



WATER-RIGHT DOCKET

Grand Teton National Park

Docket No: 4

COTTONWOOD CREEK. JC DITCH

Preliminary Docket Information

12-16-1949: water right record: j.c. ditch id no. grte r2443116bf04

WATER RIGHT RECORD

Docket Number 4

Alien WR Number

Water Use Map NP-GT 2174

Sheet Number 4

IDENTIFICATION NO: GRTE R 2 4 4 3 1 1 6 B F 0 4

DITCH/WATER SYSTEM: J. C. DITCH

SOURCE OF SUPPLY: Cottonwood Creek, Tributary of the Snake River

LOCATION:

Legal description and tie:
(Point of Diversion)

Headgate Location: N 24° 40' W, 840 feet from a point located 1320 feet
West of the East quarter corner, Section 24, Township 43 North, Range
116 West.

WATER RIGHT:

Appropriator: Maud Noble and Fredrick Sandell

Certificate Record Number: 44-716

Permit Number: 12700

Date of priority: September 14, 1914

Quantity of Water: 1.61 c.f.s.

Purpose: Irrigation and Domestic

Irrigate Land Description:

(T 43 N, R 116 W)

38.89 acres - NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25

16.09 acres - NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25

38.14 acres - SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25

20.00 acres - SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24

113.12 acres - Total

SUMMARY OF STATUS:

The above land was conveyed to the United States of America by the
Jackson Hole Preserve, Incorporated, as contained in National Park Service
Deed Number 2, dated December 16, 1949.

see also:
J.C. Ditch survey
map in Docket # 1

See related Docket # 1

Grand Teton National Park

Water Rights Docket No. 4

Cottonwood Creek

INDEX

General Water Use Plan, NP-GT 2174, Sheet #4.

J. C. Ditch

File Maps.

Permit No. 12700.

Certificate No. 44-716.

Various memorandums.

Frew Ditch

File Map.

Permit No. 17340 (unadjudicated)

No Certificate.

Refer to:
154 GRTB-L

Mar 2 1953

Memorandum

To: Superintendent, Grand Teton National Park
From: Assistant Regional Director
Subject: Amendment of Water Rights Appurtenant to Menor and
J. C. Ditches, Grand Teton National Park

Attached for your information and guidance are one copy each of Mr. Dunn's memorandum of February 6 to Mr. Richey and the Director's memorandum of February 17 to this office. Both communications relate to the Menor and J. C. Ditches as well as others in Grand Teton National Park.

We have not yet had a good opportunity to study Mr. Dunn's recommendations. After we have done so, we will write to you again.

(Sgd) John S. McLaughlin
John S. McLaughlin
Assistant Regional Director

➤ In duplicate

Attachments

D R A F T

Petition for Changes of Points of)
Diversion of the Menor Ditch and the)
J. C. Ditch; and for Correction of) Before the State Board
Land Description of, and Partial Change) of Control
in Place of Use; and Correction of) Cheyenne, Wyoming
Certificates Nos. 31-88 and 44-716)

State of Wyoming,)
) SE
County of Platte)

1. Comes now Edward D. Freeland, Superintendent of Grand Teton National Park, Moose, County of Teton, Wyoming, acting for and in behalf of the United States of America, who being duly sworn, on oath according to law, does hereby make the following statement of facts and petition:

2. That the United States is the sole owner of the William D. Menor Ditch, diverting water from Cottonwood Creek under Permit No. 8041 with priority of November 1, 1907; of the J. C. Ditch, also diverting water from said Cottonwood Creek under Permit No. 12,700 with priority of September 14, 1914; and of all the lands irrigated thereunder, excepting however 0.9 of an acre which is owned by the Trustees of Church Property of the Protestant Episcopal Church as described on page 10 of the Deed of Conveyance to the United States of America from the Jackson Hole Preserve, Incorporated, dated December 16, 1949, of which a certified copy was filed with the State Engineer with a letter of March 26, 1951, from the Acting Director of the National Park Service, and certified photostat copies of pages of the pertinent records of the Tract

Books of the Bureau of Land Management (formerly the General Land Office) which accompany this petition.

3. Your petitioner desires to change the locations of, and to combine the headgates of the William D. Menor and J. C. Ditches, as shown on the map accompanying this petition, as follows:

- a. The old headgate of the William D. Menor Ditch was located at a point described in application as N.8C.E.31° - N.17C.E.17° - N.7 $\frac{1}{2}$ C.E.49° - N.3C.E.108° - N.5C.E.62° - N.5C.E.56° - N.6C.E.41° - N.5C.40F.W.17°, from corner marked 37/5 at NE corner of Menor Homestead, which would correspond to NE corner NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T. 43 N., R. 116 W. Said description, under date of Dec. 31, 1907, was based on Homestead Entry Survey of Lot 37 in 1902, on unsurveyed land, which is shown on accompanying photostat of the official plat of Fractional T. 43 N., R. 116 W. by the General Land Office, now Bureau of Land Management. In the subsequent survey of the pertinent sections, as shown on accompanying photostats of the official G.L.O. township plat of 1916 and the special survey of part of

Section 25 of 1951, show that corner 5 of Lot 37 is actually 8.46 chains south and about 0.9 chains east of aforesaid NE corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and, by computation, the headgate of said William D. Menor Ditch was located at a point N. 40°37' E. 2851 feet therefrom, as shown at point A on accompanying map.

