

APR 20 1987

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

DISTRICT COURT, WATER DIVISION NO. 2, STATE OF COLORADO  
DENVER, COLORADO

Case Nos. 81CW11 and 81CW12 (C/R 79CW176)

APR 15 1987

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED  
STATES OF AMERICA IN WATER DIVISION NO. 2, LAKE COUNTY.

*Richard A. Hykan*  
Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE

THIS MATTER having come before the court upon the Applications for water rights filed by the United States of America, and the Applicant, UNITED STATES OF AMERICA, represented by John R. Hill, Jr., Attorney, U.S. Department of Justice, Land & Natural Resources Division; and Objectors STATE OF COLORADO, represented by Robert A. Hykan, Assistant Attorney General; Objector TWIN LAKES RESERVOIR AND CANAL COMPANY, represented by John U. Carlson and Paula C. Phillips of Carlson, Hammond and Paddock; Objector SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT, represented by Howard Holme and Kevin Pratt of Fairfield and Woods; and the Court having reviewed the court file and having examined the records and files herein, and being now fully and sufficiently advised in the premises, enters these Findings of Fact, Conclusions of Law and Decree:

#### FINDINGS OF FACT

1. The United States of America was joined as a party in Water Division No. 2 pursuant to the McCarran Amendment, 43 U.S.C. 666, in May, 1979.

2. On December 20, 1979, the United States filed an application for water rights styled a general application which included general claims to reserved and appropriative water rights for the Leadville National Fish Hatchery.

3. The United States filed its Application for Confirmation of Reserved and Appropriative Water Rights in Case No. 81CW11 on January 30, 1981, claiming appropriative water rights at the Leadville National Fish Hatchery to 12.5 cubic feet per second (cfs) in the Evergreen Lakes Ditch and Pipeline out of Rock Creek with a priority date of August, 1880, for fish culture. In the alternative, the United States claimed a reserved right to 12.5 cfs in the Evergreen Lakes Ditch and Pipeline with a priority date of April 16, 1889, for fish culture, domestic and other uses incident to the operation of the Leadville National Fish Hatchery. The United States also claimed reserved rights with priority date of April 16, 1889, to 40 gallons per minute (gpm) respectively in Leadville NFH Spring No. 1 and Leadville NFH Spring No. 2 for fish culture, domestic and other operation and

maintenance requirements at the Leadville National Fish Hatchery. In addition to the foregoing claims, the United States claimed reserved rights in the "entire natural flow of Rock Creek and all surface and groundwaters on, adjacent, beneath, or otherwise appurtenant to the land reserved by the Executive Order of April 16, 1889, as amended by Executive Order of January 31, 1903", as well as rights for future use with priority date as of April 16, 1889.

4. Also on January 30, 1981, the United States filed an Application for Water Storage Rights in 6 lakes (Evergreen Lakes Nos 1 through 6) and 3 ponds (Leadville NFH Ponds 1 and 2 and LNF Sedimentation Pond) at the Leadville National Fish Hatchery, for fish culture, aggregating 211.0 acre-feet, with the right to maintain said lakes and reservoirs, to fill and refill them and to circulate water between them at the discretion of the Manager of the Leadville National Fish Hatchery as conditions necessary for fish production dictate. This application was assigned Case No. 81CW12.

5. The court ordered Cases 81CW11 and 81CW12 consolidated. Pretrial Order dated April 16, 1982, nunc pro tunc, March 15, 1982.

6. Part of the land comprising the Leadville National Fish Hatchery was reserved from the public domain by Executive Order of April 16, 1889 "for the use of the United States Commission of Fish and Fisheries." The executive order is attached hereto and made a part hereof as though fully set forth herein at this point. An amendment to the legal description was made by Executive Order of January 31, 1903, which is also attached hereto and made a part hereof as though fully set forth herein at this point.

7. The remaining land comprising the Leadville National Fish Hatchery was purchased by the United States in 1894.

8. On May 11, 1891, Grant, Goodell and Law filed for 18 cfs out of Rock Creek in the Evergreen Lakes Ditch, as of August 1880, for mining, domestic, irrigation, manufacturing and other beneficial purposes. Said filing was recorded in the County Records of Lake County, Colorado, in Book 134, page 130, Reception No. 83383.

