WATER-RIGHT DOCKET

Timpanogos Cave National Monument

Docket No: 4

CAVE CAMP SPRING AND SWINGING BRIDGE

Preliminary Docket Information

06-12-2003: Utah Division of Water Rights notice of water right number 55-95 filed by National Park Service

utah.gov | State Online Services | Agency List | Search Utah.gov go

UTAH DIVISION OF WATER RIGHTS

Select Related Information

THIS APPLICATION IS UNDER ACTIVE LITIGATION!!!

(WARNING: Water Rights makes NO claims as to the accurac

WRNUM: 55-95 APPLICATION/CLAIM NO.: A10840 CERT. NO.: a393
CHANGES: a3523 Certificate a393

OWNERSHIP

NAME: USA National Park Service OWNER MISC: c/o Timp
ADDR: 655 Parfet Street
CITY: Denver STATE: CO ZIP: 80225 INTEREST: 100%
LAND OWNED BY APPLICANT?

DATES, ETC.

FILING: 02/06/1959|PRIORITY: 02/24/1930|ADV BEGAN: |ADV ENDED:
PROTST END: |PROTESTED: [No] |APPR/REJ: [ ]|APPR/REJ: 06/20/1
ELEC/PROOF:[ ]|ELEC/PROOF: |CERT/WUC: |LAP, ETC:
RECON REQ: |TYPE: [ ]
PD Book No. 2 Type of Right: APPL Status: LIT Source of Info: PDET Map: *

LOCATION OF WATER RIGHT

FLOW: 0.0622 cfs SOURCE: Swinging Bridge Canyon Sp
COUNTY: Utah COMMON DESCRIPTION:

POINT OF DIVERSION -- SURFACE:
(1) N 4839 ft E 2820 ft from SW cor, Sec 27, T 4S, R 2E, SLBM
Diverting Works: Sourc

USES OF WATER RIGHT

CLAIMS USED FOR PURPOSE DESCRIBED: 95,7074,7075,7076
Referenced To: Claims Groups: 1 Type of Referen

###DOMESTIC: 2000 Persons Diversion Limi

###OTHER Timpanogos Cave National Monument
Water is used for campgrounds, 3 residences, employees, restrooms, shops, and Visito

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CLAIMS USED FOR PURPOSE DESCRIBED: 95,7074,7075,7076
Referenced To: Claims Groups: 2 Type of Referen

###IRRIGATION *-------NORTH WEST QUARTER------*-------NORTH EAST QUARTER-
Tot Acrg.: 10.25 * NW | NE | SW | SE * NW | NE | SW |
Sec 27 T 4S R 2E SLBM * | | 2.0400| 4.2100* | | 1.1600|

Sec 28 T 4S R 2E SLBM * | | | * | | |
or a Total of 10.25 acres. Sole Supply: Diversion Limi

OTHER COMMENTS**********

---

^Unchanged polar units for points of diversion are N 79 Degs. 09 Mins.
^E 11,481.1 feet and N 37 Degs. 42 Mins. E 3,350 feet from NW Cor. Sec. 32,
^T4S,R2E, SLBM

MAP NUMBER: Timpanogos Cave Quad

**********E N D O F D A T A*********

Natural Resources | Contact | Disclaimer | Privacy Policy | Accessibility Policy

FORM 33-4M-1-60

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

August 21, 1961

United States of America
c/o Superintendent Timp. Cave Monument
R.F.D.#1, Box 287
American Fork, Utah

CERTIFICATE ISSUED

APPLICATION NO. a-3523

Gentlemen:

Enclosed is Certificate No. a-393 **issued by the State Engineer as the final step in completing the appropriation relating to Application No.** a-3523.

Under the law this Certificate must be recorded in the office of the County Recorder in the County where the water is diverted, within 30 days from the receipt hereof. You should attend to this matter at once.

Yours very truly,

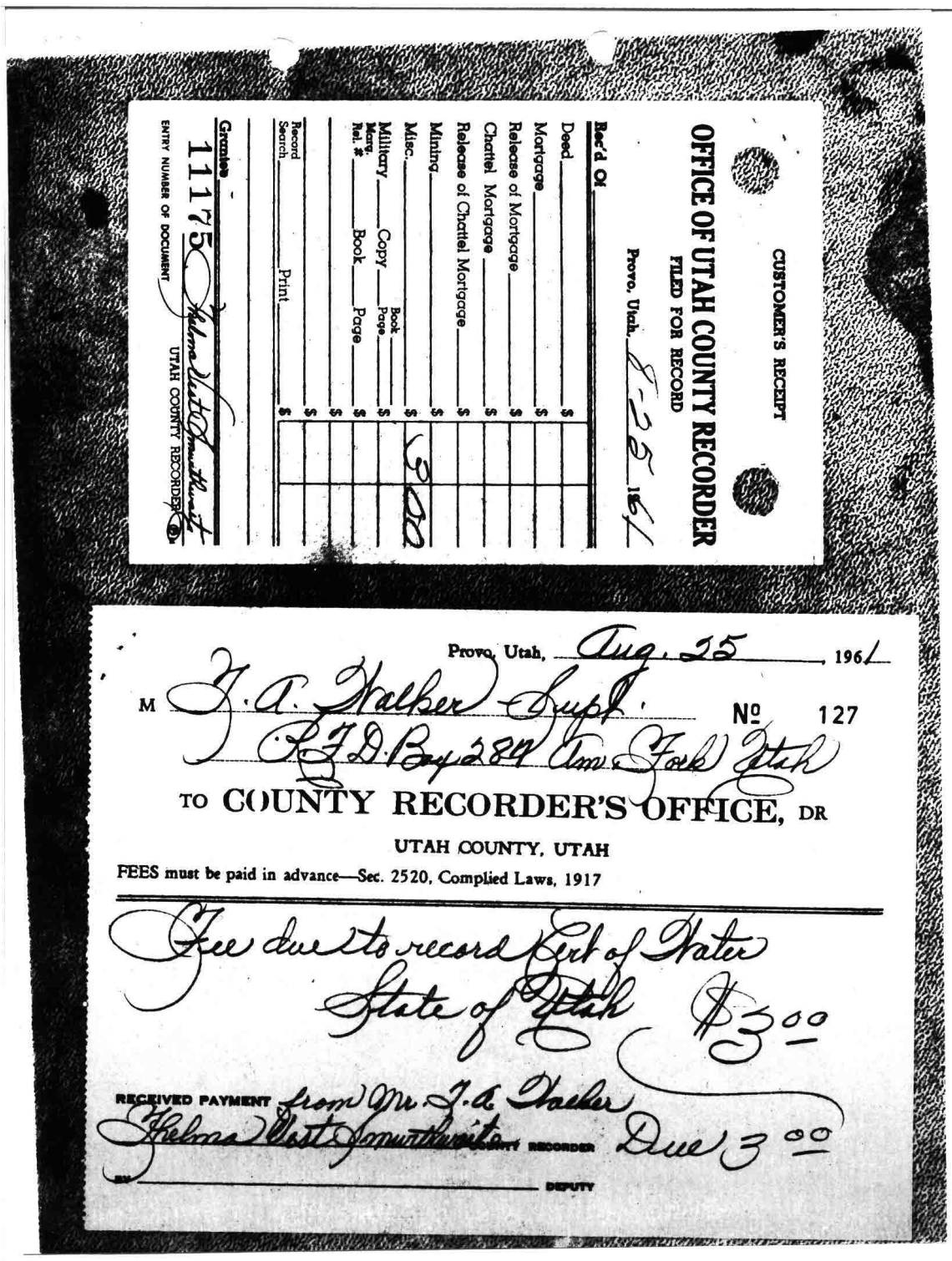
ADDRESS ALL COMMUNICATIONS TO:

Wayne D. Criddle

Wayne D. Criddle
STATE ENGINEER
STATE CAPITOL
SALT LAKE CITY 1, UTAH

EEVbp
Encl. Certificate

08-21-1961: receipt from office of utah county recorder: no. 11175



CUSTOMER'S RECEIPT

OFFICE OF UTAH COUNTY RECORDER

FILED FOR RECORD

Provo, Utah, 8-25 1961

Rec'd Of

Deed		$
Mortgage		$
Release of Mortgage		$
Chattel Mortgage		$
Release of Chattel Mortgage		$
Mining		$
Misc.		$ 3.00
Military Mtge. Rel. #	Copy Book Page Book Page	$
Record Search	Print	$

Grantee

ENTRY NUMBER OF DOCUMENT 11175 Helma West Smurthwaite UTAH COUNTY RECORDER

Provo, Utah, Aug. 25 1961

M J. A. Walker Supt. No 127

R.F.D. Box 284 Am. Fork Utah

TO COUNTY RECORDER'S OFFICE, DR

UTAH COUNTY, UTAH

FEES must be paid in advance—Sec. 2520, Complied Laws, 1917

Fee due to record Cert of Water

State of Utah $3.00

RECEIVED PAYMENT from Mr J. A. Walker

Helma West Smurthwaite COUNTY RECORDER Due 3.00

BY _____ DEPUTY

02-06-1959: certificate of point of diversion, place or purpose of use of water : appl. no. a-3523

FORM CC-2 1000

11175
ORIGINAL

CERTIFICATE OF PERMANENT CHANGE OF POINT OF DIVERSION, PLACE OR PURPOSE OF USE OF WATER

STATE OF UTAH

CHANGE APPLICATION NO. a-3523 **FILED** 6TH **DAY OF** FEBRUARY **. 19** 59, **CHANGE CERTIFICATE NO.** a-393

NAME AND ADDRESS OF APPROPRIATOR UNITED STATES OF AMERICA, C/O SUPERINTENDENT TIMPANOGOS CAVE MONUMENT, R.F.D.#1, BOX 287, AMERICAN FORK, UTAH

SOURCE OF SUPPLY CAVE CAMP SPRINGS & SWINGING BRIDGE CANYON SPRING AREA **IN** UTAH **COUNTY, UTAH:** UTAH LAKE & JORDAN RIVER **DRAINAGE AREA**

QUANTITY OF WATER CHANGED SIX HUNDRED TWENTY-TWO/TEN THOUSANDTHS (0.0622) SECOND-FOOT **PRIORITY CLAIMED FOR ORIGINAL RIGHT** FEBRUARY 24, 1930

PERIOD AND PURPOSE OF CHANGED USE FROM JANUARY 1 TO DECEMBER 31 INCLUSIVE OF EACH YEAR FOR DOMESTIC PURPOSES

WATER RIGHT ON WHICH CHANGE IS BASED APPLICATION NO. 10840, CERTIFICATE NO. 2038, OF RECORD IN THE OFFICE OF THE STATE ENGINEER

Whereas, *It has been made to appear to the satisfaction of the undersigned that the change of water herein described has been perfected in accordance with the Laws of Utah;* **Therefore,** *Be it known that I,* WAYNE L. CRIDDLE *the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to change the* POINT OF DIVERSION AND PLACE OF USE *of water as herein set out, subject to prior rights, if any, (including those junior to the original application or right which might be impaired by the change or changes) for diversion and use as follows, to wit:*

The water covered by this change was yielded by Swinging Bridge Canyon Spring, the point of issuance situated N79°09'E 11,481.1 ft. and N37°42'E 3,350.0 ft. from NW Cor. Sec. 32, T4S, R2E SLBM, collected by means of a concrete diversion dam constructed across the natural channel thereof, situated N79°09'E 11,481.1 ft. and N37°42'E 2,804 ft. from NW Cor. said Sec. 32; and Cave Camp Spring collected at a point situated N79°09'E 11,481.1 ft from NW Cor. said Sec. 32. The water from Swinging Bridge Canyon Spring was conveyed from the diversion dam in a general south and southwesterly direction through 6-in., 4-in., and 2-in. diameter pipe 3,734 ft, where it commingled with water from Cave Camp Spring at its point of collection. The commingled water was thence conveyed through 2-in. and 3/4-in. diameter pipe line throughout the Timpanogos Cave Camp located in American Fork Canyon, distributed through facilities connected thereto and intermittently used, during the entire year, for domestic purposes in serving the operating personnel and general public at said camp.

In the event the right evidenced by this certificate is transferred, a copy of such transfer should be furnished the State Engineer by the party acquiring right.

02-06-1959: certificate of point of diversion, place or purpose of use of water : appl. no. a-3523, page 2cont

FORM CC-3 5000

This certificate entitles the holder to now divert the water from a spring area known as Swinging Bridge Canyon Spring Area, collected therefrom by means of perforated pipe at springs within the area and convey same through pipe to the point of collection, situated S89°25'W 478.58 ft. from North Witness 1/4 Cor. Sec. 27, T4S R2E SLBM. The spring area is described as follows: Beg. at the point of collection, thence on the following traverse: W 150.0 ft, N 500 ft, E 300 ft, S 500 ft, W 150 ft, to beg. The water is conveyed from the point of collection southerly through 8-in. and 6-in. diameter pipe 1,122 ft, to a junction with the Utah Power and Light Company pipe line, thence from said junction southerly through 4-in., 2-in., and 3/4-in. diameter pipe to a reinforced concrete reservoir located near the north boundary of Timpanogos Cave National Monument, and having full capacity of 22,760 gallons and in which last above described line is a chlorinator adjacent to the tank. The water changed is, during the entire year, released from the reservoir as needed into a pipe line consisting in all of 6-in., 4-in., and 2-in. diameter pipe, through which it is conveyed southerly 150.49 ft, where it enters the new distribution pipe line of the National Park Service, which line is connected to the former distribution pipe line of Timpanogos Cave Camp, and from which it is distributed to administrative areas, picnic areas, 3 permanent residences, buildings, and shops within the Timpanogos Cave National Monument and intermittently used through facilities connected thereto for domestic and municipal type purposes in serving the operating personnel and the general public to the extent of a maximum of 2,000 persons daily.

The right evidenced by this certificate is restricted to the change of point of diversion and place of use, and the certificate in no way establishes nor validates the water right claimed by the applicant, and the change is to in no way enlarge the original right or rights.

The works employed in this appropriation are to be operated and maintained in such manner and condition as will prevent waste of water.

In Witness Whereof, *I have hereunto set my hand and affixed the seal of my office this* 21st *day of* August, 19 61

Wayne D. Criddle
Wayne D. Criddle **STATE ENGINEER**

Change Cert No. a- 393 Page No. 2 of 2 Pages.

Certificate of Appropriation of Water

State of Utah

.....**Drainage Area**

Certificate No......

To.....

.....

For.....

.....

.....

.....

Filed for record this.....*day*

of.....19....., *at*.....*o'clock*

.....*m., and recorded in Book*.....

of Water..... *Page*.....

.....

Recorder..... *County, Utah*

This certificate must be filed for record with Recorder of.....*County, Utah, within thirty days from its date.*

11175

THELMA VEST SMURTHWAITE
UTAH COUNTY RECORDER

Thelma Vest Smurthwaite

AUG 25 10 02 AM '61

BOOK 88b PAGE 345-7
ABS 118 SEC 27
P. R. 7158 R TP 4S
IND R 2E
FEE $3.00

G. A. Walker
Supt. Timp Cave.
R.F.D. Box 287
American Fork
Utah

00-00-0000: certificate of appropriation of water

06-27-1968: letter to office of state engineer from assistant regional director regarding change to appl. no. a-3523

L-54
TICA JUN 30 8 38 AM '61

Region Three
Santa Fe, New Mexico

JUN 27 1961

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Office of State Engineer
403 State Capitol
State of Utah
Salt Lake 14, Utah

Timpanogos Cave NM

Attention: Glen J. Allen

Dear Sir:

Enclosed herewith is the written proof consisting of one sheet of General Remarks Continued and one 24"X30" tracing pertaining to proof of change application No. a-3523.

We have made the following corrections as per your letter of June 9, 1961 - allowing until July 10, 1961 to complete the required changes:

1. In paragraph 8 we have changed tie no. 1 to read N79°09'E instead of S79°09'W and to tie no. 2 we have added: "from NW corner of said Sec. 32."

2. In paragraph 11 we have changed 0.0625 to 0.0622.

3. Under General Remarks we have changed the tie in the second line, first sentence, from S79°09'W to N79°09'E.

4. Under General Remarks we have added a sentence which shows that the application provides for a maximum of 2,000 persons daily.

5. We have changed the reservoir capacity in the General Remarks in all cases to read 22,760 gallons and have made the same change on the tracing.

6. We have changed the statement on the map as to the flow diverted from Swinging Bridge Canyon Spring area to conform to that given in paragraph 11 of the written proof.

7. William E. Fields signed as Proof Engineer and is not registered under the laws of the State of Utah. However, he

is registered as a professional engineer and land surveyor under the laws of New Mexico and holds Registration No. 1403.

Thank you for your attention to this matter. If any further corrections, changes or additions are necessary we will be most happy to oblige.

Tracing No. NM-TC-7101 will be forwarded by separate mail.

(SIGNED)
George W. Miller
Assistant Regional Director

Enclosures

Copy to: Director (2)
Chief, WODC (2)
Supt., Timpanogos Cave

06-09-1961: letter to superintendent from proof engineer regarding change appl. no. a-3523

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

Timpanogos Cave No. 1

WILLARD D. CRIDDLE
STATE ENGINEER

June 9, 1961

United States of America
c/o Mr. Thomas A. Walker
Superintendent Timpanogos Cave Nat'l Monument
R.F.D. No. 1, Box 287
American Fork, Utah

Gentlemen: Re: CHANGE APPL. NO. a-3523

Returned herewith is one set of written proof containing 1 sheet of General Remarks Continued, and under separate cover one sheet of 24"x30" sheet of tracing pertaining to proof of change application No. a-3523, for completion as follows:

WRITTEN PROOF

The paragraph numbers appearing herein refer to the same paragraph numbers as those found in the written proof form.

Par. 8: Complete the tie now shown in this paragraph for No. 2 or the diversion of Cave Camp Spring. Also, correct tie No. 1 or diversion from Swinging Bridge Canyon Spring to read "N79°09'E".

Par. 11: Since the water measurement taken and submitted as part of proof is the basis of the flow changed, provided it does not exceed the flow described in the right being changed, it will be necessary to show 0.0622 sec.-ft. in this paragraph as the flow changed.

GENERAL REMARKS

Correct the tie shown from Swinging Bridge Canyon Spring given in the first sentence under General Remarks to conform to the correction made in Paragraph 8 therefor.

The proof should show a measure of use made of the water changed. The approved application provides a maximum of 2000 persons daily which appears to be the operating personnel and general public. Show such measure under General Remarks.

You show in the information given on the sheet labeled General Remarks Continued that the reservoir has a full capacity of 22,760 gallons which from the dimension given of said reservoir appears to be nearly correct. You, further down in the information given on said sheet of General Remarks, show that the reservoir has a capacity of 22,000 gallons. The capacity shown on the map for said reservoir is 20,000 gallons. The information given relative to a particular item is to be consistent throughout the proof. Therefore make the corrections where necessary.

TRACING

1. Change the capacity for the reservoir shown on the tracing if necessary to conform to the capacity given for same in other parts of the proof.

2. Reference is made to the statement given as to the flow diverted from Swinging Bridge Canyon Spring area. Make this conform to that given in Paragraph 11 of the written proof after making the correction.

CERTIFICATES

It is noted that the certificates of applicant and proof engineer of the written proof have been executed. These certificates are not to be executed until returned for such purpose. Your attention is called to the new Certificate of applicant in the written proof form. In this instance, however, we will not request that the certificates be re-executed since the changes to be made in the proof are not too great.

It is also noted from the Roster of Registered Engineers and Land Surveyors of Utah that the name of William K. Fields does not appear. Since the Utah water law requires that engineers preparing proofs be registered, is it possible that Mr. Fields is registered in some state other than Utah? If so, give such information in the form of a letter directed to this office. If he is not registered, is it not possible to have a registered engineer execute the certificate in place of Mr. Fields thus assuming the responsibility of Mr. Fields work.

You are allowed to and including July 10, 1961 within which to complete the proof and return same to this office.

Yours truly,

Glen J. Allen
PROOF ENGINEER

GJA/wh
Encls Written Proof

06-27-1961: letter to office of state engineer from assistant regional director regarding change of application no. a-3523

L-54
BIA

Region Three
Santa Fe, New Mexico

JUN 27 1961

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Office of State Engineer
405 State Capitol
State of Utah
Salt Lake 14, Utah

Attention: Glen J. Allen

Dear Sir:

Enclosed herewith is the written proof consisting of one sheet of General Remarks Continued and one 24"X36" tracing pertaining to proof of change application No. a-3523.

We have made the following corrections as per your letter of June 9, 1961 - allowing until July 10, 1961 to complete the required changes:

1. In paragraph 8 we have changed tie no. 1 to read S79°09'E instead of S79°09'W and to tie no. 2 we have added: "from NW corner of said Sec. 32."

2. In paragraph 11 we have changed 0.0625 to 0.0622.

3. Under General Remarks we have changed the tie in the second line, first sentence, from S79°09'W to S79°09'E.

4. Under General Remarks we have added a sentence which shows that the application provides for a maximum of 2,000 persons daily.

5. We have changed the reservoir capacity in the General Remarks in all cases to read 22,760 gallons and have made the same change on the tracing.

6. We have changed the statement on the map as to the flow diverted from Swinging Bridge Canyon during area to conform to that given in paragraph 11 of the written proof.

7. William E. Fields signed as Proof Engineer and is not registered under the laws of the State of Utah. However, he

is registered as a professional engineer and land surveyor under the laws of New Mexico and holds Registration No. 1403.

Thank you for your attention to this matter. If any further corrections, changes or additions are necessary we will be most happy to oblige.

Tracing No. NM-TC-7102 will be forwarded by separate mail.

SIGNED

George W. Miller
Assistant Regional Director

Enclosures

Copy to: Director (2)
Chief, WODC (2)
Supt., Timpanogos Cave

WHFields:ew 6/27/61

2000 6-15-49
MERCURY PUBLISHING CO.

WASO

Proof of Permanent Change of Point of Diversion, ~~Place, and Purpose~~ of Use of Water a-3523

STATE OF UTAH

(Do not fill out this blank until you have read carefully the pamphlet on "Rules and Regulations" and instructions in the body and on the back hereof.)

1. *The name of the applicant is* The United States of America

2. *The post-office address of applicant is* c/o Superintendent, Timpanogos Cave National Monument RFD #1, Box 287, American Fork, Utah

The Following Describes the Water Right Before Being Changed

3. *The water right for which Proof of Permanent Change of* (1) Point of Diversion, (2) ~~Place,~~ *or* (3) ~~Purpose of Use~~ *is submitted was acquired by* Application 10840, Certificate 2038
(Give number of Application, title and date of decree, or other identification of right.)

4. *The flow of water heretofore used was* .0625 *second-feet or* ----- *acre-feet*

5. *The water was heretofore used each year from* January (Month) 1 (Day) *to* December (Month) 31 (Day), *incl.,*
and stored each year (if stored) from ----- (Month) (Day) *to* ----- (Month) (Day), *incl.*

6. *The drainage area to which the direct source of supply belongs is* (Leave blank)

7. *The direct source of supply is*† 0.03125 sec.ft. from Cave Camp Spring & 0.03125 sec.ft. from Swinging Bridge Canyon Springs. (Name of stream or other source)
which is tributary to American Fork Creek., *tributary to* ----------

†NOTE—If water is diverted from a well, an underground drain, or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a surface drain, so indicate in the first space, giving its name, if named, and in the remaining spaces designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

8. *The point at which the water has heretofore been diverted from* ~~stream, spring~~, *spring area* ~~drain, well~~ (*flowing* ~~or pump~~), ~~tunnel~~, *or* ----- *is in* Utah *county,* (Strike words not needed)
*situated at a point** located as follows from the NW Cor. Sec. 32, T 4 S, R 2 E, SLB&M;
(1) from Swinging Bridge Canyon Spring, N79°09'E 11,481.1 ft., thence N37°42'E 3350 ft.
(2) from Cave Camp Spring, N79°09'E 11,481.1 ft. from NW Cor. of said Sec. 32.

*NOTE—Give the location of the point at which the water was first diverted from its source or channel with reference to a United States land survey corner or mineral monument. In case of storage on the natural channel of source of supply, describe the point of intersection of stream bed with the center line of impounding dam. If a spring area, describe the point within said area at which water was collected and diverted therefrom, and under General Remarks give a description by metes and bounds of said area and locate the area by one course, and distance or by rectangular co-ordinates with reference to a United States land survey corner.

9. *The water has heretofore been used for the following purposes* Domestic purposes at Timpanogos Cave Camp.

Total, ----- *acres*

NOTE—If for irrigation, give legal subdivision of land and total acreage heretofore irrigated. If less than full legal subdivisions are irrigated, the words "part of" should precede each description and the area in acres of each parcel less than 40 acres given under General Remarks and the parcel No. designated the same as on proof maps. If for purposes other than irrigation, give nature, place, and extent of such use.

10. *The point at which the water has heretofore been returned (if returned) is described with reference to a United States land survey corner or mineral monument as follows:* All water claimed to have been consumed.

The Following Changes Have Been Made

11. *The flow of water changed is* 0.0625 *second-feet or* --------- *acre-feet*
(See Paragraphs 4 and 5 under "Rules and Regulations" on page 4 hereof.)

12. *The water is now used from* January (Month) 1 (Day) *to* December (Month) 31 (Day), *incl.*
and stored each year (if stored) from ------- (Month) (Day) *to* ------- (Month) (Day), *incl.*

NOTE—The period of use or storage given in this paragraph must not exceed that given in paragraph 5.

13. *The point at which the water is now diverted from* ~~stream, spring~~, *spring area,* ~~drain, well~~ (*flowing* ~~or pump~~), ~~tunnel~~, *or* ----- *is in* Utah *county, situated* (Strike words not needed)
at a point: (*See note under Paragraph* 8.) at pipe junction box at south end of Swinging Bridge Canyon Spring Area, S89°25'W 478.58 ft. from N. Witness Cor. Sec. 27, T 4 S, R 2 E, SLB&M, as further described under General Remarks.

14. *The present diverting and carrying works consist of* perforated steel pipe at springs, concrete inlet boxes, steel and cast iron pipelines, concrete weir boxes, and concrete distribution reservoir.

15. *The length of the present diverting channel, exclusive of laterals, is* 1300 *feet*

NOTE—If an existing channel is used, give only the length of that part used under this Application.

16. *The top width of the present diverting channel is (if a ditch)* ------ *feet*

17. *The bottom width of the present diverting channel is (if a ditch)* ------ *feet*

18. *The depth of water in the present diverting channel is (if a ditch)* ------ *feet*

19. *The width of the present diverting channel is (if a flume)* ------ *feet*

20. *The depth of water in the present diverting channel is (if a flume)* ------ *feet*

21. *The diameter of the present diverting channel is (if a pipe)* 8. 6. 4. 2. 3/4 *inches*

22. *The grade of the present diverting channel is* (average) 147 *feet per thousand*

23. *The water is now used for the following purposes* for domestic and municipal type uses of the public and operating personnel of Timpanogos National Monument, at three permanent residences, other buildings, public campgrounds, utility shops, and public use areas within said Monument. *Total* *acres*

NOTE—See note under paragraph 9. If no change of place or purpose of use has been made, merely so state and make reference to paragraph 9.

24. *The character of soil irrigated is* not applicable ; *subsoil* ---------

25. *The kind of crops produced are* ----------

NOTE—Paragraphs 24 and 25 to be filled in only when water is used for irrigation.

26. *Construction of works was commenced* 19 *and completed* May 31 19 54

27. *The water was measured by* William E. Fields (Name of hydrographer) *Date* June 7, 8, 19 60

28. *The water was measured by ~~vessel~~, ~~weir~~, reservoir capacity, or by*‡ (Strike words not needed)

‡(Give sufficient data under General Remarks to enable the State Engineer to check the water measurements. It is necessary that a series of such measurements be given. Notes of the observations shall be submitted and if a current meter was used, a copy of the meter rating table shall accompany the notes for checking purposes.)

GENERAL REMARKS

NOTE—A concise description of the diverting and carrying works, also the conveyance and use of the water, shall be given under general remarks, which description is to trace the water from the point of diversion to and including the place of use. The reservoir, if any, diverting dams, head gates, canals, flumes, and other related structures shall be included as well as an explanation of the nature and extent of the uses made of the water. If there is a secondary use of the water which is incidental to the primary use, the nature and extent of the secondary use shall be explained as well as that of the primary use. This description shall be in the form of a concise word picture of the storage of water, if stored, its release, re-diversion, conveyance and use in sequence order. The above requirement applies both to the original and the changed use, i. e., the story shall be in such form as to give the above data first for the original use, then for the change use.

ORIGINAL USE .03125 of a c.f.s. of said water was collected from Swinging Bridge Canyon Spring at a point which bears N.79°09' E. 11481.1 ft. thence N. 37°42' E. 3350 ft. from the NW cor. of Sec. 32, T. 4 S., R. 2 E., S.L.B.& M. .03125 of a c.f.s. of said water was collected from Cave Camp Spring at a point which bears S.79°09' W. 11481.1 ft. The water from said Swinging Bridge Canyon Springs was allowed to flow down its natural channel for a distance of approximately 738 ft. thence conveyed by means of a pipeline 3734 ft. long, 2 inches in diameter and commingled with Cave Camp Spring. The commingled waters were used from January 1st to December 31st inclusive of each year for domestic purposes at Timpanogos Cave Camp in American Fork Canyon. This use consumed all of said water.

PRESENT USE The main point of diversion is at junction of collecting pipes on south side of Swinging Bridge Canyon Spring Area, S89°25'W. 478.50 ft. from N. Witness quarter Corner of Sec. 27, T. 4 S., R 2 E. SLB&M area, in NE 1/4 NW 1/4 of

Flow measurements made by applicant

Provides max. use of 2000 persons daily

CERTIFICATE OF APPLICANT

(Fill in blank spaces but do not sign until Proof has been submitted to the State Engineer and accepted by him as sufficient.)

STATE OF UTAH, } ss.
COUNTY OF

I, ...

.....being first duly sworn, do hereby certify that I am the person, assignee, or the..... of .....
who or which made an Application to permanently change the (1) point of diversion, (2) place, or (3) purpose of use of the water right acquired by..... (Strike words not needed)
for water from.....in.....county for .....
.....purposes; that said Application is filed in the State Engineer's office as No. .....; that the works necessary to accomplish the change or changes herein described have been completed; that the foregoing statement of facts is submitted in proof of the completion of said works and the use of said water; that I made the said statement and that each and all of the items contained herein are true to the best of my knowledge and belief.

.....
Signature of Appropriator.

Subscribed and sworn to before me this.....day of....., 19.....
(Seal)
My commission expires .....19..... .....
Notary Public.

CERTIFICATE OF DISINTERESTED WITNESSES

(One witness shall be the engineer who prepared proof maps, etc. Fill in blank spaces but do not sign until Proof has been submitted to the State Engineer and accepted by him as sufficient.)

STATE OF UTAH, } ss.
COUNTY OF.....

.....and .....having both been duly sworn, each for himself says that he is personally acquainted with the works constructed by .....
for the change in (1) point of diversion, (2) place, or (3) ~~purpose of use of water from~~..... (Strike words not needed)
..... in .....county for .....purposes; that said works have been fully completed and used to the extent and in the manner particularly set forth in the foregoing statement of facts; that he has read said statement and that each and all of the items therein contained are true to the best of his knowledge and belief.

.....
Signature of Witness.

.....
Signature of Witness.

Subscribed and sworn to before me this.....day of ....., 19.....
(Seal)
My commission expires ....., 19..... .....
Notary Public.

STATE ENGINEER'S ENDORSEMENTS

Dates

.....Change Application received in State Engineer's office; Approved.....
.....Proof of Permanent Change due in State Engineer's office.
July 29 1960 .....Written proof and maps received in State Engineer's office by Edl Mon
June 9, 1961 .....Written proof and maps returned for correction by EEV
.....Corrected written proof and maps resubmitted, received by.....
.....
.....Corrected written proof and maps examined and Certificate written by EEV
.....Certificate of Permanent Change issued (No.....)
.....Maps, profiles, and drawings filed on Hanger..... page.....
~~.....Fee for filing proof and exam. maps $0.00, received by.....Receipt No.....~~
~~.....Fee for issuing Certificate $1.00, received by.....Receipt No.....~~

This written proof and the maps, profiles, and drawings pertaining thereto are found to comply with the requirements of the Laws of Utah, and the same are hereby approved.

....., 19..... .....
State Engineer

Proof of Change on
Application No. a-3523

RULES AND REGULATIONS

Each proof shall consist of two parts: (a) a written proof and (b) a sheet or sheets of maps, profiles where required, and drawings. The maps must be prepared in accordance with Rules and Regulations published in pamphlet form by the state engineer, a copy of which will be furnished upon request.

No proof will be marked "received" until the statutory fees ($1 for filing the written proof and $5 for examining the maps) have been paid and the written proof, maps, profiles where required, and drawings submitted.

If there is insufficient information in the proof to indicate that the changes have been made or the water applied to beneficial use, as provided in the application, the proof will be returned to the applicant for the necessary corrections, additions, or deletions. These amendments must be made and the proof returned to the office within the time allowed by the state engineer in his letter returning the proof, otherwise the application may lapse.

In cases where proofs of appropriation or change are submitted in such incomplete form as to require extensive changes, they will be returned to the applicant or his attorney-in-fact, accompanied by a copy of the rules and regulations pertaining thereto, together with a letter requiring that the proof be resubmitted in accordance with such rules. The time shall be fixed by the state engineer when the proof shall be resubmitted, which time in the discretion of the state engineer may be the time formerly fixed or an extension thereof.

When the state engineer deems it advisable, he may through his employees make changes in proofs in green ink for the purposes of clarification and he shall thereupon notify the applicant or his attorney-in-fact of such changes. If the applicant or his attorney-in-fact does not within 15 days request the return of the proof for the purpose of verifying or modifying such green inking, it shall be conclusively presumed that the applicant has adopted such changes.

The extent of a permanent change in point of diversion, place or purpose of use of an established water right is limited not only by the quantity claimed under the original right, but by the quantity measured as having been diverted and beneficially used under the "changed" right; provided, however, in no case shall the "changed right" exceed or enlarge the original right.

Each written proof shall contain details of water measurements, made to determine the quantity of water applied to beneficial use. Such details shall include a description of the method used in making the measurement, the date when made, the place in the system where made, the name of the person making the measurement, and sufficient data in order that the state engineer may compute therefrom the quantity of water measured in each case. The method of measurement must conform to standard engineering practice. Water measurements may be made by vessel, weir, meter, rated flume, or other suitable means, but not by floating chip or theoretical carrying capacities of conveying channels. If measurements were made by current meter, the original meter notes together with meter rating table must be submitted. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation in flow and the periods during which it is available. Measurements shall be made in such manner as to determine the quantity of water conveyed through the diverting works to the place of use and there beneficially used for the purpose defined by the application. A mere measurement through a wasteway or overflow does not constitute a measurement of water conveyed through the diverting works and used, and for this reason is not acceptable.

If the water is used for irrigation, the boundaries of the various irrigated areas shall be platted on the proof maps and the partial acreage in each legal subdivision of 40 acres, together with the acreage in each parcel less than 40 acres lettered thereon, and given likewise in the written proof under General Remarks. The descriptions in the written proof are to conform strictly to the lettering on the maps.

A description of the legal subdivisions embracing the irrigated area shall be given in the blank spaces or paragraph provided. If insufficient space is there provided, it may be given under general remarks or on added sheets with reference thereto in the paragraph. No legal subdivision of forty acres shall be described, if no part of it has been irrigated.

Where more than one canal or ditch diverts from a natural stream, either at points of diversion or rediversion, the separate areas are to be given both in the written proof and on the proof maps as described hereinbefore, also giving legal subdivisions embracing the irrigated areas for each such respective ditch together with the total irrigated area in acres under each. These areas shall be grouped under general headings of township and range.

All ties to points of diversion, points of rediversion, points of return, etc., must be given with reference to a regularly established U. S. land survey corner or mineral monument if within a distance of six miles of either; otherwise to a permanent and prominent natural object.

All maps must be submitted on sheets of tracing linen having dimensions of 24" x 30", having an unincumbered margin of at least 1½" on all sides without border lines.

FEES REQUIRED BY LAW FOR STATE TREASURY

For filing written proof	$1.00
For examining maps, profiles, and drawings	5.00
For issuing certificate of permanent change	1.00

07-19-1960: certificate of applicant (proof of change)

CERTIFICATE OF APPLICANT
(Proof of Change)

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Thomas A. Walker being first duly sworn, certify that I am the authorized representative of The United States of America who made an application to permanently change the (point of diversion) of a water right acquired by The United States of America for water from Swinging Bridge Canyon Spring and Cave Camp Spring in Utah County for domestic and municipal type purposes; that said application is filed in the State Engineer's office as No. 10840; that I, as Superintendent, Timpanogos Cave National Monument employed by The National Park Service, The United States of America to compile information for the purpose of completion of proof of change and that I under the power invested in me hereby accept and submit this written proof together with drawing NM-TC-7101 consisting of 1 sheet, and this drawing when combined with sheet 1 of map No. NM-TC-6981 with Application No. 10840 on file in the office of the State Engineer, which, together with said facts are submitted as proof of completion of change of point of diversion and that each and all items contained herein are true to the best of my knowledge and belief.

Thomas A. Walker
Superintendent

Subscribed and sworn to before me this 27 day of July, 1960
(Seal)
My commission expires 7-15-64
Notary Public

CERTIFICATE OF PROOF ENGINEER

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, William E. Fields, having been duly sworn, certify that I am the engineer employed to compile information and prepare this proof of change; that I am personally acquainted with the works constructed at Swinging Bridge Canyon Springs in Timpanogos Cave, National Monument for change in (point of diversion) from Cave Camp Spring and Swinging Bridge Canyon Springs in Utah County under Change Application No. A 3523 for domestic and municipal type purposes; that the accompanying tracing No. NM-TC-7101 was prepared from field notes of a survey made by George J. Johnston between the 10th day of April, 1957 and the 23rd day of April, 1957 and checked in the field by me on June 7, 1960; that this tracing when combined with sheet No. 1 of map No. NM-TC-6981 on file as proof under Application No. 10840 on file in the office of the State Engineer, which, when combined with the written proof describes the extent and beneficial use of water as herein set forth, and that each and all the items contained herein are true to the best of my knowledge and belief.

William E. Fields
PROOF ENGINEER

Subscribed and sworn to before me this 19th day of July, 1960
(Seal)
My Commission expires July 4th 1964
Notary Public

Submission of proof attested by:

* Applicant or his agent: Thomas A. Walker Date July 9, 1960

* Engineer: William E. Fields

*(Complete this paragraph on first submission of proof)

Form 107--C 2--58 IM

Change Application No. A-3523

GENERAL REMARKS CONT.

said Sec. 27 and SE 1/4 SW 1/4 of Sec. 22, is described as beginning at said point of diversion; thence West 150 ft.; North 500 ft.; East 300 ft.; South 500 ft.; and West 150 ft. to point of beginning. The subordinate points within the Spring Area where we now divert the water from two of a number of springs are situated as follows from said N. Witness quarter Cor. of Sec. 27: Inlet Box No. 1, N.74°52'W. 451.49 ft.; and Inlet Box No. 2, N. 62°50'W. 575.58 ft.; but nothing herein is intended to limit the diversions to the two designated springs. *

The water flows from the main point of diversion, 1122' in a southerly direction through 8" and 6" C. I. and steel pipe into a junction with a Utah power and light Co. pipeline. From there it flows through a 4" and then a 2" pipe to a reinforced concrete tank belonging to the United States of America with interior dimensions of 19.5' by 19.5' by 8.0' and a total full capacity of 22,760 gallons. The grade and the depth of fall are such that when the water reaches the tank it has developed about 190 lbs. of pressure in the pipe. The flow through the 2" pipe from the junction would produce a much greater rate of flow than we are entitled to; therefore, a 3/4" pipe has been attached to the 2" pipe and this reduces the flow to approximately what our right is. A measurement was made by William E. Fields, Civil Engineer for the National Park Service and registered Professional and Land Surveyor under the laws of New Mexico on June 7 and 8, 1960. It took 10 hours and 32 minutes for the water to rise 6.2' in the tank. The tank is 19.5' square which means that in 632 minutes there was 17634 gallons of water. This computes to an actual flow of 0.0622 c.f.s. From this reservoir the water goes into the distribution system which carries it to the Cave Camp Area, residences, building, shops, campgrounds, headquarters, and public use areas.

The Federal construction project, which was completed on May 31, 1954, cost $17,500 for all or part of the following: 22 ft. of steel perforated pipe, 2 concrete collecting boxes 3.0' x 4.0' x 8.0' at springs in Swinging Bridge Canyon; 1122 ft. of 8" and 6" cast iron and steel pipe for diversion pipe from springs to Federal distribution reservoir in Monument, and 1 weir box 5.0' x 7.0' x 4.8'. New concrete 22,760 gallon Federal distribution reservoir. 700 feet of 6", 4" and 2" cast iron and steel distribution pipe to connect to existing line to former Cave Camp area; 920 feet or 4" cast iron distribution main to new public use areas to the east of Cave Camp area in said Monument.

The area of use has been changed to include any portion of Timpanogos Cave National Monument in said Section 27, which is described by Presidential Proclamation of October 14, 1922, (425 Stat. 2285) as beginning N. 73°03' East 175.06 chains from the NW Corner Section 32, T. 4 S, R. 2 E, SLB&M thence East 50 chains, South 50 chains, West 50 chains, and North 50 chains to point of beginning. By General Land Office survey of 1937 it was determined that a marker on the west boundary of the Monument was located S.7°30' W. 479.16 feet from the west quarter corner of Sec. 27.

Nothing herein shall constitute a waiver of any other rights which the United States may have to the same water.

*Water is collected at each spring with 22' of perforated pipe dug into the spring source. From here it is piped in each case to a collection box and, thence, piped downstream to a common diversion box which is the main point of diversion. This water is used from January 1 to December 31 and provides for a maximum use of 2,000 persons daily.

Signature of Applicant.

FORM 31 2M 8-57

THE STATE OF UTAH
OFFICE OF THE STATE ENGINEER
SALT LAKE CITY

March 2, 1960

The United States of America
c/o Superintendent, Timpanogos Cave
National Monument
RFD No. 1, Box 287
American Fork, Utah

Gentlemen: RE: APPROVED APPLICATION NO. a-3523

Enclosed find Application No. a-3523 which has been approved by me. This approved Application is your authority to proceed with actual construction work which, under Sections 73-3-10 and 73-3-12, Utah Code Annotated 1953, as amended, must be diligently prosecuted to completion. The water shall be put to beneficial use and proof of appropriation filed with the State Engineer, as provided in the original application as amended by this approved change Application.

Failure on your part to comply with the requirements of the statutes may result in forfeiture of your Application.

Yours truly,
Wayne D. Criddle
Wayne D. Criddle
STATE ENGINEER

ADDRESS ALL COMMUNICATIONS TO:
403 STATE CAPITOL
SALT LAKE CITY, UTAH

le
Encl: Copy of Approved Application

CHANGE APPLICATION APPROVED

(Form for pending original Application)

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION NO. a-3523

MEMORANDUM DECISION

Change Application No. a-3523 was filed by the United States of America, Timpanogos Cave National Monument, February 6, 1959, and seeks to change the points of diversion, place and nature of use of .0625 sec.-ft. of water from springs in American Fork Canyon. The application was protested by Lehi Irrigation Company, American Fork Irrigation Company, and Pleasant Grove Irrigation Company, but these protests were withdrawn January 18, 1960.

There now appears to be no protests to the application. It is our decision that it be, and the same is hereby, APPROVED and a copy bearing such notation is returned to the applicant.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from date hereof.

Dated this 2nd day of March, 1960.

Wayne D. Criddle
STATE ENGINEER

RHH/le
Encl: Copy of Approved Application

cc/ The United States of America
c/o Superintendent, Timpanogos Cave National Monument
RFD #1, Box 267
American Fork, Utah

Lehi Irrigation Company
Lehi, Utah

American Fork Irrigation Co.
American Fork, Utah

Pleasant Grove Irrigation Co.
Pleasant Grove, Utah

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF UTAH

- - - - - - - - - -

IN THE MATTER OF CHANGE APPLICATION NO. a-3523 FILED BY: U. S. NATIONAL PARK SERVICE TO CHANGE POINT OF DIVERSION FROM AMERICAN FORK CREEK	WITHDRAWAL OF PROTEST BY LEHI IRRIGATION COMPANY

- - - - - - - - - -

STATE OF UTAH)
) ss
COUNTY OF UTAH)

COMES NOW R. Ward Webb, President of the Lehi Irrigation Company, whose address is R.F.D., Lehi, Utah, acting for and in behalf of the said Lehi Irrigation Company and withdraws the Protest heretofore filed by the Company in the above matter, which Protest was dated November 5, 1959 and filed in the Office of the State Engineer on November 7, 1959.

LEHI IRRIGATION COMPANY

Dated 11 Jan 1960

By _____
President
R. Ward Webb

Subscribed and sworn to before me this 11th day of January, 1960

_____
Notary Public
In and for the County of Utah,
State of Utah
Residing at Lehi Utah
My Commission Expires: 19 May 1962

(Seal)

Rec'd. w/ memo 2/24/60
From Reg. Dir.

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF UTAH

- - - - - - - - - - -

IN THE MATTER OF CHANGE APPLICATION NO. a-3523 FILED BY: U. S. NATIONAL PARK SERVICE TO CHANGE POINT OF DIVERSION FROM AMERICAN FORK CREEK

WITHDRAWAL OF PROTEST BY PLEASANT GROVE IRRIGATION COMPANY

- - - - - - - - - - -

STATE OF UTAH)
) SS
COUNTY OF UTAH)

COMES NOW Leo P. Harvey, President of the Pleasant Grove Irrigation Company, whose address is 307 East 1st South Street, Pleasant Grove, Utah, acting for and in behalf of the said Pleasant Grove Irrigation Company and withdraws the Protest heretofore filed by the Company in the above matter, which Protest was dated November 5, 1959 and filed in the Office of the State Engineer on November 7, 1959.

PLEASANT GROVE IRRIGATION COMPANY

Dated 13 Jan 1960

By Leo P Harvey
President
Leo P. Harvey

Subscribed and Sworn to before me this 13th day of January, 1960

(Seal)

Frank M Baer
Notary Public
In and for the County of Utah
State of Utah
Residing at Lehi Utah
My Commission Expires: 23 May 1962

Rec'd. w/memo 2/24/60
from Reg. DIR.

01-11-1960: court documents regarding the matter of change application a-3523

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF UTAH

- - - - - - - - - - -

IN THE MATTER OF CHANGE APPLICATION NO. a-3523 FILED BY: U. S. NATIONAL PARK SERVICE TO CHANGE POINT OF DIVERSION FROM AMERICAN FORK CREEK

WITHDRAWAL OF PROTEST BY AMERICAN FORK IRRIGATION COMPANY

- - - - - - - - - - -

STATE OF UTAH)
) ss
COUNTY OF UTAH)

COMES NOW James E. Peters, President of the American Fork Irrigation Company, whose address is 846 East 3d North, American Fork, Utah, acting for and in behalf of the said American Fork Irrigation Company and withdraws the Protest heretofore filed by the Company in the above matter, which Protest was dated November 5, 1959 and filed in the Office of the State Engineer on November 7, 1959.

AMERICAN FORK IRRIGATION COMPANY

Dated 15 Jan 1960

By James E Peters
President

Subscribed and Sworn to before me this 15th day of January 1960.

Frank A. Jones
Notary Public
In and for the County of Utah,
State of Utah
Residing at Lehi Utah
My Commission Expires: 23 March 1962

Recd. w/ memo 2/24/60
From Reg. DIR.

01-25-1960: letter to superintendent from appropriation engineer regarding change application no. a-3523

C
O
P
Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY, 14

Wayne D. Criddle
State Engineer

January 25, 1960

The United States of America
c/o Superintendent, Timpanogos Cave
National Monument
RFD #1, Box 287
American Fork, Utah

Gentlemen: RE: CHANGE APPLICATION NO. a-3523

Enclosed you will find three affidavits entitled "Withdrawal of Protest", which were recently received from American Fork Irrigation Company, Pleasant Grove Irrigation Company and Lehi Irrigation Company.

Since there now appears to be no protest against the granting of Change Application No. a-3523, this office will now proceed to consider it for approval.

Yours truly,

/s/ R. K. Higginson

R. K. Higginson
APPROPRIATION ENGINEER

RKH/ig

cc - American Fork Irrigation Company
American Fork, Utah

cc - Pleasant Grove Irrigation Co.,
Pleasant Grove, Utah

cc - Lehi Irrigation Company
Lehi, Utah

ENC: Withdrawal of Protests

Rec'd. w/ memo 2/24/60
from Reg. Dir.

01-25-1960: protest of change point of diversion by american fork irrigation co.

Copy

Dkt. 1 - Temp Case
Part II

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION NO. a-3523

FILED BY: U. S. National Park Service

PROTEST OF

To change point of diversion from

American Fork Irrigation Co.

American Fork Creek

-0-0-0-0-0-0-0-0-0-0-0-0-

STATE OF UTAH

COUNTY OF UTAH

Comes now James E. Peters, President of the American Fork Irrigation Company, whose address is 846 East 3 North, American Fork, Utah, acting for and in behalf of the said American Fork Irrigation Company; and protests the approval of the above numbered application on the following grounds to-wit:

That the proposal of the U. S. National Park Service to divert and use a flow of 0.065 c. f. s. as outlined in Change of Application No. a-3523 is an enlargement of the rights that said National Park Service may have under certificat no. 2038; and the granting of this application would constitute an enlargement of the rights under the certificate itself;

That the present use of water by the National Park Service at the camps, picnic area, and buildings in American Fork Canyon is an encroachment upon the rights of the American Fork Irrigation Co., The Pleasant Grove Irrigation Co., and the Lehi Irrigation Co.;

That not only have the numbers using water from American Fork Canyon multiplied in recent years, but that the water is now being used for purposes of recent origin, such as sprinkling of lawns, shrubs and for sprinkling for dust control;

That the said American Fork Irrigation Company, the Lehi Irrigation Company and the Pleasant Grove Irrigation Company were using all of the available flow from American Fork Canyon and it's tributaries before the use of water by the National Park Service and that on this basis the granting of certificate no. 2038 to the National Park Service was in itself an act of encroachment upon the rights of said irrigation companies;

WHEREFORE protestant objects to the claims made under certificate no. 2038 and requests that application no. a-3523 be rejected.

AMERICAN FORK IRRIGATION CO.
Protestant

(Signed) James E. Peters

By: James E. Peters, President

Subscribed and sworn to before me this 5th day of November, 1959.

-0-0-0-0-0-0-0-0-0-0-0-

Frank W. Jones
Notary Public.

RECEIVED
NOV 7 1959
STATE ENGINEER'S
OFFICE

Copies of Protests
received w/ memo
to Director from Act. Reg. Dr
dated Nov. 27, 1959
MAB 12/3/59

11-12-1959: official receipt-patron's copy

FORM 130

PATRON'S COPY

STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY, UTAH

OFFICIAL **RECEIPT**

1- [illegible]

Date Nov 12 19 59

Mr. U. S. of America Dingle Dam Case

Address [illegible]

NATURE OF SERVICE	FEE RECEIVED
FILING APPLICATION	$
APPROVING APPLICATION add	2 80
ADVERTISING	
FILING PROOF & MAPS	
ISSUING CERTIFICATE	
COPY	
FILING WELL DRILLER'S REPORTS & PERMITS	
FILING UNDERGROUND WATER CLAIM	
DILIGENCE CLAIM	
BLUEPRINTS	
PLANS & SPECIFICATIONS FOR DAMS	
TOTAL	$ 2 80

CASH ☐ MONEY ORDER ☐ CHECK ☐

UTAH STATE ENGINEER

No. 42634 BY [illegible]

11-05-1959: protest of change application no. a-3523 by lehi irrigation co.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION NO. a-3523

FILED BY: U. S. National Park Service

PROTEST OF

To change point of diversion from

Lehi Irrigation Co.

