WATER-RIGHT DOCKET

Death Valley National Park

Docket No: 23

WARM SPRINGS

Preliminary Docket Information

05-04-1979: docket source description ; may 04, 1979

DATE: May 4, 1979

DOCKET (FILE) TITLE

REGION Western AREA Death Valley National Monument

SITE Warm Springs/Acquired Rights of Indian Allotment

STATE California COUNTY Inyo DOCKET NO WR #23

LOCATION SW¼ NW¼ Sec.8 T23S R47E

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Riparian

APPLICATION 10209/5011/1855 PERMIT CERTIFICATE

ACTION DUE PRIORITY RESERVATION

QUANTITY USE

STATUS Unknown SOURCE Surface Water - Spring

REMARKS Hydrologic Unit #18090203

NARRATIVE:

See the Kidder narrative (following) for a synopsis of the legal history of Warm Springs up to October 20, 1977.

In November of 1977 Desert Minerals, Inc., successor to Johns-Manville Corporation, submitted a proposed Plan of Operation for its Big Talc Mine in Warm Springs Canyon, which included the use of the Warm Spring Mine camp. The plan called for most of the flow of Warm Springs to be diverted for domestic use at the mine camp, with any overflow lost into the gravel. It was feared that this development would have an adverse effect on wildlife in the area, especially the Bighorn Sheep. The Service insisted that the company conform with mining regulations recently promulgated by the Secretary of the Interior, despite the fact the company insisted the 1942 judgment in U.S. v. Grantham entitled them to the entire flow from Warm Springs without interference from the Federal government. Continental Minerals Corporation responded to the assertion by the monument that further documentation was required by stating that the issue had already been resolved and that there was no need to file any more documentation than the order in U.S. v. Grantham.

The matter is currently awaiting resolution. Documentation regarding the non-monument claims to the water of Warm Springs should be filed in an alien water rights docket rather than a federal docket.

The physical situation at Warm Springs is as follows:

Water is captured by French drains and flows down a pipeline about 25 feet to a small drum; from this point water flows both on the surface and in a plastic pipe to a 55 gallon drum. Two pipes leave the drum, one leading to the mines and the other to the mining camp. About 150 feet downstream a similar diversion and drum is situated. Flow from the original source was estimated at 15 gpm, while the flow from the last drum (after recieving the flow from other surface sources) was put at about 50 gpm. It appears the system is capable of withdrawing the entire flow.

Compiled by T. Kern

NOTE ON WARM SPRINGS WATER RIGHT - 5/10/79

A memorandum from Regional Director, Western Region, to the Solicitor's Office, dated December 13, 1977, requested an opinion on the right of Desert Mineral Co. to use the water flowing from Warm Springs in Death Valley National Monument. John McMunn, for the Solicitor, gave a verbal reply to the request to L.S. Zentner of Mining and Minerals, essentially stating that the Company did have the right to appropriate water from the springs and that this right was paramount to the right of the United States at that source. This right asserted by the Company is based on the mining laws of the United States at the time the appropriation was made, confirmed by a district court ruling in 1942.

Death Valley Water Right Docket No. 23 covers Warm Spring, one of the few continuously flowing water sources in the Southern portion of Death Valley National Monument. It has historically been used in conjunction with mining activities in Warm Spring Canyon. However, due to recent changes in the law, the status of the spring is now the subject of potential controversy.

Initially, it might be noted that several applications to appropriate water from Warm Spring, located either in section 5 or section 8 of T23S, R47E, were filed with the State of California. The first of these, Application No. 1855, filed on June 1, 1920, by the American Magnesium Company, was for 0.1 cfs. A second application, No. 5011, was filed on May 20, 1926, by A.I. D'Arcy for 0.17 cfs, to be used for mining and milling purposes. The last filing, Application No. 10209, was made by H.P. Gower and Owen Montgomery on May 22, 1941, for 0.75 cfs for mining and domestic use. However, a letter from the California Department of Public Works dated June 28, 1954, states that all three applications had been cancelled. Further, it was the opinion of the Field Solicitor, expressed in 1973, that no private appropriations then existed at Warm Spring. Thus, as of 1977, Warm Spring was not the subject of any outstanding appropriations made under the California Water Code.

Of greater importance are several land transactions involving Warm Spring which occurred in the 1930's. Death Valley National Monument was established on February 11, 1933, and Warm Spring was included within its boundaries. Six days prior thereto, on February 5, Dorothy Ketchin and Nina Bradley filed a Location Certificate of Mill Site, claiming a right of possession to the Gold Hill Mill Site in Warm Spring Canyon, adjacent to Warm Spring. Four months later, Congress passed the Act of June 13, 1933 (48 Stat. 139), which extended the mining laws of the United States to Death Valley National Monument. In effect, it opened up Death Valley to private mining activity. Taking advantage of these provisions, L.B. Grantham, Dorothy Ketchin and Nina Bradley posted a Notice of Location - Quartz on May 7, 1934, for the Old Mill Stream Quartz Mining Claim. The claim was located in section 7 and 8 of T23S, R47E, and was to encompass "all . . . water . . . allowed by the law of this State or of the United States . . .".

At this point it is necessary to examine the nuances of Federal mining law. The basic law is set forth in Title 30 of the United States Code, covering mining locations made on the public domain. It was supplemented for Death Valley National Monument by regulations promulgated by the Secretary of the Interior pursuant to authority granted him by the Act of June 13, 1933. Title 30, section 26 (Locators' rights of possession and enjoyment) is a key provision, and states that "the locators of all mining locations . . . on any mineral vein, lode, or ledge, situated on the public domain . . . shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations . . .". With respect to water use, section 51 (Vested rights to use of water for mining) says: whenever, by priority of possession, rights to the use of water for mining . . . have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same. Looking to the local situation, a compendium of California law notes that "the ownership or possession of a mining claim draws to it the right to a reasonable use, for mining purposes, of waters flowing in the natural channel of a stream passing through or by the claim." Springflow would also be covered by these provisions by analogy. In summary, as of 1934, an individual who located a mining claim on public domain (or in Death Valley National Monument by the Act of June 13, 1933) got a right of possession, and by

local law, the right to use as much water from sources on the location as was reasonably necessary for mining purposes. Thus, Grantham, Ketchin and Bradley could make use of the waters of Warm Spring on the Old Mill Stream Quartz Mining Claim.

The Park Service became interested in Warm Spring in an indirect way. On December 23, 1936, the United States conveyed 40.04 acres of land in Death Valley National Monument to Robert Thompson, a Shoshone Indian. Denoted Indian Allotment Survey No. 330, it consisted of parts of sections 7 and 8, T23S, R47E, including Warm Spring. The United States, in Indian allotment cases, would hold the land as trustee for Thompson for 25 years and would then patent it to him. If Thompson died prior thereto, the United States could patent the property to his heirs or cause it to be sold. However, as previously mentioned, Warm Spring and the surrounding area had been claimed as a mining location by Grantham, Ketchin and Bradley. The United States, in an effort to clarify the rights of the parties, brought a civil action, U.S.A. vs. Louise Grantham, Nina Bradley, Dorothy Ketchin, Joseph Barker, et.al., to quiet title to the 40.04 acre tract in Robert Thompson. The Final Judgment in the case, handed down on February 20, 1942, said that Thompson did have good title to the property, but that his rights were subject to the paramount rights of the defendants to the Old Mill Stream Quartz Mining Claim and the Gold Hill Mill Site. A map drawn at this time showed that of the 40.04 acres in Survey No. 330, the two mining claims took up about three-fourths of the tract.

Early in 1954, the United States Bureau of Indian Affairs called for sealed bids for the purchase of Indian lands in California. Apparently Robert Thompson had died by this time, as one parcel up for sale was Indian Allotment Survey No. 330. Since the land was within Death Valley National Monument, the Park Service was granted the privilege of meeting the high bid. This was done, and on December 30, 1958, by Deed to Restricted Indian Land, the heirs of Robert Thompson conveyed the 40.04 acres, subject to the two outstanding mining claims, to the United States.

Upon purchase of Indian Allotment Survey No. 330, the Park Service became concerned with water use at Warm Spring. The Service contemplated the construction of public facilities involving water from the spring, and increased mining activity threatened these plans. By 1960, mining was being conducted on a fairly large scale by Louise Grantham. The water system at Warm Spring used in conjunction with the mining consisted of a steel collection barrel some distance below the spring, from which a pipeline led to another steel barrel. A second pipeline ran from that barrel to Grantham's Warm Spring Mining Camp, located on the Old Mill Stream Quartz Mining Claim. The camp housed 18 people in a residence, bunkhouse, guest house and several trailers. Grantham's water rights were questioned at this time by the Park Service in a series of correspondence with the Solicitor. However, after several years of desultory attempts to stop further development by Grantham, the matter was dropped.

On September 28, 1976, Congress passed Public Law 94-429 (90 Stat. 1342), entitled An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System. Section 3 of the Act read: Subject to valid existing rights, the following Acts are amended or repealed as indicated in order to close these areas to entry and location under the Mining Law of 1872 . . . (d) the Act of June 13, 1933 (48 Stat. 139) relating to Death Valley National Monument, is hereby repealed . . . . As a result of this new law, the Secretary of the Interior issued new regulations covering mining in Death Valley, 36 C.F.R. 9.1 - 9.18, which superseded all prior

regulations. The new regulations were to control all activities resulting from the exercise of valid mineral rights in areas of the National Park System. A principal section, 9.4, placed a four year moratorium on new surface mining disturbances. Section 9.9(a) then said that "no operations shall be conducted within any unit until a plan of operations has been submitted by the operator to the Superintendent and approved by the Regional Director." Use of water in mining operations was also subject to the Regional Director's written authorization, section 9.8(a) stating that there would be no approval granted "of a plan of operations requiring the use of water from (a point of diversion within the boundaries of a Park System unit) unless the right to the water has been perfected under applicable State law, has p priority date prior to the establishment of the unit and there has been a continued beneficial use of that water right." Perfected water rights junior in priority to the establishment of a Park System unit are likewise recognized, but only if the operator "can demonstrate that the exercise of that State water right will not diminish the Federal right, which is that amount of water necessary for the purposes for which the unit was established . . .".

In a nutshell, the new legislation prevents any new mining locations in Death Valley National Monument and the accompanying regulations strictly control valid existing claims. A Plan of Operations, which must include a statement regarding water usage if the source is within the boundaries of the Monument, will require the approval of the Regional Director before mining activity can continue at existing claims. While water rights recognized by the State whose priority pre-dates February 11, 1933 (the establishment of the Monument) are fully protected, State water rights perfected after the establishment date are acknowledged only to the extent that they will not conflict with necessary Federal water needs under the Reservation Doctrine.

The new legislation will have some effect upon the mine and mining camp at Warm Spring. Although the designation of the mine in that area is unclear, it appears that Louise Grantham sold her mining interest to Johns-Manville in the early 1960's. On September 1, 1977, Johns-Manville sold the Big Talc Mine to Desert Minerals, Inc. Desert Minerals presently seems to manage the Warm Spring Mining Camp and thus uses water from Warm Spring. In an effort to comply with Park Service regulations, Desert Minerals submitted a Plan of Operations to the Monument Superintendent on September 13, 1977. By letter dated September 26, 1977, the Park Service notified Desert Minerals that several changes and additions, including a statement concerning water usage, would have to be made before the Plan could be approved. Further, several days later, the Environmental Specialist at Death Valley noted that, as the mining camp was appropriating the entire flow of Warm Spring, wildlife in the area was being deprived of water. He recommended that Deset Minerals be required to restore a water supply for wildlife from the spring prior to Plan approval. This is the status of this docket to the present, October 20, 1977.

Kevin Kidder
Legal Clerk

05-22-1941: application to appropriate unappropriated water; may 22, 1941

FORM 1 FILE IN DUPLICATE

[For full information concerning the filling out and filing of this form refer to Regulations and Rules and Regulations of the Division of Water Resources Governing the Appropriation of Water]

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

RECEIVED
DIVISION OF WATER RESOURCES
1941 MAY 22 PM 3:49
401 PUBLIC WORKS BLDG.
SACRAMENTO

Application No. 10209 Filed May 22, 1941 at 3:49 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

This application involves in no way the right to construct a dam

I, H. P. GOWER AND OWEN MONTGOMERY
Name of applicant

of Death Valley County of Inyo
Post office

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

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is Warm Springs
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 Warm Spring Canyon thence Death Valley

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 without storage 0.75 cubic feet per second
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

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

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

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

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. The amounts stated must be in definite terms of some established unit of measurement. Neither these amounts nor the season may be increased after application is filed.

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

4. **The point of diversion** is to be located at Warm Springs as shown on U. S. G. S.
State bearing and distance or coordinate distances to section or quarter section corner

Avawatz Mountain Quadrangle

being within the SW¼ of NW¼
State 40-acre subdivision of U. S. Government survey or projection thereof

of projected Section 31, Tp. 22 N., R. 1 E., S.B.B. & M., in the County of Inyo

5. **The main conduit** terminates in NW¼ of projected Sec. 31, Tp. 22 N., R. 1 E., S.B.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: Capacity of plant gallons per minute.

(*b*) Diversion will be by gravity, ~~the diverting dam being~~ 6' x 8" concrete box at spring feet in height (stream bed to level of overflow); feet long on top; and constructed of
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**
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.

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
Earth, rock, timber, etc.

(*b*) Pipe line: Diameter 4 inches; length 1000 feet; grade _____ feet per 1,000 feet; total fall from intake to outlet 250 feet; kind Steel
Riveted steel, cement, 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 works proposed is _____
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $750.
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction work** will begin within 4 months after approval of this application.

Construction work will be completed within 2 years after approval of this application.

The water will be completely applied to the proposed use within 3 years after approval of this application.

Description of Proposed Use

11. **Place of Use.** within NW¼ of projected Section 31, T 22 N, R 1 E, S.B.B. & 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 all 40-acre tracts, describe area in a general way and show detail upon map. These blanks need not be filled in when municipal use is proposed.

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

Under lease. In case lease is terminated water application will be withdrawn
If applicant does not own land whereon use of water will be made, state what arrangements have been made with owner.

12. **Domestic Use.** Domestic use is proposed as follows: Camp and boarding house for about 50 persons.
Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre each in area connected with places of residence.

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.

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 each season — Closing date each season

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 nozzle to be used is _____ inches.

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

Sec. _____, Tp. _____ R. _____, _____ 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 Pink Elephant No. 5 (Name of claim) and the nature of the mines is Flourspar (Gold placer, quartz, etc.)

The method of utilizing the water is concentration and flotation of ores

It is estimated that the ultimate water requirement for this project will be 0.75 c.f.s. (Cubic feet per second, gallons per minute. State basis of estimate)

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

and it ~~will~~ will not be returned to any stream (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, Tp. _____, R. _____, _____ 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? No (Yes or No). If not, state what steps have been taken to secure right of access thereto Indian Allotment - Survey No. 330 leased from U.S. Government.

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

Death Valley, California

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Louise Grantham, Shoshone, California

Bob Thompson, c/o Donald C. Foster, Supt., Carson Indian Agency Stewart, Neva

Donald C. Foster, Supt., Carson Indian Agency, Stewart, Nevada

[SIGNATURE OF APPLICANT] W. H. Glover

Ben Montgomery

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 in addition to those enumerated in Chapter 586, Statutes 1913, as amended.

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 appropriate to the purpose which will be provided annually by the Division of Water Resources 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 Division of Water Resources 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.

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

EDWARD HYATT
State Engineer

*By*_____
Deputy

77180 8-39 6M
STATE PRINTING OFFICE

EDWARD HYATT, STATE ENGINEER
CHIEF OF DIVISION

DIVISION OF WATER RESOURCES
601 PUBLIC WORKS BUILDING

CULBERT L. OLSON
GOVERNOR OF CALIFORNIA

FRANK W. CLARK
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

MAR 19[illegible]

March 20, 1942

Application 10209 *Permit*

Mr. Van v. Dunn
Hydraulic Engineer
National Park Service,
601 Sheldon Building
San Francisco, California

Dear Sir:

This is to advise that on March 10, 1942

the above numbered filing of

H. P. Gower and Owen Montgomery

which a was for the appropriation of

0.75 c.f.s.

from Farm Springs

within SW¼ NW¼, Section 31, T 32 S., R 1 E., M.D.B.&M.

for mining and domestic purposes was cancelled

without prejudice at request of applicant.

Very truly yours

EDWARD HYATT
State Engineer

00-00-0000: application for a permit to appropriate unappropriated waters of the state of california

FORM 3-A. 30475 1-34 1M

AMENDED APPLICATION RECEIVED 5/20/ 1925

FILE IN DUPLICATE

☞ For full information regarding the filing out and filing of this form send for Rules and Regulations of the Division of Water Rights governing appropriation of water

APPLICATION No. 5011

APPLICATION FOR A PERMIT

To Appropriate Unappropriated Waters of the State of California

FOR MINING PURPOSES

I, A. I. D'ARCY (Name of Applicant)

of Goldfield (Post Office) County of Esmeralda

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

If the applicant is a corporation, give date and place of incorporation

SOURCE, AMOUNT AND USE APPLIED FOR

1. The source of the proposed appropriation is Warm Spring (Name of stream, lake, or other source. If underground water is to be developed, so state)

located in Inyo County, tributary of Death Valley(an isolated spring that sinks)

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 without storage 0.17 (1 cubic foot per second=40 miner's inches)

cubic feet per second, to be so diverted from Jan 1 (Date) to Dec. 31 (Date) of each season.

(b) For diversion to be stored temporarily and later applied to beneficial use (1 acre-foot=325.851 gallons)

acre-feet per annum, to be collected between (Date) and (Date) of each season.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. It is important that the answers be complete and accurate. A permit can not be issued for a larger quantity than as described therein.

3. The use to which the water is to be applied is Mining, milling & domestic

4. The point of diversion is to be located 4149 ft W and 3360 ft. S.

from Warm Springs Summit (a natural permanent object) (Give distance and bearing to section corner)

Known as Warm Springs Summit

being within the Proj. SW¼ NW¼ (Give smallest legal subdivision not to exceed 40 acres)

of Sec. 8 Tp 23S R 47E, MD M., in the County of Inyo.

5.25.26 AFT.

5. The pipe line (Main ditch, canal or pipe line) to be 6.63 miles in length, terminating in the SW¼-NW¼ (Smallest legal subdivision) of Sec. 28

Tp. 22N R. 1E, SBM., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works, if named, is to be Carbonate Mine

DESCRIPTION OF PROPOSED WORKS

Diversion Works—

7. (a) Diversion by gravity:

(1) Height of dam 3 feet; length on top 10 feet; length at bottom 10 feet; material to be used and character of construction Lumber & earth (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(2) Description of headgate Lumber to inlet of pipe line (Timber, concrete, etc., number and size of openings)

(b) Diversion by pumping plant: Type of pumps (Centrifugal, plunger, screw, etc.); number of pumps; size of each; capacity of each cubic feet per second; total capacity of plant cubic feet per second; total pumping lift feet; source of power (Electric motor, gasoline engine, etc.); capacity of power installation horsepower.

NOTE.—In case of insufficient space for answers in form attach extra sheets.

Conduit System—

8. *Give dimensions, length, grade (feet fall per 1000 feet length), and character of construction of diversion conduit.*

(a) *Canal, ditch, flume: Width on top (at water line)*.....*feet; width on bottom*.....*feet; depth of water*.....*feet; length*.....*feet; grade*.....*feet per 1000 feet; materials of construction*.....
(Cross out two not used) (Earth, rock, timber, etc.)

(b) *Pipe line: Diameter* 3 *inches; length* 35,000 *feet; grade* 45 *feet per 1000 feet; total fall from intake to outlet* 1575 *feet; kind* iron
(Riveted steel, cement, 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.

Storage Reservoir—

9. *The capacity of the reservoir will be*.....*acre-feet.*

10. *The location of the reservoir will be in*.....
(Give 40-acre subdivisions)

11. *The dam will be located in*.....
(40-acre subdivisions)
Sec......*Tp.*.....*R.*....., *M. It will be*.....*feet in height; length on top*.....*feet; length on bottom*.....*feet; width on top*.....*feet; slope of front or water face*.....; *slope on back*.....;
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)
height of dam above water line when full.....*feet.*

12. *Character of construction of dam and the materials of which it is to be built*.....

Cost—

13. *Estimated cost of proposed works, $* 30,000

APPLICATION OF WATER TO USE

14. *Construction work will begin on or before* Oct. 1-26

15. *Construction work will be completed on or before* June 1-27

16. *The water will be completely applied to the proposed use on or before* Oct. 1-27

17. *The nature of the mines to be served* Silver-Lead Lode Mine

18. *Location of the mines* Proj. S.W.¼ of N.W.¼ of Sect. 28, T 22N., R.1. E. S.B.M.
(Describe by 40-acre subdivisions)
Loc. Mining Claim - Proj SW¼SW¼ Sec21, SE¼SE¼ Sec 20, E½ NE¼ Sec 29, SE¼ Sec 29, W½ NW¼ Sec. 28 and NW¼ SW¼ Sec 28, all in T22N R1E S.B.M.

See map 5-25-26 GPT.

19. *Method of utilizing the water* Drawing from Storage tank by means of pipe lines for use in concentrating mill, mining machinery and for domestic purposes.

20. *Will the water used be in any degree polluted, by chemicals or otherwise?* Yes *If so, explain fully*
(Yes or no)
By sand, silt and oil from Concentrating Mill

GENERAL

21. *Is water to be returned to any stream?* No (Yes or no) *If so, name stream and locate point of return*

..... (Locate within 40-acre subdivision) *Sec.* ..... *Tp.* ..... *R.* .....

M. .....

22. *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* .....

23. *Does the applicant own the land at the proposed point of diversion?* No (Yes or no) *If not, state what steps have been taken to secure right of access thereto* Located by unpatented Lode (See Rules and Regulations for requirements as to right of access)

Mining claim

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

Shoshone, Inyo Co., Cal

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

26. *It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:*

Sec. 20. All permits and licenses for appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriation of water to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the exercise of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought to to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same 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 or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 licensee, or the possessor of any rights granted, issued or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

G. E. D'Arcy
(Name of Applicant)

Goldfield, Nevada

Signed in the presence of us as witnesses:

1. ..... (Name) ..... (Address)

2. Mrs. A. M. Koontz (Name) Goldfield, Nevada (Address)

Applicant .....

Application No. 5614

Permit No. .....

APPLICATION

MINING

TO APPROPRIATE

THE PUBLIC WATERS OF THE

STATE OF CALIFORNIA

This application was first received in the office of the DIVISION OF WATER RIGHTS *the* ..... *day of* ..... *192*..

at ..... *o'clock* ..... *M.*

RETURNED TO APPLICANT FOR CORRECTION

.....

CORRECTED APPLICATION RECEIVED

.....

Approved:

.....

.....

Recorded in Book No. ..... *of Permits, on Page* .....

PERMIT NO. .....

STATE OF CALIFORNIA

COUNTY OF ..... } *ss.*

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above .....

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 .....

.....

.....

.....

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.....

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.....

.....

.....

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department

this .....*day of* ....., *19*.....

.....

Chief of Division of Water Rights, Department of Public Works of the State of California

50351—4-24-17—2500

FILE IN DUPLICATE

For full information regarding the filling out and filing of this form send for Rules and Regulations of the Commission governing appropriation of water

Application No. 1855

APPLICATION FOR A PERMIT

To Appropriate Unappropriated Waters of the State of California

FOR MINING PURPOSES

I, American Magnesium Company (Name of Applicant)

of _____ (Post office) County of _____

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

If the applicant is a corporation, give date and place o incorporation _____

1. The source of the proposed appropriation is Warm Springs (Name of stream, lake, or other source)

located in Inyo County, tributary of No stream

2. The amount of water which the applicant intends to apply to beneficial use is 1/10 cubic foot (One cubic foot per second equals 40 miner's inches) per second cubic feet per second.

3. The use to which the water is to be applied is _____

4. The point of diversion is located on unsurveyed land in what would be Tp. 24 or 25 S. Range 45 E. M.D.M. (Give distance and bearing to section corner)

being within the _____ (Give smallest legal subdivision not to exceed 40 acres)

of Sec. _____ Tp. _____ R. _____, M., in the county of _____

5. The pipe line (Main ditch, canal or pipe line) to be _____ miles in length, terminating in the _____ (Smallest legal subdivision) of Sec. _____

Tp. _____ R. _____, M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is _____

DESCRIPTION OF WORKS

Diversion Works—

7. (a) Height of dam _____ feet; length on top _____ feet; length at bottom _____ feet; material to be used and character of construction _____ (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate _____ (Timber, concrete, etc., number and size of openings)

NOTE.—In case of insufficient space for answers in form attach extra sheets.

Applicant _____

Application No._____

Permit No._____

APPLICATION

MINING

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF CALIFORNIA

This application was first received in the office of the State Water Commission the 1st day of June 1920, at 9 o'clock a. M.

Returned to Applicant for Correction

Corrected Application Received

Approved:

Recorded in Book No._____ of Permits, on Page_____

PERMIT NO._____

STATE OF CALIFORNIA, } ss.
County of_____ }

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above _____

_____

_____

_____

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.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed_____cubic feet per second, or its equivalent in case of rotation.

Said construction work shall be completed on or before_____

_____

Complete application of the water to the proposed use shall be made on or before_____

_____

WITNESS our hands this_____day of_____19____.

_____

_____

_____

State Water Commission

5/2 HRJ Jozwiak Schenk W. Tucker

DEATH V...
APR 0 1979

SUPT. V
CHIEF RANGER
ADMIN. OFF.
CHIEF, INT.
FAC. MGR.
MINING ENG.
CASTLE MGR.

Zentner

Return to → Bob Jones

CONTINENTAL MINERALS CORPORATION

March 29, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. George Von der Lippe
Superintendent
Death Valley National Monument
Death Valley, California 92328

Dear Mr. Von der Lippe:

In reference to the Gold Hill Mine Site and the Old Mill Stream Claim, Continental has maintained that it had full legal rights to re-install trailers for its personnel and that it had full rights to the water originating from a spring on there claims. We have further maintained that the Death Valley National Monument did not have a legal right to restrict the normal and accepted operations of Continental on their claims.

I have finally been able to obtain a copy of a judgment against the United States Government obtained by Louise Grantham involving the cited two claims. The judgment in the District Court of the United States filed February 20, 1942. In said judgment it was ordered that the Defendant, Louise Grantham, et al, their successors and assigns are entitled to and in possession of said claim together with all rights, thereto as allowed by the law of the State of California and of the United States of America and that they are entitled to and protected in said ownership and possession.

It was also ordered and decreed that the United States Government were:

> "hereby forever restrained, enjoined and debarred from asserting any claim or claims whatsoever, in and to said Mining Claim or said Mill Site Claim adverse to the Defendants herein, or any thereof, or to their heirs, successors or assigns."

Enclosed herewith is a copy of said judgment together with a copy of the Findings of Fact. This judgment was not appealed by the United States Government.

1700 East Desert Inn Road·Winchester Plaza·Suite 205·Las Vegas, Nevada 89109 · 702/737-0588
1300 Southwest Fifth Avenue·First National Bank Tower·Suite 3344·Portland, Oregon 97201 · 503/226-2422

Since right of full possession by Court Order was awarded to Louise Grantham, et al, their successors and assigns (Continental) we are herewith advising you that Continental believes it has full and legal rights to re-install the trailers at the Mining Camp for its personnel, which existed there in 1977; and that it has full and legal title to use the water from the spring located on these claims for its operations.

Sincerely,

CONTINENTAL MINERALS CORPORATION

James F. Charlton
Chairman of the Board

JFC:ld

Enc.

cc: Senator Cannon
Senator Laxalt
Dr. Shykind
Mr. Robert Clifton

11-15-1978: letter to james f. charlton regarding submission to this office on november 15, 1978 proposed deposition of trailers at

United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Monument
Death Valley, California 92328

IN REPLY REFER TO:

L3023
BIG TALC Mine
Plan of Operations

November 29, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James F. Charlton
Chairman of the Board
Continental Minerals Corporation
1700 East Desert Inn Road #205
Las Vegas, NV 89109

Dear Mr. Charlton:

Your submission to this office on November 15, 1978 entitled, "Proposed Deposition of Trailers at Warm Springs Camp", that was signed by Jon Stahl and the November 17, 1978 addendum in reference to water use at THE (GOLD HILL MILL SITE), have been examined.

In response to your assertion that the Park Service does not have the right to "manage" the surface of THE (GOLD HILL MILL SITE), please refer to the preamble of Public Law 94-429. The purpose of the Act is, "to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System...." Section 2 of the Act reiterates this and goes further by providing that:

> ...all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any area of the National Park System shall be subject to such regulations prescribed by the Secretary of the Interior as he deems necessary or desirable for the preservation or management of those areas. All mining operations in the areas of the National Park System should be conducted so as to prevent or minimize damage to the environment and other resource values...

Pursuant to Public Law 94-429, the Secretary of the Interior promulgated regulations contained in 36 CFR Part 9 regarding the exercise of valid mineral rights in units of the National Park System. The "rights" of the government that you refer to in your November 15, 1978 submission are the regulations promulgated on January 26, 1977, which were derived from the mandate to protect the environment of units of the National Park System from adverse effects of mining, given the Secretary of the Interior by Public Law 94-429.

