



WATER-RIGHT DOCKET

Lake Mead National Recreation Area

Docket No: 7

ARROW SPRING

Preliminary Docket Information

07-02-1974: water right/source docket information

WATER RESOURCES/WATER RIGHTS DATE: July 2, 1974

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lake Mead National Recreation Area

SITE Arrow Spring

STATE Nevada COUNTY Clark DOCKET NO WR #7

LOCATION S.55°13' E. for 3,411 feet from the W $\frac{1}{4}$ corner of Sec. 31, T31S, R66E (Actually in unsurveyed T31S, R65E, approx. in NW $\frac{1}{4}$ of Section 36)

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Purchase

APPLICATION 11737 PERMIT 11737 CERTIFICATE

ACTION END PRIORITY Dec. 17, 1946 RESERVATION

QUANTITY 0.02 second-feet USE Domestic

STATUS SOURCE Spring

REMARKS (Identical narrative for Application No. 11736; WR # 6)

NARRATIVE: On December 17, 1946, Louis Peterson filed water right Application No. 11736 to appropriate 0.05 second-feet of water from Diamond Spring and Application No. 11737 to appropriate 0.02 second-feet of water from Arrow Spring for domestic purposes in dwellings, buildings, irrigation of lawns, trees, gardens and fire protection. On December 23, 1947, the Superintendent of Lake Mead NRA, protested these applications in a letter stating that the proposed use would be on Federal land (within Lake Mead NRA) and as such it would be desirable that the water to be used be acquired in the name of the United States rather than in the name of the private operator.

On Dec. 17, 1947 Mr. Peterson obtained a Business Concession Permit No. I-4np-52 to operate a hotel selling gas and related articles for the year of 1948. Condition No. 18 of the permit stated:

The United States reserves the right to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available at reasonable rates to be approved by the Regional Director.

On March 11th, 1948 an informal hearing was held by the Assistant State Engineer with Louis Peterson, Charles Hammond, and Mr. Jolly and Mr. Leich representing the Park Service present. Mr. Hammond filed a protest to these applications on March 17, 1947 on the basis that the proposed use of the water would restrict his prior and superior right of cattle grazing in the Recreation Area. Mr. Jolly of the Park Service filed a report on the same day of the occurrences at the hearing. According to the report, Mr. Peterson stated that both springs (Diamond and Arrow) were dry on the surface of the ground and that it was necessary for him to develop them before he could get any water, which he had already done. He had dug a well near one spring 10 feet deep to get water, the other he had developed by dyking across a ravine to prevent the water from dissipating into the gravel. He had approximately 7,000 feet of pipe and a large storage tank for use in collecting the water.

The State Engineer issued a ruling on both applications on March 25, 1948. He found that there was sufficient water for the cattle of Mr. Hammond to graze in this particular area and also for domestic use by Mr. Peterson. He also found that in line with the policy of the National Park Service to own land and water used by concessioners and permittees in order to have control of the operation and to appropriate water or land to its best possible use, the distribution of the water from these applications could best be handled by the Park Service. Mr. Peterson agreed at the hearing to assign his rights in Applications 11736 and 11737 to the Park Service, which he did by quit claim deeds of May 17, 1948.

(Continued)

Compiled by M. Ackerman

Approved by W. Werrell

Page 1 of 2

(Cont.)

On February 18, 1948, proof of commencement of work was submitted by Mr. A. van V. Dunn and on March 2, 1951, Permits No. 11736 and 11737 were issued to the Park Service. The Park Service relied upon improvements made by Peterson consisting of a collecting box and 1500 feet of pipe installed at Diamond Spring at a cost of \$1500 and a collecting box, 4,000 feet of pipe, and a 7,000-gallon distribution reservoir installed for use in conjunction with Arrow Spring at a cost of \$4500.

A Mr. L.H. Dickens filed Applications No. 11530 and 11544 on April 8, 1946 for use of Diamond and Arrow Springs in conjunction with mining claims filed by Mr. Dickens. His applications were eventually canceled due to his failure to file a corrected copy of these applications. It also appears in a report of Feb. 8, 1951 by Ranger L.J. Mitchell that the purported mining claims were never perfected and that Dickens had no valid claims at all in the area.

OFFICE OF THE
STATE ENGINEER

Permit No. 11737

PROOF OF COMMENCEMENT OF WORK

STATE OF NEVADA,

County of

ss.

BEFORE ME, Personally appeared A. van V. Dunn, Chief, Water Resources Branch,
National Park Service,
the subscribed, who being duly sworn saith that at least forty-five
hundred dollars (\$ 4500.00) has been expended
in work or improvements performed or made under the conditions
provided in Permit No. 11737, and at the expense of the applicant.

Said improvements consisted of a collecting box at spring, 4000 feet
of 1 1/2 inch G. I. pipe and 7000-gallon distribution reservoir

and being work essential to the actual diversion of the water applied
for.

Said improvements were begun prior to February 18,, 19 48.

A. van V. Dunn
Chief, Water Resources Branch, Applicant
National Park Service

Subscribed and sworn to before me
this 11th day of July, 1951
Forrest A. Davis
Notary public in and for the County
of Dist. of Columbia
State of Nevada.

My Commission expires November 14, 1951

[One dollar filing fee must accompany this proof]



11737

ASSIGNED on May 17, 1948 by Louis
H. Petersen and Bernice E. Petersen
to United States of America. (National
Park Service) Deed filed November 6,
1948.

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

Serial No. 11737

Date of first receipt and filing in State Engineer's office Dec. 17, 1946
Returned to applicant for correction _____
Corrected application filed _____

The undersigned Louis Peterson
Name of applicant
of Searchlight, County of Clark,
State of Nevada, 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 Arrow Spring
Name of stream, lake, or other source
in T. 31 S., R. 65 E., M.D.B.&M.
2. The amount of water applied for is .02 second-feet.
One second-foot equals 48 miners' inches
3. The water to be used for domestic
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
in the unsurveyed T. 31 S., R. 65 E., or at a point from which the west
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.
quarter corner of sec. 31, T. 31 S., R. 66 E., M.D.B. and M. bears S. 55°
13' E., 3,411 feet.

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

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated beginning at the intersection
of the north boundary of Highway to Dav Describe in detail and divide, or if on unsurveyed land it should
T. 31 S., R. 65 E., from which point the west quarter corner of Sec. 31,
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.
T. 31 S., R. 66 E., bears N. 0°05' E., 717.7 ft., thence S. 80°07' W., 227.4 feet to
a Nev. St. Hwy. monument at Station "X" 665 + 38.18 P.T.; thence curving
to the right with a radius of 1,300.0 feet through an angle of 18°52'
30", a distance of 428.24 feet; thence N. 0°05' W., 299.9 feet; thence
N. 83°39' E., 654.3 feet to a point in the west boundary of said Section
31; thence S. 0°05' E., 330.0 feet to the point of beginning.
- (c) Use will begin about _____ and end about _____, of each year.
Month Month

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

- (d) Power to be developed is _____ horsepower.
- (e) Place of use approx. in NE 1/4 Sec. 36, T. 31 S., R. 65 E.,
M.D.B.&M. unsurveyed 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 Jan. 1 and end about Dec. 31, of each year.
Month Month
- (i) Remarks Water is to be used for domestic purposes in dwellings,
buildings, irrigation of lawns, trees, gardens and fire protection.

