The Greeley Water Board was founded by the adoption of the charter of the City of Greeley, passed at a special city charter election on June 24, 1958. A charter convention consisting of 21 responsible citizens of the city had spent many months reviewing the best possible ways to govern our city.

The Greeley Water Board was a new concept. Water is vital to man's well-being and it is a necessity for a city to have ample supplies of drinking water, ample supplies to beautify the city, ample supplies for fire protection, and ample supplies for growth. These goals cannot be achieved without long range plans. Neither can they be achieved in a political arena.

The Water Board consists of eight members. The Mayor of the city, the City Manager, and the Director of Finance are non-voting ex-officio members of the Water Board. There are five appointive positions. The City Council makes one appointment each year and the term of the appointment is for five years.

With a five year term and only one new member of the Water Board each year, it gives the Board a great deal of stability and continuity which is essential in planning water systems and supplies.
for 25 to 50 years in the future. That is the basic charge of the Greeley Water Board, to see that the city will always have ample supplies of high quality water.

I was one of the original appointees to the Water Board in 1958, and I have served ever since that time as Chairman of the Greeley Water Board. Through the years many men have served, usually for two terms or more. These men have all been very loyal members, who attend many, many meetings. They are paid no fees of any kind. There is no way for anyone to gain any advantage from being a member of the Water Board. All funds received from water rates and tap fees are used only for the operation, maintenance, replacement of and additions to the water system, including the acquisition of water rights.

When the Water Board was formed, the City of Greeley had many problems with the water system. At that time all the water rights owned by the city were from the Poudre river and the only filter plant was at the mouth of the canyon at Bellvue. The transmission lines from Bellvue to Greeley were not adequate to deliver the amount of water the city needed on a daily basis. The city of Greeley had contracted with the Northern Colorado Conservancy District for 15,000 units of Colorado Big Thompson water. The city had also recently purchased what we call the High Mountain Lakes.
During the depression years the city of Greeley had constructed Seaman Reservoir on the North Fork of the Poudre River as a WPA project to increase employment in the area.

The Water Board chose Mr. William R. Kelly as its first counsel. His involvement in water rights and experience with various ditch companies, plus the formation of the Northern Colorado Conservancy District, were very helpful to the new Water Board. He visited all the various properties and became familiar with the value and use of the water of each water right, plus the physical condition and capabilities of each property.

The Water Board set a series of priorities and we systematically started to rebuild the High Mountain Lakes. They were old, early day irrigation reservoirs that had never been properly developed. It was necessary to either build new dams or completely rebuild old dams and install new headgates, spillways, etc. The Bellvue filter plant had to be increased in size and modernized. A new transmission line to Greeley was built. The terminal storage reservoirs at 23rd Avenue were added to and the first elevated storage tank was built.

The Colorado Big Thompson project was just completed and the first full year of water delivery was made in 1957. This project has three reservoirs on the eastern slope, Horsetooth Reservoir above
Fort Collins, Carter Lake west of Loveland and Longmont, and Boulder Reservoir on the northeast corner of the city of Boulder. This additional water brought from the western slope started to change the whole growth of northern Colorado. For the first time, water could be exchanged back and forth between different rivers, between different ditch companies and different cities. Prior to that time there was very little elasticity in the exchange of water. The Colorado Big Thompson system has been the main reason for the great development of northern Colorado as we know it today.

Carter Lake and Horsetooth Reservoirs made it possible for rural domestic water systems to be built. Many of the farm areas in the front range did not have high quality domestic water. In some areas water quality was low enough that the farms operated with cisterns, and water was hauled to them by the truckload. They hauled water for drinking and their well water was used for all other purposes. Most of the well water was very hard and very expensive when water softeners were used with it. The idea of the rural domestic system was to place a filter plant close to Horse Tooth or Carter Lake, high on the hill so they could supply water by gravity to literally all the farms or other users. The districts were formed, plants were built, water mains were laid along the county roads. If a farmer wanted to be served, he made an application and his farm became part of a 40 year bond payout and a lien was placed against his land.
The City of Greeley is in a very unique position. The city is located at the eastern end of a ridge bounded on the north by the Cache la Poudre River and on the south by the South Platte and Big Thompson Rivers. The Greeley-Loveland Irrigation Company headgate is situated at the west edge of Loveland. It follows this ridge from the city of Loveland to the city of Greeley. All of the irrigation water used on farm land west of Greeley is water furnished by the Greeley-Loveland system. Our city was starting to grow and as it grew westward, it was obvious that we were gradually going to take farmland out of cultivation and convert it to urban use. With this in mind, the Water Board decided it would be very practical for the city to acquire these water rights as the land was converted to urban use.

The Board learned from study that it takes approximately three acre feet of water per acre to grow irrigated crops, and it also takes about three acre feet of water per acre to handle the needs of people. After much discussion between the Water Board, the City Council, interested citizens of Greeley, and the Greeley-Loveland Irrigation Company stockholders, agreements and contracts were signed in 1961 and 1963. The city of Greeley built a water grid system west of town to furnish Greeley-Loveland stockholders Greeley water instead of having the rural domestic systems furnish water to them. Because Greeley furnished this water to the farms involved, each
stockholder agreed to give the city the right of refusal to buy any excess water he might own. They also agreed to meet zoning and building requirements with any building they might build prior to annexation.

Another part of the agreement was that as the city approached their farm, they would automatically be willing to annex. There would be no controversy. It took years to work out these agreements, but everyone has been very happy with them. They have been a great advantage to the city of Greeley and a great advantage to the stockholders of the Greeley-Loveland system.

The Greeley-Loveland contracts gave Greeley great versatility in its water supplies. As the city has grown, we now have two large water filter plants on the shores of Boyd Lake. The water to supply these plants comes through Lake Loveland to the plants where the water is filtered and treated and then pumped to a new fifteen million gallon terminal underground water storage one mile south of a steel tank which is known as Greeley Gold Hill.

Greeley now has the capability of using both Poudre River water and Big Thompson water. It has much shorter pipelines with much less right-of-way requirement and the ability to exchange water from one system to another, or from one water shed to another as dry or wet years occur.
I could go on and on about the details of all the improvements the Water Board has made in 24 years of existence. I have related some of the major improvements to the Greeley water system to point out the necessity for an independent Water Board which is removed from politics. There is no way the present Greeley water system could have ever been built if it had remained in the political arena.

Through the years the Greeley Water Board built the confidence of various mayors, city councils and city managers to the point that on November 7th, 1973, the existing Water Board was reformed by charter and the new Water and Sewer Board was formed. The responsibilities of the Sewer Department were thrust upon the Water Board which makes the Water and Sewer Board responsible for the operation of all water, both our pure drinking water supplies and our waste water treatment. This change in the city charter in 1973 came about because Greeley's waste water treatment systems were not large enough. The present First Avenue plants had been built and expanded. The operation had not been very satisfactory and the City Council realized that waste water systems also had to be planned several years ahead.
This was particularly important because of the national Environmental Protection Act which was passed in 1972 that stated all waste water had to be cleaned up and improved by 1983. The council realized this took long range planning and consumed too many hours of councilmen's time. They had to cope with day to day responsibilities and not long-term planning.

The Water and Sewer Board has little actual authority. Their principle value is to carefully study and analyze all the problems and potentials of water and sewer requirements of the city of Greeley. They recommend these to the Mayor and City Council. They are the body that makes the final decisions.

The only real power the Water and Sewer Board has is the power and responsibility to set minimum rates for water and sewer. The City Council has the privilege of setting higher rates, but they cannot set lower rates. This keeps politics out of the planning, the growth, and the development of the water and sewer systems.

Quoting from the City Charter, "The Water and Sewer Board shall have power and shall be required to:
Section 17-4. Water and Sewer Board. Powers or Duties

The Water and Sewer Board shall have the power and shall be required to:

a. Annually establish minimum water rates, which need not be uniform for all classes of users; the minimum rates must be sufficient to include all expenditures for the following:

1. All operation and maintenance of the water system;
2. All debt service requirements;
3. Additions to a reserve account in sufficient amounts to offset depreciation to the water system. Said reserve shall be based on accepted principles of accounting for a water system.

b. Annually establish minimum sanitary sewer service rates, which need not be uniform for all classes of users; the minimum rates must be sufficient to include all expenditures for the following:

1. All operation and maintenance of the sanitary sewer system;
2. All debt service requirements;
3. Additions to a reserve account in sufficient amounts, to offset depreciation to the sanitary sewer system. Said reserve shall be based on accepted principles of accounting for sanitary sewer system.

c. Acquire, develop and protect the water supplies decreed, adjudicated or contracted for, for the City of Greeley.

Obviously, members of the Water and Sewer Board don't want to raise water and sewer rates on the citizens of Greeley. They have nothing to gain by setting unduly high rates. The provisions of the charter state that the Water and Sewer Departments have to be on a pay as you go basis. The costs of operation, maintenance, depreciation and debt service, all must be met from the revenues.

As the city has grown rapidly the past few years, the Water Board has had to add new facilities. The older residents of the city have paid for their share of installed facilities and they are still in operable condition. Therefore, the policy of the Water and Sewer Board has been that when a new plant is added to present facilities,
then the new users should pay a tap fee which is actually nothing more than their paying for their share of the present physical assets in the Water and Sewer Department that belong to the city of Greeley. The tap fee is a one time payment, but everyone who has lived in Greeley has paid his share as the years have gone by and it is no more than fair that the new owners who are using all of the old facilities, plus the new, pay their fair share. There was a period of time, when rapid growth first started, that some people did move into the city without paying their fair share. The Water Board soon realized the unfairness, so the tap fee plan was developed and recommended to City Council. The money has to come from somewhere, either from tap fees, or from the price of water that is taken through the plants.

Greeley is indeed fortunate. They have an excellent water system. There is a superb direct year-round flow right from the Poudre River, plus our High Mountain Lakes. There is an excellent filter plant at Bellvue. Some time in the next few years one of the Poudre River pipelines will have to be replaced. It is approximately 50 years old. At that time it will be replaced with a larger line than is currently in operation. The Bellvue filtering capacity can be easily enlarged to bring the greatest amount of Poudre River water possible to the city of Greeley. It is approximately 40 miles from Bellvue to the city of Greeley. Pipelines are expensive. This line will not be rebuilt until necessary, but in the foreseeable future this will need to be done.
Gradually the city of Greeley is acquiring the stock of the Greeley-Loveland Irrigation System. As the city grows to the west and acquires more and more ditch stock, then the city owns a larger and larger percentage of the Greeley-Loveland system. The Greeley-Loveland Irrigation System consists of the direct flow rights from the Big Thompson River and the storage rights of Lake Loveland, Seven Lakes, and Boyd Lake. It is a great, well balanced irrigation system. All of their property is in a high state of repair. The reservoirs are all built and being used. Gradually, the city will own a larger percentage of each company.

If the city has slow growth, it will be many years before the city will ever need all the water. On the other hand, if the energy boom and front range growth escalate, then the City of Greeley will see rapid growth.

The Greeley-Loveland irrigation facilities are in place and ready to serve the city of Greeley. Greeley will not have to build large, expensive reservoir and distribution systems.

For the past sixteen years the City of Greeley has been a member of the six cities committee. These cities are Boulder, Longmont, Loveland, Estes Park, Fort Collins and Greeley. These cities originally filed on the Windy Gap reservoir site which is below the town of Granby where the Frasier and the Colorado rivers meet.
As time moved forward, the water filing had to move from a filing to a conditional decree. The municipal sub-district of the Northern Colorado Conservancy District was formed for this purpose. It encompasses all of the incorporated limits of the six cities. Since that time the official body which has carried through with this water project is the Municipal Sub-District of the Northern Colorado Conservancy District.

At the time of the spring snow melt, runoff at Windy Gap is being wasted down the Colorado river and is now being used by the states of California and Arizona. It belongs to the state of Colorado under the Colorado River compact. The original conservancy district was organized and built on the basis that it would produce 310,000 acre feet of water per year. The project has now been operated for more than 25 years and the average water production is roughly 250,000 acre feet per year. Therefore there is space in the reservoirs on both the east and west slopes for the additional water. The tunnel under the Continental Divide is built to transport 310,000 feet and the power plants were all built to handle this amount of water. Windy Gap will bring 50,000 feet of water through the CBT system at low cost after the water is once delivered into Granby Reservoir.

The project, after all these years, has finally been cleared. You have read about it frequently in the paper this past year, and most recently there have been articles on the project being ready to go
to bid. Essentially all the permits have been granted. The bid opening for the pumping equipment will be on April 23rd and the bid opening on the general contract will be May 7th, 1981.

For many, many years the six cities stuck together and paid equal assessments. Fort Collins, Estes Park, Loveland and Longmont have municipal power systems. They originally generated their own electricity. As their cities grew, they started to purchase power from the Bureau of Reclamation. When Colorado became a rapid growth state, the Bureau of Reclamation had no additional power to sell, so these municipalities have found themselves in the very difficult situation of being in the power distribution business and having no ability to generate electricity. To solve this problem they formed the Platte River Power Authority. Platte River Power is a part owner in one of the large coal fired generating plants at Craig, Colorado. In addition they are building a large coal-fired generating plant at Wellington, Colorado. The Rawhide plant at Wellington has been assigned part of the Windy Gap water owned by the four cities.

Greeley has a one-sixth interest in the Windy Gap water. The advantage of the Windy Gap water compared to any other water is that it has been totally developed by the cities. There is no state or federal money. It is transmountain water which can be legally re-used several times, depending on the ability of the
various cities to rent and exchange water with other entities.

The Colorado Big Thompson project brought 250,000 acre feet of water to northern Colorado and changed the area from a mediocre farming area into one of the great farming areas of the world. Now it is becoming one of the great development areas of the United States, as evidenced by Fort Collins' growth. All of this has happened because of the Colorado Big Thompson project. Windy Gap will divert only 50,000 acre feet, but because of the ability to use and reuse the water it will have almost the same benefit the original Big Thompson project. Water is finite and when water finally comes to the point where there is an absolute balance between people and agriculture, then it will have to be managed as a total resource and when that time comes, Windy Gap will be almost as important as the original project.

Greeley does not need Windy Gap water today, but will it need this water in the next twenty years? When that time comes, the water will be there and it will belong to the city of Greeley and to the people who live here.

Our forefathers, with great foresight, built the first line from the Poudre River at Bellvue in 1905. We, the citizens of Greeley, owe our descendants the same foresight. We must be as far sighted as they were, even though it costs a few pennies more. those people
though it costs a few pennies more. Those people in 1905 could have pumped water with a hand pump much cheaper than building 40 miles of wooden stave pipeline in order to bring mountain water to a prairie town. They paid their way.

The city of Greeley is in the final stages of building a very excellent waste water treatment facility east of Greeley. This has been a controversial subject for eight years. There have been many delays caused by confusion with government regulations, the enforcement of the pure water act of 1972, known as Public Law 92-500, plus some local opposition. The present city facilities at 1st Avenue were built many years ago. They are too small. The technology is outdated and the city is saddled with a very inadequate, expensive plant to operate. We must have a new system or we will not be able to accommodate any new sewer connections. The new waste water treatment plant will be built beyond the irrigated area in sand hill, prairie grass cattle country. It will be one of the most efficient, finest sewer plants constructed in the United States. The citizens of Greeley will be just as proud of their waste water treatment plant as they are of their water system. This is long-term planning. There is room to expand as the city grows without acquiring additional land or additional areas. In order to meet today's waste water requirements, it is necessary to spend large sums of money.
When I was a boy in Greeley, our sewage was dumped into the Poudre River as raw sewage at the river bridge on 8th Street. There was no money spent on it. The original plant at 1st Avenue was built 50 years ago. Today we must modernize and meet the standards of our time and the size of our city. Sewer bills will have to be higher than they have been. However, I assure you this facility, when once built, will be a very economical operating system and compared to other cities in Colorado, Greeley's plant will be tremendously cost efficient.

This is a rather long, but brief description of the history of the Greeley Water and Sewer Board, plus some of the facts and problems the Water and Sewer Board has faced and accomplished during the past 23 years. I am sure that anyone who has ever served on the Water and Sewer Board feels the city is a much better city because of their efforts.

Actually, the strength and stability of the city of Greeley, both past and future, depends on the fact that the Water and Sewer Board is appointed by the City Council, one member at a time each year, for a five year term, which takes it out of politics. The only purpose of the Water and Sewer Board is to study, build, maintain and operate these two vital needs of the city. As long as these vital needs are kept out of politics, the citizens of Greeley are assured they will always have the best water and waste water facilities obtainable and at the lowest cost these quality necessities can be furnished.
Dear Bill:

Your account in the Tribune on the Greeley Water and Sewer Board is interesting and ably written.

You have a flowing writing style, Bill. You can say in a few words and clearly explain a complex subject.

I hope the historical depositories in Greeley preserve the page from the Tribune.

People who give thought to the subjects - water and sewer - should be grateful to you for all of your planning, vision and work.

Dick Larson's editorial explained much about the potential problem between Greeley and Evans on the proposed annexation. At the time I was working on the material for Greeley and Loveland Irrigation Company, I had a record book of G & L. One of the law firms involved in the annexation wanted the book. I wouldn't let them have it because it was necessary to complete the manuscript and meet a tight deadline. One member of the firm threatened to subpoena the records I had. Then suddenly members of the firm stopped aggravating me. I did not know why until the editorial appeared.

Kindest regards,

Bill Hartman

April 16, 1981

Private Enterprise and Journalism Summer Workshop for Talented High School Students.
Financial Administration by the University of Northern Colorado Foundation.
MAYOR MARKLEY AND CITY COUNCILMEN, I AM HERE THIS EVENING TO
THOROUGHLY EXPLAIN THE RATIONALE OF THE GREELEY WATER AND SEWER BOARD IN
RECOMMENDING THE SALE OF THE MOUNTAIN AND PLAINS RESERVOIRS TO THE CITY
OF THORNTON.

I AM SURE THAT THE CURRENT INTEREST IN THIS TRANSACTION IS A LACK
OF UNDERSTANDING BY THE PUBLIC OF OUR TOTAL COMPLEX WATER SYSTEM. THE
WATER BOARD HAS BEEN INVESTIGATING AND RESEARCHING THIS PROPOSAL FOR
MANY WEEKS. IT WAS THE HEADLINE STORY IN THE GREELEY TRIBUNE ON
WEDNESDAY, JUNE 18th, SO IT IS NOT A NEW SUBJECT OR ONE THAT HAS NOT
BEEN THOROUGHLY THOUGHT THROUGH.

IN ORDER TO THOROUGHLY UNDERSTAND THE WATER BOARD AND STAFF
RECOMMENDATION, WE NEED TO REVIEW A LITTLE HISTORY OF THE GREELEY WATER
SYSTEM.

FROM 1870 UNTIL 1905 GREELEY DEPENDED ON WELLS. THE BELLVUE PLANT
AND THE POUDRE PIPELINE WERE THE SOLE SUPPLY OF DOMESTIC WATER FROM 1905
UNTIL 1968.

AFTER WORLD WAR II AS GREELEY STARTED TO GROW WEST AND URBANIZE
GREELEY LOVELAND FARMS, WE REALIZED THAT THE CITY OF GREELEY NEEDED TO
BE ABLE TO USE THE WATER FROM THESE FARMS. CONSEQUENTLY, THE GREELEY
LOVELAND IRRIGATION CO. AND THE CITY OF GREELEY ENTERED INTO AN
AGREEMENT. IN 1968 GREELEY BUILT A FILTER PLANT AT BOYD LAKE. IN 1976
GREELEY BUILT THE SECOND FILTER PLANT AT BOYD LAKE.

ORIGINALLY THE POUDRE PIPELINE RAN FROM BELLVUE TO THE 23rd Ave.
TERMINAL STORAGE. AT THAT POINT IN TIME 23rd Ave WAS THE HIGHEST POINT
IN THE CITY. IN THE LATE 1950'S GREELEY BUILT TERMINAL STORAGE ON THE
MOSHER FARM AT THE CORNER OF HIGHWAY 34 AND 59th AVE. THIS TERMINAL WAS
BUILT BESIDE THE Poudre LINE SO PUMPS COULD BE INSTALLED TO MAKE Poudre WATER AVAILABLE TO THE WEST SIDE OF THE CITY.

THE COLORADO BIG THOMPSON PROJECT STARTED TO DEVELOP IN 1939. IN 1947 THE CITY OF GREELEY CONTRACTED FOR 15,000 UNITS. AT ABOUT THE SAME TIME Mr. PORTNER OF FT. COLLINS CONVINCED THE CITY COUNCIL THAT GREELEY SHOULD BUY THE MOUNTAIN AND PLAINS RESERVOIRS. THE ARGUMENT WAS THAT THESE RESERVOIRS HAD ADJUDICATED WATER RIGHTS AND WERE A SURE SUPPLY. CBT WAS A TERMENDOUS UNDERTAKING THAT MIGHT NEVER BE COMPLETED. AFTER ALL, NO ONE IN THE WORLD HAD DRILLED A THIRTEEN MILE TUNNEL. GREELEY CITY COUNCIL WISELY DECIDED TO BUY THE MOUNTAIN AND PLAINS WATER BECAUSE IT WAS INSURANCE.

AS THE WATER BOARD AND THE CITY COUNCILS PLANNED AND BUILT THE FIRST GREELEY LOVELAND PLANT, ONE OF THE BASIC ADVANTAGES WAS TO HAVE TWO SEPARATE SOURCES OF WATER. TWO DIFFERENT RIVERS, TWO SEPARATE PIPELINES IN CASE OF EARTHQUAKE OR CATASTROPHE.

WHEN THE Poudre PIPELINES WERE BUILT, THEY CUT ACROSS MANY FARMS. THEY DO NOT FOLLOW THE HIGHWAYS. CONSEQUENTLY, GREELEY HAS VERY DEMANDING RIGHT OF WAY AGREEMENTS. GREELEY CAN ONLY MAINTAIN THE LINES DURING THE WINTER MONTHS UNLESS THERE IS AN EMERGENCY.

THE WATER FROM BELLVUE FLOWS TO GREELEY BY GRAVITY. THE PROBLEM COMES FROM THE FACT THAT THE LINES SYPHON UNDER THE Poudre RIVER SOUTHEAST OF WINDSOR, THEN CLIMB OVER THE HILLS TO 23rd AVE. THE BELLVUE PLANT CAN FILTER 30,000,000 GALLONS OF WATER PER DAY, BUT CAN ONLY DELIVER ABOUT 16,000,000 GALLONS TO 23rd AVE. BECAUSE OF THE PIPELINE FRICTION LOSSES.
GREELEY'S PLAN TO SOLVE THIS PROBLEM IS TO PUT A PUMPING PLANT AT THE RIVER SOUTH OF WINDSOR AND PUMP FROM THERE TO GOLD HILL. THIS TAKES FULL ADVANTAGE OF THE GRAVITY LINE TO THE LOWEST POINT. WHEN THIS PUMP IS INSTALLED ABOUT 1990 WE WILL THEN HAVE THE USE OF THE FULL 30,000,000 GALLON CAPACITY OF BELLVUE.