More specifically, our examination of your submission and addendum indicates the need for additional information so that a complete supplement to the approved Plan of Operations can be formed and considered for approval. This is so because the approved Plan of Operations did not include provisions for the enlargement of the mining camp, nor did it provide for the reconnecting of water and sewer lines already in place. The plan, in fact, restricted occupancy of THE (GOLD HILL MILL SITE) to two watchmen and their families.

Further information pertaining to the following, therefore, is requested by the Park Service:

(1) The date that trailers for a mine camp were last established on THE (GOLD HILL MILL SITE) and the date of their removal is needed in documenting prior usage of the claim for the purpose of housing miners. Therefore, details describing dates of occupancy and camp facilities and their usage should be given.

(2) The water right claimed by Continental Minerals is of fundamental importance in the evaluation of the proposed supplement. It states in 36 CFR 9.8 (a) that the Regional Director will not approve a Plan of Operations requiring the use of water from any point of diversion in the Monument unless the right to the water has been perfected under applicable state law, has a priority date prior to the establishment of the unit and there has been continued beneficial use of the water right. Subparagraph (b) of the same section states that if the perfected State water right is junior to the reserved right of the United States, water may be used only to the extent that the State right does not diminish the Federal right.

To satisfy 36 CFR 9.8, Continental Minerals Corporation should supply the following information to the National Park Service so that Continental's right to water from Warm Spring, can be documented:

a. Evidence that Continental Minerals Corporation has a water right for water from Warm Spring perfected under California State law, and

b. The State right has a priority date prior to the establishment of Death Valley National Monument, and

c. There has been a continued beneficial use of that water right, or

d. Evidence that Continental Minerals has a perfected State water right junior to the reserved right of the United States, and

e. That the exercise of that right will not diminish the Federal right, which is the amount necessary for the purpose for which Death Valley National Monument was established.*

(3) Housing for miners at THE (GOLD HILL MILL SITE) must be shown to be a requirement for development of the claim before a proposed supplement can be considered for approval. It states in 36 CFR 9.10 (a)(4) that the Regional Director shall not approve a Plan of Operations,

> "where the claim, regardless of when it was located, has not been patented and the operations would result in the destruction of surface resources, such as trees, vegetation, soil, water resources, or loss of wildlife habitat, not required for the development of the claim."

Therefore, Continental needs to show that development of the mine camp will not result in the destruction of any portion of the environment or that any destruction to result is required for development of the BIG TALC Mine.

(4) The size and capacity of the water line to be used for supplying the domestic needs of the camp as well as estimated daily consumption must be given so that the effect of water withdrawls from Warm Spring on the camp's environment can be determined.

(5) The number of residents anticipated at the mine camp must be given so that the effect of human activity on the environment of upper Warm Spring Canyon can be evaluated.

(6) Federal, State and local laws must be complied with under 36 CFR 9.9 (b)(7). A statement showing that the operator will comply with any applicable laws must be included in each Plan of Operations. This would include, but not be limited to, public health ordinances, housing laws, and mining laws. Continental should, therefore, provide documentation showing the steps it is taking to satisfy this provision.

(7) The"Statement for Management -- Death Valley National Monument" was mailed to you on November 24, 1978. In 36 CFR 9.9 (c) it requires that the operator,

> "in all cases must consider and discuss the units Statement for Management and other planning documents, and activities to control, minimize or prevent damage to the recreational, biological, scientific, cultural, and scenic resources of the unit."

*Refer to, "Statement for Management - Death Valley National Monument"

Continental should prepare a statement that addresses this requirement. You are refered specifically to page 1 and Sections III, D. 1. (page 12); IV, A. 1. (pages 15-17); IV, C. 12 and 13 (pages 30-31) and V, (page 34) of the "Statement for Management -- Death Valley National Monument".

(8) Reclamation is required by 36 CFR 9.11, "as contemporaneously as possible with the operations, but in no case later than six months after completion of operations and within the time specified in an approved plan..." The regulation differentiates between reclamation required for claims patented without surface restrictions and unpatented claims and claims patented with surface restrictions. Continental should submit details of reclamation measures which will be undertaken to satisfy provisions of 36 CFR 9.11.

(9) An environmental report is required for each Plan of Operations. Since the proposed Supplement to the BIG TALC Mine Plan of Operations includes development not considered in the approved Plan of Operations, an environmental report covering the following topics (which can also address points 1 through 8 discussed above) is necessary under 36 CFR 9.9 (b)(9):

(i) The environment to be effected by the operations.

(ii) The impact of the operations on the unit's (Death Valley) environment.

(iii) Steps to be taken to insure minimal surface disturbance.

(iv) Methods for disposal of all rubbish and other solid and liquid wastes.

The environmental report should contain a discussion and description of the environment of THE (GOLD HILL MILL SITE), i.e., the areas biological, edaphic, hydrologic, climatic, geologic and topographic, esthetic and cultural surroundings--as (i) above; discussion of the impacts to the environment of Death Valley that will result from the operations--as (ii) above; and mitigating measures which Continental will undertake to lessen their operation's impact on the environment--as (iii) and (iv) above. Careful consideration should also be given to alternatives to the establishment of a mine camp on THE (GOLD HILL MILL SITE) and the advantages or disadvantages to the environment and operations of each alternative. A suggested format for discussion of impacts and mitigations can be found on pages 15-17 of the "Environmental Review and

Analysis, BIG TALC Mine Plan of Operations," June 6, 1978. Successful mitigation of adverse environmental impacts will be important considerations in the Park Service's acceptance or denial of a supplement.

If you have any questions or desire assistance, please do not hesitate to contact us.

Sincerely,

George Von der Lippe

George Von der Lippe
Superintendent

→ Witkin (later)
Zentner 12/13/77
Albright 12/15
Davis (later)
Chapman 12/16

L3023
WR(OMM)

December 14, 1977

Memorandum

To: Superintendent, Death Valley National Monument
ACTING
From: Regional Director, Western Region

Subject: OLD MILLSTREAM QUARTZ Mining Claim and THE GOLD HILL MILL SITE CLAIM and GOLD HILL NO. 2 MILL SITE CLAIM

The subject claims will be assigned for examination in early January along with the other claims held by Desert Minerals.

The validity of the mining claims must be determined prior to questioning the water rights held by the company.

(Sgd) Bruce M. Kilgore

Enclosure

LSZentner:es 12/14/77

12-08-1977: memorandum to regional director regarding request for priority in determination of validity, lode claim and millsites on

United States Department of the Interio

NATIONAL PARK SERVICE

Death Valley National Monument
Death Valley, California 92328

IN REPLY REFER TO:

L3023
BIG TALC
Proposed Plan of Operations

December 8, 1977

Memorandum

To: Regional Director, Western Region

From: Superintendent, Death Valley

Subject: Request for Priority in Determination of Validity, Lode Claim and Millsites on or near Warm Spring

Because of our immediate involvement in review of the Desert Minerals, Inc.'s BIG TALC Mine Plan of Operations, it is requested that priority be given to determining the validity of two millsites and a lode claim on or near Warm Spring which form a part of the mine property. The millsite claims are THE GOLD HILL MILL SITE and GOLD HILL No. 2. The lode claim is the OLD MILLSTREAM QUARTZ MINING CLAIM.

Attached for your reference is a copy of a memorandum requesting the Solicitor's opinion on the water right that contains a map, Notices of Location and a U.S. District Court Judgement on the claims.

Donald M. Spalding

Attachments

NPS - M M D
RECEIVED
DEC 1 2 1977
WESTERN REGION

Mitcham

Death Valley National Monument
Death Valley, California 92328

L3023 September 26, 1977
BIG TALC Mine
Proposed Plan of Operations

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lee F. Powell, President
Desert Minerals, Inc.
840 Mission Road
Los Angeles, CA 90023

Dear Mr. Powell:

A preliminary study of Desert Minerals, Inc.'s proposed Plan of Operations for the BIG TALC Mine indicates several major problems and shortcomings, some of which were briefly discussed at the time you and Mr. Don Anderson brought the proposed plan into our Mining Office. The major problems are as follows:

1. The proposed plan itself does not name the statutory agent.

2. The proposed plan seems to incorporate and designate all of the separate mines in Warm Spring Canyon as the "Grantham Mine",rrather than being a proposed plan for the BIG TALC Underground Mine.

3. The mine camp at Warm Spring.

4. An environmental report is lacking.

5. The reclamation plan is incomplete.

6. Engineering data is inadequate, for example, the lack of sufficient underground elevations and an up-to-date map, of adequate scale, of mine workings.

7. A lack of proof on ownership of the claims involved.

We For your consideration, it is suggested that the forementioned problems mmight be remedied by revising or amending the proposed plan to include:

1. A statement naming the statutory agent of Desert Minerals, Inc. and a single address for receipt of all official correspondence related to the proposed Plan of Operations. Again last week, after you were called certified letters mailed to your Los Angèles, California address were returned as not deliverable.

2

2. Identification of mining claims and millsites involved in operation of the BIG TALC Mine, naèdne, need to be listed as the property involved—no other claims should be included, Bécguße the workings join the No. 5 Mine unit and the talc deposit mined from both workings are, in part, on common mining claims, the BIG TALC and No. 5 can be considered one mining unit.

   Any references to the "Grantham Mine", other mines or other mining claims, including their reserves or production should be given only as a background, setting for or comparison wihh the BIG TALC property. The only exception should be where material might be acquired from other claims for reclamation of the BIG TALC Mine dumps.

   Any claim not found to be valid when determinations are maie in the near future will probably be excluied from the property involved in the plan.

3. Full justificatinn for maintäääaing a mine camp at Warm Spring. The impacts of its utilization on the environment, mitigating. measures to be taßen and reclamation planned need to be a jjajor part of the proposed Plan of Operations. No use may be madd of the camp, except for housing a watchman, until a Plan of Operations is approved.

4. Submission of a complete environmental report, which should be taken into consideration in developing other revisions. The environmental report should included discussions of impacts generated by status quo actions, including all mining operations and procedures, talc transport, and reclamation on Monument areas and resources. Actions taken to mitigate—that is to lessen the adversity of an impact—should be included.

5. A reclamation plan that should consider: (1) obliteration and masking of cuts and roads to present natural contours, (2) source of darker material for masking of the whitish rock dumps, (3) filling of portals should be fully described—

such method for closure should be completely to the back of mine openings for a distance of 20 feet or more, and (4) time schedule for accomplishing reclamation following cessation of mining.

6. A current map of all underground openings and pillars, in both the upper and lower strata, with adequate back and floor elevations, at a scale of at least 1 inch = 100 feet, preferably 1 inch = 40 feet; an accurate outline of all surface disturbance, that is the crest of all cuts or banks and the toe of all dumps or fills.

   The exact location of areas planned for mining and the stope and pillar development plan projected on the map. Also the specific pillar mining plan should be shown—that is the portion of each pillar to be mined.

7. All documents transferring ownership of the claims to the present owners and operating agreements with present owners. Only lease assignments, a dispute settlement between some .. owners and conveyance of these from Johns-Manville to Desert Minerals, Inc. were included in submissions.

Other important changes and/or additions needed in the proposed Plan of Operations are: (1) specific information on the handling and placement of waste rock to be placed on the surface, (2) full description, location and operating schedule information on crusher and other installations or planned installations, (3) dust control measures on mine access roads and during the handling of talc and waste rock, (4) actions planned to control run-off that has carried talcous rock off the area of operations and deposited it in the Warm Spring Canyon wash below the mine, (5) description and locations of all surface facilities, (6) description and locations of sanitary facilities to be provided for the mine workers, (7) the locations and capacity of fuel storage tanks and actions planned to protect the environment from spills, (8) description of the locations of all explosive storage facilities, (9) the source, quantities for each utilization, and means of conveyance of all water to be used in the operations, (10) trucking schedules, e.g. days involved, times and truck loads per day, (11) a proposed road Cooperative Maintenance Agreement, (12) description of equipment that will be used in the BIG TALC Mine operations--exsisting equipment must include make, size, model, serial number and license number—all equipment used on designated roads in the Monument must be licensed, and (13) production records for the calendar years 1973, 1974 and 1975.

We can either continue holding the proposed plan in our files, or if yourprefer, we can return it to you for the revisions necessary for completion of an adequate proposal.

Sincerely,

/S/ Donald M. Spalding

Donald M. Spalding
Superintendent

cc
Paducah Clay Company
Donald Anderson

bc
files
reading file
chron rile

RMitcham:sb

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR 101 CFR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

77/1 Cham

L3023
BIG TALC Mine
Plan of Operations

TO : Superintendent

DATE: 9/16/77

FROM : Chief, Division of Mining

SUBJECT: Submission of BIG TALC Underground Mine Plan of Operations, Desert Minerals, Inc., 9/13/77

Mr. Lee F. Powell, President of Desert Minerals, Inc. accompanied by Don Anderson, former Mine Superintendent for Johns-Manville Corp., brought in a Plan of Operations that was accepted as a plan for Desert Minerals' BIG TALC Underground Mine in Warm Spring Canyon. It was the first personal contact that we have had with Mr. Powell. Desert Minerals acquired the property on September 1, 1977.

At the outset, copies of our September 12, 1977 cease and desist letter were handed to Mr. Powell and Mr. Anderson. Mr. Powell was quite surprised and produced two memoranda that seem to show that the talc being loaded out after Desert Minerals' acquisition was not authorized by Desert Minerals, Inc. Copies of these documents are attached.

✓ Mr. Powell asked for a letter from us that would confirm that removal of the talc was not intentional on the part of Desert Minerals and, therefore, absolve it of any involvement in the violation. The memorandums seemed to confirm that Johns-Manville Corp. was involved in the violation, and probably Industrial Minerals Company as well. Mr. Powell wondered what he could do about getting payment for the talc from Industrial Minerals Corporation--he was informed that it was his problem.

Mr. Powell said that Desert Minerals, Inc. was concerned about an early approval of the Plan of Operations because they had sent out letters to former Johns-Manville and other potential customers, indicating the availability of talc among other commodities within the near future. A copy of this letter is attached.

A cursory examination of the plan indicated several major problems and shortcomings that were briefly discussed. Among these are:

1. The plan seems to incorporate all of the "Grantham Mines" in Warm Spring Canyon, specifically the BIG TALC, WARM SPRINGS and WARM SPRINGS NO. 3 mines.

2. No environmental study is included.

5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

3. There is virtually no reclamation plan or reclamation cost estimates.

4. Inadequate engineering data such as, lack of elevations and current up-to-date map of adequate scale, etc.

5. Lack of a title to the possessory rights on the claims.

Mr. Powell was informed that we would study the plan and inform him within two weeks of some changes in and additions to the plan that will be necessary.

Three parties in addition to Johns-Manville, and now in addition to Desert Minerals, together own near a 25% interest. This would have proved a barrier in the donation that Johns-Manville was considering.

The plan was submitted by Desert Minerals, Inc. Mr. Powell said, as President, he is the statutory agent. The problem of contacting him was brought up. Mr. Powell requested that the correspondence in regard to the Plan of Operations be directed to him as follows:

Lee F. Powell, President
Desert Minerals, Inc.
840 Mission Road
Los Angeles, CA 90023
Telephone no. 213-262-4117

with a copy directed to:

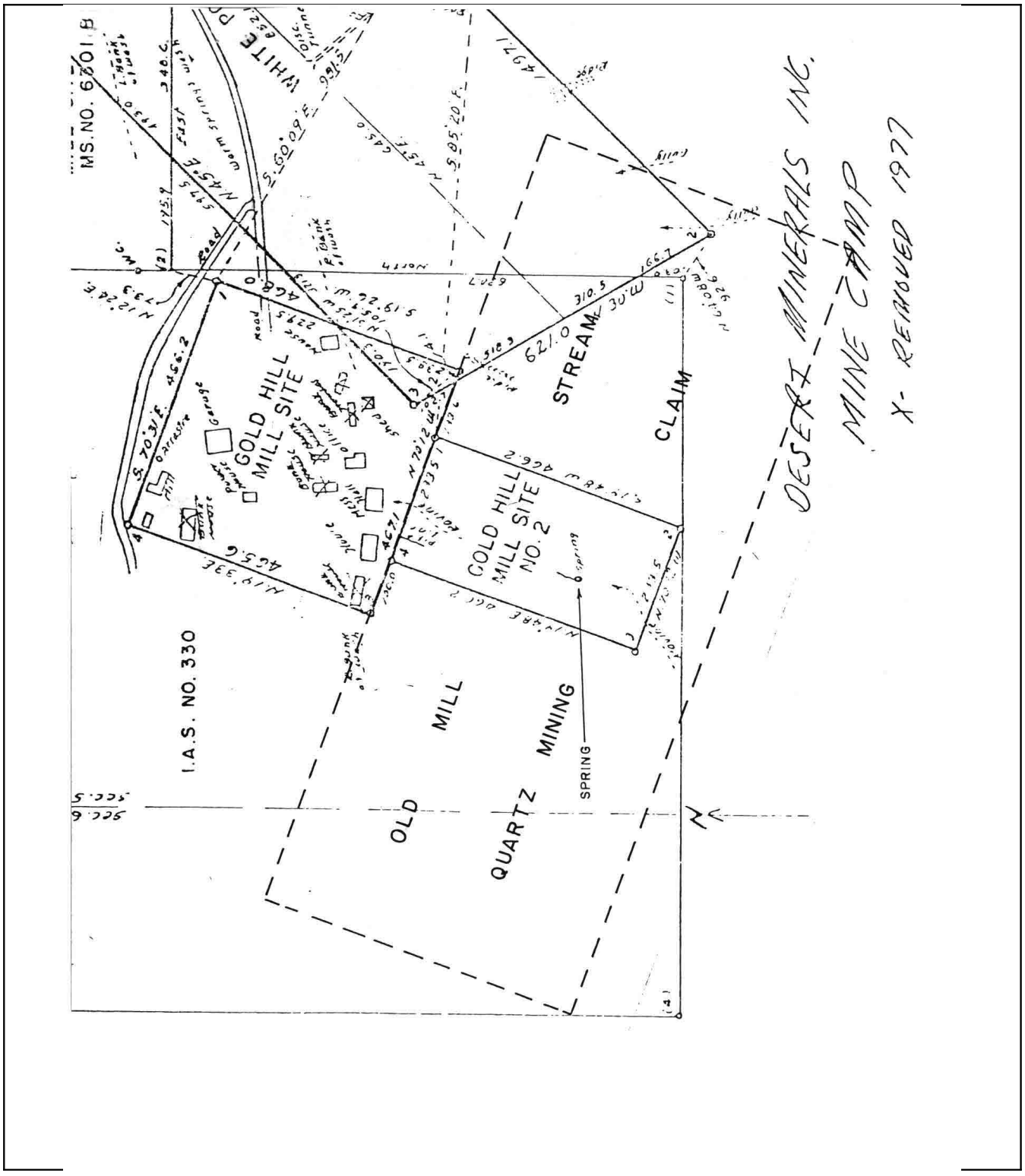
Lee F. Powell, President
Desert Minerals, Inc.
c/o Old Hickory Clay Company
P.O. Box 2575
Paducah, KY 42001
Telephone no. 502-247-3042

and, at least currently, a copy directed to:

Donald F. Anderson
P.O. Box 557
Virginia City, NV 89440
Telephone nos. 702-847-0231, 702-883-5868

In regard to contact prior to visiting the mine properties, Mr. Powell suggested that we call Bill Jones at Desert Minerals' Dunn, California plant: telephone no. 714-257-3312.

Robert T. Hutchison


DESERT MINERALS INC.
MINE CAMP
X- RECEIVED 1977
MS. NO. 6001 B
WHITE
STREAM
CLAIM
GOLD HILL MILL SITE
GOLD HILL MILL SITE NO. 2
I.A.S. NO. 330
OLD QUARTZ MILL
MINING
SPRING
NORTH

Quartz Page 3-3

Vol 45, p 392-393

NOTICE OF LOCATION

Quartz

(Sec. 1426, 1426a, 1426b, C.C.Cal.)

TO WHOM IT MAY CONCERN: Please take notice that:

1. The name of this claim is the Old Mill Stream Quartz Mining Claim. Said claim is situated in the South Park Mining District, County of Inyo, State of California located this 7th day of May, 1934. This discovery is made and the original notice is posted this 7th day of May, 1934.

2. That the undersigned locators are citizens of the United States of have declared their intention to become such, and have discovered mineral bearing rock in place thereon and do locate and claim same for mining purposes.

3. That the number of linear feet in length along the course of the vein each way from the point of discovery whereon we have erected a monument, is easterly 100 feet; westerly 1400 feet; that the total length does not exceed 1500 feet. That the width on the northerly side is 300 feet; that the width on the southerly side is 300 feet; that the total width does not exceed 600 feet; that the end lines are parallel; that the general course of the vein or lode as near as may be, is in an easterly and westerly direction; that the boundaries of this claim may be readily traced, and are defined as follows, to-wit:

COMMENCING at this discovery monument - one hundred feet easterly and fourteen hundred feet westerly - and three hundred feet northerly - and three hundred feet southerly.

4. That the date of this location is the 7th day of May, 1934.

5. That this claim can be identified by its proximity to the following natural object or permanent monument, to-wit; our discovery monument is about five hundred feet easterly from outlet of spring at Warm Spring.

This notice is intended as an original notice of location and

Exhibit "A" 7-3-74

page 1 Book 20

is posted on this claim and a true copy thereof is to be recorded with the County Recorder of this County.

That all the dips, variations, spurs, angles and all veins, ledges, or deposits within the lines of this claim, together with all water and timber and any other rights appurtenant, allowed by the law of this State or of the United States are hereby claimed.

LOCATORS

L. B. CHAMBERLAIN

DOROTHY A KENNEDY

NINA A BRADLEY

Exhibit "A"

Deeds page 317

Water Declar #3

LOCATION CERTIFICATE OF MILL SITE

Vol C, p 280

STATE OF CALIFORNIA)
) ss
COUNTY OF INYO)

TO ALL WHOM THESE PRESENTS MAY CONCERN: KNOW YE THAT Dorothy A. Ketchin and Nina B. Bradley or Shoshone, California, do hereby declare and publish as a legal notice to all the world that we have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land not exceeding five acres, situate, lying and being in Southpark Mining District, in the County of Inyo, in the State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site,

COMMENCING at Corner No. 1, Thence Five-hundred (500) feet northerly to Corner No. 2, thence five-hundred (500) feet easterly to Corner No. 3, thence five-hundred (500) feet southerly to Corner No. 4, thence five-hundred (500) feet westerly to place of beginning.

The Millsite is in Warm Springs Canyon adjoining Warm Springs proper.

together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

WITNESS our hands and seals, this fifth day of February, in the year of our Lord nineteen hundred and 33.

LOCATORS:

DOROTHY A. KETCHIN

NINA A.BRADLEY

JOHN B. LONERGAN, ESQ.
AFTER RECORDING RETURN TO:
LONERGAN, JORDAN, GRESHAM & VARNER
398 West Fourth Street
San Bernardino, California 92401
Telephone: (714) 884-2171

Vol. 117 p. 63.

NOTICE OF AMENDED LOCATION
(Mill Site Claim)

KNOW ALL MEN BY THESE PRESENTS:

That JOHNS MANVILLE PRODUCTS CORPORATION, a Delaware corporation, on the date given below immediately above its name in execution hereof, amended, and by these presents does amend, a certain mill site claim named GOLD HILL MILL SITE.

The corporation's current mailing address, for purposes of this claim, is P. O. Box 8, Shoshone, California 92384.

Said mill site claim is situated in what, if surveyed, would be Section ___, Township 23 S., Range 47 E., MD. Meridian, in the Death Valley Mining District in the County of Inyo, California. A copy of the notice of location was recorded in Vol. "C" of Land and Water Claims, pages 280, et seq., in the Office of the Recorder of said County. The original notice of location was posted on the claim on that date. The undersigned is now the owner of the claim.

The corporation does now hereby amend the claim in said district, County and State, and which said claim covers approximately five (5) acres of non-mineral land, so as to better describe its position and boundaries. The S.E. corner corner of the claim is 1008 feet N. 87° 19' W from the U.S. Location monument No. 195.

The boundaries of the mill site claim are described as follows: Beginning at the SE. corner, thence N 70° 12' W 461 ft. thence N. 19° 33' E. 466 ft. thence S. 70° 31' E 466 ft., thence S 19° 26' W 468 ft.

No boundary change is intended. The boundaries are those described in the Judgment in Case No. 56-ND (Civil), United States v. Grantham, et al., in the District Court of the United States for the Southern District of California, Northern Division.

This amended notice of location is made without waiver of any previously acquired or declared rights, and is intended as an amended notice of location. This notice is posted on the claim this date and a true copy is to be recorded in the Office of the Recorder of said County.

Dated this 3 rd day of July, 1974.

JOHNS MANVILLE PRODUCTS CORPORATION

By [signature] Its Agent

OWNER AND LOCATOR

STATEMENT OF THE MARKINGS OF THE BOUNDARIES

NOTICE IS HEREBY GIVEN by the undersigned locator that in accordance with the provisions of the Mining Law:

1. The boundaries of the claim are defined so that they can be readily traced on the ground. There has been erected at each corner of the claim an iron bar in a mound of stones.

Each corner monument bears or contains markings to designate the corner and name of the claim.

2. The claim is situated in what would be, if surveyed, Section 5, Township 23 S., Range 47 E, MD. Meridian.

DATED: July 3, 1974.

JOHNS MANVILLE PRODUCTS CORPORATION

By [signature] Its Agent

OWNER AND LOCATOR

05-14-1968: mill-site location notice ; may 14, 1968

MILL-SITE LOCATION NOTICE

Notice is hereby given that I, Louise Grentham, proprietor of the G.M. group of lode mining claims have this 14th day of May, 1968, located about 3½ acres of nonmineral land to be known as the G.M. mill site, situate in the South Park Mining District, County of Inyo, State of California, and described as follows: Commencing at a stone monument about 3250 feet from hare Spring in a direction S 11° W; thence

South about 300 feet; thence
East about 500 feet; thence
North about 300 feet; thence
West about 500 feet to the point of beginning.

[illegible] on the unsurveyed land in [illegible] as near as [illegible] can be ascertained.

Louise Grentham Locator

2647
Recorded At Request Of
Louise Grentham
1968 JUN 11 AM 8:47
Mining Locations
[illegible] COUNTY, CALIF.
[illegible]
FEE $2

07-03-1974: notice of location mill site claim ; july 03, 1974

8 point type or larger

Vol 117 p. 24

NOTICE OF LOCATION

MILL SITE CLAIM

(See Sections 2301 - 2324, Inclusive, Public Resources Code)

TO WHOM IT MAY CONCERN: Please take notice, that:

The name of this claim is GOLD HILL No 2

The name of the locator of said claim (is - are):

Johns-Manville Products Corporation

P.O. Box 8, Shoshone, California 92384

The said locator does hereby declare and publish as a legal notice that (he - they) (is - are) the proprietor of a vein or lode claim, or mine, or the owners of a quartz mill or reduction works, and a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of nonmineral land not exceeding five acres, situate, lying and being in Section 5-6 Township 23S Range 47E MD Meridian, in the County of Inyo, State of California, bounded and described as follows:

The GOLD HILL No 2 Mill Site,

COMMENCING at Corner No. 1 the NE corner, thence S 19°48' W. 466 ft. to the SE. corner, thence N 70°12 W. 467 ft. to the SW. corner, thence N 19°48 E. 466 ft. to the NW. corner, thence S. 70°12'E. 467 ft. to the NE. corner No. 1 and place of beginning.

This north line joins the south line of the Gold Hill Mill Site claim.

The U.S Location monument No. 195 bears S. 87°19 E 1008 ft from the NE. Corner.

together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

The aforesaid Mill Site consists of 5 acres or _____ feet claimed and was located this July 2 day of _____, 19 74

The date of the discovery and posting of this Notice is the 3 day of July, 19 74

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals, this 3 day of July, 1974.

WITNESSES:[1]

LOCATORS:[2]

Johns-Manville Products Corporation

By -

DO NOT RECORD

1 Witnesses are optional and are not required.

2 Public Resources Code - Section 2313 reads, in part, as follows: "Within 90 days after the posting of his notice of location upon a . . . Mill Site Claim . . . the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the county recorder of the county in which such claim is situated. The county recorder shall receive a fee of one dollar ($1) for this service."

00-00-0000: notice of amended location

[illegible] REQUESTED BY:
[illegible] E. LOBERMAN, ESQ.
AND WHEN RECORDING RETURN TO:
LOBERMAN, JORDAN, CRESHAM & VARNER
[illegible] West Fourth Street
San Bernardino, California 92401
Telephone: (714) 884-2171

[illegible]820

4510

LOCATOR

[illegible] 9 33

Mining Locations

$4

NOTICE OF AMENDED LOCATION
(Mill Site Claim)

KNOW ALL MEN BY THESE PRESENTS:

That JOHNS-MANVILLE PRODUCTS CORPORATION, A Delaware [illegible], at the date given below immediately above its name [illegible] hereof, amended, and by these presents does amend, [illegible] Mill Site claim named GOLD HILL NO. 8 MILL SITE.

The corporation's current mailing address, for purposes of this claim, is P. O. Box 8, Shoshone, California 92384.

Said mill site claim is situated in what, if surveyed, would be Section 5 and 6, Township 23 S., Range 47 E., Mount Diablo Meridian, in the Death Valley Mining District in the County of Inyo, California. A copy of the notice of location was recorded in Vol. 117 of Mining Location, page 34, in the Office of the Recorder of said County. The original notice of location was posted on the claim on that date. The purpose of this amended location is to reduce its size. The undersigned is now the owner of the claim.

