WATER-RIGHT DOCKET

Death Valley National Park

Docket No: 9

LOWER EMIGRANT SPRING WATER SYSTEM

Preliminary Docket Information

08-25-1978: water right/source docket information ; august 25, 1978

WATER RESOURCES/WATER RIGHT DATE: August 25, 1978

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Death Valley National Monument

SITE Lower Emigrant Spring

STATE California COUNTY Inyo DOCKET NO WR #9

LOCATION SW¼ of SW¼ of NE¼, Sec. 29, T17S, R44E, MDB&M

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION 15381 PERMIT 9604 CERTIFICATE 6110

ACTION DUE PRIORITY June 18, 1953 RESERVATION 1933, Feb 11

QUANTITY 2800 gpd USE Domestic (Visitor) and Wildlife

STATUS Active SOURCE Surface Water

Hydrologic unit #18090203

REMARKS WR #9 concerns Federal interest in Lower Emigrant Spring (active); AWR #3 concerns General Hotel Company interests at Lower Emigrant Spring (~~active~~ historically, NPS); AWR #4 concerns General Hotel Company interests at Cottonwood Canyon (inactive).

NARRATIVE:

In 1926 H.W. Eichbaum filed Application 5073 to appropriate water from two springs in Emigrant Canyon. The springs, located on government property, required General Land Office sanction before any rights-of-way were secured. Eichbaum's rights were assigned to the General Hotel Company, who planned to use the water at their hotel at Stovepipe Wells, to the north of the springs. In 1930 the Company and the U.S. entered into an agreement whereby the Company recieved the right-of-way for their pipes and in return would install and maintain an overflow basin to provide water for mountain sheep at the spring on Tucki Mountain, one of the sources mentioned in Application 5073. The Company was also required to install an auxilliary reservoir at Lower Emigrant Spring, the second source in the application, holding at least 50 gallons for travelers. By 1932 a 1000 gallon reservoir had been constructed at Lower Emigrant Spring, with a pipe running to the road for visitor and wildlife use. The Company was forced to abandon the Tucki Mountain spring due to insufficient flow.

Death Valley N.M. was established in 1933; Emigrant Canyon was included within the Monument's original boundaries. The Service constructed the Emigrant Checking Station at one of west entrances to the Monument shortly thereafter. Water was hauled from the Company's reservoir at Lower Emigrant Spring to supply the needs of the Station. In 1937 Ralph Merrit filed Application 8923 to appropriate 15 gpm from Upper, Middle, and Lower Emigrant Spring for his mining operation in the area. The application was cancelled that same year after Monument right-of-ways were not acquired. In 1939 the General Hotel Company filed Application 9708 to appropriate 3 cfs from Cottonwood Canyon for use at the hotel. Wishing to limit the Company's interests to the immediate Stovepipe Wells area, the Monument began discussions aimed at securing an agreement that would end the Company's activities at Lower Emigrant Spring and Cottonwood Canyon.

After almost 20 years of correspondence with the General Hotel Company the Monument filed Application 15381 to appropriate 0.0067 cfs from Lower Emigrant Spring and Pioneer Spring to supply the ranger stat n and campground at Emigrant. It was eventually determined that the flow from Lower Emigrant Spring was about 3500 gpd, while Pioneer Spring was inadequate as a source. Since the General Hotel Company had License 2430 for 700 gpd from the spring, the Monument ammended its application, appropriating 2800 gpd solely from Lower Emigrant Spring. On August 29, 1960, the State of California issued License 6110 for the above appropriation for use at the rangers' quarters, campground, and a roadside spigot for passing motorists.

(Continued next page)

Compiled by T. Kern

Approved by W. Werrell

Page of

The Company's Cottonwood Canyon application was revoked in 1953, but the hotel still has License 2430 for Lower Emigrant Spring. The Company occassionally hauls water from this source, although their primary source for the hotel is the NPS desalinazation plant and well just outside the Company's property. The Service sells water from this system to the hotel as well as using it for its own facilities at Stovepipe Wells. Currently a 2000 gallon reservoir is located just south of the roadside faucet and a 5000 gallon tank sits next to the spring The primary use of the spring is now for Monument visitors at the roadside spigot.

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2011

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A015381
License Number: 006110
Date Submitted: 2012-07-03

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	Campground and restroom.
Fish and Wildlife Protection and/or Enhancement	See License 2430.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Gallons)**	**Amount used (Gallons)**
January	78456.0	78456.0
February	72600.0	72600.0
March	75945.0	75945.0
April	57328.0	57328.0
May	70525.0	70525.0
June	57050.0	57050.0
July	52394.0	52394.0
August	54346.0	54346.0
September	52572.0	52572.0
October	66045.0	66045.0
November	71373.0	71373.0
December	75994.0	75994.0
Total	784628	784628

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	2150.0
February	2150.0
March	2150.0
April	2150.0
May	2150.0
June	2150.0
July	2150.0
August	2150.0
September	2150.0
October	2150.0
November	2150.0
December	2150.0

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Water used in support of a campground and restroom at a park entrance. This license does not capture entire spring discharge; rest is used by wildlife under this license and 2430. Declaration: The United States gives this information to the State in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Agent
I read the above and agree	Yes

California Water Boards

DEVA

Edmund G. Brown Jr., Governor

Matthew Rodriquez, Secretary for Environmental Protection

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

March 5, 2012

Designated Contact or Agent:
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

Contact Phone Number: (970) 225-3500

Primary Owner: U S NATIONAL PARK SERVICE

Application ID: A015381 **License No.** 006110

First three Sources listed:	Counties:
LOWER EMIGRANT SPRING	Inyo

Direct Diversion Rate: 2800.000 Gallons per Day **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2011

As indicated in the California Code of Regulations title 23, section 847, the State Water Resources Control Board (State Water Board) requires annual reporting of water diversion and use under licenses. The State Water Board has historically required these reports to be filed once every three years in paper form. California Water Code chapter 2.7 section 348 authorizes the State Water Board to require online reporting of water diversions. Consistent with these requirements, the State Water Board, Division of Water Rights (Division) developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). RMS allows electronic submittal of water diversion and use reports, saving both paper and resources. **All reports must be completed online through RMS; paper copies are not available.** To report online, go to **www.waterboards.ca.gov/rms** and login with your User ID and Password. The information required to login and access your online Report of Licensee is:

User ID (Water Right ID): **A015381**
Password (Reporting Identifier): **157365**

You are required to complete the online report for 2011 no later than **June 30, 2012.** If you do not have a computer or internet access, you should use a friend's computer, a computer in a public library, or a Division computer to fill out the form. Unfortunately, Division staff cannot fill the form out on your behalf. However, if you wish to seek assistance with the form, you may contact the Division to request a listing of attorneys and consulting firms with water rights experience. You can also review the listing on the Division's Business Information Contacts webpage at: http://www.waterboards.ca.gov/waterrights/board_info/contacts.shtml.

If you have multiple water rights, please be aware you must report water use separately for

each right. Do not list total combined diversions under multiple rights on the form. To document compliance with the conditions of your water right(s), you may use RMS to submit photos (such as staff gages, measuring devices, etc.), documents (Department of Fish and Game agreements, other agency approvals, etc.), graphs, and spreadsheets.

CHANGES FOR 2011 REPORTING:

- It is possible to create one account on the RMS site to report all of your water rights. It is not necessary to create an account if you would like to report your water rights individually. Please see the RMS login page for more information and instructions.
- RMS includes the capability to amend current and past reports. Amendments to credits previously claimed pursuant to Water Code sections 1010, 1011, and 1011.5 are subject to review and may not be accepted.
- Licensees can list all of their reservoirs associated with this license in their report.
- RMS includes new on screen help tools and instructions.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the Division directly of any water right ownership change. Your county assessor's office or title company does not notify the Division of ownership changes. Failure to notify the Division of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the Division should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info.

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 323-9393 or send an email to: ewrims@waterboards.ca.gov.

Sincerely,

Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2010

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A015381
License Number: 006110

Compliance with License Terms and Conditions	
The project has been abandoned and I request revocation of my water right license	No
I have reviewed my water right license	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	70000.0	70000.0
February	70000.0	70000.0
March	70000.0	70000.0
April	70000.0	70000.0
May	70000.0	70000.0
June	70000.0	70000.0
July	70000.0	70000.0
August	70000.0	70000.0
September	70000.0	70000.0
October	70000.0	70000.0
November	70000.0	70000.0
December	70000.0	70000.0
Total	840000	840000

Month	Maximum Rate of Diversion ()
January	
February	
March	
April	
May	
June	

July	
August	
September	
October	
November	
December	

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation	
During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	
Amounts of groundwater used	

Additional Remarks

Attachments	
File Name	Size
No Attachments	

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ (916) 341-5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California ♦ 95812-2000
FAX (916) 341-5400 ♦ Web Site Address: http://www.waterboards.ca.gov

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Application ID: A015381 **License No.** 6110 **Reporting Cycle:** 3

Owner(s) of Record: U S NATIONAL PARK SERVICE

Primary Contact or Agent:
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

Contact Phone: (970) 225-3500

Source(s): ! OWER EMIGRANT SPRING in Inyo County

Direct Diversion Rate: 2800 Gallons per Day **Collection To Storage Amount:** 0 AC-FT

ANNUAL LICENSEE REPORTING FOR 2010

The State Water Resources Control Board (State Water Board) has historically required Reports of Licensee to be filed once every three years in paper form. Senate Bill 8, which was signed into law in 2009, authorized the State Water Board to adopt regulations requiring online reporting of water diversions. Consistent with the Senate Bill, the State Water Board has adopted regulations requiring annual reporting of water diversion and use under licenses, and developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). The online RMS allows you to electronically submit your water diversion and use report, saving both paper and resources. To report on-line, go to **www.waterboards.ca.gov/rms** and log in with your water right ID and password. The information required to log in and access your online Report of Licensee is:

Water Right ID: **A015381**
Password: **2W3T5Y**

You are required to complete the online report for 2010 no later than **July 1, 2011.** You may also submit your record of diversion and use for previous years using the RMS. To maintain a continuous record of water use under your license, Licensees with **Reporting Cycle 1** should report their monthly diversion and use for 2008, 2009, and 2010. Licensees with **Reporting Cycle 2** should report their monthly diversion and use for 2009 and 2010; and Licensees with **Reporting Cycle 3** only need to report monthly diversion and use for 2010. Please note that it is not possible at this time to amend a report submitted through the RMS.

CHANGES FOR 2010 REPORTING:

Question 4 on the previous Report of Licensee form ("Amount of Water Used") has changed. New Question 5c requires you to report both the "*Amount directly diverted and/or collected to storage*" and the corresponding "*Amount used*" for each month. For many direct diversion-only projects, these amounts will be the same and the online form provides a check box for that purpose (Question 5b).

New Questions 6a and 6b on the RMS Report of Licensee requires you to report the maximum instantaneous *rate* of diversion that has occurred in each month under the license, if available.

If your water project is covered by two or more water rights, you should only report your diversion and use of water for the project covered by the license number printed above. The total amount diverted and used under multiple water rights should not be combined and reported on a single

form. In such cases, you should quantify your diversion under each water right, assigning water to the senior-most right first, to the extent allowed under the permit or license.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the State Water Board directly of any water right ownership change. Your county assessor's office or title company does not notify us of any ownership updates. Failure to notify the State Water Board of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the State Water Board should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 341-5431 or send an email to: ewrims@waterboards.ca.gov

Sincerely,



Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2009

Application Number: A015381
License Number: 006110

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	70000.0	70000.0
February	70000.0	70000.0
March	70000.0	70000.0
April	70000.0	70000.0
May	70000.0	70000.0
June	70000.0	70000.0
July	70000.0	70000.0
August	70000.0	70000.0
September	70000.0	70000.0
October	70000.0	70000.0
November	70000.0	70000.0
December	70000.0	70000.0
Total	840000	840000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2008

Application Number: A015381
License Number: 006110

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	70000.0	70000.0
February	70000.0	70000.0
March	70000.0	70000.0
April	70000.0	70000.0
May	70000.0	70000.0
June	70000.0	70000.0
July	70000.0	70000.0
August	70000.0	70000.0
September	70000.0	70000.0
October	70000.0	70000.0
November	70000.0	70000.0
December	70000.0	70000.0
Total	840000	840000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2007

Application Number: A015381
License Number: 006110

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	70000.0	70000.0
February	70000.0	70000.0
March	70000.0	70000.0
April	70000.0	70000.0
May	70000.0	70000.0
June	70000.0	70000.0
July	70000.0	70000.0
August	70000.0	70000.0
September	70000.0	70000.0
October	70000.0	70000.0
November	70000.0	70000.0
December	70000.0	70000.0
Total	840000	840000

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

Return completed Report to:

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

A015381%L%2009

Or file Report online at: http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR 2007, 2008, 2009

OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct.
U S NATIONAL PARK SERVICE

APPLICATION NO: A015381

LICENSE NO: 006110
CONTACT PHONE NO: 970-225-3500

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed)	POD PARCEL NO	COUNTY LOCATION
LOWER EMIGRANT SPRING		Inyo

MAX DIRECT DIVERSION RATE: 2,800 Gallons per Day
MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT
WATER RIGHT FACE VALUE: 3.1 AC-FT

LICENSED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Domestic	0.0	1/1 to 12/31	

[ ] YES [ ] NO The project has been abandoned and I request revocation of my water right license.

COMPLIANCE WITH LICENSE TERMS AND CONDITIONS: This Report is important since it provides a record of your actual water use as well as your compliance with the terms and conditions of your water right license. The information requested below should be filled out carefully. This Report should be promptly returned to the above address.

1. [ ] YES [ ] NO I have currently reviewed my water right license.
2. [ ] YES [ ] NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. [ ] YES [ ] NO I have changed the intake location, type(s) of use, and/or place of use authorized by the license. If **Yes**, explain under "Remarks" on reverse side. ***Note:*** *A Change Petition and associated fees may be required for any significant changes to the licensed project.*

BENEFICIAL USE(S) OF WATER: Under the appropriate boxes below, briefly explain how the water was used each year.

4. Current Use(s) of Water	2007	2008	2009
4.a. Irrigation – specify no. of acres irrigated			
4.b. Frost Protection – specify no. of acres protected			
4.c. Heat Control – specify no. of acres protected			
4.d. Industrial – specify type			
4.e. Stockwatering – specify no. & type of animals			
4.f. Municipal – approx. population served			
4.g Domestic – specify no. of persons, lawn/garden area			
4.h. Power Generation – installed capacity in kW, MW, or hp			
4.i Recreational – specify (boating, fishing, water contact sports, etc.)			
4.j. Other – specify (Examples: fire protection, snowmaking, mining, etc.)			

AMOUNT OF WATER TAKEN FROM THE SOURCE: Please report only the amounts diverted and/or stored under this license.
5.a. Amount of water taken each month under this license in [ ] gallons or [ ] acre-feet or [ ] million gallons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

AMOUNT OF WATER BENEFICIALLY USED: Please report only the amounts beneficially used under this license.
5.b. Amount actually used by direct diversion and/or withdrawal from storage in acre-feet [ ] Check if amounts are same as 5.a.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

Please Detach This Portion

To file this report electronically, please go to http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp and log-in using the Water Right ID and Password provided below:

Water Right ID: A015381
Password: 2W3T5Y

After logging-in, you will be able to change your password by selecting the "Change E-mail or Password" link at the top of the screen. To complete your report for the current year, select the link to the year 2009. You can also complete reports for previous years by selecting "Submit a Report for a Year not Shown Above".

If you have any questions or need further assistance you may contact the eWRIMS Help Desk at 866-792-4977, Monday through Friday, 8:00 a.m. through 5:00 p.m., or by email at ewrims@waterboards.ca.gov.

Please Detach This Portion

App ID No. A015881

6. For Storage Projects only:	2007	2008	2009
6.a. Did your reservoir(s) spill?			
6.b. If **No**, how many feet vertically below the spillway was the water level at maximum storage?			
6.c. Have you emptied the reservoir(s)?			
6.d. If **No**, how many feet vertically below the spillway was the water level(s) at minimum storage?			

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW THAT ARE APPLICABLE TO YOUR WATER RIGHT PROJECT
(Please note that future amendments to the claims below will not be accepted.)

An appropriative water right can be reduced or revoked through five continuous years of nonuse. However, the California Water Code specifies that under certain conditions no reduction or loss of the appropriative water right shall occur due to: (a) water conservation efforts; (b) use of recycled, desalinated, or polluted water; and/or (c) conjunctive use of groundwater and surface water. You must report the extent and amount of water claimed for credit below. Failure to report the amounts will deprive you of the benefits allowed under the Water Code sections.

CONSERVATION OF WATER: (Water Code section 1011)

7. [ ] **YES** [ ] **NO** During the period covered by this Report, were you implementing any water conservation efforts? If **YES**, please describe:

8. If **YES** and you want to claim credit for the amount of water conserved towards the water use authorized under your license as allowed under Water Code section 1011, please show the amount of water conserved below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of water conserved. *Specify in acre-feet (AF) or million gallons (MG)*			

WATER QUALITY AND WASTEWATER RECLAMATION: (Water Code section 1010)

9. [ ] **YES** [ ] **NO** During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?

10. If **YES** and you want to claim credit for the substitution of this reclaimed, desalinated, or polluted water in lieu of the surface water authorized under your license as allowed by Water Code section 1010, please show the amount of reclaimed, desalinated, or polluted water used below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of reclaimed, desalinated, or polluted water used. *Specify in acre-feet (AF) or million gallons (MG)*			

CONJUNCTIVE USE OF GROUNDWATER AND SURFACE WATER: (Water Code section 1011.5)

11. [ ] **YES** [ ] **NO** During the period covered by this Report, were you using groundwater in lieu of the surface water authorized under your license?

12. If **YES** and you want to claim credit for the groundwater used in lieu of the surface water authorized under your permit as allowed under Water Code section 1011.5, please show the amount of groundwater used below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of groundwater used in lieu of surface water. *Specify in acre-feet (AF) or million gallons (MG)*			

REMARKS: (Identify the item you are explaining; additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Signature: _____ Date: _____ Phone No.: ( ) _____
LICENSEE (OR AGENT / DESIGNEE)

06-16-1997: enclosed is an order amending the above referenced water right. ; june 16, 1997

Cal/EPA

State Water Resources Control Board

Division of Water Rights

Mailing Address
P.O. Box 2000
Sacramento, CA
95812-2000

901 P Street
Sacramento, CA
95814
(916) 657-1359
FAX (916) 657-1485

Pete Wilson
Governor

In Reply Refer
to:332:KDL:15381

JUNE 16 1997

U.S. Death Valley National Monument
c/o Mr. Owen R. Williams, Chief
Water Rights Division
U.S. National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Dear Mr. Williams:

LICENSE 6110 (APPLICATION 15381) LOWER EMIGRANT SPRING DIVERSION IN INYO COUNTY

Enclosed is an Order amending the above referenced water right. The amendment is necessary to correct an oversight that occurred when the License was issued and thereby comply with California Fish and Game Code Sections 5937 and 5946 (copy enclosed). This Order should be filed with your copy of License 6110.

If you have any questions, please contact Kevin Long of my staff at (916)657-1927.

Sincerely,

Edward C. Anton, Chief
Division of Water Rights

Enclosures: Order amending License
Fish and Game Code Sections 5937 and 5946

cc: County Recorder (Order only)
County of Inyo
P.O. Drawer F
Independence, CA 93526

Recycled Paper

§5935. Owner responsibility toward repair, etc.
The owner of any dam upon which a fishway has been provided shall keep the fishway in repair and open and free from obstructions to the passage of fish at all times.

§5936. Destruction of fishway—unlawful.
It is unlawful to wilfully destroy, injure, or obstruct any fishway.

§5937. Passage of water for fish below dam.
The owner of any dam shall allow sufficient water at all time to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the department to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

§5938. Hatchery; operation of.
Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may, in lieu of the fishway, order the owner of the dam completely to equip, within a specified time, on a site to be selected by the department, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the department. After such hatchery has been constructed, the department shall operate it without further expense to the owner of the dam except as provided in Sections 5940 and 5941.

§5939. Equipment—size, etc.
The hatchery, traps, and other equipment necessary to operate a hatchery station shall not be of a size greater than necessary to supply the stream or river with a reasonable number of fish. The owner of the dam shall permit the department to locate the hatchery, dwellings, traps, and other equipment upon any of the land of the owner of the dam upon a site or sites to be mutually agreed upon by the department and the owner of the dam.

§5940. Electricity generation—use.
If the owner of the dam generates electricity at the place of the dam, he shall furnish sufficient light, without charge, for the use of the hatchery.

§5941. Use of water for hatchery.
The owner shall permit the use of water, without charge, to operate the hatchery.

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§5942. Planting of fish in lieu of fishway, hatchery, etc.
The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the department, the young of such fish as naturally frequent the waters of the stream or river, at such times, in such places, and in such numbers as the commission may order.

§5943. Public access to impounded waters.
The owner of a dam shall accord to the public for the purpose of fishing, the right of access to the waters impounded by the dam during the open season for the taking of fish in such stream or river, subject to the regulations of the commission.

§5944. Dam owner-liability for damages.
The owner of a dam is not liable in damages to any person exercising the right to fish, who suffers any injury through coming in contact with, or tampering with, any of the property of the owner of the dam.

§5945. Selling of fish at cost.
The department may sell, at cost, to the owner of a dam, young fish ordered to be planted.

§5946. Inapplicability to dams constructed in District 4½.
The provisions of Section 5938 shall not be applicable to dams constructed in District 4½ after September 9, 1953.
No permit or license to appropriate water in District 4½ shall be issued by the State Water Rights Board after September 9, 1953, unless conditioned upon full compliance with Section 5937. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for full compliance with Section 5937.

§5947. Hydroelectric energy generation unlawful by owner of dam in District 4½.
It is unlawful for the owner of a dam in District 4½ to release water from the dam, or any facilities for the generation of hydroelectric energy operated in connection therewith, in varying flows in such a manner as to destroy fish life below such release.

§5948. Log jams, artificial barriers—unlawful.
No person shall cause or having caused, permit to exist any log jam or debris accumulation or any other artificial barrier, except a dam for the storage or diversion of water, public bridges and approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted by law, and debris from mining operations, in any stream in this State, which will prevent the passing of fish up and down stream or which is deleterious to fish as determined by the commission, subject to review by the courts.

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A copy of this document is
being recorded at your
County Recorder.

Please retain this copy
for your file.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 15381 Permit 9604 License 6110

ORDER AMENDING LICENSE

WHEREAS:

1. License 6110 was issued to the United States National Park Service, Death Valley National Monument and recorded at the office of the Inyo County Recorder on August 31, 1960.

2. License 6110 confers upon the United States National Park Service, Death Valley National Monument, an appropriative right to use water from Lower Emigrant Spring in Inyo County.

3. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.

4. The License was issued without referencing compliance with Section 5937.

5. Since amendment of License 6110 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: . JUNE 16 1997

ORIGINAL SIGNED BY:

Walt Pettit
Executive Director

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000 SACRAMENTO, CA 95812-2000
901 P STREET, SACRAMENTO, CA
(916) 657-1364 FAX: (916) 657-1485

REPORT OF LICENSEE FOR 1992, 1993, 1994

OWNER OF RECORD: U S DEATH VALLEY NATL MONUMENT

c/o U S DEATH VALLEY NATL MONUMENT
1201 OAKRIDGE DR STE 250
FORT COLLINS, CO 80525

APPLICATION: A015381

LICENSE: 006110

TELEPHONE NUMBER: (970) 225 -3500

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:		COUNTY:
LOWER EMIGRANT SPRING		INYO
PURPOSE:	**DIVERSION/STORAGE SEASON:**	**ACRES/HP:**
DOMESTIC	JAN 01 TO DEC 31 /	0 AC

AMOUNT: 2800 GPD 0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [x] NO [ ]. I am complying with the conditions of my license: YES [x] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ].

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [x] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1992	x	x	x	x	x	x	x	x	x	x	x	x	
1993	x	x	x	x	x	x	x	x	x	x	x	x	
1994	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS

	1992	1993	1994
3. Did your reservoir spill this year?	n/a	n/a	n/a
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

3/94

(Continues on reverse side)
FOR0135R1

1994

USE (COMPLETE FOR ALL PROJECTS) (see page 1 for year of use)

7. Acreage irrigated			
8. Stockwatering - number of stock	65,000 annually	65,000 annually	65,000 annually
9. Domestic - number of persons			
garden area, etc.			
10. Recreational - nature of use			
11. Industrial - nature of use			
12. Municipal - approximate population			
13. Power generation - K.W.			
14. Other Wildlife Preservation	x	x	x

15. If no water was used in one or more years, briefly state the reason under "Remarks".

16. If the location of the point of diversion or place of use or type of use(s) has been changed and the permission of this Board has not yet been obtained, please describe nature of changes under "Remarks". _____

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR PROJECT.

CONSERVATION OF WATER

17. Describe any water conservation efforts you may have started: _____

18. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre-feet or mg.):
19___ _____(af/mg) 19___ _____(af/mg) 19___ _____(af/mg)

WATER QUALITY AND WASTEWATER RECLAMATION

19. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [x].

If credit toward use under this water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used: 19___ _____(af/mg) 19___ _____(af/mg) 19___ _____(af/mg)

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: 14 Dec 95 Sign Here: Owen R Williams Chief, Water Rights Branch

LICENSEE (OR AGENT OR DESIGNEE)

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Ft. Collins, Colorado 80525

February 3, 1993

DEVA 9

L54(479)
PINN/Water Rights
DEVA/Water Rights

Mr. John Wright
Associate WRC Engineer
Permit and License Unit
State of California
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: License 9374 (Application A008969) Chalone Creek
License 6559A (Application A013852A) Burns Creek
License 6110 (Application A015381) Lower Emigrant
License 7854 (Application A010119) Unnamed Source
License 2430 (Application A005073) Lower Spring
License 4621 (Application A009510) Main Cow Creek
License 4897 (Application A012076) Wildrose Spring
License 7578 (Application A019538) Mesquite Spring
License 7577 (Application A019482) Ranger Spring
License 6740 (Application A018433) Goldbelt Spring
License 10580 (Application A008423) Unnamed Spring
License 10845 (Application A016096) Tarantula Springs
License 6343 (Application A008183) Saratoga Spring
License 10780 (Application A021646) Unnamed Stream
License 10781 (Application A015539) Covered Spring

Dear Mr. Wright:

Enclosed are completed Reports of Licensee forms for water right licenses in Pinnacles National Monument and Death Valley National Monument.

As Denise Newberry of my staff discussed with you earlier this year, the National Park Service (NPS) is updating its files and the State's records of its water rights in California park units. The NPS requests orders correcting the purpose of use for the following water licenses, as indicated below:

License 4621 (Application A009510) Main Cow Creek - add wildlife preservation

License 10580 (Application A008423) Unnamed Spring - add wildlife preservation

License 6110 (Application A015381) Lower Emigrant - add wildlife preservation

License 7854 (Application A010119) Unnamed Source - add wildlife preservation

License 2430 (Application A005073) Lower Spring - add wildlife preservation, delete domestic

License 6559A (Application A013852A) Burns Creek - add wildlife preservation, delete domestic

If you have questions regarding these Reports of Licensee, please contact Denise at (303) 225-3525.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

cc: WR - Kolipinski (w/o enclosures)
DEVA - Superintendent
PINN - Superintendent
479 - Johns (w/o enclosures), Water Rights Dockets

06-30-1992: dear ms. newberry: in regard to you letter dated june 30, 1992, please find enclosed blank copies ; august 25, 1992

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

916/657-2046

FAX: 916/657-2388

PETE WILSON, *Governor*

Mailing Address
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

In Reply Refer
To:341:JHW:5073

AUGUST 25 1992

Denise Newberry
United States Department of the Interior
National Park Service
Water Resources Division
301 South Howes Street, Room 353
Ft. Collins, CO 80521

Dear Ms. Newberry:

LICENSES 2430, 4621, 4897, 6110, 6343, 6559A, 6740, 7577, 7578, 7854, 10580, 10780, 10781, AND 10845 (APPLICATIONS 5073, 9510, 10276, 15381, 8183, 13852A, 18433, 19842, 19538, 10119, 8423, 21646, 15539, AND 16096) VARIOUS SOURCES IN INYO AND SAN BERNADINO COUNTIES

In regard to your letter dated June 30, 1992, please find enclosed blank copies of the Licensee Reports for the above licenses.

Please note that addresses on several of the Reports of Licensee are different. Please indicate how the addresses for the above licenses should be shown when you return the completed Reports of Licensee.

If you require further assistance in this matter, please write or telephone me at the above number.