American Fork Creek

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STATE OF UTAH
COUNTY OF UTAH

Comes now Rl Ward Webb, President of the Lehi Irrigation Company, whose address is R.F.D. Lehi, Utah, acting for and in behalf of the said Lehi Irrigation Company; and protests the approval of the above numbered application on the following grounds to-wit:

That the proposal of the U. S. National Park Service to divert and use a flow of 0.065 c. f. s. as outlined in Change of Application No. a-3523 is an enlargement of the rights that said National Park Service may have under certificat no. 2038; and the granting of this application would constitute an enlargement of the rights under the certificate itself;

That the present use of water by the National Park Service at the camps, picnic area, and buildings in American Fork Canyon is an encroachment upon the rights of the American Fork Irrigation Co., the Pleasant Grove Irrigation Co., and the Lehi Irrigation Co.;

That not only have the numbers using water from American Fork Canyon multiplied in recent years, but that the water is now being used for purposes of recent origin, such as sprinkling of lawns, shrubs and for sprinkling for dust control;

That the said American Fork Irrigation Company, the Lehi Irrigation Company and the Pleasant Grove Irrigation Company were using all of the available flow from American Fork Canyon and it(s tributaries before the use of water by the National Park Service and that on this basis the granting of certificate no. 2038 to the National Park Service was in itself an act of encroachment upon the rights of said irrigation companies;

WHEREFORE protestant objects to the claims made under certificate no. 2038 and requests that application no. a-3523 be rejected.

LEHI IRRIGATION COMPANY
Protestant

Signed--R. Ward Webb
By: R. Ward Webb , President

Subscribed and sworn to before me this 5th day of November, 1959.

Frank W. Jones
Notary Public

RECEIVED
NOV 7 1959
STATE ENGINEER'S OFFICE

11-05-1959: protest of change application no. a-3523 by pleasant grove irrigation co.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION NO. a-3523

FILED BY: U. S. National Park Service

PROTEST OF

To change point of diversion from

Pleasant Grove Irrigation Co.

American Fork Creek

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STATE OF UTAH

COUNTY OF UTAH

Comes now Leo P. Harvey, President of the Pleasant Grove, Irrigation Company, whose address is 307 East 1st. South Street, Pleasant Grove, Utah, acting for and in behalf of the said Pleasant Grove Irrigation Company; and protests the approval of the above numbered application on the following grounds to-wit:

That the proposal of the NatSonNational Park Service to divert and use a flow of 0.065 c. f. s. as outlined in Change of Application NO. a-3523 is an enlargement of the rights that said National Park Service may have under certificate NO.2038; and the granting of this application would constitute an enlargement of the rights under the certificate itself;

That the present use of water by the National Park Service at the camps, picnic area, and buildings in American Fork Canyon is an encroachment upon the rights of the American Fork Irrigation Co., the Pleasant Grove Irrigation Co., and the Lehi Irrigation Co.;

That not only have the numbers using water from American Fork Canyon multiplied in recent years, but that the water is now being used for purposes of recent origin, such as sprinlking of lawns, shrubs and for sprinkling for dust control;

That the said American Fork Irrigation Company, the Lehi Irrigation Company and the Pleasant Grove Irrigation Company were using all of the available flow from American Fork Canyon and it's tributaries before the use of water by the National Park Service and that on this basis the granting of certificate no. 2038 to the National Park Service was in itself an act of encroachment upon the rights of said irrigation companies;

WHEREFORE Protestant objects to the clims made under certificate nO. 2038 and requests that application no. a-3523 be rejected.

PLEASANT GROVE IRRIGATION CO.
Protestant

Signed--Leo P. Harvey

By:
Leo P. Harvey, President

Subscribed and sworn to before me this 5thday of November, 1959.

Frank W. Jones
Notary Public

RECEIVED
NOV 7 1959
STATE ENGINEER'S OFFICE

DIRECTOR

THE AMERICAN FORK CITIZEN, Thursday, October 8, 1959

NOTICE TO WATER USERS

Notice is hereby given that The United States of America, c/o Superintendent, Timpanogos Cave National Monument, RFD #1, Box 287, American Fork, Utah County, Utah, has filed with the State Engineer, Change Application No. a-3523, which proposes to change the point of diversion and place of use of .0625 sec-ft. of water as evidenced by Certificate of Appropriation No. 2038, which evidences the right to divert .03125 sec.-ft. of water from each of two springs at the following points: No. 1 — Swinging Bridge Canyon Spring — N. 79° 09'E. 11,481.1 ft., thence N. 37° 42'E. 3350 ft.; No. 2 — Cave Camp Spring, N. 79°09'E. 11,481.1 ft., both from NW Cor. Sec. 32,T4S, R2E, SLB&M. The water has been used during the entire year for domestic purposes at Timpanogos Cave Camp in American Fork Canyon.

Hereafter, it is proposed to divert .0625 sec.-ft. of water from Swinging Bridge Canyon Spring Area at the following point: S. 89°25'W. 478.58 ft. from N. Witness ¼ Cor. Sec. 27, T4S, R2E, SLB&M. The spring area is described from the point of diversion, thence W. 150 ft., N 500 ft., E 300 ft., S 500 ft., W 150 ft. to beginning. The water is collected and diverted by a concrete collection box and conveyed by pipe line to a 20,000 gallon capacity equalizing reservoir from which the water will be distributed and used during the entire year for domestic purposes in three permanent residences and in public campgrounds, utility shops and public use areas serving 2000 persons daily within Timpanogos National Monument in said Sec. 27.

Protests resisting the granting of the foregoing application with reasons therefor, must be filed in duplicate with the State Engineer, 403 State Capitol, Salt Lake City 14, Utah, on or before November 7, 1959.

Wayne D. Criddle
STATE ENGINEER.

Published in American Fork Citizen, American Fork, Utah, from September 24 to October 8, 1959.

09-24-1959: memorandum to director from acting regional director regarding change in point of diversion, place and nature of use

Docket 1 mR Copy
L-54
Roberton

Region Three
Santa Fe, New Mexico

September 24, 1959

Memorandum

To: Director

From: Acting Regional Director

Subject: Change in Point of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Docket No. 1, Timpanogos Cave

Attached is a copy of Superintendent Walker's memorandum to the Regional Director of September 12. Also attached is a copy of a letter from Thomas O. Parker for the Field Solicitor to Superintendent Walker of September 2 on the same subject.

The proposals or suggested changes by Mr. Keith Higginson of the State Engineer's Office are minor and we have advised Superintendent Walker of our concurrence in the changes with the hope that we may finally obtain publication as required.

The changes on Application A-3523, Docket No. 1, Timpanogos Cave are as follows:

1. On number 9 change S79°9'W to N79°9'E.
2. On number 10 change to read "Domestic purposes at Timpanogos Cave Camp Area" and rule out "Timpanogos Cave National Monument."
3. Under number 16 change the wording "From two springs" to read "From spring area."
4. Under number 28 omit this item entirely.

The above changes have been made on our copies of Application 3523 in red pencil with a line ruled through the omitted items. By copy of this memorandum we are requesting your office, the Superintendent and Western Office of Design and Construction to make similar changes on their copy of the application as outlined in Superintendent Walker's memorandum of September 12.

09-24-1959: memorandum to director from acting regional director regarding change in point of diversion, place and nature of use

Copies of the newspaper advertisement will be supplied for insertion in the dockets when it is received.

Harthon L. Bill
Acting Regional Director

In duplicate ✓

Attachments

Copy to: Supt., Timpanogos Cave w/o attachments
Chief, WODC (2) with attachments

09-24-1959: memorandum to superintendent from acting regional director regarding change in point of diversion

L-54

Region Three
Santa Fe, New Mexico

September 24, 1959

Memorandum

To: Superintendent of Timpanogas Cave

From: Acting Regional Director

Subject: Change in Point of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Application A-3523, Docket No. 1, Timpanogos Cave

Your memorandum of September 12 reports minor changes in our application A-3523, Docket No. 1 Timpanogas Cave National Monument.

The changes appear to be minor in nature and should not affect the basic use of water at the monument.

Since you have been working closely with Field Solicitor McMaster and more recently Mr. Thomas O. Parker of the Field Solicitor's Office we concur in the proceedure outlined.

Mr. Dunn will be in the Regional Office Monday and Tuesday, October 5 and 6. We will review the progress of the application with him at that time.

When the application is advertised we should be supplied with a copy of the notice and we will make reproduced copies for insertion in all copies of Docket No. 1.

[SIGNED]
Harthon L. Bill
Acting Regional Director

Copy to: Director (2) w/2 attachments
W.O.D.C. (2) w/2 attachments

09-12-1959: memorandum to regional director from superintendent regarding change in point of diversion

IN REPLY REFER TO:

L 54 TCK

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Timpanogos Cave National Monument
American Fork, Utah

Sept. 12, 1959

RECEIVED
NPS REGION THREE OFF
SEP 17 1959

	SURNAME
REG. DIR.	
ASST. R.D.	
ADMIN.	
~~OPERATIONS~~	clr
INTERP.	
RECREATION	
FORESTRY	
SOLICITOR	
4 FILES	

9-17

Memorandum

To: Regional Director

From: Superintendent, Timpanogos Cave

Subject: Change in Point of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Docket No. 1, Timpanogos Cave

I was asked by Keith Higginson, who has been handling the Timpanogos Cave Water change application in place of Mr. Gardner, to come to the State office and check some proposed changes in the application. The changes were only minor and so I agreed to them. One of the changes was under No. 9 where they changed the S79°09'W to N79° 09E. Under No. 10 they desired that it should read: "Domestic purposes at Timpanogos Cave Camp Area", and leave out Timpanogos Cave Nat'l Monument.

Under No. 16 it was thought advisable to change the wording "From Two Springs" to "From Spring Area."

Under No. 28 it was suggested that this be left out entirely. The amount of return water is small and at times when we are sprinkling there may not be any return at all. By putting in this material in regard to water return it was thought that sometime there might develop a demand for the return of so much water. I feel that this is a good suggestion and should be left out entirely so that we would not get involved in any way.

I was asked if we wanted to include any of section 28 in the application and I do not feel that this is necessary because we are not using any water from section 28.

These were only minor changes and I agreed to them so that we would not hold up the advertising of the application.

They hoped to get this advertised next week of a week from that. I hope that these changes are agreeable to you. If not please call me so that I can have them changed.

We are pleased the way the State Office is now handling this problem. We also appreciate the efforts of Thomas O. Parker in this matter. Enclosed is a copy of a letter received from him.

We will let you know concerning the hearings as soon as we know the outcome of the advertising of the application.

- I am sure that this program will be pushed through very soon to a satisfactory conclusion. After waiting all this time at least we hope so.

Thomas A. Walker
Superintendent
By Sanford Christensen
Tour Leader

C O P Y

410 Newhouse Building
10 Exchange Place
Salt Lake City 11, Utah

September 2, 1959

Memorandum

To: Thomas A. Walker, Superintendent, Timpanogos Cave, National Park Service, American Fork, Utah

From: Field Solicitor

Subject: Application A-3523 for Permanent Change of Point of Diversion, Place and Nature of Use, Certificate 2038 Docket 1, Timpanogos Cave

During your visit to this office August 21, 1959 you requested that I follow up on the progress of the subject application with the office of the Utah State Engineer.

This I have done and have been informed that the advertising fee has been received and that the advertising of the application will commence immediately. I have also been assured that ahearing will be scheduled as soon as the time for protest has expired. This would enable a hearing to be scheduled during the latter part of October or the first part of November. If I hear further I will advise you.

(Sgd) Thomas O. Parker
Thomas O. Parker
For the Field Solicitor

08-12-1959: memorandum to regional director from chief regarding change application a-3423

WR 68 @ 50

154-GEL

AUG 12 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Change Application A-3523, Docket 1, Timpanogos Cave

The attached copy of memorandum of July 28 from Mr. Sanders is in reply to the question raised at the Salt Lake City conference on February 6, as covered by Mr. Hall's report which you forwarded on February 11. Mr. Sanders suggests that those at the February conference should draft any new instrument for exchange of water rights.

Also attached is the original letter of February 16 to us from Mr. Gardner of the State Engineer's Office, and the three earlier applications which become obsolete, without State action, as a result of the conference of February 6. Also attached are the negatives of the applications, from which we have made photostat copies for our files. You and the Superintendent may wish to have copies of the applications, and you and Mr. McMaster may need the originals and Mr. Gardner's original letter. I suggest that they be placed in your letter file at this time, but they and the letters of transmittal may become important, and should be preserved for possible addition to the docket.

We have also noted your memorandum of July 15 to the Superintendent concerning the delay in advertising Application A-3523, and the advice that Deputy State Engineer Lambert has been transferred to the Attorney General's Office. I am particularly alarmed by Mr. Lambert's transfer from the State Engineer's Office. Each previous delay and complication in the amendment of these rights has resulted from similar changes in personnel. This also leaves Mr. Gardner, who seems to be unsympathetic, to delay the advertising as he sees fit.

I hope that Mr. McMasters will sound out Mr. Lambert's successor, and believe that he, or he and Mr. Hall or Mr. Fields, should explain the situation to the State Engineer or new Deputy. He even lacks the applications of 1949 and 1954, which Mr. Gardner has now gotten out of the State records.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In triplicate
Attachments
Copy to: Superintendent, Timpanogos Cave, w/c Sander's memo and Gardner's letter
Chief, WORC (2), w/c Sander's memo and Gardner's letter

AvVDunn:let Mr. Dunn

07-28-1959: memorandum to director from assistant solicitor regarding water right amendments

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

L54
Price
D.E. Lee

In reply refer to:
C-59-2170.18

1959 JUL 28 AM 8 14

JUL 28 1959

Memorandum

To: Director, National Park Service

From: Assistant Solicitor, National Parks

Subject: Water Right Amendments, Application A-3523, Docket 1, Timpanogos Cave National Monument, Utah

This refers to Assistant Director Price's memorandum of March 19, 1959, and our discussion on July 27 with Mr. Dunn of your office, regarding the possible necessity of executing another instrument to cover the exchange of water rights consummated between American Fork City, a municipal corporation of the State of Utah, and the United States on April 9, 1948.

As discussed with Mr. Dunn, we feel that in view of the meetings that have been held locally with representatives of the State Engineer's Office, it would be desirable that the new instrument, if it is still felt that one is needed, should be prepared in the field with the assistance of the Field Solicitor. This procedure would assure that the new instrument would meet the requirements of the State Engineer in all respects.

The attachments listed in Mr. Price's memorandum are returned.

(SGD.) HARRY K. SANDERS

For Richard A. Duddeke
Assistant Solicitor
National Parks

Attachments

Sanders/jb/7-27-59
cc: Files
Asst. Sol. NPS
Chief of Lands, NPS
Mr. Dunn, NPS
Daily

T1CA

02-16-1959: letter to nps from senior application engineer regarding applications no. 10833 and 10840

WR copy

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY 14

WAYNE D. CRIDDLE
STATE ENGINEER

February 16, 1959

United States of America
National Park Service
Washington 25, D. C.

Gentlemen: RE: APPLICATIONS NOS. 10833 and 10840

There is enclosed herewith an unnumbered change application proposing to amend Application No. 10833, Certificate No. 3025, and an unnumbered change application proposing to amend Application No. 10840, Certificate No. 2038, and an unnumbered exchange application proposing to exchange water covered by Application No. 10840, Certificate No. 2038.

These application were received in this office on August 10, 1954, and November 25, 1949, respectively, but were withheld from filing for the reasons that were set out in our letter of August 14, 1956, and also for the reason that there was filed on February 6, 1959, a change application which has been numbered a-3523 by the U. S. Timpanogos Cave National Monument, which proposes to amend Application No. 10840 - Certificate No. 2038, which now purports to cover the proposed change required.

Yours truly,

J. M. Gardner
SENIOR APPLICATION ENGINEER.

JMG/ig

Enc: Applications Nos. 10933 and 10840, and exchange application (unnumbered)

7/31/59
Affidavit of publication filed in above No. and all papers returned with copy of this letter.

TCA

00-00-0000: application for permanent change of point of diversion, place, and nature of use of water: appl. no. 10840

Form F-8—11-45 6M CHANGE APPLICATION NO.....

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of use of (Strike out written matter not needed)

water right acquired by Application 10840, Certificate 2038
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* United States of America
2. *The post-office address of the applicant is* National Park Service, Washington 25, D. C.
3. †*The flow of water which has been or was to have been used in second-feet is* 0.06250 second-foot.
4. †*The quantity of water which has been or was to have been used in acre-feet is* --
5. †*The water has been or was to have been used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. †*The water has been or was to have been stored each year from* -- (Month) (Day) *to* -- (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* U. S. & J. R. (Leave blank)
8. *The direct source of supply is* Swinging Bridge Canyon Spring and Cave Camp Spring *in* Utah *County.*
9. †*The point~~s of diversion as described in the original Application or the point~~ at which the water has been diverted ~~is~~ are situated at ~~a point~~* Swinging Bridge Canyon Spring N79°09'E 11,481.1 ft., thence N37°42'E 3350 ft. from NW Cor. Sec. 32, T4S, R2E, SLB&M, and Cave Camp Spring N79°09'E 11,481.1 ft. from said NW Cor. Sec. 32. (See "Explanatory.")
10. †*The water involved has been ~~or was to have been~~ used for the following purposes:*

Domestic purposes at Timpanogos Cave Camp area.

Total *Acres.*

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been or was to have been returned to the stream channel is situated as follows:*

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* 0.06250 second-foot.
13. *The quantity of water to be changed in acre-feet is* --
14. *The water will be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
15. *The water will be stored each year from* -- (Month) (Day) *to* -- (Month) (Day) *incl.*
16. *The point at which it is now proposed to divert the water is situated (See note)* Swinging Bridge Canyon Spring, N52°45'E 16,140.3 ft. from SW Cor. Sec. 32, T4S, R2E, SLB&M; Cave Camp Spring N56°22'E 13,837 ft. from said SW Cor. Sec. 32. (See "Explanatory.")

NOTE—The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* Masonry dam in Swinging Bridge Canyon, concrete collecting basin at Cave Camp Spring, control gates and pipe lines.
18. *The cross-section of the diverting channel will be.* ⊥ ⌣ ○ (Strike out ones not needed)
19. *The nature of the diverting channel will be:* ~~earth, wood~~, iron, concrete. (Strike out the ones not needed)

†Strike out written matter not needed.

Submitted with letter of Nov 21, 1949 to State Engr from Assist. Dir. with, and returned with letter of Feb. 16, 1959 from J. M. Gardner, Sr. Appl. Eng.
A. Vaal Dixon
3/3/59

5

Swinging Bridge Canyon Spring, 1369 feet

20. The length of the diverting channel, exclusive of laterals, will be/ Cave Camp Spring, 32,000 feet
(If an existing channel is used give only the length of that part used under this Application)

21. The top width of the diverting channel will be (if a ditch) -- feet

22. The bottom width of the diverting channel will be (if a ditch) -- feet

23. The depth of water in the diverting channel will be (if a ditch) -- feet

24. The width of diverting channel will be (if a flume) -- feet

25. The depth of water in the diverting channel will be (if a flume) -- feet

26. The diameter of the diverting channel will be (if a pipe) NPS Extension 2 inches
American Fork City Conduit 10 & 12 inches

27. The grade of the diverting channel will be 210 feet per thousand

28. The point at which it is proposed to return the water is situated (See note under 16) --

29. The water is to be used 1/32 second-foot from Swinging Bridge Canyon Springs for domestic, recreational, and industrial purposes in Timpanogos Cave National Monument; 1/32 second-foot from Cave Camp Spring for domestic and municipal purposes in American Fork City. Total acres.

NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H. P. to be developed and place where power will be used.

30. The character of the soil to be irrigated is -- ; subsoil --

NOTE—Number 30 is to be filled in only when proposed change is for irrigation.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change: Tie on Cert. 2038 is reversed between NW Cor. Sec. 32 and Cave Camp Spring. Further tie from Cave Camp Spring to Swinging Bridge Canyon Spring is to center of Spring area, herein described as beg. N83°04'W 437.72 ft. from N Witness ¼ Cor. Sec. 27, T4S, R2E, SLB&M, established by G.L.O. in 1937, 7.26 chains S of true ¼ Cor., thence S58°21'W 50 ft., N31°39'W 260 ft., N58°21'E 100 ft., S31°39'E 260 ft., S58°21'W 50 ft. to beg. Water from several springs in said area flows in natural channel to American Fork City headgate, defined as N52°45'E 16,140.3 ft. from aforesaid SW Cor. Sec. 32 in Cert. 3025, which is also S73°04'W 876.77 ft. from aforesaid N Witness ¼ Cor. Sec. 27. Under Cert. 2038, 0.03125 sec. ft. is diverted and conveyed 929 ft. through City pipe line to water system lateral serving Timpanogos Cave Camp. Corrected description but no change in diversion is planned. Water to be used in any part of Timpanogos Cave National Monument. At least 20,000 gallons of regulatory storage planned. Will modify Federal pipe line lateral in Monument to provide these facilities.

Rights to 0.03125 sec. ft. of waters of Cave Camp Spring, covered by Cert. 2038, are to be transferred to the headgate of American Fork City pipe line at point described in Application 10578, N56°22'E 13,837 ft. from aforesaid SW Cor. Sec. 32, which point of diversion is also S64°15'E 432.0 ft. from W¼ Cor. Sec. 27, T4S, R2E, SLB&M, as established by G.L.O. in 1937, for domestic and municipal use at American Fork City in accordance with Water Right (Exchange) Deed, dated April 9, 1948, as executed by Glen L. Taylor, Mayor, for American Fork City, and Newton B. Drury, Director, National Park Service, for the United States of America, of which copy was filed with State Engineer with letter of July 26, 1949.

See related application to amend rights under Cert. 3025, also filed at this time.

Nothing in this application shall constitute a waiver of any other rights which the United States may have to the use of the same water.

United States of America
By [signature] Signature of Applicant.
Assistant Director
National Park Service
Department of the Interior

4

(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. .....Change Application received over counter / by mail in State Engineer's office by.....
2. .....Priority of right to make change brought down to, on account of.....
3. .....Fee for filing Application, $....., received by.....Receipt No.....
4. .....Application copied in Change Book No....., page....., and indexed by.....
5. .....Application platted by.....
6. .....Application examined by.....
7. .....Application returned, with letter, to.....for correction
8. .....Corrected application resubmitted over counter / by mail to State Engineer's office.

8a. .....Copy brought up to date (red inked) and placed in record book by.....

9. .....Fee for publishing notice requested.
10. .....Fee for publishing notice $....., Received by.....Receipt No.....
11. .....Application approved for advertisement by.....
12. .....Notice to water users prepared by .....
13. .....Publication began; was completed.....
    Notice published in.....
14. .....Proof slips checked by.....
15. .....Change Application protested by.....

16. .....Application designated for approval / rejection by.....
17. .....Fee for approving Application requested .....
18. .....Fee for approving application, $2.50, received by.....Receipt No.....
19. .....Change Application proof, read by .....
20. .....Change Application approved / rejected and returned to applicant.....

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by.....
3. .....

State Engineer.

21. .....Time for making proof of change extended to.....
22. .....Proof of change submitted.
23. .....Fee for filing proof of change, $1.00, received by.....Receipt No.....
24. .....Fee for examining maps, profiles and drawings, $5.00, received by..... Receipt No.....
25. .....Fee for issuing certificate of change, $1.00, received by.....Receipt No.....
26. .....Certificate of change, No....., issued.

I hereby certify that the foregoing is a true copy of the Application by ..... to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah....., **19**.....

.....
State Engineer.

Change Application No.....

7

NOTICE TO APPLICANT

The approval of this Application is not a certificate of change. It is merely your authority to begin construction work, which must be diligently prosecuted to completion. To secure a certificate of change under this Application proof of change must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer.

RULES AND REGULATIONS

Applicants will save time and expense by familiarizing themselves with the law before making Applications.

If the reservoir is to be located on the channel of the source from which the water is to be appropriated, it should be so stated under explanatory, and—

1. The location of the impounding dam should be described in Paragraph 16.
2. The point where the released storage will be rediverted from the natural stream should be described under explanatory in accordance with the note under Paragraph 16.

When the water is to be stored in other than the natural channel of the source from which it is to be appropriated, it should be so stated under explanatory, and—

1. The point of diversion from the supplying source should be described in Paragraph 16.
2. The intersection of the longitudinal axis of impouding dam and centerline of stream channel or drainage and a similar point where the released storage will be rediverted from a natural channel should be described under explanatory in accordance with the note under Paragraph 16.

In all cases Paragraphs 17 to 27, incl., should describe the proposed diverting and carrying works, exclusive of natural channels, even if already constructed in whole or in part.

If it is proposed to collect the water of a number of springs or other sources at a common point, said point should be described as the point of collection in Paragraph 16, and the point of diversion from each source should also be described under explanatory in accordance with the note in Paragraph 16. The quantity of water sought from each source should be indicated under explanatory, the total equaling the quantity specified in Paragraphs 12 or 13. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described under explanatory by metes and bounds and located with reference to the same point as used in describing the point of collection and as outlined by the note under Paragraph 16.

No enlargement of an original water right may be made by a change Application, either as to quantity of water covered, period of use or otherwise.

When there are two or more coapplicants the Application must be accompanied by a power of attorney.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority of the right to change will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For examining and filing Applications for change of point of diversion, place and nature of use.....$2.50

For approving and recording Applications for change of point of diversion, place and nature of use.....$2.50

For filing written proof of change.....$1.00

For examining maps, profiles and drawings that are part of the proof of change.....$5.00

For issuing certificate of change.....$1.00

NOTE—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed change.

RECEIVED
AUG 10 1954
STATE ENGINEER'S
OFFICE

00-00-0000: application for permanent change of place and nature of use of water: application 10833; certificate 3025

Form F-8—11-45 6M CHANGE APPLICATION NO.....

Application for Permanent Change of ~~Point of Diversion,~~ Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the ~~point of diversion,~~ place or nature of use of (Strike out written matter not needed)

water right acquired by Application 10833, Certificate 3025
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* United States of America
2. *The post-office address of the applicant is* National Park Service, Washington 25, D. C.
3. †*The flow of water which has been or was to have been used in second-feet is* 1.5 second-feet
4. †*The quantity of water which has been or was to have been used in acre-feet is* —
5. †*The water has been or was to have been used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. †*The water has been or was to have been stored each year from* — (Month) (Day) *to* — (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* Utah Lake & Jordan River (Leave blank)
8. *The direct source of supply is* Swinging Bridge Canyon Creek *in* Utah *County.*
9. †*The point of diversion as described in the original Application ~~or the point at which the water has been diverted~~ is situated at a point* N52°45'E 16,140.3 feet from the SW corner of Sec. 32, T4S, R2E, SLB&M.
10. †*The water involved has been ~~or was to have been~~ used for the following purposes:* To produce electric power and propelling machinery in Utah County

Total ..... *Acres.*

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been ~~or was to have been~~ returned to the stream channel is situated as follows:* On American Fork River whence SW corner of aforesaid Section 32 bears S56°07'W 10,590 feet.

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* 0.03125 second-foot.
13. *The quantity of water to be changed in acre-feet is* —
14. *The water will be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
15. *The water will be stored each year from* — (Month) (Day) *to* — (Month) (Day) *incl.*
16. *The point at which it is now proposed to divert the water is situated (See note)* N52°45'E 16,140.3 feet from the SW corner of Sec. 32, T4S, R2E, SLB&M, as originally defined, and more specifically described under "Explanatory".

NOTE—The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* masonry dam and iron pipe lines described in Certificates Nos. 2038 and 3025, with minor changes.
18. *The cross-section of the diverting channel will be.*  (Strike out ones not needed)
19. *The nature of the diverting channel will be:* ~~earth,~~ ~~wood,~~ *iron, concrete.* (Strike out the ones not needed)

†Strike out written matter not needed.

Submitted with letter of Nov. 21, 1949 to State Eng. from Assist. Director Wirth, and returned with letter of Feb. 16, 1959 from JA Gardner, Sec. Appl. Engineer

Averitt Jan 9/59

20. The length of the diverting channel, exclusive of laterals, will be 1,369 feet
(If an existing channel is used give only the length of that part used under this Application)
21. The top width of the diverting channel will be (if a ditch) — feet
22. The bottom width of the diverting channel will be (if a ditch) — feet
23. The depth of water in the diverting channel will be (if a ditch) — feet
24. The width of diverting channel will be (if a flume) — feet
25. The depth of water in the diverting channel will be (if a flume) — feet
26. The diameter of the diverting channel will be (if a pipe) NPS Extension 2 inches
27. The grade of the diverting channel will be 195 feet per thousand
28. The point at which it is proposed to return the water is situated (See note under 16) —

29. The water is to be used 1/32 second-foot from Swinging Bridge Canyon Creek for domestic, recreational and industrial purposes in Timpanogos Cave National Monument.

Total acres.

NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H. P. to be developed and place where power will be used.

30. The character of the soil to be irrigated is —; subsoil —

NOTE—Number 30 is to be filled in only when proposed change is for irrigation.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change:

The point of diversion (items 9 and 16) is also S73°04'W 876.77 ft. from Witness ¼ Cor. marked ¼ WC S 22 S 27 1937 which the 1937 survey notes of General Land Office, now Bureau of Land Management, indicate to be S 7.26 chains from true N¼ Cor., not set, of Sec. 27, T4S, R2E, SLB&M.

The waters diverted from Swinging Bridge Canyon Creek under Cert. 3025 and from Swinging Bridge Canyon Spring under Cert. 2038 share a common headgate, and first 929 ft. of pipe line. By Water Right (Exchange) Deed dated April 9, 1948, as executed by Glen L. Taylor, Mayor, for American Fork City, and Newton B. Drury, Director, National Park Service, for the United States of America, of which copy was filed with the State Engineer by letter of July 26, 1949, American Fork City has conveyed its rights to 1/32 sec. ft. of waters of Swinging Bridge Canyon Creek with priority of February 10, 1930, under Cert. 3025, to the United States of America. The United States proposes to use said 1/32 sec. ft. of water for domestic and recreational purposes in any part of Timpanogos Cave National Monument instead of for purposes and at place designated in original Application 10833 and Cert. 3025.

See related application to amend rights under Cert. 2038, also filed at this time.

Nothing in this application shall constitute a waiver of any other rights which the United States may have to the use of the same water.

United States of America
By: Conrad L. Wirth
Assistant Director
National Park Service
Department of the Interior
Signature of Applicant.

2

(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. .....Change Application received over counter / by mail in State Engineer's office by.....
2. .....Priority of right to make change brought down to, on account of.....
3. .....Fee for filing Application, $....., received by.....Receipt No.....
4. .....Application copied in Change Book No....., page....., and indexed by.....
5. .....Application platted by.....
6. .....Application examined by.....
7. .....Application returned, with letter, to.....for correction
8. .....Corrected application resubmitted over counter / by mail to State Engineer's office.

8a. .....Copy brought up to date (red inked) and placed in record book by.....

9. .....Fee for publishing notice requested.
10. .....Fee for publishing notice $....., Received by.....Receipt No.....
11. .....Application approved for advertisement by.....
12. .....Notice to water users prepared by .....
13. .....Publication began; was completed.....
    Notice published in.....
14. .....Proof slips checked by.....
15. .....Change Application protested by.....
16. .....Application designated for approval / rejection by.....
17. .....Fee for approving Application requested .....
18. .....Fee for approving application, $2.50, received by.....Receipt No.....
19. .....Change Application proof, read by .....
20. .....Change Application approved / rejected and returned to applicant.....

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by.....
3. .....

State Engineer.

21. .....Time for making proof of change extended to.....
22. .....Proof of change submitted.
23. .....Fee for filing proof of change, $1.00, received by.....Receipt No.....
24. .....Fee for examining maps, profiles and drawings, $5.00, received by..... Receipt No.....
25. .....Fee for issuing certificate of change, $1.00, received by.....Receipt No.....
26. .....Certificate of change, No....., issued.

I hereby certify that the foregoing is a true copy of the Application by ..... to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah....., **19**.....

.....
State Engineer.

Change Application No.....

3

NOTICE TO APPLICANT

The approval of this Application is not a certificate of change. It is merely your authority to begin construction work, which must be diligently prosecuted to completion. To secure a certificate of change under this Application proof of change must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer.

RULES AND REGULATIONS

Applicants will save time and expense by familiarizing themselves with the law before making Applications.

If the reservoir is to be located on the channel of the source from which the water is to be appropriated, it should be so stated under explanatory, and—

1. The location of the impounding dam should be described in Paragraph 16.
2. The point where the released storage will be rediverted from the natural stream should be described under explanatory in accordance with the note under Paragraph 16.

When the water is to be stored in other than the natural channel of the source from which it is to be appropriated, it should be so stated under explanatory, and—

1. The point of diversion from the supplying source should be described in Paragraph 16.
2. The intersection of the longitudinal axis of impouding dam and centerline of stream channel or drainage and a similar point where the released storage will be rediverted from a natural channel should be described under explanatory in accordance with the note under Paragraph 16.

In all cases Paragraphs 17 to 27, incl., should describe the proposed diverting and carrying works, exclusive of natural channels, even if already constructed in whole or in part.

If it is proposed to collect the water of a number of springs or other sources at a common point, said point should be described as the point of collection in Paragraph 16, and the point of diversion from each source should also be described under explanatory in accordance with the note in Paragraph 16. The quantity of water sought from each source should be indicated under explanatory, the total equaling the quantity specified in Paragraphs 12 or 13. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described under explanatory by metes and bounds and located with reference to the same point as used in describing the point of collection and as outlined by the note under Paragraph 16.

No enlargement of an original water right may be made by a change Application, either as to quantity of water covered, period of use or otherwise.

When there are two or more coapplicants the Application must be accompanied by a power of attorney.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority of the right to change will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For examining and filing Applications for change of point of diversion, place and nature of use	$2.50
For approving and recording Applications for change of point of diversion, place and nature of use	$2.50
For filing written proof of change	$1.00
For examining maps, profiles and drawings that are part of the proof of change	$5.00
For issuing certificate of change	$1.00

NOTE—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed change.

RECEIVED
AUG 10 19[illegible]
STATE ENGINEER'S
OFFICE

4

08-03-1959: application for the rights of exchange of water: application no. 10840; certificate no. 2038

Exchange Application No.....

Application for the Right of Exchange of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the Rules and Regulations on the back hereof, also in the pamphlet prepared by state engineer and all the notes in this form.

For the purpose of obtaining permission to make an exchange of water, application is hereby made to State Engineer, based upon the following showing of facts submitted in accordance with the requirements of Sec. 100-3-20, Utah Code Annotated 1943.

NOTE.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

1. *The name of the applicant is*.....United States of America.....
2. *The post-office address of the applicant is*.National Park Service, Washington 25, D. C.

The Following Water Right Is Now Owned or Will Be Acquired by Applicant

3. *The right was acquired by*...Application No. 10840, Certificate No. 2038...
(Give No. of Application, title and date of Decree or other identification)
4. *The right, if not now owned by applicant, will be acquired in the following manner*.....
(If by appropriation, purchase, or exchange, so state giving particulars)
5. *The flow of water in second feet is*.....0.03125.....
6. *The quantity of water in acre-feet is*.....-.....
7. *The period of use each year is from*...January (month) 1 (day) *to* December (month) 31 (day) *inc.*
8. *The period of storage each year is from*.....-- (month) -- (day) *to* -- (month) -- (day) *inc.*
9. *The drainage area to which source of supply belongs is*.....
(Leave blank)
10. *The direct source of supply is*.Cave Camp Spring.....*tributary to*...American Fork.....
tributary to...Utah Lake...*in*...Utah...*County.* (*Strike tributary not needed*)
11. *The point of diversion is located at a point* (*See note below)...N. 79°09' E. 11,841.1 ft. from NW Cor. Sec. 32, T. 4 S., R. 2 E., S.L.M. (thence N 75°58 E' 344 feet, not recited on Certificate No. 2038)
12. *The water involved is, or was to be, used for the following purposes:* Domestic purposes at the Timpanogos Cave Camp area, which is more properly designated as Timpanogos Cave National Monument
.....*Total*.....*acres.*
(If for irrigation, give legal subdivision of land and total acreage which is or was to be irrigated. If for other purpose, give nature, place and extent of use.)
13. *The point at which water has been, or was to be, returned to the stream channel is located at a point* (*See note below).....
(This space is to be filled in only when all, or part, of the water is returned.)

THE FOLLOWING EXCHANGE IS PROPOSED

14. 0.03125 *second feet* ~~*or*~~ ~~*acre feet*~~ *of water represented by the foregoing right will be delivered from* January 1 (month) (day) *to* December 31 (month) (day) *incl. of each year into* American Fork City Pipe Line (Name of stream, canal, etc.) *at a point located* (*See note below) as described in Application No. 10578, N. 56°22' E., 13,837 ft. from NW Cor. Sec. 32, T. 4 S., R. 2 E., S.L.B.&M.

(strike words not needed)

* *NOTE.—The point of diversion, point of return or point of delivery must be located by course and distance or by rectangular distances with reference to some United States land survey corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

Submitted with letter of Aug. 6, 1959 from Lay/ey (Acting Area Dir.)
and returned with letter of Feb. 16, 1959 from J.M. Gardner, Sen. Appl. Eng.
Grant Teeples
9/1/59

15. *The water will be conveyed from the point described in Par. 11 to the point described in Par. 14, by ~~canal, pipe, conduit, flume or~~ natural stream (strike words not needed.) The cross-section, grade, length, etc. follows:* The natural drainage and seepage is across the spring area from point designated in Par. 11 to point designated in Par. 14, with no formally defined channel.

16. *In exchange for the water delivered and described in Par. 14, there will be* 0.03125 *second feet ~~or acre feet~~ of water diverted from* January 1 (month) (day) *to* December 31 (month) (day) *incl. of each year from* Swinging Bridge Canyon Creek (Name of stream or channel) *at a point located (See note bottom of Page 1)* N. 52°45' E. 16,140.3 ft. from SW Cor. Sec. 32, T. 4 S., R. 2 E., S.L.B.&M., which point is also S. 73°04' W. 876.77 ft. from N. Witness 1/4 Cor. Sec. 27, T. 4 S., R. 2 E., S.L.B.&M. as established by GLO Survey of 1937, 7.26 ch. south of true 1/4 Cor., ~~with priority of February 10, 1930~~.

17. *The water referred to in Par. 16 will be conveyed by ~~canal~~ pipe, ~~conduit, flume or natural stream~~ (strike words not needed). The cross-section, grade, length etc. follows:* The upper 946 feet of pipe is identical with that described in Application 10833, Certificate 3025. The remainder is identical with that described in Application 10840, Certificate 2038. (Natural channel has been used from Diversion Point described in Certificate No. 2038 to Diversion Point described in Certificate No. 3025)

18. *The water referred to in Par. 16 and 17 will be used: (See note under Par. 12)* For domestic and municipal purposes in Timpanogos Cave National Monument.

Total ..... *Acres*

19. *After being used as provided in Par. 18, the water will be returned to* ..... (Name of stream, canal, etc.)

at a point located (See note, bottom of Page 1) .....

EXPLANATORY

In the space below, give any further information necessary to define clearly the nature of the proposed exchange.

In cases where storage is contemplated, indicate the period in each year during which water will be stored; also the period during which it will be released and used. The lands to be inundated by reservoir must be described as nearly as may be by government subdivisions if upon surveyed lands. Indicate also the height of the impounding dam and the area in acres inundated at full stage.

In case the water diverted as described in Paragraph 16 has heretofore been used to satisfy an exclusive right of another party, give identification of such right by number of Application, title and date of decree or other identification. Explain also, the reason why the right of replacement is desired.

The entire water course from springs forming source of Swinging Bridge Canyon Creek to the point where American Fork emerges from Timpanogos Cave National Monument, slightly below confluence of Cave Camp Springs, is on Federal land and the United States, as successor to the Timpanogos Cave Committee, and American Fork City are sole appropriators of water within these reaches. By Water Rights Deed of April 9, 1948, of which a certified copy has been filed with the State Engineer, aforedescribed exchange was agreed to by the Director of the National Park Service and the Mayor of American Fork City. American Fork City further waived any claim for damages which might result from diversion of waters of Swinging Bridge Canyon Creek with preference for domestic use under rights which are junior by two weeks to the City's rights to divert for power purposes. The United States releases all claim to Cave Camp Springs.

UNITED STATES OF AMERICA
By: .....
Director, National Park Service
*Signature of Applicant

*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH, }
County of ..... } ss.

On the ..... day of ....., 19....., personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires .....
(SEAL)

..... *Notary Public.*

(This page is not to be filled in by applicant)

STATE ENGINEER'S ENDORSEMENTS

1. ..... *Exchange Application rec'd* ~~*over counter*~~ *by mail* *in State Engineer's office by*.....
2. ..... *Priority of right to make exchange brought down to, on account of*.....
3. ..... *Fee for filing application $2.50, received by*..... *Rec. No*.....
4. ..... *Application copied in Exch. Book No.* ....., *page*....., *indexed by*.....
5. ..... *Application platted by*.....
6. ..... *Application examined by*.....
7. ..... *Application returned, with letter to*..... *for correction*.....
8. ..... *Corrected application resub.* *over counter* *by mail* *to State Engineer's office.*
9. ..... *Fee for publishing notice requested.*
10. ..... *Fee for publishing notice $*....., *Received by*..... *Rec. No*.....
11. ..... *Application approved for advertisement by*.....
12. ..... *Notice to water users prepared by* .....
13. ..... *Publication began; was completed* .....
    Notice published in.....
14. ..... *Proof slips checked by*.....
15. ..... *Exchange Application protested by* .....
16. ..... *Application designated for* *approval* *rejection* *by* .....
17. ..... *Fee for approving application requested* .....
18. ..... *Fee for approving application, $2.50, received by*..... *Rec. No*.....
19. ..... *Exchange Application proof read by* .....
20. ..... *Exchange Application* *approved* *rejected* *and returned to applicant*.....

THIS APPLICATION IS APPROVED ON THE FOLLOWING CONDITIONS:

1. *Actual construction work necessitated by proposed exchange shall be diligently prosecuted to completion.*
2. *Proof of exchange shall be submitted to the State Engineer's office by*.....
3. .....

.....
State Engineer

21. ..... *Time for making proof of exchange extended to*.....
22. ..... *Proof of exchange submitted*.....
23. ..... *Fee for filing proof of exchange, $1.00, received by*..... *Rec. No*.....
24. ..... *Fee for filing maps, profiles and drawings, $5.00, rec'd by*..... *Rec. No*.....
25. ..... *Fee for issuing certificate of exchange, $1.00, received by*..... *Rec. No*.....
26. ..... *Certificate of exchange, No*....., *issued.*

I HEREBY CERTIFY that the foregoing is a true copy of the Application by.....
to exchange water and of the endorsements therein as shown by the records of my office on the date given below.

Salt Lake City, Utah,....., 19..... .....
State Engineer.

Exchange Application No.....

NOTICE TO APPLICANT

The approval of this application is not a certificate of exchange. It is merely your authority to begin construction work, which must be prosecuted diligently to completion. To secure a certificate of exchange under this application proof of exchange must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer. Before preparing this application in addition to reading the following rules and regulations read those rules and regulations promulgated by the State Engineer furnished in pamphlet form upon request.

RULES AND REGULATIONS

No enlargement of an original water right may be made by an exchange application, either as to quantity of water covered, period of use or otherwise.

When there are two or more co-applicants the application must be accompanied by a power of attorney authorizing one to act for all.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by application by failing to receive notices sent from the State Engineer's office.

No application or other paper pertaining to an application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected applications must be re-submitted to the State Engineer's office within sixty days from the date of State Engineer's letter returning application for correction; otherwise the priority of the right to exchange will be brought down to date corrected application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of application is due, and must advance cost within sixty days after date of notice, otherwise application will lapse.

RECEIVED
STATE ENGINEER
OFFICE

FEES REQUIRED BY LAW PAYABLE TO STATE ENGINEER

For examining and filing applications for exchange of water	$2.50
For approving and recording applications for exchange of water	$2.50
For examining and filing written proof of exchange	$1.00
For examining and filing map, profile and drawings that are part of proof	$5.00
For issuing certificate of exchange	$1.00

NOTE.—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed exchange.

NOTE.—Applicants will save time and expense by familiarizing themselves with the law before making Application.

WR Copy

L-54

Region Three
Santa Fe, New Mexico

Feb 11, 1959

Memorandum

To: Director

From: Regional Director

Subject: Change in Point of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Application No. A-3523, Docket No. 1, Timpanogos Cave National Monument

Attached is a copy of Mr. Kell's report covering the meeting held in the Utah State Engineer's Office on Friday, February 6 at 1:30 P. M. Also attached is a copy of the Application A-3523 filed by Superintendent Thomas A. Walker after the conference on February 6.

The advertisement for the application in change of point of diversion, place and nature of use of water will appear in the American Fork Citizen at American Fork City, Utah.

It is our hope and the opinion of most of the representatives of the State Engineer's Office that since Swinging Bridge Canyon Springs and Cave Camp Spring are both tributary to American Fork River no protest will be received. This is strengthened since all representatives of the State Engineer's Office, with the possible exception of Mr. Gardner, are in sympathy with our problem and what we are attempting to do. It has the full concurrence of American Fork City and American Fork Irrigation Company, the two agencies most vitally concerned with the change in the point of diversion.

As soon as Superintendent Walker's copy of the application is returned to him, it will be furnished this office certified mail, and we in turn will make a photostat copy of page 3 for all copies of Docket No. 1 in accordance with the suggestion contained in Mr. Dunn's memorandum of September 25, 1958. We are also asking Superintendent Walker by copy of this memorandum to furnish four copies of the newspaper notice when it is published for use in the water rights docket.

Hugh M. Miller
Regional Director

In duplicate ✓
Copy to: Supt. Timpanogos (2)
WODC

Attachment

02-10-1959: memorandum to regional director through regional chief of operations from regional chief of lands regarding change i

L-54

Region Three
Santa Fe, New Mexico

February 10, 1959

Memorandum

To: Regional Director through Regional Chief of Operations

From: Regional Chief of Lands

Subject: Change in Point of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Application No. A-3523, Docket No. 1, Timpanogos Cave National Monument

On the afternoon of February 6 at 1:30 P. M. a meeting was held in the Utah State Engineer's Office regarding the subject application for permanent change in point of diversion, place and nature of use of water at Timpanogos Cave.

Present at the meeting were State Engineer Wayne Criddle, Deputy State Engineer Herbert Lambert, Assistant Attorney General Robert Porter, and Applications Engineer Jack Gardner. City Manager Nelson and Consulting Engineer A. Z. Richards represented American Fork City.

The National Park Service was represented by Field Solicitor J. Stuart McMaster, Superintendent Thomas A. Walker, and myself.

The meeting was opened by Applications Engineer Jack Gardner who outlined briefly the purpose of the meeting. It was Mr. Gardner's opinion that the application, as drafted for a permanent change in the point of diversion, should be reconsidered.

It appeared that Mr. Gardner was confused regarding the past history of our various applications. He stated that there was some doubt whether or not Swinging Bridge Canyon Springs and Cave Camp Spring are both tributary to the same drainage which has been accepted as American Fork River.

Both Deputy State Engineer Lambert and Assistant Attorney General Porter pointed out to Mr. Gardner that there were several decisions in Utah clarifying this point and there was no doubt that both

springs (Swinging Bridge Canyon and Cave Camp) are tributary to American Fork River.

Mr. Lambert points out that those parties most likely to be affected by any change in point of diversion and place and nature of use would naturally be National Park Service, American Fork City, and American Fork Irrigation Company. Mr. Lambert also pointed out that in a meeting at Provo last year American Fork City and American Fork Irrigation Company went on record as having no objection to the Park Service application. It was the recommendation of all representatives of the State Engineer's Office except Mr. Gardner that the application be filed as drafted; publication be ordered, since no protests were anticipated. If no protests are received, our Service will then be in a position to make final proof which we should do as rapidly as possible while the present group in the State Engineer's Office is in office.

Because of previous commitments the State Engineer, Deputy State Engineer, Assistant Attorney General, and City Manager left the conference. Mr. A. Z. Richards remained to represent American Fork City, and we continued the discussion with Mr. Gardner. It appears that Mr. Gardner was confused in believing that the application as presently drawn would give the National Park Service additional water. His thinking was that 1/16 c.f.s. would attach to Swinging Bridge Canyon Springs, and we would still retain 1/32 c.f.s. from Cave Camp Springs. Field Solicitor McMaster attempted to explain that under the application as now drawn the Park Service was abandoning its rights to Cave Camp Spring and transfering that right to Swinging Bridge Canyon Springs, the combined total of which would equal 1/16 c.f.s. at Swinging Bridge Canyon Springs.

Mr. Gardner also is concerned about the "water rights deed" of April 9, 1948. Field Solicitor McMaster, Assistant Attorney General Porter, and State Engineer Lambert all advised Mr. Gardner that the "water rights deed" of April 9, 1948, regardless of how it might be labeled, did not recite deed language and could only be construed as an assignment or exchange.

They agreed the heading "water rights deed" was an unfortunate label since under Utah law a city may not deed away water. They reminded Mr. Gardner, however, that all these points were previously discussed and agreements reached in the meeting of a year ago in the State Engineer's Office held on February 24, 1958. They further assured Mr. Gardner that the "assignment" of April 9, 1948 was merely for the purpose of exchanging 1/32 of a second foot and would not in a technical sense deed away any rights held by American Fork City.

02-10-1959: memorandum to regional director through regional chief of operations from regional chief of lands regarding change i

It appears that one of the problems still confronting Mr. Gardner is the "water rights deed" which is on record. He thinks, and perhaps justifiably so, that there should be another instrument prepared, executed, and recorded which would nullify the water rights deed of April 9, 1948 signed by Director Drury and Glenn Taylor, Mayor of American Fork City, Utah. Field Solicitor McMaster agreed that such an instrument could be prepared although there was no decision regarding the time and place of filing such an instrument.

It would be my recommendation, subject to Superintendent Walker's concurrence, that such a document be prepared, executed, and recorded in order to satisfy the objections raised by Applications Engineer Gardner.

JOHN E. KELL

John E. Kell
Regional Chief of Lands

Copy to: Director (2)
Supt., Timpanogos Cave
WODC
Hugh M. Miller

Approved for Distribution

[SIGNED] FEB 11 1959

Date:

Hugh M. Miller, Regional Director

03-06-1958: memorandum to director from regional chief of lands regarding change in points of diversion, place and nature of use

Region Three
Santa Fe, New Mexico

March 6, 1958

Memorandum

To: Director

From: Regional Chief of Lands

Subject: Change in Points of Diversion, Place and Nature of Use of Water, Swinging Bridge Canyon Springs, Docket No. 1, Timpanogos Cave National Monument

On February 24, in company with Superintendent Walker and Field Solicitor J. Stuart McMaster, we met with representatives of the State Engineer's office in Salt Lake City at 1:00 P.M. In addition to those previously mentioned, State Engineer Wayne Criddle, Deputy State Engineer Hubert Lambert, Assistant Attorney General Robert Porter, Applications Engineer Jack Gardner, and City Manager Nelson, American Fork City, attended the meeting. In the meeting, we explained to those present the nature of the various rights and the attempt of the National Park Service and American Fork City to exchange water rights. We also explained the past history and the failure of previous State Engineers to recognize the deed signed by Mayor Glen L. Taylor and Director Drury April 9, 1948.