GREELEY OWNS TWO VERY EARLY DIRECT RIGHTS ON THE Poudre THAT ARE USABLE 365 DAYS. THESE RIGHTS ARE THE BEST WATER RIGHTS GREELEY OWNS. THEY WILL ALWAYS BE USED FOR THE CITY. GREELEY SUPPLEMENTS THESE RIGHTS WITH SEAMAN RESERVOIR AND CBT WATER.

IF GREELEY'S ONLY WATER SUPPLY WAS FROM THE Poudre WE WOULD NOT BE CONSIDERING THE PROPOSED EXCHANGE OF WATER.

THE FACTS SHOW THAT GREELEY WILL ALWAYS MAINTAIN THE BELLVUE FILTER PLANT BUT NO ADDITIONAL FILTER PLANTS WILL BE BUILT BECAUSE OF THE HIGH COSTS OF NEW RIGHT OF WAY AND PIPELINES WHICH WILL COST CLOSE TO $1 MILLION A MILE.

FOR THE PAST THREE YEARS OUR GREELEY WATER STAFF HAS BEEN INVOLVED WITH VERY EXTENSIVE STUDIES ON HOW TO BEST OPTIMIZE OUR EXTENSIVE WATER RESOURCES. THE DECISIONS HAVE BEEN MADE THAT GREELEY'S FUTURE FILTER PLANTS WILL ALL BE BUILT AT BOYD LAKE. THE WATER IS ALWAYS AVAILABLE, THE RESERVOIRS ARE OFF-STREAM SO THEY ARE VERY LOW RISK. NONE OF THEM HAVE ANY SEEP PROBLEMS. THEY CAN BE FILLED RAPIDLY BECAUSE OF THE SIZE OF THE BARNES DITCH. THE PIPELINES TO GOLD HILL ARE TEN MILES LONG INSTEAD OF THIRTY. THIS YEAR, 1986, IS THE FIRST PHASE OF THE NEW BOYD LAKE FACILITIES. THE PLAN IS A THREE-YEAR CONSTRUCTION PHASE TO COMPLETELY USE THE NEW TECHNOLOGY TO MAKE THE BOYD LAKE PLANTS THE FINEST IN THE STATE.
I have related the history of our water system. I have also outlined the economic reasons why Boyd Lake has been chosen for our future needs. With these facts, it is obvious that Greeley has surplus water on the Poudre River that cannot be used by Greeley. All Greeley can do is lease this surplus water to agriculture on a year-to-year basis.

The City of Thornton purchased some seventy farms and forty some percent of the water supply and storage Co. stock. They have also purchased 1305 acre feet of Greeley Loveland Water. This means that they are potential competitors in the Greeley Loveland system. This system is closer to Thornton than the water supply ditch and reservoirs. The proposed contract with Thornton transfers the Five Mountain and Plains reservoirs to Thornton. In turn, Thornton transfers the 1305 acre feet of Greeley Loveland water to Greeley plus $5.2 million.

Now let us analyze the balance of the trade and I believe everyone will realize that this is an economic decision, not an emotional decision.

The Five Mountain and Plains reservoirs are decreed for 7814 acre feet less 500 acre feet to preferred rights or a net of 7314 acre feet decreed right. Greeley's average storage for the past fifteen years has been 6440 acre feet. This year, 1986, when there has been ample water we were only allowed to store about 3,000 feet because the reservoirs need extensive repairs to be made safe. The State Engineer controls the amount of water any reservoir can store, both by priority and by safety regulations.
ERIC WILKINSON, GREELEY'S STAFF WATER ENGINEER, WORKED FOR THE STATE ENGINEER FOR SEVERAL YEARS. HIS PARTICULAR JOB WAS DAM SAFETY. THE ESTIMATES OF THREE TO FOUR MILLION DOLLARS OF EXPENSE TO BRING THESE RESERVOIRS TO DECREED CAPACITY HAVE BEEN PREPARED BY ERIC, SO WE HAVE COMPLETE CONFIDENCE IN THEM.

IF GREELEY CONTINUES TO OWN THESE RESERVOIRS THEY MUST SPEND THE $4 MILLION. PRESENTLY WATER USERS PAY $1.04 PER THOUSAND GALLONS THROUGH THEIR METERS. IF WE SPEND $4 MILLION RATES WILL HAVE TO BE RAISED ABOUT 20¢ PER THOUSAND GALLONS. THIS MEANS ROUGHLY A 20% INCREASE IN WATER RATES.

AFTER THE WORK IS COMPLETED, THE MONEY SPENT, THE RATES RAISED, THERE IS NO PLACE TO USE THE WATER BECAUSE IT IS NOT NEEDED AT BELLVUE.

THERE IS ONE MORE SERIOUS PROBLEM I HAVE NOT MENTIONED. COMANCHE RESERVOIR IS A CHANNEL RESERVOIR IN THE HIGH NARROW MOUNTAIN VALLEY OF BIG BEAVER CREEK. THIS IS A HIGH HAZARD DAM. SOME DAY WHEN THE RESERVOIR IS FULL AND A VERY HEAVY RAINFALL OCCURS, THAT DAM IS LIKELY TO FAIL. GREELEY WILL BE LIABLE.

THIS WHOLE TRANSACTION HAS BEEN CALLED A SALE OF WATER. THAT IS A MISNOMER. IT IS AN EXCHANGE OF WATER. GREELEY IS MERELY TRADING EXCESS WATER FROM THE POUDE TO THE GREELEY LOVELAND WHERE IT CAN BE USED. WE WILL ACQUIRE 1305 ACRE FEET FROM THORNTON. THE CITY HAS JUST PURCHASED THE GREELEY LOVELAND WATER WHICH WAS OWNED BY THE GREAT WESTERN SUGAR CO. THIS WATER IS A VERY EARLY PRIORITY AND DELIVERS 2090 ACRE FEET. THE TWO UNITS OF WATER EQUAL 3395 ACRE FEET OF WATER WHICH IS MORE THAN THE HIGH MOUNTAIN LAKES PRODUCED THIS YEAR.
GREELEY IS RECEIVING $5.2 MILLION. WE HAVE SPENT $850,000 FOR THE GREAT WESTERN WATER. SO WE HAVE $4,350,000 LEFT TO BUY ADDITIONAL WATER. YOU REMEMBER THE TOTAL DECREED RIGHTS WERE 7814 ACRE FEET MINUS 500 ACRE FEET PREFERRED RIGHTS. THE 7314 ACRE FEET DECREED MINUS THE GREAT WESTERN PURCHASE AND THE THORNTON TRANSFER LEAVE 3919 ACRE FEET TO BE ACQUIRED. THE WATER BOARD WILL IMMEDIATELY START TO ACQUIRE THOSE RIGHTS BY BUYING GREELEY LOVELAND SHARES, LAKE LOVELAND, SEVEN LAKES, OR C.B.T. WE ESTIMATE OUR AVERAGE COST WILL BE ABOUT $650 PER ACRE FOOT. THIS AMOUNTS TO ABOUT $2.5 MILLION THERE WILL BE A SURPLUS OF ABOUT $1,800,000 TO EITHER BUY ADDITIONAL WATER OR TO USE ON THE BOYD LAKE CONSTRUCTION.

GENTLEMEN, I AGAIN REITERATE, THIS IS PURELY AN ECONOMIC DECISION, NOT AN EMOTIONAL ONE. THE CITY OF GREELEY HAS TWO OPTIONS. THE FIRST OPTION IS TO KEEP THE HIGH MOUNTAIN LAKES. THAT MEANS THE SPENDING OF $4 MILLION IN THE NEXT TWO OR THREE YEARS. CITY WATER RATES WILL BE RAISED 15% - 20%. GREELEY WILL HAVE THE CONTINUED HIGH OPERATING AND HIGH MAINTENANCE COSTS ASSOCIATED WITH ANY RESERVOIRS AT 10,000 FEET ELEVATION, PLUS THE HIGH RISK DAMS THAT CERTAINLY WORRY EVERYONE.

THE SECOND OPTION IS TO APPROVE THE EXCHANGE TRANSACTION WITH THORNTON. GREELEY WILL IMMEDIATELY GET THE GREELEY LOVELAND WATER WHICH NOW BELONGS TO THORNTON. THE YEARLY PAYMENTS WILL ALLOW GREELEY TO PURCHASE WATER AS IT IS AVAILABLE. IT WILL NOT BE NECESSARY TO RAISE WATER RATES. GREELEY WILL HAVE MORE WATER THAN THEY HAVE EVER HAD STORED AT A 5000 FOOT ELEVATION OFF CHANNEL WITH NO FLOOD THREATS. THE CITY WILL ALSO HAVE MONEY IN THE BANK.
THESE REASONS ARE WHY THE WATER BOARD UNANIMOUSLY RECOMMENDED THAT COUNCIL APPROVE THIS TRANSACTION THREE WEEKS AGO. CITY COUNCIL SENT THE QUESTION BACK TO THE WATER BOARD FOR FURTHER INVESTIGATION. THE GREELEY WATER BOARD MET LAST WEDNESDAY, JULY 30TH IN OPEN MEETING AND AGREED UNANIMOUSLY THAT THE PROBLEM OF WINTER WATER FOR BELLEVUE WAS NO SERIOUS PROBLEM. THE CITY STAFF HAS SIX YEARS AND MANY WAYS TO SOLVE THAT PROBLEM. THEREFORE, THE GREELEY WATER AND SEWER BOARD AGAIN UNANIMOUSLY RECOMMEND THAT CITY COUNCIL APPROVE THE THORNTON EXCHANGE SO THAT FUTURE PLANS FOR THE FURTHER DEVELOPMENT OF GREELEY'S TOTAL WATER RESOURCES CAN MOVE FORWARD.
Greeley sewage treatment plant Superintendent Tom Dingeman stands on the catwalk to one of the plant's processing vats, called a secondary clarifier. From here, wastewater goes through a chemical treatment and into the river.

EPA: Greeley's sewage plant best in U.S.

By CINDY BROVSKY
Tribune Staff Writer

It isn't glamorous, but Greeley has something to toot its civic horn about. The city can now brag it has the best wastewater treatment plant in the United States, according to Environmental Protection Agency standards.

Greeley beat out all the other large sewer treatment plants in the nation to receive the award from the EPA. The city qualified for the national award after being selected as having the best wastewater treatment center in a six-state region, which includes Colorado, Utah, Montana, Wyoming, North Dakota and South Dakota.


"The award truly is a recognition that spreads over the entire staff," said Frank Stephens, manager of wastewater services.

Stephens credits the water and sewer board along with the City Council for recognizing the need to have a high-quality treatment plant. Local industries also have complied with pretreatment requirements for wastewater, which helps keep the city from being cited for pollution violations, Stephens said.

Wastewater Superintendent Tom Dingeman supervises 19 employees at the plant in east Greeley. The plant has the capacity to treat 12 million gallons of wastewater a day. The average daily treatment is less than 8 million gallons of wastewater, Stephens said.

Mark Rybus, director of the water and sewer department, will fly to Washington, D.C., next week to accept the national award. At 10 a.m. Wednesday, the city will have a ceremony for the regional award at the treatment plant, located at 300 8th St. The public is welcome.
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A detailed study of the water supply of the City of Greeley has been made and is hereby submitted on the following pages. Particular attention has been directed to the High Mountain Lake Purchase by the City of Greeley from the Mountain and Plains Irrigation Company of Ft. Collins, Colorado. Mr. Roy Portner was the president of the company at the time of the purchase.

An attempt has been made to give the general picture of the water supply system for the City of Greeley. Material for this paper has been taken from many sources. The history of the water supply system was obtained from engineering records and from a report made by George G. Anderson, which was completed in 1908. The abstract opinions of Kelly and Snyder of Greeley, Colorado, have been used. The Federal Land Management Office of the Department of the Interior, the abstract office in Ft. Collins, Colorado, and the Forest Service Office of Ft. Collins, Colorado, have been very kind in supplying the necessary information for the contents of this report. Without the above mentioned sources of information, and without the co-operation of these offices and firms, this article could not have been prepared.
The City of Greeley, Colorado, completed work on the original Municipal Gravity Water Supply System in 1907. Greeley is a city of about 25,000 inhabitants, located fifty-two miles north of Denver, on the eastern slope of the Rocky Mountains. It is surrounded by an extremely productive agricultural region. Although the mean average rainfall in the locality is only a little more than fourteen inches a year, the great productivity of the surrounding country is due to the fact that, almost without exception, the land is under irrigation. The water for irrigation is diverted from streams which have their sources in springs or the almost perennial snowfall in the mountains, the foothills of these mountains being about thirty miles west of Greeley. The largest of these streams is the Cache la Poudre River. The waters of the Cache la Poudre River, the principal tributary of the South Platte River, with the exception of a part of the spring flood flows are annually appropriated for irrigation ditches, which have their head gates above the City of Greeley. Consequently, the only flow in the river during the dry season is the seepage water which finds its way back into the stream from the irrigated land.

Until the gravity system was placed in operation, the water supply for the general consumption in Greeley was diverted by infiltration wells built in the gravel bed of the river a short distance above the business section. The distribution mains were operated under direct pressure from pumps located in a station on the river bank, and a fourteen thousand-gallon tank on a hill above the City maintained the pressure during the maximum consumption periods. The supply thus obtained and delivered was not only exceptionally poor in quality, but also quite limited in quantity during the dry season. Ground water from deep drilled or bored wells in the vicinity was generally good, but the quantity to be obtained in this manner was limited. As the Cache la Poudre River and its tributaries are the only permanent streams within a reasonable distance of the City of Greeley, it was evident that the only available supply of surface water to be obtained was from this river. The land is irrigated from both sides of the river above Greeley to the foothills of the mountains. Therefore, in order to secure a supply of water free from seepage from these irrigated lands, the water had to be taken from the river in the foothills at least thirty-six miles from Greeley.

While the location of the only satisfactory source of supply was thus determined within these relatively narrow limits, other conditions of serious nature had to be met.
Since the difference in value of water rights in the eastern and western sections of this country, or more properly between the humid and arid regions, is so great, and because of the sacred character attached to water rights in a section in which irrigation is well advanced, the conditions which are presented are hereafter treated in detail.

The appropriation of the entire flow of the river, including the storm water run-off, has been decreed by the courts in order of their application or actual use. Due to the agricultural development of this river valley, these rights are consequently guarded with the utmost jealousy between individual farmers who own them. Any infraction of these rights, or interference with their rank and priority, is subject to opposition. From these conditions, the acquirement of a legal right to an adequate supply of water during all seasons of the year, and at all stages of the river, formed a very serious problem for the City.

By the purchase of a site on the river in the foothills, a portion of the land acquired conveyed with it the title to an irrigation ditch built on the Cache la Poudre River in 1862, which makes it one of the earliest constructed in this valley. The ditch has been used continuously for irrigation from the time it was built to the time it was purchased by the City of Greeley, and it has carrying capacity of 7.5 cubic feet per second of time. The ditch did not, however, possess a legal existence so far as the records of appropriation decreed by the court showed. Although the City had a right to a supply of water from this stream, the decree had been neglected because of the formality of presenting a claim or statement of its standing, and of having the appropriation of its right decreed by the courts. The state laws of Colorado contemplate the corrections of such omissions, however, upon due notice to all parties concerned in the water appropriations. Accordingly, when the claim was properly presented, the decree for the ditch was entered as of August 1862 with an appropriation of 7.5 cubic feet of water per second. It was then necessary to transfer the point of diversion from the intake of the ditch to a point some 3000 feet upstream in order to locate the intake for a pipe line leading to the City of Greeley. Furthermore, the quantity of water decreed for irrigation purposes had to be transferred to a right for domestic and sanitary uses. The use of water for domestic purposes is essentially more important in its demands on the river than for irrigation purposes. The domestic use covers the full year while water decreed for irrigation purposes may be limited in right to the irrigation season. Normally this extends from April 15 to November 15. The appropriation granted by the court to this ditch places fourth in order of priority and permits the diversion of water at the decreed point. Less than fifty cubic feet of water per second has been decreed to other ditches ahead of this one, and as the flow of the river is rarely, if ever, less than that quantity, a supply of this amount of water is assured the City of Greeley at all times.
A twenty inch wood pipe line over thirty-six miles in length was originally built to deliver water to the City of Greeley from an intake in the river near the headworks of this old irrigation ditch. In connection with the pipe line, a storage and sedimentation basin and two 1.25 acre slow-sand filteration basins were built. A receiving and distribution reservoir was built outside the City limits. There is nothing further in this paper concerning the details of the headworks, sedimentation basins, filters, pipe lines, or distribution reservoirs. The total cost of the original water supply system was $361,678.79.
WATER RIGHTS WITH IRRIGATION COMPANIES IN AND AROUND GREELEY

The City of Greeley, by a deed from the Union Colony of Colorado to the town of Greeley, recorded on March 13, 1875, received certain water rights which are now recognized by the Greeley Irrigation Company. These water rights are represented by Certificate No. 432 amounting to eighteen (18) shares and Certificate No. 937 amounting to three (3) shares. The original deed granting these water rights is attached to this report.

The City of Greeley has received certain water rights from the Greeley and Loveland Irrigation Company and from the Seven Lakes Reservoir Company. The original grant of this water has not been found. However, the records of the two above mentioned companies show that the City of Greeley owns Certificate No. 765 for a total of four (4) shares in the Greeley and Loveland Irrigation Company. The City of Greeley owns four (4) shares in the Seven Lakes Reservoir Company evidenced by Certificate No. 16. The water in the Greeley and Loveland and Seven Lakes Reservoir Companies is used to irrigate the City reservoir property.

COMPARED 663
DEED from Union Colony of Colorado
To Town of Greeley, Colorado
Filed for record at 5 o'clock P.M.
March 13th, 1875
W. C. Sanders Recorder

WITNESSETH, That the said party of the first part for and in consideration of the sum of Four Hundred and Eighty-eight ($488.00) Dollars to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged and in the further consideration of the obligation and agreements of the party of the second part as hereinafter set forth, do grant, bargain, sell and convey unto the Trustees of the said Town of Greeley and their successors in office and undivided three-eighths (3/8) interest in Fee Simple to what is known and designated as Ditch or Canal Number Three of Union Colony of Colorado. Said Ditch being situated in the County of
Weld and Territory of Colorado

Also do the party of the first... hereby sell and transfer unto the party of the second part all the right, power and privilege which they have by reason of any property or ownership in said Ditch Number Three to levy assess or collect any tax or debt due or to become due for repairing maintaining, superintendence of said ditch or for any water heretofore or that may hereafter be supplied from said ditch for household or irrigating purposes within the Corporate limits of the said Town of Greeley.

Said sale and transfer being in consideration of the obligations assumed by party of second part.

And the said Party of the second part do hereby convenant and agree to assume all the obligations and responsibilities of the party of the first part as to furnishing and supplying water to any of the lands or parcels of land within said corporate limits or to any of the inhabitants thereof for irrigating or household purposes, which the party of the first part have become obligated to furnish by reason or any sale of lands or parcels of land and water rights to the same-sold to any party whosoever within said Corporate limits.

And the said party of the second part do hereby agree to bear three-eighths of the necessary expenses in the superintendence maintaining and repairing of said ditch number three.

It is hereby convenanted and agreed by and between the parties hereto that either party without the consent of the other have the right and power to make any enlargement or other needed improvement of said Canal number three to be made as aforesaid at the cost of the party contracting the obligation and such party shall have and possess the right to use all the extra water obtained by reason of any such improvement or enlargement in proportion to the increase of sectional area.

Provided always that nothing herein shall be so construed as to entitle said party to draw any increase of water by reason of such improvement, when the water in the Poudre River is at such a low state as to only furnish sufficient water to equal the Capacity of the ditch prior to said improvement.

For and in consideration of the matters in this Deed set forth, the party of the first part does hereby relinquish to the party of the second part the equal management and control of said Canal number three.
Als-o for Value received, the party of the first part does hereby grant and convey in fee simple unto the party of the second part all those pieces lots and parcels of land forming and making what is known and designated as Main and Oak street laterals from the main ditch to their termination, and all other laterals within the Corporate limits of said Town of Greeley controlled by or belonging to the party of the first part, together with all the right and privileges of the party of the first part to which they are or may be entitled, by reason of any ownership or property in said laterals.

Also for a valuable consideration received the party of the first part does hereby convey to the party of the second part the right to supply any of the lands or inhabitants within said Town of Greeley the usage of Water, Who draw by sub-laterals or otherwise from the Main Ditches direct, or who draw from the Mill Power Canal.

The party of the first part hereby expressly reserves the right of usage of the said Main and Oak Street laterals for the purpose of flowing water through the same to irrigate outlying lands bordering on said laterals, which are outside of the Corporate limits of said Town of Greeley.

IN WITNESS WHEREOF the parties hereto have affixed their Corporate Seal, and signatures as this their act and deed, on the day and year first above written, at Greeley, Weld County, Colorado Territory.

Signed Sealed and Delivered) N. C. Meeker, Pres. (SEAL)
    ) Jos. C. Shattuck (SEAL)
in Presence of ) David Boyd (SEAL)
    ) Silas S. Kennedy (SEAL)
L. Von Gohren ) J. Max Clark (SEAL)
    ) Joseph Moore (SEAL)
    ) S. K. Thompson (SEAL)
    ) John Leavy (SEAL)
    ) B. C. Adams (SEAL)

Colony Seal

Seal of
Town of
Greeley

COLORADO TERRITORY )
    ) SS
WELD COUNTY )

On this Twenty-third day of February A. D. 1875 N. C. Meeker President of the Union Colony of Colorado, Joseph C. Shattuck, David Boyd, Silas S. Kennedy, J. Max Clark, Trustees of the said Union Colony and Joseph Moore, S. K. Thompson, John Leavy and B. C. Adams, Trustees of the Town of Greeley, Weld County, Colorado Territory came before me, and personally acknowledged that they have executed the within conveyance and agreement, and I
certify that I know the said N. C. Meeker, Joseph C. Shattuck, David Boyd, Silas S. Kennedy, J. Max Clark, Joseph Moore, S. K. Thompson, John Leavy and B. C. Adams who made the said acknowledgment, to be the same persons described in and who executed the said conveyance and agreement.

Given under my hand and Notarial Seal this Twenty-third day of February A. D. 1875

Ludwig Von Gohren

Notarial Seal

Notary Public

WATER RIGHTS WITH IRRIGATION COMPANIES

(Footnotes)

1. The Original deed from the Union Colony to the City of Greeley is on file at the Albert Keys Insurance Agency. Mr. Keys is the secretary of the Greeley Irrigation Company.

2. This information was obtained from the records of the Greeley-Loveland Irrigation Company. Mr. Homer Randall is the secretary of this company.

3. The certificates of stock representing the various shares of stock are in the City of Greeley's safety deposit box in the Greeley National Bank.
The City of Greeley has three sources of direct diversion water. These three sources were obtained and adjudicated in the early nineteen hundreds. At the present time these water rights are the main sources of the water supply for the City of Greeley, and for this reason will be treated in detail on the following pages.

