



WATER-RIGHT DOCKET

Bent's Old Fort National Historic Site

Docket No: 2

WELL #2.

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: BEOL

Docket Number:
Federal 2

IDENTIFICATION NO: BEOL, W 1 4, 2 3, 5 4, B, F, O 2,

DITCH/WATER SYSTEM: Bent's Old Fort

SOURCE OF SUPPLY: Well #2

LOCATION: SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 14, T23S, R54W, 6th PM

WATER RIGHT: United States of America, National Park Service

Appropriator:

Application/Permit Number:

Certificate Record Number:

Date of Priority: 1954

Quantity of Water: 135 gpm

Purpose: Fire protection and irrigation

Irrigated Land Description:

SUMMARY OF STATUS: This is an acquired water right. The land was acquired November 9, 1962 from J. H. & Martha L. Baldrige.

See Issue File for amended claim 2/87.

Well not in use, 1987.

*No claim filed for well in Case R/CW142
decreed 5/18/87.*

*See Docket # 3 for copy
of decree & issue file.*



U.S. Department of Justice

Land and Natural Resources Division

WMC:JRHill, Jr.
90-1-2-977

Denver Field Office

Federal Bldg., 1961 Stout Street

Drawer 3607

Denver, Colorado 80294

May 18, 1987

Commercial Number

(303) 844-3627

FTS/564-3627

Dr. Stan Ponce
National Park Service
Water Resources Branch
Federal Building Room 335
301 South Howes
Fort Collins, Colorado 80521

Re: Water Division No. 2. Case No. 81CW142.

Dear Dr. Ponce:

Enclosed for your files please find a copy of
REFEREE'S RULING for the above-referenced case.

Sincerely,


John R. Hill, Jr., Attorney
General Litigation Section

Enclosure

RECEIVED
MAY 15 1987

COPY

DISTRICT COURT, WATER DIVISION 2, COLORADO

CASE NO. 80CW142

C/R 79CW176 DENVER, COLO.

DEPT. JUSTICE LANDS DIVISION

Filed in the office of the
Clerk, District Court Water
Division No. 2, State of
Colorado

NOTICE OF TRANSMITTAL

MAY 13 1987

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

THE UNITED STATES OF AMERICA

in Otero

County.
Clerk

To: All Parties

Ruling of Referee enclosed. If you wish to protest said ruling, a pleading in protest must be filed within the time provided by statute which shall state the factual and legal grounds therefor. (Forms available at Clerk's office).

Please check carefully, and if you find any errors or have any questions, call the Water Referee right away.

In the absence of any protest, the Water Judge will enter a judgment and decree, or may reverse, or reverse and remand any ruling which he deems contrary to law, or may modify same after the expiration of the time for protests.

Priscilla S. Lucero, Clerk
District Court Water Div. 2
308 Judicial Building
Pueblo, CO 81003-2940
(303) 546-5048

CERTIFICATE OF MAILING:

I certify that I mailed by certified mail, postage prepaid, a true and correct copy of the foregoing and Ruling to:

Division Engineer, P.O. Box 5728, Pueblo, CO 81002

State Engineer, 818 Centennial Building, 1313 Sherman Street,
Denver, CO 80203

John R. Hill, Jr., Attorney, Department of Justice, Land & Natural Resources
Division, 1961 Stout Street, Drawer 3607, Denver, Colorado 80294.

Wendy C. Weiss, First Assistant Attorney General, Natural Resources Section,
1525 Sherman Street, 3rd Floor, Denver, Colorado 80203.

Rexford L. Mitchell, Mitchell and Mitchell, Attorneys at Law, 512 North
Main Street, Rocky Ford, Colorado 81067.

Witness my hand and the seal of this
Court.

Dolly Vargas
Deputy Clerk

Date: MAY 13 1987

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

Case No. 80CW142

C/R 79CWI76

COPY

RULING OF REFEREE

Filed in the office of the
Clerk, District Court Water
Division No. 2, State of
Colorado

IN THE MATTER OF THE APPLICATION OF

MAY 13 1987

THE UNITED STATES OF AMERICA

FOR WATER RIGHTS IN THE ARKANSAS RIVER

Rosemary J. Spence
Clerk

IN OTERO COUNTY.

Pursuant to Order of the Court to Re-refer to the Water Referee filed and entered in the above case on April 8, 1983, and a subsequent Order Transferring and Assigning Case to the undersigned Water Referee filed and entered on June 3, 1986, the undersigned having investigated the matter of the application on file herein, hereby makes the following findings and ruling thereon:

FINDINGS OF FACT

1. That the said Application was filed on December 19, 1980, and was amended on March 26, 1984.
2. That the Water Clerk caused publication of the original filing as provided by statute; that the time for filing Statements of Opposition on the Amended Application expired on the last day of May, 1984, and that pursuant to Order of the Court entered on September 16, 1981, nunc pro tunc September 8, 1981, three Supplemental Statements of Opposition have been filed by the State of Colorado, Department of Natural Resources; Catlin Canal Company; and the Arkansas Valley Ditch Association.

3. That the said Amended Application concerns two wells located in Otero County, Colorado; that it withdraws NPS Bent's Old Fort Well No. 2; and reduces the claim for NPS Bent's Old Fort Well No. 3 from 340 g.p.m. to 140 g.p.m. and that the use is claimed for fire protection and sanitary disposal absolutely and conditionally.

4. That the Applicant, in discussions with the Referee, has elected to accept an award of 10 g.p.m. absolutely for sanitary disposal and a conditional award of 140 g.p.m. for fire protection.

5. That the said well is an exempt well as defined in C.R.S. 37-92-602(1), for sanitary disposal at the rate of 10 g.p.m.

6. That Applicant has furnished acceptable proof as to claims made.

IT IS, THEREFORE, ORDERED AS FOLLOWS: That Applicant be, and is hereby, awarded an absolute and conditional underground water right, to-wit:

NAME AND ADDRESS: United States of America
c/o John R. Hill, Jr., Attorney
Department of Justice
Land and Natural Resources Division
1961 Stout Street
Drawer 3607
Denver, CO 80294

ABSOLUTE AND CONDITIONAL
UNDERGROUND WATER RIGHT

NAME OF WELL: NPS BENT'S OLD FORT WELL NO. 3.

LOCATION OF WELL: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 23 South, Range 54 West of the 6th P.M., in Otero County, Colorado.

DEPTH: 50 feet.

PRIORITY DATE: July 31, 1965.

AMOUNT OF WATER: 10 g.p.m. absolute for sanitary disposal
140 g.p.m. conditional for fire protection
(for a total of 150 g.p.m.)

STATE ENGINEER'S WELL NUMBER: 9082-F

MEANS OF DIVERSION: Well and pump.

IT IS FURTHER ORDERED That the conditional water right, or rights, concerned herein shall comply with Local Rule 15, to-wit:

(a) Upon the sale or other transfer of a conditional water right, the transferee shall file with the Water Court a notice of transfer which shall state:

1. The title and case number of the case in which the conditional decree was issued.
2. The description of the conditional water right transferred, and a copy of the document effecting the transfer shall be attached.
3. The name of the transferor.
4. The name and mailing address of the transferee.

