WATER-RIGHT DOCKET

Great Basin National Park

Docket No: 1

CAVE SPRINGS

Preliminary Docket Information

00-00-0000: explanation/summary for docket 1

NOTES TO THE FILE GRBA 001 and 003 May 29, 1996

In 1986 Lehman Caves National Monument was included within the boundaries of Great Basin National Park

GRBA Docket 001 contains documentation pertaining to a water right for Cave Springs. GRBA Docket 003 contains documentation pertaining to Lehman Ditch. The material in Docket 003 had previously been filed in Docket 001. Docket 003 is inactive; there is no water right for the Lehman Ditch because the claim was withdrawn from the adjudication of Lehman and Baker Creeks.

Alice Johns
Hydrologist
Water Rights Branch
Water Resources Division
National Park Service

WATER RESOURCES/WATER RIGHTS DATE: December 8, 1975

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lehman Caves National Monument

SITE Cave Springs

STATE Nevada COUNTY White Pine DOCKET NO WR #1

LOCATION SW¼ NE¼ Section 9, T13N, R69E

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Purchase

APPLICATION 20794 PERMIT CERTIFICATE 7573

ACTION DUE PRIORITY 1890 RESERVATION January 24, 1922

QUANTITY 0.15 cfs (not to exceed 109.5 ac. feet) USE recreation, fire protection and domestic

STATUS SOURCE Springs (and possibly Lehman Creek)

REMARKS See the two narratives following for a more complete discussion of this water right.

NARRATIVE:

Around 1869, A. S. Lehman built a home and started a ranch in Nevada approximately three miles west of the present town of Baker. Mr. Lehman made diversions of water from Lehman Spring, Lehman Creek and Cave Springs for irrigation and domestic purposes on his ranch. In 1887, the Osceola Placer Mining Company purchased water rights held by ranchers on many of the streams in the area (presumably including the purchase of Mr. Lehman's rights on Lehman Creek). However, they ceased their mining operations (and their diversions) a few years later. In 1887, Mr. Lehman made filings on various sources within the Lehman Creek drainage area. He constructed "Lehman Ditch" from Lehman Creek, running past Cave Springs commingling their flow in the ditch, to his ranch nearby. Philip M. Baker, a nearby resident during the same period, also made diversions from Lehman Creek (and Baker Creek) and subsequently acquired Mr. Lehman's lands. In 1911, Mr. Baker filed three proofs of appropriation of water for use on his land and on the former Lehman properties. Proof No. 01065 covered the diversion from Cave Springs only and the other two filings covered diversions from Lehman Spring and from a point below the confluence of Baker and Lehman Creeks. Eventually a C. T. Rhodes acquired the property now a part of Lehman Caves National Monument and Proof No. 01065 as appurtenant thereto. (United Securities Corporation acquired Proofs No. 01064 and 01066 on Lehman Creek, etc. filed by Baker for use in irrigation in the area.) Mr. Rhodes also made filings on the water sources in the area, but as a result of a court adjudication in 1934, he was limited to the right to divert 0.15 cfs from Cave Springs under Proof No. 01065 (which he acquired with his land). The water was to be used for irrigation of 7.5 acres of land and the priority of the right was decreed to be 1890. He abandoned any claims to water from Lehman Creek.

The Rhodes property was eventually conveyed to the United States for the purpose of administering Lehman Caves N.M. On June 3, 1943, the Park Service made an application to divert water from Lehman Creek and Cave Springs. The State denied the proposed diversion of Lehman Creek as the Park Service was limited by Proof No. 01065 (as was its predecessor in title, C. T. Rhodes). Eventually, after a period of planning and development, Cave Springs provided adequate flow for the needs of the monument. A "Certificate of Appropriation" (No. 7573) was issued by the State to the Park Service on March 10, 1971 with the original priority of 1890 still intact. The amount licensed is 0.15 cfs (not to exceed 109.5 acre feet) year round.

Compiled by M. Ackerman

Approved by W. Werrell

Lehman Caves WR #1 -

For an excellent description of the history of the water rights at Lehman Caves, see L. S. Spaulding's narrative history written in September 1960. The following is provided as a supplement to the material contained in his report.

On January 24, 1922, President Warren G. Harding issued Proclamation No. 1618 creating Lehman Caves National Monument. On September 18, 1934, a parcel of land containing 46.97 acres was conveyed by the County of White Pine, State of Nevada, to the Unites States Department of Agriculture. The land conveyed lay within the boundaries of Lehman Caves National Monument proclaimed in 1922. According to the record of the proceedings of the Board of County Commissioners of the County of White Pine meeting held on September 6, 1933, the County's declared purpose in conveying the subject parcel was so that the U.S. would not "be harassed in the development of Lehman Caves National Monument by virtue of the private ownership of ..... real estate immediately adjacent to the entrance thereof..." This particular parcel of land had previously been acquired from C. T. Rhodes. In the conveyance to the U.S., the water right existing on Cave Springs, originally filed by Phillip M. Baker in Filing No. 01065 (Proof of Appropriation No. 01065), was appurtenant to the tract of land conveyed and was included in the conveyance. Sometime later the jurisdiction over the conveyed land was transferred from the Dept, of Agriculture to the National Park Service, Dept. Of Interior.

As shown by the map attached to Mr. Spaulding's narrative, Cave Springs are outside the boundaries of the monument (to the northwest). On December 19, 1940, the Forest Service (Department of Agriculture) issued a Special Use Permit to the Park Service for a right-of-way 30 feet wide and for use of a tract of land for the purpose of constructing and maintaining a water supply system for Lehman Caves. The permit allowed the fencing of the (Cave)Spring area, installing a pipeline and collecting boxes.

On February 5, 1941, the Park Service, (Mr. A. van V. Dunn) submitted preliminary drafts to the State of Nevada of two applications the Service planned to file to change the point of diversion, place of use and manner of use of waters from Cave Springs and Lehman Creek. On February 17, 1941, the State Engineer replied to Mr. Dunn's proposed applications. It appears that Mr. Dunn sought to divert 0.5 cfs from Lehman Creek for recreational purposes. (He intended to divert the water into a pond and from there to return it to Lehman Creek, a non-consumptive use.) The State Engineer cited the Court Decree of 1934 as res adjudicata and determinative of the relative rights to water from Lehman Creek. As such, the U.S. was bound by the decree and had to file a new application to appropriate the water (Lehman Creek was already fully appropriated by prior filings).

Again on June 22, 1942, the State Engineer responded to inquiries by the Park Service. This time going into much greater detail. It appears that the Park Service claimed that a ditch had been dug prior to 1887 from Lehman Creek to the Cave Springs area at which point the water from both sources was commingled and conveyed by Lehman Ditch to a pond from which point the water was used for irrigation and domestic purposes. The State Engineer stated that even if this were true, "the mere use of water in the instant case does not in itself ripen into a water right" as the State had statutes which provided the only menas by which a water right could be perfected. C.T. Rhodes, the predecessor in title to the U.S. to the water right at Cave Springs, had at one time attempted an appropriation of Lehman Creek by filing Proof of Appropriation No. 01874 in March of 1925. However, he withdrew his claim as a part of the adjudication proceedings resulting in the final decree of 1934. Since Proof of Appropriation No. 01065 did not include the waters from Lehman Creek, the Park Service would have to institute an entirely new application to divert the waters of Lehman Creek. This did not seem a practical alternative due to prior senior appropriations already in existence.

The State Engineer agreed that the Park Service had a recognized right of 0.15 cfs to Cave Springs and any application filed to change the point of diversion, manner and place of use of the water would be proper.

However, the Park Service was additionally claiming a water right to water from an unnamed spring (designated South Spring by the Park Service). It appears that South Spring was a tributary to the ditch leaving Cave Springs and it,

too, lay outside the boundaries of the monument (to the West). The State Engineer noted that neither the filing made by Phillip Baker (No. 01065) nor the Final Decree made any mention of the waters from South Spring. The reason for this was not apparent. It wasn't clear whether South Spring was a tributary of the Cave Springs stream system and should have been impliedly included as a part of that system. The State Engineer recommended a new filing be made for South Spring. For the reasons mentioned above, the preliminary applications were rejected.

Mr. Dunn replied in a letter dated August 4, 1942 to the State Engineer. He noted the uncertainty as to how much of the flow from Cave Springs resulted from seepage from Lehman Creek. He argued that the surface flow from South Spring commingled with the flow from Cave Springs at the small reservoir near the junction of the two streams. This reservoir was a part of Exhibit E-1 in the court adjudication (but there was no reference to South Spring). Mr. Dunn felt assured that the inclusion of the reservoir in the exhibit necessarily included the flow from South Spring since the reservoir trapped whatever water flowed from South Spring and commingled it in the Cave Springs Channel. As a result, he requested the State Engineer to reconsider the claim that water from South Spring was included in Proof No. 01065.

On March 18, 1943, Mr. Dunn visited the office of the State Engineer and received a verbal reply to his letter of August 4. It appears that the State Engineer agreed that South Spring (also designated as Spring I) could be claimed as a part of Proof No. 01065. As a result, Mr. Dunn prepared a revised application for ammendment of Proof No. 01065 to include South Spring. The application, No. 10959, was filed on June 3, 1943 to change the point of diversion, method of conveyance, place and manner of use. In the application, he stated that "It is planned to divert 0.10 sec. ft. from Cave Springs and 0.05 cfs from from South Spring, but the reight is requested to divert all or any part from either source as the available supply will permit."

The State issued Permit No. 10959 on March 19, 1945 to change the point of diversion, etc. of Cave Springs and South Spring.

On August 11, 1945, Proof of Commencement of Work was filed by Mr. Dunn. The construction consisted of fencing Cave Springs, installation of collecting wells at the springs, and trenching and laying of pipe from the spring to a settling basin.

Applications for extension of time to complete construction were filed periodically starting in 1947 and were granted by the State (up until 1962).

The reason usually given for needing an extension of time was economic necessity. In a letter from the Acting Director to Mr. Cline Cronley dated May 22, 1953, it was reported that during the war flood waters from Lehman Creek broke through the old Lehman Creek ditch and washed out part of the water system for Cave Springs.

On October 7, 1953, rehabilitation of the Lehman Caves water system was begun. The major spring source at Cave Springs was redeveloped and a concrete head box was installed. A pipeline, buried in a trench 2 foot deep and 4 feet wide, was installed for 3,484 feet. The two smaller springs were cleaned out and the water was diverted to Lehman Pond. The entire area was fenced. The project was completed on June 15, 1954 at a cost of $4,070.00. The spring flow was reported to be 12½ gpm by the Superintendent on August 25, 1954. He stated that the volume of water conveyed was "far in excess of present needs." However, the flow was far below the 0.15 cfs which was authorized by Proof No. 01065 amended by Application No. 10959.

As time progressed and visitation and developments within the monument increased, it was questioned whether Cave Springs could provide the water necessary for the future needs of the monument. The development of South Spring was still a possible alternative if it proved to be a dependable source. South Spring had had a very undependable flow in the past.

An inspection was made of the Cave Springs area by the Regional Chief of Lands on February 19, 1958. His memo to the Director on March 13 described the collection system used to divert the water flowing from Cave Springs which he numbered 1 through 3. He reported that there were several springs above the three he inspected which could be developed at a nominal cost.

It appears that in 1960, it was determined that the development of South Spring was impractical and possible unnecessary as the supply from Cave Springs may have been sufficient if further development were undertaken.

In July of 1960, an exploratory trench was dug at Cave Springs. Perforated pipe was installed. The total cost of the system was $3,681.96. As a result of this work, the flow of Cave Springs was increased to 61 gpm.

The drawing made by L. Spaulding on May 31, 1960 of the proposed exploratory trench at Cave Springs shows the three springs originally diverted and springs and seeps above them which were developed by the trench.

On December 5, 1961, the Superintendent reported that he felt that in a normal water year the flow from Cave Springs would reach 67 gpm. as authorized. Development of South Spring was contemplated so that it would not lose its early priority as a portion of Proof No. 01065 when completion of construction was shown.

It was decided that there was no need to add South Spring to the established right at Cave Springs since Cave Springs provided adequate flow. There was also a possibility of confusion of rights in regard to the two sources. As a result, a new application to change the point of diversion and manner and place of use was submitted on Octo. 18, 1962. The new application (Serial No. 20794) reverted back to the rights as decreed in 1934 (i.e., 0.15 cfs from Cave Springs). However, the point of diversion was changed from the stream channel to the mouth of Cave Springs and also the use was changed from irrigation to domestic, recreation and fire protection.

The application was approved by the State on April 7, 1964. Proof of Completion of Work was submitted in May of 1964 for the diversion of Cave Springs and the Lehman Caves water system. Extensions of time to prove application to beneficial use were thereafter obtained periodically until 1970. On November 30, 1970, "Proof of Application of Water to Beneficial Use" was submitted to the State by the Park Service.

The State of Nevada issued a "Certificate of Appropriation of Water" on March 10, 1971 (Certificate No. 7573 in Book 24 at Page 7573). Priority of this water right remains that as stated in the Final Decree of 1934 for Proof No. 01065 (i.e., a temporal priority of 1890).

Legal Clerk
Mike Ackerman

00-00-0000: letter to nps from state of nevada regarding certificate no. 7573

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

March 29, 1971

Address All Communications to
the State Engineer, Division
of Water Resources

U. S. Dept. of the Interior
National Park Service
450 Golden Gate Ave.
Box 36025
San Francisco, Calif. 94102

Gentlemen:

Enclosed is certificate No. 7573 issued under the provisions of NRS 533.425, which certificate has been recorded in the records of White Pine County, Nevada, as required by law, and the proper notations entered on the reverse side of the certificate.....

Official receipt No. 85520, issued in the sum of $3.00 covering the statutory fees required for recording the certificate.... is enclosed herewith.

Very truly yours,

ROLAND D. WESTERGARD

ROLAND D. WESTERGARD
State Engineer

RDW/sb

Enclosures.

Form C

5642

BOOK 301 PAGE 369

Application No. 20794 Certificate Record No. 7573 Book 24 Page 7573

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Gerard S. Witucki, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cave Springs and tributaries through diversion works, storage reservoir and distribution system for recreation, fire protection and domestic purposes. The point of diversion of water from the source is as follows: SW¼ NE¼ Sec. 9, T. 13 N., R. 69 E., M.D.B.&M. or at a point from which the SE corner of Sec. 10 T. 13 N., R. 69 E., M.D.B.&M., bears S 70° 10' E., a distance of 8312.49 feet. situated in White Pine County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator U. S. of America, Dept. of Interior, National Park Service
Post-office address San Francisco, California

*Amount of appropriation 0.15 c.f.s. but not to exceed 109.5 ac.ft annually
Period of use, from January 1st to December 31st of each year

**Date of priority of appropriation As Decreed

Description of works of diversion, manner & place of use:
Water is collected in a 1000 gallon infiltration gallery thence conveyed through 4 inch C. I. and 2 inch G. S. Pipe to a 50,000 gallon reservoir thence through 5000 feet of 6 inch C. I. pipe to a lime-chlorinization house with distribution lines to supply taps, fire hydrants and other distribution valves. The place of use is located in portions of Sections 10 and 15, T. 13 N., R. 69 E., M.D.B.&M. where it is used for recreation fire protection, and domestic purposes.

* This certificate is issued subject to the terms of the permit. **This certificate changes the Point of Diversion, manner and place of use of Proof 01065 under the Baker-Lehman Creek Decree, hence the priority and duty is as decreed.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of March, A. D. 19 71

Compared sb/
Recorded 3/19/71 Bk 301 Page 369
White Pine County Records.

Roland D. Westergard
State Engineer.

1923

RECORDED 3/19/71 BOOK 301 PAGE 369 IN Miscellaneous Records AT 9:20AM
RECORDER OF WHITE PINE COUNTY, NEVADA
Fee 3.00
19011

03-29-1971: statement of receipt

OFFICE
STATE ENGINEER

1971 MAR 29 AM 11 04

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada 89701

Nº 85520

March 3, 1971

U. S. Dept of the Interior, National Park Service
450 Golden Gate Ave., Box 36025
San Francisco, Calif. 94102

To THE STATE OF NEVADA, Dr.

		To fee advanced for issuing & recording Certificate under permit No. 20794	3	00

Remittance by Check 60,829,326

Received payment,
Roland D. Westergard
State Engineer
By J. Morris

1052 3,000 Sets—9-70

00-00-0000: letter to department of conservation and natural resources from acting chief regarding issuance of a certificate of appr

L54(WSC)LWW
LECA-WR #1

February 22, 1971

AIRMAIL

Division of Water Resources
Department of Conservation and Natural Resources
201 South Fall Street
Carson City, Nevada 89701

Gentlemen:

This is in response to your letter of February 1, 1971, regarding the issuance of a Certificate of Appropriation for Permit No. 20794.

A Check in the amount of $3.00 will be forwarded by the U.S. Treasury Department.

Sincerely yours,

SIGNED
Donald C. Barrett
Actg Chief, Water Resources Section
Office of Land Acquisition and
Water Resources

cc:
Chief, MW-WASO
Director, Western Region
Superintendent, Lehman Caves

00-00-0000: letter to nps from state of nevada regarding appropriation under permit no. 20794

ELMO J. DERICCO
Director

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

Address All Communications to the State Engineer, Division of Water Resources

In reply refer to No. 20794

February 1, 1971

U. S. Dept. of the Interior
National Park Service
450 Golden Gate Avenue, Box 36025
San Francisco, California 94102

Gentlemen:

You are hereby advised that Certificate.... of Appropriation under your Permit.... No..... 20794 .....

.....

.....

...is.....now ready to be issued by this office.

You are further advised, that in accordance with NRS 533.425 and 533.435, it will be necessary that you forward to this office, within 30 days from the date of this letter the sum of $3.00 .....for issuing and recording of certificate.... under the permit..... (The county recorders' fees are $3.00 for each certificate, plus $1.00 for each additional page).

Very truly yours,

Roland D. Westergard

ROLAND D. WESTERGARD
State Engineer

RDW:jn

RECEIVED
WATER
FEB 2 1971

ACT.	INFO.		INITIALS	DATE
		WITUCKI, G.		
✓		CHAVEZ, D.		
		FILE		

REMARKS

Form H

5647

20794

Serial No.

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 18 1962

Returned to applicant for correction DEC 13 1962

Corrected application filed JAN 3 1963 Map filed June 3, 1943 under 10959

The applicant The United States of America Department of the Interior, National Park Service

of Baker, County of White Pine

State of Nevada, hereby makes application for permission to change the

point of diversion, manner of use and place of use

of water heretofore appropriated under Proof No. 01065 for 0.15 c.f.s., of water in accordance with "Judgment of Decree" dated October 1, 1934, in the Seventh District Court of the State of Nevada at Ely, Nevada, Judge H.W.Edwards
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

presiding, in the proceedings entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada".

1. The source of water is Cave Spring, tributary to Baker-Lehman Creeks
(Name of stream, lake or other source.)

2. The amount of water to be changed 0.15 second foot (109.5 acre-feet per annum)
(Second feet, acre feet.)

3. The water to be used for domestic, recreation, fire protection.
(If for stock state number and kind of animals.)

4. The water heretofore used for irrigation
(If for stock state number and kind of animals.)

5. The water is to be diverted at the following point whence the common corner of Sections 10,11,14,15, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70°10' E.,
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)
8,312.49 feet on unsurveyed lands ($SW\frac{1}{4}$ $NE\frac{1}{4}$ Sec. 9, T. 13 N., R. 69 E.,)

6. The existing point of diversion is located within at a point whence S.E. cor. Sec. 12, T. 13 N., R. 69 E., M.D.B.&M., bears S. 87° 08' E., 15,266.8 feet on
(If point of diversion is not changed, do not answer.)
unsurveyed lands ($SW\frac{1}{4}$ $SW\frac{1}{4}$) Sec.10, T. 13 N., R. 69 E., M.D.B.&M.)

7. Proposed place of use $NE\frac{1}{4}$ $NW\frac{1}{4}$ and $NW\frac{1}{4}$ $NE\frac{1}{4}$ Sec. 15 and the $SE\frac{1}{4}$ $SW\frac{1}{4}$ Sec. 10,
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
all within T. 13 N., R. 69 E., M.D.B.&M.

8. Existing place of use $NE\frac{1}{4}$ $NW\frac{1}{4}$ and the $NW\frac{1}{4}$ $NE\frac{1}{4}$ Sec. 15, T. 13 N., R. 69 E.,
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)
M.D.B.&M., irrigation of 7.5 acres.

9. Use will be from January 1st (Month) to December 31st (Month) of each year.

10. Use has been from January 1st (Month) to December 31st (Month) of each year.

11. Description of proposed works.

as specified and shown on the attached Drawing No. NM-LC-3131A entitled
(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

WATER SYSTEM, LEHMAN CAVES NATIONAL MONUMENT, hereby made a part of
(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

this application.

12. Estimated cost of works $55,000.00

13. Estimated time required to construct works five years

14. Remarks Map filed under 10959 will support this application.

Compared hs/lb hs/ns

Applicant United States of America, Department of the Interior, National Park Service

By s/ Paul M. Steel

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of Cave Spring, tributary to Baker-Lehman Creeks heretofore decreed under Proof 01065 in accordance with "Judgment and Decree" dated October 1, 1934 "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker-Lehman Creeks and Tributaries in White Pine County, Nevada," is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.15 cubic feet per second, and not to exceed 109.5 acre-feet annually.

Actual construction work shall begin on or before October 7, 1964

Proof of commencement of work shall be filed before November 7, 1964

Work must be prosecuted with reasonable diligence and be completed on or before October 7, 1965

Proof of completion of work shall be filed before November 7, 1965

Application of water to beneficial use shall be made on or before October 7, 1968

Proof of the application of water to beneficial use shall be filed on or before November 7, 1968

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed May 22, 1964
Completion of work filed May 22, 1964
Proof of beneficial use filed DEC 12 1970
Cultural map filed
Certificate No. 7573 Issued 3/10/71
Recorded 3-19-71 Bk. 302 Page 369
2407

WITNESS MY HAND AND SEAL this 7th day of April, 1964

ELMO J. DeRICCO
State Engineer

By Assistant State Engineer

00-00-0000: receipt no. 84943 engineer's office

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada 89701

No 84943

LCVA #1

December 12, 1970

National Park Service, Office of Land Acquisition and Water Res., 450 Golden Gate Ave., Box 36025, San Francisco, California 94102

To THE STATE OF NEVADA, Dr.

		To filing Proof of Beneficial Use #20794	1	00
		(U. S. of America, Dept. of Interior, National Park Service)		

Remittance by Check No. 60,601,953 by P. E. Frowd

Received payment,

Roland D. Westergard
State Engineer

By Jannie Norris

1052 3,000 Sets—9-70

00-00-0000: letter to state of nevada from chief regarding completed form no. 7b-2m, 'proof of application of water to beneficial us

L54(WSC)LWW November 30, 1970
L@CA (WR Docket #1)

AIRMAIL

State of Nevada
Department of Conservation and Natural Resources
State Engineer's Office
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89701

Gentlemen:

Enclosed is completed Form No. 7B-2M, "Proof of Application of Water to Beneficial Use," for Permit No. 20794, Lehman Caves National Monument, as requested in your November 9, 1970, letter. The fee for $1.00 will be forwarded under separate cover by the U.S. Treasury Department.

