



WATER-RIGHT DOCKET

Grand Canyon National Park

Docket No: 8

BRIGHT ANGEL CREEK HYDRO-ELECTRIC POWER

Preliminary Docket Information

08-08-1973: water right/source docket information

WATER RESOURCES/WATER RIGHTS

DATE: August 8, 1973

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western Region AREA Grand Canyon National Park
SITE Bright Angel Creek for Phantom Ranch
STATE Arizona COUNTY Coconino DOCKET NO WR #8
LOCATION SE 1/4, SW 1/4, Sec.32, T32N, R3E, G&SRB&M
REGIONAL BASIN LOCAL BASIN
ACQUIRED BY Appropriation
APPLICATION A-1881 PERMIT A-1195 (cancelled) CERTIFICATE
ACTION DUE PRIORITY April 14, 1938 RESERVATION January 11, 1908
QUANTITY -0- USE None
STATUS Inactive SOURCE Creek
REMARKS Hydrologic Unit #15010001

NARRATIVE: The National Park Service filed application A-1881 with the state of Arizona on April 14, 1938. This application requested that a permit be issued for the appropriation of 20 sec. ft. of water from Bright Angel Creek, to be used to generate electrical power. Approximately 25% of the power was to be used for domestic purposes at Phantom Ranch, and the remaining 75% was to be transmitted to Indian Gardens, to be used for pumping water into the Indian Gardens' collecting sump.

Permit A-1195 was granted for this purpose on November 28, 1938.

Several extensions of time were granted for perfection of this water right. The final extension gave the government until November 27, 1960 to complete construction of the project, and until November 27, 1961 to make full application of the water to beneficial use. The docket does not indicate whether the project was completed.

On August 17, 1973, Mr. William Matteson, Grand Canyon Park Engineer, reported that this project never came to reality. Electrical power for Phantom Ranch was supplied by a diesel-electrical generator plant on site until 1965, when commercial power was brought in to supply the Ranch. No hydro-electrical power generated in the Park north of the Colorado River was ever transmitted to Indian Gardens.

The State Land Department sent to the Park an order to show cause why application A-1881 should not be cancelled. This matter was referred to this office on August 22, 1973, and on September 14 we made application for an extension of time to complete construction and make proof of appropriation.

On Oct. 28, 1974, the State Land Department cancelled Application No. A-1881 due to NPS lack of diligence in perfecting this water right. The Reservation Doctrine may be applied in the future if water sources need to be developed. Power is presently supplied to Phantom Ranch from commercial sources and water for the Ranch is taken from the trans-canyon pipeline (source: Roaring Springs).

Kevin Kidder
June 10, 1976

Compiled by Wm. N. Murray

Approved by W. Werrell

Page 1 of 1

Grand Canyon, Arizona.
December 2, 1938.

APPLICATION NO.: A-1881.

COVERING APPROPRIATION OF WATER FROM: Bright Angel Creek.

AMOUNT: 20 cubic feet per second.

FOR USE AT: Phantom Ranch for the development of power which will be used at Phantom Ranch for lighting, cooking, etc., and at the proposed pumping plant near Phantom Ranch which will pump water to Indian Gardens for domestic use on the South Rim.

DATE OF FILING: April 14, 1938, at 11.00 A. M.

FILING FEE: \$3.00, Receipt No. 228, dated April 14, 1938.

RECORDING FEE: \$37.70, Receipt No. 348, dated August 8, 1938.

PERMIT NO.: A-1195.

PERMIT DATED: November 28, 1938.

DATE OF PRIORITY: April 14, 1938.

DATE BY WHICH CONSTRUCTION SHALL BEGIN: November 27, 1939.

DATE BY WHICH CONSTRUCTION SHOULD BE COMPLETED: November 27, 1943.

DATE BY WHICH COMPLETE USE OF WATER SHALL BE MADE: November 27,
1944.

FURTHER ACTION REQUIRED: This application was made to cover anticipated use of water from Bright Angel Creek for power purposes in connection with water to be pumped from Bright Angel Creek for use on the South Rim to supplement the Indian Garden supply. It is, of course, not known when work on the proposed power plant will be started. However, there is a limit of one year in the application as to "Date by Which Construction Work Shall Begin" after approval of the application. In filing the application I took advantage of the full year allowable and since the application was approved on November 28, 1938, this automatically puts the date "By Which Construction Shall Begin" to November 27, 1939. If it is seen that work will not actually be started by that date, then an amended application must be filed or authority for extension of time must be secured from the State Water Commission. In any event, there must be filed with the State Water Commission formal "Notice of Beginning of Construction" and upon completion of work there must be filed formal "Notice of Completion of Construction." Under the permit as it now stands, construction work is to be completed by November 27,

1943, and "Complete Application of the Water to the Proposed Use" shall be made within one year from that date. Consequently, on or before November 27, 1944, there must be filed with the State Water Commission "Notice of Complete Application of Water to a Beneficial Use," and also "Proof of Appropriation of Water." Upon filing such forms and payment of the required fee (\$3.50 at present) a Certificate of Water Right will be issued by the State Water Commission.

REMARKS: A copy of Application No. A-1881 (Permit A-1195) and a copy of this summary is being sent to the Director, to Mr. M.C. Blanchard, Chief Engineer, A. T. & S. F. Railway and to Mr. Joseph E. Taylor; the latter should substitute the attached for the copy now in his files, since certain corrections and additions required by the State Water Commission were made in the form before filed. In this connection Mr. Taylor should note the addition necessarily made in Paragraph 21, under the heading "General" on page 3. The original of all papers, receipts, documents, etc., in connection with this case is on file in my office.

M. R. TILLOTSON,
Superintendent.

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA
BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO. **A-1881**)
PERMIT NO. A-1195)
)
)
Bright Angel Creek/Colorado River) ORDER OF CANCELLATION
)
)
Applicant, Grand Canyon National)
Park)
)

Upon the files and records of the Arizona State Land Department, the State Land Commissioner, being fully advised in the premises, hereby makes the following findings of fact:

1. That Application to Appropriate Water No. **A-1881** was filed with the Arizona State Land Department on **April 14, 1938** . That the said Applicant has not proceeded with due diligence to perfect said Application to Appropriate Water and was Ordered to Show Cause, if any there be, on or before **September 17, 1973** , why said application should not be cancelled.

2. That said Applicant has not shown cause nor did Applicant appear to show cause why Application to Appropriate Water No. **A-1881** should not be cancelled and it is in the best interest of the State to cancel said application due to Applicant's lack of diligence.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application to Appropriate Water No. **A-1881** heretofore filed by **Grand Canyon National Park, National Park Service, P.O. Box 36063, San Francisco, California 94102** , Applicant(s) be and the same hereby is cancelled.

This Order is subject to appeal as in such cases is provided by the laws of the State of Arizona.

GIVEN under my hand and the official seal of the Arizona State Land Department this **28th** day of **October** , 19 **74**

SEAL


STATE LAND COMMISSIONER

64-74

BY CERTIFIED MAIL 569699

Received
Division of Water Resources
OCT 31 1974

Name	Act	Info	File	Init

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA
BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF)
APPLICATION NO. **A-1881**)
TO APPROPRIATE WATER)
Re: Bright Angel Creek/Colorado River) ORDER TO SHOW CAUSE
Grand Canyon National Park, Applicant)
)
)
)
)

The Arizona State Land Department, through its Water Rights Division, on lack of information that the above named applicant has complied with the requirements of ARS Section 45-150 relating to the completion of construction to appropriate surface waters, and further on the belief that the above named applicant has not complied with the requirements of Article I, Chapter IV, Rule 13 of the rules and regulations of the State Land Department governing surface waters, copy attached, HEREBY ORDERS that the above named applicant on or before 17th day of September, 19 73, personally or by verified writing appear and show cause why the State Land Department should not cancel the above numbered application to appropriate the certain waters herein described.

GIVEN under my hand and the Official Seal of the State Land Department this 13th day of August, 19 73.

ARIZONA STATE LAND DEPARTMENT

S E A L


STATE LAND COMMISSIONER

Upon the written request of applicant, and due cause having been shown the date set for hearing the Order to Show Cause set forth above is hereby advanced to the ____ day of _____, 19 ____.

ARIZONA STATE LAND DEPARTMENT

STATE LAND COMMISSIONER

BY CERTIFIED MAIL 570270



JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634



ANDREW L. BETTWEY
STATE LAND COMMISSIONER

Copy 9

September 27, 1973

Mr. Gustav W. Muehlenhaupt
Acting Regional Director
U. S. Department of the Interior
National Park Service
Western Region
Post Office Box 36063
San Francisco, California 94102

Dear Mr. Muehlenhaupt:

As per your request of September 14, 1973, find enclosed an extension of time on the Commissioner's Order To Show Cause on Application Nos. A-2823, A-1765, A-1880, A-3095, A-2601, A-2602, A-1878, A-1799, A-1881 and A-1766 to and including the 1st day of October, 1974.

Very truly yours,

Wm Joe Melling
Wm. Joe Melling, Director
Water Rights Division

WJM/jaw

Enclosures

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA

BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF)
APPLICATION NO. A-1881)
TO APPROPRIATE WATER)
Re: Bright Angel Creek/Colorado River) ORDER TO SHOW CAUSE
Grand Canyon National Park, Applicant)
)
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GIVEN under my hand and the Official Seal of the State Land Department this 13th day of August, 19 73.

ARIZONA STATE LAND DEPARTMENT

S E A L

Arthur H. Bittner
STATE LAND COMMISSIONER

Upon the written request of applicant, and due cause having been shown the date set for hearing the Order to Show Cause set forth above is hereby advanced to the 1st day of October, 19 74.

