WATER-RIGHT DOCKET

Lake Mead National Recreation Area

Docket No: 5

MUDDY CREEK (RIVER).

Preliminary Docket Information

01-09-1975: water right/source docket information

WATER RESOURCES/WATER RIGHT DATE: January 9, 1975

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lake Mead National Recreation Area

SITE Muddy Creek (River)

STATE Nevada COUNTY CLARK DOCKET NO WR #5

LOCATION SW¼ NE¼ Sec. 19, T16S, R68E MDB&M

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY See narative

APPLICATION 10188 PERMIT CERTIFICATE

ACTION DUE PRIORITY Ded. 1, 1937 RESERVATION March 3, 1933

QUANTITY 25 sec. ft. USE irrigation and propagation of migratory waterfowl

STATUS SOURCE

REMARKS Hydrologic Unit #~~15010010~~ 15010012

NARRATIVE:

The Bureau of Biological Survey, U.S. Dept. of Agriculture, (later to become the Bureau of Fish and Wildlife in the Department of the Interior), filed Water Right Application No. 10188 on December 1, 1937 with the State of Nevada. The proposed appropriation was for 25 second-feet from Muddy Creek (River) for use in irrigation and propagation of migratory waterfowl in the Boulder Canyon Wildlife Refuge, established by Executive Order No. 6065, on March 3, 1933. Protest to this application was filed on March 9, 1938 by the Muddy Valley Irrigation Company (owner of Application No. 1611 for 10cfs from Muddy River). Their reasons for protest were (1) all the waters of Muddy Creek had been or were being applied to beneficial use, and (2) an order of determination of relative rights to the water of the Muddy River resulting from a hearing before the State Engineer of Nevada on January 21 and March 11, 1920 and by a decree of the Tenth Judicial District Court of the State of Nevada in the case of Muddy Valley Irrigation Co. v. Moapa and Salt Lake Produce Co. determined the aggregate value of the several amounts and quantities of water awarded and alloted to the parties was the total flow of the Muddy River, its Head waters, sources of supply, and tributaries.

The tracts of land included in Application No. 10188 were for a ditch to convey water to irrigate the various other included tracts (all of which lying in the Boulder Canyon Wildlife Refuge). These tracts were acquired by purchase, condemnation and gift by the U.S. Dept. of the Interior under authority of the Act of Congress approved February 18, 1929 (49 Stats 1222).

Under two agreements, the first approved October 13, 1936, between the National Park Service and the Bureau of Reclamation, and the second approved April 3, 1937, between the NPS and the Bureau of Biological Survey, the administration and development of the Boulder Canyon Wildlife Refuge was divided between the three agencies.

On August 14, 1946, the Fish and Wildlife Service granted Permit No. 46-444 titled "Permit Granting Custody and Control of the Lands within the Boulder Canyon Wildlife Refuge to the Bureau of Reclamation, U.S. Department of Interior", to use and occupy land included under Application No. 10188 (within Sections 19, and 30, T16S, R68E) for the purpose of its operation and maintenance of Boulder Canyon Reservoir.

(Continued on Next page)

Compiled by M. Ackerman

Approved by W. Werrell

On December 23, 1946, the Fish and Wildlife Service inquired of the Bureau of Reclamation if it had an interest in perfecting the rights under Application No. 10188. The Bureau replied on Feb. 20, 1947, that it did not have such an interest and as a result the Fish and Wildlife Service transferred custody and rights to Application No. 10188 to the NPS. The State Engineer, by letter of June 14, 1947, notified the Park Service of the transfer of these permits and application in the state records from the Dept. of Agriculture to the Dept. of Interior (National Park Service).

An agreement between the Bureau of Reclamation and the NPS, parties of the first part, and the State of Nevada, party of the second part, executed on January 14, 1953 and supplemented on December 24, 1953, leased the lands within the Lake Mead NRA and the Boulder Canyon Project Area to the Nevada Fish and Game Commission. The lease of these lands, previously known as the Boulder Canyon Project Area to the Nevada Fish and Game Commission. The lease of these lands, previously known as the Boulder Canyon Wildlife Refuge (established by Executive Order No. 6065 which was revoked on Sept. 23, 1948) included the privilege of using all the water available to the lessor under Water Right Application No. 10188. However, any water rights, if acquired by the state during the life of the lease, were to be perfected in the name of the U.S. On May 12, 1954, the Superintendent of the Lake Mead NRA requested an amendment in Application No. 10188 to provide for the use of all of the water available at the point of diversion in order for the Nevada Fish and Game Commission to carry out proposed development of the lands leased to them by the U.S. However, the original claim of 25 second-feet was retained by the Park Service.

It appears that the State Engineer on June 17, 1954, issued a ruling on Application No. 10188. The result allowed appropriation by the U.S. of the residual or return flow downstream of the waters appropriated by Muddy Valley and others. Since the entire flow of the river was already appropriated, the U.S. had no right to the direct flow of the river.

On June 14, 1962, Lake Mead Superintendent requested the State Engineer to ascertain the status of Application-Permit No. 10188 and what action was necessary by the U.S. to perfect its rights. No further documentation or correspondence follows this. The State of Nevada Fish and Game Commission appears to still be using this water right for a wildlife refuge.

Newton Sikes, Chief Park Engineer, LPMRE, reports that this agreement is still in effect.

W. Wirth
March 1975

Application No. 10188 Certificate Record No. 5126 Book 15 Page 5126

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Frank W. Groves, director has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Muddy Creek through diversion structure, canals and laterals * irrigation and propagation of migratory waterfowl purposes. The point of diversion of water from the source is as follows: NW¼ SE¼ Sec. 19, T. 16 S., R. 68 E., M.D.B.&M., or at a point from which the S.W. corner of said Sec. 19 bears S. 53° 51' 02" W., 4,421.16 feet. situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator United States of America, Department of the Interior, National Park Service

Post-office address Washington 25, D. C.

** Amount of appropriation 25 c.f.s., but not to exceed 2,247.28 ac.ft. annually

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation December 1, 1937

Description of land to which water is appurtenant:

(See attached sheet)

* Irrigated crops are grown for wildlife food. Some crops are flooded in the fall to increase the waterfowl carrying capacity.

** Land under this certificate is also irrigated from other sources and the total duty of water from all sources shall not exceed 4.0 acre feet per acre annually.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I EDMUND A. MUTH, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of June, A. D. 19 61

Compared lb/hs

Recorded 7/10/61 Bk. 307 Page

Clark County Records.

Edmund A. Muth
State Engineer.

1923

Application No. 10188 Certificate Record No. 5126 Book 15 Page 5126

1.65	acres	in	NE¼	NE¼	Section	19,	T.	16	S.,	R.	68	E., M.D.B.&M.
25.16	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"
1.40	"	"	SW¼	NE¼	"	"	"	"	"	"	"	"
27.85	"	"	NW¼	SE¼	"	"	"	"	"	"	"	"
38.64	"	"	NE¼	SE¼	"	"	"	"	"	"	"	"
8.11	"	"	SW¼	SE¼	"	"	"	"	"	"	"	"
39.58	"	"	SE¼	SE¼	"	"	"	"	"	"	"	"
16.38	"	"	SW¼	NW¼	Section	20,	T.	16	S.,	R.	68	E., M.D.B.&M.
15.24	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"
33.42	"	"	SW¼	SW¼	"	"	"	"	"	"	"	"
34.18	"	"	NW¼	NW¼	Section	29,	T.	16	S.,	R.	68	E., M.D.B.&M.
1.18	"	"	NE¼	NW¼	"	"	"	"	"	"	"	"
31.52	"	"	SE¼	NW¼	"	"	"	"	"	"	"	"
35.97	"	"	SW¼	NW¼	"	"	"	"	"	"	"	"
1.76	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"
3.97	"	"	NW¼	SE¼	"	"	"	"	"	"	"	"
24.21	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"
40.72	"	"	NE¼	SW¼	"	"	"	"	"	"	"	"
34.12	"	"	NE¼	NE¼	Section	30,	T.	16	S.,	R.	68	E., M.D.B.&M.
13.48	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"
6.98	"	"	NE¼	NE¼	Section	32,	T.	16	S.,	R.	68	E., M.D.B.&M.
21.59	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"
9.80	"	"	NE¼	SE¼	"	"	"	"	"	"	"	"
2.57	"	"	SE¼	SE¼	"	"	"	"	"	"	"	"
2.20	"	"	NW¼	NW¼	Section	33,	T.	16	S.,	R.	68	E., M.D.B.&M.
32.47	"	"	SW¼	NW¼	"	"	"	"	"	"	"	"
27.99	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"
3.38	"	"	NE¼	SW¼	"	"	"	"	"	"	"	"
9.37	"	"	SE¼	SW¼	"	"	"	"	"	"	"	"
16.93	"	"	SW¼	SW¼	"	"	"	"	"	"	"	"

561.82 acres total

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
Carson City, Nevada

In reply refer to No.
10188

July 26, 1961

United States of America,
Department of the Interior,
National Park Service
c/o Mr. Frank W. Groves
P. O. Box 678
Reno, Nevada

Gentlemen:

Enclosed herewith ~~is~~ certificate No. ~~5126~~ issued under the provisions of NRS 533.425, which certificate ~~has~~ been recorded in the records of ~~Clark~~ County, Nevada, as required by law, and the proper notations entered on the reverse side of the certificate.

Official receipt No. ~~55091~~, issued in the sum of $~~1.00~~ covering the statutory fees received for recording the certificate is enclosed herewith.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

lb

02-03-1961: letter to nevada fish and game commission from state engineer regarding fees and rates

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
Carson City, Nevada

In reply refer to No. 10188

February 3, 1961

Nevada Fish and Game Commission
P. O. Box 678
Reno, Nevada

Gentlemen:

You are hereby advised that Certificate.... of Appropriation under your permit.... Serial No.....
10188
for the waters of Muddy Creek tr
now ready to be issued by this office.

You are further advised, that in accordance with NRS 533.425 and 533.435, it will be necessary that you forward to this office, within 30 days from the date hereof, the sum of One Dollar ($1.00) $1.00 for each certificate) dollars for issuing and recording of certificate.... under the permit.....

Very truly yours,

EDMUND A. MUTH,

State Engineer.

hs

Address all communications to the State Engineer, Division of Water Resources.

2711

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

In reply refer to No. 10188

January 11, 1960

Nevada Fish and Game Commission
51 Grove Street
Reno, Nevada

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Beneficial Use together with Cultural Map

on or before March 11, 1960.

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

FIRST NOTICE

Encls.

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

QUADRUPLICATE

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 46283

March 7, 19 56

Nevada Fish & Game Commission
51 Grove Street
Reno, Nevada

To THE STATE OF NEVADA, Dr.

		To filing Proof of Completion of Work under No. 10188	1	00
		To filing Proof of Beneficial Use under No. 15555	1	00
			2	00

Remittance in State of Nevada Controller's Warrant No. 26953.

Received payment,

Hugh A. Shamberger
State Engineer.

By

3M—2-55
1052

QUADRUPLICATE

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

№ 44286

February 9, 19 55

Nevada Fish & Game Commission
P. O. Box 678
Reno, Nev.

Attn: Wallace J. Rabenstine

To THE STATE OF NEVADA, Dr.

		To filing Proofs of Commencement under Nos. 10188		
		and 15555	2	00

Remittance in Cash.

Received payment,

State Engineer.

By

3M—6-53
1052

07-09-1954: statement of bills and fees

STATE ENGINEER'S OFFIC
CARSON CITY, NEVADA

July 9, 1954

Nevada Fish and Game Commission,
51 Grove Street, Reno, Nevada.

TO THE STATE ENGINEER OF NEVADA DR.

TO fee for issuing and recording permit under
Application No. 10188 . . . . . $100.60

Receipt # 43318

QUADRUPLICATE

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 43318

August 2, 19 54

U. S. Department of the Interior
National Park Service,
Washington 25, D. C.

Sent to:
Fish and Game Commission
51 Grove Street
Reno, Nevada

To THE STATE OF NEVADA, Dr.

		Fees advanced for issuing permit under No. 10188	$100	60

Remittance in State of Nevada Warrant No. 43174

Received payment,

State Engineer.

By

8M—6-53
1052

HUGH A. SHAMBERGER
STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

EDMUND MUTH
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10188

June 17, 1954

Fish & Game Commission,
51 Grove Street,
Reno, Nevada.

Gentlemen:

You are hereby advised that your application.... to appropriate the public waters of the State of Nevada, under our Serial No. 10188, for the waters of Muddy River (Muddy Creek) is now ready to be approved by this office.

You are further advised that, in accordance with Section 73, Subdivision (c), Chapter 140, Statutes of 1913, as amended by Section 10, Chapter 106, Statutes of 1921, it will be necessary that you forward to this office, within thirty days from the date hereof, the sum of $100.60 dollars for the issuing and recording of your permit.... under said application.... if you desire the same issued.

Said Section 10, Chapter 106, Statutes of 1921, reads in part as follows:

> SEC. 73. 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 once each month; *provided, however*, that the fees named in subdivision (c) of this section shall not apply to permits for underground waters; *and provided further*, that ten dollars shall be the minimum fee for issuing and recording any permit:
>
> (a) For examining and filing an application for permit to appropriate water, twenty-five dollars ($25), which shall include the cost of publication, which publication fee is hereby fixed at fifteen dollars ($15).
>
> (b) For examining and filing an application for permit to change the point of diversion, manner of use, or place of use, thirty dollars ($30), 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 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 100 horsepower; and twenty cents for each horsepower in excess of 100 horsepower up to and including 1,000 horsepower; and fifteen cents for each horsepower in excess of 1,000.
>
> (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 1,000 acre-feet; and three cents for each acre-foot in excess of 1,000.
>
> (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.

In the event that this office does not receive the above amount within thirty days from this date, your application.... will be canceled and no further action will be taken upon the same.

Very truly yours,

HUGH A. SHAMBERGER,
State Engineer.

AT
470

06-17-1954: letter to nps from state engineer regarding official ruling in the matter if application no. 10188

State of Nevada
OFFICE OF STATE ENGINEER
Carson City, Nevada

June 17, 1954

U. S. Department of Interior, ----- Assignee
National Park Service,
Lake Mead National Recreation Area,
Boulder City, Nevada.
ATTN: Geo. F. Baggley,
Superintendent

Muddy Valley Irrigation Co. ----- Protestants
Overton, Nevada.

Gentlemen:

Enclosed herewith you will find the official ruling of the State Engineer in the matter of Application No. 10188, filed December 1, 1937 by the U. S. Department of Agriculture to appropriate the waters of Muddy River (Muddy Creek).

You will note from the ruling that said application will be approved, with certain restrictions, upon receipt of the statutory permit fee.

Very truly yours

HUGH A. SHAMBERGER
State Engineer

By /s/ Edmund Muth

EDMUND MUTH

Edmund Muth
Assistant State Engineer

AT
encls.
CC/Fish & Game Commission,
51 Grove Street,
Reno, Nevada

00-00-0000: ruling by state engineer in matter of application 10188

IN THE MATTER OF APPLICATION 10188 FILED DECEMBER 1, 1937 BY THE U. S. DEPARTMENT OF AGRICULTURE AND SINCE TRANSFERRED TO THE U. S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE. : RULING

Application 10188 was filed to appropriate 25.0 c.f.s. of the waters of the Muddy River (Muddy Creek) for irrigation purposes to raise feed for migratory waterfowl. The application was protested March 9, 1938 by the Muddy Valley Irrigation Company.

RULING

The normal flow of the waters of the Muddy River and its tributaries are fully appropriated and the rights have been established by either Court Decrees or permits issued by the State of Nevada. There is, however, an undetermined amount of waste and drainage water present in the channel below all the established water users' diversions and at the proposed point of diversion under Application 10188.

The protest of the Muddy Valley Irrigation Company is overruled and a permit will be issued to the U. S. Department of the Interior, National Park Service, under Application No. 10188 with the following restrictions and limitations:

Limitation of Permit:

The permit will be issued with the express understanding that the amount of water is limited to that which is available at the point of diversion and with the understanding that no demand whatsoever can be made upon the upper water users to release water at any time to satisfy the right to be granted.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 17th day of June, 1954.

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

* * * * * * * * * * * * * * * * * *

IN THE MATTER OF APPLICATION NO. 10188 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, BUREAU OF BIOLOGICAL SURVEY FOR PERMISSION TO APPROPRIATE WATER FROM MUDDY CREEK

F I L E D
March 9, 1938
St. Eng'rs. Off.

PROTEST OF MUDDY VALLEY IRRIGATION CO.

Comes now MUDDY VALLEY IRRIGATION COMPANY, a corporation of the State of Nevada, and makes its protest to the granting of that certain Application for permission to appropriate public waters of the State of Nevada, made by United States Department of Agriculture, Bureau of Biological Survey, of Washington, D. C. - Application No. 10188, upon the following grounds:

1 That all of the waters of the Muddy River, or Muddy Creek, and its tributaries, have been and now are appropriated and applied to beneficial use.

2. That by an Order of Determination of relative rights to the waters of the Muddy River and its Tributeries, made by the State Engineer of the State of Nevada, on the 21st day of January, 1920, and by the Further and Supplemental Order of Determination made by the State Engineer of the State of Nevada, on the 11th day of March, 1920, and which Order of Determination and Supplemental Order of Determination were by a Decree of the Tenth Judicial District Court of the State of Nevada, in and for the County of Clark (now the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark), in the case entitled: "Muddy Valley Irrigation Company, a corporation, et al, Plaintiffs, vs. Moapa and Salt Lake Produce Company, a

corporation, et al, defendants," affirmed and confirmed, it was determined that the aggregate value of the several amounts and quantities of water awarded and allotted to the parties named in the Order of Determination, which includes all the parties to said suit and the Moapa Indian Reservation, is the total available flow of said Muddy River, and consumes and exhausts all of the available flow of said Muddy River, its head waters, sources of supply, and tributaries.

3. That this protestant is also the owner and holder of a certain Certificate of Appropriation granted to it by the State Engineer of the State of Nevada, under its Application No. 1611, covering approximately ten cubic feet per second of water for use upon approximately one thousand acres of land during the winter season of each year, from October 1st to the following April 1st.

WHEREFORE, Protestant prays that said application be denied.

MUDDY VALLEY IRRIGATION COMPANY

By (Signed) Edwin Marshall
Its President.

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Edwin Marshall, being first duly sworn deposes and says: That he is the President of Muddy Valley Irrigation Company, a corporation, which makes the foregoing Protest; that he has read over the foregoing Protest and knows the contents thereof and that the same is true of his own knowledge, except as to the matters therein stated upon information and belief and as to those matters he believes it to be true.
(SEAL)

(Signed) Edwin Marshall

Subscribed and sworn to before
me this 28 day of February, 1938.

(Signed) John E. Whipple
Notary Public.
My commission expires 24 Oct 1938.

ASSIGNED

APPLICATION FOR PERMIT Serial No. 10188

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office DEC 1 1937
Returned to applicant for correction
Corrected application filed

The undersigned U. S. Dept. of Agriculture, Bureau of Biological Survey.
Name of applicant

of _____, County of _____,

State of Washington, D. C., hereby makes 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 Muddy Creek
Name of stream, lake, or other source

2. The amount of water applied for is 25 second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Irrigation and for propagation of migratory waterfowl.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

Point of diversion lies 2608 feet due north, thence 3570 feet due east from General Land Office section corner 19, 24, 25, and 30, T. 16 S., R. 68 E., Mt. Diablo M.
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.

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

(a) Number of acres to be irrigated is 2520.

(b) Description of land to be irrigated T. 16 S., R. 68 E., Mt. Diablo Meridian: Sec. 19, NE¼ NE¼, S½ NE¼, SE¼; Sec. 20, SW¼; Sec. 28, W½ SW¼; Sec. 29, NW¼ NE¼, S½ NE¼, NW¼, S½; Sec. 30, E½ E½; Sec. 31, E½ NE¼, NE¼ SE¼; Sec. 32 All; Sec. 33, SW¼ NE¼, NW¼, SW¼, NW¼ SE¼, S½ SE¼.
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 Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

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.

(e) Works to be located _____
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(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 _____ (Month) and end about _____ (Month), of each year.

(i) Remarks _____

DESCRIPTION OF PROPOSED WORKS

Water to be diverted from Muddy Creek by means of rubble masonry, flashboard, control structure and conveyed to place of use through open ditches. Minimum ditch section between point of diversion and place of use will be 3 feet deep, 4 feet bottom width, with 1 to 1 side slopes. Minimum ditch slope .00055.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $8,000

6. Estimated time required to construct works Five years.

7. Remarks These plans to be developed as an integral part of a more comprehensive plan.

For use of applicant

U. S. Department of Agriculture,
Bureau of Biological Survey., Applicant.

By Luther M. Winsor
Irrigation Engineer.

Compared RMG-C.T.

This sheet inspected

, Engineer.

Protested March 9, 1938 by Muddy Valley Irrigation Co.

APPROVAL 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: This permit is issued subject to all existing rights on the source and with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 25.0 cubic feet per second, and not to exceed a yearly duty of 4 acre-feet per acre of land irrigated.

Actual construction work shall begin on or before February 11, 1955

Proof of commencement of work shall be filed before March 11, 1955

Work must be prosecuted with reasonable diligence and be completed on or before February 11, 1956

Proof of completion of work shall be filed before March 11, 1956

Application of water to beneficial use shall be made on or before February 11, 1960. Proof of the application of water to beneficial use must be filed with State Engineer on or before March 11, 1960

Map filed March 9, 1938

Proof of commencement of work filed FEB 7 1955

Proof of Completion of work filed JAN 3 1958

PROOF OF BENEFICIAL USE FILED JAN 18 1961

CULTURAL MAP FILED JAN 18 1961

WITNESS MY HAND AND SEAL this 11th day of August, 1954

State Engineer

CERTIFICATE No. 5176 ISSUED 6/19/61 1500

RECORDED 7/10/61 BK. 307 PAGE

Elko COUNTY RECORDER

APPLICATION FOR PERMIT **Serial No. 10188**

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office Dec. 1, 1937
Returned to applicant for correction
Corrected application filed

The undersigned U. S. Dept. of Agriculture, Bureau of Biological Survey.
Name of applicant
of ~~Washington, D. C.~~, County of ,
State of Washington, D. C., 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 Muddy Creek
Name of stream, lake, or other source

2. The amount of water applied for is 25 second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Irrigation and for propagation of migratory waterfowl.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

Point of diversion lies 2608 feet due north, thence 3570 feet due east from General Land Office section corner 19, 24, 25, and 30, T. 16 S., R. 68 E., Mt. Diablo M.
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.

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

(a) Number of acres to be irrigated is 2520.

(b) Description of land to be irrigated T. 16 S., R. 68 E., Mt. Diablo Meridian: Sec. 19, $NE\frac{1}{4}$ $NE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$; Sec. 20, $SW\frac{1}{4}$; Sec. 28, $W\frac{1}{2}$ $SW\frac{1}{4}$; Sec. 29, $NW\frac{1}{4}$ $NE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$; Sec. 30, $E\frac{1}{2}$ $E\frac{1}{2}$; Sec. 31, $E\frac{1}{2}$ $NE\frac{1}{4}$, $NE\frac{1}{4}$ $SE\frac{1}{4}$; Sec. 32 All Sec. 33, $SW\frac{1}{4}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$, $SW\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$, $S\frac{1}{2}$ $SE\frac{1}{4}$.
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 Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

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.

(e) Works to be located
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(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 (Month) and end about (Month), of each year.

(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 each 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 is 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 6, 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 WORKS

Water to be diverted from Muddy Creek by means of rubble masonry, flashboard,

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

control structure and conveyed to place of use through open ditches.

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

Minimum ditch section between point of diversion and place of use will be 3 feet deep, 4 feet bottom width, with 1 to 1 side slopes. Minimum ditch slope. 00055.

5. Estimated cost of works $8,000

6. Estimated time required to construct works Five years.

7. Remarks These plans to be developed as an integral part of a more comprehensive plan.

For use of applicant

U. S. Department of Agriculture, Bureau of Biological Survey., Applicant.

By Luther M. Winsor
Irrigation Engineer

Compared RMG-CT

This sheet inspected

, Engineer.

Protested March 9, 1938 by Muddy ~~Valley Irrigation~~ Co.

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

Map filed Jan. 17, 1938

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 0000 1-24-41

Land History

United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:
LC-2518
LND-6.00

JUN 0 4 2001

MEMORANDUM

To: Mr. Jeffrey C. Hughes, National Park Service, Water Resources Division, 1201 Oakridge Drive, Suite 250, Fort Collins, Colorado 80525

From: William J. Liebhauser
Regional Realty Officer

Subject: Request for Documentation for Lake Mead NRA Land Status Determination (Your E-Mail Dated May 7, 2001)

Attached per your request is a historical land status report for the following legal descriptions:

Township 16 South Range 68 East, Sections 19 and 20
Township 18 South Range 67 East, Section 12
Township 18 South Range 68 East, Section 7

We are pleased to assist you by providing this information. If you have questions regarding the report, please contact Ms. Kay Sundberg, Realty Specialist, at 702-293-8176.

Attachment

cc: Mr. Bill Dickinson, Superintendent, Lake Mead National Recreation Area,
602 Nevada Highway, Boulder City, Nevada 89005

Review of the master title plat, historical indices, Bureau of Reclamation records and various research documents for Township 16 South Range 68 East, Sections 19 and 20 disclosed the following land status information.

All of Section 19 and part of Section 20 were selected by the State of Nevada under the provisions of the Act of Congress approved June 16, 1880:

Section 19

Document #	*Date*	*Legal Description*
State Selection List #1	May 24, 1882	W2NE, SENE, NESE
State Selection List #3	September 28, 1883	SESE
State Selection List #13	June 28, 1895	NWNW
State Selection List #14	January 23, 1896	NENE, NENW, SWNW, SENW, NESW,NWSW, SWSW, SESW, W2SE

Section 20

Document #	*Date*	*Legal Description*
State Selection List #13	June 28, 1895	SWSW
State Selection List #14	23 January 1896	SWNW, N2SW,SESW
State Selection List #25	7 January 1898	W2SE

The State sold the selected land to various private parties from 1905 through 1918 according to the Nevada Division of State Lands List of Patents for Sections 19 and 20. The United States acquired some of the parcels in the 1930's for the Boulder Canyon Project.

The United States acquired portions of Sections 19 and 20 (Boulder Canyon Project):

Document #	Acquired From	Date	Legal Description
N-48935	Nevada Land & Livestock	10/15/1935	Section 20 S1/2NESW
N-49043	Annie & MD Cooper	7/15/1935	Section 19 N1/2S1/2SESE
N-49446	NE & Wayland Morrison	9/7/1932	Section 19 E1/2NE,NESE, E1/2NWSE,NESWNE, S1/2SWNE Section 20 SESW
N-49453	NY & Las Vegas Invest	4/27/1932	Section 19 N1/2SESE,E1/2SWSE, E1/2NWSWSE,E1/2NESW, E1/2NWNESW,SESENW, E1/2SWSENW
N-49459	Joe & Katherine Perkins	5/27/1933	Section 19 NWSE
N-49473	EE & HV Spangler	3/27/1933	Section 20 SWNW excepting SESE (see N-49500)
N-49500	F & JR Whipple	7/14/1932	Section 20 SESESWNW
N-49501	F & JR Whipple	9/26/1932	Section 20 W1/2SW

(The remainder of Section 19 is privately owned. The NW1/4, excluding NE1/4NW1/4 owned by Clark County Sanitation, NE1/4 and E1/2 SE1/4 of Section 20 are BLM managed lands. The N1/2NE1/4SW1/4 and W1/2SE1/4 of Section 20 are privately owned.)

Other Actions - Sections 19 and 20

Document	Date	Legal Description
Secretarial Order Withdrawal Colorado River Storage Project (withdrew land from public entry and supercedes subsequent withdrawals)	5/8/1919	All Sections 19 & 20
Recreation & Public Purpose Patent 27-76-0018 to Clark County Sanitation (BLM land)	1/6/1976	Section 20 - NENW
Recreation & Public Purpose Lease N-37137 To Clark County Sanitation -Sewage Treatment (BLM land)	9/10/1987	Section 20 NWNW,SENW
Private Exchange Segregation (BLM land)	10/01/1997	Section 20 NWNW,SENW

Review of the master title plat, historical indices, Bureau of Reclamation records and various research documents for Township 18 South 67 East, Section 12 and 18 South 68 East, Section 7 disclosed the following land status information.

18 South 67 East, Section 12

Federal ownership. Actions affecting the section:

Document	**Date**
BLM Order - Withdrawal Power Reservoir 107	3/8/1954
BLM Right-of-Way Nev-046924 granted to NPS for Rogers Spring diversion to Blue Point Spring SESE or Lot 4 of Section 12	3/8/1954
Act of Congress Withdrawal Lake Mead National Recreation area**	10/8/1964

****In answer to your question regarding the 1948 historical index notation:**
Executive Order 5339 of April 25 , 1930 temporarily withdrew the section pending determination as to its inclusion in a national monument. Executive Order 6065 of March 3, 1933 reserved and set apart the area as a refuge and breeding ground for wild birds and animals. PLO 501 dated 7/22/1948 revoked Executive Order 6065, partially revoked EO 5339 and opened certain land to public entry. The land withdrawn by EO 5339, with the exception of an area which does not include this section, was excluded from the revocation. The Lake Mead National Recreation Area Act became effective October 8, 1964. Public Land Order 5976 revoked EO 5339 on 7/8/1981. Therefore, the open to entry notation of 7/22/1948 did not apply to this section.

18 South 68 East, Section 7

Federal ownership. Actions affecting the section:

Document	Date
BLM Right-of-Way Nev-045262 granted to Overton Power District for aerial line	3/6/1959
Act of Congress Withdrawal Lake Mead National Recreation Area**	10/8/1964

****In answer to your question regarding the 1948 historical index notation:**
Executive Order 5339 of April 25 , 1930 temporarily withdrew the section pending determination as to its inclusion in a national monument. Executive Order 6065 of March 3, 1933 reserved and set apart the area as a refuge and breeding ground for wild birds and animals. PLO 501 dated 7/22/1948 revoked EO 6065, partially revoked EO 5339 and opened certain land to public entry. The land withdrawn by EO 5339, with the exception of an area which does not include this section, was excluded from the revocation. The Lake Mead National Recreation Area Act became effective October 8, 1964. Public Land Order 5976 revoked EO 5339 on 7/8/1981. Therefore, the open to entry notation of 7/22/1948 did not apply to this section

Research documents:

Master Title Plats and Historical Indices

Bureau of Reclamation Boulder Canyon Project Plat Book

Boulder Canyon Project Warranty Deeds

State Selection Documents 1,3,13,14,and 25

Bureau of Land Management Surface Management Maps - Lake Mead and Overton

Clark County Assessor's Maps and Records

Nevada Division of State Lands List of Patents

Bureau of Land Management Serial Register Pages (for BLM Rights-of-Ways)

Withdrawal and Revocation Orders

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MEMORANDUM OF AGREEMENT
SUPPLEMENTING AGREEMENT OF JANUARY 14, 1953
Between
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION AND NATIONAL PARK SERVICE

and

STATE OF NEVADA

Leasing wildlife management areas in the
Lake Mead National Recreation Area
and
Boulder Canyon Project Area, Nevada

Dated this 24th day of December, 1953

That certain agreement dated the 14th day of January, 1953 whereby the United States of America, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, leased to the State of Nevada certain described lands of the United States for wildlife restoration and management purposes, is hereby amended and supplemented by a change in the description of the lands included in said lease of the following described lands:

MOUNT DIABLO MERIDIAN

Lands to be added:

T. 16 S., R. 68 E.

Section 19

$E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$,

$SE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$,

$E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$,

$E\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$

Section 30

$E\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$,

$E\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$,

$NE\frac{1}{4}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$; containing a total of 45 acres, more or less. 14

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State of New Mexico

L.M. Docket 305

The above-described lands which are added shall be considered a part of the intensively developed area described in numbered paragraph 6 of the above-mentioned agreement of January 14, 1953.

Each and every covenant and condition contained in the above-mentioned agreement of January 14, 1953, shall be applicable to the above-described lands. This amendment reaffirms the intent of the original lease dated January 14, 1953, that while granting use of the land for purposes necessary to accomplishment of the wildlife restoration and management project, the Service retains, until relinquished in writing, full use of the two residences with their appurtenant grounds, and other structures and utilities, together with the access road, located within the following-described lands:

T. 16 S., R. 68 E

Sec. 19

$E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$

Lands to be excluded:

The following described lands, included in the agreement dated January 14, 1953, shall be and hereby are excluded from said lease:

T. 16 S., R. 68 E.

Sec. 30

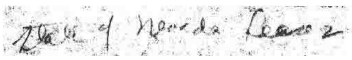
$SW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$,

$NW\frac{1}{4}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$

However, the state shall have the privilege, with prior approval, of the Service, to cross the lands for wildlife restoration and management purposes with utility lines, canals and ditches, and service roads necessary to the project.

The lessee shall have, during the life of this lease, the privilege of using any and all of the waters available to the lessor under Water Right 15

00-00-0000: handwritten note to file





Application No. 10188, filed by the Federal Government with the State of Nevada December 1, 1937. Any water rights, if acquired, however, by the lessee during the life of the lease, shall be perfected in the name of the United States by the National Park Service.

The lessor shall retain control of and the use of water arising from Kelsey Springs now covered by water right application 1802, Certificate 296, with the State of Nevada, dated December 14, 1916, provided that the lessee may be granted the use of water in excess of the Lessor's requirements if needed for domestic purposes.

The terms of the lease covering the above-described lands shall be twenty-five (25) years from January 14, 1953, subject to the termination and renewal provisions of the agreement of that date.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names as of the date first above written.

UNITED STATES OF AMERICA

By (SGD) Conrad L. Wirth
Director, National Park Service

By (Sgd) W. A. DEXHEIMER
Commissioner of Reclamation

STATE OF NEVADA

By sgd/ Wayne E. Kirch
Chairman
Nevada Fish and Game Commission

00-00-0000: hand written note to file



01-14-1953: agreement to lease wildlife management areas in the lake mead recreation area and boulder canyon project area

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CONTRACT NO. 14-10-0100-108

MEMORANDUM OF AGREEMENT
Between
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION AND NATIONAL PARK SERVICE

and

STATE OF NEVADA

Leasing wildlife management areas in the
Lake Mead National Recreation Area
and
Boulder Canyon Project area, Nevada

THIS AGREEMENT, entered into this 14th day of January, 1953, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, hereinafter respectively referred to as the Bureau and the Service, and the State of Nevada, acting through the State Fish and Game Commission, hereinafter referred to as the Game Commission,

WITNESSETH:

WHEREAS, the Bureau has constructed on lands under its jurisdiction the Boulder Canyon Project for the purpose of storing, releasing and utilizing water, and incident thereto has acquired or caused to be set aside by Public Land Order certain areas of land suitable for recreation and for wildlife management; and

WHEREAS, the Service and the Bureau executed an agreement dated August 29, 1936 whereby the recreation area, including lands suitable for wildlife management, have been placed under the jurisdiction of the Service for use pursuant to the terms of said agreement; and

WHEREAS, the Game Commission desires to obtain the use of portions of such lands as hereinafter described for development and administration as a Wildlife-restoration project under the provisions of the act of Congress approved September 2, 1937, entitled "An Act To provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes" (50 Stat. 917: 16 U. S. C., 1946 ed., sec. 669 et seq.) as amended;

Description of Leased Areas
(Farmed or Intensively Developed Area and Refuge Area)

T. 16 S., R. 68 E., Mt. Diablo Meridian

Sec. 19, NE¼; NE¼ of NW¼; E½ of NE¼ of SW¼; N½ of SE¼, E½ of SW¼ of SE¼, SE¼ of SE¼.

Sec. 20, SW¼ of NW¼; NW¼ of SW¼, S½ of SW¼.

Sec. 23, SE¼ of NE¼; E½ of SE¼.

Sec. 24, all

Sec. 25, all

Sec. 26, E½ of NE¼; SE¼.

Sec. 28, NW¼ of SW¼, S½ of SW¼.

Sec. 29, all

Sec. 30, E½ of NE¼; N½ of NE¼ of SE¼, SE¼ of SE¼ of SE¼.

Sec. 31, E½ of NE¼.

Sec. 32, NE¼; NW¼; N½ of SW¼; SE¼. (or all except S½ of SW¼)

Sec. 33, all

Sec. 34, all

Sec. 35, all

Sec. 36, all

T. 16 S., R. 69 E., Mt. Diablo Meridian

Sec. 19, W½ of NW¼; W½ of SW¼.

Sec. 30, W½ of NW¼; W½ of SW¼, SE¼ of SW¼.

Sec. 31, W½ of NE¼; NW¼; SW¼; W½ of SE¼.

T. 17 S., R. 68 E., Mt. Diablo Meridian

Sec. 1, NE¼; NW¼;

Sec. 2, NE¼; NW¼; W½ of SW¼.

Sec. 3, all

Sec. 4, NE¼; E½ of NW¼; N½ of SE¼, SE¼ of SE¼.

Sec. 10, NE¼; N½ of NW¼, SE¼ of NW¼;

Sec. 11, NW¼

T. 17 S., R. 69 E., Mt. Diablo Meridian

Sec. 5, NW¼

Sec. 6, NE¼; NW¼.

NOW, THEREFORE, the parties hereto, acting under the authority contained in the act of Congress approved June 17, 1902 (52 Stat. 388) as amended and supplemented, and the State Fish and Game Act approved March 22, 1947, being Chapter 101 Statutes of Nevada 1947, and as amended by Chapter 146, 1949 Statutes of the laws of Nevada, do hereby agree as follows:

1. The Bureau and the Service hereby lease to the Game Commission, for the purpose of permitting the Game Commission to develop, maintain and administer for wildlife restoration and management purposes, the above-described lands, including public lands of the United States withdrawn for reclamation purposes and lands acquired by the United States, all as shown and cross-hatched on the map marked Exhibit I, attached hereto and made a part hereof, subject to the reservations and exceptions contained in this

memorandum of agreement.

2. The initial term of this lease shall be twenty-five (25) years from the date hereof, unless sooner terminated, subject to a renewal for a further term of twenty-five years by agreement of the parties.

3. All rights and benefits accruing to the Game Commission under this lease are subordinate to the rights of the Bureau in carrying out its obligations and responsibilities in the storage, release, control and utilization of water in the Boulder Canyon Project.

4. The Game Commission will plan and develop the leased area into a State managed wildlife unit; however, general layout and major development plans in furtherance of this program shall, before being acted on, first be subject to approval by the Bureau and the Service. This approval shall be in addition to any approval of the project plans and estimates by the Fish and Wildlife Service as a condition to the extension of Federal aid to the project as a Wildlife-restoration project.

5. There is excepted and reserved from the leasehold granted hereby:

(a) The right to establish and maintain rights-of-way or other easements needed in carrying on the activities of the Bureau;

(b) The right of the officers, agents, employees, licensees, and permittees of the United States, at all proper times and places, freely to have ingress to, passage over, and egress from all of the lands covered by this lease for the purpose of carrying on official activities of the Bureau or the Service;

(c) The right of the United States to all uranium, thorium, or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and

remove the same;

(d) The right to require the Game Commission to remove any part or all of any structure or improvement placed on the land which will interfere with the official duties, obligations or operations of the Bureau. Written notice of any request for such removal will be served on the Game Commission and upon failure of the Game Commission to comply with such request within sixty days after notice, the Bureau may at its option terminate the lease; and

(e) The right of private citizens to prospect for, mine and remove minerals, including oil, gas, and coal, when permitted by the Secretary of the Interior or his duly authorized representative under the provisions of existing law. The Game Commission will be consulted before final action is taken on any application for mineral development on the leased lands.

6. All income derived by the Game Commission from the leased area, other than the intensively developed area as agreed upon, shall be paid to the Bureau for benefit of the Colorado River Dam fund pursuant to the act of Congress approved December 21, 1928 (45 Stat. 1057); all income from the intensively developed area will be deposited in the State Fish and Game Fund and an equivalent amount or more must be used for the maintenance of the said area. The intensively developed area is described as follows:

T. 16 S., R. 68 E., Mt. Diablo Meridian

Sec. 19, NE¼; NE¼ of NW¼; E½ of NE¼ of SW¼; N½ of SE¼, E½ of SW¼ of SE¼, SE¼ of SE¼

Sec. 20, SW¼ of NW¼; NW¼ of SW¼; S½ of SW¼

Sec. 28, NW¼ of SW¼, S½ of SW¼

Sec. 29, all.