(SGD) GERARD S. WITUCKI
Gerard S. Witucki
Chief, Water Resources Section,
Office of Land Acquisition
and Water Resources

Enclosure

cc:
MW-WASO
Director, Western Region
Superintendent, Lehman Caves
(WSC)AF

Permit No. 20794

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12, inclusive, must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See NRS 533.400, NRS 533.405 and NRS 533. 410.)

QUESTION 1. What is your name, occupation, and post office address?

Answer Gerard S. Witucki, Chief, Water Resources Section, Office of Land Acquisition and Water Resources, Western Service Center, 450 Golden Gate Ave., Box 36025, S.F., Calif. 94102.

QUESTION 2. Are you acting in behalf of the permittee? If so, state his name, address, and your authority for acting in his behalf.

Answer U. S. Government, Department of Interior, National Park Service, Lehman Caves National Monument.

QUESTION 3. What is the number of the permit under which this proof is made? Answer 20794

QUESTION 4. From what source do you obtain your water supply?

Answer Cave Springs, tributary to Baker-Lehman Creeks.

QUESTION 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer

QUESTION 6. To whom was the permit issued? If not the original permittee, give the succession of title.

Answer U. S. Government, Department of Interior, National Park Service, Lehman Caves National Monument

If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.

QUESTION 7. For what purpose are you using the water for which you are now making proof?

Answer Domestic, recreation, fire protection.

QUESTION 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer 0.15 cfs

QUESTION 9. State the period during the year when water has been beneficially used.

Answer January - December

QUESTION 10. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of persons who made the measurements.

Answer Water measurements are taken at a point where the diverted water enters a chlorinator prior to going to a 50,000 gallon storage facility; a consistent flow of 49 Gal/min is indicated. Measurements are taken by Maintenance Foreman Prentice Kofman and maintenance man Erland Richardson, Lehman Caves National Monument.

QUESTION 11. Water is diverted from its source at the following point. Describe as being within a 40-acre subdivision of

of Sections 10, 11, 14, 15 T N, R69E, MDB&M bears S. 70° 10'E. 8,312.49 feet on

public survey, and by course and distance to a se corner. If on unsurveyed land, it should be stated.

unsurveyed lands (SW¼, NE¼, Sec. 9, T13N, R69E).

IF WATER IS USED FOR **IRRIGATION** ANSWER THE FOLLOWING:

QUESTION 12. Upon how many acres have you beneficially used water?

QUESTION 13. Give the number of acres in each legal subdivision.

Answer ..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
..... acres in the ..... of Sec. ....., T. ....., R. ..... E.
(Enumerate only the land upon which water has been actually used.)

QUESTION 14. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer

QUESTION 15. Do you use the rotation system for irrigating?

Answer

QUESTION 16. What is the character of the soil irrigated?

Answer

IF WATER IS USED FOR **STOCK WATERING** OR **DOMESTIC** PURPOSES ANSWER THE FOLLOWING:

QUESTION 17. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer Infiltration gallery at Cave Springs (1000 gallon collection SUMP), 4" C.I. & 2" G.S. supply pipe line, 50,000 Gal. distribution reservoir 5000 ft. of 6" C.I. distribution line-chlorinization house with equipment, supply taps, fire hydrants, and other distribution valves.

QUESTION 18. Give approximate number and kind of animals watered.

Answer

IF WATER IS USED FOR **POWER** OR **MINING** AND **MILLING** PURPOSES ANSWER THE FOLLOWING:

QUESTION 19. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer

QUESTION 20. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer.....

.....

QUESTION 21. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer.....

.....

QUESTION 22. Give any information concerning diversion and use of water for power or mining not covered above.

Answer.....

.....

IF WATER IS USED FOR **ANY PURPOSE NOT HERETOFORE NAMED**
DESCRIBE FULLY UNDER REMARKS:

REMARKS:

.....

Give all information relative to the works of diversion, method of use, and place of use of water and any other matters you deem important.

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed Brad D. Fitch

I hereby certify that the foregoing statements were read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said statements were subscribed and sworn to before me at my office in U.S.G.S. Office USPS, County of S.F., State of Cal, on this 30 day of Nov, A.D. 1920.

Mary A. Thomas
Deputy Clerk

(ONE DOLLAR FILING FEE MUST ACCOMPANY THIS PROOF)

00-00-0000: letter to nps from state engineer regarding provisions of permit

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

November 9, 1970

Address All Communications to
the State Engineer, Division
of Water Resources

U. S. Dept. of the Interior
National Park Service
450 Golden Gate Avenue, Box 36025
San Francisco, California 94102

Gentlemen:

The provisions of your permit with the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Beneficial Use

on or before November 7, 1970

Our records show that you have not filed said Proof and therefore your permit is in poor standing and subject to cancellation.

Unless the legally required proof or affidavit requesting an extension of time in which to file said proof is received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled. NO FURTHER EXTENSION OF TIME WILL BE GRANTED FOR FILING PROOF OF BENEFICIAL USE.

Very truly yours,
ROLAND D. WESTERGARD
State Engineer

RDW:jn
[redacted] FINAL NOTICE

CERTIFIED MAIL NO. 494647

Enclosures: Ltr., Change of Policy, Proof of Beneficial Use and Instructions.

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

Form K .695

INSTRUCTIONS
FOR

COMPLETING PROOF OF BENEFICIAL USE

Question 1. State name, occupation and post office address of person signing deposition.

Question 2. If you are acting on behalf of a corporation, state its name, place of business and your authority for acting in its behalf.

Question 3. State permit number.

Question 4. State the source of water supply (underground, name of lake, stream, spring, etc.)

Question 5. State by name (if it is so named) the canal, ditch, conduit or other works by which the water is conducted to its place of use.

Question 6. If the person signing the deposition is the permittee state: Yes. If the person signing the deposition is not the person to whom the permit was issued state by what authority he is submitting this deposition. If the person signing this deposition has obtained this permit by assignment, give the succession of title. (If assignments of title are not on file in the office of the State Engineer, the certificate will be issued to the owner of record.)

Question 7. State the purpose for which the water is being used. (Irrigation, irrigation and domestic, quasi-municipal, mining, milling, etc.)

* Question 8. State in cubic feet per second or fraction thereof, the amount of water actually being placed to beneficial use.

Question 9. State the period during the year when water has been beneficially used.

Question 10. If you divert and use more water at periods than granted in the permit make proper explanation.

*The statutes require that an actual measurement be taken by a licensed State Water Right Surveyor or an official or employee of the State Engineer's Office.

Question 11. State the date water measurements were taken, the point at which such measurements were taken and the name and address of the persons who made the measurements.

Question 12. Describe the point of diversion as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.

IRRIGATION ONLY:

Question 13. State the number of acres upon which you have beneficially used water.

Question 14. Describe by 40-acre legal subdivisions the number of acres in each upon which you have beneficially used water.

Question 15. If the water is diverted from a surface source describe the size of headgate and type of weir installed. If the water is from a well state if the 2 inch opening and an air line have been installed and describe the weir or other measuring device provided.

Question 16. State if you rotate crops under your system of irrigation.

Question 17. A general statement regarding the character of the soil on your irrigated lands will be satisfactory.

STOCKWATERING OR DOMESTIC ONLY:

Question 18. (a) Surface Waters. Give a detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

(b) Underground. Give a detailed description of the size and depth of well and casing and the type of pump and power unit installed, and the manner by which

Question 18.(b) contd.

water is conveyed and stored for beneficial use, embracing size and length of pipes and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Question 19. Give approximate number and kind of animals watered.

POWER OR MINING AND MILLING ONLY:

Question 20. Give the dimensions of the diversion headgate or well and carrying capacity of the conduit in cubic feet per second. Is water diverted by ditch, pipe or flume?

Question 21. Give the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section and the length of each portion of the same size.

Question 22. Give the average grade or difference in elevation between the termini of the conduit. Give the grades of the different sections of conduit as shown above.

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

ANY PURPOSE NOT HERETOFORE NAMED:

Give a narrative description of how water is developed, conveyed and used and the number and types of units being served and a legal description of the place of use.

Proof of Beneficial Use must be properly completed, signed, notarized and submitted to the Office of the State Engineer (Division of Water Resources, 201 South Fall Street, Carson City, Nevada 89701) with the $1.00 statutory filing fee on or before the date listed on the permit.

CHANGE OF POLICY
EFFECTIVE SEPTEMBER 1, 1968

ONE CERTIFIED NOTICE TO APPROPRIATORS AND AGENTS
FOR FILING PROOFS REQUIRED UNDER PERMITS

In the past it has been the policy of the State Engineer to forward three (3) notices to the owner of record of a water right or his agent, informing him of required proofs under the terms of his permit. As you know, the third and final notice is always forwarded by certified mail, notifying the owner of record and his agent that certain documents and fees are due within thirty (30) days from the date of the notice.

Effective September 1, 1968 this office will forward only one (1) notice certified mail, as provided by statute. The above notices will apply to the following:

1. Proof of Commencement and filing fee.

2. Proof of Completion and filing fee.

3. Proof of Beneficial Use and supporting cultural map, if required, and filing fee.

The notice will be forwarded to the owner of record and his agent on the date that said proof and fee are due. If the date falls on a week end or holiday the notice will be sent on the following working day. Should the owner of record or agent within thirty (30) days of the date of the notice fail to file the required proof and free outlined in the notice, the permit shall be cancelled and no further proceedings shall be had thereunder.

It has been necessary for the State Engineer to adopt this new procedure in order to relieve the increasing work load and backlog. Please inform your clients of this new procedure and request that they review the provisions of their permits so that they are aware of required filing dates.

If you have any questions please feel free to contact this office.

Sincerely,

Roland D. Westergard
State Engineer

RDW:rm

00-00-0000: letter to nps from office engineer regarding application for extension of time

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

November 17, 1969

Address All Communications to
the State Engineer, Division
of Water Resources

U.S. Department of the Interior
National Park Service
Office of Land Acquisition & Water Resources
450 Golden Gate Ave.
Box 36025
San Francisco, Calif. 94102

Gentlemen:

This is to inform you that your Application for Extension of Time

Has been granted to _____,19__,

[ ] for filing of the _____

_____.

Has been granted to November 7 ,19 70

with the provision that no further extensions will

[XXX] be granted for filing the Proof of Beneficial Use

_____.

Very truly yours,

James C. Perkins
Office Engineer

JCP:jls

Rec'd w/ memo to Dir from Setticki - WSC. dated Dec 16, 1969.

00-00-0000: letter to nps from state of nevada regarding provisions of permit

ELMO J. DeRICCO
Director

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

November 7, 1969

Address All Communications to
the State Engineer, Division
of Water Resources

National Park Service
Office of Land & Water Rights S.S.C.
450 Golden Gate Ave.
Box 36025
San Francisco, Calif. 94102

Gentlemen:

The provisions of your permit with the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Beneficial Use

on or before November 7, 1969.

Our records show that you have not filed said Proof and therefore your permit is in poor standing and subject to cancellation.

Unless the legally required proof is received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled. NO FURTHER EXTENSION OF TIME WILL BE GRANTED FOR FILING PROOF OF

Very truly yours,
ROLAND D. WESTERGARD
State Engineer

RECEIVED
WATER
NOV 10 1969

ACT.	INFO.	INITIALS	DATE
	WITUCKI, G.		
	CHAVEZ, D.		
	FILE		

REMARKS

jls

FINAL NOTICE

CERTIFIED MAIL NO. 537227

Enclosures - Ltr. - Change of Policy

Although an extension of time has been received in this office, the $5.00 filing fee has not been received to date.

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

Form L

859

CHANGE OF POLICY
EFFECTIVE SEPTEMBER 1, 1968

ONE CERTIFIED NOTICE TO APPROPRIATORS AND AGENTS
FOR FILING PROOFS REQUIRED UNDER PERMITS

In the past it has been the policy of the State Engineer to forward three (3) notices to the owner of record of a water right or his agent, informing him of required proofs under the terms of his permit. As you know, the third and final notice is always forwarded by certified mail, notifying the owner of record and his agent that certain documents and fees are due within thirty (30) days from the date of the notice.

Effective September 1, 1968 this office will forward only one (1) notice certified mail, as provided by statute. The above notices will apply to the following:

1. Proof of Commencement and filing fee.

2. Proof of Completion and filing fee.

3. Proof of Beneficial Use and supporting cultural map, if required, and filing fee.

The notice will be forwarded to the owner of record and his agent on the date that said proof and fee are due. If the date falls on a week end or holiday the notice will be sent on the following working day. Should the owner of record or agent within thirty (30) days of the date of the notice fail to file the required proof and fee outlined in the notice, the permit shall be cancelled and no further proceedings shall be had thereunder.

It has been necessary for the State Engineer to adopt this new procedure in order to relieve the increasing work load and backlog. Please inform your clients of this new procedure and request that they review the provisions of their permits so that they are aware of required filing dates.

If you have any questions please feel free to contact this office.

Sincerely,

Roland D. Westergard
State Engineer

RDW:m

00-00-0000: receipt no. 81316: engineer's office; filing application for extension of time under permit no. 20794

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada 89701

ORIGINAL

RECEIPT

No 81316

November 10, 19 69

U.S. Department of the Interior, National Park Service
Office of Land Acquisition & Water Resources
450 Golden Gate Ave., Box 36025, San Francisco, Calif. 94102

To THE STATE OF NEVADA, Dr.

		To filing application for extension of time under Permit 20794	$5	00

Remittance by Check No. 59,870,672, drawn for U.S. Dept. of the Interior, National Park Service

Received payment,
Roland D. Westergard
State Engineer

By J. J. Statkowski

1052 7,500 Sets—1-68

11-21-1971: statement of receipt



00-00-0000: letter to state of nevada from supervisory hydraulogist regarding application for request for extension of time for filing

L54
LWSSC - LECA October 29, 1969
(WR Docket #1)

State Engineer
State of Nevada
Division of Water Resources
201 South Fall Street
Carson City, Nevada 29701

Dear Sir:

Enclosed is the application for Request for Extension of Time for filing Proof of Beneficial Use at Lehman Caves National Monument in White Pine County. The fee of $5.00 will be forwarded under separate cover by the U. S. Treasury Department.

Sincerely yours,

(SGD) GERARD S. WITUCKI

Gerard S. Witucki
Supervisory Hydrologist

Enclosure

cc:
Chief, Div. of Water Resources, WASO
Regional Director, Western
Supt., Lehman Caves
William A. Regner, Div. of Finance, SSC

Rec'd w/ memo to WASO. from Witucki, SSC dated Oct 29, 1969

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF PERMIT NO. 20794
OWNER OF RECORD U.S. Department of Interior National Park Service
APPROPRIATE THE WATERS OF Cave Springs, tributary to Baker-Lehman Creeks
(Name of stream, lake, spring, underground or other source.)

APPLICATION FOR EXTENSION OF TIME

STATE OF Nevada
COUNTY OF White Pine } ss.

Comes now Gerard S. Witucki, the U.S. Department of Interior National Park Service (Permittee or Agent)

under Permit No. 20794, who after being first duly sworn, deposes and says:

~~The reasons~~ The project of the National Park Service for which the application was made
(Give reasons in detail why extension of time is necessary.)
is under way and water is being diverted and put to use at Lehman Caves National Monument. Additional time is needed to make full use and development and obtain needed data for proof.

I have been unable to comply with the provisions of said permit.

Wherefore permittee requests an extension of time for one year within which to comply with the provisions for filing the Proof of Beneficial Use.
(Not to exceed 1 year)
(Proof of Commencement, or Completion of Work or Proof of Beneficial Use.)
of the above numbered permit.

Gerard S. Witucki

Signed Gerard S. Witucki, Supervisory Hydrologist
Water Resources, 450 Golden Gate Ave.
Address Box 36025
Street No., or P.O. Box No.
San Francisco, California 94102
City, State, Zip Code No.

OFFICIAL SEAL
AGNES H. FREVEL
NOTARY PUBLIC — CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires Jan. 28, 1972

Subscribed and sworn to before me this 29th day of October, 1969

Agnes H. Frevel

Notary Public in and for the County of San Francisco

State of California

My commission expires Jan 28, 1972

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

NOV 3 1969

00-00-0000: letter to nps from state of nevada regarding application for extension of time

ELMO J. DERICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

154
CE CA
Docket

June 9, 1969

Address All Communications to
the State Engineer, Division
of Water Resources

RECEIVED
San Francisco Planning and Service Center
Office of Land and Water Rights
NATIONAL PARK SERVICE
JUN 11 1969
INITIALS | DATE
CHIEF
ASS'T CHIEF
Contr
APPRAISAL
ACQUISITION
EXCHANGE
WATER RIGHTS
FILE

National Park Service
Office of Land & Water Rights S.S.C.
450 Golden Gate Ave.
Box 36025
San Francisco, California 94102

Gentlemen:

This is to inform you that your Application for Extension of Time

Has been granted to November 7 ,19 69

/XX/ for filing of the Proof of Beneficial Use .

Has been granted to _____,19__,

with the provision that no further extensions will

/___/ be granted for filing the_____ .

Very truly yours,

Peter G. Morros

Office Engineer

jls

File Copy

COPY TO WASO
SUPT., LEHMAN CAVES
DATE 6/13/69

FOR YOUR ☒ INFORMATION ☐ ACTION

OFFICE OF LAND & WATER RIGHTS, SSC

154-2-24-69
EWR
2/24

L54
LWSSC

18 FEB 1969

State Engineer
State of Nevada
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89701

Dear Sir:

Enclosed is the application for Request for Extension of Time for filin
filing Proof of Beneficial Use at Lehman Caves National Monument in White Pine County. The fee of $5.00 will be forwarded under separate cover by the U.S. Treasury Department.

Sincerely yours,

(Sgd) JOHN E. RITCHIE

John E. Ritchie
Chief, Office of Land
and Water Rights

Enclosure

cc:
Ch. Br. of Water Resources, OLWW, WSC w/enc
Regional Director, Western w/enc
Supt. Lehman Caves w/enc
Mrs. L. Liles, WRO Finance

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF PERMIT NO. 20794
U.S.A. Department of Interior
OWNER OF RECORD National Park Service
Cave Springs, Tributary to
APPROPRIATE THE WATERS OF Baker-Lehman Creeks
(Name of stream, lake, spring, underground or other source.)

APPLICATION FOR EXTENSION OF TIME

Mar. February 18, 1969

STATE OF Nevada
COUNTY OF White Pine } ss.

Comes now William E. Fields, the Department of Interior U.S.A. National Park Service (Permittee or Agent)

under Permit No. 20794, who after being first duly sworn, deposes and says:

That due to flucuation of use according to the weather and seasonal use by personnel (Give reasons in detail why extension of time is necessary.) and tourists it is desired to make proof of beneficial use at a more optimum time of use. Lack of appropriations has not allowed for detailing of the required people to compile the supporting map.

I have been unable to comply with the provisions of said permit.

Wherefore permittee requests an extension of time for one year (Not to exceed 1 year) within which to comply with the provisions for filing the Proof of Beneficial Use (Proof of Commencement, or Completion of Work or Proof of Beneficial Use.) of the above numbered permit.

Signed William E. Fields Supervisory William E. Fields, Hydraulic Engineer
Office of Land & Water Rights
Address 450 Golden Gate Ave. Box 36025
Street No., or P.O. Box No.
San Francisco, California 94102
City, State, Zip Code No.

Subscribed and sworn to before me this 18th day of February, 1969

Agnes H. Frevel

Notary Public in and for the County of San Francisco

State of Calif.

My commission expires Jan 28, 1972

OFFICIAL SEAL
AGNES H. FREVEL
NOTARY PUBLIC — CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires Jan. 28, 1972

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

00-00-0000: letter to nps from state of nevada regarding provisions of permit

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

January 29, 1969

Address All Communications to
the State Engineer, Division
of Water Resources

U.S.A. Department of the Interior
National Park Service, 180 New Montgomery St.
San Francisco, California 94105

Gentlemen:

The provisions of your permit with the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Beneficial Use

on or before November 7, 1968.

Our records show that you have not filed said Proof and therefore your permit is in poor standing and subject to cancellation.

Unless the legally required proof or affidavit requesting an extension of time in which to file said proof is received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,
ROLAND D. WESTERGARD
State Engineer

jls

XXXXXXXX FINAL NOTICE

CERTIFIED MAIL NO. 223184

A previous final notice was sent to you on November 7, 1968, and as we have received no response from you, your prompt attention to this matter by February 28, 1969 will be appreciated.

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

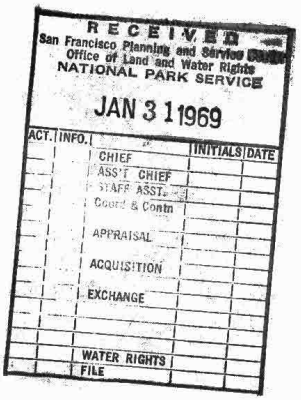
Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

Form K

5693

00-00-0000: stamp of receival



00-00-0000: letter to nps from state of nevada regarding provisions of permit

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 South Fall Street, Carson City, Nevada 89701

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 20794

November 7, 1968

Address All Communications to
the State Engineer, Division
of Water Resources

U.S.A. Department of the Interior
National Park Service, 180 New Montgomery St.
San Francisco, California 94105

Gentlemen:

The provisions of your permit with the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Beneficial Use

on or before November 7, 1968.

Our records show that you have not filed said Proof and therefore your permit is in poor standing and subject to cancellation.

Unless the legally required proof or affidavit requesting an extension of time in which to file said proof is received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,
ROLAND D. WESTERGARD
State Engineer

jls

THIRD AND FINAL NOTICE

CERTIFIED MAIL NO. 242771

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

Form K

5693

00-00-0000: nps western regional office stamp



CHANGE OF POLICY
EFFECTIVE SEPTEMBER 1, 1968

ONE CERTIFIED NOTICE TO APPROPRIATORS AND AGENTS
FOR FILING PROOFS REQUIRED UNDER PERMITS

In the past it has been the policy of the State Engineer to forward three (3) notices to the owner of record of a water right or his agent, informing him of required proofs under the terms of his permit. As you know, the third and final notice is always forwarded by certified mail, notifying the owner of record and his agent that certain documents and fees are due within thirty (30) days from the date of the notice.

Effective September 1, 1968 this office will forward only one (1) notice certified mail, as provided by statute. The above notices will apply to the following:

1. Proof of Commencement and filing fee.

2. Proof of Completion and filing fee.

3. Proof of Beneficial Use and supporting cultural map, if required, and filing fee.

The notice will be forwarded to the owner of record and his agent on the date that said proof and fee are due. If the date falls on a week end or holiday the notice will be sent on the following working day. Should the owner of record or agent within thirty (30) days of the date of the notice fail to file the required proof and fee outlined in the notice, the permit shall be cancelled and no further proceedings shall be had thereunder.

