WATER-RIGHT DOCKET

Death Valley National Park

Docket No: 41

LOWER EMIGRANT SPRING

Preliminary Docket Information

08-25-1978: water right/source docket information; narrative: lower emigrant spring.

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 AWR #3

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

REGIONAL BASIN LOCAL BASIN hydrologic unit 18090203

ACQUIRED BY Appropriation

APPLICATION 5073 PERMIT 3495 CERTIFICATE 2430

ACTION DUE PRIORITY June 28, 1926 RESERVATION 1933

QUANTITY 700 gpd USE Domestic

STATUS Active SOURCE Surface Water

REMARKS WR #9 concerns Federal interest in Lower Emigrant Spring (active); AWR #3 concerns General Hotel Company interests at Lower Emigrant Spring (active); 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 received 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 station 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

SEE DOCKET #9 FOR ADDITIONAL INFORMATION.

* In 1979 the Service purchased the interests of Trevell, Inc. (Stovepipe Wells Hotel), including License 2430. Therefore this should no longer be listed as an alien water right and should ~~then~~ be included in DEVA Water Right Docket #9 - Federal Interests at Lower Emigrant Spring.

NARRATIVE CONTINUED.....

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.

The "inholding" of the Stovepipe Wells Hotel development was acquired by the NPS on Jan. 18, 1979. The Stovepipe Wells Hotel will henceforth be operated as a concession and the water supply will be available from the NPS well drilled in 1972 which is equiped with a reverse osmosis desalination plant. Some water for irrigation will be produced from the acquired well(s).

The Service does not contemplate the usage of any of the water from the Lower Emigrant Springs source for Stovepipe Wells. Some water is used by a ranger station in the near proximity of the spring.

Werrell/Hershey Jan. 1981

A call was made to the park by Bill Werrell to confirm use of this source. The water is no longer being trucked to Stove Pipe Wells Hotel, but is still being used near the springs for resident and camping domestic needs. Since the original permit application only gives the location of the source, it would seem unnecessary to notify the state of any change in point of use. At some point an additional use for Wildlife Enhancement may be requested for this source, but at present the Report of Licensee can be filled out the same as in the past noting the use is domestic for park and visitor use.

Werrell/Hershey Jan. 9, 1981

Lower Emigrant Spring

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2011

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A005073
License Number: 002430
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	No
Description of noncompliance with terms and conditions	Please see remarks.

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

4. Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Gallons)**	**Amount used (Gallons)**
January	66650.0	66650.0
February	60200.0	60200.0
March	66650.0	66650.0
April	64500.0	64500.0
May	66650.0	66650.0
June	64500.0	64500.0
July	66650.0	66650.0
August	66650.0	66650.0
September	64500.0	64500.0
October	66650.0	66650.0
November	64500.0	64500.0
December	66650.0	66650.0

Total	784750	784750

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	6333.0
February	6333.0
March	6333.0
April	6333.0
May	6333.0
June	6333.0
July	6333.0
August	6333.0
September	6333.0
October	6333.0
November	6333.0
December	6333.0

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 is now used in support of wildlife. NPS is considering a change petition in the future. 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 Rodriguez 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: A005073 **License No.** 002430

First three Sources listed:	Counties:
LOWER SPRING	Inyo

Direct Diversion Rate: 700.000 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): **A005073**
Password (Reporting Identifier): **232337**

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: A005073
License Number: 002430

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	No
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

Month	Maximum Rate of Diversion (CFS)
January	0.0
February	0.0
March	0.0
April	0.0
May	0.0
June	0.0

July	0.0
August	0.0
September	0.0
October	0.0
November	0.0
December	0.0

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
This right is no longer used in support of livestock, but is presently used by wildlife. The NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future. The exact amount of use is not known. The United States gives this information 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	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

Linda S. Adams
Acting Secretary for Environmental Protection

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

Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Application ID: A005073 **License No.** 2430 **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): LOWER SPRING in Inyo County

Direct Diversion Rate: 700 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: **A005073**
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: A005073
License Number: 002430

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

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

This right is no longer used in support of livestock, but is presently used by wildlife. The NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future. The exact amount of wildlife use is not known. The United States gives this information 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.

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: A005073
License Number: 002430

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

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
This right is no longer used in support of livestock, but is presently used by wildlife. The NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future. The exact amount of wildlife use is not known. The United States gives this information 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.

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: A005073
License Number: 002430

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	Please see remarks.
Intake location has been changed	
Description of intake location changes	
Type of use has changed	Yes
Description of type of use changes	Please see remarks.
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Please see remarks.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

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
This right is no longer used in support of livestock, but is presently used by wildlife. The NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future. The exact amount of wildlife use is not known. The United States gives this information 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.

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

A005073%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: A005073

LICENSE NO: 002430
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 SPRING		Inyo

MAX DIRECT DIVERSION RATE: 700 Gallons per Day
MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT
WATER RIGHT FACE VALUE: 0.8 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 BENEFICIALY USED: **Please report only the amounts beneficially used under this license.**
6.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: A005073

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. A005073

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)

12-12-1995: letter from national park service to state of california; enclosed with completed reports of licensee forms. ; december

File

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

December 12, 1995

IN REPLY REFER TO:
L54(2380)
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 002430	(Application A005073) Lower Spring
	License 004621	(Application A009510) Main Cow Creek
	License 006110	(Application A015381) Lower Emigrant Spring
	License 006343	(Application A008183) Saratoga Springs
	License 006559A	(Application A013852A) Burns Spring
	License 006740	(Application A018433) Goldbelt Spring
	License 007578	(Application A019538) Mesquite Spring
	License 010580	(Application A008423) UNSP
	License 010781	(Application A015539) Covered Spring
	License 010845	(Application A016096) Tarantula Springs

Dear Mr. Wright:

Enclosed please find the completed Report of Licensee forms for the above captioned water rights at Death Valley National Park.

Should you have any questions regarding these Report of Licensee, please contact Denise Newberry of my staff at (970) 225-3525.

Sincerely,

Owen R. Williams

Owen R. Williams
Chief, Water Rights Branch
Enclosures

cc: DEVA - Superintendent (w/ enclosure)
PGSO - Kolipinski (w/o enclosures)
2380 - Pettee (w/o enclosures)
bcc: Dockets (w/ enclosures)
FNP:DNewberry:mf:12/12/95:S:\WRB\DENISE\1995ROL.DOC

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: A005073

LICENSE: 002430

TELEPHONE NUMBER: (970) 225 - 3500

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

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

AMOUNT: 700 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?			
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?			

(Continues on reverse side)

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

7. Acreage irrigated			
8. Stockwatering - number of stock			
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)

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.

00-00-0000: report of licensee for 1984,1985,1986;lower emigrant spring.

State Water Resources Control Boa
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 NATIONAL MONUMENT
U S NATL PARK SERVICE WESTERN REGION
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A005073

LICENSE: 002430

TELEPHONE NUMBER:
(619) 786-2331

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

SOURCE: ~~LOWER SPRING~~ Lower Emigrant Spring

COUNTY: INYO

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

AMOUNT: 700.000 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	800 daily at peak periods →		
garden area, etc.			
10. Recreational — nature of use	wildlife, ecosystem 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)
2950

1938

(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 spring sites

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 tank

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: Pete D. Rowlands Chief Resources Mgmt
LICENSEE (OR AGENT OR DESIGNEE)
Death Valley National Monument

00-00-0000: report of licensee for 1981,1982,1983;lower emigrant spring.

State Water Resources Control Board
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 NATIONAL MONUMENT
U S NATL PARK SERVICE WESTERN REGION
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIF 94102

APPLICATION: A005073
LICENSE: 002430
TELEPHONE NUMBER: (415) 556 - 8660

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

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.

SOURCE: LOWER SPRING (Lower Emigrant Spring)

COUNTY: INYO

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

AMOUNT: 750,000 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
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	6-7 Residents	6-7 Residents	6-7 Residents
garden area, etc.			
10. Recreational — nature of use	10 Campsites	10 Campsites	10 Campsites
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other Wildlife Enhancement	X	X	X

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)
2765

(REPORT CONTINUES ON REVERSE SIDE)

00-00-0000: report of licensee for 1978,1979,1980;lower spring.

State Water Resources Control Board
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 9 25
(916) 920-6151

REPORT OF LICENSEE FOR 1978, 1979, 1980

OWNER OF RECORD:

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

APPLICATION: A005073

LICENSE: 002430

TELEPHONE NUMBER:
(415) 556 -8660

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

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

AMOUNT: 700.000 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. Do you need a copy of your license: Yes [ ] No [X]. If yes, please include a stamped, addressed envelope with your request.

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
1978	x	x	x	x	x	x	x	x	x	x	x	x	
1979	x	x	x	x	x	x	x	x	x	x	x	x	
1980	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1978	1979	1980
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	6-7 residents	6-7 residents	6-7 residents
garden area, etc.			
10. Recreational – nature of use	10 campsites	10 campsites	10 campsites
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other Wildlife enhancement	x	x	x

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 (8-80)

(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: _____

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

25. Does or will water being discharged contain waste materials? YES [ ] NO [ ].
(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 [ ]. 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 [ ].

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 [ ].
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?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

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: Jan. 9, 1981 Sign Here: (Sgd) Gerard S. Witucki
LICENSEE (OR AGENT OR DESIGNEE)

Gerard S. Witucki, Chief, Division of Water Resources

02-16-1979: application 5073 acknowledges receipt of report of water development. ; february 16, 1979

STATE OF CALIFORNIA - RESOURCES AGENCY
EDMUND G. BROWN JR., Governor
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

FEBRUARY 16 1979

In Reply Refer
To: 331:CHD:5073

Trevell, Inc.
c/o Trevor S. Povah
Box 2700
Santa Barbara, CA 93120

Application 5073 Permit -- License 2430

This will acknowledge receipt of your report of water development and/or use dated ---------- for the subject water right. Thank you for your cooperation.

The following actions noted are being taken by this office or are required of you at your earliest convenience:

☐ 1. As requested, we are enclosing:
- ☐ Notice of Assignment forms
- ☐ Copy of the permit
- ☐ Copy of the license
- ☐ _____

☒ 2. We are changing our records, as requested, to show ownership as follows: ~~unless notified otherwise within 30 days:~~
National Park Service

☐ 3. We are changing our records to show ownership in the names of _____ and the Estate of _____, deceased. Please inform us of the name and address of the successor to the decedent's interest as soon as probate has been completed or the interest has been otherwise transferred.

☐ 4. If ownership is to be vested in a partnership, corporation, governmental subdivision including public districts, or in a company, a written statement must be supplied to the Board which designates the name of the person authorized by the owner to act for it concerning this water right. Upon receipt, our ownership records will be revised accordingly.

Sincerely,

E. M. Miller

E. M. Miller
Senior Engineer

SWRCB 15A (9/78)

cc: National Park Service
Western Region
Division of Lands
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

00-00-0000: license for diversion and use of water; permit 3495;general hotel co.

FORM 64

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2430 PERMIT 3495 APPLICATION 5073

THIS IS TO CERTIFY, *That* General Hotel Company
Death Valley, California

has has *made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of* Lower Spring in Emigrant Canyon,
Inyo County
tributary of Death Valley

for the purpose of domestic use
under Permit 3495 *of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from* June 28, 1926;

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 seven hundred (700) gallons per day from January 1st to December 31st of each season.

The point of diversion of such water is *located* nine tenths (0.9) of a mile in a Northwesterly direction along Emigrant Canyon Road from United States Geological Survey, Bench Mark (Elevation 4046) and being within the SW¼ of NE¼ of projected Section 29, T 17 S, R 44 E, M.D.B.&M.

Amended by order of 7-16-35

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

Stovepipe Wells Resort (hotel, restaurant, cabins, etc.) being within the East 1/2 of Northeast 1/4 of projected Section 35, T 15 S, R 44 E, M.D.B.&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 Division of Water Resources 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 Division of Water Resources.

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

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as herein expressed: *provided*, that 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same 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 or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, 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 licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this thirteenth *day of* May, *19* 42.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

LICENSE 2430

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO General Hotel Company

DATED May 13, 1942

10569 3-42 1500 STATE PRINTING OFFICE

07-16-1947: order allowing correction of description of place of use, application 5073.

FORM 100. (84088 10-38 1500)
STATE PRINTING OFFICE

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 5073 PERMIT 3495 LICENSE 2430

ORDER ALLOWING CORRECTION OF DESCRIPTION OF PLACE OF USE.

Licensee having established to the satisfaction of the State Engineer that the correction of description of place of use under Application 5073, Permit 3495, License 2430 for which petition was submitted on June 24, 1947 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of place of use under said Application 5073, Permit 3495, License 2430 to read as follows to-wit:

WITHIN THE W½ OF SE¼ of SECTION 36,
T. 15 S., R. 4½ E., M.D.B. & M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 16th day of July, 1947.

Edward Hyatt, State Engineer

8

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 5073 PERMIT 3495 LICENSE

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

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the completion of construction work and the application of the water to complete beneficial use under Application 5073, Permit 3495.

NOW THEREFORE it is hereby ordered that an extension of time be and the same is hereby granted until December 1, 1940 within which to complete construction work and to apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 22nd day of December, 1937.

Edward Hyatt, State Engineer

By Harold [illegible]
Deputy

m

DEC 23 1937 E.H.B.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 5073 PERMIT 3495 LICENSE

ORDER GRANTING EXTENSION OF TIME
WITHIN WHICH TO COMPLETE USE

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the application of the water to complete beneficial use under Application 5073 Permit 3495.

NOW THEREFORE it is hereby ordered that an extension of time be and the same is hereby granted until December 1, 1937, within which to apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 18th day of January, 1934.

EDWARD HYATT, State Engineer

By [illegible]
Deputy

WES:DD

Allen WR 3

For full information regarding the filing out and filing of this form send for Rules and Regulations of the Division of Water Rights governing appropriation of water

APPLICATION No. 5073

APPLICATION FOR A PERMIT

To Appropriate Unappropriated Waters of the State of California

FOR AGRICULTURAL PURPOSES

(USE THIS FORM ALSO FOR PURELY DOMESTIC OR INDUSTRIAL PURPOSES)

I, H. W. Erickbound — 12/10/35 Assign. to Helene M. West 12/10/36 Assign. to General Hotel Co.; (Applicant)

of Avalon (Post Office) County of Los Angeles

State of Calif., do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

SOURCE, AMOUNT AND USE APPLIED FOR

1. The source of the proposed appropriation is Lower spring in Emigrant Canon (Name of stream, lake, or other source. If underground water is to be developed, so state)

located in Inyo County, tributary of Death Valley

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

(a) For diversion to be directly applied to beneficial use without storage 1 Dust diversion ~~1 regular~~ 1/80 (1 cubic foot per second = 40 miner's inches)

cubic feet per second, to be so diverted from Jan 1 (Date) to Dec 31 (Date) of each season.

(b) For diversion to be stored temporarily and later applied to beneficial use (1 acre-foot = 325,851 gallons)

acre-feet per annum, to be collected between (Date) and (Date) of each season.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. It is important that the answers be complete and accurate. A permit can not be issued for a larger quantity than as described therein.

3. The use to which the water is to be applied is Domestic hotel & cottages (Irrigation, domestic, industrial)

4. The point of diversion is to be located Emigrant Lower spring - Three miles south west of and mouth of Emigrant Canyon (Give distance and bearing to nearest permanent monument or other point of reference, such as corner of public land survey, or intersection of stream with some well known line)

Junction of South Road & Emigrant Canyon Road

being within the Proj SE¼ NE¼ (Give 10-acre subdivision of U. S. government survey or projection thereof)

of Sec. 2129 Tp. 17S R. 44E, M.D. M., in the County of Inyo

5. The pipe line (Main ditch, canal or pipe line) to be 100 feet miles in length, terminating in the regulating Tank in proj. SE¼ NE¼ (Smallest legal subdivision) of Sec. 29

Tp. 17S R. 44E, M.D. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works, if named, is to be

DESCRIPTION OF PROPOSED WORKS

(NOTE: AN APPLICATION CAN NOT BE APPROVED FOR AN AMOUNT GROSSLY IN EXCESS OF THE ESTIMATED CAPACITY OF THE DIVERSION WORKS)

Diversion Works—

7. (a) Diversion by gravity:

(1) Height of dam 3 ft feet; length on top 6 feet; length at bottom 6 feet; material to be used and character of construction concrete (Loose rock, concrete, masonry, rock and brush, timber crib, etc., waste way over or around dam)

(2) Description of headgate ~~None~~ (Timber, concrete, etc.)

2" pipe (number and size of openings)

(b) Diversion by pumping plant: Type of pumps None (Centrifugal, plunger, screw, etc.);

number of pumps; size of each; capacity of each cubic feet per second; total capacity of plant cubic feet per second; total pumping lift feet; source of power (Electric motor, gasoline engine, etc.);

capacity of power installation horsepower.

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

10-26-1939

Conduit System (Main Conduits only)—

8. *Give dimensions, length, grade (feet fall per 1000 feet length), and character of construction of diversion conduit.*

(a) *Canal, ditch, flume: Width on top (at water line)* (Cross out (two not used)) ..... *feet; width on bottom* ..... *feet; depth of water* ..... *feet; length* ..... *feet; grade* ..... *feet per 1000 feet; materials of construction* ..... (Earth, rock, timber, etc.)

Water Tank on Trucks - to be filled from storage tank

(b) *Pipe line: Diameter* 2" *inches; length* 100 *feet; grade* ..... *feet per 1000 feet; total fall from intake to outlet* ..... *feet; kind* ..... (Riveted steel, cement 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.

Storage Reservoir— Regulation reservoir.

(PARAGRAPHS 9, 10, 11 AND 12 SHOULD NOT BE FILLED IN UNLESS STORAGE IS APPLIED FOR IN PARAGRAPH 22)

9. *The capacity of the storage reservoir will be* ..... *acre-feet; surface area* ..... *acres*

10. *The location of the* ~~storage~~ regulation *reservoir will be in* 100 feet from spring on west side to be open so water can be led by trough into the district, one overflow pipe will be used for the use of Emigrant (Give 10-acre subdivision)

11. *The storage dam will be located in* ..... (40-acre subdivision) *Sec.* ..... *Tp.* ..... *R.* ..... *M. It will be* ..... *feet in height; length on top* ..... *feet; length on bottom* ..... *feet; width on top* ..... *feet; slope of front or water face* ..... (Feet horizontal to 1 vertical); *slope on back* ..... (Feet horizontal to 1 vertical); *height of dam above water line when full* ..... *feet.*

12. *Character of construction of storage dam and the materials of which it is to be built* .....

Cost—

13. *Estimated cost of proposed works, $* 150 00/100

APPLICATION OF WATER TO USE

14. *Construction work will begin on or before* Sept. 30-1926

15. *Construction work will be completed on or before* Oct 30 1926

16. *The water will be completely applied to the proposed use on or before* Oct 1 1926

17. *The* ~~land to be irrigated~~ place of use *has a total area of* ..... (State no acreage to be irrigated; net gross area of property) *acres, located in each forty-acre tract as follows:*

Domestic use at Stonyate Wells Bungalettes

The bungalette city will be a Tourist resort, number of ~~Number of persons to be served 100~~ persons to be served can only be estimated, at present work will take care of 100 persons per day.

In proj ~~SE¼ SE¼~~ Sec 9 T 15S ~~R 35E~~ R 34E MDM

SE¼ NE¼ Sec 35

(Note that acreage given here must check map)

18. *The crops to be irrigated are: Rice* ..... *acres; alfalfa* ..... *acres; orchard* ..... *acres; general crops* ..... *acres.*

19. *Irrigation will begin about* ..... (Date) *and end about* ..... (Date) *of each year.*

00-00-0000: application 5073 to appropriate waters of the state of california; lower spring in emigrant canon, cont. ; , 1926

GENERAL

20. *Are the maps as required by the Rules and Regulations filed with application?* ..... (Yes or no) *If not, state specifically the time required for filing same* .....