In Case Number 2100 IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF RIGHTS TO USE OF WATER FOR IRRIGATION AND OTHER BENEFICIAL USES IN AND FOR WATER DISTRICT NO. 3 IN WATER DIVISION NO. 1 OF THE STATE OF COLORADO, a decree was entered September 30, 1907, granting the City of Greeley certain rights; (2)

An appropriation for domestic and irrigation uses and priority of right to divert water from the Cache la Poudre River was duly made and established by means of the Whedbee Ditch on August 1, 1862. Under this decree, the City of Greeley was granted 7.5 cubic feet of water. The water commissioners of Water District No. 3 and the Division Engineer of Irrigation District No. 1, and the State Engineer of the State of Colorado were instructed and directed by the District Court, Larimer County, Colorado, to recognize the priority and right of diversion of the City of Greeley as a valid decree with a priority of October 1, 1862. (3) The priority was No. 6 1/2. (4)

By Warranty Deed, between the Boyd Irrigation Company, the Larimer Weld Investment Company, and Roy A. Portner, the City of Greeley and the City of Ft. Collins were granted certain water rights. The City of Greeley, under this deed, received an additional five (5) cubic feet of water per second of time, under Priority No. 6 dated March 15, 1867, as decreed to the Boyd and Freeman Ditch by decree, of the District Court of Larimer County, Colorado, made and entered on April 11, 1882, in Case No. 320 entitled, IN THE MATTER OF A CERTAIN PETITION FOR THE ADJUDICATION OF THE PRIORITY OF RIGHT FOR THE USE OF WATER FOR IRRIGATION IN DISTRICT NO. 3. (5)

In Case No. 5362 IN THE MATTER OF ADJUDICATION PRIORITRY OF RIGHT TO THE USE OF WATER IN DISTRICT NO. 3 IN WATER DIVISION NO. 1, IN THE STATE OF COLORADO entered June 19, 1926, the City of Greeley was allowed to change the point of diversion of 7.5 cubic feet of water per second of time, Priority No. 6 1/2, August 1, 1862, 1721.4 feet up the Cache la Poudre River. Further, the City of Greeley was allowed to change the point of diversion of five (5) cubic feet of water per second of time, Priority No. 6, heretofor decreed to the Boyd Freeman Ditch to the head of the pipe line of the City of Greeley. (6)

On May 17, 1926, a proceeding in the District Court of Larimer County, Case No. 5362 was started to transfer, not only the (5) cubic feet of Boyd Freeman waters to the head of the Greeley pipe line, but also to transfer the 7.5 cubic feet of water to the present dam and head gate.
The hearing in the proceeding was held on June 19, 1926 and the court entered a decree allowing the transfer of the above mentioned water to the present dam and headgate. (7) The City of Greeley, therefore, has 12.5 cubic feet of water per second of time under Priorities Nos. 6 and 6 1/2, dating from the year 1862. (8) A report from the Water Superintendent in 1926 stated that with this amount of water the City of Greeley could accommodate a population of 25,000. (9)

In order to constitute the necessary sedimentation basins and filter plants, the City of Greeley purchased certain properties in and around the intake site. The City of Greeley has an abstract of title and a deed to portions of Sections 14, 23, and 24, Township Eight (8), North Range 70, West of the 6th P.M., in Larimer County, State of Colorado. (10) Said land conveyed by warranty is described as follows, to-wit:

All that part of the East Half (E 1/2) of the Southwest Quarter (SW 1/4), Section Fourteen (14), Township Eight (8), North Range 70, West of the 6th P.M., that lies between the right-of-way of the Pleased Valley and Lake Canal, now constructed and located and the center line of the Cache la Poudre River. This tract of land was deeded by Frank A. Collamer to the City of Greeley on October 27, 1905.

A right-of-way for a pipe line which is laid across the Northwest Quarter (NW 1/4) of Section Twenty-four (24), Township Eight (8), North Range 70, was deeded to the City of Greeley by William M. Post on November 7, 1905. (11)

In addition to the above described property, the following portion of land was obtained by the City of Greeley, which is described as follows, to-wit: (12)

All that part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) and the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Eight (8), North Range Seventy (70), West of the 6th P.M., which lies North of the boundary line of the right-of-way of the Pleasant Valley and Lake Canal Company, and South of the center line of the Cache la Poudre main channel, with all water rights and appropriations connected with the land.

Said deed includes the water rights to ninety (90) inches of water from the above mentioned canal and this deed was given by James H. Swanson to the City of Greeley on April 13, 1880. Further, said deed includes certain water rights in the amount of seventy-five (75) inches of water from the above mentioned canal. By this deed the City of Greeley has a total of one hundred and sixty-five (165) inches of water for irrigation purposes from the Pleasant Valley and Lake Canal Company for use in and around the property used for the filter plant. (13)

In summary, the direct diversion water rights of the City of Greeley are 12.5 cubic feet of water from the Pleasant Valley.
Irrigation Canal Company for irrigation purposes in and around the filter plant. (14) The last mentioned water cannot be diverted to the water supply system of the City without a court order. (15)

GENERAL HISTORY OF WATER SUPPLY CITY OF GREELEY AND

WATER RIGHTS
DIRECT DIVERSION WATER
(Footnotes)

1. This information was taken from a report made by George G. Anderson, an engineer, in 1908. The entire report was used and is on file in the City Hall of Greeley, Colorado.

2. Case No. 2100, filed in Larimer District Court, Fort Collins, Colorado.

3. Case No. 2100, recorded in Larimer District Court, Fort Collins, Colorado. This statement was taken from the decree.

4. Ibid

5. Case Number 320, recorded in Larimer District Court, Fort Collins, Colorado, Book 8, Volume 4.

6. Case Number 5362, recorded in Larimer District Court, Fort Collins, Colorado, Book 129, Page 339.

7. Ibid

8. See footnotes 6 and 7.

9. Water Superintendent's report to the City of Greeley in 1926, found in the water files of the City of Greeley.

10. See City Water files for the abstract of title.

11. Ibid.

12. See City Water files for deed from Josephine Graham Jones to City of Greeley.

13. See City Water files for the deeds confirming this statement. File No. 166.

14. This is a general statement made by the writer and supported by the entire record.

15. This information was furnished by the City Water Department.
FARM PROPERTY

IN AND ABOUT THE CITY OF GREELEY'S WATER SUPPLY

The City of Greeley and the City of Ft. Collins are co-owners of the Rockwell Ranch. (1) This ranch is operated by a trustee selected by the two cities. (2) The ranch was originally purchased on December 20, 1923, and has a total acreage of 1,040 acres. (3) The purpose of owning this property is to protect the water supply and the water shed of the water interests of the two cities involved. (4) A description of this property is as follows, to-wit:

Southwest Quarter (SW 1/4) of Section Twenty-five (25); Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-Six (26); Northwest Quarter (NW 1/4) of (SW 1/4) of Section Twenty-six (26); Northwest Quarter (NW 1/4) of Southwest Quarter (SW 1/4) of Section Twenty-six (26); Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-seven (27); Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-seven (27); North Half of the Northwest Quarter (N 1/2 NW 1/4) of Section Nineteen (19); Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section Nineteen (19); Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20); Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty (20); East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty (20); Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Thirty (30); Lots Three (3) and Four (4); Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Thirty (30); all in Township Eight (8), North Range Seventytwo (72) West of the 6th P.M.; Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Five (5); Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Eight (8); Lots Three (3) and Four (4) Section Nineteen (19); Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Nineteen (19); Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Nineteen (19); all in Township Eight (8), North Range Seventytwo (72) West of the 6th P.M.

At the present time Rockwell Ranch is under lease to for farming and grazing purposes.

The City of Greeley, in order to protect its filtration and sedimentation works, has purchased several pieces of land in and about said plant. (5) These tracts of land are described as follows:
1. A tract of land lying in the Northwest Quarter (NW 1/4) of Section Twenty-four (24); Township Eight (8) North Range Seventy (70) West of the 6th P.M., and more particularly described in metes and bounds as follows: Beginning at a point on the West line of said Northwest Quarter (NW 1/4) of Section Twenty-four (24) which point is 357.8 feet South of the Northwest (NW) corner of Section Twenty-four (24); thence South along the West line of Section Twenty-Four (24); a distance of 725 feet, thence North 40° and 12' East the distance of 501.5 feet to a point on the West right-of-way of the Ingleside Branch of the Colorado and Southern Railroad which right-of-way line is 50 feet distant from the center line of the tract; thence following the said West right-of-way line Northwesterly a distance of 390 feet to a point which is 357.8 feet South and 134 feet East of the Northwest (NW) corner of Section Twenty-four (24); thence West a distance of 134 feet to a point of beginning. Said tract contains 3.11 acres, more or less. Said tract is located in Larimer County, Colorado. (6)

2. All that part of the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Fifteen (15), Township Eight (8), North Range Seventy (70) West of the 6th P.M., lying North of the Cache la Poudre River in Larimer County, Colorado. This tract includes Ten (10) acres, more or less and is under lease to W. C. Groves for farming and grazing purposes, according to the last lease on file. (7)

3. The Northeast Quarter of the Northeast Quarter (NE1/4NE 1/4) of Section Fifteen (15), Township Eight (8), North Range Seventy (70), West of the 6th P.M. Larimer County, Colorado. This tract of land is owned jointly by the City of Greeley and the City of Ft. Collins and was under lease to Lewandowski in 1945. (8)

4. The West Half of the Southeast Quarter (W 1/2 SE 1/4); the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Fourteen (14), and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Twenty-three (23), Township Eight (8), North Range Seventy (70); West of the 6th P.M., Larimer County, Colorado, which lies North of the boundary line of the right-of-way of the canal of the Pleasant Valley Irrigation Canal Company, and South of the center line of the main channel of the Cache la Poudre River, except garden tracts now used by tenants living on said premises. This property was under lease to Mr. Von Vihl. (9)
5. All that part of the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Fifteen (15), Township Eight (8), North of Range Seventy (70), West of the 6th P. M., lying South of the Cache la Poudre River, Larimer County, Colorado, containing 80 acres, more or less. This property is under lease to W. C. Groves. (10)

6. North Half of the Northeast Quarter (N 1/2 NE 1/4) of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section Fifteen (15), Township Eight (8), North of Range Seventy (70), West of the 6th P. M., Larimer County, Colorado. Contains 5 acres, more or less. (11)

This paper does not include the many right-of-ways and easement agreements that the City of Greeley has for its pipe lines running from the filtration plant in the foothills of the mountains to the corporate limits of the City of Greeley. The reason for not including said right-of-ways and easements is that many have not been completed as of this date and in order to complete the same, it will require several months of detailed work in the field obtaining the signatures from the farmers who own the property across which our pipe lines run.

7. The City of Greeley has a small acreage of land in and about its supply reservoir located West of the City limits. The description of this property is as follows, to-wit:

All that part of the East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Thirteen (13), Township Five (5), North Range Sixty-six (66), West of the 6th P. M., lying and being North of the County road as said road is constructed and used across the Northeast Quarter (NE 1/4) of said Section: specifically excepting therefrom; A strip of land Forty (40) feet wide off the West side of said 64 acres of said East Half of the Northeast Quarter (E 1/2 NE 1/4) of said Section lying North of the County Road conveyed to Hanford Reed and Harry G. Reed by deed dated June 21, 1898 and March 6, 1902, recorded in Book 155, page 332 and Book 218, page 1216; and also excepting .0.2 acres a conveyed to the City by deed dated March 15, 1907 and Book 260, page 59, office of the Clerk and Recorder, Weld County Records. (12)
FARM PROPERTY

IN AND ABOUT THE CITY OF GREELEY'S

WATER SUPPLY

(Footnotes)

1. See the City of Greeley Water File; Agreement between Fort Collins and Greeley. See also deed to Rockwell Ranch, dated December 20, 1923, Book 480, Page 532, Larimer County Records.

2. Ibid.

3. Ibid.

4. Ibid. Also this information was obtained from the City Water Department.

5. This information was obtained from the City Water Department.


7. Lease; Expired on January 1951; The original deed has not been found.

8. Lease; This property is jointly owned by the City of Greeley and the City of Fort Collins, no deed has been found.

9. Lease; This lease is in the City Water Department files.

10. Lease; This lease is in the City Water Department files.

11. Lease; See City Water Department File.

Seaman Dam Reservoir is located on property which the City of Greeley purchased from the City of Ft. Collins, the State Board of Land Commissioners of the State of Colorado, and Hattie McMurry. (1) The right of ingress and egress was authorized by the deed and agreement and the Special Use Permit from the Forest Service Department. (2) From the above mentioned document, the City has also received a right-of-way for a private road across a portion of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section Thirty-three (33), Township Nine (9), North Range Seventy (70), West of the 6th P.M., Larimer County, Colorado. This right-of-way extends twenty-five (25) feet on each side of the center line. (3) According to the survey, said right-of-way begins at a point on the North and South Quarter line of Section Thirty-three (33) and extends five hundred sixty-five-(565) feet North of the center thereof. Thence, by course and distance:

S 81° 08' W 150 ft.
S 71° 30' W 220 ft.
S 63° 32' W 119 ft.
S 55° 50' W 123 ft.
S 28° 54' W 103 ft.
S 4° 30' E 136 ft.
S 28° 27' W 60 ft.
S 43° 35' W 96 ft.
S 47° 12' W 120 ft.
S 40° 54' W 130 ft.

The above described easement was granted to the City of Greeley on July 5, 1940, and has been recorded in Book 715, page 338 of the Larimer County Clerk and Recorder's records. The only condition placed upon this right-of-way is that the grantee keep said right-of-way in good maintenance and repair. (4) A Special Use Permit has been issued to the City of Greeley for an area of 2.2 acres located in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township Nine (9), North Range Seventy (70), West of the 6th P.M. (5) This Special Use Permit from the Forest Service Department, was issued July 26, 1944 and gives the City of Greeley the permission to have and maintain a caretaker's cabin on the above mentioned property. (6)

On July 27, 1940, the City of Greeley obtained a right-of-way for the land occupied by Seaman Dam from the State Board of Land Commissioners for the consideration of $1,062.00. (7) This right-of-way occupies portions of Sections 28, 33, and 24 in Township Nine (9), North Range Seventy (70), West of the 6th P.M.

The following is the legal description of Seaman Dam, to-wit:
Beginning at a point on the North and South Center line of said Section Twenty-eight (28) whence the center of said Section bears South One hundred six feet (106):

Thence N 72° 47' W 327 ft.
Thence N 68° 40' W 166 ft.
Thence N 57° 45' W 197 ft.
Thence N 53° 00' W 260 ft.
Thence N 30° 52' W 92 ft.
Thence N 28° 45' W 110 ft.
Thence S 06° 00' W 47 ft.
Thence S 50° 15' W 86 ft.
Thence S 57° 00' W 48 ft.
Thence S 86° 37' W 83 ft.

to a point on the West boundary of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-eight (28); thence South 01° 00' West along said West boundary Five hundred seventy-eight (578) feet to the Southwest corner (SW) of said subdivision.

Thence continuing on the same course along the West boundary of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-eight (28). Five hundred seventy-seven (577) feet.

Thence S 24° 10' E 125 ft.
Thence S 43° 17' E 160 ft.
Thence S 38° 45' E 180 ft.
Thence S 50° 17' E 180 ft.
Thence S 40° 20' E 115 ft.
Thence S 40° 35' E 195 ft.
Thence S 20° 25' E 241 ft.
Thence S 37° 00' E 143 ft.
Thence S 05° 45' E 98 ft.
Thence S 66° 15' W 188 ft.
Thence S 38° 00' W 88 ft.
Thence S 42° 18' W 147 ft.
Thence S 58° 50' W 98 ft.
Thence S 32° 48' E 115 ft.
Thence S 72° 25' W 211 ft.
Thence S 38° 35' E 146 ft.
Thence S 30° 15' E 338 ft.
Thence S 72° 20' E 212 ft.
Thence S 50° 20' E 81 ft.
Thence S 83° 12' E 172 ft.
Thence N 79° 45' E 191 ft.
Thence N 32° 07' E 70 ft.
Thence S 61° 25' E 32 ft.
to a point on the North and South center line of Section Thirty-three (33); thence North 05° 30' East Fifty-six (56) feet to the North Quarter (NW 1/4) corner of said Section; thence North 01° 47' East along North and South center line of Section Twenty-eight (28), One thousand one hundred thirty-two (1132) feet.

Thence N 32° 20' W 98 ft.
Thence N 13° 25' W 197 ft.
Thence N 04° 22' W 125 ft.
Thence S 77° 35' W 102 ft.
Thence N 53° 15' W 342 ft.
Thence N 43° 05' W 493 ft.
Thence N 2t° 35' W 173 ft.
Thence N 39° 17' W 100 ft.
Thence N 30° 15' W 100 ft.
Thence N 14° 00' W 100 ft.
Thence N 22° 20' W 125 ft.
Thence N 22° 20' W 60 ft.
Thence N 06° 37' E 100 ft.
Thence N 34° 40' E 70 ft.
Thence N 82° 35' E 118 ft.
Thence S 74° 52' E 225 ft.
Thence S 64° 45' E 135 ft.
Thence S 52° 00' E 172 ft.
Thence S 50° 40' E 160 ft.
Thence S 89° 05' E 278 ft.
Thence S 83° 50' E 107 ft.

to a point on the North and South center line of Section twenty-eight (28).

Thence North along said North and South center line of said Section Twenty-Eight (28), 224 feet to place of beginning.

Beginning again at a point on the North and South center line of said Thirty-three (33) whence the North Quarter (N 1/4) corner bears North 05° 30' East 1090 feet, thence South 81° 40' 38 feet, thence South 23° 50' East 75 feet to a point on the North and South center line of said Section Thirty-three (33); thence North 05° 30' 75 feet to the place of beginning.

Beginning again at a point on the North and South center line of Section Thirty-three (33) whence the North Quarter (N 1/4) corner bears North 05° 30' East 1430 feet.

Thence N 59° 35' W 85 ft.
Thence N 76° 00' W 170 ft.
Thence S 86° 30' W 89 ft.
Thence S 56° 15' E 115 ft.
Thence S 12° 15' W 59 ft.
Thence S 85° 00' E 78 ft.
Thence S 16° 05' W 85 ft.
Thence S 49° 55' E 115 ft.
Thence S 01° 20' E 100 ft.
Thence S 49° 10' W 83 ft.
Thence S 38° 15' E 98 ft.
Thence S 43° 50' W 50 ft.
Thence S 24° 55' E 105 ft.
Thence S 12° 51' W 100 ft.
Thence S 14° 10' W 83 ft.
Thence S 03° 25' E 80 ft.
Thence S 02° 40' E 70 ft.
Thence S 14° 10' E 104 ft.
Thence S 13° 10' E 82 ft.
Thence S 30° 20' E 82 ft.

to a point on the East and West center line of Section 33.

Thence East along the said East and West center line 100 feet to the center of said section; thence North 05° 30' East along the North and South center line 1210 feet to the place of beginning.

Beginning again at a point on the West boundary of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 33 whence the Southwest (SW) corner of said subdivision bears South 04° 45' West 527 feet.

Thence S 85° 45' E 66 ft.
Thence N 88° 52' E 116 ft.
Thence N 68° 18' E 330 ft.
Thence N 65° 45' E 165 ft.
Thence S 55° 50' E 220 ft.
Thence S 52° 45' E 165 ft to Station "B"
Thence N 23° 35' E 90 ft.
Thence N 63° 45' E 179 ft.
Thence N 12° 20' E 137 ft.
Thence S 87° 35' W 80 ft.
Thence N 71° 30' W 79 ft.
Thence N 51° 15' W 241 ft.
Thence N 30° 00' W 107 ft.
Thence N 00° 50' E 246 ft.
Thence N 12° 30' W 108 ft.
Thence N 03° 17' E 116 ft.
Thence N 12° 20' W 108 ft.
Thence S 28° 37' W 133 ft.
Thence S 40° 52' E 111 ft.
Thence N 01° 02' E 101 ft.
Thence N 36° 10' E 70 ft.
Thence N 12° 30' W 47 ft.
Thence N 03° 12' E 145 ft.
Thence N 40° 42' E 82 ft.
Thence N 40° 55' E 114 ft.
Thence N 42° W 95 ft.
Thence N 07° E 129 ft.
Thence N 15° E 42 ft.
Thence N 15° E 40 ft.
Thence N 17° E 100 ft.
Thence N 40° W 52 ft.
Thence N 50° W 80 ft.
Thence N 14° E 70 ft.
Thence N 22° W 62 ft.
Thence N 13° E 158 ft.
Thence N 14° W 84 ft.
Thence N 02° E 186 ft.
Thence N 26° E 60 ft.
Thence N 38° E 118 ft.
Thence S 75° W 225 ft.
Thence N 34° W 170 ft.
Thence N 44° W 259 ft.
Thence N 10° E 160 ft.
Thence S 61° W 110 ft.
Thence N 81° W 96 ft.
Thence N 56° W 52 ft.
Thence S 88° W 72 ft.
Thence N 61° W 50 ft.

to a point on the West boundary of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 28; thence South 02° 30' West along said West Boundary 1198 feet.

Thence S 55° E 133 ft.
Thence S 20° W 163 ft.
Thence:
  S 50° E 154 ft.
  S 18° E 80 ft.
  S 71 ft.
  S 39° W 95 ft.
  S 61° W 172 ft.

To a point on the West Boundary of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 33, 1561 feet to the place of beginning.

Road Way

Also a strip of land forty (40) feet in width for road purposes over, upon and across the surface of the East Half (E 1/2) of Section 33 and the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 34, Township 9, North Range 70 West of the center line of which is described as follows:

Beginning at a point on the West boundary of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 33, whence the Northwest (NW) corner of said subdivision bears N 04° 45' East 1210 feet.
Thence N 61° 16' E 170 ft.
Thence N 57° 54' E 130 ft.
Thence N 67° 30' E 128 ft.
Thence N 46° 03' E 68 ft.
Thence N 22° 05' E 30 ft.
Thence N 39° 06' E 190 ft.
Thence N 10° 41' E 367 ft.
Thence N 52° 00' E 190 ft.
Thence S 78° 00' E 160 ft.
Thence S 63° 46' E 134 ft.
Thence S 66° 03° 00' W 80 ft.
Thence S 52° 00' E 190 ft.
Thence S 39° 06' E 190 ft.
Thence S 22° 05' E 30 ft.
Thence S 39° 06' E 190 ft.
Thence S 63° 46' E 134 ft.
Thence N 10° 41' W 123 ft.
Thence N 23° 06' E 70 ft.
Thence N 19° 03° 00' W 68 ft.
Thence N 03° 00' W 308 ft.
to Station "B" on the reservoir traverse.

Beginning again on the road traverse at Station "A" North 11° 30' W 290 feet.
Thence N 56° 42' W 198 ft.
Thence N 81° 28' W 103 ft.
Thence S 87° 04' W 265 ft.
to a point on the West boundary of the Northeast Quarter (NE 1/4)
of the Southeast Quarter (SE 1/4) of Section Thirty-three (33)
whence Northwest (NW) corner of that subdivision bears N 04°
45' E 20 ft., containing in all the following areas.