Sincerely,

Jon H. Wright

Jon H. Wright
Associate WRC Engineer
Permit and License Unit

Enclosures

Lower Emigrant Crk App A013381
Lic. 006110

Rec'd aug 6, 1987

Dupl 319 Situat. Proc

United States Department of the Interior

NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
DEATH VALLEY, CALIFORNIA 92328

IN REPLY REFER TO:
L54

July 24, 1987

Mr. Glenn K. Bork
State Water Resources Control Board
The Paul R. Bonderson Bldg.
901 P. Street
Sacramento, CA 95814

Dear Mr. Bork:

Please find enclosed the reports of licensee which you requested. Should you have any questions in regard to this matter, please call Mr. Gerard Witucki, National Park Service Water Resources Branch, Ft. Collins, Colorado, (303) 221-5341, or Peter Rowlands, Death Valley National Monument, (619) 786-2331.

Sincerely,

Edwin L. Rothfuss
Superintendent

Enclosures

cc: Gerard Witucki, Water Resources Branch
Regional Director, Western Region

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

State Water Resources Control Boar
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1984, 1985, 1986

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE
WESTERN REGION, DIV OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A015381

LICENSE: 006110

TELEPHONE NUMBER:
( ) -

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: LOWER EMIGRANT SPRING

COUNTY: INYO

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC

AMOUNT: 2600.000 GPD 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1984	X	X	X	X	X	X	X	X	X	X	X	X	
1985	X	X	X	X	X	X	X	X	X	X	X	X	
1986	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS	1984	1985	1986
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	65,000 annually	65,000 annually	65,000 annually
garden area, etc.			
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

WR-17 (11-83)
2962

1986

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe in "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individual farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges for drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduced use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water use for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
1978 _____ 1979 _____ 1980 _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:
Removal of wild burro populations
Restrictions on camping near springs

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [ ]; (3) discharged into settling ponds [ ]; (4) Other [X]. Describe: septic tanks

25. Does or will water being discharged contain waste materials? YES [ ] NO [X].
(1) Domestic [ ]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe: _____

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [ ] NO [X]. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [X].

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [X].
If yes, please describe. _____

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs? none

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs? none

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it? none

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: 7/23/87 Sign Here: Peter G. Rowlands Chief Resources Mgmt, Death Valley National Monument
LICENSEE (OR AGENT OR DESIGNEE)

State Water Resources Control
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1981, 1982, 1983

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE
WESTERN REGION, DIV OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A015381
LICENSE: 006110
TELEPHONE NUMBER:
(415) 556 - 8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: LOWER EMIGRANT SPRING

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

COUNTY: INYO

PURPOSE: DOMESTIC

DIVERSION/STORAGE SEASON: JAN 01 TO DEC 31

ACRES/HP: .0 AC

AMOUNT: 2800.000 GPD 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by licens term number under "Remarks" on reverse side. This report is important in providing the record of use needed i maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1981	X	X	X	X	X	X	X	X	X	X	X	X	
1982	X	X	X	X	X	X	X	X	X	X	X	X	
1983	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS	1981	1982	1983
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons	65,000 annually	65,000 annually	65,000 annually
garden area, etc.	Park Residence ...&...	Public Rest	Stop
10. Recreational — nature of use			
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

WR-17 (11-83)
2769

(REPORT CONTINUES ON REVERSE SIDE)

DEVAWR#7

State Water Resources Control Board
DIVISION OF WATER RIGHTS
77 Cadillac Drive Sacramento, CA 95825
(916) 322-9128

REPORT OF LICENSEE FOR 1975, 1976, 1977

APPLICATION: 15381 LICENSE: 6110

OWNER OF RECORD: (415)55 -8660
Area Code and Telephone Number

DEATH VALLEY NATL MONUMENT
c/o U S NATIONAL PARK SERVICE, WESTERN REGION, DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102
If the information shown above is wrong, please correct.

SOURCE: LOWER EMIGRANT SPRING

COUNTY: INYO

AMOUNT: 2800 GAL/DAY

PURPOSE: DOMESTIC

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES ☒ NO ☐. I am complying with the conditions of my license: YES ☒ NO ☐. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE. ☐ YES ☒ NO

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? ☒ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1975	x	x	x	x	x	x	x	x	x	x	x	x	
1976	x	x	x	x	x	x	x	x	x	x	x	x	
1977	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1975	1976	1977
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown:			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	65,000 annually	65,000 annually	65,000 annually
garden area, etc.			
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: April 25, 1978 Sign Here: (Sgd) Gerard S. Witucki
Gerard S. Witucki LICENSEE
1977 Chief, Div.

SWR-B-17 (6-77) (REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR 1975, 1976, 1977—PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer only those questions which are applicable to your project.

CONSERVATION OF WATER

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in "Remarks") ☐.

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in "Remarks") ☐.

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in "Remarks") ☐.

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in "Remarks") ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

21. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

22. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐; (4) other ☐. Describe:

23. Does or will water being discharged contain waste materials? ☐ Yes ☐ No.
(1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐. Describe:

24. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? ☐ Yes ☐ No. Describe:

25. Describe what steps you are taking, have been taking, or can take to reclaim or indirectly reuse the water appropriated:

REMARKS

Please indicate the number of the item you are explaining:

(If additional space is needed for remarks, attach numbered sheets.)

03914.355 8-77 5M ©CSP

STATE OF CALIFORNIA – THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1972, 1973, 1974

OWNER OF RECORD: APPLICATION 15381

DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE, WESTERN REGION,
DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

Telephone Number and Area Code

If the information shown above is wrong, please correct

SOURCE: LOWER EMIGRANT SPRING

AMOUNT: 2800 GAL/DAY
PURPOSE: DOMESTIC

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

LICENSE 6110

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is issued subject to the conditions therein expressed. I have currently reviewed my license: YES ☒ NO ☐. I am complying with the conditions under which my license has been issued: YES ☒ NO ☐. Identify any non-compliance by license term number under "remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the *STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, 2125 Nineteenth Street, Sacramento, California 95818*

The project has been abandoned, and I request revocation of the License. ☐ Yes ☒ No

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☒ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used.)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1972	x	x	x	x	x	x	x	x	x	x	x	x	
1973	x	x	x	x	x	x	x	x	x	x	x	x	
1974	x	x	x	x	x	x	x	x	x	x	x	x	

STORAGE

	1972	1973	1974
3. Did your reservoir spill this year?			
4. How many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE

	1972	1973	1974
7. Acreage irrigated			
Crops grown:			
8. Stockwatering – head			
Kind			
9. Domestic – number of persons	65,000 annually	65,000 annually	65,000 annually
Garden area, etc.			
10. Recreational – nature of use			
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks."
16. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks."

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Date: March 21, 1975 Sign Here: (SGD) GERARD S. WITUCKI
LICENSEE

SWRCB–17(9/74) Sent to State of Ca. on 4/11/75

1974 Gerard. S. Witucki (Report continues on reverse side)
Chief, Division of Water Resources

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code.

CONSERVATION OF WATER

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐ (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in remarks) ☐.

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in remarks) ☐;

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in remarks) ☐.

20 What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in remarks) ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

21. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

22. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐; (4) Other ☐; Describe: _____

23. Is or will water being discharged contain waste materials? ☐ Yes ☐ No
(1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐; Describe: _____

24. Is or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? ☐ Yes ☐ No Describe: _____

25. Describe what steps you are, have been, or can take to reclaim or directly reuse the water sought being appropriated: _____

REMARKS

Please designate by number the question you are answering:

(If additional space is needed for remarks, attach numbered sheets.)

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

CENTRAL REGION

REPORT OF LICENSEE FOR 1969, 1970, 1971

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE,
DIVISION OF WATER RESOURCES, SSC,
450 GOLDEN GATE AVENUE, BOX 36025,
SAN FRANCISCO, CALIF 94102

APPLICATION 15381

WR 9

TELEPHONE NUMBER

If the information shown above is wrong, please correct

SOURCE: LOWER EMIGRANT SPRING

AMOUNT: 2800 GAL/DAY
PURPOSE: DOMESTIC

LICENSE 6110

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

Please fill out carefully and return promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

The project has been abandoned, and I request revocation of the license. ☐ Yes ☒ No

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☒ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet. (If not known check months water was used.)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1969	x	x	x	x	x	x	x	x	x	x	x	x	
1970	x	x	x	x	x	x	x	x	x	x	x	x	
1971	x	x	x	x	x	x	x	x	x	x	x	x	

STORAGE	1969	1970	1971
1. Did your reservoir spill this year?			
2. How many feet below spillway vertically was the water level at maximum storage?			
3. Have you emptied the reservoir?			
4. How many feet below spillway vertically was it drawn down at end of season?			
USE			
1. Acreage irrigated			
Crops grown:			
2. Stockwatering—head			
Kind			
3. Domestic—number persons	65,000 annually	65,000 annually	65,000 annually
Garden area, etc.			
4. Recreational—nature of use	x	x	x
5. Industrial—nature of use			
6. Municipal—approximate population			
7. Power generation—H.P.			
8. Other			

If no water was used in one or more years, briefly state the reason:

If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change No change

REMARKS
(If more space is needed, use reverse side)

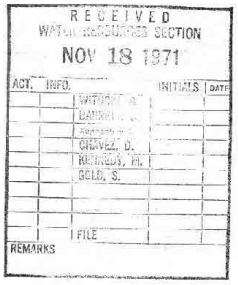
Date March 1, 1973

Sign Here (SGD) GERARD S. WITUCKI
Licensee
Gerard S. Witucki
Chief, Division of Water Resources

1971

WRCB-17 (8-71)

11-18-1971: received water resources section ; november 18, 1971



STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1966, 1967, 1968

OWNER OF RECORD: APPLICATION 15381

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

If the owner or address shown above is wrong, please correct

SOURCE: LOWER EMIGRANT SPRING

AMOUNT: 2800 GAL/DAY
PURPOSE: DOMESTIC

LICENSE 6110

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

Please fill out carefully and return promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

1. Please give a specific answer in each of the following spaces in regard to beneficial use of water under the license:

1966: Was water used? Yes What was the maximum rate of diversion (if known)? 2800 gallons/day

Purpose (irrigation, domestic, etc.) Domestic, Recreational

Number of units served 65,000 visitors annually
Total acres irrigated, number of stock watered, average number of persons served, etc.

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	

1967: Was water used? What was the maximum rate of diversion (if known)? 2,800 gallons/day

Purpose Domestic, Recreational

Number of units served 65,000 visitors annually

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	

1968: Was water used? What was the maximum rate of diversion (if known)? 2,800 gallons/day

Purpose Domestic, Recreational

Number of units served 65,000 visitors annually

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	

If no water was used in one or more years, briefly state the reason:

2. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change No change

3. The project has been abandoned, and I request revocation of the license. ☐ Yes ☒ No

REMARKS
(If more space is needed, use reverse side)

Date December 31, 1968

Sign Here Robert J. Murphy
Robert J. Murphy Licensee Superintendent

1968

WRCB 17 (8-66)

REMARKS

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
1416—9TH STREET
SACRAMENTO, CALIFORNIA 95814

REPORT OF LICENSEE FOR THE YEARS 1963, 1964 AND 1965

OWNER OF RECORD: APPLICATION 15381

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY,
CALIF

If the owner or address shown above is wrong, please correct

SOURCE: (1) LOWER EMIGRANT SPRING (2)
(3) (4)
(5) (6)
(7) LICENSE 6110

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF THE ABOVE-NUMBERED LICENSE

1. Please give a specific answer in each of the following spaces in regard to beneficial use of water under the license:

1963: Was water used? yes Amount (if known) 2800 gallons per day
Purpose (irrigation, domestic, etc.) domestic, recreational
Season of use (months) all 12 months
Number of units served (acres, persons or ?) 50,000 visitors annually

1964: Was water used? yes Amount (if known) 2800 gallons per day
Purpose domestic, recreational
Season of use all 12 months
Number of units served 50,000 visitors annually

1965: Was water used? yes Amount (if known) 2800 gallons per day
Purpose domestic, recreational
Season of use all 12 months
Number of units served 50,000 visitors annually

If no water was used in one or more years, briefly state the reason:

2. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change

3. The project has been abandoned, and I request revocation of the license. ☐ Yes ☐ No

REMARKS

Date November 19, 1965

Sign Here (SGD) JOHN A. AUBUCHON
License Superintendent
John A. Aubuchon, Jr.
United States of America
National Park Service
Death Valley National Monument

YEAR 1965

SWRB 17 (REV. 7-65)

51661-957 7-65 5,500 ⓘ OSP

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

Report of Licensee for the Years 1960, 1961 and 1962

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

APPLICATION 15381

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) LOWER EMIGRANT SPRING (2)
(3) (4)
(5) (6)

LICENSE 6110

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF THE ABOVE-NUMBERED LICENSE

1. Please give a specific answer in each of the following spaces in regard to beneficial use of water under the license:

1960: Was water used? Yes Amount (if known) 2,800 gallons per day
Purpose (irrigation, domestic, etc.) Domestic
Season of use (months) 12 months
Number of units served (acres, persons or ?) 2-3 residents; average of 300 daily visitors.

1961: Was water used? Yes Amount (if known) 2,800 gallons per day
Purpose Domestic
Season of use 12 months
Number of units served 2-3 residents; average of 350 daily visitors

1962: Was water used? Yes Amount (if known) 2,800 gallons per day
Purpose Domestic
Season of use 12 months
Number of units served 2-5 residents; average of 300 daily visitors.

If no water was used in one or more of the years, briefly state the reason:

2. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change

3. If the project has been abandoned, please so state and license will be revoked

REMARKS Water is used at Emigrant Ranger Station and public restrooms. Some irrigation by garden hose to maintain trees.

Date December 10, 1962

Sign Here Willard W. Danielson
Willard W. Danielson, Acting Superintendent
United States - Death Valley National Monument
National Park Service

YEAR 1962

FORM 91

08-29-1960: application 15381 permit 9604 license 6110: enclosed is your copy of the license which constitutes final confirmation

Edmund G. Brown
Governor

STATE OF CALIFORNIA
State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

1401 21st STREET
P. O. BOX 1925
SACRAMENTO 7, CALIFORNIA

AUG 29 1960

Application 15381 Permit 9604 License 6110

Mr. Fred Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

Dear Mr. Binnewies:

Enclosed is your copy of the license which constitutes final confirmation of the right initiated by the filing of the above-numbered application.

A copy of the license has been recorded in the office of the County Recorder of Inyo County.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

cc: Mr. A. van V. Dunn
Chief, Water Resources Section
Department of the Interior
National Park Service
Washington, D. C. (2)

U. S. Death Valley National Monument
Region 4
180 New Montgomery Street
San Francisco 5, California
Attention: Mr. John B. Wosky
Regional Chief of Operations

Docket 9 RS

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15381 PERMIT 9604 LICENSE 6110

THIS IS TO CERTIFY, *That* United States--Death Valley National Monument
National Park Service
Washington 25, D. C.

has made proof as of April 11, 1959 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Lower Emigrant Spring in Inyo County

tributary to Emigrant Canyon thence Death Valley

for the purpose of domestic use *under Permit* 9604 *of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from* June 18, 1953 *and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* two thousand eight hundred (2800) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located:

South three hundred (300) feet and west one thousand eight hundred (1800) feet from NE corner of projected Section 27, T17S, R44E, MDB&M, being within NW¼ of NE¼ of said projected Section 27.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within E½ of SE¼ of projected Section 21, T16½S, R44E, MDB&M and
Within W½ of SW¼ of projected Section 22, T16½S, R44E, MDB&M and
Within NW¼ of NE¼ of projected Section 27, T17S, R44E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

FORM 64

WRD C

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15581 PERMIT 9604 LICENSE 6110

THIS IS TO CERTIFY, *That* United States--Death Valley National Monument
National Park Service
Washington 25, D. C.

has made proof as of April 11, 1959 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of*

Lower Emigrant Spring in Inyo County

tributary to Emigrant Canyon thence Death Valley

for the purpose of domestic use *under Permit* 9604 *of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from* June 18, 1953 *and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* two thousand eight hundred (2800) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located:

South three hundred (300) feet and west one thousand eight hundred from NE corner of projected Section 27, T17S, R44E, MDB&M, being within of said projected Section 27.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within E½ of SE¼ of projected Section 31, T16½S, R44E, MDB&M and
Within W½ of SW¼ of projected Section 32, T16½S, R44E, MDB&M and
Within NW¼ of NE¼ of projected Section 27, T17S, R44E, MDB&M.

Paid in Fresno 9-8-60

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: [illegible]

L. K. Hill

L. K. Hill
Executive Officer

LICENSE 6110
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO U.S.--Death Valley National Monument

DATED [illegible]

Filed to as 0.1 acc

file DEVA Docket 9 right side

STATE C CALIFORNIA—STATE WATER F HTS BOARD

ORDER

APPLICATION 15381 PERMIT 9604 LICENSE

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINT OF DIVERSION AND CHANGE IN PLACE OF USE

Permittee having established to the satisfaction of the State Water Rights Board that the correction of description of point of diversion and change in place of use under Application 15381, Permit 9604, for which petitions were submitted on August 17, 1959, and November 20, 1959, will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to correct the description of the point of diversion under said Application 15381, Permit 9604, to read as follows, to wit:

SOUTH 300 FEET AND WEST 1800 FEET FROM NE CORNER OF PROJECTED SECTION 27, T17S, R4AE, MDB&M, BEING WITHIN NW¼ OF NE¼ OF SAID PROJECTED SECTION 27.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 15381, Permit 9604, to a place of use described as follows, to wit:

WITHIN E½ OF SE¼ OF PROJECTED SECTION 31, T16½S, R4AE, MDB&M AND
WITHIN W½ OF SW¼ OF PROJECTED SECTION 32, T16½S, R4AE, MDB&M AND
WITHIN NW¼ OF NE¼ OF PROJECTED SECTION 27, T17S, R4AE, MDB&M

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 4th day of February, 1960

L. K. Hill

L. K. Hill
Executive Officer

88771 10-58 10M SPO

PETITION FOR CORRECTION OF DESCRIPTION OF POINT OF DIVERSION

Application 15381 Permit 9604 License _____

State Water Rights Board
1401 - 21st Street
Sacramento 7, California

Gentlemen:

I hereby request permission to correct the description of the point of diversion described in the above numbered filing as follows and as shown on the map herewith submitted:

South 300 feet and west 1800 feet from NE corner of projected

(Give tie by bearing and distance or by coordinate distances from some

Section 27, T17S, R44E, MDB&M, being within NW¼ of NE¼ of

government corner and the 40 acre subdivision in which the new point of

said projected Section 27.

diversion lies).

GIVE REASON FOR PROPOSED CORRECTION: To conform with description of place of use, based on projection from recent USGS quadrangle.

WILL THE OLD POINT OF DIVERSION BE ABANDONED? No - corrected

WATER WILL BE USED FOR domestic PURPOSES.

I have access to the proposed new point of diversion by virtue of

ownership

(Ownership, lease, verbal or written agreement)

Are there any persons taking water from the stream between the old point of diversion and the new point of diversion?

No

(Answer "Yes" or "No")

Give names and addresses: None

THIS CORRECTION DOES NOT INVOLVE THE INTRODUCTION OF ANY NEW SOURCE OR ANY INCREASE IN THE AMOUNT OF THE APPROPRIATION.

(Signature)
George F. Whitworth
Acting Regional Chief of Operations
National Park Service, Region Four

November 18, 1959
Date

Form 104-A
5/7/57

PETITION FOR CHANGE IN PLACE OF USE

Attach $10.00 filing fee with petitions for changes

Application 15381 Permit 9604 License _____

State Water Rights Board
1401 - 21st Street
Sacramento, California

Gentlemen:

I hereby request permission to change the place of use as described in the above numbered filing to a place described as follows and as shown on the map herewith submitted:

Within NE¼ of SE¼ of Section 31 and W½ of SW¼ of Section 32 of projected
(Give acreage to be irrigated within each 40-acre tract)
Township 16½ South, Range 44 East, MDB&M and within NW¼ of NE¼ of Section 27
of projected Township 17 South, Range 44 East, MDB&M as shown on map
NMDV-2209 herewith submitted.

GIVE REASON FOR PROPOSED CHANGE: To add 40-acre tract reference for a roadside
bibb outlet for public use described in the original application but without
section description therein and to describe places of use conforming to projections
of townships based on recent USGS quadrangles.

WILL THE OLD PLACE OF USE BE ABANDONED? No
(Answer "Yes" or "No")

WATER WILL BE USED FOR domestic PURPOSES.

I control the place of use proposed by virtue of ownership
(Ownership, lease, agreement)

This change does not involve the introduction of any new source or any increase in the amount of the appropriation.

The persons affected by or interested in the proposed change are as follows: None

(Name) (Address)

June 17, 1959
(Date)

Very truly yours,
United States-Death Valley Nat'l Monument
By _____
(Signature)

Chapter 254, Statutes of 1955 requires a $10.00 filing fee with petition for changes.
Form 105
12-11-56

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
SACRAMENTO, CALIFORNIA

REQUEST FOR LICENSE

Application **15381** Permit **9604**

Subject to approval by the State Water Rights Board
United States---Death Valley National Monument
National Park Service
Washington 25, D.C.

having made proof as of **April 11, 1959** (the date of inspection) hereby request license action as listed below.

If any reduction in amount, season or land description is necessitated when the rough calculations are checked, the owner will be notified and allowed 30 days within which to submit a protest to any changes. If no protest is submitted the changes may be considered to be acceptable; however, the changes, an explanation thereof and the date of notification shall be noted on the reverse side of this sheet and become a permanent part of the record in connection with this filing. To the best of the knowledge and belief of the undersigned a right has been established to the use of water of **Lower Emigrant Spring**

in **Inyo** County

tributary to **Emigrant Canyon thence Death Valley**

for the purpose of **domestic use**

under Permit **9604** the priority of which dates from **June 18, 1953**

by beneficial use in the amount of ~~three~~ two thousand five hundred ~~(3200)~~ 2500 gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water **is** located: **South twenty-nine degrees twenty eight minutes East (S29°28'E) twenty-two thousand ninety-five (22,095) feet from U.S.G.S. benchmark # 157 (1907 Elev. 2380 corrected location 2378, being within the ~~unsurveyed~~ SW¼ of NE¼ of projected Section 29, T17S, R44E, MDB&M.**

A description of the lands or the place where such water is put to beneficial use is as follows:
Within SW¼ of SE¼ of projected Section 30, T16S, R44E, MDB&M, and SW¼ of NE¼ of projected Section 29, T17S, R44E, MDB&M.

This **does** constitute a change or changes which require a petition.

United States---Death Valley National Monument
Signature **By:** Fred M. Bennewitz
Superintendent

Dated: **April 13, 1959**
Inspected by C. J. Chesler
Form 760

10-10-1958: notice of expiration ; october 10, 1958

FILE Right Side DEVA Docket 9

STATE ' CALIFORNIA - STATE WATER RIGH BOARD

Application 15381 Permit 9604

NOTICE OF EXPIRATION

The time within which to complete construction work and/or to place the water to full beneficial use under the above-numbered water right application and permit has expired or will expire shortly. The following alternatives are available:

1. If sufficient water has been diverted to satisfy your requirements, the amount used will be determined by inspection during the next field season with a view to the issuance of license which is the final confirmation of the water right initiated by the application. A right cannot be acquired for an amount of water or for a season of diversion in excess of that allowed in the permit. With respect to use of water under the terms and conditions of the permit:

(a) Have you used as much water heretofore as you expect to use in the future? ___ Yes NO No

(b) Have you used the water for as long a season as you intend to? YES Yes ___ No

2. If the project has been abandoned or if no progress has been made toward use of water the permit will be revoked upon request.

Should the permit be revoked? ___ Yes NO No

3. If construction work and/or use of water are proceeding with due diligence but not fully complete, a reasonable extension of time may be obtained upon a showing of good cause. Section 777 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finance or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

A ~~(1-year), (2-year),~~ (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

The following information should be supplied where an extension of time is requested:

1. Approximate total amount spent on project to date $ 15,000.
2. Approximate per cent of construction work complete to date 90%.
3. Estimated date of completion of construction work 1965.
4. Estimated year in which full use of water will be made 1966.
5. Reasons why construction and/or use of water was not completed within time previously allowed:

See accompanying progress report for 1958. Full use of water of Emigrant Spring is made, but Pioneer Spring has been dry for a number of years because of drought. However, increasing water demand indicates that Federal right to latter, when available, should be included in proof and license, or that proof include more storage.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FEE OF $5.00

Date 10/10/58

SIGNATURE A. D. Edmonston

Chief, Water Resources Section

Form 67F

STATE OF ALIFORNIA—STATE WATER RI TS BOARD
1401 21ST STREET
P. O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1958

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Lower Emigrant Spring and Pioneer Spring APPLICATION 15381

PERMIT 9604

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit The United States of America for Death Valley National Monument

   MAILING ADDRESS Dept. of the Interior, National Park Service, Washington 25, D. C.

2. Has the project been abandoned? NO Has construction work commenced? YES

3. Has all construction work been completed? NO If not, give estimated date of completion 1960

4. State approximate cost of construction work on this project during the past 12 months See remarks

   Describe briefly the portions of the project upon which the above amount was expended See remarks

5. What remains to be done to complete the project? More regulatory storage will ultimately be required.

6. Has use of water commenced? YES State amount used if known 0.005 s.f. under this permit.

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)

   (b) ☐ Stock watering ____ (Number of animals)

   (c) ☐ Industrial ____ (Nature of use)

   (d) ☒ Domestic ____ (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Municipal ____ (Approximate population)

   (f) ☐ Mining ____ (Method of water use)

   (g) ☐ Recreational ____ (Nature of use)

   (h) ☐ Power ____ (Installed horsepower capacity)

   (i) ☐ Other ____

7. During what months was water used in 1957? All months

   Do you expect to use it over a longer or different season in the future? NO

   If so, state other months of use ____

8. *Have you used as much water this year as you expect to use in any future year under this permit?* NO

   If not, estimate year in which use will be full and complete 1966

9. Has location of the intake or place of use been changed? NO

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1957-58 collection season as you expect to store in any future collection season? NO How much of the stored water has been used? 7,000 gallons

    Have you emptied the reservoir? ____ If not, have you used all the water that you intend to use in any one season? ____ State acre-feet used if known See remarks

11. During which months was water collected in the reservoir? ____

Sign Here A. D. Edmundson
Permittee

Date Oct. 10, 1958

Chief, Water Resources Section

(OVER)

YEAR 1958

FORM 67

75361 4-58 3500 ⓘ SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

Water is used each month at Emigrant Checking Station (one family) and public comfort stations, and by miners who haul water to their camps, under this applicati and permit; and by the Steve Pipe Wells Hotel Company which hauls water to that Hote under its License App. 5073, License 2430. No formal records are available on detai water use, but miners and the Hotel Company haul water as needed, when available, regardless of any limitations under the Hotel Company license. The water is also used at Checking Station for hose irrigation and dust laying, when available. While no record is kept of comfort station use, most monument visitors stop at the checking station at least once during their stay. The average visitors spends about 1.27 days in Death Valley National Monument. The following visitor day counts for water years ending September 30, shows trend of public demand:

1952-53---429,591	1954-55---440,798	1956-57---413,945
1953-54---439,171	1955-56---408,059	1957-58---473,970

The available water is fully used during the peak of the tourist season. Due to drought, Pioneer Spring has been nonproductive for a number of years, thus making it impossible to obtain and use the full claimed quantity of water. The following official precipitation records, in inches, at the Greenland Ranch in Death Valley indicate the reason for Pioneer Spring failure since about 10 years after the water system was constructed and first used.

1935 - 1.42	1943 - 2.51	1951 - 0.72
1936 - 2.62	1944 - 1.92	1952 - 3.84
1937 - 1.08	1945 - 1.94	1953 - Missing
1938 - 3.41	1946 - 2.78	1954 - 2.61
1939 - 3.42	1947 - 0.85	1955 - 0.53
1940 - 2.39	1948 - 0.31	1956 - 0.77
1941 - 4.20	1949 - 3.45	1957 - 2.53
1942 - 0.96	1950 - 0.99	1958 - Incomplete

DO NOT WRITE IN THIS SPACE

File 154 DEVA Docket 9

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 15581 PERMIT 9604 LICENSE

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION AND USE

Good cause having been shown therefor, it is ordered that an extension of time be and the same is hereby granted until December 1, 1958 within which to complete construction work and application of water to the proposed use under said permit.

