



WATER-RIGHT DOCKET

Death Valley National Park

Docket No: 30

QUAIL SPRING

Administrative Agreements

02-07-1963: memo from assistant regional director; subject: temporary water right docket no.30, quail spring, death valley national

Ketcham

Western Region
180 New Montgomery
San Francisco 5, California

Siler

Diederich

L54
Docket - 30
DEVA

February 7, 1963

Memorandum

To: Director

From: Assistant Regional Director, Western Region

Subject: Temporary Water Right Docket No. 30, Quail Spring,
Death Valley National Monument

Enclosed is a temporary Water Right Docket No. 30 containing Permit DEVA-1-62. This permit has been issued to Mr. Lloyd E. Jacobson for 0.43 g.p.m. of water for domestic use. This is a very small quantity of water. No action has been taken to obtain a Water Right at this time, and none is recommended until it is determined that the mine near the spring will be held for more than a year or two.

Leo J. Diederich

Enclosure

cc:
Chief, WOBC (2) w/c of docket

RWKetcham:lsr 2/7/63

Jac
WWD

**Death Valley National Monument
Death Valley, California**

L34

February 3, 1963

Memorandum

To: Regional Director, Western Region
From: Acting Superintendent, Death Valley
**Subject: Water Rights, Quail Spring, Death Valley -
Proposed Docket No. 30**

Enclosed for appropriate distribution are 3 copies of Water Rights Permit DEVA-1-62, for the use of water from Quail Spring in Butte Valley, Death Valley National Monument. We have tentatively filed this permit in a new docket No. 30.

No action has been taken to obtain State Water Rights at this time, and none is recommended until it is determined that the mine near the spring will be held for more than a year or two.

**Alfred F. Schwarz
Acting Superintendent**

In duplicate

Enclosure

cc:
Files
Reading file

WDanielson:sf

Docket 30 RS

UNITED STATES
Department of the Interior
National Park Service

No. DEVA-1-62
Previous Permit
No. *

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13, 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36C.F.R. 20.26) Lloyd E. Jacobson of San Gabriel Valley, Los Angeles Co., California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan, which is hereby approved and made a part of this permit; and to use .43 gal/min ~~maximum~~ acre ft. per annum for domestic sec. ft. or acre ft. per annum for milling sec. ft. acre ft. per annum (strike out inapplicable unit) for purposes of the waters of Quail Spring (Base Map No. 115A) (give names of sources) under water right Application No. , as said water right is designated by the State Engineer of California, with subpriority No. , (California or Nevada) at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 5th day of November, 19 62.

Superintendent
John A. Jacobson

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

*
Address _____ Address _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).
2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.
3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. _____, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.
4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.
5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.
6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.
7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.
8. All posting, and other actions prescribed by the State Engineer shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.
9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permittee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits, licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director, National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director, National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall constitute a forfeiture of the subpriority of water right granted; provided that if permittee(s) shall sustain his possessory right in the mining claim under the mining law, he may preserve his said subpriority by filing with the Superintendent prior to the end of each year of nonuse of a notice of intention to resume the use of said water system and the mining claim or millsite where the water is used.

15. The United States assumes no responsibility for the protection of the water system or other structures and equipment authorized pursuant to this permit. Furthermore, except for actionable damages resulting from the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, the United States shall not be liable for any damages to the permittee(s)' water system or other structures or equipment.

16. No structures, dumps, or other surface uses shall be located where they will lead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.
22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.
23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.
25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.
26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.
27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument, as the representatives of the Director.
28. Neither members of, nor delegates to Congress, or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.
29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

Docket Information

Number of Documents in Docket 6

Documents Dated from 11/5/1962 to 2/7/1963

Docket Compiled: 3/8/2011