- b. The old headgate of the J. C. Ditch was located at a point described in the application of June 1, 1915, as W. 1320 feet, thence S. 5280 feet, thence N. 24°40' W. 840 feet from NW corner of Section 18, T. 43 N., R. 115 W. The last course is thus intended to locate the said headgate at a point N. 24°40' W. 840 feet from the NE corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T. 43 N., R. 116 W., 6 P.M., as shown on aforesaid accompanying map, but one year prior to the official survey of said Section 24 by the General Land Office. As shown on said accompanying map, this described point of diversion falls approximately as far north of Cottonwood Creek as the north line of Section 25 fell north of corner 5 of aforesaid Lot 37, in the G.L.O. Survey of 1916. It seems probable that the tie was actually made from said Corner 5 of Lot 37 but described from aforesaid Section 18, T. 43 N., R. 115 W.

c. The new, combined headgate for the William D. Menor and J. C. Ditches is to be nominally at the true, original location of the headgate of the J. C. Ditch, at a point N. $18^{\circ}42'$ E. 3009.45 feet from the N¹ corner of Section 25, T. 43 N., R. 116 W., as shown at point B on the accompanying map.

4. Your petitioner also desires to relocate the upper portion of the William D. Menor Ditch and its east lateral in part by enlargement of the J. C. Ditch, along the traverse O-13, as shown on accompanying map, the new location to be in the E $\frac{1}{2}$ of W $\frac{1}{2}$ of E $\frac{1}{2}$ of Sections 24 and 25, T. 43 N., R. 116 W.

5. Your petitioner also desires to amend the description of the land irrigated under the William D. Menor Ditch to conform to the description on the township plats of the General Land Office, of which aforesaid photostat copies accompany this petition, the land being described as Lot 37 in the E $\frac{1}{2}$ of aforesaid Section 25, T. 43 N., R. 116 W., with a total area of approximately 150.65 acres, to the following parcels of which no water is now decreed, although 7.73 acres are included in decreed acreage with incorrect description and only 20.65 acres are legally arid:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.95 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.58 "
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.25 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	16.50 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>9.10 "</u>
Total	28.38 "

6. Your petitioner also desires to withdraw the following land under the J. C. Ditch and east of the relocated east lateral of the William D. Menor Ditch, and west of the west lateral of said Ditch, from irrigation, and to transfer the rights under Permit No. 12,700, Certificate No. 44-716, with priority of September 14, 1914, to the aforesaid arid portions of Lot 37 to the extent necessary to permit amendment of Certificates Nos. 31-88 and 44-716 as hereafter petitioned:

East of East Lateral of William D. Menor Ditch:

Sect. 24, T.43N., R. 116 W.:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.35 acres
Sect. 25, E. 43 N., R. 116 W.:	Lot 2	11.34 acres
	Lot 5	4.24 acres
	Lot 8	0.12 acres

West of West Lateral of William D. Menor Ditch:

Sect. 24, T.43N., R. 116 W.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.03 acres
Sect. 25, T.43N., R. 116 W.	Lot 2	<u>1.57 acres</u>
Total		20.65 acres

7. Your petitioner further desires that the rights to divert 1.85 cubic feet of water per second for the irrigation of 130 acres under Certificate No. 31-88, with priority of November 1, 1907, and to divert 1.61 cubic feet of water per second for the irrigation of 113.12 acres under Certificate No. 44-716, with priority of September 14, 1914, be made interchangeably appurtenant to all, or any part of the following described area, as heretofore modified, provided that nothing herein shall deny the Trustees of Church Property of the Protestant Episcopal Church full rights under Certificate No. 31-88, with priority of November 1, 1907:

Section 24, T. 43 N., R. 116 W.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.62 acres
Section 25, T. 43 N., R. 116 W.	Lot 2	25.98 "
	Lot 5	33.90 "
	Lot 8	15.97 "
	Lot 37	<u>150.65</u> "
		243.12 "

8. The changes in points of diversion and alignment of the William D. Menor Ditch are desired to eliminate the encumbrance on the land of Emily F. Oliver, successor to William Frew, in the E $\frac{1}{2}$ SE $\frac{1}{4}$ (Lots 3 and 4) of Section 24, and E $\frac{1}{2}$ NE $\frac{1}{4}$ (Lots 1 and 6) of Section 25, T. 43 N., R. 116 W. These changes were initiated by the Jackson Hole Preserve, Incorporated, prior to assignment of title to the United States, as a result of a protest filed by the owner of the Oliver,

or Frew tract, despite the fact that said tract was patented to Bryant Mears (Entry No. 4397-Evanston) in 1921 subject to valid existing rights-of-way for the existing William D. Menor Ditch.

9. The changes in place of partial use, correction of description of other places of use, and the authorization to use all, or any part of either right, on any of the described Federal land, are desired to permit more efficient use of the water during dry periods.

10. No other appropriation from the same source of supply will be injured in any way, to an extent greater than in the past.

11. There are no intervening tributaries or other sources of water supply which might affect the rights of other appropriators between the old and new points of diversion.

12. The headgate of the Frew Ditch lies between the old and new points of diversion, as described in Permit No. 17340, and as shown on accompanying map with diversion points C, C', and D, but the headgate of said William D. Menor Ditch is being moved upstream past the headgate of the Frew Ditch in order to eliminate encumbrances on the Oliver, or Frew tract and the resulting relation between the headgate has not been a point at issue.

13. Maps in duplicate, showing the situation, accompany the petition.

14. It is the prayer of your petitioner that these changes and corrections be allowed without loss of priority and a proper order, or orders of your Board entered recording the same.

