atkinson.
Clerk of the District Court

To:_____ By_____ Deputy

_____

_____

INDEX TO PRIORITIES

RESERVOIRS

Priority No.	Date	Capacity	Name of Reservoir	Reserv. No.
30	Sept. 15 1874	120 acre ft	Rist (Buckingham) Res	25
31	Nov 20 1882	12,806,640 cu ft	Hummel Reservoir	26
32	Nov 30 1882	25,928,940 " "	Chapman Reservoir	27
33	May 10 1883	11,825,600 " "	DeFrance Reservoir	28
34	May 1 1890	21,480,000 " "	Okahoma Lake	29
35	June 14 1894	1,225,000 " "	Big Hollow Reservoir	30
36	Sept 15 1898	81,469,344 " "	Loveland Reservoir	31
37	Nov 23 1901	18,378,450 " "	Coleman Reservoir	32
38	Apr 26, 1903	16,281,000 " "	Rist & Benson Res.	33
39	Dec 4 1905	20,773,764 " "	Loveland Res (Enl)	31
40	June 15 1907	400,000,000 " "	Home Supply Res (refill)	1
41	June 16 1907	50,000,000 " "	Louden Res (refill)	2
42	June 17 1907	180,000,000 " "	Mariano Res (refill)	3
43	June 18 1907	31,796,870 " "	Ryan Gulch Res (refill)	12
44	June 19 1907	15,285,639 " "	South Side Res (refill)	13
45	Sept 22 1911	4,380,988 " "	Koenig Reservoir	34
46	Sept 30 1911	394 acre ft.	Rist (Buckingham)Res(Enl)	25
47	June 30 1921	51,816,430 cu ft	Buckhorn Res (refill)	14
48	Aug 8 1921	13,205,374 " "	South Side Res (Enl)	13
49	June 15 1923	215,849,700 " "	Handy R.Enlarged (refill)	24
50	June 15,1923	13,205,374 " "	South Side R. " "	13
51	June 15 1923	25,832,325 " "	Hertha Res. (refill)	22
52	Dec 31 1930	5,121,000 " "	Rist & Benson Res (Enl)	33
53	Aug 1 1931	33,088,100 " "	Lawn Reservoir (refill)	11
54*	Sept 14 1933	109,020 acre ft	Carter Lake	35
55*	Sept 14 1933	49,992 acre ft	Arkins Reservoir	36
56*	Sept 14 1933	110,660 acre ft	Horsetooth Reservoir	37

*Conditional

IRRIGATION DITCHES

83	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 1	49
84	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 2	50
85	Dec 31 1878	2 sec. ft	Brinwood Ditch No. 3	51
86	Dec 31 1878	1.08 " "	Brinwood Ditch No. 4	52
87	Dec 31 1878	5 sec. ft	Brinwood Ditch No. 5	53
88	Dec 31 1888	1.06 " "	Osborn Irrigation Sys.	54
89	June 30 1891	1.125 Sec.ft	Saw Mill Ditch	55
90	Dec 31 1892	.8 " "	Kinkaid Ditch	56
91	May 31 1897	1. " "	Hershman Ditch No. 1	57
92	May 31 1897	1 " "	Hershman Ditch No. 2	58
93	June 22 1899	.8 " "	Barthelf Ditch No. 1	59
94	June 22 1899	1.3 " "	Barthelf Ditch No. 2	60
95	May 10 1901	4 " "	Lawrence Spring Ditch	61
96	June 1 1904	2 " "	Stead Ditch	62
97	June 30 1904	.62 " "	Beaver Creek Ditch	63
98	Apr 25 1906	8.28 " "	Williams Ditch	64
99	June 22 1912	.7 " "	Hollowell Park D. No. 2	65
100*	Sept 14 1933	300 " "	Carter Lake Supply Canal	66
101*	Sept 14 1933	500 " "	Arkins Supply Canal	67
102*	Sept 14 1933	450 " "	Horsetooth Supply Canal	68

DOMESTIC

Priority No.	Date	Capacity	Name	Ditch No.
5	Dec 31 1875	.0394 sec ft	Stead Pipe Line No. 1	6
6	Dec 31 1899		Baldwin Ditch	7
7	June 1 1904	.0134 sec ft	Stead Pipe Line No. 2	8
8	July 31, 1905	.18 sec ft	Witwer Pipe Line	9
9	Aug 21, 1905	2. sec ft	Estes P. Town Co. P L	10
10	June 22 1906	.04 sec ft	Brinwood Pipe Line	11
11	June 30 1906	.025 sec ft	Moraine Museum P. L.	12
12	Sept 1 1906	.33 sec ft	Hondius Beaver P. L.	13
13	June 1 1909	.01 sec ft	Sprague Pipe Line	14
14	Aug 16 1909	.12 sec ft	Pearson Pipe Line	15
15	Dec 31 1909	.02 sec ft	Griffith Well No. 1	16
16	July 31 1910	.01 sec ft	Tritch P. L. No. 1	17
17	Nov 9 1911	1.73 sec ft	Estes P. Water Co. P. L.	18
18	Dec 31 1911	.02 sec ft	Griffith Well No. 2	19
19	June 30 1913	.01 sec ft	Hollowell Park P L No.2	20
20	July 15,1914	.01 sec ft	Ft. Morgan C. Club P L	21
21	Oct 1 1914	.004 sec ft	Boyd Water System	22
22	Dec 31 1914	.01 sec ft	Griffith Well No. 4	23
23	Nov 10 1916	.015 sec ft	Moraine Museum P. L.	12
24	Dec 31 1916	.01 sec ft	Griffith Well No. 5	24
25	June 30 1917	.016 sec ft	Hollowell Park P L No 1	25
26	June 30 1917	.03 sec ft	Hollowell Park P L No.2	20
27	July 1 1917	.041 sec ft	Owls Pipe Line No 1	26
28	Sept 30 1919	.012 sec ft	Rocky Mt Boys Camp P L	27
29	July 15 1920	.04 sec ft	Owls P L No. 2	26
30	July 31 1921	.03 sec ft	Shubert Sp & P L No 1	28
31	May 1 1922	.005 sec ft	Cliff Ass'n Pipe Line	29
32	May 31 1922	.02 sec ft	Tuxedo Park Pipe Line	30
33	Sept 22 1922	.012 sec ft	Cascade Pipe Line	31
34	May 20 1923	.029 sec ft	Green Pipe Line	32
35	Dec 31 1924	.02 sec ft	Griffith Well No 3	33
36	Apr 1 1925	.015 sec ft	Sunny Slope Pipe Line	34
37	Apr 1 1925	.066 sec ft	Fall River Entrance P L	35
38*	Apr 1 1925	.034 sec ft	Fall River Entrance P L	35
39*	May 20 1925	2. sec ft	Glacier Creek Pipe Line	36
40	Sept 30 1925	.03 sec ft	Tritch Pipe Line No. 2	17
41	May 1 1927	.08 sec ft	Cheley Pipe Line	37
42	June 22 1928	.004 sec ft	Davis Pipe Line	38
43	Aug 14 1928	.006 sec ft	Woods Pipe Line	39
44*	June 20 1932	.12 sec ft	Bear Lake Pipe Line	40
45	Sept 1 1933	.04 sec ft	Moraine Museum P. L.	12
46	June 1 1937	.1 sec ft	Cheley Pipe Line (Enl)	37
47	June 1 1937	.088 sec ft	Trails End Well & P L	41
48*	June 5 1939	.175 sec ft	Shubert Sp P L Nos 2 & 3	28
49*	July__ 1939	4.38 sec ft	Pearson Pipe Line (Enl)	15

*Conditional

POWER

1	Nov 10 1908	13. sec ft	Hondius Cascade P. L.	1
2	July 14 1913	74 sec ft	Idylwild Pipe Line	2
3	June 30 1919	22.5 sec ft	Hondius Cascade P. L.	3
4	June 30 1927	20. sec ft	Sprague Ditch	4
5*	Sept 14 1933	650. sec ft	Colo-Big Thompson P No 2	5
6*	Sept 14 1933	650. sec ft	Colo-Big Thompson P.No 3	6
7*	Sept 14 1933	750. sec ft	Colo-Big T.Power No. 4	7

*Conditional

MISCELLANEOUS

1	Nov 1 1920	.7 sec ft	Jelsema Ditch & Pond	1
2	Aug 14 1933	.5 sec ft	Horseshoe Fish Pond P L	2
3	Aug 30 1934	.86 sec ft	Endovalley Fish Pond P L	3

11-14-1939: decree: adjudication of priority of rights to use of water for irrigation purposes in water district no. 4

STATE OF COLORADO)
- SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
No. 10077

IN THE MATTEROF THE ADJUDICATION OF PRIORITY OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES, IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

D E C R E E

Now, on this 14th day of November, A. D. 1939, being one of the juridical days of the October Term, A. D. 1939, of this Court, this matter came on for final hearing and determination and decree, petitioner and the several claimants herein appearing by their respective attorneys;

Thereupon, the Court having heard all the evidence offered in this proceeding in open court, having examined the several claims and objections filed, and heard the arguments of counsel, and having considered the same, and now being sufficiently advised in the premises, does render the following findings and decree herein:

ON PRELIMINARY AND JURISDICTIONAL MATTERS

The Court finds:

1. That the Loveland Lake and Ditch Company, as claimant and owner of The Loveland Reservoir, on October 17, A. D. 1939, filed its petition and claim for adjudication of its rights as an irrigation reservoir appropriator in said Water District No. 4, praying the adjudication of priorities to the right to the use of water "for irrigation purposes" in said Water District No. 4. That thereupon proceedings were

duly had whereby notice of this proceeding for adjudication of priorities "for irrigation purposes" was duly given by prepaid registered mail as provided by statute in such cases, and also by publication and posting as required by Order of Court made and entered in this cause.

2. That thereafter such proceedings were had in this cause that, on March 15, 1939, upon petition of The Northern Colorado Water Conservancy District, the title and scope of this proceeding, originally instituted by the said The Loveland Lake and Ditch Company for the adjudication of priority of rights to the use of water "for irrigation purposes" only, was duly ordered enlarged to include the use of water "for irrigation and other beneficial purposes." And thereupon, on last said date, the Court further ordered that printed notice of these proceedings, as amended aforesaid, be served upon each claimant, or the last named grantee of any claimant, by prepaid registered mail, as provided by statute, at the post office address set forth in the list, theretofore duly prepared and certified by the state engineer pursuant to prior order of this Court, of all filings or claims for appropriation of water for irrigation or other beneficial purposes within Water District No. 4, Irrigation Division No. 1, of the State of Colorado, which had not theretofore been noted as cancelled or submitted for adjudication; and that copy of said notice, including copy of said order, has been duly served by registered mail on all persons, associations and corporations entitled thereto; and that copies of said order and notice have been duly published and posted as required by law and by Order of Court entered in this cause.

