WATER-RIGHT DOCKET

Rocky Mountain National Park

Docket No: 3

4 WELLS AND SPRINGS. MORAINE MUSEUM

Preliminary Docket Information

00-00-0000: Information Sheet

ROCKY MOUNTAIN NATIONAL PARK - Docket #3*

		Filing #	Decreed Priority #	Headquarters Utility Area & Moraine Museum Water System	Quantity	Priority
(Former Docket 32) Utility	Area Spring & Well	none**	58	Trans. From Rumpe-Bear Ditch-Adj. No. 10050	0.015 c.f.s.	May 5, 1876
(Former Docket 33)	Spring Area #1	(11280)	41	Moraine Museum Water System-Adj. No. 10077	0.025 c.f.s.	Jun 30, 1906
	(Spring Area #2)	(16550)	23	Spring Area #1 (Spring Area #2 abandoned 1933)	0.015 c.f.s.	Nov 10, 1916
			45	Pipeline #12	0.040 c.f.s.	Sept 1, 1933
Supplemental Claim	Well #4019	4019		Well #4019 on left or north bank Thompson River	0.223 c.f.s.(100 gpm)	Jul 30, 1959
	Homitis-Beaver Pipeline (See Docket No's 4 & 13)					

*Includes former Docket No. 32

**Drawing RM-6904 shows all transfers (Changes in point of Diversion) Adj. #10050

INDEX

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

ROCKY MOUNTAIN NATIONAL PARK

Water Right Docket No. 3

Moraine Museum Water Right Systems

PART I - UTILITY SPRING & WELL

1. Map, No. NP-RM-6984, 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. 10050 (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. 28, 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-RM-6994, 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.

Part III 7. Log and History of Well, Moraine Park Well No. 1 - Permit No. 4019, w/No. 19, 1959 memo from Supt. Lloyd.

PART III - MORAINE PARK WELL NO. 1

1. Completion report w/narrative for Water and Sewer Systems, Beaver Meadows Entrance Station.

2. Completion report w/narrative for New Water Source, Connect to Reservoir.

3. Log and History of Well, Permit No. 4019.

4. Permit to Use Ground Water, Application Approved No. 4019.

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal #3

IDENTIFICATION NO: ROMO W 3 3 0 5 7 3 B F 0 3

DITCH/WATER SYSTEM: Moraine Park Well No. 1

SOURCE OF SUPPLY: Well

LOCATION: SE¼SW¼ of Sec. 33, T5N, R73W, 6th PM, whence the NE cor. of Sec. 5, T4N, R73W, bears S36°33'E 1463.29 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 4019, approved July 30, 1959

Certificate Record Number:

Date of Priority: July 1959
Filing 22747, accepted for filing in the office of the State Engr. 1/13/66
Quantity of Water: .2206 c.f.s.

Purpose: Domestic and other beneficial purposes.

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right, consisting of a 15 ft. well and distribution system. Started July 27, 1959, completed Aug 28, 1959.

WATER RIGHT RECORD

Park: ROMO

Docket Number:
Federal Docket #3

IDENTIFICATION NO: ROMO , W 3 3 0 5 7 3 C F 0 3

DITCH/WATER SYSTEM: Moraine Park Well #2

SOURCE OF SUPPLY: Well

LOCATION: SE¼ SW¼ Sec. 33, T5N, R73W, 6th PM

Dist. to the SW Cor. of Sec 33, T5N, R73W bears S. 65° W

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number:

Certificate Record Number:

Date of Priority: June, 1970

Quantity of Water: 200 gpm

Purpose: Domestic

Irrigated Land Description:

Moraine Park Well #2

SUMMARY OF STATUS: This is a Federal water right, consisting of a 100 ft. well, 260,000 gallon reservoir and distribution system for Moraine Park Museum, headquarters and Utility Area.

Moraine Park Campground well - application No. W-924
Granted Oct. 1957
Young Cabins well - application No. W-925
W.S.E. Reg Dec. 1961

DOCKET INFORMATION SHEET

Docket Identity	ROMO W 33 05 73 A F 03
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	MORAINE PARK WELL NO 1
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 3
Location	T5N R73W SEC 33 SE 1/4 SW 1/4
Acquired by	APPROPRIATION
Application	4019 APPROVED JULY 30, 1959
Permit	
Certificate	
Priority	JULY 1959 - .2206 CFS
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC AND OTHER BENEFICIAL PURPOSES
Quantity	.2206 CFS
Hydrologic Unit	10190006
Remarks	FILING 22747 ACCEPTED IN THE OFFICE OF THE STATE ENGINEER

00-00-0000: Docket Information Sheet

DOCKET INFORMATION SHEET

Docket Identity	ROMO W 33 05 73 B F 03
Region	ROCKY MOUNTAIN
Area	ROCKY MOUNTAIN NATIONAL PARK
Site	MORAINE PARK WELL NO 2
State	COLORADO
County	LARIMER
Docket	ROMO WATER RIGHT DOCKET 3
Location	T5N R73W SEC 33 SE 1/4 SW 1/4
Acquired by	
Application	
Permit	
Certificate	
Priority	JUNE 1970 - 200 GPM
Reservation	JANUARY 26 1915
Status	ACTIVE FEDERAL
Source	GROUND WATER
Use	DOMESTIC
Quantity	200 GPM
Hydrologic Unit	10190006
Remarks	

00-00-0000: Docket Information Sheet

State Water Rights Documentation

FORM NO. GWS-32 08/2008

PUMP INSTALLATION AND TEST REPORT

STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

1313 Sherman St., Room 818, Denver, CO 80203
Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only

RECEIVED
NOV 26 2012
WATER RESOURCES
STATE ENGINEER
COLO

1. **WELL PERMIT NUMBER:** 45796-F-R

2. **WELL OWNER INFORMATION**
NAME OF OWNER: National Park Service
MAILING ADDRESS: Rocky Mountain National Park 1000 US Hwy 36
CITY: Estes Park | STATE: CO | ZIP CODE: 80517
TELEPHONE #: ( ) -

3. **WELL LOCATION AS DRILLED:** SE 1/4, SW 1/4 Sec. 33, Twp. 5 ■ N or ☐ S, Range 73 ☐ E or ■ W
DISTANCES FROM SEC. LINES: 1299 ft. from ☐ N or ■ S section line and 1460 ft. from ☐ E or ■ W section line.
SUBDIVISION: _____, LOT ____, BLOCK ____, FILING (UNIT) ____
Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, ☐ Zone 12 or ■ Zone 13
Easting: 450229.7
Northing: 4467256.0
STREET ADDRESS AT WELL LOCATION:

4. **PUMP DATA:** Type: Submersible Date Installed: 10/17/2012
Pump Manufacturer: Goulds Pump Model No. 65L10-432C
Design GPM: 65 at RPM 3450 HP 7.5 Volts 230/3 phase Full Load Amps 32
Pump Intake Depth: 20 Feet, Drop/Column Pipe Size 1 Inches, Kind of Drop Pipe PVC
ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: Turbine Driver Type: ☐ Electric ☐ Engine ☐ Other _____
Design Head feet Number of Stages Shaft size inches

6. **OTHER EQUIPMENT:**
Airline Installed ☐ Yes ☐ No, Orifice Depth ft. _____ Monitor Tube Installed ☐ Yes ☐ No, Depth ft. _____
Flow Meter Mfg. _____ Meter Serial No. _____
Meter Readout: ☐ Gallons, ☐ Thousand Gallons, ☐ Acre feet Beginning Reading

6. **TEST DATA:** ☐ check box if Test Data is submitted on Supplemental Form.

	Date:	10/17/12			
Total Well Depth: 57 ft.	Time:	10 Minutes			
Static Level: 5 ft.	Rate (gpm):	65			
Date Measured: 10/17/12	Pumping Level (ft):	20			

7. **DISINFECTION:** Type Liquid Chlorine Amt. Used 1/5 Gallon

8. Water Quality analysis available: ☐ Yes ■ No If yes, please submit with this report.

9. Remarks: _____

10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to $5000 and/or revocation of the contracting license.]

Company Name:	Phone:	License Number:
John's Well Service, Inc.	(303) 444-7237	1323

Mailing Address: P.O. Box 803 Lyons, CO 80540

Signature:	Print Name and Title	Date
	Mike Overly, Owner	11/23/12

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

NOTICE

Well Permit Number: 45796-F-R

Your request for an extension of time to construct the well and/or install pumping equipment has been received and reviewed.

You are hereby given notice that the State Engineer has approved an extension of **one year** to July 15, 2013.

A copy of the amended well permit is enclosed. Please be advised that pursuant to Colorado Revised Statute 37-90-137(3)(a)(I), **additional extensions cannot be approved.**

Proof of Well Construction and Pump Installation Reports must be submitted to this office prior to the expiration date of the permit. Contractors are required to submit their respective reports affirming construction of the well and the installation of pumping equipment.

Well owners who wish to construct their own well and/or install pumping equipment must first successfully complete an examination prescribed by the Board of Examiners of Water Well Construction and Pump Installation Contractors as well as submit these reports upon completion of the construction and/or installation.

Forms for reporting construction and pump installation are available from the Division of Water Resources offices or online at www.water.state.co.us/pubs/wellforms.asp

These forms are:
GWS–31 - Well Construction and Test Report
GWS-32 – Pump Installation and Test Report

If you have any questions, please contact the Ground Water Information Desk at (303) 866-3587 between the hours of 9:00 AM and 4:00 PM Monday through Friday.

Sent to owner on 7-3-12.

By: Sherman Johnson

Office of the State Engineer
1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589
www.water.state.co.us

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

LIC

WELL PERMIT NUMBER 45796 -F R
DIV. 1 WD 4 DES. BASIN MD

APPLICANT

NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PARK
1000 US HWY 36
ESTES PARK, CO 80517-

(970) 586-1285

APPROVED WELL LOCATION
LARIMER COUNTY
SE 1/4 SW 1/4 Section 33
Township 5 N Range 73 W Sixth P.M.

DISTANCES FROM SECTION LINES
1299 Ft. from South Section Line
1460 Ft. from West Section Line

UTM COORDINATES (Meters,Zone:13,NAD83)
Easting: Northing:

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
3) Approved pursuant to CRS 37-90-137(2) on the condition that this well is operated in accordance with the United States of America, Rocky Mountain National Park Augmentation Plan approved by the Division 1 Water Court in case no. 96CW175. If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water.
4) Approval of this replacement well permit shall not result in an expanded use of ground water. The use of ground water from this well is limited to irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.
5) The pumping rate of this well shall not exceed 0.220 cfs (99 gpm).
6) The allowed average annual amount of ground water to be withdrawn by this well in combination with Moraine Park Well No. 2 shall not exceed 50 acre-feet.
7) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
8) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
9) This replacement well shall not be constructed any closer to any other existing well than the well it is replacing, if such other well is within 600 feet of the replacement, is completed in the same aquifer, and is not owned by the applicant.
10) This well shall be constructed not more than 200 feet from the location specified on this permit and not more than 200 feet from the location decreed for Moraine Park Well No. 3 in case no. 96CW175 (decreed location is 1100 feet from the south section line and 1460 feet from the west section line).

NOTE: This permit will expire on the expiration date unless the well is constructed and a pump is installed by that date. A Well Construction and Test Report (GWS-31) and Pump Installation and Test Report (GWS-32) must be submitted to the Division of Water Resources to verify the well has been constructed and the pump has been installed. A one-time extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: http://www.water.state.co.us/pubs/forms.asp

Expiration Date Extended to July 15, 2013 svj 7-2-12

APPROVED
SKR

Dick Wolfe
State Engineer

By

Receipt No. 3651030 DATE ISSUED 07-15-2011 EXPIRATION DATE 07-15-2012

Receipt No. 3651030 **WELL PERMIT NUMBER 45796 -F R** Page 2

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

NOTICE: This permit has been approved subject to the following change: The UTM coordinate values and distances from section lines provided with the permit application were not used and the well location was determined based on the distance and direction from the decreed well location. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

3651704
45795 F R Div. 1

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

Tuesday, July 03, 2012

NATIONAL PARK SERVICE
ROCKY MOUNTAIN NATIONAL PA
1000 US HIGHWAY 36
ESTES PARK CO 80517-

RE: Well Permit Number 45795 F R Owner's Designation MORAINE PARK WELL #2
Located in the SE 1/4, of the SW 1/4, Section 33, Township 5 N, Range 73 W, S P.M.

NOTICE

This permit to construct a well was issued on 8/8/2011. The expiration date of the permit is 8/8/2012. In order for the permit to remain valid, certain actions must be taken by the well owner. As of this date, the Well Construction and Test Report was received on 2/27/2012. The Pump Installation and Test Report has not been received. Furthermore, a request for extension of the expiration date have not been received by the Division of Water Resources.

This permit was approved under Section 37-90-137(2), Colorado Revised Statutes. The well must be constructed and the pump installed, prior to the expiration date of the permit. These reports are the responsibility of the licensed water well contractors, or the well owner if the work was performed by the owner. The Well Construction and Test Report (GWS-31) and the Pump Installation and Test Report (GWS-32) must be received by the Division of Water Resources prior to the expiration date of the permit.

If pumping equipment has not been installed in the well, the well owner may request a one-time in writing by letter or on form GWS-64, General Request from Extension of Well Permit Expiration Date, a one year extension of the expiration date. The request must be received with a $60.00 (sixty dollar) filing fee prior to the expiration date and must provide a reason or reasons for not constructing the well, installing pumping equipment and why the expiration date should be extended for an additional year. The extension request and other forms are available on our website at http://water.state.co.us/DWRDocs/Forms/Pages/FormsHome.aspx.

If the well has been constructed, pumping equipment will not be installed by the expiration date and an extension of the expiration date has not been approved, the permit will expire and be of no force or effect. It will be necessary for you to obtain a new well permit by submitting a completed application for an existing well along with a $100.00 (one hundred dollar) filing fee.

If the well will not be constructed, and you do not wish to pursue construction of a well, please advise us in writing in order that we may formally expire the permit without requiring additional notification from you.

If the expiration date has already been extended for one year, the statute does not allow more than one extension of time. If the well construction and the pump installation reports are not received by the expiration date, the permit expires and is of no force or effect.

If you have any questions, please contact any of the Division Field Office in your area, or the Ground Water Information Desk in Denver at (303) 866-3587 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Thank-you for your immediate attention.

Form No. GWS-64 4/2012	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 Sherman St. Room 821 Denver CO 80203 Main: (303) 866-3581 Fax: (303) 866-3589 dwrpermitsonline@state.co.us	For Office Use Only

REQUEST FOR EXTENSION OF WELL PERMIT EXPIRATION DATE
Review instructions on reverse side prior to completing form. The form can be computer generated, typed or printed in black or blue ink.

Well Permit Number 45795 F R

Well permittee information

Name(s) NPS Rocky Mountain National Park

Mailing Address 1000 US Hwy 36

City, St. Zip Estes Park, CO 80517

Phone (include area code) 970-586-1329

Email (required if file online): Richard_Dvorak@nps.gov

Well Location: County Larimer

SE 1/4 of the SW 1/4, Section 33, Township 5 [X] N. or [ ] S., Range 73 [ ] E. or [X] W., Sixth P. M.

Estimated date of well Completion 12/01/2012

Statement of good cause why the well will not be constructed and/or pumping equipment installed, or water put to beneficial use (if in a Designated Basin) prior to the expiration date of the permit

Contract for drilling well was done last yesr. Pump installation and Test Report has been awarded. Contractor to start 10/1

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.

Enter or sign well owner or agent name:	If signing print name & title	Date (mm/dd/yyyy)
[signature]	Richard A. Dvorak, Engineer	07/12/2012

INSTRUCTIONS:
This form is used to request an extension of the expiration date of the permit. **This request for extension must be accompanied by a non-refundable filing fee if applicable (see reverse side for details). The completed request must be received prior to the expiration date of the well permit.**

See the reverse side for more information regarding well permits and requests for extension of the expiration date.

Federal Government
No Fee Required

For Office Use Only

Div _____ WD _____ Basin _____ MD _____

U.S. Department of Justice

Environment and Natural Resources Division

WMC:LCD
90-1-2-892

General Litigation Section
Denver Field Office

Lorrin C. Dyer, Legal Secretary
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Telephone: *(303) 312-7313*
Telecopier: *(303) 312-7331*

May 16, 1997

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: WD1, Case No.: 96CW175
Moraine Park Wells 2 & 3

Dear Mr. Czarnowski:

Please find enclosed for your information and files a copy of the **Decree** dated May 13, 1997, entered in connection with the above matter.

Sincerely,

Lorrin C. Dyer
Secretary to Lynn A. Johnson

Enclosure

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FILED IN
DISTRICT COURT
APR 17 '97
WELD COUNTY, COLO.

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Findings and Ruling of the Referee and Decree of the Water Court.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson Project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed herein shall be administered by the State or Division Engineer in

U.S. Dept. of Justice
RECEIVED
MAY 16 1997
Environment Div.-GLS

accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this 17 day of April, 1997.

BY THE REFEREE:

Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: MAY 13 1997

JONATHAN W. HAYS
Water Judge
Water Division No. 1
State of Colorado

FILED IN DISTRICT COURT
APR 17 '97
WELD COUNTY, COLO.

APR 18 1997

WATER DIVISION NO. 1
STATE OF COLORADO

Date April 17, 1997

James
Chapman Jr
Aspell
Ken (last)

TO:

Lynn Johnson, Esq.
U.S. Dept. of Justice
999 18th Street, Suite 945
Denver, CO 80202

Robert Trout, Esq.
1775 Sherman Street, Suite 1300
Denver, CO 80203

William Brown, Esq.
P O BOX Q
Fort Collins, CO 80522

COPY FOR YOUR INFORMATION

Note: By May 9th the augmentation plans for the Headquarters wells should be decreed and we will be legal. This only took 3 yrs!
Ken

DIVISION OF ENGINEER/STATE ENGINEER

The Water Court Referee for Division 1 has instructed me to forward this copy of his Ruling in Case No. 96CW175.

Please check your Ruling very CAREFULLY! If any errors are found, notify the Water Clerk's Office IMMEDIATELY.

You have twenty (20) days after the above date of mailing to file with the Water Clerk, any pleading in protest to or in support of the Referee's Ruling. Any such pleading to the Referee's Ruling must be filed on or before 5-9-97, plus any additional time allowed by Rule 6(e) CRCP. In the absence of any pleading being received, the Judge of the Water Court will incorporate the Referee's Ruling in the Decree which will be entered after 5-9-97

Nicholas J. Hamlin
Court Clerk IV
Water Division 1
P.O. Box C
Greeley, CO 80632
(970) 351-7300 EXT:4553

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FILED IN
DISTRICT COURT
APR 17 '97
WELD COUNTY, COLO.

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Findings and Ruling of the Referee and Decree of the Water Court.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson Project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed herein shall be administered by the State or Division Engineer in

accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this 17 day of April, 1997.

BY THE REFEREE:

Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

JONATHAN W. HAYS
Water Judge
Water Division No. 1
State of Colorado

To: Ken Garnowski Fax: 970/586-1310

From: Julie Draper Phone: 303/312-7344

No. of Pages (incl. covers): 8

Re: Water Division 1 - Case No.: 96CW175

Ken, Following is a copy of the ruling entered in connection with the Moraine Park wells. If no protests are filed, a decree should be entered after 5/9/97. Please review this one last time & let me know if it has yours blessing!

Regards,
Julie J
4/30/97

Decree accurate - call made to Julie Draper of DOJ on 5/1/97
Ken

U. S. DEPARTMENT O JU'TICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION

WMC:JDDraper
90-1-2-892
General Litigation Section
Denver Office

Julia D. Draper
Suite 945, North Tower
999 Eighteenth Street
Denver, CO 80202
Telphone: (303) 312-7344
Telecopier: (303) 312-7331

April 2, 1997

Ms. Mary Crespin
Clerk, Water Division No. 1
Post Office Box C
Greeley, Colorado 80632

COPY FOR YOUR INFORMATION

Re: Case No.: 96CW175
Moraine Park Wells Nos. 2 & 3

Dear Mary:

Enclosed for filing are the original and three copies of the Stipulations entered into by the parties in connection with the above. Also enclosed is the original and three copies of the proposed Findings and Ruling of the Referee and Decree of the Water Court for the Court's consideration. I have also enclosed extra copies of these documents to be file stamped and returned in the enclosed self-addressed, postage prepaid envelope. Thank you for your assistance in this matter.

Respectfully,

Julia D. Draper

Julia D. Draper

/jdd
enclosures
c: William. H. Brown, Esq.
Robert V. Trout, Esq.
Ken Czarnowski

Certificate of Service

I HEREBY CERTIFY that on this 2nd day of April, 1997, I served a true and correct copy of the following documents: (1) STIPULATION BETWEEN NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND THE UNITED STATES OF AMERICA; (2) STIPULATION BETWEEN THOMPSON WATER USERS AND THE UNITED STATES OF AMERICA; and, (3) proposed FINDINGS AND RULINGS OF THE REFEREE AND DECREE OF THE WATER COURT, by depositing copies thereof in the U.S. Mail, postage prepaid, upon the following:

William H. Brown, Esquire
FISCHER, BROWN & GUNN, P.C.
P. O. Box Q
Fort Collins, CO 80522

Robert V. Trout, Esquire
TROUT & RALEY, P.C.
1775 Sherman Street
Suite 1300
Denver, CO 80203

Julia D. Draper
Julia D. Draper

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO
Case No. 96CW175

STIPULATION BETWEEN THOMPSON WATER USERS AND THE UNITED STATES OF AMERICA

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, IN LARIMER COUNTY.

Applicant, United States of America, and Opposer, Thompson Water Users Association, by and through their undersigned attorneys, hereby stipulate and agree that a Ruling and Decree may be entered in the above-captioned case, provided that it is at least as stringent as the attached proposed Findings and Ruling of the Referee and Decree of the Water Court, and that the Thompson Water Users Association will be first provided with a copy of any proposed changes.

RESPECTFULLY SUBMITTED this 2nd day of April, 1997.

Lynn A. Johnson, #15394
U.S. Department of Justice
Environment and Natural
Resources Division
999 18th Street, Suite 945
Denver, CO 80202
(303) 312-7315

ATTORNEY FOR APPLICANT,
UNITED STATES OF AMERICA

William H. Brown, #2088
Fischer, Brown & Gunn, P.C.
P.O. Box Q
Fort Collins, CO 80522
(970) 407-9000

ATTORNEY FOR OPPOSER,
THOMPSON WATER USERS
ASSOCIATION

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Findings and Ruling of the Referee and Decree of the Water Court.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson Project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed

herein shall be administered by the State or Division Engineer in accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this _____ day of _____, 1997.

BY THE REFEREE:

_____
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

_____
JONATHAN W. HAYS
Water Judge
State of Colorado - Water Division 1

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO
Case No. 96CW175

STIPULATION BETWEEN NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND THE UNITED STATES OF AMERICA

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, IN LARIMER COUNTY.

Applicant, United States of America, and Opposer, Northern Colorado Water Conservancy District, by and through their undersigned attorneys, hereby stipulate and agree that a Ruling and Decree may be entered in the above-captioned case, provided that it is at least as stringent as the attached proposed Findings and Ruling of the Referee and Decree of the Water Court.

RESPECTFULLY SUBMITTED this 26th day of March 1997.

4/2/97

Lynn A. Johnson, #15394
U.S. Department of Justice
Environment and Natural
Resources Division
999 18th Street, Suite 945
Denver, CO 80202
(303) 312-7315

ATTORNEY FOR APPLICANT,
UNITED STATES OF AMERICA

Robert Trout, # 7190
Trout & Raley, P.C.
1775 Sherman Street
Suite 1300
Denver, CO 80203
(303) 861-1963

ATTORNEY FOR OPPOSER,
NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Findings and Ruling of the Referee and Decree of the Water Court.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson Project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed

herein shall be administered by the State or Division Engineer in accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this _____ day of _____, 1997.

BY THE REFEREE:

_____
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

_____
JONATHAN W. HAYS
Water Judge
State of Colorado - Water Division 1

U.S. Depa..nent of Justice

Environment and Natural Resources Division

WMC:LAJohnson
90-1-2-892

General Litigation Section
Denver Office

Lynn A. Johnson, Trial Attorney
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7315
Fax No: (303) 312-7331

January 7, 1997

James S. Witwer, Esquire
TROUT & RALEY, P.C.
1775 Sherman Street
Suite 1300
Denver, CO 80203

COPY FOR YOUR INFORMATION

Re: Water Division 1 - Moraine Park Wells Nos. 2 & 3
Case No.: 96CW175

Dear Mr. Witwer:

Enclosed is a proposed Findings and Ruling of the Referee and Decree of the Water Court in connection with the above matter. This decree follows the format that was agreed to by your office previously for a similar augmentation plan, the Aspenglen campground well (Water Division 1, Case No.: 94CW060). I would appreciate your comments by February 6, 1997, at which time I will forward the proposed decree to the Water Court for consideration. Thank you for your assistance in this matter.

Very truly yours,

Lynn A. Johnson/jdd

Lynn A. Johnson

LAJ/jdd
enclosure
c: Ken Czarnowski, NPS

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO
Case No. 96CW175

STIPULATION BETWEEN THOMPSON WATER USERS ASSOCIATION AND THE UNITED STATES OF AMERICA

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, IN LARIMER COUNTY.

Applicant, United States of America, and Opposer, Thompson Water Users Association, by and through their undersigned attorneys, hereby stipulate and agree that a Ruling and Decree may be entered in the above-captioned case, provided that it is at least as stringent as the attached proposed Findings and Ruling of the Referee and Decree of the Water Court.

RESPECTFULLY SUBMITTED this ____ day of _____, 1997.

Lynn A. Johnson, #15394
U.S. Department of Justice
Environment and Natural
Resources Division
999 18th Street, Suite 945
Denver, CO 80202
(303) 312-7315

ATTORNEY FOR APPLICANT,
UNITED STATES OF AMERICA

William H. Brown, #2088
Fischer, Brown & Gunn, P.C.
P. O. Drawer J
Fort Collins, CO 80522
(970) 407-9000

ATTORNEY FOR OPPOSER,
THOMPSON WATER USERS
ASSOCIATION

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Findings and Ruling of the Referee and Decree of the Water Court.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson Project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed

herein shall be administered by the State or Division Engineer in accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this _____ day of _____, 1997.

BY THE REFEREE:

_____
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

_____
JONATHAN W. HAYS
Water Judge
State of Colorado - Water Division 1

U.S. Departme of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

General Litigation Section
Denver Field Office

Julia D. Draper, Paralegal Specialist
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7344
Fax No: (303) 312-7331

December 26, 1996

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: WD1, Case No.: 96CW175
Moraine Park Wells 2 & 3

Dear Ken:

Enclosed is a draft Findings and Ruling of the Referee and Decree of the Water Court prepared in connection with the above matter. Please carefully review the proposed Decree to ensure there are no errors. Specifically, please review paragraph 10 in the Findings of Fact and paragraph 12E in the Ruling of the Referee to be certain I have correctly understood the plan for augmentation by exchange. I believe there may have been an error in this regard for the Aspenglen well which require us to file for clerical error; I would like to avoid repeating the same mistake!

Thanks for your assistance in this matter and I look forward to hearing from you.

Respectfully,

Julia D. Draper

Julia D. Draper,
Paralegal Specialist

/jdd
enclosure

Comments phoned to Julia on 12/30

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 96CW175

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: THE UNITED STATES OF AMERICA, ROCKY MOUNTAIN NATIONAL PARK, LARIMER COUNTY

THIS MATTER comes before the Water Referee on the Application of the United States of America for Augmentation by Exchange and the Referee having considered the pleadings, the evidence, stipulations of the parties, and comments of the Division Engineer, and otherwise being fully advised, does hereby find and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the Applicant is:

United States of America
c/o Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Phone: (303) 312-7300

2. This Application was filed with the Water Clerk, Water Division No. 1, on August 1, 1996.

3. Timely and adequate notice of these proceedings has been given in the manner required by law. The time for filing statements of opposition and for seeking leave to intervene has expired. The Court has jurisdiction over all persons who have standing to appear herein, whether they have appeared or not.

4. Statements of Opposition were filed in a timely manner by the Thompson Water Users Association ("Association") and Northern Colorado Water Conservancy District ("District"). The Association and the District have stipulated to entry of this Ruling.

5. The Division Engineer issued his Summary of Consultation dated December 9, 1996, which was duly served upon all parties on December 13, 1996. The Referee has given the Summary of Consultation due consideration.

6. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. The Applicant seeks a decree approving a plan for augmentation by exchange, to allow pumping on a one for one, acre-foot by acre-foot exchange basis of a tributary well located in Rocky Mountain National Park.

Plan of Augmentation By Exchange

8. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

A. Moraine Park Well No. 2, Permit No. 045795-F.

1. Legal description of point of diversion: The Moraine Park Well No. 2 is located 1124 feet from the South Section Line and 1502 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River.

2. Amount: 0.178 cfs maximum rate of diversion, which is 80 gmp maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 3.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

B. Moraine Park Well No. 3, Permit No. 045796-F.

1. Legal description of point of diversion: The Moraine Park Well No. 3 is located 1100 feet from the South Section Line and 1460 feet from the West Section Line of the SE1/4 of SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River.

2. Amount: 0.220 cfs maximum rate of diversion, which is 99 gmp maximum pumping rate, with a maximum amount of 50 acre-feet annually in combination with Moraine Park Well No. 2.

3. Beneficial use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

9. Water rights used in the plan for augmentation by exchange to augment the Moraine Park Wells Nos. 2 and 3 will be

the water made available to Rocky Mountain National Park from the Colorado-Big Thompson project ("Project") pursuant to Article 24 of the Repayment Contract entered into on July 5, 1938, between the United States of America and the Northern Colorado Water Conservancy District.

A. Article 24 provides:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the Project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir Pumping Plant No. 1 or other points on the Project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said Park; and provided further that the United States through the National Park Service may make, without objection by the District such additional nonconsumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the Project, allowing for slight consumptive loss unavoidably incident to such nonconsumptive uses.

B. Appropriation date: August 1, 1935.

C. Adjudication dates: October 12, 1955 and April 16, 1964, in the Consolidated Cases - Civil Nos. 2782, 5016 and 5017.

D. Source: Colorado River and its tributaries transported through the Alva B. Adams Tunnel.

E. Legal description of points of diversion and places of storage: Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal and Granby Pump Canal, transported to the East slope through the Alva B. Adams Tunnel.

F. Decreed use: All of the purposes described in the Repayment Contract dated July 5, 1938. The water provided to the United States for use in Rocky Mountain National Park is for the uses described in Article 24 of the Repayment Contract.

10. Water from the water rights described in Paragraph 9 above will be provided by exchange to replace the amount pumped from the Moraine Park Wells Nos. 2 and 3, on a one for one, acre-foot by acre-foot basis by release at Lake Estes into the Big Thompson River, approximately five miles below the Moraine Park wells.

A. Moraine Park Well No. 2

1. Amount of water augmented by exchange: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Well Nos. 2 and 3 by the State Engineer.

B. Moraine Park Well No. 3

1. Amount of water augmented by exchange: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum exchange amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

2. Date of appropriation for the exchange: September 28, 1993.

3. How right of exchange was initiated and perfected: By approval of a temporary supply plan for the Moraine Park Wells Nos. 2 and 3 by the State Engineer.

RULING OF THE REFEREE

11. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.

12. The plan for augmentation by exchange described in the Findings of Fact and Conclusions of Law as set forth above is hereby confirmed and granted:

A. Structures being augmented by the one for one, acre-foot by acre-foot exchange:

1. Moraine Park Well No. 2, Permit No. 045795-F.
2. Moraine Park Well No. 3, Permit No. 045796-F.

B. Exchange appropriation date: September 28, 1993.

C. Amount:

1. Moraine Park Well No. 2: 0.178 cfs maximum rate of diversion, which is 80 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 3.

2. Moraine Park Well No. 3: 0.220 cfs maximum rate of diversion, which is 99 gpm maximum pumping rate, with a maximum amount of 50 acre-feet annually, absolute, in combination with Moraine Park Well No. 2.

D. Beneficial Use: Irrigation, culinary, domestic, or related purposes in Rocky Mountain National Park.

E. Water rights used in the plan for augmentation by exchange: As described in Paragraph 9 above.

13. The Division Engineer shall not curtail Applicant's pumping of Moraine Park Wells Nos. 2 and 3 when said wells are operating under the plan for augmentation by exchange decreed herein.

14. The pumping of water through the Moraine Park Wells Nos. 2 and 3 and the plan for augmentation by exchange decreed

herein shall be administered by the State or Division Engineer in accordance with applicable state statutes and decrees. Water will be released from Lake Estes into the Big Thompson River to account for water pumped through the Moraine Park Wells Nos. 2 and 3. Applicant shall install, maintain and operate such water measurement devices and recording devices as are deemed necessary by the Division Engineer to administer the exchange in a form and manner approved by the Division Engineer. Applicant shall keep records and make reports as reasonably required by the Division Engineer.

15. The plan for augmentation by exchange approved herein was filed with the Water Court in the year 1996, and the exchange portion of the plan shall be administered as having been filed in that year and shall be junior to all priorities awarded based upon applications filed in previous years. As between all rights filed for adjudication in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of the ruling.

16. A copy of this Ruling shall be filed with the appropriate Division Engineer and with the State Engineer.

17. This Ruling shall be filed with the Water Clerk, subject to judicial review.

DATED this _____ day of _____, 1997.

BY THE REFEREE:

_____
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

_____
JONATHAN W. HAYS
Water Judge
State of Colorado - Water Division 1

STATE OF COLORADO

WATER DIVISION ONE
OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources
800 8th Avenue, Room 321
Greeley, CO 80631
Phone (970) 352-8712
FAX (303) 659-0579

Roy Romer
Governor
James S. Lochhead
Executive Director
Hal D. Simpson
State Engineer
Richard Stenzel
Division Engineer

December 13, 1996

SUMMARY OF CONSULTATION HELD DECEMBER 9, 1996

CASE NO. 96CW175, United States of America-Rocky Mountain National Park, Larimer County

AUGUST 1996 RESUME

The applicants are seeking an approval for a plan of augmentation by exchange. The structures to be augmented are the Moraine Park Well #2, Permit No. 045795-F and Moraine Park Well #3, Permit No. 045796-F. The structures are located in Section 33, T5N, R73W. The proposed uses are irrigation, domestic and other related uses and will be limited to 50 acre feet annually. The proposed source of augmentation water is water native to the Colorado River basin brought to the east slope through the Alva B. Adams Tunnel. The proposed augmentation by exchange involves replacing all of the water diverted from the subject wells on an acre-foot withdrawn basis. The augmentation plan has a claimed appropriation date of September 28, 1993. The United States of America has a substitute water supply plan with the State Engineer's Office approved on September 28, 1993.

The Division Engineer cannot recommend approval of this application until the following concerns are addressed:

1. Provide the Court with evidence to support the claimed exchange amount of 50 acre-feet per year and if the claimed exchange is absolute or conditional.

2. Water may only be exchanged to the extent that there is a continuous live stream between all of the exchange from and exchange to points.

3. Provide evidence to the Court that this plan of exchange can be operated without injury to existing water rights in time, location or amount.

4. This exchange may only be operated with the prior approval of the Water Commissioner or Division Engineer and may be subject to transit loss charges if necessary to prevent injury to other water rights.

5. The applicants should not be granted an appropriation date for the proposed augmentation plan, but should receive an appropriation date for the claimed exchange.

6. Provide the Court with proof that the applicant has a current substitute supply plan filed with the State Engineer's Office.

7. If not already in place, properly maintained measuring devices, acceptable to the Division Engineer or Water Commissioner may be required for the administration of this water right.

8. This water right, if granted, will be subject to administration. As such, the applicant may be required to report the amounts and dates of water diversion under this right to the local Water Commissioner on at least an annual basis.

Any requested information should be submitted to the Water Court, P.O. Box C, Greeley, Colorado 80632 or Telephone 351-7300, Ext. 4598.

CRS 1973, 37-92-302(4), SIGNED INTO LAW MAY 17, 1988, PROVIDES THAT THE APPLICANT OR THE APPLICANT'S ATTORNEY SHALL MAIL OR DELIVER A COPY OF THIS CONSULTATION TO ALL PARTIES OF RECORD WHO FILED A STATEMENT OF OPPOSITION TO THIS APPLICATION, IF ANY. THE STATUTE ALSO REQUIRES THAT THE APPLICANT OR HIS ATTORNEY SHALL FILE A CERTIFICATE OF MAILING WITH THE WATER CLERK OF DIVISION 1 IF THIS SUMMARY OF CONSULTATION IS MAILED TO OPPOSING PARTIES.

David L Nettles for
Richard L. Stenzel, P.E.
Division Engineer

RLS:DLN/lrk

xc: Hal D. Simpson, State Engineer
Don Brazelton, Water Commissioner

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
General Litigation Seciton

Julia D. Draper, Paralegal Specialist
U. S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
Telephone: (303) 312-7344
Telefax: (303) 312-7331

TELEFAX COVER SHEET

Date: November 1, 1996

From: Julia D. Draper, Paralegal Specialist
General Litigation Section

To: Ken Czarnowski, Hydrologist

Organization: National Park Service
Division of Resources Management

Phone: 970/586-1263

Telefax No.: 970/586-1310

No. of pages, including cover sheet: 6

Re: WD1 - 96CW175
Moraine Park Wells 2 & 3

Message: Ken, FYI, following is a copy of the SOO filed by Wm. Brown on behalf of Northern Colorado Water Conservancy District and his letter dated 10/30/96. Please review and call Lynn with your comments. Thanks, Julia.

Note: talked to Lynn - He will talk to Brazelton + Don says OK, then may with them options!

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

FILE

OCT 31 1996

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO
Case No. 96CW175

STATEMENT OF OPPOSITION OF NORTHERN COLORADO WATER CONSERVANCY DISTRICT

CONCERNING APPLICATION FOR WATER RIGHTS OF USA-ROCKY MOUNTAIN NATIONAL PARK, IN LARIMER COUNTY

1. Name, mailing address, telephone number of Opposer:

Northern Colorado Water Conservancy District ("District")
1250 North Wilson Avenue
Post Office Box 679
Loveland, Colorado 80539
(970) 667-2437

2. Facts as to why the Application should not be granted or why it should be granted only in part or on certain conditions:

a. The District is the beneficial owner of water rights in the Colorado River and Big Thompson Basins for the Colorado-Big Thompson Project, and is a signatory to the Repayment Contract dated July 5, 1938 which is cited in the application.

b. District rules, regulations and policies allow the use of Colorado-Big Thompson Project water on a one for one, acre-foot by acre-foot, exchange basis but do not allow the use of Colorado-Big Thompson Project water to replace depletions. It is the District's understanding that this Application involves such a one for one exchange, and the final decree must reflect this fact.

c. Applicant must be required to establish that the water rights described in the Application will be used in accordance with Paragraph 24 of the 1938 Repayment Contract.

d. Any decree entered herein must include adequate terms and conditions to prevent material injury to the water rights of the District.

e. At this time the District does not have available enough facts surrounding the claims made in the Application so as to determine what additional conditions and limitations ultimately should be imposed

upon Applicant to protect the rights of the District. The District accordingly reserves the right to add additional objections, whether before or during trial, as more facts and details regarding the Application become known. The District further requests that this Statement of Opposition be deemed continuing and apply to any subsequent amended Application filed by the Applicant herein.

Dated: October 30, 1996

TROUT & RALEY, P.C.

By: James S. Witwer

Bennett W. Raley, #13429
James S. Witwer, #19482
1775 Sherman Street
Suite 1300
Denver, Colorado 80203
Tele: 303/861-1963

Attorneys for Northern Colorado Water Conservancy District

VERIFICATION

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

I, ERIC W. WILKINSON, GENERAL MANAGER of the Northern Colorado Water Conservancy District, state under oath that I have read this application and verify its content to the best of my knowledge, information and belief.

Eric W. Wilkinson

Subscribed under oath before me on: OCTOBER 30, 1996
(date)

My commission expires: APRIL 7, 1997
(date)

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 1996, a true and correct copy of the foregoing Statement of Opposition of Northern Colorado Water Conservancy District was placed in the United States Mail, first class postage prepaid, addressed to:

Lynn A. Johnson, Esq.
Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202

[Attorneys for Applicant]

FISCHER, BROWN & GUNN, P.C.
ATTORNEYS AT LAW
WARD H. FISCHER
WILLIAM H. BROWN
WILLIAM C. GUNN
WILLIAM R. FISCHER
MARGARET A. BROWN
EIGHTH FLOOR • FIRST TOWER
216 WEST OAK STREET
FORT COLLINS, COLORADO 80521
MAILING ADDRESS
POST OFFICE BOX Q
FORT COLLINS, CO 80522
TELEPHONE
970/407-9000
FAX
970/407-1056

October 30, 1996

FILE

Lynn A. Johnson, Esq.
U.S. Department of Justice
Environment & Natural Resources
999 18th Street, Suite 945
Denver, CO 80202

OCT 31

Re: Application of the United States
Case No. 96CW175

Dear Lynn:

I had intended to send a letter along with the Statement of Opposition to the exchange the United States is seeking in the above matter.

The exchange concept you are proposing certainly is satisfactory to the downstream water users on the Big Thompson whom I represent. My only issue relates to the timing of the exchange's operation. I presume that the project water to be used in the exchange will be stored in Mary's Lake, and released in accordance with some schedule. Can you advise me what that is, and how it relates to the actual depletive effects caused by the out of priority well pumping?

I'm also not adverse to language in the decree giving the River Commissioner the ability to aggregate releases, but do ask that the releases be made in accordance with an approved schedule should the Division Engineer not provide more specific instructions.

Sincerely,

William H. Brown

\lrn
Enc.
cc: Neil Hamilton
Dale Schaal
Dave Bernhardt

whb\twua\96cw175\johnso-l.o30

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
General Litigation Section

Julia D. Draper, Paralegal Specialist
U. S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
Telephone: (303) 312-7344
Telefax: (303) 312-7331

TELEFAX COVER SHEET

Date: October 24, 1996

From: Julia D. Draper, Paralegal Specialist
General Litigation Section

To: Ken Czarnowski, Hydrologist

Organization: National Park Service
Division of Resources Management
Phone: 970/586-1263
Telefax No.: 970/586-1310

No. of pages, including cover sheet: 6

Re: WD1 - 96CW175
Moraine Park Wells 2 & 3

Message: Ken, FYI, following is a copy of the SOO filed by Wm. Brown on behalf of the Thompson Water Users Association. Please review and provide Lynn with your comments. Thanks, Julia.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

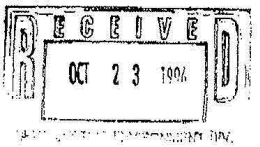
FILE

FISCHER, BROWN & GUNN, P.C.
ATTORNEYS AT LAW
EIGHTH FLOOR • FIRST TOWER
215 WEST OAK STREET
FORT COLLINS, COLORADO 80521

WARD H. FISCHER
WILLIAM H. BROWN
WILLIAM C. GUNN
WILLIAM R. FISCHER
MARGARET A. BROWN

MAILING ADDRESS
POST OFFICE BOX D
FORT COLLINS, CO 80522
TELEPHONE
970/407-9000
FAX
970/407-1059

October 18, 1996



Ms. Lynn Johnson
U.S. Department of Justice
Environment & Nat. Res. Div.
999 18th Street, Suite 945
Denver, CO 80202

Re: Application of the U.S. in 96CW175

Dear Lynn:

Enclosed is a Statement of Opposition I have filed on behalf of the Thompson Water Users Association. I believe our concern is relatively minor. We just want to be sure that the decree provides that the exchange will operate in such a fashion that the water that ultimately is flowing in the stream because of the exchange replicates the situation that would occur if the out of priority well pumping did not occur. This is not to say, however, that we have any objections to water being stored, and then released at the direction of the river commissioner, a decretal condition that is commonly used. Our thinking is the decree should provide for some release schedule (and here I'm assuming that the C-BT water will be stored in Mary's Lake), which schedule can be overridden by specific direction of the river commissioner.

Sincerely,

William H. Brown

\lrn
Enclosure
cc: Dale Schaal
Dave Bernhardt
Larry Howard

RECEIVED
OCT 23 1996
DEPT. JUSTICE ENVIRONMENT DIV.

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO
Case No. 96 CW 175

STATEMENT OF OPPOSITION

CONCERNING THE APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

IN LARIMER COUNTY.

1. Names, mailing addresses,and telephone numbers of Opposer:

Thompson Water Users Association
c/o Neil Hamilton
2410 Dotsero
Loveland, CO 80538
(970) 667-3912

2. State facts as to why the application should not be granted or why it should be granted only in part or on certain conditions:

a. The Thompson Water Users Association ("Association") is a voluntary organization. Some of the Association's members are owners of various water rights on the Big and Little Thompson Rivers. A membership list is attached.

b. Without the imposition of appropriate terms and conditions in the decree that applicant seeks, the water rights of the members of the Association may be injured.

c. Specifically, the exchange must be made at the time and in such a manner that any injurious depletive effect to the Big Thompson River caused by the out-of-priority well pumping of applicant is offset by the water put into and carried by the Big Thompson River.

3. Opposer cannot determine from the published resume precisely how, and to what extent, granting of this application without limiting conditions may result in injury to other water rights. Opposer therefore reserves the right to amend this statement as more information becomes available to it.

4. This Statement of Opposition shall be continuing and shall apply to any amendments to the Application which may hereafter be filed.

Statement of Opposition
Thompson Water Users Assc.
96 CW 175

FISCHER, BROWN & GUNN, P.C.

By: _____
William H. Brown, No. 2088
P.O. Drawer J
Fort Collins, Colorado 80522
(303) 482-1056
ATTORNEYS FOR OPPOSER
THOMPSON WATER USERS ASSOCIATION

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

I, William H. Brown, attorney for the Opposer, state under oath that I have read this Statement of Opposition and verify its contents.

_____
William H. Brown

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, this 17 day of October, 1996.

WITNESS my hand and official seal.

_____
Notary Public
My Commission Expires: My Commission Expires 08/16/1997
121 West Olive
Fort Collins, CO 80524

CERTIFICATE OF MAILING

I do hereby certify that on this 24th day of October, 1996, I placed a true and correct copy of the foregoing Statement of Opposition of the Thompson Water Users Association to Case No. 96 CW 175 in the United States mail, postage prepaid, properly addressed, to the following, to wit:

Lynn A. Johnson
Dept. of Justice
999-18th St., #945
Denver, CO 80202

Diana M. Holloway
for Fischer, Brown & Gunn, P.C.

THOMPSON WATER USERS ASSOCIATION

Membership List

Big Thompson Ditch and Manufacturing Company

Big Thompson and Platte River Ditch Company

Buckingham Irrigation Company

City of Loveland

Eagle Ditch Company

Greeley Loveland Irrigation Company

Handy Ditch Company

Hill and Brush Ditch Company

Louden Irrigation Canal and Reservoir Company

Rockwell Ditch Company

South Side Ditch and Reservoir Company

The Consolidated Hillsborough Ditch Company

The Consolidated Home Supply Ditch and Reservoir Company

The Re-organized Farmers Ditch

Town of Johnstown

U.S. Departmer Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

General Litigation Section
Denver Field Office

Julia D. Draper, Paralegal Specialist
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7344
Fax No: (303) 312-7331

July 30, 1996

Ms. Mary Crespin
Clerk, Water Division No. 1
Post Office Box C
Greeley, Colorado 80632

Re: WD1 - Application for Approval of Plan for Augmentation by Exchange

Dear Ms. Crespin:

Enclosed for filing please find the original and four copies of the United States' **Application for Approval of Plan for Augmentation by Exchange** on behalf of the National Park Service in connection with the above. For the convenience of the Water Referee, we have also enclosed copies of the applicable permits.

As you are aware, Judge Robert A. Brown of Water Division No. 4 ordered that the United States pay filing fees. The United States is currently deciding whether to appeal Judge Brown's decision. In the interim, pending a final resolution of the filing fees issue and so that filings by the United States can go forward without disruption, we intend to pay filing fees under protest. So that the United States can seek a refund of these fees if it successfully prosecutes an appeal, pursuant to Colo. Rev. Stat. §24-36-116, these fees should be transmitted to the State Treasury Department and accounted for as fees paid under protest.