The corporation does now hereby amend the claim in said District, County and State, and which said claim covers approximately two and one-half (2½) acres of non-mineral land, so as to describe its position and boundaries. The northeast corner of the claim is 1130 feet N. 85 30' W. from the U. S. Location Monument No. 195. This northerly line joins the southerly line of the Gold Hill Mill Site.

The boundaries of the mill site claim are described as follows: Beginning at the northeast corner on the south line of the Gold Hill Mill Site, thence S. 19°48' W., 466.2 ft. to the southeast corner, thence N. 70°12' W., 233.5 ft. to the southwest corner, thence N. 19°48' E., 466.2 ft. to the northwest corner on the south line of the Gold Hill Mill Site, thence S. 70°12' E. along the south line of the Gold Hill Mill Site [illegible] ft. to the northeast corner and place of beginning.

This amended notice of location is made without waiver of any previously acquired or declared rights, and is intended as an amended notice of location. This notice is posted on the claim this date and a true copy is to be recorded in the Office of the Recorder of said County.

Dated this ___ day of NOVEMBER, 1974.

JOHNS-MANVILLE PRODUCTS CORPORATION

By _____
Its Agent

OWNER AND LOCATOR

STATEMENT OF THE MARKINGS OF THE BOUNDARIES

NOTICE IS HEREBY GIVEN by the undersigned locator that in accordance with the provisions of the Mining Law:

1. The boundaries of the claim are defined so that they can be readily traced on the ground. There has been erected at each corner of the claim Stone monuments

Each corner monument bears or contains markings to designate the corner and name of the claim.

2. The claim is situated in what would be, if surveyed, Section 1 & 6, Township 23 S., Range 47 E., M. D. Meridian.

DATED. _____, 1974.

JOHNS-MANVILLE PRODUCTS CORPORATION

By _____
Its Agent

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

IN REPLY REFER TO:
L54-RLW

February 11, 1963

Memorandum

To: Assistant Chief of Lands
Through: Chief, Branch of Water Resources BWR 2/12/63

From: A. van V. Dunn, Supervising Hydraulic Engineer

Subject: Land Status and Water Rights; Louise M. Grantham; Bob Thompson, a Shoshone Indian, and United States; Warm Springs Area, Docket 23, Death Valley

The National Park Service arranged for the acquisition of the Bob Thompson Indian Allotment in 1954 by matching the bid of $835.00 by Miss Louise M. Grantham. After much discussion as to the form of conveyance, with the Bureau of Indian Affairs and the Bureau of Land Management, the property was conveyed by "Deed to Restricted Indian Lands," dated December 30, 1958, which was accepted as of May 18, 1960.

I raised certain questions as to the adequacy of title in memoranda of November 9, 1960, and January 5, 1961, to the Regional Director, which were referred to the Regional Solicitor. Regional Solicitor Horne replied by memorandum of February 27, 1961, stating he did not understand some of my questions, and giving answers to others. By informal note of June 23, 1961, Mr. Sanders suggested that I prepare a memorandum to the Solicitor to request further clarification if I questioned the soundness or accuracy of the Regional Solicitor's conclusion.

Mr. Sanders and I discussed the details of such a memorandum periodically until last fall, when I decided to inspect the area with Mr. Reed. Messrs. Lee & Thompson, and representatives of the Monument and Regional Office decided to join us. The inspection was my first, and was made on November 3, 1962. The following comments and suggestions should be considered in the Division in order to resolve as many questions as possible before the rest are referred to the Solicitor:

1. The decision to meet Miss Grantham's bid was partially the result of the superintendent's report, written or oral, that Miss Grantham was not doing much if any mining, and was occupying her encumbering millsite largely as a vacation home site. Our correspondence includes his memoranda of

July 30, 1954, and January 7, 1955, on that subject. Regardless of her activities in, and for sometime before 1954, Miss Grantham and her brother were carrying on extensive mining operations in November 1962; and they, and their establishment were found to be about the best I have found in the Monument. There is no reason, now, to question the validity of their activities, as suggested by a former superintendent.

2. The superintendent also suggested, in 1954, that the Indian Allotment should be acquired to provide an area for a small public campground, using some of the water which was reported to be surplus to Miss Grantham's needs. Mr. Aubuchon suggested, during the inspection, that there were no longer plans for such a campground, or that he no longer saw the need for it. We also found that the only suitable areas for such a campground would be on the portion of the former Indian Allotment which is encumbered by the millsite, up canyon from the campsite. It would have little attraction with the noise and dust from mining and trucking activities. There should be very strong justification for any further proposal to develop and maintain a campground in that area.

3. My third justification for meeting Miss Grantham's bid, and the one apparently not fully understood by Regional Solicitor Horne, was to prevent her from obtaining fee simple patent title to more land than used, and under any but the mining laws which were extended to Death Valley by the act of June 13, 1933 (48 Stat 139). It was possible for the United States to convey title to the allotment without the reservation of secretarial regulation of the surface use which is prescribed in the act of June 13, 1933. That feature of the Park Service purchase has been accomplished. Miss Grantham can still obtain patent title to the portions of that allotment area which are encumbered by the Old Mill Stream Quartz mining claim and Gold Hill Millsite Claim, but only in accordance with the act of June 13, 1933.

4. My fourth justification for the purchase of Bob Thompson's interest in the Indian Allotment was to obtain a patent title to which riparian rights to the included spring would accrue under the State water laws and interpretation of the Desert Land of 1877 by the attorney for the State Water Rights Board. The State Water Rights Board has advised me that, on advise of its attorney, that it considers riparian rights to have accrued to the mining claim, on which the springs

are situated, when the location of that claim was posted and recorded with the county; but that it construes the Desert Land Act as Federal abrogation of riparian rights on the public lands, such that the United States can only acquire riparian rights by reacquisition of patented lands to which they have accrued. We have not obtained a State ruling on whether the United States could also acquire riparian rights by purchase of an unpatented, but posted and recorded mining claim, but such a purchase would be inconsistent with the premise that the United States still has basic title to the mining claim until it is patented. It also seems inconsistent to me, for riparian rights to accrue to a mining claim but not pass to the United States if the claim is abandoned. After assembling more records, in the docket and correspondence files since 1960, I agree with the Regional Solicitor's opinion that the United States may lose riparian rights, which Bob Thompson probably shared with Miss Grantham, unless it is possible to obtain further corrective title.

5. In the invitation for bids of May 21, 1954, in the docket, the Bureau of Indian Affairs specified that the successful bidder would receive fee simple title by patent. From the supplemental information listed below, I now realize that fee simple title to the Bob Thompson Allotment could be granted to no one but the owner of the encumbering claims:

> Prior to 1929, see Assistant U. S. Attorney's letter of October 23, 1940, Bob Thompson and his ancestors occupied the land.
>
> In 1929, according to Section III of the findings of fact, Miss Grantham, et al., had possession and occupied the mine and millsite claims.
>
> In 1930 the land was withdrawn from entry for classification.
>
> February 5, 1933, Gold Hill Millsite Claim located, and recorded. (illegal?)
>
> February 11, 1933, Proclamation No. 2028 established the Monument, including the area.
>
> August 13, 1933, Mining Laws extended to Death Valley.
>
> May 7, 1934, Old Mill Stream Quartz mining claim located and recorded.

February - March 1936 Bob Thompson Indian Allotment Survey No. 330 was made (no available record of first Bob Thompson occupancy).

August 28, 1936, Plat of Survey No. 330 accepted by BLM.

December 23, 1936, Trust Patent No. 1087810 for Indian Allotment granted to Bob Thompson, BLM Case No. Sacramento 029439.

April 23, 1941, suit initiated by United States for Bureau of Indian Affairs, with apparent attempt to obtain clear title to the Indian Allotment, No. 56-ND, Civil, Southern District, Northern Division, U. S. District Court of California.

February 20, 1942, validity of encumbering claims of Louise M. Grantham, Nita Bradley, Dorothy A. Ketchin, Joseph Barter, et al., confirmed by judgement.

October 1, 1951, Associate Director's memorandum to the Regional Director refers to letter from Mr. Hill of Bureau of Indian Affairs relating to death and heirs of Bob Thompson.

6. The subsequently acquired copy of the Trust Patent No. 1087810, under date of December 23, 1936, also specifically states that the United States retained title in trust for 25 years, and would then grant fee patent title, free from all encumberance. The suit of 1941 and 1942 was an apparent attempt to eliminate the encumberances, and a failure. See letter of October 23, 1940, from Assistant U. S. Attorney for partial explanation.

7. Moreover, fee patent to Bob Thompson was not due until 1961, and he died sometime before October 1951. The trust patent provides that in that case the Secretary of the Interior shall first determine the heirs, and then either grant them patent in fee, or sell the land for the benefit of the heirs. The invitation for bids, dated May 21, 1954, by the Bureau of Indian Affairs, indicates that fee patent had not been granted to the heirs, and they or the Bureau of Indian Affairs had already elected to have the allotment sold. Regional Solicitor Horne stated that there was no longer a trust patent, which is fundamentally true, but I wonder whether it was not really in effect from May 21, 1954, until the allotment was conveyed to the successful bidder, the National Park Service for the United States? This question

seems to deserve the Solicitor's consideration because of the possible effect on any accrued riparian water rights.

8. By letter of August 24, 1954, the Bureau of Indian Affairs advised the Bureau of Land Management of the approval of the sale of the Indian Allotment and requested BLM conveyance to the National Park Service. My memoranda of September 2, 1954, and May 31, 1956, are about all the written records of the discussions between 1954 and 1958 as to the form of the instrument of conveyance. A Federal patent was rejected because it conveyed only that part of the allotment which was not encumbered by the mining claim and millsite. There was also the question of whether the United States should attempt to convey the allotment to itself by patent. The deed of December 30, 1958, to the United States from the Bob Thompson heirs was accepted on May 18, 1960, because it appeared to convey all desired interests, subject only to the encumbering unpatented mining and millsite claims. However, it does not convey all those interests if the trust patent to Bob Thompson was not in effect at the date of its execution by the heirs. This point deserves further consideration by the Solicitor.

9. Recognizing that the United States has had basic land title during the entire life of the trust patent, the conveyance, in any form, is of appurtenant accrued interests and improvements. If the heirs lost title when agreeing to the invitation for bids, as I construe the suggestions in the Regional Solicitor's memorandum of February 27, 1961, I also question the value of the deed from the heirs, except as a quiet claim. This also appears to deserve further consideration by the Solicitor, with suggestions as to what curative title, if any, is needed.

10. If the United States has acquired any patent title to the allotment, the Solicitor should also reconsider the memorandum of April 10, 1962, from Assistant Solicitor Bernard R. Meyer concerning application of mining laws to acquire lands in Death Valley National Monument. His opinion, that reacquired patented land is not open to mining, would not apply to the portions of the allotment which were encumbered on December 23, 1936, but it would apply to the rest of the allotment, including the area up-canyon (west) from Miss Grantham's camp, which Superintendent Binnewies proposed as the campground area in his memorandum of January 7, 1955. Is any unencumbered portion of the allotment open to further mining claims?

11. The available records relate to the Old Mill Stream Quartz Mine (gold), and Gold Hill Millsite claims, with the latter located before the former. Miss Grantham advised, during our inspection that they had done no gold mining for a number of years because of the low grade ore and present market price. It was also found that the Granthams also have adjacent talc mining claims which are the ones now being worked. Mr. Ketcham advised that he had a list of the talc mines and would obtain their names, descriptions, and dates of "location" and recording, although the information has not yet been received. The docket also includes records of a Pink Elephant mining claim abutting on the north side of the allotment, and related water right Application No. 10209 of 1941 by Gower and Montgomery, which were apparently abandoned. The following comments and questions deserve legal confirmation or answers:

a. The order of "locating" the Old Mill Stream and Gold Hill claims is not important if both were occupied by about 1929.

b. The records of last operation of the Old Mill Stream Quartz mine, and moratoria granted for work to hold it, should be investigated.

c. The Gold Hill Millsite title can be preserved by use as campsite for talc operations even though it was first located for gold mining activities.

d. Any of the talc mining claims which may have been located since the granting of the trust patent to the Indian Allotment in 1936, or since the Federal payment of $835.00 for that allotment in 1954, or at least the date of the Deed of December 30, 1958, to the United States, may be invalid if located in whole, or in part on that allotment.

12. The Act of October 23, 1962 (76 Stat. 1127) (former HR12761, 87th Congress Second Session), authorizes the Secretary to grant fee simple patent title to not more than five acres of unpatented mining claim for residential purposes, or to grant lieu lands, if the rest of the claim is forfeited. No such patent should be granted to portions of Miss Grantham's, or any other claims in Death Valley,

unless the surface use regulation under the act of August 13, 1933, can be reserved.

13. I assume that the Grantham mining claims are subject to regulation under the act of August 13, 1933, despite the chronological history of discovery, occupancy, and "location" given in item 5. I am suspicious of the claimed 1929 occupancy in the Findings of Fact, Suit No. 56-ND-Civil, as unchallanged claim to validity prior to withdrawal of the area for classification. It is only recommended that the Secretary's authority to regulate surface use be confirmated at this time, but the rest of this comment should be noted.

Copies of all attachments with this memorandum should be provided for our file, and originals should go to general files.

A. van V. Dunn

Public Law 87-851
87th Congress, S. 3451
October 23, 1962

An Act

76 STAT. 1127.

To provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may convey to any occupant of an unpatented mining claim which is determined by the Secretary to be invalid an interest, up to and including a fee simple, in and to an area within the claim of not more than (a) five acres or (b) the acreage actually occupied by him, whichever is less. The Secretary may make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining laws. Any conveyance authorized by this section, however, shall be made only to a qualified applicant, as that term is defined in section 2 of this Act, who applies therefor within five years from the date of this Act and upon payment of an amount established in accordance with section 5 of this Act.

Occupants of unpatented mining claims. Land conveyances.

As used in this section, the term "qualified officer of the United States" means the Secretary of the Interior or an employee of the Department of the Interior so designated by him: *Provided*, That the Secretary may delegate his authority to designate qualified officers to the head of any other department or agency of the United States with respect to lands within the administrative jurisdiction of that department or agency.

"Qualified officer of the U. S."

SEC. 2. For the purposes of this Act a qualified applicant is a residential occupant-owner, as of the date of enactment of this Act, of valuable improvements in an unpatented mining claim which constitute for him a principal place of residence and which he and his predecessors in interest were in possession of for not less than seven years prior to July 23, 1962.

"Qualified applicant."

SEC. 3. Where the lands for which application is made under section 1 of this Act have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may convey an interest therein only with the consent of the head of the governmental unit concerned and under such terms and conditions as said head may deem necessary.

SEC. 4. (a) If the Secretary of the Interior determines that conveyance of an interest under section 1 of this Act is otherwise justified but the consent required by section 3 of this Act is not given, he may, in accordance with such procedural rules and regulations as he may prescribe, grant the applicant a right to purchase, for residential use, an interest in another tract of land, five acres or less in area, from tracts made available by him for sale under this Act (1) from the unappropriated and unreserved lands of the United States, or (2) from lands subject to classification under section 7 of the Taylor Grazing Act (48 Stat. 1272), as amended (43 U.S.C. 315f). Said right shall not be granted until arrangements satisfactory to the Secretary have been made for termination of the applicant's occupancy of his unpatented mining claim and for settlement of any liability for the unauthorized use thereof which may have been incurred and shall expire five years from the date on which it was granted unless sooner exercised. The amount to be paid for the interest shall be determined in accordance with section 5 of this Act.

Purchase of substitute lands.

49 Stat. 1976.

Farmer H. R. 12761

76 STAT. 1128.

(b) Any conveyance of less than a fee made under this Act shall include provision for removal from the tract of any improvements or other property of the applicant at the close of the period for which the conveyance is made, or if it be an interest terminating on the death of the applicant, within one year thereafter.

Purchase price. Determination.

SEC. 5. The Secretary of the Interior, prior to any conveyance under this Act, shall determine the fair market value of the interest to be conveyed, exclusive of the value of any improvements placed on the lands involved by the applicant or his predecessors in interest. Said value shall be determined as of the date of appraisal. In establishing the purchase price to be paid by the applicant for the interest, the Secretary shall take into consideration any equities of the applicant and his predecessors in interest, including conditions of prior use and occupancy. In any event the purchase price for any interest conveyed shall not exceed its fair market value nor be less than $5 per acre. The Secretary may, in his discretion, allow payment to be made in installments.

Occupant's liabilities.

SEC. 6. (a) The execution of a conveyance as authorized by section 1 of this Act shall not relieve any occupant of the land conveyed of any liability, existing on the date of said conveyance, to the United States for unauthorized use of the land in and to which an interest is conveyed.

(b) Except where a mining claim embracing land applied for under this Act by a qualified applicant was located at a time when the land included therein was withdrawn or otherwise not subject to such location, no trespass charges shall be sought or collected by the United States from any qualified applicant who has filed an application for land in the mining claim pursuant to this Act, based upon occupancy of such claim, whether residential or otherwise, for any period preceding the final administrative determination of the invalidity of the mining claim by the Secretary of the Interior or the voluntary relinquishment of the mining claim, whichever occurs earlier. Nothing contained in this Act shall be construed as creating any liability for trespass to the United States which would not exist in the absence of this Act. Relief under this section shall be limited to persons who file applications for conveyances pursuant to section 1 of this Act within five years from the date of its enactment.

Reservation of mineral rights.

SEC. 7. In any conveyance under this Act the mineral interests of the United States in the lands conveyed are hereby reserved for the term of the estate conveyed. Minerals locatable under the mining laws or disposable under the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601–604), are hereby withdrawn from all forms of entry and appropriation for the term of the estate. The underlying oil, gas and other leasable minerals of the United States are hereby reserved for exploration and development purposes, but without the right of surface ingress and egress, and may be leased by the Secretary under the mineral leasing laws.

64 Stat. 572.

SEC. 8. Rights and privileges to qualify as an applicant under this Act shall not be assignable, but may pass through devise or descent.

Disposition of fees, etc.

SEC. 9. Payments of filing fees and survey costs, and the payments of the purchase price for patents in fee shall be disposed of by the Secretary of the Interior as are such fees, costs, and purchase prices in the disposition of public lands. All payments and fees for occupancy in conveyances of less than the fee, or for permits for life or shorter periods, shall be disposed of by the administering department or agency as are other receipts for the use of the lands involved.

Approved October 23, 1962.

GPO 88138

DEVA Docket 23
Copy made for L1425 DEVA
Thompson Tract

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

January 5, 1961

RECEIVED
NPS REGION FOUR OFFICE
JAN 6 - '61

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

IN REPLY REFER TO:
L54-OBL

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Granading LSS 2/6/61

Singer has seen

Subject: Federal Interest in Thompson Tract, Warm Springs, Water Right Docket 23, Death Valley National Monument

We have received all copies of the memorandum of December 19, 1960, from Mr. Maier, with the above subject, and attachments. We are forwarding the copies for the Superintendent and Chief, WODC, with copies of this memorandum.

The purchase of the Robert Thompson trust patent has given the United States full title to land not covered by Miss Grantham's mining claim and millsite, and has prevented her from establishing trust patent title to the claim and millsite. The opinion of the Regional Solicitor should be requested as to what effect the decree of February 20, 1942, has on the Secretary's regulation of the surface use of the claim and millsite under the act of June 13, 1933 (48 Stat. 139) extending the mining laws to Death Valley, and the regulations which have been issued under that act, and on the status of trust patent as so encumbered by those unpatented claims. ?

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley, w/c memo of December 19, 1960
Chief, WODC (2), w/c memo of December 19, 1960

17

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

RECEIVED
NPS REGION FOUR OFFICE
DEC 23 '60

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

✓ Whitworth
✓ Legal
✓ Manbey

IN REPLY REFER TO:
L54

December 21, 1960

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Federal Interest in Thompson Tract, Warm Springs, Deed 30 and Docket 23, Death Valley National Monument

Spreadsheet 155 2/28

The Acting Regional Chief of Operations has asked for comments in connection with the occupancy of the Thompson Tract at Warm Springs under mining and millsite claims.

Because of the extensive development and improvement in this property, it would seem that we can do little until after the mining camp is abandoned. This situation is disturbing, since the Service has gone to the trouble of obtaining a deed to the tract so that there would apparently be unencumbered land title. Development seems to continue, new trailers are moved in, and no one here has been able to tell me if we can stop further improvements. I would like to know if we have any authority to tell the owner of the mining interests that improvements must discontinue, or can they continue under the basis that it is necessary and because of the claims.

Under the present development plans for the Monument, there are other areas needing camping facilities much more than Warm Springs. However, it is an attractive area, and I hope we can eventually recover at least part of this area for its intended purpose.

Granville B. Liles
Superintendent

In duplicate

NATIONAL PARK SERVICE
RECEIVED
DEC 23 1960
REGION FOUR OFFICE

Reg. Sol. Office kept 2d copy

16

Copy for DEVA
Docket 23

11425-OBL

RECEIVED
NPS REGION FOUR OFFICE
APR 29 '60
INITIAL DATE
REG. DIR.
ASST. R.D.
OPERATIONS
RECREATION
RANGER ACT.
Handy BTr 4/29
Whitworth
X Spaulding 4/29

April 27, 1960

Memorandum

To: Assistant Solicitor, National Parks

From: Acting Assistant Chief of Lands, National Park Service

Subject: Waiver of Rights in 40.04 Acres of Land, More or Less, Being Acquired from Robert Thompson Heirs (Andy Thompson, et al.), Death Valley National Monument

This is to advise you that this Service finds administratively acceptable the rights of Mrs. Louise Grantham in the Warm Springs Talc Mine, which is located on the subject property. These rights will not interfere with the contemplated use of the land.

SIGNED

Cecil R. W. Smith
Acting Assistant Chief of Lands

Copy to: ✓ Regional Director, Region Four 2

Supt. DEVA 4/29/60
X
JSS

8

11-20-1959: letter to herbert maier regarding the acquisition of the allotment of robert thompson, sac - 233 ; november 20, 1959

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Sacramento Area Office
P. O. Box 7[illegible]
Sacramento 4, California
November [illegible], 1959

Reality
Reports & Control Section
Sac-233 - Robert Thompson

Mr. Herbert Maier
Acting Regional Director
National Park Service
150 New Montgomery Street
San Francisco 5, California

Dear Mr. Maier:

Reply is made to your letter of November 6, 1959, in which you requested information regarding the acquisition of the allotment of Robert Thompson, Sac-233, described as Indian Allotment Survey No. 330 which lies within the Death Valley National Monument.

Our records show that Standard Form 1081, dated July 15, 1958, was prepared as our billing to you for the bid price of $835.00 plus $21.50 land sale and conveyancing fees, or a total of $856.50. Treasury check, No. 24,579,200, dated July 27, 1958, was subsequently issued for which we mailed you our receipt, No. [illegible], dated July [illegible], 1958.

As far as this office is concerned, the transaction was closed when the deed was approved and the money was distributed to the Indian owners.

Sincerely yours,

Britton Clair
Area Realty Officer

POLICY OF TITLE INSURANCE





TITLE INSURANCE AND TRUST COMPANY

ALAMEDA COUNTY
1510 WEBSTER STREET, OAKLAND
1165 "A" STREET, HAYWARD
FRESNO COUNTY
1246 "L" STREET, FRESNO
1469 BELMONT AVENUE, FRESNO
IMPERIAL COUNTY
600 MAIN STREET, EL CENTRO
INYO-MONO COUNTIES
149 NORTH EDWARDS STREET, INDEPENDENCE
KERN COUNTY
17TH AND "I" STREETS, BAKERSFIELD
1331 CHESTER AVENUE, BAKERSFIELD
ORANGE COUNTY
800 NORTH MAIN STREET, SANTA ANA
RIVERSIDE COUNTY
3490 TENTH STREET, RIVERSIDE
SAN BERNARDINO COUNTY
440 COURT STREET, SAN BERNARDINO
SAN DIEGO COUNTY
1028 SECOND AVENUE, SAN DIEGO
SAN LUIS OBISPO COUNTY
1141 CHORRO STREET, SAN LUIS OBISPO
SANTA BARBARA COUNTY
36 EAST FIGUEROA STREET, SANTA BARBARA
TULARE COUNTY
320 WEST MAIN STREET, VISALIA
VENTURA COUNTY



TITLE INSURANCE AND TRUST COMPANY

INCORPORATED 1893

HOME OFFICE

433 SOUTH SPRING STREET, LOS ANGELES 54

TITLE INSURANCE AND TRUST COMPANY

ALAMEDA COUNTY
1510 WEBSTER STREET, OAKLAND
1165 "A" STREET, HAYWARD
FRESNO COUNTY
1246 "L" STREET, FRESNO
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IMPERIAL COUNTY
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1028 SECOND AVENUE, SAN DIEGO
SAN LUIS OBISPO COUNTY
1141 CHORRO STREET, SAN LUIS OBISPO
SANTA BARBARA COUNTY
36 EAST FIGUEROA STREET, SANTA BARBARA
TULARE COUNTY
320 WEST MAIN STREET, VISALIA
VENTURA COUNTY
101 SOUTH CHESTNUT STREET, VENTURA
542 SOUTH "A" STREET, OXNARD

B 7-51
rican Title Association
Policy Form

SCHEDULE B

Showing defects, liens, encumbrances and other matters excepted from this policy and against which this Company does not insure.

NONE

8C 7-81
erican Title Association
l. Policy Form

SCHEDULE B *(continued)*

SPECIAL EXCEPTIONS

NONE

GENERAL EXCEPTIONS

Governmental Powers

1. Because of limitations imposed by law on ownership and use of property, or which arise from governmental powers, this policy does not insure against:

(a) consequences of the future exercise or enforcement or attempted exercise or enforcement of police power, bankruptcy power, or power of eminent domain, under any existing or future law or governmental regulation; (b) consequences of any law, ordinance or governmental regulation, now or hereafter in force (including building and zoning ordinances), limiting or regulating the use or enjoyment of the property, estate or interest described in Schedule A, or the character, size, use or location of any improvement now or hereafter erected on said property.

Matters Not of Record

2. The following matters which are not of record at the date of this policy are not insured against:

(a) rights or claims of parties in possession not shown of record and questions of survey; (b) mechanics' liens where no notice thereof appears of record; (c) defects, liens or encumbrances created subsequent to the date hereof.

Refusal to Purchase

3. This policy does not insure against loss or damage by reason of the refusal of any person to purchase, lease or lend money on the property, estate or interest described in Schedule A.

7-51
n Title Association
licy Form

CONDITIONS

NOTICE OF ACTIONS

1. If any action or proceeding shall be begun or defense asserted which may result in an adverse judgment or decree resulting in a loss for which this Company is liable under this policy, notice in writing of such action or proceeding or defense shall be given by the Attorney General to this Company within 60 days after notice of such action or proceeding or defense has been received by the Attorney General; and upon failure to give such notice, then all liability of this Company with respect to the defect, claim, lien or encumbrance asserted or enforced in such action or proceeding shall terminate. Failure to give notice, however, shall not prejudice the rights of the party insured, (1) if the party insured shall not be a party to such action or proceeding, or (2) if such party, being a party to such action or proceeding, be neither served with summons therein nor have actual notice of such action or proceeding, or (3) if this Company shall not be prejudiced by failure of the Attorney General to give such notice.

NOTICE OF WRITS

2. In case knowledge shall come to the Attorney General of the issuance or service of any writ of execution, attachment or other process to enforce any judgment, order or decree adversely affecting the title, estate or interest insured, said party shall notify this Company thereof in writing within 60 days from the date of such knowledge; and upon failure to do so, then all liability of this Company in consequence of such judgment, order or decree or matter thereby adjudicated shall terminate unless this Company shall not be prejudiced by reason of such failure to notify.

DEFENSE OF CLAIMS

3. This Company agrees, but only at the election and request of the Attorney General of the United States, to defend at its own cost and expense the title, estate or interest hereby insured in all actions or other proceedings which are founded upon, or in which it is asserted by way of defense, a defect, claim, lien or encumbrance against which this policy insures, provided, however, that the request to defend is given within sufficient time to permit the Company to answer or otherwise participate in the proceeding. If any action or proceeding shall be begun or defense be asserted in any action or proceeding affecting or relating to the title, estate or interest hereby insured and the Attorney General elects to defend at the Government's expense, the Company shall, upon request, cooperate and render all reasonable assistance in the prosecution or defense of such proceeding and in prosecuting appeals.

If the Attorney General shall fail to request and permit the Company to defend, then all liability of the Company with respect to the defect, claim, lien or encumbrance asserted in such action or proceeding shall terminate; provided, however, that if the Attorney General shall give the Company timely notice of all proceedings and an opportunity to suggest such defenses and actions as it shall conceive should be taken and the Attorney General shall present the defenses and take the actions of which the Company shall advise him in writing, then the liability of the Company shall continue; but in any event the Company shall permit the Attorney General without cost or expense to use the information and facilities of the Company for all purposes which he thinks necessary or incidental to the defending of any such action or proceeding or any claim asserted by way of defense therein and to the prosecuting of an appeal.

COMPROMISE OF ADVERSE CLAIMS

4. Any compromise, settlement or discharge by the United States or its duly authorized representative of an adverse claim without the consent of this Company shall bar any claim against the Company hereunder. Provided, however, that the Attorney General may at his election submit to the issuing company for approval or disapproval any proposed compromise, settlement or discharge of any adverse claim, and in the event of the consent of the issuing company to the proposed compromise, settlement or discharge, it shall be liable for the payment of the full amount paid.

