



WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 73

MORAINE PARK MUSEUM PIPELINE

Preliminary Docket Information

09-12-1960: Moraine Museum water Right Systems

09-12-1960 index - rocky mtn. national park docket # 3

INDEX
ROCKY MOUNTAIN NATIONAL PARK
Water Right Docket No. 1
Moraine Museum Water Right Systems

(Index prepared 9/12/60
by Region Two Office)

PART I - UTILITY SPRING & WELL

1. Map, No. NP-84-6904, Proposed Transfers of Decreed Priorities 57, 58, & 68, Thompson River Drainage, Water Dist. 4, Div. 1.
2. Findings and Decree, Recorded July 7, 1939, in the District Court No. 10090 (7 pages plus certification page, /s/ C.W. Atkinson).
3. Completion Report of Construction Project, Extend Sewer and Water Lines, Construct Sewage Treatment Plant, signed Jan. 20, 1960, w/ Narrative Statement (2 pages).

PART II - MORAINE MUSEUM SPRING

1. Map, McPherson Pipe Lines 1 & 2, containing on it Filing Application No. 11820.
2. Map, No. NP-84-6904, Moraine Museum Pipe Line, Water Dist. 4, Div. 1, Rocky Mountain National Park.
3. Copy - Statement of Claim of the United States of America for the Moraine Museum Pipe Line, No. 10007 in the District Court - consisting of 5 pages with notation on bottom of page 1, Jul 11 '39 99670.
4. Copy - titled "Moraine Museum Pipe Line" - Domestic Priorities Nos. 11, 23, and 45; Ditch--Pipe Line--No. 12 - consisting of pages numbered 131, 132, 133, 134.
5. Copy - STATEMENT - April 9, 1953, signed A. van V. Dunn.
6. Copy - Form NPS-L-1, Land Ownership Record, Deed No. 53, prepared 11/23/43 by A. van V. Dunn, Hydraulic Engr.
7. Log and History of Well, Moraine Park Well No. 1 - Permit No. 4019, w/ No. 19, 1959 memo from Supt. Lloyd.

See part III

WATER RIGHT RECORD

Park: ROMO

Docket Number:

Federal #3

IDENTIFICATION NO: ROMO, S, 3, 3, 0, 5, 7, 3, A, F, 0, 3,

DITCH/WATER SYSTEM: Moraine Museum Pipe Line (Abandoned)

SOURCE OF SUPPLY: Spring Areas

LOCATION: Whence the W $\frac{1}{2}$ cor. of Sec. 33, T5N, R73W, bears N88°30'W
1666.8 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Filing No. 11820, Dec. 12, 1916
Filing No. 16550, April 13, 1939

Certificate Record Number:

Date of Priority: Nov. 10, 1916

Quantity of Water: 0.08 c.f.s.

Purpose: Domestic, recreational and fire protection

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a head-gate and distribution system, acquired by purchase by the NPS in 1931. Formerly McPherson Pipe Line.

DOCKET INFORMATION SHEET

Docket Identity	Region	Area	Site	State	County	Docket	Location	Acquired by Application	Permit	Certificate Priority	Reservation	Status	Source	Use	Quantity	Hydrologic Unit	Remarks	
ROMO 533057309103	ROCKY MOUNTAIN	ROCKY MOUNTAIN NATIONAL PARK	MOBILNE MUSEUM PIPE LINE	COLORADO	LABRE	ROMO WATER RIGHT DOCKET 3	ISM RT36 SEC 33	FILMING 11820 DEC 12, 1916 - 16550 APRIL 13, 1939		NOVEMBER 10, 1916 - 0.08 CFS	JANUARY 26, 1915	INACTIVE FEDERAL	GROUND WATER	DOMESTIC, RECREATIONAL AND FIRE PROTECTION	0.08 CFS	10190006	ABANDONED	FOREVER MCPHERSON PIPE LINE SYSTEM ACQUIRED BY PURCHASE, 1981

STATE OF COLORADO)
COUNTY OF BOULDER) SS. 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 judicial 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 suf-
ficiently advised in the premises, does render the following
findings and decree herein:

OF 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. 1938, 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 18, 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 September 12, 1939, and the Court ordered that said testimony and evidence be transcribed and filed with the Clerk of this Court, which was accordingly done.

GENERAL CONDITIONS AND PROVISIONS WHICH CONTROL
EACH AND EVERY SPECIAL DECREEAL 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 this 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 Kortha 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. 48, next following ditch No. 49--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 82, being the next consecutive number following No. 82, 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 6, 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
hereinsbove 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;

MORRINE MUSEUM PIPE LINE

(Domestic Priorities Nos. 11, 23 and 75; Ditch--Pipe Line--No. 12.)

1. The claimant of Morraine Museum Pipe Line is United States of America, Rocky Mountain National Park, Estes Park, Colorado.

2. The main diversion, hereinafter called Diversion No. 1, is by pump at a spring, tributary to the Big Thompson river, from which it derives part of its supply of water at a point whence the west quarter corner of section thirty-three (33), township five (5) north, range seventy-three (73) west of the 6th principal meridian, bears north $88^{\circ}20'$ east 1886.80 feet.

The pump of said Diversion No. 1 also derives an additional supply of water from collecting laterals in an area immediately adjacent thereto, 217 feet in length from east to west and 830 feet in width from north to south, which said area lies principally in the south half of the south half of the northwest quarter (8 $\frac{1}{4}$ S. 16 $\frac{1}{4}$ of said section thirty-three (33). The terminal of said laterals, hereinafter designated Diversions Nos. 2, 3, 4, and 5, are located at points whence the said west quarter corner of said section thirty-three (33) bears:

From Diversion No. 2--south $70^{\circ}09'$ west 1281.48 feet;

From Diversion No. 3--south $66^{\circ}02'$ west 1097.48 feet;

From Diversion No. 4--south $73^{\circ}09'$ west 1368.76 feet;

From Diversion No. 5--south $74^{\circ}15'$ west 1109.80 feet;

3. The general course of said main pipe line is northeasterly from the pump at Diversion No. 1 to a 10,000-gallon distribution reservoir, and the general course of the collecting lateral system is southeasterly.

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4. The descriptions of said main pipe line and collecting lateral system are as follows:

	<u>Main Pipe Line.</u>	<u>Collecting Lateral System</u>
The diameter of said pipe line is	2 inch & 4 inch	4 inch
The grade of said pipe line per 1000 feet is	138 feet	17 feet
The pump lift is	170 feet	
The length of said pipe line is	1230 feet	1200 feet.