Respectfully submitted,

Edward D. Freeland

Subscribed in my presence and sworn to before me this _____
day of _____, 1952.

Notary Public

My Commission expires _____.



STATE ENGINEER'S OFFICE

Cheyenne

February 25, 1952

Re: L2223 GRAT-L

Subject: Menor Ditch Rights - Permit
No. 8041, Certificate No. 31,
Grand Teton National Park

Mr. A. van V. Dunn
Chief, Water Resources Branch
National Park Service,
Room 2225, Interior Building
Washington 25, D. C.

Dear Mr. Dunn:

As requested by your letter of January 23, 1952, we sent you under date of February 21, 1952, certified copies of Permit No. 8041 as issued for the Menor Ditch, Permit No. 12700 as issued for the J. C. Ditch, and Permit No. 17340 as issued for the Frew Ditch, together with certified copies of the certificates of appropriation which were issued under Permits Nos. 8041 and 12700. A statement in duplicate with the certification of the State Engineer was enclosed with these copies and, as we understand, this is sufficient. The purchase order is retained in this office. The charge, however, is considerably more than the amounts set out in the purchase order.

The rights under Permits Nos. 8041 and 12700 have been completed and adjudicated and are in good standing on the records. The appropriation under Permit No. 17340 has not been adjudicated but all notices have been filed and the permit is in good standing.

We believe this furnishes you the information requested.

Yours very truly,

Earl Lloyd
EARL LLOYD
Deputy State Engineer

EL:en

The State of Wyoming
Board of Control
Cheyenne

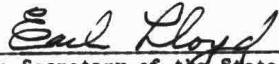
C E R T I F I C A T E

THE STATE OF WYOMING)
County of Laramie) SS.
STATE BOARD OF CONTROL)

I, EARL LLOYD, as Ex-officio Secretary of the State Board of Control of the State of Wyoming, do hereby certify that the following named document, which is attached hereto, is a full, true and correct photostatic copy of a Certificate of Appropriation of Water as the same appears of record in the office of said Board in Certificate Record 44, Page 716, namely:

Certificate of Appropriation of Water issued to Maud Noble and Frederick Sandell for an appropriation of water from Cottonwood Creek, through the J. C. Ditch, under Permit No. 12700 with priority of September 14, 1914, for the irrigation of one hundred thirteen and twelve hundredths (113.12) acres of land in Sections 24 and 25, Township 43 North, Range 116 West.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said Board, at Cheyenne, this 21st day of February, A.D. 1952.


Ex-officio Secretary of the State Board
of Control of the State of Wyoming.

THE STATE OF WYOMING

CERTIFICATE OF APPROPRIATION OF WATER CERTIFICATE RECORD NO. **44** PAGE **716**

WHEREAS, **Maud Noble and Frederick Sandell** have ~~was~~ presented to the Board of Control of the State of Wyoming proof of the appropriation of water from **Cottonwood Creek** tributary of **Snake River** through the **J. C.** Ditch under Permit No. **12700** for irrigation of the lands herein described, lying and being in **Teton** County, Wyoming, **and for domestic purposes.**

Now KNOW YE, That the Board of Control, under the provisions of **Chapters 85 & 88, Wyoming Compiled Statutes, 1920,** has, by an order duly made and entered on the **17th** day of **April**, A. D. 19**25**, in Order Record No. **6**, Page **551**, determined and established the priority and amount of such appropriation as follows:

Name of Appropriator: **Maud Noble, Frederick Sandell**; Postoffice Address: **Teton**, Wyoming;
Amount of Appropriation: **1.61** cu. ft. per sec.; Date of Appropriation: **Sept. 14, 1914**; Description of land to be irrigated and for which this appropriation is determined and established: Total Acreage: **One Hundred Thirteen & Twelve Hundredths (113.12) A.**

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
43N	116W	25	1.8 (36.89)												1.8 (36.09)				93.12
		26	1.8 (36.14)																20.00
		24													30				113.12

The right to water hereby confirmed and established is limited to irrigation **and domestic purposes** and the use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot per second for each seventy acres of land for which appropriation is herein determined and established.

IN TESTIMONY WHEREOF, I, **Frank O. Peterson**, President of the State Board of Control, have hereunto set my hand this **27th** day of **August**, A. D. 19**25**, and caused the seal of said Board to be hereunto affixed.

Attest: **Edna S. Peterson**

Secretary

Frank O. Peterson, President



STATE ENGINEER'S OFFICE

Cheyenne

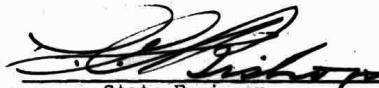
C E R T I F I C A T E

THE STATE OF WYOMING,)
County of Laramie,) SS.
STATE ENGINEER.)

I, L. C. Bishop, as State Engineer of the State of Wyoming,
do hereby certify that the following described document, which is
hereto attached, is a full, true and correct copy of the original
document as the same appears of record or on file in the State
Engineer's Office and of which I have the legal custody, namely:

A photostatic copy of Permit No. 12700 as issued
to Jack Canfield for the J. C. Ditch diverting
water from Cottonwood Creek, with priority of
September 14, 1914, as of record in Book 41 of
Applications, on Page 183.

IN WITNESS WHEREOF, I hereunto set my hand, at Cheyenne, Wyoming,
this 20th day of February, 1952.


State Engineer

Subscribed and sworn to before me this 20th day of February, 1952.


