WATER-RIGHT DOCKET

Capitol Reef National Park

Docket No: 10

WATER RIGHT #97-1059: HALL'S CREEK

Preliminary Docket Information

06-17-2004: Letter to Charles Pettee from Barbara A. Sulhoff regarding Utah Land Exchange

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:

L1425(IMLR)
Utah Land Exchange

JUN 17 2004

Mr. Charles Pettee
Supervisory Hydrologist
Water Resources Division
National Park Service
1201 Oak Ridge Drive
Ft. Collins, Colorado 80525

Dear Mr. Pettee:

We are enclosing copies of instruments conveying title to the United States, National Park Service, through the process of acquisition of lands within the boundary of Arches National Park, Utah, Capitol Reef National Park, Utah, Dinosaur National Monument, Utah and Glen Canyon National Recreation Area, Utah. See attached list.

If you have any questions, please call me at 505-988-6810.

Barbara A. Sulhoff
Chief, Land Resources Program Center
Intermountain Region

Enclosures

( ) = mineral tract

ARCHES NP:

01-102 - 665.24	01-133 - 240.00
01-110 - (320.00)	01-134 - 320.00
01-117 - 640.00	01-135 - 639.92
01-119 - 640.00	01-136 - 640.00
01-120 - 640.00	01-139 - 80.00
01-128 - 640.00	01-146 - 1917.28

CAPITOL REEF NP:

01-109 - 671.96	01-140 - 1192.96
01-110 - 162.00	01-141 - 144.00
01-111 - 478.00	01-143 - 640.00
01-112 - 640.00	01-144 - 640.00
01-114 - 640.00	01-145 - 640.00
01-115 - 1874.52	01-146 - 1280.00
01-116 - 1273.76	01-147 - 480.00
01-117 - 640.00	01-148 - 640.00
01-119 - 640.00	01-149 - 443.00
01-120 - 640.00	01-150 - 500.00
01-122 - 660.80	01-151 - 44.00
01-129 - 635.52	01-158 - 320.00
01-132 - (30.00)	01-166 - 640.00
01-134 - 640.00	01-168 - (40.00)
01-136 - 640.00	01-172 - (640.00)
01-137 - 640.00	01-178 - (210.00)
01-139 - 640.00	

DINOSAUR NM:

01-105 - 304.68	01-118 - 16.00
01-108 - 240.00	01-124 - 49.13
01-110 - 307.76	02-104 - 440.00
01-113 - (72.82)	02-107 - 501.24
01-114 - (163.64)	07-117 - (4.32)
01-117 - (635.02)	07-166 - (11.07)

GLEN CANYON NRA:

01-102	640.00	04-119	640.00
01-103	1281.92	04-120	489.24
01-104	560.00	04-121	495.24
01-105	1279.76	04-122	640.00
01-106	640.00	04-123	640.00
01-107	1278.76	04-124	640.00
01-108	640.00	04-125	640.00
01-109	640.00	04-126	640.00
01-110	1278.36	04-127	1279.68
01-111	640.00	04-128	639.96
01-112	640.00	04-161	(640.00)
01-113	640.00	04-162	640.00
01-114	640.00	05-101	640.00
01-115	1281.88	05-102	640.00
01-116	640.00	05-104	(640.00)
02-102	640.00	06-101	640.00
02-103	640.00	06-102	1280.72
03-101	640.00	06-103	640.00
03-113	(639.64)	06-105	(1280.00)
04-101	40.00	06-107	(640.00)
04-102	640.00	06-109	(640.00)
04-103	640.00	06-111	(1280.00)
04-104	640.00	06-113	(640.16)
04-105	1280.56	06-115	(640.00)
04-106	640.00	06-117	(640.00)
04-107	633.76	06-119	(280.00)
04-108	640.00	06-121	(640.00)
04-109	1283.48	06-123	(640.00)
04-110	640.00	06-125	(640.00)
04-111	639.36	08-101	640.00
04-112	640.00	08-102	635.60
04-113	640.00	08-106	(480.00)
04-114	640.00	09-101	640.00
04-115	640.00	09-102	640.00
04-116	640.00	09-103	640.00
04-117	640.00	09-104	(179.20)
04-118	640.00	09-107	(140.80)

