



WATER-RIGHT DOCKET

Yellowstone National Park

Docket No: 2

GARDINER DITCH

Preliminary Docket Information

00-00-0000: gardener irrigation ditch yellowstone national park: records of water right conflict

Gardiner Irrigation Ditch
Yellowstone National Park

Records of Water Right Conflict

1. Map of Gardiner Ditch.
2. Map No. NP-YEL-6975, Reese Creek and Stevens Creek Water Claims, Yellowstone National Park, also showing Gardiner Ditch, Town of Gardiner, and Gardiner Hydroelectric Plant.
3. Memorandum of February 15, 1945, from Acting Director, National Park Service, to Commissioner, General Land Office, requesting information.
4. Plat of T. 9 S., R. 8 E., M.P.M., showing lot subdivision in Section 23.
5. Letter of May 4, 1945, from Commissioner, General Land Office, to Director, National Park Service, explaining patent, water claims and relinquishments of Edwin Stone in said Section 23.
6. Letter from Gardiner Electric Light and Water Company, received by Secretary of the Interior March 23, 1903, requesting right to take water from Gardiner River in Yellowstone National Park.
7. Letter of April 8, 1903, from Acting Commissioner, General Land Office, to Secretary, advising that since the Gardiner River is within Yellowstone National Park the General Land Office has no jurisdiction.
8. Letter from Gardiner Electric Light and Water Company referred to Acting Superintendent of Yellowstone National Park on April 13, 1903.
9. Letter of April 14, 1903, from Secretary of the Interior to Gardiner Electric Light and Water Company, advising that existing laws make no provisions for granting permit.
10. Letter of July 25, 1945, from Herman Kahn, Chief, Division of Interior Department Archives, The National Archives, to the Director, advising that President Theodore Roosevelt was at Yellowstone National Park from April 8 to 16, 1903. (Too early to know action of Secretary.)
11. Letter of December 2, 1904, from C. Yegen to Representative Joseph M. Dixon, advising that the President granted temporary permission to Company "to go in on a ditch from the Gardiner River, which is now furnishing a water-power . . ." Also suggested that a permanent permit should be granted.

12. Letter of December 10, 1904, from Congressman Dixon to Secretary, transmitting the letter from Mr. Yegen and suggesting that the Company is probably using the overflow from the Federal ditch.
13. Memorandum of December 16, 1904, from Acting Secretary to Superintendent, transmitting letter from Mr. Yegen and stating that there are no Departmental records of the alleged issuance of a temporary permit.
14. Memorandum of December 30, 1904, from Acting Superintendent Pitcher to Secretary, confirming fact that President merely granted permission to the Company to use surplus or overflow water. Also recommended that Company should be advised not to press for permanent permit because of irregular status of President's permission.
15. Letter of January 10, 1905, from Acting Superintendent to Secretary, transmitting sketch of area at Gardiner Entrance, the ditch, and irrigated area.
16. Memorandum of February 1, 1905, from Acting Secretary to Commissioner, General Land Office, transmitting sketch map with request to advise, if possible, whether the overflow from the ditch passes over private land before returning to the river.
17. Letter of February 11, 1905, from Commissioner, General Land Office, to Secretary, advising that land within Park is not patented and is not subject to disposal under the land laws, but that the land between the north Park boundary and the Gardiner River was patented under Desert Land Entry No. 133 on October 11, 1892.
18. Note of February 21, 1905, by Commissioner, General Land Office, recommending that no further action be taken by the Department and reporting that Acting Superintendent Pitcher has told the Company that if they do not like the existing arrangement he will cease to make surplus water available.
19. Description of Desert Land Declaration No. 133 (very crude land description but adequate to include land occupied by Gardiner Electric Light and Water Company).
20. Affidavits to effect that land is of character needing irrigation and thus eligible as a Desert Land Entry by:

James Gourley
James C. McCartney
Edwin Stone.

21. Water right filing of October 24, 1883, by Edwin Stone. (Claims right to 500 miners inches of water from Gardiner River for said Desert Land Entry No. 133, but no traces now remain of diversion at designated point and no later filing has been made to divert at designated point.)
22. Letter of July 17, 1945, from Herman Kahn, Chief, Division of Interior Department Archives, to Director, transmitting records of aforesaid entry and water right.
23. Letter of March 13, 1906, from S. H. Van Dyck to Congressman Dixon, requesting right to divert waters of Gardiner River two miles above Park boundary and convey to vicinity of Town of Gardiner for irrigation purposes. (Exact place of use not designated, and request seems to be independent of Gardiner Electric Light and Water Company request of three years before.)
24. Letter of March 19, 1906, from Congressman Dixon to Secretary, transmitting Van Dyck letter and requesting an answer.
25. Letter of March 20, 1906, from Secretary to Congressman Dixon advising that law does not permit granting request to divert water of Gardiner River.
26. *Special use permit*

WATER RIGHT.

Territory of Montana,

County of Gallatin,

SS.

To all whom these Presents may concern: Be it known that, I, *Edwin Stone*, *Edwin Stone* in said County and Territory, do hereby publish and declare as a legal notice to all the world, that I have a valid right to the use, possession and control of *300 Ditches* of the waters of *Gardiner River* of said County and Territory for irrigating and other legal purposes and especially for the irrigation of

the land covered by my Desert Entry Number 133,

Adopter *1882* by means of my ditch tapping said stream, up its *first* bank at a point thereon *about 1/4 mile* from its mouth.

thence running, or to run, to and upon said land (and through said land, if I so desire, to any requisite point of final discharge.)

That I also hereby claim said ditch and the right of way therefor and for said water by it conveyed, or to be conveyed, from said point of secure to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, or pipes, constructed or to be constructed by me in secure and use of said water.

That I also claim the right to keep in repair and to enlarge said means of water secure at any time, and the right to dispose of the said right, water, ditch or said appurtenances, in part or whole, at any time.

Claiming the same, all and singular, under any and all laws, National and Territorial, and rulings and decisions thereunder, in the matter of water rights; and specifically under sections 731 to 733 inclusive, and 738 and 741, General Laws, Laws of Montana, Revised Statutes of 1879, or as amended.

Together with all and singular the hereditaments and appurtenances thereunto belonging or appertaining or to accrue to the same.

Edwin Stone *Bozeman* Montana Territory, this *24* day of *October* 1882.

Territory of Montana,

County of Gallatin,

SS.

On this *31st* day of *October* 1882, before me the authority undersigned, in and for said county, came personally *Edwin Stone*, known to me to be the person who executed the foregoing instrument, who duly acknowledged to me that he had executed and signed the same for the uses and purposes in it set forth.

In Witness Whereof, I hereunto set my hand, and affix my official seal at *Bozeman* M. T.

the day and year above written.

Wm. M. Black *By J. L. Christ* Deputy



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE GENERAL LAND OFFICE.
"Declaration of Water Right" from Bozeman Desert
Land Final Certificate 27.

Three Cent Postage

24

DECLARATION
Water Right
Edwin Stone
EX
trial track
FILED FOR RECORD
Oct 31 A.D. 1882
1.30 P
Digitally 14 Water
M. M. Black
300
200
1882-4033-1

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE GENERAL LAND OFFICE.
"Declaration of Water Right" from Bozeman Desert
Land Final Certificate 27.

Three Centimeters

25

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

February 15, 1945.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

MEMORANDUM for the Commissioner,
General Land Office.

Our records show that Edwin Stone patented certain land near Gardiner, Montana, under Desert Land Entry No. 133, between 1883 and 1885. There were several other patents by those whose names we do not have. As part of the proof, they filed a Territorial claim for the appropriation of water at a point approximately 1-1/4 miles from the mouth of the Gardiner River, but this claim does not indicate whether the diversion was above or below the mouth, or whether it was on the Gardiner or Yellowstone River.

The attached print of drawing NM-YEL-6975 shows the patented land within Yellowstone National Park near Gardiner, Montana, together with certain data we have obtained with regard to water use and filed water claims. The rights to divert from Reese and Sawmill Creeks are covered by a decree initiated in the names of:

S. S. Errett	Frank Holem
Walter Hoppe	Silas McMin
Montana Coal & Coke Co.	J. O. Murphy
J. H. Piser	M. E. Piser
George Reese	

Will you please send us prints of any maps of ditches which were filed with the General Land Office as proof of water right as required in connection with the patenting of land under the Desert Land Act, which relates to patents within the Park area, to the waters of Reese and Stevens Creeks, and to the patent under Entry No. 133.

The map also shows a ditch diverting from the Gardiner River which supplies water to the Gardiner Hydroelectric Plant as well as providing some irrigation. We have records to show that the original ditch was built by the United States for irrigation at the Park entrance, and that the Gardiner Light and Water Company seems to have been granted permission to enlarge it for Company use about the time that President Theodore Roosevelt visited the Park in 1903. However, our records only show that the President gave oral instructions to the superintendent to permit such development. We should like to know if any record of the permission may have been recorded with your office, and if so we should like to obtain a copy.

(SGD) Hillory A. Tolson

Acting Director.

Enclosure 475.



Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICEState Montana

LAND OWNERSHIP RECORD

Tract No. _____

County _____

Deed No. 16

Civil Subdivision _____

Area _____ acres

Yellowstone

Name of Park or Area

Right use and establishment of park
~~was based on survey of~~ under special jurisdictionDate Approx. 1903Gardiner Entrance

Section of Park or Area

Legal Description: A vested right.Method of Acquisition: By use

Appropriation or Source of funds: _____

Cost (if purchased) or estimated value: _____

Acquired from: _____

Accepted by Secretary (____)

Opinion of Att'y. Gen.-title in U. S. (____)

date: _____

Physical Characteristics: A vested right to divert the waters of the Gardiner River for irrigation purposes. Right (without State sanction) claimed by creation of the Park prior to admission of the State; and by use since 1903.

