



WATER-RIGHT DOCKET

Zion National Park

Docket No: 11

HAMILTON WELL

State Water Rights Documentation

08/20/1975: Letter from Donald C. Norseth regarding acknowledgement of receipt of documents.



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
STANLEY GREEN

August 20, 1975

United States of America
National Park Service
Room 122, Federal Building Annex
135 South State Street
Salt Lake City, Utah 84111

Gentlemen:

Re: Appl. No. 36328a with Change
Appl. No. a-7522 Cert. No. 9697
(81-1373) - Wayne & Margot Hamilton

This will acknowledge receipt of documents (s)
showing conveyance of title to the above-numbered
water filing (s) to you.

We have so endorsed our records.

Yours truly,

Donald C. Norseth
Directing Engineer

mmt

Form 23



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071
Feb. 13, 1975

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
STANLEY GREEN

Wayne L. & Margot B. Hamilton
3575 Hildana Rd.
Shaker Heights, Ohio 44120

CERTIFICATE ISSUED: Feb. 13, 1975

APPLICATION NUMBER: 36328-a (81-1373) a-7522

Enclosed is Certificate No. 9697 issued by the State Engineer as the final step in completing the appropriation relating to the above Application Number.

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

Yours very truly,

ADDRESS ALL COMMUNICATIONS TO: Dee C. Hansen
STATE ENGINEER
442 State Capitol
Salt Lake City, Utah 84114

jp

Form 1 1971

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

a-7522

Water User's Claim No. 81-1373 Application No. 36328-a Certificate No. 9697

1. Name and address of appropriator: Wayne L. and Margot B. Hamilton
~~United States of America~~ 3575 Wildana Rd.
~~Zion National Park, Utah~~ Shaker Heights, Ohio 44120

Whereas, it has been made to appear to the satisfaction of the undersigned that the appropriation of water has been perfected under the above numbered application in accordance with the Laws of Utah; Therefore, Be it known that the State Engineer hereby certifies that said appropriator is entitled to the use of water subject to prior rights, if any, as follows:

2. Period and nature of use:

Irrigation	from	<u>February 15</u>	to	<u>December 31</u>
Domestic	from	<u>January 1</u>	to	<u>December 31</u>
Stockwatering	from		to	
Municipal	from		to	
Other	from		to	

3. Source of supply: Underground Water (well)4. Drainage area: Colorado River5. Quantity of water: 1.73 ac.-ft.6. Priority of right: August 13, 19647. Point of diversion: South 2810.7 feet and East 1857.4 feetfrom the E $\frac{1}{2}$ Cor. Sec. 8, T40S, R11W, SLB&M.Washington County, Utah8. Method of diversion: 6 5/8 in well. 367 feet deep

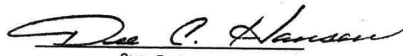
9. Place and/or extent of use:

DOMESTIC: 1 familyIRRIGATION: 0.25 acre in NE $\frac{1}{4}$, Sec. 16, T40S, R11W, SLB&M.10. Other rights appurtenant: None

The works employed in this appropriation are to be operated and maintained in such a manner and condition as will prevent waste of water. This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste.

The right evidenced by this certificate is subject to review by the courts in any adjudication proceeding.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this 13th day of February, 19 75


 State Engineer
 Dee C. Hansen



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES

622 North Main
Cedar City, Utah 84720

October 9, 1974

**DIVISION OF
WATER RIGHTS**

DEE C. HANSEN
STATE ENGINEER

Gerald W. Stoker
Area Engineer

Mr. R. A. Gillis
Rockville, Utah 84763

RE: Appl. No. 36328-a (81-1373)

Dear Mr. Gillis:

Your Proof of Appropriation on the above numbered application has been field examined and is now returned to you with no corrections or amendments necessary.

Please have the Certificates of the Appropriator and the Proof Engineer executed by the proper parties and the executions acknowledged before a Notary Public. You are allowed to and including November 8, 1974, within which to return the completed Proof to this office.

Yours truly,

A handwritten signature of Gerald W. Stoker in dark ink, written in a cursive style.

Gerald W. Stoker
AREA ENGINEER

sm

Enc: Written Proof & Map

cc: Mr. Wayne L. Hamilton
3575 Hildana Rd.
Shaker Heights, Ohio 44120

Form 76

Application No. 36328-a (81-1373) Change No. _____ Cert. No. _____NAME OF APPROPRIATOR Wayne L. HamiltonADDRESS 3575 Hildana Road, Shaker Heights, Ohio 44120NAME OF ENGINEER R. A. GillisADDRESS Rockville, Utah 84763PROOF FILE DATE November 30, 1973SUBMITTED October 3, 1973FIELD CHECKED BY JADATE OCT 1, 1974

CORRECTIONS AND AMENDMENTS REQUESTED

	Name and Address	Quant. of Water	Period of Use	Point of Div.	Diversion and Carrying Works	Place of Use	Suppl. Water Rights	Extend of Use	Tracing	AMENDED CHANGE Date Filed
Field	/	/	/	/	X ^{OK}	/	/	/	OK	Date Approved
Office										

REMARKS

(Need description of well (item #1) on Proof.)
 — See General Remarks —

REVIEW OF PROOF BY JA

PROOF RETURNED TO ENGINEER FOR _____

CORRECTION ☐CERTIFICATION ☒DATE 10/9/74

<u>11/8/74</u>			
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Grand

Application Number 36328-a (81-1373)



FORM 32

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071
January 4, 1974

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

Mr. & Mrs. Wayne L. Hamilton
3575 Hildana Rd.
Shaker Heights, Ohio 44120

Dear Mr. & Mrs. Hamilton:

RE: Change Appl. No. **a-7522 (81-1373)**

Enclosed is Change Application No. **a-7522 (81-1373)** 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,

Dee C. Hansen
State Engineer

jh

Enc.: Copy of Approved Change Application

CHANGE APPLICATION APPROVED
(Form for Pending Original Application)

FORM 49

STATE OF UTAH
PROOF OF APPROPRIATION OF WATER

Do not fill out this blank until you have read carefully the Instructions in the body and on the back hereof.

Application No. 36328-a (81-1373)

1. Irrigation ☒ Domestic ☒ Stockwatering ☐ Municipal ☐ Power ☐ Mining ☐
 Other Uses ☐
2. The name of the appropriator is Wayne L. and Margot Hamilton
3. The post-office address of the appropriator is 3575 Hildana Rd. Shaker Heights, Ohio 44120
4. The quantity of water appropriated is second-foot or 1.73 acre-feet
5. The water is used each year for Irrigation from Feb. 15 to Dec. 31
 other use period Culinary from Jan. 1st to Dec. 31
 and stored each year (if stored) from MONTH/DAY to MONTH/DAY
6. The drainage area to which the direct source of supply belongs is: (LEAVE BLANK)
7. The direct source of supply is Underground water, diverted by 2 inch well with pump
 which is tributary to Grapvine wash, tributary to Left Fork of North Creek
(NAME OF STREAM OR OTHER SOURCE)
- †Note—When diverted from underground sources list as "underground water" and show the means by which it is diverted such as well, underground drain, or tunnel. If the water is to be taken from a stream, spring, spring area, or surface drain, so indicate, giving its name, and the stream channels to which it is tributary.
8. The point of diversion from stream, spring, spring area, drain, well (flowing or pump), tunnel, or well is in Washington county, situated at a point 2810.71 So. and 1857.4 feet East from the East 1/4 Corner of Sec. 8, Township 40 So., Range 11 West, S.L.B.M. Well in NE 1/4 of the NW 1/4 Sec. 16, Tp 40 S., R. 11 West
(STRIKE WORDS NOT NEEDED)
- *NOTE—Locate the point at which water is first diverted from its source or channel with reference to the same tie corner used in the approved application. In case of storage on the natural channel, or diversion by means of dam, describe the point of intersection of stream bed with the center line of the impounding or diverting dam. If a spring area, describe the point at which water is collected and diverted therefrom, and under General Remarks give a description of closed traverse by metes and bounds of said area. Well, 367 ft. deep, cased with 6 & 5/8 inch casing to 27 feet.
9. The diverting and carrying works consist of In support of restoration of natural growth by 75' of 1 1/2" and 150' of 3/4" plastic pipe for culinary use
10. If water is used for irrigation purposes, give legal subdivisions of land irrigated 1/4 acre in the NE 1/4 NW 1/4 sec. 16, Tp 40 S., Range 11 West
11. If water is used for power purposes, describe the type of power plant used none
12. If water is used for mining purposes, give the name of the mine, the mining district, and the uses made of the water none
13. If water is used for stockwatering purposes, give the number and kind of stock watered none
14. If water is used for domestic purposes, give number of families served One
15. If water is used for municipal purposes (a) give name of municipality none
 (b) If municipality serves areas outside of corporate limits, describe legal subdivision served and uses made of water none
16. If water is used for other purposes, give a general description of such uses restoration of natural cover vegetation and wild animal watering also irrigate 1/4 acre garden in support of our family and guests
17. Give place of use by legal subdivisions for all uses described in paragraphs 11 to 16 inclusive NE 1/4 NW 1/4 Sec. 16 Tp. 40 S.; R. 11 West, S.L.B.M.
18. The point where the water is returned to the natural channel, if returned, is situated No natural flow of surface water exists
19. The water is used supplementally to the following rights Evan Lee grants us permission to use water from his pipe line when available, without cost, if well
20. Construction of works was commenced* July 5th 1972, and completed Aug. 16th 1973
*Date of first work subsequent to approval of application.
21. Works were first used to convey water August 15th, 1972
22. Water was measured by R.A. Gillis Date Aug. 16th, 1973
(NAME OF HYDROGRAPHER)
23. Water was measured by vessel, weir, reservoir capacity, or by Standard 17 Gal. vessel
(STRIKE WORDS NOT NEEDED)