Notary Public

My Commission Expires August 2, 1952.

Application for a Permit to Divert and

WATER DIVISION No. 4

DISTRICT No. 14

I, Jack Canfield, of Idaho, County of Lincoln, State of Wyoming, being duly sworn according to law, upon my oath say:1. The name of the applicant Jack Canfield2. The postoffice address of the applicant Idaho, Wyoming3. The use to which the water is to be applied is irrigation and domestic4. The name of the ditch or canal is J. C. Ditch5. The source of the proposed appropriation is Cottonwood Creek6. The headgate of the proposed ditch or canal is located West 1320 feet, Thence S. 5280 feet, Thence N. 24° 42' W. 340 feet from the N.W. corner of Section 13, Township 43 N. Range 115 W.7. The said ditch or canal is to be 1.12 miles long and to pass through the following lands(give route by courses and distances, or by naming legal subdivisions crossed):
over what would be if surveyed the SW 1/4 Sec 24 and across
to S. 7.5. Surveyed H. E. of Jack Canfield and what would conform
to the W. 1/4 Sec 24, Thence S. across the W. 1/4 Sec 24, East named Sec
24, and of J. 42 N. R. 115 W. when surveyed8. The dimensions of said works are: (a) [At headgate] Width on top (at water-line) 4 feet; width on bottom 3 feet; depth of water 1 feet; grade 8 feet per mile.

(b) Give dimensions at each point where reduced in size, stating miles from headgate:

[At] Width on top (at water-line) feet; width on bottom feet; depth of water feet; grade feet per mile.
[At] Width on top (at water-line) feet; width on bottom feet; depth of water feet; grade feet per mile.
[At] Width on top (at water-line) feet; width on bottom feet; depth of water feet; grade feet per mile.

9. Describe the character of proposed works, stating: 1st. The nature of the material to be moved. 2nd. Number and length of tunnels, if any. 3rd. Amount of fluming, if any.

Soil 50% gravel and boulders 25% brush 25%No tunnels14 feet of flume across the W. 1/4 minor ditch 2330 feet from this H. E.10. The estimated cost of said ditch is 300.00 Dollars.11. The land to be irrigated has a total area of 140 acres acres, described as follows:

(Give estimated acreage in fractions of subdivisions)

NW 1/4 Sec 24, J. 43 N. R. 115 W. 20 acresSW 1/4 Sec 24 " " 40 "NW 1/4 Sec 25 " " 40 "SW 1/4 Sec 25 " " 40 "14012. Construction will begin on proposed works on or before June 1st, 1915.13. The time required for the completion of ditches and other distributing works is 5 year from date of approval.14. The time required to complete the application of water to the beneficial use stated in this application is 5 year from date of approval.

15. A map of the proposed ditch or canal, prepared in accordance with Chapter 14, R. S. 1890, accompanies this application.

Signed: Jack Canfield

NOTE.—The statements in the foregoing application must comply with the requirements of Chapter 14, R. S. 1890.

Appropriation of the Water of the State of Wyoming

THE STATE OF WYOMING, }
COUNTY OF Lincoln } ss.
I hereby certify that the foregoing application was signed in my presence and sworn to before me by
Jack Canfield this 11 day of September, 1914.
Alto E. Williams
U. S. Commissioner

Notice of expiration mailed OCT 15 1918
Notice of completion received DEC 9 1918
NOTICE OF EXPIRATION OF TIME FOR COMPLETION TO BENEFICIAL USE SEP 30 1920
Notice of completion beneficial use received OCT 29 1920
For assignment to Maud Noble & Frederick Endell, San Bern Co, Mex. Records, page 61

THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE, } ss.
This is to certify that I have examined the foregoing application and have returned the same without my approval for the following reasons:

Witness my hand this _____ day of _____, A. D. 1914.

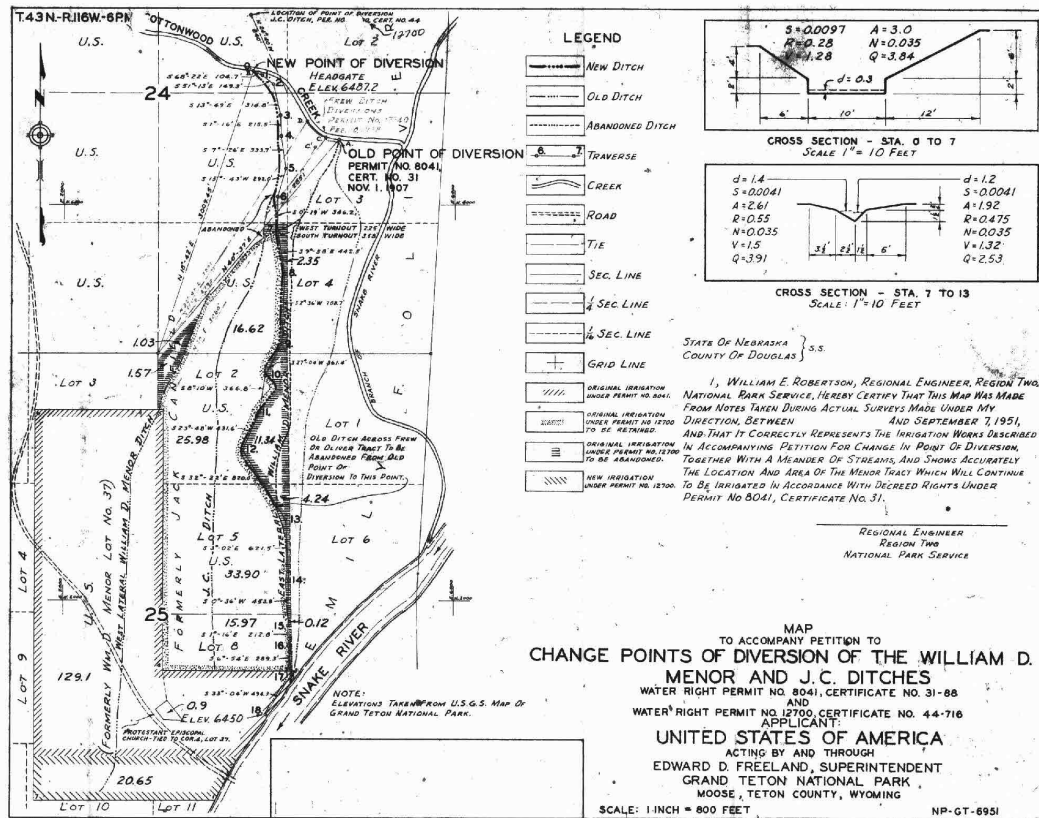
THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE, } ss. State Engineer.
This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