21. *Does the applicant own the land at the proposed point of diversion?* No (Yes or no) *If not, state what steps have been taken to secure right of access thereto* Government land - boundaries not fixed for water rights, placed at spring. Verbal right of way from owner of land at proposed use. (See Rules and Regulations for requirements as to right of access)

22. *Does the applicant own all the land ~~to be irrigated~~?* Yes (Yes or no) *If not, submit a copy of agreement with owners or state what arrangements have been made with them* .....

place of use

23. *Has the ~~land to be irrigated~~ any water right or source of water supply ~~for irrigation~~ other than herein applied for?* .....

If so, state the nature and amount of this supply 1000 gals per hour from well - water brackish, but good for all uses except drinking

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

Darwin

25. *What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?* There are none.

26. *It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:*

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer, and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license so issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be claimed or allowed for any permit or license issued hereunder, or for any right granted or acquired under the provisions of this act, or any rights granted or acquired under the provisions of this act, in respect to the regulations by any municipality, city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights granted or acquired under the provisions of this act, 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 licensee or the possession of any rights granted, issued or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for the inhabitants of the municipality thereof or by domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not affect or be appropriation of the water for other than municipal purposes; *and provided further*, that where permission to appropriate is granted by the state water commission to any municipality any such quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation pursuant to the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being used from time to time by such municipality, *and provided further*, that in lieu of the granting of such temporary permits for appropriation the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted *and provided, further*, that when such municipality shall desire to use the additional water granted on its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the owner of such facilities which are retired said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and the person in whose favor said permit has been issued, shall be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

H W Eichbaum
(Name of Applicant)

Avalon, Calif.

Signed in the presence of us as witnesses:

1. Hugh Warren (Name) Sycamore Ave Avalon Cal (Address)
2. C. B. Wagner (Name) 227 Sumner Ave Avalon, Cal (Address)

Applicant [redacted]

Alpine, California

Application No. 5073

Permit No. 3495

APPLICATION

AGRICULTURAL

TO APPROPRIATE

THE PUBLIC WATERS OF THE

STATE OF CALIFORNIA

This application was first received in the office of the DIVISION OF WATER RIGHTS the 28th day of March, 1928, at 3:30 o'clock P. M.

RETURNED TO APPLICANT FOR CORRECTION

CORRECTED APPLICATION RECEIVED

Approved: June 19, 1930

Recorded in Book No. ..... of Permits, on Page .....

PERMIT NO. 3495

STATE OF CALIFORNIA
COUNTY OF Sacramento } ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above

1. *The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed* eight thousandths (0.008) cubic foot per second or approximately fifty two hundred (5200) gallons per day from January 1st to December 31st of each season.

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* October 1, 1930 *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, 1932

5. *Complete application of the water to the proposed use shall be made on or before* December 1, 1933

Extension by order of [redacted]

Witness my hand and the seal of the Department of ... the State of California this 19th June 30

[redacted], STATE ENGINEER

By Harold Conkling

FORM 100. 16482 11-34 5M
CALIFORNIA STATE PRINTING OFFICE

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 8923 PERMIT _____ LICENSE _____

ORDER REJECTING AND CANCELLING APPLICATION

Applicant in the above entitled matter having been notified wherein his said application was defective and having failed, after due notice, to correct said deficiency or to show good cause wherefore further time should be allowed,

IT IS HEREBY ORDERED that said application be and the same is hereby rejected and cancelled upon the records of the Division of Water Resources without prejudice.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 22nd day of September, 1937.

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy.

14 SEP 30 1937 E.M.B.

FORM 1 FILE IN DUPLICATE

[For full information concerning the filling out and filing of this form refer to Regulation 4 of Rules and Regulations of the Division of Water Resources Governing the Appropriation of Water]

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Application No. 5312 Filed March 23, 1937 at 10:33 A.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

This application involves in no way the right to construct a dam

I, Ralph P. Merritt
Name of applicant

of Box 17 Tronx County of San Bernardino
Post office

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO EXISTING RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is 1) lower 2) middle 3) upper Emigrant Springs
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 Wash

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

(*a*) For diversion to be directly applied to beneficial use without storage, maximum simultaneous diversion 15 gal per ~~cubic foot per second~~ 1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
10 gal per min from #1, 5 gals per min from #2 + #3 each
second, to be diverted from January 1 to December 31 of each season.
Beginning date each season Closing date each season

(*b*) For diversion to be stored temporarily and later applied to beneficial use ..... acre-feet
1 acre-foot equals 325,851 gallons
per annum, to be collected between ..... and ..... of each season.
Beginning date each season Closing date each season

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. The amounts stated must be in definite terms of some established unit of measurement. Neither these amounts nor the season may be increased after application is filed.

3. **The use** to which the water is to be applied is .....
Irrigation, power, municipal, mining, industrial, recreational, domestic. Recreational use may be deemed to include all uses incidental to a resort such as domestic, boating, fish culture, etc.
mining and domestic purposes.

NOTE.—A separate application must be made for each use except that incidental domestic use may be included with any other use.

4. **The point of diversion** is to be located ~~are~~ grouped around a locus which is nine tenths of a mile north westerly along Emigrant road from W.S. G.S. BM elev. 4044 ft
State bearing and distance or coordinate distances to section or quarter section corner
being within the projected S.W. 1/4 of the NE 1/4
State 40-acre subdivision of U. S. Government survey or projection thereof
of Section 29, Tp. 17 S, R. 44 E M., in the County of Inyo

5. **The main conduit** terminates in ..... of Sec. ....., Tp. ....., R. ....., ... 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: Capacity of plant ..... gallons per minute.

(*b*) Diversion will be by gravity, ~~the diverting dam being~~ ..... feet in height (stream bed to level of overflow); ..... feet long on top; and constructed of .....
Concrete, earth, brush, etc.
Tunnels will be driven at each point to develop water

(*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** .....
Name

The storage reservoir will flood lands in .....

It will have a surface area of ..... **acre-feet.**

In case of insufficient space for answers in ..... **refer to same by number.**

CANCELLED

15

8. Conduit System (describe main conduits only)

(*a*) **Canal, ditch, flume:** Width on top (at water line) ..... feet; width at bottom ..... feet; depth of water ..... feet; length ..... feet; grade ..... feet per 1,000 feet; materials of construction .....
Cross out two not used
Earth, rock, timber, etc.

(*b*) Pipe line: Diameter ..... inches; length ..... feet; grade ..... feet per 1,000 feet; total fall from intake to outlet ..... feet; kind .....
Riveted steel, cement, 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 works proposed is 15 gal per min.
State cubic feet per second or gallons per minute

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

Completion Schedule

10. **Construction work** will begin within 3 months after approval of this application.

Construction work will be completed within 2 years after approval of this application.

The water will be completely applied to the proposed use within 4 years after approval of this application.

Description of Proposed Use

11. **Place of Use.** .....
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land 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 all 40-acre tracts, describe area in a general way and show detail upon map. These blanks need not be filled in when municipal use is proposed.

Does applicant own the land whereon use of water will be made? .....
Yes or No

If applicant does not own land whereon use of water will be made, state what arrangements have been made with owner.

12. **Domestic Use.** [If incidental to one of the major uses described in Paragraphs 13, 14, 15, 16, 17 or 18 domestic use may be included in the same application with any one thereof, and Paragraph 12 should be filled out. If the domestic use is not incidental to some major use a separate application is required.]

Domestic use is proposed as follows: Mining Camp and Mill Employees,
Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre each in area connected with places of residence

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

13. **Irrigation Use.** (See marginal note.) 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.

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 each season — Closing date each season

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.** (See marginal note.) 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

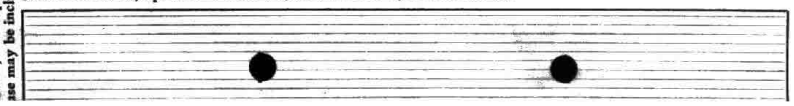
The use to which the power is to be applied is .....
For distribution and sale or private use, etc.

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

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

Sec. ....., Tp. ....., R. ....., ..., M.

E PARAGRAPHS 13, 14, 15, 16, 17 and 18
ower, municipal, mining, industrial and recreational uses.
se may be included on the same application.



16

DO NOT FILL IN MORE THAN ONE
Applications must be filed upon separate blanks for irrigatio
Domestic use when incidental to some other, maj

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** (See marginal note.) 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.** (See marginal note.) The name of the mining property to be served is Name of claim Armigraub Springs mine (Saddle Rock) and the nature of the mines is Gold lode Gold placer, lead quartz, etc.

The method of utilizing the water is Crushing Concentrating and Cyaniding

It is estimated that the ultimate water requirement for this project will be 30 Gals per min. Cubic feet per second, gallons per minute. State basis of estimate

The water ~~will not~~ will be polluted by chemicals or otherwise Cyaniding Explain nature of pollution, if any

and it ~~will not~~ will be returned to Water sinks to gravel and is not returned to any definite channel Name stream State 40-acre subdivision

Sec. ..... , Tp. ..... , R. ..... , ... M.

17. **Industrial Use.** (See marginal note.) 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.** (See marginal note.) 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 or No No . If not, state specifically the time required for filing same 90 days

20. Does the applicant own the land at the proposed point of diversion? Yes or No No . If not, state what steps have been taken to secure right of access thereto Will file applications with Forest Park service or file on mill site under mineral laws

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

Trona, Cal.

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?

General Hotel Co
Stone Pipe Wells Hotel
Death Valley Junct. Calif

[SIGNATURE OF APPLICANT] Ralph P Merritt

17 NO MAPS RECEIVED

Land History

REC ING REQUESTED BY

TITLE INSURANCE AND TRUST COMPANY

AND WHEN RECORDED MAIL TO

Name: National Park Service,
Street Address: Western Region
Division of Lands, Box 36063
City & State: 450 Golden Gate Avenue
San Francisco, CA 94102

MAIL TAX STATEMENTS TO

Name:
Street Address: N/A
City & State:

VOL. 235 694

386

RECORDED AT REQUEST OF
Title Insurance and Trust Company
1979 JAN 22 AM 9 33
Official Records
INYO CO. [illegible]
MARJORIE [illegible]

FEE $-0-

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Corporation Grant Deed

TO 1821 CA (12-74) THIS FORM FURNISHED BY TICOR TITLE INSURERS A.P.N. [illegible]

The undersigned grantor(s) declare(s):
Documentary transfer tax is $ 1,622.50* .
(X) computed on full value of property conveyed, or
( ) computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area: ( ) City of _____, and
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
TREVELL, INC.

REAL PROPERTY TRANSFER TAX PAID $1,622.50 INYO COUNTY

a corporation organized under the laws of the State of California hereby GRANTS to

UNITED STATES OF AMERICA, AND its assigns

the following described real property in the County of Inyo , State of California:

See attached exhibit "A"

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its ~~president~~ Chairman of the Board ~~President~~ and ~~secretary~~ Secretary thereunto duly authorized.

Dated: January 18, 1979

Trevell, Inc.

By Trevor S. Povah Chairman of the Board ~~President~~

By Lynn P. Rinehart Secretary

STATE OF CALIFORNIA } ss.
COUNTY OF ~~Santa Barbara~~

On January 22, 1979 before me, the undersigned, a Notary Public in and for said State, personally appeared TREVOR S. POVAH known to me to be the ~~president~~ Chairman of the Board ~~President~~, and LYNN P RINEHART known to me to be ~~secretary~~ Secretary of the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature: Thomas D. Nesbitt

OFFICIAL SEAL
THOMAS D. NESBITT
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
SANTA BARBARA COUNTY
My Commission Exp. Nov 12, 1982

(This area for official notarial seal)

Title Order No. _____ Escrow or Loan No. 32264 E

MAIL TAX STATEMENTS AS DIRECTED ABOVE

MAIL TAX STATEMENTS AS DIRECTED ABOVE

VOL 235 PAGE 695

EXHIBIT "A"

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 15 SOUTH, RANGE 44 EAST, M.D.M., IN THE COUNTY OF INYO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS THEREON AND ALL WATER RIGHTS APPURTENANT THERETO AND ALL AND SINGULAR THE TENEMENTS, HEREDITAMENTS AND APPURTENANCES THEREUNTO BELONGING, OR IN ANY WISE APPERTAINING AND THE REVERSION AND REVERSIONS, REMAINDER AND REMAINDERS, RENTS, ISSUES AND PROFITS THEREOF.

FOR THE NATIONAL PARK SERVICE

THE VENDOR CONVENANTS AND AGREES TO CONVEY TO THE UNITED STATES OF AMERICA THE FEE SIMPLE TITLE TO THE ABOVE-DESCRIBED LAND SUBJECT TO EXISTING EASEMENTS FOR PUBLIC ROADS AND HIGHWAYS, PUBLIC UTILITIES, RAILROADS, AND PIPELINES;AND SUBJECT TO THE FOLLOWING OUTSTANDING RIGHTS IN THIRD PARTIES: NONE.

TO HAVE AND TO HOLD THE SAME UNTO SAID UNITED STATES OF AMERICA AND ITS ASSIGNS, FOREVER.

THE GRANTOR(S) FURTHER REMISE(S), RELEASE(S), AND FOREVER QUIT CLAIM(S) TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS, ALL RIGHT, TITLE, AND INTEREST WHICH THE GRANTOR MAY HAVE IN THE BANKS, BEDS, AND WATERS OF ANY STREAMS BORDERING OR ANY APPROPRIATIVE WATER RIGHTS APPURTENANT TO THE SAID LAND TO BE CONVEYED AND ALSO ALL INTEREST IN ANY ALLEYS, ROADS, STREETS, WAYS, STRIPS, GORES, OR RAILROAD RIGHTS-OF-WAY ABUTTING, ADJOINING, OR APPURTENANT TO SAID LAND AND IN ANY MEANS OF INGRESS OR EGRESS APPURTENANT THERETO.

(This area for official notarial seal)

Title Order No.

Escrow or Loan No. 32264 E

MAIL TAX STATEMENTS AS DIRECTED

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, December 1, 1913.

Public Water Reserve,
California.

Register and Receiver,

Independence, California.

Sirs:

By Executive Order of December 1, 1913, the hereinafter described lands in California, involving approximately 36,380 acres, were withdrawn from settlement, location, sale or entry, and reserved as a public water reserve, subject to all the limitations, provisions, exceptions and conditions contained in the act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910 (36 Stat., 847), as amended by the act of August 24, 1912 (37 Stat., 497).

ORDER OF WITHDRAWAL.
Public Water Reserve No. 13, California No. 1.
Mt. Diablo Meridian.

T. 11 S., R. 37 E., Sec. 8, all;
Sec. 9, all;
Sec. 17, all;

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service
Washington 25, D. C.
RECORDS OF THE GENERAL LAND OFFICE
Chronological Files.
Three Centimeters

367248 BLS (JFC)

T. 18 S., R. 42 E.,	Unsurveyed:	All lands within one-quarter mile of springs about 4 miles below head of Cottonwood Canyon, in what will probably be when surveyed Secs. 4 and 9. All lands within one-quarter mile of spring about 8 miles below head of Cottonwood Canyon, in what will probably be when surveyed Sec. 25.
T. 19 S., R. 42 E.,	Partly surveyed:	All lands within one-quarter mile of springs, located about 2 miles south of west from Modoc Mine, in what will probably be when surveyed Secs. 31 and 32.
T. 20 S., R. 42 E.,	Partly surveyed:	All lands within one-quarter mile of springs near head of Snow Canyon, in what will probably be when surveyed Sec. 7. All lands within one-quarter mile of springs near head of Revenue Canyon, in what will probably be when surveyed Sec. 32.
T. 14 S., R. 44 E.,		Sec. 10, all; Sec. 11, all; Sec. 14, all; Sec. 15, all; Sec. 22, all; Sec. 23, all.
T. 15 S., R. 44 E.,		Sec. 5, W½; Sec. 6, all; Sec. 7, N½; Sec. 8, NW¼.
T. 17 S., R. 44 E.,	Unsurveyed:	All lands within one-quarter mile of Emigrant Spring, in what will probably be when surveyed Sec. 32.
T. 19 S., R. 44 E.,	Unsurveyed:	All lands within one-quarter mile of the spring in Wild Rose Canyon, near U. S. G. S. bench mark 3617 feet above sea level, in what will probably be when surveyed Sec. 29.

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service, Washington 25, D. C.
RECORDS OF THE GENERAL LAND OFFICE.
Chronological Files.
Three Centimeters

380248 [illegible] SUPC

T. 18 S., R. 45 E.	Sec. 9, all; Sec. 10, all; Sec. 15, all.
T. 19 S., R. 45 E.,	Unsurveyed: All lands within one-quarter mile of Blackwater Spring, in what will probably be when surveyed Sec. 14.
T. 21 S., R. 45 E.,	Unsurveyed: All lands within one-quarter mile of Six Springs, in what will probably be when surveyed Sec. 13. All lands within one-quarter mile of Arrastre Spring, in what will probably be when surveyed Sec. 25.
T. 13 S., R. 46 E.,	Sec. 15, S½ of SW¼; Sec. 21, NE¼, N½ of SE¼; Sec. 22, LW¼, N½ of SW¼; Sec. 25, SW¼; Sec. 26, SE¼; Sec. 35, NE¼.
T. 14 S., R. 46 E.,	Sec. 8, SE¼.
T. 24 N., R. 1 E.,	Sec. 26, all; Sec. 27, all; Sec. 34, all; Sec. 35, all.
T. 25 N., R. 1 E.,	Sec. 33, [illegible];
T. 27 N., R. 1 [illegible],	Secs. 13 and 14, all; Sec. 15, [illegible]; Sec. 22, [illegible]; Sec. 23, N½ of NE¼, SW¼ of NE¼, N½ SE¼; Sec. 24, N½, N½ of SW¼, SE¼ of SW¼, SE¼.
T. 28 N., R. 1 [illegible],	Sec. 33, all; Sec. 34, all.
T. 30 N., R. 1 W.,	Sec. 7, SE¼.
T. 29 N., R. 2 [illegible],	Sec. 30, all.
T. 22 N., R. 3 [illegible],	Unsurveyed: All lands within one-quarter mile of Willow Spring, in what will probably be when surveyed Sec. 5.

-3-

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service
Washington 25, D. C.
RECORDS OF THE GENERAL LAND OFFICE.
Chronological Files.

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

D & C file

~~extra copy to Hill~~

L-54

STOVE PIPE WELLS HOTEL DEATH VALLEY, CALIFORNIA

C O P Y

C O P Y

May 18, 1954

Lawrence C. Merriam,
Regional Director,
National Park Service,
180 New Montgomery Street
San Francisco, California

Dear Mr. Merriam: Re: L-54

Thank you so much for the complete additional set of the records prepared in your Washington Office, comprising what you designate as Alien Water Right No. 3. This was delivered to the undersigned in the early part of April by Mr. E. E. Ogston.

We shall accede to the suggestion to submit to the Superintendent for validation of the assignment of interest in the development on December 10, 1936, for necessary approval.

Yours very truly,

General Hotel Company,

ss /s/ by Rudie Henderson

Copy to: The Director
Superintendent, Death Valley National Monument

C O P Y

In reply refer to:
L54

180 New Montgomery Street

March 29, 1954

Through: Superintendent,
Death Valley National
Monument

Mr. Rudie Henderson
General Hotel Company
Death Valley, California

Dear Mr. Henderson:

We have received from our Washington Office a complete additional set of the records prepared in that Office being a new section of Part I-A of what we designate (for our files) as Alien Water Right No. 3 (General Hotel Company). We have been requested to forward this set to you for your records.