Sec. 30, E½ of NE¼; N½ of NE¼ of SE¼, SE¼ of SE¼ of SE¼.

Sec. 31, E½ of NE¼.

Sec. 32, NE¼; NW¼; N½ of SW¼; SE¼ (or all except S½ of SW¼).

Sec. 33, NW¼ of NE¼, S½ of NE¼; NW¼, SW¼; SE¼; (or all except NE¼ of NE¼)

7. The Game Commission shall not let or sublet the leased area in whole or in part, nor assign this lease or any interest therein without the consent in writing of the duly authorized representatives of the Bureau and the Service, and any attempted transfer or assignment, whether voluntary or involuntary, without such consent in writing, shall at the option of the United States subject the lease to immediate termination.

8. The United States assumes no responsibility for damage to property or injuries to persons which may arise from or be incident to the use and occupation of the leased lands by the Game Commission or for damages to the property or injuries to the person of any of the lessee's officers, agents, servants, or employees, or others who may be on said property at their invitation or the invitation of any one of them.

9. The Game Commission will indemnify and hold harmless the United States from any claim arising from damage to the property or injury to the person of others by reason of the planning, establishment, operation or maintenance of the wildlife area or any activity carried on incident thereto.

10. This lease shall terminate and all rights of the Game Commission hereunder shall cease:

(a) at the expiration of the initial term or any renewal thereof;

(b) upon 30 days' written notice if the leased lands are required for military or defense purposes during any period of national emergency declared by the President or by the Congress;

(c) upon failure of the Game Commission to observe and comply with any of the conditions, exceptions or reservations set forth in this memorandum.

The Bureau or the Service may give written notice to the Game Commission of any violation or default under the terms of this agreement, and the Game Commission shall have 90 days in which to correct the default or cease the violation. If not so corrected this agreement may be terminated by concurrent notice by the Bureau and the Service to the Game Commission. The provisions of this subsection shall not affect the provisions for termination contained elsewhere in this memorandum.

11. Upon termination, all movable structures, facilities or equipment placed on the leased lands by the Game Commission shall remain the property of the State and may be removed at any time within six months after termination, provided that the premises shall be restored by the Game Commission to their condition as of the time this agreement becomes effective, as nearly as reasonably possible.

12. In the use of the lands leased hereby, the Game Commission shall not discriminate against any person or persons because of race, creed, color, or national origin.

13. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit which may arise therefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

THE UNITED STATES OF AMERICA

By L. O. Pineaver
Acting Commissioner of Reclamation

By Hillory A. Tolson
Acting Director, National Park Service

STATE OF NEVADA

By Warren L. Monroe
Chairman
Nevada Fish and Game Commission.

EXECUTIVE BOARD
WARREN MONROE, CHAIRMAN
EARL BRANSON, SECRETARY
TAT S. AMBROSE
WAYNE KIRCH
DON QUILICI

MEMBERS
HERB CARTER
ART CHAMPAGNE
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JOHN ETCHART
DAN EVANS
ALEX GLOCK
HOBART LEONARD
TOM McCULLOCH
MRS. JEWEL TURNER
OWEN WALKER

STATE OF NEVADA
FISH AND GAME COMMISSION

BOX 678

RENO, NEVADA

FRANK W. GROVES
DIRECTOR

E MINUTES
X EXECUTIVE BOARD
C NEVADA FISH AND GAME COMMISSION
E RENO, NEVADA
R
P
T November 3, 1952

"AGENDA ITEM NO. 7: APPROVAL OF AGREEMENT FOR OVERTON AREA:

The proposed agreement between the United States of American Department of the Interior, Bureau of Reclamation and National Park Service and the State of Nevada for the purpose of leasing wildlife management areas in the Lake Mead National Recreation Area and Boulder Canyon project was read to the board by Mr. Griswold. A thorough check of the land description was made and a discussion of the wording of the agreement. Mr. Branson moved that the agreement be accepted by the Nevada Fish and Game Commission and authorized the Chairman, Mr. Monroe, to sign said agreement. Seconded by Mr. Ambrose. Motion carried unanimously."

I, Frank W. Groves, Director of the Nevada Fish and Game Commission, do hereby certify that the above is a true copy of the minute as recorded at the meeting of the Executive Board on November 3, 1952.

Frank W. Groves

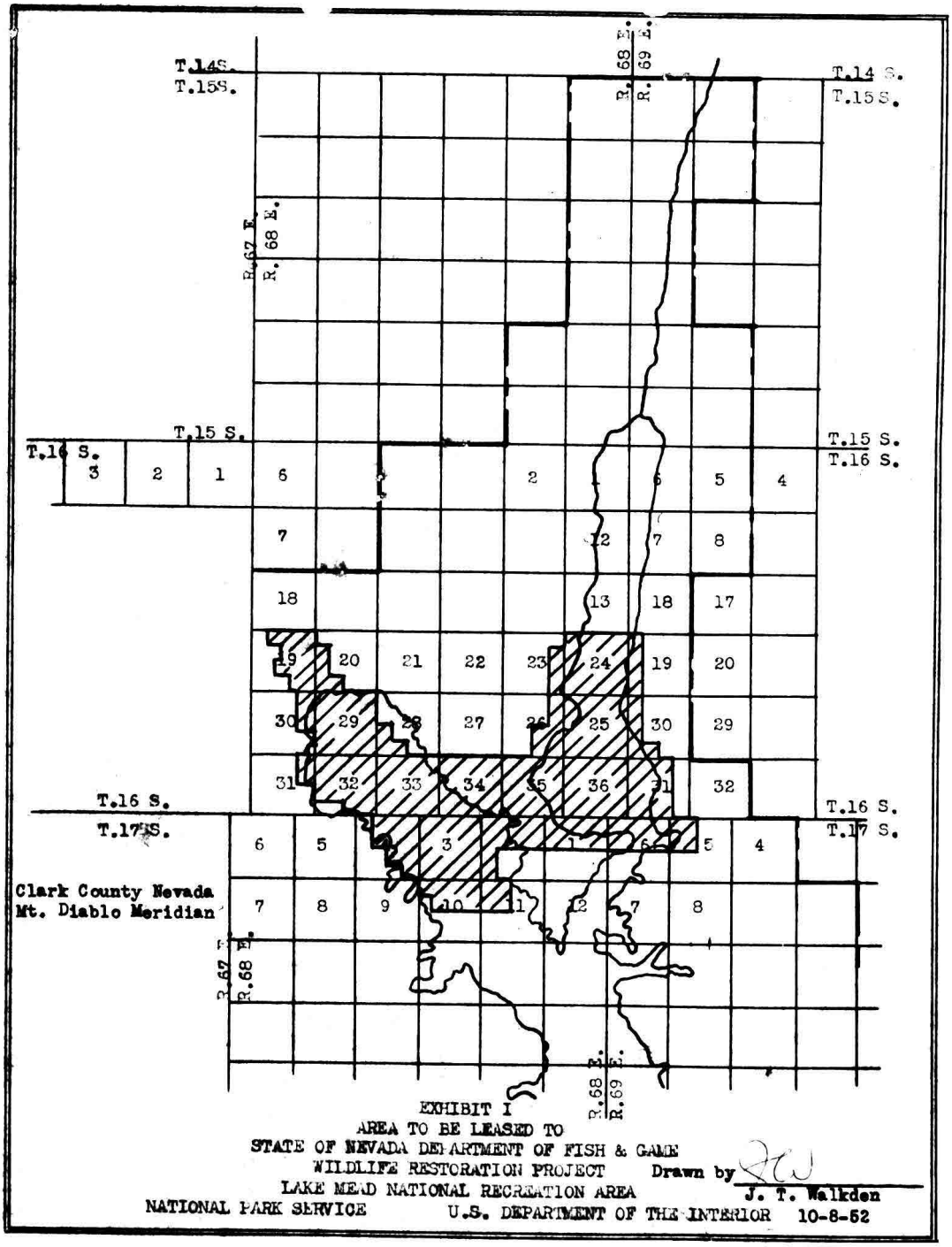
Frank W. Groves, Director
NEVADA FISH AND GAME COMMISSION

Subscribed and sworn to before me,
a notary public in and for the County
of Washoe, State of Nevada, this 3rd
day of November, 1952.

H. Shirl Coleman

H. Shirl Coleman, Notary Public
My commission expires November 17, 1954

10-08-1952: map of area to be leased to the state of nevada department of fish and game



March 25, 1947.

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.

A. Paul T. Dana
Chief, Water Division.

LA- Nevada
Boulder Canyon
Roosevelt Title Insurance Co. (515)

33-29-58

RLK

Filed June 7th, 1940 No. 121

E. E. Benham, Clerk

By O. H. Pratt, Deputy

MILES N. PIKE
United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,

IN AND FOR THE DISTRICT OF NEVADA.

----oOo----

UNITED STATES OF AMERICA, Plaintiff, -vs- NEVADA LAND AND LIVESTOCK COMPANY, a corporation, RICHARD ROE FIRST TO ONE HUNDREDTH, INCLUSIVE, LESLIE R. SAUNDERS AND ELSIE F. SAUNDERS, his wife, A. R. LEAVITT, MAY G. MILLER, A.S. BRADFORD and WINIFRED WADE BRADFORD, Defendants.	PETITION IN CONDEMNATION

----oOo----

UNITED STATES OF AMERICA, by Miles N. Pike, Esquire, United States Attorney for the District of Nevada, acting under the instructions of the Attorney General of the United States, complains of the defendants, and for cause of action alleges:

I

That this action is instituted on behalf of the United States pursuant to the provisions of that certain Act of Congress approved February 18, 1929 (49 Stat. 1222), as supplemented and amended, for the reason that the Secretary of the Interior has found it necessary and advantageous to acquire the hereinafter described lands and property for the United States of America for a public use, as authorized by an Act of Congress approved August 1, 1888 (25 Stats. 357);

7—1401

U. S. GOVERNMENT PRINTING OFFICE

40 U. S. C. 257, 258, as follows:

The Land is necessary for use in connection with the Boulder Canyon Wildlife Refuge, Bureau of Biological Survey project, which contemplates the establishment of a refuge for the protection during the nesting season or while on their way to and from their breeding grounds of all those species of wildlife which have been determined as being of great value as a source of food, or in destroying of insects which are injurious to forests and forage plants on the public domain as well as to agricultural crops, but nevertheless in danger of extermination through lack of adequate protection.

II

That the lands sought to be acquired in this proceeding are described as follows:

Tract No. 515

"Situate in the County of Clark, State of Nevada, described as follows:

All of the N½ NE¼ NW¼, Section 19, Township 16 South, Range 68 East, Mt. Diablo Meridian,"

together with all accretion and reliction and all and singular the water rights and other rights, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

III

That the estate taken for said public uses is the fee simple title thereto, except that all mines of gold, silver, copper, lead, cinnabar, and other valuable minerals that may exist are reserved to the State of Nevada, and subject to existing public highways and public utility easements.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IV

That the apparent owner of said lands hereinbefore described is Nevada Land and Livestock Company, a corporation created and existing under and by virtue of the laws of the State of Nevada;

That the following named defendants have, or may have, liens, judgments, encumbrances, or claims upon or against said lands, namely:

Richard Roe First to One Hundredth, inclusive, Leslie R. Saunders, and Elsie F. Saunders, his wife, A. R. Leavitt, May G. Miller, A. S. Bradford and Winifred Wade Bradford, and they and each of them, are made defendants hereto;

That said defendants generally and all and singular the heirs, husbands, wives, devisees, executors, administrators, representatives, alienees, successors, assigns of each and every of the above named persons, firms and corporations; and all unknown owners, lienors, and claimants having or claiming any right, title, estate, equity, interest or lien; and all occupants, lessees, licensees, and users and holders and owners of and claimants to easements in, on, over, across or through said lands; and all persons, companies or corporations claiming any title or interest to or in any of said tracts of land; are made parties defendant to the end that they may come into Court and by proper pleadings make claim to said lands, or to the proceedings arising therefrom.

V

That the possession of and title to said lands is necessary to the plaintiff herein for the completion, erection, maintenance and protection of Boulder Canyon Wildlife Refuge, Clark County, State and District of Nevada.

W H E R E F O R E, plaintiff prays judgment against

7—1404

said defendants as follows:

1. That this Honorable Court will take jurisdiction of this cause and will make and have entered all such orders, judgments and decrees as may be necessary to bring all of the known owners of said lands before this Court, and to make all unknown parties having any interest therein, parties defendant hereto.

2. That said lands be declared necessary to the plaintiff herein for the purposes herein alleged.

3. That said Court determine all damages that may accrue to said defendants as it may decree said defendants are entitled to by the condemnation of said lands, and assess the same against the plaintiff herein.

4. That the Court make and enter a final order and decree of condemnation for said lands described as follows:

Tract No. 516

"Situate in the County of Clark, State of Nevada, described as follows:

All of the N½ NE¼ NW¼, Section 19, Township 16 South, Range 68 East, Mt. Diablo Meridian,"

vesting the title therein in the United States of America, the plaintiff herein, for the uses and purposes hereinbefore described and decreeing and granting to plaintiff the perpetual and undisturbed possession thereof.

5. And for such other and further relief as to the Court may appear meet and suitable in the premises.

MILES N. PIKE
UNITED STATES ATTORNEY

By: THOMAS O. CRAVEN
ASS'T. U. S. ATTORNEY

7—1404

U. S. GOVERNMENT PRINTING OFFICE

LA-Nevada
Boulder Canyon
Nevada Land & Livestock Co. (11)
33-29-57 RWK

Filed June 7th, 1940 No. 119
[illegible], Clerk
By O.E. Pratt, Deputy

MILES N. PIKE
United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,
IN AND FOR THE DISTRICT OF NEVADA.

----oOo----

UNITED STATES OF AMERICA,
Plaintiff,
-vs-
NEVADA LAND AND LIVESTOCK COMPANY, a corporation, RICHARD ROE FIRST TO ONE HUNDREDTH, INCLUSIVE, LESLIE R. SAUNDERS and ELSIE F. SAUNDERS, his wife, MAY G. MILLER, A. S. BRADFORD and WINIFRED WADE BRADFORD, FRED W. MILLER, WYLIS COZART and JANE DOE COZART,
Defendants.

PETITION
IN
CONDEMNATION

----oOo----

UNITED STATES OF AMERICA, by Miles N. Pike, Esquire, United States Attorney for the District of Nevada, acting under the instructions of the Attorney General of the United States, complains of the defendants, and for cause of action alleges:

I

That this action is instituted on behalf of the United States pursuant to the provisions of that certain Act of Congress approved February 18, 1929 (49 Stat. 1222), as supplemented and amended, for the reason that the Secretary of the Interior has found it necessary and advantageous to acquire the hereinafter described lands and property for the United States of America for a public use, as authorized

7—1404

by an Act of Congress approved August 1, 1888 (25 Stats. 357); 40 U. S. C. 257, 258, as follows:

The Land is necessary for use in connection with the Boulder Canyon Wildlife Refuge, Bureau of Biological Survey project, which contemplates the establishment of a refuge for the protection during the nesting season or while on their way to and from their breeding grounds of all those species of wildlife which have been determined as being of great value as a source of food, or in destroying of insects which are injurious to forests and forage plants on the public domain as well as to agricultural crops, but nevertheless in danger of extermination through lack of adequate protection.

II

That the lands sought to be acquired in this proceeding are described as follows:

Tract No. 11

"Situate in the County of Clark, State of Nevada, described as follows:

All of the S½ NE¼ NW¼, Section 19, Township 16 South, Range 68 East, Mt. Diablo Meridian,"

together with all accretion and reliction and all and singular the water rights and other rights, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

III

That the estate taken for said public uses is the fee simple title thereto, except that all mines of gold, silver, copper, lead, cinnabar, and other valuable minerals that may exist are reserved to the State of Nevada, and subject to existing public highways and public utility easements.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IV

That the apparent owner of said lands hereinbefore described is Nevada Land and Livestock Company, a corporation created and existing under and by virtue of the laws of the State of Nevada;

That the following named defendants have, or may have, liens, judgments, encumbrances, or claims upon or against said lands, namely:

Richard Roe First to One Hundredth, inclusive, Leslie R. Saunders, and Elsie F. Saunders, his wife, May G. Miller, A. S. Bradford, and Winifred Wade Bradford, Fred W. Miller, Wylis Cozart, and Jane Doe Cozart whose other or true name is to the plaintiff unknown, and leave is asked to insert herein her true name when it becomes known to plaintiff; and they and each of them, are made defendants hereto;

That said defendants generally and all and singular the heirs, husbands, wives, devisees, executors, administrators, representatives, alienees, successors, assigns of each and every of the above named persons, firms and corporations; and all unknown owners, lienors, and claimants having or claiming any right, title, estate, equity, interest or lien; and all occupants, lessees, licensees, and users and holders and owners of and claimants to easements in, on, over, across or through said lands; and all persons, companies or corporations claiming any title or interest to or in any of said tracts of land; are made parties defendant to the end that they may come into Court and by proper pleadings make claim to said lands, or to the proceedings arising therefrom.

V

That the possession of and title to said lands is necessary to the plaintiff herein for the completion,

7—1404

erection, maintenance and protection of Boulder Canyon Wildlife Refuge, Clark County, State and District of Nevada.

W H E R E F O R E, plaintiff prays judgment against said defendants as follows:

1. That this Honorable Court will take jurisdiction of this cause and will make and have entered all such orders, judgments and decrees as may be necessary to bring all of the known owners of said lands before this Court, and to make all unknown parties having any interest therein, parties defendant hereto.

2. That said lands be declared necessary to the plaintiff herein for the purposes herein alleged.

3. That said Court determine all damages that may accrue to said defendants as it may decree said defendants are entitled to by the condemnation of said lands, and assess the same against the plaintiff herein.

4. That the Court make and enter a final order and decree of condemnation for said lands described as follows:

Tract No. 11

"Situate in the County of Clark, State of Nevada, described as follows:

All of the S½ NE¼ NW¼, Section 19, Township 16 South, Range 68 East, Mt. Diablo Meridian,"

vesting the title therein in the United States of America, the plaintiff herein, for the uses and purposes hereinbefore described and decreeing and granting to plaintiff the perpetual and undisturbed possession thereof.

5. And for such other and further relief as to the Court may appear meet and suitable in the premises.

MILES N. PIKE
UNITED STATES ATTORNEY

By: THOMAS O. CRAVEN
ASS'T. U. S. ATTORNEY

7—1404

U. S. GOVERNMENT PRINTING OFFICE

UNITED STATES OF AMERICA,)
) ss:
DISTRICT OF NEVADA.)

THOMAS O. CRAVEN being first duly sworn upon oath, deposes and says:

That he is an Assistant United States Attorney for the District of Nevada; that he has read the foregoing Petition in Condemnation and knows the contents thereof; that the same is true to the best of his knowledge and belief.

THOMAS O. CRAVEN
Ass't. U. S. Attorney

Subscribed and sworn to before me this 7th day of June, 1940.

O. E. Benham
Clerk, U. S. District Court
By O. F. Pratt
Deputy

I, THOMAS O. CRAVEN, Assistant U. S. Attorney, in and for the District of Nevada, hereby certify that the foregoing is a full, true and correct copy of the Petition in Condemnation on file in the above entitled matter and the Summons issued therein.

Thomas O. Craven

7—1404

U. S. GOVERNMENT PRINTING OFFICE

C O P Y

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

DESCRIPTION

OF THE

NEVADA LAND & LIVESTOCK CO. TRACT

(11)

CLARK COUNTY, NEVADA

BOULDER CANYON WILDLIFE REFUGE

CONTAINING 20.00 ACRES

48 Stat. 451
March 16, 1934

Purchase Approved By
Migratory Bird Conservation Commission
July 31, 1939

Surveyed By
United States General Land Office

FORM 81-1356

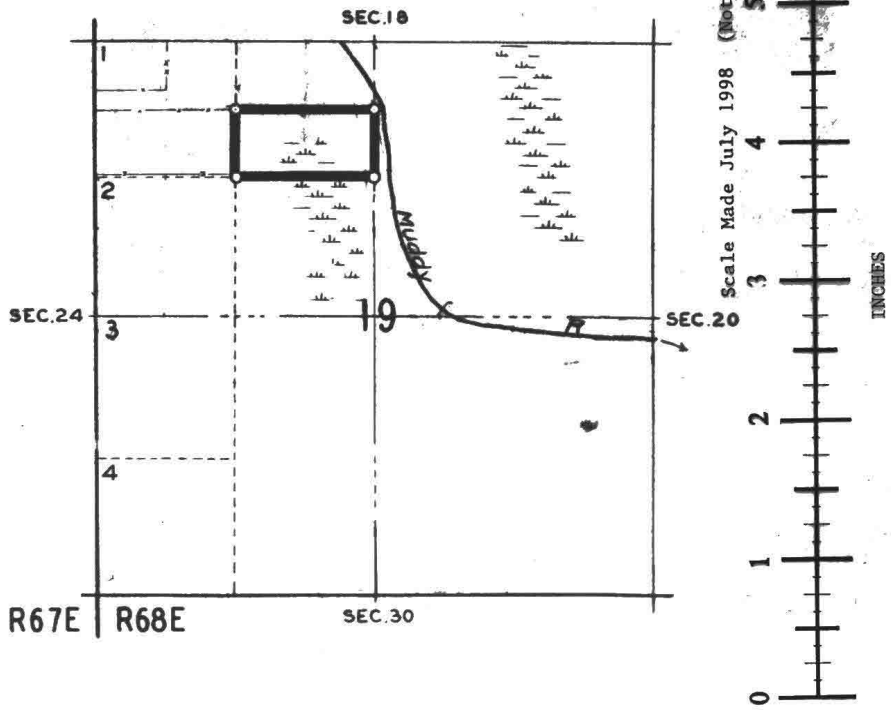
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF BIOLOGICAL SURVEY
DIVISION OF LAND ACQUISITION

DESCRIPTION

NEVADA LAND & LIVESTOCK CO. TRACT(11) — 20.00 ACRES
BOULDER CANYON WILDLIFE REFUGE — CLARK COUNTY, NEVADA
PURCHASE AUTHORIZED BY MIGRATORY BIRD CONSERVATION COMMISSION — JULY 31, 1930

DESCRIPTION — MT. DIABLO MERIDIAN

R. 68E., T. 18S., SEC. 19, S ½ NE ¼ NW ¼.



FROM G L O PLAT APPROVED MAY 28, 1881

TRACING COMPILED BY H.H.W. CHECKED BY GA APPROVED 7-12-39 SCALE 4 = 1 MILE BY BJW

C O P Y

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF BIOLOGICAL SURVEY
Division of Land Acquisition

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I hereby certify that the attached map of the Nevada Land & Livestock Co. Tract (11) has been correctly platted from field notes and other data obtained from the files of the General Land Office Department of the Interior; that the section and lot lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

Chas. S. Cook

Chas. S. Cook
Area Supervisor

Section of Surveys & Maps

Date:

C
O
P
Y

CERTIFICATE OF OCCUPANCY
BOULDER CANYON WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Chas. S. Cook, Area Supervisor, Section of Surveys & Maps, Division of Land Acquisition, Bureau of Biological Survey, Department of the Interior, stationed at Room #227 Federal Office Building, Des Moines, Iowa, does hereby certify that on August 9, 1939, Charles H. Cremmels, Junior Civil Engineer, made a personal inspection of the Nevada Land & Livestock Company Tract (11) as shown on the attached map.

Upon this property no occupants or persons were found in possession of, or using any part of the area, other than the following:

The premises are unoccupied and unimproved.

There are no roadways used by the public on the premises.

Upon this property no recent structure, improvement, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

C O P Y

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

DESCRIPTION

OF THE

DR. W. A. MORRISON, ADM., TRACT

(506)

CLARK COUNTY, NEVADA

BOULDER CANYON WILDLIFE REFUGE

CONTAINING 30.00 ACRES

48 Stat. 451
March 16, 1934

Purchase Approved By
Migratory Bird Conservation Commission
July 31, 1939

Surveyed By
United States General Land Office

2

FORM 81-1355
NOV. 1934

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF BIOLOGICAL SURVEY
DIVISION OF LAND ACQUISITION

DESCRIPTION

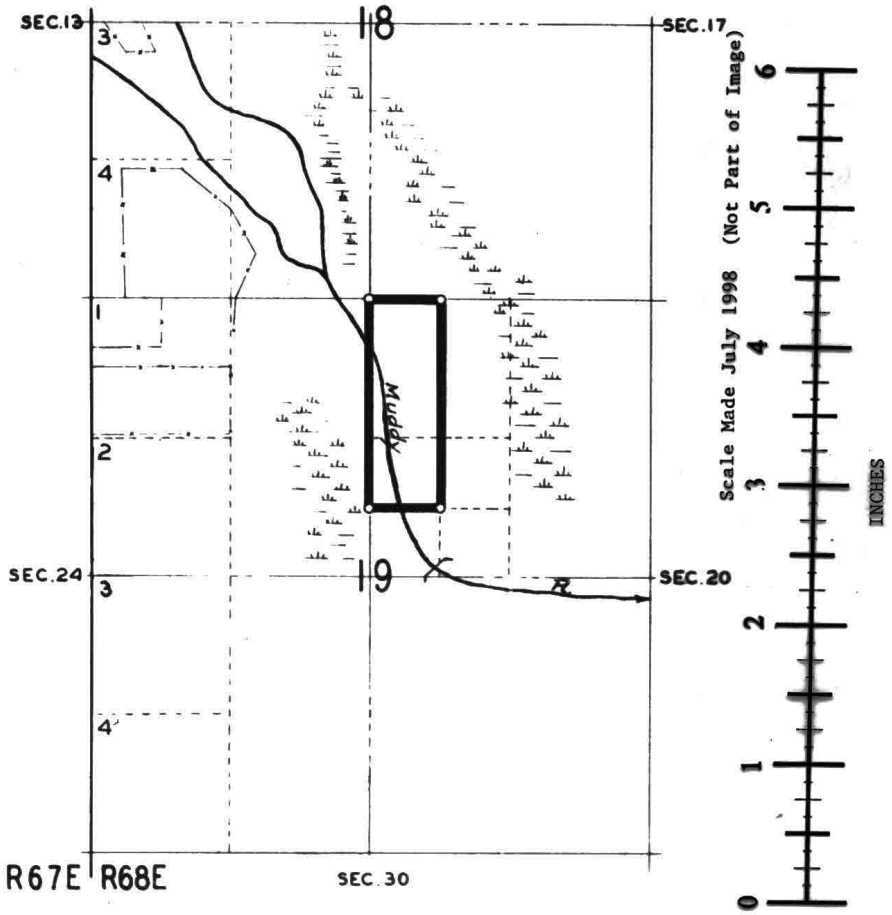
MORRISON, DR. W.A. ADM. TRACT (506) 30.00 ACRES

BOULDER CANYON WILDLIFE REFUGE CLARK COUNTY, NEVADA

PURCHASE AUTHORIZED BY MIGRATORY BIRD CONSERVATION COMMISSION JULY 31, 1939

DESCRIPTION MT. DIABLO MERIDIAN

R. 68 E., T. 16 S., SEC. 19, W½NW¼NE¼ AND NW¼SW¼NE¼.



FROM G L O PLAT APPROVED MAY 28, 1881

TRACING COMPILED BY M.H.W. CHECKED BY: C.A. APPROVED 7-12-39 SCALE 4" = 1 MILE

BY [illegible]

00-00-0000: letter to department of the interior from area supervisor regarding map dr. w. a. morrison, adm. tract (506) had been c

C O P Y

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I hereby certify that the attached map of the

Dr. W. A. Morrison, Adm. Tract (506)

has been correctly platted from field notes and other data obtained from the files of the General Land Office, Department of the Interior; that the section and lot lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

Date:

00-00-0000: letter to department of the interior from area supervisor regarding map dr. w. a. morrison, adm. tract (506) had been c

C O P Y

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

STATE OF IOWA)
) ss.
COUNTY OF POLK)

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Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

Date:

C O P Y

CERTIFICATE OF OCCUPANCY
BOULDER CANYON WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Chas. S. Cook, Area Supervisor, Section of Surveys & Maps, Division of Land Acquisition, Bureau of Biological Survey, Department of the Interior, stationed at Room #227 Federal Office Building, Des Moines, Iowa, does hereby certify that on August 9, 1939, Charles H. Gremmels, Junior Civil Engineer, made a personal inspection of the Dr. W. A. Morrison, Administrator, Tract (506) as shown on the attached map.

Upon this property no occupants or persons were found in possession of, or using any part of the area, other than the following:

The premises are unoccupied and unimproved.

There are no roadways used by the public on the premises.

Upon this property no recent structure, improvement, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

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UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

DESCRIPTION

OF THE

L. R. SAUNDERS TRACTS

(514,a)

BOULDER CANYON WILDLIFE REFUGE

CLARK COUNTY, NEVADA

CONTAINING 7.38 ACRES

(49 Stat. 384)
June 15, 1935

Purchase Approved By
Migratory Bird Conservation Commission
July 31, 1939

Surveyed By
United States General Land Office
and
T. M. Conrardy
Assistant Cadastral Engineer
1939

06-31-1939: map: description; saunders, l. r. tract (514, a)

FORM B:-1355
NOV. 1934

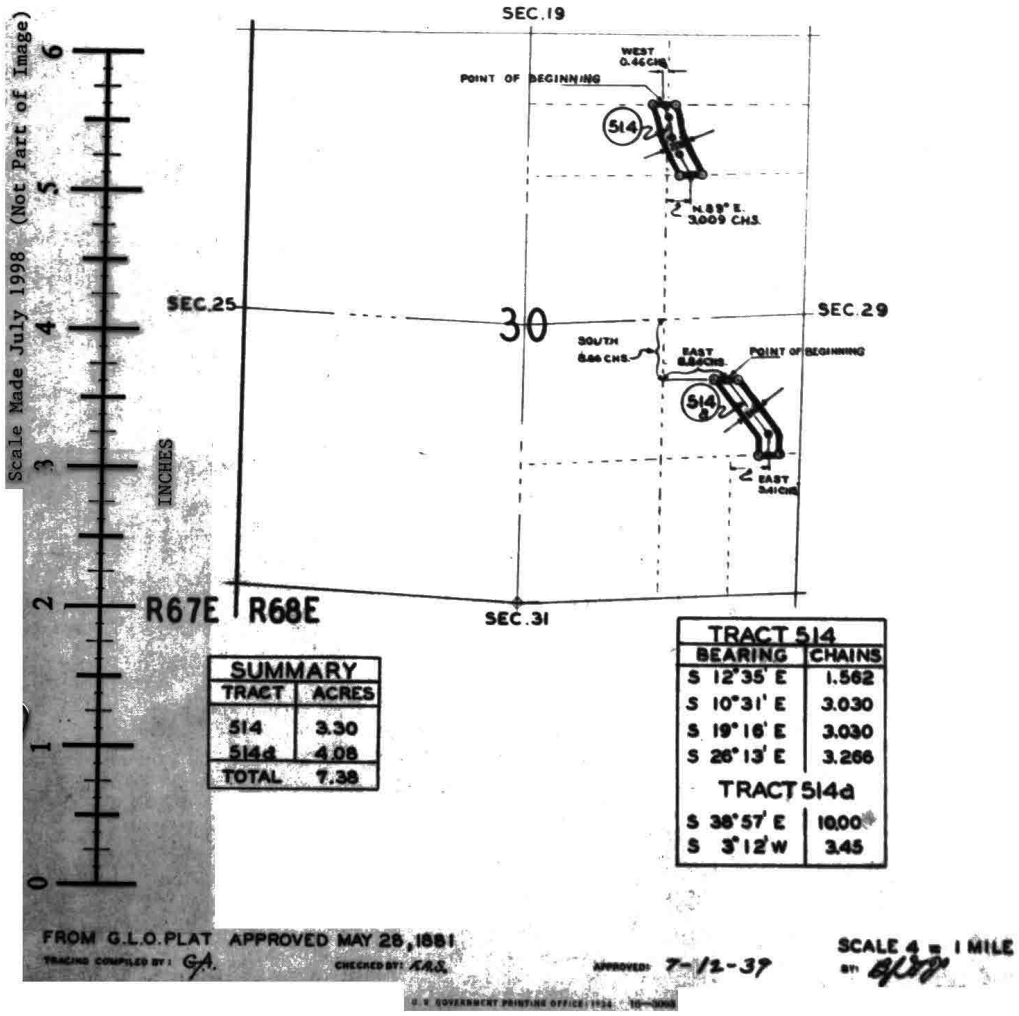
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF BIOLOGICAL SURVEY
DIVISION OF LAND ACQUISITION

DESCRIPTION

SAUNDERS, L.R. TRACT (514,a) 7.38 ACRES
BOULDER CANYON WILDLIFE REFUGE CLARK COUNTY, NEVADA
PURCHASE AUTHORIZED BY MIGRATORY BIRD CONSERVATION COMMISSION JULY 31, 1939

DESCRIPTION MT. DIABLO MERIDIAN

R. 68 E., T. 16 S., SEC. 30, PART OF S½N½NE¼ AND NE¼SE¼, A STRIP OF LAND 200 FEET WIDE LYING 100 FEET ON EACH SIDE OF THE CENTER LINE DESCRIBED BELOW.



SUMMARY	
TRACT	ACRES
514	3.30
514a	4.08
TOTAL	7.38

TRACT 514	
BEARING	CHAINS
S 12° 35' E	1.562
S 10° 31' E	3.030
S 19° 16' E	3.030
S 26° 13' E	3.266
TRACT 514a	
S 38° 57' E	10.00
S 3° 12' W	3.45

FROM G.L.O. PLAT APPROVED MAY 28, 1881
TRACING COMPILED BY: G.A. CHECKED BY: A.A.S. APPROVED: 7-12-37
SCALE 4 = 1 MILE on 4037

U. S. GOVERNMENT PRINTING OFFICE: 1934

00-00-0000: summary of the l. r. saunders tract

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SUMMARY

OF THE

L. R. SAUNDERS TRACT

Tract	Acres
514	3.30
514a	4.08
Total	7.38

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U. S. DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I hereby certify that the attached map of the L. R. Saunders Tracts (514,a) have been correctly platted from field notes and other data obtained from the files of the General Land Office, Department of the Interior, and from notes and other data obtained from field surveys by the Biological Surveys; that the section and lot lines and other subdivision lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

/s/ Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

Date: September 23, 1939.

C
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CERTIFICATE OF OCCUPANCY
BOULDER CANYON WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Chas. S. Cook, Area Supervisor, Section of Surveys & Maps, Division of Land Acquisition, Bureau of Biological Survey, Department of the Interior, stationed at Room #227 Federal Office Building, Des Moines, Iowa, does hereby certify that on August 9, 1939, Charles H. Gremmels, Junior Civil Engineer, made a personal inspection of the L. R. Saunders Tracts (514,a) as shown on the attached map.

Upon this property no occupants or persons were found in possession of, or using any part of the area, other than the following:

The premises are unoccupied and unimproved.

There are no roadways used by the public on the premises.

Upon this property no recent structure, improvement, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

(sgd.) Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps.

06-15-1935: cover page: description of l. r. saunders tracts (514b, c)

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UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Land Acquisition

DESCRIPTION

OF THE

L. R. SAUNDERS TRACTS

(514b,c)

BOULDER CANYON WILDLIFE REFUGE

CLARK COUNTY, NEVADA

CONTAINING 11.65 ACRES

(49 Stat. 384)
June 15, 1935

Purchase Approved By
Migratory Bird Conservation Commission
September 27, 1940

Surveyed By
United States General Land Office
and
T. M. Conrardy
Assistant Cadastral Engineer
1939

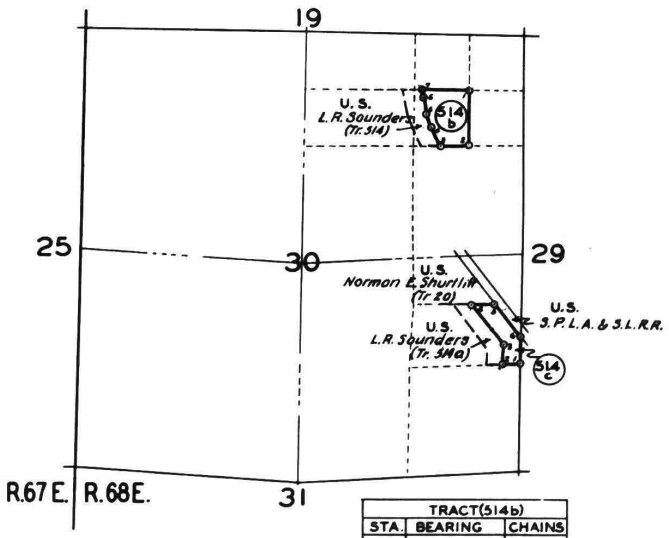
09-27-1940: map: description; saunders, l. r. tracts (514b, c)

FORM 81-1355
NOV 1934

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
DIVISION OF LAND ACQUISITION

DESCRIPTION

SAUNDERS, L.R. TRACTS (514 b,c) 11.65 ACRES
BOULDER CANYON NATIONAL WILDLIFE REFUGE CLARK COUNTY, NEVADA
PURCHASE AUTHORIZED BY MIGRATORY BIRD CONSERVATION COMMISSION SEPTEMBER 27, 1940
DESCRIPTION MOUNT DIABLO MERIDIAN
R.68E. T.16S., SEC.30, PART OF SW¼NE¼NE¼ AND PART OF NE¼SE¼.

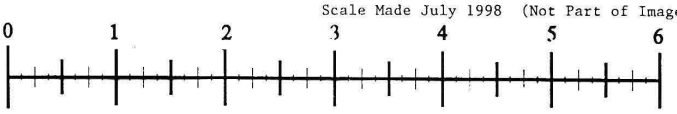


SUMMARY	
TRACT	ACRES
(514b)	7.45
(514c)	4.20
TOTAL	11.65

TRACT(514b)		
STA	BEARING	CHAINS
B1	S. 0°43'W.	10.210
2	S.89°00'W.	5.356
3	N.26°13'W.	3.887
4	N.19°16'W.	2.822
5	N.10°31'W.	2.941
6	N.12°35'W.	1.256
7	N.89°48'E.	8.939
B1		
TRACT (514c)		
B1	S.87°15'W.	3.16
2	N. 3°12'E.	3.87
3	N.38°57'W.	9.47
4	N.87°20'E.	4.08
5	S.38°24'E.	7.86
6	S. 0°42'W.	5.11
B1		

FROM G L O PLAT APPROVED MAY 28 1881
TRACING COMPILED BY GA. CHECKED BY
APPROVED 12-3-40 BY
SCALE 1 MILE

Scale Made July 1998 (Not Part of Image)



INCHES

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SUMMARY

OF THE

L. R. SAUNDERS TRACTS

Tract	Acres
514b	7.45
514c	4.20
Total	11.65

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U. S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
Division of Land Acquisition

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

I hereby certify that the attached map of the

L. R. Saunders Tracts (514b,c)

have been correctly platted from field notes and other data obtained from the files of the General Land Office, Department of the Interior, and from notes and other data obtained from field surveys by the Fish and Wildlife Service; that the section and lot lines and other subdivision lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

/s/ Bert J. G. Tousey

Bert J. G. Tousey,
Assistant Cadastral Engineer,
Section of Surveys & Maps.

Date: December 31, 1940.

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CERTIFICATE OF OCCUPANCY
BOULDER CANYON WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Bert J. G. Tousey, Assistant Cadastral Engineer, Section of Surveys and Maps, Division of Land Acquisition, Fish and Wildlife Service, Department of the Interior, does hereby certify that on December 11, 1940, Charles H. Gremmels, Junior Civil Engineer, made a personal inspection of the L. R. Saunders Tracts (514b,c) as shown on the attached map.

Upon this property no occupants were found in possession of or using any part of the area, nor was there any evidence of past possession.

Upon this property no recent structure, improvement, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

/s/ Bert J. G. Tousey

Bert J. G. Tousey,
Assistant Cadastral Engineer,
Section of Surveys & Maps.

