



Docket No: 5

State Water Rights Documentation

RECEIVED

1636 West North Temple • Suite 220 • Salt Lake City, UT 84116-3156 • 801-533-6071
NOV 17 1966

[illegible]

APPLICATION NUMBER: a-3697

Sincerely,

Robert L. Morgan

Robert L. Morgan, P. E.
State Engineer
DIVISION OF WATER RIGHTS
1636 W. No. Temple, Rm. 200
Salt Lake City, Utah 84116

an equal opportunity employer

63-01 Form 5

11 NOV 17 1966

**CERTIFICATE OF PERMANENT CHANGE OF POINT OF
DIVERSION, PLACE, PURPOSE OR PERIOD OF USE
OF WATER**

WATER RIGHTS
SALT LAKE

STATE OF UTAH

Water User's Claim 61-893

Change Application No. a-3697Certificate No. a-16521. Nature of change: Point of diversion ☒ Place of use ☒ Purpose of use ☒ Period of use ☒2. Name of applicant United States of America National Park Service3. Address of applicant Bryce Canyon National Park, UT 847174. Source of supply Underground Water Wells Drainage area Sevier River5. Priority of original right 1888 Priority of change January 15, 19606. Right or rights upon which change was based Deeded portion of Tropic & East Fork Irrigation Company
Award page 24 of Sevier River Decree7. Quantity of water changed 0.25 c.f.s. Acre-ft.

8. Nature and annual period of use: (both dates inclusive)

<u> </u> Irrigation	from <u> </u>	to <u> </u>
<u> </u> Stockwatering	from <u> </u>	to <u> </u>
<u> X </u> Domestic	from <u>January 1</u>	to <u>December 31</u>
<u> </u> Municipal	from <u> </u>	to <u> </u>

9. Point of diversion #1 S 1939 feet, W 100 feet; #2 S 1636 feet, W 368 feet from the N¹Cor. Sec. 34, T36S, R4W, SLBM.Garfield County, Utah10. Description of diverting works (#1) 12 inch diameter well, 90 feet deep (#2) 8 inch diameter
well, 52.50 feet deep11. Place and/or extent of use In the boundary of Bryce Canyon National Park, Sec. 25 and 36,
T36S, R4W, SLBM.DOMESTIC: 750,000 visitors per year and 200 federal and concessionaire
employees.

197252

ENTRY NO. RECORDED 11-28-86 AT 9:00 AMAT REQUEST OF Susan J. VerdaguerFEE \$5.00Mamie D. Hales

RECORDED GARFIELD COUNTY, UTAH

DEPUTY 12. Other rights appurtenant None

This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste.

The right evidenced by this certificate is restricted to the change described herein, and the certificate in no way establishes nor validates the water right claimed by the applicant, and the change is to in no way enlarge the original right or rights.

The works employed in this change are to be operated and maintained in such manner and condition as will prevent waste of water.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this 28th day
of October, 1986.

**In the event the right evidenced by this certificate is
transferred, a copy of such transfer should be furnished
the State Engineer by the party acquiring the right.**

Robert L. Morgan

State Engineer

Robert L. Morgan

BOOK 292 PAGE 84

Form 114
25M 4-63Diligence Rd.
Socket # 5IN THE SIXTH..... JUDICIAL DISTRICT COURT, IN AND FOR THE
COUNTY OF.....WAYNE..... STATE OF UTAHIN THE MATTER OF THE GENERAL DETERMINATION
OF RIGHTS TO THE USE OF WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE
COLORADO RIVER IN KANE, GARFIELD, WAYNE, PIUTE,
EMERY, SEVIER AND SANPETE COUNTIES, UTAH, AND
EXCLUSIVE OF THE GREEN RIVER AND VIRGIN RIVER
DRAINAGES.STATEMENT OF WATER
USER'S CLAIM
CODE NO. SERIAL NO.61 -
MAP NO.

BRCA W 34 36 4 AF 5

NOTE: This blank is sent to you in accordance with Utah Law. The information called for herein will be used in connection with the adjudication of water rights on the above mentioned drainage area. All questions applicable to your claim must be answered fully, and one copy of this form must be filed with the Clerk of the District Court at

Loc., Utah, within sixty (60) days from date of service of the attached Notice. A copy shall be filed with the State Engineer, State Capitol, Salt Lake City. Failure to file the attached Statement of the Water User's claim with the Clerk of the District Court within the time stated will forever bar and estop you from asserting any right to the use of water from said drainage area.

1. Name of Claimant United States of America, National Park Service
Bryce Canyon National Park Interest Claimed 2. Address Bryce Canyon, Utah 847173. Name of particular spring, spring area, stream, well, tunnel or drain from which water is diverted is Well No. 1, East Creek area in Garfield County.4. Priority date claimed 3/22/1926 Date when water was first used 3/22/1926

Date when work on diverting system was first begun Date when diverting system was completed

5. Class of Right (Indicate by X):

(a) Right to surface water initiated by beneficial use before 1903 Claim No.

(b) Right to underground water initiated before 1935 Claim No.

(c) Right decreed by court, cite title of case SEVIER RIVER DECREE - PAGE 74(d) X Application filed, State Engineer's Office No. Special App. No. CHANGE 6-3476

(e) Right acquired by adverse use prior to 1939

6. Nature (Indicate by X), Amount, and Annual Period of Use (by month & day):

(a) Irrigation Sec. Ft. from to (both dates incl.)

(b) Stockwatering Sec. Ft. from to (both dates incl.)

(c) X Domestic Sec. Ft. 0-16.15 from January 1 to December 31 (both dates incl.)

(d) Municipal Sec. Ft. from to (both dates incl.)

(e) Sec. Ft. from to (both dates incl.)

7. Direct Flow Appropriation (must be described with reference to U. S. Government Survey Corner)

(a) Point of diversion from spring, spring area, stream, well, tunnel, drain

S. 1941.4 ft. and W. 102.5 ft. from N. corner, Sec. 34, T36S, R4W, S1RM

(b) Description of spring area

(c) Point of diversion or point of return to natural channel

(d) If flow is intermittently diverted, list by number or description, all rights involved

.....

.....

.....

.....

8. Where water is used for irrigation purposes:

(a) Area irrigated in legal subdivisions of land by 40-acre tract. (All sources of water for same land or lands must be described in each instance by name or claim number)

ACQUIRED BY NATIONAL PARK SERVICE DEC. 31, 1971B. 178 P 470-493

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(b) Do you get water under a ditch owned by several users NO If so, give names of all users and divisions of interest

.....

9. Where water is used for Stockwatering:

(a) Number of each kind of stock watered

(b) All sources of water for same stock. (Describe by name or claim number)

.....

.....

10. Where water is used for Domestic:

(a) Number of families or their equivalent

All sources of water for same use.

(Describe by name or claim number)

BRCA #5

June 25, 1986

LS4 (479)
RMR Water Rights

Mr. Kirk Forbush, PE
Assistant Area Engineer
P.O. Box 563
Rickfield, UT 84701-0563

Dear Mr. Forbush:

Please find enclosed the following: 1) State of Utah form - "Proof of Permanent Change of Point of Diversion, Place, Purpose, and Period of use of Water" (Change Application No. a-3697); and 2) "Map to Accompany Proof of Change (Application No. a-3697)." These materials are submitted to comply with the requirements of the laws of Utah to effect the changes described for water rights in Bryce Canyon National Park.

As required by the laws of Utah, water measurements and legal ties to points of diversion (two wells functioning in tandem) are certified by a registered professional engineer (Philip J. Leslie of Rowley and Leslie Associates, Cedar City, Utah). Additional information regarding construction drawings or past water use may be acquired, if necessary, from Mr. Steven Winters, Facility Manager, Bryce Canyon National Park.

If we can be of further assistance, please feel free to contact Mr. Richard Ketcham of my staff.

Thomas W. Lucke

Enclosure

cc: R. Ketcham
Vic Berte', w/enc
Bryce Canyon, w/enc
RMR, w/enc

Docket #5 a-3696
Docket #6 a-3697

FNP:SPONCE:cs:6/20/86:221-5341:F:20620wil.div

orm. 58

**PROOF OF PERMANENT CHANGE OF POINT OF DIVERSION,
PLACE, PURPOSE, AND PERIOD OF USE OF WATER**

STATE OF UTAH

Change Application No. a-3697

1. Nature of Change: Point of Diversion ☒ Place of Use ☒ Nature of Use ☒ Period of Use ☒

2. Name of Applicant United States of America National Park Service

3. Address of Applicant Bryce Canyon National Park, Utah 84717

4. Source of Supply Underground Wells (2) Drainage Area Sevier River

5. Right or rights upon which change is based (61-2173) p. 24, Cox Decree; see "General Remarks"

6. Quantity of water changed 0.25 c.f.s. _____ acre feet

7. Nature and Period of Use:

Irrigation	from _____	to _____
Domestic	from <u>January 1</u>	to <u>December 31</u>
Stockwatering	from _____	to _____
Municipal	from _____	to _____
Other	from _____	to _____

8. The point of diversion from the source is in Garfield County, situated at a point S. South 1,939.42 feet and West 100.26 feet (Well #1) and South 1,635.66 feet and West 367.55' (Well #2) from the North Quarter Corner, Section 34, T36S, R4W, S.L.B. & M.

9. Present method of diversion Two submersible pumps: #1 - Berkelev 20 hp Model 652ALL10
#2 - 15 hp

10. If water is used for irrigation purposes, give legal subdivisions of land irrigated _____

11. If water is used for stockwatering purposes, give the number and kind of stock watered _____

12. If water is used for domestic purposes, give number of families served 750,000 visitors/yr. and 200 federal
and concessionaire employees.

13. If water is used for municipal purposes (a) give name of municipality _____
(b) If municipality serves areas outside of corporate limits, describe legal subdivision served and uses made of water _____

14. If water is used for other purposes, give a general description of such uses Fire protection.

15. Give place of use by legal subdivisions for all uses described in paragraphs 11 to 14 inclusive All uses are within
Bryce Canyon National Park, primarily within Sections 25 and 36, T36S, R4W, S.L.B. & M.
Facilities served include Bryce Canyon Lodge, Inn, Cabins, Campgrounds, Visitor
Center, National Park Service Headquarters, Maintenance and Residential areas.

16. The point where the water is returned to the natural channel, if returned, is situated N/A - Consumptive Use.

17. The water is used supplementally to the following rights See "General Remarks"

18. Water was measured by Joe Parham, L.S. Date 13 May 19 86
(Name of Hydrographer)

19. Water was measured by ~~water meter, reservoir capacity, or by~~ flow meters appurtenant to each well.
(strike words not needed)

*(Give sufficient data under "General Remarks" to enable State Engineer to check the water measurements. It is necessary that the results of a series of such measurements be given.)

SUMMARY OF RIGHT:

GENERAL REMARKS

This proof is filed relative to a water right currently deeded to the United States National Park Service. The Tropic and East Fork Irrigation Company originally acquired by diversion and use the right for irrigation purposes to use waters arising from springs in the E 1/2, SE 1/4, NW 1/4, Section 34, T36S, R4W, S.L.B. & M. These rights were later decreed to the Irrigation Company by the District Court in Garfield County. Again, in the Cox Decree, page 24, as finally dated on November 30, 1936, the Irrigation Company was decreed rights which included water from the springs heretofore mentioned.

Out of the rights in the said springs thus acquired, the Irrigation Company, by a deed dated February 24, 1926, conveyed to the Los Angeles & Salt Lake Railroad Company, "all the right, title and interest" of said irrigation company in and to the heretofore described springs, the flow of which was stated to be "approximately twenty-five hundredths (0.25) second feet of water, more or less."

The Railroad Company later conveyed the rights to the Utah Parks Company, and Utah Parks Company deeded the rights to the National Park Service by a warranty deed dated December 31, 1971 and recorded in Washington County, Utah, March 17, 1975.

SUMMARY OF WATER USE:

From prior to 1900 until conveyed to the Railroad Company in 1926, the Irrigation Company diverted the water from its channels in East Creek and the East Fork of the Sevier into a canal where it was used for irrigation. Beginning in 1926, these flows were diverted into a pipeline which provided water for domestic and culinary uses in facilities located in Bryce Canyon National Park. In November of 1979, a construction project was completed which resulted in said rights being diverted from two shallow wells located near the springs in which the original right resided. The wells are currently pumped by submersible electric pumps (Well #1, 20 hp Berkeley Model 652ALL10; #2, 15 hp make and model not known) which deliver the water through 19,700' of 6" dia. ductile iron pipeline to two storage reservoirs with a combined capacity of 1,500,000 gallons.

FLOW MEASUREMENT:

Flows delivered by the existing pumping equipment were measured May 13, 1986, by observation of Flow meters appurtenant to each well:

WELL #1	TIME TO PUMP	QTY	GPM	CFS
	29 sec.	50 gal.	103.5	0.23
	25 sec.	50 gal.	120.0	0.27
	25 sec.	50 gal.	120.0	0.27
	Average		114.5	0.26
WELL #2	10 sec.	10 gal.	60.0	0.13
	19 sec.	20 gal.	63.2	0.14
	19 sec.	20 gal.	63.2	0.14
	Average		62.1	0.14
Combined Average Capacity:			176.6	0.39

Annual consumption as measured by Mr. Steve Winter, Facility Manager, through observation of totalizer meter readings is as follows:

YEAR	CONSUMPTION	AVG. FLOW
1983	14,889,640	28.3 gpm (0.06 cfs)
1984	15,844,140	30.1 gpm (0.07 cfs)
1985 (Through Sept)	14,018,920	35.7 gpm (0.08 cfs)

Submission of proof attested by:

Applicant or his agent: Richard W. Kitcham Natl Park Service Date 6/13/86

Engineer: Phyllis J. Train Date 5/28/86

P.O. Address of Engineer: P.O. Box 1210 / Cedar City, Utah 84720

License Number: Utah License No. 4745 (P.E.)

(Fill in blank spaces, but do not sign until proof has been submitted to the State Engineer and accepted as sufficient)

CERTIFICATE OF APPLICANT

STATE OF UTAH)
COUNTY OF _____) ss

_____ being first duly sworn, certifies that he is the person, assignee or
of United States of America National Park Service
who made an application to change point of diversion, place, purpose and period of time
in Garfield County; that said application is filed in the Division of Water Rights Office as No. a-3697
that he, as applicant, employed Phylip J. Leslie to compile information for the purpose
of completion of proof of change and that he hereby accepts and submits that written proof together with maps consisting
of 1 sheet, No. 1 ~~xxxxxx~~ xxxxxx, and that each and all items contained therein are true to the best of his knowledge and
belief.

Applicant or his agent.

Subscribed and sworn to before me this _____ day of _____, 19____

(Seal)

My commission expires _____, 19____

NOTARY PUBLIC

CERTIFICATE OF PROOF ENGINEER

STATE OF UTAH)
COUNTY OF Iron) ss

Phylip J. Leslie being first duly sworn, certifies that he was employed to prepare proof of
change under Application No. a-3697, that the accompanying tracings were prepared from field surveys made by him
between the 13 day of May, 19 86 and 14 day of May, 19 86; that these tracings
numbered 1 ~~xxxxxx~~ xxxxxx, and when combined with the written proof, fully describe the completed change and that each and all
items contained herein are true to the best of his knowledge.