Accordingly, the United States hereby submits, under protest, the filing fee in the amount of $181.00. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Respectfully,

Julia D. Draper

Julia D. Draper,
Paralegal Specialist

/jdd
enclosures

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

---

1. Name, address, telephone number(s) (residence and business) of applicant(s)

   United States of America
   c/o Department of Justice
   999 18th Street, Suite 945
   Denver, CO 80202
   Phone: (303) 312-7315

2. Name(s) of structure(s) to be augmented by exchange:

   Moraine Park Well #2, Permit No. 045795-F
   Moraine Park Well #3, Permit No. 045796-F

   Are there other water rights diverted from this structure(s) __Yes _X_ No

3. Previous decree(s) of water rights(s) to be used for augmentation:
   A. Date entered: Contract entered into on July 5, 1938 between the United States of America and the Northern Colorado Water Conservancy District and decrees entered in the Consolidated Cases on October 12, 1955, and April 16, 1964.
   B. Case No.: Consolidated Cases - Civil No. 2782, Civil No. 5016 and Civil No. 5017, for water rights of the Colorado-Big Thompson Project.
   C. Court: U.S. District Court, District of Colorado
   D. Type of water right (surface, underground storage): Transmountain surface water from the Colorado River and its tributaries.
   E. Legal description of point(s) of diversion or place of storage:
   Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek

Feeder Canal, and Granby Pump Canal to the East Slope through the Alva B. Adams Tunnel.
F. Source: Colorado River and its tributaries via Alva B. Adams Tunnel.
G. Amount: Use of the Article 24 Colorado-Big Thompson (C-BT) Contract water for this Plan for Augmentation by Exchange will be 99 gpm limited to 50 acre feet annually.
H. Appropriation: August 1, 1935.
I. Decreed use (if irrigation, include total acreage): All of the purposes of the Contract of July 5, 1938. Article 24 of the C-BT Contract provides for the use of the water by the United States for irrigation, culinary, domestic use, or other related uses.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson

project in the Colorado and the Blue River and their tributaries above project features.

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir pumping plant No. 1 to Shadow Mountain Lake thence to Grand Lake diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a substitute water supply plan that was approved on September 28, 1993, by the State Engineer for the Moraine Park Wells #2 and #3. Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells for irrigation, domestic and related Park purposes at a 250-unit campground, approximately 81 employee houses, Park Headquarters administration buildings and associated maintenance buildings, and the Beaver Meadow Entrance Station. Two storage tanks with a combined capacity of 260,000 gallons are located near the headquarters area.

Pursuant to this Plan for Augmentation by Exchange, the United States intends to release on a one for one basis and not on a replacement of depletion only basis the amount of Article 24 water (see paragraph 4 above) necessary to replace the amount that is pumped from the Moraine Park Wells up to 50 acre feet annually, as determined by the Water Commissioner. Replacement Article 24 water will be released at Lake Estes into the Big Thompson River approximately five miles below

the Moraine Park Wells.

The date of appropriation for this Plan of Augmentation is September 28, 1993.

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

Dated this 29th day of July, 1996.

Respectfully submitted,

Lynn A. Johnson, #15394
Department of Justice
Environment and Natural Resources Division
999 18th St. Suite 945
Denver, Colorado 80202
303-312-7315

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

Kenneth Czarnowski, Hydrologist (for Applicant)

Subscribed under oath before me on July 5, 1996.

My commission expires: 7-18-97.

Notary Public

cc: Docket

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:
L54

July 5, 1996

Julia D. Draper
Paralegal Specialist
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Moraine Park Wells 2 and 3

Dear Ms. Draper:

As requested in your letter of June 7, enclosed is an original signed and notarized **Application for Approval for Augmentation by Exchange** for filing with the Water Court, Water Division I. Also enclosed is a copy of the Bureau of Reclamation's approval of this filing and a check in the amount of $181 for filing fees.

Your assistance in this matter is very much appreciated.

Sincerely,

Kenneth Czarnowski

Kenneth Czarnowski
Park Hydrologist

United States Department of the Interior

BUREAU OF RECLAMATION
Eastern Colorado Area Office
11056 West County RD 18E
Loveland, Colorado 80537-9711

IN REPLY
REFER TO:

EC-1314

JUL 3 1996

Mr. Kenneth Czarnowski
Forest Supervisor
National Park Service
Rocky Mountain National Park
Estes Park CO 80517

Subject: Augmentation Plan for Moraine Park Wells #2 and #3

Dear Mr. Czarnowski:

We have reviewed the enclosed Application for Approval of Plan for Augmentation by Exchange for the Moraine Park Wells #2 and #3 in Rocky Mountain National Park that was prepared by the Department of Justice. Reclamation has no comments on the Augmentation Plan and approves of this application for filing. If you have any questions, please call Ed Everaert of my staff at (970) 962-4394.

Sincerely,

Elizabeth M. Boaz
Chief, Resources Division

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

---

1. Name, address, telephone number(s) (residence and business) of applicant(s)

   United States of America
   c/o Department of Justice
   999 18th Street, Suite 945
   Denver, CO 80202
   Phone: (303) 312-7315

2. Name(s) of structure(s) to be augmented by exchange:

   Moraine Park Well #2, Permit No. 045795-F
   Moraine Park Well #3, Permit No. 045796-F

   Are there other water rights diverted from this structure(s) __Yes _X_ No

3. Previous decree(s) of water rights(s) to be used for augmentation:
   A. Date entered: Contract entered into on July 5, 1938 between the United States of America and the Northern Colorado Water Conservancy District and decrees entered in the Consolidated Cases on October 12, 1955, and April 16, 1964.
   B. Case No.: Consolidated Cases - Civil No. 2782, Civil No. 5016 and Civil No. 5017, for water rights of the Colorado-Big Thompson Project.
   C. Court: U.S. District Court, District of Colorado
   D. Type of water right (surface, underground storage): Transmountain surface water from the Colorado River and its tributaries.
   E. Legal description of point(s) of diversion or place of storage:
   Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek

Feeder Canal, and Granby Pump Canal to the East Slope through the Alva B. Adams Tunnel.
F. Source: Colorado River and its tributaries via Alva B. Adams Tunnel.
G. Amount: Use of the Article 24 Colorado-Big Thompson (C-BT) Contract water for this Plan for Augmentation by Exchange will be 99 gpm limited to 50 acre feet annually.
H. Appropriation: August 1, 1935.
I. Decreed use (if irrigation, include total acreage): All of the purposes of the Contract of July 5, 1938. Article 24 of the C-BT Contract provides for the use of the water by the United States for irrigation, culinary, domestic use, or other related uses.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson

project in the Colorado and the Blue River and their tributaries above project features.

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir pumping plant No. 1 to Shadow Mountain Lake thence to Grand Lake diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a substitute water supply plan that was approved on September 28, 1993, by the State Engineer for the Moraine Park Wells #2 and #3. Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells for irrigation, domestic and related Park purposes at a 250-unit campground, approximately 81 employee houses, Park Headquarters administration buildings and associated maintenance buildings, and the Beaver Meadow Entrance Station. Two storage tanks with a combined capacity of 260,000 gallons are located near the headquarters area.

Pursuant to this Plan for Augmentation by Exchange, the United States intends to release on a one for one basis and not on a replacement of depletion only basis the amount of Article 24 water (see paragraph 4 above) necessary to replace the amount that is pumped from the Moraine Park Wells up to 50 acre feet annually, as determined by the Water Commissioner. Replacement Article 24 water will be released at Lake Estes into the Big Thompson River approximately five miles below

the Moraine Park Wells.

The date of appropriation for this Plan of Augmentation is September 28, 1993.

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

Respectfully submitted,

Lynn A. Johnson, #15394
Department of Justice
Environment and Natural Resources
Division
999 18th St. Suite 945
Denver, Colorado 80202
303-312-7315

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

Kenneth Czarnowski, Hydrologist (for Applicant)

Subscribed under oath before me on July 5, 1996.

My commission expires: 7-18-97.

Notary Public

U.S. Department of Justice

Environment and Natural Resources Division

WMC:LAJohnson
90-1-2-892

General Litigation Section
Denver Field Office

Lynn A. Johnson, Esq.
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7315
Telefacsimile: (303) 312-7331

TELEFAX COVER SHEET

DATE: June 4, 1996

FROM: Lynn A. Johnson

TO: Ken Czarnowski

ORGANIZATION: NPS

Phone:

Telefax: 970-586-1310

No. of pages, including cover sheet: 4

Re: Morraine Park wells aug plan

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

Ken: Attached is the revised application with some additional language in paragraph 5. Please let me know if it is okay as soon as you can. Bob Trout is leaving town for 3 weeks beginning thursday. I came up with 81 employee houses by adding up the number from the temporary supply plan. Should I change it to that in the application? Thanks. Lynn

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

1. Name, address, telephone number(s) (residence and business) of applicant(s)

United States of America
c/o Department of Justice
999 18th Street., Suite 945
Denver, CO 80202
Phone: (303) 312-7315

2. Name(s) of structure(s) to be augmented by exchange:

Moraine Park Well #2, Permit No. 045795-F
Moraine Park Well #3, Permit No. 045796-F

Are there other water rights diverted from this structure(s) __Yes X No

3. Previous decree(s) of water rights(s) to be used for augmentation:
A. Date entered: Contract entered into on July 5, 1938 between the United States of America and the Northern Colorado Water Conservancy District and decrees entered in the Consolidated Cases on October 12, 1955, and April 16, 1964.
B. Case No.: Consolidated Cases - Civil No. 2782, Civil No. 5016 and Civil No. 5017, for water rights of the Colorado-Big Thompson Project.
C. Court: U.S. District Court, District of Colorado
D. Type of water right (surface, underground storage): Transmountain surface water from the Colorado River and its tributaries.
E. Legal description of point(s) of diversion or place of storage:
Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal, and Granby Pump Canal to the East Slope through the Alva B. Adams Tunnel.
F. Source: Colorado River and its tributaries via Alva B. Adams Tunnel.
G. Amount: Use of the Article 24 Colorado-Big Thompson (C-BT) Contract water for this Plan for Augmentation by Exchange will be 99 gpm limited to 50 acre feet annually.
H. Appropriation: August 1, 1935.
I. Decreed use (if irrigation, include total acreage): All of the purposes of the Contract of July 5, 1938. Article 24 of the C-BT Contract provides for the use of the water by the United States for irrigation, culinary, domestic use, or other related uses.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson project in the Colorado and the Blue River and their tributaries above project features.

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir pumping plant No. 1 to Shadow Mountain Lake thence to Grand Lake diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a substitute water supply plan that was approved on September 28, 1993, by the State Engineer for the Moraine Park Wells #2 and #3. Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells for irrigation, domestic and related Park purposes at a 250-unit campground, 70 employee houses, Park Headquarters administration buildings and associated maintenance buildings, and the Beaver Meadow Entrance Station. Two storage tanks with a combined capacity of 260,000 gallons are located near the headquarters rea.

Pursuant to this Plan for Augmentation by Exchange, the United States intends to release on a one for one basis and not on a replacement of depletion only basis the amount of Article 24 water (see paragraph 4 above) necessary to replace the amount that is pumped from the Moraine Park Wells up to 50 acre feet annually, as determined by the Water Commissioner. Replacement Article 24 water will be released at Lake Estes into the Big Thompson River approximately five miles below the Moraine Park Wells.

The date of appropriation for this Plan of Augmentation is September 28, 1993.

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant (or Attorney)

_____
Telephone No.

_____
Attorney Registration No.

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

_____
Applicant

Subscribed under oath before me on _____, 199___.

My commission expires: _____.

_____
Notary Public

U.S. Department of Justice

Environment and Natural Resources Division

WMC:LAJohnson
90-1-2-892
General Litigation Section
Denver Field Office

Lynn A. Johnson, Esq.
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7315
Telefacsimile: (303) 312-7331

TELEFAX COVER SHEET

DATE: June 4, 1996

FROM: Lynn A. Johnson

TO: Ken Czarnowski

ORGANIZATION: NPS

Phone:

Telefax: 970-586-1310

No. of pages, including cover sheet: 4

MESSAGE: Ken: Attached is the revised application with some additional language in paragraph 5. Please let me know if it is okay as soon as you can. Bob Trout is leaving town for 3 weeks beginning thursday. I came up with 81 employee houses by adding up the number from the temporary supply plan. Should I change it to that in the application? Thanks. Lynn

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

ROCKY MOUNTAIN NATIONAL PARK

ROMO-71 (3/95)
FAX TRANSMITTAL FORM

DATE: 5/22/96

TO: Lynn Johnson, DOJ

FAX TELEPHONE NUMBER: 303 294-1931

FROM: Ken Czarnowski 303 2-7331

SUBJECT: Application for Approval of a plan for augmentation

NUMBER OF PAGES TO FOLLOW: 5

SPECIAL INSTRUCTIONS: This was faxed to you & Ralph on 3/13 in response to your letter of 3/11. Also see letter from State Engineer. Thanks for your help. Ken

PLEASE CALL (970) 586-1203 WITH QUESTIONS OR PROBLEMS.
FAX (970) 586-1310

SENT BY: DR
DATE FAXED: 5-22-96
TIME FAXED: 15 40

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

---

1. Name, address, telephone number(s) (residence and business) of applicant(s)

   United States of America
   c/o Department of Justice
   999 18th Street., Suite 945
   Denver, CO 80202
   Phone: (303) 294-1900

2. Name(s) of structure(s) to be augmented by exchange:

   Moraine Park Well #2, Permit No. 045795-F
   Moraine Park Well #3, Permit No. 045796-F

   Are there other water rights diverted from this structure(s) __Yes _X_ No

3. Previous decree(s) of water rights(s) to be used for augmentation:
   A. Date entered: Contract entered into on July 5, 1938 between the United States of America and the Northern Colorado Water Conservancy District and decrees entered in the Consolidated Cases on October 12, 1955, and April 16, 1964.
   B. Case No.: Consolidated Cases - Civil No. 2782, Civil No. 5016 and Civil No. 5017, for water rights of the Colorado-Big Thompson Project.
   C. Court: U.S. District Court, District of Colorado
   D. Type of water right (surface, underground storage): Transmountain surface water from the Colorado River and its tributaries.
   E. Legal description of point(s) of diversion or place of storage:
   Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal, and Granby Pump Canal to the East Slope through the Alva B. Adams Tunnel.
   F. Source: Colorado River and its tributaries via Alva B. Adams Tunnel.
   G. Amount: Use of the Article 24 Colorado-Big Thompson (C-BT) Contract water for this Plan for Augmentation by Exchange will be 99 gpm limited to 50 acre feet annually.
   H. Appropriation: August 1, 1935.
   I. Decreed use (if irrigation, include total acreage): All of the purposes of the Contract of July 5, 1938. Article 24 of the C-BT Contract provides for the use of the water by the United States for irrigation, culinary, domestic use, or other related uses.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson project in the Colorado and the Blue River and their tributaries above project features.

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir pumping plant No. 1 to Shadow Mountain Lake thence to Grand Lake diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a substitute water supply plan that was approved on September 28, 1993, by the State Engineer for the Moraine Park Wells #2 and #3. Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells at a 250-unit campground, 70 employee houses, Park Headquarters administration buildings and associated maintenance buildings.

Pursuant to this Plan for Augmentation by Exchange, the United States intends to release on a one for one basis and not on a replacement of depletion only basis the amount of Article 24 water (see paragraph 4 above) necessary to replace the amount that is pumped from the Moraine Park Wells up to 50 acre feet annually, as determined by the Water Commissioner. Replacement Article 24 water will be released at Lake Estes into the Big Thompson River approximately five miles below the Moraine Park Wells.

The date of appropriation for this Plan of Augmentation is September 28, 1993.

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant (or Attorney)

_____
Telephone No.

_____
Attorney Registration No.

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

_____
Applicant

Subscribed under oath before me on _____, 199___.

My commission expires:_____.

_____
Notary Public

Ken Cy

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Roy Romer
Governor
James S. Lochhead
Executive Director
Hal D. Simpson
State Engineer

April 25, 1996

Mr. A. Durand Jones
Superintendent
Rocky Mountain National Park
Estes Park, Colorado 80517

Re: Rocky Mountain National Park 1996 Substitute Water Supply Plan
Water Division 1, Water District 4

Dear Mr. Jones:

We have reviewed your request for a one year extension to the existing substitute water supply plan for the operation of two wells located in Moraine Park. The wells are designated numbers 2 & 3. Well #3 is operated as an alternate point of diversion for well #2. The wells serve the Beaver Meadow entrance station, various administrative and residential buildings, and camp sites. During the summer season additional distribution lines are opened to serve additional facilities. The wells have been issued permit numbers 45795-F and 45796-F.

The source of water used for exchange purposes is the Colorado-Big Thompson Project, and specifically, Article 24 of the 1938 contract between the United States and the Northern Colorado Water Conservancy District. In May of 1994, the U.S. Department of Justice submitted to the Water Court, an application (94CW060) for the Aspenglen well, located at the Park. Subsequent to that submission, it was your intent to file an application for the Moraine Park wells.

Due to the recent closure of the Federal Government, the application for the Moraine Park wells has yet to be made. However, you have predicted submission to the water court by the end of April, 1996.

This substitute water supply plan is hereby approved pursuant to Section 37-80-120, C.R.S. (1991), subject to the following conditions:

1. All of the conditions listed in the original approval letter of September 28, 1993 shall remain in effect, except as modified by subsequent approval letters of March 8, 1995 and August 21, 1995. The new expiration date for this extension is August 31, 1997.

2. An application shall be filed with the Division 1 Water Court for a change in water rights, prior to the expiration date of this approval.

Should you have any comments or questions, please contact Dave Nettles at the Greeley office at 303-352-8712 or Bill McIntyre of the Denver office.

Sincerely,

Hal D. Simpson
State Engineer

cc: Richard Stenzel, Divison Engineer
Donald Brazelton, Water Commissioner, District 4

encl: August 21, 1995 ltr

RLS/WCM/jhh:rmnp96.ssp

U.S. Department of Justice

Environment and Natural Resources Division

WMC:LAJohnson
90-1-2-892
General Litigation Section
Denver Field Office

Lynn A. Johnson, Esq.
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
Telephone: (303) 312-7315
Telefacsimile: (303) 312-7331

TELEFAX COVER SHEET

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

DATE: March 11, 1996

FROM: Lynn A. Johnson

TO: Ken Czarnowski/Ralph Canaday

ORGANIZATION: NPS/Solicitor's Office

Phone:

Telefax: 970-586-~~1399~~1310/231-5363

No. of pages, including cover sheet: 4

Re: Moraine Park well

Message: Ken: Attached is the version of the Application for Approval of Plan for Augmentation by Exchange for Aspenglen which I believe is the version that was filed with the Court. I am not sure why neither you or Ralph have the version that was filed but you should have it as you verified its contents. (I printed this draft from my computer files so am not absolutely sure that it is the final version since we still cannot locate our files.)

As you can see by comparing the version you faxed me with the attached, numerous changes were made. If you recall, the changes were made at the request of Greg Hobbs. Therefore, I think it makes sense to make the Moraine Park application consistent with this version. Please make the changes to make it consistent and then fax it to me so I can get it to Greg for his review and to Washington for approval. Thank you. cc Ralph

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

1. Name, address, telephone number(s) (residence and business) of applicant(s)

United States of America
% Department of Justice
999 18th St., Suite 945
Denver, CO 80202
Phone: (303) 294-1900

2. Name(s) of structure(s) to be augmented by exchange:

Aspenglen Well, Permit No. 036651-F

Are there other water rights diverted from this structure(s) __Yes X No

3. Previous decree(s) of water rights(s) to be used for augmentation:
A. Date entered: Contract entered into on July 5, 1938 between the United States of America and the Northern Colorado Water Conservancy District and decrees entered in the Consolidated Cases on October 12, 1955, and April 16, 1964.
B. Case No.: Consolidated Cases-Civil Nos. 2782, 5016, and 5017, for water rights of the Colorado Thompson Project.
C. Court: U.S. District Court of Colorado.
D. Type of water right (surface, underground storage): Transmountain surface water from the Colorado River and its tributaries.
E. Legal description of point(s) of diversion or place of storage:
Willow Creek, Granby and Shadow Mountain Reservoirs, Grand Lake, Willow Creek Feeder Canal, and Granby Pump Canal to the East Slope through the Alva B. Adams Tunnel.
F. Source: Colorado River and its tributaries via Alva B. Adams Tunnel
G. Amount: Use of the Article 24 Colorado-Big Thompson (C-BT) Contract water for this Plan for Augmentation by Exchange will be ~~limited to a total of 2.0 acre-feet annually~~. 99 gpm limited to 50 acre feet annually.
H. Appropriation Date: August 1, 1935.
I. Decreed use (if irrigation, include total acreage): All of the purposes of the Contract of July 5, 1938. Article 24 of the C-BT Contract provides for the use of the water by the United States for irrigation, culinary, domestic use or other related uses.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service for the Rocky Mountain National Park are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson project in the Colorado and the Blue River and their tributaries above project features.

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir Pumping Plant No. 1 to Shadow Mountain Lake and Grand Lake thence diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a water exchange plan (Temporary Supply Plan) that was approved on March 15, 1993, by the State Engineer for the Aspenglen Campground well. The Aspenglen Well (Permit No. 042624-F) is located 1670 feet from the North Section Line and 890 feet from the East Section line of the SE1/4 of the NE1/4 of Section 17, T5N, R17W, 6th P.M., approximately 560 feet from the Fall River, and has a maximum pumping rate of 55 gpm. The well is equipped with two totalizing flow meters. Approximately 2.0 acre-feet of water annually is pumped from the well and serves two employee residences and a 55-unit campground.

Pursuant to this Plan for Augmentation by Exchange, the United States intends to release on a one for one basis and not on a replacement of depletion only basis the amount of Article 24 water (see para. 4 above) necessary to replace the amount that is pumped from the ~~Aspenglen Campground Well~~, up to 50 ~~2.0~~ acre-feet annually, as determined by the Water Commissioner. Replacement Article 24 water will be released at Lake Estes into the Big Thompson River approximately five miles below ~~Aspenglen~~ the Moraine Park Well.

The date of appropriation for this Plan of Augmentation is February 28, 1990.

Moraine Park Wells

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant (or Attorney)

_____
Telephone No.

_____
Attorney Registration No.

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

_____
Applicant

Subscribed under oath before me on _____, 199___.

My commission expires:_____.

_____
Notary Public

Axtell

United States Department of the Interior

OFFICE OF THE SOLICITOR
Rocky Mountain Region
P.O. Box 25007, D-105
Denver Federal Center
Denver, CO 80225

TELE. (303) 231-5353
FAX (303) 231-5363

NEW ADDRESS:
755 PARFET ST., SUITE 151
LAKEWOOD, CO 80215

March 1, 1996

NPS.RM.2792

Ms. Lynn Johnson
Environment and Natural Resources Division
U.S. Department of Justice
999 - 18th Street, Suite 945
Denver, CO 80202

Re: Filing of Application for Approval of Plan for Augmentation by Exchange - Moraine Park Well #2 and Moraine Park Well #3 - Rocky Mountain National Park - Water Division 1

Dear Ms. Johnson:

Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73E, 6th P.M., approximately 50 from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells at a 250-unit campground, 70 employee houses, Park Headquarters administration buildings, and associated maintenance buildings.

The source of the water is the Colorado River via the Adams Tunnel and Granby Reservoir Pumping Plant No. 1. The right is based on Article 24 of the 1938 Contract between the United States (Bureau of Reclamation) and the Northern Colorado Water Conservancy District as set forth more fully in the application. Under the plan the United States has the capability and intends to release an equal amount of Article 24 water at a time and location as determined by the Water Commissioner in exchange for water pumped at the wells. Our November 23, 1993 memo and attachments sent to your office contain the background and explanation of the Article 24 water.

Enclosed for your information and use are:

1. A copy of the Application For Approval Of Plan For Augmentation By Exchange

2. A copy of a letter from the Superintendent, Rocky Mountain National Park to the State Engineer of Colorado dated July 9, 1995. Attached is a copy of the Temporary Substitute Water Supply Plan for Moraine Park Wells Rocky Mountain National Park

3. A copy of a letter from the State Engineer's Office to the Rocky Mountain National Park dated August 21, 1995. This approved a modification to the existing substitute supply plan.

4. A copy of a letter from the State Engineer's Office to the Superintendent Rocky Mountain National Park dated March 8, 1995.

5. A copy of a letter from the Superintendent Rocky Mountain National Park to the State Engineer dated October 7, 1993. Attached is a copy of a letter to the Superintendent Rocky Mountain National Park from the State Engineer dated September 28, 1993.

6. Copy of Well Permit No. 045796-F.

7. Copy of Well Permit No. 04595-F.

Dr. Kenneth Czarnowski, of the National Park Service, will verify the applications and would be available to demonstrate in court through testimony and exhibits the basis for the filing of the applications. He can be reached at (790) 586-1263, at Rocky Mountain National Park headquarters in Estes Park. The present well permits expire November 30, 1996.

Sincerely,

Ralph O. Canaday

Ralph O. Canaday
Attorney

Enclosures

cc: Superintendent, Rocky Mountain National Park

DRAFT

Submit original plus 3 copies

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No._____

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION BY EXCHANGE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

United States of America - Rocky Mountain National Park, in Larimer County.

1. Name, address, telephone number(s) (residence and business) of applicant(s)

   United States of America
   Rocky Mountain National Park
   Estes Park, CO 80517
   Phone: (970) 586-1263

2. Name(s) of structure(s) to be augmented:

   Moraine Park Well #2, Permit No. 045795-F
   Moraine Park Well #3, Permit No. 045796-F

   Are there other water rights diverted from this structure(s) __Yes _X_ No

3. Previous decree(s) of water rights(s) to be used for augmentation:
   A. Date entered: October 12, 1955 and April 16, 1964
   B. Case No. Civil No. 2782, Civil No. 5016 and Civil No. 5017; also, Contract between United States and Northern Colorado Water Conservancy District, Article 24
   C. Court: U.S. District Court, District of Colorado
   D. Type of water right (surface, underground storage): Transmountain from the Colorado River
   E. Legal description of point(s) of diversion or place of storage:
      Initial point of diversion on the west slope in Alva B. Adams Tunnel.
   F. Source: Colorado River via Adams Tunnel
   G. Amount: 99 gpm limited to 50 acre feet annually
   H. Appropriation: _____
   I. Decreed use (if irrigation, include total acreage): Irrigation, culinary, domestic exchange use.

4. Historic use: (Include a description of all water rights to be used for augmentation, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.)

   On July 5, 1938 the United States of America and the Northern Colorado Water Conservancy District entered into a contract providing for the construction, operation and maintenance of the Colorado-Big Thompson Project. Water rights to be used for exchange purposes by the National Park Service are owned by the United States (USA) as referenced in Article 24 of the 1938 Contract between the United

States and the Northern Colorado Water Conservancy District.

Article 24 states: There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic, or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic, or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

In 1955, the United States District Court, District of Colorado, for Consolidated Cases Civil No. 2782, Civil No. 5016 and Civil No. 5017, United States of America v. Northern Colorado Water Conservancy District, decreed that "the United States of America shall have a priority date of August 1, 1935 for the Colorado-Big Thompson project in the Blue River and its tributaries for 1726 c.f.s. direct flow right for the generation of electricity at the Green Mountain Powerplant; it shall have a storage right to impound and store annually and with the priority aforesaid in the amount of 154,645 acre-feet with the right to refill in the amount of 6316 acre-feet in Green Mountain Reservoir for the purpose of generating electricity at the Green Mountain Powerplant and for the purposes hereafter set forth in the quoted excerpts from Senate Document No. 80, 75th Congress 1st Session..."

In 1964, the United States District Court, District of Colorado upheld the decree rendered in 1955. Specifically, the court decreed that "The Findings of Fact and Conclusions of Law, the Stipulation and the Final Judgement and the Final Decree entered in Consolidated Cases Numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017 on October 12, 1955, together with Senate Document 80, 75th Congress, 1st Session, to the extent incorporated therein, bind the parties hereto and are hereinafter called 'documents'. These documents were approved by the United States Congress in P.L. 485, 84th Congress, April 11, 1956.

Water is pumped from Granby Reservoir pumping plant No. 1 to Shadow Mountain Lake thence to Grand Lake diverted through the Alva B. Adams Tunnel to Water Division No. 1.

5. Statement of plan for augmentation by exchange, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The United States has a substitute water supply plan that was approved on August 21, 1995, by the State Engineer for the Moraine Park Wells #2 and #3. Moraine Park Well #2 (Permit No. 045795-F) is located 1124 feet from the South Section Line and 1502 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 20 feet from the Big Thompson River, and has a maximum pumping rate of 80 gpm. Moraine Park Well #3 (Permit No. 045796-F) is located 1100 feet from the South Section Line and 1460 feet from the West Section line of the SE1/4 of the SW1/4 of Section 33, T5N, R73W, 6th P.M., approximately 50 feet from the Big Thompson River, and has a maximum pumping rate of 99 gpm. Both wells are equipped with a totalizing flow meters. Approximately 50 acre-feet of water annually is used in combination from the two wells at a 250-unit campground, 70 employee houses, Park Headquarters administration buildings and associated maintenance buildings.

The United States has the capability and the intent to release an equal amount of Article 24 water described in (3) above at a time and location on the Big Thompson River system as determined by the Water Commissioner in exchange for water pumped at the wells. The Big Thompson River joins Article 24 water in the Lake Estes approximately five miles below Moraine Park.

6. Name(s) and address(es) of owner(s) of land on which structures are located:
United States of America
National Park Service
Rocky Mountain National Park
Estes Park, CO 80517

_____
Signature of Applicant (or Attorney)

_____
Address of Applicant (or Attorney)

_____
Telephone No.

_____
Attorney Registration No.

STATE OF COLORADO
COUNTY OF LARIMER

I, Kenneth Czarnowski, state under oath that I have read this application and verify its content.

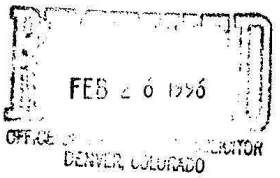
_____
Applicant

Subscribed under oath before me on _____, 199___.

My commission expires:_____.

_____
Notary Public

p/s file



L54

July 9, 1993

Mr. Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Attention: Bill McIntyre

Dear Mr. Simpson:

Enclosed is an application for a temporary substitute water supply plan for wells located in Moraine Park in Rocky Mountain National Park. This plan has been reviewed by the Division Engineer, and comments have been incorporated.

Applications for a permit to install a pump and use ground water for the Moraine Park Wells, which were drilled in the early 1980's, have been submitted under separate cover.

If you have any questions regarding this temporary substitute water supply plan, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Thank you for your assistance in this matter.

Sincerely,

Homer L. Rouse

Homer L. Rouse
Superintendent

Enclosures: 3

cc: Berryman
Brazelton
Wise - RMR
Williams - WRD
Simpson - NCWCD
Canaday - SOL

KCzarnowski:vridley:07/08/93

Temporary Substitute
Water Supply Plan

for

Moraine Park Wells
Rocky Mountain National Park

1. Location

The Moraine Park Wells, which consist of well No. 2 and well No. 3, an alternate point of diversion for well No. 2, are located in Section 33, T. 5 N., R. 73 W., 6th P.M., in an area known as Moraine Park within Rocky Mountain National Park (See attached map, Figure 1). Well No. 2 (100 feet deep) is located about 46 feet north of the river and well No. 3 (50 feet deep) is located about 26 feet from the river and 105 feet west of well No. 2.

2. Drainage Basin

The wells are located in the Big Thompson drainage and obtain water from alluvium of the Big Thompson River. The wells are designed to work as backup for each other; that is, only one well is pumped at any given time. Two wells are necessary because of the high frequency of lightening strikes in the area that have the capability of destroying the electric pumps on the wells.

3. Water Uses

The wells serve the Beaver Meadow entrance station and the headquarters administration and residential area on a year-round basis. The headquarters area consists of 41 permanent residences, six seasonal residences, eight trailer sites, a two unit apartment building, three apartment buildings with six units each, a six person bunkhouse, 13 administration and maintenance buildings and the main headquarters and administration building. There is limited irrigation of lawns and gardens. Two storage tanks with a combined capacity of 260,000 gallons are located west of the headquarters area.

During summer operations, additional lines are opened to serve the Moraine Park Museum, two private inholder residences, two 8-person bunkhouses, one NPS seasonal residence and the Moraine Park campground (250 sites). Also

included on the system is a ranger station with two seasonal employee apartments, a trailer dump station, a concessionaire residence with 6-10 employees, a concessioner riding stable with 90 head of horses, an NPS stable with 15 head of horses and five llamas, and seven comfort stations with flush toilets. A 50,000 gallon storage tank is located northwest of the campground.

All of the return flow from the facilities mentioned above is delivered to the Upper Thompson Sanitation District with the exception of the two private residences, two NPS permanent residences and the Beaver Meadows entrance station, which are on septic systems.

4. Water Rights

Water rights associated with well No. 1-4019, Case No. 8791-77 (A) are owned by the United States. The United States has applied for a permit from the State Engineer to transfer the water rights associated with well no. 1 (permit No. 4019) to well No. 2. The well associated with permit No. 4019 has been properly plugged and abandoned.

5. Potential Injury to Downstream Water Right Users

According to the Colorado Department of Water Resources, Records Division, there are numerous water rights located on the Big Thompson River located between the Moraine Park wells and Lake Estes. However, records of Water Division I, District 4, indicate that there has not been a call on the river by water right users located between the location of the Moraine Park wells and the outlet of Lake Estes. Any potential injury to downstream users will be avoided by releases of a comparable amount of water into Lake Estes.

6. Source of Exchange Water

Water rights to be used for exchange purposes by the National Park Service are owned by the United States as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District. Article 24 of the Contract states:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project

water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

The United States acquired the project water rights in a Federal District Court action in the nature of a quiet title suit, and the decrees were entered on October 12, 1955, and supplemented by a decree dated April 16, 1964. A total of 3.0 cfs of foreign water is available for use, a portion of which will be made available as exchange water for Moraine Park well No. 2. This water will be made available at Lake Estes or at another point on the system as determined by the Water Commissioner. Water will be released simultaneously with use or in aggregate as requested by the Water Commissioner.

7. Engineering Report

A map showing a description of the facilities using water from the Moraine Park wells and the associated water delivery system is attached. Features of the campground, museum, livery, headquarters, maintenance buildings and residential area are "as built". An amount of water, not to exceed approximately 35 acre-feet per year, will be used annually at the facilities.

All wastewater, with the exception of the facilities mentioned above that have septic systems, is returned to the Upper Thompson Sanitation District (UTSD).

7. Return Flows and Depletion

The majority of the water produced by the wells is returned to the river system via the Upper Thompson Sanitation District (UTSD) just below Lake Estes. However, in order to assure there will be no injury to downstream users the United States will make available to the river system, approximately 35 acre-feet of water at Lake Estes to coincide with the pumping of the wells.

8. Proposed Monthly Accounting Form.

The following form, Table 1., will be completed monthly and will be provided to the State Engineer's Office upon request.

Table 1. Moraine Park Wells - Monthly Accounting Form

Month	Water to Area "A"	Water to Area "B"
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
Total		

9. Metering devices

The following metering devices have been installed at the locations indicated on Table 1 for purposes of measuring water use at the various facilities.

Table 2. Water Measuring Devices associated with Moraine Park wells

Measuring Device	Location	Model	Serial No.
Prop Meter 3"	treatment plant, to Area A	ML-I1	903680
Prop Meter 3"	treatment plant, to Area B	ML-I1	903681

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

August 21, 1995

Roy Romer
Governor
James S. Lochhead
Executive Director
Hal D. Simpson
State Engineer

Mr. Kenneth Czarnowski
Park Hydrologist
Rocky Mountain National Park
Estes Park, CO 80517

Re: **Rocky Mountain National Park 1995 Substitute Water Supply Plan**
Water Division 1, Water District 4

Dear Mr. Czarnowski:

We have completed a review of your June 16, 1995 request, for a modification to the existing substitute water supply plan for the Rocky Mountain National Park issued by this office on March 8, 1995. The current plan allows the pumping of two wells located in Moraine Park. The wells serve the Beaver Meadow entrance station, various administrative and residential buildings, camp sites, and were originally estimated to pump 35 acre-feet annually.

The source of the replacement water is the Colorado-Big Thompson Project, specifically referenced in Article 24 of the 1938 contract between the United States and the Northern Colorado Water Conservancy District. As a result of additional water requirements, you have requested the annual appropriation be increased from 35 acre-feet to 50 acre-feet. The Park will make available 50 acre-feet of water at Lake Estes to coincide with the pumping of the wells. You have agreed water will be released simultaneously with use or in aggregate, as required by the Water Commissioner.

We have contacted our Water Commissioner, Mr. Don Brazelton, and he foresees no problem with the approval of this request. Accordingly, I hereby approve the modification to the existing substitute water supply plan, pursuant to Section 37-80-120, C.R.S. (1991). All the conditions contained in our March 8, 1995 approval letter shall remain in effect, except the annual appropriation has been modified from 35 to 50 acre-feet per year.

Should you have any further comments or questions, please contact Jim Hall in Greeley at 970-352-8712 or Bill McIntyre of this office.

Sincerely,

Richard L. Stenzel
Assistant State Engineer

cc: Alan Berryman, Division Engineer
Don Brazelton, Water Commissioner
Al Eckerman

RLS/WCM/kjv:rmnp295.ssp

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Roy Romer
Governor

James S. Lochhead
Executive Director

Hal D. Simpson
State Engineer

March 8, 1995

Mr. Homer L. Rouse
Superintendent
Rocky Mountain National Park
Estes Park, Colorado 80517

Re: **Rocky Mountain National Park 1995 Substitute Water Supply Plan**
Water Division 1, Water District 4

Dear Mr. Rouse:

We have reviewed your request for a one year extension to the existing substitute water supply plan for the operation of two wells located in Moraine Park. The wells are designated numbers 2 & 3. Well #3 is operated as an alternate point of diversion for well #2. The wells serve the Beaver Meadow entrance station, various administrative and residential buildings, and camp sites. During the summer season additional distribution lines are opened to serve additional facilities.

The source of water used for exchange purposes is the Colorado-Big Thompson Project, specifically referenced in Article 24 of the 1938 contract between the United States and the Northern Colorado Water Conservancy District. In May of 1994, the U.S. Department of Justice submitted to the Water Court, an application, Case No. 94CW060, for the Aspenglen well, also located at the Park. Subsequent to that submission, it was your intent to file an application for the Moraine Park wells.

The original application had a statement of opposition filed and the application has apparently not yet been decreed and that action has brought upon your request for an extension to the current plan.

This substitute water supply plan is hereby approved pursuant to Section 37-80-120, C.R.S. (1991), subject to the following conditions:

1. All of the conditions listed in our original approval letter of September 28, 1993 remain in effect except condition 8. The new expiration date for this extension is January 31, 1996. A copy of the letter is attached for your reference.

2. This office will not approve this temporary plan beyond January 31, 1996, unless an application is filed with the Division 1 Water Court for a change in water rights, prior to the expiration date of this approval.

6

L54

October 7, 1993

Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street, Room 818
Denver, Co. 80203

Re: Rocky Mountain National Park 1993 Substitute Water Supply Plan, Water Division I, Water District 4

Dear Mr. Simpson:

This is in response to your letter of September 28th notifying us of approval of the substitute water supply plan for Moraine Park Wells no. 2 and 3. We accept all of the conditions outlined in your letter. As indicated in item 9 of your letter, we will make application with the DIvision I Water Court for designation of the wells as alternate points of diversion to each other.

Thank you for your timely approval of the substitute water supply plan. If you have any further questions, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Sincerely,

Signed

Homer L. Rouse
Superintendent

cc: Larry Simpson, NCWCD
Alan Berryman, Division Engineer
Don Brazelton, Water Commissioner
Wise, RMR
Williams, WRB
Jack Garner, USBR

bcc

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

Roy Romer
Governor
Ken Salazar
Executive Director
Hal D. Simpson
State Engineer

September 28, 1993

Mr. Homer L. Rouse
Superintendent
Rocky Mountain National Park
Estes Park, Colorado 80517

Re: **Rocky Mountain National Park 1993 Substitute Water Supply Plan**
Water Division 1, Water District 4

Dear Mr. Rouse:

This office acknowledges receipt of your letter of July 16, 1993 requesting a substitute water supply plan for the operation of two currently unregistered wells located at the Park. Applications for permits to install a pump and use groundwater for the Moraine Park wells, which were drilled in the early 1980's, have been submitted to this office under separate cover. The wells are designated well No. 2 and well No. 3, which is operated as an alternate point of diversion for well No. 2.

The wells serve the Beaver Meadow entrance station, various administrative and residential buildings, and camp sites. During the summer season additional distribution lines are opened to serve additional facilities.

As stated in your letter, there are numerous water rights located on the Big Thompson River located between the Moraine Park wells and Lake Estes. However, records available at the Water Division 1 office indicate there have been no calls on the river between the well sites and Lake Estes. Any potential injury to downstream users below Lake Estes can be avoided by releasing water into Lake Estes.

Exchange water will be used to mitigate potential injury due to the operation of the two wells. The United States owns water rights according to Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District. Article 24 of the Contract states:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said park; and provided further that the United States through the

National Park Service may make, without objection by the District, such additional non-consumptive use of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

A total of 3.0 cfs of foreign water is available as exchange water for Moraine Park well No. 2, at Lake Estes or at another point on the system as determined by the Water Commissioner. Water will be released simultaneously with use or in aggregate as requested by the Water Commissioner.

Relative to return flows and depletion, the majority of water withdrawn from the wells is returned to the river system via the Upper Thompson Sanitation District (UTSD) at a point just below Lake Estes. The United States will make available 35 acre-feet of water at Lake Estes to coincide with the pumping of the wells, if needed.

This substitute water supply plan is hereby approved pursuant to Section 37-80-120, C.R.S. (1991), subject to the following conditions:

1. New well permits for wells numbered 2 and 3 must be obtained from this office. Either consent or a hearing will be required prior to the issuance of the permits if another well is located within 600 feet of the wells. Should new well permits be denied for reasons of 600 foot spacing, or any other legitimate reason, approval of this substitute water supply plan will be cancelled. Pumping of well number 2 shall be limited to 80 gpm and 35 acre-feet per year, and pumping of well number 3 shall be limited to 99 gpm and 35 acre-feet per year. Also, well number 3 will serve as an alternate point of diversion to well number 2.

2. Should a call occur on the Big Thompson River that is senior to the appropriation date assigned by the Federal District Court for the decree entered on October 12, 1955 and supplemented by a decree dated April 16, 1964, then the exchange potential shall be prorated according to the calling right. Please forward a copy of the referenced decrees to the Division 1 office and the Water Commissioner.

3. The accounting sheet shall be modified to include the exchange potential available. Contact the Water Commissioner to determine the final format of the accounting sheet. The Water Commissioner responsible for the administration of this plan is Donald Brazelton, 1159 N. 1st Ave., Greeley, Colorado 80631 at telephone no. (303) 352-2151. Please inform Mr. Brazelton who the contact will be in your office.

4. Approval of this plan is for the purposes stated herein. Any additional uses for which the water may be used must first be approved by this office. The replacement water, which is the subject of this plan, cannot be sold or leased to any other entity during the term of this approval.

5. For future approvals of this substitute water supply plan, it will be necessary for your office to establish a more accurate annual well usage figure. With the addition of the well flow meters this data should be readily available.

6. This substitute water supply plan may be revoked or modified at any time should it be determined injury has or will occur as a result of the operation of this plan. Granting of this plan does not imply approval by this office of your application that will need to be filed in the Division 1 Water Court in Greeley.

7. Acceptance of these conditions shall be submitted in writing to this office, the Division Engineer, and the Water Commissioner within two weeks after receipt of this letter.

8. This plan shall be valid through August 31, 1994, unless revoked or modified.

9. Within one year of the date of this letter, the applicant shall make an application before the Division 1 Water Court in Greeley for the designation of the wells as alternate points to each other. The phone number of the water court is 350-4000, extension 4550.

Should you have any questions or comments, please contact Dave Nettles in Greeley at (303) 352-8712 or Bill McIntyre of this office.

Sincerely,

Will W. Burt

Will Burt
Deputy State Engineer
for: Hal D. Simpson
State Engineer

cc: Alan Berryman, Division Engineer
Donald Brazelton, Water Commissioner
Al Eckermann
Rich Bell

HDS/WCM:jhh:ssp:rnmp93:wcm

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

OWNER'S COPY

LIC

WELL PERMIT NUMBER 045796 - F -

DIV. 1 CNTY. 35 WD 4 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

NATIONAL PARK SERVICE
RKY MTN NATIONAL PARK
ESTES PARK CO 80517-

(303)586-3565

APPROVED WELL LOCATION
LARIMER COUNTY
SE 1/4 SW 1/4 Section 33
Twp 5 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES
1100 Ft. from South Section Line
1460 Ft. from West Section Line

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-137(2) as an alternate point of diversion to the well designated Moraine park Well No.2 on the condition that this well is operated in accordance with the Rocky Mountain National Park 1995 substitute water supply plan approved by the State Engineer on August 21,1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through January 31, 1996 and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate of this well shall not exceed 99 GPM.

5) The average annual amount of ground water to be appropriated by this well designated Moraine Park Well No.3 in combination with well designated Moraine Park Well No.2 shall not exceed 50 acre-feet.

6) The use of ground water from this well is limited to domestic, livestock, commercial, within administration and maintenance buildings, within the visitors center and campgrounds, irrigation, and firefighting in Rocky Mountain National Park in the vicinity of Beaver Meadow entrance station and additional facilities.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.

8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

APPROVED
AEE

Hal D. Simpson
State Engineer

Al Eckermann
By

Receipt No. 0357605A DATE ISSUED NOV 30 1995 EXPIRATION DATE NOV 30 1996

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

OWNER COPY LIC

WELL PERMIT NUMBER 045795 - F -
DIV. 1 CNTY. 35 WD 4 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

NATIONAL PARK SERVICE
RKY MTN NATIONAL PARK
ESTES PARK CO 80517-

(303)586-3565

APPROVED WELL LOCATION
LARIMER COUNTY
SE 1/4 SW 1/4 Section 33
Twp 5 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES
1124 Ft. from South Section Line
1502 Ft. from West Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-137(2) for the replacement of an existing well, permit no. 4019 (decreed by the Division 1 Water Court as well no. 1-4019, case no. W-8791-77(A)). The old well must be plugged according to the Water Well Construction Rules. A well plugging report must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged.

4) This well is also approved pursuant to CRS 37-90-137(2) as an alternate point of diversion to the well designated Moraine Park Well No.3 on the condition that this well is operated in accordance with the Rocky Mountain National Park 1995 substitute water supply plan approved by the State Engineer on August 21, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through January 31, 1996, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

5) The maximum pumping rate of this well shall not exceed 80 GPM.

6) The average annual amount of ground water to be appropriated by this well designated Moraine Park Well No.2 in combination with well designated Moraine Park Well No.3 shall not exceed 50 acre-feet.

7) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to domestic, livestock, commercial, within administration and maintenance buildings, within visitor center and campgrounds, irrigation, and firefighting in Rocky Mountain National Park in the vicinity of the Beaver Meadow entrance station.

8) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.

9) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

APPROVED
AEE

Hal D. Simpson
State Engineer

M Eckermann
By

Receipt No. 0357605B DATE ISSUED NOV 30 1995 EXPIRATION DATE NOV 30 1996

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

816 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

OWNER COPY

WELL PERMIT NUMBER 045795 . F .
DIV. 1 CNTY. 35 WD 4 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

NATIONAL PARK SERVICE
RKY MTN NATIONAL PARK
ESTES PARK CO 80517-

(303)586-3565

MP 2

APPROVED WELL LOCATION
LARIMER COUNTY
SE 1/4 SW 1/4 Section 33
Twp 5 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES
1124 Ft. from South Section Line
1502 Ft. from West Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-137(2) for the replacement of an existing well, permit no. 4019 (decreed by the Division 1 Water Court as well no. 1-4019, case no. W-8791-77(A)). The old well must be plugged according to the Water Well Construction Rules. A well plugging report must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged.

4) This well is also approved pursuant to CRS 37-90-137(2) as an alternate point of diversion to the well designated Moraine Park Well No.3 on the condition that this well is operated in accordance with the Rocky Mountain National Park 1995 substitute water supply plan approved by the State Engineer on August 21, 1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through January 31, 1996, and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

5) The maximum pumping rate of this well shall not exceed 80 GPM.

6) The average annual amount of ground water to be appropriated by this well designated Moraine Park Well No.2 in combination with well designated Moraine Park Well No.3 shall not exceed 50 acre-feet.

7) Approval of this replacement permit shall not result in an expanded use of ground water. The use of ground water from this well is restricted to domestic, livestock, commercial, within administration and maintenance buildings, within visitor center and campgrounds, irrigation, and firefighting in Rocky Mountain National Park in the vicinity of the Beaver Meadow entrance station.

8) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.

9) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

10) Replacement of this well to a location more than 200 feet from the original decreed location is a change in water right. This well shall be junior to all vested water rights until such time as the change has been approved by the Division Water Court and the well then must be operated in accordance with the terms and conditions of that decree.

11) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

APPROVED
AEE

Hal D. Simpson
State Engineer

By A. Eckmann

Receipt No. 0357605B DATE ISSUED NOV 30 1995 EXPIRATION DATE NOV 30 1996

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

OWNER'S COPY

LIC

WELL PERMIT NUMBER 045796 - F -

DIV. 1 CNTY. 35 WD 4 DES. BASIN MD

Lot: Block: Filing: Subdiv:

APPLICANT

NATIONAL PARK SERVICE
RKY MTN NATIONAL PARK
ESTES PARK CO 80517-

(303)586-3565

MP #3

APPROVED WELL LOCATION
LARIMER COUNTY

SE 1/4 SW 1/4 Section 33
Twp 5 N RANGE 73 W 6th P.M.

DISTANCES FROM SECTION LINES
1100 Ft. from South Section Line
1460 Ft. from West Section Line

PERMIT TO USE AN EXISTING WE

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-137(2) as an alternate point of diversion to the well designated Moraine park Well No.2 on the condition that this well is operated in accordance with the Rocky Mountain National Park 1995 substitute water supply plan approved by the State Engineer on August 21,1995. The well shall not be operated unless it is included in a substitute water supply plan approved by the State Engineer or a plan for augmentation approved by the water court. The subject water supply plan is currently valid through January 31, 1996 and if not extended or if a court approved plan for augmentation is not in operation, this well permit is null and void and diversion of ground water from this well must cease immediately.

4) The maximum pumping rate of this well shall not exceed 99 GPM.

5) The average annual amount of ground water to be appropriated by this well designated Moraine Park Well No.3 in combination with well designated Moraine Park Well No.2 shall not exceed 50 acre-feet.

6) The use of ground water from this well is limited to domestic, livestock, commercial, within administration and maintenance buildings, within the visitors center and campgrounds, irrigation, and firefighting in Rocky Mountain National Park in the vicinity of Beaver Meadow entrance station and additional facilities.

7) A totalizing flow meter must be installed on the well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.

8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.

9) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

APPROVED
AEE

Hal D. Simpson
State Engineer

By Al Eckermann

Receipt No. 0357605A DATE ISSUED NOV 30 1995 EXPIRATION DATE NOV 30 1996

REGISTER OF ACTIONS, DISTRICT COURT WATER DIVISION NO. 1 STATE OF COLORADO

CAPTION

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF
UNITED STATES OF AMERICA

CASE NUMBER

W-8791-77

IN LARIMER COUNTY

ATTORNEYS:

HANK MESHORER
P.O. Box 1656
Denver, CO 80201

NATURE OF ACTION:

APPLICATION FOR UNDERGROUND WATER RIGHT - 7 WELLS

DATE	MICRO. NO. OR BOOK/PAGE		FILINGS AND ORDERS
12-29-77			Application filed
12-29-77			Order of Referral to Water Referee
12-29-77			Order Extending Time for Referee's Ruling to 6-30-79
2-24-78			Motion and Order entered allowing objectors in W-8439 to be objectors in this case.
2/28/78		*	Statement of Opposition filed in behalf of Northern Colorado Water Conservancy District, City & County of Denver, City of Westminster, Central Colorado Water Conservancy District, City of Greeley, St.Vrain and Left Hand Water Conservancy District, City of Fort Collins, City of Longmont, City of Broomfield and City of Thornton by Messrs. John M. Sayre, Robert V. Trout, Wayne D. Williams, John U. Carlson, Alvin L. Steinmark, William E. Bohlender, Kim R. Lawrence, Ward H. Fischer, David F. Jankowski and Kenneth L. Broadhurst. Copy sent to Hank Meshorer on 3/15/78.
2/28/78		*	Statement of Opposition filed in behalf of the State of Colorado, its departments and agencies, and on behalf of its citizens by David W. Robbins, Deputy Attorney General. Copy sent to Meshorer on 3/15/78.
2-28-78			Statement of Opposition filed in behalf of City of Longmont by David F. Jankowski.
2/28/78			*Statement of Opposition filed by Michael White and David Jankowski of Yegge, Hall, Evans for the City of Longmont. Certificate of mailing attached to the Statement.
4/11/78			Objection to and Motion to Strike or Dismiss all Untimely Filings of Statements of Opposition filed.
4/17/78			Notice of Hearing filed (May 8, 1978, 8:30 a.m.)
4/19/78			Subpoena filed - Mac V. Danford.
			Certificate of Mailing filed.

DATE	MICRO. NO. OR BOOK/PAGE	FILINGS AND ORDERS
5/19/78		Written order entered re: Clerk to prepare mailing list.
5/19/78		Written order entered re: hearing before the Court upon the "Objection to Proceedings" and upon the "Objection to and Motion to Strike or Dismiss all Untimely Filings of Statements of Opposition".
6/23/78		Notice to Set Hearing for Petition for Declaratory Judgment filed.
6/23/78		Notice of Hearing on Petition for Declaratory Judgment filed.
6/29/78		Entry of Appearance filed by Thomas E. Hellerich as co-counsel for Central Colorado Water Conservancy District.
7/13/78		Objection of Applicant, United States of America, to the Setting of Time within which Briefs in Support and Opposition to Petition for Declaratory Judgment may be filed.
7/16/78		Interrogatory filed.
7/18/78		Alternative Motion for Judgment on the Pleadings or Summary Judgment filed by City of Longmont.
7/18/78		Alternative Motion for Judgment on the Pleadings or Summary Judgment filed by City of Broomfield.
7/18/78		Alternative Motion for Judgment on the Pleadings or Summary Judgment filed by City of Idaho Springs.
7/18/78		Motion for Extension of Time within which to Respond to Interrogatory filed by USA.
7/20/78		Written order entered re: extension of time.
7/28/78		Brief re: Statement of Opposition, Supplement to Statement of Opposition, and Brief re: Petition for Declaratory Judgment of Denver, et al filed.
7/28/78		First Interrogatories and Request for Production by the City of Longmont, Colorado, to the United States filed.
7/28/78		Written order entered re: briefing schedule.
7/31/78		Brief in Support of Petition for Declaratory Judgment filed.
8/3/78		Notice of Hearing filed. (City of Idaho Springs)
8/3/78		Notice of Hearing filed. (City of Broomfield)
8/3/78		Notice of Hearing filed. (City of Longmont)

DATE	CLERK'S FEES AND OTHER RECEIPTS	PAID IN	PAID OUT
12-29-77	Docket fee	26 00	
9-4-84	AMENDED APPLICATION FOR SURFACE AND UNDERGROUND WATER RIGHTS filed by JELindskold.		
10-4-84	Order Granting United States' Motion for Leave to filed Amended Applicatons filed by JELindskold.		
10-4-84	AMENDED APPLICATION FOR SURFACE AND UNDERGROUND WATER RIGHTS filed by JELindskold.		
12-17-84	**S.O. filed by David Jankowski, 511 16th Street, #300, Denver, CO 80202; on behalf of the City of Longmont, w/cert mlg	#3810 $20.00	
12-28-84	SUMMARY OF CONSULTATION FILED, mailed		
1-31-85	SUMMARY OF CONSULTATION FILED, mailed		
9/2/86	CONTINUED TD-RSL		
9/1/87	CONTINUED TD-RSL		
3-1-88	TD(RSL) ORDER OF CONTINUANCE set September6, 1988 Term day.		
3-7-89	TD (RSL) Continued		
10/5/89	TD(RSL)-Continued		
3/6/90	TD RSL cont.		
9/4/90	TD RSL Cont. to 3/91		
3-11-91	E.A. AND NOTICE OF CHANGE OF ADDRESS filed by Cliff Seigneur on behalf of the State, 110 16th St., 10th Fl., Denver, CO 80202 w/cert mlg.		

RESUME BOOK	PAGE	SHERIFF FEES, WITNESS FEES, MILEAGE, ETC.	AMOUNT
3/5/91 TD	RSL	Cont. to 9/91	
9/3/91	TD RSL	Cont. to 3/92	
10-3-91		Letter to Lynn Johnson from RSL requesting info.	
1-13-92		Letter to RSL from Lynn Johnson in response to letter of 10-3-91	
3/3/92	TD RSL	Cont. to 9/92	
9/1/92	TD RSL	Cont. to 3/93	

CASE NO. W-8791-77

DATE	MICRO. NO. OR BOOK/PAGE	FILINGS AND ORDERS
9-28-92		NOTICE OF CHANGE OF ADDRESS filed by Cliff Seigneur atty for the State New address: 1525 Sherman St., 5th Fl., Denver, CO 80203
10-23-92		Letter to RSL from Deirdre Hills with copy of well permit
10-30-92		RULING SIGNED BY RSL. MAILED BY CERT. MAIL.
11-19-92		PROTEST TO THE RULING OF THE REFEREE faxed by Cliff Seigneur atty for the State w/ cert mlg.
3/2/93	TD RAB	Cont. to 9/93
4-8-93		REVISED RULING SIGNED BY RSL. MAILED BY CERT. MAIL.
4-29-93		DECREE ENTERED BY RAB. Copies mailed to all parties

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:

L54

July 9, 1993

Mr. Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Dear Mr. Simpson:

Enclosed are applications for permits to install a pump and use ground water for the Moraine Park Wells, which were drilled in the early 1980's. Fees in the amount of $60 each are enclosed.

A temporary substitute water exchange plan for the Moraine Park wells has been submitted to your office under separate cover.

If you have any questions regarding these permit applications, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Thank you for your assistance in this matter.

Sincerely,

(Signed)
Homer L. Rouse
Superintendent

Enclosures: 3

cc: Berryman
Brazelton
Wise - RMR
Williams - WRD
Canaday - SOL

WRJ-5-Rev. 76

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in BLACK INK. No overstrikes or erasures unless initialed.

FOR: (X) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
(X) A PERMIT TO INSTALL A PUMP

(X) REPLACEMENT FOR NO. Moraine Park Well #1
( ) OTHER _____
WATER COURT CASE NO. W-8791-77(A)

(1) APPLICANT - mailing address
National Park Service
NAME Rocky Mountain National Park
STREET _____
CITY Estes Park CO (State) 80517 (Zip)
TELEPHONE NO. (303) 586-3565

(2) LOCATION OF PROPOSED WELL

County Larimer
SE ¼ of the SW ¼, Section 33
Twp. 5 N (N,S), Rng. 73 W (E,W), 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 80
Average annual amount of ground water to be appropriated (acre-feet): 35
Number of acres to be irrigated: 2
Proposed total depth (feet): 100
Aquifer ground water is to be obtained from:
Alluvium of Big Thompson River
Owner's well designation Moraine Park Well #2

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(X) DOMESTIC (1)
(X) LIVESTOCK (2)
(X) COMMERCIAL (4)
( ) INDUSTRIAL (5)
(X) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Firefighting
DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Baski Drilling, Inc.
Street Rt. 1, Box 339
City Pueblo CO (State) 81004 (Zip)
Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

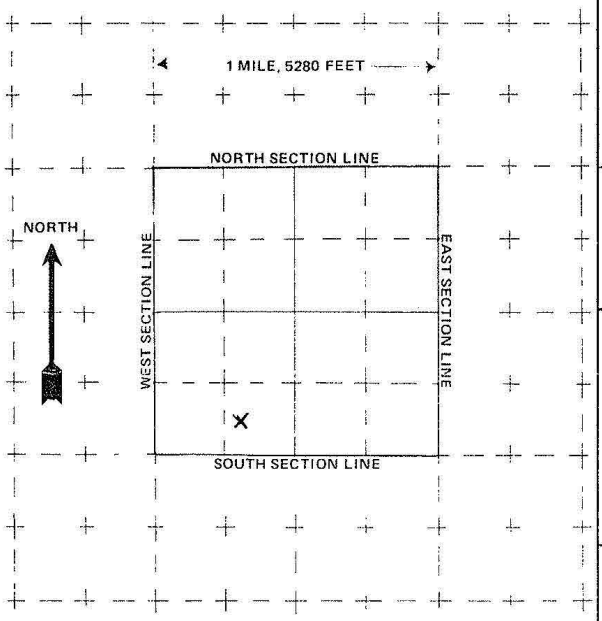
APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
I.D. _____ COUNTY _____

(5) THE LOCATION OF THE P ?OSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)
An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) TH. ELL MUST BE LOCATED BELOW by distances from section lines.

1124 ft. from S (north or south) sec. line

1502 ft. from W (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: National Park Service

No. of acres 100. Will this be the only well on this tract? Yes

(8) PROPOSED CASING PROGRAM

Plain Casing

8 in. from 0 ft. to 80 ft.

_____ in. from _____ ft. to _____ ft.

Perforated casing

6 in. from 80 ft. to 100 ft.

_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

Well #2 is located 193' West of Well #1, which has been properly plugged with cement and sealed.

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): United States of America No. of acres: 200

Legal description: Part of N1/2 S32, S1/2 S29, SW1/4 S28, T5N, R73W, 6th P.M.

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Livestock, domestic, limited irrigation of lawns and gardens, commercial in administration and maintenance buildings, visitor center and campgrounds.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
Exempt (Case No. 8791-77)	Domestic (Black cabin well)	2.5 acres, NE1/4 SW1/4 S32, T5N R73W 6th P.M.

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

Kenneth [illegible]

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

Form D (Rev.)
1/58

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTION

PERMIT TO USE GROUND WATER

This permit is issued to the applicant of the address shown below authorizing the use of ground water in the amount, for the use as indicated on/at the location given in the application, and as of the initiation date shown.

---

orm C(Rev.)
-58/2.5M

STATE OF COLORADO

APPLICATION FOR USE OF GROUND WATER

National Park Service

Applicant Rocky Mountain National Park
P. O. Box 1086

P O Address Estes Park, Colorado

Quantity applied for 100 gpm or _____ AF Storage

Used for: Domestic Purposes

on/at National Park Utility Area,
(legal description of land site.)
NE¼ of NE¼, Sec. 34, T 5 N, R 73 W, 6th PM;

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL:
Hole size: 72 in. to 16 ft.
____ in. to ____ ft.

Casing: Plain 72 in. from 0 to 6 ft.
____ in. from ____ to ____ ft.
Perf. 72 in. from 6 to 16 ft.
____ in. from ____ to ____ ft.

PUMP Electric, 440 Volt, 10 HP,
Type, Horsepower, Discharge size

Use initiation date Sept. 1 1959.
(Use supplemental pages for additional data)

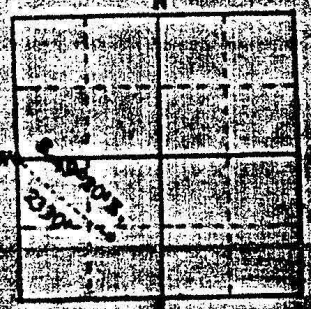
LOCATION OF WELL

County Larimer

S.E. ¼, S.W. ¼, Sect. 34, Twp. 5 N,
Rge. 73 W, 6th P.M. OR

Street Address or Lot & Block No.

Rocky Mountain National Park
Town or Subdivision



$15.00 fee required for Industrial, Commercial or Irrigation

Applicant _____

Agent James V. Lloyd
James V. Lloyd, Superintendent.

APPLICATION APPROVED

NO 4019

DATE NOV 30 1959, 19___

THE ABOVE APPLICATION, BEING A PART OF THIS PERMIT, IS APPROVED ON THE INDICATED

STATE ENGINEER

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:

L54

July 9, 1993

Mr. Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street
Denver, Colorado 80203

Attention: Bill McIntyre

Dear Mr. Simpson:

Enclosed is an application for a temporary substitute water supply plan for wells located in Moraine Park in Rocky Mountain National Park. This plan has been reviewed by the Division Engineer, and comments have been incorporated.

Applications for a permit to install a pump and use ground water for the Moraine Park Wells, which were drilled in the early 1980's, have been submitted under separate cover.

If you have any questions regarding this temporary substitute water supply plan, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Thank you for your assistance in this matter.

Sincerely,

Homer L. Rouse

Homer L. Rouse
Superintendent

Enclosures: 3

cc: Berryman
Brazelton
Wise - RMR
Williams - WRD
Simpson - NCWCD
Canaday - SOL

Dockets

Temporary Substitute Water Supply Plan

for

Moraine Park Wells
Rocky Mountain National Park

1. Location

The Moraine Park Wells, which consist of well No. 2 and well No. 3, an alternate point of diversion for well No. 2, are located in Section 33, T. 5 N., R. 73 W., 6th P.M., in an area known as Moraine Park within Rocky Mountain National Park (See attached map, Figure 1). Well No. 2 (100 feet deep) is located about 46 feet north of the river and well No. 3 (50 feet deep) is located about 26 feet from the river and 105 feet west of well No. 2.

2. Drainage Basin

The wells are located in the Big Thompson drainage and obtain water from alluvium of the Big Thompson River. The wells are designed to work as backup for each other; that is, only one well is pumped at any given time. Two wells are necessary because of the high frequency of lightening strikes in the area that have the capability of destroying the electric pumps on the wells.

3. Water Uses

The wells serve the Beaver Meadow entrance station and the headquarters administration and residential area on a year-round basis. The headquarters area consists of 41 permanent residences, six seasonal residences, eight trailer sites, a two unit apartment building, three apartment buildings with six units each, a six person bunkhouse, 13 administration and maintenance buildings and the main headquarters and administration building. There is limited irrigation of lawns and gardens. Two storage tanks with a combined capacity of 260,000 gallons are located west of the headquarters area.

During summer operations, additional lines are opened to serve the Moraine Park Museum, two private inholder residences, two 8-person bunkhouses, one NPS seasonal residence and the Moraine Park campground (250 sites). Also

included on the system is a ranger station with two seasonal employee apartments, a trailer dump station, a concessionaire residence with 6-10 employees, a concessioner riding stable with 90 head of horses, an NPS stable with 15 head of horses and five llamas, and seven comfort stations with flush toilets. A 50,000 gallon storage tank is located northwest of the campground.

All of the return flow from the facilities mentioned above is delivered to the Upper Thompson Sanitation District with the exception of the two private residences, two NPS permanent residences and the Beaver Meadows entrance station, which are on septic systems.

4. Water Rights

Water rights associated with well No. 1-4019, Case No. 8791-77 (A) are owned by the United States. The United States has applied for a permit from the State Engineer to transfer the water rights associated with well no. 1 (permit No. 4019) to well No. 2. The well associated with permit No. 4019 has been properly plugged and abandoned.

5. Potential Injury to Downstream Water Right Users

According to the Colorado Department of Water Resources, Records Division, there are numerous water rights located on the Big Thompson River located between the Moraine Park wells and Lake Estes. However, records of Water Division I, District 4, indicate that there has not been a call on the river by water right users located between the location of the Moraine Park wells and the outlet of Lake Estes. Any potential injury to downstream users will be avoided by releases of a comparable amount of water into Lake Estes.

6. Source of Exchange Water

Water rights to be used for exchange purposes by the National Park Service are owned by the United States as referenced in Article 24 of the 1938 Contract between the United States and the Northern Colorado Water Conservancy District. Article 24 of the Contract states:

> There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed a total of three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes; provided that additional project

water shall be released at the same points without charge to permit the use of additional water if needed for culinary, domestic or related uses in said park; and provided further that the United States through the National Park Service may make, without objection by the District, such additional non-consumptive uses of water as it deems necessary so long as such use does not render the water unavailable to the project, allowing for slight consumptive loss unavoidably incident to such non-consumptive uses.

The United States acquired the project water rights in a Federal District Court action in the nature of a quiet title suit, and the decrees were entered on October 12, 1955, and supplemented by a decree dated April 16, 1964. A total of 3.0 cfs of foreign water is available for use, a portion of which will be made available as exchange water for Moraine Park well No. 2. This water will be made available at Lake Estes or at another point on the system as determined by the Water Commissioner. Water will be released simultaneously with use or in aggregate as requested by the Water Commissioner.

7. Engineering Report

A map showing a description of the facilities using water from the Moraine Park wells and the associated water delivery system is attached. Features of the campground, museum, livery, headquarters, maintenance buildings and residential area are "as built". An amount of water, not to exceed approximately 35 acre-feet per year, will be used annually at the facilities.

All wastewater, with the exception of the facilities mentioned above that have septic systems, is returned to the Upper Thompson Sanitation District (UTSD).

7. Return Flows and Depletion

The majority of the water produced by the wells is returned to the river system via the Upper Thompson Sanitation District (UTSD) just below Lake Estes. However, in order to assure there will be no injury to downstream users the United States will make available to the river system, approximately 35 acre-feet of water at Lake Estes to coincide with the pumping of the wells.

8. Proposed Monthly Accounting Form.

The following form, Table 1., will be completed monthly and will be provided to the State Engineer's Office upon request.

Table 1. Moraine Park Wells - Monthly Accounting Form

Month	Water to Area "A"	Water to Area "B"
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
Total		

9. Metering devices

The following metering devices have been installed at the locations indicated on Table 1 for purposes of measuring water use at the various facilities.

Table 2. Water Measuring Devices associated with Moraine Park wells

Measuring Device	Location	Model	Serial No.
Prop Meter 3"	treatment plant, to Area A	ML-I1	903680
Prop Meter 3"	treatment plant, to Area B	ML-I1	903681

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900
Telefax Number
(303) 294-1931
FTS/330-1931

May 4, 1993

Ralph O. Canaday, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case No.: W-8791-77(A)

Gentlemen:

Enclosed please find a copy of the replacement page and signature page of the Decree entered in the above matter on April 29, 1993.

Respectfully,

Julia D. Draper

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900
Telefax Number
(303) 294-9414
FTS/330-9414

April 12, 1993

Ralph O. Canaday, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

OPTIONAL FORM 99 (7-90) FAX TRANSMITTAL # of pages ▸ 12
To Ken Czarnowski From Dan McCaleb
Dept./Agency RCMO Phone #
Fax # 586-4702 Fax #
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

Re: Water Division No. 1
Case No.: W-8791-77(A)

Gentlemen:

Enclosed please find copies of the REVISED FINDINGS AND RULING OF THE REFEREE . . . in the above-captioned case. Please let us know by **April 23, 1993**, whether these Rulings are acceptable. Please note that in paragraph 7, Sprague Lake Recreation Area Well, the reference to limitation of 1 acre foot annually should be eliminated.

Respectfully,

Julia D. Draper

Julia D. Draper
Paralegal Specialist
General Litigation Section

Done -

enclosures

Called Leisman on 4/15/93

Ray will fax not reissue!

COPY FOR YOUR INFORMATION

WATER DIVISION NO. 1
STATE OF COLORADO

APR - 8 1993
Date

RECEIVED
APR 12 1993
DEPT. JUSTICE ENVIRONMENT DIV.
DENVER, COLO.

TO: Lynn A. Johnson, Esq.
999 - 18th St., #945
Denver, CO 80202

Cliff Seigneur, Esq.
1525 Sherman St., 5th Fl.
Denver, CO 80203

STATE/DIV

The Water Court Referee for Division 1 has instructed me to forward this copy of his Revised Ruling in Case No. W-8791-77(A).

Please check your Ruling very CAREFULLY! If any errors are found, notify the Water Clerk's Office IMMEDIATELY.

You have twenty (20) days after the above date of mailing to file with the Water Clerk, any pleading in protest to or in support of the Referee's Ruling. Any such pleading to the Referee's Ruling must be filed on or before APR 28 1993, plus any additional time allowed by Rule 6(e) CRCP. In the absence of any pleading being received, the Judge of the Water Court will incorporate the Referee's Ruling in the Decree which will be entered after APR 28 1993.

Mary Cregan

Mary Cregan
Water Clerk, Water Division 1
P O Box C
Greeley, CO 80632
(303) 356-4000, Ext. 4550

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

REVISED FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF

UNITED STATES OF AMERICA, IN LARIMER COUNTY

THIS CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977 and amended on September 4, 1984 and October 4, 1984. The Referee being fully advised in the premises, does hereby find:

All notices required by law of the filing of this application were fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entries of Appearance were filed in all the USA cases. Upon agreement of all counsel, this case is to be ruled on as if no opposition had been filed.

All matters contained in the application were reviewed, and testimony was taken where such testimony was necessary and such corrections made as were indicated by the evidence presented.

Moraine Park Well No. 2 and Moraine Park Well No. 3 have been bifurcated and will be adjudicated in case No. W-8791-77(B). The remaining 5 wells will be case No. W-8791-77(A).

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

United States of America
Department of Justice
Environment and Natural Resources Division
999 - 18th St., #945
Denver, CO 80202

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well
Black Cabin Well

3. The legal description of the structure:

Moraine Park Well 1-4019: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 500 feet from the South line and 2100 feet from the West line, Section 33.

Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

Moraine Park Well 1-4019: July 1, 1959

Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock, domestic, limited irrigation of lawns and gardens, commercial in administrative and maintenance buildings, Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for three single family dwellings.

Bighorn Ranger Station Well 165966: Domestic for two single family dwellings including irrigation of approximately 1000 square feet.

Sprague Lake Recreation Area Well: Domestic, commercial, drinking, sanitary and stockwater uses for livery/stable operation at Sprague Lake.

Black Cabin Well: Domestic for one single family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger Station Well 165966 and Black Cabin Well - These water rights, so long as uses are limited to those decreed herein, are exempt from administration by the State Engineer pursuant to CRS, 37-92-602.

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

Dated: APR -8 1993

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: APR 29 1993

ROBERT A. BEHRMAN
Water Judge
Water Division No. 1
State of Colorado

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900
Telefax Number
(303) 294-1931
FTS/330-1931

March 2, 1993

Ralph O. Canaday, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarnowski, Hydrologist
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

Gentlemen:

Enclosed please find copies of the last page of FINDINGS AND RULING OF THE REFEREE . . . indicating that the decree has been entered in the above-captioned cases on February 23, 1993.

Respectfully,

Julia D. Draper

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. W-8791-77(A)

REVISED FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF

UNITED STATES OF AMERICA, IN LARIMER COUNTY

THIS CLAIM was filed with the Water Clerk, Water Division 1, on December 29, 1977 and amended on September 4, 1984 and October 4, 1984. The Referee being fully advised in the premises, does hereby find:

All notices required by law of the filing of this application were fulfilled, and the Referee has jurisdiction of this application.

Numerous Statements of Opposition and Entries of Appearance were filed in all the USA cases. Upon agreement of all counsel, this case is to be ruled on as if no opposition had been filed.

All matters contained in the application were reviewed, and testimony was taken where such testimony was necessary and such corrections made as were indicated by the evidence presented.

Moraine Park Well No. 2 and Moraine Park Well No. 3 have been bifurcated and will be adjudicated in case No. W-8791-77(B). The remaining 5 wells will be case No. W-8791-77(A).

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

United States of America
Department of Justice
Environment and Natural Resources Division
999 - 18th St., #945
Denver, CO 80202

2. The name of the structures:

USA Rocky Mountain National Park:
Moraine Park Well 1-4019
Moraine Park Well 0-924-N
Bighorn Ranger Station Well 165966
Sprague Lake Recreation Area Well
Black Cabin Well

3. The legal description of the structure:

Moraine Park Well 1-4019: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 500 feet from the South line and 2100 feet from the West line, Section 33.

Moraine Park Well 0-924-N: SE1/4 SW1/4, Section 33, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 520 feet North and 420 feet West of S1/4 Corner, Section 33.

Bighorn Ranger Station Well 165966: NE1/4 NE1/4, Section 17, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 625 feet from the North line and 750 feet from the East line, Section 17.

Sprague Lake Recreation Area Well: SW1/4 SE1/4, Section 7, Township 4 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 750 feet from the South line and 2250 feet from the East line, Section 7.

Black Cabin Well: NE1/4 SW1/4, Section 32, Township 5 North, Range 73 West, 6th P.M., Larimer County, at a point approximately 2375 feet from the South line and 1875 feet from the West line, Section 32.

4. The source of the water:

Groundwater for all five wells

5. The date of appropriation:

Moraine Park Well 1-4019: July 1, 1959

Moraine Park Well 0-924-N: August 31, 1957

Bighorn Ranger Station Well 165966:
May 31, 1982

Sprague Lake Recreation Area Well:
December 31, 1909

Black Cabin Well: December 31, 1937

6. The amount of water:

Moraine Park Well 1-4019: 0.22 cfs (99 gpm)

Moraine Park Well 0-924-N: 0.016 cfs (7 gpm)

Bighorn Ranger Station Well 165966:
0.018 cfs (8 gpm)

Sprague Lake Recreation Area Well:
0.011 cfs (5 gpm)

Black Cabin Well: 0.027 cfs (12 gpm)

7. The use of the water:

Moraine Park Well 1-4019: Livestock, domestic, limited irrigation of lawns and gardens, commercial in administrative and maintenance buildings, Visitor Center, museum and campground.

Moraine Park Well 0-924-N: Domestic for three single family dwellings.

Bighorn Ranger Station Well 165966: Domestic for two single family dwellings including irrigation of approximately 1000 square feet.

Sprague Lake Recreation Area Well: Domestic, commercial, drinking, sanitary and stockwater uses for livery/stable operation at Sprague Lake.

Black Cabin Well: Domestic for one single family dwelling.

8. Moraine Park Well 0-924N, Bighorn Ranger Station Well 165966 and Black Cabin Well - These water rights, so long as uses are limited to those decreed herein, are exempt from administration by the State Engineer pursuant to CRS, 37-92-602.

9. The Court finds that this application, assigned case No. W-8791-77 (A), is a timely amendment to the United States' claims originally filed in 1976, designated W-8439-76.

The water rights for Moraine Park Well 1-4019 and Sprague Lake Recreation Area Well are entitled to antedation and shall be granted a priority date of July 1, 1959 and December 31, 1909 respectively, and shall be subject to prior vested rights. (Pursuant to 79 SA 99 and 79 SA 100 dated November 29, 1982, 656, P. 2d 1.)

Dated: APR -8 1993

RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: APR 29 1993

ROBERT A. BEHRMAN
Water Judge
Water Division No. 1
State of Colorado

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Ft. Collins, Colorado 80525

IN REPLY REFER TO:

February 10, 1993

L54(479)
ROMO/Water Rights

Lynn A. Johnson, Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

Dear Lynn:

Per your January 6, 1993, request, we have reviewed the FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT, in the above-captioned cases. We find these rulings acceptable as written.

Thank you for the opportunity to review these rulings. If you have any questions, please contact Dan McGlothlin of my staff, (303) 225-3536.

Sincerely,

for Owen R. Williams
Chief, Water Rights Branch

cc: ROMO - Czarnowski
RMR - Wise
479 - McGlothlin, Dockets - ROMO 0003, 0029, 0033, 0036

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE UNITED STATES OF AMERICA IN LARIMER COUNTY	)))))	APPLICATION FOR UNDERGROUND WATER RIGHT (WELL) Moraine Park #1

1. Name of applicant: United States of America

   Address of applicant: c/o Kenneth J. Burke
   Department of Justice
   Land and Natural Resources Division
   P. O. Box 1656
   Denver, Colorado 80201

2. Legal description of location of well: A point within the SE¼ of the SW¼ of Section 33, T. 5 N., R. 73 W. of the 6th P.M., in Rocky Mountain National Park, as indicated on the attached map, and known as Moraine Park Well No. 1 (Utility area water system).

3. Depth of well: 16 feet.

4. Date of initiation of appropriation: July 30, 1959.

5 Amount of water claimed in cubic feet per second of time: 0.22 c.f.s. (100 gpm).

6. Proposed use of water: Domestic purposes.

7 Permit No. 4019.

8. 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.

_____
Attorney for Applicant

State of Colorado)
Larimer County) ss.

J. L. Dunning, Superintendent, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same are true.

_____

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

My commission expires _____

_____
Notary Public

Name, address and telephone number of Attorney for Applicant:

James L. Treece
United States Attorney

By: Kenneth J. Burke
Trial Attorney
Department of Justice
P. O. Box 1656
Denver, Colorado 80201

(303) 837-4961

Case No. W-8791-77

Moraine Park Well No.1-4019

This well is located in the SE1/4 SW1/4 of S. 33, T5N, R73W, 6th P.M. (See attached map). It was drilled in 1959 and has a yield of 99 gallons per minute according to tests with the permanent pump installed. A copy of permit no. 4019 for the use of ground water is attached. Depth of the well was 16 feet.

Water from this well serves the Beaver Meadows entrance station, and the Headquarters administration and residential area on a year-round basis. This includes 38 permanent residences with limited irrigation of lawns, 6 seasonal residences, 8 trailer sites, 3 apartment buildings (6 units each) 13 administration and maintenance buildings, and the main Visitor Center and Administration building.

During the summer, additional water lines are open to the Moraine Park Museum, two private residences, two NPS seasonal residences, and the Moraine Park Campground. The campground has 250 sites, a ranger station with two seasonal employee apartments, a concessioner residence with 6-10 employees, a riding stable and 7 comfort stations with flush toilets.

All of the facilities are connected to the Upper Thompson Sanitation District except for the two private residences, two NPS permanent residences and the Beaver Meadows entrance station which are on septic systems. An average of 10,100,000 gallons of water are pumped annually from this well.

A plan for augmentation will be prepared for this well. Augmentation water will be obtained from a water right reserved in Article 24 of the Colorado Big-Thompson contract between the United States of America and the Northern Colorado Water Conservancy District, dated July 5, 1938. Article 24 states in part "There is hereby understood and agreed that the United States shall have the right to permit the release of a sufficient amount of water made available by the project works, without charge to the National Park Service, not to exceed three second-feet of water at Granby Reservoir pumping plant No. 1 or other points on the project works, said releases to be made to permit the use in Rocky Mountain National Park of a like amount of water for irrigation, culinary, domestic or related purposes;...."

WELL INFORMATION DATA

C 91 77

CASE NO. W- 8439-76

Name of applicant: United States of America, Dept. of the Interior
National Park Service

Mailing Address: Hank Meshorer, Trial Attorney, Dept. of Justice,
Land & Natural Resources Div., P.O. Box 1656, Denver, CO 80201

Well Permit or Registration Number 4019.

Location of Well :

Section 33, Township 5 North, Range 73 West.

Give bearing and distance from Section corner or distance
N - S and E - W from section lines. SE¼SW¼ of Section 33,
500 feet from South Section Line, 2100 feet from West Section Line.

DATA: Date of current test:_____.

Depth of well 15 feet.

Depth to Static Water Level 4 feet.

Horsepower of electric motor 10.

Diameter - discharge pipe 3 inches.

Pressure at sprinkler head_____per sq. inch.

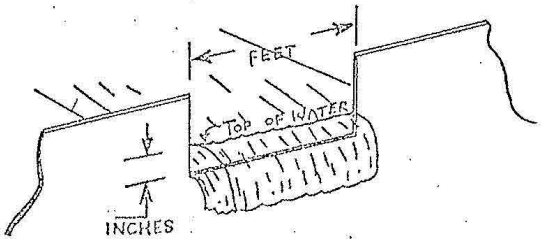
DO NOT USE TEST DATA FROM WELL REGISTRATION FORM.

CAPACITY OF WELL:

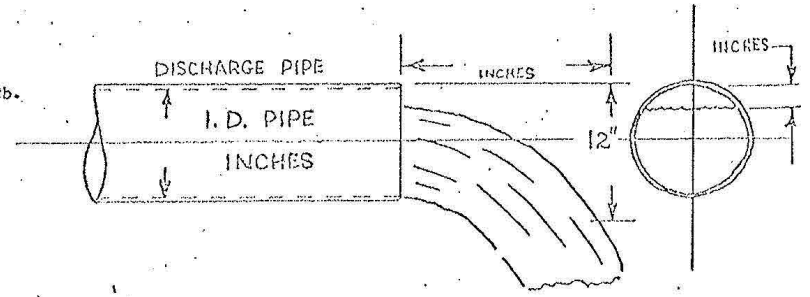
1. Actual measurement 99 gpm (do not use pump-test data)

2. Or one of the following measurements:

2a. WEIR

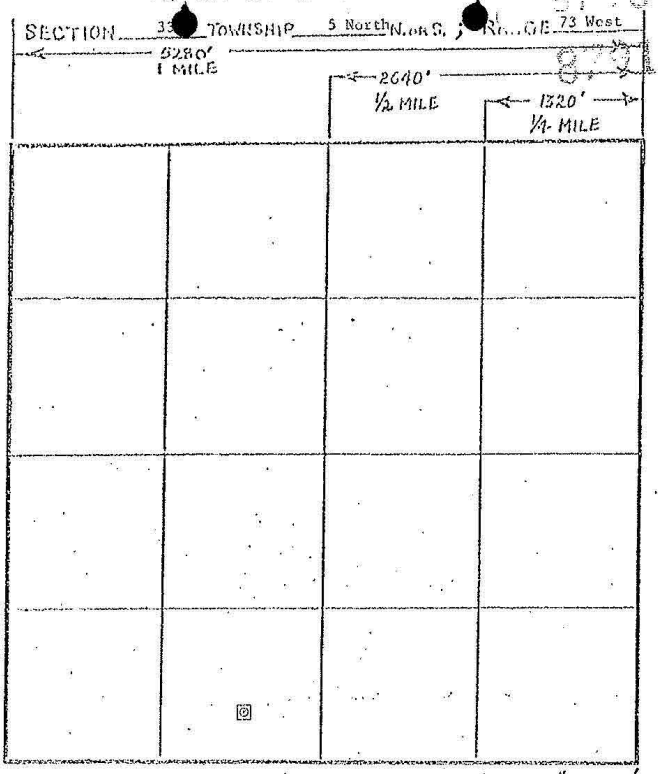


2b.



MAP SHOWING WELL LOCATION

SECTION 33 TOWNSHIP 5 North N. or S. RANGE 73 West



SCALE 1" = 1000'

State of Colorado)
County of) ss.

_____, being first duly sworn upon oath, deposes and says that he has read the foregoing information, knows the contents thereof and that the same is true.

_____

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

My commission expires: _____

_____
Notary Public

8 copies delivered to DOJ
9/28/84 AR

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

Case No. W-8439-76 (W-8789-77 through W-8794-77)

AMENDED APPLICATION FOR SURFACE AND UNDERGROUND WATER RIGHTS

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR APPROPRIATIVE WATER RIGHTS IN ROCKY MOUNTAIN NATIONAL PARK IN LARIMER AND BOULDER COUNTIES.

---

1. Name and address of Applicant:

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

2. The United States of America claims a total of ten water rights including four additional surface and underground water rights (diversions, pipelines and wells) situated on lands acquired for and located in Rocky Mountain National Park in Larimer County.

3. The use of the water claimed in this amended application is domestic water for use in picnic areas, campgrounds, ranger stations, cabins under permit from the National Park Service in the Rocky Mountain National Park.

4. Legal descriptions and data pertaining to each well or diversion (all descriptions refer to 6th P.M.):

Larimer County

Name of Structure: Bighorn Ranger Station Well
Legal description: In the NE 1/4 NE 1/14, Section 17, T. 5 N., R. 73 W.
Source: Bighorn Creek, tributary to Big Thompson River
Depth of Well: 128 feet
Date of appropriation: June, 1982
Date water applied to beneficial use: August, 1982
How appropriation was initiated: Drilling well
Amount claimed: 20 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Moraine Park Well No. 0
Legal description: In the SE 1/4 SW 1/4, Section 33, T. 5 N., R. 73 W., whence the northeast corner of Section 5, T. 4 N., R. 73 W., bears S. 50 ° 50' E 666.46 feet.
Source: Big Thompson River
Depth of Well: 40 feet
Date of appropriation: August, 1957
Date water applied to beneficial use: June, 1958
How appropriation was initiated: Drilling of well
Amount claimed: 7 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Moraine Park Well No. 1
Legal Description: In the SE 1/4 SW 1/4 of Section 33, T. 5 N., R. 73 W., whence the NE corner of Section 5, T5N, R73W, bears S 36° 33' E-1463.29 feet.
Source: Big Thompson River
Depth of Well: 15 feet
Date of appropriation: July, 1959
Date water applied to beneficial use: September, 1959
How appropriation was initiated: Drilling of well
Amount claimed: 79 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Moraine Park Well No. 2
Legal Description: In the SE 1/4 SW 1/4 of Section 33, T. 5 N., R. 73 W., whence the NE corner of Section 5, T5N, R73W, bears S 45° 21' E 1600 feet.
Source: Big Thompson River
Depth of Well: 100 feet
Date of appropriation: September, 1970
Date water applied to beneficial use: June, 1971
How appropriation was initiated: Drilling of well
Amount claimed: 185 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Moraine Park Well No. 3
Legal Description: In the SE 1/4 SW 1/4 of Section 33, T. 5 N., R. 73 W., whence the NE corner of Section 5, T4N, R73W, bears S 47° 21' E 1600 feet.
Source: Big Thompson River
Depth of Well: 50 feet
Date of appropriation: August, 1984
Date water applied to beneficial use: September, 1984
How appropriation was initiated: Developing well
Amount claimed: 80 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Sprague Lake Picnic Area Well
Legal description: In the SW 1/4 SE 1/4, Section 7, T. 4 N., R. 73 W, whence the SW corner of Section 7, T. 4 N., R. 73 W., bears S. 74° 30' W, 3100 feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of Well: 63 feet
Date of appropriation: August, 1982
Date water applied to beneficial use: September, 1982
How appropriation was initiated: Drilling of well
Amount claimed: 13 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Black Cabin Well
Legal description: In the NW 1/4 SE 1/4, Section 32, T. 4 N., R. 73 W.
Source: Big Thompson River
Depth of well: Alluvium
Date of initiation of appropriation: October, 1964
Date water applied to beneficial use: October, ~~1964~~ 1965
How appropriation was initiated: Drilling of well
Amount claimed: 10 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Hallowell Park Well
Legal description: In the SE 1/4 NW 1/4 of Section 6, T. 4 N., R. 73 W., whence the monumented corner common to lots 6, 7, 10, 8 and 11, of said Section 6 bears N 2° 24' E, 1335.60 feet.
Source: Glacier Creek, tributary to Big Thompson River
Depth of well: 122 feet
Date of appropriation: April, 1965
Date water applied to beneficial use: June, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 50 gpm Absolute
Use: Domestic, recreation, fire fighting

Name of Structure: Aspenglen Campground Well
Legal description: In the SE 1/4 NE 1/4 of Section 17, T. 5 N., R. 73 W., at a point whence the N. 1/16 corner of Sections 16 and 17, T5N, R73W, bears N 67° 39' E., 1056.36 feet.
Source: Fall River, tributary to Big Thompson River
Depth of well: 101 feet
Date of appropriation: June, 1965
Date water applied to beneficial use: August, 1965
How appropriation was initiated: Drilling of well
Amount claimed: 55 gpm Absolute
Use: Domestic, recreation, fire fighting

Boulder County

Name of Structure: Deer Haven Well
Legal description: In the SE 1/4 NW 1/4 of Section 22, T. 3 N., R. 73 W., whence the NE corner of Sections 22, bears N51° 15' E 3700 feet.
Source: North Saint Vrain Creek
Depth of well: 150 feet
Date of appropriation: May, 1977
Date water applied to beneficial use: July, 1977
Amount claimed: 10 gpm Absolute
Use: Domestic, recreation, fire fighting

5. This is a partial amendment of the application filed by the United States of America in Case No. W-8439-76, as amended W-8789-77 through W-8794-77. This amendment is in lieu of the amendment filed on September 4, 1984.

6. The United States of America 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 date.

ROBERT N. MILLER
UNITED STATES ATTORNEY

By_____
JOHN E. LINDSKOLD
Attorney, Dept. of Justice
Land and Natural Resources Div.
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

Telephone: (303) 844-3627

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

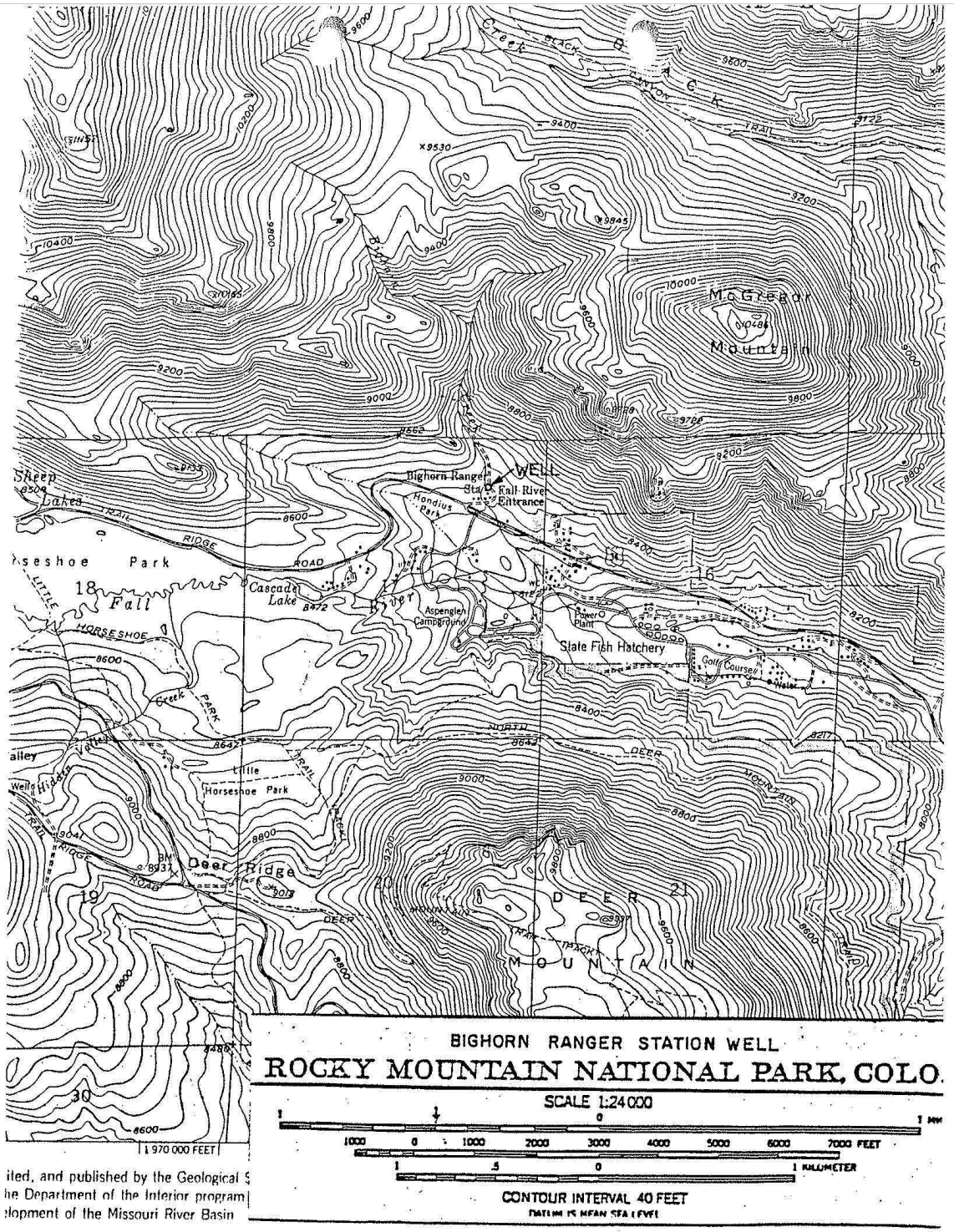
I, Stanley L. Ponce, state under oath that I have read this amended application, and verify its content.