WITNESS my hand and the seal of the State Water Rights Board this 26 th day of May, 1958

L. K. Hill

L. K. Hill
Executive Officer

STATE [redacted]CA[redacted]FORNIA—STATE WATER [redacted]GH[redacted] BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1957

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Lower Emigrant Spring and Pioneer Spring APPLICATION 15381

PERMIT 9604

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this water right The United States of America for Death Valley National Monument

   MAILING ADDRESS National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion 1965

4. State approximate cost of construction work on this project during the past 12 months None

   Describe briefly the portions of the project upon which the above amount was expended Inapplicable

5. What remains to be done to complete the project? More regulatory storage must be provided.

6. Has use of water commenced? Yes State amount used if known See remarks

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)

   (b) ☐ Stock watering ____ (Number of animals)

   (c) ☐ Industrial ____ (Nature of use)

   (d) ☒ Domestic See remarks (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Municipal ____ (Approximate population)

   (f) ☐ Mining ____ (Method of water use)

   (g) ☒ Recreational See remarks (Nature of use)

   (h) ☐ Power ____ (Installed horsepower capacity)

   (i) ☐ Other ____

7. During what months was water used in 1957? All 12 months

   Do you expect to use it over a longer or different season in the future? No

   If so, state other months of use Inapplicable

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No

   If not, estimate year in which use will be full and complete 1966

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1956-57 collection season as you expect to store in any future collection season? No How much of the stored water has been used? 7,000 gallons

    Have you emptied the reservoir? Not reported for 1957 If not, have you used all the water that you intend to use in any one season? No State acre-feet used if known Not known-see remarks

11. During which months was water collected in the reservoir? All 12 months

United States of America

Sign Here (SGD.) A. VAN (Permittee)

Date October 23, 1957

by A. van V. Dunn, Chief, Water Resources Sec.
National Park Service

(OVER)

YEAR 1957

FORM 67

54198 4-57 2000 © SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

The authorized 0.0067 sec.ft. has doubtless been used at times since the system was constructed, but not measured for possible proof before the spring flows diminished as a result of the recent drought conditions. There has also been no attempt to record peak daily population using the water or measure the quantity of water so used because the spring flow has been below that measured at time of development during most of the time since the demand has approached the authorized quantity.

The present storage of 7,000 gallons was only intended to provide regulation for hourly variations in demand over a few days of peak public travel. Drought conditions, together with the fact that the General Hotel Company now exercises its rights under Application 8923 by tank filling at the Emigrant Checking Station area instead of the source of supply, have indicated that additional regulatory storage for use over a week or more will be necessary unless the apparently abnormal drought conditions are alleviated in the immediate future.

DO NOT WRITE IN THIS SPACE

S E O ALIFORNIA - STATE WATER HTS OARD

Application 15381 Permit 9604

NOTICE OF EXPIRATION

The time within which to complete construction work and/or to place the water to full beneficial use under the above-numbered water right application and permit has expired or will expire shortly. The following alternatives are available:

1. If sufficient water has been diverted to satisfy your requirements, the amount used will be determined by inspection during the next field season with a view to the issuance of license which is the final confirmation of the water right initiated by the application. A right cannot be acquired for an amount of water or for a season of diversion in excess of that allowed in the permit. With respect to use of water under the terms and conditions of the permit:

(a) Have you used as much water heretofore as you expect to use in the future? ___ Yes X No

(b) Have you used the water for as long a season as you intend to? X Yes ___ No

2. If the project has been abandoned or if no progress has been made toward use of water the permit will be revoked upon request.

Should the permit be revoked? ___ Yes X No

3. If construction work and/or use of water are proceeding with due diligence but not fully complete, a reasonable extension of time may be obtained upon a showing of good cause. Section 777 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finance or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

A [redacted], (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

The following information should be supplied where an extension of time is requested:

1. Approximate total amount spent on project to date $ $15,000.
2. Approximate per cent of construction work complete to date 75%.
3. Estimated date of completion of construction work 1965.
4. Estimated year in which full use of water will be made 1966.
5. Reasons why construction and/or use of water was not completed within time previously allowed:

Under the 10-year MISSION 66 construction program, the first priorities are to complete developments at Cow Creek--Application 9509 and supplemental appropriation in addition to Application 9510, and at Furnace Creek--Applications 10,001, 10,002 and 10,118. This system has been made to serve most urgent needs by regulation of comfort station use, and permitting General Hotel Company to obtain part of its water from other Park Service water systems.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FEE OF $5.00

Date October 23, 1957

United States of America
SIGNATURE [signature]
by A. van V. Dunn, Chief, Water Resources Section
National Park Service

Form 67F

6

STATE OF C[redacted]FORNIA—STATE WATER RIGH[redacted]BOARD
PUBLIC WORKS BUILDING
P. O. BOX 1079
SACRAMENTO 5

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1956

Docket 9 DV.

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Lower Emigrant Spring and Pioneer Spring APPLICATION 15361

PERMIT 9604

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this water right United States of America (for Death Valley National Monument)

MAILING ADDRESS National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion About 1960

4. State approximate cost of construction work on this project during the past 12 months None

Describe briefly the portions of the project upon which the above amount was expended

5. What remains to be done to complete the project? More regulatory storage needed.

6. Has use of water commenced? Yes State amount used if known so much of 0.0067 sec.ft. as is available.

If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served. (See remarks)

(a) ☐ Irrigation None (Total acres irrigated) (Name crops served and acreage of each)

(b) ☒ Stock watering Negligible (Number of animals)

(c) ☐ Industrial Negligible (Nature of use)

(d) ☒ Domestic Ranger & Wife (Number of persons; Area of garden, lawn, etc.)

(e) ☐ Mining

(f) ☒ Recreational Public Comfort Stations Car Radiator Filling (Nature of use)

(g) ☐ Power (Installed horsepower capacity)

(h) ☐ Municipal (Approximate population)

7. During what months was water used in 1956? All 12 months

Do you expect to use it over a longer or different season in the future? No

If so, state other months of use

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No

If not, estimate year in which use will be full and complete See remarks

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1955-56 collection season as you expect to store in any future collection season? -- How much of the stored water has been used? --

Have you emptied the reservoir? -- If not, have you used all the water that you intend to use in any one season? -- State acre-feet used if known --

11. During which months was water collected in the reservoir? --

U. S. Department of the Interior

Sign Here By A. van V. Dunn, Chief, Water Resources Section, National Park

Date November 27, 1956

(OVER)

YEAR 1956

FORM 67

40846 8-56 4M ⓘ SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

This water systems serves the ranger station, and general public facilities at the junction of the roads leading to: (1) the floor of Death Valley; (2) the Town of Lone Pine; and (3) the Town of Trona. Practically all travel through Death Valley passes this road junction and a large percentage of the traffic out of the Valley is forced to stop for water for cars which have become overheated on the steep upgrade. This stop also encourages extensive use of the public comfort stations. This is also one of the major points in the Monument where water bags and barrels are filled for use of miners and campers in outlying areas of the Monument.

Due to the rapidly increasing public use of the Monument from 205,000 in 1951 to 350,000 visitors in 1955, it is planned to increase storage to permit use of the limited water supply over longer peak seasons at Christmas and Easter. For this reason no attempt has yet been made to measure water use for water right proof.

DO NOT WRITE IN THIS SPACE

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Docket 9

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1954

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet for instructions and for space to submit additional information.

APPLICATION 15381 PERMIT 9604 SOURCE Lower Emigrant Spring and Pioneer Spring

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who have an interest in the water right United States of America
Death Valley National Monument
ADDRESS National Park Service, Washington 25, D. C.
2. Has the project been abandoned? No Has construction work commenced? Yes
3. Has all construction work been completed? No If not, give estimated date of completion About 1960
4. State approximate cost of construction work on this project during the past 12 months None
Describe briefly the portions of the project upon which the above amount was expended
Not applicable
5. What remains to be done to complete the project? Have regulatory storage capacity is needed to permit use of off-hours flow during hours and days of peak demand
6. Has use of water commenced? Yes
If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.
(a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)
(b) ☐ Power ____ (Installed capacity) (e) ☐ Mining ____ (Method of water use)
(c) ☐ Industrial ____ (Nature of use) (f) ☒ Recreational Public comfort station and filling water bags & tanks
(d) ☒ Domestic 1 ranger residence and domestic water for support (Area of garden, lawn, etc.) (persons) (g) ☐ Stockwatering ____ (Number of animals)
(h) ☐ Municipal ____ (Approximate population)
7. During what months was water used in 1954? All 12 months
Do you expect to use it over a longer or different season in the future? No
If so, state other months of use Not applicable
8. Have you used as much water this year as you expect to use under this permit? Not recently
If not, estimate year in which use will be full and complete When spring flow becomes normal (see note)
9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 & 11

10. Have you stored as much water in your reservoir as you expect to store? ____
How much of the water has been used? Not applicable
Have you emptied the reservoir? ____ If not, have you used all the water that you intend to use in any one season? ____
11. During which months was water collected in the reservoir? Not applicable

SIGN HERE ____ (Permittee)
Date Nov. 12, 1954 Chief, Water Resources Sec.

(OVER)
YEAR 1954

FORM 67

26898 5-54 4M © SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

6. Water is piped to public comfort station and ranger residence at Emigrant checking station. In addition to local use, water is hauled from spigot near comfort station for remote camp use by miners and public. Water also used to refill car radiators.

8. It is believed that full use of water (4330 gpd) has been made at various times since 1934, all available water has been used at times during 1953 and 1954, but spring flow is now subnormal because of drought conditions.

DO NOT WRITE IN THIS SPACE

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

Application No. 15381 Filed June 18, 1953 at 10:26 A.M.
(Applicant must not fill in the above blanks)

AMENDED APPLICATION RECEIVED 11/16/53

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, United States Death Valley National Monument, acting through and by Hillory A. Tolson, Acting Director
Name of applicant
of National Park Service, Department of the Interior Washington 25, D. C.
Address
of , do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation are (1) Lower Emigrant Spring and (2) Pioneer Spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Inyo County, tributary to Emigrant Canyon thence Death Valley

2. The amount of water which applicant desires to appropriate under this application is as follows:

Also see General Comments.

(*a*) For diversion to be directly applied to beneficial use 0.0067 cubic feet per second
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(*b*) For diversion to be stored and later applied to beneficial use 0.3 acre-feet per annum
1 acre-foot equals 325,831 gallons

to be collected between January 1 and December 31 of each season.
Beginning date Closing date

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. The use to which the water is to be applied is domestic
Domestic, irrigation, power, municipal, mining, industrial, recreational
purposes.

4. The point of diversion is to be located from U.S.G.S. benchmark #157 (1907 Elev. 2380 - corrected location 2378): (1) Lower Emigrant Spring S. 29° 28' E. 22,095 ft.; (2) Pioneer Spring S. 26° 57' E. 21,494 ft.
State bearing and distance or coordinate distances from section or quarter section corner
being within unsurveyed land, probably in what would be, if surveyed, of NE¼ and SE¼ of NW¼
State 40-acre subdivision of U. S. Government survey or projection thereof
Section 29, T. 17 S, R. 44 E, MD B. & M., in the County of Inyo (See General Comments.)

5. The main conduit terminates in NE¼ of NW¼ unsurveyed, of Sec. 31, T. 16 S, R. 44 E, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(*a*) Diversion will be made by pumping from
Sump, open well, unobstructed channel, etc.

(*b*) Diversion will be by gravity, the diverting works being collecting/ tile and tunnel ;
feet long on top; and constructed of
Concrete, earth, brush, etc.

(*c*) The storage dam will be feet in height (stream bed to overflow level); feet long on top; have a freeboard of feet, and be constructed of
Concrete, earth, etc.

7. Storage Reservoir Regulatory Name now include 2,000-gallon concrete and 5,000-gallon steel tanks, now in place. Increased storage contemplated, as needed, to satisfy all demands from limited supply.
The storage reservoir will flood lands in No flooding - all in tanks.
Indicate section or sections, also 40-acre subdivisions unless shown upon map
It will have a surface area of acres, and a capacity of acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

FORM 1

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) ..... feet; width at bottom .....
Cross out two not used

feet; depth of water ..... feet; length ..... feet; grade ..... feet per 1,000 feet; materials

of construction .....
Earth, rock, timber, etc.

(b) Pipe line: Diameter 1 inches; length 25,000 feet; grade 14.3 feet per

1,000 feet; total fall from intake to outlet 1582 feet; kind galvanized iron
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 0.0143 cubic feet per second.
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $15,000
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work ~~will be begun~~ was begun on or before June 30, 1934

Construction work will be completed ~~on or before~~) when stabilized Monument attendance permits

The water will be completely applied to the proposed use ~~on or before~~)determination of maximum annual storage needed.

Description of Proposed Use

11. Place of Use. S½ of SE¼ of Section 30 (projected), T 16 S, R 14 E, MDB&M.
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

Water is also hauled to various outlying areas of the Monument where water is not
survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all

locally available.
40-acre tracts, describe area in a general way and show detail upon map.

Does applicant own the land whereon use of water will be made? Yes
except that, as public water supply, owners of private hotels and patented mines and millsites may haul water under permit.
If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Domestic Use. Domestic use is proposed as follows: for ranger's quarters, public camp-
Describe nature of use which may include stock water and the irrigation of domestic

grounds, and other public facilities and hotels. See General Comments.
gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

periodic spring flow measurements between
The amount for which application is made was determined by 1934 and 1952.
Describe basis of quantity needed

13. Irrigation Use. The area to be irrigated is ..... acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice ..... acres; alfalfa ..... acres;

orchard ..... acres; general crops ..... acres; pasture ..... acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about ..... and end about .....
Beginning date Closing date

The land to be irrigated has ~~another~~ no other water right or source of water supply other than that herein applied for. The nature

and amount of the additional supply referred to is .....

14. **Power Use.** The total fall to be utilized is ..... feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is ..... cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is ..... horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is .....
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is .....
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is ..... inches.

The water will / will not be returned to ..... in ..... of
Name stream State 40-acre subdivision

Sec. ....., Tp. ....., R. ....., ... B. & M.

2

GENERAL COMMENTS

The Federal lands, including all of Emigrant Canyon, were withdrawn from entry for reclassification as a national monument by Executive Order 5408 of July 25, 1930. The area was established as part of Death Valley National Monument by Proclamation 2028 of February 11, 1933. The mining laws were extended to Death Valley National Monument, subject to regulation of surface use by the Secretary of the Interior, by act of June 13, 1933 (48 Stat. 139). The Monument, as established, included certain private land developed as hotels and lodges, patented mining claims and millsites, and numerous mining claims of which a part had the status of vested entries subject to patent. The National Park Service has developed winter and summer administrative headquarters, including residential areas and repair shops, public campgrounds, and checking stations and rangers' quarters near the various Monument entrances and outlying patrol bases. In addition, miners and prospectors, whether on patented or Federal land, have established numerous camps and some millsites.

A limited number of the springs and other sources of water have been appropriated by the United States and private landowners and prospectors for such developments, but many developments are dependent on water hauled from either appropriated or unappropriated water sources, often at considerable distances. Because of the proportionately limited number of suitable water sources in Death Valley National Monument, the National Park Service is attempting to prevent private appropriations and keep all sources directly or indirectly available for the general public for both recreational and mining purposes, and to distribute the diversions among the available sources, for the most efficient conservation and use of the water resources, by regulations and permits relating to the surface use of the Federal lands.

The Emigrant Checking Station was established in 1933 or early 1934, with tanks of hauled water for the ranger, and the public. The water was hauled from the water system of the General Hotel Company at Emigrant, or Lower Emigrant, Spring, which had been previously constructed under Application 5073, Permit 3495. There being water in excess of the Company needs, the National Park Service installed a tile collecting system in the spring area above the Company tunnel in the spring of 1934, and developed plans for ultimately piping the water to the checking station. The upper, Federal collecting system was unexpectedly found to intercept part of the source of supply for the Company tunnel. Accordingly, the two diversion pipes were connected above the roadside spigot in order that both claimants could divert the waters from either source.

In 1939, preparatory to construction of the Emigrant Checking Station Water System, the National Park Service started negotiations with the General Hotel Company for the determination of potential water rights. Although the Company had said Permit 3495, the General Land Office, now the Bureau of Land Management, has as yet been unable to confirm any permit for the use of Federal land as suggested in Application 5073. Moreover, the Company claim to 0.008 second-foot was in excess of the spring flow, and far more in excess of the water then used, or probably to be used while it had to be hauled to the hotel.

The negotiations have continued to date, with interruptions due to the sale of the hotel property, deaths of owners, and uncertainty as to the definition of land and water rights of the General Hotel Company. The Federal water right application has been deferred

pending determination of such rights. However, in a conference on April 10, 1953, the National Park Service learned for the first time that the General Hotel Company made proof and obtained License 2430 for the diversion of 700 gallons per day in the midst of negotiations on May 13, 1942.

Accordingly, this application is now being filed to establish Federal rights to the unappropriated waters of the designated springs. Nothing herein is intended to jeopardize the valid rights which the General Hotel Company may have under License 2430, or to reflect adversely in pending negotiations to obtain an equitable definition of the rights and privileges of the Company.

Item 2(a) (continued): There was a commingled flow of 0.0067 second-foot of water from Emigrant, or Lower Emigrant, Spring in 1941, which has averaged more nearly 0.0034 second-foot between 1942 and 1952. During the past decade, Pioneer Spring has contributed 700 gpd, or 0.00108 second-foot. The 700 gpd authorized to the General Hotel Company relates to diversions from Emigrant, or Lower Emigrant, Spring, but constitutes no claim or right to waters of Pioneer Spring.

Item 2(b) (continued): Regulatory storage capacity of 2,000 gallons is now provided by the United States, and 5,000 gallons is provided by the General Hotel Company. With most water use between November and April, inclusive, the United States reserves the right to increase storage as needed, but not to exceed 100,000 gallons, to make summer flows available for winter use.

Items 4 & 5 (continued): The projected sections are described to agree with descriptions in related Application No. 5073, to prevent confusion, but actual survey by the Bureau of Land Management might place the water system in adjacent sections, as shown on accompanying map.

Item 12 (continued): The Emigrant Ranger Station, served directly by the pipe line, is normally occupied by a ranger and a maintenance man, and their families. A few shrubs are irrigated by hose from time to time, but there is no formal irrigation. Water is used as a dust palliative to a limited extent. Water is also hauled to various mining camps, and undeveloped public campgrounds to supply human needs. The General Hotel Company has hauled water from the checking station during most of the time since 1943, to save the additional 10-mile haul needed for a round trip to the spring--presumably using Federal pipe capacity to exercise its own rights or claims.

Public comfort stations with flush toilets are provided for the public at the Emigrant Checking Station. Water is also used from spigots at Emigrant Checking Station and at roadside near the spring, and from barrels distributed along the road from Stovepipe Wells Hotel to Monument entrances, and filled with water hauled from said spigots, to refill radiators of overheated cars. Boiling radiators have been a serious problem on the road climb from Stovepipe Wells Hotel to the west Monument exits. Practically all Monument visitors pass the Emigrant Checking Station at least once during their stay. As shown on the chart on the accompanying map, the annual attendance is increasing at an accelerated rate, reached a total of 256,913 in 1952, and may reach 2,000,000 in any year after 1975.

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving ____ (Name city or cities, town or towns. Urban areas only) having a present population of ____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is ____ (Name of claim) and the nature of the mines is ____ (Gold placer, quartz, etc.)

The method of utilizing the water is ____

It is estimated that the ultimate water requirement for this project will be ____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise ____ (Explain nature of pollution, if any)

and it will / will not be returned to ____ (Name stream) in ____ (State 40-acre subdivision) of Sec. ____, T. ____, R. ____, ____ B. & M.

17. **Industrial Use.** The nature of the use proposed is ____ (Describe nature and method of use)

The amount for which application is made was determined by ____ (Describe basis of estimate of quantity needed)

18. **Recreational Use.** Water will be used for ____ (Describe nature and method of use)

The amount for which application is made was determined by ____ (Describe basis of estimate of quantity needed)

General

19. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same ____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto ____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Death Valley, California.

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? General Hotel Company, Death Valley, California, is only other claimant to waters of Lower Emigrant Spring, under Application 5073, Permit 3195, License 2430. Emigrant Canyon is dry below Lower Emigrant and Pioneer Springs. A copy of this application is being sent to General Hotel Company.

[SIGNATURE OF APPLICANT] Hillory A. Tolson
Acting Director,
National Park Service

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 9604

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed four thousand three hundred fifty (4,350) gallons per day by direct diversion and three tenths (0.3) acre-foot per annum by storage from January 1 to December 31 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before June 1, 1954 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1956

5. Complete application of the water to the proposed use shall be made on or before December 1, 1957

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this 17th *day of* December 1953.

A. D. EDMONSTON,
State Engineer

By Harvey O. Banks
Assistant State Engineer

6

FORM 61-A

IMPORTANT

[Please Read Carefully]

1. *Note the terms and conditions of this permit.* Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Engineer thereof.
2. Neither this application nor the permit is a water right, but *if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water*—the extent of the right to be determined by a field inspection which will be made by a representative of the State Engineer.
3. *No change in point of diversion, or place of use or character of use, can be made under this application and permit* without the approval of the State Engineer.
4. *If the rights under this permit are assigned* immediate notice to that effect with the name and address of the new owner should be forwarded to the State Engineer, Sacramento, California.
5. *Please advise immediately of any change of address.* Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.

85431 1-52 3M SPO

7

Proof of Publication

STATE OF CALIFORNIA }
County of Inyo } SS.

Todd Watkins, being duly sworn, deposes and says: That he is the Publisher of the INYO INDEPENDENT, a newspaper of general circulation, printed and published weekly at Independence, Inyo County, California; that the Notice OF APPLICATION TO APPROPRIATE WATER. Application 15381.

of which a copy is hereto attached, was published in said newspaper in the issue dated Friday the 4th day of September 19 53 and in three (3) subsequent issues of said newspaper, and not in a supplement thereto; that the said notice was published in the issues of said newspaper of the following dates, to-wit:

Friday, Sept. 4, 11, 18, 25, 1953.

19	Friday	19	
19	Friday	19	
19	Friday	19	
19	Friday	19	
19	Friday	19	
19	Friday	19	
19	Friday	19	

Todd Watkins

Publisher of the Inyo Independent

Subscribed and sworn to before me this 25 day of Sept., 1953

Dorothy M. Tanover

Notary Public in and for the County of Inyo, State of California

3-1-54

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS DIVISION OF WATER RESOURCES, STATE ENGINEER. SACRAMENTO 5.

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 15381

NOTICE IS HEREBY GIVEN, That U. S. Death Valley National Monument, Trona, California has under the date of June 18, 1953, applied to the Department of Public Works, State Engineer, for a permit to appropriate **unappropriated** water, subject to vested rights.

Description of Project

Water to be appropriated from (1) Lower Emigrant Spring and (2) Pioneer Spring, each tributary to Emigrant Canyon, County of Inyo.

Amount applied for: 0.0067 cubic foot per second or approximately 4335 gallons per day direct diversion and 0.3 acre-foot per annum by storage.

Diversion season named: January 1 to December 31 of each year.

Water to be used for domestic purposes.

Point of diversion within (1) SW¼ of NE¼ and (2) SE¼ of NW¼ of projected Section 29, T 17 S, R 44 E, MDB&M.

Place of use described: SW¼ of SE¼ of projected Section 30, T 16 S, R 44 E, MDB&M as shown on map filed with State Engineer.

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the Department of Public Works, State Engineer, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval of the application and shall contain the following information:

(1) Statement of the injury which would result to protestant from such appropriation and use.

(2) The basis of protestant's water right.

(3) Protestant's past and present use of water both as to amount used and land irrigated, or use made of water if other than irrigation.

(4) The approximate location of protestant's land or place of use and point of diversion of the water.

A copy of the protest should be sent to the applicant and this office notified that the same has been done.

DEPARTMENT OF PUBLIC WORKS,
By A. D. EDMONSTON,
State Engineer.

Dated: Sacramento, California, August 19, 1953.

APC:ml

(Pub 11 Sept. 4, 11, 18, 25, 1953.)

09-28-1953: received div. of water resources sacramento ; september 28, 1953

RECEIVED
DIV. OF WATER RESOURCES
SACRAMENTO

1953 SEP 28 AM 9 33

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
D .SION OF WATER RESOL .
STATE ENGINEER
SACRAMENTO 5

Region Four

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 15381

NOTICE IS HEREBY GIVEN, THAT U. S. Death Valley National Monument
Trona
California

~~him~~
has under the date of June 18, 1953 applied to the Department of Public Works, State Engineer, for a permit to appropriate unappropriated water, subject to vested rights.

Description of Project

Water to be appropriated from (1) Lower Emigrant Spring and
(2) Pioneer Spring, each tributary to Emigrant Canyon

County of Inyo

Amount applied for: 0.0067 cubic foot per second or approximately 4355 gallons per day direct diversion and 0.3 acre-foot per annum by storage

Diversion season named: January 1 to December 31 of each year

Water to be used for domestic purposes

Point of diversion within (1) SW 1/4 of NE 1/4 and (2) SE 1/4 of NW 1/4 of projected Section 29, T17S, R44E, MDB&M

Place of use described: SW 1/4 of SE 1/4 of projected Section 30, T16S, R44E, MDB&M as shown on map filed with State Engineer

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the Department of Public Works, State Engineer, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval of the application and shall contain the following information:

(1) Statement of the injury which would result to protestant from such appropriation and use.

(2) The basis of protestant's water right.

(3) Protestant's past and present use of water both as to amount used and land irrigated, or use made of water if other than irrigation.

(4) The approximate location of protestant's land or place of use and point of diversion of the water.

A copy of the protest should be sent to the applicant and this office notified that the same has been done.

DEPARTMENT OF PUBLIC WORKS
By A. D. EDMONSTON, *State Engineer*

Dated: Sacramento, California,
August 19, 19 53

FORM S-A

76133 2-53 3M © SPC

Other Supporting Information

Denise Newberry DN
Alice Johns
Owen Williams
Dan B. Kimball

DEVA

January 21, 1993

L54(479)
WR/Water Rights

Memorandum

To: Regional Director, Western Region

From: Acting Chief, Water Resources Division

Subject: Trip Report for Travel by Denise Newberry to Death Valley National Monument, November 30 - December 3, 1992

The attached trip report by Denise Newberry concerns her travel to Death Valley National Monument (DEVA). The purpose of the trip was to assess how licensed water rights may need to be corrected or changed to reflect current park uses and to update water rights records for licensed water rights at DEVA. This information will be used by the Water Rights Branch to (1) prepare Reports of Licensee for DEVA that will be submitted to the California State Water Resources Control Board (SWRCB), (2) request Orders of Correction for licensed water rights, and (3) file applications to change the point of diversion, place, or type of use.

If you have any questions, please feel free to call Denise at (303) 225-3525.

William Jackson

Attachment

cc: DEVA - Superintendent, Essington
WR - Kolipinski
479 - Johns

FNP:DNEWBERRY:bb:(303)225-3500:01/21/93:B:\DEVA

January 20, 1993

L54(479)
WR/Water Rights

Memorandum

To: Acting Chief, Water Resources Division

Through: Chief, Water Rights Branch

From: Water Rights Specialist, Water Rights Branch

Subject: Trip Report for Travel by Denise Newberry to Death Valley National Monument, November 30 - December 3, 1992

PURPOSE: The purpose of the trip was to assess how licensed water rights may need to be corrected or changed to reflect current park uses and to update water rights records for licensed water rights at Death Valley National Monument (DEVA). This information will be used by the Water Rights Branch to (1) prepare Reports of Licensee for DEVA that will be submitted to the California State Water Resources Control Board (SWRCB), (2) request Orders of Correction for licensed water rights, and (3) file applications to change the point of diversion, place, or type of use.

ITINERARY: Departed Fort Collins, Colorado and arrived at DEVA on November 30, 1992. Departed DEVA and returned to Fort Collins on December 3, 1992.

CONTACTS: Mel Essington, Mining Engineer, DEVA
John Stark, Engineering Technician, DEVA
Nancy Ward, Secretary, Resources Management, DEVA

DISCUSSION: Upon arrival, I went to the Resources Management office at DEVA to familiarize myself with water rights records and park staff scheduling. Essington gave me an orientation to DEVA water rights history and locating water rights records at DEVA.

On the morning of December 1, 1992, Essington and I field-checked the following: Texas, Main Cow Creek (Nevares) and Travertine Springs. In the afternoon of December 1, 1992, I familiarized myself with the park water rights records.

On December 2, 1992, Essington and I field-checked Burns and Surprise Springs and spent the day going over Reports of Licensee that will be submitted to the SWRCB.

On the morning of December 3, 1992, Essington and I field-checked Wildrose, Emigrant, Burns Creek and Unnamed Spring (Thorndyke Spring), and I returned to Fort Collins that evening.

ACTION ITEMS:

1. Complete and submit Reports of Licensee to the SWRCB, for the following:

Wildrose Spring	License 4897	Application A012076
Mesquite Spring	License 7578	Application A019538
Ranger Spring	License 7577	Application A019482
Goldbelt Spring	License 6740	Application A018433
Tarantula Springs	License 10845	Application A016096
Saratoga Spring	License 6343	Application A008183
Unnamed Stream	License 10780	Application A021646
Covered Spring	License 10781	Application A015539

Responsible Party: Newberry. Target Date: January 29, 1993.