You will note that on the first sheet of the attached there is indicated an explanation prepared by the Washington Office.

Acknowledgment at your convenience will be appreciated.

Sincerely yours,

(SGN) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Enclosures

Copy to: The Director
Supt., Death Valley

BFManbey:in

FILE COPY

Please forward this set and explanation to Mr. Rudie Henderson of the General Hotel Company, this is to advise him:

1. That the records seem ample to establish the right to develop the spring subject to compliance with the regulations in Circular 1028 and the stipulations imposed by the Geological Survey concerning paramount water use by the public.

2. That Condition 10 of Circular 1028 provides for perfection of water rights under State water laws, but specifies that the permit for development on the public water reserve can be transferred only on written authority and consent of the Secretary of the Interior. Application 5073 and License 2430 indicate that the water right was initiated by Mr. Richbaum, that assignment to the General Hotel Company was recorded with the State Engineer, and that the right was licensed in the name of the Company. We find no record of the Secretary's consent to assign the development. Accordingly, we suggest that the proper officer of the Company submit a request, in five copies, to the Superintendent for validation of the assignment of interest in the development on December 10, 1936, when water right assignment was recorded with the State, or on the date of sale to the General Hotel Company. We believe that we can obtain the necessary approval, of which three copies will then be filed in the alien water right assembly, one will be returned to the Company, and one will be filed with the Bureau of Land Management. Needless to say, another consent will have to be obtained for the further sale contemplated by Mrs. Putnam.

3. We construe the records to mean that the Company also has valid rights to 700 gallons of water per day under License 2430, as a matter of priority between the Company and other potential private water claimants; but that such rights, under the State water laws, are subject to the prior needs of the public, in accordance with Circular 1028 and the Stipulation. The conditions for use of the land, including the reservation of water for the public, should have been included in the permit. To accomplish this, the letter of June 14, 1930, to the Register, from the Commissioner, should have been accompanied by the letter of April 24, 1928 (missing) to Mr. Richbaum from the Geological Survey, or the Stipulation of April 14, 1930, by Mr. Richbaum; and a copy of, or citation of Circular 1028. However, failure to submit the conditions to the State Engineer does not relieve the General Hotel Company of any obligations to the United States and the public, although the State Engineer is ignorant of them.

4. The amount of public water need is not limited. With the potentiality that the public might drain the specified 50-gallon reserve at intervals of a few minutes, and the requirement, to which Mr. Richbaum assented in the Stipulation of April 10, 1930, that the 50-gallon reservoir would be kept full at all times, it is possible that no residual may be available for the General Hotel Company for days, or weeks, at a time.

47

5. That the rights and privileges of the General Hotel Company at Lower Emigrant Spring had valid existing status when the new Regulations of December 17, 1953, were published on December 23, 1953, and are not affected thereby.

49

03-11-1954: memo from assistant director, national park service; subject: water rights and pipe line rights of general hotel company

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

In reply refer to:
L54-L

March 11, 1954

McClellan
Crowley
Peterson
Manbey
B/Fm

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Wrote Henderson 3/29
B/Fm.

Subject: Water Rights and Pipe Line Rights of Way of General Hotel Company, Alien Water Right No. 3, Death Valley

Enclosed is a complete separate set of the records which Mr. Dunn has transmitted as a new Part I-A of Alien Water Right No. 3.

Please forward this set, as indicated thereon, to Mr. Rudie Henderson of the General Hotel Company. In the letter of transmittal, please advise him:

1. That the records seem ample to establish the right to develop the spring subject to compliance with the regulations in Circular 1028 and the stipulations imposed by the Geological Survey concerning paramount water use by the public. 51 I.D. 184

2. That Condition 10 of Circular 1028 provides for perfection of water rights under State water laws, but specifies that the permit for development on the public water reserve can be transferred only on written authority and consent of the Secretary of the Interior. Application 5073 and License 2430 indicate that the water right was initiated by Mr. Eichbaum, that assignment to the General Hotel Company was recorded with the State Engineer, and that the right was licensed in the name of the Company. We find no record of the Secretary's consent to assign the development. Accordingly, we suggest that the proper officer of the Company submit a request, in five copies, to the Superintendent for validation of the assignment of interest in the development on December 10, 1936, when water right assignment was recorded with the State, or on the date of sale to the General Hotel Company. We believe that we can obtain the necessary approval, of which three copies will then be filed in the alien water right assembly, one will be returned to the Company, and one will be filed with the Bureau of Land Management. Needless to say, another consent will have to be obtained for the further sale contemplated by Mrs. Putnam.

✓
4f

3. We construe the records to mean that the Company also has valid rights to 700 gallons of water per day under License 2430, as a matter of priority between the Company and other potential private water claimants; but that such rights, under the State water laws, are subject to the prior needs of the public, in accordance with Circular 1028 and the Stipulation. The conditions for use of the land, including the reservation of water for the public, should have been included in the permit. To accomplish this, the letter of June 14, 1930, to the Register, from the Commissioner, should have been accompanied by the letter of April 24, 1928 (missing) to Mr. Eichbaum from the Geological Survey, or the Stipulation of April 14, 1930, by Mr. Eichbaum; and a copy of, or citation of Circular 1028. However, failure to submit the conditions to the State Engineer does not relieve the General Hotel Company of any obligations to the United States and the public, although the State Engineer is ignorant of them.

4. The amount of public water need is not limited. With the potentiality that the public might drain the specified 50-gallon reserve at intervals of a few minutes, and the requirement, to which Mr. Eichbaum assented in the Stipulation of April 10, 1930, that the 50-gallon reservoir would be kept full at all times, it is possible that no residual may be available for the General Hotel Company for days, or weeks, at a time.

5. That the rights and privileges of the General Hotel Company at Lower Emigrant Spring had valid existing status when the new Regulations of December 17, 1953, were published on December 23, 1953, and are not affected thereby.

The construction of the Federal water system for the Emigrant Checking Station has upset the general pattern somewhat. The outlet from the lowest reservoir for public needs at the spring area should be near enough to the bottom to drain all water except that in the sediment trap. The outlet for the Company use should be enough higher to prevent draining the last 50 gallons of clear water. The outlet for the Emigrant Checking Station line should be at the same elevation as the outlet for Company use.

We are purposely excluding consideration of the present status of public water reserves in Death Valley. The Solicitor has

43

ruled that they were cancelled by the Proclamations establishing the Monument (M. 31817), and has considered the general Federal interests on public water reserves in connection with the Medd Case (M. 23951). These decisions do not affect the particular problem, where the General Hotel Company has the use of the land and appurtenant water under conditions included in the Stipulation of April 14, 1930, and Circular 1028, with only those amendments of the Regulations of 1925 which may have been made by April 1930. In the parallel Federal use, we must recognize those conditions, but do not have to settle the relative, ultimate jurisdiction of the State of California and the United States.

Assistant Director

In duplicate

Attachment

Also 2 1st & 2nd Bills

SUMMARIZED DIGEST
of
GENERAL HOTEL COMPANY (STOVEPIPE WELLS HOTEL)
September 19, 1950 to April 23, 1953
by
B.F. Manbey

Sept. 19,1950 Goodwin to Region: Henderson (one of principal stockholders) says quite willing to agree to Wirth's proposal to surrender water right Applic. 5073 and in return NPS to agree to issue permit from Emigrant Checking Stn, if available, if not from Cow Creek, for nominal fee. Goodwin concluded, if W.O. still in accord he would draw up permit.

Oct. 6, 1950 Region to W.O: Transmitting Superintendent's memo 9/19/50. We said Hotel Co. had not mentioned their "improvements" at either of Emigrant Canyon Springs. It is assumed, therefore, they expect no remuneration.

July 27, 1951 Manbey to W.O. stating Goodwin says he has had no reply to his memo of September 19, 1950.

Feb. 14, 1952 Supt. to Region: Says he has been approached by party considering purchase of Stovepipe Wells Hotel property. He contemplates buying out Bennett and Barginski and constructing connecting pipe line to our Emigrant Springs Res. No doubt, he said, party would be willing to convey water rights to U.S. for agreement to secure stipulated amount of water.

Feb. 15, 1952 Supt. to Region: Reiterating that we secure reply to his request of September 19, 1950.

Feb. 18, 1952 Region to W.O: Transmitting Supt.'s request of 2/15/52.

Mar. 4, 1952 W.O. to Region: Transmitting draft of proposed agreement to consummate assignment of water rights from Company to U.S.

Mar. 28, 1952 Region to Supt: Transmitting W.O. memo of 3/4/52 with drafts of proposed agreement to consummate assignment of water rights from Company to U.S., and requesting he take up with Henderson.

48

March 4, 1953 Director to Albright: Sending copy of above memo of 3/4/52. Explains this would give U.S. water rights Company has under Permit 3495 Appl.5073(Lower Emigrant Spring) and Permit 5433 Appl.9708 (Cottonwood Canyon). Said also Company, as early as 1942, ceased to haul water from company tank at Emigrant Spring upon completion of Emigrant Checking Station water system because of the shorter haul. Company has also always hauled water from our Cow Creek Water System when water was lacking or low at our Emigrant Checking Station.

March 10, 1953 Albright to Wirth: Said he had advised Mrs. George Putnam that proposals look "O.K." Suggested N.P.S. get in touch with her.

March 18, '53 W.O. to Albright: Said advising Region to proceed as he had suggested.

March 18, '53 W.O. to Region: Suggesting we arrange for conference with Company officials to complete negotiations.

April 7, 1953 Region to Supt: Re W.O. memo 3/18/53, says Supt. should arrange conference with Hotel Co. to complete negotiations. Mentions that on March 28, 1952, we sent him all 4 copies of proposed agreement - they were not returned.

March 28, '53 Henderson to Albright: He controverts Albright's statement to Mrs. Geo. Putnam. He objects to proposed agreement. Says by signing agreement they would surrender all "right, title, and interest" in Emigrant Canyon.

March 31, '53 Albright to W.O: Says Henderson takes "broad exceptions" to agreement. Albright asks that matter be reviewed and he be furnished with further comments.

April 8, 1953 W.O. to Albright: Goes into details - Concludes "we believe that the agreement, as drafted, is an equitable solution of the problem" and is in accordance with our policy for "Federal title to all water rights appurtenant to the Federal land in areas administered by the N.P.S." Said We had no intention of forcing it on the Company without negotiating amendments where needed."

April 14, 1953 Acting Supt, to Region: Says after consulting with Mrs. Putnam agreed that when Mr. Henderson returns from the East he should call at monument office to attempt to arrive at agreement. Said also the Supt. does not have the four copies of agreement draft and perhaps Company has them!

48

April 9, 1953 Albright to Allen: Says Henderson likely to call on him soon. Hopes matter can be straightened out.

April 15, 1953 W.O. to Supt: Teletype requesting he defer further negotiation with company pending further instructions.

April 16, 1953 Allen to Albright: Says Henderson called on Wirth April 10. Had very satisfactory talk. Says surprised to find State granted License 2430 on Permit 3498 on May 13, 1942 without advising this Service. This action preceded purchase of property by Mr. Putnam and was predicated on the information from the former owner that he had obtained permission to use the Federal land before June 14, 1930 (Monument established Feb.11, 1933). W.O. is trying to locate such a permit within BLM files.

April 15, 1953 W.O. to Region: Says Henderson called at W.O. april 10. Produced State License 2430. Right limited to 700 gallons per day (against 5170 gallons sought under Application 5073 (Permit 2495). Says a recent prospective purchaser was told by monument staff -"that there were no water rights appurtenant to the property." Says staff should make no statements or commitments in this connection.

April 17, 1953 W.O. to State Divn.Water Res: Making inquiries re License 2430. Mentions Emigrant Canyon Springs "was withdrawn from entry as set aside as Parcel No.25 of Public Water Reserve No.13" -- by E.O. of Dec.1,1913. However, he adds "The subsequent consideration of the status of Public Water Reserves may be disregarded in this letter." Indicates that our water systems intercepted "a part of the seepage feeding the tunnel" of the General Hotel Company. Former owner made proof in 1942 and obtained final license for less than the claimed quantity of water and actual measured flow of about 1,100 gallons per day without our knowledge. Proof was probably made on the basis of our system. Accordingly, we will file an application for the appropriation of all unappropriated waters of the Emigrant and Pioneer Springs within the next few weeks. In the meantime, it was advised that no permits have been granted for land use in Emigrant Canyon at this time for the diversion and use of any water.

April 21, 1953 Region to Supt: Stating our memo of April 7, 1953 may not have made it clear that it was March 28, 1952 that we sent the 4 copies of agreement draft. Asked that they check again as to whether they have agreement.

April 23, 1953 Act. Supt. to Region: Says has checked files and finds all copies of agreement were sent to Henderson April 1, 1952. None were returned.

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

In reply refer to:
L54-L

McClellan KM
~~Crowley~~

March 11, 1954

X Manbey BFM

Memorandum

To: Regional Director, Region Four

Sent copy of memo and W.R. to Supt 3/22/54 BFM

From: Chief, Water Resources Section

Subject: Water Rights and Pipe Line Rights of Way of General Hotel Company, Alien Water Right No. 3, Death Valley

W.R. data filed in AWR #3 BFM 3/23

By memorandum of May 25, 1953, I submitted certain records concerning the subject pipe line rights of way for the Tucki Spring Pipe Line and developments at Lower Emigrant Spring; and two new folders and instructions for revising the Alien Water Right Assembly No. 3.

As a result of the assembly of further information, we now enclose the following records for further revision, in duplicate, in your office and at the Monument.

Alien WR 3 & 4 reassembled 3/23/54 BFM.

1. Two assemblies of records of the negotiations for development of the Lower Emigrant Spring, with outline of assembly and a cover tab Part I-A. This should be filed above drawing NM-DV-4995, and below the map of Tucki Pipe Line (between the two maps at the very bottom of the assembly).

2. A new tab Part I-B, which should be substituted for the tab for undivided Part I, now in the assembly.

(Alien W.R. No 4 now part of No 3 3/23/54 BFM.

We assume that you and Mr. Goodwin have already filed the notice of revocation of Permit 5433, on Application 9708, at the top of Part II, in accordance with Mr. Richey's memorandum of December 22, 1953. This will complete the revision of the alien water right assembly.

Mr. Allen is sending a separate memorandum concerning the interpretation of the records in Part I-A.

RECEIVED MAR 1 1954 REGION FOUR OFFICE

47

This revision places items 8 through 14, and 16 through 24 in both Parts I-A and I-B, since we had the copies available. It is suggested that the one photostat copy of letter of May 17, 1930 (item 15 in outline of Part I-A), be transferred from Part I-B, because the Tucki Spring development is now void, while the Lower Emigrant Spring development remains an encumbrance on the Federal land.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 2

47

C O P Y

Sacramento 024398 LUD:HSA

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

June 29, 1953

Memorandum

To: Director, National Park Service

From: Administrator, Bureau of Land Management

Subject: Water pipe line right-of-way

Reference is made to your memorandum relating to the right-of-way, Sacramento 024398, approved to H. W. Eichbaum on May 15, 1930, under the Act of February 15, 1901 (31 Stat. 790, 43 U.S.C. sec. 959), for a water pipe line extending from a point in NW¼ NW¼ Sec. 30, T. 16 S., R. 45 E., to the north boundary of the NW¼ NE¼ Sec. 2, T. 16 S., R. 45 E., M. D. M., California, crossing public land.

The application for the right-of-way filed on April 4, 1929, embodied also for application to use and improve for land in the SE¼ NE¼ Sec. 29, T. 17 S., R. 44 E., and in Sec. 30, T. 16 S., R. 44 E., M.D.M., California, withdrawn on April 17, 1926, and included in Public Water Reserve No. 107. Circular 1066, 51 L.D. 457. Circular 1028, 51 L.D. 186.

The proposed pipe line was to be constructed to convey water from the Tucki Mountain Spring in Sec. 30 above, the Stove Pipe Wells Hotel in the E½ NE¼ Sec. 35, T. 15 S., R. 45 E., M. D. M., Darwin, California. Water from the Emigrant Spring located in Sec. 29, above was to be hauled to the Hotel, not piped.

In conformity with the provisions of Circular 1028 after field investigation, applicant was required by decision of January 27, 1930, to file stipulation that he would construct a small overflow basin at the Tucki Mountain spring to provide water for mountain sheep, and to construct at Emigrant Spring a 50-gallon tank for the use of the public.

By decision of June 7, 1935, this Office made requirement for proof of construction on the permittee customary in case of approved rights of way after five years have elapsed without proof of construction. Mrs. Eichbaum replied on July 9, 1935, that her husband, the permittee, had died, that, before his death he had given up the idea of pumping water from the

46

spring in Tucki Mountain. On August 2, 1935, Mrs. Eichbaum filed relinquishment of the permit for the pipe line, together with evidence of the structure work required at Emigrant Spring. On October 17, 1941, we accepted the relinquishment, and revoked the permit.

We agree with your first point that the decision of October 17, 1941, related only the the proposed pipe line from the Tucki Mountain Spring.

As to your points 2a and 2b, the revocation of October 17, 1941, had nothing to do with Emigrant Spring. No portion of the right-of-way was at or in the vicinity of Emigrant Spring. So failure to pay a fee in connection therewith was not involved. There was no misunderstanding due to initial improper recording of the Emigrant Spring unit.

Concerning your third point, our action under Circular 1028 authorized Eichbaum to use and improve the land in Public Water Reserve No. 107. Appropriation of the water is under the jurisdiction of the State.

In order to obtain a water pipe line right-of-way, our regulations require the applicant to furnish evidence of a right to water. This he did by furnishing evidence of his State water permit 5536, authorizing appropriation from Tucki Mountain spring. Since the spring was in Public Water Reserve No. 107, we authorized his entering upon the reserve to exercise his State permit. Eichbaum's State permit 5073 for right to appropriate water from Emigrant Spring was not necessary to the right-of-way application. It was entirely proper for Eichbaum, having State rights as to both springs, to ask for permission under Circular 1028 as to both.

Concerning your point 4a, we are not familiar with the practice of the State Engineer in issuing permits, and do not know as a fact that the permit and license from the State Engineer to Eichbaum for water from Emigrant Spring should have reflected land use conditions which were not presented to him at the time.

As to your point 4b, the permit to enter upon, use and improve Public Water Reserve No. 107 at Emigrant Spring may be construed to be subject to Federal needs for the public. Circular 1028 provides that the plan of use proposed by an applicant should show the reasons why the plan will be more

conducive to the public good, and better conserve the waters for public use.

You may have copies made of Office letter of May 4, 1929, to Mr. J. H. Favorite, and report dated September 24, 1929, by Leroy A. Palmer to send to the State Engineer, and the present owner of the Hotel. Permission to make copies is not necessary in regard to the letter dated January 11, 1930, from the Director of the Geological Survey as the routine reports from the Geological Survey, addressed to this Office, are not considered confidential.

/s/ William Pincus
Assistant Director

In reply refer to:
L54 DEVA-L

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

Mantey B Fm
~~Hold~~ 6/1
Peterson
McClellan

May 25, 1953

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

FILE

Sent cc to Death Valley 5/29

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 water 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.