PROOF ENGINEER4745
LICENSE NO.

Subscribed and sworn to before me this _____ day of _____, 19____

(Seal of Notary)

(Seal of Proof Engineer)

My commission expires _____, 19____

NOTARY PUBLIC

STATE ENGINEER'S ENDORSEMENT

Dates

Application received in Division of Water Rights Office; Approved _____

Proof of change due in Division of Water Rights Office.

Written proof and maps received in Division of Water Rights Office by _____

Written proof and maps returned for correction by _____

Corrected written proof and maps resubmitted, received by _____

Field checked by _____

Corrected written proof and maps examined and Certificate written by _____

Certificate of Change issued _____

Maps, profiles, and drawings are filed _____

This written proof and the maps, profiles, and drawings pertaining thereto, are found to comply with the requirements
of the Laws of Utah, and the same are hereby approved.

_____, 19____

STATE ENGINEER

INSTRUCTIONS FOR COMPLETING AND SUBMITTING PROOF OF PERMANENT CHANGE

Proofs of Permanent Change of water must be prepared by a registered engineer or licensed land surveyor. Each proof shall consist of two parts: (a) a written proof and (b) a sheet or sheets of maps, and drawings. The proof must indicate that the water sought to be changed has been applied to beneficial use, as provided in the Change Application. Any amendments necessary must be made and the proof returned to the office within the time allowed by the State Engineer.

WATER MEASUREMENT

Each written proof shall contain details of measurements of water changed. Measurements may be made by vessel, weir, meter, rated flume, reservoir capacity table or other accepted standard method of measurement; but not by floating chip or theoretical carrying capacity of conveying channel. Such details shall describe the method used in making the measurement, the date when made, the name of the person making the measurement and sufficient information to enable the State Engineer to compute the quantity of water measured in each case. This will include current meter notes and rating tables or field observation notes if other devices are used. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation in flow and the period or periods during which it is available. The maximum flow claimed cannot exceed that contained in the original right.

LEGAL TIES

All ties to points of diversion, redirection, return, etc. must be given by one course and distance or by rectangular coordinates with reference to a regularly established U. S. land corner if within a distance of six miles of such corner, otherwise to a mineral monument, or a federal triangulation or traverse monument. If not within a distance of six miles of a corner or monument, the point may be designated with reference to a prominent natural object. All bearings must be given to the nearest minute of arc.

DIVERSION AND CONVEYANCE WORKS

A concise description of the present diverting and conveyance works shall be given under general remarks. This description must trace the water from the point of diversion to and including the place of use. The reservoir, if any, diverting dams, headgates, canals, flumes, and other related structures shall be included. This description shall be in the form of a concise word picture of the storage of water, if stored, its release, redirection and conveyance to point of use.

USE OF WATER

An explanation of the nature and extent of all present uses of the water must be made, including acres irrigated, household connections, number of stock, periods of use, etc.

PLACE OF PRESENT USE AND ACREAGE

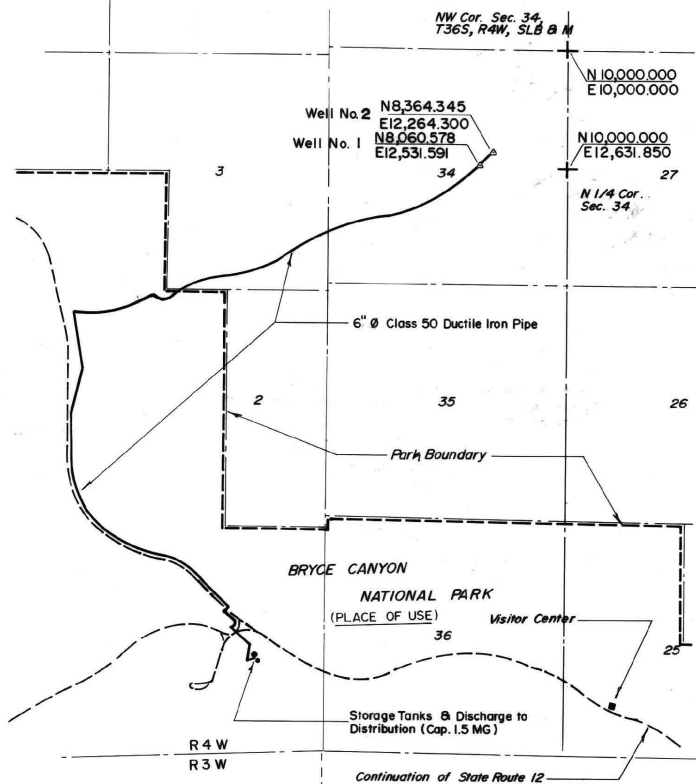
If the water is now used for irrigation of a full legal subdivision, the various irrigated areas shall be described by 40-acre tracts of each section, township and range. Where less than a legal subdivision is irrigated, the number of acres within each legal subdivision of 40-acres must be given. No legal subdivision of forty acres shall be described if no part of it has been irrigated. In no instance is an irrigated area to be given by elimination of non-irrigated areas. The descriptions in the written proof are to conform strictly with the maps.

A description of the legal subdivisions embracing the "water using areas" shall be given in the blank spaces of items 10 and/or 15. If insufficient space is there provided, it may be given under general remarks or on added sheets with reference thereto in the paragraph. In addition to this statement, there shall appear under general remarks or on additional sheets attached thereto and made a part of the written proof, detailed descriptions of the irrigated areas as referred to in the above paragraph. Descriptions in the written proof by legal subdivision and fractional subdivision shall be prepared in the following manner:

39.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T4S, R2E, SLBM.

MAPS AND DRAWINGS

All maps must be submitted on sheets of tracing linen having dimensions of 24" x 30" and a margin of at least 1 $\frac{1}{2}$ " on all sides, except in cases where the proof maps and drawings can be placed on not more than 4 sheets of tracing linen cut to the size of one page of this form. If form-size maps are used, the sheets must have a margin of at least 1 $\frac{1}{4}$ inches at the top and one-half on sides and bottom. For filing purposes the title block should appear on the lower right hand side of the page with the short side being the bottom. For the large maps, the title block must be in the lower right hand corner with the long side of the map being the bottom. All information directly pertaining to this proof must be in black India ink and all other information should be in contrasting color. The proof, when prepared with the smaller maps must not be folded in mailing or otherwise. It must be mailed flat with stiff cardboard protection against crushing. Larger maps should be rolled and sent in a mailing tube.



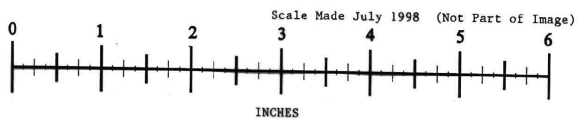
NORTH (Unsurveyed)
Scale: 1" = 2000'

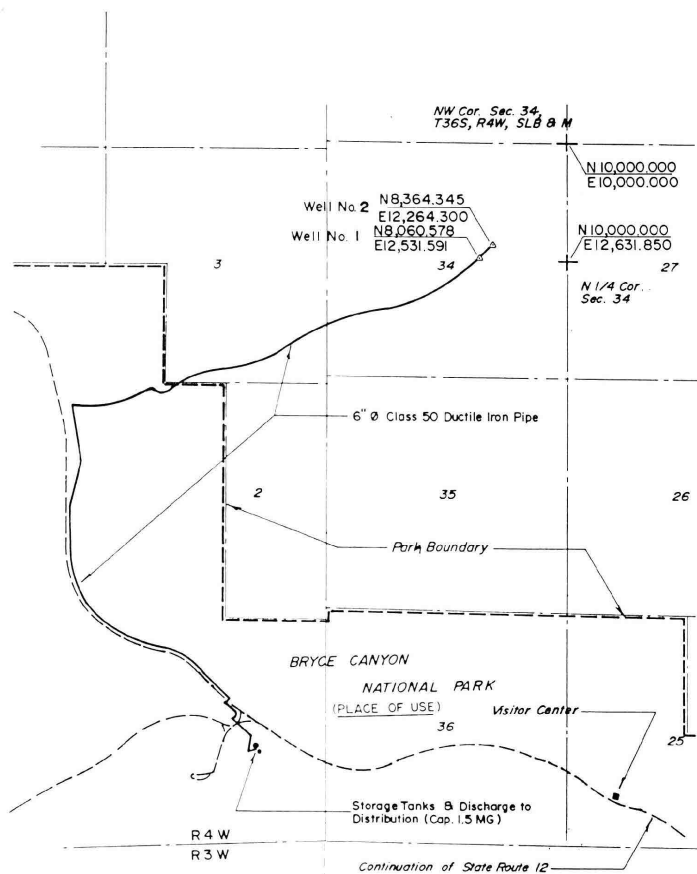


Map to Accompany Proof of Change

Use: Domestic & Culinary
Applicant: U.S. Nat'l Park Service
Bryce Canyon Nat'l Park
Garfield County, Utah
Map prepared May 23, 1986

Application No. a-3697 Sheet 1 of 1 Sheet





T37S T36S

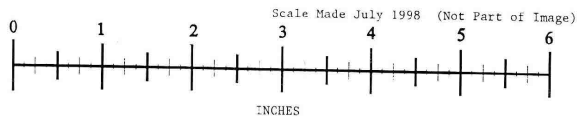
 NORTH (Unsurveyed)
Scale: 1" = 2000'

Map to Accompany Proof of Change

Use: Domestic & Culinary,
Applicant: U.S. Nat'l Park Service
Bryce Canyon Nat'l Park
Garfield County, Utah
Map prepared May 23, 1986

Application No. a-3697 ⁶ Sheet 1 of 1 Sheet

Philip J. Smith
5/20/86





United States Department of the Interior MAR 14 '80

NATIONAL PARK SERVICE

Bryce Canyon National Park
Bryce Canyon, Utah 84717

IN REPLY REFER TO:
D5039 (BRCA)

March 10, 1980

Regional Director	
Deputy Reg. Director	
Administration	
Park Operations	
Plan & Resource Pres.	3/14
Executive Assistant	
Communications & P.A.	
EEO	
X <i>RC</i>	3/18
X <i>RC</i>	3/19
C. Adams	
Action Taken	

Memorandum

To: Associate Regional Director, Professional Services, Rocky Mountain Region

From: Superintendent, Bryce Canyon

Subject: Authorization to drill a new water well

Enclosed is a copy of a letter received from the State of Utah, Division of Water Rights, approving an application to drill a new water well at Bryce Canyon.

This information will be of interest to the new water line contractor as he has indicated a preference to drill a new well rather than rehabilitate the old one.

We will file the original copy here with our water right dockets.

Thomas O. Hobbs
Thomas O. Hobbs

Enclosure

cc:
Dick Steeves, DSC



RECEIVED
MAR 14 8 25 AM '80

Save Energy and You Serve America!

FORM 28



STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEEREARL M. STAKER
DEPUTY

XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX

38 East Main
Salina, Utah
84654
529-7590

4 March 1980

RECEIVED BRYCE CANYON NP		
MAR 6 80		
Act	Int	Int
		Subsidiary
		Admin. Officer
		Chief, I&M
		Visitor Serv.
		Interpretation
		Resource Mgt.
		ENGINEERING
		NEEDS
		RATONAH DONALDSON
		STANLEY GREEN
		ROBERT L. MORGAN
		Files

*Bob
Chapman
and
Stanley
Green
on
the
Card
when the
well is drilled*

Bryce Canyon National Park
Bryce Canyon, Utah 84717

3697

Dear Applicant:

RE: Change a-3696 (61-179)

I have your application to replace an existing well covered by the above-numbered filing which evidences the right to divert 0.16 cfs of water from two wells located (1) So 1941.4 ft and W 102.5 ft from the NE Cor, Sec 34; (2) So 1598.5 ft and W 399.9 ft from the NE Cor, Sec 34, T36S, R4W, SLB&M. It is now proposed by the applicant to drill a 8-inch well, 50 - 80 ft deep, located 25 feet east of the existing #2 well. Your request is granted with the understanding that replacing a well means the drilling of a new well for the sole purpose of replacing an existing well, impaired or made useless by failing water supply, by structural difficulties, or by both. Such a new well can be substituted for, and can thereby acquire, the rights of the old well, provided the water supply and the nature of use are identical in the two wells, and no new right or advantage to the use of water accrues, and with the understanding that no more water is to be diverted from the new well under this replacement than that for which a right has been initiated and in good standing by virtue of past beneficial use from the old well; and, the old well which is to be abandoned by reason of this replacement shall be permanently filled in from the bottom to the top before the well driller leaves the premises.

If other than new standard casing is to be used in this well, such casing must be inspected and approved by a representative from this office. This well must be so constructed and finished that it may be readily controlled at all times in order to prevent waste of underground water when the water is not being used beneficially. Also, all wells must be drilled and cased in such a manner that will prevent the infiltration of contaminated water into them.

The driller must be bonded and have a current permit from the State Engineer. Before commencing, he must give this office notice as to the day he will begin drilling. Also, within 30 days after the well has been completed or abandoned, he must file a well driller's report. This report is to contain accurate and complete information regarding the work done and is to become part of the files in this office pertaining to the above-numbered water right.

This is permission for a licensed driller to begin work on your well.

Yours truly,

M. Stanley Adams
M. STANLEY ADAMS, P.E.

Form 107-6.57-2M

CHANGE APPLICATION NO.

a-3696 (61-179)

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of use of water right acquired by Diligence Claim No. 756 (Strike out written matter not needed)

William J. Henderson, Jr., on a diligence basis. Purchased in 1926 by applicant. (Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. The name of the applicant is Utah Parks Company National Park Service
2. The post-office address of the applicant is Cedar City, Utah 1269 Jackson Street 68102
3. The flow of water which has been or was to have been used in second-feet is 0.16
4. The quantity of water which has been or was to have been used in acre-feet is 0.16
5. The water has been or was to have been used each year from April 1 to Nov. 1 incl. (Month) (Day) (Month) (Day)
6. The water has been or was to have been stored each year from April 1 to Nov. 1 incl. (Month) (Day) (Month) (Day)
7. The drainage area to which source of supply belongs is Spring area (Leave blank)
8. The direct source of supply is spring area located in E 1/2, SE 1/4, NW 1/4, Sec. 34, T 36 S, R 4 W, in Garfield County.
9. The point of diversion as described in the original Application or the point at which the water has been diverted is situated at a point Collecting sump located at a point S. 1410 ft. and W. 415 ft. from the NE Cor., NW 1/4, Sec 34, T 36 S, R 4 W, SLE&M.

10. The water involved has been or was to have been used for the following purposes:
From 1890's until 1926 water was used by William J. Henderson, Jr. and family for culinary, domestic and stock watering. Purchased by Utah Parks in 1926 and since that date used for domestic and culinary purposes at lodge and cabin tourist facilities at Bryce Canyon. SERVING 26000 PERSONS ANNUALLY. Total Acres.

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. The point at which water has been or was to have been returned to the stream channel is situated as follows: Prior to 1926 water was used at springs and not otherwise diverted. Since 1926 use has been consumptive use with no return to stream channel.

