



WATER-RIGHT DOCKET

Eugene O'Neill National Historic Site

Docket No: 1

UNNAMED SPRING

Land History

09-03-1980: note to establish miss eugene oneill national historic site.

 DIVISION OF LANDS (WR) AREA: Eugene O'Neil NHS
DATE: SEP 03 1980 TR. NO: 101-01
OWNER: GEN 

INIT.	DATE	BRAMHALL	COMMENTS:
1	9-3	HABERLIN	
2	ERN 9-16	M.I.S.	Tract No. - see Sparshott for mapping
3		REYNOLDS	Need to establish MIS
		MACDONALD	Note: IMPR VALUE for Procurement
		OWENS	Obtain value for title
		COUSINS	FTE purposes from AL R
		FRANK	FTE - then FDA.
4		HEREDITH	Please obtain Chap. 1326, Stat. 1976
		CHANCE	Note reversion
		STEINBURG	We will need a statement of de-
		OWENS	fenseance.
5		EASTERLING	Check legislation:
3A		SPARSHOTT	We will need publ. in F.R. to establish NHS.
		GARDNER	
		EVANS	
		FILES	

RETURN TO: _____

Mail to
U.S. NATIONAL PARK SERVICE
DIVISION OF LANDS
450 GOLDEN GATE AVENUE
BOX 36063
SAN FRANCISCO, CA. 94102

80 90522 JUL 29 1980

STATE OF CALIFORNIA

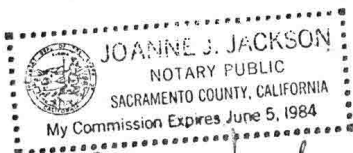
QUITCLAIM DEED

Pursuant to Ch. 169, Statutes of 1980, the STATE OF CALIFORNIA, through its duly appointed, qualified and acting Director of Parks and Recreation, hereby quitclaims to the United States of America, all its rights, title and interest in and to the following described property, in the State of California, County of Contra Costa:

All that property, known as Tao House, described on Exhibit "A", consisting of 3 pages, attached hereto and by this reference made a part hereof.

This conveyance is made subject to the express condition that the real property herein conveyed shall be used for a purpose consistent with the provisions of Chapter 1326 of the Statutes of 1976. Should said express condition be violated, the State of California shall have the right to reenter and take possession of the real property and upon such reentry title thereto shall thereupon revert to the State of California.

IN WITNESS WHEREOF, the State has caused this Quitclaim Deed to be executed this 23rd day of July, 1980.



Joanne J. Jackson

Pete Dangermond Jr
STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
PETE DANGERMOND, JR., DIRECTOR

Approved by: *Edward R. Janssen*
David E. Janssen, Director
Department of General Services

RECORDED AT REQUEST OF

grantee
JUL 29 1980
AT 12 O'CLOCK — M.
CONTRA COSTA COUNTY RECORDS
J. R. OLSSON
COUNTY RECORDER

FEE \$ *8.00 pd*

FILE 9930 PAGE 913

EXHIBIT A

BOOK 9930 PAGE 914

Those parcels of land in the unincorporated area of the County of Contra Costa, State of California, described as follows:

PARCEL ONE

Portion of Section 19, Township 1 South, Range 1 West, Mount Diablo Base and Meridian, and portion of Lot 4 of Section 24, Township 1 South, Range 2 West, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the southwestern line of the Rancho San Ramon at the point of intersection of the center line of Kuss Road, which point is the southwesterly corner of Parcel B as shown on the map filed May 2, 1968, in Book 3 of Parcel Maps, at Page 27, Contra Costa County Records; thence from said point of beginning, along the southwestern line of the Rancho San Ramon, N 35° 13' 07" W 399.96 feet; thence S 89° 46' 44" W 175.19 feet to the westerly line of the lands described in the Grant Deed to Brian W. Dodd, et al, recorded September 12, 1972 in Book 6748 of Official Records at Page 400, Contra Costa County Records, which point is the true point of beginning; thence from said true point of beginning, S 89° 46' 44" W 1137.38 feet; thence N 2° 29' 09" E 899.91 feet; thence S 54° 55' 54" E 1249.80 feet to the westerly line of Dodd (6748 or 400); thence along the westerly line of Dodd S 34° 37' 16" E 11.11 feet, S 22° 54' 11" E 90.99 feet; and S 21° 56' 40" E 90.17 feet to the point of beginning.

PARCEL TWO

"An easement and private right of way twenty-four feet in width", as granted in the deed from Edward G. Kuss, et al, to Carlotta Monterey O'Neill, dated December 24, 1938, recorded January 5, 1939, Book 494, Page 98, Official Records, over a strip of land the center line of which is described as Parcel One therein as follows:

"Beginning at a point on the north line of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936 and recorded March 18, 1936, in Volume 402, Page 459, Official Records, which point bears south 52° 43' 04" west 1374.45 feet and north 36° 30' west 20.0 feet from the 1" iron pipe in concrete set at the most easterly corner of the 25.974 acre parcel described in the deed from Robert E. Mueller, et ux, to Edward G. Kuss, dated July 15, 1920, recorded August 23, 1920, in Volume 368 of Deeds, Page 93; thence from said point of beginning north 36° 30' west 297.21 feet; thence westerly along the arc of a curve to the left, tangent to the last mentioned course with a radius of 50 feet, a distance of 78.37 feet to the northwest line of said 25.974 acre parcel; thence along said north line south 53° 42' west 426.58 feet and south 65° 06' 35" west 242 feet; thence leaving said northwestern boundary line of said 25.974 acre parcel of land and running westerly along the arc of a curve to the right, with a radius of 50 feet tangent to the last mentioned course, a distance of 57.92 feet; thence north 48° 30' 55" west tangent to the last mentioned arc, 58.34 feet; thence northwesterly along the arc of a curve to the left with a radius of 150 feet tangent to the last mentioned

BOOK 9930 PAGE 915

course, a distance of 135.88 feet; thence south 79° 35' west, tangent to the last mentioned arc, 100 feet; thence westerly and northerly along the arc of a curve to the right with a radius of 90 feet, tangent to the last mentioned course a distance of 132.99 feet; thence north 15° 45' west 44 feet; thence northerly along the arc of a curve to the right with a radius of 85 feet, tangent to the last mentioned course a distance of 104.96 feet; thence north 55° east, 27 feet; thence northerly along the arc of a curve to the left with a radius of 85 feet; tangent to the last mentioned course, a distance of 134.26 feet; thence north 35° 30' west 60 feet; thence westerly along the arc of a curve to the left, with a radius of 150 feet tangent to the last mentioned course, a distance of 167.12 feet; thence south 80° 40' west 62 feet; thence southwesterly along the arc of a curve to the left with a radius of 150 feet, tangent to the last mentioned course, a distance of 93.38 feet; thence south 45° west, 68 feet; thence southerly along the arc of a curve to the left, with a radius of 400 feet, tangent to the last mentioned course, a distance of 118.68 feet; thence south 28° west 158 feet; thence southwesterly along the arc of a curve to the right, with a radius of 270 feet, tangent to the last mentioned course, a distance of 215.59 feet; thence south 73° 45' west 148 feet; thence westerly along the arc of a curve to the right, with a radius of 240 feet, tangent to the last mentioned course to the east line of the tract of land described in Parcel Two in the deed from Contra Costa County Title Company to Carlotta Monterey O'Neill, dated January 21, 1938, recorded January 21, 1938, in Volume 458, of Official Records, at Page 285."

PARCEL THREE

"An easement and private right of way over a portion of the Rancho San Ramon", as granted in the deed from Edward G. Kuss, et al, to Carlotta Monterey O'Neill dated December 24, 1938, recorded January 5, 1939, in Volume 494, Page 98, Official Records, over the strip of land described as Parcel Two therein as follows:

"Beginning at the intersection of the north line of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936, recorded March 18, 1936 in Volume 402 of Official Records, at Page 459, with the east line of the twenty-four foot strip of land above described; thence from said point of beginning north 52° 43' 04" east along said north line 35.48 feet; thence westerly and northerly along the arc of a curve with a radius of 35 feet, the center of which bears north 37° 16' 56" west; a distance of 55.46 feet to the east line of said twenty-four foot strip; thence south 36° 30' east along said line of the point of beginning."

PARCEL FOUR

Right of way reserved in the deed to East Bay Regional Park District recorded March 29, 1974, Book 7189, Official Records, Page 181, as follows:

"Right of way (not to be exclusive) for ingress and egress as an appurtenance to the 13.19 acre parcel of land above described over a strip of land 24 feet in width the center line of which is the center line of the existing roadway leading from said 13.19 acre parcel to the westerly terminus of the strip of land described in Parcel Six herein."

BOOK 9930 PAGE 916

PARCEL FIVE

Right of way reserved in the deed to East Bay Regional Park District
recorded March 29, 1974, Book 7189, Official Records, Page 181, as follows:

"A water right in a Spring for the production of a domestic water supply
serving the improvements located on the 13.19 acre parcel of land described
in the exception from Parcel Five herein together with an easement for the
installation and maintenance of a pipeline for the transportation of such
water supply from said Spring onto said 13.19 acre parcel. Said water right
to be in the amount of the present use being made thereof by the tenant in
occupancy of the improvements."

D-3896D

BOOK 9930 PAGE 917

State of California
RES-016 (2-79)

STATE OF CALIFORNIA)

ss.