NATIONAL PARK SERVICE
RECEIVED
MAY 29 1953
REGION FOUR OFFICE

45

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.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 3

45

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

In reply refer to:
L54 DEVA-L

May 22, 1953

Memorandum

To: Administrator, Bureau of Land Management

From: Director, National Park Service

Subject: Right-of-way Permit No. 024398-Sacramento, in Death Valley National Monument

Returned herewith is your file on the subject permit which was issued to H. W. Eichbaum in accordance with the letter of June 14, 1930, to the Register from the Commissioner of the General Land Office. These files were loaned to Mr. A. van V. Dunn, Chief, Water Resources Branch of this Service, by Mr. Hedges for study in connection with the status of water rights of the General Hotel Company, successor to Mr. and Mrs. Eichbaum.

The permit for the Tucki Mountain pipe line was revoked by the Commissioner's decision of October 17, 1941, but the decision does not appear to affect the right to maintain the Emigrant Spring and reservoir in Sec. 29, T. 17 S., R. 44 E., concerning which Mrs. Eichbaum, as widow and sole heir-at-law of the claimant, H. W. Eichbaum, filed an affidavit of proof of construction, with supporting engineer's certificate, in 1935. The development at Emigrant Spring is not shown on the map filed with the application.

We do find, however, that by notices to Mrs. Helene W. Eichbaum of December 12, 1939, and to Helene W. West of January 12, 1940, an attempt was made to collect the $25 fee for the right-of-way, and that the postal authorities were unable to deliver the notices at the designated address because the addressees were no longer there and had left no forwarding address. The file also includes three copies of an undated and unsigned notice to Helene W. Eichbaum at the Stove Pipe Wells Hotel, which was evidently not mailed because of the pending revocation of the portion of the permit relating to the Tucki pipe line.

On the basis of the letter of June 14, 1930, to the Register, without substantiating evidence of the nature of the

44

right-of-way, the State Engineer of California granted permits to the spring to be diverted by the Tucki pipe line, and to the Emigrant Spring, the latter being Permit No. 3495. Final License No. 2430 was issued to the General Hotel Company on May 13, 1942, on claimant's "proof" that 700 gallons of water per day were hauled from the Emigrant Spring and used at the Stovepipe Wells Hotel. The General Hotel Company was sold by Mrs. Eichbaum, or West, in 1943, and the water use has continued part-time since that date.

Meantime, the National Park Service was unable to obtain a reference to the subject land use permit until recently, was unaware of the proof and licensing of the water right, and had attempted to treat the Company interests as an act of trespass. The present owners of the Hotel Company were equally unaware of the land use status (revocation of permit) until we located the permit number by the Commissioner's letter of June 14, 1930, through the records of the State Engineer. As you know, the land was withdrawn from entry, for reclassification, just after the permit was issued, by Executive Order 5408 of July 25, 1930, and included in the area established as Death Valley National Monument by Proclamation of February 11, 1933.

The Stovepipe Wells Hotel serves an important public need in Death Valley National Monument, although its operation is one of a number of activities which make the Monument administration particularly complex. In this connection, we shall appreciate your opinions on the following points:

1. Do you not agree that the Commissioner's decision of October 17, 1941, related to the right-of-way for the Tucki pipe line alone?

2. Is the recorded termination of Permit 024398-Sacramento, as it relates to development at Emigrant Spring, the result of:

   a. Failure to pay a fee which was never defined, for the portion of the right-of-way at Emigrant Spring; and/or

   b. Misunderstanding due to initial improper recording of the Emigrant Spring unit?

44

3. Did the permit, with the authorization and regulation under Circular 1028, authorize private appropriation of the waters of Emigrant Spring on a parcel of Public Water Reserve No. 107?

4. In reconciling the purposes for which the public water reserves have been established, with the State laws relating to the appropriation of water, do you not agree that one of the following is proper:

a. The permit and license from the State Engineer should have reflected land use conditions which were not presented to him at the time?

b. The permit to use part of a unit of Public Water Reserve 107 in California, with all development thereon, as at Emigrant Spring, may be construed to authorize appropriation and use by permittee, subject to paramount Federal riparian needs for the public?

5. Is it possible to have the following instruments in the "Confidential" portion of your file reclassified so that copies can be sent to the State Engineer and Hotel owners, to explain the intent of those granting the land use permit:

a. Acting Commissioner's letter of May 4, 1929, to Mr. Favorite;

b. Letter of September 24, 1929, to Commissioner from Mr. Palmer, and approved by Mr. Favorite, to show recognition of public interest; and

c. Letter of January 11, 1930, to Commissioner from Director of Geological Survey?

(Sgd) Hillory A. Tolson

Acting Director

Attachment

In reply refer to:
L54 DEVA-L

May 22, 1953

Memorandum

To: Administrator, Bureau of Land Management

From: Director, National Park Service

Subject: Right-of-way Permit No. 024398-Sacramento, in Death Valley National Monument

Returned herewith is your file on the subject permit which was issued to H. W. Eichbaum in accordance with the letter of June 14, 1930, to the Register from the Commissioner of the General Land Office. These files were loaned to Mr. A. van V. Dunn, Chief, Water Resources Branch of this Service, by Mr. Hedges for study in connection with the status of water rights of the General Hotel Company, successor to Mr. and Mrs. Eichbaum.

The permit for the Tucki Mountain pipe line was revoked by the Commissioner's decision of October 17, 1941, but the decision does not appear to affect the right to maintain the Emigrant Spring and reservoir in Sec. 29, T. 17 S., R. 44 E., concerning which Mrs. Eichbaum, as widow and sole heir-at-law of the claimant, H. W. Eichbaum, filed an affidavit of proof of construction, with supporting engineer's certificate, in 1935. The development at Emigrant Spring is not shown on the map filed with the application.

We do find, however, that by notices to Mrs. Helene W. Eichbaum of December 12, 1939, and to Helene W. West of January 12, 1940, an attempt was made to collect the $25 fee for the right-of-way, and that the postal authorities were unable to deliver the notices at the designated address because the addressees were no longer there and had left no forwarding address. The file also includes three copies of an undated and unsigned notice to Helene W. Eichbaum at the Stove Pipe Wells Hotel, which was evidently not mailed because of the pending revocation of the portion of the permit relating to the Tucki pipe line.

On the basis of the letter of June 14, 1930, to the Register, without substantiating evidence of the nature of the

right-of-way, the State Engineer of California granted permits to the spring to be diverted by the Tucki pipe line, and to the Emigrant Spring, the latter being Permit No. 3495. Final License No. 2430 was issued to the General Hotel Company on May 13, 1942, on claimant's "proof" that 700 gallons of water per day were hauled from the Emigrant Spring and used at the Stovepipe Wells Hotel. The General Hotel Company was sold by Mrs. Eichbaum, or West, in 1943, and the water use has continued part-time since that date.

Meantime, the National Park Service was unable to obtain a reference to the subject land use permit until recently, was unaware of the proof and licensing of the water right, and had attempted to treat the Company interests as an act of trespass. The present owners of the Hotel Company were equally unaware of the land use status (revocation of permit) until we located the permit number by the Commissioner's letter of June 14, 1930, through the records of the State Engineer. As you know, the land was withdrawn from entry, for reclassification, just after the permit was issued, by Executive Order 5408 of July 25, 1930, and included in the area established as Death Valley National Monument by Proclamation of February 11, 1933.

The Stovepipe Wells Hotel serves an important public need in Death Valley National Monument, although its operation is one of a number of activities which make the Monument administration particularly complex. In this connection, we shall appreciate your opinions on the following points:

1. Do you not agree that the Commissioner's decision of October 17, 1941, related to the right-of-way for the Tucki pipe line alone?

2. Is the recorded termination of Permit 024398-Sacramento, as it relates to development at Emigrant Spring, the result of:

   a. Failure to pay a fee which was never defined, for the portion of the right-of-way at Emigrant Spring; and/or

   b. Misunderstanding due to initial improper recording of the Emigrant Spring unit?

3. Did the permit, with the authorization and regulation under Circular 1028, authorize private appropriation of the waters of Emigrant Spring on a parcel of Public Water Reserve No. 107?

4. In reconciling the purposes for which the public water reserves have been established, with the State laws relating to the appropriation of water, do you not agree that one of the following is proper:

a. The permit and license from the State Engineer should have reflected land use conditions which were not presented to him at the time?

b. The permit to use part of a unit of Public Water Reserve 107 in California, with all development thereon, as at Emigrant Spring, may be construed to authorize appropriation and use by permittee, subject to paramount Federal riparian needs for the public?

5. Is it possible to have the following instruments in the "Confidential" portion of your file reclassified so that copies can be sent to the State Engineer and Hotel owners, to explain the intent of those granting the land use permit:

a. Acting Commissioner's letter of May 4, 1929, to Mr. Favorite;

b. Letter of September 24, 1929, to Commissioner from Mr. Palmer, and approved by Mr. Favorite, to show recognition of public interest; and

c. Letter of January 11, 1930, to Commissioner from Director of Geological Survey?

(Sgd) Hillory A. Tolson

Acting Director

Attachment

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

In reply refer to:
L54 DEVA-L

Manbey BFm
Crowley
McClatchy

May 14, 1953

Sent cc Supt. Death Valley
5/20
BFm

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

FILE

Subject: Alien Water Right No. 3, Lower Emigrant Spring, General Hotel Company, Claimant, Death Valley

Attached are the following photostat copies of instruments to be added at the top of Part I-Application 5073, of the subject alien water right in your office and at the Monument:

1. License No. 2430 issued May 13, 1942.

2. Order of July 16, 1947, correcting the place of use, to conform with amended patent to Hotel property.

The related matter of rights of way will be the subject of a later memorandum.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 4

NATIONAL PARK SERVICE
RECEIVED
MAY 19 1953
REGION FOUR OFFICE

43

In reply refer to:
L54 DEVA-L

MAY - 4 1953

Mr. Rudie Henderson
Stovepipe Wells Hotel
Death Valley, California

Dear Mr. Henderson:

Enclosed is a copy of a water right application which we are sending today to the State Division of Water Resources. As you doubtless realize, this application should, and would, have been filed in 1942 if we had been aware that Mr. Eichbaum proceeded with the perfection of rights under Application 5073 without waiting to determine the related interests of the Hotel Company and this Service.

We believe that we have made it clear in the application that nothing in the application is to reflect on the status of the Company rights--a matter that still depends on the determination of the land status. As agreed in your discussion with Mr. Wirth, we have ordered copies of the letter of June 14, 1930, from the State Division of Water Resources. We have just been advised that the copies of that letter from the Commissioner of the General Land Office are being made by the blueprinter and should arrive in the next few days, but that there is no other correspondence in the Division of Water Resources files to clarify the land status. We hope that the one letter, of which we will send you a copy, will serve our mutual needs.

Sincerely yours,

(SGD) Hillory A. Tolson

Hillory A. Tolson
Acting Director

Enclosure

Copy to: Regional Director, Region Four (2)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
Death Valley, California

McClellan M
Manbey B/F
Sent cc W.O. 4/27
BFm

April 23, 1953

Memorandum

To: Regional Director, Region Four

FILE

From: Acting Superintendent, Death Valley

Subject: Water Rights Agreement, Alien Water Right #3, Stove Pipe Wells Hotel

Reference is made to Assistant Regional Director Hoyt's memorandum of April 21. We did receive a telegram from Acting Director Allen requesting us to defer negotiations with the General Hotel Company until we received further instructions.

As to the copies of the proposed agreement mentioned in your memorandum of April 7, the writer has checked the files and these were received March 28, 1952 and were all forwarded to Rudie Henderson as of April 1, 1952. They evidently were not returned to this office, as the file indicates the posted letter of April 1 to Mr. Henderson with no reply or returned agreements, signed or otherwise.

We will await further instructions before we proceed, either from your office or instructions from the Director's office.

E. E. Ogston
E. E. Ogston
Acting Superintendent

NATIONAL PARK SERVICE
RECEIVED
APR 27 1953
REGION FOUR OFFICE

42

C O P Y

Earl Warren
Governor of California

A. D. Edmonston, State Engineer
Chief of Division

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

April 22, 1953

Application 5073

Mr. Thomas J. Allen, Assistant Director
United States Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Allen:

Pursuant to your request of April 17, License 2430 issued in the matter of Application 5073 of General Hotel Company, and our copy of a letter from the Commissioner of the General Land Office received June 14, 1930, have been sent to the Atlas Blue Print Company of this City with instructions to prepare photostatic copies thereof, and to forward them to you together with the bill for services. The purchase order is returned herewith.

A search of our files shows that there is no correspondence between 1926 and 1930 which would appear to clarify the status of the land whereon the source of supply under Application 5073 is located.

We note your request that any intervening applications filed by others to appropriate the waters of Emigrant Springs, and those springs shown on the map filed with Application 13852, be referred to your agency before any action is taken thereon. If the procedure is agreeable with you, it will be more convenient for this office to notify you prior to taking action on any filings involving Death Valley National Monument. Please advise us if the procedure does not meet with your approval in any way.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By /s/ W. R. Gianelli
W. R. Gianelli
Senior Hydraulic Engineer

Enc.

BFM
Manbey
Merriam
4/23

April 22, 1953

Memorandum

To: Superintendent, Death Valley

From: Regional Director, Region Four

Subject: Proposed Assignment of Rights to Waters of Lower Emigrant Spring and Cottonwood Wash by General Hotel Co., Death Valley National Monument (Alien W.R. No. 3)

Attached are copies of Director Wirth's memorandum of April 15 to Region Four, Washington Office letter of April 16 to Mr. Albright, and Mr. Albright's letter of April 9 to Mr. Allen, all on the above mentioned subject.

FILE COPY

You have already received telegram of April 15 requesting that you defer negotiations with the General Hotel Company pending further instructions. Mr. Wirth's memorandum of April 15 confirms that telegraphic request.

Your attention is called to the second paragraph of Mr. Wirth's memorandum in which he points out that the water "rights should be classed as undefined rather than non-existent." Mr. Wirth says, too, Messrs. Goodwin and Ogston should "make no commitments as to the nature of water rights appurtenant to the hotel."

(SGD.) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Attachments 3

Copy to: The Director

BFManbey:in

41

McClellan
~~Manbey~~ BFm
~~Hoyt~~ RAH

April 21, 1953

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Water Rights pertaining to General Hotel Company-
Alien W.R. No. 3

FILE COPY

This acknowledges your memorandum of April 14 on the above mentioned subject. You have doubtless received Washington Office teletype of April 15 requesting that you defer negotiations with the General Hotel Company pending further instructions.

Our memorandum of April 7 may not have made it clear that it was on March 28, 1952 that we sent you the four copies of a draft of a proposed agreement to consummate an assignment. This office did not write the General Hotel Company. Will you please check through your files of that date (1952) to see if you have the agreement draft or if you find indication of transmittal elsewhere.

Raymond E. Hoyt
Assistant Regional Director

Copy to: The Director

BFManbey:in

40

Copy to Supt. Death Valley
4-17-53

In reply refer to:
L54 DEVA-L

BFm

File - Death Valley
Allen W.R. No. 3

APR 17 1953

Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento, California

Subject: Application 5073,
Permit 3495, License 2430

Gentlemen:

In answer to question 21, on the subject application, the belated statement is made, "Approved right-of-way from U. S. Land Office. Let. rec'd. 6-14-30 W.E. 6-17-30." In a conference with Mr. Rudie Henderson of the Stovepipe Wells Hotel, on April 10, he also presented us with what appears to be a License No. 2430, issued on May 13, 1942.

Attached is a purchase order for certified or photostat copies of the letter of June 14, 1930, and the final certificate, with an estimated cost of $3.00 for tentative obligation of funds in this Office. If photostat copies are made by the blueprinter, he may disregard the lack of personal purchase order and submit his voucher with a number, which will appear on the subsequent check for identity of the transaction.

It appears from the photostat copy of the application which we have that Mr. Eichbaum filed the application on June 28, 1926, but did not supply evidence of right of access satisfactory to you until aforesaid June 14, 1930. In addition to the specific letter of the latter date, we should like to have copies of any other correspondence between 1926 and 1930 which may clarify the land status, and your voucher may cover charges in excess of the estimated cost, which we have set at $1.00, as necessary.

As you doubtless know, the Emigrant Canyon springs are in unsurveyed land. All land within one-fourth mile of one Emigrant Spring in what would probably be Section 32, T. 17 S., R. 44 E., M.D.M., was withdrawn from entry as set aside as Parcel No. 25 of Public Water Reserve No. 13, California No. 1, by Executive order of December 1, 1913. This was either intended to apply to the subject spring or part of those covered by Application 13852, Permit 8536. By Regulations of the General Land Office, approved by the



Secretary of the Interior on August 27, 1925, procedure was established to permit individuals to develop water resources on such Public Reserves provided such development did not conflict with public use. Application 5073 was filed June 28, 1926. Permit No. 3495 was granted by you pursuant to aforesaid letter of June 14, 1930. By Executive Order 5408 of July 25, 1930, the land including all of Emigrant Canyon was withdrawn from entry for reclassification as a national monument. By Presidential Proclamation of February 11, 1933, Death Valley was established to include all of said Emigrant Canyon. The subsequent consideration of the status of Public Water Reserves may be disregarded in this letter. By possible references in the letter of June 14, 1930, we hope to obtain the necessary records of the Bureau of Land Management (formerly General Land Office) to support the claimed right of access and conditions for use.

During the winter of 1940-1941 the National Park Service constructed a water system for the Emigrant Ranger Station with diversion of unappropriated, or unused, portions of the flow of said Emigrant Spring, and with a supplemental diversion of the unappropriated water of Pioneer Spring which is a short distance to the north. In doing so, a part of the seepage feeding the tunnel of the General Hotel Company was intercepted. See insert at right of attached drawing NM-DV-6974. The water right filing was deferred pending clarification of the Company land status and resulting rights which were then in permit form. The negotiations have continued to date, with the hotel property passing to G. P. Putnam about 1947, and negotiations had to start over again and were terminated by his death. Mrs. Putnam is now anxious to sell the property, but finds it difficult with the uncertain water right status. It should be noted that the former owner in 1942 made proof and obtained final license for less than the claimed quantity of water and actual measured flow of about 1100 gallons per day without our knowledge and in the middle of negotiations to work out an equitable solution. In fact, it appears that proof was probably made on the basis of the Federal water system.

Accordingly, we will file an application for the appropriation of all unappropriated waters of the subject spring and Pioneer Spring within the next few weeks. Meantime, this is to advise that no permits have been granted for land use in Emigrant

Canyon at this time for the diversion and use of any water. We request that you refer any intervening applications filed by others to waters of the subject springs or those shown on the map with Application 13852 to us before any action is taken.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Enclosures 2

Copy to: Regional Director, Region Four (2)

37

In reply refer to:
L54 DEVA-L

APR 16 1953

Mr. Horace M. Albright
30 Rockefeller Plaza
New York 20, N. Y.

Dear Mr. Albright:

Mr. Henderson of the Stovepipe Wells Hotel called on Mr. Wirth on April 10 as suggested in your letter of April 9. A very satisfactory conference was held with Mr. Dunn participating.

It was a surprise to find that the State Engineer had granted a license, No. 2430, on Application No. 5073, Permit No. 3498, on May 13, 1942, without advising this Service in accordance with his agreement with Mr. Dunn. This action preceded the purchase of the property by Mr. Putnam, and was predicated on the information from the former owner that he had obtained permission to use the Federal land before June 14, 1930. The permit has not been confirmed by the Bureau of Land Management to date, but we are requesting one more search after obtaining more details on the State Engineer's records. We have as much interest as Mrs. Putnam has in working out an equitable solution.