Field Solicitor McMaster had reviewed Mr. Barton's Air Mail memorandum of February 19 and was prepared to support the validity of the deed dated September 10, 1941 from the Timpanogos Cave Committee. However, in the informal discussion, Assistant Attorney General Robert Porter and others asked sufficient questions to determine in their own minds that the National Park Service was in effect a successor to the Timpanogos Cave Committee and the water rights originally acquired by the Cave Committee were intended for Park use. In other words, the use currently being made of the waters within the area was basically the same as authorized by Certificate No. 2038 issued to the Timpanogos Cave Committee on December 15, 1930 (Application No. 10840). There was immediate acceptance of the assignment from the Timpanogos Cave Committee even though everyone admitted it was not in the form presently used for conveyance of water rights.

Superintendent Walker gave an excellent explanation of the events that have transpired since that time. It was the opinion of the State Engineer, the Deputy State Engineer and Mr. Porter, representing the Attorney General's office, that the problem could be

solved very simply by filing one application. This application should be drafted to do the following things: (1. Transfer 1/16 second feet of water from Cave Springs area to Swinging Bridge Canyon area. (2. Make application for change in point of use from Swinging Bridge Canyon Diversion Dam to the new intake boxes 1 and 2. (3. Make the proper filing for change in nature and place of use from Swinging Bridge Canyon area.

Superintendent Walker explained that the entire source of water now used at Timpanogos Cave comes from Swinging Bridge Canyon area and that some of the Swinging Bridge Canyon water is used at the headquarters area near Cave Spring. Superintendent Walker also explained that the new pipe line conveys water to the picnic area near the NPS ticket office. Therefore, there are actually changes in place and nature of use in existence at the present time.

Representatives of the State Engineer's office gave us copies of Form 107-657-2M and indicated this one form should be used to cover all necessary changes in points of diversion and nature and places of use.

Representatives of the State Engineer's office asked Superintendent Walker if water from Swinging Bridge Canyon ever reached American Fork River. Superintendent Walker explained that water never reached the river except for short periods of time during extremely heavy run-off. It was the opinion of representatives of the State Engineer's office that probably no protest would be obtained unless a protest came from the irrigators using American Fork Irrigation Company water. City Manager Nelson of American Fork City stated that American Fork City owns some 365 shares of approximately 5,000 outstanding in the above mentioned irrigation company. There is to be a hearing at Provo this week between representatives of the State Engineer's office and the Irrigation Company. City Manager Nelson was requested to explain to the Irrigation Company people exactly what we are attempting to do by changing the application, and it is hoped the matter can be handled without protest. The State Engineer also suggested that Superintendent Walker audit the Provo meeting in order to be present should questions arise regarding the history and nature of use of water at Timpanogos Cave.

The matter of priority was not specifically discussed but the Deputy State Engineer suggested that Applications 10833 and 10840 not be withdrawn until after the new application is received and action taken by the State Engineer's office. It is believed, if no protests are received, that the priority of Certificate 2038 can be retained.

It was also pointed out at the meeting that plans for the joint use portion of the pipe line from Swinging Brudge Canyon should be identical. Mr. Dunn has previously pointed out this need and it

is Superintendent Walker's opinion that the data obtained by Engineer George Johnston is much more accurate than that shown on Drawing D-3741 prepared by Caldwell, Richards and Sorensen for the City of American Fork and there will apparently be no difficulty in getting American Fork City to accept our drawing for this portion of the filing.

We have attached a supply of the forms obtained from the State Engineer's office for Mr. Dunn's use in presenting the change in point of diversion and place and nature of use of the waters of Swinging Bridge Canyon Spring. It would be our suggestion, and I have checked this point with Mr. Barton, that Mr. Dunn prepare the application in draft and it be transmitted to this office for review by Field Solicitor McMaster prior to completion of the required number of copies. Our reason for proposing this is that Field Solicitor McMaster works very closely with the State Engineer's office, knows the Assistant Attorney General Porter very well and is in a position to pick up the telephone and discuss matters freely. We believe if this plan is followed, there will be no difficulty in obtaining the transfer of 1/32 cfs from Cave Camp Spring area to Swinging Bridge Canyon area and thus give our Service the 1/16 second foot we originally had under Certificate No. 2038. Mr. Dunn will recognize this approach as basically the same as he has attempted for several years. However, it appears now that for the first time those in authority in the State Engineer's office recognize our problem and understand what we are trying to do. Also, so far as I know, this is the first time we have ever been able to have a joint meeting with all parties interested in attendance. I would like to express my appreciation to Mr. Dunn for his excellent memorandum of February 19, sent to me Special Delivery; it was waiting for me at the Newhouse Hotel when I arrived in Salt Lake City.

I gathered an impression from remarks made by Deputy State Engineer Lambert and Assistant Attorney General Porter, that for all practical purposes, our Service could, after we obtained the necessary change, forget the deed signed by Taylor and Drury April 9, 1908. However, I think this point should be checked by correspondence with Field Solicitor McMaster and his advice should be followed.

JOHN E. KELL

John E. Kell
Regional Chief of Lands

In duplicate
Attachments - 9
Copy to: Supt., Timpanogos Cave

WR Chron

Amschel
L54-L DeLee
Sanders

NOV 2 1958

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Amendment of Federal Rights and Claims to Waters of Cave Spring, Swinging Bridge Canyon Springs, and Swinging Bridge Canyon Creek, Docket 1, Timpanogos Cave National Monument

Attached are two copies of letter of August 14 from the State Engineer concerning various water rights, but in which we are primarily interested in the Federal rights under Application 10840, as conveyed by assignment of September 10, 1941, from the Cave Committee, and a priority of use of waters of Swinging Bridge Canyon Springs and Creek under Application 10833 conveyed by the Water Rights Deed of April 9, 1948, and the applications filed by this Service, but not yet assigned a number, first to change the point of diversion of 1/32 sec.ft. of water from Cave Spring to Swinging Bridge Canyon, and later for the exchange of water from Cave Spring to Swinging Bridge Canyon Spring through the American Fork City headgate in the Creek.

The first complication arose because the Timpanogos Cave Committee obtained a priority of February 24, 1930, in its rights to 1/32 sec.ft. respectively of waters from Cave Spring and Swinging Bridge Canyon Springs under Application 10840 while American Fork City established rights under Application 10833 with priority of February 10, 1930. The Secretary of the Cave Committee told Mr. Dunn later that there had been the mutually agreed intent to file the two applications in the reversed order, to give seniority to the domestic use for what is now the Monument.

The second problem arose through the fact that the use of Cave Spring by the Monument was terminated either before the rights under Application 10840 were assigned to the United States, or immediately afterwards, and the United States has subsequently used or claimed all rights to 1/16 sec.ft. of water from Swinging Bridge Canyon, through a pipeline of which the City owned the upper part and the United States owned the lower part.

There have been several successive State Engineers since this Service attempted to correct the errors. A former State Engineer took exception to the form of the assignment of rights on September 10, 1941, which is not mentioned by the encumbent, Mr. Tracy. One former Engineer, and Mr. Tracy, have both now taken exception to the Water Rights Deed

of April 9, 1948, which is in effect an agreement. The last previous State Engineer agreed to accept the chain of title and an application for the change in point of diversion. By the time that application was filed, Mr. Tracy had become State Engineer and he returned it with forms and instructions for filing the application for the "Right of Exchange of Water". During the same time, the Cave Committee became defunct.

The attached letter is in part, in reply to the suggestion in Mr. Dunn's letter of November 21, 1955, that American Fork City was attempting to correct its share of the same errors through Application a-2922 but by a method differing from that suggested for the National Park Service. The attached letter indicates that American Fork City is in effect attempting to amend the right and claims to 1/16 sec.ft. of water from Swinging Bridge Canyon for the Monument as well as the rights to the rest of the water for its own use. A copy of Application a-2922, which we did not obtain, or learn about, until after filing the two Federal applications, is in Part IV of Alien Water Right No. 1. Mr. Tracy now advises that no action has been taken on that application.

It appears to Mr. Dunn that both applications are tied up for the same reason, so far as both are intended to convert nonconsumptive water use under Application 10833 to rights to consumptive use which could be protested by the other appropriators of waters of Cave Spring and Swinging Bridge Canyon, and because of the title status under the Water Right Deed of April 9, 1938. He also points out that of the 1/16 sec.ft. of water diverted for the Monument, at least 80% is used for sanitary purposes and returned, after treatment, to the American Fork River through seepage above the lower diversion of the Utah Power and Light Company and well above the headgates of the American Fork Irrigation Company and the Utah State Industrial School, thus making only part of the 1/32 sec.ft. of water now authorized from Swinging Bridge Canyon Springs an actual consumptive depletion of flow.

We recommend that, if practical, the Field Solicitor should participate in the inspection by the engineer from Mr. Tracy's office. We assume that it will not be practical to obtain deed to replace that of 1948. We wonder whether American Fork City and the United States cannot accomplish that objective by joint amendment of rights. We also suggest that Mr. Barton might consider whether condemnation may not be necessary to clarify title to right to use the water consumptively.

We shall obtain copies of the decrees, but wonder whether Field Solicitor Barton should not first inspect them, and advise just what records we should order.

(SGD) JACKSON E. Phillis

Assistant Director

Attachments 2

Copy to: Superintendent, Timpanogos Cave, w/c attachment
Western Office of Design and Construction, w/cattachment

Copy to: Mr. Dunn, w/c attachment

AVDunn:lct 10-29-56

08-14-1956: letter to nps from state engineer regarding water rights in american fork canyon creek, cave camp spring and swingin

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY14

JOSEPH H. TRACY
State Engineer

August 14, 1956

United States Department of Interior
National Park Service
c/o A. van V. Dunn
Chief, Water Resources Section
Washington 25, D. C.

Gentlemen: RE: APPLICATIONS NOS. 10840, 10833, 10578, a-1685 AND a-2922

Reference is made to your letter L54-L, dated November 21, 1955, in regard to the water rights in American Fork Canyon Creek, Cave Camp Spring and Swinging Bridge Spring and Creek in the vicinity of Timpanogos Cave National Monument.

In attempting to determine the proper procedure to follow in changing the right in Cave Canyon Spring to Swinging Bridge Canyon Stream, several major difficulties have been encountered. The first is that there is serious doubt that the assignment from the Timpanogos Cave Committee to the National Park Service conveyed the water right involved, inasmuch as it makes no reference to the waters of Cave Camp Spring or to the Certificate of Appropriation which had been issued prior to the assignment. Also the assignment cannot be construed to be a short form deed because it does not have words of conveyance. It is suggested that you attempt to contact the Chairman of the original committee and obtain from him a deed conveying the water right evidenced by Certificate No. 2038 to the National Park Service.

There is also a problem posed by the water rights deed dated April 9, 1948, between the United States and American Fork City. The 1/32 sec.-ft. which was deeded to the United States was a portion of a right presented by Certificate No. 3025, which was water that had been used for developing power and nonconsumptive use. A change application changing the nature of use of this water to municipal or domestic use could not be approved for the reason that the right would be enlarged. The deed, however, is valid, except for the question of ownership of Certificate No. 2038, and if the United States owned 1/32 of a sec.-ft. in Cave Camp Spring, it was transferred to American Fork City. The exchange application referred to in earlier letters from this office could not be accomplished for the reason that the water in Cave Camp Spring is now owned by the United States.

It appears that the water deed dated April 9, 1948, should be voided and the rights returned to the previous owners. Then additional steps can be taken to secure some of the water in Swinging Bridge Canyon for the use of Timpanogos Cave National Monument.

An engineer from this office will visit the area in the near future in order to determine the best way to accomplish a change and an exchange between the waters of Cave Camp Spring and Swinging Bridge Canyon Creek.

United States Department of Interior
8/14/56

As requested by your letter, there is listed below a tabulation of the water rights in the sources requested:

Cave Camp Spring:

Application No. 1685, Certificate No. a-141, which changes 1 sec.-ft. of American Fork Irrigation Company decreed right from the diversion point at the mouth of the canyon to Cave Camp Spring, to be used at the Utah State Industrial School in American Fork for culinary, domestic and other miscellaneous purposes during the period January 1 to December 31.

Application No. 10578, Certificate No. 3046. 1.18 sec.-ft. for municipal purposes in American Fork City. Period of use - November 1 to March 31. Priority - January 7, 1929.

Application No. 10840, Certificate No. 2038. 1/32 sec.-ft. for domestic and municipal purposes at Timpanogos Cave Camp Ground. Period of use - January 1 to December 31. Priority - February 24, 1930.

The water used by American Fork City during the irrigation season is used by exchange agreement between American Fork City, Utah Power and Light Company and American Fork Irrigation Company.

Swinging Bridge Canyon Creek:

Application No. 10833, Certificate No. 3025. 1½ sec.-ft. owned by American Fork City to be used during the entire year for power purposes. Priority - February 10, 1930.

Application No. a-2922, American Fork City proposes to change a portion of the power right, evidenced by Certificate No. 3025, to domestic use at American Fork City and Timpanogos Cave National Monument. This application has not been approved and cannot be approved until all consumptive uses have been stricken as the application at the present time is an enlargement of the original right.

Swinging Bridge Canyon Spring.

Application No. 10840, Certificate No. 2038. 1/32 sec.-ft. to be used during the entire year for domestic and municipal purposes at Timpanogos Cave National Monument.

In addition, Utah power and Light Company has Certificate No. 731 for 50.04 sec.-ft. for power purposes from American Fork Creek, with priority of July 7, 1904, and claims 150 sec.-ft. for power purposes, with priority of June 6 and July 17, 1899.

Copies of the decrees mentioned in your letter can be obtained from the Clerk of the Fourth Judicial District Court, City and County Building, Provo, Utah. The cost is unknown.

United States Department of Interior
8/14/56

If you desire any further information concerning water rights in and around the Timpanogos Cave National Monument, please feel free to write at any time.

Yours truly,

Joseph M. Tracy

Joseph M. Tracy
STATE ENGINEER

AGG/vm

WR Copy

154-1

November 21, 1955

Mr. Joseph M. Tracy
State Engineer
State Capitol
Salt Lake City, Utah

Re: Applications 10833 and 10840, Change Applications a-1685 and 2922, unnumbered Change Application of United States for Cave Spring and Swinging Bridge Canyon Springs for Timpanogos Cave

Dear Mr. Tracy:

Please refer to our letter of August 6, 1954, transmitting an application for changes in rights under Applications 10833 and 10840, our letter of the past June 15 concerning inconsistencies in that application with Change Application a-2822, and your records of rights under Change Application a-1685 of which we obtained partial copies by request of August 15.

We are primarily interested in the resolution of the respective rights to Swinging Bridge Canyon waters by the United States and American Fork City, as pointed out in our letter of June 15, based on the water rights deed of April 9, 1948. If we obtain a satisfactory permit and certificate of rights under the pending application or any alternative which you suggest, we will no longer have any interests in Cave Spring.

However, we still have an interest in Cave Spring since there has been no action on our application of 1954. We are also indirectly interested in rights to Cave Spring because of the related interests in rights-of-way across a portion of Timpanogos Cave National Monument.

We note that Change Application a-1685, Certificate 141, grants American Fork Irrigation District rights to 1.0 sec.ft. of the waters of Cave Spring under parts of decreed priorities of 1901 and 1903 with a change priority of October 23, 1946. Apparently the United States was unaware of the change application and its effect on Federal rights under Application 10840 with priority of February 24, 1930. It also appears that the rights of American Fork City under Applications 10578 and 10833, with priorities of January 7, 1929 and February 10, 1930, were affected. We should like to know whether American Fork City filed any protest of Application a-1685, and the nature of any resulting agreements. It will also help if you will supply a complete tabulation of rights and priorities to Cave Spring and Swinging Bridge Canyon waters with an explanation of differing purposes of use.

Also please advise where we can obtain copies of the decrees of 1901 and 1903 to the waters of American Fork, and the cost of such copies.

Sincerely yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three
Superintendent, Timpanogos Cave
Western Office of Design and Construction
Mr. Dunn

AvVDunn:lct

08-15-1955: letter to state engineer from acting chief; water resources section regarding applications 10578 and 10833

W.R. Copy

In reply refer to:
L54-L

August 15, 1955

Mr. Joseph Tracy
State Engineer
State Capitol
Salt Lake City, Utah

Re: Applications 10578 and 10833
Timpanogos Cave

Dear Mr. Tracy:

In reply to our letter of June 16, we have received copies of the requested instruments relating to the subject application, a copy of Application a-2922, and a map in two sheets relating to Application a-1685. To complete our records of rights to waters of Cave Spring and Swinging Bridge Canyon, we should apparently have copies of Application a-1685, the written proof to accompany the maps, and the certificate, if the latter has been issued. A purchase order and voucher are enclosed.

We do not appear to have received a reply to the questions raised in our letter of June 16 concerning independent amendments of Applications 10833 and 10840, which should have been made cooperatively, or to the different forms of applications which have been used by American Fork City and the United States. Apparently our application, which is still pending, is not in harmony with that of the City; and our form, which I consider unusual, was prescribed by your predecessor. We should like to be sure that both parties are complying with the terms of the Exchange Deed between them.

Sincerely yours,
SIGNED

Gordon W. Robertson
Acting Chief
Water Resources Section

Enclosure 1

Copy to: Mr. Dunn

AvVDunn:let

06-16-1955: letter to state engineer from chief; water resources section regarding purchase order for applications 10578, 10833, a·

WR copy

154-1

June 16, 1955

Mr. Joseph H. Tracy
State Engineer
Salt Lake City, Utah

Re: Applications 10578, 10833, a-2922
and 10840, Timpanogos Cave

Dear Mr. Tracy:

Enclosed is a purchase order for records pertaining to the above numbered applications, which were described in your letter of June 2. The estimated costs are based largely on the information in your letter of June 7 relating to Applications a-1657 to a-1660. Also enclosed is a voucher to cover the charges. Accepting the estimates on the purchase order as approximate, please enter the correct amounts on the voucher, sign and return it with the order, for payment.

We are particularly interested in the details of Application a-2922, and your action on it; because of its relation to our Application for the Right to Exchange Water, under Application 10840 Certificate 3038, which was submitted with our letter of August 6, 1954. Please refer to the Water Right Deed of April 9, 1948, of which a copy was sent to you with our letter of July 26, 1949. Also refer to our letter of November 21, 1949, with which we submitted applications for amendments of rights under Certificates 2038 and 3025, in accordance with said Deed, and to the letter of December 27, 1949, from former State Engineer H. A. Linke, retaining those applications and instructing us to substitute the application which we submitted with our letter of August 6, 1954.

Application a-2922 and our application for exchange of water are both related to the one project by which the United States and American Fork City have cooperated in the reconstruction of the jointly owned diversion works. Our application was filed four months before Application a-2922, but we have not yet been advised of an application number, or had the application returned for corrections. Your letter of June 2 also suggests that Application a-2922 has been accepted with provision for changing the nonconsumptive power rights under Certificate 3025 to rights for consumptive municipal use while Mr. Linke rejected our earlier applications for the conversion of the Federal rights to 0.03125 sec.ft. under the same certificate to domestic purposes. Finally, if American Fork City is changing its shares under Application 10833, Certificate 3025, and you make no mention of its interest

in Cave Spring under Application 10840, Certificate 2038, and we have only applied for exchange under the latter, there may be an unclaimed portion of one right and a duplicate claim to the other.

The City rights under Certificate 3385 have priority of February 10, 1930, and the Federal rights under Certificate 2038 have priority of February 24, 1930. By the terms of the Water Right Deed, the United States assigned all interest in Cave Spring under priority of February 24, 1930, to the City because the Spring is too low for practical future use by the United States. By the same Deed, the City granted the United States the right to take 0.03125 sec.ft. of water from Swinging Bridge Canyon, under the priority of February 10, 1930, in addition to the right to 0.02125 sec.ft. which the United States already had under Certificate 2038. We consider it very important that the pending amendments shall give the United States the same priority as the City to as much of the water of Swinging Bridge Canyon as possible. Perhaps one or both of the Federal applications of 1949 should be substituted for the Exchange Application of 1954.

We also believed that we were being fully informed of action being taken by American Fork City, but we have not been advised of their Application a-2922 until we received your letter. The new point of diversion in our application for exchange of water is based on survey data partially supplied by American Fork City, but since we have not compared requested Application a-2922, we call your attention to the fact that the diversion and pipeline are identical to a point near the boundary of Timpanogos Cave National Monument.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Three (2)
Superintendent, Timpanogos Cave (2)
Western Office of Design and Construction
Mr. Dunn

AvVDunn:lct

06-02-1955: letter to chief; water resources from state engineer regarding information that american fork city has made proof unde

C
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154

THE STATE OF UTAH
Office of State Engineer
Salt Lake City

June 2, 1955

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

RE: Applications #10578 and #10833

Dear Sir:

In answer to your letter of May 25, 1955 this is to inform you that American Fork City has made proof under Application #10578 and received Certificate #3046. The application is for 1.18 second-feet of water to be diverted from unnamed springs in American Fork, Utah.

Application #10833 has also been certificated, having certificate #3025. It is for 1.5 second-feet of water from Swinging Bridge Canyon Creek to originally be used for power purposes.

Change Application #a-2922 was filed December 10. 1954. This Change Application proposes to change the point of diversion, changing their shares under said Application #10833 to municipal uses in accordance with certain exchange agreements with the United States National Park Service and the Utah Power and Light Company. Change Application #a-2922 was filed and no action has been taken thereon by the State Engineer.

Very truly yours,

/s/ Joseph M. Tracy
Joseph M. Tracy
STATE ENGINEER.

05-25-1955: letter to state engineer from chief; water resources section regarding advise if american fork city has made proof unde

WR Copy

In reply refer to:
L54-L

May 25, 1955

Mr. Joseph L. Tracy
State Engineer
Salt Lake City, Utah

Re: Applications 10578 and 10833 of
American Fork City, Timpanogos Cave

Dear Mr. Tracy:

Please advise if American Fork City has made proof under Application 10578 for the rights to the nameless springs, also called Cave Springs in Timpanogos National Monument.

Also advise whether the City has filed any applications for amendment of rights under Applications 10578 and 10833 in connection with recent maintenance and improvement of the systems authorized under those Applications.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three
Superintendent, Timpanogos National Monument
Superintendent, Zion National Monument
Western Office of Design and Construction
~~Mr. Dunn~~

AvVDunn:lct

Form No. 9—1148 5M

CHANGE APPLICATION NO. 4 [illegible]

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of use of (Strike out written matter not needed)

water right acquired by application 10,833 and represented by certificate 3025
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* American Fork City
2. *The post-office address of the applicant is* American Fork, Utah County, Utah
3. †*The flow of water which has been* ~~[illegible]~~ *used in second-feet is* 1.5
4. †*The quantity of water which has been* ~~[illegible]~~ *used in acre-feet is* –
5. †*The water has been* ~~[illegible]~~ *used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. †*The water has been or was to have been stored each year from* – (Month) (Day) *to* – (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* (Leave blank)
8. *The direct source of supply is* Swinging Bridge Canyon Creek
in Utah *County.*
9. †*The point* ~~[illegible]~~ *at which the water has been diverted is situated at a point* N 52° 45' E 16140.3 Feet from the SW Corner of Sec. 32 T4S R2E, SLB&M

10. †*The water involved has been* ~~[illegible]~~ *used for the following purposes:*
To generate power in Utah Power & Light Company's upper hydro plant in American Fork Canyon for distribution throughout the power company's system.

Total Acres

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been* ~~[illegible]~~ *returned to the stream channel is situated as follows:* N 56° 07' E 10,590 Feet from the SW Corner of Sec. 32 T4S R2E, SLB&M

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* 1.5
13. *The quantity of water to be changed in acre-feet is* –
14. *The water will be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
15. *The water will be stored each year from* (Month) (Day) *to* (Month) (Day) *incl.*
16. *The point at which it is now proposed to divert the water is situated (See note)* From two points in Swinging Bridge Canyon where all of the water of the creek during all of the year except a few weeks in the high water season, issues from springs and is collected and diverted into pipes as follows: N69° 06' 30" E 14,221.4 Feet and N 70° 07' 50" E 14,[illegible] Feet from the W. corner of Sec. 32 [illegible]

NOTE—The "point of diversion," or "point of return," must be described by course and distance from the nearest quarter section corner or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* 8" - 6" & 4" cast iron pipes and concrete collection and diversion boxes.
18. *The cross-section of the diverting channel will be* ~~[illegible]~~ O
(Strike out ones not needed)
19. *The nature of the diverting channel will be:* ~~[illegible]~~ iron, concrete.
(Strike out the ones not needed)

†Strike out written matter not needed.

12

20. The length of the diverting channel, exclusive of laterals, will be 1960 feet
(If an existing channel is used give only the length of that part used under this Application)

21. The top width of the diverting channel will be (if a ditch) — feet

22. The bottom width of the diverting channel will be (if a ditch) — feet

23. The depth of water in the diverting channel will be (if a ditch) — feet

24. The width of diverting channel will be (if a flume) — feet

25. The depth of water in the diverting channel will be (if a flume) — feet

26. The diameter of the diverting channel will be (if a pipe) 8" - 6" & 4" inches

27. The grade of the diverting channel will be Min. 75 ft. Max - 7.6 Ft feet per thousand

28. The point at which it is proposed to return the water is situated (See note under 16)

29. The water is to be used for three different purposes: 1/16 sec. ft. of the water of Swinging Bridge is owned and used by the U.S. National Parks Service for culinary and sprinkling purposes at Timpanogas Cave National Monument Camp. The balance is controlled by American Fork City and a varying amount according to an exchange agreement with the Utah Power & Light Company is turned into the Power company's power pipe line and used to generate power as previously stated. acre

NOTE: The remainder, which also varies with the season and the need of culinary water by the city will be conveyed in a 4" pipe to the head of the city's pipe line at Cove Camp Spring, which is the city's major culinary water source.

NOTE—Statement as to use to be made as only where proposed change is for irrigation.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change:

The water of Cave Camp Spring is a major source of American Fork City's municipal water supply which was acquired by Application and agreement with Utah Power & Light Company and American Fork Irrigation Co. Said water was previously used during the low water months each year by the power company in its Lower Power Plant in American Fork Canyon. By the agreement with the power Company the city diverted a varying amount of Swinging Bridge Canyon stream, depending on its natural flow, into the company's Upper Hydro Power Plant in exchange for the use of water of Cave Camp Spring in its Lower Plant.

This application is being made to change the point of diversion from Swinging Bridge Canyon Stream and nature of use of that portion of the flow of Swinging Bridge Stream which is not delivered into the Power Company's pipe line, from power to culinary use by the U.S. Parks Service at Timpanogas Cave Camp, and by the city in its municipal water system. The amount of the change in second feet may vary from month to month as the flow of Swinging Bridge stream varies and the need for culinary water by the city varies. This variation will conform with the agreement between the city and the power company but the minimum amount of this change will be the 1/16 of a second foot of water as stated above which is owned by the U.S. National Park Service. One half of said 1/16 second feet of water is a certificated right in Swinging Bridge stream acquired under application No. 10, 840 and the other 1/2 was acquired by agreement with American Fork City by exchanging 1/32 second feet certificated right in Cave Camp spring water under application 10,840 for the same amount of water in Swinging Bridge Stream.

It is anticipated that at some future time all of the water under this application will be used for culinary and municipal purposes by the park service and the city, in compliance and harmony with the agreement with the power Company.

American Fork City By
Signature of Applicant.
George C. Scott Jr. Mayor

12-10-1954: Groundwater application 10833 for permanent change of point of diversion

(This page is not to be filled in by applicant)

State Engineer's Endorsements

9:30 a.m. Dec. 10, 1954 Change Application received ~~over counter~~ by mail in State Engineer's office by EC

Priority of right to make change brought down to, on account of

Dec. 10, 1954 Fee for filing Application, $ 2.50, received by EC Receipt No. 32816

Dec. 29, 1954 Application copied in Change Book No. Ch. 1, page 274, and indexed by EC

Dec. 22, 1954 Application platted by

Application examined by

Application returned, with letter, to for correction

Corrected application resubmitted over counter by mail to State Engineer's office.

Copy brought up to date (red inked) and placed in record book by

Fee for publishing notice requested.

Fee for publishing notice $, Received by Receipt No.

Application approved for advertisement by

Notice to water users prepared by

Publication began; was completed

Notice published in

Proof slips checked by

Change Application protested by

Application designated for approval rejection by

Fee for approving Application requested

Fee for approving application, $2.50, received by Receipt No.

Change Application proof, read by

Change Application approved rejected and returned to applicant

This Application is approved on the following conditions:

1 Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.

2 Proof of change shall be submitted to the State Engineer's office by

State Engineer.

Time for making proof of change extended to

Proof of change submitted.

Fee for filing proof of change, $1.00, received by Receipt No.

Fee for examining maps, profiles and drawings, $5.00, received by Receipt No.

Fee for issuing certificate of change, $1.00, received by Receipt No.

Certificate of change, No., issued.

I hereby certify that the foregoing is a true copy of the Application by to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah , 19 State Engineer.

Change Application No. a-2932

WR Copy

In reply refer to:
154-1

AUG - 6 1954

Mr. Joseph H. Tracy
State Engineer
State Capitol
Salt Lake City 1, Utah

Applications 10833 and 10840

Dear Mr. Tracy:

By letter of November 21, 1949, we submitted applications for amendment of water rights under Permit 10840, Certificate 2038, and Permit 10833, Certificate 3025. The applications were returned with a letter of December 27, 1949, from Mr. Linke for reconsideration and possible revision as an "Application for the Right of Exchange of Water" on a form which was enclosed.

We submit herewith the "Application for the Right of Exchange of Water" and return the applications which were filed in 1949. Neither form is specifically adapted to cover all the terms of the "Water Right Deed" of April 9, 1948, which was signed on behalf of the United States and American Fork City, but we believe that the Exchange is a better form of representation of the basic terms of the Deed.

Mr. Linke raised the question of whether the previous conveyance of interests of the Timpanogos Cave Committee, in rights under Certificate No. 2038, by "Assignment" (individual form), complied with Sec. 100-1-10 of the Water Code, but stated that it was not the duty of the State Engineer to pass on the validity of the instrument. The instrument was accepted as to form by letter of January 29, 1942, and received and filed in accordance with a letter of February 17, 1942 from Mr. Watson who was then State Engineer. It has had legal consideration in this office and appears to comply with the State requirements for a short form deed, except in title. It would also be impossible to obtain another conveyance because the Timpanogos Cave Committee has been liquidated.

Mr. Linke also questioned the exchange of a consumptive right for domestic purposes under Certificate 2038 for a non-consumptive right for power under Certificate 3025. We assume that the "Exchange" form transfers the emphasis from rights to water (to eliminate this question) and still complies with the Water Right Deed if you accept our statement therein, that the Federal diversion from Swinging Bridge Canyon, by exchange, is to be under the priority of February 10, 1930.

This gives the United States a right to 0.03125 sec.ft. of the waters of Swinging Bridge Canyon with a priority of February 10, 1930, which was the arrangement agreed upon by American Fork City with the reported consent of the Utah Power and Light Company.

Mr. Links pointed out that the "Exchange" form would not result in certain desired corrections of the descriptions of points of diversion. One reason for deferring this letter and re-submitting the application has been that the plans for reconstruction of the water system have been in a state of flux. A revised print of Drawing NM-TC-6981 is enclosed to show the major changes now being made partially by the National Park Service and partially by American Fork City. The joint diversion pipe is now being extended for the first time from the point of diversion under Certificate 3025 to the approximate point of diversion under Certificate 2038. (The projection of the traverse of the new pipeline is subject to further reconciliation with the traverse of the natural channel shown on the map supporting Application 10840, Certificate 2038.)

We now propose to amend the description of the points of diversion under Certificate Nos. 2038 and 3025 as a separate matter, by application for change in point of diversion, at least under Application 10833, Certificate 3025. We should like to know whether a single application, or two separate ones will be required to make the change under both rights. To all intents and purposes this is only the completion of a pipeline which the Timpanogos Cave Committee covered by its proof under Permit 10840 for both rights, with slight modifications in the spring area.

Mr. Links supplied only one copy of the "Exchange" form with his letter of December 27, 1949. We should like to have five more copies in order to duplicate the records for our various offices and for American Fork City. We should also like to have eight copies of the form for application for the proposed change in point of diversion if both rights can be amended by one application, or 12 copies if two applications are needed, if the form has been revised since 1945. We have an ample supply of the 1945 edition and some of the 1942 and 1943 issues.

Sincerely yours,

SGD) HENRY LANGLEY

Henry Langley
Acting Assistant Director

Enclosures 4
Copy to: Regional Director, Region Four (4) detached
Western Office Design and Construction
Mr. Dunn

AvVDunn:let 8-5-54

00-00-0000: application for permanent change of point of diversion, place and nature of use of water: application 10840; certificate

Form 107—6-57—2M

CHANGE APPLICATION NO. A-3523

Filed Feb 6, 1959 (per memo) Feb 11

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of use of (Strike out written matter not needed)

water right acquired by Application 10840, Certificate 2038
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* The United States of America
2. *The post-office address of the applicant is* % Superintendent, Timpanogos Cave National Monument RFD #1, Box 207, American Fork, Utah
3. †*The flow of water which has been or was to have been used in second-feet is* 0.0625
4. †*The quantity of water which has been or was to have been used in acre-feet is* --
5. †*The water has been or was to have been used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. †*The water has been or was to have been stored each year from* -- (Month) (Day) *to* -- (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* (Leave blank)
8. *The direct source of supply is* 0.03125 sec.ft. from Cave Camp Spring & 0.03125 sec.ft. from Swinging Bridge Canyon Springs *in* Duchesne *County.*
9. †*The point of diversion as described in the original Application* ~~was the point at which the water has been diverted~~ *is situated at* ~~a~~ *point* ~~/~~ located as follows from the NW Cor. Sec. 32, T 4 S, R 2 E, SLB&M (1) from Swinging Bridge Canyon Spring, S72°22'W 11,481.1 ft., thence N37°42'E 3350 ft. (2) from Cave Camp Spring, S72°22'W 11,481.1 ft. (See Explanatory concerning error) N79°29'E*
10. †*The water involved has been or was to have been used for the following purposes:* Domestic purposes at Timpanogos Cave Camp area of Timpanogos Cave Natl. Monument.

.....*Total*.....*Acres.*

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been or was to have been returned to the stream channel is situated as follows:* All water claimed to have been consumed - no return flow.

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* 0.0625
13. *The quantity of water to be changed in acre-feet is* --
14. *The water will be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
15. *The water will be stored each year from* -- (Month) (Day) *to* -- (Month) (Day) *incl.*
16. *The point at which it is now proposed to divert the water is situated* (See Note) From Cave Spring area, at pipe junction box at south end of Swinging Bridge Canyon Spring Area, S69°25'W 478.58 ft. from E. witness ¼ Cor. Sec. 27, T 4 S, R 2 E, SLB&M, as further described under Explanatory.

NOTE—The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* Perforated steel pipe at springs, concrete inlet boxes, steel and cast iron pipelines, concrete wier boxes, and concrete distributing reservoir.
18. *The cross-section of the diverting channel will be.*  (Strike out ones not needed)
19. *The nature of the diverting channel will be:* ~~earth, wood~~, iron, concrete. (Strike out the ones not needed)

†Strike out written matter not needed.

20. The length of the diverting channel, exclusive of laterals, will be 1300 feet
(If an existing channel is used give only the length of that part used under this Application)

21. The top width of the diverting channel will be (if a ditch) -- feet

22. The bottom width of the diverting channel will be (if a ditch) -- feet

23. The depth of water in the diverting channel will be (if a ditch) -- feet

24. The width of diverting channel will be (if a flume) -- feet

25. The depth of water in the diverting channel will be (if a flume) -- feet

26. The diameter of the diverting channel will be (if a pipe) 8, 6, 4, 2 inches

27. The grade of the diverting channel will be (Average) 1%7 feet per thousand

28. The point at which it is proposed to return the water is situated (See note under 16) The sewage treatment plants have following bearings: from W¼ Cor. Sec. 27: (1) N18°24'E 2110 ft., and (2) S34°30'E 550, thence seepage is to American Fork, which flows from Monument at Point of Entry 550 ft.

29. The water is to be used For domestic and municipal type uses of the public and operating personnel of Timpanogos National Monument, at residences, other buildings, public campgrounds, utility shops, and public use areas within said Monument Total acres.

NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H. P. to be developed and place where power will be used.

30. The character of the soil to be irrigated is Inapplicable; subsoil

NOTE—Number 30 is to be filled in only when proposed change is for irrigation.

31. If paragraph 12 designates that only part of the right described in paragraph 1 to 11 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.

All water heretofore diverted under Application 10840, Certificate 2038 is to be diverted from new points of diversion described in (Question) 16.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change: Diversion and land subdivision for Application 10840, Certificate 2038 was based on ties to corners of Sec. 32, T 4 S, R 2 E, SLBM, because land to the east was unsurveyed by the General Land Office, now Bureau of Land Management, during 1937. The township plat which includes the results of that survey was approved on January 10, 1945, and accepted on May 17, 1945, by the General Land Office. This application is partially to locate diversions more accurately by ties to corners of said Sec. 27, as given in the following expansion of Statement No. 9:

Statement No. 9: The ties given in Certificate 2038, and the diversions should be described as follows with relation to NW Cor. Sec. 32, by reversing bearing of one course, and describing point of diversion instead of source of water.

(1) From Swinging Bridge Canyon Spring outlet stream N79°09'E 11,481.1 ft., thence N37°58'E 2804 ft.; said point being at dam of American Fork City, which is also described in Certificate 3025 as N52°49'E 16,140.3 ft. from NW Cor. of said Sec. 32.

(2) From Cave Camp Spring, N79°09'E 11,481.1 ft., thence N75°58'E 344 ft., said point having been described in original application 10840 as N56°22'E 13837 ft. from NW Cor. Sec. 32, to American Fork City diversion under Application 10976, Certificate 3046; thence S87°00'E 75 ft., and being in same Cave Spring area.

It is now proposed to divert all water (0.0625 C.F.S.) from the spring area, known as Swinging Bridge Spring area, in the NE¼NW¼ said Sec. 27, and SW¼SW¼ Sec. 22, which spring area is described in the following expansion of Statement No. 16.

United States of America
by: Superintendent, Timpanogos Cave
/s/ Thomas A. Walker
National Monument

Signature of Applicant.

ATTACHMENT

Statement 16. The main point of diversion is at junction of collecting pipes on south side of Swinging Bridge Canyon Spring Area, S89°25'W 478.58 ft. from N. Witness ¼ Corner said Sec. 27. The spring area, in NE¼NW¼ said Sec. 27 and SE¼SW¼ Sec. 22, is described as beginning at said point of diversion; thence West 150 ft.; North 500 ft.; East 300 ft.; South 500 ft.; and West 150 ft. to point of beginning. The subordinate points within the Spring Area at which it is now proposed to divert the water from two of a number of springs are situated as follows from said N. Witness ¼Cor. Sec. 27; Inlet Box No. 1, N74°52'W 451.49 ft.; and Inlet Box No. 2, N62°50'W 575.58 ft.; but nothing herein is intended to limit the diversions to the two designated springs.

The Federal construction project, which was completed on May 31, 1954, cost $17,500 for all or part of the following: 2 concrete collecting boxes - 3' x 4' x 8 at springs in Swinging Bridge Canyon; 1122 ft. of 8" and 6" cast iron and steel pipe for diversion pipe from springs to Federal distribution reservoir in Monument, and 1 weir box 5' x 7' x 4'8". New concrete 20,000 gallon Federal distribution reservoir. 700 feet of 6", 4" and 2" cast iron and steel distribution pipe to connect to existing line to former Cave Camp area; 920 feet of 4" cast iron distribution main to new public use areas to the east of Cave Camp area in said Monument.

The area of use has been changed to include any portion of Timpanogos Cave National Monument in said Section 27, which is described by Presidential Proclamation of October 14, 1922 (425 Stat. 2285) as beginning N73°03' East 175.06 chains from the NW Corner Section 32, T 4 S, R 2 E, SLB&M, thence East 50 chains, South 50 chains, West 50 chains, and North 50 chains to point of beginning. By General Land Office survey of 1937 it was determined that a marker on the west boundary of the Monument was located S7°30'W 479.16 feet from the West ¼ corner of Sec. 27.

Nothing herein shall constitute a waiver of any other rights which the United States may have to the same water.

00-00-0000: application for permanent change of point of diversion, place and nature of use of water: application 10840; certificate

(The following is to be filled in by applicant)

State Engineer's Endorsements

30. mc

1. Feb 6, 1959 Change Application received over counter / by mail in State Engineer's office by mt
2. ..... Priority of right to make change brought down to, on account of .....
3. No Fees Req. Fee for filing Application, $....., received by ..... Receipt No. .....
4. Feb. 18, 1959 Application [redacted] Change Book No. 22, page 265, and indexed by [illegible]
5. Feb 9, 1959 Application platted by [illegible]
6. Sept 11, 1959 Application examined by RLH
7. ..... Application returned, with letter, to ..... for correction
8. ..... Corrected application resubmitted over counter / by mail to State Engineer's office.
8a. ..... Copy brought up to date (red inked) and placed in record book by .....
9. ..... Fee for publishing notice requested.
10. Nov 2, 1959 Fee for publishing notice $ 28.80, Received by [illegible] Receipt No. 42634
11. Sept 18, 1959 Application approved for advertisement by RLH
12. Sept. 15-1959 Notice to water users prepared by R.K.H.
13. Sept. 24, 1959 Publication began; was completed Oct. 8-1959.
Notice published in American Fk. Citizen, American Fork, Utah.
14. Sept. 22, 1959 Proof slips checked by [illegible]
15. Nov. 2, 1959 Change Application protested by Lehi Irrigation Co, American Fork Irr. Co, Pleasant Grove Irr Co,
Oct 29, 1959 Publication filed Ct. No. 235
SEP 22 1960 Application designated for approval / rejection by STAFF
17. ..... Fee for approving Application requested .....
18. No Fees Req. Fee for approving application $2.50, received by ..... Receipt No. .....
19. Mar. 2, 1960 Change Application protested by [illegible]
20. Mar. 2, 1960 Change Application approved / rejected and returned to applicant
20-a Apr 3, 1962 Original application No. 10840 amanded by RLH.

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by Oct 31, 1962.
3. Subject to prior rights whether diverting directly from the source hereof or from other sources to which this water is tributary (including rights junior to the original application or rights which might be impaired by the change or changes) for diversion and use as herein described.

Wayne D. Criddle, State Engineer.

21. ..... Time for making proof of change extended to .....
22. ..... Proof of change submitted.
23. ..... Fee for filing proof of change, $1.00, received by ..... Receipt No. .....
24. ..... Fee for examining maps, profiles and drawings, $5.00, received by ..... Receipt No. .....
25. ..... Fee for issuing certificate of change, $1.00, received by ..... Receipt No. .....
26. ..... Certificate of change, No. ....., issued.

I hereby certify that the foregoing is a true copy of the Application by ..... to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah ....., 19..... **State Engineer.**

Change Application No. a 3323

00-00-0000: application for permanent change of point of diversion, place and nature of use of water: application 10840; certificate

(This page is not to be filled in by applicant)

State Engineer's Endorsements

3 PM

1. Feb. 6, 1959 Change Application received over counter / by mail in State Engineer's office by (INITIALED)
2. Priority of right to make change brought down to, on account of
3. No fees Req. Fee for filing Application, $..., received by ... Receipt No. ...
4. Feb. 18, 1959 Application ~~copied~~ Photostated in Change Book No. Ch. 22, page 265, and indexed by (INITIALED)
5. Feb. 9, 1959 Application platted by (INITIALED)
6. Sept 11, 1959 Application examined by (INITIALED)
7. Application returned, with letter, to ... for correction
8. Corrected application resubmitted over counter / by mail to State Engineer's office.

8a. Copy brought up to date (red inked) and placed in record book by ...

9. Fee for publishing notice requested.
10. Nov. 12, 1959 Fee for publishing notice $ 28.80, Received by (INITIALED) Receipt No. 42634
11. Sept 14, 1959 Application approved for advertisement by (INITIALED)
12. Sept 15, 1959 Notice to water users prepared by (INITIALED)
13. Sept 24, 1959 Publication began; was completed Oct 8, 1959
    Notice published in American Fk Citizen, American Fork
14. Sept xx, 1959 Proof slips checked by (INITIALED)
15. Nov 7, 1959 Change Application protested by Lehi Irrigation Co., American Fork Irr Co., Pleasant Grove Irr. Co.
    Oct xx, 1959 Publishers paid ck no. 225
16. Feb 23, 1960 Application designated for approval / ~~rejection~~ by Staff
17. Fee for approving Application requested ...
18. No fees Req. Fee for approving application, $2.50, received by ... Receipt No. ...
19. MAR 2, 1960 Change Application ~~proof-read~~ Photostated by (INITIALED)
20. Mar 3, 1960 Change Application ~~rejected~~ approved and returned to applicant
20-a. Mar 2, 1960 Original Application No. 10840 Amended by (initials)

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by Oct. 31, 1961
3. Subject to prior rights, whether diverting directly from the source hereof or from other sources to which this water is tributary (including rights junior to the original application or rights which might be impaired by the change or changes) for diversion and use as herein described.

(SIGNED) Wayne D. Criddle
State Engineer.

21. Time for making proof of change extended to ...
22. Proof of change submitted.
23. Fee for filing proof of change, $1.00, received by ... Receipt No. ...
24. Fee for examining maps, profiles and drawings, $5.00, received by ... Receipt No. ...
25. Fee for issuing certificate of change, $1.00, received by ... Receipt No. ...
26. Certificate of change, No. ..., issued.

I hereby certify that the foregoing is a true copy of the Application by ... to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah ..., **19**...

State Engineer.

Change Application No. a - 3523

00-00-0000: application for permanent change of point of diversion, place and nature of use of water: application 10840; certificate

NOTICE TO APPLICANT

The approval of this Application is not a certificate of change. It is merely your authority to begin construction work, which must be diligently prosecuted to completion. To secure a certificate of change under this Application proof of change must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer.

RULES AND REGULATIONS

Applicants will save time and expense by familiarizing themselves with the law before making Applications.

If the reservoir is to be located on the channel of the source from which the water is to be appropriated, it should be so stated under explanatory, and—

1. The location of the impounding dam should be described in Paragraph 16.
2. The point where the released storage will be rediverted from the natural stream should be described under explanatory in accordance with the note under Paragraph 16.

When the water is to be stored in other than the natural channel of the source from which it is to be appropriated, it should be so stated under explanatory, and—

1. The point of diversion from the supplying source should be described in Paragraph 16.
2. The intersection of the longitudinal axis of impounding dam and centerline of stream channel or drainage and a similar point where the released storage will be rediverted from a natural channel should be described under explanatory in accordance with the note under Paragraph 16.

In all cases Paragraphs 17 to 27, incl., should describe the proposed diverting and carrying works, exclusive of natural channels, even if already constructed in whole or in part.

If it is proposed to collect the water of a number of springs or other sources at a common point, said point should be described as the point of collection in Paragraph 16, and the point of diversion from each source should also be described under explanatory in accordance with the note in Paragraph 16. The quantity of water sought from each source should be indicated under explanatory, the total equaling the quantity specified in Paragraphs 12 or 13. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described under explanatory by metes and bounds and located with reference to the same point as used in describing the point of collection and as outlined by the note under Paragraph 16.

No enlargement of an original water right may be made by a change Application, either as to quantity of water covered, period of use or otherwise.

When there are two or more coapplicants the Application must be accompanied by a power of attorney.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority of the right to change will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For examining and filing Applications for change of point of diversion, place and nature of use	$2.50
For approving and recording Applications for change of point of diversion, place and nature of use	$2.50
For filing written proof of change	$1.00
For examining maps, profiles and drawings that are part of the proof of change	$5.00
For issuing certificate of change	$1.00

NOTE—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed change.

11-21-1949: letter to state engineer from assistant director regarding applications for amendment of water rights in accordance wit

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

In reply refer to:
L54 TIMP

signed 11/21/49
11/17 -
originals returned to State Engineer with Application for Exchange of Water, by memo of Aug 6, 1954

Mr. Harold A. Linke
State Engineer
Salt Lake City, Utah

My dear Mr. Linke:

Enclosed are two applications for amendment of water rights at Timpanogos Cave National Monument, in accordance with a Water Right (Exchange) Deed between American Fork City and the United States, as follows:

1. Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water under Certificate 2038.

2. Application for Permanent Change of Place and Nature of Use of 0.03125 second-foot of water under Certificate 3025.

A copy of the Water Right Deed, and an advance print of our drawing NM-TC-6981, showing need for amendments, were submitted to you with a letter of July 26 from A. van V. Dunn, Chief, Water Resources Branch. These instruments, and your reply of August 3, will be very helpful in reviewing the applications.

Sincerely yours,

Conrad L. Wirth
Assistant Director

Enclosures 2

Application 10840

Point N 56-22 E 13837 ft from SW Cor Sec 32, thence S 87 E 75 ft.

Point N 56-22 E 13837 ft thence N 51-45 E 2831 ft

Certificate

SW Br. Cow Creek Point 9 79-09 W 11481.1 ft thence N 37-42 E 3350 ft from SW Cor 32

Cave Comp Sp. Point S 79-09 W 11481.1 ft

App. 10578

Cave Comp Sp N 56° 22' E 13,837 feet from SW Cor Sec. 32, T4S, R 2E, Klamath

Cert. 3046

Cave Comp Sp N 56-22E 13 837 ft from SW Cor Sec 32

App 10833

SW Br. Canyon Cr N 52-45 E 16,140.3 ft from point 1320 ft west of NE Cor 27

Cert. 3025

SW Br Canyon Cr.

N 52-45 E 16,140.3 ft from SW Cor Sec. 32

APP. - 10840

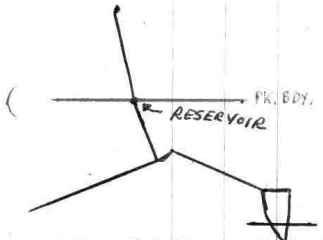
SPRINGS TO DAM = 817'
DAM TO TIMB. PIPE LINE = 929'
SPRINGS TO TIMB. PIPE LINE 1746'

TIMB. PIPE LINE TO
S16 = 2273'
S16 TO 4+66 = 1077'
S16 TO J = 78'
(S TO L = 103'
3531'
TOTAL = 5276'

* EXCLUDING PORTION OF PIPE FROM RESERVOIR TO CAMPGROUND.

*TOTAL = 6,599

* INCLUDING PORTION OF PIPE FROM RESERVOIR TO CAMPGROUND.



DWG. TC-6981
FROM RESERVOIR AT PK. BDY.
TO CAMP GROUND = 1,323.4'

JOHNSON

FROM E5 TO D1 = 275.2
FROM D4 TO D1 = 130.9
FROM D1 TO DAM = 492.4
SPRINGS TO DAM 898.5'

DAM TO TIMB. PIPE LINE = 1291.2'

FROM SPRINGS TO BEGINNING OF TIMB. PIPE LINE = R189.7'

HENDRICKS

FROM SPRINGS TO DAM = 1181.8'

569 1000 feet Springs to Dam

AM. FORK - DWG. 3741

NEW WIER BX TO PIPE JCT. = 597.3
PIPE JCT TO INLET BX. 1 = 130.0
PIPE JCT TO INLET BX 2 = 373.0
TOTAL 1,100.3
- 44
1,056.3

4/4/48 draft

Submitted with letter of 4/4/48 in letter file

Form 107—6-57—2M

CHANGE APPLICATION NO.

