



WATER-RIGHT DOCKET

Lake Mead National Recreation Area

Docket No: 4

LAS VEGAS WASH.

Preliminary Docket Information

07-08-1974: water right/source docket information

WATER RESOURCES/WATER RIGHTS		DATE: July 8, 1974
<u>WATER RIGHT/SOURCE DOCKET INFORMATION</u>		
REGION	Western	AREA Lake Mead National Recreation Area
SITE	Las Vegas Wash	
STATE	Nevada	COUNTY Clark DOCKET NO WR #4
LOCATION	SW ¹ / ₄ SW ¹ / ₄ Section 14, T21S, R63E	
REGIONAL BASIN	LOCAL BASIN	
ACQUIRED BY	Transfer from Department of Agriculture	
APPLICATION	10202	PERMIT 10202 CERTIFICATE
ACTION DUE	PRIORITY	RESERVATION
QUANTITY	5 second-feet	USE Migratory Water fowl refuge
STATUS	Inactive	SOURCE Las Vegas Wash
REMARKS	Hydrologic unit 15010015	

NARRATIVE: Application No. 10202 for appropriation of water from Las Vegas Wash was filed by the Department of Agriculture (more specifically by the Bureau of Biological Survey which was later to become the Fish and Wildlife Service in the Department of the Interior) in the Nevada State Engineer's office on February 2, 1938. An amended application was filed on May 4, 1938. The application requested permission to appropriate the water of the Las Vegas Wash to create a small feeding and resting ground for migratory water fowl within the area administered as the Lake Mead National Recreation Area.

On December 23, 1946, the Acting Director of the Fish and Wildlife Service by memo transferred custody of Permit No. 10202 to the National Park Service. Wartime complications caused the project to be delayed, and extensions of time for completion of the work were granted until March 1, 1949. A memorandum of March 11, 1948 by George Bagley, Superintendent of LAME, suggested that the project described in the application was no longer in the Park Service program, and that the permit ought to be allowed to lapse at the end of the present period. The acting Regional Director concurred with this recommendation. A handwritten notation in the docket indicated that this permit was indeed allowed to lapse. As per a telephone conversation on July 8, 1974 with Dave McLean, the present use of Las Vegas Wash is only for sewage and there appears to be no proposals as of date for other uses.

Assist. Chief Ranger, Resource Management, LAME

Compiled by M. Ackerman

Approved by W. Werrell

Page 1 of 1

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER



STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

June 10, 1948.

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

Lake Mead Seed 18

In replying, refer to 10202.

National Park Service,
Room 3320 Interior Bldg.,
Washington, 25, D. C.

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned
serial number of February 24, 1948.

The time within which to complete the work and place water to
beneficial use is herewith extended to and including March 1,
1949, and the time within which to file proofs thereof is
herewith extended to and including April 1, 1949.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 33094.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer

*Lake Mead
Need*

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION No. 10202 }
 FILED BY United States, Department of Agriculture } APPLICATION FOR EXTENSION
 APPROPRIATE THE WATERS OF Las Vegas Wash } OF TIME
 (Source)

~~State of~~ City of Washington }
~~County of~~ District of Columbia } ss.

Comes now A. van V. Dunn, the agent for the United States of America,
 (Permittee or Agent)

under Application No. 10202, who, after being first duly sworn, deposes and says:

That due to transfer of administrative jurisdiction from the Department of Agriculture to
 (Give reasons why extension of time is necessary)
the National Park Service in the Department of the Interior, and to wartime complications,
 as follows, this project has not been completed.

1. Some of the dikes were constructed before the war, but they have been
allowed to fall into a poor state of repair.
2. The acquisition of some private land has been deferred, thus preventing
the filling of one pond without an act of trespass.
3. Activities of Nevada Clay Products and Basic Magnesium, higher in the same
Las Vegas Wash, have temporarily reduced the flow to about 2.2 sec. ft., and
altered the water quality.

Additional time is needed in which to reconsider the merits of the project.

The United States has been
 / I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year within which to file proof
 (Not to exceed one year)
 or
 of study, and comply with the provisions of said permit.
 (Include map if required)

Signed A. van V. Dunn
 Chief, Water Resources Branch
 Address National Park Service,
Interior Building,
Washington 25, D. C.

Subscribed and sworn to before me this
18th day of February, 1948

Larion A. Hays

Notary Public in and for the County of

District of Columbia

My Commission expires Nov. 14, 1951.

NOTE—\$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION
 SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.



ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEK
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER



STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER



COPY

Apr. 7, 1947

In replying, refer to 10202

National Park Service,
Branch of Development (Water Division)
Room 11-123 Merchandise Mart,
Chicago, Illinois

Gentlemen:

Request for an extension of time

received and filed in this office under the above-mentioned
serial number on February 28, 1947

The time within which to complete the work and place water to beneficial use is herewith extended to and including March 1, 1948, and the time within which to file proofs thereof together with map is herewith extended to and including April 1, 1948.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 31515.

Very truly yours,

ALFRED MERRITT SMITH

CT

State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
84

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

February 20, 1947.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

The following instruments are enclosed, and relate to the appropriation of water in Las Vegas Wash, in Boulder Dam Recreational Area, under Permit No. 10202:

1. Memorandum of agreement between the National Park Service and the Bureau of Reclamation, approved by the Secretary of the Interior on October 13, 1936, under which the National Park Service administers certain portions of the area withdrawn for the Boulder Canyon Project, as the Boulder Dam Recreational Area.
2. Memorandum of agreement between the National Park Service and the Bureau of Biological Survey, which has more recently been transferred to the Department of the Interior and combined with the Bureau of Fisheries to form the Fish and Wildlife Service, approved by the Acting Secretary of the Interior on April 3, 1937, and by the Secretary of Agriculture on May 12, 1937, which relates to joint administrative jurisdiction over areas which were withdrawn from entry for both the Boulder Canyon Project and the Boulder Canyon Wildlife Refuge.
3. Photostat copy of memorandum for the Director, National Park Service, from the Acting Director, Fish and Wildlife Service, issued, but apparently undated, on December 23, 1946, by which the Fish and Wildlife Service transferred its custody of the development covered by Permit No. 10202 to the National Park Service.
4. A notarized application by the National Park Service for an extension of time in which to complete construction of the project and make full use of water under said Permit No. 10202.



5. Voucher and purchase order for \$1.00 for filing application for extension of time, as required under Section 73 (f), Chapter 128, Nevada Statutes of 1931.

There is also enclosed a photostat copy of a memorandum for the Director, National Park Service, from the Acting Director, Fish and Wildlife Service, dated December 23, 1946, transferring custody of development and rights under Permit No. 10092 for the same reason. This memorandum, and that described in item 3 above, were received at the same time. Further proofs under Permit No. 10092 are not due until midsummer, but the conveyance is enclosed in order that Permits Nos. 10092 and 10202 may both be recorded to authorize further action by the National Park Service when necessary.

Assuming that you will grant the requested extension of time under Permit No. 10202, please sign the voucher on the line indicated by penciled cross, and return it to this Office for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Division.

AvVD:sh.

Enclosure 518.

cc: Regional Director, Region Three (4),
with 2 copies each of items 1, 2,
and 4, described herein.

State of Illinois)		Application for Extension of Time
County of Cook)	ss.	in Which to Complete Proofs Under
		Water Right Permit No. 10202.