Date: December 31, 1940.

02-18-1929: cover page: description of the james g. scrugham tracts (120, -i, -ii)

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UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Land Acquisition

DESCRIPTION

OF THE

JAMES G. SCRUGHAM TRACTS

(120,-I,-II)

BOULDER CANYON NATIONAL WILDLIFE REFUGE

CLARK COUNTY, NEVADA

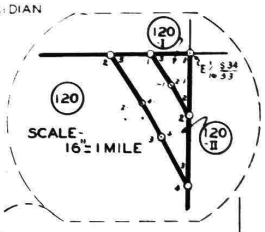
CONTAINING 39.80 ACRES

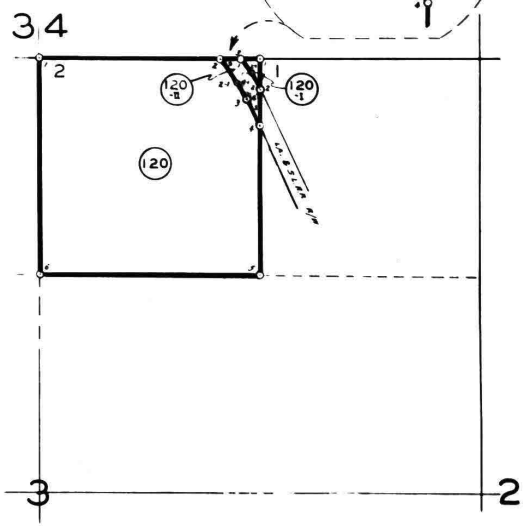
Gift Authorized By
(45 Stat. 1222)
February 18, 1929

Surveyed By
United States General Land Office

DESCRIPTION

SCRUGHAM, JAMES G. — TRACTS (120,-I,-II) — 39.80 ACRES
BOULDER CANYON NATIONAL WILDLIFE REFUGE — CLARK COUNTY, NEVADA
GIFT AUTHORIZED BY (45 STAT. 1222) — FEBRUARY 18 1929
DESCRIPTION — MT. DIABLO MERIDIAN
R 67E., T 16S., SEC 3, LOT 2.





TRACT (120)

STA	BEARING	CHAINS
B 1	N 89°53' E	16.491
2	S 33°07' E	2.681
MP2-1	S 29°00' E	1.783
3	S 27°48' E	2.574
4	S 0°12' E	13.812
5	S 89°54' W	19.990
6	N 0°12' W	19.89
B 1		

TRACT (120-I)

B 1	S 0°12' E	2.830
2	N 29°00' W	1.555
MP2-1	N 33°07' W	1.751
3	N 89°53' E	1.701
B 1		

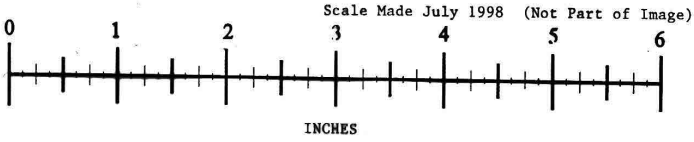
TRACT (120 II)

B 1	S 33°07' E	1.751
MP1-1	S 29°00' E	1.555
2	S 0°12' E	3.258
3	N 27°48' W	2.574
4	N 29°00' W	1.783
MP4-1	N 33°07' W	2.681
5	N 89°53' E	1.808
B 1		

TRACT	ACRES
TRACT (120)	38.79
" (120-I)	0.23
" (120-II)	0.78
TOTAL	39.80

FROM G L O PLAT APPROVED JUNE 13, 1881
TRACING COMPILED BY: CA. CHECKED BY: RJW APPROVED 4-7-41 SCALE 8" = 1 MILE BY: RJW

Scale Made July 1998 (Not Part of Image)



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SUMMARY

Tracts	Acreage
120	38.79
120-I	0.23
120-II	0.78
Total	39.80

C
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U. S. DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Land Acquisition

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

I hereby certify that the attached map of the JAMES G. SCRUGHAM TRACTS (120,-I,-II) has been correctly platted from field notes and other data obtained from the files of the General Land Office, Department of the Interior; that the section and lot lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

(sgd.) Bert J. G. Tousey

Bert J. G. Tousey
Assistant Cadastral Engineer
Section of Surveys & Maps

Date: May 27, 1941.

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CERTIFICATE OF OCCUPANCY
BOULDER CANYON NATIONAL WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Bert J. G. Tousey, Assistant Cadastral Engineer, Section of Surveys & Maps, Division of Land Acquisition, Fish and Wildlife Service, Department of the Interior, U. S. Court House, does hereby certify that on May 20, 1941, Gilbert E. Wardwell, Assistant Refuge Manager, made a personal inspection of the James G. Scrugham Tracts (120,-I,-II) as shown on the attached map.

Upon this property no occupants or persons were found in possession of or using any part of the area, nor was there any evidence of past possession.

Upon this property no recent structure, improvements, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

(sgd.) Bert J. G. Tousey

Bert J. G. Tousey
Assistant Cadastral Engineer
Section of Surveys & Maps

Date: May 27, 1941.

05-16-1934: cover page: description of the roosevelt title ins. co. tract (515)

C O P Y

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

DESCRIPTION

OF THE

ROOSEVELT TITLE INS. CO. TRACT

(515)

CLARK COUNTY, NEVADA

BOULDER CANYON WILDLIFE REFUGE

CONTAINING 20.00 ACRES

48 Stat. 451
March 16, 1934

Purchase Approved By
Migratory Bird Conservation Commission
July 31, 1939

Surveyed By
United States General Land Office

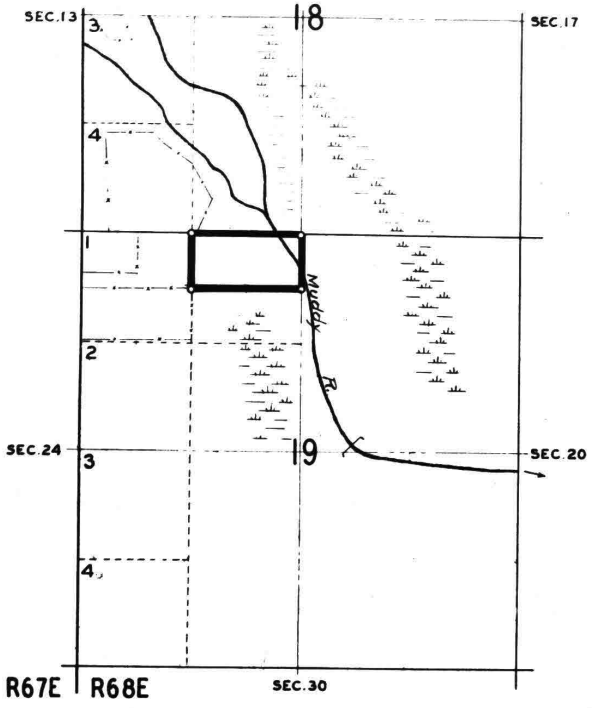
07-31-1939: map: description; roosevelt title ins. co. tract (515)

FORM B1-1355
NOV 1934

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF BIOLOGICAL SURVEY
DIVISION OF LAND ACQUISITION

DESCRIPTION

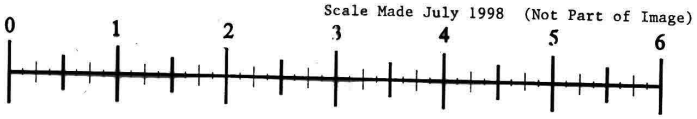
ROOSEVELT TITLE INS. CO. TRACT (515) — 20.00 ACRES
BOULDER CANYON WILDLIFE REFUGE — CLARK COUNTY, NEVADA
PURCHASE AUTHORIZED BY MIGRATORY BIRD CONSERVATION COMMISSION — JULY 31, 1939
DESCRIPTION — MT. DIABLO MERIDIAN
R.68E., T.16S., SEC.19, N½NE¼NW¼.



FROM G.L.O. PLAT APPROVED MAY 28, 1881.
TRACING COMPILED BY I.H.H.W. CHECKED BY: G.A. APPROVED: 7-12-39 SCALE 4" = 1 MILE BY: B.K.

U.S. GOVERNMENT PRINTING OFFICE: 1934 16—3093

Scale Made July 1998 (Not Part of Image)



C O P Y

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Biological Survey
Division of Land Acquisition

STATE OF IOWA)
) ss.
COUNTY OF POLK)

I hereby certify that the attached map of the Roosevelt Title Insurance Company Tract (515) has been correctly platted from field notes and other data obtained from the files of the General Land Office Department of the Interior; that the section and lot lines, as here shown, have been placed upon said map after careful consideration of all available data on the subject; and that all said data as shown upon the attached map have been checked by me and are correct to the best of my knowledge and belief.

Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys and Maps

Date:

C O P Y

CERTIFICATE OF OCCUPANCY
BOULDER CANYON WILDLIFE REFUGE
CLARK COUNTY, NEVADA

The undersigned, Chas. S. Cook, Area Supervisor, Section of Surveys & Maps, Division of Land Acquisition, Bureau of Biological Survey, Department of the Interior, stationed at Room #227 Federal Office Building, Des Moines, Iowa, does hereby certify that on August 9, 1939, Chas. H. Cremmels, Junior Civil Engineer, made a personal inspection of the Roosevelt Title Insurance Company Tract (515) as shown on the attached map.

Upon this property no occupants or persons were found in possession of, or using any part of the area, other than the following:

The premises are unoccupied and unimproved.

There are no roadways used by the public on the premises.

Upon this property no recent structure, improvement, building material recently furnished, or labor done, was found out of which a mechanic's lien or a material man's lien might arise.

Chas. S. Cook

Chas. S. Cook
Area Supervisor
Section of Surveys & Maps

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 DIABLO 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;

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. 715*i*).

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

MEMORANDUM OF AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
THE DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
AND
NATIONAL PARK SERVICE
AND
THE STATE OF NEVADA, DIVISION OF STATE LANDS,
ACTING FOR AND ON BEHALF OF
THE DIVISION OF WILDLIFE
OVERTON WILDLIFE MANAGEMENT AREA

CA 8360-90-0003
(BOR) 4-07-30-L0399

Article I, Background and Objectives

This Agreement, entered into this 9th day of September, 1994, among the United States of America, hereinafter referred to as the United States, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, hereinafter respectively referred to as Reclamation and Service, and the State of Nevada, Division of State Lands, acting for and on behalf of the Division of Wildlife, hereinafter referred to as NDOW;

WITNESSETH:

WHEREAS, Reclamation is responsible for administering the Boulder Canyon Project pursuant to 45 Stat. 1057, as amended (43 USC 617 et seq.) for the purpose of storing, releasing, and utilizing water; and,

WHEREAS, the Service administers the Lake Mead National Recreation Area pursuant to Public Law 88-639 (16 USC 460n et seq.); and,

WHEREAS, the Service, Reclamation, and the State of Nevada, acting through the State Fish and Game Commission, executed an agreement dated January 14, 1953, which was amended December 24, 1953, and May 15, 1962, for the lease of specified lands within the Boulder Canyon Project for the development and administration as a wildlife-restoration project under the provisions of the Act of Congress approved September 2, 1937, entitled, "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," (50 Stat. 917,16 USC, 1946 ed., Section 669 et seq.) as amended; (50 CFR 80.1 et seq.); and,

WHEREAS, NDOW desires to continue using specified lands within the Boulder Canyon Project/Lake Mead National Recreation Area designated as the Overton Wildlife Management Area.

Article II, Statement of Work

Not applicable.

Article III, Terms of Agreement

NOW, THEREFORE, Reclamation, Service, and NDOW do hereby agree as follows:

1. Reclamation and the Service hereby permit NDOW to develop, maintain, and administer for wildlife-restoration and management purposes, the following described lands, including public lands of the United States withdrawn for reclamation purposes and lands acquired by the United States as part of the Lake Mead National Recreation Area subject to the reservations and exceptions contained in this Memorandum of Agreement:

Description of Leased Land

MOUNT DIABLO MERIDIAN

a. Intensively Developed Area.

Township 16 South, Range 68 East

Section 19, NE¼, NE¼NW¼, E½NE¼SW¼, N½SE¼, E½SW¼SE¼, SE¼SE¼, E½SW¼SE¼NW¼, SE¼SE¼NW¼, E½NW¼NE¼SW¼, E½NW¼SW¼SE¼;
Section 20, SW¼NW¼, W½SW¼, SE¼SW¼, S½NE¼SW¼;
Section 28, W½SW¼, SE¼SW¼;
Section 29, All;
Section 30, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, E½E½NW¼NE¼, NE¼NE¼SE¼, E½SE¼SE¼;
Section 31, E½NE¼;
Section 32, NW¼, N½SW¼, E½;
Section 33, All.

b. Wildlife Management Area General.

Township 15 South, Range 68 East

Section 36, SE¼SE¼.

Township 15 South, Range 69 East

Section 31, SE¼NW¼, SW¼.

Township 16, South, Range 68 East

Section 1, E½, E½SW¼, S½SE¼NW¼;

Section 12, E½, E½W½;
Section 13, E½, E½NW¼, SW¼;
Section 23, E½SE¼;
Section 24, All;
Section 25, All;
Section 26, SE¼, N½NE¼, E½SW¼;
Section 28, E½, NW¼, NE¼SW¼;
Section 31, W½NE¼, SE¼;
Section 32, S½SW¼;
Section 34, All;
Section 35, All;
Section 36, All;

Township 16, South, Range 69 East

Section 6, NW¼, W½SW¼;
Section 7, W½
Section 18, W½, SW¼SE¼;
Section 19, W½;
Section 30, W½;
Section 31, W½.

Township 17 South, Range 68 East

Section 1, All;
Section 2, All;
Section 3, All;
Section 4, All;
Section 5, All.

Township 17 South, Range 69 East

Section 6, All.

2. In the event that Reclamation determines that certain use of the lands described above are surplus to its needs in the operation of the Boulder Canyon Project, NDOW will be so notifed so that it may attempt to acquire said lands in its own name. Should NDOW acquire any such lands they will be deleted from this Agreement by amendment thereto. This provision only applies to such Reclamation withdrawn lands which are outside the authorized boundaries of Lake Mead National Recreation Area.

3. NDOW shall have, during the life of this Agreement, the privilege of using any and all of the waters available to Reclamation under Water Right Application No. 10188, filed by the Federal Government with the State of Nevada, December 1, 1937.

4. Reclamation and/or Service shall retain control of, and the use of, water arising from Kelsey Springs, now covered by

Water Right Application 1802, Certificate 296, with the State of Nevada, dated December 14, 1916, provided that NDOW may be granted the use of water in excess of the requirements of Reclamation, the Service, or both.

5. All rights and benefits accruing to NDOW under this Agreement are subordinate to the rights of Reclamation in carrying out its obligations and responsibilities in the storage, release, control, and utilization of water in the Boulder Canyon Project and to the rights of the Service in the administration of the recreation area.

6. NDOW will continue to plan, develop, and manage the area as a state operated Wildlife Management Area; however, general layout and major development plans in furtherance of this program shall, before being acted on, first be subject to approval by Reclamation and by the Service. All development and new activity plans shall be in compliance with applicable cultural resource and natural resource compliance requirements. This approval shall be in addition to any approval of the project plans and estimates by the United States Fish and Wildlife Service as a condition to the extension of federal aid to the project as a wildlife-restoration project.

7. NDOW will submit to the Service for approval any plans for introductions of new wildlife species, introductions of new plant species, and proposed uses of herbicides or pesticides.

8. In the planning, construction, and renovation of buildings and facilities and in the provision of programs and services to the public, NDOW shall provide the highest level of accessibility possible and feasible for persons with visual, hearing, mobility, and mental impairments consistent with the nature of the area and programs and consistent with the obligation to conserve natural resources and preserve the quality of the recreation experience for all participants, in accordance with the Architectural Barriers Act of 1968; Section 504 of the Rehabilitation Act of 1973, as amended; and the Americans with Disabilities Act of 1992.

9. There is excepted and reserved from the lands permitted hereby:

   a. The right to establish and maintain rights-of-way or other easements needed in carrying on the activities of Reclamation or the Service;

   b. The right of the officers, agents, employees, licensees, and permittees of the United States, at all proper times and places, freely to have ingress to,

passage over, and egress from all of the land covered by this Agreement for the purpose of carrying on official activities of Reclamation or the Service;

c. The right to require NDOW to remove any part or all of any structure or improvement placed on the land which will interfere with the official duties, obligations, or operations of Reclamation or the Service. Written notice of any request for such removal will be served on NDOW and upon failure of NDOW to comply with such request within 60 days of notice, Reclamation or the Service may, at their option, terminate the Agreement.

10. All income derived by NDOW from the permitted area, other than the intensively developed area as agreed upon and described earlier, shall be paid to Reclamation for benefit of the Colorado River Dam Fund pursuant to the Act of Congress approved December 21, 1928, (45 Stat. 1057); all income from the intensively developed area will be deposited in the State Fish and Game Fund and an equivalent amount or more must be used for the maintenance of the said area.

11. NDOW shall not assign the subject area, in whole or in part, without the consent, in writing, of Reclamation and the Service, and any attempted transfer or assignment, whether voluntary or involuntary, without such consent, in writing, shall, at the option of the United States, subject the Agreement to immediate termination; however, NDOW may assign or contract the development and operation of the area or parts of the area to private individual(s) for farming or other specific wildlife management purposes, providing the assignment or contract does not grant the assignee or NDOW rights beyond those received by NDOW under this Agreement.

12. The United States assumes no responsibility for damage to property or injuries to persons which may arise from, or be incident to, the use and occupation of the subject lands by NDOW, or for damages to the property or injuries to the persons of any of NDOW's officers, agents, servants, or employees, or others who may be on said property at their invitation or at the invitation of any one of them.

13. NDOW will indemnify and hold harmless the United States from any claim arising from damage to the property or injury to the persons of others, including members of the public, by reason of the planning, establishment, operation, maintenance, or use of the Wildlife Management Area or any activity carried on incident thereto. The State is limited by statute to $50,000 per incident.

14. NDOW, in carrying out this Agreement, shall comply with all applicable water and air pollution laws and regulations of

the United States and the State of Nevada, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

Article IV, Key Officials

1. Alan O'Neill, Superintendent, Lake Mead National Recreation Area.

2. Lawrence F. Hancock, Regional Director, Lower Colorado Region, Bureau of Reclamation.

3. William A. Molini, Administrator, Nevada Department of Conservation and Natural Resources, Division of Wildlife.

Article V, Property Management and Disposition

Not applicable.

Article VI, Prior Approval

Not applicable.

Article VII, Reports

NDOW and the Service agree to exchange annual or periodic plans or reports relating to the Wildlife Management Area or adjacent lands. NDOW and the Service agree to exchange reports, data, or research documents relating to the Wildlife Management Area or adjacent lands. NDOW agrees to annually submit to Reclamation, with a copy to the Service, on a form provided by Reclamation, a report on public use relating to the Wildlife Management Area or adjacent lands.

Article VIII, Termination

This Agreement shall terminate and all rights of NDOW hereunder shall cease as to the entire subject area or any portion thereof:

1. Upon the expiration of this Agreement.

2. Upon failure of NDOW to observe and comply with any of the conditions, exceptions, or reservations set forth in this Memorandum of Agreement. The Reclamation or the Service may give written notice to NDOW of any violation or default under the terms of this Agreement, and NDOW shall have 90 days in which to correct the default or cease the violation. If not so corrected this Agreement may be terminated by concurrent notice by the Reclamation and the Service to NDOW.

3. Upon 6 month's written notice from the Reclamation or the Service to NDOW, in the event that the Reclamation or the Service determines that the lands are needed by their agency to fulfill their statutory or administrative responsibilities.

4. Upon termination, all movable structures, facilities, or equipment placed on the leased lands by NDOW shall remain the property of the State and will be removed at any time within 6 months after termination, provided that the premises shall be restored by NDOW to as nearly as is reasonably possible to their original condition.

5. This Agreement shall be for a period of 5 years from the date of execution, unless terminated sooner as provided above. If all parties to the Agreement resolve that it has produced the desired effects of mutual cooperation and should be continued as is, a simple Reaffirmation Memorandum may be used to renew the permit for another 5 years.

Article IX, Required Clauses

During the performance of this contract, NDOW agrees as follows:

1. NDOW will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

   a. NDOW will take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. NDOW agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting

      Officer setting forth the provisions of this nondiscrimination clause.

   b. NDOW will, in all solicitations or advertisements for employees placed by, or on behalf of, NDOW, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

   c. NDOW will send to each labor union or representative of workers with which it has a collective bargaining

agreement or other contract or understanding, a notice to be provided by the agency Contracting Officer, advising the labor union or worker's representative of NDOW's commitment under Section 202 of Executive Order 11246, dated September 24, 1965, and shall post copies of the notice in conspicuous places, available to employees and applicants for employment.

d. NDOW will comply with all provisions of Executive Order 11246, dated September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

e. NDOW will furnish all information and reports required by Executive Order 11246, dated September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of NDOW's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and NDOW may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246, dated September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246, dated September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. NDOW will include the provisions of paragraphs a. through g. in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246, dated September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. NDOW will take such action with respect to any subcontract or purchase order as the Contracting Office may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event NDOW becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Contracting Office, NDOW may request the United States to enter into such litigation to protect the interests of the United States.

2. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit which may arise therefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

The United States of America

ACTING FOR _____ 7/15/94
Lawrence F. Hancock, Regional Director — Date
Lower Colorado Region
Bureau of Reclamation

ACTING _____ 8/11/94
Alan O'Neill, Superintendent — Date
Lake Mead National Recreation Area

STATE OF NEVADA
Division of State Lands

By: _____ 8/30/94
PAMELA B. WILCOX — Date
Administrator and Ex-Officio
State Land Registrar

APPROVED:

STATE OF NEVADA
Division of Wildlife

By: William A. Molini 8/22/94
WILLIAM A. MOLINI — Date
Administrator

APPROVED as to Form:

FRANKIE SUE DEL PAPA
Attorney General

By: _____ 9/7/94
C. WAYNE HOWLE — Date
Deputy Attorney General

03-07-1962: memorandum to regional director from regional solicitor regarding proposed amendment to the memorandum of agre

R. V. Snow

INTERIOR DEPT.
MAR 7 - 1962
SOLICITOR

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
1060 Rowan Building
458 South Spring Street
Los Angeles 13, California

March 7, 1962

To: Regional Director, Boulder City Attn: ~~3-A60~~

From: Regional Solicitor, Los Angeles Region

Subject: Proposed Amendment to the Memorandum of Agreement of January 14, 1953, Between the United States of America, Department of the Interior, Bureau of Reclamation and National Park Service, and the State of Nevada

In accordance with the telephone discussions during the past week between Mr. Hathaway of this office and Mr. Berger of your staff in connection with your letter of November 30, 1961, to the Commissioner, above subject, we offer the following comments concerning the subject proposed amendatory agreement.

Article 1. Since the purpose of Article 1 is to describe the entire area to be covered by the agreement, there is no need for the descriptions to include either the three references to the parcels produced by "Delete:" or the statement "and there are added the following lands:". In addition, we suggest that the areas covered by the maps should be segregated by appropriate headings to differentiate the "Refuge Area" and the "Intensively Developed Area". By so doing, the distinction initially established by the earlier agreements between these two types of areas will be maintained. The effect of so doing is treated hereinafter in our discussion of proposed Article 3.

Article 2. Insert "of" at the end of line 1. This will avoid the inference that all of the described lands rather than a portion thereof are involved in what may be determined to be surplus.

Article 3. If the distinction between "Intensively Developed Area" and "Refuge Area", indicated by our proposed change in Article 1, is maintained, Article 3 would be unnecessary and could be deleted. If this is done, the division of income would remain subject to the provisions of Article 6 of the agreement of January 14, 1953. If no administrative difficulties or other problems have been encountered in the operation of said Article 6, it would be preferable that this portion of the earlier agreement be retained. If a change is desired, proposed Article 3 should be clarified since it contains several ambiguities and creates unnecessary

problems. For example, there are no definitions of "surplus products or hunter use", nor are the "undeveloped lands" defined. In addition, the reference to "All income to the Commission" lacks a definition of the term "income", e.g., gross or net. Similarly, there is no definition with regard to the phrase "All revenue from any undeveloped lands".

Article 4. It is not clear as to what was intended by the proviso to Article 4 which permits an exception to the restriction against subleasing. The proviso is additional language which, in effect, has been added to prior Article 7. However, the right given thereby to "sublease or contract the development and operation of the area" may result in restricting the public at large from the subleased areas.

Article 5. This should be revised by deleting the first three lines and substituting: "If legislation is enacted which, in the opinion of Service, provides an adequate basis for administration * * *". As presently written, this article leaves open the question of who determines whether legislation of the nature referred to has been enacted.

Finally, it should be noted that memoranda of agreement are normally restricted to agreements between Federal agencies. The proposed agreement is actually a lease with a State agency and should be so designated. We suggest, therefore, that the heading of the proposed mandatory agreement be revised to read, "Agreement" instead of "Memorandum of Agreement" and that line 1 of the caption provide "Agreement Amending the Agreement of January 14, 1953, as amended December 14, 1953, Between * * *".

- - -

In duplicate

cc:
Associate Solicitor, Water and Power (in dupl.)
Superintendent, Lake Mead National Recreation
Area, National Park Service, Boulder City, Nev.

MEMORANDUM OF AGREEMENT

Amending the Agreement of January 14, 1953, Between
The United States of America
Department of Interior
Bureau of Reclamation and National Park Service
and
State of Nevada
Leasing Wildlife Management Areas in the
Lake Mead National Recreation Area and
Boulder Canyon Project, Nevada

THIS AMENDMENT to the Memorandum of Agreement of January 14, 1953, and entered into this _____ day of _____, 196___, between the United States of America, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, hereinafter respectively referred to as the "Bureau" and the "Service," and the State of Nevada, acting through the State Fish and Game Commission, hereinafter referred to as the "Commission," shall become effective upon signing, and except as herein amended that Memorandum of Agreement of January 14, 1953, and the Amendment of December 24, 1953, shall remain in full force and effect.

1. The area described in the Agreement of January 14, 1953, and the Amendment of December 24, 1953, is amended to read as follows:

Mount Diablo Meridian

Township 16 South, Range 68 East

Sec. 19, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 20, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 23, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 24, All;
Sec. 25, All;
Sec. 26, $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 28, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 29, All;
Sec. 30, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 31, $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 32, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $E\frac{1}{2}$;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

Township 16 South, Range 69 East

Sec. 19, $W\frac{1}{2}W\frac{1}{2}$;
Sec. 30, $W\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 31, $W\frac{1}{2}$;
Delete: Sec. 31, $W\frac{1}{2}E\frac{1}{2}$.

Township 17 South, Range 68 East

Sec. 1, $N\frac{1}{2}$;
Sec. 2, $N\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 3, All;
Sec. 4, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Delete: Sec. 10, $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$; and
Sec. 11, $NW\frac{1}{4}$.

Township 17 South, Range 69 East

Sec. 6, $N\frac{1}{2}$;
Delete: Sec. 5, $NW\frac{1}{4}$.,

and there are added the following lands:

Township 15 South, Range 68 East

Sec. 12, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 13, $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 36, $SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$.

Township 15 South, Range 69 East

Sec. 5, $NE\frac{1}{4}$, $S\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$;
Sec. 6, $NE\frac{1}{4}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 7, $W\frac{1}{2}$, $SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 8, $NW\frac{1}{4}$;
Sec. 18, All;
Sec. 19, $N\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 31, $NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$.

Township 16 South, Range 68 East

Sec. 1, $E\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$;
Sec. 12, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 13, $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 20, $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 26, $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$;
Sec. 28, $E\frac{1}{2}$, $NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$;
Sec. 31, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 32, $S\frac{1}{2}SW\frac{1}{4}$.

Township 16 South, Range 69 East

Sec. 6, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 7, $W\frac{1}{2}$;
Sec. 18, $W\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 30, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$.

Township 17 South, Range 68 East

Sec. 1, $S\frac{1}{2}$;
Sec. 2, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 4, $W\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 5, All.

Township 17 South, Range 69 East

Sec. 6, $S\frac{1}{2}$.

All said lands are shown on the map marked Exhibit 2 attached hereto, and made a part hereof, subject to the reservations and exceptions contained in said Agreement and this Amendment thereto.

2. In the event that the Bureau determines that certain of lands described above are surplus to its needs in the operation of the Boulder Canyon Project, the Commission will be so notified so that it may attempt to acquire said lands in its own name, and said lands will be deleted from this Agreement by amendment thereto.

3. All income to the Commission as may be derived from the area from the sale of surplus products or hunter use will be deposited in the State Fish and Game Fund, and an equivalent amount or more must be used for the maintenance of said area. All revenue from any undeveloped lands, including grazing and including fissionable material on any land, shall be paid to the Bureau for benefit of the Colorado River Dam fund pursuant to the Act of Congress approved December 21, 1928 (45 Stat. 1057).

4. The Commission shall not let or sublet the leased area in whole or in part, nor assign this lease or any interest therein without the consent in writing of the duly authorized representatives of the Bureau and the Service, and any attempted transfer or assignment, whether voluntary or involuntary, without such consent in writing, shall at the option of the United States subject the lease to immediate termination, however, the Commission may sublease or contract the development and operation of the area or parts of the area to private individual(s) or sportsmens' organizations, providing the sublease or contract does not grant the sublessee or contractor rights beyond those received by the Commission under this lease.

5. Contingent upon the signing of Senate Bill 1836 (87th Congress, first session, in the Senate of the United States), or some comparable legislation to provide an adequate basis for the administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes, the Service agrees to withdraw its interest and administration in the above-described lands outside of the Recreation Area boundary described

in said Bill and thereafter the Agreement of January 14, 1953, and this Amendment to said Agreement with respect to such excluded lands described therein shall become a two-way agreement between the Bureau and the State of Nevada, acting through the State Fish and Game Commission.

6. Article 12 of the Agreement of January 14, 1953, and Amendment of December 24, 1953, is amended to read as follows:

"In connection with the performance of the work under this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

"(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions

may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

"(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

THE UNITED STATES OF AMERICA

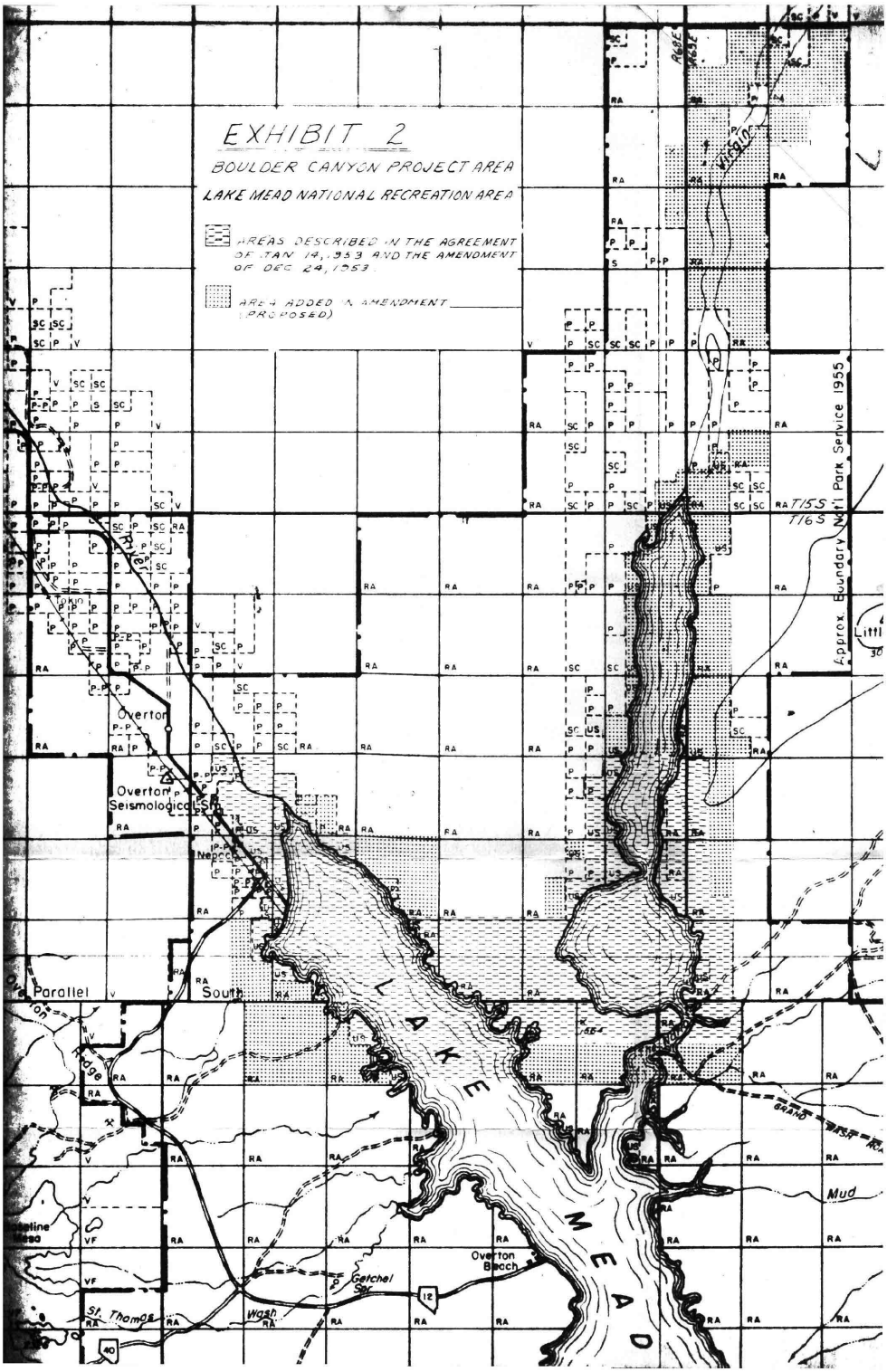
By _____
Commissioner of Reclamation

By _____
Director, National Park Service

STATE OF NEVADA

By Jayne E. Kirch
Chairman
Nevada Fish and Game Commission

03-07-1962: map of areas described in the agreement of january 14, 1953



08-14-1946: memorandum to commissioner from acting director regarding transfer of jurisdiction

C O P Y

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

AUG 14 1946

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

Reference is made to Mr. Markwell's memorandum of June 28, and to the previous correspondence, concerning the transfer of jurisdiction to the Bureau of Reclamation of certain lands within the Boulder Canyon National Wildlife Refuge which are no longer required by this Service but which are essential to your operation and maintenance of the Boulder Canyon Reservoir.

In accordance with your request that this Service authorize your Bureau the use of the lands acquired by purchase pending the ultimate disposal of such lands under the Surplus Property Act, I have executed and am enclosing, in duplicate, a permit granting your Bureau authority to use and occupy such lands. If the permit is satisfactory it is requested that you indicate your acceptance thereof and return the executed copy for our files.

The terms and conditions stipulated in the permit are the usual ones included in all similar permits granted by this Service. Your attention is called to condition number eight which was inserted for the purpose of protecting both Agencies when the lands are appraised under the Surplus Property Act.

You are assured that your Bureau will be notified when these tracts are declared surplus in order that you may claim a priority with respect to the acquisition of such tracts. Also the fact that your Bureau desires to acquire such tracts will be stated in our surplus declaration.

Clarence Cottam

Acting Director.

Encl. 939

cc- Div. of Lands
Liaison Office
Region 2

C O P Y

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

Permit 46-444

PERMIT GRANTING CUSTODY AND CONTROL OF THE LANDS WITHIN THE BOULDER CANYON NATIONAL WILDLIFE REFUGE TO THE BUREAU OF RECLAMATION, U. S. DEPARTMENT OF INTERIOR

* * * * * * * * * * *

WHEREAS, it has been administratively determined that the lands in the Boulder Canyon National Wildlife Refuge are no longer required for the purpose for which the refuge was established; and

WHEREAS, certain portions of said refuge area were withdrawn for said purpose by Executive Order No. 6065, dated March 3, 1933 and other portions thereof were purchased under the authority contained in the Migratory Bird Conservation Act of February 18, 1929 (45 Stat.1222) as amended: and

WHEREAS, action has been instituted to effect the release of the lands withdrawn by said Executive Order and it is intended that the portions purchased pursuant to said Act will be declared surplus and made available for disposal under existing law; and

WHEREAS, it appears that all or a substantial part of the lands within The Boulder Canyon National Wildlife Refuge are essential to the operation and maintenance of the Boulder Canyon Reservoir (Lake Mead), and the Bureau of Reclamation U. S. Department of Interior has signified its desire to control this area for said purpose and has requested that a permit be issued by the Fish and Wildlife Service, U. S. Department of Interior to authorize such control pending final disposition of the lands purchased pursuant to said Act;

NOW, THEREFORE, the said Fish and Wildlife Service, hereinafter referred to as the "Service", grants to the said Bureau of Reclamation, hereinafter referred to as the "Bureau", permission to use and occupy for the purpose of its operation and maintenance of Boulder Canyon Reservoir the following described lands:

Township Sixteen (16) South, Range Sixty-eight (68) East, Mt. Diablo Meridian: In Section Nineteen (19), all of the West half Northwest quarter Northeast quarter (W½NW¼NE¼), Northwest quarter Southwest quarter Northeast quarter (NW¼SW¼NE¼) and Northeast quarter Northwest quarter (NE¼NW¼); and in Section Thirty (30): That part of the Southwest quarter Northeast quarter Northeast quarter (SW¼NE¼NE¼), bounded by the following described lines: Beginning at Corner No. 1, the northeast corner of the SW¼NE¼NE¼ of Section 30; thence with part of the north-south centerline of the NE¼NE¼ of

said section, South 0°43' W., 10.210 chains to Corner No. 2, a point in the north 1/16th line of said section; thence with said line S. 89°00' W., 5.356 chains to Corner No. 3; thence with four lines common to the land of the United States (L. R. Saunders, Tract 514), N. 26°13' W., 3.887 chains to Corner No. 4; thence N. 19°16' W., 2.882 chains to Corner No. 5; thence N. 10°31' W., 2.941 chains to Corner No. 6; thence N. 12°35' W., 1.256 chains to Corner No. 7 a point on the north line of said SW¼NE¼NE¼; thence with said north line N. 89°48' E., 8.939 chains to the place of beginning; containing 7.45 acres, more or less; That part of the N½NE¼, being a 200-foot canal right-of-way lying 100 feet on each side of the following described centerline: Beginning at a point 0.46 chains west of the northeast corner of the S½NW¼NE¼, Section 30; thence S. 12°35' E., 1.562 chains; S. 10°31' E., 3.030 chains, S. 19°16' E., 3.030 chains, S. 26°13' E., 3.266 chains to a point 3.009 chains N. 89° E., of the northeast 1/16th corner of Section 30; containing 3.30 acres, more or less. All that part of the NE¼SE¼, bounded by the following described line: Beginning at Corner No. 1, the S. 1/16th corner common to Section 29 and 30; thence with the S. 1/16th line of Section 30, S. 87°15' W., 3.16 chains to Corner No. 2; thence with 2 lines common to the land of the United States (L. R. Saunders, Tract 514a). N. 3°12' E., 3.87 chains to Corner No. 3; thence N. 38°57' W., 9.47 chains to Corner No. 4; thence with the land of United States (Norman E. Shurtliff, Tract 20), N. 87°20' E., 4.08 chains to Corner No. 5, a point on the west right-of-way boundary of the Moapa Valley Railroad; thence with said right-of-way boundary S. 38°24' E., 7.86 chains to Corner No. 6, a point in the line common to Sections 29 and 30; thence with the said section line S. 0°42' W., 5.11 chains to the place of beginning, containing 4.20 acres, more or less. That part of the NE¼SE¼, being a 200-foot canal right-of-way lying 100 feet on each side of the following described centerline: Beginning at a point 8.66 chains south and 8.84 chains east of the center east 1/16th corner of Section 30; thence S. 38°57' E., 10.00 chains; S. 3°12' E., 3.45 chains to a point 5.41 chains east of the northwest corner of the E½SE¼SE¼, Section 30; containing 4.08 acres, more or less. The above described lands contain 89.03 acres, more or less.