5. The carrying capacity of the main pipe line is greater than the pump capacity, the latter being 0.08 cubic feet of water per second of time. Said water is diverted from springs as follows:

At Diversion No. 1--0.025 second feet;

At Diversion No. 2--0.015 second feet;

At Diversion No. 3--0.015 second feet

At Diversion No. 4--0.015 second feet;

At Diversion No. 5--0.010 second feet.

6. The use made of said pipe line is for domestic, recreational and fire protection purposes at the Moraine Museum and Amphitheater and private cottages located in the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said section thirty-three (33).

7. M. Imogene McPherson, in the month of June, 1906, began and shortly thereafter completed construction of McPherson Pipe Line No. 1, which was used that year and continuously since, which was substantially identical with Moraine Museum Pipe Line, so far as the main line and Diversion Points Nos. 1 and 2 thereof are concerned. Said M. Imogene McPherson continuously diverted through said McPherson Pipe Line No. 1, 0.025

second feet of water which was used for domestic, recreational and fire protection purposes at Morsine Lodge, and at the residence of Charles A. Chapman in the southwest quarter (SW $\frac{1}{4}$) of said section thirty-three (33).

Said McPherson began construction by survey on November 10, 1916, and completed construction in 1917, of McPherson Pipe Line No. 2. The point of diversion of the latter line was at springs on the south or right bank of Beaver creek, a tributary of the Big Thompson river, at a point whence the southeast corner of the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said section thirty-three (33) bears south 2°08' west 550 feet. The general direction of said pipe line was southeasterly; the length thereof was 500 feet; the diameter was 1 inch, and the capacity was .015 second feet.

From the time said McPherson Pipe Line No. 2 was constructed until claimant revamped said McPherson Pipe Line No. 1, continuous use was made by claimant and its said predecessors of said McPherson pipe Line No. 2, and there was continuously conveyed therein to said Morsine Lodge for domestic, recreational and fire protection purposes, .015 second feet of water.

On September 1, 1935, claimant began revamping said McPherson pipe Line No. 1 by making a survey for an improved and enlarged system with a capacity of .08 second feet of water.

Said improved and enlarged system has been gradually and continuously revamped, enlarged and extended, and now has a capacity of .08 cubic feet of water per second. Said McPherson Pipe Line No. 2 was abandoned in 1933, and the water theretofore carried therein and in McPherson pipe Line No. 1, has since been carried in the revamped system known as the Morsine Museum Pipe Line.

8. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on April 18, 1930, and was assigned No. 16550, which map and statement was supplementary to and secondary of map and statement filed in said office on December 15, 1916 by H. Ingeborg McPherson, and assigned No. 11,050.

9. As a matter of law the claimant is entitled to a decree to the effect that there be permitted to be pumped out of said spring and said area immediately adjacent thereto, and into said pipe line .08 cubic feet of water per second of time for domestic, recreational and fire protection purposes, with Domestic Priority No. 11, as of July 30, 1906, for .025 second feet of water, and with Domestic priority No. 23, as of November 10, 1916, for .015 second feet of water and with Domestic Priority No. 45, as of September 1, 1930, for .04 second feet of water.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that there be permitted to be pumped out of said spring and area adjacent thereto into said pipe line .08 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 11, as of date June 30, 1906, and .015 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 23, as of date November 10, 1916, and ^{cubic} .040/seconds feet of water per second of time, with DOMESTIC PRIORITY NO. 45, of date September 1, 1930; a total under said three priorities of .080 cubic feet per second of time, and all subject to the general and paramount provisions of the decree.

STATE OF COLORADO, }
COUNTY OF BOULDER. } ss.

I, C. H. ATKINSON, Clerk of the District Court
of the County of Boulder, State aforesaid, do hereby
certify the above and foregoing to be a true, complete
and perfect copy of Water Decrees of the several ditches,
pipe lines, canals and reservoirs herein adjudicated in
Case 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, as the same
now remains on file and of record in this office.

WITNESS My Hand and the Seal of said
Court, at the Court House in
Boulder, County and State afore-
said, this 21st day of November,
A. D. 1939.

C. H. Atkinson
Clerk.

CIVIL ACTION CASE
I N D E X - 10077

ALPHABETICAL INDEX

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Coleman Reservoir.....	37	Nov 23 1901	12,372,450 cf	32.....	30
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Rist & Benson Reservoir.....	33	Apr 26 1903	18,231,000 cf	33.....	33
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* Conditional.

Domestic.

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*Conditional.

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<u>Irrigation Ditches</u>					
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Idylwild Pipe Line.....	2	July 14 1913	74 cfs	2.....	204
Sprague Ditch.....	4	June 30 1927	20 cfs	4.....	206
<u>Miscellaneous</u>					
Endovalley Fish Pond Pipe Line....	3	Aug 30 1934	.85 cfs	3.....	212
Horseshoe Fish Pond Pipe Line....	2	Aug 14 1933	.5 cfs	2.....	210
Jelsaka Ditch & Pond.....	1	Nov 1 1921	.7 cfs	1.....	208

*Conditional.

INDEX TO PRIORITIESReservoirs

Priority No.	Date	Capacity	Name	Number	Page
30	Sept 15 1871	120 acre ft	Rist (Buckingham) Res	25	8
31	Nov 20 1882	12,808,840 c.f.	Baumel Reservoir	26	13
32	Nov 30 1882	25,928,940 c.f.	Chapman Reservoir	27	16
33	May 10 1883	11,325,800 c.f.	DeFrance Reservoir	28	19
34	May 1 1890	21,430,000 c.f.	Oklahoma Lake	29	22
35	June 14 1894	1,225,000 c.f.	Big Hollow Reservoir	30	24
36	Sept 15 1898	81,459,344 c.f.	Loveland Reservoir	31	26
37	Nov 23 1901	10,378,450 c.f.	Coleman Reservoir	32	30
38	Apr 28 1903	15,281,000 c.f.	Rist & Benson Res.	33	33
39	Dec 4 1905	20,775,764 c.f.	Loveland Res (Enl)	31	26
40	June 15 1907	420,000,000 c.f.	Home Supply Res (Refill)	1	37
41	June 16 1907	50,000,000 c.f.	Landon Res (Refill)	2	40
42	June 17 1907	180,000,000 c.f.	Mariano Res (Refill)	3	43
43	June 18 1907	31,726,870 c.f.	Ryan Gulch Res (Refill)	12	46
44	June 19 1907	15,285,639 c.f.	South Side Res (Refill)	13	48
45	Sept 22 1911	4,380,908 c.f.	Keonig Reservoir	34	51
46	Sept 30 1911	394 acre ft.	Rist (Buckingham) (Enl)	25	8
47	June 30 1921	51,616,431 c.f.	Duckhorn Res (Refill)	14	54
48	Aug 6 1921	13,205,374 c.f.	South Side Res (Enl)	13	57
49	June 15 1923	215,849,700 c.f.	Nandy R. Enl (Refill)	24	60
50	June 15 1923	13,205,374 c.f.	South S. Res "	13	63
51	June 15 1923	25,832,325 c.f.	Hertha Res (Refill)	22	66
52	Dec 31 1930	5,121,000 c.f.	Rist & Benson Res. (Enl)	33	33
53	Aug 1 1931	33,030,100 c.f.	Lawn Reservoir (Refill)	11	69
54*	Sept 14 1933	109,020 acre ft	Carter Lake	35	72
55*	Sept 14 1933	48,822 acre ft	Arkins Reservoir	36	72
56*	Sept 14 1933	110,860 acre ft	Horsetooth Reservoir	37	72

*Conditional.