ARIZONA STATE LAND DEPARTMENT

Wm. Lee Milligan
for the STATE LAND COMMISSIONER

BY CERTIFIED MAIL 570270

ARTICLE I, CHAPTER IV, RULE 13

13. Proof of Appropriation of Water and Issuance of Certificate.

When an applicant and a holder of a permit has completed the appropriation of the water set forth in his application and permit, he shall file with the Department on a Water Rights Division form PROOF OF APPROPRIATION OF WATER. After a field inspection or such other investigation of the completed project by the Department has been made and the Department is satisfied therefrom that all the requirements of law and these Rules and Regulations have been met, a CERTIFICATE OF WATER RIGHT shall be issued to the applicant or his assignee of record in the State Land Department, Water Rights Division and will be subject to the provisions and conditions therein contained, and such other conditions as may be added thereto, and the provisions of law and these Rules and Regulations.



JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634



ANDREW L. BETTWY
STATE LAND COMMISSIONER

September 27, 1973

Mr. Gustav W. Muehlenhaupt
Acting Regional Director
U. S. Department of the Interior
National Park Service
Western Region
Post Office Box 36063
San Francisco, California 94102

Dear Mr. Muehlenhaupt:

As per your request of September 14, 1973, find enclosed an extension of time on the Commissioner's Order To Show Cause on Application Nos. A-2823, A-1765, A-1880, A-3095, A-2601, A-2602, A-1878, A-1799, A-1881 and A-1766 to and including the 1st day of October, 1974.

Very truly yours,

Wm. Joe Melling
Wm. Joe Melling, Director
Water Rights Division

WJM/jaw

Enclosures

[illegible]



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(WR)PSSW
Water Rights/General
76FO

September 14, 1973

State Land Commissioner
State Land Department of the
State of Arizona
1624 West Adams - 4th Floor
Phoenix, Arizona 85007

Dear Sir:

This is in response to your orders to show cause in regard to applications listed below. In accordance with the telephone conversation of August 29 between Mr. William Melling of your office and Mr. Gerard Witucki of this office, a request is hereby made for an extension of time regarding these applications.

In reviewing our files concerning these applications, we have determined that the water usages under the following permits continue to have regular and active use:

Application A-2823, Permit A-1987 for Lower Saddlehorse Springs in Grand Canyon National Monument.
Application A-1765, Permit A-1093 for Roaring Springs.
Application A-1880, Permit A-1194 for Bright Angel Creek for South Rim of the Grand Canyon.
Application A-3095, Permit A-2147 for Rio Puerco water system in Petrified Forest National Monument.
Application A-2601, Permit A-1829 for Cholla Spring #1 in Tonto National Monument.
Application A-2602, Permit A-1830 for Cholla Spring #2 in Tonto National Monument.

The following diversionary systems are in place, operable, and are being maintained on a standby basis for use during emergencies or while repairs are being made to the principal water-delivery systems:

Application A-1878, Permit A-1192 for Bright Angel Creek
Application A-1799, Permit A-1132 for the Bonita Canyon Springs water system at Chiricahua National Monument.

The systems to which the following permits refer have not been used regularly therefore; we have placed these water usages on our inactive list:

Application A-1881, Permit A-1195 for the Bright Angel
Creek hydroelectric system for Phantom Ranch.
Application A-1766, Permit A-1094 for Bright Angel
Creek for Phantom Ranch.

Substantial funds were expended in planning and construction for the projects related to these applications, and we believe that increasing Park visitation and expansion of facilities may someday require the implementation of these projects.

Sincerely,

SIGNED

Gustav W. Muehlenhaupt
Acting Regional Director

bc:
Ass't Regional Director, Arizona
Superintendent, GRCA
Superintendent, PEFO
Superintendent, TONTO NM
Superintendent, CHIRICAHUA NM
Field Solicitor, San Francisco
Field Solicitor, Arizona

(WR)PSSW:WMMurray:GSWitucki:mpm 9/14/73

Re: L54-L

January 17, 1956.

C

Mr. A. van V. Dunn, Chief
Water Resources Section
National Park Service
Washington 25, D. C.

O

RE: Application No. A-1880, Permit No. A-1194; and
Application No. A-1881, Permit No. A-1195
Bright Angel Creek - Grand Canyon National Park

P

Dear Mr. Dunn:

In compliance with the request contained in your letter
of January 6, 1956, we enclose herewith extension of
time of five years within which to complete construction
work in the above captioned cases.

Very truly yours,

Y

C. H. W. Smith, Engineer
Surface Water Division

CHWS/k

Encls.

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF
A R I Z O N A

IN THE MATTER	)	
	)	
of	)	<u>C O M M I S S I O N E R ' S</u>
	)	
Application No. A-1880	)	
Permit No. A-1194; and	)	<u>O R D E R</u>
	)	
Application No. A-1881	)	
Permit No. A-1195	)	Granting an Extension of
	)	
Bright Angel Creek	)	TIME
	)	
The United States of America	)	
GRAND CANYON NATIONAL PARK	)	

The United States of America, Grand Canyon National Park, through its Chief of Water Resources Section, A. van V. Dunn, having requested additional extension of time within which to complete construction work and within which to make complete application of water to beneficial use under the terms of Permits Nos. A-1194 and A-1195, granted pursuant to Applications Nos. A-1880 and A-1881, and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, Grand Canyon National Park, be and it is hereby granted, an extension of time dating from November 27, 1955 to November 27, 1960, within which time to complete construction work; and from November 27, 1956 to November 27, 1961, within which time to make complete application of water to beneficial use under the terms of said Permits Nos. A-1194 and A-1195.

This Order is made nunc pro tunc to serve as if made on November 27, 1955.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Land Commissioner of the State of Arizona, this 17th day of January, A. D., 1956.



Acting Deputy State Land Commissioner

LSA-L

January 6, 1956

Mr. Roger Ernst, State Land Commissioner
State Land Department
Phoenix, Arizona

Attention: Surface Water Division
Re: Application No. A-1880, Permit A-1194; and
Application No. A-1881, Permit A-1195 for
Grand Canyon National Park

Dear Mr. Ernst:

In reply to the letter of December 28, 1955, from Miss Hammond, a request is hereby made for another extension of time, for 5 years if possible, in which to complete construction of the Bright Angel Creek Supplemental Water Supply for the South Rim of Grand Canyon, and the related hydro-electric plant to serve Phantom Ranch and provide power to pump the supplemental water supply to the existing South Rim water system.

The actual construction has been suspended during the past two years while the United States negotiated the purchase of the interests of its concessioner in the existing water system. The National Park Service is now working on revision of plans to permit completion of the system in a manner to meet the growing municipal needs of the community on the South Rim of Grand Canyon. The project, as now being redesigned, will include a change in point of diversion, and the addition of considerable regulatory storage at a cost of more nearly \$1,000,000 than the \$115,000 which was originally estimated. It is now planned to contract for the actual reconstruction in the fiscal year 1958 or 1959.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three (2) for Dockets 7 & 8 w/c incoming
Superintendent, Grand Canyon (2), for Dockets 7 & 8 w/c incoming
Western Office of Design and Construction with Dockets 7 & 8 which
will be completed later ✓
Mr. Dunn (2) for Dockets 7 & 8 w/c incoming

AvVDunn:let

Put in letter file

COPY

Office of
State Land Department
State of Arizona
Phoenix, Arizona

December 28, 1955

Re: L54-L

Mr. A. van V. Dunn, Chief
Water Resources Section
National Park Service
U. S. Department of the Interior
Washington 25, D. C.

Re: Application No. A-1880, Permit No. A-1194; and
Application No. A-1881, Permit No. A-1195 -
Grand Canyon National Park, applicant

Dear Sir:

On September 13, 1953, an extension of time was granted within which to complete construction work in the above captioned cases - said time expiring on November 27, 1955, therefore, we enclose herewith forms of Notice of Completion of Construction Work in the above captioned cases. Please complete same and return the white pages for recording purposes.

In the event that it is not possible to complete these forms at this time, we suggest that you write us to this effect, giving cause therefor and requesting an extension of time within which to do so.

Very truly yours,

/s/ Kay Hammond

Kay Hammond, Secretary
Surface Water Division

Encls.





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

In reply refer to:
LSh-L

October 2, 1953

Subject: Water Right Applications
Nos. A-1880 and A-1881

State Land Commissioner

Phoenix, Arizona

Dear Sir:

The water systems for the diversion and use of waters of Bright Angel Creek for the power plant at Phantom Ranch and supplemental water supply for the South Rim of Grand Canyon National Park have not been completed because of limitations on construction which have been imposed by Congress and the Bureau of the Budget. However, Park attendance, with related demand for the water, has increased about 30% since the last extension of time was granted in 1950, and the attendance is increasing at an accelerated rate. The existing water system is inadequate for the present demand.

Accordingly, request is hereby made for another extension of time in which to complete the water systems.

Sincerely yours,

(SGD.) A. VAN V. DUNN.
A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

IN THE MATTER

OF

Application No. A-1880,
Permit No. A-1194,
Bright Angel Creek; and
Application No. A-1881,
Permit No. A-1195,
Bright Angel Creek,
The United States of America,
Grand Canyon National Park.

ORDER GRANTING

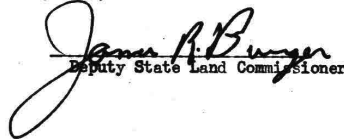
ADDITIONAL EXTENSION OF TIME

The United States of America, Grand Canyon National Park, by its Chief, Water Resources Branch, having requested additional extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permits Nos. A-1194 and A-1195, granted pursuant to Applications Nos. A-1880 and A-1881, and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, Grand Canyon National Park, be and it is hereby granted an extension of time from November 27, 1953, to November 27, 1955, within which to complete construction work; and from November 27, 1954, to November 27, 1956, within which to make complete application of water to beneficial use under the terms of said Permits Nos. A-1194 and A-1195.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

Seal of the State Land Commissioner of the
State of Arizona, this the 13 day of
September, A.D., 1953.