†(Give sufficient data under "General Remarks" to enable State Engineer to check the water measurements. It is necessary that the results of a series of such measurements be given.)

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

CERTIFICATE OF APPROPRIATOR

STATE OF UTAH)
COUNTY OF Washington) ss.
Wayne L. And Margot Hamilton being first duly sworn, certifies that he is the person, assignee, or of Springdale, Utah who made an application to appropriate water from Kolob in Washington County; that said application is filed in the State Engineer's office as No. 36328a (81-1373) that he, as appropriator, employed R.A. Gillis, Licensed Engineer #618 to compile information for the purpose of completion of proof of appropriation and that he and she hereby accept and submit this written proof together with maps consisting of ~~one~~ two sheets, No. one to two incl. and when combined with sheets No. one to two incl. on file as proof of appropriation under Application No. 36328a (81-1373) together with sheets No. one to two consisting of ~~one~~ two on file in the office of the State Engineer, that said facts and maps are herewith submitted, and that each and all items contained therein are true to the best of his knowledge and belief.

Margot Hamilton
Wayne L. Hamilton
APPLICANT OR HIS AGENT

Subscribed and sworn to before me this 22nd day of October, 1974
(Seal)

My commission expires Sept. 1, 1976.

Jerry B. Pickett
NOTARY PUBLIC

CERTIFICATE OF PROOF ENGINEER

STATE OF UTAH)
COUNTY OF Washington) ss.
R.A. Gillis being first duly sworn, certifies that he was employed to prepare proof of appropriation under Application No. 36328a (81-1373), that the accompanying tracings were prepared from field notes of a survey made by him between the 16th day of August, 1973, and the 17th day of August, 1973; that these tracings, when combined with sheets No. one to two incl. on file as proof under Application No. 36328a (1373) together with sheets No. one to two consisting of proof map on file in the office of the State Engineer; and when combined with the written proof fully describe the method and extent of beneficial use of the water and that each and all of the items contained herein are true to the best of his knowledge.

R.A. Gillis
PROOF ENGINEER

Subscribed and sworn to before me this 22nd day of October, 1974
(Seal)

My commission expires 2/5, 1975

Island C. Barner
NOTARY PUBLIC

STATE ENGINEER'S ENDORSEMENTS

Dates
Application received in State Engineer's office; Approved
Proof of Appropriation due in State Engineer's office.
10/9/74 Written proof and maps received in State Engineer's office by
10/16/74 Written proof and maps returned for correction by
10/16/74 Corrected written proof and maps resubmitted, received by
10/16/74 Field checked by
2/13/75 Corrected written proof and maps examined and Certificate written by
1 Certificate of Appropriation issued (No. 9697)
1 Maps profiles, and drawings are filed. herewith

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.

February 13, 1975

Don C. Harrison
State Engineer.

Proof of Appropriation
on Application No. 36328-a

GENERAL REMARKS

(See Instructions on page 4)

Well water is used for culinary and irrigation, distributed from well by 1 1/2" plastic pipe to supply irrigation and a 3/4" pipe for culinary use at camp. Camp consists of two 8' X 10' tents, open kitchen and cabinets. A grove of 25 trees around camp.

Well was drilled by Tim Ballard in 1962 (licensed driller). 6 5/8" diameter well cased down 27 feet, 20 ft. overhead derrick made of 4- 2" pipe. Well has 2" casing equipped with Baker Mfg. Co. pump jack and 1 13/16" cylinder.

Drilling Log:

0 to 25' Red Clay

25' to 360 Navajo Sandstone

360 to 367 Blue Clay, Blasted at 365'

Water Measuring:

Vessel used 17 gallon standard barrel, 16" dia. by 20" height.

12:02 P.M. start pump

12:04 water flow starts

12:09 Vessel filled, 17 gallons, Ave. 3.4 G/M.

One gal. standard bucket filled 4 times, Ave. 20 seconds or 3 gals. per minute.

Survey:

Bearings by Solar observation

Submission of proof attested by:

Applicant or his agent:

James F. Hamlin, Agent

Date 10/31 '73

Engineer:

R. A. Green

Date 10/31/73

P. O. Address of Engineer:

Rockville, Utah 84763

NOTICE TO WATER USERS

The following application has been filed with the State Engineer to change water in Washington County throughout the entire year unless otherwise designated. Locations in SL&M.

a-7522 (81-1373) Wayne L. and Margot B. Hamilton, 3575 Hildana Rd., Shaker Heights, Ohio 44120, proposes to change the point of diversion, ^{1.73} place and nature of use of ~~1.73~~ ac. ft. of water as evidenced by Seg. App. No. 36328-a. The water has been diverted from a 6-inch well, 150-500 ft. deep at a point S. 1980 ft. and W. 500 ft. from N $\frac{1}{4}$ Cor. Sec. 16, T40S, R11W; and used for the stockwatering of 62 cattle in SE $\frac{1}{4}$ Sec. 16, T40S, R11W.

Hereafter, 1.73 ac. ft. of water is to be diverted from a 6-5/8 inch well, 385 ft. deep at a point S. 80 ft. and E. 1800 ft. from NW Cor. Sec. 16, T40S, R11W; and used for the domestic ~~purposes~~ purposes of one family; and used from Feb. 15 to Dec. 31 for the irrigation of 0.25 acs. in NE $\frac{1}{4}$ Sec. 16, T40S, R11W.

Protests resistⁱ ng the granting of this application with reasons therefor must be filed in duplicate with the State Engineer, 442 State Capitol, Salt Lake City, Utah 84114, on or ^{before} ~~before~~ Oct. 20, 1973.

Dee C. Hansen
STATE ENGINEER

Published in Washington Co. News Sept. 6, 13 and 20, 1973.



Form 40

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

October 5, 1973

Mr. Wayne L. Hamilton
3575 Hildana Road
Shaker Heights, Ohio 44120

Dear Mr. Hamilton:

RE: Application No. 36328-a (81-1373)

Your proof for the above application was received from your engineer, Mr. R. A. Gillis, on October 3, 1973. It will be checked in the field by a representative of this office as part of routine processing. It will then be reviewed and returned to your engineer for any necessary corrections and signatures. The primary responsibility for its form and its accuracy lies with your engineer; however, you will receive copies of the letter of review and any other correspondence related to your proof.

Proofs are normally reviewed as groups from the various areas; therefore, they may be in our possession for several months before being checked and reviewed. During this time, no further action is required on the part of you or your engineer unless notified by this office.