3. That on said 15th day of March A. D. 1939, the

Court, by order duly made and entered, continued the time for filing statements of claim in said proceeding to and until April 22, 1939, and fixed the time for the taking of evidence in support of any statements of claim filed as the 2d day of May, A. D. 1939, at the hour of 9:30 o'clock A. M. in open court, in the District Court room in the Court House, in the City of Boulder, County of Boulder and State of Colorado; that thereafter, on April 20, 1939, the Court, by order, duly extended the time for filing statements of claim to and including June 24, 1939 (commencement of taking testimony, however, remaining fixed as May 2, 1939); and thereafter on July 6, 1939, the Court, by order, duly extended the time further for filing statements of claim to and including September 1, 1939 (the taking of testimony, however, continuing as theretofore ordered).

4. That on said 2d day of May, A. D. 1939, pursuant to said orders, the Court did proceed to hear and examine testimony and evidence introduced in support of the respective claims of all claimants who had filed claims herein; and the hearing and taking of testimony and evidence in support of such claims was thereafter duly continued to July 6, 1939, and July 7, 1939, and July 11, 1939, and July 27, 1939, and September 6, 1939, and September 7, 1939, and the Court ordered that said testimony and evidence be transcripted and filed with the Clerk of this Court, which was accordingly done.

GENERAL CONDITIONS AND PROVISIONS WHICH CONTROL EACH AND EVERY SPECIAL DECRETAL ORDER HEREIN.

The Court finds:

First. No part of this decree shall in any way be taken, deemed or held to confirm, impair, or in any manner

affect any claim of right or property held or claimed by any person, association or corporation, in or to any ditch, pipe line, canal, or reservoir, or any part thereof, or the land or any part thereof on which the same may be situate, or the land held or claimed as right-of-way of or for any of them; nor shall it in any manner affect any question or claim of right between the co-owners or claimants of any individual ditch, pipe line, canal, or reservoir as between each other; neither shall it affect any claim or priority made between parties using water from the same ditch, pipe line, canal, or reservoir as to such water.

Second. No part of this decree shall be taken or held to allow any excessive use or waste of water whatever; nor allow any diversion of water except for lawful and beneficial uses, or any use other than the use for which such appropriation has been made.

Third. This decree shall be taken, deemed and held as determining the several priorities of right by appropriation to the use of water from the natural streams and springs of said Water District No. 4 for agricultural, domestic, mechanical, and other beneficial purposes, incident to the several ditches, pipe lines, canals, and reservoirs in said water district, each according to the construction, enlargement or extension thereof, with the amount of water held to have been so appropriated.

Fourth. Nothing in this decree shall be deemed, taken, or held to impair in any manner any right to the use of water for agricultural, domestic, mechanical or other beneficial purposes established by any former decree or decrees of this Court rendered and entered and now in force in

the matter of the adjudication of the priorities of right to the use of water in Water District No. 4; or be deemed, taken, or held to establish any right to the use of water adverse or antagonistic to any right for the same purpose established by any such former decree or decrees of this Court, but all rights established by this decree shall at all times be deemed, taken, and held to be subject and subordinate and junior to those established by any such former decree or decrees, any date of appropriation found in this decree to the contrary notwithstanding.

Fourth. Whenever the dimensions of any ditch, pipe line, canal, or reservoir, or the height to which any reservoir may be filled, is stated in the decree, such dimensions shall be deemed and taken to control the statement of the estimated carrying or storage capacity thereof.

Fifth. The several irrigation reservoirs adjudicated by this decree are given consecutive irrigation reservoir numbers beginning with No. 25, which next follows No. 24 --Enlarged Handy Reservoir--adjudicated in former decree of this Court rendered on the 1st day of April, A. D. 1931. The several irrigation reservoir priorities adjudicated by this decree are consecutively numbered beginning with reservoir priority No. 30, the next consecutive number following number 29, heretofore in said former decree adjudicated as affected by means of Enlargement of Hortha Reservoir, being irrigation reservoir No. 22.

The several irrigation ditches, pipe lines, and canals adjudicated by this decree are given consecutive irrigation ditch numbers beginning with ditch No. 49, next following ditch No.48-The Huppe Ditch-adjudicated in said former decree of this Court rendered on the 1st day of April,A.D.1931. The

first immediate ditch irrigation priority here adjudicated is numbered 33, being the next consecutive number following No. 32, heretofore in said former decree adjudicated as effected by means of said The Huppe Ditch.

The several ditches, pipe lines, and canals adjudicated by this decree for domestic and related purposes are given consecutive numbers beginning with No. 6, next following No. 5--Greeley-Boulder Pipe Line--adjudicated in said former decree of this Court rendered on the 1st day of April, A. D. 1931. The first immediate domestic priority here adjudicated is numbered 5, being the next consecutive number following No. 4 heretofore in said former decree adjudged as effected by means of said Greeley-Boulder Pipe Line.

The several ditches, pipe lines, and canals for power purposes adjudicated by this decree are given consecutive numbers beginning with No. 1. The first power priority here adjudicated is numbered 1.

The several reservoirs, ditches, pipe lines and canals for the use of water for any other beneficial purpose, other than domestic, agricultural or manufacturing or power, adjudicated by this decree are given consecutive numbers beginning with No. 1, with the name of the use. And the first priority for such other beneficial purpose here adjudicated is numbered 1, with the name of the use.

Sixth, The priority numbers, and not the dates when each priority is found to have been effected, shall determine the precedence of right to receive water, because each priority adjudicated herein is of inferior right and junior to the priorities for the same uses heretofore adjudged in decrees of this Court pertaining to said Water District No. 4.

Subject to the general conditions and provisions hereinabove set forth, IT IS FOUND, ORDERED, ADJUDGED AND DECREED BY THE COURT, with respect to each of the several ditches, pipe lines, canals, and reservoirs herein adjudicated as follows:

(here follows 102 specific findings and decrees)

IT IS FURTHER ORDERED by the Court that docket fees paid by the several claimants in this proceeding be applied by the Clerk of this Court as advance fees to the Clerk of this Court as in other civil actions and special proceedings, and shall be paid by the Clerk over to the County Treasurer of Boulder County; and that the residue of the costs and expenses taxed as costs in this case, including expense of serving and publishing notices herein, the extending of the testimony, the writing and rewriting and certifying of this decree, together with copies thereof, as required by law, shall be paid by the counties in said Water District No. 4, in equal amount as provided by law, said residue of costs and expenses to be certified by the Clerk of this Court to the respective counties for allowance and payment by the Boards of County Commissioners in said Counties.

IT IS FURTHER ORDERED by the Court that all the evidence taken in this matter and extended and filed in this Court, including all the exhibits, being a part of said evidence, be and the same is hereby made a general bill of exceptions herein, and any party aggrieved by any finding or provision of this decree is hereby granted one year from the date of the entry of this decree in which to make and tender a particular bill of exceptions involving such matters as he may desire to have reviewed by the Supreme Court, said bill of exceptions to be made from what is hereinbefore described as a general bill of exceptions herein, and when so made, may be then tendered, signed and sealed by any Judge of this Court and filed herein.

DONE IN OPEN COURT, this 14th day of November, A.D. 1939.

_____
Judge.

03-15-1939: notice: adjudication of priorities of rights to use of water for irrigation and other beneficial purposes in water district no

NOTICE

State of Colorado)
) SS
County of Boulder)

IN THE DISTRICT COURT

No. 10077

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

THE PEOPLE OF THE STATE OF COLORADO TO ALL PERSONS, ASSOCIATIONS AND CORPORATIONS INTERESTED AS CLAIMANTS OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED THAT ON THE 15th day of March, A. D. 1939, being one of the regular juridical days of the October, 1938, term of this court, an ORDER was made by the said Court, which, after venue and title, is in words and figures, as follows, to-wit:

ORDER

This matter now coming on to be heard in open Court upon the petition of the Northern Colorado Water Conservancy District, a quasi-municipal corporation, asking for an order of Court providing, inter alia, that the title and scope of the proceeding herein be enlarged to include an adjudication of priorities of rights to use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

And the Court having read the said Petition, and being fully advised in the premises, and good cause having been shown therefor,

It is Therefore Ordered, Adjudged and Decreed that:

The scope of these proceedings heretofore instituted by The Loveland Lake and Ditch Company, a corporation, which under that company's petition as amended extends only to the adjudication of priorities of rights to use of water from said streams for irrigation purposes only, be, and they are hereby, enlarged as prayed in said petition of the Northern Colorado Water Conservancy District, as aforesaid.

The title of these proceedings hereafter shall be "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

Petitioner and The United States of America be, and they are hereby authorized to file herein their Statement of Claim, tendered herewith, to priority rights in connection with what is known as the Colorado-Big Thompson Project.

The Clerk of this Court be and he is hereby instructed to publish notice, in the manner provided by law, of these proceedings as enlarged and extended in each of the following newspapers:

The Loveland Reporter-Herald, published in the City of Loveland, County of Larimer, Longmont Times-Call, published in the City of Longmont, County of Boulder, The Greeley Daily Tribune and the Greeley Republican, published in the City of Greeley, County of Weld, all in the State of Colorado.

The Clerk of this Court is further ordered to send a printed copy of the notice of these proceedings by prepaid, registered mail, addressed to each claimant, or the last named grantee of any claimant, at the Postoffice address set forth on the list prepared and certified by the State Engineer under the statutes of this State.

It Is Further Ordered that ten (10) printed copies of said notice shall beposted by the petitioner herein, Northern Colorado Water Conservancy District, in ten public places in said Water District No. 4, not less than twenty (20) days before the day appointed for said hearing.

It Is Further Ordered that all persons, associations and corporations who desire to appear in these proceedings file their statements of claim, if any they have, on or before April 22, 1939.

It is further Ordered that the 2d day of May, A. D. 1939, at the hour of 9:30 o'clock, A.M., in the District Court room in the Court House in the City of Boulder, County of Boulder and State of Colorado, be and the same are hereby fixed as the time and place for the taking of evidence in support of Statements of Claim filed, and for other proceedings to be had in accordance with the statutes of the State of Colorado.

Done and signed in open Court this 15th day of March, A. D. 1939.

BY THE COURT:

Claude C. Coffin,
District Judge.

And you and each of you are hereby notified to file any Statements of Claim which you may have of priorities of rights to use of water for irrigation and other beneficial purposes in said Water District No. 4, Water Division No. 1, in the State of Colorado, on or before the 22nd day of April, 1939.

