



# WATER-RIGHT DOCKET

## Dinosaur National Monument

Docket No: 10

**MACKNIGHT WELL**

### Preliminary Docket Information

00-00-0000: water right record park: dino docket number: federal #10

#### WATER RIGHT RECORD

Park: DINO

Docket Number:  
Federal #10

IDENTIFICATION NO: DINO, W, 3 5, 0 4, 2 4, A, F, 1 0

DITCH/WATER SYSTEM:

SOURCE OF SUPPLY: Well

LOCATION: N13°32'W 1468 ft. from the SE Cor., Sec. 35, T4S, R24E, SLB&M

#### WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 27956

Certificate Record Number: 5615

Date of Priority: March 19, 1956

Quantity of Water: 0.00727 c.f.s.

Purpose: Irrigation

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a well, ditch, reservoir and pipe.

This is the former Morris Ranch, acquired by Crawford MacKnight. The MacKnight property was a 5 acre parcel within the Harry AuMiller enclave. These properties are contiguous to Cub Creek. Doug Chew, owner of the downstream Daniels Ranch, owns water rights to Cub Creek. (1916) AuMiller drilled this well on MacKnight's land, apparently by mistake. The U.S. purchased the MacKnight land in 1965 and the AuMiller land in 1971.

See Federal #11 for further correspondence pertaining to these two properties.

## State Water Rights Documentation

NOTE: See back of final copy for collection instructions

Write Heavily—Treated Paper—No Carbon Required

NOTE: Please use pencil or ball pen

THE STATE OF UTAH  
DEPARTMENT OF HEALTH  
45 E. Douglas Blvd., Salt Lake C.

Lab. No. 7028

**WATER SAMPLE FOR BACTERIOLOGICAL ANALYSIS**

Sample Collected From (Check one):  
☒ City or Town Distribution System  
☐ Swimming Pool  
☐ Stream  
☐ Other (Describe) well

Exact Description of Sampling Point:  
well on Macknight property

Unchlorinated ☐ Chlorinated ☐ Residual \_\_\_\_\_ p.p.m.

Name of Town, Swimming Pool, Stream, etc.:  
well on Macknight property

Location:  
Jensen, Utah County Union

Sample Collected By Darryl L. Steele

Date of Collection Oct. 26, 1964 Time 11:00

Send Report to Superintendent

Address Dinosaur National Monument  
P.O. Box 101, Artasia, Colorado

Remarks

INTERPRETATION OF ANALYSIS: SATISFACTORY ☐ UNSATISFACTORY ☐

Remarks:

EXAMINE FOR:  
 Coliforms In 10 ml. Portions ☐ MPN Coliforms ☐ Plate ☐

Date Rec'd \_\_\_\_\_ Date Rep'd \_\_\_\_\_

Results of Analysis: Plate Count 150

Coliforms:

| Volume, ml.         | 10 | 10 | 10 | 10 |
|---------------------|----|----|----|----|
| Presumptive 24 Hrs. |    |    |    |    |
| 48 Hrs.             |    |    |    |    |
| Confirmed 24 Hrs.   |    |    |    |    |
| 48 Hrs.             |    |    |    |    |

| Volume ml. | Presumptive |   |   |         |   |   | Confirmed |   |   |         |   |   |
|------------|-------------|---|---|---------|---|---|-----------|---|---|---------|---|---|
|            | 24 Hrs.     |   |   | 48 Hrs. |   |   | 24 Hrs.   |   |   | 48 Hrs. |   |   |
|            | 1           | 2 | 3 | 1       | 2 | 3 | 1         | 2 | 3 | 1       | 2 | 3 |
| 10.0       |             |   |   |         |   |   |           |   |   |         |   |   |
| 1.0        |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.1        |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.01       |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.001      |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.0001     |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.00001    |             |   |   |         |   |   |           |   |   |         |   |   |
| 0.000001   |             |   |   |         |   |   |           |   |   |         |   |   |

M P N \_\_\_\_\_ /100 ml.

Analysis Approved  
 Division of Laboratories  
 By W. A. [Signature]

Division of Sanitation  
 By \_\_\_\_\_

RECEIVED  
 NOV 2 1964  
 DEPT. OF HEALTH  
 SALT LAKE CITY

act

FILE U.S. PARK SERVICE

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Dinosaur National Monument  
Artesia, Colorado 81610

ALIEN WATER RIGHTS  
within  
DINOSAUR NATIONAL MONUMENT

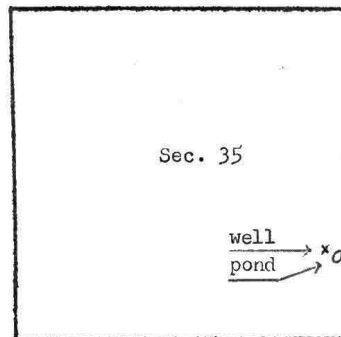
**Application Number:** 27956

**Applicant:** Harry AuMiller

**Quantity; Use Period:** 0.00727 sec. ft.; April 1 to October 30

**Source:** Underground water - one well

**Point of Diversion:** North 13 degrees 32 minutes West 1468 feet from the  
SE corner Section 35, Township 4 South, Range 24 East,  
SLB&M.



FORM C-1 8000

ORIGINAL

# CERTIFICATE OF APPROPRIATION OF WATER STATE OF UTAH

APPLICATION NO. 27956CERTIFICATE NO. 5615

NAME AND ADDRESS OF APPROPRIATOR

HARRY AUMILLER, JENSEN, UTAH

SOURCE OF SUPPLY

UNDERGROUND WATERIN UINTAH

COUNTY, UTAH;

GREEN RIVER

DRAINAGE AREA

QUANTITY OF WATER SEVEN HUNDRED TWENTY-SEVEN/HUNDRED THOUSANDTHS (0.00727) SEC.-FT. PRIORITY OF RIGHT MARCH 19, 1956

PERIOD AND NATURE OF USE

FROM APRIL 1 TO OCTOBER 30 INCLUSIVE OF EACH YEAR FOR IRRIGATION PURPOSES

Whereas, It has been made to appear to the satisfaction of the undersigned that the appropriation of water has been perfected in accordance with the Laws of Utah; Therefore, Be it known that I, WAYNE D. CRIDDLE the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to the use of water as herein set out, subject to prior rights, if any, for diversion and use as follows,

to wit: The water appropriated is yielded by a valve-controlled flowing well, fully cased with 6-in. diameter pipe driven to a depth of 30 ft. below ground surface, situated N13°32'W 1468.0 ft. from SE Cor. Sec. 35 T4S R24E SLEB. The water is diverted by means of artesian pressure, conveyed at times from the well by means of 170.0 ft. of ditch constructed in and of earth, to an earth equalizer having a capacity of 0.14 acre-foot, commingled enroute with water appropriated under Application No. 18048. The water, after thus being equalized, is released from the reservoir and conveyed through 50.0 ft. of earth ditch to the point of use. Part of the water appropriated is, at times, conveyed from the well 8 169.0 ft. through 1½-in, 1-in, and ¾-in. diameter pipe to a residence for domestic purposes. The water appropriated is, during the aforesaid period, intermittently used, as a supplemental supply, to irrigate 18.64 acres of land within SE¼SE¼ Sec. 35 T4S R24E SLEB, and during the entire year, as a sole supply, for domestic purposes in serving 2 families, and for incidental stock-watering purposes for 150 cattle, 7 swine and 75 fowl.

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

The amount of water appropriated for incidental stock-watering or domestic purposes is limited to an amount less than that appropriated for irrigation purposes.

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

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this 19th. day of December, 19 58

Entry No. 80328 Recorded at request of Harry Aumiller Fee Paid 1.00  
Date Dec. 22, 1958 at 1:20 P.M. Lola Anderson Uintah County Recorder  
By Wayne D. Criddle Deputy Book 47-61 Page 245

Wayne D. Criddle  
Wayne D. Criddle, STATE ENGINEER

PAID  
 12-8-57

Exam. & Records 12-8-57  
 Exam. for filing 12-22-57  
 Final Copy checked 12-11-57  
 Indexed 12-4-57  
 Well No. 12-4-2435-1

PAGE (Leave blank)

Report No. 12668  
 Filed Dec. 13 1956  
 Rec. By mm  
 Not a

## Report of Well and Tunnel Driller STATE OF UTAH

(Separate report shall be filed for each well or tunnel)

### GENERAL INFORMATION:

Report of well or tunnel driller is hereby made and filed with the State Engineer, in accordance with the laws of Utah. (This report shall be filed with the State Engineer within 30 days after the completion or abandonment of well or tunnel. Failure to file such reports constitutes a misdemeanor.)

1. Name and address of person, company or corporation ~~drilling or~~ drilling well or tunnel  
 (Strike words not needed)

Uintah Basin Drilling Co. Roosevelt Utah

2. Name and address of owner of well or tunnel  
 (Strike words not needed)

Harry W. Miller  
 Jensen Utah

3. Source of supply is in \_\_\_\_\_ drainage area; \_\_\_\_\_ County.  
 (Leave blank) (Leave blank) artesian basin

4. The number of approved application to appropriate water is 27956 #2

5. Location of well or mouth of tunnel is situated at a point and ~~near~~ S. 42° 15' W. 523 ft. from ~~South Western corner~~ U.C. to the E 1/4 Cor. Sec. 35 T 43 S R 24 E S 1 B 1 M  
 (Describe by rectangular coordinates or by any other method with reference to U. S. Government Survey Corner - Give description from well owner's approved application)

6. Date on which work on well or tunnel was begun April 10, 1956  
 (Strike words not needed)

7. Date on which work on well or tunnel was completed or abandoned Aug 16, 1956  
 (Strike words not needed)

8. Maximum quantity of water measured as flowing, ~~pumped~~ 20 on completion of well or tunnel in sec. ft. \_\_\_\_\_; or in gals per minute 20 Date Aug 12, 1956  
 (Strike words not needed)

### DETAIL OF COLLECTING WORKS:

9. WELL: It is drilled, dug, flowing or pump well. Temperature of water 82 F  
 (Strike words not needed)

- (a) Total depth of well is 30 ft. below ground surface

- (b) If flowing well, give water pressure (hydrostatic head) above ground surface ft

- (c) If pump well, give depth from ground surface to water surface before pumping

- \_\_\_\_\_ during pumping

- (d) Size and kind of casing \_\_\_\_\_  
 (If only partially cased give details)

- (e) Depth to water-bearing stratum \_\_\_\_\_  
 (If more than one stratum give depth to each)

- (f) If casing is perforated, give depth from ground surface to perforations

- (g) Log of well \_\_\_\_\_  
 \_\_\_\_\_

- (h) Well was equipped with cap, valve, or \_\_\_\_\_ to control flow  
 (Strike words not needed)

(Over)

Utah 8-21-57  
 State & County 8-21-57  
 State for filing 8-21-57  
 Filed City of Salt Lake  
 Indexed 8-21-57  
 Well No. 10-4-2435-2437

PAGE (Leave blank)

Report No. 12666  
 Filed 8-13-57  
 Rec. By  
 Ret. 4

## Report of Well and Tunnel Driller STATE OF UTAH

(Separate report shall be filed for each well or tunnel)

### GENERAL INFORMATION:

Report of well or tunnel driller is hereby made and filed with the State Engineer, in accordance with the laws of Utah. (This report shall be filed with the State Engineer within 30 days after the completion or abandonment of well or tunnel. Failure to file such reports constitutes a misdemeanor.)