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

Serial No. 11737

Date of first receipt and filing in State Engineer's office DEC 17 1946
 Returned to applicant for correction _____
 Corrected application filed _____

The undersigned Louis Peterson
 of Searchlight, County of Clark,
 State of Nevada, 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 Arrow Spring
Name of stream, lake, or other source
2. The amount of water applied for is .02 second-feet.
One second-foot equals 40 miners' inches
3. The water to be used for domestic
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
in the unsurveyed T.31S., R.65E., or at a point from which the west
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.
quarter corner of sec. 31, T.31S., R.66E. N.D.B. and M. bears S.55°12'E.,
3,411 feet.

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

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should

beginning at the intersection of the north boundary of Highway to Davis Dam and the east boundary of T.31S., R.65E., from which point the west quarter corner of Section 31, T.31S., R.66E. bears N.0°05'W. 717.7 feet, thence N.80°07'W., 227.4 feet to a Nev. St. Hwy. monument at Station "X" 665 + 38.18 P.T. thence curving to the right with a radius of 1,300.0 feet through an angle of 13°52'30" a distance of 428.24 feet; thence N.0°05'W., 299.9 feet; thence N. 83°39'E., 654.3 feet to a point in the west boundary of said Section 31; then S.0°05'E., 330.0 feet to the point of beginning.

IF WATER IS TO BE USED FOR _____
 FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Place of use approx. in NE 1/4 Sec. 36, T. 31 S., R. 65 E., N.D.B. & M.
unsurveyed (see rider) 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 Jan. 1 and end about Dec. 31, of each year.
Month Month
- (i) Remarks Water is to be used for domestic purposes in dwellings,
buildings, irrigation of lawns, crops, gardens and fire protection.

DESCRIPTION OF PROPOSED WORKS

The water is to be concentrated in a covered box from which all 1/2" pipe
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 carry it, to a 7,000 gallon steel tank situated on said five acre
is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.
parcel, a distance of about 4,000 feet. The water is to be drawn from
the tank in pipes to faucets in buildings and yard.

5. Estimated cost of works \$4,500
6. Estimated time required to construct works 6 mo.
7. Remarks This application previously received in your office Mar. 29, 19
For use of applicant
serial number 11530, from L.H. Dickens 1946

Louis H. Petersen, Applicant.

By _____

Compared _____

This sheet inspected _____

_____, Engineer.

 OF STATE ENGINEER

This is to certify that I have examined the foregoing application,
 and do hereby grant the same, subject to the following limitations and
 conditions:

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

Actual construction work shall begin on or before _____

Proof of commencement of work shall be filed before _____

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

Proof of completion of work shall be filed before _____

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

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

WITNESS MY HAND AND SEAL this _____ day

of _____, _____

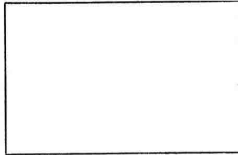
 State Engineer.

No. _____

Application for
Permit to Appropriate Water

STATE OF NEVADA
ENGINEER'S OFFICE

Filed _____



Applicant _____

P. O. Address _____

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

Address all communications
to the State Engineer

February 5, 1951

In your reply refer to No. s. 11530, 11544, 11737 and 11736

Your File 154 LAME

National Park Service
Washington 25, D. C.

Attn: A. van V. Dunn,
Chief, Water Resources Branch

Dear Sir:

This will acknowledge your letter of the 23rd ultimo together with Purchase Order and Voucher for \$20.00 to cover Permit fees under Applications Nos. 11736 and 11737 and also Purchase Order and Voucher for \$2.00 to cover copies of Applications Nos. 11530 and 11544. We are herewith returning the voucher and purchase order submitted with your letter of the 12th.

Applications Nos. 11530 and 11544 in name of L. H. Dickens were cancelled September 14, 1946 for failure to refile corrected applications within the statutory time. Upon receipt of applications to appropriate water we hold them for a reasonable time awaiting receipt of a supporting map. If said supporting map is not received within such reasonable time we send notice by registered mail calling for a supporting map and amended application. On June 14, 1946 we sent such a notice to the applicant calling his attention to the fact that his application called for 62½ second feet of water and it was our opinion he meant 62½ acre-feet; also, under subdivision 4 he should give the point of diversion within a 40 acre subdivision, and by means of a course and distance tie to a corner of the public land survey; under subdivision 4s he was directed to give the location of the place or places of use by legal subdivision. We failed to receive any reply within the sixty days specified within the notice, and therefore it became mandatory for this office to cancel said applications.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By

/s/ Hugh A. Shamberger
HUGH A. SHAMBERGER
Assistant State Engineer

HAS:at
enclosure

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THEIX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER



STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. CHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER
J. A. MILLAR
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. S. 11736 and 11737

January 16, 1951

National Park Service,
Washington 25, D. C.

ATTN: A. van V. Dunn,
Chief, Water Resources Branch.

You are hereby advised that your application.s to appropriate the public waters of the State of Nevada, under our Serial No. S. 11736 and 11737, for the waters of

Diamond Spring and Arrow Spring, respectively, are
now ready to be approved by this office.

You are further advised that, in accordance with Section 73, Subdivision (f), 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 twenty (\$20.00) dollars for the issuing and recording of your permit.s under said application.s 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.

X (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.s will be canceled and no further action will be taken upon the same.

Very truly yours,

ALFRED MERRITT SMITH,
State Engineer.

AT \$10.00 under each application - Total \$20.00

Note: Please submit duplicate copy of this notice with your payment.

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

Apr. 6, 1949.

In replying, refer to 11736-11737.

Dept. of the Interior,
National Park Service,
Washington 25, D. C.

Attention: A. van V. Dunn.

Gentlemen:

Deeds of transfer were

received and filed in this office under the above-mentioned
serial numbers on November 6, 1948.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 34313.

Very truly yours,

ALFRED MERRITT SMITH

CT.

State Engineer.

March 25, 1948

HAS:at
cc/ Bureau of Land Management,
100 Old Mint Bldg.,
San Francisco 3, California.

C O P Y

IN THE MATTER OF APPLICATIONS 11736)
AND 11737 IN NAME OF LOUIS PETERSON)
TO APPROPRIATE THE WATERS OF DIAMOND)
SPRING AND ARROW SPRING FOR DOMESTIC)
PURPOSES.)

RULING

Applications 11736 and 11737 were filed by Louis Peterson on December 17, 1946 to appropriate the waters of Diamond Spring and Arrow Spring, respectively, for domestic purposes. Point of diversion under application 11736 is within the unsurveyed SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 31 South, Range 65 East and under application 11737 is within the unsurveyed NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 31 South, Range 65 East.