STATEMENT OF LOSS

5. A statement in writing of any loss or damage sustained by the party insured, and for which it is claimed this Company is liable under this policy, shall be furnished by the Attorney General to this Company within 60 days after said party has notice of such loss or damage and no right of action shall accrue under this policy under 30 days after such statement shall have been furnished. No recovery shall be had under this policy unless suit be brought thereon within one year after said period of 30 days. Failure to furnish such statement of loss or to bring such suit within the times specified shall not affect the Company's liability under this policy unless this Company has been prejudiced by reason of such failure to furnish a statement of loss or to bring such suit.

POLICY REDUCED BY PAYMENTS OF LOSS

6. All payments of loss under this policy shall reduce the amount of this policy pro tanto.

Re memo 9/19/60

C E R T I F I C A T E

I, EARL F. EISING, Manager of the office of Title Insurance and Trust Company, located at Independence, California, do hereby certify that I have examined the records of the County Recorder of Inyo County, which includes Death Valley Monument and National Park on December 15, 1959 and found the deed executed by Andy Thompson and Perline Thompson, his wife, Fred Thompson and Eva Ruth Thompson, his wife, and Minnie Thompson, a widow, in favor of the United States of America describing Allotment No. SAC. 233, Survey 330 as granted by Trust Patent 1087812 dated December 23, 1936, to be recorded on December 7, 1959 in Book 139, page 516, Official Records, and further certify that, at the time of the recording of the deed to the United States there was nothing of record or on file in the office of said County Recorder, adversely affecting the title, and the deed to the United States is the sole deed to the allotment in the Records in the office of said County Recorder.

Dated this 15th day of December 1959 at 8:00 A.M.

TITLE INSURANCE AND TRUST COMPANY

Earl F. Eising, Assistant Secretary.

A Death Valley Nat'l Monument

REPORT ON
PRESENT POSSESSORY RIGHTS

see memo 4/19/60

Tract No._____ Owner Andy Thompson et al Contract No._____

1. (a) If occupied, name of occupant of premises:

Warm Springs Talc Mine - Louise Grantham, Owner

(b) Nature of occupant's right to possession:

Mill site claim

2. (a) Evidence of recent building construction:

1 new steel shop bldg., one boiler house, one addition to bunk house.

(b) Outstanding recorded mechanic's, laborer's, or materialmen's liens:

None

3. Do the physical boundaries of the property conform generally with the description in the deed of conveyance? Yes

4. (a) If the property is affected by any easement, the nature of such easement.

(b) Public or private?

If private, the names of those entitled to enjoy same.

(c) Are there any administrative objections to the acceptance of title subject to these easements?

No

5. Other reasons, if any, together with full explanations, why the United States if not entitled to unrestricted possession of the property upon acceptance of title:

None

Signed Willard W. Danielsen
Willard W. Danielsen
Chief Park Ranger

Date December 5, 1959

5-55
Icon Title Association
Policy Form

No. 15267

Total fee for Title Search, Examination and Title Insurance $ 35.00

Amount $1000.00

OWNERS TITLE INSURANCE POLICY

TITLE INSURANCE AND TRUST COMPANY

for valuable consideration, does hereby insure

THE UNITED STATES OF AMERICA

against all loss or damage which the party insured shall sustain by reason of defects in the title of said United States of America to the real estate or interest therein described in Schedule A or by reason of liens or encumbrances affecting the title, at the date hereof, excepting only such defects, liens, encumbrances and other matters as are set forth in Schedule B.

The total liability of this company under this policy is limited to

ONE THOUSAND and no/100 ($1,000.00) Dollars.

This policy is subject to the conditions herein set forth, which conditions, together with Schedules A and B, are made a part of this policy.

In Witness Whereof, Title Insurance and Trust Company has caused its corporate seal to be hereto affixed and these presents to be signed by its President and attested by its Assistant Secretary this 15th day of December A.D., 19 59.

TITLE INSURANCE AND TRUST COMPANY

By Ernest J. Loebbecke
President

Attest Earl A. Cranny
Assistant Secretary

REPORT ON POSSESSORY RIGHTS CERTIFICATE OF INSPECTION AND POSSESSION

I, **Willard W. Danielson**, a **Chief Park Ranger** of the Department of the Interior, hereby certify that on the **12th** day of **December**, 1959, I made a personal examination and inspection of that certain tract or parcel of land situated in the County of **Inyo** State of **California**, designated as tract No. _____ and containing **40.04** acres, proposed to be acquired by the United States of America in connection with **Death Valley National Monument**.

1. That I am fully informed as to the boundaries, lines, and corners of said tract; that I found no evidence of any work or labor having been performed or any materials having been furnished in connection with making of any repairs or improvements on said land; and that I made careful inquiry of the above-named vendors and of the occupants of said land and ascertained that nothing had been done on or about said premises within the past **eight** months that would entitle any person to a lien upon said premises for work or labor performed or materials furnished.

2. That I also made inquiry of the above-named vendors and of all occupants of said land as to their rights of possession and the rights of possession of any person or persons known to them and neither found any evidence nor obtained any information showing or tending to show that any person had any rights of possession or other interest in said premises adverse to the rights of the above-named vendors or the United States of America.

3. That I was informed by the above-named vendors and by all other occupants that to the best of their knowledge and belief there is no outstanding unrecorded deed, mortgage, lease, contract, or other instrument adversely affecting the title to said premises.

4. That to the best of my knowledge and belief after actual and diligent inquiry and physical inspection of said premises [illegible] there are no possessory rights now in existence owned or being actively exercised by any third party under any reservation contained in any patent or patents heretofore issued by the United States for said land.

5. That to the best of my knowledge and belief based upon actual and diligent inquiry made there is no outstanding right whatsoever in any person to the possession of said premises nor any outstanding right, title, interest, lien, or estate, existing or being asserted in or to said premises except such as are disclosed and evidenced by the public records.

6. That said premises are now wholly unoccupied and vacant except for the occupancy of **Warm Springs Talc Mine-Louise Grantham, owner** [illegible]

Willard W. Danielson

Date **December 5, 1959**

Willard W. Danielson
Chief Park Ranger

Secretary of the Interior

STATE OF CALIFORNIA } ss.
County of INYO }

VOL 139 PAGE 517

On this 2nd day of March in the year one thousand nine hundred and 59
before me, Mrs Mary Hopkins, a Notary Public in and for the
County of INYO, State of California, residing therein,
duly commissioned and sworn, personally appeared Fred Thompson +
Eva Thompson

known to me to be the persons whose names are subscribed to the within instrument
and acknowledged to me that they executed the same.

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

Mrs Mary Hopkins

Notary Public in and for the County of INYO
State of California.
My Commission Expires Jan 2, 1961

Cowdery's Form No. 32—Acknowledgment—General.
(C. C. Sec. 1189)

MINNIE THOMPSON, being unable to write, made her mark in my presence and I signed her name at her request and in her presence.

Fred Thompson
Signing Witness

Silvia Edell
Additional Witness

STATE OF CALIFORNIA)
) SS.
COUNTY OF INYO)

On this 27th day of February, 1959, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MINNIE THOMPSON, identified to me by Fred Thompson as the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

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

Silvia Edell
Notary Public in and for the
County of Inyo, State of California
My Commission expires May 3, 1959

04-15-1958: deed to restricted indian land; april 15, 1958

#136

(Do not write in this space)

VOL 139 PAGE 516

(January 1947)

125

RECORDED AT REQUEST OF U.S. Park Service
1958 DEC -7 PM 3:39
Official Records #360
INYO COUNTY, CALIF.
RICHARD F. GYLER, RECORDER
VOL 139 PAGE 516

Land being conveyed was allotted to Robert Thompson
Allottee No. Sac-233
Pro. #10140-51
Corrected Deed to correct deed approved April 15, 1958.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEED TO RESTRICTED INDIAN LAND

THIS INDENTURE, Made and entered into this 30th day of December one thousand nine hundred and fifty-eight, by and between Andy Thompson and (Perline Thompson) his wife, Duckwater, Nevada; Fred Thompson and (Eva Ruth Thompson,) his wife, Lone Pine, California; and Minnie Thompson, widow, Bishop, California,

of

Indians, part ies of the first part, and The United States of America

of , part y of the second part:

WITNESSETH, That said part ies of the first part, for and in consideration of the sum of Eight Hundred Thirty-five and no/100ths---------- ($835.00) dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said part y of the second part the following-described real estate and premises situated in Inyo County, State of California on the Indian Reservation, to wit:

Allotment No. Sac-233, Survey 330, as granted by trust patent No. 1087812, dated December 23, 1936,

This conveyance is made in accordance with the provisions of the Act of March 1, 1907 (34 Stat. 1018),

Approved

together with all the improvements thereon and the appurtenances thereunto belonging. And the said part ies of the first part, for themselves and their heirs, executors, and administrators, do hereby covenant, promise, and agree to and with the said part y of the second part, its successors that they will forever warrant and defend the said premises against the claim of all persons, claiming or to claim by, through, or under them only.

To have and to hold said described premises unto the said part y of the second part, its successors and assigns, forever.

IN WITNESS WHEREOF, That said parties of the first part have hereunto set their hands and seals the day and year first-above written.

WITNESSES:

Andy Thompson [SEAL]
Andy Thompson

Perline Thompson [SEAL]
Perline Thompson

Fred Thompson [SEAL]
Fred Thompson

Eva Ruth Thompson [SEAL]
Eva Ruth Thompson

Minnie Thompson [SEAL]
Minnie Thompson

VOL 139 PAGE 518

Acknowledgments must be in accordance with the forms prescribed by the State in which the land is situated.

STATE OF NEVADA
COUNTY OF WHITE PINE } ss:

BE IT REMEMBERED, That on this 30th day of December 1958, A.D. 19 58, before the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared ANDY THOMPSON and PERLINE THOMPSON, husband and wife

to me personally known to be the identical persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last hereinabove written.

Notary Public
(Title)

My commission expires 9/28/62.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Sacramento Area Office, P.O. Box 749
Sacramento 4, California

The within deed is hereby approved: MAR 18 1959

Pursuant to authority delegated by Sec. Ord. #2508 Jan. 11, 1949 (14 F.R. 259-260) and Order No. 551 of the Comm., Bureau of Indian Affairs, March 29, 1951 (16 F.R. 2939)

Leonard M. Hill
Area Director

The within deed is recorded in the Office of Indian Affairs in Volume ____, Page ____ Inherited Indian Land Deed Book.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

The within deed is accepted on behalf of the United States as of May 18, 1960, under the authority contained in the act of August 8, 1946, subparagraph (g), (60 Stat. 885, 16 U.S.C., sec. 17 j-2), and delegated by Section 7 of Secretary's Order No. 2640, dated June 11, 1951 (16 F. R. 5846), as amended by Amendment 2, dated January 10, 1952 (17 F. R. 482).

Assistant Director

INDIAN LAND DEED

FROM

TO

COUNTY OF

STATE OF

This instrument was filed for record this ____ day of ____, 19__, at ____ o'clock ____ M., and duly recorded in Book No. ____, at page ____

Register of Deeds

U. S. GOVERNMENT PRINTING OFFICE 16-53079-1

C E R T I F I C A T E

I, EARL F. EISING, Manager of the office of Title Insurance and Trust Company, located at Independence, California, do hereby certify that I have examined the records of the County Recorder of Inyo County, which includes Death Valley Monument and National Park on December 15, 1959 and found the deed executed by Andy Thompson and Perline Thompson, his wife, Fred Thompson and Eva Ruth Thompson, his wife, and Minnie Thompson, a widow, in favor of the United States of America describing Allotment No. SAC. 233, Survey 330 as granted by Trust Patent 1087812 dated December 23, 1936, to be recorded on December 7, 1959 in Book 139, page 516, Official Records, and further certify that, at the time of the recording of the deed to the United States there was nothing of record or on file in the office of said County Recorder, adversely affecting the title, and the deed to the United States is the sole deed to the allotment in the Records in the office of said County Recorder.

Dated this 15th day of December 1959 at 8:00 A.M.

TITLE INSURANCE AND TRUST COMPANY

Earl F. Eising, Assistant Secretary.

VOL 139 PAGE 518

Acknowledgments must be in accordance with the forms prescribed by the State in which the land is situated.

STATE OF NEVADA
COUNTY OF WHITE PINE } ss:

BE IT REMEMBERED, That on this 30th day of December 1958, A. D. 1958, before the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared ANDY THOMPSON and PERLINE THOMPSON, husband and wife

to me personally known to be the identical persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last hereinabove written.

Notary Public
(Title)

My commission expires 9/28/62.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Sacramento Area Office, P.O. Box 749
Sacramento 4, California

The within deed is hereby approved: MAR 18 1960

Pursuant to Authority Delegated by Sec. Ord. #2508 Jan. 11, 1949 (14 F.R. 259-260) and Order No. 551 of the Comm., Bureau of Indian Affairs, March 29, 1951 (16 F.R. 2939)

Leonard M. Hill
Area Director

The within deed is recorded in the Office of Indian Affairs in Volume ____, Page ____, Inherited Indian Land Deed Book.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

The within deed is accepted on behalf of the United States as of May 18, 1960, under the authority contained in the act of August 8, 1946, subparagraph (g), (60 Stat. 885, 16 U.S.C., sec. 17 j-2), and delegated by Section 7 of Secretary's Order No. 2640, dated June 11, 1951 (16 F.R. 5846), as amended by Amendment 2, dated January 10, 1952 (17 F. R. 482).

Jackson E. Price
Assistant Director

INDIAN LAND DEED

FROM

TO

STATE OF
COUNTY OF

This instrument was filed for record this ____ day of ____, 19__, at ____ o'clock ____ M., and duly recorded in Book No. ____, at page ____

Register of Deeds

To be replaced by copy of

Deed from Heirs of Bob Thompson
to US

(when accepted)

Docket 23 RS

08-24-1954: letter to edward woosley regarding the approval of the sale of land to the national park service described as indian all

To - sending again to Director! okd

Water Rights Copy

Realty
x10 - 6/29/54
Sac-233 - Robert Thompson

DEATH VALLEY
L 2223

Sacramento Area Office
[illegible] P.O. Box [illegible]
Sacramento 1, California

AUG 24 1954

Mr. Edward Woosley
Administrator for Land Management
Department of the Interior
Washington 25, D. C.

Through: Commissioner of Indian Affairs

1-Dunn
2-Siler

My dear Mr. Woosley:

I have approved the sale of land to the National Park Service described as Indian Allotment Survey No. 130, embracing a portion of approximate Sections 7 and 8, T. 23 S., R. 47 E., M.D.M., California, containing 40.04 acres, excepting the land comprising the Old Mill Stream Quartz Mining Claim which is described as follows:

> Commencing at the outlet of the Spring at Warm Springs upon and within said described land, thence easterly 500 feet to the monument of the mining claim hereinafter referred to; thence easterly 100 feet to the point of beginning; thence through 90° 300 feet northerly; thence through 90° 1,500 feet westerly; thence through 90° 600 feet southerly; thence through 90° 1,500 feet easterly; thence through 90° 300 feet northerly to said point of beginning,

and further excepting the land comprising the Gold Hill Mill Site described as follows:

> The Gold Hill Mill Site commencing at Corner No. 1, thence 300 feet northerly to Corner No. 2, thence 300 feet easterly to Corner No. 3, thence 300 feet southerly to Corner No. 4, thence 300 feet westerly to place of beginning,

being the public domain allotment of Robert Thompson, allottee No. Sac-233, pursuant to authority delegated by Secretarial Order No. 2508 of January 14, 1949 (14 F.R. 253-260) and Order No. 251 of the Commissioner of Indian Affairs, dated March 29, 1951 (16 F.R. 2939).

It is requested that an appropriate conveyance to the National Park Service, Department of the Interior, be completed for the above-described land, provided there are no reasons appearing on the records of the Bureau of Land Management why such conveyance should not be made.

NATIONAL PARK SERVICE
RECEIVED
AUG 26 1954

[illegible] M. Hill

DEVT

cc: Central Office w/enclosures of
Petition for sale, Certificate of
appraisement, Copy of
the National Park Service, [illegible]

07-21-1958: certified photograph of the patent record of indian allotment survey no. 330 ; july 21, 1958

Sacramento 029439.

38597 I. O.

4—1063-R

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Robert Thompson, a Shoshone Indian,

has been allotted the following-described land:

Indian Allotment Survey No.330, embracing a portion of, approximately, Sections seven and eight in Township twenty-three south of Range forty-seven east of the Mount Diablo Meridian, California, containing forty acres and four hundredths of an acre:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said Indian the Land above described, and hereby declares that it does and will hold the Land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian and at the expiration of said period the United States will convey the same by patent to said Indian in fee, discharged of said trust and free from all charge and incumbrance whatsoever; but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said Land, or cause said Land to be sold for the benefit of said heirs as provided by law; and there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-THIRD day of DECEMBER in the year of our Lord one thousand nine hundred and THIRTY-SIX and of the Independence of the United States the one hundred and SIXTY-FIRST.

(SEAL)

By the President: Franklin D. Roosevelt

By Jesse P. Wolcott, Secretary.

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 1087812

6—2179

GOVERNMENT PRINTING OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON 25, D. C. JUL. 21, 1958

I hereby certify that this photograph is a true copy of the patent record, which is in my custody in this office.

Oscar E. Collins
Certifying Officer

06-00-1954: the national park service offers the sum of $125.00 on allotment no. sec-233 ; june, 1954

Date June, 1954

U. S. Bureau of Indian Affairs
Sacramento Area Office
Box 749, Sacramento 4, California

The National Park Service offers the sum of [redacted] of $ 125.00 on allotment

No. Sac-233, Robert Thompson (Name Original Allottee). Deposit in

the amount of $(not required) is enclosed. I will pay the balance of

$ —, plus fees, within 30 days after date of written notice

this bid has been accepted.

NATIONAL PARK SERVICE
per Lawrence C. Merriam, Regional Director

First Name MIDDLE INIT. Last Name

Post Office Address 180 New Montgomery Street
San Francisco 5, California

The privilege to meet the highest bid on this allotment is hereby requested.

PUBLIC SALE OF INDIAN LAND IN CALIFORNIA

By the

SACRAMENTO AREA OFFICE
U. S. BUREAU OF INDIAN AFFAIRS

Sealed bids for the Indian lands described in this circular will be opened at 10:00 A.M. on June 29, 1954, at the Sacramento Area Office, Room 224, Federal Building, Sacramento, California. Included in the sale are 76 tracts located in Del Norte, Humboldt, Siskiyou, Trinity, Modoc, Shasta, Lassen, El Dorado, Inyo, Mariposa, and Fresno Counties. Many of these tracts contain excellent stands of timber; some are traversed by beautiful fishing streams and contain attractive homesites; a number provide frontage on the Klamath River; and some contain agricultural and grazing land. Two of the allotments are adjacent to the Town of Burney and have subdivision possibilities; one is located within the Death Valley National Monument; and one, located just west of the Tule Lake in Siskiyou County, contains a sand, gravel, and pumice material development from which road material is produced.

No bids received later than 10:00 A.M. on June 29, 1954, can be considered. Bids may be delivered in person or mailed to the Sacramento Area Office, U. S. Bureau of Indian Affairs, P. O. Box 749, Sacramento 4, California. Bidders, owners, and other interested parties may be present at the time bids are opened. Each bid must be accompanied by a cashier's check, certified check, or postal money order payable to the order of THE TREASURER OF THE UNITED STATES for at least 10% of the amount of the offer. The down payments for any number of tracts for which bids are submitted may be covered by one check or money order. If the bid is accepted and the successful bidder fails to comply with the terms of his bid within thirty (30) days after due notice of acceptance, such check or other exchange will be forfeited for the use of the owner of the land. Deposits of unsuccessful bidders will be returned immediately after the bids are opened.

All bids should be marked with the number and name of the allotment and enclosed in a sealed envelope, plainly marked on the outside, "BID ON INDIAN LAND TO BE OPENED AT 10:00 A.M., June 29, 1954." No bidder will be permitted to include more than one allotment in any bid, but if a prospective purchaser desires to bid on more than one allotment, he must submit a separate bid for each allotment, using the bid form on page 3 of this circular. A bidder shall have the privilege, however, of designating in his bid not more than three allotments as first, second, and third choice and his offer on each such allotments will be considered according to such designations. The bid form on page 4 should be used when such designation is made. In that case but one certified check for 10% of the highest amount offered by him need accompany the bid. At the request of the Indian owners, Indian preference will be given on the Kitty Saxon allotment, No. 287-M, Percy Moore, No. 279-H, Dan Quimby, No. 405-R, Lottie Quimby, No. 268-M, Carrie Ahlagha, No. 93-T, John Holly, No. 38-T, and Capell Holly, No. 35-T, all in Humboldt County. Any enrolled California Indian is given the privilege of meeting the high bid on these allotments upon his submission of a genuine bid and upon the condition that he is financially able to make the purchase. A request for this preference should be stated in the bid. The Area Director reserves the right to request proof of the Indian bidder's financial ability to make the purchase. In the event that more than one Indian requests preference to meet the high bid, the highest offer reached by negotiation with the Indians may be accepted. The United States National Park Service is granted the privilege of meeting the high bid on the

allotment of Robert Thompson, Sac-233, providing a bid covering this allotment for not less than the appraised valuation is submitted by this Service.

Cost of advertising, conveyancing, etc., must be borne by the purchaser. These costs are: $1.50 if purchase price is $1,000.00 or less; $2.00 if over $1,000.00 and less than $2,000.00; and $2.50 if over $2,000.00. This amount is in addition to a $20.00 sales fee which is to cover the cost of work incidental to the sale. These costs are due and payable within thirty (30) days after the bidder has been duly notified he was the successful bidder. Such fees ARE TO BE PAID ON EACH ALLOTMENT PURCHASED.

Awards will be made to the highest acceptable bidders, but no bid will be accepted if less than the appraised value. The Area Director, however, reserves the right to reject any or all bids. Allotted lands will be conveyed direct to the purchaser by patent in fee simple from the United States or when practicable, the conveyance of land will be made by deed approved by the Area Director. All of the purchased lands will be conveyed by deed. The sales do not become final until the issuance of the patent in fee by the Bureau of Land Management, or by the issuance of an approved deed by the Area Director.

Unless otherwise specified herein, title will include any timber on the land described and all mineral rights. All conveyances are subject to existing rights of way. Each patent issued to the purchaser involving a public domain allotment will contain the following clause: "And there is reserved from the lands hereby granted a right of way thereon for ditches and canals constructed by authority of the United States."

Bidders should sign their FULL NAMES - first name, middle name in full (if any) and last name - to all bids submitted, in order that the patent may be issued in the full and complete legal name of the patentee.

Terms of payment are as follows: At least ten percent (10%) of purchase price with the bid and the balance, plus fees, within thirty (30) days after notice of acceptance of the bid.

Information on these lands may be obtained from the Sacramento Area Office at the aforementioned address at any time before the date of opening of bids. However, maps for use in locating the lands should be purchased from book stores or other dealers as we have none available for distribution. No information will be given on the day bids are to be opened, and no assistance will be given by the Indian Service at any time in the preparation of any bid. Bid forms for the use of bidders are attached.

Henry Harris, Jr.

HENRY HARRIS, JR.
Acting Area Director

May 21, 1954

Allotment Number	Name of Allottee	Description	Appraised Value (Minimum Acceptable)
		EL DORADO COUNTY	
Indian Homestead	Andrew Jackson	SE¼SW¼ of Sec. 1; NE¼NW¼ of Sec. 12, T. 10 N., R. 12 E., M.D.M., 80 acres. Timbered - Est. volume, Ponderosa Pine 57 M; Douglas Fir 25 M; White Fir 18 M; Incense Cedar 43 M. Traversed by Webber Creek.	$ 1,361.00
		INYO COUNTY	
Ind-0509	George Williams	One-sixth undivided interest in the W½NE¼; W½SE¼ of Sec. 18, T. 6 S., R. 31 E., M.D.M., 160 acres.	2,084.00
Sac-233	Robert Thompson	Indian Allotment Survey No. 330, in Sections 7 and 8, T. 23 S., R. 47 E., M.D.M., 20.74 acres, subject to the Old Mill Stream Quartz Mining Claim and the Gold Hill Mill Site Claim. Preference to meet the high bid is granted to the U. S. National Park Service. Located within the Death Valley National Monument.	125.00
		MARIPOSA COUNTY	
Sac-255	Mary Gonzales Lewis	SE¼SE¼ of Sec. 3, T. 6 S., R. 20 E., M.D.M., 40 acres. Timbered - Est. volume, Ponderosa Pine commercial 120 M, non-commercial 20 M. Traversed by east fork of Chowchilla River.	2,420.00
		FRESNO COUNTY	
Sac-130	Jose Dick	E½SW¼NE¼; SE¼NE¼; W½SE¼ of Sec. 27, T. 9 S., R. 23 E., M.D.M., 140 acres. Two springs.	1,475.00
Stk-63	Sally Chiabadtsenny	S½NW¼ of Sec. 15, T. 11 S., R. 25 E., M.D.M., 80 acres.	790.00

To be replaced by copy of
Notice of $835 bid price, from Bureau of
Indian Affairs (July - 1954)

To be replaced by copy of
Decree in No. 56 N.D. - Civil

Docket 23 R5

PUBLIC SALE OF INDIAN LAND IN CALIFORNIA

By the

SACRAMENTO AREA OFFICE
U. S. BUREAU OF INDIAN AFFAIRS

Sealed bids for the Indian lands described in this circular will be opened at 10:00 A.M. on June 29, 1954, at the Sacramento Area Office, Room 234, Federal Building, Sacramento, California. Included in the sale are 76 tracts located in Del Norte, Humboldt, Siskiyou, Trinity, Modoc, Shasta, Lassen, El Dorado, Inyo, Mariposa, and Fresno Counties. Many of these tracts contain excellent stands of timber; some are traversed by beautiful fishing streams and contain attractive homesites; a number provide frontage on the Klamath River; and some contain agricultural and grazing land. Two of the allotments are adjacent to the Town of Burney and have subdivision possibilities; one is located within the Death Valley National Monument; and one, located just west of the Tule Lake in Siskiyou County, contains a sand, gravel, and pumice material development from which road material is produced.

No bids received later than 10:00 A.M. on June 29, 1954, can be considered. Bids may be delivered in person or mailed to the Sacramento Area Office, U. S. Bureau of Indian Affairs, P. O. Box 749, Sacramento 4, California. Bidders, owners, and other interested parties may be present at the time bids are opened. Each bid must be accompanied by a cashier's check, certified check, or postal money order payable to the order of THE TREASURER OF THE UNITED STATES for at least 10% of the amount of the offer. The down payments for any number of tracts for which bids are submitted may be covered by one check or money order. If the bid is accepted and the successful bidder fails to comply with the terms of his bid within thirty (30) days after due notice of acceptance, such check or other exchange will be forfeited for the use of the owner of the land. Deposits of unsuccessful bidders will be returned immediately after the bids are opened.

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5-21-54

allotment of Robert Thompson, Sac-233, providing a bid covering this allotment for not less than the appraised valuation is submitted by this Service.

Cost of advertising, conveyancing, etc., must be borne by the purchaser. These costs are: $1.50 if purchase price is $1,000.00 or less; $2.00 if over $1,000.00 and less than $2,000.00; and $2.50 if over $2,000.00. This amount is in addition to a $20.00 sales fee which is to cover the cost of work incidental to the sale. These costs are due and payable within thirty (30) days after the bidder has been duly notified he was the successful bidder. Such fees ARE TO BE PAID ON EACH ALLOTMENT PURCHASED.

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Unless otherwise specified herein, title will include any timber on the land described and all mineral rights. All conveyances are subject to existing rights of way. Each patent issued to the purchaser involving a public domain allotment will contain the following clause: "And there is reserved from the lands hereby granted a right of way thereon for ditches and canals constructed by authority of the United States."

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Henry Harris, Jr.
HENRY HARRIS, JR.
Acting Area Director

May 21, 1954

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		INYO COUNTY	
Ind-0509	George Williams	One-sixth undivided interest in the W½NE¼; W½SE¼ of Sec. 18, T. 6 S., R. 31 E., M.D.M., 160 acres.	2,084.00
Sac-233	Robert Thompson	Indian Allotment Survey No. 330, in Sections 7 and 8, T. 23 S., R. 47 E., M.D.M., 20.74 acres, subject to the Old Mill Stream Quartz Mining Claim and the Gold Hill Mill Site Claim. Preference to meet the high bid is granted to the U. S. National Park Service. Located within the Death Valley National Monument.	125.00
		MARIPOSA COUNTY	
Sac-255	Mary Gonzales Lewis	SE¼SE¼ of Sec. 3, T. 6 S., R. 20 E., M.D.M., 40 acres. Timbered - Est. volume, Ponderosa Pine commercial 120 M, non-commercial 20 M. Traversed by east fork of Chowchilla River.	2,420.00
		FRESNO COUNTY	
Sac-130	Jose Dick	E½SW¼NE¼; SE¼NE¼; W½SE¼ of Sec. 27, T. 9 S., R. 23 E., M.D.M., 140 acres. Two springs.	1,475.00
Stk-63	Sally Chiabadtsenny	S½NW¼ of Sec. 15, T. 11 S., R. 25 E., M.D.M., 80 acres.	790.00

IN THE DISTRICT COURT OF THE UNITED STATES
U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

OFFICE OF INDIAN AFFAIRS
RECEIVED
FEB 20 1942
8269

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUISE B. GRANTHAM, NINA BRADLEY, DOROTHY A. KETCHIN, JOSEPH BARTER, et al.,

Defendants.