1. Name and address of ~~person~~, company ~~or corporation~~ ~~having or drilling well or tunnel~~.  
 (Strike words not needed)

Uintah Basin Drilling Co. Roosevelt, Utah

2. Name and address of owner of well ~~or tunnel~~.  
 (Strike words not needed)

Harry A. Miller  
 Jensen, Utah

3. Source of supply is in \_\_\_\_\_ County.

Uintah

County

drainage area; \_\_\_\_\_

artesian basin

4. The number of approved application to appropriate water is 27956 #1.

5. Location of well ~~or mouth of tunnel~~ is situated at a point ~~1-N. 84° 20' W. 1185 ft.~~  
 from W.C. to the E 1/4 Cor. Sec. 35 T4S, R24E,  
 S. 1/4 B. 1/4 and No 2-S. 42° 15' N.

6. Date on which work on well ~~or tunnel~~ was begun \_\_\_\_\_  
 (Strike words not needed)

Aug 30 1956

7. Date on which work on well ~~or tunnel~~ was completed ~~or abandoned~~ \_\_\_\_\_  
 (Strike words not needed)

Aug 12 1956

8. Maximum quantity of water measured as flowing, ~~pumped or~~ \_\_\_\_\_ on completion of  
 well ~~or tunnel~~ in sec. ft. \_\_\_\_\_ or in gals. per minute 30 Date 8/10/56

### DETAIL OF COLLECTING WORKS:

9. WELL: It is drilled, ~~dig~~, flowing ~~or pump~~ well. Temperature of water \_\_\_\_\_ °F.  
 (Strike words not needed)

- (a) Total depth of well is 300 ft. below ground surface

- (b) If flowing well, give water pressure (hydrostatic head) above ground surface 3 ft.

- (c) If pump well, give depth from ground surface to water surface before pumping \_\_\_\_\_

\_\_\_\_\_ during pumping

- (d) Size and kind of casing 6 in.

(If more than one casing, give details)

- (e) Depth to water-bearing stratum \_\_\_\_\_

(If more than one stratum, give depth to each)

- (f) If casing is perforated, give depth from ground surface to perforations \_\_\_\_\_

- (g) Log of well sand rock

None well flowed 20 gal minute  
 same as No 1 with 30 ft hole  
 sand rock 30 ft hole yielded  
 well

- (h) Well was equipped with cap, valve, or \_\_\_\_\_  
 (Strike words not needed)

to control flow

(Over)

2004  
11/14/04  
\* 22

## EXPLANATORY

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation. If additional space is required under this paragraph, sheets cut the same size as this form folded should be added identified as "Explanatory Continued."

Applicant has filed on three unnamed springs under Application No. 18048, he intends to drill ~~the~~ <sup>66</sup> wells at location of springs to develop more water. He has acquired an additional 40 acres of land and this application is filed for an additional one-half sec. ft. ~~0.25~~ <sup>0.25</sup> sec. ft. diverted from ~~each~~ <sup>each</sup> well. Water will also be used for incidental domestic and incidental stockwatering purposes during the entire year.

\* Domestic 2 families

\* Stock 150 cattle, 75 swine, 25 lambs

The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described.

Request is made for permission to go ahead with the drilling as soon as possible.

/s/ Harry AuMiller

Signature of Applicant.

\*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH.

Salt Lake

ss.

County of

On the 19 day of March, 1956, personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires  
(SEAL) Oct. 21, 1956.

/s/ Norma Nelson

Notary Public.

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

## State Engineer's Endorsements

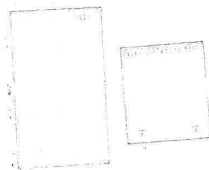
- 10:30 P.M.  
Mar. 19, 1956.
1. Mar. 19, 1956. Application received ~~over counter~~ <sup>by mail</sup> in State Engineer's office by NN
  2. Priority of Application brought down to, on account of
  3. Mar. 19, 1956. Fee for filing Application, \$2.50, received by NN Rec. No. 35568
  4. April 5, 1956. Application copied in book 1-67 (D-4-24) 35dad-1 and indexed by NN AB
  5. March 19, 1956. Application platting by ACT (2) (D-4-24) 35dad-1 Bands Made & Tabbed.
  6. Apr. 19, 1956. Application examined by AGG
  7. Application returned, with letter, to for correction
  8. Corrected Application resubmitted ~~over counter~~ <sup>by mail</sup> to State Engineer's office.
  - 8a. Copy brought up to date (red inked) and placed in record book by
  9. July 18, 1956. Fee for publishing notice requested
  10. Mar. 19, 1956. Fee for publishing notice \$ 15.00, No. 18008 - NN Received by NN Receipt No. 35568
  11. Apr. 19, 1956. Application approved for advertisement by AGG
  12. May 23, 1956. Notice to water users prepared by JMG
  13. May 31, 1956. Publication began; was completed June 14, 1956  
Notice published in Vernal Express, Vernal, Utah
  14. May 31, 1956. Proof slips checked by AGG & IG
  15. Application protested by
  16. Oct. 19, 1956. Application designated for ~~rejection~~ <sup>approval</sup> by F.T.M. JMG
  17. Fee for approving Application requested
  18. Mar. 19, 1956. Fee for approving Application, \$2.50, received by NN Receipt No. 35568
  19. Nov. 5, 1956. Application proofread by LE NJ
  20. Nov. 5, 1956. Application ~~rejected~~ <sup>approved</sup> and returned to applicant.
- This Application is approved, subject to prior rights, if any, on the following conditions:
1. Actual construction work shall be diligently prosecuted to completion.
  2. Proof of Appropriation shall be submitted to the State Engineer's office by January 10, 1959.
  - 3.
21. 3 Time for making Proof of Appropriation extended to
22. Dec. 3, 1958. Proof of Appropriation submitted.
23. Dec. 3, 1958. Fee for filing Proof of Appropriation, \$1.00, rec'd by NN Rec. No. 40450
24. Dec. 3, 1958. Fee for exam., maps, profiles and drawings, \$5.00, rec'd by NN Rec. No. 40450
25. Dec. 15, 1958. Fee for issuing Cert. of Appropriation, \$1.00, rec'd by NN Rec. No. 40704
26. Dec. 19, 1958. Certificate of Appropriation, No. 5615 issued.

I Hereby Certify that the foregoing is a true copy of the Application by  
to appropriate water and of the endorsements therein as shown by the records of my office on the date given below.

Salt Lake City, Utah, 19 State Engineer

Application No. 27956

Entry 107733  
 Recorded at Request of Dinosaur Nature Assoc. Sept. 10, 1965  
 at 2:21 PM. Fee Paid \$ 2.00 Robt. Anderson UTAH COUNTY RECORDER  
 by Eva H. H. H. Dept. Book 125 Page 512 Ref.:  
 Mail tax notice to \_\_\_\_\_ Address \_\_\_\_\_  
**WARRANTY DEED** USA Deed #20  
 The Dinosaur Nature Association, a Utah corporation grantor  
 of \_\_\_\_\_, State of Utah, hereby  
 CONVEY and WARRANT to The United States of America and its assigns  
 grantee  
 for the sum of fifteen hundred thirty and no/100 (\$1,530.00) DOLLARS,  
 the following described tract of land in \_\_\_\_\_ Utah County,  
 State of Utah, to-wit:  
 Southeast quarter of the Southwest quarter of the Northeast quarter  
 of the Southeast quarter; the Southwest quarter of the Southeast  
 quarter of the Northeast quarter of the Southeast quarter of  
 Section 35, Township 4 South, Range 24 East of the Salt Lake  
 Meridian, containing 5 acres, more or less.  
 Together with the improvements and appurtenances thereunto belonging and all water  
 and water rights, ditch and ditch rights and rights of way thereunto belonging.



THIS DEED IS BEING RERECORDED  
 FOR THE EXPRESS PURPOSE OF  
 SHOWING ADDITIONAL REVENUE  
 STAMPS

WITNESS the hand of said grantor, this 10th day of September A.D. 1965

Signed in the presence of \_\_\_\_\_ Dinosaur Nature Association  
Harold J. Brodrick By Harold J. Brodrick  
 \_\_\_\_\_ Harold J. Brodrick  
 \_\_\_\_\_ Executive Secretary

STATE OF UTAH, } ss.  
 County of UINTAH

On the 10 day of September A. D., 19 65 personally  
 appeared before me, a Notary Public,

Harold J. Brodrick

the signer of the within instrument who duly acknowledged  
 to me that he executed the same.



J. T. Armijo  
 J. T. Armijo Notary Public.

My Commission expires Feb. 3, 1966 My residence is Vernal, Utah

Other Supporting Information

Mr. Tobin

-4-

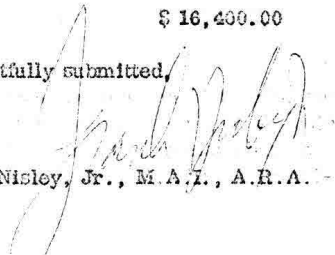
May 17, 1966

Land in the Maybell area where there is also some irrigated farmland but without the influence of the proximity of a larger town has also been selling in the range of \$250 an acre.

The subject property does not have what I would consider to be a good water right as the supply is somewhat limited. After taking this into consideration along with the comparable sales data, it is my opinion that the Present Market Value of the property on May 5, 1966, was as follows:

|                                          |                 |
|------------------------------------------|-----------------|
| 30 acres of irrigated land x \$225/acre  | \$ 6,750.00     |
| 241.99 acres of grazing land x \$24/acre | 5,808.00        |
| improvements and wells                   | <u>3,600.00</u> |
|                                          | \$ 16,258.00    |
| Rounded to                               | \$ 16,400.00    |

Respectfully submitted,



Frank Nisley, Jr., M.A.I., A.R.A.

FN/k

## APPRAISAL REPORT

On: Tract 77 - Updating  
 Owner: Harry A. AuMiller  
 For: Dinosaur National Monument  
 Date: May 5, 1966  
 Frank Nisley, Jr.,  
 M.A.I., A.R.A.



IN REPLY REFER TO:

L1425

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Dinosaur National Monument  
Dinosaur, Colorado

September 23, 1965

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Dinosaur

Subject: Final Title Opinion, Tract 78, 5.0 Acres,  
Dinosaur Nature Association

In accordance with Mr. Aiton's memo of Sept. 2, the necessary steps have been taken to comply with the Attorney General's preliminary title opinion on the subject tract, and the following documents are enclosed:

1. Original and one copy of Warranty Deed properly executed, stamped and recorded on Sept. 10, 1965 at Book 125, Page 512, Entry 107735, Uintah County records.
2. Abstract of Title No. 4384 with the above deed entered and a new certificate attached thereafter.
3. Advance Tax Payment Receipt for 1965 taxes along with the 1965 Tax Notice marked paid by the Uintah County Treasurer in duplicate. Also the Deputy Assessor has certified on said tax notice that no taxes will be assessed after December 1965.
4. Report on Possessory Rights in duplicate dated Sept. 11, 1965 and signed by Maynard B. Barrows.

