



WATER-RIGHT DOCKET

Arches National Park

Docket No: 3

FRESH WATER SPRINGS

Preliminary Docket Information

12-00-1966: Comments re: water right at Freshwater Spring

ARCHES NATIONAL MONUMENT

Water Rights #3

Freshwater Spring

Freshwater Spring is the only known water source in the Delicate Arch area of Arches Monument.

It is included in a 1956 Master Plan for future development of Arches Monument. The plan proposes a pipeline, and a reservoir near the Turnbow cabin.

According to NM-ARC-7105-A, the spring appears to be an important feeding source of Salt Wash, where Elizondo, the grantor to the U. S. of the Turnbow tract, has a thirty-five year reserved water right (refer to Arches docket 6).

The formal steps required by Utah law to appropriate water have not been taken by the U. S. at Freshwater Spring.

However, the water right is well protected in law. Although the State of Utah, in revised statute 73-1-6, and in the decision of 66 Utah 509 (243 Pacific 922) allows private persons to exercise the right of eminent domain on the land of another where there is unappropriated water available, this is superseded by a conflicting federal law, United States Code title 16, section 79, which says that entry onto government land for a purpose such as water appropriation may not be made except by revocable permit issued by the Secretary of Interior. And under the U. S. Constitution, where federal and State laws are in conflict, federal law is supreme.

Federal water rights are especially strong as a result of the Winters Doctrine (Winters versus U. S., 207 U.S. 564 (1908)). Under this doctrine, land which is in federal ownership automatically is vested with rights to available water for both its present and future needs. These rights need not be acquired by complying with state law.

By William Cruzen
LWSSC
December, 1966

WATER RIGHT RECORD

Park: ARCH

Docket Number:

Federal #3

IDENTIFICATION NO: ARCH S0 6 2 4 2 2 A F 0 3

DITCH/WATER SYSTEM:

SOURCE OF SUPPLY: Fresh Water Springs

LOCATION: 6000 ft. N & W of the Turnbow Cabin, Sec. 6, T24S, R22E

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: No formal appropriation

Certificate Record Number:

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS: 35 year stock watering right. Fresh Water Spring is the only known water source in the Delicate Arch area. The Master Plan proposes a pipeline and reservoir in the future.

Formal steps to appropriate water have not been taken. However, the water right is well protected in law.



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

19 APR 1948

MEMORANDUM for the Regional Director, Region Three.

We appreciate your memorandum of March 15 which informed us more fully concerning the use of Freshwater Spring for sheep watering by Emmett Elizondo, under Special Use Permit I-33np-180, Arches National Monument.

It is hoped that it will not be necessary to renew this permit in view of our general responsibilities and policies for the preservation and use of the national parks and monuments in the public interest.

If another permit does appear fully justified, we believe that an appropriate fee should be charged. General guidance in this regard is given on page 2 of our Memorandum No. FO-563 of May 9, 1947.

[RECEIVED]

CHG:sh.

Associate Director.

In duplicate.

cc: Mr. Dunn.
Mr. Gerner.



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

MAR 11 1949

MEMORANDUM for the Regional Director, Region Three.

There is enclosed for further attention a copy of a Special Use Permit, I-33ap-180, granting Emmett Elizondo the privilege of watering 2,000 sheep at "Freshwater Spring" in Arches National Monument. The permit raises questions here as follows:

1. On its face, by Condition No. 11 and by the transmittal memorandum, the term is shown to be for one year but dates on the face are November 1, 1948, to April 30, 1949.
2. The date of approval is not shown.
3. This permit for the use of land in Section 6, T. 24 S., R. 22 E., in the vicinity of "Freshwater Spring" appears to grant Mr. Elizondo privileges in addition to those formerly enjoyed and at no cost. Also, it would seem to be a relaxation of our general policies of excluding non-conforming uses in the interest of the general public as far as possible and of preventing land uses which are conducive to erosion.
4. Condition No. 11 indicates the permit may be renewed indefinitely under certain conditions. The permittee will probably want renewals for 35 years during which his interests are retained in Sections 7 and 8, T. 24 N., R. 22 E.
5. One copy only was received, although the transmittal memorandum indicated two copies of the permit were intended to be sent.
6. Condition 13 should be revised to conform with Conditions 1 and 11, page 18 of Memorandum PD-563, which indicate that the United States reserves the right to perfect water rights, but does not indicate that the United States must comply with State water laws as suggested in said Condition 13.

(SGD) A. E. DEMARAY

Associate Director.

