WATER-RIGHT DOCKET

Death Valley National Park

Docket No: 22

BURNS, COVERED, WEE, ED AND CHUCKER SPRINGS

Preliminary Docket Information

09-14-1978: water right/source docket information ; september 14, 1978

Date: September 14, 1978

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Death Valley National Monument

SITE Burns, Covered, Wee, and Chucker Springs, Ed Spring

STATE California COUNTY Inyo DOCKET NO WR #22, 22-A

LOCATION NW¼ of SW¼ of Sec.2, and SE¼ of SE¼ of Sec.3, T18S, R44E, MDB&M

NOTE: UNSURVEYED PROJECTIONS ON TOPOS: MAY BE OFF AS MUCH AS TWO (2) SECTIONS EITHER WAY

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION 13852/15539/15557/16138 PERMIT 8536/11424/-/11422 CERTIFICATE 6559-A/10781/-/-

ACTION DUE PRIORITY 7/17/50 & 9/14/53 RESERVATION 1933

QUANTITY 100 gpd/100 gpd USE domestic/wildlife propagation

STATUS Active SOURCE Surface Water

REMARKS DEVA WR #22 and 22-A both concern the rights of Thad and Jo Greene, now belonging to the U.S. Note: Located on unsurveyed projections on topos...may be off as much as two (2) sections either way.

NARRATIVE:

In 1950 James Bennett and Max Barginski filed Application 13852 to appropriate 11,000 gpd from four springs near Emigrant Canyon in Death Valley N.M. - Burro Spring, Green Spring, Willow Spring, and Burns Spring. Bennett and Barginski planned to use the water at two mining claims close to the springs. In October of 1953 the two assigned their rights under the application to Art Detloff, who assigned them to Thad and Jo Greene a month later. Detloff assigned the rights to the other three springs in the application to Roy C. Troeger (see DEVA AWR #34).

In September of 1953 the Greenes filed Application 15539 for 30,000 gpd from Wee and Covered Springs, and Application 15557 for 30,000 gpd from Ed Spring. The Greenes intended to use the water in all three applications at their mining operation in the Monument. The Monument protested the above two applications on the grounds that they would interfere with a valid prior appropriation (Application 15381, Emigrant Spring, filed by the General Hotel Company and used by the Monument) as well as not being in the best interest of the Monument. The Greenes cancelled Application 15557 and assigned Applications 15539 and 13852 to the Monument in return for Special Use Permit No. DEVA-3-56. To supplment the water in the permit the Monument filed Application 16138 to appropriate 7200 gpd from Chucker Spring. In 1959 the Greenes assigned their rights under the permit to Erwin Denner, who in turn assigned it to John and Virginia Drake two years later.

In 1962 the Monument recieved License 6559-A for the use of 100 gpd from Burns Spring (Application 13852) for domestic purposes. By 1964 mining activity in the area had ceased and the water from all the sources was commingled and used for domestic purposes by about 5 people. A field check of the area in 1975 revealed that the millsites and pipelines were in great disrepair, with the springs flowing at about ¼ gpm. The State of California issued License 10781 for Covered and Wee Springs in 1978 (Application 15539), allowing 100 gpd for wildlife propagation uses only. Permit 11422 (Application 16138) for Chucker Spring was cancelled due to lack of diligence in applying the water to a beneficial use.

Re: Application 13852A (license 6559-A)
In January 1980 Bill Werrell called the Park to check on the status of water use per this permit. At present there is no domestic use on site nor is there any foreseeable probability of use of this water for domestic use. However, due to the nature of the individual mining claims and possible challenges to the Act banning mining in Death Valley National Monument, the Licensee Report should continue to be maintained in its old form until all possible mining claims covered by this permit are terminated. J.H.Hershey 1/28/80

Filed by T. Kern

Approved by W. Werrell Page of

* For more info on Troeger claims see DEVA AWR's 34 + 37 RA

License #6559B (Application #13852B) has been REVOKED by the State Water Resources Control Board, effective July 17, 1984.
This revocation was issued as a result of non-use, for benefical use, and as a result of Troeger, et al vs. United States of America.

By:
May Lau Feb. 8, 1985

Werrell

Witucki

Kilgore

L54(WR)RWR
DEVA/WR Docket #s 1, 3, 4, 5, 22A, 28, 34 and AWR 9

June 1, 1976

Memorandum

To: Superintendent, Death Valley

From: Chief, Division of Water Resources, Western Region

Subject: Revoking of the following permits: 5738, 5739, 5754, 11422, 11423, 11924, 15363 and 15721 (Various Springs and Washes in Death Valley National Monument)

A field inspection of the subject water sources was made jointly by Mr. Wilbur Chung, California Division of Water Rights and Mr. William Werrell of this Office on January 20-24, 1975. On March 19, 1975, Mr. Chung notified us of his intention to revoke these permits. His letter was transmitted to you by our reply of April 16, 1975.

We are now in receipt of orders revoking these permits. These orders are enclosed for your information and inclusion in your dockets. These orders were anticipated and discussed with the Field Solicitor. This action will not interfere with park water usage or conflict with the Service's water rights policy of comity. No further action is presently contemplated regarding these permits.

The other four State inspected water sources are in the process of being licensed. Receipt of these licenses is expected in the very near future.

(Sgd) Gerard S. Witucki

Gerard S. Witucki

Enclosures
a/s

cc:
WASO(MN) w/encls,
Attn: Mr. Berte'

(WR)RWR:6/1/76

WR# 22-A

EDMUND G. BROWN JR., Governor

STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
2125 19TH STREET
SACRAMENTO, CALIFORNIA 95818
(916) 445-2055

In Reply Refer to: 333:MVZ 16138

ORDER REVOKING PERMIT

PERMIT 11422 (APPLICATION 16138)

Permittee: U. S. Death Valley National Monument

It is ordered that this permit is hereby revoked and canceled upon the records of the State Water Resources Control Board for the reason indicated:

___ 1. A request has been received by, or on behalf of, permittee that the permit be revoked.

x 2. The State Water Resources Control Board has found that permittee failed to commence, prosecute, and complete the work and to apply water to beneficial use as contemplated in the permit and in accordance with the Water Code and the rules and regulations of the Board, and has revoked said permit as provided in Section 1410 of the water Code, and has directed that this order be issued.

___ 3. The State Water Resources Control Board has found that permittee failed to apply water to beneficial use as contemplated in the permit and in accordance with the Water Code and the rules and regulations of the Board, and has revoked said permit as provided in Section 1410 of the Water Code, and has directed that this order be issued.

R. L. Rosenberger

R. L. Rosenberger, Chief
Division of Water Rights

Dated: MAR 2 2 1976

CERTIFIED

SWRCB 26c (8/74)

RECYCLED PAPER

12-18-1975: permit 11422 chucher spring in inyo county, enclosed is a notice of proposed revocation ; december 18, 1975

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
2125 19TH STREET
SACRAMENTO, CALIFORNIA 95818
(916) 445-2055

IN REPLY REFER
TO: 333:JP 16138

DEC 18 1975

U. S. DEATH VALLEY NATIONAL MONUMENT
c/o U. S. NATIONAL PARK SERVICE, WESTERN REGION
DIVISION OF WATER RESOURCES
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CA 94102

PERMIT 11422 (APPLICATION 16138)
CHUCKER SPRING IN INYO COUNTY

ENCLOSED IS A "NOTICE OF PROPOSED REVOCATION" OF THIS WATER RIGHT PERMIT. AS STATED IN THE NOTICE, UNLESS A REQUEST FOR A HEARING IS RECEIVED WITHIN 15 DAYS FROM DATE OF RECEIPT OF THIS LETTER, WE WILL CONCLUDE THAT THE FACTS STATED IN THE NOTICE ARE CORRECT AND ACTION WILL BE TAKEN TO REVOKE THE PERMIT.

J. M. PAGE
SUPERVISING ENGINEER

ENCLOSURE

CERTIFIED

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
2125 19TH STREET
SACRAMENTO, CALIFORNIA 95818

NOTICE OF PROPOSED REVOCATION

PERMIT 11422 (APPLICATION 16138)
CHUCKER SPRING IN INYO COUNTY
PERMITTEE: U. S. DEATH VALLEY NAT'L. MONUMENT

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1410 OF THE WATER CODE, NOTICE IS HEREBY GIVEN THAT REVOCATION OF THIS PERMIT IS PROPOSED BECAUSE WORK WAS NOT COMPLETED AS CONTEMPLATED IN THE PERMIT.

THE FACTS AND INFORMATION UPON WHICH THE PROPOSED REVOCATION IS BASED ARE THE FOLLOWING:

1. CONSTRUCTION WORK WAS TO HAVE BEEN COMPLETED AND WATER PUT TO THE PROPOSED USE ON OR BEFORE DECEMBER 1, 1970.

2. AN INSPECTION WAS MADE OF THE PROJECT ON JANUARY 22, 1975, AND THE REPORT INDICATES THAT (A) NO WORK HAS BEEN DONE ON THE PROJECT SINCE A PREVIOUS INSPECTION WAS MADE ON MARCH 22, 1965, AND (B) THERE ARE NO PLANS TO REACTIVATE THIS SPRING AND DIVERSION.

PERMITTEE MAY REQUEST A HEARING BEFORE THE STATE WATER RESOURCES CONTROL BOARD FOR THE PURPOSE OF PRESENTING EVIDENCE OR TESTIMONY TO SHOW CAUSE WHY THIS PERMIT SHOULD NOT BE REVOKED. HOWEVER, UNLESS A WRITTEN REQUEST FOR HEARING, SIGNED BY OR ON BEHALF OF PERMITTEE, IS DELIVERED OR MAILED TO THE BOARD WITHIN 15 DAYS AFTER RECEIPT OF THE NOTICE, THE BOARD MAY ACT UPON THE PROPOSED REVOCATION WITHOUT A HEARING AND WITHOUT FURTHER NOTICE.

R. L. Rosenberger
R. L. ROSENBERGER, CHIEF
DIVISION OF WATER RIGHTS

DATED: DEC 18 1975

12-29-1975: stamp of received division of water resources ; december 29, 1975

Received
Division of Water Resources
DEC 29 1975

Name	Act	Info	File	Init

03-26-1975: progress report by permittee for 1974 ; march 26, 1975

STATE OF CALIFORNIA — THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
2125 Nineteenth Street, Sacramento, California 95818

PROGRESS REPORT BY PERMITTEE FOR 1974

OWNER OF RECORD — **APPLICATION** 16138

DEATH VALLEY NATL MONUMENT
c/o U S NATIONAL PARK SERVICE, WESTERN REGION,
DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

Telephone Number (include Area Code)

If the owner or address shown above is wrong, please correct

SOURCE: CHUCKER SPRING

AMOUNT: 7200 GAL/DAY
PURPOSE: MINING, DOMESTIC & RECREATIONAL

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

PERMIT: 11422 — 12-01-70

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit: YES [X] NO [ ]. I am complying with the conditions under which my permit has been issued: YES [X] NO [ ]. Identify any non-compliance by permit term number under "remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the ***STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, 2125 Nineteenth Street, Sacramento, California 95818***

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES [ ] NO [X].

CONSTRUCTION WORK

1. Has construction work commenced? YES [X] NO [ ]. If YES, is construction completed? YES [XX] NO [ ].
2. If incomplete, describe briefly the work done, including cost: _____
3. If not completed, give estimated date of completion: _____
4. What percent of construction work remains to be done to complete the project? _____ Explain: _____

USE OF WATER

5. Has use of water commenced? YES [X] NO [ ] Check appropriate box(es) below and explain how water was used.

(a) [ ] Irrigation _____ (Total acres irrigated) _____ (Name of crops served and acreage of each)
(b) [ ] Stockwatering _____ (Number of animals)
(c) [ ] Industrial _____ (Nature of Use)
(d) [XX] Domestic ~~5 persons intermittently~~ (Number of persons, area of garden, lawn, etc.)
(e) [ ] Municipal _____ (Approximate population)
(f) [ ] Recreational _____ (Method of water use)
(g) [ ] Recreational _____ (Nature of use)
(h) [ ] Power generation _____ (Installed horsepower capacity)
(i) [ ] Other _____

6. What quantity of water was used each month in 1974 under this permit in gallons or acre-feet? (If not known, check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
					INTERMITTENT USE							

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES [ ] NO [X] If "No", explain on reverse side under "remarks".
8. Has location of the intake, place of use, or type of use been changed? YES [ ] NO [X]. Explain on reverse side under "remarks".
9. Did the source go dry? YES [ ] NO [X]. If so, during what months? _____

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES [ ] NO [ ]. If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? YES [ ] NO [ ]. If not, how many feet below spillway vertically was it drawn down at end of season? _____

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Dated: 3/26/75 at ~~450 Golden Gate Ave. San Francisco, Ca. 94102~~ (location) (State)

Sign here: (SGD) GERARD S. WITUCKI (Permittee)

~~Gerard S. Witucki, Chief, Division of Water Res~~

1974

SWRCB 15(9/74) — (REPORT CONTINUES ON REVERSE SIDE)

MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY

11. How many service connections to date?_____ Total population served by the water system _____
12. Estimated number of service connections under full use: _____
13. Are the connections individually metered? YES ☐ NO ☐.
14. Do you plan to meter the connections? YES ☐ NO ☐ When? _____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐; Seepage pits ☐; Central treatment plant ☐ operated by _____; Other ☐ (specify under "remarks") _____

PURVEYORS OF WATER ONLY

16. Water service is provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐.
17. Name of area or subdivision so served: _____
18. State surface area of recreational reservoir(s) at maximum water level referred to in 16 and 17. Identify surface area(s) by name of dam or reservoir: _____

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code.

CONSERVATION OF WATER

19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in "remarks") ☐;
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in "remarks") ☐;
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in "remarks") ☐.
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in "remarks") ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

24. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐. (4) Other ☐ Describe: _____

25. Is or will water being discharged contain waste materials? YES ☐ NO ☐. (1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐ Describe: _____

26. Is or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES ☐ NO ☐. Describe: _____

27. Describe what steps you are, have been, or can take to reclaim or directly reuse the water sought to be appropriated:

REMARKS

Please designate by number the question you are answering:

(If additional space is needed for remarks, attach numbered sheet)

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

CENTRAL REGION-LAHONTAN

PROGRESS REPORT BY PERMITTEE FOR 1972

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE,
DIVISION OF WATER RESOURCES, SSC,
450 GOLDEN GATE AVENUE, BOX 36025,
SAN FRANCISCO, CALIF 94102

APPLICATION 16138

WR 22A

TELEPHONE NUMBER

If the owner or address shown above is wrong, please correct

SOURCE: CHUCKER SPRING

AMOUNT: 7200 GAL/DAY
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11422 EXPIRATION DATE: 12-01-70

This report is important in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1015, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

CONSTRUCTION WORK

1. Has construction work commenced? YES
2. Has all construction work been completed? YES If not, describe briefly the portions of the project completed including cost of work done:
3. If not completed, give estimated date of completion
4. What construction work remains to be done to complete the project?

USE OF WATER

1. Has use of water commenced? YES It was used for:

(a) ☐ Irrigation — Total acres irrigated — Name of crops served and acreage of each
(b) ☐ Stockwatering — Number of animals
(c) ☐ Industrial — Nature of use
(d) ☒ Domestic 5 persons intermittently — Number of persons, area of garden, lawn, etc.
(e) ☐ Municipal — Approximate population
(f) ☐ Recreational — Method of water use
(g) ☐ Recreational — Nature of use
(h) ☐ Power generation — Installed horsepower capacity
(i) ☐ Other

2. Has use of water, both amount and season, been as great as you expect in any future year under this permit? NO
3. Has location of the intake, place of use or type of use been changed? NO
4. Did the source go dry? NO If so, during what months?
5. What quantity of water was used each month in 1972 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
			INTERMITTENT USE									

STORAGE PROJECTS ONLY

Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?

REMARKS AN EXTENSION OF TIME REGARDING THIS PERMIT IS IN ORDER. PETITION OF EXTENSION OF TIME IS ENCLOSED. (If more space is needed, use reverse side)

Date March 7, 1973 Sign Here

1972 GERARD S. WITUCKI, Permittee CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

WRCB-15 (7-72)

STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

Application 16138 Permit 11422

To Water User:

Water Code Section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board, in considering requests for extension of time for said development, will review the facts presented herein to determine whether there is a showing of good cause upon which to grant a reasonable extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the Board may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

(1) Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.

(2) Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

(3) Revoking the permit for failure to proceed with due diligence in completing the project.

The time previously allowed within which to complete construction work and/or use of water has either expired or will expire shortly. Please indicate below the action which you desire taken on this permit:

1. The project has been abandoned and I request revocation of the permit. _____ Yes XXX No

2. Full use of water has been made, both as to amount and as to season, and I request license be issued. _____ Yes XXX No

3. The project is not yet complete and I request an extension of time. XXX Yes _____ No

If an extension is requested, the remainder of this form should be completed in detail.

PETITION FOR EXTENSION OF TIME*

If start of construction work has been delayed, complete Items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

_____

_____

2. Estimated date construction work will begin_____

3. Reasons why construction work was not begun within the time allowed by the permit_____

_____

* A fee of $5 must accompany this petition.

WRCB 20C (. 2-70)

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing the appropriate items below. Statements must be restricted to construction or use of water under this permit only.

4. A (~~1-year~~), (~~2-year~~), (3-year) extension of time is requested to complete construction work and/or beneficial use of water. (Indicate period of time required.)

5. How much water has been used?_____AF/year 7200 GPD ~~cfs~~

6. How many acres have been irrigated?_____

7. How many houses or people have been served water? 5 persons intermittently

8. Extent of past use of water for any other purpose_____

9. What construction work has been completed during the last extension?

10. Approximate amount spent on project during last extension period.
$_____

11. Estimated date construction work will be completed_____

12. Estimated year in which water will be fully used_____

13. Reasons why construction and/or use of water was not completed within time previously allowed:_____

Date March 7, 1973 Signature Gerard S. Wituchi

GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1970

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE,
DIVISION OF WATER RESOURCES, SSC,
450 GOLDEN GATE AVENUE, BOX 36025,
SAN FRANCISCO, CALIF 94102

If the owner or address shown above is wrong, please correct

SOURCE: CHUCKER SPRING WR-22A

AMOUNT: 7200 GAL/DAY
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11422 EXPIRATION DATE: 12-01-70

This report is important in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

CONSTRUCTION WORK

1. Has construction work commenced? YES
2. Has all construction work been completed? YES If not, describe briefly the portions of the project completed including cost of work done:
3. If not completed, give estimated date of completion
4. What construction work remains to be done to complete the project?

USE OF WATER

1. Has use of water commenced? YES It was used for:

(a) ☐ Irrigation ____ Total acres irrigated ____ Name crops served and acreage of each
(b) ☐ Stockwatering ____ Number of animals
(c) ☐ Industrial ____ Nature of use
(d) ☒ Domestic 5 PERSONS INTERMITTENTLY Number of persons, Area of garden, lawn, etc.
(e) ☐ Municipal ____ Approximate population
(f) ☐ Mining ____ Method of water use
(g) ☐ Recreational ____ Nature of use
(h) ☐ Power generation ____ Installed horsepower capacity
(i) ☐ Other ____

2. Has use of water, both amount and season, been as great as you expect in any future year under this permit? NO
3. Has location of the intake, place of use or type of use been changed? NO
4. Did the source go dry? NO If so, during what months?
5. What quantity of water was used each month in 1970 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
			INTERMITTENT USE									

STORAGE PROJECTS ONLY

Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?

REMARKS: AN EXTENTION OF TIME REGARDING THIS PERMIT IS IN ORDER; PLEASE FORWARD THE NECESSARY FORMS FOR REQUEST OF EXTENTION OF TIME .

Date DECEMBER 1, 1970

Sign Here (SGD) GERARD S. WITUCKI
GERARD S. WITUCKI, CHIEF, WATER RESOURCES SECTION, WESTERN SERVICE CENTER
Permittee

1970

WRCB 15 (8-70)

42670-863 8-70 5M ⓓ OSP

12-31-1968: progress report by permittee for 1968 ; december 31, 1968

STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1968

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

If the owner or address shown above is wrong, please correct

SOURCE: CHUCKER SPRING

AMOUNT: 7200 GAL/DAY
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11422

This report is important to you in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. State approximate cost of construction work on this project during the past 12 months None
   Describe briefly the portions of the project upon which the above amount was spent None
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline
5. Has use of water commenced? What was the maximum rate of diversion (if known)? Unknown
6. What quantity of water was used each month in 1968 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
				NONE								

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? Yes If so, during what months? all year
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stockwatering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☒ Domestic 5 persons(intermittently) — Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☐ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

REMARKS This spring in the past supplied water to a millsite which presently is not operating.
(If more space is needed, use reverse side)

Date December 31, 1968 Sign Here Robert J. Murphy Permittee Superintendent

WRCB 15 (8-68) 1968 24115-983 8-68 5M ⓘ OBP

12-31-1968: progress report by permittee for 1968 cont. ; december 31, 1968

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PROGRESS REPORT BY PERMITTEE FOR 1967

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

If the owner or address shown above is wrong, please correct

SOURCE: (1) CHUCKER SPRING (2)
(3) (4)
(5) (6)
(7) PERMIT 11422

AMOUNT: 7200 GAL/DAY PURPOSE: MINING, DOMESTIC & RECREATIONAL

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. State approximate cost of construction work on this project during the past 12 months None
   Describe briefly the portions of the project upon which the above amount was spent None
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)? Unknown
6. What quantity of water was used each month in 1967 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
	None											

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? Yes If so, during what months? All year
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)
    (b) ☐ Stockwatering ____ (Number of animals)
    (c) ☐ Industrial ____ (Nature of use)
    (d) ☒ Domestic 5 persons (intermittently) (Number of persons, Area of garden, lawn, etc.)
    (e) ☐ Municipal ____ (Approximate population)
    (f) ☐ Mining ____ (Method of water use)
    (g) ☐ Recreational ____ (Nature of use)
    (h) ☐ Power ____ (Installed horsepower capacity)
    (i) ☐ Other ____
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

REMARKS This spring in the past supplied water to a millsite. Presently it is not operating.
(If more space is needed, use reverse side)

Date February 8, 1968 Sign Here John W. Stratton, Superintendent (Permittee)

This report is of importance to you in establishing your water right as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly to the State Water Rights Board, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Rec'd W/ Fields SSC memo 2-21-68

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16138 PERMIT 11422 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 11422; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1970

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1970

DATED: NOV 30 1967

/S/ L. C. Spencer

L. C. SPENCER
CHIEF ENGINEER

06-13-1967: petition for extension of time, permit no. 11422

PETITION FOR EXTENSION OF TIME

Application 16138 Permit 11422
Chucker Spring

NOTE: A reasonable extension of time may be obtained upon a showing of good cause. Section 779 **of the California Administrative Code, Title 23, Waters, provides that** sickness, lack of finances or other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay. A fee of $5 is required for each permit petitioned.

A. If construction work has not commenced within the time allowed under the permit, an extension of such commencement date may be petitioned by completing Items 1, 2 and 3.

1. Approximate total amount of money spent in connection with the project to date $_____. What was the money spent for?_____

2. Estimated date of commencement of construction_____

3. Reasons why construction was not begun within the time allowed by the permit_____

B. If construction work and/or use of water is proceeding but is not fully complete, an extension of time may be petitioned by completing Items 4, 5, 6, 7, 8, 9 and 10.

4. A (1-year), (2-year), (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired.) Extension to December 1, 1971, is requested.

5. Approximate total amount spent on project to date $ 300

6. Approximate amount spent during last extension period $ none

7. Approximate per cent of construction work complete to date unknown

8. Estimated date of completion of construction work unknown

9. Estimated year in which full use of water will be made unknown

10. Reasons why construction and/or use of water was not completed within time previously allowed: Miners have suspended operations temporarily due to poor market conditions. Water continues to be used by Monument visitors, prospectors and wildlife during all months of the year.

Date June 13, 1967 Signature John W. Stratton

John W. Stratton, Superintendent
Death Valley National Monument

THIS COMPLETED PETITION MUST BE ACCOMPANIED BY A FEE OF $5

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
1416 NINTH STREET
SACRAMENTO, CALIFORNIA 95814

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1966

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

If the owner or address shown above is wrong, please correct

SOURCE: (1) CHUCKER SPRING (2)
(3) (4)
(5) (6)
(7) PERMIT 11422

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. State approximate cost of construction work on this project during the past 12 months none
   Describe briefly the portions of the project upon which the above amount was spent none
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)? Unknown
6. What quantity of water was used each month in 1966 under this permit in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
	None											

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? Yes If so, during what months? All year
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation ____ Total acres irrigated ____ Name crops served and acreage of each
    (b) ☐ Stockwatering ____ Number of animals
    (c) ☐ Industrial ____ Nature of use
    (d) ☒ Domestic 5 persons (intermittently) Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal ____ Approximate population
    (f) ☐ Mining ____ Method of water use
    (g) ☐ Recreational ____ Nature of use
    (h) ☐ Power ____ Installed horsepower capacity
    (i) ☐ Other ____
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

REMARKS This spring in the past supplied water to a millsite. Presently it is not operating. (If more space is needed, use reverse side)

Homer P. Leach

Date December 16, 1966 Sign Here Homer P. Leach, Acting Superintendent
Permittee

This report is of importance to you in establishing your water right as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly.

SWRB 15 (6-66) **YEAR 1966** 74197-987 7-66 8500 ① OSP

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
1416 – 9TH STREET
SACRAMENTO, CALIFORNIA 95814

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1965

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

If the owner or address shown above is wrong, please correct

SOURCE: (1) CHUCKER SPRING (2)
(3) (4)
(5) (6)
(7) PERMIT 11422

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1966
3. State approximate cost of construction work on this project during the past 12 months none
   Describe briefly the portions of the project upon which the above amount was spent none
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline
5. Has use of water commenced? Yes Amount (if known) unknown
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? no
7. During what months was water used in 1965 under this permit? All 12 months (Intermittently)
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? N/A If not, how many feet below crest vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below crest vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stockwatering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☒ Domestic 5 persons (Intermittently — Number of persons, Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☒ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other
12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

REMARKS

Date December 13, 1965 Sign Here William N. Burger Permittee Acting Superintendent
Death Valley National Monument

This report is of importance to you in establishing your water right as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly.

YEAR 1965

SWRB 15 (REV. 7-65) 81662-987 7-65 6M ⓘ OSP

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 16138 Permit 11422

EXTENSION PETITION

NOTE: A reasonable extension of time may be obtained upon a showing of good cause. Section 779 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finances or other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay. A fee of $5 is required for each permit petitioned.

A. If construction work has not commenced within the time allowed under the permit, an extension of such commencement date may be petitioned by completing Items 1, 2 and 3.

1. Approximate total amount of money spent in connection with the project to date $_____. What was the money spent for?_____

2. Estimated date of commencement of construction_____

3. Reasons why construction was not begun within the time allowed by the permit_____

B. If construction work and/or use of water is proceeding but is not fully complete, an extension of time may be petitioned by completing Items 4, 5, 6, 7, 8, 9, and 10.

4. A ~~(1-year)/(2-year)~~, (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

5. Approximate total amount spent on project to date $ 300.

6. Approximate amount spent during last extension period $ None.

7. Approximate per cent of construction work complete to date Unknown.

8. Estimated date of completion of construction work Unknown.

9. Estimated year in which full use of water will be made Unknown.

10. Reasons why construction and/or use of water was not completed within time previously allowed: Miners have temporarily suspended operations because of poor market. Water continued to be used by Monument visitors and prospectors during all months of the year.

DATE February 1, 1965 Signature John A. Aubuchon

John A. Aubuchon Superintendent

THIS COMPLETED PETITION MUST BE ACCOMPANIED BY A FEE OF $5

Form 67-H

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
ROOM 1140, 1416 NINTH STREET
SACRAMENTO 95814

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1964

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) CHUCKER SPRING (2)
(3) (4)
(5) (6)
(7)

PERMIT 11422

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? No Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1966
3. State approximate cost of construction work on this project during the past 12 months None
   Describe briefly the portions of the project upon which the above amount was expended
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline.
5. Has use of water commenced? yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? No
7. During what months was water used in 1964 under this permit? All year (intermittently)
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months? N/A
10. Did your reservoir spill this year? N/A If not, how many feet below crest vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below crest vertically was it drawn down at end of season? N/A
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)
    (b) ☐ Stock-watering ____ (Number of animals)
    (c) ☐ Industrial ____ (Nature of use)
    (d) ☒ Domestic 5 persons (intermittent use) (Number of persons; Area of garden, lawn, etc.)
    (e) ☐ Municipal ____ (Approximate population)
    (f) ☒ Mining concentration table * (Method of water use)
    (g) ☒ Recreational camping and picnicking (Nature of use)
    (h) ☐ Power ____ (Installed horsepower capacity)
    (i) ☐ Other ____

REMARKS *Operations suspended due to decline in market.

Waters from Chucker Spring are commingled with waters of Burns Spring Application 13852 and Wee and Chucker Springs - Application 15539 as one consolidated water supply.

Date January 5, 1965

Sign Here William N. Burgen Permittee Acting Superintendent Death Valley National Monument

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly.

YEAR 1964

FORM 67

27980-957 8-64 5M ⓘ OSP

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16138 PERMIT 11422 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 11422; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1967

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1967

WITNESS MY HAND AND THE SEAL OF THE STATE WATER RIGHTS BOARD THIS 28th day of May, 1965

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER

Docket 22a RS

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21ST STREET, P. O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1963

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) CHUCKER SPRING (2)
(3) (4)
(5) (6)
(7)

PERMIT 11422

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? No Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1965
3. State approximate cost of construction work on this project during the past 12 months None
   Describe briefly the portions of the project upon which the above amount was expended
4. What construction work remains to be done to complete the project?
   Installation of collecting system and pipeline
5. Has use of water commenced? Yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? No
7. Has location of the intake or place of use been changed? No
8. Did the source go dry? No If so, during what months?
9. Did your reservoir spill this year? Not Applicable If not, how many feet below crest vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below crest vertically was it drawn down at end of season?
10. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

(a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
(b) ☐ Stock watering — Number of animals
(c) ☐ Industrial — Nature of use
(d) ☒ Domestic — 5 persons (occasional use) — Number of persons; Area of garden, lawn, etc.
(e) ☐ Municipal — Approximate population
(f) ☐ Mining — Method of water use
(g) ☐ Recreational — Nature of use
(h) ☐ Power — Installed horsepower capacity
(i) ☐ Other

REMARKS

Date December 2, 1963 *Sign Here* John A. Aubuchon Permittee Superintendent Death Valley National Monument

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly.

YEAR 1963

FORM 67

82398 7-63 4M ⓘ SPO

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21ST STREET, P. O. BOX 592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1962

OWNER OF RECORD: APPLICATION 16138

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) (2)
(3) CHUCKER SPRING (4)
(5) (6)

PERMIT 11422

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? no Has construction work commenced? yes
2. Has all construction work been completed? no If not, give estimated date of completion 1965
3. State approximate cost of construction work on this project during the past 12 months none
   Describe briefly the portions of the project upon which the above amount was expended
4. What construction work remains to be done to complete the project? Installation of collecting system and pipeline
5. Has use of water commenced? yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? no
7. Has location of the intake or place of use been changed? no
8. Did the source go dry? no If so, during what months?
9. Did your reservoir spill this year? not applicable If not, how many feet below crest vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below crest vertically was it drawn down at end of season?
10. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.
    (a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
    (b) ☐ Stock watering — Number of animals
    (c) ☐ Industrial — Nature of use
    (d) ☒ Domestic — 5 persons (occasional use) — Number of persons; Area of garden, lawn, etc.
    (e) ☐ Municipal — Approximate population
    (f) ☐ Mining — Method of water use
    (g) ☐ Recreational — Nature of use
    (h) ☐ Power — Installed horsepower capacity
    (i) ☐ Other

REMARKS

Date October 5, 1962 Sign Here UNITED STATES OF AMERICA
BY: /s/ Willard W. Danielson
Acting Superintendent
Death Valley National Monument

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly.

YEAR 1962

FORM 67 68113 7-62 4M ⓘ SPO

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16138 PERMIT 11422 LICENSE

22

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION AND USE

The State Water Rights Board having determined that good cause has been shown for an extension of time within which to complete construction work and application of water to the proposed use under Permit 11422, said Board having approved such extension and having directed that this order be issued;

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1964, within which to complete construction work and application of water to the proposed use under said permit.

Witness my hand and the seal of the State Water Rights Board this 23 st day of May, 1962

L. K. Hill
L. K. Hill
Executive Officer

02-14-1962: receipt for permit extension fee ; february 14, 1962

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

Receipt No. 15217

Date Febo 14, 1962 ($ 5.00)

Received ($)

☐ Cash ☐ Money Order ☒ Check *(Receipt contingent upon collection)*

U. S. Death Valley National Monument
Death Valley, California

Re APPLICATION 16138

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$ 5.00
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By Elaine Garrett
Title

FORM 300
47100 11-60 20M GUIN ⓓ SPO

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 16138 Permit 11422

NOTICE OF EXPIRATION

The time within which to complete construction work and/or to place the water to full beneficial use under the above-numbered water right application and permit has expired or will expire shortly. The following alternatives are available:

1. If sufficient water has been diverted to satisfy your requirements, the amount used will be determined by inspection during the next field season with a view to the issuance of license which is the final confirmation of the water right initiated by the application. A right cannot be acquired for an amount of water or for a season of diversion in excess of that allowed in the permit. With respect to use of water under the terms and conditions of the permit:

(a) Have you used as much water heretofore as you expect to use in the future? ___ Yes ___ No

(b) Have you used the water for as long a season as you intend to? ___ Yes ___ No

2. If the project has been abandoned or if no progress has been made toward use of water the permit will be revoked upon request.

Should the permit be revoked? ___ Yes ___ No

3. If construction work and/or use of water are proceeding with due diligence but not fully complete, a reasonable extension of time may be obtained upon a showing of good cause. Section 777 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finance or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

A (1/[illegible]/1/[illegible]), (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

The following information should be supplied where an extension of time is requested:

1. Approximate total amount spent on project to date $ 300.
2. Approximate per cent of construction work complete to date 5 percent.
3. Estimated date of completion of construction work 1964.
4. Estimated year in which full use of water will be made 1965.
5. Reasons why construction and/or use of water was not completed within time previously allowed:

Miners suspended operations due to a decline in the market. A new owner of mining claims took possession in mid year, and greater use of the water is planned.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FEE OF $5.00

Date December 7, 1961

SIGNATURE Granville B. Idles

Granville B. Idles,
Superintendent
Death Valley National Monument

Form 67P

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1961

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Chucker Spring APPLICATION 16138

PERMIT 11422

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit United States of America for Death Valley National Monument

MAILING ADDRESS Superintendent, Death Valley National Monument, Death Valley, California

2. Has the project been abandoned? no Has construction work commenced? Yes

3. Has all construction work been completed? no If not, give estimated date of completion 1965

4. State approximate cost of construction work on this project during the past 12 months none

Describe briefly the portions of the project upon which the above amount was expended

5. What construction work remains to be done to complete the project? Installation of collecting works and pipeline

6. Has use of water commenced? yes State maximum rate of use if known unknown

If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

(a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each

(b) ☐ Stock watering — Number of animals

(c) ☐ Industrial — Nature of use

(d) ☒ Domestic — 3 persons (occasional use) — Number of persons, Area of garden, lawn, etc.

(e) ☐ Municipal — Approximate population

(f) ☐ Mining — Method of water use

(g) ☐ Recreational — Nature of use

(h) ☐ Power — Installed horsepower capacity

(i) ☒ Other wildlife

7. During what months was water used in 1961? August - December

Do you expect to use it over a longer or different season in the future? yes

If so, state other months of use all months

8. *Have you used as much water this year as you expect to use in any future year under this permit?* no

If not, estimate year in which use will be full and complete 1965

9. Has location of the intake or place of use been changed? no

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you filled in your reservoir during the 1960-61 collection season—if not, do you expect to fill it in any one future collection season? How much of the stored water has been used?

Have you emptied the reservoir? If not, have you drawn down the reservoir as far as you intend to use in any one season? State acre-feet used if known

11. During which months was water collected in the reservoir?

United States of America

Sign Here Granville B. Liles
Permittee

By: Granville B. Liles
Superintendent

Date December 7, 1961

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 16138 Permit 11422

NOTICE OF EXPIRATION

The time within which to complete construction work and/or to place the water to full beneficial use under the above-numbered water right application and permit has expired or will expire shortly. The following alternatives are available:

1. If sufficient water has been diverted to satisfy your requirements, the amount used will be determined by inspection during the next field season with a view to the issuance of license which is the final confirmation of the water right initiated by the application. A right cannot be acquired for an amount of water or for a season of diversion in excess of that allowed in the permit. With respect to use of water under the terms and conditions of the permit:

(a) Have you used as much water heretofore as you expect to use in the future? ___ Yes No No

(b) Have you used the water for as long a season as you intend to? ___ Yes No No

2. If the project has been abandoned or if no progress has been made toward use of water the permit will be revoked upon request.

Should the permit be revoked? ___ Yes No No

3. If construction work and/or use of water are proceeding with due diligence but not fully complete, a reasonable extension of time may be obtained upon a showing of good cause. Section 777 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finance or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

A (1/[illegible]/[illegible]), (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

The following information should be supplied where an extension of time is requested:

1. Approximate total amount spent on project to date $ 300.
2. Approximate per cent of construction work complete to date 5 percent.
3. Estimated date of completion of construction work 1964.
4. Estimated year in which full use of water will be made 1965.
5. Reasons why construction and/or use of water was not completed within time previously allowed:

Miners suspended operations due to a decline in the market. A new owner of mining claims took possession in mid year, and greater use of the water is planned.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FEE OF $5.00

Date December 7, 1961

SIGNATURE Granville B. Liles

Granville B. Liles,
Superintendent
Death Valley National Monument

Form 67F

Director

STATE OF CALIFORNIA-- STATE WATER RIGHTS BOARD
1401 21st STREET
P.O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1960

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Chucker Spring APPLICATION 16138

PERMIT 11422

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit The United States of America for Death Valley National Monument

MAILING ADDRESS Superintendent
Death Valley National Monument
Death Valley, California

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion unknown

4. State approximate cost of construction work on this project during the past 12 months None

Describe briefly the portions of the project upon which the above amount was expended

5. What remains to be done to complete the project? Installation of collecting works and pipeline

6. Has use of water commenced? No State amount used if known

If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

(a) ☐ Irrigation ____ Total acres irrigated ____ Name crops served and acreage of each

(b) ☐ Stock watering ____ Number of animals

(c) ☐ Industrial ____ Nature of use

(d) ☐ Domestic ____ Number of persons ____ Area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☐ Mining ____ Method of water use

(g) ☐ Recreational ____ Nature of use

(h) ☐ Power ____ Installed horsepower capacity

(i) ☐ Other ____

7. During what months was water used in 1960? None

Do you expect to use it over a longer or different season in the future? Yes

If so, state other months of use January to December

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No

If not, estimate year in which use will be full and complete Unknown (see reverse)

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1959-60 collection season as you expect to store in any future collection season? ____ How much of the stored water has been used? ____

Have you emptied the reservoir? ____ If not, have you used all the water that you intend to use in any one season? ____ State acre-feet used if known ____

11. During which months was water collected in the reservoir? ____

UNITED STATES OF AMERICA

Sign Here Granville B. Liles
By: Granville B. Liles
Superintendent
Death Valley National Monument

Date Dec 13, 1960

(OVER)

YEAR 1960

FORM 67

INSTRUCTIONS

Please bear in mind that [illegible] applications for [illegible] water rights. Beneficial use alone establishes the right to [illegible] water you ultimately expect to put to use and use has been made over the [illegible] period of [illegible] will be granted covering only the right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

Miners have suspended operations because of decline in market.

DO NOT WRITE IN THIS SPACE

STATE OF C[illegible]IFORNIA—STATE WATER RIGH[illegible] BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1959

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Chucker Spring APPLICATION 16138

PERMIT 11422

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit The United States of America for Death Valley National Monument

MAILING ADDRESS Regional Director, National Park Service 180 New Montgomery Street, San Francisco, California

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion unknown

4. State approximate cost of construction work on this project during the past 12 months None

Describe briefly the portions of the project upon which the above amount was expended

5. What remains to be done to complete the project? Installation of collecting works and pipeline.

6. Has use of water commenced? No State amount used if known

If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

(a) ☐ Irrigation — Total acres irrigated — Name crops served and acreage of each
(b) ☐ Stock watering — Number of animals
(c) ☐ Industrial — Nature of use
(d) ☐ Domestic — Number of persons; Area of garden, lawn, etc.
(e) ☐ Municipal — Approximate population
(f) ☐ Mining — Method of water use
(g) ☐ Recreational — Nature of use
(h) ☐ Power — Installed horsepower capacity
(i) ☐ Other

7. During what months was water used in 1959? None

Do you expect to use it over a longer or different season in the future? Yes

If so, state other months of use January to December

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No

If not, estimate year in which use will be full and complete Unknown (see reverse)

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1958-59 collection season as you expect to store in any future collection season? How much of the stored water has been used?

Have you emptied the reservoir? If not, have you used all the water that you intend to use in any one season? State acre-feet used if known

11. During which months was water collected in the reservoir?

UNITED STATES OF AMERICA

Sign Here (SGD) JOHN B. WOSKY

By: John B. Wosky
Regional Chief of Operations, Region Four
National Park Service

Date December 3, 1959

(OVER)

YEAR 1959

Form 89

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

Miners have suspended operations because of decline in market.

DO NOT WRITE IN THIS SPACE

STATE OF C[illegible]IFORNIA—STATE WATER RIGH[illegible]S BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

D 22 Board ✓

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1958

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE Chucker Spring APPLICATION 16138

PERMIT 11422

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit United States of America for Death Valley National Monument

   MAILING ADDRESS National Park Service, Washington 25 D. C.

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion Dec. 31, 1959

4. State approximate cost of construction work on this project during the past 12 months $100.00

   Describe briefly the portions of the project upon which the above amount was expended Clearing spring with bulldozer

5. What remains to be done to complete the project? Installation of collecting basin and pipeline.

6. Has use of water commenced? No State amount used if known

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) ☐ Irrigation (Total acres irrigated) (Name crops served and acreage of each)

   (b) ☐ Stock watering (Number of animals)

   (c) ☐ Industrial (Nature of use)

   (d) ☐ Domestic (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Municipal (Approximate population)

   (f) ☐ Mining (Method of water use)

   (g) ☐ Recreational (Nature of use)

   (h) ☐ Power (Installed horsepower capacity)

   (i) ☐ Other

7. During what months was water used in 1957? None

   Do you expect to use it over a longer or different season in the future? Yes

   If so, state other months of use January to December

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No

   If not, estimate year in which use will be full and complete 1960

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1957-58 collection season as you expect to store in any future collection season? How much of the stored water has been used?

    Have you emptied the reservoir? If not, have you used all the water that you intend to use in any one season? State acre-feet used if known

11. During which months was water collected in the reservoir?

Sign Here Fred B. Benninger
Superintendent
Death Valley National Monument

Date October 27, 1958

(OVER)

YEAR 1958

FORM 67

75261 4-58 3500 ⓘ SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

Full use of water has been temporarily suspended due to decline in market price of tungsten and decrease in mining activity.