9. According to the evidence, the water diverted from Rock Creek under the Grant, Goodell and Law filing was used for placer mining on patented mining claims and circulated through the Evergreen Lakes which were stocked with fish.

10. The United States acquired, at various times in 1894, all of the water rights on Rock Creek held by Grant, Goodell and Law, except for 500 gpm (1.11 cfs) in the DeMary Ditch during the months of May through October. None of these rights had been adjudicated.

11. The Leadville National Fish Hatchery commenced operation on September 9, 1889, and the first eggs were incubated in the fall of 1889. The hatchery has been in continuous operation since that time. The hatchery is operated by the United States Fish and Wildlife Service of the Department of the Interior.

12. Water is diverted from Rock Creek at the original point of diversion of the Evergreen Lakes Ditch by means of a diversion dam and two steel pipes. The first steel pipe, 14 inches in diameter, follows generally the original alignment of the Evergreen Lakes Ditch a distance of approximately 1170 feet after which it flows into the original Evergreen Lakes Ditch. Thereafter, a distance of approximately 200 feet, the DeMary Ditch branches off and the Evergreen Lakes Ditch continues through a Cipoletti or v-notch weir and thence into Evergreen Lake No. 1. The second steel pipe, a steel pressure conduit 8 inches in diameter, runs downhill to the vicinity of the hatchery buildings where it joins a pipe running from Leadville NFH Springs Nos 1 and 2. The combined flow of the springs and the pressure conduit then surfaces and flows through raceways A and B and thence through a 9 inch Parshall flume and thence into Lake Fork Creek. A schematic diagram is attached.

13. The fish production facilities of the Leadville National Fish Hatchery consist of the original hatchery building, concrete raceways and eight rearing ponds. These rearing ponds are known as Evergreen Lakes Nos 1 through 6 and Leadville NFH Ponds 1 and 2. Leadville NFH Sedimentation Pond was constructed to allow settling of sediment and fish food by-products prior to discharge of water to Lake Fork Creek. The aforementioned rearing ponds and the sedimentation pond are the same structures for which storage rights are claimed in Case No. 81CW12.

14. Water diverted from Rock Creek via the Evergreen Lakes Ditch and Pipeline is circulated through and among the Evergreen Lakes (rearing ponds) and to the hatchery building and raceways through a complex system of pipes to permit the hatchery manager to maintain appropriate temperature and dissolved oxygen levels in the various facilities. The pattern of circulation is highly variable according to the season and production requirements.

15. The rearing ponds are drained as necessary to recover the fish. The time of draining varies throughout the year depending upon stocking schedules and operational requirements. The ponds are also drained in the event of disease in the fish. The lakes remain dry for variable periods of time before refilling.

16. Except during periods of peak runoff, the Evergreen Lakes Ditch and Pipeline diverts the entire flow of Rock Creek.

17. All water used at the Leadville National Fish Hatchery is discharged into Lake Fork Creek.

18. The Fish and Wildlife Service has records of water use dating from 1960. Diversions from Rock Creek are measured at the Cipoletti weir and Parshall flume. Total diversions from Rock Creek through the Evergreen Lakes Ditch and Pipeline are determined by adding the Cipoletti weir and Parshall flume measurements and subtracting the 0.178 cfs (80 gpm) attributable to Leadville NFH Springs Nos. 1 and 2. The records of the Fish and Wildlife Service reflect a maximum diversion from Rock Creek of 12.5 cfs.

19. Leadville NFH Spring No. 1 and Leadville NFH Spring No. 2 are located on land reserved by the Executive Order of April 16, 1889, as amended by Executive Order of January 31, 1903.

20. The waters of the Leadville NFH Spring No. 1 and the Leadville NFH Spring No. 2 are diverted into a common pipe and the combined flow of 0.178 cfs (80 gpm) is used for fish culture, domestic use by Fish and Wildlife Service employees in residences and other buildings, and various other operation and maintenance requirements of the hatchery. Despite the availability of other sources of water, these springs are required and used for fish culture because the water is warm enough for use in incubating eggs.