We believe that we explained to Mr. Henderson's satisfaction that the United States is not attempting to do more than clarify matters and simplify Monument administration. We do not yet know the extent of valid rights, but now expect to have his help in defining them. We have also instructed the Regional Director to make no comments as to the status of rights unless specifically asked by a potential purchaser, and then to state that we have not determined the status of the appurtenant recorded license issued by the State Engineer.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Four (2) w/c of Mr. Albright's letter dated 4/9/53

APR 20 1953

38

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

In reply refer to:
L54 DEVA-L

Allen W.R. No 33

APR 15 1953

Memorandum

To: Regional Director, Region Four

From: Director

Wrote Supt. 4/22

Subject: Proposed Assignment of Rights to Waters of Lower Emigrant Spring and Cottonwood Wash by General Hotel Company, Death Valley National Monument

Mr. Rudie Henderson of the Stovepipe Wells Hotel, or General Hotel Company, called on me on April 10 to discuss the proposed assignment of rights. He presented a copy of License No. 2430 which had been issued on Application 5073, Permit 2495, on May 13, 1942. The right is limited to 700 gallons per day, which is considerably less than the 0.008 second-foot, or 5170 gallons per day, which were claimed under Application 5073.

Mr. Henderson also stated that a recent potential purchaser was told by those at the Monument Headquarters that there were no water rights appurtenant to the property. Although we have not yet determined the validity of use of the Federal land at the spring, the rights should be classed as undefined rather than non-existent.

Accordingly, please defer further action on this case until instructed otherwise. In addition, please advise Messrs. Goodwin and Ogston to make no commitments as to the nature of water rights appurtenant to the hotel. If potential purchasers make inquiry, they should be advised that we do not know, but are making an investigation for the mutual interest of the hotel owners and the United States.

Conrad L. Wirth
Director

In duplicate

APR 20 1953
REGION FOUR OFFICE

37

04-15-1953: memo to superintendent, death valley; request to please defer negotiations ; april 15, 1953

Via PBA

National Park Service

GAE Acct. No. 413
April 15, 1953

Superintendent, Death Valley National Monument, Death Valley, California

L54 DEVA. As result conference here with Mr. Henderson April 10 please defer further negotiation with General Hotel Company pending further instructions.

SIGNED

Allen
Assistant Director

CONFIRMATION

Copy to: Regional Director, Region Four (Air Mail)



34

04-14-1953: memo from national park service; subject: water rights of stove pipe wells hotel. ; april 14, 1953

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Death Valley National Monument
Death Valley, California

April 14, 1953

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Death Valley

Subject: Water Rights pertaining to Stove Pipe Wells Hotel

This is to acknowledge Assistant Regional Director Maier's memo of April 7th., L54DEVA-L, a copy of Mr. H. M. Albright's letter to Director Wirth, and Director's reply copy to the Region Four. We also acknowledge a copy received of Director Wirth's letter of March 4th. to Mr. Albright which was in detail regarding application 9708, Permit No. 5433 re Emigrant Springs and Cotton wood Canyon water usages.

After consulting with Mrs. Peg Putnam this date on the agreement as mentioned in Mr. Maier's memo it was decided by Mrs. Putnam to have Rudy Henderson call at this office after his return on April 20th. from the east to attempt the negotiations which will be amenable to the Service and members of the General Hotel Company.

In Mr. Maier's memo of April 7th., last paragraph states, "aparently all four copies of this draft were sent you with our memorandum of March 28". Please be advised that we do not have such as quoted. Perhaps this agreement was sent to the Hotel Company directors.

E. E. Ogston
E. E. Ogston
Acting Superintendent

NATIONAL PARK SERVICE
RECEIVED
APR 16 1953
REGION FOUR OFFICE

Note - Teletyped April 15 from W.O. to Supt. D.V. instructed him to defer further negotiations with general Hotel Co. pending further instructions.
BFM.
4/19/53

copy to Supt, Death V. & Region Four
4-13-53
Smlw

In reply refer to:
L54 DEVA-L

DF

File - (General Hotel Co)
Allen W.R. No.3
Death Valley

B/M.

APR 8 - 1953

Mr. Horace M. Albright
30 Rockefeller Plaza
New York 20, N. Y.

Dear Mr. Albright:

We are not able to follow some of the references in the letter of March 28 to you from Mr. Rudie Henderson concerning the water rights of the General Hotel Company, but believe that there is considerable misunderstanding.

There have been several drafts of the proposed agreement, some prepared in this Office, and others in San Francisco. In some cases, the changes are the results of information from Mr. Goodwin as to ideas suggested by those of the Company, with whom he talked. In any case, the last draft, of which we sent you a copy, is the one under consideration. As a draft it has been offered for consideration and negotiated amendment. We should like to have a statement from the Company as to which terms are acceptable, and how others should be changed to make them so.

It seems probable that Mr. Henderson may not be clear on the limits of his rights. The water right applications, and permits from the State Division of Water Resources, authorize the claimants to divert and use specified quantities of water with diversions at specific points and use on certain described areas. They do not authorize the use of the land. They are conditional rights dependent on obtaining necessary land use permits from the landowner, and upon construction of the system and placing the water to the designated use by a certain date. The dates for completing construction and placing the water to use can be extended on application to the State Division of Water Resources, provided there are justifiable reasons for the delay, and the appropriator prosecutes the project with the diligence possible under the circumstances.

The Bureau of Land Management has no records of applications for the use of the Federal land for water system development before the area was withdrawn from entry in 1930 for reclassification and subsequent establishment as part of the Monument in 1933. In the case of Application 9708, Permit 5433, for the appropriation

RECEIVED
APR 13 1953
REGION FOUR OFFICE

33

C
O
P
Y

HORACE MARDEN ALBRIGHT
30 ROCKEFELLER PLAZA
NEW YORK 20, N. Y.

April 9, 1953

Your Ref: L54 DEVA-L

Dear Mr. Allen:

This is just a note to thank you for your letter of April 8th regarding water rights for the General Hotel Company which operates at Stove Pipe Wells in Death Valley National Monument. I have not made a careful study of your letter but will do so at the first opportunity.

This note is to tell you that Rudie Henderson had lunch with me here yesterday and expects to see you in Washington. I gave him a card of introduction to Director Wirth.

I sincerely hope you will be able to get this problem straightened out because it has in it the seeds of a lot of difficulties and hard feelings, and I am sure you do not want them to develop.

With best regards, I am

Sincerely yours,

Horace M. Albright

Mr. Thomas J. Allen
National Park Service
Department of the Interior
Washington 25, D. C.

Mr. Albright regretted that he had to leave before this letter was ready to be signed.

34

of waters of Cottonwood Canyon, the filing was not made until August 23, 1939, after the Monument was established, and the only authority for the land use must be obtained by special use permit from the National Park Service.

Application 5073 was filed on June 28, 1926, and Permit 3495 was granted by the Deputy State Engineer on June 30, 1930. The land was withdrawn from entry for reclassification by Executive Order 5408 of July 25, 1930. Between 1926 and the latter date, as stated above, no request was made to the General Land Office for land use for water development, and no map of the water system was filed for the purpose, both of which have been required for more than half a century although there are countless cases of failure to comply with these requirements.

We have considered the possibility that land use might have been authorized for millsite purposes under the mining law, a matter difficult to determine, but have not requested a special search by the Bureau of Land Management for two reasons. First, the water right application is specifically for the appropriation of water for domestic use at the hotel and cottages, and not on a millsite. Second, question 21 of the application, and its answer by H. W. Eichbaum, the applicant, are as follows: "Does the applicant own the land at the proposed point of diversion? No. If not, state what steps have been taken to secure right of access thereto. Government land-location notice for water rights, placed at spring. Approved right-of-way from U. S. Land Office. Let. rec'd. 6-14-30 W.E. 6-17-30." The statement regarding approved right-of-way is apparently added by Mr. Edmunds of the State Engineer's office, and has not been substantiated by records of the Bureau of Land Management. Moreover, the underlining is by hand.

It seems probable that the application was returned in 1926 because question 21 was not adequately answered, and that the permit was not granted until receipt of a supplemental letter of June 14, 1930, advising that a right-of-way had been obtained. Since we have been unable to substantiate the statement, that should be one of the first matters for Mr. Henderson to clear up, supplying us with reference dates and numbers of any correspondence from the General Land Office. Evidence of a valid right-of-way might justify changes in the proposed agreement.

However, whether a right-of-way can be established or not, the measure of a water right is the extent of beneficial use. The application is for 0.008 second-foot, or 5170 gallons per

day. There has been no evidence of diligence in constructing a water system to deliver the water to the hotel in 27 years, the Hotel Company is reported to have hauled a maximum of only 250 gallons per day, and the available flow since 1939 has not exceeded 1440 gallons. The final license, if issued now, would have to be limited to 250 gallons per day, and there is no prospect of establishing a right for final license to more than 1440 gallons per day unless the spring flow increases beyond that found since 1939. If the hotel caters to its proper share of the increasing Monument attendance, as we hope, the legal rights to water are of negligible significance. The agreement, as drafted, is intended to facilitate the delivery of an adequate water supply by truck or future pipe line, so far as the National Park Service is authorized to cooperate under existing legislation.

As stated in our letter of March 4, the National Park Service did jeopardize the Company rights further by accidentally intercepting the source of the Emigrant Spring when it installed the water system for the Emigrant Checking Station. However, we have not denied the Company alternative water from the Federal system which now diverts the water claimed under Application 5073 and the waters of Pioneer Spring which are claimed by the United States. We have favored the Company use of alternative waters of Cow Creek in times of low flow, but we understand from Mr. Goodwin that the Company took the initiative in hauling from that source.

We believe that the agreement, as drafted, is an equitable solution of the problem, and in conformity with the policy we have adopted for Federal title to all water rights appurtenant to the Federal land in areas administered by the National Park Service. However, we had no intention of forcing it on the Company without negotiating amendments where needed. So far, we have not obtained a definite comment on the proposal, due partially to the death of Mr. Putnam, partially to reported plans for the sale or development of the hotel, and partially, no doubt, to the necessity for handling the matter through official channels.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Four (2), with 2 copies of incoming correspondence

FILE COPY
In reply refer to:
L54 DEVA-L

BFM
MANDEY
McCLELLAN
MAIER

April 7, 1953

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Proposed Assignment of Rights to Waters of Lower Emigrant Spring and Cottonwood Wash by General Hotel Company at Death Valley, Allen W.R. No. 3

Attached is a copy of Assistant Director Allen's memorandum of March 18 on the above-mentioned subject. We sent you from this office on March 13 a copy of Washington Office letter of March 4 to Mr. Albright, which letter is referred to in Mr. Allen's memorandum.

It will be seen that Mr. Allen requests that you arrange another conference with members of the General Hotel Company, as soon as mutually convenient, in order to attempt to complete negotiations along the lines of the draft of the agreement submitted with Mr. Tolson's memorandum of March 4, 1952.

Apparently all four copies of this draft were sent you with our memorandum of March 28. That memorandum asked that all four copies be executed and returned, and that there be included, in triplicate, a resolution of the Board of Directors of the Company authorizing the execution of said agreement.

Herbert Maier
Assistant Regional Director

Attachment

Copy to: Director

BFManbey:rw

32

C O P Y

Horace Marden Albright
30 Rockefeller Plaza
New York 20, N. Y.

March 31, 1953

Dear Tom:

You will remember my talk with you and your associates about water rights in Stove Pipe Wells in Death Valley when I was in town with H. P. Gower of the Pacific Coast Borax Company late in February. I wrote Mrs. Putnam the gist of my understanding of the situation respecting her water rights and now I have received from Rudie Henderson, who is a Long Pine business man, a letter dated March 28th in which he seems to take pretty broad exceptions to the situation as I thought it was explained to me. I would appreciate it very much if you would review Mr. Henderson's letter and send me your comments as soon as you can.

With best regards, I am,

Sincerely yours,

/s/ Horace M. Albright

Mr. Thomas J. Allen
Assistant Director
National Park Service
Department of the Interior
Washington 25, D. C.

31

C O P Y

STOVE PIPE WELLS HOTEL DEATH VALLEY, CALIFORNIA

March 28, 1953

Mr. Horace M. Albright,
30 Rockefeller Plaza,
New York 20, N. Y.

Dear Mr. Albright:

Peg Putnam has referred to me your good letter of March 9th. I am so sorry to controvert your statement to Mrs. Putnam that it is inaccurate to say the Park Service is seeking to take Stove Pipe Wells Hotel's water rights.

I am reluctant to enter into detailed correspondence relative to this unfortunate situation without approval of counsel.

I plan to marry April 4th and spend a portion of my honeymoon in New York. I have reservations at the Waldorf April 6, 7, and 8. If I may be granted an appointment I shall briefly detail our side of this conflict.

Moreover, I shall bring with me the original 6-page "Assignment and Agreement" prepared comparatively recently by the Director, National Park Service, which you may know about.

Among other things this odd document asserts: " . . the conflict in water claims is not readily apparent . . "; and, " . . it is the policy of the National Park Service to retain, or acquire, Federal title to all rights to the diversion and use of water on Federal lands . . "

Briefly, by signing this agreement it is proposed that we surrender all "right, title and interest" to all of our water rights for the nebulous privilege of hauling water from Cow Creek Headquarters " . . . so far as such water is available . . "

This also means hauling our water approximately 15 miles farther than we now do.

Basically, Mr. Albright, the predecessor owner of Stove Pipe Wells Hotel acquired water rights in Emigrant Canyon June 28, 1926, several years before Death Valley National Monument was established. To the best of my knowledge and belief this water has been used beneficially and continuously. How else could the hotel have operated?

Yet, the Park Service further asserts that we have not obtained land use permits in compliance with Federal land laws; and, that our distribution system has not been completed as described in our Applications 5073 and 9708. Is this latter alleged violation the prerogative of the Park Service or the Division of Water Resources of California?

To one as busy as I know a man of your position must be, I would greatly appreciate the opportunity to briefly detail another side of this unfortunate controversy.

Yours very truly,

/s/ Rudie Henderson

cc: M.H.Putnam
G.W.Dow

30

03-18-1953: memo from assistant director, national park service; subject: proposed assignment of rights to lower emigrant spring. ;

In reply refer to:
L54 DEVA-L

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

MAR 18 1953

BFm
x Manley
McClellan

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Wrote Supt. D.V. 4/7/53 BFm

Subject: Proposed Assignment of Rights to Waters of Lower Emigrant Spring and Cottonwood Wash by General Hotel Company at Death Valley

On March 4 we sent you copies of our letter to Mr. Albright concerning the above subject. Attached are two copies of his reply of March 10, and two copies of our acknowledgment.

We believe that with his explanation to Mrs. Putnam we should now be able to complete the negotiations along the general lines of the draft of the agreement which was submitted with Mr. Tolson's memorandum of March 4, 1952. Please arrange for another conference with the proper representatives of the Company as soon as mutually convenient.

Assistant Director

In duplicate

Attachments 4

NATIONAL PARK SERVICE
RECEIVED
MAR 23 1953
REGION FOUR OFFICE

29

In reply refer to:
L54 DEVA-L

MAR 18 1953

Mr. Horace M. Albright
30 Rockefeller Plaza
New York 20, N. Y.

Dear Mr. Albright:

Thank you for the letter of March 10 and the interest you have taken in the negotiations between the National Park Service and the General Hotel Company to clarify the competitive claims to the waters of Emigrant Spring at Death Valley. We are forwarding copies of your letter to the Regional Office with instructions to take such further action as may be necessary to consummate an agreement satisfactory to this Service and Mrs. George Palmer Putnam.

Sincerely yours,

(SGD) Conrad L. Wirth

Conrad L. Wirth
Director

Copy to: Regional Director, Region Four (2)

C O P Y

HORACE MARDEN ALBRIGHT
30 ROCKEFELLER PLAZA
NEW YORK 20, N. Y.

March 10, 1953

My dear Mr. Wirth:

I acknowledge your letter of March 4th with enclosures including a map bearing on the status of Stove Pipe Wells water rights in the Death Valley National Monument. Your letter and the accompanying memorandum from Mr. Tolson to the Regional Director, dated March 4th, 1953, and the draft of Agreement certainly made the situation very clear to me.

I have advised Mrs. George Palmer Putnam that in my judgment she has nothing to fear from the National Park Service, but that she should take steps to get in touch with officials of the Service and try to facilitate an agreement in line with the proposals that have been made.

My recommendation to you is that the officials of Death Valley National Monument and of Region Four take the initiative in discussing matters with Mrs. Putnam and move forward as far as possible to get the water rights problem clarified, at least to the extent where she can advise prospective buyers of her property that water will be available. Of course, without some such assurance regarding potable water, Mrs. Putnam will never be able to interest anyone in her property.

As I told you, Walter Dow of Whittier, California, who has a hotel in Lone Pine, California, knows the Vice President and other people of influence in California and is very much interested in helping Mrs. Putnam sell Stove Pipe Wells. So far as I know, Mr. Dow has not made any effort to secure political support in any pressure movement effecting the National Park Service and I don't think he will do so.

Sincerely yours,

/s/ Horace M. Albright

Mr. Conrad L. Wirth, Director
National Park Service
Department of the Interior
Washington 25, D. C.

27

Regional Stores.

In reply refer to:
L54 DEVA-L

D.V. 680-05

~~Albright~~ ...forwarded 3/9
~~Mr. Bell~~ Mr. Dunn
X ~~Hadley~~
BFM
Sent cc Supt. D.V. 3/13/53
BFM

MAR - 4 1953

Mr. Horace M. Albright
30 Rockefeller Plaza
New York 20, N. Y.

Dear Mr. Albright:

In accordance with your inquiry when last in Washington concerning the status of the Stovepipe Wells water rights, we enclose a copy of a memorandum of March 4, 1952, to the Regional Director with a preliminary draft of the agreement which we have been trying to consummate with the owners of the Stovepipe Wells Hotel and water claims under state Water Right Application 5073, Permit 3495, for the appropriation of Lower Emigrant Spring, and Application 9708, Permit 5433, for the appropriation of waters of Cottonwood Canyon. We also enclose a print of our drawing NM-DV-6974 which shows the water system which has been constructed by this Service and, as an insert on the right, the relative locations of the diversions by the Company and this Service.

Mr. Putnam purchased the hotel and water right interests in 1947, in the middle of our negotiations to adjust the water right interests as a result of complications which arose when the water system for the Emigrant Checking Station, as shown on the drawing, was constructed about 1939. The drawing is part of a proposed water right application which the National Park Service has deferred filing with the State Engineer since 1940, in order to incorporate an allocation of water which will be in the best interests of the United States and the Hotel Company.

It might be well, first, to point out that rights or claims under Application 9708, Permit 5433, are very nebulous. So far as Mr. Dunn knows, there has been no development on Cottonwood Creek, and no use of the water. The permit from the State Engineer grants the right to appropriate the water by construction of a water system and diversion and use of the water, but such action is subject to the further permission of the landowner--the United States in this case--to use the land. So far as we know, no request has been made for permission to use the land, and certainly none has been granted. However, we have not considered the alternative of grounds for refusal because there has been no issue or



26

reason for such action. In addition, we have not investigated to determine whether there are 3.0 second-feet of water to appropriate, as claimed in the application.

It might also be pointed out that Permit 5433 granted the permittee until May 1, 1940, in which to complete construction of the water system, and until December 1, 1942, in which to make full beneficial use of the water and file proof for a final license. We obtained our copy of the instruments on August 23, 1942, and have not determined whether the applicants have had the time limits extended or not. The claim may have lapsed through failure to either construct the system or obtain such an extension of time. However, we are not aware of any conflicting claim to the water which would prevent reinstatement if desirable, and construction of the system subject to grant of necessary land use by the National Park Service.