I, A. van V. Dunn, Chief, Water Division, Branch of Development,
National Park Service, United States Department of the Interior, being
first duly sworn, depose and say:

1. That on March 19, 1946, the United States of America, on request of Brice McBride, Hydraulic Engineer, Fish and Wildlife Service, was granted an extension of time until March 1, 1947, in which to complete construction and make beneficial use of water under Permit No. 10202, and until April 1, 1947, in which to file proofs thereunder, for the appropriation of the waters of Las Vegas Wash on Federal lands withdrawn both as Boulder Canyon Migratory Wildfowl (or Wildlife) Refuge and the Boulder Canyon Project Area which has also been designated as the Boulder Dam Recreational Area.

2. That on December 23, 1946, the Fish and Wildlife Service withdrew from joint supervision of the area involved in said development under Water Right Permit No. 10202, and transferred its interests to the National Park Service under which the Boulder Dam Recreational Area is administered.

3. That it has not been possible to complete the project because the United States has had to direct its efforts and funds to the more urgent activities of war and postwar social and economic adjustments.

4. That with the recent transfer of jurisdiction there is also a need for a reconsideration of the purposes for which the Permit No. 10202 was granted.

Therefore, acting for and in behalf of the United States of America, request is hereby made for a further extension of time of two years in which to consider the needs for said appropriation of water, and to complete such portions of the project as may be desirable.

(Sgd) A. van V. Dunn
A. van V. Dunn,
Chief, Water Division,
Branch of Development,
National Park Service,
United States Department of the Interior.

Subscribed and sworn to before me this 17th day of February 1947.

(SEAL)

(Sgd) Carrie E. Dawson
Notary Public in and for the County
of Cook, State of Illinois.
My Commission Expires August 27, 1948



ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Hugh A. Shamberger
HUGH A. SHAMBERGER
ASSISTANT

February 4, 1947

IN YOUR REPLY REFER TO NO. 10202

U. S. Dept. of Agriculture,
c/o Brice McBride,
Hydraulic Engineer,
436 Federal Bldg.,
Salt Lake City, Utah

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work and place water to beneficial use on or before March 1, 1947 and to file proofs thereof on or before April 1, 1947

If you have not complied with the provisions of your permit and desire more time in which to comply with the above then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to April 1, 1947

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly,

ALFRED MERRITT SMITH,

State Engineer.

FIRST NOTICE

NOTE—All documents require a statutory fee of One Dollar for filing.

VS

A faint, circular stamp is visible in the lower right corner of the page, containing some illegible text.

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEK
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER



STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER



Mar. 19, 1945.

In replying, refer to 10202

Brice McBride,
Hydraulic Engineer,
436 Federal Bldg.,
Salt Lake City, Utah (1)

Dear Sir:

Your request for an extension of time was

received and filed in this office under the above-mentioned
serial number on March 16, 1945.

The time within which to complete the work and place water to
beneficial use is herewith extended to and including March 1,
1947, and the time within which to file proofs thereof is
herewith extended to and including April 1, 1947.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 29608.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

IN THE OFFICE OF THE STATE ENGINEER

F I L E D
Mar. 16, 1945
St. Eng's. Off.

In the Matter of Permit No. 10202)
in the name of the U. S. Depart-) APPLICATION FOR EXTENSION
ment of the Interior, Fish and)
Wildlife Service for the water of)
Las Vegas Wash.) OF TIME.

Comes now BRICE MCBRIDE, Hydraulic Engineer, for the U.S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully requests the Honorable State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to necessary curtailment of funds and labor for construction due to war conditions, and also the curtailment of funds for purchase of necessary lands, no further work has been done to complete proof on Permit #10202 other than to maintain the work indicated in the affidavit of commencement of work.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10202 up to and including April 1, 1947.

(Signed) Brice McBride

Subscribed and sworn to before me this 14th day of March, 1945.

(Signed) Gertrude E. Maguire
Notary Public, Salt Lake County, Utah

Notary Public in & for the State of Utah
My Commission expires July 11, 1947

(SEAL)

AMENDED

APPLICATION FOR PERMIT

Serial No. 10202

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office Feb. 2, 1938
 Returned to applicant for correction Apr. 22, 1938
 Corrected application filed May 4, 1938

The undersigned U. S. Department of Agriculture
Name of applicant
 of Washington, D. C., County of _____,
 State of _____, hereby make s application for
 permission to appropriate the public waters of the State of Nevada, as
 hereinafter stated. (If applicant is a corporation, give date and place
 of incorporation.) _____

1. The source of the proposed appropriation is Las Vegas Wash
Name of stream, lake, or other source
2. The amount of water applied for is Five second-feet.
One second-foot equals 40 minims' inches
3. The water to be used for Migratory Waterfowl Refuge
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 21 S., R. 63 E., M.D.B.&M., or at a point from
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
which the N.E. corner of Sec. 13, T. 21 S., R. 63 E., bears N. 62° 40' E.,
10,840 feet.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.
- (e) Place of use 14; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 21 S., R. 63 E.
Give location of place of use by legal subdivision. M.D.B.&M.
- (f) Point of return of water to stream _____
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about Jan. 1st and end about Dec. 31st, of each year.
Month Month
- (i) Remarks _____

INSTRUCTIONS TO APPLICANTS

Application should be made out in detail on the form prescribed by the State Engineer.
Applications should be typewritten or filled out with ink.

An application is not a permit to appropriate water until after its approval by the State Engineer. Upon approval (or rejection) of any application, a copy of the original application with such approval or rejection endorsed thereon, will be returned to the applicant. The terms of the permit will show on the endorsement, and be a guide for the applicant.

The following rules should be complied with in making application:

Under Question No. 1—Where the source of the water desired is from more than one stream, lake, spring or other body of water, separate applications must be made out for each source; provided, however, that when the numerous sources have their confluence above the point of diversion one application will serve to appropriate the water, by giving the name of the main stream at the point of diversion. The application should state the name of the stream, including its tributaries.

Under Question No. 2—The amount of water applied for should be limited to the amount that can be put to beneficial use. The Statute provides that this amount shall not exceed three acre feet per annum in districts where irrigation is carried on for the six months beginning April 15 and ending October 15 of each year; and where irrigation is carried on for a longer period each year, one-half of one acre foot per month for such additional month is the maximum quantity allowed. Therefore, there shall be allowed a continuous flow of one second foot of water for each one hundred acres of land irrigated. The amount should be stated in cubic feet per second instead of in miners' inches (One cubic foot per second equals forty miners' inches.) (One acre foot of water is equal to 43,560 cubic feet, or the amount of water necessary to cover an acre of ground one foot deep.)

Under Question No. 3—Ordinarily only one use of water can be named in each application. If domestic purposes are included, however, two uses can be named. For instance, if the application stated "For Irrigation and Domestic Purposes" it shall be allowed; but if "Power and Irrigation" are named in one application it shall not be allowed, but the application will be returned for correction.

Under Question No. 4—The point of diversion is one of vital importance in the application, as upon the location of the point of diversion depends the question of interference with prior rights. The point of diversion must be stated as being within the forty-acre legal subdivision, or, if on unsurveyed land, it must be tied by the course and distance to the nearest corner of a legal subdivision, if such corner is within six miles. If no corner is found within six miles, the point of diversion should be tied to some definite and fixed monument or object.

Except under special conditions, there shall be accepted only one point of diversion in each application, for the reason that an entire stream could be covered by one application if more than one point of diversion were permitted to be named in each filing. In cases where the diversions, if there be more than one, are on the same forty-acre tract, and are required to economically handle the water, the application for more than one point of diversion will be considered.

Under Question (a)—The total number of acres of land should be stated with reasonable accuracy. The quantity of water allowed in the application, endorsed thereon by the State Engineer, is determined by the number of acres to be irrigated as well as the amount of unappropriated water in the stream.

Under Question (b)—There should be given a description of the land to be irrigated by legal subdivisions. In the event that the land proposed to be irrigated is unsurveyed, then give the approximate location of such land, together with the township and range wherein such land is situated.