And you are further notified to appear in the District Court room, in the City of Boulder, County of Boulder, State of Colorado, at the hour of 9:30 o'clock A.M., on the 2d day of May, 1939, and then and there offer proof in support of said Statements of Claims and otherwise to participate in these proceedings.

You are further notified that all claimants who fail to appear or submit their claims and proofs will be subject to having their rights and claims forfeited and cancelled, as provided by Chapter 147, Session Laws of Colorado, 1919.

WITNESS my hand as Clerk of said Court and the seal thereof, at Boulder in the County of Boulder, State of Colorado, this 15th day of March, 1939.

Seal of District Court
Boulder County, Colorado.

C. W. ATKINSON,
Clerk of the District Court
in and for the County of Boulder,
State of Colorado.

Mar. 23, 30, Apr. 6, 13.

COPY

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT

NO. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

ORDER

This matter now coming on to be heard in open Court upon the petition of the Northern Colorado Water Conservancy District, a quasi-municipal corporation, asking for an order of Court providing, inter alia, that the title and scope of the proceeding herein be enlarged to include an adjudication of priorities of rights to use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

And the Court having read the said Petition, and being fully advised in the premises, and good cause having been shown therefor

It is Therefore Ordered, Adjudged and Decreed that:

The scope of these proceedings heretofore instituted by The Loveland Lake and Ditch Company, a corporation, which under that company's petition as amended extends only to the adjudication of priorities of rights to use of water from said streams for irrigation purposes only, be, and they are hereby, enlarged as prayed in said petition of the Northern Colorado Water Conservancy District, as aforesaid.

The title of these proceedings hereafter shall be "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

MAR 27 '39 92896

Petitioner and The United States of America be, and they are hereby, authorized to file herein their Statement of Claim, tendered herewith, to priority rights in connection with what is known as the Colorado-Big Thompson Project.

The Clerk of this Court be and he is hereby instructed to publish notice, in the manner provided by law, of these proceedings as enlarged and extended in each of the following newspapers:

The Loveland Reporter-Herald, published in the City of Loveland, County of Larimer, Longmont Times-Call, published in the City of Longmont, County of Boulder, The Greeley Daily Tribune and The Greeley Republican, published in the City of Greeley, County of Weld, all in the State of Colorado.

The Clerk of this Court is further ordered to send a printed copy of the notice of these proceedings by prepaid, registered mail, addressed to each claimant, or the last named grantee of any claimant, at the Postoffice address set forth on the list prepared and certified by the State Engineer under the statutes of this State.

It is Further Ordered that ten (10) printed copies of said notice shall be posted by the petitioner herein, Northern Colorado Water Conservancy District, in ten public places in said Water District No. 4, not less than twenty (20) days before the day appointed for said hearing.

It is Further Ordered that all persons, associations and corporations who desire to appear in these proceedings file their statements of claim, if any they have, on or before April 22, 1939.

It is Further Ordered that the 2nd day of May, A. D. 1939, at the hour of 9:30 o'clock A.M., in the District Court room in the Court House in the City of Boulder, County of Boulder and State of Colorado, be and the same are hereby fixed as the time and place for

the taking of evidence in support of Statements of Claim filed, and for other proceedings to be had in accordance with the statutes of the State of Colorado.

Done and signed in open Court this 15th day of March, A. D. 1939.

BY THE COURT

(Sgd) Claude C. Coffin,
District Judge.

C O P Y

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

IN THE DISTRICT COURT
NO. 10077.

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES TO THE RIGHT TO THE USE OF WATER FOR IRRIGATION PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO.

P E T I T I O N .

Comes now Northern Colorado Water Conservancy District, a quasi-municipal corporation, petitioner herein, and respectfully represents to the Court:

I.

That the petitioner is a quasi-municipal corporation duly organized and existing under and by virtue of the "Water Conservancy Act" of Colorado, the same being Ch. 266, Session Laws of Colorado 1937.

II.

That heretofore and on the 17th day of October, 1938 The Loveland Lake and Ditch Company filed its petition herein, which, as amended, prays for a general adjudication of the priorities of the rights of all claimants to the use of water for irrigation purposes between the several ditches, canals and reservoirs taking water from the Big Thompson River and its tributaries in Water District No. 4, in Water Division No. 1 of the State of Colorado.

III.

That the United States of America is the owner of "Colorado-Big Thompson Project" which, inter alia consists of Power Conduit No. 2, Power Conduit No. 3 and Power Conduit No. 4, and Carter Lake Supply Canal, Carter Lake Reservoir, Horsetooth Supply Canal, Horsetooth Reservoir, Arkins Supply Canal and Arkins Reservoir, all of which will take water, when completed, from the Big Thompson River in Water District No. 4, and claims for which are set forth in maps and statements filed

Mar. 27 '39 92896

in the office of the State Engineer on March 22, 1935, June 8, 1935 and July 22, 1938, and wherein appropriations are claimed for the said ditches, canals, reservoirs and other means of appropriation as of date September 14, 1935, under which maps and filings claim is made for water for irrigation, power, domestic, industrial and recreational purposes.

IV.

That the petitioner, Northern Colorado Water Conservancy District, is the owner of a beneficial interest in and to the use of said waters so appropriated by the United States of America, as aforesaid, under and by virtue of a contract entered into between the United States of America and petitioner under date July 5, 1938.

That a statement of claim by the United States of America and Northern Colorado Water Conservancy District is tendered herewith for filing in this cause.

V.

That it is necessary that an adjudication be had of the priorities of rights to the use of water between the several ditches, canals, reservoirs and other means of appropriation, for irrigation and other beneficial purposes in said District, not heretofore adjudicated in accordance with the statute in such case made and provided, in order that each and all persons, associations and corporations so owning, using and operating the same, may be protected in the rights to the use of water in said Water District No. 4, diverted from the Big Thompson River and its tributaries.

VI.

That in order that all persons, associations and corporations owning ditches, canals, reservoirs and other means of appropriation in said District as aforesaid may have the rights to the use of water for irrigation and other beneficial purposes adjudicated, it is necessary that the scope of the proceedings for adjudication of

the priorities of water rights in this cause be enlarged to include therein the adjudication of all priorities of right to use of water for irrigation and other purposes.

WHEREFORE petitioner prays that an order be entered herein by the Court:

1st-- Amending the title and caption of these proceedings to read "IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL PURPOSES IN WATER DISTRICT NO. 4, WATER DIVISION NO. 1, IN THE STATE OF COLORADO."

2nd-- That the scope of these proceedings be enlarged to include an adjudication of priorities to the use of water for irrigation and other beneficial purposes, to be derived from the Big Thompson River and its tributaries within Water District No. 4, Water Division No. 1, of the State of Colorado, pursuant to Ch. 147 Session Laws of Colorado 1919 and acts amendatory thereof.

3rd-- That Petitioner and the United States be granted permission to file herein their statement of claim tendered herewith.

4th-- That an order may be entered by the Court fixing a date for filing claims and a date for commencing to hear and take evidence in open Court on such adjudication.

5th-- That proper notice shall be given by mailing, posting and publication, as required by law, of the date and place of taking such evidence, notifying all persons, associations and corporations interested as aforesaid to appear and file statements of their respective claims as provided by law, and that such proceedings be had and decree entered adjudicating the rights of all parties so appearing, in the manner and form provided by law.

6th-- For such other and further relief as to the Court may seem meet and proper.

(Sgd) Thomas A. Nixon
Attorney for Petitioner.

COPY

State of Colorado)
)
County of Weld)

CHARLES HANSEN, being first duly sworn, deposes and says:

That he is President of Northern Colorado Water Conservancy District, a corporation and petitioner herein;

That he has read the above and foregoing petition and knows the contents thereof and that the matters and things therein set forth are true to the best of his knowledge, information and belief.

_____

Subscribed and sworn to before me this _____ day of March, 1939.

My commission expires_____

_____
Notary Public.

Other Supporting Information

11-23-1960: memorandum to regional director from chief, water resources section regarding index of docket 13

L54-OBL

November 23, 1960

W O D C
NOV 28 '60
CHF
ADM
PERS
P & P
ARCH
ENGR
L.A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE

acty 2 pmc 12/30

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Index of Docket 13, Rocky Mountain

As we have indicated on the attached copy of your index of June 7, 1960, the contents of some parts have been incorrectly titled. The dividers and contents may have been transposed when transfers of instruments were made from Alien Water Right No. 9 to this docket.

We have also, previously, transferred our copy of the supplemental decree of June 9, 1942, which is listed as item 7 on page 3 of your list, to the top of Docket 39. Our copy is double spaced on legal sized paper, on four sheets, but you may have a more condensed copy in three sheets. I think this instrument should be in Docket 39 because it relates to only the one water system. Docket 13 has become the contents of only the general parts of the adjudication records which apply to more than one system, which I did not duplicate for each water system docket because of the added bulk which would result in the files.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

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

12-23-1940: memorandum to associate attorney from acting superintendent regarding petition to reopen the water adjudication in

C O P Y

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

December 23, 1940

Memorandum for Associate Attorney Albert L. Johnson, Region IV:

Reference is made to the Sanborn Pipe Line Company's petition to reopen the water adjudication in District No. 4.

United States Commissioner Wayne H. Hackett was present at the hearing on this petition in the District Court at Boulder, Colorado, this morning, Monday, December 23. Mr. Hatfield Chilson, Attorney for Mr. Sanborn, assisted by the Rocky Mountain Transportation Company's attorney, Joseph H. Hodges, presented the arguments for reopening in order to adjudicate water now being used by the Estes Park Chalets Hotel. Judge Coffin granted the petitionand set the date of hearing of the claims on the first Monday in April 1942.

Mr. Hatfield Chilson promised to furnish Commissioner Hackett a copy of his Petition of Claim when it is prepared for filing with the Clerk of the District Court. This office will forward you a copy of this petition immediately upon receipt.

(Sgd.) John E. Doerr

Acting Superintendent

10-15-1940: letter to assistant secretary from assistant attorney general regarding final decrees with respect to bear lake pipe line

REM-CEF

90-1-2-79

COPY

HRC

October 15, 1940

Honorable Oscar L. Chapman,
Assistant Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Chapman:

There is enclosed herewith for your information a copy of a letter dated October 2, 1940, from Worth Allen, Special Assistant to the Attorney General, at Denver, Colorado, together with copies of the final decrees with respect to Bear Lake Pipe Line No. 2 and Fall River Entrance Pipe Line entered on September 23, 1940, in the proceeding instituted by the Loveland Lake and Ditch Company in the State Court for the adjudication of the priorities of appropriation in the Big Thompson River and its tributaries in Water District No. 4.

You will be advised promptly of any further developments.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Enclosure
No. 123578.

10-02-1940: letter to attorney general from special assistant to the attorney general regarding general adjudication, water district n

COPY

90-1-2-79.