Improvements on Land at time of Acquisition: _____

Existing or outstanding special use permits, reservations, rights, or rights of way: The town of Gardiner and Gardiner Light & Water Company have obtained water from the Gardiner Ditch since approximately 1909 under agreement with former NPS officials.Report Based on: Records of Water Rights SectionPrepared by: A. van V. Dunn, Hydraulic Engineerdate: 4/25/44Map References: Map in deed file.Remarks: Full definition of relative rights of NPS & G.L.W.Co. to be determined.

[+ +]
DESERT LAND ACT OF MARCH 3, 1877.

DECLARATION.

No. *133*

Land Office at *Bozeman, MT*

October 11, 1882

I, *Edwin Stone* of *Lewis & Clark* County, *MT*, of *Montana*, being duly sworn, depose and declare: That I am a citizen of the United States, of the age of *seventy years*, and a resident of said county and *Territory*, and by occupation an *agent*,

that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in *Bellevue* County, in the *Bozeman* Land District, and is described as follows, to wit: the

tract not yet surveyed by the U.S. as per diagram filed hereon of Section No. *320*, Township No. *320*, Range No. *320* acres. I further

depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; ~~that there is no timber growing upon said land;~~ that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by *visiting it and by*

global acquaintance with surrounding country, and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

Edwin Stone

Land Office at *Bozeman, MT*

Oct. 11, 1882

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

M. B. Egert Register.
Receiver.



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE GENERAL LAND OFFICE.
Documents accompanying "Desert Land Declaration" from
Bozeman Desert Land Final Certificate 27.

23

Note, must be conducted to it from the Yellowstone in garden's river as shown in my diagram.

Note that no more completed by a survey, which has accompanied it.

Description
Desert Land Declaration
No. 133

Commencing at a stake
 set at the mouth of Gardner's
 river at its junction with
 the Yellow Stone river. Thence
 West upon the North line
 of the Yellow Stone National
 Park to a stake. Thence North
 to a stake upon the South
 bank of the said Yellow
 Stone river. Thence East
 along said bank to place
 of beginning. including
 320 Acres.



THE NATIONAL ARCHIVES
 Washington, D. C.

RECORDS OF THE GENERAL LAND OFFICE.
 "Desert Land Declaration" from Bozeman Desert Land
 Final Certificate 27.

Three Centimeters

19

No survey could be
obtained, and this
description is as nearly
correct as may be.

James L. McCartney

President at time of
location.

Bozeman, MT
October 11, 1882



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE GENERAL LAND OFFICE.
"Desert Land Declaration" from Bozeman Desert Land
Final Certificate 27.

Three Centimeters

20

DESERT LAND ACT OF MARCH 3, 1877.

No. 133 AFFIDAVIT.

Land Office at *Bozeman, MT.*
Oct. 11 1882

Amos C. McIntire
County, *DeWitt*, State, *Montana*.

I am a resident of said County and State, and I am of the age of *48* years, and I am well acquainted with the character of every lot or subdivision of the following described lands, the

the surveyed tract as per diagram filed,

Section No. *20*, Township No. *11*, Range No. *11*, containing *20* acres; that I became acquainted with said land by *visiting it*

and acquaintance with surrounding lands,

that I have been acquainted with it for *11* years last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not in its natural condition, produce any crop; that the land is *such land, attached*

requiring water for cultivation and

reclamation; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

except as stated

such land, attached

requiring water for cultivation and

reclamation

that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

that I am not interested in any way or manner directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

Land Office at *Bozeman, MT.*
October 11 1882

Amos C. McIntire

whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

W. R. Rye
Register,
Recorder.

(27-506)



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE GENERAL LAND OFFICE.

Documents accompanying "Desert Land Declaration" from
Bozeman Desert Land Final Certificate 27.

Three Certificates

22

DESERT LAND ACT, MARCH 3, 1877.

No. 133 **AFFIDAVIT.**
 Land Office at Fortman, Mo.
Oct. 11 1882
James G. Scurley
Mo. Ter.
John P. Scurley Officer
 I have sworn, based on the diagram filed,
 Section No. 32 Township No. 12 Range No. 12 contains
32 acres of land, designated with said section, visiting it
and acquaintance with the country it is in
 that I have been acquainted with it for 12 years last past; that I have frequently
 passed over it, and my knowledge of said land is such as to enable me to testify understandingly con-
 cerning it; that the same is desert land within the meaning of the second section of the act of Congress
 approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and
 Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no
 agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain
 sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit
 for cultivation without artificial irrigation; that said land cannot be successfully cultivated without re-
 claimation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied,
 and unsold, because it has been impossible to cultivate it successfully on account of its dry and arid
 conditions; that it is a fact well known, patent, and notorious, that the same will not in its natural con-
 dition, produce any crop; that the land is brush land, arid, and
requiring water for its irrigation
and cultivation; that there is no timber growing thereon, but that it is
 devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of
 quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal;
 that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other
 valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under
 the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral
 during any part of the year by any person or persons; that said land is essentially non-mineral land;
 that I am not interested in any way or manner, directly or indirectly, present or prospective, in any
 application or declaration made or to be made for said land, or in the land itself, or in the title which
 may by any person or in any manner be acquired thereto.

James G. Scurley
 Land Office at Fortman, Mo.
Oct. 11 1882

I HEREBY CERTIFY that the above affidavit was taken and subscribed before me this day, and that
James G. Scurley, whose name is affixed thereto, is a person of re-
 spectability, to whose testimony full credence should be given.

W. Boyer Register.
Recorder.

[27-5000]

THE NATIONAL ARCHIVES
 Washington, D. C.
 RECORDS OF THE GENERAL LAND OFFICE.
 Documents accompanying "Desert Land Declaration" from
 Foreman Desert Land Final Certificate 27.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Yellowstone
SPECIAL USE PERMIT
Gardiner, Montana
(Area)

This permit consists of 2 pages

PERMIT NO. 14-10-0243-491	EXPIRES 12/31/67
PREVIOUS PERMIT NO. 14-10-0243-034	

The Gardiner Electric Light and Power Co. of **Gardiner, Montana** is hereby authorized during the period from **January 1**, 19**63**, to **December 31**, 19**67**, to use the following-described land in the above-named area:

The land comprising an existing open ditch and concrete flume, including established headworks and related structures as shown on Drawing No. Region 2 NP YEL 6776 and intermittent use of not to exceed forty cubic feet of water per second.

for the purpose of

Providing hydroelectric energy to a pumping plant for transfer of water from the Gardiner River to a standpipe providing a domestic and commercial water utility to a portion of the town of Gardiner, Montana.

Subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of **one hundred fifty** Dollars (\$ **150.00**), advance **annually** (Monthly, semiannually, etc., or as follows: _____)

Payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to National Park Service, or Cash.

Executed at **Gardiner, Montana** this **1st** day of **January**, 19**63**

Howard W. Baker
Regional Director ~~XXXXXXXX~~

I, the undersigned hereby accept this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein

TWO WITNESSES TO SIGNATURES	PERMITTEE (SIGNATURE)
NAME The Gardiner Electric Light and Power Co.	NAME Hubert J. Link
ADDRESS Gardiner, Montana	ADDRESS Gardiner, Montana
	TITLE Vice-President

APPROVED: (If approval is required by higher authority)

TITLE	DATE
-------	------

name of names as written in body of permit, for partnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute, should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.
(This copy for the Branch of Lands, Washington)

PAGE 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
16-114
(June 1955)
(Revised)

REVOCABLE SPECIAL USE PERMIT

No. **14-10-243-234**
(1-43-NP-44)
Year, 19**57-62**

23031 ~~XXXXXX~~

The Gardiner Electric Light and Water Company, of **Gardiner, Montana**, is hereby authorized

during the period from **January 1, 1957**, to **December 31, 1962**, to use the following-described land ~~and facilities~~:

1. **Forty second-foot of water from the existing Gardiner River ditch.**
2. **Those portions of the ditch within Yellowstone National Park which provide a continuous conduit for the Permittee's power plant.**
3. **The land occupied by said ditch, headworks and related structures as shown on attached sketch (Region 2 NP YEL 8778)**

for the purpose of **generating electric power, provide water to prime pumps and to prevent freezing of intake line.**

subject to the conditions on the reverse hereof and to the payment to the Government of the United States

of the sum of **ONE HUNDRED AND FIFTY** dollars (\$**150.00**), ^{per annum} in advance, or as follows:

payment to be made to the Superintendent by express or postal money order, certified check, or draft payable to **Treasurer, United States, The National Park Service.**

Signed at **Yellowstone Park, Wyoming**, this **31st** day of **December**, 19**56**.

Samuel A. Garrison
Superintendent.