Under Question (c)—Give the time when the use of water for irrigation purposes will begin, and also when it will end.

Under Question (d)—If the application is for power purposes, give the theoretical horsepower to be developed, and the vertical head under which the power is to be developed.

Under Question (e)—If application for power or stock watering purposes, give a description of the location of the proposed works, by legal subdivisions, or tie by course and distance to a section corner, as required in answer to Question 4 above.

Under Question (f)—Where water applied for is to be returned to the stream, give a description of the proposed point of return, as described in answer to Question 4 above.

Under Question (g)—State number and kinds of animals to be watered at place of use.

Under Question (h)—Give time when use of water for stock watering purposes will begin and when it will end.

Under Description of Proposed Works—Under description of proposed works, state by what means the water is to be diverted from the stream, whether by dams, ditches, pipe lines or other conduit. Give the size of such ditches, pipe lines, etc., and the proposed grade that each will have from the point of diversion, to enable this office to determine the capacity of each. The size of the ditch should be consistent with the amount of water applied for under Question No. 2.

If the water is to be stored in a reservoir, give its location with reference to the legal subdivision or subdivisions. If the reservoir is to be located on unsurveyed lands, the rules and regulations of the Department of the Interior should be followed, precisely. Such rules and regulations are embodied in a pamphlet furnished by the Department of the Interior, called "Regulations Concerning Right of Way Over Public Lands and Reservations for Canals, Ditches, and Reservoirs," approved by the Secretary of the Interior, June 8, 1908. The maps and field notes of such reservoir should conform strictly with these regulations and a copy filed with the office of the State Engineer.

Applications for permit to store water shall conform with the above rules, except that the description of the lands to be irrigated shall not be required. If, however, the description of the lands is known and can be listed, the number of acres and location should be given.

The application shall bear the signature of the applicant, his agent or attorney.

FEES

The following fees shall be collected by the State Engineer in advance, and shall be accounted for and paid by him into the General Fund of the State Treasury, on or before the 10th day of each month; provided, however, that the fees named in subdivision (c) of this list shall not apply to permits for underground waters:

(a) For examining and filing an application for permit to appropriate water, twenty dollars (\$20), which shall include the cost of publication, which publication fee is hereby fixed at twelve dollars and fifty cents (\$12.50).

(b) For examining and filing an application for permit to change the point of diversion, manner of use, or place of use, twenty-five dollars (\$25), which shall include the cost of permit should the same issue thereunder, and the cost of publication of such application.

(c) For issuing and recording a permit to appropriate water for irrigation purposes, ten cents per acre for each acre to be irrigated, up to and including one hundred acres; and five cents for each acre in excess of one hundred acres, up to and including one thousand acres; and three cents for each acre in excess of one thousand acres.

(d) For issuing and recording permit for power purposes, five cents for each theoretical horsepower to be developed; and for issuing final certificate under permit for power purposes, twenty-five cents for each theoretical horsepower to be developed up to and including one hundred horsepower; and twenty cents for each horsepower in excess of one hundred horsepower up to and including one thousand horsepower; and fifteen cents for each horsepower in excess of one thousand.

(e) For issuing and recording permit to store water, twenty-five dollars (\$25), and for issuing final certificate under permit to store water, five cents for each acre foot of water stored up to and including one thousand acre feet; and three cents for each acre foot in excess of one thousand.

(f) For issuing and recording permit to appropriate water for any other purpose, \$10 for each second foot of water applied for, or fraction thereof.

(g) For filing secondary permit under reservoir permit, \$5; for approving and recording permit under reservoir permit, \$5.

(h) For filing proof of commencement of work, \$1.

(i) For filing proof of completion of work, under any permit, \$1.

(j) For filing any protest, affidavit, or any other water right instrument or paper, \$1.

(k) For making copy of any document recorded or filed in his office, \$1 for the first hundred words, and 20 cents for each additional one hundred words or fraction thereof; where the amount exceeds \$5, then only the actual cost in excess of that amount shall be charged.

(l) For certifying to copies of documents, records or maps, \$1 for each certificate.

(m) For blue print copy of any drawing or map, 15 cents per square foot.

(n) For such other work as may be required of his office, actual cost of the work.

No instrument will be received for filing in the State Engineer's office unless the fee for recording the same, as above provided, shall accompany such instrument. In cases where no fee accompanies the instrument tendered for filing, such instrument shall be returned to the sender forthwith.

Where copies of any instrument of record in the office of the State Engineer is desired, a sufficient amount to cover the approximate cost of the same must be forwarded with the application for such copies. When such copies are prepared, any surplus over and above the statutory cost for copying such instrument or instruments shall be returned to the party requesting such copies.

Remittances should be made by draft or postal or express money order payable to the order of the State Engineer, Carson City, Nevada. Where personal checks are sent, certification by the bank upon which they are drawn is required. Foreign checks, in addition to certification, must include the exchange charge of the local bank.

The State Engineer reserves the right to hold all applications, accompanied by uncertified checks for filing fees, without filing, until collection is made on such checks.

DESCRIPTION OF PROPOSED WORK.

Cut-off dikes to a sufficient depth to intercept the sub-surface flow and of sufficient height above ground to create ponds of the proper depth to State manner in which water is to be diverted, whether by dams or other works, whether through pipes, ditches, flumes, or other conduits. If water produce aquatic plants for waterfowl feed will be constructed at various locations on the area described under Paragraph (a), Place of Use. Spillways and headgates will be placed in the dikes in order to pass water downstream from one pond to another and maintain desired water levels in the ponds.

5. Estimated cost of works \$5,000.

6. Estimated time required to construct works 2 years.

7. Remarks

For use of applicant

, Applicant.

By (Signed) Brice McBride

Compared

Brice McBride, Hydraulic Engineer for t
U. S. Bureau of Biological Survey, his
designated agent, for this purpose.

This sheet inspected

, Engineer.

OF 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:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

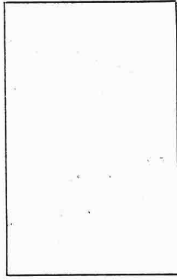
Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

WITNESS MY HAND AND SEAL this day

of ,

State Engineer.

No. _____
Application for Permit to Appropriate Water
STATE OF NEVADA ENGINEER'S OFFICE
Filed _____

Applicant _____
P. O. Address _____
Form 1b  23-4-25-16

Land History

Executive Order

BOULDER CANYON WILD LIFE REFUGE

NEVADA AND ARIZONA

It is hereby ordered that the following-described area in the States of Nevada and Arizona, be, and the same is hereby, reserved and set apart for the use of the Department of Agriculture as a refuge and breeding ground for wild birds and animals:

ARIZONA

GILA AND SALT RIVER MERIDIAN

- T. 31 N., R. 15 W., all fractional unsurveyed portion north and west of Hualpai Indian Reservation;
- T. 32 N., R. 15 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive (unsurveyed);
- T. 30 N., R. 16 W., secs. 5, 6, 7, 8, and 18 (partly surveyed);
- T. 31 N., R. 16 W., all (unsurveyed);
- T. 32 N., R. 16 W., all (unsurveyed);
- T. 33 N., R. 16 W., all (unsurveyed);
- T. 30 N., R. 17 W., secs. 1 to 18, inclusive (partly surveyed);
- T. 31 N., R. 17 W., all fractional;
- T. 32 N., R. 17 W., all fractional (unsurveyed);
- T. 30 N., R. 18 W., secs. 1 to 21 and secs. 28 to 30, inclusive (partly surveyed);
- T. 30 N., R. 19 W., secs. 1 to 18 and secs. 24 to 25, inclusive (unsurveyed);
- T. 31 N., R. 19 W., all fractional (unsurveyed);
- T. 32 N., R. 19 W., all fractional (unsurveyed);
- T. 30 N., R. 20 W., secs. 5 to 8, inclusive (unsurveyed);
- T. 31 N., R. 20 W., all (unsurveyed);
- T. 32 N., R. 20 W., all fractional (unsurveyed);
- T. 30 N., R. 21 W., secs. 1 and 12 (unsurveyed);
- T. 31 N., R. 21 W., all (unsurveyed);
- T. 32 N., R. 21 W., all fractional (unsurveyed);
- T. 30 N., R. 22 W., all (unsurveyed);
- T. 31 N., R. 22 W., all (unsurveyed);
- T. 32 N., R. 22 W., all fractional (unsurveyed);
- T. 30 N., R. 23 W., all fractional;
- T. 31 N., R. 23 W., all fractional;
- T. 32 N., R. 23 W., all fractional;