(b) The transferor of any conditional water right shall notify the transferee of the requirement of Local Rule 15(a).

(c) The owner of any conditional water right shall notify the Clerk of the Court of any change in mailing address.

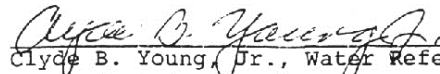
IT IS FURTHER ORDERED That, as to any conditional right awarded hereunder, the owner thereof if he desires to maintain the same, shall file an application for quadrennial finding of reasonable diligence with the Water Clerk of this Court during the month of May, 1991, and every four (4) years thereafter until the right is decreed final, such application to be filed pursuant to C.R.S. 37-92-302.

IT IS FURTHER ORDERED That Applicant shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said Office.

IT IS FURTHER ORDERED That copies of this ruling shall be mailed as provided by statute.

Dated and filed with the Water Clerk this 13th day of May, A. D. 1987.

BY THE REFEREE:


Clyde B. Young, Jr., Water Referee
Water Division No. 2
State of Colorado

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

Case No. 80CW142

AMENDED APPLICATION FOR UNDERGROUND WATER RIGHT

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR
UNDERGROUND WATER RIGHTS IN BENT'S OLD FORT NATIONAL HISTORIC SITE IN OTERO
COUNTY.

1. Name and address of Applicant:

United States of America
c/o John R. Hill, Jr.
Attorney, Department of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

2. The United States of America claims rights in two wells aggregating 295 gpm located within Bent's Old Fort National Historic Site in the watershed of the Arkansas River, more fully described below.
3. Appropriation was initiated on each of the wells in this application by drilling and applying the water to the beneficial uses of fire protection, sanitary disposal, and other related purposes.
4. The original application, No. 79CW176, as amended by No. 80CW142, is hereby further amended by substituting a new paragraph as follows:

Legal description and data pertaining to each well:
T. 23 S, R54W, 6th P.M.

Legal description: SE 1/4 SW 1/4 Sec. 14 at a point 30 ft. from South Section line and 1700 ft. from West Section line.
Applicant's Well No. NPS Bent's Old Fort No. 2
Depth: 28 ft.
Date of initiation of appropriation: 1954
Date applied to beneficial use: 1954
Amount claimed: 135 gpm (0.301 c.f.s.) absolute
Use: Fire protection

Legal description: SW 1/4 SW 1/4 Sec. 14 in the maintenance building located on Bent's Old Fort National Historic Site.
Applicant's Well No. NPS Bent's Old Fort No. 3
Registration No. 9082-F
Depth: 50 ft.

Date of initiation of appropriation: July 1965
Date applied to beneficial use: July 1965
Amount claimed: 10 gpm (0.022 c.f.s.) absolute
150 gpm (0.334 c.f.s.) absolute
Use: Sanitary disposal and fire protection

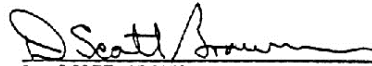
5. A completed application for each well described above on the form provided by the court is on file with the water clerk along with a map showing the location of each well.
6. This amendment is a partial amendment of the original application filed by the United States in Case Nos. 79CW176 and 80CW142.
7. The United States seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this court from awarding to the United States its water rights bearing their true priority dates.

Robert N. Miller
United States Attorney

By
JOHN R. HILL, JR.
Attorney, Department of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, CO 80294
Telephone: (303) 884-3627

STATE OF COLORADO)
) ss:
CITY AND COUNTY OF DENVER)

I, D. Scott Brown, state under oath that I have read this amended application, and verify its content.


D. SCOTT BROWN

Subscribed and sworn to before me this 5th day of February, 1987.

My commission expires: 2-21-90


Notary Public

File in quadruplicate

WATER FORM B

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 2

STATE OF COLORADO

Case No. W-_____

IN THE MATTER OF THE	)	
APPLICATION FOR	)	
WATER RIGHTS OF	)	APPLICATION FOR WATER
THE UNITED STATES OF AMERICA	)	RIGHT
IN WATER DIVISION NO. 2	)	(Underground or well)
IN <u>Otero</u> COUNTY.	)	

1. Name of applicant: United States of America

Address of applicant: c/o John R. Hill, Jr.
Trial Attorney, Department of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

Telephone number of applicant: 837-2065

2. Name or number of well, if any: Well No. 2

3. Legal description of location of well:

The well is located within Bent's Old Fort National Historic Site 30 feet from the south section line and 1,700 feet from the west section line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T23S, R54W, 6th P.M.

4. This well is located in the watershed of Arkansas
Oppeh/ky River.
5. Depth of well: 28'
6. A. Date of initiation of the appropriation: 1954
B. Date water first applied to beneficial use: 1954
C. How appropriation was initiated: _____
7. Amount of water claimed in gallons per minute of time: 135
A. Portion absolute: 100 gpm B. Portion conditional: 35 gpm.
8. Use or proposed use of water: Fire Protection
9. Number of wells registered in State Engineer's Office or, if a new well, attach copy of the permit or order of denial: N/A
10. In case of an irrigation priority, the number of acres being irrigated: N/A; the number of acres historically irrigated: 0; and the number of acres proposed to be irrigated 0 by the decree sought.
11. Remarks: (a) The United States seeks to antedate the adjudication dates of earlier decrees insofar as they, in conjunction with applicable statutes, appear or purport to preclude this Court from awarding to the United States its water rights bearing their true priority dates.
- (b) The filing fees which accompany this application are paid under protest. The United States hereby claims reimbursement thereof on the grounds that filing fees constitute "costs" within the meaning of 43 U.S.C.A., Section 666(a), and as such are not properly taxed against the government in water adjudication proceedings.

JOSEPH DOLAN
UNITED STATES ATTORNEY
HANK MESHORER, Senior Trial Attorney,
Dept. of Justice

By
JOHN R. HILL, JR.
Trial Attorney, Dept. of Justice
Land and Natural Resources Division
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

(837-2065)

STATE OF COLORADO)
COUNTY OF JEFFERSON) SS

Kenneth R. Ashley, being first duly sworn upon oath, deposes and says
that he has read the foregoing affidavit, knows the contents thereof and that
the same are true to the best of his knowledge and belief.

Kenneth R. Ashley
Kenneth R. Ashley

Subscribed and sworn to before me on this 21st day of December, 1979

Witness my hand and official seal

Nancy M. Ketter
Notary Public

My commission expires: My Commission Expires April 21, 1982

IN THE DISTRICT COURT
IN AND FOR WATER DIVISION NO. 2
STATE OF COLORADO

COUNTY OF OTERO

IN THE MATTER OF THE)
APPLICATION FOR WATER RIGHTS)
OF THE UNITED STATES IN)
WATER DIVISION NO. 2)
STATE OF COLORADO)

AFFIDAVIT

WATER RIGHTS AT BENT'S OLD FORT NATIONAL HISTORIC SITE

Bent's Old Fort National Historic Site was authorized by Act of June 3, 1960 (74 Stat. 155). Land was acquired from sources other than the public domain.

