

CIRCULAR

OF

Requirements and Regulations Concerning
the Filing of Claims

TO

Water Rights

UPON BOTH

DITCHES AND RESERVOIRS,

Under the Law of 1903.

STATE ENGINEER'S OFFICE,

COLORADO.

August 1, 1906.

CIRCULAR

OF

Requirements and Regulations Concerning
the Filing of Claims

TO

Water Rights

UPON BOTH

DITCHES AND RESERVOIRS,

Under the Law of 1903.

STATE ENGINEER'S OFFICE,

COLORADO.

August 1, 1906.

CIRCULAR

OF

Requirements and Regulations Concerning
the Filing of Claims

TO

Water Rights

UPON BOTH

DITCHES AND RESERVOIRS,

Under the Law of 1903.



COLORADO.

August 1, 1906.

LIBRARY
COLLEGE OF A. & M. A.
FORT COLLINS COLORADO

2240
7906
770004

Requirements for filing maps and statements of Ditches and Reservoirs, in compliance with Chapter 126 of the Session Laws of 1903, and the regulations of the State Engineer's office thereunder. This Act provides that

"Every person, association or corporation hereafter constructing or enlarging any reservoir or reservoirs, constructing, changing the location of, or enlarging any ditch, canal, or feeder for any ditch or reservoir, for the purpose of furnishing a supply of water for domestic, irrigation, power or storage, or for any other beneficial use, taking water from any natural stream, shall, within sixty days after the commencement of such construction, change of location or enlargement, make filings in the office of the State Engineer for each specific claim in such form as shall seem sufficient and satisfactory to the State Engineer. * * *

The maps must be in duplicate and filed in the office of the State Engineer within sixty days of the commencement of construction, which time may be the date of actual construction or the beginning of the survey. The duplicate is examined and certified to by the State Engineer, so that it may be returned and filed in the office of the county clerk within ninety days of said date of commencement of construction.

Maps must be on a good quality of tracing cloth, 24x36 inches, with a two-inch margin on the left hand side, making the available space for the map 24x34 inches. All maps to be made of this size irrespective of the size of the reservoir, or the ditch to be shown.

The scale of the map must correspondingly vary, but should be sufficient to clearly show each course and distance. It is desirable in the case of reservoirs, that the scale should be four hundred feet to an inch, or larger when needed to properly show the proposed works. In case the sheet is not of sufficient size for this purpose, then the map must consist of two or more sheets. In such case, each sheet should be marked "Sheet No. 1," "Sheet No. 2," etc., and each sheet properly titled.

The ink used in making these maps must be water-proof for permanent record, and either Higgins (water-proof) or Windsor Newton's Liquid India Ink may be used for this purpose. It is also desirable to have both the signatures and dates put in with water-proof ink, if possible.

All statements are placed upon the same sheet or sheets as the map.

(Below is the form of title for the map and statement.)

FORM OF TITLE.

Map of the
(ditch or) Reservoir.
County, Colorado.
 Irrigation Division No. . . . Water District No. . .
 Courses True, Magnetic VariationE.

Scale of Map inch = feet.

(Below is the form of statement to be used for a ditch filing.)

Know all men by these presents: That the undersigned claimant, whose postoffice address is..... ha.. caused to be located The..... Ditch as hereinafter mentioned, ha.. made these several statements relative thereto, and filed in compliance with the laws of the State of Colorado. The accompanying map, which shows the location of said ditch, forms a part of this filing and is hereby made a part thereof.

FORM OF STATEMENT.

First. The headgate is located at a point, on the bank of..... from which it derives its supply of water, whence the corner of Section No.... Township Range of the Principal Meridian, bears feet.

Second. The land to be irrigated consists of acres, located as follows:

..... Twp.
..... Rge. P. M. (If the water is claimed for other purposes it should be clearly stated.)

Third.

The depth of said ditch is.....feet.

“ width “ “ “..... “ on the top.
“ “ “ “ “..... “ on bottom.
“ grade “ “ “..... “ per 1,000 ft.
“ length “ “ “..... “

Fourth. The carrying capacity of said ditch is.....cubic feet per second of time (obtained by..... formula, giving the values of any co-efficients used), for which claim is hereby made for..... purposes.

Fifth. The estimated cost is \$.....

Sixth. Work was commenced by survey (or actual construction) on the..... day of....., A. D. 190....

Seventh. Claimant's signature.

(The map of the ditch should show the following.)

First. The location of the headgate by course and distance to a corner of the public survey, or if upon unsurveyed lands, to some natural object of permanent character, so that the same may be easily located.

Second. The general course of the stream should be shown and the name given.

Third. The route of the ditch by course and distance.