It has been necessary for the State Engineer to adopt this new procedure in order to relieve the increasing work load and backlog. Please inform your clients of this new procedure and request that they review the provisions of their permits so that they are aware of required filing dates.

If you have any questions please feel free to contact this office.

Sincerely,

Roland D. Westergard
State Engineer

RDW:m

PROOF OF COMPLETION OF WORK

Permit No.

STATE OF NEVADA

County of White Pine

Robert R. Jacobsen
Superintendent, Lehman Caves

BEFORE ME, Personally appeared the subscribed, who being duly sworn saith that at least Seventy five thousand ninety seven and 43/100 dollars ($75,097.43) has been expended in work or improvements performed or made under the conditions provided in Permit No. 10959, in the completion of said works, and at the expense of the applicant.

Said improvements consisted of the construction of the collecting infiltration gallery at Cave Springs, the installation of a 1000 gallon collection sump, installation of 4" C.I. & 2" G.S. supply pipe line, a new 50,000 gal distribution reservoir, 5000 feet of new 6" C.I. distribution line, a new chlorinization house with equipment, supply taps, fire hydrants and other distribution valves etc.

and being work essential to the actual diversion of the water applied for and in the completion of the work required under said permit.

Robert R. Jacobsen Applicant

Subscribed and sworn to before me this 11th day of May, 1964

Dolores Simpson

Notary Public in and for the County of White Pine, State of Nevada.

My Commission expires

PROOF OF COMMENCEMENT OF WORK

Permit No.

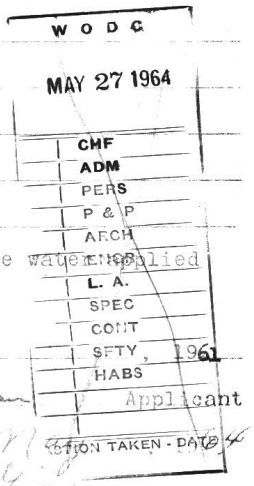
STATE OF NEVADA
} ss.
County of White Pine

Robert R. Jacobsen
Superintendent, Lehman Caves

BEFORE ME, Personally appeared _____

the subscribed, who being duly sworn saith that at least Seventy five thousand ninety seven and 43/100 dollars ($ 75,097.43) has been expended in work or improvements performed or made under the conditions provided in Permit No. 10959, and at the expense of the applicant.

Said improvements consisted of the construction of the collecting infiltration gallery at Cave Springs, the installation of a 1000 gallon collection sump, installation of 4" C.I. & 2" G.S. supply pipe line, a new 50,000 gal distribution reservoir, 5000 feet of new 6" C.I. distribution line, a new chlorinization house with equipment, supply taps, fire hydrants and other distribution valves etc.



and being work essential to the actual diversion of the water applied for.

Said improvements were begun prior to December 1, 1961

Robert R. Jacobsen
Applicant

Subscribed and sworn to before me this 19th day of May, 1964

Notary Public in and for the County of White Pine, State of Nevada.

My Commission expires

259

00-00-0000: letter to superintendent from state engineer regarding permit no. 20794

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

ELMO J. DeRICCO
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
Carson City, Nevada

In reply refer to No. 20794

April 8, 1964

Mr. Paul M. Steel, Superintendent
Lehman Caves National Monument
180 New Montgomery Street
San Francisco 5, California

Re: U.S.A. Dept. of the Interior, National Park Service

Gentlemen:

Enclosed herewith you will find Permit No. 20794 for the waters of Cave Spring, tributary to Baker-Lehman Creeks [redacted]

You are advised that if the various proofs thereunder, together with any map which may be required, are not filed in this office prior to the dates set for such filings, the permit will be subject to cancellation.

Yours truly,

ELMO J. DeRICCO,
State Engineer.

hs

April 7, 1964

Serial No. 20794

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office October 18, 1962

Returned to applicant for correction December 13, 1962

Corrected application filed January 3, 1963 Map filed June 3, 1943 under 10959

The applicant The United States of America Department of the Interior, National Park Service

of Baker, County of White Pine

State of Nevada, hereby makes application for permission to change the

point of diversion, manner of use and place of use

of water heretofore appropriated under Proof No. 01065 for 0.15 c.f.s., of water in accordance with "Judgment of Decree" dated October 1, 1934, in the Seventh District Court of the State of Nevada at Ely, Nevada, Judge H.W. Edwards

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

presiding, in the proceedings entitled "In the Matter of the Determination of the Relative Rights in and to the waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada".

1. The source of water is Cave Spring, tributary to Baker-Lehman Creeks
(Name of stream, lake or other source.)

2. The amount of water to be changed 0.15 second foot (109.5 acre-feet per annum)
(Second feet, acre feet.)

3. The water to be used for domestic, recreation, fire protection.
(If for stock state number and kind of animals.)

4. The water heretofore used for irrigation
(If for stock state number and kind of animals.)

5. The water is to be diverted at the following point whence the common corner of Sections 10,11,14,15, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70° 10' E., 8,312.49 feet on unsurveyed lands (SW¼ NE¼ Sec. 9, T. 13 N., R. 69 E.)
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)

6. The existing point of diversion is located within at a point whence S.E. cor. Sec. 12, T. 13 N., R. 69 E., M.D.B.&M., bears S. 87° 08' E., 15,266.8 feet on unsurveyed lands (SW¼ SW¼) Sec. 10, T. 13 N., R. 69 E., M.D.B.&M.
(If point of diversion is not changed, do not answer.)

7. Proposed place of use NE¼ NW¼ and NW¼ NE¼ Sec. 15 and the SE¼ SW¼ Sec. 10, all within T. 13 N., R. 69 E., M.D.B.&M.
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use NE¼ NW¼ and the NW¼ NE¼ Sec. 15, T. 13 N., R. 69 E., M.D.B.&M., irrigation of 7.5 acres.
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)

9. Use will be from January 1st (Month) to December 31st (Month) of each year.

10. Use has been from January 1st (Month) to December 31st (Month) of each year.

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) as specified and shown on the attached Drawing No. NM-LC-3131A-entitled WATER SYSTEM, LEHMAN CAVES NATIONAL MONUMENT, hereby made a part of this application.
(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works $55,000.00

13. Estimated time required to construct works five years

14. Remarks Map filed under 10959 will support this application.

Applicant United States of America, Department of the Interior, National Park Service

By s/ Paul M. Steel

Compared hs/lb hs/ns

$30.00 FILING FEE MUST ACCOMPANY APPLICATION

TO BE COMPLETED BY STATE ENGINEER

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of Cave Spring, tributary to Baker-Lehman Creeks heretofore decreed under Proof 01065 in accordance with "Judgment and Decree" dated October 1, 1934 "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker-Lehman Creeks and Tributaries in White Pine County, Nevada," is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.15 cubic feet per second, and not to exceed 109.5 acre-feet annually.

Actual construction work shall begin on or before October 7, 1964

Proof of commencement of work shall be filed before November 7, 1964

Work must be prosecuted with reasonable diligence and be completed on or before October 7, 1965

Proof of completion of work shall be filed before November 7, 1965

Application of water to beneficial use shall be made on or before October 7, 1968

Proof of the application of water to beneficial use shall be filed on or before November 7, 1968

Map in support of proof of beneficial use shall be filed on or before

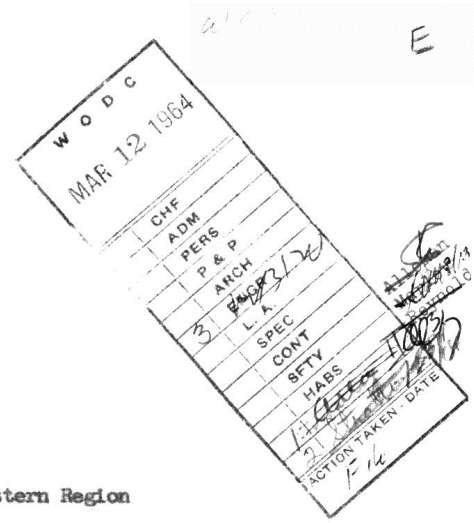
WITNESS MY HAND AND SEAL this 7th day of April, 1964

ELMO J. DeRICCO
State Engineer

1942

By _____
Assistant State Engineer

00-00-0000: memorandum to director from acting regional director regarding publication of application to change point of diversion



March 11, 1964

154

Memorandum

To: Director

From: Acting Regional Director, Western Region

Subject: Publication of Application to Change Point of Diversion and manner and place of use, Application 20794, Cave Springs, Lehman Caves

Enclosed is a copy of the publication of our intention to change point of diversion, manner of use and place of use of the public waters of Cave Springs in the State of Nevada. This copy should be placed in Lehman Caves Water Right Docket No. 1.

(SGD.) KEITH NEILSON

Keith Neilson

cc:
Supt., Lehman Caves with original notice
WODC, with copy of notice

00-00-0000: legal notice: application for permission to change point of diversion manner of use and place of use of the public wate

LEGAL NOTICE

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Application No. 20791

NOTICE IS HEREBY GIVEN, that on the 18th day of October, 1962, The United States of America, Department of the Interior, National Park Service, of Baker, County of White Pine, State of Nevada, made application to the State Engineer of Nevada for permission to change the point of diversion manner of use and place of use of 0.45 c.f.s. or 199.5 acre-feet per annum of water heretofore appropriated under Proof No. 9065 "In the Matter of the Determination of the Relative Rights in and to the waters of Baker and Lehman Creeks and tributaries in the County of White Pine, State of Nevada," in the Seventh Judicial Court of the State of Nevada.

Diversion is to be made from Cave Springs, tributary to Baker-Lehman Creek, at the new point of diversion located within the SW¼ NE¼, Sec. 9, T. 15 N., R. 69 E., M.D.B.&M. (Unsurveyed), or at a point from which the common corner of Sections 10, 11, 14 and 15, T. 15 N., R. 69 E., M.D.B.&M. bears S. 70° 16' E., a distance of 8,512.49 feet. Water will be conveyed to the new places of use located within the NE¼ NW¼ NW¼ NE¼, Sec. 15 and the SE¼ SW¼, Sec. 10, T. 15 N., R. 69 E., M.D.B.&M., and will be used for domestic, recreation and fire protection purposes from January 1st to December 31st each year.

Diversion was made from Cave Springs, tributary to Baker-Lehman Creeks at the existing point of diversion located within the SW¼ SW¼ Sec. 10, T. 15 N., R. 69 E., M.D.B.&M. (unsurveyed) or at a point from which the S.E. corner of Sec. 12, T. 15 N., R. 69 E., M.D.B.&M., bears S. 57° 00' E., a distance of 15,266.8 feet. Water was conveyed to the existing places of use located within the NE¼ NW¼ and NW¼ NE¼ Sec. 15 T. 15 N., R. 69 E., M.D.B.&M. (7.5 acres), and was used for irrigation purposes from January 1st to December 31st of each year.

ELMO J. DeRICCO
State Engineer

Published: March 27, & April 3, 10, 17, 24, 1963.

148

00-00-0000: letter to nps from state engineer regarding received and filed application no. 20794

DEPARTMENT OF CONSERVATION AND [illegible]

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
Carson City, Nevada

[illegible] A. ERAMBERGER
[illegible]

ELMO J. DeRICCO
State Engineer

In reply refer to No. 20794

March 21, 1963

The United States of America
Department of the Interior
National Park Service
c/o Mr. Paul M. Steel, Supertendent
Lehman Caves National Monument
180 New Montgomery Street
San Francisco 5, California

Gentlemen:

Your application was

received and filed in this office under the above-mentioned

serial number on October 18, 1962.

Notice of publication goes forward today to the Ely Daily Times, Ely, Nevada.

Supporting map was received and filed June 3, 1943 under 10959.

Very truly yours,

ELMO J. DeRICCO,

State Engineer.

hs

Address all communications to the State Engineer, Division of Water Resources.

1048

(1) CB

148

00-00-0000: letter to nps from hydraulic engineer regarding our correspondence with you reference l54 docket 1, leca

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

State Office Building, Carson City, Nevada

In reply refer to No. 10959, 20794

February 18, 1963

Address All Communications to the State Engineer, Division of Water Resources

RECEIVED
LEHMAN CAVES
FEB 20 1963

SUPT.	
ADJ. ASST.	
NATURALIST	
MAINT.	
FILES	

United States Department of the Interior
National Park Service
Lehman Caves National Monument
Baker, Nevada

Attention Mr. Paul M. Steel, Supt.

Gentlemen:

We have received your letter of February 8, 1963, regarding our correspondence with you Reference L54 Docket 1, LeCa.

In accordance with the instructions in your letter, we will change the answer to Question 1 to read "Cave Springs, Tributary to Baker-Lehman Creeks". We are also inserting on Line 4--after the place of use, "of Permit 10959".

Very truly yours,

Victor H. Stafford

Victor H. Stafford
Hydraulic Engineer
General Office Engineering Section

VHS:amd

1-8

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

154
Docket 1, IcCa

February 8, 1963

State of Nevada
Department of Conservation & Natural Resources
Division of Water Resources
State Office Building
Carson City, Nevada

Attention: The State Engineer RE: Application No. 20794

Dear Sir:

Your letter of February 4, 1963, called our attention to an error in our answer to Question No. 1, above numbered application.

We would point out the name Cave Springs refers to a group, or complex, of small springs immediately adjacent to each other. The combined flow of these several small springs are caught to provide our decreed 0.15 second feet of water.per

We believe it would be appropriate to state "the (or "a") group of small springs known collectively as Cave Springs, Tributary to Baker-Lehman Creeks".

If, in your opinion, the answer to No. 1 stated as "Cave Springs, Tributary to Baker-Lehman Creeks"would adequately protect the adjudicated 0.15 second feet from the several small springs you are requested and authorized to correct our application accordingly.

Please advise this office as to the exact wording inserted, we will then correct our file copies of the application.

Sincerely yours,

Paul M. Steel
Superintendent

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

State Office Building, Carson City, Nevada

GEORGE V. ... Assistant State Engineer

In reply refer to No. 20794

February 4, 1963

Address All Communications to the State Engineer, Division of Water Resources

RECEIVED
LEHMAN CAVES
FEB 7 1963
SUPT.
AD. ASST.
NATURALIST
MAINT
FILES

United States of America
Department of the Interior
National Park Service
Lehman Caves, National Monument
Baker, Nevada

Attention Paul M. Steel

Gentlemen:

We have received the amended application under 20794.

In answer to No. 1, the source is given as "Cave Springs and other springs and seeps in and tributary thereto". In the Judgment and Decree entered in the Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine on October 1, 1934, Cave Springs was declared a tributary to the Baker-Lehman Creek System.

It would be appreciated if you would authorize this office to make the necessary correction, so that the answer to question No. 1 will read "Cave Springs, Tributary to Baker-Lehman Creeks".

Very truly yours,

Victor H. Stafford

Victor H. Stafford, Hydraulic Engineer
General Office Engineering Section

VHS:amd

148

00-00-0000: letter to state of nevada from superintendent regarding enclosed the original and amended applications

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

L54
Docket-1
LECA

December 31, 1962

State of Nevada
Department of Conservation & Natural Resources
Division of Water Resources
State Office Building
Carson City, Nevada

Attention: Elmo J. DeRicco

Dear Mr. DeRicco:

We have complied with your letter of December 13, 1962 and are enclosing the original and amended applications as requested.

Sincerely yours,

(Sgd.) Paul M. Steel

Paul M. Steel
Superintendent

Enclosures 2

cc:
Reg. Dir. Western Region

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

State Office Building, Carson City, Nevada

1-7-63

In reply refer to No. 20794

Address All Communications to the State Engineer, Division of Water Resources

December 13, 1962

The U.S.A. Dept. of the Interior
National Park Service
c/o Mr. Paul M. Steel, Superintendent
Lehman Caves National Monument
180 New Montgomery Street
San Francisco 5, California

Returned both corrected Applications
12/29/62
EEE

Gentlemen:

Your application to appropriate the public waters of the State of Nevada was received and filed.....Oct.,...18,...1962.,.

It was assigned serial number.....20794.....

We are enclosing the original and amended applications so that the following corrections may be made on the amended application :

Under paragraph 2 give the amount of water to be changed. The total amount stated under Proof 0.1065 of the decree is 0.15 c.f.s. (109.5 acre-feet per annum).

Fill in the amended application as instructed above, sign and return to this office together with the original application.

The amended and original applications and map must be filed in this office on or before...Feb.12,1963...or it becomes mandatory for the State Engineer to cancel the application.

Your application, if returned properly corrected within sixty days, will retain the priority of its original filing; if not returned within the time stated, it will be canceled.

Very truly yours, ELMO J. DeRICCO
~~EDMUND A. MUTH~~
State Engineer

Enc. /2

4149

1471

00-00-0000: receipt no. 59073 of state of nevada engineer's office regarding filing application no. 20794

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 59073

Oct. 23, 19 62

The United States of America, Department of the Interior
National Park Service
c/o Paul M. Steel, Supt., Lehman Caves National Monument
Western Regional Office
180 New Montgomery St., San Francisco 5, Calif.

To THE STATE OF NEVADA, Dr.

		TO Filing Application No. 20794 to change	$30.	00
		~~Further action on this application will be withheld pending receipt of supporting map prepared by a licensed State Water Right Surveyor~~ Map under No. 10959 will support this application.		

Remittance by Treasurer of the United States, Warrant No. 45,396,919
San Francisco, Calif.

Received payment, $30.00

Acting State Engineer.

By Lorena Burns

(1) CB

1052 3M—6-62

Serial No.....

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office_____

Returned to applicant for correction_____

Corrected application filed_____

The undersigned The United States of America, Department of the Interior, National Park Service, by Guy D. Edwards, Supervisor, Boulder Dam National Recreational Area.
(Name of applicant.)

of Boulder City, County of Clark

State of Nevada, hereby makes application for permission to change the point of diversion, method of conveyance, place and purpose of use of water heretofore appropriated under Proof No. 01065 under decreed rights to Cave Springs, being part of the adjudication of rights to Baker and Lehman Creeks.
(State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)

1. The source of water supply is Cave Springs and other springs and seeps, in, and tributary to the Cave Springs outlet.
2. The quantity of water desired to be changed 0.15 second foot (109.5 AF/annum) (See Remark G).
(Acre feet, second feet.)
3. The water is to be used for domestic and recreational (See Remarks E) purposes
4. The water heretofore used for irrigation (See Remarks D)
5. Place of use under existing appropriation 15 acres in NE¼ NW¼ & NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B. & M. as described in decree and shown on Exhibit E-1. Said description is partially in error. (See Remark C).
(Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
6. Proposed place of use under this application SW¼ SE¼ & SE¼ SW¼ Section 10; and NE¼ NW¼ & NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B. & M. (Also see Remarks C).
(Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
7. The water is to be diverted from its source at the following point: N. 77°50' W. 5016 ft. from SE corner said Section 10. (Also see Remarks A.)
(Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)
8. The existing point of diversion under the proposed appropriation is At point whence SE corner Section 12, T. 13 N., R. 69 E., M.D.B. & M. bears as follows: S. 87°08' E. 15,266.8 ft. (Also see Remarks B.)
(If point of diversion is not changed do not answer.)
9. Number and kind of animals proposed to be watered none
10. Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month) of each year.
11. The water has been used heretofore during the months of January 1 to December 31 of each year
12. Remarks A. The main diversion will be at a settling basin at the junction of the outlet streams from Cave Springs and a spring hereafter designated as Spring I, whence the SE corner of said Section 10 bears S. 77°50' E. 5016 feet.

A 2" G. I. lateral will extend from said settling basin to a supplementary collecting sump in the Cave Springs Area whence said SE corner Section 10 bears S. 70°10' E. 8312 feet. This lateral is to eliminate transit losses in original channel of outlet. Vitrified tile will radiate from said collecting sump to the various

(over)

springs and seeps in the Cave Springs Area, said area being described as follows:

Beginning at a point whence said SE corner Section 10 bears S. 70°12' E. 8287 feet, thence N. 29°52' E. 300 feet, thence N. 60°08' W. 1320 feet, thence S. 29°52' W. 500 feet, thence S. 60°08' E. 1320 feet, thence N. 29°52' E. 200 feet to point of beginning.

A second lateral will extend from the settling basin, or main diversion, to a collecting sump near Spring I, whence collecting tile will radiate over a spring area not yet fully defined in the SW¼ NE¼ & SE¼ NW¼ of Section 16 of the same township and range.

Water in excess of diversion pipe capacity, or not needed for the pipe system, will be released to the natural channel and rediverted by ditch at a point whence said SE corner Section 10 bears S. 73°15' E. 4198 feet, to maintain the water level in pond.

B. The original point of diversion was tied to a section corner 2 miles east of that used by the National Park Service (160.12 chains east by township plats of G.L.O. surveys of 1878), and no attempt has been made to re-run the tie. Apparently, however, the section corner is approximately 500 feet short of 2 standard miles east of the corner used by the Park Service, and several hundred feet north of the south line of Section 10. Apparently Surveyor O. E. Mann, who prepared Exhibit E-1, did not find the SE corner of Section 10 or the true relations between the SE corners of Sections 10 and 12.

Treating Sections 11 and 12 as 10,568 feet long, the original point of diversion can be described as N. 80°38' W. 4751 feet from SE corner Section 10, or approximately 270 feet from the settling basin claimed as the main point of diversion in this application for changes and corrections. Practically, the change is a movement of said diversion 300'± downstream to the junction of the Cave Springs and Spring I outlets.

The dam and reservoir at Station E on Exhibit E-1 was in the bottom of the outlet from Spring I, which is usually dry. It was served from the original main diversion by ditch, but also served as an independent diversion of the flood waters of the Spring I drainage area. The waters of Spring I were, therefore, a partial source of supply under Proof No. 01065. The Park Service plan to extend a lateral from its main diversion to the immediate vicinity of Spring I is thus merely a change in point of diversion of part of the original source of supply to reduce seepage or transit losses.

The Park Service hereby declares abandonment of the original diversions at Stations A and E and the right to make such diversions at the natural point of commingling at aforesaid settling basin with auxiliary diversions at said spring areas to eliminate transit and seepage losses.

By symbol Exhibit E-1 shows a ditch from Cave Spring to the reservoir near the orchard, herein designated as Pond. Indications are that most of said ditch is in fact only the natural channel of the Cave Springs outlet, the point of diversion and beginning of true ditch being at proposed point of rediversion whence SE corner of said Section 10 bears S. 73°15' E 4198 feet.

C. The original area of irrigation shown on Exhibit E-1 is actually on a hillside where irrigation is not practical and no evidence of planting exists. The area shown as fenced at the time of the HE Survey of 1917, on accompanying map of Cave Springs Water Claims, is actually planted to orchard older than the monument. It is also the area now devoted to public picnic and campground. The fenced area is nominally the area shown as planted to orchard and alfalfa on Forest Service map of survey of August 30-31, 1933, as shown on accompanying map. The Park Service therefore claims the right to amend the place of use to include parts of Section 10 as well as originally claimed Section 15, as herein noted.