Deputy State Land Commissioner

C O P Y

OFFICE OF
STATE LAND DEPARTMENT
STATE OF ARIZONA
PHOENIX, ARIZONA

W. W. Lane
State Land Commissioner
Water Division

November 22, 1950

Re: L54 GRAN

Mr. A. van V. Dunn, Chief
Water Resources Branch
National Park Service
United States Department of the Interior
Washington 25, D. C.

Dear Mr. Dunn:

Re: Application No. A-1880, Permit A-1194
Application No. A-1881, Permit A-1195
BRIGHT ANGEL CREEK

We enclose herewith the Commissioner's Order
granting an extension of time in the above captioned
cases as requested in your letter of November 13th.

Very truly yours,

/s/ Kay Hammond

Kay Hammond
Acting Secretary
Water Division
State Land Department

Enc-2

k

C O P Y

BEFORE THE STATE LAND COMMISSIONER OF ARIZONA

IN THE MATTER

OF

Application No. A-1880, Permit No. A-1194,
Bright Angel Creek;
Application No. A-1881, Permit No. A-1195,
Bright Angel Creek;

THE UNITED STATES OF AMERICA,
GRAND CANYON NATIONAL PARK

ORDER

GRANTING EXTENSION OF TIME

THE UNITED STATES OF AMERICA, GRAND CANYON NATIONAL PARK, by its Chief, Water Resources Branch, having requested an additional extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permits Nos. A-1194 and A-1195, granted pursuant to Applications Nos. A-1880 and A-1881, and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, that THE UNITED STATES OF AMERICA, GRAND CANYON NATIONAL PARK, be, and it is hereby granted an extension of time from November 27, 1950, to November 27, 1953, within which to complete construction work; and from November 27, 1951, to November 27, 1954, within which to make complete application of water to beneficial use under the terms of said Permits Nos. A-1194 and A-1195.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 22nd day of November, A. D., 1950.

(SEAL)

/s/ James R. Burger
Deputy State Land Commissioner



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

In reply refer to:
L54 GRAM

November 13, 1950

Mr. W. W. Lane
State Land Commissioner
Phoenix, Arizona

Dear Mr. Lane:

Request is hereby made for a further extension of time in which to complete the water systems and make beneficial use of the water under Water Right Application A-1880, Permit A-1194, and Application A-1881, Permit A-1195, at Grand Canyon National Park.

Although the waters of Bright Angel Creek have been partially diverted and used, it has been impossible and impractical to complete the authorized systems for the following reasons:

1. Congress and the Bureau of the Budget have limited Federal expenditures for such public recreational developments since 1941, first because of the war, then to make funds available for more urgently needed postwar national readjustments and housing, and now for further defense expansion.

2. The concessioner did not feel justified in making investments during the wartime drop in public use, and could not obtain labor and materials. He has also had no justification for making such improvements since the cessation of hostilities, and because the renewal of the concession contracts have been suspended pending establishment of a new Departmental policy regarding concessions which was signed by the Acting Secretary on October 13, 1950.

In spite of the unavoidable delay, the need for the developments is urgent, to accommodate the public. The increasing public use of the Park may be measured by the following total annual attendance:

1941 - 431,816 visitors
1948 - 618,210 visitors
1950 - 645,348 visitors

Sincerely yours,
(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

BEFORE THE STATE LAND COMMISSIONER OF ARIZONA

In the Matter

of

Application No. A-1880, Permit No. A-1194,
Bright Angel Creek;
Application No. A-1881, Permit No. A-1195,
Bright Angel Creek;
THE UNITED STATES OF AMERICA, GRAND CANYON
NATIONAL PARK.

ORDER

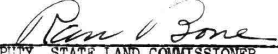
GRANTING EXTENSION OF TIME

THE UNITED STATES OF AMERICA, GRAND CANYON NATIONAL PARK,
by its Chief, Water Division, having requested an additional extension
of time within which to complete construction work and make complete
application of water to beneficial use under the terms of Permits Nos.
A-1194 and A-1195, granted pursuant to Applications Nos. A-1880 and A-1881,
and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, That THE UNITED STATES OF AMERICA, GRAND CANYON
NATIONAL PARK, be, and it is hereby granted an extension of time from
November 27, 1947, to November 27, 1950, within which to complete con-
struction work; and from November 27, 1948, to November 27, 1951, within
which to make complete application of water to beneficial use under the
terms of said Permits Nos. A-1194 and A-1195.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the

Seal of the State Land Commissioner of the
State of Arizona, this 17th day of November,
A. D., 1947.


DEPUTY STATE LAND COMMISSIONER

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 27, 1945.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the memoranda of September 14 from Acting Superintendent Davis to you and this Office with regard to the completion of water right deed assemblies for Grand Canyon National Park.

We enclose two copies of the summary sheet relating to Deed 20 on the basis of the memorandum for you.

By attaching the original letter of April 23, 1942, from State Water Commissioner Wanslee to Mr. Bryant to our copy of the order of the same date extending time under Permit A-1093 (Deed 21) we can probably consider the assembly complete, but we should appreciate having the Superintendent make one more search for the copy of the order which bears Mr. Wanslee's actual signature.

We have located a suitably signed copy of the order of November 9, 1942, extending time under Permit A-1192 (Deed 23).

We still lack the original letter of October 16, 1939, from Mr. Wanslee to Mr. Lloyd regarding Permits Nos. A-1193, A-1194, and A-1195 (Deeds 24, 25, and 26). On the other hand, we find that Mr. Wanslee's letter of August 23, 1941, to Mr. Bryant, had been received previously and filed in Deed 22 instead of Deed 28. It occurs to us, therefore, that the letter of October 16, 1939, might be in Mr. Bryant's files for any one of the three rights to which it applies. Another check would be appreciated, but these letters are only informatory, so it is not absolutely essential to have the original.

If Mr. Bryant cannot find these few remaining instruments we will consider our deeds complete. The next question is whether you have succeeded in completing your assemblies.

R. O. Davis
Chief, Water Rights Division.

Enclosure 324.
In duplicate.



*Copy to Grand Canyon
will be sent by enclosure.
(A check of the enclosure is the
best way to find it. Can locate it
in the file of 10/17/45) R. O. Davis
10/18*

Grand Canyon-Dead 25

C O P Y

Office of
State Land Department
State of Arizona
Phoenix, Arizona

April 24, 1944

Mr. John M. Davis
Acting Supt., Grand Canyon Nat'l. Park
Grand Canyon, Arizona

Re: App. No. A-1880
Per. No. A-1194

App. No. A-1881
Per. No. A-1195

Bright Angel Creek

Dear Mr. Davis:

Reference is made to your letter of the 22nd inst. requesting an extension of time in which to complete construction work under Permits Nos. A-1194 and A-1195.

We enclose herewith Order granting the extension of time under these permits for the completion of construction and making complete application of water to beneficial use.

You will note that the time for completing work has been extended to November 27, 1947, and the time for making complete application of water to beneficial use has been extended to November 27, 1948.

No reference is made in this Order to the time for amending the applications and permits. This matter can be taken care of whenever the time arrives that the applicant proposes to proceed with the work.

Very truly yours,

/s/ Edwin F. Stewart, Engineer
Water Division

BEFORE THE STATE LAND COMMISSIONER OF ARIZONA

IN THE MATTER

OF

Application No. A-1880,
Permit No. A-1194,
Bright Angel Creek;
Application No. A-1881,
Permit No. A-1195,
Bright Angel Creek;
THE UNITED STATES OF AMERICA,
GRAND CANYON NATIONAL PARK.

ORDER

GRANTING EXTENSION OF TIME

(C
O
P
Y)

The United States of America, Grand Canyon National Park, by its acting superintendent, John W. Davis, having requested an extension of time within which to complete construction work and make complete application of water to beneficial use, under permits Nos. A-1194 and A-1195, granted pursuant to applications Nos. A-1180 and A-1181, and the reasons for such extension being considered good and sufficient cause therefor,

IT IS ORDERED, that the UNITED STATES OF AMERICA, GRAND CANYON NATIONAL PARK, be, and it is hereby granted an extension of time from November 27, 1943, to November 27, 1947, within which to complete construction work; and from November 27, 1944 to November 27, 1948, within which to make complete application of water to beneficial use, under the terms of said permits Nos. A-1194 and A-1195.

THIS ORDER is made nunc pro tunc to serve as if made on November 27, 1943.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal

of the State Land Commissioner this 24th
day of April, A. D. 1944.

/s/ O. C. Williams
State Land Commissioner.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

April 22, 1944.

Miss Tessie L. Flynn, Secretary,
Water Division,
State Land Department,
Phoenix, Arizona.

Dear Miss Flynn:

Reference is made to your letter of February 24, 1944 relative to App. No. 1880, Per. A-1194 and App. No. A-1881, Per. A-1195, Bright Angel Creek.

It is regretted that there has been a delay in attending to this matter, but it has been due to correspondence with the Santa Fe Railway Company relative to their plans in initiating the project. A recent letter from their Chief Engineer Blanchard indicates that they would prefer deferring any action until some time in the future.

As the Railway Company is most concerned in this project, and the Government at this time unable to furnish funds with which to carry out the work, it is quite obvious that these Applications must be extended until after the end of the present war. Considerable work has been done in getting the Applications filed and it would seem too bad to throw this away if we can keep these applications in force until after the war period is ended.

We are, therefore, requesting that an Order granting an extension of time in an amount consistent with your legal authority be granted.

Sincerely yours,

(SGD) JOHN M. DAVIS

John M. Davis,
Acting Superintendent.

cc: Mr. Blanchard, A. T. & S. F. Ry.
Hydraulic Engineer Dunn, Region Four.
Regional Director, Region Three (2).

C O P Y

Office of
STATE LAND DEPARTMENT
State of Arizona
Phoenix, Arizona

February 24, 1944

Superintendent, Grand Canyon Nat. Park
Grand Canyon, Arizona

Re: App. No. A-1880, Per. A-1194
Bright Angel Creek

App. No. A-1881, Per. A-1195,
Bright Angel Creek

Dear Sir:

This is to advise you that the Order of the State Water Commissioner granting extension of time within which to amend the above designated applications and permits expired November 27, 1942.