The undersigned hereby accepts this revocable permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

Address _____
Address _____
Address _____

(SEAL)

Address _____

The Gardiner Electric Light and Water Company
by *William B. Thomas*
President

Address _____

ATTEST:

Address *Betty Jane Thomas*
Secretary

APPROVED: **Superintendent, Yellowstone National Park, National Park Service.**

Samuel A. Garrison

Date **December 31, 1956**

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for Washington Office files)

16-35000-2

YELL

SPECIAL CONDITIONS OF THIS PERMIT

- 12.7.** Permittee shall take such measures as shall be approved by the Superintendent, to arrest and prevent soil erosion of the lands covered hereby and shall stabilize such lands as to prevent such erosion on adjoining lands.
- 13.A.** Upon abandonment, expiration, revocation, or termination of this permit, the permittee shall remove within a reasonable time all structures and other improvements owned by the permittee and shall restore the site, unless otherwise approved by the Superintendent, to the condition of the land prior to such structures or improvements within a reasonable period of time, and shall be the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.
- 14. The Permittee shall save and hold the United States free from all claims for damages to any and all persons and property arising from the use of this permit**
- U.S. GOVERNMENT PRINTING OFFICE: 1965 O-360-000
- 15. The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director**

Page 3 of 3

Permit No. 243 254

The Gardner Electric Light and Water Company
December 31, 1956

16. The permittee, by accepting the use of the land and facilities covered by this permit agrees and consents to comply with and be bound by the following terms and conditions:

That in the construction, operation and maintenance of the land and facilities he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

17. The permittee shall maintain the ditch (and flume) and all bridges and other structures relating thereto in a condition satisfactory to the Superintendent of the Park.

18. No rights-of-way or water rights shall accrue to the permittee by virtue of the use under this permit.

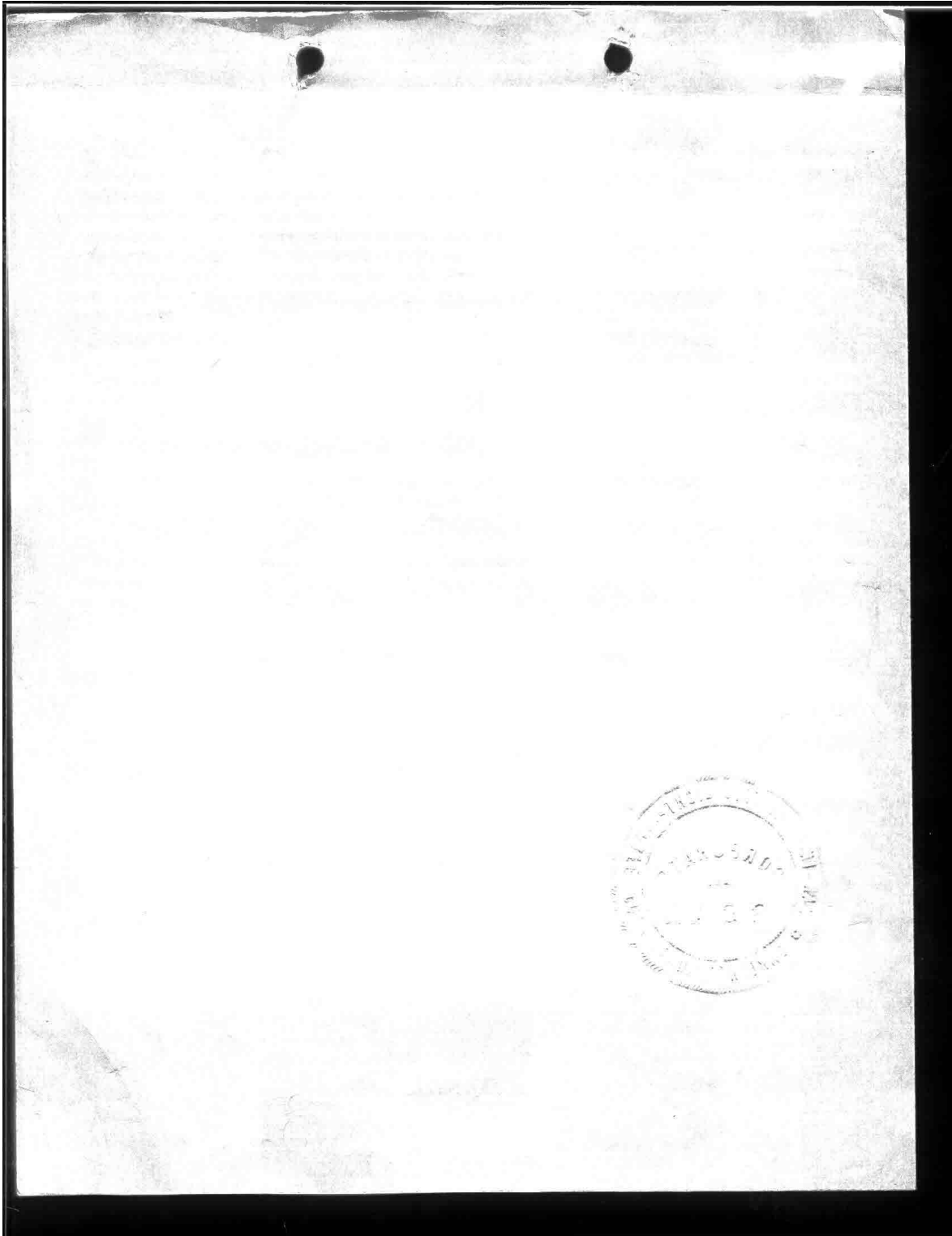
19. The permittee shall maintain chute extending from the head of the penstock to the Gardner River in a manner to provide safe return of the fish in the ditch to the river.

20. The rate charged for this permit is based on an installed hydro-electric capacity of 175 K.W.

21. The permittee shall provide a suitable measuring device at the head gate or other location on the ditch from which measurement may be made.

22. The State reserves the right to use any ditch capacity which it has heretofore permitted or enjoyed for the irrigation of the meadows near the Gardner entrance to the Park.





Other Supporting Information



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
CHICAGO POLICE DEPT
JUN 21 1948 Washington 25, D. C.

General File

May 26, 1948.

MEMORANDUM for the Regional Director, Region Two.

We enclose two copies of the memorandum of April 21 from Mr.

Rogers with the excellent report on changing use of water from the Gardiner Ditch at Yellowstone National Park. Please have one copy inserted in the assembly of Yellowstone Deed 16 in your office, and the other at the Park.

The change in purpose of use, from power development to direct municipal water supply, and the suggestion that the Water Company might like to replace the Federal ditch with a pipe, suggest further complications in a delicate matter. Without consulting the Chief Counsel, I think any such changes in the existing permit would be the type which should be specially authorized by Congress. I suppose, too, that we are ultimately going to have to give the Town some form of relief, but feel that it is particularly unfortunate that the Town was permitted to develop where it has become a form of parasite. I also feel that it may be particularly dangerous to permit a municipal water claim to become established on the Yellowstone River within the Park. The matter should be given very thorough study if the Company's suggestion seems to be more than a feeler.



Enclosure 362.
In duplicate.

C. C. MAILED TO:

YELLOWSTONE

Chief, Water Resources Branch.

3v

948

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
YELLOWSTONE NATIONAL PARK

Yellowstone National Park
Yellowstone Park, Wyoming

Office of the Superintendent

April 21, 1948.

MEMORANDUM for the Regional Director, Region Two.

One of the subjects which has been reviewed with Mr. Monteith during his visit here has been the permit in effect with the Gardiner Electric Light and Water Company, covering the "Gardiner Ditch."

In order that your files and the files of the Director may be complete and up-to-date we are attaching two copies of a report of April 12, to me, on this subject, which has been signed by Assistant Superintendent Johnston, Park Engineer Wohlbrandt and Chief, Electric Branch, C. G. Monteith.

Edmund B. Rogers,
Superintendent.

Enclosures.

In duplicate.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
YELLOWSTONE NATIONAL PARK
YELLOWSTONE PARK, WYO.

Office of the Superintendent

April 12, 1948.

MEMORANDUM for the Superintendent.

SUBJECT: Gardiner Ditch and Water Supply to the Gardiner Electric Light and Water Company.

The operation of the Gardiner Ditch and the supply of water to the Gardiner Electric Light & Water Company for the town of Gardiner, Montana, is covered by Special Permit I-43np-44 dated May 1, 1946, which is renewable annually up to December 31, 1956. Water is taken from the Gardiner River and conveyed by open ditch and short sections of buried pipe line about one mile to the site of the hydro-electric power and water pumping plant situated on the west bank of Yellowstone River in the town of Gardiner.

The permit provides for using the water for generating power and furnishing water service for the town of Gardiner. In March 1947 the Montana Power Company purchased the electric distribution system from the Gardiner Light & Water Company and since then the ditch water has been used for generating electric power to operate the motors driving the pumps which raise the water to the intermediate and elevated storage tanks from which it is distributed to the town.

Mr. C. O. Lauer, President of the Gardiner Light & Water Co., estimates the ditch has a capacity of 13,000 GPM and that one hydro-electric unit uses 6,250 GPM. Only one hydro-electric unit is used at the same time. Ditch water requirements are less than formerly when power was generated to supply the town of Gardiner. Present power requirements are:

	<u>Winter</u>	<u>Summer</u>
1 - 15 HP motor pump	12 KW	12 KW
1 - 7½ HP motor pump	6 "	6 "
Light and heat for pump houses	10 "	1 "
Light and heat for office residence	<u>12 "</u>	<u>6 "</u>
	40 "	25 "

- 2 -

Approximately 70-120 M gallons of water are pumped daily in the summer and 150-190 M gallons daily in the winter.

Mr. Lauer states that it would cost \$60 - \$75 per month to purchase power from the Montana Power Company for the operation of the water pumps. Water is supplied to customers generally on a flat rate, and it is hoped to eventually meter all water service. Water revenue amounts to \$4,800 per year. Only the west side of town is served.