By change of manner of use, the Park Service claims the right to reduce the duty of water and reduce the area of irrigation, applying the surplus quantity to a greater area. The enlarged area is hereby defined as all, or any portions, of the SW¼ SE¼ & SE¼ SW¼ Section 10 and the NW¼ NE¼ & NE¼ NW¼ Section 15.

D. The decree granted a right to divert water for irrigation purposes only, but Exhibit E-1 showed a reservoir which is designated as "Pond" on accompanying map. The exhibit also shows corrals at southwest corner of orchard, and the water code provides for the normal domestic needs of a rancher under his irrigation rights. From reports of "oldtimers" the pond was used as a fish-pond and for stockwatering in summer, and for ice harvesting in winter long before, and at time of, the adjudication. The Park Service claims that the use has been for general ranch purposes without protest and with the knowledge of the court since prior to the adjudication.

E. The proposed water use by the Park Service is described as follows:

Domestic - Domestic purposes by the permanent employees at the monument.

Recreational - Sanitary facilities at public comfort stations.
Culinary purposes at a small lodge operated under Park Service supervision.
General culinary and sanitary purposes at a public campground.
Incidental irrigation of shrubs and other vegetation in campground and immediately adjacent to buildings.
Dust laying in campground and on unpaved roads in immediate headquarters area.
Maintenance of the "Pond" for fish culture and swimming pool purposes.
Maintenance of 20,000 gallons of storage for fire protection.

F. The 2" pipes from collecting sumps at Cave Springs and Spring I to settling basin will have gradients of 95 feet per 1000 feet and capacities of 0.11 second foot.

The 4" pipe from settling basin to distribution reservoir will have a gradient of 13 feet per 1000 feet and capacity of 0.23 second foot.

During temporary use of 2" pipe throughout, by bypassing settling basin, the maximum effective gradient will be 57 feet per 1000 feet with capacity of 0.084 second foot .

The ditch to the pond, actually part of original system, is irregular in size and shape with the following minimum section:

b=1'; t=1.5'; d=1'; s=0.0154; n=0.035.

Capacity far in excess of right.

The National Park Service requests the right to direct all, or any part of the decreed 0.15 second foot from any of its proposed points of diversion or rediversion within the limits of conduit capacity and flow at said points of diversion and rediversion.

G. The United States claims the right to the full appropriation by virtue of a deed from the Commissioners of White Pine County to the United States of America, Department of Agriculture, dated September 18, 1934, and recorded in Book 118, pages 221-222 of the records of the County Recorder, which conveyed all of Homestead Entry Survey No. 149, Patent No. 724063, except a parcel previously conveyed to the State of Nevada, and "the waters of Cave Spring, evidenced by proof of appropriation No. 01065 on file in the office of The State Engineer, State of Nevada." The excluded State parcel is above the ditch and not served by it.

Conveyance by said County Commissioners was in accordance with resolutions to convey, adopted on the 5th day of September in 1933 and again on the same date of 1934. Authority for said conveyance was by act of the 35th session of the State Legislature, being Chapter 104, approved March 19, 1931, and appearing on pages 174-175 of Statutes of that year.

Jurisdiction over the above property has since been transferred from the Department of Agriculture to the Department of the Interior, National Park Service.

13. Description of proposed works The spring areas are to be fenced. Springs to be diverted by 4" V. T. draining to 550 gallon concrete collecting sumps. G.I. pipe of 2" diameter will deliver water from collecting sumps to settling basin of concrete with 2000 gallon capacity. Galvanized pipe of 4" diameter will convey water from settling basin to 20,000 gallon concrete regulatory and distribution reservoir. Distribution will be by 4" G.I. pipe and smaller laterals. Reservoir overflow will be conveyed by 4" G.I. pipe to "Pond". Temporary use of 2" pipe will be made until 4" pipe is needed, and flow in excess of capacity will be conveyed by natural channel and temporary ditch direct to said Pond. (See Remarks F).

14. Estimated cost of works $12,000.

15. Estimated time required to construct the works is 5 years.

_____ Applicant

By _____

_____ OF STATE ENGINEER

No.....

Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated.

STATE OF NEVADA
ENGINEER'S OFFICE

Filed.....

Applicant .....

.....

P. O. Address.....

.....

Form 1c 500—4-14-96

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

L54 April 12, 1962

Mr. Edward A. Muth, State Engineer
Division of Water Resources
P.O. Box 606
Carson City, Nevada

Re: Application 10959, Lehman Caves National Monument

Dear Mr. Muth:

Authority is requested to withdraw "Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated", your number 10959, dated June 3, 1943. This application was for the purpose of adding a nameless Spring, designated as South Spring, to Proof No. 01065 under decreed rights to Cave Springs, a part of the adjudication of rights to Baker and Lehman Creeks, decreed October 1, 1934.

During the past four years, 1958 - 61, extensive development of the Cave Springs has resulted in production of water of sufficient quantity to furnish the amount of 0.15 second feet of water in accordance with the adjudication of October 1, 1934. It is, therefore, no longer necessary to apply for diversion of the so-called South Spring.

Sincerely yours,

Paul M. Steel
Superintendent

EEL APR 16 '62

Copy to: Regional Director, Region Four (2)
✓Chief, WODC (2)
WASO through Regional Director, Region Four

Last NT 4/10

Mail 4/18
Wells 4/19
File

00-00-0000: receipt no. 56753 of state of nevada engineer's office regarding filing request for extension time under permit no. 109

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 56753



Nov. 2, 1961

United States of America, National Bank Service

Lehman Caves National Monument, Baker, Nev.

To THE STATE OF NEVADA, Dr.

		TO Filing request for extension of time under Permit No. 10959	$5.	00
		Extension of time to October 19, 1962 has been granted with the provision that no further Extension of time will be granted for filing Proofs of Completion of Work and Beneficial Use after October 19, 1962.		

Remittance by Treasurer of the United States, No. 14,883,516

Received payment,

Edmund A. Mathews
State Engineer.
By Lavina Burns

2M—8-61
1052

NOTICE

Extension of time has been granted to October 19, 1962 under Permit No. 10959 with the provision that no further extension of time will be granted for filing Proofs of Completion of Work and Beneficial Use

STATE ENGINEER.

00-00-0000: letter to state engineer from superintendent regarding a request for further extension of time under the subject applica

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

L54 September 11, 1961

Edward A. Muth
State Engineer
P.O. Box 606
Carson City, Nevada

Re: Application No. 10959, Lehman
Caves National Monument

Dear Mr. Muth:

Enclosed is a request for further extension of time under the subject application. Also enclosed is a purchase order and voucher to cover the $5.00 filing fee.

Steps have been taken to further develop water at Cave Spring. As you will note on attached Application for Extension of Time, the contract has been awarded and work is in progress.

The enclosed voucher should be signed and returned to the National Park Service, Region Four Office, 180 New Montgomery Street, San Francisco 5, California for payment. Please furnish a receipt to this office.

Sincerely yours,

(SGND) PAUL M. STEEL

Paul M. Steel
Superintendent

Attachments 3

Copy to: Region Four Office 2 ✓
Director
WODC

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959
FILED BY United States of America, National Park Service
APPROPRIATE THE WATERS OF Caves and South Springs (Source)

APPLICATION FOR EXTENSION OF TIME

STATE OF Nevada
COUNTY OF White Pine } ss.

Comes now Paul M. Steel, the Agent (Permittee or Agent)

under Application No. 10959, who after being first duly sworn, deposes and says:

That due to the magnitude of the development program currently administered by the (Give reasons why extension of time is necessary)
National Park Service (MISSION 66) which plans rehabilitation and construction of facilities for all National Parks and National Monuments under administrative jurisdiction of the National Park Service the specific water development for Lehman Caves is programed for the current fiscal year (1962). While contract has been awarded, and work is now in progress, to complete development and full utilization of waters appropriated, the project cannot be completed on or before October 19, 1961. During the past year a total of $900 was expended to properly fence and protect water intake system.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to comply with the provisions of the above numbered permit.

Signed Paul M. Steel

NATIONAL PARK SERVICE
Address LEHMAN CAVES NATIONAL MONUMENT
BAKER, NEVADA

Subscribed and sworn to before me this 13th day of September, 1961

N. Antone Harrison

Notary Public in and for the county of White Pine State of Nevada

My Commission expires N. ANTONE HARRISON, Notary Public My Commission Expires Nov. 26, 1961

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

00-00-0000: letter to nps from state engineer regarding file proofs of completion of work and beneficial use

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING

Carson City, Nevada

ROY A. HAMMERMEISTER
Deputy

EDMUND A. MUTH
State Engineer

In reply refer to No. 10959

August 21, 1961

United States of America
National Park Service
c/o Superintendent
Lehman Caves National Monument
Baker, Nevada

Gentlemen:

RECEIVED
LEHMAN CAVES
AUG 23 1961

SUPT.	
AD. ASST.	
NATURALIST	
MAINT	
FILES	

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada require you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1961.

If you are unable to file the Proofs as required by the terms of your permits, then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH

State Engineer

FIRST NOTICE

Encls.

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

124

00-00-0000: letter to state engineer from acting regional director regarding transferred lehman caves national monument

Docket file

~~Spaulding~~ LSS
Whitworth (later
~~Manbey~~ BFM
~~Wosky~~
~~Maier~~, Herb
(~~Quiet~~) Iq

REGION FOUR
180 New Montgomery Street
San Francisco 5, California

L 54

November 30, 1960

Mr. Edmund A. Muth
State Engineer
Division of Water Resources
P.O. Box 606
Carson City, Nevada

Re: Application No. 10959
Lehman Caves National Monument

Dear Mr. Muth:

Mr. Whitworth of this office wrote you on September 28 informing you that Lehman Caves National Monument had been transferred from Region Three of the National Park Service to Region Four and asking that correspondence concerning water rights be addressed to this office.

FILE COPY

A further change of our procedure has authorized the Superintendent to perform the functions necessary to secure water rights by application. This office has been assigned the responsibility of assisting the Superintendent in the preparation of applications, petitions and reports but these water right documents will, in the future, be signed and submitted by the Superintendent.

Accordingly, please address routine correspondence regarding Application 10,959 to the Superintendent, Lehman Caves National Monument whose address is:

Lehman Caves National Monument, Baker, Nevada

Please send copies of such correspondence to this office.

We wish to call attention to the fact that Lake Mead National Recreation Area is in Region Three of the National Park Service and that the Regional Director of that Region may wish to follow procedure differing from that which we have set up for Lehman Caves.

Sincerely yours,

(SGD) HERBERT MAIER

Herbert Maier
Acting Regional Director

Copy to: Director
Chief, WODC (2)
Regional Director, Region 3
Supt, Lehman Caves
LSSpaulding:lq

1-C

File → LECA Docket 1

DEPART[illegible] OF CONSERVATION AND NATU[illegible] RESOURCES
DIVISION OF WATER RESOURCES
State Office Building — Carson City, Nevada

STATEMENT

....., 19.....

TO DIVISION OF WATER RESOURCES

Date	Description	Amount
		10 11 63

NOV 1 - 1960

PAID
OCT 1960
BUR. VOU. # 2813

2886 (Rev.) TOTAL

10-11-1960: letter to state engineer from superintendent regarding request for further extension of time under application no. 1095

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

154

October 11, 1960

AIR MAIL

Edmund A. Muth
State Engineer
P. O. Box 606
Carson City, Nevada

RE: Application No. 10959, Lehman Caves National Monument

Dear Mr. Muth:

Enclosed is a request for further extension of time under the subject application. Also enclosed is a purchase order and voucher to cover the $5.00 filing fee.

Steps have been taken during the past fiscal year to further develop water at Cave Spring. As you will note, on the application, funds for the water system are currently programmed for fiscal year 1962.

The voucher should be signed and returned to the National Park Service, Region Four Office, 180 New Montgomery Street, San francisco, 5, California, for payment.

Sincerely yours,

Paul M. Steel
Superintendent

Attachments (3)

Copy to: Region Four (2)
Copy for: Director
W.O.D.C.

107

Key 4
Draft of 9/28/60

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY United States of America, National Park Service

APPROPRIATE THE WATERS OF Cave and South Springs (Source)

APPLICATION FOR EXTENSION OF TIME

STATE OF Nevada
COUNTY OF White Pine } ss.

Comes now Paul M. Steel, the agent (Permittee or Agent)

under Application No. 10959, who after being first duly sworn, deposes and says:

That due to the magnitude of the development program now being administered by (Give reasons why extension of time is necessary)
the National Park Service (MISSION 66), which plans rehabilitation and construction of facilities for all National Parks and National Monuments under administrative jurisdiction of the National Park Service the specific water development at Lehman Caves had to be programmed for 1962. Approximately $500,000 for facilities, including $83,200 for a water system, has been programmed to be expended at Lehman Caves during fiscal year 1962. During the past year $3682 has been spent on a exploratory trench to fully locate and develop the water of Cave Spring.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to comply with the provisions of the above numbered permit.

Signed (SGD) Paul M. Steel

Address

Subscribed and sworn to before me this 11th day of October, 1960

Notary Public in and for the county of

State of

My Commission expires

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

Draft copy signature final form & date typed as requested by Supt. memo of October 11, 1960 w/o change by Supt.

00-00-0000: letter to state engineer from acting regional chief of operatins regarding trasferred lehman caves national monument

LC

~~Spaulding~~ LSS

Whitworth

~~(Quiat)~~

REGION FOUR
180 New Montgomery Street
San Francisco 5, California

L 54

September 28, 1960

Edmund A. Muth
State Engineer
Division of Water Resources
P.O. Box 606
Carson City, Nevada

Re: Application No. 10959
Lehman Caves National Monument

Dear Mr. Muth:

A recent administrative change of the National Park Service has transferred Lehman Caves National Monument from Region Three (Regional Office in Santa Fe) to Region Four (Regional Office in San Francisco).

Accordingly, we wish to have matters affecting water rights at Lehman Caves addressed to this office.

Your notification that proofs or an affidavit requesting an extension of time under Application 10959 due October 19, 1960 was forwarded by Region Three. We are preparing a request for an extension of time which will be submitted shortly.

FILE COPY

Sincerely yours,

(SGD) G. F. WHITWORTH
George F. Whitworth
Acting Regional Chief of Operations

Copy to: Director
Regional Director, Region Three
Superintendent, Lehman Caves

LSSpaulding:lq

1-3

00-00-0000: letter to nps from state engineer regarding file proofs of completion of work and beneficial use

Region Four

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

In reply refer to No. 10959

September 20, 1960

LSP Reg 3

United States of America
National Park Service
c/o Mr. William E. Fields
Box 1728, Santa Fe, New Mexico

RECEIVED
NPS REGION THREE OFFICE
SEP 23 1960

	Surname	Date
REG. DIR.		
ASST. R.D.		
ADMIN.		
OPERATIONS		
RANGER ACT.		
INTERP.		
RECREATION		
SOLICITOR		
FILES		

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1960.

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

SECOND NOTICE

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

858

09-26-1960: stamp of receipt



00-00-0000: letter to nps from state of nevada regarding file proofs of completion of work and beneficial use

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

In reply refer to No. 10959

August 25, 1960

United States of America
National Park Service
c/o Mr. William E. Fields
Box 1728, Santa Fe, New Mexico

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1960.

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

RECEIVED
NPS REGION THREE OFFICE
AUG 29 1960

	INITIAL	DATE
REG. DIR.		
ASST. R.D.		
ADMIN.		
OPERATIONS	AL	8-30
RANGER ACT.		
INTERP.		
RECREATION		
	Received Sept	8/30
SOLICITOR		
FILES		

FIRST NOTICE

Encls.

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

00-00-0000: receipt for engineer's office regarding filling request for extension of time under permit no. 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 52166

Nov. 13, 19 59

William E. Fields

P. O. Box 1728, Santa Fe, N. M.

To THE STATE OF NEVADA, Dr.

	TO Filing request for extension of time under Permit No. 10959 (United States of America National Park Service)	$5.	00
	Extension of time to October 19, 1960 has been granted.		

Remittance in U. S. Treasurer's Check, Warrant No. 7,635,311

Received payment, Edmund A. Mouritsen
State Engineer.

By Lurena Burns

1052 3M—9-58

00-00-0000: receipt of purchase services other than person: application fee for extension of time cave and south springs water righ

Standard Form No. 1034a—Revised
Form prescribed by
Comptroller General, U. S.
September 7, 1950
(Gen. Reg. No. 51, Supp. No. 11)

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

D. O. Vou. No. .....

Bu. Vou. No. .....

U. S. Department of the Interior, National Park Service, Region Three
(Department, bureau, or establishment)

Voucher prepared at Santa Fe, New Mexico
(Give place and date)

THE UNITED STATES, Dr., Payee's Account No. .....

To State Engineer
(Payee)

Post Office Box 606, Carson City, Nevada
(Address) (City) (State)

PAID BY

(For use of Paying Office)

No. and Date of Order	Date of Delivery or Service	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary) Discount Terms	QUANTITY	UNIT PRICE Cost	UNIT PRICE Per	AMOUNT Dollars	AMOUNT Cts.
RO 33-105 10-7-59		Application fee for extension of time Cave and South Springs Water Rights, Docket No. 1, Lehman Caves National Monument	1	5.00	ea	5	00
PAYMENT: Complete X Partial ☐ Final ☐		Use continuation sheet(s) if necessary					
Shipped from	to	Weight	Government B/L No.		Total	5	00

(Payee must NOT use this space)

Differences .....

Account verified; correct for .....

(Signature or initials) .....

Contract No. | Date | Req. No. | Date | Invoice Rec'd.

5.00

Alice C. Maker
Administrative Assistant

Edmund A. Muth
MEMORANDUM: State Engineer
Division of Water Resources
October 12, 1959

ACCOUNTING CLASSIFICATION (For completion by Administrative Office)

Appropriation, limitation, or project symbol	Appropriation title	Limit'n. or Proj't. Amount	Appropriation Amount
	14X1035 33-0380 128.2 WASO (4-WR-60)		

Allotment symbol	Amount	Obligations liquidated	COST ACCOUNT Symbol	COST ACCOUNT Amount	OBJECTIVE CLASSIFICATION Symbol	OBJECTIVE CLASSIFICATION Amount

Paid by { Check No. ..... dated ....., 19....., for $..... } on Treasurer of the United States in favor of payee named above.
{ Cash, $....., on ....., 19 ..... }

16—22900a-2

METHOD OF OR ABSENCE OF ADVERTISING

METHOD OF ADVERTISING

1. Advertising in newspapers Yes ☐ No ☐.
2. (*a*) Advertising by circular letters sent to ..... dealers.
   (*b*) And by notices posted in public places Yes ☐ No ☐.

   (If notices were not posted in addition to advertising by circular letters sent to dealers, explanation of such omission must be made below.)

ABSENCE OF ADVERTISING

3. Without advertising, under an exigency of the service which existed prior to the order and would not admit of the delay incident to advertising.
4. Without advertising in accordance with .....
5. Without advertising, it being impracticable to secure competition because of .....

.....

.....

.....

.....

(Here state in detail the nature of the exigency or circumstances under which the securing of competition was impracticable under 3 and 4)

NOTE.—The above form "Method of or Absence of Advertising" is to be used when purchases are made or services secured under proper authority without written agreement in any form. In case of a written agreement (formal contract, proposal, and acceptance, or less formal agreement) Standard Form No. 1036—Revised should be used for abstracting the method of or absence of advertising and award of contract. (See General Regulations No. 51, as amended.)

☆ U. S. GOVERNMENT PRINTING OFFICE : 1950 O—75805 16—22900a-2

10-08-1959: letter to the state engineer from the acting regional director regarding application no. 10959

L-54 Leca

Fields
J. Hillm
Beers

Region Three
Santa Fe, New Mexico

October 8, 1959

AIR MAIL

Edmund A. Muth
State Engineer
P. O. Box 606
Carson City, Nevada

RE: Application No. 10959, Lehman Caves National Monument

Dear Mr. Muth:

Enclosed is a request for further extension of time under the subject application together with the voucher and purchase order to cover the $5.00 fee. R.O. 33-105

William E. Fields, Civil Engineer, of this office has been authorized by the Washington Office to handle all water rights problems from this region; therefore he has signed the application as our agent.

The voucher should be signed and returned for payment.

HONEDY

Very truly yours,

James H. Carpenter
Acting Regional Director

Attachment

Copy to: Director (2)
Supt., Lehman Caves
W.O.D.C.

WEF:mm

69

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959
FILED BY United States of America, National Park Service
APPROPRIATE THE WATERS OF Cave and South Springs (Source)
} APPLICATION FOR EXTENSION OF TIME

STATE OF New Mexico
COUNTY OF Santa Fe } ss.

Comes now William E. Fields, the Agent (Permittee or Agent)

under Application No. 10959, who after being first duly sworn, deposes and says:

That due to the magnitude of the development program now being administered by the (Give reasons why extension of time is necessary)
National Park Service (MISSION 66), which plans rehabilitation and construction of facilities and utilities for all National Parks and National Monuments under administrative jurisdiction of the National Park Service the specific water development at Lehman Caves has had to be programmed for 1962. However, we may now report that $78,600 has been budgeted and earmarked for Lehman Caves to be expended furing fiscal year 1962. Meanwhile the United States is capturing as much water around the two springs as possible. During the past year $320.00 was spent at Cave Springs to more efficiently utilize the flow. The vitrified pipe at the spring was dug up, cleaned and relaid. During the next two years full utilization of both Cave Springs and South Springs will be attempted in order to capture all of the flow and divert it into the proposed reservoir and distribution system.
I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to comply with the provisions of the above numbered permit.

Signed William E. Fields

Address

Subscribed and sworn to before me this
8th day of Oct., 19 59

S/S John N. Wheeler

Notary Public in and for the county of
Santa Fe State of N.M.

My Commission expires Feb 24, 1963

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

00-00-0000: letter to nps from state engineer regarding file poofs of completion of work and beneficial use

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

In reply refer to No. 10959

September 21, 1959

154

United States of America
U. S. National Park Service
Interior Building, Washington 25 D.C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1959.

If you are unable to file the Proofs as required by the terms of your permits, then you should file affidavits requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

SECOND NOTICE

Pg. 4

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

All communications to the State Engineer, Division of Water Resources.

SBS

09-10-1959: letter to state engineer from acting regional director regarding forms for a request for extension of time for application

L-54 Lear

Fields

Region Three
Santa Fe, New Mexico

SEP 10 1959

Edmund A. Muth
State Engineer
P. O. Box 606
Carson City, Nevada

Dear Mr. Muth:

In accordance with your letter of August 21 addressed to the National Park Service, Washington, D. C., will you please mail five forms for a request for extension of time.

The request for extension of time is for Lehman Caves National Monument, our Application 10959.

