

GRSA Water Rights

In 1989 the District Court for Water Division 2 decreed Federal reserved and State appropriative water rights for GRSA. The decrees are referred to by Case Numbers 81CW161, 81CW163, and 81CW164.

- Case Number 81CW161 concerns Federal reserved water rights to specific wells.
- Case Number 81CW163 concerns State appropriative rights to wells.
- Case Number 81CW164 concerns Federal reserved rights to stream flows, future consumptive uses (wells), and a State appropriative right to flow from Denton Spring.

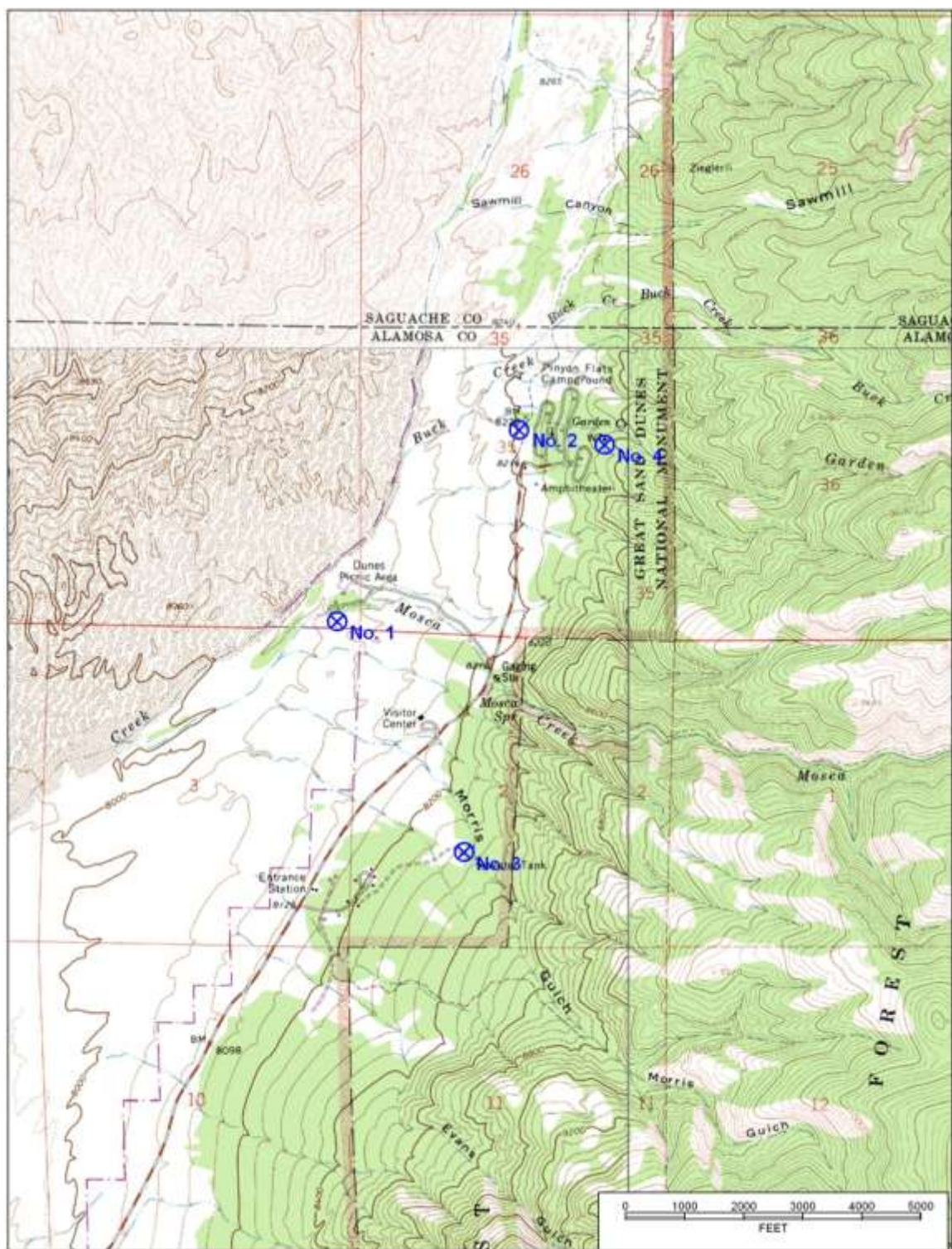
Paragraph 4 of the decree for case number 81CW164 reserves 8.0 acre-feet per year for staff and visitor domestic water needs directly related to the administration and operation of GRSA. This water is to be diverted through one or more wells.

The two wells at the campground are Well No. 2, west of the campground, and Well No. 4, east of the campground (near the water storage tank).