WHEN RECORDED RET' I TO:

QUITCLAIM DEED – WATER RIGHTS
Capitol Reef National Park

THE STATE OF UTAH, acting by and through the School and Institutional Trust Lands Administration, 675 East 500 South Suite 500, Salt Lake City, Utah 84102 ("Grantor"), for good and valuable consideration, receipt of which is hereby acknowledged, hereby quitclaims and conveys to THE UNITED STATES OF AMERICA ("Grantee"), all of Grantor's right, title and interest in and to those certain water rights described as follows (the "Water Rights").

Water Right	Type	Parcel No.	Legal Description
97-524	DIL	26	Sec. 32, T33S, R8E, SLB&M
97-1047	DIL	27	Sec. 16, T34S, R8E, SLB&M
97-1046	DIL	29	Sec. 36, T34S, R8E, SLB&M
97-1057	DIL	30	Sec. 2, T35S, R8E, SLB&M
97-1094	DIL	33	Sec. 32, T35S, R9E, SLB&M
97-1059	DIL	34	Sec. 16, T36S, R9E, SLB&M

This quitclaim deed is intended to transfer the entire right, title and interest of the Grantor in and to the Water Rights, which rights are appurtenant to lands being conveyed by Grantor to Grantee concurrently with this Quitclaim Deed pursuant to the Utah Schools and Land Exchange Act of 1998, Pub. L. No. 105-335, 112 Stat. 3139.

The undersigned hereby acknowledges and affirms to the below-named notary public that: (1) he holds the position or title set forth below; (2) he executed the foregoing document on behalf of the State of Utah by proper authority; and (3) the foregoing document was the act of the State of Utah for the purposes stated herein.

Dated this 4th day of January, 1999.

STATE OF UTAH, School & Institutional
Trust Lands Administration ("Grantor")

By: David T Terry
Director

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 4th day of January, 1999, by David T. Terry, the Director of the State of Utah, School & Institutional Trust Lands Administration ("Grantor").

NOTARY PUBLIC
KEVIN S. CARTER
675 E. 500 So. #500 • Salt Lake City, UT 84102
Commission Expires April 16, 2002
STATE OF UTAH

My commission expires:
4/16/2002

Notary Public, residing at:
SLC, Ut

CAPITOL REEF NP DEED NO. 33

219885
ENTRY NO. ____ RECORDED 12-28 1998 AT 11:30am
AT REQUEST OF State of Utah
FEE $00.00
RECORDER GARFIELD CO, UT
DEPUTY Deborah Hatch

STATE OF UTAH
EXCHANGE PATENT NO. 19223

WHEREAS, pursuant to the Utah Schools and Lands Exchange Act of 1998, Pub. L. 105- 335, (1998) the UNITED STATES OF AMERICA is required to convey to the State of Utah certain federal lands and assets in exchange for the trust lands hereinafter described;

NOW THEREFORE I, MICHAEL O. LEAVITT, Governor, by virtue of the power and authority vested in me by the laws of the State of Utah, do issue this PATENT, in the name and by the authority of the State of Utah, hereby granting and confirming to UNITED STATES OF AMERICA, and to its successors and assigns forever, the following tracts or parcels of land in the Capitol Reef National Park, situated in the County of Garfield, State of Utah, to-wit:

Parcel No. 19
Township 31 South, Range 7 East, SLB&M
Section 16: W½ [Surface and Minerals]
Containing 320.00 acres, more or less

Parcel No. 20
Township 31 South, Range 7 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No.21
Township 32 South, Range 7 East, SLB&M
Section 16: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 22
Township 32 South, Range 7 East, SLB&M
Section 36: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 23
Township 32 South, Range 8 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 24
Township 33 South, Range 7 East, SLB&M
Section 2: Lots 1-4, S½N½, S½ (All) [Surface and Minerals]
Containing 552.96 acres, more or less