Snake R. Club

Construction of proposed works shall begin within one year from date of approval.
The time for completing the work shall terminate on December 31, 1914.
The time for completing the appropriation of water for beneficial use shall terminate on December 31, 1920
The amount of the appropriation shall be limited to one cubic foot per second of time for each seventy acres of land reclaimed on or before December 31, 1914 and the additional volume used for Domestic purposes on or before said date.
Witness my hand this 25th day of September, A. D. 1914.

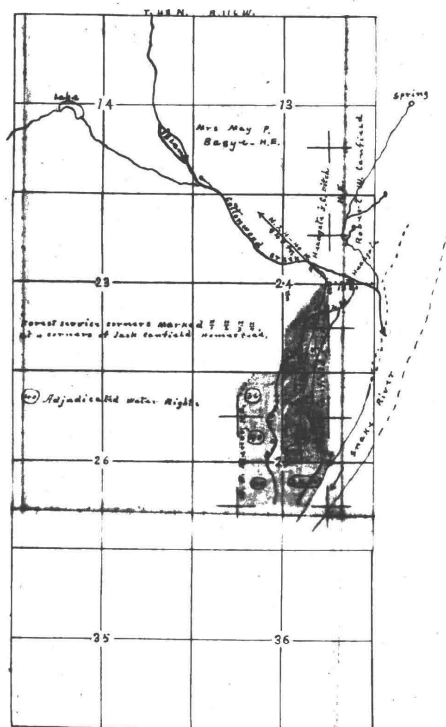
THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE, } ss. State Engineer.
This instrument was received and filed for record on the 14th day of September, A. D. 1914, at
9 o'clock P. M., and duly recorded in Book 41 of Applications, on Page 153

A. J. Parshall
State Engineer.

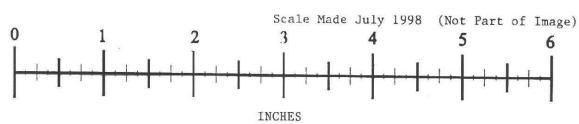


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Map of the j. c. Ditch, of Jack Canfield
Paton. Lincoln County. Wyoming.



12700



Application _____
 Permit _____
 License _____

STATE OF CALIFORNIA
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF WATER RESOURCES