If you desire to prosecute these applications to completion, please give the matter your early attention.

Very truly yours,

/s/ Tessie L. Flynn
Secretary, Water Division

Original of this letter is in Grand Canyon Deed No. 25.

C O P Y

STATE WATER COMMISSIONER
STATE HOUSE
PHOENIX, ARIZONA

Jesse C. Wanslee
Commissioner

Nov. 12, 1942.

Mr. A. van V. Dunn
Hydraulic Engineer
Water Rights Section
National Park Service
U. S. Dept. of Interior
601 Sheldon Building
San Francisco, California

Re: Application No. A-1878
Permit No. A-1192
Bright Angel Creek
The United States of America,
Grand Canyon National Park

Dear Sir:

We enclose a copy of Order Granting Extension of Time in the above designated case, original of which we keep on file in this office.

Mr. Wanslee, the Commissioner, who was scheduled to leave on official business immediately after signing the Order, has instructed me to advise you that the other permits you mention in your letter of September 11, 1942, which were granted pursuant to Applications Nos. A-1765, A-1799, R-454, A-1880 and A-1881, are already protected under Orders Granting Extension of Time, and dates are set up on our tickler system to notify you in due time before such Orders expire.

The Commissioner also requests that I inform you that favorable consideration will be given further extensions in these cases should conditions outlined in your letter exist on the expiration date of the Orders, or should other problems arise to merit such extensions.

I trust that my interpretation of Mr. Wanslee's verbal instructions will be satisfactory to you and to him.

Very truly yours,

/s/ Tessie L. Flynn

For
JESSE C WANSLEE
STATE WATER COMMISSIONER

C O P Y

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco, Calif.

September 11, 1942.

Mr. Jesse C. Wanslee,
State Water Commissioner,
State House,
Phoenix, Arizona.

Dear Mr. Wanslee:

We have the following incomplete water rights in your State in the name of the United States:

Application A-1878, Permit A-1192,
Bright Angel Creek Diversion for Cottonwood
Camp at Grand Canyon, requiring application
of the water to beneficial use by Nov. 27, 1942.

Application A-1880, Permit A-1194,
Bright Angel Creek Diversion for Supplemental
Municipal use at the Town of Grand Canyon,
Arizona, requiring completion of construction by Nov. 27, 1942.

Application A-1881, Permit A-1195,
Bright Angel Creek Diversion for hydroelectric
purposes at Phantom Ranch, Grand Canyon, re-
quiring completion of construction by Nov. 27, 1942.

Application A-1799, Permit A-1132,
Bonita Canyon Springs Diversion for Chiricahua
National Monument, requiring some further con-
struction and proof of use by Sept. 30, 1943.

Application R-454, Permit R-235,
Toroweep Wash Reservoir for Grand Canyon
National Monument, requiring proof of
beneficial use by Aug. 8, 1944.

Application A-1765, Permit A-1093,
Roaring Springs Diversion for the Town of Kaibab
Post Office, Arizona, in Grand Canyon National
Park, requiring complete construction by Dec. 31, 1945.

We wonder if it is possible to obtain a blanket extension of time for all these claims until two years after the close of the war. For over a year now, almost all Park Service construction funds have been impounded as a war measure. Where funds have been available we have found our priority too low to obtain necessary materials. CCC activity was all terminated on July 1 of this year and from about the time of the first draft the personnel in these camps has been so far below normal that little more than emergency maintenance has been possible with them.

Full beneficial use is also impossible. The abandonment of each CCC camp is a decrease of about 10,000 gpd in water demand. Much of the regular Park Service staff has joined the armed forces and moved their families out of the Park Service areas and all temporary crews are far below normal strength. Public attendance has also decreased to only about 50% of that for last year. Some consideration is being given to re-opening part of the CCC camps for use as Civilian Public Service camps, but the effect on water use is still uncertain.

We have tentative plans for unusually heavy construction projects at the close of the war to help stabilize the economic situation. Thus it is anticipated that the construction program and water use will soon reach their normal position on the trend of development, but due to possible delays in releasing or appropriating the first funds, the time that may be required to restore manufacturing facilities and reassemble labor crews, we feel that two years should be provided in which to report completion of projects.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Director.
Region Three.
Supt., Grand Canyon Nat. Park.
Supt., S.W. Monuments.

C O P Y

BEFORE THE STATE WATER COMMISSIONER OF
ARIZONA

In the Matter)

-of-)

O R D E R

Application No. A-1880,)
Permit No. A-1194,)
Bright Angel Creek;)
Application No. A-1881,)
Permit No. A-1195,)
Bright Angel Creek;)
The United States of America,)
Grand Canyon National Park.)

GRANTING EXTENSION OF TIME

The United States of America, Grand Canyon National Park,
by its acting superintendent, J. H. Bryant, having requested an extension of time within which to amend Applications Nos. A-1880 and A-1881, filed April 4, 1938, and to amend Permits Nos. A-1194 and A-1195 which were granted November 28, 1938, before beginning construction work under the terms of the original Permits which were granted pursuant to the filing of said applications, and the reasons set forth by Permittee, which include a probable change in the points of diversion in order that an adequate supply of power and water can be furnished the Grand Canyon Village, a town of 2,076 permanent residents, being considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America,
Grand Canyon National Park, be, and it is hereby, granted an extension of time from November 27, 1939 to November 27, 1942 within which to amend said applications Nos. A-1880 and A-1881, and to amend said Permits No. A-1194 and No. A-1195 before beginning construction under the terms of the original Permits.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the Seal of the State Water Commissioner this 21st day of
SEAL

November, A. D., 1939.

/s/ Jesse C. Wanslee
STATE WATER COMMISSIONER

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZ.

November 20, 1939.

The State Water Commissioner,
State Office Building,
Phoenix, Arizona.

Dear Sir:

Reference is made to Permit No. A-1194 and Permit No. A-1196, having to do with the use of water of Bright Angel Creek, Grand Canyon National Park, for domestic and power use.

From studies thus far made, we find that the only adequate water supply suitable for use at Grand Canyon is that to be obtained from Bright Angel Creek. Grand Canyon has become a sizable town, with a permanent population and with some 200 voters. At times during the busy season the resident population amounts to nearly 2000 and the tourist population to between 3000 and 4000 per day. Consequently there is increased need for a domestic water supply greater than that which can be furnished from Garden Creek at Indian Gardens.

The original plan contemplated the construction of a hydro-electric power plant and a pumping station to furnish domestic and municipal use at Grand Canyon village. Recently engineers have investigated the possibility of siphoning water from this source of supply. This plan seems feasible because the source on the north side of the Canyon is much higher than Indian Gardens where the pumping plant is now located. Two possibilities are to be investigated, that of taking the flow of water from Phantom Springs at the head of Phantom Creek, a tributary of Bright Angel Creek and conducting it through the pipe line, through the Colorado Gorge to Indian Gardens. The other possibility, involving a longer pipe line, would be to divert water from Bright Angel Creek above Box Canyon, take it across the Tonto Platform and siphon across to Indian Gardens. In either case it would be feasible to secure sufficient water and head from this pipe line to run a small hydro-electric plant to furnish power to the development at Phantom Ranch.

In view of the fact that any scheme of siphoning water across the Canyon involves a complete change in plan from that outlined in the original permits, we are requesting that amended permits be issued to cover a three years period, allowing time to gather engineering data.

Furthermore, we contend that Grand Canyon village mentioned above is to be considered as a city or town under Section 3288 of the Water Code, for the reason that the present census of Grand Canyon shows a permanent resident status of 2076 plus a temporary

population on August 8, 1939, of 3828 additional, making a total maximum population in the summer of 1939 of 5094. Also Grand Canyon Village has all the essentials and elements of a town as defined by court decisions and otherwise. Your attention is called to the fact that the purposes stated in the application are for municipal uses, and therefore these permits should be exempt from the usual requirements.

Very truly yours,

(SGD) H. C. BRYANT

H. C. Bryant,
Acting Superintendent.

CC: The Director,
The Regional Director,
Joseph E. Taylor, Regional Attorney.

C O P Y

STATE WATER COMMISSIONER
State House
Phoenix, Arizona.

October 16, 1939.

Mr. J. V. Lloyd
Acting Superintendent
Grand Canyon National Forest
Grand Canyon, Arizona

Re: App. No. A-1879, Per. A-1193
Clear Creek.
App. No. A-1880, Per. A-1194
Bright Angel Creek.
App. No. A-1881, Per. A-1195
Bright Angel Creek.

Dear Mr. Lloyd:

Your letter of the 13th instant requesting an extension of time for the beginning of construction work under Permits Nos. A-1193, A-1194 and A-1195 of the National Park Service is acknowledged.

We have consistently held that the Commissioner is without authority to extend the time for beginning work beyond the one year fixed for doing so in section 3288, R. C. A. 1928. You will observe in this section that the time for completing the work may be extended, with no reference to extending the time for beginning the work. In these cases the full year was allowed when the applications were approved, the 27th of November 1939, being set as the time limit for beginning the work. It is therefore our suggestion that a start be made on the actual construction of each of these projects before the time expires. Then, should more time be found necessary in which to complete the work, we will be glad to grant such extension as may be found necessary.

The question you raise does not appear to have ever reached our Supreme Court, and we have not searched for cases in point in other jurisdictions, but we are sure that without direct statutory provision for doing so the Commissioner cannot extend the time for beginning work.

If you feel that we are wrong in our construction of the law applicable in these cases we would be glad to receive any citations of authorities to the contrary you may be able to submit.

Sincerely yours,

(Signed) Jesse C. Wanslee,

Jesse C. Wanslee
State Water Commissioner.

*9/14/45 - Supt. says original of this letter
not available.*

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZ.

October 13, 1939.

Arizona State Water Commissioner,
Phoenix, Arizona.