Parcel No. 25
Township 33 South, Range 8 East, SLB&M
Section 16: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 26
Township 33 South, Range 8 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 27
Township 34 South, Range 8 East, SLB&M
Section 16: All [Minerals only]
Containing 640.00 acres, more or less

Parcel No. 28
Township 34 South, Range 8 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 29
Township 34 South, Range 8 East, SLB&M
Section 36: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 30
Township 35 South, Range 8 East, SLB&M
Section 2: Lots 1-4, S½N½, S½ (All) [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 31
Township 35 South, Range 8 East, SLB&M
Section 16: N½, SE¼ [Surface and Minerals]
Containing 480.00 acres, more or less

Parcel No. 32
Township 35 South, Range 8 East, SLB&M
Section 36: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 33
Township 35 South, Range 9 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 34
Township 36 South, Range 9 East, SLB&M
Section 16: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 35
Township 36 South, Range 9 East, SLB&M
Section 36: SW¼ (part) [Surface and Minerals]
Containing 80.00 acres, more or less

The above parcels aggregate 9,112.96 surface acres and 9,752.96 mineral acres, more or less.

Together with the following water rights:

1. Water Right No. 97-524 (affects Parcel No. 26).
2. Water Right No. 97-1047 (affects Parcel No. 27).
3. Water Right No. 97-1046 (affects Parcel No. 29).
4. Water Right No. 97-1057 (affects Parcel No. 30).
5. Water Right No. 97-1094 (affects Parcel No. 33).
6. Water Right No. 97-1059 (affects Parcel No. 34).

TO HAVE AND TO HOLD the above described and granted premises unto the said UNITED STATES OF AMERICA, and to its successors and assigns forever, subject to the following leases, easements, and permits:

1. Grazing Permit No. 20610; issued to Leland S. Haws; expires April 30, 2010 (affects Parcel No. 24).
2. Grazing Permit No. 21025A; issued to Elvin Taft; expires April 30, 2013 (affects Parcel Nos. 29, 33, 34, 35).
3. Grazing Permit No. 21025B; issued to Tercero Corp.; expires April 30, 2013 (affects Parcel Nos. 29. 33, 34, 35).
4. Grazing Permit No. 22584; issued to Tercero Corp.; expires April 30, 2010 (affects Parcel Nos. 19, 20, 21, 22, 23, 25).

Subject to any valid, existing easement or right of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by authority of the United States as provided by Statute.

Further subject to all applicable provisions of that certain Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America, dated May 8, 1998, as ratified by the Utah Schools and Lands Exchange Act of 1998, Pub. L. 105-335, (1998), including, without limitation, Section 4(A) (Valid Existing Rights), Section 7 (Grazing Permits) and Section 9 (Surface Use and Rights of Way).

FOR AND IN CONSIDERATION of the receipt of those certain federal lands and assets to be conveyed to the State of Utah by the United States pursuant to the Utah School and Lands Exchange Act of 1998, Pub. L. 105-335 (1998).

IN TESTIMONY WHEREOF, I have caused the great seal of the State of Utah to be hereunto affixed. Done at Salt Lake City, this ninth day of December in the year of our Lord, one thousand nine hundred and ninety-eight, and of the independence of the United States of America the two hundred and twenty-third, and in the one hundred and third year of the State of Utah.

By the Governor:

Michael O. Leavitt

Olene S. Walker
Lieutenant Governor

David T. Terry, Director
School and Institutional
Trust Lands Administration

APPROVED AS TO FORM
Jan Graham
Attorney General

By _____
Special Assistant Attorney General

Recorded Patent Book 39 Page 23
Exchange No. 205
Fund: School

Book 344 Page 146

CARE

STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for 97-1059

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 07/19/2004 Page 1

WRNUM: 97-1059 APPLICATION/CLAIM NO.: CERT. NO.:

OWNERSHIP**********

NAME: Utah School and Institutional Trust Lands Admin.
ADDR: 675 East 500 South, 5th Floor
Salt Lake City UT 84102-2810

LAND OWNED BY APPLICANT?