2. Submit a written request to the SWRCB to process Orders of Correction, for the following:

Main Cow Creek (Nevares Spring)	License 4621	Application A009510
Unnamed Spring (Thorndyke Spring)	License 10580	Application A008423
Unnamed Source (Texas Spring)	License 7854	Application A010119
Lower Emigrant	License 6110	Application A015381
Lower Spring	License 2430	Application A005073
Burns Creek	License 6559A	Application A013852A

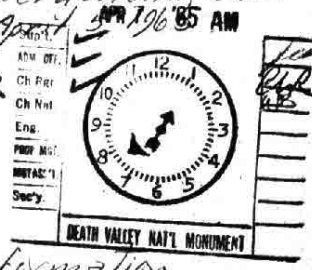
Responsible Party: Newberry. Target Date: January 29, 1993.

3. File copies of completed Reports of Licensee in the Water Rights Branch dockets. Responsible Party: Newberry. Target Date: January 29, 1993.

Denise Newberry

00-00-0000: writen letter to mr. aubuchon from j. victor scammon

Sacramento Calif
Apr 1 1965 8:5 AM



Mr. John A Aubuchon, Supt.
Death Valley Nat'l. Monument
Death Valley, California

Dear Mr. Aubuchon:

For your information, License 2430 issued May 13, 1942 on Application 5073 confirms a right to Lower Emigrant Spring to General Hotel Company for 700 g.p.d. all year for domestic use at Stovepipe Wells.

U.S. D.V.N. Monument's License 6110 issued Aug. 29, 1960 on Application 15381 confirms a right to the same source (subject to license 2430) for 2,800 g.pd. all year for domestic uses.

I am enclosing xerox copies of some of the comments attached to Application 15381 at the time of filing and of a recent Bee editorial dated March 25, 1965. These may be of interest to you.

YES Did your attorney indicate you should sign the request for License etc. on Application 10119? I hope you can see your way clear to request license on Application 10119 and change in place of use.

When you are finished, Please be sure to return my complete field file I loaned your office. I don't want to lose it. Also Jack Caresia said he would ask your S.F. office to get a Mylar transparency map of your recent survey of Furnace Creek area so that the petition for change in place of use can be made.

Sincerely, J. Victor Scammon
7295- 15th Street
Sacramento, Calif. 95822

Docket 9 RS

00-00-0000: memo: attached is a copy of a letter to mr. ralph merritt

File DEVA Alien WR 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California

IN REPLY REFER TO:

RECEIVED
NPS REGION FOUR OFFICE
AUG 31 '60

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
RANGER ACT		

Whitworth
~~Spaulding~~ 8/31

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Rights, Emigrant Springs

(Quiat)

Attached is a copy of a letter to Mr. Ralph Merritt concerning rights of the General Hotel Company to water from Emigrant Spring within Death Valley National Monument. Mr. Merritt has requested us to furnish him information for use in answering the letter.

Information is contained in the Emigrant Springs Docket, Water Right Docket no. 9, that we can use in answering the questions in the letter. We would appreciate receiving a print of Sketch no. NM-DV-2209, a copy of which was attached to the order allowing correction of description of point of diversion signed by Mr. L.K. Hill, Executive Officer, California State Water Rights Board on February 4, 1960. That sketch will graphically explain the reason for the change in point of diversion. If possible, we would like to receive this sketch by September 5, prior to my departure for a meeting with Mr. Merritt in connection with the forcoming visitor center dedication.

Granville B. Liles
Superintendent

In duplicate

Attachment

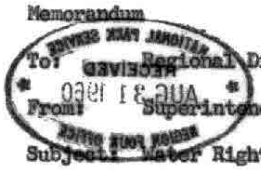
/ 53

00-00-0000: memo: attached is a copy of a letter to mr. ralph merritt copy

Death Valley National Monument
Death Valley, California

dated about Aug 29, 1960
received August 31

Memorandum



To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Rights, Emigrant Springs

not in file

Attached is a copy of a letter to Mr. Ralph Merritt concerning rights of the General Hotel Company to water from Emigrant Spring within Death Valley National Monument. Mr. Merritt has requested us to furnish him information for use in answering the letter.

Information is contained in the Emigrant Springs Docket, Water Right Docket no. 9, that we can use in answering the questions in the letter. We would appreciate receiving a print of Sketch no. NM-DV-2209, a copy of which was attached to the order allowing correction of description of point of diversion signed by Mr. L.K. Hill, Executive Officer, California State Water Rights Board on February 4, 1960. That sketch will graphically explain the reason for the change in point of diversion. If possible, we would like to receive this sketch by September 5, prior to my departure for a meeting with Mr. Merritt in connection with the forcoming visitor center dedication.

Granville B. Liles
Superintendent

In duplicate

Attachment

74

08-31-1960: national park service received aug 31 1960 region four office stamp ; august 31, 1960



08-29-1960: enclosed is your copy of the license which constitutes final confirmation ; august 29, 1960

File DEVA Docket 9

Rec'd 8/30/60

Edmund G. Brown
Governor

STATE OF CALIFORNIA
State Water Rights Board

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

Wosky 8/30
LSS
X Spaulding

See memo of 8/30 to Supt.

AUG 29 1960

Application 15381 Permit 9604 License 6110

COPY

Mr. Fred Kinnevies, Superintendent
Death Valley National Monument
Death Valley, California

Dear Mr. Kinnevies:

Enclosed is your copy of the license which constitutes final confirmation of the right initiated by the filing of the above-numbered application.

A copy of the license has been recorded in the office of the County Recorder of Inyo County.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

cc: Mr. A. van V. Dunn
Chief, Water Resources Section
Department of the Interior
National Park Service
Washington, D. C. (2)

U. S. Death Valley National Monument
Region 4
180 New Montgomery Street
San Francisco 5, California
Attention: Mr. John B. Wosky
Regional Chief of Operations

09-09-1960: dear mr. holley: mr. ralph merritt has inquired about the question of the spring in emigrant canyon ; september 09, 196

Death Valley National Monument
Death Valley, California

L54

September 9, 1960

Mr. Clyde B. Holley
Baird and Holley
709 Rowan Building
Los Angeles 13, California

Dear Mr. Holley:

Mr. Ralph Merritt has inquired about the question of the spring in Emigrant Canyon.

I am giving below some facts in this question and will pass this letter to Mr. Merritt for whatever further comments he cares to make.

A map is enclosed showing this area.

The original application describing point of diversion places this spring in Township 29. However, lands in that area are unsurveyed and the township lines had been projected. A method of township line projection was applied in 1959 to merely resolve mapping difficulty, and this changed the description of the spring to Township 27. This correction was to provide some reliable basis for land description until the land is surveyed. Thus the basis for the "Petition for Correction of Description of Point of Diversion."

If there are other questions, I would be pleased to try to answer them.

Sincerely yours,

Granville B. Liles
Superintendent

Enclosure

Copy to: Mr. Ralph Merritt
Files
Reading file
GLiles:sh

08-26-1960: dear mr. merritt: thank you for our long telephone conversation last wednesday with reference to the water problem ; a

Copy

Clyde E. Holley
Alva C. Baird
Thomas A. Baird
Albert J. Galen

Law Offices
Baird & Holley
709 Rowan Building
458 South Spring Street
Los Angeles 13
Madison 5-7762

August 26, 1960

Mr. Ralph Merritt
323 S. Westmoreland Avenue
Los Angeles 5, California

Dear Mr. Merritt:

Thank you for our long telephone conversation last Wednesday with reference to the water problem up in Death Valley and Peg's interest therein. As I reported I just returned from my vacation and naturally found it necessary to be continuously in court. However, I am now fairly well squared around. As you know the license for diversion and use of water from the lower spring in Emigrant Canyon, Inyo County, was originally granted on June 28, 1926., and permitted use by the General Hostel Company (which is the owner of Stovepipe Wells Hotel) of 700 gallons per day from the lower spring. The description of the point of diversion of the water as recited in our license is located.

Nine tenths (0.9) of a mile in a Northwesterly direction along Emgirant Canyon Road from United States Geological Survey Bench Marked (elevation 4046) and being within the SW¼ of NE¼ of projected Section 29, T 17 S, R44 E, M D B & M.

The state water rights board of Sacramento with reference to the Hotel Company's license forwarded to me some time ago What was headed " Petition for Correction of Description of Point of Diversion wherein the board suggests that the General Hotel Company sign the petition in which it is stated " I hereby request permission to correct the description of the point of diversion described in the above numbered filing as follows and as shown on the map herein submitted:

South 300 feet and West 1800 feet from NE corner of projected Section 27, T 17 S, R 44 E, M D. B & M, being within NW ¼ of NE ¼ of said Section 27.

First of all, Mr. Hill who sent the form petition to me did not include the map referred to in the petition which should be submitted with the Petition.

52

Mr. Hill in his letter transmitting the petition said, " Application 15381 of Department of Interior- Death Valley Monument, which covers diversion from the same spring has been corrected to agree with a new survey of the area.

It is Mr. Hill's thought that it would be advantageous to all parties if license 2430 (Application 5073) were corrected accordingly.

I am at a loss to know what brought about this change of description of the point of diversion and why the point of diversion is now described as being one to two miles away from the orginal description in the records of the state water rights board pertaining to the lower spring in Emigrant Canyon. It may be that the Department of the Interior working through the United States Geological survey has had a resurvey of the lower spring and its point of diversion corrected or changed as shown in the description as described above as being South 300 feet and West 1800 feet from the NE corner of projected Section 27. However, I am at a loss to know who is responsible for this new description and the accuracy of this new description.

I know how thoroughly conversant you have been with the affairs of Death Valley for many many year and I suspect have more accurate information on the valley, its history, sources of water, etc. than anyone now present on the scene.

I wonder if you could throw any light on this radical change of description and the accuracy of the new description of the point of diversion of the water of lower spring in Emgrant Canyon. I hesitate to impose upon you to this extent but would greatly appreciate any comments or information which you could give me on the matter.

I was glad to learn in our telephone conversation that you are rapidly regaining your strength from your recent siege with pneumonia. With continued best wished to you.

Very sincerely

of
BAIRD & HOLLEY

CEH:hk

File DEVA Docket 9

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

1401 21ST STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

L. K. HILL
EXECUTIVE OFFICER

FEB 4 1960

Application 15381, Permit 9604

RECEIVED
NPS REGION FOUR OFFICE
FEB-5'60

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		2-5
ADMIN.		
RECREATION		
INTERP.	mds	2/16 PM.
RANGER ACTI		

X Spaulding
LSS 2/8

U. S. Death Valley National Monument
Region 4
180 New Montgomery Street
San Francisco 5, California

Attention: Mr. John B. Wosky
Regional Chief of Operations

Gentlemen:

Herewith is a copy of Order Allowing Correction of Description of Point of Diversion and Change in Place of Use under the above-numbered filing, which copy should be attached to your copy of the permit.

The records of this office have been amended in accordance therewith.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

7

File DEVA Docket 9

IN REPLY REFER TO:
L54-OBL

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

December 29, 1959

RECEIVED
NPS REGION FOUR OFFICE
JAN 4 '60

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
	Wharworth	
RANGER ACT.		

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Petition for Correction of Location, Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

Mr. Maier is correct in his memorandum of December 9 that the Park Service and State records are sufficiently complete to show the township from which sections are projected. The weakness in the description is that the projection is not officially approved and recorded by plat by BLM. Prospectors and future NPS engineers may project, as I did in 1953, from other corners.

The more I consider the matter, I agree that my previously suggested addition to written petition would not help much. The main thing will be to see that the projection is adopted by the Region, Monument and WODC until BLM establishes its own grid.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC (2)

DEVA Docket 9

154

Spaulding
Whitworth
Wesley
Maier

FILE COPY

December 9, 1959

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Petition for Correction, Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

We believe the ambiguity in section corner tie in the subject petition mentioned by Mr. Dunn in his memorandum of December 7 may be taken care of by reference to Drawing NMDV-2209.

The latter drawing was submitted to the State with a Petition for Change in Place of Use, dated June 17, 1959. In the Region Four docket assembly the Petition of June 17 immediately precedes the subject Petition for Correction.

The proximity of the two documents and the map should help eliminate the mapping ambiguity. In addition, we are entering a reference to Drawing NMDV-2209 on our copy of the Petition for Correction.

As an aid to the filing and location of documents relating to the Emigrant Spring application we have prepared a table of contents of Docket 9. We are filing our copy of the table on top of the assembly and we suggest this be done with assemblies in other offices. It is the procedure in the Region Four Office to file correspondence relating to Docket 9 on the left flap of the folder.

(SGD) HERBERT MAIER

Assistant Regional Director

Attachment

Copy to: Supt., Death Valley w/attachment
Chief, WODC w/attachment

LSSpaulding:hat

71

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
DEC - 9 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	[illegible]	12/8
ADMIN.		
RECREATION		
INTERP.		
RANGER ACT.		

December 7, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Petition for Correction of Designated Description of Diversion, Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

12/9 ~~Whitworth~~

see memo to Director 12/9/59

The petition, as signed by Mr. Whitworth on November 18, and presumably prepared by the State Water Rights Board, is ambiquous because the diversion is tied to a nonexistent section corner, as projected from an unspecified USGS quadrangle. The section corner would have a different location as projected from the nearest GLM surveys on the different quadrangles.

To eliminate as much of the ambiquity as possible, Mr. Hill's letter of November 16 and Mr. Whitworth's letter of November 18 should be stapled to the petition, and all should be filed in the docket. The alternative, which would be better, would be to request the addition of a statement that Section 27, T 17 S, R 44 E, is projected from NW Corner Section 6, T 19 S, R 45 E, on Emigrant Quadrangle of 1952. This is only implied in Mr. Hill's letter of November 16.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC (2)

7°

11-30-1959: attached is a copy of acting superintendent danielson's memo ; november 30, 1959

154

LSS
~~Spaulding~~
McClellan
Whitworth
~~Manbey~~
Wosky

November 30, 1959

FILE COPY

Memorandum

To: Director

From: Acting Assistant Regional Director

Subject: Water Right Application 15381, Emigrant and Pioneer Spring, Docket 9, Death Valley

Attached is a copy of Acting Superintendent Danielson's memorandum of November 25, confirming that Pioneer Spring is dry and that the pipeline is disconnected.

The State Water Rights Board will probably issue a license for Emigrant Spring omitting Pioneer Spring as indicated by Mr. Hill's letter of November 16. If so, we recommend that the license be accepted and that Pioneer Spring be considered abandoned.

A copy of Mr. Danielson's memorandum is also being sent to WODC for filing in Docket 9.

(SGD) JOHN B. WOSKY
Acting Assistant Regional Director

Attachment

Copy to: Superintendent, Death Valley
Chief, WODC (w/speco copy of attachment)

LSSpaulding:hat

69

file Docket 9 DEVA

IN REPLY REFER TO:

L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

November 25, 1959

RECEIVED
NPS REGION FOUR OFFICE
NOV 30 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
RESOURCES MGT.		
INTERP.		
PLANNING		

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Death Valley

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

In response to Mr. Whitworth's memorandum of November 18, our opinion is that the State's conclusion that Pioneer Spring is abandoned is correct.

see memo to Director 11/30/59

Pioneer Spring is dry as has been reported for several years. The pipeline to the main spring is broken and disconnected, and only scattered lengths are still in place.

Willard W. Damielson
Acting Superintendent

In duplicate

Copy to: Files

11-18-1959: attached is a copy of a petition for change of description of point of diversion of the subject water right ; november 18,

154

WESTERN OFFICE
DESIGN & CONSTRUCTION
NOV 20 1959 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

November 18, 1959

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

Attached is a copy of a petition for change of description of point of diversion of the subject water right and a copy of our letter of November 18 transmitting the petition to the State Water Rights Board.

The petition was made in response to Mr. Hill's letter of November 16, copies of which were sent to you and to Mr. Dunn.

The new description, prepared by the Water Rights Board, is in agreement with the projection of surveys we made in June as shown on Drawing NDV 2209. (See our memoranda to you of June 19 and August 12.)

Mr. Hill's letter indicates that the Water Rights Board considers Pioneer Spring abandoned. Please let us have your opinion as to whether or not the State's conclusion should be accepted. In addition, we would like to know if the Spring is still dry as has been reported for a number of years and if the pipeline joining the spring to the main line is still in place.

G. F. WHITWORTH

Acting Regional Chief of Operations

Attachments

Copy to: Director (2) w/attachments
Chief, WODC (2) w/attachments

154

Region Four
150 New Montgomery Street
San Francisco 5, California

November 18, 1959

Mr. L. K. Hill
Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Application 15361 - Emigrant Spring
Death Valley National Monument

Dear Mr. Hill:

Attached is a petition for correction of description of point of diversion of the referenced application.

Very truly yours,

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief
of Operations

Attachment

Copy to: Director(2)
Superintendent, Death Valley
Chief, WORO (2)

66

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

L. K. HILL
EXECUTIVE OFFICER

November 16, 1959

RECEIVED
NPS REGION FOUR OFFICE
NOV 18 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
RANGER ACT		

Application 15381

U. S. Death Valley National Monument
Region 4
180 New Montgomery Street
San Francisco 5, California

Attention: Mr. John B. Wosky
Regional Chief of Operations

X Spaulding
✓ Whitworth
✓ Manbey BFM

Gentlemen:

A review of your petition to change the place of use at your Emigrant Ranger Station project covered by water right Application 15381, Permit 9604, indicates that according to the United States Geological Survey quadrangle (Emigrant Canyon, California-15') there has also been a correction in description of point of diversion. We are therefore enclosing a prepared form showing the approximate location of Emigrant Spring for your approval, or correction if necessary, and signature. Kindly return the petition form as soon as possible.

See memo to mr-Hill 11/18/59

The report of our inspecting engineer indicates that Pioneer Spring (one of the points of diversion shown on your permit) has been abandoned, so its location has not been shown on the petition form.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

cc: Mr. A. van V. Dunn
Mr. Fred W. Binnewies

Enc.

10-22-1959: subject: rights to waters of emigrant spring ; october 22, 1959

file DEVA Docket 9 ✓
Copy in Alien WR Docket 3

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
OCT 26 '59

SURNAME
REG. DIR.
ASST. R.D.
OPERATIONS
ADMIN.
RECREATION
INTERP.
RANGER ACT.

October 22, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Rights to Waters of Emigrant Spring--Application 15381, Docket 9 and Application 5073, Alien Water Right 3, Death Valley

✓ Whitworth
LSS 10/25 Spaulding
Lantz D/M
10/26

The attached copy of a letter of October 13 to Baird and Holley from Mr. L. K. Hill, Executive Officer, State Water Rights Board, does not appear to have been sent to you. We have all received copies of the letter of October 14 to Mr. Hill from Mr. Wosky.

It may be assumed that water diversions and use for the Stove Pipe Wells Hotel have been as high as 700 gpd or the License 2430 on Application 5073 would not have been issued. The Federal license under Application 15381 will presumably be for 2800 gpd. The total will be for slightly more than recently available flow, but approximately equal to some past flows which have been used, and will be used again when available.

The two rights will constitute collective full appropriation of the water, and leave none for potential claims by miners except under permit from the Park Service or Hotel Company. That is one feature we wish to preserve. The condition might not be preserved in wet seasons if the Company right were reduced, and the Federal license is for only 2800 gpd. Hence, neither the Park Service or Company should go so far as to prove that the Company does not exercise its full rights at sufficiently frequent intervals to preserve them.

It is probable that the Park Service does, or will use some water in excess of its rights at times. It is also quite possible that the Company may have to exceed its rights on some days, and be able to do so without detriment to the Federal rights if adequate storage is preserved. This will be a matter for administrative control, and agreement between the Superintendent and Company. There has not yet been justification for formal agreement which might require the installation of more storage by one or both parties.

A. van V. Dunn
Chief, Water Resources Section

Attachment
Copy to: Superintendent, Death Valley
Chief, WODC (2), w/c attachment

64

10-20-1959: enclosed herewith is your voucher signed as instructed to cover petition fee in connection with app 15381 ; october 2

Site DEVA Docket 9

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

1401 21ST STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

October 20, 1959

Application 15381

Re: L54

U. S. Death Valley National Monument
Region 4
180 New Montgomery Street
San Francisco 5, California

Attention: Mr. John B. Wosky
Regional Chief of Operations

Gentlemen:

Enclosed herewith is your voucher signed as instructed to cover petition fee in connection with Application 15381, Permit 9604, to appropriate from Lower Emigrant and Pioneer Springs in Inyo County.

Further action in the matter will await receipt of the necessary fees.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enclosure

NATIONAL PARK SERVICE
RECEIVED
OCT 21 1959
REGION FOUR OFFICE

Standard Form No. 1034a—Revised
Form prescribed by
Comptroller General, U. S.
September 7, 1950
(Gen. Reg. No. 51, Supp. No. 11)

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

D. O. Vou. No. .....

Bu. Vou. No. .....

U. S. Department of the Interior, National Park Service, Region Four
(Department, bureau, or establishment)

Voucher prepared at San Francisco, California Oct. 14, 1959
(Give place and date)

PAID BY

(For use of Paying Office)

THE UNITED STATES, Dr., Payee's Account No. .....

To State Water Rights Board
(Payee)

P. O. Box 1592 Sacramento 7, California
(Address) (City) (State)

No. and Date of Order	Date of Delivery or Service	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary) Discount Terms	QUANTITY	UNIT PRICE Cost	UNIT PRICE Per	AMOUNT Dollars	AMOUNT Cts.
34-177 10/14/59		5-WR-60. Filing Fee, as required by Chapter 254, Statutes of 1955 for a petition to change the place of use in connection with Permit 9604 (Application 15381) for the appropriation of water of Emigrant Spring in Death Valley National Monument	1	$10.00	ea	$10	00
PAYMENT: Complete ☐ Partial ☐ Final ☐		Use continuation sheet(s) if necessary					
Shipped from	to	Weight	Government B/L No.		Total	$10	00

Signed copy returned by State 10/21

(Payee must NOT use this space)

Differences .....

Account verified; correct for .....

(Signature or initials) .....

Contract No. Date Req. No. Date Invoice Rec'd.

MEMORANDUM

ACCOUNTING CLASSIFICATION (For completion by Administrative Office)

Appropriation, limitation, or project symbol	Appropriation title	Limit'n. or Proj't. Amount	Appropriation Amount

Allotment symbol	Amount	Obligations liquidated	COST ACCOUNT Symbol	COST ACCOUNT Amount	OBJECTIVE CLASSIFICATION Symbol	OBJECTIVE CLASSIFICATION Amount

Paid by { Check No. ..... dated ....., 19....., for $ ..... } on Treasurer of the United States in favor of payee named above.
{ Cash, $ ....., on ....., 19.....

16—22900s-2

METHOD OF OR ABSENCE OF ADVERTISING

METHOD OF ADVERTISING

1. Advertising in newspapers Yes ☐ No ☐
2. (*a*) Advertising by circular letters sent to _____ dealers.
   (*b*) And by notices posted in public places Yes ☐ No ☐.

   (If notices were not posted in addition to advertising by circular letters sent to dealers, explanation of such omission must be made below.)

ABSENCE OF ADVERTISING

3. Without advertising, under an exigency of the service which existed prior to the order and would not admit of the delay incident to advertising.
4. Without advertising in accordance with _____

5. Without advertising, it being impracticable to secure competition because of _____

_____

_____

_____

_____

(Here state in detail the nature of the exigency or circumstances under which the securing of competition was impracticable under 3 and 4)

NOTE.—The above form "Method of or Absence of Advertising" is to be used when purchases are made or services secured under proper authority without written agreement in any form. In case of a written agreement (formal contract, proposal, and acceptance, or less formal agreement) Standard Form No. 1036—Revised should be used for abstracting the method of or absence of advertising and award of contract. (See General Regulations No. 51, as amended.)

☆ U. S. GOVERNMENT PRINTING OFFICE : 1950 O—75805

16—22000a-2

154

Region Four
180 New Montgomery Street
San Francisco 5, California

October 14, 1959



Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Application #15381, Emigrant Spring
Death Valley National Monument

Dear Mr. Hill:

Mr. A. Van V. Dunn, Chief, Water Resources Section of the National Park Service referred your letters of August 11 and September 2 to this office for reply.

In regard to Application 15381, Permit 9604 for the appropriation of water of Emigrant Spring, we wish to accept licensing for 2600 gallons per day.

Attached are copies of a purchase order and voucher in the sum of $10.00 for the filing fee for our petition to change the place of use. Please sign and return one copy of the voucher.

The matter of Application 9509, Cow Creek hydro-electric power has been disposed of by separate correspondence.

Sincerely yours,

(SGD) JOHN B. WOSKY
John B. Wosky
Regional Chief of Operations

Attachment

Copy to: Director (2)
Superintendent, Death Valley
Chief, WODC (2)

Edmund G. Brown
Governor

L 54

STATE OF CALIFORNIA

State Water Rights Board

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

KENT SILVERTHORNE, Chairman
W. P. ROWE, Member
RALPH J. McGILL, Member

L. K. H
Executive

October 13, 1959

Applications 5073 and 15381

COPY

Baird and Holley
709 Rowan Building
458 South Spring Street
Los Angeles 13, California

Attention: Mr. Clyde E. Holley

Gentlemen:

In response to the inquiry contained in your letter of October 1 in connection with Application 5073, License 2430, and Application 15381, Permit 9604, please be advised that Section 1241 of the Water Code provides as follows:

> "When the person entitled to the use of water fails to beneficially use all or any part of the water claimed by him, for which a right of use has vested, for the purpose for which it was appropriated or adjudicated, for a period of three years, such unused water reverts to the public and shall be regarded as unappropriated public water."

The General Hotel Company's water rights covered by License 2430 may possibly be reduced in part if the 700 gallons per day covered by the license are not used by the company.

DEVA

We are enclosing a copy of a letter dated June 30, 1959, from Mr. A. van V. Dunn which was answered by our letter of April 19, 1959. If we can be of any further assistance to you please feel free to call upon us.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.

cc: Mr. A. van V. Dunn
Chief, Water Resources Section
Department of the Interior
National Park Service
Washington 25, D. C.

Mr. Fred W. Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

File DEVM Docket 9

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
SEP 14 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERPRETIVE		
LEGAL		

September 10, 1959

Memorandum (AIR MAIL)

To: Regional Director, Region Four

From: Acting Chief, Water Resources Section

X Spaulding LSS 10/15
✓ Whitworth

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

Attached is a copy of Mr. Hill's letter advising of fee required before his office can take action. In reviewing past correspondence, I find that Mr. Dunn favors an even higher claim to a use of 3200 gpd, "the total spring flow on days . . . .", mentioned in Mr. Wosky's memorandum of August 27, first paragraph. Since we have not received a copy of the comments requested in Mr. Wosky's closing statement in that memorandum, if they were offered, I feel that a new petition might still be sent, in the light of this suspended action, as an effort to claim the full flow. In either event compliance with the request for the $10.00 fee should receive action at an early date.

Gordon W. Robertson

Gordon W. Robertson
Acting Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, w/c attachment

File DEVA Docket 9

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L 54

RECEIVED
NPS REGION FOUR OFFICE
SEP -8 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

September 2, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15381, Emigrant Spring

With reference to Mr. Wosky's memorandum of August and Mr. Dunn's of August 20 concerning licensing of water at Emigrant Spring, we agree that the license for 2800 gpd be accepted at this time.

The reconstruction of the diversion system at the spring is now complete and the flow is holding steady at 2.4 gpm. Ranger Ryan stated that in previous years at this time the flow has been about 1.8 gpm but that it increases during the winter to about 2.4 gpm. We do not know if we are actually intercepting more water now or if the apparent increase is due to the elimination of vegetation during reconstruction. In the event that there actually is an increased flow we could accept the license for 2800 gpd now and file another application for the balance when the amount is determined after a year or two of measurement during periods of peak flow.

Will you please reply to Mr. Hill's letter of August 11.

Fred W. Binnewies
Superintendent

In duplicate

08-20-1959: dear mr. dunn: re: l54-obl receipt is acknowledged of your letter of august 20 ; september 02, 1959

File Docket 9 DEVA

Edmund G. Brown
Governor

STATE OF CALIFORNIA
State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

L. K. HILL
EXECUTIVE OFFICER

September 2, 1959

Applications 9509, 15381

COPY

Mr. A. van V. Dunn
Chief Water Resources Section
United States Department of the Interior
National Park Service
Washington 25, D.C.

Dear Mr. Dunn:

Re: L54-OBL

Receipt is acknowledged of your letter of August 20, 1959, in regard to Applications 9509 and 15381. Further action in this matter will be withheld pending correspondence from your Regional Director in San Francisco.