Therefore, no federal reserved water rights are involved.

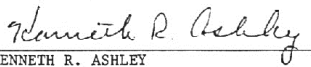
The National Park Service claims two water rights. The first claim consists of a 28' well (well #2) located near the fort 30 feet from the south section line and 1,700 feet from the west section line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T23S, R54W, 6th P.M. National Park Service records (copy attached) indicate that the land and well was acquired by donation from the State of Colorado on October 31, 1961. A "Completion Report Narrative" (copy attached) indicates that the well was drilled in 1954 by W. C. Rains from Timpas, Colorado. The National Park Service contracted the Howerton Water Wells from Las Animas, Colorado (copy attached) to perform a pump test on September 18, 1964. The test was supervised by Mr. William A. Mott, Hydraulic Engineer of the National Park Service Midwest Regional Office. The test was conducted for a period of 13 $\frac{1}{2}$ hours, with a sustained yield of 135 gallons per minute. Presently the well is used for fire protection.

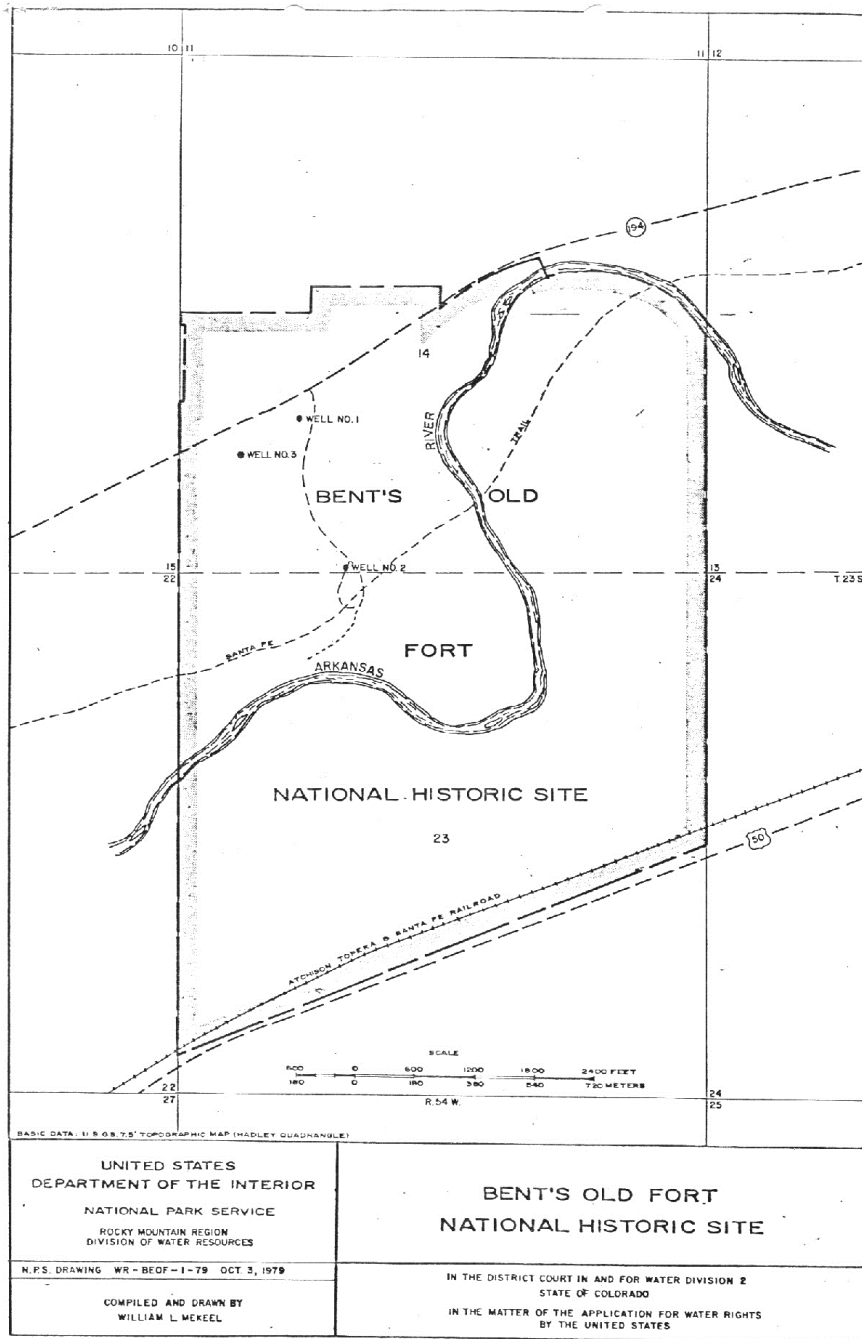
The second claim consists of a 50' well (well #3) located in the maintenance building in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T23S, R54W, 6th P.M. The well was drilled in 1965 by Howerton Water Wells from Las Animas, Colorado. The State of Colorado granted a permit to use the ground water (permit #9082-F, copy attached) on March 31, 1965.

A pump test was conducted by the Ken R. White Company from Denver, Colorado on July 5, 1974. The test was conducted for a period of 12 hours with a sustained yield of 150 gallons per minute (copy attached). Presently, the well is used for fire protection and sanitary disposal.

Dated: December 21, 1979

NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR


KENNETH R. ASHLEY
ASSOCIATE REGIONAL DIRECTOR FOR PARK OPERATIONS
ROCKY MOUNTAIN REGION



WRJ-25-66
20 M-45STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEERIndex No. _____
IDWD _____
Use _____
Registered _____

MAP AND STATEMENT FOR WATER WELL FILING

PERMIT NUMBER _____
United States of America
National Park Service

Know all men by these presents: That the undersigned William E. Fitch,
claimant(s), whose address is P.O. Box 36025, 450 Golden Gate City San Francisco, California 94102,
states: Claimant(s) is (are) the owner(s) of well No. 2 located as shown on the map below; the
total number of acres of land owned by him (them) to be irrigated from this well is 5; work
was commenced on this well by actual construction day of 1954; the
tested capacity of said well is 135 (gpm) (cfs), for which claim is hereby made for irrigation &
purposes; that the average annual amount of water to be diverted is 20 acre-ft.; and that the
aforementioned statements are made and this map and statement are filed in compliance with the law.

State of Colorado) ss
County of _____)

Claimant(s)

Subscribed and sworn before me this 25TH day of August, 1967.

My Commission expires _____

Notary Public

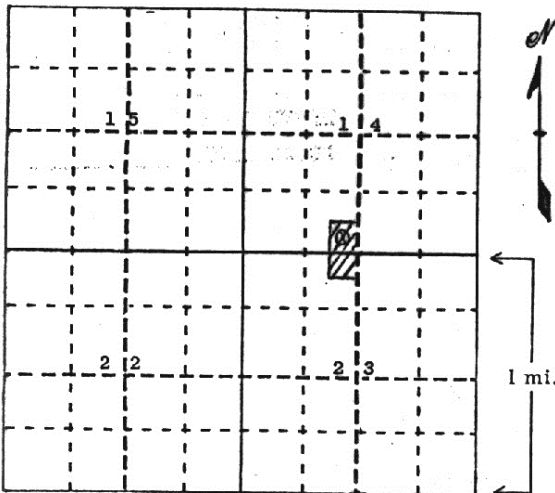
DEPUTY CLERK DISTRICT COURT
THE U. S. NOR. DIST. OF CALIFORNIA

THE WELL SHALL BE LOCATED WITH REFERENCE TO GOVERNMENT SURVEY CORNERS OR
MONUMENTS, OR SECTION LINES BY DISTANCE AND BEARING.