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of use of (Strike out written matter not needed)

water right acquired by Application 10840, Certificate 2038
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)

to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* The United States of America
2. *The post-office address of the applicant is* % Superintendent, Timpanogos Cave National Monument RFD #1, Box 287, American Fork, Utah
3. †*The flow of water which has been ~~or was to have been~~ used in second-feet is* 0.0625
4. †*The quantity of water which has been or was to have been used in acre-feet is* -
5. †*The water has been or was to have been used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. †*The water has been or was to have been stored each year from* - (Month) (Day) *to* - (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* (Leave blank)
8. *The direct source of supply is* 0.03125 sec.ft. from Cave Camp Spring & 0.03125 sec.ft. from Swinging Bridge Canyon Springs *in* Utah County.
9. †*The point of diversion as described in the original Application ~~is the point at which the water has been diverted~~ is situated at a point* are as follows: from SW Cor. Sec. 32, T 4 S, R 2 E, SLB&M: Cave Camp Spring N56° 22' E 13,837 ft. and thence S87°-00' E 75 ft., and Swinging Bridge Canyon Spring-N56° 22' E 13,837 ft. and thence N51° 45' E 2831 ft.
10. †*The water involved has been ~~or was to have been~~ used for the following purposes:* Domestic purposes at Timpanogos Cave Camp area of Timpanogos Cave National Monument

Total *Acres.*

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been ~~or was to have been~~ returned to the stream channel is situated as follows:* All water claimed to have been consumed - no return flow.

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* 0.0625
13. *The quantity of water to be changed in acre-feet is* -
14. *The water will be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
15. *The water will be stored each year from* - (Month) (Day) *to* - (Month) (Day) *incl.*
16. *The point at which it is now proposed to divert the water is situated (See note)* Inlet Box No. 1, N74° 52' E 451.49 ft., and Inlet Box No. 2, N62° 50' E 575.58 ft., from North Witness 1/4 Cor. Sec. 27, T 4 S, R 2 E, SLB&M.

NOTE—The "point of diversion," or "point of return," must be located by course and distance or by rectangular distances with reference to some regularly established United States land corner or United States mineral monument if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* Perforated steel pipe at springs, concrete inlet boxes, steel and cast iron pipelines, concrete weir boxes, and concrete distribution reservoir
18. *The cross-section of the diverting channel will be.* (Strike out ones not needed)
19. *The nature of the diverting channel will be: ~~earth, wood,~~ iron, concrete.* (Strike out the ones not needed)

†Strike out written matter not needed.

20. The length of the diverting channel, exclusive of laterals, will be 1300 feet
(If an existing channel is used give only the length of that part used under this Application)

21. The top width of the diverting channel will be (if a ditch) - feet

22. The bottom width of the diverting channel will be (if a ditch) - feet

23. The depth of water in the diverting channel will be (if a ditch) - feet

24. The width of diverting channel will be (if a flume) - feet

25. The depth of water in the diverting channel will be (if a flume) - feet

26. The diameter of the diverting channel will be (if a pipe) 8, 6, 4 and 2 inches

27. The grade of the diverting channel will be (Average) 1.7 feet per thousand

28. The point at which it is proposed to return the water is situated (See note under 16) Two sewage treatment plants have following bearings: from W 1/4 Cor. Sec. 27: (1) N18°24'E 2110 ft., and (2) S34°32'E 750 ft. Plants discharge to American Fork, which flows to Pleasant Grove at point

29. The water is to be used For domestic and the municipal type of uses of the public and operating personnel of Timpanogos National Monument, at residences, public campgrounds, and utility shops.

Total acres.

NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H. P. to be developed and place where power will be used.

30. The character of the soil to be irrigated is Inapplicable; subsoil

NOTE—Number 30 is to be filled in only when proposed change is for irrigation.

31. If paragraph 12 designates that only part of the right described in paragraph 1 to 11 inclusive is to be changed, designate the status of the water so affected by this change as to its being abandoned or used as heretofore.

All water heretofore diverted under Application 10840, Certificate 2028 and Application 10833, Certificate 3025, is to be diverted from new points of diversion described in Question 16.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change:

Attached

Signature of Applicant.

04-04-1948: application for permanent change of point of diversion, place and nature of use of water: application 10840; certificate

EXPLANATION

Question 9 and 16

Diversions and land subdivision for (1) Application 10578, Certificate 3046; (2) Application 10833, Certificate 3025; and (3) Application 10840, Certificate 2038, were all based on ties to corners of Sec. 32, T 4 S, R 2 E, SLB&M, because land to the east was unsurveyed. Sec. 27, T 4 S, R 2 E, in which water systems covered by this application are located, was surveyed by the General Land Office, now Bureau of Land Management, during 1937. The township plat which includes the results of that survey was approved on January 10, 1945, and accepted on May 17, 1945, by the General Land Office. This application is partially to locate diversions more accurately by ties to corners of said Sec. 27.

Cave Camp Spring has been diverted and claimed or used by the United States, as successor to the Timpanogos Cave Committee; and also by American Fork City. The two authorized points of diversion are now described as having the following relation to said Sec. 32, the Federal diversion being about 75 feet easterly, and above the diversion of American Fork City.

Federal diversion which was initiated by Timpanogos Cave Committee:

By Application 10840-N56°22'E 13,837 ft., thence S87°00'E 75 ft. from SW Cor.

By Certificate 2038-S 79-09 W 11,481 ft. from NW Cor. (should be southeasterly)

American Fork City:

By Application 10578 - N56°22'E 13,837 ft. from SW Cor.

By Certificate 3046 - N56°22'E 13,837 ft. from SW Cor.

The Federal diversion from Cave Camp Springs consisted of collecting pipes from several springs, whose junction has been at a point which is N75°58'E 344 ft. from center of SE valve wheel on wier box of American Fork City water system, and:

S62°10'E 514.8 ft. from W¼ Cor. Sec. 27, T 4 S, R 2 E, SLB&M.

The waters of Swinging Bridge Canyon have also been diverted under rights of the United States, as successor to Timpanogos Cave Committee; and by American Fork City, at following authorized points with relation to said Sec. 32:

Federal Diversion which was initiated by Timpanogos Cave Committee:

By Application 10840 - N56°22'E 13,837 ft., thence N51°45'E 2831 ft. from SW Cor.

By Certificate 2038 - S79°09'W 11,481.1 (reverse bearing), thence N51° N37°42'E 3350 ft. from NW Cor.

700 ft. of 4" & 2" steel distribution pipe to connect to existing line to former Cave Camp area.

920 ft. of 4" cast iron distribution main to new public use areas to the east of Cave Camp area, in said Monument.

Question 20, 26, 27

The main diversion system is controlled by the extension of American Fork City, and data are not yet available for complete analysis. The controlling intake, or point of diversion is the junction of the two pipes from aforesaid inlet boxes Nos. 1 and 2, because the inlet boxes have a difference in elevation of about 59.6 feet. The diversion pipe from said pipe junction to the Cave Camp Springs consists of approximately 1200 feet of 6 inch pipe, and 3275 feet of 4 inch pipe, with an average gradient of 147 feet per 100 feet. (Unless there is 8 inch pipe, which is not shown on Drawing D3741 of Caldwell, Richards and Sorensen, the capacity is only about 0.9 sec.ft., which the rights under Certificates 2038 and 3025 are to a total of 1.5625 sec.ft.).

The Federal lateral from the joint pipeline to 20,000 gallon distribution reservoir is 2 inches in diameter, and about 370 feet in length. The intake of this laterial is under a head of approximately 245 feet, giving an effective gradient of 785 feet per 1000 feet.

The United States has also provided 1620 feet of new distribution mains of 4 inch and 2 inch diameters to serve a new public use area, and to restore service to the lower part of the old water system, and from which a lateral also now provides water to the cave.

Question 29

The area of use has been enlarged to include any portion of Timpanogos Cave National Monument in said Sec. 27 which is described by proclamation of Oct. 14, 1922 (42S Stat. 2285) as beginning N73°03 E 175.06 chains from the NW Cor. Sec. 32, T 4 S, R 2 E, SLB&M, thence east 50 chains, south 50 chains, west 50 chains and north 50 chains to point of beginning. ByGLO (now Bureau of Land Management) survey of 1937 it was subsequently determined that a marker on the west boundary, 30 chains south of the NW corner of said Monument bore S7°30'W 7.26 chains, or 479.16 ft. from the west ¼ Cor. of Sec. 27. (Region Three please explains basis for bearing of west line of monument at slightly off north-south on some drawings.)

than the diversion dam in Swinging Bridge Canyon. As a practical matter, the two diversions have never been made simultaneously under Certificate 2038. All rights under Certificate 2038 have been exercised from Swinging Bridge Canyon since before Federal acquisition of the interests of the Timpanogos Cave Committee, and the waters of Cave Camp Springs have probably been diverted by American Fork City, which owns the conflicting rights to Cave Camp Springs under Application 10578, Certificate 3046, and to Swinging Bridge Canyon waters under Application 10833, Certificate 3085.

Question 17

The change in points of diversion, and reconstruction of the Swinging Bridge Canyon water system has been a joint venture of the United States and American Fork City. The United States became successor to the Timpanogos Cave Committee by Assignment of rights under Certificate dated September 10, 1941. The agreement to permit the United States to divert all water from Swinging Bridge Canyon, and to permit American Fork City to divert all water of Cave Camp Springs, was covered by Water Right Deed of April 9, 1948, which was signed for the United States by the Director of the National Park Service, and for American Fork City by its Mayor. The joint owned main diversion system was constructed by American Fork City with part of the materials supplied by the United States. American Fork City also constructed an extension of the diversion to its Cave Camp Spring headgate, and the United States realigned and extended the old Federal lateral which serves the Monument. This application relates to only that part of the system in which the United States has an interest.

The Federal construction project, which was completed on May 31, 1954, cost $17,500 for all or part of the following:

2 concrete collecting boxes - 3'x4'x8' at springs in Swinging Bridge Canyon
85' of 8" perforated steel pipe from spring areas to collecting boxes
1200' of 8", 6" & 4" cast iron and steel pipe for diversion pipe from springs to Federal distribution reservoir in Monument.
New concrete measuring box - 4'x5'x8'
Concrete 20,000 gallon Federal distribution reservoir

By Proof Map - N79-09 E 11,481.1, thence N37°42'E 2804 ft. from NW Cor.

American Fork City

By Application 10833 - N52°45'E 16,140.3 ft. from SW Cor.

By Certificate 3025 - N52-45E 16,140.3 ft. from SW Cor.

The point of diversion which was variously described in Application 10840, the proof map, and Certificate 2038, was basically correct on only the proof map, being identical with the point of diversion under Application 10833, Permit 3025. The traverse from dam to center of spring area at point N37°52'E 546 ft. (3350-2804 ft.) on proof map, was general course of natural channel of Swinging Bridge Canyon. The water was allowed to flow down the natural channel until 1954.

The true point of diversion from Swinging Bridge Canyon, under Certificates 2038 and 3025 (x on dam, near manhole in intake box) may now be described (subject to check before new application is filed) as having been S74°21'W 910.25 ft. from the North Witness ¼ Cor. Sec. 27, which Witness Corner was set south 7.26 chains, or 479.16 feet from true site for N¼ Cor. in 1937 GLO (now Bureau of Land Management) survey.

It is now proposed to divert all water from the spring area in the NE¼NW¼ said Sec. 27, which is described as beginning at the junction of the two main diversion pipes, whence said North Witness ¼ Cor. bears N89°25'E 478.56 ft., thence West 150 ft., North 475 ft., East 250 ft., South 475 ft., and West 100 ft. to point of beginning. The true points of diversion in said spring area are at collecting sumps, or inlet boxes, whence collecting pipe radiate through areas of concentrated spring flow; whence said North Witness ¼ Cor. bears:

From Inlet Box No. 1, S74°52'W 451.49 ft.

From Inlet Box No. 2, S62°50'W 575.58 ft.

(Prior to filing this application the engineers of the Park Service and American Fork City should agree as to whether Inlet Box No. 2 is at 15 or B-2, on attached drawing.)

The Cave Camp Springs are only about 30 feet higher than the area of original use in Timpanogos Cave National Monument, and are approximately 500 feet lower

(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. .....Change Application received *over counter / by mail* in State Engineer's office by.....
2. .....Priority of right to make change brought down to, on account of.....
3. .....Fee for filing Application, $....., received by.....Receipt No.....
4. .....Application copied in Change Book No....., page....., and indexed by.....
5. .....Application platted by.....
6. .....Application examined by.....
7. .....Application returned, with letter, to.....for correction
8. .....Corrected application resubmitted *over counter / by mail* to State Engineer's office.

8a. .....Copy brought up to date (red inked) and placed in record book by.....

9. .....Fee for publishing notice requested.
10. .....Fee for publishing notice $....., Received by.....Receipt No.....
11. .....Application approved for advertisement by.....
12. .....Notice to water users prepared by .....
13. .....Publication began; was completed.....
    Notice published in.....
14. .....Proof slips checked by.....
15. .....Change Application protested by.....

16. .....Application designated for *approval / rejection* by.....
17. .....Fee for approving Application requested .....
18. .....Fee for approving application, $2.50, received by.....Receipt No.....
19. .....Change Application proof, read by .....
20. .....Change Application *approved / rejected* and returned to applicant.....

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by.....
3. .....

.....

State Engineer.

21. .....Time for making proof of change extended to.....
22. .....Proof of change submitted.
23. .....Fee for filing proof of change, $1.00, received by.....Receipt No.....
24. .....Fee for examining maps, profiles and drawings, $5.00, received by..... Receipt No.....
25. .....Fee for issuing certificate of change, $1.00, received by.....Receipt No.....
26. .....Certificate of change, No....., issued.

I hereby certify that the foregoing is a true copy of the Application by ..... to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah....., 19..... .....

State Engineer.

Change Application No.....

NOTICE TO APPLICANT

The approval of this Application is not a certificate of change. It is merely your authority to begin construction work, which must be diligently prosecuted to completion. To secure a certificate of change under this Application proof of change must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer.

RULES AND REGULATIONS

Applicants will save time and expense by familiarizing themselves with the law before making Applications.

If the reservoir is to be located on the channel of the source from which the water is to be appropriated, it should be so stated under explanatory, and—

1. The location of the impounding dam should be described in Paragraph 16.
2. The point where the released storage will be rediverted from the natural stream should be described under explanatory in accordance with the note under Paragraph 16.

When the water is to be stored in other than the natural channel of the source from which it is to be appropriated, it should be so stated under explanatory, and—

1. The point of diversion from the supplying source should be described in Paragraph 16.
2. The intersection of the longitudinal axis of impounding dam and centerline of stream channel or drainage and a similar point where the released storage will be rediverted from a natural channel should be described under explanatory in accordance with the note under Paragraph 16.

In all cases Paragraphs 17 to 27, incl., should describe the proposed diverting and carrying works, exclusive of natural channels, even if already constructed in whole or in part.

If it is proposed to collect the water of a number of springs or other sources at a common point, said point should be described as the point of collection in Paragraph 16, and the point of diversion from each source should also be described under explanatory in accordance with the note in Paragraph 16. The quantity of water sought from each source should be indicated under explanatory, the total equaling the quantity specified in Paragraphs 12 or 13. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described under explanatory by metes and bounds and located with reference to the same point as used in describing the point of collection and as outlined by the note under Paragraph 16.

No enlargement of an original water right may be made by a change Application, either as to quantity of water covered, period of use or otherwise.

When there are two or more coapplicants the Application must be accompanied by a power of attorney.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority of the right to change will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For examining and filing Applications for change of point of diversion, place and nature of use	$2.50
For approving and recording Applications for change of point of diversion, place and nature of use	$2.50
For filing written proof of change	$1.00
For examining maps, profiles and drawings that are part of the proof of change	$5.00
For issuing certificate of change	$1.00

NOTE—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed change.

11-21-1950: memorandum to regional director from associate director regarding amendment of water rights under applications no

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

In reply refer to:
L54 TIMP

NOV 21 1950

Memorandum

NOV 1950
RECEIVED
National Park Service
Region Three
Office

To: Regional Director, Region Three

From: Associate Director

Subject: Amendment of Water Rights under Applications Nos. 10833 and 10840 for Timpanogos Cave National Monument

On November 21, 1949, we submitted to the State Engineer of Utah separate applications for the amendment of water rights under former Applications Nos. 10833 and 10840 at Timpanogos Cave National Monument. By letter of December 27, 1949, of which three copies are enclosed, the State Engineer returned the applications for further consideration of details involved in the amendment. Because of the complexity of the problem, the matter has been held in suspense until Mr. Dunn might be able to discuss the matter personally with the State Engineer. He now proposes to call at Salt Lake City on December 26 for that purpose.

From the State Engineer's letter you will note that he raised a question as to whether the assignment of rights by the Timpanogos Cave Committee, on September 10, 1941, would be acceptable. In discussions here, Mr. Barton expressed the opinion that the assignment should be adequate, but that it is not literally a deed as prescribed by the State water laws. A copy of the assignment is filed in Deed 2 in your office.

Since the Timpanogos Cave Committee is still in existence, it is suggested that you attempt to obtain a confirming, or quitclaim deed, as Mr. Barton suggested before leaving here. If such a deed can be obtained, we should like to have it by January or early February, in order to submit it with the water right applications which will be completed after Mr. Dunn's trip to the West.

(SGD) A. E. DEMARAY
Associate Director

In triplicate

Attachment

12-27-1949: letter to nps from state engineer regarding unnumbered change applications, application no. 10840 and 10833

COPY

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

December 27, 1949

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

ATTENTION: Mr. Conrad L. Wirth, Asst. Director

RE: UNNUMBERED CHANGE APPLICATIONS, APPLICATION NO. 10840, and APPLICATION NO. 10833.

Gentlemen:

Reference is made to your letter dated November 21, 1949, transmitting two unnumbered change applications for consideration.

The change applications are returned to you herewith for your reconsideration in view of information obtained by a study of the water rights involved.

Application No. 10840 was filed by the Timpanogos Cave Committee of American Fork, Utah, on December 15, 1931. Certificate of appropriation No. 2038, was issued by this office as prima facie evidence of the right to divert 1/16 sec. ft. of water from Swinging Bridge Canyon Spring and Cave Camp Spring to be used for domestic and municipal purposes at Timpanogos Cave Camp area. By assignment, dated September 10, 1941, and received February 13, 1942, Application No. 10840 was assigned to the U. S. National Park Service. Since the right was perfected at the time the assignment was made, it appears that the transfer should have been made by deed as provided by Sec. 100-1-10, Utah Code Annotated, 1943.

It is not the duty of this office to pass upon the legal effect, or validity of the assignment, and it is accepted for filing for whatever it may be worth. However, if a change application is filed proposing to amend a perfected right, the applicant must furnish satisfactory evidence of ownership of the right sought to be changed.

A certificate was issued to the Timpanogos Cave Committee and was undoubtedly recorded in the Utah County Recorder's Office, therefore, a certified copy of deed of conveyance, transferring the water right from the Timpanogos Cave Committee to the National Park Service, would be more acceptable as evidence of ownership for the purpose of filing a change application.

U. S. Dept. of the Interior

The water right's deed, submitted by the National Park Service, dated April 9, 1948, according to the certified copy on file in this office, transfers to American Fork City, all interest in the waters of Cave Camp Springs, which may have been acquired by assignment in the amount of 1/32 sec. ft. in exchange for the right to use of 1/32 sec. ft. of the water from Swinging Bridge Canyon Creek, specifically mentioned as part of the water right perfected under Application No. 10833, Certificate No. 3025.

Application No. 10833 is a certificated right to the use of .5 sec. ft. of water from Swinging Bridge Canyon Creek for the generation of electric power. After such use the water is to be returned undiminished to the natural channel. Application No. 10833 does not provide for consumptive use, therefore, your change application could not be approved if it proposes to change a portion of the right from nonconsumptive to consumptive use.

It would appear that to accomplish the purpose of the National Park Service, an exchange should be made in connection with a water right that allows consumptive use of water.

It is believed that the applicant's purpose (other than the corrections made in the description of points of diversion under Application No. 10840, Certificate No. 2038) may be accomplished by the filing of an exchange application which would exchange 1/32 sec. ft. of water which has been diverted from Cave Camp Spring for 1/32 sec. ft. of water to be diverted from Swinging Bridge Canyon Creek. If there are no intervening rights that would be adversely affected by the exchange, and the exchange application were approved, there would be no necessity for filing application to change the place and nature of use of water.

A form entitled "Application for the Right of Exchange of Water" is enclosed for your convenience, should you desire to adopt this procedure.

It is, of course, a matter for the applicant to determine whether a change application is indicated to make the corrections in the description of location under Application No. 10840, Certificate No. 2038. It appears questionable, however, whether or not the errors brought to light as a result of the 1937 G.L.O. Survey would in any way invalidate the water right.

Yours very truly,

/s/ H. A. Linke

Harold A. Linke
STATE ENGINEER.

CNH/ig
Enc: Change Applications (2)
Application form

11-21-1949: letter to state engineer from assistant director regarding two applications for amendment of water rights in accordance

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

In reply refer to:
154 TIMP

NOV 21 1949

Mr. Harold A. Linke
State Engineer
Salt Lake City, Utah

My dear Mr. Linke:

Enclosed are two applications for amendment of water rights at Timpanogos Cave National Monument, in accordance with a Water Right (Exchange) Deed between American Fork City and the United States, as follows:

1. Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water under Certificate 2038.

2. Application for Permanent Change of Place and Nature of Use of 0.03125 second-foot of water under Certificate 3025.

A copy of the Water Right Deed, and an advance print of our drawing NM-TC-6981, showing need for amendments, were submitted to you with a letter of July 26 from A. van V. Dunn, Chief, Water Resources Branch. These instruments, and your reply of August 3, will be very helpful in reviewing the applications.

Sincerely yours,

(SIGNED)

Conrad L. Wirth
Assistant Director

Enclosures 2

Copy to: Regional Director, Region Three (3)
Mr. Dunn

AvanVDunn:sh

08-03-1949: letter to chief; water resources branch from state engineer regarding applications having been perfected, are covered

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

H. A. LINKE
STATE ENGINEER

August 3, 1949

Limpahongos Cave

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

Dear Sir: RE: APPLICATIONS 10833 AND 10840
CERTIFICATES 2038 AND 3025, RESPECTIVELY

In answer to your letter dated July 26, relative to the above captioned applications and certificates, you are advised as follows:

These applications having been perfected, are covered by their respective certificates, as you have given them in your letter.

In answer to the questions given categorically, they are answered in the same order:

(1) Form F-8-6-42-2M-Sun is not the form which you have utilized. The form which you have utilized with your proposed draft is F-8-3-37-500-W.P.Co. Both of these forms are now obsolete. The use of obsolete forms is, in most cases, caused by furnishing a supply to patrons of this office to be held in reserve. This practice has given a great deal of difficulty in the past. It is, therefore, recommended that you do not retain your forms in your possession, as they are changing from time to time. You should use the new form for permanent change, two copies of which are furnished you under separate cover, with a set of Rules and Regulations promulgated by the State Engineer June 1, 1947, with certain amendments written in. If you actually need at this time more forms on which to submit applications, kindly so advise and those currently needed will be furnished. It is assumed that the request for twelve is for the purpose of keeping a reserve.

(2) You will note in reading Rule 22 relative to applications, found on page 5 of Rules and Regulations, that it is necessary to file two separate change applications, one on each perfected right. This becomes necessary due to the fact that a separate Proof must be filed later on the change. To file the Proofs together would be extremely confusing.

(3) It is preferred not to make suggestions with regard to the statements in the applications until they are actually filed.

(4) It would be well in your change application to make a statement under "General Remarks" describing the entire scheme in the proposed changes. The explanations may be given in generalities

08-03-1949: letter to chief; water resources branch from state engineer regarding applications having been perfected, are covered

so far as development work is concerned, unless the works to be utilized in each instance are now built, in which instance they may be more definitely described without risking changes that might be made before proof.

(5) You mention under this paragraph that the ties to the springs in each of the applications might have been found to be in error, according to the now recognized and adopted U. S. Land Survey. When making the change applications, it would be well to also correct the ties to the springs in order to show them in their true positions with respect to the U. S. Land net.

You have made no mention of the desirability for the return of the deeds which have been submitted. It is, therefore, assumed that it is not necessary to return them, in which event they are being retained in this office.

Yours very truly,

Harold A. Linke
STATE ENGINEER

FWC/vm

07-26-1949: letter to state engineer from chief; water resources branch regarding certified copy of a water rights deed; exchanged

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

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

In reply refer to:
L54 TIMP

July 26, 1949

Mr. Harold A. Linke
State Engineer
Salt Lake City, Utah

My dear Mr. Linke:

Enclosed is a certified copy of a "Water Rights Deed" by which the United States, through the Director of the National Park Service, and American Fork City, Utah, through its Mayor, have exchanged rights under Application 10840 - Certificate 2038, and Application 10833 - Certificate 3025, to the extent of 0.03125 (1/32) second-foot of water. The United States has conveyed its rights to Cave Camp Spring to American Fork City because the spring is too low for use in the growing development of Timpanogos Cave National Monument, in exchange for rights to an equivalent flow from Swinging Bridge Canyon Creek. The exchange has also been made in order to assure some equal priority of water to Timpanogos Cave National Monument and American Fork City. The United States agreed to make the necessary amendment of rights to cover the changes, because it also wishes to broaden the place of use to cover the whole Monument rather than just the small camp in what is now part of the Administration Area.

Also enclosed are drafts of two applications, on obsolete form F-8-3-37-500-W.P.Co., to cover amendments under Water Right Applications 10833 and 10840, and an advance print of our drawing NM-TC-6981 to show the changes and their relations to water diversions under Applications 154 and 10578. In fact, the rights to Cave Camp Spring must be attached to the water system covered by Application 10578 to be available to American Fork City.

The drawing shows certain factual details which must still be checked by our engineer in the area, but will serve to illustrate the questions we should like to have answered by you, as follows:

1. Is form F-8-6-42-2M-Sun the proper one for use in this application, or is there a later one? In either case, will you please send us a dozen of the latest forms, as our supply is nearly exhausted.

2. Is it necessary to make a separate application for changes under the respective rights covered by Certificates 2038 and 3025, or can they be consolidated in a single instrument, attaching riders to provide more space for multiple answers?

3. Do you care to make any suggestions with regard to revision of statements in the application, or applications?

4. Note that in the application as drafted the new diversion pipe is defined as terminating at a proposed 20,000-gallon reservoir just inside of the Monument. Is it necessary to show or describe any distribution system below that reservoir?

5. Original Applications 10578 and 10640 give some ties to issuance of springs, which have become confused or incorrectly defined as points of diversion in some subsequent records. Is it advisable to correct ties recorded in Certificate 2038, for instance, or accept the records as evident errors in good faith? Also, should we attempt to reconcile old ties with the new G.L.O. Survey of 1937, where possible?

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (3)

AvanVDunn:sh

07-00-1949: letter to nps from acting director; nps regarding true and correct copy of water rights deed, april 9, 1948, between ame

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

Pursuant to the act of August 24, 1912 (37 Stat. 497, 5 U.S.C., 1946 ed., sec. 488), I hereby certify that the attached is a true and correct copy of that certain Water Rights Deed, dated April 9, 1948, by and between American Fork City, a municipal corporation of the State of Utah, party of the first part, and the United States of America, party of the second part, 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 day of July, 1949.

(SGD.) A. E. DEMARAY

A. E. Demaray
Acting Director
National Park Service
Department of the Interior

4787

WATER RIGHTS DEED

THIS INDENTURE, made this 9th day of April A.D. 1948, by and between AMERICAN FORK CITY, a municipal corporation of the State of Utah, acting by and through GLEN L. TAYLOR , its Mayor, thereunto duly authorized by its Council, party of the first part, and the UNITED STATES OF AMERICA, acting by and through NEWTON B. DRURY , Director, National Park Service, party of the second part.

WITNESSETH, that:

WHEREAS, the party of the first part has perfected a right to 1.5 second feet of the waters of Swinging Bridge Canyon Creek in Utah County, Utah, under Application No. 10833, License No. 3025, with priority of February 10, 1930; and

WHEREAS, the party of the first part has filed a claim to 3.21 second feet of the waters of Cave Camp Spring in Timpanogos Cave National Monument, Utah County, Utah, under Application No. 10578, with priority of January 7, 1929, and has constructed diversion works; and

WHEREAS, the party of the second part has acquired a right to 1/32 second feet of the waters of Swinging Bridge Canyon Spring and 1/32 second feet of the waters of Cave Camp Spring through assignment from the Timpanogos Cave Committee of Application No. 10840, License No. 2038, with priority of February 24, 1930, said assignment being dated September 10, 1941, and recorded on March 14, 1942, in Book 365, Water Index, at pages 383-384 (Entry No. 1919), of the Records of Utah County, Utah; and

WHEREAS, it is the desire of the party of the first part and the Timpanogos Cave Committee that the party of the second part be

vested with a preferred right to 1/32 second feet of the waters of Swinging Bridge Canyon Creek for the administration and operation of Timpanogos Cave National Monument and the public use in said Monument; and

WHEREAS, the party of the second part, subject to the approval of the Timpanogos Cave Committee, desires to transfer to the party of the first part all interest in the waters of Cave Camp Springs which it may have acquired by assignment from the Committee under the aforementioned assignment dated September 10, 1941:

NOW, THEREFORE, for and in consideration of the mutual benefits accruing to the parties hereto through an exchange of water rights, the party of the first part, AMERICAN FORK CITY, does hereby convey, transfer and assign unto the UNITED STATES OF AMERICA and its assigns the right to 1/32 second feet of the waters of Swinging Bridge Canyon Creek, being a part of the water right perfected under Application No. 10833, License No. 3025, with priority of February 10, 1930; and the party of the second part, UNITED STATES OF AMERICA, does hereby convey, transfer and assign unto AMERICAN FORK CITY, its successors and assigns, the right to 1/32 second feet of the waters of Cave Camp Spring, perfected under Application No. 10840, License No. 2038, with priority of February 24, 1930.

It is understood and agreed that, as a part of the consideration involved in this exchange, the party of the second part will, at its own expense, make and file with the State Engineer any amendments of water rights necessary to carry out the intent of this instrument and as may be required in order to comply with the laws of Utah.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names and affixed their seals, the day, month and year first above written.

AMERICAN FORK CITY

(SEAL)

By (Sgd) GLEN L. TAYLOR
Mayor.

UNITED STATES OF AMERICA

(SEAL)

By (Sgd) NEWTON B. DRURY
Newton B. Drury,
Director,
National Park Service,
Department of the Interior.

APPROVED:

TIMPANOGOS CAVE COMMITTEE

By (Sgd) CLIFFORD E. YOUNG
Chairman.

05-26-1947: notary public saying that the within instrument was signed in behalf of the said corporation by authority of a resolution

STATE OF UTAH :
: ss.
County of Utah :

On this 26 day of May , 1947, personally appeared before me Glen L. Taylor , who, being by me duly sworn, did say that he is the Mayor of American Fork City, a municipal corporation of the State of Utah, and that the within instrument was signed in behalf of the said corporation by authority of a resolution of the City Council; and said Glen L. Taylor acknowledged to me that said corporation executed the same.

(SEAL)

(Sgd) LEO G. MEREDITH
Notary Public, residing at
Am. Fork, Utah.

My Commission expires:

10/5/49.

DISTRICT OF COLUMBIA :
: ss.
City of Washington :

On this 9th day of April, 1948, personally appeared NEWTON B. DRURY, to me known and who by me duly sworn, did depose and say that he is the Director of the National Park Service, Department of the Interior of the United States of America, a party to the foregoing deed of exchange; that he knows the seal of the National Park Service and that the seal affixed to said instrument is the official seal of the National Park Service and was affixed thereto by his order; that said instrument was signed and sealed on behalf of the United States of America by virtue of the authority contained in the acts of June 5, 1920 (41 Stat. 917; 16 U.S.C. sec. 6), and August 7, 1946 (60 Stat. 885), pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361), and that he acknowledged said instrument to be the act and deed of the United States of America for the purposes therein expressed.

(SEAL)

/s/ Lorin A. Davis
Notary Public,
District of Columbia.

My Commission expires:

Nov. 14, 1951.

4787
Entry No.
Recorded at Request of
Thomas A. Walker
Book 502 Pages 415-18 of Deeds
Mildred B. Ream Rec.
Utah County
Ivan Monsen Deputy

May 18 3:54 PM '48

Recorded by
Compared by LC. EM TP
Indexed by VVVV R
Fee 1.90 Mail to
Supt. of Zions
Natl. Park
Springdale
Utah.

Sec.

02-01-1943: letter to hydraulic engineer from state engineer regarding advise to applications 154, 10833, 10840 and 10578

A.K. 2/4
Ret Wm & due 2/8

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

ED. H. WATSON
STATE ENGINEER

ahf 2/6

February 1, 1943

Mr. A. Van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Bldg.,
San Francisco, California

Dear Sir: RE: APPLICATIONS NOS. 154, 10833, 10840 & 10578.

In answer to your letter dated January 15, relative to the above captioned applications you are advised as follows:

#3 Same as in law courts

Applications in this office carry priorities in their sequence order of numbering unless at some time they have lapsed and been reinstated, in which event, one of the low serial number may be inferior in priority to one with a higher serial number. It appears, however, that you are under the impression that certificate numbers also carry priorities. This is not true. An application having a relatively late priority may have been perfected and certificate issued before one having an earlier priority, in which event, the one having the late priority will have a lower certificate number than the one having an earlier priority, i. e. certificate numbers are assigned in their order of issuance and not according to the priority of the application. Applications also may provide for more water and for more sources of supply than those contained in the Proof of Appropriation, and certificate of appropriation based thereupon, i. e. the appropriation may be actually less than the application provides for, for the reason that it was perfected for a lesser quantity of water than that contained in the application. The general principle relative to appropriation of water is that no application can be enlarged upon in the proof or certificate of appropriation, but there can be appropriation of a lesser quantity of water than provided in the application.

Same as law cases

#2 When an application is received in this office, it is prepared either in black ink or in black type. In the course of completing it for advertising and approval it may be amended. Any amendments which are made, after first being submitted, must be in red ink by the applicant.

#1 Application No. 10840, as originally filed, provided for water from "Swinging Bridge Canyon Spring - Cave Camp Spring" and it did not provide for the quantity of water from each spring although it sought to appropriate 1/16 sec. ft. Under the rules of this office, when two sources of supply are given in an application, the quantity of water sought

#1 from each must be given. Accordingly, the application was returned under date of March 17, 1930, to Mr. Stephen L. Chipman of American Fork, for inserting the word "and" between the description of the two sources of supply, also for setting forth the quantity of water from each spring. This added information in accordance with the above was inserted in red by the applicant.

#1a You are wrong in your assumption that this application, as first submitted, provided for the full 1/16 sec. ft. to be diverted from Swinging Bridge Canyon. This should be clear to you from the above quotation relative to the source of supply provided in paragraph 8, of the application.

#4 The form of certificate issued at the time of issuance of Certificates Nos. 2038 and 3025 does not specify the priority; however, in each instance a statement is made as follows, after mentioning the name of the applicant, ***has been perfected in accordance with the application therefor, received in office of the State Engineer on the _____ day of _____19____." It must be assumed from the certificate in this form that there has been no lapsing. Certificates of appropriation now issued by the State Engineer provide for a definite priority. The record of Application No. 10840, shows that there has been no lapsing. This application was received on February 24, 1930, and the certificate so provides. Applications take priority as of the date of filing, except as above stated, so that its priority in this instance is February 24, 1930. Likewise, the priority of Application No. 10833 bears the date of receipt in this office, being February 10, 1930, as the record shows there has been no lapsing.

#5 You state in paragraph 5, of your letter, "if full recompense required full diversion from Swinging Bridge Canyon the full recompense was not made by the final terms of Certificate No. 2038." It appears from this that you are under the impression that the Timpanogos Cave committee could appropriate more water as represented by Certificate No. 2038 than Application No. 10840 seeks. Certificate No. 2038, provides for a total amount of .0625 sec. ft., .03125 sec. ft. of which is from Swinging Bridge Canyon Spring and .03125 sec. ft. from Cave Camp Spring making a total of the full amount of 1/16 sec. ft. of water provided under the application.

#6 In view of the fact that a certificate cannot exceed in quantity that provided in the application, this amount could not under any circumstances be increased in the certificate. It appears the only copy of a letter which might be of service to you in this matter is the one referred to hereinbefore, the full substance of which has been given you. In order that there may be no misunderstanding, a copy of said letter follows:

Mr. A. Van V. Dunn
2/1/43

March 17, 1930

Mr. Stephen L. Chipman
Amercian Fork, Utah

Dear Sir: RE: APPLICATION NO. 10840

I am returning to you herewith the above numbered application to appropriate 1/16 of a second foot of water for the following amendments:

It appears that there are two sources of supply, namely, Swinging Bridge Canyon Spring and Cave Camp Spring, therefore, the description given in paragraph 9 should refer to the source of supply to which it belongs. The word "and" should be inserted after Swinging Bridge Canyon Spring.

It is important that the quantity of water to be appropriated from each spring be specified under Explanatory.

The law allows sixty days in which to amend the application and return same to this office. Make all corrections with red ink.

Yours very truly

State Engineer

By Chief Deputy

CWO/G

Reply to this letter is as follows:

L
Uses
Timpanogos Cave

Pleasant Grove, Utah
March 21, 1930

Mr. George M. Bacon
State Engineer
Salt Lake City, Utah

Dear Sir:

Reference is made to your letter of March 17, addressed to Mr. Stephen L. Chipman.

The water supply that is being used at the Timpanogos

Mr. A. Van V. Dunn
2/1/43

Cave Camp grounds and dwellings is approximately 75 feet from the Cave Camp spring, S. 87 degrees E. Water has been used from this source since 1923. The source was developed by trenching and collected with tiling into a cement head box, and the overflow is drained into the creek.

The maximum fall between the catch basins and the point of consumption is 16 feet, which does not give much head in case of fire, and this in one of the main reasons for desireing water from the Swinging Bridge Canyon Spring.

Very truly yours,

/s/ V. N. West
Forest Ranger.

It will not be necessary in this instance to submit any fees. The blank voucher is, therefore, returned herewith.

Yours very truly,

Ed. H. Watson

Ed. H. Watson
STATE ENGINEER.

FWC/ig
Encl: Voucher

01-15-1943: letter to state engineer from hydraulic engineer regarding advance print of drawing nm-tc-6981 showing water rights

January 15, 1943.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

We enclose an advance print of our drawing NM-TC-6981 showing water rights at Timpanogos Cave National Monument.

You will note that the National Park Service, successor to the Timpanogos Cave Committee, and American Fork City each have rights to divert from Swinging Bridge Canyon under Application No. 10840, Certificate No. 2038, and Application No. 10833, Certificate No. 3025, respectively. The National Park Service, successor to the Timpanogos Cave Committee, and American Fork City also have rights to divert from Cave Springs under Application No. 10840, Certificate No. 2038, and Application No. 10578 respectively. The American Fork City waters diverted from Swinging Bridge Canyon are conveyed through the pipe line of the Utah Power and Light Company which was built under Application No. 154.

We understand from Mr. Walker, at the monument, that on a visit to your office last year he inspected the original Application No. 10840 and found that the original claim was for the full appropriation of 1/16 sec. ft. from Swinging Bridge Canyon and none from the Cave Springs, but that in red it further shows that half of the diversion shall be from each of the sources. If we understand your system correctly, any red on the application is correction by the applicant at the request of the State Engineer. We wonder if your correspondence shows the reason that such a change was requested. The matter seems to have been covered by letters of about March 17, 1930, between your office and Mr. Chipmon of the Cave Committee.

You will note that Certificate No. 3025 grants priority of February 10, 1930, while Certificate No. 2038, although of lower number, grants priority of the later date, February 24, 1930. We understand that the diversion from Swinging Bridge Canyon by the Cave Committee was made necessary because the American Fork City drained all water from the former's older diversion at Cave Spring when building the system covered by Application 10578 during 1929. We also understand that you advised Mr. Walker that Certificate No. 2038 was superior to Certificate No. 3025, contrary to the implications of reversed priorities.

FILE COPY

01-15-1943: letter to state engineer from hydraulic engineer regarding advance print of drawing nm-tc-6981 showing water rights,

There is the suggestion that the American Fork City allowed the Cave Committee to tap its Swinging Bridge Canyon Pipe Line near the junction with the Power Company line as recompense for damages at Cave Springs. However, if full recompense required full diversion from Swinging Bridge Canyon the full recompense was not made by the final terms of Certificate No. 2038. On the other hand, the adjustment may indicate that after completion of the system under Application No. 10578 it was found that part of the Cave Committee supply from the same source was restored.

It is our desire to assemble a complete file of the correspondence on the matter. We are also in communication with the Cave Committee and American Fork City, but have not yet been able to locate the data we wish. We should like copies of any letters in your file which actually refer to the problem, including the letter of March 17, 1930, referred to in your endorsements on Application No. 10840.

We enclose a voucher for your signature as indicated in pencil, which should be returned with a statement of charges for making the copies.

(SGD.) A. V. [illegible]

Hydraulic Engineer.

Enclosure 2136651.

AvVD:SH

cc: Director.
Region Three.
Supt. Franke.
Acting Custodian Walker (through Supt. Franke)

02-17-1942: letter to nps from state engineer regarding recording of conveyances which affect applications 10840 and 10618 and

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

ED. H. WATSON
T. H. HUMPHERYS
STATE ENGINEER

February 17, 1942.

Timpanogos Cave 660-05.7
X Zion 660-05.7

FEB 19 1942
RECEIVED
Ab 2/19
FILE

National Park Service
Region Four
601 Sheldon Building
San Francisco, Calif.

re: Applications #10840 and #10618

Gentlemen:

also copies of this letter

I have your letter of February 13, 1942, regarding the recording of conveyances which affect the above numbered applications and also certain decreed rights. The assignment of application No. 10840, duly signed by the Timpanogos Cave Committee, has been received and filed.

You inquire as to whether it is necessary to file with the State Engineer a conveyance of water rights upon which you expect to file applications for change of point of diversion, place and purpose of use. It is a rule of this office that an applicant who files a change application must be able to show a chain of title to the water right from the original certificate or decreed right to the applicant. I suggest, therefore, that when you file your change applications, you submit with the applications certified copies of assignments or conveyances from the original applicant, or owner of decreed right to the National Park Service.

You state that the Utah Parks Company acquired rights to the Pine Creek Ditch and perfected a change application before conveying the water right to the United States. You inquire as to whether, under the circumstances, it is necessary in such case to file in this office a copy of the conveyance to the United States. Although the law does not require the recording of such conveyances in the State Engineer's office, it is desirable to file a recorded copy of such conveyances here for the convenience both of this office and your Department. I am working on Rules and Regulations which will be published in the near future, and I am including a rule to the effect that such conveyances must be recorded in the State Engineer's office.

If you have further questions concerning these matters, do not hesitate to write again.

Copies mailed Director
Regional Director
Dept. Branches
2/24/42

Respectfully,

Ed. H. Watson

Ed. H. Watson,
State Engineer.

EJS/ba

02-13-1942: letter to state engineer from hydraulic engineer regarding water right for appropriation of swinging bridge canyon wate

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE Timpanogos Cave 660-05.7
REGION FOUR X Zion 660-05.7
SAN FRANCISCO, CALIFORNIA

February 13, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

We have recently acquired the water right for the appropriation of Swinging Bridge Canyon waters for Timpanogos Cave National Monument, Application No. 10840, and have been taking steps to record the conveyance in your office. It is presumed that the conveyance has been properly signed and returned to you by this time or will be in the very near future.

This brings up the question as to whether all water right acquisitions should be recorded in your office. At Zion National Park we have just completed the purchase of Water Right No. 66 covering the Crawford Ditch rights, and some years ago we acquired the rights in the Gifford Ditch, No. 65, and the rights covered by Application 10618, License No. 1991.

We are at the present moment working on applications to change the place and method of use, and to a certain extent to change the point of diversion, under these rights, and the question arises as to whether we should record conveyance as well as make the amendments, or whether the applications for amendment will serve the purpose.

In addition, the Utah Parks Company acquired part of the rights to the Pine Creek Ditch and perfected the change in point of diversion and place and method of use, and obtained Certificate No. 54 for the change, on decreed priority No. 63. That Company then conveyed that right to the United States, the procedure in this case having been that the Company made the necessary changes prior to conveyance to the United States, whereas in the other cases the

United States acquired the rights in their original state. Therefore, it may be that your answer as to whether we should record the final conveyance in this case may be different from that in connection with the rights as previously described.

Yours very truly,

Hydraulic Engineer.

cc- Director.
Regional Director, Region Three.
Supt., Zion National Park.

09-10-1941: assignment (individual form): application no. 10840 to appropriate water from swinging bridge canyon

Deed 2

ASSIGNMENT
(Individual Form)

For a valuable consideration the undersigned hereby assigns and transfers to the U. S. NATIONAL PARK SERVICE the following described Application to the State Engineer of the State of Utah, to wit:

Application No. 10840, to appropriate (or change the point of diversion, place or nature of use of) 1/16 second ~~second~~ feet of water from Swinging Bridge Canyon Spring

together with all water rights covered thereby.

Dated this 10 day of September, 19 41.

Stephen L. Chipman

STATE OF UTAH,)
: ss:
COUNTY OF Utah)

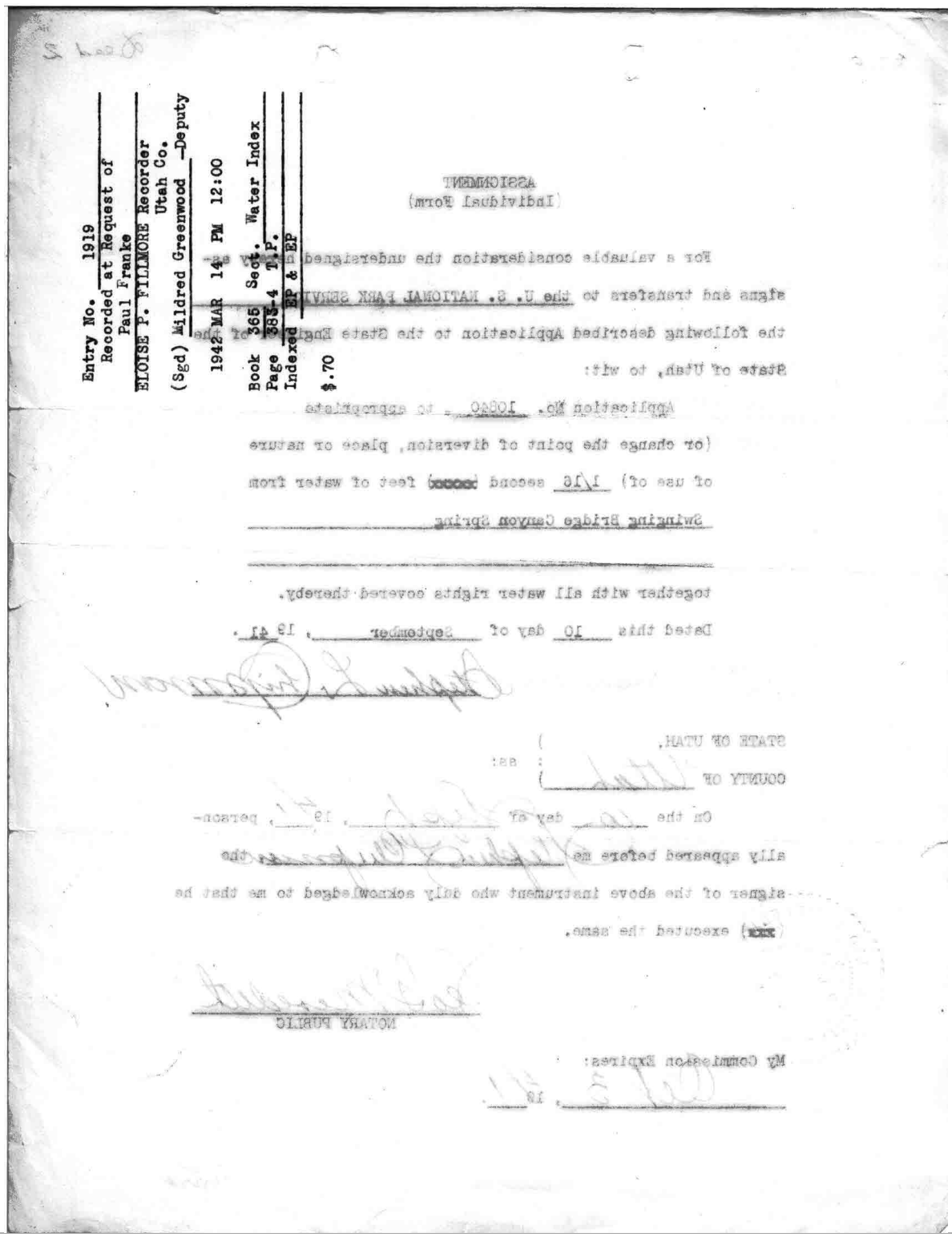
On the 10 day of Sept, 19 41, personally appeared before me Stephen L Chipman the signer of the above instrument who duly acknowledged to me that he (~~she~~) executed the same.

Leo G Meredith
NOTARY PUBLIC

My Commission Expires:
Oct 3, 19 41.

extra

09-10-1941: assignment (individual form): application no. 10840 to appropriate water from swinging bridge canyon, page 2cont



Entry No. 1919
Recorded at Request of
Paul Franke
ELOISE P. FILLMORE Recorder
Utah Co.
(Sgd) Mildred Greenwood —Deputy
1942 MAR 14 PM 12:00
Book 365 Sect. Water Index
Page 383-4 T.P.
Indexed EP & EP
$.70

ASSIGNMENT
(Individual Form)

For a valuable consideration the undersigned hereby assigns and transfers to the U. S. NATIONAL PARK SERVICE the following described Application to the State Engineer of the State of Utah, to wit:

Application No. 10840 to appropriate
(or change the point of diversion, place or nature
of use of) 1/10 second feet of water from
Swinging Bridge Canyon Spring

together with all water rights covered thereby.

Dated this 10 day of September, 19 41.

STATE OF UTAH,)
: ss:
COUNTY OF)

On the day of , 19 , personally appeared before me , the signer of the above instrument who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

My Commission Expires:

, 19

09-10-1941: assignment (individual form): application no. 10840 to appropriate water from swinging bridge canyon spring

1919

ASSIGNMENT
(Individual Form)

For a valuable consideration the undersigned hereby assigns and transfers to the U. S. NATIONAL PARK SERVICE the following described Application to the State Engineer of the State of Utah, to wit:

Application No. 10840, to appropriate (or change the point of diversion, place or nature of use of) 1/16 second (~~xxxx~~) feet of water from Swinging Bridge Canyon Spring

together with all water rights covered thereby.

Dated this 10 day of September, 19 41.

TIMPANOGOS CAVE COMMITTEE

Stephen L Chipman

Chairman

STATE OF UTAH,)
: ss:
COUNTY OF Utah)

On the 10 day of Sept, 19 41, personally appeared before me Stephen L Chipman, the signer of the above instrument who duly acknowledged to me that he (~~xxhe~~) executed the same.