The petition to change the place of use in connection with Permit 9604 (Application 15381) was received on August 17, 1959. However, it was not accompanied by the filing fee of $10.00 which is required by Chapter 254, Statutes of 1955.

Action on the petition will be withheld pending receipt of your voucher to cover payment of the above fee.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

18

file DEVA Docket 9

L-54

Spaulding LSS
Manbey
McClellan
Wosky JBW

FILE COPY

August 27, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

We note that you have received a copy of Mr. Dunn's memorandum of August 20, requesting that you and this office prepare a reply to Mr. Hill of the State Water Rights Board attempting to obtain a Federal license to use the total spring flow on days when the General Hotel Company is not exercising its right.

The State, according to Mr. Hill's letter of August 11, is prepared to issue a license in the amount of 2800 gallons per day. This is the amount of your request of May 27 to the State Water Rights Board revising your earlier request for 2500 gallons per day.

Since the State has already allowed a 300 gpd increase to 2800 gpd, it is our recommendation that licensing be accepted on that amount.

Please let us have your comments.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Director
Field Solicitor McClellan

LSSpaulding:hat

57

File DEVA Docket 9

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

IN REPLY REFER TO: L54-GBL

RECEIVED
NPS REGION FOUR OFFICE
AUG 24 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

August 20, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 9509, 15381 and 5073, Dockets 2 and 9, and Alien Water Right 3, Death Valley

Attached are copies of letter of August 11 from Mr. L. K. Hill of the State Water Rights Board, and my reply. The latter is based in part on Mr. Wosky's memorandum of August 13 to the Superintendent concerning the Cow Creek power developments under Application 9509.

See memo To Supt DEVA 8/27

We, in Washington, cannot provide full support for a license to use all water of Emigrant Spring because we do not know how the storage at the spring and that at the checking station are operated, or whether either is now owned by the Hotel Company. It also appears that 7000 gallons of storage, or two days flow, is inadequate for maximum use from the limited supply, and we find no PCP for increased storage.

Accordingly, we suggest that you and the Superintendent prepare the best possible reply to Mr. Hill, to attempt to obtain a Federal license to use the total spring flow on days when rights under License 2430 are not exercised.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

54

file DEVA Docket 9
xtra copy for DEVA Docket 2

154-CHL

9/23/59

August 20, 1959

Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Appl. 9509-Cow Creek Power, United States
Appl. 5073-Emigrant Spring, General Hotel Company
Appl. 15381-Emigrant Spring, United States Death Valley National Monument

Dear Mr. Hill:

Your letter of August 11 is being referred to our Regional Director in San Francisco for reply by him or the Superintendent of the Monument.

The Superintendent has already been instructed to request cancellation of Application 9509 if all power generation has terminated. Our records suggested that there might be continuing temporary use of one hydroelectric unit.

We believe that the pending license under Application 15381 should be for maximum use of the total flow of Emigrant Spring when the General Hotel Company is not fully exercising its rights. We also believe that the Company License No. 2430 under Application 5073 for the entire 700 gpd should be allowed to stand.

At the present time both claimants could apparently exercise their full rights on different days. Future conflicts will have to be prevented by recognition of the Company priority of June 28, 1926; Federal priority of June 18, 1953; and increased regulatory storage. Further details will have to be supplied by the Regional Director or Superintendent.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Copy to: General Hotel Company
Stovepipe Wells Hotel
Death Valley, California
Regional Director, Region Four
Superintendent, Death Valley
Chief, WODC (2)

08-12-1959: attached is a copy of blm state supervisor ; august 12, 1959

L-54

Spaulding LSS
Whitworth
Manbey
Wosky

FILE COPY

August 12, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Pocket 9, Death Valley

Attached is a copy of BLM State Supervisor Best's memorandum of August 10 commenting on projection of township lines in Death Valley.

Although Mr. Best is not specific, it appears that our tentative projection shown on a map sent you June 19, is sufficiently correct to use as a base for describing land in the unsurveyed areas.

We believe the petition for change of place of use under the subject application sent you with our memorandum of June 19 may now be signed and submitted together with Drawing NEV 2209 to the State Water Rights Board.

We believe some of the difficulty in describing the township and section locations near Emigrant Ranger Station has been caused by topographic base map Drawing NEV-4935 which shows the road intersection (the location of the Ranger Station) misplaced about 2 miles to the north.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Attachment

Copy to: Director (2) w/cys of attachment
Chief, WSRC (2) w/cy of attachment

LSSpaulding:hat

File DEVA Docket 9
m copy for DEVA
Docket 2
L54 4

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

1401 21ST STREET
P. O. BOX 1552
SACRAMENTO 7, CALIFORNIA

August 11, 1959

Applications 5073, 9509, 15381

Mr. A. van V. Dunn
Chief, Water Resources Section
Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

This will acknowledge your letter of June 30, 1959, in connection with water right Application 15381, Permit 9604. As you no doubt have been previously advised, we issue licenses for domestic use based on the daily average during the week of maximum use. This is true for the license held by General Hotel Company on Application 5073, as well as the proposed license on Application 15381. Since it appears the maximum output of the source is 3500 gallons per day it would not appear proper to issue license on Application 15381 for more than 2800 gallons per day unless a portion of the right of General Hotel Company has been lost and the amount named in that license reduced accordingly, or unless it can be shown that the General Hotel Company's right is fully exercised at a time other than during the time of maximum output of the source.

In view of the foregoing we will defer license action for an additional 60 days in order that you may have an opportunity to present detailed information as to the exercise of the right of General Hotel Company from this source. If information to this effect is not submitted within the 60-day period we will proceed with the issuance of the license in the amount of 2800 gallons per day.

If license is issued for 2800 gallons per day and in the future the source is further developed to increase the flow of water, it is suggested that a new application be filed to cover such additional use of water as may be found feasible.

DEVA

At the time of inspection of the project under Application 15381 on April 13, 1959, our engineer also checked regarding water right Application 9509, Permit 5380, which covers use of water from Nameless Outlet tributary to Cow Creek for hydroelectric power generation for use at the Death Valley Monument Headquarters. Our engineer's report indicates that use of water for this purpose has been abandoned since engine driven generators have replaced the hydroelectric plant.

In order to simplify the procedure necessary to clear our records, forms for your use in requesting revocation of Permit 5380 were left at the Monument Headquarters and were to be forwarded to you for your signature. Since we have not received the forms to date, please give this matter your early attention.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

cc: Mr. Fred W. Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

General Hotel Company
c/o Baird and Holley
709 Rowan Building, 458 Spring Street
Los Angeles 13, California

5

Copy

United States
Department of the Interior
Bureau of Land Management

State Office
California Fruit Building- Room 801
4th and J Streets
Sacramento 14, California

August 10,1959

Memorandum

To: Assistant Regional Director, Region 4, National Park Service

From: State Supervisor, Bureau of Land Management

Subject: Projection of Township lines, Death Valley National Monument

The Bureau of Land Management is now making protraction of unsurveyed public land in California. These protractions will furnish a description of unsurveyed areas. so that leases or other land management functions may be transacted., where survey corners on the ground or description by survey are not needed.

As the National Park Service, as mentioned in your letter of July 29, is interested in the protraction of areas in the vicinity of Death Valley National Monument, priority will be given by this office to the preparation of protactions in this area.

Although there appears to be only a few points where our protraction may differ from yours, the particular points of difference are not noted as the protractions which are preparing are more detailed and should prove entirely satisfactory for the purpose you mentioned in your letter.

/s/ R.R. Best

52

Copy

Region Four
180 New Montgomery Street
San Francisco, California

Memorandum

To : State Supervisor
Bureau of Land Managment
Sacremento, California

From: Assistant Regional Director, Region Four

Subject: Projection of Township Liner, Death Valley
National Monument.

We wish to receive your assistance in determining a reasonable procedure in projecting public land survey lines into certain unsurveyed portions of Death Valley National Monument.

Our needs are to extend the land lines show on several USGS quadrangles to be able to give section reference for various springs, mines and other features. No actual field location or survey is involved. We seek a uniform basis for land description for National Park Service purpose until such time as survey are made by the Bureau of Land Management.

We prepared a photographic reduction of twelve USGS quadrangles, a blue print of which is attached, covering the centeral portion of Death Valley National Monument.

We would like to have your confirmation of the correctnace of the method we used in making the projections shown in red on the drawing. We are aware that a determination of how the land would be subdivided probably cannot be made until the land comes up for survey. However, on several points such as the direction of projection and the establishment of half townships you may be able to keep us from going completely astray.

The method we used for which we ask your check is as follows:

1. On the Emigrant Canyon and Panamint Butte Quadrangles we projected township rows 18 South and 17 South north from surveyed Townships 19 South using approximately even 6 miles squares. The top of row 17 South we set as the 4th Standard Parallel South, a correction parallel and an extension of the surveyed

51

standard parabbel lying to the west.

2. Townships north of the Standard Parallel and east of the Cottonwood Mountains (T 15 S, R 43 E, T 16 S, R 43 S. T 16 S, R 44 E) were projected south and west from surveyed land in Death Valley in the Stovepipe Wells Quadrangle. A row of fractional township 16 ½ South was introduced to close on the Standard Parallel.

3. A correction Meridian in the Cottonwood Mountains between tiers 42 East and 43 East was set by proportioning between existing surveyed lands in Salina Valley and Death Valley. Tiers 41 East and 42 East were projected east from Saline Valley to the correction meridiam.

Your comments will be appreciated.

/s/Herbert Maier

Herbert Maier
Assistant Regional Director

Attachment

Copy to: Director
Superintendent, Death Valley

L-54

~~Spaulding~~ LSS

~~Manbey~~ BFM

~~Whitworth~~ GFW

FILE COPY

July 28, 1959

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

Mr. Dunn has suggested that the petition for change in place of use attached to our memorandum of June 19 be held until the method of section projection is checked by the Bureau of Land Management.

Mr. Dunn points out that he had assumed a different projection in the preparation of earlier maps.

We are preparing to submit a copy of our projection to the BLM for their comment. We will let you know when a reply is received.

A copy of Mr. Dunn's July 13 memorandum is attached.

[SGD] G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachment

Copy to: Director

LSSpaulding:hat

40

07-21-1959: we have been holding the revised petition for change in place of use for emigrant spring ; july 21, 1959

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:

RECEIVED
NPS REGION FOUR OFFICE
JUL 23'59
L 54

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Dunn	7/23
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

July 21, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application ~~15831~~ #15381, Emigrant Spring

We have been holding the Revised Petition for change in place of use for Emigrant Spring that was attached to Mr. Whitworth's memorandum of June 19 pending comment by Mr. Dunn. In the absence of such comment do you advise sending the petition on to the State Water Rights Board at this time?

Fred W. Binnewies
Superintendent

In duplicate

Whitworth 7/24

see memo of 7/28 to Supt

19

IN REPLY REFER TO:
L54-OBL

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

July 13, 1959

RECEIVED
NPS REGION FOUR OFFICE
JUL 14 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
✓ MINERALS		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

The copy of Mr. Whitworth's memorandum of June 19 to the Superintendent with copy of petition to change place of use did not reach Washington until 10 days later, or my office until another 10 days later.

The proposed NPS projection of sections, for amendment of the description of the places, should be referred to the BLM before the petition is signed and submitted to the State Water Rights Board. I question whether the suggested subdivision would be followed. I also question whether the Bureau of Land Management will ever have occasion to run any lines in the area unless it wishes to continue the township and range lines for closure where there is patented land.

I seem to recall that one or more fractional sections had been surveyed fairly recently, a mile or such a matter to the northeast of the Emigrant Checking Station. I cannot now find my reference, but it was used in projecting Sec. 30, T 16 S, R 44 E, MDM, on Drawing NM-DV-6974 which is the file map in Docket 9.

I have always assumed that any refinement of sections in the area from Emigrant Checking Station to Emigrant and Pioneer Springs would be made by survey from Sec. 36, T 15 S, R 44 E, which was established for the location of the Stovepipe Wells Hotel tract. I also assumed that any error in closure between T 15 S, R 44 E and T 19 S, R 45 E, would be left unresolved between Emigrant and Pioneer Springs, and the area including the Gold Bottom, or Journigan Millsite and springs to the west. I also assumed that any error of closure would be adjusted by odd shaped and sized sections rather than the introduction of a half township.

✓ Lands 7/28
X Spaulding [illegible] 7/24
see memo of 7/28 to Supt.

48

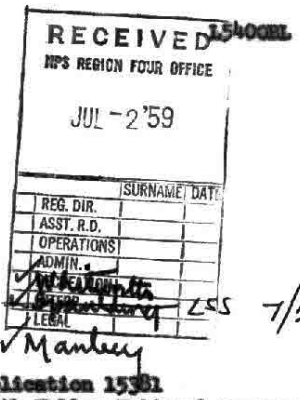
Despite these comments, I have no objection to the alternative solution suggested by Mr. Whitworth if it is acceptable to the District Office of BLM. I do think the projection on Drawing 6974 should be about close enough except for check between projection from the old Ballerat quadrangle to the newer Stovepipe Wells and Emigrant Canyon quadrangles.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC (2)

18

S.1a DEVA Docket 9



1540GBL

June 30, 1959

AIR MAIL

Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

LSS 7/29

Re: Application 15381
Death Valley National Monument

Dear Mr. Hill:

Your letter of June 9 to Superintendent Binnewies and a copy of his letter of May 27 to Mr. Spencer have arrived in this office while I was unavoidably absent during most of the month on personal matters.

I have attempted to handle this matter through our regional and monument representatives, but there does not appear to be time to continue the procedure. It may already be too late to have my ideas considered in connection with the pending license.

Mr. Spencer appears to have measured a flow of 3,200 gpd (2.2 gpm) on April 11. I am not sure that the flow, diversion, and use does not increase at other seasons of the year, or that more water cannot be produced by the limination of native vegetation. I assumed that Mr. Spencer would recommend licensing all potential available spring flow because monument attendance and resulting water use is still increasing.

We then have to consider that rights under Application 15381 are junior to those of the General Hotel Company under its Application 5073, Permit 3495, License 2430, for 700 gallons per day. The Company hauls its water, and has been filling its truck tank at the Federal facilities of the Emigrant Checking Station since they became available, rather than add to the mileage by driving up Emigrant Canyon to its designated point of diversion at the spring. The Superintendent has advised that his check of the tank fillings at the Checking Station reveals that the Company only hauls 2,000 to 3,000 gallons per week, or a maximum of 428 gpd and average of 357 gpd.

During one period to my knowledge, before Mr. Binnewies became Superintendent, consideration was given to permitting the Company to haul from the Cow Creek supply (Federal Application 9510,

Permit 5381, License 4621), when there was a belief that supplies and demands could be better balanced thereby. I have just been advised that this practice is only followed in emergencies, but the Park Service and Company have cooperated in attempts to serve the needs of both.

For these reasons, it seems to me that the pending license, if not yet granted, under Application 15381, should be to 3,200 gpd, or a reasonable amount more to cover any seasonal variation in flow, but subject to prior rights under License 2430, and any reservation you are prescribing to provide water for wildlife.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Chief, WODC (2)

J7

06-19-1959: attached are the following relating to the proposed petition to change the place of use under the subject water right. ; j

Site Dem Docket 9

In reply refer to:
L-54

~~Spaulding~~ LSS
~~McClellan~~
Manbey BFM
Whitworth

June 19, 1959

FILE COPY

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

Attached are the following relating to the proposed petition to change the place of use under the subject water right:

1. Draft of Petition dated April 13, 1959 submitted with your memorandum of May 15.

2. Original and one copy of a Revised Petition for change in place of use.

3. Three copies of drawing NMDV-2209, Emigrant Checking Station Water System.

4. One blue line print of reduction of 12 USGS quadrangles covering the central portion of Death Valley National Monument.

We are returning the draft of the petition you sent May 15 and are requesting that in lieu thereof you use the revised draft - Attachment No. 2.

Our review of the petition again pointed up the difficulties introduced by projecting townships on maps of unsurveyed land. The section description of places of use shown on the original application based on maps available at the time do not agree with projections made using modern quadrangles.

To resolve the mapping difficulty we prepared a composite of quadrangles covering the mid portion of the Monument (Attachment 4). On this map we projected townships as shown by red lines. In the Emigrant District we projected rows 18 South and 17 South north from surveyed Townships 19 South. The top of row 17 South we set as the 4th standard Parallel South, a correction parallel. Townships north of the Standard Parallel and east of the

4b

Cottonwood Mountains were projected west and south from surveyed land in Death Valley. A row of fractional townships 16 1/2 South was introduced to close on the Standard Parallel. A correction meridian in the Cottonwood Mountains was set by proportioning between existing surveyed lands in Saline Valley and Death Valley. Tiers 41E and 42E were projected east from Saline Valley and closed on the correction meridian.

The above method of projection if acceptable to you and to Mr. Dunn may provide a uniform basis for land description by the National Park Service until such time as actual surveys are made by the Bureau of Land Management.

Based on the above projection we prepared drawing NMDV-2209, Emigrant Ranger Station Water System (Attachment 3). The description of the places of use of Attachment 2 conform to this drawing.

It is our recommendation, allowing sufficient time for Mr. Dunn to comment, that you sign and submit the attached revision of the petition (Attachment 2) together with drawing NMDV-2209 (Attachment 3) to the State Water Rights Board.

We are sending one copy of the revised petition to Mr. Dunn and are keeping two copies for this office and NODC to be filed in Docket 9 once it is known you have submitted the original to the State.

George F. Whitworth
Acting Regional Chief of Operations

Attachments (4) — Attachments 2 & 3 filed in Docket 9 NV-CAL

Copy to: Director (w/attachments 2,3, and 4)

LSSpaulding:SH:hat

16



Edmund G. Brown
Governor

STATE OF CALIFORNIA
State Water Rights Board

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

June 9, 1959

Application 15381

Mr. Fred W. Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

Re: L 54

Dear Mr. Binnewies:

In response to the information set forth in your letter of May 27, 1959, please be advised that this Board will consider license action in connection with water right Application 15381, Permit 9604, for 2800 gallons per day instead of the 2500 gallons per day originally considered.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

cc: Mr. A. van V. Dunn, Chief
Water Resources Section
U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Docket 9 LS

05-27-1959: attached for your information is an apeco copy of a letter of may 27 ; june 03, 1959

L54

Region Four

June 3, 1959

To: Director

From: Acting Assistant Regional Director

Subject: Water Right Application 15831, Emigrant Spring, Docket 9, Death Valley

Attached for your information is an apeco copy of a letter of May 27 from Superintendent Binnewies to Mr. L. C. Spencer of the State Water Rights Board. The letter requests amendment of a previous request for license in response to our memorandum of May 22 to Mr. Binnewies. The original of the letter was forwarded this date to the State after review by Field Solicitor McClellan.

It will be noted that Mr. Binnewies' request for amendment makes no claim for a portion of the General Hotel Company supply at the times the General Hotel Company is not using the water as we had suggested. Rather, the increased claim is based on a normal flow of 2800 g.p.d. plus 700 g.p.d. or a total of 3500 g.p.d., instead of an acceptance of the actual flow of 3200 g.p.d. (total) as measured by the State inspector on April 13.

Also attached for filing in Docket 9 is an apeco copy of Mr. Binnewies' May 27 memorandum transmitting the above letter.

(SGD) JOHN B. WOSKY

John B. Wosky
Acting Assistant Regional Director

Attachments

Copy to: Superintendent, Death Valley
Chief, WDDC (2) (w/attachments)
Field Solicitor McClellan (2) (w/2 cys attachments)

LSSpaulding:kp

FILE COPY

05-27-1959: we are enclosing the original signed copy of a letter to mr. l. c. spencer ; may 27, 1959

File DEVA DOCKET 9

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:
L 54

RECEIVED
NPS REGION FOUR OFFICE
JUN -2'59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
LEGAL		

May 27, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15831, Emigrant Spring

We are enclosing the original signed copy of a letter to Mr. L. C. Spencer, State Water Rights Board, requesting amendment of the request for license for Emigrant Spring as suggested in Mr. Wosky's memorandum of May 22. A check on water use by the General Hotel Company reveals that they use between 2000 and 3000 gallons of water per week during the travel season which is only about half of the total to which they are entitled. We use the balance and it therefore seems reasonable to request a license for 2800 rather than 2500 gpd although this was not used as a justification in the letter to Mr. Spencer.

We have planned to improve the spring this summer with maintenance funds and should soon realize the normal flow of 2.5 gallons per minute rather than the 2.2 as measured by the state engineer.

If the letter is considered satisfactory, please send it direct to the State Water Rights Board.

Fred W. Binnewies
Superintendent

In duplicate

Attachment

04-13-1959: on april 13 we submitted a request for license under app 15381 ; may 27, 1959

file Reg 4 DEVA Docket 9

IN REPLY REFER TO:

L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California

May 27, 1959

Mr. L. C. Spencer
State Water Rights Board
P. O. Box 1592
Sacramento, California

Dear Mr. Spencer:

On April 13 we submitted a request for license under Application 15381, Permit 9604, for 2500 gpd from Emigrant Springs in Death Valley National Monument subject to the right of the General Hotel Company for an additional 700 gpd under license 2430. It is now requested that the license be amended to 2800 gpd which is the amount of water actually being put to beneficial use by the National Park Service.

At the time of Mr. Chester's inspection in April the spring flow was reduced somewhat by vegetation but normally it produces the 2800 gpd, plus 700, for which the license is requested.

Your favorable consideration of this request will be appreciated.

Sincerely,

Fred W. Binnewies

Fred W. Binnewies
Superintendent

L-54

May 22, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant and Pioneer Springs, Docket 9, Death Valley

Mr. Dunn has written on April 30 and again on May 7 regarding the recent inspection by the State for water right licensing of Emigrant Spring.

As Mr. Dunn points out our request for license constitutes a reduction in our Emigrant Spring right and probably abandonment of Pioneer Spring.

Mr. Dunn asks us to consider withdrawing our request to license in order to claim more water. We are asked to evaluate two points on which to base an increased claim. First, the condition of the spring diversion works are such that maximum flow is not being realized. Our claim could be based on the full potential. Secondly, Mr. Dunn suggests the fact that the Hotel Company is not currently using 700 gpd opens a possibility of the Park Service claiming a right to the part not used.

We had considered the first suggestion previously and the fact that no funds for spring improvement had been requested in your construction programs for the next two years or, for that matter, in MISSION 66, lead to our recommendation that license be accepted now. Carrying out Mr. Dunn's suggestion in time to affect the State's action would require either that you immediately initiate a project to reconstruct the spring or that you can justify extending the time to complete construction for six years or longer.

The second suggestion, that of asking the State to issue the license for the full flow, subject only to the actual use by the Hotel Company has been discussed with Field Solicitor McClellan who, in turn, discussed this with Assistant Regional Solicitor Taylor. Mr. Taylor has advised either to request withdrawal of the request for license or to ask to have it amended to 2800 gpd, subject to the prior right of the Hotel Company. Twenty-eight hundred gallons per day has been indicated as the amount the State would recognize as beneficial use by the Park Service and represents use of 300 gpd included in the Hotel Company right at such times as the Hotel Company is not making use of the water.

In the light of the above, it is asked that you request the State to amend the request for license unless, of course, you wish to go further and ask for withdrawal of the request for license. In the latter case, you should ask for time to prepare a request for extension of time to complete construction.

If the first course is followed, your letter to the State Water Rights Board should be directed to the attention of Mr. L. C. Spencer. The State should be asked to amend the request for license dated April 13, Application 15381, Permit 9604, to 2800 gpd instead of 2500 gpd subject to the right of the General Hotel Company under License 2430. The reason for the amendment may be stated simply that the United States is making beneficial use of 2800 gallons per day.

We suggest that you prepare and sign your letter to the State, but send it to us to be forwarded after legal review. It is important that this matter be acted on as soon as possible. Please telephone if you have questions.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Director
Chief, WODC(2)
Field Solicitor McClellan

LSSpaulding:hat

05-15-1959: attached is the petition for change in place of use as prepared by mr. chesler ; may 15, 1959

File DBWR Docket 9

IN REPLY REFER TO:

L 54
Whitworth.

~~Spaulding~~
ISS 6/16

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

May 15, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

See memo of 6/17 to Supt.

Subject: Water Right Application 15381, Emigrant Springs

Attached is the Petition for Change in Place of Use as prepared by Mr. Chesler of the State Water Rights Board on April 13. In view of the comments in Mr. Dunn's memorandum of April 30, will you please review the petition and make any changes necessary before it is filed with the State Water Rights Board. It is our understanding that this does not affect the use at Emigrant Ranger Station but adds the hose bibb that has been provided at the spring for use of visitors.

See memo of 5/22 to Supt.

Please inform us also if you prefer that we withdraw the Request for License that was the subject of Mr. Dunn's memorandum of May 7.

Fred W. Binnewies
Superintendent

Attachment

In duplicate

41

File DEVA Docket 9

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
MAY 14 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
✓ ADMIN.		
RECREATION		
PLANNING		
LEGAL		

LSS 6/17

May 11, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water for Wildlife and Water Rights, Death Valley

The general memorandum of May 4 from Mr. Wosky includes a closing paragraph concerning specific "change in place of use" of water of Emigrant Spring. I overlooked that change in the petition and memorandum of April 24 because of my concern over the elimination of claim to one of the two points of diversion (Docket 9).

See memo of to Supt.

The change, actually addition, of use in SW¼ of NE¼ Sec. 29, T 17 S, R 44 E, projected, was decidedly wise. That place of use should have been included in the original application.

As a related problem, please refer to the License 2430, and order correcting place of use at Stove Pipe Wells Hotel, in Part IV, Alien Water Right No. 3. Technically speaking, I believe that the place of use is in error as originally described, and as corrected, and the point might be referred to the State Water Rights Board for our future guidance in applications for the appropriation of water to be hauled to another area for use.

no action taken

I believe that the water is used when it is placed in a tank truck. Since the Hotel Company made proof on a water system all within the 40 acre tract at the spring, I should think the place of use should be in SW¼ of NE¼ Sec. 29, T 17 S, R 44 E. Now that the Park Service has piped the water to the Checking Station in Sec. 30, T 16 S, R 44 E, the Hotel Company might make correction to that place of use to fill tank trucks under permit from the Park Service.

If the Hotel Company claims use at the Hotel through the medium of hauling, the United States should probably claim use at each area where a miner or camper may choose to make ultimate use of water obtained at the Checking Station, Wildrose Lodge, old summer Headquarters, or other water systems.

this is a private water right

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC (2)

#10

File DEVA Docket 9

IN REPLY REFER TO:
L54-ORL

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

RECEIVED
NPS REGION FOUR OFFICE
MAY 12 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
[illegible]		
LEGAL		

May 7, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 15381, Permit 9604, Docket 9X Spaulding
Death Valley L LSS

The copy of memorandum of April 24 to the Superintendent from Mr. Wosky, and attached copy of request for license, which Mr. Binnewies signed on April 13, raise several questions of procedure and the wisdom of resulting action. See memo to Supt. 5/12

Authority to establish water rights by application, permit and license, has been delegated to you under Order No. 14 of January 24, 1955, but the Regional Directors were instructed not to exercise that authority without further instructions, by memorandum DO-6-55 of April 8, 1955. There has been no clearance to exercise full authority because the regional offices have become organized to varying degrees, and the need for some guidance is still apparent. Your further delegation of authority to the Superintendents is correspondingly restricted. However, I have attempted to act only as an advisor to Region Four, for some time.

In the particular case, Mr. Binnewies appears to have been pressured into exercising his delegated authority, by a representative of the State Water Rights Board. Messrs. Binnewies and Spaulding are better qualified to evaluate the details of the situation than I, but I do not think proper evaluation was made. I think Mr. Binnewies could still withdraw his "request for license" pending further evaluation. Messrs. Spaulding and Whitworth, as engineers; and the Field Solicitor, might consider the following points. They will have to work fast if they wish to advise Mr. Binnewies to withdraw the request.

Mr. Wosky is correct in that a supplemental application for more water, if available, can be filed in the future. Under the existing mining regulations, the United States is probably able to control further appropriation of either Lower Emigrant or Pioneer Springs by the limitation on land use for access. On this basis, I am inclined to let the request stand, since it has been made.

The point of diversion described in the request is that described in Application 15381, at Lower Emigrant Spring. There is no suggestion of change in point of diversion, or of abandonment of claims to water of Pioneer Spring, but abandonment of the latter may have been apparent on field inspection if the connecting pipeline has been removed. Proof under Application 15381, Permit 9604, to only Lower Emigrant Spring will constitute abandonment of Federal claim to Pioneer Spring because there was no statement to the effect that proof did not constitute a waiver of Federal claims to water covered by the permit, or other rights the United States might have to waters of Lower Emigrant Spring. I doubt if the State Water Rights Board would license rights to one spring without licensing or revoking rights to the other, but that is a point to consider.