On March 17, 1947 Charles Hammond filed protests against the granting of these applications on the grounds that the approval thereof would make his grazing rights valueless insofar as there would not be sufficient water for his cattle grazing in the vicinity. By letter dated December 23, 1947 from George F. Baggley, Superintendent, Lake Mead Recreational Area, National Park Service, it was stated that the National Park Service was considering issuing a business concession permit to Mr. Peterson, and that since such operation would be on Federal land, it would be desirable that the water to be used be acquired in the name of the United States rather than in the name of the private operator.

On March 11th an informal hearing was held in the office of Fish and Wild Life Service in Las Vegas before the office of State Engineer represented by Hugh A. Shamberger, Assistant State Engineer. In attendance at the hearing was applicant, Louis Peterson, protestant Charles Hammond, Donald J. Jolly and William F. V. Leich representing the National Park Service. Also present was Mr. Maurice Swain, son-in-law of protestant Charles Hammond.

According to Mr. Peterson, he developed the waters at Diamond Spring and Arrow Spring and has piped the water to his hotel. That he has received a business concession from the National Park Service and is presently operating same. Mr. Jolly of the Park Service stated that it was the policy of the Park Service not to have any permanent rights set up insofar as concessions are issued for specified periods and that if the owner of such concessions had permanent water rights, it would interfere with the jurisdiction by the Park Service.

Protestant Charles Hammond stated that he had a permit to appropriate water on Dripping Spring located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 31 South, Range 65 E., which is near the buildings of Mr. Peterson, and such buildings interfere with his stock watering at said spring.

It appears to this office that there is sufficient water for the cattle of Mr. Hammonds to graze in this particular area and also for the domestic use by Mr. Peterson. Although it is realized that since Mr. Hammond's cattle were within the area first and had been given certain grazing rights by the Bureau of Land Management and Park Service, that the operations of the waters of Diamond and Arrow Spring by Mr. Peterson should be such as to create a minimum of interference with the range operations of Mr. Hammond. It also appears that in line with the policy of the National Park Service, that the distribution of such water could be best handled by the Park Service. Mr. Peterson, the applicant, agreed at the hearing to assign his rights in application 11736 and 11737 to the National Park Service. This also was agreeable to protestant Charles Hammond. Therefore, following the assignment of said applications to the National Park Service, permits to appropriate water will be issued.

Respectfully submitted,

(Sgd.) Alfred Merritt Smith

ALFRED MERRITT SMITH
State Engineer

Dated this 25th day of March, 1948.

Serial No. 11530

Date of first receipt and filing in State Engineer's office Mar. 29, 1946
Returned to applicant for correction Jun. 14, 1946
Corrected application filed _____

1. The source of the proposed appropriation is Arrow Spring
Name of stream, lake, or other source

2. The amount of water applied for is 0.25 C.F.S. second-feet.
One second-foot equals 40 miners' inches

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

4. The water is to be diverted from its source at the following point:
Unsurveyed land, in the NW 1/4 Sec. of Sec. 36, Tsp. 31-S., R.65 E., M.4 D.M.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If an unsurveyed land, it should be so stated.

(a) Number of acres to be irrigated is _____

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

(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. Under a permit, the consent of the State is given, in a manner provided by law, to acquire a water right and gives the permittee an inchoate right which will ripen into a legal and complete appropriation, only upon completion of the works of diversion and the placing of the water to beneficial use, and the filing of proofs thereto, together with such maps as may be required. 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, underground, 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 the State Engineer in determining the amount of water to be granted in any permit shall take into consideration the irrigation requirements in the section of the State in which the appropriation is to be made. Therefore, the applicant in answer to this question should base the amount on what he believes will be necessary, and if possible in addition to the continuous flow required in cubic feet per second, give the duty of water in acre-feet per acre per irrigation season.

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 interferences with prior rights. The point of diversion must be described as being within a forty-acre legal subdivision, or if on unsurveyed lands, a course and distance should be given to the nearest legal subdivision corner and also the approximate forty-acre legal subdivision the point would lie within if public lands surveys were projected on the unsurveyed area. The actual location of the point of diversion can later be shown on an amended application following a survey. In all cases a map of a survey made by a licensed State Water Right Surveyor must be filed in support of said application, prior to its publication, and must show a tie by course and distance to a legal subdivision corner, or in the event a corner cannot be located within a distance of six miles, the tie must be to a definite and well-known fixed monument or object approved by the State Engineer.

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 No. 4(a).—The total number of acres of land should be stated with reasonable accuracy. The quantity of water allowed in the permit, endorsed thereon by the State Engineer, is determined by the number of acres to be irrigated, the duty of water, as well as the amount of unappropriated water in the stream.

Under Question No. 4(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 No. 4(c).—Give the time when the use of water for irrigation purposes will begin, and also when it will end.

Under Question No. 4(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 No. 4(e).—If application for power or stock watering purposes, give a description of the location of the proposed place of use, by legal subdivisions, or tie by course and distance to a section corner, as required in answer to Question 4 above.

Under Question No. 4(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 No. 4(g).—State number and kinds of animals to be watered at place of use.

Under Question No. 4(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, or ditch, 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.

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 once each month; *provided*, that ten dollars (\$10) 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 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, \$10; for filing application for extension of time for filing proofs, \$5; for filing any assignment of water right deed, \$1 for each water right assigned; and for filing any other instrument, \$1.

DESCRIPTION OF PROPOSED WORKS

The water will be diverted by 2 inch pipe line from its source to
State manner in which water is to be diverted, whether by dam or other works, whether through pipe, ditches, flumes, or other conduits. If water
the SE¹/₄ Sec. of Sec. 36, Tsp. 31 S., Range 65 E., M.D.M., and there
is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.
used for the purpose of mining and domestic use.

5. Estimated cost of works \$3,000.00

6. Estimated time required to construct works sixty days

7. Remarks

For use of applicant

L. H. Dickens, Applicant.

By

Compared Cancelled Sep. 14, 1946 because of
failure to refile corrected application
This sheet inspected with statutory time.

Alfred Merritt Smith-State Engineer
By A.T.
, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application,
and do hereby grant the same, subject to the following limitations and
conditions:

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

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

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

Proof of completion of work shall be filed before

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

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

WITNESS MY HAND AND SEAL this day
of ,



State Engineer

No. _____

Application for
Permit to Appropriate Water

STATE OF NEVADA
ENGINEER'S OFFICE

Filed _____

Applicant _____

P. O. Address _____

Form 1b  2M-2-15-39 

Land History



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

C O P Y

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

Pursuant to the act of August 24, 1912 (37 Stat. 497, 5 U.S.C. 488), I hereby certify that the attached is a true copy of the quitclaim deed, dated May 17, 1948, from Louis H. Petersen and Bernice E. Petersen, relinquishing to the United States of America all rights acquired under application No. 11737 to appropriate 0.02 second feet of water of Arrow Spring in Township 31 South, Range 65 East, Mt. Diablo Base and Meridian, for domestic purposes, as the same appears in the records and files of the National Park Service, United States Department of the Interior.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the National Park Service to be affixed, this 7th day of October, 1948.

Paul R. Franke,
Acting Director,
National Park Service,
Department of the Interior.