30 feet from South (NXXX or South) section line
1,700 feet from West (KXXX or West) section line

IF WELL IS FOR IRRIGATION, THE AREA TO BE IRRIGATED MUST BE SHADED OR CROSS-
HATCHED.

The square below will be used to indicate the location of the well and the irrigated land.



WELL LOCATION

Otero _____ County
SE 1/4 SW 1/4, sec. 14
T. 23S, R. 54W, 6th P. M.
Ground Water Basin Arkansas
Water Management
District 17
Domestic wells may be located by the
following: LOT _____, BLOCK _____
SUBDIVISION _____

ACCEPTED FOR FILING IN THE OFFICE OF THE STATE ENGINEER OF COLORADO ON THIS
DAY OF _____, 1967.

LOG AND HISTORY

WELL LOG

Ground Elevation U
N
 Type Drilling KNOWN

From	To	Type of Material	Water Loc.	Perf.
		UNKNOWN		

WELL DATA

Date Started _____
 Date Completed about 1954

Hole Diameter:
24 in. from 0 ft. to 50⁺ ft.
 _____ in. from _____ ft. to _____ ft.
 _____ in. from _____ ft. to _____ ft.

CASING RECORD

Cemented from _____
Plain Casing
 Size 24, kind steel from 0 ft. to ? ft.
 Size _____, kind _____ from _____ ft. to _____ ft.
 Size _____, kind _____ from _____ ft. to _____ ft.
Perforated Casing
 Size _____, kind _____ from _____ ft. to _____ ft.
 Size _____, kind _____ from _____ ft. to _____ ft.
 Size _____, kind _____ from _____ ft. to _____ ft.

TEST DATA

Date Tested September 18, 1964
 Type of Pump _____
 Length of Test 13.5 hours
 Constant Yield 135 gpm
 Drawdown _____

PUMP DATA (To be filled in)

Type of Pump Jet Fairbanks-Morse
 Outlet Size 1 1/4"
 Driven by _____
 Horsepower 1

Use additional paper if necessary to complete log and attach.

WELL DRILLERS STATEMENT

State of Colorado _____) ss
 County of _____)

_____ being duly sworn, deposes and says: he is the driller of the above described well; he has read the above map and statement, knows the content thereof, and the same is true of his own knowledge.

License No. _____

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission expires _____, 19____.

Notary Public

FORM TO BE MADE OUT IN QUADRUPLICATE:

Original WHITE (both sides) & Triplicate GREEN Copy must be filed with the State Engineer within 30-days after well is completed. Duplicate PINK copy is for the Owner & YELLOW copy for the Driller. WHITE FORM MUST BE AN ORIGINAL COPY ON BOTH SIDES AND SIGNED.

WRJ-5-66

STATE OF COLORADO

APPLICATION FOR: ☒ A PERMIT TO USE GROUND WATER
☐ A PERMIT TO CONSTRUCT A WELL
☐ OTHER

Application must be completed satisfactorily before acceptance

DUPLICATE ORIGINAL
 RECEIVED
 MAY 30 1967
 COLORADO
 WATER SECT.
 NOV 25 1966
 GROUND WATER SECT.
 COLORADO
 STATE ENGINEER

PRINT OR TYPE

LOCATION OF WELL

APPLICANT United State of America
National Park Service

COUNTY OteroStreet Address P. O. Box 728SE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14City & State Santa Fe, New Mexico 87501T. 23 S., R. 54 W., 6th P.M.Use of ground water Fire ProtectionGround Water Basin Arkansas

Owner of land on which well

Water Management

is located United States of AmericaDistrict 17

Number of

acres to be irrigated 5USE DIAGRAM ON THE BACK OF THIS SHEET TO
LOCATE WELL.

Legal description of

irrigated land SWSESW Sec. 14 & NWNEW Sec. 23

Other water rights on

this land None

Owner of irrigated

land United States of AmericaDriller J. C. Rains No. _____

Driller's

Address Timpas, ColoradoAquifer(s) ground water is to be obtained
from _____

ESTIMATED WELL DATA

Signature of Applicant _____

Est. quantity of ground water to be claimed:

Est. Max. Yield 135 GPM or CFS

Est. average annual amount to be

used in acre-feet 20

Storage capacity _____ AF

CONDITIONS OF APPROVAL

Anticipated start of drilling 19

Hole Diameter:

24 in. from 0 ft. to 50± ft.
_____ in. from _____ ft. to _____ ft.

Casing:

Plain Unknown in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

Perf. _____ in. from _____ ft. to _____ ft.

_____ in. from _____ ft. to _____ ft.

PUMP DATA:

Type Jet Fairbanks-Morse 1 OutletSize 1 1/4"

This application approved

PERMIT NUMBER _____

DATE ISSUED _____

State Engineer

by _____

This application approved

CONDITIONAL PERMIT NO. _____

(Permit good for one (1) year after date
of issuance)

DATE ISSUED _____

Chairman Ground Water Commission

by _____

(OVER)

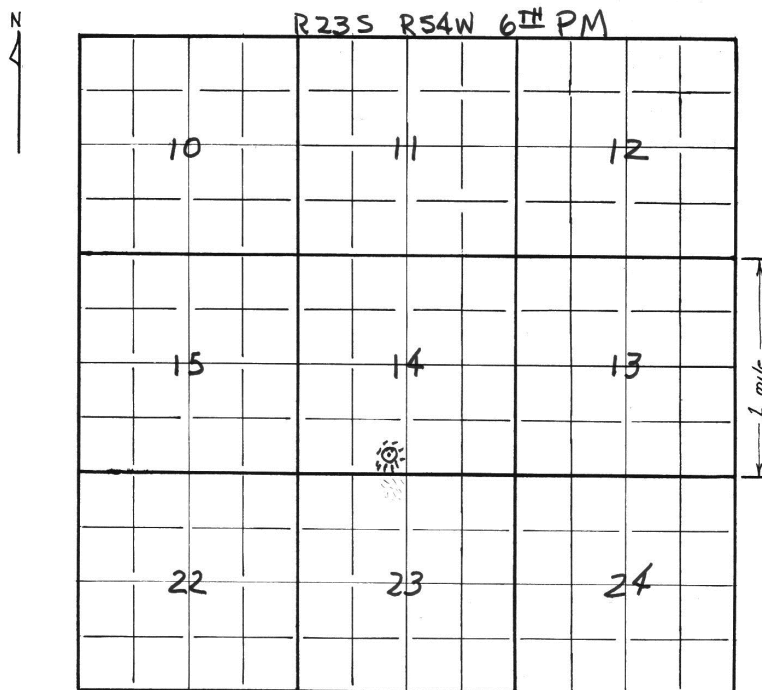
THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW. THE LOCATION WILL BE INDICATED BY THE DISTANCES FROM THE SECTION LINES, OR THE DISTANCE AND BEARING FROM GOVERNMENT SURVEY CORNERS OR MONUMENTS.