I assume that Application 15381 was to total flow of both sources, regardless of Hotel Co. license. The following analysis is significant:

The original claim was to 0.006700 sec.ft. (both springs)

Gen. Hotel License 2430 is to 700 gpd or 0.001083 sec.ft. (Lower Emigrant)

Fed. request for license is to 2500 gpd or 0.003868 sec.ft.(" ")

Total resulting licenses to be for 3200 gpd or 0.004951 sec.ft. (Lower Emigrant)

Abandoned Claim 1130 gpd or 0.001749 sec.ft. (26% of claim)

I consider it a serious mistake to have submitted to proof unless the diversion works and spring area had been recently re-conditioned to eliminate local water consumption by native vegetation, and to assure that all water was being diverted. Part of the relatively small abandoned claim might have been preserved. It is more important to establish firm rights to all dry cycle flow than to await a wet cycle to establish rights to water of little value to others.

I also believe that the request and license should be to the full flow of 3200 gpm, or 0.004951 sec.ft., or more by reconditioning, subject to prior use of 700 gpd under License 2430. The Park Service should have the right to use all water when the Hotel Co. is using less than 700 gpd, even if the reduced use is becoming less frequent.

The suggestion in the last paragraph, if not in the last two paragraphs, seems to justify submission of a revised Request for License.

We are filing the copy of the request of April 13 in our Docket 9. Copies of it, and any revised request, should be filed in the docket assemblies in your office, the Monument and WODC. Please advise if you do not have a suitable copy for further necessary duplication.

The original of the request naturally went to the State. The original of the license will be sent to applicant for such license, and should be filed in Monument docket after suitable copies are made for the other three.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

L-54

Spaulding LSS

McClellan

Whitworth

Manbey

Wosky

FILE COPY

May 6, 1959

Memorandum (Air Mail)

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Death Valley National Monument

By memorandum of April 24, we sent you a copy of a Request for License, signed by Superintendent Binnewies April 13 for 2500 gallons per day (.004 cfs or 1.7 GPM) of water of Emigrant Spring.

Mr. Dunn suggests by memorandum of April 30 that we ask the State for more water. However, as explained by our April 24 memorandum, we believe we should accept State licensing for the amount measured April 11 and not protest our own request.

In regard to a petition for an added place of use, we have reviewed the original application as amended November 16, 1953 and find that all present use is covered. Mr. Chandler may have overlooked the supplemental statement which describes the roadside use near the spring as well as other use away from the Ranger Station.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Supt., Death Valley

LSSpaulding:hat

file DEVA Docket [redacted] 9
make copies for Docket 22
& Alien WR 34

IN REPLY REFER TO: [illegible]
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
MAY -4 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	ISO	
~~[illegible]~~		5/6
RECREATION		
INTERP.		
LEGAL		

Whitworth
Dandy

April 30, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Superintendent's Three Memoranda of April 20; (1) Det[illegible] and Dobbins, Alien Water Right 34; (2) Burns Spring, Docket 22; and (3) Emigrant Spring, Docket 9, Death Valley

If Dobbins is selling mill equipment, and it is being removed from Gold Bottom and adjacent millsite claims, Mr. Troeger should not be pressed at this time. Mr. Troeger's voluntary assignment of water rights would be fine, but value for purchase would be less after the removal of supporting water systems.

See memo of 5/6 to Supt.

Before withdrawing claim to Burns Spring, or accepting its cancellation by the State Water Rights Board, consideration should be given to the long period of drought reflected by precipitation records at Greenland Ranch (Furnace Creek Ranch), and action taken by the Greenes to remove the water system lateral. I recommend revocation of land use permit and removal of water system lateral if permit is nullified. However, I also advise against nullification of permit until end of statutory period for lapse, if Greenes plan to hold millsite claim in hope of resuming operations.

See memo of 5/6 to Dir.

Federal claims under Application 15381, Permit 9604, Docket 9, should certainly be amended by petition as part of proof for license. Mr. Binnewies has not supplied sufficient detail for me to understand just what charges have been made. However, the petition should cover the point of diversion now in use. If there are still pipeline connections to, and the sources at either or both of two former points of diversion are likely to return to former flow, I should also petition for right to divert all, or any part of the water, from any of the sources.

I think the State is unjustly forcing the issue if insisting on licensing what may be subnormal flows at this time. However, it may be willing to license the use of past average or maximum flow, when available. This should be determined before filing the petition.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

cy make for Headquarters file

File DEVA Docket 9

April 24, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Emigrant Spring, Docket 9, Death Valley

We received two memoranda from you on the above subject, that of April 20 suggesting a petition to add to the place of use and that of April 21 transmitting two copies of a request for license.

We presume the original of the request for license was retained by Mr. Chesler for the State Water Rights Board and constitutes proof limiting the water right to the quantity he measured on April 11. It is unfortunate that inspection was made at this time, because the total diversion including Stovepipe Wells' share is now only 3200 gallons per day (2.2 GPM) compared to 3600 gallons per day (2.5 GPM) measured for several years and further compared to the quantity of the application, which is 0.0067 cfs (4320 GPD or 3.0 GPM).

However, we believe we should accept licensing for the net amount of 2500 gallons per day. The difference of 0.3 GPM between present and past flow is too small to warrant the effort that would be required to keep postponing making proof until the spring recovers. Further, we understand the spring diversion is in poor shape and may not recover without complete reconstruction.

We suggest that our program should be to wait and file a supplemental application if and when reconstruction of the spring produces more water.

We are filing one copy of the request for license in our Docket 9, and are sending the second copy to Mr. Dunn.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Director
(w/copy of Request for License)

bc: Mr. Whitworth

LSSpaulding/eb

FILE COPY

04-21-1959: attached are two copies of the request for license for the above numbered water right apps ; april 21, 1959

File DEVA Docket 9

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
US REGION FOUR OFFICE
APR 23 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
LEGAL		

April 21, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15381

Attached are two copies of the Request for License for the above numbered water right application that was prepared by Mr. A. A. Chesler of the State Water Rights Board for Lower Emigrant Spring.

When Mr. Chesler measured the flow on April 11 he estimated that the spring was producing 3200 gallons per day. From this is deducted 700 gallons for the General Hotel Company for use at Stove Pipe Wells Hotel, leaving 2500 gallons for the National Park Service.

We trust that that this action meets with your approval.

Fred W. Binnewies
Superintendent

Attachments 2

In duplicate

file Deva Docket 9

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
NPS REGION FOUR OFFICE
APR 23 '59
L 54

SURNAME	DATE
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	BTH 4/23
LEGAL	LES 4/23 forms requested

April 20, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15381, Emigrant Spring

On Saturday April 11, Mr. Chesler of the State Water Rights Board made an inspection of Emigrant Spring and suggested that a petition for change in place of use be filed to cover the point of diversion for visitor and wildlife use. This petition would in no way affect the original place of use at Emigrant Ranger Station but would be in addition to it. The statement of reasons as prepared by Mr. Chesler is as follows:

> "Actual place of use developed. Location within Section 29 consists of a highway bib outlet for public. Original location described is still being used."

This change is recommended so that the license may be issued. It is assumed that the $10 filing fee can be charged to the water resources investigation account.

Fred W. Binnewies
Superintendent

In duplicate

Copy to Director

L Spaulding

STANDARD FORM NO. 64

#9

Office Memorandum · UNITED STATES GOVERNMENT

TO : Regional Chief of Operations, Region Four DATE: March 24, 1959 I-54

FROM : Linn S. Spaulding, Hydraulic Engineer

SUBJECT: Water for Wildlife and Water Rights, Death Valley

In reference to Assistant Director Price's memorandum of March 11, water is provided for wildlife at the two areas in question.

#9 Emigrant Spring

A spigot is provided at the roadside immediately below the spring for use by the traveling public and by miners. A catch basin receives water from the spigot making it available for birds and small animals. At times this is the only surface water available for several miles as the other springs mentioned in Mr. Price's letter often show no surface flow.

#17 Cow Creek - Nevares Spring

Mr. Price's letter is correct in that lesser springs to the south have been excluded from our application and left undisturbed for wildlife. In addition, one spring on the south edge of the main group was excluded from the collection works constructed in 1957. Water from this spring, 330 feet SE of the collection box, issues from an old 4-inch pipe at 22 GPM.

At present, then, our works at both Nevares and Emigrant Springs do meet the State's proposed condition that "permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife."

I can see no great hardship to the operation of any of the Death Valley systems to have the condition included in permits and I do see advantages in having the condition apply to applications for mining use.

Linn Spaulding

Linn Spaulding
Hydraulic Engineer

Copy to: Mr. Whitworth

LSSpaulding:hat

L54 CBL

MAR 11 1959

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: New State Policy Concerning Water for Wildlife in California, and Effect on Rights to Springs, including Application 15,381, Death Valley

Attached are copies of a letter of February 6 from Mr. L. K. Hill, Executive Officer of the State Water Rights Board, with copies of three letters sent to other water claimants, and our reply. Although our reply was not requested within 10 or 15 days, we believe our reply is desirable to defer any limitation on the amount of water from Lower Emigrant and Pioneer Springs which may be used at the Emigrant Checking Station and Stovepipe Wells Hotel.

We suggest that you or the Superintendent supplement our reply, if possible, with a better explanation of water which may be available for wildlife nearer these springs, and any provision which may have been made for wildlife at the Lower Emigrant Spring diversion. We are particularly pleased to see California adopting the Washington policy, but believe that it will be more practical to allocate springs than part of the limited flow of all springs to wildlife in Death Valley.

(SGD) JACKSON E. PRICE

Assistant Director

Attachments 4

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

WESTERN OFFICE DESIGN & CONSTRUCTION
MAR 13 1959 A.M.
ACTION TAKEN DATE

L54-CBL

MAR [illegible] 1959

3-11-59

Mr. L. K. Hill
Executive Officer
State Water Rights Board
1401 21st Street
P. O. Box 1592
Sacramento 7, California

Re: Application 10,001; 10,002; 10,118; 10,119; and 15,381 - Death Valley

Dear Mr. Hill:

We are particularly interested and in sympathy with the policy adopted by the Board, as described in your letter of February 6 to Mr. Dunn to approve water permits with a special condition there on to assure the public and wildlife of access to water.

The same policy you mention is observed in developing and using water in National Parks and Monuments, which have been established in part to preserve the fish and wildlife therein and to assure enjoyment of such areas by the visiting public. There have even been cases in which water has been appropriated for wildlife needs in states which recognize such needs as a beneficial use. In other cases, we have included similar needs in a claim to water for recreational purposes on the basis that recreational use of a park or monument includes the observation and protection of wildlife in its natural state.

However, there are times when a water system can be provided with wildlife watering facilities, and others in which we find it more practical to allocate adjacent sources to the respective human and wildlife needs. This is particularly true in the case of the limited spring flows in Death Valley, and we believe that state regulations might interfere with the park or monument administration in compliance with the laws under which they have been established.

Lower Emigrant and Pioneer Springs have been appropriated for human use under Federal Application 15,381. Rights to the waters of Lower Emigrant Spring have also been established for human use by the General Hotel Company under License 2430. These are only two of a number of small springs within a mile or so, of which some are unappropriated, and others have been appropriated under Applica tion 13,581; 13,582; 15,539; and 16,138. In granting the use of water to miners and prospectors under those of the rights which

31

are federally owned, by water use permits, a priority No. 1 is reserved to the United States for incidental public needs. If the Park Service decides that human use of the water is jeopardizing wildlife needs, it will exercise the rights under the first priority to provide watering facilities for both the public and wildlife.

For these reasons, we do not believe that Application 15,371, Permit 9604, should be limited to reservations of water for wildlife. However, we are referring your letter to our Regional Director, Region Four, in San Francisco, for details as to water available for wildlife in the vicinity.

The Superintendent of Death Valley has also submitted a petition to change the point of diversion from Cow Creek under Application 9510, License 4621, and an application for the appropriation of a supplemental supply from the same source, both of January 2. The accompanying drawing NM-DV-6991 shows that a number of lesser springs to the south of the new diversion have been excluded from the spring area. The Superintendent specifically recommended their exclusion to provide water for mountain sheep which frequent the area, and we naturally do not wish those sheep to disturb the domestic supply, to the extent it can be prevented by fencing the designated spring area.

We should hate to have the petition and permit for the supplemental appropriation granted subject to reservation of all the other springs for wildlife without more study by our ecologists. However, we also believe that these rights should be perfected with no reservation of water from the specific sources for wildlife.

We believe that these examples will show the need for special consideration of wildlife needs in Federal applications for the appropriation of water in the National Parks and Monuments. We shall be pleased to include a statement in future applications to describe the wildlife facilities which are being reserved or provided.

Sincerely yours,

(SGD) JACKSON E. PRICE

Assistant Director

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Chief, WODC

COPY

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
1401 21st Street
P.O.Box 1592
Sacramento 7, California

February 6, 1959

Applications 10001, 10002, 10118, 10119, 15381

Mr. A. van V. Dunn, Chief
Water Resources Section
U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

Receipt is acknowledged of your letter of January 21, 1959, supplying additional information as to the plans of the Park Service in its water supply development in the Death Valley National Monument. It is noted that you urge that extension of time under the permit on Application 15381 be considered rather than license action to allow more complete use to be made from one of the sources named therein, and that you also urge reconsideration of the proposed one year extensions on the permits on the other four applications.

In reviewing the file of Application 15381 further question has been raised as to whether the development at Lower Emigrant Spring and at Pioneer Spring will completely control the water supply in those areas so that it would be unavailable as a source of water for local animal and bird life or for human consumption at the source. In this regard the State WaterRights Board has adopted a policy requiring all applicants seeking permits to appropriate from springs in the desert areas of the State to give assurance that the develop ment will not prevent such use at the source of the water supply. Recent permits issued by the Board have been conitioned for this purpose.

It is appreciated that Application 15381 has already been permitted and that insertion of a condition of this type at this time would be improper without the consent of the permittee. How ever, we would like to know your position in regard to the matter and to have you consider complying with this policy of the Board even though it is not a part of the permit. Enclosed are copies of letters recently addressed to various applicants prior to permit action on their applications suggesting a wording for a permit condition for this purpose. No objection has been received from any of the applicants, and the condition has been included in the permits that have been issued.

30

COPY COPY

Your plans in this regard and your views in regard to applying the policy to applications of the National Park Service in desert areas of California will be appreciated.

Yours very truly,

/s/ L. K. Hill

L. K. Hill
Executive Officer

Enc.

cc. Senator C. Brown

154-GEL

AIR MAIL

January 21, 1959

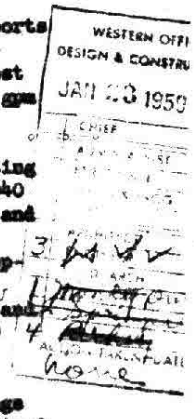
Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Applications 10,001, 10,002, 10,118 and 10,119, Permits 5738, 5739, 5754 and 5755, Furnace Creek and Texas Springs; and Application 15381, Permit 9604, Lower Emigrant and Pioneer Springs
Death Valley National Monument

Dear Mr. Hill:

We request that you reconsider the one year extensions of time in which to complete construction of the Furnace Creek-Texas Spring water system which were suggest in your letter of January 12. We hope to complete construction within one or two years from this date, but requested three year extensions to eliminate the need for further extensions of time to complete construction.

We have drilled a well on the synclinal axis, which is mentioned in our Progress Reports of last October, since those reports and the requests for extension of time were made. The test or exploratory well was drilled to a depth of 246 feet, intercepting most of the water between depths of 76 and 186 feet, and pumped at 375 gpm during an 84 hour test.



Under our MISSION 66 development program, we are attempting to provide public facilities in excess of those contemplated in 1940 when the subject applications were filed, including Federal units and the Furnace Creek Inn and Ranch of the Death Valley Hotel Company, successor to the Pacific Coast Borax Company. All of these developments, as they will be expended, are dependent on the waters of Furnace Creek and the tributary Travertine Springs, Texas Spring, and the Cow Creek Springs which are covered by Applications 9509, 9510 and a recently filed supplemental application.

The flow of Furnace Creek and Texas and Travertine Springs has proved to be more limited than anticipated, and apparently derived from a greater underground flow along the aforesaid synclinal axis.

We are attempting to locate the basic source of the water, and develop a new source of supply for the Federal developments which will not conflict with the Hotel Company diversions from Furnace Creek and Travertine Springs, with necessary amendment of the Federal claims.

No copy of the enclosed Geological Survey Report by Pistrang and Kunkel of the Geological Survey appears to have been sent to you, as intended, with my letter, reports and requests of October 10, 1958. Also enclosed is a copy of Public Law 495 of July 2, 1958 (72 Stat. 295). We have proved the existence of the water along the synclinal axis. We have not determined the extent to which it provides a supplemental supply for allocation in compliance with Public Law 495, and further investigation is being deferred until the Geological Survey completes an analysis of the test well and pump tests of late November. Completion of the water system design and construction, and probable water right amendments, must also be deferred.

We should also prefer to defer proof for the license under Application 15,381, Permit 9604, because we could now only make proof of full use of water of Lower Emigrant Spring which is in excess of the water used by the General Hotel Company under License No. 2430. As indicated in Application 15,381 the water system was completed by 1943 to divert Lower Emigrant and Pioneer Springs. All that water was available until about the end of 1946, but there has been limited flow from Lower Emigrant and practically none from Pioneer Spring in most years since, as suggested by the precipitation records given in the 1958 Progress Report. We wish to preserve the claim to the full quantity of water until we can make proof or make a change in point of partial diversion.

Sincerely yours,

[redacted]

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

Copy to: Regional Director, Region Four, w/c incoming
Superintendent, Death Valley, w/c incoming
Chief, WORC, w/c incoming

Governor

File Docket 9

L 54

STATE OF CALIFORNIA

State Water Rights Board

1401 21st STREET
P. O. BOX 1382
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
J. P. ROWE, MEMBER
ALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

Texas Spr. Emigrant Spr. Docket 9 A.E.Dunn 155 1/29

January 12, 1959
Fortuna Creek

Applications 10001, 10002, 10118, 10119, 15381
Permits 5738, 5739, 5754, 5755, 9604

Mr. A. van V. Dunn, Chief
Water Resources Section
U. S. Department of the Interior
National Park Service
Washington 25, D.C.

Dear Mr. Dunn:

This will acknowledge your progress reports and requests for extension in connection with the above-numbered permits.

We are proceeding with extensions on Permits 5738, 5739, 5754 and 5755 for an additional year. We note, however, the statements in your progress report on Application 15381, Permit 9604, that water is used in all months and the available water supply is fully used during the peak of the tourist season. Inasmuch as the amount of water on which license is based is the average daily use during a week of maximum use, it would appear that the full amount under Permit 9604 has already been used. Under the circumstances it would appear that perhaps license should be issued rather than a further extension.

In view of the foregoing, will you please advise us as to whether you wish to have the project inspected with a view towards issuance of license or whether you wish to press for further extension.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Key 4

28

COPY

January 12, 1959

Applications 18299, 19300

U. S. Bureau of Land Management
2730 L. Street
Bakersfield, California

Gentlemen:

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special condition:

"Permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife".

Unless we are advised to the contrary within 10 days, it will be assumed that you have no objection to the special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours,

/s/ L. K. Hill

L. K. Hill
Executive Officer

27

COPY

December 10, 1958

Applications 18108, 18109, 18110,
18111, 18112, 18133, 18134

Harry S. and Edith C. Knight
Route 3, Box 361
Yuma, Arizona

Dear Mr. and Mrs. Knight:

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special conditions.

"Permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife".

Unless we are advised to the contrary within 10 days, it will be assumed that you have no objection to the special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours,

/s/ L. K. Hill

L. K. Hill
Executive Officer

File left side Docket 9

IN REPLY REFER TO:
L54-L

RECEIVED
NPS REGION FOUR OFFICE
OCT 13 '58

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

October 9, 1958

	SURNAME
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
LEGAL	

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Records, Application 15,381, Lower Emigrant and Pioneer Springs, Docket 9, Death Valley

Copies of the memorandum of July 16 from Mr. Binnewies are being distributed with copies of this memorandum, and should be filed in the subject docket.

Although Mr. Binnewies recommends proof on Lower Emigrant Spring, I believe that the precipitation records support subnormal spring flows. Accordingly, you will receive copy of the annual progress report and a request for further extension of time.

action will be taken when this material is rec'd. JSS 10/15

The $5.00 fee for the extension of time is cheap insurance against potential claims of miners and Stove Pipe Wells Hotel Company if Pioneer Spring should again become useful even in only some years. One other alternative will be to increase the storage, if justified, to make full use of the flow of Lower Emigrant Spring available. The other alternative, if more water becomes necessary, will be to introduce a supplemental supply, probably from the springs now partially used by the Greenes, and Detloff and Dobbins. I am trying to keep all possibilities open at this time.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, w/c attachment
Chief, WODC, w/c attachment

25

File left side Docket 9

COPY

L54

July 16, 1958

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15381, Emigrant Spring

This refers to Mr. Dunn's memorandum of July 7 to the Regional Director with a copy to this office.

Pioneer Spring that Mr. Dunn refers to has been dry for a number of years and the plants around it are dead. It is not now connected to the Emigrant supply. The flow from Emigrant Spring seems to have remained constant at about 2.5 gpm for many years. Ranger Matt Ryan found some records as far back as 1913 that indicated the same flow. There is some decrease in flow during the summer months, probably due to growth of vegetation, but this is seasonal and it is doubtful that removal of the plants would increase the winter supply.

There is some surface indication that improvement of the present diversion might increase the flow by a small amount but it is our opinion that it would not be more than 0.5 gpm. The fact that Mr. Goodwin reported only 2.5 gpm at the time of the initial CCC development would indicate that there is little additional water to be obtained.

The annual precipitation records requested by Mr. Dunn are furnished for Park Headquarters rather than Greenland Ranch.

1935 - 1.42	1943 - 2.51	1951 - .72
1936 - 2.62	1944 - 1.92	1952 - 3.84
1937 - 1.08	1945 - 1.94	1953 - Missing
1938 - 3.41	1946 - 2.78	1954 - 2.61
1939 - 3.42	1947 - .85	1955 - .53
1940 - 2.39	1948 - .31	1956 - .77
1941 - 4.20	1949 - 3.45	1957 - 2.53
1942 - .94	1950 - .99	

Fred W. Binnewies
Superintendent

07-16-1958: attached is a copy of superintendent binnewies' memo of july 16 ; july 28, 1958

File Docket 9 leftside

154

Spaulding
McClatchy
Manley
Johnston

Region Four
100 New Montgomery Street
San Francisco 5, California

July 28, 1958

FILE COPY

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15381, Docket 9, Emigrant Spring, Death Valley

Attached is a copy of Superintendent Binnewies' memorandum of July 16, supplying data requested by Mr. Dunn July 7.

We believe proof should be made now on present flow and use, which amounts to 2.5 gallons per minute (0.0056 sec. ft.).

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Attachment

Copy to: Supt., Death Valley
Chief, WODC (w/attachment)

LSSpaulding/eb

24

File - Docket 9 OEVA left side

IN REPLY REFER TO:

L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
NPS REGION FOUR OFFICE
JUL 21 '58

July 16, 1958

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
NATURAL SCI.		7/24
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 15381, Emigrant Spring

This refers to Mr. Dunn's memorandum of July 7 to the Regional Director with a copy to this office.

copy to Director with memo of 7/28 fss

Pioneer Spring that Mr. Dunn refers to has been dry for a number of years and the plants around it are dead. It is not now connected to the Emigrant supply. The flow from Emigrant Spring seems to have remained constant at about 2.5 gpm for many years. Ranger Matt Ryan found some records as far back as 1913 that indicated the same flow. There is some decrease in flow during the summer months, probably due to growth of vegetation, but this is seasonal and it is doubtful that removal of the plants would increase the winter supply.

There is some surface indication that improvement of the present diversion might increase the flow by a small amount but it is our opinion that it would not be more than 0.5 gpm. The fact that Mr. Goodwin reported only 2.5 gpm at the time of the initial CCC development would indicate that there is little additional water to be obtained.

The annual precipitation records requested by Mr. Dunn are furnished for Park Headquarters rather than Greenland Ranch.

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1940 - 2.39	1948 - .31	1956 - .77
1941 - 4.20	1949 - 3.45	1957 - 2.53
1942 - .94	1950 - .99	

Fred W. Binnewies

Fred W. Binnewies
Superintendent

In duplicate

2-7-1

File Docket 9 left side

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS REGION FOUR OFFICE
JUL 11 '58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
✓ Wentworth		
RECREATION		
✓ Howard	DF	7/11
LEGAL		

July 7, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 15381, Docket 9, Emigrant Spring, Death Valley

X Spaulding 7/7/58

The attached table, based on data in Mr. Johnston's memorandum of June 26, offers my two alternative estimates of the probable water demand at the peak of the season, last winter. This is based on the assumption that the peak was at Easter, after spring irrigation started.

Case I gives a demand very close to the authorized use under the water right. Case II gives a demand for 37% more than the authorized right. I think the demand is close enough for proof if there is the available flow.

See memo of 7/8 to Director

Mr. Spaulding gave a flow of only 2.5 gpm or only 83.5% of the minimum estimated demand in his memorandum of March 25. Mr. Binnewies gave a flow of 2.4 gpm for March 1957 in his memorandum of May 17, 1957. A memorandum of February 9, 1942, from Mr. Goodwin also reported that 2.5 gpm was obtained at time of initial CCC development, without the later diversion of Pioneer Spring. By memorandum of May 5, 1947, Mr. Goodwin reported that Emigrant Spring was only supplying 1 gpm, but that Pioneer Spring was producing a little less than 0.5 gpm.

Since the storage capacity of 7000 gallons has been provided, in lieu of the 2000 at the spring, the peak 8 day water supply for Hotel could be supplied from that, and leave all spring flow during that same peak for Park Service use. I wonder if there may not have been a spring flow measurement in April, closer to Easter, or just a little after, which might not have been greater than the 2.5 gpd.

It seems to me that the two springs should produce about 3 gpm, or 0.0067 sec.ft. with normal climatic conditions and elimination of any vegetation which may have grown up and started consuming part of the water at the spring sources. It would help to have the recorded annual precipitation at the Greenland Ranch for the years from about

1935, or even 1940, to date. We should also determine whether there is new vegetation growth at the springs which should be removed, and whether additional water can be obtained immediately after so doing.

If the precipitation records show a justification for reduced spring flow during the past decade, we seem to be in a position to claim another extension of time on the basis that the demand has developed. However, we should also be sure that we are not letting local vegetation consume part of the water for which there is such demand, by October, when our request should be made. Finally, it may be that we shall have to request proof on 2.5 gpm, or 0.0056 sec.ft. if the repeated report of that amount is indicative of the maximum available.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, w/c attachment
Chief, WODC, w/c attachment

July 7, 1958

Emigrant Spring - Death Valley
Estimated Peak Day Water Use
From Johnston Memo of June 26, 1958

		Case I	Case II
Visitors at Ranger Station	900 at 3 gallons	2700 gallons	2700 gallons
Visitors at Emigrant Spring	50 at 0.5 gallon	25 gallons	25 gallon
Miners hauled		25 gallons	25 gallons
Hauled to Stove Pipe Wells		500 gallons	700 gallons*
Domestic at Ranger Station		250 gallons	250 gallons
Irrigation of 6096 sq.ft. at 18.5 gpd/100 sq.ft.		1130 gallons	
Irrigation of 6096 sq.ft. (0.14 acre) at 8 acre ft/acre in 245 days			2955 gallons
Total		4630 gallons	6655 gallons
Less Rights of General Motel Co.-App. 5073, Cert. 2430		500 gallons	700 gallons*
Peak Use Under Fed. Right - App. 15381, Permit 9604		4130 gallons	5955 gallons
		0.0064 sec.ft.	0.0092 sec.ft.
Federal Claim Under App. 15381, Permit 9604		0.0067 sec.ft.	0.0067 sec.ft.

* Licensed (proved) Use.

L-54

Spaulding
Whitworth
Manbey
Johnston

Region Four
180 New Montgomery Street
San Francisco 5, California

June 26, 1958

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 15,381, Docket 9,
Emigrant Spring, Death Valley

Mr. Dunn by memorandum of June 2 requested, among other things, data to support an extension of time for the Emigrant Spring water right application.

Attached is Superintendent Binnewies' reply dated June 16, in which he states that there has been no appreciable change in water use since the check reported by his memorandum of May 17, 1957. We are attaching copies of Mr. Binnewies' memoranda of January 16, 1957 and May 17, 1957 containing the earlier data.