COUNTY OF SACRAMENTO)

On this 28th day of July, 1980, before me

CONSTANCE K. OKINO a Notary Public in and for the State of California,

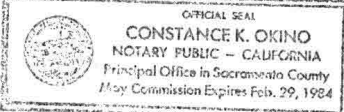
personally appeared EDWARD R. MILLER

known to me to be the Chief Land Agent of Real Estate Services

Division, Department of General Services

and known to me to be the person who executed the within instrument on behalf
of the State of California and acknowledged to me that the State of California
executed the same.

Witness my hand and official seal.



Constance K. Okino

CONSTANCE K. OKINO
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

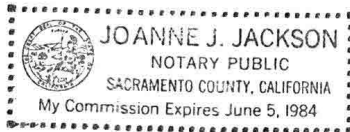
STATE OF CALIFORNIA)
) SS
COUNTY OF SACRAMENTO)

1980 JUL 23

BOOK 9930 PAGE 918

On this 23rd day of July, 1980, before me, Jo Anne J. Jackson, a Notary Public in and for the County of Sacramento, State of California, personally appeared Pete Dangermond, Jr., Director of the Department of Parks and Recreation, State of California, and known to me to be the person who executed the within instrument on behalf of said State of California and acknowledged to me that he executed the same as the free act and deed of said State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Sacramento, the day and year in this certificate first above written.



Jo Anne J. Jackson
Jo Anne J. Jackson

Notary Public in and for the State of California

END OF DOCUMENT

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME C. S. HARTWELL
ADDRESS P.O. Box 511
CITY & STATE LIVERMORE, CA. 94550

5350

RECORDED - REQUEST OF
WESTERN TITLE INSURANCE CO.
JAN 19 1976
AT 9 O'CLOCK A.M.
CONTRA COSTA COUNTY RECORDS
FEE \$ 6.00 J. R. OLSSON
COUNTY RECORDER

JAN 19 1976
CONTRA COSTA CO.
TRANSFER TAX
PAID \$ 264.00

title Order No. _____ Escrow No. _____

MAIL TAX STATEMENTS TO

NAME AS DIRECTED ABOVE
ADDRESS _____
CITY & STATE _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ 264.00
☒ Computed on full value of property conveyed, or
☐ Computed on full value less liens and encumbrances
remaining thereon at time of sale.

Reliable - Western Title Ins. Co.
Signature of declarant or agent determining tax - firm name

Individual Grant Deed

WESTERN TITLE FORM NO. 104

FOR VALUE RECEIVED, CHARLOTTE H. GERDES, a married woman, formerly
CHARLOTTE H. MILLER, as her separate property

GRANTS to EUGENE O'NEILL FOUNDATION, TAO HOUSE, a California
non-profit corporation

all that real property situate in the unincorporated area of theCounty of Contra Costa

, State of California, described as follows:

as per Exhibit A attached hereto and made a part hereof

A. P. No. 199-010-011

Dated January 16 19 76

Charlotte H. Gerdes
Charlotte H. Gerdes

STATE OF CALIFORNIA

County of Contra Costa ss.On January 161976 before me, the undersigned

a Notary Public, in and for said**

County and State, personally appeared

Write or type name of notary

Charlotte H. Gerdesknown to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.**If notary is commissioned in another County
strike "said" and name County.In addition to signature type or print name of notary
Notary Public

(Individual)

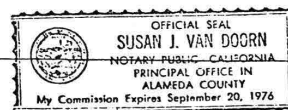


Exhibit A"

BOOK 7741 PG 240

Those parcels of land in the unincorporated area of the County of Contra Costa, State of California, described as follows:

PARCEL ONE

Portion of Section 19, Township 1 South, Range 1 West, Mount Diablo Base and Meridian, and portion of Lot 4 of Section 24, Township 1 South, Range 2 West, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the southwestern line of the Rancho San Ramon at the point of intersection of the center line of Kuss Road, which point is the southwesterly corner of Parcel B as shown on the map filed May 2, 1968, in Book 3 of Parcel Maps, at Page 27, Contra Costa County Records; thence from said point of beginning, along the southwestern line of the Rancho San Ramon, N 35° 13' 07" W 399.96 feet; thence S 89° 46' 44" W 175.19 feet to the westerly line of the lands described in the Grant Deed to Brian W. Dodd, et al, recorded September 12, 1972 in Book 6748 of Official Records at Page 400, Contra Costa County Records, which point is the true point of beginning; thence from said true point of beginning, S 89° 46' 44" W 1137.38 feet; thence N 2° 29' 09" E 899.91 feet; thence S 54° 55' 54" E 1249.80 feet to the westerly line of Dodd (6748 or 400); thence along the westerly line of Dodd S 34° 37' 16" E 11.11 feet, S 22° 54' 11" E 90.99 feet, and S 21° 56' 40" E 90.17 feet to the point of beginning.

PARCEL TWO

"An easement and private right of way twenty-four feet in width," as granted in the deed from Edward G. Kuss, et al, to Carlott Monterey O'Neill, dated December 24, 1938, recorded January 5, 1939, Book 494, page 98, Official Records, over a strip of land the center line of which is described as Parcel One therein as follows:

"Beginning at a point on the northline of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936 and recorded March 18, 1936, in Volume 402, page 459, Official Records, which point bears south 52° 43' 04" west 1374.45 feet and north 36° 30' west 20.0 feet from the 1" iron pipe in concrete set at the most easterly corner of the 25.974 acre parcel described in the deed from Robert E. Mueller, et ux, to Edward G. Kuss, dated July 15, 1920, recorded August 23, 1920, in Volume 368 of Deeds, page 93; thence from said point of beginning north 36° 30' west 297.21 feet; thence westerly along the arc of a curve to the left, tangent to the last mentioned course with a radius of 50 feet, a distance of 78.37 feet to the northwest line of said 25.974 acre parcel; thence along said north line south 53° 42' west 426.58 feet and south 65° 06' 35" west 242 feet; thence leaving said northwestern boundary line of said 25.974 acre parcel of land and running westerly along the arc of a curve to the right, with a radius of 50 feet tangent to the last mentioned course, a distance of 57.92 feet; thence north 48° 30' 55" west tangent to the last mentioned arc, 58.34 feet; thence northwesterly along the arc of a curve to the left with a radius of 150 feet tangent to the last mentioned course, a distance of 135.88 feet; thence south 79° 35' west, tangent to the

last mentioned arc, 100 feet; thence westerly and northerly along the arc of a curve to the right with a radius of 90 feet, tangent to the last mentioned course a distance of 132.99 feet; thence north $15^{\circ} 45'$ west 44 feet; thence northerly along the arc of a curve to the right with a radius of 85 feet, tangent to the last mentioned course a distance of 104.96 feet; thence north 55° east, 27 feet; thence northerly along the arc of a curve to the left with a radius of 85 feet; tangent to the last mentioned course, a distance of 134.26 feet; thence north $35^{\circ} 30'$ west 60 feet; thence westerly along the arc of a curve to the left, with a radius of 150 feet tangent to the last mentioned course, a distance of 167.12 feet; thence south $80^{\circ} 40'$ west 62 feet; thence southwesterly along the arc of a curve to the left with a radius of 150 feet, tangent to the last mentioned course, a distance of 93.38 feet; thence south 45° west, 68 feet; thence southerly along the arc of a curve to the left, with a radius of 400 feet, tangent to the last mentioned course, a distance of 118.68 feet; thence south 28° west 158 feet; thence southwesterly along the arc of a curve to the right, with a radius of 270 feet, tangent to the last mentioned course, a distance of 215.59 feet; thence south $73^{\circ} 45'$ west 148 feet; thence westerly along the arc of a curve to the right, with a radius of 240 feet, tangent to the last mentioned course to the east line of the tract of land described in Parcel Two in the deed from Contra Costa County Title Company to Carlotta Monterey O'Neill, dated January 21, 1938. recorded January 21, 1938, in Volume 458, of Official Records, at page 285."

PARCEL THREE

"An easement and private right of way over a portion of the Rancho San Ramon", as granted in the deed from Edward G. Kuss, et al, to Carlotta Monterey O'Neill dated December 24, 1938, recorded January 5, 1939, in Volume 494, page 98, Official Records, over the strip of land described as Parcel Two therein as follows:

"Beginning at the intersection of the north line of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936, recorded March 18, 1936 in Volume 402 of Official Records, at page 459, with the east line of the twenty-four foot strip of land above described; thence from said point of beginning north $52^{\circ} 43' 04''$ east along said north line 35.48 feet; thence westerly and northerly along the arc of a curve with a radius of 35 feet, the center of which bears north $37^{\circ} 16' 56''$ west, a distance of 55.46 feet to the east line of said twenty-four foot strip; thence south $36^{\circ} 30'$ east along said line of the point of beginning."

PARCEL FOUR

Right of way reserved in the deed to East Bay Regional Park District recorded March 29, 1974, Book 7189, Official Records, page 181, as follows:

"Right of way (not to be exclusive) for ingress and egress as an appurtenance to the 13.19 acre parcel of land above described over a strip of land 24 feet in width the center line of which is the center

line of the existing roadway leading from said 13.19 acre parcel to the westerly terminus of the strip of land described in Parcel Six herein."