STANLEY L. PONCE

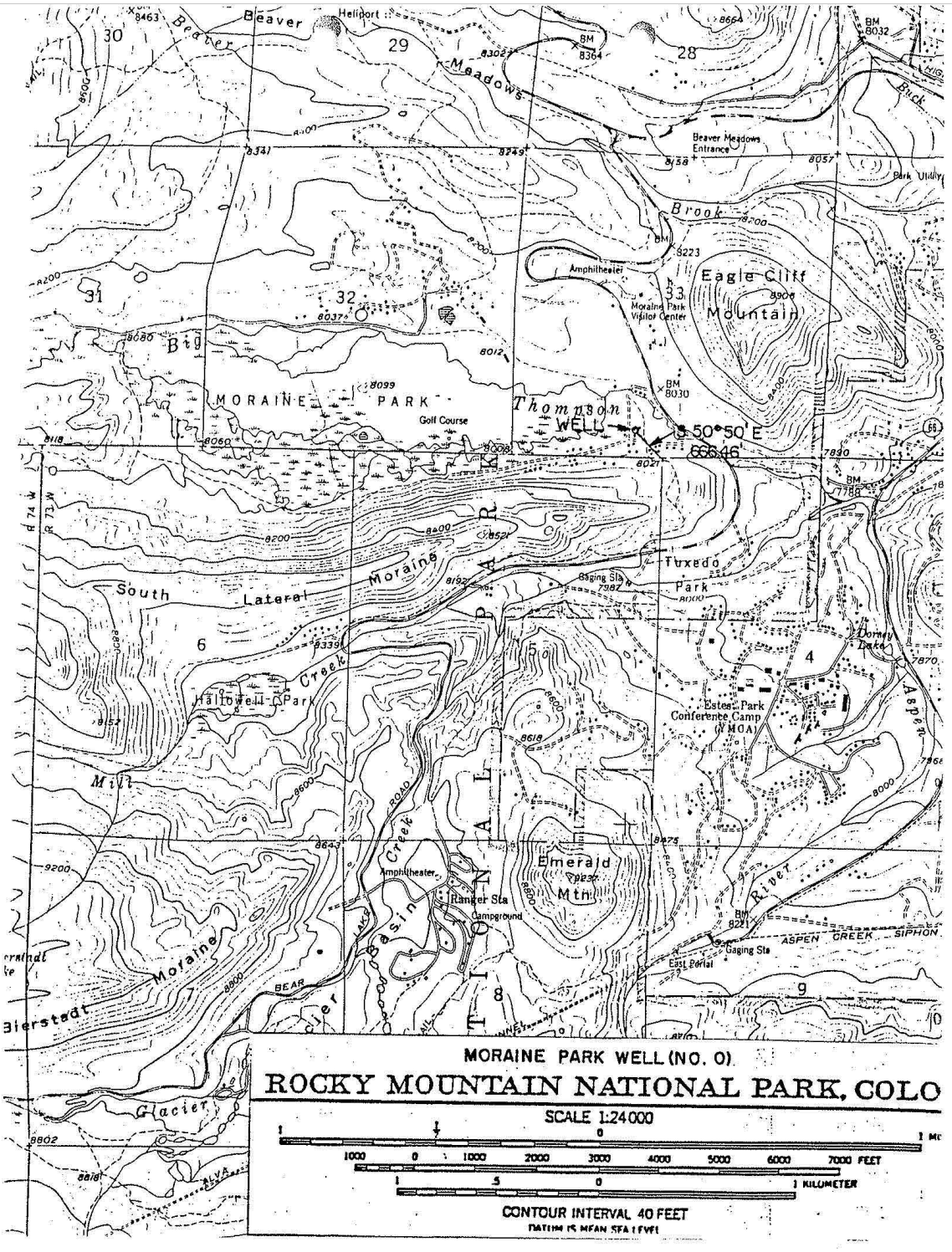
Subscribed and sworn to before me this ____ day of _____, 1984.

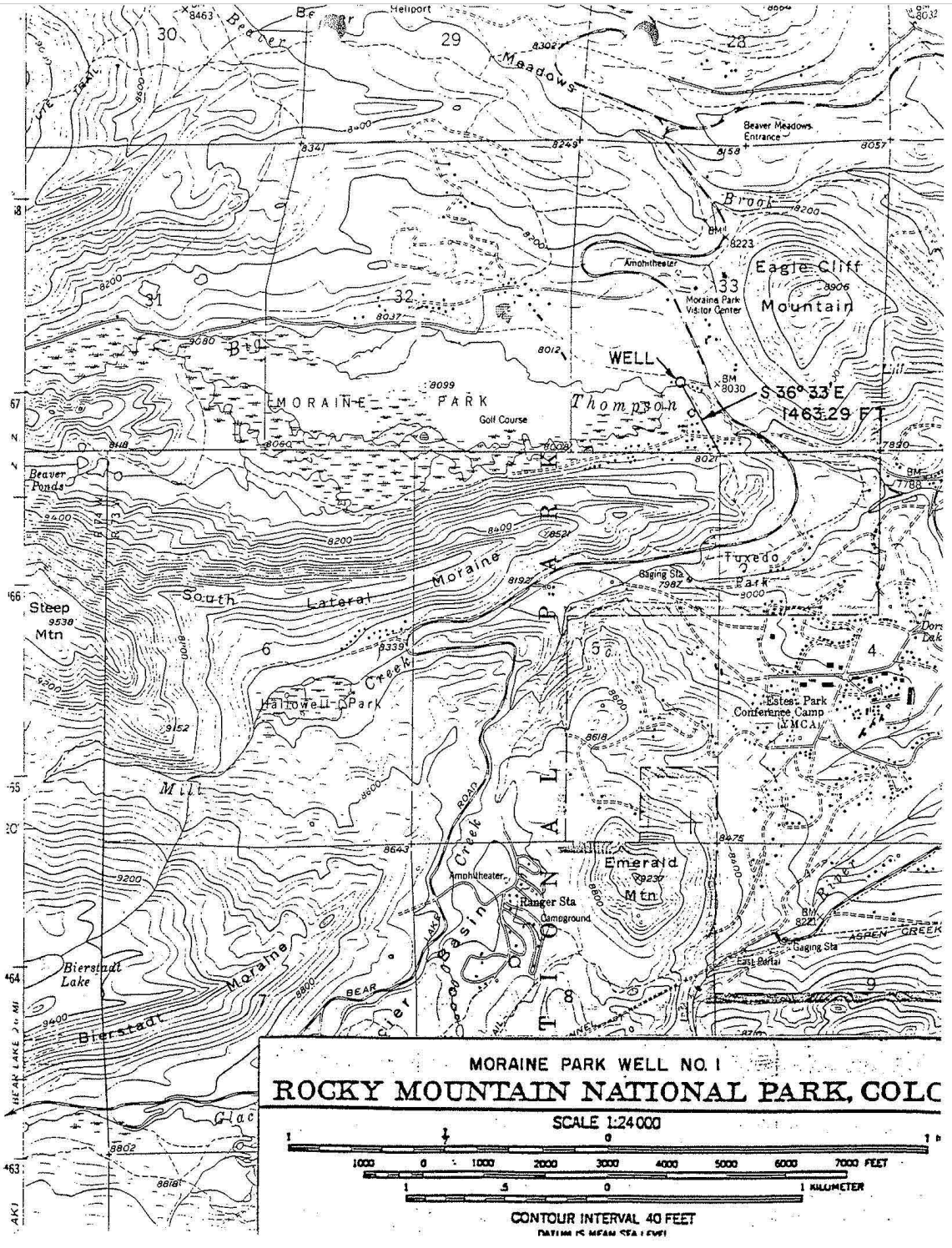
My commission expires:

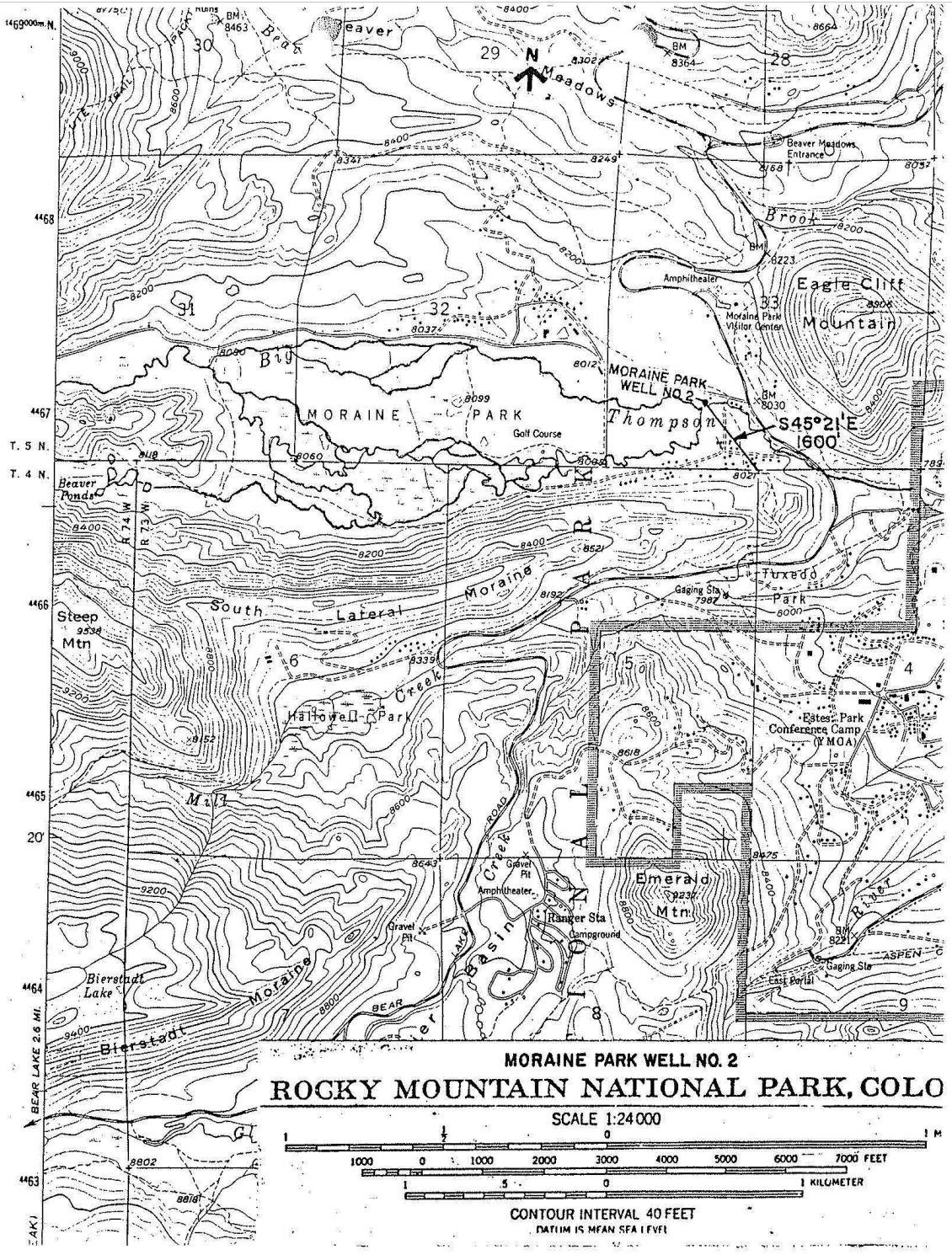
NOTARY PUBLIC

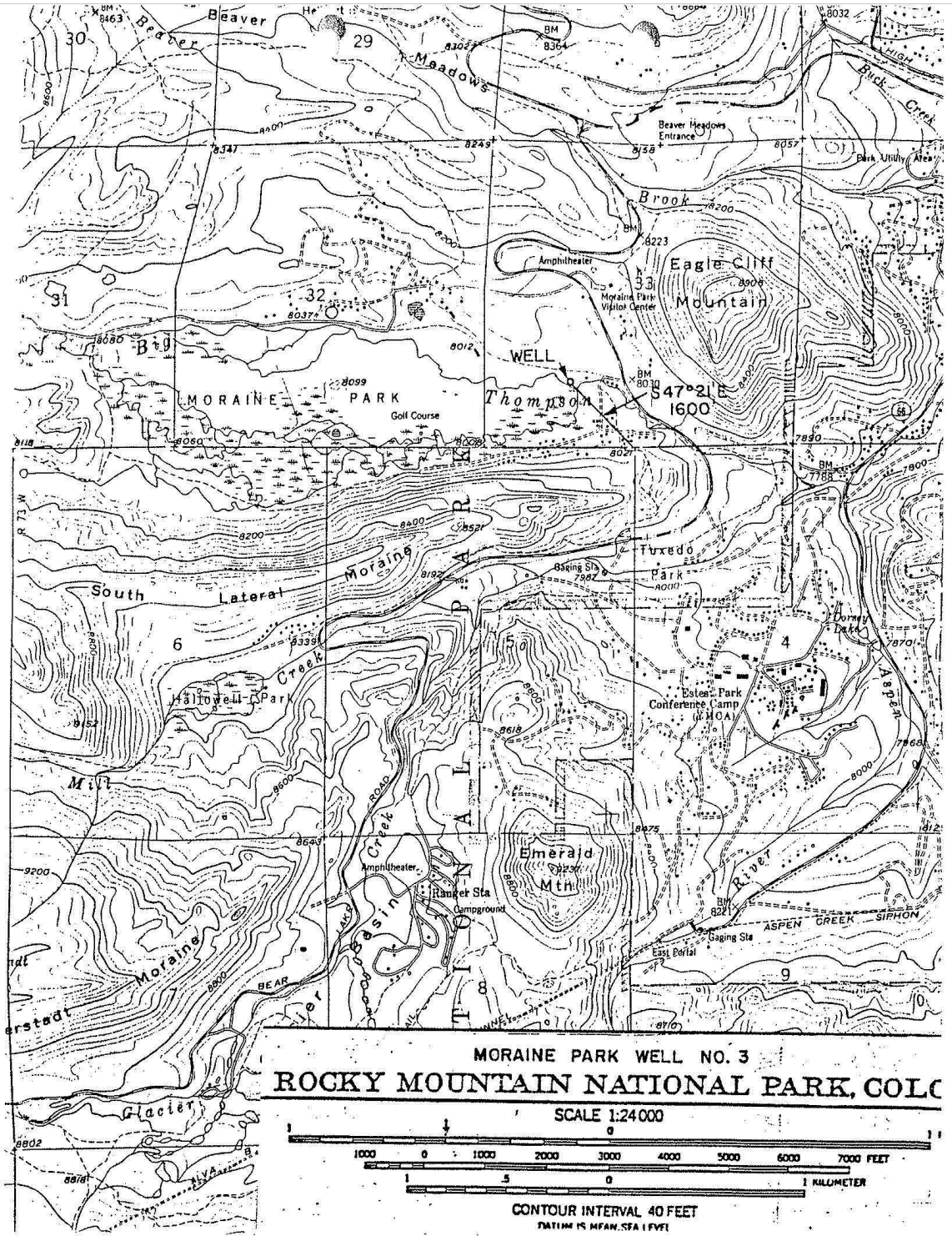


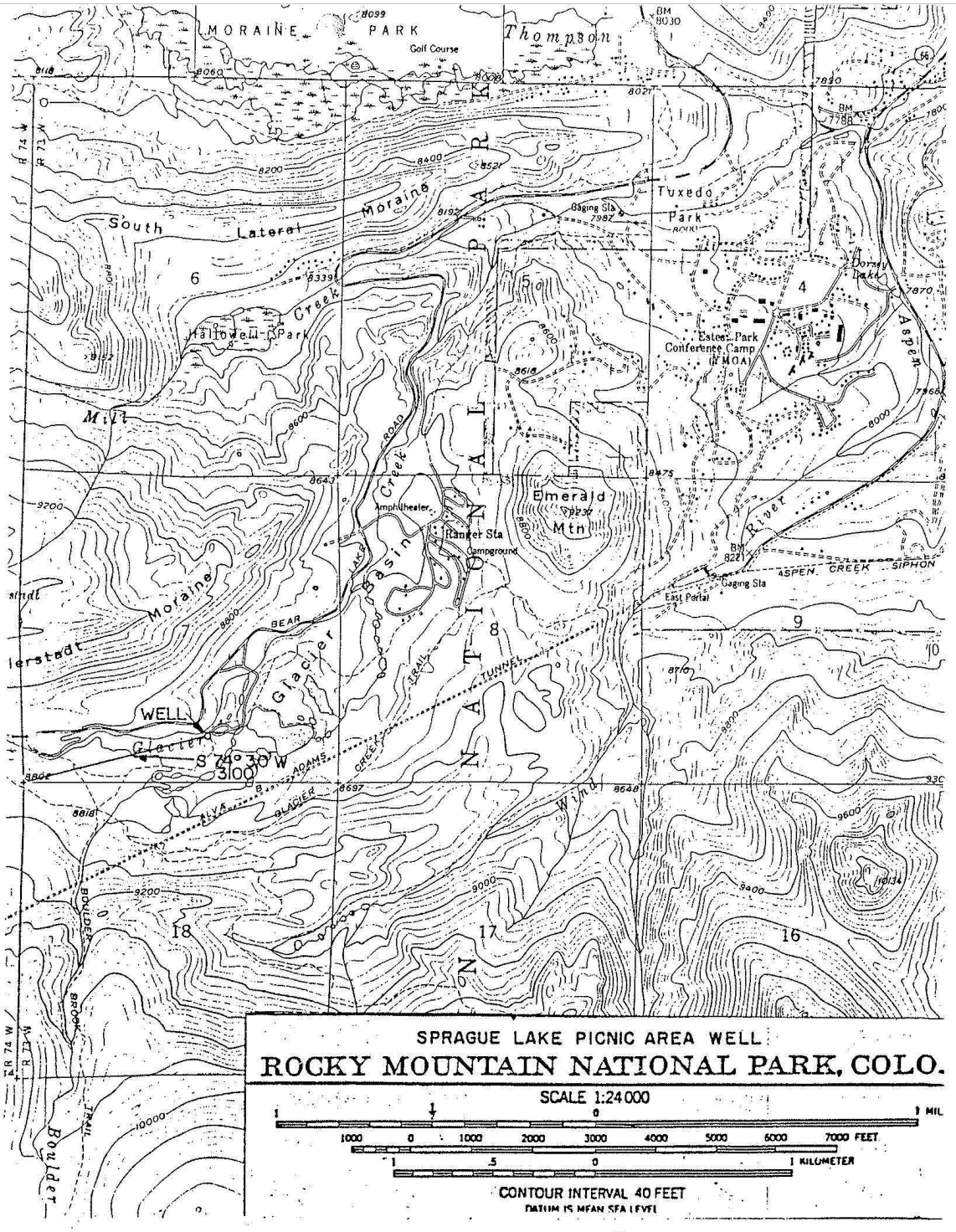
ited, and published by the Geological S
he Department of the Interior program
lopment of the Missouri River Basin

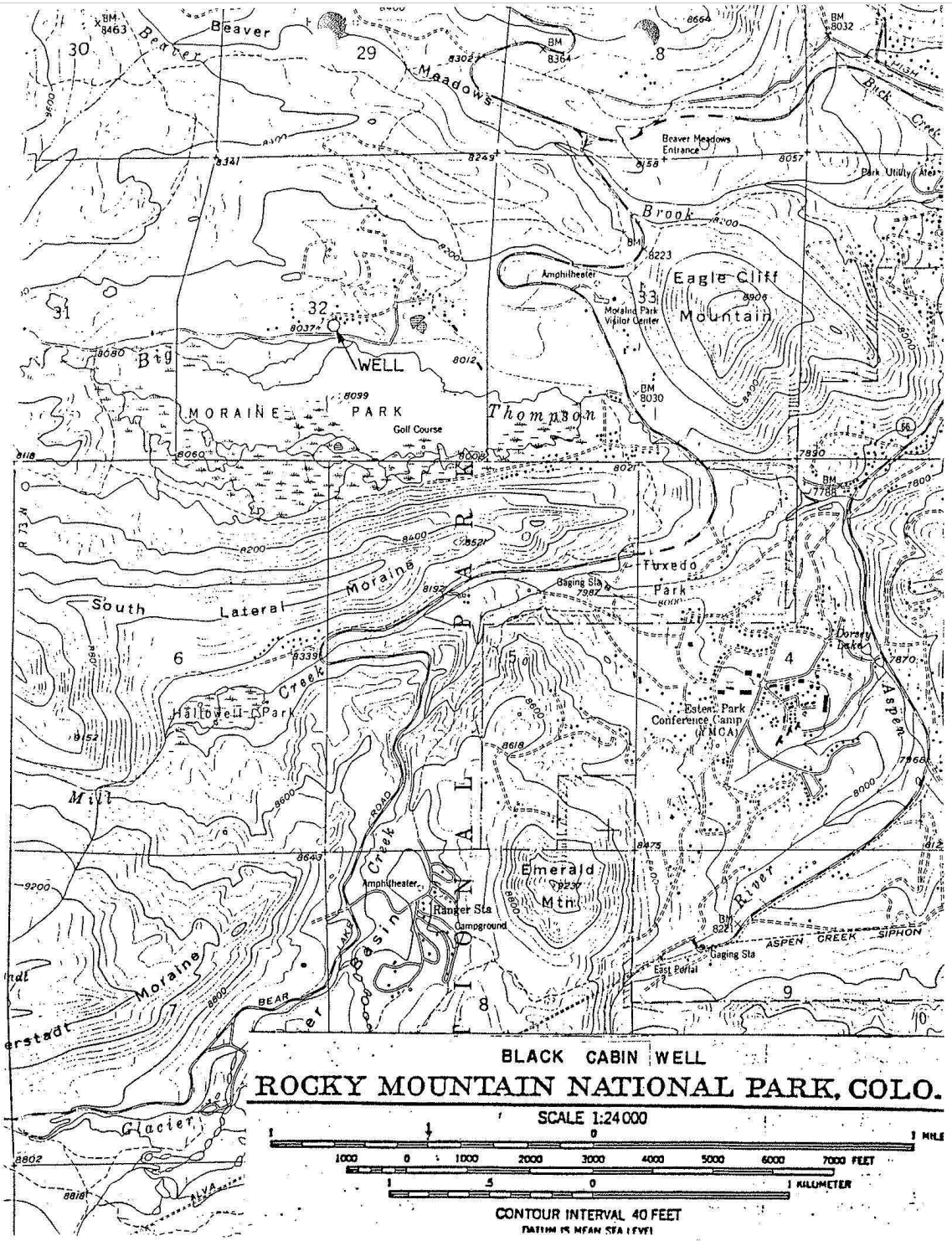

Beaver
Heliport
Meadows
Beaver Meadows Entrance
Brook
Amphitheater
Eagle Cliff Mountain
Moraine Park Visitor Center
MORAINE PARK
Golf Course
Thomson WELL
S 50°50' E
666.46'
Tuxedo Park
Gaging Sta
Lateral Moraine
South
Creek
Hallowell Park
Estes Park Conference Camp (YMCA)
Dorney Lake
Aspen
Mill
Creek
Basin
Amphitheater
Ranger Sta
Campground
Emerald Mtn.
ASPEN CREEK SIPHON
East Portal
Gaging Sta
Moraine
Bierstadt
Glacier
BEAR
River
ROAD
LAKE
T. 3 N.
R. 73 W.
R. 74 W.
MORAINE PARK WELL (NO. 0)
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET

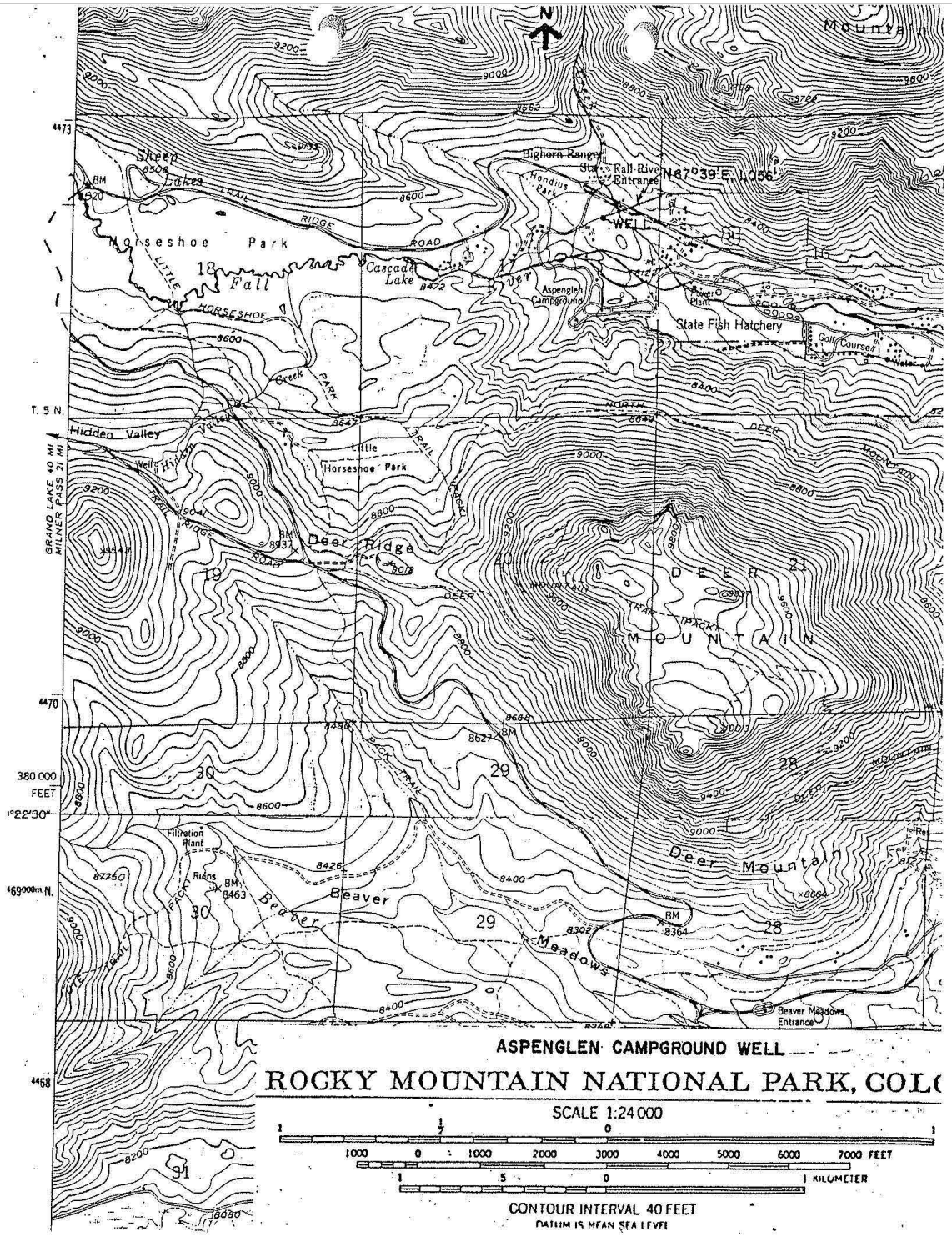

WELL
S 36° 33' E
1463.29 FT.
MORAINE PARK
Golf Course
Thompson
Eagle Cliff Mountain
Beaver Meadows Entrance
Moraine Park Visitor Center
Amphitheater
Beaver Ponds
South Lateral
Moraine
Steep Mtn
Hallowell Park
Mill Creek
Tuxedo Park
Estes Park Conference Camp (YMCA)
Emerald Mtn
Ranger Sta
Campground
Gaging Sta
East Portal
Aspen Creek
Bierstadt Lake
Bierstadt Moraine
Glacier Basin
Fall River Road
Beaver Meadows
Brook
Trail
Heliport
MORAINE PARK WELL NO. 1
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET

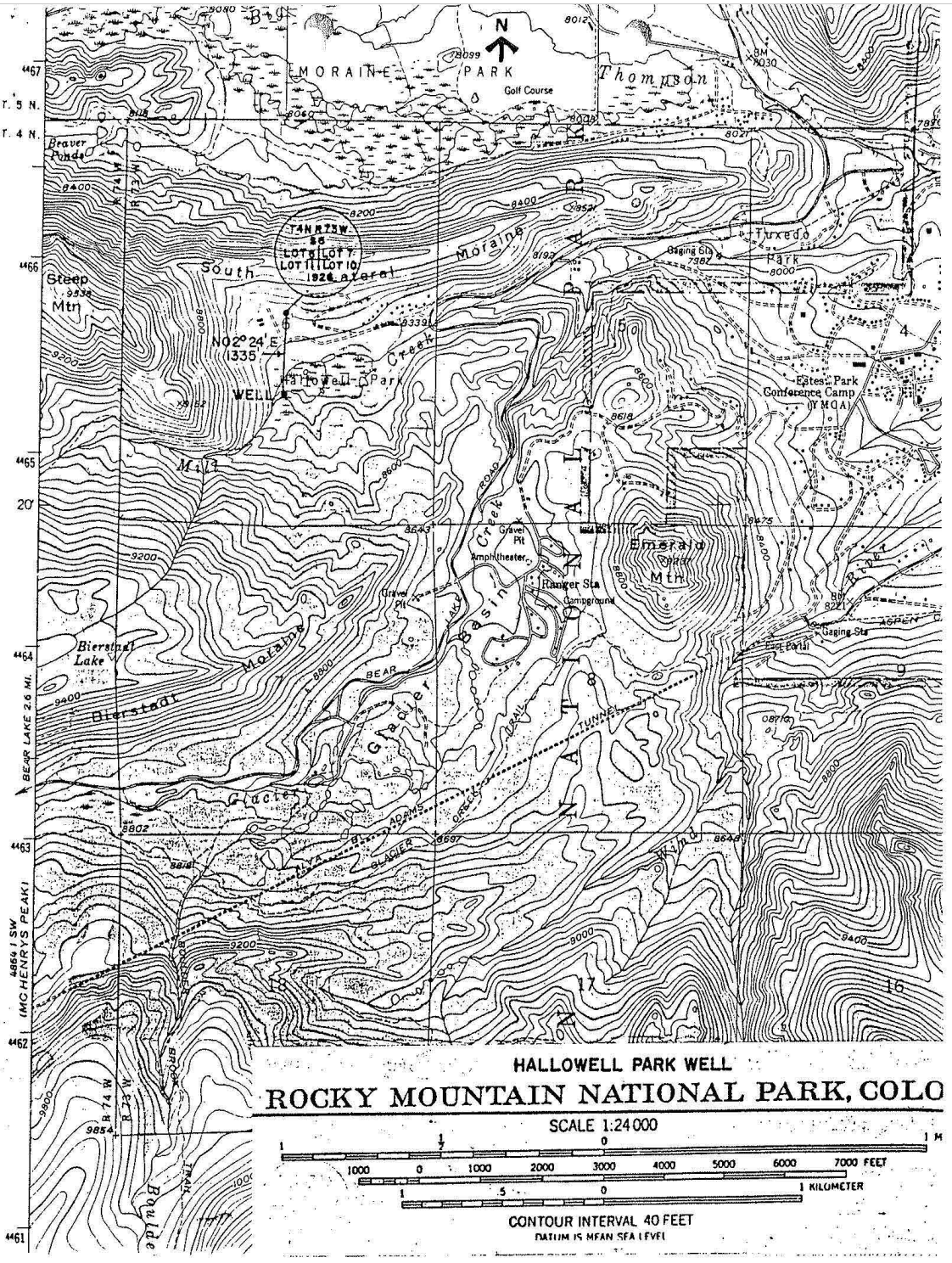

MORAINE PARK WELL NO. 2
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
MORAINE PARK WELL NO 2
S45°21'E
1600'
Beaver Meadows
Beaver Meadows Entrance
Eagle Cliff Mountain
Moraine Park Visitor Center
Amphitheater
Big Thompson
MORAINE PARK
Golf Course
Beaver Ponds
South Lateral Moraine
Tuxedo Park
Gaging Sta
Steep Mtn
Hallowell Park
Estes Park Conference Camp (YMCA)
Emerald Mtn
Ranger Sta
Campground
Gravel Pit
Amphitheater
Bierstadt Lake
Bierstadt Moraine
BEAR LAKE 2.6 MI.
ASPEN
East Portal
R 74 W
R 73 W
T. 5 N.
T. 4 N.

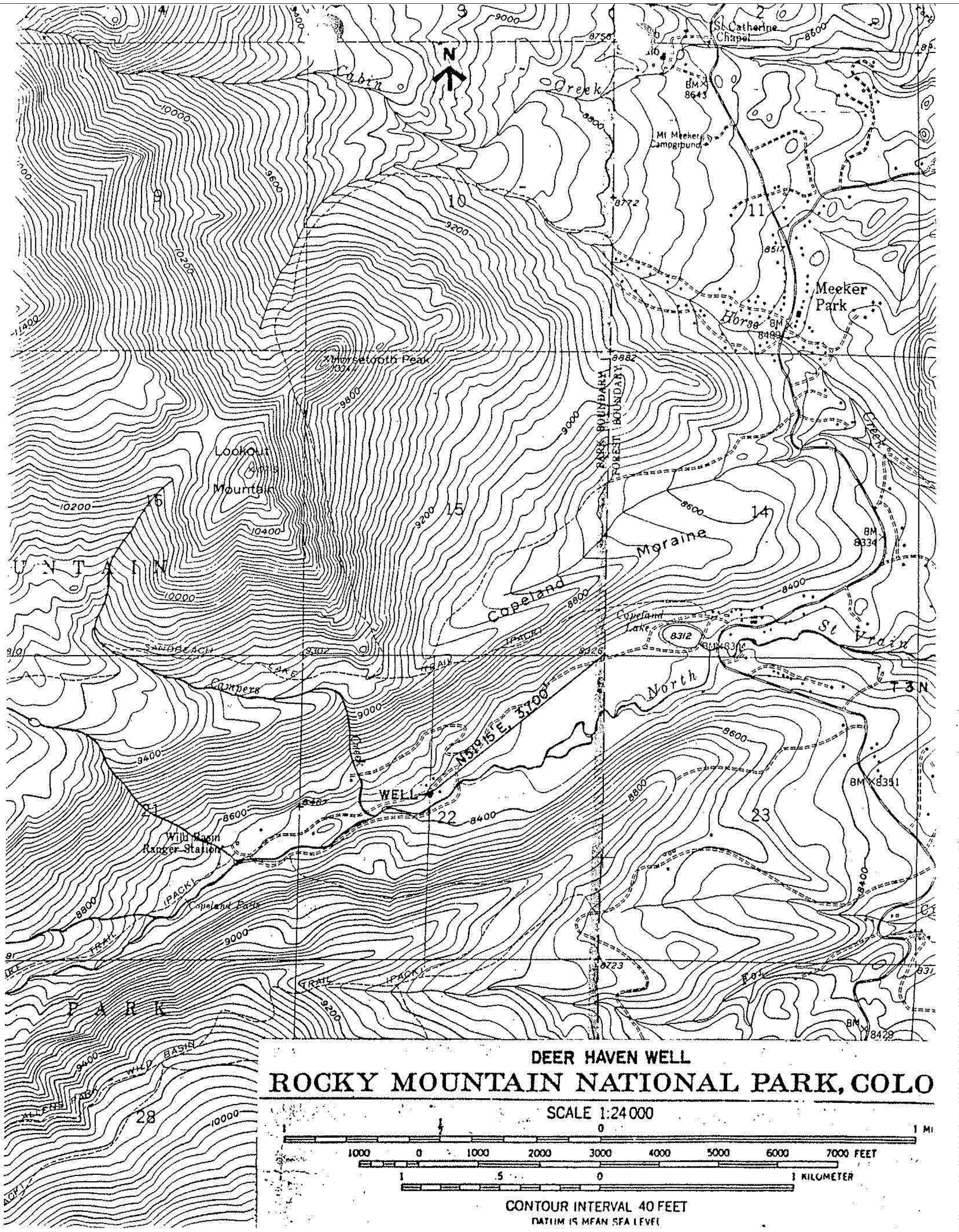

MORAINE PARK WELL NO. 3
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24 000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
Beaver Meadows
Beaver Meadows Entrance
Eagle Cliff Mountain
Amphitheater
Moraine Park Visitor Center
WELL
S 47° 21' E
1600
MORAINE PARK
Golf Course
Thompson
Big
Tuxedo Park
Boeing Sta
Horseshoe Park
South Lateral Moraine
Hallowell Park
Mill Creek
Estes Park Conference Camp (YMCA)
Aspen
Emerald Mtn
Ranger Sta
Campground
Gaging Sta
East Portal
ASPEN CREEK SIPHON
Moraine
Glacier
Creek
Brook
Buck
Park Utility Area
Old Fall River Road
Fall River
Bear Lake Road


MORAINE PARK
Golf Course
Thompson
Tuxedo Park
Moraine
South Lateral
Hallowell Park
Creek
Mill
Creek
Basin
Emerald Mtn
Ranger Sta
Campground
Amphitheater
Estes Park Conference Camp (YMCA)
Dorney Lake
Aspen
River
ASPEN CREEK SIPHON
Gaging Sta
East Portal
Moraine
Glacier
BEAR
TRAIL
TUNNEL
WELL
S 74° 30' W
3100
ADAMS CREEK
ELVA GLACIER
Boulder Brook
Boulder
TRAIL
NATIONAL PARK
T 4 N
R 74 W
R 73 W
6
5
4
8
9
10
18
17
16
SPRAGUE LAKE PICNIC AREA WELL
ROCKY MOUNTAIN NATIONAL PARK, COLO.
SCALE 1:24000
1 MIL
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL


BLACK CABIN WELL
ROCKY MOUNTAIN NATIONAL PARK, COLO.
SCALE 1:24000
1 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
WELL
Beaver Meadows
Beaver Meadows Entrance
Eagle Cliff Mountain
Big Thompson
MORAINE PARK
Golf Course
Moraine Park Visitor Center
Amphitheater
Tuxedo Park
South Lateral
Moraine
Hallowell Park
Mill Creek
Emerald Mtn
Ranger Sta
Campground
Amphitheater
Aspen
Eastern Park Conference Camp (YMCA)
Dorsey Lake
Gaging Sta
ASPEN CREEK SIPHON
East Portal
Fall River
Glacier
Park Utility Area
Brook
Buck Creek
BM 8463
BM 8364
BM 8032
BM 8030
BM 7788
BM 8221
8341
8249
8223
8037
8012
8099
8060
8021
8521
8192
8339
8618
8600
8643
8237
8475
8221
7988
7870
7966
8000
8800
8818
8802
9200
30
29
8
31
32
33
6
5
4
9
10
R 73 W


ASPENGLEN CAMPGROUND WELL
ROCKY MOUNTAIN NATIONAL PARK, COL(
SCALE 1:24 000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
Sheep Lakes
Horseshoe Park
Cascade Lake
Aspenglen Campground
State Fish Hatchery
Golf Course
Hidden Valley
Little Horseshoe Park
Deer Ridge
DEER MOUNTAIN
Deer Mountain
Beaver Meadows
Beaver Meadows Entrance
Filtration Plant
Ruins
Bighorn Ranger Sta.
Fall River Entrance
N87°39'E 1056'
T. 5 N.
GRAND LAKE 10 MI.
MILNER PASS 21 MI.
380 000 FEET
469000m.N.


HALLOWELL PARK WELL
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24 000
1 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
T4N R73W
S6
LOT 8 LOT 7
LOT 11 LOT 10
1926 datum
N02°24'E
1335
WELL
Hallowell Park
Moraine Park
Golf Course
Thompson
Beaver Ponds
Steep Mtn
South Creek
Tuxedo Park
Gaging Sta
Estes Park Conference Camp (YMCA)
Gravel Pit
Amphitheater
Ranger Sta
Campground
Emerald Mtn
Bierstadt Lake
Bierstadt Moraine
Glacier Basin
Glacier Creek
BEAR LAKE 2.6 MI.
ADAMS GLACIER
ALPINE TUNNEL
Boulder
4864 I SW (MOUNT HENRYS PEAK)


DEER HAVEN WELL
ROCKY MOUNTAIN NATIONAL PARK, COLO
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
WELL
N51°15'E. 3700'
Horsetooth Peak
Lookout Mountain
Meeker Park
St Catherine Chapel
Mt Meeker Campground
Copeland Lake
Copeland Moraine
Wild Basin Ranger Station
PARK BOUNDARY
FOREST BOUNDARY
Cabin Creek
North St Vrain Creek
Campers Creek
T 3 N

DIVISION OF WATER RESOURCES				
ACT.	INFO.	NAME	INIT.	DATE
		MORRIS, M.		
		KARHAN, J.		
		GEBBIA, K.		
		SWAIN, L.		
	1	REED, R.	Called 6/4	
	~~2~~	~~BERRY, V.~~		
	3	CALCAMP, L.		

Maybe you can figure out what docket the memo to State & application should be filed in.

GR
Vic

6/2/70

I discussed this "permission" to drill letter with Mr. Karhan - He admits to writing it - Says he talked it over with the State who says a discharge or partial use would make a possible difference to them. Bill says application was routinely returned the second time

WRJ-5-69

DIVISION OF WATER RESOURCES, DEPARTMENT OF NATURAL RESOURCES
01 Columbine Bldg., 1845 Sherman Street, Denver, Colorado 80203

APPLICATION FOR:
( ) A PERMIT TO USE GROUND WATER
(X) A PERMIT TO CONSTRUCT A WELL Moraine Park #2
( ) REPLACEMENT FOR NO. _____
( ) A PERMIT TO INSTALL A PUMP
( ) OTHER

PRINT OR TYPE

APPLICANT National Park Service
Rocky Mountain National Park

Street Address _____

City & State Estes Park, Colorado 80517

Use of ground water Domestic and Public

Owner of land on which well is located National Park Service

Owner of irrigated land N/A

Number of acres to be irrigated N/A

Legal description of irrigated land N/A

Other water rights on this land N/A

Aquifer (s) ground water is to be obtained from _____

Storage capacity 260,000 gal. reservoir AF

ANTICIPATED PUMPING RATE 200 GPM

AVERAGE ANNUAL AMOUNT OF GROUND WATER TO BE APPROPRIATED 320 Acre-feet

ESTIMATED WELL DATA

Anticipated start of drilling June 15 19 70

Anticipated start of use Sept. 1 19 70

Hole Diameter:

16 in. from 0 ft. to 100 ft.
_____ in. from _____ ft. to _____ ft.

Casing:

Plain 8 in. from 0 ft. to 80 ft.
_____ in. from _____ ft. to _____ ft.

Perf. 6 in. from 80 ft. to 100 ft.
_____ in. from _____ ft. to _____ ft.

ESTIMATED PUMP DATA

Type Surface HP 25 Outlet Size 4 in.

APPLICATION MUST BE COMPLETED SATISFACTORILY BEFORE ACCEPTANCE

LOCATION OF WELL

COUNTY Larimer

SE ¼, of the SW ¼, sec. 33

T. 5 N., R. 73 W., 6th P.

Street or Lot & Block _____

City or Subdiv. _____ Filing _____

Ground Water Basin _____

Water Management District 4

LOCATE WELL ON THE BACK OF THIS SHEET

Driller Baski Drilling, Inc. No. _____

Driller's Address Rt. 1, Box 339, Pueblo, Colo. 81004

Theodore R. Thompson, Superintendent
Signature of Applicant

CONDITIONS OF APPROVAL

APPLICATION APPROVED:
VALID FOR ONE (1) YEAR AFTER DATE ISSUED UNLESS EXTENDED FOR GOOD CAUSE SHOWN TO THE ISSUING AGENCY

PERMIT NO. _____ CONDITIONAL ( )

DATE ISSUED _____

STATE ENGINEER

BY _____

(0

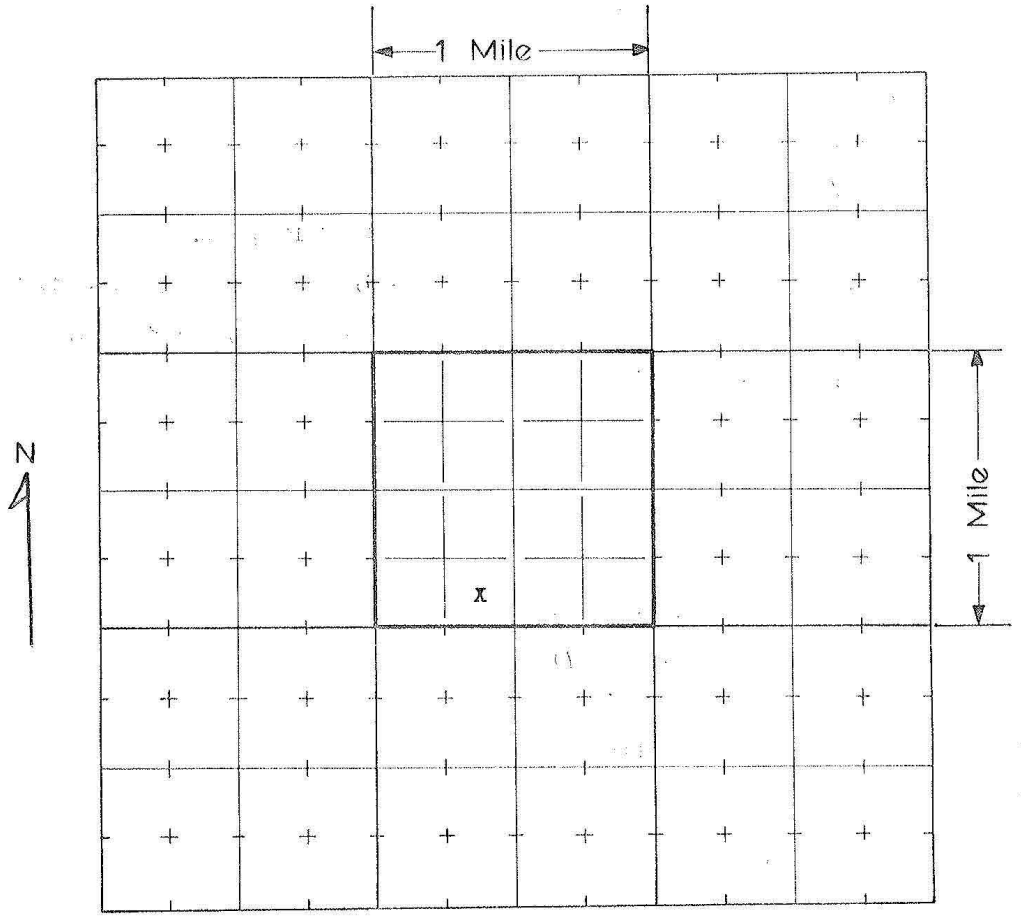
THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW WITH REFERENCE TO SECTION LINES OR GOVERNMENT SURVEY CORNERS OR MONUMENTS.

1124 feet from South (North or South) section line

3778 feet from East (East or West) section line

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

This diagram represents nine (9) sections. Use the CENTER SQUARE (one section) to indicate the location of the well.



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

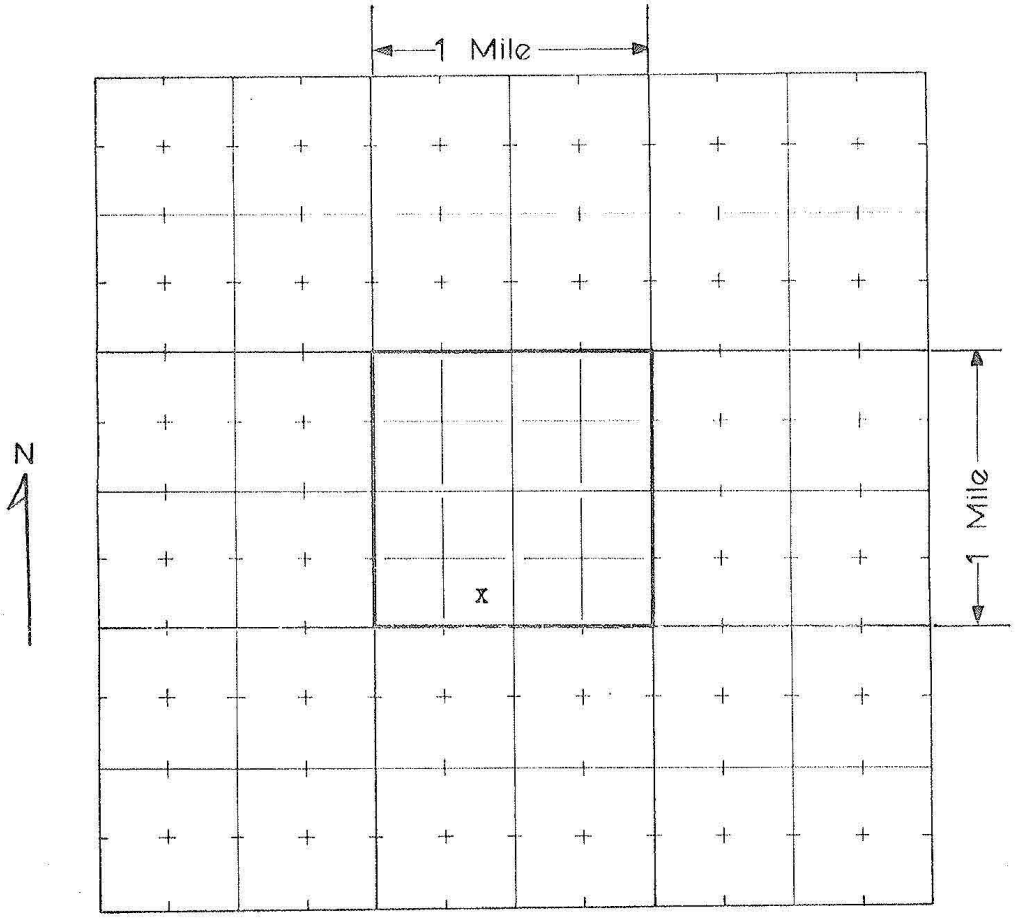
THE LOCATION OF THE PROPOSED WELL SHALL BE SHOWN ON THE DIAGRAM BELOW WITH REFERENCE TO SECTION LINES OR GOVERNMENT SURVEY CORNERS OR MONUMENTS.