This permit is issued subject to the following conditions and limitations:

1. That no charge will be made for the uses herein permitted.

2. The lands herein described shall be subject to the dominant use by the Service in its control over game; fur animals, and wildbirds; and the Bureau shall not do or suffer to be done by any of its agents any act that may interfere with the control by the said Service over such wildlife.

3. The Bureau will permit no act in contravention to any laws applicable to the above described lands as a wildlife refuge, and it shall take all reasonable precautions to prevent fire and to suppress any fire which may escape control.

4. The permittee shall hold and save the Service harmless from all liability on account of any claims whatsoever for wages, supplies, equipment, damage or injury to persons or property arising out of any activity conducted or undertaken under the terms of this permit or by reason of the exercise of any privilege hereunder.

5. The permit is not transferable, no privilege hereunder may be sublet or made available to any person or interest not a party hereto without the approval of the Director of the Service, and it shall not be used for speculative purposes.

6. The Bureau shall at all times accord any representatives of the United States, when in the discharge of his official duties, free and unobstructed access to and over the lands described herein.

7. This permit may be terminated at any time by agreement between the issuing officer and the Bureau; it may be revoked by the Director of the Service for noncompliance with the terms hereof or for violation of general and/or specific regulations governing the administration of national wildlife refuges; for nonuse; or for violations of any laws protecting wildlife and Government property or the nests or eggs of birds; and it is at all times subject to the discretionary revocation by the Secretary of the Interior. It is further understood that this permit shall automatically terminate as to all or any portion of the lands above described when and if the jurisdiction of the Service over said land ceases.

8. It is expressly understood that any appraisal made, under the provisions of the Surplus Property Disposal Act, shall exclude from consideration any structures, buildings, or improvements placed on the lands by the Bureau subsequent to the date this permit is issued and accepted which would either enhance or diminish the value of said lands.

Clarence Cottam
Acting Director.

Countersigned:

(Sgd) William V. Taylor
Acting Chief, Division of Wildlife Refuges.

Accepted in accordance with the above conditions and requirements.
Bureau of Reclamation, USDI

By_____

Name_____

Title_____

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

JUN 28 1946

MEMORANDUM for Mr. Albert M. Day,
Director, Fish and Wildlife Service.

Reference is made to your letter of March 7, in reply to my letter of February 5, concerning the transfer of jurisdiction to this Bureau of certain lands acquired for the Boulder Canyon National Wildlife Refuge no longer required by your Service which are essential to this Bureau in connection with the operation and maintenance of the Boulder Canyon Reservoir (Lake Mead).

Your memorandum advised that these tracts were purchased for a specific purpose with funds made available under the Act of March 16, 1934 (48 Stat. 451), as amended, in accordance with the authority granted under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, and as far as you can determine the lands cannot be transferred to this Bureau without Congressional authority. However, you have suggested that your Service would be glad to work out an arrangement whereby the use of the lands can be made available to the Bureau pending any action which would transfer the lands, if it should develop that it is possible.

Pending the disposition of the lands it is requested that a permit for their use and custody by this Bureau be issued by your Service. If it is subsequently decided to dispose of the lands, your attention is called to the fact that the following described lands fall within the 1235-foot contour elevation and are essential for the operation and maintenance of the reservoir. With respect to these tracts the Bureau has funds available for their acquisition at their appraised value. Therefore, if such tracts are declared surplus under the Surplus Property Act, this Bureau should be so notified in order that it may claim a priority with respect to their acquisition for reservoir purposes.

(a) The United States vs. Nevada Land and Livestock Co., Inc., and others (Civil No. 157).

Tract 514b: All that part of the SW¼NE¼NE¼, Section 30, T. 16 S., R. 68 E., M.D.M., bounded by the following described lines: Beginning at corner No. 1, the northeast corner of the SW¼NE¼NE¼ of Section 30, thence with part of the north-south centerline of the NE¼NE¼ of said section, S. 0°43' W., 10.210 chains to corner No. 2, a point in the north 1/16th line of said section, thence with said line S. 89°00' W., 5.356 chains to corner No. 3; thence with four lines common to the land of the United States (L. R. Saunders, Tract 514), N. 26°13' W., 3.887 chains to corner No. 4; thence N. 19°16' W., 2.822 chains

to corner No. 5; thence N. 10°31' W., 2.941 chains to corner No. 6; thence N. 12°35' W., 1.256 chains to corner No. 7, a point on the north line of said SW¼NE¼NE¼; thence with said north line S. 89°48' E., 8.939 chains to the place of beginning, containing 7.45 acres, more or less.

Tract 514c: All that part of the NE¼SE¼, Section 30, T. 16 S., R. 68 E., M.D.M., bounded by the following described lines: Beginning at corner No. 1, the S. 1/16th corner common to Sections 29 and 30; thence with the S. 1/16th line of Section 30, S. 87°15' W., 3.16 chains to corner No. 2; thence with 2 lines common to the land of the United States (L. R. Saunders, Tract 514a). N. 3°12' E., 3.187 chains to corner No. 3; thence N. 38°47' W., 9.47 chains to corner No. 4; thence with land of the United States (Norman E. Shurtliff, Tract 20), N. 87°20' E., 4.08 chains to corner No. 5, a point on the west right-of-way boundary of the Moapa Valley Railroad, thence with said right-of-way boundary S. 38°24' E., 7.86 chains to corner No. 6, a point in the line common to Sections 29 and 30; thence to the said section line S. 0°42' W., 5.11 chains to the place of beginning, containing 4.20 acres, more or less.
(Recorded in Book 16, Misc. Records, at Page 334).

(b) The United States vs. Nevada Land and Livestock Co., Inc., and others (Civil No. 96).

Parcel No. 1 - Tract 514: Part of the N½NE¼, Section 30, T. 16 S., R. 68 E., M.D.M., being a 200-foot canal right of way lying 100 feet on each side of the following described centerline: Beginning at a point 0.46 chains west of the northeast corner of the S½NW¼NE¼, Section 30, thence S. 12°35' E., 1.562 chains; S. 10°31' E., 3.030 chains, S. 19°16' E., 3.030 chains, S. 26°13' E., 3.266 chains to a point 3.009 chains N. 89° E. of the northeast 1/16th corner of Section 30.

Parcel No. 2 - Tract 514a: Part of the NE¼SE¼, Section 30, T. 16 S., R. 68 E., M.D.M., being a 200-foot canal right of way lying 100 feet on each side of the following described centerline: Beginning at a point 8.66 chains south and 8.84 chains east of the southeast 1/16th corner of Section 30; thence S. 38°57' E., 10.00 chains; S. 3°12' E., 3.45 chains to a point 5.41 chains east of the northwest corner of the E½SE¼SE¼, Section 30.
(Recorded in Book 14, Misc. Records, at Page 276).

For the Commissioner:

(Sgd) Kenneth Markwell

Kenneth Markwell,
Assistant Commissioner.

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE BUREAU OF BIOLOGICAL SURVEY RELATING TO THE DEVELOPMENT AND ADMINISTRATION OF THE BOULDER CANYON WILDLIFE REFUGE

WHEREAS a portion of the Boulder Dam Recreational Area is also designated by Executive Order as the Boulder Canyon Wildlife Refuge; and

WHEREAS the Bureau of Biological Survey of the Department of Agriculture is charged with responsibility for the administration and protection of wildlife and with construction projects to maintain and increase it; and

WHEREAS the National Park Service of the Department of the Interior is charged with the administration, protection, and maintenance of the recreational activities of the Boulder Dam Recreational Area, which embraces the Boulder Canyon Wildlife Refuge;

NOW, THEREFORE, the National Park Service, with the approval of the Secretary of the Interior, and the Bureau of Biological Survey, with the approval of the Secretary of Agriculture, do hereby mutually agree as follows:

ARTICLE I

Plans for the construction of all works within the Boulder Canyon Wildlife Refuge shall be exchanged prior to initiation by either Bureau, for comment and discussion as to possible harmful effects on wildlife or recreation. Every effort shall be made to modify plans by the initiating agency if conflict appears imminent, but the Biological Survey will be the final judge of the suitability of construction designed to increase wildlife and the National Park Service will have the ultimate decision regarding recreational works.

ARTICLE II

The National Park Service will submit for the comment of the Biological Survey, before submission to the Secretary of the Interior for approval, proposed regulations governing the conduct of visitors or activities of operators outside of buildings. The Biological Survey will likewise afford the National Park Service an opportunity to review and comment on proposed regulations for the Boulder Canyon Wildlife Refuge, before such regulations are submitted to the Secretary of Agriculture for approval.

ARTICLE III

The National Park Service representative in charge will inform the representative of the Biological Survey at Boulder Dam of existing or contemplated surpluses of CCC personnel available for work on marsh restoration or other wildlife projects of the Biological Survey. The same courtesy will be reciprocated in the event CCC personnel under the Biological Survey

becomes surplus and available for work on recreational projects. The representative of the Bureau thus offered assistance is empowered to accept or decline the proffer.

ARTICLE IV

This agreement shall remain in force until otherwise directed by agreement between the Secretary of the Interior and the Secretary of Agriculture in the exercise of their discretion or until the enactment by Congress of legislation inconsistent herewith.

Signed this 31st day of March, 1937.

(SGD) ARNO B. CAMMERER

Director, National Park Service.

(SGD) IRA N. GABRIELSON

Chief, Bureau of Biological Survey.

Approved: April 3, 1937.

(SGD) CHARLES WEST

Acting Secretary of the Interior.

May 12, 1937

(SGD) H. A. WALLACE

Secretary of Agriculture.

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE BUREAU OF RECLAMATION RELATING TO THE DEVELOPMENT AND ADMINISTRATION OF THE BOULDER CANYON PROJECT AREA

WHEREAS the Bureau of Reclamation is charged with responsibility for the construction, operation and maintenance of the Boulder Canyon Project; and

WHEREAS a large area of land has been withdrawn for the purposes of the project in accordance with the first form of withdrawal authorized by section 3 of the act of June 17, 1902 (32 Stat. 388), the exterior limits of which area are marked in blue on the attached map marked "Appendix A", and which area as so indicated or as it may hereafter be altered by the proper authority is herein designated as the Boulder Canyon Project Area; and

WHEREAS a large number of visitors used the lands and waters of the Boulder Canyon Project Area for purposes of recreation; and

WHEREAS the National Park Service has an organization experienced in administering areas devoted to recreational uses; and

WHEREAS the National Park Service has authority and funds for the administration, protection and maintenance of the recreational activities of the Boulder Canyon Project Area and for the construction and improvement of roads and trails therein (Public No. 741, 74th Congress);

NOW, THEREFORE, the National Park Service and the Bureau of Reclamation, with the approval of the Secretary of the Interior, do hereby mutually agree as follows:

ARTICLE I

GENERAL PROVISIONS

1. The Bureau of Reclamation shall retain complete jurisdiction and authority over and responsibility for Boulder Dam, all engineering works connected therewith and the territory immediately adjacent thereto. The Bureau of Reclamation shall also retain jurisdiction and authority over and responsibility for Boulder City and all activities therein located. The National Park Service shall have jurisdiction over the remainder of the Boulder Canyon Project Area, including the airport on the outskirts of Boulder City, and shall have authority over and responsibility for all activities conducted or to be conducted thereon. The agreed territorial division of authority and jurisdiction between the Bureau of Reclamation and the National Park Service is more definitely shown on the maps which are made a part of this agreement and attached hereto as "Appendix A" and "Appendix B".

00-00-0000: hand written note



2. It is mutually understood that the Boulder Canyon Project was constructed for the storage, release and utilization of water, and that the accomplishment of those purposes is to be the dominant consideration in the administration and utilization of the Boulder Canyon Project Area as a whole. The Bureau of Reclamation shall retain, therefore, complete and exclusive control of the flow and utilization of water at the Dam as well as of all public access to the Dam and the engineering works connected therewith. Likewise the Bureau of Reclamation shall retain the right to determine any controversy which may arise because of conflict between the recreational uses of the Boulder Canyon Project Area and the uses of the project for storage, release and utilization of water, and the National Park Service agrees to accept such determination, subject to the right to request the Secretary of the Interior to consider and adjudge the propriety of the determination made by the Bureau which determination shall remain effective unless and until it is reversed by the said Secretary.

3. Prior to making any new development or granting any concession, lease, license or permit, which, because of its nature or location, will affect directly or indirectly Boulder City or Boulder Dam or any established business or activity at either the City or the Dam, the National Park Service shall secure the approval of the Bureau of Reclamation. Likewise, before making any new development or granting any concession, lease, license or permit at Boulder City or Boulder Dam, which will affect directly or indirectly the recreational and tourist facilities on the remainder of the Boulder Canyon Project Area, the Bureau of Reclamation shall secure the approval of the National Park Service. If either the Bureau of Reclamation or the National Park Service, as the case may be, refuses to grant its approval, and if the difference of opinion between the two cannot be resolved informally by them, the development shall not proceed or the concession, lease, permit or license shall not issue, but the difference of opinion may be submitted to the Secretary of the Interior for consideration, after which such action shall be taken as is determined to be proper by said Secretary. It is understood and agreed that the provisions of this paragraph shall not be operative where the proposed action affects the storage, release and utilization of water, in which case the provisions of paragraph 2, above, shall control.

4. The income from all leases, licenses, or permits issued by the National Park Service within the Boulder Canyon Project Area will be deposited in a special deposit account for payment to the Bureau of Reclamation for the benefit of the Colorado River Dam Fund pursuant to the Act of December 21, 1928 (45 Stat. 1057).

ARTICLE II

FUNCTIONS OF THE NATIONAL PARK SERVICE

Subject to the territorial limitations and other provisions contained in Article I hereof, the National Park Service shall:

00-00-0000: hand written note



1. Prepare all plans for the development of recreational facilities including roads and trails, supervise the construction of such facilities, or, if found desirable, undertake and prosecute the construction of such facilities.

2. Advertise for, evaluate and approve or reject all bids or contracts for the installation or construction of recreational facilities.

3. Negotiate and enter into contracts, with the approval of the Secretary of the Interior, with private individuals, partnerships or corporations for supplying necessary public services related to the recreational use of the area, including the use of Lake Mead for boating, canoeing, bathing and sight-seeing; and to prescribe and enforce reasonable rates and standards for the supplying of such services. No such contract shall be entered into which shall extend for a period of more than 20 years, except that such contracts may be renewable for additional periods of not more than 20 years in the discretion of the National Park Service.

4. Supervise and operate, or enter into a contract with private individuals, partnerships or corporations for the operation of the Boulder City airport.

5. Establish and enforce policies regarding the occupation or leasing of lands of the area for any purpose not related to construction or operation of Boulder Dam and related works, including the reservoir, and Boulder City. It is understood that mining and grazing shall be permitted under the control and supervision of the National Park Service.

6. Make and enforce such rules and regulations for the recreational use of the area and for the safety of those who make use of it as may appear necessary or desirable.

7. Make and enforce rules and regulations for the conservation of any historic or archeological remains, and for control of all archeological excavation and historic or archeological research and, in its discretion, establish a museum or museums or adopt other means of displaying the archeological, historical, plans, animal, and mineral resources of the area.

8. Establish and maintain ranger, educational, life guard and other special services as may be necessary for the safe and full use of the area for recreational purposes.

9. Control all public transportation on the area, whether by land or water or air, except such transportation as the Bureau of Reclamation may require for the performance of its functions.

10. Coordinate its activities with those of the Bureau of the Biological Survey for the conservation and protection of wildlife within the area.

19

00-00-0000: hand written note



11. Extend to the Bureau of Reclamation advice and counsel in connection with any park, resort, or recreational development within the limits of Boulder City, whether intended primarily for use by residents of the City or the visiting public.

ARTICLE III

FUNCTIONS OF THE BUREAU OF RECLAMATION

Subject to the territorial limitations and other provisions contained in Article I hereof, the Bureau of Reclamation shall:

1. Operate Boulder Dam and reservoir and incidental engineering works for the proper storage, release, protection and utilization of water.

2. Operate and administer Boulder City. This power shall include authority to make and enforce all rules and regulations necessary for government of the City and maintenance of law and order and shall include the power to control all activities within the City, whether recreational or otherwise, and to issue leases, permits or licenses therefor.

3. Consult with the National Park Service on all matters in connection with the development or administration of Boulder City which relate to the establishment of parks or other recreational facilities, or which may in any way affect the development, administration or use of the remainder of the Boulder Canyon Project Area for recreational purposes.

4. Provide, in so far as it can without additional expense, facilities in Boulder City to accommodate the administrative personnel of the National Park Service located on the Boulder Canyon Project Area.

5. Establish and enforce rules and regulations governing public access to Boulder Dam and the engineering works appurtenant thereto, and for the control of traffic on the roads providing immediate access to the Dam and its appurtenant engineering works.

6. Provide, directly or by contract, such skilled guide and lecture service at the Dam as may be necessary to give the visiting public the important facts regarding it, including the history of its construction, and coordinate such educational activity with any related educational service which may be established elsewhere in the area by the National Park Service.

7. Establish and, in cooperation with the National Park Service, enforce such limits of approach to the Dam by water as may be necessary either for its efficient functioning or for the safety of the public.

00-00-0000: hand written note



ARTICLE IV

TERMINATION

This agreement shall remain in force until otherwise directed by the Secretary of the Interior, in the exercise of his discretion, or until the enactment by Congress of legislation inconsistent herewith.

Signed this 29 day of August, 1936.

(Sgd) A. E. Demaray,

Acting Director, National Park Service.

(Sgd) R. F. Walter,

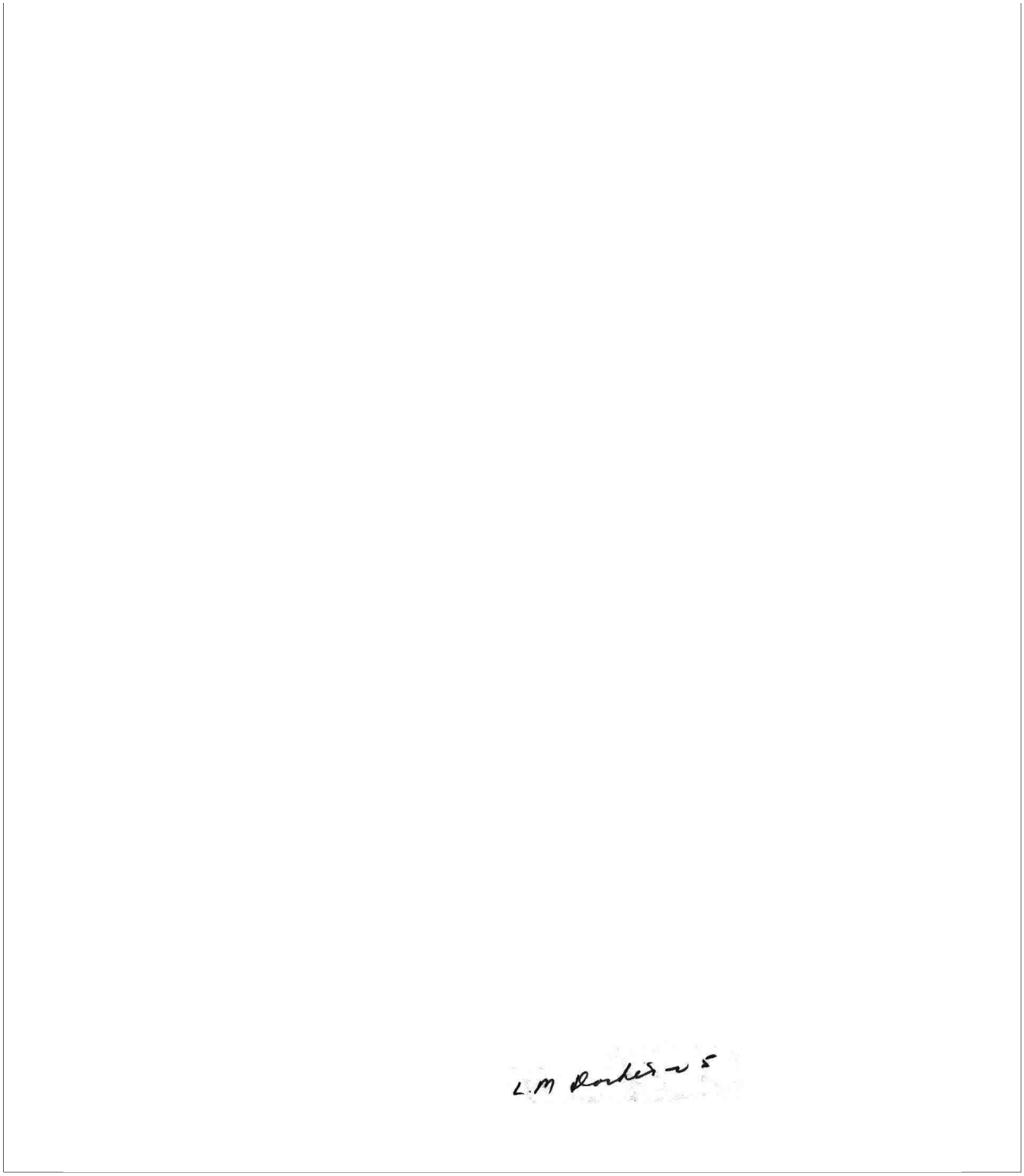
Acting Commissioner, Bureau of Reclamation.

Approved: October 13, 1936.

(Sgd) H. L. Ickes,

Secretary of the Interior.

00-00-0000: hand written note



Other Supporting Information

A44(LAME-R) Overton Wildlife
CA 8360-90-0002
(X)L54

January 9, 1995

Ms. Pamela B. Wilcox
Administrator and Ex-Officio
State Land Registrar
State of Nevada
123 West Nye Lane
Carson City, Nevada 89710

Dear Ms. Wilcox:

This letter is regarding the Memorandum of Agreement (MOA) among the United States of America and State of Nevada Division of State Lands concerning the continued use of specified lands within the Boulder Canyon Project/Lake Mead National Recreation Area designated as the Overton Wildlife Management Area.

We have recently been advised by our legal counsel of a legal insufficiency in the most recent amendment (signed in August and September 1994) to the above-captioned agreement. Specifically, the amended agreement omits a sentence in item 3, which was included in previous versions of the agreement. This item states:

> NDOW shall have, during the life of this Agreement, the privilege of using any and all of the waters available to Reclamation under Water Rights Application No. 10188, filed by the Federal Government with the State of Nevada, December 1, 1937.

In previous signed MOA's the following statement was also included in item 3:

> Any water rights, if acquired by the Contractor during the life of the Agreement shall be perfected in the name of the United States by the National Park Service.

At the time the most recent agreement was signed, the State of Nevada expressed concern that this latter clause would require Nevada Division of Wildlife (NDOW) to relinquish its irrigation shares in the Muddy Valley Irrigation Company to the United States. Since these are shares in a company and not water rights, per se (the water rights are in the name of the

irrigation company), it is the opinion of our legal counsel that they would not be subject to relinquishment. Therefore, the omitted sentence, if reinserted in the agreement, would not affect NDOW's ownership of shares in the irrigation company.

We would like to amend the agreement so that this latter statement is reinserted and any other necessary changes made to clarify this issue. To explain, it is the policy of the National Park Service (NPS) that all rights to the use of water diverted to or used on federal lands within the National Park System by the United States or its concessioners, lessors, or permittees be perfected in the name of the United States, and there is good reason for this policy; water rights within units of the National Park System which are not perfected in the name of the United States could, potentially, frustrate NPS management prerogatives and act as an encumbrance upon the land. Except as may be specified by Congress, or in the case of a right already in existence at the time of the park's establishment, the NPS is without the authority to allow such encumbrances, and, in this particular instance, the absence of the latter statement could create a presumption that the Government relinquishes its water right (Application 10188) to the State; however, the government officials who signed the agreement do not have the authority to relinquish federal property.

An amendment to the agreement to incorporate the above-described modification is being drafted and will be forwarded to you for your consideration in the near future.

Sincerely,

Alan O'Neill
Superintendent

bcc:
Robin Kohn-Glazer, Solicitor's Office, Western Region
Mietek Kolipinski, Western Region Office
Owen Williams, Water Resource Division, Ft. Collins
Chief, Resources Management, Lake Mead NRA

Idential letters sent to:

Willliam A. Molini
Administrator
State of Nevada
Division of Wildlife
P. O. Box 10678
Reno, Nevada 895200-0022

C. Wayne Howles
Deputy Attorney General
State of Nevada
123 West Nye Lane
Carson City, Nevada 89710

Memorandum sent to:

Lawrence Hancock
Regional Director
Lower Colorado Region
P. O. Box 61470
Boulder City, Nevada 89006-1470

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

November 1, 1994

L54(479)
LAME/Water Rights

To: Superintendent, Lake Mead National Recreation Area

From: Chief, Water Rights Branch

Subject: Water Rights Within the Overton Wildlife Management Area

A memorandum was transmitted to Lake Mead National Recreation Area (LAME) under my signature on October 18, 1994, which described a water rights question involving the Nevada Department of Wildlife (NDOW) and its use of water at the Overton Wildlife Management Area (Overton). As you may recall, that memorandum addressed the issue of NDOW claiming water rights within LAME as a property of the State of Nevada rather than as a property of the United States. You may also recall that my memo noted such action to be contrary to NPS policy and a possible violation of the terms of the Memorandum of Agreement (MOA) concerning management of Overton.

This office subsequently received a copy of the latest amendment to the MOA dated September 9, 1994. My staff called to my attention the fact that the underlying assumptions of my October 18th memo to you were no longer valid; this because the MOA differed substantially from the agreement in our files (signed in 1978). One of those differences, the subject of this memo, is in item 3 and deals with water rights.

In the light of my earlier memo, I feel compelled to call your attention to the possible ramifications of the changes in the latest amendment and to suggest a meeting to discuss alternative courses of action. Before going any further, I hasten to point out that this office is not staffed with attorneys and must, like the park, rely upon the counsel of the Office of the Solicitor. The advice and interpretations which follow must be considered in that light and, as appropriate, reviewed with legal counsel. With that caveat offered, the following reflects our understanding of NPS policy and its basis and is presented for your consideration and further discussion with legal counsel.

Prior to the 1994 amendment I understand item 3 of the MOA read as follows:

> "The Contractor shall have, during the life of this Agreement, the privilege of using any and all of the waters available to the Bureau under Water Right Application No. 10188, filed by the Federal Government with the State of Nevada, December 1,

> 1937. Any water rights, if acquired by the Contractor during the life of the Agreement shall be perfected in the name of the United States by the National Park Service."

My October 18, 1994, memorandum was intended to show, through background documentation, that NDOW had violated the terms of the MOA regarding ownership of water rights at Overton. Supporting this allegation my memo described: 1) statements by the NPS in previous MOAs (from at least 1953 and continuing through 1978, this office's latest copy), that any water rights at Overton which were developed by NDOW would be in the name of the United States (National Park Service); and 2) evidence of NDOW's applications for, and receipt of, a water right at Overton in the name of the State of Nevada.

The above quoted language appears in the September 4, 1994 agreement, except for the last sentence, beginning "[a]ny water rights, ...". This change would appear to mean that NDOW is no longer in violation of the terms of the MOA. However, the missing sentence may give rise to other problems. I am specifically referring to NPS policy and, perhaps, Federal law.

NPS policy states as follows (USDI, 1988):

> "All rights to the use of water diverted to or used on federal lands within the national park system by the United States or its concessioners, lessors, or permittees will be perfected in the name of the United States.
>
> The National Park Service may enter into contracts providing for the sale or lease of water to persons, states, or their political subdivisions if they provide public accommodations or services for park visitors within the immediate vicinity of a park and if they have no reasonable alternative sources of water, so long as the water transfer does not jeopardize or unduly interfere with the primary natural or cultural resources of the park. The National Park Service will submit such proposals in writing, together with related information, to the appropriate congressional committees for review prior to entering into any legally or morally binding commitments."

The basis for this policy, at least in part, is Public Law 91-383 (84 Stat. 825), which provides for the sale or lease of services, resources, or water from within an area of the National Park System. Special Directive 78-2 describes standards for implementation of Public Law 91-383, including approval by Regional Offices and appropriate Congressional committees. Legal counsel should be queried as to whether or not PL 91-383 and Special Directive 78-2, or other laws and regulations, are directly applicable to the instant case. However, on its face it would appear that, at the very least, NDOW's action in obtaining water rights in its own name conflicts with NPS policy.

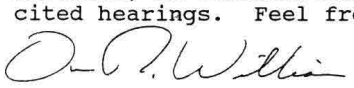
There are probably many good reasons for the above cited NPS policy, and attorneys with the Department of Justice (DoJ) have consistently required this office to be vigilant against the possibility of a lessee, or other party, obtaining water rights in

its own name on NPS lands, whether that right is to divert water within the NPS unit or to make use of it there. DoJ attorneys have pointed out that, under the law of most western states, a water right can be changed in its point of diversion, or place and manner of use. The entity obtaining the right can prevent the use of water by others and could, at its discretion, move the water right elsewhere. Obviously, this could frustrate NPS management prerogatives and act as an encumbrance upon the land.

Numerous other issues could be spawned by this situation; for example, questions of uncompensated takings, conflicts of interest, actions of an apparently arbitrary or capricious nature, adverse possession, abandonment, and so forth. Furthermore, the operation of State law can additionally confuse things because arguments can be made that the NPS isn't using its water rights, rather the lessee or permittee is the party actually making beneficial use of water.

Aside from my desire to make NPS management aware of the ramifications of the change in the above noted MOA, this memo is intended to inform management of a probable change in the NPS's ability to present and defend its case to protect its water rights in the Muddy River at hearings before the Nevada State Engineer. Two such hearings (involving water right applications of the Moapa Valley Water District and Nevada Cogeneration Associates) may occur within the next two or three months. In addition, a hearing regarding applications of the Las Vegas Valley Water District, while temporarily on hold while LVVWD searches for Colorado River water, could occur in the not-too-distant future.

With the pendency of these hearings, it may be advisable to examine what, if anything, has changed in the NPS's legal position. (Obviously, some aspects of legal and technical strategy may have to be re-thought so as to make the strongest case possible.) This office will be happy to assist in setting a meeting with attorneys from SOL and DoJ to discuss the best approach available to protect the water rights and water-related resources of LAME. Please let me know how the Water Resource Division's Water Rights Branch may be of assistance; my staff is currently preparing technical material, in coordination with SOL and LAME staff, for the above-cited hearings. Feel free to call me at (303)-225-3505.



Owen R. Williams

cc: WR - Kolipinski, Cousins
LAME - Turner, Burke
SOL (Sacramento) - Palmer
SOL (San Francisco) - Kohn-Glazer
DoJ (Denver) - Johnson
479 - Kimball, Jackson, Flora, Kliwinski, Johns, Christensen

bcc: LAME Docket 5

Christensen

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

IN REPLY REFER TO:

October 18, 1994

L54(479)
LAME/Water Rights

To: Superintendent, Lake Mead National Recreation Area

From: Chief, Water Rights Branch

Subject: Water Rights Within the Overton Wildlife Management Area

As a result of meetings with Roy Horsley of the Nevada Department of Wildlife (NDOW), Bill Burke, and Alice Johns of my staff, in preparation for water right hearings, it has come to our attention that NDOW holds water rights within Lake Mead National Recreation Area (LAME) in possible violation of the Memorandum of Agreement (MOA) between the National Park Service (NPS) and the State of Nevada, concerning management of the Overton Wildlife Management Area (OWMA). That MOA, which, according to Bill Burke was last renewed in 1993, states (Item 3):

> "The Contractor shall have, during the life of this Agreement, the privilege of using any and all of the waters available to the Bureau under Water Right Application No. 10188, filed by the Federal Government with the State of Nevada, December 1, 1937. Any water rights, if acquired by the Contractor during the life of the Agreement, shall be perfected in the name of the United States by the National Park Service."

The water rights which are held by the State of Nevada, NDOW, for diversion and use within the OWMA are as follows:

> Certificate No. 13110 for 10 cfs from the Muddy River, not to exceed 666.4 acre-feet per year. The purpose is for fish, wildlife and recreation (attached). The season of use is January 1 through December 31 each year. The priority date is April 16, 1973. The certificate is "...issued subject to the terms of the permit and with the understanding that the total duty of water shall not exceed 4.0 acre-feet per acre per annum from any and/or all sources."
>
> Permit No. 27411 for 25 cfs from the Muddy River, not to exceed 4 afa of land irrigated (attached). The purpose is for irrigation of 650 acres. The season of use is January 1 through December 31 each year. The priority date is May 7, 1974. Extensions have been granted for filing Proof of Beneficial Use. The last extension grants until

December 5, 1994. In its request for extension NDOW stated that a measuring device needs to be installed and a change application filed to change the manner and place of use. Thus, this right has not yet been perfected.

(The NDOW also owns 42.25 preferred shares (season of use May 1 to September 30) and 80.5 common shares (season of use October 1 to April 30) in the Muddy Valley Irrigation Company for use in the OWMA (NDOW, Written Communications, 1993). (These are not water rights per se, but rather irrigation shares, and are therefore not the subject of this memorandum.)

The United States holds Certificate No. 5126 (Permit No. 10188, which was referred to in the MOA, quoted above), for 25 cubic feet per second (cfs) from the Muddy River, not to exceed 2,247.28 acre-feet per year (afy), for irrigation of 561.82 acres (attached). The purpose is for irrigation and propagation of migratory waterfowl. The season of use is January 1 through December 31. The priority date is December 1, 1937.

NDOW's water right application (later certificated as No. 13110) was protested by the Muddy Valley Irrigation Company who asserted that the granting would adversely effect its decreed water rights and because the United States water permit No. 10188, Certificate No. 5126 covers the same acreage. "If the applicant now owns or leases this acreage, it probably acquired the water rights under Certificate No. 5126, and another 25 cfs would be excessive and unwarranted." The protest was overruled. The ruling stated "Some of the lands under Application No. 27412 also receive water from a permit to be issued under Application No. 27411 and Certificate No. 5126, but the total duty of water from all sources shall not exceed 4 acre-feet per acre annually."

Indeed, from an examination of the water rights of NDOW and of the United States, the areas specified as the place of use for each overlap, and the points of diversion for both NDOW's Permit No. 27411 and the United States water right are identical.

The reason I am bringing this to your attention is that this matter needs, in my opinion, to be resolved, and the sooner the better. The WRD has protested numerous water right applications, in concurrence with LAME, on the grounds that NPS's water right to the Muddy River would be injured, and we anticipate that several of these will go to hearing before the Nevada State Engineer in the near future. Until the ownership of the water rights is resolved, the NPS may be vulnerable to challenges that its water right has not been exercised. A retort to such accusations might be that the right is being used, and that per the MOA, only the rights of the United States can be used on these lands. However, this situation would probably not do anything to foster good relations between NPS and NDOW, and could place water rights, valuable property rights, in jeopardy.

The WRD has begun collecting information to help resolve the issue. As explained above, water right permits and certificates of the NPS and the State of Nevada were reviewed. Roy Horsley of NDOW confirmed that NDOW or the State of Nevada has obtained water permits (and a certificate) in its own name. (From speaking with Mr. Horsley, it does not appear that--if this was a violation of the MOA between the NPS and the State of Nevada--it was intentional.) The WRD's files for LAME were also reviewed, and no record of NPS approving or condoning the filing of water rights in the name of the State of Nevada was found; on the contrary, all records seem to indicate the opposite. That is, it appears from reviewing the records in this office that NPS and the State of Nevada have agreed, since at least December 24, 1953, that any water rights be perfected in the name of the United States by the National Park Service. Selected documentation from WRD files is attached.

Master Title Plats were reviewed to verify land status for lands along the Muddy River within LAME. A discrepancy was found between the master title plats (which show that the land is in private ownership) and the NPS's land status map. Bob Cousins, Division of Lands, Western Region, is investigating the land status for these and a few other selected parcels in LAME to verify whether the lands are private, acquired, or reserved from Public Domain.

Staff of the Field Solicitor's Office (Robin Kohn-Glazer) has been informed of this issue during informal discussions with Alice Johns of my staff concerning NPS's protest of a water right application. However there has been no formal request for assistance.

I recommend that you examine the results of Mr. Cousins land status investigation to confirm that the lands are in Federal ownership, check LAME files for documentation and then, in consultation with SOL, contact NDOW to resolve this issue.

If you would like the assistance of the WRD with any of these recommendations, please contact me at (303)-225-3505.

Owen R. Williams

Owen R. Williams

cc: WR - Kolipinski, Cousins
LAME - Turner, Burke
SOL (Sacramento) - Palmer
SOL (San Francisco) - Kohn-Glazer
479 - Kimball, Jackson, Flora, Kliwinski, Johns, Christensen

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

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October 18, 1994

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LAME/Water Rights

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Owen R. Williams

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cc: WR - Kolipinski, Cousins
LAME - Turner, Burke
SOL (Sacramento) - Palmer
SOL (San Francisco) - Kohn-Glazer
479 - Kimball, Jackson, Flora, Kliwinski, Johns, Christensen

10-18-1994: letter to state of nevada from division of water resources regarding application of extension of time

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710

RECEIVED
'93 FEB 18 A9:27

In reply refer to
No. 27411

February 16, 1993

Address All Communications to the State Engineer, Division of Water Resources
Telephone (702) 687-4380

State of Nevada
Department of Wildlife
P.O. Box 10678
Reno, NV 89520

Gentlemen:

This is to inform you that Application for Extension of Time

has been granted to....., 19.....

for filing of the.....

.....

.....

December 5, 93
has been granted to....., 19.....

with the provision that no further extensions will be granted

Proof of Beneficial Use and Cultural Map
for filing of the.....

.....

.....

except for good cause shown as provided under NRS 533.390 and 533.410.

Very truly yours,

Christine Thiel, P.E.
Office Engineer

CT/pm
cc: Southern Nevada Branch Office

Form M (Rev. 3-90)

12-20-1991: letter to division of water resources from cons. proj. supervisor regarding request for withdrawal of pbu for permit no

STATE OF NEVADA
DEPARTMENT OF WILDLIFE
1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 688-1500
Fax (702) 688-1595

BOB MILLER
Governor

WILLIAM A. MOLINI
Director

12-20-91

December 20, 1991

Mr. Steve Brown
Division of Water Resources
123 W. Nye Lane
Carson City, NV 89710

RE: REQUEST FOR WITHDRAWAL OF PBU FOR PERMIT NO. 27411

Dear Steve:

The Department of Wildlife requests a withdrawal of the application for proof of beneficial use for surface water permit No. 27411 filed July 6, 1983 and corrected September 12, 1991. This withdrawal request is based on discrepancies for places of use between the original permit application and the PBU application.

An application for extension of time for the above-referenced permit was filed and approved. A change application, correcting place of use discrepancies will be forthcoming shortly.

Thank you for all of your assistance regarding Department of Wildlife water rights and proofs, your help is greatly appreciated.

Sincerely,

WILLIAM A. MOLINI

Mark A. Fraga
Cons. Proj. Supervisor

L-60

12-05-1994: letter informing of the granting of an extension of time

06-20-1994 02:47PM FROM TO 9130322599965 P.01

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710

In reply refer to No.
27411

April 1, 1994

Address All Communications to the State Engineer, Division of Water Resources
Telephone (702) 687-4380

State of Nevada,
Department of Wildlife
P.O. Box 10678
Reno, NV 89520-0022

This is to inform you that Application for Extension of Time

has been granted to....., 19.....

for filing of the.....

.....

.....

has been granted to December 05, 1994

with the provision that no further extensions will be granted

for filing of the Proof of Beneficial Use & Cultural Map

.....

.....

except for good cause shown as provided under NRS 533.390 and 533.410.