PARCEL FIVE

Right of way reserved in the deed to East Bay Regional Park District, recorded March 29, 1974, Book 7189, Official Records, page 181, as follows:

"A water right in a Spring for the production of a domestic water supply serving the improvements located on the 13.19 acre parcel of land described in the exception from Parcel Five herein together with an easement for the installation and maintenance of a pipeline for the transportation of such water supply from said Spring onto said 13.19 acre parcel. Said water right to be in the amount of the present use being made thereof by the tenant in occupancy of the improvements."

END OF DOCUMENT

Recorded at the request of:

Return to:

East Bay Regional Park District
11500 Skyline Boulevard
Oakland, California

RECORDED AT REQUEST OF
WESTERN TITLE GUARANTY COMPANY
CONTRA COSTA COUNTY DIVISION
Contra Costa County Title Co.
AT 10:00 AM
CONTRA COSTA COUNTY RECORDS
FEE \$ J. R. OLSSON
COUNTY RECORDER

THIS NOTE FOR EXCLUSIVE USE OF COUNTY RECORDS

GRANT DEED

(Individual Grantor)

Order No. C-355351

For value received CHARLOTTE H. GERDES, formerly known as
Charlotte H. Miller,

GRANT \$ to EAST BAY REGIONAL PARK DISTRICT, a body politic,

* all that real property situate in the
Contra Costa,

UNINCORPORATED AREA
State of California, described as follows:

County of

FOR DESCRIPTION OF THE PREMISES SEE "EXHIBIT A" ATTACHED HERETO.

RECORDARY TRANSFER THE \$ not applicable
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
REGARDING THEREIN AT TIME OF SALE
WESTERN TITLE GUARANTY COMPANY
CONTRA COSTA COUNTY DIVISION

[Signature]
Signature of declarant or agent, determining use

WITNESS MY hand this 19th day of March, 1974.

* For joint tenancy deed add after grantee names: "as joint tenants"

Charlotte H. Gerdes
Charlotte H. Gerdes

STATE OF CALIFORNIA

County of Contra Costa

On March 26, 1974

before me, the undersigned

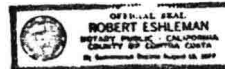
a Notary Public, in and for said County and State, personally appeared
Charlotte H. Gerdes, formerly known as Charlotte H. Miller

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

**If notary is commissioned in another County
give "and" and name County.

MAIL TAX STATEMENT TO:

Not applicable
NAME
ADDRESS
CITY
STATE



Form No. 5-9-59

GRANT DEED (Individual) - Tenancy in Common or Joint Tenancy

BOOK 7189 PAGE 184

Exhibit "A" referred to in the Grant Deed, dated March 19, 1974, from Charlotte H. Gerdes, formerly known as Charlotte H. Miller, to East Bay Regional Park District, a body politic.

Those parcels of land in the unincorporated area of the County of Contra Costa, State of California, described as follows:

PARCEL ONE

Southwest 1/4 of Section 24, Township 1 South, Range 2 West, Mount Diablo Base and Meridian:

PARCEL TWO

Portions of Section 13, 14, 23 and 24, Township 1 South, Range 2 West, Mount Diablo Base and Meridian, described as follows:

Beginning at a point in the north line of property described in the deed from T. E. Pope, et ux, to W. L. White, dated December 24, 1914, recorded February 6, 1915, in Book 239 of Deeds, page 289, being on the mid section line running East and West through said Section 14 and distant thereon North 85° 14' 30" West, 1235.97 feet from the quarter section corner common to said Sections 13 and 14; thence from said point of beginning South 0° 39' 40" East, 1233.72 feet; thence South 84° 17' East, 2627.91 feet; thence North 76° 18' 50" East, 481.39 feet to the easterly boundary line of said Section 13, being the westerly boundary of Rancho San Ramon; thence along the easterly boundary lines of said Section 13 and 24 along the westerly boundary line of said Rancho San Ramon southeasterly to where the same intersects the southerly line of Lot 3 and the projection thereof westerly and to where the same intersects the quarter section corner common to said Sections 24 and 23; thence northerly along the east line of said Section 23, 1320 feet, more or less to the southeast corner of the northeast 1/4 of the northeast 1/4 of said Section 23; thence at right angles westerly 3060 feet, more or less, to the southwesterly corner of Lot 6, Section 23, aforesaid; thence at right angles northerly 1320 feet, more or less, to the southerly line of said Section 14; thence at right angles westerly and along said last named line 1320 feet, more or less, to the southwest corner of said Section 14; thence at right angles northerly and following the westerly line of said Section 14, 40 chains, more or less, to the West 1/4 corner of said Section 14; thence along the midsection line running East and West through said Section 14 Easterly 4043.03 feet, more or less, to the point of beginning.

PARCEL THREE

A Right of Way for road purposes as provided for in that certain Right of Way Agreement dated June 3, 1935, executed by Isabella C. Morris, first party, and Inga S. White, second party, recorded June 19, 1935 in Book 388 of Official Records, page 404, described as follows, to-wit:

A strip of land 30.00 feet wide, in the Rancho San Ramon, Contra Costa County, California, lying 15.00 feet on each side of the following

BOOK 7189 PAGE 185

described center line: Commencing at a point on the northerly boundary line of that certain 811.60 acre tract of land conveyed to W. L. White by T. E. Pope and Georgenia A. Pope, his wife, by deed dated December 24, 1914 and recorded February 6, 1915 in Book 239 of Deeds, page 289, records of Contra Costa County, distant Westerly 15.00 feet measured at right angles to the easterly line of said 811.60 acre parcel, from the most northerly corner of said 811.60 acre tract; thence from said point of commencement along the center line of said 30.00 foot strip parallel to the existing fence line (now on the ground 1935), north 31° 10' West, 430.00 feet, more or less, to the northerly line of the extension westerly of the northerly line of the County Road leading to Alamo. Said road is known as ~~W. L. White~~ ~~County Road~~

PARCEL FOUR

A Right of Way for road purposes as an appurtenance to Parcel One hereinbefore described over and along a strip of land 24 feet wide, in the Rancho San Ramon and in Section 13, Township One South, Range 2 West, Mount Diablo Base and Meridian in the County of Contra Costa, State of California, lying 12 feet on each side of the following described center line:

Commencing at a point on the northerly boundary line of that certain 811.60 acre tract of land described in the deed from T. E. Pope, et ux, to W. L. White by deed dated December 24, 1914 recorded February 6, 1915, in Book 239 of Deeds, page 289, distant westerly 12.00 feet measured at right angles to the easterly line of said 811.60 acre parcel, from the most northerly corner of said 811.60 acre parcel; thence from said point of beginning, parallel to the easterly line of said 811.60 acre parcel and distant 12 feet at right angles southwesterly therefrom, South 31° 10' East, 462.46 feet and South 28° East, 857.0 feet; thence leaving said parallel line South 49° West, 88.11 feet; South 79 West, 105.00 feet; South 66° 11' West, 41.00 feet; South 44° 55' West 70.00 feet; South 18° 35' West 52.00 feet; South 35° 55' West 174.00 feet; South 64° 05' West 61.00 feet; South 80° 50' West 60.00 feet; South 74° 35' West 113.00 feet; South 19° 15' West 56.00 feet; South 60° 40' West 54.00 feet; North 68° 35' West 79.00 feet; South 53° 14' West 60.00 feet; South 68° 10' West 109.00 feet; and South 58° 45' 40" West 105.76 feet, more or less to a point on the exterior boundary line of aforesaid Parcel One, that is distant along said exterior boundary line South 76° 18' 50" West 283.60 feet from the westerly line of the Rancho San Ramon.

PARCEL FIVE

Portion of Lot 1, Section 19 and portion of Lots 1, and 2, Section 30, Township 1 South, Range 1 West, and portion of Lots 4 and 5 and the west 1/2 of the southeast 1/4 of Section 24 Township 1 South, Range 2 West, Mount Diablo Base and Meridian, described as follows:

Beginning at the southeast corner of Lot 5 in Section 24, Township 1 South, Range 2 West, Mount Diablo Base and Meridian, from which a 27 inch white oak tree bears South 3° West, distant 75.90 feet (for the

BOOK 7189 PAGE 186

purpose of this description the bearing of the south line of Lot 5 will be taken as North 88° 59' East); thence from said point of beginning North 88° 59' East along the prolongation of the south line of said Lot 5, 125.16 feet to a point in a fence on the west line of the parcel of land described in the deed from Roscoe D. Jones, et ux, to A. Emory Wishon, dated May 6, 1939, and recorded October 10, 1939, in Volume 518 of Official Records at Page 319; thence along said fence on said west line North 14° 50' East, 121.10 feet, North 5° 34' East, 40 feet; North 16° 30' West, 202 feet; North 20° 08' West, 153 feet; North 69° 17' West, 21 feet; North 4° 43' West, 97 feet, and North 20° 58' East, 109.50 feet; thence leaving said west line North 16° 48' East, 32.70 feet; thence North 54° 07' West, 27.60 feet; thence North 83° 54' West, 95 feet to a fence corner post; thence North 1° 31' 20" West along fence 165.8 feet to corner post; thence South 88° 23' East along fence 589.10 feet to corner post at the southwest corner of the parcel of land described in the deed from Carola C. Cordell, et al, to Mabel E. Kuss, dated December 14, 1938 and recorded January 4, 1939, in Volume 489 of Official Records, at Page 261; thence along the west line of said Kuss Parcel as follows: North 12° 17' West, 54 feet; North 14° 32' West, 155 feet; North 20° 51' 05" West 52.82 feet; North 23° 13' West 477 feet; North 24° 20' West 91 feet; North 36° 03' 05" West, 321.12 feet and North 18° 48' 10" West, 327.98 feet to an iron pipe in said westerly line, said iron pipe being at the intersection of the east line of Section 24 with the southwest line of the Rancho San Ramon; thence leaving the westerly line of said Kuss Parcel North 45° 54' West, 44.60 feet; thence North 46° 26' West, 126 feet to an 8 inch oak; North 34° 21' West, 399 feet to a fence corner post in the quarter section line of Section 24; thence South 88° 25' 36" West along quarter section line, 2171.45 feet to the center line of section 24; thence South 2° 23' 07" East, 2576.82 feet to the south quarter of said section; thence North 88° 59' East along the south line of said section, 2437.7 feet to the point of beginning.