CHG:AvVD:sh.
Enclosure 128.
In duplicate.

cc: Mr. Gerner.
→ Mr. Dunn.

WR Copy
EWR
GWR
WAT

Southwest Region
Santa Fe, New Mexico

154
ARCH

MAY 28 1963

Memorandum

To: Director
From: Assistant Regional Director, Resource Planning
Subject: Chemical Analysis 25931 and 25938 for Water Sources,
Arches National Monument

Enclosed is a chemical analysis from two sources of water - 25931
being from a fresh water spring and 25938 is from drilled well
No. 2, Arches National Monument.

We have placed a copy of these analyses in our Docket No. 3
cross-referenced to Docket No. 5 of Arches National Monument.
By copy of this memorandum we are sending them to WDC and
Superintendent, Arches, for insertion in their dockets.

Leslie P. Arndberg **SIGNED**

In duplicate ✓

Enclosure

Filed in D 3

cc: WDC (2), w/enc.
Superintendent, Arches, w/enc.

D3
Arches

ANALYSES BY GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR

(Results in parts per million except as indicated)

Salt Lake City Laboratory Number	25931	25938				
Date of collection	3-18-63	3-19-63				
Silica (SiO ₂)	4.3	10				
Iron (Fe)	.12	.12				
Manganese (Mn)	.00	.01				
Calcium (Ca)	33	76				
Magnesium (Mg)	1.7	16				
Sodium (Na)	1.5	60				
Potassium (K)	1.0	4.7				
Bicarbonate (HCO ₃)	96	204				
Carbonate (CO ₃)	0	0				
Sulfate (SO ₄)	6.4	149				
Chloride (Cl)	4.0	49				
Fluoride (F)	.3	.2				
Nitrate (NO ₃)	.4	.8				
Boron (B)	.04	.10				
Dissolved solids						
Calculated	100	466				
Residue on evaporation at 180° C.	102	472				
Hardness as CaCO ₃	90	256				
Non carbonate hardness as CaCO ₃	11	89				
Alkalinity as CaCO ₃						
Percent Sodium	3	33				
Sodium-Adsorption Ratio	.1	1.6				
Specific Conductance μ mhos @ 25° C.	167	751				
pH	7.3	7.6				
Color (units)						
Carbon Dioxide (CO ₂), Calculated						

25931 - Fresh water spring, Arches National Monument, Grand County. Depth: Pool-2 ft. Diam: 12'. Poc: Fresh Water Canyon- lower end upper box. WBF: Entrada sandstone. WL: surface. Yield: 5 gal. per min. Use: culinary and irrigation - proposed picnic area. Clear. Coll. by. Bates Wilson and Stanley Canter.

25938 - Drilled Well No. 2, Arches National Monument, Grand County. Depth: 123.4'. Diam: 12" hole W/8" casing. Cased to bottom. Drilled: 11/3 - 11/12/58. Poc: tap at pump house. WBF: Navajo sandstone. WL: 87'. Yield: 15 GM per min. Use: culinary. Clear. No name for this well on our records - second well drilled in area. Coll. by R. Ferris.

Owned by National Park Service.

GPO 831637

LA

Other Supporting Information

154-1

WESTERN OFFICE
DESIGN & CONSTRUCTION

December 4, 1957

DEC 9 1957A.M.

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section
Subject: Fresh Water Springs, Docket 3, Arches

CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
2 Crowley

Attached is your folder for the subject docket, and similar folders are being sent to the Superintendent and WODC. For the moment we are only filing a print of Drawing ARC-7105 which was forwarded with the memorandum of November 26 from Mr. Kell. Similar interim prints should be provided for all assemblies.

The particular tracing can be used for water right map if:

1. The proposed water system, including that under PCP-U-10-4, and any existing stock watering facilities which are to be retained, are shown as soon as plans are given.
2. The title is changed, probably to
"Fresh Water Springs Diversion
for
Arches National Monument"
3. The "pool" near Salt Wash is retitled "stock watering pool", if that is true.
4. "Turnbow Cabin" be retitled "Former Turnbow Cabin", or "shelter" or "storage shed", depending on present and proposed use.
5. Delete box "Hydraulic Head 145 Ft." at lower end of Salt Wash. This is evident from elevations given, and may not be applicable when pipeline is shown, with elevation at catchment crest, reservoir water level, and modified area of use.
6. Show exterior road loop of picnic area, any proposed comfort station and spigots on end of pipeline from reservoir.
7. Show stretches of intermittent and continuous surface flow in Salt Wash and between Fresh Water Spring and the pool.