NEVADA

MOUNT DÍABLO MERIDIAN

- T. 20 S., R. 63 E., sec. 36 (unsurveyed);
- T. 23 S., R. 63 E., secs. 1, 12, and 13, and that portion of secs. 2, 11, 14, 23, and 24 within Boulder Canyon Project Federal Reservation;

2

- T. 21 S., R. 63½ E., secs. 1, 12, and 13 (unsurveyed);
T. 23 S., R. 63½ E., secs. 12, 13, and 24, and that portion of sec. 1 within Boulder Canyon Project Federal Reservation;
T. 20 S., R. 64 E., secs. 31 and 32;
T. 21 S., R. 64 E., all (unsurveyed);
T. 22 S., R. 64 E., all;
T. 23 S., R. 64 E., secs. 1 to 24, inclusive;
T. 20 S., R. 65 E., secs. 19 to 36, inclusive;
T. 21 S., R. 65 E., all fractional;
T. 22 S., R. 65 E., all fractional;
T. 23 S., R. 65 E., secs. 5 to 8 and secs. 16 to 21, inclusive (unsurveyed);
T. 20 S., R. 66 E., secs. 19 to 36, inclusive (unsurveyed);
T. 21 S., R. 66 E., all fractional (unsurveyed);
T. 17 S., R. 67 E., secs. 24 and 25;
T. 18 S., R. 67 E., secs. 13, 24, 25, and 36;
T. 19 S., R. 67 E., secs. 1, 12, 13, 24, 25, and 36;
T. 20 S., R. 67 E., secs. 1 and 2, secs. 11 to 14, and secs. 19 to 36, inclusive (unsurveyed);
T. 21 S., R. 67 E., all fractional (unsurveyed);
T. 15 S., R. 68 E., secs. 25, 26, 35, and 36;
T. 16 S., R. 68 E., secs. 1 and 2, secs. 11 to 14, and secs. 19 to 36, inclusive;
T. 17 S., R. 68 E., secs. 1 to 5, secs. 8 to 30, and secs. 32 to 36, inclusive;
T. 18 S., R. 68 E., secs. 1 to 5 and secs. 7 to 36, inclusive;
T. 19 S., R. 68 E., secs. 2 to 11, secs. 14 to 23, and secs. 26 to 35, inclusive;
T. 20 S., R. 68 E., secs. 2 to 11, secs. 14 to 23, and secs. 25 to 36, inclusive;
T. 21 S., R. 68 E., all fractional;
T. 15 S., R. 69 E., secs. 29 to 32, inclusive;
T. 16 S., R. 69 E., secs. 5, 6, 7, 18, 19, 30, 31, and 32;
T. 17 S., R. 69 E., secs. 4 to 10, secs. 15 to 21, and secs. 28 to 33, inclusive;
T. 18 S., R. 69 E., secs. 5, 6, 7, 8, and 18;
T. 20 S., R. 69 E., secs. 31 to 36, inclusive;
T. 21 S., R. 69 E., all fractional (unsurveyed);
T. 22 S., R. 69 E., all fractional (unsurveyed);
T. 20 S., R. 70 E., secs. 23 to 26 and secs. 31 to 36, inclusive (unsurveyed);
T. 21 S., R. 70 E., all fractional (unsurveyed);
T. 22 S., R. 70 E., all fractional (unsurveyed);
T. 20 S., R. 71 E., secs. 3, 4, 9, 10, secs. 15 to 22 and secs. 27 to 33, inclusive (unsurveyed);
T. 21 S., R. 71 E., all fractional (unsurveyed).

Practically all the lands involved have been withdrawn for classification and in connection with the Boulder Canyon Project for river regulation, improvement of navigation, flood control, irrigation and domestic uses, and for power development, and are primarily under the jurisdiction of the Department of the Interior. The

reservation of this area as a wild-life refuge is subject to the use thereof by said department for the purposes mentioned and other incidental purposes, and to any other existing valid rights.

It is unlawful within this reservation (a) to hunt, trap, capture, willfully disturb, or kill any wild animal or bird of any kind whatever, to take or destroy the nests or eggs of any wild bird, to occupy or use any part of the reservation, or to enter thereon for any purpose, except under such rules and regulations as may be prescribed by the Secretary of Agriculture; (b) to cut, burn, or destroy any timber, underbrush, grass, or other natural growth; (c) willfully to leave fire or to suffer it to burn unattended near any forest, timber, or other inflammable material; (d) after building a fire in or near any forest, timber, or other inflammable material, to leave it without totally extinguishing it; and (e) willfully to injure, molest, or destroy any property of the United States.

Warning is given to all persons not to commit any of the acts herein enumerated, under the penalties prescribed by sections 106, 107, and 145 of chapter 4, title 18, United States Code (35 Stat. 1098 and 43 Stat. 98), or by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; U. S. Code, Supp., title 16, sec. 715i).

This refuge shall be known as the Boulder Canyon Wild Life Refuge.

HERBERT HOOVER

THE WHITE HOUSE,

March 3, 1933.

[No. 6065]

U. S. GOVERNMENT PRINTING OFFICE: 1933



IN REPLY REFER TO:

154

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Southwest Region
P.O. Box 728
Santa Fe, New Mexico
87501

July 22, 1965

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CHF	
ADM	
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ENGR	SR
L.A.	
CH. M.P.	
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ACTION TAKEN - DATE	
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Memorandum

To: Superintendent, Lake Mead

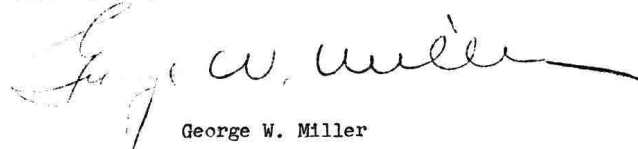
From: Assistant Regional Director, Operations

Subject: Water Analysis, Various Sources, Lake Mead National
Recreation Area Docket No. Various

We have enclosed an analysis for the following water source(s):

<u>Source</u>	<u>Docket Numbers</u>
Roger Spring	3
Las Vegas Wash	4
Angel Spring	8
Boulder Beach	9
Las Vegas Wash(Hen.)	12
Cottonwood Cove	16
Katherine Site	20

We have placed this information in the correct docket and by copies of this memorandum are sending them to the Director and Chief, WODC, for insertion in their dockets.