In answer to Mr. Dunn's specific questions, the following data prepared by this office are submitted:

1. Number of people who stopped at the ranger station and used water during fiscal 1958:

Total for year	(estimated)	15,000 people
Average day	(estimated)	40 people
Peak day	(estimated)	900 people

1A. Number of people who stopped at Emigrant Spring and used water from roadside tap:

Total for year (est. 2% of travel)	1,000 people
Average day	3 people
Peak day	50 people

2. Area covered by irrigated vegetation (tamarisk) is 6096 square feet or 0.14 acre.

3. Apparently no water is used for dust laying.

4. Miners hauled away an estimated 500 gallons directly from Emigrant Spring and 100 gallons from the ranger station during fiscal 1958.

FILE COPY

5. Quantity of water hauled to Stovepipe Wells Hotel during fiscal 1958:

Total for year	25,000 gallons
Average week	500 gallons
Peak week	4,000 gallons

Most of the above is unsupported by actual count or measurement. By copy of this memorandum to the Superintendent, we are requesting that he check these figures and submit before September 1 corrections of data grossly in error.

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Attachments

Copy to: Supt., Death Valley
Chief, WODC

LSSpaulding/eb

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:
Copy

June 16, 1958

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Extension of Time, Water Rights

Please refer to Mr. Dunn's memorandum of June 2, 1958, to the Regional Director, Region Four, a copy of which was furnished this office. In the last paragraph of page 2, Mr. Dunn requests that certain information be obtained at Emigrant Ranger Station to support another extension of time. The information is identical with that supplied in our memorandum of May 17, 1957, and since there has been no appreciable change in water use we wish to inquire if it is necessary to make another check. Any such check made before September 1 would show a decrease in use by visitors and a corresponding increase in irrigation need but all available water in being put to beneficial use.

We are not adverse to making the check again but thourht that the information already supplied might suffice.

/s/ Fred W. Binnewies
Superintendent

In duplicate

L54-L

June 2, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Extensions of Time, Water Rights, Death Valley

The attached copies of orders granting extensions of time until December 1, 1958, are for addition to the Death Valley dockets, which are indicated:

Application 9509, Permit 5380	Docket 2, Cow Creek Power
Application 10,001, Permit 5738	Docket 3, Furnace Creek
Application 10,002, Permit 5339	Docket 4, Furnace Creek
Application 10,118, Permit 5754	Docket 5, Furnace Creek
Application 10,119, Permit 5755	Docket 6, Texas Spring
Application 15,381, Permit 9604	Docket 9, Emigrant Spring

The originals are being sent to the Superintendent and copies are being sent to WODC.

Copies of the letter of transmittal of May 26 are also being distributed, and show that the extensions of time have been granted without comment. The correspondence will also show that we had to supply considerable extra support for our requests for extension of time, in order to prevent licensing of less than the authorized or available water, or the cancellation of permits.

We are now preparing an application to change the point of diversion under Applications 9509 and 9510, and a supplemental application for the appropriation of waters of Cow Creek in excess of the authorized 0.446 sec.ft. These may be sufficient to justify another extension of time under Application 9509 if we wish to provide hydroelectric capacity to use 0.446 sec.ft. or more. However, Mr. Binnewies or Mr. Spaulding suggested during my visit of mid-May that most additional electricity would probably be produced with a diesel until commercial power is available, and that proof for license under Application 9509 might be made on the present installations. Please supply your suggestions as soon as possible.

WESTERN OFFICE
DESIGN & CONSTR.
JUN 4 1958
CHIEF
ADMIN. ASSIST.

Another request for extensions of time will have to be made for water developments under Applications 10,001; 10,002; and 10,118. I have about all the information there is to offer in support, except as to flows. Mr. Spaulding should supply the records of measurements between now and September 1 on the trench diversion and those from the well points at Inn Tract. It would also help to have some records of the measurements for the same month, say August, for each year available for diversions from the well points. However, the latter records should not be obtained if they are likely to result in difficulties with the Death Valley Hotel Company.

It might be possible to make proof for licensing rights under Application 10,119 if we had accurate records of sufficient people using the campground for a week or week end this past winter. However, Mr. Kunkel weakens such proof by letter indicating that the Park Service was only using about 0.04 of the authorized 0.078 sec.ft. when he measured it. One way to justify a further extension of time is to construct a lateral from the Texas Spring Campground water system to the new museum site, and so report to me by September if such lateral could take off at any convenient point on the line extending to the Indian Village.

The rights under Application 15381 are for only 0.0067 sec.ft. or 4330 gallons per day, by diversion, and 0.3 acre-foot or 97,795 gallons of storage. We seem to have only 7,000 gallons of storage capacity, and we shall possibly need some more even though not 100,000 gallons. To support another extension of time we should have counted the number of visitors using the comfort stations on one or more peak visitor days last winter (a laborer could be paid from Account 347 to sit and count for a few days). It is too late to do that before December 1 of this year, but should be scheduled next year. As an alternative by about September 1, I should like:

1. Either the count or best estimate of the number who stopped at the ranger station and probably used the facilities either to fill their car radiators or for personal reasons.

2. The area covered by all vegetation which is now irrigated by hose, with name of vegetation. The area of a tamarisk, or other bush or tree should be figured on the assumption that root system spreads over about the same area as the branches.

3. About how much water is used for dust laying per day. The state recognizes about 7.5 to 10.0 gallons per 100 square feet of surface.

19

4. About how many gallons per day do miners haul away?

5. Although chargeable to Putnam interests and not the Federal rights, the number of gallons per day that are hauled to Stove Pipe Wells Hotel.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

Goodwin J. Knight
Governor

STATE OF CALIFORNIA

State Water Rights Board

1401 21st STREET
P. O. BOX 1382
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

MAY 26 1958

Applications	Permits	
15381	9604 DV	9
10119	5755	6
9509	5380	2
10118	5754	5
10002	5739	4
10001	5738	3

U.S. Death Valley National Monument
c/o Mr. A. Van V. Dunn
National Park Service
Department of Interior
Washington 25, D.C.

Gentlemen:

Orders have been entered granting extensions of time until December 1, 1958 within which to complete construction work and application of water to the proposed use under the above numbered permits.

It is suggested that the enclosed copies of the orders be attached to your copies of the permits.

Very truly yours,

L. K. Hill
L. K. Hill
Executive Officer

Enc.
Cert.

Docket 9LS

L-54

Spaulding ✓

Manbey

Sumner

Wosky

May 4, 1958

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water for Wildlife and Water Rights, Death Valley

We received Mr. Dunn's memorandum of April 6 clarifying points raised by the new State policy reserving access for wildlife and the public at desert springs.

As Mr. Dunn suggests, we shall consider including claims for wildlife in future applications.

In regard to the catch basin for wildlife at Emigrant Spring, the State has suggested we petition for a change in place of use. A copy of our memorandum of April 24, to Superintendent Binnewies on this subject, was sent you.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Superintendent, Death Valley

LSSpaulding:hat

L-54

Spaulding
Whitworth
Manley
Maier

March 25, 1958

Memorandum

To: Regional Chief of Operations

From: Hydraulic Engineer, Region Four

Subject: Report on Travel to Death Valley National Monument

This report covers my travel to Death Valley from February 26 to March 20. The main purpose of the trip was to assist in the extension of the Furnace Creek test trench. While waiting for approval to proceed, I carried out water studies at Navares Springs, at Emigrant Springs and at the springs in Fall Boat Canyon above Detloff Mill. The test trench was eventually cancelled.

Navares Springs #1

Two days were spent with the assistance of Charles Kasling, on measurement of the lesser springs. A separate report will be prepared on my findings.

Operation of Cow Creek Water System #1

An investigation was made to determine if the wastage of water at the 6" valve vault at the upper end of the 6-inch main to the residential area could be avoided. It was found that the capacity of the 6-inch line (laid about 1940) was sufficient to carry the full flow of the main Navares Springs. By adjusting the valve on the pipe discharging water to the powerhouse sump, which also furnishes supplies water to the swimming pool (fire reservoir) and to irrigation ditches, it is possible to convey full spring flow.

The setting on this valve is critical since opening too far lowers the pressure on the suction side of the pump where no water enters the drinking water line passing through the hypochlorinator. A setting so that 130 psi shows on the pressure gauge in the powerhouse gives adequate pressure and permits full flow. The increased flow resulting from a proper valve setting filled Borgum Lake, the pond near the headquarters entrance, for the first time in several years.

The difficulty in making the proper valve setting led to a consideration of the operation of the proposed distribution system which will eliminate the powerhouse sump. Construction of the distribution system, programmed for 1958, will require special valving devices to

18

regulate the flow to avoid (1) wasting water at the 6x8 box and (2) excessively lowering the pressure by heavy irrigation use. Without special devices one or the other of these conditions would occur unless someone constantly adjusted hand valves. Construction of the reservoir above the residential area and a separate irrigation system would make the system simpler by allowing reservoir overflow to flow into irrigation ditches. However, protection would still be required to prevent completely emptying the reservoir by heavy use into the swimming pool and by irrigation of lower areas.

I suggest the use of two pressure controlled valves on the proposed system. One valve at the lower end of the residential area on the main leading to the swimming pool (fire reservoir) would be set to close when the line pressure drops below say 60 psi. This valve would act to prevent reducing pressure in the residential area below that required for fire protection. A pressure regulating flowcontrol valve could be set at the upper end of the residential area. This valve to be set to open and deliver water to the irrigation ditch whenever line pressure exceeded say 130 psi. This valve would be used until the time a reservoir is constructed and would prevent wastage of water at the upper end of the 6-inch line and the (x8 box).

The use of pressure [illegible] valves is an alternate to a system conveying all irrigation water in separate conduits.

Water Use and Travel Records

Actual quantities of water delivered to various irrigation ditches were measured. Length of ditches were measured and number, size and type of trees were counted. Detailed visitation figures were collected.

Drigrant Spring #9

Flow of the spring was found to be 2.5 galls per minute. Wet ground and growth below the intake, in addition to the condition of the intake itself, indicate much of the flow is being lost.

Springs above Detloff Mill

Five springs above Detloff Mill were located by stadia traverse. Sketches were made of collecting works and there possible flow measurements were made. A map of the spring area and a report on spring flow will be prepared.

Thad and Jo L. Greene are in residence at the mill as caretakers. There is no evidence of removal of any of the mill. The Greenes reported that Mr. Detloff was no longer active and that Mr. Dobbins was handling affairs.

Furnace Creek

Invitations for bid [illegible] perforated pipe for the test trench were issued. On notice [illegible] that the project was cancelled the Superintendent prepared to reject all bids.

Water continues to be collected by the present section of pipe in the test trench at the rate of about 100 gallons per minute. This water is conveyed to the PCW lined ditch which prevents the water from flooding State Route 190.

It was noted that water is standing in the PFC well downstream from the test trench and that the USGS has installed a recording float meter. Last summer the well was reported dry.

Furnace Creek Land

Regional Chief of Lands Manley requested by mail that I make a check on the description of lands to be granted to the United States by the Death Valley Hotel Company. I walked over the tracts looking for land corners and surveyed portions of section 16. Two corner monuments of the Desert Potash Exploration placer claim were recovered. Corners on fence lines of Furnace Creek ranch were found, but no evidence of official survey could be found. Two visits to Inyo County court house at Independence were made to file the descriptions of the original patents and to determine the requirements for filing a Record of Survey map.

The property now appears on the county tax rolls as described in the corporation deed recorded in volume 123, page 103. This document records the granting of property in Death Valley to Death Valley Hotel Company by Borax Consolidated, Limited and is dated as of February 29, 1950.

Incidentally, parcel 29 of the above deed describes water rights and refers to four appropriate county filings to waters of Texas Spring and Furnace Creek. The existence of these filings was previously unknown to me. Photostatic copies of the filings and of the corporation deed will be procured for distribution to the Furnace Creek alien water right dockets.

/s/ Linn S. Spaulding

Linn S. Spaulding
Hydraulic Engineer

Copy to: Supt., Death Valley
Chief, Water Resources Section
Chief, WODC

Cleared for distribution:

/s/ H. Maier 3/26/58

Herbert Maier
Assistant Regional Director

3

LSSpaulding/eb

10-00-1957: attached are a copy of our letter of transmittal to the state water rights board ; october, 1957

154-2

57

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Applications 8423 (Docket 24); 9509 (Docket 2); 10,001 (Docket 3); 10,002 (Docket 4); 10,118 (Docket 5); 10,119 (Docket 6); and 15,381 (Docket 9), Death Valley

Attached are a copy of our letter of transmittal to the State Water Rights Board, and your copies of our annual reports and requests for extensions of time as therein listed. The reports and requests for extensions of time should be filed in the dockets indicated above. Copies are being sent to the Superintendent and WORC for similar disposition.

It is my intention to notify the California Water Rights Board, Oregon State Engineer, and Washington Supervisor of the Division of Water Resources to send the forms for future reports to your office as soon as Mr. Spaulding becomes familiar with what each state requires and what I have done to date. He is in a much better position to assemble the data. He should review the applications and reports in all dockets, and start a follow-up record of when the next action is due under rights in all dockets for each area in the Region. The filing fees are small, and are paid from Account 347, from which his salary and other expenses are now paid.

Some of the reports may be based on obsolete data in this office. If I have omitted any construction during the past year, I should be advised in case more argument becomes necessary to obtain extensions of time, and should also be listed on a temporary attachment in the docket for inclusion in the next annual report.

In connection with the Furnace Creek applications, I have said as little as possible about conflicting interests of the Borax Company. There seems to be general agreement among those with whom I have talked that the Park Service will not wish to assert Federal claims superior to those which the Company can actually support by past beneficial use, as suggested by Mr. Burns. However, there are no official directives at this time, and I do not know what negotiations, if any, we may have with the Company.



The copy of letter of October 16 to Mr. Wirth from Mr. Johnston has arrived while I was preparing the reports. The one omitted point is that Messrs. Wirth and Kunkel should not be restricted in recommendations by the existence of conduit easements of the Borax Company. We are looking for undiverted water wherever it may be. I am quite certain we should extend the 120 foot trench to each side of the wash. I am not sure whether Mr. Kunkel will also recommend deeper exploration, by trench or wells, but consider it quite possible.

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley
Chief, WSDC (2)
Field Solicitor McClellan (2)

10-19-1957: dear mr. banks: enclosed are that annual progress reports on developments under each of the designated water right

Mr. Harvey O. Banks, State Engineer
State Water Rights Board
1401 - 21st Street
P. O. Box 1592
Sacramento, California

Re: Applications 8423; 9509; 10,001; 10,002; 10,118; 10,119; and 15,381 Death Valley

Dear Mr. Banks:

Enclosed are the annual progress reports on developments under each of the designated water right applications; requests for extensions of time on all except Application 8423, for which such a request was filed last year; and a purchase order and voucher for $30.000 to cover the prescribed fees for the requests for extensions of time at $5.00 each. The voucher should be signed and returned to this office for payment.

In connection with the requests for extensions of time, also please refer to my letter of May 1 concerning most of the developments. The most urgent needs are for additional water in the area between Furnace Creek and Cow Creek, where extensive additional water using facilities have already been started, and where the water system developments have had to be deferred until further exploration of the underground sources is completed. To date we have not found the unused underground flow or source of that flow which is partially diverted by the Pacific Coast Borax Company on its Furnace Creek Inn tract, down stream. It is apparently necessary to explore more deeply to determine the full quantity of available water, which is less than, or deeper than, that found in 1941.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosures 14

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Field Solicitor McClellan (2)
Chief, WODC (2)

16

In reply refer to:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

May 17, 1957

RECEIVED
NPS REGION FOUR OFFICE
MAY 21 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Lands BFm 5/21
Wrote W.O. 5/21 BFM

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Annual Report on Water Rights - Permit 9604, Docket 9, Death Valley

Mr. Dunn's memorandum of February 26 requested certain information for the next annual report on water rights for Emigrant Springs. Part of the information was furnished with our memorandum of January 16, and additional data was gathered during East Week, which follows. The numbered paragraphs correspond to the numbers in Mr. Dunn's memorandum.

1. The total number of visitors, or cars passing Emigrant Station on December 29, 1956, is not available.

2. A traffic count was made from 6 a.m. to 10 p.m. on April 19, and traffic was estimated from 10 p.m. April 19 to 6 a.m. April 20, with the following results: Traffic out of the monument - 250 cars, 1,000 persons. Traffic into the monument - 274 cars, 1,096 persons.

3. Stovepipe Wells Hotel hauled 4,000 gallons of water during the 8-day Easter Week for an average of 500 G.P.D. No figures are available for December 29, 1956.

4. Irrigation area totals 6,096 sq. ft, using a minimum root area diameter of 18' per tree.

5. Irrigation begins about March 1 and continues to November 1. Some irrigating is done every day with the result that each tree is watered about every 4 days.

6. The vegetation irrigated: tamarisk trees.

12

The following data was supplied for the December 29 report and was obtained again on April 19:

Amount of water at Emigrant Station Reservoir:
2.4 GPM

Number of people using comfort station: 688

Car radiators filled (est. 2 gals. each)
33 cars, 66 gals.

Hauled away in containers - 160 gals

In addition to the water used at Emigrant Station a small amount - estimated at 75 to 100 gallons per day - is used from a faucet at Emigrant Springs.

Please let us know of any additional information that you may need for the annual report.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

05-10-1957: dear mr. crawford: the state water rights board has considered your above numbered applications: 17247 - 17254 ;

COPY

May 10, 1957

Applications 17247, 17248, 17249, 17250
17251, 17252, 17253, 17254

Mr. J. A. Crawford
c/o Mr. W. R. Clardy
714 West Olympic Boulevard Room 610
Los Angeles 15, California

Dear Mr. Crawford

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special conditions:

"Permitee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife."

Unless we are advised to the contrary within ten days it will be assumed that you have no objection to this special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours

STATE WATER RIGHTS BOARD

By /s/ Leslie C. Jopson

Leslie C. Jopson
Chief Engineer

02-26-1957: subject: annual report on water rights - permit 9604 docket 9, death valley ; february 26, 1957

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

IN REPLY REFER TO:
L54-L Docket 9
Death

RECEIVED
NPS REGION FOUR OFFICE
MAR -4 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
RECREATION		
INTERP.		
LEGAL		

Lands Rpt 3/4

February 26, 1957

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Annual Report on Water Rights - Permit 9604, Docket 9, Death Valley

The information in the memorandum of January 16 from Mr. Binnewies, which Mr. Johnston forwarded on February 11, is assumed to be that of an average day. It is also assumed that it will be impractical to attempt to make similar observations during a peak period such as Easter. To use the information for the next annual report, the following additional information will be needed.

1. Total number of visitors, or cars passing the Emigrant Checking Station on December 29, 1956. The ideal report would give the number of cars entering and leaving the Monument as separate items, and the number of people in each group of cars.

2. The same data requested under item 1, for each of the one to three days of a peak period such as Easter, or for each of the days from December 29 through New Years Day.

3. Total water hauled to Stovepipe Wells Hotel during that peak period. The Hotel can still be requested to supply data for Easter period, but may or may not be able to supply it for the past December 29-January 1 or 2.

4. Approximate area irrigated when there is irrigation. If only isolated bushes are irrigated the area at each is usually the area of circumference of branches. With desert vegetation, root systems may have greater circumference than the branches, and the irrigated area should be best judgment of area of root system.

5. Approximate dates of beginning and ending of irrigation season, and average number of days per week when there is irrigation.

6. King of vegetation irrigated.

From the information we will evaluate water use for the water year beginning October 1, 1956, and ending September 30, 1957, which will be the next year for which the annual report must be made. The rest of the data should be supplied by September 1.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

01-16-1957: subject: annual reports on water rights, permit no. 9604 ; january 16, 1957

In reply refer to:
L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
NPS REGION FOUR OFFICE
JAN 18 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

January 16, 1957

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Annual Reports on Water Rights, Permit No. 9604

Mr. Dunn's memorandum of November 28 to the Regional Director requested certain information concerning use of water at Emigrant Ranger Station. On December 29 a 24-hour check was made with the following results:

381 people visited the comfort station.
12 cars filled radiators.
90 gallons were hauled away in water bags, thermos bottles, etc.
The flow into the reservoir could not be determined accurately but was estimated at 2-1/2 gpm. There was no water hauled to Stove Pipe Wells Hotel on this particular day, but that use amounts to 2,000 or 3,000 gallons per week. There was also the normal amount of domestic use of water at the ranger station, but no water was used for irrigation purposes. At present two people are living at the station.

It is evident that the springs are not producing the amount of water that has been obtained in the past but there is an insufficient supply at the ranger station to take care of the demand. During the warmer months additional water must be used for irrigation and it is becoming urgent that improvements be made in the diversion works. Just what this may amount to has not yet been determined but it is expected that some work to increase the flow will be accomplished this spring.

Please let us know if any additional data is needed in support of Permit No. 9604.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

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

In reply refer to:
L54-L

BFm
X Manbeck
McClellan
Crowley

January 27, 1954

Sent ccs to Supt. P.V. 2/1/54 BFm

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Right Application 15381, Permit 9604, Docket 9, Death Valley

Attached are the original and a photostat copy of the subject application-permit as received from the State Engineer with letter of transmittal dated December 21 and two photostat copies of proof of publication in the Inyo Independent. Also attached are two copies of the State Engineer's letter of December 21.

It appears that the application was retyped in the State Engineer's office to show changes which we authorized in the letter of July 31 from Mr. Price, of which copies were sent to you. Please file the new copies directly above, and without removing the old copy, in the docket. The original application-permit, with seal and Mr. Banks' signature, should be in the Monument docket, and the photostat in your assembly. The application and permit numbers should be inserted on the tabs of the docket folders.

It is necessary to retain both copies of the application because they are both on file in the Division of Water Resources. In addition, now that we have made the land description agree with that in the water right of the General Hotel Company, I believe that further ties from this system through benchmarks near Journigan's Millsite to Wildrose may make it necessary to adopt another projection in the future.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 6

RECEIVED
FEB 1 1954
REGION FOUR OFFICE

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
NOV 22 1954 A.M
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

November 17, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Annual Reports on Water Rights (Dockets 1, 2, 3, 4, 5, 6, 7 and 9) Death Valley

Attached are the copies of annual reports for insertion in the indicated dockets at your office and Death Valley

By reference to the letter transmitting the originals to the State Engineer, copy of which is attached, of which copies are also being distributed, you will note that I have invited a field inspection of the Cow Creek Domestic and Lower Emigrant Spring water systems with a view to possible proof for final licenses. Mr. Binnewies can supply the details of water use at Cow Creek from past correspondence when the representative of the State Engineer calls. I am more doubtful that satisfactory proof can be made on the Emigrant Spring diversion, but it will do no harm to have the matter considered. In both cases, Mr. Binnewies should tell the State representative that we do not want proof at this time if such proof would be for less than the authorized quantity of water.

In connection with the use of water from Emigrant Spring, the ranger residence should require about 250 gpd. A flush toilet uses 3-5 gallons at a time. I guess that a car with a boiling radiator may have from ½ gallon to full tank used, depending on conditions. Barrels and water bags have standard capacities. It seems quite possible that the required 4,300 gallons per day may have been used at the Easter season of most years when the spring flow was adequate.

It is hoped that no serious inspection of Furnace Creek be made. If such is necessary, Mr. Binnewies should be prepared to explain that we are working out water claims of the U. S. and Company in a friendly manner, one step has been the clarification of rights-of-way for the Borax Company during the past year. He can also point out, if necessary, that the Company recognizes a Federal claim to water based on the test well and filings, but

ultimate point of diversion and respective water claims have not been worked out. He might also explain that the Company is getting rights-of-way subject to reservation of Federal rights to divert at same sources, and that both parties have agreed that related water rights are not to be settled or affected by the grant of easements to which no riparian rights shall attach.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments

Copy to: Western Office of Design and Construction

/ Supt.
To: Death Valley
Date forwarded 1/6/54
By: Region Four Office

DEATH VALLEY NAT'L MON.
RECEIVED
JAN 7 1954
Superintendent's Office

In reply refer to:
L54-L

✓	Supt.	
	C. Ran.	
	Prot.	
	Con. Ser.	
	Ma. C.	
	Stats.	
	Wms.	
	C. Clerk	

December 22, 1953

Memorandum

To: Regional Director, Region Four

From: Chief of Lands

Subject: Revocation of Permit 5433, Alien Water Right 3, Death Valley National Monument

Attached are two copies of the form notice of revocation of the subject permit. These should be filed at the top of Part II in Alien Water Right No. 3.

In connection with the rights under Application 5073, Permit 3495, License 2430 to Lower Emigrant Spring, Part IV of the same assembly, we have now located the Washington Office records of the Bureau of Land Management relating to permission to improve that spring as located on a listed parcel of Public Water Reserve No. 107. The records are filed under Miscellaneous Records No. 1218080 and the listing was made on April 17, 1928, under Secretarial Interpretation No. 65. The records run from March 15 to November 1, 1928.

Certain records are mentioned, but not included in the file, and we are trying to run them down. As soon as we complete the records, we will offer an answer to Mr. Rudie Henderson as to the status of rights.

SIGNED

Charles A. Richey
Chief of Lands

In duplicate

Attachments 2

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

EARL WARREN
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
PUBLIC WORKS BUILDING
P. O. Box 1079
SACRAMENTO 5

September 21, 1953

W	Supt.	Ogata
	C. Rgr.	
	Nat.	
	Gen. Fcn.	
	Fls. Clk.	
	Stenb.	
	Wkse.	
	C. Clerk	RWM

Application 15381

Robert W. Manscill
Acting Superintendent
United States Death Valley National Monument
Trona, California

Dear Mr. Manscill:

Receipt is acknowledged of affidavit of posting notice of the above-numbered application. In accordance with the request contained in your letter of September 9, we are sending herewith two extra copies of the notice. They are for your files and need not be returned.

Further action will follow in due course.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By W R Gianelli
W. R. Gianelli
Senior Hydraulic Engineer

Enc.

Docket 9 LS

To: Supt. Death Valley

Date forwarded 8/1/53

By: Region Four Office

JUL 31 1953

Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento, California

Gentlemen:

In accordance with the letter of July 10 from Mr. Gianelli, we are returning Application 15381 with the following recommended corrections:

1. Storage is limited to 0.3 acre-foot in 100,000-gallon reservoir.

2. All water use is classed as domestic by crossing out other incidental uses.

3. Points of diversion and place of use are described in accordance with the projection of sections used in related Application No. 9073.

In connection with the storage, there was no intent in the original page 2 of the General Remarks, which has been rewritten, to claim 1,000,000 gallons of storage at this time, but we hoped that by suggestion we could provide for future increases as needed to serve the needs of all who are dependent on the waters.

In the spring we obtained a copy of a letter concerning the General Land Office right-of-way Permit No. 02438-Sacramento which was issued to Mr. H. H. Nichbaum in connection with the establishment of water rights under Applications 9073 and 9708. With this reference we obtained the files on the right-of-way permit from the Bureau of Land Management and found that the permit was cancelled in 1941, as it related to the Tucki Mountain Pipe Line from Cottonwood Canyon, and that it did not actually cover the use of land at the Emigrant Spring, although the correspondence indicates that both developments were considered. Accordingly, we requested a review and explanation by the Bureau of Land Management.

The subject of the rights of the General Hotel Company, successor to Mr. Eichbaum, will be covered in a later letter, but in connection with Application No. 15381 it is now necessary to explain that the Lower Emigrant Spring was found to be on land classed as a parcel of Public Water Reserve No. 107, and Mr. Eichbaum was permitted to improve the spring and pipe the water to the road, where it would be more accessible to the public, in accordance with regulations governing public water reserves and published in Circular 1028 of the Bureau of Land Management. No right-of-way was deemed necessary because the entire pipe line was on the public water reserve. There is no mention of water right procedure in any of the correspondence.

Just after Permit No. 024398-Sacramento was issued, the land was withdrawn from entry for reclassification as the subsequent Death Valley National Monument. The Solicitor of the Department of the Interior has decided that the public water reserve was cancelled by the Proclamation of 1937 enlarging the Monument, but the National Park Service is administering the area with the same intent to preserve the public character of the water resources. When it establishes Federal water rights under the State laws, it does so to prevent private appropriation by authorized miners, prospectors, and owners of patented land.

Accordingly, Application No. 15381 has been filed in the public interest, and the water system has been constructed for the same purpose. Existing developments are adequate for immediate needs, but more storage of the limited water supply will be needed in a year or two. Presumably the 0.3 acre-foot will be adequate for many years, but there should be no restriction on providing additional storage if the public need warrants it, to the extent that such storage will permit the use of the total spring flow during the winter months when the demand is greatest. We hope that the enlargement, if necessary, will not require additional water right applications and proof. In fact, we should like to make proof on the basis of diversion capacity before even 0.3 acre-foot of storage is provided.