Yours truly,

Pat Davis
PROOF DEPARTMENT

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

NOTICE TO WATER USERS

The following application has been filed with the State Engineer to change water in Washington County throughout the entire year unless otherwise designated. Locations in SLB&M.

a-7522 (81-1373) Wayne L. and Margot B. Hamilton, 3575 Hildana Rd., Shaker Heights, Ohio 44120, proposes to change the point of diversion, place and nature of use of 1.73 ac. ft. of water as evidenced by Seg. App. No. 36328-a. The water has been diverted from a 6-inch well, 150-500 ft. deep at a point S. 1980 ft. and W. 500 ft. from NW 1/4 Cor. Sec. 16, T40S, R11W; and used for the stockwatering of 62 cattle in SE 1/4 NW 1/4 Sec. 16, T40S, R11W.

Hereafter, 1.73 ac. ft. of water is to be diverted from a 6-5/8 inch well, 385 ft. deep at a point S. 80 ft. and E. 1800 ft. from NW Cor. Sec. 16, T40S, R11W; and used for the domestic purposes of one family; and used from Feb. 15 to Dec. 31 for the irrigation of 0.25 acs. in NE 1/4 NW 1/4 Sec. 16, T40S, R11W.

Protests resisting the granting of this application with reasons therefore must be filed in duplicate with the State Engineer, 442 State Capitol, Salt Lake City, Utah 84114, on or before Oct. 20, 1973.

Dee C. Hansen
STATE ENGINEER
Published in Washington Co.
News Sept. 6, 13, and 20, 1973.

October 3, 1973

RE: CH. APPL. NO. a-7522 (81-1373)

NOTICE TO WATER USERS PUBLISHED IN WASHINGTON
CO. NEWS SEPTEMBER 6, 13 and 20, 1973.

PROTEST PERIOD ENDED OCTOBER 20, 1973.

NO PROTESTS

dph



FORM 21

STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEERJOHN BENE
DEPUTY442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

(801) 328-6071

September 30, 1973

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKERMr. & Mrs. Wayne L. Hamilton
3575 Hildana Road
Shaker Heights, Ohio 44120

Dear Mr. & Mrs. Hamilton:

Seg.

RE: Application No. 36328a (81-1373)

To appropriate water in Utah you must receive approval of an application, complete the intended development and submit proof that the water has been put to beneficial use. Upon submission of satisfactory proof, a certificate will be issued, which is your evidence of a water right.

Our records indicate that you have not made proof of appropriation or proof of change on your application. This is due **November 30, 1973**.

Proof must be prepared by a registered engineer or land surveyor and must be received in this office on or before the above proof-due date. Failure to make proof by the above date shall cause the application to lapse. Blank forms for submitting proof will be sent upon request.

If proof cannot be submitted at this time, an extension of time may be requested by completing the enclosed form and submitting the request in affidavit form on or before the proof-due date. Submission of a request for an extension of time in no way guarantees that it will be granted. An extension will generally be granted only after an applicant has made a showing of diligence before a meeting with the State Engineer. Requests should not be made for unreasonable periods of time beyond that needed to complete the appropriation and proof.

Yours truly,

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See other side)
U.S. GPO: 1970-0-397-458

SENT TO	STREET AND NO.	P.O., STATE AND ZIP CODE	OPTIONAL SERVICES FOR ADDITIONAL FEES	RETURN	RECEIPT	SERVICES	DELIVER TO ADDRESSEE ONLY	SPECIAL DELIVERY (2 pounds or less)	POD Form 3800 July 1969
POSTMARK OR DATE				1. Shows to whom and date delivered	2. Shows to whom, date and where delivered ..	With delivery to addressee only	50¢	50¢	

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

jn

Enc.: Form 29

Certified Mail

P R

No. 572114

Form 183



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

September 4, 1973

Washington Co. News
St. George,
Utah 84770

RE: Application No. a-7522 (81-1373)

Gentlemen:

This will acknowledge receipt of checking proofs of Notice to Water Users concerning Application No. a-7522 (81-1373) for publication on September 6, 13 and 20, 1973. ..

The proofs are accurate. Please proceed with advertisement, and upon completion of the three issues, send:

TWO proofs for our files, two Proofs of Publication, and your bill in duplicate within 30 days from the date of the last publication.

Yours very truly,

A handwritten signature in cursive script that reads "Dee C. Hansen".

Dee C. Hansen
STATE ENGINEER

dph

Enclosure: Checking Proof

Form 182

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER
JOHN BENE
DEPUTY

442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114
(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

August 30, 1973

Washington Co. News
St. George,
Utah 84770

RE: Application No. a-7522 (81-1373)

Gentlemen:

Enclosed is a Notice to Water Users concerning Application
No. a-7522 (81-1373) for publication on Sept. 6,
13 and 20, 1973.

Please send two checking proofs as soon as possible before
the first publication, and upon completion of the three
issues, please send:

TWO proofs for our files, two Proofs of Publication, and
your bill in duplicate within 30 days from the date of the
last publication.

Yours very truly,


Dee C. Hansen
STATE ENGINEER

dph

Enclosure: Notice to Water Users

August 28, 1973

Mr. & Mrs. Wayne L. Hamilton
3575 Hildana Road
Shaker Heights, Ohio 44120

RE: Seg. Appl. No. 36328a (81-1373)

Dear Mr. & Mrs. Hamilton:

Enclosed is approved Segregation Application No. 36328a (81-1373).
The applicant shall understand that the period of time remaining
to the proof-due date of the right being segregated is the period
being here approved for this segregation. This proof-due date is
November 30, 1973.

Yours truly,

Dee C. Hansen
State Engineer

jh

Enc.

Form No. 107 3-66

Area Look # 81-1323
 CHANGE APPLICATION NO. A-7522

**Application for Permanent Change of Point of Diversion
 Place and Nature of Use of Water
 STATE OF UTAH**

Please clearly and correctly complete the information requested below which defines the right or rights being changed. (Type or clearly print.)

For the purpose of obtaining permission to permanently change: the point of diversion ☒ place ☐, or nature of use ☐, of water rights acquired by Segregation Appl. No. A-36328-a
 (Give Number of Application, certificate of appropriation, title and date of Decree or other identification of right.)

If the right described has been amended by a previous approved change application, give the number of such change application. No. _____

- United States of America*
- The name of the applicant is Wayne L. and Margaret R. Hamilton
 - The post-office address of the applicant is 3575 Wildana Rd., Shaker Heights, Ohio 44120
 - The flow of water which has been or was to have been used in second-feet is _____
 - The quantity of water which has been or was to have been used in acre-feet is 1.73
 - The water has been or was to have been used for and during periods as follows:

Stockwatering	from	January 1	to	December 31	incl.
(purpose)		(month)	(day)	(month)	(day)
	from		to		incl.
(purpose)		(month)	(day)	(month)	(day)
and stored each year (if stored)	from		to		incl.
		(month)	(day)	(month)	(day)
 - The direct source of supply is Well in Washington County.
 (well, spring, stream, drain, river; if other explain)
 - The point or points of diversion _____
S. 1980 ft. and W. 500 ft. from the NW cor. Sec. 16, T40S, R11W, SLB&M.

(Must be the same as that of right being changed unless a previous change has been filed and approved. Then use the point or points approved in the previous change.)

8. Diversion works:

If a well give diameter and depth 6 inch well, 150 to 500 ft. deep

If a dam and reservoir give height, capacity, and area inundated _____

If other give type of diversion facility _____

9. The water involved has been or was to have been used for the following purposes in the following described legal subdivisions: (If used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)

Irrigation _____

Total acres to be irrigated _____

Stockwatering (number and kind) 62 cattle within the SE 1/4 NW 1/4 Sec. 16, T40S, R11W, SLB&M.

Domestic (number of families and/or persons, etc.) _____

Other _____

10. The point at which water has been or was to have been returned to the stream channel is situated as follows: (Please describe method of return.) _____

Note: Paragraph 10 is to be completed only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

- The flow of water to be changed in cubic feet per second is SEE CERTIFICATE
- The quantity of water to be changed in acre-feet is 1.73

FOR CORRECTION

+

13. The water will be used each year for:

Domestic from January 1 to December 31 incl.
 (purpose) (month) (day) (month) (day)
 Irrigation from Feb. 15 to December 31 incl.
 (purpose) (month) (day) (month) (day)
 and stored each year (if stored) from to incl.
 (month) (day) (month) (day)

14. It is now proposed to divert the water from Well
-
- (i.e., spring, spring area, stream, river, drain, well, etc.)

at a point(s) as follows:

S. 80 ft., E. 1800 ft. from the NW cor. Sec. 16, T40S, R11W, 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. A spring area must also be described by metes and bounds.