Irrigation Ditches.

83	Dec 31 1878	2	sec. ft	Brinwood Ditch No. 1	49	84
84	Dec 31 1878	2	sec. ft	Brinwood Ditch No. 2	50	84
85	Dec 31 1878	2	sec. ft	Brinwood Ditch No. 3	51	84
86	Dec 31 1878	1.05	sec. ft	Brinwood Ditch No. 4	52	84
87	Dec 31 1878	5	sec. ft	Brinwood Ditch No. 5	53	84
88	Dec 31 1888	1.06	sec. ft	Osborn Irrigation Sys	54	89
89	June 30 1891	1.125	sec. ft	Saw Mill Ditch	55	92
90	Dec 31 1892	.8	sec. ft	Kirkaid Ditch	56	94
91	May 31 1897	1	sec. ft	Marshman Ditch No. 1	57	96
92	May 31 1897	1	sec. ft	Marshman Ditch No. 2	58	98
93	June 22 1899	.8	sec. ft	Bartholf Ditch No. 1	59	100
94	June 22 1899	1.3	sec. ft	Bartholf Ditch No. 2	60	102
95	May 10 1901	4	sec. ft	Lawrence Spring Ditch	61	104
96	June 1 1904	2	sec. ft	Stead Ditch	62	106
97	June 30 1904	.62	sec. ft	Beaver Creek Ditch	63	108
98	Apr 25 1906	8.28	sec. ft	Williams Ditch	64	110
99	June 22 1912	.7	sec. ft	Hollowell Park D. No 2	65	112
100*	Sept 14 1933	300	sec. ft	Carter Lake Sup. Canal	66	72
101*	Sept 14 1933	500	sec. ft	Arkins Supply Canal	67	72
102*	Sept 14 1933	450	sec. ft	Horsetooth Supply Canal	68	72

*Conditional.

Priority No.	Date	Capacity	Domestic	Name	Number	Page
5	Dec 31 1875	.0394 sec ft		Stead Pipe Line No. 1	6	115
6	Dec 31 1899	1. sec ft		Baldwin Ditch	7	119
7	June 1 1904	.0184 sec ft		Stead Pipe Line No. 2	8	115
8	July 31 1905	.18 sec ft		Nitwer Pipe Line	9	123
9	Aug 21 1905	2. sec ft		Estes P. Town Co. P. L.	10	125
10	June 22 1906	.04 sec ft		Brimwood Pipe Line	11	129
11	June 30 1906	.025 sec ft		Moraine Museum Pipe Line	12	131
12	Sept 1 1906	.33 sec ft		Hondius Beaver Pipe Line	13	135
13	June 1 1908	.01 sec ft		Sprague Pipe Line	14	140
14	Aug 18 1909	.12 sec ft		Pearson Pipe Line	15	142
15	Dec 31 1909	.02 sec ft		Griffith Well No. 1	16	143
16	July 31 1910	.01 sec ft		Tritch Pipe Line No. 1	17	143
17	Nov 9 1911	1.73 sec ft		Estes Park Water Co. P. L.	18	135
18	Dec 31 1911	.02 sec ft		Griffith Well No. 2	19	145
19	June 30 1913	.01 sec ft		Hollowell Park P. L. No. 2	20	153
20	July 15 1914	.01 sec ft		Ft. Morgan O. Club P. L.	21	157
21	Oct 1 1914	.004 sec ft		Boyd Water System	22	159
22	Dec 31 1914	.01 sec ft		Griffith Well No. 4	23	143
23	Nov 10 1916	.013 sec ft		Moraine Museum Pipe Line	12	131
24	Dec 31 1916	.01 sec ft		Griffith Well No. 3	24	145
25	June 30 1917	.016 sec ft		Hollowell Park P. L. No 1	25	153
26	June 30 1917	.03 sec ft		Hollowell Park P. L. No 2	26	153
27	July 1 1917	.041 sec ft		Gwls Pipe Line No. 1	26	161
28	Sept 30 1918	.012 sec ft		Rocky Mt. Boys Camp P. L.	27	164
29	July 15 1920	.04 sec ft		Gwls Pipe Line No. 2	26	161
30	July 31 1921	.03 sec ft		Schubert Sp & P L No 1	28	166
31	May 1 1922	.005 sec ft		Cliff Ass'n Pipe Line	29	171
32	May 31 1922	.02 sec ft		Tuxedo Park Pipe Line	30	173
33	Sept 22 1922	.012 sec ft		Cascade Pipe Line	31	175
34	May 20 1923	.029 sec ft		Green Pipe Line	32	177
35	Dec 31 1924	.02 sec ft		Griffith Well No. 3	33	145
36	Apr 1 1925	.015 sec ft		Bunny Slope Pipe Line	34	179
37	Apr 1 1925	.066 sec ft		Fall River Entrance P L	35	182
38*	Apr 1 1925	.034 sec ft		Fall River Entrance P L	35	182
39*	May 20 1925	2. sec ft		Glacier Creek Pipe Line	36	187
40	Sept 30 1925	.03 sec ft		Tritch Pipe Line No. 2	17	143
41	May 1 1927	.08 sec ft		Cheley Pipe Line	37	190
42	June 22 1928	.004 sec ft		Davie Pipe Line	38	193
43	Aug 14 1928	.006 sec ft		Woods Pipe Line	39	195
44*	June 20 1932	.12 sec ft		Bear Lake Pipe Line	40	197
45	Sept 1 1933	.04 sec ft		Moraine Museum Pipe Line	12	131
46	June 1 1937	.1 sec ft		Cheley Pipe Line (Bal)	37	190
47	June 1 1937	.088 sec ft		Trails End Well & P L	41	200
48*	June 5 1939	.175 sec ft		Schubert Sp & P L No 2 & 3	28	166
49*	July 1939	4.38 sec ft		Pearson Pipe Line (Enl)	15	142