The town water supply is regularly taken from the Yellowstone River above the confluence with the Gardiner River, within the park, and close to its north boundary. Whenever a fire occurs in town the water supply is switched to the Gardiner Ditch and pumped (400 GPM) directly from the power plant penstock into the distribution mains. Water from the Gardiner Ditch can also be supplied by gravity to the intermediate storage tank (60 M gal.) from which it is pumped to the elevated tank (30 M gal.) and distribution mains. In either case taking water from the Gardiner Ditch cuts out the 90 ft. lift from the Yellowstone River. This is only done in an emergency in cases of extremely low water in the Yellowstone River or failure of the pump or suction or discharge water lines. Following cessation of the emergency the supply source is switched back to the Yellowstone River and an extra dose of chlorine is fed into the water system for a couple of days to overcome any contamination resulting from Gardiner Ditch water. In order to keep the 1,000 ft. length of suction line up the Yellowstone River open during cold weather, Gardiner Ditch water is discharged through this pipe line when the pump is not in operation in order to prevent the suction line from freezing.

The present and near future requirements are estimated as follows:

Season	Power Plant Output	Yellowstone River Water Pumped Over 24 hr. Period Thousand Gallons	Gardiner Ditch Requirements	
			Flow in Second Ft.	Steel Pipe Size
Winter	40 KW	70-120	40	1200 ft-30"
Summer	25 KW	150-190		5080 ft-24"

The fall between the ditch intake and the discharge into the powerhouse surge tank is approximately 25 ft.

Installation of a welded steel pipe line to replace the present one mile length of ditch would cost around \$42,000. Such an installation would warrant an increase in water revenue on the part of the Company of \$3,300 per year (8%) but the water users cannot stand such a rate increase nor can the water company afford the cost of this improvement. No

- 3 -

suitable gravity supply which would eliminate pumping is obtainable at a cost which could be justified.

The annual permit fee of \$150 is based upon the installed hydro-electric power plant capacity of 175 KW. The actual installed capacity is 60 KVA each for two water turbine generating units (total 120 KVA) but with the discontinuance of supplying power to the town no more than 40 KW is now required. Mr. Lauer hopes to sell one of the 100 HP - 60 KVA water wheel units.

Considering that it would cost \$750 - \$1,200 per year to purchase outside power--depending upon the degree of economizing on the uses for other than motor-pump operation--the present estimated annual cost of \$300, made up of \$150 permit fee and \$150 ditch maintenance, is much more economical than buying outside power. No change in the permit fee is recommended.

Fred T. Johnston, Assistant Superintendent
Philip H. Wohlbrandt, Park Engineer
C. D. Monteith, Chief, Electric Branch

cc: Region Two (2)

Symbol

G-1 60 KVA 2400 v. 3 ph. 900 RPM Water Wheel Generator

G-2 Same as G-1

DE 102 H.P. Caterpillar Diesel Engine

M-1 15 H.P. Motor, 1750 RPM direct connected to
4" DeLaval Centrifugal Pump, 200 GPM 175 ft. head, 2200 RPM

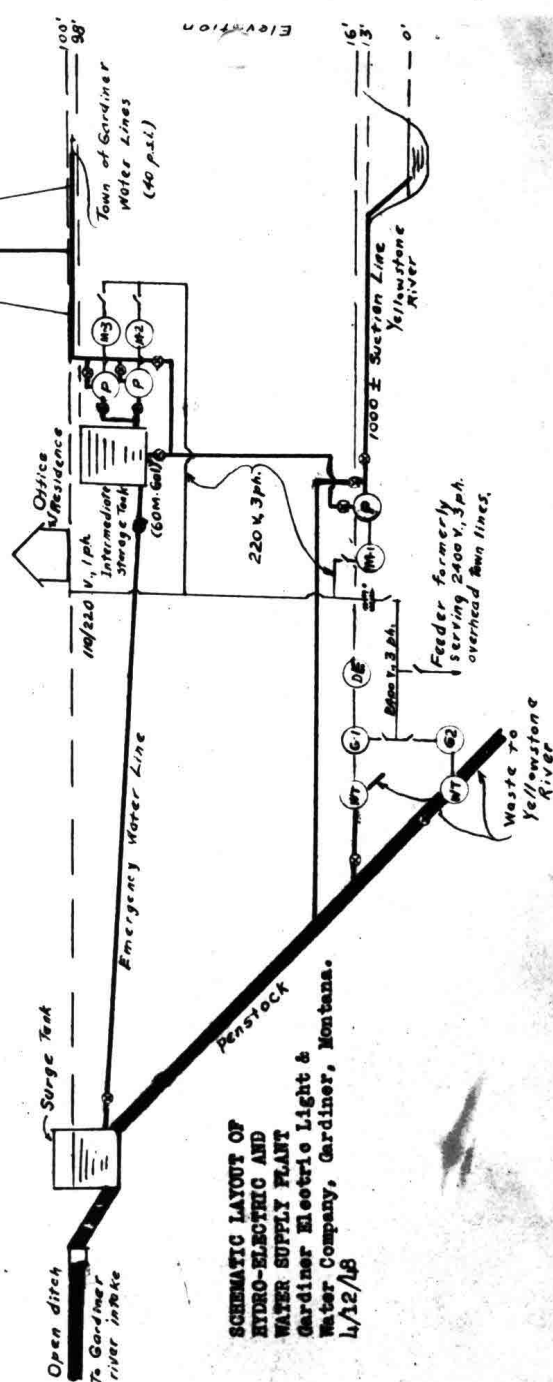
M-2 7½ H.P. Motor, 3450 RPM, Intersol Rand Motor Pump, 200 GPM, 115 ft.

M-3 1½ H.P. Motor, 3450 RPM, Ingersoll Rand Motor Pump, 50 GPM, 100 ft.

WT Leffel Water Turbine, 100 H.P. 85 ft. head, 900 RPM

— Water Lines

— Electric lines



Symbol

G-1 60 KVA 2400 v. 3 ph. 900 RPM Water Wheel Generator

G-2 Same as G-1

DE 102 H.P. Caterpillar Diesel Engine

M-1 15 H.P. Motor, 1750 RPM direct connected to
1/4" DeLaval Centrifugal Pump, 200 GPM 175 ft. head, 2200 RPM

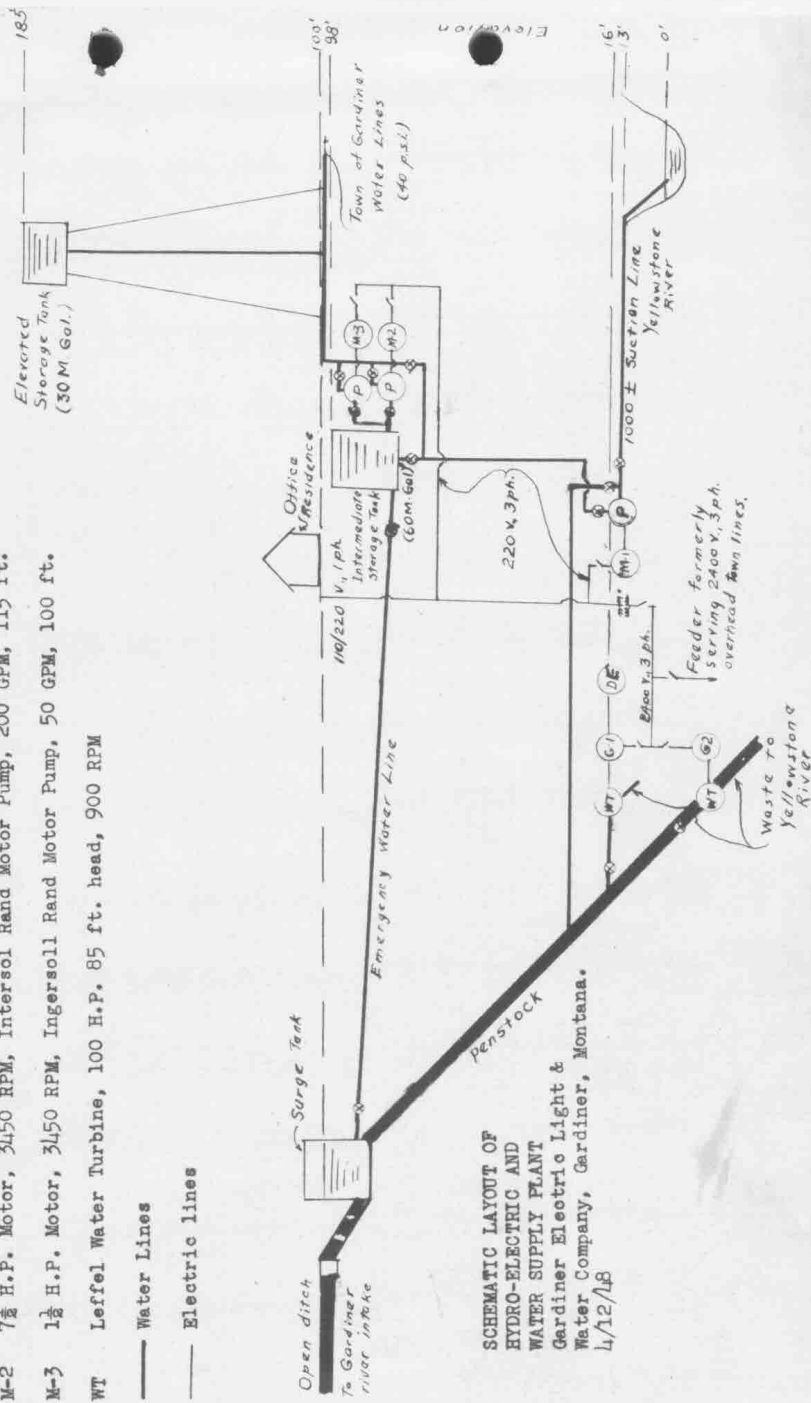
M-2 7 1/2 H.P. Motor, 3450 RPM, Intersol Rand Motor Pump, 200 GPM, 115 ft.