15. The proposed diverting and conveying works will consist of: (if a well, state diameter and depth thereof)
-
- 6 & 5/8 in. diameter well casing, cased to 27 feet and total depth 385 ft.

16. If water is to be stored, give capacity of reservoir in acre-feet height of dam
-
- area inundated in acres legal subdivisions of area inundated

17. The water is to be used for the following purposes in the following described legal subdivisions: (if used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)
-
- Irrigation within the NE 1/4 Sec. 16, T40S, R11W, SLB&M.

Total acres to be irrigated 0.25

but limited to the sole irrigation supply of 0.25 acres.

Stockwatering (number and kind)

Domestic (number of families and/or persons, etc.) One Family

Other

18. If paragraphs 11 and 12 designate that only part of the right described in paragraphs 1 to 10 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.

EXPLANATORY

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

Acre foot duty is based at 4 ac.-ft. of water per acre of irrigation. This duty is subject to revision pending general adjudication.

The undersigned hereby acknowledges that even though he may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the State Engineer's Office, all responsibility for the accuracy of the information contained therein, at the time of filing, rests with the applicant.

Wayne L. Hamilton
 Signature of Applicant

(This page not to be filled in by applicant)

STATE ENGINEER'S ENDORSEMENTS

1. AUG 1 1973 Change Application received over counter by mail in State Engineer's office by sa
2. Priority of right to make change brought down to, on account of
3. AUG 1 1973 Fee for filing Application \$ 10.00, received by sa, Receipt No. 24744
4. aug. 22, 1973 Application microfilmed by Roll No. 696 and indexed by WJ
5. 8/17/73 Application platted by km (S-40-11) 16 baa
6. August 16, 1973 Application examined by cha
7. Application returned, with letter, to for correction
8. Corrected application resubmitted over counter by mail to State Engineer's Office.
9. August 16, 1973 Application approved for advertisement by cha
10. AUG 29 1973 Notice to water users prepared by dph Y Ed
11. SEP 6 1973 Publication began, was completed SEP 20 1973
Notice published in Washington Co. News
12. SEP 4 1973 Proof slips checked by dph Y pd
13. Change Application protested by
14. Oct 4, 1973 Field paid inv. 2-1155 ed
 Field Examined by
15. DEC 26, 1973 Application designated for approval rejection by SA EMS
16. 1-4-74 Change Application copied jh proofread by
17. 1-4-74 Change Application approved rejection 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 under 36328a
3. This change is subject to all conditions imposed on the approval of the original application or right

Dee C. Hansen, State Engineer

18. Time for making proof of change extended to
19. Proof of change submitted.
20. 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-7522



Form 110

APPLICATION TO SEGREGATE A WATER RIGHT STATE OF UTAH

81-1373
 New Cert # 81-1323

Segregation No. 36328-a

For the purpose of obtaining permission to segregate a water right, application is hereby made to the State Engineer, based upon the following showing of facts, and submitted in accordance with the requirements of the Laws of Utah:

1. The name of the applicant is United States of America
Wayne L. and Margot B. Hamilton
2. The Post Office address of the applicant is Zion National Park, Utah 84767
3575 Wildana Rd., Shaker Heights, Ohio 44120

THE WATER RIGHT DESCRIBED AS FOLLOWS IS OWNED BY APPLICANT:

3. The right was acquired by A-36328, as amended by a-6363 (81-637)
 (Give number of application)
4. The quantity of water which has or was to have been used is 0.015 second-feet or 5.60 acre-feet.
5. The water has been or was to have been used for and during periods as follows:
 Stockwatering from January 1 to December 31 incl.
 (Month) (Day) (Month) (Day)
 from (Month) (Day) to (Month) (Day) incl.
 and stored each year (if stored) from (Month) (Day) to (Month) (Day) incl.
6. The direct source of supply is Well in Washington County.
 (well, spring, stream, drain, river; if other explain.)

7. The point or points of diversion S. 1980 ft. and W. 500 ft. from the N $\frac{1}{2}$ cor. Sec. 16, T40S, R11W, SLB&M.

8. The water involved has been or was to have been used for the following:
Stockwatering of 200 cattle within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T40S, R11W, SLB&M.

Total _____ acres.

NOTE: If used 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 past or proposed use.

9. The point at which the water has been or was to have been returned to the stream channel is located as follows: _____

NOTE: To be filled in only in case all or part of the water is returned to the natural channel.

THE WATER RIGHT DESCRIBED ABOVE IS PROPOSED FOR SEGREGATION AS FOLLOWS:

10. The quantity of water to be segregated is .005 second-feet or 1.73 acre-feet
 and the use or uses being segregated is or are: Stockwatering of 62 cattle

SEE CERTIFICATE
 Total _____ acres.

TITLE CUR

Further explanation This segregation is filed to separete the applicant's 31% in the original application.

11. The quantity of water remaining in the original application after segregation will be .0.01 second-feet or 3.87 acre-feet, and the use or uses is or are: Stockwatering of 138 cattle
- Total acres.

Further explanation: The water remaining in the original application after segregation is owned by Evan S. Lee.

NOTE: If the use or uses described are by numbers of acres irrigated, stockwatering or domestic dwellings, they and the flow or acre-foot award to the right should be segregated proportionately. However, if the use or uses is, or are, of a nature such as industrial, cafe, motel, service station, or a complex of these, then each use must be defined and evaluated in flow or acre-foot needed before segregation.

If there is a disproportionate segregation of quantity or uses, the applicant must designate an acre-foot limitation or value for the total water right before segregation and for each use being segregated by this application.

If the uses to be herein segregated are presently indicated as being supplied water from other sources and the term supplemental is used on the application or right herein segregated, there must be designated an acre-foot evaluation to clarify the supplemental term, both on the application or right being segregated, and on the segregation application.



Evan S. Lee
Applicant

(Not to be filled in by Applicant)

STATE ENGINEER'S ENDORSEMENTS

1. AUG 1 1973 Application to Segregate rec'd over counter by mail in State Engineer Office by SA
2. 8/13/73 Priority of original Application.
3. AUG 1 1973 Fee for filing Application \$15.00, rec'd by SA Rec. No. 024843
4. aug 22, 1973 Application microfilmed by Roll 696 Indexed by 122
5. Application plated by
6. August 6, 1973 Application examined by SA
7. Application returned, corrected by office
8. Corrected Application resubmitted over counter by mail to State Eng. Office.
9. AUG 27 1973 Application designated for approval rejection by SA EMA
10. 8-28-73 Application approved ~~rejected~~ and returned to applicant.

This Application to Segregate is approved on the following conditions:

1. Proof of Appropriation shall be submitted to the State Engineer's Office by 11-30-73.
2. 14-year period ends March 31, 1979

Dee C. Hansen
Dee C. Hansen, State Engineer

11. Time for making Proof of Appropriation extended to
12. 10-3-73 Proof of Appropriation submitted.
13. 2-13-75 Certificate of Appropriation, No. 9697, issued.

Form 97 10M 2-62

Application No. 36328

APPLICATION TO APPROPRIATE WATER STATE OF UTAH

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

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for uses indicated by (X) in the proper box or boxes, 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. Irrigation ☐ Domestic ☐ Stockwatering ☒ Municipal ☐ Power ☐ Mining ☐ Other Uses ☐
2. The name of the applicant is Evan S. Lee (Evan S. Lee & Wayne L. & Margaret B. Hamill)
3. The Post Office address of the applicant is Virgin, Utah (6490)
4. The quantity of water to be appropriated is .015 second-feet or 1.5 acre-feet
5. The water is to be used for Stockwatering from Jan. 1 to Dec. 31
(Major Purpose) (Month) (Day) (Month) (Day)
other use period from to
(Minor Purpose) (Month) (Day) (Month) (Day)
and stored each year (if stored) from to
(Month) (Day) (Month) (Day)
6. The drainage area to which the direct source of supply belongs is Underground Water
(Leave Blank)
7. The direct source of supply is Underground Water
(Name of stream or other source)

which is tributary to Washington, tributary to Washington
*Note—Where water is to be diverted from a well, a tunnel, or drain, 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.