*Conditional

Power

1	Nov 10 1908	13 sec ft		Hondius Cascade Pipe Line	1	202
2	July 14 1913	74 sec ft		Idylwild Pipe Line	2	204
3	June 30 1919	35.5 sec ft		Hondius Cascade Pipe Line	3	202
4	June 30 1927	20 sec ft		Sprague Ditch	4	206
5*	Sept 14 1933	650 sec ft		Colo-Big Thompson P No 2	5	72
6*	Sept 14 1933	550 sec ft		Colo-Big Thompson P No 3	6	72
7*	Sept 14 1933	750 sec ft		Colo-Big Thompson P No 4	7	72

*Conditional

Miscellaneous

1	Nov 1 1921	.7 sec ft		Solovna Ditch & Pond	1	208
2	Aug 14 1933	.5 sec ft		Moosehide Fish Pond & L	2	210
3	Aug 30 1934	.20 sec ft		Endovalley Fish Pond P L	3	212

Docket No. 3

MAY 8 1957

MORaine MUSEUM PIPE LINE

Pipe Line No. 12, Water District No. 4.

USE

Domestic. Supplies water to the National Park Utility Area, the Moraine Park Museum, and to the Scott, White, Bullen and Rusted Cabins.

HEADGATES

Main Point of Diversion (Pump House) from which the total supply of water from the collecting laterals is pumped into the main pipe line, is a point whence the West Quarter Corner of Section 33, Township 5 North, Range 73 West, bears North 88° 30' West 1666.8 feet. Four collecting laterals bring water from a spring area, 917 feet east-west by 630 feet north-south, lying immediately Northwest of the Pump House and in the S½ of S½ of the NW¼ of said Section 33.

PRIORITY

Domestic Priority No. 11, June 30, 1906, for 0.025 cubic feet,
Domestic Priority No. 23, November 10, 1916, for 0.015 cubic feet,
Domestic Priority No. 45, September 1, 1933, for 0.04 cubic feet of
water per second of time, all out of McPherson Spring Area in accordance
with a Decree of the Colorado District Court on November 14, 1939.

AMOUNT OF DECREE

0.08 cubic feet of water per second of time from said spring area,
or 35.9 gallons per minute.

OWNERSHIP and OPERATION

Owned and operated by the United States. Acquired by purchase from McPherson but was adjudicated by United States.

MAPS

Filing No. 16550 by the United States, accepted by the State Engineer of Colorado on April 13, 1939.

Filing No. 11820 by Imogene McPherson, accepted by the State Engineer of Colorado on December 12, 1916.

Central Ranger District.

Moraine Park Area.

11-23-1943: land ownership record: Filed Claim 16550

Form NPS-L-1 UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

State Colorado LAND OWNERSHIP RECORD Tract No. _____
County Larimer Deed No. 53
Civil Subdivision _____ Area _____ acres _____ Rocky Mountain Nat. Park
Name of Park or Area
Section of Park or Area

XXX based on survey filing Date April 13, 1939 Moraine Museum
Section of Park or Area

Legal Description: Filed Claim 16110 - Moraine Museum Pipe Line
This is amendment of Filed Claim 11820 by M. Imagine McPherson.

Method of Acquisition: Purchase and amendment Appropriation or Source of funds: Federal
Cost (if purchased) or estimated value: _____

Acquired from: Exchange National Bank (Estate of M. Imagine McPherson)

Accepted by Secretary () Opinion of Atty. Gen.-Title in U. S. () date: _____

Physical Characteristics: Claim to divert water by the Moraine Museum Pipe Line as follows:
0.025 sec. ft. with priority 6/30/06
0.025 sec. ft. with priority 11/30/16
0.040 sec. ft. with priority 9/1/33

Improvements on Land at time of Acquisition: See Deed 12

Existing or outstanding special use permits, reservations, rights, or rights of way: _____

Report Based on: Records of Water Rights Section

Prepared by: A. van V. Dunn, Hydraulic Engineer date: 11/23/43

Map References: NP-RM-5994

Remarks: See Deed 53 for subsequent adjudication and decree.

25348

REC'D DEC 8 1939

MORAINÉ MUSEUM PIPE LINE

(Domestic Priorities Nos. 11, 23, and 45; Ditch--Pipe Line--No. 12)

1. The claimant of Moraine Museum Pipe Line is United States of America, Rocky Mountain National Park, Estes Park Colorado.

2. The main diversion, hereinafter called Diversion No. 1, is by pump at a spring, tributary to the Big Thompson river, from which it derives part of its supply of water at a point whence the west quarter corner of section thirty-three (33), township five (5) north, range seventy-three (73) west of the 6th principal meridian, bears north $88^{\circ}30'$ west 1665.00 feet.

The pump of said Diversion No. 1 also derives an additional supply of water from collecting laterals in an area immediately adjacent thereto, 917 feet in length from east to west and 630 feet in width from north to south, which said area lies principally in the south half of the south half of the northwest quarter ($8\frac{1}{2}$ $8\frac{1}{2}$ NW $\frac{1}{4}$) of said section thirty-three (33). The termini of said laterals, hereinafter designated Diversions Nos. 2, 3, 4, and 5, are located at points whence the said west quarter corner of said section thirty-three (33) bears:

From Diversion No. 2-- south $70^{\circ}09'$ west 1261.42 feet;

From Diversion No. 3-- south $64^{\circ}02'$ west 1092.48 feet;

From Diversion No. 4-- south $73^{\circ}02'$ west 1363.76 feet;

From Diversion No. 5-- south $74^{\circ}15'$ west 1109.90 feet.

3. The general course of said main pipe line is northeasterly from the pump at Diversion No. 1 to a 10,000 gallon distribution reservoir, and the general course of the collecting lateral system is southeasterly.

4. The descriptions of said main pipe line and collecting lateral system are as follows:

	<u>Main Pipe Line.</u>	<u>Collecting Lateral System.</u>
The diameter of said pipe line is	2 inch & 4 inch	4 inch
The grade of said pipe line per 1000 feet is	138 feet	17 feet
The pump lift is	170 feet	
The length of said pipe line is	1230 feet	1200 feet.

5. The carrying capacity of the main pipe line is greater than the pump capacity, the latter being 0.08 cubic feet of water per second of time. Said water is diverted from springs as follows:

At Diversion No. 1--0.025 second feet;

At Diversion No. 2--0.015 second feet;

At Diversion No. 3--0.015 second feet

At Diversion No. 4--0.015 second feet;

At Diversion No. 5-- 0.010 second feet.