<table>
<thead>
<tr>
<th>Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE 1/4 NW1/4 Section 28 Twp. 9 N; Range 70W</td>
<td>9.20 acres</td>
</tr>
<tr>
<td>NE 1/4 SW 1/4</td>
<td>12.90</td>
</tr>
<tr>
<td>SE 1/4 SW1/4</td>
<td>20.20</td>
</tr>
<tr>
<td>SE 1/4 SE1/4</td>
<td>18.90</td>
</tr>
<tr>
<td>NE 1/4 NE1/4</td>
<td>20.50</td>
</tr>
<tr>
<td>SE 1/4 NE1/4</td>
<td>15.13</td>
</tr>
<tr>
<td>NE 1/4 NW1/4</td>
<td>1.54</td>
</tr>
<tr>
<td>SE 1/4 NW1/4</td>
<td>4.50</td>
</tr>
<tr>
<td>NE 1/4 SE1/4</td>
<td>2.93</td>
</tr>
<tr>
<td>NW 1/4 SW1/4</td>
<td>.40</td>
</tr>
</tbody>
</table>

Total Acreage -- 106.20 Acres

The above described grant of land from the State Board of Land Commissioners gives the City of Greeley the Authority to establish a reservoir and a road way on this property. (8) The reservoir is subject to fishing rights inasmuch as the City of Greeley at one time orally agreed to allow the reservoir to be stocked with fish from the State Game and Fish Department. (9) There are signs posted around the lake, which are intended to protect the City from liability if sued as a result of an accident or loss of life due to the use of
of the lake by sportsmen.

Seaman Lake has never been assigned a water priority. The only right that the City has is to catch the flood waters of the North Fork of the Cache la Poudre River. In other words, all priorities for water must be recognized and fulfilled before the City of Greeley has the right to any of the water stored in Seaman Reservoir. During the dry season, this lake and dam may be of little use to the City. (10)

On May 21, 1940, the City of Greeley, by way of warranty deed received from Hattie McMurry, the following described property, to-wit:

All of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-three (33) and all that part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section Thirty-three (33) and the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) and the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) Section Twenty-eight (28), all Township 9, North Range 70 West of the 6th P.M., lying and included within contour elevation 5,500 feet above sea level.

This deed was recorded in Book 715, page 122 in the Clerk and Recorder's office, Larimer County, Colorado.

By a warranty deed from Hattie McMurry, by deed and agreement with the City of Ft. Collins and the State Board of Land Commissioners of the State of Colorado, and by a Special Use Permit from the Forest Service Department, the City of Greeley has obtained the legal right to the land used by Seaman Dam and Reservoir for the storage of all overflow storm water from the North Fork of the Cache la Poudre River. (11) The value of this reservoir depends upon the amount of overflow storm water each year which is available. The supply of water available for the City from this source may vary from year to year depending upon the surplus water each year. (12)
1. Complete file is in the City Water Department, showing the deed of purchase.

2. See the warranty deed, purchase agreement with the City of Fort Collins, City of Greeley, and State Board of Land Commissioners.

3. Ibid.

4. Ibid.

5. Special Use Permit issued by the United States Forest Service, permit is in the City Water Department file on Seaman Dam.

6. Ibid.

7. See purchase agreement.

8. Ibid.

9. From papers filed with the City of Greeley in the Seaman Dam folder.

10. Information furnished by the City Water Department of Greeley, Colorado.

11. See the warranty deed, purchase agreement with City of Fort Collins, City of Greeley, and State Board of Land Commissioners, and Special Use Permit issued by the United States Forest Service. The deed from Hattie McMurry was necessary inasmuch as she had an interest in the property purchased.

12. City Water Department of Greeley, Colorado.
INTRODUCTION TO

THE HIGH MOUNTAIN LAKES PURCHASE

The Mountain Lakes were purchased from the Mountain and Plains Irrigation Company by the City of Greeley in 1947. The purchase consisted of eleven (11) parcels: The North Poudre Reservoir No. 17, also known as Portner Reservoir; Big Beaver Reservoir, also known as Hourglass Reservoir; Barnes Meadow Reservoir; Peterson Lake Reservoir; Comanche Reservoir; Gilmore Reservoir; Timberline Reservoir; Twin Lakes Reservoir; Trap Lake Reservoir; The Bob Creek Ditch and Bob Creek Extension Ditch; and the Columbine Ditch and Columbine Extension Ditch. The entire purchase is subject to the First and Second Series of preferred water rights granted by the Mountain and Plains Irrigation Company in the amount of 75,000,000 cubic feet of water, or such lesser amount as may represent total storage for the year in said properties, upon the payment by such holders of the annual maintenance charge specified in the contracts evidencing such preferred water rights. For a more detailed description of the Reservoirs and Ditches your attention is directed to the Warranty Deed which is attached and made a part of this document.

Some of the property acquired in this purchase is located on deeded land, some on government land and in some instances the reservoir is on both deeded land and government land. The reservoirs that are located on deeded land are as follows: The North Poudre Reservoir No. 17, also known as Portner Reservoir; and Gilmore Reservoir. The reservoirs that are located partly on government and deeded land are as follows: Big Beaver, also known as Hourglass Reservoir; Barnes Meadow Reservoir; and Timberline Reservoir. The reservoirs that are located on government land and operated on a government easement are as follows: Peterson Lake Reservoir; Comanche Reservoir; and Trap Lake Reservoir. Inasmuch as Barnes Meadow Reservoir is located largely on government land, it has been assigned an easement by the government. The reservoir that is located on government land and operated on a Special Use Permit from the Forest Service Department is Twin Lakes Reservoir. The ditches are on government land and operated on a Special Use Permit from the Forest Service Department.

Prior to purchase of this property, abstract opinions were prepared by Kelly and Snyder of Greeley, Colorado, and Dines, Dines and Holme of Denver, Colorado. These opinions have been referred to throughout the paper and are attached and made a part of this document.
Barnes Meadow Reservoir is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now used by the City of Greeley for the storage and supply of water.

The legal description, according to the purchase agreement of this reservoir, is as follows, to wit: (1)

All that certain storage reservoir known as the Barnes Meadow Reservoir located on portions of the South Half of the Southeast Quarter (S 1/2 SE 1/4); East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Five (5) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Four (4), and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Nine (9), and the North Half of the Northeast Quarter (N 1/2 NE 1/4) and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Eight (8) Township Seven (7), North Range Seventy-five (75) West of the 6th P.M., together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, and appurtenances connected therewith, (excepting buildings and cabins located outside the highwater contour line, or below the outside toe of the dam of said Reservoir) expressly including the Trap Creek Inlet Ditch and the Cache la Poudre Inlet Ditch as described in that certain amended filing map and statement of said Reservoir, herein-after described, and all water rights and appropriation now or hereafter effected or initiated by the construction or use of said Reservoir and said ditches and all enlargements or extensions thereof, together with all maps, plats, statements, and filings made therefor, including Reservoir Priority No. 126 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, as of June 22, 1921, for a storage depth of thirty (30) feet and an estimated capacity of 73,930,600 cubic feet and conditional Reservoir Priority No. 129C adjudicated to said Reservoir by said District Court as of May 30, 1922, for an additional storage depth of seventeen (17) feet and additional estimated storage capacity of 76,081,811 cubic feet, conditional upon diligent completion of the enlargement of said reservoir.
Also all that portion of the South Half of the Southeast Quarter (S 1/2 SE 1/4) and the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Five (5), Township Seven (7), North Range Seventy-five (75), West of the 6th P.M., included within the high water contour line of said reservoir, as described in the enlargement, and amended filing map and statement of the Barnes Meadow Reservoir, dated July 21, 1922, and recorded on January 13, 1928 in File No. 1902 of the records of the County Clerk and Recorder of Larimer County, Colorado, and all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said reservoir and said ditches, or by the construction or use thereof.

According to the abstract opinion of Dines, Dines and Holme, this reservoir is located partially on Government Property and partially on deeded property. (2) At the time of the purchase of this lake, it was subject to two mortgages and deeds of trust, however, these incumbrances were removed on the date of purchase. (3)

This property is subject to the rights of the holders of preferred water rights contracts heretofore issued by the Mountain and Plains Irrigation Company. The first series of five hundred (500) rights and the second series of five hundred (500) rights are still outstanding and when the City of Greeley purchased said reservoir, it recognized the rights of the holders of these water claims and agreed that they had a prior claim on the water produced annually from this property to the extent of 75,000,000 cubic feet. (4) It is understood that the third series of rights consisting of one hundred-thirty (130) rights were owned by the officials of the company and were canceled at the time of transfer. (5)

There is an easement No. 0-28320 assigned to this lake as of January 19, 1929. (6) The easement rights granted to the City of Greeley are in perfect condition. (7) It is to be understood, of course, that this pertains only to Government Property that is in use according to the recorded map.

As stated, this lake is located partially on Government Property and partially on deeded property. According to the map of this reservoir, less property is used for lake purposes than was stated in the agreement between the City and the Mountain and Plains Irrigation Company. Your attention is directed to the attached map of this reservoir. From this map you will find the deeded property outlined in solid and Government Property outlined in broken line. The property which is mentioned in the agreement, though not used by the lake in its present condition, is listed on the attached map. This property was listed in the agreement with the anticipation that the lake in future years could be and would be enlarged. If this property is used for enlargement purposes, the City of Greeley must obtain permission from the United States Government. (8)
This lake has been assigned Priority No. 126 and Priority No. 129C. (9)

Included in the description of this reservoir is the description of the decreed water rights, if any, which go with the property. The decreed rights and the rights claimed are stated in terms of so many cubic feet. Storage capacity is stated in so many feet storage depth. Regardless of these decrees and claims, however, the actual amount of water which may be stored and hence available to the owners of these reservoirs each year, depend upon the history of storage of water in said reservoir, and the use to which such water has been put each year. (10) It also depends on the relative priority of such right with relationship to establish rights of other in the same water source. (11) The reservoir has been assigned Priority No. 126. It was requested on July 22, 1921, for a storage depth of Thirty (30) feet with a capacity of 73,930,600 cubic feet of water. This decree was entered December 18, 1945, in Book 129, page 338, Case No. 362, Larimer County District Court. This priority is the original adjudication of water rights for this reservoir, allowing water to be taken from the Cache la Poudre River and Trap Creek. (12)

Priority No. 129C was requested on May 30, 1922, for an additional storage depth of seventeen (17) feet with a capacity of 76,810,811 cubic feet. This decree was entered December 18, 1945, in Book 129, page 338, Case No. 5326 Larimer County District Court. The priority is conditional upon the diligent completion of said enlargement. (13)

According to the State Engineer's Records, Priority No. 126 allows a storage depth of Thirty (30) feet amounting to 73,930,600 cubic feet of water. Priority No. 129C allows a storage depth of an additional Seventeen (17) feet amounting to a storage capacity of 76,081,811 cubic feet of water. (14)

The records in the Office of the River Commissioner of District No. 1, allow a storage at Thirty (30) feet of 73,930,600 cubic feet of water in this reservoir. (15) The figures in the River Commissioner's Office, State Engineer's Office and the Larimer District Court are the same for all practical purposes for the total amount of water allowed to be stored in this lake. (16)

The water rights assigned to this Reservoir, under Priority No. 126, are in good condition for the reason that they have been continually used since decreed. (17) The water decreed under Priority No. 129C has not been used for the reason that the lake has not been enlarged by adding the additional seventeen (17) feet of storage depth. (18) There may be a question as to whether or not these rights still exist. If the enlargement is made, the City of Greeley should check before construction is started as to the rights, not only with the Government for the use of the land, but with the courts for this additional water.
The original reservoir is in good condition and is being used by the City of Greeley. (19) The easement for the use of the land is in order with the Land Office of the Department of Interior. (20) The easement assigned to the lake includes the following described Government land:

Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Five (5), Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Four (4), and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Nine (9).

The following described property is owned by the City of Greeley as deeded property:

South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section Five (5), and the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Five (5), Township Seven (7) North Range Seventy-five (75) of the 6th P.M.

BARNES MEADOW RESERVOIR

(Footnotes)

1. Purchase agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.


3. Warranty Deed and Purchase agreement between the Mountain and Plains Irrigation Company.

4. Ibid.

5. Ibid.


7. Ibid. Conversation with the officials of the Department of Interior, Denver, Colorado.

8. From a study of the plat and the Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.


10. General principles of water law.
BARNES MEADOW RESERVOIR

(Footnotes)

11. Ibid.

12. See footnote No. 9.

13. See footnote No. 9.

14. Case No. 5362, Larimer County District Court and the State Engineers Records, Denver, Colorado.


16. This information was received following a comparison of the records in the River Commissioner's Office, State Engineer's Office and the Larimer District Court.

17. City of Greeley Water Department and River Commissioner's Records.

18. This information was received from the City of Greeley Water Department.

19. Ibid.

Largest portion of land held under deed from Mountain & Plains Irrigation Company
Small portion of lake is on government land: Easement No. 0-28320

Property described in agreement: $\frac{1}{2}$ of SE$\frac{1}{4}$ of Section 5; Twp 7 North, Range 75, W. 6th P.M
(All deeded property)

Property described in agreement: $\frac{1}{2}$ of SW$\frac{1}{4}$ of Section 5; Twp 7 North, Range 75, W. 6th P.M
(Government property)

Property described in agreement: N$\frac{1}{4}$ of NE$\frac{1}{4}$ of Section 8; Twp 7 North, Range 75, W. 6th P.M
(No lake on this property)

Property described in agreement: SW$\frac{1}{4}$ of SW$\frac{1}{4}$ of Section 9; Twp 7 N, Range 75, W. 6th P.M

CITY OF GREELEY COLORADO
BARNES MEADOW RESERVOIR
BIG BEAVER, ALSO KNOWN AS
HOUR GLASS RESERVOIR

Big Beaver, also known as Hour Glass Reservoir, is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now in use by the City of Greeley for the storage and supply of water.

The legal description, according to the purchase agreement of this reservoir, is as follows, (1) to-wit:

All that certain Reservoir known as the Big Beaver Reservoir located in Sections Seven (7) and Eighteen (18), Township Seven (7) North, Range Seventy-three (73) West of the 6th P.M. and Section Twelve (12) and Thirteen (13) Township Seven (7) North, Range Seventy-four (74) West of the 6th P.M. and together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements, and filings made therefor, together with Reservoir Priority No. 35-1/2 dating from August 9, 1898 and adjudicated to said reservoir by the District Court in and for Larimer County, Colorado, by adjudication dated September 23, 1905 for a storage depth at the dam of thirty-two and one-half (32-1/2) feet, with an estimated capacity of 66,625,000 cubic feet and an area of 64.55 acres by original construction dated August 9, 1898, and Priority No. 41-1/2 dating from August 9, 1901 and adjudicated to said Reservoir by said Court in said decree for an additional storage depth at the dam of two (2) feet and for an additional estimated capacity of 2,576,000 cubic feet by enlargement dated August 8, 1901, the number of said reservoir priorities having been entered by said District Court by decree dated April 22, 1922, together with the right of ingress and egress in and from said Reservoir for the development, maintenance, and operation thereof as an irrigation proposition and all appurtenances thereto belonging, including the telephone line connecting therewith, and all roads and roadways, nor constructed and used for reservoir purposes; also a strip of land, four hundred (400) feet in width, from the reservoir parallel with and two hundred (200) feet on each side of the outlet thereof; excepting a reservation as to fishing and resort privileges, use of the telephone line and roads, and the right to screen inlet and outlet of said Reservoir so long as such operations
do not interfere with the maintenance and operation of and
development of said Reservoir as described and contained
in a certain deed from the Consolidated Hour Glass Resort
and Reservoir Company and the Fossil Creek Reservoir
and Ditch Company, dated April 22, 1921, and recorded in
Book 353, page 337 of the records of the County Clerk and
Recorder of Larimer County, Colorado.

According to the abstract opinion of Kelly and Snyder, this reservoir
is located on portions of Lot Four (4), Section Seven (7), Lot One (1)
Section Eighteen (18), Township Seven (7), North Range Seventy-three
(73) West of the 6th P. M.; and the Southeast Quarter of the Southeast
Quarter (SE 1/4 SE 1/4) of Section Twelve (12), The Northeast
Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section
Thirteen (13), Township Seven (7) North Range Seventy-four (74)
West of the 6th P. M. (2)

Title was in fee simple in the Mountain and Plains Irrigation
Company, subject to reservation of U. S. Patent and also subject to
reservations by the Consolidated Hour Glass Resort and Reservoir
Company of the fishing and resort privileges of the reservoir situate
on said land. (3) A small acreage of the reservoir appears to extend
over into the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4)
of Section Eighteen (18), Township Seven (7), North, Range Seventy-
three (73), West of the 6th P. M., which appears to be U. S. Government
land. (4) The City does not have a government permit for the use of
this property. (5) The records in the Land Management Office of the
Department of Interior show no easement on this lake. Since the lake is
owned by the City of Greeley and is on deeded property, no easement
is necessary for the lake proper.

At this time it is assumed that the additional acreage is probably
needed for the two extra feet of storage depth which was adjudicated
by decree dated April 22, 1922. (6) In order to complete the land title
on this reservoir, the City of Greeley should petition the land office
of the Department of Interior for an easement authorizing the use of the
small acreage of the reservoir in the Southwest Quarter of the Northwest
Quarter (SW 1/4 NW 1/4) of Section Eighteen (18), Township Seven (7)
North, Range Seventy-three (73), West of the 6th P. M. (7) Your
attention is directed to the attached map which shows the portion of
land not included in the purchase agreement.

Big Beaver Reservoir is shown to have priorities of rights to
use the water from Big Beaver Creek, a tributary of the Cache la Poudre
River, entered by a decree of the District Court of Larimer County
under Priority No. 35-1/2, dated August 9, 1898, for a storage depth
of thirty-two and one-half (32-1/2) feet above the base of its outlet
tube with an estimated capacity at that depth of 66,625,000 cubic feet;
(8) and Priority No. 21-1/2, dated August 8, 1901, for two (2)
additional storage depth which allows an additional 2,576,000 cubic
feet, or a total of 69,201,000 cubic feet. (9) The rights under these
priorities are to store whatever the reservoir will hold, even though it may show more cubic feet at those respective depths. (10) The above mentioned priorities were decreed in Case Number 2031, Book 105, page 495, Larimer District Court.

In the tabulation of storage of water in the Big Beaver Reservoir, The State Engineer arbitrarily set the year as being from November 1st of one year to October 31st of the following year as a storage year.

The records of the State Engineer show that the average annual storage in the Big Beaver Reservoir on priorities from Big Beaver Creek in years 1926 to 1945 inclusive was 814 acre feet or about 36,000,000 cubic feet. Such average storage is approximately 50 percent of the total storage decreed to said reservoir. In the years 1935, 1936, 1942 and 1945, this reservoir stored to its total decreed capacity. (11) No water was stored in the years 1932, 1934, 1937 and 1940. (12)

The records in the office of the River Commissioner of District No. 1 allows storage of 73,737,690 cubic feet of water in this reservoir. (13) The decreed priorities of Big Beaver Reservoir are controlled by guage height and not by estimated capacity. According to the survey of the Big Beaver Reservoir in the office of the State Engineer said reservoir at a guage height of thirty-two and one-half (32-1/2) feet has a capacity of 65,545,088 cubic feet or 1505 acre feet, and at a guage height of thirty-four and one-half (34-1/2) feet, 73,737,690 cubic feet, or 1693 acre feet which is 4,536,000 more cubic feet than is in the decree estimated for that guage height. (14) The storage in Big Beaver is net storage and does not include the storage of such water transferred from the Laramie River. (15)

It is to be noted that this lake is subject to a reservation that allows fishing and resort privileges and the use of the telephone line and roads to the Consolidated Hour Glass Resort and Reservoir Company. (16) There is a query as to whether or not this reservation forces the City of Greeley to maintain the telephone line for the use of the Resort Company. (17) The discussion of the telephone line is treated in another portion of this report.
Largest portion of land held under deed from Mountain and Plains Irrigation Company
A small portion of the Lake is on Government land: SW₁ of NW₂, Section 18, Twp 7 N,
Range 73, West of 6th P.M.

Property described in agreement: Lot 4, Section 18, Twp 7 N, Range 73, West 6th P.M.
Lot 1, Section 18, Twp 7 N, Range 73, West 6th P.M.
SE₂ of SE₁, Section 12, Twp 7 N, Range 74, W. 6th P.M.
NE₂ of NE₁, Section 13, Twp 7 N, Range 74, W. 6th P.M.
BIG BEAVER, ALSO KNOWN AS
HOUR GLASS RESERVOIR

(Footnotes)

1. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

2. Abstract Opinion by Kelly and Snyder.

3. Abstract Opinion by Kelly and Snyder.

4. Ibid. See map of the lake.


6. Conclusion made from a general study of the entire file of this lake that appears on record.

7. Ibid. And also from a discussion of the problem with the Department of Interior, Denver, Colorado.

8. Case No. 2031, Book 105, page 495, Larimer District Court Records.

9. Ibid.

10. Ibid.


12. Ibid.


15. Abstract Opinion of Kelly and Snyder.


17. Special Use Permit issued to the Mountain and Plains Irrigation Company and later transferred to the City of Greeley.
Comanche Lake, also known as Comanche Reservoir

Comanche Lake is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now in use by the City of Greeley for the storage and supply of water.

The legal description, according to the purchase agreement of this reservoir, is as follows, (1) to-wit:

All that certain storage reservoir known as Comanche Reservoir, located in the Southeast Quarter (SE 1/4) of Section Eleven (11), and the Southwest Quarter (SW 1/4) of Section Twelve (12), Township Seven (7), North Range Seventy-four (74), West of the 6th P.M., together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions and appurtenances connected therewith, and all water rights and appropriations now or hereafter effected or initiated by the construction or use thereof, together with all maps, plats, statements, and filings made therefor and particularly that certain map and statement recorded June 25, 1924, in File No. 1060 of the records of the County Clerk and Recorder of Larimer County, Colorado. Also all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said reservoir, or by the construction or use thereof.