Several questions are still unanswered, as follows: (see my Review Study of Water Rights, Stockdrives, and Stockwatering of October 22, 1956).

1. Are there any current permits to water stock and drive stock across this area?
2. Should details in Section 8 be expanded to show stock watering pools in Salt Wash?
3. Is there any other spring in Section 8, as mentioned in my report of October 22, 1956? If so, and possible, it should be shown.
4. Are pools man-made by diking?
5. Is pool at mouth of canyon from fresh water spring, near Salt Wash (Sta. 7), fresh or salt water?
6. What is flow, or probable proposed developed flow of fresh water spring?
7. What is proposed ultimate capacity of picnic area?
8. Can lower part of Cache Valley be shown and labeled on drawing?

Note that I have left title of drawing somewhat in doubt. The format is that prescribed by state, but until some of above questions are answered, I cannot determine whether to use the drawing to support just the claim to Fresh Water Springs, or for several applications. We will have to file the tracing, if on linen, in any case. Hence, I would make reproducible print for other purposes, as it now is, and then preserve the tracing with only pencil notations of changes or reference to this memo, until we decide what to do. There should be a minimum of erasures, and certainly no double erasure in the same spot.

We should ultimately show bearing and distance to points of diversions. They can be computed by scaling from this map, by me, if desired. However, I should like to see WDC or Park Engineer's water system plan projected on the drawing before that is done. I also think we may wish to designate a spring area including the small canyon above Fresh Water Spring, and that, the catch basin, and point of diversion should all be worked out together.

There is no rush about this matter unless the water system is to be constructed soon. However, this Drawing ARC-7105 is excellent for the map to support the water right application, if on linen, and should be carefully preserved without extemporaneous data until we are ready to use it.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Arches, w/c attachment
Chief, WDC, w/c attachment

Master Plan Development Outline
Arches National Monument, Utah

UTILITIES

(1) Water Systems

- (a) Source.--The existing water system is Government owned and consists of a drilled well, storage reservoirs and distribution lines.

A well was drilled 107 feet deep and cased with 5-3/4" steel pipe. The well was completed January 17, 1951. A Pacific Jet pump was installed in January, 1940, Model JN-7 with a 7.5-gallon per minute or about 11,000 gallons per day capacity. Water stands approximately 21 feet above bottom of hole and is lifted approximately 166.1 feet to the storage reservoir in a 2" galvanized line 315 feet in length.

Water is hauled by truck from this system to two small storage reservoirs located at the Windows Section and at the wayside exhibit located at the junction of the Windows and Devil's Garden roads.

- (b) Supply Mains.--1,125 feet of 2" galvanized iron pipe distribution mains furnish water to the headquarters building, temporary residence and Superintendent's residence.

2" standpipes for fire protection are located at the headquarters building at the back of the temporary quarters and at the end of the main approximately 100 feet southwest of the Superintendent's residence.

At the Windows Section there are 40 feet of 3/4" line from the storage tank to the drinking fountain.

At the interpretive device located at the junction of the Devil's Garden and Windows road connection where we have a Seasonal Ranger quartered during the summer months in a trailer house, we have 100 feet of 1/2" galvanized line from the storage tank to trailer house.

Utilities
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November 1956

- (c) Storage.--The headquarters storage reservoir is a 20,000-gallon reinforced concrete underground tank with a concrete separator to divide it into two 10,000-gallon tanks for clean-out purposes, etc.

The Windows storage tank is a 500-gallon portable steel tank (underground). Water is hauled from headquarters to supply this tank.

At the road junction the tank is a 550-gallon galvanized steel, aboveground. Water is hauled from headquarters to furnish this supply.

It is planned to drill a new well in the headquarters area composed of a 6" or 8" casing in order to increase the supply to meet the demand under the proposed development.

It is planned to develop the Freshwater Spring located about 6,000 feet north and west of the Turnbow Cabin; pipe water down to the cabin area through a gravity feed line and construct a small storage reservoir for use in the picnic area development at this point, and to eliminate the long haul from town on the two small reservoirs located within 6 miles of this source.

A drilled well is planned in the Devil's Garden area in the vicinity of the campground development as proposed in order to have a supply for this section of the Monument.

- (d) Treatment.--Clorox added two pounds per minute at the present. It is planned to install an automatic chlorinator in the pumping system when the proposed development of additional storage is constructed.
- (e) Distribution Lines.--There are 601 feet of 3/4" and 1" lines connecting the headquarters building, temporary residence and Superintendent's residence.