Dear Sir:

Permission is herewith requested for an extension of two
years in which to begin construction on the following projects
covered by Water Use Permits:

Nos. A-1193, Clear Creek,
A-1194, Indian Gardens,
A-1195, Indian Gardens.

Inability to secure necessary funds with which to finance the
construction of these projects, precludes the possibility of start-
ing work in the immediate future.

Sincerely yours,

(Sgd) J. V. Lloyd

J. V. Lloyd,
Acting Superintendent.

CC to Mr. Joseph E. Taylor,
Regional Attorney,
Region Four, National Park Service,
601 Sheldon Building,
San Francisco, California.

COMPARED
RECORDEDPermit No. A-1195Application No. A-1881*Tentative for Discretionary
revisions
(rule 66-5113)*

APPLICATION FOR A PERMIT

To Appropriate Public Waters of the State of ArizonaFiled April 14, 1938 at 11:00 A.M.
(Applicant must not fill in the above blanks.)I, The United States of America, by Frank Bishop, Superintendent of the
M. R. Tilley, Superintendent of Grand Canyon National Park
Southeastern National Monument (Name of Applicant.)of Grand Canyon County of Cocconino
(Postoffice.)State of Arizona, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of Arizona:1. The source of the proposed appropriation is Bright Angel Creek
(Name of stream or name of reservoir and stream if water is diverted from reservoir.)
tributary of Colorado River

2. The amount of water which the applicant intends to apply to beneficial use is:

For use, gallons per day.
(Municipal or Domestic.)For use,
(Irrigation.) (Cubic feet per second, or acre feet per acre per annum.)For use,
(Mining or Stock Watering.) (Cubic feet per second, or gallons per day.)For Power use, 20.0 cubic feet per second.
(Power.)For use, 3. The point of diversion is located N31°30'30"E, 25.165 feet from the SW corner
(State bearing and distance or coordinate distances to section or quarter section corner.)Section 24, T 31 N, R 2 E,being within the SE 1/4 SW 1/4 of Sec. 32 (unsurveyed), T. 32 N,
(State 40-acre subdivision of U. S. Government survey or projection thereof.) (No. N. or S.)R. 3 E, G. & S. R. B. & M., in the County of Cocconino.
(No. E. or W.)4. The main pipe line to be 0.54 miles in length, terminating in the
(Main ditch, canal or pipe line.)
SE 1/4 NW 1/4 of Sec. 5, T. 31 N, R. 3 E, G. & S. R. B. & M.,
(State 40-acre subdivision of U. S. Government survey or projection thereof.) (No. N. or S.) (No. E. or W.)

the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

5. Diversion Works: (a) Diversion will be by gravity, the diverting dam to be 5 feet in
height (stream bed to overflow), 150 long on top, and constructed of concrete.
(Concrete, earth, brush, etc.)(b) Description of headgate Headgate to be of concrete - details not complete.
(Timber, concrete, etc., number and size of openings.)(c) If water is to be pumped give general description --
(Size and type of pump.)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

Do not use this form in making application for a permit to construct a reservoir and store water. A special form for this purpose may be obtained from the State Water Commissioner.

*(This is a true copy of Official application and permit as
files of Sup't., Grand Canyon National Park - 1/25/39, S. H.)**Copy of this sent to Helston with letter 6/21/38 m-1
49*

m. 2

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

(b) Pipe line: Diameter 42 inches; length 2800 feet; grade 35.25 feet per 1,000 feet/total fall from intake to outlet 100 feet; kind wood stave
except last 200 feet, where grade will be 95 ft. per 1000 ft.
(Riveted steel, cement, wood-stave, etc.)

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

7. **Distributing Works.** Tank or Trough: Material ----- Size -----
(Cross out one.)
Capacity -----

8. **Cost and Construction Schedule.** The estimated cost of the proposed project is \$ 40,000
It is proposed to begin construction within 1 year after the approval of this application, to complete construction within 5 years thereafter and to completely apply the water to the proposed use 5 years after the beginning of construction.
(Not over 1 year.)

DESCRIPTION OF PROPOSED USE

9. **Domestic Use.** Domestic use is proposed as follows: -----
(Describe nature of use which may include the irrigation of gardens not exceeding one-half acre, stating number of persons and number of domestic stock to be served, etc.)

10. **Municipal Use.** To supply the city of -----
(Name of.) County, having a present population of -----, and an estimated population of ----- in 19-----.

11. **Irrigation Use.** (a) The land to be irrigated has an area of ----- acres; is located in ----- County, Arizona, and is particularly described by legal subdivisions as follows:

(Describe the subdivisions of the township or section the entire area of which it is proposed to irrigate, by the largest possible legal subdivisions, in the table below, inserting the area in the acreage column. In cases of irregular shaped parcels use a separate line to describe each 2½ acre subdivision in which they occur and insert only the area of such subdivision to be irrigated in the acreage column.)

Tp.	Range	Sec.	SUBDIVISIONS	Number Acres To Be Irrigated

(If more space is required, attach separate sheet.)

(b) What is the character of the soil? -----
(c) What quantity of water is necessary to raise proposed crops? -----
(Acre feet per acre per annum.)
(d) Land to be irrigated is owned by -----
(Name of owner.) (If applicant is lessee, etc., so state.)
(e) The irrigation season will begin about ----- and end about -----
(Beginning date each season.) (Closing date each season.)
(f) Has the land to be irrigated any water right or source of water supply other than that herein applied for? ----- Describe the nature and amount of any additional supply. -----

12. **Stock Watering Use.** (a) What kind of stock is it proposed to serve? -----
(b) What is the average number of stock it is proposed to serve per annum? -----
(c) What is the maximum number of stock it is proposed to serve? -----

13. **Power Use.** (a) The maximum amount of water to be used through the penstock is 20.0 cubic feet per second.

(b) Total amount of power to be developed 227 theoretical horsepower.
(Second feet $\times$ fall $\div$ 8.8.)

(c) Total fall to be utilized 100 feet.
(Pressure head.)

(d) The nature of the works by means of which the power is to be developed Turbines (probably two or three units because of transportation problems.
(Turbines, Pelton wheel, hydraulic ram, etc.)

(e) The works to be located, and the water to be released, in SE 1/4 NW 1/4 of Sec. 5 (unsurveyed)
(40-acre subdivision.)

T. 31 N R. 3 E G. & S. R. B. & M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream? yes If so, name stream and describe location of point where returned Bright Angel Creek in the SE 1/4 NW 1/4 Sec. 5 T. 31 N
(Name of stream.) (40-acre subdivision.) (No. N. or S.)

R. 3 E G. & S. R. B. & M.
(No. E. or W.)

(g) The use to which the power is to be applied is for use by the United States of America and its operators to operate restaurants and for domestic use at Phantom Ranch; and to pump water to Indian Gardens for additional municipal supply for the village of Grand Canyon, Arizona.

14. **Mining Use.** The mines to be served are — known
(Placer gold, lode gold, copper, etc.)

as the —
(Names of claims or name of group.)

located in — Sec. — T. — R. — G. & S. R. B. & M.,
(40-acre subdivision.) (No. N. or S.) (No. E. or W.)

and owned by —

The method of utilizing the water is —

Will the water be polluted by chemicals or otherwise? —
(Explain nature of pollution, if any.)

What disposition is made of water after use? —
(State if stored for reuse. If returned to a stream give name of stream and description of 40-acre tract to which returned.)

GENERAL

15. Are the maps required by the Rules and Regulations filed with Application? Yes If not,
(Yes or No.)
- state specifically the time required for filing same —
16. The proposed point of diversion is on land of The United States of America (Grand Canyon Na-
(Insert name of owner, or state on Public Domain, National Forest, State Land, etc.)
17. The proposed conduit system is on land of The United States of America (Grand Canyon
(Insert name of owner, or state on Public Domain, National Forest, State Land, etc.)
18. The land at the proposed place of use is owned by The United States of America (Grand Canyon
(Insert name of owner, or state on Public Domain, National Forest, State Land, etc.)
19. Post office used by those living near the proposed point of diversion is Grand Canyon, Arizona.
20. Of the applicant's knowledge, has the water described herein ever been appropriated, claimed or used by others? No If so, file a statement herewith furnishing names of former appropriators or users of the water, and supporting applicant's claim that the water is now subject to appropriation.
21. If the source of supply is a stream, state names and addresses of water users from the stream below the proposed point of diversion; or, if the source of supply is other than a stream, furnish the names and addresses of at least three residents of the vicinity familiar with the source of supply and the proposed use of water.

Only by the United States of America and those holding concessions with the United States, who will be beneficiaries of the appropriation.

Power is to be distributed for lighting, cooking, etc., in the area designated as Phantom Ranch located in the E 1/2 of the NW 1/4 of Sec. 5, T. 31 N., R. 3 E., (unsurveyed) about 25% of the power being used in this area. About 75% of the power will be transmitted southwesterly by a line approximately following the route of the proposed gravity pipe line shown on Drawing No. G. C. 5135 to the pumping plant located in NE 1/4 SW 1/4 of Sec. 6, T. 31 N., R. 3 E., G. & S. R. B. & M., (unsurveyed) where it will be used for pumping water to Indian Gardens' collecting sump.

United States of America,
By (Sgd) M. R. Tillotson
Superintendent, Grand Canyon National Park.
Signature of Applicant.

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m-3

m-4

ORDER OF CORRECTION

STATE OF ARIZONA, }
County of Maricopa. } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be corrected, completed and refiled in the office of the State Water Commissioner on or before _____, 19____.

WITNESS my hand and seal of office this _____ day of _____, 19____.

State Water Commissioner.

Application No. A-1881

RECORDED
COMPARED

Permit No. A-1195

PERMIT

STATE OF ARIZONA, }
County of Maricopa. } ss.

This is to certify that I have examined the foregoing application and do hereby approve the same, and grant to the applicant a permit to appropriate the water described therein subject to the following limitations and conditions:

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed Twenty (20) cubic feet per second for power purposes.