285583 Quitclaim Deed

Louis H. Petersen and Bernice E. Petersen

in consideration of one and No/100 (\$1.00) Dollar and full payment of all fees required by the State of Nevada to perfect water right application No. 11737.

Dollars,

to it..... in hand paid, the receipt of which is hereby acknowledged, do.....

hereby Remise, Release and forever Quitclaim to the United States of America, its successors and assigns, all right, title and interest in and to the hereinafter described water right applications for use of those certain waters hereinafter described of public domain

all that ~~real~~ property situated in the Mount Diablo Meridian

County of Clark, State of ~~California~~ Nevada, described as follows:

Application No. 11737 to appropriate .02 second feet of water of Arrow Spring in T. 31 S., R. 65 E., Mt. Diablo Base and Meridian for domestic purposes. The water to be diverted from its source at the following point: In the unsurveyed T. 31 S., R. 65 E., or at a point from which the west quarter corner of Sec. 31, T. 31 S., R. 66 E. Mt. Diablo Base and Meridian bears South 55° 13' E., 3,411 feet.

Further described as follows:

Beginning at the intersection of the north boundary of the Nevada State Highway to Davis Dam and east boundary of T. 31 S., R. 65 E., from which point the west quarter corner of Section 31, T. 31 S., R. 66 E. bears north 0° 05' west 717.7 feet, thence S. 80° 07' West., 227.4 feet to a Nevada State Highway monument at Station "x" 665 / 38.18 P. T.; thence curving to the right with a radius of 1,300.0 feet through an angle of 18° 52' 30" a distance of 428.24 feet; thence north 0° 05' west, 299.9 feet; thence north 83° 39' east, 654.3 feet to a point in the west boundary of said Section 31; thence south 0° 05' east, 330 feet to the point of beginning.

Place of use approximately in the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) Section 36, T. 31 S., R. 65 E. Mt. Diablo Base and Meridian unsurveyed.

To Have and to Hold to the said grantee, its successors, heirs ^{and} assigns.....

Witness Our hands this 17 day of May, 1948.

Louis H. Petersen
Bernice E. Petersen

285583

Nevada
STATE OF CALIFORNIA,
County of Clark } ss.

ON THIS 17 day of May, A.D., 1948, before me,
Jane Cooke
a Notary Public in and for said County and State, personally appeared

a Notary Public in and for said County and State, personally appeared
Louis H. Petersen and Bernice E. Petersen, known to me,
(or proved to me on the oath of me),
to be the person who whose name is subscribed to the within
Instrument, and acknowledged to me that he executed the same.

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

(NOTARIAL SEAL)

Jane Cooke
Notary Public in and for said County and State.

My commission expires January 12, 1950

Recorded at the Request of Donald J. Jolley
Date MAY 20 1948 At 9:50 P. M. 1- Prev. H. David
Clark County, Nevada, Records, David Farnsworth, Recorder
Fee \$ 1.00 INDEXED 1.00 Deputy Op. F. M.

BOOK 56 PAGE 380

Deed
Quitclaim

19.

ORDER No. _____
When recorded, please mail this
Instrument to _____
Superior National Park Service
State Trust Co. Inc.
Bozeman City, Mont.

The within deed is hereby accepted under the authority con-
tained in the act of August 7, 1946 (60 Stat. 888; 16 U.S.C.
173-2(e)), and pursuant to Departmental Order No. 2402, dated
January 14, 1948 (12 F. R. 361).
Paul R. Finkle
Acting Director.

United States
Department of the Interior
National Park Service
Washington 25, D.C. OCT - 1 1948

Administrative Agreements

10-116
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
(April 1944)

C O P Y

No. I-4np-52

BUSINESS CONCESSION PERMIT

National Park Service
Lake Mead Recreational Area
Boulder City, Nevada

(Area)

Mr. Louis H. Petersen of Searchlight, Nevada
(Name of permittee) (Address of permittee)
is hereby authorized during the term, from January 1, 19 48, to December 31, 19 48,
to carry on, in the above-named area, the business of providing lodging, meal service, sale of
gasoline, oil, and other petroleum products, sale of soft drinks, beer, and
furnishing motor service.

to maintain and operate or use in connection therewith _____
(Give description of buildings or other structures
and statement of equipment to be used)

and to occupy approx. 5 acres of land in said area, described as follows: in the SE $\frac{1}{4}$ of Sec. 36,
T. 21 S., R. 65 E., S.B.M. along the main highway leading west from Davis Dam to the
Needles-Searchlight highway, Clark County, Nevada, Lake Mead Recreational Area.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States
of twenty-five dollars, plus 2% of the gross revenues derived from the business author-
ized under this permit. dollars (\$ _____) in advance, or as
follows: to be paid as billed.

payment to be made through the superintendent by express or postal money order, certified check, or draft
payable to the ~~Director~~ Treasurer of the United States.

Signed at Boulder City, Nevada, this 17th day of December, 19 47

/s/ George F. Baggeley
George F. Baggeley, Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted,
subject to the terms, covenants, obligations, and reservations expressed or implied, therein.

Two witnesses to signatures:

/s/ E. E. Edwards.
Address Bpx 43 Bullhead City, Arizona.
/s/ Proctor C. Odell.
Address Davis Dam, Nev.

Signatures:

/s/ Louis H. Petersen
Address Searchlight, Nev.
Address _____
Address _____

APPROVED: Jan. 27, 1948

/s/ P. P. Patzaw
Acting Regional Director.

16-40812-1

SPECIAL CONDITIONS OF THIS PERMIT

1. It is expressly understood and agreed that this permit may be revoked or amended at any time in the discretion of the Director, and that no right of renewal or transfer is granted herein.
2. Permittee shall conduct his business under the supervision of the superintendent and subject to control, in all particulars, by the Director, and will strictly observe the acts of Congress relating to the area and the rules and regulations for its government now in force or hereafter promulgated by competent authority. Willful violation of, or failure to comply with, the terms hereof or the provisions of any such acts or rules and regulations or any proper order of the superintendent of the area shall be cause for revocation of the permit by the Director, who shall be the judge of what constitutes such violation, but the superintendent may suspend the permit pending action by said Director in the premises.
3. Use of the land covered hereby is subject to the right of the Director to establish trails, roads, and other improvements and betterments thereon and to authorize its use for such other purposes as may be required for the accommodation of the public.
4. No building or other structure shall be erected under this permit except upon plans and specifications first approved by the Director.
5. Permittee will be permitted to graze upon area lands such stock, if any, as may be authorized in connection with this privilege, but only upon such area and under such restrictions as may be prescribed by the superintendent. Animals necessary for supplying meat, milk, or other animal products to the guests of permittee's hotel or camp may also be grazed under like conditions.
6. Permittee will maintain such accounting records as may be prescribed by the Director and will submit to him, on or before December 31, a statement of his financial condition and a report of his operations in the area in such form as may be prescribed by the said Director, and will furnish such other information and reports as may be called for from time to time by said Director, who shall have the right at all times to verify such information or reports from the books, correspondence, memoranda, or other records of permittee.
7. All rates for service rendered under this permit must be first approved by the Director, who shall have the right to adjust such rates at any time.
8. Permittee and his employees shall take all reasonable precautions to prevent forest fires, and also shall assist in the suppression of forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.
9. Permittee may be required to make reasonable arrangements for medical and surgical treatment of his employees when necessary.
10. As contemplated by Executive Order No. 9346 of May 27, 1943, the permittee shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall include a provision similar to this provision in any subcontract made with respect to the privileges herein granted.
11. Neither Members of, nor Delegates to, Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit, or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.
12. Whenever the word "Director" or "Superintendent" is used in this permit, they shall mean the Director of the National Park Service and the official in charge of the area, respectively.
13. This permit is issued subject to all prior rights of the Federal government in connection with the administration of Lake Mead Recreational Area and the control of the water of the Colorado River as may be exercised by the National Park Service or the U. S. Bureau of Reclamation. The United States assumes no liability for injury or damage resulting from change or fluctuation in the elevation of waters of the Colorado River and the permittee shall comply with all existing rules and regulations governing the use of water resources of any kind whatsoever in the Lake Mead Recreational Area.
14. The permittee shall obtain and carry liability or indemnity insurance in such sums or amounts as may be determined by the Superintendent from time to time to be adequate for the protection of the public and employees in case of injury or loss of life.
15. The permittee shall provide his operation with the necessary safety features, such as fire extinguishers, exit ropes, exit lights, and other safety requirements as indicated by applicable state, county, or federal laws.
16. There are reserved to the United States any 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 through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.
17. The permittee shall restrict his operation to those services expressly authorized by this permit.