8. The point of diversion from the source is in Washington County, situated at a point 660 ft. E. 660 ft. from the NW cor. Sec. 16, T40S, R11W, SLB&M
Evan Lee by Phone

*Note—The point of diversion must be located definitely by course and distance or by giving the distances north or south, and east or west with reference to a United States land survey corner or United States mineral monument, if within a distance of six miles of either, or if at a greater distance, to some prominent and permanent natural object. No application will be received for filing in which the point of diversion is not defined definitely.

9. The diverting and carrying works will consist of 6 inch casing, 150 to 500 feet deep
10. If water is to be stored, give capacity of reservoir in acre-feet 61 height of dam 721'
area inundated in acres 61 legal subdivision of area inundated ACTUAL DIA. 61 DEPTH 721'
ST. ENG. ENDORSED 7/22/65 AS
11. If application is for irrigation purposes, the legal subdivisions of the area irrigated are as follows:
Total 61 Acres
12. Is the land owned by the applicant? Yes XX No If "No," explain on page 2.
13. Is this water to be used supplementally with other water rights? Yes No XX
If "yes," identify other water rights on page 2.
14. If application is for power purposes, describe type of plant, size and rated capacity.
15. If application is for mining, the water will be used in Mining District at the mine, where the following ores are mined
16. If application is for stockwatering purposes, number and kind of stock watered 200 cattle
17. If application is for domestic purposes, number of persons , or families
18. If application is for municipal purposes, name of municipality
19. If application is for other uses, include general description of proposed uses
20. Give place of use by legal subdivision of the United States Land Survey for all uses described in paragraphs 14 to 19, incl. NW 1/4 Sec. 16, T40S, R11W, SLB&M
21. The use of water as set forth in this application will consume .015 second-feet of water and 1.5 second feet will be returned to the natural stream or source at a point described as follows:

ACTUAL DIA. 61
ST. ENG. ENDORSED 7/22/65 AS

Page No. 2

EXPLANATORY

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

Lined area for explanatory text.

(Use page 4 if additional explanatory is needed.)

The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purpose herein described.

Signature of Applicant

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

DECLARATION OF CITIZENSHIP

STATE OF UTAH, }
County of Garfield } ss.

On the 10 day of Aug, 1964, 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, or has declared his intention to become such a citizen.

My commission expires:

Aug 13, 1967

(SEAL)

Wm J. McElroy
Notary Public

Page No. 3

FEES FOR APPLICATIONS TO APPROPRIATE WATER IN UTAH

Flow rate — c.f.s.	Cost
0.0 to 0.1.....	\$ 10.00
over 0.1 to 0.5.....	20.00
over 0.5 to 1.0.....	30.00
over 1.0 to 15.0.....	30.00 plus \$5 for each cfs above the first cubic foot per second.
over 15.0.....	100.00
Storage — acre-feet	
0 to 20.....	15.00
over 20 to 500.....	30.00
over 500 to 7500.....	30.00 plus \$5 for each 500 a.f. above the first 500 acre feet.
over 7500.....	100.00

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

STATE ENGINEER'S ENDORSEMENTS

1. Aug. 13, 1964 Application received by mail in State Engineer's office by S.R.
2. Aug. 13, 1964 Priority of Application brought down to, on account of
3. Aug. 13, 1964 Application fee, \$ 10.00, received by Rec. No. 09317
4. Aug. 13, 1964 Application copied in book page 395, and indexed by
5. Aug. 14, 1964 Application plotted by (C-10-11) 16-5-59
6. Aug. 19, 1964 Application examined by
7. Application returned, ... or corrected by office
8. Corrected Application resubmitted over counter by mail to State Engineer's office.
9. Aug. 19, 1964 Application approved for advertisement by 29840
10. Aug. 24, 1964 Notice to water users prepared by
11. Aug. 24, 1964 Publication began; was completed Sept. 24, 1964 Nov. 19, 1964
12. Aug. 31, 1964 Proof slips checked by
13. Application protested by
14. Oct. 15, 1964 Publisher paid by M.E.V. No. 3-1855
15. Hearing held by
16. Field examination by
17. Nov. 17, 1965 Application designated for approval rejection
18. Mar. 31, 1965 Application copied or photostated by proofread by
19. Mar. 31, 1965 Application approved rejected
20. Conditions:

This Application is approved, subject to prior rights, as follows:

 - a. Actual construction work shall be diligently prosecuted to completion.
 - b. Proof of Appropriation shall be submitted to the State Engineer's office by Nov. 30, 1967
 - c.
21. Time for making Proof of Appropriation extended to Dec. 31, 1968
22. Proof of Appropriation submitted.
23. Certificate of Appropriation, No., issued

Application No. 36328

When recorded return to:
 LEE GARRISON
 NATIONAL PARK SERVICE
 Room 122 Federal Building Annex
 135 South State Street
 Salt Lake City, Utah 84111



Entry No. **168750** Fee **\$3.50**
 Recorded at Request of
 Southern Utah Title Co.
 Date July 16, 1975 at 4:50 P.M.
 Book 175 Page 190-191
Wayne L. Hamilton
 Washington County Recorder

WARRANTY DEED

The GRANTORS, WAYNE L. HAMILTON and MARGOT B. HAMILTON, husband and wife, for the consideration of (\$9,600.00)

NINE THOUSAND SIX HUNDRED DOLLARS

to them in hand paid, receipt of which is hereby acknowledged, do hereby CONVEY and WARRANT to the UNITED STATES OF AMERICA and its assigns, GRANTEE, the fee simple title to the following described lands within ZION NATIONAL PARK, to wit:

T. 40 S., R. 11 W., S.L.B.M., Washington County, Utah, NPS
 Tract No. 06-106

Parcel 1: Beginning at a point North 2640.00 feet and East 955.00 feet from the West quarter corner of Section 16, said Township and Range, and running thence South 154.96 feet; thence East 1685.00 feet; thence North 154.96 feet; thence West 1685.00 feet to the point of beginning.

Parcel 2: Beginning at a point North 2485.04 feet and East 955.00 feet from the West quarter corner of Section 16, said Township and Range, and running thence South 154.96 feet; thence East 1685.00 feet; thence North 154.96 feet; thence West 1685.00 feet to the point of beginning.

The above parcels contain an aggregate of 12.00 acres more or less.

TO HAVE AND TO HOLD the above granted and described premises together with all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in any wise appertaining unto the UNITED STATES OF AMERICA, and its assigns, forever.

The GRANTORS further remise, release and forever quitclaim to the UNITED STATES OF AMERICA, and its assigns, all right, title and interest which the GRANTORS may have in Water Right Application No. 36328(81-637) to 1.75 acre feet of water as filed in the Office of the Utah State Engineer and any other water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and also all interest in any alleys, roads, street, ways, strips, gores or other rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

SUBJECT to existing easements for public roads and highways, public utilities, railroads and pipelines as the records may reveal at the date of conveyance.

This land is being acquired by the UNITED STATES OF AMERICA for the NATIONAL PARK SERVICE.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hand and seal this 16th day of July, 1975.

Wayne L. Hamilton
 WAYNE L. HAMILTON (husband)

Margot B. Hamilton
 MARGOT B. HAMILTON (wife)

190

A 30384a 81-637 Cedar No. 9677

Recorded at Request of _____

at _____ M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref. : _____

Mail tax notice to Wayne L. Hamilton Address P. O. Box 294, Springdale, Utah

WARRANTY DEED

EVAN S. LEE and LILLIAN B. LEE, husband and wife, Grantors, of Virgin, County of Washington, State of Utah, hereby CONVEY and WARRANT to WAYNE L. HAMILTON and MARGOT B. HAMILTON, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, Grantees, of Zion National Park, Utah, for the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the following tracts of land in Washington County, State of Utah:

Parcel 1: BEGINNING at a point North 2640 feet and East 955.0 feet from the West quarter corner of Section 16, Township 40 South, Range 11 West, SLE&M, and running thence South 154.96 feet; thence East 1685.0 feet; thence North 154.96 feet; thence West 1685.0 feet to the point of beginning.

Parcel 2: BEGINNING at a point North 2485.04 feet and East 955.0 feet from the West quarter corner of Section 16, Township 40 South, Range 11 West, SLE&M, and running thence South 154.96 feet; thence East 1685.0 feet; thence North 154.96 feet; thence West 1685.0 feet to the point of beginning.

