



WATER-RIGHT DOCKET

Devils Tower National Monument

Docket No: 3

DEVIL'S TOWER PIPELINE #3, SPRING #3.

Preliminary Docket Information

06-26-1942: water right record ; june 26, 1942

WATER RIGHT RECORD

Park: DETO

Docket Number:
Federal #3

IDENTIFICATION NO: DETO S 1 3 5 3 6 6 (A F 0 3

DITCH/WATER SYSTEM: Devils Tower Diversion #3

SOURCE OF SUPPLY: Spring #3

LOCATION: S80°55'W 2008 ft. from the NE Cor., Sec. 13, T53N, R66W, 6th PM

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 19741

Certificate Record Number: 23553

Date of Priority: June 26, 1942

Quantity of Water: 0.0025 c.f.s.

Purpose: Fire protection, emergency domestic and recreational,
incidental irrigation.

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a spring well of 3,000 gallon capacity. A portable pump is used to fill trucks for hauling to place of use.

Application to Appropriate Water was made on June 26, 1942. Proof of Appropriation of Water was made on November 8, 1943 and Certification of Appropriation of Water was made on June 29, 1944.

*abandoned for # of years more than spring 2 - large for natural
condition maintained. June 2, 1983
wm*

DOCKET INFORMATION SHEET

Docket Identity	DETO IS 113 53 66 A F 03
Region	ROCKY MOUNTAIN
Area	DEVILS TOWER NATIONAL MONUMENT
Site	DEVILS TOWER SPRING 3
State	WYOMING
County	CROOK
Docket	DETO WATER RIGHT DOCKET 3
Location	T53N R66W SEC 13 NE1/4 NE1/4
Acquired by	APPROPRIATION
Application	1431370
Permit	19741
Certificate	23553
Priority	JUNE 26 1942 0.0025 CFS
Reservation	SEPT 24 1906
Status	ACTING FEDERAL MAY 31 1944
Source	GROUND WATER
Use	FIRE PROTECTION
Quantity	0.0025 CFS
Hydrologic Unit	10120201
Remarks	EMERGENCY SUPPLEMENTAL DOMESTIC AND RECREATIONAL PURPOSES AND INCIDENTAL IRRIGATION FEDERAL RIGHT CONSISTING OF A SPRING WELL OF 3,000 GALLON CAPACITY. A PORTABLE PUMP IS USED TO FILL TRUCKS FOR HAULING TO PLACE OF USE.

Proof No. 30553

THE STATE OF WYOMING

Certificate of Appropriation of Water

Certificate Record No. 80, Page 65

WHEREAS, United States of America, Department of the Interior, National Park Service has presented to the Board of Control of the State of Wyoming proof of the appropriation of water from Spring Number Three, tributary of a Draw, tributary of Belle Fourche River for domestic, recreational, fire protection, through the Devils Tower River and No. Three Ditch under Permit No. 1371 for irrigation of the lands herein described, lying and being in Crook County, Wyoming

NOW KNOW YE, That the State Board of Control, under the provisions of Chapter 122, Wyoming Revised Statutes, 1931, has, by an order duly made and entered on the 31st day of May, A. D. 1944, in Order Record No. 11, Page 167, determined and established the priority and amount of such appropriation as follows:

Name of Appropriator United States of America, Department of the Interior, National Park Service; Postoffice Address Devils Tower, Wyoming;

Date of Appropriation June 26, 1942; Total Acreage Twenty-eight (28) Acres;

Amount of Appropriation 0.0025 cu. ft. per sec.; Description of land to be irrigated and for which this appropriation is determined and established:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
SUPPLEMENTAL SUPPLY FOR THE FOLLOWING LANDS UNDER PERMIT NO. 14739 FROM SPRING NO. ONE THROUGH THE DEVILS TOWER PIPE LINE NO. ONE AND UNDER PERMIT NO. 19780 FROM SPRING NO. TWO THROUGH THE DEVILS TOWER PIPE LINE NO. TWO																			
53 N	65 W	7																12	
53 N	65 W	12																12	
Total																		24	

SUPPLEMENTAL SUPPLY: The total amount of water that may be used under the combined appropriations shall be the minimum amount required for the irrigation of said lands and shall not exceed the statutory limit of one cubic foot per second for each seventy acres irrigated.