Sincerely yours,
(SIGNED)

James M. Carpenter
Acting Regional Director

Copy to: Director (2)
Chief, WODC (2)
Supt., Lehman Caves

WEF:ef

67

00-00-0000: letter to nps from state engineer regarding file poof of completion of work and poof of beneficial use

L54

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

In reply refer to No. 10959

August 21, 1959

U. S. National Park Service
Washington 25, D.C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Completion of Work and Proof of Beneficial Use
on or before October 19, 1959

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

Lehman Cave NM
Cave Spring &

FIRST NOTICE

Encls.

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

404

00-00-0000: receipt no. 50559 of state of nevada engineer's office regarding filing request for extension of time under permit no. 1

ORIGINAL ~~RECEIPT~~

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

Lehman Caves

No. 50559

December 3, 1958

U. S. National Park Service

Interior Bldg., Washington 25, D. C.

To THE STATE OF NEVADA. Dr.

		TO Filing request for extension of time under Permit No. 10959	$ 5.	00
		Extension of time to October 19, 1959 has been granted.		

Remittance in U. S. Treasurer's check, Warrant No. 22,837,330.

Received payment, Edmund A. Mash
State Engineer.

By Bonnie Wright

3M—9–58

00-00-0000: letter to state engineer from chief, water resources section regarding the approved mission 66 development program

L54-L

October 9, 1958

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Re: Lehman Caves National Monument

Dear Mr. Shamberger:

The accompanying request for extension of time is essential because the approved MISSION 66 development program is approximately equally divided over a 10-year period. This makes it necessary to give first priority to those units which are essential for satisfaction of basic human wants. The Lehman Caves water systems now supply the basic needs of water for human consumption and sanitation, although with some limitations on days of peak recreational travel, while even these facilities have become completely inadequate in many of the other 179 parks and monuments. It has also been possible to preserve the established trees in the picnic grounds and around employee quarters by irrigation during periods of low recreational travel, but necessary to defer extensive new planting in those expanding areas.

Also enclosed is a purchase order and voucher to cover the $5.00 filing fee.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

WESTERN OFFICE
DESIGN & CONSTRUCTION
OCT 13 1958 A.M.
CHIEF
ADMIN ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
None

Enclosures 2

Copy to: Regional Director, Region Three, w/c one attachment
Superintendent, Lehman Caves, w/c one attachment
Chief, WODC, w/c one attachment

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY United States of America

APPROPRIATE THE WATERS OF Cave and South Springs-Lehman Caves National Monument

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~XXXXXX~~ Washington

~~STATE OF~~ ~~XXXXXXX~~ District of Columbia } ss.

Comes now A. van V. Dunn the Agent (Permittee or Agent)

under Application No. 10959, who after being first duly sworn, deposes and says:

That due to the magnitude of the 10-year development program (approximately $200,000,000 for buildings and utilities) for all 180 acres administered by the National Park Service, and the relatively uniform annual appropriations being made by Congress it has been necessary to defer completion of the water system at Lehman Cave until after 1960. The unit diverting Cave Spring, has been constructed, and is in continuous use, and serves present purely domestic needs except during peak of tourist season, and very limited irrigation at developed recreational areas. This project is part of "MISSION 66" development, to provide adequate water and other facilities for estimated public use of all national parks and monuments in 1966. Completion of this project is scheduled to meeting increasing demands for human construction, and uses for other irrigation and recreational purposes by 1966.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year within which to comply with the provisions of the above numbered permit. (Not to exceed one year)

Signed A. van V. Dunn

A. van V. Dunn, Chief, Water Resources Sec.

Address Department of the Interior, National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this

9th day of October, 1958

Lorin A. Davis

Notary Public in and for the ~~county of~~ District of Columbia State of —

Notary Public, D. C.

My Commission expires My Commission Expires December 14, 1961

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

00-00-0000: letter to nps from state engineer regarding file proofs of completion of work and beneficial use

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

HUGH A. SHAMBERGER
Director

EDMUND A. MUTH
State Engineer

DIVISION OF WATER RESOURCES

STATE OFFICE BUILDING
P. O. Box 606
Carson City, Nevada

In reply refer to No. 10959

September 19, 1958

United States of America
U. S. National Park Service
Interior Bldg., Washington 25, D.C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1958.

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

EDMUND A. MUTH,

State Engineer.

SECOND NOTICE

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Address all communications to the State Engineer, Division of Water Resources.

858

Lehman Caves
Docket #1

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 48892

October 29, 1957

U. S. National Park Service,
Interior Bldg., Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		TO Filing request for extension of time under Permit No. 1929	$ 5.	00
		Extension of time to October 19, 1958 has been granted.		

Remittance in U. S. Treasurer's check, Warrant No. 13,328,012.

Received payment,

Edmund Mathews
State Engineer.

By Lonnie Boice

3M—11-56
1052

00-00-0000: letter to stae engineer from chief, water resources section regarding a request for further extension of time under the s

L54-L

October 7, 1957

AIR MAIL

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Re: Application 10959
Lehman Caves National Monument

Dear Mr. Shamberger:

Enclosed is a request for further extension of time under the subject application, together with voucher and purchase order to cover the $5.00 fee. We have had to prepare the request on blank paper because no forms were submitted with your notice of September 19.

As explained in our letter transmitting a similar request of a year ago, the National Park Service is embarked on a 10-year construction program which will include the completion of the subject water system and beneficial use of the water. For the immediate future, however, the annual Congressional appropriations must be used to complete the systems which are proportionately least adequate for immediate water demands.

The voucher should be signed and returned for payment.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

Copy to: Regional Director, Region Three
Superintendent, Lehman Caves
General Superintendent, Lake Mead
Chief, WODC (2)

53

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959)
FILED BY United States of America) APPLICATION FOR EXTENSION OF TIME
APPROPRIATE THE WATERS OF Cave and South Springs)

CITY OF WASHINGTON)
) SS.
DISTRICT OF COLUMBIA)

Comes now A. van V. Dunn, the Agent (Permittee or Agent) under Application No. 10959, who after being first duly sworn, deposes and says:

That due to the magnitude of the 10 year development program (approximately $200,000,000 for buildings and utilities) for all 180 areas administered by the National Park Service, and the relatively uniform annual appropriations being made by Congress it has been necessary to defer completion of the water system at Lehman Cave until after 1960. The unit which diverts and distributes the water of Cave Spring is complete, and the need for the supplemental supply from South Spring has not yet justified a higher priority for construction of the lateral from that source despite the fact that public use of Lehman Caves National Monument was 10% greater during the 1956 calendar year than in 1955.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to comply with the provisions of the above numbered permit.

Signed A. van V. Dunn
A. van V. Dunn, Chief, Water Resources Section
Address National Park Service, Department of the Interior, Washington 25, D.C.

Subscribed and sworn to before me this 7th day of October 1957.
Marion E. Hamilton
Notary Public in and for the District of Columbia

My Commission expires Feb. 14, 1962

00-00-0000: letter to nps from state of engineer regarding file proofs of completion of work and beneficial use

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1957 SEP 23 AM 9:21

858

054

D C tu

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

September 19, 1957

United States of America,
U. S. National Park Service,
Interior Bldg.,
Washington 25, D. C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1957

If you are unable to file the Proofs as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

Eg. 3

00-00-0000: receipt no. 47259 of state of nevada engineer's office regarding filing request for extension of time under permit no. 1

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT

No 47259

October 22, 19 56

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

To THE STATE OF NEVADA, Dr.

TO	Filing request for extension of time under Permit No. 10959	$ 5.	00
	Extension of time to October 19, 1957 has been granted.		

Remittance in Check, Warrant No. 10,575,529, Treasurer of the United States.

Received payment.

State Engineer.

By

3M—2-55
1052

00-00-0000: letter to state engineer from chief, water resources section regarding request for extension of time under the subject p

WR Copy

L54-L

October 5, 1956

Mr. Hugh Shamberger
State Engineer
Office of State Engineer
Carson City, Nevada

Re: Application 10959
Lehman Caves

Dear Mr. Shamberger:

Enclosed are request for extension of time under the subject permit, and a voucher and purchase order to cover the $5.00 fee. The voucher should be signed and returned for payment.

I assume that you have seen press releases concerning our enlarged construction program under MISSION 66, to try to complete adequate facilities for the anticipated attendance at the national parks and monuments in 1966. In general, the public use of the national parks and monuments has already reached the limits we estimated before the war, and there is a general trend toward continued increase without evident limit.

The public use of Lehman Caves is comparatively small but the annual increase is proportionately larger than at most areas. Accordingly, it is our desire not to make final commitments as to developments and method and place of the use of the water until near the end of the decade.

Very truly yours,

[redacted]

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Three, w/c of enclosure for Docket 1
Superintendent, Lehman Caves, " " " "
Western Office of Design and Construction, " "
Mr. Dunn

AvVDunn:lct

00-00-0000: before the state engineer of the state of nevada: application no. 10959 for extension of time

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY United States of America

APPLICATION FOR EXTENSION OF TIME

APPROPRIATE THE WATERS OF Cave and South Springs
(Source)

CITY OF
~~XXXXXX~~ Washington
~~XXXXXX~~ District of Columbia } ss.

A. van V. Dunn, the Agent
(Permittee or Agent)

under Application No. 10959 who after being first duly sworn, deposes and says:

That due to the necessary inauguration of an enlarged 10-year construction program under
(Give reasons why extension of time is necessary)
MISSION 66, by the National Park Service, to provide facilities for the unprecedented public use of all national parks and monuments by 1966, it has been necessary to defer the completion of the water system at Lehman Caves until near the end of the 10-year program because practically no visitors spend the night, the present annual attendance and water use are small, but the trend of increase is much more rapid than at other nearby areas. More time is needed to determine development needs at Lehman Caves. The accompanying chart of annual attendance records at Lehman Caves is made part of this request, by reference, for illustration, to show that public use may increase any amount between 50% and 400% with resulting differences in type and location of facilities.

I have been unable to comply with provisions of said permit.

Wherefore, permittee requests an extension of time of one year within which to comply
(Not to exceed one year)
with the provisions of the above numbered permit.

Signed A. van V. Dunn
A. van V. Dunn, Chief, Water Resources Sect

Address: National Park Service, Department of the Interior, Washington 25, D. C.

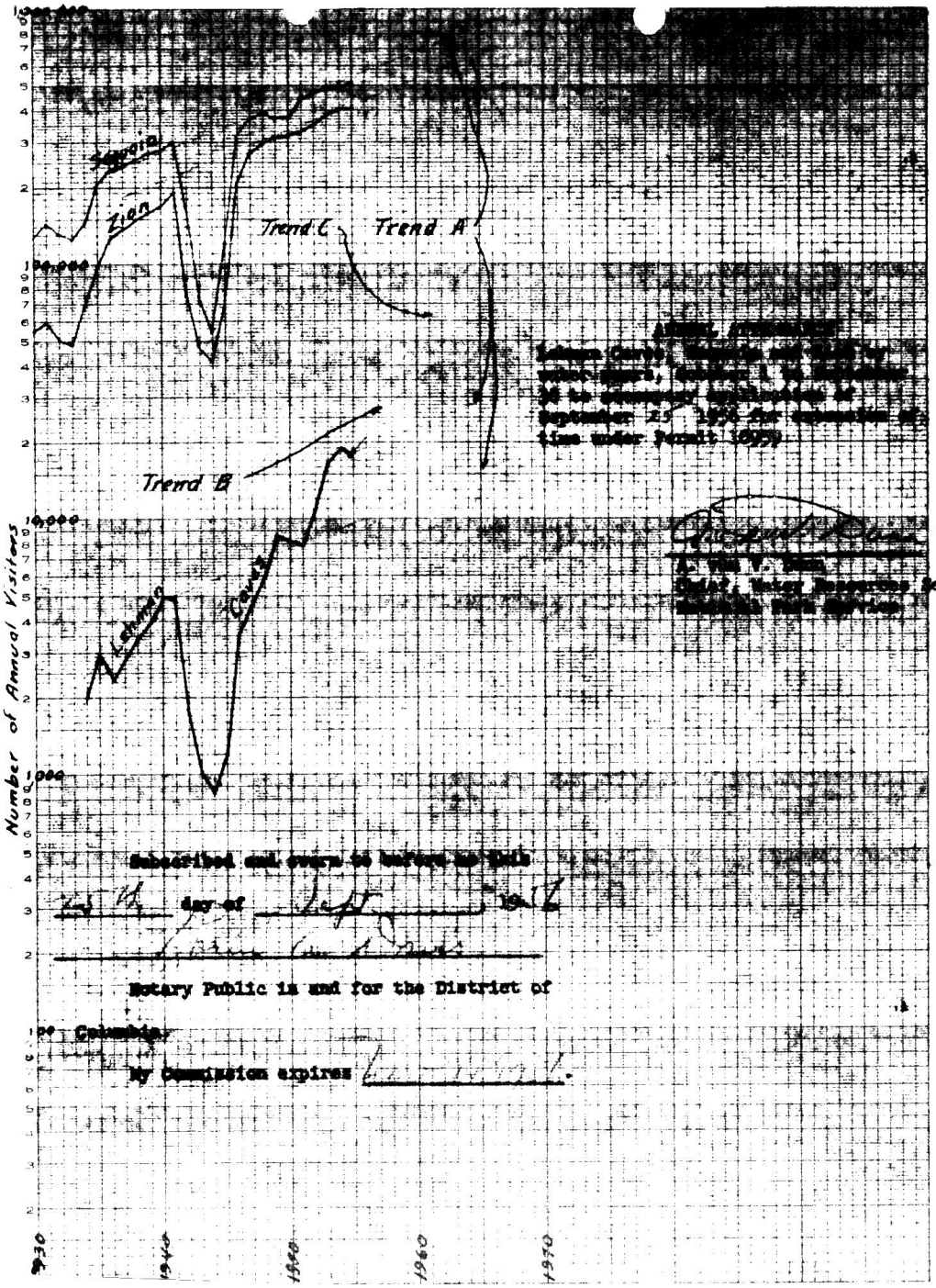
Subscribed and sworn to before me this 23rd day of [illegible], 1956.

[illegible]
Notary Public in and for the County of District of Columbia
State of

My Commission expires [illegible]

[illegible] MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME [illegible] OR ALREADY GRANTED OR [illegible] PROPOSED WORK

00-00-0000: graph of annual attendance



00-00-0000: letter to nps from state engineer regarding file proof of completion of work and beneficial use

L54 WR Copy

858

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER 54

IN YOUR REPLY REFER TO NO. 10959

September 19, 1956

D E Ela

United States of America,
U. S. National Park Service,
Interior Bldg., Washington, 25, D. C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proof Of Completion of Work and Beneficial Use.

on or before October 19, 1956.

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

hs

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

WASO

ORIGINAL

RECEIPT

4

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

№ 45702

November 7 , 19 55

United States of America
U. S. National Park Service
Interior Bldg. Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under No. 10959	5	00
		Extension of time to October 19, 1956 has been granted.		

Remittance in U. S. Treasurer of the U. S. No. 10,767,830

Received payment,

State Engineer.

By

3M—2-55
1052

00-00-0000: letter to state engineer from chief, water resources section regarding request for extension of time in which to complet

In reply refer to:
L54-L

October 4, 1955

Mr. Hugh Shamberger
State Engineer
Carson City, Nevada

Re: Application 10959
Lehman Caves National Monument

Dear Mr. Shamberger:

Enclosed is our request for extension of time in which to complete the water system at Lehman Caves under Application 10959.

We are now making an extensive study of the travel trends and old development plans for all National Parks and Monuments because the visitor use has generally exceeded that for which those plans were made. The needs have also changed because good roads and fast cars now make many areas, like Lehman Caves, roadside points of interest rather than the overnight objectives they once were.

For these reasons, it is not advisable to invest more funds in the water supply enlargement at Lehman Caves until the future plans are determined.

Also enclosed are a purchase order and voucher to cover the cost of the filing fee. The voucher should be signed and returned to this office for payment.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

Copy to: Regional Director, Region Three, detached
Superintendent, Lake Mead, detached
Superintendent, Lehman Caves, detached
Western Office of Design and Construction, detached

BEFORE TH STATE ENGINEER OF THE STAT F NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY The United States of America

APPROPRIATE THE WATERS OF Cave and South Springs (Source)

APPLICATION FOR EXTENSION OF TIME

STATE OF City of Washington

COUNTY OF District of Columbia ss

Comes now A. van V. Dunn for the United States of America, the agent (Permittee or Agent)

under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to the adequacy of existing water system, diverting from Cave Spring, for (Give reasons why extension of time is necessary)

immediate water demands, the construction of the lateral from South Spring has been temporarily deferred until the number of Monument visitors makes more water necessary. The number of visitors has increased from 11,003 for the standard water year ending September 30, 1952, to 16,693 for calendar year 1953 and 18,369 for 1954. Attendance in July 1954 was 5,064 with slightly over 250 on the peak day. There are only 3 cabins and a campground for overnight accommodations and a restaurant and the Superintendent's quarters. These do not yet justify the completion of the system.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to file proof

of ..... (Include map if required), and comply with the provisions of said permit.

Signed A. van V. Dunn

A. van V. Dunn, Chief, Water Resources Section

Address National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this

30th day of September, 1954.

Lorrin A. Davis

Notary Public in and for the ~~county of~~ District of Columbia State of ———

My Commission expires Nov. 14, 1956.

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

00-00-0000: letter to nps from state engineer regarding file proofs of completion of work and beneficial use, together with cultural

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

L54 858

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

September 19, 1955

Price
Lehman Caves Contract

United States of America
U. S. National Park Service
Interior Bldg.
Washington 25, D. C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial use, together with Cultural Map
on or before October 19, 1955

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

ms

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

00-00-0000: letter to nps from state engineer regarding file proof of completion of work and beneficial use

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND M. [illegible]
ASSISTANT STATE ENGINEER
C. E. THIES
OFFICE ENGINEER

RECEIVED
Office
NAT'L PARK SERVICE
1955 AUG AM 10:02

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

August 19, 1955

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DERICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

54

United States of America
U. S. National Park Service
Interior Bldg.
Washington 25, D. C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Completion of Work and Beneficial use on or before October 19, 1955

If you are unable to file the Proof as required by the terms of your permit, then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

FIRST NOTICE

Encls.

dmf

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

404

00-00-0000: receipt no. 43819 of state of nevada engineer's office regarding filing request for extension under no. 10959

C
O
P
Y

STATE OF NEVADA
ENGINEER'S OFFICE
CARSON CITY, NEVADA

RECEIPT

NO. 43819

November 16, 1954

United States of America
U. S. National Park Service
Interior Building
Washington 25, D. C.

TO THE STATE OF NEVADA, Dr.

To filing request for extension under No. 10959 $5.00

Extension of time to October 19, 1955 has been granted.

Remittance in U. S. Treasurer of the U. S. ck. No. 26,113,663 Nov. 10, 1954

Received payment
/s/ Hugh Shamberger
State Engineer
By C. E. Thiex

Filed By Kell
Nov 29 54
See Dunn's memo
NOV 22-L 54-L Leca.

In reply refer to:
D5039-L

September 16, 1954

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

In submitting this request for an extension of time under Permit 10595 for Lehman Caves National Monument, we realize that you have limited further extensions under Permit 10092 at Lake Mead National Recreational Area. Fortunately, Permit 10595 has been in effect six years less than Permit 10092, but it may be well to offer some further comment.

As you will recall, you and I reviewed the records of the adjudication of rights to Cave Spring some years ago and found that the original claimant lost supplemental rights to Lehman Creek. The Monument is now operating with only such water as is available from the Spring, and Permit 10595 authorizes the transfer of part of the right to 0.15 sec.ft. from Cave Spring to South Spring which does not contribute surface flow to Lehman Creek or Baker Creek to which it is tributary.

Cave Spring is now yielding about 0.028 sec.ft., and we may, or may not, have recovered all of the flow in the improvements during the past year. Due to the Federal economy measures since the war, and particularly under the present administration, we are attempting to make Cave Spring serve the needs at this time. There are about 242,000 gallons per month available, of which about 42,000 gallons per month are now needed in July and August for public water and sanitation and the domestic supply for the Superintendent and his family. The remainder is used for spotty irrigation and to maintain a small pond.

Public attendance totaled between 4,500 and 5,000 per year in 1941 and 1947, at the two ends of the war. Such attendance has increased at a fairly uniform rate since 1947 to a total of 16,493 for the travel year ending September 30, 1953, and to approximately the same figure for the first 11 months of 1954. The total attendance for 1954 will probably be about 19,000. There is, thus, no foreseable limit to the public water demand, and the increases must be provided at the expense of irrigation or the maintenance of the pond, which are both desirable uses.

We shall appreciate as liberal allowances as possible for extensions of time in which to complete the authorized water system, or for attendance to level off and define the ultimate demand.

Enclosed is the notarized application for extension of time for Permit 10595., and voucher and purchase order covering same

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Three (2) detached
Western Office of Design and Construction detached
Mr. P. Miller
Mr. Dunn

AvVDunn:lct

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10595

FILED BY United States of America

APPROPRIATE THE WATERS OF Cave and South Springs (Source)

APPLICATION FOR EXTENSION OF TIME

CITY ~~STATE~~ OF Washington
DISTRICT OF ~~COUNTY OF~~ Columbia } ss.

Comes now A. van V. Dunn for the United States of America, the agent (Permittee or Agent)

under Application No. 10595, who, after being first duly sworn, deposes and says:

That due to limited Congressional appropriations, and general economy measures prescribed (Give reasons why extension of time is necessary)

by the President, only $4,070 was spent on the most essential improvement of the portion of the water system diverting Cave Spring, to augment that source of supply and for improvement of the health standards. The work included improvement of a collecting system and fencing at the Cave Spring area, and frost-proofing of the pipeline. Approximately 20% of the authorized 0.15 sec.ft. is now available from the Cave Spring area, and being fully used for domestic, irrigation and recreational purposes, a material drop since the unauthorized supplemental diversion from Lehman Creek terminated. Further improvement of the collecting system, and the diversion of the South Spring area waters are essential to make full appropriation of the water.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one (Not to exceed one year) within which to file proof

of ..... (Include map if required), and comply with the provisions of said permit.

Signed A. van Dunn Chief, Water Resources Section

Address Natl. Park Service, Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this 16th day of September, 1954

Notary Public in and for the county of .....

My Commission expires Notary Public, State of ..... My Commission Expires November 14, 1956

Application No. probably transposed.

(10959)

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

L 54
WRCB

HUGH A. SHAMBERGER
STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

1954 AUG 23 PM 12:38

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

EDMUND MUTH
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER

Lehman

Richey

IN YOUR REPLY REFER TO NO. 10959

August 19, 1954

United States of America
U. S. National Park Service
Interior Building
Washington 25, D. C.

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1954

If you are unable to file the Proof as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

FIRST NOTICE

Encls.

hl

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

404

00-00-0000: receipt no. 41880 of state of nevada engineer's office regarding filing request for extension under no. 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 41880

October 1, 19 53

U. S. National Park Service

Interior Building
Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under No. 10959	5.	00
		Extension of time to October 19, 1954 has been granted.		