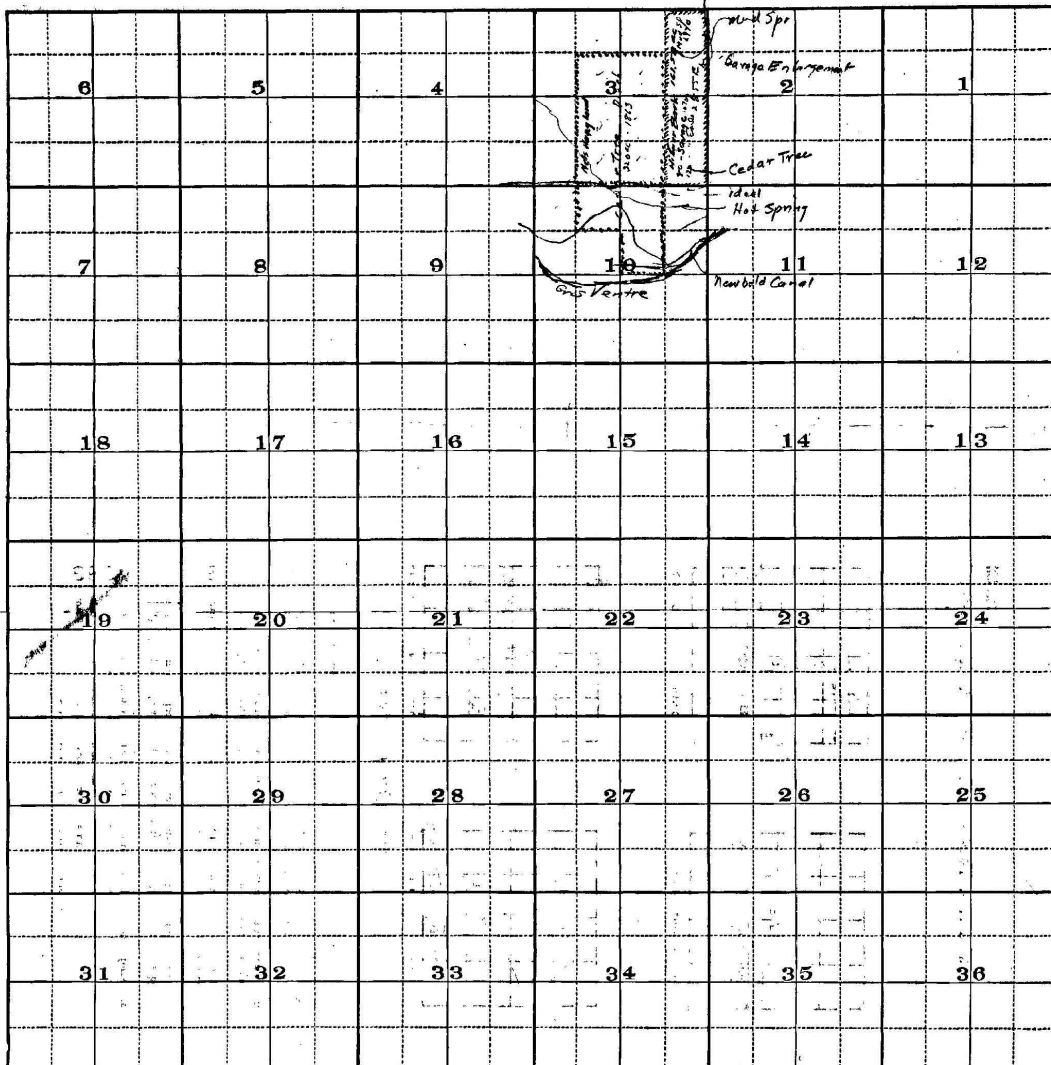
Applicant _____

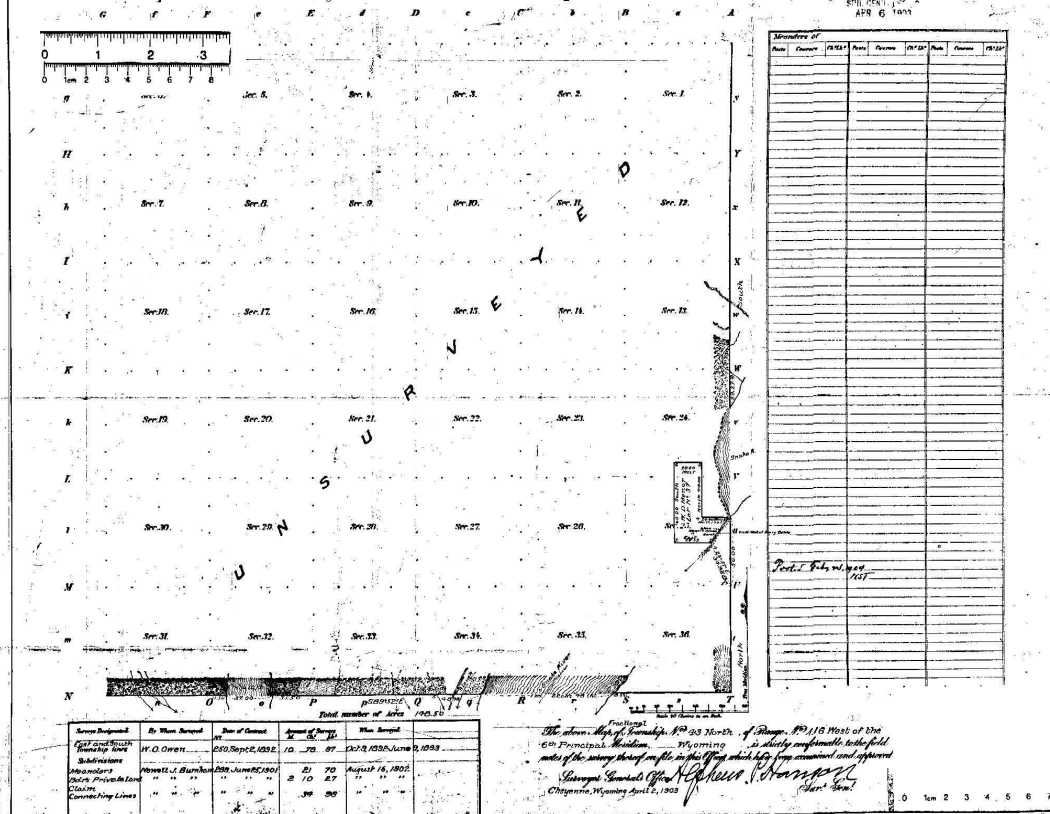
Sec. 12 Township 42 N Range 115 W, 6 P Meridian