1124 feet from South (North or South) section line

3778 feet from East (East or West) section line

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

This diagram represents nine (9) sections. Use the CENTER SQUARE (one section) to indicate the location of the well.



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

05-27-1970: Letter concerning application of a Permit to Construct a Well

331-6-3-70

MAY 27 1970

LSH
MW

Division of Water Resources
101 Columbine Building
1845 Sherman Street
Denver, Colorado

Gentlemen:

Enclosed are two copies of an application of a Permit to Construct a Well, requesting permission to drill a well within Rocky Mountain National Park in Larimer County. This well is to be located at a site in the vicinity of the Big Thompson River in Moraine Park.

In the past, the application fee has been waived for permits issued at Rocky Mountain National Park; however, if this is no longer the case please issue the permit and bill us accordingly.

Sincerely yours,

(sgd) Theodore R. Thompson

Theodore R. Thompson
Superintendent

cc:
Chief, Water Resources Division, WASO w/c of enc.
Director, Midwest Region w/c of enc.
G. Witucki, Chief, Branch of Water Resources, WSC w/c of enc.

08-29-1969: Letter concerning application of a Permit to Construct a Well

718-9-3-69

H. R. Copy.

1. Reed

2. Morris

3 General File

154 MW

Aug 29, 1969

Division of Water Resources
232 State Services Building
1525 Sherman Street
Denver, Colorado 80203

Gentlemen:

Enclosed are two copies of Form C "Application for Permit to Construct a Well", requesting permission to drill a well within Rocky Mountain National Park in Larimer County. This well is to be located at a site in the vicinity of the Big Thompson River in Moraine Park.

In the past, the application fee has been waived for permits issued in Rocky Mountain National Park; however, if this is not still the case, please issue the permit and bill us accordingly.

Sincerely yours,

Theodore R. Thompson

Theodore R. Thompson
Superintendent

Enclosure

cc:
Chief, Water Resources Division, WASO (2) w/copy of enc.
Regional Director, Midwest Region w/copy of enc.
G. Witucki, Supervisory Hydraulic Engineer, OLW-SSC (2) w/copy of enc.

RMNP

Form C Rev.
9-62/10M

STATE OF COLORADO

APPLICATION FOR: [ ] A PERMIT TO USE GROUND WATER
[x] A PERMIT TO CONSTRUCT A WELL

National Park Service

Applicant Rocky Mountain National Park

P. O. Address Estes Park, Colorado 80517
Quantity applied for 200 gpm or
AF Storage

Domestic
Used for Headquarters Utility Purposes

on/at
(legal description of land site)

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL

Hole size: 16 in. to 100 ft.
in. to ft.

Casing Plain 8 in. from 0 to 80 ft.
in. from to ft.
Open or Perf. in. from to ft.
Well Screen 6 in. from 80 to 100 ft.
PUMP Outlet
DATA: Type Submersible . HP Size

Use initiation date 19 .
(Use Supplemental pages for additional data)

Driller to furnish Log and History (Form E) within 30 days after completion of well.

THIS APPLICATION APPROVED

PERMIT NO.
ISSUED:
DATE 19

LOCATION OF WELL

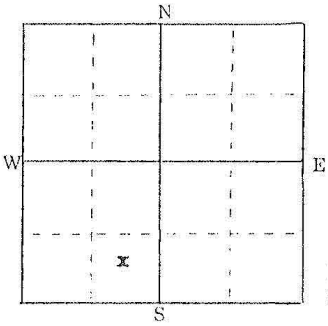
County Larimer

SE ¼ of SW ¼ of Sect. 33, Twp. 5N,

Rge. 73W, 6th P. M. OR

Street Address or Lot & Block No.

Town or Subdivision



Locate well in 40 acre (small) square as near as possible. Large square is one section.

$25.00 fee required for uses other than Domestic or Livestock.

[Signature] Theodore R. Thompson

Applicant Rocky Mountain National Park
Agent or Theodore R. Thompson, Superint
Driller No.

Address

NOTE — SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION

77-9-3-29

WR Copy

AUG 29 1969

L54 MW

Division of Water Resources
232 State Services Building
1525 Sherman Street
Denver, Colorado 80203

Gentlemen:

Enclosed are two copies of Form C "Application for Permit to Construct a Well", requesting permission to drill a well within Rocky Mountain National Park in Larimer County. This well is to be located at a site in the vicinity of the Big Thompson River in Moraine Park.

In the past, the application fee has been waived for permits issued in Rocky Mountain National Park; however, if this is not still the case, please issue the permit and bill us accordingly.

Sincerely yours,

(sgd) Theodore R. Thompson

Theodore R. Thompson
Superintendent

Enclosure

cc:
Chief, Water Resources Division, WASO (2) w/copy of enc.
Regional Director, Midwest Region w/copy of enc.
G. Witucki, Supervisory Hydraulic Engineer, OLW-SSC (2) w/copy of enc.

flamb

Form C Rev.
9-62/10M

STATE OF COLORADO

APPLICATION FOR: [ ] A PERMIT TO USE OUND WATER
[x] A PERMIT TO CONSTRUCT A WELL

National Park Service
Applicant Rocky Mountain National Park

P. O. Address Estes Park, Colorado 80517
Quantity applied for 200 gpm or
AF Storage

Domestic
Used for Headquarters Utility Purposes

on/at
(legal description of land site)

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL

Hole size: 16 in. to 100 ft.
in. to ft.

Casing Plain 8 in. from 0 to 80 ft.
in. from to ft.
Open or Perf. in. from to ft.
Well Screen 6 in. from 80 to 100 ft.
PUMP Outlet
DATA: Type Submersible . HP Size

Use initiation date 19 .
(Use Supplemental pages for additional data)

Driller to furnish Log and History (Form E) within 30 days after completion of well.

THIS APPLICATION APPROVED

PERMIT NO.
ISSUED:
DATE 19

LOCATION OF WELL

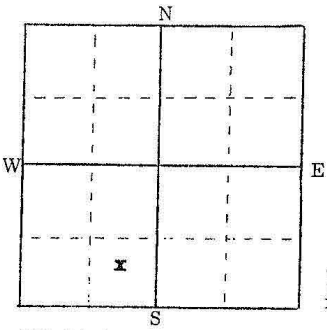
County Larimer

SE ¼ of SW ¼ of Sect. 33, Twp. 5N,

Rge. 73W, 6th P. M. OR

Street Address or Lot & Block No.

Town or Subdivision



Locate well in 40 acre (small) square as near as possible. Large square is one section.

$25.00 fee required for uses other than Domestic or Livestock.

(sgd) Theodore R. Thompson
Applicant Rocky Mountain National Park
Agent or Theodore R. Thompson, Superintendent
Driller No.

Address

NOTE — SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION

Form 10-411
(Rev. 11/61)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

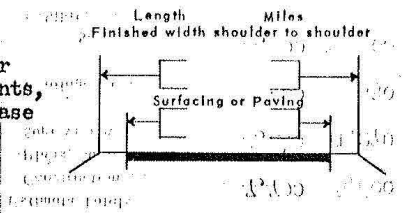
PROJECT CONSTRUCTION PROPOSAL

1. Statement of requirements, proposed work and construction data, justification, etc. *(Use additional sheets as necessary.)*

Extend utilities--water, sewer, power--to proposed Headquarters Administration and Visitor Orientation Building. Will require approximately 350' of 6" sewer with one manhole, 300' of 6" water line, 2 fire hydrants, hose houses and equipment, 500' underground single phase power line with transformer and switch gear.

This proposal is to provide utilities extensions from existing systems to proposed building site.

This revised proposal is necessary due to relocation of proposed building.



2. Land Status *(If Govt.-owned, what agency)*, Water Rights, Research, Etc.

Government owned, NPS, Department of Interior

3. PCP Data Prepared by *(Name, Title & Date)*
Forrest O. Beardmore 12/20/62

4. Cross-reference PCP's to this Project: B-33-2, R-143-1
PCP numbers of previously completed portions:

5. Construction by:
Day Labor [ ] Contract [X]
Work supervised by:
Park [ ] Reg. [ ] Design Office [X]

6. CLASS B ESTIMATE

Construction.....	$ ~~7,700~~	8,600
Plans, Surveys, & Supervision.....	~~1,140~~	1,270
Contingencies.....	~~460~~	530
SUB TOTAL	~~9,300~~	10,400
Exhibits, Audio-Visual Installations, etc.....	-	
GRAND TOTAL	$ ~~9,300~~	10,400

7. DISTRIBUTION OF COPIES

No	To

8. Recommended by Park Office *(Signature, title, date)*
Thomas E. Whitcraft
Thomas E. Whitcraft, Acting Superintendent
DEC 20 1962

9. Approved by Regional Office *(Signature, title, date)*
Regional Chief of Programs Coordination
FEB 1 1963

10. Reviewed by D&C Field Office *(Signature, Title, Date)*
Paul J. Barber
Supervisory Construction Management Engineer, WODC
MAR 21 1963

11. Location within Area or Terminal
Utility Area

12. Master Plan No.
NP-RM 5094G

13. Bldg. or Rt. and Sec.
-

14. Region
Midwest

15. Park
Rocky Mountain National Park

16. Project
Utility Extensions for Headquarters Building

Larimer (County)
Colorado (State)

17. PCP Index No.
U-96-3

18. P. S. & S. by
BPR [ ] NPS [X]

CLASS ☐ (A) - Estimate based on working drawings
CLASS ☒ (B) - Estimate based on preliminary plans
CLASS ☐ (C) - Estimate based on similar facilities in other parks

17. ESTIMATE

Item	Quantity	Cost
6" VCP sewer line @ $3.50	350'	1,225
Concrete manhole	1	250
6" CIP Water line @ $6	300'	1,800
4" Fire hydrant with valves @ $300	2	600
Hose house and equipment @ $200	2	400
ree Underground ~~xxxxxx~~ phase 3 conductor @ $5	500'	2,500
3 Transformers and switch-gear (~~XXXXXX~~). 15 KVA	1	~~480~~ 1650
		7,555
1½% Facil. Services		~~118~~ 126
		~~7,668~~ 8551.00
	SAY	8,600.00

Estimate Totals	
Construction.....	$ ~~7,700~~ 8,600
Plans, Surveys, and Supervision.....	$ ~~1,140~~ 1,270
Contingencies.....	$ ~~460~~ 530
SUB TOTAL	$ ~~9,300~~ 10,400
Exhibits, Aud.-Vis. Installations, Etc.....	$ -
GRAND TOTAL	$ ~~9,300~~ 10,400

RECEIVED
REGIONAL OFFICE
1982 DEC 21 PM 1 05
NATIONAL PARK SERVICE
OMAHA, NEBRASKA

(1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Park: Rocky Mountain National Park	Region: Midwest	Work Order No.: 121-211715
Location in Park: Park Headquarters	State(s): Colorado	Fund Symbol: 14X1035
[X] Contract and/or [ ] Day Labor	County or Counties: Larimer	Year Programmed: 1965
Work Order Title: Utility connections(water, sewer, power)		PCP No.: U-96-3
		Master Plan No.: NP-RM-2294-H
		Master Plan Corrected By: Kane
		As Built Drawings By: Kane
		Date Started: 7/27/65
		Date Completed: 10/26/66

DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)	TOTAL COSTS (For completion by FFO)
230 Utility systems	8,825.63
Water, sewer and power	
Contract 7,608.30	
PS&S 1,217.33	
8,825.63	
Contract 14-10-0232-1026	
Kunz Construction Co.	
TOTAL	$ 8,825.63

DISTRIBUTION No.	To
1	WSCDC
1	SSC
1	Programs
1	FFO
1	ROMO

THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES

Submitted By: J. M. O'Shea, Jr. — Title: Acting Project Supvr. — Date: 3/20/68

Approved By: Fred J. Novak — Title: Superintendent — Date: 3/20/68

COSTS VERIFIED BY Kenneth E. Mercier — Title: REGIONAL ACCOUNTANT — Date: MAY 24 1968

ISA DC 65-14218

11360

Form 10-174A
(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPOSITION OF COST FOR COMPLETION REPORT

Work Order Number: 121-211715
Fund Symbol: 14X1035
Year Programmed: 1965

Park: Rocky Mountain National Park
Region: Midwest
Location in Park: Beaver Meadows entrance
Work Order Title: Utility connections(water,sewer,power) - Building relocation

COMPOSITION OF COST

COSTS CHARGED TO FUNDS ALLOTTED TO FIELD FINANCE OFFICE		
(1) Personal Services	$	
(2) Travel		
(3) Contract Work	7,608.30	
(4) Supplies and Materials		
(5) Other Direct Expenses		
(6) Operation of Equipment		
(7) Depreciation of Equipment		
(8) Purchase of Construction Equipment		
(9) Purchase of Other Accountable Equipment		
(10) Other Costs:		
(11) TOTAL COST CHARGED TO FFO FUNDS	xxxxxxxxxxx	$ 7,608.30
OTHER COSTS:		
(12) PS&S, AP, and/or Facilitating Services @ 16 %	$ 1,217.33	
(13) Inventory and Other Non-Fund Costs		1,217.33
(14) GROSS WORK ORDER COSTS	xxxxxxxxxxx	$ 8,825.63
LESS:		
(15) Residual Value of Construction Equipment on Line 8	$	
(16) Other Credits		
(17) NET COST OF FIXED ASSETS	xxxxxxxxxxx	$ 8,825.63

Identify other costs and other credits by line item entry, on an attached schedule, or explain in narrative.

25543

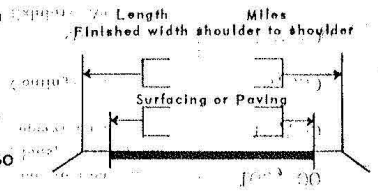
Form 10-411
(Rev. 11/61)

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

PROJECT CONSTRUCTION PROPOSAL

1. Statement of requirements, proposed work and construction data, justification, etc. *(Use additional sheets as necessary.)*

Construct water, sewer and power systems for Moraine Park Campground. Approximately 175 campsites plus group camp area.



See reverse side for estimate and construction data.

Propose to extend NPS power from Moraine Park line to campground.

Campground facilities in the Park are badly overcrowded. This proposal is for utilities systems for proposed new Moraine Campground of 175-200 sites plus group camp area which will partially relieve the over-crowded camping problem on the east side of the Park.

2. Land Status *(If Govt.-owned, what agency)*, Water Rights, Research, Etc.

Government owned - NPS.
Park has water rights on Thompson River. Investigation by USGS for adequate water source programmed and funded under Work Order No. 2-WR-62B (1st Rev.).

3. PCP Data Prepared by *(Name, Title & Date)*
3/15/62
Forrest O. Beardmore
Engineer

4. Cross-reference PCP's to this Project:
R-162
PCP numbers of previously completed portions:

5. Construction by:
Day Labor ☐ Contract ☒
Work supervised by:
Park ☒ Reg. ☐ Design Office ☒

6. CLASS C ESTIMATE

Construction	$ 108,400
Plans, Surveys, & Supervision	12,750
Contingencies	6,350
SUB TOTAL	127,500
Exhibits, Audio-Visual Installations, etc.	
GRAND TOTAL	$ 127,500

7. DISTRIBUTION OF COPIES

No	To

8. Recommended by Park Office *(Signature, title, date)*
Thomas E. Whitcraft, Acting Superintendent 3/16/62

9. Approved by Regional Office *(Signature, title, date)*
Regional Chief of Operations 3/28/62

10. Reviewed by D&C Field Office *(Signature, Title, Date)*
Supervisory Constr Management Engr, WODC 5/14/62

11. Location within Area or Termini
Moraine Park

12. Master Plan No.
NP-RM

13. Bldg. or Rt. # and Sec.

14. Region
Two

15. Park
Rocky Mountain National Park

16. Project
Construct water, sewer, and power systems, Moraine Park Campground.
(County) Larimer, Colorado (State)

17. PCP Index No.
U-121

18. P. S. & S. by
BPR ☐ NPS ☒

6379

CLASS ☐ (A) - Estimate based on working drawings
CLASS ☐ (B) - Estimate based on preliminary plans
CLASS ☒ (C) - Estimate based on similar facilities in other parks

17. ESTIMATE

Item	Quantity	Cost
Water System:		
Infiltration Gallery	1	$ 2,500
Pumphouse, pump, automatic controls (Pump to produce 25 GPM against 290' head)	1	4,500
Gas chlorinator	1	1,500
50,000 gal. steel reservoir	1	13,000
2" GSP line - pump to reservoir	1,925'	4,331
3" GSP line - reservoir to campground	2,940'	8,820
2" GSP line - distribution	2,520'	5,670
3/4" risers with post & self-closing faucet	23	1,380
1½" fire risers with post	9	675
Hose houses and equipment	9	1,800
Valves and boxes as required		1,200
Total Water		45,376
Sewer System:		
10,000 gal. septic tank and dosing chamber		10,000
Subsurface sand filter		14,000
Chlorinator house and pit		1,500
Hypochlorinator		500
6" VCP	4,200'	12,600
4" VCP	900'	2,475
Sludge bed		250
Manholes	17	5,100
Total Sewer		46,425
Power System:		
Approx. 5,000 L.F. aerial distribution line and transformers		7,500
Approx. 5,000 L.F. aerial transmission line from Moraine Park line to campground area		7,500
Facilitating Services 1½%		1,602
		108,403

Estimate Totals	
Construction.....	$ 108,400
Plans, Surveys, and Supervision.....	$ 12,750
Contingencies.....	$ 6,350
SUB TOTAL	$ 127,500
Exhibits, Aud.-Vis. Installations, Etc.....	$
GRAND TOTAL	$ 127,500

Form 10-174
(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Park: ROCKY MOUNTAIN NATIONAL PARK	Region: Midwest
Location in Park: Moraine Park Campground	State(s): Colorado
[x] Contract and/or [ ] Day Labor	County or Counties: Larimer
Work Order Title: Campground Development - Water, Sewer, and Sewage Treatment Plant	

Work Order No.	121-211706 ROMO
Fund Symbol	14X1035
Year Programmed	1963
PCP No.	U-121
Master Plan No.	NP-RM-3605-A
Master Plan Corrected By	Kane
As Built Drawings By	N. Adams
Date Started	8/25/64
Date Completed	6/18/65

DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)		TOTAL COSTS (For completion by FFO)
100.8.1	Utilities - Water Systems	66,091.65
100.8.2	Utilities - Sewer Systems	47,379.96
100.8.2	Utilities - Sewer Systems - Sewage Treatment Plant	30,269.04

COST DISTRIBUTION

Cost	Water System	Sewer System	Sewage Treatment Plant	Total
Contract	56,975.56	40,844.79	26,094.00	123,914.35
PS&S - 16%	9,116.09	6,535.17	4,175.04	19,826.30
	66,091.65	47,379.96	30,269.04	143,740.65

TOTAL $ 143,740.65

DISTRIBUTION No.	To
1	DCWSC
1	DCSSC
2	MWRO
2	ROMO

THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES

Submitted By: D. A. Kane — Title: Project Supervisor, DCSSC — Date: 9/27/67

Approved By: Lane V Mykell — Title: Acting Superintendent — Date: 9/27/67

COSTS VERIFIED BY: Lucile M. Bullard — Title: Regional Accounting Officer — Date: OCT 18 1967

39716

Form 10-174A
(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPOSITION OF COST FOR COMPLETION REPORT

Work Order Number: 121-211706 R0030
Fund Symbol: 14X1035

Park	Region	Year Programmed
Rocky Mountain National Park	Midwest	1963

Location in Park: Moraine Park Campground

Work Order Title: Campground Development--Water, Sewer and Sewage Treatment

COMPOSITION OF COST

COSTS CHARGED TO FUNDS ALLOTTED TO FIELD FINANCE OFFICE		
(1) Personal Services	$	
(2) Travel		
(3) Contract Work	123,914.35	
(4) Supplies and Materials		
(5) Other Direct Expenses		
(6) Operation of Equipment		
(7) Depreciation of Equipment		
(8) Purchase of Construction Equipment		
(9) Purchase of Other Accountable Equipment		
(10) Other Costs:		
(11) TOTAL COST CHARGED TO FFO FUNDS	xxxxxxxxxx	$123,914.35
OTHER COSTS:		
(12) PS&S, AP, and/or Facilitating Services @ 16 %	$ 19,826.30	
(13) Inventory and Other Non-Fund Costs		19,826.30
(14) GROSS WORK ORDER COSTS	xxxxxxxxxx	$143,740.65
LESS:		
(15) Residual Value of Construction Equipment on Line 8	$	
(16) Other Credits		
(17) NET COST OF FIXED ASSETS	xxxxxxxxxx	$143,740.65

Identify other costs and other credits by line item entry, on an attached schedule, or explain in narrative.

25543

NARRATIVE STATEMENT

Account No. B-3-A ROMO
Extension of Sewer and Water Systems and
Construction of Sewage Treatment Plant
Contract No. 14-10-235-396, Eagle Construction Company
Contract No. 14-10-235-402, Rasmussen-Olson Construction Company

A minor portion of this project was accomplished by Rasmussen-Olson under contract No. 14-10-235-402 and consisted of the necessary sewer and water extensions to connect nine new residences from the "five feet out" to the existing lines. Details of this contract are given in a separate report under account No. B-4 ROMO.

The major portion of this project was the Sewer and Water Extensions and Construction of Sewage Treatment Plant, accomplished by Eagle Construction Company of Loveland, Colorado, under contract No. 14-10-235-396.

Invitation for Bids was dated August 1, 1958, with the bid opening on September 10, 1958. Eight bids were received with Eagle Construction Company of Loveland, Colorado, the low bidder in the amount of $70,440.50. Award was made on September 22, 1958, the order to proceed mailed on September 30, 1958, and the beginning date of the contract was established as October 3, 1958, with 120 days allowed to complete the project.

Due to unfavorable weather a stop order was issued effective December 31, 1958. A resume work order was issued effective June 1, 1959, thereby extending the contract completion date to June 29, 1959.

Change Order No. 1 was issued on June 26, 1959, authorizing the contractor to use 4½" filter block rather than the 5" block specified, thereby reducing the amount of the contract $450. There was no change in contract time due to this change order.

Change Order No. 2 was issued on June 30, 1959, authorizing the contractor to use a mechanical seal rather than a mercury seal in the rotary distributor. No change in contract amount or time due to this change order.

Change Order No. 3 was issued on July 9, 1959, for additional quantities of bid schedule items. The contract amount was increased $3,826 and time extended 10 days to make the contract expiration date July 9, 1959.

The job was inspected and final acceptance made on August 7, 1959.

After acceptance of the job, it was found desirable to add an electrically activated solenoid valve in the water feed line to the chlorinator in the sewage treatment plant and an additional sewer line connection to a manhole. The Public Health Service recommends that a steel overflow weir be placed in the secondary tank. This work was ordered in Change Order No. 4 and in the amount of $290. These items were procured and installed within the 30-day period allowed.

The contract extended 27 days beyond the time allowed. As a result, liquidated damages were assessed in the amount of $1,350.

The final quantities in place under this contract are as follows:

Water System

1428.4	L.F. 6" CIP, cement lined
16	L.F. 4" CIP, cement lines
758.5	L.F. 1" copper tubing
4	Fire hydrants
4	6" - 175 lb. Gate valve and box
10	Curb stop and box
5	6"x6"x6" cast iron tee

Sewer System

341.8	L.F. 8" VCP
2440.5	L.F. 6" VCP
19.1	L.F. 8" CI soil pipe
201.0	L.F. 6" CI soil pipe
12	Concrete manholes
70	L.F. 8" CI pipe, insulated
1	Suspension pipe support
1	Sewage treatment plant

In this account there remains an unobligated balance in the amount of $1,404 that is being returned to the Region Two office by revised work order.

Form D (Rev.)
1/58

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER, GROUND WATER SECTION

PERMIT TO USE GROUND WATER

This permit is issued to the applicant of the address shown below authorizing the use of ground water in the amount, for the use as indicated on/at the location given in the application, and as of the initiation date shown.

Form C(Rev.)
-1-58/2.5M

STATE OF COLORADO

APPLICATION FOR USE OF GROUND WATER

Applicant National Park Service
Rocky Mountain National Park
P. O. Box 1086

P.O. Address Estes Park, Colorado

Quantity applied for 100 gpm or _____ AF Storage

Used for Domestic Purposes

on/at National Park Utility Area,
(legal description of land site.)
N½ of N½, Sec. 34, T 5 N, R 73 W, 6th PM,

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL:
Hole size: 72 in. to 16 ft.
____ in. to ____ ft.

Casing: Plain 72 in. from 0 to 6 ft.
____ in. from ____ to ____ ft.
Perf. 72 in. from 6 to 16 ft.
____ in. from ____ to ____ ft.

PUMP Electric, 440 Volt, 10 HP.
Type, Horsepower, Discharge size.

Use initiation date Sept. 1 1959.
(Use Supplemental pages for additional data)

THIS APPLICATION APPROVED
NO. 4019
DATE ~~Aug. 3 0 1959~~, 19___

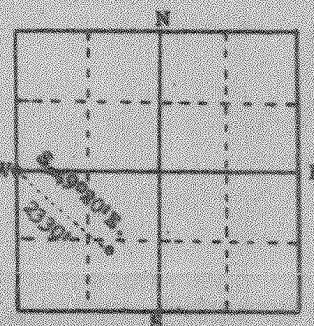
LOCATION OF WELL

County Larimer

S.E. ¼, S.E. ¼, Sect. 33, Twp. 5 N,
Rge. 73 W, 6th P.M. OR

Street Address or Lot & Block No.

Rocky Mountain National Park
Town or Subdivision



$25.00 fee required for Industrial, Commercial or Irrigation uses.

National Park Service
Applicant Rocky Mountain National Park

Agent James V. Lloyd
James V. Lloyd, Superintendent

THE ABOVE APPLICATION, BEING A PART OF THIS PERMIT, IS APPROVED AS INDICATED.

J. E. Whitten.
STATE ENGINEER

By Geo. W. Sherman
Authorized Agent

Form C(Rev.)
-1-58/2.5M

STATE OF COLORADO

APPLICATION FOR USE OF GROUND WATER

Applicant National Park Service
Rocky Mountain National Park
P.O. Address P.O.Box 1086
Estes Park, Colorado

Quantity applied for 100 gpm or
_____ AF Storage

Used for Domestic Purposes

on/at National Park Utility Area
(legal description of land site.)
N½,N½, Sec.34,T5N, R73 W. 6th PM.

Total acreage irrigated and other rts.

ESTIMATED DATA OF WELL:
Hole size: 72 in. to 16 ft.
_____ in. to _____ ft.

Casing: Plain 72 in. from 0 to 6 ft.
_____ in. from _____ to _____ ft.
Perf. 72 in. from 6 to 16 ft.
_____ in. from _____ to _____ ft.

PUMP Electric, 440 Volt, 10 HP.
Type, Horsepower, Discharge size.

Use initiation date Sept. 1 1959.
(Use Supplemental pages for additional data)

THIS APPLICATION APPROVED
NO. 4019
DATE July 30, 1959

(over)

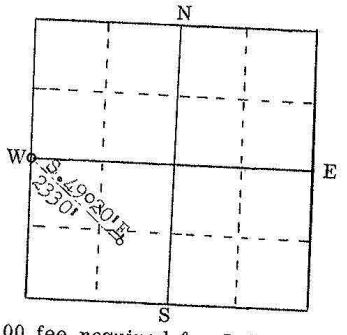
LOCATION OF WELL

County Larimer

S. E. ¼, S. W. ¼, Sect. 33, Twp. 5 N.
Rge. 73 W, 6th P.M. OR

Street Address or Lot & Block No.

Rocky Mountain National Park
Town or Subdivision



$25.00 fee required for Industrial, Commercial or Irrigation uses.

National Park Service
Applicant Rocky Mountain National Park

Agent James V. Lloyd
James V. Lloyd, Superintendent.

THE ABOVE APPLICATION, BEING A PART OF THIS PERMIT, IS APPROVED AS INDICATED.

(Sgd.) J. E. Whitten
STATE ENGINEER

SEAL

(Sgd.) Geo W. Colburn
Authorized Agent.

WRJ-5-Rev. 76

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in BLACK INK. No overstrikes or erasures unless initialed.

FOR: (X) A PERMIT TO USE GROUND WATER
( ) A PERMIT TO CONSTRUCT A WELL
(X) A PERMIT TO INSTALL A PUMP

( ) REPLACEMENT FOR NO. _____
(X) OTHER Alternate point of diversion for Moraine Park Well #2
WATER COURT CASE NO. 8791-77(A)

(1) APPLICANT - mailing address

National Park Service
NAME Rocky Mountain National Park
STREET _____
CITY Estes Park (State) CO (Zip) 80517
TELEPHONE NO. (303) 586-3565

(2) LOCATION OF PROPOSED WELL

County Larimer
SE ¼ of the SW ¼, Section 33
Twp. 5 (N,S) N, Rng. 73 (E,W) W, 6th P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 99
Average annual amount of ground water to be appropriated (acre-feet): 35
Number of acres to be irrigated: 2
Proposed total depth (feet): 50
Aquifer ground water is to be obtained from:
Alluvium of Big Thompson River
Owner's well designation Moraine Park Well #3

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY - no irrigation (0)
(X) DOMESTIC (1)
(X) LIVESTOCK (2)
(X) COMMERCIAL (4)
( ) INDUSTRIAL (5)
(X) IRRIGATION (6)
( ) MUNICIPAL (8)
(X) OTHER (9) Firefighting

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Colorado licensed
Street _____
City _____ (State) _____ (Zip)
Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. _____ / _____
Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

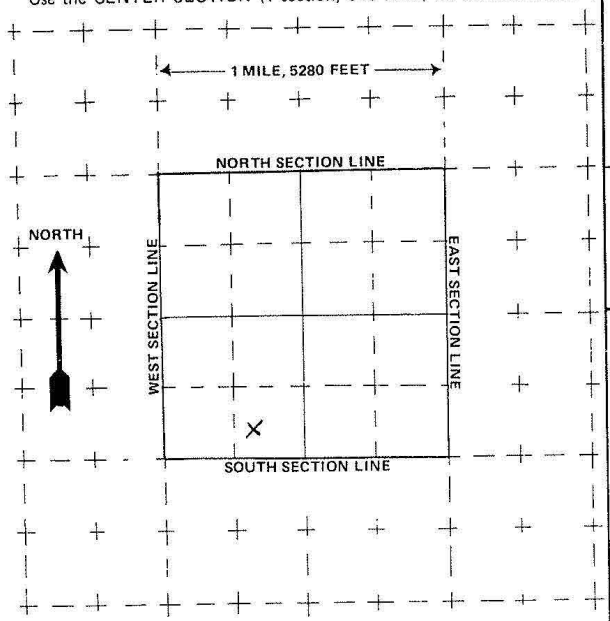
APPLICATION APPROVED

PERMIT NUMBER _____
DATE ISSUED _____
EXPIRATION DATE _____

_____
(STATE ENGINEER)

BY _____
I.D. _____ COUNTY _____

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

1100 ft. from S (north or south) sec. line

1460 ft. from W (east or west) sec. line

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: National Park Service

No. of acres 100. Will this be the only well on this tract? Yes

(8) PROPOSED CASING PROGRAM

Plain Casing

8 in. from 0 ft. to 35 ft.

8 in. from 45 ft. to 50 ft.

Perforated casing

8 in. from 35 ft. to 45 ft.

_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): United States of America No. of acres: 200

Legal description: Part of N1/2 S32, S1/2 S29, SW1/4 S28, T5N, R73W, 6th P.M.

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Livestock, domestic, limited irrigation of lawns and gardens, commercial in administration and maintenance buildings, visitor center, museum and campgrounds.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
Exempt (Case No. 8791-77)	Domestic - Black cabin well	2.5 acres, NE1/4 SW1/4, S32, T5N, R73W, 6th P.M.

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

Kenneth Cornwall

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

Form E (Rev.)
9-57/5M

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
GROUND WATER SECTION

LOG AND HISTORY OF WELL
PERMIT NO. 4019

Drilled by Eagle Construction Co. Loveland, Colorado. Lic. No. _____

Owner Rocky Mountain National Park
Address P. O. Box 1086 Estes Park, Colorado

Tenant None

Used for Domestic Purposes

on or by National Park Utility Area
(description of site or land)

Date Started July 27, 19 59

Date Completed August 28, 19 59

Date Tested August 31, 19 59

Yield 99.0 gpm _____ cfs

Pump type Cent. Outlet Size 4"

Driven by Gasoline HP @ RPM 1200

Depth to Water 12'1" Ft. Draw down 8'5" Ft.

Depth to Inlet 14' Ft.; Bowl _____ Ft.

Size and Kind of Casing:

From 0 to 15' Type CMP Wt. 10 gauge

From _____ to _____ Type _____ Wt. _____

From _____ to _____ Type _____ Wt. _____

Perforations: Size and Type

From 6' to 14' Type hole Size ½"

From 14' to 15' Type None Size _____

From _____ to _____ Type _____ Size _____

Well description: Total Depth 15' Ft.

Hole Diam. (from 0 to 15', 72" in.
(from _____ to _____, _____ in.
(from _____ to _____, _____ in.

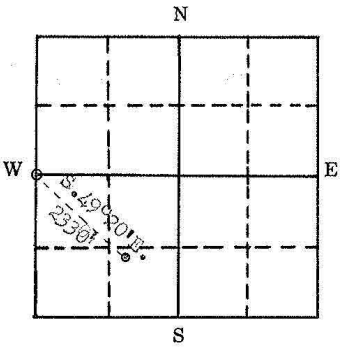
WELL LOCATION

Larimer County

S. E. ¼ of S. W. ¼ of Sect. 33,

Twp. 5 N., Rge. 73 W., 6 PM

LOCATE WELL ACCURATELY IN THE SMALL SQUARES REPRESENTING 40 ACRES



If the above is not applicable fill in:

Rocky Mountain National Park
Town or Subdivision

Street Address or Lot & Block

Ground elevation 8000 (if known)

How Drilled:

Drag Line.

REMARKS

Cementing, Packing, Type of Shut-off, Depth to Shut-off, etc.
PUT LOG OF WELL ON REVERSE SIDE

TO BE MADE OUT IN QUADRUPLICATE: Original Blue and Duplicate Green to State Engineer's Office, White copy to Owner, and Yellow copy to Driller

LOG OF WELL
(ADD SPACES AS NEEDED)

From 0 ft. to 1.5 ft. Top Soil.

1.5 ft. to 5.0 ft. Sand and Gravel, one Boulder.

5.0 ft. to 16.0 ft. Very fine Sand with small quanities of Gravel.

_____ ft. to _____ ft.

_____ ft. to _____ ft.

REMARKS:

The 99 galllns per minute was checked for 30 minutes with no change in the depth of draw down after 7 hours of pumping.

Form E (Rev.)
9-57/5M

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
GROUND WATER SECTION

LOG AND HISTORY OF WELL
PERMIT NO. 4019

Drilled by Eagle Construction Co. Loveland, Colorado Lic. No. _____

Owner Rocky Mountain National Park
Address P. O. Box 1086 Estes Park, Colorado

Tenant None

Used for Domestic purposes

on or by National Park Utility Area
(description of site or land)

Date Started July 27, 19 59

Date Completed August 28, 19 59

Date Tested August 31, 19 59

Yield 99.0 gpm _____ cfs

Pump type Cent. Outlet Size 4"

Driven by Gasoline HP@RPM 1200

Depth to Water 12'1" Ft. Draw down 8'5" Ft.

Depth to Inlet 14' Ft.; Bowl _____ Ft.

Size and Kind of Casing:

From 0 to 15' Type CMP Wt. 10 gauge

From _____ to _____ Type _____ Wt. _____

From _____ to _____ Type _____ Wt. _____

Perforations: Size and Type

From 6' to 14' Type hole Size ½"

From 14' to 15' Type None Size _____

From _____ to _____ Type _____ Size _____

Well description: Total Depth 15' Ft.

Hole Diam. (from 0 to 15', 72" in.
(from _____ to _____, _____ in.
(from _____ to _____, _____ in.

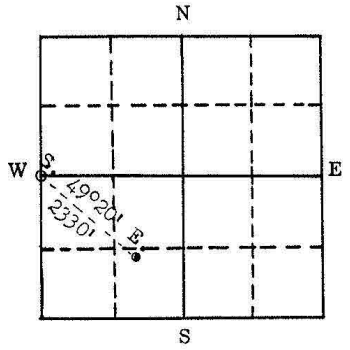
WELL LOCATION

Larimer County

S. E. ¼ of S. W. ¼ of Sect. 33,

Twp. 5 N., Rge. 73 W., 6 PM

LOCATE WELL ACCURATELY IN THE SMALL SQUARES REPPRESENTING 40 ACRES



If the above is not applicable fill in:

Rocky Mountain National Park
Town or Subdivision

Street Address or Lot & Block

Ground elevation Approx. 8000 (if known)

How Drilled:

Drag Line

REMARKS

Cementing, Packing, Type of Shut-off, Depth to Shut-off, etc.
PUT LOG OF WELL ON REVERSE SIDE

TO BE MADE OUT IN QUADRUPLICATE: Original Blue and Duplicate Green to State Engineer's Office, White copy to Owner, and Yellow copy to Driller

LOG OF WELL
(ADD SPACES AS NEEDED)

From	0 ft.	to 1.5 ft.	Top Soil.
	1.5 ft.	to 5.0 ft.	Sand and Gravel, one Boulder.
	5.0 ft.	to 16.0 ft.	Very fine Sand with small quanities of Gravel.
	ft.	to ft.	
	ft.	to ft.	

REMARKS:

The 99 gallons per minute was checked for 30 minutes with no change in depth of the draw down after 7 hours of pumping.

WRJ-5-69

DIVISION OF WATER RESOURCES, DEPARTMENT OF NATURAL RESOURCES
Columbine Bldg., 1845 Sherman Street, Den Colorado 80203

APPLICATION FOR:
[ ] A PERMIT TO USE GROUND WATER
[X] A PERMIT TO CONSTRUCT A WELL
[ ] REPLACEMENT FOR NO. _____
[ ] A PERMIT TO INSTALL A PUMP
[ ] OTHER

PRINT OR TYPE

APPLICANT National Park Service
Rocky Mountain National Park

Street Address _____

City & State Estes Park, Colorado 80517

Use of ground water Domestic and Public

Owner of land on which well is located National Park Service

Owner of irrigated land N/A

Number of acres to be irrigated N/A

Legal description of irrigated land N/A

Other water rights on this land N/A

Aquifer (s) ground water is to be obtained from _____

Storage capacity 260,000 gal. reservoir AF

ANTICIPATED PUMPING RATE 200 GPM

AVERAGE ANNUAL AMOUNT OF GROUND WATER TO BE APPROPRIATED 320 Acre-feet

ESTIMATED WELL DATA

Anticipated start of drilling June 15 19 70

Anticipated start of use Sept. 1 19 70

Hole Diameter:

16 in. from 0 ft. to 100 ft.
_____ in. from _____ ft. to _____ ft.

Casing:

Plain 8 in. from 0 ft. to 80 ft.
_____ in. from _____ ft. to _____ ft.

Perf. 6 in. from 80 ft. to 100 ft.
_____ in. from _____ ft. to _____ ft.

ESTIMATED PUMP DATA

Type Surface HP 25 Outlet Size 4 in.

APPLICATION MUST BE COMPLETED SATISFACTORILY BEFORE ACCEPTANCE

LOCATION OF WELL

COUNTY Larimer

SE ¼, of the SW ¼, sec. 33

T. 5 N., R. 73 W., 6th P

Street or Lot & Block _____

City or Subdiv. _____ Filing _____

Ground Water Basin _____

Water Management District 4

LOCATE WELL ON THE BACK OF THIS SHEET

Driller Baski Drilling, Inc. No. ____

Driller's Address Rt. 1, Box 339, Pueblo, Colo. 81004

Theodore R. Thompson, Superintendent
Signature of Applicant

CONDITIONS OF APPROVAL

APPLICATION APPROVED:
VALID FOR ONE (1) YEAR AFTER DATE ISSUED UNLESS EXTENDED FOR GOOD CAUSE SHOWN TO THE ISSUING AGENCY

PERMIT NO. _____ CONDITIONAL [ ]

DATE ISSUED _____

STATE ENGINEER

BY _____

(OV

C Rev.
.0M

STATE OF COLORADO

APPLICATION FOR: [ ] A PERMIT TO USE GROUND WATER
[x] A PERMIT TO CONSTRUCT A WELL

National Park Service
licant Rocky Mountain National Park

). Address Estes Park, Colorado 80517
ntity applied for 200 gpm or
AF Storage

Domestic
ed for Headquarters Utility Purposes

at
(legal description of land site)

al acreage irrigated and other rts.

ESTIMATED DATA OF WELL

le size: 16 in. to 100 ft.
in. to ft.

sing Plain 8 in. from 0 to 80 ft.
in. from to ft.
en or Perf. in. from to ft.
11 Screen 6 in. from 80 to 100 ft.
MP Outlet
TA: Type Submersible HP Size

e initiation date 19 .
se Supplemental pages for additional data)

Driller to furnish Log and History (Form E) within 30 days after completion of well.

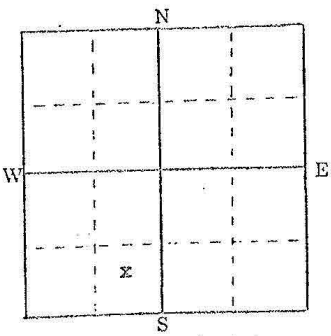
LOCATION OF WELL

County Larimer

SE ¼ of SW ¼ of Sect. 33, Twp. 5N,
Rge. 73W, 6th P.M. OR

Street Address or Lot & Block No.

Town or Subdivision



Locate well in 40 acre (small) square as near as possible.

Large square is one section.

$25.00 fee required for uses other than Domestic or Livestock.

(sgd) Theodore R. Thompson
Applicant Rocky Mountain National Park
Agent or Theodore R. Thompson, Superintendent
Driller No.

Address

THIS APPLICATION APPROVED

PERMIT NO.
ISSUED:
DATE 19

OTE -- SATISFACTORY COMPLETION REQUIRED FOR APPROVAL OF APPLICATION

C
O
P
Y

For value received, I hereby assign and transfer unto William F. Grove all of my right title and interest in and to that certain special use permit issued by the Department of Interior, National Park Service, Rocky Mountain National Park to Pieter Hondius dated the 23rd day of February 1932, granting the use to certain springs, water rights and Right of Way for pipe lines across Sections 27, 28, 29, 30 in Township 5 N., Range 73 W., of the 6th P.M., Larimer County, Colorado.

I hereby authorize the Superintendent of said Rocky Mountain National Park to recognize William F. Grove as entitled to all of the Rights under said permit.

(SGD) John M. Carmack

July 21, 1947

C O P Y

Mr. Doerr, Superintendent*

Rocky Mountain National Park*

ESTES PARK, COLORADO

May 1st- 1945* ~~August 13,~~ 1945.**

For value received, I hereby assign and transfer unto John M. Carmack all of my right title and Interest in and to that certain special use permit issued by Department of Interior, National Park Service, Rocky Mountain National Park, to Pieter Hondius dated the 23rd day of February, 1932 granting the use to certain springs, water rights and Right of Way for Pipelines across Sections 27, 28, 29 and 30 in Township 5 N., Range 73 W of the 6th P.M., Larimer County, Colorado.

I hereby authorize Superintendent of said Rocky Mountain National Park to recognize John M. Carmack as entitled to all of the Rights under said permit.

/s/ Eleanor E. Hondius

Estes Park, Colo.

* Written in longhand by Mrs. Hondius.

** Date crossed through by Mrs. Hondius by pen.

C O P Y

No._____
Year 1923-51

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Rocky Mountain National Park

SPECIAL USE PERMIT

Pieter Hondius, of Estes Park, Colorado is hereby authorized during the term of one year, from Feb., 1932, to Feb. 1933, to use the following described land and springs in the above-named national park: Those certain springs and water rights_____ as a source of water supply for the Hondius Water Supply System, as shown by map or plat of the same now on file in the office of the State Engineer of the state of Colorado, being filing No. 15370, together with right of way for pipe lines leading across Sections 27, 28, 29 and 30 T. 5 N. R. 73 W. for the purpose of supplying water to various individuals now _____ under contract by the said Pieter Hondius, and for the further purpose of supplying additional water to parties who may purchase properties from said Pieter Hondius in the E½ of SW¼ and SE¼ of Sec. 27, Township 5 N., R. 73 W. together with the right of ingress and egress across lands in Secs. 27, 28, 29 and 30 and the use of the tool house in SW NW of Sec. 27 for the purpose of repairing and maintaining said water system, it being particularly understood and agreed that the privileges herein authorized shall not be construed to permit in any way the furnishing or supplying of water to any party or parties within the authorized boundaries of the Rocky Mountain National Park other than to the parties and in the amounts now under contract with said permittee,

subject to the conditions on the reverse hereof and to the payment to the Government of the United States of the sum of No dollars ($No),

_____ payment to be made through the Superintendent of the Park by express or postal money order, certified check, or draft payable to the Director of the National Park Service.

Signed at Rocky Mountain National Park, this 23rd day of Feb., 1932.

(sgd) Edmund B. Rogers
Superintendent

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

(sgd) Pieter Hondius

Address Estes Park, Colorado

Two witnesses to signatures:

(sgd) I. J. Solinsky, Jr.
Address Hobart Bldg., San Francisco, Calif.

(sgd) Eleanor E. Hondius
Address Estes Park, Colorado

APPROVED:

(sgd) Horace M. Albright
Director, National Park Service

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the park.

2. Use by the permittee of the land covered hereby is subject to the right of the Director of the National Park Service to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

3. No building or other structure shall be erected under this permit except upon plans and specifications approved by the Director of the National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

4. Permittee shall dispose of brush and other refuse as required by the Superintendent.

5. Permittee shall pay the United States for any damage resulting from this use.

6. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the park.

7. No timber may be cut or destroyed without first obtaining permit therefor from the Director of the National Park Service in writing.

8. This permit may not be transferred or assigned without the consent of the Director of the National Park Service in writing.

9. This permit shall terminate upon the violation of any of the conditions hereof or of any Act of Congress or regulation of the Secretary of the Interior governing the park or any thing in it.

10. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.

11. This permit shall be automatically renewable at its expiration for further periods of one year each but not exceeding in all a term longer than twenty years unless extended by written renewal hereof.

COPY

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

LAND OWNERSHIP RECORD

State Colorado — Tract No. _____

County Larimer — Deed No. 53

Civil Subdivision _____ Area _____ acres _____ Rocky Mountain Nat. Park (Name of Park or Area)

XXXX ~~Area~~ based on ~~survey or~~ filing _____ Date April 13, 1939 Moraine Museum (Section of Park or Area)

Legal Description: Filed Claim 16550 - Moraine Museum Pipe Line
This is amendment of Filed Claim 11820 by M. Imogine 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. Imogine McPherson)

Accepted by Secretary (___) Opinion of Att'y. 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
0.015 sec. ft. with priority 11/10/16
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-6994

Remarks: See Deed 63 for subsequent adjudication and decree.