Remittance in U. S. Treasurer's Check #21,978,023, Washington, D. C.

Received payment,

State Engineer.

By

3M—6-53
1052

In reply refer to:
LECA L54-L

September 3, 1953

Re: Water Right Application No. 10959

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

Enclosed are an application for extension of time in which to complete the water system at Lehman Caves National Monument under the subject application and permit, a purchase order, and a voucher to cover the filing fee. Please sign the voucher on the line indicated by a red cross, and return it to this Office for payment. The funds to complete the project are included in the 1955 budget estimates with such high priority that we believe the further necessary work will be in progress by the end of the requested year.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 3

Copy to: Regional Director, Region Three (2)

cc: Supt. Lehman Caves Sept 14 JLS

29

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY United States of America

APPROPRIATE THE WATERS OF Cave and South Springs (Source)

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~XXXXXX~~ Washington
DISTRICT OF ~~COUNTY OF~~ Columbia } ss.

Comes now A. van V. Dunn, Chief, Water Resources Branch, National Park Service, Department of the Interior, the agent (Permittee or Agent) for the United States of America,

under Application No. 10959, who, after being first duly sworn, deposes and says:

That ~~XXXX~~ further construction has been suspended during the year as part of the effort to reduce Federal expenditures to stay within the debt limitations imposed by Congress. (Give reasons why extension of time is necessary.) The water system is still in operation, and the following records of public attendance for the travel years, October 1 to September 30, and for the portion thereof, through July 30, indicate the rate of increasing annual water demand.

	Visitors at Lehman Cave	
Year	Oct. 1 to Sept. 30	Oct. 1 to July 31
1948	6,008	3,662
1949	8,588	4,972
1950	8,100	5,048
1951	7,855	5,280
1952	11,003	6,719
1953	--	10,888

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to comply with the provisions of the above numbered permit.

A. van V. Dunn

Signed Chief, Water Resources Branch
National Park Service, for the United States of America,
Address Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this
26th day of August, 19 53

Lorine A. Davis

Notary Public in and for the county of
Notary Public, D. C.
My Commission Expires November 14, 1956 State of

My Commission expires.....

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

00-00-0000: receipt no. 40015 of state of nevada engineer's office regarding filing request for extension under 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 40015

October 22, , 19 52

U. S. National Park Service,
Interior Building,
Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10959	5.00	
		Extension of time to October 19, 1953 has been granted.		

Remittance in Check No. 18,073,285, Treasurer of the U. S., Washington, D. C.

Received payment,

State Engineer.

By C E Rhuey

3M—11-51

11-24-1952: statement of receipt



00-00-0000: letter to nps from state of nevada regarding file proofs of completin of work and beneficial use

:H A. SHAMBERGER
:TATE ENGINEER
:UND MUTH
:PECIAL ASSISTANT
:TATE ENGINEER
. THIEX
)FFICE MANAGER

RESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ROBERT S. LEIGHTON
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DERICCO
FIELD AND OFFICE ENGINEER

OUR REPLY REFER TO NO. 10959--Cave Springs

September 19, 1952

L54 LEHC

Received 9/23/52.

A. van V. Dunn, Chief
Water Resources Branch
National Park Service
Dept. of the Interior
Washington 25, D. C.

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use on or before October 19, 1952.

If you are unable to file the Proofs as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

p

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

In reply refer to:
L54 LECA-L

September 16, 1952

Cave Spring
Lehman No. 1

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

Enclosed are a request for extension of time in which to complete water system construction and make full beneficial use of the waters of Cave Spring at Lehman Caves National Monument under Permit No. 10959, a purchase order, and a voucher to cover the filing fee. Please sign the voucher on the line indicated by a red cross, and return it to this Office for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (3)

Copy referred by Region Three Office
To: Supt Lake Mead (2)

25

00-00-0000: stamp of receival



BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY The United States of America

APPROPRIATE THE WATERS OF Cave Springs and other waters tributary to Cave Springs Outlet (Source)

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~STATE OF~~ Washington
DISTRICT OF ~~COUNTY OF~~ Columbia } ss.

A. van V. Dunn, Chief, Water Resources Branch, National Park Service,
Comes now Department of the Interior, the agent (Permittee or Agent)
for the United States of America,
under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to uncertainty as to the ultimate water needs, which are provided for the (Give reasons why extension of time is necessary)
visiting public, it has not been deemed advisable to complete the water system with any intent to establish the limit of development and use. There were 6008 visitors at the Lehman Caves National Monument in 1948, and 7855 in 1951. As of August 31, 1951, the visitor count stood at 6835 and on the same date of 1952 there had been 9301. There were a maximum of 410 visitors on July 4, 1952. In addition, we are now irrigating about 0.9 acre of lawn and planted trees and shrubs.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year within which to file proof (Not to exceed one year)
of completion of construction, ~~and comply with the provisions of said permit~~ and make proof of (Include map if required)
beneficial use of water.

Signed /s/A.vanVDunn, Chief, Water Resources Branch, National Park Service, for the United States of
Address Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this
17th day of September, 19 52
/s/ Lorin A. Davis
Notary Public in and for the ~~county of~~ District of Columbia ~~State of~~
(SEAL)

My Commission expires November 14, 1956.

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

00-00-0000: stamp of receival



00-00-0000: letter to nps from state engineer regarding file proofs of completion of work and beneficial use

A. SHAMBERGER
TE ENGINEER
ND MUTH
CIAL ASSISTANT
TE ENGINEER
HIEX
FICE MANAGER

SS ALL COMMUNICATIONS
THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ROBERT S. LEIGHTON
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

UR REPLY REFER TO NO. 10959--Cave Springs

August 19, 1952

L54 ~~LEHC~~ LECA

Rec'd. 8/25/52

A. van V. Dunn, Chief
Water Resources Branch
National Park Service
Dept. of the Interior
Washington 25, D. C.

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use

on or before October 19, 1952.

If you are unable to file the Proofs as required by the terms of your permit, then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

FIRST NOTICE

Encls.

p

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

00-00-0000: letter to acting chief, water resources branch from state engineer regarding requested informaion concerning the form

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

December 3, 1951

In your reply refer to No. 10959

Your No. L54 LEHC

Mr. Gordon W. Robertson
Acting Chief, Water Resources Branch
National Park Service
Washington 25, D. C.

Dear Mr. Robertson:

With reference to your letter of November 27, 1951, in which you request information concerning the form letter sent to the applicants on receipt of proofs and extensions of time, please be advised that this practice has been discontinued by this office. In the future a receipt from this office stating that the proofs or extensions have been filed will constitute an acceptance of the instrument.

We may have neglected to enter the date to which the extension of time had been granted on your receipt in the matter of Permit No. 10959. If such is the case, the Proof of Completion of Work and the Proof of Beneficial Use are due on October 19, 1952.

Very truly yours,

/s/ Hugh A. Shamberger

HUGH A. SHAMBERGER
State Engineer

EJD:p

24

00-00-0000: letter to state engineer from acting chief, water resources branch regarding the receipt no. 38249 for payment of fee f

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

In reply refer to:
L54 LEHC

November 27, 1951

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

We have received your receipt No. 38249 dated October 5 for payment of fee for filing request for extension of time in which to perfect water rights under Permit No. 10959 at Lehman Caves National Monument. The receipt includes the statement: "One year extension of time has been granted." We have not received any other letter or certificate of record of such extension, such as we have received in the past.

Accordingly, we should like to know whether the former type of instrument has been discontinued or lost, and whether we should consider the receipt as the record of extension of time.

Sincerely yours,

(SGD) GORDON W. ROBERTSON

Gordon W. Robertson
Acting Chief, Water Resources Branch

Copy to: Regional Director, Region Three (3)

AvanVDunn:sh

C O P Y

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
CARSON CITY, NEVADA

No. 38249

October 5, 1951

U. S. of America, Natl. Park Service,

Interior Bldg., Washington, 25, D. C.

TO THE STATE OF NEVADA, DR.

To filing request for extension under 10959. 5.00

One year extension of time has been granted.

Remittance in Check No. 13,786,321, Treasurer of the U. S.,
Washington, D. C.

Received payment,

/s/ Hugh Shamberger

By /s/ C. E. Threx.

22

00-00-0000: letter to chief, water resources branch from state engineer regarding receipt of your letter relative to permit no. 10959

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
SPECIAL ASSISTANT
STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ROBERT S. LEIGHTON
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

October 1, 1951

Your reference :
L54 LEHC

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

Dear Mr. Dunn: '

This will acknowledge receipt of your letter of September 24th relative to Permit No. 10959. Your application for an extension of time within which to file proof of completion and proof of beneficial use under Permit No. 10959 was received on September 10th; however it was not attached to File No. 10959 and as a result our second notice was mailed by one of the clerks who was not aware of the fact that the application for extension of time had been received.

As soon as the statutory filing fee of $5.00 is received, the application for extension of time will be officially filed and you will then be notified as to the new date when the required proofs will be due.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

JAM:at

Miss Crawford says this was pamphlet. 1
Request was sent 7/5/51

00-00-0000: letter to state engineer from chief, water resources branch regarding a request for an extension of time in which to co

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

In reply refer to:
L54 LEHC

September 24, 1951

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

With my letter of September 7 we submitted a request for an extension of time in which to complete proof under Water Right Application No. 10959 relating to appropriation of water at Lehman Caves National Monument, together with a voucher for you to sign to cover the filing fee. The voucher was returned, properly signed, on September 19, and is now being processed for payment by our Fiscal Division.

Today we have received your notice of proof due, also dated September 19. It is hoped that the affidavit requesting the extension of time has not been misplaced, since it must have been received by you prior to the day the voucher was signed.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (3)

AvanVDunn:sh

00-00-0000: letter to chief, water resources branch from state engineer regarding file proofs of completion of work and beneficial u

IGH A. SHAMBERGER
STATE ENGINEER
MUND MUTH
SPECIAL ASSISTANT
STATE ENGINEER
E. THIEX
OFFICE MANAGER

DRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ROBERT S. LEIGHTON
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

YOUR REPLY REFER TO NO. 10959
ur reference L54 LEHC

September 19, 1951
Received 9/24/51.

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

Re: United States of America-Cave Springs

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use,

on or before October 19, 1951.

If you are unable to file the Proofs as required by the terms of your permit , then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

p

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

00-00-0000: letter to state engineer from chief, water resources branch regarding an application for an extension of time of one ye

In reply refer to:
L5h LEHC

Washington 25, D. C.

September 7, 1951

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Dear Mr. Shamberger:

We enclose an application for an extension of time of one year within which to file proof of completion of construction of the water system under Water Right Application No. 10959, at Lehman Caves National Monument. Also enclosed are a voucher and a purchase order in the amount of $5.00 to cover the filing fee.

Please sign the voucher at the point indicated by the red cross and return it to us for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN.
A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (3)

AvanVDunn:sh

FILE COPY

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959

FILED BY The United States of America

APPROPRIATE THE WATERS OF Cave Springs and other waters tributary to Cave Springs Outlet (Source)

APPLICATION FOR EXTENSION OF TIME

~~STATE OF~~ CITY ~~XXXXX~~ DISTRICT OF Washington

COUNTY OF Columbia } ss.

A. van V. Dunn, Chief, Water Resources Branch, National Park Service, Department of the Interior, agent for the United States of America, the (Permittee or Agent)

Comes now ..... under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to Federal economy measures prescribed by Congress, and explained in the similar request for extension of time in 1950, only the most urgent and temporary measures have been taken to permit the water system to serve the needs of the increasing visitors to the Lehman Caves National Monument.

Attention is directed to the last sentence in the previous application, viz.: "The construction will, of course, have to be deferred beyond 1952 if less than $15,000,000 are appropriated because of more urgent Federal needs." The appropriation referred to was cut to $11,370,000, of which $4,150,000 has been earmarked to pay for contract work performed prior to the 1952 year. Thus, essential improvements in the national parks and monuments, including the Cave Springs Water System at Lehman Caves National Monument, are being limited to about 50% of the needs, due to Congressional action.

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to file proof of completion of construction (Include map if required), and comply with the provisions of said permit.

Signed A. van V. Dunn, Chief, Water Resources Branch, National Park Service, for the United States of America.

Address Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this 5th day of September, 19 51

/s/ Lorin A. Davis

Notary Public in and for the District of Columbia State of ---

My Commission expires Nov. 14, 1951

NOTE—$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

00-00-0000: letter to nps from state of nevada regarding the provisions of permit 10959 to appropriate public waters of the state of

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THEIX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGEI
ASSISTANT STATE EN(
EDMUND MUTH
DEPUTY STATE ENGINEI
F. N. DONDERO
OFFICE ENGINEER
J. A. MILLAR
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

August 20, 1951

Your reference L54 LEHC

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

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work on or before September 19, 1951, and to place water to beneficial use on or before September 19, 1951.

If you have not complied with the provisions of your permit and desire more time in which to complete work and place water to beneficial use
then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to September 19, 1951.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly

ALFRED MERRITT SMITH
HUGH A. SHAMBERGER
State Engineer.

FIRST NOTICE

Encls.

eap

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

ALFRED MERRITT SMITH
STATE ENGINEER
EDMUND MUTH
SPECIAL ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEE
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEE

IN YOUR REPLY REFER TO NO. 10959

February 9, 1951

Your reference L54 LEHC

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

Dear Sir:

This will acknowledge receipt of your ledter of February 5, 1951 relative to an application for an extension of time under Permit No. 10959 for the waters of Cave Springs.

Your application for an extension of time within which to file proof of completion of work and proof of beneficial use was received, approved and filed on July 18, 1950, and on July 27, 1950 you were mailed a form letter addressed to U. S. National Park Service, Interior Bldg., Washington, 25 D. C. informing you that the time within which to file the required proofs had been extended from October 19, 1950 to October 19, 1951.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By

HUGH A. SHAMBERGER
Assistant State Engineer

JAM:at

00-00-0000: letter to state engineer from nps regarding an extension of time in which to perfect rights for the use of waters of cave

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

Lassiter

In reply refer to:
L54 LEHC
for W.R. "dead" file.

February 5, 1951

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

Dear Mr. Smith:

On July 14, 1950, we requested an extension of time in which to perfect rights for the use of waters of Cave Spring in Lehman Caves National Monument under Application 10959, and our records show that the fee was paid on August 11.

To date, however, we have not received any order granting such an extension. Please advise as to the present status of the application.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (3)

19

00-00-0000: letter to nps from state of nevada regarding one year extension of time has granted under permit no. 10959

ALFRED MERRITT SMITH
STATE ENGINEER
EDMUND MUTH
SPECIAL ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

July 27, 1950

In replying, refer to 10959.

U. S. National Park Service,
Interior Bldg.,
Washington, 25, D. C.

Gentlemen:

Your request for an extension of time was

received and filed in this office under the above-mentioned

serial number on July 18, 1950.

One year extension of time has been granted under the above numbered permit.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 36403.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer

00-00-0000: letter to state enginneer from nps regarding application for an extension of time of one year within which to file proof o

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

In reply refer to:
L54 LEHC

July 14, 1950

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

My dear Mr. Smith:

We enclose an application for an extension of time of one year within which to file proof of completion of construction of the water system under Water Right Application No. 10959, at Lehman Caves National Monument. Also enclosed are a voucher and a purchase order in the amount of $5.00 to cover the filing fee.

Please sign the voucher at the point indicated in pencil and return to us for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (3)
Mr. Dunn

SH

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION No. 10959
FILED BY Robert H. Rose, Acting Coordinating Superintendent, for the United States of America
APPROPRIATE THE WATERS OF Cave Springs (Source)

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~[illegible]~~ Washington
DISTRICT OF ~~[illegible]~~ Columbia } ss.

Comes now A. van V. Dunn, Chief, Water Resources Branch, National Park Service, Department of the Interior, the agent (Permittee or Agent) for the United States of America, under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to the limitations placed on development of our national parks and monuments by the Bureau of the Budget since the war it has been impossible to enlarge and complete this water system to permit full beneficial use of the water. However, water is being fully used to the capacity of the prewar water system installation, and a $20,000 project is included in the budget for 1952 fiscal year to complete the system, based on an over-all appropriation of $15,000,000 for the National Park Service for that year. The construction will, of course, have to be deferred beyond 1952 if less than $15,000,000 are appropriated because of other more urgent Federal needs.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to file proof of completion of construction (Include map if required) and comply with the provisions of said permit.

Signed A. van V. Dunn Chief, Water Resources Branch, National Park Service, for the United States of America.
Address Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this 12th day of July, 1950.

Lorine A. Davis
Notary Public in and for the ~~County~~ District of Columbia State of —

My Commission expires Nov. 14, 1951.

NOTE—$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959
FILED BY Robert H. Rose, Acting Coordinating Superintendent, for the United States of America
APPROPRIATE THE WATERS OF Cave Springs (Source)

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~XXXXX~~ Washington
DISTRICT OF ~~XXXXXX~~ Columbia } ss.

Comes now A. van V. Dunn, Chief, Water Resources Branch, National Park Service, Department of the Interior, the agent (Permittee or Agent) for the United States of America, under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to the extreme increase in the use of Lehman Caves National Monument by the visiting public, in recent years, it has become necessary to restudy the water problem in the light of increasing public use of Lehman Caves National Monument and defer final construction until annually increasing public attendance becomes more stable. All available water is being used through the existing water system, and for comparison has served 4,972 visitors through July 1949 as compared with 6,008 visitors for the entire 1948 travel year, and only 5,000 visitors in the peak prewar year of 1941. Comparison of attendance at the close of July of 4,972 in 1949 and 3,662 in 1948 indicates an increase of 36% and probable year's total of 8,300 visitors.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to file proof of completion of construction (Include map if required), and comply with the provisions of said permit.

Signed /s/ A. van V. Dunn, Chief, Water Resources Branch, National Park Service, for the United States of America.
Address Interior Building, Washington 25, D. C.

(SEAL)

Subscribed and sworn to before me this 15th day of Sept., 1949

/s/ Lorin A. Davis
Notary Public in and for the ~~County~~ City of Washington District ~~State~~ of Columbia

My Commission expires Nov. 14, 1951.

NOTE—$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

00-00-0000: receipt no. 35193: engineer's office; request for extension under 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 35193

October 25, 19 49

Lehman Caves.

National Park Service,

Interior Bldg., Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10959.	5	00

Remittance in Check No. 89,063,318, Washington D. C. Treas. of the U. S.

Received payment, Alfred Merritt Smith
State Engineer.

By C E Stricklett
Dc

3,000—1-8-48

00-00-0000: letter to state engineer from nps regarding application for extension of time in which to perfect water rights under appli

Rec'd 9/23/49.

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

In reply refer to:
L54 LEHC

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 15, 1949

Air Mail

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

My dear Mr. Smith:

Enclosed is an application for extension of time in which to perfect water rights under Application No. 10959 at Lehman Caves National Monument, together with a purchase order and a voucher covering the new filing fee of $5.00. Will you please sign the voucher at the point indicated by a red cross and return it to us for payment.

We should also like to have a copy of the Revised Statute of 1949 pertaining to fees to be charged in the perfection of water rights.

Received 9/23/49.

Sincerely yours,

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 5



1849 **A Century of Conservation** *1949*

00-00-0000: letter to nps from state of nevada regarding the provisions of permit no. 10959 to appropriate public waters of the stat

LFRED MERRITT SMITH
STATE ENGINEER
E. THEIX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER
J. A. MILLAR
OFFICE ENGINEER

August 19, 1949

Rec'd 8/26/49
Lehman Caves.

I YOUR REPLY REFER TO NO. 10959

The Director, National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

Attn: A. Van V. Dunn, Chief
Water Resources Branch

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work and place water to beneficial use.

If you have not complied with the provisions of your permit and desire more time in which to complete work and place water to beneficial use,
then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to September 19, 1949.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly
ALFRED MERRITT SMITH
State Engineer.

FIRST NOTICE

ER

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

00-00-0000: letter to nps from state of nevada regarding check issued under purchase order no. 53-d was received

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

February 28, 1949

Received 3/3/49.

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

Dear Mr. Dunn:

The check issued under Purchase Order No. 53-D was received and you were notified on February 25, 1949 that your application for an extension of time was approved and extended to and including October 19, 1949. We also enclosed our Official Receipt No. 34154.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By

HUGH A. SHAMBERGER
Assistant State Engineer

JAM:he

00-00-0000: letter to nps from state of nevada regarding request for extension of time was received and filed under serial no. 1095

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

Feb. 25, 1949.

In replying, refer to 10959.

Department of Interior,
National Park Service,
Interior Bldg.,
Washington, 25, D. C.

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned

serial number on September 7, 1948.

The time within which to complete the work and place water to beneficial use is herewith extended to and including September 19, 1949, and the time within which to file proofs thereof is herewith extended to and including October 19, 1949.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 34154.

Very truly yours,

ALFRED MERRITT SMITH

CT. State Engineer.

00-00-0000: receipt no. 34154: engineer's office; request for extension under 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 34154

February 25, 1949

Dept. of Interior, National Park Service,

Interior Bldg., Washington, 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10959		1.00

Remittance in Check No. 78,406,126, Treasurer of the U. S., Washington, D. C.

Received payment,

State Engineer.

By

3,000—1-8-48

Received 3/2/49.

00-00-0000: letter to state engineer from nps regarding expected payment in connection with an application for extension of time u

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

February 23, 1949.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

By air mail letter, postmarked February 9, Mr. Shamberger inquired as to when payment might be expected in connection with an application for extension of time under Water Right Permit No. 10959 covering appropriation of the waters of Cave Spring at Lehman Caves National Monument.

We are advised by the General Accounting Office that payment was made on February 11. You have doubtless received the check by now.

Sincerely yours,

(SGD.) A. VAN V. D[illegible]

A. van V. Dunn,
Chief, Water Resources Branch.

AvVD:sh.



ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

amd. 2/25/49 AvVD.

IN YOUR REPLY REFER TO NO. 10959

Received 2/11/49.
Lehman Caves.

The Director, National Park Service,
Washington 25, D. C.

ATTN: A. van V. Dunn, Chief,
Water Resources Branch.

Dear Mr. Dunn:

On September 7, 1948 we received an application for extension of time within which to file proofs of completion of work and beneficial use under Permit No. 10599 to appropriate the waters of Cave Springs in White Pine County, Nevada. Pursuant to a request in your letter of September 3rd which accompanied the application for extension of time we signed the purchase order and returned to your office for payment. To date said check has not been received.

should be 10959

Order #53-D Sept 2, 1948

It would be appreciated if you would look into this matter as said permit is in poor standing and subject to cancellation.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By

HUGH A. SHAMBERGER
Assistant State Engineer

Ltd. Feb 11

HAS:at 2/14, Chas acct dept says this was scheduled for payment Feb. 7, and doubtless check has been received by this time.