THE APPROPRIATION FOR FLOOD PROTECTION, RECREATION AND DOMESTIC USE IS LIMITED TO AN AMOUNT NOT EXCEEDING 0.0025 CU. FT. PER SEC. ON: 1/2 SEC. 12 AND 1/2 SEC. 12, T. 53 N., R. 65 W. AND NW 1/4, NE 1/4, SW 1/4, SEC. 12, T. 53 N., R. 65 W.

The right to water hereby confirmed and established is limited to irrigation, domestic, recreational and fire protection and the use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot of water per second for each seventy acres of land for which the appropriation is herein determined and established.

IN TESTIMONY WHEREOF, I, L. J. FISKE, President of the State Board of Control, have hereunto set my hand this 31st day of May, A. D. 1944, and caused the seal of said Board to be hereunto affixed.

Witness: John J. Fisher its official Secretary.

*Certificate of Appropriation
of Water
The State of Wyoming
193505
United States of America, Bld.
Interior, National Park Service*

Buckhorn National Monument	
RECEIVED	
JUL 29 1944	
Custodian	
Clerk	
Recorder	
Register	

STATE OF WYOMING }
COUNTY OF CONTOUR }
This instrument was filed for record of 2000
on the 29th day of
July 1944 at 10:55 and duly
recorded at 10:55 on Page
10 of 10
County Clerk and State Auditor of Records
By _____ Deputy
BY PUBLIC ADMINISTRATOR THOMAS H. H.

Recorded	29
Filed	29
Index	29
Serial	29
Page	29

STATE OF WYOMING

PROOF OF APPROPRIATION OF WATER

PERMIT NO. 19741 DATE OF PRIORITY June 26, 1942
 NAME OF DITCH OR CANAL Devils Tower Diversion No. 3
 SOURCE OF SUPPLY Spring No. 3
 TRIBUTARY OF Belle Fourche River

1. Name of Claimant? United States of America, Dept. of the Interior, National Park Service
2. Postoffice? Devils Tower State? Wyoming
3. Are you the original applicant for Permit No. 19741 ? Yes
4. If not, what documentary evidence shows your interest in the works constructed under such permit?

5. For what purpose is water used? Fire protection and supplemental irrigation, domestic and recreational.
6. When did construction of the works under permit begin? Before May 1, 1933
7. When were they completed? Before May 31, 1933.
8. When was the beneficial use of water completed? Before Jan. 1, 1933
9. Have you a good headgate provided at the point of diversion? None would be practical
10. Have the terms of your permit been complied with as to width, depth and grade of your ditch? Yes
11. Give the legal subdivisions of land owned or controlled by you on which water has been used, and if an appropriation of water for irrigation is claimed, give the acreage which has been irrigated in each legal subdivision prior to the time of the expiration of your permit.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
53 N	65 W	7									8	4							12 SS
53 N	66 W	12													11		5		16 SS
			For Emergency, Domestic and Recreational Purposes																
53	66	12					x	x	x	x	x	x	x	x					SS
		13	x	x															SS
53	65	7		x			x	x	x	x		x	x						SS
		18						x											SS

12. (a) Has the water been used beneficially and land irrigated each year since the time for the completion of irrigation stated in your permit? (b) If not, state exceptions.

(a) No (b) This is an emergency supply, used only when needed. Little or no use was made in 1943.

13. In what county is the above described land situated? Crook

14. Give amount of your investment in the irrigation works? \$200.00

15. Are you the owner of the lands described herein? Yes

THE STATE OF WYOMING,
 County of Crook ss.

I, Edmund B. Rogers, being first duly sworn, do depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts stated therein are true.

In Witness Whereof, I have hereunto set my hand this 8th day of November, 19 43

_____, the undersigned, _____ familiar with the above described irrigation works, do _____ hereby state that the above statements are correct to the best of _____ knowledge and belief.