332 Postoffice Building,

Denver, Colorado, October 2, 1940.

The Attorney General,
Washington, D. C.

Re: General adjudication,
Water District No. 4--
Claims for National
Park Service.

Sir:

Enclosed please find two copies each of the final decrees in respect to Bear Lake Pipe Line No. 2 and Fall River Entrance Pipe Line, as finally prepared and signed by Judge Coffin.

Respectfully,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

11-10-1939: letter to attorney general from assistant secretary regarding proposed findings and decree with respect to statements

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

NOV 10 1939

The Honorable

The Attorney General.

My dear Mr. Attorney General:

I have received your letter of October 26 (WMC - CEF, 90-1-2-79), enclosing copies of the proposed findings and decree with respect to statements of claim filed on behalf of Rocky Mountain National Park in the pending proceedings in the District Court, County of Boulder, State of Colorado, for the adjudication of priorities of appropriations of waters of the Big Thompson River and its tributaries in Water District No. 4. There also were enclosed copies of correspondence with Mr. Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, relating to the same proceedings.

The proposed findings and relevant portions of the proposed decree have been checked and, with the corrections already noted by Mr. Allen, are entirely satisfactory to this Department.

According to the latest information, it was not decided whether the protest should be filed against the proposed findings and decree relating to the Baldwin Ditch. Whatever action was taken with regard to this matter is satisfactory to this Department, since the principal provisions of the proposed findings and decree appear fully to protect the interests of the United States, and the point covered by the protest is relatively a minor one.

In accordance with your request, the copies of the proposed findings and decree are returned herewith.

Sincerely yours,

(SGD.) OSCAR L. CHAPMAN
Assistant Secretary.

Enclosure 2111805.

cc: 8 cc by NPS

cc: Supt., Rocky Mt. Nat. Park (by NPS)
Regional Attorney Taylor (by NPS)
Regional Dir., Region II

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, October 19, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re General Adjudication, Water District No. 4-- Claims for Rocky Mountain National Park.

Dear Joe:

I enclose herewith a copy of a letter which I have written to the Clerk of the District Court in Boulder with respect to the suggested changes in the various drafts containing proposed findings and decretal orders affecting our National Park structures; also, a copy of the formal protest with respect to the proposed finding and decree as to the capacity of the Baldwin Ditch.

I have in most instances followed the suggestions made by Mr. Dunn. The instances in which I have not followed his suggestions are as follows:

Dunn suggested an acre foot per annum limitation for Hollowell Park Ditch No. 2. The proposed general provisions of the decree contain a paragraph providing that no part of the decree shall be taken or held to allow any excessive use or wasteful use of water, nor allow any diversion of water except for lawful and beneficial uses, or any other use than that for which appropriation has been made. There is no provision in the decree with respect to the matter of acre feet, except possibly in individual cases where some proof was given as to the number of acre feet required. Such an instance is the case of Brinwood Ditches, Nos. 1, 2, 3, 4, and 5. While heretofore there have been provisions in general decrees limiting the number of acre feet per annum to 3, we made proof that in the case of the land irrigated from the Brinwood Ditches, 4 acre feet per annum are required because of the large amount of gravel in the soil. The proposed findings of the Court respecting those ditches allows that amount of water. I do not believe it advisable to be raising the question of duty with respect to those ditches where no evidence on that point was given.

What I have said about Hollowell Park Ditch No. 2 applies equally to the Beaver or Griffith Ditch. In the case of that ditch we gave our proof. Moreover, the Court has since viewed the area which is irrigated from that ditch.

With respect to Fall River Entrance Pipe Line and Sunny Slope Pipe Line, I cannot agree with Mr. Dunn that there is any ambiguity in the proposed findings and orders. Whatever the facts may be, and whatever contentions we might properly have made, the fact is that Mr. McLaughlin, Assistant Superintendent of the Park, told us to make an agreement or stipulation in open court by which the United States was to secure a final decree as of April 1, 1925, for 0.066 of a cubic foot of water per second of time, and a conditional decree as of the same date for 0.034 of a second foot, and to allow a decree to the Sunny Slope Pipe Line for 0.015 of a cubic foot of water per second of time. He further authorized us to agree that when the water in Bighorn Creek, from which both structures take their water, does not exceed 0.030 of a cubic foot of water per second of time, the water shall be divided equally between the two structures. The Court's findings and decree are in accordance with said stipulation and agreement.

The language used in the findings and decree relating to Fall River Entrance Pipe Line varies in an insignificant manner from that in the findings and decree relating to Sunny Slope Pipe Line. In the case of the Fall River Entrance Pipe Line is found this language: " * * * provided, that in the event at any time or times the available supply of water in said Bighorn Creek for said two pipe lines does not exceed .030 cubic feet of water per second of time, the total available water should be divided in equal parts between this Fall River Entrance Pipe Line, claimed by United States of America, and said Sunny Slope Pipe Line, claimed by Anna Snyder." In the case of the Sunny Slope Pipe Line, the language is: " * * * except that when the total volume of water available in said stream is less than .03 cubic feet per second, the water shall be divided between said priorities equally."

Of course Mr. Dunn has informed you that the attorney for the Sunny Slope Pipe Line objected to our getting a decree for as much water as the Court allowed us, and that the Court in rather positive terms expressed his opinion with respect to our rights to said attorney.

Some mention is made by Mr. Dunn of the fact that Mrs. Snyder changed the name of her structure from Sunny Slope Camp Pipe Line to Sunny Slope Pipe Line. It seems to me that this is a matter of no significance.

In the proposed findings and decree relating to the Fall River Entrance Pipe Line, the Court, adopting the finding submitted by us, makes it quite clear that the Sunny Slope Pipe Line is what was originally the Sunny Slope Camp Pipe Line.

In the case of Hollowell Park Pipe Lines Nos. 1 and 2, I cannot agree with the suggestion made by Mr. Dunn that the word "of" should be changed to "or" in the following context: "On April 15, 1934, the

National Park Service of claimant began and completed", etc. The claimant is the United States and the National Park Service is the National Park Service of the United States. My idea obviously agrees with the position taken by you in your memorandum for the Superintendent of the Park.

The final decree will not be signed before November 14. If you have any further suggestions, even though they disagree with any position I have taken, I should be glad to have you write me at once.

Very truly yours,

(Sgd) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.

The copy of the formal protest with respect to the Baldwin Ditch has been sent you by airmail, together with a copy of a letter to Mr. McLaughlin, dated October 19.

10-18-1939: letter to clerk of the district court from special assistant to the attorney general regarding general adjudication, claims

C O P Y

332 Postoffice Building,

Denver, Colorado, October 18, 1939.

Mr. C. W. Atkinson,
Clerk of the District Court,
Court House,
Boulder, Colorado.

Re General Adjudication-- Claims of
U. S. for Rocky Mountain
National Park.

Dear Mr. Atkinson:

Pursuant to the order of the Court and the notice sent out by you, I herein respectfully make some suggestions with respect to the proposed findings and decretal orders submitted by the Court as to the claims filed by Rocky Mountain National Park.

TUXEDO PARK PIPE LINE:

In the third line of paragraph 8, the date is doubtless April 28, 1939. The figures "28" on our copy are a little dim and I am not sure that the date in the draft is the 28th. That date is correct.

OWLS PIPE LINES NOS. 1 and 2:

The first line under this heading reads:

"(Domestic Priorities 27 and 29 ; Ditch-Pipe Line-- Nos. 26 and ___)"

Either another number should be inserted, it seems to me, or the abbreviation "Nos." should be changed to "No." and the "and" stricken.

SPRAGUE PIPE LINE:

The number appearing at the end of paragraph 8 as "16,257" should be "16,527".

MORAINE MUSEUM PIPE LINE:

In paragraph 2 is found the following line:

"From Diversion No. 2-- south 70° 90' west 1281,42 feet." "70° 90'" should be "70° 09'".

The last word in paragraph 3 should be "southeasterly" instead of "southwesterly". This is an error which appears in paragraph Fifth of our Statement of Claim and is called to my attention now for the first time by the Engineer.

At the end of the first line in paragraph 7, is found the word and figures "June, 1908." It may be that the year is written "1906", but our dim copy looks like "1908". In any event "1906" is correct.

In line 7, appearing at the bottom of page 2 of the findings with respect to this pipe line, the "No." should be retyped, as one letter is imposed upon another.

In line 13, on page 2, the letter "s" is omitted at the beginning of the word "southeasterly."

In the last line on page 3, following the words "Pipe Line" is the figure "8". This figure should be erased.

BEAR LAKE PIPE LINE NO. 2:

We are planning to make final proof in this matter on a day to be fixed by the Court. A letter has heretofore been written about this matter.

HOLLOWELL PARK PIPE LINES NOS. 1 & 2:

In the fourth line of paragraph 3, the word "north" should be changed to "south".

Because of the dimness of our copy, we are not sure what is the year appearing in the third line of paragraph 6. The year should be 1913. It is possible that it is written 1915.

FALL RIVER ENTRANCE PIPE LINE:

On page 3, the fifth line, "0.065" should be "0.066". It will be noted that the correct figure appears near the middle of page 4.

HOLLOWELL PARK DITCH NO. 2:

The figures in line 5 of paragraph 3, "893.27" should be "803.27."

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

10-09-1939: memorandum to regional attorney from associate engineer regarding proposed decree of water rights in district no. 4:

601 Sheldon Building,
San Francisco, Calif.,
October 9, 1939.

Memorandum for Regional Attorney Joseph E. Taylor:

In reviewing the proposed decree of water rights in District No. 4, Colorado, I have checked engineering data and have the following comments to make.

General Conditions

Since domestic use is supposed to be the most beneficial and there are so many domestic claims in this adjudication, I should think Judge Coffin would recognize and list these claims ahead of the reservoirs and irrigation ditches. I think, too, he might state in his narrative that as among uses, the domestic uses come first. I do not know the law back of this priority, but certainly some admission should be made, especially since most reservoir decrees are for refill.

Tuxedo Park

I have penciled in a date which is not clear in our copy.

Owl Pipe Lines 1 and 2

I believe, at the top of the page, under "Pipe Lines Nos. 26 and ___" either "26" or "same" should be inserted in second blank for clarity of posterity. It is all one system now.

On receipt of Mr. Allen's letter of September 30, 1939, I suggested cutting claims from 0.041 and 0.040 sec. ft. respectively, to 0.004 and 0.001 sec. ft. respectively. After reading decrees, however, I find that they are limited by spring flows which are stated as 0.004 and 0.001 sec. ft. I now favor leaving decree as drawn, as it shows we do not claim full capacity, that the quantity, is very small, and that we can divert what we can get without other regulation unless the District Engineer should feel justified in shutting down all of either or both diversions.