DO NOT WRITE IN THIS SPACE

GOODWIN J. KNIGHT
GOVERNOR

Death Va
Pocket
Part

STATE OF CALIFORNIA

State Water Rights Board

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
JOHN B. EVANS, MEMBER
W. P. ROWE, MEMBER

LESLIE C. JOPSO
CHIEF ENGINEER

February 13, 1958

COPY

Application 16138

United States
Death Valley National Monument
Death Valley, California

Gentlemen:

There are enclosed three copies of a notice of your application, two of which should be posted as indicated below and the third of which should be returned to this office with attached affidavit.

You are directed to post two copies of this notice on or before February 28, 1958 in at least two conspicuous places in the locality to be affected by the proposed appropriation. On or before March 25, 1958 you should file with this office proof of such posting. IT IS REQUIRED THAT PROOF OF POSTING SHALL CONSIST OF AN AFFIDAVIT EXECUTED ON THE ENCLOSED FORM ATTACHED TO A COPY OF THE NOTICE OF APPLICATION TO APPROPRIATE. In case of inability to post two copies of the notice or file proof of posting within the time allowed kindly advise this office immediately and copies of a new notice of a later date will be forwarded.

This notice is designed for the mutual protection of applicant and prior claimants. Although vested rights to the use of water from the source from which the appropriation is sought cannot be lost, prejudiced or impaired by failure to protest against the application, prior claimants are given this notice so that they may protest if it is felt the proposed appropriation will result in injury to them.

If protests are filed you will be furnished with copies thereof and you are required to file with this office and with the protestant a *brief* but *complete* answer to each protest. There is no prescribed legal form which such answer must take but anything which you may do toward placing this office in possession of all the facts relative to the objections raised to your application will expedite action thereon.

Very truly yours

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

Cert.
Enc.

APC:de

FORM 88
54167 4-57 5M © SPO

STATE OF CALIFORNIA--STATE WATER RIGHTS BOARD
1401 21st Street
P. O. Box 1592
Sacramento, California

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 16138

Notice Is Hereby Given, That United States
Death Valley National Monument
Death Valley, California

has under the date of November 15, 1954 applied to the State Water Rights Board for a permit to appropriate unappropriated water, subject to vested rights.

Description of Project

Water to be appropriated from Chucker Spring tributary to Emigrant Canyon.

In the County of Inyo.

Amount applied for: 0.0111 cubic foot per second or approximately 7,200 gallons per day.

Diversion season named: January 1 to December 31 of each year.

Water to be used for domestic, recreational and mining purposes.

Point of diversion within SE¼ of SE¼ of projected Section 3, T18S, R44E, MDB&M.

Place of use described: NW¼ of SW¼; SW¼ of NW¼; E½ of NW¼ and NW¼ of NE¼ of projected Section 2, T18S, R44E and W½ of SE¼ of projected Section 35, T17S, R44E, MDB&M as shown on map filed with State Water Rights Board.

Water used for mining purposes will be released to Emigrant Canyon within SW¼ of NE¼ of projected Section 2, T18S, R44E, MDB&M.

Relative to Protests

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the State Water Rights Board, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval of the application and shall contain the following information:

1. Statement of the injury which would result to protestant from such appropriation and use.
2. The basis of protestant's water right.
3. Protestant's past and present use of water both as to amount used and land irrigated, or use made of water if other than irrigation.
4. The approximate location of protestant's land or place of use and point of diversion of the water.

A copy of the protest should be sent to the applicant and this office notified that the same has been done.

STATE WATER RIGHTS BOARD
By Leslie C. Jopson
Chief Engineer

Dated: Sacramento, California
February 13, 1958

Form 8-A

Docket 22
Part V

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 16138 Filed November 15, 1954 at 1:52 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED AUGUST 26, 1957

I, United States of America for Death Valley National Monument
Name of applicant

of Death Valley County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Chucker Spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to Emigrant Canyon

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 7200 gallons per day cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

second to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between and of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is mining, domestic and recreational
Domestic, irrigation, power, municipal, mining, industrial, recreational

purposes.

4. The point of diversion is to be located S 33°56' W 7433 feet from USBM M-165 in the NW¼ of
State bearing and distance or coordinate distances from section or quarter section corner

SE¼ of projected Section 35, T17S, R44E, MDB&M

being within the SE¼ of SE¼
State 40-acre subdivision of public land survey or projection thereof

projected
of Section 3, T. 18S, R. 44E, MD B. & M., in the County of Inyo

5. The main conduit terminates in SW¼ of NW¼ of projected Sec. 2, T. 18S, R. 44E, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

as sections are projected from T19S, R45E, MDB&M on USGS Emigrant Quadrangle

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diversion dam being collected in 8" CI pipe in ~~brick, masonry~~
level of overflow): perforated ~~feet long on top and constructed of~~ and buried in spring area
Concrete, earth, brush, etc.

(c) The storage dam will be feet in height (stream bed to overflow level); feet

long on top; have a freeboard of feet, and be constructed of
Concrete, earth, etc.

7. Regulatory Reservoir ~~Name~~ will consist of 1-20,000 gallon steel, and 1-1720 gallons and 1-750 gallon corrugated iron tanks

The storage reservoir will flood lands in
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of acres, and a capacity of acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

Water from Chucker Spring are commingled with waters of Burns Spring under Application 13852 and Wee and Covered Springs under Application 15539 in said tanks.

FORM 1

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line)____ feet; width at bottom____
Cross out two not used

feet; depth of water____ feet; length____ feet; grade____ feet per 1,000 feet; materials of construction____
Earth, rock, timber, etc.

(b) Pipe line: Diameter Existing 3/4" inches; length 2500 feet; grade 38.4 feet per 1,000 feet; total fall 96 feet; kind iron
(to be replaced with 1" pipe)
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 5 gallons per minute
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $1,500.00
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work ~~will begin~~ was begun on or before November 1, 1954

Construction work will be completed on or before December 1960

The water will be completely applied to the proposed use on or before December 1961

Description of Proposed Use

11. Place of Use. NW¼ SW¼; SW¼ NW¼; E½ NW¼ and NW¼ NE¼ Sec. 2, T18S, R44E; and W½
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land
SE¼ projected Section 35, T17S, R44E, MDB&M, as projected from T19S, R45E, MDB&M on
survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all
Emigrant Canyon Quadrangle of 1952 of Geological Survey.
40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? Yes Jointly? Subject to
Yes or No Yes or No
mining and millsite locations
If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Other Rights.** Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. Part of place of use is encumbered millsite and mining claim locations of miners				
2. who make permissive use of most of water under this application, and said				
3. locations may include all, or parts of water systems from Burns, Wee and Covered				
4. Springs.				

Attach supplement at top of page 3 if necessary.

13. **Irrigation Use.** The area to be irrigated is____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice____ acres; alfalfa____ acres; orchard____ acres; general crops____ acres; pasture____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about____ and end about____
Beginning date Closing date

14. **Power Use.** The total fall to be utilized is____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is____ horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is____
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is____ inches.

The water will / will not be returned to____ in____ of
Name stream State 40-acre subdivision

Sec.____, T.____, R.____, ____ B. & M.

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is Stella Hillsite and possibly others (Name of claim) and the nature of the mines is Tungsten (Gold placer, quartz, etc.)

The method of utilizing the water is Processing ore on concentration table

It is estimated that the ultimate water requirement for this project will be 12 gallons per minute when mill is operated (Cubic feet per second, gallons per minute. State basis of estimate)

The water ~~will~~ will not be polluted by chemicals or otherwise largely (Explain nature of pollution, if any)

and it ~~will~~ will not be returned to Emigrant Canyon Drainage (Name stream) in SW¼ NE¼ (State 40-acre subdivision) of Sec. 2, T. 16S, R. 44E, MD B. & M.

(Such return flow probably consumed locally by evaporation and transpiration)

17. **Other Uses.** The nature of the use proposed is domestic consumption and roadside car (Industrial, recreational, domestic, stockwatering, fish culture, etc.) servicing by miners and recreational visitors to the Monument.

State basis of determination of amount needed. 8 miners now in relatively permanent residence. (Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type industrial use, and unit requirements.) Water may also be hauled or piped for other mining camps with populations which usually number from 2 to 8. Water is also made available for small, but unknown numbers of recreational monument visitors who temporarily camp, picnic or explore mining operations in the vicinity.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

20. What is the name of the post office most used by those living near the proposed point of diversion?

Trona, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None

NOTE: Nothing in this application shall constitute a waiver of other rights which the United States may have to this water

[SIGNATURE OF APPLICANT] /s/ Fred T. Binnewies
Superintendent, Death Valley National Monument
National Park Service, Department of the Interior

13

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 11422

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed **seven-thousand two hundred (7200) gallons per day to be diverted from January 1 to December 31 of each year.**

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before **September 1, 1958,** and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before **December 1, 1960.**

5. Complete application of the water to the proposed use shall be made on or before **December 1, 1961.**

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

8. This permit is conditioned upon full compliance with Section 5937 of the California Fish and Game Code.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUN 17 1958

STATE WATER RIGHTS BOARD

L. K. Hill

L. K. Hill
Executive Officer

14

72103 2-58 SM ⓒ SPO

DO NOT WRITE IN THIS SPACE

Amended Application 16,138
Permit
License

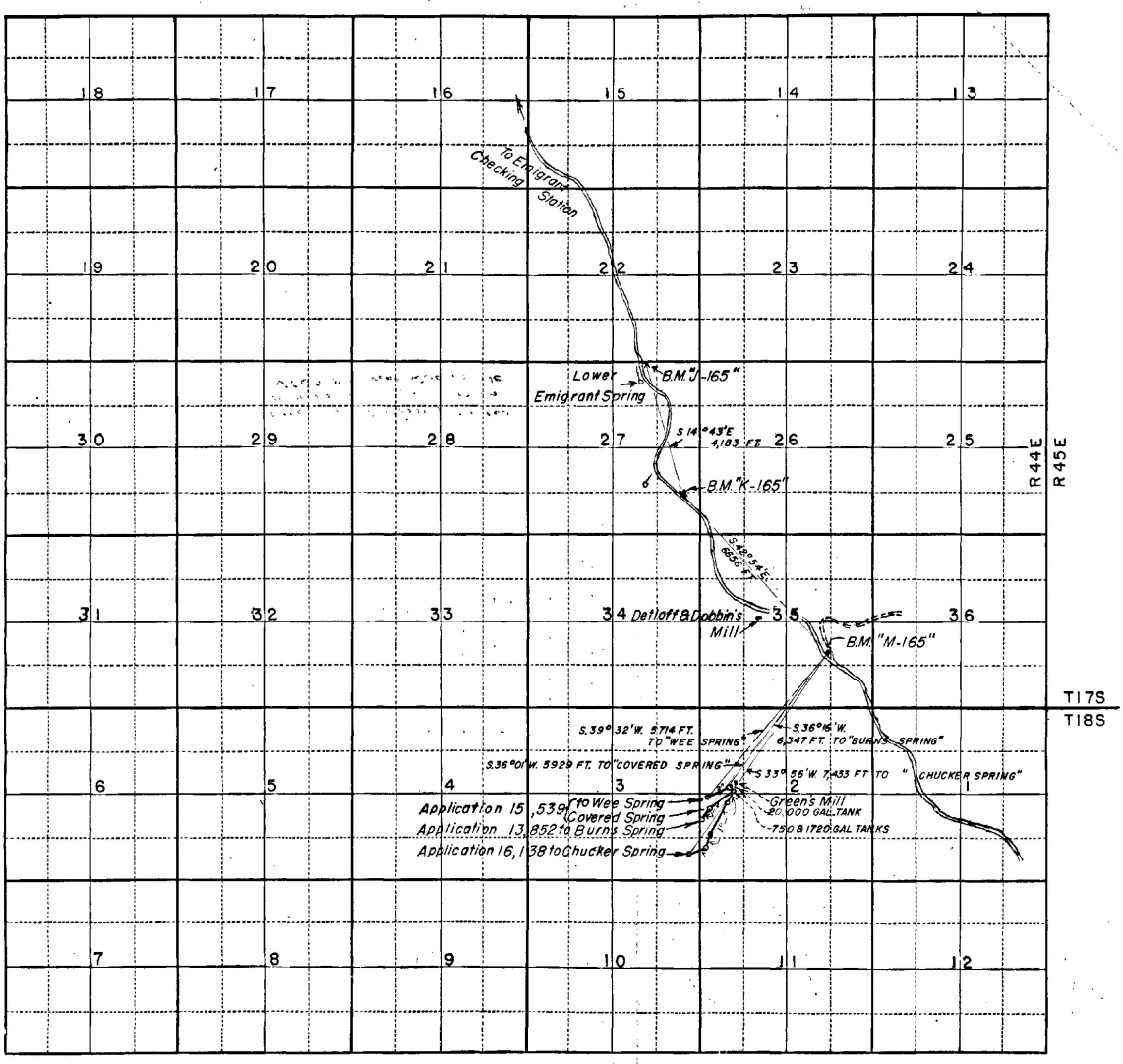
FORM 17-A

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Applicant United States of America Sec's 2 & 3 Township 18 S. Range 44 E., M.D. B & M. Meridian

Mapped by Linn S. Spaulding & Gordon W. Robertson County Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.



Unsurveyed Sections projected from T.19S, R45E MDB&M. on USGS Emigrant Quadrangle

STATE OF CALIFORNIA
County of INYO } ss.

On this 14TH day of MARCH A.D. 19 57 before me JESS G. SUTLIFF

a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared THAD C. GREENE AND JO L. GREENE

known to me to be the person S whose name S ARE subscribed to the within instrument, and acknowledged to me that T he Y executed the same.

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

My Commission expires 12-15-60

Jess G. Sutliff
Notary Public in and for said County and State

Campbell Bros., Printers, 3801 San Pablo Ave., Oakland, PI 5-8888
GENERAL ACKNOWLEDGMENT

VOL 125 PAGE 603

WATER RIGHT ASSIGNMENT

In consideration for the granting of Permit for Water Use. No. DEVA-3-56, December 14 (date), 1956, by the Superintendent of Death Valley National Monument, and in compliance with special condition No. 1 of said Permit, we, the undersigned Thad C. and Jo L. Greene of P.O. Box 397, Trona, California, do hereby assign, transfer, and set over unto the United States of America, through the National Park Service, all of our claims, rights, title and interest in and to the waters of the following described springs in unsurveyed lands which would probably be Secs. 5 and 6, T 18 S, R 44 E and Sec. 32, T 17 S, R 44 E, MDB&M, if surveyed, in the drainage tributary to Emigrant Canyon, Death Valley National Monument, in Inyo County, California, which are described in, or based on the following appropriative claims:

1. Burns Spring as evidenced by Water Right Application 13852, Permit 8536, heretofore assigned to the undersigned;

2. Covered Spring and Wee Spring as evidenced by Water Right Application 15539, as filed by the undersigned; and

3. Chucker Spring as evidenced by Water Right Application 16138, as filed by the United States of America,

which applications and permits appear of record in the Office of the State Division of Water Resources, Public Works Building, Sacramento, California.

Witness our hands, this 21st day of December, 1956

Signature Thad C. Greene

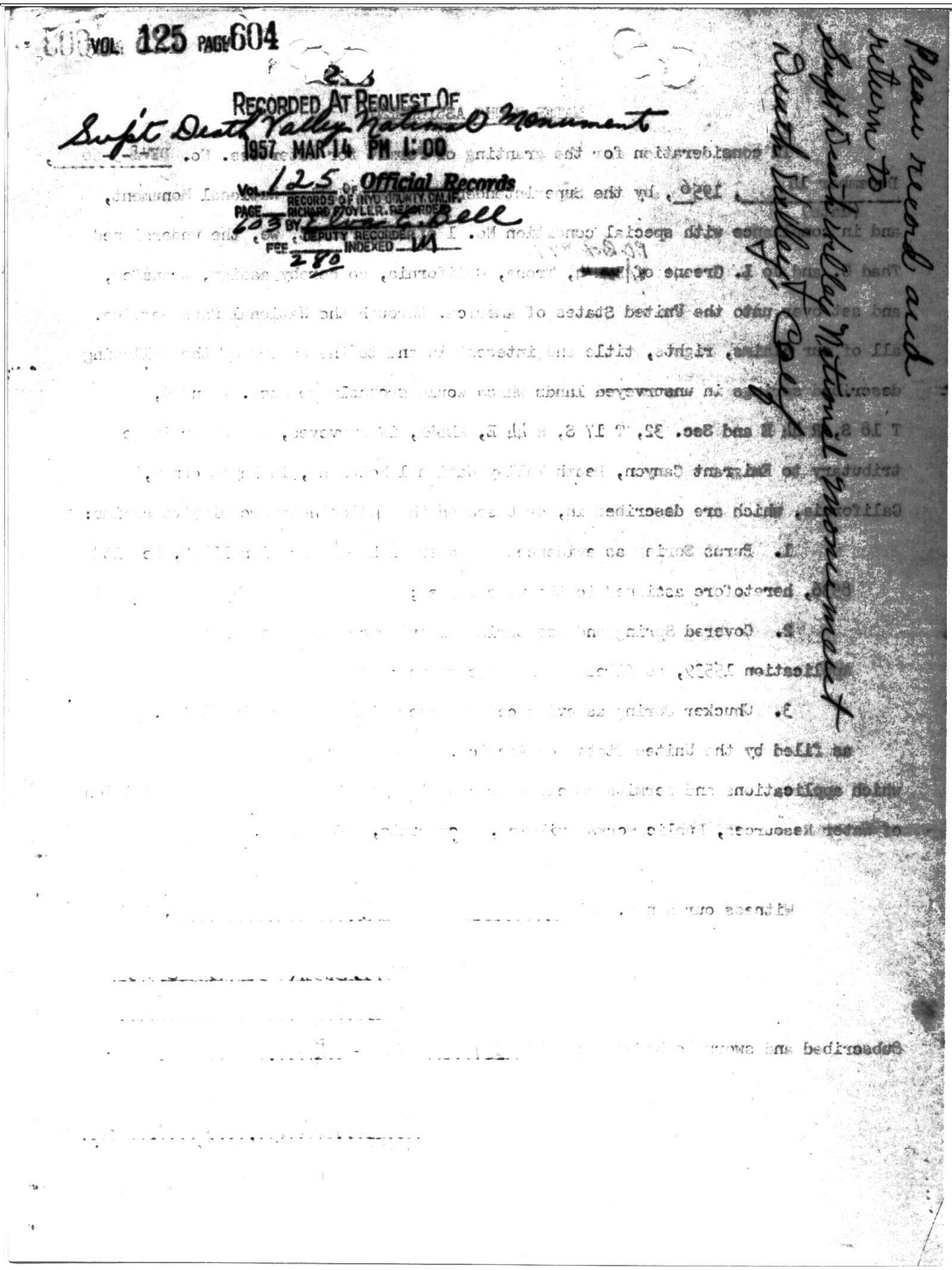
Signature Jo L. Greene

Subscribed and sworn to before me this 21 day of Dec., 1956.

Samuel P. Brown Judge

Notary Public in and for the State of California

Judge of the Justice Court District
Justice Court
San Bernardino County
California



VOL. 125 PAGE 604

RECORDED AT REQUEST OF
Supt Death Valley National Monument
1957 MAR 14 PM 1:00
VOL. 125 OF Official Records
PAGE 603 RECORDS OF INYO COUNTY, CALIF.
RICHARD BOYLE, RECORDER
BY Elsie A. Bell DEPUTY RECORDER
FEE 2.80 INDEXED

Please record and return to
Supt Death Valley National Monument
Death Valley, Calif.

Docket 2:
Part 2

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 16138 Filed November 15, 1954 at 1:52 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED AUGUST 26, 1957

I, ~~United States of America for Death Valley National Monument~~
Name of applicant

of Death Valley, County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Chucker Spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to Emigrant Canyon

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 7200 gallons per day cubic ~~feet per~~
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

~~second~~ to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer *(a)* or *(b)* or both *(a)* and *(b)* as may be necessary. If amount under *(a)* is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is mining, domestic and recreational
Domestic, irrigation, power, municipal, mining, industrial, recreational

_____ purposes.

4. The point of diversion is to be located S 33°56' W 7433 feet from USBM M-165 in the NW¼ of
State bearing and distance or coordinate distances from section or quarter section corner

SE¼ of projected Section 35, T17S, R44E, MDB&M

being within the SE¼ of SE¼
State 40-acre subdivision of public land survey or projection thereof

projected
of Section 3, T. 18S, R. 44E, MD B. & M., in the County of Inyo

5. The main conduit terminates in SW¼ of NW¼ of projected Sec. 2, T. 18S, R. 44E, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

as sections are projected from T19S, R45E, MDB&M on USGS Emigrant Quadrangle

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from _____
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the ~~diversion dam being~~ collected in 8" GI pipe in ~~bulkhead~~ ~~foundation~~
~~level of overflow~~); ~~perforated~~ ~~feet long on top and constructed of~~ and buried in spring area
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet

long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. ~~Proposed~~ Regulatory Reservoir ~~is consist of~~ 1-20,000 gallon steel, and 1-1720 gallons and 1-750 gallon corrugated iron tanks
The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

Waters from Chucker Spring are commingled with waters of Burns Spring under Application 13852 and Wee and Covered Springs under Application 15539 in said tanks.

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line)____ feet; width at bottom____ feet; depth of water____ feet; length____ feet; grade____ feet per 1,000 feet; materials of construction____
(Cross out two not used)

(b) Pipe line: Diameter Existing 3/4" inches; length 2500 feet; grade 38.4 feet per 1,000 feet; total lift from intake to outlet fall 96 feet; kind iron
(Earth, rock, timber, etc.) (Riveted steel, concrete, wood-stave, etc.)
(to be replaced with 1" pipe)

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 5 gallons per minute
(State cubic feet per second or gallons per minute)

The estimated cost of the diversion works proposed is $1,500.00
(Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein)

Completion Schedule

10. Construction work ~~will begin~~ was begun on or before November 1, 1954

Construction work will be completed on or before December 1960

The water will be completely applied to the proposed use on or before December 1961

Description of Proposed Use

11. Place of Use. NW¼ SW¼; SW¼ NW¼; E½ NW¼ and NW¼ NE¼ Sec. 2, T18S, R44E; and W½ SE¼ projected Section 35, T17S, R44E, MDB&M, as projected from T19S, R45E, MDB&M on Emigrant Canyon Quadrangle of 1952 of Geological Survey.
(State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.)

Do(es) applicant(s) own the land whereon use of water will be made? Yes (Yes or No) Jointly? Subject to (Yes or No)
mining and millsite locations

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Other Rights.** Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. Part of place of use is encumbered millsite and mining claim locations of miners				
2. who make permissive use of most of water under this application, and said				
3. locations may include all, or parts of water systems from Burns, Wee and Covered				
4. Springs.				

Attach supplement at top of page 3 if necessary.

13. **Irrigation Use.** The area to be irrigated is____ acres.
(State net acreage to be irrigated)

The segregation of acreage as to crops is as follows: Rice____ acres; alfalfa____ acres; orchard____ acres; general crops____ acres; pasture____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about____ (Beginning date) and end about____ (Closing date)

14. **Power Use.** The total fall to be utilized is____ feet.
(Difference between nozzle or draft tube water level and first free water surface above)

The maximum amount of water to be used through the penstock is____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is____ horsepower.
(Second feet × fall ÷ 8.8)

The use to which the power is to be applied is____
(For distribution and sale or private use, etc.)

The nature of the works by means of which power is to be developed is____
(Turbine, Pelton wheel, etc.)

The size of the nozzle to be used is____ inches.

The water will / will not be returned to____ (Name stream) in____ (State 40-acre subdivision) of Sec.____, T.____, R.____, ____ B. & M.

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is Stella Millsite and possibly others (Name of claim) and the nature of the mines is Tungsten (Gold placer, quartz, etc.)

The method of utilizing the water is Processing ore on concentration table

It is estimated that the ultimate water requirement for this project will be 12 gallons per minute when mill is operated (Cubic feet per second, gallons per minute. State basis of estimate)

The water ~~will~~ will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any) and it ~~will~~ will largely be returned to Emigrant Canyon Drainage (Name stream) in SW¼ NE¼ (State 40-acre subdivision) of Sec. 2, T. 18S, R. 44E, MD B. & M.

(Such return flow probably consumed locally by evaporation and transpiration)

17. **Other Uses.** The nature of the use proposed is domestic consumption and roadside car servicing by miners and recreational visitors to the Monument. (Industrial, recreational, domestic, stockwatering, fish culture, etc.)

State basis of determination of amount needed. 8 miners now in relatively permanent residence. Water may also be hauled or piped for other mining camps with populations which usually number from 2 to 8. Water is also made available for small, but unknown numbers of recreational monument visitors who temporarily camp, picnic or explore mining operations in the vicinity. (Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type industrial use, and unit requirements.)

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

20. What is the name of the post office most used by those living near the proposed point of diversion?

Trona, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None

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

/s/ Fred. W. Binnewies
Superintendent, Death Valley National Monument
National Park Service, Department of the Interior

[SIGNATURE OF APPLICANT]

16138

Application 15539
Permit
License

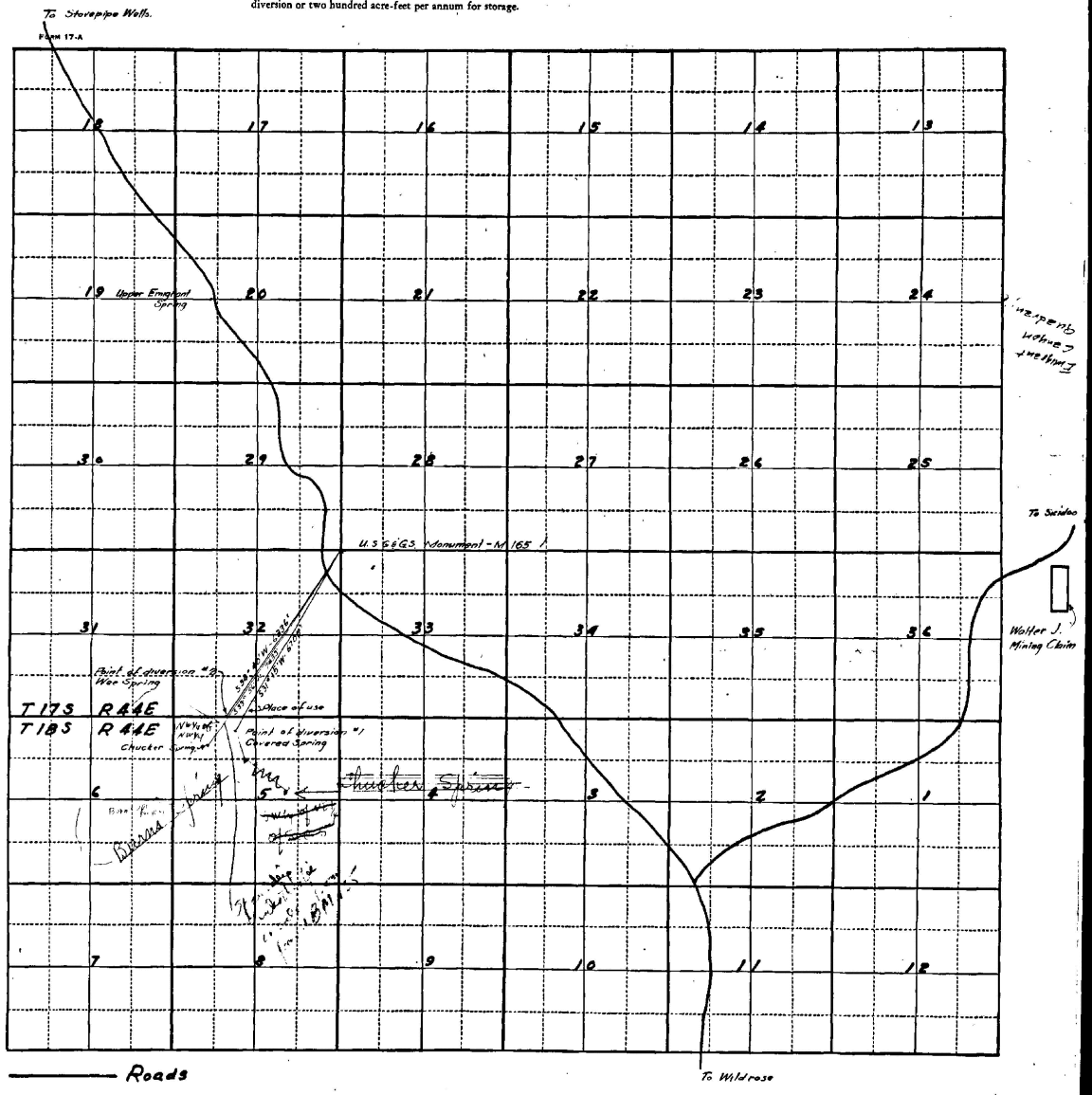
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Applicant United States of America—Death Valley National Monument Fred C. & Jo L. Greene

Proj. Sec. 32 & 5 Township 17S-18S Range 44E, MDB&M Meridian

Mapped by (See P.8535 & 8536 Maps) County Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage.



11-15-1954: application to appropriate unappropriated water ; november 15, 1954

...E IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

Application No. 16138 Filed November 15, 1954 at 1:52 P. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, United States of America - Death Valley National Monument
Name of applicant

of Death Valley County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is Chucker Spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to Emigrant Canyon

2. **The amount of water** which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 5 GPM
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

~~XXXXX~~to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. **The use** to which the water is to be applied is Mining
Domestic, irrigation, power, municipal, mining, industrial, recreational

_____ purposes.

4. **The point of diversion** is to be located S 33° 56" W., 7433' from USGS Monument M-165
State bearing and distance or coordinate distances from section or quarter section corner

being within the NW¼ of the NW¼
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section 5; T. 18 S., R. 44 E., MD B. & M., in the County of Inyo

5. **The main conduit** terminates in SE¼ of SW¼, of Sec. 32, T. 18 S., R. 44 E., MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. **Intake or Headworks** (fill only those blanks which apply)

(a) Diversion will be made by pumping from _____
Name of diversion works, such as pump, collecting gallery, perforated pipe, infiltration gallery, open ditch, natural channel, etc.

(b) Diversion will be by gravity, ~~XXXXXXXXXXXXXXXX~~ collected in 8" pipe feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of Perforated pipe buried in ground
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. **Storage Reservoir** Water will be collected in steel tank at mill site
Name

The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

Form 1

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) ..... feet; width at bottom .....
Cross out two not used

feet; depth of water ..... feet; length ..... feet; grade ..... feet per 1,000 feet; materials

of construction .....
Earth, rock, timber, etc.

(b) Pipe line: Diameter 3/4" inches; length approx. 1500 feet; grade ..... feet per

1,000 feet; total fall from intake to outlet 75 feet; kind iron
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 5 GPM
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is undetermined until ex[illegible]
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction** work will begin on or before November 1, 1954

Construction work will be completed on or before Will be completed on or before May 1, 1955

The water will be completely applied to the proposed use on or before May 1, 1955

Description of Proposed Use

11. **Place of Use.** SE¼ of SW¼ of Section 32, T 18 S, R 44 E, MDB&M.
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Map filed with State Engineer

Does applicant own the land whereon use of water will be made? Yes
Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Domestic Use.** Domestic use is proposed as follows: .....
Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

The amount for which application is made was determined by .....
Describe basis of quantity needed

13. **Irrigation Use.** The area to be irrigated is ..... acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice ..... acres; alfalfa ..... acres; orchard ..... acres; general crops ..... acres; pasture ..... acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about ..... and end about .....
Beginning date Closing date

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature and amount of the additional supply referred to is .....

14. **Power Use.** The total fall to be utilized is ..... feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is ..... cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is ..... horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is .....
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is .....
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is ..... inches.

The water will / will not be returned to ..... in ..... of
Name stream State 40-acre subdivision

Sec. ....., T. ....., R. ....., ... B. & M.

DO NOT WRITE IN THIS SPAC

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

_____

_____

_____

16. **Mining Use.** The name of the mining property to be served is The Stella (Name of claim) and the nature of the mines is Tungsten (Gold placer, quartz, etc.)

The method of utilizing the water is Milling and concentration tables

It is estimated that the ultimate water requirement for this project will be 5 GPM (Cubic feet per second, gallons per minute. State basis of estimate)

The water ~~will~~ will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of

Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

_____

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

18. **Recreational Use.** Water will be used for _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

General

19. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

_____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Trona, California

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None

_____

_____

_____

[SIGNATURE OF APPLICANT] _____

3

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before

5. Complete application of the water to the proposed use shall be made on or before

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this day of 19

A. D. EDMONSTON,
State Engineer

By _____
HARVEY O. BANKS
Assistant State Engineer

5420-B 8-54 5M ① BPO

Land History

IN REPLY REFER TO

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

2020 Hurley Way, Suite 170
Sacramento, California 95825



September 23, 1981

UNITED STATES OF AMERICA, Contestant	:	Contest No. CA-4992
v.	:	Involving: Del Norte Group
CARL DRESSELHAUS, VIRGINIA TROEGER, BELL MOUNTAIN SILVER MINES, AND COSO CORPORATION, Contestees	:	and Skidoo Group Lode Mining Claims and Millsite Claims

DECISION

Appearances: John McMunn, Esq., Office of the Solicitor, Department of the Interior, San Francisco, California, for Contestant; Thomas A. Illmensee, Esq., and James Pascarella, Esq., Caule Place, New York, for Contestee, Coso Corporation; Carl Dresselhaus, Esq., Los Angeles, California, for Contestee, Virginia Troeger, and pro se.

Before: Administrative Law Judge Luoma

Background

This is a proceeding involving the validity of 31 lode mining claims and two millsites under the General Mining Laws of 1872, as amended, 30 U.S.C. §22 et seq. At the request of the National Park Service, the Bureau of Land Management pursuant to 43 CFR, Part 4, issued a complaint on April 21, 1978, amended June 14, 1978, charging that the above-named lode mining claims are invalid for lack of discovery and that the millsites are invalid for lack of proper use. Contestees filed timely answers denying the charges. An extended hearing on the Complaint was held June 5-7, 1979, in Las Vegas, Nevada and on October 30 thru November 4, 1979, in Reno, Nevada.

The claims are situated within the boundaries of Death Valley National Monument, all having been located prior to closure of the monument to mining on September 28, 1976, by Public Law 94-429, 90 Stat. 1342.

The 31 contiguous, and sometimes overlapping, lode mining claims at issue are known as the Del Norte; Del Norte Nos. 1, 2, 3, 4, and 5; Del Norte Fraction; Inyo; and Inyo Nos. 1, 2, and 3. These claims are known collectively as the Del Norte group. The other claims are the Silver Ball; Silver Ball Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Gold Rock; and Gold Rock Nos. 2, 3, 4, 5, 6, and 7. These claims are known collectively as the Skidoo Group. The millsites are the Del Norte millsite and the Gold Bottom millsite.

The claims have a history of profitable mining operations. The Skidoo group of claims was actively mined from 1908 to 1917. They consist primarily of underground quartz veins that vary in width but average over two feet. One system of the veins strikes northwest and dips steeply to the west; the other system strikes eastwest and dip steeply west and dips steeply to the north (C-14). This group of claims contains extensive underground workings on three levels, with the deepest extending over 200 feet (C-1). Past production from the Skidoo group is estimated at 75,000 ounces, valued at between one and one-half million to two million dollars during a period of time when gold was $20.00 an ounce.

The Del Norte group was mined between 1939 and 1942 and 11,569 tons of ore were removed. The mining activity at Del Norte was terminated by governmental order during World War II (I Tr. 227).

The Del Norte group of claims is centered around a massive quartz vein located on the surface at a 10° dip. Overburden has been eroded exposing the vein on the surface and its sides. This quartz vein contains a large, low-grade, disseminated gold and silver deposit. Although various estimations have been given, the quartz vein is approximately 1,200 feet long and varies in width from 400 to 700 feet.

Except for the mining of gold from the claims between 1908 and 1917 and between 1939 and 1942, no other significant mining has occurred on any of the Del Norte or Skidoo claims since they were located (I Tr. 338-341). In 1971, a drilling project, financed in part by the U.S. Geological Survey (USGS) was initiated to investigate the value and extent of the gold deposits on the Del Norte group. This was known as the OME project (Exh. G-1). The contract was terminated in 1972 after completion of the first of the two stages because the sampled gold deposits were found to be insufficient to justify further work (Exh. G-1, Unit 8). Subsequently, contestees continued to sample some of the contested claims and began, but never completed, a test heap leaching project on the Del Norte group (I Tr. 343-348), with the leach pad placed on the Inyo No. 1 claim.

Contestant presented three mining engineers who each testified that the mineral deposits on each of the Del Norte and Skidoo group claims were of insufficient quality, quantity, and marketability to consitute a discovery. Mr. L.S. Zentner, Chief of the Division of Mining and Minerals for the Western Region of the National Park Service, testified that he had personally visited and examined all of the Del Norte and Skidoo group claims at some time during his 25 or more visits to the claim area since 1972 (II Tr. 72, 103, 214). Since 1972 the contestees worked only the Del Norte; Inyo No. 1; Del Norte Fraction; and Del Norte No. 5 claims and they sampled some of the Skidoo group claims (II Tr. 83). He testified that any commercially profitable gold deposits that may have been on the Skidoo group claims had already been removed (II Tr. 99), and that only the first few feet in depth of the host rock on the Del Norte group claims contained any possible gold deposits of commercial value (II Tr. 99). Therefore, he concluded that conventional mining and milling of the contested claims would be unprofitable (II Tr. 141, 157), and even if available water could be found and transported to the site for a heap leaching operation (II Tr. 118) the costs of such an operation would greatly exceed any possible recovery from the sale of the extracted gold at 1976 prices (II Tr. 179).

Since 1972, according to Mr. Zenter, neither of the contested millsites has been used for mining or milling purposes (I Tr. 411 and II Tr. 1975) but the Gold Bottom millsite has some tanks, an old building and a stamp, but not a mill or quartz reduction works (II Tr. 177).

It is the contestees' position that the cyanide heap leaching process would be a successful process for extracting the gold and silver in the Skidoo and Del Norte group deposits, and would be profitable. In support of that position contestees presented the testimony of several expert witnesses.

Recovery of gold and silver from low grade deposits has been greatly improved by use of heap leach cyanidation--carbon absorption. Cyanide heap leaching is a comparatively recent hydrometallurgical development for exploiting low-grade ores, mine waste material, or deposits too small to justify construction of milling facilities. Because capital and operation costs are low, heap leaching is applicable to low-grade deposits and is a highly efficient means of extracting precious metals from these deposits (Exh. G-38; Exhs. C-15, C-62). Water mixed with sodium cyanide is poured over a mound of gold ore which dissolves the gold

into solution. The gold is extracted from the solution and the barren solution is recycled back into the mound (II Tr. 857-858). The contestees introduced testimony showing the feasibility of the process at mining sites similar to the site in which the subject claims are located (II Tr. 869, 880, 906-907, 910, 924).

A pilot test leach had been undertaken on the Del Norte claims. Costs and returns were determined for 5,000 tons of ore mined from the Del Norte No. 5 and the Del Norte Fraction claims. The Park Service granted permission to perform a pilot test leach at Del Norte. The ore was placed upon a leach pad built for the pilot leach. There already had been constructed a recovery plant and collection pond. All the materials, chemicals and equipment (including a portable crusher--which was, as was the recovery plant, to be used only for the pilot leach, not for an ongoing mining operation) and 90,000 gallons of water (in 14 days) were at the pad area. Water was run on the heap in a test which demonstrated that there were no channeling problems, and that the ore "wet" well. The recovery plant was also tested and the results showed it would remove the gold from the carbon; the absorption circuit was also working well. The cost on the pilot project was $74,080. The return based on a price of $150 an ounce for gold, the price at the time of the pilot leach, and using a recovery rate of .1 ounces of gold per ton, was $87,500, which resulted in a profit of $13,420 (II Tr. 518-524).

Mr. Derrel W. Houdashelt (II 740-785) testified about the process. He is a physical scientist and mining consultant dealing primarily in technical matters relating to recovery of gold and other precious metals. His background is in analytical chemistry and his degrees are in physical science. Mr. Houdashelt, in particular, has had vast experience in heap leaching operations and the design of heap leaching plants and facilities. His experience included work at the Del Norte claims relating to assaying samples, testing leachability of the ore and, in conjunction with Mr. Robin Hendrickson, designing two heap leaching plants, one of which was finally set up for use in the pilot test heap leach at Del Norte.

Mr. Houdashelt testified that his tests showed the Del Norte and Skidoo rock was very amenable to a successful heap leach process, and that there would be no difficulty with permeability and percolation problems he had encountered in some of his other successful projects. Mr. Houdashelt also testified that the ore was well-fractured and that it was readily crushable. His tests showed that the ore would

leach very quickly and use a minimum of reagent (sodium cyanide) and water. His opinion was that the ore at Del Norte was so favorable to a heap leaching operation that, indeed, it need not be crushed in order to obtain a favorable leach. Mr. Houdashelt stated that with proper blasting, run-of-mine material could be leached successfully at Del Norte.

Daniel W. Kappes (II Tr. 850-1087) was called to testify on behalf of the contestees. He is a mining engineer and a partner in the Miller-Kappes Company, a mining consulting firm in Reno. Mr. Kappes received his Engineer of Mines degree from the Colorado School of Mines and his Master of Science in mining engineering from the Mackay School of Mines. He is also a professor of chemical and metallurgical engineering at the Mackay School of Mines (University of Nevada at Reno). Mr. Kappes is one of the foremost experts in the United States in the field of cyanide heap leaching of gold and silver and has had vast practical experience in this area of mining. Part of his testimony consisted of a slide presentation based on past cyanide heap leaching projects he had supervised. During the course of this testimony, Mr. Kappes pointed out many factors from these experiences which were relevant to the operation at Del Norte and Skidoo.

As Mr. Kappes indicated, he was primarily concerned, in this case, with determining the feasibility of heap leaching the ore at the Del Norte claim group. He visited the claims twice and took large samplings from the pit area (which had been mined to provide the material that was on the heap leach pad) and from the material on the pad itself. He used these samples to run laboratory bucket leach tests, which is part of the usual procedure he employs in determining the feasibility of heap leaching at all the properties on which he is asked to consult. These tests were run on the ores taken from the leach pad and pit area. No further crushing was involved. The tests were run for 48 days, and the results showed that the average recovery rate of gold from the ore that was on the test pad was about 64 percent. This included the lower recovery rate for large chunks of ore which had not been crushed. Mr. Kappes determined that the ore was quite easily leached and that it was amenable to crushing. Likewise, there would be no permeability or percolation problems and thus no channeling problems. Mr. Kappes was of the opinion that the ore could be successfully leached without crushing by using the proper blasting technique to reduce the size of run-of-mine material.

The Office of Minerals Exploration, Geological Survey, United States Department of the Interior, provided a financial assistance loan in connection with exploration work on the Del Norte group (Exh. G-1). The Governmental funds obtained were used to drill some 54 test drill holes and for assaying samples. Results of fire assays of samples taken from 54 drill holes indicated an average grade of .02 ounces of gold per ton and .03 ounces of silver per ton of ore.