According to the abstract opinion by Kelly and Snyder, this reservoir is located in the Southeast Quarter (SE 1/4) of Section Twelve (12), Township Seven (7), North Range Seventy-four (74), West of the 6th P.M., Larimer County, Colorado. (2) Said land is U.S. Government land. However, according to the recorded map and plat thereof, the reservoir is located also in portions of the Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4) of Section Eleven (11), Township Seven (7), North Range Seventy-four (74), West of the 6th P.M., (3)

On June 27, 1924, the Mountain and Plains Irrigation Company filed a right-of-way application for Comanche Reservoir in the South Half (S 1/2) of Section Eleven (11), and the Southwest Quarter (SW 1/4) of Section Twelve (12), Township Seven (7), North Range Seventy-four (74), West of the 6th P.M., and with the application, filed maps and field notes of the Reservoir, and on August 18, 1933, and application for the enlargement of said reservoir and its inlets and outlets was filed; and that on January 18, 1925, the map of the enlarged reservoir
was approved the the Secretary of the Interior, and on January 8, 1935, the Secretary of the Interior accepted the proof of construction, showing the reservoir and ditch completed September 30, 1931. (4)

The lake has been assigned easement No. 029149 by the Land Office of the Department of Interior. The easement was approved on January 8, 1935, and is found to be in perfect condition. The City of Greeley, therefore, is operating this reservoir by government authority based on the above-mentioned easement. (5)

As stated, Comanche Lake is located on U. S. Government property. There has been no patent issued for this property and as a result the authority for the use of this lake must come from the Department of Interior of the U. S. Government. (6) The Government has granted the authority to use and operate this lake by an easement. This easement was originally obtained and developed by the Mountain and Plains Irrigation Company. (7) The easement was transferred to the City of Greeley upon purchase of the above-described property. (8) As long as the City continues to use the lake for reservoir purposes, the easement will remain in good standing. (9) The map on file with the Land Office in the Department of Interior shows the reservoir occupying land not only in the Southeast Quarter SE 1/4 of Section Eleven (11) and the Southwest Quarter (SW 1/4) of Section Twelve (12), but also in the Southwest Quarter (SW 1/4) of Section Eleven (11). The portion in the Southwest Quarter (SW 1/4) of Section Eleven (11) was not included in the purchase agreement from Portner. (10)

This lake has been assigned Priority No. 133 and Priority No. 134C. (11)

The Mountain and Plains Irrigation Company filed claims for a lake and dam which would store water to a height of forty (40) feet. The original and first claim was made for a height of twenty-seven (27) feet which was measured at the base of the outlet tube for the lake, and was estimated that the lake would have a capacity of 72,369,018 cubic feet of water. The construction for this lake was started on June 13, 1923. (12)

On June 18, 1925, the second claim was made for the enlargement of this lake for an additional eight (8) feet in the height of the dam and for a total enlargement of the Reservoir to thirty-five (35) feet above the base of its outlet tube, thus making an increased capacity of 42,169,600 cubic feet of water. (13) With a total storage depth of thirty-five (35) feet, it is estimated that the capacity of the reservoir is now 114,518,600 cubic feet of water. (14)

IN THE MATTER OF THE ADJUDICATION OF PRIORITIES OF WATER RIGHTS FOR IRRIGATION, IN DISTRICT NO. 3, DIVISION OF NO. 1 OF THE STATE OF COLORADO FOR IRRIGATION AND OTHER BENEFICIAL USES, the Larimer District Court on December 18, 1945, entered a decree confirming the referee's findings and
recommendations concerning this reservoir and awarded Priority No. 133 as of June 13, 1923 for such amount of water from Big Beaver Creek as said reservoir would hold and allowed the reservoir to be filled to a depth of twenty-seven (27) feet above the bottom of its outlet tube and to its high water line, estimating that this storage depth would allow the storage of 72,369,013 cubic feet of water. (15) Further, the court decreed a second priority, No. 134C, as of June 18, 1925, for an additional amount of water and allowing a total storage depth of thirty-five (35) feet above the bottom of the outlet tube and to the high water line of the enlargement, being an additional amount and capacity estimated at 42,149,600 cubic feet of water. (16) Both priorities, however, are subject to the lowest completed priorities awarded in decree heretofore entered in proceedings of general adjudication of water rights in said water district. (17) The decrees are in Case No. 5362, Book 129, page 341, Larimer District Court Records. (18)

In the tabulation of storage water in Comanche Reservoir, the State Engineer arbitrarily set the year as being from November 1st of one year to October 31st of the following year as a storage year. The records of the State Engineer's Office show storage for the years 1932 through 1945 inclusive. (19) Said records show an average of 1,015 acre feet net storage in Comanche Reservoir from Big Beaver Creek in the years, 1935, 1938, 1942, 1943 and 1945. On the lake's priority at twenty-seven (27) feet, it has an estimated capacity of 72,369,000 cubic feet of water or 1661 acre feet. (20)

In other years, during said stated period, according to the Engineer's records, there was no storage. Said amount, so stored, averages about two-thirds (2/3) of the decreed priorities on the first decree. The lake stored in 1925, 1,788 acre feet and in 1942, 1,894 acre feet. (21)

The records in the office of the River Commissioner of District No. 1 allow a storage of 114,518,600 cubic feet of water in this reservoir. (22) The figures in the River Commissioner's office, State Engineer's office, and Larimer District Court, are the same for all practical purposes in the total amount of water allowed to be stored in this lake. (23)

The water rights assigned to this Reservoir are in good condition provided the City of Greeley continues to use the amount allotted by the court decree. The authority allowing the City to use this water is dependent upon the validity of the decree mentioned. (24)

The Mountain and Plains Irrigation Company issued three series of preferred water rights. (25) The preferred water right contracts executed by the Mountain and Plains Irrigation Company on Series One and Two do not affect Comanche Reservoir or its water supply. (26) The third series was canceled by the company upon the date of purchase.
The attached map shows that the lake occupies portions of three (3) quarter sections of land. This lake is one of the better reservoirs in the group purchased by the City of Greeley. It has been used by the City continuously from the date of purchase. The lake is definitely an asset to the City and should be maintained for the City's water supply. (27) The portion of property in the Southwest Quarter (SW 1/4) of Section Eleven (11), Township Seven (7) Range Seventy-four (74), West of the 6th P.M., was not included in the purchase agreement. (28) This property has never been used for the storage of water. When the Reservoir is filled to capacity, this portion of property will have to be obtained from the Mountain and Plains Irrigation Company in order to claim title to the entire lake as shown on the map on file with the Larimer Office of the Department of Interior. (29)

**COMANCHE LAKE**

(Footnotes)

1. Purchase Agreement and Warranty Deed from the Mountain and Plains Irrigation Company to the City of Greeley.

2. Abstract Opinion by Kelly and Snyder.

3. This information was obtained from a study of the map of this lake.


5. Ibid.

6. Record check of the property in the Larimer County Records and the Department of Interior Records, Denver, Colorado.

7. Easement No. 029149, Department of Interior, Denver, Colorado.

8. Warranty Deed from the Mountain and Plains Irrigation Company to the City of Greeley.

9. See footnote No. 7.

10. Purchase Agreement and Warranty Deed from the Mountain and Plains Irrigation Company to the City of Greeley and the Records of the Department of Interior.


12. The information for this paragraph was obtained from Case No. 5362 Book 129, page 341, Larimer District Court Records.

13. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid.
19. Records of the State Engineer, Denver, Colorado.
20. Ibid.
21. State Engineer's records and the abstract opinion by Kelly and Snyder.
22. Records of the River Commissioner's.
23. This statement is made after a comparison of the records found in the three offices.
24. General principals of water law.
25. See Purchase Agreement between Mountain and Plains Irrigation Company and the City of Greeley.
27. City Water Department and from the general study of the entire purchase of the High Mountain Lakes.
28. See Purchase Agreement and Warranty Deed between Mountain and Plains Irrigation Company and the City of Greeley.
29. Conclusion drawn from the entire report on this lake.
All land held under easement from United States Government—Easement No. 029149

Property described in agreement:
- SE\textsuperscript{\textfrac{1}{4}} of Section 11, Twp 7 N, Range 74, W. 6th P.M.
- SW\textsuperscript{\textfrac{1}{4}} of Section 12, Twp 7 N, Range 74, W. 6th P.M.

Property not described in Agreement:
- SW\textsuperscript{\textfrac{1}{4}} of Section 11, Twp 7N, Range 74, W. 6th P.M.
Gilmore Reservoir is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains and Irrigation Company. This lake is not in use by the City of Greeley. (1) In fact, the lake was never completed by the above mentioned company. (2) The reservoir is located North of Fort Collins approximately five miles. This lake has not been used for a period of 25 years, according to the neighbors in the vicinity. (3) An outlet and inlet gate had been constructed; however, nothing further was done to improve the lake site. If the City of Greeley is interested in improving this property, it will require a great deal of construction. (4) Further, if the lake is once built, it will be very difficult to use the water stored other than for a few of the farms within the near vicinity. (5)

The legal description, according to the purchase agreement of this reservoir, is as follows, (6) to-wit:

All that certain storage reservoir known as the Gilmore Reservoir located on a portion of the North Half of the Northeast Quarter (N 1/2 NE 1/4) and the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Four (4) Township Eight (8), North Range Sixty-Nine (69), West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches; and all improvements, construction and appurtenances connected therewith, together with all maps, plats, statements and filings made therefor, together with all water rights and appropriations effected by the construction and use thereof; together with the easement of the company, if any, to use for reservoir purposes, the lands within the high water mark of said reservoir located in the South Half (S 1/2) of Section Thirty-three (33), Township Nine (9), North Range Sixty-nine (69), West of the 6th P.M., and in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Four (4), Township Eight (8) North Range Sixty-nine (69), West of the 6th P.M., Larimer County, Colorado.

Also the fee title to the land in the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section Four (4), Township Eight (8) North Range Sixty-Nine (69) West of the 6th P.M., Larimer County, Colorado, located within the high water line of said Gilmore Reservoir in conformity with the description of said high water line as heretofore filed in the office of the State Engineer and the office of the County Clerk and Recorder of Larimer County, Colorado.
reference to which is hereby made for greater
certainty; also a parcel of land located in the South Half of
the Northeast Quarter (S 1/2 NE 1/4) of said Section Four
(4), as more particularly described in Warranty Deed dated
March 21, 1919, from Herman Welter to Roy Portner,
recorded in Book 395, page 413, of the records of Larimer
County, Colorado.

It is to be noted, from the above description, that part of this
reservoir lies in Section Four (4) and a part in Section Thirty-three
(33). From the abstract opinion, given by Dines, Dines, and Holme,
there is a question as to whether or not the City of Greeley has legal
title and right to use this reservoir in Section Thirty-three (33). (7)
According to the records, it is found that the City of Greeley has
title to the North Half of the Northeast Quarter (N 1/2 NE 1/4) and the
South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Four
(4), Township Eight (8) North Range Sixty-Nine (69) West of the 6th
P.M. (8) The agreement and deed from the Mountain and Plains
Irrigation Company claim to give the City of Greeley an easement
through the South Half (S 1/2) of Section Thirty-three (33), Township
Nine (9), North Range Sixty-nine (69) and the Northeast Quarter of
the Northwest Quarter (NE 1/4 NW 1/4) of Section Four (4), Township
Eight (8), North Range Sixty-nine (69). (9) However, from the
abstract opinion, it would appear that other than the easement for
ditch purposes to fill this reservoir, the City of Greeley has no
right to the property in Section Thirty-three (33). (10) It is to be
noted that this deeded land includes only the land to the high water
mark and does not include the right to use the entire quarter section.

This lake is subject to the preferred water rights of the first
and second series issued by the Mountain and Plains Irrigation
Company. Upon demand, the City of Greeley will have to furnish
enough water to satisfy the first and second series before it is
entitled to any water from this lake. (11) Inasmuch as this lake has
never been used, and as the City of Greeley is required to furnish
the preferred water rights, said water will, by necessity, come from
the other lakes within this purchase.

The lake is located entirely on deeded property and as a result
has not been assigned an easement number from the Land Office
of the Department of the Interior. (12) The Land Office has no
jurisdiction over this lake. The lake has been assigned Priority
No. 112, which was requested January 22, 1919, for a storage
depth of Fifteen (15) feet with a capacity of 15,000,000 cubic feet
of water. (13) The decree granting this priority was entered April
22, 1922, and is recorded in Book 105, page 529 in Case No. 2031
of the Larimer County records.

According to the State Engineer's records, Priority No. 112
applies not only to Gilmore Reservoir, but also to Dry Creek,
Secord Draw, Grant Draw and Poudre Draw. (14) The River
Commissioner has no record of any water being allotted to this Reservoir. In all probability, the City of Greeley will never make use of this property for water storage. (15)

**GILMORE RESERVOIR**

1. Information derived from the City of Greeley Water Department, and from a study of the lake or reservoir itself.

2. Physical check was made of this reservoir and it was found that the reservoir has never been used by the Mountain and Plains Irrigation Company for the storage of water.

3. Ibid.

4. Ibid: Also the City of Greeley Water Department considered that if the lake is to be used, a great deal of construction will be necessary to put the lake or reservoir into operation for the storage of water.

5. Ibid.

6. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

7. See Abstract Opinion of Dines, Dines and Holme. Said opinion is on file in the City Water Department File.


9. See footnote No. 6.

10. See footnote No. 7.

11. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley; See also the Abstract Opinion of Dines, Dines and Holme, Denver, Colorado.

12. Deeded land does not require an easement from the Department of Interior because this property has been given by the United States Government by Patent. The Patent appears in the abstract of title.

13. Case No. 2031, Book 105, page 529, Larimer District Court Records.

14. See the State Engineer's Records concerning Gilmore Reservoir.

15. Conclusion of the City of Greeley Water Department at this time and also of the writer of this article at this time.
Question as to title to property located in Section 33, probably an easement for ditches but not for a reservoir.

All property is deed land which is held on United States Patent.

Property described in agreement: N₂ of NE₂ of Section 4, Twp 8 N., Range 69, W. 6th P.M.
S₂ of NE₂ of Section 4, Twp 8 N., Range 69, W. 6th P.M.
A parcel in NE₄ of NW₂ of Section 4, Twp 8 N., Range 69, W 6th P.M.
Peter son Lake is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now in use by the City of Greeley for the storage and supply of water.

The legal description according to the purchase agreement of this reservoir is as follows, (1) to-wit:

All that certain storage reservoir known as Peterson Lake Reservoir, located in the Southeast Quarter (SE 1/4) of Section Twenty-two (22), the Southwest Quarter of The Southwest Quarter (SW 1/4 SW 1/4) of Section Twenty-three (23), the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-six (26), and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Twenty-seven (27), Township Seven (7) North Range Seventy-five-(75), West of the 6th P.M., together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions and appurtenances connected therewith, expressly including all rights now owned or hereinafter acquired in and to the Trap Creek inlet ditch, having its head gate in Section Twenty-One (21), Township Seven (7), North Range Seventy-five-(75), West of the 6th P.M., and the Corral Creek inlet ditch, having its head gate in Section Thirty-three (33), Township Seven (7), North Range Seventy-five (75), West of the 6th P.M., as more particularly described in that certain map and statement recorded August 21, 1922 in File No. 1037 of the records of the County Clerk and Recorder of Larimer County, Colorado, and all water rights and appropriations now or hereafter effected or initiated by the construction or use of said Reservoir and said ditches and all enlargements of extensions thereof, together with all maps, plats, statements, and filings made therefor and particularly that certain map and statement recorded October 17, 1921, in File No. 1031 of the records of the County Clerk and Recorder of Larimer County, Colorado.

Also all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said Reservoir, and said ditches, or by the construction or use thereof.
Peterson Lake was subject to a mortgage and deed of trust which, at the time of purchase, was released. (2) The property is subject, however, to the rights of holders of preferred water right contracts heretofore issued by the company to the extent of 75,000,000 cubic feet of water annually. (3)

This lake is located on Government Land in the Roosevelt National Forest. (4) The City of Greeley received a valid easement from the Company for the use of these Government properties at the time of the purchase. (5) The easement number assigned to this reservoir is 0-27966 which dates from April 11, 1922. (6) The detailed records pertaining to this lake are in Washington, D. C. (7) The State Engineer's office and the court records of Larimer County show that Priority No. 127 and 128C were assigned to this reservoir as of July 22, 1921. (8) Under the first priority mentioned, the lake has a storage depth of Twenty-nine (29) feet with a storage capacity of 39,874,200 cubic feet. (9) Under the second priority number, the lake will have a total storage depth of Fifty-two (52) feet with an additional storage capacity of 54,125,800 cubic feet. (10) The above mentioned priorities were decreed on December 18, 1945, and entered in Book 129, page 339, Case No. 5362 of the Larimer District Court records. The River Commissioner's records show, at the present time, the storage depth of Forty-seven (47) feet, allowing a total capacity of 81,335,000 cubic feet of water. (11) It is to be noted that there is a considerable difference between the capacity allowed and the actual capacity being used. The only answer to this discrepancy is that the lake has not been completed to its total storage capacity. (12) In order to accomplish this, the height of the present dam will have to be increased and the natural lake bottom will have to be excavated. (13)

This lake is a very valuable piece of property and should be maintained. The records in the Government Land Office appear to be in order with the exception that an affidavit of completion of construction of the reservoir, and the showing that the dam is in good condition, will be needed to close the case. (14) It is suggested that, under the above mentioned conditions, the additional construction necessary should be done. This lake is a vital part of the Greeley water supply system, and the use of it should not be lost for failure to comply with the requirements of the Land Office and the court decree. (15)
PETE RSON LAKE

(Footnotes)

1. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

2. Ibid.

3. Ibid. and Abstract Opinion by Dines, Dines and Holme.

4. Abstract Opinion by Dines, Dines and Holme; Map of the lake; and easement No. 0-27966.

5. Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.


7. Ibid.


9. Ibid.

10. Ibid.


12. This is a conclusion of the writer from a study of the entire file pertaining to this lake.

13. Ibid. and the opinion of the City Water Department.


15. Opinion of the City of Greeley Water Department.
All land held under easement from United States Government: Easement No. 0-27966

Property described in agreement: SE_4 of Section 22, Twp 7 North, Range 75, W. 6th P.M.
SW_4 of SW_4 of Section 23, Twp 7 N, R 75, W. 6th P.M.
NW_4 of NW_4 of Section 26, Twp 7 N, R 75, W. 6th P.M.
NE_4 of NE_4 of Section 27, Twp 7 N, R 75, W. 6th P.M.
Portner Lake, also known as North Poudre Reservoir No. 17, is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now in use and has been used by the City of Greeley for the storage and supply of water. The lake is located on deeded property and as a result the Land Office of the Department of the Interior has no jurisdiction concerning the use of this property.

The legal description, according to the purchase agreement of this reservoir, is as follows, to-wit:

All that certain storage reservoir, sometimes called North Poudre Reservoir No.17, more commonly known as Portner Reservoir, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, and appurtenances connected therewith together with all maps, plats, statements, and filings made therefor, together with all water rights and appropriations effected by the construction and use thereof, including reservoir Priority No. 93 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, as of June 18, 1906, for a storage depth of twenty (20) feet and an estimated capacity of 26,582,444 cubic feet of water, and Reservoir Priority No. 99 adjudicated to said Reservoir in said adjudication proceedings as of January 14, 1908, for an additional storage depth of six (6) feet, and an estimated additional storage capacity of 14,026,354 cubic feet and said Reservoir being located in the Northeast Quarter (NE 1/4) and the North Half (N1/2) of the Southeast Quarter (SE 1/4) of Section Twelve (12), Township Six (6) North Range Sixty-nine (69) West of the 6th P.M., and in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Seven (7) Township Six (6) North Range Sixty-eight (68) West of the 6th P.M.

Also all that part of the East sixty (60) acres of the South Half of the Northeast Quarter (S 1/2 NE 1/4) lying within the high water line of said Portner Reservoir according to the map of the enlargement thereof dated January 14, 1908, on file in the office of the State Engineer and the office of the County Clerk and recorder of Larimer County, Colorado, all of those portions of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of said Section Twelve (12), Township Six (6) North Range Sixty-nine (69) West of the 6th P.M., described in that certain Quit Claim Deed from John R. Handy to the company dated February 1, 1944, and recorded in Book 766, page 488 of said records, and
all of that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Seven (7), Township Six (6) North Range Sixty-eight (68) West of the 6th P.M., as described in that certain Warranty Deed to the company from John H. Williams dated March 28, 1928 and recorded in Book 569, page 129 of the records of the County Clerk and Recorder of Larimer County, Colorado, and including rights of way for inlet and outlet ditches as now constructed and now indicated by plat thereof in the office of the State Engineer and the office of the County Clerk and Recorder of Larimer County, together with the privilege of using the outlet ditch from Fossil Creek Reservoir for the purpose of return of water to the river from Portner Reservoir, not to exceed, however, the total of two cleared appropriations above described, said inlet ditch having its head gate in Fossil Creek at a point where the Southwest corner of Section One (1), Township Six (6), North Range Sixty-nine (69) West of the 6th P.M., bears South 9° West 1476 feet, and extends southeasterly across a portion of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) and the South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section One (1), Township Six (6), North Range Sixty-nine (69) West of the 6th P.M., and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twelve (12), Township Six (6), North Range Sixty-nine (69) West of the 6th P.M., according to said plat, subject to the duties imposed upon said inlet ditch by that certain agreement dated December 31, 1908 between Roy A. Portner and Charles R. Evans, recorded January 5, 1909 in Book 237, page 241 of the records of the County Clerk and Recorder of Larimer County, Colorado.

The lake was subject to a deed of trust which was released when the City of Greeley purchased this property. (2) This lake is subject to the right of the holders of preferred water right contracts heretofore issued by the company for the first and second series. (3) The holders of the first and second series of rights have a prior claim on water produced annually from these lakes to the extent of 75,000,000 cubic feet. (4)

The high water line according to the map of the enlargement thereof dated January 14, 1908 extends into the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Twelve (12), Township Six (6), North Range Sixty-nine (69) West of the 6th P.M. The City of Greeley does not own nor have the right to use any of the land in the Northeast Quarter (NE 1/4) of Section Twelve (12) outside of the high water line of the original reservoir. As a matter of record the Reservoir has never been used by the Company nor the City of Greeley to store water in excess of the original storage depth of Twenty (20) feet. (5)
The Company, by Warranty Deed from John A. Wilkins dated March 28, 1928, and recorded in Book 569, page 129 of the records of the County Clerk and Recorder of Larimer County, Colorado, has the right to use, for the purpose of this Reservoir, the land within the high water line of the enlargement of the reservoir in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Seven (7), Township Six (6) North Range Sixty-eight (68) West of the 6th P. M. (6)

Under the date of February 1, 1944, the company exchanged Quit Claim Deeds with John R. Handy under which the Company deeded to John R. Handy certain land in the Northeast Quarter (NE 1/4) of Section Twelve (12) and said John R. Handy deeded to the Company the East Sixty (60) acres of the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Twelve (12) and also by metes and bounds a portion of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of said Section Twelve (12). The portion of ground deeded by metes and bounds was intended to cover land included within the high water line of the original reservoir. (7)

This reservoir has been assigned Priority No. 93 as of June 18, 1906, for 26,582,444 cubic feet of water which amounts to Twenty (20) feet of storage depth. (8) It was also assigned Priority No. 99 on January 14, 1908 for an additional capacity of 14,026,354 cubic feet with an additional storage depth of six (6) feet. (9) The decree granting these priorities was entered April 22, 1922, in Case No. 2031, recorded in Book 105, page 519 in the Larimer District Court. However, in order to utilize the additional storage capacity, additional land will have to be purchased. (10) The reservoir will require the construction of a dam or dike on the South and West boundaries of the present lake site. (11) The River Commissioner shows a storage depth of twenty-six (26) feet with a capacity of 42,622,000 cubic feet of water. (12) According to the records, the lake has never been filled beyond the storage depth of eighteen (18) feet. If additional water is placed in the lake, under its present condition, there will be seepage damage and water damage to the property on the South and West of the present lake site. (13)

According to the map of this lake and according to the description of the lake from the purchase agreement, said lake occupies the Northeast Quarter (NE 1/4) of Section Twelve (12) North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section Twelve (12) and the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Twelve (12) all in Township Six (6) North Range Sixty-nine (69) West of the 6th P. M. In addition to the above described property, the lake occupies sixty (60) acres within the South Half of the Northeast Quarter (S 1/2 NE 1/4) of Section Twelve (12). Further, the lake is located in portions of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Seven (7), Township Six (6) North Range Sixty-eight (68) West of the 6th P. M. Your attention is
called to the map of this Reservoir. The solid line represents the Reservoir as it exists today; the broken line represents the contemplated enlargement of this Reservoir. If the reservoir is enlarged, additional property will have to be purchased in the Southeast Quarter (SE 1/4) of Section Twelve (12) even though the agreement from the Mountain and Plains Irrigation Company includes this property. (14)

**PORTNER LAKE**

(Footnotes)


2. Ibid.


4. Ibid.

5. City Water Department and River Commissioner's records.

6. See footnote No. 1 and also abstract opinion of Dines, Dines and Holme.


8. Larimer District Court records concerning priorities.

9. Ibid. See Decree No. 2031, Book 105, Page 519.

10. See map attached to this report on Portner Lake and the abstract showing the original plat thereof.

11. City Water Department and from a study of the lake's location.


13. Information given by the City of Greeley Water Department.
All property is deeded land which is held on United States Patent.