EXCEPTING FROM PARCEL FIVE:

1- Portion of Section 19, Township 1 South, Range 2 West, M.D.B. & M., and portion of Lot 4 of Section 24, Township 1 South, Range 2 West, M.D.B. & M., Contra Costa County, California, described as follows:

Beginning at a point on the southwestern line of the Rancho San Ramon at the point of intersection of the center line of Kuss Road, which point is the southwesterly corner of Parcel 8 as shown on the map filed May 2, 1968, in Book 3 of Parcel Maps, at Page 27, Contra Costa County Records; thence from said point of beginning, along the southwestern line of the Rancho San Ramon, N35°13'07"W 399.96 feet; thence S89°46'44"W 175.19 feet to the westerly line of the lands described in the Grant Deed of Brian W. Dodd, et al, recorded September 12, 1972 in Book 6748 of Official Records at Page 400, Contra Costa County Records, which point is the true point of beginning; thence from said true point of beginning, S89°46'44"W 1137.36 feet; thence N2°29'09"E 899.91 feet; thence S54°55'54"E 1249.80 feet to the westerly line of Dodd

BOOK 7189 PAGE 187

(6748 or 400); thence along the westerly line of Dodd S34°37'16"E 11.11 feet, S22°54'11"E 90.99 feet, and S21°56'40"E 90.17 feet to the true point of beginning: containing 13.19 acres.

2- A right of way (not to be exclusive) for ingress and egress as an appurtenance to the 13.19 acre parcel of land above described over a strip of land 24 feet in width the center line of which is the center line of the existing roadway leading from said 13.19 acre parcel to the westerly terminus of the strip of land described in Parcel Six herein.

PARCEL SIX

"An easement and private right of way twenty-four feet in width," as granted in the deed from Edward G. Kuss, et al, to Carlott & Monterey O'Neill, dated December 24, 1936, and recorded January 5, 1939, in Volume 494 of Official Records, at Page 98, over a strip of land in center line of which is described as Parcel One therein as follows:

"Beginning at a point on the north line of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936, and recorded March 18, 1936, in Volume 402 of Official Records, Page 459, which point bears South 52° 43' 04" West 1374.45 feet and North 36° 30' West 20.0 feet from the 1" iron pipe in concrete set at the most easterly corner of the 25.974 acre parcel described in the deed from Robert E. Mueller, et ux, to Edward G. Kuss, dated July 15, 1920, and recorded August 23, 1920, in Volume 368 of Deeds at Page 93; thence from said point of beginning North 36° 30' West 297.21 feet; thence westerly along the arc of a curve to the left, tangent to the last mentioned course with a radius of 50 feet, a distance of 78.37 feet to the northwest line of said 25.974 acre parcel; thence along said north line South 53° 42' West 426.58 feet and South 65° 06' 35" West 242 feet; thence leaving said northwest: n boundary line of said 25.974 acre parcel of land and running westerly along the arc of a curve to the right, with a radius of 50 feet, tangent to the last mentioned course, a distance of 57.92 feet; thence North 48° 30' 55" West, tangent to the last mentioned arc, 58.34 feet; thence northwesterly along the arc of a curve to the left with a radius of 150 feet tangent to the last mentioned course, a distance of 135.88 feet; thence South 79° 35' West, tangent to the last mentioned arc, 100 feet; thence westerly and northerly along the arc of a curve to the right with a radius of 90 feet, tangent to the last mentioned course, a distance of 132.99 feet; thence North 15° 45' West, 44 feet; thence northerly along the arc of a curve to the right with a radius of 85 feet, tangent to the last mentioned course a distance of 104.96 feet; thence North 55° East 27 feet; thence northerly along the arc of a curve to the left with a radius of 85 feet; tangent to the last mentioned course, a distance of 134.26 feet; thence North 35° 30' West 60 feet; thence westerly along the arc of a curve to the left, with a radius of 150 feet, tangent to the last mentioned course, a distance of 167.12 feet; thence South 80° 40' West 62 feet; thence southwesterly along the arc

BOOK 7189 PAGE 188

of a curve to the left, with a radius of 150 feet, tangent to the last mentioned course, a distance of 93.38 feet, thence South 45° West, 68 feet; thence southerly along the arc of a curve to the left with a radius of 400 feet, tangent to the last mentioned course, a distance of 118.68 feet; thence South 28° West 158 feet; thence southwesterly along the arc of a curve to the right, with a radius of 270 feet tangent to the last mentioned course, a distance of 215.59 feet; thence South 73° 45' West, 138 feet, thence westerly along the arc of a curve to the right, with a radius of 240 feet, tangent to the last mentioned course to the east line of the tract of land described in Parcel Two in the deed from Contra Costa County Title Company to Carlotta Monterey O'Neill dated January 21, 1938, and recorded January 21, 1938, in Volume 458 of Official Records, at Page 235."

PARCEL SEVEN

"An easement and private right of way over a portion of the Rancho San Ramon, granted in the deed from Edward G. Kuss, et al, to Carlotta Monterey O'Neill dated December 24, 1938, and recorded January 5, 1939, in Volume 494 of Official Records, Page 98, over the strip of land described as Parcel Two therein as follows:

"Beginning at the intersection of the north line of the twenty foot strip of land described in the deed from Edward G. Kuss to Contra Costa County, dated January 21, 1936 and recorded March 18, 1936 in Volume 402 of Official Records, at Page 459 with the east line of the twenty-four foot strip of land above described; thence from said point of beginning North 52° 43' 04" East along said north line 35.68 feet; thence westerly and northerly along the arc of a curve with a radius of 35 feet, the center of which bears North 37° 16' 56" West, a distance of 55.46 feet to the east line of said twenty-four foot strip; thence South 36° 30' East along said line of the point of beginning."

EXCEPTING FROM PARCELS ONE, TWO AND FIVE: A water right in a Spring for the production of a domestic water supply serving the improvements located on the 13.19 acre parcel of land described in the exception from Parcel Five herein together with an easement for the installation and maintenance of a pipeline for the transportation of such water supply from said Spring onto said 13.19 acre parcel. Said water right to be in the amount of the present use being made thereof by the tenant in occupancy of the improvements.

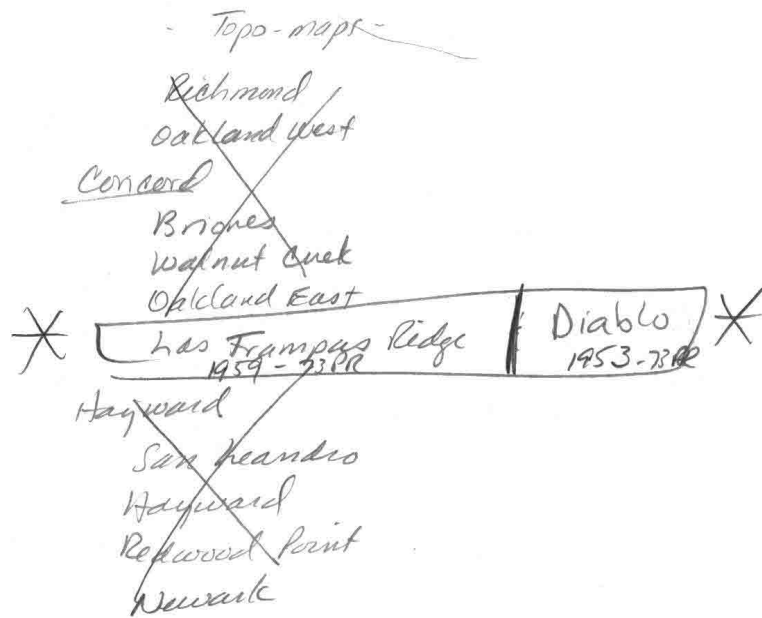
PARCEL EIGHT

A right of way (not to be exclusive) for ingress and egress as an appurtenance to the parcels of land described as Parcels One, Two and Five above over that portion of the 13.19 acre parcel of land described in the exception to Parcel Five herein lying within a strip of land 24 feet in width the center line of which is the center line of the existing roadway across said 13.19 acre parcel.

-5-

END OF DOCUMENT

HP# 1105001



Other Supporting Information



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SAN FRANCISCO FIELD OFFICE
450 GOLDEN GATE AVENUE, BOX 36064
SAN FRANCISCO, CALIFORNIA 94102
March 11, 1981

Your Ref:
L54
EUON/WR #1
(WR)RW

RECEIVED	
Western Regional Office	
MAR 11 1981	
Regional Director	
Dep. Regional Dir.	3/11
Operations Eval.	
Administration	
Operations	
Res. Mgmt. Plan	
Witucki	
FEO	
Public Affairs	
Action taken	

Memorandum

To: Regional Director, Western Region,
National Park Service

From: Field Solicitor, San Francisco

Subject: Eugene O'Neill National Historic Site -- Water Use

By separate memoranda, copies attached, you requested our advice on (1) the legal status of certain water tanks, and (2) the use of water in an adjacent pond at the Eugene O'Neill National Historic Site.