TOGETHER with all improvements thereon and all appurtenances thereunto belonging, and INCLUDING the following right-of-way to be used as access to the above described properties:

A roadway 66 feet in width, on other property owned by Grantors, running from the North line of the property described above as Parcel 1, and running South approximately 1344 feet to the existing county road, the East boundary of said roadway bordering the West line of the above described properties, the said roadway to be constructed by Grantors and surfaced with cinders.

TOGETHER, ALSO, with a 20 foot right-of-way for access road described generally as: Beginning 1910 feet East of the Northwest corner of said Section 16, and running thence North 60 feet; thence East 100 feet; thence South 60 feet to the North boundary of said Section 16,

TOGETHER, ALSO, with the following water right: Thirty-one (31%) percent of water under application No. 36328 (81-637) as filed in the office of the Utah State Engineer and as in effect on the 1st day of July, 1971.

WITNESS the hands of said Grantors, this 4 day of December, 1974.

Evan S. Lee
Evan S. Lee

Lillian B. Lee
Lillian B. Lee

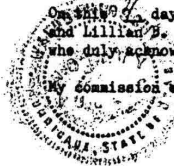
STATE OF UTAH)

County of Washington) ss.

On this 4 day of December, 1974, personally appeared before me Evan S. Lee and Lillian B. Lee, husband and wife, the signers of the within instrument, who duly acknowledged to me that they executed the same.

My commission expires: 7/16/77

Notary Public, residing at
Springdale, Utah



Entry No. 168749 Fee \$4.00
Recorded at Request of
Southern Utah Title Co.
Date July 16, 1975 at 4:50PM
Book 175 Page 189
Wayne L. Hamilton
Washington County Recorder



Form 15

DATE: October 6, 1975

Dee C. Hansen
State Engineer of Utah
442 State Capitol
Salt Lake City, Utah 84114

SE.

RE: Appl. No. a-6363 (81-637)

Dear Mr. Hansen:

I hereby request that my above-numbered application
be cancelled and removed from the files of your Office.

Yours very truly,

Evan S. Lee

~~ACKNOWLEDGED~~ Acknowledged
by State of Utah ?

REQUEST FOR CANCELLATION

*Lee tried to cancel ~~an~~
application (81-637) for the
original application which
existed prior to segregation.*



Form 1 1971

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

Water User's Claim No. 81-637 Application No. 36328 Certificate No. 11159

1. Name and address of appropriator: Budd Donald Lee, 2/9 int.; Merlin Evan Lee, 2/9 int.; and Thora L. Spendlove, 2/9 int., acting as personal representative of the Estate of Lillian B. Lee, deceased, 1/3 int. c/o Budd Lee, Virgin, Utah 84779

Whereas, it has been made to appear to the satisfaction of the undersigned that the appropriation of water has been perfected under the above numbered application in accordance with the Laws of Utah; Therefore, Be it known that the State Engineer hereby certifies that said appropriator is entitled to the use of water subject to prior rights, if any, as follows:

2. Period and nature of use:

Irrigation	from _____	to _____
Domestic	from _____	to _____
Stockwatering	from <u>January 1</u>	to <u>December 31</u>
Municipal	from _____	to _____
Other	from _____	to _____

3. Source of supply: Underground Water, Well

4. Drainage area: Colorado River

5. Quantity of water: 3.87 ac.ft.

6. Priority of right: November 30, 1977

7. Point of diversion: N. 69°17'37" W., 2254.39 ft. from SE cor. Sec. 8, T40S, R11W, SLBM.

Washington County, Utah

8. Method of diversion: 6 inch diameter well, 610 ft. deep, storage tank and pipeline to place of use .

9. Place and/or extent of use:

STOCKWATERING: 138 cattle in the SE 1/4 Sec. 8, T40S, R11W, SLBM.

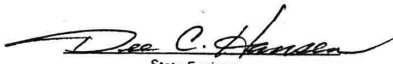
10. Other rights appurtenant: NONE

The works employed in this appropriation are to be operated and maintained in such a manner and condition as will prevent waste of water. This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste.

The right evidenced by this certificate is subject to review by the courts in any adjudication proceeding.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this 12th day of February, 1981.

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 the right.


State Engineer
Dee C. Hansen, P.E.

Other Supporting Information

Author: Dave Sharrow at np-cebr

Date: 06/14/1999 4:02 PM

Priority: Normal

TO: Jeff Hughes at NP-WASO-WR, Bill Hansen at NP-WASO-WR, Jeff Bradybaugh at NP-ZION,
Don Falvey at NP-ZION

Subject: Hamilton well - ZION

Update on the Hamilton Well 81-1373

This well is on the eastern margin of Cave Valley. A field inspection determined that this well does exist, however it was found to be dry, bottoming out at a depth of 287.5 feet.

It may be worth while to check this well again following a wetter winter.

In the mean time, according to Utah regs it should be capped. I suggest making this part of the contract for testing the well on the Smith Property. The cost would be \$50 - \$100.

Dave Sharrow

81-1373 - Lee indicated that the well was not successful, so it was

abandoned. He may have meant the well from which this right was segregated.

- Hamilton, from whom land was purchased, now works at Yellowstone. He indicated that he made sure water rights were obtained for well in his name when he

owned the land.
 - Lineback could not locate a well on Hamilton's property (He contacted Bud Lee about it)

- The water rights history is as follows:

① Application 36328 was filed by Evan Lee, with a priority date of 8/13/64. Right was for total .015 cfs for a well. Evan Lee's name is crossed out on the original application -- Evan Lee with 69% interest in water right, and Wayne & Margot Hamilton with 31% interest, is penciled in. Water is used for stock watering 200 cattle.

② Application to segregate water ^{36328 w, 81-1373} was filed by Wayne Hamilton, such that he gets .005 cfs (1.73 af) and Lee gets .01 cfs (3.87 af)

This amount being segregated from the right described in ①, above. (Appl. rec'd 8-1-73)

Says the right was acquired by A-36328, as amended by A-6363 (81-637). Water right says a 6363 was terminated.

↓
is this a scam or a valid water right?

③ Applic. for perm. & of pnt of diversion, place and nature of use a-7522 rec'd 8-1-73, applied for by Wayne Hamilton, &'s use from stock watering to irrigation and domestic.

④ Cert. issued 2/13/75 for rt as changed by ③, above.

Problem: 81-637 is listed in water rights tabulation as a right for 3.87 cfs, water divided among 4 users USA, Hamiltons not among them.

- All material pertaining to 81-637 has been requested from State Engr's Office but not received yet →

Action: Contact State (re) w 6363

: Plot all points on map.

REPORT OF TELEPHONE CONVERSATION

DATE 12/16/86 TIME 1000 AM/PM
PROJECT ZION

NPS PERSON ON CALL: Alice E. Johns ☐ I CALLED ☐ S/HE CALLED

PERSON Bob Berger

ORGANIZATION Water Rights Division

ADDRESS Salt Lake City, UT

TELEPHONE NO. 1-801-533-6071 EXT. _____

SUBJECTS DISCUSSED 81-637, 81-1373, and our request for addnl info. on various water rights

81-637 - orig. filed by Evan Lee and Wayne & Margot Hamilton

a6363 - change application applied in pnt of diversion, place of use of 637 for total amount of water as indicated under 81-637.

Segreg No - 36328a filed too separate ^{1.73 ac} .005 cfs from total ^{3.87 ac} .015 cfs right as indicated in 81-637, as amended by a6363.

Change Appl. a7522 - changed pnt of div. & nature of use of a6363, 81-637 segregated portion

Statement Issued, canceling a6363

Certificate issued 9697 for 1.73 acre-feet to Hamilton

Certificate issued 11159 for Lee, et al (3.87 acre-feet)

State will follow
ACTION TO BE TAKEN send information on 81-637; Statement terminating a6363; Cert. 11159, We have the rest of the information, and proof of 1373.
→ Class 81-1373

COPIES TO: _____

REPORT OF TELEPHONE CONVERSATION

DATE 12/16/86 TIME 9:49 AM/PM
PROJECT ZION Water Claims

NPS PERSON ON CALL: Alice E. Johns

☒ I CALLED ☐ S/HE CALLED

PERSON Bob Berger

ORGANIZATION Water Rights Division

ADDRESS SLC, Utah

TELEPHONE NO. 1-801-533-6071 EXT. _____

SUBJECTS DISCUSSED 81-1373 - certificated in amt of 1.73 af

The 637 filing -- 1.015 cfs was original on 5.6 af

1.005 cfs was segregated 1.73 af. segregated off

-- balance certificated

-- segregated certificated

637 -- 3.87 acre-foot

-- sum adds up to 5.6.

a 6363 - change appl was filed ^{submitted prior to segregation being filed} erroneously on entire water right.