21. The 0.178 cfs claimed (80 gpm) is no more than necessary to fulfill the purposes of the reservation.

22. All notices required by law for filing and publication of each application in the Resume of Water Division No. 2 have been fulfilled.

23. An Order Setting Pretrial Conference on March 15, 1982, was filed on September 8, 1981. Pursuant to that Order, and the Court's Order of September 16, 1981, nunc pro tunc September 8, 1981, Objectors State of Colorado; Twin Lakes Reservoir & Canal Company, CF&I Steel Corporation and Southeastern Colorado Water Conservancy District filed timely Supplemental Statements of Opposition. Prior to trial, the CF&I Steel Corporation withdrew from further participation. The time for filing said Supplemental Statements of Opposition has expired.

24. Objector Bluepond Associates withdrew its Statement of Opposition filed in Case No. 79CW176 and all other cases in which they had filed, on or about July 29, 1983.

25. The Objectors listed in this paragraph filed Statements of Opposition in Case No. 79CW176, but failed to file Supplemental Statements of Opposition in the captioned cases, in compliance with the Order of September 16, 1981, nunc pro tunc September 8, 1981. Accordingly, the Statements of Opposition of the following Objectors are hereby ORDERED stricken as to Cases 81CW11 and 81CW12 only and said Objectors are barred from participation in cases 81CW11 and 81CW12:

Alfred B. and Patricia M. Cavalli  
 Public Service Company of Colorado  
 Bessemer Irrigation Ditch Company  
 Jimmie A. Keeton, Sr.  
 Colorado River Water Conservancy District  
 Colorado Water Protective & Development Association  
 Woodmoor Water and Sanitation District No. 1  
 Town of Aguilar  
 W. Barry Hill  
 Purgatoire River Water Conservancy District  
 Randall L. Schranz and Patricia Ann Schranz  
 Catlin Canal Co.  
 Fort Lyon Canal Co.  
 Arkansas Valley Ditch Association (AVDA)  
     Individual Members of AVDA:  
         Amity Mutual Irrigation Co.  
         Bessemer Irrigation Ditch Co.  
         Buffalo Mutual Irrigation Co.  
         Catlin Canal Co.  
         The High Line Canal Co.  
         Holbrook Mutual Irrigation Co.  
         Oxford Farmers Ditch Co.  
         Rocky Ford Ditch Company  
         The Colorado Canal Co.  
         Board of Water Works, Pueblo  
         Southern Colorado Power Co.  
         Lamar Canal & Irrigation Co.  
         Las Animas Consolidated Canal Co.  
         CF&I Steel  
 Huerfano County Water Conservancy District  
 City of Fountain  
 Vernon L. Watkins  
 John C. Taggart and Rebecca E. Taggart  
 John L. Taggart and Catherine C. Taggart  
 Roderick C. Senko and Lynda G. Senko  
 Nancy Dean Riegel and Son  
 Leland E. Payne and Martha Mary C. Payne  
 Edgar J. Oliver and Wilma Jean Oliver  
 Max H. Horne and Rose M. Horne  
 Merlyn S. Heimbecker and Ellen I. Heimbecker  
 Judith A. Feagler  
 Ben and Jan Donahue and Sons  
 Thomas R. Crocker  
 Conquistador, Inc.  
 Louis Magnino  
 James G. Penchoff  
 Dennis R. Herndon and Connie D. Herndon  
 City and County of Denver  
 Mr. and Mrs. Harry W. Wareham  
 Lowell D. Peterson and Delores J. Peterson  
 Charles Irwin and Mary Catharyne Irwin  
 City of Colorado Springs  
 Eric J. Bransby and Mary Ann Bransby  
 Jewell Sall  
 Shirley DeAndrea