United States of America,
 Department of the Interior,
 National Park Service

By Edmund B. Rogers

Subscribed and sworn to before me this 8th day of November, 19 43

Edward J. Johnson

Superintendent, Water Division No. 2

DITCH	
Proof of Appropriation	
Permit No. <u>19741</u>	
Division No. <u>2</u>	District No. _____
Ditch	
Devils Tower Spring No. <u>3</u>	
Date of Priority	
<u>June 26, 1942</u>	
Name of Stream	
<u>Spring No. 3</u>	
Tributary of	
<u>Belle Fourche River</u>	
Name of Claimant	
<u>United States of America,</u>	
<u>Dept. of the Interior,</u>	
<u>National Park Service</u>	
Devils Tower, Wyoming P. O.	
Filed with me this <u>8th</u> day of <u>November</u>	
19 <u>43</u>	
Edward J. Johnson	
Fees Paid \$ _____	Superintendent.
Filed in the office of the State Board of Control	
this _____ day of _____	
19 _____	
Ex-officio Secretary State Board of Control.	
Fees Paid \$ _____	
DOUGLAS (WYO.) ENTERPRISE	

RETURN TO NOTIFICATION TO BOARD OF CONTROL
 DIVISION OF WATER CONTROL
 2

Form--SE-9

The State of Wyoming
State Engineer's Office
Cheyenne

Cheyenne, Wyoming, January 13, 1943

Mr. NATIONAL PARK SERVICE
c/o J. W. Emmett, Acting Sup't
Yellowstone Park, Wyoming

Dear Sir:

Your notice of completion of the application of water to beneficial use through
the Devils Tower Diversion No. 3 Ditch, in
before January 1st 1933, diverting water from Spring No. 3
under the conditions of Permit No. 19741
has been received this day and the same has been made a matter of record in this
office.

Yours very truly,

L. C. Bishop, State Engineer

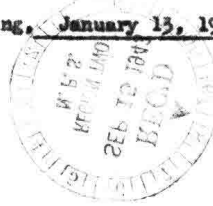
The State of Wyoming
State Engineer's Office
Cheyenne

Cheyenne, Wyoming, January 13, 1933

Mr. NATIONAL PARK SERVICE

c/o J. W. Emmett, Acting Sup't

Yellowstone Park, Wyoming



Dear Sir:

Your notice of completion of the Devils Tower Diversion No. 3
on May 31st, 1933, for the appropriation of water from
Spring No. 3 under the
conditions of Permit No. 19741 has been received this day and the same has been
made a matter of record in this office.

Yours very truly,

L. C. Bishop, State Engineer

Form SE-7

The State of Wyoming
State Engineer's Office
Cheyenne

Cheyenne, Wyoming, January 13, 1943

Mr. NATIONAL PARK SERVICE

c/o J. W. Emmett, Acting Supt

Yellowstone Park, Wyoming

Dear Sir:-

Your notice of commencement of work on the Devils Tower Diversion No. 3
(Ditch)
(Reservoir) on May, 1933,
under the conditions of Permit No. 19741, has been received this day and
the same has been made a matter of record in this office.

Yours very truly,

L. C. Bishop, State Engineer



Form—SE-2—Pioneer-Cheyenne

NOTICE OF COMMENCEMENT OF WORK

Deed 4

Yellowstone National Park, Wyo., December 29, 1942

STATE ENGINEER,
Cheyenne, Wyoming.

Permit No. 19741

I hereby notify you that work was commenced ~~XXXXXX~~ on the Devils Tower Diversion No. 3

proposing to divert water from Spring No. 3

~~XXXXXX~~ ~~XXXXXX~~ in May, 1933J. W. EMMERT
Acting Supt., Yellowstone National Park

NOTICE OF COMPLETION OF CONSTRUCTION

Yellowstone National Park, Wyo., December 29, 1942

STATE ENGINEER,
Cheyenne, Wyoming.