Sprague Pipe Line

File No. 16527 of the map is transposed, in paragraph 8, page 2.

Moraine Museum Pipe Line

Tie to Diversion No. 2 should be S 70°09' W instead of S 70° 90' W.

The last word under 3 should be "southeasterly" instead of "southwesterly". This error also appears in the statement of claim, but can be shown to be in error by reference to the filed map.

The first line under the seventh paragraph, the date should be 1906 -- our carbon looks like 1908.

Last line page 2 -- Pipe Line No. 1 -- the word "No" needs retyping.

Page 3 -- Line 13 -- second word, "s" in "southeasterly" is omitted.

Last line, page 3, should stop after "Pipe Line."--erasethe "8."

Bear Lake Pipe Line No. 2

Has construction been completed? Beneficial use, of course, cannot be made until next spring.

Hollowell Park Pipe Lines Nos. 1 and 2

Third paragraph, last line, paragraph on Pipe Line No. 1 should be South 53-33 West.

Eighth line, page 2, "In September 1913" is correct date. Looks as though incorrectly typed as "1915".

Page 3, last word of eleventh line should be "or" instead of "of".

Baldwin Ditch

I feel that evidence was ample to limit present diversion to 0.8 sec. ft. instead of 1.0 sec. ft.

Page 2, third line from bottom, "Beaver Creek" should be capitalized.

I should like to see a limiting capacity for pipe line included in this decree. I think evidence was ample to limit beneficial use to between 0.078 and 0.11 sec. ft.

The protection of Hondius-Beaver Pipe Line seems well covered during conditional use.

Fall River Entrance Pipe Line

Page 3, fifth line, 0.065 sec. ft. should be 0.066.

Page 4, fourteenth line, 0.066 sec. ft. is correct.

See also Sunny Slope Pipe Line.

Sunny Slope Camp Pipe Line

Line 13 -- East was omitted in bearing.

I anticipate that Attorney Stone will call attention to the fact that he tried to obtain a conditional decree to the balance of the diversion capacity of 0.1 sec. ft. which cannot be conveyed to point of use, or even diverted now until the 2" pipe is extended to replace the 1" pipe. If this is done, I think the Snyder rights, from the testimony on this and the Fall River Entrance Pipe Line, are:

Sunny Slope Pipe Line - Snyder Interest	
Final decree, April 1, 1925,	0.015 sec. ft.
Conditional decree, April 1, 1925	0.035 sec. ft.
Fall River Entrance Pipe Line, from Sunny Slope Camp Pipe Line - N.P.S. Interest	
Final decree, April 1, 1925	0.066 sec. ft.
Conditional decree, April 1, 1925	0.034 sec. ft.

There is certain ambiguity in both decrees which I would simplify as follows:

1. Stone objected to any priority as of the Ditch.

2. He claimed a conditional right to a full half of the original 0.1 sec. ft. diverted by Sunny Slope Camp Pipe Line, or conditional right to 0.05 sec. ft.

3. He agreed to N.P.S. right to half of Sunny Slope Camp Pipe Line original diversion of 0.1 sec. ft., or 0.05 sec. ft. as of April 1, 1925, and to further N.P.S. right of 0.05 sec. ft. from old Sunny Slope Ditch if it was not granted a priority prior to April 1, 1925, and provided that in any case the Snyder right got at

least half of the stream flow when or if said stream flow fell below 0.030 sec. ft., and provided the 0.034 sec. ft. not yet applied beneficially by the National Park Service was made conditional on such application.

However, as I have stated to you before, Mr. Stone used "criminal case" procedure, and was not always careful to differentiate between Mrs. Snyder's half interest in the Sunny Slope Camp Pipe Line, and a half flow of the stream which Mrs. Snyder does not have. I think I was not caught by his fast talk, but due to uncertainty, I would not attempt to amend either decree unless Mr. Stone tries to do so.

Note also that Mr. Hondius and the National Park Service have always called the Snyder Pipe Line the "Sunny Slope Camp Pipe Line". Stone has dropped the word "Camp". It is all right to change the name (we did of Hondius Water System to its original Hondius-Beaver Pipe Line), but I wonder if Mrs. Snyder's decree should not indicate that .

Hollowell Park Ditch No. 2

Paragraph 3, last line, distance if 803.27 ft., and not 893.27.

No limit as to acre feet per acre per annum is decreed, though the statement of claim indicatea a duty of 3 acre feet per acre per annum, which should be indicated to prevent misuse of water.

Beaver Creek Ditch -- Priority No. 97 -- Ditch No. 63

This decree was not submitted to us for comment, though we are vitally interested. We do not object to a diversion of 0.62 second feet, but we do wish to have the decree limited to 3 acre feet per acre per annum, and we wish to keep the total acreage as low as possible.

A. Griffith claimed 12 acres, but we questioned this. Dan Griffith and Miss Griffith were not too sure in court. John Griffith testified it was probably nearer 8 acres, which would limit annual diversion to 24 acre feet. At all events, Griffith did not give evidence to show more than the normal duty of 3 acre feet per acre per annum, whether 8 or 12 acres is irrigated.

Endovalley Fish Pond Pipe Line
Horseshoe Fish Pond Pipe Line
Brinwood Pipe Line
Hondius-Beaver Pipe Line
Sprague Ditch
Brinwood Ditches 1, 2, 3, 4, and 5

I have no comments to make on any of the above water systems.

A. van V. Dunn,
Associate Engineer.

10-04-1939: memorandum to regional attorney from acting superintendent regarding water decrees in water district no. 4, big tho

C O P Y

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

October 4, 1939.

Memorandum to Regional Attorney Joseph E. Taylor:

Reference is made to water decrees in Water District No. 4, BigThompson Drainage. Find enclosed copies of 16 decrees which Judge Coffin of the District Court proposes as the result of the recent adjudication in district No. 4, and also the Court's notice that objections to the form and substance of these proposed decrees must be filed on or before Monday, October 23, 1939.

Please examine these decrees at your earliest convenience and inform us whether they meet your approval, or if you wish us to file objections to any of the forms or substance.

We feel that we are very fortunate in the final outcome of the Hondius-Beaver Pipe Line decree as herein proposed.

John S. McLaughlin,
Acting Superintendent.

By (Sgd.) Wayne H. Hackett
United States Commissioner,
Rocky Mountain National Park.

CEF-HEC

COPY

90-1-2-79

August 25, 1939

Honorable Oscar L. Chapman
Assistant Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Chapman:

There are enclosed herewith copies of letters dated August 12 and August 17, 1939, from Worth Allen, Special Assistant to the Attorney General at Denver, Colorado, together with a copy of a brief prepared by Mr. Allen and a copy of his letter dated August 17, 1939, to Joseph E. Taylor, Regional Attorney, with respect to the statements of claim filed in behalf of the Rocky Mountain National Park in the proceedings instituted in the District Court, County of Boulder, State of Colorado, by the Loveland Lake and Ditch company for the adjudication of priorities of appropriation of waters of the Big Thompson River and its tributaries in Water District No. 4.

You will note from Mr. Allen's letter of August 17, 1939 that steps are being taken to correct the errors in the statements of claim referred to in your letter of August 10, 1939.

You will be advised promptly of further developments.

Respectfully,
For the Attorney General.

ROBT. E. MULRONEY
Acting Assistant Attorney General

Enclosure
No. 81273.

AUG 30,'39 3140

COPY

CEC - CEF

90-1-2-79

332 Postoffice Building,

Denver, Colorado, August 17, 1939.

The Attorney General,
Washington, D. C.

Re: Adjudication proceedings, Water District No. 4, County of Boulder, State of Colorado - Claims of Rocky Mountain National Park.

Sir:

Receipt of your letter of August 15, accompanied by a copy of the letter from Hon. Oscar L. Chapman, is acknowledged.

I enclose herewith copies of a letter which I have this day written to Mr. Joseph E. Taylor, Regional Attorney, National Park Service.

I have in my files three carbon copies of the claim of the United States with respect to the Horseshoe Fish Pond Pipe Line. Line 1 of Paragraph Fifth, on the first page reads:

"The general course of said pipe line is northwesterly"

All three copies bear evidence that the word "northwesterly" is not the word originally written. Obviously the correction from "northeasterly" to "northwesterly" was made without my calling your attention to that particular change or correction.

I am sure I shall find on September 6, when I go to Boulder again, that the original filed with the court has been corrected as have my office copies.

Regretting that the errors crept into the statement of claim as to the Owls Pipe Lines, I am

Respectfully,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

C O P Y

DEPARTMENT OF JUSTICE

REC'D AUG 21 1939

332 Postoffice Building,

Denver, Colorado, August 17, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re adjudication, Water District No. 4,
Claims for Rocky Mountain National
Park

Dear Joe:

I am in receipt today of a letter from the Attorney General dated August 15, the body of which reads as follows:

"There is enclosed herewith a copy of a letter dated August 10, 1939, from Assistant Secretary of the Interior Oscar L. Chapman, in which several minor errors are pointed out in the statements of claim filed in the above-entitled proceeding on behalf of the United States for the use of water in the Rocky Mountain National Park.

These apparent errors appear to be of minor importance but the correct figures should appear in the findings and decree. The Department will leave it to your judgment as to the best way to handle the matter."

Accompanying that letter was a copy of a letter written by Hon. Oscar L. Chapman, Assistant Secretary of the Interior, to the Attorney General. I enclose a copy of that copy.

I intended to give back to Mr. McLaughlin, Assistant Superintendent of Rocky Mountain National Park, at the hearing copies of all maps and statements of claim which had been filed with the State Engineer. However, I find one such copy in my files, and that happens to be with respect to the Owls Pipe Lines Nos. 1 and 2. The The statement of claim does show, as stated by Mr. Chapman, that the length of pipe line No. 1 is 875 feet, of which 400 feet is of 1-inch pipe, and 475 feet is of 3-inch pipe. The statement shows, also, an interconnecting fire line of 615 feet of 3-inch pipe. The statement shows also the length of pipe line No. 2 is 155 feet, as stated by Mr. Chapman.

It would seem, therefore, that I should obtain leave from the Court who resumes hearings in this matter on September 6, to make the necessary corrections in the statement of claim with respect to these pipe lines.

However, inasmuch as the statements filed with the court were all checked by Mr. Dunn before they were filed, it occurred to me that, out of an abundance of caution, I should call your attention to the apparent errors. Kindly write me, after consultation with Mr. Dunn whether there is any reason why the amendments should not be made as suggested.

My three copies of the Horseshoe Fish Pond Pipe Line Statement of Claim show that the course of the line is northwesterly, after some erasure had been made. Obviously, the correction was made from northeasterly to northwesterly. However, I shall check the original on September 6, when I go to Boulder.