The Department of the Interior geologist, who had responsibility for the project and who prepared the final field report, noted discrepancies between drill hole results and assays from bulk samples. He believed it was probably attributable to faulty sampling and preparation of them for fire assaying (in regard to the drill hole samples).

On the basis of the drill holes themselves two "ore shoots" were indicated--one in the central area of the Del Norte vein containing 329,000 tons of ore, with an average value of more than .1 ounces of gold per ton and .18 ounces of silver per ton. The other ore shoot was in the west end of the Del Norte vein with approximately 225,000 tons of ore with .20 ounces of gold per ton and .39 ounces of silver per ton. The geologist concluded that future production was feasible with gold at a price of $50 per ounce if water could be obtained for use in milling (Exh. G-1).

Contestees undertook a detailed sampling of the Del Norte claims. Samples were taken from six of the existing open pits on the Del Norte group claims and bulk samples were taken from four of the shafts on the property. About 6,500 pounds of material was taken as samples (II Tr. 420). The results of the testing of the pits and the shafts from the sampling showed what the contestees assert to be the average grade of gold in the main ore shoot on the Del Norte group, .167 ounce per ton (II Tr. 27-28, 416-417). The parallel vein underground in the Del Norte group was sampled and gold values were found that averaged better than .5 ounce per ton (II Tr. 502). The open pits and the four shafts sampled are on the Del Norte Fraction, Del Norte No. 5, and Inyo No. 2 (II Tr. 557, 562; Exhs. G-8, G-25; and Exh. C-34).

The next sampling conducted by the contestees consisted of channel sampling or trenching (II Tr. 417). Over 13,000 feet of trenches were sampled (Exh. C-34). The overall average for the trenches was .14 ounces of gold per ton and .24 ounces of silver per ton (II Tr. 434; Exh. C-21). The average grade for trenches later excavated was .102 ounces of gold per ton and .25 ounces of silver per ton (II Tr. 435; Exh. C-21).

Subsequently, contestees slab sampled shafts on the claims (II Tr. 461-462). Further assay results from samples taken from 194 blast holes drilled in the Del Norte No. 5 and Del Norte Fraction claims, from which the 5,000 tons of ore were removed for a pilot cyanide heap leach, showed a value of .143 ounces of gold per ton for these samples (II Tr. 524-525, 527-531; Exh. C-32).

James Keighley is a mining and exploration geolgist with a successful background in finding deposits and putting them into a commercial production. His opinions are highly regarded by some of the world's largest mining companies for whom he consults. Mr. Keighley testified that he and Dr. H.R. Cooke first became aware of the Del Norte claims in 1971 when they were endeavoring to locate low grade gold and silver deposits. After inspecting the claims, they reported the results of their inspection to Bell Mountain Silver Mines, which eventually took an assignment of a 1970 lease agreement between the owners and several other individuals. Mr. Keighley and Dr. Cooke evaluated the results of an Office of Mineral Exploration drilling program conducted on Del Norte in 1971. They also took a number of bulk samples from existing pits located on Del Norte and took bulk slab samples from four of the existing shafts on Del Norte. It was the opinion of both Mr. Keighley and Dr. Cooke, even at a time when gold was sixty dollars an ounce, that the Del Norte vein was an exceptional commercial ore body containing substantial tonnage of disseminated low grade gold and silver ore (II Tr. 16-72).

The contestees also conducted an extensive sampling program on some of the Skidoo claims. They began a systematic mapping and sampling program of the existing underground and surface workings on these claims. They surveyed various drifts, crosscuts and adits and made reconnaisance notes on the exposed veins, and then systematically sampled the veins, and these samples were fire assayed. In those areas which showed favorable results, additional sampling was done on five foot centers to more specifically determine the grade and tonnage in those areas. In excess of 200 samples were collected. (II Tr. 478-479).

Mr. Robin E. Hendrickson, a mining geologist and consultant, blocked out ore in several areas in the Skidoo group. While he was not able to find his original calculations, he recalculated the tonnage and grade figures from the information which was still available to him which included various assay maps (some introduced into evidence by the Government) and assay report sheets. Mr.

Hendrickson's recalculation showed 21,000 tons of ore in place with a value of .3 ounce of gold per ton. He recalled that his original calculations for these same areas showed 24,000 tons at .4 ounces of gold per ton.

Contestee Carl Dresselhaus had done some small-scale mining on the Skidoo claims. Mr. Dresselhaus testified that he obtained 27 ounces of gold from Silver Ball Nos. 2 and 8 in 1960, and that the values of the ore was .75 ounces of gold per ton (I Tr. 36-38, 64-69). In 1954 he obtained 42 ounces of gold from Silver Ball No. 2 with the ore having a grade of more than one ounce of gold per ton (I Tr. 78-84; II Tr. 1035-1036; D6). In addition, in doing assessment work, Mr. Dresselhaus found a vein on Silver Ball No. 7 that was approximately .5 ounces of gold per ton (II Tr. 1046).

Contestees' expert witnesses presented considerable evidence on the economics of mining the deposits using the cyanid heap leaching process for extraction. Generally, they concluded that the heap leaching process of extraction is a much less expensive method than traditional milling, that it is especially adaptable to low grade deposits such as here and that little stripping costs would be encountered on the Del Norte group because of the erosion of the overburden.

Mr. Hendrickson did a cost analysis to determine what the costs would have been for a continuous mining operation at Del Norte as of September 28, 1976. The same type of analysis was employed here, as earlier, but the figures were updated. Further, Mr. Hendrickson, from data generated during the pilot test heap leach program, was able to determine actual water cost. During that program, the contestees actually trucked 90,000 gallons to the pad area of the claims. Mr. Hendrickson, therefore had "good calculations on how long it would take to get the water truck up there, what the cost of the water truck was per hour and the cost of water per gallon" (II Tr. 602). He determined the cost of the water truck to be "$26.40 an hour, maintained and operated" including the driver.

Similarly, the drilling and blasting costs were updated and very accurate because, as of September 1976, Mr. Hendrickson had actual knowledge of the cost to drill blast holes on the property and shoot the material. This, again, had actually been done to obtain the 5,000 tons of ore from the claims which was put on the test heap pad. He also had experience with the crushing plant used in the test and knew what would be required for an ongoing mine. He determined the crushing cost to be $1.58 a ton. The total cost of water per ton (as of 1976) was $1.65, and this was based on a 60-day leach period. All that was really necessary, according to Mr. Hendrickson, was a pad cycle of about twenty to twenty-five days (II Tr. 601-603).

Based on the above, Mr. Hendrickson determined (again, using a 60-day leach cycle to be conservative) that the actual cost to mine and heap leach the ore at Del Norte as of September 28, 1976, was $7.46 per ton of ore. This included crushing. Mr. Hendrickson felt if you did not crush the ore (and according to Kappes, run-of-mine material would have leached favorably), you would have had to leach for 60 days--but this would result in eliminating crushing costs of $1.58 and, therefore, a total cost of $5.88 per ton of ore.

With the price of gold at approximately $117.00 an ounce, the value of the ore in gold recovered would have been $13.68 per ton of ore (using the average grade of the ore as .167 and a cyanidation recovery rate of 70 percent). Taking silver at a price of $4.35 an ounce, similarly, the recovered silver value would be 43.5 cents per ton of ore. (This assumes a 50 percent recovery rate of silver). The total recovered value of precious metals from the ore would be $14.11 per ton, yielding a profit of $6.65 per ton of ore (II Tr. 604-606). The rate of return on investment (assuming an investment of $200,000.00 and 200,000 tons of ore) would be better than six to one on that investment (II Tr. 607).

Similarly, Mr. Hendrickson testified to the cost of an ongoing mining operation at the Del Norte claims as of the date of the hearing (November 1979). His estimation was a total cost of $10.50 per ton of ore. At today's (and at the November 1979) price of gold, he believes the profit margin is staggering (II Tr. 608-609).

In working up a cost analysis for the Del Norte property, Mr. Kappes "reviewed previous costs which he paid for water trucks, for hauling water to heaps and the cost of quoted water truck prices and [he] allowed a hauling time of five hours..." (II Tr. 990). The actual figures were 1978 costs.

Mr. Kappes calculated the cost of a mining and heap leaching operation at Del Norte "based on employing contractors to do the mining work and to do the work of hauling water and applied to that figure contractors' costs which [he was] personally aware of from operations run in 1977 and 1978, and applied to that also, the general cost of chemicals, power, water, which [were] also based on [his] previous experience." The contracting included crushing costs. (II Tr. 991).

In Exhibit C-60, Mr. Kappes set out the costs to be applied for 1976 and 1979 for mining and leaching at Del Norte. He concluded that as of September 28, 1976, the total costs, with crushing would be $8.15 per ton. The total cost without crushing would be $6.59 per ton. These figures compare very closely with Mr. Hendrickson's, and Mr. Kappes admitted his figures were somewhat on the high side (II Tr. 991-996, 999). Cost of mining for Del Norte in 1979 was $10.69.

According to Mr. Hendrickson the Skidoo Claims were cost-feasible. (II Tr. 1000). The "high-grading" operation would entail using a "bobcat" (a variety of front-end loader) to bring the ore out from underground. The ore would then be brought to the heap leach pad and leached (II Tr. 615-616). Mr. Hendrickson calculated that "the total cost including mining, crushing and leaching would be about $20.00 per ton of ore" (II Tr. 616). The costs as of the time of the hearing would run between $28.00 to $30.00 per ton (II Tr. 619).

The record as a whole, and in particular the testimony of Messrs. Keighley, Hendrickson, and Kappes, indicates that there is a massive and continuous lode or quartz vein extending over the Inyo, Inyo 1, Inyo 2, Del Norte Fraction, Del Norte, Del Norte 3, and Del Norte 5 claims. The record shows that the vein is throughly exposed and can easily be removed by open pit mining. Both Mr. Hendrickson and Mr. Kappes testified that an economic quantity of gold and silver ore existed on all the claims containing the Del Norte vein and that, at least, some of the deposits on each would be mined.

The General Mining Laws of 1872, as amended, supra, provide that all valuable mineral deposits discovered on unappropriated public lands are open to exploration and purchase, however, no vested rights in a mining claim accrue in the absence of a valid discovery. United States v. Coleman, 390 U.S. 599 (1968). While the mining laws do not prescribe a test for determining what constitutes a "discovery" of a valuable mineral deposit, the Department and the courts have formulated the "prudent man rule." Where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the statute have been met. Best v. Humboldt Placer Mining Co., 371 U.S. 334, 335-336 (1963); Chrisman v. Miller, 197 U.S.313, 322 (1905). A concomitant to the prudent man rule is the requirement that the mineral value be shown to be such that it can be extracted, removed, and marketed at a profit. United States v. Coleman, supra.

Discovery in the context of the mining laws has been defined as meaning the actual physical disclosure of a valuable mineral deposit. Geologic inference alone cannot support a discovery, United States v. Walls, 30 IBLA 333 (1977). However, the claimant is not required to prove beyond doubt that the claim contains ore in commercial quantities, or that he will in fact develop a profitable mine. Converse v. Udall, 399 F.2d 616 (9th Cir. 1968); cert. denied, 393 U.S. 1025 (1969). But it is not enough that the mineralization found might justify further prospecting or exploration to determine whether actual mining operations would be warranted. When the claimed discovery is of a lode or vein bearing one or more of the metals listed in 30 U.S.C. § 23 (1976) (gold, silver and others), the fact-finder, in applying the prudent man test, may consider evidence as to the cost of extraction, and transportation as bearing on whether a person of ordinary prudence would be justified in the further expenditure of his labor and means, Converse v. Udall, supra.

When the Government contests the validity of a mining claim, the ultimate burden of proof as to the validity of the claim is upon the mining claimant. The Government however, bears the initial burden of going forward with sufficient evidence to establish a prima facie case that no valuable mineral discovery has been made. Foster v. Seaton, 271 F.2d 836 (D.C. Cir. 1959); United States v. Clare Williamson & Lapine Pumice Co., 87 I.D. 34, 45 IBLA 264 (1980); United States v. Bechthold, 25 IBLA 77 (1976). The Board of Land Appeals has stated that prima facie means that the case is adequate to support the Government's contest of the claim and that no further proof is needed to nullify the claim. The Government does not have to negate the evidence presented by the mining claimant. United States v. Bunkowski, 5 IBLA 102, 79 I.D. 43 (1972). If the Government shows that one essential criterion of the test was not met, it has established a prima facie case. United States v. Taylor, 82 I.D. 68, 19 IBLA 9 (1975).

Once the Government has established a prima facie case that the claim is not supported by discovery, the burden of proof then is upon the contestee to overcome the Government's showing by a preponderance of the evidence. Humboldt Placer Mining Co. v. Secretary of the Interior, 549 F.2d 622 (9th Cir.) cert. denied, 434 U.S. 836 (1977); United States v. Springer, 491 F.2d 239 (9th Cir.), cert. denied, 419 U.S. 834 (1974).

When a mining claim occupies land which has subsequently been withdrawn from the operation of the mining laws the validity of the claim must be tested by the value of the mineral deposit as of the date of the withdrawal, as well as of the date of the hearing. If the claim was not supported at the date of the withdrawal by a qualifying discovery of a valuable mineral deposit, the land within its boundaries would not be excepted from the effect of the withdrawal, and the claim could not thereafter become valid even though the value of the deposit increased due to a change in the market. United States v. Zweifel, 502 F.2d 1150, 1156 (10th Cir. 1975); United States v. Wichner, 35 IBLA 240 (1978).

A millsite that is not being used, and which contains no improvements or other evidence of good faith occupation, is properly declared invalid; nor can it be validated on an expectation of future use alone. United States v. Leland J. Cuneo, 81 I.D. 262 (1974), United States v. Wedertz, 71 I.D. 368 (1964).

Based on the testimony of the Government's expert witnesses, a prima facie case that the Del Norte and Skidoo claims lack a valuable mineral discovery has been established. Their examination failed to disclose valuable deposits of gold and silver that could be extracted and mined at a profit utilizing the conventional mining and milling processes. Costs of mining would exceed the amounts of gold and silver that could be recovered. However, the Government has failed to show that heap leaching on the claims is not economically viable.

Upon review of the testimony and evidence submitted by the contestees, I believe that heap leaching is an acceptable mining method that can be economically applied to some of the Del Norte claims. There is a zone of mineralized ore that can be extracted at low costs. Since the deposit is exposed, the cost of mining the ore would not be excessive. The ore there can be crushed and easily leached. The contestee's experts have shown that the Del Norte ore can be leached and the gold contained in the ore can be readily extracted.

The pilot leach project has shown that gold can be recovered from the Del Norte deposit profitably. Revenues over leaching costs reveal a profit could be made that would encourage a prudent man to develop the claims. All the necessary equipment and materials were assembled on the claims. There were no problems encountered in leaching the ore and extracting gold from it. The cost of the pilot leach project was $74,080. At a gold price of $150 and

using a recovery rate of 0.1 ounces of gold per ton, $87,500 was obtained. Profit was $13,420. The average ore grade in the Del Norte main ore shoot is .167 ounces of gold per ton. The cost of mining and leaching gold ore from the Del Norte group of claims would not make recovering the gold uneconomical. The ore is well fractured and readily crushable, therefore making it favorable to a heap leaching operation.

Mr. Hendrickson made a cost analysis using September 28, 1976 prices. Actual cost to mine and heap leach Del Norte ore was $7.46 per ton in 1976. Eliminating crushing costs it would be $5.88 per ton in mining costs. Price of gold in 1976 was $117 per ounce. Value of gold recovered would be $13.68 per ton (using a .167 ounce of gold per ton grade and a cyanidation recovery rate of 70 per cent). Silver recovered would add 43.5 cents per ton (at a silver price of $4.35 an ounce). Total recovered precious metals would be $14.11 per ton. Using the higher mining cost figure of $7.46 per ton, a profit of $6.65 per ton of ore could be recouped. The mining claimants estimated a rate of return of better than six to one over capital investment. Such probabilities would encourage a person to develop these claims. Mining costs in 1979 would be $10.50 per ton. Even at 1976 gold prices a profit could be recouped. The price of gold was even higher at the time of the hearing in 1979. The cost analysis prepared by the contestees show that some of the claims are worthy of developing. The contestees have submitted preponderating evidence to overcome the Government's prima facie case. However, the Del Norte vein or ore shoot is only on some of the claims.

I find that the record establishes that there is a massive and continuous lode or quartz vein extending over some of the Del Norte group of claims. The vein is exposed and can be removed by open pit mining. Through a sampling program employing drilling, shaft sampling, pit-bulk sampling, and trenching, the contestees' experts were able to infer a block of ore containing about 200,000 tons with an average grade for gold of .167 ounces per ton, and silver .25 ounces per ton. This ore body is located on Inyo No. 1, the Del Norte Fraction and the Del Norte No. 5.

As to the Skidoo group of claims, I find that the sampling data permitted to infer blocks of ore in the Silver Ball claims Nos. 9, 10, 7, and 8 totaling 21,000 tons and having a grade of .3 ounces of gold per ton. Nonetheless I believe the quantity there would not justify the costs of extraction and refining.

In regards to the Del Norte and Gold Bottom millsites, the mining claimants have failed to show whether there have been any improvements or other evidence of good faith occupation on them. Although there has been prior use of the millsites in connection with past gold production from the Del Norte and Skidoo claims, the contestees have failed to show how the millsites will be used in their heap leaching operation.

ORDER

The Inyo No. 1, Del Norte Fraction and Del Norte No. 5 are declared valid. All other lode claims and the two millsites are declared invalid.

L. K. Luoma
Administrative Law Judge

Appeal Information

An appeal from this decision may be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4 (revised as of October, 1978). Special rules applicable to public land hearings and appeals are contained in Subpart E. If an appeal is taken, the notice of appeal must be filed in this office (not with the Board) in order to facilitate transmital of the case file to the Board. If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal. The adverse party to be served with a copy of the notice of appeal and other documents is the attorney for the Contestant/Contestee whose name and address appear below. Additionally, rules that became effective September 24, 1980 state that, the Regional (or Field Solicitor of the Department of the Interior must be served with a copy of the notice of appeal and any statement of reasons, written arguments, or briefs.

Enclosure: Additional information concerning appeals.

Distribution Attached.

Distribution:
Office of the Solicitor, 450 Golden Gate Avenue, Box 36064, San Francisco, CA 94102 (Cert.)
Thomas A. Illmensee, Esq., Pascarella & Illmensee, Attorneys for Coso Corporation, One Old Country Road, Carle Place, NY 11514 (Cert.)
Mr. Carl Dresselhaus, Esq., 210 South Hill St., Los Angeles, CA 90012 (Cert.)
Mrs. Virginia Troeger, 4521 Firmament, Encino, CA 91316
Bell Mountain Silver Mines, Inc., 445 Park Ave., Suite 303, New York, NY 10022
U.S.Dept. of the Interior, California State Office, Bureau of Land Management, Room E-2841, Federal Office Bldg., 2800 Cottage Way, Sacramento, CA 95825
Supervisory Mining Engineer, Mining & Minerals, Western Region, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, CA 94101

Standard Distribution.

Robert McTeer

UNITED STATES DEPARTMENT OF INTERIOR
OFFICE OF HEARINGS AND APPEALS

UNITED STATES OF AMERICA,	:	
Contestant,	:	
-against-	:	STATEMENT OF REASONS
CARL DRESSELHAUS, VIRGINIA TROEGER, BELL MOUNTAIN SILVER MINES, INC. and COSO CORPORATION,	:	IBLA 82-88 CA-4992
Contestees.	:	

Appellant-Contestee Coso Corp., for its Statement of Reasons herein, pursuant to 43 CFR §4.412, by its attorneys PASCARELLA, DEHLER, ILLMENSEE & CARRA, states as follows:

1. Coso Corp. incorporates herein and realleges the arguments set forth in its Post-Trial Memorandum of Points and Authorities, dated June 4, 1980, which memorandum is part of the record herein. Coso Corp. appeals from a part of the decision ("Decision") rendered by the Honorable L.K. Luoma on September 23, 1981. The Administrative Law Judge's findings of facts with respect to tonnage and grade of the ore in the claims, the effectiveness of the cyanide heap leaching operation and the costs of mining the claims were consistent and in agreement with virtually all of the Contestee's factual assertions with respect thereto. However, on this appeal, appellant Coso Corp. most respectfully maintains that certain ultimate conclusions of the Administrative Law Judge were erroneous given the facts presented at the hearing and found by Judge Luoma as set forth in the Decision.

2. The Contestant failed to establish a prima facie case that the claims were invalid. The Administrative Law Judge's determination that such a prima facie case was made out is erroneous. The Board is respectfully referred to page 12 of the Decision wherein the hearing judge, while finding that a prima facie case had been established, also found that the Governments's assertion of the invalidity of the claims to establish a prima facie case was predicated upon the Government's examination of the claims failing "to disclose valuable deposits of gold and silver that could be extracted and mined at a profit utilizing the conventional mining and milling processes." (Emphasis supplied). This determination should be reversed because it is inconsistent with Judge Luoma's concomitant finding that "the Government has failed to show that heap leaching on the claims is not economically viable" (Decision, at 12). Indeed, the Administrative Law Judge specifically and unequivocally found that cyanide heap leaching is an acceptable mining method and could be economically applied to the gold and silver deposits at issue in this proceeding. (See, e.g., Decision at 8, 12 and 13). In other words, the Government failed to take into account the costs and effectiveness of heap leaching as applied to the claims when it went forward with the evidence to establish a prima facie case.

3. The Administrative Law Judge commited error when he failed to find that the Inyo, Inyo 2, Del Norte and Del Norte 3 claims were valid. (Coso's Post-Trial Memorandum sets forth

the basis of the validity of these claims). The Administrative Law Judge's determination in this regard was inconsistent with othe factual findings made by him with respect to these claims. Judge Luoma found that there was a massive and continuous lode or quartz vein extending over the aforesaid claims (and also Inyo 1, Del Norte Fraction and Del Norte 5 which he declared to be valid). (Decision, at 10 and 13). The record will be read in vain for any testimony or proof disputing or contradicting the testimony of several of Coso Corp.'s expert witnesses that an economic quantity of gold and silver ore existed on all of the Del Norte claims and that some of the deposits on each would be mined.

4. The Administrative Law Judge committed error when he failed to find Silver Ball Claims No. 9, 10, 7 and 8 were valid. The Judge found that there was, within these claims, at least 21,000 tons of ore containing .3 ounces of gold per ton. (Decision, at 13). Additionally, the Court found that the cost of mining, crushing and leaching this particular ore, at the relevant time, was $20.00 per ton. Using the same analysis Judge Luoma employed in determining the value of the ore at the Del Norte claims, we find from the evidence presented and accepted by the Judge that, using an average grade of .3 and a cyanidation recovery rate of seventy (70%) percent at a price of $117.00 an ounce, the value of the ore in gold recovered would be $24.57 an ounce. Clearly, when compared to the costs at the relevant time, the mining and processing would be economically feasible. The error

in the hearing judge's determination was compounded by the Court's failure to consider the significant silver content of the Skidoo ore which would have brought additional profit per ton.

Dated: Garden City, New York
October 15, 1982

Respectfully submitted,

PASCARELLA,DEHLER,ILLMENSEE & CARRA,ESQS.
Attorneys for Contestee Coso Corp.
1301 Franklin Avenue
Garden City, New York 11530
(516) 742-1134

FILED WITH: United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203

COPIES SERVED UPON:

Carl Dresselhaus, Esq.
Bueno & Dresselhaus, Esqs.
853 West Washington Boulevard
Los Angeles, California 90015

James E. Turner, Esq.
United States Department of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, California 95825

UNITED STATES DEPARTMENT OF THE INTERIOR
INTERIOR BOARD OF LAND APPEALS
OFFICE OF HEARINGS AND APPEALS

UNITED STATES OF AMERICA, Contestant-Appellee, v. CARL DRESSELHAUS, VIRGINIA TROEGER, BELL MOUNTAIN SILVER MINES, INC. and COSO CORPORATION, Contestees-Appellant.	IBLA 82-88 CA-4992 RESPONSE TO COSO CORPORATION'S STATEMENT OF REASONS

Contestee-Appellant, Coso Corporation, argues (1) the Contestant-Appellee failed to establish a prima facie case that the contested mining claims are invalid; (2) the Administrative Law Judge's finding that the Inyo, Inyo 2, Del Norte and Del Norte 3 claims are invalid is not supported by the evidence; and (3) the Administrative Law Judge's finding that the Silver Ball 7, Silver Ball 8, Silver Ball 9 and Silver Ball 10 claims are invalid is not supported by the evidence. The Contestee-Appellant presented each of those arguments to the Administrative Law Judge in its Post-Trial Memorandum of Points and Authorities. Contestant-Appellee responded to each of those arguments in its Reply Brief, dated July 17, 1980. Since Contestee-Appellant's Statement of Reasons presents no arguments different from those presented to the Administrative Law Judge, Contestant-Appellee

responds by reasserting the counter-arguments presented in its Opening and Reply Briefs, which arguments are incorporated herein by reference.

For the reasons stated and discussed in those Briefs, Contestant-Appellee respectfully submits that Administrative Law Judge L.K. Luoma's September 23, 1981 Decision in the proceeding be affirmed.

DATE: October 25, 1982

James E. Turner

JAMES E. TURNER
Attorney for Contestant-Appellee

DEL NORTE Highlight Dates

Permits

6-26-75 S.U.P. 425 Mining and heap leaching, drilling. Exp. 7-1-76. To Bell Mountain Silver Mines, Inc., signed: Hendrickson.

7-8-76 S.U.P. 552 Same. To Bell Mountain & Coso Corp., signed: H. John Sykes, Jr. Exp. 12-31-76 (map).

Mining & Placement of Heap - Mid-Oct 1975 till December 1975

3-1-76 Magistrates trial on off-road driving. Fined $200.

3-11-76 NPS notified by mining contractor of 3-4-76 Lien-Inyo Co.

6-8-76 Coso notified of vandalism.

9-28-76 P.L. 94-429 enacted.

1-26-77 36 CFR Part 9 published.

6-12-78 Complaint - contest of validity, CA 4992.

1-4-79 Notice of violation of S.U.P. 552, Conditions 22 and 34.

6-2 thru 6-6-79 Validity hearing - continued.

7-13-79 2nd notice of violation of S.U.P. 552, Conditions 22 and 34. Service on Troger, Dresselhaus and Bell Mountain.

11-4-79 Validity hearing closed following 6 days of continuance.

Morris

Siler

Whitworth

Lloyd

180 New Montgomery
San Francisco 5, California

L54
DEVA - Docket 22

April 16, 1962

Memorandum

To: Director

From: Acting Assistant Regional Director, Region Four

Subject: Assignment of Interests in Water Use Permit DEVA 3-56, Part VI, Docket 22, Death Valley National Monument

After considerable discussion with the Field Solicitor, and exchanges of Memorandums with the Superintendent, Death Valley, we now can submit the results of this work and complete the record on the subject Use Permit. You will note that DEVA 3-56 has been cancelled and DEVA 2-61 has been issued in its place. The entire packet should be placed in the docket file.

Acting Assistant Regional Director

FILE COPY

Enclosures

Copy to: Chief, WODC (2) w/enclosures
Superintendent, Death Valley

P.S. Superintendent, Death Valley - We are assuming you have retained copies for inclusion in your docket file. JVL

MMorris:lsr

KENNARD and DRAKE

CONSULTING ENGINEERS : CHEMISTS : METALLURGISTS
CHEMICAL SPECTROGRAPHIC AND TESTING LABORATORIES
3364 EAST 14TH STREET LOS ANGELES 23
ANGELUS 1-1156

RECEIVED
APR 5 1962
Death Valley Nat'l M

April 3, 1962

Mr. Granville B. Liles,
Supt, Death Valley National Monument
Death Valley, Calif.

Dear Mr. Liles:

In reply to your letter of March 15, 1962, regarding Water Rights Permit DEVA-3-56, we appreciate your recommendations to certain corrective measures that will give us clear title to the water rights.

Mrs Drake and I have signed all the documents you prepared and are enclosing them herewith. We shall await our copy of the permit from your office.

Naturally, we are most anxious to have no legal shortcomings impair our title to the water rights and sincerely appreciate your calling this discrepancy to our attention and advising us of the proper procedure so that the rights we will have under the new permit will be the same as those we acquired by assignment from Mr. Denner.

Respectfully yours,

JD:A
Encls.

4

Morris

Siler

Costello

Wosky

180 New Montgomery
San Francisco 5, California

L54

March 7, 1962

Memorandum

Wee & Covered Springs

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Assignment of Interests in Water Use Permit DEVA 3-56, Part VI, Docket 22, Death Valley National Monument

In order to preserve the interests of the current permittees Mr. and Mrs. Drake, the procedure outlined in my memorandum of January 22 was recommended by the Regional Solicitor. We still feel it is the prefered way, despite your memorandum of February 13 listing the number of difficulties in accomplishing the recommendations. We propose as the second best way that you cancel water use permit DEVA 3-56 and issue a new permit directly to John F. Drake and Virginia A. Drake. The new water use permit should be dated August 21, 1961. By backdating it, the Drakes should feel that they have essentially the same rights as they had acquired by assignment from Erwin R. Denner. It would probably help the Drakes understand the reason for the exchange of permits if a letter to them indicated some of the problems that confuses their current permit. This letter should also request a new statement from the Drakes of their intention to use water from the springs under the new permit for 1961, backdated to August 21, 1961. A similar letter should be submitted for 1962, backdated to December 15, 1961. Cancelling the permit requires only a letter to the Drakes citing paragraphs 25 and 26 of the conditions. This can be included in your letter of explanation.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

MMorris:lsr

105

G

Death Valley National Monument
Death Valley, California

March 15, 1962

Mr. John F. Drake
3364 East 14th Street
Los Angeles 23, California

Dear Mr. Drake:

After the several months you have been using water from springs at your millsite in Death Valley National Monument, we have recently been advised that correct legal procedures were not followed in the assignment of water rights to you under conditions in Water Rights Permit DEVA-3-56. Some legal corrective action is now required to give you clear title to the water rights.

According to our specialists, the permit was issued to Mr. and Mrs. Greene, but only Mr. Greene assigned his interest to Erwin R. Denner; there is no record that the assignment was filed with the county recorder; the assignment from Denner to you covers only Mr. Greene's interest, since Mrs. Greene was not a party to the prior assignment. There are various other legal shortcomings, so we consider the simplest and most correct way to cure these faults is to cancel the old permit and issue a new one as of the date of the Denner assignment.

Accordingly, we have prepared a new permit, dated August 21, 1961, which is enclosed, and a letter cancelling the old permit. If this procedure is satisfactory with you, please sign with Mrs. Drake, all copies of the permit and return them to this office. Your copy of the permit will be returned to you.

We will also need a new statement from you and Mrs. Drake of your intention to use the water from the springs under the new permit for the period August 21 - December 31, 1961 and for 1962. We have prepared these statements for your signatures, and are enclosing an original for return to us and a copy for your files.

We hope this procedure we have proposed is satisfactory with you. In our opinion, the rights you will have under the new

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permit will be the same as those you acquired by assignment from Denner. If you do not concur, perhaps you will want to consult a lawyer, or we would be glad to discuss the matter with you at any time in our office.

Sincerely yours,

/s/ Granville B. Liles
Granville B. Liles
Superintendent

Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California

RECEIVED
NPS REGION FOUR OFFICE
FEB 15 '62
SURNAME | DATE
REG. DIR.
ASST. R.D.
OPERATIONS
ADMIN.
RECREATION
INTERP.
RANGER ACT

IN REPLY REFER TO:
L54
Docket 22
DEVA

February 13, 1962

Meomorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Assignment of Interests in Water Use Permit DEVA 3-56, Part VI, Docket 22, Death Valley National Monument

memo to Supt 3/7/62

We would be pleased to comply with the instructions in Mr. Wosky's memorandum of January 22, but we have learned that it will be difficult to do so. We do not know the legal considerations, but it would certainly be less complicated, less expense to the Government, and, we feel, less disturbing to the parties concerned to revoke the permit and issue a new one, for the following reasons:

1. None of the parties resides in the vicinity. Jo L. Greene lives in Bakersfield, California, and her name is now Mrs. William Gharrity. At the time she moved from the vicinity, she probably had no further interest in the subject water rights. However, we doubt if she will now consider the matter worth the time for her to make out a notarized statement, unless we personally contact her and arrange the necessary details. A 470 mile trip for us would be involved.

2. The last address we have for Mr. Erwin R. Denner is P.O. Box 86, Essex, California. This is more than 250 miles away, also, and the same procedure would undoubtedly be required.

3. Probably the Drakes would be willing to take the legal steps necessary as mentioned in the memorandum. There is a very small supply of water involved, and there is no activity at the millsite at the present, but the chance of future activity would probably induce them to take these necessary steps.

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4. From our viewpoint it seems that it would be less disturbing to all parties to revoke the permit, since all former permittees have lost interest in mining operations in this vicinity and have moved some distance away. It seems that an interest in the Greene Millsite would be revived if we attempt to obtain notarized releases and there would be a possibility that one or more of the parties would attempt to capitalize on their technical interest in the property.

If the proper legal procedure demands that we secure the notarized statements, please so inform us. Otherwise, we would appreciate instructions on how to revoke the permit and issue a new one.

Granville B. Liles
Superintendent

In duplicate

165

Morris
Whitworth
~~Costello~~
~~Manbey~~
~~Silver~~
~~Wesky~~
(NOBE)

180 New Montgomery
San Francisco 5, California

L54
~~Docket~~ 22
DEVA

January 22, 1962

Memorandum

To: Superintendent, Death Valley

From: Acting Assistant Regional Director, Region Four

Subject: Assignment of Interests in Water Use Permit DEVA 3-56, Part VI, Docket 22, Death Valley National Monument

We have reviewed Mr. Dunn's memorandum of January 3 together with the docket file related to this permit. The matter was further discussed with Mr. William J. Costello, Field Solicitor, and the procedure described below has his concurrence.

It may be somewhat more involved to fill in the missing parts than to revoke the permit and issue a new one, but on the other hand, it may be less disturbing to all parties to do the former rather than the latter. Therefore, it is recommended that this procedure be followed:

1. Contact Jo L. Greene, and secure from her a notarized statement that she had intended to assign her interests in the permit to Erwin R. Denner on September 15, 1959, and as of that date terminated her interests in the permit. If Jo L. Greene is deceased, secure a copy of the death certificate, published death notice, or a certified statement of death.

2. Have Erwin R. Denner furnish a notarized statement that as of September 15, 1959, he accepts the assignment of Jo L. Greene's rights and interests in Permit DEVA 3-56, and that as of August 22, 1961 he terminated his interests when he transfered them to John F. Drake and Virginia A. Drake.

FILE COPY

3. Have the Drakes execute a statement that "We, John F. and Virginia A. Drake, 118 W. Forest Avenue, Arcadia, do hereby amend the acceptance of Water Right Permit Assignment of Permit DEVA 3-56 to read, John F. and Virginia A. Drake where it now reads John F. Drake or Virginia A. Drake, and that we accept the assignment as of August 22, 1961." This statement should be notarized.

4. Advise Mr. Denner and the Drakes that the assignment cannot be binding until a copy is recorded with the County Clerk, and evidence of such recording is made by endorsement on the Water Right Permit Assignment, in accordance with paragraph 5 of the permit. Advise the Drakes of the need to comply with paragraph 10. We have from them their compliance with paragraph 14.

We are assuming the Drakes are husband and wife. If however, they are not maintaining this permit as community property, then we should be provided with a notarized statement to such effect, signed by both parties together with some evidence of recording with a County Clerk of a California county. Your correspondence to them should suggest the advisability of seeking professional legal counsel on joint ownership matters if they do not intend to hold the permit as community property.

If Jo L. Greene is now deceased and/or was so prior to the assignment of the permit to Erwin R. Denner, then it will not be necessary to contact Mr. Denner as indicated in 2 above. Our last address for Thad C. and Jo L. Greene is Box 397, Trona, California, and for Mr. Denner, Route 1, Box 175, Ojai, California.

Upon satisfactory completion of these particular requirements, we will then recommend that you issue a consent to transfer or assign permit in accordance with paragraphs 25 and 27.

(SGD) JOHN B. WOSKY

Acting Assistant Regional Director

Copy to: Director

MMorris:lsr

01-03-1962: memorandum to regional director regarding assignment of interests in water use permit deva 3-56 of thad c. and jo l.

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

IN REPLY REFER TO:
L54-ALW

January 3, 1962

RECEIVED
NPS REGION FOUR OFFICE
JAN 5 - '62

	SURNAME	DATE
REG. DIR.		
ASST.R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
RANGER ACT		

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Assignment of Interests in Water Use Permit DEVA-3-56 of Thad C. and Jo L. Greene, Part VI, Docket 22, Death Valley

Our copies of the assignments with the copy of the letter of November 30, 1961, to the Executive Officer, State Water Rights Board, are being filed above those previously submitted for the conveyance from Thad C. Greene to Erwin R. Denner, in the designated part of the subject Docket 22. However, the assignments seemingly do not appear to comply with the terms of the subject water use permit. They also leave a cloud on the present title to the permit unless Mrs. Greene still claims an interest.

The following points should have further consideration, and corrective action:

1. Water Use Permit DEVA-3-56 was granted to Thad C. and Jo L. Greene, but only Mr. Greene assigned his interest to Erwin R. Denner.

2. There is no record of the Superintendent's consent, on behalf of the Director, for the assignment in compliance with Condition 25 of Water Use Permit.

3. There is no record that the assignment was filed with the county recorder in compliance with Condition 5 of the Water Use Permit.

4. The date of assignment from Mr. Denner to John F. Drake, is not shown just above their signatures.

5. This new assignment covers only Mr. Greene's interest since Jo L. Greene does not appear to be a party to it.

6. The assignment does not include the signature of Virginia A. Drake, who presumably has an interest under the California community property laws, indicating her acceptance of the transfer.

7. The consent of the Superintendent to the assignment is not shown on the document.

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8. The assignment, also, does not appear to have been recorded in the county.

There is no requirement that the assignment must be recorded with the State Water Rights Board. The water right is federally owned, and covered by the annual Federal Progress Reports to the Board. It should be sufficient to record changes of interests in the water use permit in the Progress Reports on the three Federal water rights, but that information would be to strengthen Federal claim to continued water rights.

Condition 5 of the water use permit was intended to keep the county records of titles to the millsite and water use permits in harmony. This permit form may be weak in not providing for the names of mining claims or millsites, or specifying that the related assignment or abandonment of such areas should be filed with the county at the same time, with copy bearing book and page submitted to the Superintendent. This would help the Superintendent keep records of the mining and millsite claims.

If Mrs. Greene can be located and indicates that she intended to assign her interest, her assignment should be obtained. The alternative would be to revoke the water use permit in accordance with Condition 26, with written notice being given to the Greenes at their last known address, and a new permit issued to the Drakes, obtaining the signatures of both thereon.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Superintendent, Death Valley

16

RECEIVED
DEC 18 1961

✓ Supt. GHR
✓ Ch. Rgr. Jones
Nat.
Engr.
Adm. Asst.
Proc. & Prop.
Mngt. Asst.
WODC
Sec.

KENNARD and DRAKE
CONSULTING ENGINEERS : CHEMISTS : METALLURGISTS
CHEMICAL SPECTROGRAPHIC AND TESTING LABORATORIES
3364 EAST 14TH STREET LOS ANGELES 23
ANgelus 1-1156

December 15, 1961

Mr. Granville Liles
Superintendent
Death Valley National Monument
Death Valley, California

Re: Water Permit #DEVA-3-56

Dear Mr. Liles:

In accordance to the covenants of my water permit, this is to notify you that I, John F. Drake or Virginia A. Drake will continue to use the water from the springs during the year 1962.

Respectfully,

John F. Drake

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DEC 1 1 12 PM '61

180 New Montgomery
San Francisco 5, California

L54
Docket - DEVA 22

November 30, 1961

Mr. L. K. Hill
Executive Officer
State Water Rights Board
Box 1592
Sacramento, California

Dear Mr. Hill:

Enclosed is a copy of a Water Rights Assignment from Mr. Edwin R. Denner to Mr. John F. Drake. Also enclosed is a copy of Mr. Drake's letter of intention to use water.

The assignment which is being transferred was previously transferred to Mr. Denner in August 1956. It carries our own permit no. of DEVA-3-56. These rights are covered by our applications 13853, permit 8536, 15539, permit 11424 and 16138 permit 11422.

Sincerely yours,

(Sgd.) George F. Whitworth

George F. Whitworth
Acting Regional Chief of Operations

Enclosures

Copy to Director w/2 attachments
Supt., Death Valley NM w/2 attachments
Chief, WODC w/2 attachments

WATER RIGHT PERMIT ASSIGNMENT

I, Erwin R. Denner, do hereby assign all of my rights and interests in Water Use Permit No. DEVA 3-56, Death Valley National Monument, dated December 14, 1956, to John F. Drake or Virginia A. Drake, 118 W. Forest Ave., Arcadia, California. To have and to hold the same as their sole interest.

WITNESS the hands and seals of the parties hereto the _____ day of August, 1961.

ASSIGNEE Erwin R. Denner

Erwin R. Denner

ACCEPTED John F. Drake

John F. Drake

Virginia A. Drake

STATE OF CALIFORNIA)
} ss
COUNTY OF VENTURA)

On August 22, 1961, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Erwin R. Denner and _____ known to me to be the persons whose names appear above, subscribed to the within instrument and acknowledged that they have executed the same.

Witness my hand and official seal.

(SEAL) Angelina F. Crockett

Notary Public in and for
said county and state.
Angelina F. Crockett
My Commission Expires Oct. 17, 1964

August 21, 1961

Death Valley National Monument
Death Valley,
California

Re: Water Permit No. DEVA 3-56

Attention: Mr. Granville Liles, Supt.

Gentlemen:

In accordance to the covenants of my water permit this is to notify you that we, John F. Drake or Virginia A. Drake, will continue to use the water from the springs during the year 1961.

Respectfully,

John F. Drake

Virginia A. Drake

Encl: Water right permit assignment.

08-26-1961: letter to granville b. liles regarding enclosing of the water right permit deva 3-56 ; august 26, 1961

RECEIVED
AUG 28 1961
Death Valley Nat'l Mon.

KENNARD and DRAKE
CONSULTING ENGINEERS : CHEMISTS : METALLURGISTS
CHEMICAL SPECTROGRAPHIC AND TESTING LABORATORIES
3364 EAST 14TH STREET LOS ANGELES 23
ANgelus 1-1156

August 26, 1961

Mr. Granville B. Liles
Superintendent
Death Valley National Monument
Death Valley, California

Dear Mr. Liles:

Thank you for your letter of August 21st. I am enclosing the water right permit assignment # DEVA 3-56 from Erwin R. Denner. I request use of water for the rest of 1961 under this permit.

Please advise me at once if these papers are in order and if anything else is required.

Very truly yours,

John F. Drake

JFD:y

Docket 22 a L5

RECEIVED
SEP 1[illegible] 1961
Death Valley [illegible] Mon

Supt.
Chief Ranger
Nat.
Asst.
& Prop.
Asst.