Permit No. 19741

I hereby notify you that the Devils Tower Diversion No. 3

proposing to divert water from Spring No. 3

was completed on the 31st day of May, 1933.

J. W. EMMERT
Acting Supt., Yellowstone National Park

NOTICE OF COMPLETION OF THE APPLICATION OF WATER TO BENEFICIAL USE

Yellowstone National Park, Wyo., December 29, 1942

STATE ENGINEER,
Cheyenne, Wyoming.

Permit No. 19741

I hereby notify you that the application of water to the beneficial uses described in above numbered permit for the Devils Tower Diversion No. 3 ~~XXXXXX~~ diverting water from Spring No. 3before 1st day of January, 1933.
was completed on the 1st day of January, 1933.J. W. EMMERT
Acting Supt., Yellowstone National Park

IMPORTANT

As Soon as the Statement Contained in Each of the Attached Notices Is Complied With, Fill Out the Statement and Mail it to the State Engineer's Office

FORM A

PERMIT NO. 12741

NOTICE OF COMPLETION RECEIVED.....

PROOF SUBMITTED.....

APPLICATION FOR A PERMIT TO DIVERT AND APPROPRIATE THE WATER OF
THE STATE OF WYOMING

WATER DIVISION No. 2

DISTRICT No.

I, Edmund B. Rogers, Superintendentof Yellowstone National Park, County of --State of Wyoming, being duly sworn according to law, upon my oath say:1. The name of the applicant is the United States of America,Department of the Interior, National Park Service2. The postoffice address of the applicant is Devils Tower National Monument,Devils Tower, Wyoming.3. The use to which the water is to be applied is Fire protection and emergency supplemental
domestic and recreational purposes., and incidental irrigation.4. The name of the ~~ditch or canal~~ ^{diversion} is Devils Tower Diversion No. 3.5. The source of the proposed appropriation is a nameless spring hereafter designated
of Draw,
as Spring No. 3, tributary / which is a tributary of the Belle Fourche River6. The headgate of the proposed ~~ditch or canal~~ ^{diversion} is located S 80 Deg. 55 Min. W
2008 feet distant from the northeast corner of Section 13 T. 53 N., R. 66 W.,
and is in the NE 1/4 NW 1/4 of Section 13 T. 53 N., R. 66 W.7. The said ditch or canal is to be -- miles long. Walled Spring development.8. The ~~flowing capacity of the ditch or canal~~ ^{flow of the spring} at the headgate is 0.0025 cu. ft. per sec.9. (a) The nature of the material to be moved is earth 50%, loose rock 50%.(b) Number, length and size of tunnels None.(c) Number, length and size of flumes None.10. The estimated cost of said works is 200 Dollars.

11. Construction on proposed work will begin within one year from date of approval of this application.

12. The time required for the completion of the ditches and other distributing works is (completed)
year... from December 31st, 19 41.13. The time required to complete the application of water to the beneficial uses stated in this application is 5 year... from December 31st, 19 41.

14. The accompanying map is prepared in accordance with the Manual of Regulations and Instructions for Filing Applications in the State Engineer's Office and is hereby declared a part of this application.

15. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision. Designate ownership of land, Government, State or Private. If Private, give names of owners.)

Township	Range	Sec.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Place of use			Supplemental Supply (irrigation only incidental) on Government land																
53 N	65 W	7										8	4					12	
53 N	66 W	12													11		5	16	
			for emergency, domestic, and recreational purposes.																
53 N	66 W	12					X	X	X	X	X	X	X	X					
53 N	66 W	13	X	X															
53 N	65 W	7		X			X	X	X	X		X	X						
53 N	65 W	18					X												
			There is to be no specific irrigation, but the water may be used for fire control or temporary sprinkling of newly planted roadsides in any of areas checked.																

for supplemental supply 28

TOTAL NUMBER OF ACRES TO BE IRRIGATED.

(Signed) Edmund B. Rogers

THE STATE OF WYOMING, }
 Yellowstone National Park } ss.
 COUNTY OF

I hereby certify that the foregoing application was signed in my presence and sworn to before me by

Edmund B. Rogers this 9th day of

June, 1942.