1. Water Tanks

Our review of the files of your Lands Division indicates that the State of California, Department of Parks and Recreation, conveyed to the United States by quitclaim deed (dated July 23, 1980) all right, title, and interest in certain property in Contra Costa County. This property comprises the Eugene O'Neill National Historic Site which had been authorized by Public Law 94-539.

Parcel Five of the deed described the interest which is the subject of part one of your request:

Right of way reserved in the deed to the East Bay Regional Park District recorded March 29, 1974, Book 7189, Official Records, page 181, as follows:

"A water right in a Spring for the production of a domestic water supply servicing the improvements located on the 13.19 acre parcel of land described in the exception from Parcel Five herein together with an easement for the installation and maintenance of a pipeline

for the transportation of such water supply
from said Spring onto said 13.19 acre parcel.
Said water right to be in the amount of
present use being made thereof by the tenant
in occupancy of the improvements."

~~This grant is not specific as to location or width of the right-
of-way. Nor is it specific as to whether or not the water tanks
are part of the "pipeline for the transportation for such water
supply."~~

As a general principle of law, "[a] right-of-way need not be described by metes and bounds or otherwise specifically located, as long as the servient tenement is adequately described." ^{1/} Additionally, the location and width of a right-of-way which are not specifically defined will be deemed to be that area which is reasonably suitable and convenient for its particular use. See Youngstown Steel Products v. City of Los Angeles, 240 P.2d 977 (1952); Cummins v. Levy, 253 P.2d 975 (1953); Gunn v. Fontes, 306 P.2d 929 (1957).

More specifically, the California Civil Code delineates the uses of rights-of-way as follows: "The extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired." C.C. 806. However, "where the right-of-way has been used at a particular location with the acquiescence of the servient owner, the parties have, in effect, placed their own practical construction upon the grant and the easement will be regarded as fixed at that place." Youngstown, supra, at 979.

~~The facts of the right-of-way at Eugene O'Neill National Historic Site support a conclusion that the spring location, its collection boxes, the water tanks, and the pipeline all comprise the extent of the servitude or use for which it (the right-of-way) was reserved, i.e., the delivery of water to the designated 13.19 acre parcel. The exact location and width of the right-of-way, although not specifically designated in the deed, have probably become fixed as to their present alignment. This of course would be probably measured objectively by what was reasonable to operate and maintain the system.~~

Because there is a certain amount of ambiguity in asserting National Park Service's rights to the operation and maintenance of this system, we recommend that the Service meet with the appropriate California Park and Recreation personnel to discuss

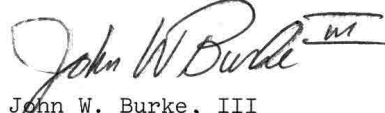
^{1/} Ogden's Revised California Real Property Law, Volume 1, Section 13.32 (1974)

entering into an ancillary agreement which would more specifically delineate the various property owners' rights. 2/ If you need assistance on this, please do not hesitate to contact our office.

2. Use of Water of Adjacent Pond

In response to your second question which pertains to the use of water from a man-made pond on lands owned by the East Bay Regional Park District, no interest in or right to use this water supply is contained in the documents which transferred property to the Eugene O'Neill National Historic Site. As a consequence, ~~the National Park Service must obtain a permit, license, easement or other appropriate authorization from the East Bay Regional Park District and any other affected property owners to remove and transport water to the Eugene O'Neill NHS.~~ As noted above, our office will assist as necessary.

Ralph G. Mihan
Field Solicitor


John W. Burke, III
For the Field Solicitor

Enclosures

cc:
Superintendent, Eugene O'Neill NHS, w/encls

2/ We assume that the State owns the adjacent and subjacent interests in the land affected by the right-of-way.



IN REPLY REFER TO:
L54
(WR)RW

United States Department of the Interior

NATIONAL PARK SERVICE
JOHN MUIR NATIONAL HISTORIC SITE
4202 ALHAMBRA AVENUE
MARTINEZ, CALIFORNIA 94553

March 4, 1981

Bruce Please follow-up informally with Solicitor to see where we are on this Jack

RECEIVED	
Western Regional Office	
MAR 5 1981	
Regional Director	<i>H3</i>
Dep. Regional Dir.	<i>3/6</i>
Operations Eval.	
Administration	
Operations	
Res. Mgmt. Plan	<i>Wilucke</i>
EEO	
Public Affairs	
Action taken	

Memorandum

To: Regional Director, Western Region
Attention: Deputy Regional Director

From: Superintendent, Eugene O'Neill

Subject: Requests for assistance in water rights problems

I am enclosing a copy of a memorandum requesting the Field Solicitor to look into the problem as to whether the water tanks were conveyed to us by the deed to the property. I am also enclosing a memorandum requesting the Field Solicitor to acquire temporary standby water rights to the pond located on East Bay Regional Park District's Las Trampas Wilderness property. We need the answers to these questions as soon as possible so that we may initiate a contract for the water system improvements before the fire season this year.

Phyllis P. Shaw

Enclosures 2

cc:
(WR)OM - Chief, Division of Maintenance





IN REPLY REFER TO:

United States Department of the Interior

31 OCT 1980

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

L54
EUON/WR #1
(WR)RW

October 24, 1980

To: Field Solicitor, San Francisco

From: ^{ACTING} Regional Director, Western Region

Subject: Request for assistance in deed evaluation regarding water storage
as related to the water right at Eugene O'Neill National Historic Site

During an investigation of water sources at Eugene O'Neill, it was noted that the deed does not mention the water storage tanks -- see the enclosed trip report by Hydrologist Werrell. A title report, the deed conveying the land and water line easement, and a map showing location of the tanks are available from the files in this Office.

We have contacted Mr. Schifflett of the State Department of Parks and Recreation, from which we obtained the land, and he has been unable so far to assure us that the tanks are part of the easement conveyed. He is still looking into the matter.

Your assistance and recommendations are requested in evaluating the deed to determine whether we have a valid right to the water storage tanks, or whether the deed needs to be amended.

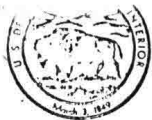
We appreciate your assistance in this matter.

Enclosure

(SGD.) NORMA COX

\ cc: Supt., JOMU-EUON

★ Year of
1980



IN REPLY REFER TO:

United States Department of the Interior

10 JAN 1981

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

L54
EUON/WR #1
(WR)RW

December 30, 1980

Memorandum

To: Field Solicitor, San Francisco

From: Regional Director, Western Region

Subject: Request for assistance in acquiring standby water source for
Eugene O'Neill National Historic Site

During recent conversations between Mr. William Werrell of this Office and Superintendent Shaw, Eugene O'Neill House, it was learned that the area is desirous of establishing a standby water source for usage in case of fire, and for a two or three day domestic usage period when the storage tanks are rebuilt in the spring. A pond, located to the northwest of the park, is proposed for this water source -- see enclosure.

The Division of Water Resources has determined that the Service has no water right to water impounded in the pond. Additionally, the deed to the newly established park does not convey any easement from the park to the pond.

Briefly stated, the park would like to place a pump at the end of an existing pipeline, at the pond. The pipeline extends to the park and could be used to convey water for fire and temporary domestic use.

The need for this standby water source will end when the park is connected to the local municipal water supply system. It is anticipated that this will be achieved within the next few years.

Your assistance and recommendations are requested regarding our establishment of this water source. As you have discussed with Mr. Werrell of this Office, your response may also incorporate the deed evaluation of the water storage tanks -- memorandum of October 24, 1980.

We appreciate your assistance in this matter.

(Sgd) HOWARD H. CHAPMAN

Enclosure

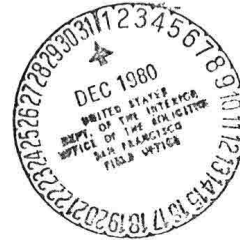
cc: Supt., JOMU-EUON



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102



L54
EUON/WR #1
(WR)RW

December 30, 1980

Memorandum

To: Field Solicitor, San Francisco

From: Regional Director, Western Region

Subject: Request for assistance in acquiring standby water source for
Eugene O'Neill National Historic Site

During recent conversations between Mr. William Werrell of this Office and Superintendent Shaw, Eugene O'Neill House, it was learned that the area is desirous of establishing a standby water source for usage in case of fire, and for a two or three day domestic usage period when the storage tanks are rebuilt in the spring. A pond, located to the northwest of the park, is proposed for this water source -- see enclosure.

The Division of Water Resources has determined that the Service has no water right to water impounded in the pond. Additionally, the deed to the newly established park does not convey any easement from the park to the pond.

Briefly stated, the park would like to place a pump at the end of an existing pipeline, at the pond. The pipeline extends to the park and could be used to convey water for fire and temporary domestic use.

The need for this standby water source will end when the park is connected to the local municipal water supply system. It is anticipated that this will be achieved within the next few years.

Your assistance and recommendations are requested regarding our establishment of this water source. As you have discussed with Mr. Werrell of this Office, your response may also incorporate the deed evaluation of the water storage tanks -- memorandum of October 24, 1980.

We appreciate your assistance in this matter.