M-3 1 1/2 H.P. Motor, 3450 RPM, Ingersoll Rand Motor Pump, 50 GPM, 100 ft.

WT Leffel Water Turbine, 100 H.P. 85 ft. head, 900 RPM

— Water Lines

— Electric lines



SCHEMATIC LAYOUT OF
HYDRO-ELECTRIC AND
WATER SUPPLY PLANT
Gardner Electric Light &
Water Company, Gardiner, Montana.
4/12/48

Wesley A. D'Ewart
Second District Montana

C
O
P
Y

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D. C.

February 1, 1946

Mr. Newton B. Drury, Director
National Park Service
Department of Interior
Chicago 54, Illinois

Dear Mr. Drury:

Reference is made to our conversation of yesterday, regarding proposed special use permit to be issued to the Gardiner Electric Light and Power Company, of Gardiner, Montana.

I called your attention to certain provisions of this proposed permit that were questioned by the Gardiner Water Company.

- (1) The proposed permit is only until December 31, 1946. Obviously, such a facility as this, which has been in operation since 1903 could not operate without definite provision for its continuance. The permit states that it is for the purpose of "the temporary generation of power." Since this project has been in operation since 1903 and is expected to continue over the years, "temporary" is hardly the word.
- (2) The proposed permit calls the project "The Federal Irrigation ditch and flume..." This is hardly a Federal irrigation ditch, as it was built and has been maintained over the years by private funds.
- (3) No sum is mentioned as the amount of the consideration.
- (4) On the back of this permit, item 13 says, "No right-of-way or water rights shall accrue to the permittee by virtue of said use." Since this use has been in continual operation since 1903 with the full knowledge and consent of the Federal Government, it would appear that some sort of water right has already accrued to the Gardiner Electric Light and Power Company.
- (5) Item 15 states that the "permit shall be automatically renewed for succeeding one-year periods, but not to exceed December 31, 1950..." Certainly, this provision would put the town of Gardiner and the Electric Light and Water Power Company in serious jeopardy.

Mr. Newton B. Drury

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February 1, 1946

I am enclosing, for your further information, a brief history of the construction and operation of this irrigation ditch and flume. You will note that the project was constructed in 1903 with the full consent and knowledge of the Federal Government; that it has been repaired, the location changed, and the ditch improved from time to time with the complete approval and knowledge of the Park Service; that heretofore no permit or special use has been thought necessary or has ever been requested by the Park Service; and that this ditch and flume is necessary not only to provide light for Gardiner, Montana, but also to furnish necessary water for domestic and sanitary purposes.

I believe a use permit can be worked out that will be acceptable to the Gardiner Electric Light and Water Company, but I believe further consideration should be given to the points which are mentioned in this letter.

Very truly yours,

Wesley A. D'Ewart /s/

Wesley A. D'Ewart

b/enc.

C O P Y

THE NATIONAL ARCHIVES

Washington 25, D. C.

July 25, 1945

The Director
National Park Service
Chicago 54, Illinois

My dear Sir:

The National Archives has received your letter of June 14, 1945, requesting information concerning authority granted by the Department of the Interior or officials of Yellowstone National Park in connection with an irrigation or hydroelectric project at Gardiner, Montana.

There are enclosed for your use photostatic copies of documents from the records of the Office of the Secretary of the Interior which relate to this matter. The most direct answer to the question you have raised appears to be contained in the second endorsement, dated December 30, 1904, by the Acting Superintendent of Yellowstone National Park on a letter from Representative J. M. Dixon referred to the Acting Superintendent by the Acting Secretary of the Interior. It is hoped that this information will be of some assistance to you.

The post returns of Fort Yellowstone show that President Theodore Roosevelt was at the fort from April 8-16, 1903.

Very truly yours,

(Sgd) Herman Kahn

Herman Kahn, Chief
Division of Interior Department Archives

Enclosures

C O P Y

THE NATIONAL ARCHIVES

Washington 25, D. C.

July 17, 1945

The Director
National Park Service
Chicago 54, Illinois

My dear Sir:

The National Archives has received by reference from the General Land Office the memorandum addressed on June 8, 1945, by the Acting Chief Engineer of the National Park Service to the Commissioner of the General Land Office requesting copies of documents in the General Land Office file identified as Bozeman Desert Land Final Certificate 27.

Negative photostatic copies of the desired documents are enclosed.

Very truly yours,

(Sgd) Herman Kahn

Herman Kahn, Chief
Division of Interior Department Archives

Enclosures

C O P Y

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

May 4, 1945.

Mr. Newton B. Drury,
Director, National Parks Service,
Chicago 54, Illinois.

My dear Mr. Drury:

Reference is made to the Acting Director's letter of February 15, 1945, requesting prints of any maps of ditches filed in this office as proof of water rights acquired in connection with desert land entries to the waters of Reese and Stevens Creeks.

The records show several homestead entries made in fractional T. 9 S., R. 8 E., in connection with which no evidence of water right for irrigation is required, but only two entries under the desert land laws.

The evidence of a water right for irrigation furnished by Edwin Stone in support of his desert land entry, Bozeman 133, made October 11, 1882 consists of a declaration dated October 24, 1883 of his claim to 500 inches of the waters of Gardiner River by means of a ditch about one quarter mile from its mouth. The instrument was acknowledged before the County Clerk, Gallatin County at Bozeman, Montana on October 31, 1883. August 12, 1884, he relinquished his entry as to all except lots 2, 6, 7, 8 and 9 south of Yellowstone River in T. 9 S., R. 8 E., P. M., Montana, containing 107.08 acres. Final certificate No. 27 issued October 24, 1883 and patent issued January 30, 1885.

In desert land entry 1792, later Bozeman 02056, in the name of Adelaide Scott, assignee of Charles T. Smith made April 7, 1905 for the $\frac{1}{4}$ Sec. 14, T. 9 S., R. 8 E., P.M., Montana containing 160 acres, evidence of a water right consists of a notice by the original entryman dated October 23, 1905 of his right to 160 inches of the waters of Bear Creek, by means of a small ditch diverting water upon the west bank about one half mile below the town of Jardine. The notice was sworn to before the Clerk of the District Court, Park County, October 23, 1905. Final certificate issued December 16, 1910 and patent No. 197675 issued May 11, 1911.

The water rights acquired by the aforesaid entrymen were individual rights. There is no evidence of any association of persons for the purpose of acquiring rights to divert the waters of the creeks mentioned in your letter or to obtain water from any other source. With respect to the Gardiner Light and Water Company the record does not reveal any authorized use of such land for right-of-way purposes.

Very truly yours,

(Sgd) Fred W. Johnson,
Commissioner.

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February 15, 1945.

MEMORANDUM for the Commissioner,
General Land Office.

Our records show that Edwin Stone patented certain land near Gardiner, Montana, under Desert Land Entry No. 133, between 1883 and 1885. There were several other patents by those whose names we do not have. As part of the proof, they filed a Territorial claim for the appropriation of water at a point approximately 1-1/4 miles from the mouth of the Gardiner River, but this claim does not indicate whether the diversion was above or below the mouth, or whether it was on the Gardiner or Yellowstone River.

The attached print of drawing NM-YEL-6978 shows the patented land within Yellowstone National Park near Gardiner, Montana, together with certain data we have obtained with regard to water use and filed water claims. The rights to divert from Reese and Sawmill Creeks are covered by a decree initiated in the names of:

S. S. Errett	Frank Helen
Walter Hoppe	Silas McKinn
Montana Coal & Coke Co.	J. O. Murphy
J. H. Fiser	M. E. Fiser
George Reese	

Will you please send us prints of any maps of ditches which were filed with the General Land Office as proof of water right as required in connection with the patenting of land under the Desert Land Act, which relates to patents within the Park area, to the waters of Reese and Stevens Creeks, and to the patent under Entry No. 133.

The map also shows a ditch diverting from the Gardiner River which supplies water to the Gardiner Hydroelectric Plant as well as providing some irrigation. We have records to show that the original ditch was built by the United States for irrigation at the Park entrance, and that the Gardiner Light and Water Company seems to have been granted permission to enlarge it for Company use about the time that President Theodore Roosevelt visited the Park in 1903. However, our records only show that the President gave oral instructions to the superintendent to permit such development. We should like to know if any record of the permission may have been recorded with your office, and if so we should like to obtain a copy.

(SGD) Hillary A. Tolson

AvVD:sh.
Enclosure 475.

Acting Director.

cc: Mr. Dunn.

COPY

GARDINER ELECTRIC LIGHT & WATER COMPANY DITCH

In April 1903, while Teddy Roosevelt was in Gardiner, Montana, dedicating the Arch at the North Entrance to Yellowstone Park, a delegation from Gardiner, consisting of Messrs. Huntley, L. Link, and Frank Holem, took up the matter of taking water from the Gardiner river or from springs to furnish Gardiner with lights and water. President Roosevelt gave them the right to use the necessary water from the Gardiner River.