Very truly yours,

Christine Thiel, P.E.
Office Engineer

CT/cmg

cc: Southern Nevada Branch Office

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 3

To Denise Newberry	From Rob Martinez
Co. U.S. Nat'l Park Service	Co.
Dept. 9965	Phone # 702 687-4381
Fax # 303-225-3525	Fax # 6972

Form M (Rev. 1-90)

12-26-1993: application of extension of time: permit no. 27411

06-20-1994 02:47PM FROM TO 9130322599B5 P.02

BEFOI THE STATE ENGINEER OF THE ST[illegible] OF NEVADA

FILED
DEC 2 1 1993
STATE ENGINEER'S OFFICE

APPLICATION FOR EXTENSION OF TIME

Owner of Record Nevada Department Of Wildlife

IN THE MATTER OF PERMIT NO. 27411 FILED TO APPROPRIATE / CHANGE THE WATERS OF

Muddy River
(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Mark A. Fraga (Person Signing Application), the Agent-Permittee (Permittee or Agent)

under Permit No. 27411, who after being first duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. If this permit has multiple owners, is this request for an extension of time submitted on behalf of all the owners?
N/A ☐ YES ☒ NO *(Check the Appropriate Box)*

2. If "NO", on whose behalf is this extension being filed? Does Not Apply

3. How much time is needed to finish this project? One Year

4. To date, what is the total expendinure on this project? $90,000 +

5. In order to complete this project as set forth in the permit terms, what additional funds will be spent? $3,500. +/-

6. The permittee requests an extension of time for One Year (Not to exceed 1 year) within which to comply with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)

7. Explain in detail why this request for an extension of time is being submitted *(Use additional sheets if necessary):*
A new flume was installed to measure flows in sumerged conditions and has failed to perform. A new measuring device will be installed and a change application to change the manner and place of use.

Signed [signature] (Permittee or Agent)

Address P.O. Box 10678 (Street No. or P.O. Box No.)
Reno, NV 89520-0022 (City, State, Zip Code No.)

Phone (702) 688-1564

Subscribed and sworn to before me this 16 day of December, 19 93

[signature]

Notary Public in and for the County of Washoe

State of Nevada

My commission expires Oct 12, 19 97

SHELLEY REIMERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES OCT. 12, 1997

$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

R.D (Rev 3-93) 7-23-94

101-1582

AMENDED

No 27111

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office APR 16 1973

Returned to applicant for correction MAY 15 1973

Corrected application filed JUL 9 1973

Map filed JUL 9 1973

The applicant State of Nevada, Department of Fish and Game

of Box 10678 Reno, County of ,

State of Nevada 89510, 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; if a copartnership or association, give names of members.)

---

1. The source of the proposed appropriation is Muddy River
   Name of stream, lake or other source.

2. The amount of water applied for is 25 second-feet
   One second-foot equals 448.83 gals. per min.
   (a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Irrigation
   Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:
   (a) Irrigation (state number of acres to be irrigated) 650
   (b) Stockwater (state number and kinds of animals to be watered)
   (c) Other use (describe fully under "No. 12. Remarks")
   (d) Power:
   (1) Horsepower developed
   (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: within the SW¼ NE¼, Sect. 19 T.16S., R.68E., M.D.B.&M. from which point the SW corner of
   Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
   said Sect. 19 lies S 53° -51' -02" W 4,421.16 ft.

6. Place of use All or portions of following subdivisions: Section 29
   Describe by legal subdivision, if on unsurveyed land it should be so stated.
   S½ SE¼, NW¼ SE¼, SW¼; Section 30 NE¼ SE¼; Section 32 N½, N½ SE¼; Section 33 SW¼ NE¼, S½ SE¼, NW¼ SE¼, E½ SW¼, S½ NW¼, NW¼ NW¼ all lying in T.16S., R.68E., M.D.B.&M.

7. Use will begin about January 1 (Month) and end about December 31 (Month), of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Existing diversion dam, existing and proposed concrete-lined and dirt ditches.
   State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

Estimated cost of works $100,000 (mostly existing)

10. Estimated time required to construct works 5 years

11. Estimated time required to complete the application to beneficial use 7 years

12. Remarks Most or all of the land to be irrigated has, at some time in the past, been previously irrigated from the same point of diversion. Most of the land lies below the high water line of Lake Mead.

Applicant State of Nevada
Department of Fish and Game

By s/ Frank W. Groves
Frank W. Groves
Box 10678
Reno, Nevada 89510

Compared lk/cm lk

APPROVAL 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:

This permit is issued subject to all existing rights on the source with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 25.0 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before November 7, 1974

Proof of commencement of work shall be filed before December 7, 1974

Work must be prosecuted with reasonable diligence and be completed on or before November 7, 1975

Proof of completion of work shall be filed before December 7, 1975

Application of water to beneficial use shall be made on or before November 7, 1978

Proof of the application of water to beneficial use shall be filed on or before December 7, 1978

Map in support of proof of beneficial use shall be filed on or before December 7, 1978

Commencement of work filed
Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued
Recorded Bk Page
County Recorder

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of May,

A.D. 19 74

Roland D. Westergard
State Engineer

218 (Rev. 1-70)

10-16-1991: letter to nevada department of fish and game from state engineer regarding certificate no. 13110

BOB MILLER
Governor

STATE OF NEVADA

NEVADA DEPARTMENT OF WILDLIFE
RECEIVED
'91 OCT 17 10:07

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710
(702) 687-4380

27412

October 16, 1991

Mark A. Fraga
State of Nevada Department
of Fish and Game
P.O. Box 10678
Reno, Nevada 89520

Dear Mr. Fraga:

Enclosed is Certificate number 13110 issued under the provisions of NRS 533.425.

Sincerely,

R. Michael Turnipseed P.E.

R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/bk
Enclosure

cc: Southern Nevada Branch Office

Application No. **27412** Certificate No. **13110** Book 45 Page 13110

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Mark A. Fraga, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Muddy River through concrete and dirt ditches for Fish, Wildlife and Recreation purposes. The point of diversion of water from the source is as follows:

SW1/4 NE1/4, Section 19, T.16S., R.68E., M.D.B.&M. or at a point from which the SW corner of said Section 19 bears S 53° 06' W. a distance of 4,525 feet situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	**State of Nevada, Department of Fish and Game**
Source:	**Muddy River**
Manner of Use:	**Fish, Wildlife and Recreation**
Amount of appropriation:	**10.0 c.f.s. but not to exceed 666.4 acre-feet**
Period of use:	**January 1st to December 31st of each year**
Date of priority of appropriation:	**April 16, 1973**

Description of the works of diversion, manner and place of use:

Water is diverted by means of a diversion dam via 43,574 feet of ditches with outlets, gates, drops and a large Parshall flume, thence to four ponds (Honeybee, Wilson, Feour and an unnamed pond), covering 166.6 acres in the E1/2 NE1/4, SW1/4 NE1/4, Section 19; SW1/4 NW1/4, Section 20; SW1/4 SE1/4, Section 29; NE1/4 NW1/4, NW1/4 NE1/4, SE1/4 NE1/4, E1/2 SE1/4, Section 32; W1/2 NW1/4, S1/2 SE1/4, W1/2 SW1/4, Section 33, M.D.B.&M. for fish, wildlife and recreation.

This certificate is issued subject to the terms of the permit and with the understanding that the total duty of water shall not exceed 4.0 acre-feet per acre per annum from any and/or all sources.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 16th day of OCTOBER, A.D. 19 91.

R. Michael Turnipseed PE
State Engineer

03-26-1974: letter to nevada department of fish and game from state engineer regarding app. no. 27412

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

Address All Communications to the State Engineer, Division of Water Resources

In reply refer to No. 27412

March 26, 1974

Director	( )
Adm. Chief	( )
Staff Sp.	( )
Adm. Office	( )
License	( )
Pub. Inf.	( )
Fisheries	( )
Game	( )
Fed. Aid	( )
Eng.	( ) Doki Handle
L E/Radio	( )

State of Nevada
Department of Fish and Game
P. O. Box 10678
Reno, Nevada 89510
Certified Mail No. 226148

Mr. Karl Marshall, President
Muddy Valley Irrigation Co.
Overton, Nevada 89040
Certified Mail No.226149

Gentlemen:

Enclosed is our official ruling in the matter of Application No. 27412 filed on April 16, 1973, to appropriate water from the waters of the Muddy River for fish, wildlife and recreation purposes in Clark County, Nevada.

Request for Permit Fees will be mailed at a later date.

Very truly yours,

Roland D. Westergard
State Engineer

cc: Rulon A. Earl
Las Vegas Branch Office
Delyle Danner

RDW/bs

IN THE MATTER OF APPLICATION 27412,)
FILED BY THE STATE OF NEVADA,)
DEPARTMENT OF FISH AND GAME) R U L I N G
TO APPROPRIATE WATER FROM MUDDY RIVER)
IN CLARK COUNTY, NEVADA)

GENERAL:

Application 27412 was filed April 16, 1973, by the State of Nevada, Department of Fish and Game, to appropriate 25 c.f.s. of the waters of the Muddy River and tributaries for fish, wildlife and recreation use, to be diverted within the SW¼ NE¼ Section 19, T.16S., R.68E., M.D.B.& M. The place of use is described as including portions of Sections 19, 20, 29, 32 and 33, T.16S., R.68E., M.D.B.& M. and the period of use would begin on January 1st and end December 31st of each year.

Application 27412 was protested September 19, 1973, by the Muddy Valley Irrigation Company on the following grounds:

1. Granting of the application would adversely affect the decreed water rights of the protestant.

2. The records indicate Application No. 10188, Certificate No. 5126, Book 15, page 5126, for 25 c.f.s. was granted to the United States of America, Department of Interior, National Park Service, covering the same acreage. If the applicant now owns or leases this acreage, it probably acquired the water rights under Certificate No. 5126, and another 25 c.f.s. would be excessive and unwarranted.

The Muddy River was adjudicated and a State Decree issued on March 12, 1920.

OPINION:

It is the opinion of this office that, since the applicant is the last user on the Muddy River before it enters Lake Mead, no existing rights will be affected by the granting of a permit for Application 27412.

RULING:

The protest to the granting of Application 27412 is herewith overruled and a permit will be issued upon receipt of the statutory permit fee, subject to all existing rights on the source with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. Some of the lands under Application 27412 also receive water from a permit to be issued under Application 27411 and Certificate 5126, but the total duty of water from all sources shall not exceed 4.0 acre feet per acre annually.

Respectfully submitted,

Roland D. Westergard
State Engineer

Dated this 26th day

of March, 1974.

RDW/SH/bs

March 6, 1974

John Donaldson

Water Right Application 27412 at Overton WMA

Don Osborne

As discussed yesterday on the phone, we have one existing Certificated Permit for 25 cfs and two new applications for 25 cfs each.

Existing certificated right is No. 5126 with a priority date of December 1, 1937. It essentially covers the main station including Honey Bee, A-Series, B-Series and Lower Series.

Application 27411 was filed April 16, 1973, for irrigation purposes. The place of use is shown on the maps in your possession. This application was not protested. It covers areas not included in Certificate No. 5126 such as north of Fear Pond and between the old and new roads.

Application 27412 was also filed April 16, 1973, and is for fish, wildlife and recreation purposes. The Muddy Valley Irrigation Co. protested this application.

Again, the areas of intended use are shown on the map. It is intended for supplemental water in Wilson and Honey Bee Ponds. It is also intended for all the water in Fear Pond, the New Pond and the proposed ponds just north of New Pond and between the old and new roads.

AMENDED

No. 27412

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office APR 16 1973

Returned to applicant for correction MAY 15 1973

Corrected application filed JUL 9 1973

Map filed JUL 9 1973 under 27412

The applicant State of Nevada, Department of Fish and Game

of Box 10678 Reno, County of

State of Nevada 89510, hereby makes application for permission to appropriate the pul waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpo tion; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Muddy River
   Name of stream, lake or other source.

2. The amount of water applied for is 25 second-
   One second-foot equals 448.83 gals. per min.
   (a) If stored in reservoir give number of acre-feet 755 acre-

3. The water to be used for Fish, Wildlife and Recreation
   Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:
   (a) Irrigation (state number of acres to be irrigated)
   (b) Stockwater (state number and kinds of animals to be watered)
   (c) Other use (describe fully under "No. 12. Remarks") See Remarks
   (d) Power:
   (1) Horsepower developed
   (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: within the SW¼ NE¼ Sect. T.16S., R.68E., M.D.B.&M. from which point the SW corner of said Sect. 19 lies S 53° -51'-02" W 4,421.16 ft.
   Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. Place of use All or portions of the following subdivisions: Sect. 19 E½NE¼, SW¼NE¼; Sect. 20 SW¼NW¼; Sect. 29 SW¼NE¼, SE¼, SW¼; Sect. 32 SE¼NE¼, NW¼NE¼, N½SE¼, SE¼SE¼, NE¼SW¼, NW¼; Sect. 33 S½SE¼, NW¼SE¼, SW¼, W½NW¼ T.16S., R.68E., M.D.B.&M.
   Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
   Month Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit pl and specifications of your diversion or storage works.) Existing diversion dam, exist and proposed concrete-lined and dirt ditches. Most of the ponds were existing when first leased from the U. S. Government.
   State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits

mated cost of works $100,000 (mostly existing)

10. Estimated time required to construct works 5 years

11. Estimated time required to complete the application to beneficial use 7 years

12. Remarks Water will be used for fish, wildlife and recreation purposes in shallow impoundments. Some or all of the ponds have been used intermittently over the years. Most of the ponds are below the high water line of Lake Mead.

State of Nevada
Applicant Department of Fish and Game

Pro. 9/19/73 by Muddy Valley Irrigation Co.
Overruled 3/26/74 - Ruling #1954

By s/ Frank W. Groves
Frank W. Groves
Box 10678
Reno, Nv. 89510

Compared lk/cm lk/bs

APPROVAL 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:

This permit is issued subject to all existing rights on the source with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. It is understood that the 25.0 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times. This permit is also subject to the terms and conditions of the State Engineer's ruling dated March 26, 1974.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 25.0 cubic feet per second, but not to exceed 4.0 acre feet per acre annually.

Actual construction work shall begin on or before November 7, 1974

Proof of commencement of work shall be filed before December 7, 1974

Work must be prosecuted with reasonable diligence and be completed on or before November 7, 1975

Proof of completion of work shall be filed before December 7, 1975

Application of water to beneficial use shall be made on or before Novmeber 7, 1978

Proof of the application of water to beneficial use shall be filed on or before December 7, 1978

Map in support of proof of beneficial use shall be filed on or before December 7, 1978

Commencement of work filed
Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued
Recorded Bk. Page
County Recorder

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of May, A.D. 19 74.

State Engineer

218 (Rev. 1-70)

07-26-1961: letter to nps from state engineer regarding certificate no. 5126

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

STATE OFFICE BUILDING
P. O. Box 605
Carson City, Nevada

In reply refer to No.
10188

July 26, 1961

United States of America,
Department of the Interior,
National Park Service
c/o Mr. Frank W. Groves
P. O. Box 678
Reno, Nevada

Gentlemen:

Enclosed herewith is certificate No. 5126 issued under the provisions of NRS 533.425, which certificate has been recorded in the records of Clark County, Nevada, as required by law, and the proper notations entered on the reverse side of the certificate.

Official receipt No. 55091, issued in the sum of $ 1.00 covering the statutory fees received for recording the certificate is enclosed herewith.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

lb

BOOK 307

248249
(3-1)

Application No. 10188 Certificate Record No. 5126 Book 15 Page 5126

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Frank W. Groves, director has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Muddy Creek through diversion structure, canals and laterals for *irrigation and propagation of migratory waterfowl purposes. The point of diversion of water from the source is as follows: NW¼ SE¼ Sec. 19, T. 16 S., R. 68 E., M.D.B.&M., or at a point from which the S.W. corner of said Sec. 19 bears S. 53° 51' 02" W., 4,421.16 feet. situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator United States of America, Department of the Interior, National Park Service

Post-office address Washington 25, D. C.

** Amount of appropriation 25 c.f.s., but not to exceed 2,247.28 ac.ft. annually

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation December 1, 1937

Description of land to which water is appurtenant:

(See attached sheet)

* Irrigated crops are grown for wildlife food. Some crops are flooded in the fall to increase the waterfowl carrying capacity.

** Land under this certificate is also irrigated from other sources and the total duty of water from all sources shall not exceed 4.0 acre feet per acre annually.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I EDMUND A. MUTH, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of June, A. D. 1961.

Compared lb/hs

Recorded 7/10/61 Bk 307 Page

Clark County Records.

SEAL AFFIXED

Edmund A. Muth
State Engineer.

2515

BOOK 307

248249

(2-2)

Page 2

Application No. 10188 Certificate Record No. 5126 Book 15 Page 5126

1.65	acres	in	NE¼	NE¼	Section	19,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
25.16	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"	"
1.40	"	"	SW¼	NE¼	"	"	"	"	"	"	"	"	"
27.85	"	"	NW¼	SE¼	"	"	"	"	"	"	"	"	"
38.64	"	"	NE¼	SE¼	"	"	"	"	"	"	"	"	"
8.11	"	"	SW¼	SE¼	"	"	"	"	"	"	"	"	"
39.58	"	"	SE¼	SE¼	"	"	"	"	"	"	"	"	"
16.38	"	"	SW¼	NW¼	Section	20,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
15.24	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"	"
33.42	"	"	SW¼	SW¼	"	"	"	"	"	"	"	"	"
34.18	"	"	NW¼	NW¼	Section	29,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
1.18	"	"	NE¼	NW¼	"	"	"	"	"	"	"	"	"
31.52	"	"	SE¼	NW¼	"	"	"	"	"	"	"	"	"
35.97	"	"	SW¼	NW¼	"	"	"	"	"	"	"	"	"
1.76	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"	"
3.97	"	"	NW¼	SE¼	"	"	"	"	"	"	"	"	"
24.21	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"	"
40.72	"	"	NE¼	SW¼	"	"	"	"	"	"	"	"	"
34.12	"	"	NE¼	NE¼	Section	30,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
13.48	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"	"
6.98	"	"	NE¼	NE¼	Section	32,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
21.59	"	"	SE¼	NE¼	"	"	"	"	"	"	"	"	"
9.80	"	"	NE¼	SE¼	"	"	"	"	"	"	"	"	"
2.57	"	"	SE¼	SE¼	"	"	"	"	"	"	"	"	"
2.20	"	"	NW¼	NW¼	Section	33,	T.	16	S.,	R.	68	E.,	M.D.B.&M.
32.47	"	"	SW¼	NW¼	"	"	"	"	"	"	"	"	"
27.99	"	"	NW¼	SW¼	"	"	"	"	"	"	"	"	"
3.38	"	"	NE¼	SW¼	"	"	"	"	"	"	"	"	"
9.37	"	"	SE¼	SW¼	"	"	"	"	"	"	"	"	"
16.93	"	"	SW¼	SW¼	"	"	"	"	"	"	"	"	"

561.82 acres total

APPLICATION FOR PERMIT **Serial No.** 10188
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office Dec. 1, 1937
Returned to applicant for correction _____
Corrected application filed _____

The undersigned U. S. Dept. of Agriculture, Bureau of Biological Surve
(Name of applicant)
of _____, County of _____,
State of Washington, D. C., 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 Muddy Creek
(Name of stream, lake, or other source)

2. The amount of water applied for is 25 second-feet.
(One second-foot equals 40 miners' inches)

3. The water to be used for Irrigation and for propagation of migratory wat fowl.
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point:
Point of diversion lies 2608 feet due north, thence 3570 feet due east from General Land Office section corner 19, 24, 25, and 30, T. 16 S., R. 68 E., Mt. Diablo M.
(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.)

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

(a) Number of acres to be irrigated is 2520.

(b) Description of land to be irrigated T. 16 S., R. 68 E., Mt. Diablo Meridian: Sec. 19, $NE\frac{1}{4}$ $NE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$; Sec. 20, $SW\frac{1}{4}$; Sec. 28, $W\frac{1}{2}$ $SW\frac{1}{4}$; Sec. 29, $NW\frac{1}{4}$ $NE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$; Sec. 30, $E\frac{1}{2}$ $E\frac{1}{2}$; Sec. 31, $E\frac{1}{2}$ $NE\frac{1}{4}$, $NE\frac{1}{4}$ $SE\frac{1}{4}$; Sec. 32 All; Sec. 33, $SW\frac{1}{4}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$, $SW\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$, $S\frac{1}{2}$ $SE\frac{1}{4}$.
(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 Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

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.

(e) Place of use _____
(Give location of place of use by legal subdivision)

(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 _____ (Month) and end about _____ (Month), of each year.

(i) Remarks _____

DESCRIPTION OF PROPOSED WORKS

Water to be diverted from Muddy Creek by means of rubble masonry, flash-
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water
board, control structure and conveyed to place of use through open ditches,
is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.
Minimum ditch section between point of diversion and place of use will be
3 feet deep, 4 feet bottom width, with 1 to 1 side slopes. Minimum ditch
slope .00055.

5. **Estimated cost of works** $8,000

6. **Estimated time required to construct works** Five years.

7. **Remarks** These plans to be devloped as an integral part of a more
For use of applicant
comprehensive plan.

U. S. Department of Agriculture,
Bureau of Biological Survey., **Applicant.**

By Luther M. Winsor
Irrigation Engineer

Compared RMG-CT

This sheet inspected

Engineer.

Protested March 9, 1938 by Muddy Valley Irrigation Co.

APPROVAL **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:

This permit is issued subject to all existing rights on the source and with the understanding that the water is limited to that which is available at the point of diversion without demand for release upon any present upstream user. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 25.0 **cubic feet per second,** and not to exceed a yearly duty of 4 acre-feet per acre of land irrigated.

Actual construction work shall begin on or before February 11, 1955

Proof of commencement of work shall be filed before March 11, 1955

Work must be prosecuted with reasonable diligence and be completed on or before February 11, 1956

Proof of completion of work shall be filed before March 11, 1956

Application of water to beneficial use shall be made on or before February 11, 1960. **Proof of the application of water to beneficial use must be filed with State Engineer on or before** March 11, 1960

Map filed Jan. 17, 1938

WITNESS MY HAND AND SEAL this 11th **day of** August, 1954

218

State Engineer.

MEMORANDUM OF AGREEMENT
Between
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION AND NATIONAL PARK SERVICE
and
THE STATE OF NEVADA

THIS AGREEMENT, entered into this 28th day of July, 1978, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, hereinafter respectively referred to as the Bureau and the Service, and the State of Nevada, acting through the State Department of Fish and Game, hereinafter referred to as the Contractor,

WITNESSETH:

WHEREAS, the Bureau is responsible for administering the Boulder Canyon Project pursuant to 45 Stat. 1057, as amended (43 USC 617 et. seq.) for the purpose of storing, releasing, and utilizing water, and

WHEREAS, The Service administers the Lake Mead National Recreation Area pursuant to Public Law 88-639 (16 USC 460n et. seq.), and

WHEREAS, the Service, the Bureau and the State of Nevada, acting through the State Fish and Game Commission, executed an agreement dated January 14, 1953, and amended December 24, 1953, and May 15, 1962, for the lease of specified lands within the Boulder Canyon Project for the development and administration as a wildlife-restoration project under the provisions of the Act of Congress approved September 2, 1937, entitled, "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," (50 Stat. 917;16 USC, 1946 ed., Sec. 669 et. seq.) as amended; (50 CFR 80.1 et. seq.), and

WHEREAS, the Contractor desires to continue using specified lands within the Boulder Canyon Project/Lake Mead National Recreation Area designated as the Overton Wildlife Management Area.

NOW, THEREFORE, the Bureau, Service, and Contractor do hereby agree as follows:

1. The Bureau and the Service hereby permit the Contractor to develop, maintain, and administer for wildlife restoration and management purposes, the following described lands, including public lands of the United States withdrawn for reclamation purposes and lands acquired by the United States as part of the Lake Mead National Recreation Area subject to the reservations and exceptions contained in this Memorandum of Agreement:

Description of Leased Land

Mount Diablo Meridian

A. Intensively Developed Area.

Township 16 South, Range 68 East

Sec. 19, NE¼, NE¼NW¼, E½NE¼SW¼, N½SE¼, E½SW¼SE¼, SE¼SE¼, E½SW¼SE¼NW¼, SE¼SE¼NW¼, E½NW¼NE¼SW¼, E½NW¼SW¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼, S½NE¼SW¼;
Sec. 28, W½SW¼, SE¼SW¼;
Sec. 29, All;
Sec. 30, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, E½E½NW¼NE¼, NE¼NE¼SE¼, E½SE¼SE¼;
Sec. 31, E½NE¼;
Sec. 32, NW¼, N½SW¼, E½;
Sec. 33, All.

B. Wildlife Management Area General.

Township 15 South, Range 68 East

Sec. 36, SE¼SE¼.

Township 15 South, Range 69 East

Sec. 31, SE¼NW¼, SW¼.

Township 16 South, Range 68 East

Sec. 1, E½, E½SW¼, S½SE¼NW¼;
Sec. 12, E½, E½W½;
Sec. 13, E½, E½NW¼, SW¼;
Sec. 23, E½SE¼;
Sec. 24, All;
Sec. 25, All;
Sec. 26, SE¼, N½NE¼, E½SW¼;
Sec. 28, E½, NW¼, NE¼SW¼;
Sec. 31, W½NE¼, SE¼;
Sec. 32, S½SW¼;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

Township 16 South, Range 69 East

Sec. 6, NW¼, W½SW¼;
Sec. 7, W½;
Sec. 18, W½, SW¼SE¼;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.

Township 17 South, Range 68 East

Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, All;
Sec. 5, All.

Township 17 South, Range 69 East

Sec. 6, All.

2. In the event that the Bureau determines that certain of the lands described above are surplus to its needs in the operation of the Boulder Canyon Project, the Contractor will be so notified so that it may attempt to acquire said lands in its own name. Should the Contractor acquire any such lands they will be deleted from this Agreement by amendment thereto.

3. The Contractor shall have, during the life of this Agreement, the privilege of using any and all of the waters available to the Bureau under Water Right Application No. 10188, filed by the Federal Government with the State of Nevada, December 1, 1937. Any water rights, if acquired by the Contractor during the life of the Agreement shall be perfected in the name of the United States by the National Park Service.

4. The Bureau and/or Service shall retain control of and the use of water arising from Kelsey Springs now covered by Water Right Application 1802, Certificate 296, with the State of Nevada, dated December 14, 1916, provided that the Contractor may be granted the use of water in excess of the requirements of the Bureau or the Service or both.

5. All rights and benefits accruing to the Contractor under this Agreement are subordinate to the rights of the Bureau in carrying out its obligations and responsibilities in the storage, release, control, and utilization of water in the Boulder Canyon Project, and to the rights of the Service in the administration of the Recreation Area.

6. The Contractor will continue to plan, develop, and manage the area as a State operated Wildlife Management Area; however, general layout and major development plans in furtherance of this program shall, before being acted on, first be subject to approval by the Bureau and by the Service. This approval shall be in addition to any approval of the project plans and estimates by the United States Fish and Wildlife Service as a condition to the extension of Federal Aid to the project as a wildlife-restoration project.

7. There is excepted and reserved from the lands permitted hereby:

a. The right to establish and maintain rights of way or other easements needed in carrying on the activities of the Bureau or the Service;

b. The right of the officers, agents, employees, licensees, and permittees of the United States, at all proper times and places, freely to have ingress to, passage over, and egress from all of the lands covered by this Agreement for the purpose of carrying on official activities of the Bureau or the Service;

c. The right of the United States to all uranium, thorium, or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same;

d. The right to require the Contractor to remove any part or all of any structure or improvement placed on the land which will interfere with the official duties, obligations, or operations of the Bureau or the Service. Written notice of any request for such removal will be served on the Contractor and upon failure of the Contractor to comply with such request within sixty days after notice, the Bureau or the Service may at their option terminate the Agreement.

8. All income derived by the Contractor from the permitted area, other than the intensively developed area as agreed upon and described earlier, shall be paid to the Bureau for benefit of the Colorado River Dam Fund pursuant to the Act of Congress approved December 21, 1928, (45 Stat. 1057); all income from the intensively developed area will be deposited in the State Fish and Game Fund and an equivalent amount or more must be used for the maintenance of the said area.

9. The Contractor shall not assign the subject area, in whole or in part, without the consent in writing of the Bureau and the Service, and any attempted transfer or assignment, whether voluntary or involuntary, without such consent in writing, shall, at the option of the United States, subject the Agreement to immediate termination; however, the Contractor may assign or contract the

development and operation of the area or parts of the area to private individual(s) for farming or other specific wildlife management purposes providing the assignment or contract does not grant the assignee or Contractor rights beyond those received by the Contractor under this Agreement.

10. The United States assumes no responsibility for damage to property or injuries to persons which may arise from or be incident to the use and occupation of the subject lands by the Contractor or for damages to the property or injuries to the persons of any of the Contractor's officers, agents, servants, or employees, or others who may be on said property at their invitation or the invitation of any one of them.

11. The Contractor will indemnify and hold harmless the United States from any claim arising from damage to the property or injury to the persons of others, including members of the public, by reason of the planning, establishment, operation, maintenance, or use of the Wildlife Management Area or any activity carried on incident thereto.

12. This Agreement shall terminate and all rights of the Contractor hereunder shall cease as to the entire subject area or any portion thereof:

a. Upon the expiration of this Agreement;

b. Upon 30 days' written notice if the subject lands are required for military or defense purposes during any period of national emergency declared by the President or by the Congress;

c. Upon failure of the Contractor to observe and comply with any of the conditions, exceptions, or reservations set forth in the Memorandum. The Bureau or the Service may give written notice to the Contractor of any violation or default under the terms of this Agreement, and the Contractor shall have 90 days in which to correct the default or cease the violation. If not so corrected this Agreement may be terminated by concurrent notice by the Bureau and the Service to the Contractor.

d. Upon six months' written notice from the Bureau or the Service to the Contractor in the event that the Bureau or the Service determines that the lands are needed by their agency to fulfill their statutory or administrative responsibilities.

13. Upon termination, all movable structures, facilities, or equipment placed on the leased lands by the Contractor shall remain the property of the State and will be removed at any time within six months after termination, provided that the premises shall be restored by the Contractor to their

original condition as nearly as reasonably possible.

14. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Nevada and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

15. During the performance of this contract, the Contractor agrees as follows:

a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. The Contractor will include the provisions of paragraphs a through g in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting officer may direct as a means of enforcing such provisions including sanctions for non-compliance; Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting officer, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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16. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit which may arise therefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

17. This Agreement shall be for a period of five years from the date of execution unless terminated sooner as provided above. If all parties to the Agreement resolve that it has produced the desired effective mutual cooperation and should be continued as is, a simple reaffirmation memorandum may be used to renew the permit for another five years.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

THE UNITED STATES OF AMERICA

7-12-78
Date

Roy D. Gear
Bureau of Reclamation
U.S. Department of the Interior

7/28/78
Date

Jerry D. Wagers
National Park Service
U.S. Department of the Interior

STATE OF NEVADA

7/25/78
Date

Nevada Department of Fish and Game

RECEIVED
1978 JUN 27 P 1:25

United States Department of the Interior
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

A44
(WR)OV

December 7, 1977

Memorandum

To: Superintendent, Lake Mead
From: ACTING Regional Director, Western Region

Subject: Overton Wildlife Management Area Memorandum of Agreement

Enclosed is a copy of Field Solicitor Mihan's memorandum of November 22, on the above subject. We note he has furnished you with an advance copy.

We agree with the changes suggested by Mr. Mihan and also recommend the following additional changes.

1. Ninety days is an overly long time to wait for correction of a violation or default under the terms of the agreement. This should be changed to 30 days.

2. Six months is a long time to wait for termination by the Bureau and/or the Service as suggested in Section 10(d). This should be changed to 90 days.

3. Likewise, six months appears to be an excessive amount of time to remove "all movable structures, facilities, or equipment placed on the subject lands by the Department..." This should be changed to 90 days.

4. We would suggest that the term of the agreement be ten years.

5. Consideration should be given under section 8, to requring approval for more than just general layout and major development?

6. The execution date is changed to the last date of signature.

7. Section 2 has been changed to retain water rights in the name of the United States, rather than the State of Nevada.

A copy of the draft with the recommended changes is enclosed for your use.

(SGD) JOHN H. DAVIS

Enclosures

cc: R. Mihan
F. Jacot
G. Witucki

IN REPLY REFER TO

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

Your Ref:
A44 (WR)O

November 22, 1977

Memorandum

To: Regional Director, Western Region,
National Park Service

From: Field Solicitor, San Francisco

Subject: Overton Wildlife Management Area
Memorandum of Agreement

We have reviewed the draft memorandum of agreement submitted with your memorandum. Because the memorandum contained numerous provisions that were in the earlier understanding which have been changed drastically by intervening developments, particularly the Lake Mead legislation, I decided that it would be more expeditious to re-write the draft. The changes are indicated by delineation. If you have any questions on any of the changes, please contact me.

Two significant changes warrant specific comment. First, the Memorandum of Agreement purported to be a lease which would only terminate upon expiration of the term (25 years), default or a need for military purposes. The National Park Service does not have statutory authority to enter into a lease, except as provided in 16 U.S.C. 460L 22. This authority is implemented by regulations (36 CFR 17) recently promulgated and found in the Federal Register for September 15, 1977. There are numerous prerequisites set forth in the statute and the regulations which must be fulfilled before a lease may be entered into. Certain specific exceptions applicable to Lake Mead are listed in 16 U.S.C. 460n-3.

The second item relates to the provision whereby should the Park Service consider a portion of the area in question to be "surplus", it shall notify the state so it make take steps to acquire the land. Obviously the Park Service cannot surplus or sell its land without Congressional authorization.

As to the four points raised in your memorandum, the following comments are offered:

1. The term of the memorandum of understanding is up to management. If the agreement may be terminated unilaterally at any time, thus allowing the Park Service to escape when appropriate, then a long term might be more convenient.

2. The Lake Mead legislation changed the nature of the earlier "agreements".

3. The Reclamation withdrawals remain unless administratively revoked or "overruled" by Congress. See 16 U.S.C. 460n-1.

4. The necessity of signatures at comparable organizational levels is a consideration for management. From a legal standpoint, if properly delegated, the Superintendent may sign.

It should be noted that the Wildlife Restoration Projects Act (16 U.S.C. 669, et seq.) is administered and funded by the Fish and Wildlife Service. If this project is for the furtherance of that legislation, consideration might be given to having that agency as a party since it has the delegated authority to implement that Act (see provision No. 6).

The revised draft should be carefully reviewed to ensure that all the desired provisions are included. For example, recent difficulties with the Nevada Department of Fish and Game may or may not warrant a provision pertaining to trapping and removal of bighorn sheep and other species, etc.

The last comment is that I assume the propriety of assigning a portion of the Recreation Area to the administration of another agency has been considered. Although this is by and large a management matter, if the assignment is too extensive or complete, it could be construed as an abrogation of the Service's statutory responsibilities.

Ralph G. Mihan

Ralph G. Mihan
Field Solicitor

Enclosures

cc:
Superintendent, Lake Mead
w/encl

United States Department of the Interior
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

OCT 1977
UNITED STATES
DEPT. OF THE INTERIOR
OFFICE OF THE SOLICITOR
SAN FRANCISCO
FIELD OFFICE

IN REPLY REFER TO:
A44
(WR)O

October 4, 1977

Memorandum

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

Subject: Overton Wildlife Management Area - Memorandum of Agreement

Your review comments and possible revision of the enclosed draft agreement would be appreciated for several reasons. They include:

1. The length of time since the last agreement (also enclosed) and a 25 year period for the proposed revision.

2. Passage of the Lake Mead Organic Act (P. L. 88-639).

3. Revocation of the majority of lands set aside by Executive Order for the Boulder Canyon Project.

4. Advisability of having signatures to this agreement on a comparable organization level.

We have been assured by Assistant Superintendent Gary Bunney, Lake Mead, that the revised Description of Leased Land has been updated by the park and State of Nevada.

John H. Davis

Enclosures

cc:
Superintendent, Lake Mead

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

MEMORANDUM OF AGREEMENT
Between
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION AND NATIONAL PARK SERVICE
and
THE STATE OF NEVADA

9-1-77

~~Leasing wildlife management areas in the Lake Mead National Recreation Area and Boulder Canyon Project area, Nevada~~

THIS AGREEMENT, ~~entered into this day of~~ [redacted] 1977, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, hereinafter respectively referred to as the Bureau and the Service, and the State of Nevada, acting through the State Department of Fish and Game, hereinafter referred to as the Department,

WITNESSETH:

WHEREAS, the Bureau ~~has constructed on lands under its jurisdiction~~ IS RESPONSIBLE FOR ADMINISTERING the Boulder Canyon Project PURSUANT TO 45 STAT 1057 AS AMENDED (43 USC 617 et seq), for the purpose of storing, releasing, and utilizing water, ~~and incident thereto has acquired or caused to be set aside by Public Land Order certain areas of land suitable for recreation and for wildlife management; and~~

WHEREAS, ~~the 88th Congress granted~~ the Service ~~administration of~~ ADMINISTERS THE Lake Mead National Recreation Area ~~under~~ PURSUANT TO Public Law 88-639 (16 USC 460n et seq) ~~known as the "Lake Mead Act," on October 8, 1964;~~ and

WHEREAS, the Service, the Bureau, and the State of Nevada, acting through the State Fish and Game Commission, executed an agreement dated January 14, 1953, and amended December 24, 1953, and May 15, 1962, for the lease of specified lands within the Boulder Canyon Project for the development and administration as a wildlife-restoration project under the provisions of the Act of Congress approved September 2, 1937, entitled, "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes" (50 Stat. 917:16 U.S.C., 1946 ed., sec. 669 et seq.) as amended; (50 CFR 80.1 et seq) and

WHEREAS, the Department desires to continue using specified lands within the Boulder Canyon Project designated as the Overton Wildlife Management Area.

NOW, THEREFORE, the Bureau, Service, and Department do hereby agree as follows:

1. The Bureau and the Service hereby ~~lease to the Department, for the purpose of permitting~~ permit the Department to develop, maintain, and administer for wildlife restoration and management purposes, the following described lands, including public lands of the United States withdrawn for reclamation purposes and lands acquired by the United States, as part of the LAKE MEAD NATIONAL Recreation Area subject to the reservations and exceptions contained in this Memorandum of Agreement:

Description of Leased Land

Mount Diablo Meridian

A. Intensively Developed Area.

Township 16 South, Range 68 East
Sec. 19, NE¼, NE¼NW¼, E½NE¼SW¼, N½SE¼, E½SW¼SE¼, SE¼SE¼, E½SW¼SE¼NW¼, SE¼SE¼NW¼, E½NW¼NE¼SW¼, E½NW¼SW¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼, S½NE¼SW¼;
Sec. 28, W½SW¼, SE¼SW¼;
Sec. 29, All;
Sec. 30, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, E½E½NW¼NE¼, NE¼NE¼SE¼, E½SE¼SE¼;
Sec. 31, E½NE¼;
Sec. 32, NW¼, N½SW¼, E½;
Sec. 33, All.

B. Wildlife Management Area General.

Township 15 South, Range 68 East
Sec. 36, ~~X~~ SE¼SE¼.

Township 15 South, Range 69 East
Sec. 31, SE¼NW¼, SW¼.

Township 16 South, Range 68 East
Sec. 1, E½, E½SW¼, S½SE¼NW¼;
Sec. 12, E½, E½W½;
Sec. 13, E½, E½NW¼, SW¼;
Sec. 23, E½SE¼;
Sec. 24, All;
Sec. 25, All;
Sec. 26, SE¼, N½NE¼, E½SW¼;
Sec. 28, E½, NW¼, NE¼SW¼;
Sec. 31, W½NE¼, SE¼;
Sec. 32, S½SW¼;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

Township 16 South, Range 69 East
Sec. 6, NW¼, W½SW¼;
Sec. 7, W½;
Sec. 18, W½, SW¼SE¼;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.

Township 17 South, Range 68 East
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, All;
Sec. 5, All.

Township 17 South, Range 69 East
Sec. 6, All.

~~of the Service~~

~~2. In the event that the Bureau determines that certain of the lands~~ described above are surplus to ~~its~~ their needs in the operation of the Boulder Canyon Project and Lake Mead National Recreation Area, the Department will be so notified so that it may attempt to acquire said lands in its own name. SHOULD THE DEPT. ACQUIRE ANY SUCH LANDS THEY ~~and said lands~~ will be deleted from this Agreement by amendment thereto.

~~3. The term of this lease renewal shall be twenty-five (25) years~~ from the date OF FINAL SIGNATURES hereof, unless sooner terminated, and shall be subject to an additional renewal for a further term of twenty-five (25) years by agreement of ~~the~~ parties.