DATES, ETC.**********

FILED: |PRIORITY: / /1888|PUB BEGAN: |PUB ENDED: |NEWSPAPER:
ProtestEnd: |PROTESTED: [No]|HEARNG HLD: |SE ACTION: [ ]|ActionDate: |PROOF DUE:
EXTENSION: |ELEC/PROOF:|]|ELEC/PROOF: |CERT/WUC: 03/29/1967|LAP, ETC: |PROV LETTER:
RENOVATE: |RECON REQ: |TYPE: [ ]

PD Book No. Map: 104

Type of Right: Diligence Claim Source of Info: Proposed Determination Status:

LOCATION OF WATER RIGHT**********

FLOW: SOURCE: Hall`s Creek

COUNTY: Garfield COMMON DESCRIPTION:

POINT OF DIVERSION -- POINT TO POINT:
(1)Stockwatering directly on stream from a point in NW4NE4 Sec 16, T36S, R9E, SLBM,
to a point in SE4SE4 Sec 16, T36S, R9E, SLBM.
Source:

USES OF WATER RIGHT**********

CLAIMS USED FOR PURPOSE DESCRIBED: 1059
Referenced To: Claims Groups: 1 Type of Reference -- Claims: Purpose: Remarks:

###STOCKWATERING: 150 Cattle or Equivalent Diversion Limit: PERIOD OF USE: 01/01 TO 12/31

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

00-00-0000: Claim description

SCANNED

1059	State of Utah Board of State Lands State Capitol Salt Lake City, Utah	Hall's Creek, Diligence Map 104	1888		Stock water directly on stream from point where stream enters NW¼NE¼ Sec. 16, T36S, R9E, SLB&M, to point where stream leaves SE¼SE¼ Sec. 16, T36S, R9E, SLB&M.	Jan. 1	Dec. 31
	4.20	STOCKWATERING: 150 cattle SEE CLAIM USED FOR PURPOSE DESCRIBED		1059			1059

Form 114
25M 4-63

IN THE SIXTH JUDICIAL DISTRICT COURT, IN AND FOR THE COUNTY OF WAYNE STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE COLORADO RIVER IN UTAH BUT EXCLUDING THE GREEN RIVER AND THE VIRGIN RIVER DRAINAGE AREA.

STATEMENT OF WATER USER'S CLAIM
CODE NO. 97 SERIAL NO. 1059
MAP NO. 104

NOTE: This blank is sent to you in accordance with Utah Law. The information called for herein will be used in connection with the adjudication of water rights on the above mentioned drainage area. All questions applicable to your claim must be answered fully, and one copy of this form must be filed with the Clerk of the District Court at Loa, Utah, within sixty (60) days from date of service of the attached Notice. A copy shall be filed with the State Engineer, State Capitol, Salt Lake City. Failure to file the attached Statement of the Water User's Claim with the Clerk of the District Court within the time stated will forever bar and estop you from asserting any right to the use of water from said drainage area.

1. Name of Claimant State of Utah
2. Address State Land Board, State Capitol Interest Claimed
   Salt Lake City, Utah
3. Name of particular [redacted], stream, [redacted] from which water is diverted is Hall's Creek in Garfield County.
4. Priority date claimed 1888 Date when water was first used Date when work on diverting system was first begun Date when diverting system was completed
   Nature of work
5. Class of Right (Indicate by X):
   (a) X Right to surface water initiated by beneficial use before 1903 Claim No.
   (b) Right to underground water initiated before 1935 Claim No.
   (c) Right decreed by court, cite title of case
   (d) Application filed, State Engineer's Office No. Cert. of App. No.
   (e) Right acquired by adverse use prior to 1939
6. Nature (Indicate by X), Amount, and Annual Period of Use (by month & day):

(a) Irrigation	Sec. Ft.	from	to		(both dates incl.)
(b) X Stockwatering	Sec. Ft.	from Jan. 1	to Dec. 31		(both dates incl.)
(c) Domestic	Sec. Ft.	from	to		(both dates incl.)
(d) Municipal	Sec. Ft.	from	to		(both dates incl.)
(e)	Sec. Ft.	from	to		(both dates incl.)