KENNARD and DRAKE
CONSULTING ENGINEERS : CHEMISTS : METALLURGISTS
CHEMICAL SPECTROGRAPHIC AND TESTING LABORATORIES
3364 EAST 14TH STREET LOS ANGELES 23
ANgelus 1-1156

September 14, 1961

Mr. Granville B. Liles
Superintendent
Death Valley National Monument
Death Valley, California

Dear Mr. Liles:

Thank you for your letter of September 8. We shall follow your suggestions and file a transfer of title to the mining claims with you. We would like a copy of Water Use Permit DEVA -3-56.

Regarding the locked gate, we of course wish to abide by all of the rules and regulations of the Monument and will get in touch with one of the Rangers on the next trip to the millsite.

Thank you for the interest you have shown.

Very truly yours,

John F. Drake

JFD:y

Docket 22 a 25

Docket 22

Death Valley National Monument
Death Valley, California

L54 November 22, 1961

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Death Valley

Subject: Water Right Applications 13852, 15539 and 16138, Death Valley

Enclosed are the original water rights assignment from Edwin R. Denner to John F. Drake and notice of intention to use water under Permit No. DEVA-3-56. We have no facilities for making permanent reproductions and request that your office make the copies necessary for appropriate distribution.

Please return the enclosures for filing in Death Valley Water Rights Docket 22.

Willard W. Danielson
Acting Superintendent

In duplicate

Enclosures

Copy to: Files
Reading File

WWDanielson:ah

Docket 22 & 45

Death Valley National Monument
Death Valley, California

August 21, 1961

John F. and Virginia A. Drake
3364 East 14th Street
Los Angeles 23, California

Dear Mr. and Mrs. Drake:

In accordance with paragraphs 25 and 26 of the special conditions, Water Use Permit DEVA-3-56, issued to Thad C. and Jo L. Greene for the use of water from springs in Death Valley National Monument is cancelled, effective August 21, 1961. A new permit will be issued to you for the use of the same springs.

Sincerely yours,

/s/ Granville B. Liles

Granville B. Liles
Superintendent

Copy to: Director
Regional Director, Region Four

File DEVA
docket 22

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California

IN REPLY REFER TO:
L54

August 21, 1961

RECEIVED
NPS REGION FOUR OFFICE
AUG 23'61

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
PARCSD ACT		

~~Spaulding~~ LSt 8/25
✓ Manbeck BFM 8/23
COSTELLO

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 13852, 15539 and 16138, Death Valley

I am attaching a copy of a letter from Mr. John F. Drake and a copy of my reply.

Do you have any comments to make on such a reassignment?

Granville B. Liles
Superintendent

In duplicate

Attachments

156

August 21, 1961

Death Valley National Monument
Death Valley,
California

Re: Water Permit No. DEVA 3-56

Attention: Mr. Granville Liles, Supt.

Gentlemen:

In accordance to the covenants of my water permit this is to notify you that we, John F. Drake or Virginia A. Drake, will continue to use the water from the springs during the year 1961.

Respectfully,

John F. Drake

Virginia A. Drake

Encl: Water right permit assignment.

I

Death Valley National Monument
Death Valley, California

August 21, 1961

John F. and Virginia A. Drake
3364 East 14th Street
Los Angeles 23, California

Dear Mr. and Mrs. Drake:

In accordance with paragraphs 25 and 26 of the special conditions, Water Use Permit DEVA-3-56, issued to Thad C. and Jo L. Greene for the use of water from springs in Death Valley National Monument is cancelled, effective August 21, 1961. A new permit will be issued to you for the use of the same springs.

Sincerely yours,

/s/ Granville B. Liles

Granville B. Liles
Superintendent

Copy to: Director
Regional Director, Region Four

57

Death Valley National Monument
Death Valley, California

L54

August 21, 1961

Mr. John F. Drake
Kennard and Drake
3364 East 14th Street
Los Angeles 23, California

Dear Mr. Drake:

In reply to your letter of August 7, the Water Right Permit DEVA 3-56 was assigned by Thad C. Greene to Erwin R. Denner on September 15, 1959. Do you wish to apply for an assignment just as Mr. Denner did? If mining operations require the use of such water in the Monument, the permit has to be filed with the National Park Service for such assignment.

I am attaching a copy of the Mining regulations within the Monument.

We would be interested in your plans for use of the millsite and mining claims.

Sincerely yours,

Granville B. Liles
Superintendent

Enclosure

Copy to: Regional Director, Region Four

155

08-21-1961: letter to mr. granville liles regarding water permit deva 3-56 under name of erwin r. denner ; august 21, 1961

KENNARD and DRAKE

CONSULTING ENGINEERS : CHEMISTS : METALLURGISTS

CHEMICAL SPECTROGRAPHIC AND TESTING LABORATORIES

3364 EAST 14TH STREET LOS ANGELES 23

ANgelus 1-1156

August 7, 1961

Death Valley National Monument
Death Valley, California

Attn: Mr. Granville Liles,
Superintendent

Re: Water Permit DEVA 3-56
Under Name of Erwin R.
Denner.

Can the above captioned water permit, which was originally assigned to Thad G. Greene and Jo Greene, be reassigned if the millsite and the mining claims are transferred to a new owner by Mr. Denner? Are there any recently promulgated mining regulations which would affect mining in that area.

Any pertinent information you can give me regarding the above will be appreciated. It is possible that I may be in your vicinity in the near future in which case I would like to have the pleasure of meeting and talking to you.

Very truly yours,

JFDsy

John F. Drake

154

Return to Spaulding for
Docket 22 file.

~~Spaulding~~ LSS
0/5/24 ~~Manbey (later)~~
~~Whitworth~~
Wosky

March 23, 1960

L 54

Attachments filed in Part ~~IV~~ of Docket 22

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Use Permit DEVA 3-56, Wee, Covered, Burns and Chuckar Springs, Docket 22, Death Valley National Monument

Returned herewith are the document dated September 15, 1959 whereby Thad C. Greene assigned his interests in the subject permit to Erwin R. Denner and Mr. Denner's letter of December 1, 1959, giving notice that he will continue to use water during 1960.

These papers were taken by Hydraulic Engineer Spaulding to be reproduced and distributed. The original of the notice of assignment should be filed in Part IV of Docket 22 on top of the permit dated December 14, 1956. Mr. Denner's letter may be filed with correspondence relating to Emigrant Canyon water rights.

FILE COPY

By copies of this memorandum we are distributing copies of the notice and letter to the other dockets.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Attachments

Copy to: Director (2)(with copies of Attachments)
Chief, WCDO (2)(with copies of Attachments)

LSSpaulding:lq

EMIGRANT CANYON GROUP - DOCKET 22

Application 13,852 Burns Spring

Application 15,539 Covered and Wee Spring

Application 16,138 Chucker Spring

Progress Reports only are due at this time on these springs used by the Greenes. Construction work for the first two applications, Burns, Covered and Wee Springs was reported complete last year. We propose to answer the same this year but we are uncertain as to how much use can be reported this year in that we understand the Greenes have suspended operations.

Please let us know the purpose of use and during what months water was used in 1959 in order that we may complete question 6, 7 and 8 of the form. It seems desirable to have these two applications pass to license provided use can be shown at the time of the State's inspection. We expect that the inspection would be scheduled for next spring if we now report the work as complete.

Let us know the present status of Chucker Spring and of any work done on the Spring or use made of the water.

Director

SUPT.	B
CH. RGR.	
NAT'L.	
ENGR.	
ADM. ASST.	
SUP. CLK.	

December 1, 1959

Death Valley National Monument
Death Valley,
California

Attention: Fred Benneweis, Superintendent

Re: Water Permit No. DEVA - 3 - 56

Gentlemen:

In accordance to the covenants of my water permit, this is to notify you that I, Erwin R. Denner, will continue to use the water from the springs during the year 1960.

Respectfully,

Erwin R. Denner

Erwin R. Denner
P.O Box 86
Essex, California

ERD
Encl. Water right permit assignment

WATER RIGHT PERMIT ASSIGNMENT

I, Thad C. Greene, do hereby assign all of my rights and interests in Water Use Permit No. DEVA 3-56, Death Valley National Monument, dated December 14, 1956, to Erwin R. Denner, Route 1 Box 175, Ojai, California, to have and to hold the same as his sole interest.

WITNESS the hands and seals of the parties hereto the 15th day of September 1959.

ASSIGNEE Thad C. Greene
Thad C. Greene

ACCEPTED Erwin R. Denner
Erwin R. Denner

STATE OF CALIFORNIA)
)
COUNTY OF Ventura)

On September 15, 1959 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Thad C. Greene and Erwin R Denner known to me to be the persons whose names appear above, subscribed to the within instrument and acknowledged that they have executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL) Delva Davis
Notary Public in and for said County and State

My Commission Expires Feb. 24, 1963

Death Valley National Monument
Death Valley, California

January 8, 1958

Thad and Jo Greene
Box 397
Trona, California

Dear Thad and Jo:

The letter that you sent notifying us of your intention to continue the use of water under permit DEVA-3-56 is entirely satisfactory and we thank you for sending it so promptly.

I have been trying for about a month to get up to see you about some other matters but first one thing and then another interferes. Hope to make it about the middle of this month.

Best regards for the New Year.

Sincerely,

Fred W. Binnewies
Superintendent

cc File
cc
FWB:ekm

Docket 22 RS
Folder 2

Hi Mr. Benneweis:

I asked Mat to find out if there was such a thing as a form to fill out for this water and anyway I still dont know if there is, but the permit says or you said notify you so this is the best I know how, hope it is satisfactory.

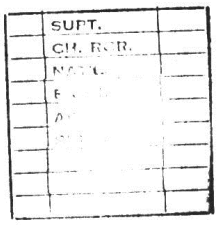
I'm kinder trying to get my boss to turn over these springs here the same way and take a permit, am hoping anyway for I think it's a better deal than the state.

Hope you have a very nice Xmas and also a very Merry Xmas to your wife a Gloria, and stop by if and when you can will be very glad to see you all, and the coffee pot is always on.

Sincerely,

Jo Greene

P.O. Box 397
% Wildrose Station
Trona, California



Docket 22 RS
Folder 2

12/13/57.

Death Valley National Monument
Death Valley, Calif/
Mr. Fred Benneweis, Supt.

Re: Water Permit No. DEVA - 3 - 56

Dear Mr Benneweis:

In accordance to the covenants of our water permit; this is to notify you that we, Thad C. Greene and Jo L. Greene, ~~that we~~ will continue to use the water from the springs for both domestic and mining purposes during the year 1958.

Respectfully,

Thad C. Greene & Jo L. Greene

By Jo L Greene

Docket 22 BS
Folder 2

~~Manbey~~ BFM

In reply refer to
L54

March 4, 1957

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Lands, Region Four

Subject: Water Use Permit, Thad C. and Jo L. Greene, Docket No. 22 - Death Valley

This acknowledges your memorandum of February 26 on the above subject. Our memorandum of January 8 to the Washington Office transmitted thereto copy of your memorandum of December 18 on this matter, also the Washington Office copy of the Water Use Permit. Our memorandum of that date had indicated that the permit appeared to be satisfactory, and stated further that, if the Washington Office so agreed, we would return the Permittee's copy to you for delivery to Mr. Greene.

Mr. Dunn's memorandum of February 11 seems to show accord, and as requested in your memorandum of February 26 we are now returning to you the Permittee's copy and transmitting that intended for Western D&C to that office.

FILE COPY

Attachment

B. F. Manbey
Regional Chief of Lands

Copy to Director w/copy incoming

Western D&C w/copy Permit

BFManbey/jd

4

L54-L

Death V

March 14, 1957

Mrs. Thad C. Greene
P. O. Box 397
Hildrose Station
Trona, California

Re: Water Use Permit Under State
Water Right Applications Nos.
13852, 15539 and 16138

Dear Mrs. Greene:

You have probably received your Water Use Permit from Superintendent Binnewies since writing to me on February 24. It had been signed by you and Mr. Greene and the Superintendent, and had just been cleared by this Office. We have now been advised that it was forwarded to Mr. Binnewies by our Regional Office in San Francisco on March 4, for delivery to you.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Regional Director, Region Four--Please advise who approved for Regional Director and the date, for insertion on our copy and that to go to State Water Rights Board
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 18 1957 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.

In reply refer to:
L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, Calif.

RECEIVED
NPS REGION FOUR OFFICE
MAR-1'57

Feb. 26, 1957

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
✓ LEGAL		

Landy DFm 3/1

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Use Permit, Thad C. And Jo L. Greene

On December 18, 1956 we submitted four copies of the Water Use permit for Thad C. and Jo L. Greene for review with the request that if found satisfactory that the permittee's copy be returned for delivery to the Greenes and the other copies be distributed as marked. To date the permit has not been returned although so far as we know there has been no adverse comment concerning it.

At the same time that the Greenes signed the Water Use permit the form was delivered to them by which they would assign all of their water rights to the United States. They have had the form ready for some time and are only waiting for delivery of the Use permit. It will be appreciated if the permit can be returned soon so that this long drawn out negotiation can be brought to a conclusion.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

dl8

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS REGION FOUR OFFICE
FEB 15 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
[illegible]		
RECREATION		
INTERP.		

February 11, 1957

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Applications 13852, 15539 and 16138, Docket 22 and Water Use Permit of Thad C. and Jo L. Greene, Death Valley

This is in reply to the memoranda of January 8 and 18 from Mr. Maier.

Although the Water Use Permit of December to the Greenes now differs with those issued to Nichols and the Dahls in October, as to conditions 14 and 15, we assume that the revisions had the approval of the Regional or Field Solicitor.

Incidently, the proposed permit to Tony Ramos, on which we offered comments by memorandum of February 6, did not have those revisions, or the change to refer to the State Water Rights Board instead of the State Engineer in conditions 7 and 8.

It is also satisfactory to authorize the use of only 10,380 gallons of water per day, derived in part from night storage of a continuous daily diversion of 7.2 gpm, for milling use at the rate of 12 or more gallons per minute during 8 to 12 work hours. This probably represents conditions better than the authorization of use of 12 to 15 gpm in the permits to Nichols, the Dahls, and as proposed to Tony Ramos. In the separate memoranda concerning the other Permits for Water Use, I have suggested that the daily limit, as in the Greene permit would be better. But, since two of the other three permits have been issued, the reduction in quantity for the Greenes may be unfair.

Technically, the supplemental specification of the rate of use or diversion from the springs, in second feet, forces the Greenes to divert at a uniform rate throughout the day, and to provide night storage to permit the required greater use during work hours. If the flow of the four springs increases they will still be limited to the specified rate of diversion and possible needless maintenance of excessive storage. This provision is excellent in that it assures a continuous potential flow for others. On the other hand, it is consistent with the other permits which authorize 24 hour diversions at the rate of need for the mill tables, if they can get it. The Greene permit will be clearer as to who may have to provide what storage if another permittee is granted subpriority No. 3.

Since the Greene permit has been granted, we should have an instrument by which the Greenes assign their rights under Applications 13852 and 15539 to the United States. At the present moment the Greenes have a right to divert, and fully use 30,000 gpd from Covered and Wee Springs under their Application 15539, with no restrictions except availability and the possibility that the Permit for Water Use might be cancelled as a permissive surface use if they exercised their full rights. The same condition exists with relation to the use of 3,200 gpd from Burns Spring under Application 13852 if the failure to record the Bennett and Barginski assignment to the United States in 1951 was nullified by the recorded Detloff assignment to the Greenes in 1953.

Since we now have the copy of the Permit for Water use for the State Water Rights Board, and will complete and file amended water right applications, we suggest that the Superintendent obtain the instrument by which the Greenes assign their rights under both applications, in a form satisfactory to the Regional Solicitor, and that the instrument be recorded in the county and forwarded to this office for duplication for dockets and the State Water Rights Board. The copy for the State Water Rights Board will be needed for water right amendments.

It is assumed that the water from Burns, Chucker, Covered and Wee Springs is all piped to the Greene storage tanks and thence distributed through one pipe. It will be necessary to reconcile the common portions of the water system served by diversion pipes from Chucker, Covered and Wee Springs. We can show the Chucker portion in accordance with the memorandum of December 21, 1956, from Mr. Binnewies, but have just realized that we have not obtained the copy of Application 15539 and supporting map, and have ordered a copy from the State Water Rights Board.

It also appears that although the rights to Burns Spring have been assigned to both the United States and the Greenes, the rights under Application 13852 still authorize water use at the Journigan or Gold Bottom Mill and not at the Greene Mill. This right will have to be amended, and the requested assignment of possible Greene interests is to be used to clarify the authority of the United States to do so.

Our print of Drawing 2086 does show a pipe from Wee Spring to the 20,000 gallon reservoir, and thence directly to the Mill. It also shows a pipeline from Burns Spring, picking up the flow of Covered Spring, and terminating at the 750 and 1720 gallon tanks without connection to the mill or pipeline from the 20,000 tank. The memorandum of December 21, 1956, from Mr. Binnewies indicates that the pipeline from Chucker Spring terminates with deliveries to all three tanks. We need a tracing of the pertinent portion of the large scale plan on Drawing 2086 with these details clarified.

Mr. Binnewies also gives the tie from Chucker Spring to USGS Monument M-165 while Drawing 2133 gives the tie line from survey station 15

to the Greene Millsite. We have also advised the State Engineer, now State Water Rights Board, that M-165 was destroyed, and I have not yet found any record of having forwarded a print of Drawing 2133. It will be advisable to submit a print of Drawing 2133 with our amended applications, if you will send us one, and we should also have confirmation that Mr. Binnewies has given the tie to M-165 and not station 15, which we can check from Drawing 2133.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Field Solicitor McClellan (2)

In reply refer to:
L54

DEATH 2 195-

SUPT. B

January 18, 1957

Memorandum

To: The Director

From: Assistant Regional Director, Region Four

Subject: Water Right Application 16138, Thad C. and Jo L. Greene, Death Valley

With reference to our memorandum of January 8 in this matter, there is attached a copy of Superintendent Binnewies' memorandum of December 21, 1956, together with copy of the Water Use Permit to the Greenes to be attached to the revised application.

It is assumed that you will take further action in this connection.

(SGD) HERBERT MAIER

Herbert Maier
Assistant Regional Director

Attachments 2

Copy to: Regional Solicitor, Sacramento Region
w/c of attachments
Supt., Death Valley

Docket 22a RS

In reply refer to:
L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

December 21, 1956

RECEIVED
NPS REGION FOUR OFFICE
DEC 26 '56

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
[illegible]	Emm	11-18

✓ Landt BFm 2/21

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Right Application 16138, Thad C. and Jo L. Greene, Death Valley

filed in docket 21

In view of Mr. Burke's memorandum of November 30 to the Regional Director and particularly paragraph 2 on page 4, we would like to know if it is not now possible to go ahead with the revision and submission of Water Right Application 16138. Mr. Burke suggests that the exact boundaries of mining claims or millsites are not particularly important as long as no controversy arises over riparian rights and the place of use is on the claim.

Mr. Langley's memorandum of June 14 comments extensively on the Greene situation but most of it is concerned with the exact location of the millsite and Art Lode mining claim. So far as we know, the Greenes have not yet relocated the mining claim and considerably more field work would be necessary to determine exact locations. In view of their agreement to assign all water rights to the United States and the fact that there are no other miners in the vicinity who could cause a controversy, it is believed that the locations as shown on Drawing 2086 may be sufficient for the present.

With reference to paragraph 3 on page 2 of Mr. Langley's memorandum the corner marked (6) on Drawing 2086 is the one in which the Greenes have their millsite papers and since this is the southeast corner it would be difficult to orient the millsite so that the mill would be off of it. We think that it can safely be stated that the place of use of the water is on the millsite.

Application 16138 should be amended as follows:

Item 2: Amount of water should be 3 gpm. Further investigation of Chuckar Spring has not revealed the water that was anticipated and it is believed that 3 gpm is as much as can reasonably be expected to be recovered.

Item 4: Point of diversion is located S 33°56' W, 7433 feet from USGS monument M-165. This is unsurveyed land and no section corners are available for direct tie.

Projection of section lines on USGS Emigrant Canyon quadrangle places Chuckar Spring in SW¼ SW¼ of S 2, T 18 S, R 44 E, MDBM.

Item 5: Main conduit terminates in SE¼ NW¼ of S 2, T 18 S, R 44 E, MDBM.

Item 6: The intake will be 6" perforated tile or pipe but length has not been determined. Diversion by gravity.

Item 7: Existing storage reservoirs of 20,000, 1,720, and 750 gallons will be used.

Item 8: The pipeline will consist of 2,500 feet of 3/4" galvanized iron with a fall of 96 feet per 1,000 ft. Total fall is 240 feet.

Item 9: Estimated cost is $1,500.

Item 11: Place of use SE¼ NW¼ of S 2, T 18 S, R 44 E, MDBM, unsurveyed.

Item 12: None

Item 16: One concentration table at mill uses 12 gpm when operating. No reuse of water. Additional tables may be added if more water can be developed.

Item 17: Domestic use 300 gpd based on maximum of 8 people at camp, of which three may be women. Showers, sink, no flush toilets. Public or recreational use will be at millsite and may use 50 gpd. Part of domestic use is obtained from other springs. All flow is in to common reservoirs.

Drawing 2086 can be used to describe the water system by inserting the proposed pipeline from Chuckar Spring to the mill along traverse stations 3, 4, 5, and 6, and terminating at encircled no. 3 designating the 750 and 1,720 gallon tanks. The tracing for Drawing 2086 is in the Regional Office and it will be appreciated if this data can be inserted on it.

43

The copy of the Water Use Permit, DEVA-3-56, for the State Water Rights Board is forwarded for attachment to the revised application.

The completion of this water right application was delayed pending the outcome of the Nichols-Dahl controversy. Please let us know if any additional data is needed and we will attempt to supply it promptly.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment - Water Use Permit
(DEVA-3-56)

43

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

December 18, 1956

Docket 22

RECEIVED
NPS REGION FOUR OFFICE
DEC 20 '56

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Use Permit, Thad C. and Jo L. Greene

See our memo 1/8/57 WSO

Attached are four copies of the water use permit that is to be issued to Thad C. and Jo L. Greene in exchange for the assignment of their water rights for Wee, Covered, Burns, and Chuckar Springs to the United States. The form for the assignment has been delivered to Mr. and Mrs. Greene and they are having it notarized so it will be ready when the water use permit is delivered to them.

We have rewritten special conditions 14 and 15 in accordance with the suggestions of Regional Solicitor Burke in his memorandum to the Regional Director of November 30. If you agree with the wording it will be appreciated if conditions 14 and 15 can be crossed out on the mimeographed form.

If the permit is satisfactory it will also be appreciated if you will return the permittee's copy and distribute the other copies as marked.

We are holding one copy of the permit for the State Water Right Board, and will submit it with the amended Water Right Application 16138 just as soon as additional data can be secured to complete the information requested in Mr. Dunn's comments of November 1.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment (in quadruplicate)

42

00-00-0000: memorandum to regional director regarding water permit for thad c. and jo l. greene and related water rights, includin

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
OCT 10 1956

OCT 15 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Use Permit for Thad C. and Jo L. Greene, and Related Water Rights, including Application No. 16138, Docket 22, Death Valley

This refers specifically to the memoranda of August 17 from Mr. Maier and July 27 and September 5 from Mr. Manbey, but should be considered with the separate memorandum concerning Application 16184 at Kings Canyon, and the air mail memorandum concerning Application 16096 and other claims in Trail Canyon at Death Valley.

In the memorandum of July 20, the Regional Solicitor recommends that this Service refile Application 16138, with necessary revisions, at the earliest possible date, and that we consider certain revisions of the regulations under Section 20.26, Title 36. The memorandum of July 17 from Mr. Binnewies indicates that the Greene Millsite had not been fully defined at the time, and we are also awaiting a suitable plan of the water system which apparently diverts water from various sources designated in Applications 13852, as it relates to Burns Spring, 15539, and 16138. Mr. Manbey's memorandum of September 5 forwarded one of August 28 from Mr. Binnewies advising that the Greenes have agreed to assign those appropriative water right interests which they may have. The memorandum of July 17 from Mr. Binnewies also suggests that the Greene Millsite may establish some riparian rights; and that the Art Lode Claim, presumably of Art Detloff, may also establish his riparian rights to one or more of the springs even though they are not exercised.

We cannot revise and file Application 16138 until we obtain plans, and may not wish to do so until Field Solicitor Taylor makes his inspection of the area and the Regional Solicitor offers further suggestions which may affect the terms of the water use permit and the nature of the Federal water claims.

We shall follow the Regional Solicitor's suggestions as soon as we receive the necessary data, and any further suggestions which Mr. Burke may consider necessary.

Jackson E. Price
Assistant Director

Copy to: Superintendent, Death Valley, with attachment
Field Solicitor McClellan (2)
Western Office of Design and Construction

10-15-56
cc to Mr. Burke

In reply refer to:
L54 CRL30273 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

August 28, 1956

RECEIVED
NPS, REGION FOUR OFFICE
AUG 31 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

22

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Discussed with SM B/m

Subject: Water Use Permit to be granted to Thad C. and Jo L. Greene, Death Valley

Wrote W.O. 9/5 B/m.

A water use permit has been prepared for Thad C. and Jo L. Greene that is to be issued in exchange for the assignment of their water rights to the United States. A copy of the permit was given to the Greenes for their examination since they wanted to have it checked by their lawyer prior to signing it.

They are agreeable to accepting the permit as soon as they are assured their rights are fully protected. The fact that the United States retains Priority No. One seems to bother them to some extent since they are under the impression the United States could come in and take all of the water if the need develops for it. I have explained that they will be entitled to the amount of water specified in the permit regardless of any other use, and for as long a time as they will make beneficial use of it. I have also explained that only in the event that there is water surplus to their needs would it be possible to grant use to other miners.

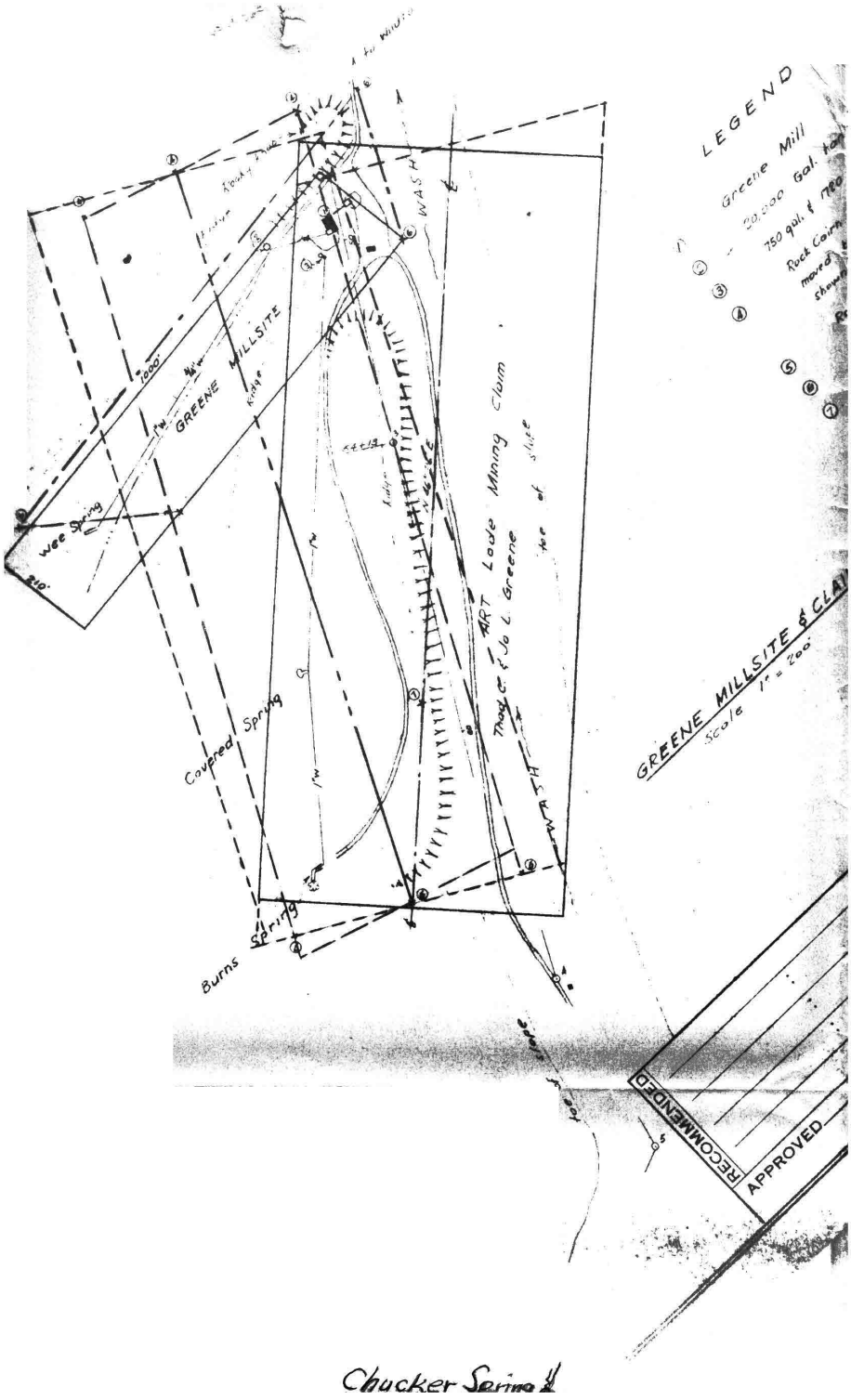
We hope to complete this negotiation within a short time and will transmit the required number of copies of the water permit as soon as it has been signed and the assignment of the water rights to the United States has been made.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

35

08-28-1956: map greene millsite and claim; august 28, 1956



12-14-1956: permit for water use incidental to mining operations; december 14, 1956

United States
Department of the Interior
National Park Service

No. DEVA - 3 - 56
Previous Permit
No. ___ ___ ___

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) Thad C. and Jo L. Greene of Trona, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use (300 GPD) .0006 sec.ft. _____ for domestic
(10,080 GPD) .0156 sec.ft. or _____ for milling
_____ sec.ft. _____ acre ft. per annum for
(strike out inapplicable unit)
purposes of the waters of Wee, Covered, Burns, Chuckar Springs
(give names of sources)
under water right Application No. 15539, 16138, as said water right is designated by the State Engineer of Water Rights Board California 13852, with subpriority No. 2,
(California or Nevada)
at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 14 day of December 19 56 .

Fred W. Binnewies
Superintendent

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

(Sgd). Thad L. Greene
Address P.O. Box 397
Trona,
Address California

*(Sgd). Jo L. Greene
Address P. O. Box 397
Trona
Address California

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*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 the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)
This copy for State Water Right Board

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. ~~_____~~, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument. 13852) 15539) 16138)

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Water Rights Board ~~Engineer~~, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State ~~Division of Water Resources~~ Water Rights Board based on that information with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, making just compensation for any damage or injury occasioned thereby.

71929 Interior - Duplicating Section, Washington, D. C. 472

SPECIAL CONDITIONS

14. Failure to use the water system herein authorized for more than one year shall constitute a forfeiture of the subpriority of water right granted; provided that if permittee(s) shall sustain his possessory right in the mining claim under the mining law, he may preserve his said subpriority by a filing with the Superintendent prior to the end of each year of nonuse of a notice of intention to resume the use of said water system and the mining claim or millsite where the water is used.

15. The United States assumes no responsibility for the protection of the water system or other structures and equipment authorized pursuant to this permit. Furthermore, except for actionable damages resulting from the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, the United States shall not be liable for any damages to the permittee(s') water system or other structures or equipment.

05-15-1956: memorandum to regional director regarding water right and proposed permit for water use - thad c. and jo l. greene ;

In reply refer to:
L-54

May 15, 1956

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right and Proposed Permit for Water Use -
Thad C. and Jo L. Greene

As requested in Mr. Allen's memorandum of April 19, Mr. Spaulding has prepared the amended map showing the location of the millsite of Thad C. and Jo L. Greene, and has located the springs from which they obtain water in relation to the millsite. The drawing is being forwarded under separate cover for your review, and if it is satisfactory it will be appreciated if you will have prints made for the Washington Office, WOuC, and three prints to us.

Until this survey was made we were unaware that the Greenes also had a mining claim that includes two of the springs. It appears that the millsite and mining claims overlap, which will probably require an amendment of the mining claim, but it is hoped that this will not complicate the water right situation or cause further delay in completing the issuance of the water permit in exchange for the assignment of water rights by the Greenes.

We are prepared to go ahead with the water right permit but will await further advice after review of the survey data.

Mr. Spaulding was able to do some of the preliminary work on the Detloff and Dobbins water systems but will not be able to complete it until after his return from Joshua Tree, about two weeks from now. The future of Detloff's mill is still very uncertain and there seems to be a good possibility that it will be liquidated before many more months.

Fred W. Binnewies
Superintendent

FWB/dtm

Docket 220.15

Death Valley

MAY 3 19[illegible]

DEA[illegible]

In reply refer to
L54

May 25, 1956



Memorandum

To: Director

From: Regional Chief of Lands, Region Four

Subject: Water Rights and Proposed Permit for Water Use to Thad C. and Jo L. Greene, Emigrant Canyon, Death Valley

As requested in Assistant Director Allen's memorandum of April 19, there has been prepared an amended map showing the location of the millsite of the above two parties. The map was prepared by Mr. Spaulding and was given the number NM/DV-2086. One print is attached together with copy of Superintendent Binnewies' memorandum of May 15. One print is being sent to Western D&C with copy of the correspondence, and three prints to Death Valley. The tracing is being retained in this office.

It will be noted that Mr. Binnewies says he is "prepared to go ahead with the water right permit but will await further advice after review of the survey data."

Mr. Spaulding, we understand, is working on the Detloff and Dobbins water systems, but this will not be completed for several weeks.

B. F. Manbey
Regional Chief of Lands

Attachments

Copy to Death Valley w/3 prints — 2 copies in DV Engr. File
Western D&C w/copy incoming
and 1 print

Docket 22 a 45

In reply refer to:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

DEATH VALLEY NAT'L
RECEIVED
MAR 17 1954
Superintendent's Office

✓	Supt.	
	C. Rgr.	
	Nat.	
	Gen. For.	
	Fn. Clk.	
	Steno.	
	Whse.	
	C. Clerk	Dunn

air Mail

March 15, 1954

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Proposed Special Use Permit to Thad C. and Jo L. Greene and Water Right Application Therewith, Death Valley

There is attached a copy of a memorandum on subject from Assistant Director Allen, dated March 12, and a copy of Mr. Dunn's Comments on Memoranda, also dated March 12, and to which Mr. Allen's memorandum refers.

Please show the attached documents to Mr. Peterson in order that he will be apprised of what the Washington Office desires in connection with the survey work he is now doing.

You will note from the first paragraph of Mr. Allen's memorandum that a written temporary authorization may be issued to Thad C. and Jo L. Greene, to continue the development of their mill and water system, provided both Mr. and Mrs. Greene sign a consent similar to that in the letter from Mrs. Greene to assign water right interests, and provided the development does not conflict with the development by Detloff and Dobbins.

As you will note from Mr. Dunn's comments, a considerable amount of additional information is needed before a regular permit can be issued to the Greenes.

Sanford Hill.

Sanford Hill
Assistant Regional Director

Attachments 2

Copy to: The Director

Docket 22 RS
Folder 2

In reply refer to:
154-L

MAR 12 1954

Air Mail

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Proposed Special Use Permit to Thad C. and Jo L. Greene and Water Right Application Therewith, Death Valley

We have sent a teletype to you today, advising that a written temporary authorization may be issued to Thad C. and Jo L. Greene, as requested in your air mail memorandum of March 2, to continue the development of their mill and water system; provided both Mr. and Mrs. Greene sign a consent similar to that in the letter from Mrs. Greene, to assign water right interests; and provided the development does not conflict with the development by Detloff and Dobbins.

We are returning herewith the three maps, and three copies of Mr. Dunn's comments. We agree with Mr. Dunn's comments as a basis for further action. It is clear that a number of matters need correction or clarification before a permit is approved here or issued to the applicants. However, we agree that the construction should not be delayed while we iron out the details, if the development is confined to work shown on Map #3.

It is also suggested that a similar sketch of developments might be prepared by Detloff and Dobbins, tying all structures to the old mill building and main road, and that temporary authority for construction could be issued if they sign a consent to assign water rights, supply proper records of successorship or affiliation with Journigan, Bennett and Barginski, and if the structures are at acceptable locations and can be included within a 5-acre millsite. Since we know the location of the old Journigan Mill and its relation to the road, the preliminary plan could be temporarily approved to authorize construction while ties to an existing bench mark are made, whether the bench mark be B-165 or not.

Docket 2 2 RS
Folder 2

In both cases, it is suggested that no projected section lines be shown at this time. With the 1952 Emigrant Canyon Quadrangle we should probably make projects from that, but we shall have to arrange with the State Engineer to reconcile some elder descriptions which were projected from other, less accurate maps.

(SGD) THOMAS J. ALLEN
Assistant Director

In duplicate

Attachments 6

Docket 22 RC
Folder 2

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

March 12, 1954

Comments on Memoranda
of March 2 and 4 from Mr. Merriam
Concerning Millsite and Water Rights
of
Thad C. and Jo L. Greene
Death Valley National Monument

by

A. van V. Dunn
Chief, Water Resources Section

Mr. Merriam requested teletype approval of development plans so that Mr. and Mrs. Greene can continue with their development. A teletype has been sent to authorize the development, subject to two conditions, but approval of plans and permit for surface use of land cannot be approved until the following matters are clarified.

From the sketch which is apparently intended to cover the surveys (Map #1), all ties are measured from a point 725 feet from the road and "S 77°16' E" from the NE corner of the Detloff mill, although the quoted bearing seems to read N 77-16 S. Such a point on the new Emigrant Canyon Quadrangle seems to be N 42°10' E from Willow Spring, and N 36°02' E of Burns Spring indicated on the sketch submitted with the letter of November 30, 1953, from Assistant State Engineer Banks, which is between the two sets of yellow protests in Alien Water Right No. 34. The point is on the ridge, above the horseshoe curve in the road to the Skidoo Mine, and about at the 350-foot radial center of that curve.

The Monument No. M-165 might be found at that point, as suggested in your memorandum of March 4. However, projecting the bearings from Burns, Malapi, and Greer Springs as shown on the sketch with Mr. Banks' letter, we also establish another point approximately 2000 feet north of the buildings at the Skidoo Mine. All distances on the sketch with Mr. Banks' letter are approximately those scaled from the new (1952) Emigrant Canyon Quadrangle, between the latter point and the springs, or approximately 13½% of the actual distance from the more probable site of M-165, at the curve in the road to Skidoo Mine.

Docket 22 PS
Folder 2

The two preceding paragraphs indicate that Bennett and Barginski, Detloff and Dobbins, and Mr. and Mrs. Greene have all attempted to scale ties from some old map; and that they either used an inaccurate map or the wrong scale. The millsite locations which have been recorded in the county are roughly one-half mile further west of the road up Emigrant Canyon than the land actually being developed. No permits for the use of the surface of the land can be accepted until ties are corrected. It will also be advisable for the claimants to file new, corrective millsite location notices, stating that those recorded on certain pages of specified books were in error, and the true descriptions are as follows (giving ties and metes and bounds descriptions). The new notices will be more satisfactory if reviewed with the land use permits and approved by this Service before being filed.

The ties for the Greene millsite can be closely approximated here, by using 74.5% of the specified distances to Wee and Covered Springs, and then backtracking through the area described on Map 3. However, there is some question as to whether the exact distance or 74.5% should be used for the Greene descriptions. The full distance places the two springs more nearly the specified mile from the highway, but apparently too close to Burns and Willow Springs. It is more evident that the Detloff ties should be reduced, but it is quite probable that the Greene ties should also be reduced in the same manner.

can take care of this

Map #3 is pretty crude, but is probably about all we can expect if a few distances and bearings are shown. It is evidently drawn at 100 feet to the inch, as it relates to the millsite area, and the fact should be shown. Covered and Burns Springs, however, are not to the same scale, and pipe lines and ties to them should be broken, to indicate the point. Moreover, if M-165 is, or was, in the curve on the road to Skidoo Mine, Burns Spring seems to be shown too far to the south. The map should be reconciled with Map #1, as corrected, and the latter should show which springs are at the end of the long tie lines, the middle one of which terminates at a "W".

can take care of this

The millsite seems to be 230' x 990', giving an area of 5.23 acres, and should be reduced to an area of 5.00 acres. It is suggested that the length be reduced to exclude Wee Spring by

Docket 22 RS
Folder 2

at least 100 feet. The width of site should be increased to include the proposed bunkhouse which is now 20' to 40' to the southwest. The increased width will require additional reduction in length. A site 300' wide and 727' long, with the easterly end about as shown, should be satisfactory. Bearings and distances should be shown along the boundary, andthe centers of structures, and alignment of pipe lines should be shown, either by bearings and distances from a corner, or by distances along a boundary and thence at right angles into the millsite. One corner of the millsite should be tied to a monument such as L-165, M-165, or N-165, or to the spring which is then properly tied to such monument.

Can make as shown of the millsite JB

The same description should be used for the amended millsite location to be filed with the county. I am advised that an amended location, if so designated, can be accepted as having the priority of the original location, as such priority date relates to the date of new regulations.

Map #2 has been submitted as the copy of the Water Right Application No. 15539 which is still valid, and was returned to Mr. and Mrs. Greene by letter of February 5 from the State Engineer's office. The application is not complete without the supporting typed application. It may be in error as to lengths of tie, as previously described. It also shows Monument M-165 near the Journigan Mill, and not in the curve of the road to Skidoo Mine. There is clearly a lot of clarification and reconciliation needed.

Can locate M-165 correctly JB

It is also reported that Detloff and Dobbins have assigned their interest in Burns Spring to Mr. and Mrs. Greene. If the Greene land use and water rights are to be settled before those of Detloff and Dobbins, the interests in Burns Spring under Application 15558, and Application 13852, Permit 8536, will have to be covered by recorded assignment with copy for this Service before the use of land for pipe line thereto is issued. It is possible that Detloff is only assigning rights under one of the applications, in which case the assignment and proposed permit will have to agree.

Some of the assignment and reassignment, and recording, can be eliminated if the permits of Detloff, Dobbins, and Mr. and Mrs. Greene are processed at the same time, and both groups assign their water rights directly to the United States by parallel instruments. We are not able to give complete comments on the Detloff and

Docket 22 RS
Folder 2

Dobbins water rights because we do not know the present interests of Bennett and Barginski, or present owner of water rights under Applications 13851 and 13852.

We are somewhat at a disadvantage for giving final approvals yet, because we have not settled the terms and form of the proposed land use permits. A draft was submitted to the Regional Director for comments. As a result of a subsequent letter from the State Division of Water Resources, we proposed the addition of further conditions, and indicated that the authorized Park Service official would have to sign application, maps and proofs on behalf of the United States. There is also a draft of a supplemental instrument for assignment of water rights, to be signed with the permit, and recorded. It is recommended that the Regional Director reply to the correspondence relating to the permit without regard to permittees to whom it is to be issued. It is hardly to be expected that a permittee will agree to sign a permit in the future without knowing its conditions, and no forced assent to such conditions could be tolerated.