The above papers comply with and satisfy the Attorney General's objections numbered 1, 2, and 3. Objections 4, 5, 6, 7, and 9, will not interfere with the contemplated use of the land.

In our memo of June 14, we enclosed copies of the Dinosaur Nature Association's Articles of Incorporation, By-Laws and Resolution authorizing the Executive Secretary to buy and sell Tract 78.

|               |  |
|---------------|--|
| Reg. Director |  |
| Mrs. Howe     |  |
| Operations    |  |
| Acad. Admin.  |  |
| Comm. Ad.     |  |
| Lab. Files    |  |
| Records       |  |
| Spec. Inv.    |  |
| Training      |  |
| Public Aff.   |  |
| Files         |  |

RETURN TO FILES PROMPTLY

MC 9/27

|            |         |
|------------|---------|
| SEARCHED   | INDEXED |
| SERIALIZED | FILED   |



RECEIVED  
NATIONAL PARK SERVICE  
WASHINGTON, D.C.

Office of the Attorney General

3 10 39 AM '65

Washington, D.C.

August 9, 1965

MSH:K

33-46-363

Honorable Stewart L. Udall  
Secretary of the Interior  
Washington, D. C.

pa c

My dear Mr. Secretary:

An examination has been made of the title data relating to 5 acres of land, more or less, Tract No. 78, Dinosaur National Monument Project in Uintah County, Utah. This land is to be acquired for a consideration of \$1,530.00 by authority of existing legislation. Your reference is L1425-SLW, and the file number of this Department is 33-46-363.

The land is described in the enclosed draft of deed from Dinosaur Nature Association, a Utah corporation, to the United States of America.

The abstract, consisting of 8 pages, was last satisfactorily certified on January 7, 1965, by Vernal Abstract Company.

The abstract and accompanying data disclose the title to be vested in Dinosaur Nature Association, subject to:

1. All taxes and assessments.
2. Rights or claims of persons in possession, if any, not shown of record.
3. Mechanics' liens, if any, not shown of record.

Dino

- 2 -

4. Easements for roads, highways, railroads, pipelines and public utilities, if any, not shown of record.
5. Rights of the United States and third persons, if any, under reservations contained in the patent shown at page 1 of the abstract.
6. Easements, if any, used by third persons in connection with vested and accrued water rights.
7. Ordinances, laws or regulations as indicated at page 4 of the abstract.
8. Rights of the United States under the enclosed purchase contract.
9. Right of E. B. Daniels of the water from Cub Creek or Daniels Creek as noted at page 6 of the abstract.

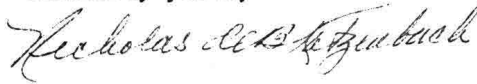
It is noted that the land is located within the bounds of both the Uintah Water Conservancy District and the Central Utah Water Conservancy District.

- 3 -

When the above requirements and objections numbered 1, 2 and 3 have been met, and the enclosed draft of deed to the United States, duly executed and properly stamped, has been recorded, the purchase price has been paid, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, and this Department has been informed in writing that objections 4, 5, 6, 7 and 9 will not interfere with the contemplated use of the land the title will be approved subject to the rights and easements referred to in objections 4, 5, 6, 7 and 9.

The abstract and related papers are enclosed.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Nicholas C. St. John".

Attorney General

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 NATIONAL PARK SERVICE  
 WASHINGTON, D.C. 20240

AUG 2 1965

|              |  |
|--------------|--|
| Mr. Tolson   |  |
| Mr. DeLoach  |  |
| Mr. Mohr     |  |
| Mr. Bishop   |  |
| Mr. Casper   |  |
| Mr. Callahan |  |
| Mr. Conrad   |  |
| Mr. Felt     |  |
| Mr. Gale     |  |
| Mr. Rosen    |  |
| Mr. Sullivan |  |
| Mr. Tavel    |  |
| Mr. Trotter  |  |
| Tele. Room   |  |
| Mr. Holmes   |  |
| Miss Gandy   |  |

RETURN TO  
 FILE  
 11/1/65  
 (1) X  
 DINO

Memorandum

To: Regional Director, Midwest Region

From: Chief, Division of Land and Water Rights

Subject: Clarification of 1965 and 1966 Fiscal Year Land Acquisition Funds, Dinosaur National Monument.

This is in reference to Acting Assistant Regional Director Edwin C. Alberts' memorandum of June 2, relating to the clarification of 1965 Fiscal Year Supplemental Funds and the request for funds to complete appraisals and authorization to negotiate for options in Acting Regional Director George F. Bagley's two memorandums of July 22. *file present.*

Tract 78 - Dinosaur Nature Association

A Work Order has been issued in the amount of \$1,530 for acceptance of option.

Tracts 38, 38-A, 46, 47, 48, 79 and 80 - Chew-Colorado

\$94,000

Tract 77 - AuMiller-Utah

\$16,000

Tract 92 - Nicholls-Colorado

\$6,500

You are authorized to negotiate options for the above-named tracts within amount now programmed.

If option obtained exceeds the authorized programmed amount, strong recommendations for acceptance must be submitted indicating reason for revised estimate and the justifications for acquisitions at the revised cost. The revised cost must be broken down to show land and improvement values. In this connection, please refer to our memorandum of July 23, Subject: Reprogramming of Land Acquisition - Land and Water Conservation Fund.

*filed*

|              |  |
|--------------|--|
| Mr. Tolson   |  |
| Mr. DeLoach  |  |
| Mr. Mohr     |  |
| Mr. Bishop   |  |
| Mr. Casper   |  |
| Mr. Callahan |  |
| Mr. Conrad   |  |
| Mr. Felt     |  |
| Mr. Gale     |  |
| Mr. Rosen    |  |
| Mr. Sullivan |  |
| Mr. Tavel    |  |
| Mr. Trotter  |  |
| Tele. Room   |  |
| Mr. Holmes   |  |
| Miss Gandy   |  |

11/1/65



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR

1709 Jackson -  
Omaha, Nebraska -68102

February 9, 1965

Memorandum

To: Regional Director, Midwest Region

From: Field Solicitor, Omaha

Subject: Title to Water from Well Located on Former Crawford  
MacKnight Property, Tract No. 78, Water Rights,  
Dinosaur National Monument

Pursuant to Acting Assistant Regional Director  
Duane D. Jacob's memorandum of February 2, 1965, subject  
above, I have examined the additional information furnished  
by the Superintendent and comment as follows:

A decree was entered on April 6, 1916 in the District  
Court of the State of Utah, Uintah County, in the case wherein  
E. B. Daniels was plaintiff and M. B. Morris, Josie Morris,  
and Crawford MacKnight were defendants. It is my understand-  
ing that Douglas Chew has purchased the property of E. B.  
Daniels which was involved in this law suit, and therefore,  
he has all the rights that formerly belonged to E. B. Daniels  
under the terms of the decree.

The decree generally held that the plaintiff is the  
owner and entitled to the use of all waters for irrigation  
and domestic purposes flowing in Cub Creek as well as all of  
its tributaries and feeding springs between the 10th Day of  
April and 10th Day of November of each and every year; and  
sufficient waters of said stream for his domestic and culin-  
ary purposes during the remainder of the year.

The defendants were perpetually enjoined from obstruct-  
ing the flow of said waters or in any manner from interfering  
with plaintiff's right to use same.

Specifically, questions presented here concern a  
spring which will hereinafter be designated as "Spring No. 2"  
and a well located near this spring. Spring No. 2 is located  
on property owned by Harry AuMiller.

|   |                |                                                              |
|---|----------------|--------------------------------------------------------------|
| ✓ | Reg. Director  | RETURN<br>TO<br>FILE<br>P<br>R<br>O<br>M<br>P<br>T<br>L<br>Y |
| ✓ | Mrs. Howe      |                                                              |
| ✓ | Cheney         |                                                              |
| ✓ | Administration |                                                              |
| ✓ | Coop. Ac.      |                                                              |
| ✓ | Pub. Affs.     |                                                              |
| ✓ | Development    |                                                              |
| ✓ | Records        |                                                              |
| ✓ | Field Office   |                                                              |
| ✓ | File           |                                                              |

MR. MATT  
MR. JACOBS

On September 5, 1946, Mr. AuMiller filed Application 18048 for appropriation of the water on three springs; one of which was Spring No. 2. The State Engineer's records disclose that he discussed the matter with Douglas Chew and confirmed that the water from Spring No. 2 had been used by Mrs. Morris with Chew's permission, and that he, Douglas Chew, had stated that he had no particular interest in Application No. 18048 and did not object to its approval. On the 8th Day of April, 1959, Certificate No. 5657 for the appropriation of the water from Spring No. 2 was granted to Harry AuMiller.

Thereafter, Harry AuMiller drilled a well near Spring No. 2, but by mistake the well was located on the land owned by Crawford MacKnight instead of AuMiller. On March 19, 1956, Harry AuMiller filed Application No. 27956 for the appropriation of the water from this well. No protests were filed after the submission of application with the State Engineer. However, mention was made of the court decree of 1916, and the controversy over applications No. 18048 and 18049. The Engineer's records disclose the following statement: "With-  
out protest by the owner of a decree, approval of a water  
right application by the State Engineer will be made as was  
the case in this situation." Certificate No. 5615 was issued  
on December 19, 1958. ✓

The situation as it now exists is that Douglas Chew now is entitled to all the rights of E. B. Daniels under the provisions of the 1916 decree. Harry AuMiller has two certificates from the State Engineer; one for the appropriation of the water of Spring No. 2 (Certificate No. 5657) and one for the appropriation of the water from the well (Certificate No. 5615) which is located on the Crawford MacKnight property. The well has considerably reduced the flow of water from Spring No. 2.

The Crawford MacKnight property has been purchased by Dinosaur Nature Association who in turn has optioned the property to the United States.

*the McKnight well*

Mr. Jacobs specifically asks whether Mr. AuMiller's water rights under Application No. 27956 and the Certificate granted pursuant thereto (Certificate No. 5615) is valid.

Section 73-3-19, Utah Code Annotated, 1953, provides that a court order must be obtained for the purpose of entering another's property for the purpose of constructing diversion works, and the applicant must file a bond and pay just compensation for any damage he may cause to the other property owner's land.

Evidently this procedure was not followed by AuMiller, if he believed he was drilling on his own land. Therefore, I am of the opinion that the certificate obtained by AuMiller for the use of the water of the well is not valid. I am also of the opinion that MacKnight who was the then owner of the property upon which the well was drilled did not obtain any rights to the flow from the well.

AuMiller probably has a valid certificate for the appropriation of the water from Spring No. 2. However, even this certificate's validity is somewhat clouded by reason of the fact that the 1916 decree gave Douglas Chew all rights to the flow of the water from Cub Creek, its tributaries, and feeding springs. Whether Chew's rather informal acquiescence in AuMiller's appropriation of the water from Spring No. 2 would overcome the provisions of the 1916 decree is somewhat problematical. Nevertheless, I am of the opinion that AuMiller's certificate for the use of the water from Spring No. 2 is valid. This, however, is a rather moot question since it is my understanding that the flow of water from Spring No. 2 has been so reduced by the flow of water from the well that it is practically negligible.

I would like to comment further on the overall picture presented by the above mentioned facts.