7. Direct Flow Appropriation (must be described with reference to U. S. Government Survey Corner)
   (a) Point of diversion from [redacted] stream, [redacted] Stock water directly on stream from point where stream enters NW¼NE¼, Sec. 16, T36S, R9E, SLBM to point where stream leaves SE¼SE¼, Sec. 16, T36S, R9E, SLBM
   (b) Description of spring area
   (c) Point of rediversion or point of return to natural channel
   (d) If flow is intermittently diverted, list by number or description, all rights involved
8. Where water is used for irrigation purposes:
   (a) Area irrigated in legal subdivisions of land by 40-acre tract. (All sources of water for same land or lands must be described in each instance by name or claim number)
   (b) Do you get water under a ditch owned by several users If so, give names of all users and divisions of interest
9. Where water is used for Stockwatering: 150 cattle
   (a) Number of each kind of stock watered
   (b) All sources of water for same stock. (Describe by name or claim number)
10. Where water is used for Domestic:
    (a) Number of families or their equivalent All sources of water for same use. (Describe by name or claim number)

11. Where water is used for Municipal Purposes:
(a) Name of city or town supplied ..... Population .....
Number of families ..... Quantity of water .....
12. Where water is used for a purpose not above enumerated:
(a) Nature of Use ..... Extent of Use .....
13. Appropriation for Storage Purposes:
(a) Name of reservoir .....
(b) Location of reservoir by legal subdivisions described by 40-acre tracts .....
(c) Maximum capacity of reservoir in acre feet ..... : Year construction commenced .....
Completed .....: Water first used ..... Is reservoir located on or off stream.....
(d) Period of Storage from ..... to ..... (both dates incl.). Period of use from .....
to ..... (both dates incl.). Maximum area in acres inundated ..... Max. depth in feet.....
Average depth in feet..... Is reservoir drained each year ..... Maximum number of fillings per year..... Is reservoir used for equalizing purposes..... If feeder canal is used, give maximum carrying capacity in sec. ft.....
14. Diverting Works:
(a) Surface water diverting dam: Material composed of .....
Max. length..... Max. height.....Max. width at bottom..... Max. width at top.....
(b) Underground water diverting works: Is well flowing or pump..... Depth of well.....
Diameter of well..... Length of drain..... Width of drain ..... Depth of drain.....
Diameter of drain..... Length of tunnel .....Width of tunnel..... Height of tunnel.....
Type of pump..... Capacity of pump.....
(c) Surface and underground water conveying works: Length of ditch to first place of use..... Width of ditch at top ..... Width of ditch at bottom..... Depth of water..... Grade of ditch per 1000 ft..... Material through which ditch passes..... Maximum length of pipe line to first place of use..... Diameter of pipe line ..... Grade of pipe line per 1000 feet.....
15. The undersigned hereby enters his appearance and waives service of summons or other process.

STATE OF UTAH
COUNTY OF Salt Lake } SS. (To be used if claimant is an individual)

MAX C. GARDNER being first duly sworn, upon oath deposes and says that he is the claimant whose name appears hereon, that he has read the foregoing statement of his claim and knows the contents thereof, that he has signed the same, and that the answers set forth therein are true to his best knowledge and belief.

STATE OF UTAH, STATE LAND BOARD
Signature of Claimant
MAX C. GARDNER, DIRECTOR

Subscribed and sworn to before me this 21 day of March 19 67

NOTARY PUBLIC

STATE OF UTAH
COUNTY OF ..... } SS. (To be used if claimant is a corporation or an estate)

....., being first duly sworn, upon oath deposes and says that he is the..... of the above claimant, that he makes this certification on behalf of said claimant, that he has read the foregoing statement of claim and knows the contents thereof, and that he has signed the name of said claimant to said statement, that the answers set forth therein are true to his best knowledge and belief.

Subscribed and sworn to before me this ..... day of ..... 19.....

NOTARY PUBLIC

Docket Information

Number of Documents in Docket 12

Documents Dated from 3/29/1967 to 7/19/2004

Docket Compiled: 7/6/2011