↳ ~~Mistake was made~~

↳ modifies the diversion point on original application
is not desirable

- they submitted a statement canceling application for
change

- 1

Orig appl. was apparently close enough to pt of div. that uproot
was sub

Proof → Appl submitted & approved
→ submit proof. In lieu of proof can do election where election
ACTION TO BE TAKEN order allowed.

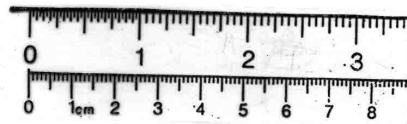
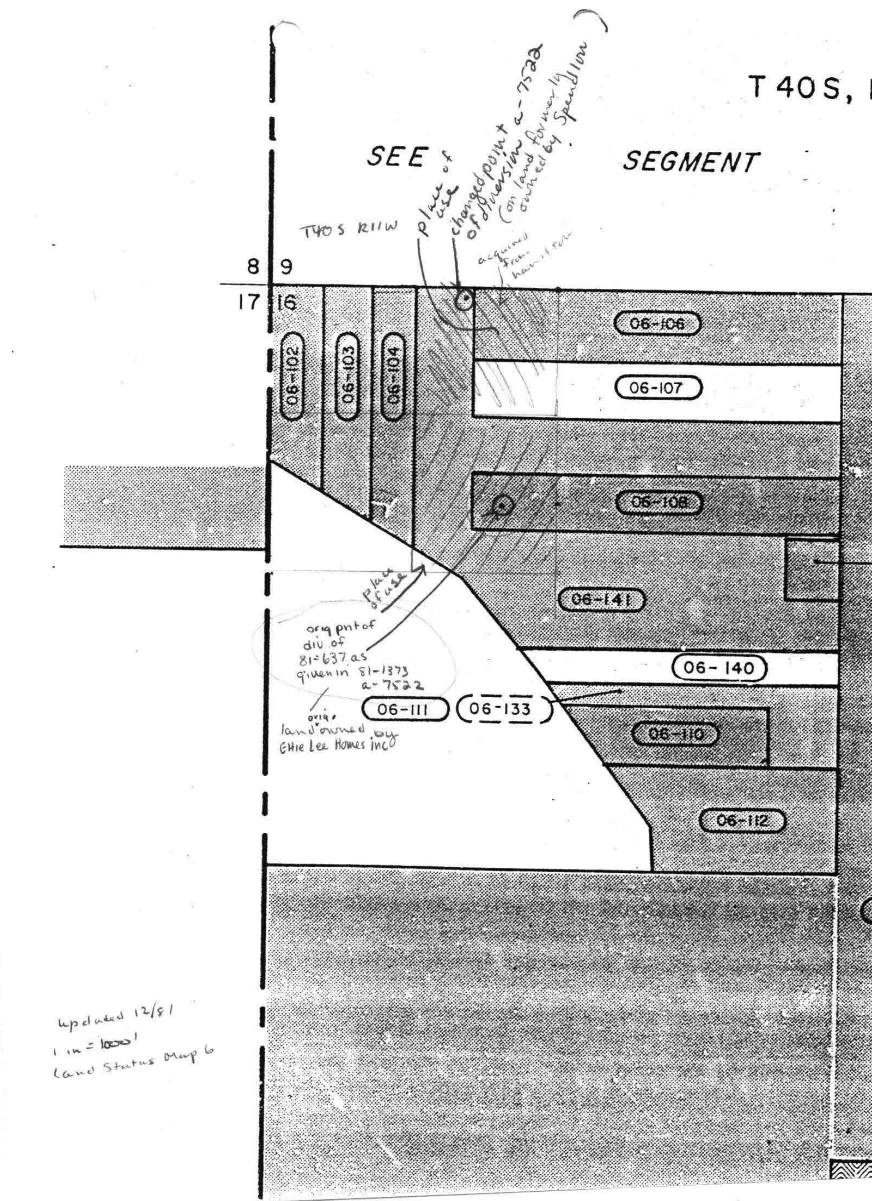
What's occurred 81-637 → piece taken off in 1373. Proof submitted
and certificates issued on ea. separately.

COPIES TO: _____

→ form completed by registered engr. or surveyor.
→ Then cert. issued

- critical point is change allowed under a-7522
- points were sufficiently close enough of 81-1373

In responding



CHANGES: 46263 Terminated

OWNERSHIP

NAME: Lee, Budd Donald INTEREST: 22%
 ADDRESS: Virgin STATE: UT ZIP CODE: 84779
 NAME: Lee, Marshall Evan INTEREST: 22%
 ADDRESS: 670 Budd Lee STATE: UT ZIP CODE: 84779
 CITY: Virgin INTEREST: 22%
 NAME: Lee, Spindlove, Thora L. INTEREST: 22%
 ADDRESS: Virgin STATE: UT ZIP CODE: 84779
 CITY: INTEREST: 33%
 NAME: Lee, Lillian B.
 ADDRESS: 670 Budd Lee.
 CITY: INTEREST: 33%
 LAND OWNED BY APPLICANT?

DATES, ETC.

Filing: 08/13/1964 Priority: 11/30/1977 Advertis Paper: Date: 00/00/0000 Protected? Approval: 03/31/1965
 Proof Due: 00/00/0000 Ext Filed: 00/00/0000 Elec/Proof: Filed: 00/00/0000 Cert. or MUC Issued: 00/00/0000
 Rej., Etc.: 00/00/0000

PD Book No. Status/Type of Right: CERT Source of Info: CERT Map: Data Verified: 00/00/0000 Initials:
 PD REMARKS REFERENCE -- Name: Interest: Flow: Type of Right: Priority: Source:

LOCATION OF WATER RIGHT

FLOW: 3.87 cfs

SOURCE: Underground Water Well

TRIBUTARY 1:

TRIBUTARY 2:

COUNTY: Washington COMMON DESCRIPTION:

DRAINAGE AREA: Virgin River

POINT OF DIVERSION -- UNDERGROUND.

(1) N 79° 16' 0" E 2108 ft. from SE corner, Section 8, T 40S, R 11W, SLBN Diameter of Well: 6 ins. Depth: 510 to ft.

PLACE OF USE OF WATER RIGHT

Sec 8 T 40S R 11W SLBN

NORTH-EAST

NORTH-EAST

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MUCNO: 01-651 APPLICATION/CLAIM NO.: A36612 CERT. NO.: 8236
 OWNERSHIP

RUN DATE: 05/22/85

UNITED STATES OFFICE
NATIONAL PARK SERVICE
1400 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84111

August 22, 1975

L1425 ZION
Tr. 06-106
Wayne Hamilton et ux

SUPERINTENDENT	
SECRETARY	
ADMINISTRATION	
PERSONNEL	
ADMIN. CLK.	
PROCUREMENT	
FISCAL CLK.	
MAINTENANCE	
RANGER DIVISION	
INTERPRETATION	
BIOLOGIST	
PIPE SPRING	
CEDAR BREAKS	
FILES	

Memorandum

To: Chief, Branch of Coordination & Control, WASO

From: Realty Specialist, Salt Lake City, Utah

Subject: Acknowledgment of transfer of water rights

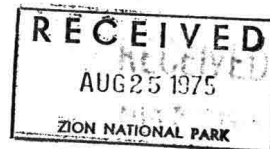
On August 11, this office transmitted the deed assembly to you for the Hamilton property of 12 acres (Tr. 06-106 Zion). To my knowledge no deed number has yet been assigned this transaction. I have just received the enclosed letter from the District Engineer acknowledging the transfer of these water rights to the United States of America so I am sending this letter for inclusion into the deed assembly and/or water rights records.

This will acknowledge receipt of the deed assembly showing conveyance of title and water rights to the U.S. by /s/ Lloyd L. Garrison

We have so endorsed Lloyd L. Garrison

Enclosure

cc: Superintendent, Zion, w/ encl.