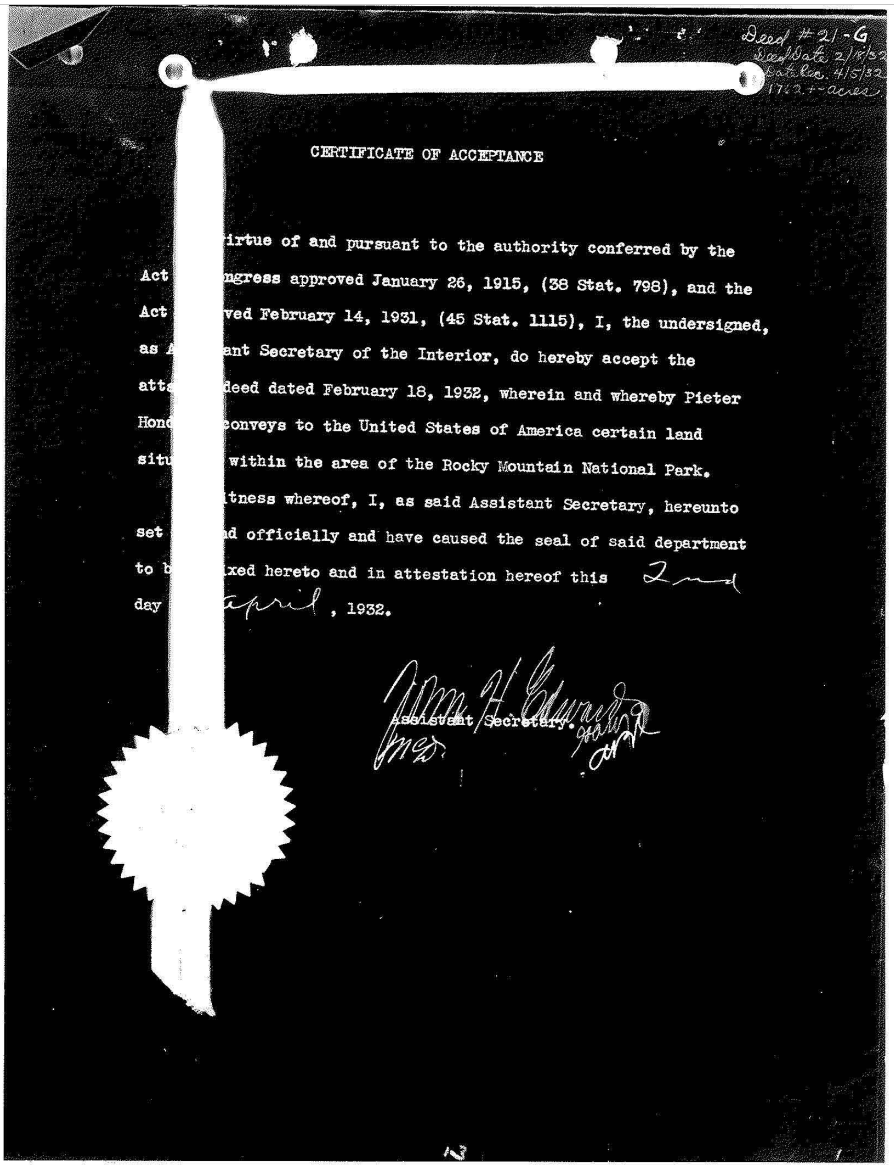
25348

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of April 10, 1950, under the authority contained in the act of August 24, 1949 (Public Law 263, 81st Cong.), and pursuant to authority delegated by Department Order No. 2402, dated January 14, 1948 (13 F. R. 361).

Hillory A. Tolson

Acting Director
National Park Service



Deed #21-G
Deed Date 2/18/32
Date Rec. 4/5/32
1762.+ acres

CERTIFICATE OF ACCEPTANCE

irtue of and pursuant to the authority conferred by the
Act ngress approved January 26, 1915, (38 Stat. 798), and the
Act ved February 14, 1931, (45 Stat. 1115), I, the undersigned,
as A ant Secretary of the Interior, do hereby accept the
atta deed dated February 18, 1932, wherein and whereby Pieter
Hond conveys to the United States of America certain land
situ within the area of the Rocky Mountain National Park.

itness whereof, I, as said Assistant Secretary, hereunto
set d officially and have caused the seal of said department
to b ixed hereto and in attestation hereof this 2nd
day April, 1932.

Assistant Secretary.

THIS DEED, Made this 18th day of February, in the year of our Lord one thousand nine hundred and thirty two, between Pieter Hondius, (sometimes written Peter Hondius or P. Hondius) of Estes Park of the County of Larimer and State of Colorado, party of the first part, and the United States of America, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One hundred forty thousand seven hundred twenty ($140,720.00) Dollars, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part forever, all the following described lots or parcels of land, situate, lying and being in the County of Larimer and State of Colorado, and described as follows towit:-

Parcel 1. The Southeast quarter of the Southwest quarter (SE¼ of SW¼) of Section Eight (8), Township Five North (5N), Range Seventy-three West (73W).

Parcel 2. The North half (N½), the Southwest quarter (SW¼) and the North half (N½) of the Southeast quarter (SE¼) of Section Seventeen (17), Township Five North (5N), Range Seventy-three West (73W), less, however, the following described lots and parcels heretofore conveyed and segregated from the above described lands by the party of the first part:

(a) That certain piece or parcel of land conveyed by Pieter Hondius to the United States of America by deed designated as Instrument No. 269762, Larimer County records, and described as follows:

All that portion of the NE¼ of SE¼ of Sec. 17, Tp. 5 N., R. 73 W., lying south of the center line of the north branch of Fall River and containing 37 acres, more or less. Also that portion of the SE¼ of NE¼ of said Sec. 17 lying south of the center line of the north branch of Fall River, and containing 4 acres, more or less, together with the right of joint use of that

certain right-of-way for road purposes from the main road to the above described tract over and across that portion of the Se¼ of Ne¼ and Ne¼ of Se¼ of said Sec. 17, as described in and in accordance with agreement between C. A.Carlton and Pieter Hondius as recorded in Book 473 at page 162 of the public records of said Larimer County, and together with the right to lay, maintain and operate a pipe line across the Nw¼ of Se¼ of said section for the purpose of supplying the above described tract with water. It being the grantor's intention to allow grantee the joint use of such right-of-way as he owns and nothing more. There is hereby expressly reserved a right-of-way for road purposes over and across the premises herein conveyed for the grantor, his heirs and assigns from and to lands of the grantor lying west and southwest of said described premises.

(b) That certain piece or parcel of land conveyed by Pieter Hondius to one Carlton by deed designated as Instrument No. 188941, Larimer County Records, and described as follows:

Beginning at the east center corner, Sec. 17, Tp. 5 N., R. 73 W., thence North 970 feet, thence south 73° 05' west 150 feet, thence south 22° 58' west 227.2 feet to center line of county road, thence north 72° 39' west 160 feet, thence north 43° 50' west 155 feet, thence north 62° 08' west 125 feet, thence north 71° 25' west 210 feet, thence south 58° 15' west 35 feet, thence south 3° 48' east 90 feet, thence south 36° 27' west 187 feet, thence north 77° 03' west 100 feet, thence south 89° 28' west 55 feet, thence south 65° 27' west 229.3 feet, thence leaving said county road south 0° 08' west 325 feet to a point in the center line of the north branch of Fall River, thence southeasterly along the center line of said river to a point on section line between Sections 16 and 17; thence northerly along said section line 310 feet to the point of beginning, and containing 24.19 acres, more or less.

(c) That certain piece or parcel of land conveyed by Pieter Hondius to Lucinda Halsey by deed designated as Instrument No. 181727, Larimer County records, and described as follows:

Beginning at a point in the center line of Fall River whence the center corner of Sec. 17, Tp. 5 N., R. 73 W., bears north 0° 17' east 66 feet, thence north 0° 17' east 66 feet to center of said section 17; thence north 0° 17' east 849 feet, thence south 87° 42' east 312 feet, thence south 66° 47' east 140 feet to the center line of the Highdrive; thence along the center line of the Highdrive south 64° 40' east 380 feet; thence south 81° 46' east 100 feet, thence north 72° 04' east 150 feet, thence north 86° 33' east 200 feet, thence north 70° 03' east 61 feet to the line between the Sw¼ of Ne¼ and the Se¼ of Ne¼ of Sec. 17, thence south 0° 08' west 325

feet to the center line of Fall River, thence along the center line of Fall River in a southwesterly direction to the point of beginning, and containing 16.8 acres, subject to right-of-way of Highdrive.

(d) That certain piece or parcel of land conveyed by Pieter Hondius to the precedessors in interest of Anna May Derby as set forth in the Larimer County records, and described as follows:

Beginning at the center corner of said Section 17, Tp. 5 N., R. 73 W., thence north 0° 17' east 1166.5 feet, thence south 87° 42' west 248.5 feet, thence north 68° 03' west 290 feet, thence north 56° 09' west 108 feet, thence north 78° 21' west 539.1 feet, thence south 86° 44' west 170 feet, thence south 0° 44' west 1052.2 feet, thence south 62° 59' west 207 feet, thence south 85° 11' west 125.2 feet, thence south 0° 44' west 112 feet, to the center of Fall River, thence easterly down along the center line of said river to a point whence the place of beginning bears north 0° 17' east 79 feet, to the place of beginning, and containing 43.7 acres, more or less. The line joining the center corner and the N¼ corner of said Sec.17 was assumed as bearing north 0° 17' east to correspond with description of adjoining property, and all bearings are relative thereto.

Parcel 3. The South half (S½) of the Northeast quarter (Ne¼); Lots (1) and (2) or West half of Northwest quarter (W½ of Nw¼); Southeast quarter of Northwest quarter (Se¼ of Nw¼); Northeast quarter of Southwest quarter (Ne¼ of Sw¼); North half of Southeast quarter (N½ of Se¼) and Southeast quarter of Southeast quarter (Se¼ of Se¼) of Section Eighteen (18), Township Five North (5N), Range Seventy-three West (73W).

Parcel 4. The Northwest quarter of the Northwest quarter (Nw¼ of the Nw¼) and Southwest quarter of Southeast quarter (Sw¼ of Se¼) of Section Twenty (20), Township Five North (5N), Range Seventy-three West (73W).

Parcel 5. The Southeast quarter of Northeast quarter (Se¼ of Ne¼); Southwest quarter (Sw¼); South half of Southeast quarter (S½ of Se¼), and that portion of the Northeast quarter of Southeast quarter (Ne¼ of Se¼), all in Section twenty-eight (28), Township Five North (5N), Range Seventy-three West (73W), described as follows:

All that portion of the Ne¼ of Se¼ of said Sec. 28 lying south and southerly of the center of a public road known as Highdrive, and particularly described as:

Beginning at the Se corner of the Ne¼ of Se¼ of Sec. 28, thence south 86° 47' West 179.9 feet to the center of the Highdrive Road, thence north 36° 7' east 304.9 feet along the center line of said road, thence south

235.1 feet to the place of beginning and containing 0.49 acres, more or less. Less, however, the following described lots and parcels heretofore conveyed and segregated from the above described lands by the party of the first part:

(a) That certain piece or parcel of land conveyed by Pieter Hondius to W. E. Dixon by deeds designated as Instruments Nos. 247244 and 357603, Larimer County records, and described as follows:

All that portion of the Se¼ of the Se¼ of said Sec. 28 lying north and northerly of the center of a public road known as the Highdrive as the same is now established and traveled. Said tract being particularly described as follows:

Beginning at a point whence the Se corner of the Ne¼ of the Se¼ of said Sec. 28 bears north 86° 47' east 1251 feet, thence south 0° 1' west 374.9 feet to center line of right of way of 60-foot road; thence northeasterly along the north boundary of said right-of-way, the center line of which is described as follows: (From the last point above determined on the center line of the right-of-way), thence north 80° 57' east 513.2 feet, thence north 45° 10' east 225.1 feet, thence north 57° 25' east 123.9 feet, thence south 72° 59' east 152.4 feet, thence north 40° 12' east 225.3 feet, thence from this point on the center line of the road south 86° 47' west 1071.1 feet to place of beginning, and containing 5.14 acres, more or less, but, however, less any of the above described land situated within the boundary of the Sw¼ of Se¼ of said Sec. 28.

(b) That certain piece or parcel of land conveyed by Pieter Hondius to Mary D. Mason and designated as Lot 58 of the Sunny Ridge Subdivision as the same is shown and designated on the plat on file in the Larimer County records, reference to which is hereby made, and containing 2.03 acres, more or less.

(c) Those certain pieces or parcels of land conveyed by Pieter Hondius to Philip Mechem and designated as Lots 62, 63 and 64 of the Sunny Ridge Subdivision as the same is shown and designated on the plat on file in the Larimer County records, reference to which is hereby made, and containing 4.06 acres, more or less.

(d) That certain piece or parcel of land conveyed by Pieter Hondius to P. J. Fitzgerald and designated as Lot 45 of Sunny Ridge Subdivision as the same is shown and designated on the plat on file in the Larimer County records, reference to which is hereby made, and containing 10 acres, more or less.

(e) Those certain pieces or parcels of land conveyed by Pieter Hondius to Theodore S. Huntington and Mary E. Huntington by deeds designated as Instruments Nos. 244407 and 244408, Larimer County records, and described as follows:

Commencing at a point from whence the S¼ corner of said Sec. 28 bears south 43° 37' east 1583 feet, thence north 15° 31' east 500 feet, thence north 74° 16' west 150 feet, thence south 15° 26' west 488.5 feet, thence south 89° 45' east 150 feet to the place of beginning and containing 1.7 acres, more or less.

Also commencing at a point from whence the S¼ corner of said Sec. 28 bears south 29° 46' east 1095 feet, thence north 74° 58' west 264.2 feet, thence north 66° 33' west 320 feet, thence north 15° 31' east 500 feet, thence south 81° 43' east 175.6 feet, thence north 86° 02' east 159 feet, thence south 62° 26' east 147.7 feet, thence south 5° 04' west 607 feet to the place of beginning and containing 7 acres, more or less.

(f) Those certain pieces or parcels of land conveyed by Pieter Hondius to E. Tyler Smith by deeds designated as Instruments Nos. 202313 and 243775, Larimer County records, and described as follows:

Beginning at a point on the north side of the Highdrive whence the S¼ corner of said Sec. 28 bears south 7° 01' east 908.3 feet, thence along the north side of the Highdrive south 80° 50' west 60.1 feet, thence south 77° 42' west 45 feet, thence north 88° 13' west 140.2 feet, thence north 78° 06' west 102 feet, thence leaving the north side of Highdrive north 2° 30' east 650 feet to the south side of the pipe line road, thence along the south side of the pipe line road north 88° 06' east 100 feet, thence south 79° 42' east 150 feet, thence south 89° 27' east 94.9 feet, thence leaving the pipe line road south 2° 30' west 631.5 feet to the point of beginning, and containing 5.13 acres more or less.

Also commencing at a point whence the S¼ corner of said Sec. 28 bears south 29° 46' east 1095 feet, thence north 5° 04' east 607 feet, thence north 89° 10' east 65 feet, thence south 2° 30' west 650 feet, thence north 64° 23' west 100 feet to the place of beginning and containing 1.1 acres, more or less.

(g) That certain piece or parcel of land conveyed by Pieter Hondius to Ethel B. Ridenour by deed dated September 17, 1919 and recorded October 29, 1919, in Book 395 at page 255, Larimer County records, and described as follows:

Beginning at a point whence the Ne corner of Se¼ of Se¼ of Sec. 28 bears north 86° 47' east 1474.9 feet, thence south 337 feet to a point on the north side of the Highdrive, thence along the north side of the Highdrive south

18

81° 44' west 154 feet, thence south 87° 47' west 100 feet, thence leaving the north side of the Highdrive north 349.7 feet, thence north 86° 47' east 252.7 feet to the point of beginning, and containing 2 acres, more or less. (The line adjoining the east quarter corner and the southeast corner of Sec. 28 was assumed north and south and all bearings were taken relative thereto).

Parcel 6. Northwest quarter of Northeast quarter (NW¼ of NE¼); South half of Northeast quarter (S½ of NE¼); South half of Northwest quarter (S½ of NW¼); North half of Southwest quarter (N½ of SW¼) and Southeast quarter (SE¼) of Section twenty-nine (29), Township Five North (5N), Range Seventy-three West (73W).

Parcel 7. South half of Northeast quarter (S½ of NE¼) and North half of Southeast quarter (N½ of SE¼) of Section Thirty (30), Township Five North (5N), Range Seventy-three West (73W).

Parcel 8. North half of Northeast quarter (N½ of NE¼) of Section 13, Township Five North (5N), Range Seventy-four West (74W). Less, however, the following described lots and parcels heretofore conveyed and segregated from the above described land by party of the first part: 9.01 ac after exception

(a) That certain piece or parcel of land conveyed by Pieter Hondius to Eleanor Hondius by deed designated as Instrument No. 258665, Larimer County records, and described as follows:

All that portion of the N½ of the NE¼ of said Sec. 13 lying and being situated south or southerly of the center line of Fall River, said center line being determined by the present course of said Fall River and described as follows:

Beginning at a point on the township line between Ranges 73 and 74 and from which the Ne corner of said Sec. 13 bears north 875.5 feet, said point being also in the center line of Fall River, thence westerly along said center line as follows: North 62° 09' east 40.3 feet, thence south 40° 45' west 96.4 feet, thence north 71° 33' west 61.9 feet, thence north 7° 33' west 148.1 feet, thence north 89° 48' west 50.7 feet, thence north 30° 18' west 82 feet, thence north 52° 10' west 238.2 feet, thence north 22° 15' west 118.8 feet, thence north 67° 15' west 129.8 feet, thence south 52° 18' west 199.6 feet, thence south 12° 59' east 89.6 feet, thence south 34° 46' east 119.8 feet, thence north 77° 30' west 134.9 feet, thence south 30° 44' west 115 feet, thence north 61° 16' west 199.1 feet, thence south 33° 10' west 242.2 feet, thence north 27° 12' west 49.9 feet, thence north 24° 36' east 67.1 feet, thence north 32° 22' west 112.4

feet, thence south 41° 04' west 90.3 feet, thence south 11° 53' west 67.3 feet, thence south 68° 15' west 275.7 feet, thence north 25° 15' west 152 feet, thence south 72° 15' west 131.6 feet, thence south 44° 55' west 76.8 feet, thence north 65° 39' west 98.6 feet, thence north 41° 46' east 120.2 feet, thence north 9° 51' west 62.5 feet, thence south 87° 13' west 64.6 feet, thence south 25° 43' west 131.1 feet, thence north 37° 51' west 72.5 feet, thence north 12° 25' east 125.1 feet, thence north 62° 42' west 73.9 feet, thence south 30° 33' west 113 feet, thence north 60° 29' west 93.7 feet, thence north 35° 38' east 132.8 feet, thence north 45° 47' west 86.3 feet, thence south 81° 03' west 84.9 feet, thence south 4° 10' east 101.5 feet, thence north 75° 40' west 109.5 feet, thence north 10° 20' east 97.3 feet, thence north 20° 24' east 105.2 feet, thence north 78° 09' west 99.7 feet, thence south 34° 56' west 74.9 feet, thence south 22° 52' east 116.7 feet, thence south 88° 57' west 131.7 feet, thence north 66° 51' west 155 feet, to the intersection of this center line with the west line of the said NW¼ of NE¼ of said Sec. 13, and containing ~~41.19~~ 39.32 acres, more or less.

(b) That certain piece or parcel of land conveyed by Pieter Hondius to Minnie E. March by deed designated as Instrument No. 257198, Larimer County records, and described as follows:

That portion of the N½ of the NE¼ of Sec. 13, described as follows:

Beginning at a point on the section line between Sections 12 and 13 and from whence the NE corner of said Sec. 13 bears north 89° 46' east 773.6 feet, said point being also situated on the south side of the right-of-way of the Fall River Road, thence south 49° 12' east 432.5 feet along the south side of right-of-way, thence south 22° 24' west 159.6 feet to a point in the center of Fall River, thence westerly along the center line of the present course of Fall River, said center line being determined by courses and distances as follows:
(From the point last above mentioned), thence north 67° 15' west 129.8 feet, thence south 52° 18' west 199.6 feet, thence south 12° 59' east 89.6 feet, thence south 34° 46' east 119.8 feet, thence north 77° 30' west 134.9 feet, thence south 30° 44' west 115 feet, thence north 61° 16' west 199.1 feet, thence south 33° 10' west 242.2 feet, thence north 27° 12' west 49.9 feet, thence north 24° 36' east 67.1 feet, thence north 32° 22' west 118.4 feet, thence south 41° 04' west 90.3 feet, thence south 11° 53' west 67.3 feet, thence south 68° 15' west 275.7 feet, thence north 25° 15' west 152 feet, thence south 72° 15' west 131.6 feet, thence south 44° 55' west 76.8 feet, thence north 65° 39' west 98.6 feet, thence north 41° 46' east 120.2 feet, thence north 9° 51' west 62.5

feet, thence south 87° 13' west 64.6 feet, thence south 25° 43' west 131.1 feet, thence north 37° 51' west 72.5 feet, thence north 12° 25' east 125.1 feet, thence north 62° 42' west 73.9 feet, thence south 30° 33' west 113 feet, thence north 60° 29' west 93.7 feet, thence north 35° 38' east 132.8 feet, thence north 45° 47' west 86.3 feet, thence south 81° 03' west 84.9 feet, thence south 4° 10' east 101.5 feet, thence north 75° 40' west 109.5 feet, thence north 10° 20' east 97.3 feet, thence north 20° 24' east 105.2 feet, thence north 78° 09' west 99.7 feet, thence south 34° 56' west 74.9 feet, thence south 22° 52' east 116.7 feet, thence south 88° 57' west 131.3 feet, thence north 66° 51' west 155 feet to the point of intersection of this center line with the west line of the $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of said Sec. 13; thence from this point of intersection north 0° 36' west 431.8 feet to the $N\frac{1}{4}$ corner of said Sec. 13, thence along the said section line between Sections 12 and 13 north 89° 46' east 1886.4 feet to the place of beginning, and containing ~~89.84~~ 87.67 acres, more or less.

All of the foregoing lands are in Township Five North (5N), Ranges Seventy-three (73) and Seventy-four (74) West of the Sixth (6th) Principal Meridian, Colorado. The net area hereby agreed to be conveyed is approximately 1,762 acres, more or less. Less, however, rights-of-way for roads heretofore granted to the United States of America or the State of Colorado, or the County of Larimer, State of Colorado, and also right-of-way granted to the Estes Park Electric and Power Company for so-called Cascade Pipe line, and any other rights-of-way heretofore granted, it hereby being the intention of said Pieter Hondius, party of the first part, to convey to the United States of America all his right, title and interest of whatsoever kind that he now owns or possesses within the boundaries of the following described lands:

$SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 8; $N\frac{1}{2}$; $SW\frac{1}{4}$ and $N\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 17; $S\frac{1}{2}$ of $NE\frac{1}{4}$; Lots 1 and 2 of $W\frac{1}{2}$ of $NW\frac{1}{4}$; $SE\frac{1}{4}$ of $NW\frac{1}{4}$; $NE\frac{1}{4}$ of $SW\frac{1}{4}$ $N\frac{1}{2}$ of $SE\frac{1}{4}$ and $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 18; $NW\frac{1}{4}$ of $NW\frac{1}{4}$ and $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 20; $SE\frac{1}{4}$ of $NE\frac{1}{4}$; $SW\frac{1}{4}$; $NE\frac{1}{4}$ of $SE\frac{1}{4}$ and $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 28; $NW\frac{1}{4}$ of $NE\frac{1}{4}$; $S\frac{1}{2}$ of $NE\frac{1}{4}$; $S\frac{1}{2}$ of $NW\frac{1}{4}$; $N\frac{1}{2}$ of $SW\frac{1}{4}$; and $SE\frac{1}{4}$ of Section 29; $S\frac{1}{2}$ of $NE\frac{1}{4}$ and $N\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 30; all in Tp. 5 N., R. 73 W., $N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 13 in Tp. 5 N., R. 74 W., all relating to the 6th Principal Meridian, Colorado.

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said party of the second part. And the said party of the first part, for himself and his heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, and the above bargained premises in the quiet and peacable possession of the said party of the second part, against

State of California,
COUNTY OF Riverside } ss.

On this 18th day of February, A.D., 1932 before me, Robert L. Edwards a Notary Public in and for said County and State, personally appeared Pieter Houdina (sometimes written Peter Houdina or P. Houdina), known to me, ~~(or proved to me on the oath of .....)~~; to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Robert L. Edwards
Notary Public in and for said County and State.

My Commission expires Dec. 30-1934.

ACKNOWLEDGMENT—GENERAL—WOLCOTTS FORM 233.

22

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

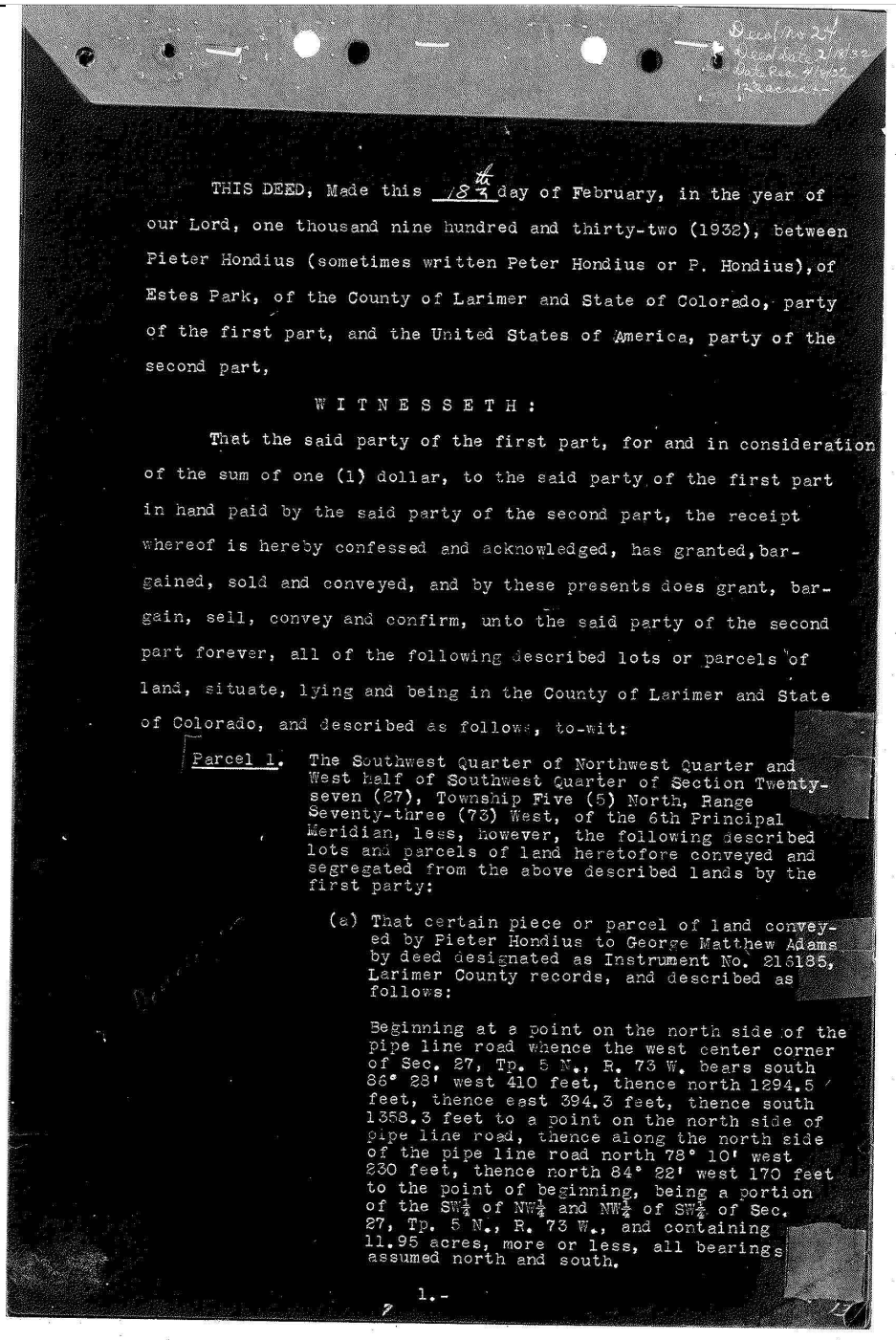
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said party of the second part. And the said party of the first part, for himself and his heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, and the above bargained premises in the quiet and peacable possession of the said party of the second part, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

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

Signed, Sealed and Delivered in the Presence of

Peter Houdini (SEAL)

9 2-3



Deed No 24
Recorded Feb 24 1932
Book Rec # 1932
123 acres

THIS DEED, Made this 24th day of February, in the year of our Lord, one thousand nine hundred and thirty-two (1932), between Pieter Hondius (sometimes written Peter Hondius or P. Hondius), of Estes Park, of the County of Larimer and State of Colorado, party of the first part, and the United States of America, party of the second part,

W I T N E S S E T H :

That the said party of the first part, for and in consideration of the sum of one (1) dollar, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part forever, all of the following described lots or parcels of land, situate, lying and being in the County of Larimer and State of Colorado, and described as follows, to-wit:

Parcel 1. The Southwest Quarter of Northwest Quarter and West half of Southwest Quarter of Section Twenty-seven (27), Township Five (5) North, Range Seventy-three (73) West, of the 6th Principal Meridian, less, however, the following described lots and parcels of land heretofore conveyed and segregated from the above described lands by the first party:

(a) That certain piece or parcel of land conveyed by Pieter Hondius to George Matthew Adams by deed designated as Instrument No. 216185, Larimer County records, and described as follows:

Beginning at a point on the north side of the pipe line road whence the west center corner of Sec. 27, Tp. 5 N., R. 73 W. bears south 86° 28' west 410 feet, thence north 1294.5 feet, thence east 394.3 feet, thence south 1358.3 feet to a point on the north side of pipe line road, thence along the north side of the pipe line road north 78° 10' west 230 feet, thence north 84° 22' west 170 feet to the point of beginning, being a portion of the SW¼ of NW¼ and NW¼ of SW¼ of Sec. 27, Tp. 5 N., R. 73 W., and containing 11.95 acres, more or less, all bearings assumed north and south.

1.-

(b) That certain piece or parcel of land conveyed by Pieter Hondius to W. E. Dixon by deed designated as Instrument No. 247244, Larimer County records, and described as follows:

Beginning at a point whence the E¼ corner of Sec. 28, Tp. 5 N., R. 73 W. bears north 114 feet, thence south 993.5 feet to a point on center line of the right-of-way of 60-foot road, thence in a northeasterly direction along north side of said right-of-way, the center line of which is described as follows: (From the last point above determined on the center line of the right-of-way), thence north 52° 50' east 179.3 feet, thence north 45° 54', east 312.9 feet, thence from this point on the center line of the road north 17° 46' west 219.5 feet, thence north 21° 57' west 109 feet, thence north 40° 57' west 72 feet, thence north 52° 39' west 165.8 feet, thence north 14° 59' west 112 feet, thence north 34° 14' west 105.4 feet to the place of beginning, and containing 4.28 acres, more or less.

(c) That certain piece or parcel of land conveyed by Pieter Hondius to O. Otho and Alta M. Anderson by deed designated as Instrument No. 203349, Larimer County Records, and described as follows:

Description

Beginning at a point whence the intersection of the center lines of the High Drive and the south road of Woodland Heights Second Subdivision, a plat of record, bears north 33° 02' west 150.8 feet, thence south 62° 54' west 425 feet, thence south 38° 42' east 209.3 feet, thence north 62° 54' east 425 feet, thence north 38° 42' west 209.3 feet to point of beginning, and containing 2 acres, more or less.

(d) Those certain pieces or parcels of land and being portions of Lots 29, 30, 31 and 42 of Woodland Heights Second Subdivision, (and Lot 45 of Sunny Ridge Subdivision,) situated within the boundaries of the W½ of SW¼ of Sec. 27, Tp. 5 N., R. 73 W. NW¼

Parcel 2. West half of Northeast Quarter of Northwest Quarter of Section Thirty-four (34), Township Five (5) North, Range Seventy-three (73) West, of the 6th Principal Meridian.

The net area hereby agreed to be conveyed is approximately 122 acres, more or less. Less, however, rights-of-way for roads heretofore granted to the United States of America or the State of Colorado or the County of Larimer, State of Colorado, and any other rights of way heretofore granted, it hereby being the intention of said Pieter Hondius, party of the first part, to convey to the United States of America all of his right, title and interest of whatsoever kind that

he now owns or possesses within the boundaries of the following described lands:

SW¼ of NW¼ and W½ of SW¼ of Sec. 27 and W½ of NE¼ of NW¼ of Sec. 34, all in Twp. 5 N., R. 73 W.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part forever. And the said party of the first part for himself and his heirs, executors and administrators, does covenant, bargain and agree to and with the said party of the second part that at the time of the ensealing and delivery of these presents he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, and the above bargained premises in the quiet and peaceable possession of the said party of the second part against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said party of the first part has

hereunto set his hand and seal the day and year first above written.

State of California,
COUNTY OF Riverside } ss.

On this 18th day of February, A.D., 1932., before me, Robert L. Edwards a Notary Public in and for said County and State, personally appeared Pietes Houdins (sometimes written Petes Houdins or P. Houdins), known to me, (~~or proved to me on the oath of~~.....), to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Robert L. Edwards
Notary Public in and for said County and State.

My Commission expires Dec. 30-1934.

ACKNOWLEDGMENT—GENERAL—WOLCOTTS FORM 233.

10

16

4.-

11

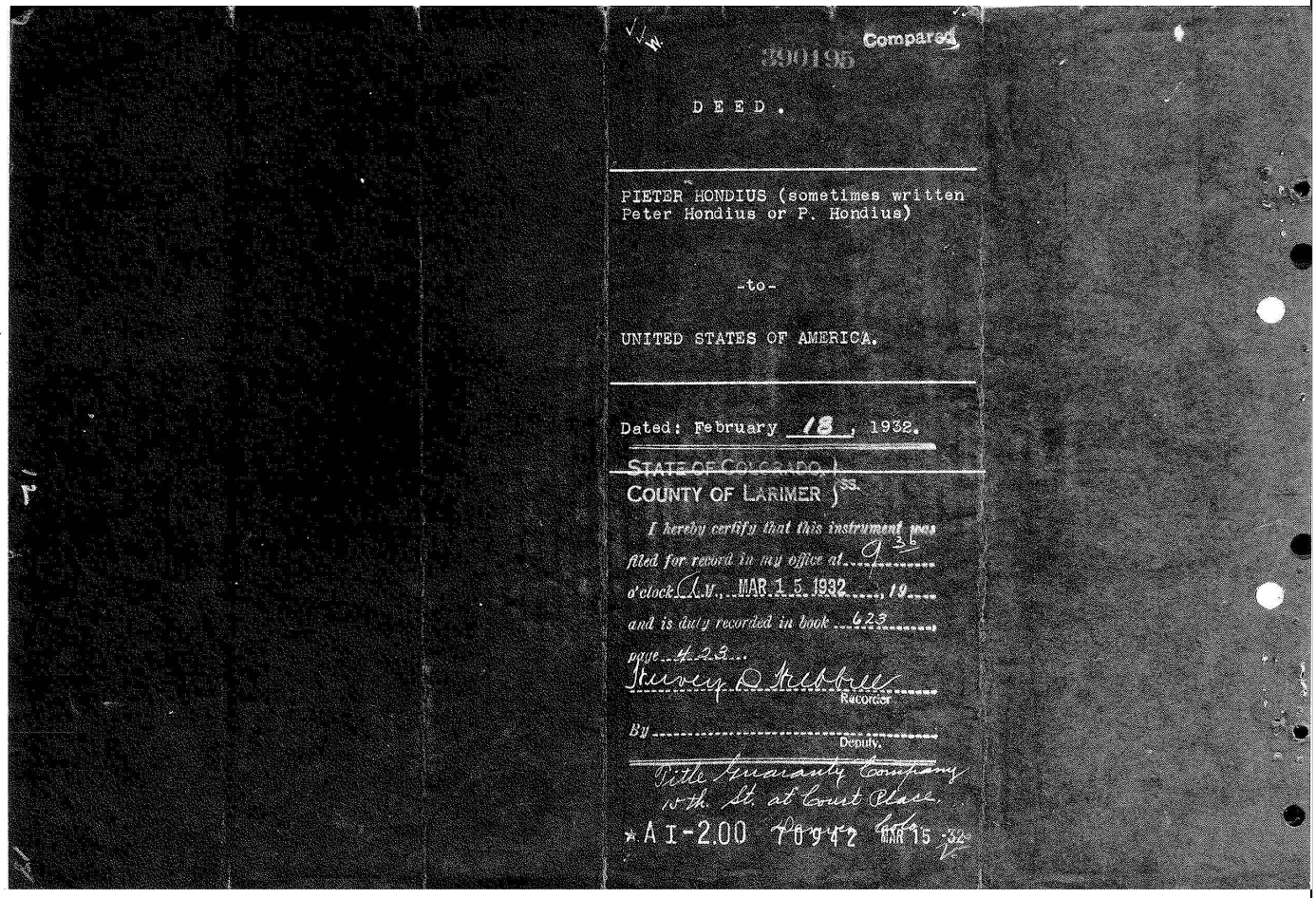
17

hereunto set his hand and seal the day and year first above written.

Peter Hondius Jr. (SEAL)

Signed, Sealed and Delivered in
the Presence of

J. J. Solinsky Jr.



V/W Compared

390195

D E E D .

PIETER HONDIUS (sometimes written Peter Hondius or P. Hondius)

-to-

UNITED STATES OF AMERICA.

Dated: February 18, 1932.

STATE OF COLORADO)
COUNTY OF LARIMER) ss.

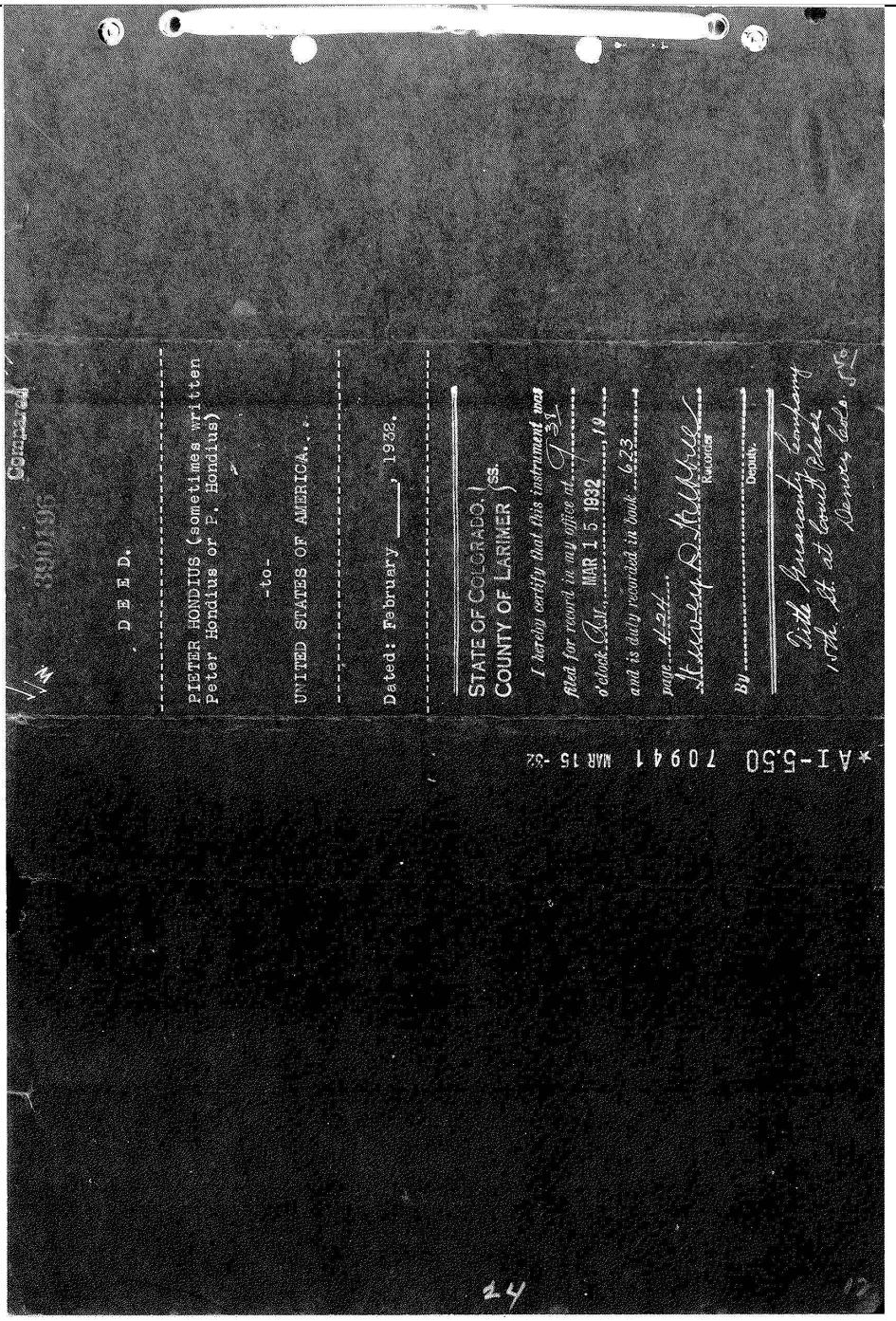
I hereby certify that this instrument was filed for record in my office at 9 30
o'clock A.M., MAR 15 1932, 19
and is duly recorded in book 623
page 423
Stacey D. Hubbell
Recorder

By
Deputy.

Title Guaranty Company
5th. St. at Court Place.

*AI-2.00 70942 MAR 15 '32

02-00-1932: Certificate of Acceptance & Deed, cont



Administrative Agreements

FILE:

MORAINE PARK DOCKET - Rocky Mtn NP

x L 54 Rocky Mtn. Park

SPECIAL USE PERMIT - No. 14-10-0235-510
(filed in Special Use Permit files)

To: Dr. Arnold H Greenhouse
Charles F. Scott Estate
Denver, Colorado

For: Jan. 1, 1961 to Dec. 31, 1965

Supplying one cottage during summer months with water for domestic use by Government at approved rates.

Water distribution connected with Moraine Park Vistor Center pipeline.

WAMott/etb - 12/29/60

NATIONAL PARK SERVICE

of 4 pages

SPECIAL USE PERMIT

PERMIT NO.	EXPIRES
14-10-0235-510	12/31/65
PREVIOUS PERMIT NO.	
14-10-215-259	

Rocky Mountain National Park
(Area)

Dr. Arnold H. Greenhouse
Charles F. Scott Estate, of 613 South Ivy Way, Denver, Colorado is hereby authorized during the period from January 1, 1961, to December 31, 1965, to use the following-described land in the above-named area:

Connect a water distribution system with the Moraine Park Visitor Center pipeline, said system serving one cottage on the Charles F. Scott Estate lands located in the NE¼SW¼ of Section 33, T5N, R73W, 6th P.M., in Rocky Mountain National Park, as indicated on the attached plot map which is by reference and attachment made a part of this permit.

REG., GREATER
ASST. REG., DIRECTOR
CHF., DIV. OF ACCTS.
CHF., DIV. OF OPERATIONS
CHF., DIV. OF P. & E.
CHF., DIV. OF PLANNING
CHF., BRANCH OF LAND
TECH. SUPERVISOR
ACCOUNTANT
ACTION TAKEN

for the purpose of supplying one cottage with water for domestic use during the summer season, the water to be furnished by the Government at approved rates.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of Five Dollars ($ 5.00) in advance (Monthly, quarterly, etc.) or as follows:

payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at Estes Park, Colorado, this 15 day of December 1960

(SGD) James V. Lloyd
Superintendent

James V. Lloyd

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES

NAME
ADDRESS
NAME
ADDRESS

PERMITTEE (SIGNATURE)

NAME
Charles F. Scott Estate by
Dr. Arnold H. Greenhouse
ADDRESS
613 South Ivy Way, Denver, Colorado

APPROVED: (If required - approval to be indicated)

NAME | TITLE | DATE

*Sign name or names as written in body of permit; for corporations, trustees, or similar type as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being certified by the Secretary, with corporate seal, or by 2 of witnesses.

(This copy for the Regional Office Files)

Page 1

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise the privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior, or other authorized officers of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—The land covered hereby is subject to the right of the Director, National Park Service, to establish, widen, maintain, and other improvements and to use any roads and trails thereon and to permit the use by others of such roads and trails as will not unduly interfere with the use by the permittee. If it is necessary to exercise such rights, every effort will be made by the National Park Service to prevent loss resulting from undue interference or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If any of the acts covered by the permit will involve the employment of labor, the permittee and any person or persons, the permittee employs shall observe the following nondiscrimination provisions in connection with any use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or sex. This provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the President's Committee on Equal Employment Opportunity for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

5. **Damages.**—The permittee shall pay the United States for any damage to Government property that cannot reasonably be prevented or remedied during the period which is covered by the permit, as determined by the Director, National Park Service.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove the structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall the right to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent, to prevent soil erosion on the lands covered hereby, and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefits.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided, however*, That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions hereof or at the discretion of the Director, National Park Service.

U. S. GOVERNMENT PRINTING OFFICE: 1966 16—35866-3

SPECIAL USE PERMIT CONTINUATION SHEET

AREA	PERMIT NO.	PAGE NO.
Rocky Mountain National Park	14-10-0235-510	3

15. Permittee shall install and maintain a shut-off valve at point of tapping Moraine Museum pipeline. The maintenance and upkeep of the permittee's distribution system shall be the responsibility of the permittee and the system shall be kept in good operating condition during use in order to avoid any wastage of water. The permittee shall notify the Superintendent of the Park when the water is turned into his system and likewise shall notify that officer when his system is closed.

16. Permission of the Superintendent of the Park must be secured before water service is extended to additional or new structures and the fee charged will be revised in accordance, if such permission is granted.

17. The rights to the water involved in this use are those of the Moraine Museum pipeline, adjudicated Decree of October, 1939, State Engineer's File No. 8750.

Permittee:
Dr. Arnold H. Greenhouse, Executor for
Charles P. Scott Estate

Special Use Permit
No. 14-10-0235-510

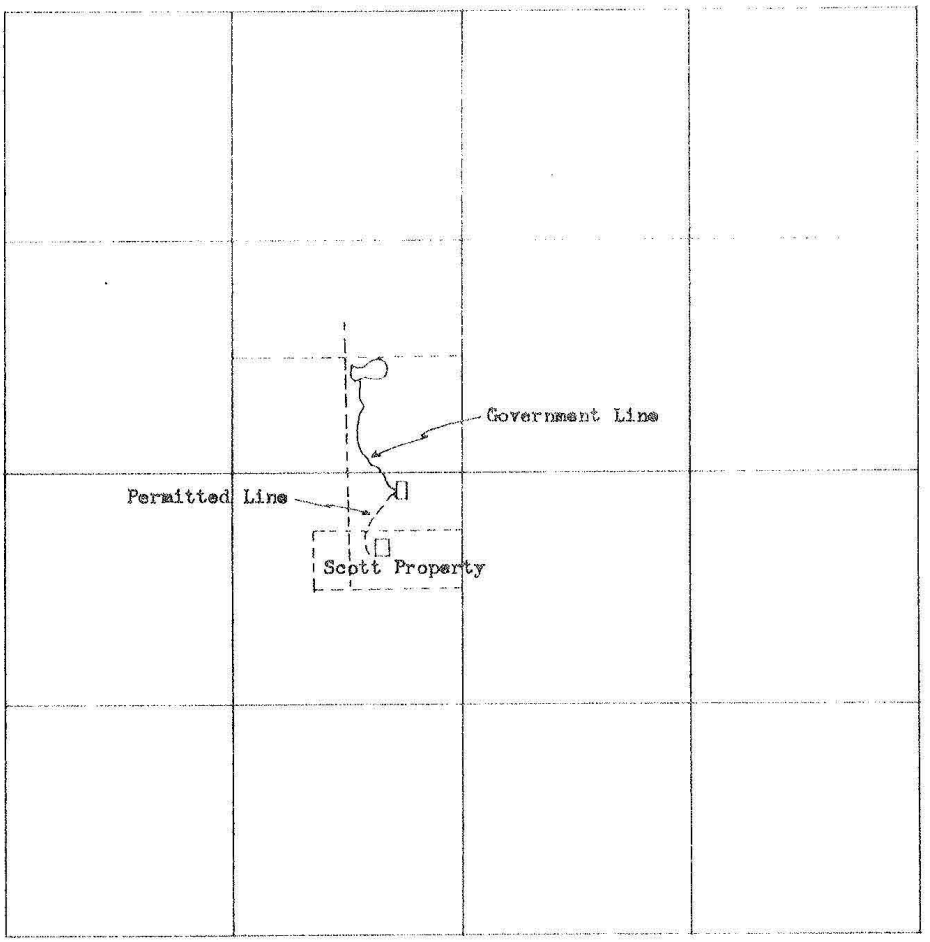
January 1, 1961 to December 31, 1965

U. S. GOVERNMENT PRINTING OFFICE 16—73101-1

Water Line Permit, Dr. Arnold F. Greenhouse
(Chas. F. Scott Estate)

Special Use Permit
No. 14-10-0235-510

NE¼ SW¼ Sec. 33, T.5 N, R 73 W, 6th PM
Rocky Mountain National Park
Larimer County, Colorado



Not to Scale.
Approximate locations and distances only.