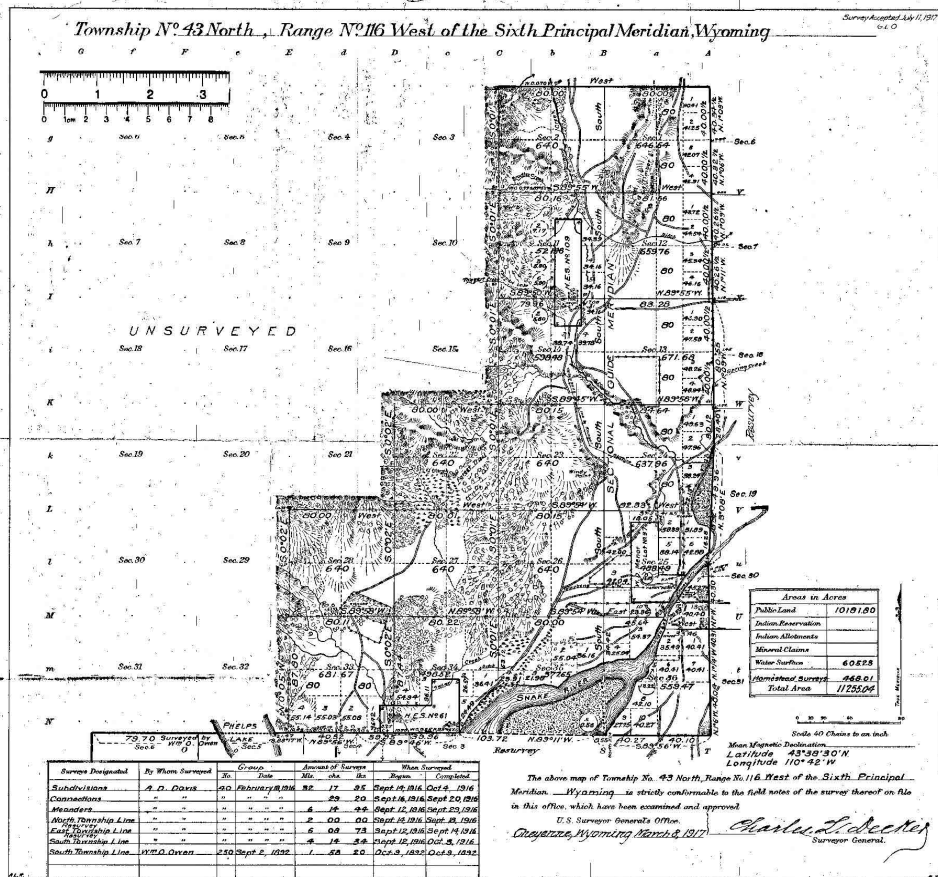
Mapped by _____

Grand Teton

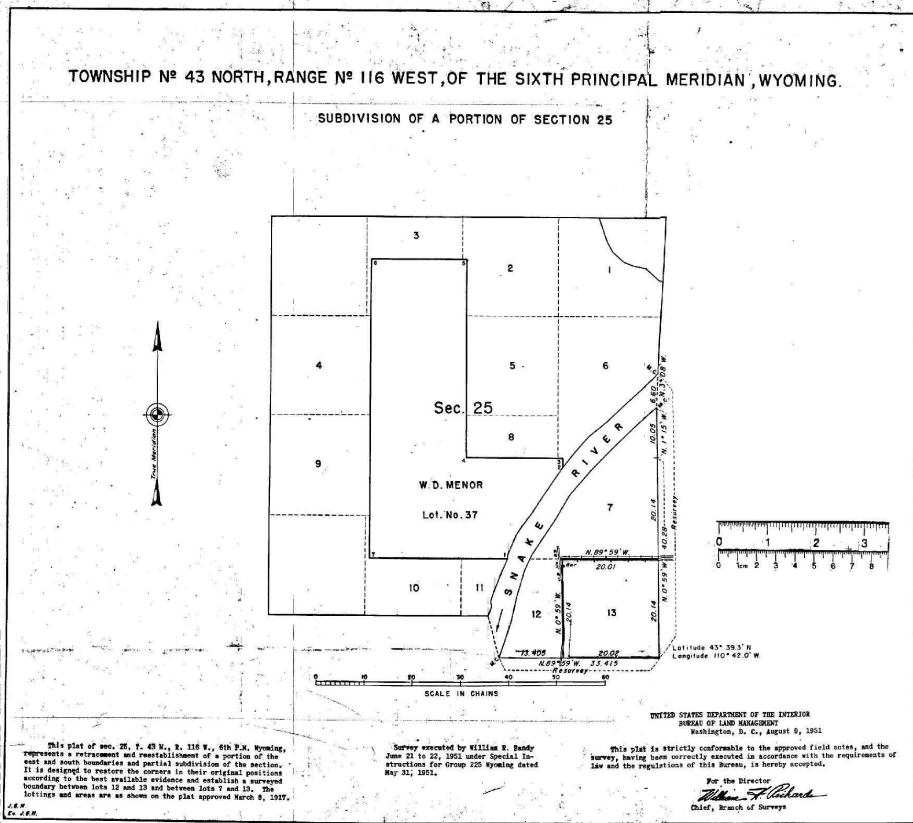
NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without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