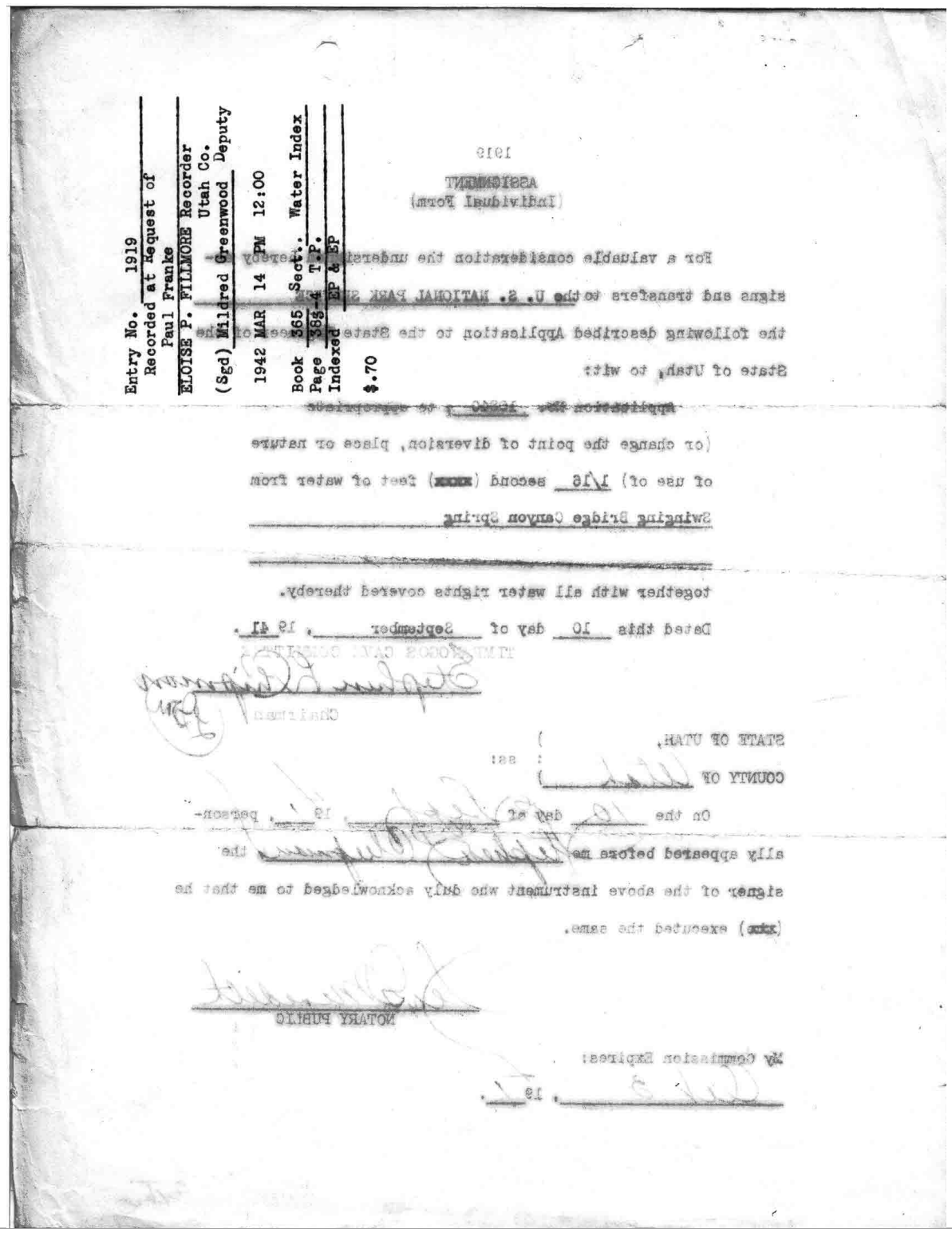
L. D. Meredith

NOTARY PUBLIC

My Commission Expires:

Oct 3, 19 41.

Extension



Entry No. 1919
Recorded at Request of
Paul Franke
ELOISE P. FILLMORE Recorder
Utah Co.
(Sgd) Mildred Greenwood Deputy
1942 MAR 14 PM 12:00
Book 365 Sect. Water Index
Page 383-4 T.P.
Indexed EP & EP
$.70

09-10-1941: assignment (individual form): application 10840 to appropriate water from swinging bridge canyon spring

1919
ASSIGNMENT
(Individual Form)

For a valuable consideration the undersigned hereby assigns and transfers to **the U. S. NATIONAL PARK SERVICE** the following described Application to the State Engineer of the State of Utah, to wit:

Application No. **10840**, to appropriate (or change the point of diversion, place or nature of use of) **1/16** second (~~xxxx~~) feet of water from **Swinging Bridge Canyon Spring**

together with all water rights covered thereby.

Dated this **10** day of **September**, 19**41**.

TIMPANOGOS CAVE COMMITTEE

Stephen L Chipman

Chairman

STATE OF UTAH,)
: ss:
COUNTY OF Utah)

On the 10 day of Sept, 19 41, personally appeared before me Stephen L Chipman the signer of the above instrument who duly acknowledged to me that he (~~xxx~~) executed the same.

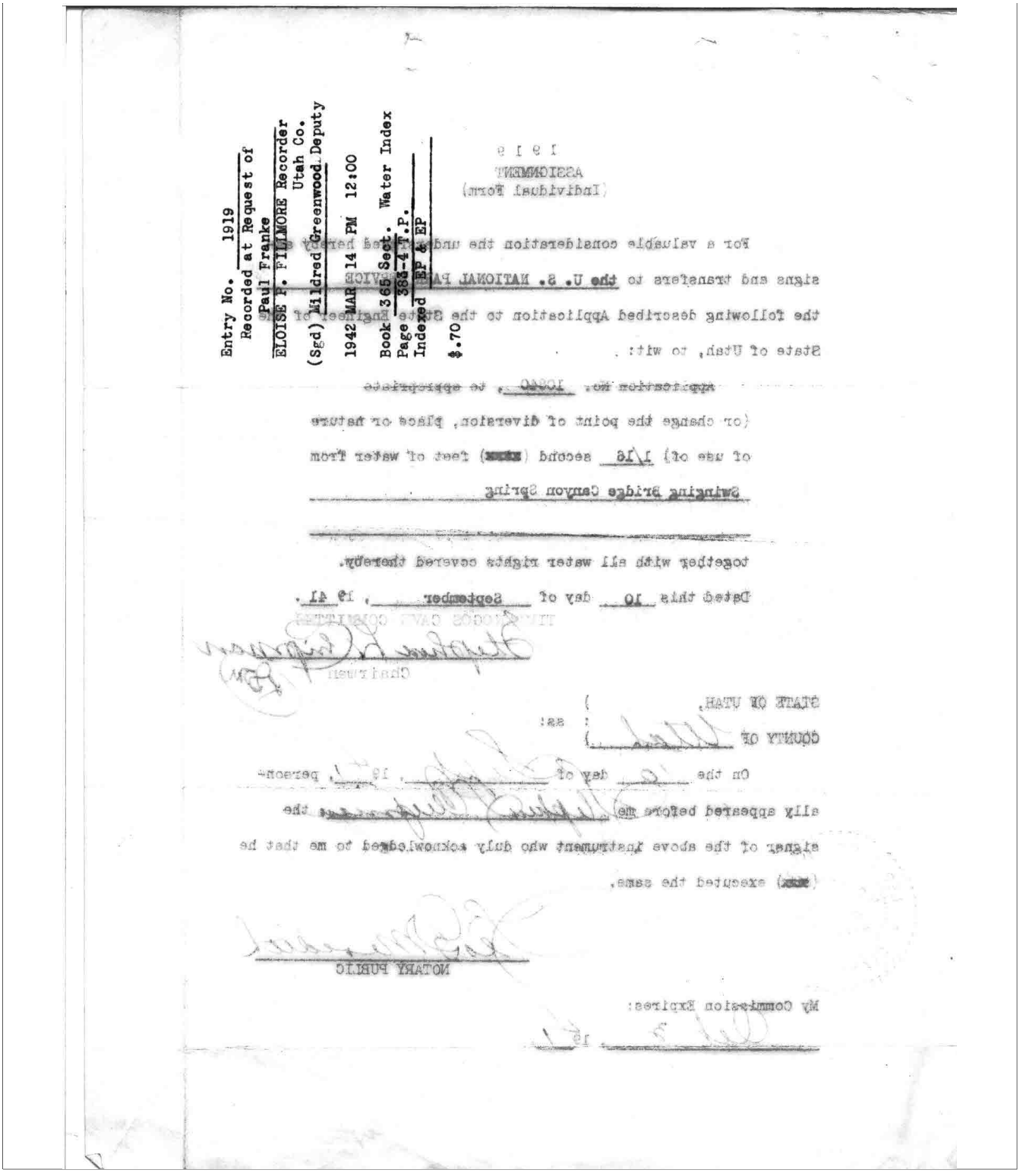
Geo D Meredith

NOTARY PUBLIC

My Commission Expires:
Oct 2, 19 41.

Copies

09-10-1941: assignment (individual form): application 10840 to appropriate water from swinging bridge canyon spring, page 2cont



Entry No. 1919
Recorded at Request of
Paul Franke
ELOISE P. FILLMORE Recorder
Utah Co.
(Sgd) Mildred Greenwood Deputy
1942 MAR 14 PM 12:00
Book 365 Sect. Water Index
Page 353-4 P.
Indexed EP & EP
$.70

9-13-29-1000 ORIGINAL FORM F-21

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

APPLICATION NO. 10840 CERTIFICATE NO. 2038

UTAH LAKE & JORDON RIVER WATER DIVISION

Whereas, *It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from* CAVE CAMP SPRING & SWINGING BRIDGE CANYON SPG *in* UTAH *County, made by* TIMPANOGOS CAVE COMMITTEE *has been perfected in accordance with the application therefor, received in the office of the State Engineer on the* 24th *day of* February *19* 30 *and recorded on page* 126 *in book* D-5 *of the record of applications to appropriate water;* **Wherefore,** *Be it known that I,* GEORGE M. BACON, *State Engineer of the State of Utah, under and by authority and direction of the Law of Utah, as of the date of filing of the above numbered application, do hereby certify that the said* TIMPANOGOS CAVE COMMITTEE *of* PROVO *in* UTAH *County, State of* UTAH, *is entitled to the use of* .0625 of a c.f.s. of water, *subject to prior rights and to the following restrictions, to-wit:*

.03125 of a c.f.s. of said water is collected from Swinging Bridge Canyon Spring at a point which bears S.79° 09' W. 11481.1 ft. thence N. 37°42' E. 3350 ft. from the NW cor. of Sec.32, T. 4 S., R. 2 E., S.L.B.& M. .03125 of a c.f.s. of said water is collected from Cave Camp Spring at a point which bears S.79°09' W. 11481.1 ft. The water from said Swinging Bridge Canyon Springs is allowed to flow down its natural channel for a distance of approximately 738 ft. thence conveyed by means of a pipeline 3734 ft. long, 2 inches in diameter and commingled with Cave Camp Spring. The commingled waters are used from January 1st to December 31st inclusive of each year for domestic purposes at Timpanogos Cave Camp in American Fork Canyon. This use consumes all of said water.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of priority of this right is February 24th, *19* 30.

In Witness Whereof, *I have hereunto set my hand and affixed the seal of my office this* Fifteenth *day of* December, *A. D. 19* 30.

Geo. M. Bacon
STATE ENGINEER

9201-3

FOREST SERVICE
WATER RIGHTS SECTION
SALT LAKE CITY, UTAH
RECEIVED
DEC 19 1931

198

Certificate of Appropriation of Water

STATE OF UTAH

UTAH LAKE & JORDAN RIVER **Water Division**

Certificate No. 2038

To.....

For.....

Filed for record this.....*day of* JAN 13 1932 *19*....., *at*.....*o'clock* 10 a.m., *and recorded in Book* 292 *of Water* Misc. *Page* 171

Inez Jessee
Recorder Utah *County, Utah*

This certificate must be filed for record with Recorder of Utah *County, Utah, within thirty days from its date.*

RECORDER'S MEMORANDUM

Platted by.....
Recorded by L.H.
Compared by J.C.A. & L.S.
Indexed by J.C.A. - Water Index ✓
Abstracted Sec. 32 Tp. 4 S R. 2 E No. 64 Book Jx Page.....
Fee $1
Mail to Chipman Merc. Co. Am. Fork, Ut

9201 - 3+

01-13-1932: certificate of appropriation of water: certificate no. 2038; stamp of receival dated 12/19/1931

9201-2

NOTICE TO APPLICANT

The approval of this application is not a certificate of appropriation. It is merely your authority to begin construction work, which must be commenced within six months from the date of approval of this application and prosecuted diligently to completion. To secure a certificate of appropriation under this application proof of appropriation must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use at the time proof of appropriation is submitted, the same, however, not to exceed the amount of water specified in this application. Proof of appropriation must be made in accordance with Sections 55 and 56, Chapter 67, Session Laws of Utah, 1919. For further information write the State Engineer.

(Not to be filled in by applicant)

No. 13842

APPLICATION
OF
Pinguango Care Committee
TO
Appropriate Water
FROM
Swingy Bridge Canyon Spr. & Carl Canyon Spring
Utah County
FOR
Domestic and Municipal Purposes

Recorded in Book 45 *of Applications to Appropriate Water, on pages* 126 *to* 128

Rules and Regulations

The affidavit relating to the citizenship of the applicant, at the bottom of page 2, must be filled in and sworn to before a notary public before the application will be received.

Application returned to applicant for correction must be corrected with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. All additions must be made with red ink.

Application returned to applicant for correction must be resubmitted to the State Engineer's office within sixty days from the date noted in Paragraph 4, under State Engineer's endorsements, or the priority determined by the original receiving date will be lost.

Applications resubmitted after expiration of the sixty days allowed by law for correcting same will be treated as new applications in all respects. (See Section 45, Chapter 67, Session Laws of Utah, 1919).

No application will be received which contemplates the appropriation of water from an artificial canal or channel.

Seepage and percolating water, or water confined in sloughs and artificial drains is not subject to appropriation through the State Engineer's office.

It is permissible to appropriate water from more than one source of supply provided the water from the sources specified is taken to one place and used for one purpose. In this case the point of diversion from each source must be specified in accordance with note in Paragraph 9. Also the amount of water to be diverted from each source should be specified under "Explanatory" on page 2, if only approximately.

Place where and date when application was filled in must be specified in the blank space at the top of page 1.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer should be notified promptly of any change in address; otherwise applicant may lose rights initiated by application by failing to receive notices sent from the State Engineer's office.

Applicant should sign the application at the bottom of page 2.

No application or other paper pertaining to an application will be marked received unless accompanied with the required filing fee.

Applicants will be informed by this office when cost of publishing notice of application is due, and must advance cost within sixty days after so notified.

Requests for extensions of time for completion of appropriation will not be considered unless submitted on or before the date when proof is due, accompanied with sufficient affidavit and required fee.

When there are two or more co-applicants the application should be accompanied by a power of attorney authorizing one to act for all.

Fees Required by Law for State Treasury

For examining and filing applications to appropriate ten cubic feet of water per second or less.....$2.50
For examining and filing applications to appropriate five hundred acre feet of water or less..... 2.50
For examining and filing applications to appropriate more than ten cubic feet of water per second a fee of $2.50 plus $1.00 for each cubic foot per second in excess of that flow.
For examining and filing applications to appropriate more than five hundred acre feet of water a fee of $2.50 plus 2 cents for each acre foot in excess of that quantity.
When the filing fee on any application to appropriate water shall exceed $1,000.00, the balance of the fee in excess of $1,000.00 may, at the option of the applicant, be paid at the time the proof of appropriation is submitted.
For approving and recording completed applications..... 2.50
For examining and filing written proof of appropriation..... 1.00
For examining and filing map, profile and drawings that are part of the proof of appropriation..... 5.00
For issuing certificate of appropriation..... 1.00
For filing and examining papers of assignment, $1.00; and in addition 50 cents for the first folio and 20 cents for each additional folio for recording.
For filing protests against the granting of applications..... 1.00
For filing an affidavit or any other paper..... 1.00
Note.—Applicants will save time and expense by familiarizing themselves with the law before making applications.

9201-2.

9201- 2+

(This page not to be filled in by applicant.)

State Engineer's Endorsements

Dates:

1. Feb. 24, 1930 Application received in State Engineer's office.
2. ..... Priority of application brought down to, on account .....
3. Mar 6, 1930 Application examined and filed
4. Mar. 17, 1930 Application returned to C. L. Chipmon for following corrections:
   See letter dated Mar. 17, 1930.
5. Mar 22, 1930 Corrected application returned to State Engineer's office
6. ..... Corrected application examined and .....
7. ..... Application rejected and returned to applicant for the reason .....
8. June 20, 1930 Application approved and returned to applicant.

This application is approved on the following conditions:

1. That actual construction work shall begin within six months.
2. That the appropriation shall be fully completed by September 15, 1931
3. .....

Geo. H. Bacon
State Engineer.

State Engineer's Memoranda

Dates:

1. Feb. 24, 1930 Fee for filing application paid $ 2.50
2. Mar 15, 1930 Cost of publishing notice deposited $ 15.00
3. Apr 12, 1930 Publication began and was completed May 10, 1930
4. ..... Notice published in The Citizen (American Fork)
5. ..... Application protested by .....
6. June 20, 1930 Fee for recording and approving application paid $2.50.
7. Time for making proof of appropriation extended to .....
8. Proof of appropriation submitted .....
9. ..... Fee for issuing certificate of appropriation paid $1.00.
10. ..... Certificate of appropriation. No. ..... issued.

I hereby certify that the foregoing is a true copy of the application made by ..... to appropriate water and of the endorsements thereon as shown by the records of my office on the date given below.

Salt Lake City, Utah, ..., 192.....

State Engineer.

File No. 10840 Recorded Feb 24, 1930

9201- 2+

COPY

Form F-b—4-10-38—1M

Application No. 10840

NOTE: This copy is on a form of a later date than that of the original approved application, and some insertions and deletions are therefore being made to adapt this form to the data contained in the original application.

Application to Appropriate Water for Domestic and Municipal Purposes

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the Rules and Regulations on the back hereof and all the notes in the body of it.

American Fork, Utah February 13, 1930

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for domestic and municipal purposes, Application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the ~~Laws of Utah.~~ Session Laws of Utah, 1919 to 1929.

NOTE—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

1. *The name of the applicant is* Timpanogos Cave Committe
2. *The post-office address of the applicant is* American Fork, Utah.
3. *The flow of water to be appropriated, in second-feet, is* 1/16
4. *The quantity of water to be appropriated, in acre-feet, is* (See note on following page)
5. *The water is to be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day) *incl.*
6. *The water is to be stored each year from* (Month) (Day) *to* (Month) (Day) *incl.*
7. *The drainage area to which the direct source of supply belongs is* W. L. & J. R. (Leave blank)
8. *The direct source of supply is*† Swinging Bridge Canyon Spring and Cave Camp Spring (Name of stream or other source) in Utah County.
which is tributary to ....., *tributary to* .....

†NOTE—Where water is to be diverted from a well or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a drain, so indicate in the first space, giving its name, if named, and in the remaining spaces, designate the stream channels to which it is tributary, **even though the water may sink, evaporate, or be diverted before reaching said channels.** If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

9. *The point of* issuance of spring (Strike words not needed) ~~*diversion from stream, spring, spring area, drain, well (flowing or pump), tunnel, or*~~ *is in* ~~*county,*~~ *situated at a point** Beginning at a point N. 56°:22" E. 13837 feet from the SW corner of Section 32, township 4 south, Range 2 East, S. L. M. & B., thence S. 87° E. 75 feet, also beginning at a point N. 56°:22" E 13837 feet from the SW corner of section 32, Twp. 4 S. Rge 2 E, thence N 51°:45' E. 2831 feet S. L. M. & B.

*NOTE—The point of diversion must be located definitely by course and distance or by rectangular distances with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance, to some prominent and permanent natural object. (Also see note at top of following page.)

No Application will be received in which the point of diversion is not described definitely. Any change made in this description after Application is received and before approved will bring down the priority of Application to the date when the amendment is made of record in the State Engineer's office.

10. *The diverting and carrying works will consist of* Cement box and iron pipe
11. *The cross section of the diverting channel will be* ⊔ ∪ O (Strike out ones not needed)
12. *The diverting works and diverting channel will be constructed of earth, wood, iron, concrete.* (Strike out words not needed)
13. *The length of the diverting channel, ~~exclusive of laterals,~~ will be* 3734 *feet*
14. *The top width of the diverting channel will be (if a ditch)* ..... *feet*
15. *The bottom width of the diverting channel will be (if a ditch)* ..... *feet*
16. *The depth of water in the channel will be (if a ditch)* ..... *feet*
17. *The width of the diverting channel will be (if a flume)* ..... *feet*
18. *The depth of water in the diverting channel will be (if a flume)* ..... *feet*
19. *The diameter of the diverting channel will be (if a pipe)* 2 . *inches*
20. *The grade of the diverting channel will be* 195 *feet per thousand*

Cabra

EXPLANATORY

NOTE—Paragraph 4 on page 1 must not be used except when storage is contemplated; in such case Paragraph 5 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres.

If the reservoir is located on the channel of the source from which the water is to be appropriated, it should be so stated in the space below, and—

1. The location of the impounding dam should be described in Paragraph 9.
2. The point where the released storage will be rediverted from the natural stream should be described below in accordance with the note under Paragraph 9.

When water is not stored in the natural channel of the source from which it is to be appropriated, it should be so stated in the space below, and—

1. The point of diversion from the supplying source should be described in Paragraph 9.
2. The center of the impounding dam and the point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 9.

In all cases Paragraphs 10 to 20, incl., should describe the entire diverting works, exclusive of natural channels and laterals, even if already constructed in whole or in part.

If Application is made for the water of a number of springs, or other sources, collected at a common point, said point should be described as the point of diversion in Paragraph 9, and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 9. The quantity of water sought from each source should be indicated below, the total equaling the quantity specified in Paragraphs 3 or 4. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to a point as outlined by the note under Paragraph 9.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

This application is for domestic water supply at the
Timpanogos Cave Camp grounds in American Fork Canyon.
1/32 of a second foot of water from Cave Camp Spring
1/32 " " " " " " " Swinging Bridge Spring.

Timpanogos Cave Committee

/s/ Stephen L. Chipmon Chairman
*Signature of Applicant**

*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH,
County of Utah } ss.

Personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires August 18, 1931. /s/ H. C. Johnson
(Seal)
Notary Public.

(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. 9:00 A.M. Feb. 24,1930 *Application received* over counter / by mail *in State Engineer's office by*
2. *Priority of Application brought down to, on account of*
3. Feb. 24,1930 *Fee for filing Application,* paid $ 2.50, ~~*received by*~~
4. *Application copied in book ..., page ..., and indexed by*
5. *Application platted by*
6. Mar. 6,1930 *Application examined* ~~*by*~~ and filed.
7. Mar.17,1930 *Application returned,* ~~*with letter*~~, *to* S.L.Chipmon *for/correction* following s:
   See letter dated Mar. 17,1930.
8. Mar. 22,1930 *Corrected Application* returned ~~*resubmitted*~~ ~~*over counter*~~ ~~*by mail*~~ *to State Engineer's office.*
9. *Fee for publishing notice requested,*
10. Mar. 15,1930 Cost of ~~*Fee for publishing notice,*~~ deposited $ ..., ~~*received by*~~ $15.00
11. *Application approved for advertisement by*
12. *Notice to water users prepared by*
13. Apr. 12,1930 *Publication began; was completed* May 10, 1930.
    Notice published in The Citizen (American Fork)
14. *Proof slips checked by*
15. *Application protested by*
16. *Application designated for* approval / rejection *by*
17. *Fee for approving Application requested*
18. June 20,1930 *Fee for* recording and approving *Application,* paid $2.50, ~~*received by*~~
19. *Application proofread by*
20. June 20,1930 *Application* approved / ~~*rejected*~~ *and returned to applicant*

This Application is approved, subject to prior rights, if any, on the following conditions:

1. That *Actual construction work shall begin within six months* ~~*from date of approval.*~~
2. *Proof of Appropriation shall be submitted to the State Engineer's office by*
2. That the appropriation shall be fully completed by September 15, 1931.

/s/ Geo. M. Bacon
State Engineer.

21. *Time for making Proof of Appropriation extended to*
22. *Proof of Appropriation submitted.*
23. *Fee for filing Proof of Appropriation,* $1.00, *received by*
24. *Fee for filing maps, profiles and drawings,* $5.00, *received by*
25. *Fee for issuing Certificate of Appropriation,* $1.00, *received by*
26. *Certificate of Appropriation, No. ..., issued*

I hereby certify that the foregoing is a true copy of the Application by ... to appropriate water and of the endorsements thereon as shown by the records of my office on the date given below.

Salt Lake City, Utah ..., 19... ...
State Engineer.

Application No. 10840 Recorded Feb. 24, 1930.

NOTICE TO APPLICANT

The approval of this Application is not a Certificate of Appropriation. It is merely your authority to begin construction work, which must be commenced within six months from the date of approval of this Application and prosecuted diligently to completion. To secure a Certificate of Appropriation under this Application, Proof of Appropriation must be submitted within the time limit allowed by the State Engineer. The amount of water for which Certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water specified in this Application. Proof of Appropriation must be made in accordance with the requirements of the law. For further information write the State Engineer.

(Not to be filled in by applicant.)

No. 10840

APPLICATION

OF

Timanogos Cave Committee

TO

APPROPRIATE WATER

FROM

Swinging Bridge Canyon Spr. & Cave Camp Spring

IN

Utah County

FOR

DOMESTIC AND MUNICIPAL PURPOSES

Recorded in Book D-5 of Applications to Appropriate Water, on pages 126 to 128.

Rules and Regulations

All waters in this state, whether above or under the ground, are the property of the public, subject to all existing rights to the use thereof. No appropriation of the unappropriated public water may be made and no rights to the use thereof shall be recognized except Application for such appropriation first be made to the State Engineer.

The Application must be signed by the applicant at the bottom of page 2 and the affidavit relating to citizenship, acknowledged before a Notary Public before the Application be received by the State Engineer.

An Application shall not be made for more than one purpose, except where the secondary purpose is a necessary incident to the primary one; as for instance, an Application for irrigation purposes may specify domestic purposes as a necessary incident.

An Application made to appropriate water for use in a single system with one or more points of diversion or sources of supply, or both, whether the water be commingled or not, may be accepted if made by one person or by a corporation, if and when the points of diversion be in close proximity or located in contiguous sections by government survey; provided, however, that the quantity of water sought, also tie to section corner, be given for each point of diversion.

In case a material error is made in the description of the point of diversion, or in case any error is made the correction of which would enlarge the rights sought in an Application after its receipt in the State Engineer's office, then such error may be corrected, but the priority date of the Application will be changed to the time when the corrected Application is resubmitted in the State Engineer's office; and, if the notice to water users has been published, the State Engineer may in his discretion cause a revised notice to be published at the expense of the applicant.

When there are two or more coapplicants the Application must be accompanied by a power of attorney, together with a fee of $1.00, authorizing one to act for all.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for corrections or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For filing Application to appropriate 10 second-feet of water or less $2.50
and additionally, $1.00 for each second-foot above 10.
For filing Application to appropriate 500 acre-feet of water or less 2.50
and additionally, 2 cents for each acre-foot above 500.
When the filing fee on any Application to appropriate water shall exceed $1.000.00, the balance of the fee in excess of $1,000.00 may, at the option of the applicant, be paid at the time the Proof of Appropriation is submitted.
For approving and recording completed Application 2.50
For examining and filing written Proof of Appropriation 1.00
For examining and filing map, profile and drawings that are part of the Proof of Appropriation 5.00
For issuing Certificate of Appropriation 1.00
For filing and examining paper of assignment 1.00
For filing protests against the granting of Application or answers thereto 1.00
For filing an affidavit or any other paper 1.00

NOTE—Applicants will save time and expense by familiarizing themselves with the law before making Application.

02-13-1930: application to appropriate water for domestic and municipal purposes

Form F-b.
300 10-27-28

File No. 10840

Application to Appropriate Water for Domestic and Municipal Purposes

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

American Fork, Utah (Place) February 13 (Date), 1930

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for domestic and municipal purposes, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the ~~Compiled Laws of Utah, 1917, as amended by the~~ Session Laws of Utah, 1919 and ~~1925~~.

Note.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on page 2 under the heading "Explanatory."

1. *The name of the applicant is* Timpanogos Cave Committe
2. *The postoffice address of the applicant is* American Fork, Utah.
3. *The flow of water to be used, in cubic feet per second, is* 1/16
4. *The quantity of water to be appropriated, in acre feet, is (see note under Explanatory)*
5. *The water is to be used each year from* January 1 (Month) (Day) *to* December 31 (Month) (Day)
6. *The water is to be stored each year from* (Month) (Day) *to* (Month) (Day)
7. *The river system or drainage area to which the direct source of supply belongs is** Ind. & J.R.
8. *The direct source of supply is* Swinging Bridge Canyon Spring-Cave Camp Spring (Name of Stream or Other Source)
   in Utah *County.*
9. *The* ~~point of diversion from stream~~ (Strike out one not needed) *point of issuance of spring is situated at a point* Beginning at a point N. 56°22" E. 13837 feet from the SW corner of section 32, township 4 south, Rangey 2 East, S. L. M. & B., thence S. 87°E. 75 feet, also beginning at a point N. 56°:22" E 13837 feet from the SW corner of section 32, Twp. 4 S. Rge 2 E, thence N 51°:45' E. 2831 feet S. L. M. & B.

Note.—The "point of diversion" or "point of issuance of spring" must be located definitely by course and distance or by rectangular distances with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance to some prominent and permanent natural object.
No application will be received in which the "point of diversion" or "point of issuance of spring" is not described definitely. Any change made in this description after application is received and before approved will bring down the priority of application to the date when amended application is received.

10. *The diverting works will consist of* Cement box and iron pipe
11. *The cross section of the diverting channel will be* ⊔ \ / O — (Strike out the ones not needed)
12. *The nature of the diverting channel will be earth, wood, iron, concrete.* (Strike out the ones not needed)
13. *The length of the diverting channel, will be* 3734 *feet*
14. *The top width of the diverting channel will be (if a ditch)* *feet*
15. *The bottom width of the diverting channel will be (if a ditch)* *feet*
16. *The depth of water in the diverting channel will be (if a ditch)* *feet*
17. *The width of the diverting channel will be (if a flume)* *feet*
18. *The depth of water in the channel will be (if a flume)* *feet*
19. *The diameter of the diverting channel will be (if a pipe)* 2 *inches*
20. *The grade of the diverting channel will be* 195 *feet per thousand*

*Leave Blank.

9201 - 2

02-13-1930: application to appropriate water for domestic and municipal purposes, page 2 - explanatorycont

EXPLANATORY

Note.—Never use paragraph 4 on preceding page except when it is intended to store the water to be appropriated; in such case the volume of water to be stored should be given in acre feet in that space. The time during which the water is to be stored in the reservoir should be stated in Paragraph 6, and the time during which it is to be released and used should be set forth in Paragraph 5. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land. The area of the reservoir when at full stage should be given in acres in the same space. If the reservoir is located on a natural stream bed and the water is to be released from the reservoir into the natural channel it should be so stated in the space below, and the point where it will be diverted from such stream should be described in Paragraph 9 and the center of the impounding dam of such reservoir should be described in the space below in accordance with note in Paragraph 9. The data given in Paragraphs 10 to 20 inclusive, should be relative to the works used to divert the water from the natural channel. All other works should be described in the space below this note except when the water is not stored in the natural channel of the stream from which it is to be appropriated; in such case the point of diversion is the place where the water is taken from the supplying source and should be described in Paragraph 9, the center of the impounding dam described in the space below and Paragraphs 10 to 20, inclusive, should describe the diverting works. In case the application is made for the water from a number of springs, the point where the water is collected should be described as the point of diversion and the works below it described as the diverting works; those above it should be described as the collecting works in the space below. Each spring should also be described in the space below in accordance with note in Paragraph 9. Where the source of supply is in reality a spring area, the point of diversion is the point where the water will be collected.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

This application is for domestic water supply at the Timpanogos Cave Camp grounds in American Fork Canyon.

1/32 of a second foot x quality from Cave Camp Spring
1/32 " " " " " " " Dripping Ridge Spring.

Timpanogos Cave Committee
Stephen L Chipman Chairman
*Signature of Applicant.**

*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer.

STATE OF UTAH,
County of Utah } ss.

Stephen L Chipman

each being for himself duly sworn, deposes and says that I *am a citizen of the United States*
(Strike out the one not needed)
~~have declared my intention of becoming~~

a citizen of the United States on 13th *of* February *1930* *at* American Fork Utah

Stephen L Chipman

Subscribed and sworn to before me this 13th *day of* February, 1930

My commission expires Residence, American Fork, Utah County, Utah My Commission Expires August 18th, 1931

Residence, American Fork, Utah County, Utah
My Commission Expires August 18th, 1931

Notary Public.

Supporting Hydro Data

02-07-1958: memorandum to chief; water resources section from regional chief of lands regarding water flow measurements, swin

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

WR Copy

L54

TO : Chief, Water Resources Section **DATE:** February 7, 1958

FROM : Regional Chief of Lands

SUBJECT: Water Flow Measurements, Swinging Bridge Canyon, Timpanogos Ca[illegible]

In order to supply the information as soon as possible the following data is attached:

1. Copy of Superintendent Walker's memorandum of January 26
2. Longhand copies on yellow paper of water measurements taken by the Superintendent covering the period December 1, 1953 through January 17, 1958 with notes regarding periods of overflow.
3. Two prints, Weir Box, Scale ½"-1Foot, taken in part from American Fork City, Swinging Bridge Canyon Pipeline Drawing D-~~2~~ 3741, Scale 1"-50 feet, by Caldwell, Richards & Sorensen.

The prints were reconstructed from the plan of the above numbered drawing, Mr. Wohlbrandt's knowledge of a Cippoletti Weir and partially from the yellow page notes and description in items 1 and 2 above.

Copies of this memorandum and two prints of the unnumbered drawing are being sent to Superintendent Walker with the request that he advise, if possible, what corrections should be made and return one print marked in red.

I assume that our drawing and that filed by American Fork City should be in agreement at least so far as the new filings are concerned. It might even be advisable to engage an engineer from the above firm to furnish us copies of their field notes, let them check the plan for correctness, and our Service do the drafting. We can prepare a plan on linen at the correct size by February 24 IF we have the necessary data. If an engineer's certificate is necessary on the sheet we should be advised.

In todays mail (Feb. 7, 4:00PM) Mr. Bill's memorandum L-54 dated February 7 left for Washington (Director) attached to that are copies of an unnumbered drawing by George Johnston showing the work that has been done to date. Supt. Walker will have copies and a more formal memorandum to add to this one will be mailed next week for the files.

John E. Kell
Regional Chief of Lands

Supt Walker

3 attachments - R

TCP

Water Measurements in Swinging Bridge

Date December 1953	Water Measurements in Inches	Flow in cubic feet per second.	Date January 1954	Water Measurements in Inches	
1	2 1/8	0.247	1	2 3/4	0.374
2	2 1/8	0.247	2	3 3/4	0.586
3	2 1/8	0.247	3	3 1/16	0.436
4	2 1/8	0.247	4	3 1/8	0.449
5	2 1/8	0.247	5	3 1/8	0.449
6	2 1/4	0.280	6	3 3/8	0.502
7	2 1/4	0.280	7	3 7/8	0.630
8	2 1/4	0.280	8	3 5/8	0.557
9	2 1/4	0.280	9	3 5/8	0.557
10	2 1/4	0.280	10	3 1/8	0.449
11	2 3/8	0.302	11	3 1/8	0.449
#4 12	1 5/8	0.167	12	3 1/8	0.449
13	1 7/8	0.205	13	3 1/8	0.449
14	2 5/16	0.291	14	3 1/4	0.475
15	2 5/8	0.349	15	3 1/4	0.475
16	3 1/16	0.436	16	3 3/8	0.502
17	3 3/16	0.462	17	3 3/8	0.502
18	3 1/4	0.475	18	3 1/2	0.529
19	3 3/8	0.502	19	3 1/2	0.529
20	3 3/4	0.586	20	3 3/8	0.502
21	2 3/4	0.374	21	3 3/8	0.502
22	2 3/4	0.374	22	3 3/8	0.502
23	2 3/4	0.374	23	3 1/2	0.529
24	2 5/8	0.349	24	3 1/2	0.529
25	2 5/8	0.349	25	3 1/2	0.529
26	2 9/16	0.336	26	3 3/8	0.502
27	2 5/8	0.349	27	3 3/8	0.502
28	2 9/16	0.336	28	3 1/2	0.529
29	2 9/16	0.336	29	3 1/2	0.529
30	2 3/4	0.374			
31	2 11/16	0.361			

02-07-1958: memorandum to chief; water resources section from regional chief of lands regarding water flow measurements, swin

Water Measurements in Swinging Bridge

Date February 1954	Water Measurements in Inches	
1	3 3/8	0.507
2	3 3/8	0.507
3	3 3/8	0.507
4	3 3/8	0.507
5	3 3/8	0.507
8	3 3/8	0.507
9	3 3/8	0.507
10	3 3/8	0.507
11	3 1/2	0.529
12	3 5/8	0.557
13	3 5/8	0.557
14	3 5/8	0.557
15	3 5/8	0.557
16	3 5/8	0.557
17	3 5/8	0.557
18	3 5/8	0.557
19	3 5/8	0.557
22	3 5/8	0.557
23	3 5/8	0.557
24	3 5/8	0.557
25	3 5/8	0.557
26	3 5/8	0.557
March 1954		
1	3 5/8	0.557
2	3 5/8	0.557
3	3 5/8	0.557
4	3 5/8	0.557
5	3 1/2	0.529
6	3 1/2	0.529
7	3 5/8	0.557
8	3 5/8	0.557
*1/ 9.	Over flow in upper Box of old origonal System 3 7/8 inches of water over this Weir always brought it up to over flow	

Date March 1954	Water Measurements in Inches	
22	Water Turned in New System + New Box Constructed By N.P.S. With Same Size Weir.	
*2. 22	4 1/2	0.783
23	4 1/2	0.783
24	4 1/2	0.783
25	4 1/2	0.783
29	6 to 6 1/2 Over flowing	
	New pipe + system will take 4 7/8 To 5" of water over weir	
	Over flow continued until after May 27, 1954	
June		
" 17	2 1/2	0.374
" 28	2 3/8	0.349
July 12	2 1/2	0.374
" 28	2 1/4	0.280
Aug. 17	2 1/8	0.248
" 27	2 1/8	0.248
Sept. 8	2 3/8	0.307
" 27	2 3/8	0.349
Oct. 8	2 1/2	0.374
" 27	2 5/8	0.349
Nov. 16-54	3 1/8	0.449
Dec. 5	3 1/4	0.475
" 22	2 1/8	0.248
" 29	2 1/8	0.248
Jan 3, 1955	3	0.423
" 21	2 1/4	0.280
" 30	2 5/16	0.291
Feb 7	2 5/16	0.291
" 18	3 1/2	0.529
March 3	3 5/8	0.557
18	3 1/8	0.449
31	4 1/8	0.690

02-07-1958: memorandum to chief; water resources section from regional chief of lands regarding water flow measurements, swin

Water Measurements in Swinging Bridge

Date Month Day Year	Water Measurements in Inches		
April 9-55 #9	5" over Flow started This PM. Tests Madeon How Much water the pipe would Carry. If Gate to N.P.S. storage tanks closed 5" of water will still flow into system if N.P.S. Gate is open 5 3/8 to 5 1/2 inches will flow into system Over flow or spill Continued Until After June 22		
June 27-55	4	1/8	0.690
July 6 "	2	5/8	0.349
" 27 "	2	1/4	0.280
" 29 "	2	1/8	0.248
Aug. 10 "	2	1/8	0.248
Oct. 10 "	1	7/8	0.206
" 26 "	1	7/8	0.206
Nov. 16 "	2	1/8	0.248
" 20 "	2	1/4	0.280
" 30 "	2	1/4	0.280
Dec. 18 "	3	7/8	0.630
" 23 "	6		over flow
" 24 "	6		"
" 25 "	6		"
Jan 3, 1956	4	1/4	0.270
" 11 "	2	11/16	0.361
" 15 to 20	over flow		
" 21 "	4	7/16	0.767
" 28 "	Over flow		

Date Month Day Year	Water Measurements in inches		
Jan 30, 56	3	5/16	0.489
Feb 7-56	2	5/16	0.291
" 16 "	2	3/4	0.374
March 12 "	3	7/8	0.630
" 18 "	4	5/16	0.735
" 19 "	Over flow until After		
May 29 "			
June 2, 56	4	1/2	0.783
" 11 "	3	1/2	0.529
" 21 "	2	1/2	0.324
July 18 "	2	3/16	0.258
Aug. 10 "	2	1/8	0.248
Sept. 21 "	1	15/16	0.216
Oct. 19 "	1	15/16	0.216
" 26 "	2		0.
Nov. 23 "	1	15/16	0.216
Dec 12 "	2		0.277
January 1957			
" 16 "	2		0.277
" 31 "	1	7/8	0.206
Feb. 11 "	2		0.277
" 26 "	3	3/4	0.586
March 4 "	3	1/2	0.529
" 18 "	3	3/4	0.586
" 27 "	3	7/8	0.630
" 30 "	Over flow Continued until		
July 2, 1957			
" 30 "	3	7/8	0.630
Aug. 26 "	2	15/16	0.386
Sept. 18 "	2	5/8	0.349

Water Measurements in Swinging Bridge

Date Month Day Year	Water Measurements in inches	
Oct 10-57	2 3/8	0.307
Nov. 5. "	2 5/8	0.349
" 15 "	2 5/8	0.349
Dec. 5 "	2 5/8	0.349
" 16 "	4 1/4	0.770
January 1958		
" 6 "	3 3/8	0.507
" 17 "	3 5/8	0.557

Maximums (measurable with weir)

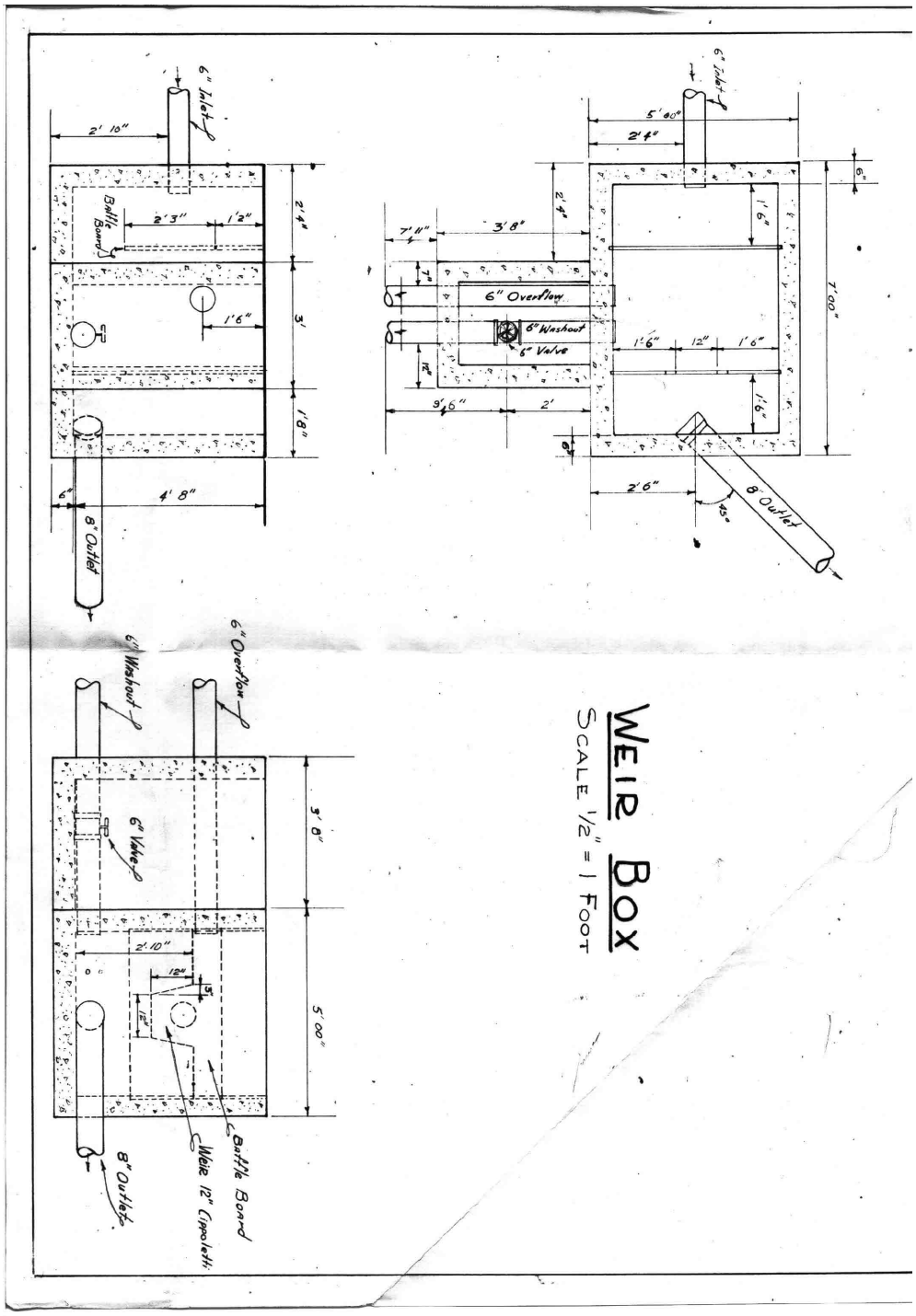
4 1/2" head = 0.783 c.f.s. occur March 21st to 25th 1954 inclusive and again on June 2, 1956

Over flow somehow occurs whenever depth at weir exceeds this, although weir height is 12 inches

Minimum flow occurred Dec 12 1953

weir head 1 5/8" or flow = 0.167 c.f.s.

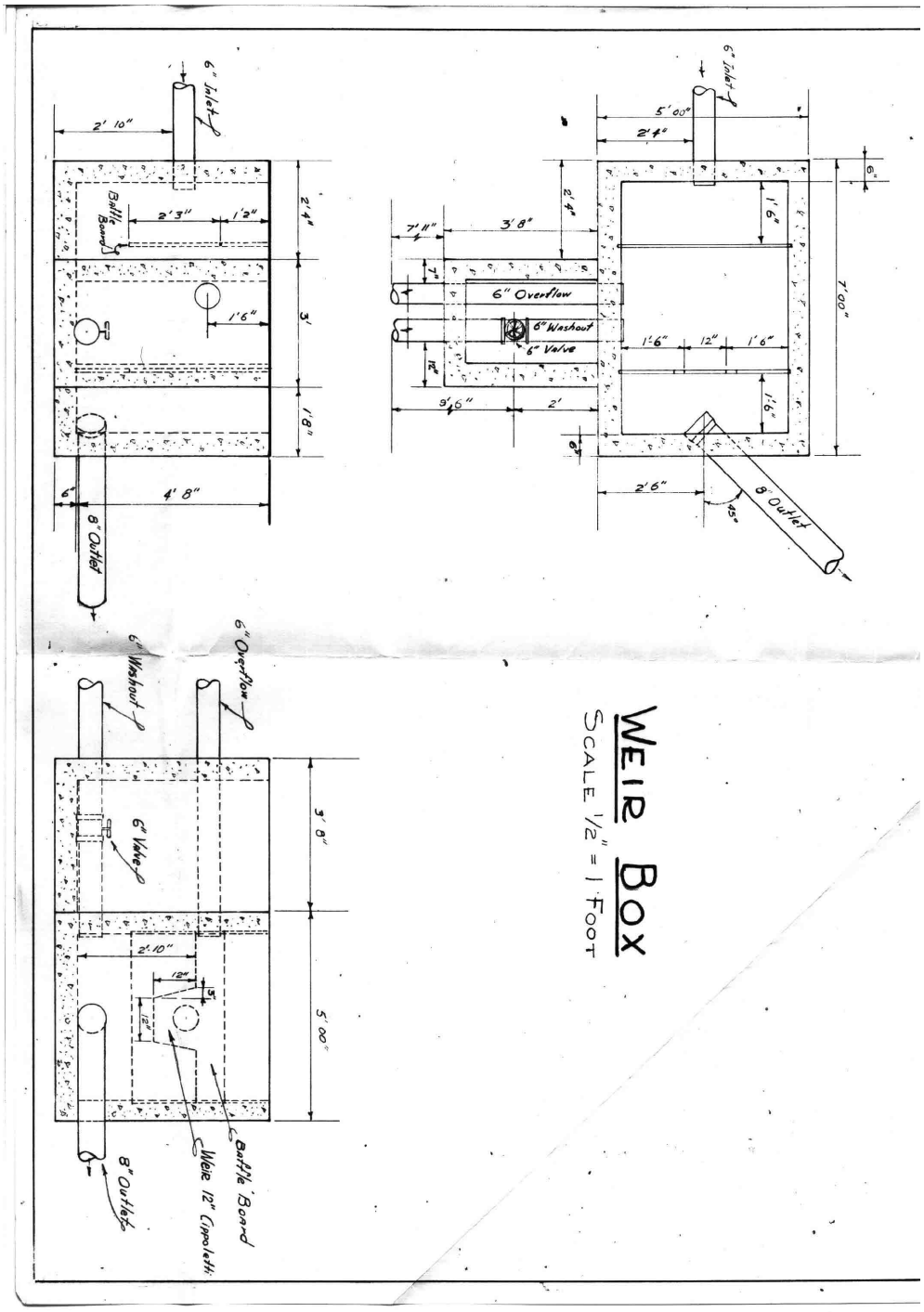
02-07-1958: memorandum to chief; water resources section from regional chief of lands regarding water flow measurements, swin



WEIR BOX

SCALE 1/2" = 1 FOOT

02-07-1958: memorandum to chief; water resources section from regional chief of lands regarding water flow measurements, swin



WEIR BOX

SCALE 1/2" = 1 FOOT

IN REPLY REFER TO:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Timpanogos Cave National Monument
American Fork, Utah

January 26, 1958

Memorandum

To: Regional Chief of Lands

From: Superintendent, Timpanogos Cave

Subject: Water flow measurements in Swinging Bridge Canyon

Enclosed are the measurements of water flowing into the N. P. S. water collection system. The water measurement was taken with an ordinary ruler, thru a one foot weir. We do not have any conversion tables to convert these figures for you.

Previous to 1954, when the flow reached 3 7/8 inches the weir would overflow, the pipe would only take up to that amount at the weir. This was the case for all the years the water has been measured. (See note #1, page 2). In 1954, a new and larger intake was installed to allow more water to enter the system. This change allowed 4 7/8 to 5 inches of water to enter the system, (see note #2, page 2).

It was determined during 1954 that a baffle board installed in front of the inlet would give us a more accurate measurement. This was installed during the fall of 1954.

Tests were conducted in May 1956 to determine the exact amount of water the system would take in various conditions, (see note #3, page 2).

Note #4 on page 1 refers to a drop in the amount of water measured. At that time some water was diverted above the Trench during construction. This water did not go into the weir to be measured.

It should be noted that when an overflow occured during and previous to 1954 that 3 7/8 inches of water was flowing into the system. In March of 1954 the new pipe was installed and an overflow then meant that 4 7/8 inches of water was flowing into the system. During fall of 1954 the baffle board was completed and an overflow since that time meant that 5 to 6 inches will flow intothe system.

Prior to 1954 there was some overflow from January to about July, but ordinarily there was no overflow for more than six weeks at a time. In other words we are using all the available steady supply of water.

Thomas A. Walker
Superintendent

07-12-1940: memorandum to acting superintendent from acting custodian regarding report of the water used at the swinging bridg

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
UTAH

TIMPANOGOS CAVE NATIONAL MONUMENT, UTAH

July 12, 1940

Memorandum for Acting Superintendent Davis:

On Hydrologic Engineer Dunn's recent visit to the Monument he asked if I would furnish him with a report of the water used at the Monument since we have been using the swinging bridge spring water, and also a report on the travel to the Monument for the same period.

Therefore I am enclosing two copies of each so that you may have the same information in the Zion office. Will you please forward one each of these to Mr. Dunn.

The travel sheet submitted is just an actual count of the Cave visitors and does not include picnickers who use the campground facilities. The picnickers have increased more in number since 1931 to date than have the cave visitors, at the present time there are just about as many picnickers using the camp who do not bisit the cave as there are cave visitors.