The priority of date under this permit is April 14, 1938.

Actual construction work shall begin on or before November 27, 1939 *(extended to Nov. 27, 1942)*, and shall be prosecuted with reasonable diligence and be completed on or before November 27, 1943.

Complete application of the water to the proposed use shall be made on or before November 27, 1944.

WITNESS my hand and seal of office this 28th day of November, 1938.

(Sgd.) Jesse C. Wanslee

State Water Commissioner.

Application No. A-1881

Permit No. A-1195

PERMIT

To Appropriate Public Waters of
the State of Arizona

District No. _____

This instrument was first received in the office of the State Water Commissioner at Phoenix, Arizona, on the 14th day of April, 1938, at 11:00 o'clock A.M.

Returned to applicant for correction

Corrected application refiled

A _____

November 28, 1938

Recorded in Book No. 11 of _____

Applications for Permit at page 1881

(Sgd.) Jesse C. Wanslee

State Water Commissioner.

WE MANUFACTURE STATIONERS IN PHOENIX, ARIZONA

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEState Arizona

LAND OWNERSHIP RECORD

Tract No. _____

County CocconinoDeed No. 26

Civil Subdivision _____

Area _____ acres

Grand Canyon Nat. Park

Name of Park or Area

Right

~~Right~~ based on ~~survey~~ Application & Permit Date April 14, 1938 Phantom Ranch
Section of Park or AreaLegal Description: Water Right Application A-1881, Permit A-1195, CertificateMethod of Acquisition: Water right appropriation Appropriation or Source of funds: Water Rights
Cost ~~approximately \$1200 to date~~ approximately \$1200Acquired from: State of Arizona

Accepted by Secretary (____) Opinion of Att'y. Gen.-title in U. S. (____) date: _____

Physical Characteristics: A conditional right to divert 20 sec. ft. of water from Bright Angel Creek for power purposes. Priority of April 14, 1938, may be lost by failure to construct system on time.

Improvements on Land at time of Acquisition: _____

Existing or outstanding special use permits, reservations, rights, or rights of way: _____

Report Based on: Records of Water Rights SectionPrepared by: A. van V. Dunn, Hydraulic Engineer date: 11/12/43Map References: --

Remarks: _____

25348

Supporting Hydro Data

C
O
P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES - SURFACE WATER

October 17, 1952

Superintendent
Grand Canyon National Park
Grand Canyon, Arizona

Dear Sir:

Subject: Roaring Springs

The following lists the miscellaneous discharge measurements made in the Roaring Springs Creek area during the summer months of 1952:

Date 1952	Roaring Springs Cr. at mouth	Bright Angel Creek above Roaring Springs	at mouth
June 21	13.0	19.4	39
July 31	9.6	11.3	28
Aug. 30	8.4	10.7	23
Oct. 10	7.3	8.83	*21

Note.- September measurement postponed because of Sept. 20-21 flood runoff in area.

*Estimated on basis of measurements made Oct. 7 and 14; 22.8 cfs and 20.4 cfs respectively.

This completes investigations which we propose to make this year. However, it is anticipated that we will again measure Roaring Springs about June 1953 under our general program of such spring inflow to the Colorado River in the Grand Canyon area.

Very truly yours

(SIGNED) John H. Gardiner

cc. Mr. Hely

JOHN H. GARDINER
District Engineer

Copy to: Reg Dir Region Three 2 ✓

Other Supporting Information



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(WR)PSW
CHIR/WR Docket File #1
GRCA NM/WR Docket File #2
GRCA NP/WR Docket Files #3,
4, 5, 7 and 8
TONTTO/WR Docket Files #1&2

November 14, 1974

Memorandum

To: Superintendent, Chiricahua
Superintendent, Grand Canyon
Superintendent, Tonto

From: **ACTING**
Regional Director, Western Region

Subject: Water Right Docket Material

Enclosed for your docket files and information are State of Arizona orders of cancellation for various applications for diversion of water sources in Chiricahua National Monument, Grand Canyon National Monument, Grand Canyon National Park and Tonto National Monument. As you recall, we had been given an extension of time as a result of our letter of September 14, 1973, to the State Land Department of Arizona in which we discussed the status of our water use and the comity nature of our filings. This extension of time has lapsed and the State has administratively cancelled the applications, copies enclosed. These applications, however, have not been active and would not qualify for license according to Arizona State Law, in any case. All of these diversions are within the Park and are protected under the Reservation Doctrine when they are used.

Since we are essentially only appropriating water on a regular basis from Roaring Springs, any action taken on our part to acquire a State License on Roaring Springs might be construed by the State as an implied waiver (or abandonment) of our rights on the other points of diversion. The best course of action in this case is to allow the State to administer this unilateral action while we maintain our position of comity.



Enclosures

cc:
WASO, Water Resources, w/encls - Mr. Berte
Field Solicitor, San Francisco Office, w/o encls
General Superintendent, SOAR

Save Energy and You Serve America!

154-L

WR copy
D

January 30, 1956

Memorandum

To: Superintendent, Grand Canyon
From: Chief, Water Resources Section
Subject: Water Right Application A-1880 for Appropriation of 1 sec.ft. of Bright Angel Creek for South Rim, Docket 7; and Application A-1881 for Appropriation of 20.0 sec.ft. of Bright Angel Creek for Hydro-electric Plant at Phantom Ranch, Docket 8, Grand Canyon

Two signed orders are attached, granting 5-year extensions of time in which to complete developments under the subject water rights. One order should be filed at top of contents of each docket.

Two copies of the order are being sent to the Region for similar disposition, with a copy of this memorandum. The Western Office of Design and Construction is being supplied with copies of the original applications, supporting maps, and copies of this order.

Rights under Application A-1880 will be amended to conform with plans to divert Haunted Spring or any other source which is selected. Rights under Application A-1881 may be amended or cancelled, depending on the ultimate plan for power development, which may not be as extensive as previously contemplated if power is not needed to pump water to Indian Gardens.

It is hoped that both plans, and some development may be completed by November 27, 1960, as now authorized. We should be supplied with revised plans as soon as they are available, in order to amend the water rights.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Three, with two attachments
WODC, with seven attachments
Mr. Dunn

AvVDunn:let

C O P Y

**UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

**GRAND CANYON NATIONAL PARK
Grand Canyon, Arizona**

February 15, 1952

Memorandum

To: Regional Director, Region Three
From: Superintendent
Subject: Additional Water Supply, South Rim, Grand Canyon National Park

In reply to Mr. Kittredge's inquiry in his memorandum of January 28, we have the following information:

The only measurements at Roaring Springs were those taken February 9, 1927 by Utah Parks Company Engineers, at two points:

1. Bright Angel Creek, 200 feet above its junction with Roaring Springs Creek, which showed a flow of 9.30 second feet.
2. Roaring Springs Creek below Roaring Springs, which showed a flow of 7.69 second feet. (Total flow 16.99 second feet.)

Both Roaring Springs and Bright Angel Creek above the junction of the two streams have a considerable seasonal and yearly fluctuation; last year (1951) being the lowest since the Utah Parks pumping station was installed, according to Utah Parks engineers.

Indian Gardens

There are three pumps at Indian Gardens with the following capacities:

- a. 75 gals. per minute
- b. 160 gals. per minute
- c. 160 gals. per minute

Normally only one of the larger pumps is used at a time; occasionally, however, a large one and the small one are used together; and it is possible to use all three at once.

Stream flow at Indian Gardens:

Minimum - - - - - 150 gals. per minute

Normal - - - - - 200 gals. per minute

It was the opinion of Santa Fe engineers that only rarely would the springs show as much fluctuation as indicated above. The flow is remarkably steady at 200 gallons per minute, year by year and at all seasons of the year. Last summer, during July and August, Santa Fe pumping records averaged 8,000,000 gallons per month, and they were taking the entire output of the springs.

(SIGNED)

**H. C. Bryant
Superintendent**

In triplicate

C
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Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Grand Canyon National Park
Grand Canyon, Arizona

Mr. Van Dunn

JUN 10 1944

RECEIVED

(21)

June 6, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Hydraulic Engineer Dunn's memorandum of June 1 to you (copy of which was air mailed to this office) concerning posting of notices of appropriating water.

On February 27, 1937, former Superintendent Tillotson wrote the Director (a copy of which was sent Attorney Taylor) in substance that the posting of notices was not required "except in unusual cases involving the appropriation of large quantities of water and where there was likely to be controversy." This is substantiated by a letter from former State Water Commissioner Stewart under date of February 17, 1937.

No posting or advertising has been done by this park in connection with any Water Rights Applications.

(sgd.) John M. Davis
John M. Davis,
Assistant Superintendent.

For [unclear] [unclear]

C
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Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Grand Canyon National Park
Grand Canyon, Arizona

Mr. Van Dunn

JUN 10 1944

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(sgd.) John M. Davis
John M. Davis,
Assistant Superintendent.

For [unclear] [unclear]

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

May 3, 1944

15
MAY 8 1944
ROUTING SLIP
275
FILE

MEMORANDUM for the Regional Director, Region Four.

(Attention Hydraulic Engineer Dunn)

Reference is made to Mr. Dunn's memorandum of April 25 relative to Water Rights Applications Nos. 1880 and 1881.

By now our memorandum to you of April 25th has been received, together with copy of a letter of transmittal from Engineer Stewart and a copy of the order granting extension of time in which to start construction on the above mentioned projects, which complies with the request in his fourth paragraph.

Please note that the Commissioner has made the Order "nunc pro tunc" which automatically protects our priority until November 27, 1947, with no penalty of lapsing due to not having made an earlier request for an extension, even though Permits were granted.

H. C. Bryant
H. C. Bryant,
Superintendent.

2 copies to Region Three

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

May 1, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to your copy of the order granting an extension of time in which to perfect water rights under Applications A-1180 and A-1881 for Grand Canyon National Park, which Mr. Lassiter forwarded to us with the question as to whether a copy should be made for the Director.