We have also discussed here, but may not have adequately explained to the Regional Director that the proposed "Permit for Surface Use of Federal Land, Death Valley" is not to be a "Special Use Permit." It is a separate form of permit to comply with special regulations at Death Valley. Anyone wishing to modify the quoted, suggested designation should do so before we adopt the permit form.

From the correspondence, it does not seem out of line to point out again that the millsite area is not to be authorized by the permit. The millsite, not to exceed 5 acres in area, is established by location under the mining law. This Service cannot force amendment of a millsite located as shown on Map #3, even though we prefer that it do not include the spring, but we can deny surface use on more than 5 acres, or within one-quarter mile of the spring, and we can force the claimant to move his bunkhouse onto the location. Moreover, if the claimant locates a site one one area, by erroneous tie, and develops another area, it seems to me that he would be in trespass, and could be denied any surface use until his location is in agreement with the development.

4

Docket 32 RS
Folder 2

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

In reply refer to:
L54

✓	Supt.
	C. Rgr.
	Nat.
	Gen. For.
	Pts. Clk.
	Steno.
	Whse.
	C. Clerk

April 6, 1954

Memorandum

To: Acting Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Proposed Permit to Thad C. and Jo L. Greene and Assignment of Water Right Application

In Mr. Goodwin's memorandum of March 19 he states:

"From the two memorandums [Mr. Hill's memorandum of March 15 and Assistant Director Allen's memorandum of March 12] we judge that this office should make up an authorization for continuing developments on the Greene properties pending a final permit to be completed later. We assume such authorization should be in letter form to be signed by Mr. and Mrs. Greene, and should include their agreement to transfer all perfected water rights in the name of the United States. Mr. and Mrs. Greene have already agreed to this point by letter. If this action is satisfactory to the Regional Director, on your advice we will carry it out as soon as possible, although the Greenes are out of the Valley at this time and probably will be for two or three weeks while Mr. Greene is having medical treatment."

The procedure suggested appears satisfactory to this Office.

Sanford Hill.
Sanford Hill
Assistant Regional Director

Copy to: The Director. With a copy of Mr. Goodwin's memorandum of March 19.

RECEIVED
APR 12 1954
DEATH VALLEY NATL. PARK

Docket 2-2 PS
Folder 2

In reply refer to:
L54

March 19, 1954

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Proposed Special Use Permit to Thad C. and Jo L. Greene and Water Right Application Therewith, Death Valley

Reference is made to Mr. Hill's memorandum of March 15 with attached memorandum of March 12 from Assistant Director Allen on the subject of permit for Thad C. and Jo L. Greene and, also, Detloff and Dobbins. Engineer Peterson spent considerable extra time to obtain the data requested in Mr. Allen's memorandum. We do not have copies of the three maps loaned by the Greenes to be forwarded to your office as we returned them to the owners.

From the two memorandums we judge that this office should make up an authorization for continuing developments on the Greene properties pending a final permit to be completed later. We assume such authorization should be in letter form to be signed by Mr. and Mrs. Greene, and should include their agreement to transfer all perfected water rights in the name of the United States. Mr. and Mrs. Greene have already agreed to this point by letter. If this action is satisfactory to the Regional Director, on your advice we will carry it out as soon as possible, although the Greenes are out of the Valley at this time and probably will be for two or three weeks while Mr. Greene is having medical treatment.

Referring to the various paragraphs in Mr. Allen's memorandum, it does not seem that we are ready to go ahead with Detloff at the present writing. The Superintendent has a feeling that Mr. Detloff believes he is within his legal rights to go ahead without authority from this Service due to the various transfers of water rights and millsite from Bennett and Barginski, and from the Del Norte Mining Company. It is apparent that his activities cover more than one millsite, but we do not know either the exact boundaries or number of such sites.

Regarding the ties to the various properties in Emigrant Canyon, Mr. Peterson has this information and it is now available for plotting. Apparently, the question of the Greene millsite is pretty well settled by the work of Mr. Peterson, and he made locations of the three springs,

Docket 22 RS
Folder 2

Burro, Willow, and Wee, and also of the millsite. He discovered that the bunkhouse is within the five acres allowed for the millsite.

This information should permit the drawing up of a land use permit covering the details desired by the Washington Office. When this permit is made up the Greenes will undoubtedly be glad to record the assignment of Burro Spring to them, of which I have already seen a copy.

The question of interference between their permit and the operation of Detloff and Dobbins is settled by Mr. Peterson's survey - which will show that there is no confliction.

T. R. Goodwin
Superintendent

In duplicate

Docket 22 RS
Folder 2

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

LOS ANGELES OFFICE
107 SO. BROADWAY, ROOM 4022
LOS ANGELES 90012

Edmund G. Brown Jr
~~[illegible]~~ Gover...

March 19, 1975

Mr. Gerald S. Witucki, Chief
Water Resources Division
United States Department of the Interior
National Park Service
450 Golden Gate Ave., Box 36063
San Francisco, California 94102

Dear Mr. Witucki:

Your Reference: L54 (WR) PSW DEVA/WATER RIGHTS GEN

Permit 4645 (Application 8423) Permit 11423 (Application 17839)
Permit 5738 (Application 10001) Permit 11424 (Application 15539)
Permit 5739 (Application 10002) Permit 11924 (Application 18489)
Permit 5754 (Application 10118) Permit 14533 (Application 21646)
Permit 11421 (Application 16096) Permit 15363 (Application 22366)
Permit 11422 (Application 16138) Permit 15721 (Application 22979)
Various Springs and Washes in Death Valley National Monument

Bill Werrell from your division and I recently completed a field inspection of 12 Water Rights Permits issued to the U. S. Death Valley National Monument in Death Valley.

The purpose of the field inspection was to determine the extent of the use of water made under each permit and make recommendations as to the future status of these permits.

I have reviewed the information collected from the field inspection, personnel of the Death Valley National Monument, and other persons involved with the use of water from these sources. My recommendations regarding each of the 12 permits and the reasons for my recommendations are listed in the attached summary.

A Request for License form is enclosed for each of the four permits that I have recommended licensing action. If you have any questions regarding the findings on the Request for License, I will be glad to discuss them with you. If the findings are satisfactory, please sign the form on behalf of your division and return them to me. Please note that Permit 11424 require a petition fee of $10 and Permits 11421 and 14533 require a petition fee of $15.

SUMMARY

RECOMMENDED STATUS FOR PERMITS ISSUED TO
THE DEATH VALLEY NATIONAL MONUMENT

Permit No.	Application No.	Source	Recommendation	Reason for Recommendation
4645	8423	Thorndike Spring	License: 400 gpd	Use of water at campground complete.
5738 5739 5754	10001) 10002) 10118)	Furnace Cr. Wash	Revoke	No evidence of any construction work done on project. Lack of diligence.
11421	16096	Tarantula Spring	License: 4350 gpd	Use of water complete for Mining, Domestic and Wildlife Propagation Uses.
11422	16138	Chucker Spr.	Revoke	No diversion system-appears abandoned. Lack of diligence.
11423	17839	Blue Cliff Spr.	Revoke	No Diversion system-appears abandoned. Lack of diligence.
11424	15539	Wee and Covered Spr.	License: 100 gpd	Use of water complete only for Wildlife Propagation Use.
11924	18489	Nevares Sprs.	Revoke	Source cannot supply an amount in excess of that can be already taken under Lic. No. 4621 (A. 9510) for 0.446 cfs (200 gpm) from the same source. The place and character of use same as License 4621.
14533	21646	Surprise Spr. Changed to: unnamed st.	License: 7300 gpd	Use of water completed.
15363	22366	Ibex Spr. No. 1	Revoke	Use of water does not exceed the amount allowed under Lic. No. 2910 for the same source.
15721	22979	Green Spr.	Revoke	No diversion system-lack of diligence.

The remaining 8 permits should be revoked. I cannot justify recommending an extension of time and still conform with the "Guidelines for Considerating Petitions for Extensions of Time". Forms for revoking these permits are also enclosed.

I hope that you concur with my recommendations.

Thank you for sending Bill Werrel to accompany me on these inspections. He was knowledgable, conscientious and of great assistance.

If I can be of any assistance, please donot hesitate to telephone me. Your prompt consideration to this matter will be appreciated.

Sincerly,

W. T. Chung

W. T. Chung

Enclosure

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54 (WR) PSW
DEVA/WATER
RIGHTS GENERAL
WR # 1, 4, 21, 22, 24, 25,
31 and 34

February 25, 1975

Memorandum

To: Chief, Division of Water Resources, Western Region

From: Hydrologist, Division of Water Resources, Western Region

Subject: Field Trip of January 20-24, to Death Valley

Purpose of the trip: Trip made to coordinate on site examination of several water sources which are on file with the State of California, Division of Water Rights. The on site examinations were made with a representative of the State in order to determine the current use status of these sources. (State Division of Water Rights letter of February 19, 1974 suggests joint NPS, State examination -- trip postponed several times by State request).

Itinerary: Left San Francisco and arrived at the park on January 20, 1974. On site examinations conducted on January 21-23. Departed the park and returned to San Francisco on January 24.

Companions: None.

Accomplishments and or observations: Met with Mr. Wilbert T. Chung, representative for the State of California Water Rights Division, Los Angeles Office. Jointly visited with Superintendent Jim Thompson, Robert Mitcham, Mining and Minerals; Milo Bonifield, Maintenance Supervisor; Roger Weber, Administrative Officer; and Peter Sanchez, Resource Management Specialist. The following water sources were visted with Mr. Chung:

1. Well in Furnace Creek Wash - Permit #5739 (Water Right Docket #4). We were unable to locate any evidence of a well in this area. Well is shown as "test well" on NPS drawing of area. We concluded that upon completion of the well that all casing was removed and that subsequent sedimentation has obliterated the site. Permit requests 0.5 cfs for irrigation of 20 acres. In view of the above findings, Mr. Chung stated that the State may move to revoke the permit.

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Save Energy and You Serve America!

Mr. Glen Miller of the U.S. Geological Survey was telephoned on the following day in regards to this source. It appears that the "well" is actually a 4' x 4' concrete box (such was located in the field during our inspection) which had an unknown number of drain lines which extend out under the adjacent wash. Mr. Miller was uncertain as to where the water was used - he believes that possibly the water is joined with that of Texas Spring and is used by NPS. Mr. Chung was informed of the above.

2. Naveras Spring - Permit #11024 (Water Right Docket #1). Spring collection box and adjoining area was inspected. A Hershey flow meter located in the pipeline was read and it was determined that 0.001 acre-feet of water was flowing per 85 seconds (0.51 cfs). Permit requests 0.25 cfs for domestic usage by 100 permanent and 50 seasonal employees. Mr. Chung noted that water was also utilized for irrigation of lawns, shrubs and trees. Mr. Chung requested past readings of the flow meter. Mr. Bonifield was asked about such data and it was learned that no readings had been made for the last several years - as suggested by Mr. Miller of the USGS. Independent discharge measurements by Mr. Miller indicated that the meter was inaccurate and, therefore, readings were unnecessary.

   During a phone conversation with Mr. Chung subsequent to the field trip, he stated that this permit should be revoked since NPS already has a license for 0.446 cfs (Application #9510, License #4621, Water Right Docket #1). This license is for water obtained by "French Drains" downstream, to the west, of property owned by Mr. Naveras (1939).

   It appears that since 1939 the park has bought Mr. Naveras' property and by Permit #11024 has changed the point of diversion and essentially raised the appropriated amount by 0.25 cfs.

   Mr. Bonifield was called to inquire of the present physical conditions of this water source. He stated that all of the water is now derived from the inspected springs and pipeline. Disuse of the "French Drain" system apparently dates back a number of years.

3. Surprise Spring - Permit #14533 (Water Right Docket #31). Difficulty was encountered in locating this spring due to : (a) the Grapevine Ranger Station is no longer at the site shown on the U.S. Geological Survey Topo Map, Tin Mountain, 1957. The station is presently

about one mile north of its old location, being situated on the west side of the highway in Section 14 - T 11 S, R 42 E, at approximately 2240 feet elevation, and (b) field map located spring in canyon on eastern edge of Section 18, T 11 S, R 43 E. This canyon was examined and found to contain no water source. The chlorinator house for the Ranger Station water supply is located in the SE-1/4, SE-1/4, SE-1/4 of Section 13, T 11 S, R 42 E. Evidence of a pipeline from the chlorination house extended in the direction of N 15 E up a canyon. About 3/4 of a mile up this canyon, a hundred feet or so of tall green grass, etc., was found indicating the presence of water. However, water from this point is apparently not piped to the Ranger Station because no pipeline could be found. It is believed that a pipeline of undetermined length extends up the canyon and terminates in a French Drain system somewhere between the chlorinator house and the grassy area. Permit requests 0.03 cfs for eight persons and lawn. At present the Ranger Station site has 13 persons.

4. Nameless Spring - Permit #4645 (Water Right Docket #24). This spring is known by park personnel as Thorndike Spring because water from this source is used at Thorndike Campground. Due to the high elevation and thus coldness, the pipeline is presently disconnected to allow free drainage and thus prevent water freezing damage. The discharge was volumetrically determined at one gpm. From inspection it appears that two French drains are situated along the streambed, being situated only a few feet apart - one appears to be upstream of the other. Permit requests 0.05 cfs for irrigation and domestic. The campground has four camp sites, no irrigation area was observed.

5. Green Spring - Permit #15721 (Water Right Docket #34). An inspection of the Nemo Silver Company millsite was made. At present the millsite is in all but total ruin. Only one building has a roof - the "mill" portion of the site is reduced to concrete foundation only. The two large water storage tanks are dry. There is no evidence of operation of any type at this location for an extended period of time. In view of the above, the disuse of Green Spring (and other springs up the canyon to the South) is obvious. No inspection of the spring sites was made.

   Note: Roy C. Troeger (license on Burro Spring AWR #34) requested the use of this spring in conjunction with Burro for his millsite. The monument allowed such a use with the permit filed in the name of the NPS.

6. Wee Spring, Covered Spring, Burnes Spring, and Chucker Spring - These water sources are contained in two Water Dockets. Wee, Covered and Burnes Springs are in Water Right Docket #22. This docket contains Wee Spring and Covered Spring (Application #15539, Permit #11424) and Burnes Spring (Application #13852, Permit #8536, License #6559A). Chucker Spring is in Water Right Docket #22A (Application #16138, Permit #11422). All of the above springs and the adjoining millsite were visited. The millsite, although in somewhat better physical condition than the Nemo millsite, was in disrepair and there was no evidence of recent work. All of the above water sources were developed to supply water for the millsite, development for all was by excavation along a streambed of small drainage and placement of a collection pipe in a French Drain type of construction. Pipes from each source conveyed water to the mill, these pipes are now in non-operating condition having been busted by freezing water, etc. Storage tanks at the mill contain no water and pipelines at that point are empty. The broken pipeline just below Wee Spring is flowing about 1/4 gpm. Flow, if any, from the other sources was not determined - but it is reasonable to assume that Covered Springs and Burnes Spring are producing about the same amount. Chucker Spring is situated in a larger drainage area and may be producing several times as much water as Wee Spring.

7. Blue Cliff Spring - Application #17839 (Water Right Docket #25). Two springs are listed by this permit. Upon inspection of the site no natural springs were found in the listed area however, two dams across the stream have been built. These dams are about 100 yards apart, the upper dam appears to have been about 5-6 feet high while the lower dam was about 20 feet high. Both dams have been breached and eroded and are incapable of retaining water. A pipeline from the dam area is in need of repair. There is no evidence of water usage for months. Mr. Chung stated that such dams are illegal.

8. Tarantula Spring - Application #160996 (Water Right Docket #21). Two springs are listed by this permit. Tartantula Spring is a natural spring with discharge of about three gpm. A pipeline from the millsite to the immediate spring area apparently ends in the wet soil below the spring - collecting water as a "French Drain." Tracks, droppings, etc., indicate heavy use of this spring by wildlife - including sheep and burrows. About 200 feet downstream of the spring a dam exists. This dam is

about 40 feet high and in good condition, but does not impound any water. Spring flow not intercepeted by the French Drain probably seeps through the porous material at the dam base. Mr. Chung stated that the dam was illegal and in his opinion was dangerous should it ever fill and break. The pipeline to the spring appears in working condition and conveys water at least part way to the millsite.

The water sources of both Blue Cliff and Tartantula were filed upon in order to acquire water for the Morning Glory Millsite and Campsite. The Millsite shows no evidence of operation for several months, but is in acceptable condition. The Campsite is also in acceptable condition, reading material was found which was dated January 1972.

Recommendations: State of California records, for each of the above water sources, indicate that the current status is one of Permit. In each case an extension of time has been requested and granted in order to complete neccessary work and thus to proceed to State License.

Conclusions: After review of the information obtained, Mr. Chung will prepare the appropriate papers and forward them to National Park Service, Water Resources Division. Water Resources will then review the proposed State action and will take any necessary steps to properly protect the NPS legal position while maintaining comity with the State.

William L. Werrell

William L. Werrell

Approved:

Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

01-00-1975: picture of death valley - chucker springs; january, 1975



Death Valley - Chucker Spring
Picture taken in January 1975



Death Valley - Chucker Spring
Old Pipeline from Spring
Picture taken in January 1975

United States Department of the Interior
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)PSW
DEVA/WATER RIGHTS GEN
WR #27

March 13, 1974

California State Water Resources
Control Board
Division of Water Rights
1416 Ninth Street
Room 1015
Sacramento, California 95814

Gentlemen:

This is in response to your letter of February 19, wherein you reference permits of certain springs and washes in Inyo County, Death Valley National Monument. Your letter specifically discusses status of water uses as reported for Permits 11422, 11423, and 11424 during the past three years. Permits 11422 (Application 16138) and Permit 11424 (Application 15539) are used jointly as a water system. Also in the same system is Permit 8536 (Application 13852), License 6559A. Water from these sources are used by (1) wild game, the use is constant and (2) a small mining operation in the area uses the water for domestic purposes. The duration of the mining activities is unpredictable because of the variables inherent to such operations e.g, size of ore deposit, fluctuations in price of ore and labor, etc. The result is a series of "opening" and "closing down" of mining operations; use and unuse of the water supply. No mining is presently being done and these permits are currently in our inactive file.

In the interest of comity, this office has supplied water use information to the State in regards to these permits over the past several years. Water usage reported has been based upon the reported mining status at the time the report was submitted. These same reports indicate no usage and subsequent reports contain water use data.

Permit 11423 (Application 17839) pertains to water located several miles away from the above permits, but of similar use. On March 11,

JOHNNY HORIZON '76
Let's Clean Up America For Our 200th Birthday

it was reported that this mining operation had been "reopened" several weeks ago. Thus this permit has been removed from our inactive file and placed in the active status.

When contacted by Mr. Wilbert Chung of your Los Angeles Office, we will notify the appropriate park personnel so as to provide the necessary assistance to the on-site examination of Permits 4645, 5738, 5739, 5754, 11421, 11924, 14533, 15363, and 15721.

Sincerely yours,

(SGD) JAMES B. THOMPSON

James B. Thompson
Acting Regional Director

cc:
Supt., DEVA w/cy of inc.
and cys for each
individual Water
Right Docket File
(WR #1,3,4,5,21,22,22A,
24,25,34, and AWR #7)

WASO(MR) w/cy of inc. and
cys for each individual
Water Right Docket File
(WR #1,3,4,5,21,22,22A,24,
25,34, and AWR #7)

STATE OF CALIFORNIA—THE RESOURCES AGENCY RONALD REAGAN, Gov.
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814

FEB 19 1974

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Attention: Mr. Gerard S. Witucki
Chief, Water Resources Section

Gentlemen:

WR#s
4-Permit 4645 (Application 8423) Permit 11423 (Application 17839)-
3-Permit 5738 (Application 10001) Permit 11424 (Application 15539)-
4-Permit 5739 (Application 10002) Permit 11924 (Application 18489)-
5-Permit 5754 (Application 10118) Permit 14533 (Application 21646)-
21-Permit 11421 (Application 16096) Permit 15363 (Application 22366)AWR-
22A-Permit 11422 (Application 16138) Permit 15721 (Application 22979)WR-
Various Springs and Washes in Inyo County

In your letter of July 27, 1972, you indicated that water is not in use nor is use foreseen in the near future under Permits 11422 and 11424. In reviewing the permits we find also that no use of water is being made under Permit 11423 (Application 17839). In accordance with guidelines for considering petitions for extensions of time, a copy of which is enclosed for your information, it appears that Permit 11423 should be revoked. Although you indicated that water is not now being used under Permits 11422 and 11424, in your letter of July 27, 1972, the progress reports indicate intermittent use of water. It may be that this intermittent use of water should be considered a riparian use, and therefore it would be appropriate to revoke these two permits. Forms are enclosed for your use in requesting revocation of these three permits, if you concur.

It appears that use of water has been made under the remaining nine permits and that in most or all of the cases licensing action is indicated. We are therefore scheduling Permits 4645, 5738, 5739, 5754, 11421, 11924, 14533, 15363, and 15721 for inspection for the purpose of issuing a license for the amount of water beneficially used. If the inspection generates information which would provide justification for an extension of time under the guidelines, we will

proceed to recommend to the State Water Resources Control Board that an extension of time be granted to complete use of water.

Within a few weeks you can anticipate receiving a communication from Mr. Wilbert Chung, of our Los Angeles Office, requesting information on whom he should contact at each project site for communication regarding the inspection.

Whether or not you concur with the proposed licensing action, please provide the information needed to make a proper inspection of each project. Thereafter we will be in a better position to communicate with you about the projects.

We are pleased that the Park Service intends to continue to cooperate with the State Division of Water Rights as indicated in your letter. Your cooperation is sincerely appreciated.

Sincerely,

R. L. Rosenberger

R. L. Rosenberger, Acting Chief
Division of Water Rights

Enclosures

cc: Mr. Wilbert T. Chung
State Water Resources Control Board
Division of Water Rights
107 South Broadway, Room 9038
Los Angeles, CA 90012

File 22-A

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)ASW
DEVA/Water Rights

July 27, 1972

Mr. K. L. Woodward
Chief, Division of Water Rights
State Water Resources Control Board
Room 1015, Resources Building
1416 Ninth Street
Sacramento, California 95814

Dear Mr. Woodward:

In accordance with your letter of May 16, 1972, the National Park Service will continue to inform the State Division of Water Rights concerning National Park Service water requirements. We have reviewed the twelve permits listed in your letter and have discussed each case with appropriate field personnel to determine the current status of each. We intend to make every effort to cooperate with the State to develop a system that will be mutually satisfactory to the Park Service policy objectives and the concerns of the State.

To this end we are submitting a Notification of Existing Water Use for ten of the twelve permits listed in your May 16 correspondence. The following seven permits continue to have regular use:

Permit #	Application #	N.P.S. Water Right #
4645	8423	24
11421	16096	21
14533	21646	31
11423	17839	25
15721	22979	34
15363	22366	AWR 9
11924	18489	1

Three of the permits, as noted in your letter, have not been active for some time. However, this water is now being used and the following permits have been placed in our active files:

Permit #	Application #	N.P.S. Water Right #
5738	10001	3
5739	10002	4
5754	10118	5

The remaining two permits have been used regularly in past years but are not now in use nor do we foresee use in the near future. These permits shall be placed on inactive status in the Park Service's records.

Permit #	Application #	N.P.S. Water Right #
11424	15539	22
11422	16138	22-A

The Park Service intends to continue to give consideration to the State Division of Water Rights regarding difficulties which might arise in conjunction with the information contained within these reports of existing use.

We continue to appreciate your assistance in these matters.

Sincerely yours,

(SGD) GERARD S. WITUCKI
Gerard S. Witucki
Chief, Water Resources Division

Enclosures

cc:
PN, WASO w/encls
Supt., Death Valley NM, w/encls

(WR)AS, Mr. Wallis
(WR)ASW, Water Resources File
(WR) Chron

(WR)FNP:JMMize:mpm 7/27/72

07-03-1972: message record of paul fodor, ranger to james m. mize, legal assistant, water rights ; july 03, 1972

Subject:
DEVA - Water Dockets

NATIONAL PARK SERVICE
Western Regional Office
MESSAGE RECORD
Date July 3, 1972

Routed for: ☒ Information ☐ Action

☐ Incoming Call
☒ Outgoing Call

To: Chief, Water Resources Division

Name and Title Paul Fodor, Ranger

Representing DEVA - Works with Water Rights Dockets

Telephone No. 714 786-2331

Address Death Valley National Park

NPS Personnel in on Call James M. Mize, Legal Assistant, Water Rights

Conversation: Information requested regarding current status of twelve DEVA Water Rights dockets. The following list was verified by Paul Fodor utilizing latest information available:

PERMIT #	APPLICATION #	N.P.S. W.R. #	N.P.S. USE	USES
4645	8423	24	Yes	Camping and Picnicking
11421	16096	21	No	Mining and Domestic
14533	21646	31	Yes	Domestic
11423	17839	25	No	Mining
15721	22979	34	No	Mining
15363	22366	AWR 9	Some	Mining and some radiator Water
11924	18489	1	Yes	Domestic, Recreation, Irrig.
5738	10001	3	Yes	Headquarters Facility
5739	10002	4	Yes	" "
5754	10118	5	Yes	" "
11424	15539	22	No	None
11422	16138	22-A	No	None

Follow-up Action to be Taken: Consult with Regional Solicitor re: operating procedure for water rights in communications with State Dept. of Water Rights. Reply to State Department of Water Rights letter of May 16 re: status of these permits.

Follow-up Action Taken: July 20, 1972 consultation with Regional Solicitor, Mihan, who approved a draft of response to May 16, 1972 letter from State Department of Water Rights.

TE OF CALIFORNIA—THE RESOURCES AGENCY RONALD REAGAN, Governor
TE WATER RESOURCES CONTROL BOARD
VISION OF WATER RIGHTS
)M 1015, RESOURCES BUILDING
6 NINTH STREET • SACRAMENTO 95814

Witucki

RECEIVED
WATER RESOURCES SECTION
MAY 19 1972

ACT.	INFO.		INITIALS	DATE
		PETERSEN, C.		
		BARNETT, D.		
		[illegible]		
		CHAVEZ, D.		
		[illegible]		
		GOSS, S.		
		FILE		

REMARKS

May 16, 1972

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Attention: Mr. Gerard S. Witucki, Chief
Water Resources Section

Gentlemen:

Permits 15363, 4645, 5754, 5738, 5739, 11424, 11422, 11421, 11924, 11423, 14533 and 15721 (Applications 22366, 8423, 10118, 10001, 10002, 15539, 16138, 16096, 18489, 17839, 21646 and 22979) Various Springs and Washes in Inyo County

The time to complete use of water under all but one of the subject permits expired December 1, 1970. The time to complete use of water under the one permit--15721--expires December 1, 1972.

In your letter of February 17, 1971 confirming a meeting of January 26, 1971, you stated, "In accordance with the understanding reached at the meeting, it is understood no action would be undertaken by the State in view of the recent modification of the State Water Code, particularly in regards to the Point Reyes National Seashore.... Further, as agreed, in the future, we will pattern our procedures somewhat after those used by the Forest Service in the State of California."

Prior to the above-mentioned meeting, on December 1, 1970 you submitted progress reports for the above permits in which you requested necessary forms for petitioning an extension of time. The forms were mailed to you on January 4, 1971. These petitions have not been received. Also, we have not received your 1971 progress reports.

We assume that you are in the process of determining which of the above permits should be revoked and replaced by reports of water use, either patterned after those used by the Forest Service or using our "Statement of Water Diversion and Use" forms, and which of the permits should be kept in good standing. Copies of our "Statement of Water Diversion and Use" forms are enclosed. Simply reporting on use of water is not a substitute for applying for a water right permit if the land involved was formerly in private ownership and your use is not riparian in nature.

According to the California State Water Resources Control Board's "Guidelines for Considering Petitions for Extensions of Time" (a copy of which is enclosed), and the latest information in our files, it appears that Permits 5738, 5739 and 5754

should be revoked because construction has not been started. It appears that Permits 4645, 11421, 11422, 11423, 11424, 14533 and 15363 should be inspected to confirm the amount of use for licensing purposes unless an extension of time can be justified. Use of water under Permit 11924 appears to have been increasing according to progress reports on file. If you want an extension of time under this permit, you will need to submit a petition.

Please advise what course of action you propose to take.

Sincerely,

K. L. Woodward

K. L. Woodward, Chief
Division of Water Rights

Enclosures

02-10-1965: receipt for permit extension fee ; february 10, 1965

Resources Bldg.
Room 1140 • 9th & O Sts.

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
SACRAMENTO 7 CALIFORNIA

Receipt No 19545

Date February 10, 1965 ($ 5.00)

Received ($)

☒ Cash ☐ Money Order ☐ Check *(Receipt contingent upon collection)*

U. S. Dept. of Interior
National Park Service - Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102
ATTN: Manuel Morris

Re APPLICATION NO. 16138

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$ 5.00
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By Betty L. Rathbun
Title

FORM 300
47168 11-56 20M QUIN ® SPO

FEB-8 '65 (1)
CMF
4 m/r/1
1 Hold
2 support TLL
3 photocopy
File

Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

L-54
Dockets
21, 22, 25

February 5, 1965

Mr. L. K. Hill, Executive Officer
State Water Rights Board
1416 Ninth Street
Sacramento, California 95814

Dear Mr. Hill:

Enclosed are Progress Reports by Permittee for the Year 1964 as follows:

Application	16069	Permit 11421	Tarantula Springs
	16138	11422 ~~22~~	Chucker Springs
	17839	11423	Blue Cliff Springs
	15539	11424 ~~36~~	Covered Spring

As each of these permits has just recently expired, Extension Petitions are enclosed with the required fee of $5.00 for each petition. Payment of $20.00 is in cash. Please prepare separate receipts for each permit and return addressed to my attention.

In connection with Application 16069, I am enclosing a copy of our Special Use Permit DEVA 1-65 issued to K. S. Wilson of Morning Glory Mines. This permit supersedes all previous permits.

Sincerely yours,

(Sgd) Manuel Morris

Manuel Morris
Hydraulic Engineer

Enclosures

cc:
Director w/enclosures
Chief, WODC (2) w/enclosures
Supt., Death Valley

P.S. To Docket Holders: File Permit 11421 in Docket 21; Permits 11422, 11428 and DEVA 1-65 in Docket 22; Permit 11423 in Docket 25.
Supt., DEVA: File your retained copies as above.

00-00-0000: post card to u. s. death valley natl. monument regarding the fact that the completed report of licensee have not been r

APPLICATION 13852
STATE WATER RIGHTS BOARD
1416 - 9th St. Room 1140
SACRAMENTO, CALIF. 95814



U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY,
CALIF

PERMIT 8536 LICENSE 6559-A

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
Resources Building, Room 1140
Ninth & O Streets
Sacramento, California 95814

Licensee:

We have not received the completed Report of Licensee recently sent you.

The form, which reports your use of water during the past three years, should be returned as soon as possible.

In event the form has been misplaced, please let us know and we will send you a copy.

Sincerely,

L. K. Hill

L. K. Hill
Executive Officer

SWRB
17A (1-65)

184

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

January 8, 1965

IN REPLY REFER TO:
L54

RECEIVED
NPS Western Regional Office
JAN 11 '65

	Surname	Date
Reg. Dir.		
Asst. R.D. (AD)		
Asst. R.D. (OP)		
Asst. R.D. (CA)		
Asst. to R.D. (PA)		
So. Asst. (Dev)		
So. Asst. to R.D.		
R. S. Adviser		

Memorandum

To: Regional Director, Western Region

From: Acting Superintendent, Death Valley

Subject: Progress Reports:
Application 18489, Docket 1
Application 16069, Docket 21
Application 16138, Docket 22 ~~22~~
Application 15539, Docket 22 ~~36~~
Application 17839, Docket 25
Application 19482, Docket 27
Application 19538, Docket 28

Enclosed are four copies each of the 1964 progress reports for the subject applications. If these meet with your approval, forward the original to the State Water Rights Board and make the required distribution. We have retained one copy each for our files.

William N. Burgen

Enclosures 28

181

02-14-1962: receipt for permit extension fee ; february 14, 1962

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

Receipt No. 15217

Date Feb. 14, 1962 ($ 5.00)

Received ($)

☐ Cash ☐ Money Order ☒ Check *(Receipt contingent upon collection)*

U. S. Death Valley National Monument
Death Valley, California

Re APPLICATION 16138

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$ 5.00
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By Elaine Garrett
Title

FORM 300
47169 11-56 20M QUIN © SPO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:

180 New Montgomery
San Francisco 5, California

December 18, 1961

Mr. L.K. Hill
Executive Officer
State Water Rights Board
Box 1592
Sacramento, California

Dear Mr. Hill:

Enclosed are Progress Reports and Notices of Expiration for the following springs at Death Valley National Monument:

Application 8423,	permit 4645	Unnamed (Thorndike Spring)
Application 15539	permit 11424,	Cover Spring and Wee Spring
Application 16096	permit 11421,	Unnamed (Tarantula Spring)
Application 16138	permit 11422,	Chucker Spring
Application 17839	permit 11423,	Unnamed (Blue Cliff Spring)

We are also enclosing our Purchase Order No. 34-326 to cover the filing fees for extensions of time under these applications. The needs for extensions are described in each of the Notices of Expiration.

Sincerely yours,

John B. Wosky
Regional Chief of Operations

Enclosures

12-14-1961: requisition for filing fee for extension of applications ; december 14, 1961

Form DI-1
(Rev. 4-56)

UNITED STATES
DEPARTMENT OF THE INTERIOR

REQUISITION

21-22-25 WR 24

Requisition Number
Copies

To	Bureau or Office	Date
Procurement		December 14, 1961

Appropriation and Allotment or Project No.	Charge shipping costs to
Acct. No. 143.2	

Vendor	Deliver to
State Water Rights Board Box 1592 Sacramento 7, California	National Park Service Region Four 180 New Montgomery San Francisco 5, California

ITEM OR FORM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1 WR 24	Filing Fee for extension of Application 8423 Unnamed (Thorndyke) Spring	1	Fee		5.00
2 ✓	Filing Fee for extension of Application 15539, Covered and Wee Springs	1	Fee		5.00
3 21	Filing Fee for extension of Application 16098 Unnamed (Tarantula) Spring	1	Fee		5.00
4 22	Filing Fee for extension of Application 16138 Chucker Spring	1	Fee		5.00
5 ✓	Filing Fee for extension of Application 17839 Unnamed (Blue Cliff) Spring	1	Fee		5.00
	TOTAL				25.00

FOR USE WHEN ADDITIONAL APPROVAL IS REQUIRED

Bureau Officer

(Signature) (Date)

Title

Requisitioned by (signature)
Manuel Morris

Title Hydraulic Engineer

Approved by (signature)
George F. Whitworth

Title Regional Engineer

Prepare in single space typing. Use double space between items. Fill out top of requisition completely, showing complete shipping instructions and appropriation if different from that to which requisition is chargeable.

U. S. GOVERNMENT PRINTING OFFICE : 1958 O—483052

12-27-1960: memorandum to regional director regarding annual progress reports on water rights under applications 13852, 15539,

DEKA Docket 22

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

Spaulding
LSS 12/30

IN REPLY REFER TO:
L54-OBL

December 27, 1960

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Annual Progress Reports on Water Rights Under Applications 13852, 15539 and 16138, Docket 22, Death Valley

Copies of the progress reports have been received with copy of the letter of December 14 to the State Water Rights Board.

We are filing the reports in the proper parts of the subject docket. It may no longer be necessary, but will prevent oversight if the copies of cover letters or memoranda for the various offices always include instructions to file in the docket.

It is noted that no mention is made of visitor or wildlife use in any of these reports, although those are designated purposes of use. On one of my past visits I also noted that the Greens were living at the Old Journigan Millsite at the time, and had padlocked a chain across the road to their own millsite. The reports indicate that miners have suspended operations because of decline in market price of tungsten. The following comments should be considered next year.

In order to keep the rights in good standing there should be a report of some use whenever possible, and certainly at intervals such that rights would lapse because of too many years of nonuse. Public and wildlife use should be reported if possible, when milling is suspended. This will require that public access be provided. It may also be advisable to determine whether there is a Federal moratorium on assessment work on mining and millsite claims when miners suspend their work, and to stress that point instead of the price of the ore. The lack of water due to drought conditions is an adequate reason for nonuse during one or two years without further reference to other reasons, but it does indicate that the claim is only to an intermittent source, and that fact is worth noting.

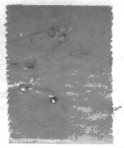
A. van V. Dunn
AVVD

A. van V. Dunn
Chief, Water Resources Section

NATIONAL PARK SERVICE RECEIVED DEC 29 1960 REGION FOUR OFFICE

Copy to: Superintendent, Death Valley
Chief, WODC (2)

146



W O D C
DEC 19 '60
CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE
None

Death Valley National Monument
Death Valley, California

L54

December 14, 1960

Mr. L. K. Hill
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Dear Mr. Hill:

Enclosed are signed Progress Reports for the following water rights appropriations in Emigrant Canyon:

Application 13852 Burns Spring
Application 15539 Covered and Wee Springs
Application 16138 Chucker Spring

Also enclosed is a Request for Extension of Time to place water to full beneficial use under Application 13852, Burns Spring. A Purchase Order and Voucher are attached for $5.00 filing fee. Please sign the Voucher and send it to our office at 180 New Montgomery Street, San Francisco 5, California.

Sincerely yours,

/s/ Granville B. Liles
Granville B. Liles
Superintendent

Enclosures 6

Copy to: Regional Director, Region Four w/cy Reports & Request for Extension of Time
Director w/cy Reports and Request for Extension
Chief, WODC w/cy " " " "

~~Spaulding~~ LSS

~~Manbey~~ BFM

Whitworth

December 5, 1960

L 54

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Annual Progress Reports, Water Rights Applications for Springs in Emigrant Canyon, Docket 22, Death Valley National Monument

FILE COPY

Attached are originals and copies of Progress Reports for the following water right appropriations in Emigrant Canyon.

Application 13852 Burns Spring
Application 15539 Covered and Wee Springs
Application 16138 Chucker Spring

The reports have been prepared to show partial use of water as indicated by your November 29 memorandum. Also attached are an original and copies of a Request for Extension of Time to place water to full beneficial use under Application 13852, Burns Spring. A Purchase Order and Voucher are attached for the $5.00 filing fee. In transmitting the original, the State should be asked to sign the voucher and return it directly to this office for payment.

If agreeable with you all copies should be signed and dated, the original submitted to the State and copies distributed as marked.

(SGD) G. F. WHITWORTH

Acting Regional Chief of Operations

Attachments

Copy to: Director (w/cy DeVa memo 11/29/60)

LSSpaulding:lq

11-29-1960: memorandum to regional director regarding annual progress reports, water rights applications for springs in emigrant

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California

IN REPLY REFER TO:
L54

November 29, 1960

RECEIVED
NPS REGION FOUR OFFICE
DEC 1 '60

	SURNAME	DAT
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
RANGER ACT		

Memorandum

Spaulding ans 12/5/60

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Annual Progress Reports, Water Rights Applications for Springs in Emigrant Canyon, Docket 22, Death Valley National Monument

This will reply to your request for information on water right appropriations in Emigrant Canyon:

Application 13852 Burns Spring (Docket 22, Part II)
Application 15539 Covered & Wee Springs (Docket 22, Part III)
Application 16138 Chucker Spring (Docket 22, Part V)

Mr. Edwin R. Denner's caretaker has spent some time at the mill, making use of the water, as provided under Water Use Permit DEVA 3-56.

The former Greene mining camp has not been occupied and there has been no use of the mill at this site. We know of no plan for future use by miners.

Granville B. Liles
Superintendent

In duplicate

112

~~Spaulding~~ LSS
Whitworth
Wosky
(Quiat)

October 28, 1960

L 54

Memorandum

To: Superintendent, Death Valley

From: ACTING Regional Chief of Operations, Region Four

Subject: Annual Progress Reports, Water Right Applications for Springs in Emigrant Canyon, Docket 22, Death Valley NM

We received forms for reporting to the State Water Rights Board on progress made during 1960 calendar year on the following water right appropriations in Emigrant Canyon:

Application 13852 Burns Spring (Docket 22, Part II)
Application 15539 Covered & Wee Springs (Docket 22, Part III)
Application 16138 Chucker Spring (Docket 22, Part V)

We will prepare the reports for your signature but we need information on water use during the past year. Please let us know if Mr. Denner has made use of water under Water Use Permit DEVA 3-56 (Docket 22, Part VI), if the former Greene mining camp has been occupied, if there have been any changes in the water system and of prospects for future use. Reports for 1959 filed in Parts II, III and V of Docket 22 may be referred to for the type of information needed.

FILE COPY

(SGD) G. F. WHITWORTH

Regional Chief of Operations

Copy to: Director

LSSpaulding:lq

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
November 27, 1959

RECEIVED
REGION FOUR OFFICE
NOV 30 '59

IN REPLY REFER TO:
L 54

SURNAME	DATE
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
[illegible]	
[illegible]	
RANGER ACT.	

LSS 12/1 forms mailed to Stok 12/1 & 12/2

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Death Valley

Subject: Water Rights Progress Reports, Death Valley

In response to Mr. Wosky's memorandum of November 24, we are listing below the information requested in his memorandum of October 29. We regret the delay in furnishing this information.

The proposal to change the mailing address of the Water Rights from Washington to the Regional Office is certainly agreeable with us.

Furnace Creek Group: Applications 10,001; 10,002; 10,118; 10,119 - Dockets 3,4,5,6.

Your information concerning this group is correct, but no money has yet been spent for the last item: Construction of Pipeline-Corner of 90 acre tract to site of Visitor Center. Originally planned for day labor, this item is now included in the recently awarded contract for construction of water system improvements for Visitor Center area.

Trail Canyon Group: Applications 17,839 and 16,096 - Dockets 25 and 21.

The status of these springs is about the same, as last year, but the pipeline from Blue Cliff Spring to the road has been out all this year, with the result that there has been no use of the spring. The Tarantula Spring report, application number 16,096, should be revised to correspond with the report of last year for Blue Cliff Spring. Visitor use is light, but continues throughout the year, rather than from April to November. Actual use by visitors and prospectors would probably average about 20 gallons per week throughout the year.

Emigrant Canyon Group: Applications 13,852, 15,539, and 16,138 - Docket 22.

The Greenes were in residence at their millsite from January to May. Water from Burns, Covered and Wee Springs was used by the Greenes through May and by caretakers at Detloff's Mill occasionally for the rest of the year. Water is still being used for irrigation, but we are not sure that any other use can be shown next Spring. However, we hope to use the complete flow during road construction in that area.

At the time of inspection on April 11, 1959, by Mr. Chesler of the State Water Rights Board, and District Ranger Matt Ryan, Chucker Spring appeared to be dry. No work was done on it and there was no use of water.

Thorndike Spring: Application 8423 - Docket 24.
Monthly travel, Mahogany Flat Road

	Travel	Visitor Day Use		Travel	Visitor Day Use
Nov.	Closed-Snow-15 days		May	200	61
	210	63	June	270	82
Dec.	20	6	July	540	164
Jan.	CLOSED * SNOW		Aug.	120	36
Feb.	" "		Sept.	160	49
Mar.	140	43	Oct.	260	80
Apr.	750	225		2670	809 (Nov. 1 - Oct 31)

Number of people in the campground on peak day 83.