Your attention is called to the case of Silver King Consolidated Mining Company v. Sutton, 85 Utah 297, 39 Pac. (2d) 682.

2. Water and watercourses.

Burden is on one claiming subterranean waters discovered by him to prove by preponderance of evidence that he is not intercepting tributaries of appropriated streams or sources of prior appropriator's supply.

3. Water and watercourses.

Percolating waters, intercepted and brought to surface by owner of freehold, are property of such owner who may use them as he wishes and even divert for use elsewhere, in absence of valid claim thereto by prior appropriator under federal or state law or by adjacent landowner by virtue of common or correlative interest.

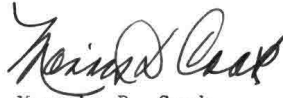
4. Water and watercourses.

Appropriators of waters of natural springs and streams acquire interest or right in waters feeding or

supplying them, though percolating in privately owned ground, where lands supplying such waters were part of public domain at time of appropriation.

It is my opinion that the 1916 decree is almost all inclusive and if a contest developed between the United States and Douglas Chew concerning the rights of the United States to the subterranean waters underneath the Crawford MacNight property or AuMiller's property, the burden of proof would be on the United States to prove that the subterranean waters did not feed the waters of Cub Creek. It is my opinion that it is very doubtful if the United States would be successful if such a contest developed.

Therefore, if the United States through the National Park Service purchases the Crawford MacNight and the AuMiller properties, for all practical purposes it must be prepared to secure the consent of Douglas Chew if the United States intends to drill wells on these properties or defend a suit by him. The issue in this suit would probably be whether the wells were tapping the underground water supply of Cub Creek.



Morris D. Cook  
Field Solicitor

L54  
MWR(OL)

FEB 2 1965

Memorandum

To: Morris D. Cook, Field Solicitor  
From: Acting Assistant Regional Director  
Subject: Title to Water from Well Located on Former Crawford  
MacKnight Property, Tract No. 78, Water Rights, Dinosaur

Enclosed is a map showing the location of the well that was drilled by Mr. AuMiller on the MacKnight property, which is quite close to Spring No. 2. Also, the following information is enclosed:

1. Copy of memorandum from Ranger Todd concerning the granting of water rights to AuMiller by the State Engineer.
2. Complaint and amended complaint by E. B. Daniels, and the answer and amended answer of Morris and MacKnight, respectively.
3. One copy each of Water Applications Nos. 18049, 24772 and 24784 and relevant correspondence.
4. File L-54 containing copy of Application No. 27956.

Mr. Mott telephoned Mr. Donald G. Stewart, Appropriations Engineer, State Engineer's Office, Salt Lake City and inquired regarding State regulations on drilling a well near a stream and its relation to appropriations of stream waters. Mr. Stewart advised, under the State Engineer's Office policy, a permit is granted to drill a test well. Then the test well must be abandoned and filled up. If suitable water is found in the test well, an application for Permit to Appropriation of Water is filed with the State Engineer. Based upon analysis of test well data and determination that unappropriated waters are available, then a water supply well may be drilled. Stewart said it might be possible to purchase a water right if the entire drainage supply is appropriated and transfer the right to a well.

We shall appreciate legal opinion as to whether Mr. AuMiller's water right under Application No. 27956 for water from the well on MacKnight property is valid.

Acting Assistant Regional Director

Enclosures



IN REPLY REFER TO:

L1425

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Dinosaur National Monument  
Artesia, Colorado

January 8, 1965

|  |                  |  |
|--|------------------|--|
|  | Reg. Director    |  |
|  | Mrs. H. W.       |  |
|  | C. R. O.         |  |
|  | Acme Co.         |  |
|  | Coos, A.C.       |  |
|  | Tub. H.          |  |
|  | H. L. M.         |  |
|  | H. C. S.         |  |
|  | World Ser. 1-160 |  |
|  |                  |  |
|  |                  |  |
|  | Action taken     |  |
|  |                  |  |
|  |                  |  |
|  | Rite             |  |

## Memorandum

To: Regional Director, Midwest Region

From: Acting Superintendent, Dinosaur

Subject: Purchase of Tract 78, Crawford MacKnight, Five Acres by  
Dinosaur Nature Association

The subject tract was purchased on January 7 for \$1500 by the Dinosaur Nature Association for the purpose of sale to the Government at a later date when funds are available. To carry out this transaction there are enclosed the original and two signed copies, together with five conformed copies of a 12 month option for the Government to purchase the tract from the Association at a price of \$1500 plus expenses involved.

We hope funds will be available for this purchase at some time during the unusually long option period.

James E. Jones  
James E. Jones  
Acting Superintendent

In dupl. w/enclosures (8)

C.C. MAILED TO  
BY  
DATE

E# 12-21

11425 MMR (CH)

December 21, 1964

Memorandum

To: Field Solicitor Morris D. Cook, Omaha  
From: Regional Chief, Division of Land and Water Rights  
Subject: Title papers, Tract 78, MacKnight, Dinosaur

Enclosed, with a copy of Mr. Semingsen's memorandum of December 15, 1964, are the instruments listed therein.

This property was formerly under option to the United States carrying an expiration date in January 1965. Our Washington Office has released the option due to lack of funds and has authorized acquisition of this tract by the Dinosaur Nature Association.

The enclosed instruments have been submitted for examination to determine whether there may be anything that may serve to make acquisition by the Dinosaur Nature Association a questionable undertaking.

Your opinion as to whether there appears to be any insurmountable difficulties in the Association's eventually conveying the property to the United States would be appreciated.

(Sgd) John F. Aiton

John F. Aiton

Enclosures



L1425 DINO  
MacKnight

UNITED STATES  
DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR  
1709 Jackson Street  
Omaha, Nebraska 68102

December 21, 1964

IN REPLY REFER TO:

L1425 MWR(OL)

|              |  |
|--------------|--|
| Mr. Tolson   |  |
| Mr. DeLoach  |  |
| Mr. Mohr     |  |
| Mr. Bishop   |  |
| Mr. Casper   |  |
| Mr. Callahan |  |
| Mr. Conrad   |  |
| Mr. Felt     |  |
| Mr. Gale     |  |
| Mr. Rosen    |  |
| Mr. Sullivan |  |
| Mr. Tavel    |  |
| Mr. Trotter  |  |
| Tele. Room   |  |
| Mr. Holmes   |  |
| Miss Gandy   |  |

Mr. John F. Aiton

Memorandum

To: Regional Director, Midwest Region

From: Field Solicitor, Omaha

Subject: Title Papers, Tract 78, MacKnight, Dinosaur

Mr. John F. Aiton, Regional Chief, Division of Land and Water Rights, has requested an opinion as to the sufficiency of the subject papers. My review of these documents discloses the following:

1. The Abstract of Title as certified on December 9, 1964 at 4:30 p.m., discloses the title to the property to be in the name of Crawford G. MacKnight, subject to the following:
  - (a) In March, 1916, in a case in which E. B. Daniels was Plaintiff, vs. M. B. Morris, Josie Morris and Crawford MacKnight were Defendants, a Decree was entered in the District Court of the Fourth Judicial District, in and for Uintah County, State of Utah. This Decree, generally held that the Defendants were not entitled to any of the water from Cub Creek or Daniels Creek as well as all of their tributaries and feeding springs and that the Plaintiff was entitled to all of these water rights. I believe that the Certificate of the Abstract Company may be in error in this regard. In any event, the Abstract does not show this Court Proceeding. It is my opinion that this Court Proceeding should be shown in the Abstract.
2. The Warranty Deed cites that the Notary Public lives in Vernal, Utah. As you are aware, the Notary Public who takes an acknowledgment may live anywhere in the United States, providing the persons making the acknowledgment actually appear before him. Therefore, the Warranty Deed may be correct depending on the circumstances.
3. I concur with the suggested changes numbered 2 and 3 in the Superintendent's memorandum of December 15, 1964. As to Change No. 1 - See Paragraph 2.

copy  
L1425 DINO-Notary  
1950-

copy of report forwarded 12-23-64

4. If the Dinosaur Nature Association purchases the land, the Certificate and Report of Possessory Rights and Inspection and Possession should be dated after the recordation date of the Deed to the Nature Association.
5. If the Dinosaur Nature Association purchases this property, it will purchase same subject to all of the rights of E. B. Daniels or his successor in title to the water rights, and it is possible that the Association will not secure any water rights whatsoever when the property is transferred. This will result in the necessity of either the Association or later the United States purchasing water rights from E. B. Daniels or his successor in title thereto.

  
Morris D. Cook  
Field Solicitor

COPY

COPY

UNITED STATES  
DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR  
DENVER REGIONAL OFFICE

Nov 25, 1964

Memorandum

To: Field Solicitor, Omaha Nebraska

From: Regional Solicitor

Subject: Purchase by the United States of 5 Acres of land owned  
by Crawford MacKnight in Dinosaur National Monument.

In response to your memorandum of November 18th to us in connection  
with the above subject, you are advised that in our opinion the  
answers to the questions which you ask are as follows:

First. You ask: "Does AuMiller have any right to the flow of the  
artesian well since it was drilled on the MacKnight property?"

In our opinion he would not have any right to the water unless he  
is now the owner of the water right decreed to E.B. Daniels by the  
decree of April 6th, 1916. From the decree we cannot determine the  
legal description of the lands involved because the decree merely  
refers to "the lands described in the plaintiff's complaint."

Further, under the provisions of Section 73-3-10, Utah Code, Annotated,  
1953, a court order can be obtained for the purpose of entering another's  
property for the purpose of construction diversion works, but the  
applicant must file a bond, and pay just compensation for any damage he may  
cause to the other property owner's land. This procedure probably was  
not followed by Aumiller if he believed he was drilling on his own land.

Second. You ask: "Does MacKnight have or can he obtain any right to the use  
of this well since it apparently is the underground water supply to  
Cub Creek?"

Our answer, for the reasons stated above, is that MacKnight cannot use  
this well unless he can make some arrangement with whomever is now  
the owner of the 1916 decree right because that decree clearly states:  
"the defendants have no right to divert any of the waters of said Cub  
or Daniels Creek or any of its tributaries or feeding springs."

Third. You ask: "Question No. 2; as it applies to any subsequent wells  
drilled on the MacKnight property?"

Under the Utah Code, Section 73, if the National Park Service plans to drill any further wells on the MacKnight property, an application would have to be filed with the Utah State Engineer, and he would have to determine if there was any unappropriated water available. In view of the provisions of the 1916 decree we do not see how he could find there was any unappropriated water available.

Fourth. You ask: "Is Aumiller's claim to the water of the two springs valid or does the 1916 decree invalidate all claims to the underground water supply of this water shed? This question is especially pertinent to MacKnight since he was a party defendant."

As we have indicated above, we think the 1916 decree is valid, and that Aumiller's claims are probably invalid unless he is the owner of the original E.B. Daniels 1916 decreed right.

Since 1903 Utah has had the statutory requirement that permits for use of water within the State have to be obtained from the State Engineer. However, it was not until 1919 that the legislature enacted laws setting specific procedures for the holding of hearings, appeals from the State Engineer to the courts, etc.