No. 56 - N.D.
Civil

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled action came on regularly for trial in the above entitled Court on April 23, 24, 25, 30 and May 1, 1941, the Honorable Campbell E. Beaumont, Judge Presiding; plaintiff being represented by William Fleet Palmer, Esq., United States Attorney, and Marvin Dean, Esq., Assistant United States Attorney; and the defendant Louise B. Grantham appeared personally and by counsel, Joseph Anderson, Esq., and defendants Nina Bradley and Joseph Barter appeared only through said counsel Joseph Anderson, Esq., it appearing that defendant Dorothy A. Ketchin had not been served with process at the time of trial and it further appearing that said defendant Dorothy A. Ketchin was agreeable to then and there entering her voluntary appearance and stipulating that she would abide the decision of the Court upon the evidence introduced by the appearing defendants, and the plaintiff having dismissed as to all other defendants other than said Louise B. Grantham, Nina Bradley, Joseph Barter and Dorothy A. Ketchin; and the parties and each thereof having them and there stipulated that pursuant to Rule 15(h) of the Federal Rules of Federal Procedure the action herein might be changed from one in unlawful detainer to one in quiet title to the land involved, and that the claim for damages set forth in the complaint be deemed stricken and that all portions of the said complaint and the said answer not inconsistent with said amendment to quiet title, and not otherwise, shall remain in full force and effect and that all

other portions be deemed stricken, and that the complaint herein should be amended to include a prayer that the defendants be forever enjoined from asserting any claim to the land involved;

Thereupon the cause proceeded to trial in accordance with said stipulation and the issues thus framed; evidence both oral and documentary was introduced by the parties and received by the Court, and the Court having considered said evidence and the law pertinent thereto, now makes its Findings of Fact and Conclusions of Law and finds:

FINDINGS OF FACT

I.

The Court finds that during all the times herein mentioned plaintiff, United States of America, was and now is a corporation sovereign; that defendants, Louise B. Grantham, Nina Bradley, Dorothy A. Ketchin and Joseph Barter are residents of the Southern District of California.

II.

The Court finds that it is true that the United States of America, a corporation sovereign, is the owner and entitled to the possession of the premises situate in the Northern Division of the Southern District of California and described as follows, to-wit:

Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M.D.M., California, containing 40.04 acres, excepting therefrom such portions of said described land as lie and are situate within the following land and premises known as the Old Mill Stream Quartz Mining Claim described as follows, to-wit:

> Commencing at the outlet of the Spring at Warm Springs upon and within said described land, thence easterly 500 feet to the monument of the mining claim hereinafter referred to; thence easterly 100 feet to the point of beginning; thence through 90° 300 hundred feet northerly; thence through 90° 1,500 feet westerly; thence through 90° 600 feet southerly; thence

through 90° 1,500 feet easterly; thence through 90° 300 feet northerly to said point of beginning, and further excepting from said first described land such portions thereof as lie and are situate within the following described land and premises known as the Gold Hill Mill Site, described as follows, to-wit:

That tract or parcel of land not exceeding five acres, situate, lying and being in Southpark mining district in the County of Inyo, State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site commencing at Corner No. 1, thence 500 feet northerly to Corner No. 2, thence 500 feet easterly to Corner No. 3, thence 500 feet Southerly to Corner No. 4, thence 500 feet westerly to place of beginning; the Mill Site being in Warm Springs Canyon, adjoining Warm Springs proper.

III.

The Court finds that as to the two said last described parcels, to-wit: the said Old Mill Stream Quartz Mining Claim, and the Gold Hill Mill Site Claim, that the United States of America, a corporation sovereign, is the owner thereof, but that the defendants and each thereof have been in possession of said land since on or about December 16, 1929, and are entitled to and are now in possession of said Mining and said Mill Site Claims under and by virtue of that certain Notice of Location duly recorded and remaining and now of record in the Recorder's Office of the County of Inyo, State of California, in Volume 45 of Mining Locations, at Pages 392, et seq., thereof; a copy of which location is hereto attached, marked Exhibit "A" and made a part hereof by this reference; and under and by virtue of that certain Location Certificate of Mill Site duly recorded in the Recorder's Office of the County of Inyo, State of California, in Volume C of Land and Water Claims, Pages 280 et seq., thereof, a copy of which Location Certificate is hereto attached marked Exhibit "B" and made a part hereof by this reference, and the Court finds

that the defendants and each thereof are entitled to the possession of said land under and pursuant to said Mining and Mill Site Claims, together with all right, title and interest therein and appurtenant, thereto and as allowed by the laws of the State of California and of the United States of America.

IV.

The Court finds that the defendants and each thereof have performed all things upon their part to have been performed under the laws and customs of the United States of America and of the State of California in relation to said Mining Claim and said Mill Site Claim, and that the defendants and each thereof have discovered and found minerals upon said lands which have been, are now, and may continue to be mined at a profit.

V.

The Court finds that it is true that the defendants and each thereof assert some right, title and interest in and to said lands adverse to plaintiff and to plaintiff's ward, one Robert Thompson, to-wit; that defendants and each thereof claim under said Mining and Mill Site Claims, and all rights incident and pertinent thereto, and that said adverse claim of right, title, interest and possession are superior to the claims of plaintiff and said ward, or either thereof, as to all portions of said described premises covered by said Mining and Mill Site Claims herein before set forth.

VI.

The Court finds that substantially the whole of the Old Mill Stream Quartz Mining Claim is within the premises described as:

> Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M. D. M., California, Containing 40.04 acres,

and that the whole of the Gold Hill Mill Site is within said last described land. The Court finds that the balance of said land, not embraced within said Mining and Mill Site Claims has been duly al-

lotted to Robert Thompson, a member of the Shoshone tribe of Indians and a ward of the plaintiff, United States of America.

AS CONCLUSIONS OF LAW FROM THE FOREGOING FACTS, THE COURT FINDS:

CONCLUSIONS OF LAW

I.

That plaintiff is entitled to a decree quieting its title and right of possession, and that of its ward, Robert Thompson, a Shoshone Indian in and to the land described as:

Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M. D. M., California.

containing 40.04 acres.

excepting so much thereof as is embraced within or is appurtenant to the aforesaid Mining and Mill Site Claims.

II.

That the right, title and interest of defendants and each thereof in and to so much of said described land as is embraced within or is appurtenant to, the aforesaid Mining and Mill Site Claims are superior to any right, title or interest of plaintiff or its said ward therein or thereto, and that the defendants and each thereof are entitled to be protected in said rights and in the possession of said Mining and Mill Site Claims and the land necessary and appurtenant thereto as hereinabove described, and that plaintiff and its ward should be forever restrained, enjoined and debarred from asserting any claim whatsoever in and to said land and premises adverse to the interest of defendants acquired through said Mining and Mill Site Claims.

III.

That the defendants are entitled to have and receive their costs herein.

DONE IN OPEN COURT THIS____DAY OF _____,1942.

Signed on February 20, 1942 according to note from Miss Singer (Spelling ?)

_____
Judge of said Court.

5

To be replaced by Copy of
Bob Thompson Indian Allotment # Sec. 233

2-20-42

02-20-1942: certification of the february 20, 1942, case united states of america vs. louise b. grantham et al

District Court of the United States

Southern District of California

-----CENTRAL--- **Division**

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF CALIFORNIA } ss:

JOHN A. CHILDRESS,

I, ~~EDMUND L. SMITH~~, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing is a full, true, and correct copy of the Judgement filed February 20, 1942, in the case; United States Of America, vs. Louise B. Grantham et al, civil case No. 56- N. D.

as the same appears from the original record remaining in my office.

WITNESS my hand and seal of said Court, this

---14th---day of Dec.---------, A. D. ~~194~~ 19

JOHN A. CHILDRESS
~~EDMUND L. SMITH~~
Clerk

By [signature]
KENNETH MURPHY, *Deputy Clerk*

Docket 23 RS

Sacramento 029439.

38597 I. O. 4—1063-R

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Robert Thompson, a Shoshone Indian,

has been allotted the following-described land:

Indian Allotment Survey No.330, embracing a portion of, approximately, Sections seven and eight in Township twenty-three south of Range forty-seven east of the Mount Diablo Meridian, California, containing forty acres and four hundredths of an acre:

NOW KNOW YE, That the **UNITED STATES OF AMERICA,** in consideration of the premises, has allotted, and by these presents does allot, unto the said Indian the Land above described, and hereby declares that it does and will hold the Land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian and at the expiration of said period the United States will convey the same by patent to said Indian in fee, discharged of said trust and free from all charge and incumbrance whatsoever; but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said Land, or cause said Land to be sold for the benefit of said heirs as provided by law; and there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-THIRD day of DECEMBER in the year of our Lord one thousand nine hundred and THIRTY SIX and of the Independence of the United States the one hundred and SIXTY-FIRST

(SEAL)

By the President:

By , Secretary.

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 1087812

6—2179

NOTICE OF LOCATION

Quarts

(Sec. 1426, 1426a, 1426b, C.C.Cal.)

TO WHOM IT MAY CONCERN: Please take notice that:

1. The name of this claim is the Old Mill Stream Quartz Mining Claim. Said claim is situated in the South Park Mining District, County of Inyo, State of California located this 7th day of May, 1934. This discovery is made and the original notice is posted this 7th day of May, 1934.

2. That the undersigned locators are citizens of the United States of have declared their intention to become such, and have discovered mineral bearing rock in place thereon and do locate and claim same for mining purposes.

3. That the number of linear feet in length along the course of the vein each way from the point of discovery whereon we have erected a monument, is easterly 100 feet; westerly 1400 feet; that the total length does not exceed 1500 feet. That the width on the northerly side is 300 feet; that the width on the southerly side is 300 feet; that the total width does not exceed 600 feet; that the end lines are parallel; that the general course of the vein or lode as near as may be, is in an easterly and westerly direction; that the boundaries of this claim may be readily traced, and are defined as follows, to-wit:

COMMENCING at this discovery monument - one hundred feet easterly and fourteen hundred feet westerly - and three hundred feet northerly - and three hundred feet southerly.

4. That the date of this location is the 7th day of May, 1934.

5. That this claim can be identified by its proximity to the following natural object or permanent monument, to-wit; our discovery monument is about five hundred feet easterly from outlet of spring at Warm Spring.

This notice is intended as an original notice of location and

Exhibit "A"

6

is posted on this claim and a true copy thereof is to be recorded with the County Recorder of this County.

That all the dips, variations, spurs, angles and all veins, ledges, or deposits within the lines of this claim, together with all water and timber and any other rights appurtenant, allowed by the law of this State or of the United States are hereby claimed.

LOCATORS

L. B. GRAHAM

DOROTHY A KETCHUM

NINA A BRADLEY

Exhibit "A"

02-05-1933: location certificate of mill site; february 05, 1933

LOCATION CERTIFICATE OF MILL SITE

STATE OF CALIFORNIA)
) ss
COUNTY OF INYO)

TO ALL WHOM THESE PRESENTS MAY CONCERN: KNOW YE THAT Dorothy A. Ketchin and Nina B. Bradley or Shoshone, California, do hereby declare and publish as a legal notice to all the world that we have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land not exceeding five acres, situate, lying and being in Southpark Mining District, in the County of Inyo, in the State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site,

COMMENCING at Corner No. 1, Thence Five-hundred (500) feet northerly to Corner No. 2, thence five-hundred (500) feet easterly to Corner No. 3, thence five-hundred (500) feet southerly to Corner No. 4, thence five-hundred (500) feet westerly to place of beginning.

The Millsite is in Warm Springs Canyon adjoining Warm Springs proper.

together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

WITNESS our hands and seals, this fifth day of February, in the year of our Lord nineteen hundred and 33.

LOCATORS:

DOROTHY A. KETCHIN

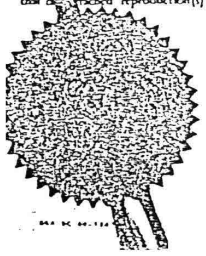
NINA A. BRADLEY

11-08-1974: unreadable; november 08, 1974

GENERAL SERVICES ADMINISTRATION VOL. 210 PAGE 491
National Archives and Records Service

To whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the United States General Services Administration, that the attached reproduction(s) is a true and correct copy of document in his custody.



[signature]
T. J. LUM — 11-8-74
Acting Director
General Services Administration(9RC-L)
Federal Archives & Records Center,NARS
4747 Eastern Ave.
Bell, CA 90201

GSA FORM 6711E

DEVA; WR # 23

02-20-1942: findings of fact and conclusions of law no. 56 n.d. civil ; february 20, 1942

Return to
Jerome Gresham.
198 W. Fourth St.
San Bernardino, Ca 92401
Tele: (714) 884 2171

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

FILED
FEB 20 1942
R. S. ZIMMERMAN, Clerk
By [illegible] Deputy

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUISE B. GRANTHAM, NINA BRADLEY, DOROTHY A. KETCHIN, JOSEPH BARTER, et al.,

Defendants.

No. 56- N.D. Civil

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled action came on regularly for trial in the above entitled Court on April 23, 24, 25, 30 and May 1, 1941, the Honorable Campbell E. Beaumont, Judge Presiding; plaintiff being represented by William Fleet Palmer, Esq., United States Attorney, and Marvin Dean, Esq., Assistant United States Attorney; and the defendant Louise B. Grantham appeared personally and by counsel, Joseph Anderson, Esq., and defendants Nina Bradley and Joseph Barter appeared only through said counsel Joseph Anderson, Esq., it appearing that defendant Dorothy A. Ketchin had not been served with process at the time of trial and it further appearing that said defendant Dorothy A. Ketchin was agreeable to then and there entering her voluntary appearance and stipulating that she would abide the decision of the Court upon the evidence introduced by the appearing defendants, and the plaintiff having dismissed as to all other defendants other than said Louise B. Grantham, Nina Bradley, Joseph Barter and Dorothy A. Ketchin; and the parties and each thereof having then and there stipulated that pursuant to Rule 15(b) of the Federal Rules of Federal Procedure the action herein might be changed from one in unlawful detainer to one in quiet title to the land involved, and that the claim for damages set forth in the complaint be deemed stricken and that all portions of the said complaint and the said answer not inconsistent with said amendment to quiet title, and

not otherwise, shall remain in full force and effect and that all other portions be deemed stricken, and that the complaint herein should be amended to include a prayer that the defendants be forever enjoined from asserting any claim to the land involved;

Thereupon the cause proceeded to trial in accordance with said stipulation and the issues thus framed; evidence both oral and documentary was introduced by the parties and received by the Court, and the Court having considered said evidence and the law pertinent thereto, now makes its Findings of Fact and Conclusions of Law and finds:

FINDINGS OF FACT

I.

The Court finds that during all the times herein mentioned plaintiff, United States of America, was and now is a corporation sovereign; that defendants, Louise B. Grantham, Nina Bradley, Dorothy A. Ketchin and Joseph Barter are residents of the Southern District of California.

II.

The Court finds that it is true that the United States of America, a corporation sovereign, is the owner and entitled to the possession of the premises situate in the Northern Division of the Southern District of California and described as follows, to-wit:

Survey No. 336 in Sections 7 and 8, Township 23 South, Range 47 East, M.D.M., California, containing 40.04 acres excepting therefrom such portions of said described land as lie and are situate within the following land and premises known as the Old Kill Stream Quartz Mining Claim described as follows, to-wit:

Commencing at the outlet of the Spring at Warm Springs upon and within said described land, thence easterly 500 feet to the monument of the mining claim hereinafter referred to; thence easterly 100 feet to the point of

beginning; thence through 90° 300 hundred feet northerly; thence through 90° 1,500 feet westerly; thence through 90° 600 feet southerly; thence through 90° 1,500 feet easterly; thence through 90° 300 feet northerly to said point of beginning, and further excepting from said first described land such portions thereof as lie and are situate within the following described land and premises known as the Gold Hill Mill Site, described as follows, to-wit:

That tract or parcel of land not exceeding five acres, situate, lying and being in Southpark mining district in the County of Inyo, State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site commencing at Corner No. 1, thence 500 feet northerly to Corner No. 2, thence 500 feet easterly to Corner No. 3, thence 500 feet southerly to Corner No. 4, thence 500 feet westerly to place of beginning; the Mill Site being in Warm Springs Canyon, adjoining Warm Springs proper.

III.

The Court finds that as to the two said last-described parcels, to-wit: the said Old Mill Stream Quartz Mining Claim, and the Gold Hill Mill Site Claim, that the United States of America, a corporation sovereign, is the owner thereof, but that the defendants and each thereof have been in possession of said land since on or about December 16, 1929, and are entitled to and are now in possession of said Mining and said Mill Site Claims under and by virtue of that certain Notice of Location duly recorded and remaining and now of record in the Recorder's Office of the County of Inyo, State of California, in Volume 45 of Mining Locations, at Pages 392, et seq., thereof; a copy of which location is hereto attached, marked Exhibit "A" and made a part hereof by this reference; and under and by virtue

of that certain Location Certificate of Mill Site duly recorded in the Recorder's Office of the County of Inyo, State of California, in Volume C of Land and Water Claims, Pages 280 et seq., thereof, a copy of which Location Certificate is hereto attached marked Exhibit "B" and made a part hereof by this reference, and the Court finds that the defendants and each thereof are entitled to the possession of said land under and pursuant to said Mining and Mill Site Claims, together with all right, title and interest therein and appurtenant thereto and as allowed by the laws of the State of California and of the United States of America.

IV.

The Court finds that the defendants and each thereof have performed all things upon their part to have been performed under the laws and customs of the United States of America and of the State of California in relation to said Mining Claim and said Mill Site Claim and that the defendants and each thereof have discovered and found minerals upon said lands which have been, are now, and may continue to be mined at a profit.

V.

The Court finds that it is true that the defendants and each thereof assert some right, title and interest in and to said lands adverse to plaintiff and to plaintiff's ward, one Robert Thompson, to-wit: that defendants and each thereof claim under said Mining and Mill Site Claims, and all rights incident and appurtenant thereto, and that said adverse claims of right, title, interest and possession are superior to the claims of plaintiff and said ward, or either thereof, as to all portions of said described premises covered by said Mining and Mill Site Claims hereinbefore set forth.

VI.

The Court finds that substantially the whole of the Old Mill Stream Quartz Mining Claim is within the premises described as Survey No. 330 in Sections 7 and 8, Township 23

South, Range 47 East, M.D.M., California, containing 40.04 acres,

and that the whole of the Gold Hill Mill Site is within said last described land. The Court finds that the balance of said land, not embraced within said Mining and Mill Site Claims has been duly allotted to Robert Thompson, a member of the Shoshone tribe of Indians and a ward of the plaintiff, United States of America.

AS CONCLUSIONS OF LAW FROM THE FOREGOING FACTS, THE COURT FINDS:

CONCLUSIONS OF LAW

I.

That plaintiff is entitled to a decree quieting its title and right of possession, and that of its ward, Robert Thompson, a Shoshone Indian in and to the land described as:

Survey No. 330 In Sections 7 and 8, Township 23 South, Range 47 East, M.D.M., California, containing 40.04 acres,

excepting so much thereof as is embraced within or is appurtenant to the aforesaid Mining and Mill Site Claims.

II.

That the right, title and interest of defendants and each thereof in and to so much of said described land as is embraced within or is appurtenant to, the aforesaid Mining and Mill Site Claims are superior to any right, title or interest of plaintiff or its said ward therein or thereto, and that the defendants and each thereof are entitled to be protected in said rights and in the possession of said Mining and Mill Site Claims and the land necessary and appurtenant thereto as hereinabove described, and that plaintiff and its ward should be forever restrained, enjoined and barred from asserting any claim whatsoever in and to said land and premises adverse to the interest of defendants acquired through said Mining and Mill

3ito Claim.

III.

~~That the defendants are not entitled to have and recover in this~~ action.

DONE IN OPEN COURT THIS 20th DAY OF February, 1942.

C. E. Bowman
Judge of said Court.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

OFFICE OF INDIAN AFFAIRS
RECEIVED
FEB 20 1942
8269

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUISE B. GRANTHAM, NINA BRADLEY, DOROTHY A. KETCHIN, JOSEPH BARTER, et al.,

Defendants.

No. 56 - N.D.
Civil

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled action came on regularly for trial in the above entitled Court on April 23, 24, 25, 30 and May 1, 1941, the Honorable Campbell E. Beaumont, Judge Presiding; plaintiff being represented by William Fleet Palmer, Esq., United States Attorney, and Marvin Dean, Esq., Assistant United States Attorney; and the defendant Louise B. Grantham appeared personally and by counsel, Joseph Anderson, Esq., and defendants Nina Bradley and Joseph Barter appeared only through said counsel Joseph Anderson, Esq., it appearing that defendant Dorothy A. Ketchin had not been served with process at the time of trial and it further appearing that said defendant Dorothy A. Ketchin was agreeable to then and there entering her voluntary appearance and stipulating that she would abide the decision of the Court upon the evidence introduced by the appearing defendants, and the plaintiff having dismissed as to all other defendants other than said Louise B. Grantham, Nina Bradley, Joseph Barter and Dorothy A. Ketchin; and the parties and each thereof having then and there stipulated that pursuant to Rule 15(h) of the Federal Rules of Federal Procedure the action herein might be changed from one in unlawful detainer to one in quiet title to the land involved, and that the claim for damages set forth in the complaint be deemed stricken and that all portions of the said complaint and the said answer not inconsistent with said amendment to quiet title, and not otherwise, shall remain in full force and effect and that all

other portions be deemed stricken, and that the complaint herein should be amended to include a prayer that the defendants be forever enjoined from asserting any claim to the land involved;

Thereupon the cause proceeded to trial in accordance with said stipulation and the issues thus framed; evidence both oral and documentary was introduced by the parties and received by the Court, and the Court having considered said evidence and the law pertinent thereto, now makes its Findings of Fact and Conclusions of Law and finds:

FINDINGS OF FACT

I.

The Court finds that during all the times herein mentioned plaintiff, United States of America, was and now is a corporation sovereign; that defendants, Louise B. Grantham, Nina Bradley, Dorothy A. Ketchin and Joseph Barter are residents of the Southern District of California.

II.

The Court finds that it is true that the United States of America, a corporation sovereign, is the owner and entitled to the possession of the premises situate in the Northern Division of the Southern District of California and described as follows, to-wit:

Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M.D.M., California, containing 40.04 acres, excepting therefrom such portions of said described land as lie and are situate within the following land and premises known as the Old Mill Stream Quartz Mining Claim described as follows, to-wit:

> Commencing at the outlet of the Spring at Warm Springs upon and within said described land, thence easterly 500 feet to the monument of the mining claim hereinafter referred to; thence easterly 100 feet to the point of beginning; thence through 900 300 hundred feet northerly; thence through 900 1,500 feet westerly; thence through 900 600 feet southerly; thence

through 90° 1,500 feet easterly; thence through 90° 300 feet northerly to said point of beginning, and further excepting from said first described land such portions thereof as lie and are situate within the following described land and premises known as the Gold Hill Mill Site, described as follows, to-wit:

That tract or parcel of land not exceeding five acres, situate, lying and being in Southpark mining district in the County of Inyo, State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site commencing at Corner No. 1, thence 500 feet northerly to Corner No. 2, thence 500 feet easterly to Corner No. 3, thence 500 feet Southerly to Corner No. 4, thence 500 feet westerly to place of beginning; the Mill Site being in Warm Springs Canyon, adjoining Warm Springs proper.

III.

The Court finds that as to the two said last described parcels, to-wit: the said Old Mill Stream Quartz Mining Claim, and the Gold Hill Mill Site Claim, that the United States of America, a corporation sovereign, is the owner thereof, but that the defendants and each thereof have been in possession of said land since on or about December 16, 1929, and are entitled to and are now in possession of said Mining and said Mill Site Claims under and by virtue of that certain Notice of Location duly recorded and remaining and now of record in the Recorder's Office of the County of Inyo, State of California, in Volume 45 of Mining Locations, at Pages 392, et seq., thereof; a copy of which location is hereto attached, marked Exhibit "A" and made a part hereof by this reference; and under and by virtue of that certain Location Certificate of Mill Site duly recorded in the Recorder's Office of the County of Inyo, State of California, in Volume C of Land and Water Claims, Pages 280 et seq., thereof, a copy of which Location Certificate is hereto attached marked Exhibit "B" and made a part hereof by this reference, and the Court finds

that the defendants and each thereof are entitled to the possession of said land under and pursuant to said Mining and Mill Site Claims, together with all right, title and interest therein and appurtenant, thereto and as allowed by the laws of the State of California and of the United States of America.

IV.

The Court finds that the defendants and each thereof have performed all things upon their part to have been performed under the laws and customs of the United States of America and of the State of California in relation to said Mining Claim and said Mill Site Claim, and that the defendants and each thereof have discovered and found minerals upon said lands which have been, are now, and may continue to be mined at a profit.

V.

The Court finds that it is true that the defendants and each thereof assert some right, title and interest in and to said lands adverse to plaintiff and to plaintiff's ward, one Robert Thompson, to-wit; that defendants and each thereof claim under said Mining and Mill Site Claims, and all rights incident and pertinent thereto, and that said adverse claim of right, title, interest and possession are superior to the claims of plaintiff and said ward, or either thereof, as to all portions of said described premises covered by said Mining and Mill Site Claims herein before set forth.

VI.

The Court finds that substantially the whole of the Old Mill Stream Quartz Mining Claim is within the premises described as:

> Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M. D. M., California, Containing 40.04 acres,

and that the whole of the Gold Hill Mill Site is within said last described land. The Court finds that the balance of said land, not embraced within said Mining and Mill Site Claims has been duly al-

lotted to Robert Thompson, a member of the Shoshone tribe of Indians and a ward of the plaintiff, United States of America.

AS CONCLUSIONS OF LAW FROM THE FOREGOING FACTS, THE COURT FINDS:

CONCLUSIONS OF LAW

I.

That plaintiff is entitled to a decree quieting its title and right of possession, and that of its ward, Robert Thompson, a Shoshone Indian in and to the land described as:

Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M. D. M., California.

containing 40.04 acres.

excepting so much thereof as is embraced within or is appurtenant to the aforesaid Mining and Mill Site Claims.

II.

That the right, title and interest of defendants and each thereof in and to so much of said described land as is embraced within or is appurtenant to, the aforesaid Mining and Mill Site Claims are superior to any right, title or interest of plaintiff or its said ward therein or thereto, and that the defendants and each thereof are entitled to be protected in said rights and in the possession of said Mining and Mill Site Claims and the land necessary and appurtenant thereto as hereinabove described, and that plaintiff and its ward should be forever restrained, enjoined and debarred from asserting any claim whatsoever in and to said land and premises adverse to the interest of defendants acquired through said Mining and Mill Site Claims.

III.

That the defendants are entitled to have and receive their costs herein.

DONE IN OPEN COURT THIS____DAY OF _____,1942.

_____
Judge of said Court.

To be replaced by copy of
Decree in No. 56-N.D. Civil
(when available)

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

FILED

FEB 20 1942

R. S. ZIMMERMAN, Clerk
By [signature] Deputy

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUISE B. GRANTHAM, NINA BRADLEY, DOROTHY A. KETCHIN, JOSEPH BARTER, et al.,

Defendants.

No. 56- N.D.
Civil

J U D G M E N T

Upon Findings of Fact and Conclusions of Law this day signed and filed -

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff United States of America, a corporation sovereign, is the owner and entitled to the possession of the following described land:

Survey No. 330 in Sections 7 and 8, Township 23 South, Range 47 East, M.D.M., California, containing 40.04 acres,

excepting therefrom such portions of said described land as lie and are situate within the following land and premises known as the Old Mill Stream Quartz Mining Claim described as follows, to-wit:

Commencing at the outlet of the Spring at Warm Springs upon and within said described land, thence easterly 500 feet to the monument of the mining claim hereinafter referred to; thence easterly 100 feet to the point of beginning; thence through 90° 300 hundred feet northerly; thence through 90° 1,500 feet westerly; thence through 90° 600 feet southerly; thence through 90° 1,500 feet easterly; thence through 90° 300 feet northerly to said point of beginning,

and further excepting from said first described land such portions

thereof as lie and are situate within the following described land and premises known as the Gold Hill Mill Site, described as follows, to-wit:

That tract or parcel of land not exceeding five acres, situate, lying and being in Southpark mining district in the County of Inyo, State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site commencing at Corner No. 1, thence 500 feet northerly to Corner No. 2, thence 500 feet easterly to Corner No. 3, thence 500 feet southerly to Corner No. 4, thence 500 feet westerly to place of beginning; the Mill Site being in Warm Springs Canyon, adjoining Warm Springs proper.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as to the aforesaid excepted portions of the first above described land, the defendants and each thereof are entitled to be, and are in possession thereof under and by virtue of that certain Notice of Location duly recorded and remaining, and now of record in the Recorder's Office of the County of Inyo, State of California, in Volume 45 of Mining Locations, at Pages 392 et seq. thereof; a copy of which Location is attached hereto, marked Exhibit "A" and made a part of this judgment by this reference; and under and by virtue of that certain Location Certificate of Mill Site duly recorded in the Recorder's Office of the County of Inyo, State of California, in Volume C of Land and Water Claims, Pages 280 et seq. thereof; a copy of which Location Certificate is hereto attached, marked Exhibit "B" and made a part of this judgment by this reference; together with all right, title and interest therein and appurtenant thereto as allowed by the laws of the State of California and of the United States of America, and that the defendants and each thereof are entitled to be protected in said ownership and said possession.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that

plaintiff and its said Indian ward, Robert Thompson be, and they are, hereby forever restrained, enjoined and debarred from asserting any claim or claims whatsoever in or to said Mining Claim or said Mill Site Claim adverse to the defendants herein, or any thereof, or to their heirs, successors or assigns.