Spring flow - Approximately 1 quart per minute.

Work done - Spring cleaning and pipeline maintenance -
40 man hours @ 2.60 = $105.00

We plan to perform some work on this spring during next Summer with maintenance funds in an attempt to increase the flow and improve the collection system.

Saratoga Spring: Applications 8183 and 10171 - Docket 17.

Your suggestion to request licensing now on the basis of present visitor use plus some irrigation use by natural seepage and some reserved for wildlife is probably the practical step to take at this time. It will probably be some time before any funds will be available for development at this Spring. A considerable amount of water is used by campers and prospectors throughout the year, but it amounts to a very small percentage of the total flow.

Willard W. Danielson
Willard W. Danielson
Acting Superintendent

In duplicate

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

RECEIPT No. 23621

Date November 16, 19 5

Received Five and no/100 Dollars ($ 5.00

☐ Cash ☐ Money Order ☒ Check (Receipt contingent upon collection)

United States of America -
Death Valley Nat'l. Monument
Thad C. and Jo L. Greene
c/o Wildrose Station
Trona, California

Re Application 16138

☐ Deposit ☐ Balance ☒ Full

☒ Filing Fee	$ 5.00
☐ Permit Fee	$
☐ Adjudication Apportionment	$
☐ Watermaster Service	$
☐ Exchange Water Pumped	$
☐ Copying, Comparing	$
☐ Certificate Fee	$
☐ Refund	$
Check No.	
☐ Miscellaneous	$

A. D. EDMONSTON, *State Engineer*

By L. R. Mayweather
Administrative Officer g.v.

FORM NO. 247
98987 8-54 5M QUAD SPO

Docket 22a RS

File left side DEVA Docket. 22 make copies for left side docket

RECEIVED
OCT 24 '58
IPS REGION FOUR OFFICE

IN REPLY REFER TO: 21 & 25
-L

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

October 20, 1958

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Amended Application 16096, Permit 11421, Part IV, Docket 21, Death Valley
Application 17839, Permit 11423, Part II, Docket 25, Death Valley
Application 16138, Permit 11422, Part V, Docket 22, Death Valley
Application 15539, Permit 11424, Part III, Docket 22, Death Valley

[attached letter of Aug. 29 from L.K. Hill filed with orig. of this memo in Docket 22]

Attached is a copy of letter of August 29 to the Superintendent from Mr. Hill, State Water Rights Board, transmitting the subject applications with estensions to cover the indicated permits. The applications were submitted to the Water Rights Board in duplicate, and the extra copy has been returned directly to this office with copy of the latter.

In forwarding the applications to the Superintendent for signature, with memoranda of June 17 and 19, 1957, we assumed that it would ultimately be necessary for the Superintendent to forward the original applications, as extended to permit form, to this office in order that we could complete the copies for the dockets in your office, WODC, and here. From his memorandum of September 15 this does not appear necessary. The Superintendent should file the instruments in the subject dockets as indicated.

With the two memoranda of June 17, 1957, we distributed interim copies of amended Application 16096 and Application 17839, and docket folders as needed. Those applications were supported by the file maps. For some reason, our own copies of those interim applications do not agree exactly with the approved copies which Mr. Hill has sent to us. Accordingly, we are sending you, WODC and the Superintendent photostat copies of the approved application-permits. Assuming they are the same as the originals which Mr. Binnewies has received, they should be substituted for the interim copies which you have in your dockets. Mr. Binnewies should compare his photostats with the originals and confirm that they are identical, or forward the originals for photostating.

If I have photostated the proper copies, Mr. Binnewies should present his copies to the Greenes; Ramos, et al., and the heirs of Mr. Nichols.

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments and letter of August 29

file left side DEVA Docket 22
ma copies for Dockets 21 & 2
L 54

RECEIVED
NPS REGION FOUR OFFICE
SEP 19 '58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

September 15, 1958

Memorandum

To: Chief, Water Resources Section

From: Superintendent, Death Valley National Monument ~~Spaulding~~ L Spaulding 9/
/Lands BFm 9/

Subject: Water Right Applications and Permits

We have received from the California State Water Rights Board and placed on file here the following approved applications: No. 16096, Tarantula Spring Area, Permit No. 11421; No. 16138, Chucker Spring, Permit No. 11422; No. 17839, Blue Cliff Spring Area, Permit No. 11423; and No. 15539, Covered Spring and Wee Spring, Permit No. 11424.

Fred W. Binnewies
Superintendent

In duplicate

Copy to Regional Director, Region Four
Chief, WODC

Dockets 21, 22, 25
Permit Numbers were entered on Docket tabs
J. Spaulding 9/22

REGION FOUR

c o p y

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

Sacramento, 7, California

August 29, 1958

APPLICATIONS 16096, 16138, 17839, 15539
PERMITS 11421 11422 11423 11424

United States- Death Valley National Monument
Death Valley, California

Attention: Mr. Fred W. Binneweis, Superintendent

Gentlemen:

Ebdorsed on the reverse side of the above numbered applications you will find permits which have been issued in approval thereof. As prescribed by law the permits fix definite time schedules within which to begin construction, complete construction, and make full beneficial use. Extensions of time can be allowed only upon a showing of good cause and you will observe the permits prescribe that unless development proceeds promptly and is presented diligently to completion the permits may be revoked.

Annual reports of progress will be required upon forms which will be provided for the purpose, and if and when uses are reported full and complete an inspection of the projects will be made by an engineer of this office. Following the inspection licenses will be issued to conform the rights to the amounts of water found at the time of inspection to have been beneficially used in accordance with the terms and conditions of the permits. After that time there can be no further increase in the uses under these rights.

The forms for your first progress reports will be mailed to you on or about October 1, 1958.

Very truly yours,

(sgd) L. K. Hill
Executive Officer

08-28-1958: receipt for permit fee ; august 28, 1958

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

Receipt No. 2493

Date August 28, 1958 ($ 5.00)

Received ($ 5.00)

☐ Cash ☐ Money Order ☒ Check *(Receipt contingent upon collection)*

U. S. Death Valley Nat'l. Monument
% Fred W. Binnewies
Death Valley, California

Re APPLICATION NO. 16138

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$ 5.00
Expense	$	Permit Extension Fee	$
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By Jeanne Bowman
Title

FORM 300
47168 11-56 20M QUIN ⓑ SPO

Docket 22a RS

22

L-Spaulding
Whitworth
McClellan
Nunbey
Johnston

Region Four
450 Sew Montgomery Street
San Francisco 5, California

July 14, 1958

Memorandum

To: Superintendent, Death Valley National Monument

From: Regional Chief of Operations, Region Four

Subject: Fees for Filing Applications 16096, 16138, 17839 and 15539, Dockets 21, 22 and 25, Death Valley

Please submit a voucher for $20.00 to the State Water Rights Board as requested by Mr. Hill's letter of June 17. This matter is discussed in Mr. Price's memorandum of June 30. Note that payment is due July 17.

The payment should be charged to our Account 347.

We are in agreement with the last paragraph of Mr. Price's memorandum suggesting that the reference to payment by the permittees be deleted from Condition 7 of future Water Use Permits.

Fred T. Johnston
Regional Chief of Operations

Copy to: Director

bc: Roland Johnston

LSpaulding:bat

104



Done
7/14/58

July 14, 1958

Applications 15539, 16096, 16138, 17839

U. S. - Death Valley National Monument
Death Valley, California

Attention: Fred W. Binnewies

Gentlemen:

Enclosed herewith is your voucher signed as instructed to cover permit fees in connection with Applications 15539, 16096, 16138, 17839, Permits 11421, 11422, 11423, 11424, to appropriate from unnamed springs, Chucker Spring, Blue Cliff Springs, Covered Spring and Wee Spring in Inyo County.

Further action in the matter will await receipt of the necessary fees.

Very truly yours,

L. K. Hill
Executive Officer

Enc

07-14-1958: unreadable ; july 14, 1958

To: [illegible]

From: [illegible]

Subject: [illegible]

In duplicate

(PREVIOUS) L-52 TRAIL CAMP
L-54 EMIGRANT

Death Valley National Monument
Death Valley, California

April 2, 1958

L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Dear Mr. Hill:

In accordance with the instructions in your letter of March 31, we are returning the affidavits for Applications 16096, 16138, and 17839.

Sincerely yours,

Fred W. Simmons
Superintendent

Enclosures 6
cc Files
cc
FWS:ekm

District 22 RS
Folder 2

2

L-54

✓Spaulding
Whitworth
Manbey
Johnston

March 27, 1958

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Applications 16096, Tarantula Spring, Docket 21; 16138, Chuckar Spring, Docket 22; and 17839, Blue Cliff, Docket 25. Death Valley.

By memorandum of February 21, Mr. Dunn distributed copies of documents for filing in dockets here and at WODC. The copies for your dockets are those sent you February 13 by the State Water Rights Board. There are six documents in all. Three are the form letters of instruction (containing red lettering) and three are copies of each of the posted notices. These should be filed as follows:

Letter and Notice for Application 16096.....
Docket 21, Part IV
Letter and Notice for Application 16138.....
Docket 22, Part V
Letter and Notice for Application 17839.....
Docket 25, Part II

You will have to salvage one copy each of the posted notices. If any cannot be salvaged, we will prepare copies for you.

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Copy to: Director

LSSpaulding/eb

102

org. 154-1 Gen

WASHINGTON 25, D. C.

RECEIVED

FEB 25

February 21, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Applications 16096, Docket 21; 16138 Docket 22; and 17839, Docket 25, Death Valley

155 3/27

With complete distribution of this memorandum, we are sending you and WCDC copies of the notices of appropriation under the subject applications, and of the form letters of instructions for posting, which the State Water Rights Board sent to the Superintendent on February 13. I am filing copies, and indicated thereon, in Part IV, Docket 21; Part V, Docket 22; and Part II, Docket 25. If the Superintendent does not have an extra copy, or cannot salvage one of the posted notices after March 25, photostat copies should be supplied.

- memo to Supt, DV 3/27

- attachments filed in dockets 3/27

Each office should enter Application No. "17839" at the proper place on the tab of Docket 25. I have done it by hand, in ink.

date-reg. 155

It is noted that the applications have been cleared by the State Water Rights Board, and submitted for posting without our comments on Mr. Whitworth's memorandum of December 27, 1957, and his attached copy of December 2, 1957, from the Board. It was my intention to imply only regulatory storage in the answers to question 2 of Amended Application 16096, and in Application 17839. I usually state specifically that we do only claim regulatory storage, but the magnitude of the storage proposed by the miners in the two cases seemed rather large for regulation in proportion to the available flow. Any modification of the statement which Mr. Spencer may have made with, or without, the approval of Mr. Binnewies or Mr. Spaulding will probably be satisfactory. When the approved application and permit are granted, we should be sure to make the same corrections on the copies of the applications in our respective dockets.

This will also acknowledge Mr. Binnewies' reply of February 12 to my inquiry of February 2 concerning the concern of Mr. Carl L. Hubbs over "the appropriation of 0.035 sec.ft. of the waters of Salt Creek". I frankly forgot the claim to Blue Cliff

Spring, now assigned Application No. 17839, when writing. However, it is well to have obtained confirmation that there are no unauthorized appropriations being made.

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley, no attachments
Chief, WCDC, w/c attachments

99

L54-L

December 17, 1957

Mr. L. K. Hill, Executive Officer
State Water Rights Board
1401 - 21st Street
P. O. Box 1592
Sacramento 7, California

Re: Applications 13852, 15539 and 16138 - Death Valley National Monument

Dear Mr. Hill:

This refers to your letter of December 6 concerning the first two of the subject applications; and to the letter of October 2 to Superintendent Binnewies of the Monument from Mr. Spencer, with his draft of proposed Amended Application 15539.

With a letter of August 7 from Superintendent Fred W. Binnewies of Death Valley National Monument, this Service submitted two petitions: (1) to change the points of diversion under Application 15539; and (2) to change the point of diversion of only Burns Spring under Application 13852; also amendment of Application 16138 with supporting map; photostat prints of the 1952 USGS Emigrant Quadrangle with additions, which we designated as Drawing NM-DV-6962; and other data. There are further amendments to make, but we had intended to make them progressively.

Applications 13851 and 13852 were filed by Bennett and Barginski on July 17, 1950, and Permits 8535 and 8536 to authorize construction by December 1, 1953, were granted before the Park Service discovered that these claimants, and other miners in Death Valley, were not complying with the policy that had been adopted, to have all rights to the diversion and/or use of water on basically Federal land established in the name of the United States. Between 1950 and 1953, Bennett and Barginski were succeeded by Detloff and Dobbins; and Thad C. and Jo L. Greene entered the picture with independent interests. Bennett and Barginski, and Detloff had nominally completed developments under their permits by December 1, 1953, except as that development related to Burns Spring. They had, also, respectively assigned Burns Spring to the United States without recording, and to the Greenes.

Also by December 1, 1953, the Greene's had started development of Burns Spring, presumably under Application 13852,

Permit 8536, and of Covered and Wee Springs under Application 15539. I do not know when the independent water system of the Greenes was completed but they were permitted to complete and use the system while adjusting water right title in compliance with Park Service policy of Federal ownership, which has only recently been resolved and recorded with the State Water Rights Board.

At this time it only seems essential and proper for the Park Service to correct the location of Burns Spring under Application 13852, Permit 8536, in accordance with the 1952 USGS Emigrant Quadrangle and other Federal surveys. While the location of the other springs under Applications 13851 and 13852 should be corrected, such action cannot be taken with existing Federal surveys, and is not the direct function of the Park Service as long as the claims are privately owned and do not conflict with the Federal claims.

The next question, however, is how to divorce the claim to the water of Burns Spring under priority of July 17, 1950, as assigned, from the claims to the other springs under Application 13852, Permit 8536. A new application for appropriation would apparently result in the loss of all priority between July 17, 1950, and the date the new application is filed. Although the loss of priority might not be important under existing circumstances, we should like to know whether an independent permit under the earlier priority cannot be established by some form of petition. You must have had other cases in which rights have been divided and perfected separately, and we shall appreciate copies of any available forms for such action.

Mr. Spencer's draft of Application 15539 gave corrected ties from USGS BM No. M-165 to the diversions at Covered and Wee Springs, but did not give the corrections in projected land subdivision from the 1952 USGS Emigrant Quadrangle and other Federal surveys, which were given in the petition. The matter was referred to this office, and a new amended application has been prepared and is now being sent to our Regional Office for signature and transmittal to Mr. Spencer. This amended application does not involve partial ownership by another.

Amended Application 16138, as submitted on August 7, lists three tanks of 20,000, 1,720, and 1,750 gallons respectively. These should read 20,000, 1,720 and 750 gallons.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four, w/c incoming of 12/6/57
Superintendent, Death Valley, w/c incoming of 12/6/57
Chief, WODC, w/c incoming 12/6/57

86

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

IN REPLY REFER TO:
L54 #34

RECEIVED
NPS REGION FOUR OFFICE
#34
SEP 23 57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

September 17, 1957

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Spring Locations, Emigrant Canyon, Docket 22 and Alien Water Right 34, Death Valley

~~Spaulding~~ 10/23 asked

With copies of letter of April 16 to the State Water Right Board, we distributed copies of Drawing NM-DV-6963, showing variations in locations of springs by Park Service surveys and the Geological Survey, and also showing variations in theoretical projection of sections by the miners and this Service. As a result of the reply to that letter, we have filed petitions to amend the locations of those spring used by Thad C. and Jo L. Greene, and an amended Application 16138 to cover their use.

Drawing DV-6963 shows most of the locations of other springs which have been used by Detloff and Dobbins to be relatively close by NPS surveys and the Geological Survey quadrangle, the one exception being Burro Spring. Attached print of DV-6961 shows the relative positions of BM-M-165, Burns and Burro Springs from the data with the Superintendent's memorandum of June 6; and the related topography and two springs in more detail from the USGS quadrangle using Burns Spring as base. The questions are whether there may not be three springs in the respective draws, and whether the Geological Survey, miners and this Service have not been assigning different names to them. If there are only Burro and Canyon Springs, their names may have been reversed by the miners or Geological Survey.

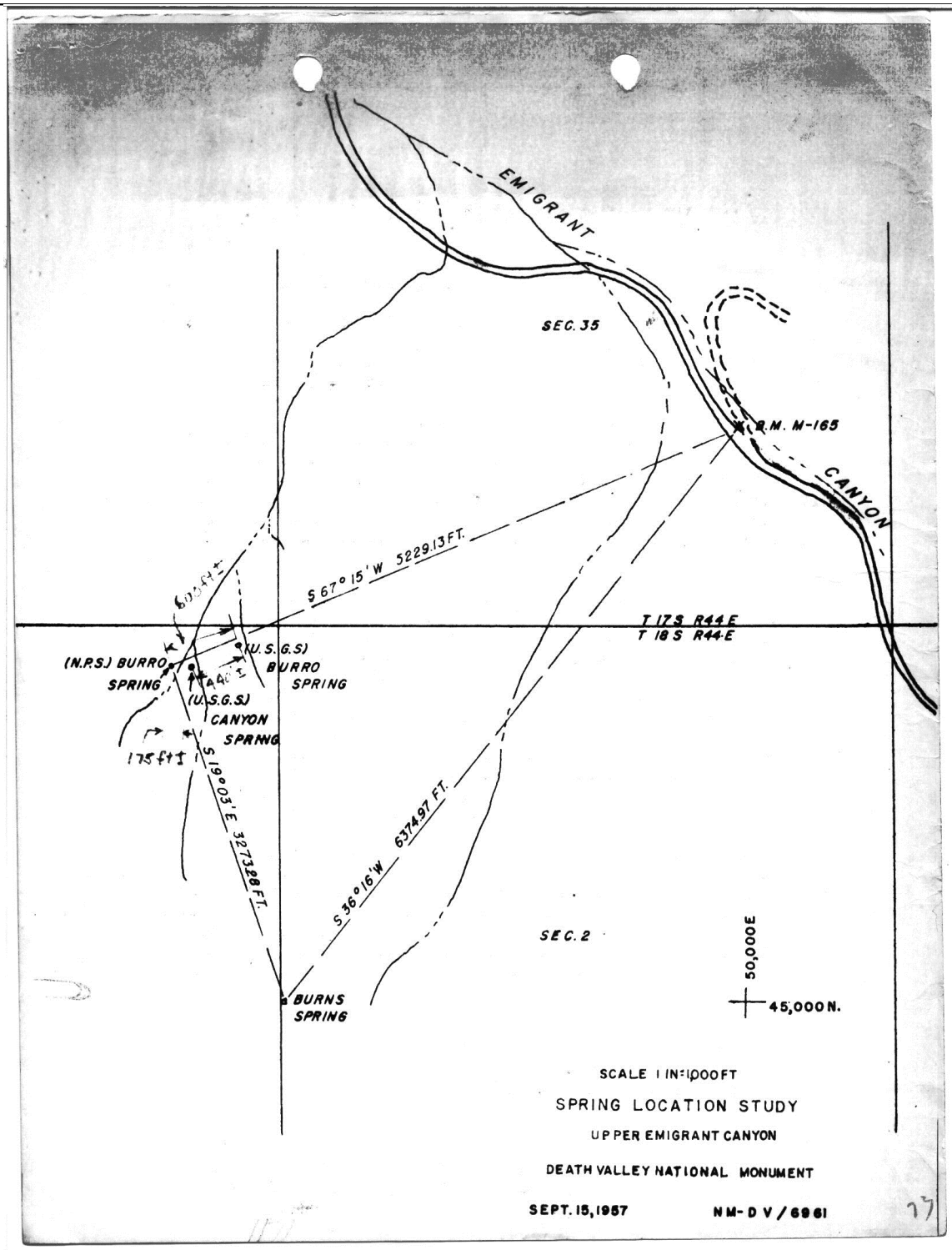
Before this Service or Detloff and Dobbins attempt to amend the water rights of the latter, we should determine which springs are which. We should also have a stadia traverse of the pipeline with all diversions which have been used. The data can all be obtained most economically at one time, and there is no urgency unless the State Water Rights Board wishes to reconcile the description of Detloff rights before approving the claims of the U.S.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, w/c Drawing 6961
Chief, WODC, w/c Drawing 6961

09-15-1957: spring location study upper emigrant canyon ; september 15, 1957



Region Four

In reply refer to:

L54 DEVA Docket 22

RECEIVED
NPS REGION FOUR OFFICE
AUG 12 '57

SURNAME	DATE
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
LEGAL	

Death Valley National Monument
Death Valley, California

August 7, 1957

Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Dear Mr. Jopson:

Enclosed are the following instruments:

1. Petition for Correction of Description of Point of Diversion from Burns Spring under Application 13852.
2. Petition for Correction of Description of Points of Diversion from Covered and Wee Springs under Application 15539.
3. Original and one print of Emigrant Quadrangle, with additions, designated as Drawing NM-DV-6962, to support said petitions.
4. Photostat copy of recorded assignment of rights and claims of Thad C. and Jo L. Greene of December 21, 1956.
5. Application 16138 as retyped by Mr. Jopson.
6. Drawing supporting said application.
7. Amended Application 16138 in duplicate.
8. Original and one photostat print of map to support Amended Application 16138.

Amended Application 16138 has been prepared instead of revising and extending the draft submitted by Mr. Jopson, thus eliminating the need for a third petition. We have expanded the place and purpose to cover other permissive uses if they are requested before time of proof.

The petition for change of points of diversion of Burns, Covered and Wee Springs does not cover change in place of use under

Application 13852 and correction in place of use under Application 15539, but the reference to commingled use is covered by Amended Application 16138. It is assumed that no further action is needed until time for proof.

Sincerely yours,

Fred W. Binnewies
Superintendent

Enclosures

Copy to: Regional Director, Region Four (3) ✓
Director (2)
WODC

7 2

IN REPLY REFER TO:
L54-L

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

July 25, 1957

RECEIVED
NPS REGION FOUR OFFICE
JUL 29 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Amended Water Right Application 16138, Docket No. 22, Death Valley (Thad C. and Jo L. Greene)

Mr. Burke's memorandum of July 9, with Mr. Manbey's memorandum of July 19, indicates that amended Application 16138 can be signed and mailed to the State Water Right Board in accordance with our memorandum of June 19 to the Superintendent.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Field Solicitor McClellan (2)

Manbey
BFM

L54

July 19, 1957

Memorandum

To: Director

From: Regional Chief of Lands, Region Four

Subject: Amended Water Right Application 16138, Docket No. 22, Death Valley (Thad C. and Jo L. Greene)

Attached is copy of Regional Solicitor Burke's memorandum of July 9 in connection with Mr. Dunn's memorandum of June 19 addressed to the Superintendent, Death Valley National Monument.

It will be seen that Mr. Burke says that Mr. Dunn's memorandum suggests that the clearance of the Regional Solicitor's Office should be obtained before signature by the Superintendent and filing with the State Water Rights Board. Mr. Burke indicates that the material has been reviewed in his office, and he assumes the accuracy of the survey information and hydraulic data relating to diversion and storage capacities. Otherwise he is in accord with the statements contained in the draft of the amended application, and he perceives no objection to filing it in that form.

FILE COPY

B. F. Manbey
Regional Chief of Lands

Attachment

Copy to Death Valley w/copy Burke memo July 9

Mr. McClellan

BFManbey/jd

70

July 2, 1957

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Survey Ties--Emigrant Canyon, Death Valley

Further surveys in Emigrant Canyon can probably be deferred until you obtain a Hydraulic Engineer, as recommended in the memorandum of June 20 from Mr. Johnston. However, those surveys should be given an early priority in the work to be done at Death Valley.

The following work seems to be needed before all water rights can be amended to show the true location of sources:

AWR 34

1. Ties from all springs used by Detloff and Dobbins to BM-M-165 or K-165, with correct names for each spring. A good stadia traverse of the pipeline, with said tie, would be best. (We have not yet checked location of Burro Spring from data submitted on June 6.)

WR 22

2. Ties from Lower Emigrant and Pioneer Springs (used by Park Service and General Hotel Company) to BM-J-165.

3. Tie from reservoir at Emigrant Checking Station to BM-157.

Good stadia surveys should be adequate in all cases.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

L54-L

RECEIVED
NPS REGION FOUR OFFICE
JUN 24 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

JUN 19 1957

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Water Right Applications 13852, 15539 and Amended Application 16138, Death Valley

Attached are the following instruments:

1. Petition for Correction of Description of Point of Diversion from Burns Spring under Application 13852.

2. Petition for Correction of Description of Points of Diversion from Covered and Wee Spring under Application 15539.

3. Original and one print of Emigrant Quadrangle, with additions, designated as Drawing NM-DV-6962, to support said petitions.

4. Photostat copy of recorded assignment of rights and claims of Thad C. and Jo L. Greene of December 21, 1956.

5. Application 16138 as retyped by Mr. Jopson and sent to you with letter of December 16, 1954, and forwarded to us with copy of your memorandum of April 18, 1955.

6. Drawing supporting said application.

7. Amended Application 16138, in duplicate.

8. Original and one photostat print of map to support Amended Application 16138.

Two copies of the last two items are being sent to Region Four for the clearance of the Regional and Field Solicitors. As soon as such clearance is received, please sign the petitions and two copies of the Amended Application and send all of the attachments to:

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California.

65

Apparently only one copy of the petition and a print of the map is needed in connection with corrections of Applications 13852 and 15539. We have prepared Amended Application 16138 instead of revising and extending your additions to the draft submitted by Mr. Jopson, thus eliminating the need for a third petition. We have expanded the place and purpose to cover other permissive uses if they are requested before time for proof.

These matters should be explained in your letter of transmittal. You should also probably point out that the petition for change of points of diversion of Burns, Covered and Wee Springs does not cover change in place of use under Application 13852 and correction in the place of use under Application 15539, but that the reference to commingled use is covered by Amended Application 16138, and you assume that no further action is needed until time for proof.

Copies of the above listed instruments are being distributed by separate memorandum for the dockets and interested miners. That memorandum also explains why some changes have not been made in accordance with correspondence since December.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Field Solicitor McClellan, w/c of Amended Appl. 16138 and petitions (2)
Regional Director, Region Four
Chief, WCDC

65

Docket 22

RECEIVED
NPS REGION FOUR OFFICE
JUN 19 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
PLANNING		

June 12, 1957

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
1401 21st Street
P. O. Box 1492
Sacramento 7, California

Re: Applications 13852, 15539 and 16138, Emigrant Canyon } DOCKET 22
also
Application 16096, Trail Canyon } DOCKET 21
Death Valley National Monument

Dear Mr. Jopson:

This will acknowledge the letter of June 7 from Mr. Spencer concerning Applications 16096 and 16138. ← See Docket 21

With the forms for Petitions for Correction of Descriptions which you forwarded with your letter of May 8, we have sent the following instruments to the Superintendent for signing and forwarding to you with certain supporting records:

Emigrant Canyon

1. Petition to Correct Description of Point of Diversion from Burns Spring under Application 13852.

2. Petition to Correct Description of Points of Diversion from Covered and Wee Springs under Application 15539.

3. Amended Application 16138 for appropriation of water of Chucker Spring.

Trail Canyon

4. Amended Application 16096 for the appropriation of water in Tarantula Spring Area.

5. New application for appropriation of water in Blue Cliff Spring Area.

The petition for correction of description of diversion from Burns Spring under Application 13852 indicates the need for similar corrections of descriptions of other diversions under Applications 13852, 13851 and 15558, which are owned by Detloff and Dobbins. However, either due to erroneous original surveys, or to different

identity of springs by the applicants and by the Geological Survey in preparing the Emigrant Quadrangle of 1952, we are suggesting that the petition be limited to Burns Spring until the matter is clarified.

Technically, the petitions move developments as described in the original applications to their proper geographical positions. Through the petition and amended Application 16138, it will be evident that the use of the water of Burns Spring has also been changed from the place shown in Application 13852 to the place where water is used under Application 15539 and Amended Application 16138. Moreover, the United States wishes to preserve priorities of appropriation in proper relation to prior and subsequent mining and millsite locations. To preserve the priority of Application 13852 for successorship use of Burns Spring, there appears to be a need for an actual amendment of Application 13852 either now or at the time of proof for certificate. We should like to know whether this matter can be deferred, and covered in the proof.

Because of limited drafting assistance at this time we have used your township plats and the USGS Quadrangle for one copy of each map, and a photostat for the second. It will be satisfactory to return the photostats with the permits if you wish original drawings in your files.

We have supplied the Superintendent with voucher and purchase order for the one new application, and assume no further fee is needed for filing Amended Applications 16096 and 16138. Please advise at once if the assumption is incorrect.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four, w/c of letters of 5/8 and 6/7
Superintendent, Death Valley " " " " " "
Field Solicitor McClellan (2) " " " " " "

COPY

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
1401 - 21st. Street
P. O. Box 1592
Sacramento, California

June 7, 1957

Applications 16096 and 16138

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

Attention: A. van V. Dunn, Chief
Water Resources Section

Re: Your File L 54-L

Gentlemen:

Reference is made to your letter of November 30, 1956, in connection with water rights Applications 16096 and 16138 filed in the name of Death Valley National Monument.

We have received a copy of water use Permit No. Deva 2, 1956, issued to M. D. Nichols of Trona, California. Inasmuch as this permit has been issued it would appear that Applications 16096 and 16138 should now be completed and forwarded to us so that they may be advertised in accordance with the provisions of the Water Code.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, CHIEF ENGINEER

By: L. C. Spencer
Supervising Hydraulic Engineer

60

In reply refer to:
L 54

Death Valley National Monument
Death Valley, California

June 6, 1957

WR 22

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Survey Ties - Emigrant Canyon, Death Valley

Mr. A. van V. Dunn requested by memorandum, dated May 20, checked bearings and distances to various points in Emigrant Canyon.

Attached are copies of field notes for the following traverses:

BM J-165	to	M-165
Station 11	to	Burro Spring
Station 15	to	Burns Spring

We are having difficulty in finding field notes covering the tie to BM-157. Apparently the traverse for the water line shown on drawing NMDV 6974 was tied by distance and bearing to the road survey at Emigrant Spring. The road survey in turn was tied to BM 157. However, there is an interruption in the field notes making it impossible to trace a complete tie.

We cannot locate notes covering a tie between J-165 and either the water line traverse of drawing 6974 or the road traverse tied to BM - 157.

Additional search of notes and probably field work will be required to supply these ties. Please advise if further work is necessary.

Fred W. Binnewies
Superintendent

In duplicate
Attachments 3
Copy to: Chief, Water Resources Section

54

Attachment No. 1

TRAVERSE

Emigrant Canyon BM J-165 to M-165
Field Book No. 75, March 1954
by Peterson & Rowe Transit & Chain

Station	Distance Feet	Bearing
J-165		
	880.2	520 20E
1		
	579.8	S 51 46E
2		
	1070.7	S 3 08 W
3		
	956.7	S 21 38 W
4		
	411.6	S 12 44 E
5		
	789.0	S 47 01 E
6		
	1225.2	S 46 56 E
7		
	1044.3	S 8 22 E
8		
	1084.2	S 43 11 E
9		
	718.6	S 47 53 E

51

10		
	684.7	S 57 54 E
11		
	503.0	S 75 13 E
12		
	701.6	S 59 15 E
13		
	399.8	S 17 47 E
14		
	393.1	S 18 01 E
15		
	351.9	S 74 51 E

M-165

Attachment No. 2

TRAVERSE

Station 11 to Burro Spring
Field Book 75, March 1954
by Peterson and Rowe - Transit and Stadia

Station	Distance	Bearing
11		
	625	S 74 29 W
T1		
	753	S 82 06 W
T2		
	1166	S 53 20 W
T3		
	872	S 12 05 W
T4		
	605	S 4 14 W
T5	746	
	746	S 38 29 W
T6		
	313	S 40 43 W
T7		
	116	S 14 38 E
Burro Spring		

59

Attachment No. 3

TRAVERSE

Station 15 to Burns Spring
Field Book 75 March 1955 and May 1956

Station	Distance	Bearing	
15			
	5413	S 30 07 W	(Base line byThad) (Green & Mont-Eton) (Method & accuracy) (unknown)
54 & 13			
	849	S5251 W	Stadia by Spaulding
Burns Spring			

59

05-08-1957: letter to a. van v. dunn regarding receipt is acknowledged of description of geographical features relating to the above

COPY

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
1401 - 21st. Street
P. O. Box 1592
Sacramento 7, California

May 8, 1957

Applications 16138, 13852, 15539

United States Department
of the Interior
National Park Service
Washington 25, D. C.

Attention Mr. A. van V. Dunn
Chief, Water Resources Section

Gentlemen:

Receipt is acknowledged of your letter of April 16, 1957, in regard to corrections of description of geographical features relating to the above numbered applications and enclosing a copy of the Emigrant Canyon Quadrangle Sheet and a print of your Work Sheet NM-DV-6963.

It appears that petitions for correction of description of places of use and points of diversion are in order. We are enclosing the necessary forms for the purpose which should be completed and returned to this office for consideration.

Your attention is directed to the fact that no filing fee is required with petitions to correct descriptions.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, Chief Engineer

by: /s/ L. C. Spencer
Supervising Hydraulic Engineer

Death Valley National Monument
Death Valley, California

April 24, 1957

Thad C. and Jo L. Greene
Box 397
Trona, California

Dear Thad and Jo:

Enclosed is the $5.00 that you gave me for the filing fee on Chuckar Spring. Upon checking our records I find that this was paid with your original check.

I had intended to return this to you personally but don't know just when I can get up your way and thought that it should be returned without further delay.

Thank you very much for the water right assignment. So far as I knoweverything is now cleared and you have full use of the water. This has been a long drawn out affair and I know that you are pleased that it is finally concluded. Please let us know if there is anyway in which we can cooperate with you in the future.

Sincerely,

Fred W. Binnewies
Superintendent

enclosure/1

Docket 22a RS

In reply refer to:
154

McClellan
(later) Maier

April 22, 1957

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Water Right Assignment - Thad C. and Jo L. Greene

We have received your memorandum of March 14 and the copies of the Water Right Assignment, dated December 21, 1956 from the Greenes to the United States, which assignment is in the form submitted by Assistant Director Allen's memorandum of April 19, 1956. We are holding the copies of the assignment until we receive the recorded original for transmittal to the Washington Office in order that we may fill in the acknowledgment which is left blank on the copies sent us.

Field Solicitor McClellan has reviewed the assignment and believes it is probably adequate. In this connection, the Regional Solicitor, by memorandum dated February 26 to the Field Solicitor, copy attached, has suggested wording suitable for use in such an assignment and a copy of the Regional Solicitor's memorandum is being sent to the Director for possible use in drafting future assignments.

Upon receipt of the recorded original assignment, the copies will be conformed and distributed as requested by you.

(SGD) HERBERT MAIER

Herbert Maier
Assistant Regional Director

Attachment 1

Copy to: The Director. With a copy of Regional Solicitor's memorandum of Feb. 26 and Superintendent's memorandum of March 14.
Field Solicitor, San Francisco

Note to Director: With reference to note on your letter to Mrs. Greene of March 14, no one in this office approved the Water Use Permit because it was assumed that under present delegations of authority approval of this office was not required. HM

54

SMcClellan:in

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

March 14, 1957

RECEIVED
NPS REGION FOUR OFFICE
MAR 18 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Right Assignment - Thad C. and Jo. L. Greene

Attached are five copies of the Water Right Assignment from Thad C. and Jo L. Greene to the United States covering any rights that they may have to Burns, Covered, Wee, and Chucker Springs. The original has been sent to the County Recorder for recording and is to be returned directly to us. One signed copy is being retained in our files for the time being.

It will be appreciated if you will distribute the attached copies to WODC and the Washington Office.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

Attachment (5 copies)

52

02-12-1957: letter to leslie c. jopson regarding a voucher and purchase order in favor of the atlas blue print company ; february 12,

RECEIVED
NPS REGIONAL FOUR OFFICE
FEB 15 '57
SURNAME | DATE
REG. DIR.
ASST. R.D.
INTERP.
LEGAL

February 12, 1957

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 5, California

Re: Applications 13852, 15539 and 16138
Death Valley National Monument

Dear Mr. Jopson:

Enclosed are a voucher and purchase order in favor of the Atlas Blue Print Company, 916 14th Street, Sacramento, California, for photostat negatives of all pages of Application 15539 and the supporting map. An extra copy of this letter is also enclosed for the Company, to advise that the estimated cost of $2.00 on the purchase order is only to set up our obligation and the voucher should be signed and returned with the correct price.

We have now clarified the water right status of Mr. and Mrs. Greene and of the various miners in Trail Canyon, and the United States. We are therefore ready to amend water rights under Applications 16138 and 16096, but the amendment of the former involves the use of a combined water system under the three subject rights, and we seem to have neglected to obtain a copy of Application 15539.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosures 3

Copy to: Atlas Blue Print Company
Regional Director, Region Four
Superintendent, Death Valley

11-15-1956: letter to fred w. binnewies regarding the recent action taken on application 16096 can probably be taken on applicatio

Goodwin J. Knight
Governor

STATE OF CALIFORNIA
State Water Rights Board

PUBLIC WORKS BUILDING
P. O. BOX 1079
SACRAMENTO 5, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
JOHN B. EVANS, MEMBER
W. P. ROWE, MEMBER

Address all communications to
LESLIE C. JOPSON
CHIEF ENGINEER

November 15, 1956

Application 16138

Mr. Fred W. Binnewies
Superintendent, Death Valley
National Monument
Death Valley, California

Dear Mr. Binnewies:

In view of the recent action taken on Application 16096 it is felt that action can probably now be taken on Application 16138 of Death Valley Monument.

A copy of Application 16138 with supporting map was returned to you on December 16, 1954 for completion. Please complete and return to us the application and map in accordance with our letter of December 16, 1954.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, Chief Engineer

By L. C. Spencer
L. C. Spencer
Supervising Hydraulic Engineer

cc: Thad C. & Jo. L. Greene
Box 4, Wildrose Station
Trona, California

Joseph E. Taylor,
U. S. Dept. of the Interior
Sacramento 21, California
A. van V. Dunn
U. S. Dept. of the Interior
Washington 25, D. C.

Docket 22a RS

07-17-1956: memorandum to regional director regarding water rights under applications 13852, 15539, and 16138 ; july 17, 1956

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
JUL 23 1956

July 17, 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	has seen	
Lands	BF	7/2

Wrote W.O. 7/2 BF

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Rights Under Applications 13852, 15539 and 16138, Thad C. and Jo L. Greene, Death Valley

All of the information requested in Mr. Langley's memorandum of June 14, 1956, on the above subject is not yet available but we will furnish what we can at this time. For ready reference we have numbered the paragraphs in Mr. Langley's memorandum and the following numbers correspond to them.

3. The tie from the bolt in the pavement to BM-M165 is shown in the traverse notes on the lower right of Drawing 2086. These can be added to the plan on the left of the sheet.

The land in question is unsurveyed and section lines would have to be projected. Some drawings show M165 as a section corner but Mr. Spaulding questions the accuracy of this assumption and believes that it requires further study.

4. Mr. Spaulding pointed out to the Greenes that the corners of the Art Lode claim as monumented takes the center line off of the vein and discovery monument. The Greenes decided to relocate the east monuments to leave the vein centered and still include Burns and Covered Springs.

5. The actual monuments for the millsite are uncertain, except for the one at the southwest corner that contains location papers. Mr. Spaulding started from this monument and drew the claim according to the description, using an unidentified cairn for orientation. It will require more field work if greater accuracy is necessary.

6. The descriptions were copied from the recorded notices and are as follows:

Greene Millsite, Vol. 67, p.203, located Sept. 6, 1953
Commencing at corner No 1 where this notice is posted, which is about 900 feet northeast from Covered Spring, thence

northeasterly 210 feet, thence northwesterly 1000 feet, thence southwesterly 210 feet, thence 1000 feet southeasterly to point of beginning.

Art Lode Claim, Vol. 67, P.209, located Sept. 6, 1953
Commencing at monument where notice is posted, which monument is at the point of discovery on said vein or lode on the center line of this location, we hereby claim 1,100 feet extending in a northeasterly direction. The general course of said vein or lode is northeasterly and southwesterly, as near as can be determined from present developments. Discovery monument is 500 feet from Burns Spring in an easterly direction there from and about 6000 feet from the Death Valley highway.

There are no other conflicting claims of record that we know of.

11. The Greenes have decided to abandon Chucker Spring since they have found no water of any consequence there. This may cancel the need for a water use permit if riparian rights are recognized on the other springs.

Fred W. Binnewies
Superintendent

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
JUN 19 1956

JUN 14 1956

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights Under Applications 13852, 15539 and 16138, and Proposed Water Use Permit to be Granted to Thad C. and Jo L. Greene, Death Valley

Drawing NM-DV-2086, which was forwarded with memorandum of May 25 from Mr. Manbey, presents several problems when considered with the information supplied by the Associate and Regional Solicitors. Please refer to our separate memorandum concerning Federal Water Right Application 16096, Docket 21, transmitting a copy of Mr. Edward's memorandum of May 31 and Mr. Burke's memorandum of May 3. Mr. Dunn's item 7, in the memorandum concerning Application 16096, did not take cognizance of the fact that the Greenes are entitled to riparian rights to some springs and dependent on appropriative rights to Chucker Spring, but the rest of that memorandum is applicable to the situation hereafter discussed.

Prints from Drawing 2086 would be satisfactory for filing with the proposed amendment of water right applications, with additions hereafter described, if it did not include the blocks for Review and Approval. We suggest that you obtain a negative, paint out those blocks, and then obtain a reproducible ozalid which can be completed in lieu of a tracing. We do not have to file the tracing with the State Engineer of California.

On the topographic map, on left half, the tie from the bolt in road to BM-M165 should be given. Projected section lines should be shown on both the topographic and detailed portion of the drawing. The sections should be projected to agree with those finally accepted for the Emigrant Spring water system and ties on Drawing 2133, which were made to agree with some of the miner's projections at the State Engineers request.

Drawing 2086 indicates that the Greenes propose a complete relocation of the Art Lode Mining Claim and Greene Millsite. Attached is a print of part of the drawing with original claims shown by dashed lines. The original claim appears to have been defined by three markers numbered 5, and three markers numbered 4, all in circles on the drawing, and a No. 4 near building to southwest of new south corner. The point of discovery was off center. The new location will have a line through the middle marker 5, and point of discovery at marker 7, as the center

line. If markers numbered 5 are to be used in new location, the easterly end will have to be made parallel to the line through the three number 5 markers because both ends have to be parallel; but not necessarily at right angles to the sides, which must also be parallel.

The Greene Millsite can be any shape, so long as it is defined by the markers on the ground. Four corners are shown and the markers take precedents over any paper or typed description which does not agree. However, the original location may have to be defined by more than the four markers which are shown.

To have the correct descriptions, we should have copies of recorded notices of the mining claim and the millsite, and the monuments at all corners should be shown on the drawing. The two may not agree, and no refined reconciliation is necessary until, or unless the claims are surveyed by BLM for patent. Technically, the markers and old recorded notices constitute definition of claims and any change of markers should be covered by new location notices which record the date of changes. The importance of the prescribed procedure depends on whether other miners have located other conflicting claims between the dates of original and revised locations.