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10959
FILED BY Robert H. Rose, Acting Coordinating Superintendent, for the United States of America
APPROPRIATE THE WATERS OF Cave Springs (Source)

APPLICATION FOR EXTENSION OF TIME

CITY OF ~~COUNTY OF~~ Washington
DISTRICT OF ~~COUNTY OF~~ Columbia } ss.

Comes now A. van V. Dunn, Chief, Water Resources Branch, National Park Service, Department of the Interior, the agent (Permittee or Agent) for the United States of America,
under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to Congressional limitations of appropriations since the termination of the war it has been impossible to complete the diversion from Nameless Spring to supplement the supply from Cave Spring. For more than a year we have also been studying the behavior of Cave Spring with and without the diversions previously made from Lehman Creek without authorization, and the period has been too short to permit us to draw final conclusions on our further water right needs.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year within which to file proof (Not to exceed one year)
of completion of construction, and comply with the provisions of said permit.
(Include map if required)

Signed A. van V. Dunn Chief, Water Resources Branch, National Park Service, for the United States of America
Address Interior Building, Washington 25, D. C.

Subscribed and sworn to before me this
3rd day of September, 1948
Lorin A. Davis
Notary Public in and for the ~~County of~~ District ~~State~~ of Columbia
My Commission expires May 14, 1951.

NOTE—$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

1-2

00-00-0000: stamp of receival



00-00-0000: letter to nps from state of nevada regarding provisions of permit 10959 to appriate public waters

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10959

August 19, 1948

Department of the Interior
National Park Service
Chicago 54, Illinois

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work and place water to beneficial use on or before September 19, 1948.

If you have not complied with the provisions of your permit and desire more time in which to complete work and place water to beneficial use, then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to September 19, 1948.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly
ALFRED MERRITT SMITH
State Engineer.

FIRST NOTICE

NOTE—All documents require a statutory fee of One Dollar for filing.

ho

1-1

00-00-0000: stamp of receival



00-00-0000: letter to nps from state of nevada regarding request for extension of time was received and filed under serial no. 109

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

Feb. 26, 1948.

In replying, refer to 10959.

Department of the Interior,
National Park Service,
Chicago, 54, Illinois.

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned

serial number ~~on~~ as of September 13, 1947.

The time within which to complete the work is herewith extended to and including September 19, 1948, and the time within which to file proof thereof is herewith extended to and including October 19, 1948.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 32654.

Very truly yours,

ALFRED MERRITT SMITH

CT. State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

00-00-0000: receipt no. 32654: engineer's office; request for extension under 10959

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

I. Dunn

RECEIVED
CHICAGO, ILL.
NATIONAL PARK SERVICE

No. 32654

February 26, 1948

Department of the Interior,
National Park Service,
Chicago, 54, Illinois.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10959.	1.	00

Remittance in Check No. 66,135,257, Treasurer of the U. S. Washington, D.C.

Received payment,

Alfred Merritt Smith
State Engineer.

By C E Rhett

3,000—1-8-48

00-00-0000: letter to state engineer from nps regarding extension for application of time serial no. 10959

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

January 21, 1948.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

On September 9, 1947, we submitted an application, dated September 4, for extension of time, in which to make proof of completion of construction of the water system at Lehman Caves National Monument under Serial No. 10959, and enclosed our voucher for $1.00 to cover the statutory fee. The voucher was returned, was audited, and was mailed to the Disbursing Office for payment on December 3. Since that date the voucher seems to have been lost.

We enclose a new voucher and request that you sign and return it so that we may make another attempt to complete payment. We also hope that the delay will not have any adverse effect on our request for extension of time.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Resources Branch.

AvVD:sh.
Enclosure 123.

cc: Regional Director, Region Three (3).



00-00-0000: letter to state engineer from nps regarding request for extension of time permit no. 10959

FILE COPY

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

September 9, 1947.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

There are enclosed a request for an extension of time in which to perfect water rights under Permit No. 10959 at Lehman Caves National Monument, a purchase order issued to obligate the filing fee of $1.00 in this Office, and a voucher which you should complete, sign, and return to this Office for payment.

As you doubtless know, the Federal agencies have been unable to make much progress on physical developments since the close of the war, because of the necessity for economy and also because of broad administrative directives which are supposed to help the general national recovery even though they retard many individual developments. It is hoped, therefore, that this request will be granted without further need for justification.

Sincerely yours,

A. van V. Dunn,
Chief, Water Division.

AvVD:sh.
Enclosure 847.

cc: Regional Director, Region Three (3),
with 3 copies of enclosure.



BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

In the Matter of Application No. 10959)
Filed by Robert H. Rose, Acting Coordinating Superintendent) APPLICATION FOR EXTENSION OF TIME
Appropriating the Waters of Cave Springs) (Source)

State of Illinois }
County of Cook } ss.

A. van V. Dunn, Chief, Water Division, National Park Service,
Comes now Department of the Interior, the agent (Permittee or Agent)
for the United States of America,
under Application No. 10959, who, after being first duly sworn, deposes and says:

That due to the war effort, and subsequent Federal directives and other activities in (Give reasons why extension of time is necessary)
the interest of national recovery, it has been impossible to complete and maintain the water system involved in aforesaid application at Lehman Caves National Monument. The water system has been completed to the point where Cave Spring is being diverted and fully used, and water from the nameless, or south spring, is diverted and used when the flow reaches the junction with flow from Cave Spring. The supply, so obtained, is proving far inadequate to theneeds of the Monument, but subordinate to the immediate national needs for homes and household sup.lies and equipment.
the

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year within which to file proof (Not to exceed one year)
of completion of construction and comply with the provisions of said permit. (Include map if required)

Signed A. van V. Dunn Chief, Water Division,
National Park Service, for the United States of America
Address Merchandise Mart, Chicago 54, Illinois.

Subscribed and sworn to before me this
4th day of September, 19 [illegible]
Carrie E. Dawson
Notary Public in and for the County of
Cook State of Illinois
My Commission expires August [illegible]

NOTE—$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

00-00-0000: stamp of receival



00-00-0000: letter to nps from state of nevada regarding provisions of permit no. 10959

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1947 AUG 22

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

August 19, 1947

IN YOUR REPLY REFER TO NO. 10959 - Cave Springs

Department of the Interior
National Park Service
Chicago 54, Illinois

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work on or before September 19, 1947, and to file proof thereof on or before October 19, 1947.

If you have not complied with the provisions of your permit and desire more time in which to complete work

then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to September 19, 1947.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly,
ALFRED MERRITT SMITH,
State Engineer.

FIRST NOTICE

NOTE--All documents require a statutory fee of One Dollar for filing.

sh

00-00-0000: letter to nps from state of nevada regarding proof of commencement of work

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

Oct. 16, 1945.

Subject:

In replying, refer to 10959.

Department of the Interior,
National Park Service,
Chicago 54, Illinois.

Gentlemen:

Proof of Commencement of work was

received and filed in this office under the above-mentioned

serial number on August 17, 1945.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 30063.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer

16

OFFICE OF THE
STATE ENGINEER

Permit No. 10959

PROOF OF COMMENCEMENT OF WORK

STATE OF ~~NEVADA~~ ILLINOIS,
County of Cook } ss.

BEFORE ME, Personally appeared A. van V. Dunn, Chief, Water Rights Division, National Park Service, the subscribed, who being duly sworn saith that at least Five Thousand, Three Hundred Ninety-Eight and 22/100 dollars ($5,398.22) has been expended in work or improvements performed or made under the conditions provided in Permit No. 10959, and at the expense of the applicant.

Said improvements consisted of the construction of the collecting wells at Cave Springs and fencing that area, and the trenching and laying of 2-inch G.I. pipe to a junction with the existing system at the settling basin, all in accordance with the plan shown on drawing NM-LC-6979 which was filed with the application. Work has been in a suspended status since the beginning of the war because the United States has diverted all labor and materials to the war activity for the greater public good.

and being work essential to the actual diversion of the water applied for.

Said improvements were begun prior to October 8, 19 40.

United States of America, Department of the Interior,
National Park Service,
By (SGD.) A VAN V. DUNN
Chief, Water Rights Division Applicant

Subscribed and sworn to before me
this 11th day of August, 19 45
(Sgd) C. A. Sandberg
Notary public in and for the County
of Cook, State of ~~Nevada~~ Illinois.

My Commission expires Jan. 16th, 1947.

[One dollar filing fee must accompany this proof]

00-00-0000: letter to nps from state of nevada regarding refference is made to you letter of six forms of proofs of commencement

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

HUGH A. SHAMBERGER
ASSISTANT

May 17, 1945

IN YOUR REPLY REFER TO NO. 10959

Mr. A.van V. Dunn
Chief, Water Right Division
U.S. National Park Service
Chicago 54, Illinois

Dear Mr. Dunn:

Reference is made to your letter of May 12.

As requested we enclose herewith six forms of proofs of commencement of work.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By F. N. Dondero
F. N. Dondero
Office Engineer

FND:at
encls.

00-00-0000: letter to nps from state of nevada regarding refference is made to you letter of six forms of proofs of commencement

May 12, 1945.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

In connection with application and permit under water right Serial No. 10959 for the amendment of rights under Serial No. 01065 for the diversion of the waters of Cave Spring at Lehman Caves National Monument, we are now ready to report and prove beginning of construction which are required by September and October of this year. If there is a standard form for such a report, we should like to have six copies. If no such form is used, please advise if the statement described under Sec. 67, page 27, of the compiled Water Laws of 1941, should be notarized or merely signed by the proper official of this Service.

Sincerely yours,
(SGD.) A VAN V. DUNN
A. van V. Dunn,
Chief, Water Rights Division.

AvVD:sh.

00-00-0000: letter to nps from state of nevada regarding permit no. 10959 for change of point of diversion

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

March 19, 1945

In your reply refer to No. 10959

United States of America
Department of the Interior
National Park Service
P. O. Box 755
Boulder City, Nevada

Attention Robert H. Rose, Acting Coordinating Superintendent, Boulder Dam National Recreational Area

Dear Sir:

Enclosed herewith you will find Permit No. 10959 for change of point of diversion, manner and place of use of the waters of Cave Springs and a nameless spring hereafter designated as South Spring.

Your attention is particularly directed to the printed statutes on the reverse side of the permit.

You are advised that if the various proofs thereunder, which are due on October 19, 1948, are not filed in this office prior to the dates set for such filings, as required by law, the permit will be subject to cancelation.

Yours truly,

ALFRED MERRITT SMITH,

State Engineer.

RMA
Encls.

15

00-00-0000: application for permission to change point of diversion, manner of use and place of use of the public water of the stat

Serial No. 10959

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office JUN 3, 1943

Returned to applicant for correction

Corrected application filed

The undersigned The United States of America, Department of the Interior, National Park Service, by Robert H. Rose, Acting Coordinating (Name of applicant.)
Superintendent, Boulder Dam National Recreational Area,
of Boulder City, County of Clark

State of Nevada, hereby makes application for permission to change the point of diversion, method of conveyance, place and manner of use of water heretofore appropriated under Proof No. 01065 under decreed rights to (State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)
Cave Springs, being part of the adjudication of rights to Baker and Lehman Creeks, decreed October 1, 1934.

1. The source of water supply is Cave Springs and a nameless spring hereafter designated as South Spring.

2. The quantity of water desired to be changed 0.15 second foot (109.5 acre-feet per Annum.) (Acre feet, second feet.)

3. The water is to be used for Domestic & Recreational (See 12) purposes

4. The water heretofore used for Irrigation (See Remarks 12)

5. Place of use under existing appropriation 7.5 acres in NE¼ NW¼ and NW¼ NE¼ (Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
Section 15, T. 13 N., R. 69 E., M.D.B.& M. as described in decree which is partly in error.

6. Proposed place of use under this application SW¼ SW¼ and SE¼ SW¼ Section 10; NE¼ NW¼ and NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B.&M. (Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)

7. The water is to be diverted from its source at the following point: In T. 13 N., R. 69 E., M.D.B.& M. (See Remarks 12).
(Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)

8. The existing point of diversion under the proposed appropriation is as follows: SW¼ SW¼ Section 10, T. 13 N., R. 69 E., M.D.B.&M. according to the decree. (If point of diversion is not changed do not answer.)

9. Number and kind of animals proposed to be watered None

10. Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month) of each year.

11. The water has been used heretofore during the months of January 1 to December 31 of each year

12. Remarks: The diversion from Cave Springs is in SW¼ NE¼ Section 9 whence SE corner Section 10 bears S. 70°10' E. 8312 feet, and the diversion from South Spring is in NW¼ NE¼ Section 16 whence SE corner Section 10 bears N. 81°37' E. 7164 feet. Part of the water will be allowed to flow down the outlet channels of said springs to the SW¼ SW¼ Section 10 at point whence SE corner bears S. 73°15' E. 4198 feet where it will be diverted and used through the original ditch covered by the decree under Proof No. 01065.
It is planned to divert 0.10 sec. ft. from Cave Springs and 0.05 sec. ft. from South Spring, but the right is requested to divert all or any part from either source

(Over)

as the available supply will permit.

Proposed use of water is as follows: For domestic purposes by the permanent employees at the monument and recreational purposes include sanitary facilities at public comfort stations; culinary purposes at a small lodge operated under Park Service supervision; general culinary and sanitary purposes at a public campground; incidental irrigation of shrubs and other vegetation in campground and immediately adjacent to buildings; dust laying in campground and on unpaved roads in immediate headquarters area; maintenance of the "Pond" for fish culture and swimming pool purposes. Maintenance of 44,200 gallons of storage for fire protection.

Explanation to Accompany

Application to Change Point of Diversion, Manner and Place of Use

Under Decreed Right No. 01065 to Cave Springs

By the United States of America

---

1. Relation of Cave Springs and South Spring

The outlets of Cave Springs and South Spring unite to form a single channel near the NW corner SW¼ SW¼ of Section 10, T. 13 N., R. 69 E., M.D.B.&M. Under proof No. 01065 the initial diversion was made just above the junction, in the Cave Springs outlet, whence the water was conveyed by ditch to a reservoir at Station E on said proof map, Exhibit E-1, in the South Spring Outlet. All water from both springs was therein commingled and conveyed to the designated place of use to the extent of available supply. Between 1911, when Exhibit E-1 was prepared, and 1934, when the rights under proof No. 01065 were decreed, the aforesaid ditch and reservoir were superseded by a collecting basin in the main channel just below the junction of said natural channels. Commingled use of the two springs has never been protested.

The flow of South Spring has never reached either commingling basin except during seasons of flood. During most of the year, due to seepage, evaporation and transpiration, the water disappears in the upper half of the outlet channel. Any diversion at the spring, therefore, constitutes appropriation of unappropriated waters which never have been available to other claimants.

2. Amendment of Section Ties

T. 13 N., R. 69 E., M.D.B.&M., was partially surveyed in 1878, but Sections 9, 10, 15 and 16 are still shown as unsurveyed on the supplemental plat of Homestead Entry Survey No. 149 which was made in July 1917. Surveys for Exhibit E-1, under proof No. 01065, were made in 1911, between these dates, and tied to SE corner of Section 12, more than 2.5 miles distant.

The SE corner Section 10 was recovered and accepted as part of H.E.S. No. 149. Amended ties and subdivisions shown on drawing NM-LC-6979, to accompany this application, are based on federal surveys of Lehman Cave National Monument which have been made since 1917. All variations in descriptions are due to the greater accuracy possible in later surveys.

3. Spring Areas

Cave Springs consist of a group of springs at the head of Cave Springs outlet and this application includes the right to develop all such springs in

the area shown on drawing NM-LC-6979 lying south of the divide between said outlet and Lehman Creek. In a like manner, South Spring is also in fact a marshy area which will be developed within the area shown on that drawing.

4. Reconstruction Program

Part of the improvement of the system from Cave Springs has been made during the past one and one-half years to provide a more potable water for visitors at the monument. Since July 1, 1942, however, all construction has been stopped as a war measure. Also since that date, water use has been reduced to that for necessary maintenance and fire protection by the restrictions on pleasure travel.

It is anticipated, however, that a post war stabilization program will include Congressional funds and authority for completion of the system for which plans are now complete. Time limits for the completion of construction and for full beneficial use should, therefore, allow for approximately two years after the war if possible.

Robert H. Rose,
Coordinating Superintendent,
Boulder Dam National Recreational Area.

13. Description of proposed works Water from spring area is conveyed to collecting sump at points of diversion by means of natural channel, system of pipes, ditches, cuts, etc., thence by means of pipe line, natural channel and rediverting ditch to the place of use.

14. Estimated cost of works $20,000.00.

15. Estimated time required to construct the works is 5 years.

Map Filed JUN 3 1945
Compared RMA-CT

The United States of America,
Department of the Interior, Applicant
National Park Service
By Robert H. Rose, Acting
Robert H. Rose, Coordinating Superintendent,
Boulder Dam National Recreational Area.

OF STATE ENGINEER

APPROVAL

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner and place of use of the waters of Cave Springs and Tributaries heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water Serial Number 01065 and as set forth in the Court Decree of the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine in that certain proceedings entitled "In the Matter of The Determination of The Relative Rights In and To The Waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada," is issued subject to the terms and conditions imposed in said Decree and with the understanding that no prior rights on the source will be affected by the change proposed herein. Measurements of the water placed to beneficial use must be taken from time to time and included in the Proof of Beneficial Use when filed. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use and not to exceed 0.15 cubic foot per second or 109.5 acre-feet per annum.

Actual construction work shall begin on or before September 19, 1945.

Proof of commencement of work shall be filed before October 19, 1945.

Work must be prosecuted with reasonable diligence and be completed on or before September 19, 1947.

Proof of completion of work shall be filed before October 19, 1947.

Application of water to beneficial use shall be made on or before September 19, 1948.

Proof of the application of water to beneficial use must be filed with the State Engineer on or before October 19, 1948.

WITNESS MY HAND AND SEAL this 19th day of March, 1945.

(SEAL) (Sgd.) Alfred Merritt Smith
State Engineer

Compared RMA-EM

00-00-0000: application for permission to change point of diversion, manner of use and place of use of the public water of the stat

No. 10959

Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated.

STATE OF NEVADA
ENGINEER'S OFFICE

Filed June 3, 1943

Applicant The United States of America, Department of the Interior, National Park Service, by Robert H. Rose, Acting Coordinating Superintendent, Boulder Dam Recreational Area.

P. O. Address Boulder City, Clark County, Nevada.

Form 1c 8-500—4-14-36

00-00-0000: letter to nps from state of nevada regarding deeds of transfer

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

Feb. 5, 1945.

Subject:

In replying, refer to 01065.

A. van V. Dunn,
Chief, Water Rights Division,
U. S. National Park Service,
Chicago, Illinois. (54)

Dear Sir:

Deeds of transfer were

received and filed in this office under the above-mentioned

serial number on August 3, 1944. Filing fee for the deeds was received in this office on February 1, 1945.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 29522

Very truly yours,

ALFRED MERRITT SMITH

CT. State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

00-00-0000: receipt no. 29522: engineer's office; filing deeds of transfer under proof of appropriation no. 01065

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

ORIGINAL

February 5, ,1945

RECEIPT NO.

№ 29522

A. van V. Dunn,
U. S. National Park Service,
Chicago, Illinois. (54)

To THE STATE OF NEVADA, Dr.

To filing deeds of transfer under Proof of Appropriation No. 01065.	3.00

Remittance in Check No. 5,354,777, Treasurer of the U. S., Chicago, Ill.

Received payment, Alfred Merritt Smith
State Engineer.

By C E Jones ,

2000—9-15-43

00-00-0000: letter to state engineer from nps regarding amendment of water rights

December 20, 1944.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

In reply to your letter of December 16 with regard to the amendment of water rights for Lehman Caves National Monument under your reference S. 10950-01065, we enclose a voucher for $5.00 to cover the fees for filing the deed from C. T. Rhodes to White Pine County, certified copy of the resolutions of the Board of County Commissioners, and the certified photostat copy of the deed from White Pine County to the U. S. Department of Agriculture. Please sign at the point indicated by pencilled cross and return to this Office for payment.

AvVD:sh.

Enclosure 446.

Very truly yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Rights Division.

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

December 16, 1944.

In your reply refer to No.s. 10959 - 01065

Mr. A. van V. Dunn
Chief, Water Rights Division
U. S. National Park Service
Chicago 54, Illinois

Dear Mr. Dunn:

The documents submitted with your letter of July 29, 1944 have been checked and found to be in order for filing.

The certified copy of the deed from C. T. Rhodes to White Pine County; the certified copy of resolutions of the Board of County Commissioners and the certified photostat copy of deed from White Pine County to U. S. Department of Agriculture require a $1.00 filing fee for each document, or a total of $3.00.

The copy of Assembly bill No. 151; the published copy of the President of the United States creating Lehman Caves National Monument; the printed copy of an Executive Order of the President of the United States and the copy of the Appropriation Act of the Department of the Interior, will be informally filed and do not require a filing fee.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

(Sgd) Edmund Muth

by EDMUND MUTH
Deputy State Engineer

JAM:KC

00-00-0000: letter to nps from state of nevada regarding submitted documents

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

Lehman Caves -

December 11, 1944

IN YOUR REPLY REFER TO NO. S. 10959 and 01065

Mr. A. van V. Dunn
Chief, Water Rights Division
United States National Park Service
Chicago 54, Illinois

Dear Mr. Dunn:

Reference is made to your letter of December 5.

The documents submitted with your letter of July 29 are now being checked with our records and as soon as such check is completed, which will probably be some time within a week, you will then be further advised, and also you will be advised as to the amount of fees required to file these documents.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger

Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to state engineer from nps regarding instruments to show transfer of title of water rights under proof no. 01065

December 5, 1944.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

By letter of July 29 we submitted instruments to show transfer of title of water rights under Proof No. 01065 which the National Park Service is amending under Application No. 10959, at Lehman Caves National Monument.

This is to inquire what action has been taken by you, or what further action is required of the National Park Service.

Sincerely yours,

AvVD:sh.

(Sgd.) A. van V. Dunn

A. van V. Dunn,
Chief, Water Rights Division.

cc: Regional Director, Region Three (3).
~~Mr. Dunn~~

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILLINOIS

July 29, 1944.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Sir:

Reference is made to Mr. Shamberger's letter of November 10, 1943, with regard to Application No. 10959 by the United States of America, Department of the Interior, National Park Service, for the amendment of water rights under Proof No. 01065 at Lehman Caves National Monument. In accordance with his request we present the following chain of title from C. T. Rhodes to this Service:

1. Certified copy of deed from C. T. Rhodes to White Pine County, certain lands and the water rights under Proof No. 01065.

2. Copy of Assembly Bill No. 151, being Chapter 104, on pages 174 and 175, Session Laws of 1931, of the Nevada State Legislature. As a state law it is assumed that no certificate is needed.

3. Certified copy of resolutions of the Board of County Commissioners of White Pine County, Nevada, which were passed Sept. 6, 1933, and September 5, 1934, to authorize the Chairman of that Board to deed the aforesaid property to the Department of Agriculture, United States of America.