Application 5073, for the appropriation of 0.008 second-foot, or 5170 gallons per day, was filed with the State Engineer on June 28, 1926, by H. W. Eichbaum, and assigned twice, the second time to the General Hotel Company on December 10, 1936. At some time between 1926 and 1939, the first time that Mr. Dunn inspected the area, the tunnel and pipe line were constructed by the Hotel Company or its predecessors, as shown in aforesaid insert. The pipe terminated at the road, where a spigot was provided for filling tank trucks.

Although claiming rights to 5170 gallons per day in the appropriation, for domestic and hotel purposes, the spring flow has not exceeded 1440 gallons per day since 1939, and the Hotel Company reportedly hauled and used only about 250 gallons per day as late as reported by a memorandum of May 5, 1947, from Mr. Goodwin. By the lateral to the Pioneer Spring since the Monument was established, as shown on the drawing, the National Park Service introduced another spring with an unappropriated flow of about 720 gallons per day to which the Company has no rights. The United States claims rights to all flow of Pioneer Spring and any water not diverted and used by the Company under Permit 3495. By the recorded attempt to acquire the rights under that permit, it should be clear that the National Park Service has given full recognition to the rights of the Company, to the extent of its use.

According to correspondence from Mr. Goodwin as early as 1942, the Hotel Company ceased to haul water from the Company tank at the spring upon completion of the Emigrant Checking Station water system. This was not because the Company's water source in the tunnel had been drained, but because it could haul from a spigot at the checking station, thus reducing a round trip mileage from 26 miles to 20 miles. This action was tolerated by the Superintendent without written agreement, starting about 5 years before Mr. Putnam acquired the hotel.

Since 1947 the flows of the Emigrant and Pioneer Springs have both declined appreciably due to the general drought in the Southwest. In addition, freezing weather put the Emigrant Checking Station water system out of commission during the winter of 1948-1949. According to memorandum from Mr. Goodwin, Mr. Putnam has always hauled water from the Cow Creek water system of the National Park Service when water was lacking or low at the Emigrant Checking Station, rather than drive the 3 miles up the grade from the checking station to his tank at the spring. No formal permit has been issued to Mr. Putnam or the Hotel Company because we hoped to consummate the attached agreement, subject to such amendments as the Company might require.

We believe that the agreement, with the provision for possible future pipe line directly to the hotel, would be to the mutual advantage of the Company, or Mrs. Putnam, and this Service. In exchange for the title to the two recorded rights, and as a condition of the transfer, we believe that we may assure a relatively permanent water supply for the hotel without the use of a revocable special use permit, while gaining the administrative control to permit the best distribution of the use of the limited Monument water supplies.

Sincerely yours,

(SGD) Conrad L. Wirth

Conrad L. Wirth
Director

Enclosures 2

Copy to: Regional Director, Region Four (2)

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

In reply refer to:
L54 DEAT-L

Manbey BFm
Wrote Supt. 5/9/52 BFm

May 5, 1952

NATIONAL PARK SERVICE
RECEIVED
MAY 8 1952
REGION FOUR OFFICE

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Alien Water Right No. 3, Death Valley National Monument

Attached are two assemblies each of Application No. 8923, and of an order cancelling the same, together with two sets of tabs for insertion in the Alien Water Right Assembly No. 3 at your office and the Monument.

The present contents of the assembly will constitute Part I, and the proper tab should be placed on top. The tab marked "Part II" should be placed on top of the attached application and order and filed on top of Part I.

The application number, "Lower, Middle and Upper Emigrant Springs, Ralph P. Merritt, Claimant," and priority "Cancelled", should be noted in proper spacing on the folder tab.

This addition to the assembly constitutes a claim to more springs than the original claim by the General Hotel Company, but it includes an admission of the conflict between the two rights. Accordingly, this system of filing will be satisfactory until the United States obtains title to the Hotel Company claim, and we can set all up in a water right docket.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 8

V 25

00-00-0000: letter to stove pipe wells hotel from the commissioner regarding a notice of rental due

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Div. "F" (Undated) Serial No. 024398.
Office Sacramento.

$25.00

Notice of rental due the United States for occupancy of public lands.

Helene W. Eichbaum,
Stove Pipe Wells Hotel,
Death Valley,
Darwin, California.

Detach and enclose with remittance to Register, District Land Office, as noted above, or (where no Register) to Commissioner, General Land Office, Washington, D. C.

Pursuant to Circular No. 1459, copy enclosed, it is ordered that rental in connection with the following matter, which appears in your name, will be charged from and after January 1, 1940, in the amount hereinafter indicated.

For right-of-way Pipe Line - Sacramento 024398.

4.97 (miles, ~~acres~~) at $5.00 per (mile, ~~acre~~), or fraction thereof, - Total $25.00

The remittance, which may be made by cash, post office money order, bank draft, or check, in favor of the Treasurer of the United States, will be acknowledged by an official receipt.

Very truly yours,

Enc. Commissioner.

cc: Register.

(None of 3 copies in file indicate signature or submission.)

DO 660-04

McWilliam
Manbey
Hill

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Four
San Francisco, California

In reply refer to: L58 DRAT-L

March 28, 1952

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director

Subject: Proposed assignment by General Hotel Company of Rights of Water of Lower Emigrant Spring and Cottonwood Wash at Death Valley to United States

Your memorandum of February 15 requested that there be revived "the long-delayed subject of a permit for furnishing water to Stovepipe Wells Hotel" for surrender of their water rights at Emigrant Springs.

In this connection, there is enclosed copy of Mr. Tolson's memorandum of March 4, together with 4 copies of a draft of a proposed agreement to consummate an assignment.

FILE COPY

Should the form of agreement prove acceptable to the Company then all four copies should be executed and returned. There should be obtained also a resolution in triplicate of the Board of Directors of the Company authorizing the execution of said agreement. Papers should be returned to this office.

Mr. Tolson suggests that if changes in the wording are requested that one copy be returned showing such changes as are proposed. We believe you should take up this matter with Mr. Henderson at the first opportunity.

(SGD) SANFORD HILL

Sanford Hill
Assistant Regional Director

Attachments 2

Copy to: The Director

BFManbey/ew

2d

660-05

In reply refer to:
L54 DEAT-L

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

McClellan 4/24
X Mantey BFm
MAR - 4 1952
W Sept 3/28 BFm

NATIONAL PARK SERVICE RECEIVED MAR 10 1952 REGION FOUR OFFICE

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Proposed Assignment of Rights to Waters of Lower Emigrant Spring and Cottonwood Wash at Death Valley to United States by General Hotel Company

Attached, in quadruplicate, is a draft of a proposed agreement to consummate the subject assignment, which can be made a final instrument if acceptable. The instrument should be executed in quadruplicate. A resolution of the Board of Directors of the Company authorizing its execution should also be obtained, and forwarded to this office in triplicate. Final distribution, including a copy of the agreement for the Company, will be made after the Director's approval.

Please refer the matter to Mr. Goodwin and the President of the General Hotel Company. If the agreement is not entirely satisfactory, please return one copy with changes which they and you may consider desirable.

The agreement is to be between the United States and the Hotel Company as property owners, and relates only to water use and rights under existing conditions with a provision for further negotiation of terms for any direct pipe line deliveries to the hotel.

There is no financial obligation to the United States under this agreement, except for a possible roadside spigot. It is also safe to assume that the quantity of water used at the hotel will be well under the quantities authorized by the water rights which are to be assigned to the United States, so long as the water is hauled by truck.

Item 4 is to provide for the contingency that it might later be in the public interest for either the United States or the Hotel Company to provide a water pipe line to the hotel. In

23

such a case, it might then be desirable to allocate costs of such extension between the National Park Service and the Company, and to provide for an equitable division and conservation of the water by the terms of a special use permit and for fixing the reimbursable costs on the basis of the proportionate quantities of water used by each.

Hillory A. Tolson

Assistant Director

In duplicate

Attachments 4

02-18-1952: memorandum to the director from the acting assistant regional director regarding status of water rights, stovepipe well

BFM
Manbey
Crowley 2/18

D.O.
660-05

February 18, 1952

Memorandum

To: The Director

From: Acting Assistant Regional Director

Subject: Status of Water Right, Stovepipe Wells Hotel property, Death Valley National Monument

Attached is copy of Supt. Goodwin's memo of February 15 on the above-mentioned subject. Mr. Goodwin says, in this connection, that last October Mr. Dunn told him he would check up on the status of this water right situation as soon as he returned to Washington. Mr. Goodwin will appreciate receiving this information as soon as is reasonably possible.

Homer L. Crowley
Acting Assistant Regional Director

FILE COPY

Attachment

Copy to: Supt., Death Valley

BFManbey:E

22

02-15-1952: memorandum to the regional director from the superintendent regarding water permit for stovepipe wells hotel

660-04

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Death Valley National Monument
Death Valley, California

Manbey BFm

Wrote W.O. 2/18/52
BFm

February 15, 1952

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley National Monument

Subject: Water Permit for Stovepipe Wells Hotel, Death Valley

It would be advisable to take up with the Director's Office the long-delayed subject of a permit for furnishing water to Stovepipe Wells Hotel in lieu of surrender of their water rights at Emigrant Springs.

Before Major Putnam's death in early 1950, at the request of the Director's Office the Superintendent opened negotiations which were interrupted by his demise.

Several months later the subject was reopened with Mr. Rudy Henderson representing the hotel company, and his agreement was secured and we requested the proper desired form of agreement be drafted in Washington.

Last October the writer asked Mr. Van v. Dunn what had happened to the matter and he stated he would check up on it on his return to Washington.

As the entire proposal originated with us and their concurrence was secured it is somewhat embarrassing to explain why we apparently dropped the whole matter.

T. R. Goodwin
Superintendent

NATIONAL PARK SERVICE
RECEIVED
FEB 18 1952
REGION FOUR OFFICE

4

memo
Extract from Supt. Death Valley to Reg. 4 2/14/52
(See under Bennett and Barginski)

"The benefits to the Monument of securing rights to the springs in question are obvious. There is an ample supply for our needs at Emigrant Junction as well as domestic needs at Stovepipe Wells Hotel".

"The superintendent has been contacted by a party now considering purchase of the Stovepipe Wells Hotel Property. He advanced a proposal of buying out Bennett and Barginski and constructing a connecting pipe line to our Emigrant Springs reservoir and, also a nine-mile pipe line from Emigrant Junction to Stovepipe Wells Hotel. In this case he would no doubt be willing to convey the water rights to the United States and construct the necessary pipe lines in exchange for an agreement to furnish a stipulated amount of water to the hotel property."

10

July 27, 1951

Manley to Director (See under Bennett & Barginski)

Extract

Stating goodwin says has had no reply to his memo of Sept. 19, 1950 regarding Emigrant Springs. "A copy of that memo was sent to the Washington office with our memo of Oct 6 on General Hotel Company Water Rights but we appear to have had no reply"

19

July 21, 1951

Goodwin to Begin Four
(See under Bennett & Barginski)

Makes a brief reference "the water rights to Emigrant Springs held by the general Hotel Company".

July 13, 1951

Tolson to Region Four

(See under Bennett & Barginslai)

In closing paragraph says—

"We should also appreciate a complete report on the negotiations to obtain full title to the Emigrant Springs and the consummation of a permit to the general Hotel Company for water service."

10-06-1950: memorandum to the director from the regional director regarding general hotel company water rights

DR 660-04

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
[illegible] SAN FRANCISCO, CALIFORNIA

McClellan
Quigley
8/M

October 6, 1950

Memorandum

To: The Director

From: Regional Director

Subject: General Hotel Company water rights

There is attached a memorandum of September 19 from Mr. Goodwin in which he reports that Mr. Rudie Henderson of the General Hotel Company has expressed willingness to accept the proposal made by Mr. Wirth in his memorandum to this office of October 28, 1949, to surrender the hotel company's water right Permit Application 5073, Permit 3495, in return for a permit from the National Park Service for water from Emigrant Checking Station, when available, and, when not available at that source, from Cow Creek, for a purely nominal annual fee. We suggest the papers to consummate this transaction be prepared in your office.

We note that no mention is made of the hotel company's improvements at either of its Emigrant Canyon springs. We assume, therefore, that the company expects no remuneration for surrendering such property rights and interests as it may have in the springs.

O. A. Tomlinson
Regional Director

Attachment 1

Copy to: Supt., Death Valley

SMcClellan:hr



16

09-19-1950: memorandum to the regional director from the superintendent regarding the general hotel company water rights

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

Wrote W.O. 10/6/50

September 19, 1950

Memorandum:

To: Regional Director, Region Four

From: Superintendent, Death Valley National Monument

Subject: General Hotel Company Water Rights

Reference is made to correspondence between the Directors Office, the Regional Director and the Superintendent from October 28, 1949 to November 14, 1949, on the subject of the General Hotel Company water right at Emigrant Springs, and the securing of water from our Emigrant Checking Station and Cow Creek Headquarters.

Following a consultation with the late Major G.P. Putnam on November 14, 1949, Major Putnam wrote this office on November 18 that he felt an arrangement could be made. He was taken sick a few days later and died without ever returning to Death Valley.

This day, Mr. Rudie Hendersen, one of the principal stockholders in the company and who seems to have the final say in all business arrangements, called here and discussed the matter fully with the Superintendent.

He expressed entire willingness to agree to the proposal of Assistant Director Wirth in his memorandum to the Regional Director of October 28, 1949, to surrender his water right permit Application 5073 Permit 3495, and in return for this surrender we agree to issue a permit for water from Emigrant Checking Station if available, if not, from Cow Creek, for a purely nominal annual fee.

If this proposal is still in the opinion of the Director the advantageous solution, eliminating as it does another private holding or water right, we will proceed to draw up such permit for a period of five or ten years as the Director desires, and send same in for final approval.

T. R. Goodwin
Superintendent

In duplicate

NATIONAL PARK SERVICE
RECEIVED
SEP 22 1950
REGION FOUR OFFICE

03-24-1942: memorandum to an attorney from a hydraulic engineer regarding water rights applications 5073, 9708, and 9848



loose in f. 0-05 Spa Wells & Springs

Region Four MAR 25 1942

ROUTING	Date
Waterhouse	3/25
FILE	

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

March 24, 1942.

File starts with 1953 WR 9

MEMORANDUM for Attorney Albert L. Johnson:

Reference is made to your memorandum to Mr. Goodwin of February 20, 1942, regarding Water Right Applications 5073, 9708, and 9848 to appropriate waters of Emigrant and Cottonwood Springs in Emigrant Wash, and the waters of a spring in Cottonwood Canyon, by the General Hotel Company and Potter and Warnken, all at Death Valley.

Copies of these applications are herewith attached, and are being sent to the Regional Director and the Superintendent for comment. Applications 5073 and 9849 both seem to have a direct bearing on the Park Service Water System for the Emigrant Checking Station. Application No. 9708 does not seem to conflict with Monument interests except that it seems to cover a much more reliable but less accessible supply for both the Hotel and Emigrant Checking Station.

This information is to supplement your memorandum of February 20. The questions in my memorandum accompanying it are still applicable.

(SGD.) A. VAN V. DUNN
Hydraulic Engineer.

Attachments.

cc: Director) with copies of
Region Four) Applications Nos.
Supt. Goodwin) 5073, 9708, and 9848.

10-17-1941: decision on the right of way for a water pipeline - permit revoked

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

DECISION

OCT 17 1941

H. W. Eichbaum : Right-of-way for water pipe line.
: Sacramento 02h398 "p"
:

Permit Revoked

Pursuant to the provisions of the act of February 15, 1901 (31 Stat. 790), the Department on May 15, 1930 granted to H. W. Eichbaum permission to use a right-of-way for a water pipe line in Tps. 15 and 16 S., Rs. 44 and 45 E., M.D.M., California, in connection with application No. 02h398, Sacramento series.

As a condition precedent to the granting of said permit, the permittee was required to execute and file a stipulation agreeing to make certain developments at the Tucki Mountain Springs and Emigrant Springs.

On June 7, 1935 the permittee was called upon to submit proof of construction of the project.

On August 2, 1935 the widow of the deceased permittee filed a duly executed relinquishment of the permit for the water pipe line and at the same time submitted proof of development of Emigrant Springs in conformance with the stipulations executed by the permittee on April 10, 1930.

The relinquishment is accepted and the permit for the pipe line hereby revoked.

/s/ Fred W. Johnson

Commissioner

cc: R

9-16 caj

14

COPY

(Undated - probably about Jan. 22, 1940)

(Sec. 30 - 16 S - 45 E)

Dedeaux:

I am trying to get hold of an entry, or some sort of claim, by a person named Eichbaum (Stovepipe Wells Hotel) in Death Valley. The land involved may be SE¼NE¼ Sec. 29, T. 17 S., R. 44 E., California *M.D.M. (I do not know the meridian, but it is in Death Valley)

There is some suggestion that Mr. Chappell knows something about the case. The letter number 1218080 is also connected.

Will you see if you can pick up something about it, or any papers? Colonel White of the Parke Service is interested

Clinton

Sacramento 024398

*Withdrawal Order of April 17, 1926, creating Public Water Reserve #107 construed in part to describe: All land within 1/4 mile of Lower Emigrant Spring in what will probably be Sec. 29 - by interpretation #65 by Sec'y April 30, 1928, 1218080. *

*All uns. Tp. temp. withdrawn by Ex. Order #5h087-25-1930 for classification "A" 8-16-30-1387592."

All Twp. reserved for Death Valley Nat'l. Monument by Proclamation of Feb. 11, 1933 "A" 1h05511.

(Mrs. Turley)

Note: All the above matter within asterisks was in pencil on the sheet from which this is copied.

13

01-12-1940: notice of rental due to the usa for occupancy of public lands

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Div. "P" JAN 12 1940

Serial No. 024398.
Office Sacramento.

$25.00

Notice of rental due the United States for occupancy of public lands.

Helene W. West,
49½ Brooks Ave.,
Venice, California.

Detach and enclose with remittance to Register, District Land Office, as noted above, or (where no Register) to Commissioner, General Land Office, Washington, D. C.

Pursuant to Circular No. 1159, copy enclosed, it is ordered that rental in connection with the following matter, which appears in your name, will be charged from and after January 1, 1940, in the amount hereinafter indicated.

For right-of-way Pipe Line - Sacramento 024398.

4.97 (miles, acres) at $5.00 per (mile, acre), or fraction thereof, - Total $25.00

The remittance, which may be made by cash, post office money order, bank draft, or check, in favor of the Treasurer of the United States, will be acknowledged by an official receipt.

Very truly yours,

/s/ Fred W. Johnson

Commissioner.

Enc.

(The above notice returned by postoffice -- addressee not at 49½ Brooks Ave.)

Fee for Tocki Spring Pipe Line - per length
A. Woodward Lewis
3/8/54

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Serial No. 024398.
Office Sacramento.

Div. "P" DEC 12 1939

$25.00

Notice of rental due the United States for occupancy of public lands.

Helene W. Eichbaum,
Venice,
California.

Detach and enclose with remittance to Register, District Land Office, as noted above, or (where no Register) to Commissioner, General Land Office, Washington, D. C.

Pursuant to Circular No. 1459, copy enclosed, it is ordered that rental in connection with the following matter, which appears in your name, will be charged from and after January 1, 1940, in the amount hereinafter indicated.

For right-of-way Pipe Line - Sacramento 024398.

4.97 (miles, ~~acres~~) at $5.00 per (mile, ~~acre~~), or fraction thereof, - Total $25.00

The remittance, which may be made by cash, post office money order, bank draft, or check, in favor of the Treasurer of the United States, will be acknowledged by an official receipt.

Very truly yours,

/s/ Fred W. Johnson

Commissioner.

Enc.

cc: Register

(The above notice returned by postoffice because of insufficient address.)