When the original deeds for Grand Canyon are transferred to Chicago the original of this order will be part of the assembly. Also, since the order applies to two applications, which will be two deeds, there will have to be a copy or cross reference for one of them. So far we are making copies. As a result we will hold your copy with our own until we are ready to consider the deed assemblies.

This order is most interesting because it grants extensions of time on systems which were not started within the one year period required by law. Having received this special consideration we should be very careful not to make any further statements to the State Water Division which might result in reversal of the action. We should also do all we can to have the Santa Fe Railroad start construction before November 27, 1947 if the war permits.

It might be appropriate at this time, too, for all of us to consider the inconsistency of procedure where the Santa Fe builds nearly all the water systems for Grand Canyon to serve Park and Concessioners' needs while this Service builds them for the joint use for such places as Yosemite and the Yakima Park area of Mt. Rainier. I think I express the Service policy in adding that the Service is ultimately to be responsible for all public utilities in the Parks and Monuments. If so, why not set up these two proposed water systems for power at Phantom Ranch and a supplemental supply for the South Rim as National Park Service projects after the war? As John McLaughlin would say, I am thinking out loud.

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

April 25, 1944.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

Reference is made to Mr. Davis' letter of April 22 to the Secretary of the Water Division of the State of Arizona in reply to the Secretary's letter of February 24 which was also attached and relating to Water Right Applications A-1880 and A-1881 for Grand Canyon National Park.

These two letters will ultimately be made a part of the deed assemblies for the two water rights. They might therefore be marked in the letter file for the time being in such a way that they may be easily located.

Legally, both of these applications should have lapsed within a year after the permits Nos. A-1194 and A-1195 were granted because no construction had been started. By giving reasons for failure to complete the systems, but not being too committal as to what progress had already been made, they have been kept open to date. It seems probable, however, from Mr. Davis' letter that they will now be declared to have lapsed because of the second paragraph indicating the projects have not been initiated.

It is requested that any reply from the Water Division be referred to this office before further answer is given. If the instruments are declared to have lapsed we will then reinstate them immediately in order not to lose any more priority, and request that the new permit be deferred until further request which will be made during the year immediately preceding the proposed construction. This office has already made arrangements with the State Water Commissioner to make filings in that manner in order that we may complete as many as possible during the war and reduce the last minute work needed to cover permits for all the proposed construction of this Service.

On the other hand, if the Water Division is charitable and grants an extension of time please advise us of that action. In any case, the next reply will be a letter or form which should be considered as part of the original instruments for the deeds ultimately to be assembled for the Director. It should therefore be treated in the same manner as the applications and permits previously issued.

We enclose an extra copy of this memorandum in case you wish to present it to the Santa Fe Railroad. We should also like to call attention

FILE COPY

to the fact that in assembling water right deeds for Grand Canyon where the systems are built in part by that Company we shall probably wish to make a complete file for their records. The assemblies will also include copies or originals for the Director, Regional Director, Park, and this Section. Therefore, in the future any correspondence relating to the water rights should have enough copies made for all the proposed assemblies even though they are not released at this time. For instance, I am not now trying to copy the letters of February 24 and April 22, but will have to do so for the Director at the time the deeds are assembled.

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Three.
Extra.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

April 22, 1944.

Miss Tessie L. Flynn, Secretary,
Water Division,
State Land Department,
Phoenix, Arizona.

Dear Miss Flynn:

Reference is made to your letter of February 24, 1944 relative to App. No. 1880, Per. A-1194 and App. No. A-1881, Per. A-1195, Bright Angel Creek.

It is regretted that there has been a delay in attending to this matter, but it has been due to correspondence with the Santa Fe Railway Company relative to their plans in initiating the project. A recent letter from their Chief Engineer Blanchard indicates that they would prefer deferring any action until some time in the future.

As the Railway Company is most concerned in this project, and the Government at this time unable to furnish funds with which to carry out the work, it is quite obvious that these Applications must be extended until after the end of the present war. Considerable work has been done in getting the Applications filed and it would seem too bad to throw this away if we can keep these applications in force until after the war period is ended.

We are, therefore, requesting that an Order granting an extension of time in an amount consistent with your legal authority be granted.

Sincerely yours,

(SCD) JOHN M. DAVIS

John M. Davis,
Acting Superintendent.

cc: Mr. Blanchard, A. T. & S. F. Ry.
Hydraulic Engineer Dunn, Region Four.
Regional Director, Region Three (2).

Mr. Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

601 Sheldon Building

November 25, 1942.

MEMORANDUM for the Regional Director, Region Three.

A copy of the State Water Commissioner's letter of November 19, in reply to mine of November 16, with regard to extensions of time, is enclosed. This is a very fine explanation, although he seems to have confused Toroweap Wash Lake with some Jacobs Lake. It certainly answers the questions of beginning of construction which I did not ask directly.

It would appear that all that is needed is a frank gesture to retain priorities for systems that have not been started. His letter of November 10 now seems to have the following meaning:

Application A-1878, Grand Canyon National Park -
Extension of time granted as stated because ditch
has previously been reported constructed.

Application A-1765, Grand Canyon National Park -
Protected until 1945 when further extension of time
must be requested. System has been reported complete
for present capacity.

Application A-1799, Chiricahua National Monument -
Already reported largely complete. Must request
extension of time next September.

Application R-454, Grand Canyon National Monument -
Must request extension of time in August 1944, but
it will be granted since the dam is built whether
it holds water or not.

Applications A-1880 and A-1881, Grand Canyon National Park -
Seem to have been accepted as under construction due to
some previous misunderstanding, otherwise they would have
lapsed. Why no extension is needed this Friday is not

clear, but I suggest we wait for him to notify us of further needed action or until construction is ready to start. We may lose some priority, but can do nothing if construction is not started. The line from Bright Angel Creek to Garden Creek is too great a project and the diversion point is subject to such change by erosion that it would be better to sacrifice the priority than sham work.

AsVDr:SH
Enclosure 2122078.

Hydraulic Engineer.

cc: Director.
Supt., Grand Canyon.
Supt., S.W. Monuments.

601 Sheldon Building

November 16, 1942.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

We enclose the original of an order extending the time in which to make full beneficial use of water under Application No. A-1878, Permit No. A-1192, together with the State Water Commissioner's letter of transmittal.

There should also be an extension of time in which to begin construction of the Bright Angel Creek Hydroelectric Plant and the Bright Angel Creek Diversion for the South Rim, Applications Nos. A-1881 and A-1880 respectively, but by letter of April 12, 1941, the State Water Commissioner advised Acting Superintendent Lloyd that he had no authority to grant extension of time to start construction. However, Section 3288 of the code, mentioned in that letter, states that a longer time may be granted under special conditions for municipalities.

Rather than report immediately that the above construction has not started, we are sending the enclosed letter to the Water Commissioner. Since we can hardly be expected to report construction until after the limiting date, we suggest that you do not do so until we obtain a reply to this letter, even if not for several months.

AvVD:SH

Hydraulic Engineer.

Enclosure 2122070.

cc: Director, with enclosures.
Region Three, with enclosures.
Supt., S.W.Mons., with enclosures.

FILE COPY

601 Sheldon Building

August 10, 1942.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

Our records show that Water Right Applications A-1878, A-1880, and A-1881 are due for certain proofs on November 27, 1942. Applications A-1880 and A-1881, which are due for completion of construction on that date, will require an extension of time.

Application A-1878 is for the use of water at Cottonwood Camp. There is probably no question but that 5 acre feet per acre of water have been applied to the designated 5 acres for irrigation. The question is whether you could definitely certify that people used as much as 1000 gpd on any specific days in the past few years and whether during that same year 100,000 gallons were consumed by stock.

The latter, at 10 gallons per day per horse or mule, would require an average of 27.4 head per day in camp throughout the year, or an average of 100 head a day during a season of 100 days. The stock might consume 12 to 15 gpd in hot weather.

The domestic consumption depends on what facilities may have been added during the past few years. As described in the application the rate would be about 1.5 to 2 gpd per capita, which would require a camp population of at least 500 people on the specified day. If modern comfort stations have been provided we could probably claim a consumption of 25 gpd per capita which would require a party of only 40 people.

Please advise whether you prefer to make proof or request an extension of time for this right. If you are to make proof please send us the number of people and animals during the day and year of proof and the rate of domestic consumption you wish to use. The number of people is only needed for the peak day, but the total horse days of use is needed unless you are pretty sure of the average.

Hydraulic Engineer.

AvVD:SH

FILE COPY

FILE COPY

601 Sheldon Building
November 1, 1939

Memorandum for Acting Superintendent Bryant,
Grand Canyon National Park:

Reference is made to your memorandum of October 24, with which you enclosed an original letter to the Arizona State Water Commissioner, suggesting an abandonment of Applications A-1879, A-1880, and A-1881, upon the ground that there is no immediate hope that these developments can be undertaken at an early date because of lack of funds.

Rather than see these totally abandoned at this time, we feel it worth while to make an attempt to secure an extension, at least with respect to the Bright Angel Creek applications, Nos. A-1880 and A-1881, based upon possible recognition of municipal character of use. Accordingly, we are returning herewith your letter to Mr. Wanslee, with the recommendation that it be not sent at the present time.

In addition, we are enclosing a copy of our memorandum for the Director of October 31, requesting a travel order for Associate Attorney Albert L. Johnson, from which you will note that we have some hope of retaining these applications in good standing by interviews with the Water Commissioner and the State Attorney General.

We are now engaged in a research, designed to find authority for the State Water Commissioner to extend these permits, if any such authority can be found. We believe it is highly desirable, and we hope it will be profitable, to have Mr. Johnson interview the State officials as soon as a travel order can be secured for him.