Because the E.B. Daniels decree was handed down in 1916, it may be that when Aumiller made his applications for permits in the years 1958 and 1959, the State Engineer was unaware of the 1916 decree. Also, under the Utah statutes the State Engineer is limited in his determination as to whether there is surplus unappropriated water available. If two claimants already have permits or decrees for the same water, the State Engineer has no authority to determine which party has the earlier priority. That question must be settled between the parties in a court action brought for that specific purpose.

When Aumiller applied for the permits in 1958 and 1959 he would have been required to give notice to all parties who might have a competing interest in the water which he was claiming, and if protests were filed by such parties then the State Engineer would have to have a formal hearing to determine if there was any unappropriated water available. The National Park people should therefore check the records with the State Engineer and determine what evidence, if any, was submitted by Aumiller in support of his application for the permits.

Also, along this line, it is interesting to note that Chapter 73-3-1 of the Utah Code provides, in part: "No right to the use of water either appropriated or unappropriated can be acquired by adverse use or adverse possession." Therefore, if Aumiller does not own the original E.B. Daniels decreed rights of 1916, he cannot claim adverse possession against whomever may own such rights currently. This has been the law in Utah since 1935, and the rule is that if in fact a water right is abandoned, a new application must be filed for the use of the abandoned water.

Because of the foregoing circumstances, it appears to us that you cannot fully answer the questions the National Park Service has raised until we have further information: (a) who now owns the E.B. Daniels decreed water rights of 1916, and (b) what took place before the State Engineer when he granted AuMiller the permits in 1958 and 1959.

If the National Park Service wants the MacKnight land for the establishment of a campground, the problem ultimately may resolve itself to a matter of purchasing a water right from whomever the owners of the E.B. Daniels 1916 water rights may be. This would be permissible under the Utah Code particularly if the water is desired primarily for domestic purposes. Utah, like nearly all of the Western States, gives a priority for domestic use over other uses such as industrial and agriculture.

If you have the Pacific Reporter Series available to you, you might take a look at the case of Silver King Consolidated Mining Company vs. Sutton, 85 Utah 297, or 39 Pac. (2d) 682. This case pretty well sums up the Utah law with respect to acquiring rights to water from springs, tunnels, etc.

When you have more specific information concerning this matter, please communicate with us again, and we will endeavor to find a solution for the problems involved.

C. Eynon  
For the Regional Solicitor.

Dinosaur National Monument  
November 19, 1964

Memorandum

To: Chief Ranger

From: Acting District Ranger Todd, Green River District

Subject: Water Rights, Macknight Property

|                |  |
|----------------|--|
| Reg. Director  |  |
| Mrs. Howe      |  |
| Operations     |  |
| Administration |  |
| Coop. Act.     |  |
| Pub. Affairs   |  |
| Development    |  |
| Rec. Mgmt.     |  |
| Field Solic.   |  |
| Action Taken   |  |
| File           |  |

RETURN TO FILES PROMPTLY

*John J. H. S.*

*X M. H.*

Answers to questions in your memo of 11/18/64 are nebulous due to the passage of time. I had previously talked with Crawford MacKnight and Dean Chew about this and both accept, without question, status of water right use as awarded in the court decree of 1916. Information obtained to date includes:

1. Harry AuMiller did not obtain permission from Jossie Morris or her son, Crawford, prior to drilling the well as both parties were under the impression the site selected was on the AuMiller property. However, Mr. AuMiller did obtain verbal permission from Doug Chew to file for a water right on this water source, which had been allotted to the Chew ranch in the court decree. It must be remembered that the well in question was drilled adjacent to a spring with the thought of improving the spring flow by casing down to its underground source.
2. Technically, yes, water from the spring does flow into Cub Creek. Water flows from the spring into a pond with the pond outflow ditched into the meadow. From here the water combines with other seeps in the area and seeps through a bog area which extends to Cub Creek.
3. Court decree of 1916 -
  - a. Crawford MacKnight was named a defendant on behalf of his mother, Mrs. Jossie Morris.
  - b. Daniels complaint was against the continued diversion and use of waters which fed into Cub Creek and/or diversion and use of water in Cub Creek proper. Apparently this flagrant use of water, which was under prior appropriation, continued until a court order was required to stop it.
  - c. Mrs. Morris and Crawford MacKnight felt that they also had a right to use a portion of water in the Cub Creek drainage. It evolved into a situation which required determination by the courts of the land.

*James W. Todd*

James W. Todd  
Acting District Ranger

Memorandum

From: Acting Assistant Regional Director, Midwest Region

Subject: Alien Water Right Docket No. 4 for Harry AuMiller,  
Dinosaur National Monument

Recently we requested the Field Solicitor to furnish his opinion concerning the title to and use of water from a drilled well located on a five-acre tract which belongs to Crawford MacKnight.

We are distributing copies of the assembly to the area and also to WODC. We shall appreciate your review of this assembly and any comments which you may have regarding the content or additional information which should be obtained to completely record the rights to the water supply. We will advise your Office of the Field Solicitor's opinion when received.

(Sqd) Edwin C. Alberts

Acting Assistant Regional Director

In duplicate

cc:  
Chief, WODC - 2  
Superintendent, Dinosaur

[illegible]

43-62-21 ~~Final~~  
b2: 11/22/77 ~~Final~~



UNITED STATES  
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

MIDWEST REGION

1709 Jackson Street  
Omaha, Nebraska 68102

NOV 10 1964

Memorandum

To: Field Solicitor

From: Acting Assistant Regional Director

Subject: Title to Water From the Well Located on Crawford MacKnight Property, Tract No. 78, 5.00 Acres, Water Rights, Minnesota

Enclosed are copies of memorandums from the Superintendent dated October 26, 1964 and James W. Todd, District Ranger, dated September 25 and October 3, 1964, together with a Plat of a Survey, copies of Certificates of Appropriation of Water Applications Nos. 27950 and 18048 listing Harry AuMiller as the Appropriator, and files L-1425 for Harry AuMiller and Crawford MacKnight.

The subject tract is located in the SE $\frac{1}{4}$ , Sec. 35, T. 4 S., R. 24E., S18M., which lies within the boundaries of Dinosaur National Monument and consists of 5.00 acres of land.

Harry AuMiller seemingly drilled a well within the MacKnight property, Tract No. 78, and obtained an artesian flow at about 30' of depth. This well is located approximately 14' west of the east boundary of the Crawford MacKnight property. It was reported that when this well was drilled, it produced a flowing supply and affected a nearby spring which diminished its flow to a bare seep. Mr. AuMiller drilled this well within the Crawford MacKnight Property, either by permission or due to a lack of respect to the property boundary.

A Court Decree was issued on April 6, 1916, in the District Court of the Fourth Judicial District in and for Uintah County, State of Utah, Civil No. 754, favoring E. B. Daniels, Plaintiff vs. M. B. Morris, Josie Morris, and Crawford MacKnight, Defendants. The decree grants to the plaintiff a right of way leading along the course of the said Cub Creek or Daniels Creek, and all of its tributaries, and leading to the feeding springs thereof, sufficient in width for the purpose of cleaning the channels thereof by the use of a team of horses, or otherwise.

It appears in the second paragraph on Page 2 of the Decree that all waters in said Cub Creek or Daniels Creek or any of its tributaries or feeding springs that the defendants have no right to obstruct the flow of water in said Cub or Daniels Creek, above the lands of plaintiff described in plaintiff's complaint, so as to prevent any of the waters flowing in said Cub Creek or Daniels Creek from passing in the channel of the said Creek to and upon the lands of plaintiff, described in said complaint, between the 10th day of April and the 10th day of November, of any year.

It appears that E. B. Daniels, plaintiff, has title to all water which flows in or into Cub Creek or Daniels Creek to irrigate plaintiff's land.

We shall appreciate your opinion upon the development and use of the water from a well drilled within the subject 5.00 acres tract. Depending upon the location of a new well, whether or not it would affect the existing flowing well, it would be considered interference with E. B. Daniels' rights to the flow in Cub Creek. Unless Harry AuMiller had consent to drill the well on the Crawford MacKnight property, it would seem that he would have no title to the water from the well.

(s) John F. Allen

Acting Assistant Regional Director

Enclosures



UNITED STATES  
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE  
MIDWEST REGION  
1709 Jackson Street  
Omaha, Nebraska 68102

IN REPLY REFER TO:  
L1425  
MWR (OL)

NOV 2 1964

*[Handwritten signatures and initials]*

Memorandum

To: The Director

From: Acting Regional Director, Midwest Region

Subject: Crawford MacKnight, Tract 78, Dinosaur U.S.A. DEED #20

We have an option on this tract expiring January 21, 1965. In discussing this matter with Messrs. Semingsen and Barrows they requested a release of the option so it may be purchased by the Dinosaur Nature Association.

It appears the owner needs the money for this property and they have been contacted concerning payment. As no funds are available to accept the option, we recommend that it be cancelled and that we be notified as early as it is convenient to do so.

In this connection, it is planned that the Dinosaur Nature Association will acquire the property and then sign an option to the United States for a period of one year at a figure representing the actual cost to the Association of acquiring the land and transferring title.

Please advise whether you are in agreement with this proposal.

*Fred G. Novak*  
Acting Regional Director

In duplicate

cc:  
Superintendent, Dinosaur



IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
Dinosaur National Monument  
Artesia, Colorado

October 26, 1964

*Pls discuss*

|              |  |
|--------------|--|
| Mr. Howe     |  |
| Mr. Egan     |  |
| Mr. Aumonier |  |
| Mr. Cooper   |  |
| Mr. Felt     |  |
| Mr. Galt     |  |
| Mr. Rosen    |  |
| Mr. Sullivan |  |
| Mr. Tavel    |  |
| Mr. Trotter  |  |
| Tele. Room   |  |
| Mr. Holloman |  |
| Miss Gandy   |  |
| File         |  |

*W.D.P.*

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Dinosaur

Subject: Harry AuMiller Property, Tract No. 77, 271.99 Acres and  
Crawford MacKnight Property, Tract No. 78, 5.00 Acres,  
Water Rights, Dinosaur

As suggested in Mr. Aiton's memo of October 13, we enclose the following data in duplicate pertaining to the subject water rights:

Memo from Ranger Todd, dated 9/25, stating there is only one water right, Certificate A-27956, on the water well and that there is not a number A-27958.

Memo from Ranger Todd, dated 10/3, clarifying the location of a water well and two springs. Sketch map attached.

Copy of a survey plot made by Nelson J. Marshall, Registered Land Surveyor showing the water well is located on Tract 78, MacKnight.

Copy of Water Certificate A-27956.

Copy of Water Certificate A-18048.

You have a copy of the Court Decree, #754, which we cannot duplicate and which appropriates all water in Cub Creek and tributaries to E. B. Daniels. This right is now owned by Dean and Douglas Chew who use water from said creek at their ranch downstream. The decree was enclosed with our memo of August 24.

It appears to us a legal opinion is required to determine whether the water from the well belongs to Dean & Douglas Chew by Court Decree or to Harry AuMiller by appropriation or to Crawford MacKnight because of land ownership. We understand water is not appurtenant to the land in Colorado but we do not know how this principle applies to wells.

Harry AuMiller has told us he had the well drilled to a depth of 300 feet but the only water was the artesian flow found at 30 feet. He drilled deeper in hope of finding an increase in quantity.

|              |
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| CC MAILED TO |
|--------------|

No definite location has been determined for the proposed campground but it is obvious it will be on the MacKnight and AuMiller lands when they are acquired, because of good soil, vegetation including grass and trees and the availability of water.