N

Supporting Hydro Data

Form 10-174
(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Park: Rocky Mountain National Park	Region: Midwest	Work Order No.: 121 - 03X10 20030
Location in Park: Headquarters Moraine Park	State(s): Wyoming	Fund Symbol: 14X1035
	County or Counties: Larimer	Year Programmed: 1970
		PCP No.
		Master Plan No.
		Master Plan Corrected By
☒ Contract and/or ☐ Day Labor		As Built Drawings By
Work Order Title: Construction of 100,00 Gallon Concrete Reservoir		Date Started
		Date Completed: 1971

DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)		TOTAL COSTS (For completion by FFO)
230 - Utilities		
14-10-7-971-217 Western States Construction		
	33,083.61	
PS & S	5,293.38	
100,00 gallon concrete buried reservoir with connecting pipes, valves and appurtenances.		
14-10-7-971-228 Baski Drilling		
	5,955.50	
PS & S	952.88	
Drilling of water wells, Moraine Park.		
230	39,039.11	
PS & S	6,246.26	
	45,285.37	
		45,285.37
TOTAL		$ 45,285.37

DISTRIBUTION No.	To

THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES

Submitted By: _____ Title: _____ Date: _____

Approved By: George A. Fisher, Jr. Title: Actg. Reg. Cord. Date: _____

COSTS VERIFIED BY Osborne H. Knick Title: SUPERVISORY ACCOUNTING SPECIALIST Date: 6-29-71

GSA GC 65-14218

11360

Form 10-174A
(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPOSITION OF COST FOR COMPLETION REPORT

Work Order Number: 121 - 03X10 20030
Fund Symbol: 14X1035

Park	Region	Year Programmed
Rocky Mountain National Park	Midwest	1970

Location in Park: Headquarters and Moraine Park

Work Order Title: Construction of 100,00 gallon Concrete Reservoir

COMPOSITION OF COST

COSTS CHARGED TO FUNDS ALLOTTED TO FIELD FINANCE OFFICE		
(1) Personal Services	$	
(2) Travel		
(3) Contract Work 14-10-7-971-217 14-10-7-971-228	39,039.11	
(4) Supplies and Materials		
(5) Other Direct Expenses		
(6) Operation of Equipment		
(7) Depreciation of Equipment		
(8) Purchase of Construction Equipment		
(9) Purchase of Other Accountable Equipment		
(10) Other Costs:		
(11) TOTAL COST CHARGED TO FFO FUNDS	xxxxxxxxxxx	$ 39,039.11
OTHER COSTS:		
(12) PS&S, AP, and/or Facilitating Services @ 16 %	$ 6,246.26	
(13) Inventory and Other Non-Fund Costs		
(14) GROSS WORK ORDER COSTS	xxxxxxxxxxx	$ 45,285.37
LESS:		
(15) Residual Value of Construction Equipment on Line 8	$	
(16) Other Credits		
(17) NET COST OF FIXED ASSETS	xxxxxxxxxxx	$ 45,285.37

Identify other costs and other credits by line item entry, on an attached schedule, or explain in narrative.

25543

Form 10-194
(Rev. 9/60)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

MW

Rocky Mountain National Park
(Park)

Check One:
Monthly Estimate ☐
Final Estimate ☒

UNIT PRICE CONTRACT

ESTIMATE NO. 6 (Final)	FOR (Period)	DATE April 13, 1970
CONTRACT NO. 14-10-7-971-217	COMPLETION DATE November 15, 1969	EXTENDED DATE November 23, 1969
CONTRACTOR Western States Construction Co., Inc. P. O. Box 598, Loveland, Colorado 80537		ORIGINAL CONTRACT $ 34,490.00
PROJECT Construction of 100,000 Gallon Concrete Reservoir Headquarters Utility Area		CHANGE ORDERS* $ (170.00)
LOCATION Rocky Mountain National Park, Colorado		TOTAL CONTRACT $ 34,320.00

ITEM NO.	CONTRACT QUANTITY	DESCRIPTION	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
		(Quantities remain the same as for Estimate No. 5. Final Estimate No. 6 returns retainage to Contractor and contract is now complete.)			$33,583.61
		Contract Time Summary attached			

RECOMMENDED (Project Supervisor)

APPROVED (Contracting Officer)
Donald S. Marley
Donald S. Marley

DATE
APR 20 1970

SUMMARY

TOTAL TO DATE	$ 33,583.61
LESS RETAINED AMOUNT	0.00
NET	33,583.61
LESS PREVIOUS PAYMENTS	32,083.61
LESS LIQUIDATED DAMAGES	500.00
DUE THIS ESTIMATE	1,000.00
% COMPLETED TO DATE:	100%

*Show Breakdown on Reverse

(See Reverse for Distribution)

CONTRACT TIME SUMMARY

Contract No. 14-10-7-971-217 Rocky Mountain National Park

Document	Period (Calendar Days)	Completion Date(s) Original	Extended	Final (Actual
Notice of Beginning Date (7/23/69)	120	11/15/69		
Stop Order (10/17/69)	8		11/23/69	
Letter of Acceptance (12/12/69)				11/28/69

All work under the contract was completed on November 28, 1969; therefore liquidated damages in the amount of $500.00 covering the delay of five (5) calendar days in completing the contract work at $100.00 per day are assessed in accordance with the requirements of the specifications.

Form 10-575
(Rev. 8-58)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION	AREA	COUNTY	STATE
Rmp	Rocky Mountain National Park	Larimer	Colorado

PROJECT OR JOB TITLE: New Water Source, Connect to Reservoir
PCC NO: V-216
LOCATION IN AREA: Utility Area
MASTER PLAN NO: RF-RM-2214-C
BUILDING NO:
WORKING DRAWING NO AND TITLE: RF-RM 3447 Water System Extension
APPROPRIATION TITLE AND SYMBOL: Construction, NPS, 14X2095
WORK ORDER NO: B-3 8080
CONTRACT NO: Day Labor and 14-10-434-628
DATE WORK STARTED: July 1959
DATE WORK COMPLETED: Dec., 1959
NAME OF CONTRACTOR: National Park Service and Merlin Construction Company
ADDRESS: Loveland, Colorado

COST ANALYSIS

CONSTRUCTION ITEMS	QTY	UNIT COST IN PLACE	TOTAL COST IN PLACE
New Water Source			$9,168.30

This Completion Report covers the Moraine Park Well #1 and the pipeline extending to the Moraine Park Museum Water System Reservoir.

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

/s/ W. J. Ordahl
W. J. Ordahl
Supervisory Accountant

TOTAL $9,168.30

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES
		$885.00

OTHER: P.S.&B. $7,902.45

CHANGE ORDERS

ORIGINAL CONTRACT AMOUNT	FIRST	SECOND	THIRD
$8,008.70	$47.50	$272.50	
FINAL CONTRACT AMOUNT	FOURTH	FIFTH	SIXTH
$8,328.65			

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title)		DATE
Forrest G. Beardmore, Assistant Park Engineer	(SIGNED)	March 29, 1960
APPROVED BY (Name and title)		DATE
John A. Rutter, Acting Superintendent	(SIGNED)	March 29, 1960

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

38104

NARRATIVE STATEMENT
Account 66, R-5 R/R
Contract No. 14-10-235-422
Eagle Construction Company, Loveland, Colorado

The Invitations for Bids for this project were dated May 20, 1959, with the bid opening on June 2, 1959. Only one bid was received, that of the Eagle Construction Company in the amount of $40,[illegible]98.70, which was over the engineering estimate. It was considered very unlikely that to re-advertise the job would result in any more bidders or any more favorable bid as we would be well into the construction season by the time this could be done. Award was therefore made to Eagle Construction Company on June 30, 1959. The Order to Proceed was mailed on July 7, 1959, with the beginning date of the contract established as July 14, 1959, with 120 calendar days for completion on November 10, 1959.

Change Order No. 1 was issued on October 6, 1959, for additional electrical features at the power line, reduction of five pole spans of power line, and the addition of 34 lineal feet of 6-inch open joint field tile in lieu of 6-inch VCP. This change order resulted in a net increase in the contract amount of $407.5[illegible] and an extension of contract time of two days, making the completion date November 12, 1959.

Change Order No. 2 was issued on October 9, 1959, for additional work on the infiltration channel and furnishing electrical knife switches on the transformer pole. This change order increased the contract amount $979.50 and extended the contract time two days to November 14, 1959.

The project was inspected and accepted on November 13, 1959, and the system placed in operation on that date.

The final quantities in place under this contract are as follows:

1	Well and pumphouse complete with equipment
1,491.2	Lineal feet 4-inch cast iron pipe
1,491.2	Lineal Feet Electrical control circuit
1	Hypochlorinator
1,780.0	Lineal feet 3 conductor power circuit
29	Pole spans 4 aluminum conductor on existing poles
3	5KVA transformers
2	Fused cut-out assembly
76	Lineal feet 6-inch VCP infiltration line

The Day Labor portion of this project consisted of purchase and installation of a 3,000 W electric heater and controls for the existing pumphouse. This was completed in December 1959.

There is no balance of funds in this account.

Form 10-114
(Rev. 8-56)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION	AREA	COUNTY	STATE
Two	Rocky Mountain National Park	Larimer	Colorado

PROJECT OR JOB TITLE: Water and Sewer System, Beaver Meadows Entrance Station
PCP NO: 3-116

LOCATION IN AREA: Beaver Meadows
MASTER PLAN NO: NP-RM-2282-B
BUILDING NO:

WORKING DRAWING NO. AND TITLE: NP-RM-3446-B Water and Sewer Systems

APPROPRIATION TITLE AND SYMBOL: Construction, NPS, 14X1035
WORK ORDER NO.: B-6(a) 8040

CONTRACT NO: 14-10-335-631
DATE WORK STARTED: October 1959
DATE WORK COMPLETED: December 1959

NAME OF CONTRACTOR: Robert C. Warner, Inc.
ADDRESS: Denver, Colorado

COST ANALYSIS

CONSTRUCTION ITEMS	QTY	UNIT COST IN PLACE	TOTAL COST IN PLACE
Water System			5,766.37
Sewer System			2,667.36

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

(Signature)
W. J. Donnelly
Supervisory Accountant

TOTAL 8,433.73

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES
OTHER		
F.A.S. $1,350.21		

CHANGE ORDERS

ORIGINAL CONTRACT AMOUNT	FIRST	SECOND	THIRD
$7,350.00			
FINAL CONTRACT AMOUNT	FOURTH	FIFTH	SIXTH
$7,083.52			

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Forrest O. Beardmore, Assistant Park Engineer — DATE: 8-

APPROVED BY (Name and title): John A. Butler, Acting Superintendent — DATE: 8-

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS AND "AS BUILT" DRAWINGS TO THIS FORM)

30106

NARRATIVE STATEMENT
Account No. B-6(a) ROMO
Contract No. 14-10-235-431
Robert C. Warner, Inc., Denver, Colorado

The Invitations for Bids for this project were dated September 16, 1959, and were opened on October 14, 1959, with seven bids received. Robert C. Warner, Inc., Denver, Colorado, was the low bidder. Notice of award, in the amount of $7,340.00, was mailed to the contractor on October 16, 1959. The Order to Proceed was mailed on October 23, and the beginning date of the contract was established as October 27, with a completion date of December 25, 1959.

Work progressed satisfactorily. Final inspection and acceptance of the job was made on December 7, 1959.

The final quantities in place under this project are as follows:

1,305.07	L.F. 1½ inch galvanized pipe
7.0	L.F. 2 inch galvanized pipe
1	2 inch brass gate valve with box
1	Pump house, pump, and equipment
387.4	L.F. 6 inch VCP sewer line
1	750 gallon concrete septic tank
1	Concrete distribution tank
100	L.F. filter trench
1	Concrete manhole

There remains an unobligated balance in the amount of $295.98 in this account that is being returned to the Region Two office by revised work order.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

AREA	COUNTY	STATE
Rocky Mountain National Park	Larimer	Colorado

TWO
CT OR JOB TITLE: Water and Sewer Systems, Beaver Meadows Entrance Station
PCP NO: U-116

CATION IN AREA: Beaver Meadows
MASTER PLAN NO: NP-RM-2282-B
BUILDING NO:

RKING DRAWING NO. AND TITLE: NP-RM-3446-B Water and Sewer Systems

PROPRIATION TITLE AND SYMBOL: Construction, NPS, 14X1035
WORK ORDER NO.: B-6(a) ROMO

NTRACT NO: 14-10-235-431
DATE WORK STARTED: October ~~November~~ 1959
DATE WORK COMPLETED: December 1959

ME OF CONTRACTOR: Robert C. Warner, Inc.
ADDRESS: Denver, Colorado

COST ANALYSIS

CONSTRUCTION ITEMS	QTY.	UNIT COST IN PLACE	TOTAL COST IN PLACE
Water System			5,766.87
Sewer System			2,667.36
		TOTAL	8,434.23

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

W. J. Crabelly
Supervisory Accountant

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES
OTHER	P.S.&S. $1,350.21	

ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS		
$7,340.00	FIRST	SECOND	THIRD
FINAL CONTRACT AMOUNT	FOURTH	FIFTH	SIXTH
$7,084.02			

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Forrest O. Beardmore, Assistant Park Engineer — DATE: March 29, 1960

APPROVED BY (Name and title): John A. Rutter, Acting Superintendent — DATE: March 29, 1960

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

36105

NARRATIVE STATEMENT
Account No. B-6(a) ROMO
Contract No. 14-10-235-431
Robert C. Warner, Inc., Denver, Colorado

The Invitations for Bids for this project were dated September 16, 1959, and were opened on October 14, 1959, with seven bids received. Robert C. Warner, Inc., Denver, Colorado, was the low bidder. Notice of award, in the amount of $7,340.00, was mailed to the contractor on October 16, 1959. The Order to Proceed was mailed on October 23, and the beginning date of the contract was established as October 27, with a completion date of December 25, 1959.

Work progressed satisfactorily. Final inspection and acceptance of the job was made on December 7, 1959.

The final quantities in place under this project are as follows:

1,305.07	L.F. 1½ inch galvanized pipe
7.0	L.F. 2 inch galvanized pipe
1	2 inch brass gate valve with box
1	Pump house, pump, and equipment
387.4	L.F. 6 inch VCP sewer line
1	750 gallon concrete septic tank
1	Concrete distribution tank
100	L.F. filter trench
1	Concrete manhole

There remains an unobligated balance in the amount of $255.98 in this account that is being returned to the Region Two office by revised work order.

Form 10-574
(Nov. 1948)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION	AREA	COUNTY	STATE
Two	Rocky Mountain National Park	Larimer	Colorado

PROJECT OR JOB TITLE: Extend Sewer and Water Lines, Construct Sewage Treatment Plant
PCP NO.: U-113 and U-106-1

LOCATION IN AREA: Utility Area
MASTER PLAN NO.: NP-RM 2294-C
BUILDING NO.:

WORKING DRAWING NO. AND TITLE: NP-RM 3433A & 3431-D Sewer and Water Extensions and Sewage Treatment Plant

APPROPRIATION TITLE AND SYMBOL: Construction, NPS, 14X1035
WORK ORDER NO.: B-3-A RONO

CONTRACT NO.: 14-10-235-396
14-10-235-402
DATE WORK STARTED: October 1958
DATE WORK COMPLETED: December 1959

NAME OF CONTRACTOR: Eagle Construction Company
Hasenmaier-Olsen Construction Company
ADDRESS: Loveland, Colorado
Provo, Utah

COST ANALYSIS

CONSTRUCTION ITEMS	QTY.	UNIT COST IN PLACE	TOTAL COST IN PLACE
Water System			$13,307.54
Sewer System			$74,303.80
TOTAL			$87,611.34

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

W. J. Cuskelly
Supervisory Accountant

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES

OTHER: F. S. & S. $13,052.84

ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS FIRST	SECOND	THIRD
(396) 70,440.50 (402) 1,800.00	(396) - 450.00	0	(396) + 3,826.00
FINAL CONTRACT AMOUNT	**FOURTH**	**FIFTH**	**SIXTH**
(396) 72,756.50 (402) 1,800.00	(396) + 290.00		

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Everett O. Beardmore, Engineer — DATE: JAN 28 1960
APPROVED BY (Name and title): James V. Lloyd, Superintendent — DATE: JAN 28 1960

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

16109

Form 10-574
(Rev. 8-56)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION: Rye
AREA: Rocky Mountain National Park
COUNTY: Larimer
STATE: Colorado
PROJECT OR JOB TITLE: Water and Sewer Systems, Beaver Meadows Entrance Station
PCP NO: 5-116
MASTER PLAN NO: NP-RM-2202-B
BUILDING NO:
LOCATION IN AREA: Beaver Meadows
WORKING DRAWING NO AND TITLE:
APPROPRIATION TITLE AND SYMBOL: NP-RM-3446-B Water and Sewer Systems
WORK ORDER NO.
CONTRACT NO: Construction, NPS, 1431035
DATE WO
NAME OF CONTRACTOR: 14-10-235-431
ADDRESS: Robert C. Warner, Inc.

This Completion Report covers the pipeline extending from the water main which connects the Moraine Reservoir & the Utility Area Reservoir and the Beaver Meadow Entrance Station.

COST ANALYSIS

CONSTRUCTION ITEMS	
Water System	
Sewer System	

This is to certify that the costs entered herein are in agreement with the accounting records of this office.

(SGD) W. J. PUSTELNY
W. J. Pustelny
Supervisory Accountant

SUMMARY OF EXPENDITURE

PERSONAL SERVICES
EQUIPMENT
OTHER: P.A.M. $1,330.83

CHANGE ORDERS: FIRST | SECOND | THIRD | FOURTH | FIFTH | SIXTH

ORIGINAL CONTRACT AMOUNT: $7,330.00
FINAL CONTRACT AMOUNT: $7,[illegible].00

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Forrest O. Beardmore, Assistant Park Engineer — DATE: [illegible]
APPROVED BY (Name and title): John A. Rutter, Acting Superintendent — DATE: [illegible]

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

38105

NARRATIVE STATEMENT
Account No. B-6(a) ROAD
Contract No. 14-10-235-431
Robert C. Warner, Inc., Denver, Colorado

The Invitations for Bids for this project were dated September 16, 1959, and were opened on October 14, 1959, with seven bids received. Robert C. Warner, Inc., Denver, Colorado, was the low bidder. Notice of award, in the amount of $7,340.00, was mailed to the contractor on October 16, 1959. The Order to Proceed was mailed on October 23, and the beginning date of the contract was established as October 27, with a completion date of December 25, 1959.

Work progressed satisfactorily. Final inspection and acceptance of the job was made on December 7, 1959.

The final quantities in place under this project are as follows:

1,305.07	L.F. 1½ inch galvanized pipe
7.0	L.F. 2 inch galvanized pipe
1	2 inch brass gate valve with box
1	Pump house, pump, and equipment
387.4	L.F. 6 inch VCP sewer line
1	750 gallon concrete septic tank
1	Concrete distribution tank
100	L.F. filter trench
1	Concrete manhole

There remains an unobligated balance in the amount of $255.98 in this account that is being returned to the Region Two office by revised work order.

Form 4 (Rev.)
9-57/5M

STATE OF COLORADO
DIVISION OF WATER RESOURCES
OFFICE OF THE STATE ENGINEER
GROUND WATER SECTION

LOG AND HISTORY OF WELL
PERMIT NO. 4019

Drilled by Eagle Construction Co. Loveland, Colorado Lic. No.

Owner Rocky Mountain National Park
Address P. O. Box 1086 Estes Park, Colorado

Tenant None

Used for Domestic purposes

on or by National Park Utility Area
(description of site or land)

Date Started July 27, 19 59

Date Completed August 28, 19 59

Date Tested August 31, 19 59

Yield 99.0 gpm _____ cfs

Pump type Cent. Outlet Size 4"

Driven by Gasoline HP @ RPM 1200

Depth to Water 12' 1" Ft. Draw down 8' 5" Ft.

Depth to Inlet 14' Ft.; Bowl _____ Ft.

Size and Kind of Casing:

From 0 to 15' Type CMP Wt. 10 gauge

From _____ to _____ Type _____ Wt. _____

From _____ to _____ Type _____ Wt. _____

Perforations: Size and Type

From 6' to 14' Type hole Size ⅜"

From 14' to 15' Type None Size _____

From _____ to _____ Type _____ Size _____

Well description: Total Depth 15' Ft.

Hole Diam. (from 0 to 15', 72" in.
(from _____ to _____, _____ in.
(from _____ to _____, _____ in.

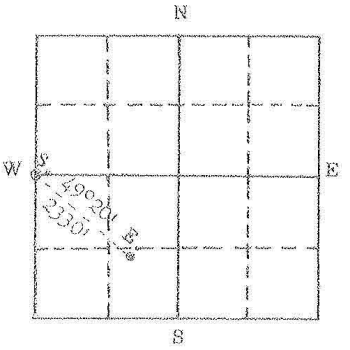
WELL LOCATION

Larimer County

S. E. ¼ of S. W. ¼ of Sec. 33,

Twp. 5 N., Rge. 73 W., 6 PM

LOCATE WELL ACCURATELY IN THE SMALL SQUARES REPRESENTING 40 ACRES



If the above is not applicable fill in:

Rocky Mountain National Park
Town or Subdivision

Street Address or Lot & Block

Ground elevation Approx. 8000 (if known)

How Drilled:

Drag Line

REMARKS

Cementing, Packing, Type of Shut-off, Depth to Shut-off, etc. PUT LOG OF WELL ON REVERSE SIDE

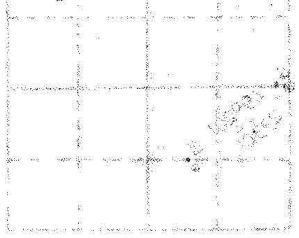
TO BE MADE OUT IN QUADRUPLICATE: Original Blue and Duplicate Green to State Engineer's Office, White copy to Owner, and Yellow copy to Driller

LOG OF WELL
(ADD SPACES AS NEEDED)

From 0 ft. to 1.5 ft.	Top Soil.
1.5 ft. to 5.0 ft.	Sand and Gravel, one Boulder.
5.0 ft. to 16.0 ft.	Very fine Sand with small quanities of Gravel.
ft. to ft.	
ft. to ft.	

REMARKS:

The 99 gallons per minute was checked for 30 minutes with no change in depth of the draw down after 7 hours of pumping.



Other Supporting Information

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:
L54

August 22, 1994

Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street, Room 818
Denver, Colorado 80203

Re: Rocky Mountain National Park 1993 Substitute Water Supply Plan, Water Division I, Water District 4

Dear Mr. Simpson:

This letter is to request a one year extension of the substitute water supply plan for the operation of wells No. 2 and 3 in Moraine Park within Rocky Mountain National Park. Well 3 is operated as an alternate point of diversion for well 2.

Rocky Mountain National Park currently has substitute supply plans in place for the well at Aspenglen Campground in addition to the Moraine Park wells. The source of water to be used for exchange purposes is the Colorado-Big Thompson Project, and specifically, Article 24 of the 1938 contract between the United States and the Northern Colorado Water Conservancy District. Last May, the U.S. Department of Justice submitted to the Water Court, an Application for Approval for Plan for Augmentation by Exchange, Case No. 94CW060, for the Aspenglen well. It was our intent to submit a similar application to the Water Court for the Moraine Park wells once Case No. 94CW060 was approved.

A Statement of Opposition was filed against the United States in the above mentioned case. Therefore, it was deemed prudent to resolve the differences associated with case No. 94CW060 before a similar application was made to the Water Court. As soon as a decree is entered for Case No. 94CW060, the Department of Justice will make application for Approval of Plan for Augmentation by Exchange for the Moraine Park wells.

Thank you for your assistance in this matter. If you have any questions, please call Dr. Ken Czarnowski of my staff at (303) 586-1263.

Sincerely,

Homer L. Rouse
Superintendent

bcc: Eric Wilkinson, NCWCD
Alan Berryman, Division Engineer
Don Brazelton, Water Commissioner
Wise, RMR
Williams, WRB
Jack Garner, USBR

L54

February 23, 1994

Mr. Don Brazelton
Water Commissioner
Water Division I
1159 North First Avenue
Greeley, CO 80631

Dear Mr. Brazelton:

As required in the conditions listed by the State Engineer for approval of the Substitute Water Supply Plan for the Moraine Park Wells in Rocky Mountain National Park, we are reporting pumping in 1993 of 12,145,160 gallons of water (37.27 acre-feet) for use at park facilities.

Please advise us as to when and where you wish replacement water from the Colorado-Big Thompson Project to be released to the river system.

If you have any questions, please call me at 586-3565, ext. 263.

Sincerely,

Signed

Kenneth Czarnowski
Park Hydrologist

cc:
RMR, Wise
WRD, Williams
SOL, Canaday
DOJ, Johnson
USBR, Gibbons
Water Court, Liesman
Northern Colorado Water Conservancy District
ROMO, Iobst
FWD #3, ROMO

United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:

L54

October 7, 1993

Hal D. Simpson, State Engineer
Office of the State Engineer
Colorado Division of Water Resources
Centennial Building
1313 Sherman Street, Room 818
Denver, Co. 80203

Re: Rocky Mountain National Park 1993 Substitute Water Supply Plan, Water Division I, Water District 4

Dear Mr. Simpson:

This is in response to your letter of September 28th notifying us of approval of the substitute water supply plan for Moraine Park Wells no. 2 and 3. We accept all of the conditions outlined in your letter. As indicated in item 9 of your letter, we will make application with the Division I Water Court for designation of the wells as alternate points of diversion to each other.

Thank you for your timely approval of the substitute water supply plan. If you have any further questions, please call Dr. Ken Czarnowski of my staff at 586-3565, ext. 263.

Sincerely,

Signed

Homer L. Rouse
Superintendent

cc: Larry Simpson, NCWCD
Alan Berryman, Division Engineer
Don Brazelton, Water Commissioner
Wise, RMR
Williams, WRD
Jack Garner, USBR

L54

February 11, 1993

Julia D. Draper, Paralegal Specialist
General Litigation Section
U.S. Department of Justice
Environment & Natural Resources Division
999 18th Street - Suite 945
Denver, CO 80202

Dear Ms. Draper:

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

Dear Ms. Draper:

We have reviewed the FINDINGS AND RULING OF THE REFEREE in the above-captioned cases.

We find them to be acceptable as written.

Sincerely,

Signed

Ken Czarnowski
Hydrologist

cc:
Canaday
Williams

U.S. Department of Justice

Environment and Natural Resources Division

WMC:JDDraper
90-1-2-892

Denver Field Office
Suite 945
999 18th Street
Denver, Colorado 80202

Commercial Numb
(303) 294-19
FTS/330-19
Telefax Numb
(303) 294-19
FTS/330-19

February 2, 1993

Ralph O. Canaday, Esquire
U.S. DEPT. OF INTERIOR
Office of the Solicitor
Rocky Mtn. Region
P. O. Box 25007
Denver, CO 80225

Mr. Owen Williams
Chief, Water Resources Division
NATIONAL PARK SERVICE
1201 Oakridge Drive
Suite 250
Fort Collins, CO 80525

Mr. Kenneth Czarnowski
NATIONAL PARK SERVICE
Division of Resources Management
Estes Park, CO 80517

Re: Water Division No. 1
Case Nos.: 85CW344, 85CW345, 85CW347 & 85CW384

Gentlemen:

Enclosed please find copies of FINDINGS AND RULING OF THE REFEREE . . . in the above-captioned cases. Please let us know by **February 15, 1993,** whether these Rulings are acceptable.

Respectfully,

Julia D. Draper

Julia D. Draper
Paralegal Specialist
General Litigation Section

enclosures

Environment and Natural
Resources Division

~~WMC:LAJohnson~~
90-1-2-1377

Denver Field Office
999 - 18th Street
Suite 945
Denver, Colorado 80202

Commercial Number
(303) 294-1900
FTS/330-1900

Telefax Number
(303) 294-1931
FTS/330-1931

January 9, 1992

Raymond A. Leisman
Water Referee
Water Division No. 1
P. O. Box C
Greeley, CO 80632

Re: W-8789-77 RMNP Deer Haven Well
W-8791-77 RMNP Moraine Park, et al
W-8794-77 RMNP Bear Lake Pipeline No. 3

Dear Ray:

As requested in your letter of October 3, 1991, attached are statements prepared by staff at Rocky Mountain National Park responding to the questions you raised. Also included are copies of applications for well permits or late registration of wells as appropriate.

We request that you defer any decision on Moraine Park Wells Nos. 2 and 3 at this time. Your assistance and patience in these matters is very much appreciated. If you have any questions or need additional information, please call me at 294-1900 or Ken Czarnowski at 586-0131, ext. 263.

Sincerely,

Lynn A. Johnson
Attorney
General Litigation Section

Enclosures

cc: Mr. Owen Williams (w/encls.)
Mr. Ken Czarnowski (w/encls.)
Mr. Ralph Canaday (w/encls.)

DEC 1991
RECEIVED
WRD - FT COLLINS

L54

December 17, 1991

Lynn A. Johnson, Attorney
U.S. Department of Justice
Environment and Natural Res. Division
999 18th Street
Suite 945
Denver, CO 80202

Dear Ms. Johnson:

Enclosed are statements responding to questions raised by the Water Referee, Water Division 1, regarding selected claimed water rights in the park. Please transmit this information along with the attached copies of well permit applications and late registrations to the Water Referee. A draft transmittal letter has been prepared for your consideration.

If you have any questions, please call Ken Czarnowski at 586-3565, ext. 263. Your assistance in this matter is very much appreciated.

Sincerely,

(Sgd) James B. Thompson

James B. Thompson
Superintendent

Enclosures

cc:
SOL - Canaday
WRD - Williams
RMR - Chaney

DRAFT

Raymond A. Leisman
Water Referee
Water Division No. 1
P.O. Box C
Greeley, Co 80632

Re: W-8789-77 RMNP Deer Haven Well
W-8791-77 RMNP Moraine Park et. al.
W-8794-77 RMNP Bear Lake Pipeline No. 3

Dear Mr. Leisman:

As requested in your letter of October 3, 1991, attached are statements prepared by staff at Rocky Mountain National Park responding to the questions you raised. We have also included copies of applications for well permits or late registration of wells as appropriate.

We request that you defer any decision on Moraine Park Wells Nos. 2 and 3 at this time. Your assistance and patience in these matters is very much appreciated. If you have any questions or need additional information, please call me at 294-1900 or Ken Czarnowski at 586-0131, ext. 263.

Sincerely,

Lynn A. Johnson
Attorney

THIS FORM MUST BE SUBMITTED WITHIN 60 DAYS OF COMPLETION OF THE WORK DESCRIBED HEREON. TYPE OR PRINT IN BLACK INK

COLORADO DIVISION OF WATER RESOURCES
1313 Sherman Street - Room 818
Denver, Colorado 80203

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER _____

mailed 8-21-84

WELL OWNER National Park Service S.E¼ of the S.W. ¼ of Sec. 33

ADDRESS Rocky Mountain N.P. Estes Park, Colo. 80517 T. 5N, R. 73W, 6th P.M.

DATE COMPLETED August 7, 19 84

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	4	fill dirt	x
4	30	sand	
30	50	sand & gravel marble size	

TOTAL DEPTH 50

Use additional pages necessary to complete log.

HOLE DIAMETER

8 in. from 0 to 50 ft.

_____ in. from _____ to _____ ft.

_____ in. from _____ to _____ ft.

DRILLING METHOD cable tool

CASING RECORD:

Plain Casing

Size _____ & kind steel from 0 to 35 ft

Size _____ & kind steel from 45 to 50 ft

Size _____ & kind _____ from _____ to _____ ft

Perforated Casing

Size _____ & kind steel from 35 to 45 ft

Size _____ & kind _____ from _____ to _____ ft.

Size _____ & kind _____ from _____ to _____ ft.

GROUTING RECORD

Material cement

Intervals _____

Placement Method pumped

GRAVEL PACK: Size _____

Interval _____

TEST DATA

Date Tested August 11, 19 84

Static Water Level Prior to Test 4 ft.

Type of Test Pump pump

Length of Test 8 hrs

Sustained Yield (Metered) 100gpm

Final Pumping Water Level _____

Pump Make _____

Type _____

Powered by _____ HP _____

Pump Serial No. _____

Motor Serial No. _____

Date Installed _____

Pump Intake Depth _____

Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested _____

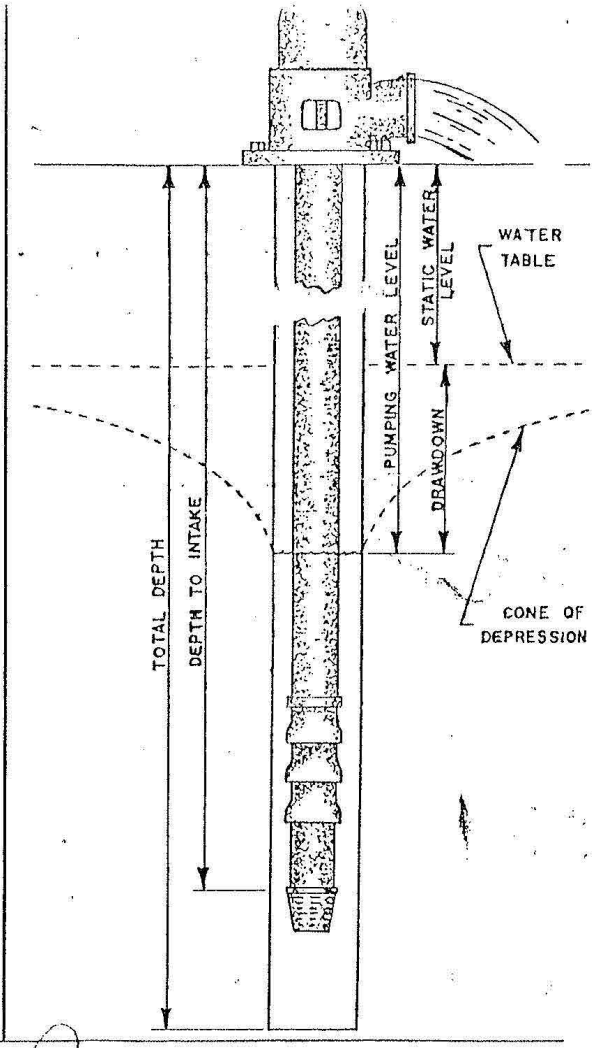
Static Water Level Prior to Test _____

Length of Test _____ Hours

Sustained yield (Metered) _____ GPM

Pumping Water Level _____

Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature John J Bomareto License No. 267

State of Colorado, County of Adams SS

Subscribed and sworn to before me this 1st day of August, 1989.

My Commission expires: [illegible], 19___.

Notary Public [illegible]

FORM TO BE MADE OUT IN QUADRUPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

ROCKY MOUNTAIN NATIONAL PARK
OCT 7 10 58 AM '81

Route Stamp
Supt.
Asst. Supt.
Admin.
Interpret.
Maint.
Res. Mgmt.
West Unit
All correspondence with this stamp must be returned to FILES

DSC-TMW-05039

Memorandum

To: Assistant Manager, Midwest/Rocky Mountain Team, DSC

From: Civil Engineer, Midwest/Rocky Mountain Team, DSC

Through: Chief, Branch of Design, Midwest/Rocky Mountain Team, DSC

Reference: Rocky Mountain National Park, Package No. 232, Rehabilitate three water systems, Park General, Project Type 06

Subject: Preliminary Report

INTRODUCTION

This construction package addresses water systems in three areas of Rocky Mountain National Park. These areas are Bear Lake, Glacier Basin/Sprague Lake and the Moraine Park/Headquarters area. All of these areas have water systems that do not meet United States Public Health Service or Colorado State Health Department standards and some upgrading is necessary. The work will mainly consist of providing proper treatment for surface water sources or connecting to groundwater sources. Each area is discussed below.

Bear Lake

Existing System: The existing water system at Bear Lake consists of a surface water intake piped to a chlorinator and a 19,000 gallon steel reservoir (in poor condition). This reservoir supplies the small development at Bear Lake with up to 10,000 gallons per day, primarily used at the comfort station.

Design Requirements: The system should be upgraded to meet health requirements but no expansion in capacity is necessary. The recently completed development concept plan (DSC-1981) includes an expanded comfort station and visitor contact station but water use will be very low because of the type of sewage system planned.

Alternatives: The obvious way to upgrade the Bear Lake water system would be to provide filtration for the surface water now in use. This would entail the installation of a pressure filter (cartridge type approved by the State of Colorado) and a new chlorination system (hypochlorinator meter powered). A new reservoir is also required since the present one is very rusty and probably leaks. This type of system would be relatively maintenance free, as is the existing system.

Another alternative would be to provide a groundwater supply for the area. This would involve drilling a well and providing a well pump and a power source. This might be a gasoline or diesel generator or photo-voltaic system.

Recommendation: Complete investigations for feasibility and cost of a surface water source. This will require pressure, flow and leak tests of the piping system and reservoir. These can be conducted by an engineer and park staff.

Glacier Basin/Sprague Lake

Existing System: A surface water intake on Boulder Brook supplies water to a pipeline which runs down along the brook to Glacier Basin Campground and Sprague Lake. Boulder Brook drains a fairly heavily used area of the park and is also subject to fairly high turbidity at times so it is not a very desirable water source. The Sprague Lake water system has no storage, other than stream flow and presently supplies a picnic area and concessionare stable facilities.

The Glacier Basin distribution system supplies a number of comfort stations and camp spigots as well as a portion of the YMCA. It has 50,000 gallons of storage however, it is on a single feed/supply line and thus is difficult to maintain a chlorine residual in.

Design Requirement: A new water system should meet USPHS and State standards and supply up to 30,000 gallons per day (preliminary estimate). Future plans include a comfort station at the Shuttle area so the water system should have the capacity to handle it also.

Alternatives: Since the surface water source, Boulder Brook, has a history of high turbidity making treatment more difficult, groundwater could be a good alternative. U.S.G.S. test wells and reports indicate good potential for groundwater development at Glacier Basin and Sprague Lake. A single groundwater source might supply both areas (Sprague and Glacier Basin) or the systems could be developed separately.

Recommendation: Begin groundwater investigations to determine the best sites for wells and drill one test well or more as necessary. The pipeline between Glacier Basin and Sprague Lake should be flow and leak tested as well and alternative pipeline routes studied. Also, some sort of water storage will be required at Sprague Lake to provide fire protection and standby water supply.

Moraine Park/Headquarters

Existing Systems: This area is used year round and is now served by three water systems. The largest system which supplies the Headquarters area including the maintenance yard and residential area also supplies the Moraine Park museum and Beaver Meadow entrance station. Although most of the system components in the Headquarters system (well, pipelines, reservoirs etc.) are in good condition, the groundwater contains quite a list of iron, 3-5 ppm, which causes consumer complaints.

The second largest system supplies Moraine Park Campground with about 20,000 gallons per day from springs located near the campground. This system is relatively new and is in good condition except that the campground demand occasionally approaches the capacity of the springs. A pipeline has been installed however from the springs to the headquarters well so that the well may supplement the spring production if necessary. Since the springs are subject to contamination they could be considered a surface source and thus need treatment (filtration) or conversion to groundwater supplies.

The third system is "green line" and supplies a number of seasonal residents including National Park Service employees and inholders (private landowners in the park). It consists of a shallow infiltration type well (possibly a "surface source") pumped to a 10,000 gallon reservoir. Gravity pressure is inadequate at several of the houses as is storage capacity in case of fire.

Design Requirement: To meet the minimum requirements of the USPHS and State of Colorado, very little would have to be done at any of these three systems. However, if other water system issues are to be addressed such as water quality and maintenance, there are many options to consider.

Alternatives: The many alternatives for this area depend upon level of service, water quality etc. desired by the park and region.

Recommendations: Investigations should be started on the water quality problem (high iron) with the headquarters well water supply. This work should include water sampling, hydrogeologic studies, a well pump test and changing the existing polyphosphate feed and chlorination points. The iron problem might be solved by several methods and the rest of the system could remain relatively unchanged.

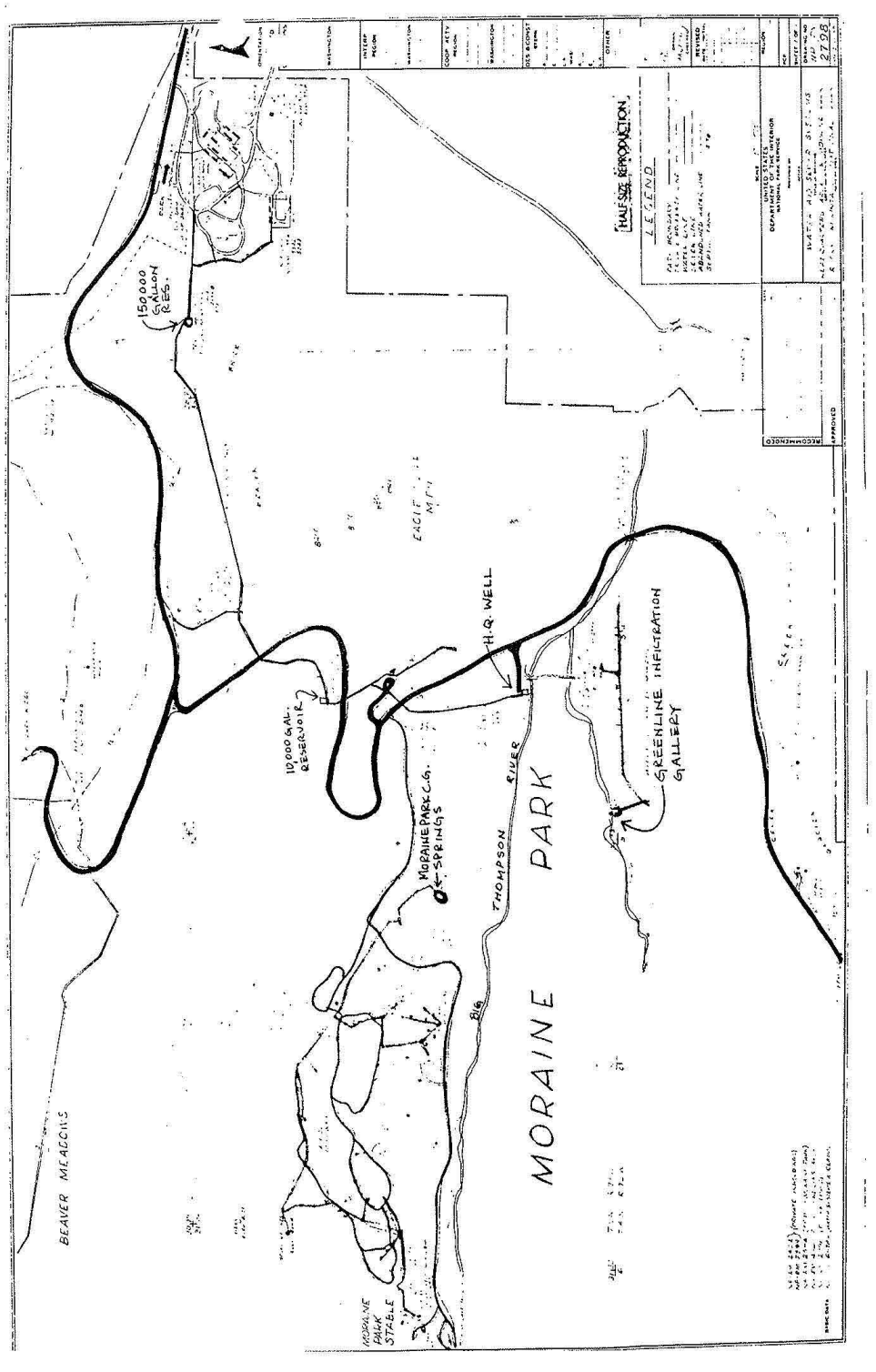
The Moraine Park Campground system operates quite well except that its spring supply may be subject to contamination. These springs could be enclosed better and a cartridge filter could be installed to insure against contamination in the supply. If the headquarters well provides an adequate supply, or if another well is drilled, it could be tied into the Moraine Park camping system on a permanent basis, eliminating the spring supplies if desired.

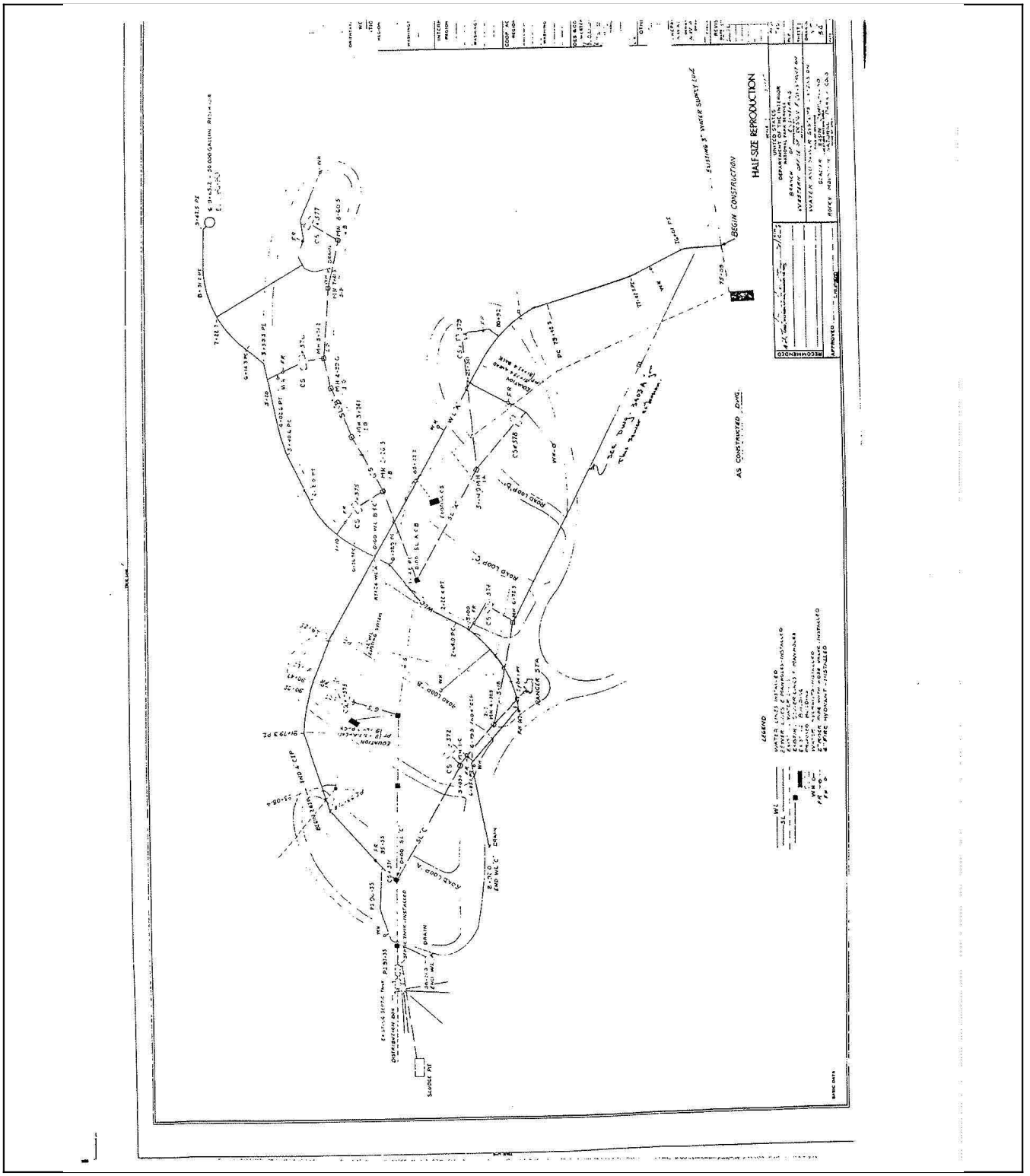
The green line system although very old, provides an adequate water supply to the area and would only need a filter and reservoir improvments to meet minimum health standards. Other issues such as improving water pressure, distribution system maintenance and fire protection supply would be up to the park and region, considering that this area is supposed to be phased out of service eventually.