4. If legislation is enacted which, in the opinion of the Service, provides adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes, the Service agrees to withdraw its interest and administration in the above-described lands outside of the Recreation Area boundary described in said Bill and thereafter this Memorandum of Agreement with respect to such excluded lands described therein shall become a two-way agreement between the Bureau and the State of Nevada, acting through the Department.

DELETE

2 ~~5~~. The Department shall have, during the life of this ~~lease renewal~~ AGREEMENT, the privilege of using any and all of the waters available to the Bureau ~~and/or~~ Service under Water Right Application No. 10188, ~~filed by the Federal Government with the State of Nevada, December 1, 1937.~~ Any water rights acquired any water rights if acquired by the Department during the life of the ~~lease~~ AGREEMENT shall be perfected in the name of the United State by the National Park Service ~~will be retained by the Department after termination of this Memorandum of Understanding~~.

3 ~~6~~. The ~~Bureau and/or~~ Service shall retain control of and the use of water arising from Kelsey Springs now covered by Water Right Application 1802, Certificate 296, with the State of Nevada, dated December 14, 1916, provided that the ~~lessee~~ DEPARTMENT may be granted the use of water in excess of the ~~Bureau's and/or Service's requirements.~~ REQUIREMENTS OF THE BUREAU OR THE SERVICE OR BOTH.

4 7. All rights and benefits accruing to the Department under this ~~lease~~ AGREEMENT are subordinate to the rights of the Bureau in carrying out its obligations and responsibilities in the storage, release, control, and utilization of water in the Boulder Canyon Project, and to the rights of the Service in the administration of the Recreation Area.

8. The Department will plan, ~~and~~ develop, ~~the leased~~ AND MANAGE CONSISTENT TO area into a State operated Wildlife Management Area; however, general layout and major development plans in furtherance of this program shall, before being acted on, first be subject to approval by the Bureau and the Service. This approval shall be in addition to any approval of the project plans and estimates by the U.S. Fish and Wildlife Service as a condition to the extension of Federal Aid to the project as a wildlife-restoration project.

5 ~~8~~. There is excepted and reserved from the ~~leasehold granted~~ LANDS PERMITTED hereby:

(a) The right to establish and maintain rights-of-way or other easements needed in carrying on the activities of the Bureau ~~and~~ OR the Service;

(b) The right of the officers, agents, employees, licensees, and permittees of the United States, at all proper times and places, freely to have ingress to, passage over, and egress from all of the lands covered by this ~~lease~~ AGREEMENT for the purpose of carrying on official activities of the Bureau or the Service;

(c) The right of the United States to all uranium, thorium, or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same;

(d) The right to require the Department to remove any part or all of any structure or improvement placed on the land which will interfere with the official duties, obligations, or operations of the Bureau OR the Service. Written notice of any request for such removal will be served on the Department and upon failure of the Department to comply with such request within sixty days after notice, the Bureau OR the Service may at ~~its~~ their option terminate the ~~lease~~ AGREEMENT.

6 ~~10~~. All income derived by the Department from the ~~leased~~ PERMITTED area, other than the intensively developed area as agreed upon and described earlier, shall be paid to the Bureau for benefit of the Colorado River Dam Fund

pursuant to the Act of Congress approved December 21, 1928 (45 Stat. 1057); all income from the intensively developed area will be deposited in the State Fish and Game Fund and an equivalent amount or more must be used for the maintenance of the said area.

7 ~~11.~~ The Department shall not ~~let or sublet the leased~~ ASSIGN THE SUBJECT area, in whole or in part, ~~nor assign this lease or any interest therein~~ without the consent in writing ~~of the duly authorized representatives~~ of the Bureau and the Service, and any attempted transfer or assignment, whether voluntary or involuntary, without such consent in writing, shall at the option of the United States subject the ~~lease~~ AGREEMENT to immediate termination; however, the Department may ~~sublease or~~ ASSIGN OR contract the development and operation of the Area or parts of the Area to private individual(s) for farming or other specific wildlife management purposes providing the ~~sublease~~ ASSIGNMENT or contract does not grant the ~~sublessee~~ ASSIGNEE or contractor rights beyond those received by the Department under this ~~lease~~ AGREEMENT.

8 ~~12.~~ The United States assumes no responsibility for damage to property or injuries to persons which may arise from or be incident to the use and occupation of the ~~leased~~ SUBJECT lands by the Department or for damages to the property or injuries to the person of any of the ~~lessee's~~ DEPARTMENT'S officers, agents, servants, or employees, or others who may be on said property at their invitation or the invitation of any one of them.

9 ~~13.~~ The Department will indemnify and hold harmless the United States from any claim arising from damage to the property or injury to the person of others, INCLUDING MEMBERS OF THE PUBLIC, by reason of the planning, establishment, operation, ~~of~~ maintenance OR USE of the Wildlife Management Area or any activity carried on incident thereto.

10 ~~14.~~ This ~~lease~~ AGREEMENT shall terminate and all rights of the Department hereunder shall cease AS TO THE ENTIRE SUBJECT AREA OR ANY PORTION THEREOF:

(a) ~~at the~~ upon expiration of this ~~renewed term or any renewal thereof~~ AGREEMENT;

(b) upon 30 days written notice if the ~~leased~~ SUBJECT lands are required for military or defense purposes during any period of national emergency declared by the President or by the Congress;

(c) upon failure of the Department to observe and comply with any of the conditions, exceptions, or reservations set forth in this Memorandum. The Bureau or the Service may give written notice to the Department of

any violation or default under the terms of this Agreement, and the Department shall have ~~15~~ 30 days in which to correct the default or cease the violation. If not so corrected this Agreement may be terminated by concurrent notice by the Bureau and the Service to the Department. ~~The provisions of this subsection shall not affect the provisions for termination contained elsewhere in this Memorandum.~~ (d) UPON ~~SIX MONTHS~~ 90 days THIS WRITTEN NOTICE BY THE BUREAU AND/OR THE SERVICE RELATING TO THEIR RESPECTIVE AREAS.

11 ~~15~~. Upon termination, all movable structures, facilities, or equipment placed on the leased lands by the Department shall remain the property of the State and ~~may~~ will be removed at any time within ~~six months~~ 90 days after termination, provided that the premises shall be restored by the Department to their original condition ~~as of January 1953~~, as nearly as reasonably possible.

12 ~~16~~. In the use of the lands ~~leased hereby~~ subject, the Department shall not discriminate against any person or persons because of race, creed, color, or national origin.

13 ~~17~~. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this ~~contract~~ AGREEMENT or to any benefit which may arise therefrom, but this restriction shall not be construed to extend to this ~~contract~~ AGREEMENT if made with a corporation or company for its general benefit.

14 THIS AGREEMENT SHALL BE FOR A PERIOD OF 10 YEARS from the date of execution or unless as terminated as provided above.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the ~~first above written.~~ last date below.

THE UNITED STATES OF AMERICA

DATE

~~Regional Director~~
~~Lower Colorado River Region~~
Bureau of Reclamation
U.S. Department of Interior

DATE

~~Director~~
National Park Service
U.S. Department of Interior

STATE OF NEVADA

DATE

~~Glen K. Griffith, Director~~
Nevada Department of Fish and Game

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

April 18, 1962

RECEIVED
NPS REGION THREE OFFICE
APR 23 1962

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
ADMIN.		
OPERATIONS		4/23
RANGER ACT.		
INTERP.		
RECREATION		
SOLICITOR		4/23
Fields		4/20
FILES		

IN REPLY REFER TO:
L54-AL

GEN'L

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Proposed Revision of Lease of January 14, 1943, to the State of Nevada, as Amended on December 24, 1953, for Use of Lands in Overton Area; and S 1836 and H R 7002 to Provide Adequate Basis for Administration, Lake Mead

The subject lease includes the use of water under appurtenant Federal water rights evidenced by Application-Permit 10188, but makes no provision for the State to supply plans of its developments and other proof for final license. It also makes no provision for the initiation and possible perfection of rights to supplemental water, or the amendment of existing rights which may be proper. The Federal claim to the 25.0 c.f.s., or about 3000 acre-feet of return flow of Muddy Creek under Application-Permit 10188, and such supplemental water as may become necessary, were presented in Arizona vs. California. The Federal rights should be perfected when possible, whether jurisdiction over the Federal land remains in the Park Service or another Federal agency if one of the subject bills is passed.

We do not recommend amendment of the reference to water rights in the lease, which will still be applicable under the proposed revision. However, we suggest that the State Department of Fish and Game be requested to supply plans of its water system for Docket No. 5. We also suggest that it be requested to make necessary applications for amendment or supplemental appropriation, proofs for license, and to provide any required water right fees, when appropriate, for use by the proper Federal agency in accordance with the water right procedure such agency is following.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Superintendent, Lake Mead

C
O
P
Y

MEMORANDUM OF AGREEMENT
SUPPLEMENTING AGREEMENT OF JANUARY 14, 1953
Between
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION AND NATIONAL PARK SERVICE

and

STATE OF NEVADA

Leasing wildlife management areas in the
Lake Mead National Recreation Area
and
Boulder Canyon Project Area, Nevada

Dated this 24th day of December, 1953

That certain agreement dated the 14th day of January, 1953 whereby the United States of America, acting through the Bureau of Reclamation and the National Park Service of the Department of the Interior, leased to the State of Nevada certain described lands of the United States for wildlife restoration and management purposes, is hereby amended and supplemented by a change in the description of the lands included in said lease of the following described lands:

MOUNT DIABLO MERIDIAN

Lands to be added:

T. 16 S., R. 68 E.

Section 19

$E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$,

$SE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$,

$E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$,

$E\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$

Section 30

$E\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$,

$E\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$,

$NE\frac{1}{4}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$; containing a total of 45 acres, more or less.

The above-described lands which are added shall be considered a part of the intensively developed area described in numbered paragraph 6 of the above-mentioned agreement of January 14, 1953.

Each and every covenant and condition contained in the above-mentioned agreement of January 14, 1953, shall be applicable to the above-described lands. This amendment reaffirms the intent of the original lease dated January 14, 1953, that while granting use of the land for purposes necessary to accomplishment of the wildlife restoration and management project, the Service retains, until relinquished in writing, full use of the two residences with their appurtenant grounds, and other structures and utilities, together with the access road, located within the following-described lands:

T. 16 S., R. 68 E

Sec. 19

$E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$

Lands to be excluded:

The following described lands, included in the agreement dated January 14, 1953, shall be and hereby are excluded from said lease:

T. 16 S., R. 68 E.

Sec. 30

$SW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$,

$NW\frac{1}{4}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$

However, the state shall have the privilege, with prior approval, of the Service, to cross the lands for wildlife restoration and management purposes with utility lines, canals and ditches, and service roads necessary to the project.

The lessee shall have, during the life of this lease, the privilege of using any and all of the waters available to the lessor under Water Right

Application No. 10188, filed by the Federal Government with the State of Nevada December 1, 1937. Any water rights, if acquired, however, by the lessee during the life of the lease, shall be perfected in the name of the United States by the National Park Service.

The lessor shall retain control of and the use of water arising from Kelsey Springs now covered by water right application 1802, Certificate 296, with the State of Nevada, dated December 14, 1916, provided that the lessee may be granted the use of water in excess of the Lessor's requirements if needed for domestic purposes.

The terms of the lease covering the above-described lands shall be twenty-five (25) years from January 14, 1953, subject to the termination and renewal provisions of the agreement of that date.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names as of the date first above written.

UNITED STATES OF AMERICA

By (Sgd) Conrad L. Wirth
Director, National Park Service

By (Sgd) W. A. DEXHEIMER
Commissioner of Reclamation

STATE OF NEVADA

By sgd/ Wayne E. Kirch
Chairman
Nevada Fish and Game Commission

16

10188

June 20, 1962

United States Department of the Interior
National Park Service
Lake Mead National Recreation Area
Boulder City, Nevada

Attention Mr. Charles A. Richey

Gentlemen:

Permit 10188 for the waters of Muddy River is in good standing. Certificate 5126 was issued on June 19, 1961, for 25.0 c.f.s., but not to exceed 2247.28 acre-feet per annum. This was recorded in Book 307 of the Clark County Records.

The original applicant was the United States Department of Agriculture, Bureau of Biological Survey. A transfer was made to the Department of the Interior, National Park Service, by (53 Stat. 561)(53 Stat. 1431) and (54 Stat. 1231, 1232).

The certificate was issued in the name of United States of America, Department of the Interior, National Park Service.

Very truly yours,

EDMUND A. MUTH
State Engineer

By
Victor H. Stafford
Senior Hydraulic Engineer

VHS:cme

06-14-1962: letter to state engineer from nps regarding action to be taken to perfect water right: application-permit 10188

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Lake Mead National Recreation Area
Boulder City, Nevada

IN REPLY REFER TO:

L54 - LAME
Docket 5

June 14, 1962

Mr. Edmund A. Muth, State Engineer
Division of Water Resources
State Office Building
Carson City, Nevada

This office requests the status of Application - Permit 10188 for appropriation of water from Muddy Creek near Overton, Nevada. The land under this application is leased by the United States of America to the Nevada State Fish and Game Department. This office needs to know what action it must take to perfect this water right in the name of the United States.

Charles A. Richey
Superintendent

04-27-1962: memorandum to superintendent from regional director regarding proposed revision of lease of january 14, 1953, to th

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

IN REPLY REFER TO:
L54
LAME

APR 27 1962

1	ASST. SUPT.
	ADM. OFFICER
	CHIEF RANGER
	NATURALIST
	GEN. FOREMAN
3	ENGINEER
	ARCHITECT
	PROC. + PROP.
	ACCOUNTING
	FILE
	PREPARE REPLY
	COMMENTS
	NECESSARY ACTION
	SEE:

Memorandum

To: Superintendent, Lake Mead

From: Regional Director

Subject: Proposed Revision of Lease of January 14, 1943, to the State of Nevada, as Amended on December 24, 1953, for Use of Lands in Overton Area; and S1836 and H.R. 7002 to Provide Adequate Basis for Administration, Lake Mead National Recreation Area

We received a memorandum from the Chief of the Water Resources Branch in Washington dated April 18 concerning the above subject and the distribution panel indicates you were sent a copy of the memorandum.

We were requested to ask the Nevada State Department of Fish and Game to supply plans of its water system and to make necessary applications for amendment or supplemental appropriation, proofs for license, and to provide any required water right fees for use by the proper Federal agency.

It is requested that you obtain these plans from the State Department of Fish and Game and start the procedures with them so that we receive the required material. When you receive these you could either send this office the originals or a reproducible and we could make copies for distribution or you could make four copies of each and send them to this office for distribution.

Thomas J. Allen
Regional Director

Copy to: Director (2)
Chief, WODC (2)

RECEIVED
APR 30 1962
LMNRA

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NO. 10188

CERTIFICATE NO. 5126 ISSUED June 19, 1961

TRANSFERRED to Dept. of Interior, National Park Service by (53 Stat. 561) (53 Stat. 1431) and (54 Stat. 1231, 1232)

Address: U.S. of America, National Park Serv.
Dept. of Int., Merchandise Mart,
Chicago, Ill.

Address: National Park Service,
Dept. of the Interior
Washington 25, D.C.

See letter Oct. 7, 1947 in 10092

12-17-1956: memorandum to director from acting superintendent regarding proposed purchase of stock in muddy valley irrigation

L-54

December 17, 1956

Air Mail

Memorandum

To: Director Attention: Mr. Van V. Dunn

From: Acting Superintendent, Lake Mead

Subject: Proposed Purchase of Stock in Muddy Valley Irrigation Company to Supply Irrigation Water for Overton District Headquarters, Lake Mead.

I am enclosing one certified copy of the articles of Incorporation and By-Laws of subject company, and two uncertified copies of each for your files. These are forwarded in accordance with the Acting Regional Chief of Operations memorandum of November 27, above subject, with a copy to your office.

Wm. R. Supernaugh
Acting Superintendent

Enclosure

Copy to: Regional Director
w/one copy of each enclosure

B.C. to: E. W. Blair w/ one copy of enclosure

See main file for copy of By Laws
EWB

AMENDED ARTICLES OF INCORPORATION OF THE MUDDY VALLEY IRRIGATION COMPANY

-I-

The name of this Corporation shall be The MUDDY VALLEY IRRIGATION COMPANY.

-II-

That the principal office of this Corporation shall be located in the Town of Overton, County of Clark, State of Nevada, but the corporation may establish and maintain other offices and places of business in such other places within the State of Nevada as the Board of Directors or its stockholders from time to time may determine and direct, at any of which offices and places the meeting of the directors and/or stockholders may be held, and the seal and records of the corporation kept and any and all other corporate business transacted.

-III-

The nature of the business and the objects and purposes proposed to be transacted, promoted and carried on shall be and are:

(1) the acquisition by appropriation, purchase, lease or otherwise, of water and water rights;

(2) the establishment, construction, operation and maintenance of reservoirs, ditches, flumes, pipe lines, conduits and any and all other means or facilities for diverting, storing, transporting and handling water;

(3) the sale, rental and distribution of water to individuals, communities, corporations, firms and associations for irrigation, domestic use, stock purposes, the generation of power, and for any and all other purposes;

(4) the acquisition, construction, ownership, operation, leasing (as lessor and/or lessee) and maintenance of roads, telephone lines and systems, telegraph lines and systems and any and all other means, devices, structures, and facilities that may be necessary, convenient or desirable in connection with the carrying out of any or all of the objects and purposes mentioned in this paragraph; and

(5) the acquisition and ownership of real and personal property, assessments, rights of way and any and all forms of estate in or interest in real and personal property;

(6) the encumbrancing by mortgage, deed of trust or otherwise and the disposition by lease, sale or otherwise, or real and personal property, assessments, rights of way and any and all forms of estate in and interest in real and personal property.

It is the intention that the objects, purposes and powers specified and enumerated herein, except where otherwise expressly provided, shall not be limited or restricted but may be enlarged by reference to or inference from the terms of any other clause or paragraph of these Articles of Incorporation.

In order to carry out these objects and purposes the Corporation shall have all the powers granted to corporations by Section 8 and 9 of the General Corporation Law of 1925, as amended, (Sections 1607 and 1608 of the Nevada Compiled Laws) except such powers as conflict with other provisions of these articles.

The Corporation shall not be operated for profit.

-IV-

The amount of the total authorized capital stock of the Corporation shall be One Hundred Thirty Thousand Dollars ($130,000.00) and shall consist of five thousand shares (5,000) of preferred stock having a par value of twenty Dollars ($20.00) each, and of ten thousand (10,000) shares of common stock having a par value of Three Dollars ($3.00) each.

No authorized capital stock in excess of 2433 preferred shares and 5490 common shares shall be sold by the Corporation unless the Corporation shall first have acquired additional permanent water rights for such an amount of water that the distributions of water per share pursuant to Article V. shall not be diminished by the sale; provided that the Corporation may sell such authorized but unissued capital stock and use the proceeds to acquire such additional permanent water rights, but when capital stock is sold under this provise the purchasershall not be entitled to distributions of water pursuant to Article V. based on such capital stock until said additional permanent water rights have actually been acquired.

-V-

The rights of shareholders to water owned for distribution by the Corporation shall be as follows:

During the period of time beginning at a time between the first and the fifteenth day of May and ending at a time between the first and the fifteenth day of October of each year (the time shall be established each year by the Board of Directors), the holders of outstanding preferred shares of stock shall

be entitled to have distributed to them all the flow of the Muddy River, to which the Corporation is entitled, plus all water stored by the Corporation for use during said period. The amount of water distributed for each preferred share shall be equal to the amount of water distributed for every other preferred share,

During the period of time beginning at a time between the first and the fifteenth day of October of each year and ending at a time between the first and the fifteenth day of May of the following year (which time shall be established each year by the Board of Directors), the holders of the outstanding preferred shares of stock and of the outstanding common shares of stock shall be entitled to have distributed to them all of the flow of the Muddy River to which the Corporation is entitled. The amount of water distributed for each preferred share of stock shall be three times the amount of water distributed for each common share of stock.

All of the flow of the Muddy River to which the Corporation is entitled which cannot be beneficially used by the shareholders may be stored by the Corporation and held for the exclusive use and benefit of the preferred shareholders and shall be distributed to said preferred shareholders as provided hereinabove in this Article.

Said distributions of water may be carried out by delivery in a continuous stream or by delivery periodically in accordance with what the board or directors each year determines to be the most efficient and economical method.

Water deliveries shall be made as follows: The Corpora-

tion shall turn water into the private ditches or waterways of each shareholder at the point where such private ditches or waterways intersect the canals, ditches or waterways of the Corporation. The board of directors shall have the authority to require each shareholder to locate such intersections at any point which it deems desirable.

-VI-

The voting rights of shareholders shall be as follows: Each shareholder shall be entitled to one vote for each share of common stock held by him and to two votes for each share of preferred stock held by him.

-VII-

An annual shareholders' meeting shall be held on the day specified in the by-laws of this Corporation. Special shareholders' meetings may be called at any time by the board of directors or by any ten shareholders upon thirty days' notice in writing. Such notice shall state the purpose or purposes for which the meeting is called and the time when and the place where it is to be held. A copy of such notice shall be either delivered personally to, or shall be mailed, postage prepaid, to each shareholder of record entitled to vote at such meeting, thirty days before such meeting if mailed, it shall be directed to each shareholder at his adddress as it appears on the records of the Corporation.

-VIII-

The governing board of this Corporation shall consist of five directors who shall be elected by ballot by the shareholders entitled to vote at each annual meeting but not by cumulative voting. Directors shall hold their offices for the term of one

year and until their successors are duly elected and qualified. If for any reason directors shall not be elected at the annual meeting of stockholders, they may be elected at any special meeting of the stockholders which is called and held for that purpose.

The board of directors shall elect each year a president, a vice-president and a secretary-treasurer, and shall have such officers bonded in suitable amounts for the faithful performance of their duties. The president and vice-president must be members of the board of directors.

The board of directors shall exercise all the corporate powers of the Corporation and may appoint agents and/or committees and define their duties and responsibilities as it sees fit, provided such duties and responsibilities are not in conflict with any provision of these articles and are not contrary to law,

The board of directors shall have power to authorize the president: (1) to borrow money for the use and benefit of the Corporation; (2) to execute and deliver promissory notes evidencing such loans; (3) to execute and deliver any agreements or instruments in connection with or incidental to such loans; and (4) to execute and deliver security instruments in connection with such loans, including mortgages and deeds of trust on the real and personal property of the Corporation and assignments of the assessments of the Corporation. Provided, however, that the board of directors shall at no time authorize the president to borrow any sum or sums which in the aggregate shall exceed the sum of Ten Thousand Dollars ($10,000.00), unless the authority of the shareholders be given at an annual meeting or at a special meeting called for that purpose.

The directors of this Corporation who shall hold office until the next annual meeting of the stockholders, or until their successors are chosen are:

Ray Robison

Karl Marshall

Edwin Wells

Lester Shurtliff

Louis Adams

-IX-

The capital stock of the Corporation shall be subject to assessments to pay the debts of the Corporation. Notice of each assessment shall be given to shareholders personally or by publication once a week for at least four weeks in some newspaper published in Clark County. And if, after such notice has been given, any shareholder shall make default in the payment of the assessment upon the shares held by him, the Corporation may sell so many of such shares as will be necessary for the payment of the assessment upon all the shares held by such shareholder together with all costs of advertising and expenses of sale. The sale of said shares shall be made at the office of the company at public auction to the highes bidder, after a notice thereof published for four weeks, as above in this section directed, and a copy of such notice mailed to each delinquent shareholder if his address is known four weeks before such sale, and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares, or portion of a share, as the case may be, shall be deemed the highes bidder.

-X-

The shareholders and officers of the Corporation shall not be personally liable for the debts of the Corporation and their private property shall not be taken or sold for the satisfaction of such debts.

-XI-

This Corporation shall continue in existence perpetually, unless sooner dissolved and disincorporated according to law.

-XII-

The board of directors shall make such by-laws as it deems fit, provided that such by-laws are not in conflict with any provision of these articles and are not contrary to law. These by-laws may be amended at any annual meeting of the stockholders or at any special meeting called for that purpose.

-XIII-

These articles may be amended at any annual shareholders' meeting or at any special shareholders' meeting called for that purpose, provided that at least two-thirds (2/3) of the voting power of the outstanding capital stock vote affirmatively therefor.

Dec 1956?

Points Which Should Be Clarified Before Purchase of Stock in Muddy Valley Irrigation Company

by
A. van V. Dunn
Chief, Water Resources Section

I - Stock in Muddy Valley Irrigation Company

1. Although the Amended Articles of Incorporation authorize the sale and distribution of water, my interpretation of Article V is that all water under rights of the Company can be claimed by the stock holders, with no apparent residual for sale. There is nothing now to assure water under the existing rights of the Company which might be purchased on a yearly basis to Park Service needs. Assured Park Service water can only be obtained from the Company through purchase or rental of stock. Legal concurrence in my interpretation is needed.

2. The certified copy of Articles of Incorporation indicates it is correct as of December 11, 1956, that there were 2433 shares of preferred stock and 5490 shares of common stock, and no more stock shall be sold without the acquisition of additional water rights to maintain the ratio of stock shares and water rights described in Article X. The share of stock clearly entitles the owner to a definite quantity, or proportion, of water in second feet or acre-feet, but that quantity of water is not specified in Articles or Bylaws.

3. Section 11 of the state water laws prescribes that the courts, or State Engineer, shall determine the duty of water (acre-feet per acre per annum). From letter of December 14, 1944, from State Engineer, and certificates in Alien Water Right No. 5, the following is available:

Water Rights of Muddy Valley Irrigation Company
December 14, 1944

			Summer			Winter		
Appl.	Certif.	Decreed	Acres	Sec.ft.	Duty	Acres	Sec.ft.	Duty
31	58A	Yes				398.11	3.980	1 s.f./100
31	59AA	Yes	425.2	4.252	1 s.f./100 ac	846.65	8.466	1 s.f./100
1372	60A	Yes				80.00	0.800	1 s.f./100
164	1199	Yes				970.00	9.700	1 s.f./100
-------	unspecified	---	2244.8	32.0058	1 s.f./70 ac	2244.80	22.448	1 s.f./100
	TOTALS			36.2588			45.394	
4832	No action	1944			86.95 sec.ft.			
7855	No action	1944			10,000.00 acre-ft. per year			

Note: Summer from April 1 to October 1, and winter from October 1 to April 1, except that rights under Application 1611, Certificate 1199 are from October 1 to May 1.

There appears to be no combination of rights which is commensurate with the number of stock, but the preferred stock appears to represent the water to irrigate 1 acre at 1 sec.ft. per 70 acres in summer and at 1 sec.ft. to 100 acres in winter-allowing for about 10% of change during the past 13 years. Water Supply Paper No. 1313, giving summaries through 1950, also indicates that about 41.0 sec.ft. of water was being diverted by the Muddy Valley Irrigation Company and others, below the Indian Reservation and above the gauge 6.5 miles above Overton. There was practically no residual at the lower gauge, but we know that there is a variable but significant return flow below that gauge, which the Park Service has appropriated under Application 10188 which was initiated by the Biological Survey and leased to the State Fish and Game Commission. Old correspondence indicates that water is measured in "inches" but not "miners inches". This Service should know how much water is involved in a share of preferred stock before purchasing any.

4. Application 10188 was initiated on December 1, 1937, claiming direct flow, and protested by the Company on March 9, 1938, on the ground that there was no unappropriated water. The permit was granted on June 17, 1954, (the advice being sent to State Fish and Game Commission and not to Park Service) after Water Resources Section amended application to claim available return flow. The preceding paragraph roughly confirms the lack of unappropriated direct flow between 1926 and 1944. However, there should be confirmation by the Company that any former rights to irrigate Federal land in the Boulder Canyon Project area have been properly transferred to land outside. The fact that Miss Cubler has leased, and now wishes to sell, two shares of stock implies that rights and related shares of stock are subject to lapse if no longer exercised by new owners of the land, including the United States, or on other private land by amendment of rights since 1944--Article XVIII. The Muddy Valley Irrigation Company should confirm that all rights are still in good standing.

5. Article IV of Incorporation indicates that preferred stock has par value of $20.00, which is also the price asked by Miss Cubler. Article III of bylaws specifies that preferred stock shall be assessed $6.00 per year plus proportionate share of requirements to make principal and interest payments. The Superintendent's memorandum of October 24, 1955, indicates total annual assessments of $6.50 per share, of which $0.50 appears to be to retire indebtedness and pay interest, and said $6.00 is for maintenance and operation. Contract I-62p-56, of October 1, 1943, indicates that 15 shares (not 2 shares) were being rented at $7.50 per share per year. It has been suggested that there may not be water available for sale, there is need for comparative cost of purchased water, and water of share holder today.

6. Article VI of Incorporation indicates that owner of share of preferred stock has 2 votes, and of common stock has 1 vote. In connection with Federal ownership of stock in Fort Laramie Ditch, the Comptroller rules that the United States can participate and vote. The only observation is that in purchasing 2 shares of preferred stock the United States would only have 4 votes out of total of 7,923.

7. The bylaws specify that any stock holder may become member of Board of Directors, and be paid $5.00 per diem when serving. The Superintendent of Fort Laramie has held such membership and other offices, but I do not believe there is remuneration involved. In purchasing stock in Muddy Valley Irrigation Company, it should be decided whether potential remuneration of Federal employee would be waived or paid to Treasury.

II - Federal Use of Water

1. The only description, which is incomplete, of the Overton Nursery is on Drawings NRA-LM-8003 and 8023 of 1938. The nursery appears to be in SW¼ Section 29, T 16 S(?), R 68 E, MDB&M. We should have map showing location of nursery tracts within 40-acre subdivisions of the section, and number of acres irrigated in each 40-acre subdivision. The original plan was to irrigate only a nursery while Mr. Richey's memorandum of October 24, 1956, suggests Nursery and Ranger Station areas which should both be shown. (This map is for explanation and not a water right filing, and can be a sketch on any suitable base drawing now available.)

2. My report of July 21, 1947, on field inspection, indicates that the nursery was not suited for certain trees because natural groundwater was so high it caused root rot. This leads to question of alternative site, and whether the Company can supply water through its ditch.

3. Under Contract I-62p-56 of October 1, 1943, this Service was renting 15 preferred shares at $7.50 each per year to provide water. The memorandum of October 24, 1956, from Mr. Richey indicates that only two shares are now rented, and offered to U.S. until other users reject similar offers. Does Park Service want two, or more shares, if available?

4. In 1946 and 1947, the plan was to irrigate the nursery from former Biological Survey Ditch under Water Right Application 10188 (Docket 5), which is now appurtenant to land leased to Nevada State Fish and Game Commission. The aforerequested map should show locations of ditch now serving the nursery and any intervening ditch constructed under Application-Permit 10188.

5. The map should also show lateral from Company ditch to nursery, and Overton Ranger Station area if the latter is also served, and the portion thereof which may be shared with others.

6. This Service also retained the rights to 0.56 sec.ft. of waters of Kelsey Spring under Certificate 296 (Docket 8) when leasing adjacent land to the State, for use at Ranger Station area. This right still needs amendment to cover NPS use because it differs from use described in Certificate, when water system plan and data for application can be supplied. Justification for purchase of shares in Muddy Valley Irrigation Company should include explanation of proposed uses of each supply, and why Kelsey Spring may not be adequate without rights which would be acquired by the Company stock purchase.

III - Preliminary Conclusions

1. The Federal land purchases by Bureau of Reclamation, without appurtenant water rights and interests in Muddy Valley Irrigation Company, has made Park Service development difficult. The 2 shares, or more, should be purchased if needed.

2. With certified rights to Kelsey Spring which seem to be equivalent to rights accruing to 80 shares of preferred stock in the Company, if there is spring flow of 0.56 sec.ft., there is need for better justification for acquisition to supply water for an Overton Nursery and Ranger Station.

3. Due to precarious nature of rights under Application 10188, there is justification to purchase stock and resulting rights in Company to replace rights under Application 10188, but:

a. Two shares are insignificant in comparison with the claim to 25.0 sec.ft. under Application 10188.

b. There is a question as to whether the United States or State Fish and Game Commission should buy stock to replace rights under Application 10188 because of probable long time use by the Commission.

4. The Superintendent should obtain option for period required to clarify aforementioned points, with any charge to be paid by Washington Office under Account 347.

01-27-1955: letter to state engineer from state of nevada regarding proofs of completion under permit nos. 15555 and 10188 cover

EXECUTIVE BOARD
EARL BRANSON, CHAIRMAN
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RAY W. RIPLEY
OWEN WALKER

STATE OF NEVADA
FISH AND GAME COMMISSION
51 GROVE STREET
TELEPHONE: RENO 3-0311

FRANK W. GROVES
DIRECTOR

RENO, NEVADA

January 27, 1955

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

Please find enclosed Proofs of Completion under Permit Nos. 15555 and 10188 covering the drilling of a well at Spring Creek,Nevada and the diversion of water at Overton, Nevada respectively.

Permit No. 15555, Proof of Completion, was filed on January 6, 1956. However, it appears to have been lost or misplaced so I am filing it again.

Enclosed also please find two purchase orders covering the above mentioned permits.

Very truly yours,

Eugene C. Sprout
Principal Engineer

ECS:mm
encls.

08-11-1954: letter to fish and game commission from state of nevada regarding permit no. 10188 together with official receipt no.

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10188

August 11, 1954

Fish & Game Commission, Reg. 327
51 Grove Street,
Reno, Nevada.

Gentlemen:

Enclosed herewith you will find Permit No. 10188 for the waters of Muddy Creek together with official receipt No. 43318 for the sum of $100.60 fee for issuing the same.

Your attention is particularly directed to the printed statutes on the reverse side of the permit .

You are advised that if the various proofs thereunder, together with the map which is due on March 11, 1960 , are not filed in this office prior to the dates set for such filings, as required by law, the permit will be subject to cancelation.

Yours truly,

HUGH A. SHAMBERGER,

State Engineer.

AT
encls.

10N3

10188

July 20, 1954

U. S. Department of the Interior,
National Park Service,
Washington 25, D. C.

ATTN: A. van V. Dunn,
Chief, Water Resources Section

Dear Sir:

Your Reference L54-L.

The Court Decree on the Muddy River and tributaries in Clark County, Nevada declared the stream to be fully appropriated during the irrigation season. During the winter, or non-irrigation season, certain water rights are decreed and the water in excess of the decreed right is covered by an application of the Muddy River Irrigation District. There is, therefore, no water subject to appropriation on this stream system.

The Muddy Valley Irrigation Company at presents diverts water at only one point on the stream system. However they do have other legally established diversion points through which they could legally divert any waste or drainage water that may be present at that particular point. The rights granted to the Federal Government under Application 10188 are exactly as set up in the permit, namely - only the right to divert water that is present at their diversion point.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By

EDMUND MUTH
Assistant State Engineer

EM:at

07-01-1954: letter to state engineer from chief regarding protest of application 10188

In reply refer to:
L5h-7
Lamm

July 1, 1954

Lamm

Mr. Hugh A. Shamberger
State Engineer
State of Nevada
Carson City, Nevada

Application 10188
Lake Mead National Recreation Area

Dear Mr. Shamberger:

Your ruling of June 17 in the matter of the protest of Application 10188 by the Muddy Valley Irrigation District, is probably satisfactory, but we should like to know if you have intentionally given a potentially low priority because of the purpose for which the water is to be used.

The limitation seems to imply that the Muddy Valley Irrigation Co., or others, could make similar appropriations of its waste or drainage water above the headgate of the subject water system at a future date and seriously upset the operation of the Federal system for a number of years. I had hoped that the rights under Application 10188 would indicate some favored priority among other potential claimants to the return flow, although specifying that no right to direct flow was granted.

We naturally wish to obtain as strong a right as possible, but doubt if any use and reuse of water above will cause more than temporary inconvenience to the National Park Service and State Fish and Game Commission, under even the prescribed limitation. We are more interested in the basis for the limitation under the state water laws than in the practical effect.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: ✓ Regional Director, Region Three (3) detached
Chief, Western Office of Design and Construction, detached

13

In reply refer to:
154-L

July 1, 1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights Under Application 10188, Docket No. 5, Lake Mead National Recreation Area

The photostat copy notice that subject application is ready for approval, and of the ruling by the State Engineer, which were forwarded with copy of letter of June 22 to State Engineer from Mr. Baggley, are being filed in our assembly of the subject docket at the top of the intermediate section marked "Permit No. 10188".

The original instruments, apparently sent to the Fish and Game Commission, should be filed at the same place in the docket at Lake Mead, and copies should be filed in your assembly. The original of the permit, when issued, should also be filed in the same section of docket at Lake Mead with copies for the other two assemblies.

In addition, the Fish and Game Commission should also be provided with an assembly of the same section, to define the rights under which the development is made and operated. A docket may become desirable for the Western Office of Design and Construction, but I do not propose to make one at this time because of the cost and their evident lack of immediate need, but a copy of this memorandum is being sent to that office.

Please advise how far the preceding suggestions can be met with data now distributed, in order that we may know what more to reproduce here.

The ruling is not quite what I expected, but seems to be satisfactory. It seems to leave the door open for further appropriation of the residual flow above the Federal headgate with priority superior to that of the United States. This may have been intentional on the basis that wild life use has the lowest priority, or an accidental provision based on the assumption that no claimant would go to the expense of perfecting a right to residual flow for such normal purposes as domestic, municipal, or irrigation purposes. A copy of my letter to the State Engineer is enclosed.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In triplicate
Attachment

Copy to: Chief, Western Office of Design and Construction , wco attachment

17

07-00-1954: stamp of receipt



06-22-1954: letter to state of nevada from nps regarding water right application no. 10188

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Lake Mead National Recreation Area
Boulder City, Nevada

June 22, 1954

Mr. Hugh A. Shamberger, State Engineer
State of Nevada
Carson City, Nevada

10188

Dear Mr. Shamberger:

I appreciate your writing us as you did on June 17 concerning Water Right Application No. 10188 which was filed December 1, 1937 by the U. S. Department of Agriculture and later transferred to the Department of the Interior, National Park Service.

This decision will, I am sure, be helpful to Mr. Groves and the Nevada Fish and Game Commission in moving forward on the work they are doing in the Overton Wildlife Management Area in which they must make use of the waters of the Muddy Creek for irrigating farm crops grown for wildlife purposes.

I am quite sure Mr. Groves will be pleased, also, to receive this decision.

Sincerely yours

George T. Deggler
Superintendent

05-12-1954: letter to state fish and game commission from superintendent regarding amendment to water application no. 10188

Water Rights Amendment

In reply refer to:
L54

Lake Mead National Recreation Area
Boulder City, Nevada

May 12, 1954

Mr. Frank Groves, Director
State Fish and Game Commission
P. O. Box 678
Reno, Nevada

Dear Frank:

I am sorry to delay answering your letter of April 28 concerning an amendment to the water application No. 10188. After consulting with the Director's office, however, I have written the State Engineer, copies of the letter attached, requesting the amendment be made which you are suggesting, and at the Director's instruction, retaining also the original claim of 25 second feet to be used on 2520 acres. I believe this will accomplish the intended purpose and give you the added protection you need for the use of water.

Sincerely yours

George F. Baggley
Superintendent

16

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Lake Mead National Recreation Area
Boulder City, Nevada

In reply refer to:
L54

May 12, 1954

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

It is requested that water application No. 10188 be amended to provide for the use of all of the water available at the point of diversion.

This amendment is necessary to permit the State Fish and Game Commission of Nevada to carry out the development they propose to make on lands which have been leased to them by the federal government. They will irrigate portions of Secs. 19, 20, 28, 29, 30, 31, 32 and 33, T. 16 S., R. 68 E., M. D. B. & M. The water will be used from January 1 to December 31 each year as available.

We desire, however, to retain the original claim for 25 second feet to be used on 2520 acres until time of final proof, in order to allow full use of the refuge area and any and all available water.

Sincerely yours

George F. Baggley

George F. Baggley
Superintendent
In behalf of the United States

05-19-1954: memorandum to regional director from assistant director regarding water developments under application 10188

WR Copy

In reply refer to:
L54-L

MAR 19 1954

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Water Developments under Application 10188 (Docket No. 5) by State Fish and Game Commission, Lake Mead

It is anticipated that the State Engineer will probably reply to the letter of March 1 from Mr. Baggley with the information that the subject water claim is under protest by the Muddy Valley Irrigation District, and no further development and use of the water is authorized until the protest is eliminated. Whether such reply is received or not, the next step is to amend the application to claim return flow rather than direct flow of the river, and the action should be taken by the Commission or this Office.