Property described in agreement: NE₂ of Section 12, Twp 6 N, Range 69, West 6th P.M.
NE₁ of SE₃ of Section 12, Twp 6 N, Range 69, W 6th P.M.
S₁ of NE₂ of Section 12, Twp 6 N, Range 69, W 6th P.M.
(60 Acres)
SW₁ of NW₂ of Section 7, Twp 6 N, Range 68, W 6th P.M.

CITY OF GREELEY, COLORADO
PORTNER, ALSO KNOWN AS NORTH POUDRE RESERVOIR NO. 17
TIMBERLINE RESERVOIR

Timberline Reservoir is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is not in use by the City of Greeley for the storage and supply of water. (1)

The legal description according to the purchase agreement of this reservoir is as follows, (2) to-wit:

All that certain storage reservoir known as Timberline Reservoir, located on portions of the South Half of the Northwest Quarter (S 1/2 NW 1/4) and the North Half of the Southwest Quarter (N1/2 SW 1/4) of Section Three (3) Township Seven (7) North Range Seventy-four (74). West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefor, together with reservoir Priority No. 42, adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, for a storage depth of Twelve (12) feet with an estimated storage capacity of 18,533,400 cubic feet by original construction dated August 13, 1901, and Priority No. 55, by reason of an enlargement dating from June 1, 1904, for an additional storage depth of Seven (7) feet with a total capacity as enlarged, of 33,166,560 cubic feet.

Also, the fee title of the land in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Three (3), Township Seven (7) North Range Seventy-four, (74), West of the 6th P.M., Larimer County, Colorado, included within the high water line of said Timberline Reservoir as heretofore filed.

The Reservoir, according to the opinion of Kelly and Snyder, is located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Three (3), Township Seven (7), North Range Seventy-four (74), West of the 6th P.M., Larimer County, Colorado. (3) The reservoir is located partially on Government Property and partially on deeded property. (4) The easement for this Reservoir was never assigned. A filing was made with the
Land Office on September 2, 1904, but relinquished and canceled by the Land Office on November 4, 1926. (5) The original request for said easement was for the South Half of the Northwest Quarter (S 1/2 NW 1/4) and the North Half of the Southwest Quarter (N1/2 SW 1/4) of Section Three (3), Township Seven (7), North Range Seventy-four (74), West of the 6th P. M. (6) It appears, however, that the City of Greeley has fee title to the land that the original portion of this lake occupied. (7) The fee title is to the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Three (3), Township Seven (7), North Range Seventy-four (74), West of the 6th P. M.

The Reservoir was assigned Priority No. 42, dating from August 13, 1902, for Twelve (12) feet of storage depth with a capacity of 18,535,400 cubic feet. (8) Priority No. 55, dating from June 1, 1904, was for an enlargement of an additional Seven (7) cubic feet in storage depth, making a total capacity of 33,166,560 cubic feet of water. (9) The diversion of this water is from Beaver Creek. (10) Both priorities were granted on October 28, 1909, in Case No. 1591, Larimer District Court and recorded in Book P., page 236.

The records of the State Engineer do not show storage in the Timberline Reservoir during 1925-1945 and present day. (11) According to the records available in 1911, the dam for said Reservoir broke and since no work has been done by the Company to repair this dam, and easement was canceled by the Land Office of the Department of Interior. (12) The owners of the company stated that they had no intention to abandon this project. (13) However, since the above mentioned date nothing has been done towards the completion of this Reservoir. (14) There is no record of storage of water for this Reservoir in the River Commissioner's office. (15) Inasmuch as the lake has not been used since 1911, there may be question as to whether or not the priorities granted are still in force.

Due to the fact that the City of Greeley owns a portion of this lake as deeded land, it is quite probable that a portion of the priority granted for water is still in existence. (16) However, it may not be valid because of the non-use. The City of Greeley has lost its right to the portion of land belonging to the Government, which the lake originally was alleged to occupy. (17) If the City of Greeley is interested in operating this Reservoir for the storage of water, it will be necessary to file a map and make a request to the Land Office of the Department of Interior for an easement for the use of this property. (18)
1. Information derived from the City Water Department.

2. Purchase Agreement and Warranty Deed from the Mountain and Plains Irrigation Company to the City of Greeley.

3. Abstract opinion of Kelly and Snyder.

4. Abstract opinion of Kelly and Snyder; see the plat of said lake and the Abstract Office of Larimer County.

5. Department of Interior, Denver, Colorado

6. Ibid.

7. Conclusion made by the writer from the study of the records concerning this lake or reservoir.


9. Ibid.

10. Ibid.

11. State Engineer's Records, Denver, Colorado; also see Abstract Opinion of Kelly and Snyder.

12. Department of Interior, Denver, Colorado; also see Abstract Opinion of Kelly and Snyder.

13. See letter on file with the Department of Interior from the Mountain and Plains Irrigation Company.


16. Conclusion of the writer from a general study of the entire file available on this reservoir.

17. Department of Interior, Denver, Colorado. See the file on Timberline Reservoir.

18. Conclusion of the Department of Interior, Denver, Colorado, after a discussion of the problem concerning this reservoir.
No United States Government easement to the above property.

Property described in the agreement: The $S_\frac{1}{2}$ of the $NW_\frac{1}{2}$, Section 3, Twp 7 N, R. 74 W.
The $N_\frac{1}{2}$ of the $SW_\frac{1}{2}$, Section 3, Twp 7 N, R. 74 W.

Property described in the agreement which is held on U. S. Patent: The $NE_\frac{1}{4}$ of the $SW_\frac{1}{4}$, Section 3, Twp 7 N, R. 74 W.
Trap Lake is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is not in use by the City of Greeley. The City of Greeley has lost the easement for the use of the land occupied by this lake. (1)

The legal description according to the purchase agreement of this reservoir is as follows, (2) to-wit:

All that certain storage reservoir known as Trap Lake Reservoir, located in the Southeast Quarter (SE 1/4) of Section Twenty (20), and the Southwest Quarter (SW 1/4) of Section Twenty-one (21), Township Seven (7), North Range Seventy-five (75) West of the 6th P. M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements, and filings made therefor.

According to the abstract opinion of Dines, Dines and Holme, this property is subject to the rights of the holders of the preferred water rights contracts for the first and second series heretofore issued by the Mountain and Plains Irrigation Company. (3)

This reservoir is located entirely on Government Land in the Roosevelt National Forest. (4) Over Twenty (20) years ago an easement was granted for the use of this reservoir conditioned upon a showing of the completed construction. (5) Recently, however, the Land Office served notice on the Company to furnish additional proof of construction, upon the penalty of having action taken to revoke the easement. (6) The last letter from the Land Office to the Company serving this notice was dated September 18, 1946. The records of the Land Office show that the original easement, No. O-28321, expired November 21, 1946, for lack of construction, and the case was closed in April, 1950. (7)

It appears, from investigation of the available records, that no lake was actually built. This being the case, the City of Greeley, if interested in this lake site, will have to start the proceedings from the beginning by filing maps and surveys of this area along with a request for an easement to use this property. (8)
This lake has been assigned Priority No. 131C and Priority No. 135C. (9) Priority No. 131C was requested on June 8, 1922 for a storage depth of Twenty (20) feet with a capacity of 14,300,000 cubic feet of water. The decree was entered on December 18, 1945 in Book 129, page 340, Case No. 5362.

Priority No. 135C was requested July 1, 1928 for a storage depth of Twenty-five (25) feet with a capacity of 17,978,000 cubic feet of water and was decreed on same date in same book and page as heretofore mentioned. (10) Both of these priorities are conditional upon the lake and dam being completed. (11)

The State Engineer has no record of this lake and therefore has no storage history of the water capacity of the lake. The River Commissioner has no records of any storage of water for the lake.

For all practical purposes the use of this lake has been lost and was lost when the City of Greeley purchased the high mountain lakes. (12) There is a serious question as to whether or not this lake is worth improving under the present conditions. (13) The only reason for continuing the City's claim of right is that this lake, like many others, is subject to those certain preferred water rights granted by the Mountain and Plains Irrigation Company, and which the City of Greeley assumed by the purchase of this reservoir. (14)

TRAP LAKE
(Footnotes)

1. Department of Interior, Denver, Colorado.

2. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

3. See Abstract Opinion of Dines, Dines and Holme which is on file at the City of Greeley Water Department.

4. Department of Interior, Denver, Colorado; the Records of the Abstract Office, Fort Collins, Colorado, do not show that a patent has ever been issued by the United States Government.

5. Department of Interior, Denver, Colorado; see the file on Trap Lake.

6. Ibid.

7. Ibid.

8. Conclusion of the Department of Interior, Denver, Colorado.


10. Ibid.
11. The conditional priority means that the lake or reservoir must be completed before the priority of water can be used.

12. The conclusion is made by the writer from a complete study of the records available on this reservoir.

13. Ibid.

14. See the purchase agreement and the warranty deed between the Mountain and Plains Irrigation Company and the City of Greeley.
The lake is on United States Government property: Easement 0-28321 (Expired)

Property described in agreement: SE2 of Section 20, Twp 7 N, Range 75, W. 6th P.M.

Property not described in agreement but occupied by lake: NW2 of SE2 of Section 21, Twp 7 N, Range 75, W. 6th P.M.
Twin Lakes is one of the lakes purchased by the City of Greeley in the High Mountain Lake Purchase from the Mountain and Plains Irrigation Company. This lake is now in use by the City of Greeley for storage and supply of water. This is the only lake in the group which is operated entirely under a Special Use Permit from the Forest Service Department. (1)

The legal description according to the purchase agreement of this lake is as follows, (2) to-wit:

All that certain storage reservoir known as Twin Lakes Reservoir located in the South Half of the Northeast Quarter (S 1/2 NE 1/4); and the North Half of the Southwest Quarter (N1/2 SE 1/4) of Section Twenty-one (21) Township Seven (7), North Range Seventy-three (73), West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefore, together with reservoir Priority No. Seventy-three (73) adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, for a storage depth of twenty (20) feet with an estimated storage capacity of 20,037,867 cubic feet, by original construction, dated August 17, 1904.

According to the abstract opinion of Kelly and Snyder, this lake is located in the East Half (E 1/2) of Section Twenty-one, (21), Township Seven (7), North Range Seventy-three (73), West of the 6th P.M. (3) The reservoir is located on Government land. (4) It is clear of any mortgages or liens. The City of Greeley operates this reservoir on a Forest Service Use Permit issued January 10, 1952.

Since this lake is operated on a Special Use Permit, the Land Management Office of the Department of the Interior has not issued an easement for this lake, and as long as the Forest Service Department continues to allow the City of Greeley to use this lake on this Permit, no easement will be necessary. (5) The Special Use Permit, issued January 10, 1952, has one restriction, upon the use of this lake. That restriction is that the said lake shall be cleaned of all driftwood within one year of the above mentioned date. (6) Work on this requirement will begin in the spring of 1952.
This lake has been assigned Priority No. 73. (7) Twin Lakes is shown to have an appropriation for water from Pennock Creek with an inlet capacity of 61 cubic feet per second of time. A decree was entered by the District Court of Larimer County, Colorado, awarding Priority No. 73 for storage to a depth of Twenty (20) feet above the base of the outlet tube, which will allow an estimated capacity of 20,037,867 cubic feet of water. Said estimate is based upon the original construction of this lake which began on August 17, 1904. (8)

In the tabulation of storage water in Twin Lakes, the State Engineer arbitrarily sets the year as being from November 1st of one year to October 31st of the following year as a storage year. The records of the State Engineer show that at a gauge height of Twenty (20) feet, as decreed, the reservoir has a capacity of 13,155,660 cubic feet, or 302 acre feet. Said records show an available storage of 259 acre feet from Pennock Creek in the years 1926, 1928, 1935, 1938 and 1942. (9) For the other years during said period, there was no record of any storage. The records in the office of the River Commissioner of District No. 1, allows a storage of 19,416,600 cubic feet of water in this reservoir at Twenty-five (25) feet gauge height. (10) The difference in the capacity allowed, by court decree and the River Commissioner, can be explained to the extent that the court decree is based on an estimate, whereas the River Commissioner has actually measured this water. (11)

Priority No. 73 was recognized on October 17, 1904, for a storage depth of Twenty (20) feet with a capacity of 20,037,867 cubic feet. (12) A decree was granted on April 27, 1922, and recorded in Book 35, page 505, Case No. 2031, Larimer District Court. The water rights assigned to this lake appear to be in good condition provided the City of Greeley continues to use the amount of water allotted by the court decree. The authority allowing the City of Greeley to use this water is dependent upon the validity of the decree mentioned. (13)

As stated before, this is the only lake in the group which is operated on a Special Use Permit. If the City of Greeley continues to use this lake, the requirements set forth from year to year, by the Forest Service Department, will have to be followed. We have been unable to find from either the Land Management Office in the Department of the Interior or the Forest Service Department, the reason for operating this lake differently from the others within the group.
1. Special Use Permit issued by the Forest Service Department, Fort Collins, Colorado.

2. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

3. Abstract Opinion of Kelly and Snyder.

4. Ibid. Forest Service Department, Fort Collins, Colorado.

5. Information was gained from a discussion with the Forest Service Department of Fort Collins and the Department of Interior, Denver, Colorado.

6. Special Use Permit, issued January 10, 1952. This Special Use Permit is filed with the papers concerning the High Mountain Lakes Purchase at the City Hall, Greeley, Colorado.


8. Ibid.


11. This is a conclusion of the writer from the records studied in compiling this paper.

12. See footnote No. 7.

13. The general principles of water law.
All land held under Special Use Permit from Forest Service.

Property described in agreement: $\frac{5}{4}$ of $\text{NE}_2^4$ of Section 21, Twp 7 N, Range 73, West of the 6th P.M.

$\frac{5}{8}$ of $\text{NE}_2^4$ of Section 21, Twp 7 N, Range 73, West of the 6th P.M.
Columbine Ditch and Columbine Extension Ditch were included in the purchase agreement from the Mountain and Plains Irrigation Company.

The legal description, according to the purchase agreement, is as follows, (1) to-wit:

The Columbine Ditch and Columbine Extension Ditch located in Sections Fifteen (15), Twenty-three (23), Twenty-six (26), and Thirty-five (35), Township Ten (10), North Range Seventy-five (75), West of the 6th P.M., Larimer County, Colorado, as more particularly described in deed dated October 27, 1930, from Roy A. Portner to the Mountain and Plains Irrigation Company, recorded in Book 399, page 297, Larimer County records, together with all water rights and irrigation privileges thereunto belonging and all maps, plats, statements, and filings made therefor, and all easements and appurtenances.

The ditch runs through Sections Fifteen (15), Twenty-three (23), Twenty-six (26), and Thirty-five (35), Township Ten (10), North Range Seventy-five (75), West of the 6th P.M. There is no patent to this property and the abstract books show a record of a transfer from Roy Portner to the City of Greeley on Sections Twenty-six (26) and Thirty-five (35) only. (2) No easement has been granted for the use of this ditch. No priority of water has been assigned for the use of the water diverted by this ditch. (3) We are operating this ditch, however, on a Special Use Permit from the Forest Service Department. (4) The Special Use Permit applies only to Columbine Ditch; Columbine Extension Ditch has never been developed and as a result, therefore, no Special Use Permit has been granted. (5)

Bob Creek Ditch and Bob Creek Extension Ditch were included in the High Mountain Lake Purchase. These ditches are located in District No 48.

The legal description, according to the purchase agreement is as follows, (1) to-wit:

The Bob Creek Ditch and Bob Creek Extension Ditch located in Section Three (3) and Four (4), Township Nine (9) North Range Seventy-five (75) West of the 6th P.M., Larimer County, Colorado, as more particularly described in that certain Warranty Deed dated June 29, 1920, from Roy A Portner to the Mountain and Plains
Irrigation Company, recorded in Book 411, page 132 of the records of Larimer County, together with all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements, and filings made therefor, including decree of the District Court in and for Larimer County, Colorado, dated September 11, 1944, recorded in Book 813, page 219 of Larimer County records, under which said ditches are given Ditch No 85 and Priority No. 90 for Sixty (60) cubic feet of water per second with a date of September 24, 1897.

There is no easement issued for these ditches. Priority No. 90 dating from September 24, 1898, for a total capacity of Sixty (60) cubic feet was signed September 11, 1944 and recorded in Book 128, page 377, Case No. 5993, the Larimer District Court. (2) An abstract has been issued on this property and is in the possession of the City of Greeley. The ditch is operated on a Special Use Permit issued by the Forest Service Department. (3)

Included in the decree in the purchase agreement is the description of the decreed water rights, if any, which go with the property. It is to be remembered that the water right mentioned may be affected by abandonment or non-use. From the records from the Forest Service Department, it appears that Bob Creek Ditch has been used continuously for the supply and storage of water. (4) Bob Creek Extension Ditch has never been used and in fact was never built. If the City of Greeley is interested in building and using the Extension Ditch, a Special Use Permit will have to be obtained from the Forest Service Department. (5)

BOB CREEK DITCH

(Footnotes)

1. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.


3. See the Special Use Permit issued by the United States Forest Service Department of Fort Collins, Colorado. Said Special Use Permit is on file in the City of Greeley.

4. Records of the Forest Service Department, Fort Collins, Colorado.

5. Ibid.
COLUMBINE DITCH
(Footnotes)

1. Purchase Agreement and Warranty Deed between the Mountain and Plains Irrigation Company and the City of Greeley.

2. From a study of the abstractor's books and records in Fort Collins, Colorado.

3. No record of any priority could be found in the Larimer District Court Records concerning the Columbine Ditch.

4. See the Special Use Permit Issued by the Forest Service Department of Fort Collins, Colorado, for the authority for the use of this Ditch. Said Special Use Permit is on file in the City of Greeley Water Department Records.

5. Information received from the Forest Service Department of Fort Collins, Colorado.
Located in Sections three (3) and four (4), Township Nine (9) North, Range Seventy-five (75) West of the 6th P.M., Larimer County, Colorado.
Located in Sections fifteen (15), twenty-three (23), twenty-six (26), and thirty-five (35), Township 10 North, Range 75 West of the 6th P.M., Larimer County, Colorado.
On the 31st day of January, 1939, the City of Greeley’s City Council and The Northern Colorado Water Conservancy District entered into an agreement for the purchase of fifteen thousand acre feet of water. Said water is to come from the Grand Lake Project. At the time this water was purchased, the City of Greeley had only 12.5 cubic feet of water from the Cache la Poudre River plus the 165 inches from the Pleasant Valley and Lake Canal. (1) The water interests on the Cache la Poudre River gave the City of Greeley approximately 8,078,940 gallons of water during a twenty-four hour period. (2) With a growing population in the City of Greeley, it was evident to the City Council in 1939 that the Grand Lake Water was absolutely necessary if the citizens of Greeley were to have and enjoy an adequate supply of water in the future. (3)

The purchase of the fifteen thousand acre feet of water amounts to approximately 13,390,500 gallons per day in twenty-four hours. (4) With this additional amount of water, the City of Greeley has more than doubled the original supply. The fifteen thousand acre feet of water will cost $1.50 per acre foot or $22,500 per year. (5) This amount must be paid in forty years without interest, according to the Conservancy Act, passed by Congress establishing the authority to grant this diversion project. The money is to be raised as follows: one-fourth of the amount of the annual payment shall be raised through the general property tax. (6) This levy will be limited to one mill on all property in the conservancy district. The first payment must be made and will become due one year after the delivery of the water.

At the writing of this paper, the project has not been completed, and, therefore, the payment on this amount of water is not at the present time due. It is anticipated by the officials of the Water Conservancy District that the full amount of the water contracted for by the City of Greeley will be ready for delivery in the next year or possibly two years. Under the contract, whether the City of Greeley uses the water or not, it will still have to pay for the fifteen thousand acre feet per year. (7) The water is not limited to domestic use, but may be applied to any other beneficial use within the Water Conservancy District. (8)

The petition and contract entered into by the City of Greeley and the Water Conservancy District is reproduced on the following pages: (9)

ORDINANCE NO. 663

AN ORDINANCE TO CONTRACT FOR THE PURCHASE OF BENEFICIAL USE OF WATERS ON BEHALF OF THE CITY OF
GREELEY, COLORADO, A MUNICIPAL CORPORATION, AND FOR THE EXTENSION AND IMPROVEMENT OF A SYSTEM OF WATERWORKS AND PRESCRIBING THE TERMS FOR PETITION FOR AN ALLOTMENT OF WATER TO SAID CITY OF GREELEY BY SAID NORTHERN COLORADO WATER CONSERVANCY DISTRICT.

WHEREAS, Under the constitution and the laws of the State of Colorado, as heretofore and now in force, and the requisite approving vote of a majority of the properly qualified voters of the City of Greeley, who were tax payers under the law, at a municipal election heretofore duly had and taken in full compliance with all constitutional and statutory requirements, the City of Greeley was duly authorized and did erect a system of waterworks and said City of Greeley thereafter and now owns, operates and maintains said system of waterworks for the purpose of supplying said City and its inhabitants with water, and

WHEREAS, by reason of the growth of the City of Greeley, the present water supply is inadequate for the said City and the inhabitants thereof and it is necessary to purchase additional water in order to supply the said City and the inhabitants with a proper adequate supply of water and to provide for a water supply for the future growth of said City; and

WHEREAS, Under the Water Conservancy Act of Colorado, Ch. 266, Session Laws, Colorado, 1937, it is necessary that the City Council of the City of Greeley, in order to purchase the beneficial use of waters from said district, shall by ordinance, authorize and direct the Mayor and City Clerk of said City of Greeley to petition the Board of Directors for an allotment of water.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Sec. 1. That the City of Greeley elects to purchase and apply for the allotment of the beneficial use of Fifteen Thousand (15,000) acre-feet of water from Northern Colorado Water Conservancy District and that said system of waterworks of the City of Greeley be improved, enlarged and extended by said purchase so that the City and the inhabitants thereof may have an adequate supply of water.