IF WELL IS FOR IRRIGATION, THE AREA TO BE IRRIGATED MUST BE SHADED OR CROSS-HATCHED.

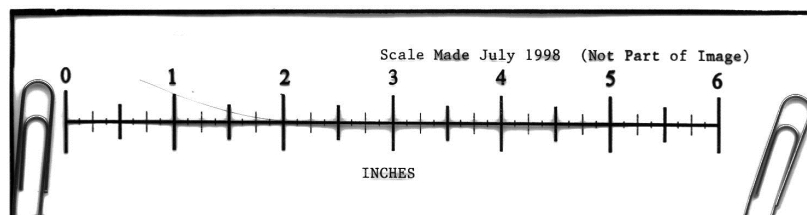
Domestic wells may be located by the following:

Lot _____ Block _____ Street Address _____
 or
 _____ City _____
 Subdivision _____

✓ The diagram represents nine (9) sections. Use the center square (section) to indicate the location of the well.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE



Supporting Hydro Data

#2

Dont's Old Fort National Historic Site
Box 501
La Junta, Colorado

LSA

August 31, 1964

Memorandum

To: David S. Miller, Project Supervisor

From: Superintendent, Dont's Old Fort NHS

Subject: Chemical Analysis of Water from Well at Fort Ruins

As agreed during your visit to Dont's Old Fort, a water sample from the shallow well near the Fort Ruins was submitted to the Colorado State Department of Public Health for chemical analysis. A copy of this report is enclosed for your use in planning facilities for this area.

Toy L. Young

Enclosure

cc: Regional Director, Midwest Region w/enclosure
Chief, WODC w/enclosure

CHEMICAL ANALYSIS OF WATER
Colorado State Department of Public Health

Sample No. 642

Date Analyzed: June, 1964

Municipality: Fort Bent -- Proper
Historical Site

Where Collected: Forest Service Div.
National Park

Date and Time Sampled: June 12, 1964

Source of Supply (if well give depth):

Collected by: Geo. Houck

Chemist:

		Maximum allowable	As found			Maximum allowable	As found
GROUP I N LIMITS	Turbidity	5 units	5.2 ppm	GROUP II RECOMMENDED LIMITS	Alkyl Benzene Sulfonate	0.5	0
	Color (Cobalt Scale)	15 units	20		Carbon		
	Threshold odor number	3	---		Chloroform Extract	0.2	---
	Arsenic (As)	0.05 ppm 0.01 recommended	0 ppm		Chloride (Cl)	250 ppm	112 P
	Barium	1.0	---		Copper (Cu)	1.0 ppm	0 P
	Cadmium	0.01	0		Iron (Fe)	0.3	0.5 P
	Chromium (Cr ⁺⁶)	0.05 ppm	0 ppm		Magnesium (Mg)	125 ppm	124 P
	Cyanide	0.2 0.01 recommended	---		Manganese (Mn)	0.05 ppm	0 P
	Fluoride (F)	2.4 ppm	1.2 ppm		Nitrate (NO ₃ --)	45	0 P
	Lead (Pb)	0.05 ppm	0 ppm		Phenol	0.001 ppm	---
GROUP III	Selenium (Se)	0.01 ppm	0.04 ppm	GROUP IV	Sulfate (SO ₄)	250 ppm	1888 P
	Silver	0.05	---		Total Solids	500 ppm	3512 P
	Calcium (Ca) (as CaCO ₃)	--	1192 ppm		Zinc	5 ppm	0.1 P
	Sodium (Na)	--	332 ppm		RADIOACTIVITY	µpc/liter	
	(at time of pH collection)	--	---		Gross Alpha & Beta Activity	1000	16.37 / 8.
	Phenolphthalein Alkalinity		0 ppm		Radium 226	3	0.20 / .0
	Specific Conductance	--Micromhos	3461 Micromhos		Strontium 90	10	---
	Total Alkalinity		216 ppm		PH3		---
	Total Hardness		1710 ppm		PO4		0.05
					GROSS BETA		---

CHEMICAL ANALYSIS OF WATER
Colorado State Department of Public Health

Municipality BUFF'S FORT WATER CO. WELL #2 Where Collected Direct From well Sample No. 782

Date & Time Sample Collected 10-17-61 Temp. of Water at Collection 72°

Source of Supply (If well give depth) Sec 4 Well #2 Stearns Co. North
Colo. Cooper River

		MAXIMUM ALLOWABLE		FINDINGS	
GROUP I Mandatory Limits	Turbidity	10	PPM	2.5	PPM
	Color (Cobalt Scale)	20		20	
	Lead (Pb)	0.1	PPM	0	PPM
	Fluoride (F)	1.5	PPM	1.4	PPM
	Arsenic (As)	0.05	PPM	0	PPM
	Selenium (Se)	0.05	PPM	--	PPM
	Chromium (Cr +6)	0.05	PPM	0	PPM
GROUP II Recommended Limits	Copper (Cu)	3.0	PPM	0	PPM
	Iron (Fe)	0.3 with MN	PPM	1.2	PPM
	Manganese (Mn)	0.3	Iron PPM	0	PPM
	Magnesium (Mg)	125	PPM	15	PPM
	Zinc (Zn)	15	PPM	--	PPM
	Chloride (Cl)	250	PPM	29	PPM
	Sulfate (SO ₄)	250	PPM	191	PPM
	Phenol	0.001	PPM	---	PPM
GROUP III	Total Solids	500	PPM	---	PPM
	(at time of pH collection)	-		7.3	
	Total Hardness	-		76	PPM
	Total Alkalinity			176	PPM
	Phenolphthalein Alkalinity	-		12	PPM
GROUP IV	Sodium (Na)	-		100	PPM
	Nitrate (NO ₃ --)	-		0.1	PPM
	Calcium (Ca) (as CaCO ₃)	-		14	PPM
	Specific Conductance	-	Micromhos	1915	Micromhos

Other Supporting Information

W.F. Hansen
Dan McGlothlin
Owen Williams

June 22, 1994

L54(479)
BEOL/Water Rights

Memorandum

To: Superintendent, Bent's Old Fort National Historic Site
From: Chief, Water Rights Branch
Subject: Measurement of Tributary Ground Water Diversion

The Office of the State Engineer (SE), State of Colorado, has promulgated the attached rules (Case No. 94CW12 - Rules Governing the Measurement of Tributary Ground Water Diversions in the Arkansas River Basin) for the administration of waters in the Arkansas River basin. These rules implement procedures for metering and reporting tributary ground water pumped from wells within the basin to comply with the Arkansas River Compact. Also attached for your information are the forms to be used for compliance and reporting.

To assess applicability of the new rules to National Park Service (NPS) water rights at Bent's Old Fort National Historic Site (BEOL), we reviewed BEOL's water rights dockets and discussed the status of park wells with Carol Maass of your staff. We have determined that these rules apply to two park wells.