With kind regards, I remain

Very truly yours,

(Sgd.) Worth Allen
Special Assistant to
the Attorney General.

WA/ELM.

08-10-1939: letter to attorney general from assistant secretary regarding received letters relating to the statements of claim

(Copy)

UNITED STATES

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

WASHINGTON

Aug. 10, 1939.

The Honorable

The Attorney General.

My dear Mr. Attorney General:

I have received your letters of July 6 and July 19 to Secretary Ickes, relating to the statements of claim then proposed to be filed on behalf of the United States for the use of water in Rocky Mountain National Park, in the proceeding now pending in the District Court, County of Boulder, State of Colorado, entitled "In the Matter of the Adjudication of Priorities of Rights to Use of Water for Irrigation and Other Beneficial Purposes in Water District No. 4, Water Division No. 1, in the State of Colorado."

The statements of claim have been checked with the records of this Department. Nearly all of the errors and omissions were noted and corrected by Mr. Worth Allen in accordance with his letter of June 22 to you. In addition, the following statements of claim appear to contain minor errors:

Owls Pipe Lines Nos. 1 and 2 - the length given in the statement of claim for pipe line No. 1 is 400 feet, and for pipe line No. 2 is 20 feet. The length of pipe line No. 1 as shown by our records is 875 feet, in addition to 615 feet of 3-inch interconnecting fire line. The length shown for pipe line No. 2 is 155 feet.

Horseshoe Fish Pond Pipe Line - the general course of the line is given in the statement of claim as northeasterly, whereas our records show the general course to be northwesterly.

These apparent errors may be considered as of minor importance. It is understood that all the statements of claim have been filed, and the necessity for amendments in such minor particulars may be left to the consideration of your Department.

Sincerely yours,
(Sgd) Oscar L. Chapman
Assistant Secretary.

08-15-1939: memorandum to director from the regional director, region 2 regarding errors in the owls pipe lines no 1 & 2

COPY

601 Sheldon Building
August 15, 1939

Memorandum for the Director:

Reference is made to the letter from the Assistant Secretary to the Attorney General dated August 10, relating to the statements of claim to be filed on behalf of the United States for the use of water in Rocky Mountain National Park, and with particular reference to the errors found in the copies of the statements supplied to the Department of the Interior by the Attorney General with respect to Owls Pipe Lines Nos. 1 and 2 and the Horseshoe Fish Pond Pipe Line.

With respect to the apparent error in the Owls Pipe Lines Nos. 1 and 2, please be advised that the length of Pipe Line No. 1, as stated in the copy supplied the Department by the Attorney General -- namely, 400 feet -- and that for Pipe Line No. 2 -- namely, 20 feet -- did appear in the statements as filed. Our records originally gave the overall length of the pipe lines in connection with these statements, but it was decided prior to the filing of the statements of claim that we should give only the length from the points of diversion to the distribution reservoir. This is all that is required, and consequently the lengths as given in the statements of claim may be considered correct.

With respect to the general course of the Horseshoe Fish Pond Pipe Line, the statements as first drafted did describe the course as northeasterly. Approximately a week or so prior to filing of the statements, this mistake was discovered by Associate Engineer Dunn and corrected in the office of the Special Assistant to the Attorney General at Denver. I am almost positive that the statement as filed gave the general course as northwesterly, and, while Mr. Worth Allen did write the Attorney General calling attention to this correction, it is probable that it was not placed upon the copies held in Washington.

As a final conclusive check, I will suggest to the Superintendent of Rocky Mountain National Park that when the opportunity presents itself he examine the original of this statement as filed in the District Court at Boulder, Colorado.

cc: Supt., Rocky Mountain.(Self-explanatory) Joseph E. Taylor,
Reg.Director,Region II. Regional Attorney.
Mr. Worth Allen.

08-10-1939: letter to attorney general from regional attorney regarding statements of claim regarding the use of water in rocky mtn

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

Aug. 10, 1939.

The Honorable

The Attorney General.

My dear Mr. Attorney General:

I have received your letters of July 6 and June 19 to Secretary Ickes, relating to the statements of claim then proposed to be filed on behalf of the United States for the use of water in Rocky Mountain National Park, in the proceeding now pending in the District Court, County of Boulder, State of Colorado, entitled "In the Matter of the Adjudication of Priorities of Rights to Use of Water for Irrigation and Other Beneficial Purposes in Water District No. 4, Water Division No. 1, in the State of Colorado".

The statements of claim have been checked with the records of this Department. Nearly all of the errors and omissions were noted and corrected by Mr. Worth Allen in accordance with his letter of June 22 to you. In addition, the following statements of claim appear to contain minor errors:

Owls Pipe Lines Nos. 1 and 2 - the length given in the statement of claim for pipe line No. 1 is 400 feet, and for pipe line No. 2 is 20 feet. The length of pipe line No. 1 as shown by our records is 875 feet, in addition to 615 feet of 3-inch interconnecting fire line. The length shown for pipe line No. 2 is 155 feet.

Horseshoe Fish Pond Pipe Line - the general course of the line is given in the statement of claim as northeasterly, whereas our records show the general course to be northwesterly.

These apparent errors may be considered as of minor importance. It is understood that all the statements of claim have been filed, and the necessity for amendments in such minor particulars may be left to the consideration of your Department.

Sincerely yours,

(SGD.) OSCAR L. CHAPMAN

Assistant Secretary.

cc: Regional Attorney Joseph E. Taylor
Regional Director, Region II
Supt., Rocky Mountain
Mr. Moskey

COPY

332 Postoffice Building,

Denver, Colorado, July 8, 1939.

90-1-2-71

The Attorney General,
Washington, D. C.

Re Adjudication proceedings, Water
District No. 4. Claims for
Rocky Mountain National Park.

Sir:

On Wednesday morning, July 5, I met at the train Joseph E. Taylor, Esq., Regional Attorney, National Park Service, and Mr. A. van V. Dunn, engineer for the Park Service, and took them to Estes Park, where we spent the day interviewing witnesses. On the morning of the 6th we drove to Boulder and spent the day putting in proof in support of a part of our fourteen statements of claim. The proof was concluded yesterday, the 7th.

Without going into detail, I might say that the proof was all in very satisfactory shape.

In the case of the Fall River Entrance Pipe Line, the Court, on the 6th, expressed some question about our right to tie in the water right in connection with the present Fall River Entrance Pipe Line with the Sunny Slope Ditch, the appropriation for which was made in 1904. Yesterday we got the Court to reopen that claim and put in further proof. Our proof showed that over one second foot of water had been diverted through the ditch up until the time the United States bought the water right from Peter Hondius, and that the use was then converted to a domestic one, the agricultural use being abandoned and the domestic use being substituted.

No objection to any of the claims was made by anybody; hence, we have very good reason for believing, as well as hoping, that our priority will date from 1904, although the use is a different one from the one originally made and the point of diversion is a substantial distance away from the original point of diversion.

We spent an hour and a half or two hours in the later afternoon opposing the claim of the Baldwin Ditch. This ditch has a priority right earlier than the Hondius-Beaver Pipe Line. The stream from which both the Baldwin Ditch and the Hondius-Beaver Pipe Line

divert water has a very limited flow, particularly from the first of July. The Hondius-Beaver Pipe Line serves from 135 to 140 cottages, as well as the Park Residential and Utility Area. The amount of water that we claim the use of for that line is only .33 cubic feet per second of time. The Baldwin Ditch serves some 48 cottages and the amount of water which they claim the right to use is 3.2 second feet. We objected to the amount of water claimed on two grounds. One is that the ditch, according to the testimony which Mr. Dunn, the engineer, gave, will not carry as much as one second foot of water. His testimony showed the capacity thereof, in view of the size of the ditch, the nature of the ground through which it runs, and the grade thereof. The other ground is that the use made is a wasteful one. The evidence showed that, towards the end of the ditch, the water is allowed to flow over a mountain side in an area of some six acres, and that, near the foot of the draw, there is a well or so-called spring, in which only a part of the water discharged on the hillside is caught. In other words, our contention was that the use is extravagant and wasteful, particularly in view of the fact that all the water possible should be conserved.

We requested the Court to view the ditch itself, and I believe he will do so.

I am returning to Boulder on the 11th at which time further proof will be given with respect to other claims. There is a claim on the Griffith Ditch which asks for an earlier priority than that claimed for the Hondius-Beaver Pipe Line. We are naturally interested in trying to prove, if possible, a later priority instead of an earlier one for the Griffith Ditch, and in limiting, as much as possible, the amount of water decreed to the ditch.

Respectfully,

(Sgd) Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM.

07-19-1939: memorandum to regional attorney from assistant engineer regarding water claims for steads ranch

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
July 19, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

Your attention is called to my memo of June 30, 1939, relating to water claims for Stead's Ranch and Hotel.

While at Rocky Mountain in July I discovered that the "drainage ditch" mentioned in the memo had been incorrectly labeled. It is, in reality, a portion of the river to the point of diversion for the Stead Ditch, and really Stead's Ditch from that point on.

At said point of diversion, the river turns northeasterly (not shown on my maps) and reunites with next branch north.

There may be some question as to water levels when using the Stead Ditch, but I cannot see that it concerns the Park Service now.

My memo of June 30 thus becomes a record of claims, which should be of interest to the park, and a notation regarding land boundaries which may need further investigation by park officials.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

07-19-1939: memorandum to regional attorney from associate engineer regarding statement of claim for the beaver creek ditch

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
July 19, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

For the records at Rocky Mountain and our own files, I took the following data from Mr. A. Griffith's statement of claim for the Beaver Creek Ditch, which is now being adjudicated:

Traverse: Point of beginning and diversion at point on Beaver Creek whence NW corner Section 34, Township 5 North, Range 73 West of 6th P. M. bears N 0°08' E 692.8 feet; thence along said ditch S47-15 E 113.5 ft.; S 37-34E 56.4 ft.; S 12-12 W 157.6 ft.; S 68-49 E 318.4 ft.; S 55-47 E 299.5 ft.; S 45-26 E 279.9 ft.; S 55-11 E 81.1 ft.; S 75-45 E 371.5 ft.; S 54-39 E 207.0 ft.; S 38-03 E 140.0 ft.; S 14-01 W 173.5 ft.; S 8-50 W 188.5 ft.; S 25-16 E 165.8 ft.; S 40-09 E 307.6 ft.; S 53-07 E 293.5 ft.; S 27-24 E 133.6 ft.; S 58-04 E 145.7 ft.; S 58-04 E 525.0 ft.

The length claimed is 3958.1 ft.; T = 1.25 ft.; b = 0.50; d = 0.85; s = 0.005; and capacity = 0.62 sec. ft.