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. The flow of water to be changed in cubic feet per second is 0.16, including, with other water, all of the flow of the spring area referred to in Paragraph 8.
13. The quantity of water to be changed in acre-feet is 0.16
14. The water will be used each year from April 1 to November 1 incl. (Month) (Day) (Month) (Day)
15. The water will be stored each year from April 1 to November 1 incl. (Month) (Day) (Month) (Day)
16. The point at which it is now proposed to divert the water is situated (See note) at two wells; one 80 ft. deep (Application No. 27154), located at a point S. 1941.4 ft. and W. 102.5 ft. from the NE Cor., NW 1/4, Sec. 34, T 36 S, R 4 W, SLE&M; and one well 30 ft. deep (Application No. 28385) located at a point S. 1598.5 ft and W. 399.9 ft. from the NE Cor., NW 1/4, Sec. 34, T 36 S, R 4 W, SLE&M.
17. The proposed diverting and conveying works will consist of two pumps and 10,400 ft. of 4" steel pipe and 9,600 ft. of 6" steel pipe to four storage tanks of combined capacity of 703,528 gallons; 383 ft. elevation above pumps.
18. The cross-section of the diverting channel will be. XXXXXX iron XXXXXX (Strike out ones not needed)

19. The nature of the diverting channel will be: XXXXXX iron XXXXXX (Strike out the ones not needed)

†Strike out written matter not needed.

3-5-1973

20. The length of the diverting channel, exclusive of laterals, will be 20,000 feet
(If an existing channel is used give only the length of that part used under this Application)
21. The top width of the diverting channel will be (if a ditch).....feet
22. The bottom width of the diverting channel will be (if a ditch).....feet
23. The depth of water in the diverting channel will be (if a ditch).....feet
24. The width of diverting channel will be (if a flume).....feet
25. The depth of water in the diverting channel will be (if a flume).....feet
26. The diameter of the diverting channel will be (if a pipe) 4" and 6" pipe inches
27. The grade of the diverting channel will be.....19 feet per thousand
28. The point at which it is proposed to return the water is situated (See note under 16) Use will be
consumptive use with no return. AS A SUPPLEMENTAL SUPPLY
29. The water is to be used Water is to be used for domestic and culinary purposes in
serving cabins and lodge and attendant tourist facilities at Bryce Canyon, Utah.
Also used by permanent residents, employees of the National Park Service, as well as
winter visitors utilizing available N.P.S. facilities. TOTAL ANNUAL USE 200,000 GALLONS
Total.....acres.
- NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H. P. to be developed and place where power will be used.
30. The character of the soil to be irrigated is.....; subsoil.....
- NOTE—Number 30 is to be filled in only when proposed change is for irrigation.
31. If paragraph 12 designates that only part of the right described in paragraph 1 to 11 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change:

William J. Henderson, Jr., commencing about 1890 and continuing to 1926, ranged cattle and sheep on the East Creek section on the East Fork of Sevier River. He acquired fee title to lands in Sec. 34, T 36 S, R 4 W, in addition to other lands, and established living quarters and headquarters for his farm and livestock operations on said Sec. 34. Prior to 1900 he used waters from the springs rising on said Sec. 34 for culinary, stock watering, and domestic purposes, and continued the said use of such water until the year 1926.

By deed dated Mar. 22, 1926, said William J. Henderson, Jr., his wife signing with him, conveyed a portion of the lands in said Sec. 34 to the LA&SLRR Co., including in said conveyance all of his right and title to the waters rising on said Sec. 34 as had theretofore been used by him. The LA&SLRR Co. thereafter, in 1930, conveyed said land and water to the Utah Parks Company, and since 1928 the Utah Parks Company has used said water to supply its operations and facilities and tourist accommodations at Bryce Canyon.

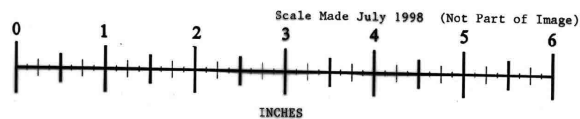
SPRING AREA

B.E.B. N 26.57' FROM S 1/4 COR SEC 34, T 36 S, R 4 W, S 1/4 1/4 IN. TH. W. 479', N 19° 26' W
797.6', N 23° 51' E 688.6', S 68° 39' E 409.33', S 13° 26' TO B.E.B.

UTAH PARKS COMPANY

By W. J. Henderson

Signature of Applicant.



(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. *Jan 15, 1960* Change Application received *over counter* in State Engineer's office by *W. H. H.*
2. *Jan 15, 1960* Priority of right to make change brought down to, on account of *W. H. H.*
3. *Jan 15, 1960* Fee for filing Application, \$ *3.00*, received by *W. H. H.* Receipt No. *65567*
4. *Jan 29, 1960* Application *PROTESTED* Change Book No. *23*, page *553*, and indexed by *W. H. H.*
5. *Jan 29, 1960* Application platted by *W. H. H.*
6. *Jan 29, 1960* Application examined by *W. H. H.*
7. *Jan 29, 1960* Application returned, with letter, to *W. H. H.* for correction
8. *Jan 29, 1960* Corrected application resubmitted *over counter* by mail to State Engineer's office.
9. *Jan 29, 1960* Copy brought up to date (red inked) and placed in record book by *W. H. H.*
10. *Jan 29, 1960* Fee for publishing notice requested.
11. *Jan 29, 1960* Fee for publishing notice \$ *5.00*, Received by *W. H. H.* Receipt No. *65567*
12. *Feb 3, 1960* Application approved for advertisement by *W. H. H.*
13. *Feb 3, 1960* Notice to water users prepared by *R. K. H.*
14. *Feb 25, 1960* Publication began; was completed *March 10, 1960*
15. *Feb 25, 1960* Notice published in *Garfield Co. News, Panguitch, Utah*
16. *Feb 27, 1960* Proof slips checked by *C. B. & D.*
17. *Apr 9, 1960* Change Application protested by *Trapp & East Fork, Inc. Co.*
18. *Mar 28, 1960* *Published in Garfield Co. News, Panguitch, Utah, March 28, 1960 - 1st*
19. *June 14, 1961* Application designated for approval *STATE* by *H. C. L.*
20. *June 14, 1961* Fee for approving Application requested.
21. *June 29, 1961* Fee for approving application, \$2.50, received by *W. H. H.* Receipt No. *65567*
22. *June 29, 1961* Change Application proof, *read* by *W. H. H.*
23. *June 29, 1961* Change Application *approved* and returned to applicant.
- This Application is approved on the following conditions:**
1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
 2. Proof of change shall be submitted to the State Engineer's office by *Nov 30, 1963*
 3. Subject to prior rights whether diverting directly from the source hereof or from other sources to which this water is tributary (including rights junior to the original application or rights which might be impaired by the change or changes) for diversion and use as herein described.
- Wayne D. Criddle*
Wayne D. Criddle, State Engineer.
24. *Nov 30, 1963* Time for making proof of change extended to *Nov 30, 1963*
25. *Nov 30, 1963* Proof of change submitted.
26. *Nov 30, 1963* Fee for filing proof of change, \$1.00, received by *W. H. H.* Receipt No. *65567*
27. *Nov 30, 1963* Fee for examining maps, profiles and drawings, \$5.00, received by *W. H. H.* Receipt No. *65567*
28. *Nov 30, 1963* Fee for issuing certificate of change, \$1.00, received by *W. H. H.* Receipt No. *65567*
29. *Nov 30, 1963* Certificate of change, No. *65567*, issued.

I hereby certify that the foregoing is a true copy of the Application by to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah, 19 *1963*

State Engineer.

Change Application No. *2-3696*

L54 (RMR)MW

FEB 29 1980

Mr. Stanley Adams
Division of Water Rights
State of Utah
Department of Natural Resources
38 East Main Street
Salina, Utah 84654

Dear Mr. Adams:

On July 2, 1979 we received permission from the Division of Water Rights in Salt Lake City to deepen two wells at Bryce Canyon National Park. The original right is associated with Diligence Claim 756, Change a-3696 (61-179). I am enclosing a copy of the approved application to deepen the wells.

After the application to deepen the wells had been received consultation with a local well driller indicated pulling the casing in the existing wells would probably prove extremely difficult if not impossible. Consequently, it was decided replacing one of the wells (our designation as well No. 2) and replacing the pump in the other would be less expensive and more practical.

I am also enclosing a new application to replace one of the existing wells. We understand the new well may be drilled within 150 feet of the existing well without filing a change application. We plan to drill the replacement well within the 150 feet limit, probably about 25 feet east of the existing well or otherwise as close as is considered practicable by the driller.

We hope to drill the well during the month of April, weather permitting, so will appreciate your consideration of our application at your earliest convenience.

If further information is needed please call met at (303) 234-5997.

Sincerely yours,

/s/ WILLIAM MEKEEL

William L. Mekeel
Chief, Division of Water Resources
Rocky Mountain Region

Enclosures

RMR-MW
WLMekeel:ek 2/29/80

FORM 67



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RIGHTS

231 East 400 South, Floor
Salt Lake City, UT 84111
(801)- 533-6071

July 2, 1979

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

RECEIVED	
BRYC. ANYON NP.	
JUL 3 '79	
Act	Inf
☒	☒
Superintendent	
Admin. Officer	
Chief, I&RM	
Chief Serv.	
Interpretation	
Resource Mgt.	
Chief, Maint.	
R&T Foreman	
B&U Foreman	
Files	

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
Stanley Green

Bryce Canyon National Park
Bryce Canyon
Utah 84717

RE: Diligence Claim 756
Change a-3696

Gentlemen:

I have your application to clean, repair, or deepen an existing well covered by the above-numbered filing which evidences the right to divert 0.16 cfs of water from two wells located (1) S. 1941.4 feet & W. 102.5 ft from the NE Corner, NW $\frac{1}{4}$, Section 34; (2) S. 1598.5 feet & W. 399.9 feet from the NE Corner, NW $\frac{1}{4}$, Section 34, T36S, R4W, SLB&M. It is proposed to deepen the existing well.

Your request is granted with the understanding that cleaning a well means the act of removing rust, algae, sand, gravel, or any other obstruction whatsoever from the inside of an existing well or from the casing thereof for the purpose of recovering the normal flow or discharge.

Repairing a well means the act of renewing or reconstructing the existing casing or installing a new casing within or without the existing casing or repairing or replacing the pumping equipment, where such is done for the purpose of recovering or controlling the normal flow or discharge of the well and does not include the development of additional water.

Deepening a well means the act of digging, drilling, or casing an existing well to an increased depth for the purpose of again securing the normal supply of water.

New standard casing or used casing inspected and approved by a representative of this office is necessary. All wells must be so constructed and finished that they may be readily controlled at all times in order to prevent waste of underground water when the water is not being used beneficially. Wells must be drilled and cased in such a manner that will prevent the infiltration of contaminated water into them.

The driller must be bonded and have a permit for the current year issued by the State Engineer. Before commencing, he must give this office notice as to the day he will begin work, and under the terms of his license, he must file a well driller's report within 30 days after completion of the work. This report is to contain accurate and complete information regarding the work done and is to become part of the files in this office pertaining to the above-numbered right.

This is permission for a licensed driller to begin work on your well.

Yours truly,

Stanley Green, Director, Appropriations Division

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

Form 112

APPLICATION TO ~~REPAIR, CLEAN, DEEPEN OR REPLACE AN EXISTING WELL~~ REPLACE AN EXISTING WELL No. 2CLAIM NO. Diligence 756RE:
Change APP. NO. a-3696 (61-179)

Bryce Canyon
National Park, Utah, 2/25, 1980
 (City) (State) (Date)

Application is hereby made to the State Engineer to repair, clean, deepen or replace an existing well, based upon the following showing of facts:

1. Name of applicant is Bryce Canyon National Park
2. Post-office address of applicant is Bryce Canyon, Utah 84717
3. Number of claim or application filed with the State Engineer covering the well which applicant proposes to ~~repair, clean, deepen or~~ replace is Claim Dil. 756 or ~~Application~~ No. a-3696. (Strike words not needed)
change
4. The existing well ~~is located on the east side of the tank; 16x6 ft in the inside of the existing, requires cleaning, or deepening, or both; requires replacement by a new well. If replaced by a new well, its location will be~~ 25 feet north, south, and 25 feet east, ~~west~~, from the existing well. (Strike words not needed)
5. The replacement well is to be 8 inches in diameter, between 50 and 80 feet deep.
6. The name of the well driller who applicant proposes to do the work is: unknown at this time. It is proposed to begin the work April, 1980
7. Applicant hereby agrees, in case this application is approved, to abide by the rules and regulations promulgated by the State Engineer, set out on the reverse side hereof, for the repairing, cleaning, deepening, or replacing of existing wells. Applicant further agrees to and hereby authorizes the State Engineer to endorse his original claim or application to show any replacement resulting from this application.

8. Remarks: Initially permission was granted to deepen the two existing wells. However, we now feel it will be less expensive and more practical to replace one well and replace the pump in the other.

William L. Mekeel
 United States of America, Department of the Interior
 National Park Service by William L. Mekeel, Agent
 Signature of Applicant

-O-O-O-O-O-O-O-O-O-

STATE ENGINEER'S ENDORSEMENT
 (Not to be filled in by applicant)

1. _____ Application received over counter in State Engineer's office by _____
by mail
2. _____ Application examined by _____. Recommendations: _____
3. _____ Field examination by _____. Recommendations: _____
4. _____ Application Approved subject to following conditions: _____
rejected

 STATE ENGINEER,
 By

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

1416 DODGE STREET



OMAHA, NEBR. 68179

C-32482-31

C. BARRY SCHAEFER
Vice President and Western General Counsel
H. F. CORAY
Senior General Solicitor
WILLIAM P. HIGGINS
General Commerce Counsel
EDWARD A. DONAHOE
General Contract Counsel

J. J. BURCHELL
JEROME GIVEN
H. LUSTGARTEN, JR.
Assistant General Solicitors

ROBERT B. BATCHELDER
W. DONALD BOE, JR.
General Attorneys

JOHN J. CONNOR
R. F. NIEHAUS
VINCENT F. POWERS
D. SCOTT RAILSBACK
VALERIE W. SCOTT
Asst. General Attorneys

JOSEPH D. ANTHOFER
DANIEL P. MORISSEAU
Attorneys

October 2, 1974

Mr. William L. Mekeel
Legal Assistant
Rocky Mountain Regional Office
U.S. Department of the Interior
National Park Service
655 Parfet Street
P.O. Box 25287
Denver, Colorado 80225

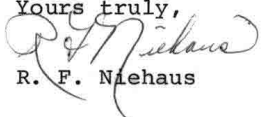
Dear Mr. Mekeel:

This supplements my letter to you of August 6 in connection with quitclaim deed from Los Angeles & Salt Lake Railroad Company, and its lessee, Union Pacific Railroad Company, to Utah Parks Company, covering all of the formers' right, title and interest, if any, in and to certain water rights in Washington, Garfield and Iron Counties, Utah, and in Coconino County, Arizona.