The Greenes have successorship rights to Burns Spring under Application 13852, and are also entitled to riparian rights of use on the Art Lode Mining Claim. The name of the claim suggests that their title to the claim and riparian rights may have been obtained from Art Detloff. It appears that the mill, or place of use is on both the mining claim and millsite so riparian rights can be asserted on the mining claim. The northeast corner of the millsite will have to be located and shown on the map before we can be absolutely certain that the mill or place of use is actually on the millsite.

The Greenes have their own appropriative right to Covered Spring under Application 15,539, and are also entitled to riparian rights of use at the mill since both are on the mining claim.

It should be noted that Covered and Burns Springs are on the mining claim by any definition possible on Drawing 2086. However, the mill would be half on, and half off of the mining claim if the most easterly of markers 4 and 5 were to define the southeasterly side of that original claim.

Wee Spring is also covered by the Greenes own appropriative rights under Application 15539. They are also entitled to riparian use of waters of that spring if the new rectalinear millsite location is accepted. However, a line from the westerly marker No. 6 to the unnumbered cross on south line of the indicated millsite would exclude Wee Spring from the original millsite and eliminate any basis for riparian

claims by the Greenes. They have no riparian right to use water from Wee Spring at the mill by virtue of the mill being on the Art Lode Mining Claim.

Chucker Spring is not on those mining and millsite claims shown. The only right to its use, by the Greenes, is now by Federal Water Right Application 16138, and a water use permit which is still to be issued. Under Sec. 20.26 of the existing regulations, the situation is proper.

As stated in the separate memorandum concerning rights of Nichols, Dahl and Ramos, in Trail Canyon, the National Park Service can obtain water from any miner's water system for the Federal needs as a condition in the water use permit, whether appropriative water rights are federally or privately owned, and there is some question as to whether the United States should establish title to appropriative rights on which some miners are dependent while other miners are able to assert adequate riparian rights for their need. The United States can also grant the necessary water use permits for surface developments under miners' riparian rights with a condition to require delivery of water for Federal needs, but the United States would only exercise interest in pipe capacity, and have to appropriate the water for its needs unless the Federal use was to be on the surface of the mining or millsite claim.

Where there are, or may hereafter be appropriative rights for Federal or miners' use, Federal title would still be advantageous. They can usually be maintained more permanently, to cover Federal use, and miners' nonriparian use. Under the applicable mining law and regulations, it is also possible to provide in the water use permit that a Federal appropriative right shall be established to all water diverted by the system. This will not impare parallel riparian rights which some of the miners may be able to assert.

The following basic principles will have to be adopted, and made clear to the miners:

1. No miner has grounds for protest of an appropriative right if he is entitled to riparian rights.

2. Miners who are dependent on appropriative rights will profit by having their priority of use clarified, and will frequently be spared the cost of water right perfection.

3. Miners with present riparian rights will be protected if such riparian use is also covered by appropriative sub-priority in a water use permit, if the state water laws are amended, or if the United States establishes another basis of

rights to eliminate the present inferior status of all Federal rights as compared with private riparian rights.

4. The United States may have to pay all costs of appropriative rights if part of the miners can evade them by relying on riparian rights.

It is requested that you obtain the Regional Solicitor's suggestions to this memorandum and that concerning Application 16096 before taking further action on the proposed water use permit for Mr. and Mrs. Greene. Meantime, it is also suggested that the Superintendent and Mr. Spaulding supply the additional data on mining locations and the related markers for both old and new claims. You should also try to obtain the reproducible print of Drawing 2086, as outlined, for use in perfecting the Federal water rights. Mr. Spaulding may also find that the two memoranda will lead to some necessary changes in his pending surveys of interests of Detloff and Dobbins.

Henry Langley

Assistant Director

Attachment

Copy to: Regional Director, Region Four, with copy of attachment
Superintendent, Death Valley, with copy of attachment
Field Solicitor McClellan (2), with copy of attachment

L54-L

RECEIVED
NPS REGION FOUR OFFICE
APR 22 '57

	SURNAME	DA
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
RESM.		

Lands BLM 5/8

April 16, 1957

Docket 22

State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Applications 13852, 15539 and
Death Valley National Mon

Dear Sir:

In the clarification of Federal rights to the use of water under the subject applications, largely for domestic and milling purposes at the millsite of Thad C. and Jo L. Greene, our first step will be to file amended Application 16138. Our second step will be to file an amendment of Application 13852, to change the place of use of waters of Burns Spring from the old Journigan (now Detloff and Dobbins) Millsite to the Greene Millsite and adjacent Federal lands. It also appears that Application 15539 will need amendment to agree as to geographical location.

When we filed Application 15381 for the appropriation of Lower Emigrant and Pioneer Springs, we pointed out that those springs were in unsurveyed land and could be described in different sections by projection from the north, west and south, and that we preferred to use a projection which would differ with that in Application 5073 for the earlier appropriation of waters of the same Lower Emigrant Spring by the General Hotel Company. We were instructed by letter of July 10, 1953, to use the projection adopted by the General Hotel Company to assure that the identity of the Lower Emigrant Spring in Applications 15381 and 5073 would be clear.

By letter of November 30, 1953, Mr. Harvey O. Banks, then Assistant State Engineer, submitted a sketch showing the ties to the springs as described in Applications 13851, 13852, 15539, 15557 and 15558, among others. Enclosed is the 1952 USGS Emigrant Quadrangle, based on 1948 aeriel photographs, which shows most of the springs covered by those applications, and the subdivision of T 19 S, R 45 E, MDB&M. In connection with our work in Trail Canyon (Nichols, Ramos, etc.), we have found and used the NE Corner, Section 1, T 19 S, R 45 E, MDB&M, and found it to agree with the location shown on the Emigrant Quadrangle and our surveys in Trail Canyon. On inquiry, we have also been advised by the Geological Survey that said Quadrangle should be accurate as to topography within about 25 or 30 feet. Accordingly, it seems logical to describe all land subdivision within the Quadrangle, which are tied to the Mt. Diablo Base (some land on the east may be traversed by the San Bernardino Meridian) by ties to T 19 S, R 45 E, MDB&M.

Enclosed is a print of our working sketch, NM-DV-6963, on which we show the subject springs with their inter-relation as projected from that Quadrangle, and with the projected land subdivision projected from the north line of T 19 S, R 45 E, MDB&M, as closely as we can measure them. From these basic data, we have also shown an apparent NE Corner Section 32, T 17 S, R 44 E, MDB&M from the recorded applications (also ties given with aforesaid letter of November 30, 1953). This sketch also shows the chained Park Service surveys, except where stadia is indicated, to locate the present (disturbed) location of Mineral Monument M-165, the iron pipe which the present miners claim to have been accepting as said M-165 or the NE Corner said Section 32, and the Greene Water System and part of the springs with relation to Burns Spring.

With the exception of Malapai, Canyon and Burro Springs, there is relatively good agreement as to the related locations of the springs. However, it is evident that the ties given in the miner's application are crude and erroneous. We shall appreciate your concurrence in our proposal to correct all ties and land subdivisions to agree as far as possible with the basic data on the Emigrant Quadrangle. This will make it necessary to correct Application 15539 as well as 13852 and 16138 at this time, and show how other sources of water for Detloff and Dobbins should be corrected for Applications 13851, 13852 and 15539 as the opportunity arises.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

Copy to: Superintendent, Death Valley, w/c NM-DV 6963
Regional Director, Region Four, w/c NM-DV 6963
Chief, WODC

05-04-1956: memorandum to superintendent regarding work connected with amending federal water right application no. 16138 ;

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

May 4, 1956

SUPT.	
CH. OPR.	
NAT'L.	
✓ ENGR.	
ADM. ASST.	
SUP. CLK.	

Reply?

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Work connected with amending Federal Water Right Application No. 16138

1. will take two days to try to get location of Greenes' claims and water system data. Together with the data on dwg. NMDV 2134 we should have info requested.

Reference is made to Mr. Allen's April 19 memorandum to the Regional Director Region Four on Water Rights and Proposed Permit for Water Use to Thad C. and Jo. L. Greene, Emigrant Canyon.

2. Detloff's operation looks more complicated. I will not be able to get at it this week before I go to Joshua Tree. Did Detloff have the survey made he talked about last year?
L. Spaulding 5/8/56

The first paragraph on the second page of Mr. Allen's memorandum requests an amended map for Water Rights App. 16138 to show all four listed springs and various information including corners and data concerning the water lines as well as similar maps of water system and millsite of Detloff and Dobbins.

Do you have the maps requested or will it be possible for Mr. Spaulding to conduct surveys and prepare the maps in the near future?

Fred T Johnston
Regional Chief of Operations

Docket 22a RS

L54-L

SUPT.	
CHF. RGR.	
[illegible]	
SPEC.	
ADM. ASST.	
SUP. CLK.	

APR 23 1956

APR 19 1956

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights and Proposed Permit for Water Use to Thad C. and Jo. L. Greene, Emigrant Canyon, Death Valley

Attached are copies of letter of March 27 from Mr. Gianelli of the State Engineer's Office, letter of March 3 to him from Jo L. (Mrs. Thad C.) Greene, and our reply to the State Engineer, of which a copy is being sent directly to Mr. and Mrs. Greene at Trona, California. We are also attaching a draft of an assignment by which Mr. and Mrs. Greene should convey their interests in rights to the water which they are using, at the time a permit for water use is issued.

We hope that the Nichols' permit for water use, and the related Federal water rights under which he, Dahl and Ramos are to operate, will be completed before similar matters are completed for the Greenes. A great deal now depends on the resolution of questions relating to possible riparian water rights on mining and millsite locations. We are informed that Associate Solicitor Edwards wrote to the Regional Solicitor concerning that matter on April 9.

We believe that Mr. and Mrs. Greene may be granted a permit for water use, and that they may assign all their claims and rights, regardless of the question of status of riparian rights because none of the four springs appear to be on their millsite location. On the same basis, the permit for water use, and Federal Water Right Application 16096 for Mr. Nichols' use may be completed because Mr. Nichols does not have any basis for riparian use.

The attached form for the Greene assignment is broad enough to cover assignment of any riparian rights which they might have. The drawing with our unsigned copy of Federal Application 16138 indicates that the Greenes have no riparian rights to claim. If the Solicitor and State Engineer decide that miners are entitled to riparian rights to diversion and use of water on unpatented mining claims and millsites, and any of the four listed springs should be on the Greene millsite, the Solicitor may wish to change the wording following "California" and preceding the descriptions of springs by water right applications to assign only appropriative rights.

Docket 22a RS

can amend Federal Water Right Application 16138, we ...d map, similar to Drawing NM-DV-2074-A or 6965, which ... prepared for Trail Canyon, to show all four listed springs, the corners of the Greene millsite, and the general alignment of pipelines, pipe diameters, gradients or control elevations, and descriptions of diversion works and regulatory storage. We will also want similar maps of the water system and valid millsite of Detloff and Dobbins, in the near future, so Mr. Spaulding should probably survey all pipelines of both groups of claimants at once, with proper charges paid from your allotment under Account 347.

Mr. Dunn is reasonably certain that Detloff and Dobbins, the Greenes, and Mr. Nichols, all lack the basis for riparian rights, and all must use water under appropriative rights. Only the Dahl and Ramos interests, respectively, seem to have the basis for riparian claims, which might eliminate the need for Federal appropriations, and might also jeopardize the value of appropriative rights for Mr. Nichols if there is not enough water for all.

The permit for water use, and assignment of Greene water rights should be made with sufficient copies for four dockets, and one set for the State Engineer. We should like to review both instruments as agreed upon by the interested parties before they are executed. After our clearance they should be executed, the original assignment should be recorded and filed in the Superintendent's docket, and other copies should be distributed.

(SGD) THOMAS J. ALLEN

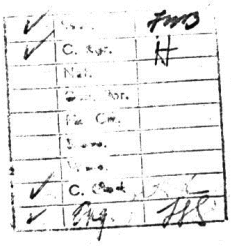
Assistant Director

Attachments 4

Copy to: Field Solicitor McClellan (2), with four attachments
Superintendent, Death Valley, with four attachments

Docket 22a R5

In reply refer to:
L54-L



June 3, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Interests of Thad C. Greene, Docket 22; Art Detloff, Alien Water Right 34; and M. D. Nichols, Docket 21, Death Valley

This will acknowledge the memorandum of May 23 from Mr. Manbey, with attached two copies of the Progress Reports for 1953 and 1954 on the water rights under Application 13852. These reports complete the records for Burns Spring, but not for the other springs under the same application. However, it is suggested that no attempt be made to obtain Mr. Detloff's report for 1954 until we clarify the following matters.

The status of rights covered by Dockets 21 and 22, and Alien Water Right 34, is extremely confusing to us because we cannot get all records together. We should like to have the information requested in the memoranda of April 20, concerning the Greene millsite and water use, May 4, concerning the Nichols millsite and water use, and May 13, concerning the Detloff interests, before taking further action. First preference should be given to the Greene and Nichols problems so that we can clear up the Federal water rights which have already been initiated under Applications 16096 and 16138.

Mr. Binnewies should have engineering assistance to comply with the three requests. You or he also have the drafts of applications for the appropriation of waters of Wild Rose Springs 1 and 2 and the source of water for the Wild Rose Headquarters water system, which are awaiting engineering review. There is also the problem of interests in Mesquite Spring for the Federal Campground and Gold Hill Millsite of Mr. Thompson. There is more engineering work than should be attempted as incidental to other projects, and it can be properly charged to water right expanses, for which funds are available.

Particularly if it will expedite matters, please have Mr. Spaulding, or the Western Office of Design and Construction, consider the possible need for a temporary survey crew and other special

Docket 22 & 21

names, of course, may carry over to successors to such people as Greene, Detloff, and Nichols. We should probably assign the name Gold Bottom, or Journigan, Water System to the Detloff development, since the Gold Bottom Millsite is the base property interest and locally referred to as Journigan Mill. There is some question as to whether to assign the name Greene Pipeline, Burns Spring Pipeline, or some other, to the Greene development, and Nichols, Trail Canyon No. 1, or some other to the development recorded in Docket 21. The name should be descriptive and not subject to possible duplication, and should be selected by the Superintendent.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Western Office of Design and Construction, with attachment

Docket 22 & 45

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
APR 25 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

April 20, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 16138, Docket 22, Greene Millsite Water System, Death Valley

We have received the memorandum of March 30 from Mr. Manbey, with an unsigned copy of Application 16138, and the information that Mr. Binnewies has been instructed to forward a copy of the State Engineer's letter. It is assumed that the State Engineer returned the original application to Mr. Binnewies with his letter, and we should like to have that instrument, the letter from the State Engineer, and the proposed changes or comments of Mr. Binnewies, all sent to this office for review.

In addition, we should have the water use permit, as proposed or issued to Mr. and Mrs. Greene, before we complete the changes prescribed by the State Engineer. Under ideal future conditions, the water use permit should be issued first and the statement of claim, including the file map, should then be prepared in accordance with the conditions in the permit.

The following preliminary comments on the application are offered to indicate what more we should like to have Mr. Binnewies clarify when forwarding the State Engineer's letter, if they are not included in his letter.

1. The application is for 5 gpm but the description of 3/4" GI pipeline, with fall of 75 feet in 1500 feet, has capacity of only 3.3 gpm.

2. No water is claimed for domestic and incidental public or recreational use.

3. The pipeline is not shown on the supporting map.

4. There is no indication of where the public use will be made, but it seems probable that all such water will be obtained at the millsite if the public is interested in driving in.

Considering the related water use permit, the Greenes now claim the following water for their complete millsite development:

Burns Spring under Application 13852	1,920 gpd
Wee & Covered under Application 15539	30,000 gpd
Ed Spring-Application 15557-30,000gpd cancelled	
Chucker Spring under Application 16138	7,200 gpd (5 gpm)
Total	39,120 gpd or 0.0605 s.f.

From the data in the various applications, it seems probable that all water will be diverted to a common water system, and at least part of the pipeline may have to have a 2½ inch diameter. Before any water right applications are altered further, and before any further claims are initiated, we recommend that the related water use permit and plan be completed and reviewed in this office.

Question 16 on the water right application asks for water requirements. As previously stated in connection with the Nichols and Detloff claims, we should specify the size of proposed mill and population at millsite camp, with water demand for each. Mr. Bennett and the Bureau of Mines have advised me that mills of the type used in Death Valley usually require 5 tons of water per 1 ton of ore, but that an appreciable amount of the water can be reclaimed and used again. If all claimed water is diverted and used without reclaiming any, and 2,120 gallons per day are needed for camp purposes, there would be enough water for a mill with a capacity of 152 tons.

The mill is probably considerably smaller, and there may not be the required 35,000 to 40,000 gallons of storage needed to permit full use of the off-hour spring flow. If so, it will not be possible to make proof for a licensed right to all the claimed water. This in turn means that there will be unappropriated or unused water from the 4 springs for other miners, or for campground development by this Service, if the springs have the suggested flows. It may be desirable to appropriate only part of the water at this time and file a claim to the rest of the water only if more potential use materializes in the future.

We will hold the copy of the application until the original application is resubmitted to the State Engineer, and provide copies for all offices at that time.

THEO. A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Western Office of Design and Construction

In reply refer to:
L54

Manbey
BFM

March 30, 1955

Memorandum

To: The Director

From: Regional Chief of Lands, Region Four

Subject: Water Right Application No. 16138 - Thad and Jo Greene

On March 28 we wrote Superintendent Binnewies in this matter, sending you copy of our memorandum. We have now received his memorandum of March 23, Subject: Water Right Application No. 16138 - Thad and Jo Greene, copy attached, which would appear to have complied with part of the request contained in our memorandum of March 28. We are asking Superintendent Binnewies, by copy of this memorandum, to forward a copy of the state engineer's letter which Mr. Dunn had requested in connection with Application 16138.

There is also attached the above mentioned Application No. 16138 and supporting map as forwarded with said memorandum of March 23. Please note we have not retained copies of the application or map, only one copy of each having been furnished this Office.

B. F. Manbey
Regional Chief of Lands

Attachments 3

Copy to: Supt., Death Valley : Please comply with request in our first paragraph.
BFM

FILE COPY

26

In reply refer to:
L5A

Manbey

March 28, 1955

Memorandum

To: The Director

From: Regional Chief of Lands, Region Four

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

Receipt is acknowledged of Assistant Director Allen's memorandum of March 18 in this matter. We are attaching copy of our memorandum of today's date to the Superintendent, Death Valley National Monument, requesting his attention to the various aspects of the water rights requirements in connection with Applications 16096 and 16138.

With reference to the last paragraph of Mr. Allen's memorandum inquiring as to how the proposed revision of the mining regulations were brought into the case, it will be noted that in his letter of January 11 to the Superintendent, Mr. Jepson, in commenting on the status of the mill site claim of the Bahia, refers to Mr. Allen's memorandum of December 6 to the Regional Director, Region Four, (file L3623-1) copy of which was sent to him from the Washington Office, and quotes therefrom. There has been no correspondence on this phase of the subject originating in this Office.

B. F. Manbey
Regional Chief of Lands

Attachment 1

Copy to: Supt., Death Valley

BFManbey:in

In reply refer to:
L54

Marbey

March 28, 1955

Memorandum

To: Superintendent, Death Valley National Monument

From: Regional Chief of Lands

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

We are attaching, for your attention, a copy of Mr. Allen's memorandum of March 18 in this matter, together with a copy of his reply of March 18 to Mr. Jopson's letter of March 11. (Mr. Jopson's letter indicates that you were sent a copy.)

Mr. Allen requests:

"Please send us Applications 16096 and 16138 with the additional data specified in letter of January 18 to the State Engineer and requested in the memorandum of January 18 to the Superintendent. Also forward the copy of Mr. Dahl's protest, if one was sent to you."

We do not appear to have the applications here, nor copy of Mr. Dahl's protest, so request that you send them to this Office for transmittal to the Washington Office, together with the data requested by the letter of January 18 to the State Engineer and in Mr. Price's memorandum of January 18 to you.

Particular attention is called to Mr. Allen's request that no further commitments be made to the State Engineer or Mr. Dahl until the Washington Office has an opportunity to review the case.

In connection with Application 16096 (Nichols), with which Mr. Price's letter of January 18 to the State Engineer is primarily concerned, we call your attention to Mr. Jopson's reply of February 15 (copy of which was sent you by Mr. Jopson), and Mr. Dunn's reply of March 1 (copy attached.)

Mr. Price's letter of January 18 to the State Engineer had, as its concluding paragraph, the following:

FILE COPY

21

"If you agree that the Application 16096 should be returned please do so through Mr. Binnewies at the Monument in order that he may forward it to us with as much of the additional information as possible."

Mr. Jopson's letter of February 15 to Mr. Price states:

"We see no objection in showing on the supporting maps the locations of the mines and claims where ores are being mined insofar as it may be practicable to do so. We are forwarding Application 16096 and the supporting maps to the Superintendent of Death Valley National Monument for any amendments that he believes necessary."

As to Application 16138 (Cresme), Mr. Jopson's letter of December 28 to Mr. Dunn states:

"Application 16138 and map have been returned to the applicant for more information. We therefore cannot have copies made at this time but will advise you at the time they are completed."

and in his memorandum of January 6 to you (which forwarded a copy of Mr. Jopson's letter of December 28) Mr. Dunn stated that in connection with application 16138 and supporting map you should make any required changes which require knowledge of local conditions, and then forward them to Mr. Dunn with a copy of the state engineer's letter (presumably the letter which returned Application 16138 and map and requested more information).

We believe that you now have copies of all pertinent correspondence in this matter and hope that you will be in a position to secure the information requested by Mr. Allen in his memorandum of March 14 and by Mr. Price in his memorandum of January 18 to you and letter of January 13 to the State Engineer.

We are also attaching a copy of our memorandum of this date to the Washington Office in answer to Mr. Allen's question having to do with proposed revision of the mining regulations.

E. F. Manbey
Regional Chief of Lands

Attachments 4

Copy to: The Director

03-24-1955: memorandum to regional director regarding water right interests of (1) art detloff, alien water right 34, and (2) thad c.

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

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR 28 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	3/28
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

I.N. Hanseen BFm
X Hurd BFm 3/28

March 24, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Interests of (1) Art Detloff, Alien Water Right 34, and (2) Thad C. and Jo L. Greene and the United States, Docket 22, Death Valley

In the memorandum of March 16 to the Superintendent, Mr. Manbey suggests that copy of Application 13852, Permit 8536, might be duplicated and set up as a separate docket to cover Burns Spring. Some such action will ultimately be taken, but I believe it is a little premature to do so now.

1. We do not know how the State Engineer will treat the permit when we clear total Federal title by assignment of the Greene interests in Burns Spring. I propose to bring that matter up when sending him a copy of the Greene assignment. The matter will have to be settled when we submit Annual Reports next October.

2. It has been my intention to reduce rather than increase the number of dockets and alien water rights by grouping rights appurtenant to one water system. On that basis, the Federal interest in Burns Spring will become a part of Docket 22, along with another part relating to Application 16138. I should prefer to defer the outline of that docket until we clear all of the matters. It does seem pertinent to insert Application 13852, Permit 8536, Burns Spring on the tab of Docket 22. We are attaching two dockets, one for the Monument and one for your files, with this information noted thereon. We are sending a copy direct to the Western Office of Design and Construction.

3. Following the record of water rights on the tabs, I try to give a water system a name, but several for Death Valley give lists of the springs. The water system

2?

names, of course, may carry over to successors to such people as Greene, Detloff, and Nichols. We should probably assign the name Gold Bottom, or Journigan, Water System to the Detloff development, since the Gold Bottom Millsite is the base property interest and locally referred to as Journigan Mill. There is some question as to whether to assign the name Greene Pipeline, Burns Spring Pipeline, or some other, to the Greene development, and Nichols, Trail Canyon No. 1, or some other to the development recorded in Docket 21. The name should be descriptive and not subject to possible duplication, and should be selected by the Superintendent.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Western Office of Design and Construction, with attachment

23

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

March 23, 1955

RECEIVED
NPS, REGION FOUR OFFICE
MAR 28 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	3/31
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL		
~~Land~~	~~Hurd~~	~~3/30~~

Wrote W.O 3/30

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Right Application No. 16138 - Thad and Jo Greene

Attached for your review is Water Right Application 16138 for use by Thad C. and Jo L. Greene of water from Chucker Spring on which we have made corrections as requested by the State Division of Water Resources.

Chucker Spring is undeveloped and is located in a tributary of Emigrant Canyon. To the best of our knowledge there have never been any water rights filed on it before and we will issue a water permit to Mr. and Mrs. Greene if the application is approved.

If the application is in order please return it and we will send it to the Division of Water Resources.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

Attachment

27

Death Valley National Monument
Death Valley, California

March 22, 1955

A. D. Edmonston, State Engineer
Division of Water Resources
P. O. 1079
Sacramento 5, California

Dear Mr. Edmonston:

In order to clarify a controversy on water rights we would appreciate information as to what progress reports have been filed by Thad C. and Jo L. Greene in connection with their interests in Burns, Wee, Willow, Greene, and any other water rights interests that they may have in Death Valley National Monument.

It will be appreciated if we could have this information at your convenience.

Sincerely,

Fred W. Binnewies
Superintendent

Docket 32 a 45

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

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR 22 1955

MAR 1 5 1955

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

Attached are copies of a letter of March 11 from Mr. Jopson of the State Engineer's Office, which arrived simultaneously with the copies of his letter of January 11 to the Superintendent and the memorandum of January 31 to you from Mr. Binnewies, and our reply to Mr. Jopson.

The protest of Application 16096, by Mr. Dahl, is essential to clearing up of Federal title to rights to the use of the spring. Please send us Applications 16090 and 16138 with the additional data specified in letter of January 18 to the State Engineer and requested in the memorandum of January 18 to the Superintendent. Also forward the copy of Mr. Dahl's protest, if one was sent to you. Please do not make further commitments to the State Engineer or Mr. Dahl until we have an opportunity to review the case.

We shall also appreciate an explanation of how the proposed revision of the mining regulations has been brought into the case before they are published. While Mr. Binnewies may be wise in deferring the Permit for Water Use until the regulations are revised, we do not see why the water right application cannot be treated independently.

Assistant Director

In duplicate

Attachments 3

Copy to: Western Office of Design and Construction, with attachments

21

COPY

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
Sacramento

March 11, 1955
L54-L
Applications 16096, 16138

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

Dear Mr. Dunn:

This will acknowledge your letter of March 1, 1955, in connection with the above numbered applications. We also wish to acknowledge Mr. Binnewies' letter of February 9 returning the unposted notices of Application 16096.

It is our understanding that further action on Application 16096 will be suspended until the proposed revision of federal regulations in connection with surface use of land within Death Valley National Monument has been adopted. If and when a revision of Application 16096 is prepared, the uses of water described therein should be in conformity with our rules and regulations as nearly as possible.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Hopson
L. C. Jopson
Principal Hydraulic Engineer

cc: Mr. Fred W. Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

In reply refer to:
L54-L

March 1, 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Applications 16096 and 16138
Appropriation of Water at Death Valley

Dear Mr. Edmonston:

The comments in the letter of February 15 from Mr. Jopson are greatly appreciated.

We are aware of the need for a supplemental, or new application for the, appropriation of any water in excess of that claimed in Application 16096, if it proves desirable to increase the quantity. We did not cover that possibility in the letter of January 18 from Mr. Price because the first questions seem to be whether there is more water, whether the pipe has more capacity, and whether the diverted capacity will be adequate for the intended needs.

We agree that the place of water use is limited to the area actually served directly from the water system. The details given in the comments on questions 12, 16 and 18 of the application, at the top of page 4 of the letter from Mr. Price, were to indicate that there might be corrections when we obtain a plan of the pipeline.

Mr. Jopson's comments suggest, however, that we should have a better understanding of what constitute domestic and recreational water uses. Many states limit domestic use to the water for one residence, the irrigation of a half acre of lawn and kitchen garden, and the watering of a horse or cow. The State Engineer of New Mexico has stated that the use of water from a common pipeline at two residences constitutes commercial or industrial use even if there is no charge for the water. For these reasons, I have been careful not to rely on the domestic classification alone, when water is to serve more than one employee's residence or ranger's quarters. In some cases, we have designated domestic and commercial or industrial purposes. The industrial also covers many of the water uses at a utility area with machine shop, blacksmith shop, car washing and servicing.

Recreation has a different meaning to nearly every individual and recreational water use is accordingly, ambiguous. Unless a state water code offers a definition, we have included the use of water to maintain a swimming pool and artificial ponds used for boating and fishing; for drinking, culinary, and sanitary purposes in a public campground or at a public comfort station; water used to lay dust or for extremely limited watering of a few shrubs in such campgrounds or at comfort stations, and at the stores, lodges and museums. Since artificial ponds have been constructed in only the former Recreational Demonstration Areas, and the natural lakes and streams in a national park or monument are not subject to appropriation, practically all water uses which we class as recreational may fall under what Mr. Jopson referred to as domestic but would not be so classified in New Mexico.

In this connection, although not applicable to the subject water claims, we have also been permitted to class all water use in some parks and monuments in Arizona, Washington, and Utah as municipal. This classification would be proper at the winter and summer headquarters of Death Valley, for instance, where we have small villages. Municipal purposes, where proper, if acceptable in California, would permit anticipation of longer periods of increasing growth of the tourist population and administrative personnel needed to care for it.

Sincerely yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four (2)
Western Office of Design and Construction

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

February 15, 1955

Applications 16096 and 16138

Jackson E. Price, Chief of Lands
Department of the Interior
National Park Service
Washington 25, D. C.

COPY

Dear Mr. Price:

Receipt is acknowledged of your letter of January 18, in connection with the above numbered water right applications to appropriate from various springs within Death Valley National Monument.

We are pleased to note that the comments contained in your letter are in very substantial agreement with our Rules and Regulations. In amplification and clarification of certain of the points, we will set forth this Division's thoughts in the matter.

It is noted that the National Park Service desires the source of the appropriation proposed under each application be designated either by name or number in order that each spring may be differentiated from the other springs. This procedure would be in accordance with our present policy in designating unnamed sources of water supply and it is our thought that each unnamed spring could be set forth in paragraph 1 of our application blanks as "unnamed spring No.____."

It appears that due to the lack of flow records of the unnamed spring under Application 16096, the National Park Service may possibly contemplate amendment of Paragraph 2(b) of the application to cover the actual flow of the spring in order that a right greater than the amount named in the application (12 gpm) may be perfected. In this connection, attention is directed to Section 658 of our Rules and Regulations which limits the right pursuant to an application to the amount and season of diversion named in the application when first filed with this office, and Section 670 (b) which requires that the amount of water to be appropriated shall be set forth

18

in Paragraph 2 of the application, be stated in definite terms such as gallons per minute, cubic feet per second, or acre-feet per annum. In view of the foregoing, the amount named in Application 16096 cannot be increased. However, the National Park Service at a future date can file a new application with this office for an amount of water over the amount presently named in Paragraph 2(a) of Application 16096, if such water can be developed, or file a new application for the entire amount to be appropriated.

There is no bar to including domestic use or recreational use in addition to the mining use already indicated in Paragraph 3 of Application 16069. However, in this connection, your attention is directed to Article 3 of our Rules and Regulations which defines uses of water under an application. In accordance therewith, it would appear probable that recreational use which you propose under Application 16096 may be a domestic use, for drinking, culinary, or sanitary purposes. Please check this matter prior to amending Paragraph 3 of the application.

The entries which this office requires in Paragraph 6 and 8 of the application are respectively a description of the works at the point of diversion and a description of the main conduit system to be used in conveying water from the point of diversion to the place of use in sufficient detail so that we will be able to make a reasonable estimate of the capacity of the system. This office has no objection to any changes that may be later made to the diversion works and conduit system in order that a more efficient method of diversion may be effected, provided that the capacity of system remains adequate to divert the amount sought under the application.

The dates set forth in the completion schedule under Paragraph 12 of the application are primarily for the purpose of indicating to this office that the applicant is contemplating proceeding with the construction work and applying the water to beneficial use as proposed under the application within a reasonable time.

It would appear proper to include in the place of use all the 40-acre subdivisions of the public land survey wherein water will be extracted from the pipe line for domestic and mining purposes; however, it would not appear proper to include any subdivisions to which water must be delivered by tanks, bags, etc.

Jackson R. Price -2- February 15, 1955

We see no objection in showing on the supporting maps the locations of the mines and claims where ores are being mined insofar as it may be practicable to do so. We are forwarding Application 18096 and the supporting maps to the Superintendent of Death Valley National Monument for any amendments that he believes necessary. After you have had an opportunity to review the application, and upon your approval thereof, please return it to this office for further action.

Very truly yours,

A.D. EDMONSTON, STATE ENGINEER

By_____
L. C. Jopson
Principal Hydraulic Engineer

cc: Fred W. Binnewels,
Superintendent
Death Valley National Monument
Death Valley, California

18

01-18-1955: memorandum to superintendent regarding water right applications 16096 and 16138 ; january 18, 1955

In reply refer to:
L54-L

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

JAN 18 1955

Memorandum

To: Superintendent, Death Valley National Monument

From: Chief of Lands

Subject: Water Right Applications 16096 and 16138, Docket 21 and Docket 22, Death Valley

Attached are two copies of our letter to the State Engineer which are self-explanatory. You may wish to refer the second copy to Mr. Nichols to obtain part of the information.

In the proposed amendment of Application 16096, we can add the other mills, and probably do not need to show entire mine and millsite locations; and the roads, if you will show the pipeline location and related structures when the application is returned. You should also show the location, existing or desirable, where spigots should be installed to serve the public.

For domestic and recreational use, Mr. Nichols should advise of the maximum population he intends to have at his camp, and you and he should estimate how many people may pass the designated spigots, including one at his millsite if the road is left as it is, and if extended to the Aguereberry Point Road.

We now have a copy of Application 16096 from which to make all necessary duplicates if the unamended application should become a permanent part of the docket. However, we are holding the docket folders, and the one copy of the application, until we have the suggestions of the State Engineer.

Jackson E. Price
Chief of Lands

Attachments 2

Copy to: Regional Director, Region Four (2)

Docket 22a RS

01-18-1955: letter to a. d. edmonston regarding the photostat copy of application 16096 and supporting map have been received ;

In reply refer to:
L54-L

Cover letter in
File L 54 Trail Canyon
with duplicate copy

JAN 18 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Water Right Applications 16096 & 16138
Death Valley National Monument

Dear Mr. Edmonston:

The photostat copy of Application 16096 and supporting map have been received today from the Atlas Blue Print Company, in accordance with our Purchase Order 99-275, which was sent through you with our letter of December 16, 1954. We have also been advised by the letter of December 28, 1954 from Mr. Jopson, that copy of Application 16138 could not be reproduced because it had been returned to applicant for more information.

Application 16138 appears to be for the Federal appropriation of water to be used in a large part for the mining purposes of Thad C. and Jo L. Greene. We have written to the Superintendent, suggesting that he forward it through this office with the information you requested. We can then make any further changes which may be necessary and forward it to you. If you set a deadline for the return of the application to you, it is requested that a slight extension of time may be desirable, but we doubt if the slight loss of priority will be significant if you lack authority to grant an extension of time.

Application 16096 has been initiated at this time primarily to provide water for the millsite of M. D. Nichols in Trail Canyon; but it is also filed in order to establish rights under the State laws for the public use of water by passing prospectors and the recreational Monument visitors. It will also be desirable to define the right in a form compatible with the related "Permit for Water Use". A copy of the form for that permit was sent to you with a copy of our memorandum of December 6, 1954, to the Regional Director, Region Four, concerning "Surface Use Permits Under the Mining Laws in Effect in Death Valley National Monument".

The two fundamental changes which we should like to make are: (1) to expand the use under paragraph 3 of the application to cover incidental public use by the transient prospectors and the

Docket 22a RS

File Application Death Valley Corps

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR - 4 1955

	NAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL		3-16
✓ Lands	DFM	3/16

March 1, 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Applications 16096 and 16138
Appropriation of Water at Death Valley

Dear Mr. Edmonston:

The comments in the letter of February 15 from Mr. Jopson are greatly appreciated.

We are aware of the need for a supplemental, or new application for the, appropriation of any water in excess of that claimed in Application 16096, if it proves desirable to increase the quantity. We did not cover that possibility in the letter of January 18 from Mr. Price because the first questions seem to be whether there is more water, whether the pipe has more capacity, and whether the diverted capacity will be adequate for the intended needs.

We agree that the place of water use is limited to the area actually served directly from the water system. The details given in the comments on questions 12, 16 and 18 of the application, at the top of page 4 of the letter from Mr. Price, were to indicate that there might be corrections when we obtain a plan of the pipeline.

Mr. Jopson's comments suggest, however, that we should have a better understanding of what constitute domestic and recreational water uses. Many states limit domestic use to the water for one residence, the irrigation of a half acre of lawn and kitchen garden, and the watering of a horse or cow. The State Engineer of New Mexico has stated that the use of water from a common pipeline at two residences constitutes commercial or industrial use even if there is no charge for the water. For those reasons, I have been careful not to rely on the domestic classification alone, when water is to serve more than one employee's residence or ranger's quarters. In some cases, we have designated domestic and commercial or industrial purposes. The industrial also covers many of the water uses at a utility area with machine shop, blacksmith shop, car washing and servicing.

Docket 22a RS

recreational visitors to the Monument; and (2) to increase the claimed quantity of water under paragraph 2(a) of the application to cover that incidental use and possible use by owners of mines and millsites near the source, to be described hereafter, if such an increase is justified by available spring flow. The following analysis of the application includes other desirable changes which are more to fix a pattern and facilitate the related Water Use Permits which are to be issued. The entire analysis is included in this letter to you to gain any comments you wish to offer. A copy is also being sent to the Monument Superintendent where much of the detail is more important in the preparation of similar applications which are to follow. It should be noted that Application 16096 was prepared before the Water Use Permit form was available for guidance.

Although the Superintendent has indicated that there are no other claimants to the water below the nameless spring, we also have a report and sketch on a part of the USGS quadrangle, which was prepared by the engineer assigned to the area about a year ago, which indicates the spring is about 1000 feet to the west, and 240 feet above Dahl's Mill, and the mine and mill of Ramos, Pike, and Sanchez. The engineer reported that Mr. Dahl had another source of water supply, and the other mine and mill are in another branch of the canyon, and probably have a separate source of supply. We also note that the roads and proposed pipeline are not shown on the supporting map.

We should like to make the following changes in the application, referring to the paragraphs as numbered on the application form, or to reserve the right to make indicated amendments before time for proof.

1. The nameless spring should either be named, or designated nameless spring no.____, of a series which appear to exist in the Trail Canyon drainage, to differentiate from another spring apparently used.

2.(a) For lack of records of spring flow, the claim may be left at 12 gpm, but we believe the flow and actual diversion will be less, and that the 12 gpm represent the draft from the collection pit described in 6(a). If the flow is in excess of 12 gpm (0.0268 sec.ft.), the Federal claim should be for the actual spring flow so that greater rights may be perfected under the initial priority if the use develops. It is requested that the application be held in suspense, without publication, until we determine the approximate spring flow. We believe that the loss of priority, if necessary, will not be significant.

2.(b) Since storage described in 6(a) is 299,000 gallons, or less, and the diversion of 12 gpm, or 17,280 gpd, has been claimed, it appears that only regulatory storage of the flow of 17 days, or less, is contemplated. There appears to be no reason to claim storage.

Docket 22 a RS

3. The use should be amended to cover domestic, recreational and mining.

4. No change.

5. No change.

6. (a, b, & c.) It appears that the collecting pit is to be just below the spring, where it can be fed by natural infiltration from the source of flow. If so, the pipe described in 8(b) is the diversion pipe and limits the rate of diversion. However, the actual diversion may be to the pit by ditch tunnel, or underground collecting pipe of greater capacity, and the 1" pipe would then be part of the distribution system. This distinction, together with actual spring flow, will determine whether the system to be provided by Mr. Nichols does, or does not, provide surplus appropriated water for purposes other than his own.

7. No comment.

8.(b) The plastic 1" pipe falls 100 feet per 1000 if all below the hydraulic gradient. From Williams and Hazen tables (1933 edition), the pipe will deliver 12 gpm if the 1" plastic pipe has coefficient "c" of about 131.7. The National Park Service and Mr. Nichols should both know the coefficient of the particular pipe, and whether that pipe will all be below the hydraulic gradient or have a limiting grade of less than 100 feet per 1000 of the upper end. This information may have some effect on the quantity of water involved in the claim and right, and in the practicability of the mill development. For further use in connection with other potential water uses, and for proof to obtain the final license, we should also know how much water will actually be required per minute, hour, or day for mill operation, and for presumed domestic purposes of the mill operators.

10. It appears that the development has probably been completed between August 1, 1954 and January 1, 1955. It may be necessary to treat this construction as an initial stage, with some enlargements or additions to be made later.

11. The place of use should be amended to include all 40-acre subdivisions along the pipeline, particularly those traversed by both pipeline and roads or truck trails, and possible the sites of the mills mentioned in the fourth paragraph of this letter. The Superintendent may be able to be somewhat more restrictive if he eliminates 40-acre tracts which are definitely unsuited to roadside water service.

Docket 22aRS

12., 16. and 18. Presumably the pipeline, not shown on the map, will cross the Dahl millsite, Scorpion mining location 1 or 2, and terminate at the Nichols millsite. It will probably follow existing roads and truck trails which are open to the public to a large extent. The domestic and recreational uses will probably be made only at those areas, the water having been technically used if it is put in truck tanks, water bags, or car radiators at those sites, and hauled to other places for final consumption. Presumably all ore from the Chuckawalla 1 and 2, Trantula 1-5, and Scorpion 1, 3 and 4 mines will be hauled to the Nichols Millsite for processing. In connection with the Gold Bottom Millsite (Water Right Applications 13851, and 13852, among others), Mr. Bennett advised that it required five tons of water to float one ton of tungsten ore, which limits the mill capacity to 14.4 tons of ore per day through the 1 pipe, or to 20 tons on a 5-day schedule if the equalizing storage is placed at the lower end of the pipeline, and no water is reused. These considerations suggest that paragraphs 12 and 16 should include estimates of population to be served, the mill capacity and probable reuse of water, and clarification of water use at the mines.

13., 14., 15., and 17. No comment.

19. The map, as filed, does not show the mines and millsites mentioned in paragraph 4 of this letter, the collecting pit, pipeline, possible tanks for salvaging water at the Nichols millsite, the roads and truck trails, possible roadside spigots, or where the water using camps are to be located, if provided with lateral pipe service.

20. and 21. No comment.

22. Since the United States is the claimant, Mr. M. D. Nichols might be designated as joint user under permit. While it may not be necessary to indicate Messrs. Dahl, Ramos, Pike, and Sanchez as claimants, they should certainly be properly notified of the appropriation as a measure toward quieting any adverse claims, and to determine whether Mr. Nichols is to have subpriority no. 2.