The use claimed is 12 acres of irrigation in NW¼ SE¼ of said Section 34, and for domestic purposes.

Reasons given for adjudicating were to prevent later filings and preserve priority from being cancelled in this proceeding.

(Sgd.) A. van V. Dunn.

A. van V. Dunn,
Associate Engineer.

06-30-1939: memorandum to regional attorney from national park service, regional four regarding recap of the filing n0. 16602

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
June 30, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

While in Denver in mid-June, I found that Stead's Ranch water systems had been recently filed with the State Engineer, presumably for use in the present general adjudication.

This filing No. 16602 included:

By Pipe Line No. 1	-	17.7 g.p.m. -	0.0394 sec. ft.
By Pipe Line No. 2	-	6.0 g.p.m. -	0.0134 sec. ft.
By Ditch	-		2.0 sec. ft.

These quantities are quite reasonable, but the filing did not give the acreage irrigated by the ditch as a basis for limiting the ditch diversion by acre feet. This should be requested at the adjudication, and is probably between 40 and 80 acres.

My particular attention was called to the location of the ditch diversion which seemed to be on the park lands purchased from Chas. Reed in 1932. On attached sheet 1 of 9 of drawing RM-6978A, I have plotted the ditch, the two pipe line diversions, and the boundary of Stead's Ranch. Several points are worth noting.

1. The ditch not only diverts on park land, but it seems to be practically the description of a ditch I have considered for drainage from our Brinwood Ditch No. 5. My survey did not extend beyond said "drainage" ditch, hence I am not sure whether they are identical or on opposite sides of another branch of the Thompson River.

   I have noted the elevations I found along the "drainage" ditch which indicate that the river would have to be approximately 6 ft. higher than I found it in July 1937 if it were to be used for diversion purposes. If the two ditches are identical, the other alternative is that the Stead Ditch actually uses return flow from the Brinwood Ditch No. 5 rather than direct diversions from the river.

Furthermore, if the two ditches are identical, I wonder if it would not be well to have Mr. Lewis amend his point of diversion to the point on the river. This should not concern us as to the water right, but only in order to perfect our records regarding park property and easements. We should also determine whether the deed to the Brinwood property recognized the Stead ditch right of way, since the ditch was quite evidently there prior to park purchase of the land.

2. Stead's fence through the middle of Section 32 runs north from the S¼ corner instead of along the North-South center line. I wonder which line was finally accepted as the boundary between Stead's Ranch and the Brinwood when the Park Service purchased the latter.

3. Special attention is called to the portion of the Stead property in the north half of Section 32. It starts 33' west of the E¼ corner of the section, and is described by lines due north, south, east, and west, which do not fit the legal subdivisions of the section. This is only of interest to the Park Service where these boundaries abut on park property.

As an explanation of the map, the fences shown by symbols, and portions of ditches and rivers with elevations, indicate portions thereof which are located by my actual surveys in 1937.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

06-26-1939: memorandum to regional attorney from national park service regarding statement of claim of water going into beaver

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
June 26, 1939

Memorandum for Regional Attorney Joseph E. Taylor:

According to reports from John Griffith, while I was at Rocky Mountain, his father plans to adjudicate his half interest in a ditch diverting on the south or right bank of Beaver Creek approximately 500 feet above the diversion for the Baldwin Ditch, and half a mile below the diversion No. 4 of the Hondius-Beaver Pipe Line.

Since Mr. Griffith Sr. had not filed his statement of claim at the time I was there, I do not know what quantity he will claim. However, with the flow of Beaver Creek so low, the Park Service should do all in its power to keep all claims within reason and no greater than actual diversion and use.

For the same reason, I submitted an analysis of the Baldwin Ditch yesterday. My data on the Griffith Ditch is less complete, but can be increased by a few measurements mentioned below. The following analysis is offered to permit you to arrange a general form of cross examination of the claimant, and to advise the park of certain necessary data I will need to testify in rebuttal.

Ditch Size and Capacity

We should obtain the grade of the ditch for a hundred feet or so at some point above first use, and the minimum cross section on the stretch in which the grade is obtained. The cross section should give the following:

1. Gross dimensions at which water would overflow down hillside.

2. Normal maximum dimensions of ditch proper.

3. Dimensions of ditch at normal or present water surface.

While in Colorado on June 20, I inspected the ditch and obtained the following rough information for the wetted ditch approximately 500' to 700' below the diversion:

T = 1.35 ft.; b = 1.0 ft.; d = 0.375 ft. (depth of water surface); a = 0.44 sq. ft.; p = 1.804; $r = \frac{a}{p} = 0.244$.

Grade (crude estimate) 20'/1000' = S = 0.020; n = 0.035 (my judgment).

$$v \text{ (Kutter's formula)} = \frac{\left(\frac{1.811 + 41.6 + \frac{0.00281}{0.002}}{0.035}\right)}{\left(1 + \left(41.6 + \frac{0.00281}{0.02}\right)\frac{0.035}{0.244}\right)} \sqrt{0.244 \times 0.02}$$

$$= \frac{\left(51.74 + 41.6 + \frac{0.14}{}\right)}{\left(1 + (41.6 + 0.14)\, 0.07089\right)} 0.07$$

$$= \frac{93.48}{5.174} \times 0.07 = 1.81 \text{ sec. ft.}$$

Q (quantity diverted) = av = 0.44 x 1.81 = 0.7964 sec. ft.

Use

On June 20, 1939, my inspection showed the ditch to extend approximately 0.5 mile across Section 34, T. 5 N., R. 73 W. The uphill slope was dry and the vegetation semi-arid. The land below the ditch, for 50 to 100 feet, was usually covered with a rich growth of native grass, weeds, and flowers. The ditch terminated in a small meadow of approximately 5 acres, which John Griffith reports to have been cultivated at various times. In all, the ditch irrigates approximately 11 acres, of which only 5 acres seems to have been intentional.

Presumably, Mr. Griffith derives his domestic water supply from artificial seepage in said 5-acre meadow. In addition, numerous other land-owners along the ditch have wells in, or just below, the 100-foot strip along the course of the ditch. U. S. Commissioner Wayne Hackett reports that F. I. Waters, one of these land-owners, has claimed he would never need a water right as long as he could develop shallow wells in the area of waste seepage from the ditch.

There are approximately 160 acres of subdivided land adjacent to the ditch, but little more than half of this area is below the ditch. Even this gross area, however, is less than half of that served by the Hondius-Beaver Pipe Line where a total domestic, recreational, and fire protection demand of 0.33 second-feet has been ample.

Beneficial Use

Assuming a per capita land occupancy equal to that along the Hondius-Beaver Pipe Line (which it is not) the total domestic, fire protection and recreational water demand cannot exceed one-half of 0.33 second-feet, or a total of 0.165 second-feet.

For irrigation, a second-foot of water is ample for 40-80 acres. Wyoming, for sugar beets, prohibits the use of more than 1.0 second-foot for 70 acres. At the adjudication in Colorado Water District 51 in 1937, the court accepted testimony to the effect that 1.0 second foot was needed for each 40 acres. The Park Service, since acquiring certain decreed water rights, has been transferring portions of the decrees, recognizing that for hay 1 second foot is ample for 70 to 80 acres, and that 1 second foot per 40 acres (3 acre-feet per acre per annum) is only needed for certain crops or where drainage is extremely rapid.

On this basis, a very liberal supply of irrigation water would be obtained at 1.0 second-foot per 40 acres, which would amount to only 0.275 second-feet for the total 11 acres profiting from the ditch.

The preceding discussion indicates a maximum total justifiable water use as follows:

Domestic, etc.	0.165 sec. ft.
Irrigation	0.275 sec. ft.
Total	0.440 sec. ft.

Waste

This system has three types of waste:

1. There are 6 acres irrigated for no apparent reason.

2. As in the Baldwin Ditch, there is probably at least 0.08 second-feet of vertical seepage per mile which cannot be reclaimed.

3. The method of delivery from ditch to the various pipe systems by wells and drain tile in artificial spring areas, as in the case of the Baldwin Ditch, is very inefficient. As in the case of the Baldwin Ditch, these methods are now needed for sanitary reasons, to filter drainage from privies on the same area.

In other words, assuming that at least half the present irrigation is needless, the real water demand is only 0.303 second-feet. Since the ditch seems to be diverting 0.796 second-feet, approximately 0.493 second-feet, or 62%, is wasted. Therefore, as in the case of the Baldwin Ditch, the decree should be limited to the quantity applied to beneficial use, but approximately 2 years could be allowed for conversion of the ditch to a pipe line, at least as far as domestic use is involved.

Ownership and Claims

According to John Griffith, his father has only a half interest in said ditch. Likewise, his irrigated area is only 5 of the total 11 acres. On this basis, Mr. Griffith, Sr., has a bona fide claim to only the following portion of the total capacity:

1/2 total diversion (temporarily)	0.398 sec. ft.
1/2 domestic diversion	0.083 sec. ft.
5/11 irrigation use	0.125 sec. ft.
Total beneficial use	0.208 sec. ft.

Assuming double the rate of flow for irrigation use, the maximum Griffith use would be 0.333 sec. ft. A 4-inch pipe can be built to serve this need very easily.

The other half interest is owned by various individuals and has been stated to consist of domestic and recreational use. The irrigation is not intentional. Assuming that these owners of the other half interest may adjudicate, they would be entitled to only 0.083 sec. ft., or 54,000 gallons per day. Their demand can be easily satisfied by a $2\frac{1}{2}$" pipe, or by adding 1 inch to the diameter of the suggested Griffith pipe.

Conclusions

Any final conclusions are dependent on the actual profile and cross section of the upper portion of the ditch, but they influence the total diversion rather than the amount of water actually applied to beneficial use. It is recommended that the Park Service should attempt to obtain a reasonable limit for the claims by Mr. Griffith as follows:

1. A right to a maximum present domestic use by all partial owners of the ditch, of not over 0.33 second-feet, and probably not over half that amount.

2. A limit on irrigatinn use, based on 3 AF/A/Annum, based on the actual area intentionally irrigated, and diversion for this purpose at the rate of not over 1 second-foot per 40 acres.

3. A careful segregation of the claims and uses of Mr. Griffith, and a limit of decreed rights to those actually making claims in the adjudication.

4. As in the case of the Baldwin Ditch, a temporary period of approximately 2 years in which to reduce the wasteful diversion of water, with no conditional rights to said waste water dating prior to actual measures to conserve water in present diversions.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

06-19-1939: letter to secretary of the interior from regarding statements of claim in rocky mountain national park

COPY

90-1-2-79

June 19, 1939

Honorable Harold L. Ickes
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

In further reference to the statements of claim proposed to be filed in behalf of the Rocky Mountain National Park, in the proceedings instituted in the District Court, County of Boulder, State of Colorado, by the Loveland Lake and Ditch Company, for the adjudication of priorities of appropriation of waters of the Big Thompson River and its tributaries in Water District No. 4, there are enclosed herewith for your information and files copies of the following:

Letters dated June 9 and June 13, 1939, from Worth Allen, Special Assistant to the Attorney General, at Denver, Colorado.