Sec. 2. That the Mayor and City Clerk be and they are hereby authorized and directed to petition the Board of Directors of said Northern Colorado Water Conservancy District for an allotment of water upon terms prescribed by said Board in the manner and form as in this section provided, to-wit:
"PETITION TO
NORTHERN COLORADO WATER CONSERVANCY
DISTRICT
FOR ALLOTMENT OF WATER."

1. The petitioner, CITY OF GREELEY, COLORADO, a
municipal corporation elects to purchase and hereby applies for the
allotment of the beneficial use of Fifteen Thousand (15,000) acre-
feet of water, or such portion thereof as may be allotted to be
delivered annually from the works of said District at Cache la Poudre
River above the Greeley waterworks intake for the City of Greeley
and its inhabitants.

2. Petitioner agrees to purchase and pay for such portion of
the above amount of waters as may be allotted by the Board of
said District, at the price to be fixed annually by said Board, in
semi-annual installments, payable on April 1st and October 1st
of each year, which with maintenance and operating charges, shall
not exceed $1.50 annually (in addition to general taxes as provided
in Water Conservancy Act) per acre-foot allotted; and further
agrees that all such installments and charges shall be raised by
taxation from property within said City of Greeley, less any amount
paid or undertaken to be paid in cash or credited thereto by pay-
ments from the funds of said City of Greeley, as provided by law;
petitioner agrees that said City may, on application and upon
consent and order of the Board, be relieved of such taxes and the
water, when payment is secured by proper tax liens, be trans-
ferred to lands within the District. Petitioner agrees that said payments shall begin in the year following completion of the works
and delivery of water for said City, and continue until the costs of
the works are paid, and thereafter for maintenance and operating
charges only; and petitioner agrees that the Water Conservancy
District may, in order to meet the payments to the United States,
as required by the Reclamation Law, adopt any financial plan which
does not increase said annual payment of $1.50 per acre-foot,
or require additional security of said City.

3. Petitioner agrees that an acre-foot of water as herein
referred to is defined as being one-three-hundred-ten-thousandth
(1/310,000) of the annual supply apportioned for distribution of
said works, as determined by said Board and that all unused
apportionments remaining on November 1st of each year shall be
canceled.

4. Petitioner agrees that said water shall not be limited to
domestic use, but may be applied to any other beneficial use which
is within said Water Conservancy District.
ORDER ON PETITION

Due notice having been given and hearing had, it is ORDERED that the above petition be granted and an allotment of Fifteen Thousand (15,000) acre-feet of water is hereby made to the City therein described, upon the terms, at the rate and payable in the manner as in said petition set forth.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

(Signed) Cas. Hansen
President

(DISTRICT SEAL)

ATTEST:

(Signed) J. M Dille
Secretary
Sec. 3. It shall be the duty of the City Council of said City to carry out the provisions of this ordinance and the laws of the State of Colorado relating thereto and this ordinance shall be and remain irrepealable until the costs of said works of the said Water Conservancy District are paid in full according to the terms of the contract or contracts or repayment between the United States and said Northern Colorado Water Conservancy District.

Sec. 4. In the opinion of the City Council of the City of Greeley, the purchase of said water and the extension of the water-works system of the City of Greeley is necessary for the immediate preservation of the public peace, health and safety of the community, and for the reason that the health of the people of the City of Greeley and the adequate protection of the City and the inhabitants thereof, demand an increase in the water supply. We do therefore declare that an emergency exists and that this ordinance shall take effect and be in force five (5) days after its passage and final publication.

PASSED AND ADOPTED, Signed and Approved this 31st day of January, A. D., 1939.

(Signed) E. M. Colpitts
Mayor

City of Greeley

Seal

Attest:

(Signed) W. A. Hamnett
City Clerk

2. City Water Department of Greeley, Colorado.

3. Report made to the City Council by the Water Committee in 1939.

4. Ibid.

5. Ibid.


7. See the Agreement made between the Northern Colorado Water Conservancy District and the City of Greeley.

8. Ibid.

9. The original agreement is on file at the Northern Colorado Water Conservancy District Office in the City of Greeley.
DEED

THIS DEED, Made This ___ day of ____________, in the year of our Lord one thousand nine hundred and forty-seven, between THE MOUNTAIN AND PLAINS IRRIGATION COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, party of the first part, and the CITY OF GREELEY, a municipal corporation of the State of Colorado, party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration 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, hath granted, bargained, sold and conveyed and by these presents doth grant, bargain, sell convey and confirm unto the said party of the second part, its successors and assigns forever, all the following parcels of property situate, lying and being in the County of Larimer and State of Colorado, to-wit:

PARCEL NO. 1

All that certain storage reservoir, sometimes called North Poudre Reservoir No. 17, more commonly known as Portner Reservoir, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, and appurtenances connected therewith, together with all maps, plats, statements, and filings made therefor, together with all water rights and appropriations effected by the construction and use thereof, including reservoir priority No. 93 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, as of June 18, 1908, for a storage depth of twenty (20) feet and an estimated capacity of 26,582,444 cubic feet of water and reservoir priority No. 99 adjudicated to said Reservoir in said adjudication proceedings as of January 14, 1908 for an additional storage depth of six (6) feet, and an estimated additional storage capacity of 14,026,354 cubic feet, said Reservoir being located in the Northeast Quarter (NE 1/4) and the North Half of the Southeast Quarter (N1/2 SE 1/4) of Section 12, Township 6 North, Range 69 West, and in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW1/4) of Section 7, Township 6 North, Range 68 West of the Sixth P.M.
ALSO all of that part of the east sixty (60) acres of the South Half of the Northeast Quarter (S 1/2 NE 1/4) lying within the high water line of said Portner Reservoir according to the map of the enlargement thereof dated January 14, 1908, on file in the office of the State Engineer and the office of the County Clerk and Recorder of Larimer County, Colorado, all of those portions of the North Half of the Northeast Quarter (N 1/2 NE 1/4) of said Section 12, Township 6 North, Range 69 West, described in that certain Quit Claim Deed from John R. Handy to the Company dated February 1, 1944, and recorded in Book 766 at page 488 of said records, and all of that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 7, Township 6 North, Range 68 West, as described in that certain Warranty Deed to the Company from John H. Wilkins dated March 28, 1928, and recorded in Book 569 at page 129 of the records of the County Clerk and Recorder of Larimer County, Colorado, and including rights of way for inlet and outlet ditches as now constructed and as now indicated by plats thereof in the office of the State Engineer and the office of the County Clerk and Recorder of Larimer County; together with the privilege of using the outlet ditch from Fossil Creek Reservoir for the purpose of return of water to the river from Portner Reservoir, not to exceed, however, the total of the two decreed appropriations above described, said inlet ditch having its head gate in Fossil Creek at a point whence the Southwest corner of Section 1, Township 6 North, Range 69 West bears south nine (9°) degrees West 1476 feet, and extends southeasterly across a portion of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) and the South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section 1, Township 6 North, Range 69 West, and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 12, Township 6 North, Range 69 West, according to said plats; subject to the duties imposed upon said inlet ditch by that certain agreement dated December 31, 1908 between Roy A. Portner and Charles R. Evans, recorded January 5, 1909 in Book 237, page 241, of the records of the County Clerk and Recorder of Larimer County, Colorado.

PARCEL NO. 2

All that certain Reservoir known as the Big Beaver Reservoir located in Sections Seven (7) and Eighteen (18), Township 7 North, Range 73 West, and Sections Twelve (12) and Thirteen (13) Township 7 North, Range 74 West of the Sixth P.M. Together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation...
privileges thereunto belonging, together with all maps, plats, statements, and filings made therefor, together with reservoir priority No. 35-1/2 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado by decree dated September 23, 1905, for a storage depth of thirty-two and one-half (32-1/2) feet, with an estimated capacity of 66,625,000 cubic feet and an area of 64.55 acres by original construction dated August 9, 1898, and priority No. 41-1/2 adjudicated to said Reservoir by said Court in said decree for an additional storage depth of two (2) feet and for an additional estimated capacity of 2,576,000 cubic feet by enlargement, dated August 8, 1901, the members of said Reservoir Priorities having been entered by said District Court by decree dated April 22, 1922, together with the right of ingress and egress in and from said Reservoir for the development, maintenance, and operation thereof as an irrigation proposition and all appurtenances thereto belonging, including the telephone line connecting therewith, and all roads and roadways now constructed and used for reservoir purposes; also a strip of land, four hundred (400) feet in width, from the Reservoir parallel with and two hundred (200) feet on each side of the outlet thereof; EXCEPTING a reservation as to fishing and resort privileges, use of the telephone line and roads, and the right to screen inlet and outlet of said Reservoir so long as such operations do not interfere with the maintenance and operation of and development of said Reservoir as described and contained in a certain deed from The Consolidated Hour Glass Resort and Reservoir Company to The Fossil Creek Reservoir and Ditch Company, dated April 22, 1921, and recorded in Book 353 at page 337 of the records of the County Clerk and Recorder of Larimer County, Colorado.

PARCEL NO. 3

All that certain storage reservoir known as the Barnes Meadow Reservoir located on portions of the South Half of the Southeast Quarter (S 1/2 SE 1/4), the East Half of the Southwest Quarter (E 1/2 SW 1/4), and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 5, and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 4, and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 9, and the North Half of the Northeast Quarter (N 1/2 NE 1/4), and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 8, Township 7 North, Range 75 West, of the Sixth P.M., together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, and appurtenances connected therewith, (Excepting buildings and cabins located outside of the high water contour line or below the
outside toe of the dam of said Reservoir), expressly including the Trap Creek inlet ditch and the Cache la Poudre inlet ditch as described in that certain amended filing map and statement of said Reservoir, hereinafter described, and all water rights and appropriations now or hereafter effected or initiated by the construction or use of said Reservoir and said ditches and all enlargements or extensions thereof, together with all maps, plats, statements, and filings made therefor, including reservoir priority No. 126 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, as of June 22, 1921, for a storage depth of thirty (30) feet and an estimated capacity of 73,930,600 cubic feet and conditional reservoir priority No. 129C adjudicated to said Reservoir by said District Court as of May 30, 1922 for an additional storage depth of seventeen (17) feet and an additional estimated storage capacity of 76,081,811 cubic feet, conditional upon diligent completion of the enlargement of said Reservoir.

ALSO, all that portion of the South Half of the Southeast Quarter (S 1/2 SE 1/4) and the East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section 5, Township 7 North, Range 75 West, of the Sixth P.M., included within the high water contour line of said Reservoir, as described in the enlargement and amended filing map and statement of the Barnes Meadow Reservoir dated July 21, 1922, and recorded on January 13, 1928 in File No. 1092 of the records of the County Clerk and Recorder of Larimer County, Colorado, all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said Reservoir and said ditches, or by the construction or use thereof.

PARCEL NO. 4

All that certain storage reservoir known as Peterson Lake Reservoir, located in the Southeast Quarter (SE 1/4) of Section 22, the Southwest Quarter of the Southwest Quarter (S.W1/4 SW 1/4) of Section 23, the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 26, and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 27, Township 7 North, Range 75 West of the Sixth P.M., together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, and appurtenances connected therewith, expressly including all rights now owned or hereafter acquired in and to the Trap Creek inlet ditch, having its head gate in Section 21, Township 7 North, Range 75 West of the Sixth P.M., and the Corral Creek inlet ditch, having its head gate in Section 33, Township 7 North, Range 75 West of the Sixth P.M., as more particularly described in that certain map
and statement recorded August 21, 1922, in File No. 1037 of the records of the County Clerk and Recorder of Larimer County, Colorado, and all water rights and appropriations now or hereafter effected or initiated by the construction or use of said Reservoir and said ditches and all enlargements or extensions thereof, together with all maps, plats, statements, and filings made therefor and particularly that certain map and statement recorded October 17, 1921 in File No. 1031 of the records of the County Clerk and Recorder of Larimer County, Colorado.

ALSO all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said Reservoir, and said ditches, or by the construction or use thereof.

PARCEL NO. 5

All that certain storage reservoir known as Comanche Reservoir, located in the Southeast Quarter (SE 1/4) of Section 11 and the Southwest Quarter (SW 1/4) of Section 12, Township 7 North, Range 74 West of the Sixth P.M., together with all dams, embankments, inlet ditches, outlet gates and outlet ditches, and all improvements, constructions, and appurtenances connected therewith, and all water rights and appropriations now or hereafter effected or initiated by the construction or use thereof, together with all maps, plats, statements, and filings made therefor and particularly that certain map and statement recorded June 25, 1924 in File No. 1060 of the records of the County Clerk and Recorder of Larimer County, Colorado. Also all easements and rights in the public lands now or hereafter effected or initiated by the filing of maps or plats connected with said Reservoir, or by the construction or use thereof.

PARCEL NO. 6

All that certain storage reservoir known as the Gilmore Reservoir located on a portion of the North Half of the Northeast Quarter (N 1/2 NE 1/4) and the South Half of the Northeast Quarter (S 1/2 NE 1/4 of Section 4, Township 8, North, Range 69 West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates and outlet ditches, and all improvements, constructions and appurtenances connected therewith, together with all maps, plats, statements and filings made therefor, together with all water rights and appropriations effected by the construction and use thereof; together with the easement of the Company, if any, to use for reservoir purposes the lands within the high water line of said Reservoir located in the South Half (S 1/2) of Section 33, Township 9 North, Range 69 West of the 6th P.M.,
and in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 4, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado.

ALSO the fee title to the land in the North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section 4, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, located within the high water line of said Gilmore Reservoir in conformity with the description of said high water line as heretofore filed in the office of the State Engineer and the office of the County Clerk and Recorder of Larimer County, Colorado, reference to which is hereby made for greater certainty; also a parcel of land located in the South Half of the Northeast Quarter of said Section 4, as more particularly described in Warranty Deed dated March 21, 1919, from Herman Welter to Roy A. Portner, recorded in Book 395 at page 413 of the records of Larimer County, Colorado.

PARCEL NO. 7

All that certain storage reservoir known as Timberline Reservoir, located on portions of the South Half of the Northwest Quarter (S 1/2 SW 1/4) and the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section 3, Township 7 North, Range 74 West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefor, together with reservoir priority No. 42 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado, for a storage depth of twelve (12) feet with an estimated storage capacity of 18,535,400 cubic feet by original construction dated August 13, 1901, and priority No. 55 by reason of an enlargement dating from June 1, 1904 for an additional storage depth of seven (7) feet, with a total capacity as enlarged, of 33,166,560 cubic feet.

ALSO the fee title of the land in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 3, Township 7 North, Range 74 West of the 6th P.M., Larimer County, Colorado, included within the high water line of said Timberline Reservoir as heretofore filed.
PARCEL NO. 8

All that certain storage reservoir known as Twin Lakes Reservoir, located in the South Half of the Northeast Quarter (S 1/2 NE 1/4) and the North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 21, Township 7 North, Range 73 West of the 6th P.M., Larimer County, Colorado, together with all dams, embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefor, together with reservoir priority No. 73 adjudicated to said Reservoir by the District Court in and for Larimer County, Colorado for a storage depth of twenty (20) feet with an estimated storage capacity of 20,037,867 cubic feet by original construction dated August 17, 1904.

PARCEL NO. 9

All that certain storage reservoir known as Trap Lake Reservoir, located in the Southeast Quarter (SE 1/4) of Section 20 and the Southwest Quarter (SW 1/4) of Section 21, Township 7 North, Range 75 West of the 6th P.M., Larimer County, Colorado, together with all dams embankments, inlet ditches, outlet gates, and outlet ditches, and all improvements, constructions, easements, and appurtenances connected therewith, including all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefor.

PARCEL NO. 10

The Bob Creek Ditch and Bob Creek Extension Ditch, located in Sections 3 and 4, Township 9 North, Range 75 West of the 6th P.M., Larimer County, Colorado, as more particularly described in that certain Warranty Deed dated June 29, 1920, from Roy A. Portner to The Mountain and Plains Irrigation Company, recorded in Book 41 at page 132 of the records of Larimer County, together with all water and water rights and irrigation privileges thereunto belonging, together with all maps, plats, statements and filings made therefor, including Decree of the District Court in and for Larimer County, Colorado, dated September 11, 1944, recorded in Book 813 at page 219 of Larimer County records, under which said ditches are given Ditch No. 85 and Priority No. 90 for 60 cubic feet of water per second with a date of September 24, 1897.
The Columbine Ditch and Columbine Extension Ditch, located in Sections 15, 23, 26 and 35, Township 10 North, Range 75 West of the 6th P.M., Larimer County, Colorado, as more particularly described in Deed dated October 27, 1920, from Roy A Portner to The Mountain and Plains Irrigation Company, recorded in Book 399 at page ___, of Larimer County records, together with all water and water rights and irrigation privileges thereunto belonging, and all maps, plats, statements and filings made therefor, and all easements and appurtenances.

With respect to all of the above described Parcels Nos. 1-11, inclusive, reference is hereby made for greater certainty to the various decrees in the adjudication proceedings aforesaid and to the filings, maps, and statements as the same appear in the office of the Clerk of the District Court or in the office of the County Clerk and Recorder in and for the County of Larimer and State of Colorado or the office of the State Engineer of the State of Colorado, Capitol Building, Denver, Colorado, for a more particular description of the several Reservoir Priorities and water rights referred to in the above parcels of property, and said recorded and filed decrees, filings, maps, and statements, are made a part hereof as fully and to the same extent as though set out at length herein.

Together with all rights of way, easements and privileges for ingress and egress to and from said Reservoirs and Ditches and all roads as now or hereafter constructed thereto, and all rights, easements and privileges of any kind or nature whatsoever now or hereafter connected with said Reservoirs and Ditches or appurtenant thereto.

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 in equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

SUBJECT as follows:

(a) Parcels Nos. 1 to 5, inclusive are subject to the following encumbrance: Mortgage and Deed of Trust dated December 1, 1930, from the Mountain and Plains Irrigation Company to The Denver National Bank, Trustee, recorded in Book 612 at page 425 of the records of Larimer County, Colorado, as modified by Supplement to Trust Deed, dated July 15, 1942, be-
tween the same parties, recorded in Book 743 at page 547 of said Larimer County records, securing First Mortgage Bonds of the Company, the principal amount of which outstanding on the date hereof is $61,500.00; and

(b) All Parcels, Nos. 1 to 11, inclusive are subject to the rights of the holders of certain preferred water rights heretofore issued by the party of the first part, known as "Preferred Water Rights from the Gilmore Reservoir," to the number of 500 rights of the First Series and 500 Rights of the Second Series, to require delivery to such holders annually in the aggregate from any or all of said properties of 75,000,000 cubic feet of water, or such lesser amount as may represent total storage for the year in said properties, upon payment by such holders of the annual maintenance charge specified in the contracts evidencing such preferred water rights.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its successors and assigns forever. And the said The Mountain and Plains Irrigation Company, party of the first part, for itself, its successors and assigns, doth covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents it 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 hath good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever, with the exceptions stated above; and the above bargained premises in the quiet and peaceable possession of the said party of the second party, its successors and assigns, 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, provided, however:

(a) That with respect to Parcel No. 11, above described, said warranty of title shall extend only against all and every person or persons lawfully claiming or to claim the whole or any part thereof, by, through or under the said party of the first part; and

(b) That with respect to all rights for the diversion or storage of water by or in any of the ditches, reservoirs or structures hereinabove described, it is recognized by both parties hereto that each and all of said rights are dependent upon relative
priority with respect to water sources in which rights of others may exist, and that the party of the first part does not warrant that at any time or within any time period any specified amount of water will be available under any particular named right in competition with the rights of others.

IN WITNESS WHEREOF, the said party of the first part hath caused its corporate name to be hereunto subscribed by its President and its corporate seal to be hereunto affixed, attested by its Secretary, the day and year first above written.

THE MOUNTAIN AND PLAINS IRRIGATION COMPANY

ATTEST:

By ____________________________
President

______________________________
Secretary

STATE OF COLORADO )
) SS
COUNTY OF _________________ )

The foregoing instrument was acknowledged before me this __________ day of ________________, 1947, by ROY A PORTNER as President, and T. E. SCHUREMAN as Secretary, of THE MOUNTAIN AND PLAINS IRRIGATION COMPANY, a corporation.

My notarial commission expires _____________________________.

Witness my hand and official seal.

______________________________
Notary Public
Hon. Mayor and
Board of Trustees
City of Greeley,
Greeley, Colorado

Gentlemen:

According to your request we have examined the four abstracts prepared by The Larimer County Abstract Company and certified to September 26, 1945, at 7:00 A.M., showing title to the reservoir properties belonging to the MOUNTAIN AND PLAINS IRRIGATION COMPANY on tributaries of the Little South fork of the Cache la Poudre River in Larimer County, Colorado.

From said examination we give our opinion as follows:

A. BIG BEAVER RESERVOIR

(Hour Glass), located on portions of Lot 4, Section 7, Lot 1, Section 18, Township 7 North, Range 73 West, and SE 1/4 SE 1/4 Section 12, NE 1/4 NE 1/4 Section 13, Township 7 North, Range 74 West.

Record title to said real estate and reservoir appears to be good in fee simple in the MOUNTAIN AND PLAINS IRRIGATION COMPANY, subject to reservations of United States patent and also subject to reservation by the Consolidated Hour Glass Resort and Reservoir Company of the fishing and resort privileges of the reservoir situate on said land. A small acreage of this reservoir also appears to extend over into the SW 1/4 NW 1/4 of said Section 18, which appears to be United States Government land. As to the acreage in SW 1/4 NW 1/4 of Section 18 there would need to be a permit from the United States for reservoir right of way. Title is shown clear except taxes of 1945, payable in 1946, and to encumbrances as follows:

(1) A mortgage to Denver National Bank, as Trustee given December 1, 1930, which by the record has been extended to become due December 1, 1961, bearing 3% interest payable semi-annually on a principal outstanding at the time of this extension, September 15, 1942, for $73,500, which is subject to earlier payment by sinking fund and redemption fund provisions.
(2) A second deed of trust to the Public Trustee to secure the payment of a $20,000 note dated October 7, 1931, due in five years and bearing interest at 6% per annum.

To learn what balance is owing the note itself would have to be inspected. The officers of the company inform us that they control this note.

Appropriations and Priorities

Big Beaver Reservoir is shown to have priorities of rights to use of water from Big Beaver Creek, a tributary of the Cache la Poudre River entered by decree of the District Court of Larimer County under Reservoir Priority No. 35-1/2, dated August 9, 1898, for a storage depth of 32-1/2 feet above the base of its outlet tube with an estimated capacity at that depth of 66,625,000 cubic feet, and Priority No. 41-1/2, dated August 8, 1901, for two feet additional storage depth and 2,576,000 cubic feet, or a total of 69,201,000 cubic feet. The rights under these priorities are to store whatever the reservoir will hold, even though more cubic feet at those respective depths.