/s/ Thomas A. Walker
Acting Custodian

07-12-1940: memorandum to acting superintendent from acting custodian regarding report of the water used at the swinging bridg

TIMPANOGOS CAVE NATIONAL MONUMENT
Use of waterat Monument
Period covered
August 1, 1931 to July 12, 1940



DATE	METER READTNG
8/1/31	51,100
12/30/31	311,900
4/11/32	518,800
5/1/32	571,600
5/15/32	628,000
6/2/32	739,500
8/1/32	1,412,700
9/1/32	1,702,400
10/16/32	1,868,200
11/30/32	2,001,500
6/1/33	5,755,800
7/11/33	6,878,500
8/12/33	8,939,700
4/14/34	18,814,100
5/31/34	20,651,100
7/7/34	22,520,000
8/14/34	24,193,900
7/2/35	28,599,600
5/29/36	32,040,600
6/1/37	36,914,900
8/2/37	38,075,900
9/1/37	37,719,100
1/20/38	42,506,000
8/1/39	52,403,200
11/18/39	53,164,000
2/25/40	54,061,400
6/16/40	54,867,900
7/12/40	55,219,900

With reference to the above meter readings.

When the Monument was transferred from the Forest Service to the National Park Service, July 1, 1934, there were several leaks in the water line in the Public Camp Grounds. These leaks were all repaired during August of the same year.

Therefore the readings for the period between Nov.30, 1932 and August 14,1934 are in excess of what was actually used at the Monument.

Thos. A. Stathey
Acting Custodian

07-12-1940: memorandum to acting superintendent from acting custodian regarding report of the water used at the swinging bridg

TIMPANOGOS CAVE NATIONAL MONUMENT, UTAH

Travel by Month & Year



Mounth: YEAR	Jan:	Feb:	March:	April:	May:	June:	July:	Aug.:	Sept.:	Oct.:	Nov.:	Dec.:	TOTALS
1931	4:	:	10:	166:	939:	1434:	2160:	1936:	788:	196:	20:	:	7,653
1932	:	:	:	67 passes issued during year included with total 6:	264:	681:	2008:	1170:	596:	195:	13:	:	5,000
1933	No record kept month by month during the season of 1933										:	:	3,962
1934	:	:	:	:	156:	378:	721:	1502:	1040:	976:	334:	:	:	5,107
1 5	:	:	:	:	75:	386:	820:	1876:	1587:	1017:	367:	11:	25:	6,164
1936	:	:	:	21:	87:	951:	1536:	2719:	2678:	1351:	352:	15:	3:	9,713
1937	:	:	:	3:	21:	1360:	1676:	2870:	2990:	1667:	534:	34:	6:	11,161
1938	:	2:	:	69:	310:	1424:	2031:	3720:	3076:	1602:	216:	9:	5:	12,464
1939	:	3:	2:	15:	313:	2277:	1739:	3627:	2658:	1208:	284:	88:	62:	12,276
1940	:	:	:	220:	352:	1908:	1775:	:	:	:	:	:	:	

The Above is the travel by month and year to aid in figuring the water use At Timpanogos Cave National Monument, Utah, since the Swinging Bridge spring water has been in use here.

Thomas A. Walker
Acting Custodian

P.S. The application number of the cave water rights is 10,840 at the State Engineers Office, and we are entitled to 1/16 of a second ft. of water.

The description of the ~~the~~ water system location is as follows, Beginning at a point N 56°22' E13,870 ft. from S. W. corner of section 32 T 4S R 2E thense north 51° 45' East 2,831 ft.

Other Supporting Information

L54

Region Three
Santa Fe, New Mexico

Feb. 7

Memorandum

To: Director

From: Assistant Regional Director

Subject: Amendment of Water Rights and Claims, Swinging Bridge Canyon Springs - Swinging Bridge Canyon Creek - Docket No. 1, Timpanogos Cave National Monument

Since receipt of Mr. Price's memorandum of November 2, 1956, we have attempted to get data in proper condition to present to the State Engineer in order to obtain a recorded right to make use of the full 1/16 sec. foot of water which we feel we are entitled to and which it was the intent of the now defunct Timpanogos Cave Committee to transfer to our Service.

In February, 1957, Superintendent Walker and Mr. Kell conferred with Field Solicitor McMaster, Salt Lake City. Superintendent Walker has since unearthed old files that support the intention of the Cave Committee to assign and transfer water rights to our Service.

Mr. Barton will write a short brief for the use of Mr. McMaster, showing that the so-called assignment of September 10, 1941 is good and sufficient as a deed of conveyance. If we can persuade the State Engineer to recognize that transfer to the United States, then we are at least in the position of having a recorded right to 1/32 c.f.s. from Swinging Bridge Canyon Spring. The only amendment needed as far as that 1/32 c.f.s. is concerned would be to show the new point of diversion and re-describe the new diversion and distribution works, which have been constructed and are now in use.

Park Engineer George Johnston has made three trips to Timpanogos Cave to collect data covering the extension of the water system as it is now in operation. We have attached preliminary prints of the unnumbered drawing prepared by Mr. Johnston for Mr. Dunn's review and suggested corrections. We also have sent prints to Superintendent Walker in order that he may review them and if possible, mark in red the "new construction" not shown on previous drawings.

On January 22, 1958, Superintendent Walker phoned to report the Utah Power and Light Company had removed its plant nearest

the monument and therefore had eliminated its non-consumptive use at this point. At that time, Field Solicitor Barton and Mr. Kell talked with Superintendent Walker by phone and recommended he consult Field Solicitor McMaster regarding clarification of our right with the hope we can convince the State Engineer and the Attorney General of Utah of our right to 1/16 sec. foot at one source, rather than 1/16 c.f.s. split between Swinging Bridge Canyon (1/32) and Cave Spring (1/32), which latter amount was deeded away to American Fork City.

As the result of the telephone conversation with Mr. Barton and Mr. Kell, Superintendent Walker met with Field Solicitor McMaster on January 31 at Salt Lake City. McMaster believes we will need to file for change of diversion from the Cave Camp Spring to the Swinging Bridge Area and this change should also include the new collection and distribution system as now constructed. We hope that Mr. McMaster did not overlook the fact that our Service deeded away 1/32 sec. foot from Cave Spring, by deed of April 9, 1948, and now has no record title to the 1/32 sec. foot at Cave Camp Spring.

You will note in the attached copy of Superintendent Walker's memorandum of February 1, reporting his meeting with Field Solicitor McMaster, that a date of February 24 has been set for the proposed meeting in Salt Lake City. In addition to Field Solicitor McMaster and Superintendent Walker, the State Engineer, Attorney General of Utah, City Manager for American Fork City, Utah, will be present. Mr. McMaster needs the George Johnston map completed by the time of the meeting (February 24).

If, after the discussion at the meeting, there is no possibility of the State Engineer permitting a change of use of any part of American Fork City's appropriation of 1.5 sec. feet of the waters of Swinging Bridge Canyon Creek under Application 10833, Certificate 3025, then it may be that the State Engineer's suggestion in the fourth paragraph of his letter of August 14, 1956, addressed to the Washington Office, in care of Mr. Dunn, that the water right deed of April 9, 1948 should be voided (presumably by a deed of mutual rescission), should be carried out. If the State Engineer will not permit a change from the non-consumptive to a consumptive use even to the extent of 1/32 c.f.s., it appears to us that the mutual consideration recited in the deed of April 9, 1948 has permanently failed.

It is our intention to have Mr. Kell attend the meeting in Salt Lake City on February 24. It would be helpful if Mr. Dunn could arrange to be present, too. Mr. Barton will be unable to attend since Mr. McMaster is believed to be at least equally capable and is situated nearer to the area involved. Mr. Barton will prepare the short brief mentioned earlier.

Harthon L. Bill
Assistant Regional Director

In duplicate
Attachments - 3 (2 prints)

Copy to: Supt., Timpanogos Cave w/2 prints
WODM, w/1 print
Field Solicitor Barton

02-01-1958: memorandum to regional chief of lands from superintendent regarding change of water from the cave camp spring to

IN REPLY REFER TO:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Timpanogos Cave National Monument

American Fork, Utah

February 1, 1958

Memorandum

To: Regional Chief of Lands

From: Superintendent, Timpanogos Cave

Subject: Meeting with Solicitor McMasters on water right changes

I met with Mr. McMasters in Salt Lake City yesterday. The soonest that a meeting of all interested parties could be arranged was February 24. At that time Mr. McMasters would like to have the drawing that George Johnston is working on.

Mr. McMasters opinion is, we will have to file for a change of the 1/32 c.f. of water from the Cave Camp Spring to the Swinging Bridge area; and that this change should also include the new collection system and that the water is now used at the headquarters area.

Thomas A. Walker
Superintendent

RECEIVED
NPS
FEB

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

WR Copy
L54-L

AIR MAIL

SPECIAL DELIVERY

February 19, 1958

Memorandum

To: Regional Chief of Lands, Region Three

From: Chief, Water Resources Section

Subject: Amendment of Water Rights and Claims, Swinging Bridge Canyon Springs, Docket 1, Timpanogos Cave

This is a confirmation of my telephone discussion with you and Mr. Barton on February 14, concerning the memorandum of February 17 to the Director from Mr. Bill, and the weir measurements you sent to me with inter-office memorandum of the same date. The order of discussion is somewhat altered and expanded to clarify the conclusions.

I shall not attempt to attend the conference of February 24 in Salt Lake City with you, Field Solicitor McMaster, the Superintendent, new State Engineer, and State Attorney General or his representative. The Chief of Lands and I both consider it inadvisable for me to leave here at this time.

This Service has filed the Assignment of September 10, 1941, from the Cave Committee to the United States; and the Water Right Deed of April 9, 1948, which was signed by the Director and Mayor of American Fork City, and approved by the Chairman of the Cave Committee, with the State Engineer. There have been at least four State Engineers, with varied opinions as to the acceptability of one or both of the instruments. I think it was State Engineer Watson who agreed to accept both instruments. The resolution of this matter seems to be a legal matter, to which I could contribute little, and for which I only need the answer. Then, the rest of the problem should be resolved before the present State Engineer and Attorney General are replaced.

The Water Right Deed constitutes an exchange of Federal (or Cave Committee) rights to 1/32 (0.03125) sec.ft. of waters of Cave Spring for consumptive, domestic use at the Monument, for an equal amount of the American Fork City rights to waters of Swinging Bridge Canyon, including the springs, for nonconsumptive power purposes. The Federal rights to Cave Spring, and another 0.03125 sec.ft. of water of Swinging Bridge Canyon spring water were based on

Application 10840, Certificate 2038, with priority of February 24, 1930; while the American Fork City rights to 1.50 sec.ft. of the water of Swinging Bridge Canyon were based on Application 10833, Certificate 3025, with priority of February 10, 1930.

I came into the picture after the rights were perfected, decided that in any exchange the United States should have at least a date of priority equal to that of American Fork City to the water of Swinging Bridge Canyon, and found that the Secretary of the Cave Committee had not realized that the City had a priority that was senior by two weeks. He was also certain that the original intent had been to give the senior priority to the water from both sources for the Monument. There has never been a meeting of all who are interested, including me, but I am quite certain that it was the intent of the Cave Committee and American Fork City to assign a right to 0.03125 sec.ft. of water of Swinging Bridge Canyon for domestic purposes with priority of February 10, 1930, by the Water Right Deed; and to recognize that the existing Federal rights to 0.03125 sec.ft. of the same source had the priority of preferred, domestic use despite the fact that Application 10840 was filed on February 24, 1930, after Application 10833 was filed on February 10, 1930. That is, there was to be no compensation when the United States exercised full rights to 2/32 (0.0625) sec.ft. of the water of Swinging Bridge Canyon, including the springs, without regard to possible shortages in the flow to satisfy all rights under Certificates 2038 and 3025. There seems to be some ambiguity in the Water Right Deed, and it may be necessary to consider the spirit of the instrument, and obtain City confirmation of the intent, in writing. This also seems to be a matter that you and the attorneys can resolve without me, and for which I only need the confirmation, either by legal interpretation or further written statement from the City.

As a third point, the State Engineer has taken exception to our apparent attempt to convert rights to 0.03125 sec.ft. of water of Swinging Bridge Canyon, which have been used nonconsumptively for power, into equivalent rights to the use of the water for consumptive, domestic purposes at the Monument. I do not believe that any such conversion is involved. The United States (or Cave Committee) had rights to 0.0625 sec.ft. of water for consumptive, domestic purposes, of which half was to be diverted from Swinging Bridge Canyon and half was to be diverted from Cave Spring, under Certificate 2038. To be sure, American Fork City only had the right to divert 1.5 sec.ft. of water of Swinging Bridge Canyon for nonconsumptive power purposes. However, so farm I knew at the time of negotiations until April 9, 1948, American Fork City also had rights under Application 10576 to 3.0 sec.ft. of the water of Cave Spring, claiming 1.9 sec.ft. for consumptive

irrigation purposes and 1.1 sec.ft. for nonconsumptive power purposes. I have subsequently learned that this claim was amended, apparently under Application a-1685, limited to 1.18 sec.ft. and licensed in 1946, under Certificate 3046, for consumptive, municipal purposes with a priority of January 7, 1929.

This Service, the City, the Committee (and I think the Utah Power and Light Co., was brought into the negotiations between the Committee and City) all knew that the entire 0.0625 sec.ft. of water used at the Monument was for domestic purposes, for a public who also did some business in the City. It was also evident that by the taking of all water from Swinging Bridge Canyon, for the Monument, the City was free to use all water of Cave Spring without protest. The only injured person was the Power Co. which would lose the practically unmeasurable flow of 0.03125 sec.ft. of water from Swinging Bridge Canyon for its upper power plant. to which I think it agreed. It is now also reported to have abandoned that upper power plant.

To all intents and purposes, therefore, the City merely agreed, by the Water Right Deed, to permit the United States to exercise the consumptive right, formerly attached to Cave Spring, from Swinging Bridge Canyon with the preferred domestic priority dated identically with the subordinate power priority of February 10, 1930; and the United States agreed to release its claim, not being exercised anyway, to any water of Cave Spring. The United States would still have the same total right to 0.0625 sec.ft. of water for consumptive use, and the City would have its right to 1.18 sec.ft. of water for consumptive use. Swinging Bridge Canyon and Cave Spring both being tributary to the American Fork above the upper power plant, now abandoned, or above the intake for the next lower power plant, there would be no resultant change in the amount of consumptive or nonconsumptive use of water on the Federal land between the various diversions, and the old upper power plant. This is the one point which I might be able to help clarify. However, three prints of Drawing 6981 are attached, which show the various water sources and water systems and rights, which should be sufficient with this explanation. Perhaps I should add that the Utah Power and Light Co. has had no right to waters of Cave Spring or Swinging Bridge Canyon in its own name.

If I have made myself clear, you, Mr. McMaster, and the State representatives should be able to resolve the interpretation of the Water Right Deed, and agree nominally with me. You may wish to have the further agreement of the City and Power Co. added to

your conclusions. This would require a further conference in American Fork City at a later date, and I do not see why I am needed until, or unless you strike a snag.

During the course of my attempts to validate the Water Right Deed by compliance with the State water laws, I have found that the State Engineer has a special form for nearly every conceivable form of amendment, and I do not yet know how many there are. So far as I knew at the start, the change would be on a Form for Change in Point of Diversion and Place and Purpose of Use under Applications 10833 and 10840, the change in purpose of use being unimportant. Attached are three copies of the two applications as submitted with letter of November 21, 1949. According to the Water Right Deed, the United States was to amend the rights of the City as well as its own. In due course the State Engineer advised that we should not request those changes, or use that Form, but should apply for an Exchange of Water, on another form which he then supplied. Attached are three copies of that application as submitted on August 6, 1954.

In submitting this application, we also returned the two applications of November 21, 1949. You should determine, on February 24, which of these forms should be used, or what other form seems more appropriate. All three applications are still being held by the State Engineer, without final action. We should obtain at least six of the proper form, because I believe that either of the two types of applications which have been submitted, now need revisions for reasons to be explained. I believe that the preparation and filing of the application is an administrative matter which should be handled by this office, and not by the Solicitor or Field Solicitor.

Contrary to the terms of the Water Right Deed, and entirely independently, American Fork City filed Application a-2922 on December 10, 1954, while our application of August 6, 1954, for Exchange of Water was under consideration by the State Engineer. Application a-2922 is like our rejected application of November 21, 1949. If it is accepted for a conversion from nonconsumptive to consumptive use of water, the Federal applications of November 21, 1949, should also be revised, resubmitted, and accepted, as the simplest form of compliance with the Water Right Deed. Mr. Burton advised on February 14 that the City application would not be accepted, however. Presumably either the Application for Exchange of Water, or some new form should be used.

In the second place, the City filed Application a-2922 because it was making changes in the water system, in part under a

permit 14-10-345-6 of July 1954, for land use, from this Service. There are changes in points of diversion from Swinging Bridge Canyon which should be identical in any applications for amendment of the rights of both the United States and the City. I do not see that it makes much difference whether both applications are made by the United States, or one is made by the City, despite the Water Right Deed, but the two applications should agree as to common points of diversion and portions of the pipeline that are shared. We have requested a print of the plan of the new pipeline which has been constructed by the City. We have received Drawing D-3741 and a Drawing K-43-P-61 for an Application a-1685, in two sheets, by Caldwell, Richards, and Sorenson. Drawing D-3741 does not show the whole pipeline from Swinging Bridge Canyon through the Monument to Cave Spring, or its ties to section corners. Drawing K-42-P-61, of June 1946, is apparently the proof map on an amendment before Certificate 3046 was granted. Before either Federal or City applications are filed, for further changes which will be acceptable to the State Engineer, they should be based on a mutually acceptable map of the water system. We should also have copies of Application a-1685. This is another reason for deferring the filing of any new applications.

Mr. Johnson was reported by you to be trying to reconcile Federal and City plans of their water systems. Attached are three prints of Drawing 6982 which I prepared to show errors in the old ties, and probably pipeline alignment, made before the 1937 BLM survey of section 27 and the Monument. I believe there may also be errors in the map filed in proof under Application 10833 for Certificate 3025. Also attached is one print of the BLM plat of the township, based on 1937 survey, as approved on May 17, 1945. Note that Drawing 6981 is based on the later BLM survey and plat, and all ties can now be given to corners of section 27 with much greater accuracy. I believe that previous Park Service surveys have been sufficiently accurate, and Mr. Johnson would waste his time in trying to agree with City maps, if the latter are based on the use of any part of the old surveys and maps. However, we do need the ties by which to project the City maps, including D-3741 and the alignment through the Monument under SUP 14-10-345-6 onto our Drawing 6981.

You advised in Mr. Bill's memorandum and subsequent conversation that Field Solicitor McMaster proposed to file an application and needed Mr. Johnson's proposed map. I have already suggested that the filing should be made by this Service after further integration with City maps and applications. There is also a suggestion that Mr. McMaster does not realize that no map is filed with applications in Utah. They are part of the proof for the final license or

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

certificate. I do think he needs a map, and that Drawing 6982 is the best, even if not up-to-date on City changes, for discussion purposes. He also needs the copies of the three applications which we have filed, for discussion. These instruments are all attached in triplicate so that you may distribute them for permanent retention. Single copies are being sent to the Regional Office and Monument for their permanent records.

We are also attaching three typed copies of the weir measurement which you submitted, with the conversion from water depth to second feet, which we have added. As stated on the phone, I do not have sufficient information on the turbulence in the weir box, the result of added baffle, or why water "spills" at six inches with a weir depth of 12 inches. I conclude that any measurements may be 10% to 20% in error. However, it is clear that the diverted flow usually varies between about 0.167 sec.ft. and 0.703 sec.ft. and the flow during the tourist season was between 0.25 sec.ft. and 0.33 sec.ft. This is far below the combined licensed rights under Certificates 2038 and 3025 to 1.53125 sec.ft. It is possible that more water can be obtained by eliminating water consuming vegetation above the diversions, and by extending diversions to the sources to reduce seepage and evaporation. However, it can be seen that only the rights with priority of February 10, 1930, have any value except to the extent that the rights of February 24 are given preferred status because they are exercised for preferred domestic purposes. These computed flows are from table in Measuring Water for Irrigation by J. E. Christiansen, Bulletin 588 of March 1935, of University of California, College of Agriculture, Agricultural Experiment Station, Berkeley, California. I am not sure whether the excellent publication is still available, but you might make inquiry. We are surprised that you report that you have no tables for Cipolletti weirs because we have sent all three western regions one or more copies of Measuring Water in Irrigation Channels, Farmers' Bulletin No. 1683, U. S. Department of Agriculture, revised 1941. Both publications give tables for Parshall Flumes, and various types of weirs, but Bulletin 588 carries the values to greater refinement.

I assume that you or the Superintendent have taken Docket 1 and Alien Water Right 1, with copies of assignment, water right deed and original applications and licenses.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Chief, WODC
Mr. Dunn
AvVDunn:let

Attachments (in triplicate)

Copy to: Regional Director, Region Three)W/C of Drawing 6981 & 6983, 3 ~~3~~ deed
Superintendent, Timpanogos Cave)& previously submitted applications &
copy of weir measurements

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

WATER MEASUREMENTS IN SWINGING BRIDGE

Date December 1953	Water Measurements in Inches	Flow in Cubic Feet Per Second	Date January 1954	Water Measurements in Inches	Flow in Cubic Feet Per Second
1	2 1/8	0.247	1	2 3/4	0.374
2	2 1/8	0.247	2	3 3/4	0.586
3	2 1/8	0.247	3	3 1/16	0.436
4	2 1/8	0.247	4	3 1/8	0.449
5	2 1/8	0.247	5	3 1/8	0.449
6	2 1/4	0.280	6	3 3/8	0.502
7	2 1/4	0.280	7	3 7/8	0.630
8	2 1/4	0.280	8	3 5/8	0.557
9	2 1/4	0.280	9	3 5/8	0.557
10	2 1/4	0.280	10	3 1/8	0.449
11	2 3/8	0.302	11	3 1/8	0.449
#4 12	1 5/8	0.167	12	3 1/8	0.449
13	1 7/8	0.205	13	3 1/8	0.449
14	2 5/16	0.291	14	3 1/4	0.475
15	2 5/8	0.349	15	3 1/4	0.475
16	3 1/16	0.436	16	3 3/8	0.502
17	3 3/16	0.462	17	3 3/8	0.502
18	3 1/4	0.475	18	3 1/2	0.529
19	3 3/8	0.502	19	3 1/2	0.529
20	3 3/4	0.586	20	3 3/8	0.502
21	2 3/4	0.374	21	3 3/8	0.502
22	2 3/4	0.374	22	3 3/8	0.502
23	2 3/4	0.374	23	3 1/2	0.529
24	2 5/8	0.349	24	3 1/2	0.529
25	2 5/8	0.349	25	3 1/2	0.529
26	2 9/16	0.336	26	3 3/8	0.502
27	2 5/8	0.349	27	3 3/8	0.502
28	2 9/16	0.336	28	3 1/2	0.529
29	2 9/16	0.336	29	3 1/2	0.529
30	2 3/4	0.374			
31	2 11/16	0.361			

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

WATER MEASUREMENTS IN SWINGING BRIDGE

Date February 1954	Water Measurements in Inches	Flow in Cubic Feet Per Second
1	3 3/8	0.502
2	3 3/8	0.502
3	3 3/8	0.502
4	3 3/8	0.502
5	3 3/8	0.502
8	3 3/8	0.502
9	3 3/8	0.502
10	3 3/8	0.502
11	3 1/2	0.529
12	3 5/8	0.557
13	3 5/8	0.557
14	3 5/8	0.557
15	3 5/8	0.557
16	3 5/8	0.557
17	3 5/8	0.557
19	3 5/8	0.557
22	3 5/8	0.557
23	3 5/8	0.557
24	3 5/8	0.557
25	3 5/8	0.557
26	3 5/8	0.557

Date March 1954	Water Measurements in Inches	Flow in Cubic Feet Per Second
1	3 5/8	0.557
2	3 5/8	0.557
3	3 5/8	0.557
4	3 5/8	0.557
5	3 1/2	0.529
6	3 1/2	0.529
7	3 5/8	0.557
8	3 5/8	0.557
#1 9	Overflow in upper box of old original system 3 7/8 inches of water over this weir always brought it up to overflow	
22	Water turned in new system-new box constructed by NPS with same size weir	
#2 22	4 1/2	0.783
23	4 1/2	0.783
24	4 1/2	0.783
25	4 1/2	0.783
29	6 to 6 1/2 overflowing New pipe and system will take 4 7/8 to 5" of water over weir.	

Overflow continued until after May 27, 1954.

June 17	2 1/2	0.324
28	2 5/8	0.349
July 12	2 1/2	0.324
28	2 1/4	0.280
August 17	2 1/8	0.248
27	2 1/8	0.248
September 8	2 3/8	0.302
27	2 5/8	0.349
October 8	2 1/2	0.324
27	2 5/8	0.349
November 15	3 1/8	0.449
December 5	3 1/4	0.475
22	2 1/8	0.248
29	2 1/8	0.248

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

WATER MEASUREMENTS IN SWINGING BRIDGE

Date Month	Day	Year	Water Measurements in Inches	Flow in Cubic Feet Per Second
1	3	1955	3	0.423
	21		2 1/4	0.280
	30		2 5/16	0.291
2	7		2 5/16	0.291
	18		3 1/2	0.529
3	3		3 5/8	0.557
	18		3 1/8	0.449
	31		4 1/8	0.690
4	9		5" overflow started this P.M. Tests made on how much water the pipe would carry. If gate to NPS storage tanks closed 5" of water will still flow into system if NPS gate is open 5 3/8 to 5 1/2 inches will flow into system. Overflow or spill continued until after June 22	
6	27		4 1/8	0.690
7	6		2 5/8	0.349
	27		2 1/4	0.280
	29		2 1/8	0.248
8	10		2 1/8	0.248
10	10		1 7/8	0.206
	26		1 7/8	0.206
11	16		2 1/8	0.248
	20		2 1/4	0.280
	30		2 1/4	0.280
12	18		3 7/8	0.630
	23		6	Overflow
	24		6	Overflow
	25		6	Overflow
1	3	1956	4 1/4	0.720
	11		2 11/16	0.361
	15 to 20		Overflow	
	21		4 7/16	0.767
	23		Overflow	
	30		3 5/16	0.489
2	7		2 5/16	0.291
	16		2 3/4	0.374
3	12		3 7/8	0.630
	18		4 5/16	0.735
	19		Overflow until after May 29, 1956	
6	2		4 1/2	0.783
	11		3 1/2	0.529
	21		2 1/2	0.324

02-19-1958: memorandum to regional chief of lands from chief; water resources section regarding amendment of water rights and

WATER MEASUREMENTS IN SWINGING BRIDGE

Date Month - Day - Year			Water Measurements in Inches	Flow in Cubic Feet Per Second
7	18	1956	2 3/16	0.258
8	10		2 1/8	0.248
9	21		1 15/16	0.216
10	19		1 15/16	0.216
	26		2	0.
11	23		1 15/16	0.216
12	12		2	0.227
1	16	1957	2	0.227
	31		1 7/8	0.206
2	11		2	0.227
	26		3 3/4	0.586
3	4		3 1/2	0.529
	18		3 3/4	0.586
	27		3 7/8	0.630
	30		Overflow continued until July 2, 1957	
7	30		3 7/8	0.630
8	26		2 15/16	0.386
9	18		2 5/8	0.349
10	10		2 3/8	0.302
11	5		2 5/8	0.349
	15		2 5/8	0.349
12	5		2 5/8	0.349
	16		4 1/4	0.720
1	6	1958	3 3/8	0.502
	17		3/58	0.557

Maximums (measurable with weir) - 4 1/2" head equals 0.783 c.f.s. occur March 21st to 25th, 1954 inclusive and again on June 2, 1956.

Overflow somehow occurs whenever depth at weir exceeds this, although weir height is 12 inches.

Minimum flow occurred December 12, 1953.

Weir head 1 5/8" or flow equals 0.167 c.f.s.

08-01-1946: letter from chief of water rights division regarding exchange of water rights

Mr. Sanders. August 1, 1946.

Mr. Dunn.

Exchange of water rights at Timpanogos Cave National Monument.

The attached justification seems to warrant acceptance by the United States.

I think I sent certified copies of Application 10833 and Certificate 3025 to Zion National Park in 1942 and have sent airmail request to have them returned. These should be here by about August 5 to 7. Hence, you should draft memo to the Secretary on that basis.

AvVD:sh.
Attachment.

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

08-01-1946: letter from chief of water resources section regarding justification for agreement in connection with deed from america

August 1, 1946.

Justification for agreement in connection with deed from American Fork City to United States conveying 1/32 sec. ft. of water rights under Certificate 3025.

Cave Spring was only used as a water supply for Timpanogos Cave National Monument from the establishment of that Monument on October 14, 1922, until the winter of 1929-30, and its use was abandoned during that winter because it was too low to provide a gravity flow to the developments being made by the Timpanogos Cave Committee and the National Park Service.

During the winter of 1929-30 a new water system was built to divert water from Swinging Bridge Canyon Spring, and this system, with extensions from time to time, has been the sole source of supply for Timpanogos Cave since February 14, 1930.

Due to unknown causes, the Timpanogos Cave Committee perfected rights in accordance with the older installation, neglecting to change the point of diversion of any priority which might accrue from early use of Cave Spring, to the new system. It is essential, therefore, that the United States obtain a right to divert the 1/32 sec. ft. formerly diverted from Cave Spring, from Swinging Bridge Canyon Spring.

When the Timpanogos Cave Committee and the American Fork City initiated their respective claims under Applications 10840 and 10833, respectively, it was understood that the filings would be made to give preference to the Committee for the National Monument, but the reverse effect was obtained through certain technicalities. Therefore, to transfer the rights under Application 10840, Certificate 2036, from Cave Spring to Swinging Bridge Canyon at this time would produce a junior right of negligible value because no water could be diverted until rights under Certificate No. 3025 were satisfied. The initiation of an entirely new right by original application and proof of construction and use would have even less value because of the intervening claims to the spring.

By the attached deed, the American Fork City agrees to convey 1/32 second foot of rights under its Certificate No. 3025 to the United States on condition that the latter, in declaring abandonment of its claims to Cave Spring will permit it to acquire the priority so being abandoned.

The United States must amend the rights under Certificate No. 3025 to permit use at Timpanogos Cave when it acquires title. It can also change the place of use of the equivalent rights to Cave Spring to American Fork City at no extra cost to the United States.

Therefore, by accepting this deed, the United States will lose no rights which are not already subject to lapse from nonuse since February 1930 (rights lapse through 5 years of nonuse, unless interest is declared to resume use within additional 5 years, and United States did not make declaration), and will gain a right to 1/52 second foot of water from Swinging Bridge Canyon Spring with a priority equal to that of American Fork City and senior to its own existing rights to use said spring.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

07-19-1948: letter to chief; water resources branch from chief deputy regarding correct deductions

COPY

UTAH COUNTY
PROVO, UTAH

July 19, 1948

Timpanogos Cave

United States
Dept. of the Interior
National Park Service

Attention: A. Van V. Dunn, Chief
Water Resources Branch

Dear Sir:

Replying to your letter of the 15th for which we thank you. Your deductions were correct and appreciated.

May we again thank you for your prompt attention.

Respectfully,

Mildred E. Ream
Utah County Recorder

(Sgd)W. H. Bufton

By Wm. H. Bufton, Chief Deputy

WHB/pkw

07-15-1948: letter to utah county recorder from chief; water resources section regarding requested return of the water deed which

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 15, 1948.

Miss Mildred S. Hess,
Utah County Recorder,
Provo, Utah.

My dear Miss Hess:

We have your letter of July 10, signed by W. H. Bufton, requesting return of the Water Deed which was previously sent for recording with our purchase order No. 273-S, because you failed to record the deed. You acknowledge receipt of Federal check No. 69-041,139.

The deed was returned to us, through our Regional Office in Santa Fe, and bears your imprint of Entry No. 4787, recorded on pages 415-18 of Book 302 of Deeds on May 18, 1948, at the request of Thomas A Walker. The deed relates to an exchange of water right priorities on Cave Spring and Swinging Bridge Canyon, by American Fork City and the United States.

We believe that you may have confused the identity because of local action by Mr. Walker, who is Custodian of Timpanogos Cave National Monument, and payment of the recording fee by this Office. It is requested, therefore, that you verify your records, and the identity of the instrument, before we consider return of the original deed.

Sincerely yours,

(SGD.) A. VAN V. DUNN

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

AvVD:sh.

cc: Regional Director, Region Three (3).
Mr. Neilson.



07-10-1948: letter to nps from utah county recorder regarding purchase order 273: received check 69-041, 139 to cover due bill 30

C O P Y

UTAH COUNTY

PROVO, UTAH

July 10, 1948.

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

Attention: Mr. Dunn

Dear Sir:

On May 18th we mailed your Dept. Due Bill #3033. Your purchase Order #273 D, and received cheque #69-041,139 in the amount of $1.90 to cover due bill #3033 to pay for recording of Water Right Deed.

Through error we billed Salt Lake and they in turn returned the Water Deed and Billing to this office; so instead of mailing you the Billing only, we also, in error, enclosed the Water Deed.

Would you kindly return the Water Deed to this office so that it can be recorded.

Thanking you in advance for this favour.

Respectfully,

Mildred E. Ream
Utah County Recorder

(Sgd) W. H. Bufton

By W. H. Bufton
Chief Deputy

WHB/brm

07-07-1948: memorandum to director from associate regional director regarding original water rights deed between u.s. and ameri

COPY

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

Limpanogos Cave.

July 7, 1948.

Registered Mail.

MEMORANDUM for the Director.

There is enclosed the original of water rights deed between the United States and American Fork City, Utah. This deed has been recorded in Utah County as requested in Mr. Demaray's memorandum of April 27. The duplicate original has been turned over to American Fork City.

(Sgd.) P. P. Patraw.

P. P. Patraw,
Associate Regional Director.

Enclosure 2954717.
cc: Supt., Zion.

04-07-1948: memorandum to director from chief counsel regarding execution of water rights deed between the u.s. and american f

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

April 7, 1948.

Memorandum

To: The Director.

From: The Chief Counsel.

Subject: Execution of Water Rights Deed between the United States and American Fork City, Utah, effecting a change in the point of diversion of a portion of the water supply for Timpanogos Cave National Monument.

Timpanogos Cave, a natural cavern situated upon then unsurveyed lands within the Wasatch National Forest in Utah, was established as a national monument by Proclamation No. 1640, dated October 14, 1922 (42 Stat. 2285). Prior to the transfer of jurisdiction over the Monument to this Service by Executive Order No. 6166, June 10, 1933 (5 U.S.C. secs. 124-132), it was administered by the Forest Service of the Department of Agriculture. While the Monument was being so administered, Timpanogos Cave was operated by the Timpanogos Cave Committee, an unincorporated, non-profit association, of American Fork, Utah, under arrangements with the Forest Service which permitted the Cave Committee to conduct guided tours through Timpanogos Cave, collect fees therefor, and expend the revenues for supplies and services necessary to the operation, maintenance, and development of the Monument.

From shortly after the establishment of the Monument in 1922 until the winter of 1929-30, Cave Camp Spring, situated within the Monument, was used as a source of water supply. The use of this spring was abandoned during the winter of 1929-30 because the spring was too low to provide a gravity flow to certain developments being made by the Timpanogos Cave Committee.

During the winter of 1929-30, a new water system was constructed to divert water from Swinging Bridge Canyon Spring, located outside the Monument boundaries, and this system, with extensions from time to time, has been the sole source of the water supply for Timpanogos Cave National Monument since February, 1930.

Due to unknown causes, the Timpanogos Cave Committee perfected its water rights partially in accordance with the older installation and neglected to change the point of diversion of any priority which might have accrued from early use of Cave Camp Spring, to the new system. An

a result, the Timpanogos Cave Committee obtained under Water Right Application No. 10040, Certificate No. 2038, the right to divert 1/32 of a second-foot of water from Cave Camp Spring and 1/32 of a second-foot from Swinging Bridge Canyon Spring, with priority of February 24, 1930. Meanwhile, American Fork City, under Application No. 10033, Certificate No. 3025, had perfected a right to divert 1.5 second feet of water from Swinging Bridge Canyon Spring with a priority of February 10, 1930.

By an instrument dated September 10, 1941, the Timpanogos Cave Committee transferred and assigned to the United States, as a donation, all water rights obtained by it under Application No. 10040, and the United States thereby became the owner of 1/32 of a second-foot of water from Cave Camp Spring and an equal quantity from Swinging Bridge Canyon Spring, with priority of February 24, 1930. The instrument of transfer has been duly recorded in Utah County in Book 365, Water Index, at pages 383-4.

It should be noted that American Fork City also has pending with the Utah State Engineer, Application No. 10578, with priority of January 7, 1929, under which it would perfect its right to divert 3.21 second feet of water from Cave Camp Spring. It is understood that the City has not as yet perfected its proof of appropriation under this application or obtained a certificate, pending settlement of an adjudication. Undoubtedly, however, the City can make proof of the full flow of Cave Camp Spring at any time because it is using the water, while the 1/32 of a second-foot obtained by the Timpanogos Cave Committee under Certificate No. 2038 is not being used. Accordingly, even if the United States, as successor to the Timpanogos Cave Committee, sought to make its authorized use of Cave Camp Spring in the future, it could be denied such use during dry seasons if the American Fork City demanded the water under its senior priority.

It has been reported that when the Timpanogos Cave Committee and American Fork City initiated their water right claims under Applications Nos. 10040 and 10033, respectively, it was understood that the filings would be so made as to give preference to the Committee for use at the National Monument. Through some unexplained oversight or inadvertence, however, the opposite result has been obtained, leaving the United States with rights junior to those of American Fork City on both sources of water supply mentioned. Consequently, any attempt on behalf of the United States to transfer the rights under Application No. 10040, Certificate No. 2038, from Cave Camp Spring to Swinging Bridge Canyon Spring, and thereby consolidate its holdings, would merely produce a junior right of negligible value because no water could be diverted until rights enjoyed by American Fork City under Certificate No. 3025 were satisfied. The initiation of an entirely new right by original application and proof of construction and use would have even less value because of the intervening claims to the waters of Swinging Bridge Canyon Spring.

In these circumstances, and in an effort to protect and implement the water supply for Timpanogos Cave National Monument, this Service has conducted negotiations over a protracted period which have led to the execution of the attached Water Rights Deed under which American Fork City, a municipal corporation of the State of Utah, through its mayor, conveys to the United States of America 1/32 of a second-foot of water, under its Certificate No. 3025, in the waters of Swinging Bridge Canyon Creek or Spring, on condition that the United States, in effect, will abandon its claim to Cave Camp Spring waters and permit the City to acquire the priority so abandoned. While the instrument speaks of an exchange of water rights and purports to convey to the City, with the approval of the Timpanogos Cave Committee, the right to 1/32 of a second-foot of the waters of Cave Camp Spring, the United States will part with no rights which are not already subject to lapse from non-use since February, 1930. In Utah, the right to use appropriated waters ceases upon abandonment or cessation of use for a period of five years, unless extensions of time for a given cause shown are granted by the State Engineer for not exceeding five years each. No declaration of intention to resume use of the waters of Cave Camp Spring under Certificate No. 2038 was ever filed by the Timpanogos Cave Committee or the United States. By relinquishing and transferring of record to American Fork City its paper right to 1/32 of a second-foot of water from Cave Camp Spring, under Certificate No. 2038, which cannot be enjoyed by the Monument because it is below the elevation of the water facilities where it might be used, the United States acquires a valid and subsisting right to 1/32 of a second-foot of water from Swinging Bridge Canyon Creek, or Spring, with a priority equal to that of American Fork City and senior to its own existing rights to use 1/32 of a second-foot of the waters of that spring. In the final analysis, therefore, the Water Rights Deed accomplishes a donation from American Fork City to the United States of the right to 1/32 of a second-foot of the waters of Swinging Bridge Canyon Spring, the donation being one for acceptance by you on behalf of the United States under authority contained in the act of June 5, 1920 (41 Stat. 917; 16 U.S.C. sec. 6), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361).

Attached to the Water Rights Deed are several reports and exhibits which may be helpful to a better understanding of this proposal. It may be added that the Timpanogos Cave Committee cooperated extensively and contributed much toward concluding satisfactory arrangements with American Fork City concerning the distribution of the waters from Cave Camp Spring and Swinging Bridge Canyon Spring between the City and the Monument. The Committee relinquished active administration of Timpanogos Cave National Monument to this Service on January 1, 1947, following a voluntary cancellation of its special use permit as of the preceding day.

It is recommended that the Water Rights Deed be executed by you on behalf of the United States, in duplicate, thereby effecting an admirable

solution of a water rights problem which, in part, has prevented development of Timpanogos Cave National Monument for several years.

(SGD.) JACKSON E. PRICE
Chief Counsel.

Enclosure 686.

Deed executed by

(SGD) Newton B. Drury
Director,
National Park Service.

cc: Regional Director, Region Three.
Supt., Zion-Bryce Canyon.
Custodian, Timpanogos Cave.
Mr. Wirth.
Mr. Dunn.
Mr. Price.
AFR:rd

06-20-1947: memorandum to director from chief regarding reasons why the attached water right deed of exchange between ameri

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

Timpanogos Cave.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

June 20, 1947.

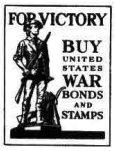
MEMORANDUM for the Director.

The attached Water Right Deed of exchange between American Fork City and the United States should be executed and accepted by the Secretary for the following reasons.

1. The right to 1/32 of a second-foot of water from Cave Camp Spring, under Certificate No. 2038, which the United States will convey thereby, cannot be enjoyed by the Monument because it is below the water facilities where it might be used, such as the fixtures in the custodian's residence and public comfort stations and drinking fountains, and would require pumping, for which there are no facilities.

2. Even though the Certificate No. 2038, with priority of February 24, 1930, has been issued, this right is junior to those under Application No. 10578, with priority of January 7, 1929, provided the American Fork City perfects its proof and obtains a final certificate. That City can make proof of the full flow of Cave Camp Spring at any time because it is using the water, and the United States is not using the 1/32 of a second-foot under Certificate No. 2038 which would offer the one argument for limiting the rights of the City. As a result, even if the United States were to make its authorized use of Cave Camp Spring hereafter, it could be denied such use during dry seasons if the American Fork City demanded the water under its senior priority.

3. If the United States were to transfer its rights in Cave Camp Spring to its diversion in Swinging Bridge Canyon, they, and the rights to 1/32 of a second-foot of waters of Swinging Bridge Canyon Creek (the waters of which are variously referred to as springs or the stream therefrom), are, and would still be, junior to the rights of American Fork City in that source under Certificate No. 3025 with priority of February 10, 1930. The United States can be denied any water under Certificate No. 2038 at any time when the flow is less than 1.5 second-feet to which American Fork City has rights under Certificate No. 3025.



4. By acquiring 1/32 of a second-foot of water from Swinging Bridge Canyon under Certificate No. 3025, from American Fork City

by the attached Water Right Deed of exchange, the United States will acquire part of the senior right to waters of Swinging Bridge Canyon. This interest will assure the United States a right to some water from Swinging Bridge Canyon at any time when there is a flow of water at its headgate. This deed, therefore, is essential if the United States is to use water at times of drought, a use which may be denied unless the deed is accepted.

As Exhibit A, Timpanogos Cave Deed No. 2 is attached, which includes the record of water right perfection under Certificate No. 2038 and its conveyance to the United States by the Timpanogos Cave Committee. The plan included therein shows the profiles of the pipe lines from the Swinging Bridge Diversion, and Cave Camp Spring to the store at the headquarters of the Monument. The area between Cave Camp Spring, the store, and the adjacent bridge over American Fork Creek, is the lowest portion of the Monument, the bridge being on the west boundary of the Monument.

As Exhibit B, there is attached an advance print of drawing No. NM-TC-6961 which shows the same pipe line from Swinging Bridge Canyon, the related pipe lines of American Fork City and the Utah Power and Light Company, and their relation to the boundaries of Timpanogos Cave. It also shows the proposed Administration and Campground Areas at the northeast corner of the Monument, and the pipe lines to serve them, which are considerably higher than Cave Camp Spring, as may be noticed by comparing this drawing with the profile and plan in aforesaid Deed No. 2.

Alien Water Right Assembly No. 1, comprising the records of rights to the waters of Swinging Bridge Canyon under Certificate No. 3025 and to Cave Camp Spring (designated as Unnamed Spring in American Fork Canyon) under Permit No. 10578, are attached as Exhibit C.

Alien Water Right No. 2 is attached as Exhibit D, and comprises the water rights of the Utah Power and Light Company under Certificate No. 731, and Federal Power Permit No. 696. Particular attention is called to the letter of May 28, 1947, from the Secretary of the Federal Power Commission to the effect that the Company does not have an interest in the Swinging Bridge Canyon waters.

The Water Right Deed of exchange, therefore, involves an exchange of rights to equal quantities of water, and a gain in values to the

United States, in both priority and elevation of the source of supply. There is no equivalent exchange of funds for these values, it being the intent of the American Fork City to donate the increased values for the benefit of the public.

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

AvVD:sh.
Enclosure 612.

06-17-1946: memorandum to regional director from superintendent regarding water right deed which exchanges water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

June 17, 1946.

Registered Mail

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the enclosed letter of June 5 from Mr. Meredith of the Timpanogos Cave Committee which has attached to it a water right deed which exchanges water rights at Timpanogos Cave National Monument.

As the deed is substantially the same as proposed by Mr. Dunn's #2 option we concur in Mr. Meredith's recommendation that it be accepted. If you approve of this transaction please forward the letter and deed to the Director's office where the proper number of deeds can be prepared and copies returned to us for signature provided they meet with the approval of that Office. We would also like a copy of Mr. Meredith's letter returned for our files.

(SGD) CHAS. J. SMITH

Chas. J. Smith,
Superintendent.

Enclosure.
In triplicate.



06-05-1946: letter to superintendent from secretary regarding prepared water rights deed

CHIPMAN MERCANTILE COMPANY
AMERICAN FORK, UTAH

June 5, 1946.

Supt Charles J. Smith
Zion National Park
Springdale, Utah

Dear Mr. Smith:

Inclosed is a water rights deed which I have prepared following substantially the form first furnished from your office. You will notice it is approved by the Mayor of American Fork City and the Chairman of Timpanogos Cave Committee and is furnished only in one copy. I am retaining one copy for my file also, and suggest that your office complete the required number of deeds from the inclosure and send them to me and I will in turn secure the required signatures which will be only a matter of form as the authorization necessary has been extended in the act of signing the inclosure and my copy on file.

This deed sets forth 1/32 second feet of water at Swinging Bridge spring with first and prior rights to Timpanogos Cave Committee or United States of America, and leaves our present filing of 1/32 second feet as secondary rights following American Fork City using 1.5 second feet. However, the 1.5 second feet of American Fork City is also secondary to our first 1/32 second feet.

The water from this source has always been more than 1 9/16 second feet or the total of both filings with exception of one extremely dry year so it actually will be sufficient to give the Area of Timpanogos Cave the full 1/16 second feet at Swinging bridge springs.

For this consideration we do transfer to American Fork City all our right, ie 1/32 second feet, in Cave Camp Spring illiminating all rights at this source as far as Timpanogos Cave is concerned. This is not important as this source is too low to develop pressure for anywhere on the monument.

This action follows option #2 of Mr. Dunn's memorandum as originally written, and I would recommend that the official deed be prepared in the exact form as this inclosed as the City engineer and the City Commission all approve and are familiar in full detail the transfer as set forth.

Sorry to have been so long in obtaining this action but it seems the necessary contacts continually failed to come together.

Sincerely,

TIMPANOGOS CAVE COMMITTEE

(Sgd) L. C. MEREDITH
Secty

COPY

09-26-1945: memorandum to regional director from superintendent regarding letter dealing with the exchange of water rights

WR Copy

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ZION AND BRYCE CANYON NATIONAL PARKS,
SPRINGDALE, UTAH

September 26, 1945.

MEMORANDUM for the Regional Director, Region Three.

Transmitted herewith, in triplicate, are copies of a letter recently received from Leo G. Meredith which have attached to them copies of letter from Mr. A. Z. Richards to Leo G. Meredith and the minutes, in part, of the American Fork City Council of November 22, 1943, all dealing with the exchange of water rights at Timpanogos Cave National Monument. One set of these papers is for your files and the other two sets are for the Director's Office and the Water Rights Division for their study and recommendation.

(SGD) CHAS. J. SMITH

Chas. J. Smith,
Superintendent.

Enclosure.
In triplicate.

C
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P
Y

CHIPMAN MERRANTILE COMPANY

10 Big Departments
Everything in Merchandise
Manufacturers of Mill and Carpenter Work

American Fork, Utah
September 20, 1945

Charles J. Smith, Supt.
Zion Park, Utah

Dear Mr. Smith,

Enclosed find a copy of a letter from Caldwell and Richards the engineers for American Fork City, a copy of part of the minutes taken from the records of American Fork City November 22, 1943, and a copy of the water rights deed prepared some time ago through the department of Interior. As a result of the letter referred to of Mr. Richard's I have met with him and gone over the matter again with him in his office, and it seems appropriate to abandon the deed prepared, which is enclosed, and follow in detail the proposition number 2 of Mr. Dunn's memorandum under date of March 24, 1943, which reads: "American Fork City convey 1/32 second foot of its rights under application 10833 license 3025 to the United States in exchange for the portion of application 10840 license 2038 appurtenant to Cave Springs cost to be handled as in first choice."

In discussing this proposition with Mr. Richards, we interpret it to mean that American Fork City will deed to the United States of America 1/32 second foot of water with first priority from Swinging Bridge Spring in exchange for the 1/32 second foot of water at Cave Camp Spring. This transfer not to interfer in any way with the present 1/32 second foot of water now for the use of Timpanogos Cave at Swinging Bridge Spring. The ultimate water rights would then comprise 1/32 second foot at Swinging Bridge Spring with prior rights and 1/32 second foot with secondary rights and no rights at Cave Camp Spring. Cave Camp Spring water is of no value to Timpanogos Cave because it can not develop pressure.

This would mean that in dry years we would be entitled to 1/32 second foot of water before any other used from Swinging Bridge after that we would be expected to allow 5/10 second foot to American Fork City before we would have rights on our secondary 1/32 second foot.

Mr. Richards stated that he would recommend this procedure to American Fork City which then would require during dry years that Timpanogos Cave would of necessity have to economize on water as would American Fork City, There has been only one period of time where such economy might have arisen and it is pointed out in Mr. Richard's letter enclosed here with.

It would be my recommendation after studying the matter through to this point that this proposal be accepted and a water rights deed be prepared to convey the above explained transfer which could then be presented to Mr. Richards and American Fork City for approval. I personally feel that this transfer would also render a most favorable solution to all concerned.

Very truly yours,

TIMPANOGOS CAVE COMMITTEE

Leo G. Meredith, Secretary

LGM:dh

Enclosure

C
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P
Y

Caldwell & Richards
Civil Engineers
Salt Lake City, Utah
Templeton Bldg.

Sept. 7, 1945

Mr. Leo G. Meredith
Timpanogos Cave Committee
American Fork, Utah

Dear Mr. Meredith:

I met with the City Council, American Fork, last Tuesday evening and discussed the Swinging Bridge and Cave Camp water exchange with the City Council.

I had with me the minutes of the Council meeting of Nov. 22, 1943 and the proposed Water Rights Deed which you furnished me in blank and requested me to examine and have executed by the City if approved.

I have studied these documents over carefully and it appears to me that they do not harmonize.