With respect to the June 15, 1994, deadline stated in the rules for filing a **Notice of Totalizing Flow Meter Installation or Notice of Inactive Well**, we were informed by the Division Engineer, Water Division 2 (personal communication with Bill Hansen of my staff on June 14, 1994) that this deadline was suspended due to protest of the rules. A new date for filing these notices has not been set. However, we are recommending that the park proceed immediately in complying with the SE's rules as outlined below. A new deadline for the Notices is expected to be established in the near future.

Based upon our review of the information obtained from the park, we have prepared for your consideration the following assessments and recommendations for complying with the SE's rules.

Docket No. BEOL 0001 and 0002 (referred to by the park as Federal No.'s 1 and 2). These wells are abandoned, no water rights exist. No action required.

Docket No. BEOL 0003 (referred to by park as Federal No. 3, well is located in the park's maintenance facility)

A conditional water right for 150 gallons per minute for sanitation and firefighting purposes exists for this well. In December, 1993, the NPS filed, through Department of Justice, an application for a finding of reasonable diligence for a conditional water right decreed on December 15, 1987 (Case No. 80CW142). On May 25, 1994, the Water Referee, Water Division 2 ruled for the continuation of the conditional right and we are currently waiting for a decree from the Water Court. Once the finding of reasonable diligence has been decreed by the Water Court, NPS will have six years in which to make full use of the right, thereby establishing a basis for applying to make the conditional right absolute. If NPS is unable to make full use of this right and, at the end of six years, wishes to maintain the conditional right, it may apply again for a finding of reasonable diligence.

We understand that Federal No. 3 is inactive and that the park intends to make repairs and/or modifications to the system in the future. If the well is to remain out of service, a **Notice of Inactive Well** (Form 7) should be filed in accordance with the yet to be determined new deadline. Note that the well must be "disconnected from any and all power sources" and not be used until the Division Engineer is notified in writing of intent to re-activate the well. So long as the well remains inactive, this Notice must be refiled by March 1 every consecutive year following the original Notice submittal (refer to Rule 7). As stated in Rule 8, "no water shall be withdrawn from any well not in compliance with the rules except as necessary to determine a power coefficient rating or to install a totalizing flow meter."

As part of repairs and/or modifications of the Federal No. 3 system, and prior to re-activation, the well must be equipped with a totalizing flow meter that is installed and maintained according to manufacturer's recommendations. The totalizing flow meter must be installed in accordance with Rules 3.1, 3.3, 3.4 and 4. Included in these rules is the requirement that the meter, when installed, be properly field calibrated under the supervision of a registered professional engineer. Should the well become active at any time, the Division Engineer must be notified immediately with a **Notice of Totalizing Flow Meter Installation** (Form 4).

If the Park prefers to utilize power consumption measurements for documenting and reporting water use, rating procedures must be conducted under the supervision of a registered professional engineer and in accordance with requirements of Rule 3.2, 3.3 and 4. A **Notice of Power Coefficient Rating or Re-Rating** (Form 3.2) must be filed by October 1, 1994 (this deadline has not been suspended, according to the Division Engineer). Note that the SE requires a stand-alone power meter connection to the well, i.e. the meter may not service other power connections, for the purpose of reporting water pumped using the power coefficient method.

After the well is reactivated, a water use data report must be submitted no later than January 31, 1995, and every consecutive year thereafter (refer to Rule 6). The reporting period is November 1 to October 31. The report requires monthly amounts of water pumped. Depending on the method of measurement of water withdrawn, either Form 6.1 or 6.2 is to be used.

A benefit derived from filing annual water data reports for Federal No. 3 (if the well is reactivated within the next six years) is the establishment of a verifiable record of water pumped for sanitation and firefighting purposes in accordance with NPS's conditional water right. The annual water use report should greatly facilitate the task of preparing evidence, for the Water Court's review, that proves NPS's diligence in exercising the conditional right over the next six years, and verifying the amounts of water used from this well in support of a future application to make the conditional right absolute.

Docket - BEOL 0004 (irrigation well referred to by the park as the Day Property Well)

The NPS has an absolute underground water right for the Day Property Well with a priority date of January 30, 1954. The United States acquired title to the Alma F. Day property in 1972, which property included an irrigation well with a decreed right (Case No. W-3016) for irrigation purposes in the amount of 720 gallons per minute (not to exceed 153 acre-feet in one calendar year). It is our understanding that the park intends to use this well within the next few weeks for the purpose of irrigating and restoring native prairie grassland.

This being the case, the Day Property Well must be equipped with a totalizing flow meter, or be rated to determine a power coefficient. As stated earlier, depending on which measurement method you choose, the appropriate Notice must be filed with the Division Engineer. We recommend a totalizing flow meter be installed and calibrated, as soon as possible, under the supervision of a registered professional engineer in accordance with Rule 3.1. Again, an annual report of water use must be submitted to the Division Engineer no later than January 31, 1995, and every consecutive year thereafter.

Docket - BEOL 0005 (livestock well referred to by the park as the Harmon Property Well)

This well is used to provide livestock water. Permit No. 156062-A was issued December 13, 1989 for the watering of livestock on a farm or ranch. The well is administered by the SE as an exempt well (as described in the statutes, wells not exceeding 15 gallons per minute of production for the watering of livestock on a farm or ranch are exempt from administration). We conclude that the special rules governing the measurement of tributary ground water diversions do not apply to this well.

As soon as we learn of the new deadline for filing a Notice of Inactive Well or Notice of Totalizing Flow Meter Installation, we will inform you. The appropriate forms for Federal Nos. 3 and 4 should be completed by the park as soon as possible. The Water Rights Branch will be happy to assist you in reviewing the completed forms prior to submittal. We would like copies of all forms submitted, including annual reports of pumpage, to maintain current water right dockets for each well.

Please let me know how we can be of assistance to you in complying with the SE's rules. If you have any questions regarding these recommendations, please contact Dan McGlothlin of my staff at (303) 225-3536 or me at (303) 225-3505.

Owen Williams

Attachments

cc: RMR - Wise (all w/o attachments)
479 - McGlothlin, Pettee, Johns, Newberry

FNP:DMcGlothlin:CC:6-27-94:(303)-225-3536:S:\WRB\BEOLFORM.MEM

DRAFT

February 5, 1987

L54 (479)
RMR/BEOL

Clyde Young, Water Referee
Water Division 2
308 Judicial Building
420 West 10th Street
Pueblo, CO 81003

Dear Mr. Young:

We submit for the Court's consideration an amendment to Water Right Claim 80CW142 at Bent's Old Fort National Historic Site. The amendment proposes changes to the application for water rights associated with two wells:

Well No. 2

The current claim for fire protection is for 100 gpm absolute and 35 gpm conditional. We propose to amend the claim to 135 gpm absolute. The basis for the proposal is that the well is in place and has in the past been available for fire protection. Thus, the amended claim will read:

135 gpm absolute - fire protection

Well No. 3

The current claim for sanitary waste disposal is 10 gpm absolute and for fire protection it is 340 gpm conditional. This claim for sanitary waste disposal should remain at 10 gpm absolute; however, we propose to amend the claim for fire protection to 150 gpm absolute. The basis for the proposal is that the well is in place, its capacity is rated at 150 gpm, the water is piped to sanitary waste facilities and hydrants, and it is ready for use at all times. Thus, the amended claim will read:

10 gpm absolute - sanitary waste disposal

150 gpm absolute - fire protection

If you need further information, please call me at (303) 844-2892.