6. The use made of said pipe line is for domestic, recreational and fire protection purposes at the Moraine Museum and Amphitheater and private cottages located in the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said section thirty-three (33).

7. M. Imogene McPherson, in the month of June, 1906, began and shortly thereafter completed construction of McPherson Pipe Line No. 1, which was used that year and continuously since, which was substantially identical with Moraine Museum Pipe Line, so far as the main line and Diversion Points Nos. 1 and 2 thereof are concerned. Said M. Imogene McPherson continuously diverted through said McPherson Pipe Line No. 1, 0.025

second feet of water which was used for domestic, recreational and fire protection purposes at Moraine Lodge, and at the residence of Charles A. Chapman in the southwest quarter (SW $\frac{1}{4}$) of said section thirty-three (33).

Said McPherson began construction by survey on November 10, 1916, and completed construction in 1917, of McPherson Pipe Line No. 2. The point of diversion of the latter line was at springs on the south or right bank of Beaver creek, a tributary of the Big Thompson river, at a point whence the southeast corner of the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said section thirty-three (33) bears south 3°08' west 550 feet. The general direction of said pipe line was southeasterly; the length thereof was 500 feet; the diameter was 1 inch, and the capacity was .015 second feet.

From the time said McPherson Pipe Line No. 2 was constructed until claimant revamped said McPherson Pipe Line No. 1, continuous use was made by claimant and its said predecessor of said McPherson pipe Line No. 2, and there was continuously conveyed therein to said Moraine Lodge for domestic, recreational and fire protection purposes, .015 second feet of water.

On September 1, 1933, claimant began revamping said McPherson Pipe Line No. 1 by making a survey for an improved and enlarged system with a capacity of .08 second feet of water.

Said improved and enlarged system has been gradually and continuously revamped, enlarged and extended, and now has a capacity of .08 cubic feet of water per second. Said McPherson Pipe Line No. 2 was abandoned in 1933, and the water theretofore carried therein and in McPherson Pipe Line No. 1, has since been carried in the revamped system known as the Moraine Museum Pipe Line.

8. Map and statement of claim on this pipe line was filed in the office of the State Engineer by claimant on April 13, 1939, and was assigned No. 16550, which map and statement was supplementary to and amendatory of map and statement filed in said office on December 12, 1916, by M. Imogene McPherson, and assigned No. 11,820.

9. As a matter of law the claimant is entitled to a decree to the effect that there be permitted to be pumped out of said spring and said area immediately adjacent thereto, and into said pipe line .08 cubic feet of water per second of time for domestic, recreational and fire protection purposes, with Domestic Priority No. 11, as of June 30, 1906, for .025 second feet of water, and with Domestic Priority No. 23, as of November 10, 1916, for .015 second feet of water and with Domestic Priority No. 45, as of September 1, 1933, for .04 second feet of water.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that there be permitted to be pumped out of said spring and area adjacent thereto into said pipe line .025 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 11, as of date June 30, 1906, and .015 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 23, as of date November 10, 1916, and .040 cubic feet of water per second of time, with DOMESTIC PRIORITY NO. 45, of date September 1, 1933, a total under said three priorities of .080 cubic feet per second of time, and all subject to the general and paramount provisions of this decree.

STATE OF COLORADO }
COUNTY OF BOULDER } SS.

IN THE DISTRICT COURT
NO. 10007.

IN THE MATTER OF THE ADJUDICATION	)	STATEMENT OF CLAIM OF
OF PRIORITIES OF RIGHT TO USE OF WATER	)	THE UNITED STATES OF
FOR IRRIGATION AND OTHER BENEFICIAL	)	AMERICA FOR THE
PURPOSES IN WATER DISTRICT NO. 4, WATER	)	MORaine MUSEUM PIPE
DIVISION NO. 1, IN THE STATE OF COLORADO.)	)	LINE.

Now comes the United States of America, by Worth Allen and Wayne C. Williams, Special Assistants to the Attorney General of the United States, thereunto duly authorized and directed by the Attorney General, and by Joseph E. Taylor, Regional Attorney, National Park Service, and hereby presents this petition and statement of claim herein, and shows unto this honorable court that:

FIRST: The name of the claimant is the United States of America.

SECOND: The postoffice address of the claimant is Rocky Mountain National Park, Estes Park, Colorado.

THIRD: The name of the pipe line for which claim is made herein is the Moraine Museum Pipe Line.

FOURTH: The main diversion, hereinafter called Diversion No. 1, is by pump at a spring, tributary to the Big Thompson river, from which it derives part of its supply of water, whence the west quarter corner of section thirty-three (33), township five (5) north, range seventy-three (73) west of the 6th principal meridian, bears north 88° 30' west 1866.80 feet.

The pump of said Diversion No. 1 also derives an additional supply of water from collecting laterals in an area immediately adjacent thereto, 917 feet in length from east to west and 630 feet in width from north to south, which said area lies principally in the south half of the south half of the northwest quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) of section thirty-three (33). The termin^{said} of said laterals hereinafter designated Diversions Nos. 2, 3, 4, and 5, are located at points whence the said west quarter corner of said section thirty-three (33) bears:

From Diversion No. 2 - south 70° 09' west 1281.42 feet;
 From Diversion No. 3 - south 64° 02' west 1092.46 feet;
 From Diversion No. 4 - south 73° 02' west 1368.76 feet;
 From Diversion No. 5 - south 74° 15' west 1109.90 feet.

FIFTH: The general course of the main pipe line is northeasterly from the pump at Diversion No. 1 to a 10,000-gallon distribution reservoir and the general course of the collecting lateral system is southwesterly, with the following descriptions:

	<u>Main Pipe Line.</u>	<u>Collecting Lateral System.</u>
The diameter of said pipe line is	2 inch & 4 inch	4 inch
The grade of said pipe line per 1000 feet, is	138 feet	17 feet
The pump lift is	170 feet	17 feet
The length of said pipe line is	1230 feet	1200 feet

SIXTH: The carrying capacity of the main pipe line is greater than the pump capacity, the latter being 0.08 cubic feet of water per second of time, for which claim is hereby made for domestic, recreational and fire protection purposes for the Moraine Museum and Amphitheater and private cottages in the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said section thirty-three (33); and said water is diverted from springs as follows:

At Diversion No. 1 - 0.025 second feet;
 At Diversion No. 2 - 0.015 second feet;
 At Diversion No. 3 - 0.015 second feet;
 At Diversion No. 4 - 0.015 second feet;
 At Diversion No. 5 - 0.010 second feet.