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants have and recover from plaintiff their costs of suit, herein taxed at~~

C. E. Beaumont,
Judge of said Court.

Judgment entered FEB 20 1942
Docketed FEB 20 1942
J. D. Book 1 Page 311
R. J. Zimmerman, Clerk,
By Deputy.

02-20-1942: notice of location: quartz sec. 1426, 1426a, 1426b ; february 20, 1942

NOTICE OF LOCATION

Quartz

(Sec. 1426, 1426a, 1426b, C. C. Cal.)

TO WHOM IT MAY CONCERN: Please take notice that:

1. The name of this claim is the Old Mill Stream Quartz Mining Claim. Said claim is situated in the South Park Mining District, County of Inyo, State of California located this 7th day of May, 1934. This discovery is made and the original notice is posted this 7th day of May, 1934.

2. That the undersigned locators are citizens of the United States or have declared their intention to become such, and have discovered mineral bearing rock in place thereon and do locate and claim same for mining purposes.

3. That the number of linear feet in length along the course of the vein each way from the point of discovery whereon we have erected a monument, is easterly 100 feet; westerly 1400 feet; that the total length does not exceed 1500 feet. That the width on the northerly side is 300 feet; that the width on the southerly side is 300 feet; that the total width does not exceed 600 feet; that the end lines are parallel; that the general course of the vein or lode as near as may be, is in an easterly and westerly direction; that the boundaries of this claim may be readily traced, and are defined as follows, to-wit:

COMMENCING at this discovery monument - one hundred feet easterly and fourteen hundred feet westerly - and three hundred feet northerly - and three hundred feet southerly.

4. That the date of this location is the 7th day of May, 1934

5. That this claim can be located by its proximity to the following natural object or permanent monument, to-wit: Old discovery monument is one thousand feet easterly from outlet of spring at Warm Spring.

This notice is intended to be an additional notice of location and

Exhibit "A"

is posted on this claim and a true copy thereof is to be recorded with the County Recorder of this County.

That all the dips, variations, spurs, angles and all veins, ledges, or deposits within the lines of this claim, together with all water and timber and any other rights appurtenant, allowed by the law of this State or of the United States are hereby claimed.

LOCATORS

L. B. GRANTH

DOROTHY A. KETCHIN

NINA B. BRADLEY

Exhibit "A"

02-05-1933: location certificate of mill site; february 05, 1933

LOCATION CERTIFICATE OF MILL SITE

STATE OF CALIFORNIA)
)ss
COUNTY OF INYO)

TO ALL WHOM THESE PRESENTS MAY CONCERN: KNOW YE THAT Dorothy A. Ketchin and Nina B. Bradley of Shoshone, California, do hereby declare and publish as a legal notice to all the world that we have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land not exceeding five acres, situate, lying and being in Southpark Minin. District, in the County of Inyo, in the State of California, bounded and described as follows, to-wit: The Gold Hill Mill Site,

COMMENCING at Corner No. 1, Thence five-hundred (500) feet northerly to Corner No. 2, thence five-hundred (500) feet easterly to Corner No. 3, thence five-hundred (500) feet southerly to Corner No. 4, thence five-hundred (500) feet westerly to place of beginning.

The Mill site is in Warm Spring Canyon adjoining Warm Springs proper,

together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

WITNESS our hands and seals, this fifth day of February, in the year of our Lord nineteen hundred and 33.

LOCATORS:

DOROTHY A. KETCHIN

NINA B. BRADLEY

Exhibit "A"

1058A 7-51
American Title Association
U. S. Policy Form

SCHEDULE A

1. **The title, estate or interest insured by this policy.**

The fee simple estate.

2. **Description of the real estate with respect to which this policy is issued.**

That certain land shown as Indian Allotment Survey No. 330 in the Death Valley Monument and National Park in approximate Sections 7 and 8 (unsurveyed) Township 23 South, Range 47 East, M.D.M., in the County of Inyo, State of California, according to the official plat thereof filed in the District Land Office October 12, 1936.

In reply refer to:
L 54

March 15, 1957

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Use Permit - Tony Ramos

Attached is the Regional Office copy of Water Use Permit DEVA-1-1957 issued to Tony Ramos permitting use of .035 sec. ft. of water from the Blue Cliff Spring area.

Copies are also being distributed to WODC and the Director's Office. An additional copy for the State Water Rights Board is being furnished to the Director's Office for attachment to the water right application.

(Sgd) Fred W. Binnewies

Fred W. Binnewies
Superintendent

Copies to Director w/attachments (2)
Chief, WODC

Later -

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 18 1957 A.M.
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. AN[illegible].
ACTION TAKEN—DATE
File

3

Other Supporting Information

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:
L3023
(WR)O

April 30, 1979

Memorandum

To: Field Solicitor, San Francisco

From: ACTING Regional Director, Western Region

Subject: Requests for Solicitor's Opinion

Note: Only one of these requests (the one attached) concerns water rights in any way. The other request deals with mining rights at the mine site

Enclosed are two requests for opinion submitted by the Superintendent, Death Valley National Monument.

Though addressed in the request to the Department Solicitor (WASO), we forward for your subsequent action as deemed appropriate.

Your assistance in these matters is appreciated.

Stanley T. Albright

Enclosures

RECEIVED
Western Regional Office
APR 27'79
Regional Director
Dep. Regional Dir.
Operations Eval.
Administration
Operations
Res. Mgmt. Plan
EEO
Public Affairs
Admin Tekes

United States Department of the Interior

NATIONAL PARK SERVICE

IN REPLY REFER TO:

Death Valley National Monument
Death Valley, California 92328

L3023 April 24, 1979
BIG TALC MINE
GOLD HILL MILL SITE

Memorandum

To: Regional Director

From: Superintendent, Death Valley

Subject: Request for Solicitor's Opinion on Applicability of P.L. 94-429 and Regulations to THE (GOLD HILL MILL SITE) from which the United States was Barred in a 1942 District Court Judgement.

The opinion of the Department Solicitor (WASO) on the subject matter is requested as soon as feasible. The question regards National Park Service management as valid mineral rights are exercised and has been presented repeatedly by a mine operator.

Continental Minerals Corporation, which operates two mines within a distance of two miles of the subject mill site, has asserted that Public Law 94-429 and regulations 36 CFR Part 9 are not applicable to THE (GOLD HILL MILL SITE) and the adjoining OLD MILL STREAM QUARTZ Lode Mining Claim because of a 1942 judgement by the District Court in the case United States vs. Louise B. Grantham et al (No. 56-N.C. Civil).

Both the mill site and lode claim are unpatented. The validity of the lode claim is being contested. Validity of the mill site is not being questioned at this time. The mill site was located February 5, 1933 during a period when the lands, which are now included within Death Valley National Monument, were withdrawn under Executive Order 5408. An amended location on July 3, 1974 firmed the mill site claim. Grantham was predecessor in interest to Desert Minerals, Inc. which has optioned the claims to Continental.

The 1942 judgement debarred the plaintiff forever from asserting any claim whatsoever in and to said land and premises (of the mill site and lode claim) adverse to the interests of the defendants. A copy of the judgement and Executive Order 5408 are attached.

THE (GOLD HILL MILL SITE) was included in the Big Talc Mine Plan of Operations, approved June 7, 1978, because it provided camp support to the mining activities, namely residences for two watchmen and their families, a maintenance garage and a mine office.

A spring and diversion of water, mainly for mine dust control with some camp use, are located on the OLD MILL STREAM QUARTZ claim. A predecessor in interest on July 3, 1974 located another mill site (Gold Hill No. 2 Mill Site) all of which is within the lode claim and also adjacent to the subject mill site, that also incorporates the spring and water diversion. This mill site was also included in the Big Talc Plan of Operations.

Continental on November 15, 1978 submitted a supplementation of the Big Talc Mine Plan of Operations that proposed to expand use of THE (GOLD HILL MILL SITE) to housing of workers by reinstalling trailers. Trailers had been removed from the site by predecessors in interest in 1977. The Big Talc Mine itself was shut down in 1976 and was not reopened until June 1978.

Although the Park Service is giving serious consideration to approval of the proposal, the supplementation was returned to Continental on January 5, 1979 because of its total lack of information needed to effectively analyse the effects that the expanded use would have on the preservation, management and public use of the area. The information is essential to make a decision regarding approval or disapproval of the supplementation, 36 CFR 9.10. A letter to Continental of November 29, 1978 had listed the additional information necessary to complete an analysis and also confirmed the availability of a Park Service environmental specialist to assist them in obtaining it.

In conclusion, the questions on which an opinion is being sought from the Solicitor are:

1) does the District Court Judgement (No. 56-N.D. Civil) except THE (GOLD HILL MILL SITE) or THE OLD MILL STREAM Lode Mining Claim from the requirements of Public Law 94-429 or regulations 36 CFR Part 9,

2) is the National Park Service correct in requiring submission of the information required under 36 CFR 9.10 in order to conduct a proper analysis and review in approval or disapproval of a supplementation of the plan of operations,

3) could Continental under the District Court Judgement exclude Park Service personnel from THE (GOLD HILL MILL SITE) or THE OLD MILL STREAM QUARTZ Lode Claim in conduct of their duties in administering Public Law 94-429 and regulations,

4) is Continental correct in it contention that the United States has no right to limit its use of THE (GOLD HILL MILL SITE),

5) can the water rights be based either on THE OLD STREAM QUARTZ Lode Claim, now under contest, or on the Gold Hill No. 2 Mill Site, only located on July 3, 1974, and

6) can Continental expand its use of water at the mine over the maximum used in the past?

George Von der Lippe

George Von der Lippe

Attachments

Executive Order

3:30 PM

Withdrawal of Public Lands for Classification
California

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that the unreserved public lands within the following listed townships, as now surveyed or as they probably will be when surveyed, in the State of California, be, and the same are hereby, temporarily withdrawn for classification and pending determination as to the advisability of including such lands in a national monument, subject to the conditions of the aforesaid acts and to valid existing claims:

MOUNT DIABLO BASE AND MERIDIAN

T. 11 S., Rs. 40, 41, 42, 43, and 44 E;
T. 12 S., Rs. 40, 41, 42, 43, 44, and 45 E;
T. 13 S., Rs. 40, 41, 42, 43, 44, 45, and 46 E;
T. 14 S., Rs. 40, 41, 42, 43, 44, 45, and 46 E;
T. 15 S., Rs. 40, 41, 42, 43, 44, 45, and 46 E;
T. 16 S., Rs. 41, 42, 43, 44, 45, and 46 E;
T. 17 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 18 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 19 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 20 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 21 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 22 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 23 S., Rs. 42, 43, 44, 45, 46, and 47 E;
T. 24 S., Rs. 42, 43, 44, 45, 46, and 47 E;

SAN BERNARDINO BASE AND MERIDIAN

T. 20 N., Rs. 1, 2, and 3 E;
T. 21 N., Rs. 1, 2, and 3 E;
T. 22 N., Rs. 1, 2, and 3 E;
T. 23 N., Rs. 1, 2, and 3 E;
T. 24 N., Rs. 1, 2, and 3 E;
T. 25 N., Rs. 1, 2, and 3 E;
T. 26 N., Rs. 1, 2, and 3 E;
T. 27 N., Rs. 1, 2, and 3 E;
T. 28 N., Rs. 1, 2, and 3 E;
T. 29 N., Rs. 1, 2, and 3 E;
T. 30 N., Rs. 1 and 2 E;
T. 31 N., R. 1 E.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

HERBERT HOOVER

THE WHITE HOUSE,
July 25, 1930.

[No. 5408]

INS 12/29
Werrell
has seen draft
(later) ~~Witucki~~ 1/4
~~Adams~~ 12/30
Kilgore
(later) 1/3
~~Davis~~
Reg. Director
1/3

L54
DEVA/Water Right #23 December 28, 1977
(WR)RW

Memorandum

To: Regional Director, Western Region
Through: Associate Regional Director, Resource Mgmt and and Planning, Western Region
Through: Chief, Division of Water Resources, Western Region

From: Hydrologist, Division of Water Resources, Western Region

Subject: Field Trip to Warm Springs, Death Valley NM, California, December 14-15, 1977

Purpose of the trip: A hydrologic evaluation of Warm Springs was requested by the Superintendent. Warm Springs is situated in near proximity to the Big Talk Mine which has submitted a proposed Plan of Operations. The Plan includes utilization of the water of Warm Springs. The area has interest in the Springs due to the need for a wildlife water supply, especially for Bighorn Sheep.

Accomplishments and/or observations: I met briefly with Acting Superintendent Dick Rainer at the area headquarters. I also met with Mr. Bob Mitchum, Mining Engineer, and Mr. Allen Stumpf, Environmental Specialist. We discussed the physical and legal aspects of Warm Springs and Mr. Mitchum presented a recently acquired map of the claims showing the spring location. This map was prepared by the mining company. A copy of the company map was made for Water Right Docket #23. The Denver Service Center has contracted a private consultant firm to prepare for NPS a topographic map of the site. This contract is expected to be completed in a month. It was explained that the primary use of Warm Springs water in the Talk Mine was for keeping the dust down during the mining operations. Water is supplied to the mine by gravity flow through a pipeline which extends some two miles to the east of the spring. Mr. Mitchum made a copy of the Regional narrative of this water source - legal brief of the history of this water source.

Mr. Allen Stumpf and I proceeded to Warm Springs. The source of the spring has been developed by a French drain system. Water flows from a pipe about 25 feet downstream. The temperature of the water was 94° F. A sample of the water was collected and brought to the

Regional Office where the specific conductance was determined to be 620 micromohs @ 67° F; which indicates about 400 parts per million dissolved solids. An estimate of the flow was made, it was approximately 15 gallons per minute. From this point water flows both on the surface and/or in a plastic pipe. The mines are presently not in operation and the only water usage is domestic for one couple who reside in the camp and serve as caretakers. Proceeding downstream, through very dense brush, three other spring openings in the channel were observed. It appears that the stream is loosing water to the thin recent alluvium in some reaches - and gaining water at the spring openings. However, the volume of water generally continues to increase. Approximately 200' downstream a 55 gallon drum is situated. The drum collects surface flow by diversion through a short length of pipe and is also connected to the plastic line from the spring outlet. Another pipe leaves the drum and extends eastward (we presume this to be the pipe to the mine). A third pipe leaves the drum, extending downstream. Approximately another 150' downstream a similar diversion and drum is situated. The drum is also connected to the plastic pipe from the first drum. A pipe leaves the drum and extends downstream to the camp. (See enclosed map.) Flow at this point was estimated at 50 gallons per minute. The temperature of the water at this point was 86 F. A water sample was brought to the Regional Office where the specific conductance was determined to be 640 micromohs @ 67° F; which indicates about 420 parts per million dissolved solids.

Water is presently overflowing both drums. Water overflowing the lower drum infiltrates the alluvium within approximately 50 - 100 feet, surface water does not reach the mining camp. From the appearance of the above described system of drum and lines, it appears that it is possible for the system to withdraw the total flow.

Mr. Stumpf made observations of wildlife usage of the water. Tracks at the lower drum indicate heavy burro usage and this was confirmed by the mining camp watchman. The watchman, who has been at the camp over the last 11 years, has only seen a one bighorn sheep - that sighting being some years ago.

Recommendations: We recommend that the U.S. Geological Survey be contracted to collect and analyze a water sample for chemical parameters; additionally, an accurate discharge measurement can be made at that time.

It is recommended that the new topographic map, when available, be reviewed for accuracy of the spring location in regard to the claim boundaries.

Conclusions: The total flow of Warm Springs is about 50 gallons per minute. As the name implies the water is warm, about 90° F. The water quality is considered good.

Present piping of the water apparently allows for total utilization of the water supply.

"Normal" water available in the Warm Springs area was not determined because the mines are not presently in operation and the mining camp has only one couple in residence.

WILLIAM WERRELL

W. Werrell

Cleared for Distribution:

(Sgd) Howard H. Chapman

3 JAN 1978

Howard H. Chapman
Regional Director, Western Region

Date

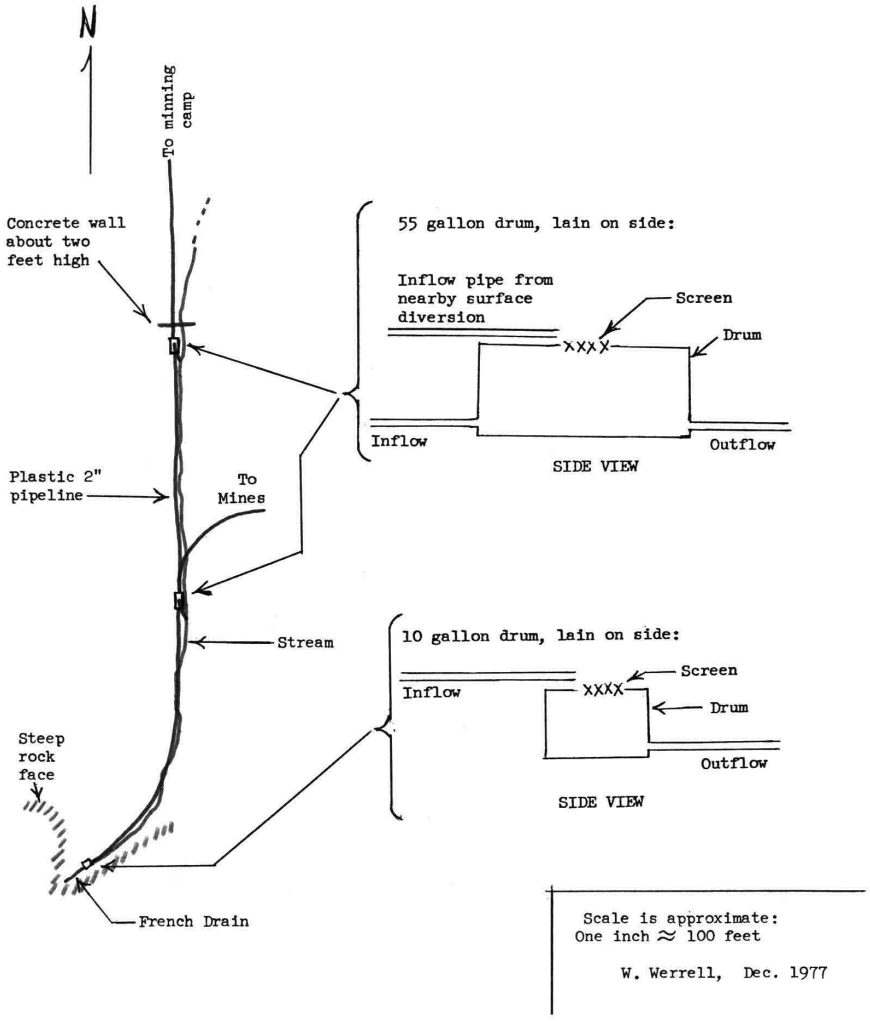
Enclosure

cc:
Superintendent, Death Valley NM
WASO(550) Attn: Mr. Berte'
Field Solicitor, San Francisco Office

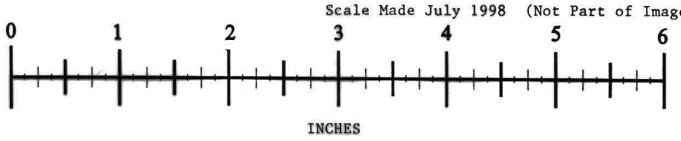
(WR)RW:Werrell:Witucki:mpm 12/28/77

WARM SPRINGS

DEATH VALLEY NATIONAL MONUMENT



Scale Made July 1998 (Not Part of Image)



DEVA - Water Right #23

Photos

Field trip of
Dec 14-15, 1977.



Spring opening is located at center of photo (bottom of dark area). Water issues from bedrock fracture, at apex of alluvial fan.

Witek
Zentner 12/13/77
Albright 12/13/77
Davis Cuter
Reg. Dir. 12/14

L3023
(BIG TALC Mine) December 13, 1977

Memorandum

To: Solicitor, San Francisco Field Office
From: ACTING Regional Director, Western Region

Subject: Warm Springs water right, Death Valley

Desert Minerals, Inc., proposes to use four gallons per minute of the flow from Warm Springs for their proposed talc mining operation.

In this memorandum of December 6, 1977, the Superintendent asks if this is a legal use of the water.

We would appreciate your giving us an opinion as to whether or not the company has a right to use water from the spring.

(Sgd) Bruce M. Kilgore

Enclosure

LSZentner:veb 12/13/77

Witucki

Kilgore

Reg.Director

L54
WR #23 (DEVA)
xL3023
(WR)RW

December 7, 1977

Memorandum

To: Superintendent, Death Valley

From: ACTING Regional Director, Western Region

Subject: Hydrological Report on Warm Spring

This responds to your memorandum of November 29, 1977, of the above subject, and confirms your telephone conversation of December 6, with G.S. Witucki of this Office. Hydrologist W. Werrell will be at Lake Mead during the first part of next week (December 12). Upon completion of his work at LAME, he will then proceed to your area, in response to your request for assistance regarding Warm Spring.

(Sgd) Stanley T. Albright

(WR)RW:WLWerrell:mpm 12/7/77

6

United States Department of the Interior

NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California 92328

IN REPLY REFER TO:

L3023
BIG TALC
Proposed Plan of Operations

November 29, 1977

RECEIVED
Western Regional Office
DEC 2 '77
Regional Director
Dep. Regional Dir.
Exec. Assistant
Administration
Operations
Res. Mgmt. Plan
Prog. & Budget
EEO
Public Affairs
Mgmt. Appraisal
Action Taken

Memorandum

To: Regional Director, Western Region

From: Superintendent, Death Valley

Subject: Hydrological Report on Warm Spring

Desert Minerals, Inc., successor to Johns-Manville Corporation, has submitted a proposed Plan of Operations for its BIG TALC Mine in Warm Spring Canyon, which includes use of the Warm Spring Mine camp. The major environmental effect of mining operations in Warm Spring Canyon, has been and threatens to be the effective prevention of use of the spring at the Warm Spring Camp by the more timid and retiring forms of wildlife.

In order to accurately assess that impact and identify alternatives to consider, to estimate and mitigate the impacts, a hydrological report on Warm Spring is needed.

Would it be possible for you to arrange to have a hydrological report prepared by Mr. Witucki or other members of your staff? We, of course, will be facing the usual 60-day time limitation of comments on this Plan of Operations so time is of the essence.

Donald M. Spalding

United States Department of the Interior

NATIONAL PARK SERVICE

Death Valley National Monument
Death Valley, California 92328

IN REPLY REFER TO:

L3023
BIG TALC Mine
Proposed Plan of Operations

December 6, 1977

Memorandum

To: Regional Director, Western Region

From: Superintendent, Death Valley

Subject: Request for Solicitor's Opinion on Availability of Water Surplus to a Right, Warm Spring

Desert Minerals, Inc., successor to the interest of Johns-Manville Corporation, proposes in a Plan of Operations for its BIG TALC Mine to again use water from Warm Spring, two miles up the canyon from the mine. It is stated in the plan that four gallons per minute of a water flow of 50 gallons per minute is diverted by pipeline for use in the mine.

The balance of the Warm Spring flow is entraped and diverted for domestic use, including a swimming pool, at a mine camp maintained by the operator on one of its millsite claims on the natural drainage of and near the spring, with any overflow being lost into gravel. The major environmental impact has been and threatens to be the effective prevention of use of the spring by the more timid and retiring forms of wildlife.

Is the surplus water being illegally exploited and how can it be reserved for use by the Monument for wildlife or for visitors?

A brief of the chronology of legal claims and rights that relate to Warm Spring is as follows:

5/ 7/27 - Public Water Reserve #107

12/16/29 - Assumed date of water right established by use-first use by Desert Minerals predecessors in interest. Proof assumed from Findings of Fact, U.S. vs. Grantham, et. al., Civ. No. 56-ND in District Court, Southern Dist., California, Northern Division, 2/20/42.

2/ 5/33 - Location of THE GOLD HILL MILL SITE Claim. Probably located for milling ore from Gold Hill, two miles northwest. Present mine camp site near spring.

5/ 7/34 - Location of OLD MILL STREAM QUARTZ MINING CLAIM, incorporating spring and contiguous to the millsite.

12/23/36 - Indian Allotment, I.A.S. No. 330, incorporating spring, 40.04 acres.

2/20/42 - U.S. vs. Grantham, et. al. cited above, finding that claimants are entitled to possession of land involved in the millsite and lode claims, together with rights as allowed by laws and forever restraining the Government or its ward from asserting a claim to the land within the millsite and lode claim.

12/30/58 - Acquisition of Indian Allotment, I.A.S. No. 330, by U.S.

7/ 3/74 - Location of GOLD HILL No. 2 Mill Site Claim incorporating spring. Note: within boundaries of the lode claim and on acquired allotment.

Attached is a map, showing the location of the millsites, the lode claim, I.A.S. No. 330, the spring and appurtenances that make up the camp; copies of the Notices of Location of the claims and a copy of the Judgement, U.S. vs. Grantham, et. al.

Donald M. Spalding

Attachments

cc
Solicitor's Opinion (8)
Water Files (2)
Grantham Mine
Steve Zentner
Gerald Witucki

Mecham

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

L3023
GRANTHAM Mines
WARM SPRING
Plans of Operations

TO : Files

DATE: 9/29/77

FROM : Environmental Specialist

SUBJECT: Warm Springs Camp

Yesterday I visited the Warm Spring Canyon mining area. The Warm Springs Camp itself has, in my opinion, the greatest potential and probably the greatest actual impact upon wildlife of any phase of mining activity I have yet observed. The appropriation of the entire water supply and the resultant deprivation of water to the more retiring forms of wildlife cannot be compatible with the goals of the National Park Service.

I recommend that any plan of operations for the operation(s) in question, should require as a first step, the provision for restoration of water supply to wildlife with the following provisions:

1. The supply point should be downstream and out of sight of the Warm Springs Camp.

2. It should be located out of the wash bottom on the shaded slope of the south bank.

3. It should be in a natural rockpocket or be so constructed to appear as much as possible as a natural rock basin.

4. It should be burro-proof.

5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

RTM

Death Valley National Monument
Death Valley, California 92328

L1425 February 7, 1973

Memorandum

To: Director, Western Region

From: Superintendent, Death Valley

Subject: Legal Opinion on Rights, Thompson Indian Allotment at Warm Spring

An opinion is requested as to the vestment of land and water rights on the Thompson Indian Allotment, Survey No. 330, Tract 45-107, Deed 30. The Tract consists of 40.04 acres located in T22S, R47E, Section 31 and T23S, R47E, Sections 5 and 6, M.D.M., unsurveyed. The current protracted survey grid in the vicinity has been drawn on the attached xerox portion of USGS Wingate Wash Quadrangle.

Our files on the Thompson tract are enclosed.

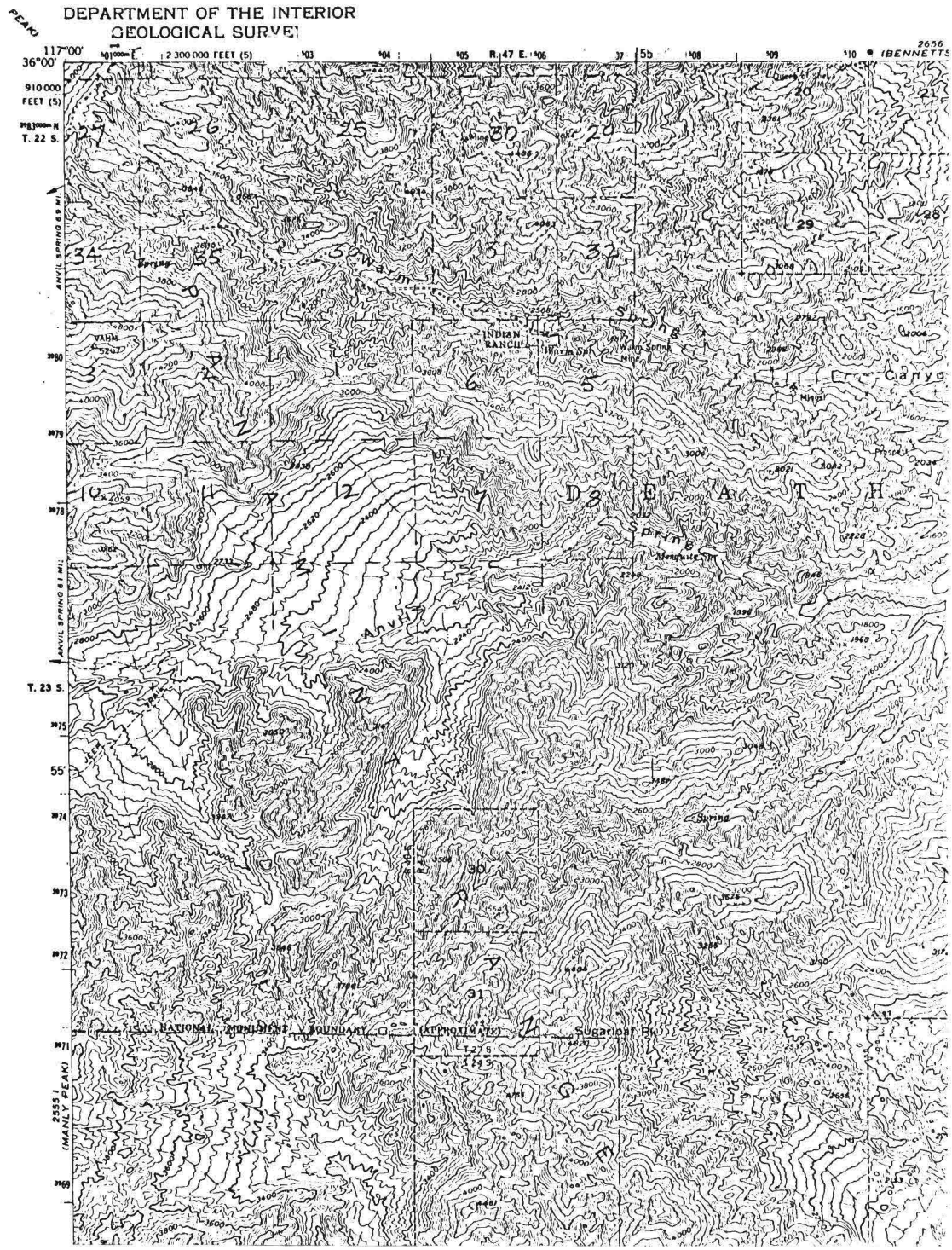
L. Grantham Corporation, a division of Johns-Mansville Corporation, now occupies the mill site claim located on the tract as headquarters for their talc mining operation in the area.