Previous to this time water was taken from the Gardiner River about 40 feet from its mouth to operate a small light plant and pump, to pump water for the use of the town. In April the Gardiner Electric Light & Water Company purchased this plant from C. B. Scott, they then hired Mr. S. H. Crooks on June 4, 1903, to survey for the ditch, to be taken from the Gardiner River approximately one mile from Gardiner. The ditch travels its entire length to Gardiner within the boundaries of Yellowstone Park. Several years previous to this time a ditch had been constructed to furnish water to the Trager Ranch about a mile below Gardiner. The Gardiner Electric Light & Water Company ditch was to be constructed in the proximate location of the Trager ditch.

February 12, 1904, a committee of the following men were appointed to call on Major Chittenden to make arrangements to enlarge present flume. C. B. Scott, Lawrence Link, L. H. VanDyke, W. A. Hall, and Henry Taylor.

February 16, 1904, the same committee as above went to see Major Chittenden and Major Pitcher as to place of ditch.

March 21, 1904, appointed Mr. Yegen and L. H. VanDyke to wait on Major Pitcher and get permission to build independent ditch inside of wall.

March 24, 1904, motion by C. B. Scott to build an independent ditch. 2nd by W. A. Hall, and carried. Motion to call meeting to frame report to forward to Major Chittenden on plans and costs of proposed ditch.

Motion made, the same committee to act, to write Major Pitcher for permission to build a 2nd ditch and flume, which would in no way interfere with roads or present ditch and water way. To be built below present ditch and wall. (This has reference to the flume that was constructed east of road where the present concrete flume is located. The original ditch was above the road in an open ditch, then moved east of the road and a flume constructed, later about 1911-13 the concrete flume was constructed west of road, which is the present ditch.)

This flume was constructed by the USED and paid for by the Gardiner Electric Light & Water Company to Major Chittenden for the following:

24,570 ft. lumber	\$ 323.00
Govt. Frt.	146.27
Labor	99.96
Total	\$ 569.23, paid by check No. 1088 Yagen Bank.

June 18, 1904, motion made and passed that steps be taken toward securing from the Government written title to our water right.

In 1925 the Yellowstone Park Transportation Company asked us for permission to move ditch east of garage as ditch passed directly through sight chosen for garage. Permission given and Yellowstone Park Transportation Company constructed new ditch and screen and joined same to old penstock. About 1940 they again asked to move a part of ditch for the purpose of constructing a new commissary. Permission given.

In 1936 a new 28 inch penstock was laid replacing the old penstock. The location had to be changed slightly and permission was granted by wire from the National Park Service, Washington, D. C.

When President Roosevelt gave permission to construct the ditch in 1903, he specified that water be used from the ditch to beautify the grounds in front of Gardiner and the Arch. These grounds have been known as the alfalfa field.

This ditch has been in continuous operation from the date constructed 1903-4 to the present date, January 12, 1946, by the Gardiner Electric Light & Water Company.

JXS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 20, 1906.

Hon. J. M. Dixon,
House of Representatives.

Sir:

I am in receipt of your letter of the 19th instant enclosing communication from Mr. G. H. Van Dyck, of Gardiner, Montana, inquiring whether the Department would permit the construction of a ditch from a point on the Gardiner River, within the Yellowstone National Park, to a place outside the Reservation, for the purpose of furnishing water for irrigation purposes.

In response thereto I have the honor to state that existing law makes no provision for granting permits of the character desired by your constituent, and his application in the premises is accordingly denied.

Very respectfully,

Secretary.

D. & V.
P&R 242.



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

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House of Representatives U.S.
Washington, D.C.

March 19, 1906.

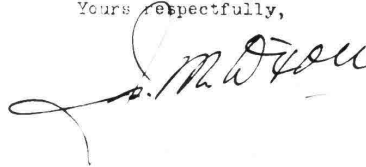
Honorable Secretary of the Interior,
City.

Sir:--

Herewith find a letter from Mr. I. H. Van
Dyck, Gardiner, Montana, relative to allowing the
settlers below Gardiner to construct an irrigation
ditch which would tap the Gardiner River within the
limits of the Park.

Could you advise me whether or not such
a request would be granted by the Department, and
oblige,

Yours respectfully,



Enclosure.

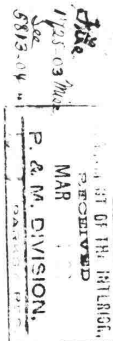


THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

Three Centimeters

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March 19, 1906.

Hon. J. W. Dixon,
House of Representatives.

Transmits letter received from S. H. Van Dyck, of Gardiner, Mont., inquiring whether the Department would permit the construction of an irrigation ditch from a point on the Gardiner River, within the Yellowstone National Park, to a point outside in the valley, for the improvement of conditions in the community.

Letter to Hon. J. W. Dixon, denying.

Yellowstone



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

Three Centimeters

L. H. VAN DYCK J. H. DEEVER.
VAN DYCK & DEEVER,
WHOLESALE AND RETAIL
Dealers in Cattle and Dressed Meats.

Gardiner, Montana, MARCH 13TH. 1906.

HON. JOS. M. DIXON,
WASHINGTON, D.C.

MY DEAR SIR,;

YOUR FAVOR OF FEB. 7TH. INFORMING ME IN REGARD
TO THE MAP OF THE YELLOWSTONE PARK, RECD. IN DUE TIME, ALSO THE
MAP, FOR WHICH PLEASE ACCEPT MY THANKS, THE MAP IS VERY FINE OF
THE PARK & I APPRECIATE SAME VERY MUCH.

THERE IS A QUESTION THAT AFFECTS OUR VALLEY, VERY MATERIA
LLY, WHICH I HAVE CONSIDERED, WRITING YOU ABOUT TO SEE IF WE
COULD NOT GET SOME REMEDY, THAT IS WATER FOR IRRIGATION,

IF WE SETTLERS IN THE VALLEY COULD GET PERMISSION TO TAKE OUT
A DITCH FROM THE GARDINER RIVER, IN THE YELLOWSTONE PARK, & CONVEY
SAME FOR ABOUT TWO MILES, IN THE PARK, THENCE OVER THE LAND IN
THE VALLEY, IT WOULD MAKE A DIFFERENCE OF PRODUCTION OF AT LEAST
\$8000.00, PER YEAR, WHICH IS QUITE AN OBJECT FOR A SMALL COMMUNITY.

IF YOU CAN DO ANY THING IN THIS MATTER I ASSURE YOU IT WILL BE
GREATLY APPRECIATED BY THE PEOPLE OF THIS VALLEY.

YOURS VERY TRULY,

L. H. Van Dyck



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

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"C"

1905-21854.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., February 11, 1905.

J.W.A.
ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

The Honorable
Secretary of the Interior.

Sir:-

I have the honor to acknowledge the receipt, by your reference, of a letter from the Acting Superintendent of the Yellowstone National Park, relative to the use of water from Yellowstone River by the people of Gardiner, Montana, with a diagram showing the grounds in the vicinity of the Northern entrance of said park. You request to be advised whether the overflow from the flume in the park, prior to its emptying into the Yellowstone River passes over patented or public land.

The land within the Yellowstone National Park has not been surveyed, and being within a reserve is not subject to disposal under the land laws. The strip of land north of the north boundary of said park, and south of the Yellowstone River, west of the mouth of Gardiner River, and through which the overflow from the flume passes, including the Electric Light Plant, as shown on the sketch, and extending west of the town of Gardiner, Montana, is Lot 6, Sec. 23, T. 9 S., R. 8 E., Mont. Mer., and is embraced in Desert Entry No. 133, made October 11, 1882, by Edwin Stone, F. C. No. 27, (Bozeman series), October 24, 1883, and was

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THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

Three Centimeters

1934 • 0252

patented January 30, 1885.

All papers are returned herewith.

Very respectfully,

W. A. Richards

Commissioner.

J.N.M.

THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

Three Centimeters

13

Jul 237

Commander

Feb. 11, 1905

Reports on status of described tract of land between Yellowstone Park, and Yellowstone River, embracing overflow from Flume West of Gardiner River, Montana.

and then and the matter - that
grand arrangement will clearly
be the subject of the body of
your discourse. There was no ground
for complaint.



Three Centimeters

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Department of the Interior,

YELLOWSTONE NATIONAL PARK,

OFFICE OF SUPERINTENDENT.

Yellowstone Park, Wyo., January 10th, 1905.

The Honorable

Secretary of the Interior,

Washington, D. C.

Sir:

In connection with letter of Mr. C. Yegen referred to you by Honorable Jos. M. Dixon, H. R., relative to use of water from Yellowstone National Park by people of Gardiner, Mont., for furnishing light etc., returned to you from this office by endorsement dated December 30, 1904, I have the honor to transmit herewith a sketch showing the grounds in the vicinity of the northern entrance of the Park, made by Lieut. C. A. Secane, U. S. Army.

Very respectfully,

Geo. P. Smith
Major 6th Cavalry,

Acting Superintendent.

1-Inclosure.