- Decree 81CW161 claims a Federal reserved water right of 10 gpm for Well No. 4.
- Decree 81CW163 claims a State appropriative right of 30 gpm for Well No. 2.

Decree 81CW164 identifies the procedures for permitting future wells. Within the Decree section of the document, Section 4 (page 34) states that the U.S. has a reserved water right of 8 acre-feet/year to be withdrawn from one or more wells to be constructed in the future. Paragraph 9 (page 35) of the Decree (81CW164) states that the U.S. shall provide the State all of the information necessary for an application for a permit to construct a well, and that the State shall issue a permit. In simple terms, NPS will provide information to DWR regarding well construction and DWR will issue permits.

Water Rights at GRSA are also described in the Water Resources Management Plan (Chatham, Sharrow, and Valdez, 1997) on page 59.



Excerpt from the Water Resources Management Plan, 1997

~~since that time (Case 81CW164, Findings of Fact, Conclusions of Law and Decree, 1989).~~

Ground Water

Ground water for domestic use of the Monument staff and visitors and for uses related to administration and operation is diverted by virtue of reserved water rights (Case 81CW164, Findings of Fact, Conclusions of Law and Decree, 1989) and appropriative rights (Case 81CW163, Findings of Fact, Conclusions of Law and Decree, 1989). Well locations are shown on Figures 7 and 11.

Well No. 4.—"Well No. 4" was decreed a federal reserved water right of 10 gpm for domestic use, with a priority date of March 17, 1932 (Case 81CW161, Findings of Fact, Conclusions of Law and Decree, 1989).

Future needs.—For future domestic, administrative, and operational water needs of staff and visitors, an additional 8.0 acre-feet/year has been decreed as a federal reserved water right to the United States, with a priority date of June 17, 1956. The water is to be diverted through one or more wells in the Monument and used in the Monument. No water wells have yet been drilled. If a well is drilled, the United States must provide the State Engineer all the material required for the filing of a well permit, and the State Engineer must grant the permit if it meets the requirements set forth in the decree (Case 81CW164, Findings of Fact, Conclusions of Law and Decree, 1989).

Wells No. 2 and No. 3.—Appropriative water rights have been decreed to the United States for two wells (See Case 81CW163, Findings of Fact, Conclusions of Law and Decree, 1989): "Well No. 2", in Piñon Flats Campground, for 30 gpm (priority date of August 1, 1963); and "Well No. 3", for 25 gpm for domestic and municipal uses (priority date of June 23, 1978). Well No. 3 was drilled as a new well to replace an existing well ("Well No. 1") (Denise Newberry, National Park Service-Water Resources Division, written commun., National Park Service-Water Resources Division file data, Fort Collins, CO; L. E. Surles, National Park Service, Associate Regional Director, Park Operations, written commun., 1983).

Well No. 1.—The National Park Service, through the Department of Justice, is seeking a decreed right

for "Well No. 1" to supplement Well No. 3. In 1989, when the decree was issued for Well No. 3, the National Park Service did not believe that Well No. 1 would be needed, and so no water right was sought at that time. A new permit (no. 036273-F) was obtained for Well No. 1 on February 28, 1990, after flow from Well No. 3 began to diminish, that allows Well No. 1 to be used as a supplemental well for Well No. 3. Until a decree for a change in water right is obtained, Well No. 1 is considered by the State Engineer as having a priority junior to all vested water rights. Interim permissible water use from Wells No. 1 and No. 3 is as follows: combined maximum pumping rate is not to exceed 25 gpm; combined annual amount of water to be appropriated is not to exceed 8.9 acre-feet. Use of the water is restricted to domestic and municipal use in the picnic area, visitor center, employee housing, and work center (National Park Service-Water Resources Division file data, Fort Collins, CO, no date).

~~Unperfected Water Rights for which Decrees were Not Pursued by the United States~~

~~Water right decrees for several water diversion ditches in the Monument (described above in the "water supply" section) were not pursued. The ditches are as follows.~~

~~The Department of Justice declined to file applications for Garden, Opincar and Buck Creek ditches in the general adjudication because there was, in their opinion, no chance of getting water rights for these ditches. With regard to the Opincar Ditch, the Department of Justice further concluded "...to the extent a water right ever existed, the appropriator abandoned it long ago. Research by the National Park Service indicates that the Gold Mining venture for which the water right was originally granted never panned out." "The Park Service has no interest in developing the Opincar Ditch water right and, because of the Monument's decreed instream flows, will vigorously oppose any effort to revive this long dead right." (See January 6, 1992 letter to Clerk of the Water Court, from James J. Dubois, Department of Justice). Case Number 81CW162, a claim submitted to the district court for surface water from Mosca Pipeline at Mosca Spring, was withdrawn by the Department of Justice.~~