George W. Miller

Enclosure(s)

cc: Director (2), w/enc(s)✓
Chief, WODC (2), w/enc(s)✓

65-554

Docket No. 4

G.W. Type Analysis A-1 U.S. GEOLOGICAL SURVEY ANALYTICAL NOTES Project NPS Collector M.C. Ott
 State Nevada County Clark City (at or near) Henderson, Las Vegas Wash (Lake Water)
 Latitude-Longitude _____ Well No. _____ Date Collected January 20, 1965
 Owner _____ Date Drilled _____ Cased to _____ Depth (ft) _____ Diam. (in) _____

pH 7.36 Temp. (°F) _____
 Hardness as CaCO₃ Total 368 368
 Noncarbonate 246 246
2 S.A.R. 2.6 2.6
 %Na 40 40 T/af 1.06 1.06
 Density (g/ml) _____
 W.B.F. _____
 Producing Intervals _____
 W.L. _____
 Sampled after Pumping (Time) _____
 Yield _____
 Point of Collection _____
 Appearance _____
 Use _____
 Remarks: Lake Water
 Chemist KO Checked By LJA
 Date Completed MAR 10 1965
 Date Transmitted _____
 Laboratory No. 56240

Spec. Cond. (micromhos at 25°C): T <u>332</u> R KCl <u>254</u> R Sample <u>291</u> (1210) (1210)					
	PPM	EPM			
Silica f <u>42.1</u> vol <u>10</u> o.d. <u>0.219</u> (11) <u>11</u>			Bicarbonate <u>2315</u> <u>15.70</u> (149) <u>149</u> <u>2.44</u> vol <u>50</u> <u>7.45</u>		
Calcium <u>6.00</u> EPM TH <u>7.36</u> vol <u>10</u> <u>1.96</u> (91) <u>99</u> <u>4.94</u>			Carbonate <u>0</u> <u>0.00</u>		
Magnesium <u>14.20</u> <u>5.00</u> vol <u>25</u> <u>9.20</u> (29) <u>29</u> <u>2.42</u>			Sulfate <u>23</u> <u>2.00</u> <u>4.28</u> vol <u>50</u> <u>200</u> (337) <u>337</u> <u>7.02</u> <u>4.21</u>		
Sodium vol <u>25-50</u> 0-100 range <u>65.5</u> } <u>65.5</u> <u>57.5 x 2</u> (115) <u>115</u> <u>5.00</u>			Chloride <u>5.00</u> <u>0.00</u> vol <u>25</u> <u>5.00</u> <u>0.10</u> AgNO ₃ <u>0.5</u> <u>3.40</u> (103) <u>108</u> <u>3.25</u>		
Potassium vol <u>50</u> 0-10 range <u>54.0</u> } <u>54.0</u> (54) <u>5.4</u> <u>0.14</u> <u>54.0</u>			Fluoride vol <u>10</u> o.d. <u>1.38</u> (04) <u>0.4</u> <u>0.02</u>		
Na+K (Calculated)			Nitrate f <u>11.4</u> vol <u>10</u> Soil sol <u>0.109 (2.5)</u> o.d. <u>0.059 (4.4)</u> (2.5) <u>2.5</u> <u>0.1</u>		
Iron f <u>1.29</u> vol <u>25</u> In sol.: o.d. <u>0.07</u> (0.01) <u>0.01</u>			Boron f <u>1.29</u> vol <u>1</u> o.d. <u>1.210</u> (0.27) <u>0.27</u>		
Total: o.d. <u>0.020</u> (0.02) <u>0.04</u>			Sum of Constituents (781) <u>781</u>		
			Residue on Evaporation at 180°C vol <u>100</u> <u>54.6247</u> <u>54.6251</u> (796) <u>796</u> dish <u>X43</u> <u>0.0796</u>		
TOTAL CATIONS		<u>12.50</u>	TOTAL ANIONS		<u>12.57</u>

Provisional records, subject to revision.

Other Supporting Information

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

Lake Mead Shed / 8.

April 9, 1948.

MEMORANDUM for the Director.

Reference is made to Superintendent Baggle's memorandum of March 11 and Mr. Demaray's memorandum of March 24, relative to Water Right Permit No. 10202 for water rights in the Las Vegas Wash area of Lake Mead Recreational Area.

Since the Fish and Wildlife Service has withdrawn from this area and abandoned its proposed feeding and resting grounds for migratory water fowl, we concur in Mr. Baggle's suggestion that the permit be allowed to lapse at the end of its present period.

John M. Davis,
Acting Regional Director.

In duplicate.

cc: Supt., Lake Mead.

C O P Y

Lake Mead Recreational Area
Boulder City, Nevada

March 11, 1948.

MEMORANDUM for the Regional Director, Region Three.

This is in further reference to your memorandum of February 25, and Mr. Dunn's memorandum of February 19, both concerning an application for water rights in the Las Vegas Wash arm of the Lake Mead Recreational Area under Permit No. 10202 (Deed No. 18).

The application for water in this arm of Lake Mead was made several years ago with the idea that small feeding and resting grounds for migratory water fowl would be developed in cooperation with the Fish and Wildlife Service. Inasmuch as this proposed development is no longer on the program and there seems to be no other immediate need for water, it is suggested that the permit be allowed to lapse with the termination of its present period.

George F. Bagley,
Superintendent.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

March 1, 1948.

MEMORANDUM of Cross Reference.

Water rights under Applications 10092, 10188, and 10202
have been transferred from the Fish and Wildlife Service. For
further evidence of the recording of such transfer with the
State Engineer, see Application 10188, Lake Mead Recreational
Area Deed 19.

(SGD.) A. VAN V. DUINN

Chief, Water Resources Branch.



C O P Y

Received

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

June 14, 1947

In your reply refer to No. s. 10098 and 10092

The Director,
National Park Service,
Department of the Interior,
Chicago 54, Illinois.

ATTENTION: A. van V. Dunn
Chief, Water Division/

Dear Mr. Dunn:

This will acknowledge your letter of the 6th together with applications for extension of time under Permits 10092 and 10098 together with purchase order and voucher for \$2.00 to cover filing fees.

Herewith find enclosed voucher in triplicate which I believe is properly signed.

Relative to Permits 10992 and 10202, and application 10188, will advise that the following notation has been placed on these files; "Transferred to Department of Interior, National Park Service by (53 Stat. 561) (53 Stat. 1431) and 54 Stat. 1231, 1232)". In other words, these permits and application will show the transfer from the Department of Agriculture to the Department of the Interior.

As soon as the fees for the applications for extension of time are submitted, this office will approve said applications for extension of time within which to comply with the provisions of the permits.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By (Sgd) Hugh A. Shamberger
Hugh A. Shamberger
Assistant State Engineer

HAS:at
encls.

54

*Las Vegas Huckle Ponds
Blue Point Springs*

June 6, 1947.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

There are enclosed applications for extensions of time in which to complete construction and make beneficial use of the waters of Lodgers and Blue Point Springs, under Permits 10092 and 10098, respectively, at Boulder Dam Recreational Area, and a purchase order and voucher for \$2.00 to cover the filing fees of \$1.00 each, which are required under Section 73, Chapter 128 of the Statutes of 1931. Please sign and return the voucher for payment.

Permit No. 10098 was initiated by this Service. Permit No. 10092, however, is one of those which were initiated by the Biological Survey, and over which Federal jurisdiction has passed to the more recently established Fish and Wildlife Service, and now to the National Park Service. The authority for these changes has been presented to you in connection with related Permits Nos. 10188 and 10202. The last correspondence seems to be our letter of May 21 to you, signed by Hugh E. Miller, Acting Director. We hope that the Secretary of State has accepted the authority cited in that letter, in order that there will be no further complication. If not, of course, we wish to insure continuing priority until the matter is settled.

We have now received one order granting extension of time under Permit 10202 which was issued to the U. S. Department of Agriculture, National Park Service, and an amended order issued to the National Park Service, Branch of Development (Water Division). We also note that the order granting an extension of time under Permit 10098, dated September 5, 1945, was issued to the National Park Service, care of A. van V. Dunn, Chief, Water Division. The application for Permit 10098, however, was made out with the United States of America as claimant. We wonder if it would not simplify much of the difficulty if the orders were all made out to the United States of America with address of National Park Service, Department of the Interior, Chicago 54, Illinois.