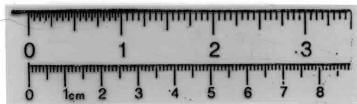
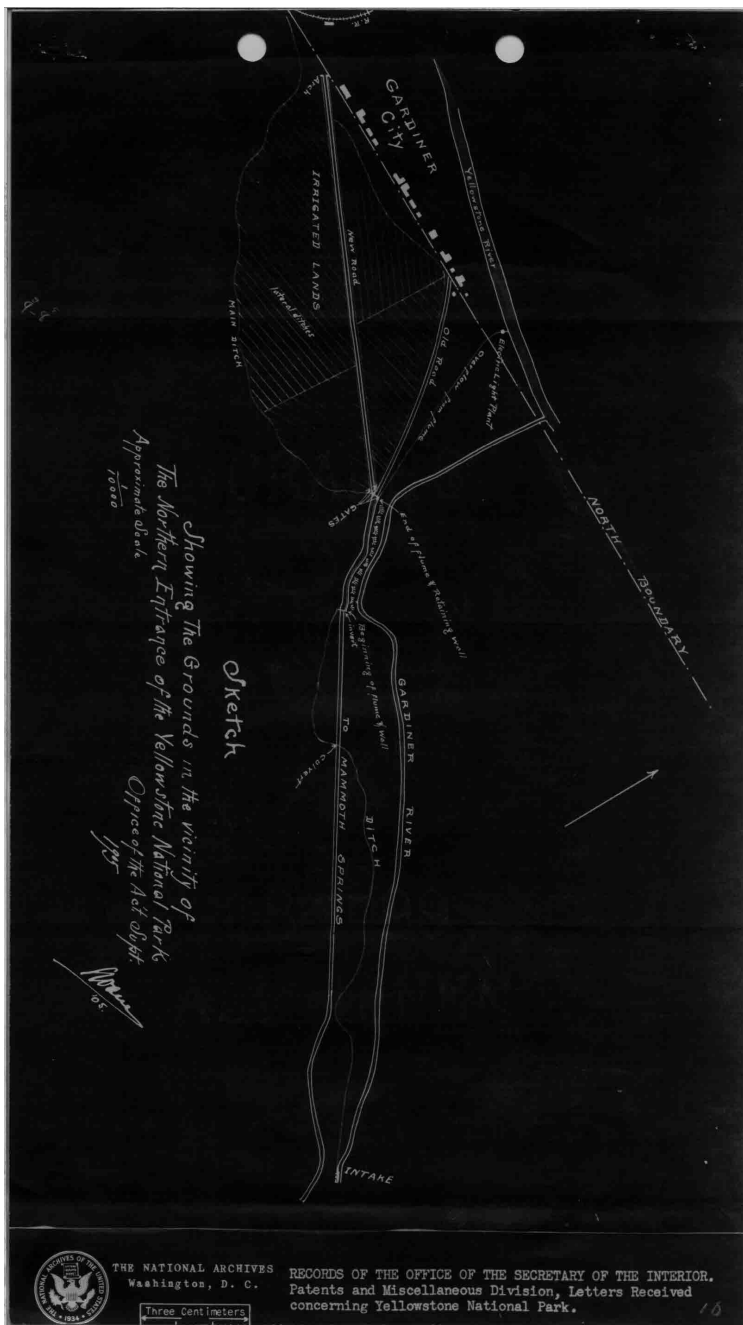


THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

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Yellowstone Park, Wyo.,

January 10, 1905.

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Acting Superintendent

File 1723-63
Dec 58 13-04 of the

Yellowstone National Park.

In connection with letter
of Mr. O. Yegen, regarding use
of water of Yellowstone Nat'l
Park by people of Gardiner,
Mont., returned from his office
by endorsement dated Dec. 30, 1904,
transmits sketch of grounds near
Gardiner, showing location of
ditches etc.

Yellowstone

DEPARTMENT OF THE INTERIOR,

February 1, 1905,

Respectfully referred to
the Commissioner of the Gen-
eral Land Office with the re-
quest that, if practicable,
the Department be advised
whether the "overflow" from the
flume in the Yellowstone Park,
indicated on the accompanying
map, prior to its emptying
into the Yellowstone River
passes over patented land or
public land.
These papers to be return-
ed.

McLean
Acting Secretary.



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.
Three Centimeters

Dec. 10, 1904.

Hon. Jos. M. Dixon,
House of Representatives.

Enclosed letter from O. Yegen, Billings, Mont., who asks to have made permanent the right of use of a ditch for diverting water from the Gardner River at the boundary of Yellowstone Park, said to have been personally granted by the President when visiting the Park, now used for purposes of furnishing water to the town of Gardiner by the Gardner Water & Light Co.,

Respectfully referred to the Acting Superintendent of the Yellowstone National Park for consideration and such recommendation as in his judgment the facts in the case warrant.

The records of the Department fail to show that the aforesaid ditch has been approved, and existing law makes no provision for granting the use of waters in Yellowstone Park for irrigation, or separation of power for electrical purposes, etc.

This paper to be returned.

Acting Secretary.

OFFICE OF THE SUPERINTENDENT,
YELLOWSTONE NATIONAL PARK,
1904.

December 16, 1904.

Respectfully returned to the Honorable Secretary of the Interior, Washington, D. C.

The only permission given to the people of Gardiner by the President, was that they might use the surplus water or overflow from the ditch, which has been constructed, for the purpose of irrigating the alfalfa field near the town of Gardiner, the row of trees planted along the road just inside the Park Gate, and for the use of the detachment permanently located at the Station near the Gardiner Gate. No further permit is necessary as it is a matter of no importance as to what becomes of this water after it leaves the Park, so long as it does no damage. If the people of Gardiner at any time object to its present use, the greater part of it can be easily diverted so as to run back into the Gardner River and thence within the limits of the Park.

As it is in violation of existing law to grant the use of the waters of the Yellowstone Park for irrigation or separation of power for electrical purposes, etc., it is suggested that Mr. Yegen be informed that it would be advisable for him not to raise the question of obtaining a permanent right to the use of waters of the Park, otherwise he may lose the privilege he now has of using the surplus water of the Government.

In my opinion it is not to the interest of the Park, under any conditions, to give any one such a permit as that asked for in the enclosed letter.

Major 6th Cavalry,
Acting Superintendent.

Yellowstone

Dec 16, 1904

Letter to Hon. J. M. Dixon

Yellowstone National Park

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR,
WASHINGTON, D. C.
concerning Yellowstone National Park,
Patents and Miscellaneous Division, Letters Received

House of Representatives U. S.

Washington, D. C.

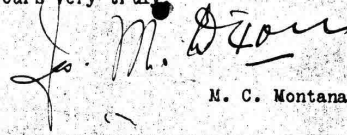
December 10th, 1904.

Honorable Secretary of the Interior,
City,

My Dear Sir:-

I herewith inclose a self explanatory letter from Mr. C. Yegen of Billings, Montana. He is interested in the town of Gardiner and is one of our best citizens in Montana. I judge from his letter that Major Pitcher, Superintendent of Yellowstone Park, has made some temporary order regarding the use of the water mentioned in his letter. As I personally remember the conditions at Gardiner, I think the water which they are using in the town is possibly the overflow water from the ditch that the Government has constructed inside the Park limits which terminates at the Park boundary, at the limit of which, at the intersection of the Park, the town of Gardiner is situated. I have the highest opinion of Mr. Yegen and know that he would not abuse any privilege which might be granted, and anything that could be done for him under his request would be appreciated by me personally.

Yours very truly



M. C. Montana.

1 Incl.

To the Hon. Secy of the Interior,
Washington, D.C.

The undersigned, the Gardiner,
(Mont.) Electric Light & Water Com-
pany, duly incorporated under
the laws of Montana, hereby
respectfully ask that we be
permitted to take water from the
Gardiner river for irrigation,
electric lighting and municipal
purposes.

From the location of our town
in the angle between the Yellowstone
river & the Park boundary, we are
absolutely cut off from our
natural water supply, the Gardiner
river, which lies entirely on the
reservation. There is no other avail-
able supply within our reach.
The townsite is in the shape of
a long, narrow triangle.

The boundary of the Park cuts us
off on one of the longer sides
and the Yellowstone river, which
flows in a gorge 125 feet
below the main town, cuts us
off on another; while the third,
or shorter side of the triangle
is on lower ground, making
it physically impossible to convey
water to the town. We are therefore
entirely at the mercy of the govern-



P. YEGEN, President & Treasurer
C. YEGEN, General Manager
F. J. MASMAN, Vice President & Credit Dept.
J. E. HURTZ, Secretary

YEGEN BROS.,

Importers and Jobbers

Billings, Mont., Dec. 2, 1904.

Hon. Jos. M. Dixon,
House of Representatives,
Washington, D. C.

Dear Sir,- Your favor of the 24th inst., at hand. Erle T. Crawford is a stranger to me, and I have ^{immediate} no means of ascertaining his qualifications for the position of Post-Master. As there are only a few White People there and they are petitioning for his appointment, I see no reason why he should not be appointed.

We have a little Bank at Gardiner, the entrance to the Yellowstone Park, and are interested in the welfare of that little town. When President Roosevelt was there he arranged that the citizens of Gardiner were allowed to go in on a ditch in the Park from the Gardiner River, which is now furnishing a Water-Power for light and water for the town of Gardiner.

As the matter involves quite an investment by the Gardiner Water & Light Co., in which we have taken a small interest, in order to help the matter along, we thought it would be a great help if the President could arrange to issue a permanent permit for the use of the necessary water from the Gardiner River for this power.

Military men in charge of the affairs of the Yellowstone Park are often unreasonable and hard to deal with, and new men are taking the places of older ones, and we thought if we could get something permanent, it would relieve the situation greatly.

Thanking you, I am,

Yours very truly,

to Yegen



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

Three Centimeters

7

(COPY)

MJR.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

W. B. A.

April 14, 1903.