Fourth. The legal 40 acre subdivisions and other patented lands.

Fifth. The ownership of all lands crossed by the ditch or canal.

(Below is form of statement used for a reservoir filing.)

FORM OF STATEMENT.

Know all men by these presents: That the undersigned claimant . . . , whose postoffice address is ha . . . caused to be located The Reservoir as hereinafter mentioned, ha . . . made these several statements relative thereto, and filed in compliance with the laws of the State of Colorado. The accompanying map, which shows the location of the said reservoir, forms a part of this filing and is hereby made a part thereof.

First. Height of dam feet.

(Note—Height of dam is from the lowest point of the valley at dam up to the highest point of embankment.)

Second. The following table gives the areas and capacities for each foot in depth from the bottom of the outlet tube up to and including the high-water line.

| Depth in feet | Area in sq. ft. | Capacity in cu. ft. |
|----------------------------------|-----------------|---------------------|
| Bottom of outlet 0 ft. | | |
| 1 ft. | | |
| 2 ft. | | |
| 3 ft. | | |
| 4 ft. | | |
| | | (High-water line.) |

Third. Total capacity of said reservoir is feet of water, for which claim is hereby made for purposes.

Fourth. The source of supply of said reservoir is from

Fifth. The estimated cost \$.....

Sixth. Work was commenced by.....
on the.....
A. D. 190...

Seventh. Claimant's signature.

(The map of the reservoir should show the following.)

First. The location of the initial point of survey by course and distance to a corner of the public survey, or to some natural object, if upon unsurveyed land.

Second. The high-water line of the reservoir by course and distance, the location of the dam and approximate contours at five foot intervals.

(Note—The five-foot contours are to show the general topography of the site within the high-water line, and need not be run out as carefully as the high-water line.)

Third. The stream and name thereof upon which the reservoir is located should be shown on the map.

Fourth. Ditches to and from the reservoir, name, course and distance, with grade, section of water prism and capacity in cubic feet.

Fifth. Legal 40-acre subdivisions and other patented lands.

Sixth. The ownership of the land on which the reservoir is located, or through which the inlet and outlet ditches pass.

(Note—All statements must be signed and sworn to by claimant.)

(Below is the form of the affidavit to be filled out by one claimant.)

FORM OF AFFIDAVIT.

STATE OF COLORADO, {
County of..... { ss.

....., being duly sworn on oath, deposes and says, that having read and examined the map and statements

hereon, that the same are true to the best of his knowledge and belief.

.....
(Claimant's signature.)

Subscribed and sworn to before me this
.....day of.....
A. D. 19...

My commission expires.....
.....

Notary Public.

(The form of affidavit for more than one claimant.)

STATE OF COLORADO, {
County of..... } ss.

....., etc.,
claimants, being duly sworn on oath, depose and say that having read and examined the map and statements hereon, that the same are true to the best of our knowledge and belief.

.....
..... etc.

Subscribed and sworn to before me this
.....day of.....
A. D. 190...

My commission expires.....
.....

Notary Public.

(The form of affidavit when claimant is a corporation.)

STATE OF COLORADO, {
County of..... } ss.

....., (official title).....of
The..... Company,
which was incorporated under the laws of the
State of....., on the
.....day of.....
A. D. 1...., with a capital stock of \$.....,
being duly sworn on his oath, deposes and
says, that having read and examined the map

and statement hereon, that the same are true to the best of his knowledge and belief.

By (official title.)

The Company.

Subscribed and sworn to before me this day of.....

A. D. 190...

My commission expires.....

Notary Public.

(Note—If affidavit is signed by an employe of the corporation, a copy of the power of attorney giving authority for so doing must accompany map but not be attached thereto.)

(The form of affidavit when claimant is an incorporated town.)

STATE OF COLORADO, {
County of..... } ss.

..... Mayor of the Town of....., which was incorporated on the.....day of....., A. D. 18..., under the laws of the State of Colorado, being duly sworn upon oath deposes and says, that having read and examined the map and statements hereon, that the same are true to the best of his knowledge and belief, and that this filing was approved by the Board of Trustees of the Town of....., on the..... day of..... A. D. 19...

..... Mayor of the Town of.....

Attest:

..... Clerk of the Town of..... (Seal of Town)

Subscribed and sworn to before me this day of.....

A. D. 19...

My commission expires.....

Notary Public.

(Form of the engineer's affidavit.)

STATE OF COLORADO, {
County of..... } ss.

....., being duly sworn on his oath, deposes and says that he is the engineer of the Ditch (or reservoir), that the survey of the same and the map thereof was made by him (or that such map was made under his instructions) and that such survey is accurately represented upon this map; that he has read the statements thereon, and that the same are true of his own knowledge.