Howard H. Chapman

Enclosure

cc: Supt., JOMU-EUON



IN REPLY REFER TO:

154

XL32

United States Department of the Interior

NATIONAL PARK SERVICE
JOHN MUIR NATIONAL HISTORIC SITE
4202 ALHAMBRA AVENUE
MARTINEZ, CALIFORNIA 94553

December 23, 1980

RW

RECEIVED	
Western Regional Office	
DEC 24 '80	
Regional Director	
Dep. Regional Dir.	
Operations Eval.	
Administration	
Operations	
Res. Mgmt. Plan	
ESD	
Public Affairs	
Action Taken	

Memorandum

To: Regional Director, Western Region
From: Superintendent, Eugene O'Neill NHS
Subject: Water Rights to Pond

There is a storage pond which is near the property boundary and located on land owned by the East Bay Regional Park District

This is man-made and was probably put in during the Miller/Gerdes family ownership. Its capacity is estimated at about 12½ acre feet and it is fed primarily by runoff with some addition from a spring located ¾ mile up the canyon above it.

The water line from the pond feeds a 3½ inch main which could supply irrigation to the main grounds of the property. There are four 1½ inch standpipes for fire fighting purposes located at various spots on the property.

We would like to activate this system so that we would have additional water for fire fighting, should the need arise and also to use for the short period the main domestic water system is being repaired. At that time we will have to drain the water tanks and will have no other source of water.

The capacity of the pond is estimated at 300 to 400 gallons per day. We would use this amount only when the domestic system doesn't function for irrigation and in the event of fire.

Please advise if we need an easement to maintain lines and pump from the East Bay Regional Parks District.

Phillip C. Shaw



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102



L54
EUON/WR #1
(WR)RW

October 24, 1980

To: Field Solicitor, San Francisco

From: **ACTING**

Regional Director, Western Region

Subject: Request for assistance in deed evaluation regarding water storage
as related to the water right at Eugene O'Neill National Historic Site

During an investigation of water sources at Eugene O'Neill, it was noted that the deed does not mention the water storage tanks -- see the enclosed trip report by Hydrologist Werrell. A title report, the deed conveying the land and water line easement, and a map showing location of the tanks are available from the files in this Office.

We have contacted Mr. Schifflett of the State Department of Parks and Recreation, from which we obtained the land, and he has been unable so far to assure us that the tanks are part of the easement conveyed. He is still looking into the matter.

Your assistance and recommendations are requested in evaluating the deed to determine whether we have a valid right to the water storage tanks, or whether the deed needs to be amended.

We appreciate your assistance in this matter.

Enclosure

cc: Supt., JOMU-EUON

Year of
the
Visitor



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

L54
EUON/WR #1
(WR)RW

October 9, 1980

Memorandum

To: Regional Director, Western Region *10/17/80*
Through: Assistant Regional Director, Resource Management & Planning, Western Region
Chief, Division of Water Resources, Western Region *10/19*
From: Hydrologist, Division of Water Resources, Western Region
Subject: Field trip to Eugene O'Neill House National Historic Site, August 27, 1980

Purpose of Trip: Trip made in response to Superintendent's memorandum request for Division assistance with the area's water rights. Specifically, the legal right to present water supply for the area which consists of a spring and three storage tanks both of which are located off of park property.

Itinerary: Departed Regional Office on August 27, 1980, returned same day.

Companions: None.

Accomplishments and/or Observations: I met with Superintendent Shaw at the site and we proceeded to the springs area which is located a considerable distance (several hundred yards) beyond the park boundary. It appears that the spring was developed years ago by a French Drain system. A trench dug to the hill gradient extends about 65 feet in length; it is believed that perforated pipes are buried in the bottom of the trench to collect water. A collection box is located about 25 feet downgradient of the trench. Four separate pipes deliver water at this point, with three of the pipes joining in such a manner as to mix the flow and deliver it through a single opening. This results in two flowing pipes which deliver water by free fall into a circular holding well from which water is piped to the storage tanks.

The line to the north delivers water at the rate of 0.35 gallons per minute (gpm). The specific conductance of the water is 630 micromhos per centimeter at 25 degrees Centigrade. The temperature of the water is 15 degrees Centigrade (59 degrees Fahrenheit). Using a conversion factor of 0.65 the specific conductance indicates that the water contains about 410 parts per million dissolved solids. This is "good" quality water.

★ Year of
the
Visitor

The line to the south delivers water at the rate of 1.36 gpm. The specific conductance is 640 micromhos per centimeter at 25 degrees Centigrade. The temperature of this water is 14.5 Centigrade (58.1 degrees Fahrenheit). Thus, this water is, for all practical purposes, the same as that discussed above. This is to be expected in that all of the water is collected from the same spring opening.

It is assumed that this is the only source which was developed by Mr. O'Neill and thus the only source to which the Service has title. However, it is not entirely certain that this is the only source. The spring source(s) was developed years ago and subsequent dense vegetation growth and erosion may (at present) preclude our location of a possible second source. This possibility should be borne in mind at a future time when replacement of the pipelines from the spring to the tanks is made -- all lines should be traced out.

The location of the spring relative to the storage tanks was established by the use of a Brunton Compass and steel tape, see enclosures.

A brief inspection of the three redwood storage tanks was made. These tanks are about 15 feet in diameter and 10 feet in height, thus the total storage capacity is about 39,000 gallons. These tanks are also located off of park property, see enclosures. Superintendent reports that the tanks have been inspected by the Division of Maintenance and that major repair is necessary before they can be properly used. This repair is pending.

Recommendations: A legal right in the spring for the production of a domestic water supply is provided by reservation in the deed of the parcel of land containing the Eugene O'Neill House. This water right was transferred to the East Bay Regional Park District by deed and has since been acquired by the National Park Service. The reservation in the deed also includes an easement for the installation and maintenance of a pipeline for the transportation of such water from the spring to the parcel containing Eugene O'Neill House. The spring, collection system, pipeline, and accrements are all within the parcel described under the easement.

While the reservation in the deed for the water right and easement for a pipeline is silent as to the existence of storage tanks off of Park Service lands, such structures may be implied as necessary to the transport and use of the spring's water. This has been discussed with the Division of Lands and it is recommended that before any improvements are begun on the storage tanks that a legal opinion as to our ownership of the tanks be obtained from the Field Solicitor. We shall proceed to obtain this opinion.

Conclusion: A developed spring has been located and hydrologic parameters determined. The Service has full title to this water source. The wording of the deed for the water source (spring) would include our ownership of a second source, should one be present.

3

It is recommended that we determine our legal entitlement to the storage tanks site prior to our expending funds for the rebuilding of these tanks. Those tanks are of importance to us not only as an integral portion of the water system, but also from a visual interpretative standpoint of the Historic Site.

William Werrell
William Werrell

I concur:

Bruce M. Kilgore
Associate Regional Director, Resource
Management and Planning, Western Region

10/16/80
Date

Approved:

Howard H. Chapman
Howard H. Chapman
Regional Director, Western Region

10/17/80
Date

Enclosures

cc: Supt., John Muir - Eugene O'Neill w/encl.

L54
EUON/WR #1
(WR)RW

October 24, 1980

W
Werrell

Witucki

Kilgore

Davis

Reg. Dir.

Draft Reviewed by:

Haberlin

To: Field Solicitor, San Francisco
ACTING
From: Regional Director, Western Region

Subject: Request for assistance in deed evaluation regarding water storage
as related to the water right at Eugene O'Neill National Historic Site

During an investigation of water sources at Eugene O'Neill, it was noted that the deed does not mention the water storage tanks -- see the enclosed trip report by Hydrologist Werrell. A title report, the deed conveying the land and water line easement, and a map showing location of the tanks are available from the files in this Office.

We have contacted Mr. Schifflett of the State Department of Parks and Recreation, from which we obtained the land, and he has been unable so far to assure us that the tanks are part of the easement conveyed. He is still looking into the matter.

Your assistance and recommendations are requested in evaluating the deed to determine whether we have a valid right to the water storage tanks, or whether the deed needs to be amended.

We appreciate your assistance in this matter.

(SGD.) NORMA COX

Enclosure

cc: Supt., JOMU-EUON

(WR)RW:Werrell:Witucki:ms 10/24/80

Bill-

10/24/80

Steve Schifflett (916-322-0282) called to say he hadn't found anything definitely indicating that the storage tanks are part of the spring & waterline easement. He will continue to look into it and also find out if the land the tanks are located on belongs to the state. If so, and if needed, they will convey an additional clarifying easement to include the

tanks. Steve is in property mgmt
section of State Dept of Parks &
Recreation.

Ed H.

L54
EUON/WR #1
(WR)RW

October 9, 1980

Memorandum

To: Regional Director, Western Region
Through: Assistant Regional Director, Resource Management & Planning, Western Region
Chief, Division of Water Resources, Western Region
From: Hydrologist, Division of Water Resources, Western Region
Subject: Field trip to Eugene O'Neill House National Historic Site, August 27, 1980

Purpose of Trip: Trip made in response to Superintendent's memorandum request for Division assistance with the area's water rights. Specifically, the legal right to present water supply for the area which consists of a spring and three storage tanks both of which are located off of park property.

Itinerary: Departed Regional Office on August 27, 1980, returned same day.

Companions: None.