The Gardiner Electric Light & Water Company,
Gardiner, Montana.

Sirs:

I am in receipt by reference from the Commissioner of the General Land Office, of your application for permit to appropriate water from the Gardiner River within the boundaries of the Yellowstone National Park to be used for irrigation, electric lighting, and municipal purposes in Gardiner and vicinity.

In response thereto I have to state that existing law makes no provision for granting of permits of the character desired, and your application is accordingly denied.

Very respectfully,

E. A. Hitchcock,

Secretary.

P. & M. Div.
1725.



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
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5

DEPARTMENT OF THE INTERIOR
RECEIVED
APR 10 1903
P. & M. DIVISION

See 0813-64
" 1007-63
" 237-65
" 248-06
Mar. 8, 1903.

Acting Commissioner
General Land Office.

Forwards application of the
Gardner Electric Light & Wa-
ter Co., Gardner, Mont., for
permit to appropriate water
from the Gardner River, lying
within the boundaries of the
Yellowstone National Park, to
be used for irrigation, electric
lighting and municipal pur-
poses.

April 14, 1903,

Letter to Gardner Electric
Light and Water Co.,
bearing application.

Yellowstone, Wyo.

DEPARTMENT OF THE INTERIOR,
April 13, 1903,

Respectfully referred to the
Acting Superintendent of the
Yellowstone National Park for
consideration and report as to
the merits of the proposition
presented in this application.
This paper to be returned.

Acting Secretary.

THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

4

53917-1903.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

WASHINGTON, D. C.,

April 8, 1903.

ADDRESSES ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to herewith return to your office a letter from the Gardiner Electric Light and Water Company requesting the privilege to be permitted to take water from the Gardiner River for irrigation, electric lighting and municipal purposes.

The Gardiner River lies entirely within the boundaries of the reservation of the Yellowstone National Park, and the matter referred to is not one within the jurisdiction of this office.

Very respectfully,

AA .

J. F. Dwyer
Acting Commissioner.



THE NATIONAL ARCHIVES
Washington, D. C.

Three Centimeters

RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

To the Hon. Secy of the Interior,
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(Mont) Electric Light & Water Com-
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Washington, D. C.

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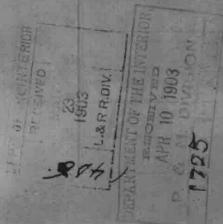
RECORDS OF THE OFFICE OF THE SECRETARY OF THE INTERIOR.
Patents and Miscellaneous Division, Letters Received
concerning Yellowstone National Park.

ment in this matter.
 The extension of the Northern Pacific
 railway to our town has the pro-
 posed erection of a suitable
 entrance gate to the Park, on
 the part of the government have
 greatly stimulated the growth
 of the town and it is our
 desire to improve it by the
 erection of better buildings, in-
 vesting the lawns, and putting
 in an adequate water supply
 and electric lighting system.

We believe that these improvements
 will also be of importance to
 the government in producing
 a better appearance at the
 main entrance to the Park.

The Gardiner Electric Light & Water Co.

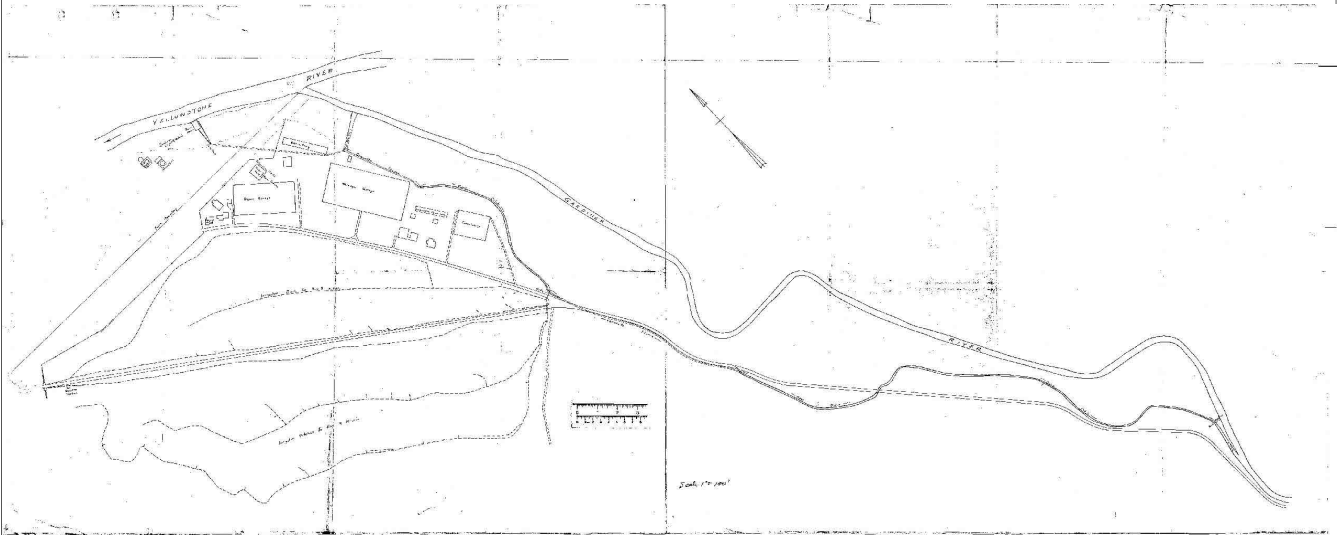
By *J. H. McLaughlin*
McLaughlin President
Surf.

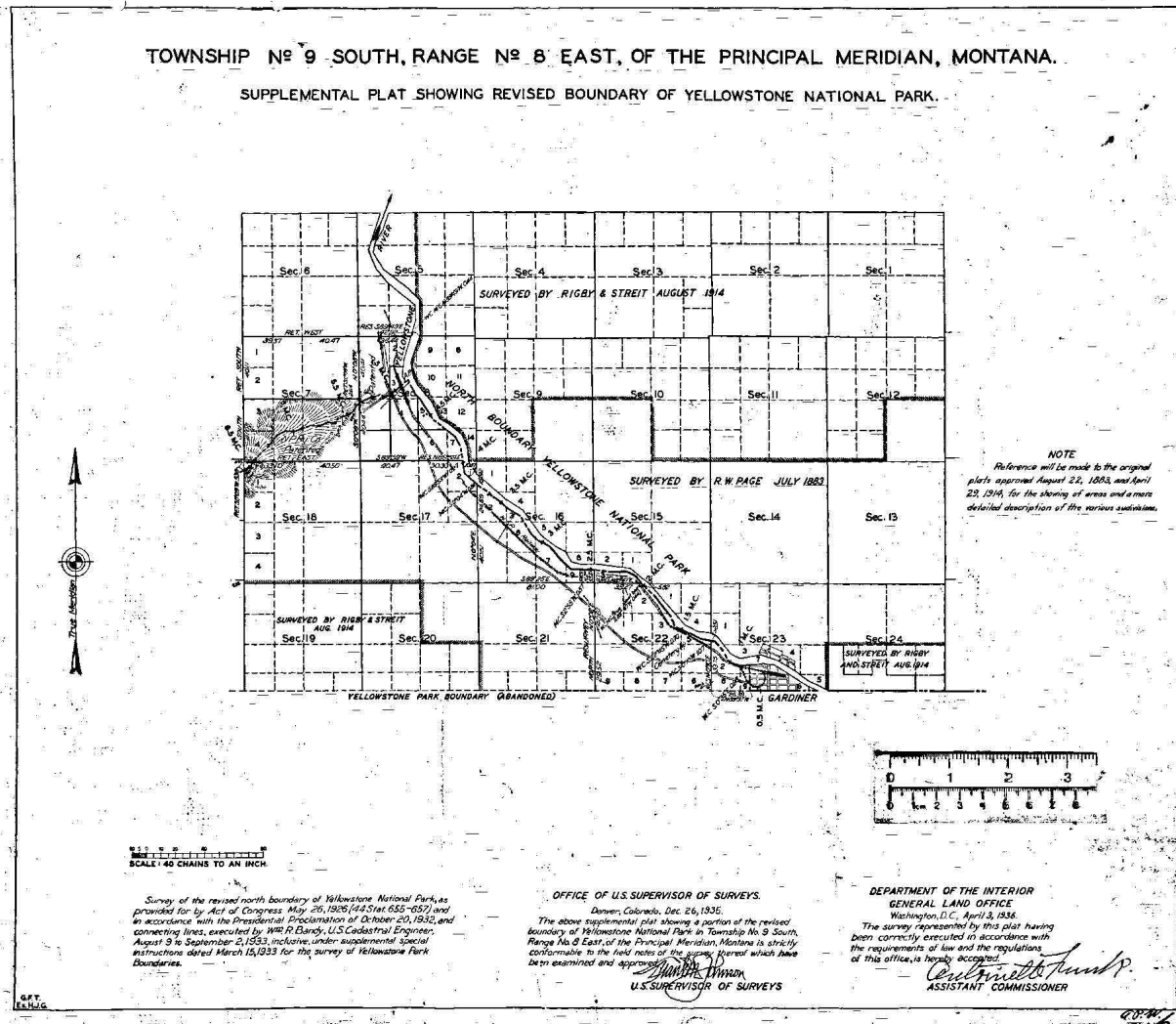


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Three Centimeters





Docket Information

Number of Documents in Docket 55

Documents Dated from 10/11/1882 to 1/1/1963

Docket Compiled: 7/29/2011