James B. Thompson

Enclosure

cc:
Reading File
File Copy

RTMitcham/ncg


DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
117°00'
36°00'
2 300 000 FEET (5)
R. 47 E.
910 000 FEET (5)
T. 22 S.
T. 23 S.
INDIAN RANCH
Spring
Mine
Canyon
NATIONAL MONUMENT BOUNDARY
(APPROXIMATE)
Sugarloaf Pk.
(MANLY PEAK)

WR copy

File IN Docket 23
IN PART I, LAND STATUS.

JUL 3 1962

Mrs. Hazel Henderson
Death Valley Ranger Station
Death Valley, California

Dear Mrs. Henderson:

The Secretary has referred your letter of April 10 concerning certain unpatented mining claims in Death Valley National Monument to this office for reply.

Congress has provided for mining within the Death Valley National Monument subject to rules and regulations. See 16 U.S.C. 447, and 36 CFR 7.46. It has provided that a patent to lands within the Monument will convey only the mineral estate. Surface ownership remains in the government and may be maintained only under pertinent regulations and supervised by the National Park Service. Determinations concerning the validity of mining claims within the Monument, as upon all public lands, are made by this Bureau. Only after a finding of validity and entitlement to patent will mining claims under application be passed to patent.

In the event the Bureau directs inquiry into the validity of a mining claim, a contest proceeding will be held; the mining claimant will be afforded the opportunity of a public hearing to demonstrate the validity of his claim. Interested parties may be permitted to intervene in the proceeding. Where citizens have cause to believe the mining claim is invalid they are afforded the right to protest the patent application and, in proper circumstances, will be afforded an opportunity to present evidence at a public hearing in support of an allegation of non-validity.

Such hearings can have as their only purpose the taking of evidence with respect to the validity of a mining claim. Representations that it would not be in the best public policy to allow mining within the area would have no place at the hearing. A change of law would be required to prohibit mining within the area. At a hearing on a bill to affect such changes, representations of the kind suggested in your letter would be very much in order.

You are assured that the Bureau carefully reviews all patent applications and will not pass any mining claim, wherever located, to patent except upon clear demonstration by the mining claimant of compliance with all mandates of the mining laws.

Sincerely yours,

A. W. Stockman

Director

cc: Director, National Park Service

COPY

D[illegible]aY '49ers
[illegible]rporated
A non-profit Corporation

Death Valley
California

April 10, 1962

To the Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C.

Dear Sir:

As you know, when Death Valley National Monument was created by proclamation of President Herbert Hoover, the area was not withdrawn from entry for prospecting and mining. In recent years, however, prospecting methods have changed, and today a single miner with a bulldozer can do more to mar the scenic beauty of a region than any number of pick-and-shovel prospectors.

The Death Valley Fortyniners are a group of citizens dedicated to the preservation of the natural beauty of Death Valley National Monument, as well as its historic and scientific aspects. The group as a whole is not opposed to mining as carried out under the regulations of the National Park Service. In fact, mining men first developed the area and added very much to its historic interest. However, it is the feeling of the group that patenting of additional land in the monument is not in the public interest.

The recent posting of notices by the Kern County Land Company signifying their intention of applying for patents to a large group of claims within the Monument has caused genuine concern among members of the Fortyniners. As a result, at the March meeting of the Board of Directors, the following motion was unanimously carried:

"The Death Valley Fortyniners respectfully request the Secretary of the Interior, to hold public hearings on any and all requests for patenting of any land in Death Valley National Monument".

The present letter is a request for such public hearings on any requests for patents on land within Death Valley National Monument.

Respectfully yours,

/s/ Hazel Henderson

Hazel Henderson, Secretary,
Death Valley Fortyniners.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
180 New Montgomery
San Francisco 5, California

IN REPLY REFER TO:
L54

March 7, 1962

D. E. Lee
551
3/12

Memorandum

To: Director

From: Acting Assistant Regional Director, Region Four

Subject: Interests of United States and Mrs. Louise Grantham in Warm Springs Area, Death Valley National Monument

Regional Chief of Lands, Donald E. Lee's memorandum of January 3 requested information relating to the Warm Springs Area. We are attaching Superintendent Liles' comments which we believe will answer Mr. Lee's requests.

Please advise if photographs are required.

James W. Lloyd
Acting Assistant Regional Director

Attachment

Copy to: Superintendent, Death Valley

DEVA

Death Valley National Monument
Death Valley, California

February 27, 1962

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Interests of United States and Miss Louise Grantham In Warm Springs Area, Death Valley

This is in reply to Mr. Wosky's memorandum of February 1, asking for information requested in Chief of Lands Donald E. Lee's memorandum of January 3.

1. The most accurate estimate of surface flow of the spring at this area is 40 gallons per minute. The facilities at the mining claims use approximately 15 gallons per minute. Since all but a fraction of the available water is collected in the water supply systems of the mining camp, this flow and use is difficult to measure, and the water consumed by local vegetation (consisting of shade trees, gardens and other introduced species) is included in the 15 gallons per minute estimated as used by the mining camp.

2. The public facilities presently planned for this area are as outlined by Mr. Dunn, that is, possibly a pit toilet and a pipe outlet to serve occasional campers and prospectors. This use would conceivably total about 1/2 gallon per minute.

We shall certainly be interested in receiving a copy of a clarification of the relative interests of the United States and Miss Grantham where her millsite and mining claims conflict with Federal lands. In obtaining recent information on the spring, we experienced difficulty when Miss Grantham's Mining Superintendent informed one of our rangers that he was in trespass and ordered him off the property.

In reviewing the facts we found basis for confusion in the court findings in Case Number 56-N.D., Civil, District Court of the United States, Southern District of California, Northern Division. This action was instituted by the United States against Louise B. Grantham, et al, to quit title to the land involved, with respect to an Indian Reservation.

The language of the court is such as would lead the defendants to believe their title to the land is more than usually accrues to the holder of a mining claim. In the findings of Fact III, there is a statement that the defendants "have been in possession of said land since on or about December 16, 1929," yet the notices of location for the Old Mill Stream Quartz Mining Claim and the Gold Hill Mill Site Claim, are dated May 7, 1934 and February 5, 1933, respectively.

It would appear to us that the Gold Hill Mill Site Claim would not be subject to our surface regulations, since it was located six days prior to the date of the proclamation establishing Death Valley National Monument; however, the land within the Old Mill Stream Quartz Mining Claim would appear to be subject to our regulations, since it was located more than one year later. This distinction is not made, however, in Regional Solicitor Horne's memorandum of February 27, 1961, concerning Water Right Docket 23, Death Valley National Monument.

We can understand why the mine owner and her Superintendent consider their rights to be more than we recognize, after considering the conflicting statements and opinions in our files. It appears that this area is one which will require court action to clarify our position, unless sale of the property and the Solicitor's opinion take care of the matter.

Copies of the correspondence mentioned above may be found in Water Rights Docket Number 23, Death Valley National Monument.

/s/ Granville B. Liles

Granville B. Liles
Superintendent

In duplicate

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Superintendent through Chief Ranger and District Ranger Furnace Creek

DATE: Feb. 17, 1962

FROM : Park Ranger Hill

SUBJECT: Patrol to Warm Springs talc mining camp, Feb. 16, 1962

I was assigned by the Chief Ranger with (acting) to visit the Warm Springs camp, take pictures of the development, draw a rough sketch of the camp, estimate the water (gpm) that was going into the vegetation. I was accompanied on the patrol by Park Ranger Scholing (off duty) and Ranger-Naturalist Sanchez (also off duty).

We arrived at the camp at about 9:30 a. m. and stopped across the canyon from the camp. From a vantage point above the road two pictures of the camp were taken. These when put together will form a composite picture of the entire camp. Park Ranger Scholing drew the attached sketch of the development. The pictures were taken from the point on the sketch marked by a red "x".

Picture #1 1/100 sec. @ F.22 West half of the camp
#2 1/100 sec. @ F.22 East half of the camp

We then drove to the center of the camp, parked the vehicle, and started to walk towards the spring when we were stopped by an employee. We were told to see the Superintendent of the camp. I greeted Mr. Ryan at the door to the office and told him that we wanted to visit the spring area. He told us that any such activity had to be cleared through his company's Laguna Beach, California office. Without this clearance, we were told, we would be considered as trespassing on the land. I said that I was under the impression that the National Park Service had purchased Warm Springs from the Bureau of Indian Affairs several years ago. Mr. Ryan said that he believed his company had clear title to the land and that we would need the afore-mentioned clearance. I then asked for the Company's address. It is: Grantham Mines, 1915 South Coast Highway, Laguna Beach, California. I thanked him and left the property.

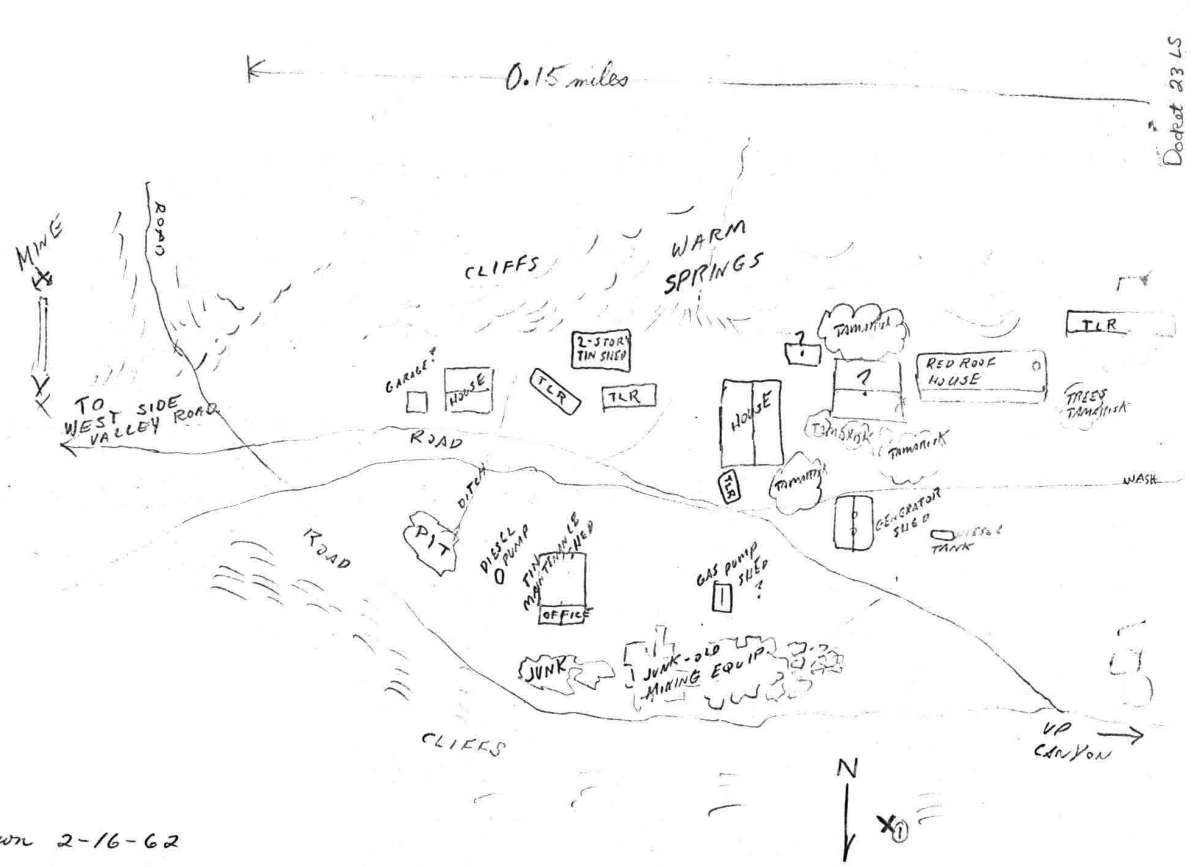
From the attached sketch and visual observation, I can roughly estimate the water being used by vegetation of the camp. There were 7-9 large Tamarix trees. "The Phreatophyte Problem" by T. W. Robinson, Feb. 14,15, 1957 states that a 3 year old Salt cedar plant uses 13.5 gallons a day. The trees at Warm Springs are about seven times the size of a 3 year old plant. Roughly---the Tamarix alone at the camp would therefore uptake 486 gallons of water per day or 1/3 of a gallon per minute. This use coupled with the use of other vegetation, would not make an estimate of several gallons per minut seem unreasonable.

Warren H. Hill

Warren H. Hill
Park Ranger, Furnace Creek District

Docket 23 LS

02-16-1962: memorandum to superintendent regarding patrol to warm springs talc mining camp february 16, 1962 drawing of area



Drawn 2-16-62
by MARSHALL SCHOLING

January 23, 1962

L54-ALW

Memorandum

To: Regional Director, Region Four

From: Chief of Lands

Subject: Interests of U.S. and Miss Louise Grantham in Warm Springs Area, Death Valley

A Mr. John S. White, an attorney here in Washington, has called at our office to obtain clarification of the relative interests of the U.S. and Miss Grantham where her millsite and mining claim conflict with the federally acquired Bob Thompson tract. He represents a group considering acquisition of the mining claim and others to the north.

Some of the answers will require the Solicitor's interpretation, but we need the following information from you, as soon as practical:

1. Please obtain an accurate measurement of the surface flow of the spring, and an estimate of additional flow probably consumed by local vegetation and evaporation. The data should be obtained by an engineer. We should have reliable record of available supply, but not with accuracy to require U.S.G.S. assistance. Photographs of the spring area might prove helpful.

2. Also, please supply description of the type of public facilities, if any, planned for the unencumbered portion of the Bob Thompson tract, and an estimate of the resulting water demand. Mr. Dunn believes that there have only been proposals to provide a pit toilet and pipe outlet, with or without small tank, to serve occasional overnight camping parties, and to permit prospectors to fill their water barrels.

Donald E. Lee
Chief of Lands

In duplicate

Docket 23 LS

~~Spaulding~~ LS
Whitworth
Manbey
Gale (later)
Wosky
~~Maier~~
(quiet)

April 6, 1961

L 54

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Federal Interest in Thompson Tract, Warm Springs, Water Right Docket 23, Death Valley National Monument

Attached are a copy of Regional Solicitor Horne's memorandum of February 27 and a copy of Attorney Singer's memorandum of February 3 relating to the status of the former Indian allotment of Bob Thompson and of the mining claims of Louise Grantham.

This matter was referred to the Regional Solicitor for advice in replying to your memorandum of December 21 and to Mr. Dunn's memoranda of November 9 and January 5.

We are advised that the Grantham claims have the same status as any other valid mining claim in the Monument and that so long as the development relates to mining activities we cannot tell the owner that improvements must discontinue. Surface use and water use are, as on any mining claim in the Monument, subject to regulations in 36 C.F.R. 7.26. Mr. Horne points out that there is nothing to prevent the owners from patenting the claim by following the procedure prescribed by the Bureau of Land Management.

(SGD) HERBERT MAIER

Assistant Regional Director

Attachments

Copy to: Director (w/attachments)
Regional Solicitor

LSSpaulding:lq

21

~~Spaulding~~ L35
Whitworth
~~Manbey~~ BFM

February 15, 1961

L 54

Memorandum

To: Regional Solicitor, Sacramento

From: Regional Chief of Operations, Region Four

Subject: Federal Interest in Thompson Tract, Warm Springs, Water Right Docket 23, Death Valley National Monument

FILE COPY

We have been requested by our Washington Office to seek your advice concerning Federal interests in the Thompson Tract and in the water of Warm Springs in Death Valley National Monument. In particular we wish information to prepare an answer to the question posed in the last paragraph of Mr. Dunn's memorandum of November 9. Mr. Dunn's question is, "How much water and campground development should be attempted to assert and preserve the Federal interests?"

Mr. Dunn's memorandum of January 5 also raises questions on which we ask your advice.

Water Right Docket No. 23 containing material on the Thompson Tract, the Grantham claims and on Warm Springs is attached. The docket contains the two memorandums referred to above.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Attachment

Copy to: Director
Supt., Death Valley

LSSpaulding:lq

5

~~Spaulding~~ LSS
~~Manbey~~ B/F
Whitworth
~~(quiet)~~

December 8, 1960

L 54

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Federal Interest in Thompson Tract, Warm Springs, Deed 30 and Docket 23, Death Valley National Monument

Mr. Dunn has asked by memorandum of November 9, a copy of which was addressed to you, that Water Right Docket 23 be referred to the Regional Solicitor to determine what should be done to preserve Federal interests. We are requesting a copy of the decree in Case No. 56-ND-Civil which we will duplicate and distribute when it is received. We will then, if advisable, submit material to the Solicitor for an opinion.

It is our impression that because of the mining and millsite claims of Louise Grantham, occupying the spring and land suitable for development, Park Service development in the area will be practical only after the mining camp is abandoned and use of land not subject to flooding is available. We note, too, that the need for a campground in the area seems to be of lowest priority.

We are ordering prints of USGS aerial photography from which it may be possible to map the area with a minimum of work at the site.

We would appreciate your comments.

(SGD) G. F. WHITWORTH

Acting Regional Chief of Operations

Copy to: Director
Chief, WODC (2)

LSSpaulding:lq

FILE COPY

14

IN REPLY REFER TO:
~~L54-OBL~~

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

RECEIVED
NPS REGION FOUR OFFICE
NOV 14 '60

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

November 9, 1960

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Federal Interest in Andy (formerly Bob) Thompson Tract, Deed 30 and Docket 23, Death Valley

The memorandum of October 13 and L-1 Form from Mr. Liles suggest that there is considerably more water than is used by Miss Grantham on the subject tract.

acc memo to Dean 12/8/60

We have gone to considerable trouble to obtain a deed to the tract which is supposed to give the United States basic, but encumbered land title and riparian rights which will be accepted by the State on the basis that the deed conveyed Bob Thompson's trust patent. There are conflicts based on riparian right accruing to the encumbering unpatented mining claims and the decree in Civil No. 56-ND.

The docket contains a copy of the Findings of Fact and Conclusions of Law, but not of the decree. Copies of the decree should be obtained for the docket.

The tract was obtained both to prevent Miss Grantham from gaining the patent title, and to provide land and water for a small campground which was contemplated by former Superintendent Goodwin. After getting a copy of the decree, I believe the docket should be referred to the Regional Solicitor for suggestions as to how much water and campground development should be attempted to assert and preserve the Federal interests. The Regional Solicitor may wish a map showing the mining and milling improvements and area which has been or may be used by the public for camping purposes and this map should be duplicated for the docket if prepared.

A. van V. Dunn
Chief, Water Resources Section

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

12

10-13-1960: memorandum to regional director regarding completion of land form mps-l-1 covering 40.04 acres of land formerly in

File D-VA Docket 23

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

RECEIVED
NPS REGION FOUR OFFICE
OCT 17 '60

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

IN REPLY REFER TO:
L1425

October 13, 1960

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Spaulding 10/25

Subject: Completion of land form NPS-L-1 covering 40.04 acres of land formerly in ownership of Andy Thompson, et al., Death Valley

Attached in triplicate is completed form NPS-L-1 for lands in Warm Springs Canyon of Death Valley National Monument. Improvements on the land are extensive, as the land includes the mining claim and millsite of Louise Grantham.

As nearly as could be determined, the total flow from the springs amounts to about 40 gpm and about 15 gpm maximum is diverted to pipelines for mining operations. Water is collected at the uppermost spring in a steel barrel and transported in a 3/4" plastic pipe to mine adits and is collected in another steel barrel about 100 feet below this spring and runs in a 2" steel pipe to the housing area. At present, 13 employees and 5 wives are in residence. Baths, sinks and water closets are installed in a residence, two trailers, a bunkhouse, a guest house and another 40' guest trailer.

According to information from one of the foreman, talc orders are down at this time, but extra work is being done to enter the largest mine at a different level.

We trust this information will be helpful and shall be glad to furnish additional data if it is required.

Granville B. Liles
Superintendent

In triplicate w/c of attachments

11

WR Copy
L 54
D.V.

Goodwin J. Knight
GOVERNOR OF CALIFORNIA

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

Richy

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
PUBLIC WORKS BUILDING
P. O. Box 1079
SACRAMENTO 5

June 28,1954

Applications 1855, 5011, 10209

A. van V. Dunn, Chief
Water Resources Section
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

Receipt is acknowledged of your letter of June 2, 1954, regarding water rights on Warm Springs located in or near Sections 7 and 8, T 23 S, R 47 E, MDB&M.

A tabulation of all the filings before this office to appropriate from Warm Springs, located as set forth above, is enclosed. You will note that all three filings shown in the tabulation are canceled. The material submitted in support of these applications is filed in the State Archives thus the tabulation shows the applications as they were first filed and should not be regarded as being entirely accurate.

It is estimated that the cost of copies of the applications and maps would be under $15.00.

If we can be of further service to you do not hesitate to call upon us.

Very truly yours,

A. D. EDMONDSTON, STATE ENGINEER

By WR Gianelli
W. R. Gianelli
Senior Hydraulic Engineer

Deed 23- Part II - A- 4- b

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

Form 140

NOTE: Appropriative rights initiated prior to December 19, 1914, and riparian rights are not included in this list and information concerning them is lacking. See Rules, Regulations and Information Pertaining to the Appropriation of Water, pp. 32-38.

MEMORANDUM CONCERNING APPLICATIONS TO APPROPRIATE

from Warm Springs in Inyo County

PREPARED BY ANW

DATE 6-22-54

APPLIC. NO.	DATE FILED	NAME OF APPLICANT	SOURCE	LOCATION OF POINT OF DIVERSION						AMOUNT		PURPOSE	*STATUS
				¼	¼	SEC.	TWP.	RANGE	MDN.	SEC. FT.	AC. FT.		
1855	6-1-20	American Magnesium Co.	Warm Springs				24S 25S	45E	M	0.1	--	Mining	Canc.*
5011	5-6-26	A. I. D'Arey	Warm Springs	SW	NW	8	23S	47E	M	0.17	--	Mining	Canc.*
10209	5-22-41	H. P. Gower and Owen Montgomery	Warm Springs	SW	NW	31	22N	1E	S	0.75	--	Mining	Canc.*

* Canc. = Canceled

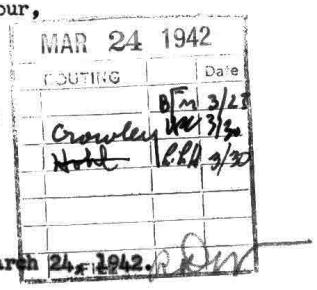
*INCL. indicates application not yet complete. PENDING indicates application complete but not yet approved. PERMIT indicates application approved. LICENSE indicates right confirmed.

APPLIC. NO.	DATE FILED	NAME OF APPLICANT	SOURCE	LOCATION OF POINT OF DIVERSION						AMOUNT		PURPOSE	*STATUS
				¼	¼	SEC.	TWP.	RANGE	MDN.	SEC. FT.	AC. FT.		

Decl 23-Part III-A-4-a

80270 5-53 2M SPO

Regi Four,



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

March 24, 1942.

MEMORANDUM for Attorney Albert L. Johnson:

Reference is made to your memorandum to Mr. Goodwin of February 20, 1942, regarding the Gower and Montgomery water right application No. 10,209 for Warm Springs at Death Valley.

A day or two ago we received a copy of this application which is attached and shows that it would probably conflict with the interests of the Indian Service. The information also indicates that the claim can have no relation to those for water from Hanaupah Canyon, being 16 miles south of that canyon.

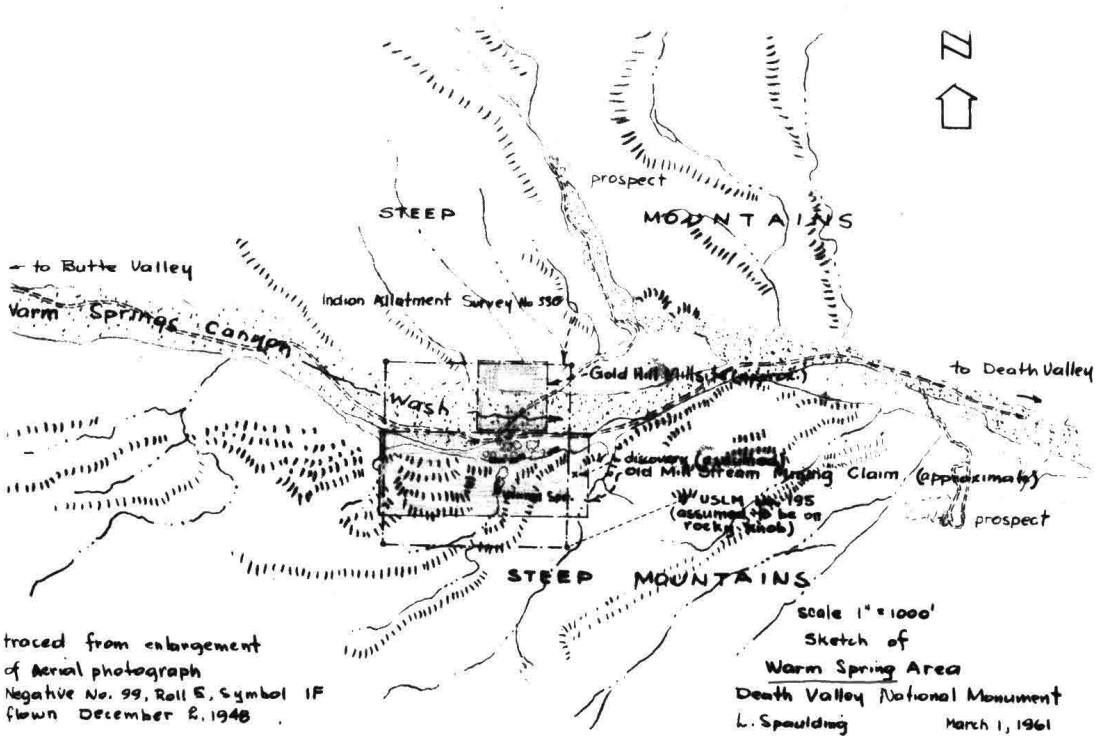
Today we received a notice from the State Engineer to the effect that on March 10, 1942, this application was cancelled at the request of the applicant. The water right problem, therefore, seems to have disappeared.

Copies of this memorandum are being sent to the Director, Regional Director, and Mr. Goodwin, partially to close the water right matter, but more particularly to indicate the location of the Pink Elephant No. 5 mining claim, the indication that the flow of the spring is at least 0.75 sec. ft., and that flourspar exists in the area.

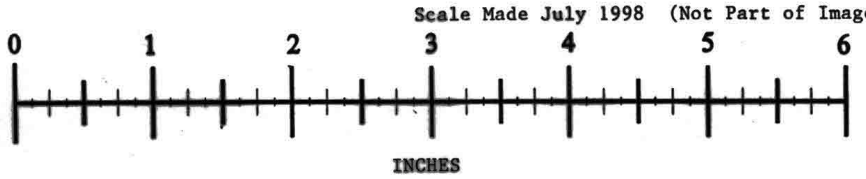
(SGD.) A. VAN V. DUNN
Hydraulic Engineer.

Attachment.

cc: Director, with copy of Application No. 10209.
Region Four, with copy of Application No. 10209.
Supt. Goodwin, with copy of Application No. 10209.