(SEAL)

/s/ Gezalla M. Kerr
 Gezalla M. Kerr, Notary Public
 My Commission Expires May 1, 1946

The spring flow is approximately 300 g.p.d. The development consists of a concrete walled spring wall of 3000 gallon capacity, built about the spring. A portable pump is used to fill trucks for hauling to place of use.

The water is primarily for fire protection, but it also constitutes an emergency supplemental supply for the use described for Devils Tower Pipe Line.

THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE, } ss.

~~This is to CERTIFY that I have examined the foregoing application and have rejected same for the following reason:~~

Witness my hand this _____ day of _____, A. D. 19____

~~State Engineer.~~

THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE, } ss.

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions: ~~The irrigation use to be for supplemental supply only. The total amount of water to be used on these lands for irrigation shall not exceed the statutory limit of one cubic foot of water per second of time for each seventy acres of land irrigated.~~

Construction of proposed work shall begin within one year from the date of approval.

The time for completing the work shall terminate on December 31, 19____.

The time for completing the application of water to beneficial use shall terminate on December 31, 19____, and final proof of appropriation shall be made within five years thereafter.

The amount of appropriation shall be limited to ~~one cubic foot per second of time for each seventy acres of land reclaimed on or before December 31, 1946,~~ ^{the amount beneficially used for domestic recreational, fire protection, and incidental irrigation on or before December 31, 1946,} and the additional volume used for ~~not to exceed 0.0025 cubic foot of water per second of time.~~ ^{purposes on or before said date.}

Witness my hand this 24th day of November, A. D. 1942

/s/ L. C. Bishop

L. C. Bishop,

State Engineer.

NOTICE

A Manual of Regulations and Instructions for Filing Applications will be furnished by the State Engineer's Office upon request. By carefully complying with the instructions contained in the Manual, much trouble and delay will be saved the applicant, the surveyor, and the State Engineer's office.

This application must be accompanied by maps in duplicate, prepared in accordance with the Manual, and by a filing fee of two dollars.

Applications returned for corrections must be resubmitted to the State Engineer within ninety days with the corrections properly made; otherwise the filing will be canceled.