For your information, the recording data for the above-mentioned deed is as follows:

<u>County</u>	<u>Date</u>	<u>Inst.No.</u>	<u>Book</u>	<u>Pages</u>
Washington County, Utah	9-23-74	163128	159	361-362
Garfield County, Utah	8-30-74	133968	186	483-484
Iron County, Utah	8-26-74	174464	198	547-548
Coconino County, Ariz.	8-29-74	10050	518	601-602

Yours truly,


R. F. Niehaus

UNION PACIFIC RAILROAD COMPANY

Wm
8/9/74

LAW DEPARTMENT

1416 DODGE STREET



OMAHA, NEBR. 68179

C-32482-31

C. BARRY SCHAEFER
Vice President and Western General Counsel
H. F. CORAY
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VINCENT F. POWERS
D. SCOTT RAILSBACK
VALERIE WILSON
Regional Attorneys

JOSEPH D. ANTHOFER
DANIEL P. MORISSEAU
Attorneys

August 6, 1974

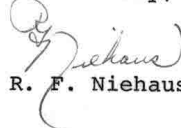
Mr. William L. Mekeel
Legal Assistant
Rocky Mountain Regional Office
United States Department of the Interior
National Park Service
655 Parfet Street
P.O. Box 25287
Denver, Colorado 80225

Dear Mr. Mekeel:

Pursuant to your letter of July 18, I am enclosing copy of executed quitclaim deed from Los Angeles & Salt Lake Railroad Company, and its lessee, Union Pacific Railroad Company, to Utah Parks Company, covering all of the formers' right, title and interest, if any, in and to certain water rights in Washington, Garfield and Iron Counties, Utah, and in Coconino County, Arizona.

I will furnish you the recording data following receipt of such information.

Yours truly,


R. F. Niehaus

Director	
Deputy Director	
NPS Mgmt.	
Administration	
Professional Svcs	
Coop. Activities	
Operations Eval.	
Public Affairs	
EEO	
Action Taken	

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 1st day of August, 1974,
before me, T. E. MIKKELSEN, a Notary Public in and
for said County and State, personally appeared J. C. KENEFICK,
known to me to be the President, and A. O. Mercer, known to
me to be the Assistant Secretary of LOS ANGELES & SALT LAKE
RAILROAD COMPANY and UNION PACIFIC RAILROAD COMPANY, the cor-
porations that executed the within instrument, and known to me
to be the persons who executed the within instrument on behalf
of the corporations herein named, and acknowledged to me that
such corporations executed the same pursuant to their Bylaws
or Resolutions of their Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

(SEAL)



T. E. Mikkelsen
Notary Public in and for said
County and State

SPECIAL WARRANTY DEED

THIS DEED, made this 31st day of December, 1971, between UTAH PARKS COMPANY, a corporation of the State of Utah, Grantor, party of the first part, and UNITED STATES OF AMERICA, Grantee, party of the second part,

WITNESSETH, That

WHEREAS, the Grantee desires to acquire the land, water rights, springs and water wells, hereinafter described in connection with the development and operation of the National Parks of the United States of America; and

WHEREAS, the Grantor is willing to donate said land water rights, springs and water wells to the Grantee;

NOW THEREFORE, in consideration of the premises, the Grantor does by these presents, DONATE, REMISE, RELEASE and CONVEY unto the Grantee and unto its successors and assigns all of its right, title and interest in and to the following described lot or parcel of land located outside of the boundaries of Zion, Bryce and Grand Canyon (North Rim) National Parks and Cedar Breaks National Monument, situate, lying and being in the County of Garfield and State of Utah, to wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the west 3/4 of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34, Township 36 South, Range 4 West of the Salt Lake Base and Meridian, containing an area of 100 acres,

together with the Grantor's right, title and interest in and to water rights appurtenant to this property and also in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of the aforementioned parks and monument, but used in conjunction with the Grantor's facilities located in said parks and monument, in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona, and Iron County, Utah; and, also, together with the Grantor's right, title and interest in and to water rights and waters of all springs located within said parks and monument, including specifically the water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah; and with all and singular the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances and all and every rights, roads, alleys, ways, waters, watercourses, liberties,

privileges, hereditaments, appurtenances and advantages there-
to belonging or in any way appertaining, including accretions
opposite to and fronting upon said land, and any means of
ingress or egress appurtenant thereto, 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 Grantor, either in
law or equity, of, in and to the above bargained premises,
with the hereditaments and appurtenances; and with all the
right, title, and interest of the said Grantor in and to any
streets, alleys, roads, strips, gores, waters, watercourses,
or railroad rights-of-way or strips of land abutting, adjacent
to, adjoining or contiguous to or traversing the land de-
scribed and conveyed herein and any means of ingress or
egress appurtenant thereto.

SUBJECT, however, to existing easements for public
roads, public highways, public utilities, railroads and pipe-
lines.

EXCEPTING from this conveyance and RESERVING unto
the Grantor, its successors and assigns, forever, all minerals
and all mineral rights of every kind and character now known
to exist or hereafter discovered, including, without limiting
the generality of the foregoing, oil and gas and rights there-
to, together with the sole, exclusive and perpetual right to
explore for, remove and dispose of, said minerals by any
means or methods suitable to the Grantor, its successors and
assigns, but without entering upon or using the surface of
the lands hereby conveyed, and in such manner as not to damag
the surface of said lands or to interfere with the use thereo
by the Grantee, its successors or assigns, it being understoo
that Grantor, when and if it exercises the rights excepted an
reserved under this conveyance, shall do nothing, and shall
not cause or permit anything to be done, that will in anyway
contaminate or deplete the water supply produced or developed
on the above described portions of said Section 34.

THIS PROPERTY IS BEING ACQUIRED BY THE NATIONAL PAI
SERVICE FOR THE UNITED STATES OF AMERICA.

TO HAVE AND TO HOLD, subject to the aforesaid ex-
ceptions, reservations, and other provisions, the said premi-
ses with all the rights and appurtenances thereunto belongin
unto the said Grantee, its successors and assigns, forever;
and the said Grantor hereby covenants with the said Grantee
that it will warrant and defend the title to the said premi-
ses unto the said Grantee, its successors and assigns, for-
ever, except as hereinbefore mentioned, against the lawful

claims of all persons claiming by, from or under it, but against none other.

IN WITNESS WHEREOF, said Utah Parks Company has caused these presents to be signed by its President and attested by its Assistant Secretary, and its corporate seal to be hereunto affixed as of the 31st day of December, 1971.

In Presence of:

UTAH PARKS COMPANY,

By

Joe V. Kunk President

Attest:

[Signature] (Seal)
Assistant Secretary

130802 B. 178 P. 490-493
ENTRY NO. _____ RECORDED 1-16-1973 AT 9 AM
AT REQUEST OF Security Title Company
FEE \$5.00 John W. Miller Deputy
RECORDER GARFIELD COUNTY, UTAH

166519 RECORDED 3-17-75
9:40 AM, B. 168 P. 419-412
WASHINGTON CO. UT.

176394 RECORDED 1-21-75
9:40 AM, B. 202 P. 345-348
IRON CO. UT.



IN REPLY REFER TO:

L54

*BRCA
A 2*

United States Department of the Interior

NATIONAL PARK SERVICE
Bryce Canyon National Park
Bryce Canyon, Utah 84717

April 16, 1973

INITIAL AND DATE	
Director, MWR	
Director's Secretary	
Deputy Dir., MWR	
Assoc. Dir., Prof. Sup.	
Park Operations	
Administration	
Coop. Activities	
Operations Eval.	
Prog. & Budgeting	
Finance & Control	
Org. Dev. & Man.	
<i>[Signature]</i>	
Action taken & date	

Memorandum

To: Director, Midwest Region
From: Superintendent, Bryce Canyon
Subject: Water and Water Rights

The enclosed is the latest action taken by the Tropic and East Fork Irrigation Company concerning our donated water rights in East Creek.

If I interpret these documents correctly, the Utah Parks Company relinquished their claim to 0.16 c.f.s. of water in December 1962 and we do have a valid right to 0.25 c.f.s. in East Creek.

We are also enclosing a copy of a letter from the Tropic and East Fork Irrigation Company which you might find interesting in view of the actions outlined in this more recent correspondence.

Charles A. Budge
Charles A. Budge

Enclosures

cc:
Director, State of Utah w/enc.

Let's send a copy of this stuff to Bill

CARVEL MATTSSON
NORMAN H. JACKSON
K.L. MCCLIFF

P. ATTSSON, JACKSON & MCCLIFF
ATTORNEYS AT LAW
151 NORTH MAIN STREET
RICHFIELD, UTAH 84701

TELEPHONE 898-5441
AREA CODE 801

April 1, 1973.

Mr. Dean Wintch, President
Tropic & East Fork Irrigation Company
Tropic, Utah 84776.

Dear Mr. Wintch:

Re: Utah Parks Company.

Back in 1960 and 1961, when Harmon Shakespear was President of your Company, I represented it in matters involving Utah Parks Company. It had filed with the Utah State Engineer two applications for permanent change of point of diversion and place of use of water rights claimed by it. Change Application No. a-3696 sought to change the point of diversion of 0.16 second feet of water which Utah Parks Company claimed as successor to one W. H. Henderson. Change Application No. a-3697 sought to change the point of diversion of 0.25 second feet of water claimed by Utah Parks Company as successor to Tropic & East Fork Irrigation Company.

I investigated the matter for the Irrigation Company and represented it at a hearing before the State Engineer. As I remember now and without checking back through all of the files involved, there was a conveyance from the Irrigation Company to Utah Parks Company on the 0.25 c.f.s. of water. However, I felt that there was an excellent chance that we could defeat Utah Parks Company on its claim to the 0.16 c.f.s. of water it was claiming as successor in interest to Mr. Henderson.

At the present time I do not remember all of the details and facts involved. I do remember and my files show that I tried to get a geologist or water engineer who would testify favorably for us in connection with the 0.25 c.f.s. of water, but I was unable to find one. The State Engineer granted both applications of Utah Parks Company, and we started appeal proceedings to have the matter passed on by the District Court.

We had to concede that the Utah Parks Company owned the 0.25 c.f.s., that is, that it owned the spring rights to this quantity of water since that amount had been purchased from your Company and a conveyance had been made covering it. We did feel, however, that the Utah Parks Company was using more than the 0.25 c.f.s., and in addition it was claiming the 0.16 c.f.s. supposedly appropriated originally by W. H. Henderson.

After a number of conferences and correspondence between the attorney for Utah Parks Company and myself and after I had conferred several times with Mr. Shakespear and the other officers and Directors of your Company, Mr. Miner of Utah Parks Company and I finally worked out a Stipulation to settle the matter. It was presented to your Company, was approved by it, and was signed by Mr. Shakespear and myself. I am sending a copy of the Stipulation to you herewith. A copy was furnished to your Company when it was entered into but I do not know whether it is available to you now.

You will note from the Stipulation that we succeeded in getting the Parks Company to agree to install a recording meter so as to make and maintain a record of the use and of the quantity of water being pumped into its system, serving the Bryce Canyon facilities. It was agreed that Utah Parks Company had the right to use 0.25 c.f.s. of water but nothing above that amount, that its records would be available to the Utah State Engineer, and that it waived any claim to the 0.16 c.f.s. Henderson water.

-2-

It was also stipulated that a Judgment would be entered accordingly in the Appeal Case we had filed in the District Court against the State Engineer and the Utah Parks Company.

We felt that this stipulation accomplished everything that we really could have hoped to achieve by pursuing the appeal.

Through omission and inadvertence, however, the Judgment was not entered at that time pursuant to the Stipulation. I suppose it was because of a lack of communication between Mr. Miner and myself, he being in Salt Lake City and I being in Richfield. Each of us probably assumed that the other attorney would get the Judgment entered but this was not done. Since then Mr. Miner has retired.

The attorney for Utah Parks Company recently submitted to the Clerk of the Court at Panguitch a proposed form of Judgment in this matter. The fact that the Judgment had never been entered apparently came to his attention. He asked the Clerk to have Judge Don V. Tibbs enter the Judgment. I believe this has now been done, but I am writing to the Clerk to find out definitely.

I checked over the proposed Judgment and the form of Stipulation made in 1962. The Judgment is in compliance with the Stipulation, so it definitely appeared to me that it was proper for the Court to enter the Judgment. I am sending a copy of it to you herewith.

Mr. Jackson of our law firm indicated to me that there was a feeling that the Utah Parks Company or the people at the Bryce Canyon Park were making an excessive use of the water. The limited use is 0.25 c.f.s., so if they are using more than that from the source involved in the proceedings and appeal above mentioned, then they are violating the terms of the Stipulation which I now think has been reduced to a Judgment. Please let Mr. Jackson know about this. I have moved to Salt Lake City and am there more than half of the time. I do come to Richfield nearly every week in the year. Mr. Jackson, however, would be more accessible. In addition, he makes frequent trips to the Garfield County area. If the Stipulation and Judgment are being violated by Utah Parks Company, then we should complain to the Utah State Engineer and endeavor to get the situation corrected.

This letter will bring you up to date to advise you of the Stipulation and Judgment matters and the provisions thereof, but if you have any questions please let us know.

Very truly yours,



for Mattsson, Jackson & McIff

M.

Superintendent Louis W. Hallock
Bryce Canyon National Park
Bryce Canyon, Utah

Dear Sir:

The state Engineer of Utah ruled on 29th of June, 1961, that the Change Application Nos. a-3696 and a-3697 of the Utah Parks Company to change the points of diversion of 0.16 sec. ft. and 0.25 sec. ft. of water from a spring in the East Fork of the Sevier River drainage to be valid applications and approved them for the applicant, the Utah Parks Company.

The ruling further provided that a plenary review could be made by a civil action in the appropriate district court within sixty days of June 29, 1961. The Tropic & East Fork Irrigation Company did not request such a review.

Further, it is the declared intention of the Tropic and East Fork Irrigation Company, if the National Park Service, of the U. S. Department of the Interior, chooses to negotiate with the Utah Parks Company for title to this 0.41 sec. ft. of water from East Creek for use in Bryce Canyon National Park, not to interfere in any manner with such negotiations nor to issue any contention concerning the valid title of the Utah Parks Company to these subject waters.

This action has been given full approval of the Board of Directors of the Tropic & East Fork Irrigation Company.



President
Tropic & East Fork
Irrigation Company

2000 2000-14



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

March 19, 1973

INITIAL AND DATE	
Director, MWR	ROBERT C. LAMBERT
Director's Secretary	ENGINEER
Deputy Dir., MWR	
Asso. Dir., Pft. Sup.	3/22
Park Operations	TELEPHONE 328-5671
Administration	
Coop. Activities	
Operations & ai.	
Prog. & Budgeting	
Finance & Control	
Org. Dev. & Mon.	
<i>[Handwritten signature]</i>	
Action taken & date	
<i>[Handwritten mark]</i>	

United States National Park Service
1709 Jackson Street

Omaha, Nebraska 68102

Gentlemen:

Re: Change a-3697 Sevier River Decree (Area 61)
Change a-1311 & a-1660 Cert. a-224
Virgin River Decree Award 63 (81-1124)
Dil. Claim 756, Change a-3696 (61-179)

This will acknowledge receipt of document(s)
showing conveyance of title to the above-numbered
water filing(s) to you.

We have so endorsed our records.

Yours truly,

Donald C. Norseth
Donald C. Norseth
Hydrologic Engineer

mmt

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } ss.