If there is any complication as a result of the protest, representatives of the Commission should discuss the matter on the basis of the claim outlined in the memorandum of February 23 from Mr. Dunn. A report on the discussion, and a copy of theproposed plan of development and of the amended claim, should then be sent to this Office for approval.

(SGD) THOMAS J. ALLEN

Assistant Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Refer to: L54

Lake Mead National Recreation Area
Boulder City, Nevada

March 1, 1954

Mr. Hugh A. Shamberger
State Engineer, State of Nevada
Carson City, Nevada

Dear Mr. Shamberger:

The National Park Service has recently approved a lease agreement (January 14, 1953) with the State of Nevada, for the use of an area of land at Overton for the purpose of creating a wildlife management area. In issuing this lease, the state is also authorized, through its Fish and Game Commission, to make use of the filings which the National Park Service holds on water application 10188. They are also authorized, during the life of the lease, to use any water available under this application for their purposes in the wildlife management area.

In the circumstances, we will appreciate it if your office will honor the work which the State Fish and Game Commission is intending to do under Water Rights application 10188. They will complete the filing in the name of the National Park Service and make use of the water as authorized under the lease.

Sincerely yours

George F. Baggley
Superintendent

COPY

In reply refer to:
L3035

DEC 24 1953

Memorandum

To: Commissioner, Bureau of Reclamation

From: Director, National Park Service

Subject: Supplemental Agreement, Nevada Fish and Game Commission, Lake Mead

Attached are the original and five copies of the supplemental agreement between the Bureau of Reclamation and the National Park Service, lessors, to the Nevada Fish and Game Commission, lessees. I have signed all six copies and am attaching copies of a memorandum dated November 24 from Regional Director Nielson, Region Three, Bureau of Reclamation, giving his concurrence to the supplemental agreement.

We would appreciate your signing all six copies and returning five signed copies to us. We expect to forward the original signed copy to the Nevada Fish and Game Commission and one signed copy to Mr. Nielson.

(SGD) Conrad L. Wirth

Conrad L. Wirth
Director

Attachments 6

I concur: JAN 18 1954

(Sgd) W. A. Dexheimer
Commissioner, Bureau of Reclamation

In reply refer to:
3-805

C
O
P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Region III
Boulder City, Nevada

November 24, 1953

Memorandum

To: Superintendent, Lake Mead National Recreation Area, Boulder City, Nevada

From: Regional Director, Region 3, Bureau of Reclamation, Boulder City, Nevada

Subject: Proposed Supplemental Agreement concerning the Nevada State Fish & Game Commission lease at Overton

The Bureau of Reclamation will offer no objection to the enclosed proposed Supplemental Agreement which was transmitted with your letter of November 16, 1953.

- - -

s/ E. G. Nielson

Enclosure

Copy to: Director of Power, Boulder City, Nevada
Regional Counsel, Los Angeles, California

12-12-1952: letter to nevada fish and game commission from nps regarding water rights pertinent to proposed migratory waterfowl

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

LAKE MEAD NATIONAL RECREATION AREA
BOULDER CITY, NEVADA

December 12, 1952

Mr. Frank W. Groves, Director
Nevada Fish and Game Commission
P.O. Box 678
Reno, Nevada

Dear Mr. Groves:

Superintendent Baggley asked me, in his absence today, to check into the water rights pertinent to your proposed Migratory Waterfowl Refuge Project near Overton, and to report to you the present status of Federal and National Park Service water permits.

To summarize in a few words, there appear to be no such water rights.

The first reference in our files to the waters of Big Muddy Creek, Application #10188, 25 cfs, appears under date of November 8, 1946. At that time it appeared that the original application was filed by the Fish and Wildlife Service some time shortly before December 6, 1938, because on this latter date there was a protest made at a hearing held by the Nevada State Engineer in Overton. The protest was upheld, in that no water right permit was ever issued, insofar as our file shows.

Subsequently there was considerable correspondence between this office and that of Mr. Clarence Cottam, of the F. & W. S., regarding the transfer of two other water right applications, as well as transfer of #10188. Apparently the State Attorney refused to accept the evidences of transfer from the former Biological Survey, U.S.D.A. to the Fish and Wildlife Service, U.S.D.I., as well as that evidence of relinquishment of interest by the F. & W.S. in favor of the National Park Service. As late as May 21, 1947, Mr. Hugh Shamberger, then Assistant State Engineer, reported that the State Attorney was not satisfied with proof of assignment of water right application by the F.&W.S. On May 5, 1947, over your signature, there appears a letter to Superintendent Baggley transmitting correspondence "concerning water rights previously filed by the Fish and Wildlife

Service. After you have reviewed this correspondence, we would appreciate it very much if you would return it to us." Apparently the enclosures were returned, since they do not now appear in our files, and I am unable to find references to their content.

In February and March of 1947 there are several letters dealing with suggestions from this office as to the advisability of filing a new application for the waste water, in unspecified amount, with the State Engineer's office; such filing to supercede #10188. While this suggestion was approved in principle, there is absolutely nothing in our files to show that it was ever acted upon, or that such a substitute filing was ever made. Similarly, after May of 1947, there is no reference in the files to show any change in the status of Application No. 10188, so it must be assumed that it is still being held up as a result of the protest made by local parties at the hearing held in Overton December 6, 1938. I believe that Mr. Shamberger, now the State Engineer, was the officer who presided at that hearing.

Recapitulating, it would appear that neither the Fish and Wildlife Service, nor the National Park Service, has ever succeeded in obtaining a valid water right to any portion of the flow of the Muddy.

If we can be of further assistance to you in this matter, please feel free to call upon us. I expect to be in Las Vegas early next week, and will at that time check the records in the Clark County Courthouse to see if any water right had been filed with the County Recorder, although this is doubtful. Should we be able to obtain any further information on this water right through the office of Mr. A. Van V. Dunn, Chief of the Water Division, National Park Service.

Sincerely yours,

D. W. Egermayer
Chief Park Ranger

08-04-1949: memorandum to regional director from acting director regarding water rights under application 10188

1 Carpenter
2 Dunn

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

In reply refer to: D14 LAME

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

AUG - 4 1949

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Water rights under Application 10188, Lake Mead Recreational Area

We concur in the recommendation in your memorandum of July 7 to abandon further maintenance and development of the Overton Nursery.

Since Senator McCarran is now negotiating to have the State assume operation and maintenance of the Overton Wildfowl Refuge, it is not advisable to take any action which might jeopardize Water Right Application No. 10188 and the status of the existing water system which was constructed by the Biological Survey until the results of his efforts are known.

Therefore, we do not at the moment concur in the plan to abandon the Refuge. In fact, we recommend that at least token maintenance be done on a part of the existing water system from year to year, in order to indicate that there is no attempt to abandon the system.

(SGD) HILLORY A. TOLSON
Acting Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

COPY

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.

05-21-1947: letter to state engineer from nps regarding insufficient evidence to authorize an assignment of water right application

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.

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

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BUY
UNITED
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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,

Hugh M. Miller,
Acting Director.

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

April 22, 1947

In your reply refer to No. s. 10092, 10188 and 10202

Director, National Park Service,
Chicago 54, Illinois.

ATTENTION: Hugh M. Miller,
Acting Director.

Dear Mr. Miller:

This will acknowledge your letter of the 18th together with eight exhibits pertaining to the jurisdiction over application No. 10188 and permits 10092 and 10202 in name of U. S. Department of Agriculture. I have gone over the various exhibits and your letter with the Attorney General's office and he still is of the opinion that the letters will not be proper authorization for the State Engineer to assign these applications. He stated that while there may be a technicality in this case, should anything ever come up in the future regarding the legality of such an assignment, the court would probably hold that the assignments were not proper.

It is the Attorney General's opinion that a simple assignment or quit claim deed from the U. S. Department of Agriculture to the U. S. Department of the Interior for use of the National Park Service would be all that is required. The Secretary of the Department of Agriculture or his duly authorized assistant should sign the assignment and have his signature notarized. One assignment could cover the three water rights providing the application numbers were mentioned, and when submitted to this office, would give us full authorization to make the assignment.

Relative to Permit 10202, will advise that an extension of time was granted within which to complete the work and place water to beneficial use up to and including April 1, 1948. I am sending you a copy of our official notice to that effect which was made out in error insofar as it is addressed to the U. S. Department of Agriculture, National Park Service, Merchandise Mart., Chicago 54, Illinois.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer
By (Sgd) Hugh A. Shamberger
HUGH A. SHAMBERGER
Assistant State Engineer

04-18-1947: letter to state engineer from nps regarding federal jurisdiction over application nos. 10092, 10188, and 10202 for the a

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

Las Vegas
x Blue Point Springs
x Overton
x Lake Mead 660-05.7

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

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.

03-27-1947: letter to nps from fish and wildlife service regarding evidence of transfers for permit no. 10092, 10188, and 10202 to a

IN REPLY REFER TO

ADDRESS ONLY THE DIRECTOR, FISH AND WILDLIFE SERVICE

Name	Date
Rachel	3/28/47
Hewett	3/28/47
Beatty	
Demaris	
Davis	
[redacted]	3/28

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

[redacted]
CHICAGO, ILLINOIS 54

NATIONAL PARK SERVICE RECEIVED MAR 27 1947 CHIEF CLERKS OFFICE

MAR 27 1947

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

Dear Mr. Drury:

By a communication dated February 26, from the Assistant State Engineer, State of Nevada, addressed to the Regional Director, Portland, Oregon, this Service has been informed that the Office of the State Engineer requires evidence of transfers to the National Park Service of certain water right permits.

The permits referred to are 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, all uses being within the Boulder Dam Recreational Area.

The applications to appropriate waters, upon which these permits are based, were made by the Bureau of Biological Survey of the Department of Agriculture. Pursuant to Section 4 (f) of Reorganization Plan II (53 Stat. 1433), which became effective July 1, 1939, pursuant to Public Resolution No. 20, 76th Congress (53 Stat. 813), that bureau was transferred with all of its functions to the Department of the Interior.

Pursuant to Section 3 of Reorganization Plan III (54 Stat. 1232), effective June 30, 1940, the Bureau of Biological Survey with all of its functions was combined with the Bureau of Fisheries to form the present agency designated as the Fish and Wildlife Service, which has been since that date the legal custodian of the above water rights granted to the United States.

Since the Fish and Wildlife Service is withdrawing from all participation in active administration in the areas involved in the use of these water rights, your Service, by virtue of its administration of the recreational area, becomes the logical custodian of these interests. Accordingly, this letter is written with the intention of transferring, and I do hereby transfer, custody of the above enumerated water permits and the rights and obligations which they represent to the National Park Service for such uses as are indicated in connection with the administration of the Boulder Dam Recreational Area.

//

assignment

L.M. Cochet Jr

Since the Office of the State Engineer of Nevada requires evidence of the transfer, this letter has been signed in duplicate with the thought in mind that you may wish to file the original for recordation in that office.

Very truly yours,

Clarence Cottam

Acting Director.

12

Approved — L.M. Cuthert 5

Las Vegas
x Rogers (print)
x Overton

Mr. Burney and Mr. Price. March 11, 1947.

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 Gabbam 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.

(SGD.) A. VAN V. DURY.

AvVD:sh.
Attachments.

Chief, Water Division.

3/10/47

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

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

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

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

March 5, 1947

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

Received 3/10/47.
Blue Point Springs
X Lake Mead Water Rights

Mr. A. van V. Dunn,
Chief, Water Division,
National Park Service,
Chicago 54, Illinois.

Dear Mr. Dunn:

This will acknowledge your letter of the 20th ultimo in reference to Permits to appropriate water Nos. 10092 and 10202 and application No. 10188 which stands on our records in the name of the U. S. Department of Interior. I wish to acknowledge the various documents that you enclosed with your letter including the application for an extension of time within which to file proof of completion of work and beneficial use under Permit 10202.

We have taken up the matter of transfering these water rights from one Governmental Department to another with the Attorney General's office and it is the opinion that if you desire to have these permits and application in the name of the U. S. Department of Interior that the proper procedure would be for the Secretary of Agriculture to assign these rights to the National Park Service of the U. S. Department of the Interior. Such assignment could be by quit claim deed and be certified and submitted to this office with the statutory filing fee of $1.00.

If, on the other hand, it is your desire to have the permits and application remain in the name of the U. S. Department of the Agriculture and at the same time having the National Park Service comply with the provisions of said permits, there would be no need for any assignments and you could file the necessary proofs. When the permits are perfected, the certificates could be issued in the name of the U. S. Department of Agriculture. This procedure might be what you have in mind insofar as the memorandum that you submitted in relation to permits 10092 and 10202 it is stated that the Fish and Wildlife Service transfers the custody, etc.

Prior to receiving your letter and on February 26th, I addressed a letter to the Fish and Wildlife Service at Portland advising them regarding the filing of assignments.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By HUGH A. SHAMBERGER
Assistant State Engineer

HAS:at

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 MERRITT SMITH
State Engineer

HAS/vs

By HUGH A. SHAMBERGER
Assistant State Engineer

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Washington 25, D. C.

Feb. 20, 1947.

Memorandum

To: Director, Fish and Wildlife Service

From: Commissioner

Subject: Vacation of Executive Order No. 6065 establishing the Boulder Canyon National Wildlife Refuge

Reference is made to your memorandum of December 23, 1946 relative to Water Permit No. 10188 filed by your office for the appropriation of certain waters in the State of Nevada.

Our Regional Director at Boulder City, Nevada, has discussed this matter with the local officials of the National Park Service and available information indicates that that Service may be interested in perfecting the water right. However, the park officials have stated that more urgent business at the present time prevents the immediate preparation of a statement and that the same will be prepared in the very near future.

The Bureau of Reclamation is not interested in perfecting the filing made under Permit No. 10188.

(sgd) William E. Warne

[redacted]

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

REGION 1

WASHINGTON
OREGON
CALIFORNIA
NEVADA
IDAHO
MONTANA

/14

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
Acting Regional Director

ask for
Cir copy & transfer



01-09-1947: memorandum to regional director from nps regarding status of water rights

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

+10092
+10202
Rogers
+ Land Dept
+ Chester

January 9, 1947.

MEMORANDUM for the Regional Director, Region Three.

By memorandum of December 16, Mr. Dunn sent you copies of a letter of November 8 from Mr. E. H. Nelson to Mr. H. D. Willis, both of the Fish and Wildlife Service, regarding the status of water rights initiated by that Service in the Boulder Canyon Wildlife Refuge. We now enclose two copies each of two memoranda of December 23 by which that Service transfers its custody of the Federal rights under Permits Nos. 10,092 and 10,202 to the National Park Service as a part of its withdrawal from joint administration of the portion of the Refuge within Boulder Dam Recreational Area. Also enclosed are two copies of a memorandum of the same date to the Commissioner of the Bureau of Reclamation regarding the Federal rights under Permit No. 10,188, which are appurtenant to land purchased by the Fish and Wildlife Service and now transferred to the Bureau of Reclamation under Permit No. 46-444 dated August 14, 1946.

Rights under Permit No. 10,092 relate to Redgers Spring, which is adjacent to Blue Point Spring, for which the National Park Service has initiated water rights under Permit No. 10,098. Permit No. 10,092 will lapse if no extension of time is obtained in July of this year. Permit No. 10,098 will lapse if such extension is not obtained by August. Please refer to Mr. Nelson's memorandum of June 17, 1946, and reconsider the development plan with both springs available, and give us your recommendations as to further disposition of the rights by not later than mid-May.

Proof, or extension of time, is needed by March 1 to prevent the lapse of rights under Permit No. 10,202. We have ordered a copy of the permit and file map from the State Engineer and will send you copies as soon as they are available.

We do know that the diversion is in SW¼ SW¼ Section 14, T. 21 S., R. 63 E., M.D.M., and use is in Sections 13 and 14 in Boulder Dam Recreational Area, but not in the Reclamation withdrawal. Meanwhile, if the Superintendent is able to identify the water system to which it is appurtenant, we should like to know the present stage of development and whether this Service can or should complete the work needed to obtain a license.

Copies of Permit No. 10,188 and accompanying map were sent to you with a memorandum of September 27, 1945, with the suggestion that

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

it be added to the assembly we are maintaining under "Summary of Alien Water Rights." No immediate action is needed by the United States, as the permit is in suspended status due to protest, but it seems possible that this matter may be adjusted in time and that this right might be partially amended to provide water for the Overton Nursery. Therefore, please contact the local office of the Bureau of Reclamation and request them to defer action until we determine how this right may relate to the operation of the nursery. It seems probable that the water system covered by Permit No. 10,188 has been constructed and now provides the water for the nursery, and may need amendment to cover the proper place of use and indicate the proper bureau jurisdiction to the extent of that use. Please give us any information available on that matter.

The protest of this claim, by the Muddy Valley Irrigation Company, is based on the contention that Muddy Creek is already fully appropriated. The matter is well covered in pages 49-72 of the State Engineer's Biennial Report for the period ending June 30, 1940. It is evident that no further nursery development should be considered until we settle the matter, purchase a suitable right to divert Muddy Creek, or construct a water system to pump from Lake Mead.

(SGD) P. P. PATRAW

Acting Director.

AvVD:sh.

Enclosure 492.
In duplicate.

cc: Mr. Dunn.

ONLY THE
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO

R
Boulder
Water

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

DEC 23 1946

MEMORANDUM for the Commissioner,
Bureau of Reclamation, Washington, D. C.

With reference to Permit No. 46-444 dated August 14, 1946 for use subject to transfer of lands in the Muddy Creek Area, Boulder Canyon, Nevada, we failed to state that lands therein are included under Water Filing Permit No. 10,188, Big Muddy Creek, for 25 c.f.s. This application is still before the State Engineer for action following the protest by the Muddy Valley Irrigation Company and the hearing conducted at Overton, Nevada on December 6, 1938.

The National Park Service has a partial interest in Permit No. 10,188, having taking water by ditch for use in its nursery. If you do not care to perfect this filing, Mr. Allison V. Dunn, Water Rights Engineer for the National Park Service, should be notified to that he can protect their interest.

((SGD)) CLARENCE COTTAM
Acting Director.

COPY FOR MR. DUNN - NATIONAL PARK SERVICE



DEC 23

4

12-16-1946: letter to state engineer from nps regarding request copies of water right application no. 10188, and permit 10202 inclu

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 16, 1946.

State Engineer,

Carson City, Nevada.

Dear Sir:

Please send us copies of Water Right Application No. 10188, and Permit 10202 including the map which accompanied it. These are claims filed by what is now the Fish and Wildlife Service, for the appropriation of water from Muddy Creek and other sources in the Boulder Dam Recreational Area.

We understand that Application No. 10188 was protested by the Muddy Valley Irrigation District and that the hearing was on December 6, 1938. Will you also please send us a copy of the protest filed by that District, any response made by the Fish and Wildlife Service or its predecessor, the Biological Survey, and advise us of the present status of the claim.

Also, please send us copies of the last applications which have been filed for extensions of time in which to complete construction under Permits Nos. 10092 and 10202, and the orders by which you granted such extensions.

A voucher and purchase order with an estimated cost of $10.00 are enclosed. Please sign the voucher and return it for payment with a statement of the true cost.

Very truly yours,

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

Enclosure 478.

OFFICIAL
DEC 21 19



11-08-1946: letter to mr. h. d. willis from fish and wildlife service regarding data for the boulder canyon water filings

C O P Y

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

Blue Point ✗ Rogers Spring
✗ Las Vegas Wash Duck Pond
✗ Virgin River Wildlife Refuge

In reply refer to

Nevada
Boulder Canyon
Water

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 Irrigation 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 interests 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,

E. H. NELSON
Civil Engineer

cc-Director

C O P Y

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

AUG 14 1946

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

Reference is made to Mr. Markwell's memorandum of June 28, and to the previous correspondence, concerning the transfer of jurisdiction to the Bureau of Reclamation of certain lands within the Boulder Canyon National Wildlife Refuge which are no longer required by this Service but which are essential to your operation and maintenance of the Boulder Canyon Reservoir.

In accordance with your request that this Service authorize your Bureau the use of the lands acquired by purchase pending the ultimate disposal of such lands under the Surplus Property Act, I have executed and am enclosing, in duplicate, a permit granting your Bureau authority to use and occupy such lands. If the permit is satisfactory it is requested that you indicate your acceptance thereof and return the executed copy for our files.

The terms and conditions stipulated in the permit are the usual ones included in all similar permits granted by this Service. Your attention is called to condition number eight which was inserted for the purpose of protecting both Agencies when the lands are appraised under the Surplus Property Act.

You are assured that your Bureau will be notified when these tracts are declared surplus in order that you may claim a priority with respect to the acquisition of such tracts. Also the fact that your Bureau desires to acquire such tracts will be stated in our surplus declaration.

Clarence Cottam

Acting Director.

Encl. 939

cc- Div. of Lands
Liaison Office
Region 2

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

JUN 28 1946

MEMORANDUM for Mr. Albert M. Day,
Director, Fish and Wildlife Service.

Reference is made to your letter of March 7, in reply to my letter of February 5, concerning the transfer of jurisdiction to this Bureau of certain lands acquired for the Boulder Canyon National Wildlife Refuge no longer required by your Service which are essential to this Bureau in connection with the operation and maintenance of the Boulder Canyon Reservoir (Lake Mead).

Your memorandum advised that these tracts were purchased for a specific purpose with funds made available under the Act of March 16, 1934 (48 Stat. 451), as amended, in accordance with the authority granted under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, and as far as you can determine the lands cannot be transferred to this Bureau without Congressional authority. However, you have suggested that your Service would be glad to work out an arrangement whereby the use of the lands can be made available to the Bureau pending any action which would transfer the lands, if it should develop that it is possible.

Pending the disposition of the lands it is requested that a permit for their use and custody by this Bureau be issued by your Service. If it is subsequently decided to dispose of the lands, your attention is called to the fact that the following described lands fall within the 1235-foot contour elevation and are essential for the operation and maintenance of the reservoir. With respect to these tracts the Bureau has funds available for their acquisition at their appraised value. Therefore, if such tracts are declared surplus under the Surplus Property Act, this Bureau should be so notified in order that it may claim a priority with respect to their acquisition for reservoir purposes.

(a) The United States vs. Nevada Land and Livestock Co., Inc., and others (Civil No. 157).

Tract 514b: All that part of the SW¼NE¼NE¼, Section 30, T. 16 S., R. 68 E., M.D.M., bounded by the following described lines: Beginning at corner No. 1, the northeast corner of the SW¼NE¼NE¼ of Section 30, thence with part of the north-south centerline of the NE¼NE¼ of said section, S. 0°43' W., 10.210 chains to corner No. 2, a point in the north 1/16th line of said section, thence with said line S. 89°00' W., 5.356 chains to corner No. 3; thence with four lines common to the land of the United States (L. R. Saunders, Tract 514), N. 26°13' W., 3.887 chains to corner No. 4; thence N. 19°16' W., 2.822 chains

to corner No. 5; thence N. 10°31' W., 2.941 chains to corner No. 6; thence N. 12°35' W., 1.256 chains to corner No. 7, a point on the north line of said SW¼NE¼NE¼; thence with said north line S. 89°48' E., 8.939 chains to the place of beginning, containing 7.45 acres, more or less.

Tract 514c: All that part of the NE¼SE¼, Section 30, T. 16 S., R. 68 E., M.D.M., bounded by the following described lines: Beginning at corner No. 1, the S. 1/16th corner common to Sections 29 and 30; thence with the S. 1/16th line of Section 30, S. 87°15' W., 3.16 chains to corner No. 2; thence with 2 lines common to the land of the United States (L. R. Saunders, Tract 514a). N. 3°12' E., 3.187 chains to corner No. 3; thence N. 38°47' W., 9.47 chains to corner No. 4; thence with land of the United States (Norman E. Shurtliff, Tract 20), N. 87°20' E., 4.08 chains to corner No. 5, a point on the west right-of-way boundary of the Moapa Valley Railroad, thence with said right-of-way boundary S. 38°24' E., 7.86 chains to corner No. 6, a point in the line common to Sections 29 and 30; thence to the said section line S. 0°42' W., 5.11 chains to the place of beginning, containing 4.20 acres, more or less.
(Recorded in Book 16, Misc. Records, at Page 334).

(b) The United States vs. Nevada Land and Livestock Co., Inc., and others (Civil No. 96).

Parcel No. 1 - Tract 514: Part of the N½NE¼, Section 30, T. 16 S., R. 68 E., M.D.M., being a 200-foot canal right of way lying 100 feet on each side of the following described centerline: Beginning at a point 0.46 chains west of the northeast corner of the S½NW¼NE¼, Section 30, thence S. 12°35' E., 1.562 chains; S. 10°31' E., 3.030 chains, S. 19°16' E., 3.030 chains, S. 26°15' E., 3.266 chains to a point 3.009 chains N. 89° E. of the northeast 1/16th corner of Section 30.

Parcel No. 2 - Tract 514a: Part of the NE¼SE¼, Section 30, T. 16 S., R. 68 E., M.D.M., being a 200-foot canal right of way lying 100 feet on each side of the following described centerline: Beginning at a point 8.66 chains south and 8.84 chains east of the southeast 1/16th corner of Section 30; thence S. 38°57' E., 10.00 chains; S. 3°12' E., 3.45 chains to a point 5.41 chains east of the northwest corner of the E½SE¼SE¼, Section 30.
(Recorded in Book 14, Misc. Records, at Page 276).

For the Commissioner:

(Sgd) Kenneth Markwell

Kenneth Markwell,
Assistant Commissioner.

C O P Y

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

Permit 46-444

PERMIT GRANTING CUSTODY AND CONTROL OF THE LANDS WITHIN THE BOULDER CANYON NATIONAL WILDLIFE REFUGE TO THE BUREAU OF RECLAMATION, U. S. DEPARTMENT OF INTERIOR

* * * * * * * * * * *

WHEREAS, it has been administratively determined that the lands in the Boulder Canyon National Wildlife Refuge are no longer required for the purpose for which the refuge was established; and

WHEREAS, certain portions of said refuge area were withdrawn for said purpose by Executive Order No. 6065, dated March 3, 1933 and other portions thereof were purchased under the authority contained in the Migratory Bird Conservation Act of February 18, 1929 (45 Stat.1222) as amended: and

WHEREAS, action has been instituted to effect the release of the lands withdrawn by said Executive Order and it is intended that the portions purchased pursuant to said Act will be declared surplus and made available for disposal under existing law; and

WHEREAS, it appears that all or a substantial part of the lands within The Boulder Canyon National Wildlife Refuge are essential to the operation and maintenance of the Boulder Canyon Reservoir (Lake Mead), and the Bureau of Reclamation U. S. Department of Interior has signified its desire to control this area for said purpose and has requested that a permit be issued by the Fish and Wildlife Service, U. S. Department of Interior to authorize such control pending final disposition of the lands purchased pursuant to said Act;

NOW, THEREFORE, the said Fish and Wildlife Service, hereinafter referred to as the "Service", grants to the said Bureau of Reclamation, hereinafter referred to as the "Bureau", permission to use and occupy for the purpose of its operation and maintenance of Boulder Canyon Reservoir the following described lands:

Township Sixteen (16) South, Range Sixty-eight (68) East, Mt. Diablo Meridian: in Section Nineteen (19), all of the West half Northwest quarter Northeast quarter (W½NW¼NE¼), Northwest quarter Southwest quarter Northeast quarter (NW¼SW¼NE¼) and Northeast quarter Northwest quarter (NE¼NW¼); and in Section Thirty (30): That part of the Southwest quarter Northeast quarter Northeast quarter (SW¼NE¼NE¼), bounded by the following described lines: Beginning at Corner No. 1, the northeast corner of the SW¼NE¼NE¼ of Section 30; thence with part of the north-south centerline of the NE¼NE¼ of

said section, South 0°43' W., 10.210 chains to Corner No. 2, a point in the north 1/16th line of said section; thence with said line S. 89°00' W., 5.356 chains to Corner No. 3; thence with four lines common to the land of the United States (L. R. Saunders, Tract 514), N. 26°13' W., 3.887 chains to Corner No. 4; thence N. 19°16' W., 2.882 chains to Corner No. 5; thence N. 10°31' W., 2.941 chains to Corner No. 6; thence N. 12°35' W., 1.256 chains to Corner No. 7 a point on the north line of said SW¼NE¼NE¼; thence with said north line N. 89°48' E., 8.939 chains to the place of beginning; containing 7.45 acres, more or less; That part of the N½NE¼, being a 200-foot canal right-of-way lying 100 feet on each side of the following described centerline: Beginning at a point 0.46 chains west of the northeast corner of the S½NW¼NE¼, Section 30; thence S. 12°35' E., 1.562 chains; S. 10°31' E., 3.030 chains, S. 19°16' E., 3.030 chains, S. 26°13' E., 3.266 chains to a point 3.009 chains N. 89° E., of the northeast 1/16th corner of Section 30; containing 3.30 acres, more or less. All that part of the NE¼SE¼, bounded by the following described line: Beginning at Corner No. 1, the S. 1/16th corner common to Section 29 and 30; thence with the S. 1/16th line of Section 30, S. 87°15' W., 3.16 chains to Corner No. 2; thence with 2 lines common to the land of the United States (L. R. Saunders, Tract 514a). N. 3°12' E., 3.87 chains to Corner No. 3; thence N. 38°57' W., 9.47 chains to Corner No. 4; thence with the land of United States (Norman E. Shurtliff, Tract 20), N. 87°20' E., 4.08 chains to Corner No. 5, a point on the west right-of-way boundary of the Moapa Valley Railroad; thence with said right-of-way boundary S. 38°24' E., 7.86 chains to Corner No. 6, a point in the line common to Sections 29 and 30; thence with the said section line S. 0°42' W., 5.11 chains to the place of beginning, containing 4.20 acres, more or less. That part of the NE¼SE¼, being a 200-foot canal right-of-way lying 100 feet on each side of the following described centerline: Beginning at a point 8.66 chains south and 8.84 chains east of the center east 1/16th corner of Section 30; thence S. 38°57' E., 10.00 chains; S. 3°12' E., 3.45 chains to a point 5.41 chains east of the northwest corner of the E½SE¼SE¼, Section 30; containing 4.08 acres, more or less. The above described lands contain 89.03 acres, more or less.

This permit is issued subject to the following conditions and limitations:

1. That no charge will be made for the uses herein permitted.

2. The lands herein described shall be subject to the dominant use by the Service in its control over game; fur animals, and wildbirds; and the Bureau shall not do or suffer to be done by any of its agents any act that may interfere with the control by the said Service over such wildlife.

3. The Bureau will permit no act in contravention to any laws applicable to the above described lands as a wildlife refuge, and it shall take all reasonable precautions to prevent fire and to suppress any fire which may escape control.

4. The permittee shall hold and save the Service harmless from all liability on account of any claims whatsoever for wages, supplies, equipment, damage or injury to persons or property arising out of any activity conducted or undertaken under the terms of this permit or by reason of the exercise of any privilege hereunder.

5. The permit is not transferable, no privilege hereunder may be sublet or made available to any person or interest not a party hereto without the approval of the Director of the Service, and it shall not be used for speculative purposes.

6. The Bureau shall at all times accord any representatives of the United States, when in the discharge of his official duties, free and unobstructed access to and over the lands described herein.

7. This permit may be terminated at any time by agreement between the issuing officer and the Bureau; it may be revoked by the Director of the Service for noncompliance with the terms hereof or for violation of general and/or specific regulations governing the administration of national wildlife refuges; for nonuse; or for violations of any laws protecting wildlife and Government property or the nests or eggs of birds; and it is at all times subject to the discretionary revocation by the Secretary of the Interior. It is further understood that this permit shall automatically terminate as to all or any portion of the lands above described when and if the jurisdiction of the Service over said land ceases.

8. It is expressly understood that any appraisal made, under the provisions of the Surplus Property Disposal Act, shall exclude from consideration any structures, buildings, or improvements placed on the lands by the Bureau subsequent to the date this permit is issued and accepted which would either enhance or diminish the value of said lands.

Clarence Cottam
Acting Director.

Countersigned:

(Sgd) William V. Taylor
Acting Chief, Division of Wildlife Refuges.

Accepted in accordance with the above conditions and requirements.

Bureau of Reclamation, USDI

By_____

Name_____

Title_____

05-21-1945: letter to nps from state of nevada regarding copies of application and permit no. 10092 and application no. 10188

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

May 21, 1945

muddy Valley Irrigation Co.
X Blue Point & Rogers Spri.
X Overton Nursery Water System

IN YOUR REPLY REFER TO NO. 10092, 10188

Mr. A. van V. Dunn
Chief, Water Rights Division
National Park Service
Chicago 54, Illinois

Dear Mr. Dunn:

Reference is made to your letter of May 14.

Enclosed herewith are the requested copies of application and permit No. 10092 and application No. 10188.

Blue prints of maps filed in support of the two applications are being mailed to you under cover. Map showing the location of the land to which 0.0286 c.f.s. of the waters of the Muddy River decreed to John F. Perkins together with the original evidence in connection with the determination of the Relative Right in and to the Waters of Muddy River and its Tributaries are filed with the clerk of the Tenth Judicial District Court, Las Vegas, Nevada. A print of this map can be perhaps obtained from him by referring to serial No. 01635 under which the original proof of appropriation was filed.

Relative to the status of applications Nos. 10092 and 10188 our records disclose the following:

Application No. 10092 Rogers Spring, was approved and a permit for 4.0 c.f.s. was issued on December 10, 1937 for Migratory Water fowl game refuge. Proof of commencement of work was filed on August 4, 1938. Proof of Completion of work, proof of application of water to beneficial use and supporting map become due for filing in this office on August 6, 1945.

Application No. 10188 Muddy Creek was protested on March 9, 1938 by Muddy Valley Irrigation Company. No action has been taken on this application and is therefore pending.

Relative to the water right of John F. Perkins our records show that on April 22, 1926 the State Engineer

issued Certificate No. 267 under proof No. 01635 to John F. Perkins for 0.0286 c.f.s. of the waters of Muddy River and its tributaries for summer season from May 1 to October 1 of each year and 0.02 c.f.s. for winter season from October 1 to May 1 of each year.

The point of diversion is described as being within the NE¼ NE¼ Section 4 T. 17 S., R. 68 E., M.D.B.&M. and the land irrigated is described as being 2.0 acres located within the E part of NE¼ NE¼ Section 10 and W. part of NW¼ SW¼ Section 11 T. 17 S., R. 68 E., MD.B&M. The priority of appropriation is January 1, 1905. This certificate was issued according to Decree in the matter of Muddy Valley Irrigation Co., et al v. Moapa and Salt Lake Produce Co. et al, Tenth Judicial Court. The certificate was recorded June 11, 1926 in book 1 page 59, Clark County Records. This right was assigned by John F. Perkins on April 11, 1931 to Muddy Valley Irrigation Co. Records of other assignments if any may be found in the recorders office.

Enclosed herewith are the signed vouchers and our statement for $4.00 the charge for the copies of the two applications and maps.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By
Hugh A. Shamberger
Assistant State Engineer

FND:at

05-14-1945: letter to state engineer from nps regarding department of agriculture filed application on nos. 10188, 10092 for the ap

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

May 14, 1945.

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

My dear Mr. Smith:

We have been informed that the Department of Agriculture filed Application No. 10188 for the appropriation of water near the town of Overton by a ditch which is located, in part, on land within Boulder Dam National Recreational Area, claiming priority of December 1, 1937. Mr. Shamberger's letter of December 14, 1944, also lists Application No. 10092 by the same claimant for the appropriation of 4.0 second-foot from Rodgers Spring, with priority of December 10, 1937. We have also purchased some water from John F. Perkins whose right to 0.028 second-foot of the waters of Muddy River was listed on page 5 of Mr. Shamberger's letter. We assume the latter to be a decreed right.

Will you please send us a copy of each of the two applications, and prints of the maps relating to each of the three rights. Also, please give the present status of the applications. I should also like to know the dates used along the Muddy River as the transition between winter and summer seasons in determining the different rates of authorized diversion.

A voucher is enclosed for your signature to cover the charges for the applications and maps.

Sincerely yours,

A. van V. Dunn

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

Enclosure 241.

OFFICE STATE ENGINEER
MAY 17 45

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

03-26-1942: letter to state engineer from fish and wildlife service regarding water filings: application nos. 10188 on big muddy cree

IN REPLY REFER TO
R
Boulder Canyon
Z

ADDRESS ONLY THE
DIRECTOR, FISH AND WILDLIFE SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
WASHINGTON

March 26, 1942.

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

Dear Mr. Smith:

Reference is made to your communication of January 23 relating to the water filings for the Boulder Canyon National Wildlife Refuge in Nevada, as follows:

Application #10188 on Big Muddy Creek
" #10202 on Las Vegas Wash
" #10092 on Rogers Spring

We have discussed this matter with the representatives of the Department of Agriculture and enclose herewith the original of the letter of the Hon. Grover B. Hill, Assistant Secretary of the Department of Agriculture, dated March 20, that is self-explanatory.

This letter is intended to meet the requirements of the State of Nevada with respect to the administration of the water rights, and it will be appreciated if you will advise this office if it meets with your satisfaction.

Very truly yours,

W C Henderson

Acting Director.

Enclosure 2258348.



03-20-1942: letter to secretary of the interior from department of agriculture regarding the fact that administrative jurisdiction over

DEPARTMENT OF AGRICULTURE
WASHINGTON

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
MAR 21 1942
TO FISH AND
WILDLIFE SER.

March 20, 1942.

The Honorable
The Secretary of the Interior

Dear Mr. Secretary:

Assistant Secretary Chapman, in his letter of February 26, 1942, requested that the Department of Agriculture furnish the Department of the Interior with a statement confirming the fact that administrative jurisdiction over certain water rights has been transferred to the Department of the Interior.

The filings for these water rights (which are described as Application #10188 on Big Muddy Creek; Application #10202 on Las Vegas Wash; and Application #10092 on Rogers Spring) were made by the former Bureau of Biological Survey in connection with the Boulder Canyon Wildlife Refuge in the State of Nevada, in the name of "Henry A. Wallace, Secretary of Agriculture, United States Bureau of Biological Survey." As a result of Reorganization Plans Nos. II and III, responsibility for the administration of the refuge and, therefore, control over the exercise of these water rights are now in the Fish and Wildlife Service of the Department of the Interior. Consequently, this Department has no objection to any steps which the Department of the Interior may take to have the State Engineer of Nevada change his records to reflect this transfer of administrative responsibility.

The Department of the Interior is authorized to use this letter as a formal notice, to whomever it may concern, that a transfer of administrative responsibility for the water rights described above has taken place as indicated.

Sincerely yours,

Grover B. Hill

Assistant Secretary

OFFICE
STATE ENGINEER
MAR 31 '42
RECEIVED
A.M.S.

GRAY MASHBURN
ATTORNEY-GENERAL

STATE OF NEVADA
DEPARTMENT OF ATTORNEY-GENERAL
CARSON CITY

W. T. MATHEWS
ALAN BIBLE
DEPUTY ATTORNEYS-GENERAL

4 copies

January 13, 1942

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

Re: Nos. 10188, 10202, 10092.

Dear Sir:

Reference is hereby made to your letter of December 23d and also the letter enclosed therewith from W. C. Henderson, Director of Fish and Wildlife Service of the Department of the Interior, relating to the above numbered applications for permits to appropriate waters. It is noted you desire advice as to whether you can transfer the applications for permits heretofore made in the name of Henry A. Wallace as Secretary of Agriculture, to the Fish and Wildlife Service of United States Department of the Interior without first being authorized to do so by direct communication from the Secretary of Agriculture.

We think your inquiry is answered by Section 7951, Nevada Compiled Laws, 1929, the same being Section 66 of our water code, in that such section provides that an "application for permit, or any permit to appropriate water, may be assigned subject to the conditions of the permit, but no such assignment shall be binding except between the parties thereto, unless filed for record in the office of the State Engineer. We think the proper procedure in the instant matter is for the Secretary of Agriculture to assign its applications to the Fish and Wildlife Service and preferably the assignment should be made to the head of that department.