Sincerely yours,

(SGD) JACKSON E. PRICE

Jackson E. Price
Acting Assistant Director

Enclosure

Copy to: Regional Director, Region Four (2), with 2 copies of Mr. Gianelli's letter of July 10

COPY

D. Edmonston, State Engineer
Chief of Division

Earl Warren
Governor of California

Frank B. Durkee
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address reply to
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5

July 10, 1953

Application 15381

U. S. Death Valley National Monument
Department of the Interior
National Park Service
Washington 25, D. C.

Gentlemen:

Your water right Application 15381 to appropriate from Lower Emigrant and Pioneer Springs in Inyo County, California, has been examined.

According to Paragraph 2 (b) of the application, 0.3 acre-foot per annum is to be collected in storage; however, Item 2 (b) under General Comments indicate storage is proposed up to 1,000,000 gallons per annum (approximately 3.08 acre-feet per annum). In order that the various statements in the application may be consistent, it is suggested that either the amount named in Paragraph 2 (a) or under the General Comments be amended so that both are in agreement.

In order that our records as to the locations of the springs under Application 5073, License 2430, of the General Hotel Company and your Application 15381 will be consistent, the springs should be described as being within the following 40-acre subdivisions of the projected land survey.

Lower Emigrant Spring - SW 1/4 of NE 1/4 of projected Section 29, T 17S, R44E, MDB&M

Pioneer Spring - SE 1/4 of NW 1/4 of projected Section 29, T 17S, R44E, MDB&M

Your attention is directed Section 661 on page 10 of our Rules and Regulations which defines domestic use. According to said Section 661, the use proposed under Paragraph 13, 16, 17 and 18 is considered by this office to be a domestic use. Therefore, the domestic use described in said paragraph should be deleted and set forth under Paragraph 12 of the application or under the General Comments.

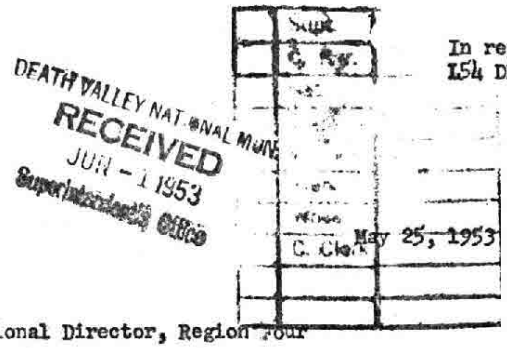
For the above reasons we are returning to you herewith one copy of your Application 15381. Please amend it as indicated and return it to this office for further action.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By /s/ W. R. Gianelli
W. R. Gianelli
Senior Hydraulic Engineer

Enc.



In reply refer to:
L54 DEVA-L

May 25, 1953

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Rights of General Hotel Company (Stovepipe Wells Hotel), Alien Water Right Nos. 3 and 4, Death Valley National Monument

Attached are two new folders for the subject Alien Water Right No. 3, with partial contents, and an extra copy of the Record of Well (Part III). The wat r claims of the General Hotel Company are becoming so complex that I have decided to combine the records in one assembly.

Part I of the new assembly contains available records of the right of access over Federal land at Lower Emigrant Spring and in Cottonwood Canyon issued under BLM Permit 024398, and revoked on October 17, 1941. These records are now under further study by the Bureau of Land Management, at our request, and the three instruments with "C" in the upper right corner are not to be made available to the public until release is given.

Part II is to contain all records heretofore in Alien Water Right No. 4. Please transfer the contents, and destroy the old folder.

Part III contains the record of well prepared by Mr. Goodwin several years ago.

The Record of Well is clearly in error in "1. Location" as to Township and Range, and the distance from the nearest postoffice seems to be more nearly that from Death Valley Junction than from Death Valley. In addition, the well should be spotted on the section plat. For our records, it would also be helpful if the approximate direction and distance to the corner of the main hotel building, the location of the building, and the approximate road alignment, were sketched in on the section plat. It would also be desirable to show the Company land in and adjacent to Section 36. The act of July 8, 1943 (57 Stat. 389) does not necessarily describe all of the hotel tract.

After making corrections and additions, please return the extra Record of Well for our assembly.

Part IV is to contain all records heretofore in Alien Water Right No. 3. Please transfer the contents and destroy the old folder. In this connection, by memorandum of May 14 we sent you the photostat copies of the final license and an order of amendment, which should be at the top of Application 5073, and just below Application 8923, in Part IV.

By a copy of a separate memorandum to the Administrator, Bureau of Land Management, you have, or will recieve, an explanation of the right-of-way problem, and the reason for marking some records "Confidential." As soon as we hear from the Bureau of Land Management, we will notify the State Engineer, or ask Mr. Henderson to notify him, of the abandonment of claims under Application 9708, Permit 5433; and such action as may be proper under Application 5073, License 2430.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 3

In reply refer to:
L54-L

1. ~~Persons~~
2. ~~McLaughlin~~
3. ~~Manbey~~
BFM

AUG 26 1953

Air Mail

Memorandum

To: Superintendent, Death Valley National Monument

From: Assistant Director

Subject: Water Right Application 15381, Lower Emigrant and Pioneer Springs, Docket 9, Death Valley National Monument

In accordance with our letter of May 4 to the Division of Water Resources, we have received a copy of the notice, dated August 19, to be advertised in connection with the subject water right. It is assumed that you have received the other copies, and instructions for advertising.

The bill for advertising will be paid from Appropriation 14l1033, Account 143.04, by this Office, in accordance with the instructions in our memorandum of May 4 to the Regional Director. You will note on the instructions from the Division of Water Resources that advertising must start within a statutory period.

We are enclosing copies of SF No. 1143 and SF 1144, Revised, for use in securing and paying for the advertising as authorized in the memorandum of May 4. The Advertising Order, Form 1143, Revised, should be completed by you except for signature and presented to the Publisher, to authorize the work, and for execution of SF 1144, Public Voucher for Advertising, which is printed on the back of SF 1143, after advertising has been accomplished.

The SF 1143 should be returned to this Office in duplicate for approval by the Director, in the space provided thereon, and subsequent processing for payment.

The Water Resources Branch will need three copies of the published notice for the water right docket, in addition to those required for fiscal purposes. These should be obtained from the Publisher, if possible, because the cost will be less than for photostating them here.

(SGD) Ronald F. Lee

Assistant Director

Attachments 2

Copy to: Regional Director, Region Four



In reply refer to:
L54 DEVA-L

MAY - 4 1953

Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento, California

Gentlemen:

Enclosed are our application on behalf of the United States for the appropriation of waters of Emigrant and Pioneer Springs in Death Valley National Monument and two supporting maps. As explained in detail in the application, this Federal claim is to establish Federal rights in compliance with the state water laws, which have been asserted by diversion and use since about 1934, and to differentiate such claims from those claims or rights of the General Hotel Company under Application 5073. A copy of this application is being sent to the General Hotel Company in the same mail.

If practical, it will expedite matters if you send the notices for advertising directly to the Superintendent, Death Valley National Monument, Death Valley, California, with a copy to this Office. If the notices are deferred until about mid-June, the summer address will be Death Valley National Monument, Trona, California.

With the filing of this application, the proposal in the letter of April 22 from Mr. Gianelli will be satisfactory, concerning notification of further filings in Death Valley National Monument before you take action.

Sincerely yours,

(SGD) Hillory A. Tolson

Hillory A. Tolson
Acting Director

Enclosures 3

Copy to: Regional Director, Region Four (2), with 2 copies of
Mr. Gianelli's letter of April 22

3

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

In reply refer to:
L54 DEVA-L

MAY - 4 1953

Memorandum

To: Regional Director, Region Four

From: Acting Director

Subject: Water Right Docket 9 (Former Deed 12), Death Valley National Monument

The folders for the subject docket, or deed, were sent to you on May 5, 1944. The Director's original folder was sent to you on July 23, 1951, in the general distribution of "original" dockets, although there were no included water right records.

We now enclose two copies each of the application being mailed to the Division of Water Resources today and the supporting maps, two copies of the letter of transmittal to that Division, two copies of a letter by which are sending a copy of the application to Mr. Henderson of the General Hotel Company, and two copies of a letter of April 22 from Mr. Gianelli of the Division of Water Resources. Please have the applications filed in the docket folders. The letters are for the correspondence files.

We are making the distribution before obtaining the application and permit numbers because of the related activity to clarify the status of alien water rights and rights of access.

You will note that we have instructed the Division of Water Resources to send the notices of appropriation directly to the Superintendent for posting and advertising in the local newspaper. He may have the certified voucher from the publisher sent directly to this Office for payment, or may make payment and obtain a transfer of funds. If the former procedure is followed, the publisher's invoice should include a serial number, which will be used for subsequent identity of the check.

Hillory A. Tolson

Hillory A. Tolson
Acting Director

In duplicate

Attachments 10

MAY 11 1953
REGION FOUR OFFICE

May 24, 1966

Standard Operating Procedure - The Lower Emigrant Spring Water Supply

The Spring, Pipelines and Tank: Lower Emigrant Spring is in Emigrant Canyon at an elevation of 3700 feet. A number of phreatophytes grow at the spring, including mesquite, grapevines, bulrushes, etc. The flow of the spring is approximately three gallons per minute. A one-inch pipeline, 5 miles long, carries the water from the spring to the 3000 gallon storage tank at the Emigrant Campground. There are a number of air vents in the line to allow free flow of the water over varying gradients. The route of the pipeline and the location of the air vents are shown in Appendix I. Any blockage in the water line will be found by checking these air vents to see if water is running out of them onto the ground.

The storage tank at the Emigrant Campground has a dipstick for checking to see how much water is in the tank. There is a standpipe at the campground for use by visitors, and the standpipe, when opened up, can also be used for breaking an air lock in the line when the tank has gone dry. The tank should be checked each day to see that it is full and that water is coming out of the overflow. Between the campground and the rest rooms there is a "T" in the water line about 100 feet south of the rest rooms. This is the place where Stove Pipe Wells Hotel gets the water that they haul to the Hotel.

Licenses: License 2430 with the State of California Water Rights Board was issued May 13, 1942 for a right to Lower Emigrant Spring to the General Hotel Company, owners of Stove Pipe Wells Hotel. This license is for 700 gallons of water per day all year for domestic use at the Hotel.

License 6110 was issued August 29, 1960 for a right to Lower Emigrant Spring to Death Valley National Monument for 2800 gallons per day. However, this license is subject to license 2430 for 700 gallons per day. Technically, the Hotel Company has the right to take the first 700 gallons of water that the spring produces each day.

Verbal Agreements: The General Hotel Company has hauled water from the Emigrant Ranger Station during most of the time since 1943 to save the additional 10-mile haul needed for a round

trip to the spring. They presumably have been using Federal pipe capacity to exercise their rights to the spring. This agreement has saved the Hotel much mileage and time, since they can take 1000 gallons of water from the tank in 40 to 45 minutes where it would take 5½ hours to get the same amount of water from the spring.

A second verbal agreement is that the Hotel will haul water from the Cow Creek water reservoir when:

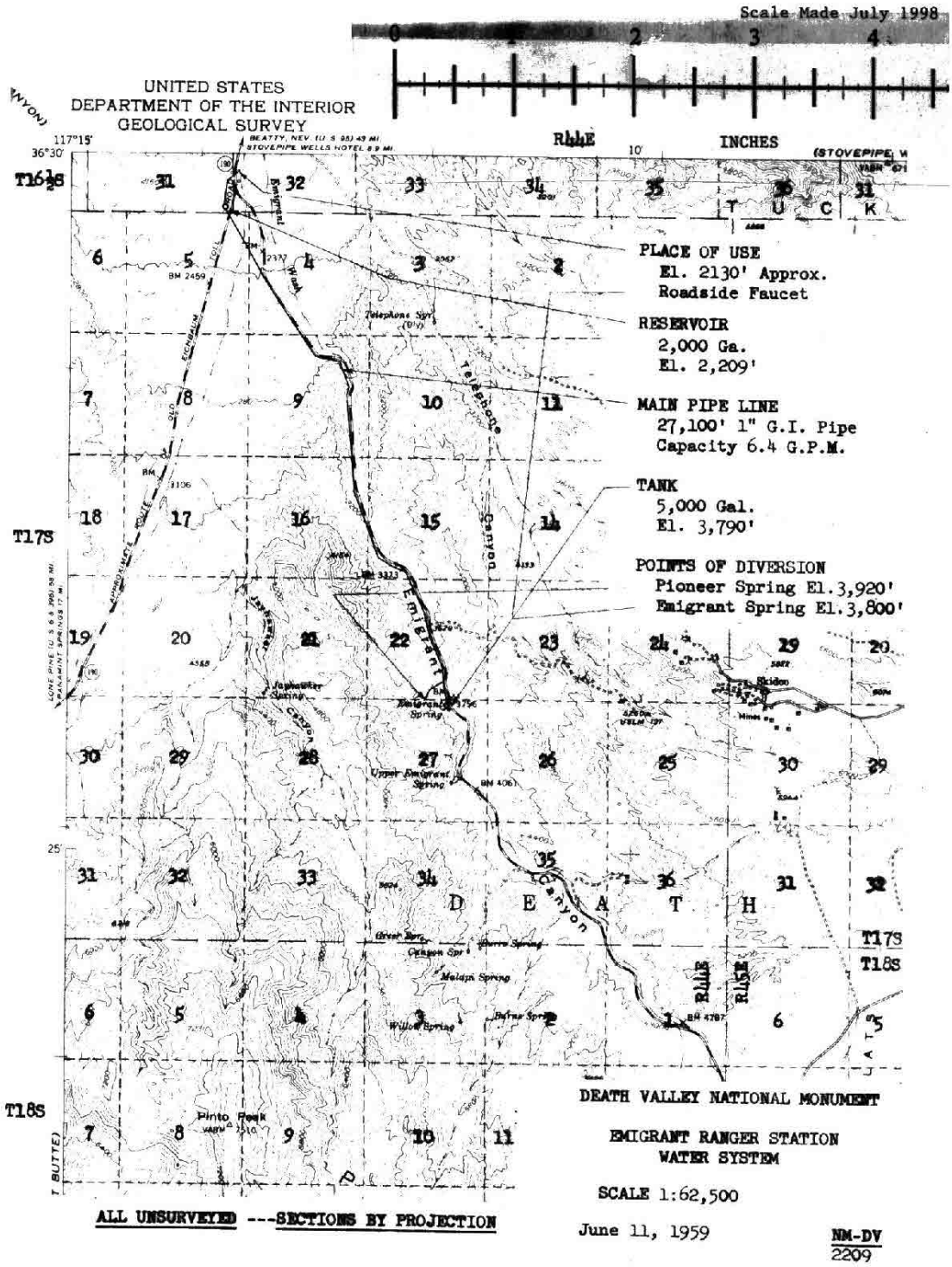
1) There is no water in the storage tank at Emigrant due to defective toilets or broken water lines.
2) Visitor use of water at Emigrant is so great that filling the Hotel's tank truck would reduce the water pressure so much that the toilets would fail to function.

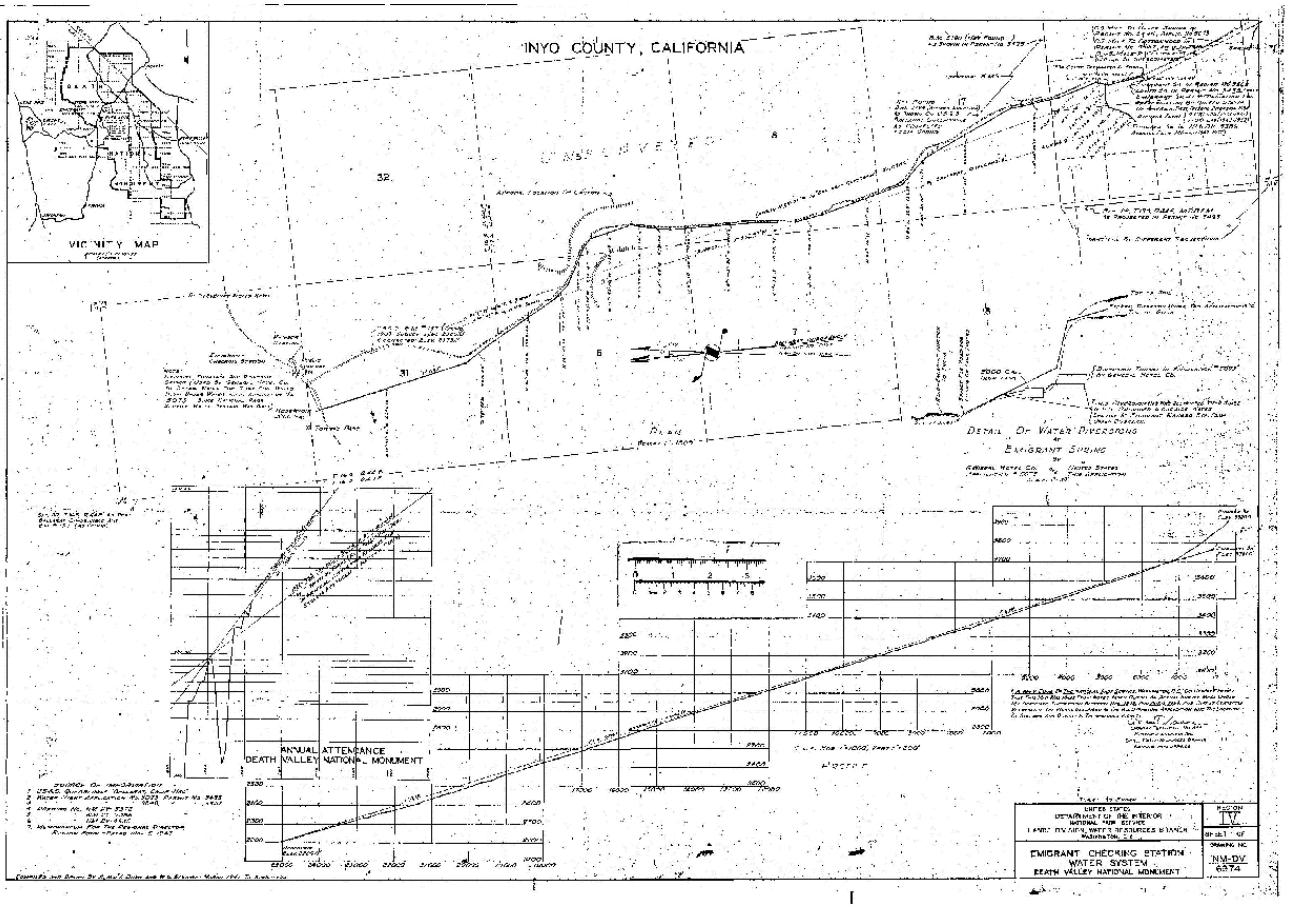
The Wells at Stove Pipe Wells Hotel: The original Stovepipe Well is located on the Sand Dunes Picnic Area road just east of the Sand Dunes. The wells at Stove Pipe Wells Hotel are unnamed and, for convenience, shall be numbered 1 and 2.

Well #1 at the Hotel is located 200 yards south of the main kitchen and provides the entire non-fresh water needs of the Hotel. The well is 125 feet deep, has 20 feet of water standing in it, and is pumped continuously at 1500 gallons per hour. The water itself has approximately 0.5% dissolved solids.

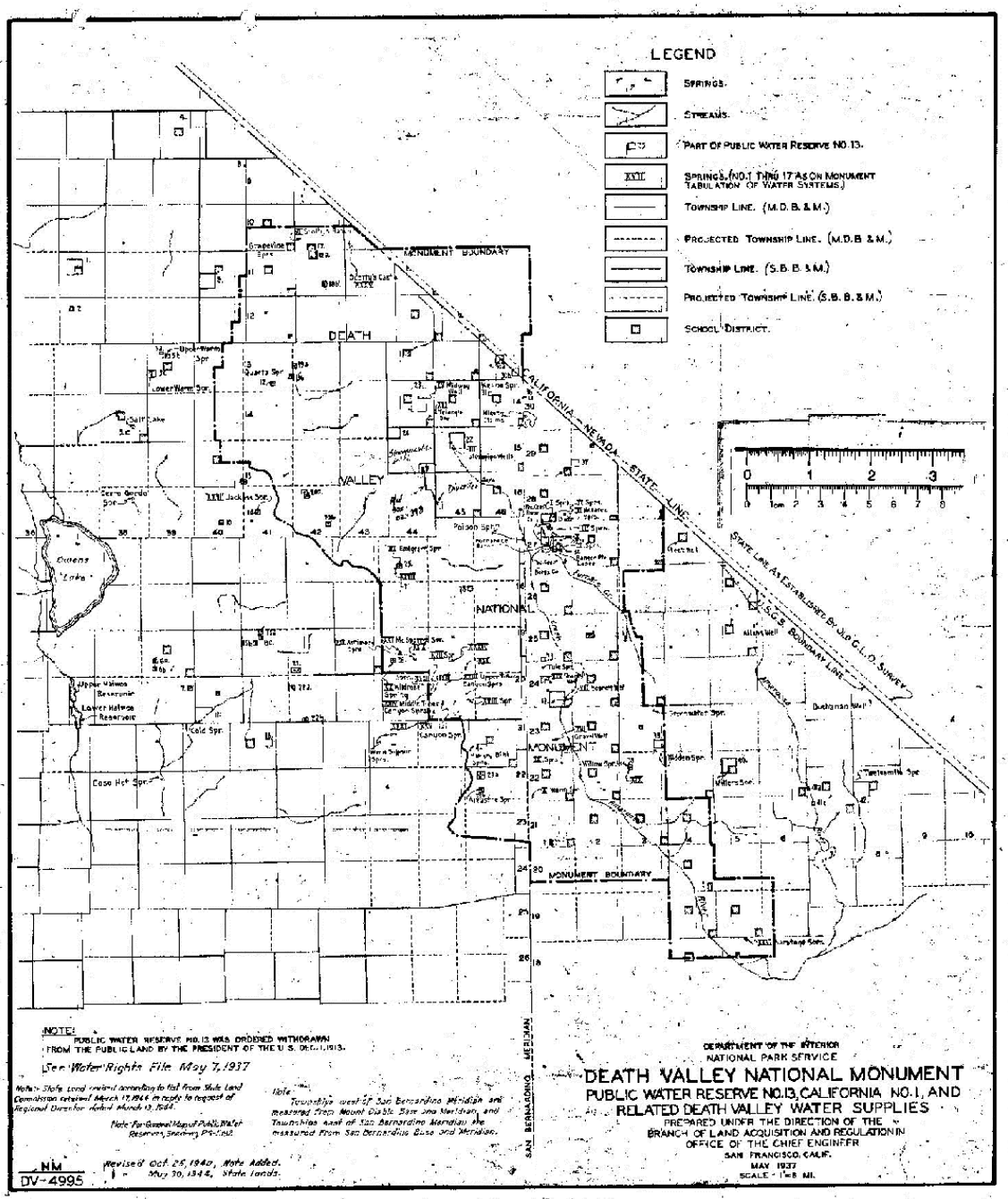
Well #2 is located 50 feet north of the store and is, at present, unused. The well is 55 deep and has 25 feet of water standing in it. The % of dissolved solids is not known. The well is not used because the well casing was not sliced prior to installation and the seepage rate into the casing is too slow.

The water from Well #1 is used for showers, toilets, wash basins, dish washing and radiators of visitor's vehicles. The fresh water from Lower Emigrant Spring is used for drinking, cooking, supplying fresh water needs of campers at the Hotel, and for filling radiators of Hotel Company vehicles. The management asks camper and trailer units with holding tanks to fill up at Emigrant or at Furnace Creek.

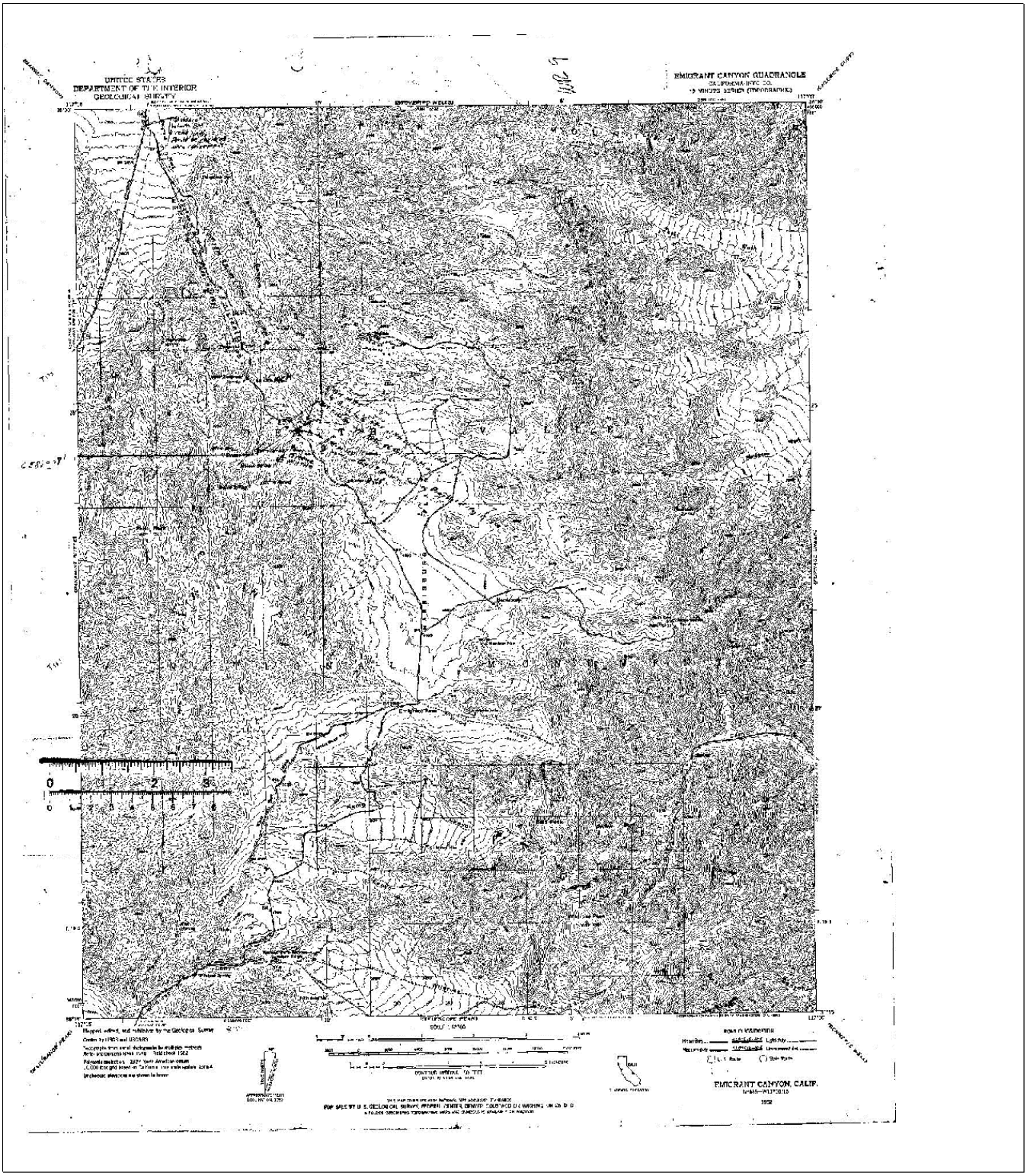

Scale Made July 1998
0
2
3
4
INCHES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
117°15'
36°30'
R44E
T16½S
T17S
T18S
PLACE OF USE
El. 2130' Approx.
Roadside Faucet
RESERVOIR
2,000 Ga.
El. 2,209'
MAIN PIPE LINE
27,100' 1" G.I. Pipe
Capacity 6.4 G.P.M.
TANK
5,000 Gal.
El. 3,790'
POINTS OF DIVERSION
Pioneer Spring El.3,920'
Emigrant Spring El.3,800'
Emigrant Canyon
Upper Emigrant Spring
Emigrant Spring
Grapevine Spring
Telephone Spring
Pinto Peak
DEATH VALLEY NATIONAL MONUMENT
EMIGRANT RANGER STATION
WATER SYSTEM
SCALE 1:62,500
June 11, 1959
NM-DV
2209
ALL UNSURVEYED ---SECTIONS BY PROJECTION


INYO COUNTY, CALIFORNIA
VICINITY MAP
DETAIL OF WATER DIVERSIONS AT EMIGRANT SPRING
ANNUAL ATTENDANCE DEATH VALLEY NATIONAL MONUMENT
EMIGRANT CHECKING STATION WATER SYSTEM DEATH VALLEY NATIONAL MONUMENT
NM-DV 6574

05-00-1937: map of deva public water reserves and related water supplies



00-00-0000: topographic map of the death valley area



Docket Information

Number of Documents in Docket 191

Documents Dated from 5/15/1937 to 7/10/2012

Docket Compiled: 7/12/2012