This fee is based on length of abandoned Tucki Spring Pipe Line
A. Vaal Loan
3/8/54

COPY

Received
U. S. Land Office 024398
Sacramento, Calif.
Nov. 18 1935
Hour

Bishop, Calif., November 1, 1935.

William R. McCarthy, Registered Civil Engineer, shows address is Bishop, California, deposes and says:

That, in connection with U. S. Land Office application 024398, and Permit No. 5073 of the Division of Water Rights of the State of California, he was employed by Mrs. Helene W. West to make an investigation and report as to the improvements made and being made to conserve and utilize the waters of Emigrant Springs.

That, on September 14th, 1935, he did make such investigation and reported, as follows:

Emigrant Springs is located approximately in the unsurveyed Northeast Quarter of the Southeast Quarter of Section 29, Township 17 South, Range 44 East, approximately South 7 degrees, 7 minutes East, 23,600 feet from the junction of the Emigrant-Wild Rose road with the California State Highway.

The original construction consisted of a tunnel, the average dimensions of which were 4 feet wide, 6 feet high and 20 feet in length. The mouth of the tunnel is fitted with a concrete bulkhead, 1' x 4' x 3'6", the outlet being a 2" pipe located 3 feet below the top of the bulkhead. Storage capacity of the tunnel is 2050 gallons. At a point 12 inches from the bulkhead is a valve and reducer. From this point 100 feet of 1¼" pipe ran easterly to the point where tank trucks loaded. At this point was also located an iron tank of 250 gallons capacity which was used to water livestock, wild life, and from the pipe line serving which domestic water for the use of campers, prospectors, etc. could be obtained.

The administration of the Death Valley National Monument has constructed an auxiliary reservoir of masonry, the dimensions of which are 13 feet in diameter and 4 feet deep. This reservoir is to receive the water flowing from the tunnel and is fitted with three 2" outlets, one for overflow, one for domestic use, watering of livestock and wild life, and one for loading tank trucks. It is sealed with a concrete cover slab and has a capacity of 4,500 gallons. That portion of the tunnel reservoir above the bulkhead is being screened.

/s/ W. R. McCarthy

Subscribed and sworn to before me,
(SEAL) a Notary Public in and for the County
of Inyo, this 8th day of November, 1935.

/s/ J. L. Byrne
My Commission Expires April 6th 1937

12

COPY

STATE OF CALIFORNIA,)
) SS
COUNTY OF LOS ANGELES,)

AFFIDAVIT OF

HELENE W. EICHBAUM

Received
U. S. Land Office
Sacramento, Calif.
Aug. 2, 1935
Hour

Helene W. Eichbaum, being first duly sworn, deposes and says that she is the widow and sole heir at law of H. W. Eichbaum, applicant for certain water rights in the Emigrant Springs located in Inyo County, California, under application Number 5073. That said H. W. Eichbaum is deceased and she is now the sole owner of any rights he may have acquired in said Emigrant Springs.

That as a condition precedent to the approval of said application it was necessary to install a substantial auxiliary reservoir of a capacity of at least 50 gallons and to keep the same full for use by the public, or in lieu thereof to install a two-compartment reservoir, the upper compartment to have at least 50-gallon capacity and the permittee to use only the lower compartment.

That such a substantial auxiliary reservoir with a capacity of at least 50 gallons was constructed and finished in the year 1932 and consisted of a concrete reservoir the walls of which are at least six feet in width and 28 feet in length. There was likewise constructed and completed in said year a pipe line extending from said reservoir to the public highway, passing the same to a trough for the use of the public and animals. Running water has since said time constantly been maintained through said pipe line into said trough.

Further affiant sayeth not.

/s/ Helene W. Eichbaum.
Helene W. Eichbaum

Subscribed and sworn to before me this 31st day of July, 1935.

/s/ A. H. Risse
Notary Public in and for said
County and State.

07-12-1935: letter to h.w. eichbaum from the acting register regarding the proof of reservoir construction

COPY

02h398

Sacramento, California
July 12, 1935

Mrs. Helene W. Eichbaum
Venice, California.

Dear Mrs. Eichbaum:

We have your letter in regard to the proof of construction of the reservoir, etc., 02h398.

It is necessary to offer proof of construction of the part which has been finished. It is done by affidavit. The forms indicated in the enclosed circular may be used and changed to suit the circumstances. The part which has been abandoned can be relinquished, using attached blank. This must be done within the thirty days.

Very truly yours,

Acting Register

07-09-1935: letter to a register from h.w. eichbaum regarding emigrant spring reservoir construction

COPY

Received
U. S. Land Office
Sacramento, Calif.
JUL 10 1935
Hour_____

STOVE PIPE WELLS HOTEL
DEATH VALLEY

Darwin, Calif

49½ Brooks Ave.
Venice, Calif.
July 9th 1935

U. S. Dept. of the Interior
Gen. Land Office
Sacramento Calif.
Mr. Ellis Purlee, Register

Dear Sir:

Your letter was received in reference to (Ser. 02h398) the pipe line from the spring in Tucki Mt., that Mr. H. W. Eichbaum applyed for a permit to lay--also of the reservoir at Emigrant Spring.

Mr. Eichbaum passed away Feb'y 16th 1932. I am his widow. I have been carrying on his work in Death Valley. Before his death he gave up the idea of piping the water from Sheep or Tucki Mt. Spr. to our resort Stove Pipe Wells Hotel Death Valley, but he did finish a very nice reservoir (for our hotel use of water) at Emigrant Springs. We haul the water to the Hotel for drinking.

I dont know the rules of the State but if you require a proof of reservoir size, can get it very easily as the reservoir is greatly over 1000 gal. in capacity. There is a pipe line 1½ inch, running to the road from the reservoir with running water and a trough for man or beast. Mr. Eichbaum said he had complied with all rules & regulations required by the Gov.

Will you kindly let me hear from you. The Atty for Mr. Eichbaum's estate was Mr. Joseph Scott, 1001 Black Bld, Los Angeles, Calif.

I thank you very kindly.

/s/ Helene W. Eichbaum.

10

C O P Y

Enc. 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

June 7, 1935

In reply please refer to
Sacramento 02h398 "F" AB

: Proof of construction
: required.

Register,

Sacramento, California.

Sir:

Pursuant to the provisions of the act of February 15, 1901 (31 Stat. 790) the Department on May 15, 1930 granted to H. W. Eichbaum permission to use the right of way for a water pipe line in Ts. 15 and 16 S., Rs. 44 and 45 E., M.D.M., California, under application Sacramento 02h398.

This project involved the diversion of water from two springs, one (Tucki Mountain) located in Sec. 30, T. 16 S., R. 45 E., and the other (Emigrant) located in Sec. 29, T. 17 S., R. 44 E., M.D.M., California. As a condition precedent to the granting of said permit, the permittee was required to execute and file a stipulation agreeing as to Tucki Mountain Spring to install and maintain a substantial overflow basin and to keep the same full, the basin to be of sufficient capacity to provide ample water for the mountain sheep in the locality, and as to the Emigrant Spring, to install a substantial auxiliary reservoir of a capacity of at least 50 gallons and to keep the same full foruse by the public, or in lieu

thereof to install a two-compartment reservoir, the upper compartment to have at least 50 gallons capacity and the permittee to use only the lower compartment.

The customary five years allowed for construction of such project has expired and no evidence of construction has yet been filed. You are, therefore, directed to notify the permittee that he will be allowed 30 days from notice within which to file the usual proof of construction consisting of the affidavit of the engineer who had charge of the construction of the project, or who has checked its construction, and the certificate of the permittee that the project has been constructed in conformity with the map of definite location and the provisions and conditions of the stipulation, above mentioned, pursuant to which the permit was granted, failing in which appropriate action looking toward the revocation of the permit will be taken by this office without further notice.

A carbon copy of this letter is enclosed for service. In due time submit your report with evidence of service.

Very respectfully,

(Sgd) Fred W. Johnson

Commissioner.

6-7-mve

05-12-1930: letter to the secretary of the interior from the commissioner regarding the submission of a map of pipeline for approval

COPY

Inc.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

May 12 1930

In reply please refer to

Sacramento 02h398 "F" MN.

H. W. Eichbaum. : Submitting map of pipe line for approval.

The Secretary

of the Interior

Sir:

Pursuant to the provisions of the act of February 15, 1901 (31 Stat. 790), and the regulations thereunder, H. W. Eichbaum has applied for permission to use the right of way for the Tucki pipe line in California shown on the accompanying map.

This project involves the diversion of water from two springs, one in Sec. 30, T. 16 S., R. 45 E., and the other in Sec. 29 (unsurveyed), T. 17 S., R. 44 E., M. D. M., to a point in Sec. 35, T. 15 S., R. 45 E., M. D. M.

The land upon which the springs are located being covered by Executive order of April 17, 1926, the case appeared to come within the purview of Circular 1028, approved by the Assistant Secretary August 27, 1925.

Field investigationwas made by direction of this office, the result of which is as follows:

"The spring of Tucki Mountain is of insignificant flow and the only use thereof is by mountain sheep. I see no reason why the permit should not be granted with the provision that an overflow basin be established so as to provide water for the sheep, as springs are far apart in this locality.

"A somewhat different condition exists with respect to Emigrant Spring. This is on a road over which there is considerable automobile travel. It is sixteen miles from Eichbaum's hotel at sea level at the mouth of Emigrant Wash and the road rises by a steady grade to an elevation of 4000 feet with no intervening water. The spring is thus essential to travelers, especially for cooling their automobiles particularly in warm weather. I had ample demonstration of this fact on the date I made my examination. I left the hotel with three gallons of spare water, all of which I used even with careful driving before I reached the spring.

"It is therefore recommended that in approving the application of Eichbaum the condition be made that he install a substantial auxiliary reservoir of a capacity of at least fifty gallons, with the agreement that he keep this full; or that he install a two-compartment reservoir, the upper compartment to have a capacity of at least fifty gallons and Eichbaum to use only from the lower."

The applicant was called upon to execute and file the stipulations as above recommended, one covering the requirement with respect to Emigrant Spring, and the other for the establishment of an overflow basin for watering sheep from the water of the spring in Tucki Mountain - both described in the report of the field investigator. This he has done.

The Commissioner of the Bureau of Reclamation has reported that the approval of the application will not interfere with any of the projects of his bureau.

The Director of the Geological Survey reported:

"Information available in the Geological Survey indicates that the construction and use of the proposed pipe line will not affect adversely any valuable deposits of coal or other minerals, or valuable power sites in this locality.

"The application involves the diversion of water from a spring located in unsurveyed T. 16 S., R. 45 E., on land included in Public Water Reserve No. 107 by Interpretation No. 115 approved by the Secretary January 4, 1930. The records of the Survey indicate that no basis for objection exists to modification of the withdrawal to permit approval of this application under the terms and conditions set forth in your Circular 1028 approved April 27, 1925."

No objection other than those mentioned above appearing, I recommend that permission be granted the applicant to use the right of way for this pipe line, subject to all valid existing rights and to the terms and conditions of the stipulations executed and filed, as aforesaid, but reserving rights of way for canals and ditches constructed by authority of the United States.

Very respectfully,

/s/ C. C. Moore
Commissioner.

May 15 1930

May approved by:
(Sgd.) John H. Edwards
Assistant Secretary
and returned to G.L.O.
c.c. to G.S.

07-14-1930: letter to the california register from the commissioner regarding transfer of files

ONLY THE COMMISSIONER OF THE GENERAL LAND OFFICE
Inca.

RECD

5073.
5336

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

IN REPLY PLEASE REFER TO
Sacramento 024398 "F" MN.

JUN 14 30

H. W. Eichbaum. — Transmitting copy of approved map, etc.

Register,

Sacramento, California.

Sir:

The Assistant Secretary having granted H. W. Eichbaum permission to use the right of way for the Tuoki pipe line in your district, I am transmitting herewith for the files of your office, copy of the map showing the pipe line with the permit indorsed thereon, and copy of the field notes of survey of the pipe line.

Make appropriate notations on your records, and notify Mr. Eichbaum.

Very respectfully,

Commissioner.

Act 2-15-1901
Sec 1 2-5-29

5-16-JJ

C O P Y

Received
U. S. Land Office
Sacramento, Calif.
Date APR 14 1930
Hour 02h39m

UNITED STATES LAND OFFICE, SACRAMENTO,

CALIFORNIA.

STIPULATION.

WHEREAS, the undersigned applicant, H. W. EICHBAUM, did, on April 4, 1929, file his application for a right of way, serial 02h398, for Tucki pipe line, which applicant was required by the Commissioner of the General Land Office, by his letter of Jan. 27, 1930, to execute a stipulation in accordance with paragraph 2 of Circular 1028;

THEREFORE, it is hereby stipulated and agreed that the applicant, H. W. EICHBAUM, will, as to the spring on Tucki Mountain, install and maintain a substantial overflow basin and agrees to keep the same full; which basin shall be of sufficient capacity to provide sufficient water for the mountain sheep in the locality.

It is further stipulated and agreed that, as to the Emigrant Spring, the applicant, H. W. EICHBAUM, will install a substantial auxiliary reservoir of a capacity of at least fifty gallons, and agrees to keep the same full, or in lieu of the above, he would install a two compartment reservoir, the upper compartment to have at least a fifty gallon capacity; the said applicant agreeing to use only from the lower compartment.

Dated this 10th day of April, 1930.

/s/ H. W. Eichbaum

(SEAL) Subscribed and sworn to before me this _____ day of April, 1930,

/s/ George Francis
Notary Public in and for the County of Inyo, State of California

01-11-1930: letter to the commissioner from the director regarding right of way for pipeline

C

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WASHINGTON

JAN 11 1930

The Commissioner,

General Land Office.

In reply to your letter of October 9, 1929 (Sacramento 024398 "F" IHC), relative to the application of H. W. Eichbaum under the act of February 15, 1901 (31 Stat., 790), for right of way for a pipe line across land in T. 16 S., Rs. 44 and 45 E., California, M. D. M.:

Information available in the Geological Survey indicates that the construction and use of the proposed pipe line will not affect adversely any valuable deposits of coal or other minerals, or valuable power sites in this locality.

The application involves the diversion of water from a spring located in unsurveyed T. 16 S., R. 45 E., on land included in Public Water Reserve No. 107 by Interpretation No. 115 approved by the Secretary January 4, 1930. The records of the Survey indicate that no basis for objection exists to modification of the withdrawal to permit approval of this application under the terms and conditions set forth in your Circular 1028 approved April 27, 1925.

/s/ Geo. Otis Smith
Director

Inclosure No. 250547:
Tracing.
File of papers.

9

09-24-1929: letter to the commissioner, general land office from regarding right of way of pipeline

COPY

Sacramento 024398
"P" IHC May 4, 1929.
R/W H.W.Eichbaum.
Favorable report.
Mining Engineer Palmer.

San Francisco, California,
September 24, 1929.

The Commissioner of the
General Land Office,
Washington, D. C.

APPROVED: SEP 24 1929
Signed) J. M. Favorite
Chief of Field Division.

Sir:-

The above designated letter directed examination of application for right of way for a pipe line by H. W. Eichbaum to conduct water from two springs, one in Sec. 30, T. 16 S., R. 45 E., M.D.M., and the other in Sec. 29, unsurveyed T. 17 N., R. 44 E., M.D.M., to a point in Sec. 35, T. 15 S., R. 45 E. Examination was made May 22, 1929, but there has been delay in submitting report as the application, of which photostatic copy was furnished, was defective in that paragraph one thereof refers to only one spring whereas two are involved, and the necessary information was not available from the file because through error the blue-print sent with the case was not of the so-called Tucki pipe line but of a railroad right of way in northern California.

The spring on Tucki Mountain is of insignificant flow and the only use thereof is by mountain sheep. I see no reason why the permit should not be granted with the provision that an overflow basin be established so as to provide water for the sheep, as springs are far apart in this locality.

A somewhat different condition exists with respect to Emigrant Spring. This is on a road over which there is considerable automobile travel. It is sixteen miles from Eichbaum's hotel at sea level at the mouth of Emigrant Wash and the road rises by a steady grade to an elevation of 4000 feet with no intervening water. The spring is thus essential to travelers, especially for cooling their automobiles particularly in warm weather. I had ample demonstration of this fact on the date I made my examination. I left the hotel with three gallons of spare water, all of which I used even with careful driving before I reached the spring.

It is therefore recommended that in approving the application of Eichbaum the condition be made that he install a substantial auxiliary reservoir of a capacity of at least fifty gallons, with the agreement that he keep this full; or that he install a two-compartment reservoir, the upper compartment to have a capacity of at least fifty gallons and Eichbaum to use only from the lower.

Very respectfully,

/s/ Leroy A. Palmer
Mining Engineer, G.L.O.

05-04-1929: letter to the chief, field division from the acting commissioner regarding blue print copy of a map

C O P Y

In reply please refer to Sacramento 024398 "F" IHC

2 Inc.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

May 4, 1929

Address only the
Commissioner of the General Land Office

Eichbaum, H. W. : Field investigation
Pipe line. directed.

Mr. J. H. Favorite,
Chief of Field Division, G.L.O.,
San Francisco, California.

Sir:

There is herewith inclosed a blue print copy of the map, together with a copy of an affidavit, duly corroborated, filed by H. W. Eichbaum in connection with his application for right of way for a pipe line under the act of February 15, 1901 (30 Stat. 790), affecting lands in T. 17 S., R. 44 E., M. D. M., California.

The water to be used by the pipe line is to be taken from springs which are covered by the general withdrawal order No. 107, Circular 1066. This application may be allowed under the terms and conditions of Circular 1028, if it is not found to be inimical to public interests and you are directed to make an investigation of the proposed project in accordance with section 5 of said Circular 1028 and make appropriate report to this office at your earliest convenience.

Very respectfully,

(Sgd) Thos. C. Havell
Acting Commissioner.

04-01-1929: letter to the register, us land office from hession and francis regarding right of way approval

COPY

HESSION & FRANCIS
Attorneys at Law
Independence, California

April 1st, 1929.

Received
U. S. Land Office
Sacramento, Calif.
Date Apr. 4, 1929
Hour_____

Mr. John C. Ing,
Register, United States Land Office,
Sacramento, California.

Dear Sir:

I am enclosing herewith application of H. W. Eichbaum for approved right of way etc. under the Act of February 15, 1901 together with field notes in duplicate. The map is too large to be enclosed and is therefore being forwarded in today's mail under separate cover.

You may recall that these are the springs which Mr. Eichbaum applied to have clearlisted last year. Owing to the scarcity of water in this region Mr. Geo. Otis Smith, Director of the Geological Survey, deemed clearlisting inadvisable and suggested that Mr. Eichbaum file his application under the Act of February 15, 1901 and Circular 1028.

In the meantime the State Division of Water Rights has noticed a hearing on May 7th to show cause why Mr. Eichbaum's as well as a number of others' applications should not be cancelled for filure to make diligent effort to obtain a right of way over the government land. Although we feel that we have made diligent effort toward this end we believe that it would assist us at the hearing to show that the enclosed application has been acted upon and would therefore greatly appreciate anything you might do to obtain a decision before May 7th.

Yours very truly,

/s/ George Francis
of Hession & Francis.

GF:L
Encs.

C O P Y

024398

Received
U. S. Land Office
Sacramento, Calif.
Date Apr. 4, 1929
Hour

UNITED STATES DEPARTMENT OF INTERIOR 024398

GENERAL LAND OFFICE

In the Matter of the Application of H. W. Eichbaum under the Act of February 15, 1901.) Application.

The application of H. W. Eichbaum respectfully shows:

I.

That applicant has applied to the Division of Water Rights of the State of California for permission to appropriate .006 cubic feet per second of water from certain springs situated in SE¼ NE¼ Sec. 29, T. 17 S., R. 44 E., M. D. M., Inyo County, California. That said applications are designated Nos. 5073 and 5336.