Sincerely yours,

(Sgd.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Division.

AvVD:sh.
Enclosure 594.

cc: Regional Director, Region Three (2).

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
(54)

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

May 21, 1947.

Mr. Alfred Merritt Smith,
State Engineer,
State of Nevada,
Carson City, Nevada.

Las Vegas Wash
X Overton Nursery
X Rogers Spring.

Dear Mr. Smith:

We have received Assistant State Engineer Shamberger's letter of April 22, stating that the evidence furnished with our letter of April 18, in the opinion of the State Attorney General, is insufficient to authorize an assignment of water right application No. 10188 and permits Nos. 10092 and 10202 from the United States Department of Agriculture to the United States Department of the Interior.

The State Attorney General suggests that a "simple assignment or quit claim deed" from the Department of Agriculture to the Department of the Interior for use of the National Park Service, duly acknowledged before a notary public, would be all that is required to authorize the transfer on your records of the water right application and permits.

It is fundamental that title to the public lands or other public property owned by the Federal Government is held by and in the name of the United States. No executive department of the Government has authority to acquire or hold title to Federal property in its own name. Under the Federal Constitution, section 3, Article IV, Congress alone has power "to dispose of and make all needful rules and regulations respecting the territory or the property belonging to the United States." Under its authority to regulate the use of the property of the United States, Congress may transfer, or authorize the transfer, of administrative jurisdiction and control over Federal property from one department of the Government to another.

Pursuant to its Constitutional power, Congress has authorized the transfer of the functions of the former Bureau of Biological Survey of the Department of Agriculture and the former Bureau of Fisheries of the Department of Commerce to the Department of the Interior and the consolidation of their respective functions into one agency of the latter Department, to be known as the Fish and Wildlife Service. This transfer and consolidation of functions necessarily had the effect of vesting in the Fish and Wildlife Service as an administrative agency of the Department of the Interior the control and jurisdiction over the Federal



property, including the water rights in question, formerly exercised by the Bureau of Biological Survey. For your convenient reference, citations to the basic authorities for these transfers are listed below:

Reorganization Act of 1939, approved April 3, 1939 (53 Stat. 561).
Reorganization Plan No. II, sections (e) and (f), (53 Stat. 1431, 1433).
Reorganization Plan No. III, section 3, (54 Stat. 1231, 1232).

In view of the above, it is not believed that a formal assignment or quitclaim from the Department of Agriculture to the Department of the Interior would be of any legal effect. Moreover, it is our view that the necessary jurisdictional transfer has already been effected by virtue of the above-mentioned Reorganization Plans as authorized by the Congress and that the Department of the Interior is now the legal custodian for the Government of the Federal property rights represented by the water right application and permits.

Since the Fish and Wildlife Service has withdrawn from active participation in the administration of the area in question and the Bureau of Reclamation has indicated its non-interest in securing additional water rights, the National Park Service is the only agency of the Department of the Interior now functioning in the area which has need for the water rights under consideration. It is again requested, therefore, that you change your records, including your certificate of April 7 granting an extension of time under permit No. 10202, to show the United States of America, Department of the Interior, National Park Service, as the applicant or permittee under application No. 10188 and permits Nos. 10092 and 10202.

Sincerely yours,

(SGD) HUGH M. MILLER

Hugh M. Miller,
Acting Director.

cc: Regional Director, Region Three (2).
Mr. Dunn.
Mr. Price.
HKS:rd



STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

IN YOUR REPLY REFER TO NO. S. 10092, 10188 and 10202

Boulder claim deed 1.

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

1070	Name	
	Price	
	Acres	
	Water Right	
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C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
54

Lake Mead 660-05.7
X Alverton
X Las Vegas
X Blue Point Spring
April 18, 1947.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

This replies to the letter of March 5 from Mr. Shamberger, with regard to Federal jurisdiction over Applications Nos. 10,092, 10,188, and 10,202, for the appropriation of water in Boulder Dam Recreational Area, and will also correlate the correspondence between your office and the Regional Office of the Fish and Wildlife Service in Portland, Oregon, which terminated with Mr. Shamberger's letter of February 26.

We enclose the following exhibits:

1. Map of Boulder Dam National Recreational Area, drawing NRA-BD-7000, which shows the boundaries of the Recreational Area and the Boulder Canyon Wildlife Refuge, and on which the points of diversion are spotted as described in the water right applications Nos. 10,092, 10,188, and 10,202.
2. A photostat copy of the Executive Order of March 3, 1933, by which the President withdrew the lands and established the Wildlife Refuge.
3. Signed copy of a letter of March 27 from Acting Director Clarence Cottam of the Fish and Wildlife Service to Director Drury of this Service, which explains and gives the authorization under which the Biological Survey was transferred from the Department of Agriculture to the Department of the Interior and combined with the Bureau of Fisheries to form the Fish and Wildlife Service.
4. Copy of a letter of December 23, 1946, from Acting Director Cottam, Fish and Wildlife Service, for the Commissioner, Bureau of Reclamation, indicating Federal interest in Water Right Application No. 10,188 as an appurtenance to lands assigned to the Bureau of Reclamation under Permit No. 46-444.

5. Copy of letter of June 28, 1946, from the Assistant Commissioner of Reclamation for the Director, Fish and Wildlife Service, requesting a permit to use said land pending its more permanent disposition.
6. Copy of Permit No. 46-444.
7. Copy of Memorandum of August 14, 1946, for the Commissioner, Bureau of Reclamation, from the Director, Fish and Wildlife Service, transmitting said permit.
8. Copy of Memorandum of February 20, 1947, for the Director, Fish and Wildlife Service, from William E. Warne, Assistant Commissioner, Bureau of Reclamation, indicating that rights under Application No. 10,188 are of no interest to the Bureau of Reclamation, but that the National Park Service will assume some interest with Bureau concurrence.

On the basis of the information contained in the documents listed above and those enclosed with Mr. Dunn's letter of February 20, we believe that the State Attorney General should be in a position to recognize the National Park Service, Department of the Interior, as now being the proper agency of the United States to perfect rights and use water under Applications Nos. 10,092, 10,188, and 10,202. We also believe that he will agree that, on the basis of the information furnished, further action by the Secretary of Agriculture toward effecting a transfer of interest under the applications is unnecessary. We hope that you may now grant the extension of time in which to perfect rights under Application and Permit No. 10,202 as requested in Mr. Dunn's letter of February 20.

We realize that no permit has been granted on Application No. 10,188 due to protest by the Muddy Valley Irrigation District. It is our plan to adjust the differences with the Irrigation District in the near future, and perfect all or a part of the right. This will be covered by later correspondence.

Sincerely yours,

(SGD) HUGH M. MILLER

Hugh M. Miller,
Acting Director.

AvVD:sh.
Enclosure 561.

cc: Regional Director, Region Three (2).
Mr. Dunn.

Rec. Dist. file
2-25-47
March 25, 1947. *Rec.*

Status of Land under Interbureau Administration
and
Related Water Right Applications 10,092, 10,188, and 10,202
Boulder Dam Recreational Area

Drawing NRA-BD-7000 shows boundary of Boulder Dam Recreational Area and Reclamation withdrawal for Boulder Canyon Project--boundaries identical--and Boulder Canyon Wildlife Refuge. To all intents and purposes, the Refuge is entirely within Reclamation withdrawal and Recreational Area, but does not cover all of those withdrawals.