We will appreciate your early decision about purchasing the MacKnight tract with water or land acquisition funds as the option expires January 21, 1965. If funds are not available we recommend this tract be purchased by the Dinosaur Nature Association for later sale to the Government. Should it be necessary for the Nature Association to pick up this option we will appreciate your authority to proceed with this transaction along with any special instructions you may wish to present.

  
Earl M. Semingsen  
Superintendent

In duplicate  
w/enclosures (5)

cc:  
Todd

Dinosaur National Monument  
October 3, 1964

*E. Cook*

Memorandum

To: Superintendent; through Chief Ranger  
From: Acting Green River District Ranger Todd  
Subject: Water Sources on and Adjacent to Tract # 78, MacKnight

In an attempt to secure information on water rights to all water sources within the Cub Creek drainage, a complete search was made of records in the Uintah County recorders office and also the office of the State Engineer in Vernal. To the best of our knowledge, Doug and Dean Chew inherited a water right to Cub Creek and all of its tributaries and feeding springs, including South Fork, with the purchase of the ranch which they now own. These water rights became effective with the decree in favor of M. R. Daniels on April 6, 1916 for the waters of Cub Creek, and the issuance of Certificate Number 239 to William Moore on October 28, 1916 for water originating in South Fork.

On March 19, 1956, Harry AuMiller was issued Certificate Number 5615 for his water right application number 27956. This application pertains to one flowing well located on the Crawford MacKnight property, tract number 78. In discussing this with Mr. MacKnight, it was determined that Mr. AuMiller hired a well driller to drill and case this well, which was located approximately eleven feet above and Northwest from a flowing spring. When the well was completed, water flowed to the surface in the well casing and the adjacent spring ceased to run except for a small seep.

On October 2, 1958, Harry AuMiller filed application number 18048 and was issued certificate number 5657 for water rights on two springs, as shown by the enclosed map. It is spring number 2, as listed on the application, which applies to the seep now emerging from the source which was flowing prior to drilling the well. Apparently, spring number 2 of application number 18048 and the flowing well of application number 27956 refer to the same source of water. Also, each specifies the same flow and this is not actually the case.

Ranger Steele and myself used a transit and stadia rod to determine these three sources of water as described. The well and seep from spring number 2 flow into a pond at the SE corner of Tract # 78. With a bucket and watch it was determined that a very slight increase in outflow over inflow existed at the pond. This would possibly indicate seeps into the pond from other sources. The area to the East and South of Tract # 78 is wet and boggy from numerous seeps.

Future campground sites could possibly be located on and adjoining Tracts 77 and 78, as compared to previously indicated sites near Cub Creek. Cub Creek proper is presently cut with steep ten to fifteen foot banks on both sides.

In conjunction with a campground site spring number 1 as listed on application number 18048, emerges North and West of Tract # 78 at the base of the mountain in a small steep sided canyon. It flows approximately 80 feet into a small reservoir with headgate. At present, the headgate is open to allow all water to flow through unrestricted. Also, there is another spring of the approximate same size located one-half mile East in Hog Canyon. This latter spring is appropriated under the Decree of 1916 for use by Doug Chew.

*James W. Todd*

James W. Todd  
Acting District Ranger

September 28, 1964

LS4-SLW

Memorandum

To: Regional Director, Midwest Region

From: Chief, Division of Land and Water Rights

Subject: Harry AuMiller Property, Tract No. 77, 271.99 acres; Crawford  
MackKnight Property, Tract NO. 68, 5.00 acres; Water Rights,  
Dinosaur

Please refer to Mr. Baggley's memorandum of September 10, and Mr. Novak's memorandum of September 18, and Mr. Semingsen's memorandum of August 24 on the MacKnight property, and to the Misley appraisal report.

Mr. Baggley's memorandum points out that the Misley appraisal report did not consider Certificate 5657 (Application 18048) in the valuation of the AuMiller tract and suggests that such consideration might result in an upward revision of the valuation. However, a check of the appraisal report against the information in the certificates does not bear this out, but rather seems to indicate that the valuation is a generous one. The information on water rights and water sources is somewhat contradictory and should be straightened out before any further action is taken.

The appraisal report refers to an artesian well, 300 feet deep and 6 inches in diameter, and a spring as the sources of irrigation water. It also mentions a second well and "water from the springs and from the wells." Certificate 5615 (Application 27956) is for a 6-inch flowing (artesian) well only 30 feet deep. The rate of flow (assuming the right is for the entire flow) is only 0.00727 c.f.s. or about 3½ gpm. Certificate 5657 is for a flow of .0421 c.f.s., or about 18.9 gpm from two springs, to irrigate 18.93 acres, of which 0.23 acres is irrigated before the flow reaches an "equalizer." Certificate 5615 states that the flow of the well is commingled with the flow from the springs at the "equalizer" to irrigate 18.64 acres of land. These figures check within 0.06 acre and we conclude that about 22½ gpm are available to irrigate about 19 acres of land. On this basis the computed duty of water is only about 1.1 feet per season, a relatively low figure.

The valuation in the appraisal report is based on 30 acres of irrigated land at \$200 per acre. The report states that some of the land is subirrigated, which we assume is by underseepage from the spring area. If the report is correct, about 11 acres must be subirrigated. This

seems rather high in view of the topography, but, in any case, more than 30 acres cannot be irrigated with the available water. Therefore, if the figure of \$200 per acre for irrigated land is not changed, the total valuation will not change.

The appraisal report of the MacKnight tract states that "the value of the property would be in the land and due to its location next to the springs and the well." Presumably the springs and the well are those of AuMiller and not MacKnight. Further, the entire 5 acres of the MacKnight tract are valued at \$200 per acre, the same as irrigated land of the AuMiller tract yet the land is only partly irrigated "enough for a garden plot and a few trees." The source of this water is not given and apparently no water right application has been filed. It seems difficult to justify the \$200 per acre valuation of the land in comparison to the surrounding AuMiller tract.

On the basis of present information, we agree with Mr. Novak's conclusion that the only water rights attached to the MacKnight property would pertain to any existing wells. Mr. Semingsen indicates that a survey of existing water sources on the MacKnight property will be made and it is suggested that the survey include the AuMiller tract as well.

We have inserted our copies of the decree in Civil No. 754 and the AuMiller Certificates 5615 and 5657 in a temporary docket until such time as Mr. Mott can set up and distribute an alien water right docket.

(SGD) DONALD E. LEE

cc:  
Superintendent, Dinosaurs  
Chief, WODC (2)  
Land and Water Rights  
Mr. Reed

EWReed:ljc

September 25, 1964

To: Superintendent  
From: Park Ranger Todd

Subject: Well on Macknight property

*Encls*  
*To trust file*

After again checking with the county recorder and the State Engineer in Vernal, it was determined that no Application No. A-27958 existed within Uintah County. I then called Mr. Nelson Marshall, the land surveyor who determined the boundaries of the Crawford Macknight property. He stated he had read the number from the side of the casing on the well as shown on his survey map.

With this information, I went to the location this morning (9/25/64) and checked the number he had indicated. It was found that an error had been made in reading the final number. The 6 had been mistaken for an 8. Hence there is no A-27958 as previously stated and the well listed on application number 27956 is as shown on survey map.

The two springs listed on Application Number 18048 will be determined as to location in the near future as requested.

*James W. Todd*

James W. Todd  
Acting District Ranger



IN REPLY REFER TO

L1425

*DINO*  
*MacKnight*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
Dinosaur National Monument  
Artesia, Colorado

July 21, 1964

Memorandum

To: Regional Director, Midwest Region  
From: Superintendent, Dinosaur  
Subject: Option, Crawford MacKnight Property, Tract 78,  
5 Acres, more or less, Dinosaur National Monument

Enclosed are the original and two signed copies of the subject option along with five conformed copies. The agreed purchase price is \$1500 which is well below \$1650 which was authorized in Mr. Sander's memo of August 14, 1963.

This tract is located in the Cub Creek area where a large campground is planned adjacent to the Blue Mountain road, the first section of which is programmed for construction during the current fiscal year. Josie Morris lived in a cabin on this tract until she passed away in late May after having broken her hip earlier in the year. She was some 92 years of age and was the mother of Crawford who is 71. The five acres is surrounded by land belonging to Harry AuMiller who has been trying to purchase it since Josie died. Also Crawford stated he had a legitimate offer from another party and has had the tract appraised at his bank.

In view of the circumstances we are fortunate to have obtained the option and believe it is obvious that this is an important acquisition even though it is the smallest tract in the Monument.

We recommend acceptance of the option, which is in force for six months, and we will appreciate telegraphic advice when it is signed by the Assistant Director.

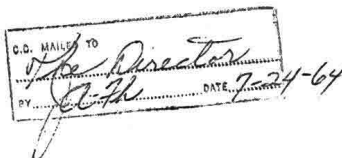
*Earl M. Semingsen*  
Earl M. Semingsen  
Superintendent

In duplicate  
Enclosures: 8

①

|                |                     |
|----------------|---------------------|
| Reg. Director  |                     |
| Mrs. Howe      |                     |
| Operations     |                     |
| Administration |                     |
| Coop. Act.     |                     |
| Pub. Affairs   |                     |
| Development    |                     |
| Records        |                     |
| Files          |                     |
| Action taken   | <i>Memo to</i>      |
| File           | <i>The Director</i> |

RETURN TO FILES PROCLY





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
MIDWEST REGION  
1709 Jackson Street  
Omaha 2, Nebraska

IN REPLY REFER TO:

L1425 DINO  
(MacKnight)

AUG 6 - 1963

Memorandum

To: Regional Director *Feb 8/7*  
Through: Acting Assistant Regional Director, Resource Planning *HR*  
From: Regional Chief of Lands  
Subject: Appraisal Report, Tract No. 78, 5 acres, Crawford MacKnight, Dinosaur

The subject property has been appraised and I recommend you sign the attached memorandum to the Director containing our recommendations.

The following information attaches to Tract No. 78.

Location and Acreage

This 5-acre tract is situated within the external boundaries of the AuMiller tract, No. 77, and within the boundaries of Dinosaur National Monument. The property is located approximately 7 miles east and about 1-1/4 miles south of the Quarry.

Description

The appraiser describes the tract as partly irrigated with improvements consisting of an old house in very, very poor condition, not modern and of very little value. A party by the name of Josie Morris, now reported to be in her nineties, occupies the house.

Present Owner

Crawford MacKnight.

Reasons for Purchase

Property is located in area where a large campground is proposed along the route of a proposed road from the Quarry to Harpers Corner. Acquisition of this tract in advance will prevent deferring construction of public facilities.

Appraisals

The appraiser assigns a value of \$1,500 to the tract indicating the value of the building to be approximately \$500.

He points to the difficulty of selling a small tract of this size due to its remote location. The highest and best use would apparently be in connection with the surrounding privately-owned property.

Conditions of Purchase

Purchase is to be on the basis of title in fee simple, with lifetime estate for Josie Morris, providing Josie Morris is living at time of acquisition. She is reported to be in her nineties.