18. The United States reserves the right to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Regional Director.

19. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Regional Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

20. As contemplated by Executive Order No. 9346, dated May 27, 1943, the permittee shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall include a provision similar to this provision in any subcontract made with respect to the privileges herein granted.

Other Supporting Information

In reply refer to:
154 IAME-L

C
O
P
Y

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

September 17, 1952

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Right Applications 11736 and 11737, Lake Mead
Water Right Dockets Nos. 6 and 7

Enclosed are four copies of the letter of August 26 to the State Engineer of Nevada from Mr. Wirth, and the reply of September 4. One copy of each should be filed in each of the subject dockets at your office and at the Recreation Area.

Apparently, the State Engineer of Nevada will not permit reinstatement under the original priority, as the State Land Commissioner of Arizona has done several times, but we do not believe that the priority would be significant. Until actual stock and wildlife watering facilities are provided, we will rely on the State Engineer to notify us of any attempt by others to appropriate the water.

The Superintendent should also be on the alert for possible developments by private individuals. In that connection, such portions of the original water system as still exist are Federal property. Their use by private individuals should be covered by special use permits with the prescribed condition that the United States reserves the right to perfect necessary water rights.

/s/ A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 8

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

September 4, 1952

In your reply refer to No. 11736 - 11737

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

LS4 LANE-L

Gentlemen:

Reference is made to your letter of August 26th:

As requested in your letter the following permits have been noted on our records as "Withdrawn by Applicant":

Permit No. 11736 issued for 0.05 c.f.s. of the waters of Diamond Spring. Point of diversion of water in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 31 S., R. 65 E., M.D.B.&M.

Permit No. 11737 issued for 0.02 c.f.s. of the waters of Arrow Spring. Point of diversion of water in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T. 31 S., R. 65 E., M.D.B.&M.

The withdrawal of these permits is final and can not be reinstated. These waters can be re-appropriated through the process of filing applications for permission to appropriate such waters.

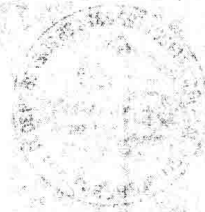
Also, as requested in your letter, we have placed notations on the above-numbered files to the effect that you be notified of any applications that may be filed in the future to appropriate these waters.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By /s/ F. N. Donders
Deputy State Engineer

FND:P





C O P Y

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

Aug. 26, 1952

Mr. Hugh Shamberger
State Engineer
Carson City, Nevada

Subject: Permits 11736, Diamond
Spring, and 11737,
Arrow Spring

Dear Mr. Shamberger:

The water system constructed under the subject permits, at Lake Mead National Recreation Area, has been removed, except for some of the concrete diversion structures, and the lodge which it served has also been razed. There is no intention of restoring the development.

We are considering whether the diversion structures might be modified to provide local watering facilities for convenience of wildlife, but have not yet decided that the cost is justified by the need. We also believe that the loss of priority by temporary lapse of the permits is insignificant. Accordingly, we do not believe that the United States is justified in paying the necessary \$10 in fees to obtain an extension of time.

Accordingly, we should like to allow the claims to lapse, but we should also like to have you retain the records for possible reinstatement during the next year or two.

We should also like to be on record for notice of any attempt by others to appropriate the same water--an action which can, and has occurred at other sites because of land uses which individuals have been authorized to make under special use and grazing permits. When such land uses imply the incidental use of water, it is our intent to have the necessary water rights perfected in the name of the United States, as the basic and permanent landowner.

(Sgd) Conrad L. Wirth

Director



C O P Y

Chief Ranger

February 8, 1951

Ranger Mitchell

Water Right Application No. 11737, Lake Mead National Recreational Area, with regard to Mr. L. H. Dickens' Application for the Water from "Diamond Spring"

On February 6, 1951, as per your request, I went to the Clark County Court House at Las Vegas to investigate the status of the missing claims on which Mr. Dickens bases his prior rights for water for Diamond Spring.

As requested in Mr. Patraw's memorandum of February 2, the following information is given on all records found with reference to mining claims of Mr. Dickens.

The first reference found was on page 26, Book 17, of the Mining Claim Records in the Recorder's Office, and it was to two entries of Original Notice of Location for "Robers Roost No. 4", and "Robers Roost No. 3". Both were filed on December 4, 1945. No. 4 was recorded January 15, 1946, and No. 3 was recorded on January 16, 1946. Their location is the same, being given as N. $\frac{1}{2}$ S. 5, T. 32S., R. 64 E., M.D.M., which is outside the Lake Mead National Recreational Area.

The second reference found was on page 126, Book 17, and was a Notice of Location of Millsite, located March 17, 1946 and recorded March 18, 1946. The site was given as 5 acres in N.W. $\frac{1}{4}$ of Section 36, T. 31 S., R. 65 S. (R. 65 S. possible error in recording).

Third entry was a Certificate of Location of Placer Claim for "Robers Roost, Robers Roost No. One, Robers Roost No. two", and was entered on page 338 of Book 17. It was dated July 1, 1946 and recorded July 23, 1946. The located of this claim was described as: "----- area embraced comprises the S.E. $\frac{1}{4}$ Sec. 36, T. 31 S., R. 65 S." (E?) "and the South West $\frac{1}{4}$ Sec. 31, T. 31 S., R. 66 E., M.D.M." The area described is listed as sixty acres in size.

A paragraph of special interest appears in this Certificate and is quoted as follows:

"Location work done on the claims consists of development of water, for mining and domestic purposes, installation of pipe lines, at a total expenditure of \$6,800.00."