Accomplishments and/or Observations: I met with Superintendent Shaw at the site and we proceeded to the springs area which is located a considerable distance (several hundred yards) beyond the park boundary. It appears that the spring was developed years ago by a French Drain system. A trench dug to the hill gradient extends about 65 feet in length; it is believed that perforated pipes are buried in the bottom of the trench to collect water. A collection box is located about 25 feet downgradient of the trench. Four separate pipes deliver water at this point, with three of the pipes joining in such a manner as to mix the flow and deliver it through a single opening. This results in two flowing pipes which deliver water by free fall into a circular holding well from which water is piped to the storage tanks.

The line to the north delivers water at the rate of 0.35 gallons per minute (gpm). The specific conductance of the water is 630 micromhos per centimeter at 25 degrees Centigrade. The temperature of the water is 15 degrees Centigrade (59 degrees Fahrenheit). Using a conversion factor of 0.65 the specific conductance indicates that the water contains about 410 parts per million dissolved solids. This is "good" quality water.

Warrell
Gessinger
Witucki (lts)
Kilgore
Otake
Haberlin
Davis
Reg. Dir.
10/17
w7

(Sgt) HOWARD H. CHAPMAN
OCT 17 1980

(Sgt) Gerard S. Witucki

The line to the south delivers water at the rate of 1.36 gpm. The specific conductance is 640 micromhos per centimeter at 25 degrees Centigrade. The temperature of this water is 14.5 Centigrade (58.1 degrees Fahrenheit). Thus, this water is, for all practical purposes, the same as that discussed above. This is to be expected in that all of the water is collected from the same spring opening.

It is assumed that this is the only source which was developed by Mr. O'Neill and thus the only source to which the Service has title. However, it is not entirely certain that this is the only source. The spring source(s) was developed years ago and subsequent dense vegetation growth and erosion may (at present) preclude our location of a possible second source. This possibility should be borne in mind at a future time when replacement of the pipelines from the spring to the tanks is made -- all lines should be traced out.

The location of the spring relative to the storage tanks was established by the use of a Brunton Compass and steel tape, see enclosures.

A brief inspection of the three redwood storage tanks was made. These tanks are about 15 feet in diameter and 10 feet in height, thus the total storage capacity is about 39,000 gallons. These tanks are also located off of park property, see enclosures. Superintendent reports that the tanks have been inspected by the Division of Maintenance and that major repair is necessary before they can be properly used. This repair is pending.

Recommendations: A legal right in the spring for the production of a domestic water supply is provided by reservation in the deed of the parcel of land containing the Eugene O'Neill House. This water right was transferred to the East Bay Regional Park District by deed and has since been acquired by the National Park Service. The reservation in the deed also includes an easement for the installation and maintenance of a pipeline for the transportation of such water from the spring to the parcel containing Eugene O'Neill House. The spring, collection system, pipeline, and accretments are all within the parcel described under the easement.

While the reservation in the deed for the water right and easement for a pipeline is silent as to the existence of storage tanks off of Park Service lands, such structures may be implied as necessary to the transport and use of the spring's water. This has been discussed with the Division of Lands and it is recommended that before any improvements are begun on the storage tanks that a legal opinion as to our ownership of the tanks be obtained from the Field Solicitor. We shall proceed to obtain this opinion.

Conclusion: A developed spring has been located and hydrologic parameters determined. The Service has full title to this water source. The wording of the deed for the water source (spring) would include our ownership of a second source, should one be present.

3

It is recommended that we determine our legal entitlement to the storage tanks site prior to our expending funds for the rebuilding of these tanks. Those tanks are of importance to use not only as an integral portion of the water system, but also from a visual interpretative standpoint of the Historic Site.

WILLIAM WERRELL

William Werrell

I concur:

(Sgd) Bruce M. Kilgore

Associate Regional Director, Resource
Management and Planning, Western Region

10/16/80
Date

Approved:

(Sgd) HOWARD H. CHAPMAN

Howard H. Chapman
Regional Director, Western Region

OCT 17 1980
Date

Enclosures

cc: Supt., John Muir - Eugene O'Neill

(WR)RW:Werrell:ms 10/9/80



IN REPLY REFER TO:

L54

(WR)RW

United States Department of the Interior

NATIONAL PARK SERVICE
JOHN MUIR NATIONAL HISTORIC SITE
4202 ALHAMBRA AVENUE
MARTINEZ, CALIFORNIA 94553

July 10, 1980

RW

RECEIVED	
Western Regional Office	
JUL 11 '80	
Regional Director	
Asst. Regional Dir.	
Operations Eval.	
Administrative	
One stops	
Kew. (check)	
E.D.	
Public Affairs	
Records	

Memorandum

To: Regional Director, Western Region

From: Project Manager, Eugene O'Neill

Subject: Water Rights for Eugene O'Neill National Historic Site

We are in the process of rehabilitating the water system in the area. The spring and water tanks serving the site are located in Las Trampas Regional Wilderness, which belongs to the East Bay Regional Park District. It is my understanding that the Eugene O'Neill Foundation owns the water rights to that spring.

It would seem to me that once the Park Service has title to the property, it would be more appropriate if the Park Service had the water rights to the spring. I would appreciate it if the Water Resources Division could look into this and give us their recommendation.

Phyllis P. Shaw



<u>WATER RESOURCES/WATER RIGHTS</u>		<u>WET(FILE)INFORMATION</u>	<u>DATE: July 18, 1980</u>
<u>DOCKET (FILE) TITLE</u>			
<u>REGION</u>	<u>Western</u>		
<u>AREA</u>	<u>Eugene O'Neill National Historic Site "Tao House"</u>		
<u>SITE</u>	<u>Unnamed Spring</u>		
<u>STATE</u>	<u>California</u>	<u>COUNTY</u>	<u>Contra Costa</u>
		<u>DOCKET NO</u>	<u>WR #1</u>
<u>LOCATION</u>	<u>(see narrative) NW 1/4, SW 1/4 Section 24, T1S, R2W (Probable Site)</u>		
<u>REGIONAL BASIN</u>	<u>LOCAL BASIN</u>		
<u>ACQUIRED BY</u>	<u>Purchase</u>		
<u>APPLICATION</u>	<u>PERMIT</u>	<u>CERTIFICATE</u>	
<u>ACTION DUE</u>	<u>PRIORITY</u>	<u>RESERVATION</u>	
<u>QUANTITY</u>	<u>USE</u>		
<u>STATUS</u>	<u>Active</u>	<u>SOURCE</u>	<u>Spring</u>
<u>REMARKS</u> <u>Hydrologic Unit #18050001</u>			

NARRATIVE: This water right and the easement for its use and development were acquired when Tao House and 13.19 acres were accepted for an Historic Site to be administered by the National Park Service. The Grant Deed, dated March 26, 1974, from Charlotte Gerdes to the East Bay Regional Park District (who later donated the property to the Federal Government - see Calif. Assembly Bill No. 4539, August 9, 1976; and 90 Stat. 2501, approved October 18, 1976) provides a "water right in a Spring for the production of a domestic water supply serving the improvements located on the 13.19 acre parcel ... together with an easement for the installation and maintenance of a pipeline for the transportation of such water supply.... Said water right to be in the amount of the present use being made thereof by the tenant in occupancy of the improvements."

The exceptions noted are not specific as to the location of the Spring nor of the easement. The general area encompassed by the exceptions include the entire SW 1/4 of Section 24; most of the southern portions of Sections 13 & 14 in T1S, R2W M.D.B.M.; and small portions of the western area of Section 19, T1S, R1W, M.D.B.M..

While field investigation will be necessary to determine the exact location of the Spring, its water potential, and the amount in use, as well as the location of the pipeline to Tao House, the reference to the "present use being made thereof by the tenant in occupancy" seems to indicate an existing water system and possibly records of use. These also should be ascertained as well as any State Water Applications or Permits for the appropriation of these waters.

A Field Trip to Eugene O'Neill House by William Werrell on August 27, 1980, has verified the location of the spring, collection box, pipeline, storage tanks and water flow. The collection system is a French Drain System with several pipes delivering water to a collection box. The combined flow on the above date was 1.71 gpm with a specific conductance of 630 micromhos per centimeter at 25 degrees Centigrade ... water temperature was around 14.5-15 degrees C. This converts to about 410 parts per million of dissolved solids and is considered "good" quality water. (See Trip Report: August 27, 1980, for details.)

The spring is located approximately 5-600 feet from the redwood tanks which are themselves located about 1200 to 1500 feet from the boundary of the Historic Site. All of this is located within the parcels subject to our water right and easement.