Encumbrances

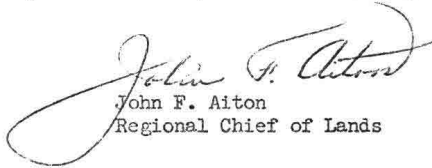
None known other than some apparent arrangement between owner and occupant for continuing occupancy.

Disposition of Improvements

Ultimate removal with timing tied to extent of the life estate.

Regional Office Review

Reviewed by Field Solicitor, Assistant Regional Director, CIU, and Acting Assistant Regional Director, Resource Planning.

  
John F. Aiton  
Regional Chief of Lands

Attachment

cc:  
The Director  
Superintendent, Dinosaur

Cleared for Distribution:

 Date 1/7/63  
Regional Director

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Dinosaur National Monument  
P.O. Box 101, Artesia, Colorado

July 29, 1963

11425 (Aumiller)  
11425 (McKnight)

Memorandum

To: Regional Director, Midwest Region  
From: Superintendent, Dinosaur  
Subject: Appraisals: Tract 77, Harry A. Aumiller, 271.99 acres, and  
Tract 78, Crawford McKnight, 5 acres, Dinosaur NM

As authorized in Mr. Aiton's memorandum of January 9, we have obtained the subject appraisals from Frank Wisley, Jr., M.A.I., and two of each are enclosed.

Mr. Wisley's valuations are as follows:

|                              |   |              |   |          |
|------------------------------|---|--------------|---|----------|
| Tract 77 - Harry A. Aumiller | - | 271.99 acres | - | \$14,500 |
| Tract 78 - Crawford McKnight | - | 5.00 acres   | - | 1,500    |

Both of these tracts are located on Cub Creek in the southwest portion of the Monument where a large campground is planned along the route of a proposed road from the Quarry to Harpers Corner. Acquisition of these tracts is mandatory for campground development as well as right of way for the aforesaid road construction, which should not be started until this land and two parcels belonging to the State of Utah are acquired.

Harry Aumiller has offered to sell his property to us at \$100 per acre which is considerably above the appraised price but we may be able to obtain an option within the probably authorization. Crawford McKnight may be agreeable to a sale with a life tenure proviso to Josie Morris if she is alive at the time we are authorized to negotiate.

We recommend Mr. Wisley's valuations be accepted as a basis for negotiation and request authority to option these tracts at the best price obtainable but not to exceed 10% above the appraised prices, say a maximum of \$16,000 for the Aumiller tract and \$1650 for the McKnight parcel.

Earl M. Semingsen  
Superintendent

In dupl.  
w/attachments



8. 112103  
RECEIVED  
NATIONAL PARK SERVICE  
WASHINGTON, D.C.  
JAN 2 9:37 AM '63  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
MIDWEST REGION  
1709 Jackson Street  
Omaha 2, Nebraska  
DEC 27 1962

IN REPLY REFER TO:

L1425-DINO  
AuMiller  
MacKnight

4 copies  
needed for book  
new specs  
copies later

J. E. Lee  
Sandt  
Ginnie  
C. Smith

Memorandum

To: The Director  
From: Acting Regional Director, Midwest Region  
Subject: Request to Appraise Tract 77, 271.99 Acres, Harry A. AuMiller, and Tract 78, 5 acres, Crawford MacKnight, within Dinosaur National Monument

Enclosed is a copy of Mr. Semingsen's memorandum dated December 12, 1962, requesting authority to appraise the subject tracts.

Tract No. 77 is described as strategic in that it is the best location for a campground along the proposed road from the Quarry to Blue Mountain. Acquisition would eliminate grazing of 150 sheep from May 1 to October 31 each year, and would also eliminate the possibility of subdivision.

Tract No. 78 is a 5-acre parcel within Tract No. 77, having been deeded out to Crawford MacKnight. It is presently occupied by a Jessie Morris, 89 or 90 years old. It is proposed to negotiate for this tract on the basis of a life tenure by Jessie Morris.

Estimated cost of appraising these two tracts is \$150.00. Mr. Semingsen advises that the owner of Tract No. 77 desires \$100 an acre but believes the land can be acquired at a more reasonable figure.

Should the fund situation permit, we recommend authorization be granted to appraise these tracts.

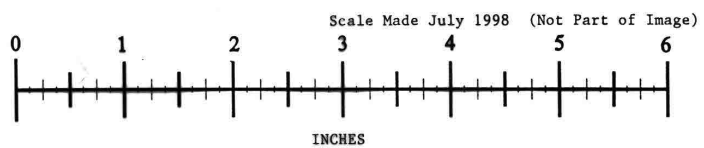
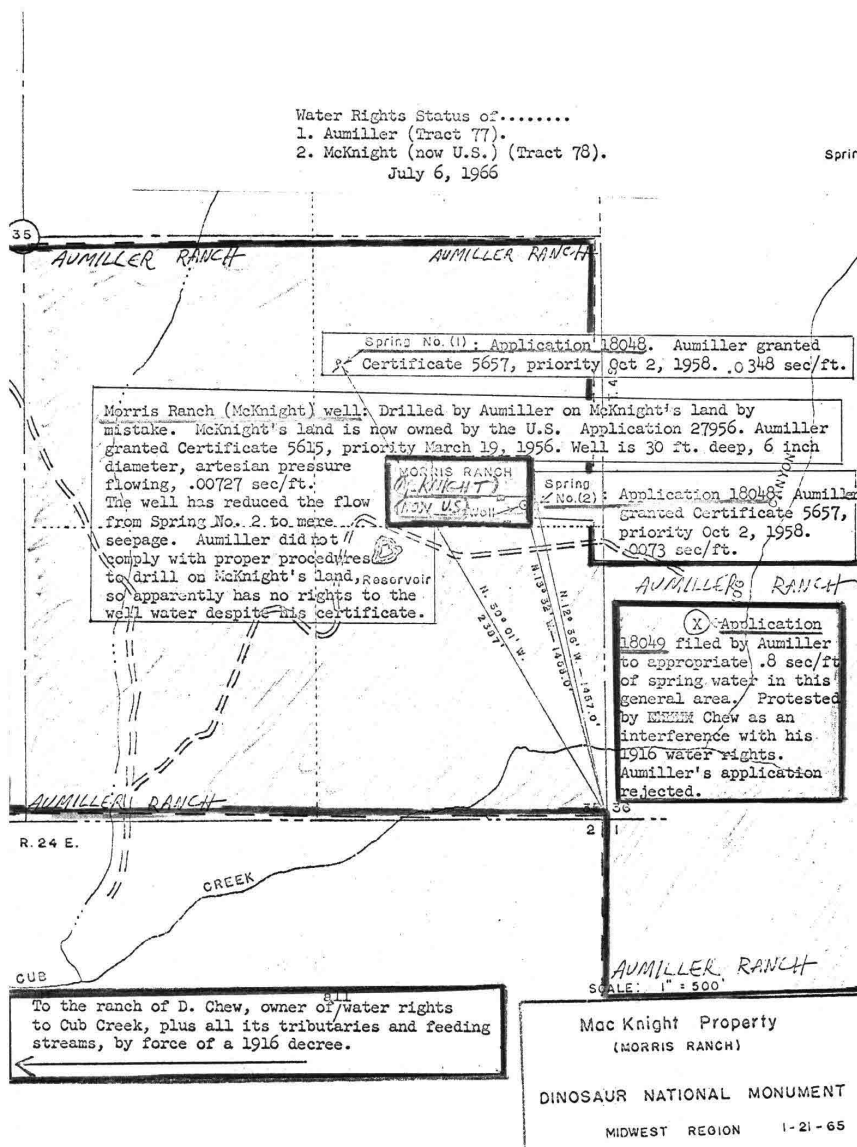
OK