In addition to obtaining the above information, sources were checked in both the County Recorder's Office and the County Assessor's Office to determine if references could be found regarding these claims.

None of these claims have been patented.
No record of assessment work.
No Notice of Intention to Hold.
No amended Location Notice on any claim.

The County Recorder says that as far as he can determine, from County records, Mr. Dickens has no valid mineral claims in Clark County.

The location of the Mohave Hotel, formerly the "Club 66", according to our records, is in the S.E. $\frac{1}{4}$ of Section 36, T. 31 S., R. 65 E., M.D.M.

It is noted in the copy of Mr. Dickens' letter of January 6, which was enclosed with Mr. Patraw's memorandum of February 2, that the application number for water from Diamond Spring is given as 11737 which according to our files should be application No. 11736. The location of Diamond Spring according to our files is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, T. 31 S., R. 65 E., M.D.M., and not in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T. 31 S., R. 65 E., M.D.M., as given by Dickens. The latter location is actually the location of Arrow Spring which bears application No. 11737.

A small map has been prepared to show locations and the source of information from which these locations are described.

L. J. Mitchell

Attachment

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

Address all communications
to the State Engineer

February 5, 1951

In your reply refer to No. s. 11530, 11544, 11737 and 11736

Your File L54 LANE

National Park Service
Washington 25, D. C.

Attn: A. van V. Dunn,
Chief, Water Resources Branch

Dear Sir:

This will acknowledge your letter of the 23rd ultimo together with Purchase Order and Voucher for \$20.00 to cover Permit fees under Applications Nos. 11736 and 11737 and also Purchase Order and Voucher for \$2.00 to cover copies of Applications Nos. 11530 and 11544. We are herewith returning the voucher and purchase order submitted with your letter of the 12th.

Applications Nos. 11530 and 11544 in name of L. H. Dickens were cancelled September 14, 1946 for failure to refile corrected applications within the statutory time. Upon receipt of applications to appropriate water we hold them for a reasonable time awaiting receipt of a supporting map. If said supporting map is not received within such reasonable time we send notice by registered mail calling for a supporting map and amended application. On June 14, 1946 we sent such a notice to the applicant calling his attention to the fact that his application called for 62½ second feet of water and it was our opinion he meant 62½ acre-feet; also, under subdivision 4 he should give the point of diversion within a 40 acre subdivision, and by means of a course and distance tie to a corner of the public land survey; under subdivision 4s he was directed to give the location of the place or places of use by legal subdivision. We failed to receive any reply within the sixty days specified within the notice, and therefore it became mandatory for this office to cancel said applications.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By
/s/ Hugh A. Shanberger
HUGH A. SHANBERGER
Assistant State Engineer

HAS:at
enclosure



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

OCT - 1 1948

Rollins
B. L.
Langley
Imhoff

MEMORANDUM for the Regional Director, Region Three.

In connection with the perfection of water rights in the name of the United States for use at the concession operated by Louis H. Petersen at Lake Mead Recreational Area, I have today formally accepted the two quitclaim deeds dated May 17, 1948, by which Louis H. Petersen and his wife, Bernice E. Petersen, release and quitclaim unto the United States all right, title, and interest acquired by them under water right applications numbered 11736 and 11737.

The first deed dated May 17, 1948, relinquishes to the United States all rights acquired under application No. 11736 to appropriate 0.05 second foot of water of Diamond Spring in T. 31 S., R. 65 E., Mt. Diablo Base and Meridian for domestic purposes. The deed was recorded in Clark County, Nevada, on May 20, 1948, in Deed Book 56, at page 379.

The second deed executed on May 17, 1948, relinquishes and transfers to the United States all rights acquired under application No. 11737 to appropriate 0.02 second foot of water of Arrow Spring in T. 31 S., R. 65 E., Mt. Diablo Base and Meridian for domestic purposes. This deed was similarly recorded on May 20, 1948, in Deed Book 56, at page 380.

These deeds have been submitted in response to our memorandum of April 1 which required, for the purpose of correcting the water right title, that the water rights previously initiated by Mr. Petersen for use in connection with his development under Business Concession Permit No. I-4np-52 be transferred to the United States. It was contemplated that the water rights would thereafter be perfected by this Service in the name of the United States as required by FO-563.

Condition No. 2, of the six conditions set forth in our memorandum of April 1, required that Mr. Petersen pay all fees required in connection with the perfection of water rights, on instruction from the Superintendent. Despite this requirement, however, the two deeds executed by Mr. Petersen and his wife recite as the consideration therefor "One and No/100 (\$1.00) Dollar and full payment of all fees required by the State of Nevada to perfect water right application" No. 11736 and No. 11737. It is thus apparent that Mr. Petersen contemplates that Condition No. 2 shall now be disregarded and that all fees incident to the perfection of the water rights shall now be borne by this Service as an agency of the United States, in behalf of which the rights are to be perfected. Condition No. 2 was originally included in our memorandum of April 1 because there was doubt concerning the Federal interest in retaining the concession or the future need for water. Since April 1, however, it has been learned from the State Engineer that the

rights under discussion are being perfected in opposition to rights under Permits 11405, 11406, 11407, 11408, and 11493, initiated by a third party. In the circumstances, and in view of the curb which the rights under applications numbered 11736 and 11737 will place on other appropriations, we are disposed to disregard Condition No. 2 and accept the deeds with the understanding that all fees incident to the perfection of these rights will be borne by the United States, as recited in the deeds.

The two deeds have been accepted on behalf of the United States under the authority contained in the act of August 7, 1946 (60 Stat. 885, 16 U.S.C. 17j-2(g)), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361).

The two deeds, as so accepted, and other documents relating to the transfer of the water right applications, will be placed among the National Park Service land records. The deed dated May 17, 1948, effecting the transfer of application No. 11736, covering 0.05 second feet of water of Diamond Spring, will be designated as Lake Mead Recreational Area Deed No. 20. The deed of the same date, effecting the transfer of application No. 11737, covering 0.02 second feet of water of Arrow Spring, will be designated as Lake Mead Recreational Area Deed No. 21. Copies of these deed assemblies, and the related forms L-1, will be distributed to the Region as soon as the conveyances are recorded with and acknowledged by the State Engineer of Nevada.

Now that the United States has acquired ownership of the water rights, you should consider the prescription of rates for the water used by Mr. Petersen as provided in Condition No. 18 of Business Concession Permit No. I-4np-52. The rate should be adequate to cover future costs of perfecting the rights, which will be borne by the United States under the conditions covered by the deeds.

There is attached a statement of the total estimated cost of the water rights, when perfected, broken down into items already paid and those to be incurred. The charge to Mr. Petersen, or his successor, during the next twenty years should be either \$58.50 or \$68.50, depending on whether Mr. Petersen has paid the fees for issuing and recording the permits, or whether the United States will be so billed when it files the copies of the deeds with the State Engineer.

It is probable that the water rights will have to be perfected within twenty years, but there is no reason why reimbursement should be completed in less than fifty years. The latter would fix the approximate annual charge for water use at approximately \$1.50 for each water right. Permit No. I-4np-52 does not indicate whether this charge is intended to be included in the fixed fee of \$25.00 per year.