We would welcome any suggestion you care to make as to the possibility of your accompanying Mr. Johnson, or whether you would like to see him at the park before he proceeds to Phoenix. We feel that this matter is important, not only from the standpoint of the particular future water uses involved, but also in the way of establishing a precedent for clear recognition of municipal status on both the South and the North Rims.

In lieu of the letter which you proposed to send, we suggest that you acknowledge Mr. Wanslee's letter of October 16, and state that it is probable that a representative of the Park Service will call upon him, and that the Service is attempting to work out certain propositions intending to substantiate the jurisdiction of the Commissioner to extend the time in these instances.

If, after consultation with the State Water Commissioner and the Attorney General, it is found that the jurisdiction for extension of time seems unlikely, it still seems possible to us to save these filings by some performance of actual work, either of a CCC character, or inexpensive work under regular funds. This matter will be further discussed with you by Mr. Johnson.

Joseph E. Taylor,
Regional Attorney.

Encl. 1645500.

JET:SH

cc: Director.
Regional Director, Region III.

601 Sheldon Building,
San Francisco, Calif.,
October 26, 1939.

Memorandum for Regional Attorney Taylor:

Re: Grand Canyon Water Rights,
Proposed Systems

It is unfortunate that Acting Superintendent Bryant did not send his letter of October 24, 1939, to us before replying to State Water Commissioner Wanslee. I feel that we have grounds for a court case if the United States wishes to press the matter.

The Commissioner has refused to extend the time for the construction of the following systems:

Application 1880 - Permit 1194 - Bright Angel Creek
Diversion for South Rim Auxiliary Supply.

Application 1881 - Permit 1195 - Bright Angel Creek
Diversion for Phantom Ranch Power.

Application 1879 - Permit 1193 - Clear Creek Diversion
for Campground Use.

? (We tried to get municipal status for the South Rim Area, and the Commissioner (then Mr. Stewart) would not recognize it. I have always felt that we could establish that status if we took it to court.

Referring to Section 3288, page 10, of the Arizona Water Code, construction shall begin within one year "except under applications by a city or town for its municipal uses". The South Rim area is a town of 10,000 people. It is entitled to municipal status as much as other towns of the same size. It has permanent residents, a postoffice (Grand Canyon, Arizona), station, hotels, stores, restaurants, and shops. Its chief businesses are commerce and the resort industry. It is an all-year community of all-year business and residence.

Assuming that we request the municipal status and get the Commissioner's decision in writing, Section 3292, page 12, of the Code advises that the Superior Court then has authority.

Application 1880 for 1.00 sec. ft. is definitely an auxiliary municipal water supply. Application 1881 was primarily for power at Phantom Ranch, but I always tried to show additional use to pump water to the South Rim. Mr. Tillotson and the Fred Harvey Company objected to the latter on the ground of limited power capacity, but Mr. Bryant might now agree if it permitted an extension of time. Certainly the right under application 1880 cannot be perfected without power. Hence, I feel these two denials by the Commissioner should be protested if Mr. Bryant's letter of October 23, 1939, was not too injurious.

Application 1879 for Clear Creek does not fit into municipal status as a unit. Yet the federal government should have certain time limit waivers similar to a town because, like a town, its needs grow and its ability to construct is dependent on appropriation. Also, like a town, the federal government is not supposed to spend public funds until growth gives justification.

The Arizona Code is narrow and limited. Other problems have resulted which make it impossible to establish water rights for most of the national monuments in the state. Hence, I feel that now is the time to take legal action.



A. van V. Dunn,
Associate Engineer.

REC'D OCT 26 1939

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZ.

October 24, 1939.

Mr. Joseph E. Taylor, Regional Attorney,
National Park Service,
601 Sheldon Building,
San Francisco, Calif.

Dear Taylor:

Enclosed find copy of a letter from Jesse C. Wanslee indicating impossibility of the Water Commission to extend the time for the beginning of construction work on App. No. A-1879, No. A-1880 and No. A-1881. Due to lack of appropriations we have been unable to begin construction, and there is little hope of funds being available in the near future. Therefore we have written State Water Commissioner Wanslee to allow the applications to lapse pending our ability to begin developments. We enclose the letter to Mr. Wanslee for your approval before mailing. Please post the letter unless you have suggestions as to some other course of action.

Very truly yours,

H. C. Bryant

H. C. Bryant,
Acting Superintendent.

*Joe: I think Bryant was busy in answering central
consulting govt. But what should be the outcome?*

Cal

FILE COPY

/////

August 12, 1938.

The Superintendent,
Grand Canyon National Park,
Grand Canyon, Arizona.

Dear Mr. Tillotson:

Reference is made to your letter of July 12, with which was enclosed a copy of the letter dated July 7, 1938, written by Edwin T. Stewart, Engineer for the State Water Commission. This letter of Mr. Stewart, as you may recall, questioned some of the survey ties set forth in applications Nos. 1878, 1879, 1880, and 1881.

A recheck of all filings made at Grand Canyon has been made by Mr. Dunn, and it is found that the application relating to the Clear Creek diversion -- that is, No. A-1879 -- is definitely in error, and it is requested that you seek to have the original application and tracing returned to us for correction.

Conjecture as to probable section subdivision, where projection is necessary under the present unsurveyed status, may give rise to some difference of opinion with respect to probable location, and consequently we will of course be guided by the wishes of the State Water Commissioner with respect to the North Rim applications, and if he desires we will make whatever amendments he considers necessary if and when they are returned to us.

For the purpose of explaining to you and to the Engineer for the State Water Commission, a report by Mr. Dunn containing an analysis of his method of procedure has been prepared, and it is felt that it contains an explanation sufficient to justify the method of procedure adopted in the preparation of the Grand Canyon applications and filing maps. Special attention is called to the new map which Mr. Dunn has just prepared as an independent check, entitled "Analysis of Water Right Ties", contained in his report.

This report is submitted to you in duplicate, the extra copy being for submission to the State Water Commission or its engineer, and we are doing it in this way for the reason that we feel

the Dunn report should be examined by you and the Park Engineer before being transmitted to the State Water Commission, in order that any changes you might desire to make may be considered, or any statements rephrased.

You may recall that when submitting to you on June 12, 1937, the proposed applications for Clear Creek, Bright Angel Creek for Cottonwood Camp, Bright Angel Creek for Proposed Enlargement South Rim, and Bright Angel Creek for Phantom Ranch Hydro Plant, we stated in our letter of that date that data upon which those applications had been prepared was quite meager, and we thought it possible that the procuring of more accurate data might be advisable. We offered to finance a field party for such work, but in your letter of July 15 you advised that it seemed unnecessary that additional field surveys be made. Due to Mr. Stewart's present attitude, it might now be advisable, as suggested in Mr. Dunn's report, to make at least a triangulation for a mathematical location of the points of diversion for Cottonwood and Clear Creek Camps from the South Rim coordinate grid, and use these figures in the pending applications.

If the report enclosed herewith meets with your approval, we should be delighted to have you submit it to the Engineer for the State Water Commission for his comments and further directions. It is also suggested, in accordance with Mr. Stewart's request contained in the final paragraph of his letter of July 7, that you furnish the State Water Commission with a print of the park base map with the projects filed upon indicated by spotting. Since the reorganization we are not able to supply this map. Mr. Dunn did start a copy with correspondence shortly after his visit of a year and a half ago, but it seems to have been mislaid somewhere.

Sincerely yours,

In duplicate.

JET:SM

Joseph E. Taylor,
Regional Attorney.

Encls.

CC: Director, with enclosures ~~(without report)~~ for attention of Chief Engineer
Acting Regional Director,
Region III - with enclosure.

107 Tamalpais Road,
Berkeley, California.
July 15, 1938.

REC'D JUL 13 1938

Memo to Mr Joseph E Taylor,
Regional Attorney,
Region IV
National Park Service.

Re: Applications
A-1878; A-1880;
A-1879; A-1881.

I am enclosing Mr Stewart's letter of July 7 th, and Mr Tillotson's letter of July 12 th for safe keeping until I return to the office.

A check of the ties, or the land sub-division of the area involved in each case, will be too involved to attempt here at home. Some of the computations for Grand Canyon were made by me and some by Mr Wilkinson and , perhaps, by Mr Jackson. I believe they were all checked by another of the three who had not made the original computations. Hence, if there is an error, it is probably in multiples of a quarter section, which can be easily corrected - but, I shall wish to give it my personal attention.

There is another complication which may have been inadequately explained to Mr Stewart in that there is an off-set in the range lines, and I believe also in the township lines, which makes it impossible to carry sections from the South to the North rim without a special guide. I am not sure whether this involves the Cottonwood Camp system or not, but it makes it more essential that I have all my notes from the office before attempting checks. It may also be necessary to prepare a sketch of these off-sets as an explanation for Mr Stewart if they are involved.

Mr Stewart has also called attention to the apparant degree of accuracy in the bearings and distances of ties. This was not great accuracy, but an attempt to keep the error down. The data we have had from the Park has been very meagre. In fact, I have always considered the maps of Cottonwood and Clear Creek systems as little more than sketches. Since I made the maps from Mr Carrel's data for him to sign, the ties were intended to show the exact mathematical computation in order that he would be signing for no error other than that which he might have made in "spotting" the diversions. If the computations have been made incorrectly, my purpose was killed. On the other hand, now that the methods have been fairly well "aired", it may be well to round off the tie values to prevent confusion in the office of the State Water Commissioner.

Incidentally, if the Commissioner wishes great accuracy, I feel that further field surveys should be made. Mr Carrel may be satisfied (after I check the mathematics), but I should hate to sign the Clear Creek and Cottonwood maps without tying them to the South Rim by triangulation. In the correspondence of a year or

more ago, you will find a letter to Mr Tillotson which transmitted preliminary prints of these maps, called attention to the meagre data from which they were prepared, and requesting a check by Mr Carrel to be sure that they were satisfactory for him to sign. Then, early in June 1937, we offered funds with which to make further field surveys if desirable. The reply was that the maps seemed satisfactory.



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