Goemmer Brothers  
City of Trinidad  
John Vucetich  
Cucharas Sanitation and Water District  
St. Charles Mesa Water Association  
Pueblo West Metropolitan District  
Amity Mutual Irrigation Co.  
District 67 Irrigation Canal Association  
Colorado City Metropolitan District Inc.  
W. J. Runyon, Jr.  
Randall Allmendinger  
Harlan-Bismuth Associates  
Pinerose Associates  
New Colorado Associates  
Trout Creek Associates

26. On January 9, 1984, the United States filed a Motion for Clarification of Parties, which sought a ruling from this Court regarding the status of Objectors Rock Creek Park Association; Harold C. Ingersoll; City of Victor; John M. and Frances May; Gary C. and Ramona S. Potter; and Colorado-Ute Electric Association, all of whom failed to file Supplemental Statements of Opposition within the time specified in the Order more particularly described in Paragraph 23 above. By Order dated February 15, 1984, the Court ruled that these Objectors were precluded from participating in the trial of the above cases and from being served with documents related to further proceedings.

27. On March 5, 1984, the United States filed a Motion to have Objectors St. Charles Mesa Water Association and Pueblo West Metropolitan District included in the Order of February 15, 1984 on the grounds that these Objectors also failed to file Supplemental Statements of Opposition within the time allowed, and were inadvertently omitted from the original Motion. An Order granting this Motion was entered on March 8, 1984, and St. Charles Mesa Water Association and Pueblo West Metropolitan District are precluded from participating in the trial of the above cases and from being served with documents related to further proceedings.

28. The United States has moved to dismiss the Application in Case No. 81CW12 as having been improvidently filed on the grounds that the Leadville National Fish Hatchery is an integral flow-through facility and that administration of the nine impoundments as storage rights is both infeasible and inappropriate.

29. The United States of America elected not to pursue its claims for water rights in its Application in Case No. 81CW11 except for the 12.5 cfs appropriative right, for operation of the hatchery and the 80 gpm (0.178 cfs) reserved right in Leadville NFH Spring No. 1 and Spring No. 2.

## CONCLUSIONS OF LAW

30. The Court has jurisdiction of the subject matter of these proceedings and over all parties affected thereby, whether or not they have appeared.

31. The lands comprising a part of the Leadville National Fish Hatchery were reserved from the public domain for the primary purpose of operation of a fish hatchery. Executive Order of April 16, 1889, as amended by Executive Order dated January 31, 1903.

32. Where water is necessary to fulfill the primary purposes of a federal reservation, it is reserved to the extent needed to fulfill the purposes of the reservation with a priority as of the date of the reservation. United States v. New Mexico, 438 U.S. 696, 702 (1978); Cappaert v. United States, 426 U.S. 128, 138 (1976); United States v. Denver, 656 P.2d 1, 19-20 (1982). The 0.178 cfs (80 gpm) combined flow of Leadville NFH Spring Nos 1 and 2 is, because of its quality and temperature, required to fulfill the purpose of the Leadville National Fish Hatchery. Accordingly, 0.178 cfs was reserved with a priority date of April 16, 1889.

33. The court agrees with the United States that it was neither necessary nor appropriate to claim storage rights in the rearing and sedimentation ponds in Case No. 81CW12. In view of the necessity for flexibility in the operation of the hatchery, especially the maintenance of appropriate water temperature and dissolved oxygen levels, a decree for storage rights in the reservoirs and sediment pond is inappropriate. Each of these ponds is a component of an integrated system. The Evergreen Lakes Ditch and Pipeline water rights herein decreed shall be administered at the point of diversion on Rock Creek and the water so diverted can be circulated internally within the various hatchery facilities as operational requirements dictate.

34. The United States manifested its intent to use the waters of Rock Creek for fish culture on April 16, 1889, by Executive Order. At about the same time, the United States began negotiations to extinguish other rights on Rock Creek by purchase and subsequently did purchase the undecreed rights of Grant Goodell and Law as described in paragraph 10. The United States began operating the Leadville National Fish Hatchery on September 9, 1889, and has operated it continuously since that time. The maximum amount of water diverted and used for fish culture, measured as described in paragraph 18 is 12.5 cfs. Accordingly, the United States is entitled to a decree for 12.5 cfs out of Rock Creek for fish culture as of April 16, 1889.