SEVENTH: H. Imogene McPherson, in the month of June, 1906, began and shortly thereafter completed construction of McPherson Pipe Line No. 1, which was used that year and continuously since, which was substantially identical with Moraine Museum Pipe Line, so far as the main line and Diversion Points Nos. 1 and 2 thereof are concerned. Said H. Imogene McPherson continuously diverted through said

McPherson Pipe Line No. 1, 0.025 second feet of water which was used for domestic, recreational and fire protection purposes at Moraine Lodge, and at the residence of Charles A. Chapman in the southwest quarter (SW $\frac{1}{4}$) of said section thirty-three (33).

Said McPherson began construction by survey on November 10, 1916, and completed construction in 1917, of McPherson Pipe Line No. 2. The point of diversion of the latter line was at springs on the South or right bank of Beaver creek, a tributary of the Big Thompson river, at a point whence the southeast ^{corner} ~~quarter~~ of the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said section thirty-three (33) bears south 3° 8' west 550 feet. ^{9/5/27} _{GP} The general direction of said pipe line was southeasterly; the length thereof was 500 feet; the diameter was 1 inch, and the capacity was .015 second feet.

From the time said McPherson Pipe Line No. 2 was constructed until claimant revamped said McPherson Pipe Line No. 1, continuous use was made by claimant and its said predecessor of said McPherson Pipe Line No. 2, and there was continuously conveyed therein to said Moraine Lodge for domestic, recreational and fire protection purposes .015 second feet of water.

On September 1, 1933, claimant began revamping said McPherson Pipe Line No. 1 by making a survey for an improved and enlarged system with a capacity of .08 second feet of water.

Said improved and enlarged system has been gradually and continuously revamped, enlarged and extended, and now has a capacity of .08 cubic feet of water per second. Said McPherson Pipe Line No. 2 was abandoned in 1933, and the water theretofore carried therein has since been carried in the revamped system known as the Moraine Pipe Line.

By deed designated as Instrument No. 389039, Larimer County Records, dated December 21, 1931, and filed for record in the office of the County Clerk and Recorder of Larimer County, State of Colorado, on Feb. 3, 1932 and recorded in Book 523, Page 300, said Imogene McPherson conveyed said pipe Lines Nos. 1 and 2 to the United

States of America as appurtenances to the land described in said deed.

EIGHTH: Claimant filed a map and statement of claim on the said Moraine Museum Pipe Line, which was accepted in the office of the State Engineer, State of Colorado, on the 13th day of April, 1939, and assigned Filing No. 16550.

Wherefore, it is prayed that the petitioner, the United States of America, be permitted to file this its petition and statement of claim; that it be allowed to protect and secure its rights and interests by filing and introducing any and all evidence, and by due examination of any and all witnesses touching any and all claims of others to the appropriation and use of water in and from the Big Thompson river and its tributaries and sources, the allowance of which may be adverse to the interests of the United States of America in the premises.

It is further prayed by the petitioner that a decree be made in this proceeding adjudging and decreeing to the petitioner, the United States of America, priority rights, and of dates as follows: to 0.025 second feet of water as of June 30, 1908, to .015 second feet of water as of November 10, 1915, and to 0.040 second feet of water as of September 1, 1933, for domestic, recreational and fire protection purposes, and for all other and further proper relief in the premises.

UNITED STATES OF AMERICA,

By _____

Special Assistants to the
Attorney General.

Regional Attorney, National
Park Service.

UNITED STATES OF AMERICA, }
State of Colorado, }
County of Larimer. }

ss.

JOHN S. McLAUGHLIN, being first duly sworn on oath, deposes

and says that he is Assistant Superintendent of Rocky Mountain National Park, and makes this affidavit on behalf of the United States of America, claimant; that he has read the foregoing statement of claim and is conversant with the facts therein stated, and that the matters therein referred to are true to the best of his knowledge and belief.

Assistant Superintendent,
Rocky Mountain National Park.

Subscribed and sworn to before me this _____
Day of _____ 1939.

Notary Public.

My commission expires _____.

Other Supporting Information



IN REPLY REFER TO:

L54-RL

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

October 2, 1962

Reg. Director	
Admin. Asst.	
Asst. to	
Admin.	
Cons. Int. Use	
Res. Plan. & Eval.	
Prog. Comm.	
Info. & Public.	
Field Solic.	
~~Ext. Affairs~~	
~~Legal Coun.~~	
Action taken	
File	

Memorandum

To: Regional Director, Midwest Region

From: Chief, Branch of Water Resources

Subject: Utility Area-Moraine Museum Area Water System, Docket No. 3
(and 32), Rocky Mountain

Dockets No. 3 and 32 were combined in accordance with my suggestion and the concurrence by Mr. Aiton's memorandum of September 16, 1960. A request for the Regional Office to prepare new folders for all offices was included in my memorandum of January 31, 1961.

I have been reviewing docket assemblies with Mr. Edwin W. Reed, who has transferred from U. S. Geological Survey to be my replacement when I retire in January. We note that no new folder has been prepared. A number of other details have come to my attention. Accordingly, we are distributing new folders with copies of this memorandum, but with the understanding that further revision of either the folder or its contents may be desirable.

The docket should contain a new map showing the complete water system from all sources, and this may alter the rest of the assembly. The quantity of water to which the Park legally has a right should be shown on the map at each point of diversion. Our records suggest that the Utility Area is served by the local spring or well, to which Hupps-Beaver Ditch rights were transferred in the adjudication of changed points (original Dockets No. 1 and 32). They also suggest that the Moraine Museum water system (former Docket No. 3) has been extended as the main supply, and that the Well No. 4019 on the left bank of the Thompson River has been added to that system. Dockets No. 4 and 13 also includes records of rights to supplement the supply from the Hondius-Beaver pipeline.

Drawing No. 5094 G, of June 11, 1959, in the Master Plan shows no connection from the local spring. It also seems to lack the former plan of the Moraine Museum area, suggesting that that area of use has been, or is to be eliminated. Drawing No. 5094 G also shows no supplemental lateral from the Hondius-Beaver pipeline, but such a connection from the lower pipeline to the new reservoir could be in existence beyond the field of the drawing. I assume that the portion

of the system from the Moraine Museum area is winterproofed, and the old local spring supply was an all-weather system. The original lateral from the Hondius-Beaver pipeline was only for summer use, like the rest of that pipeline.

The name of the water system may need revision to eliminate the implied use at the Moraine Museum area. There should also be a statement at the top of Part I-Utility Area Spring and Well, to record whether the source has been abandoned, or is only maintained as a standby supply. A statement should also be added above the decree in Part B, Docket No. 4, to indicate that the Buck Creek Lateral to the Utility Area has been abandoned or relocated, depending on the facts.