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November 1956

Arches National Monument, Utah
Name of Monument

Prepared by G. D. Smith, Engineer Date 11-13-56
Name and Title

REVIEWED

WESTERN OFFICE, DIVISION OF DESIGN AND CONSTRUCTION

Architect /s/ W. E. Lord, Acting Date 12-10-56

Engineer /s/ R. T. Montgomery, Acting Date 12-7-56

Landscape Architect /s/ Harvey P. Benson, Acting Date 12-7-56

Safety /s/ Wm. H. Richardson Date 12-6-56

REGIONAL OFFICE

Recreation Resource
Planning /s/ Leslie P. Araberger, Acting Date 1-10-57

Interpretation /s/ Matt N. Dodge, Acting Date 1-7-57

Operations /s/ David H. Canfield Date 1-10-57

RECOMMENDED

/s/ Bates E. Wilson Date 1-3-57
Superintendent

/s/ Luis A. Castellum, Acting Date 1-7-57
General or Coordinating Superintendent

/s/ Sanford Hill Date 12-17-56
Chief, Western Office, Division of Design and Construction

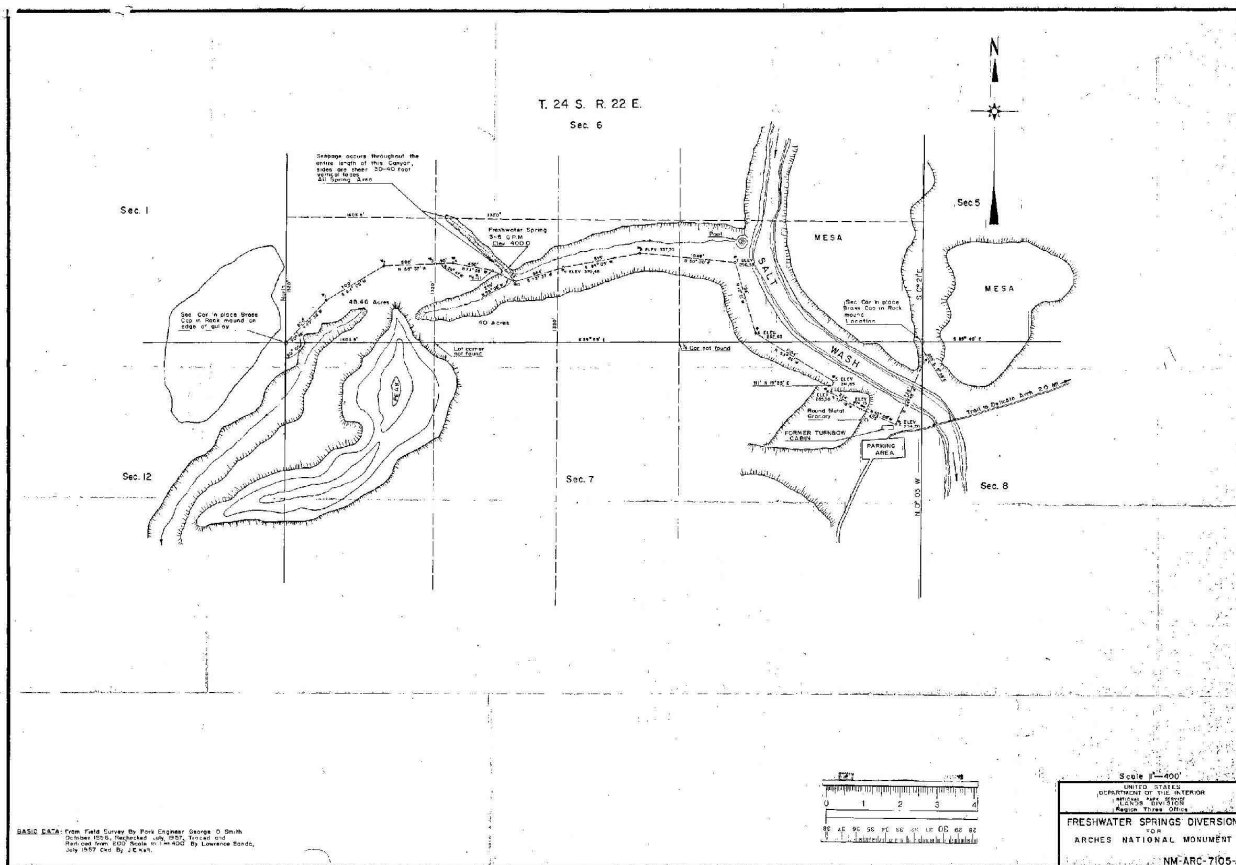
/s/ Hugh M. Miller Date 1-14-57
Regional Director