From these observations, we believe that the application and supporting map should be returned for corrections. If the corrections do not involve an increase in the quantity of water, we presume that an amended application can be filed without loss of priority. If more water is involved, it may be desirable to file a new application. Since other potential claimants, such as Mr. Dahl, cannot initiate

Docket 22a Rs

rights or claims not already established except subject to terms of a Water Use Permit which can limit such uses to a subpriority junior to that of Mr. Nichols we do not believe the State priority is significant.

If you agree that the Application 16096 should be returned please do so through Mr. Binnewies at the Monument in order that he may forward it to us with as much of the additional information as possible.

Sincerely yours,

(SGD) JACKSON E. PRICE

Jackson E. Price
Chief of Lands

Copy to: Superintendent, Death Valley (2) (detached)
Regional Director Region Four

Docket 22a RS

Death Valley National Monument
Death Valley, California

January 13, 1955

Thad and Jo Green
P. O. Box 4
Trona, California

Dear Thad and Jo;

I am very sorry that it was necessary to spend more time at Detloff's than was anticipated, and I also had to go to Wildrose Station and the Indian Ranch so that I was unable to get up to your place following our meeting on the road last Wednesday.

In order to complete your water right application it will be necessary to have the following information:

1. A bearing and distance tie from Chukar Spring to U. S. Geological Survey to Monument M-165. This can be accomplished by giving us a bearing and distance from a known point on your base line since that is tied to Monument M-165.

2. A more detailed description is needed for the diversion works, and an estimate of the costs should also be included.

If you can let us have this information at your earliest convenience we will type it on the application and send it in as soon as it has been reviewed by our Washington Office.

I will start early enough the next time I am coming up your way to at least stop by and have a cup of coffee.

Sincerely,

Fred W. Binnewies
Superintendent

Docket 22a 18

In reply refer to:
154-1.

Office of
Chief, Western Office
Div. of Design and Const.
JAN 10 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

January 6, 1955

AIR MAIL

Memorandum

To: Superintendent, Death Valley

From: Chief Water Resources Section

Subject: Applications 16096 and 16138 of Greene and Nichols--Death Valley National Monument

Attached is a copy of letter of December 28 from Mr. Jopson of the State Division of Public Works.

It appears satisfactory that publication and posting of application 16096 can be deferred until we receive copy of application, and then published in present form unless we suggest changes to require new notice.

In connection with application 16138 and supporting map, you, or Mr. Nichols, should make any required changes which require knowledge of local conditions, preferably in pencil, and then forward them with a copy of state engineer's letter to us. We can then make those corrections and any further changes in permanent form and forward them to State Engineer.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Regional Director, Region Four, with copy of letter of Dec. 28, 1954
Western Office of Design & Construction, with copy of letter of Dec. 28, 1954

21
22
15

12-28-1954: letter to a. van v. dunn regarding the request of application 16096 has been sent to the atlas blue print company ; dec

C
O
P
Y

STATE OF CALIFORNIA
Department of Public Works
Sacramento

December 28, 1954

Applications 16096 and 16138

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

Dear Mr. Dunn:

In accordance with your request of December 16, 1954, Application 16096 of the United States of America - Death Valley National Monument for use of water by Thad C. and Jo L. Greene, has been sent to the Atlas Blue Print Company of this city with instructions to prepare copies thereof and to foward the copies to you.

Notice of Application 16096 was released on December 17, 1954. In event you find it necessary to make any changes in the application which will cause the notice to be incorrect, a new notice of a later date will be prepared.

Application 16138 and map have been returned to the applicant for more information. We therefore cannot have copies made at this time but will advise you at the time they are completed.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

BY L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

cc: Atlas Blue Print Co.
916 14th Street
Sacramento, California

Dec 1954 - 34

Ltr Original Rec'd
a.w.R. #34

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
DEC 20 1954

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

December 16, 1954

	INITIALS	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
Lands		12/20

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Filings of M. D. Nichols and Thad C. Greene

Attached is a copy of letter to State Engineer to obtain copies of subject filings in accordance with memo of December 7 from Mr. Binnewies, and to forestall, if possible, any further action by Mr. Bennett. Three copies are being sent directly to Mr. Binnewies and one to Mr. Bennett because of the 30-day time limit. Mr. Binnewies is thus supplied with copies for Messrs. Greene and Nichols.

The copy of this memorandum to Mr. Binnewies is to suggest that neither he nor Messrs. Greene and Nichols post or advertise the pending applications at this time. If the notices are received from the State Engineer before he receives our letter, further instructions should be requested from him, possibly returning the notices for re-dating after the copies of the applications are reviewed here.

After distributing the new permit forms, we found that the Miscellaneous Services will hold the stencils for two years for possible reprints. It is also intended that the last page will be rewritten with the omission of the condition relating to uranium when proper. You may thus order more copies from here, or cut your own stencil for future use when the need arises.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Death Valley NM
Western Office of Design and Construction

Goodwin J. Knight
GOVERNOR OF CALIFORNIA

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DUF
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
PUBLIC WORKS BUILDING
P. O. BOX 1079
SACRAMENTO 5

DEATH VAL

December 16, 1954

Application 16138

U. S. Department of the Interior
National Park Services
Death Valley National Monument
Death Valley, California

Attention: Mr. Fred W. Binnewies, Superintendent

Gentlemen:

Your water right Application 16138 to appropriate from Chucker Spring in Inyo County for use by Thad C. and Jo L. Greene has been examined and the following information is requested:

Please set forth in Paragraph 4 of the application a bearing and distance tie from Chucker Spring to U. S. Geological Survey Monument M 165.

In Paragraph 6(b) of the application, please describe in more detail the diversion works to be used.

We are enclosing a retyped copy of Application 16138 with the application map for the inclusion of the foregoing items. Upon completion please sign the application and return it, together with the map, to this office for further action.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

Enc.

cc: Thad and Jo L. Greene
Box 4
Wildrose Canyon
Trona, California

Docket 22a RS

FWB

Goodwin J. Knight
~~EARL WARREN~~
GOVERNOR OF CALIFORNIA

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DU
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
PUBLIC WORKS BUILDING
P. O. Box 1079
SACRAMENTO 5

November 22, 1954

Application 16138

Mr. Fred W. Binnewies, Superintendent
U. S. Department of the Interior
National Park Services
Death Valley National Monument
Death Valley, California

Dear Mr. Binnewies:

Receipt is acknowledged of the application of the United States of America - Death Valley Monument for appropriation from Chucker Spring for use upon lands leased by Thad C. and Jo. L. Greene. The application has been accepted upon our records and assigned the number 16138. The receipt is enclosed herewith.

The application will be examined in the near future and you will be advised as to any further requirements in the matter.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

LCS
cc: Mr. A. van V. Dunn
Chief, Water Resources Section
U. S. Department of the Interior
National Park Service
Washington 25, D. C.

cc: Thad and Jo. L. Greene
Box 4
Wildrose Canyon
Trona, California

Docket 22a RS

11-10-1954: letter to mr. and mrs. thad greene regarding a mistake in signing the application for water that was made ; november

Death Valley National Monument
Death Valley, California

November 10, 1954

Mr. and Mrs. Thad Greene
Wildrose Station
Trona, California

Dear Thad and Jo:

I have just found out that I made a mistake in signing the application for water that was made out when you visited the office a couple of weeks ago. The application should first be sent to our Washington Office for review before it is signed and sent to the Water Resources Board. This is only a temporary measure and as soon as we get the procedure worked out then I can sign the application.

If you have not already sent the application in it is requested that you return it to me so that the Washington Office can review it. This seems like a long procedure but will actually save time in the long run. The supporting map should also accompany the application.

Sorry to put you to this trouble but I did not quite understand just how these things should be handled.

Sincerely,

Fred W. Binnewies
Superintendent

Docket 22a 45

In reply refer to:
L54

March 5, 1954

Mrs. Jo. L. Greene
c/o Wild Rose Station
P. O. Box 4,
Trona, California

Dear Mrs. Greene:

You no doubt have a copy of the Regional Director's letter of March 2, and we also have a communication requesting the Director in Washington to approve your permit application by telegram if possible.

It would appear that the somewhat lengthy procedure in your case is about finished, and everything will be cleared up to the satisfaction of both you and ourselves.

We are returning the two maps which you so kindly loaned us.

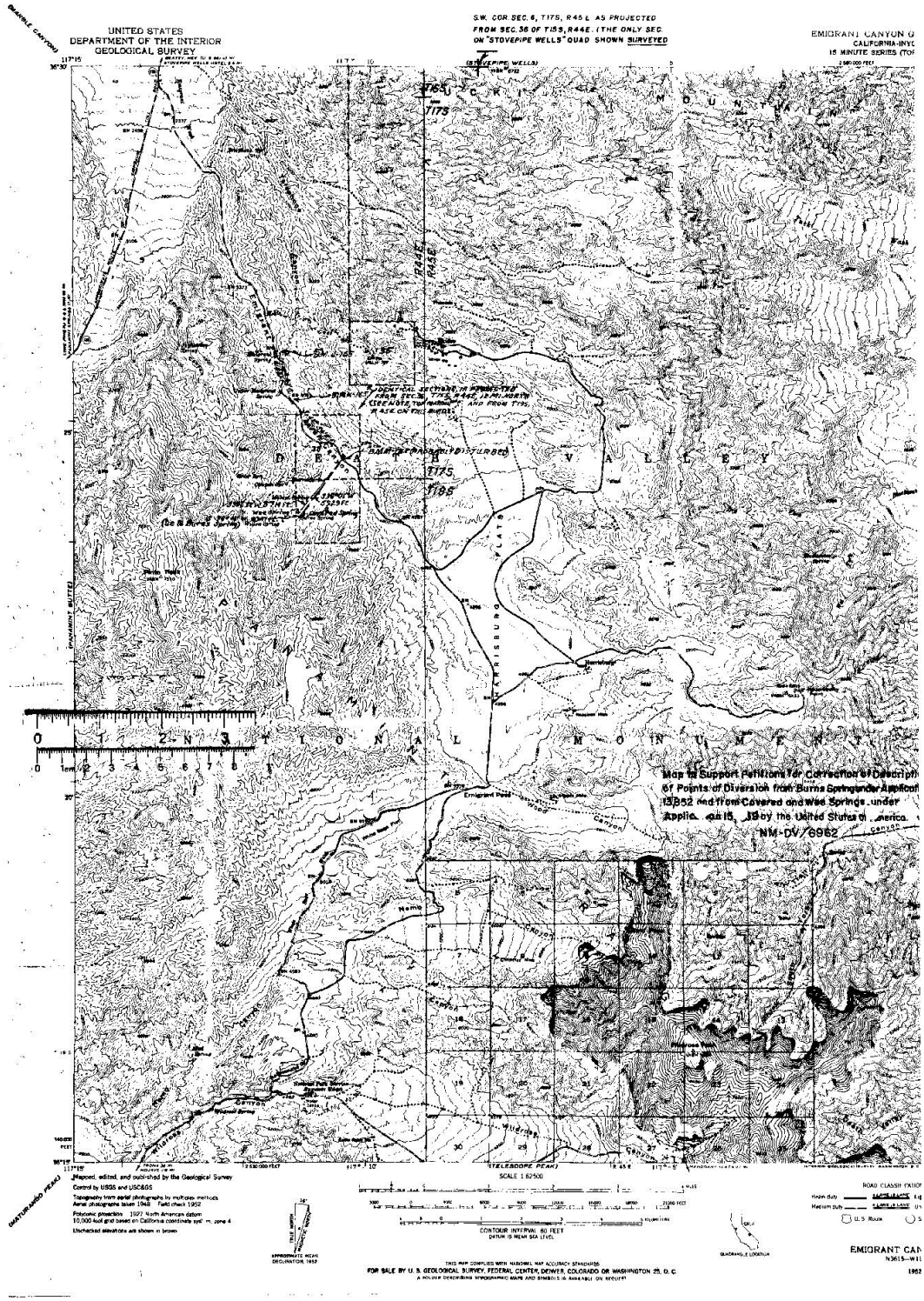
Sincerely yours,

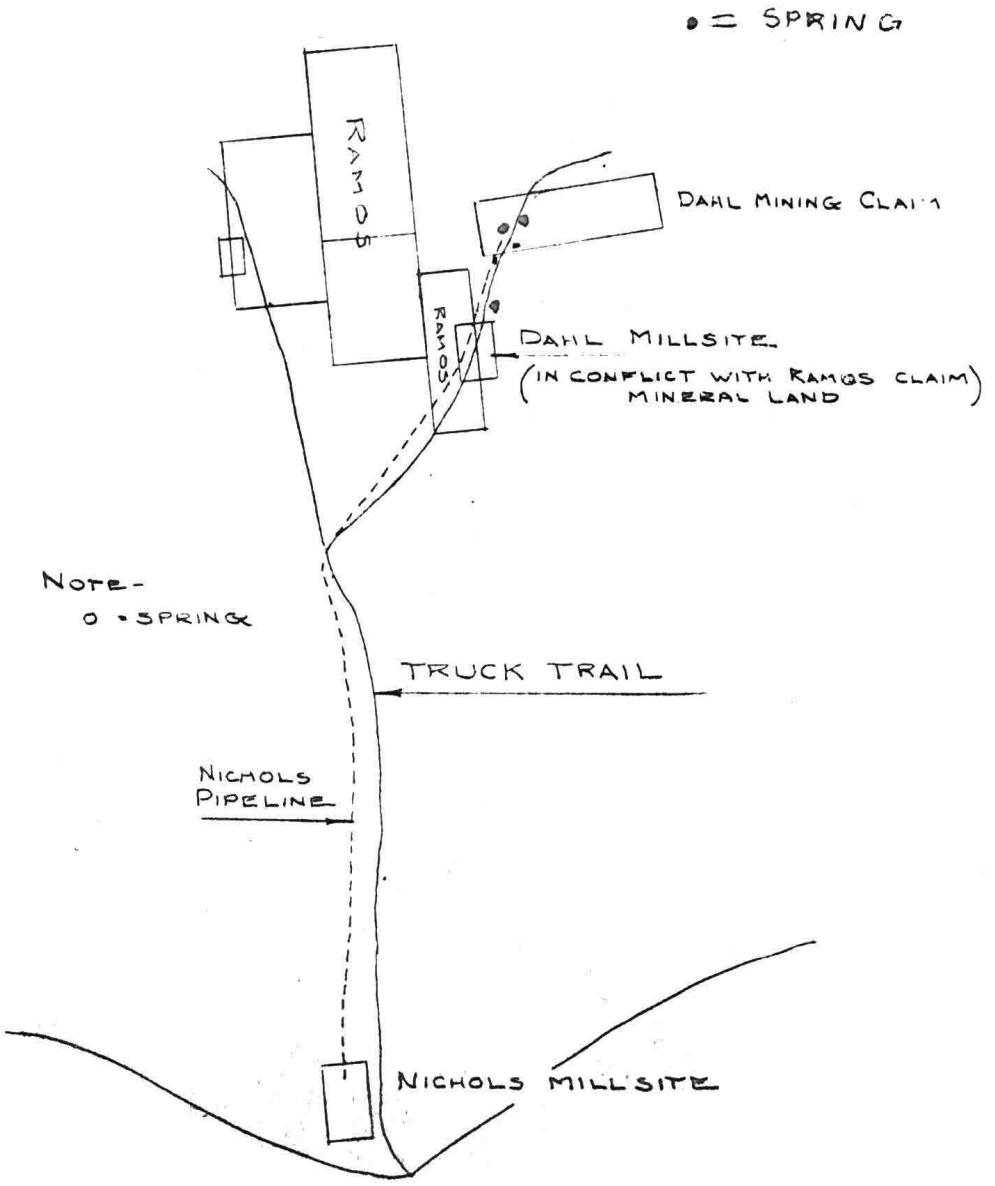
T. R. Goodwin
Superintendent

Enclosures: Maps (2)

District 22 RS
Folder 2

09-15-1957: map of geological survey

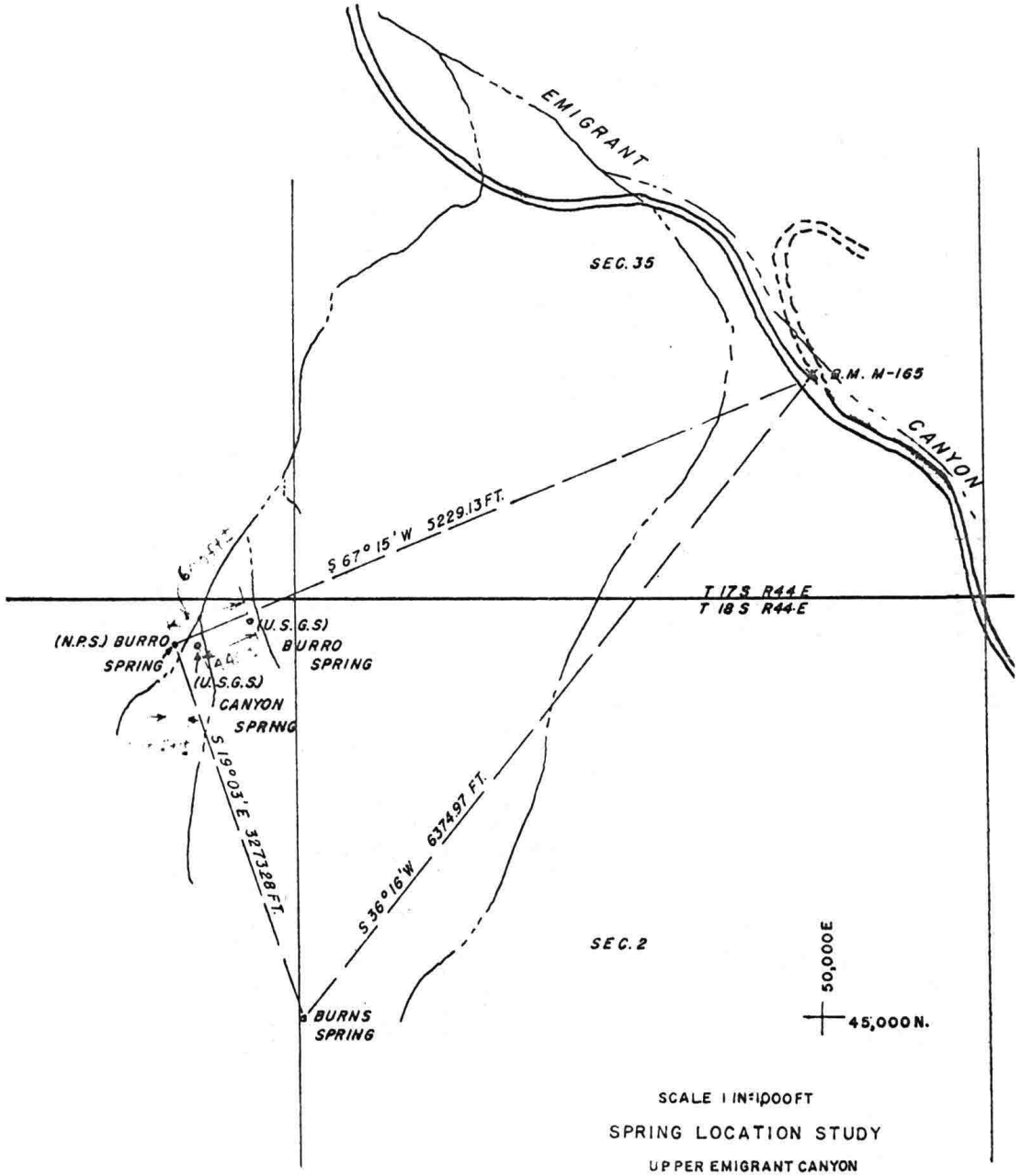




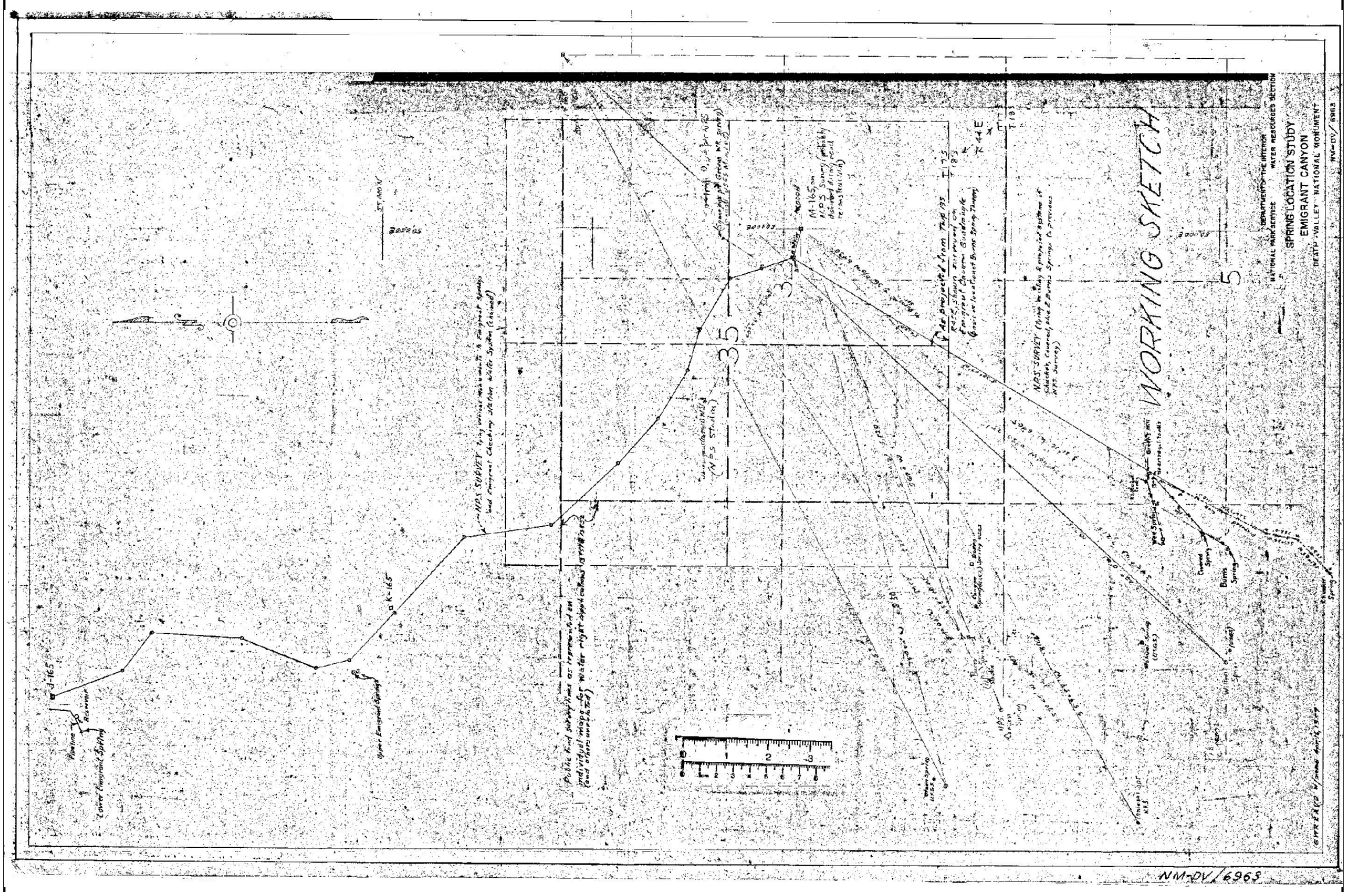
DEATH VALLEY
WATER RIGHTS

Docket 2ria R5

09-15-1957: spring location study upper emigrant canyon ; september 15, 1957



04-16-1957: map of spring location study, emigrant canyor



04-16-1957: sketch showing location of springs in deva

16138

Application No. 199

Permit

License

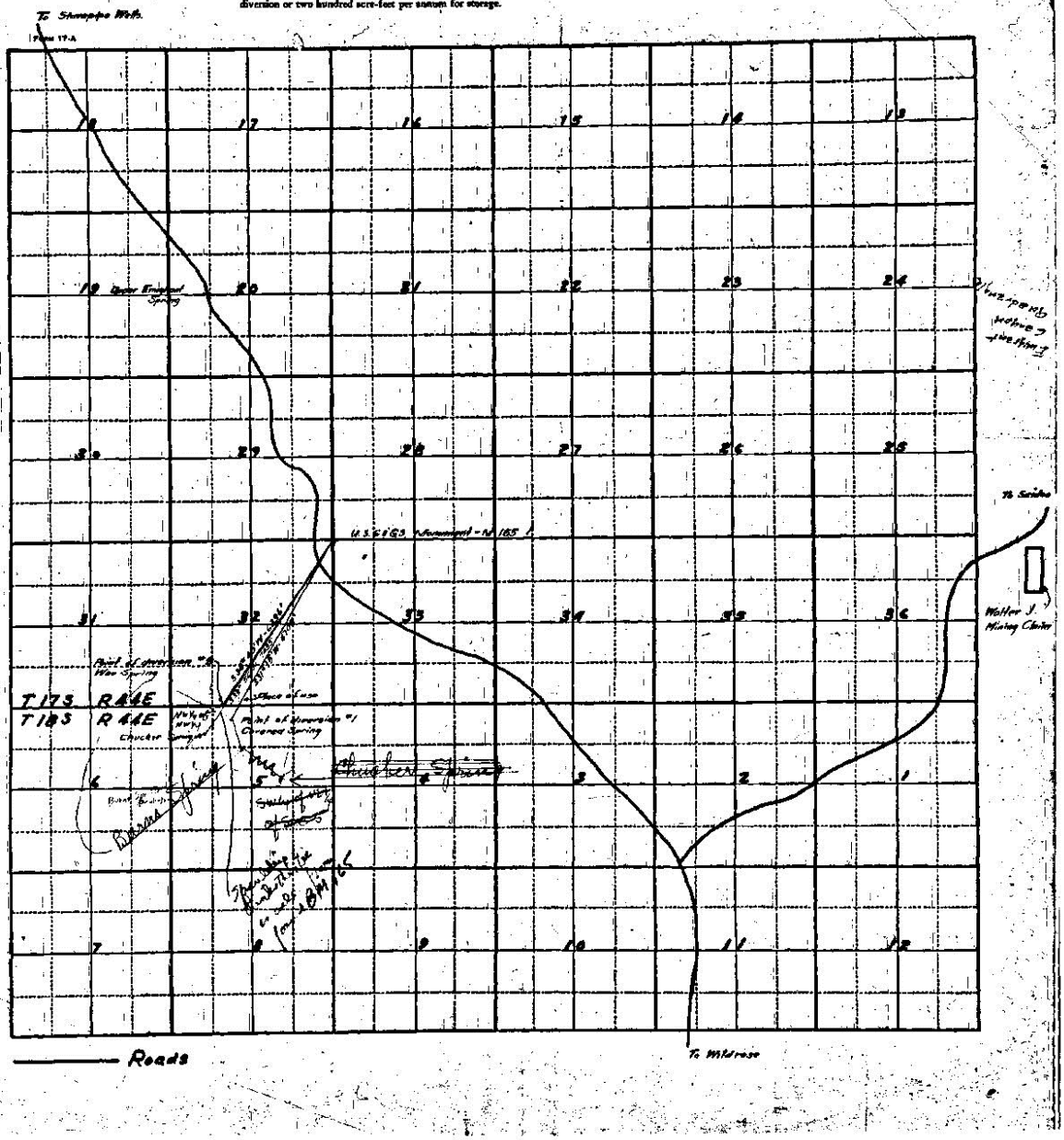
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Applicant United States of America—Death Valley National Monument

Proj. Sec. 32 Township 17S Range 44E, MDB&M Meridian

Mapped by (See P 8535 & 8536 Maps) County Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage.



04-16-1957: map showing location of springs regarding application no. 16138

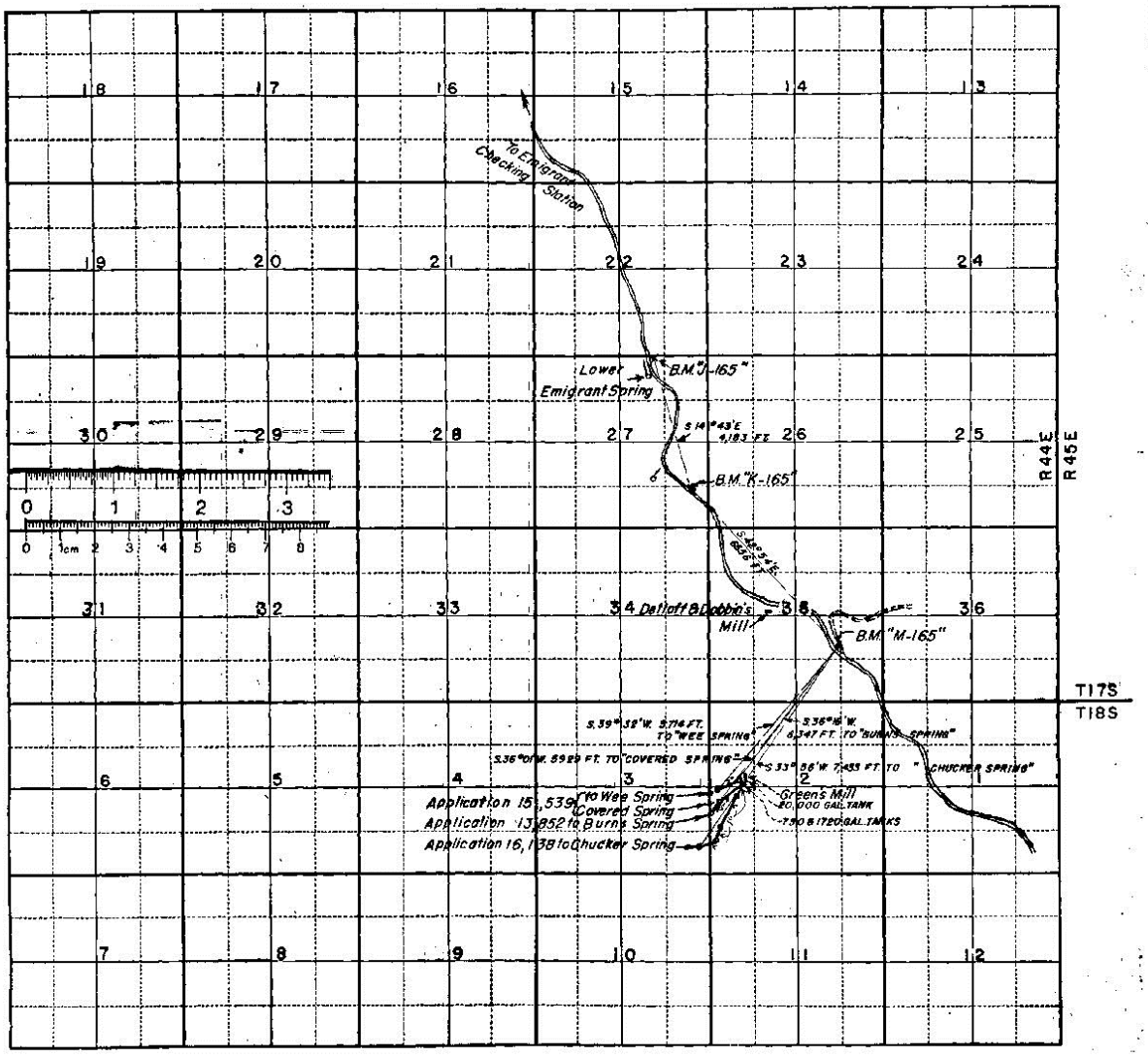
Amended Application 16,138
Permit
License

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Applicant United States of America Sec's 2 & 3 Township 18 S. Range 44 E. , M.D. B & Meridian

Mapped by Linn S. Spaulding & Gordon W. Robertson County Inyo

NOTE.—Maps are to be drawn on this plat only when total amounts of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.



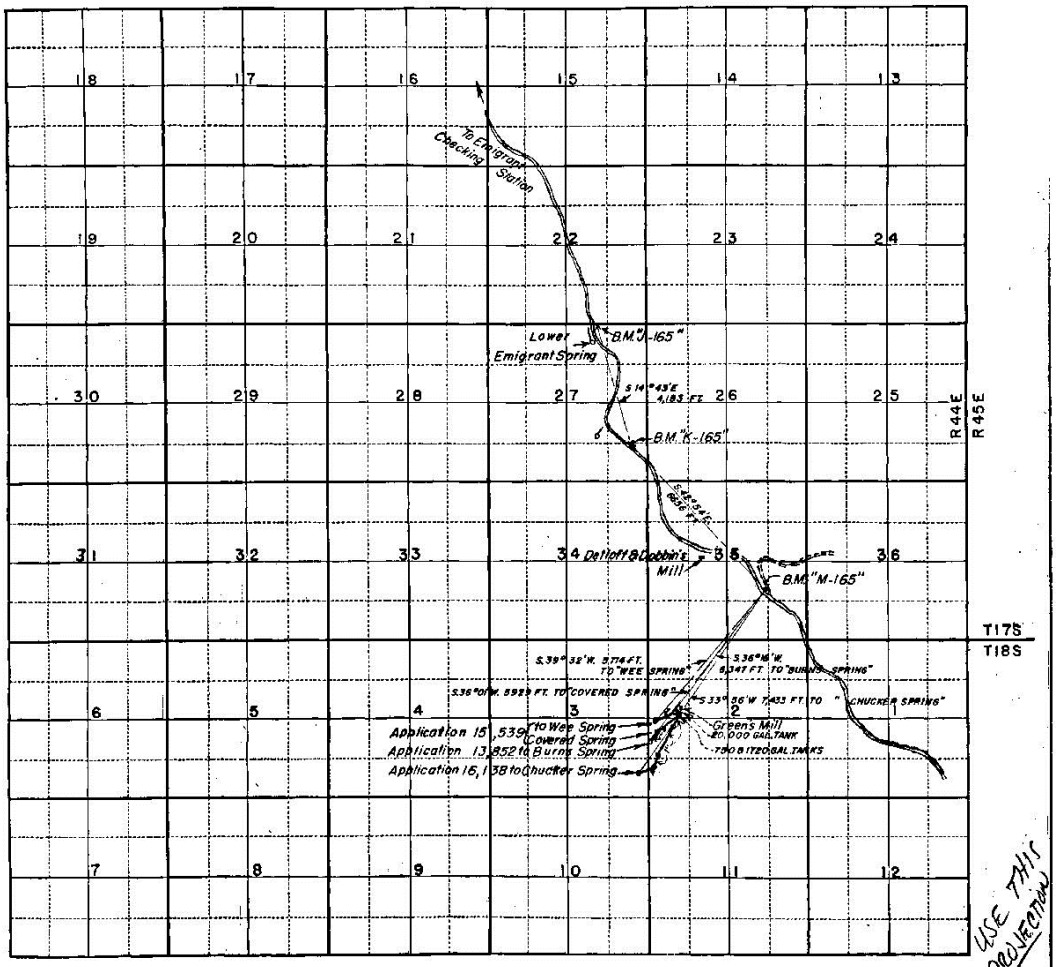
Amended Application 16,138
Permit
License

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Applicant United States of America Sec's 2 & 3 Township 18 S. Range 44 E., M.D.B.& M. Meridian

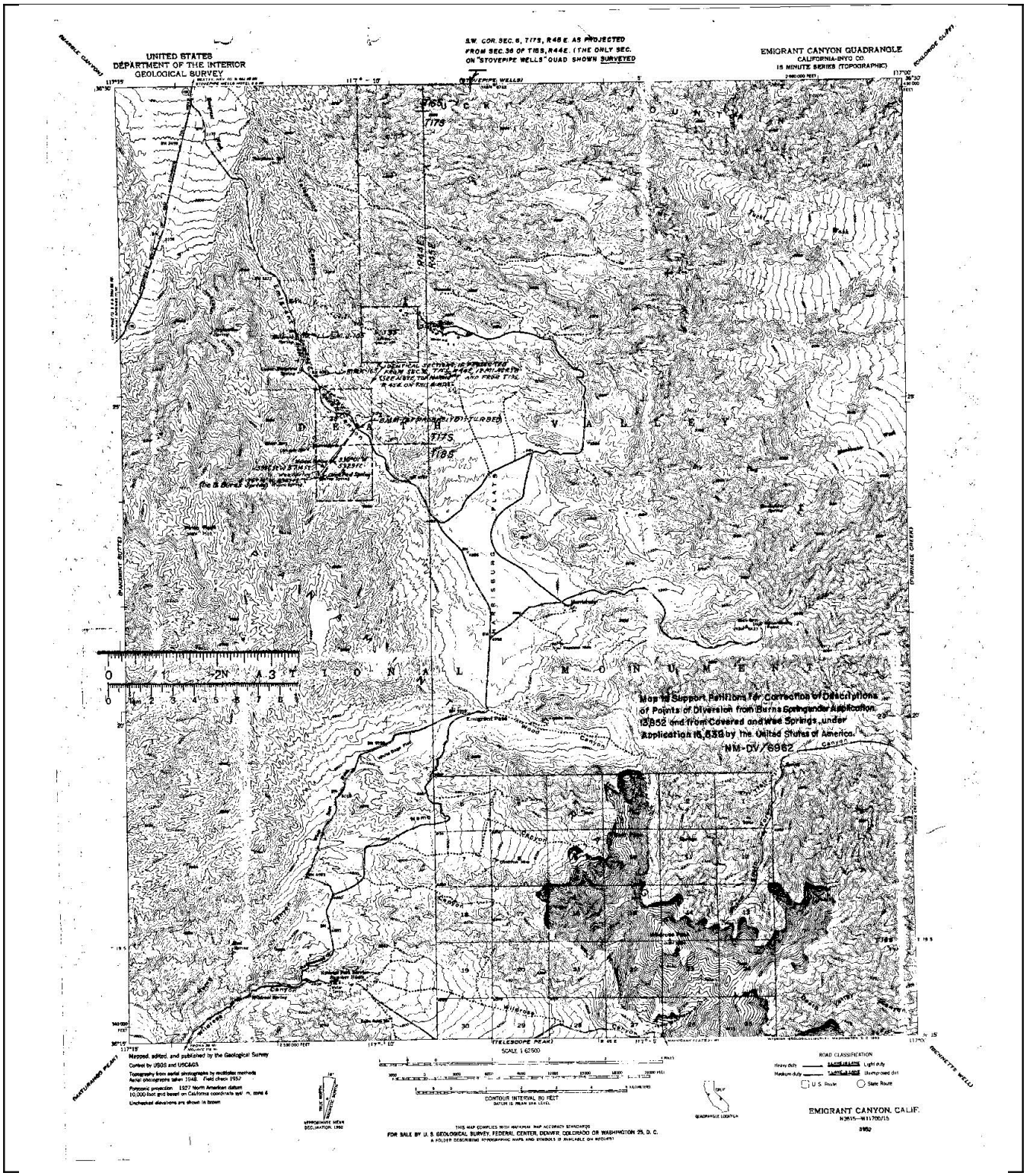
Mapped by Linn S. Spaulding & Gordon W. Robertson County Inyo

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USE THIS PROJECTION

04-16-1957: map of emigrant canyon



00-00-0000: map of springs regarding applications no. 16138 and 13852

Amended Applications 16,138 & 13852
Permit
License

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

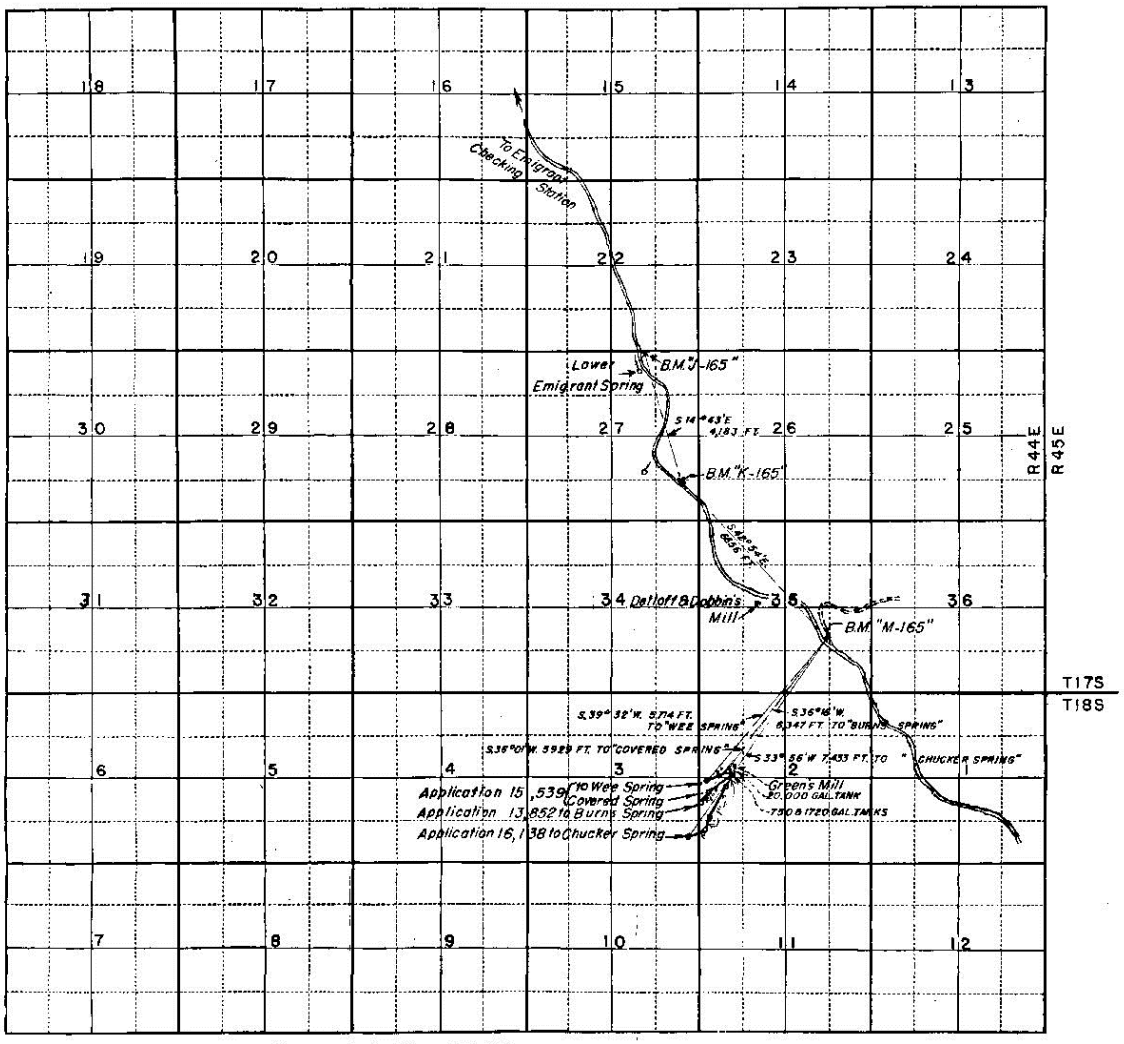
Applicant United States of America

Sec. 5 28 3 Township 18 S. Range 44 E., M.D.B.& M. Meridian

Mapped by Linn S. Spaulding & Gordon W. Robertson

County Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage. For amounts less than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.



Unsurveyed Sections projected from T19S, R45E MDB&M, on USGS Emigrant Quadrangle

Docket Information

Number of Documents in Docket 263

Documents Dated from 3/2/1954 to 10/25/1982

Docket Compiled: 5/25/2016