PAUL Q. FRANKS

Acting Director.

Enclosure 681.

In duplicate.

AFR:AvVD:ib1

cc: Mr. Wirth.
Mr. Siler (for deed files) (2).
Mr. Dunn.
Mr. Taylor.
Mr. Price.

C O P Y

Lake Mead Recreational Area
Boulder City, Nevada

March 31, 1948.

MEMORANDUM for the Regional Director, Region Three.

This is in further reference to our recent correspondence concerning the water filing of Mr. Louis H. Peterson in the Lake Mead Recreational Area.

A few days ago we mailed you a report on a hearing which was held in Las Vegas concerning these water rights. We are now in receipt of a final ruling rendered in this case by the State Engineer, Mr. Alfred Merritt Smith. In order to complete the information which is forwarded on to Mr. Dunn, we are airmailing a copy direct to the Director's Office, attention of Mr. Dunn, and furnishing you the attached copy for your records.

(SGD.) Donald J. Jolley,
Acting Superintendent.

cc: The Director

Lake Mead Recreational Area
Boulder City, Nevada.

March 11, 1948.

MEMORANDUM for the Superintendent.

Ranger Leicht and myself attended a hearing in Las Vegas March 11, 1948, 10:30 to 12 noon conducted by Mr. Hugh A. Shamberger, Assistant State Engineer on application 11736 and 11737 to appropriate water from Diamond Spring and Arrow Spring in the name of Mr. Louis Petersen.

Others present were Mr. Petersen, Mr. Charles Hammond, and Mr. Maurice Swain, Mr. A. W. Magleby and Mr. Frank Groves.

Mr. Shamberger started out by asking me why the Park Service wanted to appropriate these waters. I explained that it was Park Service policy to own water and land used by concessioners and permittees wherever it was possible to do so in any National Park Service area in order to have control of the operation and to appropriate water or land to its best possible use. I also stated that we would protest against anyone else who applied for these springs for the same reason that we were protesting Mr. Petersen's applications.

Mr. Shamberger asked Mr. Petersen what developments he had made to both of the springs; whether there was water enough for both his hotel and Mr. Hammond's cattle. Mr. Petersen stated that there was enough water for both and that he was willing to supply water to a watering tank where the cattle could use it.

Mr. Petersen stated that both springs were dry on the surface of the ground and that it was necessary for him to develop them before he could get any water. He dug a well in one spring 10' deep to get water. The other he developed by dyking across a ravine to prevent the water from dissapating in the gravel. He has approximately 7,000 feet of pipe and a large storage tank. Mr. Hammond made no comment on the above statement.

Mr. Hammond said that his stock ranch was valueless without water near Mr. Petersen's operation, as the distance was too far for cattle to travel from the river to the springs he controls in the hills above. Ten cattle were found dead recently in the area because they were forced to trek six miles back to the river for water when they could not drink at the Diamond or Arrow Spring due to Mr. Petersen's development.

Mr. Magleby stated that both the Bureau of Land Management and the National Park Service protested Mr. Petersen's operation when it started but were over ruled and a permit was issued to him.

Mr. Shamberger said that the state would not deny an application to any enterprise or individual for any unappropriated water as that might prevent mining, farming or some other development desirable to the state.

The fact that Mr. Hammond's cattle used the water at certain times of the year was not justification enough to deny others the use of water that might otherwise go to waste.

He suggested that Mr. Petersen sign a quit claim deed to filing applications 11736 and 11737 on Diamond and Arrow Springs to the National Park Service and send it to the State Engineer's office, and then the water would be appropriated to the National Park Service. This Service would make the water available to both Mr. Petersen and Mr. Hammond by permitting the water to be distributed through pipes to serve both parties.

Both Mr. Petersen and Hammond agreed that there was sufficient water in the Diamond and Arrow Spring for both of their use most of the year. If not the dripping spring could be developed and piped down the slope to a point below the hotel for the cattle and leave the other water for Mr. Petersen's use.

We agreed to look over the springs and the topography to see how the water could be distributed to serve both parties and settle the dispute between Mr. Petersen and Hammond. Mr. Magleby, Hammond, Petersen, and a National Park Service representative are to meet and make a study and recommendations as to a solution in the near future. The water to be appropriated to the National Park Service for purpose of control and be distributed to serve the best use.

Mr. Petersen stated that he had already notified the Superintendent of Lake Mead Recreational Area that he was willing to cancel his application in order for the National Park Service to file.

Applications made by Mr. Hammond for water in the area grazed by his cattle are as follows:

Hiko Spring - application No.	11405
Dripping Spring - " "	11408
Sacaton Spring - " "	11407
Willow Spring - " "	11406
Discovery Spring- " "	11493

Application to appropriate water by Mr. Petersen and protested by Mr. Charles A. Hammond and the National Park Service:

Diamond Spring - Application No. 11736
Arrow Spring - " " 11737

Donal J. Jolley,
Chief Ranger.

djj:dem

C O P Y

State of Nevada
OFFICE OF STATE ENGINEER
Carson City, Nevada

February 17, 1948

In your reply refer to No. s. 11736 and 11737

George F. Bagglely,
Superintendent,
Lake Mead Recreational Area,
Boulder City, Nevada.

Dear Mr. Bagglely:

Reference is made to applications Nos. 11736 and 11737 in name of Louis Peterson to appropriate the waters of Diamond Spring and Arrow Spring, respectively, for domestic purposes, and which were the subject of your letter dated December 23, 1947 and our reply of December 30, 1947.

I am planning a series of hearings on March 11th in the Bureau of Land Management office, Federal Building, Las Vegas and thought it well to have the parties concerned in these two applications, namely Mr. Peterson and Charles Hammond, protestant, the Bureau of Land Management and the National Park Service meet informally to discuss this matter.