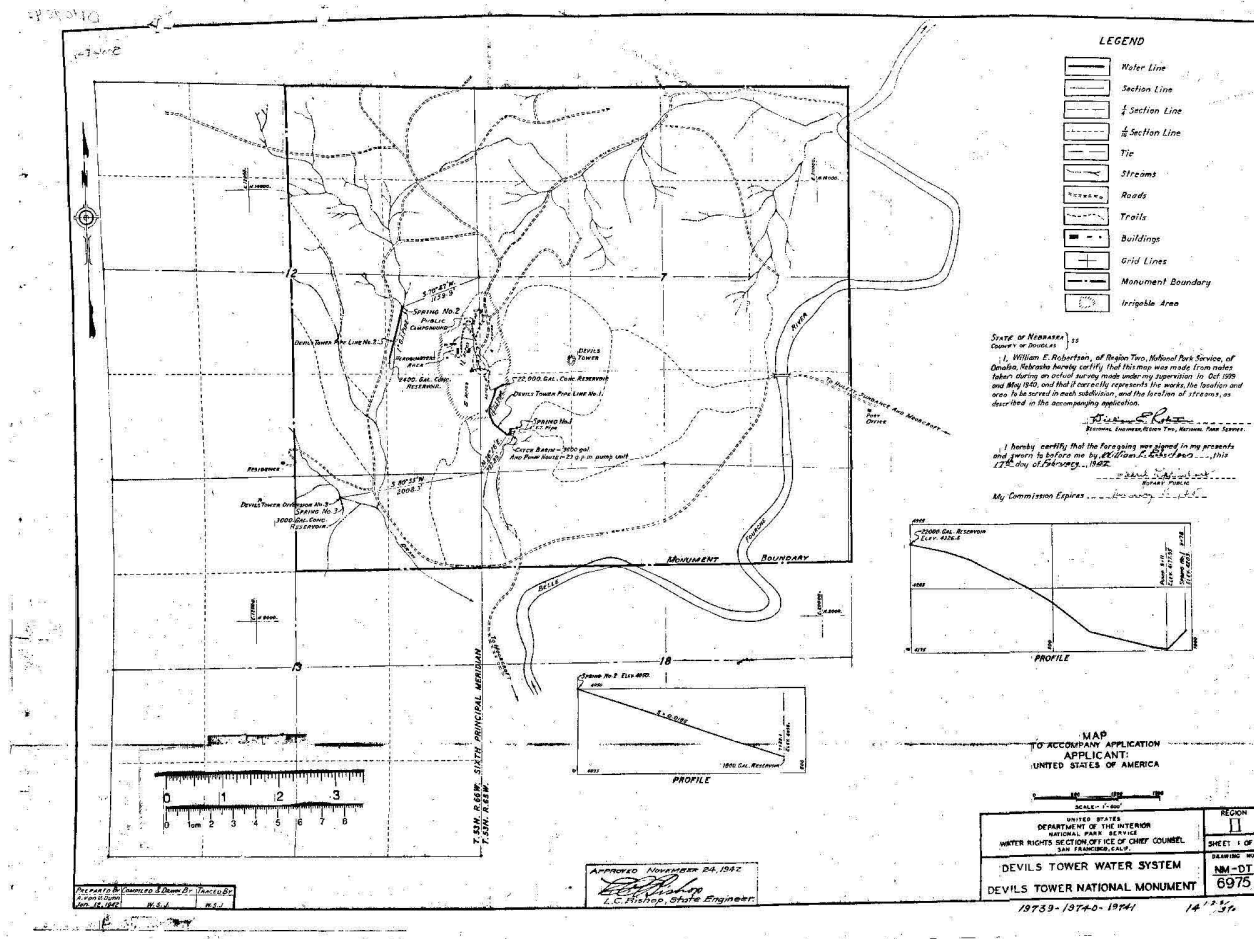
This application when approved does not constitute a complete water right. It is your authority to begin construction work, which must be commenced within one year from the date of approval of this application.

Notice of commencement of work, completion of the work, and of application of the water to the beneficial uses described in the permit, should be filed in the State Engineer's office before the expiration of the time allowed in the permit.

Requests for extensions of time within which to begin construction, to complete the work, and to make beneficial application of the water must be in writing, stating why the additional time is required, and must be received in the State Engineer's office before the expiration of the time allowed in the permit.

To perfect your water right, notify your Division Superintendent that you are ready to submit final proof. This notice should be sent to the Superintendent as soon as possible after you apply the water to the beneficial uses described in your permit. When you have submitted your proof before the Superintendent it will be considered by the State Board of Control, and, if found to be satisfactory, the Board will issue to you a Certificate of Appropriation which will constitute a completed water right.

Filing No. 14 3/370	ORIGINAL
Permit No. 19741	
Application for a Permit to Divert and Appropriate the Water of the State of Wyoming	
DIVISION No. 2	DISTRICT No.
Applicant U. S. Dept. of Interior	
National Park Service	
Devils Tower National Monument	
Address Devils Tower, Wyoming	
Ditch Devils Tower Diversion No. 3	
Source Spring No. 3	
Acres Fire protection, domestic, recreational, and S. S.	
THE STATE OF WYOMING, } State Engineer's Office, } ss.	
This instrument was received and filed for record on the 26th day of June, A. D. 1942, at 11:00 o'clock A. M. /s/ L. C. Bishop State Engineer.	
Recorded in Book 66 of Applications, on Page 115	
Form A.	111 S. A. BOWEN, CO., PRINTERS & BROADCASTERS, CHICAGO, ILL.
Fee \$2.00 Pd.	Map Filed "E"



Docket Information

Number of Documents in Docket 15

Documents Dated from 5/15/1933 to 6/15/1944

Docket Compiled: 2/15/2011