On this 31st day of December, 1971,
before me, a Notary Public in and for said County in the State
aforesaid, personally appeared J.C. KENEFFICK, to me personally
known, and to me personally known to be the President
of UTAH PARKS COMPANY, and to be the same person whose name
is subscribed to the foregoing instrument, and who, being by
me duly sworn, did say that he is President of Utah
Parks Company; that the seal affixed to said instrument is
the corporate seal of said corporation; and that said instru-
ment was signed and sealed on behalf of said corporation by
authority of its board of directors; and the said J.C. KENEFFICK
acknowledged said instrument to be his free and
voluntary act and deed, and the free and voluntary act and
deed of said corporation, by it voluntarily executed, for the
uses specified therein.

IN WITNESS WHEREOF, I have hereunto set my hand
and official seal the day and year last above written.

My commission expires MARCH 11, 1975



R.E. H. Limberg
Notary Public

Residing at OMAHA, NEBRASKA 68102

(Seal)

BOOK 178 PAGE 493

C. D. No. 32482-31

QUITCLAIM DEED

LOS ANGELES & SALT LAKE RAILROAD COMPANY, and its lessee, UNION PACIFIC RAILROAD COMPANY, corporations of the State of Utah, Grantors, hereby QUITCLAIM to UTAH PARKS COMPANY, a corporation of the State of Utah, Grantee, for One Dollar (\$1.00), all their right, title and interest, if any, in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of Zion, Bryce and Grand Canyon (North Rim) National Parks and Cedar Breaks National Monument, but used in conjunction with the Grantee's facilities located in said Parks and Monument, in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona, and Iron County, Utah; and in and to water rights and waters of all springs located within said Parks and Monument, including specifically the water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah. (CEDAR BREAKS)

IN WITNESS WHEREOF, the Grantors have caused these presents to be executed on their behalf by their officers thereunto duly authorized as of the 31st day of December, 1971.

In Presence of:

DE Whitten

LOS ANGELES & SALT LAKE
RAILROAD COMPANY
UNION PACIFIC RAILROAD COMPANY,

By J. C. Hester
President

Attest:

Assistant Secretary (Seal)
Assistant Secretary

12/31/62

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
IN AND FOR GARFIELD COUNTY, STATE OF UTAH

TROPIC & EAST FORK IRRIGATION
COMPANY, a corporation,

Plaintiff,

v.

WAYNE D. CRIDDLE, STATE ENGINEER
OF THE STATE OF UTAH, and UTAH
PARKS COMPANY, a corporation,

Defendants.

STIPULATION

Civil No. 1858

WHEREAS, pursuant to applications filed by Utah Parks Company with the Utah State Engineer, the Utah State Engineer heretofore approved two applications for permanent change of point of diversion and place of use of water rights claimed by applicant, Utah Parks Company. Change Application No. a-3696 sought to change the point of diversion of 0.16 second feet of water which Utah Parks Company claimed as successor to one W. H. Henderson. Change Application No. a-3697 sought to change the point of diversion of 0.25 second feet of water claimed by defendant Utah Parks Company as successor to Tropic & East Fork Irrigation Company. Both of said applications were approved by the State Engineer, after which, and as a result of which, the instant and above entitled action was filed in the District Court of the Sixth Judicial District in and for Garfield County.

Since the date of the filing of said action, negotiations have been carried on between plaintiff and defendant, and pursuant to such discussions and negotiations and as a basis for discontinuing said lawsuit,

IT IS NOW HEREBY STIPULATED AND AGREED between the plaintiff and defendant Utah Parks Company as follows:

1. The Utah Parks Company will install on its pumping system at the wells in East Creek on the East Fork of the Sevier River a recording meter so as to make and maintain a record of the current and total amount of water being pumped from said wells into the water

supply system of the Utah Parks Company, serving its Bryce Canyon facilities.

2. The Tropic & East Fork Company agrees that Utah Parks Company is entitled to, and may at any and all times when needed by it, pump from such wells into its water system up to but not exceeding 0.25 cubic feet per second of water; and Utah Parks Company on its behalf agrees that it will not at any time take or pump from such wells into its water system any amount of water in excess of 0.25 cubic feet per second.

3. From the recording meter installed on such pumping system said Utah Parks Company will keep and retain records of the amounts of water so pumped, and shall, if requested by the Utah State Engineer, make such reports thereof as may be requested, and shall otherwise keep the records of the amounts of water so pumped available for inspection by the Utah State Engineer or any proper representative of such Utah State Engineer.

4. The Utah Parks Company waives any right or claim it may have to the 0.16 cubic feet per second of water claimed under W. H. Henderson and waives any right or claim it has or may have asserted to any of the waters rising in the spring area or in the vicinity of its pumps as referred to in Change Applications a-3696 and a-3697 over and above or in addition to the 0.25 cubic feet per second referred to herein of Utah Parks Company, and which right to 0.25 cubic feet per second is hereby acknowledged by Tropic & East Fork Irrigation Company as herein set out.

5. It is further stipulated that the above entitled court may enter its judgment and decree herein based upon the foregoing stipulation, confirming to the Utah Parks Company the right to such 0.25 cubic feet per second of water and denying said defendant Utah Parks Company any right to any water over and above said amount of 0.25 cubic feet per second as herein referred to.

Dated this 31st day of December 1962.

TROPIC & EAST FORK IRRIGATION COMPANY

Attest:

By Wm. H. Johnson
President

Plaintiff

Lawel M. Miller
Attorney for Tropic & East Fork
Irrigation Company

Secretary

UTAH PARKS COMPANY

By W. D. Criddle
General Manager

Defendant

A. U. Miner
Attorney for Utah Parks Company

The foregoing Stipulation is hereby approved, and the defendant Wayne D. Criddle as the State Engineer of the State of Utah hereby consents that a decree may be entered by the Sixth Judicial District Court pursuant to such stipulation.

Wayne D. Criddle



IN REPLY REFER TO:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Bryce Canyon National Park
Bryce Canyon, Utah

July 20, 1961

RECEIVED	
WFO REGION THREE OFFICE	
JUL 24 1961	
SEARCHED	INDEXED
SERIALIZED	FILED
EX-7/25	
43-222	
SOLICITOR	
FILES	

Memorandum

To: Regional Director, Region Three

From: Superintendent, Bryce Canyon

Subject: Water Rights - Utah Parks Company vs. Tropic and East Fork Irrigation Company,

There are two copies attached of the report of the Utah State Engineer resulting from the hearing held in Panguitch, Utah on March 22, 1961. This hearing was in the matter of change applications Nos. A-3696 and A-3697 by the Utah Parks Company.

I am sure you will find the report interesting, and I am anticipating that the Tropic and East Fork Irrigation Company may file a civil action as explained in the last paragraph of the report. However, it is still too early for me to have learned of specific reactions.

Louis W. Hallock
Louis W. Hallock
Superintendent

Attachments (2)

RECEIVED WITH MEMO OF 7/27/61

L. S. Bica

C
O
P
Y

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE

APPLICATION NOS. a-3696

and a-3697

)
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)
)
)
MEMORANDUM DECISION

Change Applications Nos. a-3696 and a-3697 were filed by Utah Parks Company and seek to change the points of diversion of 0.16 sec.-ft. and 0.25 sec.-ft. of water, respectively. The first change pertains to a right evidenced by Diligence Claim No. 756 of record in the office of State Engineer and the second is covered by deed from the Tropic and East Fork Irrigation Company. The water was formerly diverted from a spring area in the East Fork Sevier River Drainage and the applicant now proposes to take this water from wells driven in this spring area. The changes were protested by the Tropic and East Fork Irrigation Company and a hearing held at Panguitch, Utah, March 22, 1961.

The protestant questions the validity of the diligence right and has stated that the deed conveying this diligence right from William J. Henderson, Jr., to the predecessor of the Utah Parks Company could, therefore, not convey any right. They would further contend that the deed which the irrigation company gave to the applicant's predecessor conveyed only whatever water flowed from some seven springs and that the 0.25 sec.-ft. is not a measure of the right conveyed. They would further urge that the change applications constitute an attempt to enlarge upon the company's rights by taking water from wells instead of relying upon whatever water flows from the springs.

From the information available to this office, it is our opinion that the proposed wells will intercept the same source of supply as supplied the springs in this area; therefore, the applicant is merely changing his method and point of diversion from this source of supply. This is not an enlargement of the prior right or a new appropriation, but rather a change of this right whereby this appropriator can be assured of his supply. This we think, is the type of development of the water resources in this state that

Re: Apps. Nos. a-3696
and a-3697

-2-

could be encouraged whenever the change can be made without substantial impairment of existing rights.

The statute, 73-3-3, Utah Code Annotated, 1951, recognizing the right of an owner to change his water right does not make any distinction between surface or underground water, nor do we think there should be any, so long as we are concerned with the same source of supply.

As to the question of applicant's rights upon which these changes are based, we are of the opinion that the applicant has made a prima facie showing of his water right and sufficient information has not been submitted to overcome this showing.

Based on the above finding it is ordered that Change Application Nos. a-3696 and a-3697 be APPROVED and copies bearing this notation are forwarded to the applicant.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from date hereof.

/ Dated this 29th day of June, 1961.

Wayne D. Criddle
STATE ENGINEER

CC/ Utah Parks Company
c/o A.U. Minor
419 South Main
Salt Lake City, Utah

Tropic and East Fork Irrigation Co.
Harmond Shakespear, Pres.
Tropic, Utah

CC/ Gustin, Richards & Matteson
Attorneys at Law
151 North Main Street
Richfield, Utah

Mr. Louis W. Haddock, Supt.
Bryce Canyon North Park
Bryce Canyon, Utah



C O P Y

IN REPLY REFER TO:

L-54

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

October 6, 1958

Memorandum

To: Regional Chief of Operations

From: Regional Chief of Lands

Subject: Informal Water Rights Hearings, Utah Parks
Company vs. Tropic and East Fork Irrigation
Company, Bryce Canyon National Park

On Tuesday, September 23, in company with Geologist I. Wendell Marine (who prepared the Groundwater Resources of the Bryce Canyon National Park Area report), Superintendent Bean and Chief Ranger Stanley E. Broman, I attended the hearings at Panguitch, Utah regarding the Utah Parks Company's water rights. The hearings were informal and a continuation of hearings held approximately one and one-half years ago. The hearings were conducted by Hubert Lambert and Robert Porter representing State Engineer, Wayne D. Criddle.

Mr Porter stated he understood that since the last hearing the United States Geological Survey, in co-operation with the National Park Service, had prepared a report regarding possible sources of water at Bryce Canyon National Park. Mr. Porter then called on Mr. I. Wendell Marine to make a statement regarding the report. Mr. Marine read a brief synopsis of the report and explained to the group that the report had been released to the open file as of September 23, 1958. He advised it could be consulted at the Geological Offices, 503 Federal Building, Salt Lake City, Utah, at Washington, D.C. and at the Region Three Office of the National Park Service in Santa Fe. However, Mr. Marine qualified this statement to the group by reminding them the release had just been obtained and it would require approximately one week to type certain changes before the report could actually be consulted.

C O P Y

As background information the Utah Parks Company upon failure of the springs in East Creek, made application to the State Engineer for a well and immediately drilled a well and placed it in operation. Sometime later they made application for a second well and drilled it and at that time received a protest from the Tropic and East Fork Irrigation Company. At the time the protest was received, it was naturally assumed by the Utah Parks Company that the protest was for the second well. However, through an error in the State Engineer's Office it was discovered the first well had never been advertised and the protest was actually on the first well which had been drilled and, I believe, Application 27154 for $\frac{1}{4}$ second foot. It is my understanding that the second application, No. 27385, is for $\frac{1}{2}$ second foot. It is the contention of the Utah Parks Company that the two wells are a substitution for surface rights which the Utah Parks Company purchased from the Tropic and East Fork Irrigation Company several years ago. The representatives of the State Engineer's Office advised that the second application of the Utah Parks Company (Application 27385) has never been advertised.

At the informal hearing Mr. A. U. Miner, attorney for the Utah Parks Company, filed several new documents with the State Engineer. One of these documents was for a diligence right for domestic and stock watering purposes developed by Mr. W. J. Henderson. This was for .16 cfs. for the period April 1 to November 1 of each year. Mr. Miner pointed out to those present that this was not an application but a right he claims for the Utah Parks Company through purchase of the Henderson property and Mr. Miner proposes to take the Henderson rights which were surface (from springs) and attach these rights to a well. In the discussion at this point, Mr. Miner referred to the "Cox Decree" under the 1919 laws. It was Mr. Miner's contention that the Cox decree covered the tributaries to the Sevier River but Mr. Henderson, since his rights were on East Creek (a tributary to East Fork) did not receive a notice and, therefore, did not file and was not mentioned in the Cox decree.

In general the meeting was friendly although the attorney for the Tropic and East Fork Company most familiar with the background was ill and could not attend the meeting.

C O P Y

The Tropic and East Fork Company was represented by an attorney who was, perhaps, at a disadvantage because of his unfamiliarity with past proceedings.

The main point of contention by the parties appeared to be the nature of the rights (.25 cfs.) which the Utah Parks Company purchased from the Tropic and East Fork Irrigation Company and started using about 1925 or 26. Mr. Miner contended the Utah Parks Company purchased "all of the water from the springs, .25 cfs. more or less". Mr. Miner attempted to build his case on the "more or less" phraseology in the deed and stated that, if necessary, he would "go to court" on that point.

The Tropic and East Fork Irrigation Company representatives take the position the water sold to the Utah Parks Company (.25 cfs. more or less) meant only such water as might be available from the springs on any given year (wet or dry) and did not guarantee a specified amount of water as contended by Mr. Miner. The Tropic and East Fork Irrigation people also think the two wells, Applications 27154 and 27385, would guarantee a fixed amount of water and could quite conceivably exceed the .25 cfs. originally sold to the Utah Parks Company.

At this point representatives of the State Engineer's Office assured all present that it would be the duty of the State Engineer to determine that the Utah Parks Company did not exceed the amount purchased originally. At this point Mr. Porter of the State Engineer's Office inquired of the Utah Parks Company representatives if they had any record of use over the past several years.

Mr. Croft testified that in 1930 water was scarce and he gave a figure of 57,000 gallons per day in the middle of the summer. He also stated that in 1932 two pumps produced 180 gallons per minute per eight hour shift. He further stated that the cement collecting tanks were installed in 1932 and the capacity of the collection sumps (tanks) was 50,000 gallons. In 1931 pumping from the springs, the water was low enough that they had to operate the pumps in shifts and then shut the pumps down and wait for the water to collect in the sumps. Further statements by Mr. Croft revealed an average (perhaps near peak use) of 125-130 thousand

C O P Y

gallons per day. Mr. Croft also testified that in times of shortage when water was not available a saving was made by reduction in the amount used in the laundry and by discontinuing washing cars and buses and changing the flush valves on toilets to use the minimum amount of water. At such times the company also places cards in all cabins calling attention to the water shortage and requesting that guests use a minimum amount.