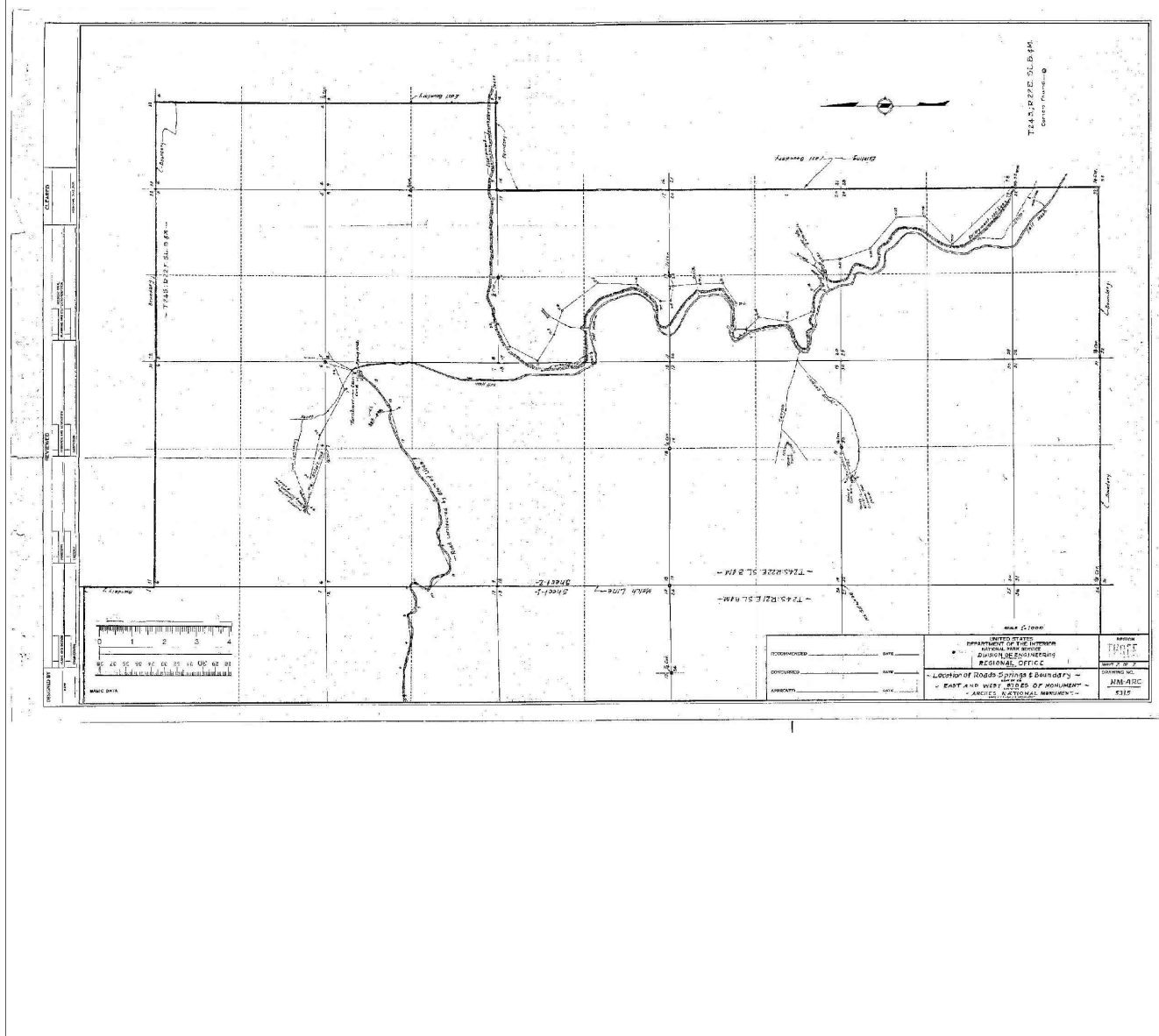
/s/ Paul McG. Miller Date 1-17-57
Chief Engineer

APPROVED

/s/ Merel S. Sager Date 1-22-57
Per the Director

Maps and Miscellaneous Information





Docket Information

Number of Documents in Docket 14

Documents Dated from 3/11/1949 to 12/4/1957

Docket Compiled: 1/31/2011