The Biological Survey, Department of Agriculture--later transferred to Department of the Interior and consolidated with Fish and Wildlife Service by Executive Order--has had jurisdiction over Wildlife Refuge, which is now being abolished. This leaves entire area covered by Refuge still a part of Reclamation withdrawal and under administration of National Park Service, as Boulder Dam Recreational Area. References to Fish and Wildlife Service, hereafter, refer also to Biological Survey as predecessor.

Tracts 120, 120-I and 120-II were acquired by Fish and Wildlife Service but are in neither the Reclamation withdrawal nor the Recreational Area.

Tracts 11, 506, and 515 are in said withdrawal and Recreational Area, but are not served by Water Right No. 10,188, and value as part of Recreational Area has not been determined. Status of other water rights not investigated.

Tracts 514, 514A, 514B, and 514C were purchased by Fish and Wildlife Service to obtain rights of way across private land for ditch which has been constructed under Water Right Application No. 10,188, but are only 20 feet wide, and are used solely as rights of way.

Water right application has been protested by Muddy Valley Irrigation District and no permit has been granted, pending adjustments with District, but ditch is reported to have been built and water is reported to have been diverted. It is believed that the National Park Service has already used part of the water on its Overton Nursery. All use by Fish and Wildlife Service has been on Federal land in Boulder Dam Recreational Area.

Permit No. 10,092 has been granted for diversion and use of Rodgers Spring, in Boulder Dam Recreational Area. Status of construction, by Fish and Wildlife Service, not yet determined.

Permit No. 10,202 for impounding water in Las Vegas Wash in Boulder Dam Recreational Area, was granted but status of construction has not been determined. These water developments were never in the Wildlife Refuge and authority of Fish and Wildlife Service to develop and use said water under State permit is based on authority the Bureau of Reclamation or National Park Service may have granted to Fish and Wildlife Service, or permission granted by General Land Office, now part of Bureau of Land Management, prior to Reclamation withdrawal.

W. A. WARD, JR.
Chief, Water Division.

Lake mead 660-05.7
x Overton
x Rogers Spring
x Las Vegas
March 11, 1947.

Mr. Burney and Mr. Price.

Mr. Dunn.

Transfer of water rights from one Federal agency to another--
Letter of March 5 from Assistant State Engineer of Nevada regarding
3 water rights in Boulder Dam.

This letter is the result of my submission of request for extension of time in which to complete proof under Application No. 10202, and copies of the memoranda from the Acting Director, Fish and Wildlife Service, ceding jurisdiction over rights under Application 10092, 10188, and 10202 to this Service and the Bureau of Reclamation, as authority to request extension.

The three water rights were initiated by the Department of Agriculture, only in one case with the added designation of the Biological Survey. The two giving the Department as claimant were prepared and signed by Brice McBride as Hydraulic Engineer for the Biological Survey. The other was signed by Luther M. Windsor, Irrigation Engineer, and his bureau affiliation is omitted because it is shown elsewhere. The three water right assemblies are attached.

It appears that the Fish and Wildlife Service has not attempted to transfer jurisdiction since it was transferred from Agriculture to Interior.

To be consistent with our other water rights, the claimant should be the United States of America, Department of the Interior, National Park Service, by the Acting Director. The intent is to have the United States as claimant, and indicate the Department and Bureau for administrative convenience.

I believe that we should obtain a formal conveyance from the Department of Agriculture to the Department of the Interior. I believe the Secretary of the Interior should then designate this Service to administer rights under Permits Nos. 10092 and 10202; and should authorize this Service and the Bureau of Reclamation to arrange such division of interest, or just responsibility, for the administration of rights under Application No. 10188 as may be mutually agreeable for the full utilization of the water.

Application 10188 was treated differently in the assignment by Acting Director Cottam because it was largely appurtenant to land which was transferred to the Bureau, after actual purchase by the Fish and Wildlife Service. The application is under protest, but the diversion has been made without permit, and has provided water for the Overton Nursery part of the time since the ditch was constructed.

On receipt of transfers and designation of authority, I think this Service, and the Bureau of Reclamation, should submit proper copies to the State Engineer of Nevada with the request that the United States be recorded as claimant, with administration by this Service or the Bureau.

Had the Biological Survey filed the applications in the name of the United States, I do not think this elaborate formality would have been necessary.

The adjustment of transfer of title seems to be a legal matter, but I should like copies of all related correspondence.

AvVD:sh.
Attachments.

(SGD.) A. VAN V. DUNN
Chief, Water Division.

10092 - 10188 - 10202

February 26, 1947

Fish & Wildlife Service,
600 Weatherly Building,
Portland 14, Oregon.

Attention: Regional Director

Dear Sir:

We have received your letter of the 13th, wherein you advise us that permit No. 10092 to appropriate the waters of Roger Spring; Permit No. 10188 to appropriate the waters of Muddy Creek, and Permit No. 10202 to appropriate the waters of Las Vegas Wash, have been transferred to the National Park Service.

Before we can make the assignments in this office it will be necessary for either the Fish & Wildlife Service or the National Park Service to submit to us certified copies of the transfers, which must be accompanied by the statutory filing fee of \$1.00 each.

Very truly yours,

ALFRED HERBERT SMITH
State Engineer

HAS/vs

By

HUGH A. SHAMBERGER
Assistant State Engineer

ADDRESS ONLY THE REGIONAL DIRECTOR
FISH AND WILDLIFE SERVICE
AND REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

OFFICE OF REGIONAL DIRECTOR
600 WEATHERLY BUILDING
PORTLAND, OREGON
/14

REGION 1

WASHINGTON
OREGON
CALIFORNIA
NEVADA
IDAHO
MONTANA

February 13, 1947

Mr. Alfred M. Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

Filing Permits No. 10,188, Big Muddy Creek, for 25 c.f.s.;
No. 10202, Las Vegas wash, for 5 c.f.s.; and No. 10,092, Rogers
Spring, for 4 c.f.s., have been transferred to the National Park
Service.

We have forwarded the notice of time of completion of No.
10,202 to the Director of the Park Service at Chicago.

Very truly yours,

Alphonse Hemmerich
Alphonse Hemmerich
Acting Regional Director

*ask for
cui and transfer*



ADDRESS
DIRECTOR, FISH AND WILDLIFE SERVICE

IN REPLY REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
CHICAGO, ILLINOIS

DEC 23 1946

MEMORANDUM for the Director,
National Park Service, Chicago, Illinois.

The Fish and Wildlife Service hereby transfers custody of Permit No. 10,202, Las Vegas Wash, Nevada, for 5 cubic feet per second, to the National Park Service of the Department of the Interior, as a result of our withdrawal from the joint supervision of the area serviced by the permit.

((SGD)) CLARENCE COTTAM

Acting Director.

COPY FOR MR. DUNN - NATIONAL PARK SERVICE



C O P Y

In reply refer to

Nevada
Boulder Canyon
Water

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
436 Federal Building
Salt Lake City 1, Utah

*Blue Point to Rogers Spring
X Las Vegas Wash District
X Nevada Park and Wildlife Service*

November 8, 1946

Mr. H. D. Willis
600 Weatherly Bldg
Portland, 14 Oregon

Dear Mr. Willis:

For your information the following data is listed for our
Boulder Canyon water filings:

Rogers Spring, Permit #10092, 4 cfs.

Complete works and place water to
beneficial use July 6, 1947

Filing of proofs thereof Aug. 6, 1947

Las Vegas Wash, Permit #10202, 5 cfs.

Complete works and place water to
beneficial use Mar. 1, 1947

Filing of proofs thereof Apr. 1, 1947

Big Muddy Creek, Application #10188, 25 cfs.

Application is still before the State Engineer for
action following the protest by the Muddy Valley Irri-
gation Company and the hearing conducted at Overton on
December 6, 1938.