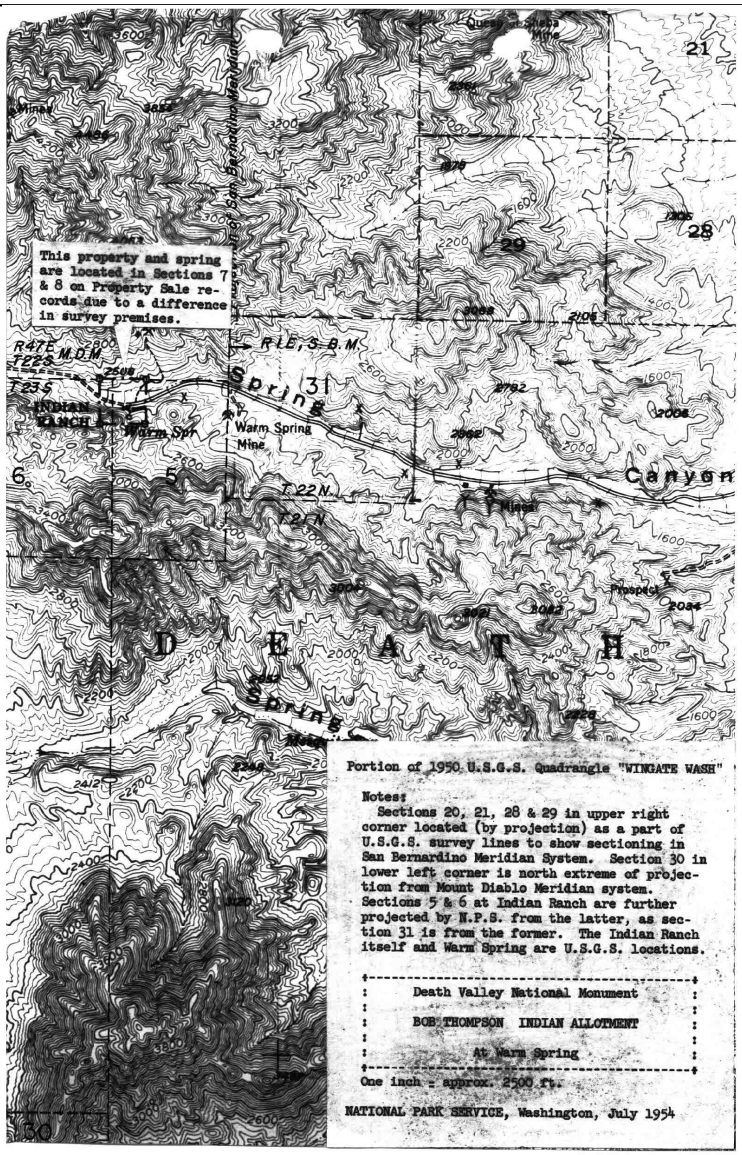


Scale Made July 1998 (Not Part of Image)

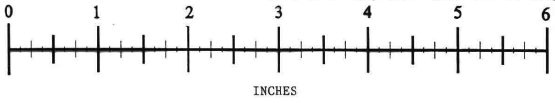


Warm Springs
3-1-61

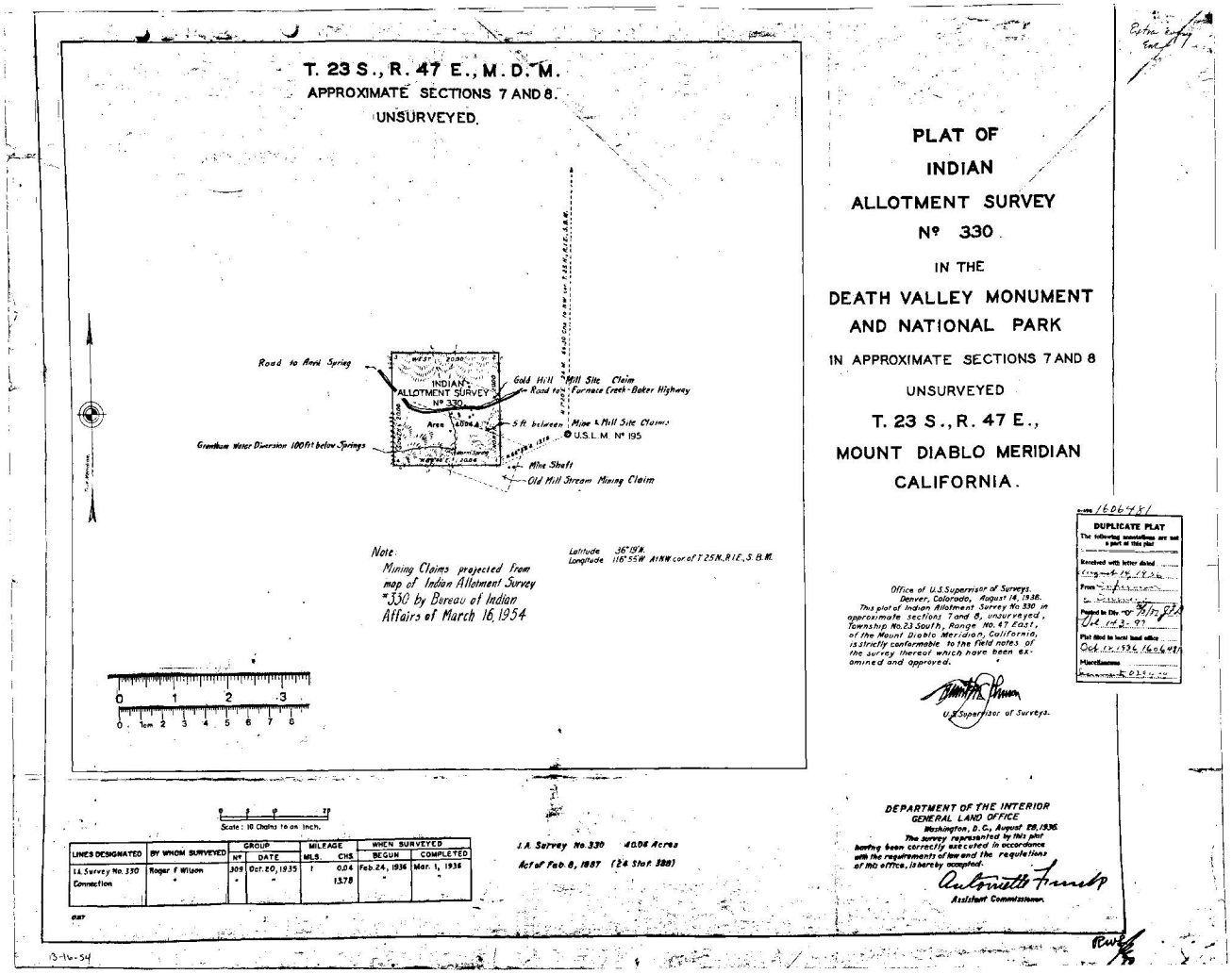
07-00-1954: topographic map of bob thompson indian allotment at warm spring; july, 1954



Scale Made July 1998 (Not Part of Image)

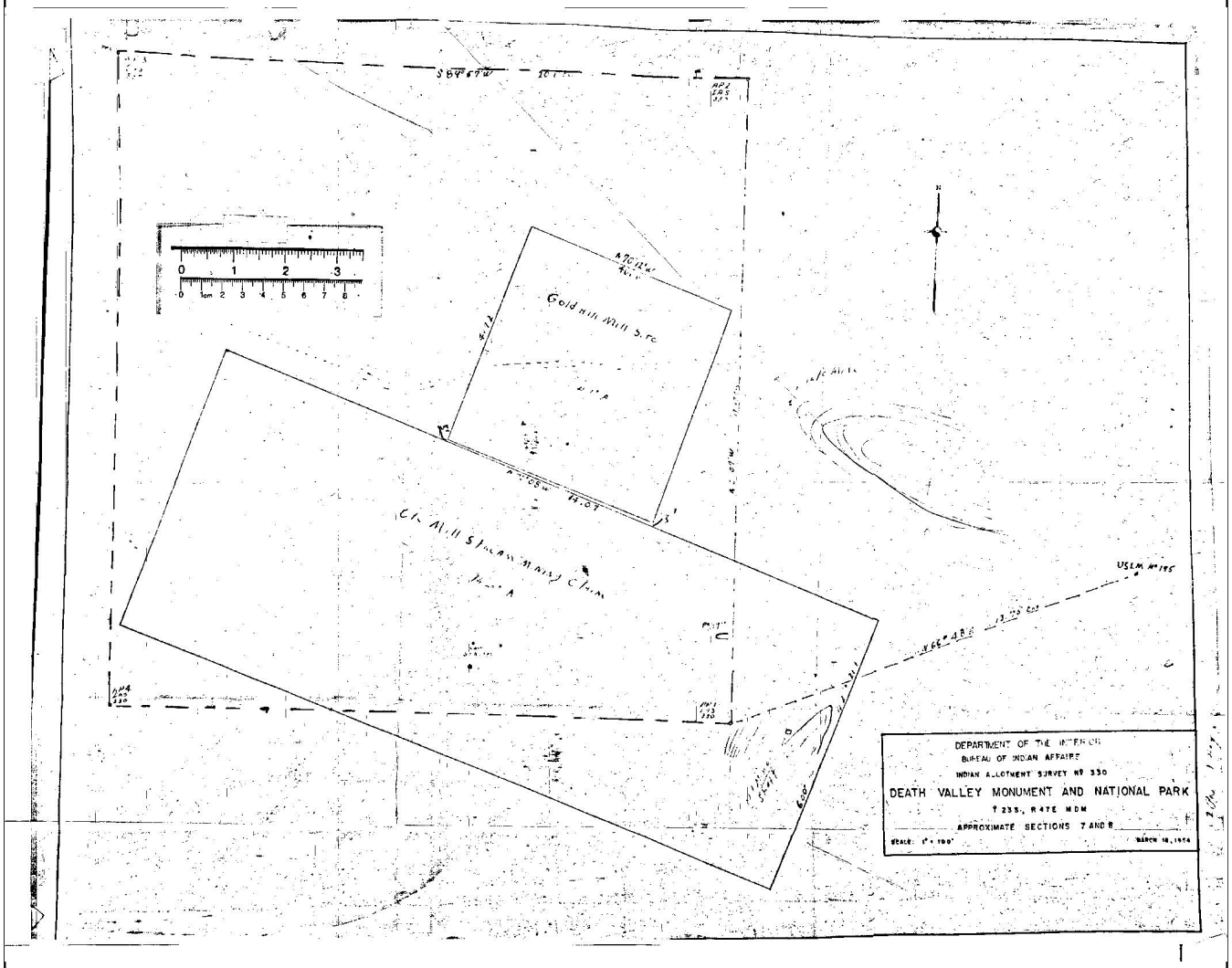


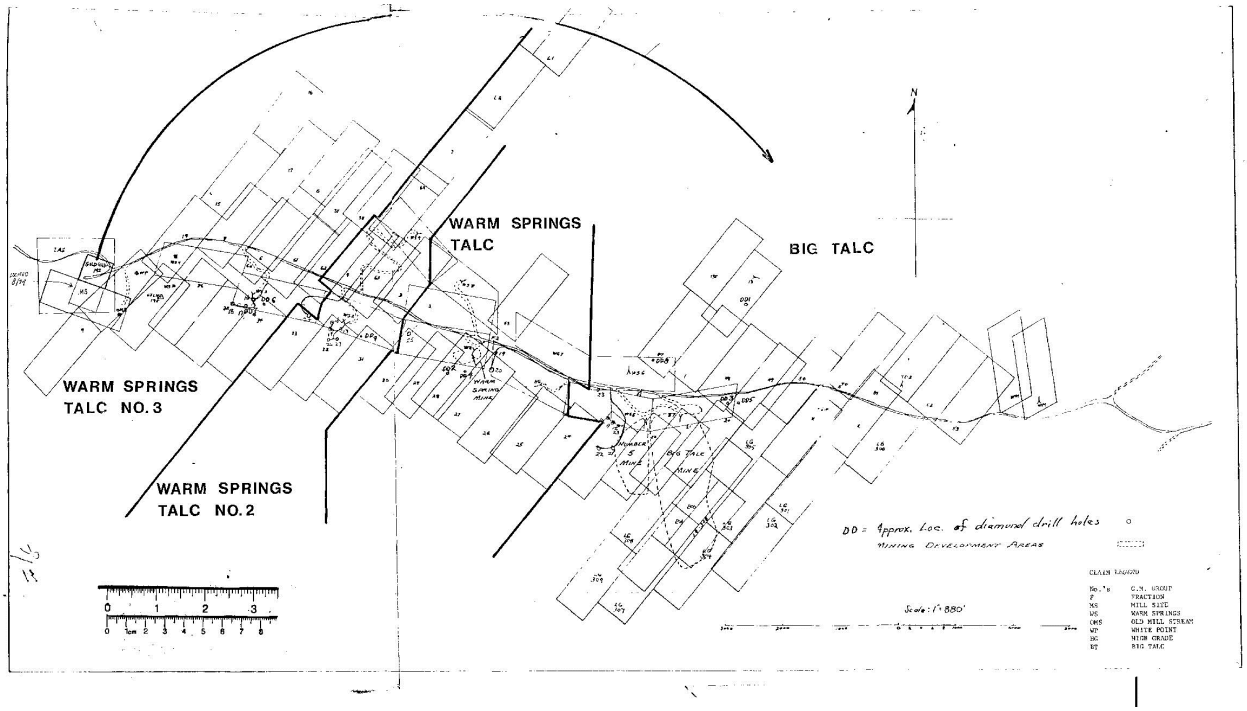
00-00-0000: plat of indian allotment survey



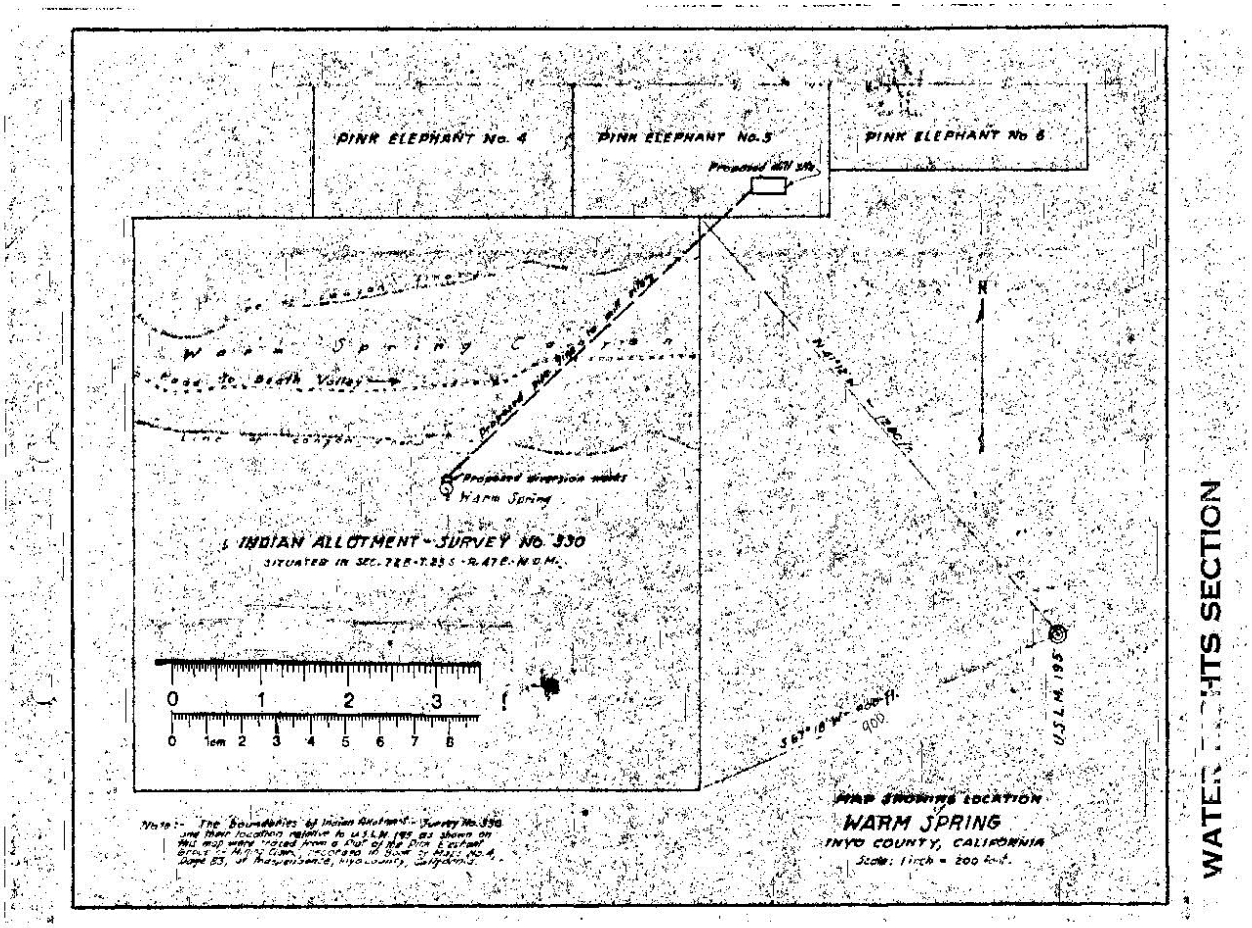
LINES DESIGNATED	BY WHOM SURVEYED	GROUP Nº	GROUP DATE	MILEAGE MLS.	MILEAGE CHS.	WHEN SURVEYED BEGUN	WHEN SURVEYED COMPLETED
I.A. Survey No. 330	Roger F. Wilson	308	Oct. 20, 1935	1	0.04	Feb. 24, 1936	Mar. 1, 1936
Connection	"	"	"		13.78	"	"

00-00-0000: indian allotment survey

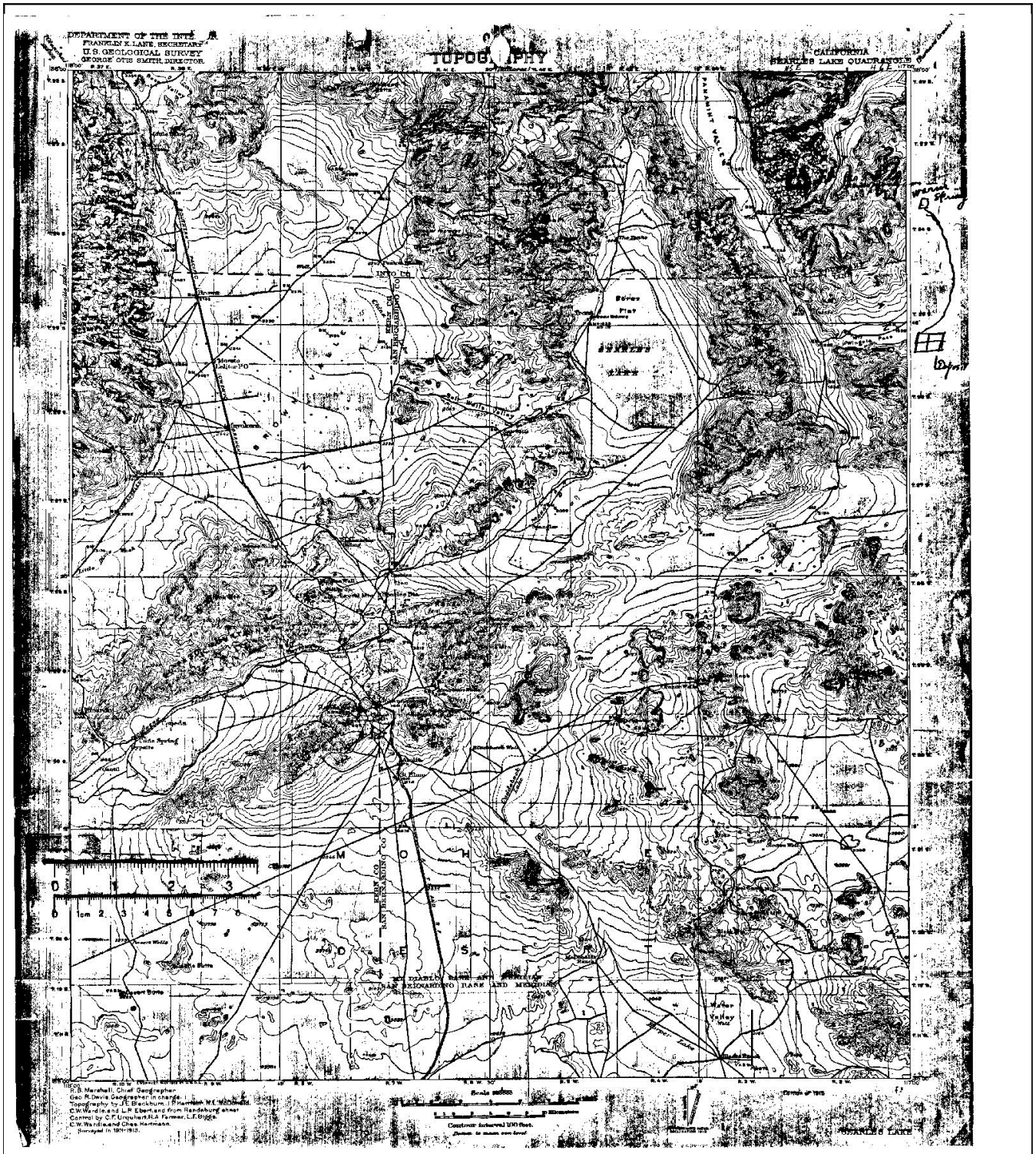



WARM SPRINGS
TALC
BIG TALC
WARM SPRINGS
TALC NO. 3
WARM SPRINGS
TALC NO. 2
DD = Approx. Loc. of diamond drill holes
MINING DEVELOPMENT AREAS
Scale: 1" 880'

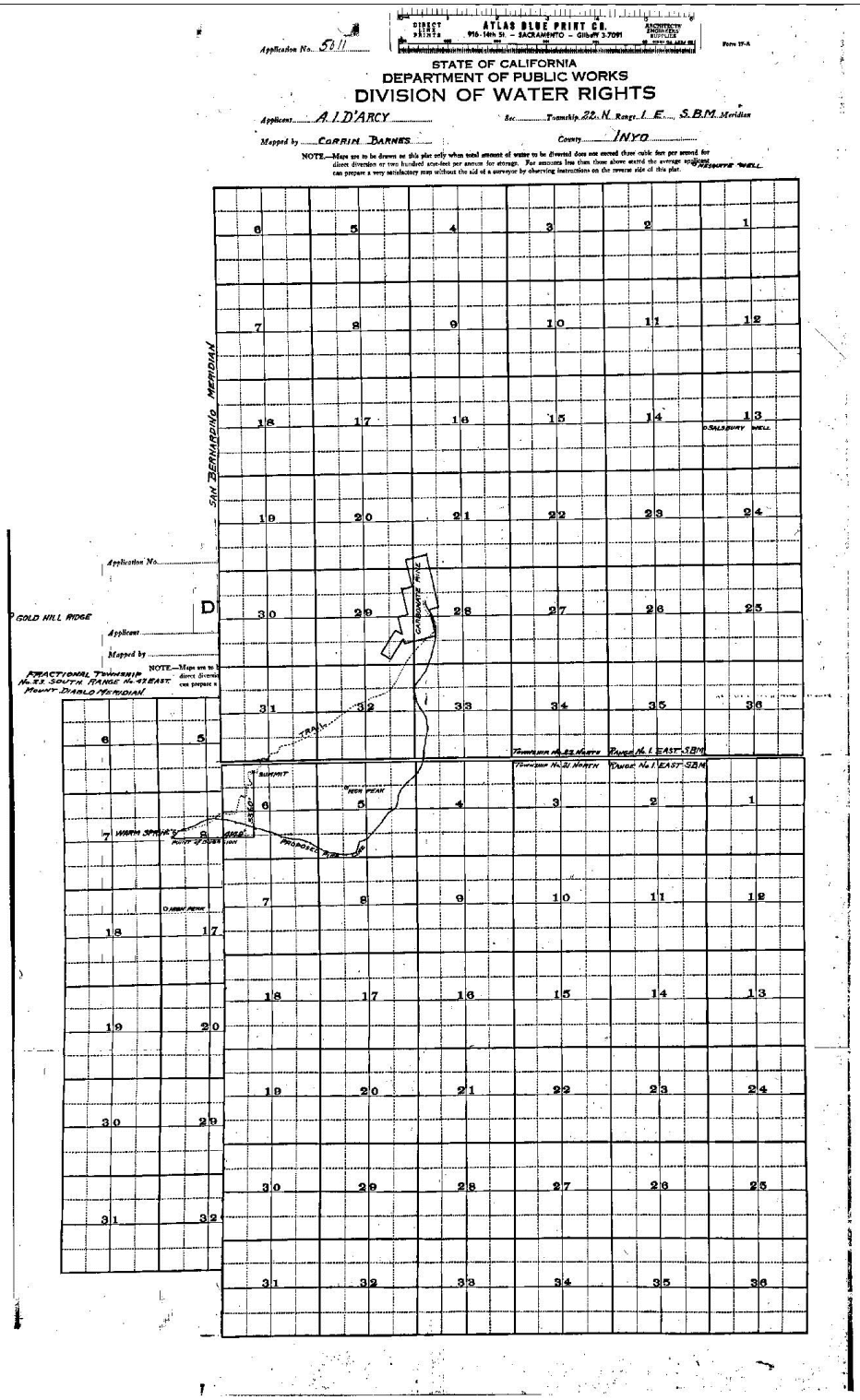
00-00-0000: map of warm spring



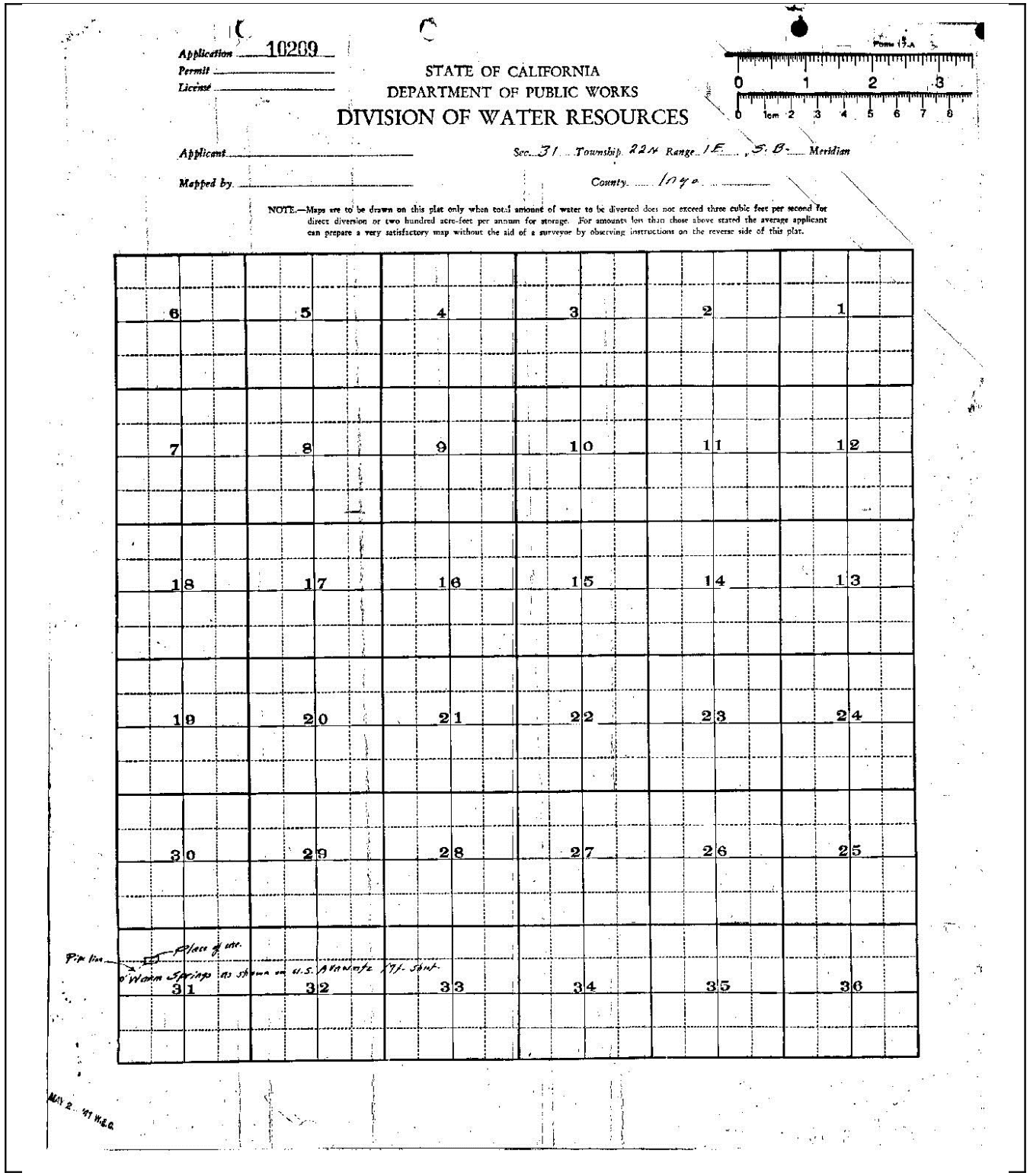
00-00-0000: map of searles lake



00-00-0000: sketch of proposed pipeline regarding application no. 5011



00-00-0000: sketch of proposed pipeling for application 10209



Application 10209
Permit
License

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Form 17-A

Applicant

Sec. 31 Township 22N Range 1E, S. B. Meridian

Mapped by

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.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Pipeline — place of use. Warm Springs as shown on U.S. Alabama Ft. Sheet.

MAY 2 1941 W.R.B.

Docket Information

Number of Documents in Docket 159

Documents Dated from 6/1/1920 to 5/10/1979

Docket Compiled: 5/26/2016