Fortunately, the decreed rights do not lapse through non-use in Colorado. Unfortunately, the Department of Justice has not agree to take the United States into the State District courts since the close of the 1939 adjudications, but it might agree to do so in a special adjudication to change points of diversion under previously decreed rights. All unexercised rights in Water District No. 4 should be amended in such an adjudication. Meantime, the docket records should show the unexercised rights with date of termination of use, and the present water systems to which they should be transferred in a future adjudication.

Docket No. 4 also needs a supplemental statement including a list of all private lands which were served by the Hondius-Beaver pipeline which have been acquired by the United States since 1939. Technically, the United States should claim additional portions of the rights appurtenant to that system for the portion of the total water use on each such tract. The chances are, however, that the present owner of the private interests in that pipeline has contracted to supply more water to the remaining private lands if those owners have subdivided and constructed additional residences. There should be a thorough analysis and determination of what portion of the 0.33 c.f.s. is now sold to private land owners, and whether that infringes on the portion to which the United States is entitled. If the present owner of private interests in the pipeline can supply additional private homes with no present conflict with Federal needs we should consider how his permit from this Service should be revised.

Plotting the new Well No. 4019 on Drawing No. 6994, in the docket shows it to be on the left bank or north bank of the Thompson River about 300 feet west of the road to the south side of the river, and about 650 feet west of the road to the museum. The permit states that the well is 16 feet deep whereas the log states that it is 15 feet deep. In either case, the well probably derives its supply from the subsurface flow of the river. The application and Permit No. 4019 do

not indicate whether the source is such subsurface flow, to which surface-water right laws might be applicable, or is percolating ground-water. The proximity of the well to the river is not even indicated.

This well right is apparently still in permit form. I have not read the relatively new ground-water law sufficiently to determine whether such well rights are to be adjudicated or not. Our records do not indicate whether they were included in a general adjudication in the spring of 1961. The next normal time for an adjudication will be next spring.

Messrs. Reed, Mott and a member of the Superintendent's staff should review the ground-water law. If it is silent about adjudication of ground-water rights, further information should be obtained from the State Engineer. Before doing so, however, a map should be provided with the log, to show the relation to the subsurface flow of the river, and we should also determine whether the State Engineer considers that the records should be amended for a different classification of the source.

If the right were to be adjudicated to establish a priority in the surface-water series, we should consider adjudicating a transfer of decreed rights from an abandoned system rather than establishing a needless junior right with only a 1959 priority.

Messrs. Reed, Mott and I should evidently have a conference in December or January, to iron out this and other problems. Meantime, // however, we shall appreciate a clarification of as many of the points in this memorandum as possible.

A. van V. Dunn
A. van V. Dunn

Enclosure

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



UNITED STATES *Rec'd 1/2/61*
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D.C.

IN REPLY REFER TO: FEB 6 10 10 30
L54-OBL

January 31, 1961

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Moraine Museum - Utility Area Water System, Docket 3,
Rocky Mountain

SEC. DIRECTOR
ASST. SEC. DIRECTOR
CHIEF, DIV. OF ADMIN.
CHIEF, DIV. OF OPERATIONS
CHIEF, DIV. OF INTERP.
CHIEF, REC. RES. PLANNING
CHIEF, RANGER ACTIVITIES
FIELD SOLICITOR
<i>Allen</i>
<i>W. H. H.</i>
ACTION TAKEN
FILE

I have just had occasion to note that our assembly of Docket 3, as combined with Docket 32 in accordance with the index of table of contents of September 12, 1960, is still in an old folder which does not include a proper outline along the tab. I suggest that you prepare the new folders for all offices so that they will be identical. See the Superintendent's memorandum of August 12, 1960, and Mr. Alton's memo of September 16, 1960.

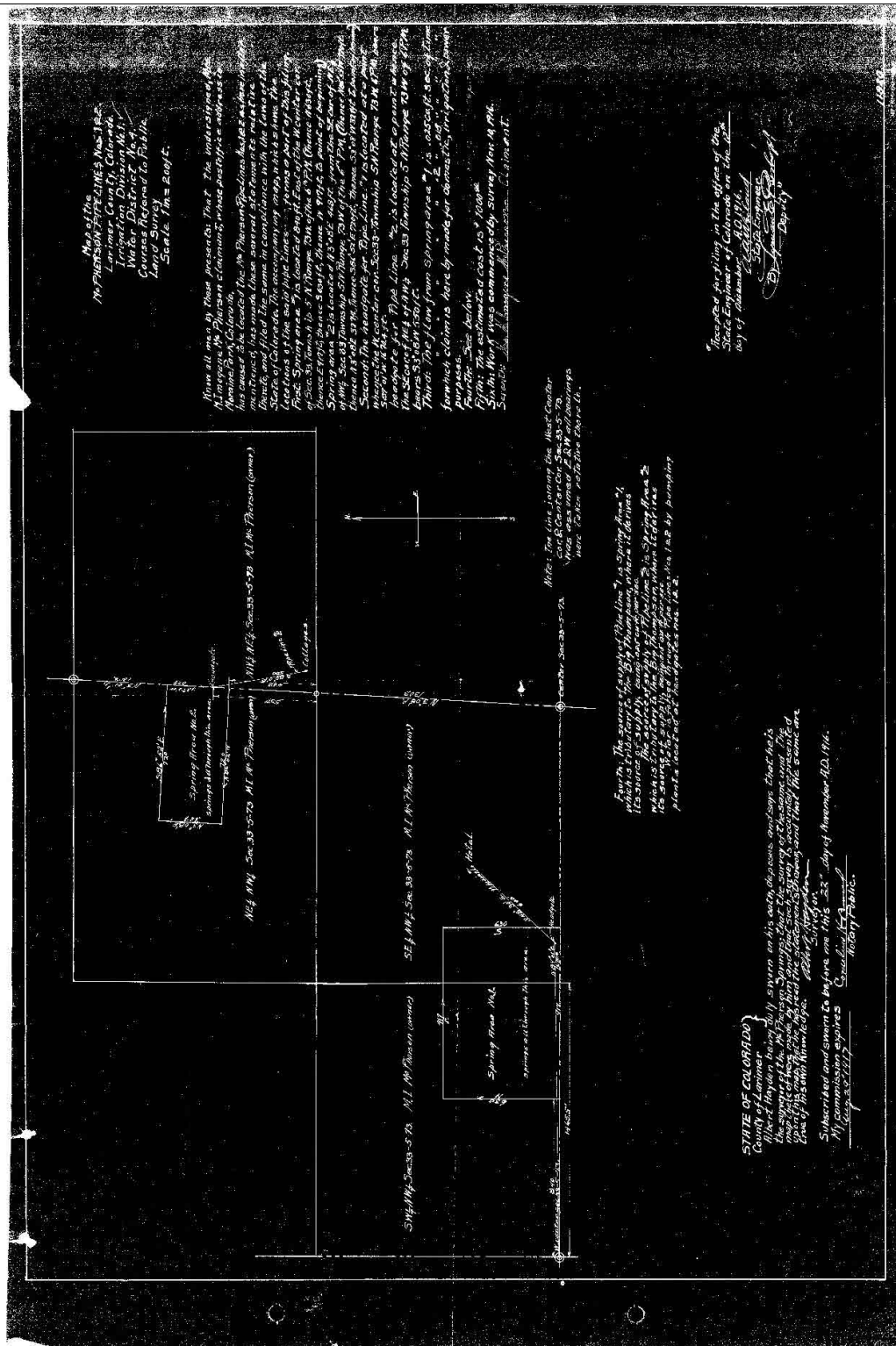
The water system obtains some water from the well or spring in the Utility Area to which part of the decreed rights in the Hupps-Beaver Ditch, with priority of May 5, 1876, were transferred by the adjudication recorded in Docket 1. It includes the Moraine Museum Spring with priorities of June 30, 1906, November 10, 1916, and September 1, 1933, based on Filings 11820 and 16550 and reference to the general adjudication recorded in Docket 13. You have more recently introduced the new well in the Moraine Museum area. There was also, for a while at least, a supply from the Hondius Beaver Pipeline, whose records should be retained in Docket 4, but should be cross referenced in Docket 3 if still applicable. Only Mr. Mott or Mr. Lloyd can decide what formal and further revision of the index and assembly is proper at this time, but I will be pleased to comment on the proposed changes if problems arise.