Trusting this will answer your inquiry, I am

Yours very truly,

W. T. Mathews

W. T. Mathews
Deputy Attorney-General.

WTM:h

12-16-1941: letter to state engineer from fish and wildlife service regarding applications 10188, 10202, 10092

IN REPLY REFER TO

R
Boulder Canyon
Z

ADDRESS ONLY THE
DIRECTOR, FISH AND WILDLIFE SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
WASHINGTON

December 16, 1941.

Mr. Alfred M. Smith, State Engineer,

Carson City, Nevada.

Dear Mr. Smith:

Reference is made to the water filings for the Boulder Canyon National Wildlife Refuge in Nevada, as follows:

Application #10188 on Big Muddy Creek
Application #10202 on Las Vegas Wash
Application #10092 on Rogers Spring

These filings were made in the name of Henry A. Wallace, Secretary of Agriculture, U. S. Bureau of Biological Survey.

Since the applications were made, the reorganization of Federal agencies has now placed the management of the Boulder Canyon National Wildlife Refuge under the supervision of the Fish and Wildlife Service of the United States Department of the Interior. The reorganizations were made under the authority of the Reorganization Act of 1939 (53 Stat. 561). By the President's Reorganization Plan No. 2 (53 Stat. 143), the Bureau of Biological Survey was transferred from the Department of Agriculture to the Department of the Interior. By the President's Reorganization Plan No. 3 (54 Stat. 230), the Bureau of Biological Survey was consolidated with the Bureau of Fisheries to form the Fish and Wildlife Service.

In accordance with these changes, it is requested that the filings above-designated be listed in the name of the Fish and Wildlife Service of the United States Department of the Interior.

Very truly yours,

W C Henderson

Acting Director.



s. 10188, 10202, 10092 December 23rd, 1941.

Honorable Gray Mashburn,
Attorney General of Nevada,
Carson City, Nevada.

Dear Attorney General:

Enclosed herewith please find copy of a letter received from the U. S. Department of the Interior requesting that certain applications for water use under Nevada State law be transferred from the U. S. Department of Agriculture to the U. S. Department of the Interior.

Although this transfer appears to be clearly authorized and made necessary by the passage of the acts referred to, we have not received a release on the filings from the Secretary of Agriculture and have therefore no direct authority from the Department of Agriculture to either cancel these applications or to renew or continue them in the name of the Department of the Interior.

I respectfully request your legal opinion in this matter as to procedure, specifically, should I transfer the applications made in the name of Henry A. Wallace, Secretary of Agriculture, to the Fish and Wildlife Service of the U. S. Department of the Interior, without first being authorized to do so by direct communication from the Secretary of Agriculture.

Very truly yours,

Alfred Merritt Smith
State Engineer

B-2

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Biological Survey

Refer to

Application No. 10188

437 Federal Bldg.,
Salt Lake City, Utah
November 23, 1938

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

Dear Mr. Smith:

Reference is made to your letter of November 22, addressed to Mr. Brice McBride at 513 Chamber of Commerce Building, relative to a reporter for the hearing to be held December 6 at Overton in connection with the protest of the Muddy Valley Irrigation Company to Application No. 10188.

Mr. McBride is at present out of town, but we are writing the Washington office to secure approval for securing a court reporter for this meeting. We should hear from them in time to be able to give you a definite decision by Saturday, November 26. We trust this will be satisfactory with you.

We would appreciate your changing your records to show Mr. McBride's address as 437 Federal Building and not 513 Chamber of Commerce Building.

Very truly yours,

(Signed) L. M. Winsor
J.M.

L. M. Winsor,
District Engineer

COPY

F I L E D
Nov. 25, 1938
State Engineer's Office.

B-1

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Eng.

March 17, 1938

Office of the State Engineer
Carson City, Nevada.

Gentlemen:

A copy of the formal protest filed in your office March 9, 1938 by the Muddy Valley Irrigation Company against the granting of application No. 10188 has been received.

As I read Section 62, Chapter 59, Statutes of 1919, it is not necessary that we make formal answer to this protest unless a hearing for this purpose is called by the State Engineer.

The above section referred to was read in a pamphlet from your office entitled "Water Laws of Nevada," compiled in the office of the State Engineer, July, 1933. This pamphlet is the only copy I have at hand of Nevada water laws. Would appreciate it very much if you would notify me if Section 62 is still in effect as written or if it has been amended.

Very truly yours,

(Signed) Brice McBride

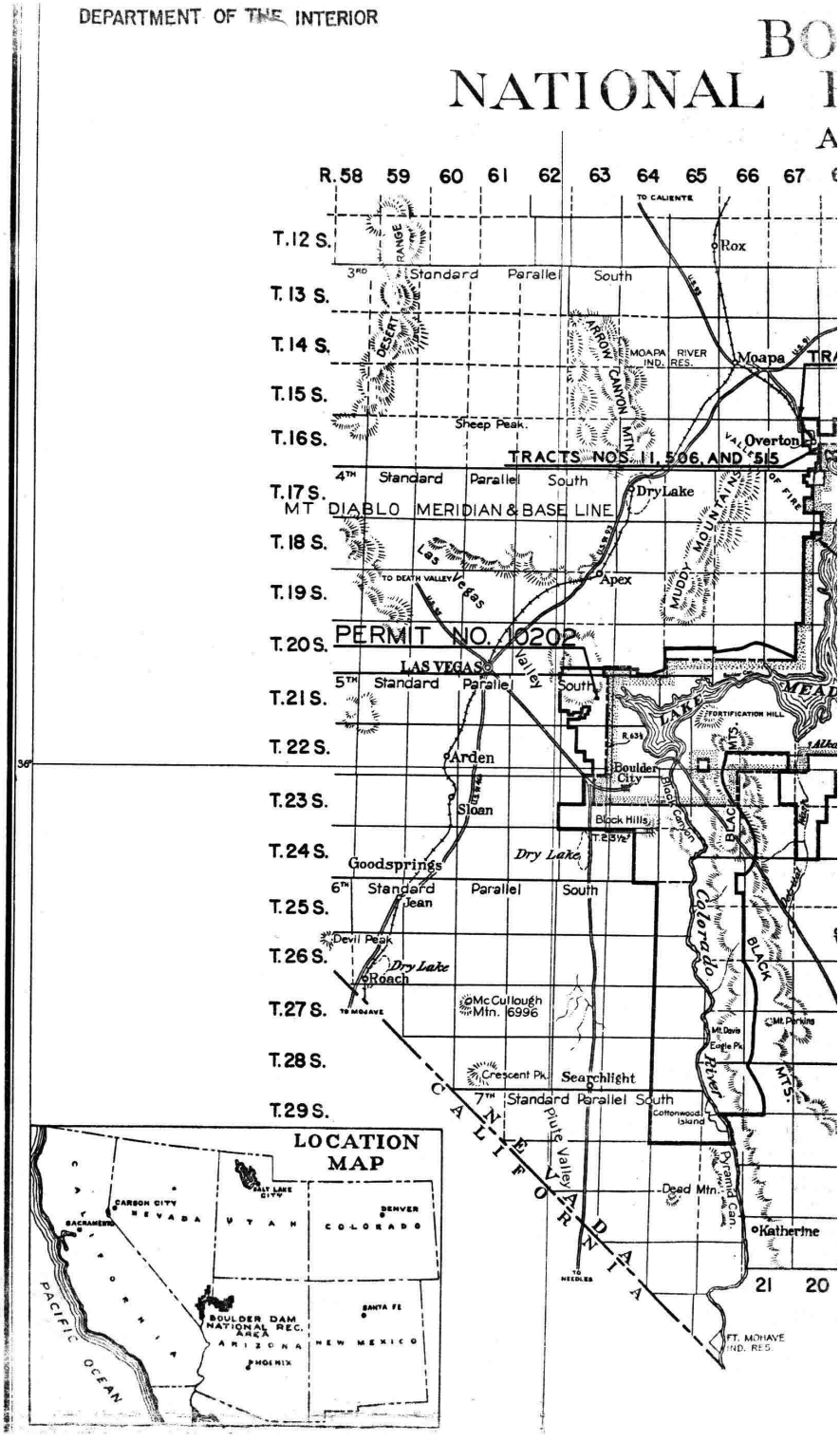
BRICE McBRIDE
Hydraulic Engineer

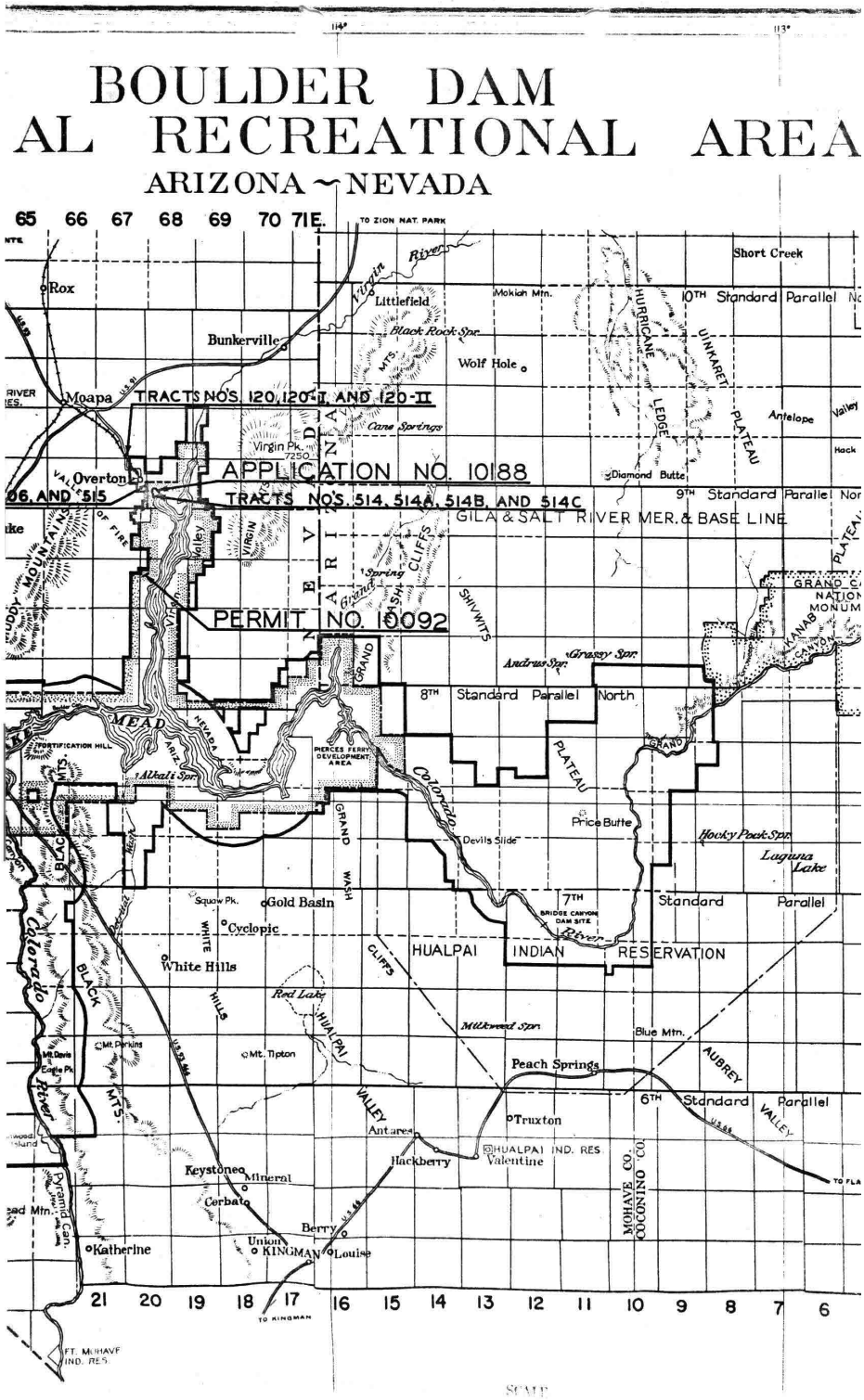
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F I L E D
March 19, 1938
State Engineer's Office.

COPY

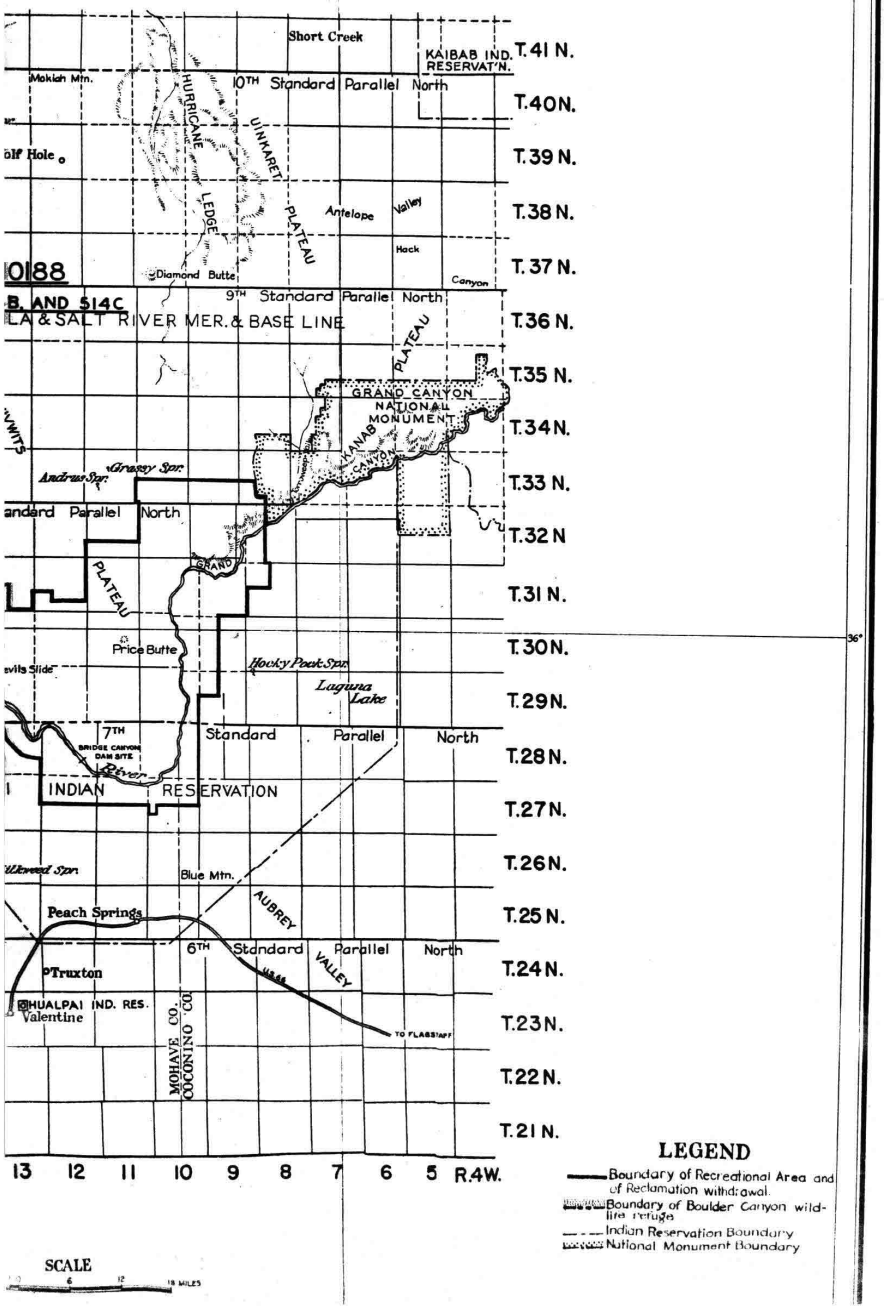
00-00-0000: partial map of nevada area




BOULDER DAM
AL RECREATIONAL AREA
ARIZONA ~ NEVADA
65 66 67 68 69 70 71E.
TO ZION NAT. PARK
Virgin River
Short Creek
Rox
Littlefield
Mokiah Mtn.
10TH Standard Parallel
Black Rock Spr.
Bunkerville
Wolf Hole
HURRICANE
UINKARET
PLATEAU
LEDGE
Moapa
TRACTS NO'S. 120, 120-I, AND 120-II
Cane Springs
Antelope
Valley
Virgin Pk. 7250
Overton
APPLICATION NO. 10188
Diamond Butte
9TH Standard Parallel
TRACTS NO'S. 514, 514A, 514B, AND 514C
GILA & SALT RIVER MER. & BASE LINE
PERMIT NO. 5092
VIRGIN MOUNTAINS
VIRGIN
Spring
CLIFFS
SHIVWITS
GRAND
Andrus Spr.
Grassy Spr.
GRAND CANYON NATIONAL MONUMENT
KANAB CANYON
8TH Standard Parallel North
LAKE MEAD
IDENTIFICATION HILL
Alkali Spr.
PIERCES FERRY DEVELOPMENT AREA
Colorado
PLATEAU
Price Butte
Devils Slide
Hocky Peck Spr.
Laguna Lake
GRAND WASH
Squaw Pk.
Gold Basin
7TH Standard Parallel
BRIDGE CANYON DAM SITE
Cyclopic
WHITE HILLS
HUALPAI INDIAN RESERVATION
White Hills
Red Lake
HUALPAI
CLIFFS
Milkweed Spr.
Blue Mtn.
Mt. Perkins
Mt. Tipton
Peach Springs
AUBREY
6TH Standard Parallel
Truxton
VALLEY
Antares
HUALPAI IND. RES.
Valentine
Hackberry
Keystone
Mineral
Cerbat
Berry
Union
KINGMAN
Louise
Katherine
MOHAVE CO.
COCONINO CO.
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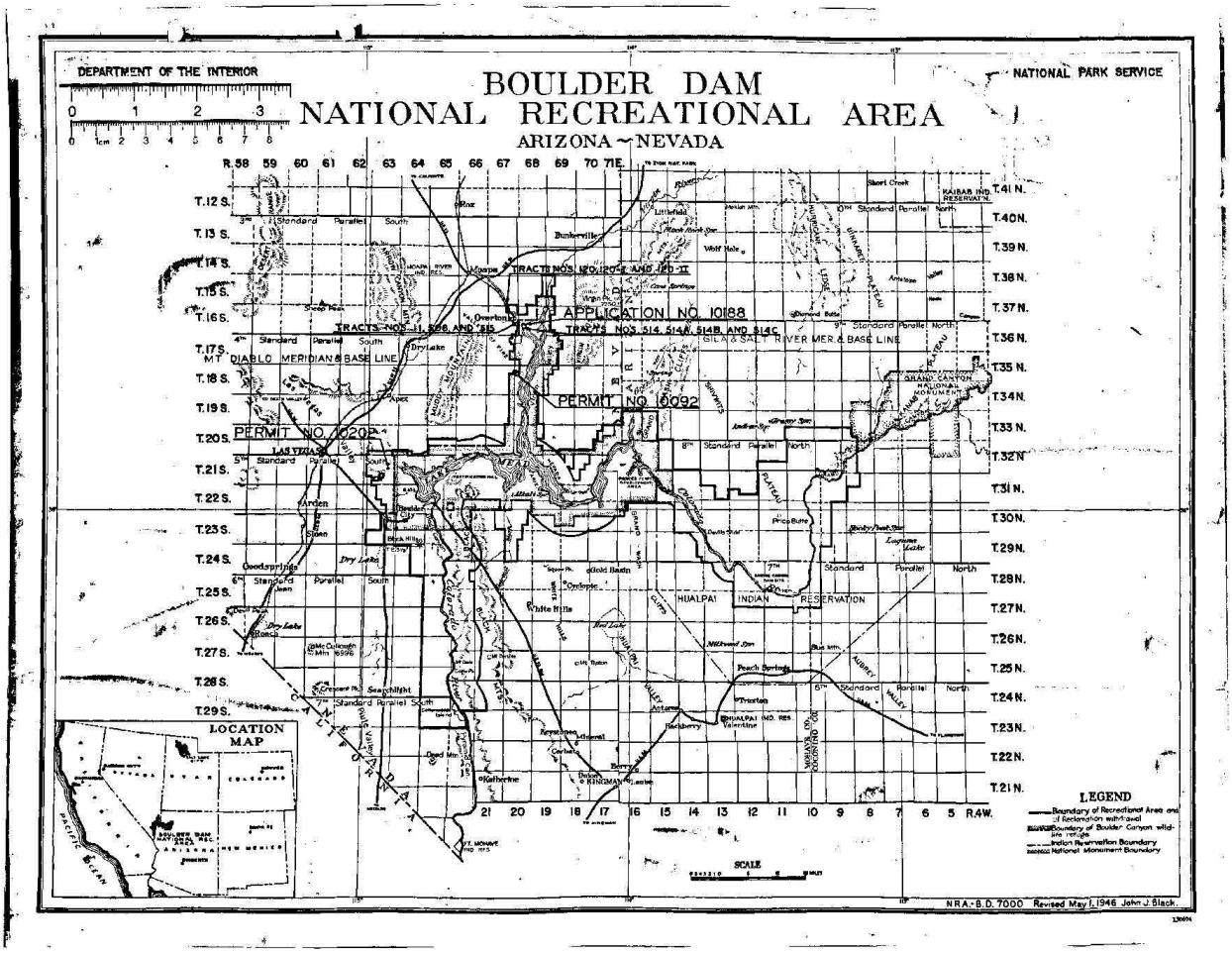
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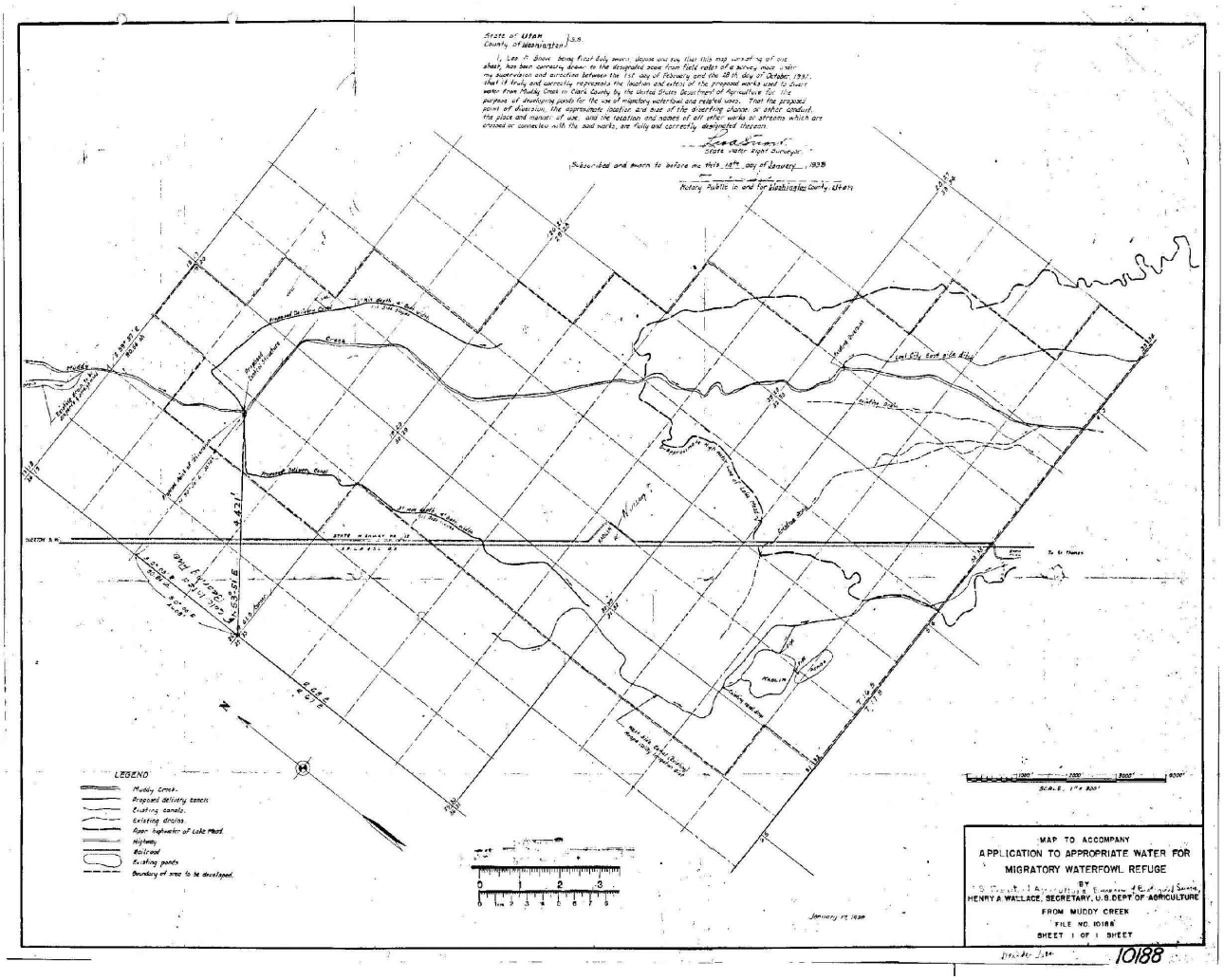
LEGEND

- Boundary of Recreational Area and of Reclamation withdrawal.
- Boundary of Boulder Canyon wildlife refuge
- Indian Reservation Boundary
- National Monument Boundary

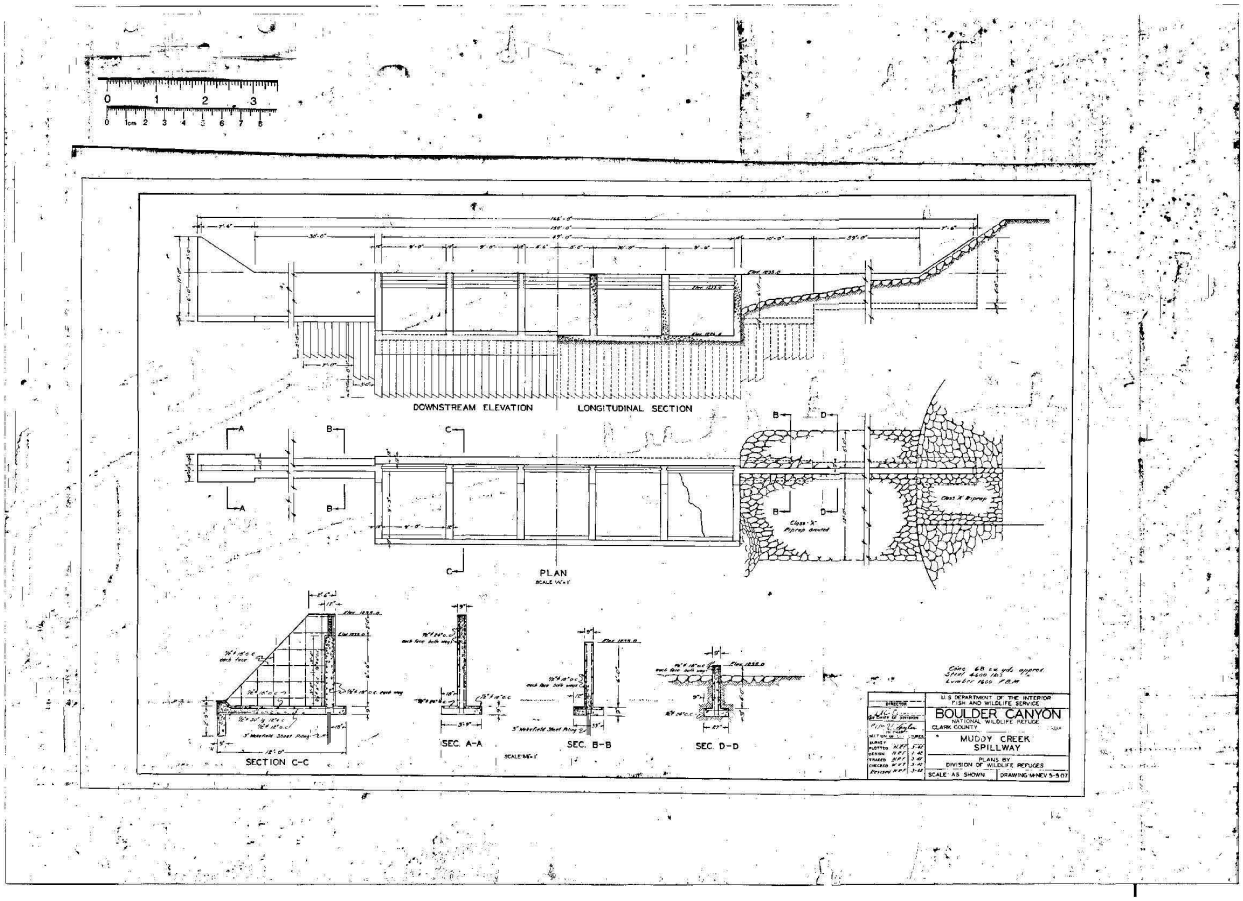
05-01-1946: map of the boulder dam n.r.a.



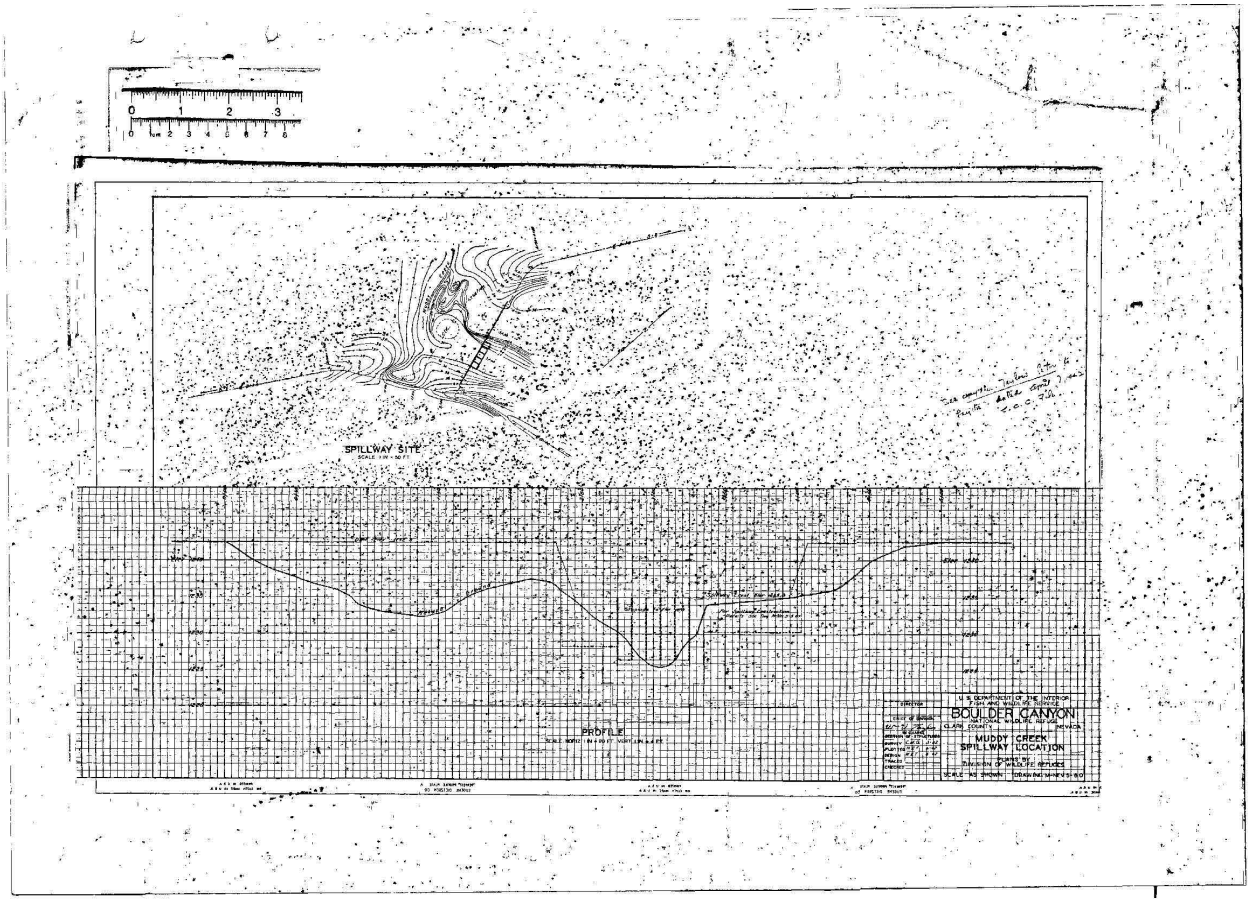
00-00-0000: map to accompany an application to app. water for a wildfowl refuge area



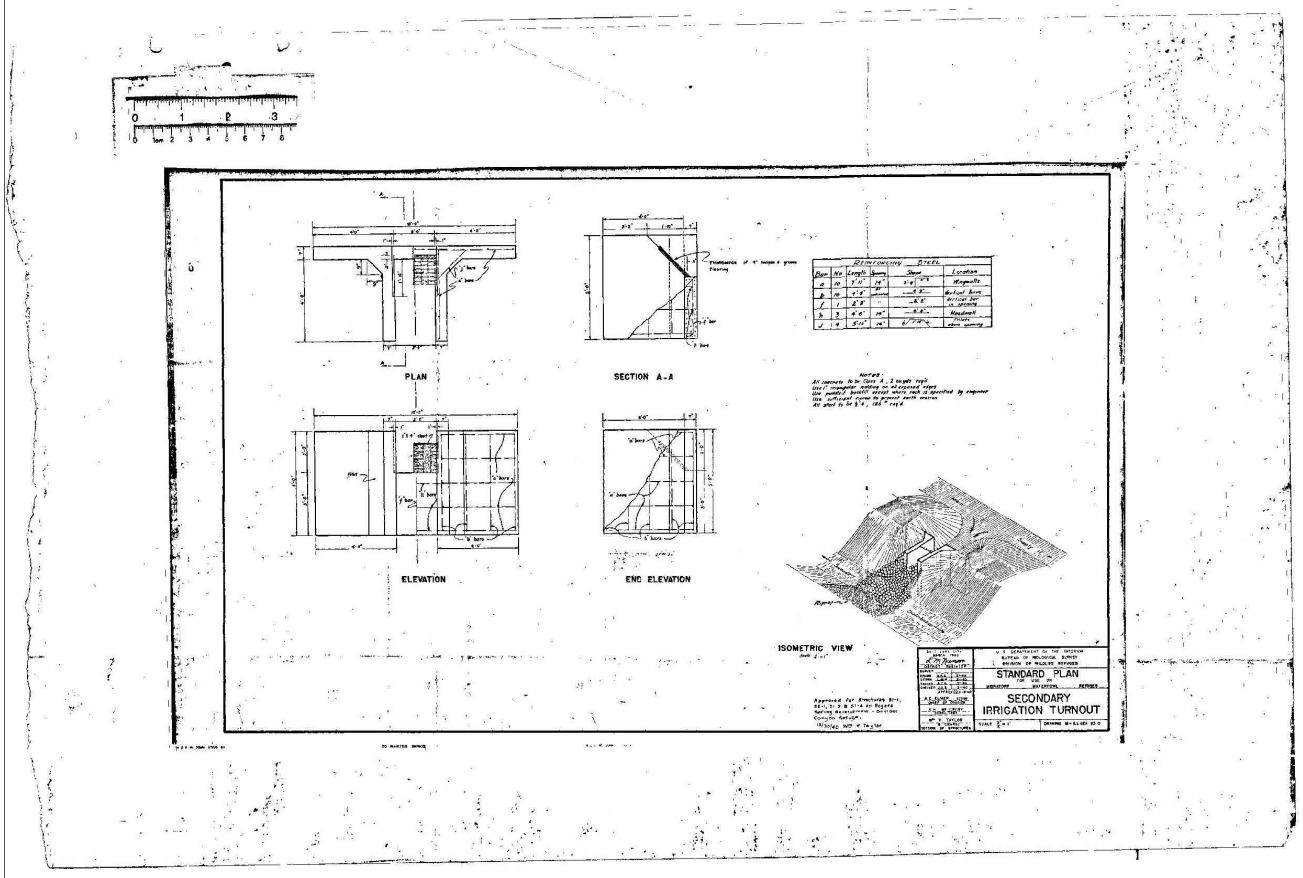
00-00-0000: plans for the milton creek spillway



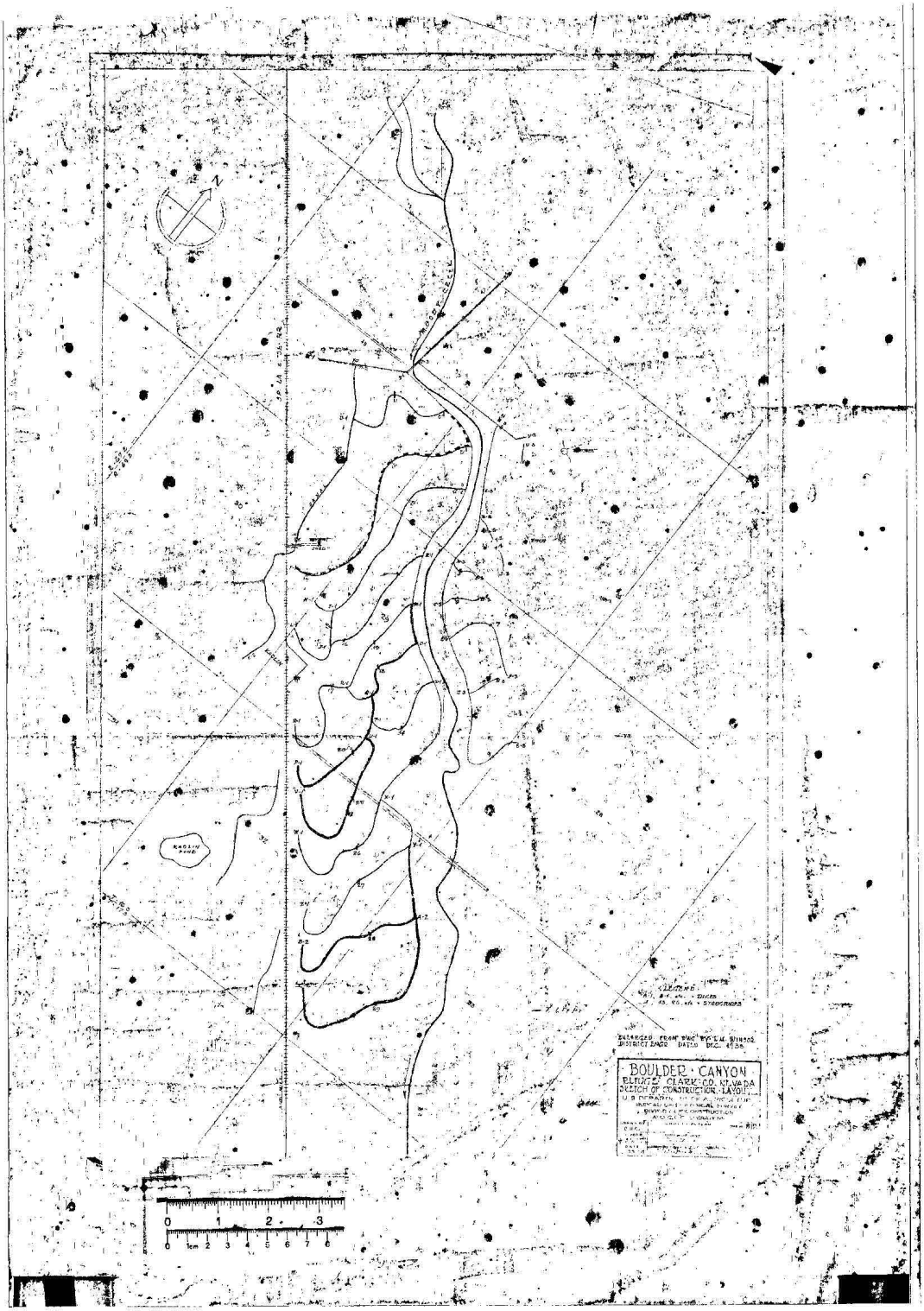
00-00-0000: map showing the milton creek spillway location



00-00-0000: milton spillway - standard plan - secondary irrigation turnout



00-00-0000: partial map of boulder canyon



Docket Information

Number of Documents in Docket 255

Documents Dated from 2/18/1929 to 1/9/1995

Docket Compiled: 4/20/2011