The easement is silent as to the erection of storage tanks, but such structures may be reasonably implied as necessary to the transport and use of the Spring's water. It is recommended, however, before any improvements are begun on the redwood tanks that some contact with the state, as owner of the lands subject to the easement, be made to insure that such development will not create a problem which might result in a legal controversy. Since the redwood tanks have existed on site for many years it is difficult to imagine

Compiled by James H. Hershey

cont. page 2

Approved by William Werrell

Page 1 of 2

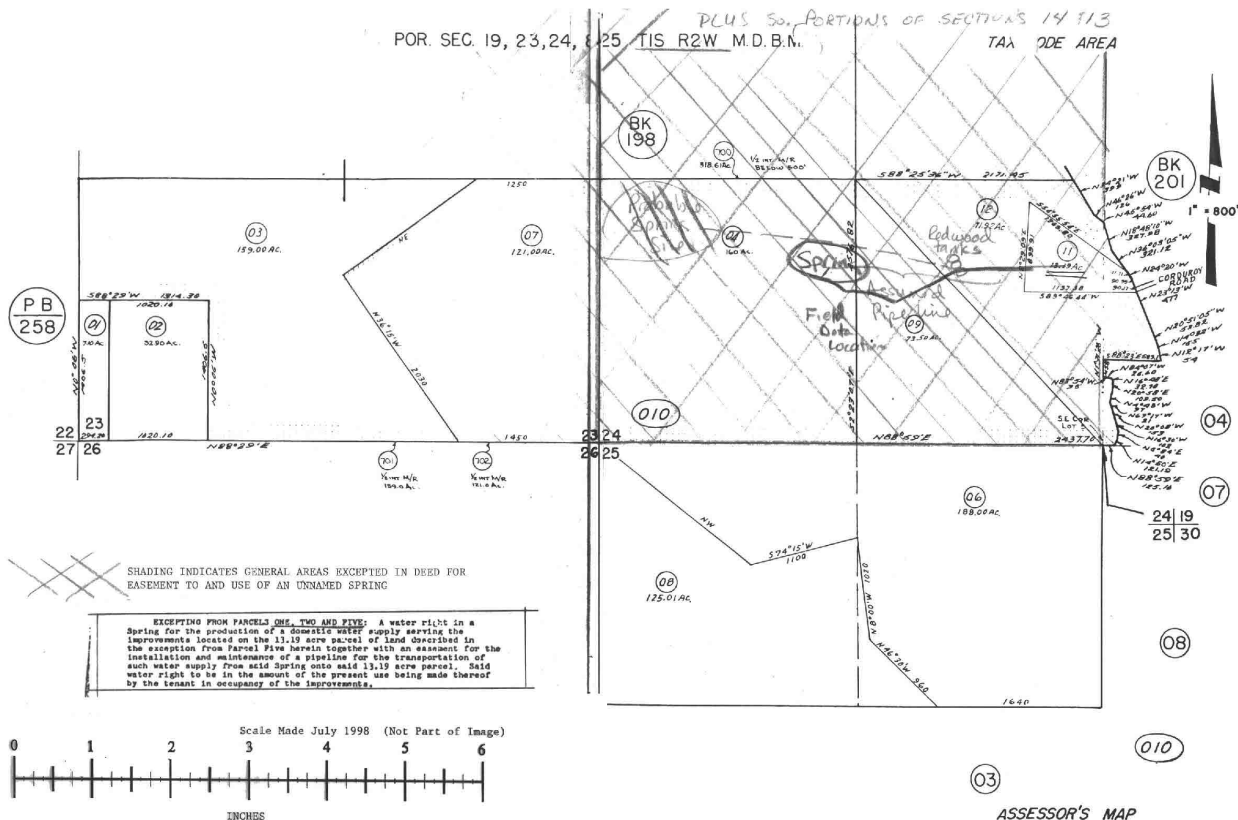
EUGENE O'NEILL HOUSE: EASEMENT FOR WATER RIGHTS TO SPRING AND PIPELINE.

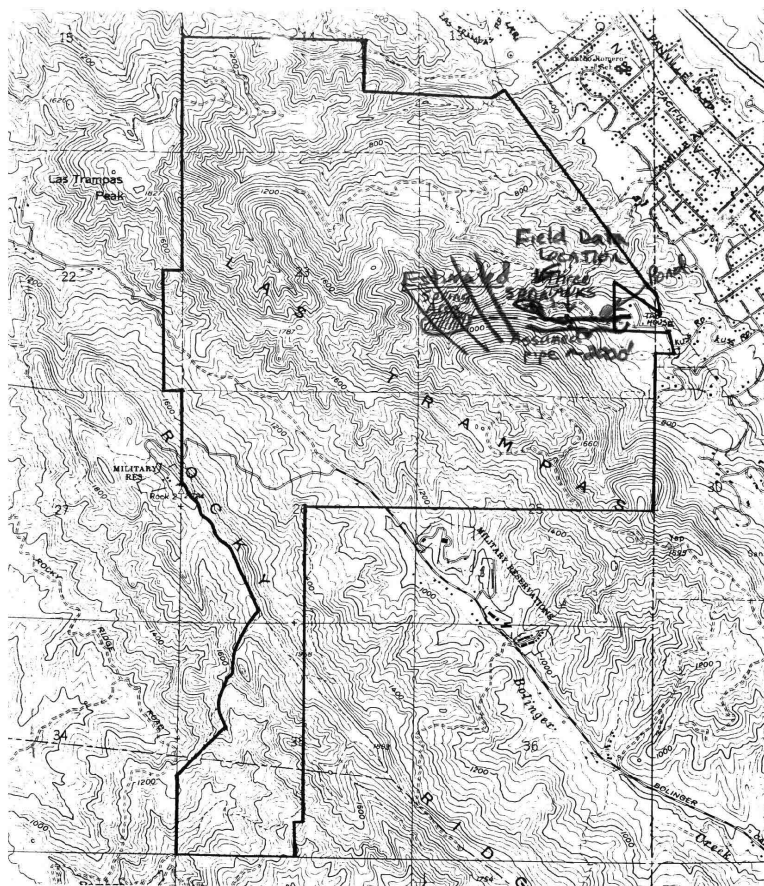
Page 2 of ____

NARRATIVE:

any objections to their improvement at this time. Nevertheless, in the interest of comity, the state should be given proper notice of the Service's intent to improve the water transport system by rebuilding the storage tanks. If the state should object to such, the matter should be turned over to the Solicitor's Office immediately for speedy resolution -- perhaps by obtaining a special easement for the tanks or removing them to inside the Historic Site's boundaries.

James H. Hershey
Sept. 30, 1980





EBRPO

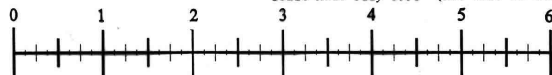
1" = 2000'

8-74

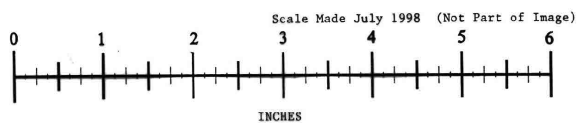
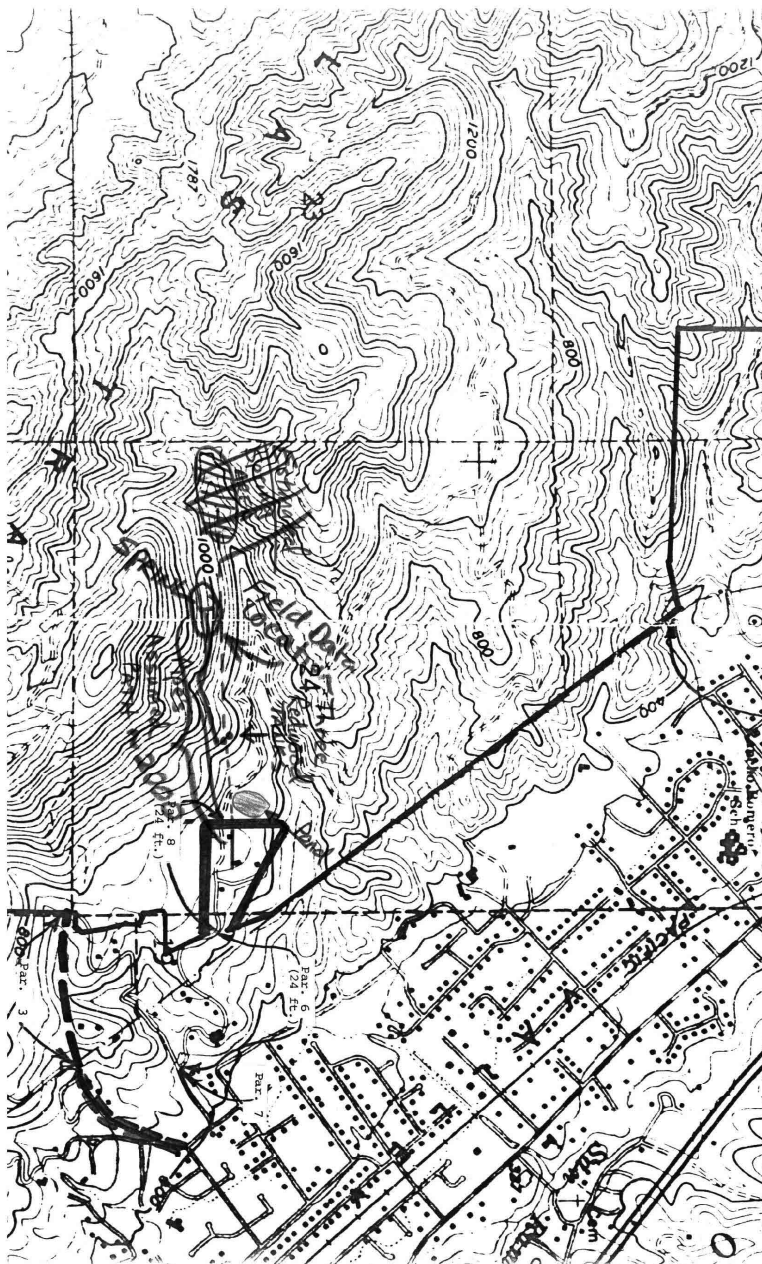


LAS TRAMPAS

Scale Made July 1998 (Not Part of Image)



INCHES



Number of Documents in Docket	43		
Documents Dated from	7/10/1980	to	3/11/1981
Docket Compiled:	3/10/2011		