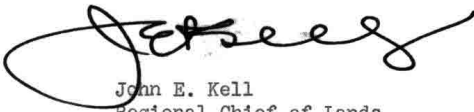
After Mr. Croft made these statements, Mr. Porter determined that the Utah Parks Company must prepare a written report covering as accurately as possible the amount of water that has actually been used over the past years. Mr. Croft and Mr. Miner will prepare this statement and present it to the State Engineer's Office. At that time the second well application, 23785 which thus far has not been advertised, will be advertised under regulations of the State Engineer. From my interpretation of the testimony at the hearing it is believed the Tropic and East Fork Irrigation Company will not protest again unless there is an attempt by the Utah Parks Company to enlarge the right purchased from the Tropic and East Fork Irrigation Company. At the hearing it was agreed by all parties that the conveyance from the Tropic and East Fork Irrigation Company to the Utah Parks Company must be subtracted from the over-all water owned by the Tropic and East Fork Irrigation Company.

I am not certain if the "diligence right" purchased from the Hendersons is to be over and above the amount purchased from the Tropic and East Fork Irrigation Company. There was some testimony to the effect that the diligence right was interjected only to prevent any outstanding rights remaining on East Creek other than those claimed by the Utah Parks Company. This matter was never clearly settled and at one point in the testimony representatives from the Tropic and East Fork Irrigation Company claimed the same water. Mr. Miner had a son of Mr. Henderson testify the Hendersons, during periods of early use, had 1,000 head of cattle. He also testified the water was used from 1900 to 1926. The diligence right of .16 cfs. if allowed in full would presumably be based on the amount of water required for 1,000 head of cattle.

It is my understanding that the change in point of diversion has not actually been filed although Mr. Miner testified that his personal check covering the filing fee was in the

C O P Y

State Engineer's Office. Presumably the change application filed by the Utah Parks Company will not be processed until Mr. Croft prepares his written report, the second well, Application No. 27385, is advertised and then it is presumed the change application will follow.



Joan E. Kell
Regional Chief of Lands

Copy to: Supt., Bryce Canyon
Director (2)

W. O. D. C.
Arches ✓

Recopied 10/28/58 for water right docket assembly.



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

May 22, 1957

IN REPLY REFER TO:
154-L BCC

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Rights of Utah Parks Company to Waters of East Fork of Sevier,
Alien Water Right No. 2, Bryce Canyon

REG. DIRECTOR
ASST. REG. DIRECTOR
CHIEF, DIV. OF ADMIN.
CHIEF, DIV. OF OPERATIONS
CHIEF, DIV. OF INTERP.
CHIEF, DIV. OF GEOG. ACT.
FIELD SOLICITOR
<i>Kell</i>
ACTION TAKEN
FILE

Attached is your assembly of Alien Water Right No. 2 which now contains only copies of the leases and deeds to the Utah Parks Company, and my sketch. I am reasonably certain that there are copies of the instruments in the letter files at Zion, and probably in your Office, but they should be made more readily available to as part of the Alien Water Right which is hereby started.

The report on the hearing on Application 27154, forwarded with memorandum of May 6 from Mr. Kell, suggests that UPCo. has rights to only the 0.16 sec.ft. which it originally leased. I think it has rights to 0.25 sec.ft. by subsequent deeds.

It also seems to me that the UPCo. has rights to the 0.25 sec.ft. from the springs under rights established by the Tropic and East Fork Irrigation Company under unknown priority, but the UPCo. does not seem to have complied with State water laws to amend the point of diversion, place and purpose of use. That is one angle of the problem which I think still needs legal consideration, at this time by the UPCo. and not the Park Service so far as it relates to the immediate problem.

A copy of Application 27154, and also of the later application, should ultimately be inserted in Part II of the Assembly. At the moment, however, my greatest concern is over whether the UPCo. has been wise in filing either application for "appropriation" if the total diversion and use is within the 0.25 sec.ft. The application should have been for "Right of Exchange of Water" from surface springs to groundwater. I base this on the forms and correspondence from the State Engineer in connection with Federal rights at Timpanogos. Of course there will have to be an application for supplemental "Appropriation" for any water in excess of 0.25 sec.ft. (or 0.16 sec.ft.) which can now be withdrawn from the wells.

These ideas of mine can be confirmed or rejected much better after the Geological Survey reports on its current study. However, since

the Park Service and UPCo. have a common interest in the best rights, they should be considered by the Regional Solicitor, and possibly referred to the UPCo., if the Regional Solicitor agrees.

A separate copy of the leases and deeds, and my sketch is attached for possible use in your correspondence with the Regional Solicitor or UPCo.



A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Bryce Canyon, w/c AWR No. 2
Chief, WODC, w/c AWR No. 2

Tropic, Utah,
August 31st, 1931.

Mr. T.A.Wells,
Cedar City, Utah.

Dear Mr. Wells:

Your letter of August 24th arrived, also a letter from Mr. Croft, under date of August 29th, with reference to the water now being used at Bryce Lodge, pumped from the East Creek Sump, and which you feel the price of \$5000.00 is entirely too high, we therefore submit the following:

You state in your letter you have developed more water and feel you have enough to care for your requirements. We feel you are using water that does not rightfully belong to you, and believe you will agree with us if you will make a careful study of your Blue Print and deed for the seven springs. The water developed under the new sump at East Creek is entirely out of your boundary lines.

We suggest that you people get together and make us an offer. We believe this to be the fairest move, and we will do all in our power to cooperate with you.

It is not our desire to be unreasonable in our dealings with you and for this reason we would rather you make the price, and if all is agreeable will close the deal. All we want is an offer on the water covered by your inclosure at East Creek,

Yours very truly,

TROPIC & EAST FORK IRRIGATION CO.

By Wm. Adair
President

COPY

Cedar City, Utah, August 15th, 1931.

Mr. F.E.Lewis:

Referring to our phone conversation few days ago with reference to letter received by Mr. Croft from Tropic and East Fork Irrigation Company, concerning purchase of their springs:

I quote below letter received by Mr. Croft:

"Tropic, Utah,
July 30, 1931.

Utah Parks Co.
% George Croft,
Cedar City, Utah.

We would like to know what your Company has decided about the offer we made you June 11th, 1931, on the East Creek water.

Kindly let us know by return mail and oblige.

Tropic & East Fork Irrigation Co.

Harmon Shakespear,
Sec'y."

I had in mind advising them that no action had been taken as yet on their proposition, as our water situation is very favorable in spite the dry year, and that our springs were developing more water than our requirements at the present time.

Will you kindly advise if such reply would be satisfactory, or advise what reply should be made.

TAN/R

Original
Signed by

T.A. WELLS

Form 2191 UNION PACIFIC SYSTEM				C.S. 8-30-5000 M	
TELEGRAM	SYMBOL	X	CLASS OF SERVICE REQUIRED		Indicate by X in proper line the class of service required. Do not specify preferred service if other service will answer the purpose.
	Px		Preferred	Immediate delivery	
	Dx		Day	Delivery during day	
	Nx		Night	Delivery by next morning	

Mailgram

Omaha Aug 19 1931

Mr. M.M. Jeffers Omaha

Mr. Lewis' mailgram of August 17th relative to water situation at Bryce Canyon:

It would be my recommendation that we advise the Tropic & East Fork Irrigation Co. that in spite of the dry conditions we have obtained ample water from our facilities, in fact our holdings are developing more water than our requirements, and that we feel price quoted by them for their water is entirely too high but if they would quote us a reasonable price matter would be given further consideration.

I feel that \$1,000 would be ample for the water rights and water which they propose to sell.

CC Mr. W.E. Lewis

H.C. Mann

COPY

Form 2191 UNION PACIFIC SYSTEM				C.S. 8-30-5000 M
TELEGRAM	SYMBOL	X	CLASS OF SERVICE REQUIRED	
	Px		Preferred	Immediate delivery
	Dx		Day	Delivery during day
	Nx		Night	Delivery by next morning
Time Filed _____ M		Indicate by X in proper line the class of service required. Do not specify preferred service if other service will answer the purpose.		
Omaha Aug 21 31 FEL Ogden Replying to your mailgram A-5 Aug. 17th. It would be my suggestion that we advise the Tropic and East Fork Irrigation Company that in spite of the dry conditions we have obtained ample water for our facilities, in fact that our holdings are developing more water than our requirements, and that we feel price quoted by them for their water is entirely too high, but if they would quote us a reasonable price matter would be given further consideration. J-95. Orig. FEL Copy HCM. MMJ Copy				

Ogden, Utah, Aug. 21, 1931.

Mr. T.A.Wells:

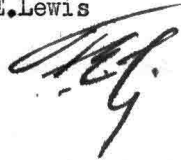
Referring to your letter of August 15th quoting letter addressed to Utah Parks Company Care Mr. Croft by the Tropic & East Fork Irrigation Company, and concerning offer they made on June 11th covering additional springs arising in areas on East Creek or supplement to our present water supply:

I hand you copy of my mailgram to Mr. Jeffers August 17th A-5, also copy of Mr. Mann's mailgram to Mr. Jeffers August 19th, from which you will note Mr. Mann feels that \$1000.00 would be ample for the water rights and water this company proposes to sell.

Also hand you copy of Mr. Jeffers wire to me even date J-95. I have replied to Mr. Jeffers that we would arrange to advise the Tropic people accordingly, and have drafted proposed letter which I feel embodies the suggestions made by Mr. Jeffers with slightly different wording.

If you feel after reviewing his wire that you can draft a better response and still cover his suggestions, proceed accordingly, and let me know in due time what you hear from the Tropic and East Fork Irrigation Company.

F.E.Lewis



FEL L
Encl.

UTAH PARKS COMPANY

Cedar City, Utah,
August 22, 1931.

Tropic & East Fork Irrigation Co.,
Tropic, Utah.

Gentlemen:

Referring to your letter of July 30th addressed to the Utah Parks Company Care Geo. Croft, and concerning your offer of July 11th to sell to Bryce Canyon Lodge, owned by the Utah Parks Company, additional water supply from any and all springs arising on East Creek, situated in Garfield County, Utah, as more specifically referred to, and for the sum of \$5,000.00.

In spite of the very dry conditions this summer, we have obtained ample water for our facilities - in fact, our present holdings are developing considerably more water than our requirements.

We feel that price you quote for the additional water is entirely too high, but if you will revise your price to a basis we consider reasonable for the additional water, the matter will be given further consideration.

Yours very truly,

Supt. Lodge & Hotel Service.

Ogden, Utah, Sept. 11, 1931. *File*

Mr. Geo. H. Smith:

We have on instructions from Mr. W.M. Jeffers, been negotiating with the Tropic & East Fork Irrigation Company for the purchase of additional water rights at Bryce, and that Company offered to sell us, for \$5000.00, the right to use up to and including one half of a second foot of water from any and all springs arising on East Creek, situated in Garfield Country, this one-half second foot being in addition to the right to one-fourth second foot from the same source, previously secured from this Irrigation Company.

We have regarded the ^{additional} price mentioned as high, for the reason that a majority of the water we would secure would have to be pumped, entailing considerable expense for piping and also pumping. Furthermore, notwithstanding the very dry conditions this summer, we have been able to secure from our present holdings, including water from spring developed from bottom of new sump addition constructed this year adjoining pumping station, and as result of new tiling laid in land we own, more than sufficient water to meet this season's requirements. I attach copy of formal offer June 11th, 1931 from Tropic & East Fork Irrigation Company, and copy of Mr. Wells' letter of August 24th in which the Irrigation Company was advised of our position (their letter of August 12th referred to by Mr. Wells was a tracer for reply to their offer of June 11th), also attach copy of the Irrigation Company's letter of August 31st in reply.

Mr. Wells has advised us in this connection as follows:

"On August 29th the officers and board of directors of the Tropic and East Fork Irrigation Company came up to Bryce Lodge, and it so happened that our Mr. Croft was at Bryce at the time. They had just received my letter of Aug. 24th, and apparently their visit was for the intention of registering a complaint of the use by us of the water coming from spring under the new sump, which was encountered during construction of the sump, and which water we had been securing when our pumps were working by use of small centrifugal pump. They advised Mr. Croft that they had not said anything about the use of this water previous to this time on account of not having heard anything definite as to our making purchase of additional water, as per their offer of June 11th. They then expressed their desire to go over to the springs and Mr. Croft accompanied them. One of the officers of the company expressed himself to Mr. Croft that he thought we were not entitled to water we were collecting in our drainage tile, it being his idea that all the water we should have was to come directly from the seven springs and not any seepage. Mr. Adair, President of the company, however, did not hold the same objection, but he and all other officers of the company expressed themselves that we were not entitled

-2-

to the water coming from under the new sump, they claiming that this water seeps down the valley and comes out in a spring lower down on their creek. Mr. Croft did not know at the time of their visit just how long we had not been using the water from under the sumphouse, but that evening after talking with pumper he found out that we had not been using this water for about six weeks, as it was not required, and Mr. Croft then wrote the Irrigation Company that evening advising them of this fact, and also suggesting that they submit a new offer to us, and this is the letter of Aug. 29th that they refer to as having been received from Mr. Croft. Mr. Croft phoned me about their visit and I told him to tell them to submit a new offer if they cared to, and as they had returned to Tropic it was necessary for Mr. Croft to drop them the note.

"The deed from the Tropic and East Fork Irrigation Company when our water rights were purchased from them, definitely locates seven springs as the source of our water supply. Copy of this deed is attached. The land on which these springs are situated, together with the other land which is enclosed by fence at the pumphouse area was purchased from William J. Henderson and Wife by the LA&SLRR, and deed covering this purchase was forwarded by General Solicitor G.H. Smith to Mr. C.C. Barry, Auditor of the LA&SLRR, under date of April 2nd, 1926. Auditor Cottingham does not have this deed on file in his office, but correspondence does show that Henderson and Wife conveyed the land and their interest in and to the waters of all springs arising upon the land. We do not know just what their interest in the waters of all springs consisted of, but it is the impression that Henderson claimed some interest in the water coming down East Creek or in springs on the land along with the Tropic and East Fork Irrigation Company, and this is what he relinquished to the Railroad Company.

"From our records it seems that part of the land purchased from Mr. and Mrs. Henderson was subsequently exchanged with the Government for an equal amount of land to the east, in order to better protect the spring area from cattle, etc., but this exchange did not involve the land on which the springs or pumphouse, etc. is located."

As we understand you handled both the purchase of the seven springs from the Irrigation Company and the land acquired from the Hendersons, before we proceed any further in our present negotiations with the Irrigation Company I will be glad to have your opinion as to their contentions.

Our records show you have copy of the deeds from the Irrigation Company and the Hendersons. In connection with deed from the Hendersons, Mr. Wells made the following comment:

"In checking over copy of deed from Mr. & Mrs. Henderson, it is noted that it shows 'South West Quarter of the North West

-3-

Quarter.' This should have read 'South East Quarter of the North West Quarter' and our records show that Mr. Adams, Right of Way Agent of Los Angeles was to have this corrected."

The Mr. Croft referred to in the correspondence is Mr. George A. Croft, who is in the employ of the Utah Parks Company as Supervisor of Maintenance, and is on Mr. Wells' staff.

Original
Signed By

F.E.Lewis

Encl.

CC Mr. T.A.Wells.