Sincerely yours,

John Hill, Jr.
Attorney

FNP:DCox:cs:2/4/87:221-5341:20204bwk.cox

L54 (RMR)MW

FEB 25 1981

John Hill, Jr., Esq.
Trial Attorney
United States Department of Justice
Land and Natural Resources Division
Federal Building
1961 Stout Street
Drawer 3607
Denver, Colorado 80294

Re: National Park Service Water Rights
Applications in Water Division 2,
State of Colorado (Bent's Old Fort
National Historic Site) Case 80C142

Dear Mr. Hill:

We have carefully reviewed our claims at Bent's Old Fort National
Historic Site and would like to amend the claims as follows:

Eliminate the claim for National Park Service Bent's Old Fort
No. 2. This well has been capped and covered and no further use
is anticipated.

The claim for National Park Service Bent's Old Fort No. 3 should be
maintained but the conditional amount of 340 gpm (0.758 cfs) should be
reduced to 140 gpm (0.312 cfs). The 10 gpm (0.022 cfs) absolute
portion of the claim should be maintained.

The statement of use should remain the same which is fire protection,
sanitary disposal and other related purposes. The water system is not
metered, consequently we have qualified the amounts claimed with the
sanitation facilities available and the number of employees and annual
visitation. The map of Bent's Old Fort which showed the locations of
three wells has been revised to show only Well No. 3.

We believe the claim, when amended, is extremely reasonable considering
the size of the area, numbers of visitors and the large investment in
the reconstructed fort.

Sincerely yours,

/s/ WES WOLFE

Wes Wolfe
Acting Associate Regional Director
Park Operations
Rocky Mountain Region

Enclosure

cc:

RMR-MW
WLM:ek:ek 2/25/81



United States Department of the Interior

NATIONAL PARK SERVICE
ROCKY MOUNTAIN REGIONAL OFFICE
655 Parfet Street
P.O. Box 25287
Denver, Colorado 80225

IN REPLY REFER TO:

L54 (RMR)MW

NOV 27 1979

John Hill, Jr., Esq.
Trial Attorney
Department of Justice
Land and Natural Resources Division
Denver Federal Building
1961 Stout Street
Drawer 3607
Denver, Colorado 80296

Dear Mr. Hill:

Enclosed are the Water Division 2 applications and related materials involving our three water well claims at Bent's Old Fort National Historic Site. Well number one has been abandoned and no future use is contemplated. Well number two was drilled in 1954 and the water right was purchased in 1962 from the previous owner. There are no log data or production records available for either well. Well number three is the only well that has a permit. Therefore, we are including copies of the permits along with copies of a production test.

This completes our water right claims; since all land included in the National Historic Site was acquired, no reserved rights are involved. Consequently, we are not including copies of the legislation establishing the area and other documentation included with our previous claims in other water divisions to establish reserved rights claims.

If you need further information please call Bill Mekeel at 234-5997.

Sincerely yours,


for Kenneth R. Ashley
Associate Regional Director
Park Operations



Save Energy and You Serve America!

L54-MW

May 17, 1971

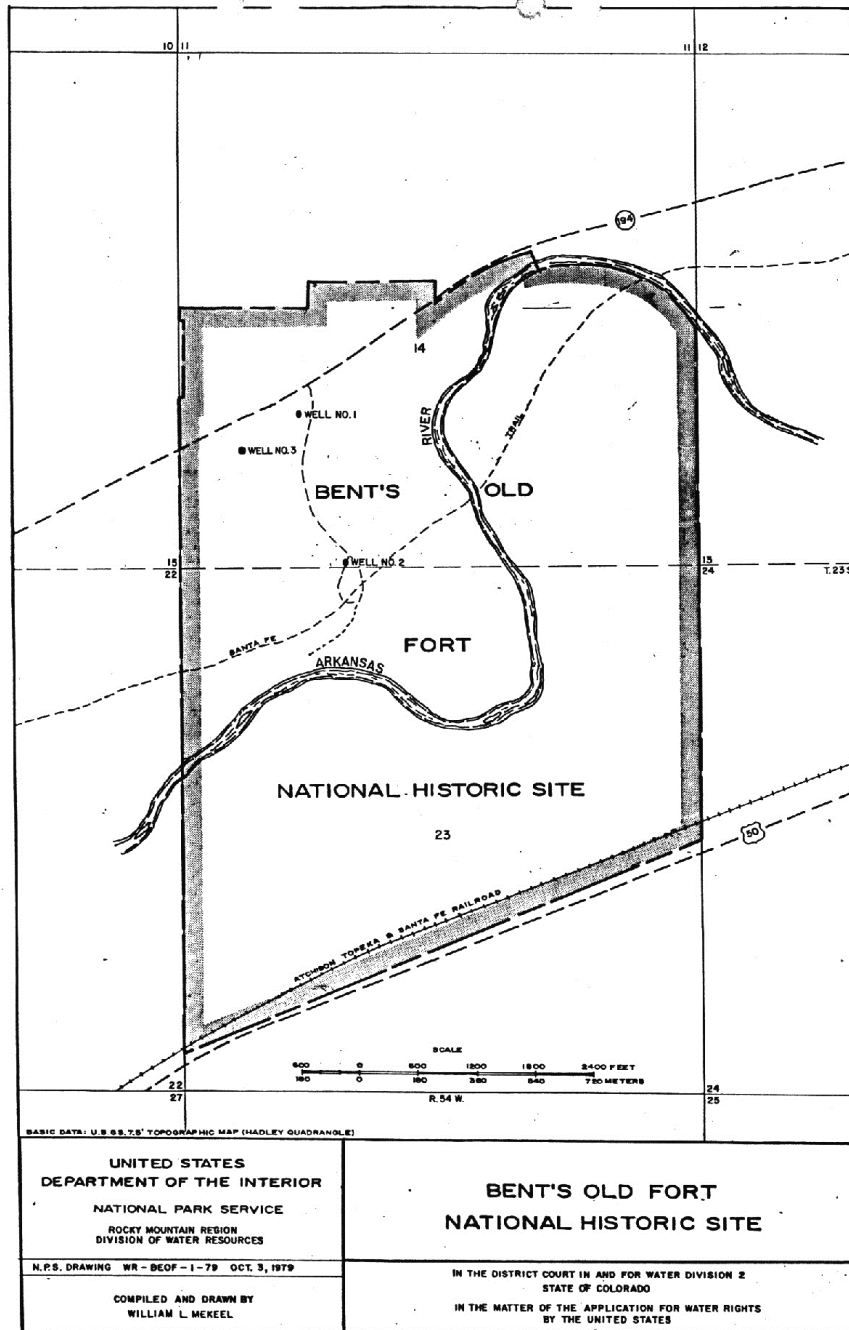
be appreciated.