My understanding of the situation is as stated in the minutes as follows: That before the City used any water from Cave Camp Spring, the Forest Service had used 1/16 sec. ft. of water from the Cave Camp Spring but that its use was confined to a very small pressure use on the area below the foot bridge crossing the creek.

The Swinging Bridge water is twice as valuable to the Power company as the Cave Camp Spring water, and it has always been considered twice as valuable to the Forest Service because of its being used under pressure.

For this reason I made the statement recorded in the minutes that "The Forest Service is entitled to prior right in Swinging Bridge Spring to the extent of 1/2 its right in Cave Camp Spring" or 1/32 of a sec. ft.

I have made a study of the yield of Swinging Bridge Stream from a complete record of Weir measurements by the Utah Power & Light Company from 1931 to 1943 inclusive, and I find that during the critical 30 day period in July and August 1933, the meter readings of the Forest Service show that 2,061,000 gals. were used and 5,100,000 gals. was the total yield of swinging Bridge Canyon. In other words, the Forest Service used almost 1/9 sec. ft. or 40.4% of the total yield.

During the critical 12 month period from June 1, 1933 to June 1st 1934 the meter readings show a use of 14,900,000 gals., which is equivalent to 6.5% of a second foot of water flowing continuously for 1 year.

In other words, during this period in 1933 and 1934 the Forest Service used slightly more than 1/16 of a second ft. of water or 30.7% of

the total yield of Swinging Bridge stream, during that entire year.

These were the extremely dry years when the summer flow from Swinging Bridge Canyon was only 32.5% of the average summer flow for a 12 year period.

These years were also the years during the 9 year period from 1931 to 1940 when the meter readings show a greatly increased amount of water passing thru the meter over the amount passing during any other years.

This condition is explained by a statement of Mr. Thos. A. Walker, Active Custodian of Timpanogos Camp, in which he says that during the period from November 30, 1932 to August 14, 1934 there were several leaks in the pipe lines in the Camp grounds but that they were repaired in August 1934.

The average actual use of this water as shown by the meter readings from August 1, 1931 to July 12, 1940 or a period of 9 years is 1/37 of a second ft.

As a result of this study, I recommended that the Forest Service or the United States of America, be given 1/32 sec. ft. in Swinging Bridges Stream in exchange for 1/16 sec. ft. in Cave Camp Spring and that the "Exchange of water rights" be prepared to legally carry out the exchange.

Referring to the "Water Rights Deed" mentioned previously in this letter, it appears that the U. S. A. claims a 1/32 sec. ft. in each of the two sources of water and that it wished to exchange the 1/32 sec. ft. in Cave Camp Spring for an additional 1/32 sec. ft. in Swinging Bridge Creek, and at the same time "desires subject to the approval of the Timpanogos Cave Committee", to transfer its 1/32 sec. ft. assigned to it by said Committee to American Fork City, Then in paragraph 6 of the deed the U. S. A. fails to carry out its "desire" to transfer the 1/32 sec. ft. to the city and in the two last lines of paragraph 6 the phrase which is intended to clarify the meaning seems to introduce a thought that the 1/32 of a second ft. which the U. S. A. desires to transfer is not to be transferred.

I'm returning the minutes and proposed deed which appear to me to conflict. For that reason I can not recommend the city to sign the deed until this is cleared up in my mind, or until these two documents are made to harmonize.

Possibly a further discussion of this matter with you will clear it in my mind.

Respectfully submitted,
Caldwell & Richards, Engineers
By
A. Z. Richards.

AZR/w

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Minutes, in part, of American Fork City November 22, 1943
Page 181 minute book

A committee representing the U.S. Forest Service and Timpanogos Cave Committee met before the Council for the purpose of discussing an agreement with the City for the exchange of water at the Cave Camp spring and the Swinging Bridge Spring. In putting in the city water pipe at the Cave camp the Cave camp pipe line was dried up and the City was asked to pay $500.00 to help pay for the pipe line from Swinging Bridge Canyon in order to obtain water for the camp which was agreed to by the City.

The Forest service had the use right of 1/16 second feet of water from Cave Camp Spring. For power purposes, the water at swinging bridge spring has twice the value as Cave Camp spring water due to the fact that it can be placed in the waterline to the upper plant.

The water application for the Forest Service was therefore changed from 1/16 second feet of water in Cave Camp spring to 1/32 second ft. in Swinging Bridge Spring. The application made by the City was made previous to the application of the Forest Service therefore giving the City Use preference.

He, A.Z. Richards, stated that the Forest Service was entitled to prior right on Swinging Bridge Spring to the extent to 1/2 their right in Cave Camp Spring. It was recommended that the transfer of water be made on Swinging Bridge Spring in exchange for the 1/32 second ft at Cave Camp Spring to the Forest Service.

Councilman Nelson Moved that a study be made of the flow of water from Swinging Bridge Spring, and that Mr. Richards make an agreement for the Exchange of water with the Forest Service to be approved by each party. Motion was seconded by Councilman Peters and carried unanimously.

03-24-1943: memorandum to director from hydraulic engineer regarding nps has water right application 10840, license 2038 to div

March 24, 1943.

MEMORANDUM for the Director.

Reference is made to water rights at Timpanogos Cave. The matter was discussed at that monument on the evening of March 16, 1943, with the following present:

Paul Franke - Superintendent
Thomas A. Walker - Custodian
Lee Meredith - Secretary of Cave Committee
A. van V. Dunn - Hydraulic Engineer

The Park Service has Water Right Application 10840, License 2038, with priority of February 24, 1930, to divert 1/32 sec. ft. from Swinging Bridge Canyon and 1/32 sec. ft. from Cave Spring. Due to low elevation it cannot and does not use the Cave Spring diversion.

American Fork City has Application 10833, License 3025, with priority of February 10, 1930, to divert 1.5 sec. ft. from Swinging Bridge Canyon.

American Fork City also has Application 10578 to divert 3.21 sec. ft. from Cave Spring. Construction was started in 1929 and proof of use has been made, but the license has been deferred pending settlement of an adjudication.

I suggested the following adjustments in the order of preference:

1. American Fork City convey 1/16 sec. ft. of its rights under Application 10833, License 3025, to the United States in exchange for all right and title to the federal right under Application 10840, License 2038. The Park Service to bear all costs of recording and amending rights, since they are nominally only those we will have to pay for any amendment of our own rights.

2. American Fork City convey 1/32 sec. ft. of its rights under Application 10833, License 3025, to the United States in exchange for the portion of Application 10840, License 2038, appurtenant to Cave Springs. Costs to be handled as in first choice.

3. American Fork City to provide written consent for the United States to transfer its rights on Cave Spring to Swinging Bridge Canyon.

AHD 3/24

FILE COPY

Mr. Meredith believed that he could arrange for the first plan.

The third plan is very weak, but better than present conditions. It would still leave Park Service rights all junior to all others and the change in point of diversion might still be protested by the Utah Power and Light Company because it would cut 1/32 sec. ft. from its potential supply for the power house just below the monument even though it does not have a water right for that water — merely obtaining it because American Fork City conveys it through the penstock for consumption below. It should be remembered, however, that the Park Service right was a gift, regardless of its value.

It happens that American Fork City needs a perfected right on Cave Spring to serve a recently developed hospital near town. It would get this right, to 1/32 sec. ft. or a little over 10,000 gallons per day, by either of the first two plans, and get it regardless of the fate of its claim under Application 10578.

Assuming that plan 1 or 2 is to be consummated there will be an actual conveyance of part of the federal right and a need for proper authorization from Congress or the Secretary. Proper steps should be initiated at once to cover any of the cases. All three plans will result in rights to an equal amount of water at a more favorable point of diversion. Plans 1 or 2 would also result in higher priority. Plan 3 would retain our present priority.

(SGD.) A. VAN V. DUNN

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Region Three.
Supt. Franke.
Custodian Walker, through Supt. Franke.

02-08-1943: memorandum to attorney from hydraulic engineer regarding water rights: changing the quantity of water from all at or

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.

February 8, 1943.

MEMORANDUM for Attorney Albert L. Johnson.

Reference is made to my letter of January 15, 1943, to the State Engineer of Utah, and his reply of February 1, 1943, with regard to water rights at Timpanogos Cave. I have had the attached copies of the letters of March 17 and 21, 1930, from the Chief Deputy State Engineer and Forest Ranger V. N. West prepared for the various Park Service files, but I feel the rest of the letter should be submitted as follows, with cross reference to mine.

I asked for an explanation of the amendment of the original application which Mr. Walker reported as changing the quantity of water from all at one point of diversion to diversion of half from each of two points. The State Engineer replies:

"Application No. 10840, as originally filed, provided for water from "Swinging Bridge Canyon Spring - Cave Camp Spring" and it did not provide for the quantity of water from each spring although it sought to appropriate 1/16 sec. ft. Under the rules of this office, when two sources of supply are given in an application, the quantity of water sought from each must be given. Accordingly, the application was returned under date of March 17, 1930, to Mr. Stephen L. Chipman of American Fork, for inserting the word "and" between the description of the two sources of supply, also for setting forth the quantity of water from each spring. This added information in accordance with the above was inserted in red by the applicant.

"You are wrong in your assumption that this application, as first submitted, provided for the full 1/16 sec. ft. to be diverted from Swinging Bridge Canyon. This should be clear to you from the above quotation relative to the source of supply provided in paragraph 8 of the application."

I stated that we had not been able to find the author of the amendment in red, but that I assumed any red correction had to be by applicant at request of State Engineer. The State Engineer replied:

"When an application is received in this office, it is prepared either in black ink or in black type. In the course of completing it for advertising and approval it may be amended. Any amendments which are made, after first being submitted, must be in red ink by the applicant."

The real answer is the letter by Ranger West, and this letter seems to commit the Cave Committee to the claim for half the water from Swinging Bridge Canyon and half from Cave Springs. The license is entirely proper, therefore, with rights to 1/32 sec. ft. each from the two sources. We have no grounds on which to request the State Engineer to amend the license, as suggested by Mr. Walker.

I pointed out that the Park Service Certificate No. 2038 grants priority of February 24, 1930, while the American City Certificate No. 3025 granted a two weeks' earlier priority of February 10, 1930, but that Mr. Walker believed that the State Engineer told him the Park Service right was superior. I asked for an explanation, and suggested that his records might show some consideration by the American Fork City because of its damage to the Park Service supply at Cave Springs. I suggested that if there were such consideration as recompense for damage it did not seem to have been satisfied and might justify further adjustments. The reply indicates that the State Engineer did not fully understand my point, but it suggests that the State Engineer did not intend to give Mr. Walker the idea that Certificate No. 2038 was in any way senior to Certificate No. 3025, nor could it have been so construed by any terms in the ultimate proof on the latter, as follows:

"Applications in this office carry priorities in their sequence order of numbering unless at some time they have lapsed and been reinstated, in which event, one of the low serial number may be inferior in priority to one with a higher serial number. It appears, however, that you are under the impression that certificate number also carry priorities. This is not true. An application having a relatively late priority may have been perfected and certificate issued before one having an earlier priority, in which event, the one having the late priority will have a lower certificate number than the one having an earlier priority, i. e. certificate numbers are assigned in their order of issuance and not according to the priority of the application. Applications also may provide for more water and for more sources of supply than those contained in the Proof of Appropriation, and certificate of appropriation based thereupon, i. e. the appropriation may be actually less than the application provides for, for the reason that it was perfected for a lesser quantity of water than that contained in the application. The general principle relative to appropriation of water is that no application can be enlarged upon in the proof or certificate of appropriation, but there can be appropriation of a lesser quantity of water than provided in the application.

"The form of certificate issued at the time of issuance of Certificates Nos. 2038 and 3025 does not specify the priority; however, in each instance a statement is made as follows, after mentioning the name of the applicant, **"has been perfected in accordance with the application therefor, received in office of the State Engineer on the _____ day of _____ 19___." It must be assumed from the certificate in this form that there has been no lapsing. Certificates of appropriation now issued by the State Engineer provide for a definite priority. The record of Application No. 10840, shows that there has been no lapsing. This application was received on February 24, 1930, and the certificate so provides. Applications take priority as of the date of filing, except as above stated, so that its priority in this instance is February 24, 1930. Likewise, the priority of Application No. 10,833 bears the date of receipt in this office, being February 10, 1930, as the record shows there has been no lapsing.

"You state in paragraph 5, of your letter, "if full recompense required full diversion from Swinging Bridge Canyon the full recompense was not made

by the final terms of Certificate No. 2038." It appears from this that you are under the impression that the Timpanogos Cave committee could appropriate more water as represented by Certificate No. 2038 than Application No. 10840 seeks. Certificate No. 2038, provides for a total amount of .0625 sec. ft., .03125 sec. ft. of which is from Swinging Bridge Canyon Spring and .03125 sec. ft. from Cave Camp Spring making a total of the full amount of 1/16 sec. ft. of water provided under the application.

"In view of the fact that a certificate cannot exceed in quantity that provided in the application, this amount could not under any circumstances be increased in the certificate. It appears the only copy of a letter which might be of service to you in this matter is the one referred to hereinbefore, the full substance of which has been given you. In order that there may be no misunderstanding, a copy of said letter follows: * * * "

I conclude that any rights that the Park Service has to Swinging Bridge Canyon are limited to 1/32 sec. ft. and these rights are conditional on prior satisfaction of the rights of American Fork City. On the other hand, since American Fork City has not filed proof and obtained a license under its application No. 10578, the Park Service has first claim to its right to 1/32 sec. ft. therefrom; but from Mr. Walker's previous explanation I gather that the Park Service is not using this supply, is in danger of letting that portion of the right lapse, and could thus let American Fork City establish a superior right thereto.

Frankly, the Park Service seems to have very poor rights except at the sufferance of American Fork City. It is such a delicate position that I think every effort should be made to obtain a copy of the negotiations between American Fork City and the Cave Committee, including the permit for the Cave Committee to use the American Fork City Pipe Line in Swinging Bridge Canyon, before any consideration of adjustments is made. This was outlined in paragraph 3 of my memo to you of Jan. 14, 1943.

A. van V. Dunn

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Three.
Supt., Zion.
Act.Custodian, Timpanogos.
} mailed 2/11/43.

03-21-1930: letter to state engineer from forest ranger regarding water supply being used at camp grounds and dwellings

COPY

Pleasant Grove, Utah
March 21, 1930

L
Uses
Timpanogos Cave

Mr. George M. Bacon
State Engineer
Salt Lake City, Utah

Dear Sir:

Reference is made to your letter of March 17, addressed to Mr. Stephen L. Chipman.

The water supply that is being used at the Timpanogos Cave Camp grounds and dwellings is approximately 75 feet from the Cave Camp spring, S. 87 degrees E. Water has been used from this source since 1923. The source was developed by trenching and collected with tiling into a cement head box, and the overflow is drained into the creek.

The maximum fall between the catch basins and the point of consumption is 16 feet, which does not give much head in case of fire, and this in one of the main reasons for desireing water from the Swinging Bridge Canyon Spring.

Very truly yours,

/s/ V. N. West
Forest Ranger.

03-17-1930: letter to american fork from state engineer regarding application no. 10840: two sources of supply

COPY

March 17, 1930

Mr. Stephen L. Chipman
American Fork, Utah

Dear Sir: RE: APPLICATION NO. 10840

I am returning to you herewith the above numbered application to appropriate 1/16 of a second foot of water for the following amendments:

It appears that there are two sources of supply, namely, Swinging Bridge Canyon Spring and Cave Camp Spring, therefore, the description given in paragraph 9 should refer to the source of supply to which it belongs. The word "and" should be inserted after Swinging Bridge Canyon Spring.

It is important that the quantity of water to be appropriated from each spring be specified under Explanatory.

The law allows sixty days in which to amend the application and return same to this office. Make all corrections with red ink.

Yours very truly

State Engineer

CWO/G

By Chief Deputy

01-15-1943: memorandum to superintendent from attorney regarding water rights at timpanogos cave national monument

January 15, 1943.

MEMORANDUM for the Superintendent,
Zion National Park.

I am enclosing herewith a copy of a memorandum from Hydraulic Engineer Dunn addressed to me as of January 14, together with a copy of his letter of even date to the State Engineer of Utah and a print of drawing No. NM-TC-6981 showing water rights at Timpanogos Cave National Monument. We would like your comments upon the various questions raised by Mr. Dunn in reference to the relationship between the Cave Committee and American Fork City.

In the matter of obtaining a correction of water right and answering the last sentence of Mr. Dunn's memorandum, I believe the State Engineer would have the right to make a correction in the course of his administrative duties unless American Fork City could show that its interests were placed in jeopardy by a correction made at a so much later date. It seemed at the time of the visit of Superintendent Finnan and myself to the Cave Committee that all parties interested were very amenable to adjusting such water right matters to secure the necessary equities for the National Park Service. That was in March 1940.

ALJ:SH

Attorney.

Enclosure 2136653.

cc: Director, with enclosures.
Region Three, with enclosures.
Acting Custodian Walker, with enclosures,
(through Supt. Franke).

FILE COPY

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

January 14, 1943.

MEMORANDUM for Attorney Albert L. Johnson.

On the second page of Mr. Walker's memorandum of November 5, 1942, to Mr. Franke regarding Timpanogos Cave water rights, he advises that the original application No. 10840 by the Cave Committee was for 1/16 sec. ft. from Swinging Bridge Canyon and none from the Cave Springs; that the application shows a correction in red to cover 1/32 sec. ft., or half of the original claim from each of these sources; and that neither he nor the State Engineer knows anything about the change. The license No. 2038 is in accordance with the changed claim. He further states that the purpose in obtaining a right to Swinging Bridge Canyon water was to compensate for loss of supply at Cave Springs due to tampering by the American Fork City; and that no water is now diverted by the monument at Cave Springs and none can be without a pump, because of low elevation.

Mr. Walker suggests that we should obtain a correction of water right from the State Engineer, to cover full diversion from Swinging Bridge Canyon, but this seems to be beyond the authority of the State Engineer except for additional unappropriated water after the American Fork City right under Application No. 10833, License 3025, for 1.5 sec. ft. is satisfied. To all appearances there is no longer unappropriated water.

On the other hand, if the American Fork City was tolerant of the Cave Committee filing because it owed the latter compensation for damages, it is through American Fork City that we should obtain relief. Before going too far, we need more information on the negotiations between the two organizations. We have requested copies of any written records and agreements between the Cave Committee and American Fork City relating to the adjustment of damages and claims. In the interval since December 9, 1942, we have not received such information nor advice that it is not available.

We note that Stephen L. Chipman, Chairman, signed the original application No. 10840 for the Cave Committee, and Vernon Eaton attested the proof map as engineer. Since red is used for all corrections of applications in Utah which the State Engineer may require before acceptance and issuance of permit, and since such corrections must be made by the applicant, it seems logical that Messrs. Chipman, Eaton, and some member of the State Engineer's staff must be able to explain the reasons for the change.

I have sent the attached letter of inquiry to the State Engineer. It is suggested that some one from Zion or Timpanogos should try to locate Chipman and Eaton and make the same inquiries of them. It will also help if you will indicate your opinion regarding the relative jurisdiction of the State Engineer and American Fork City to render the relief we seem to need.

Hydraulic Engineer.

cc: Director.
Region Three.
Supt. Franke.
Acting Custodian Walker.

12-14-1942: memorandum to superintendent from attorney regarding application no. 10833

601 Sheldon Building

December 14, 1942.

MEMORANDUM for the Superintendent,
Zion National Park.

Reference is made to your memorandum of November 11 with regard to Timpanogos Cave water rights, and also the memorandum of November 5 to you from Custodian Walker of Timpanogos Cave National Monument.

In answer to both of the above memoranda I am enclosing herewith a copy of Hydraulic Engineer Dunn's memorandum to me of December 9, together with a copy of Water Right Application No. 10833, Certificate No. 3025, and proof map covering the Swinging Bridge Canyon diversion by American Fork City. These enclosures are being sent in duplicate in order that you may forward one set to Custodian Walker if you wish to do so.

I agree with Mr. Dunn that the basic problem is to amend the Park Service water right acquired from the Cave Committee to cover actual park use or contemplated park usage which can be substantiated. You will note that Mr. Dunn says it will be several weeks before he can complete a full analysis of this proposed amendment.

In the final paragraph of Mr. Dunn's memorandum he asks you for further records or agreements with American Fork City. We are not at all sure that there are any such agreements in existence, but, nevertheless, it does no harm to make the inquiry. From the attitude of the City in March 1940 at the time of my visit there with Superintendent Finnan and Engineer Hendricks, I do not doubt but what the Cave Committee and the City authorities will do anything within reason to straighten out our water right with the State Engineer of Utah.

ALJ:SH

Attorney.

Enclosure 2122088.

cc: Director, with enclosures.
Region Three, with enclosures.

FILE COPY

11-27-1942: letter to u.s. department of the interior from state engineer regarding application no. 10833

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

ED. H. WATSON
STATE ENGINEER

November 27th

Recd 12/1/42.

Mr. A. Van V. Dunn, Hydraulic Engineer
U. S. Department of the Interior
National Park Service
San Francisco, California

Dear Sir: REL: APPLICATION NO. 10833

In accordance with your request dated Nov. 17, 1942, we are enclosing herewith a copy of Application No. 10833, American Fork City, copy of Certificate of Appropriation No. 3025, and under separate cover one negative of the proof map for Application No. 10833. The charges for this work are as follows:

1 - certified copy of application	$1.50
1 - certificate of appropriation	1.00
1 - negative of proof map	1.80
Total	$4.30

We are signing the enclosed blank form of Public voucher which you request and trust this will enable you to remit for this work.

Yours very truly,

Ed. H. Watson

Ed. H. Watson
STATE ENGINEER.

GHS/ig
Encl: Application, Certificate of
Appropriation, & Public voucher.

11-24-1942: letter to zion park from american fork irrigation co. regarding utah lake water users

DEC 4 1942

American Fork, Utah
November 24, 1942.

Supt. Paul R. Franke,
Zion Park, Utah

Dear Mr. Franke:

During a discussion a few days ago with Attorney O. DeVere Wootton the case concerning the Utah Lake Water Users came up and he advised me that he, up to date, had been acting as the attorney following the progress of the case in the interest of American Fork City and other large Water Users. In order that your office might know the full progress a general demure was filed about Autust 29, 1936 known as Salt Lake City etal., plantiff, Tomar Anderson, etal., defendents and appellants. Case No. 57298.

Appearance has been made on behalf of Timpanogos Cave Committee at the various hearings held in the District Court by Attorney Wootton who has acted in a blanket form for all defendents up to date. No. further pleadings have been required. Attorney Wootton has a record of the various hearings which have been held and could fully advise in connection with these hearings, however, at the moment all has been done that seems to be necessary and the case is waiting further pleadings.

If it should happen that the Park Service is not advised we will as a Committee attempt to follow the progress of this case. We felt probably this much information might be added to the file already built thus far with the National Park as the new defendent.

Very truly yours,

/sgd/ L. C. Meredith.

LCM/N

Copies prepared for distribution to:

Director's Office in Chicago.
Region Three Headquarters.
Region Four (Water Rights Division)

11-17-1942: memorandum to superintendent from attorney regarding application 10833: cancellation of mining claims

601 Sheldon Building

November 17, 1942.

MEMORANDUM for the Superintendent,
Zion National Park.

Reference is made to your memorandum of November 11 concerning water rights at Timpanogos Cave National Monument. Acting Custodian Walker's memorandum did clear up many of the questions raised by the Water Rights Section. We regret there is no record relative to cancellation of mining claims within the monument.

Before giving our comments and reviewing the entire material, we are awaiting receipt of a copy of Water Right Application 10833 which which we have ordered from the State Engineer's office. When we receive the State Engineer's reply we will write you further.

Herewith find enclosed the Order to Show Cause in Case No. 57,298 which you borrowed from Mr. Meredith of American Fork City, also a copy of Mr. Dunn's memorandum to me of this date relating to this matter.

Attorney.

Enclosure 2122073.

ALJ:SH

cc: Region Three, with copy of
Mr. Dunn's memorandum.

FILE COPY

11-17-1942: letter to state engineer from hydraulic engineer regarding application no. 10833: two uses from same source

November 17, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

Will you please send us a copy of Water Right Application No. 10833 of the American Fork City, and a copy of the license and negative of the proof map if such have been issued, all relating to a diversion from Swinging Bridge Canyon in Section 27, T. 4 S., R. 2 E., S.L.M. This application is supposed to cover one of two uses from the same source, the other being under Application No. 10840 which we now own. If No. 10833 does not apply, please investigate other claims obtained by transposing the numbers, as we have obtained the reference indirectly.

We enclose a voucher for your signature as indicated, and request that you return it with the statement of charges on a separate sheet for our use in completing the voucher. No formal bill is needed if the voucher is signed and the charges are itemized as suggested.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH
Enclosure 2122072.

~~xxxDirectorxx~~
x~~Region Three~~x
~~Supt.~~xFrankx

FILE COPY

11-11-1942: memorandum to regional director from superintendent regarding cancellation of all mining claims within monument in

NOV 14 1942

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS,
BUILDINGS, AND RESERVATIONS
ZION AND BRYCE CANYON NATIONAL PARKS
UTAH

OFFICE OF THE SUPERINTENDENT
P. O. ADDRESS:
SPRINGDALE, UTAH

November 11, 1942.

MEMORANDUM for the Regional Director, Region Four.
Attn: Water Rights Division.

Reference is made to Regional Attorney' Taylor's memorandum of September 24 concerning the water rights at Timpanogos Cave National Monument.

We forward herewith the following:

Copy--Memorandum to Supt. by Custodian Walker
Copy--Contract UP&L Co and American Fork City on Cave Spring
Copy--Minutes of American Fork City Council (1931) on Cave Spring
Copy--"Order to show cause" Case #57,298 — Return to Supt Franke
Plan--Advance sheet NM-Tc 6981 with added water requirements

Acting Custodian Walker's memorandum will no doubt clear up many of questions raised in your letter. We can find no record in our files relative to the cancellation of all mining claims within the monument back in 1925, neither does the Forest Service appear to have such cata.

I will be pleased to have your comments after you review the enclosed material, particularly the difference in the filing application and the certificate. All persons interviewed now disclaim any knowledge as to the change.

Please be sure to return copy of "Order to Show Cause" Case #57,298 as this is the property of Mr. Meredith of American Fork City.

Paul R. Franke
Superintendent

cc--Region III.

11-05-1942: memorandum to superintendent from acting custodian regarding contract between utah power and light company and



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS,
BUILDINGS AND RESERVATIONS
ZION AND BRYCE CANYON NATIONAL PARKS
UTAH

OFFICE OF THE SUPERINTENDENT
P. O. ADDRESS:
SPRINGDALE, UTAH

TIMPANOGOS CAVE NATIONAL,MONUMENT, UTAH

November 5, 1942

MEMORANDUM for the Superintendent,
Zion and Bryce Canyon National Parks.

In reply to your memorandum of October 8, I am enclosing copies of the contract between UTAH POWER & LIGHT COMPANY and AMERICAN FORK CITY, and portions of the minutes of AMERICAN FORK CITY COUNCIAL meetings , pertaining to information and agreements between the U. S. Forest Service, and American Fork City. These should aid in clearing the questions in Mr. Taylors letter of September 24.

With reference to paragraphs 3 & 4 of Mr. Taylors MEMORANDUM.
The joint pipe line used by the National Park Service and Utah Power & Light Company is the property of American Fork City and is to be maintained by them. This is clarified by the contract drawn up between Utah Power & Light Company and American Fork City. There has never never been any additional agreement other than verbal,between American Fork City and Cave Committee,and this was with U. S. Forest Ranger V. N. West. However, as you will note from minutes of American Fork City agreed to furnish materials to install the pipe from the old Cave Camp water system to the Swinging Bridge Canyon, due to the fact that they had destroyed the Cave water supply.

Paragraph 5.
Swinging Bridge Canyon water was at its lowest mark in its history during September 1934, that was .05 of a second foot. The Spring ite self would likely not have been below 1/16 sec. ft.
According to the information I have been able to secure from the State Engineers Office we have prior right to our share of water from Swinging Bridge over any one else.

Paragraph 6.
There is no connection between the Park Service system and that of American Fork City at this point nor at any other point along either system.

Paragraph 7.
The Committee's original filing No. 10,840 was for 1/16 of a sec. ft. of water from the Swinging Bridge Spring. However the right under Certificate No.2038 is for 1/32 of a sec. ft. from Swinging Bridge and 1/32 of a sec. ft. of water from Cave Camp Spring. As you will note from the minuits of the American Fork City Council the Committee was securing this water because American Fork City had spoiled the Cave Camps source of supply from the Cave Camp Spring and there was no way in which we could get a gravity flow system

from these springs.

On October 16, I was in the State Engineers Office and no information could be found there at that time as to why this change had been made on our application. The original application is still for 1/16 of a second ft. of water from Swinging Bridge Spring and at the of the application someone has added, in red ink, that the Cave Committee is to receive 1/32 of a sec. ft. from Swinging Bridge and 1/32 of a sec. ft. from the Cave Camp spring, this change has not been initaled or dated and there is no letter nor memorandum of any kind stating why the change was made, and neither the Forest Ranger nor any member of the Committee was aware of this change.

I think that steps need to be taken to have our certificate approved so that it would be the same as the original filing of 1/16 of a second foot of water from the Swinging Bridge Spring, as there is no way for us to secure water from the Cave Camp Spring with out pumping.

The only time the total flow from the Cave Camp Spring has been measured was at the time American Fork City was installing their system they had all of the water from the springs running from two seperate drains in to one centeral measuring box and there was well over 3 sec. ft.. I am of the opinion that this spring has never been under 3 sec. ft. in the history of the monument, however no measurements have been made.

Paragraph 8.

I think this has all been discussed in the preceding paragraphs.

Paragraph 9.

I do not think it would be pratical to try to pump water from the floor of the canyon to the Cave entrance. However there are springs on the rim of the canyon, above the caves and near the Monument boundry which do not empty into American Fork Canyon stream. These may be filed on and would make a much more satisfactory water system for the Cave entrance.

Paragraph 10.

The mining clams referred to no longer exist.

There was a trial in federal court, early in 1925, between the holders of the various claimes and the U. S. FOREST SERVICE, and tha mining concerns were all ask to vacate at the close of the case, According to Forest Ranger West, and no work has been done on any of the claimes since that time.

I have not been able to obtain any accurate information on this trial the local Forest officals stated that they were of the opinion that the file on this information was turned over to Supt. Patraw in 1934 when the monument was transferred from the Forest Service Supervision to that of the National Park Service.

11-05-1942: memorandum to regional director from superintendent regarding cancellation of all mining claims within monument in

Paragraph 11.
The water users referred to in this paragraph are American Fork Irigation Company and the State Traning School.
The State Engineers office informed me that the agreements, mentioned, have been reached and that American Fork City's certificate can be approved.

The litigation between the City of Salt Lake and the Utah Lake basin water users has been terminated and may not be for some time.
I am enclosing a copy of the "ORDER TO SHOW CAUS" I was unable to obtain a copy of the complaint.

Thos. P. Walker
Acting Custodian

02-26-1930: contract between utah power and light company and american fork city

File - Timpanogos.

COPY

CONTRACT

UTAH POWER & LIGHT COMPANY

And

AMERICAN FORK CITY

(Covering use of waters of Cave Camp Spring)

COPY

CONTRACT

This contract made and entered in to this 26th day of Feberuary, 1930, by and between AMERICAN FORK CITY, a municipal corporation of the State of Utah, hereinafter called "City," and UTAH POWER & LIGHT COMPANY, a corporation of the State of Maine, duly qualified and doing business within the State of Utah, hereinafter called "Company," WITNESSETH:

WHEREAS, Company is now and for many years last past has been, operating two hydro-electric plants knowns as "Upper American Fork Plant" and "Lower American Fork Plant" located in American Fork River Canyon in Utah County, Utah, and has the right to, and does divert and use for power purposes at said plants, the waters of American Fork River; and

WHEREAS, Cave Camp Spring, Hereinafter referred to as "Spring" is tributary to said American Fork River above the intake to the Company's Lower American Fork plant, and said Company has for many years last past diverted and used the flow of said spring for power purposes at its said Lower American Fork plant; and

WHEREAS, said City is desirous of increasing its culinary and domestic water supply to provide for the future growth of said City and the domestic and culinary requirements of the Utah State Training School, hereinafter referred to as "Training School," to be erected in or near said City; and

WHEREAS, the waters flowing from said spring are desirable for culinary and domestic use and the City desires to divert and use the same for domestic and culinary purposes; and

WHEREAS, the Company has indicated that it is willing under the terms and conditions hereinafter enumerated, to allow said City to use the

COPY

waters of said spring for the purposes hereinafter mentioned.

NOW, THEREFORE, for and in consideration of the sum of One Dollar ($1.00) paid by said City to said Company, receipt of which is hereby acknoledged, and in further consideration of the mutual promises, agreement and covenants of the parties hereto by each to be well and faithfully kept and performed, it is mutually agreed as follows, to-wit:

1. During all seasons of the year the Company will permit said City and Training School to take and use for all usual purposes other than field irrigation and/or power purposes within American Fork City and at said Training School, not to exceed three (3) cubic feet per second of the flow of said Cave Camp Spring.

2. Said City will compensate said Company for the use of said waters as follows:

(a) No charge will be made for water so diverted during the months of April, May and June of each year. If during said months the flow of American Fork River shall be in excess of the capacity of the Company's Lower American Fork plant pipe line, said City and Training School, during the period of such excess flow, may divert and use, with out charge, an additional quantity up to the total quantity then flowing from said spring.

(b) During the months of January, February, March, July, August, September, October, November and December of each year there may be so diverted and used, with out charge, a total of five hundred fifty (550) acre feet of the flow of said spring, such water to be drawn at any rate of flow disired by the City not to exceed three (3) cubic feet per second.

(c) During the months enumerated in paragraph (b) above,

COPY

said City may caus to be put into said Company's Upper American Fork plant pipe line, water to which said Company has no other right, title or claim otherwise to divert, and in lieu of each acre foot so conducted into said pipe line, said City may draw from said spring two (2) acre feet of water during the same month that said water is caused to flow into said pipe line; provided, however, that not more than sixty (60) acre feet shall be put into said pipe line during a thirty-day month, or sixty two (62) acre feet during a thirty-one-day month; and provided, further, that the rate at which water shall be taken from said spring shall not exceed three (3) cubic feet per second.

(d) If during the months enumerated in paragraph (b) above, there shall be drawn from said spring, water in excess of that provided for in paragraphs (b) and (c) above, said City shall pay the Companey Two Dollaes Fifty Cents ($2.50) per acre foot for all such excess water diverted. Settlement for the same shall be made on or before the tenth day of the month succeeding that in which said water is taken, on bills to be rendered by the Company to the City.

3. In delivering water to said Upper American Fork plant pipe line, said City will secure the necessary water rights and will construct and maintain for the delivery and measurment of such water, adequate hydraulic works in accordance with good engineering practice, approved by the Company.

4. The City will construct diversion works at the spring and arrange such works and its reservoirs so that at all times the flow from

COPY

said spring not then required for the reasonable use of the City and the said Training School, will flow into American Fork river and be available for use as at present, through the Company's Lower American FOrk plant.

5. The water refered to in sub-paragraph (b) or paragraph (2) hereof, is to be diverted and used primarily for use at the Training School. It is understood and agreed that the provisions of that paragraph shall have no force and effect, unless such school shall be constructed within or adjacent to said City.

6. The City covenants and agrees that the water so diverted by it under this contract shall not be used for any purpose other than to supply the requirements of the City, its inhabitants, and such families as reside in immediate proximity to said City, and the said Training School, for the purposes indicated in paragraph (1) hereof.

7. In case the City and/or Training School shall fail fully to comply with the terms and provisions hereof, the Company shall give notice of such failure, and if the condition or conditions complained of are not corrected within fifteen (15) days or such lesser time as is reasonably necessary thereafter, the Company may correct or remedy such condition or conditions, and the City will promptly remburse said Company for the expense incurred in so doing.

8. This Contract shall continue in force and effect during such period of time as both parties shall well and faithfully keep and perform the covenants to be by it or them kept and performed; provided, however, that the contract may not be cancelled or forfeited so long as either party may have an adequate remedy at law or in equity to enforce the same.

COPY

IN WITNESS WHEREOF, the parties have caused these presents to be made and executed by the proper officers of each thereunto duly authorized, the day and year first hereinabove written.

AMERICAN FORK CITY, A Municipal Corporation,

By Sgnd. Roy Greenwood.
Mayor

ATTEST:

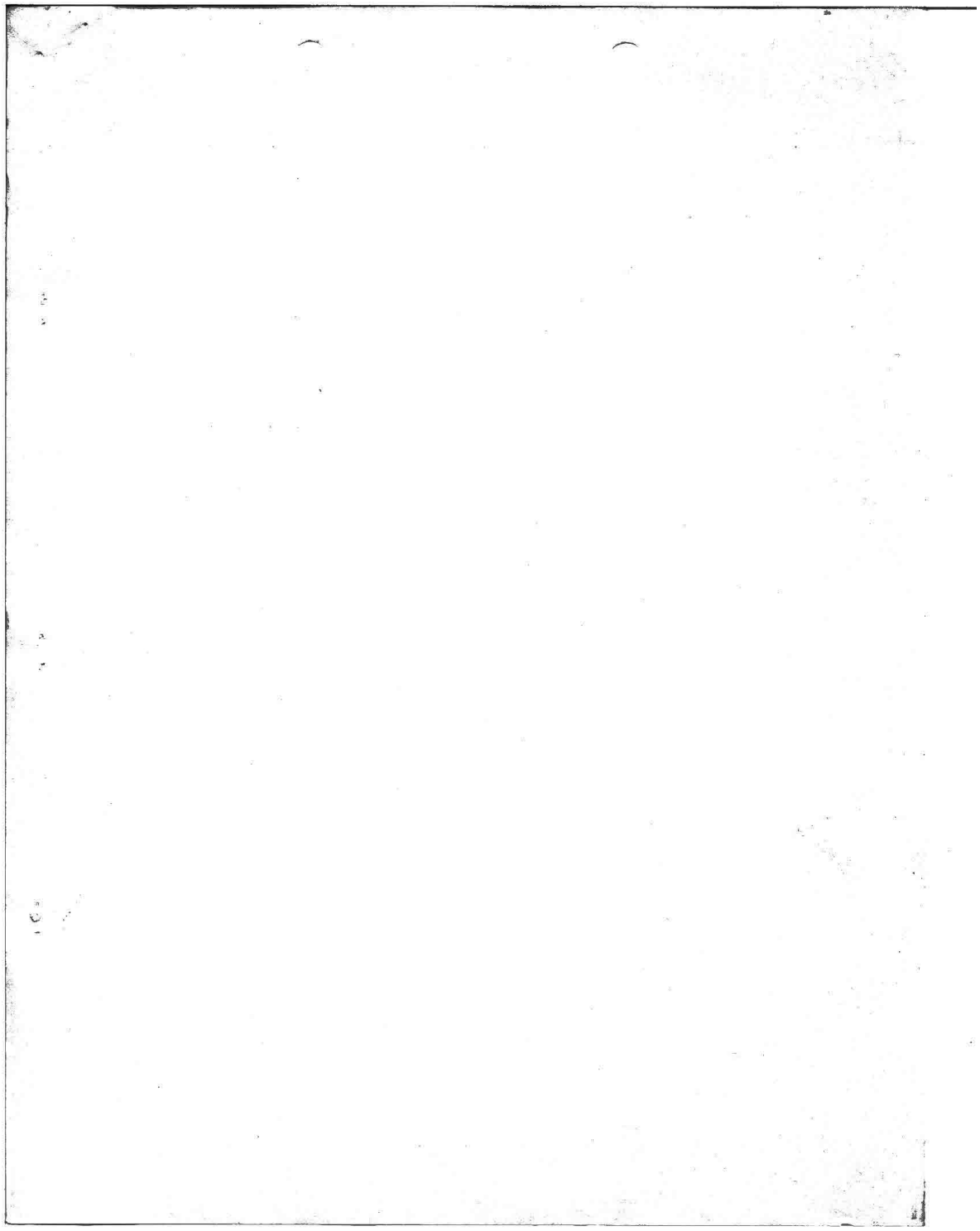
Sgnd. Thos. A. Barratt
City Recorder

UTAH POWER & LIGHT COMPANY,

By Sgnd. G. M. Gadsby

ATTEST:

Sgnd. G. B. THOMAS
Secretary



02-14-1931: minutes of the american fork city council pertaining to cave camp water

File-Timpanogos

* COPY *

MINUTES OF THE AMERICAN FORK CITY COUNCIL

Pertaining to CAVE CAMP WATER

Minutes of the regular session of the American Fork City Council, February 14, 1931.

Mr. V. N. West of the Forest Service and M. H. Halliday appeared before the Council with respect to the replacement of culinary water supply at the Cave Camp. Mr. West stated that they felt that in as much as the city had destroyed their supply they felt that in fairmess to them that $500.00 should be given them toward bringing a suitable supply from Swinging Bridge Canyon. He expressed their desire to work in harmony with the city and if the city had on hand any 2" galvanized pipe that they would be glad to use this as a portion of the above mentioned money. In as much as the engineers were not present the matter was taken under advisement until such time as they could be present.

Minutes of the special session of the American Fork City Council, February 21, 1931.

Mr. V. N. West and M. R. Halliday were again present with respect to the request of the Forest Service for $500.00 to replace their culinary water supply which the city had destroyed at the Cave Camp. The request was referred to Mr. A. Z. Richards, city engineer, who was present. Mr. Richards stated that they had gone into the matter and felt that this request was fair and therefore recommended that this amount be paid.

Councilman Shelley moved that the request of Mr. V. N. West be granted with the understanding that a portion of this amount allowed in 2 inch galvanized reclaimed pipe which the city now has on hand. Motion carried.

Minutes of the regular session of the American Fork City Council, December 26, 1931.

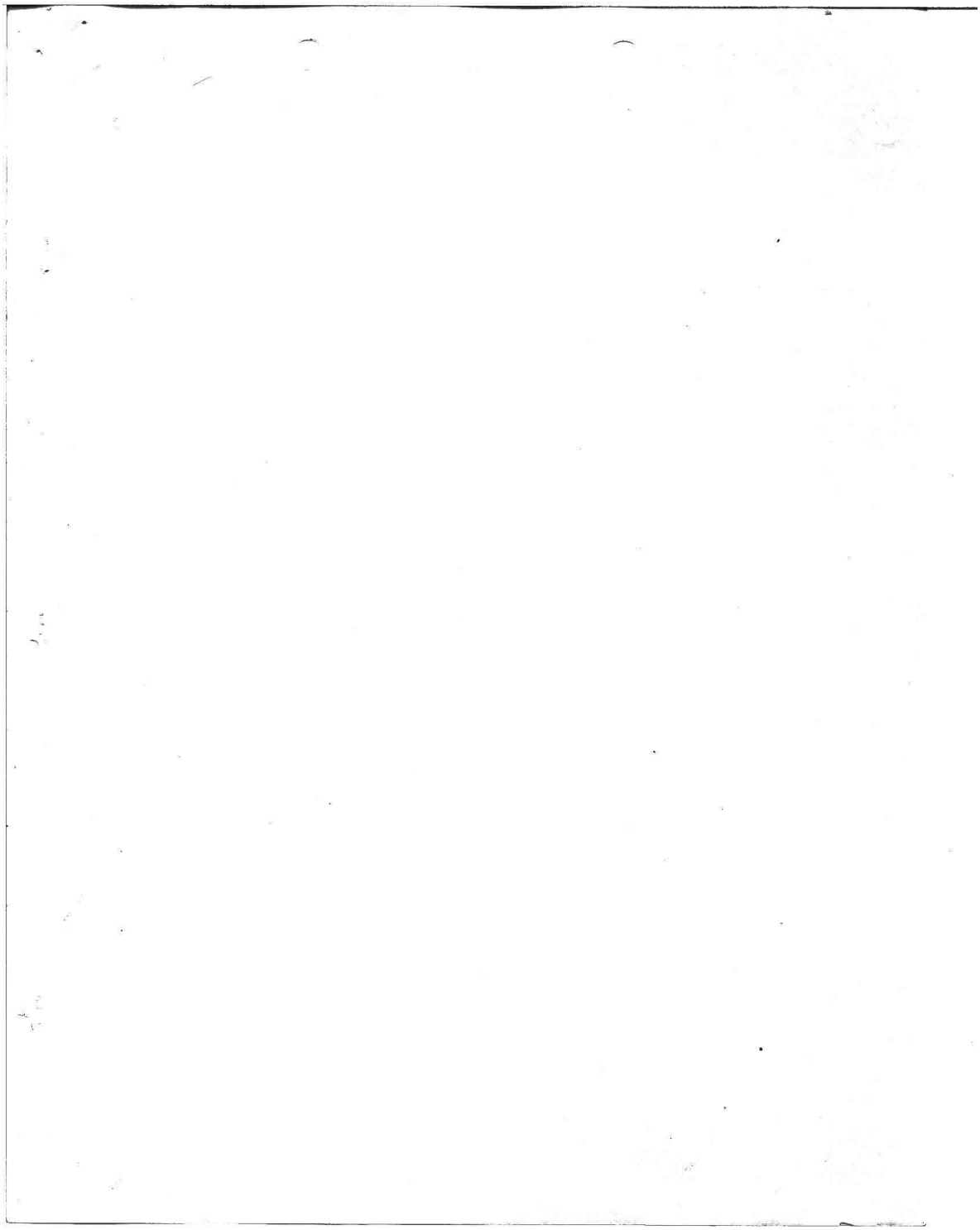
The matter of the final settlement with the U. S. Forest Service relative to the payment of the $500.00 agreed upon in exchange for culinary water at cave camp was considered and the Recorder asked to submit the following bill showing payment in full:

2000	linear feet 2" galv. pipe @ .18	$ 360.00
1	Fish trap	17.50
1	2" meter	70.60
1	Meter Box	2.00
1	Meter Box Top	3.50
Labor, Freight and Drayage		50.00
	Total	$ 503.60

Minutes of the special session of the American Fork City Council, January 4, 1932:

Mr. V. N. West and E. R. Halliday of the Forest Service were present and objected to the bill of $503.60 as submitted. Mr. West stated that the meter, T connections, and labor amounting to $143.60 was not in keeping with the agreement as he understood it and therefore asked payment of $140.00 as settlement of this bill. After consideration of the matter, Councilman Storrs moved that the amount of $100.00 be appropriated to Timpanogas Cave Committee in settlement of the above mentioned bill. Motion carried.

02-14-1931: minutes of the american fork city council pertaining to cave camp water, page 4cont



ORDER TO SHOW CAUSE

CASE NO. 57,298

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF UTAH,

IN AND FOR SALT LAKE COUNTY.

ORDER TO SHOW CAUSE

SALT LAKE CITY, a municipal corporation, UTAH AND SALT LAKE CANAL COMPANY, a corporation, EAST JORDAN IRRIGATION COMPANY, a corporation, SOUTH JORDAN CANAL COMPANY, a corporation, and NORTH JORDAN IRRIGATION COMPANY, a corporation,

Plaintiffs,

VS.

TAMAR ANDERSON, HERBER C. ANDERSON, JOSEPH ANDERSON, CLYDE H. BECKSTEAD, BECKSTEAD IRRIGATION COMPANY, a corporation, * * * * * * * * * * * * * *
* *
UTAH POWER & LIGHT COMPANY, a corporation, * * * * * * * * * * * * * * *
* *
AMERICAN FORK CITY, a municipal corporation, AMERICAN FORK IRRIGATION COMPANY, a corporation, *
TIMPANOGUS CAVE COMMITTEE,* *
BRICE McBRIDE,* *
AND

ALL OTHER PERSONS UNKNOWN, CLAIMING ANY RIGHT, TITLE, ESTATE OR INTEREST IN OR LIEN UPON THE REAL PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO THE PLAINTIFFS' OWNERSHIP, OR CLOUDING PLAINTIFFS' TITLE THERETO; AND

ALL OTHER PERSONS UNKNOWN CLAIMING ANY RIGHT, TITLE, ESTATE OR INTEREST IN OR TO THE WATERS, OR IN OR TO THE USE OF THE WATERS, OR IN OR TO THE USE OF ANY OF THE WATERS MENTIONED IN PLAINTIFFS' COMPLAINT HEREIN,

Defendants.

TO THE DEFENDANTS ABOVE NAMED:-

Having read the verified complaint of plaintiffs on file herein and being fully advised in the premises, now therefore, upon the allegations of fact contained in said complaint and pursuant to motion of plaintiffs in above entitled cause, the court hereby orders that

each of said defendants appear before this court at its court room in the City and County of Salt Lake, State of Utah, on the 7th day of December, 1936, at the hour of 10 o'clock A.M. on said day, and then and there show cause:

1. Why this court should not forthwith assume jurisdiction and control over the waters of Utah Lake and its tributaries and appoint one or more persons for the purpose of supervising the diversion and distribution of said waters and carrying out such orders and directions as may be issued by the court pending a final determination;

2. Why a restraining order should not be issued enjoining defendants and each of them from engaging in the practice of winter flooding land;

3. Why water impounded by any defendant should not be held and diverted during the irrigation season in such manner as the court may later order; and

4. Why an order should not be forthwith made and entered herein, fixing a day certain at specified intervals when the court shall hear and determine any matters affecting the supervision, control, distribution or diversion of the waters of Utah Lake and its tributaries or any of them pending final decree and make such interlocutory orders as may be necessary and proper, without the necessity of serving notice of such hearings or

any of them upon any of the parties to this suit.

Done this 17th day of June, 1936.

/s/ Roger I. Mc Donough
JUDGE

(SEAL)

ATTEST
WILLIAM J. KORTH
Clerk of said Court

By /s/ Jacob Weiler
Deputy Clerk

09-24-1942: memorandum to superintendent from regional attorney regarding amendments of the water right certificate no. 2038

601 Sheldon Building

September 24, 1942.

MEMORANDUM for the Superintendent,
Zion National Park.

With reference to the general problem of water rights at Timpanogos Cave National Monument, we are enclosing two copies each of three memoranda to me by Hydraulic Engineer A. van V. Dunn, all being dated September 17, 1942. We are also enclosing two prints each of drawings Nos. NM-TC-6981, 6982, and 6983, referred to in Mr. Dunn's memoranda.

Our basic inquiry concerns itself with proper amendments of the water right secured by transfer from the Timpanogos Cave Committee (Certificate No. 2038). In connection with our study there have arisen a number of uncertainties which I believe can be cleared up from your records, and others which we are attempting to clear up by securing information from the State Engineer.

If you will refer to the advance sheet of drawing NM-TC-6981, you will note that at the place designated as the end of the joint pipe line used by the National Park Service and the Utah Power and Light Company (station 27+26) there is shown a junction of said joint pipe line with the Utah Power and Light Company pipe line conveying water apparently under authority contained in Certificate 731 issued July 31, 1908.

We should like to determine the nature of any understanding covering this joint use and the connection with the main Power Company pipe line. I assume that the records of the Timpanogos Cave Committee were turned over to you, and, even if not, that the Park Service was kept advised sufficiently so that your records may contain the information with respect to the type and contents of any agreement between the Cave Committee and the Power Company with respect to the joint pipe line, both as to maintenance and operation, and more particularly with reference to the connection with the main pipe line.

FILE COPY

10/12

9/24

In other words, we are attempting to determine how much water in excess of our claim to 0.03125 sec. ft. from Swinging Bridge Canyon Springs is conveyed through this pipe line and how much, if any, of the waters of that same source is claimed by the Power Company. To determine this we must also know -- at least, approximately -- the average flow of water rising in the Swinging Bridge Spring area. We may thus be able to tell whether we merely amplify the supply of the Power Company to the extent of overflow from our system, or whether the Company claims an independent right based upon joint conveyance of water through the same pipe line as that used by the Park Service.