.....,
Engineer (or Surveyor).

Subscribed and sworn to before me this day of.....
A. D. 190...

My commission expires.....
.....,

Notary Public.

ENLARGEMENTS OF CANALS AND RESERVOIRS.

For enlargements of either ditches or reservoirs, the facts must be given as in the above before and after the enlargement.

PRELIMINARY FILINGS

The following is a quotation of the statutes that bears on the causes for preliminary filings: "Whenever, through the necessity for extended surveys requiring long periods of time, it shall be impracticable for the claimant or claimants to file a complete map and statement within sixty days, as required above, a map and statement as complete as may be practicable shall be filed, * * *." The reasons for filing a complete map later should be covered by the affidavit.

For a protracted enterprise, where it is impossible to make complete surveys and maps within the sixty days, as complete a map and statement as possible should be filed. This

should have the affidavit given below, in addition to regular forms of claimant's and engineer's affidavits, placed on the maps and properly signed and sworn to by the owner, which provides that a further and complete map will be furnished for filing as soon as the same can be completed.

(Form of affidavit.)

STATE OF COLORADO, {
County of..... } ss.

..... being duly sworn on his oath, deposes and says, that though diligence has been used, because of it is impossible to make complete maps and statements within the sixty days required, and that a further and complete map will be furnished for filing as soon as the same can be completed.

.....
(Claimant's signature.)

Subscribed and sworn to before me this day of.....
A. D. 190...

My commission expires.....

.....
Notary Public.

AMENDED FILINGS.

Whenever it is desired to amend a filing, after same has been approved by the State Engineer, it will be necessary to file a new map and statement on tracing cloth of the regulation size. The amended filing should show the original map and should give the original statement and all amendments thereto.

(The following certificate is placed on the map that is to be filed in the office of the State Engineer.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this map and statement has been examined and approved by me

as agreeing with the statutes of the State of Colorado, and the regulations of this office, and was accepted for filing on the..... day of..... A. D. 19...

..... State Engineer.

By..... Deputy.

(The following is the form of certificate to be placed on the duplicate or the one to be filed in the office of the county clerk after being signed by the State Engineer.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this map and statement has been examined and approved by me, and is a duplicate of the one filed in the office of the State Engineer on the..... day of..... A. D. 19...

..... State Engineer.

By..... Deputy.

When the filing consists of two or more sheets the following are the forms of certificates to use.

(Sheet No. 1, to be filed in the office of the State Engineer.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this map and statement, consisting ofsheets, identified and designated as sheets No., No., No. ... (etc.), respectively, has been examined and approved by me as agreeing with the statutes of the State of Colorado and the regulations of this office, and was accepted for filing on the..... day of..... A. D. 190...

..... State Engineer.

By..... Deputy.

(Sheets No. 2, No. 3 (etc.), which are to be filed in the office of the State Engineer.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this is sheet No. of the(name of filing), a filing consisting of.....sheets, which was approved by me and filed in this office on theday of..... A. D. 190...

..... State Engineer.

By..... Deputy.

(Duplicate of sheet No. 1, which is to be filed with the county clerk.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this map and statement, consisting of..... sheets identified and designated as sheet No. 1, No.2, No. 3 (etc.), respectively, has been examined and approved by me and is a duplicate of the one filed in this office on the..... day of..... A. D. 190...

..... State Engineer.

By..... Deputy.

(Sheets No. 2, No. 3 (etc.), which are to be filed with the county clerk.)

State Engineer's office.

Denver, Colorado.

I hereby certify that this is sheet No. of the..... (name of filing), a filing consisting of.....sheets, and is a duplicate of the one filed in the office of the

State Engineer on the.....
day of....., A. D. 190...

.....,
State Engineer.
By.....
Deputy.

IN GENERAL.

The filing fee is one (\$1) dollar for each claim to water and one (\$1) dollar for certifying to each duplicate copy.

One claim consists of one ditch or one reservoir deriving its supply from one stream. Two claims will consist of two ditches or reservoirs deriving their supply of water from one source or one reservoir, or one ditch deriving its supply of water from two different sources, etc.

It is necessary to use the above forms of statements and affidavits. It will save time and delays.

A person can sign statements and swear to affidavits as agent for others. The authority for so doing must accompany maps, but not be attached thereto.

The impression of the notarial seal should be placed upon the tracing cloth and not upon a wafer attached to the map.

The north direction should be indicated upon the map by an arrow.

Positively no maps will be received which have been folded or creased in any place. Maps should be rolled on stick or placed in pasteboard case.

All maps to be returned by mail should be accompanied by postage.

STATE ENGINEER
DEPARTMENT OF MINES
DENVER, COLORADO