35. This court has already decided that the reserved and appropriative rights decreed herein are entitled to antedation. Order of September 2, 1983. Accordingly, the rights decreed

herein are entitled to antedation with priority dates of April 16, 1889. This court intimates no view at this time, however, as to precisely how the reserved rights confirmed herein are to be integrated into the system of rights decreed under Colorado law.

36. The United States recognizes Alfred B. and Patricia M. Cavalli as successors in interest to the 500 gpm (1.11 cfs) in the De Mary Ditch reserved in the conveyance to the United States described in paragraph 10.

37. This Decree was entered pursuant to agreement of the parties, the issues decided herein have not been litigated between the parties, and therefore, as a result of this Decree, the parties shall not be collaterally estopped from asserting any factual or legal issues in any other cases not involving these water rights. Moreover, the parties have agreed that they will not cite these Findings of Fact, Conclusions of Law and Decree as precedent in any other case.

38. Applicant, United States of America, is entitled to this decree as a matter of law.

#### DECREE

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

39. The Findings of Fact and Conclusions of Law contained herein are incorporated by reference and made a part of this Decree.

40. The United States of America is entitled to antedated appropriative rights in the following structures, as of the following dates, and in the following amounts:

Structure:	EVERGREEN LAKES DITCH AND PIPELINE
Point of diversion:	On north bank of Rock Creek whence W 1/4 corner of Section 31, T. 9 S., R. 80 W., 6th P.M., bears N 56 degrees and 14 minutes E 4330 feet.
Means of diversion:	Diversion dam and 14" and 8" steel pipes.
Source of water:	Rock Creek, a tributary of the Arkansas River.
Priority Date:	April 16, 1889.
Amount:	12.5 cfs absolute.
Beneficial use:	Fish culture.



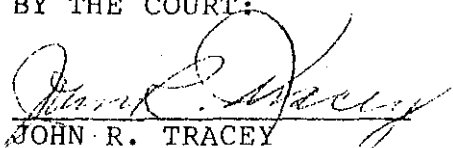
41. The United States of America is entitled to reserved water rights in the following structures, as of the following dates, and in the following amounts:

Structures:	LEADVILLE NFH SPRING NO. 1 and LEADVILLE NFH SPRING NO. 2
Points of Diversion:	Leadville NFH Spring No. 1. North 74 degrees West a distance of 2,030 feet from the E 1/4 corner of Section 36, T. 9 S., R. 81 W., 6th P.M.  Leadville NFH Spring No. 2. North 74 degrees West a distance of 2,680 feet from the E 1/4 corner of Section 36, T. 9 S., R. 81 W., 6th P.M.
Means of Diversion:	Spring boxes at each spring. Flow of each spring collected in common pipe.
Source of water:	Springs, tributary to Lake Fork Creek, a tributary of the Arkansas River.
Priority Date:	April 16, 1889.
Amount:	0.178 cfs (80 gpm) combined flow of both springs.
Use:	Fish culture, domestic and other operation and maintenance requirements directly related to the operation of the Leadville National Fish Hatchery.

42. The United States elected not to pursue its claims in Case No. 81CW11 other than those decreed herein. The United States has moved to dismiss Case No. 81CW12. Therefore, all claims, except for those rights specifically decreed herein, ARE DISMISSED.

DONE this 15 day of April, 1987.

BY THE COURT:

  
JOHN R. TRACEY  
Water Judge

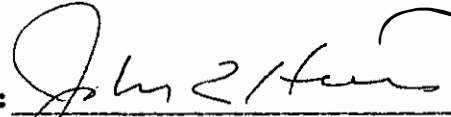
xc: John R. Hill, Jr.  
Robert A. Hykan  
Howard Holme  
Paula C. Phillips  
Division and State Engineers

9

The undersigned consent to the entry of this Decree:

Date: March 25, 1987

ROBERT N. MILLER  
United States Attorney

By: 