Letter dated June 12, 1939, from Worth Allen to Joseph E. Taylor, Regional Attorney.

Letter dated June 9, 1939, from Worth Allen to John S. McLaughlin, Assistant Superintendent, Rocky Mountain National Park.

Proposed statements of claim for the following ditches and pipe lines:

Owls Pipe Lines, Nos. 1 and 2
Brinwood Pipe Line
Sprague Pipe Line
Tuxedo Park Pipe Line
Hondius-Beaver Pipe Line
Bear Lake Pipe Line No. 2
Brinwood Ditches Nos 1, 2, 3, 4 and 5
Endovalley Fish Pond Pipe Line
Horseshoe Fish Pond Pipe Line
Sprague Ditch
Hollowell Park Ditch No. 2

JUN 23 '39 98528

While it appears that the descriptions and information contained in the statements of claim have been furnished by field representatives of the National Park Service, it will be appreciated if the information contained in the statements of claim is checked with the records in your Department.

You will be advised promptly of further developments.

Respectfully,

Attorney General

Enclosure 319250

06-12-1939: letter to regional attorney from dept. of justice regarding adjudication proceedings for water district no. 4

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, June 12, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re Adjudication Proceedings,
Water District No. 4, Claims
for Rocky Mountain National
Park.

Dear Sir:

I have checked the files in this general adjudication case and have a list of all claims filed. The following are pipelines and ditches for which claims have been made:

Idylwild Pipe Line: This claim is made by the City of Loveland for hydroelectrical purposes. 78 second feet is claimed as of July 14, 1913.

Davie Pipe Line: This claim is made by Eugene W. Davie and Maud D. Davie of Estes Park. The source of water is said to be dug wells in the southeast quarter of the southeast quarter (SE¼ SE¼) of section 26, township 5 north, range 73 west. The priority date claimed is the spring of 1928, and the amount claimed is 2500 gallons, for cabins, 22 of which are now said to be supplied, with an allegation that 11 more will be constructed and furnished with water from the pipe line.

The Cliff Association Pipe Line: This claim was filed by C. H. Woods, John Timothy Stone and the Cliff Association, unincorporated. You are familiar with the location of this pipe line. Priority date of May 1, 1922, is claimed. The amount claimed is 3500 gallons per day. The amount claimed is said to be the capacity of the pipe line, although it is stated that the plant is only partially completed and that they are proceeding with due diligence, as fast as their financial ability and circumstances will permit, to increase the number of cottages to a total of 30.

Woods Pipe Line: C. H. Woods, claimant. You are doubtless familiar with the location of this pipe line. It is alleged that the pipe is a 1½-inch one. Priority date is August 14, 1928. Claim is made for 4,000 gallons per day, with the statement that 3500 gallons are now being used in 25 summer cottages. It is further claimed that the total amount claimed will be used when the number of cottages is

06-12-1939: letter to regional attorney from dept. of justice regarding adjudication proceedings for water district no. 4

C O P Y

DEPARTMENT OF JUSTICE

332 Postoffice Building,

Denver, Colorado, June 12, 1939.

Joseph E. Taylor, Esq.,
Regional Attorney, National Park Service,
601 Sheldon Building,
San Francisco, California.

Re Adjudication Proceedings,
Water District No. 4, Claims
for Rocky Mountain National
Park.

Dear Sir:

I have checked the files in this general adjudication case and have a list of all claims filed. The following are pipelines and ditches for which claims have been made:

Idylwild Pipe Line: This claim is made by the City of Loveland for hydroelectrical purposes. 78 second feet is claimed as of July 14, 1913.

Davie Pipe Line: This claim is made by Eugene W. Davie and Maud D. Davie of Estes Park. The source of water is said to be dug wells in the southeast quarter of the southeast quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$) of section 26, township 5 north, range 73 west. The priority date claimed is the spring of 1928, and the amount claimed is 2500 gallons, for cabins, 22 of which are now said to be supplied, with an allegation that 11 more will be constructed and furnished with water from the pipe line.

The Cliff Association Pipe Line: This claim was filed by C. H. Woods, John Timothy Stone and the Cliff Association, unincorporated. You are familiar with the location of this pipe line. Priority date of May 1, 1922, is claimed. The amount claimed is 3500 gallons per day. The amount claimed is said to be the capacity of the pipe line, although it is stated that the plant is only partially completed and that they are proceeding with due diligence, as fast as their financial ability and circumstances will permit, to increase the number of cottages to a total of 30.

Woods Pipe Line: C. H. Woods, claimant. You are doubtless familiar with the location of this pipe line. It is alleged that the pipe is a $1\frac{1}{2}$-inch one. Priority date is August 14, 1928. Claim is made for 4,000 gallons per day, with the statement that 3500 gallons are now being used in 25 summer cottages. It is further claimed that the total amount claimed will be used when the number of cottages is

increased from 25, the present number, to 40. The same allegation is made with respect to completion as soon as financial ability and circumstances will permit.

Jelsema Ditch: This claim is filed by Frank H. Cheley. Priority date of November 1, 1921, is claimed. The amount of water claimed is 0.7 cubic feet per second of time.

Cheley Pipe Line: This claim was likewise filed by Frank H. Cheley. It is alleged that on May 1, 1927, construction work began on a 2-inch pipe line, 200 feet long, extending to a reservoir with a capacity of 462.4 cubic feet, from which there extends a 1½ inch pipe line some 708 feet long, with a fall of 110 feet and a capacity of 0.08 cubic feet. It is further alleged that on June 1, 1937, an enlargement was made by substituting a 2-inch pipe line for the 1½-inch one with the capacity increased to 0.18 cubic feet. Consequently claim is made for 0.08 cubic feet as of date of May 1, 1927, and 0.1 cubic feet as of June 1, 1937.

Trails End Well and Pipe Line: Before I finished my notes, the Clerk of the Court wanted to close the office. Hence in my hurry, I overlooked the name of the claimant. The priority date claimed is June 1, 1937. The pipe line is said to take water out of Fox creek in the west half of the southeast quarter ($W\frac{1}{2}$ $SE\frac{1}{4}$) of section 28, township 6 north, range 72 west. It is said to be 325 feet long, leading to a galvanized reservoir 8 feet in diameter and 10 feet high, with a capacity of 502 cubic feet. The water is forced through the line with a Demming pump. The line has a rise of 66 feet and an alleged carrying capacity of 0.88 cubic feet.

Fort Morgan Outing Club Pipe Line: Claim is signed by R. M. Steele, President of the Fort Morgan Outing Club Association and attested by Arlington Taylor, Secretary. The priority date claimed is June 15, 1914. The water is claimed for an unstated number of cabins located on a 20-acre tract. The pipe line is a 2-inch one, length not stated, grade 84 feet per 1,000 feet. The amount claimed is 0.10 of a cubic foot.

The Witwer Pipe Line: There are some eight claimants. The priority date is June 10, 1905. The amount claimed is 0.10 cubic feet. The pipe line is said to be a 1-inch one, length 490 feet, grade not stated. I believe this pipe line is located at Glenhaven.

The Baldwin Ditch: This claim was filed by High Drive Development Company, a corporation. The priority date claimed is August 17, 1899. The depth of the ditch is 0.7 feet, the width at high water is 2.4 feet and the width at the bottom is 1.0 feet. The grade is said to be 10 feet per 1000 feet and the carrying capacity 3.2 cubic feet.

If Mr. Dunn, the engineer, should be of the opinion that any or some of these claims are for more water than the capacity or for more than can reasonably be used, and it is deemed of enough importance to take the matter up with the claimants or their attorneys, I shall be glad to follow that course. If the water decrees of agricultural ditches below the Big Thompson Canon were strictly enforced, it is doubtful whether any of the pipe lines in question or those of the United States would ever get any water except at remote intervals. However, as you know, as a practical matter, there has been no objection to the small uses made by small pipe lines serving domestic purposes on the upper reaches of the stream.

Very truly yours,

(Sgd.) Worth Allen.

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

P.S.

There are some other claims, but they are for agricultural uses on the plains below the canon. You are doubtless not familiar with the structures. Hence I have not described the claims. I might simply refer to them as the claims on:

Rist Reservoir, made by Charles G. Buckingham; Oklahoma Lake, made by the Big Cut Lateral and Reservoir Company, a corporation, Big Hollow Reservoir, John A. Cross, attorney; Koenig Reservoir, John A. Cross, attorney; Loveland Reservoir; De France Reservoir, Lucretia C. DeFrance, claimant; Hummel Reservoir, F. M. Waggener, claimant; Coleman Reservoir, Coleman Ditch & Reservoir Company, claimant, and Colorado-Big Thompson Project, United States of America, claimant.

You are familiar with the last-named claim.

LIST OF MAPS ACCEPTED FOR FILING IN OFFICE OF STATE ENGINEER OF COLORADO, WITH FILING NUMBERS AND DATES OF FILING.

Drawing No.	Title	Filing Number	Filing Date
NP-RM-6975	Brinwood Pipe Line, and Brinwood Ditches Nos. 1, 2, 3, 4, and 5	16487	Nov. 1, 1938
NP-RM-6977 (sheets 2 & 3 of 3)	Hollowell Park Pipe Lines Nos. 1 & 2, and Hollowell Park Ditches Nos. 1, 2, 3, & 4	16526	Feb. 24, 1939
NP-RM-6993	Sprague Ditch and Sprague Pipe Line	16527	Feb. 24, 1939
NP-RM-6989	Sunny Slope Camp Pipe Line, and Fall River Entrance Pipe Line	16528	Feb. 24, 1939
NP-RM-6980	Owl Pipe Lines No. 1 and 2	16529	Feb. 24, 1939
NP-RM-6983 (sheets 5 & 6 of 6)	Hondius-Beaver Pipe Line	16549	April 13, 1939
NP-RM-6994	Moraine Museum Pipe Line	16550	April 13, 1939
NP-RM-6995	Bear Lake Pipe Line	16551	April 19, 1939
NP-RM-6996	Endovalley Fish Pond Pipe Line	16552	April 19, 1939
NP-RM-6997	Horseshoe Fish Pond Pipe Line	16553	April 19, 1939
NP-RM-6998	Tuxedo Park Pipe Line	16558	April 28, 1939

Docket Information

Number of Documents in Docket 175

Documents Dated from 3/15/1939 to 11/23/1960

Docket Compiled: 6/8/2016