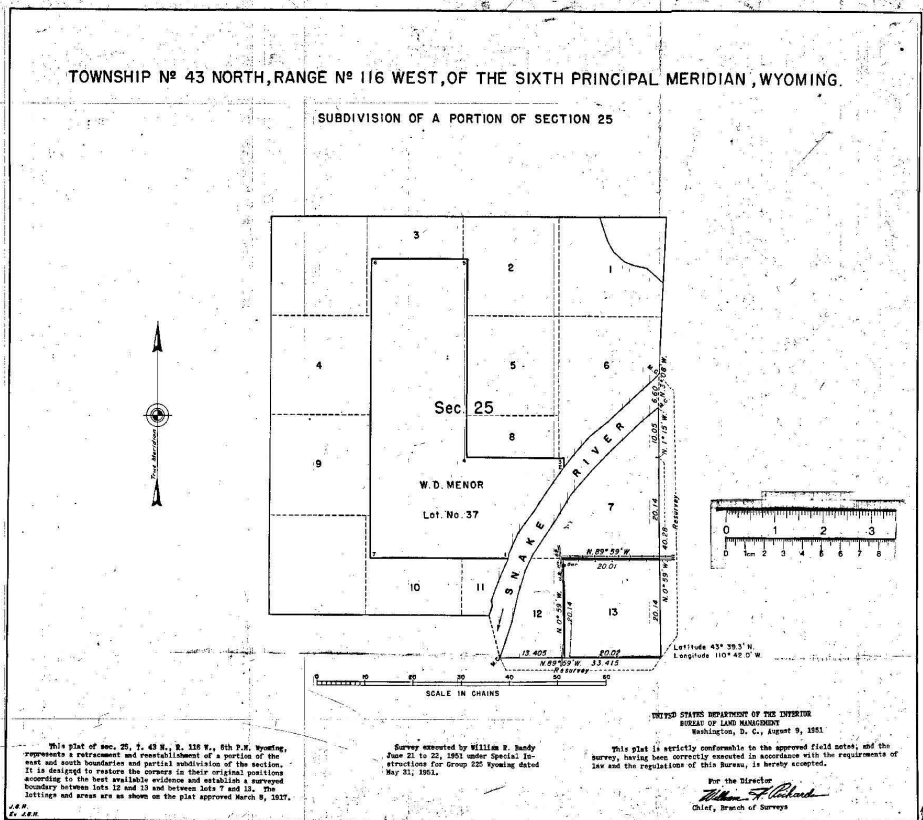


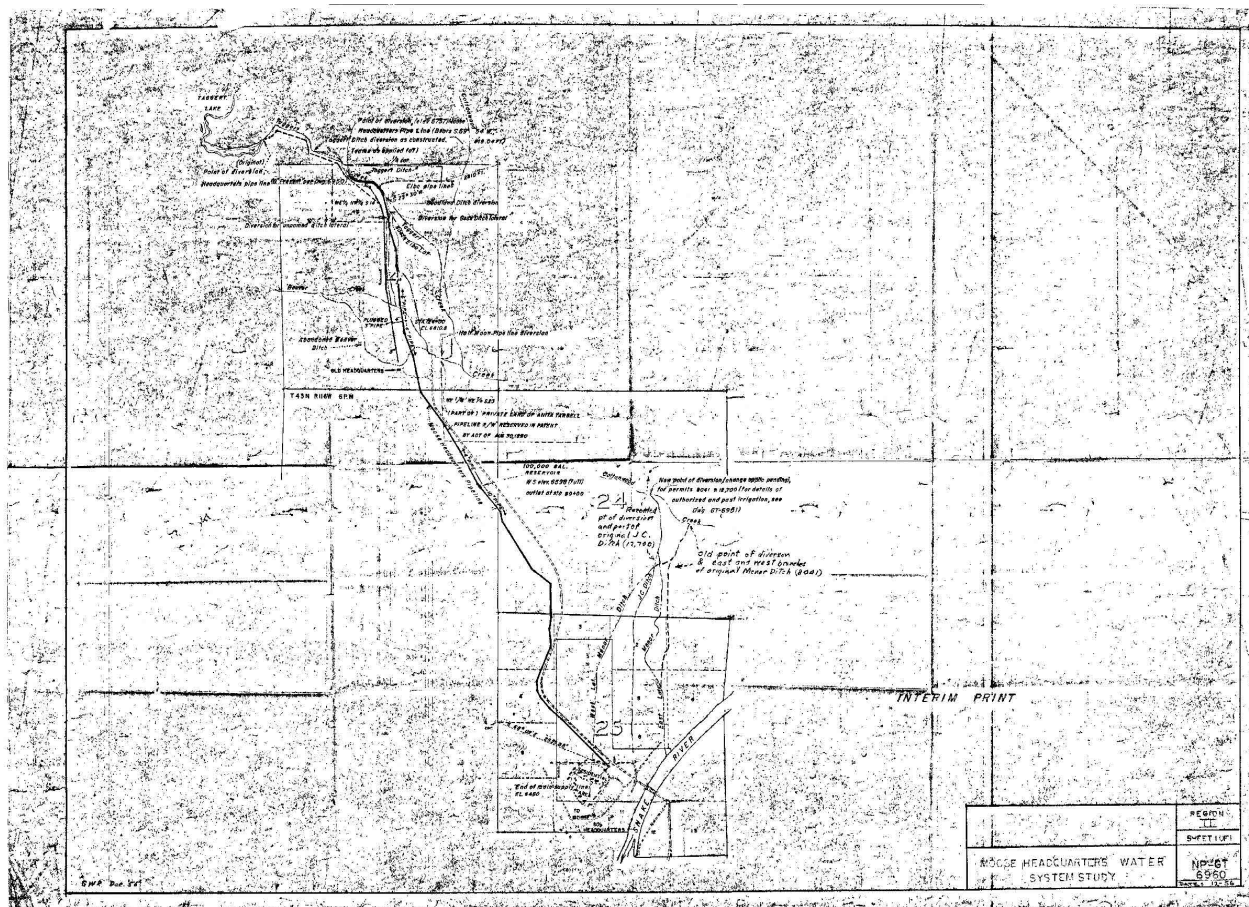




RIGHTS SECTION







Docket Information

Number of Documents in Docket 25

Documents Dated from 4/2/1903 to 12/15/1956

Docket Compiled: 3/30/2011