Trusting that this meets with your convenience, I am

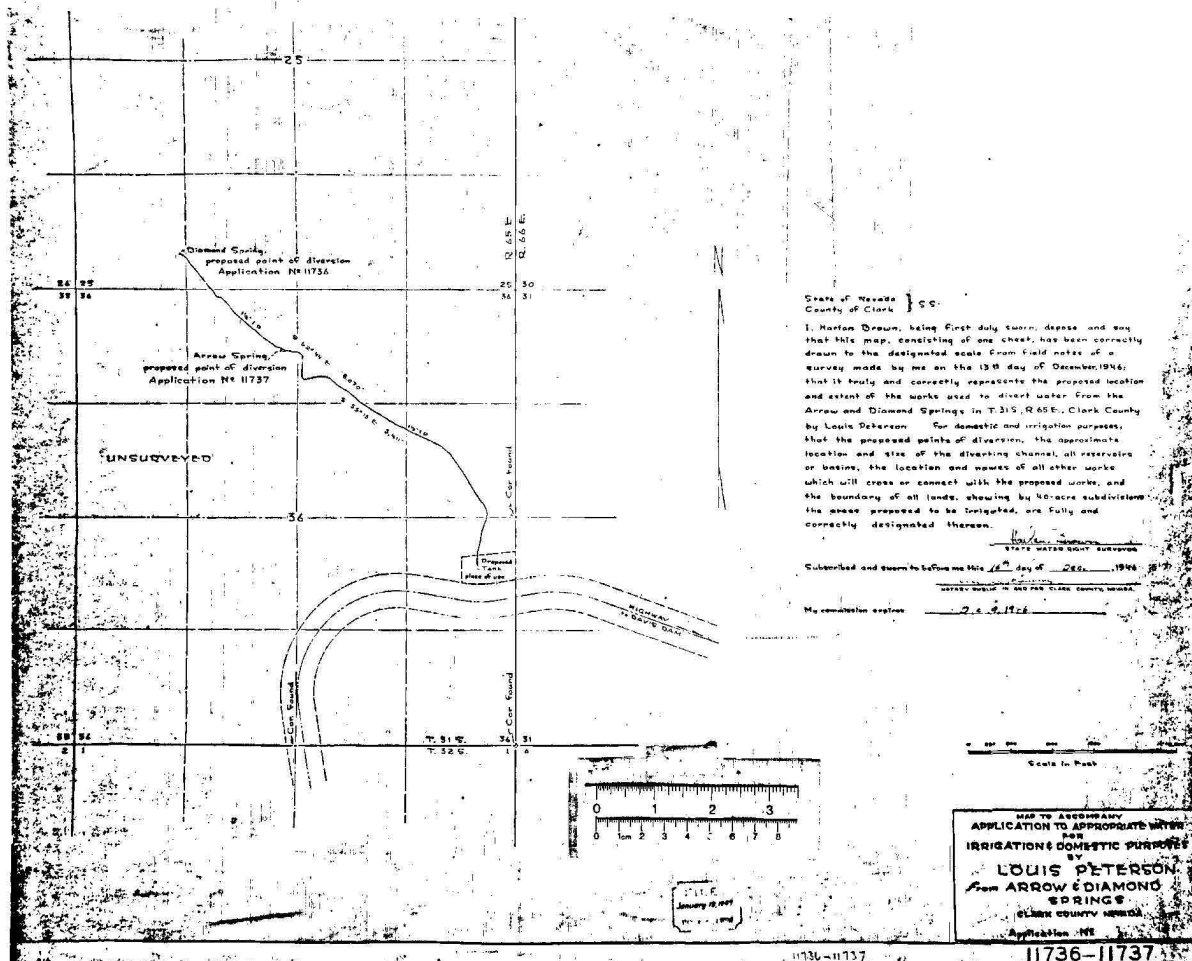
Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By (Sgd.) Hugh A. Shamberger

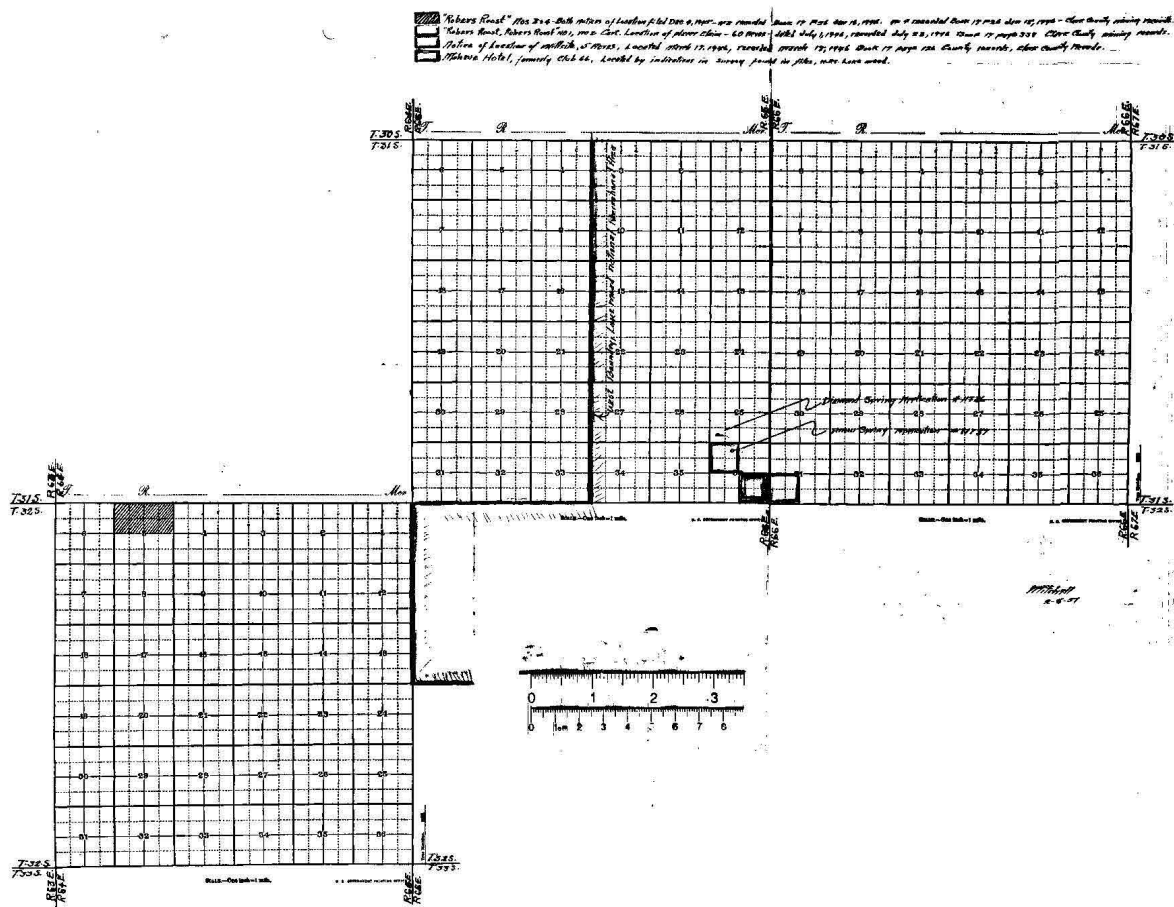
HUGH A. SHAMBERGER
Assistant State Engineer

HAS:at



I, Nathan Brown, being first duly sworn, depose and say that this map, consisting of one sheet, has been correctly drawn to the designated scale from field notes of a survey made by me on the 13th day of December, 1946; that it truly and correctly represents the proposed location and extent of the works used to divert water from the Arrow and Diamond Springs in T. 31 S., R. 65 E., Clark County by Louis Peterson for domestic and irrigation purposes; that the proposed points of diversion, the approximate location and size of the diverting channel, all reverses or losses, the location and amount of all other works which will cross or connect with the proposed works, and the boundary of all lands, showing by 40-acre subdivisions the areas proposed to be irrigated, are fully and correctly designated thereon.

Subscribed and sworn to before me this 12th day of Dec., 1946.
Notary Public in and for Clark County, Nebraska.
My commission expires 2-2-1948.



Docket Information

Number of Documents in Docket 41

Documents Dated from 12/16/1946 to 7/2/1974

Docket Compiled: 4/20/2011