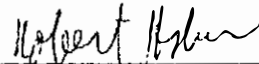
JOHN R. HILL, JR. (10214)  
Attorney, Department of Justice  
Land and Natural Resources Div.  
1961 Stout Street, Drawer 3607  
Denver, CO 80294

Telephone: (303) 844-2892

ATTORNEYS FOR APPLICANT UNITED  
STATES OF AMERICA

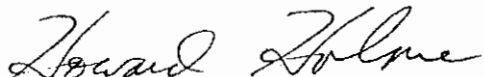
STATE OF COLORADO

DATE: March 25, 1987

By:   
ROBERT A. HYKAN (9777)  
Assistant Attorney General  
Natural Resources Section  
1525 Sherman St., 3rd Floor  
Denver, CO 80203

SOUTHEASTERN COLORADO WATER  
CONSERVANCY DISTRICT

DATE: 3/26/87

By:   
HOWARD HOLME (1446)  
KEVIN B. PRATT (9328)  
Fairfield & Woods  
One United Bank Center  
Suite 2400  
1700 Lincoln Street  
Denver, CO 80203

TWIN LAKES RESERVOIR AND  
CANAL COMPANY

DATE: March 30, 1987

By: Paula C Phillips  
JOHN U. CARLSON (2649)  
PAULA C. PHILLIPS (8029)  
Carlson, Hammond & Paddock  
1700 Lincoln Street, Suite 2750  
Denver, CO 80203

GENERAL SERVICES ADMINISTRATION  
National Archives and Records Service

To whom these presents shall come, Greeting:

I, by virtue of the authority vested in me by the Administrator of General Services, I  
certify on behalf, under the seal of the United States General Services Administration,  
that the enclosed reproduction(s) is a true and correct copy of documents in his custody.

SIGNATURE <i>Trudy Huskamp Peterson</i>	
NAME TRUDY HUSKAMP PETERSON	DATE 11/24/80
TITLE Chief, Legislative and Natural Resources Branch	
NAME AND ADDRESS OF DEPOSITORY  THE NATIONAL ARCHIVES WASHINGTON, DC 20408	

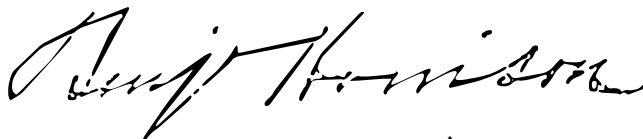
GSA FORM  
APR 68 6791E

Executive Mansion,

April 16<sup>th</sup> 1889.

It is hereby ordered that the following lands, as described by metes and bounds, situate in sections 32, 33, 34, 35, and 36, township 9 south, range 81 west, and in sections 4 and 5, township 10 south, range 81 west 6th principal meridian, in the State of Colorado (the same being located on either side of Rock creek through said sections), be reserved for the use of the United States Commission of Fish and Fisheries, viz:

Beginning at a point 660 feet south of the northeast corner of section 36, township 9 south, range 81 west-6th P.M. Colorado; thence west 3,300 feet; thence south 660 feet; thence west 10,560 feet; thence south 660 feet; thence west 1,980 feet; thence south 660 feet; thence west 1,320 feet; thence south 660 feet; thence west 1,980 feet; thence south 660 feet; thence west 7,260 feet to the line between sections 31 and 32; thence south on line between sections 31 and 32 in township 9 south, range 81 west and on line between sections 5 and 6, township 10 south, range 81 west 6,600 feet; thence east 3,960 feet; thence north 660 feet; thence east 1,320 feet; thence north 660 feet; thence east 1,320 feet; thence north 660 feet; thence east 660 feet; thence north 660 feet; thence east 1,980 feet; thence north 660 feet; thence east 1,320 feet; thence north 660 feet; thence east 1,320 feet; thence north 660 feet; thence east 660 feet; thence north 660 feet; thence east 10,560 feet; thence north 1,320 feet; thence east 1,186 feet; thence north 45° east 1,801.6 feet; thence south 45° east 1,176.4 feet; thence north 1,530 feet to the place of beginning, as specifically designated on the accompanying tracing of the proposed United States Fish Hatchery Reservation in Lake county, Colorado.