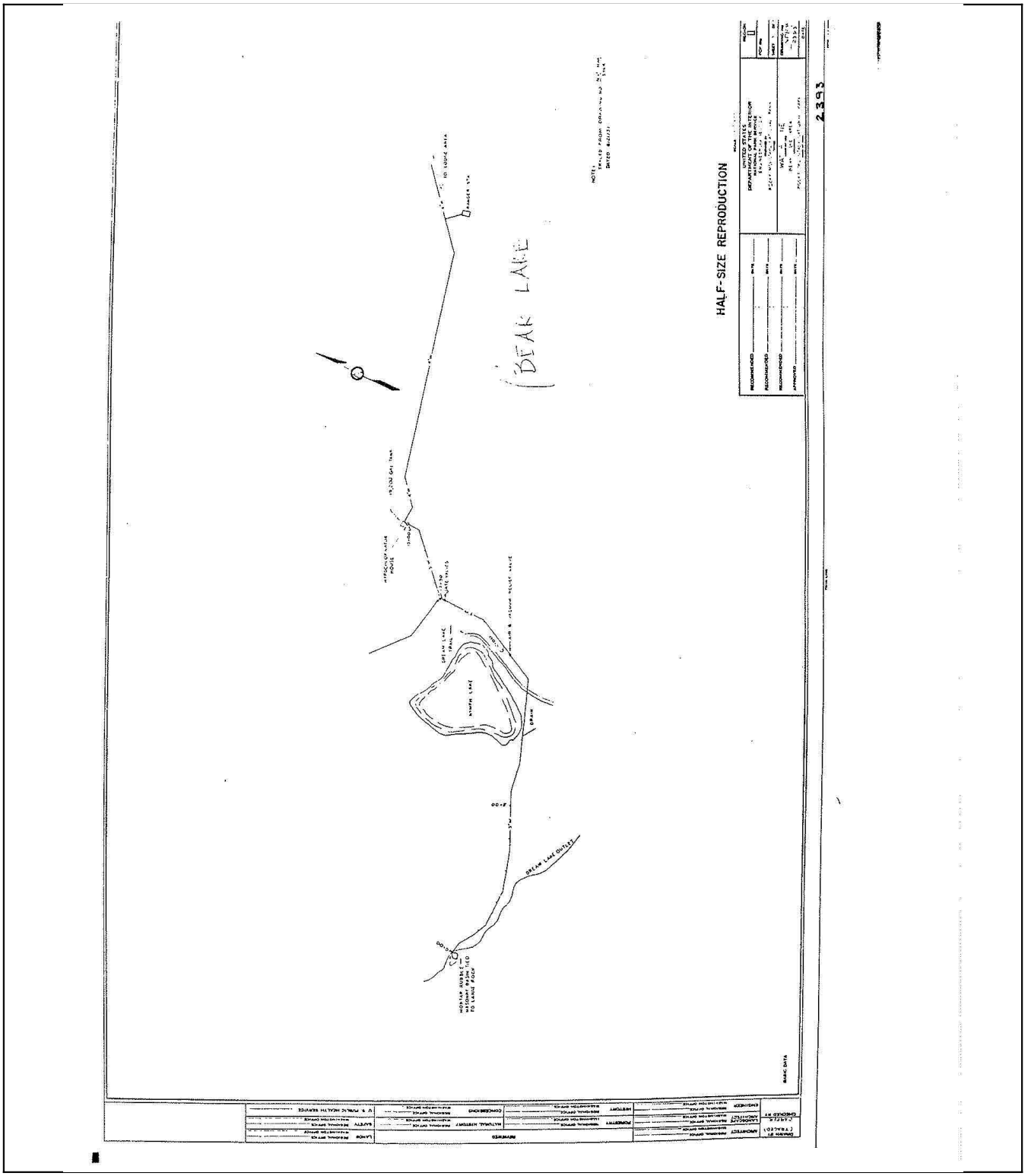
Signed

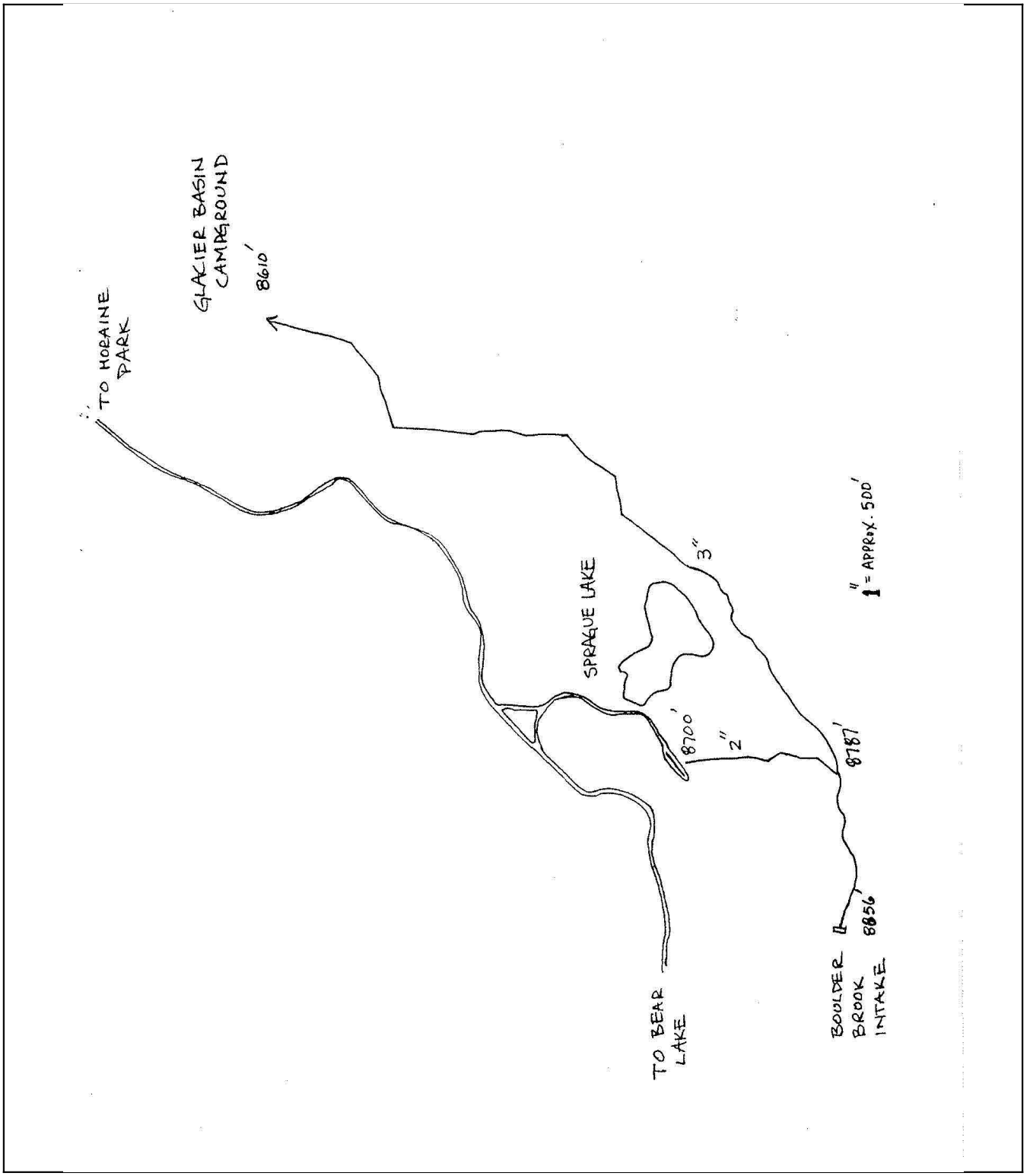
Thomas Meagher

cc:
Reg. Dir., Rocky Mountain Region
Supt., Rocky Mountain National Park


MORAINE PARK
BEAVER MEADOWS
THOMPSON RIVER
H.Q. WELL
10,000 GAL. RESERVOIR
150000 GALLON RES.
MORAINE PARK C.G.
SPRINGS
GREENLINE INFILTRATION GALLERY
MORAINE PARK STABLE
LEGEND
HALF-SIZE REPRODUCTION
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
RECOMMENDED
APPROVED
2798


HALF SIZE REPRODUCTION
BEGIN CONSTRUCTION
AS CONSTRUCTED
LEGEND
ROAD LOOP C
ROAD LOOP D
ROAD LOOP E
SEWAGE LAGOON
SEWAGE PIT
DISTRIBUTION BOX
SEPTIC TANK-INSTALLED
DRAIN
RANGE STA


BEAR LAKE
HALF-SIZE REPRODUCTION
2393


TO MORAINE PARK
GLACIER BASIN CAMPGROUND
8610'
SPRAGUE LAKE
3"
2"
8700'
8787'
1" = APPROX. 500'
TO BEAR LAKE
BOULDER BROOK INTAKE
8856'

CHAVEZ
WITUCKI

L54(WSC)LWW
ROMO - Temp
WR Docket

June 3, 1970

AIRMAIL

State of Colorado
Division of Water Resources
Ground Water Section
101 Columbine Building
1845 Shermann Street
Denver, Colorado 80203

Phone (303) 892-3581
297-4411
F/S

Attention: Mr. John Romero

Gentlemen:

In accordance with our telephone conversations of this date, this is to inform you that the filing fee of $25 for a permit to drill a well Moraine Park #2 at Rocky Mountain National Park, in Lahimer County, T5N, R73W, Section 33, will be paid by this office. A check for the fee will be forwarded to you under separate cover by the U. S. Treasury Department.

Sincerely,

(Sgd)

Gerard S. Witucki
Chief, Water Resources Section
Office of Land Acquisition and
Water Resources

cc:
MW-WASO
Director, Midwest Region
Superintendent, Rocky Mountain
W. E. Mekeel, Rocky Mountain

bc:
(WSC)APG D.S.Marley
(WSC)AF Katherine L. Swift
(WSC)LWW M. Roberts

DCHAVEZ:mlk 6/3/70

10-19-1964: Memorandum regarding filing for ground water supply

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1080, Estes Park, Colorado 80517

IN REPLY REFER TO:
L54 MRIM

October 19, 1964

Reg. Director
Mrs. Howe
Operation
Administration
Coop. Act.
Pub. Affairs
Development
Res. Stu...
Field Solic.
Lands
X Mail
Action taken
File
RETURN TO FILES PROMPTLY

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Rocky Mountain

Subject: Filing for Ground Water Supply, Moraine Park Well, Rocky Mountain - Drawing No. NP-RM 2662 - ASAR BLDG. 415

On February 19, 1964, we submitted a copy of the subject drawing for your review and comments. On May 4, you submitted a copy of this map to the Director for comments and concurrence. To date we have not received an approval to submit the drawing to the State Engineer for filing.

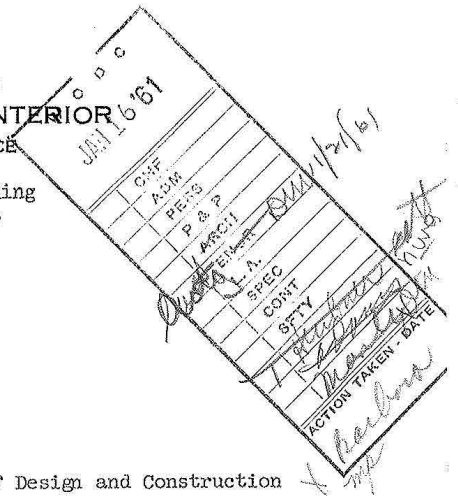
We would appreciate hearing from you in regard to this matter.

Superintendent

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Two Office
307 Federal Office Building
106 South 15th Street
Omaha 2, Nebraska
JAN 12 1961

IN REPLY REFER TO:

L 54



Memorandum

To: Chief, Western Office, Division of Design and Construction

From: Acting Regional Chief of Operations, Region Two

Subject: Material for Docket No. 3, Moraine Museum Water Systems, Rocky Mountain National Park

Attached is copy of Special Use Permit, No. 14-10-0235-510, issued to Dr. Arnold H. Greenhouse - Charles F. Scott Estate, Denver, Colorado.

We are placing a copy of the permit in Part III of Docket No. 3 and suggest you do likewise with the copy attached with a notation thereof on the index in your folder.

John F. Aiton
Acting Regional Chief of Operations

In dup.

Attachment

L54-ORL

May 10, 1960

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Approved Permit No. 4019 for Moraine Park Well No. 1, Utility Area Water System, Rocky Mountain National Park

The well log and memorandum of August 4, 1959, from the Superintendent, which Mr. Harvey forwarded on April 20, seem to leave a gap in our records. I seem to recall that the Moraine Museum Water System, Docket 13, has already been extended to the Utility Area. If I am correct, Dockets 13 and 32 should have been combined before now. Present Docket 13 should have become Part II of the combined docket and Docket 32 would become Part I. No water right amendment would be needed under the Colorado water laws, but a map of the pipeline from the Moraine Museum Water System to the Utility Area should be added to said Part II.

The docket number could be either 13 or 32, or 13 and 32. If a single number is used, a record should be made to use the abandoned number for a new water system and claim. The abandoned number might be used for the Beaver Meadows Water Entrance water system, unless it is also a reconstruction or enlargement of an old system with records in an existing docket.

We are filing the attachments with Mr. Harvey's memorandum in Docket 32, as suggested, until we receive a reply to the above suggestions. If the above is correct, this new well supply will become Part III of the combined docket. Each part of the docket should be labeled as well as numbered. Part I should be "Utility Well". Part II, if combined should be Moraine Museum Spring. Part III would then be Moraine Museum Well No. 1. A map of the water system from the latter to the existing Utility Area pipeline should be filed with the well log.

We have just reviewed the completion reports for this water system extension under U-114, and the Beaver Meadows Entrance Water and Sewer Systems under U-116, which were approved by Mr. Rutter on March 29. Whether the latter needs the new docket suggested above or not, copies of the completion reports should be in the assemblies for the two systems, and should be supplemented with records of the installed pump units. A map and well log are also needed for the latter assembly.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Rocky Mountain
Chief, WCDC

L54

Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1086, Estes Park, Colorado

November 19, 1959

Memorandum

To: Regional Director, Region Two

From: Superintendent

Subject: Driller's Log, Moraine Park Well No. 1, Permit No. 4019, Domestic Water System for Utility Area, Rocky Mountain National Park

Enclosed are three marfax copies of the Driller's Log covering Morsine Park Well No. 1, Permit No. 4019, filed in the Ground Water Section, State Engineer's Office on November 17, 1959.

This well was drilled to provide an additional domestic water supply for the Utility and Employee's Residential Area in Rocky Mountain National Park and is now being put to beneficial use. This new water supply supplements that obtained from the McPherson Spring Area, Filing No. 16550, Decree of November 14, 1939, Water Rights Docket No. 3, known as the Morainw Museum Water System.

(SGD) James V. Lloyd

James V. Lloyd
Superintendent

In triplicate

Enclosures

W O D C
12 5 60
CHIP
ADM
PESS
P & P
ACCT
ENGR
L. A.
SPEC
COMT
SFTY
ACTION TAKEN - DATE

Rocky Mountain National Park
and
Shadow Mountain National Recreation Area
P. O. Box 1086, Estes Park, Colorado

August 4, 1959

Memorandum

To: Regional Director, Region Two

From: Superintendent

Subject: Approved Permit For Moraine Park Well No. 1, Utility Area Water System, Rocky Mountain National Park

Enclosed are three marfax copies of the approved application to drill the Moraine Park Well No. 1, Permit No. 4019, approved by the Ground Water Section of the State Engineer's Office on July 30, 1959.

This well is now being drilled for the purpose of increasing the supply of water for the residential, utility area, new eastern approach road entrance and visitor center. Water from this well will be pumped into the reservoirs and pipelines now serving the utility area in Rocky Mountain National Park. This well is located in the Moraine Park area at a point in the Southeast Quarter of the Southwest Quarter of Section 33, Township 5 North, Range 73 West of the 6th P.M., from whence the West Quarter Corner of Section 33 bears North 49° 21' West 2330 feet. We anticipate completion and testing of the well before September 1.

(Sgd) James V. Lloyd

James V. Lloyd
Superintendent

In triplicate

Enclosure

06-19-1958: Memorandum regarding water rights for new well

19-1
1

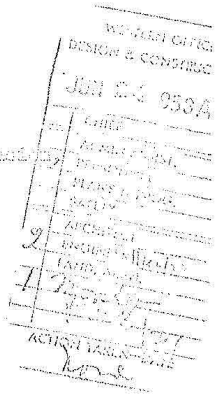
June 19, 1958

Memorandum

To: Regional Director, Region Two

From: Chief, Water Resources Section

Subject: Water Rights for New Well, Aspenglen Water System, Rmended to Docket 1 and 26, Water District 4, Rocky Mountain



The following attachments supplement our memorandum of June 5:

1. Copy of letter of June 9 from the State Engineer.

2. Six copies of Form C, revised 1/58.

3. Six copies of Form F, revised 7/57.

4. Copy of memorandum of 6/18 to Region Three concerning Moon Creek Well, Grand Land Devon.

Some questions are still unresolved; because the State Engineer has been unable to supply the manual which was reported to be available by January 1 in the memorandum of July 3, 1957, from Mr. Lloyd, concerning Colorado Water laws. However, the State Engineer has indicated that a change in point of diversion from a decreed surface water supply to a well is only possible by petition to the District Court. I interpret this to mean an adjudication similar to the one in which the Jones Ditch rights were transferred to the Aspenglen (spring) Water System, Little Thompson Park Water System, and others, for which the basic records are in Docket 1. If the Department of Justice should agree to a similar adjudication in Water District No. 4, we should amend a number of other rights, and Mr. Nutt and I have an extended project ahead; first, to determine what rights are to be amended, and to prepare the statements of claim for the case.

Mr. Nutt's proposal to establish individual rights under the ground water law now seems proper. The steps seem to be to: (1) file a Notice of Intention to Drill a Well (Form 3 or equivalent); (2) drill the well and obtain the log and pump test (Form 4 or equivalent) and file them with State Engineer if the driller does not do so; (3) decide on the well yield or water needs, and type and size of pump installation;

and (4) prepare and file Application for Use of Ground Water (Form C). Some of these actions are the function of the well driller, or Geologist, but copies of the filed forms should be supplied for Docket 25 in all cases. Although not yet clear, I assume that the Registration of Well (Form F) is for wells which have been drilled before May 1, 1957, and probably used before that date. Any further information on these matters, which Mr. Nott obtains from the State Engineer, should be supplied to this office in duplicate, and to Region Three and WOSO.

The attached Forms C and F are revisions of those previously available in your office and the Field. Six copies are supplied so one set can be kept for record purposes, the other five sets may be completed for submission to the State Engineer--one for State Engineer and copies for the four docket committees. It may be necessary to use the sixth copy if the application is submitted to the State Engineer in duplicate.

The Solicitor has specified that any application for the appropriation of water, which would include Form C, and probably Form F for wells used before May 1, 1957, must include the following statement:

> "Nothing herein shall constitute a waiver of any right which the United States has to the same water."

Attached Form C does not provide the space which was available on the earlier form for this statement, and it invites the use of a supplemental page, in a parenthetical statement just above the approval block in the lower left corner. In the particular case the above quotation might follow a statement as below, if true:

> The well was first used on _____, and intercepts the underground flow of Salt River which has been diverted and used by the United States and its predecessors under decreed Priority No. 57 since April 10, 1873, and decreed Priority No. 68 since May 1, 1903".

The first quotation, without alteration, is to cover any other rights which the United States may have acquired in any land acquisition since 1930, or rights the Department of Justice may wish to claim by virtue of Federal Sovereignty.

A. van V. Dam
Chief, Water Resources Section

Attachments
Copy to: Superintendent, Rocky Mountain, w/c attachments
Chief, WOSO w/c attach.
Regional Director, Region Three

April 9, 1953

STATEMENT

For general conditions relating to adjudication and decree, see Rocky Mountain National Park Docket No. 13.

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

00-00-0000: Memo

Memo to Chief, Office of Land & Water Rights, SSC
Att. D.M. Morris
From Chief, Br. of R.
Subject: Maps of well locations filed with State Engineer, Rocky Mountain

We have received (a transmittal communication dated July 12 and) seven ~~maps~~ (drawings) in duplicate from the Superintendent, Rocky Mountain National Park, which have been accepted for filing in the Office of the State Engineer.

However, in attempting to file these maps in the proper dockets, we have some difficulties in determining which goes where, and have made temporary filings as follows:

NP-RM 2760 - Residence No. 10 Well, Grand Lake Entrance - We have filed this in Docket 47 on the assumption that this is the ~~above-described~~ "Old Grand Lake Entrance Ranger Station Well (Abandoned)" which ~~The outline of the assembly~~ is Part I of Docket 47. The outline of the assembly of the docket

DID Dec 28, 1961

under Part 4 F. lists "Copy Registration No. N-928 of Old Grand Lake Entrance Ranger Quarters from State Engineer, State of Colorado, dated December 28, 1961." but unfortunately the docket itself does not contain such an item.

~~D Porter~~

NP 2681 - Moraine Park Well No 1 - This has been placed in Docket 3, Part III. The drawing checks the information in application No 4019, approved July 30, 1959. One minor difference was noted. Drawing NP 2681 states that the well was started and completed in November 1959 whereas the "Log and History of Well" gives a starting date of July 27, 1959 for the well and the narrative statement of the completion report on Work Order B-5 gives a completion date of December, 1959 for the system.

Sec.
2646
1320

NP-RM 2682 Aspenglen Campground Well - This has been filed in Docket 26, ~~and~~ The drawing checks the information in application No 1429 approved June 27, 1958 and the "Log and History of Well"

NP-RM 2683 Lower Hidden Valley Well - This has been filed in a new temporary docket.

NP RM 2759 - Hallowell Park Well - Filed in Docket 6. The drawing checks the information in ~~application~~ "Log and History of Well". Permit No 23819, and presumably corresponds to the "Application for a Permit to Construct a Well" copy of which was sent to this office by a memorandum dated March 2 1965, but no approval by the State is shown. This is the Bob Cooper Comp. well.

NP-RM 2662 Moraine Park Well, Buildings 415 and 416 - This has been filed in a temporary docket. Perhaps it belongs in Docket 3 but we

have no information as to whether it is part of that water system.

NP-RM 2668 Deer Ridge Well - This has been filed in a temporary docket folder.

Inasmuch as you and the Park are working on the dockets, no attempt was made to check.

The above described operation was made only to avoid having the drawings remanded unfiled. In doing this, however, some question as to the proper docketing arose principally as to whether each docket was based on a single water system. But inasmuch as both you and the park are working on getting these dockets in order, this was not pursued further. Nevertheless if there are any obvious misfilings of these drawings, please let us know.

E L Reed

[redacted]

Hans Sandau 1/16/17

1 No Quit Claim needed (assignment to Carmack Confirming for Rest of U.S. as checked

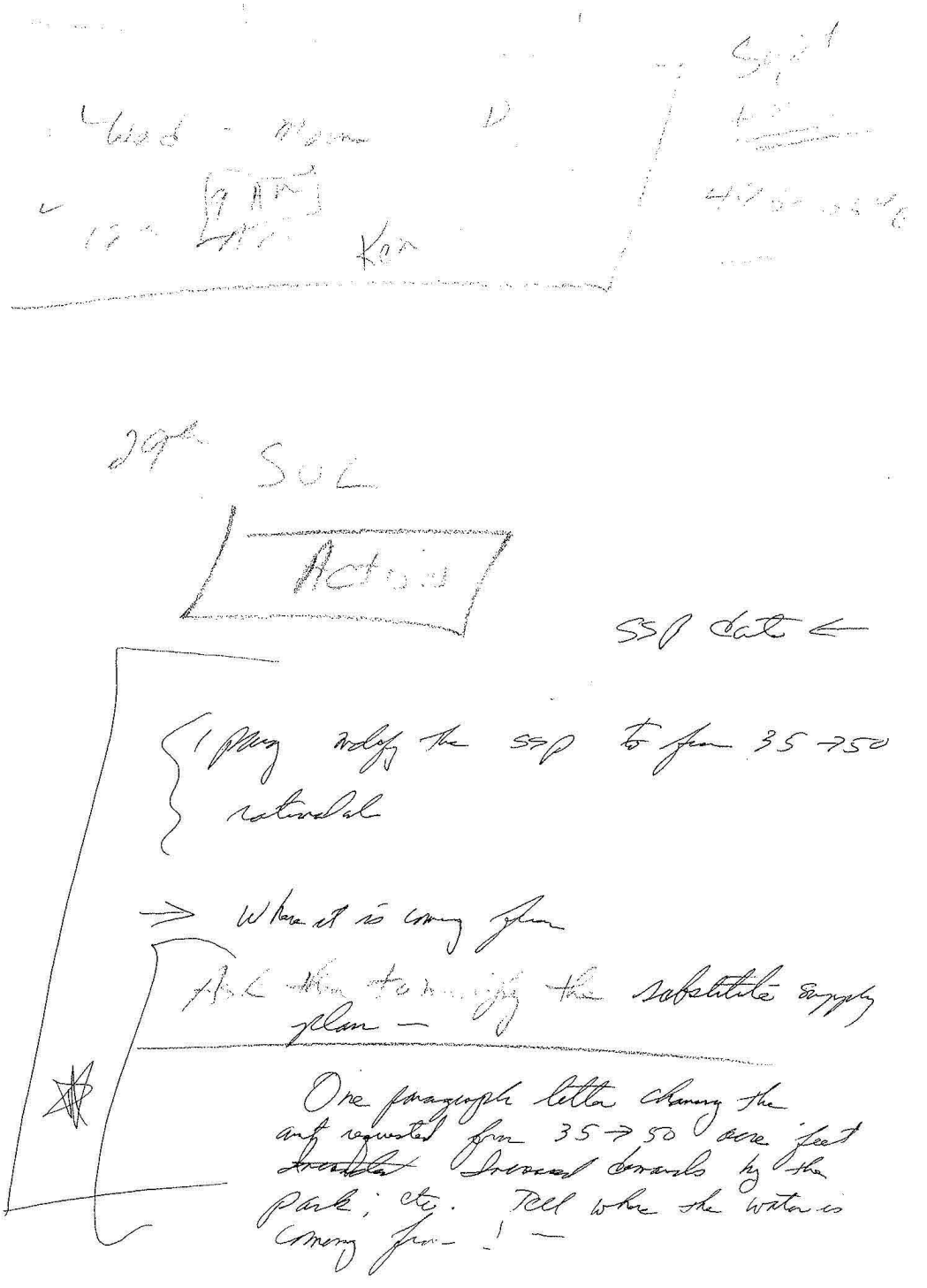
2 Signing Perm Rep Carmack U.S ownership of Pipe Line

3 Need Permit to receive max - Legally ok as Adm. Dec.

4 U/I can Divert by method conveyance for exist PL.
Permittee must maintain exist PL for his water service

5 Blackman Contract Lock not enclosed for us to see

00-00-0000: Notes to file



Staff Mtg 6'Clo

Pat Sig mail on closed file folders Sheridan / Randy

Personnel Positions - Before job offers are made - Dir. chief + selecting official clear with Sheridan + Randy.

23rd → Ron Eberhardt ; in Park Oct ✓
Morning Golf -

21st Resource Council 9:30

Silver Lake - wetlands issue ; ✓

West Unit - 14th → 15th ??

Mtg 28th 10 AM - | SOL, Managers Lars Hardin U.S. Atty's office Denver { Integration re Horse Plan ✓

Mess by Sombrero Stable Horses ?

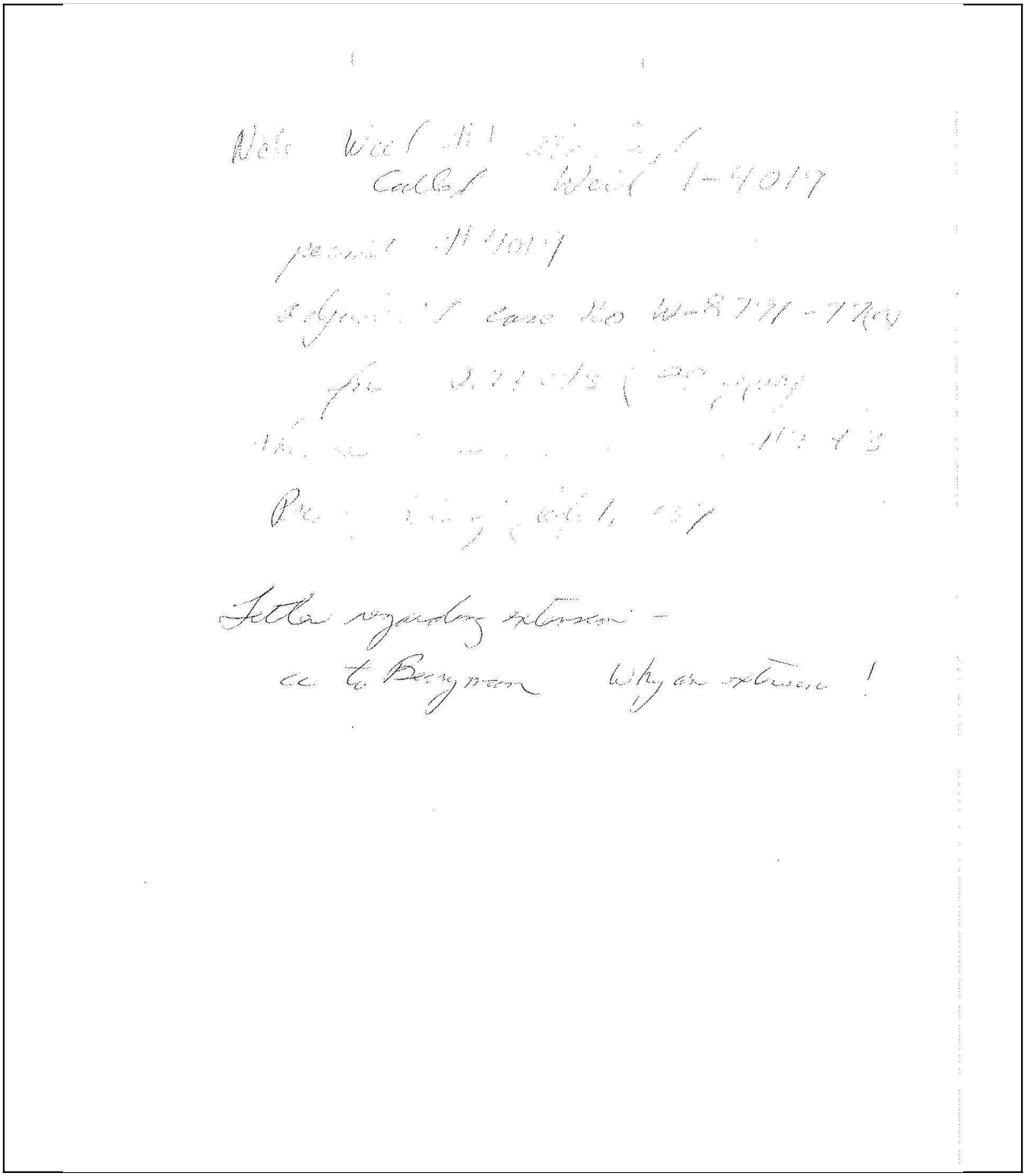
Action !! See Jack - Get the info from him ! ✓
Dennis Haddow. # F.S.
Jet Overflights - Indian Peaks Wilderness

8/17/95

McIntyre well got permits out this P.M.

(303) 866-3581

11/30



Maps and Miscellaneous Information

INVENTORY FOR MORAINE PARK CAMPGROUND AREA

50,000 Gallons of storage capacity

1 2 unit apartment

1 Trailer dump station

11 Hose bib sites

7 Comfort stations, six toilets each

2 8 person bunk houses

1 Stables < 100 head

2 Inholders, single family dwelling

1 Museum 5 toilets

5 Fire hydrants

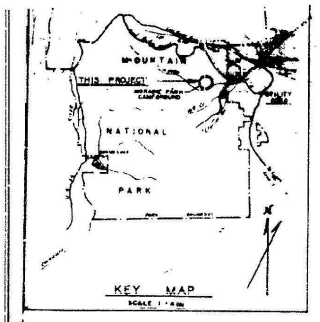
1 75 GPM Water treatment plant

Sewer to Upper Thompson Sanitation District, except for inholders.

00-00-0000: Map of Moraine Park Campground, Detail Sheet A, cont

1 of 3 to Tom 2
A

MORAINE PARK CAMPGROUND
DETAIL
SHEET
A



NOTE - TO COMPLETELY DRAIN THE SYSTEM S OPEN ALL VALVES AND DRAIN PUMP DISCHARGE COLUMN TO WATER LEVEL OF COLLECTION GALLERY.

ORIENTATION	
PREPARED	
VARIOUS	
ADAMS	
AS CONSTR.	

MARK	DESCRIPTION OF REVISION	DATE	INITIAL

RECOMMENDED

APPROVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ENGINEERING DIVISION
WESTERN OFFICE OF DESIGN AND CONSTRUCTION

WATER AND SEWER SYSTEMS
MORAINE PARK CAMPGROUND
ROCKY MOUNTAIN NATIONAL PARK - COLORADO
LARIMER COUNTY

REGION	MIDWEST
PCP NO.	U-121
SHEET	1 OF 22
DRAWING NO.	NP-RM 351-A
DATE	1/65

INVENTORY FOR HEADQUARTERS EAST AREA

260,000 Gallons of storage capacity

1 2 unit apartment

3 6 unit apartment

1 15 person bunk house

5 Office buildings, total of 24 toilets

34 Fire hydrants

1 Garden with 2 hose bibs

6 Shops total of 12 toilets

41 Single family residences

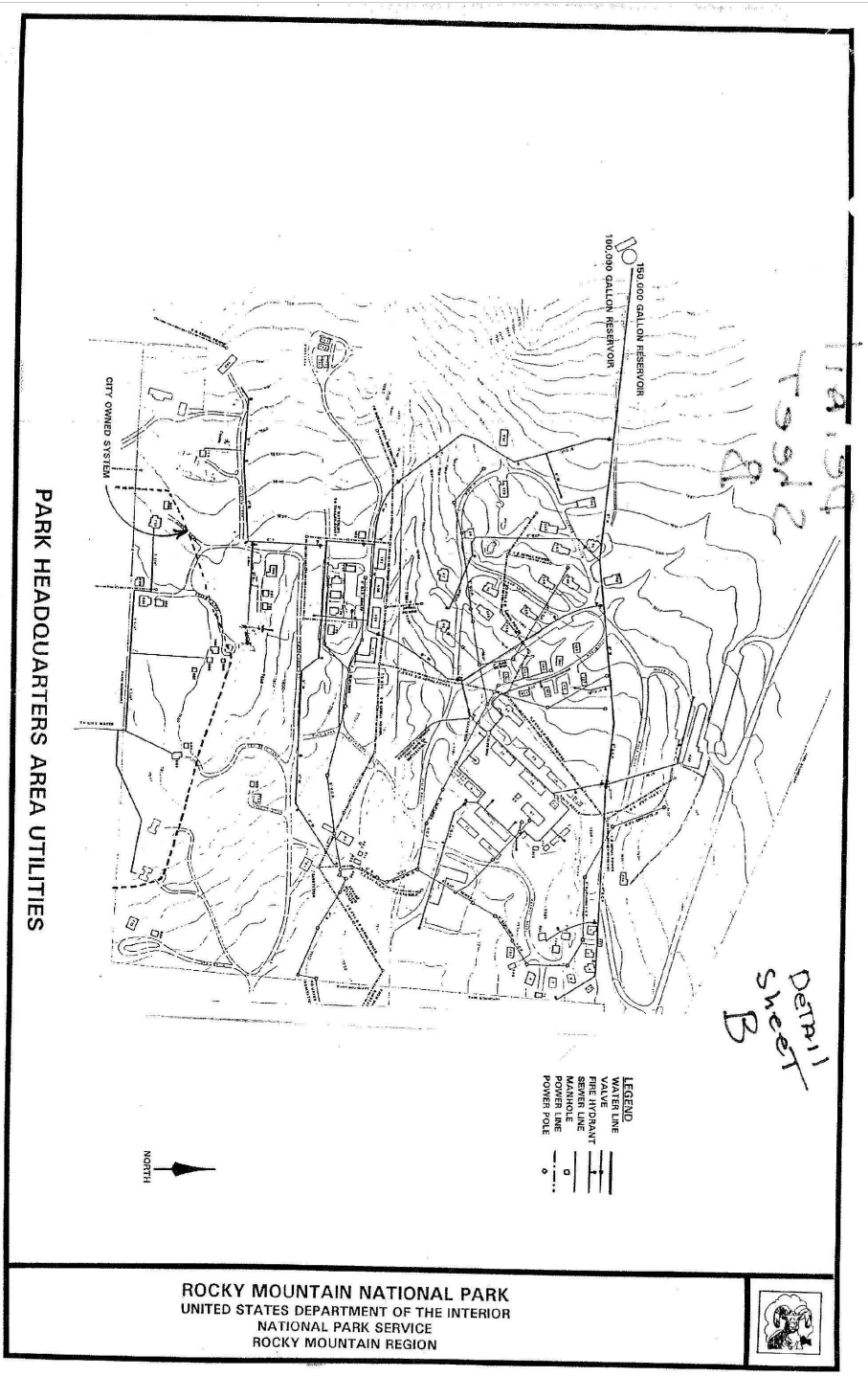
1 Entrance station 1 toilet

1 sewer dump station to Upper Thompson San.

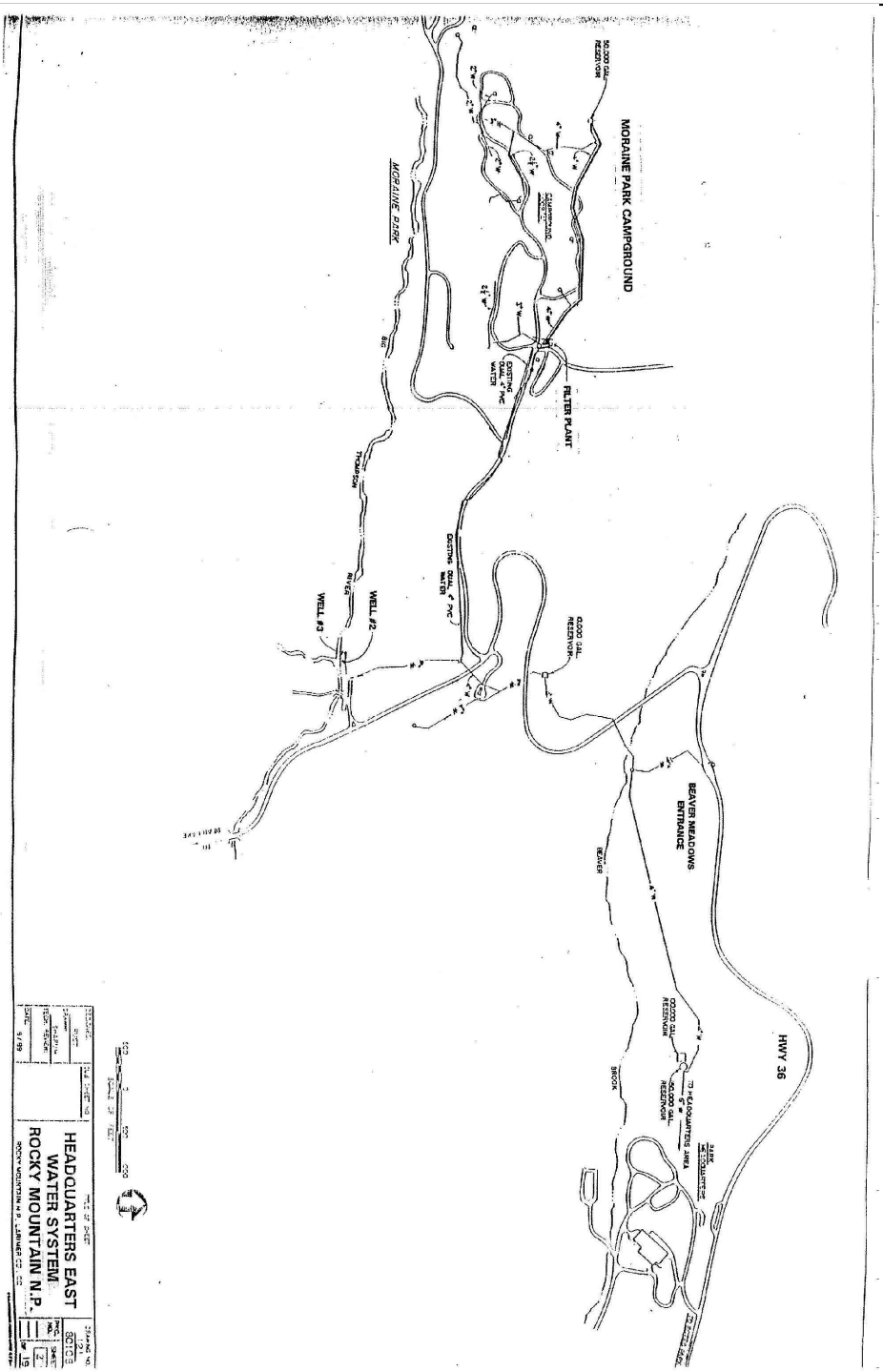
Sewer to Upper Thompson Sanitation District, except for entrance station.

13 Trailer sites

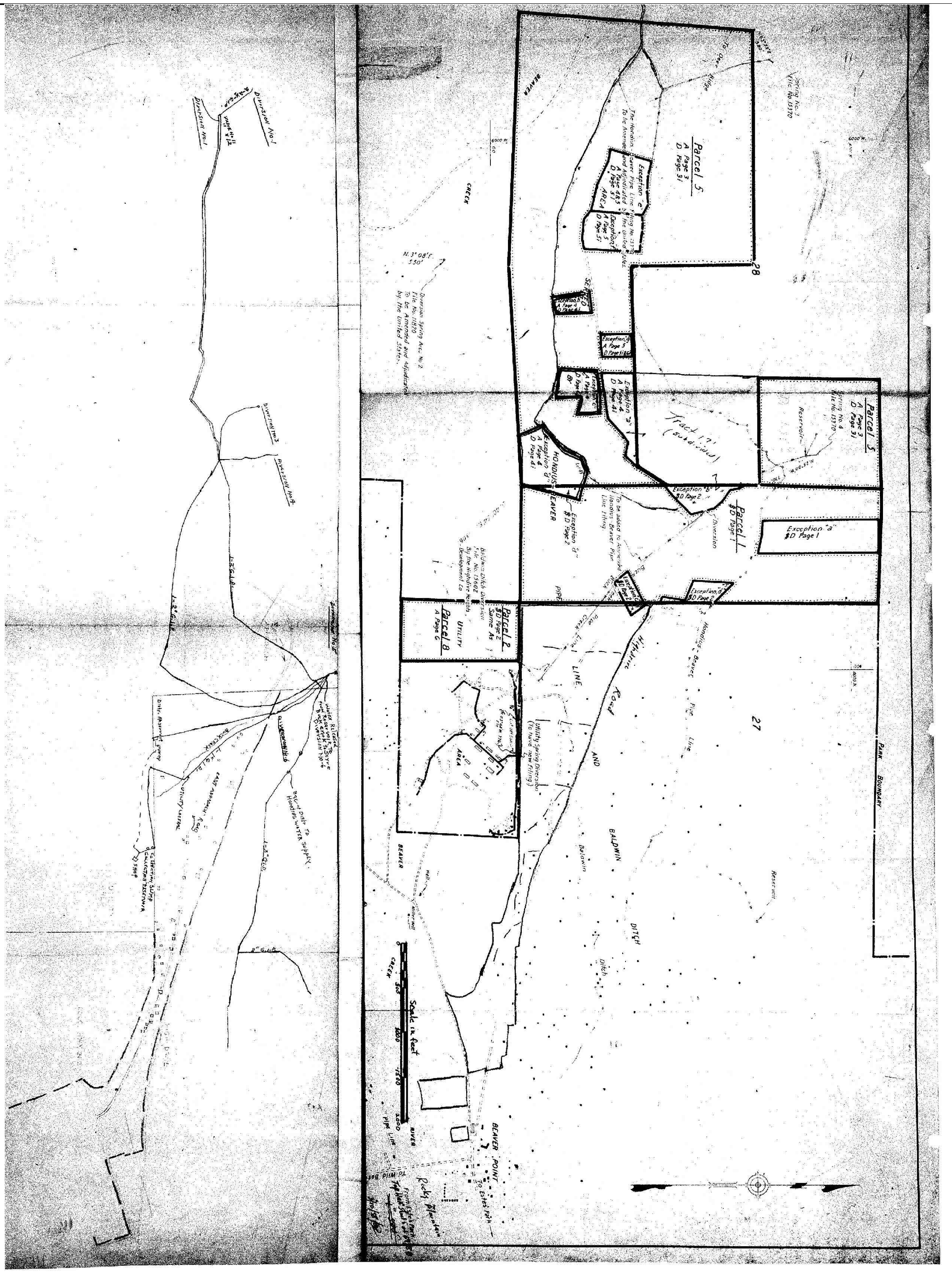
00-00-0000: Map of Detail Sheet B, cont



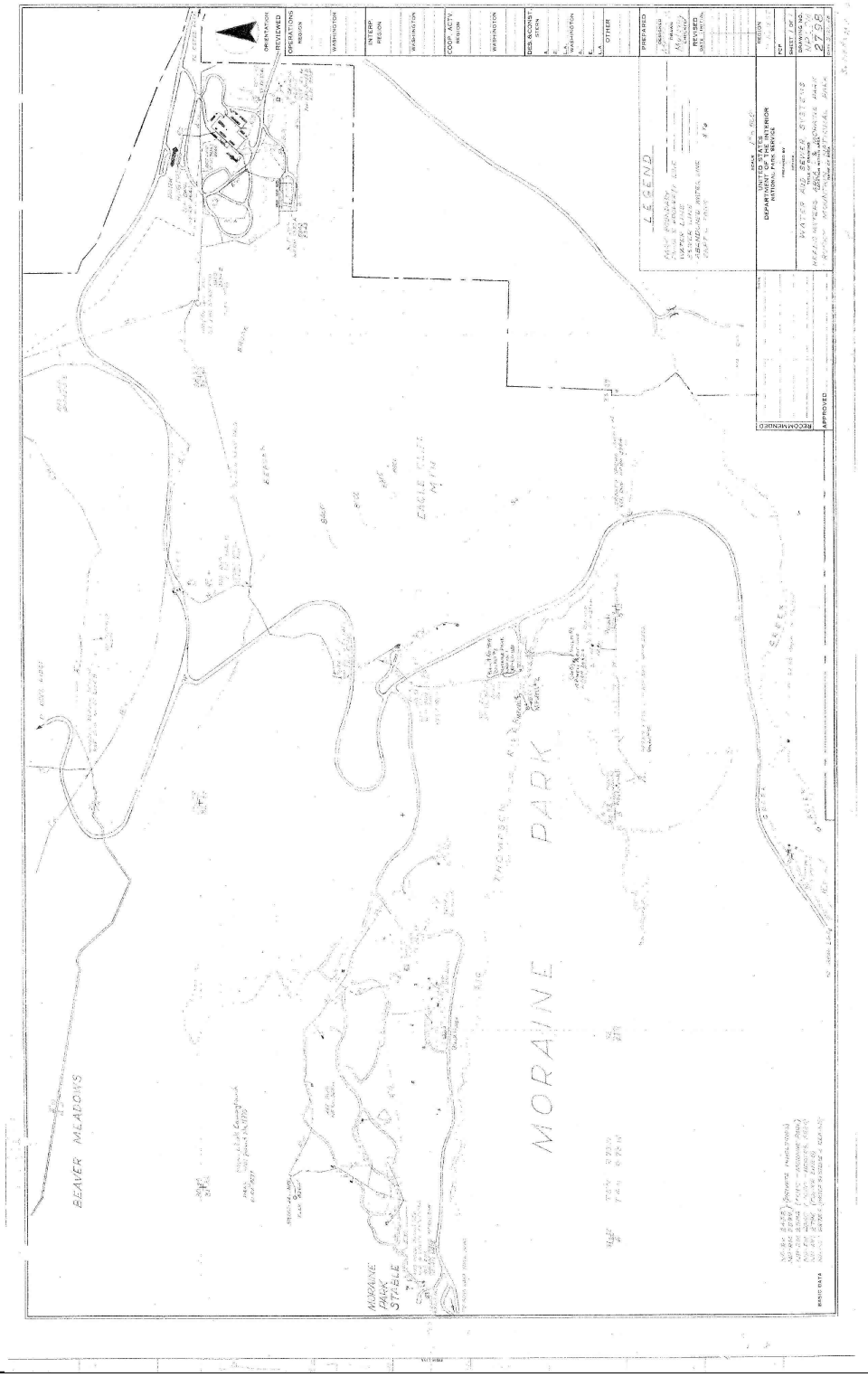
00-00-0000: Map of Headquarters East Water System



00-00-0000: Map of Parcels



03-26-1968: Map of Water & Sewer Systems of Headquarters Area & Moraine Park



Docket Information

Number of Documents in Docket 286

Documents Dated from 2/23/1932 to 11/26/2012

Docket Compiled: 12/14/2017