If you will now refer to drawing NM-TC-6983 to be used together with NM-TC-6981, you will see the descriptions (within the monument) of the pipe line of the City of American Fork as well as that of the Park Service for use at the Administration area. You will observe that from information available to this office there would appear to be a connection between the Park Service system and the City's system at the point labeled "Collecting Jct." just east of station 0+25 on drawing NM-TC-6983. We should like to determine definitely from you whether there is, either at this point or at any other point, a physical connection between the system used by the Park Service and that by the City of American Fork.

Further, our information is not sufficiently complete to permit us to state definitely whether the source of supply for our pipe line in any way overlaps the source of supply for the City pipe line. In other words, we should like to be advised whether the quantity of 0.03125 sec. ft. of water which we claim from Cave Spring as a portion of our right under Certificate No. 2038 is actually derived from the same source or sources used to meet the right of American Fork City by virtue of their permit under Application No. 10578, the date of priority of which antedates our priority date by a little over a year. The right of the City contemplates the ultimate use of 3 sec. ft. of water, and if they are drawing upon the same sources as we are for our right we should have more detailed information with respect to the flow of the springs involved so as to know whether there will be sufficient water to meet both water rights.

If we are using the same sources of water supply as the City, or if our water system is physically connected with the City's system in any way, or if both circumstances are present, it may mean that here again there is a possibility of past understandings, evidence of which is in the files either in your office or at the monument.

The original areas of use designated in our right secured through Certificate No. 2038 were quite restricted, and it is to the Government's best interest to expand those areas of use primarily in connection with the construction of the proposed new pipe line and reservoir in the northeast area of the monument. It would be well at the same time to provide for other potential future uses, and Mr. Dunn suggests the possibility of pumping to the cave entrance and perhaps showing the use generally throughout the entire monument area. We would appreciate receiving your reactions to these suggestions because we should like to accomplish in one amendment all that may be required to take care of future use.

In this latter connection there arise other questions initiated by what appear to be mining claims, the validity of which, insofar as our records are concerned, is uncertain. It would appear that much of the Administration area and Cave Spring area, as well as a portion of the existing campground area, may fall within the limits of these monument claims which are also referred to in two of Mr. Dunn's memoranda. The status of these claims should be determined by securing all the facts relating to them in order that we can avoid the possibility of designating our place of use within the surface area of valid monument claims. Any information which you can give us upon this subject will be helpful.

There is one further matter upon which our files are deficient in providing adequate information. I refer to the statement in one of Mr. Dunn's enclosed memoranda to the effect that no certificate has ever been issued upon the application of the City of American Fork for the reason that it was held up pending an agreement to be reached with respect to furnishing compensating supplies to other water users. Apparently both the right of the City and the right of the Power Company were in some wise affected by the litigation between the City of Salt Lake and the Utah Lake basin water users. I understand that this litigation was terminated, but we are not informed as to the manner in which it was terminated -- that is, whether by judgment, by dismissal, or whether the complaint was faulty because of jurisdictional grounds or otherwise. In fact, we do not know the exact nature of the complaint instituted by the City of Salt Lake, whether it was a proceeding in equity to enforce a remedy by injunction or something else entirely different. If you can straighten us out on this point, it will also be greatly appreciated.

(SGD.) JOSEPH E. TAYLOR
Regional Attorney.

Enclosure 2122018.

cc: Director)with 1 set of
Region Three)all enclosures.

JET:SH

09-17-1942: memorandum to regional attorney from hydraulic engineer regarding application no. 10833: pipe line

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.
601 Sheldon Building

September 17, 1942.

MEMORANDUM for Regional Attorney Joseph E. Taylor.

Re: Present Timpanogos Cave Water Rights.

Refer first to the attached advance print of NM-TC-6983 which is compiled from various records with the General Land Office and most recent Park Service surveys as the basic control.

The National Park Service Pipe Line hereon designated was constructed by the Cave Committee under water right Application No. 10840 on which Certificate No. 2038 was issued. One diversion was at dam in Swinging Bridge Canyon which the National Park Service has recently found to be S. 73°04' W. 876.77 feet from the North Witness 1/4 corner of Section 27, T. 4 S., R. 2 E., S.L.M., which is within about 25 feet of the same diversion as described in the map filed in proof under Application No. 10840 and the certificate. The second diversion was from the Cave Springs at a point N. 75°58' W. 344 feet from a wheel on the measuring device of the American Fork City Water System, which description is also nominally in agreement in the said certificate and more recent NPS surveys.

The aforesaid certificate is for the diversion of 0.03125 sec. ft. from each source, a total of 0.0625 sec. ft. (or 1/16 sec. ft.). The use is designated as for domestic purposes at Timpanogos Cave Camp in American Fork Canyon from January 1 to December 31 inclusive. The certificate states further, "This use consumes all of said water." There is the definite claim to full use of the diverted water. There is also some suggestion that the claim may be for the full flow of the sources of supply.

The same drawing shows the upper portion of the American Fork City Corporation Pipe Line which also diverts from the Cave Spring area under water right Application No. 10578. This pipe line is shown from the map filed in proof under that application. The ties

Copies to Supt. Zion (2)
Director
Region Three
9/24/42

to section corners differed radically so the equation was made at the wheel on the measuring device which the map shows to be at 3/45 of the pipe line. The Park Service has made careful checks of the location of the measuring device with relation to Monument A on the Monument Boundary and the SW corner and North Witness 1/4 corner of said Section 27. This method throws the diversion in the same Cave Spring area approximately 100 feet square that is one source for the Park Service Pipe Line. We do not know, here, whether both pipe lines divert from the same two springs or from separate ones in the same area. I submit drawing NM-TC-6983 which shows the two pipe lines in the area on larger scale and greater detail than on the main map. Station 0/25 of the American City Pipe Line and Station 5/65 of the Swinging Bridge Canyon (NPS) Pipe Line are the designated points of diversion and piping extending therefrom into the area should be considered as collecting laterals. We need a field check of actual conditions to determine whether the two diversions actually conflict.

Since the proof map has actually been filed under Application No. 10578, and was dated October 1931 it seemed logical that the certificate had been granted. I have just written to the State Engineer for a copy of the original application and the certificate. I obtained the application, but he offered the following explanation for not sending the certificate:

> "For your information, certificate on Application No. 10578 is being held up pending an agreement to be reached between American Fork City and the Utah Power and Light Company. Inasmuch as the last referred to instrument cannot be furnished you, your voucher should be amended....."

The following explanation is given in Application No. 10578, the portion in brackets being the red additions which have been made subsequent to the initial filing:

> "It is intended by applicant to divert the water from the spring described herein into applicants' waterworks system and use the water for domestic and municipal purposes in American Fork City. The water at present flows into American Fork Creek and is used for irrigation purposes near American Fork (by the American Fork Irrigation Co.) Water equal to the quantity diverted during the irrigation season will be supplied

from the Deer Creek reservoir when constructed on Provo River or from (other) water owned by applicant. The exchange of water will be made in such a way as not to interfere with existing reights or distribution.

"(The water applied for herein has heretofore been conveyed into the canals of the American Fork Irrigation Company and used as a partial water supply upon the following described lands by said company:- All referred to S.L.B.& M. T.5S., R. 1-E., Sec. 11, SW¼ Sec. 12, Sec. 18, Sec. 14, E½ Sec. 15, E½ Sec. 2, Sections 23 and 24; area 4,000 acres.

"(Upon demand an equal quantity of water will be supplied these lands by applicant from the Deer Creek Reservoir when constructed or from other sources owned by applicant)"

There is a suggestion that the certificate is probably being held pending construction of the Deer Creek Reservoir. When that certificate is issued the relative rights of the Park Service and American Fork City will be measured by priority of filings, as follows:

American City Application 10578 now stands at 2:00 p. m. Jan. 7, 1929.

Cave Committee Certificate 2038 grants priority of February 24, 1930.

We know that Application 10578 claimed a right to 3.00 sec. ft. We do not know whether proof has established title to the full amount nor whether the springs can supply the NPS right in addition to such amount.

The drawing NM-TC-6981 also shows the Utah Power and Light Company Pipe Line along the north Monument Boundary with a connection from the Swinging Bridge Canyon Pipe Line. The Cave Committee proof map shows the Park Service and Power Company to share interests in the Swinging Bridge Canyon Pipe Line above this junction at 27/26. The Power Company Pipe Line is shown from Exhibit K filed with the Federal Power Commission under Project No. 696-Utah.

We were advised on previous inquiry that no final proof map had been filed with the State Engineer under the Power Company Water Right Application No. 154 and we assumed, therefore, that no certificate had been issued. However, we have just obtained a copy of the application and find that its priority was July 7, 1904, and a proof map was received on the same date and "filed" October 17, 1904. Appropriation was perfected November 30, 1907, and Certificate 731 was issued July 31, 1908. I am making another request for the missing instruments now that I have the details, but for the moment the following data from the application will serve.

> No quantity of water was designated but the description of the conduit indicates a possible diversion of about 40.0 sec. ft. The use is designated as power. Under additional facts, "The said company is at present furnishing power for Salt Lake County in the use of their pumping plant, and it may be changed in the future and it may want to follow same when relocated at some other point."

The application designates only one point of diversion, as follows, with my conversions in brackets:

> "N. 87°58'38" E. 259.35 chains (17,117.10 ft.) from the northwest corner of Section 32, T. 4 S. of R. 2 E., S.L.M., and near what is known locally as the hanging rock in American Fork Canyon, Utah County."

The Company's Federal Power Exhibit K gives the following radically different point of diversion, but again makes no reference to a supplemental diversion from Swinging Bridge Canyon:

> "N. 77°34'36" E. 19732 ft. from NW corner Section 32, T. 4 N., R. 2 E., S.L.M., on American Fork."

The proof map under Application 10840 does not give the station on the penstock of the Swinging Bridge Canyon Pipe Line, and the Federal Power Exhibit does not even indicate that such a junction or secondary source of supply exists. The Park Service has not traversed the penstock, but from such ties to unidentified points it seems quite evident that the junction is very near Station 63+47; whence, without adjusting azimuths, the following tie checks closely with that in the Federal Power Exhibit, but not with that in the water right application:

"N. 77°38'20" E. 19,650 ft. from the NW corner of Section 32, T. 4 N., R. 2 E., S.L.M."

You will note that the water right application and actual conditions differ by about 10 degrees in azimuth and half a mile in length but there is no other penstock in the area between. Hence, there can be no question of identity.

The Cave Committee conveyed their water right Application No. 10840, Certificate No. 2038, to the United States by an assignment dated Sept. 10, 1941. The conveyance was delayed from 1934 to 1941 because of a court action by Salt Lake County which claimed the right to waters of Swinging Bridge Canyon. We, here, do not know too much about this court action nor do we have a copy of any of the claims as actually filed. I believe, but am not certain, that the case was thrown out rather than being settled in a manner to define any rights.

The preceding discussion covers the following claimants to one or both sources of the Timpanogos Water System:

1. National Park Service (successor to Cave Committee).
2. American Fork City Corporation.
3. Utah Power and Light Company.
4. Salt Lake County.
5. American Fork Irrigation Co. (until American Fork City Corporation builds its Deer Creek Reservoir).

We only know that the Park Service has the Certificate No. 2038 for what is probably the junior right to 0.0625 sec. ft. from sources of unknown available supply. This memorandum is to suggest the possible need for further definition of our right to determine its adequacy. I also attach further memoranda relating to other phases of the problem.

Arvel T. Dean
Hydraulic Engineer.

Attachments.

09-17-1942: memorandum to regional attorney from hydraulic engineer regarding proposed amendment of timpanogos cave water

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

September 17, 1942.

MEMORANDUM for Regional Attorney Joseph E. Taylor.

Re: Proposed Amendment of Timpanogos Cave Water Right Application 10840, Certificate 2038.

Reference is made to my memorandum of even date on "Present Timpanogos Cave Water Rights." Drawing NM-TC-6981 is intended to be the proof map for amending rights under Application 10840, Certificate 2038, but before filing an amendment the plan seems to need some general review and approval.

Attached drawing NM-TC-6982 shows the points of diversion at the dam and spring in Swinging Bridge Canyon and junction of pipes at Cave Springs by Park Service surveys and by various descriptions in the application and certificate. Apparently the application was entirely in error and an attempt was made to correct the description in the proof and certificate but the work was very crude. Because of the various conflicting claims of the American City Corporationand Utah Power and Light Company, it seems desirable to correct the ties and specify the physical features at each diversion. As suggested in the aforesaid memorandum it will be desirable to have various diversions in the Cave Spring area clarified in accordance with drawing NM-TC-6983.

Further, since all old ties are long, slight errors in measurement can make large ones in location. Since the Park Service has shorter ties to the more recently set West 1/4 corner and North Witness 1/4 corner of Section 27, it is proposed to use those in the amendment and show their relation to Section 32 by older filings for clarity. For details see drawing NM-TC-6981.

Since there are various springs at both Swinging Bridge and the Cave Spring area, I also propose to claim diversion from such areas by metes and bounds rather than single points in order that we may claim all water not already diverted by American City or the Power Company. Note that I purposely include enough area to cover the diversion points of these conflicting claimants.

Copies to Supt. Zion (2)
Director
Region Three
9/24/42

The present certificate is for water use at the Administration Area and Campground immediately east and largely in the SW¼ NW¼ Section 27. The development plan proposes to provide further service at another campground in the northeast corner of the monument by extending the pipe line as shown by heavy line. Further, although it would require pumping, it would be desirable to have water at the cave entrances for those who have climbed up the trail. Hence, it is suggested that we claim water use on the whole monument area rather than restricted areas which may change from time to time. There is a question, however, whether such a broad designation of area of use would be dangerous if there are still private mining claims thereon.

The original proof map does not specify the sections of land involved in the area of use except by implication through the tie to the northwest corner of Section 32, because the land was "unsurveyed" until 1937. Assuming standard sections, too, this implied that all use was well toward the center of Section 27, T. 4 S., R. 2 E., S.L.M. The corners were set in 1937 and although the plat has not been completed and accepted the relation between the monument and section lines is established. The final plat may show minor variations in distances due to adjustment of closure, but ties between GLO and Park Service surveys indicate that no variation will be more than 12 or 15 feet. Note variation at North Witness 1/4 corner on drawing NM-TC-6981. Hence we have no reason to wait for final plat approval before amending the right.

The General Land Office has tied in Monument A on the west monument boundary at a point on a line approximately 150 feet east of the west boundary described in the Proclamation. So far as I know this monument is the only marker on the boundary to have been identified by the General Land Office, although the Park Service has set Monument L as the intended northeast corner.

Since all abutting land is National Forest, I construe the setting of two monuments and identification of one by the General Land Office to establish the monument boundary regardless of the variation of 150 feet between the Proclamation and the true description. Monument L places the north and south lines less than 15 feet south of those described by Proclamation. Monument A, as construed, sets the north and south lines in the same place as Monument L, and sets the east and west lines about 150 feet further west than the Proclamation and 75 feet west instead of east of the west line of Section 27.

I think we are correct in claiming 75 feet of the monument to be in Section 28 without further Proclamation or survey, but if wrong I will still feel that we were justified in making the erroneous claim for the water right amendment to prevent needless restrictions. I should merely define the area of use as:

That portion of Sections 27 and 28, T. 4 S., R. 2 E., S.L.M., within Timpanogos Cave National Monument.

The greater detail will be shown on proof map NM-TC-6981, and since this will not be filed in final form until the pipe line extension to the NE corner of monument, the reservoir, and perhaps a pump line to the cave entrance are built, we will have time to make some corrections after the GLO plat is approved. By memorandum of March 16, 1942, Mr. Moskey suggested the same idea.

G. Wadd. Dunn
Hydraulic Engineer.

Attachment.

09-17-1942: memorandum to regional attorney from hydraulic engineer regarding encumbrances at timpanogos cave

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

601 Sheldon Building

September 17, 1942.

MEMORANDUM for Regional Attorney Joseph E. Taylor.

Re: Encumbrances at Timpanogos Cave.

With reference to my memorandum on "Present Timpanogos Cave Water Rights" of this date, and drawing NM-TC-6982, you will note that the following conditions exist:

1. The monument is traversed by a road under State, county, or Public Roads Administration supervision.

2. The monument is traversed by part of the conduit of the Utah Power and Light Company.

3. The monument is traversed by part of the conduit of the American Fork City Corporation.

4. The American Fork City Corporation diverts its water from the same Cave Spring area on the monument that serves as one source for the National Park Service.

5. The National Park Service and Utah Power and Light Company share interests in a part of the Swinging Bridge Canyon Pipe Line.

6. The Utah Power and Light Company diverts some water at the same dam in Swinging Bridge Canyon that constitutes one source for the National Park Service water supply.

7. There are other claimants to the waters of Swinging Bridge Canyon and Cave Springs, with diversions below the monument, who instituted court proceedings which were only recently terminated with rather uncertain results.

Copies to Supt. Zion (2)
Director
Region Three
9/24/42

In addition, not yet shown on the map, the monument is largely covered by the following mining claims:

1. Joy.
2. U Bet YourBoots.
3. Workings of unknown name to north of U Bet Your Boots.
4. Some possible claim to Hanson's Cave.

All encumbrances seem to have been vested rights at the time the Forest Service ceded the monument to the National Park Service. I wonder if Forest Service permits, where they existed, were turned over to the Park Service and whether they should be superseded or whether others are needed. I also wonder whether any of the mining claims have been conveyed to the United States or whether any provision should be made in amending the Park Service water right to protect the United States where it applies water on these claims.

Grant F. Dunn
Hydraulic Engineer.

601 Sheldon Building

September 17, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

Reference is made to your letter of September 11, 1942, transmitting, among other things, a copy of Water Right Application No. 154 by the Utah Power and Light Company.

We find that this application shows that a map, profile and drawings were filed October 17, 1904 (actually received July 7, 1904), and that Certificate No. 731 was issued on July 31, 1908. In some correspondence with your office about a year and a half ago I gathered that these had not been completed, but we are extremely anxious to obtain copies if they are available.

We are trying to find the authority for a diversion from Swinging Bridge Canyon to supplement the main supply for that system, the quantity of water involved in that diversion, the tie to the authorized point of diversion, and the traverse of the Swinging Bridge Canyon lateral with the equation on the main line at the junction. The copy of the certificate and the one sheet of proof map giving the alignment should provide this information. To visualize the problem your attention is called to the proof map under Water Right Application 10840, Certificate 2038.

With further reference to Application 10840, you will note that it shares with Application 154 in rights to Swinging Bridge Canyon and with Application 10578 in rights to Cave Spring. Application 10578 was for 3.00 sec. ft., and even though the certificate has not yet been issued we would like to know whether proof was completed for the full amount. Further, we wonder if you have any records of the full available flow of both the Swinging Bridge Canyon and Cave Springs.

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Since we do not know just what the total fees will be for the above services we enclose a blank voucher and request that you sign it at the point indicated and return it with a statement of costs on a separate sheet of paper so we can complete it here.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure.

09-11-1942: letter to nps from state engineer regarding applications no. 154 and 10578

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

ED. H. WATSON
STATE ENGINEER

SEP 14 1942

ROUTING	Date
Taylor	9/15
Woodle	
Dunn	9/15
FILE	

September 11, 1942

U. S. Department of the Interior
National Park Service
San Francisco, California

Gentlemen: REL: APPLICATIONS NOS. 154 AND 10578

In conformance with your letter of September 4, 1942, there has been prepared copies of Applications Nos. 154 and 10578. I am also enclosing your voucher duly executed.

You requested a copy of certificate on Application No. 10578. For your information, certificate on this application is being held up pending an agreement to be reached between American Fork City and the Utah Power and Light Co. Inasmuch as the last referred to instrument cannot be furnished you, your voucher should be amended to read $2.00.

Yours very truly,

Ed H Watson

Ed. H. Watson
STATE ENGINEER

VRW/pc
Encls: Applications
Voucher

cc: Bookkeeper

09-04-1942: letter to state engineer from hydraulic engineer regarding appl. no. 154 and 10578: point of diversion

601 Sheldon Building

September 4, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

Will you please send us a copy of each of the following:

Water Right Application No. 154 by the Utah Power and Light Company.

Water Right Application No. 10578 by the American Fork City Corporation.

Water Right Certificate issued on Application No. 10578 to the American Fork City Corporation.

It happens that the map filed by the Utah Power and Light Company with the Federal Power Commission (Exhibit K of Project No. 696 Utah) shows no diversion from Swinging Bridge Canyon Springs, but the proof map under Water Right Application No. 10840 shows a connection from the Cave Committee Pipe Line which we have recently acquired to the Power Company system, and the connection actually exists. For this reason, we are particularly interested in obtaining the original Application No. 154 and any amended or additional application which the Company may have filed to cover a later plan to divert from Swinging Bridge Canyon.

You will also note on the Cave Committee proof map, your number 151, that the pipe from Swing Bridge Canyon Springs to station 27/26 near the Power Company pipe line is designated as the joint conduit of American Fork City and the Cave Committee while the two conduits it serves from there to the south and west are the properties of the Utah Power and Light Company and the Cave Committee or now the United States. We assume that this designation was in error, but as a

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precaution we ask that you check for a possible American City interest in the Power Company conduit, as that might be indicated by another water right filing.

We enclose a voucher covering the $3.00 fee for the three specific instruments requested, and request that you sign it at the point indicated by pencil cross and return for payment. If you find other instruments as suggested, please send us a separate statement of the extra charges in order that we may enter them on the voucher before sending it to the disbursing office.

Note that we already have the maps (your numbers 122 and 151) pertaining to the applications in question. If, however, you have other maps pertaining to the same rights we should like van dyke negatives of them.

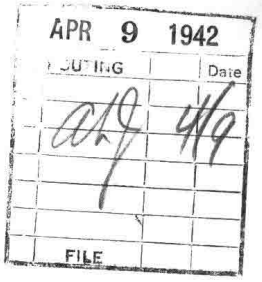
Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH
Enclosure 2122008.

04-06-1942: memorandum to regional director from superintendent regarding recording of appl. no. 10840

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH



April 6, 1942

MEMORANDUM for Regional Director, Region Four:

Water Rights Division

Reference is made to your memorandum of February 20 returning to us for recording one copy of the assignment of application No. 10840, Timpanogos Cave National Monument.

This assignment is returned herewith, duly recorded as follows:

Entry No. 1919
Recorder: Eloise P. Fillmore, Utah County
1942 March 14 P.M. 12:00
Book 365, Section, Water Index
Page 383-4
Indexed E.P. & E.P.

The fee of 70¢ was paid by Superintendent Franke and duly reimbursed on travel voucher and absorbed by Zion National Park. This is considered more economical to the Government than billing to your office.

Paul P. Franke
Superintendent

CC - Director
Region Three

01-29-1942: letter to nps, attorney from state engineer regarding acknowledgement of receipt of appl. no. 10840

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

January 29, 1942

ED. H. WATSON
STATE ENGINEER
T. H. HUMPHERYS
JAN 30 1942
1/30
1/30
FILE

Mr. Albert L. Johnson, Attorney
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir: REL: APPLICATION NO. 10840

Receipt is acknowledged of assignment of Application No. 10840 from Stephen L. Chipman to the National Park Service. This assignment, however, cannot be accepted for filing since it was not accompanied by the statutory filing fee in the amount of $1. In resubmitting the assignment, please have Mr. Chipman sign as Chairman for the Timpanogos Cave Committee, as the application was made out in the name of the Timpanogos Cave Committee and signed by Mr. Stephen L. Chipman, as Chairman.

Yours very truly,

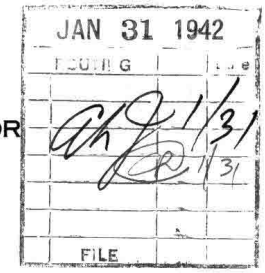
Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

RER/vm
Enc:Assignment

01-27-1942: memorandum to regional director from superintendent regarding hold of application no. 10840 to appropriate waters f

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH



January 27, 1942

MEMORANDUM for Regional Director, Region Four:

For: Attorney Albert L. Johnson

Reference is made to your inquiry of January 22 regarding the holder of application No. 10840 to appropriate waters for Timpanogos Cave National Monument.

Stephen L. Chipman was the holder of application No. 10840 in behalf of the Timpanogos Cave Committee. On March 22, 1941, application No. 10840 and certificate of appropriation No. 2038 were transferred to the federal government by the Cave Committee and the papers delivered to Superintendent Franke. These papers were forwarded to the Water Rights Division on March 29, 1941.

Under date of May 14, 1941, the application No. 10840 and appropriation certificate No. 2038 were forwarded by your office to the Director at Washington. As far as our records go, evidently the National Park Service is now holder of the application and certificate.

We believe it advisable that your office record the assignment in the county.

Paul R. Franke
Superintendent

CC - Director
Region Three

04-07-1941: letter to hydraulic engineer from state engineer regarding request for appl. no. 10578, 10840, 10618, 12571

APR 9 1941

5/6/41

T. H. HUMPHERYS
STATE ENGINEER

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

April 7, 1941

Miss Hinds
where is voucher?
Did it go through for payment ok?, yes. S.H.

Mr. A. Van V. Dunn,
Hydraulic Engineer
National Park Service
San Francisco, California

Timpanogos Cave
x Zion

Dear Sir: REL: APPLICATIONS NOS. 10578, 10840, 10618 & 12571.

In compliance with your requests dated March 28 and 31 respectively, there are furnished you herewith copy of Certificate of Appropriation No. 1991, copy of Application No. 10618 to Appropriate Water for Domestic and Municipal Purposes, and under separate cover, Van Dyke negatives of maps relating Applications Nos. 12571 and 10840. — Zion

Timpanogos Cave

Proof Application No. 10578 by American Fork City has not been approved, therefore, the maps pertaining to this Proof cannot be furnished.

The cost of these data is as follows:

Copy of Certificate	$1.00
Copy of Application	1.00
Van Dyke negatives	1.80
Making due a total of	$3.80

Enclosed is furnished voucher covering these items.

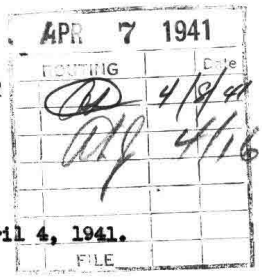
Yours very truly,

T. H. Humpherys,
STATE ENGINEER.

3/9
Encl: Certificate No. 1991
Application No. 10618
Voucher

04-04-1941: memorandum to regional director from superintendent regarding proposed water line development

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH



April 4, 1941.

Memorandum to Regional Director, Region IV.

Attention Water Rights Division.

Reference is made to copy of memorandum received here, dated March 31, to Regional Director, Region III, concerning water rights at Timpanogos Cave National Monument.

For your information, Superintendent Franke on March 24 discussed with State Engineer Humpherys the proposed water line developments planned this summer under a W.P.A. project. Mr. Humpherys ruled that since the place of diversion remained the same, use would be the same, and within the Timpanogos Cave National Monument, therefore the pipe line extension up canyon to the new headquarters area would be considered by his office a lateral of the original application and no amendment to change the place of use would be necessary. We failed to include this information when the application and certificate were forwarded.

The plan outlined by Mr. A. Van V. Dunn, Hydraulic Engineer, to present all changes since 1930 and present proposals to the Utah State Engineer for a written decision is sound and no doubt excellent protection in case future court actions order reallocations as necessary for the Salt Lake City domestic supply.

Paul R. Franke
Superintendent

cc Regional Director, Region III.

03-31-1941: letter to state engineer from hydraulic engineer regarding negative of maps submitted for appl. no. 10578, 10840

March 31, 1941.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

Will you please send us one Van Dyke negative of the maps submitted in the perfection of each of the following water rights, and advise as to the present status of rights under the first:

Application No. 10578 by American Forks City.

Application No. 10840 by Timpanogos Cave Committee.

We enclose a voucher which you should sign and return with a statement of cost for the above items.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136626.

AvVD:SH

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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

MAR 31 1941

ROUTING	Date
	3/31/41
	3/1

March 29, 1941.

Memorandum for Regional Director, Region IV:

Attention Water Rights Division.

We forward herewith the following papers concerning the water rights at Timpanogos Cave National Monument:

Application No. 10840 of Timpanogos Cave Committee to appropriate water from Swinging Bridge Canyon Spring and Cave Camp Spring, Utah County.

Certificate No. 2038 of appropriation of water from Utah Lake and Jordan River.

Blueprint "Profile and Tentative Grade of Proposed Pipeline of Diversion".

The Timpanogos Cave Committee, assembled in annual meeting at American Fork, Utah, on March 22, 1941, voted to transfer their water rights and all interests in the system to the Federal Government. We ask your office to prepare the necessary papers to complete the transfer and for proper recording in the Utah County records.

Superintendent Franke met with State Engineer Humpherys on March 25 and was informed that proper recording in the county records was necessary and no further action of his office was needed to complete the transfer. State Engineer Humpherys further informed us that the Utah Supreme Court had returned to the lower courts the case of Salt Lake City and certain irrigation companies involving waters of Utah Lake, holding the request as ambiguous.

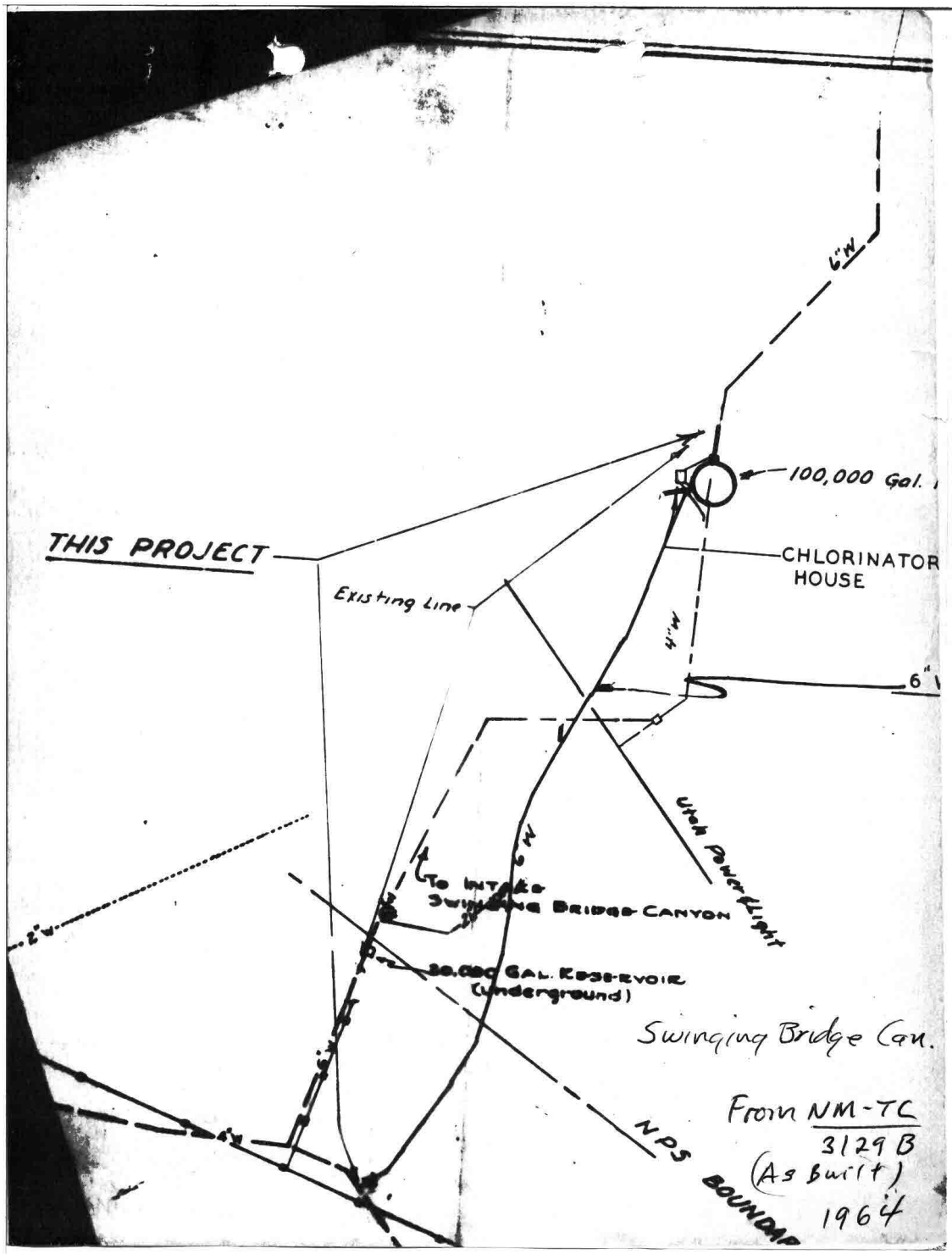
Federal ownership of the water rights is considered essential to the water system improvements planned under the present approved W.P.A. program.

Paul R. Franke
Superintendent

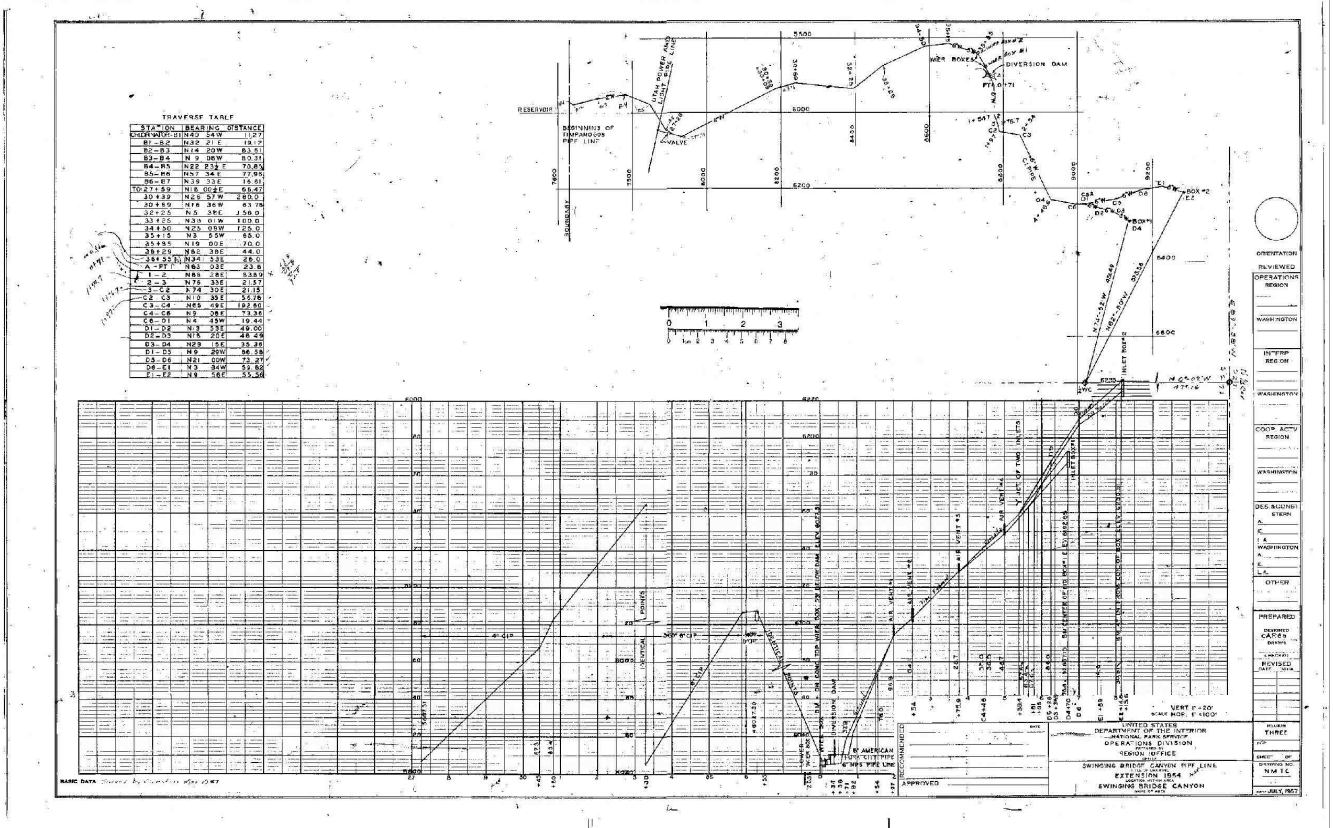
CC Regional Director, Region III.

Maps and Miscellaneous Information

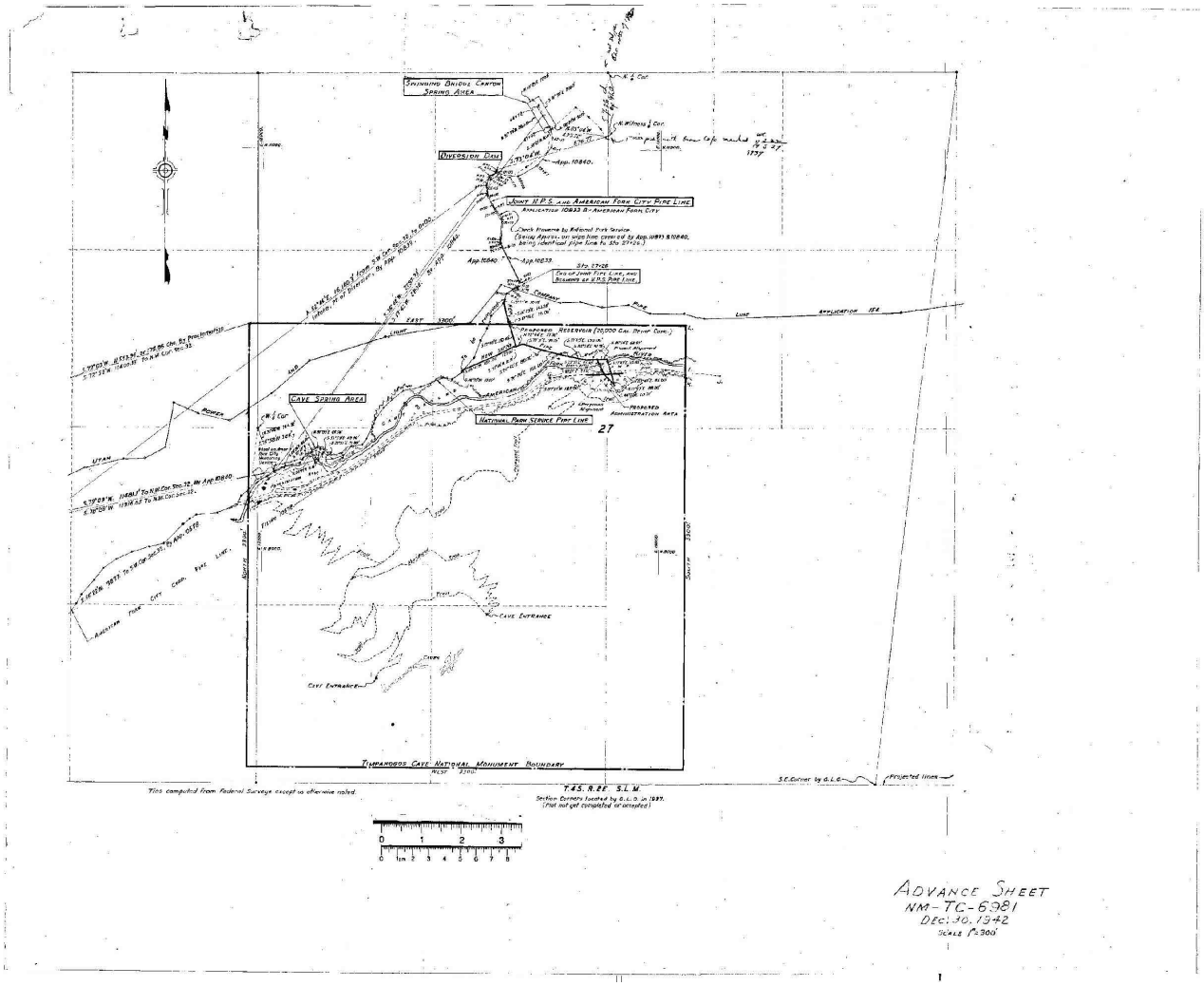
00-00-0000: map of project regarding swinging bridge



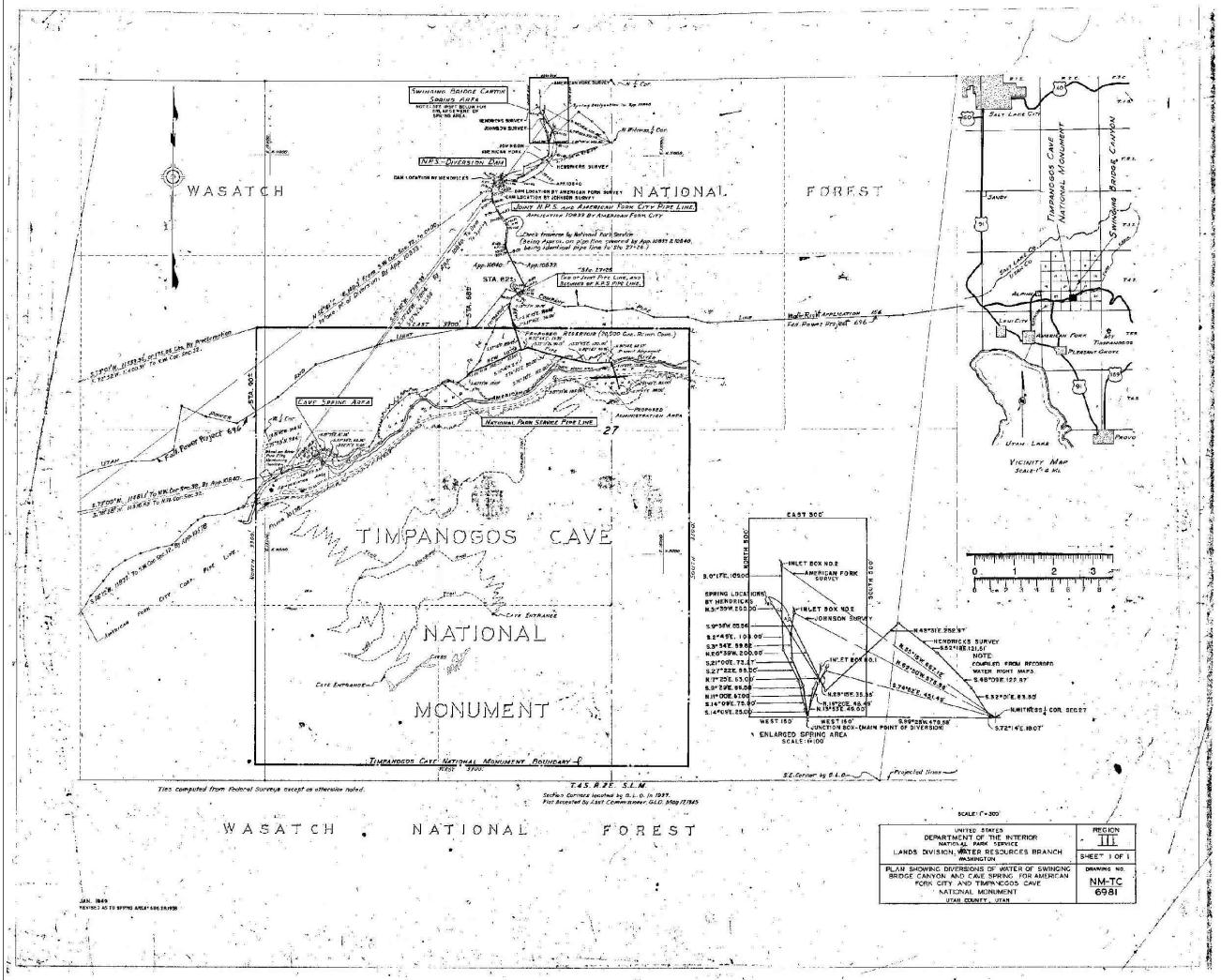
07-00-1957: map and profile of the swinging bridge canyon pipeline - extension 1954



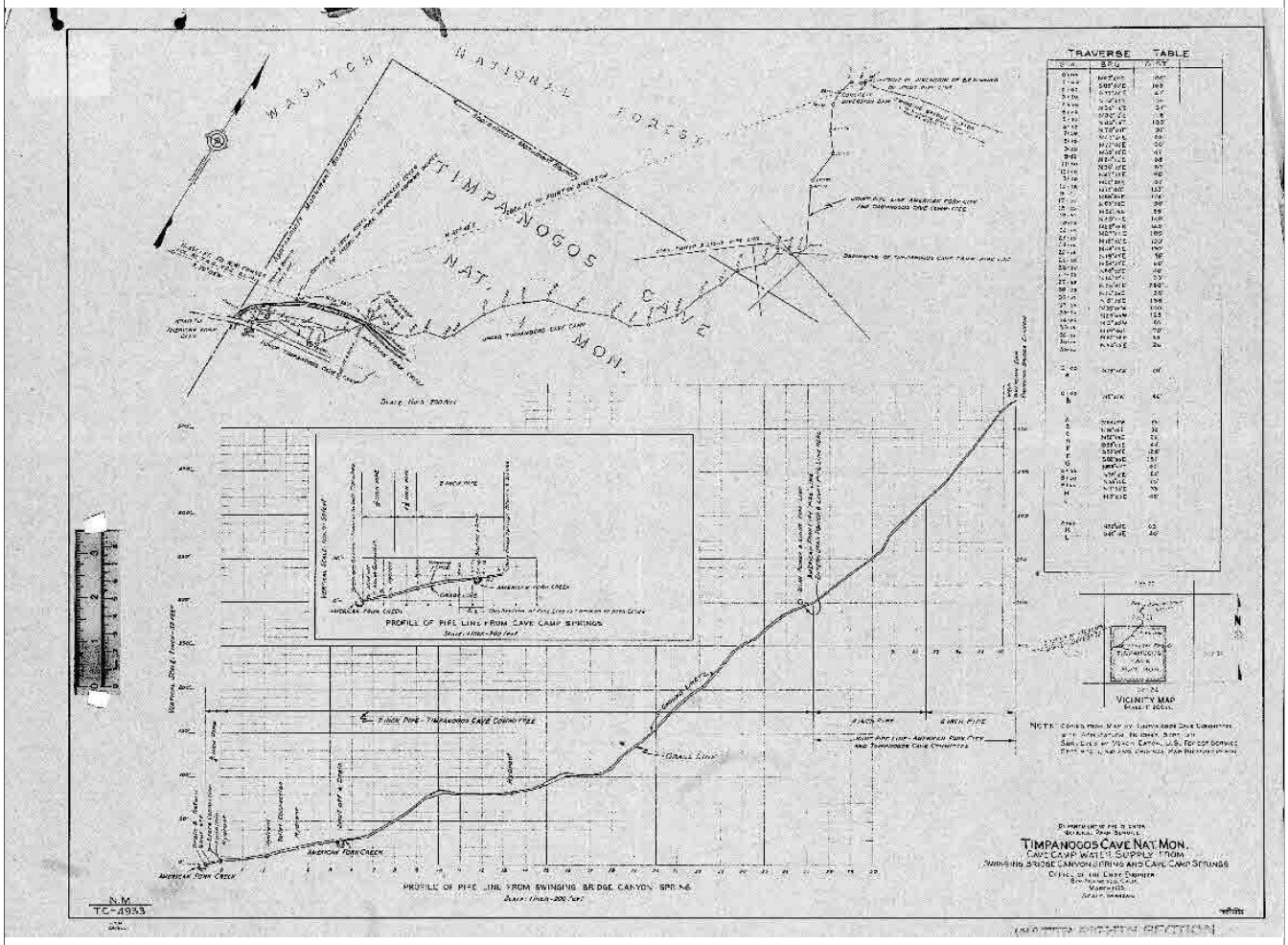
12-30-1942: advance sheet (map)



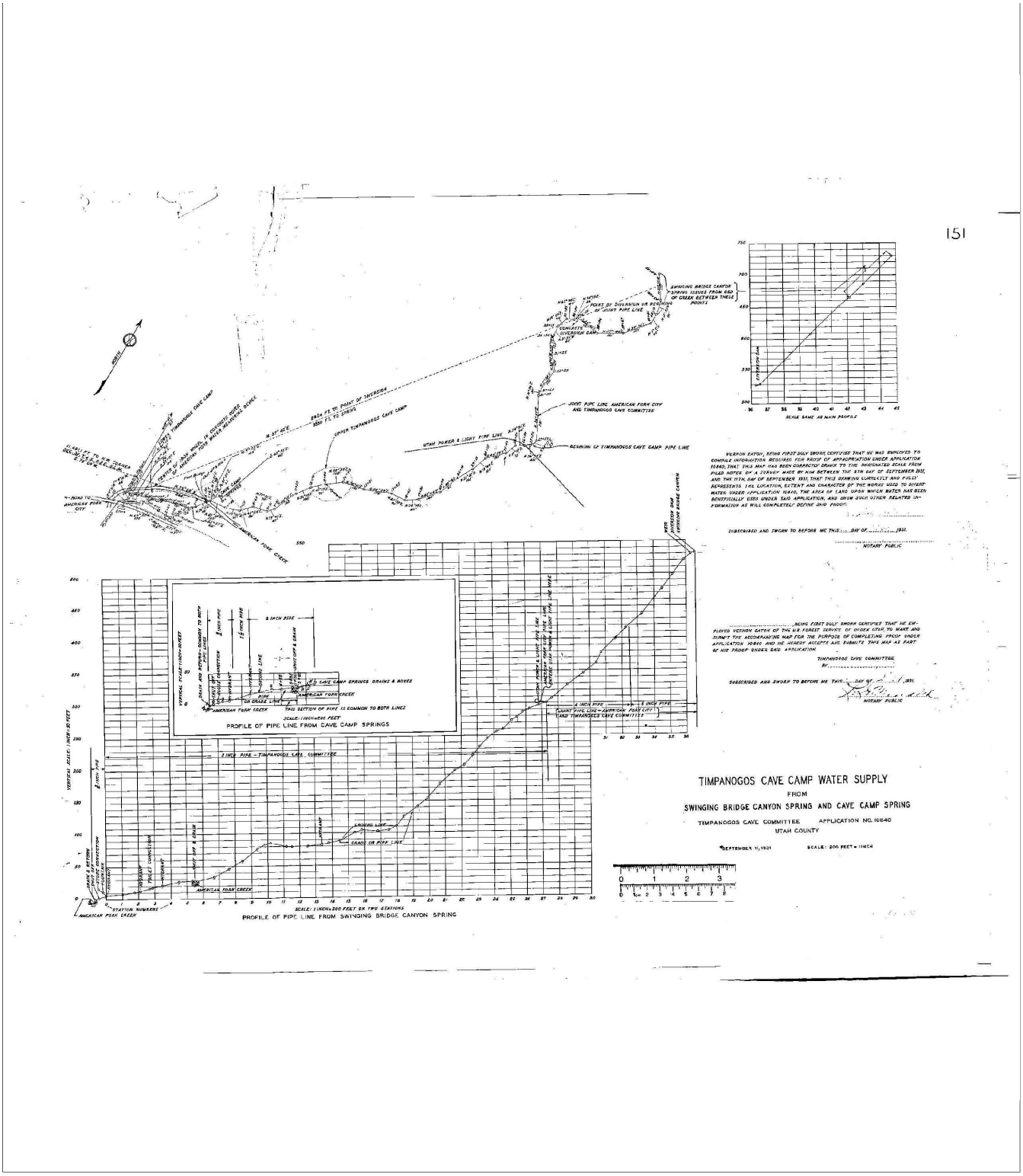
01-00-1942: plan showing diversions of water of swinging bridge canyon and cave spring



00-00-0000: map and profile of tica - cave camp water supply



09-11-1931: map of the tica cave camp water supply



Docket Information

Number of Documents in Docket 241

Documents Dated from 2/13/1930 to 6/27/1968

Docket Compiled: 6/21/2011