GENERAL SERVICES ADMINISTRATION  
National Archives and Records Service

Whom these presents shall come, Greeting:

in virtue of the authority vested in me by the Administrator of General Services, I  
do hereby certify that the attached reproduction(s) is a true and correct copy of documents in his custody.

SIGNATURE <i>Trudy Huskamp Peterson</i>	
NAME TRUDY HUSKAMP PETERSON	DATE 11/24/80
TITLE Chief, Legislative and Natural Resources Branch	
NAME AND ADDRESS OF DEPOSITORY  THE NATIONAL ARCHIVES WASHINGTON, DC 20408	

GSA

GSA FORM  
APR 68 6791E

## WHITE HOUSE

*January 31*, 1903.

It is hereby ordered that the Executive order of April 16, 1889, reserving and setting apart certain lands described by metes and bounds, located on either side of Rock Creek, in townships 9 and 10 south, range 81 west, 6th principal meridian, State of Colorado, for the use of the United States Commission of Fish and Fisheries, be, and the same is, hereby, amended by substitution of description; and it is hereby further ordered that the lands described by the following metes and bounds be, and they are, hereby, reserved and set apart for the use of the United States Commission of Fish and Fisheries, viz:

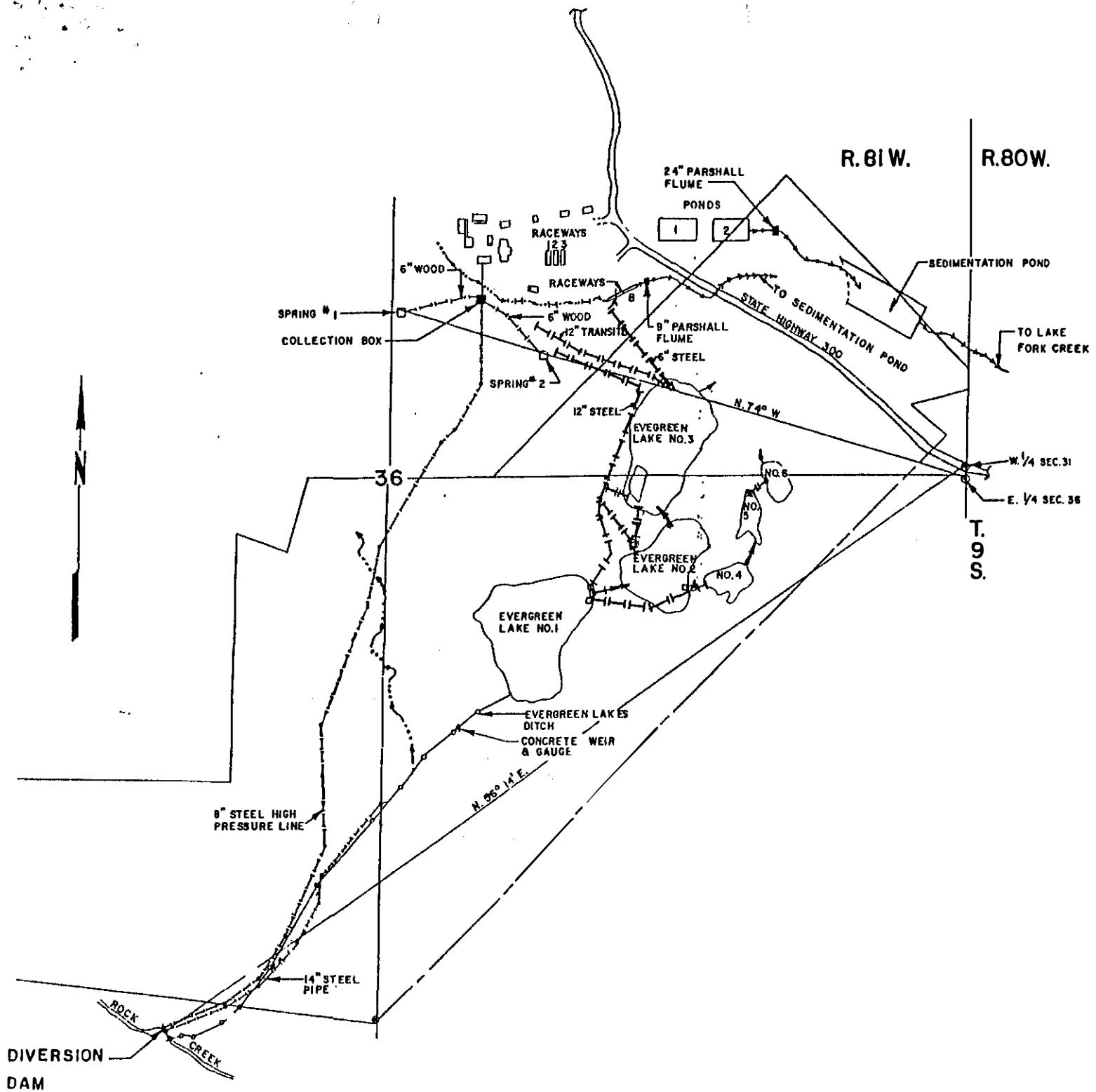
Beginning at a point 660 feet south of the northeast corner of section 36, township 9 south, range 81 west, 6th P.M., Colorado; thence west 15840 feet; thence south 1980 feet; thence west 5280 feet; thence south 1320 feet; thence west 5280 feet; thence south 5289.14 feet; thence east 5280 feet; thence north 1320 feet; thence east 5280 feet; thence north 1980 feet; thence east 13200 feet; thence north 890 feet; to line 9-10 of original survey No. 2083 of Rock Creek Placer; thence, following said 9-10 line, north  $83^{\circ} 10' 05''$  west 2890.6 feet, to corner No. 9; thence north  $22^{\circ} 17'$  east 816.2 feet, along line 8-9 of said survey No. 2083, thence east 1905.27 feet; thence north 988.2 feet, to