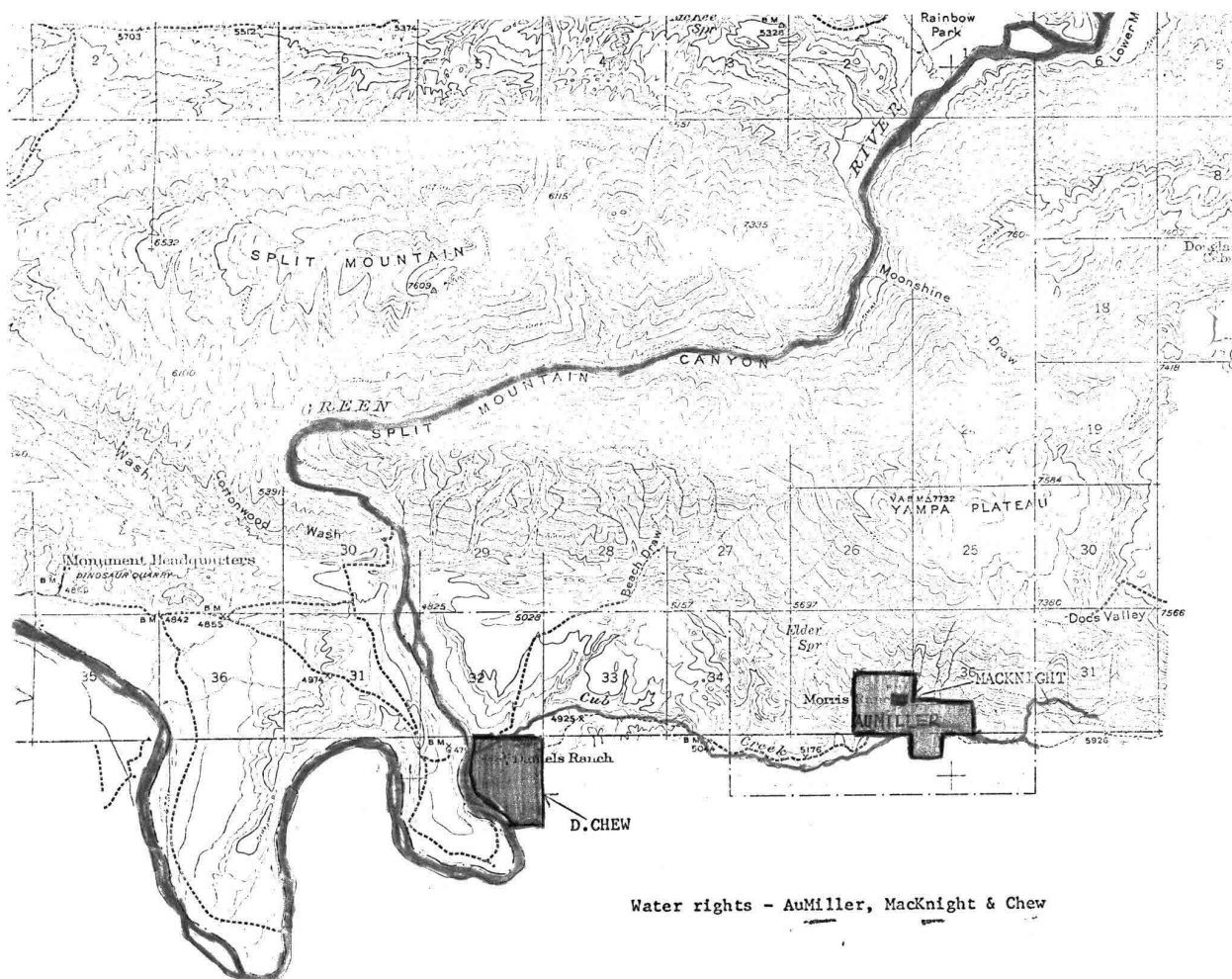
Ludg Novak  
Acting Regional Director

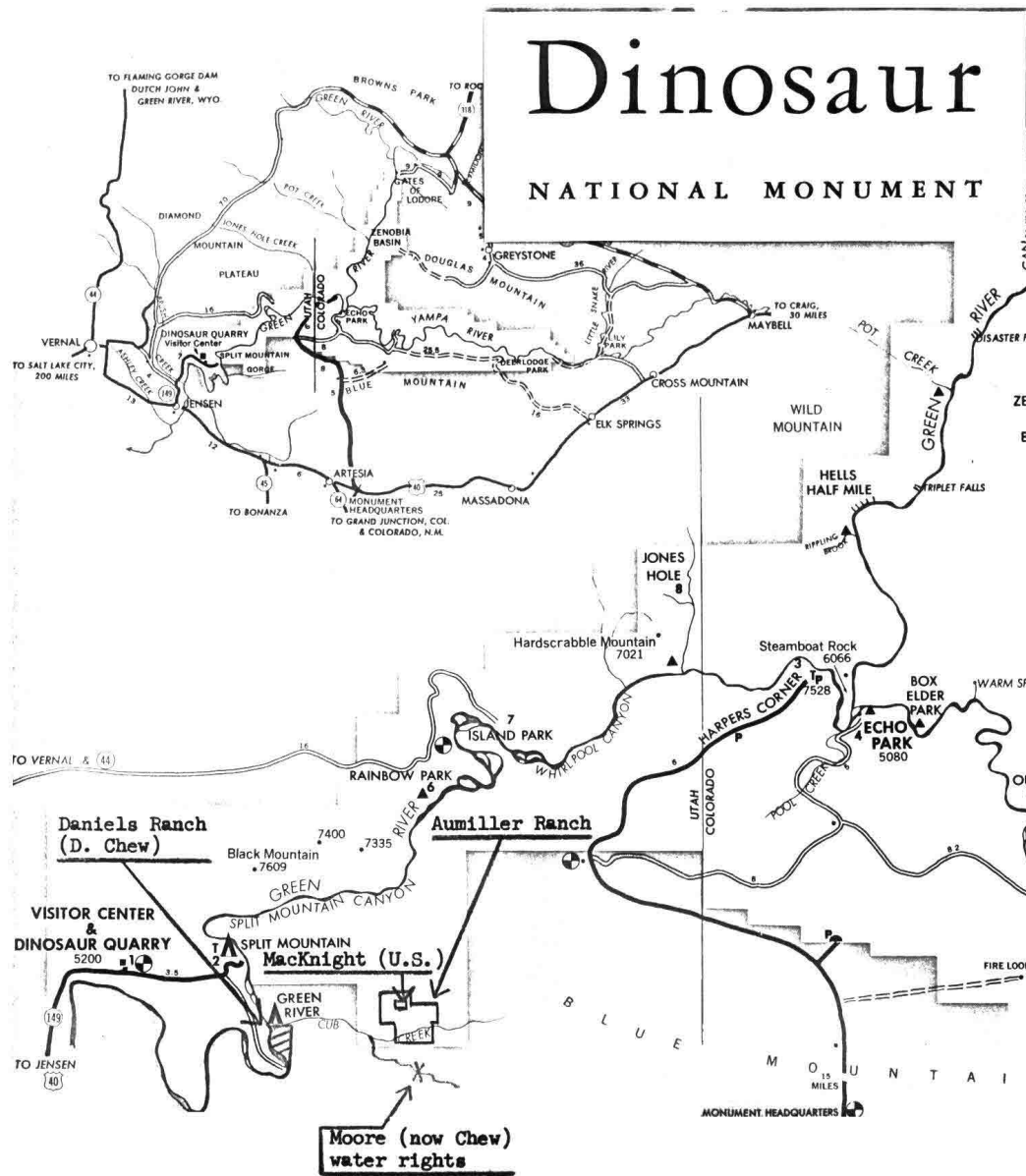
Enclosure A,

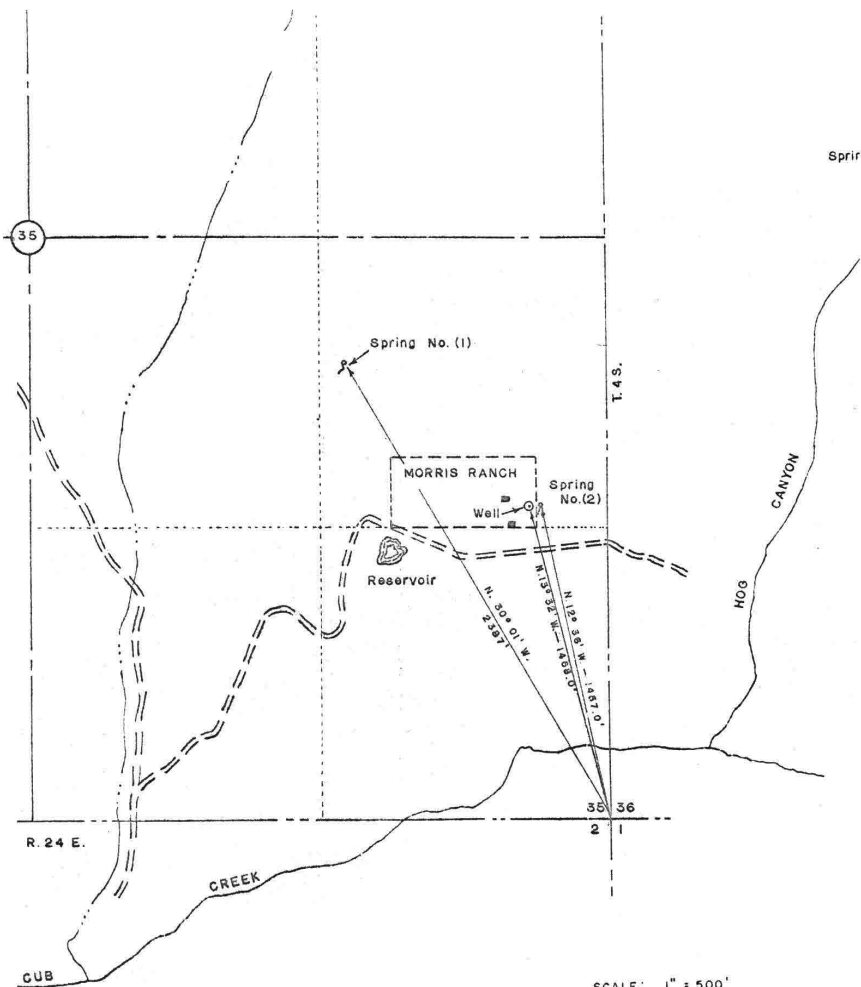
Copy to: Superintendent, Dinosaur

DINO







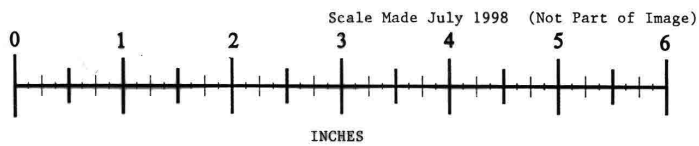


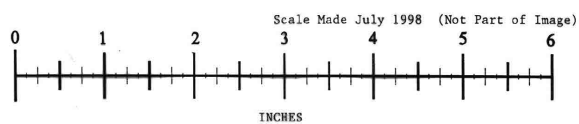
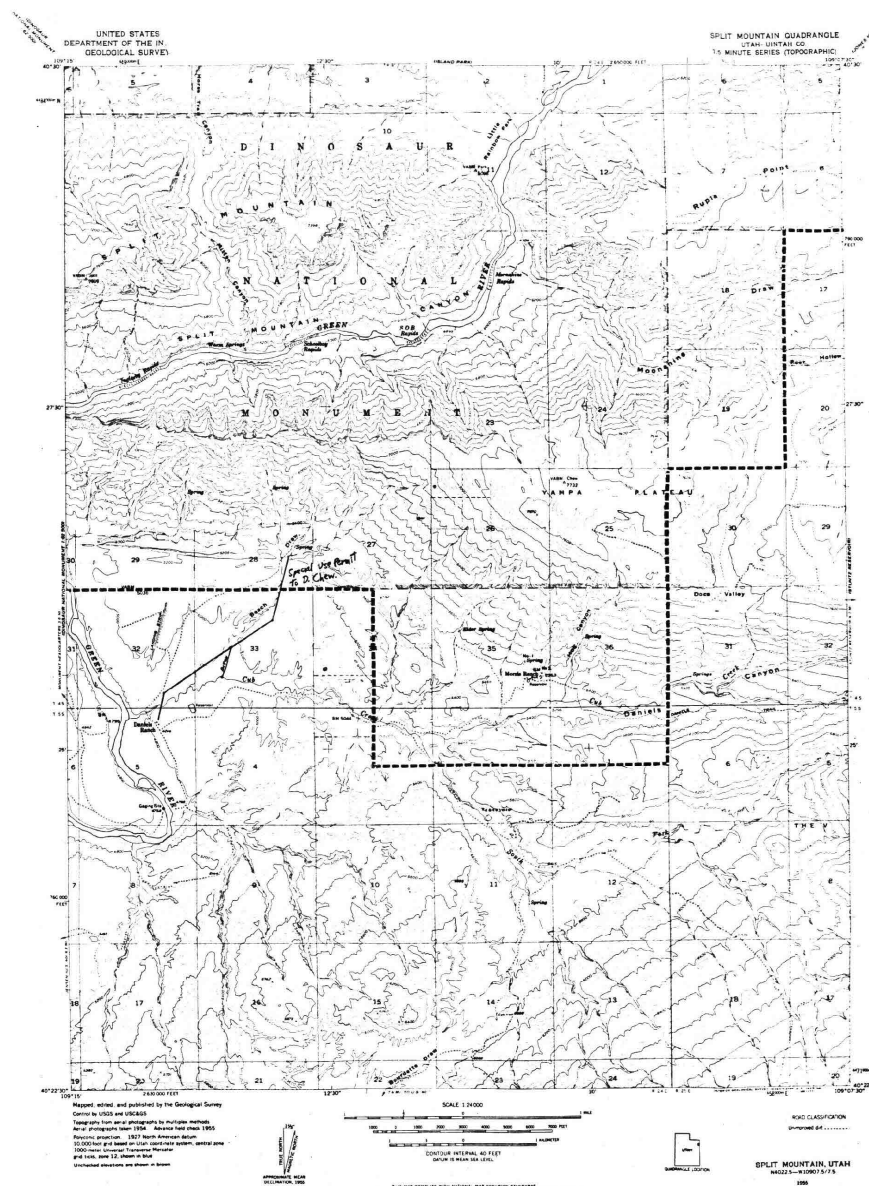
SCALE: 1" = 500'

Mac Knight Property  
(MORRIS RANCH)

DINOSAUR NATIONAL MONUMENT

MIDWEST REGION 1-21-65





### Docket Information

Number of Documents in Docket 53

Documents Dated from 12/19/1958 to 5/17/1966

Docket Compiled: 3/9/2011