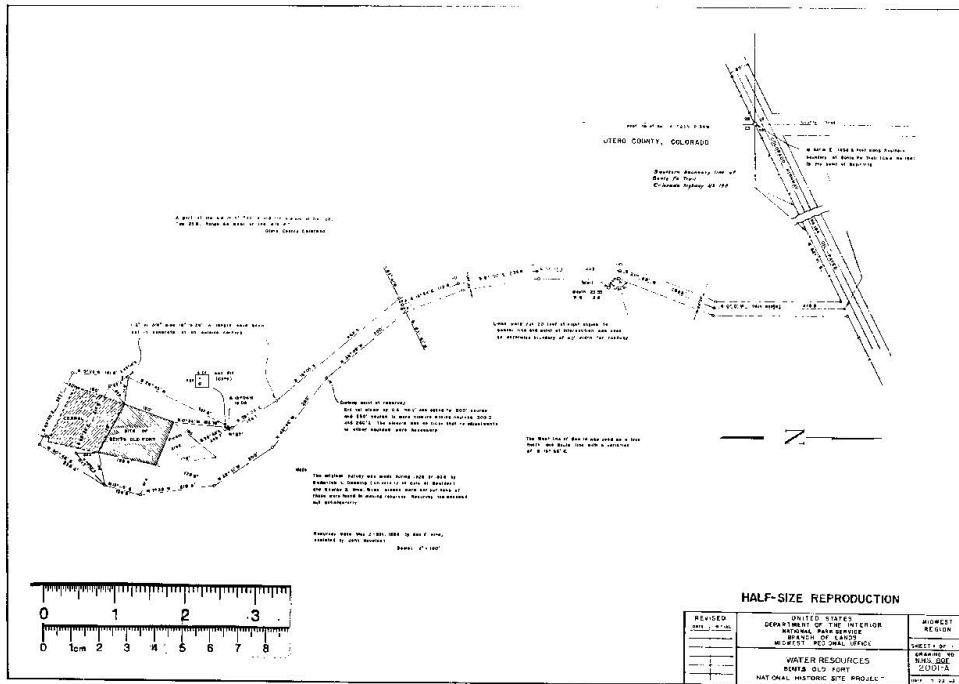
Manuel Morris

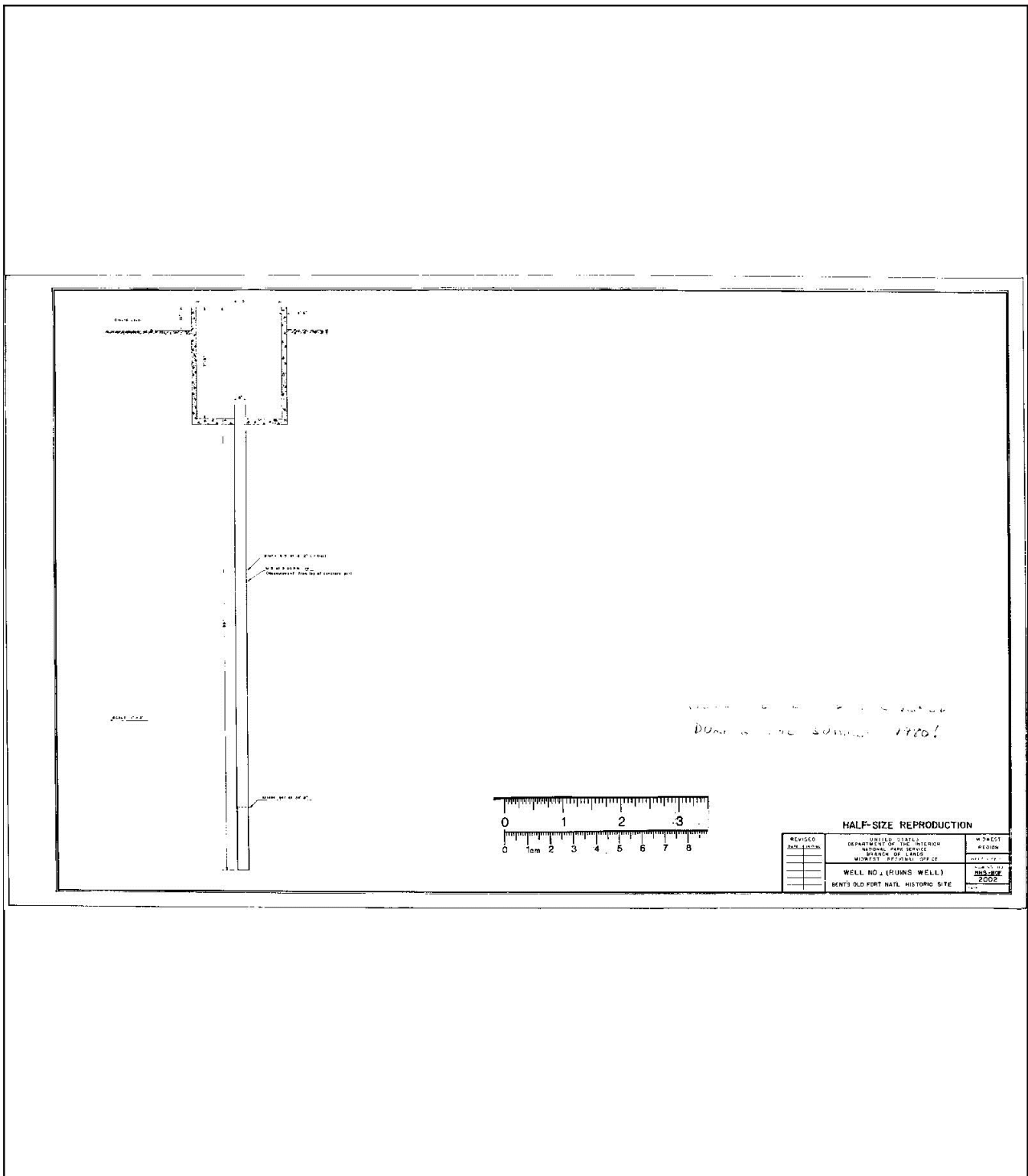
Manuel Morris

WESTERN
CENTER
MAY 18 1971
DIRECTOR, WSC
CHIEF, LO&P
CHIEF, ADM. SVC.
CHIEF, CS&M
CHIEF, LAND &
WATER RESOURCES
CHIEF, HIST. &
HIST. ARCHITECT.
CHIEF, PRGMS.
MANAGEMENT

RECEIVED			
WATER RESOURCES SECTION			
MAY 24 1971			
ACT.	INFO.	INITIALS	DATE
	WITUCKI, G.		
	BARRETT, O.		
	Augenbach, H.		
	CHAVEZ, D.		
	KENNEDY, M.		
	GOLD, S.		
FILE			
REMARKS			







Docket Information

Number of Documents in Docket 34

Documents Dated from 10/17/1961 to 8/31/1964

Docket Compiled: 5/16/2016