- 2 -

intersection with line 6-7 of said survey No. 2083 of Rock Creek Placer; thence south  $70^{\circ}31'$  east, 170.2 feet, to intersection with line 10-11 of amended survey No. 2082, of the De Mary Placer; thence north  $15^{\circ}30'12''$  east, 402.7 feet, along line 10-11 of said amended survey No. 2082, to corner No. 11; thence east 920.4 feet, to corner No. 6, of said amended survey No. 2082; thence north  $45^{\circ}$  east 1801.5 feet, following the northwest line of original survey No. 2358, Lake Placer, to corner No. 5 of said survey No. 2358; thence south  $45^{\circ}53'$  east 1176.4 feet, to corner No. 2 of original survey No. 2358 Lake Placer; thence north 1330 feet, to corner No. 2, the S.E. corner of lot 1 of the amended survey No. 2082 and point of beginning.

Theodore Roosevelt





UNITED STATES DEPARTMENT OF THE INTERIOR			
FISH AND WILDLIFE SERVICE			
ENGINEERING			
LEADVILLE NATIONAL FISH HATCHERY			
LAKE COUNTY,		COLORADO	
WATER RIGHTS FILING MAP			
DESIGNED	DRAWN	CHECKED	DATE
		CW	2-87
DRAWING NO. 6R-CO-5-WR-A-7.0			SHEET 1



U.S. Department of Justice

Land and Natural Resources Division

WMC:JRHill, Jr.  
90-1-2-941

Denver Field Office  
Federal Bldg., 1961 Stout Street  
Drawer 3607  
Denver, Colorado 80294

Commercial Number  
(303) 844-3627  
FTS/564-3627

April 20, 1987

Mr. William A. Godby  
Regional Engineer  
U.S. Department of the Interior  
Fish & Wildlife Division  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225

Re: Water Division No. 2. Case Nos. 81CW11 and 81CW12  
(C/R 79CW176)

Dear Mr. Godby:

Enclosed please find the signed, file-stamped copy of  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE for the above-  
referenced cases.

Sincerely,

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

Enclosure

RECEIVED IN  
ENGINEERING  
37 APR 21 AID: 04  
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Copy to Leadville  
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