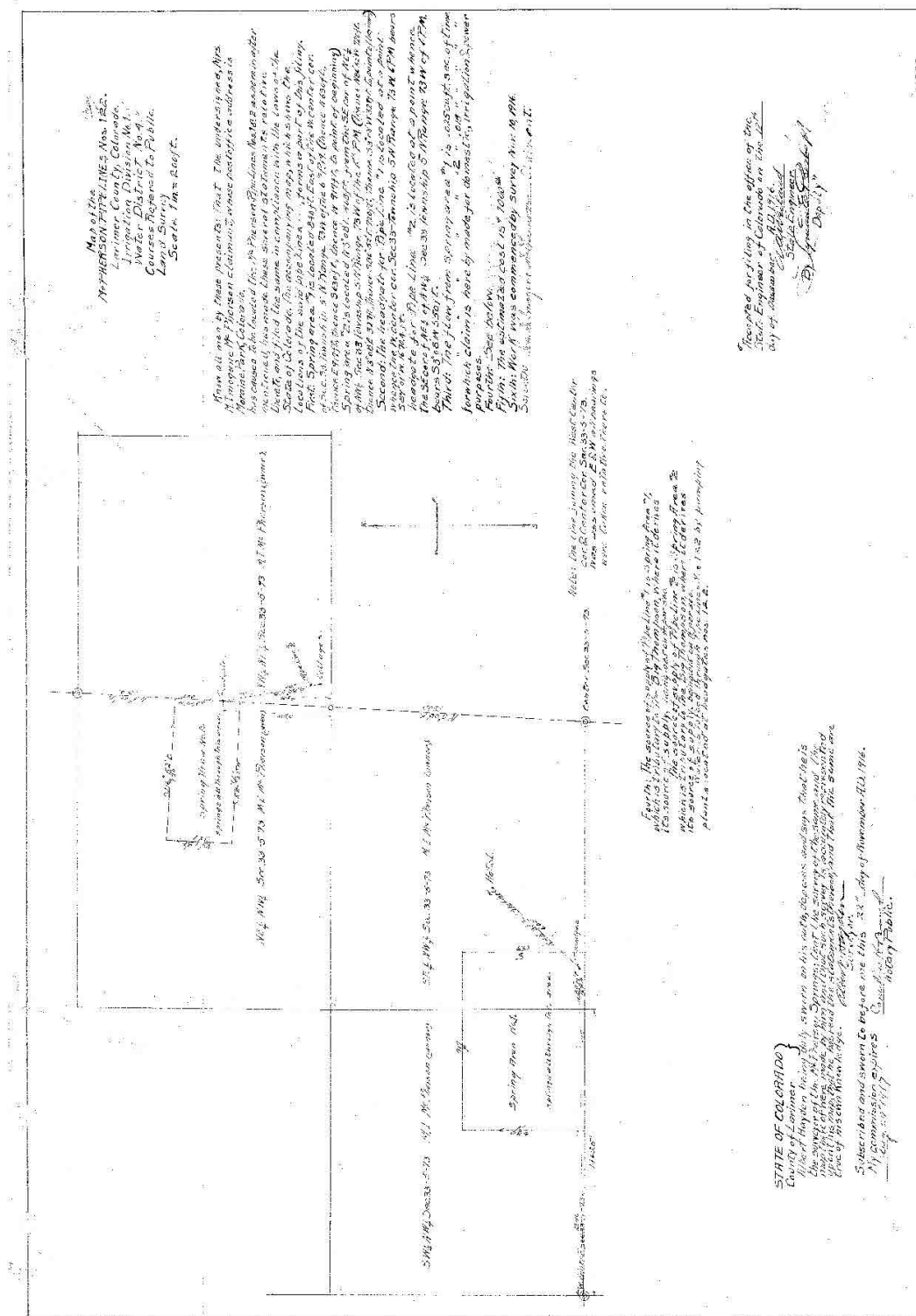
I have also just seen the W.O. copy of Special Use Permit 14-10-0235-510 to the Charles F. Scott Estate. I assume that the row of cottages, including that of Scott and the late William Allen White, may all still be served from the Moraine Museum area sources. The revised docket should include a Part Permissive Use, which should include copies of the Special Use Permits. It would not be necessary to substitute each renewal of each permit, but there should be a set of the earliest permits which give the current conditions. These copies and the divider should be distributed by your office to be sure that all assemblies are identical.

A. van V. Dunn
A. van V. Dunn
Chief, Water Resources Section

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

Maps and Miscellaneous Information





Docket Information

Number of Documents in Docket 39

Documents Dated from 7/11/1939 to 10/2/1962

Docket Compiled: 6/25/2012