II.

That neither of said springs has been withdrawn as a public water reserve except in the general withdrawal or Public Water Reserve No. 107 as indicated in Circular 1066 of the General Land Office.

III.

That applicant proposes to use said water at Stove Pipe Wells, in E½ NE¼ Sec. 35, T. 15 S., R. 45 E., M. D. M., which is approximately thirteen miles from the spring referred to in Application 5073 and known as Lower Emigrant Spring and five miles from the spring referred to in Application 5336.

IV.

That Lower Emigrant Spring is situated 0.9 miles in a northwesterly direction along Emigrant Canyon Road from U. S. Geological

Survey B. M. Elev. 4046, and produces approximately twenty-five gallons of water per hour. That no public use is made of said spring other than by occasional travelers along said Emigrant Canyon Road. That the spring referred to in Application 5336 is situated five miles from said Stove Pipe Wells, contains merely seepage, and is not used by the public.

V.

That applicant is operating a resort at Stove Pipe Wells, Death Valley, Inyo County, California, accomodating approximately seventy-five persons per day; that said springs are the nearest source of water and that said water is necessary for the use of the traveling public at Stove Pipe Wells.

VI.

That applicant proposes to install a concrete reservoir at said Lower Emigrant Spring to hold the water necessary for use at Stove Pipe Wells and to maintain an overflow into another tank for the use of persons desiring water at the spring. That applicant proposes to transport the water from the reservoir to Stove Pipe Wells by wagon or truck via the Emigrant Canyon Road.

VII.

That applicant proposes to construct a pipe line of pipe one inch in diameter from the spring referred to in Application 5336 for the purpose of conducting the water of said spring to Stove Pipe Wells for domestic use at applicant's resort and for the use of the traveling public generally at Stove Pipe Wells.

VIII.

That this application is accompanied by a map setting forth the route of the proposed pipe line (referred to as the "Tucki Pipe Line") and separate field notes in duplicate.

IX.

That applicant has prosecuted said Applications 5073 and 5336 in good faith to the date of the filing of this application. That the Division of Water Rights of the State of California will not act further upon said applications until applicant has received an approved right of way under the Act of Feb. 15, 1901.

Wherefore: Applicant respectfully requests that permission be granted to him under said Act of February 15, 1901, to enter, take and conduct said waters as hereinabove set forth.

/s/ H. W. Eichbaum

State of California,)
)SS
County of Inyo.)

H. W. EICHBAUM, being first duly sworn, deposes and says that he is the applicant in the foregoing application; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge.

/s/ H. W. Eichbaum

Subscribed and sworn to before me this 30th day of March, 1929,

(SEAL) /s/ Jess Hession
Notary Public in and for the County of Inyo, State of California.

State of California,)
)SS
County of Inyo.)

John Stewart, being first duly sworn, deposes and says that he is well acquainted with the springs referred to in the foregoing application and the surrounding territory; that he has read said application and knows the contents thereof, and that the same is true of his own knowledge.

/s/ John Stewart

Subscribed and sworn to before me this 30th day of March, 1929.

(SEAL) /s/ Jess Hession
Notary Public in and for the County of Inyo, State of California.

State of California,)
County of Inyo.)SS

Wm. Corcoran, being first duly sworn, deposes and says that he is well acquainted with the springs referred to in the foregoing application and the surrounding territory; that he has read said application and knows the contents thereof, and that the same is true of his own knowledge.

/s/ Wm. Corcoran

Subscribed and sworn to before me this 30th day of March, 1929.

/s/ Jess Hession
(SEAL) Notary Public in and for the County of Inyo, State of California.

COPY

Regulations Relative to the Use of Lands Withdrawn as Public Water Reserves (Circular No. 1028* Approved by the Assistant Secretary of the Interior on August 27, 1925):

1. Permission may be obtained to use or improve lands withdrawn as or in connection with public water reserves, under the act of June 25, 1910 (36 Stat., 847), or any other act, by filing application for such permission under the act of February 15, 1901 (31 Stat., 790), in accordance with the regulations governing said act, as found in 36 L. D., page 567, as supplemented by these regulations.

2. As a condition precedent to the granting of any such permission, the applicant will be required to execute such stipulations and agreements as may be deemed proper and necessary by the Secretary of the Interior, to safeguard the public interests, after investigation of the facts, circumstances, and conditions in connection with each individual case.

3. Any citizen or association of citizens of the United States, or any corporation, duly created and existing under and by virtue of the laws of any State of the United States, who may desire to improve the productivity of any water hole or source of water supply within the boundaries of any public water reserve, or to conduct such waters from their source within such a reserve to a point or place more convenient for public use, may file in the office of the Register of the U. S. land district, within which the reservation is situated, an application for permission so to use the reserved land or conduct the waters over or through the same.

Such application should be in the form of an affidavit, duly corroborated, by at least two persons, setting forth in detail the plan of the applicant for the improvement and care of the public water reserve, the public necessity for such improvement, the reasons why such plan will be more conducive to the public good and better conserve the waters for public use, and any other facts and circumstances pertinent thereto.

4. If the waters are to be conducted from their source within the reserve to a point outside of the reserve, the application should be accompanied by a map and separate field notes in duplicate, the map being delineated upon tracing linen, and prepared in accordance with the regulations of June 6, 1908, governing the submission of applications under the act of February 15, 1901, supra, also evidence that applicant has applied to the proper State official for permission to appropriate the waters to the uses contemplated, and has prosecuted such application in good faith to date of the filing of the application.

*Circular 1028 subsequently superseded by 1237, 1237a, 1237b, and 1825.

5. Upon receipt of such an application in the General Land Office, the Commissioner will direct the Division Inspector to make careful field investigation as to the facts and circumstances set forth in the affidavit of applicant, as to the public necessity or desirability of the system proposed, and as to all other facts and circumstances germane to the granting of such a permit, together with recommendation as to any stipulations or agreements which to him may seem necessary or proper for the protection of the public interest, and the most economical conservation and use of such waters.

6. Upon receipt of said report the Commissioner of the General Land Office will transmit a copy of the same, together with the application to the Director of the Geological Survey, for report and suggestion relative to the feasibility of the plan and the terms and conditions upon which the permit should be issued, if at all.

7. If the place of use of the water is upon unreserved public land the applicant may be called upon to file a reservoir declaratory statement under the Act of January 13, 1897 (29 Stat., 484), as well as the application under the act of February 15, 1901, supra, if deemed advisable.

8. Each permit shall contain, besides those found necessary in individual cases, the following conditions:

A. That the right to appropriate the waters of the State to the uses contemplated shall be obtained within one year from and after the issuance of the permit and the permittee shall file a certificate to that effect issued by the proper State authority.

B. That the proposed system shall be fully completed in substantial conformity with the plan upon which the permit is predicated, within two years from and after the issuance of such permit, unless a different period is specifically provided for in such permit.

C. That the permittee shall, during the month of January, in each year after the completion of such system, file with the Register of the land district within which the system is located, for transmission to the General Land Office, an affidavit of maintenance, in substantially the following form:

State of)
County of) ss.

_____being duly sworn says that he is the president of the _____ company (or person) to whom permit (give land district and serial number), was issued by the Secretary of the Interior, (give date), in connection with Public Water Reserve No.___. That the system as set forth and described in said permit has been kept in repair and water sufficient for the public needs has been kept therein during the whole of the calendar year of 19__, that the same has been kept open to the public at all times during the year, and that the said permittee has in all things, complied with the provisions of said permit, and the stipulations therein contained and the acts under which said permit was issued.

(Signature).

Subscribed and sworn to
before me this _____day of
_____19___.

Notary Public

In the event that the State certificate as to the right to appropriate the water is not filed within one year, or proof of the construction of the system, consisting of the affidavit of the permittee duly corroborated by two witnesses within two years or such other period as may be mentioned in the permit, or affidavit of maintenance is not filed as hereinbefore provided or in case any of the terms, conditions, provisions or stipulations of the permit shall not be well and in good faith performed, observed and carried out, then such permit shall become and be subject to cancellation. Nothing hereinbefore contained, however, is to be construed as limiting the power or authority of the Secretary of the Interior to cancel and determine the permit at any time when in his judgment such action is desirable.

Permits issued hereunder are transferable only upon the written authority and consent of the Secretary of the Interior.

11. If, at any time, it becomes necessary for the permittee to change his system or to erect structures other than those authorized by his permit, application for permission to to do, in the form of an affidavit setting forth in detail the reason and necessity for the change must be filed, and no such change shall be made until authorized in writing by the Secretary of the Interior.

11-01-1928: letter to hession and francis from the commissioner regarding the application for clear listing of a spring

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Nov. 1 1928

In reply please refer to:
1218080 "F" CBB

Messrs. Hession and Francis,

Independence, California.

Gentlemen:

In reply to your letter dated September 16, 1928, relative to an application for clear listing of a spring filed by H. W. Eichbaum, you are advised that the application was referred to the Geological Survey and I am informally advised by the Survey that on April 24, 1928, Mr. Eichbaum was advised with reference thereto.

There is transmitted herewith a copy of the Geological Survey's letter, together with a copy of Circular 1028.

Very respectfully,

/s/ William Spry

Commissioner.

10-30acc

·5

C O P Y

HESSION & FRANCIS
Attorneys at Law
Independence, California

September 16, 1928.

Commissioner of the General Land Office,
Department of the Interior,
Washington, D. C.

Dear Sir:

Will you kindly advise us as to what disposition has been made of the application of H. W. Eichbaum for the clear listing of springs located in Inyo County, California?

This application was forwarded to you by the Register of the United States Land Office, at Sacramento, California, on March 19th, 1928.

Yours very truly,

/s/ George Francis
L.
of Hession & Francis

GF:L

4

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WASHINGTON

APR 21 1928

The Commissioner,

General Land Office.

I transmit herewith for your concurrence and thereafter for appropriate action by the Secretary, proposed Interpretation No. 66 of Public Water Reserve No. 107.

/s/ Geo. Otis Smith

Director.

Inclosure:
Interpretation No. 66.

3

03-30-1928: letter to the director from the commissioner regarding transmittal of request for clear listing (circular 1066)

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

MAR 30 1928

In reply please refer to

1218080 "F" CBB

Transmitting request for clear list under Circular 1066.

The Director,

Geological Survey.

My dear Dr. Smith:

There is transmitted herewith a request signed by H. W. Eichbaum requesting the clear listing of certain lands therein described under Circular 1066 for such action as you may deem proper.

Very respectfully,

Commissioner.

3-29 las

03-19-1928: letter to the commissioner from the register regarding the clear listing of a spring

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Application for
Clearlisting under
Circular 1066.

Sacramento, California
March 19 1928

The Commissioner of the General Land Office,

Sir,

Attached hereto is request of H. W. Eichbaum for clearlisting of spring in Inyo County, California.

The records of this office show that the SE¼NE¼ Sec. 29, T. 17 S., R. 44 E., M.D.M. is unsurveyed and unappropriated land and no reason is known why request should not be granted.

Respectfully,

/s/ John C. Ing

Register

Maps and Miscellaneous Information

2 sheets

Application No. 5073
Per. 3495

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

Applicant H. W. Eichbaum Sec. 35 Township 15 S Range 44 E MD Meridian

Mapped by H. W. Eichbaum County Inyo

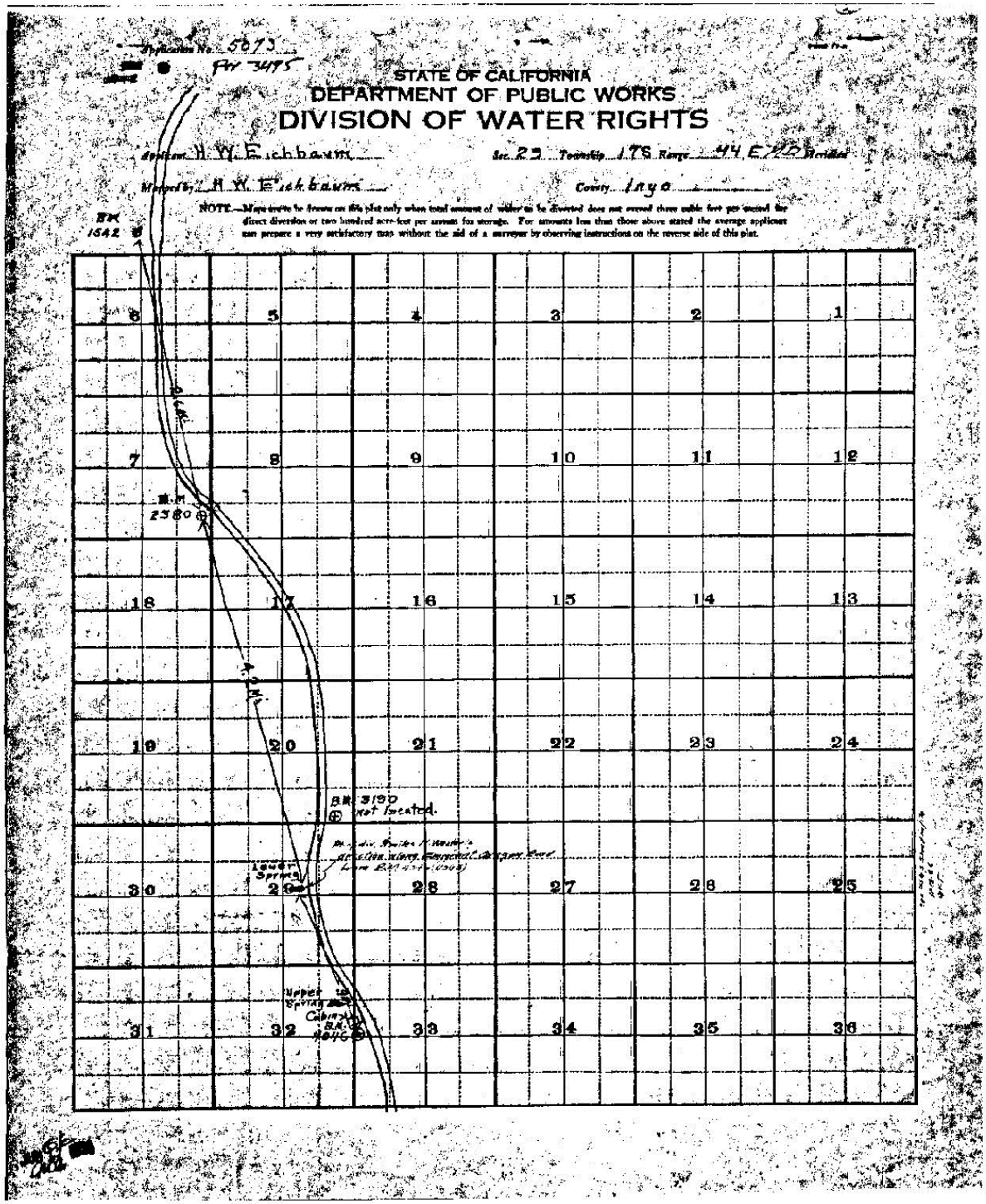
NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

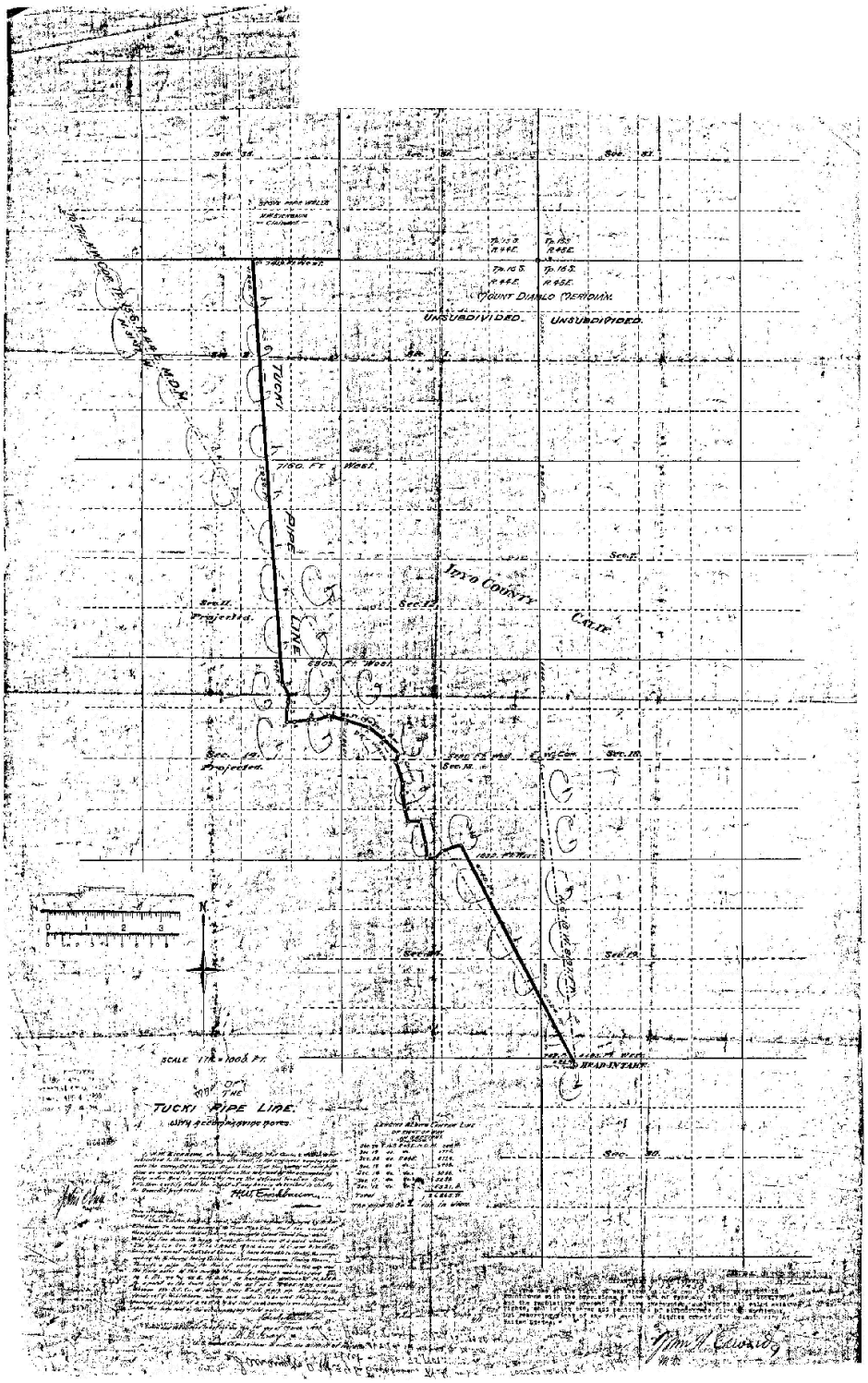
Steel Pipe Main Bungalow City

Water from Lower Emigrant to be used here.

Main Pipeline to Head of Spring


Application No. 5073
Per 3495
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS
Applicant H. W. Eichbaum
Sec. 22 Township 17S Range 44 E MD Meridian
Map of H. W. Eichbaums
County Inyo
NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.
BM 1542
6
5
4
3
2
1
7
8
9
10
11
12
B.M. 2580
18
17
16
15
14
13
19
20
21
22
23
24
BM 3190 not located.
Lower Spring
30
29
28
27
26
25
Upper Spring
Cabin
31
32
33
34
35
36

05-15-1930: map of the tucki pipeline



Docket Information

Number of Documents in Docket 151

Documents Dated from 12/1/1913 to 7/3/2012

Docket Compiled: 7/18/2012