B. COMANCHE RESERVOIR

The abstract of title shows that this reservoir is located in the SE 1/4 of Section 12, Township 7 North, Range 74 West of the 6th P.M., in Larimer County, Colorado. Said land is United States Government land.

Letter from the Denver District Land Office of the United States General Land Office under date of September 7, 1945, accompanies the abstract and certified that the records in that office show that on June 27, 1924, the Mountain and Plains Irrigation Company filed right of way application for Comanche Reservoir in the S 1/2 of Section 11 and SW 1/4 of Section 12, Township 7 North, Range 74 West, and with the application filed maps and field notes of the reservoir, and on August 18, 1933, filed enlarged and amended application for said reservoir and its inlet and outlet, and that on January 18, 1935, the map of the enlarged reservoir was approved by the Secretary of Interior and on January 8, 1935, The Secretary of Interior accepted the proof of construction showing the reservoir and ditch completed September 30, 1931. This is sufficient.

This reservoir is subject to the same mortgages as above described relative to Big Beaver Reservoir, otherwise is clear of encumbrance except taxes for 1945, payable in 1946, and, if unpaid, 1944 taxes.
There is no priority for this reservoir adjudicated as yet. Claims for its priorities are pending in water adjudication proceedings in Water District No. 3, in the District Court of Larimer County, before Honorable Fred W. Stover as Referee. Judge Stover informs us that he has his report and recommended decree ready to file within a few days. The court will then have a hearing as to signing it as tendered or modifying it. The claims filed are for a dam height of 40 feet. The original storage depth claimed for irrigation is for 27 feet above the base of its outlet tube and an estimated capacity of 72,369,018 cubic feet of water, dating from construction commenced June 13, 1923.

The claim for enlargement is for an additional 8 feet in dam height up to 40 feet and for an enlarged high water line of 35 feet above the base of its outlet tube, making an increased capacity of 42,169,600 cubic feet of water, dating from work of construction commenced June 18, 1925.

Investigation would have to be on the ground made as to the actual completed dam height and the amount of water reverted and used in irrigation thereby. This makes its total estimated capacity of 35 feet storage depth 114,518,600 cubic feet of water. This amount the owners claim to have stored and applied to beneficial use in irrigation.

C. TWIN LAKES RESERVOIR

Located in the E 1/2 of Section 21, Township 7 North, Range 73 West of the 6th P. M.

The abstract of title shows that this reservoir is on United States Government land and that it is not subject to any mortgages. A letter from Andrew Hutton, Forest Supervisor, Roosevelt National Forest, dated September 10, 1945, states that his records do not show that this reservoir is under an easement or special use permit and enclosed an application form to have such easement granted.

The map and statement of claim in the abstract shows that its appropriations are from Pennock Creek with an inlet capacity of 61 cubic feet per second of time. A decree entered by the District Court of Larimer County, Colorado, shows that it was awarded Priority No. 73 for storage to a depth of 20 feet above the base of its outlet tube, and an estimated capacity of 20,037,867 cubic feet, by original construction begun August 17, 1904 and completed. But the priority decree is made conditional
on later determination by the court as to relative priority order number.

As to all of said reservoirs, investigation would have to be made on the premises to determine whether there are claims of material men or laborers for recent improvements.

All of said decreed priorities are for irrigation reservoir purposes.

D. TIMBERLINE RESERVOIR

Situate NE 1/4 SW 1/4 of Section 3 Township 7 North, Range 74 West of the 6th P. M., Larimer County, Colorado, across Beaver Creek.

The abstract tenders consists of sheets 31 to 61, inc., last certified to September 26, 1945, at 7:00 A. M., by the Larimer County Abstract Company, shows title to the said lands and reservoir in fee simple title in the MOUNTAIN AND PLAINS IRRIGATION COMPANY.

Appropriations and Priorities

The abstract also shows that there have been awarded to said reservoir by decree of Larimer County District Court in water adjudication proceedings in Water District No. 3 priorities as follows:

Reservoir priority No. 42, original construction dating from August 13, 1901, to 12 feet depth and 18,535,400 cubic feet estimated storage capacity, and Priority No. 55, dating from June 1, 1904, enlargement, for an additional 7 feet in depth to make its total capacity as enlarged 33,166,560 cubic feet. Said diversion is from Beaver Creek and is for irrigation.

There appears to be no mortgage on this reservoir and land and its title is clear except, 1945 taxes due in 1946, and if unpaid, 1944 taxes.

Respectfully submitted,

KELLY AND SNYDER

William R. Kelly

WRK:ml
Hon. Mayor and
City Council
City of Greeley
Greeley, Colorado

Gentlemen:

Herewith find our opinion of October 12, 1945, on the
abstracts of titles to Big Beaver Reservoir, the Comanche
Reservoir, the Twin Lakes Reservoir, and Timberline Reservoir,
properties of The Mountain and Plains Irrigation Company, and
their respective storage priorities. The following opinion is
supplementary thereto.

As to the Comanche Reservoir subsequent to the date of
our former opinion, the District Court of Larimer County, in
cause No. 5362, IN THE MATTER OF THE ADJUDICATION OF
PRIORITIES OF WATER RIGHTS IN IRRIGATION DISTRICT NO.
3, DIVISION 1 OF THE STATE OF COLORADO FOR IRRIGATION
AND OTHER BENEFICIAL USES, on December 18, 1945, entered
a decree confirming the referee's findings and recommended decree
whereby the said reservoir was awarded Reservoir Priority No.
133 as of date June 13, 1923, for such amount of water from Big
Beaver Creek as said reservoir would hold to fill it to a depth
of 27 feet above the bottom of its outlet and to its high water line,
estimated at 72,369,013 cubic feet, and whereby it was further
awarded, by virtue of appropriation and enlargement, Priority
No. 134C, as of date June 18, 1925, the additional amount of
water said reservoir will hold to a depth of 35 feet above the
bottom of its outlet and to the high water line of the enlargement
thereof, being an additional amount and capacity estimated at
42,149,600 cubic feet. All of said priorities, however, are sub-
ject to the lowest completed priorities awarded in decrees
theretofore entered in proceedings of general adjudication of
water rights in said water district.

In the matter of said adjudication there were no objections
filed to the said Findings and Decree submitted by the referee,
so appeal is improbable as to them.

We have examined the records of the State Engineer of
Colorado as furnished by said State Engineer for the past twenty-
year period as to amounts of water stored in the Big Beaver
and Twin Lakes Reservoirs and for Comanche Reservoir, as to
all the years available in said office. Your Water Department
has been furnished a copy of said records.
As noted in our opinion on the abstracts of title to the Timberline Reservoir, there was decreed Reservoir Priority No. 42, original construction dated from August 13, 1901, to 12 feet depth and 18,535,400 estimated cubic feet storage capacity, and Priority No. 55 dating from June 1, 1905, Enlargement, for an additional seven feet in depth, to make its total capacity as enlarged 33,166,560 estimated cubic feet. There is no record in the office of the State Engineer of any storage under said Timberline priorities.

In the tabulation of storage of water in the Big Beaver, Twin Lakes, and Comanche Reservoirs the State Engineer arbitrarily sets the year as being from November 1 of one year to October 31 of the following year, as a storage year.

Said records of the State Engineer show that the average annual storage in the Big Beaver Reservoir on priorities from Big Beaver Creek in the years 1926-1945, inclusive, was 814 acre feet, or about 36,000,000 cubic feet. Such average storage is approximately 50% of total storage decreed to said reservoir. In the years 1935, 1936, 1938, 1942, and 1945, said reservoir stored to its total decreed capacity. No water was stored in the years 1932, 1934, 1937 and 1940.

The decreed priorities of Big Beaver Reservoir are controlled by gauge height and not by estimated capacity. According to the survey of the Big Beaver Reservoir in the office of the State Engineer said reservoir at a gauge height of 32-1/2 feet had actual capacity of 65,545,088 cubic feet, or 1505 acre feet, and at a gauge height of 34.5 feet, 73,737,690 cubic feet, or 1693 acre feet, (which is 4,536,000 more actual cubic feet than is in the decree estimated for that gauge height).

As to the Twin Lakes Reservoir the decreed priority was based upon gauge height and not estimated capacity. The records of the State Engineer show that at gauge height of 20 feet, as decreed, the reservoir has a capacity of 13,155,660 cubic feet, or 302 acre feet. Said records show an average storage of 259 acre feet from Pennock Creek in the years 1926, 1928, 1935, 1938 and 1942. For the other years during said period there was no record of any storage.

As to the Comanche Reservoir, whose priorities were recently decreed, as hereinbefore set forth, the records of the State Engineer show storage for the years 1932-1945, inclusive. Said records show an average of 1015 acre feet net storage in Comanche Reservoir from Beaver Creek in the years 1935, 1938, 1942, 1943, and 1945. On its first priority, at 27 feet gauge height, it has an estimated capacity of 72,369,000 cubic feet, or 1661 acre feet. In the other years during said stated period
according to said records, there was no storage. Said amount so stored averages about two-thirds of decreed priorities on its first decree. It stored, in 1935, 1780 acre feet and, in 1942, 1894 acre feet.

The records of the State Engineer do not show storage in the Timberline Reservoir during the said time. We are informed that in 1911 the dam to said reservoir broke, since which time, we are advised by the company's officers, that work has been done in repairing the same. How much has been done and what further repair may be necessary to be done, can only be determined by statements of those who did the work and by an actual inspection. The owners state there is no intent to abandon.

There has also been submitted to us a table kept and prepared by W. J. McAnelly, Water Commissioner of District No. 3, showing the years and amounts of water withdrawn each year from the Big Beaver, Comanche, and Twin Lakes Reservoirs during the years 1926-1945, inclusive, a copy of which table is hereto attached. This table shows substantially that all the water impounded in the said several years, as shown by the records of the State Engineer, has been withdrawn. Such withdrawals exceed in some instances the amount stored in the Big Beaver Reservoir under its decreed priorities, the reason for this apparent excess being that such tables of withdrawals also include withdrawals of water stored in the Big Beaver Reservoir by transfer from the Laramie River.

However, as to the Big Beaver, the storage hereinbefore given is net storage and does not include the storage of such water transferred from the Laramie River.

In the opinion on abstract of title to the Big Beaver Reservoir it appears that the Consolidated Hour Glass Resort and Reservoir Company reserved the fishing and resort privileges of the Big Beaver Reservoir. This reservation should be eliminated.

We are informed by the company's officers that The Mountain and Plains Irrigation Company have issued three series of preferred water rights as to certain reservoirs and ditches. We have examined copies of these preferred right contracts submitted by said company and therefrom are of the opinion that Series 1 and 2 do not affect the Big Beaver, Twin Lakes, Comanche, or Timberline Reservoirs, or their water supplies.
The Third Series, to the extent of 37,500,000 cubic feet, constitutes a first and preferred charge and use in and upon Timberline Reservoir and Timberline Reservoir enlargement and Twin Lakes Reservoir. It was stated to us by the company's officers that all of said Third Series preferred water rights are now so held and controlled by them that the same may be cancelled and retired and that this will be done as a condition of acquisition by the City of Greeley.

As to all of said reservoirs, investigation should be made on the premises to determine whether there are claims for material men or labor for recent improvements.

From the foregoing investigation, we are of the opinion that the priorities of said reservoirs are in good standing for their gauge heights as decreed.

The opinion on the abstract of title to the Big Beaver Reservoir shows a small acreage of this reservoir appears to extend over in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section Eighteen (18), which appears to be United States Government land. As to the acreage in said Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section Eighteen (18) there would need to be a permit from the United States for a reservoir right of way.

In the opinion on the abstract of title to the Twin Lakes property it appears that the reservoir is on United States Government land. As stated in a letter from Andrew Hutton, Forest Supervisor, Roosevelt National Forest, dated September 10, 1945, it appears that his records do not show that this reservoir is under an easement or special use permit.

In the event of purchase of said reservoirs and appropriations the following requirements would be necessary:

(1) Release of the mortgages mentioned in the opinion on Big Beaver Reservoir and it appropriations and Comanche Reservoir and its appropriations.

(2) Surrender and cancellation of all Third Series preferred water rights hereinbefore mentioned.

(3) Release of resort and fishing rights by the Consolidated Hour Glass Resort and Reservoir Company and its stockholders.

(4) Payment of 1944 taxes, payable in 1945, if unpaid; payment of taxes for the year 1945, payable in 1946.
(5) Permit from the United States for that small portion of right of way for Big Beaver Reservoir located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Eighteen (18), Township Seven (7) North, Range Seventy-three (73) West, Larimer County, Colorado, not so included in the permit already shown as issued.

(6) United States Forest Service permit for Twin Lakes Reservoir on the East Half (E 1/2) of Section Twenty-one (21), Township Seven (7) North, Range Seventy-three (73) West of the Sixth (6th) P.M.

(7) The sale of said reservoirs and appropriations should be authorized by a resolution adopted at a special stockholders' meeting of The Mountain and Plains Irrigation Company called for that purpose.

(8) If the acquisition by the City of Greeley of water rights appropriated by this system is of an undivided part of the entire works and appropriations, as tenant in common with another city, then there should first be a cotenants' operating agreement for delivery of water of the system.

Respectfully submitted,

KELLY AND SNYDER

E. Tyndall Snyder

ETS: mas
**CITY OF GREELEY**

Table showing the years and amounts of water withdrawn each year from each reservoir:

**MOUNTAIN & PLAINS RESERVOIRS**

<table>
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<th>Year</th>
<th>Big Beaver</th>
<th>Comanche</th>
<th>Twin Lakes</th>
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<tr>
<td>1926</td>
<td>1236 Acre Feet</td>
<td></td>
<td>276 Acre Feet</td>
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<tr>
<td>1927</td>
<td>1181</td>
<td></td>
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<tr>
<td>1928</td>
<td>909</td>
<td></td>
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</tr>
<tr>
<td>1929</td>
<td>1393</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>1930</td>
<td>737</td>
<td></td>
<td>0</td>
</tr>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>1945</td>
<td>1693</td>
<td>299</td>
<td>276</td>
</tr>
</tbody>
</table>

The above includes all water from whatever source.

Signed - W. J. McAnelly

Water Commissioner
District # 3
The Mayor and City Council  
City of Greeley  
Greeley, Colorado

Re: Purchase of Properties of  
The Mountain and Plains  
Irrigation Company.

Dear Sirs:

We wish at this time to give you a preliminary opinion with respect to the titles of certain of the properties to be purchased by the City of Greeley from The Mountain and Plains Irrigation Company, pursuant to the Agreement between the City and that Company, dated July 1, 1947, to-wit: Those commonly known as Portner Reservoir, Barnes Meadow Reservoir, Peterson Lake Reservoir, Gilmore Reservoir, Trap Lake Reservoir, Bob Creek Ditch and Bob Creek Extension Ditch, and Columbine Ditch and Columbine Extension Ditch, all situate in Larimer County, Colorado. All these properties are more particularly described in Exhibit A attached to said Agreement dated July 1, 1947.

The Agreement of July 1, 1947; also covers certain other properties known as the Big Beaver (Hour Glass) Reservoir, Comanche Reservoir, Twin Lakes Reservoir and Timberline Reservoir, but we have not examined the titles of these properties pursuant to your instructions, as these titles have already been examined for you by Messrs. Kelly & Snyder of Greeley, Colorado.

Our examination of the titles of the first mentioned properties has been based upon certain Abstracts of Title prepared by The Larimer County Abstract Company and last certified under date of June 4, 1947, at 7:00 A.M., photostat copies of maps and statements covering these several reservoirs and ditches as filed in the office of the State Engineer of Colorado, and the records in the District Land Office and the Regional Forest Supervisor's office of the Federal Government in Denver, Colorado.

Based upon such examination, it is our opinion that on the date of said last Abstract extension, to-wit, June 4, 1947, The Mountain and Plains Irrigation Company had merchantable title to all of said properties, subject to the following comments and exceptions:
1. The Portner Reservoir, Barnes Meadow Reservoir and Peterson Lake Reservoir are subject to a Mortgage and Deed of Trust dated December 1, 1930, to The Denver National Bank, Trustee, securing an issue of First Mortgage Bonds of the Company, the principal amount of which now outstanding we are informed is $61,500.00.

2. The Portner Reservoir, Barnes Meadow Reservoir and Peterson Lake Reservoir are subject also to a Deed of Trust dated October 7, 1931, to the Public Trustee of Larimer County, Colorado, securing notes of the Company in the aggregate amount of $20,000.00, plus accrued interest.

3. Certain of said properties, and possibly all of said properties, are subject to the rights of the holders of preferred water right contracts heretofore issued by the Company in the amount of 500 Rights, First Series; 500 Rights, Second Series; and 130 Rights, Third Series. It is our understanding on this point that the City has agreed to recognize that the holders of the First and Second Series of Rights have a prior claim on the water produced annually from all of the properties to the extent of 75,000,000 cubic feet. It is further our understanding that all of the Third Series of Rights are owned by officials of the Company and will be cancelled at the time of the transfer of these properties is made to the City.

4. Included in the description of each property is a description of the decreed water rights, if any, which go with such property. In the case of the reservoirs these decreed water rights and also rights claimed but not decreed are stated in terms of so many cubic feet storage capacity and so many feet storage depth. Regardless of these decrees and claims, however, the actual amount of water which may be stored, and hence available to the owners of these reservoirs each year, depends upon the history of storage of water in such reservoir and the use to which such water has been put each year; it also depends on the relative priority of such right with relation to established rights of others in the same water sources. The figures on the actual storage each year in the several reservoirs are available in the office of the State Engineer, and we understand you have procured these figures. A water right may also be affected by abandonment or non-use. These are all questions of fact. This opinion does not purport to cover the validity or extent of the water rights to be conveyed. It simply covers the legal title to such rights.

The properties may or may not be subject to general taxes for the year 1947 and prior years. Officials of the Company inform us that taxing authorities in Larimer County have always considered the properties exempt from taxation. We recommend that you assure yourselves by a Treasurer's Certificate of taxes due, or by examination of the tax records that there are no taxes due against these properties.
5. As to all of the properties, investigation should be made on the premises to determine whether or not there are claims of materialmen or labor for recent improvements.

6. With respect to the Portner Reservoir:

(a) The high water line, according to the map of the enlargement thereof dated January 14, 1908, extends into the S 1/2 of the NE 1/4 of Section 12, Township 6 North, Range 69 West of the 6th P.M. The Company does not own this property nor does it have any rights of record to use such property for reservoir purposes. It is questionable also if the Company has the right to use any of the land in the NE 1/4 of Section 12 outside of the high water line of the original reservoir. We understand, however, that actually the reservoir has never been used by the Company to store water in excess of the original storage depth of twenty feet.

(b) The Company, by Warranty Deed from John H. Wilkins dated March 28, 1928, and recorded in Book 569 at page 129 of the records of the County Clerk and Recorder of Larimer County, Colorado, has the right to use for the purposes of this reservoir, land within the high water line of the enlargement of the reservoir in the SW 1/4 of the NW 1/4 of Section 7, Township 6 North, Range 68 West of the 6th P.M. We, however, have not examined the title of this tract of land in Section 7 in order to ascertain whether or not said John H. Wilkins had legal title thereto at the time he executed said Deed.

(c) Under date of February 1, 1944, the Company exchanged Quit Claim Deeds with John R. Handy under which the Company deeded to said John R. Handy certain lands in the NE 1/4 of said Section 12, and said John R. Handy deeded to the Company the East 60 acres of the S 1/2 of the NE 1/4 of said Section 12 and also by metes and bounds a portion of the N 1/2 of the NE 1/4 of said Section 12. We understand that the portion deeded by metes and bounds was intended to cover land included within the high water line of the original reservoir. A survey should be made on the ground, however, to ascertain whether or not the deeded land covers all of the land needed for the use of the reservoir.

7. With respect to the Barnes Meadow Reservoir, the reservoir according to the map of the enlargement thereof, dated July 21, 1922, and filed in the office of the State Engineer on January 6, 1928, covers lands in the SW 1/4 of the SW 1/4 of Section 5, the SW 1/4 of the SW 1/4 of Section 4, the NW 1/4 of the NW 1/4 of Section 9, and the N 1/2 of the NE 1/4 and the NE 1/4 of the NW 1/2 of Section 8, all in Township 7 North, Range 75 West of the 6th P.M.
in addition to lands in the S 1/2 of SE 1/4, and E 1/2 of the SW 1/4 of said Section 5. The Company has legal title only to the last named lands in said Section 5. All the other lands mentioned are in the Roosevelt National Forest. The Company has a valid and existing easement for the use of said Government lands for the purposes of this reservoir.

8. With respect to Peterson Lake Reservoir, all of said reservoir is located on Government land in the Roosevelt National Forest. The Company has a valid easement for the use of these Government lands for this reservoir, subject to the showing requested by the Public Land Office under date of January 27, 1932, that the construction of the reservoir was actually completed and that the dam of the reservoir is in good condition.

9. With respect to the Gilmore Reservoir, the map of said reservoir, as filed in the office of the State Engineer under date of May 13, 1919, shows that the high water line of said reservoir covers lands in the NE 1/4 of the NW 1/4, the N 1/2 of the NE 1/4 and the S 1/2 of the NE 1/4 of Section 4, Township 8 North, Range 69 West of the 6th P.M., the E 1/2 of the SW 1/4 and the S 1/2 of the SE 1/4 of Section 33, Township 9 North, Range 69 West of the 6th P.M.; whereas the Company has legal title and the right to use for reservoir purposes only land within said high water line in the N 1/2 of the NE 1/4 and the S 1/2 of the NE 1/4 of said Section 4. If this reservoir were to be used in accordance with its high water line, rights would have to be obtained from the owners of these other lands. The Company informs us, however, that actually this reservoir has never been used by the Company for storage of water because of operating problems.

10. With respect to Trap Lake Reservoir, this Reservoir is located entirely on Government lands in the Roosevelt National Forest. Over twenty years ago an easement was granted for the use of this reservoir upon a showing that construction has been completed. Recently, however, the Land Office has served notice on the Company to furnish additional proof of construction upon penalty of having action taken to revoke the easement. The last letter from the Land Office to the Company serving this notice was dated September 18, 1946. The records of the District Land Office in Denver fail to disclose that the Company has taken any action to furnish such proof.

11. With respect to the Columbine Ditch and Columbine Extension Ditch, the Quit Claim Deed dated October 4, 1919, from the Divide Canal and Reservoir Company to Roy A. Portner (who in turn deeded to the Company under date of October 27, 1920)
states that the conveyance shall not include any part of Priority No. 38 for 288 cubic feet, decreed to the Sand Creek Ditch System by the District Court of Larimer County under date of October 11, 1906, even though the Columbine Ditch was mentioned in such decree as a part of the Sand Creek Ditch System. Accordingly, the amount of water to which these ditches are legally entitled is subject to question.

Yours very truly,

(Signed) Dines, Dines & Holme

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