1a

LEASE

from

Tropic & East Fork Irrigation Company

for water

from

East Creek branch of East Fork

near

BRYCE CANYON

5

26

LEASE

Tropic and East Fork Irrigation Company, a corporation of Utah, lessor, hereby leases to Los Angeles & Salt Lake Railroad Company, a corporation of the State of Utah, lessee, for the term of ten years from the date hereof, sixteen hundredths (0.16) second feet of water to be taken out of the stream upon the property of William J. Henderson on the East Creek branch of East Fork:

The lessee shall pay to the lessor rental for the use of said water at the rate of Five (\$5.00) Dollars per year, payable annually in advance.

The lessor also grants to the lessee the right to renew this lease, at the option of the lessee, for a further term of ten years.

IN WITNESS WHEREOF, the lessor has caused these presents to be executed by its Vice President and Secretary, pursuant to a resolution passed by its Board of Directors on June 18, 1925.

Executed at Tropic, Utah, this 18th day of June, 1925.

TROPIC AND EAST FORK IRRIGATION CO.,

By W. J. Shakespear
Vice-President

Attest:

E. H. Smith
Secretary

(Seal)

STATE OF UTAH :
 : ss
COUNTY OF GARFIELD:

On this 18th day of June 1925, personally appeared before me, W. J. Shakespear and E. H. Smith, known to be to be the Vice-President and Secretary, respectively of Tropic and East Fork Irrigation Company, and duly acknowledged to me that said Company executed the same.

Reuben J. Shay

Notary Public

My Commission expires

March 3, 1928

(Seal)

BE IT RESOLVED by the Board of Directors of Tropic and East Fork Irrigation Company that this Company lease for ten years to Los Angeles & Salt Lake Railroad Company sixteen hundredths (0.16) second feet of water of this Company to be taken on upon the property of William J. Henderson on East Creek, a branch of the East Fork; and that the Vice President and Secretary of this Company be authorized to execute such lease and to grant to said Company the option to renew such lease for a further term of ten years.

I hereby certify that the foregoing is a true copy of a resolution passed by the Board of Directors of Tropic and East Fork Irrigation Company at a meeting held June 18, 1925.

E. H. Smith,
Secretary

(Seal)

8

D E E D

from

WILLIAM J. HENDERSON, JR.

and

ELIZABETH W. HENDERSON
his wife

to

LOS ANGELES & SALT LAKE RAILROAD COMPANY

covering

land and water rights in

Garfield, Count, Utah

dated

March 22, 1926

WARRANTY DEED.

WILLIAM J. HENDERSON, JR., and his wife, ELIZABETH W. HENDERSON, of Panguitch, County of Garfield, State of Utah, hereby CONVEY AND WARRANT TO LOS ANGELES & SALT LAKE RAILROAD COMPANY, grantee, of Salt Lake City, Utah, for the sum of twenty-five hundred and no/100 (\$2500.00) dollars, the following described tract of land in Garfield County, State of Utah:

Northeast Quarter of the Southwest Quarter,
Southwest Quarter of the Northwest Quarter,
and the South Half of the Northeast Quarter
of the Northwest Quarter, Section Thirty-
Four, Township Thirty-Six South, Range Four
West, Salt Lake Meridian, containing one
hundred acres.

And the said Grantors also quit-claim unto the said Grantee their interest in and to the waters of all springs arising upon the above described tract of land.

WITNESS the hands of said grantors this twenty-second day of March, A. D. nineteen hundred and twenty-six.

Signed in Presence of

MAGGIE FOY

WILLIAM J. HENDERSON, JR.

H. C. TEBBS

ELIZABETH W. HENDERSON

STATE OF UTAH)
COUNTY OF GARFIELD) ss.

On the twenty-second day of March, A. D. nineteen hundred twenty-six personally appeared before me William J. Henderson, Jr., and his wife, Elizabeth W. Henderson, the signors of the above instrument, who duly acknowledged to me that they executed the same.

ARVIL E. FULLMER
Notary Public
Circleville, Utah.

(Seal)

My commission expires Jan. 19, 1930.

D E E D

from

TROPIC & EAST FORK IRRIGATION COMPANY

to

LOS ANGELES & SALT LAKE RAILROAD COMPANY

covering

7 springs in the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Tp. 36 So. Range 4 West
Garfield County, Utah

Dated

February 24, 1926

D E E D

TROPIC & EAST FORK IRRIGATION COMPANY, a corporation of the State of Utah, Grantor, hereby grants and conveys unto LOS ANGELES & SALT LAKE RAILROAD COMPANY, a corporation of the State of Utah, Grantee, for the sum of One Thousand Five Hundred (\$1,500.00) Dollars, all the right, title and interest of the Grantor in and to the waters of those certain springs located and rising in the East half ($E\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section Thirty-four (34), Township 36 South, Range 4 West, Garfield County, Utah, located and described as follows:

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $2^{\circ} 26'$ West a distance of 3462.1 ft. to Spring No. 1.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $3^{\circ} 11'$ West a distance of 3637.6 ft. to Spring No. 2.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $3^{\circ} 46'$ West a distance of 3653.5 ft. to Spring No. 3.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $4^{\circ} 30'$ West a distance of 3772.6 ft. to Spring No. 4.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $3^{\circ} 23'$ West a distance of 3880.0 ft. to Spring No. 5.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West, Salt Lake Base and Meridian, thence North $4^{\circ} 07'$ West a distance of 3900.3 ft. to Spring No. 6.

Beginning at the Quarter Corner of Section 34 and Section 3, Township 36 South, Range 4 West Salt Lake Base and Meridian, thence North $3^{\circ} 29'$ West a distance of 3949.9 ft. to Spring No. 7.

The flow of the above described springs consists of approximately twenty-five hundredths (0.25) second feet of water, more or less.

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IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed by its duly constituted officers this 24 day of February, 1926.

TROPIC & EAST FORK IRRIGATION COMPANY

By WM. ADAIR,
Its President

Attest:

E. H. Smith,
Secretary.

(Seal)

ACKNOWLEDGEMENT.

State of Utah)
) ss.
County of Garfield)

On the 24 day of February, 1926, personally appeared before me Wm. Adair, who being by me duly sworn did say that he is the president of Tropic & East Fork Irrigation Company, and that said instrument was signed in behalf of said corporation by authority of a resolution of its stockholders and board of directors, and said Wm. Adair acknowledged to me that said corporation executed the same.

MAURICE COPE,
Notary Public,
Tropic, Utah.

(Seal)

My commission expires March 5, 1928.

34

L E A S E

from

W. J. Henderson and Wife

for

water

from

Spring on Henderson's Property

near

BRYCE CANYON

LEASE

W. J. Henderson and Elizabeth W. Henderson, his wife, of Panguitch, Garfield County, Utah, lessors, hereby lease and let unto Los Angeles & Salt Lake Railroad Company, a corporation of the State of Utah, lessee, for the period of twenty five years from the date hereof, the following:

Sixteen hundredths (0.16) second feet of water which rises to the surface of the ground in the west half of Section thirty four (34) Township Thirty six (36) South, Range four (4) West Salt Lake Meridian, for the construction occupation, maintainance and use of a pump house and pipe line, the location of which is to be made upon the ground by the lessee.

The lessee agrees to pay to the lessors for the use and enjoyment of the aforementioned property, rental during the term hereof at the rate of Fifty (\$50.00) Dollars per annum, payable annually in advance. Any portion of the above described water not used by the lessee shall be diverted into the creek.

If, during the term hereof, the lessors desire to sell all or any portion of the above described property, the lessors shall give to the lessee a preference right to purchase the same for the amount of any bona fide offer which may be had by the lessors.

Witness the hands of the lessors this 18th day of June,
1925.

W. J. Henderson

Elizabeth W. Henderson

Signed in the presence of

W. K. Miller.

STATE OF UTAH :
: ss
COUNTY OF GARFIELD:

On this 20th day of June A.D. 1925, personally appeared
before me W. J. Henderson and Elizabeth W. Henderson the
signers of the within instrument who duly acknowledged to
me that they executed the same.

Parley Ipsen
Notary Public residing at
Panguitch, Utah.

(Seal).

My commission expires

No. 13990
Recorded June 20th, 1925
in Miscellaneous Records
Book 8 at Page 87
Garfield Co., Utah
Maggie Foy
Co. Recorder

Region Three
Santa Fe, New Mexico
May 16, 1961

L-54
BRCA

Memorandum

To: Director
From: Acting Regional Director
Subject: Report of Utah Parks Company to State Engineer,
Utah - Water Use - Alien Water Right Docket No. 2,
Bryce Canyon

Attached are two copies of water use report sent to us by the Superintendent, Bryce Canyon. They were requested from the Utah Parks Company.

This is probably a report of source measurement and not of water actually used.

We have placed copies of these in our Alien Water Right Docket No. 2 and by copies of this memorandum are sending them to WODC and Superintendent, Bryce Canyon.

James M. Carpenter
Acting Regional Director

In duplicate

Attachments

Copy to: Chief, WODC (2) w/attachments
Supt., Bryce Canyon w/attachments

COPY

BRYCE WATER SUPPLY

Over flow from collection sump supplied from U. P. Springs on East Creek. Measured with a 90° vee notch weir.

<u>1959</u>	<u>Flow over Weir</u>			
May 10	4½"	=	.022 sec. ft.	= 101 gal. per min.
May 21	3"	=	.080 sec. ft.	= 36 gal. per min.
June 16	3"	=	.080 sec. ft.	= 36 gal. per min.
June 29	2 3/4"	=	.065 sec. ft.	= 29 gal. per min.
July 3	2 3/4"	=	.065 sec. ft.	= 29 gal. per min.
July 16	2½"	=	.052 sec. ft.	= 23 gal. per min.
July 29	2½"	=	.052 sec. ft.	= 23 gal. per min.
August 6	2 1/8"	=	.044 sec. ft.	= 20 gal. per min.
August 21	1 7/8"	=	.040 sec. ft.	= estimated 15 gal. per min.
October 22	2"	=	.042 sec. ft.	= estimated 18 gal. per min.

Above measurements were taken at times pumps were operating.

Text of wells at Bryce September 9, 1959. Amount of water delivered at storage tanks against a head of 210 lbs. per square inch.

No. 1 Well produced 72 gal. per min.

No. 2 Well produced 78 gal. per min.

Well No. 1 and Well No. 2 operating at the same time produced 110 gallons per minute at tanks.

COPY

BRYCE WATER SUPPLY

Over flow from collection sump supplied from U. P. Springs on East Creek. Measured from 90° vee notch weir.

<u>1960</u>	<u>Flow over Weir</u>			
March 25	3½"	=	.115 sec. ft.	= 51 gal. per min.
June 17	2¼"	=	.045 sec. ft.	= 20 gal. per min.
June 28	2"	=	.040 sec. ft.	= 18 gal. per min.
July 19	1 3/4"	=	estimated	15 gal. per min.
August 15	1½"		estimated	12 gal. per min.
September 20	1½"		estimated	12 gal. per min.
November 11	2 3/4"	=	.065 sec. ft.	= 29 gal. per min.

Above measurements taken at time pumps were operating.

Other Supporting Information

Garfield County News

VOLUME 39 PANGUITCH, UTAH.

THURSDAY, MARCH 3, 1960

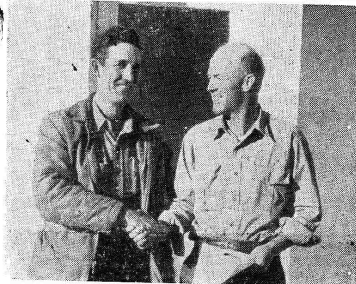
NUMBER 17

Looking Toward The Future, Stockmen And Forest Sign

VA REPRESENTATIVE TO BE IN PANGUITCH

The Veterans Administration announced that Russell R. Neilan, Contact Representative from the Salt Lake Regional Office, will visit the Pangutich Employment Security Office on March 9th, from 1 to 6 P.M., to furnish service to local veterans and their dependents and to provide information on VA benefits.

Persons presently on the pension roll, or who may be near retirement age, and who are interested in pensions, may obtain detailed information from Mr. Neilan.



Stockman Albert Sevy, left, and Forest Ranger Jack Large shake hands in mutual congratulations after signing

Local stockmen and the Forest Service recently entered into management agreements to obtain proper grazing use of National Forest lands.

Albert Sevy of Pangutich recently entered into a co-operative agreement with the Forest Service, represented by Ranger Jack Large. The agreement was one of several developed for different National Forest grazing allotments in Garfield County.

The agreements provide for an intensive study and development period of from five to ten years. At the beginning of the study period the National Forest range users voluntarily reduce the use of the ranges to provide for deferred use areas so that existing plants may reach maturity and produce seed for establishment of new plants. The changes in grazing use are planned in both season and numbers. The recognized high value of the National Forest ranges as watershed lands requires that all effects of other use be evaluated. The relationship of these uses to water resources of Garfield County is of great importance to the livestock industry, farming economy, industrial development and recreational users.

Other individuals and livestock associations that have recently reached an agreement in the methods and purposes of the management planning are: Howard Hatch, Pangutich; Heaton Brothers, Alton; the East Fork Cattle and Horse Assn., Tropic and Pangutich; Silas Munson, Eldon Brinkerhoff and Leslie LeFevre, Tropic; and Lynn Findlay, Kanab.

The proper management of National Forest ranges require a continued changing requirement for use of the allotments resulting from weather changes, distribution problems and changes in class of stock. The upward fluctuations in game numbers also require plan changes that affect the amount and kind of use that can be made. The recent agreements made and entered into by the range users and the Forest Service will materially help in co-operatively managing the National Forest livestock ranges and assist in Forest Service efforts to rehabilitate water producing areas of the National Forests.

PANGUITCH

Mrs. Mary Henrie visited Sunday in Kanab with Mrs. O Bell Watson.

Mrs. Carl Bybee of Circleville is here assisting in care of her daughter Mrs. Clem Allen who is ill.

Dee Houston is recuperating from a difficult operation on the leg where he severed an artery in an accident recently; doctors at the Salt Lake LDS hospital had Dee on the operating table for 3 1/2 hours while they grafted a section of artery into the injured leg.

Mr. and Mrs. Fern Miller and sons Melvin and Michael spent the weekend with their laughter and family, the Gerald E. Lewis' at Henderson, the special occasion being Darlene's birthday.

Mr. and Mrs. Douglas Fitzgerald and son Edwin brought Mrs. Tillie Clark home over the weekend; they were accompanied by Mrs. Clark's daughter Mrs. Gai Jordon of Omaha who is spending a week with her mother.

PTA Meets 7:30 Wednesday

PTA NOTICE

The PTA meeting has been changed to meet at 7:30 Wednesday night, March 9. Featured speaker will be C. Don Holladay of Salt Lake

who is with the State Marriage Counseling Service.

Musical numbers will be: piano number, Ana Mickelson; solos by Della Reid and Beverly Wilson.

Funeral Services For Mrs. Alice Spencer

Funeral services for Alice Spencer Haycock were held Feb. 26th in the Escalante South ward chapel with Bp. Lorell Munson conducting. Prayer in the home by Usher Spencer.