The above data no doubt appears in the regional files but is
listed here in consideration that it may save you a search through
the files.

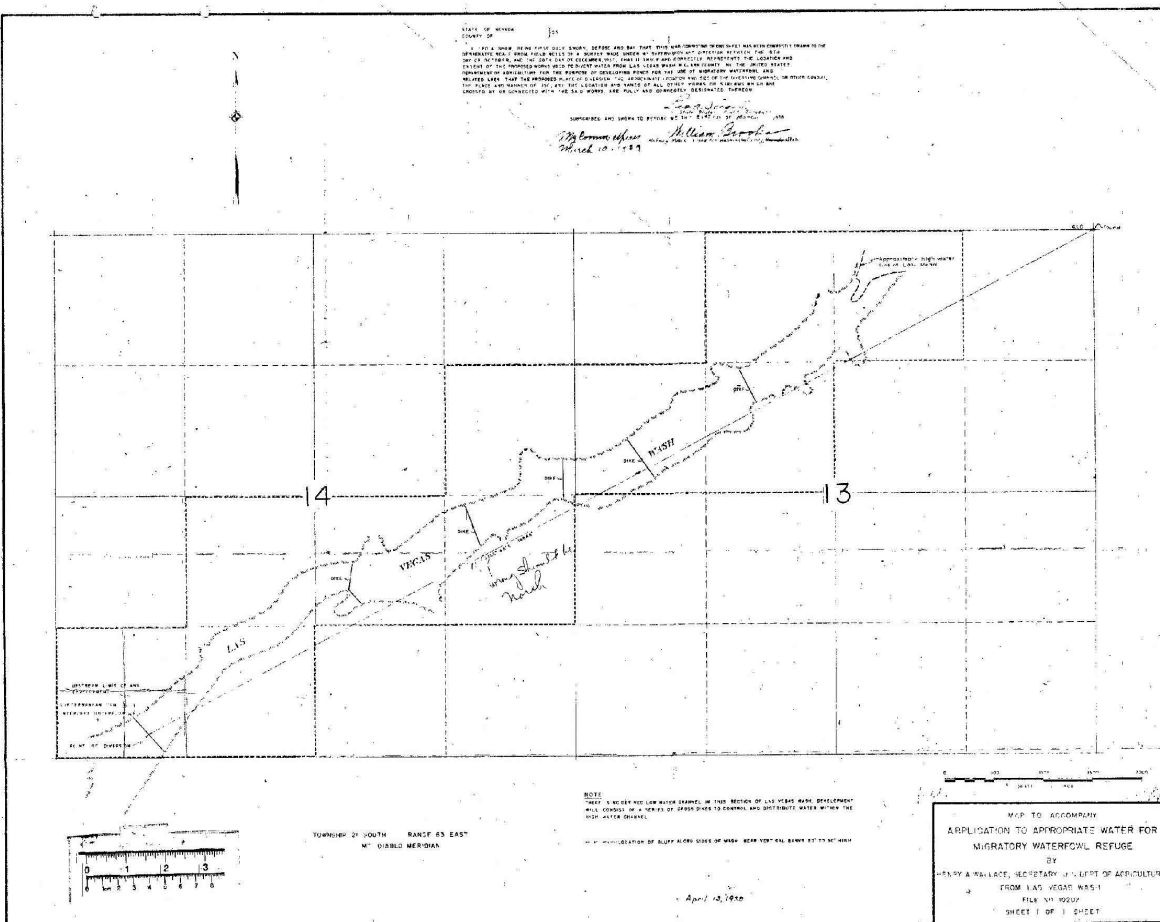
I am aware that there is talk of turning over some of our inter-
ests in the Boulder Canyon Refuge to the National Park Service but
we have no recent information here on whether this has been done, or
of the intentions of the Service in this regard.

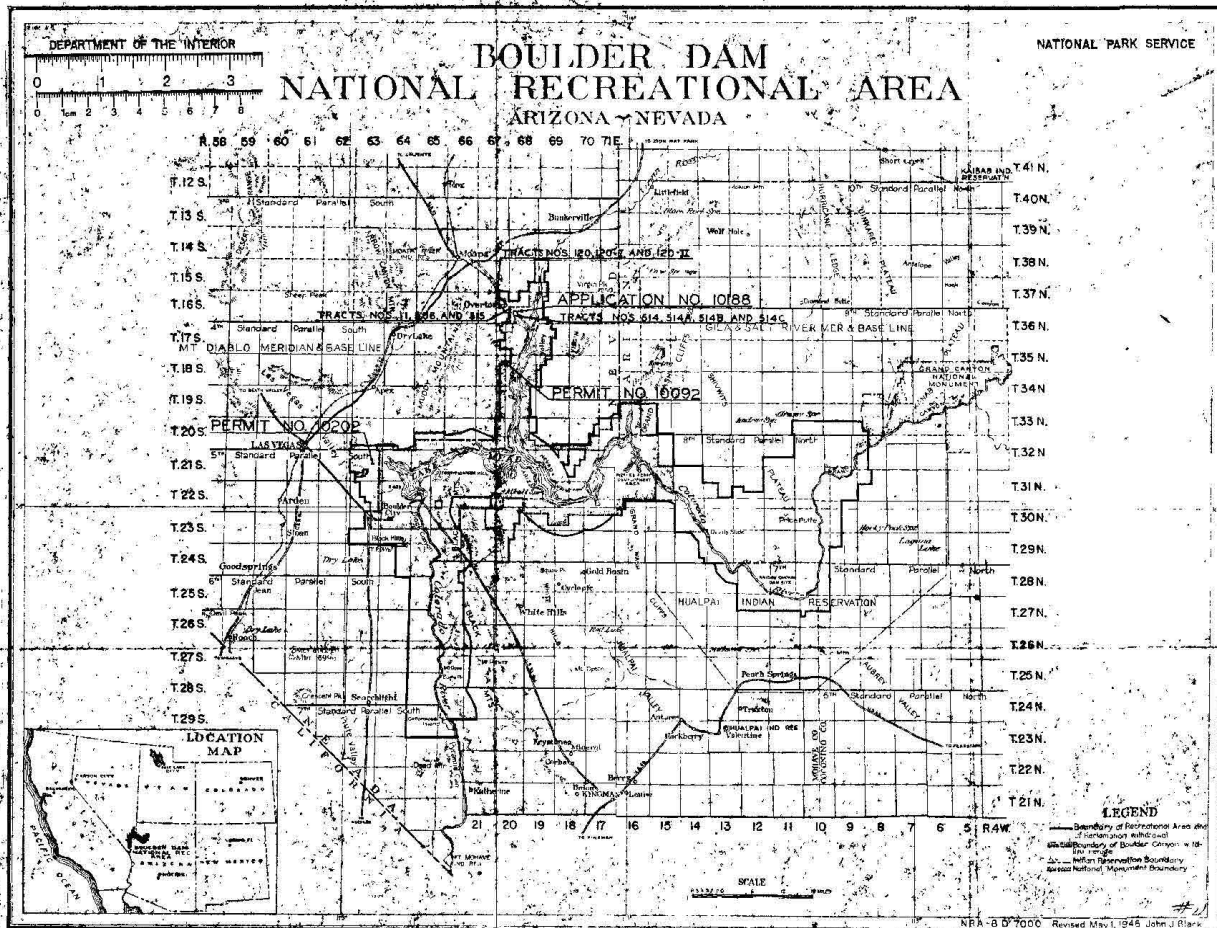
Very truly yours,

cc-Director

E. H. NELSON
Civil Engineer

Maps and Miscellaneous Information





Docket Information

Number of Documents in Docket 40

Documents Dated from 3/3/1933 to 7/8/1974

Docket Compiled: 4/20/2011