IN REPLY REFER TO:

L54 MWR PSW

United States Department of the Interior

NATIONAL PARK SERVICE

MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

SEP 28 1973

✓	Superintendent	4
	Secretary	
	Administration	
	Personnel	
	Procurement	
	Maintenance	
✓	Ranger Division	N
	Interpretation	
COPIES SENT:		
	Cedar Breaks	
	Pipe Spring	
✓	Roggy	

Memorandum

To: Superintendent, Zion NP
From: Supervisory Hydraulic Engineer, Midwest Region
Subject: Water Rights on Inholding, Zion NP

We have reviewed the notice in the Washington County News of September 6, concerning the change in point of diversion under Application a-7522 (81-1373) by Wayne L. Hamilton.

This point of diversion, although moved about 2,000 feet, remains on his property within the boundaries of the park. We do not feel that a protest by the National Park Service is necessary nor will it be upheld by the State of Utah. Therefore, no protest should be prepared.

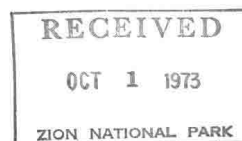
Richard W. Ketchum

Supervisory Hydraulic Engineer

cc:
Utah State Director



Let's Clean Up America For Our 200th Birthday



Zion National Park
Springdale, Utah 84767

154

September 21, 1973

Memorandum

To: Regional Director, Midwest
Through: State Director, Utah

From: Superintendent, Zion

Subject: Water filing on inholding, Zion

Enclosed you will find a water filing taken from the Washington County News of September 6.

The filing is on land owned by Wayne L. Hamilton. The land is located in section 16, township 40, south, range 11, west. This filing represents a change of point of diversion and raises the question whether or not we would protest a filing on private land within the Park.

Also enclosed is a sketch map drawn showing the location of the filing.

We have until October 20 to make a protest to the State Engineer.

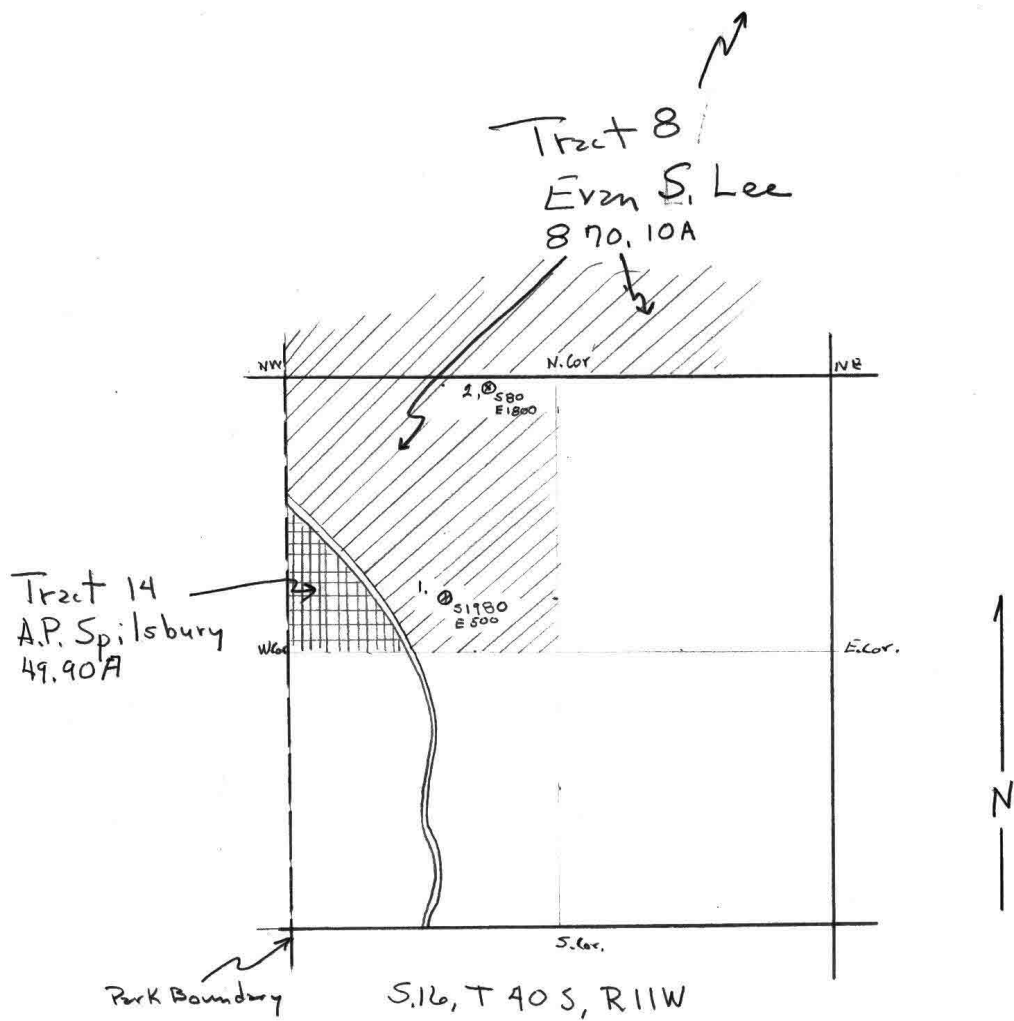
Robert C. Heyder

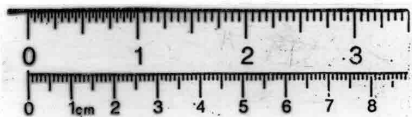
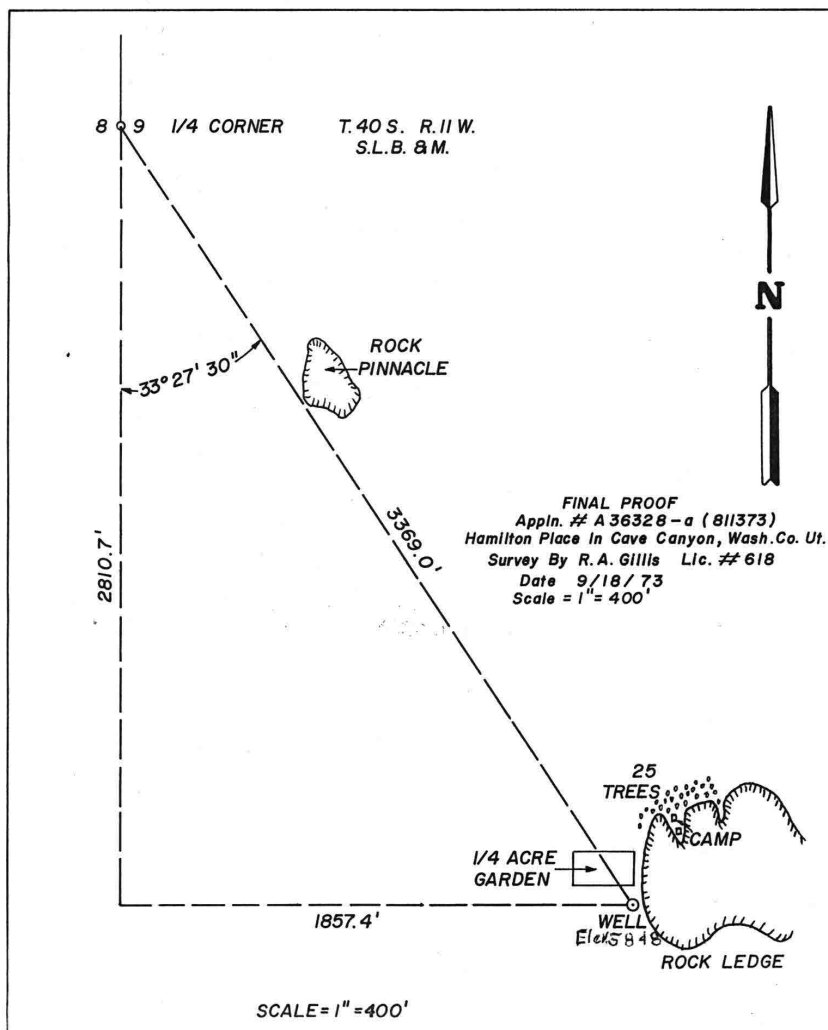
Enclosures

cc: State Director, Utah, w/c of enclosures

Supt.
Zion Files
Reading

RCHeyder:aet
9-21-73





Number of Documents in Docket	43		
Documents Dated from	2/12/1961	to	6/14/1999
Docket Compiled:	8/3/2011		