Song "In the Garden", by Singing Mothers; Invocation,

Andrew Spencer; talk, Lorenzo H. Griffin; song "My Mother's Love", Veda Mitchell and Verda Liston; talk, Pres. J. Clyde Spencer; song "Beyond the Sunset", by Singing Mothers; Benediction, Heber J. Allen; grave dedication by Bp. Lorell Munson.

The services were well attended by local people as well as out of town friends and relatives.

Mrs. Haycock, 74, died at her home Feb. 24th of natural causes.

She was born Oct. 19, 1885 in Escalante to Joseph H. and Jane Ellen Haslam Spencer. On April 6, 1940 she married James Arthur Haycock in Escalante; it was later solemnized in the Manti Temple.

Survivors: husband; sons, daughters: Leo Rex, Lehi; Stanley, Spencer, Leone, Escalante; Garn, Tropic; Mrs. Nevin (Laura) Sheldon, Jountiful; Mrs. William (Isabella) Duncombe, Salt Lake City; 28 grandchildren; 14 great grandchildren; sisters: Mrs. Myra King, Provo; Mrs. Annie Alvey, Escalante.



MARCH 3, 1960

GARFIELD COUNTY NEWS, PANGUITCH, U

NOTICE TO WATER USERS

The following applications are identified with the State Engineer to change or appropriate water in Garfield County, State of Utah, throughout the entire year, unless otherwise designated. All locations are in SLE&M.

To Change:

a3686—Utah Parks Co., Cedar City, Ut., proposes to change the point of diversion of water right evidenced by Diligence Claim No. 756, which claimed the right to divert 16 sec.-ft. of water from a spring area, trib. to the East Fork Sevier River. The spring area is described coming out at a point N. 2657 ft. from $\frac{1}{4}$ Cor. Sec. 34, T36S, R4W, 34.6 W. 479 ft., N 19°20'W. 97.8 ft., N. 28°51' E. 694.6 ft., S. 83°39'E. 409.33 ft., S. 1350.96 ft. to beg. The water has been diverted by means of a concrete collection sump at a point S. 1410 ft. and W. 315 ft. from NW Cor. Sec. 34, T36S, R4W, and conveyed by pipe line and used from Apr. 1 to Nov. 1, for domestic and culinary purposes at lodge and cabin tourist facilities at Bryce Canyon National Park serving 290,000 persons annually.

Hereafter, it is proposed to divert the same quantity during the same period as heretofore from either or both of two wells in the described spring area at the following points: (1) 16" and 12" well, 80 ft. deep at a point S. 1941.4 ft. and W. 102.5 ft. from NW Cor. said Sec. 34; (2) 12" well, 30 ft. deep at a point S. 1556.5 ft. and W. 399.9 ft. from said NW Cor. Sec. 34. The water will be conveyed by pipe line, commingled and used as a supplemental supply for domestic and culinary purposes in serving cabins, lodge and attendant tourist facilities and for permanent residents, and employees of National Park Service at Bryce Canyon National Park serving 530,000 persons annually.

a3697—Utah Parks Co., Cedar City, Ut. proposes to change the point of diversion, place and nature of use of water evidenced by purchase of 25 sec.-ft. of that water right of Tropic and East Fork Irrigation Co., described on page 24 of the Cox Decree. The water has been diverted from a spring area located in E $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T36S, R4W, by means of a concrete collection sump at a point S. 1410 ft. and W. 412 ft. from NW Cor. said Sec. 34, conveyed by pipe line and used from Apr. 1 to Oct. 15 for domestic and culinary purposes in serving tourist facilities and cabins in Bryce Canyon National Park.

Hereafter, it is proposed to divert 25 sec.-ft. from the same spring area, from either or both of two wells at the following points: (1) 16" and 12" well, 80 ft. deep, at a point S. 1941.4 ft. and W.

102.5 ft. from NW Cor. said Sec. 34; (2) 12" well, 30 ft. deep, S. 1598.5 ft. and W. 399.9 ft. from NW Cor. said Sec. 34. The water will be conveyed from the wells by pipe line, commingled and used as a supplemental supply from Apr. 1 to Oct. 15 for domestic and culinary purposes in serving cabins, lodges and attendant tourist facilities, for permanent residents and employees of the National Park Service at Bryce Canyon National Park, serving 500,000 persons annually.

To Appropriate:

30090—Warren L. Frazier, 656 No. 5th East, Logan, Ut. 5 sec.-ft. from a spring area, trib. to Paria River at a point S. 274 ft. and W. 677.7 ft. from E $\frac{1}{4}$ Cor. Sec. 22, T36S, R3W. The spring area is described from the point of diversion, thence E. 100 ft., S. 150 ft., W. 200 ft., N. 150 ft., E. 100 ft. to beg. The water will be diverted and collected by means of earth dikes in a concrete headhouse from which it will be released into a pipe line or open ditch and used for the domestic requirements of 2 families, for the watering of 300 cattle, 60 hogs, 500 sheep and 2000 chickens, for fire protection, and from Apr. 1 to Nov. 1 to irrigate 20 acres in SW $\frac{1}{4}$ Sec. 23, T36S, R3W.

30165—Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Texas, 100 sec.-ft. from a 12-in. well, 175 ft. deep at a point S. 2500 ft. and E. 2000 ft. from NW Cor. Sec. 4, T31S, R12E. The water will be used from Sept. 1 to Dec. 31, for drilling an oil and gas well in SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Sec. 4.

30276—Clement H. Johnson, Henrieville, Ut. 12 sec.-ft. and 500 ac.-ft. of water from Henrieville Creek, trib. to Paria River to Colo. River at a point S. 635 ft. and E. 1565 ft. from NE Cor. Sec. 32, T37S, R2W. From the point of diversion 6 sec.-ft. of water will be conveyed by open ditch 1705 ft. to reservoir No. 1, situated in an old channel of Henrieville Creek at a point N. 334 ft. and E. 1326 ft. from NE Cor. said Sec. 32. The reservoir to have a capacity of 50 ac.-ft. created by an earth dam 15 ft. in height, inundating 5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, T37S, R2 W. 6 sec.-ft. will be conveyed by a second ditch 1900 ft. to reservoir No. 2, at a point N. 2153 ft. and E. 1056 ft. from NE Cor. said Sec. 32, the reservoir to have a capacity of 50 ac.-ft., created by an earth dam 14 ft. in height, inundating 5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, T37S, R2W, or conveyed from reservoir No. 2 by means of an earth ditch 1940 ft. to reservoir No. 3, at a point N. 2645 ft. and W. 2423.5 ft. from NE Cor. said Sec. 32. The reservoir to have a capacity of 50 ac.-ft. created by an earth dam 15 ft. in height, inundating 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29,

T37S, R2W, 500 ac.-ft. will be stored in the reservoirs during the entire year by conveying the entire year by current storage and use, and released and used together with a maximum of 12 sec.-ft. of direct flow from Apr. 1 to Oct. 31 as a supplemental supply to irrigate 750 acres in W $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 33, S $\frac{1}{2}$ Sec. 29, Sec. 32, T37S, R2W. A maximum diversion under both storage and direct flow will be 12 sec.-ft.

30316—The Superior Oil Co., P.O. Box 276, Cortez, Colo. 2 ac.-ft. from Lower South Hatch Spring, trib. to South Hatch Canyon to Hatch Canyon at a point N. 1520 ft. and E. 1050 ft. from SW Cor. Sec. 25, T31S, R14E. The water will be conveyed by means of a pump and 2 $\frac{1}{2}$ miles of 3-in. pipe line where it will be used for drilling and producing of oil and gas wells in Sec. 19, T31S, R15E.

30317—The Superior Oil Co., P.O. Box 276, Cortez, Colo. 1 ac.-ft. from Lower North Hatch Springs, trib. to North Hatch Canyon at a point S. 3080 ft. and W. 910 ft. from NE Cor. Sec. 23, T31 S, R14E. The water will be conveyed from the spring by truck and used for drilling of oil and gas wells in Sec. 19, T31S, R15E.

30598—Clement H. Johnson, 3415 No. 650 East, Provo, Ut. 5 sec.-ft. from a 12" well bet. 300 and 500 ft. deep at a point S. 50 ft. and E. 50 ft. from W $\frac{1}{4}$ Cor. Sec. 27, T37S, R1W. The water is to be used from Apr. 1 to Oct. 31 as a supplemental supply to irrigate 160 acres in W $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 33, S $\frac{1}{2}$ Sec. 30, T37S, R2W.

31187—Ernest E. Brewer, Panguitch, Ut. 1 sec.-ft. from a 6-in. well bet. 75 and 300 ft. deep at a point N. 1450 ft. and W. 916 ft. from SE Cor. Sec. 24, T35S, R3W. The water will be used for the domestic requirements of 3 families and a service station, and from Mar. 15 to Nov. 1 to irrigate $\frac{1}{4}$ acre, all uses in NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 24.

31543—Utah State Dept. of Fish and Game, 1596 West North Temple, Salt Lake City, Ut. 1 sec.-ft. and 34.6 ac.-ft. from North Fork of Twichell Creek, trib. to North Creek to Escalante River at a point S. 30°24'W 3259.3 ft. from NE Cor. Sec. 25, T38S, R1W. The water will be diverted by means of an earth

dam 21.33 ft. in height, creating a reservoir having a capacity of 34.6 ac.-ft., including 4.82 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 25. After the initial filling 1 sec.-ft. will be allowed to pass through the reservoir during the entire year and returned to the source by means of a spillway, and used for fish culture and propagation purposes.

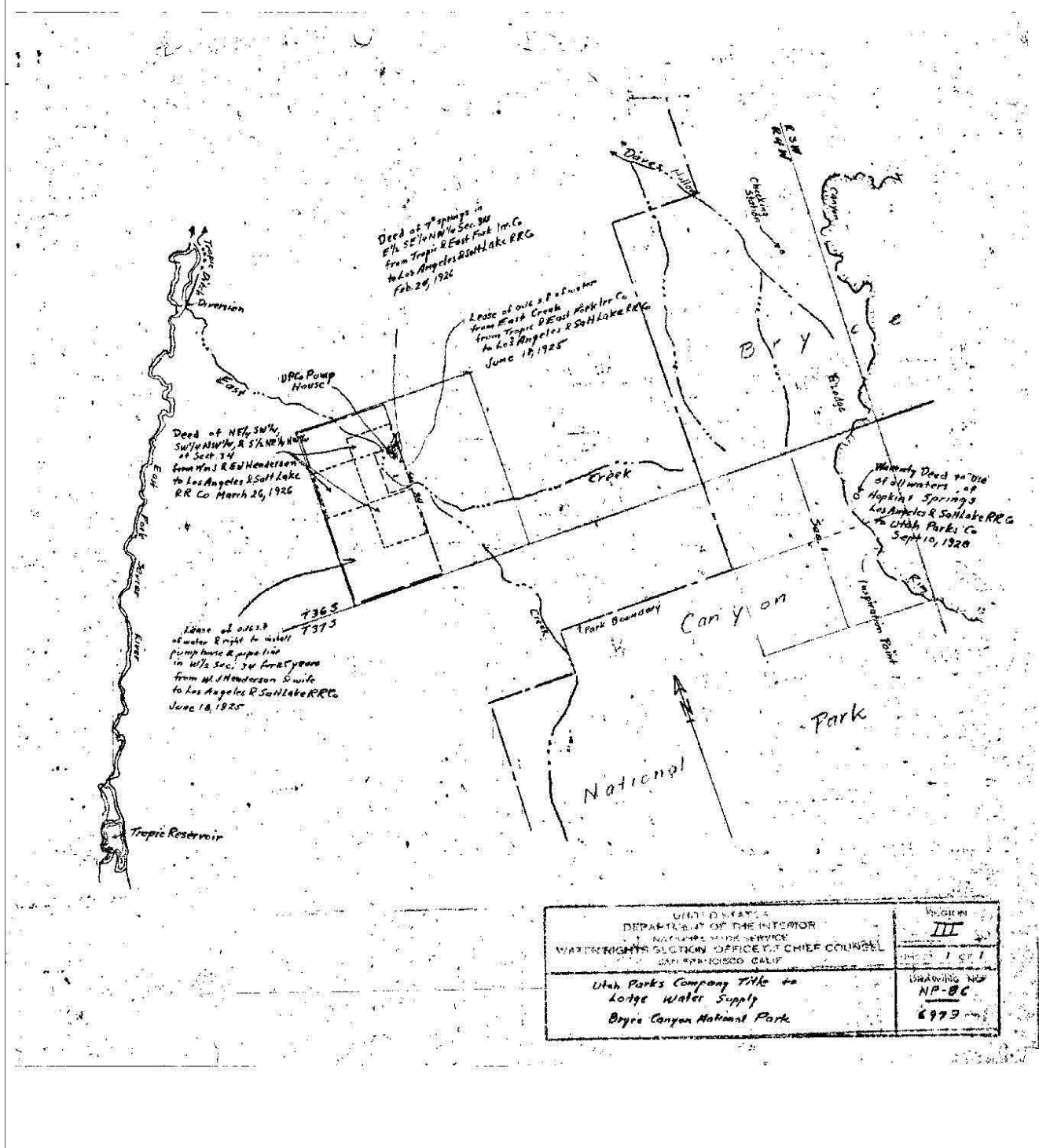
31544—Utah State Dept. of Fish and Game, 1596 West North Temple, Salt Lake City, Ut. 1 sec.-ft. and 41.65 ac.-ft. from Unnamed Stream, trib. to North Creek to Escalante River at a point N. 78° 01'E. 5101.5 ft. from E $\frac{1}{4}$ Cor. Sec. 24, T33S, R1W. The water will be diverted by means of an earth dam 21.25 ft. in height, creating a reservoir having a capacity of 41.65 ac.-ft., inundating 4.73 acres in SE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 19, T33S R1 E. After the initial filling 1 sec.-ft. will be allowed to pass through the reservoir during the entire year and returned to the source by means of a spillway. The water will be used for fish culture and propagation purposes.

31545—Utah State Dept. of Fish and Game, 1596 West North Temple, Salt Lake City, Ut. 1 sec.-ft. and 15.38 ac.-ft. from an unnamed stream, trib. to North Creek to Escalante River at a point N 65° 23'E. 6470.5 ft. from E $\frac{1}{4}$ Cor. Sec. 24, T33S, R1W. The water will be diverted by means of an earth dam creating a reservoir having a capacity of 15.38 ac.-ft., inundating 3.43 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T33S, R1E. After the initial filling 1 sec.-ft. will be allowed to pass through the reservoir during the entire year and returned to the source by means of a spillway. The water will be used for fish culture and propagation purposes.

31577—H. Frank Orton, P. O. Box 202, Panguitch, Ut. .015 sec.-ft. from a 4-in. well, 75 ft. deep at a point S. 1770 ft. and E. 75 ft. from NW Cor. Sec. 2, T35S, R3W. The water is to be used from Nov. 15 to Apr. 15 for the watering of 150 cattle, in SW $\frac{1}{4}$ NW $\frac{1}{4}$ in said Sec. 2.

Protests resisting the granting of any of the foregoing applications with reasons therefor, must be filed in duplicate with the State Engineer, 403 State Capitol, Salt Lake City 14, Utah, on or be-

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Docket Information

Number of Documents in Docket 72

Documents Dated from 6/18/1925 to 10/28/1986

Docket Compiled: 2/8/2011