4. Certified photostat copy of deed from the Chairman of the Board to the Department of Agriculture, United States of America, conveying aforesaid property.

5. A published copy of the Proclamation of the President of the United States, dated January 24, 1922, creating Lehman Caves National Monument and including the aforesaid tract of C. T. Rhodes within its boundary.

6. Printed copy of an Executive Order of the President of the United States, dated June 10, 1933, of which Section 2, on page 2, transfers the National Parks and Monuments which were previously administered by various agencies, to the Office of National Parks, Buildings and Reservations in the Department of the Interior.

7. Copy of the Appropriation Act for the Department of the Interior, Public Law No. 109 of the 73rd Congress, on page 31 of which the Office of National Parks, Buildings and Reservations is changed to the "National Park Service."

Since item 6 does not actually specify the transfer of Lehman Caves it may be well to state here that funds and administration have actually been under the jurisdiction of the Office of National Parks, Buildings and Reservations; and the National Park Service.

Effective July 1 the Water Rights Division of this Service was transferred from San Francisco to Chicago. Any further correspondence relating to this water right should be addressed to the Director, National Park Service, as shown at the top of this letter.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 812567.

cc: Regional Director, Region Three (3).

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

HUGH A. SHAMBERGER
ASSISTANT

3/29/44

March 27, 1944

Lehman Cave NM

Mr. A. van V. Dunn, Hydraulic Engineer
United States Department of the Interior
National Park Service, Water Rights Section
601 Sheldon Building
San Francisco, California

Dear Mr. van V. Dunn:

Reference is made to your letter of March 25 relative to Application No. 10959.

The matter of the issuance of a permit under this application will be held in abeyance pending the receipt of the required deed referred to in your letter.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Edmund Muth

Edmund Muth
Deputy State Engineer

FND:RMA

00-00-0000: letter to state engineer from hydraulic engineer regarding application no. 10959 to amend the water right under origin

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 25, 1944.

State Engineer,

Carson City, Nevada.

Dear Sir:

Reference is made to your Mr. Shamberger's letter of November 10, 1943, with regard to our Application No. 10959 to amend the water right under original Proof 01065 at Lehman Caves National Monument.

This is to advise that the records are somewhat scattered because of changes in jurisdiction from the Forest Service to the National Park Service. The proper chain of title will be submitted as soon as assembled.

Yours very truly,

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Three (2)

FILE COPY

00-00-0000: letter to nps from state of nevada regarding issuing a permit under application no. 10959

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

November 10, 1943

In your reply refer to No. 10959

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
Water Right Section
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

We have taken up the matter of issuing a permit under Application No. 10959, filed on June 3, 1943, by The United States of America, Department of the Interior, National Park Service, but before we can issue the permit it will be necessary that you file for record in this Office either the original deeds or certified copies thereof completing the chain of title to the waters covered by the application from C. T. Rhodes, the owner of record, down to the party named in the application. A One Dollar filing fee is required for each deed.

Upon the receipt of the required deeds the application will be approved and a permit issued.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By /s/ Hugh A. Shamberger
R.M.A.

Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to nps from state of nevada regarding map in connection with application no. 10959

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

June 30, 1943

Hugh A. Shamberger
Assistant

In your reply refer to No. 10959

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
Water Rights Section
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

Reference is made to your letter of June 24 relative to map in connection with Application No. 10959 of the United States of America covering a change of point of diversion, method of conveyance, place and manner of use of the water decreed under Proof No. 01065.

The map on linen tracing cloth which was received by this Office on April 23, 1942, appears to be in proper order to be used in support of Application No. 10959.

Within the next few days the matter of checking applications and maps for publication will be taken up here in the office, at which time you will be advised as to whether or not the application or the map will require additional information.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By /s/ Hugh A. Shamberger

Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to state engineer from hydraulic engineer regarding map to accompany our application to amend water right no.

601 Sheldon Building

June 24, 1943.

State Engineer,

Carson City, Nevada.

Reference: 10959.

Dear Sir:

Reference is made to your letter of June 8, 1943, to our Boulder City office with regard to a map to accompany our application to amend water right No. 01065.

You are holding our tracing NM-LC-6979 which is intended to accompany this application. By reference to Mr. Muth's letter of June 22, 1942, to Superintendent Edwards, attention Robert H. Rose, of Boulder Dam Recreational Area, you will find that the application which you now have is a modification of an application which you rejected a year ago for very good reasons.

Of course the map shows the ditch from Lehman Creek to the Cave Spring area to which we now relinquish claims. We do not see any reason for making a new map, however, since this one does represent conditions as they were as late as my call on you this March. We have issued instructions to stop direct diversions from the creek to conform with our revised application. Hence it may be that you should like to have some such notation inserted on the tracing.

Subject to other instructions from you, or protest by other claimants, we do intend to leave the ditch in its dry condition in case we find it necessary to buy other rights and transfer them to it, as I discussed with Mr. Dondero in March.

The tracing may be amended with regard to the ditch, either by your staff or, on return, by us. If you wish to do it, please send us a van dyke after the change is made, and a statement of the charges therefor.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Region Three.
Act. Coord. Supt., Lehman Caves.

FILE COPY

00-00-0000: letter to state engineer from nps regarding application for permission to change point of diversion of water under decr

MAY 21 1943

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

May 19, 1943

State Engineer
State of Nevada
Carson City, Nevada

Dear Sir:

We are enclosing application for permission to change point of diversion of water under Decreed Right No. 01065 to Cave Springs in Lehman Caves National Monument, together with attached supplementary explanation. You will also find enclosed original Voucher Form No. 1034 covering the amount of twenty-five dollars ($25.00) for the cost of examination, advertising and filing of application. Please sign the voucher as payee in the space provided and return.

In case it is necessary to make any alterations in the application would you please discuss such alterations directly with Mr. A. van V. Dunn, Hydraulic Engineer, Water Rights Section, National Park Service, Region Four, San Francisco, California, mailing copies to this office.

Sincerely yours,

Robert H. Rose,
Acting Superintendent

Enc. 249
cc A. van V. Dunn

00-00-0000: receipt no. 28170: engineer's office; photostatic copy of 01064 and map serial no. 608

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT NO.

№ 28170

ORIGINAL

April 8, ,1943

Dept. of Interior, Natl. Park Service,
C/o A. Van Dunn, Hydraulic Engineer,
601 Sheldon Bldg., San Francisco, Calif.

To THE STATE OF NEVADA, Dr.

Photostatic copy of 01064 and map serial No. 608.	4.00
To copies of proof of appropriation 01874, letters, stipulation re-Baker Lehman Creek and statement of facts relative to water rights, Osceola Placer Co.	3.00
	7.00

Remittance in Check No. 54,273, Treasurer of the U. S. San Francisco, Calif.

Received payment,

State Engineer.

By

3000—8-26-28

00-00-0000: letter to state engineer from hydraulic engineer regarding voucher for $7.00 covering copies of your records

March 26, 1943.

State Engineer,

Carson City, Nevada.

Dear Sir:

We enclose voucher for $7.00 covering copies of your records which I ordered on March 18. Will you please sign at the point indicated by pencilled X and return so that we may see that payment is made promptly.

This will also acknowledge receipt of the typewritten copies as of yesterday, and we assume that the maps will be here in the very near future.

Yours very truly,

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

Enclosure.

Returned and put through for payment 3/31/43

FILE COPY

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

MAR 25 1943

March 24, 1943

WR Files

IN YOUR REPLY REFER TO NO. 01874

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

Dear Mr. Van Dunn:

As requested by you on your visit to the Office on March 18th we are enclosing herewith the following:

1. Copy of "Statement of Facts Relating to the Water Rights of the Osceola Placer Company or Hydraulic Mining Company, Osceola" in file #01874.

2. Copy of Proof of Appropriation of Water Serial No. 01874 filed on March 7, 1925.

3. Copy of office letter dated March 10, 1925, to C. T. Rhodes, in file #01874.

4. Copy of Stipulation relative to Proofs Nos. 01064, 01065 and 01066 in the matter of the determination of the relative rights in and to the waters of Baker and Lehman Creeks and their tributaries in connection with hearing held at Ely, Nevada, on March 3, 1931, in adjudication file.

5. Copy of office letter dated April 25, 1925, to V. H. Vargas, Attorney at Law, Ely, Nevada, in file No. 01874.

6. Copy of letter of May 16, 1925, from C. T. Rhodes to Robert Allen, State Engineer, in file No. 01874.

7. Copy of office letter dated July 23, 1931, to C. T. Rhodes in adjudication file.

Via American Railway Express we are sending to you van dykes of map to accompany Proof of Appropriation Serial No. 01064, United Securities Corporation, and sketch map, Baker

and Lehman Creeks System, Serial No. 608-C-4.

Enclosed herewith is our statement for Seven Dollars covering the cost of the above items.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger

Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to nps from state of nevada regarding correspondence on water right no. 01065

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

MAR 4 1943

HUGH A. SHAMBERGER
ASSISTANT

March 2, 1943

IN YOUR REPLY REFER TO NO. 01065

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
Water Rights Section
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

This will acknowledge receipt of your letter of February 26 relative to our correspondence on water right No. 01065 at Lehman National Monument.

We are pleased to be advised that you have planned to be in Carson City on March 18 to discuss pending matters on this water right. Mr. Dondero, who is familiar with the conditions surrounding the water right, will be here to go over this matter with you.

In this connection, much time has been given to examining the further questions brought to our attention in your letter of August 4, 1942, and we are now in a position to discuss these matters.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By

Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to state engineer from hydraulic engineer regarding past correspondence terminating with you letter of august 2

601 Sheldon Building

February 26, 1943.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Sir:

Reference is made to our past correspondence terminating with your letter of August 28, 1942, with regard to Water Right No. 01065 at Lehman Caves National Monument.

I am now starting on a trip which will bring me through Reno on the evening of March 17. It is my plan to run down to Carson City on the morning of the 18th in order to attempt to harmonize our various ideas. I hope that this will meet with your convenience and that your assistant, who is familiar with this case, will be available during part of that day.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

FILE COPY

00-00-0000: letter to state engineer from hydraulic engineer regarding proposed amendment of water right serial number 01065

601 Sheldon Building

November 6, 1942.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Sir:

Reference is made to our correspondence during August of this year with regard to proposed amendment of Water Right Serial Number 01065. We are extremely anxious to complete such amendments as are necessary to cover the water use at Lehman Caves National Monument, particularly if, as you previously suggested, it becomes necessary to file an independent new application for part of the diversion.

We wonder, therefore, if Mr. Shamberger has given any further consideration to the points introduced by my memorandum of August 4.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Director.
Regional Director, Region Three.
Acting Supt., Boulder Dam N.R.A.
Custodian, Lehman Caves Nat. Mon.
(through Act.Supt., Boulder Dam.)

FILE COPY

601 Sheldon Building

August 31, 1942.

MEMORANDUM for the Acting Superintendent,
Boulder Dam National Recreational Area.

Reference is made to our recently rejected application for change of point of diversion and place and method of use, Lehman Caves National Monument, under water right serial number 01065, and to the letter I sent to the State Engineer on August 4, of which you received a copy.

We have just been advised by Assistant State Engineer Shamberger that he will give the matter further consideration in the near future as a result of our suggestions in that letter. This is to advise, therefore, that we wish to hold up the State Engineer's previously suggested amendments until that further study and report has been made.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Region Three.
Custodian, Lehman Caves Nat. Mon.,
(through Acting Supt., Boulder Dam.)

FILE COPY

00-00-0000: letter to nps from state of nevada regarding correspondence in connection with the appropriation of the waters of leh

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
R. W. ROBERTS
ASSISTANT

August 28, 1942

AUG 1942
8/31/42

IN YOUR REPLY REFER TO NO. 01065

Mr. A. van V. Dunn, Hydraulic Engineer
National Park Service
Region Four
United States Department of the Interior
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

We have your letter of August 4th, 1942, relative to our correspondence in connection with the appropriation of the waters of Lehman Creek.

A study will be made of the contents of your letter and you will be advised of the results as soon as possible.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By
Hugh A. Shamberger
Assistant State Engineer

FND:RMA

00-00-0000: letter to state engineer from hydraulic engineer regarding water right serial no. 01065

C O P Y

601 Sheldon Building

August 4, 1942.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Sir:

Reference is made to Mr. Muth's letter to Superintendent Guy D. Edwards of the Boulder Dam Recreational Area of June 22, 1942, with regard to Water Right Serial No. 01065 at Lehman Caves National Monument.

This letter offers a great deal of information which we did not previously have. We were not aware of Mr. Rhodes' filing No. 01874 of March 7, 1925, to appropriate the waters of Lehman Creek, nor that he had withdrawn such a claim at the time of the adjudication. We know, however, that the water was diverted from 1887 as you have found in the adjudication testimony and as stated by Mr. E. B. Robison on January 22, 1942. This water is still being diverted without protest, but not usually to the extent of 100 miners inches. We are somewhat at a loss to know why the claim was dropped unless Mr. Rhodes lost interest because of his plans to sell his land during the adjudication.

The question still in our minds is how much water was actually available from the Cave Springs before the Lehman Creek diversion was made in 1887. It seems quite possible that most of the flow is seepage from the stream and ditch and to cut off the ditch might result in a marked reduction of the flow. Yet the court accepted the proof that the flow was such that 0.15 sec. ft. could be delivered to the 7.5 acres of land from a diversion some distance below in the outlet which is a "losing stream."

If proof could not be made without the ditch from Lehman Creek, and such proof was made to the satisfaction of the court, there would seem to be an implied claim to some form of seepage from the Creek, whether it was so stated in the decree or not. We wonder whether it would be justifiable to attempt a court opinion if we studied the spring flow for a couple of years with and without ditch diversions. Of course the court opinion could only be interpretive.

The case of the South Spring seems much more concrete. The small reservoir shown near the junction of its outlet with that from the Cave Springs definitely catches any water reaching that point in the outlet. In flood periods this is considerable. In dry weather the surface flow does not reach more than half way down the outlet. During dry weather, due to the nature of the limestone formation, it would be hard to prove whether the underground flow was directly tributary to Lehman Creek, to Lehman Spring, to Baker Creek, or perhaps to none of them at all.

In other words, when there is surface flow at the small reservoir it has been commingled with that from Cave Spring and used without independent identity and the court did not protest the matter when examining exhibit E-1. A court might overrule the arguments relating to the Lehman Creek diversion because neither decree nor exhibit E-1 refers to such diversion, but it cannot overlook the fact that no limitation was placed on diversion of the South Spring Outlet when such diversion was suggested on exhibit E-1.

To date, during the dry season, there has not been any diversion of the South Spring because it could not be captured at the small reservoir. Neither can it be captured by others with any assurance of identity. In other words, there would not be any probable effect on others if the pipe line were extended to the spring to prolong the season of availability. It might, however, increase the flow of Lehman Creek by eliminating the seepage from the spring to the neighborhood of the place of use.

We do not wish to claim more rights than Mr. Rhodes had, but we feel that his rights were rather loosely defined and we should like to make the full 0.15 sec. ft. (109.5 acre feet) a reality if possible. We still hold two applications which we prepared first, one to amend rights to Cave Springs alone, and one for a new appropriation of the South Spring. We thought then that if we needed the Lehman Creek Diversion we would have to buy rights as Mr. Muth has suggested. However, as our information increases we feel that the consolidated application which you rejected on June 22, 1942, is not altogether out of line.

We should like to have you reconsider the claim that Water Right Serial No. 01065 included rights to the South Spring Outlet flow. We should also like your suggestions as to steps we might take to test the status of the ditch diversion from Lehman Creek. Further, if on

reconsideration you still fail to accept the relation between the South Spring and Water Right Serial No. 01065, we should like your reconsideration of the merits of filing a new application to appropriate that source as one not normally reaching Lehman Creek in the dry season when most needed.

None of the reference to possible court or other alternatives to Mr. Muth's suggestions herein is intended to be final. We are merely trying to obtain a little more comprehensive understanding of our possible rights under the existing decree. We would still have to consider the relative cost of purchase or adjudication, and whether the United States wished to take the latter course, even if more economical, if it were at all likely to cause local antagonism. None of these have been considered more than casually at this time.

Sincerely yours,

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Regional Director, Region Three.
Supt., Boulder Dam Nat. Rec. Area.
Custodian, Lehman Caves Nat. Mon.
(through Supt., Boulder Dam.)

00-00-0000: letter to nps from state of nevada regarding filing of an application for permission to change the point of diversion

C
O
P
Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

June 22, 1942

Mr. Guy D. Edwards, Superintendent
National Park Service
Boulder Dam Recreational Area
P. O. Box 755
Boulder City, Nevada

Attention Mr. Robert H. Rose, Acting Supt.

Dear Sirs:

Reference is made to your letter of April 21st and our answer thereto of May 4th relative to the filing by your Department of an application for permission to change the point of diversion, method of conveyance, place and purpose of use of 0.15 c.f.s. of the waters of Cave Springs, decreed to claimant C. T. Rhodes under Proof of Appropriation of Water Serial No. 01065 in that certain decree entered on October 1, 1934, in the Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine, in the matter of The Determination of The Relative Rights in and to The Waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada.

In connection with the above matter, we have gone over the adjudication proceedings, records and the correspondence had by your Department with Mr. Reppert, then Assistant State Engineer, with the thought in mind of cooperating with you as much as possible in abiding by your application and at the same time abiding by the law to avoid possible complications.

The right to each source of water supply named in your application will be taken up separately. These sources are Lehman Creek, Big Spring and an unnamed spring now referred to in your application as South Spring. According to the map submitted by you in support of your application, and as somewhat indicated by the records, South Spring Channel is tributary to the main outlet channel leading southeasterly from Big Spring to Lehman Creek. It appears that at present a certain amount of water is diverted from Lehman Creek and thence conveyed by means of a ditch approximately 800 feet long in an easterly direction to the spring area of Big Spring. There the two waters are commingled and flow in Cave Spring Outlet Channel in a southeasterly direction to a point in the northwest part of the SW¼ SW¼ of Section 10, Township 13 N., Range 69 E., where the waters are diverted and conveyed by means of a ditch to a reservoir created by a dam across the South Spring Channel. The commingled waters from the three sources, to the extent of 0.15 c.f.s. are then released and conveyed by ditches, Cave Spring Outlet Channel and a system of ditches, pond and reservoir to the 7.5 acres of land in the NE¼ NW¼ and the NW¼ NE¼ of Section

15, Township 13 N., Range 69 E., M.D.B. & M., for irrigation and domestic purposes.

As stated above, the water rights from the three sources are taken up separately in connection with your application, as follows:-

LEHMAN CREEK

A certain amount of water from Lehman Creek is embraced in your application to change the point of diversion, method of conveyance, place and purpose of use, on the grounds that a ditch was dug prior to July 1, 1887, from Lehman Creek to the Cave Spring area, and the waters so diverted have ever since been continuously used without protest with the commingled waters of Cave Springs under the water system described in Proof of Appropriation Serial No. 01065. The mere use of the water in the instant case does not in itself ripen into a water right, for the reasonthat the Water Law provides methods by which a water right can be acquired and perfected. Sections 18 to 58 of the Nevada Water Law cover procedure for perfecting water rights initiated prior to March 1, 1905, by adjudication proceedings, and Sections 59 to 74 cover procedure for water rights acquired after March 1, 1905, by making application to the State Engineer for permission to appropriate water for beneficial use.

The records do not disclose that a water right from Lehman Creek as described in your application, has ever been decreed to C. T. Rhodes, your predecessor, or that an application for permission to appropriate such waters was ever made. The records, however, do disclose that C. T. Rhodes started to perfect a water right from Lehman Creek by filing, on March 7, 1925, Proof of Appropriation of Water Serial No. 01874. In this proof a claim was made, with a date of priority of appropriation of 1887, for certain waters of Lehman Creek for stock-watering, domestic and for the irrigation of 14.0 acres of land in the SE¼ SW¼ of Section 10, and the NE¼ NW¼ of Section 15, Township 13 N., Range 69 E., during the period from April 15th to October 15th of each year. According to the answer to Question No. 18 of the proof, the claimant's water right was recorded in the office of the County Recorder of White Pine County, Nevada, on May 7, 1887, at 40 minutes past 2 P.M., being a claim for 100 inches of water from Lehman Creek and 25 inches of water from Cave Spring. Under the heading of "Remarks" the following statement is made: "This right was initiated by A. S. Lehman in about 1887 and used by him until it was sold to Philip M. Baker who in turn disposed of it to Ernest C. Adams. Adams made a homestead entry and acquired title to the land by virtue of patent from the U. S. Government. Adams sold to Nathan Kigar and C. T. Rhodes on November 6, 1920. Patent is recorded in Book 82, Pages 168-169, Records of White Pine County."

Several affidavits in the form of questionnaires relative to this right are on record in connection with the claim made under Proof of Appropriation of Water Serial No. 01874.

A stipulation was made and entered into by C. T. Rhodes, et. als., on or about March 3, 1931, relating to the settlement of certain matters concerning the respective rights of claimants and water users on Baker and Lehman Creeks, in which, among other things, it was stipulated that the State Engineer shall make his determination of the vested rights of Philip M. Baker, sometimes known as P. M. Baker, in accordance with his Proofs, Nos. 01064, 01065 and 01066, which shall be considered as the limit of his vested rights initiated prior to 1905. It was further stipulated that all other proofs filed in this proceeding conflicting with the above mentioned proofs of Philip M. Baker can be withdrawn and they were thereby considered as withdrawn. Proof of Appropriation of Water Serial No. 01874 was therefore withdrawn as of March 3, 1931, and notice of this withdrawal was sent to Mr. C. T. Rhodes on July 23, 1931. Mr. Rhodes made no objection to the withdrawal.

From the foregoing it was apparently the opinion of the then State Engineer that Mr. Rhodes had, for reasons unknown to him or this Office, relinquished his water claim to the waters of Lehman Creek and as a consequence the claim was eliminated from the adjudication proceedings and Final Decree. Since there appears to be no legal appropriation of the water of Lehman Creek either under Proof of Appropriation of Water Serial No. 01874 (withdrawn), or No. 01065, the waters of Lehman Creek are not subject to the change as contemplated in your application. Due to the manner by which the right under Proof of Appropriation of Water Serial No. 01874 was relinquished during the adjudication proceedings and before the entrance of the Final Decree, it seemingly is beyond our power to recognize the claim. Should it be essential for you to have more water than that decreed under Proof No. 01065, our advice would be that the amount desired be purchased and then transferred by filing an application for permission to change the point of diversion, manner and place of use of water, such purchase not to be consummated unless a permit is granted.

An entirely new appropriation under Sections 59 to 74 of the Water Law by filing an application can be attempted, but this method is not recommended for the reason that a permit granted under this right would be subject to prior rights, and since it appears that all of the water on this stream system is already appropriated, such a right would be of very little value except at times of surplus water.

CAVE SPRINGS AND SOUTH SPRING

The water right on Cave Springs to the extent of 0.15 c.f.s. decreed to C. T. Rhodes under Proof of Appropriation of Water Serial No. 01065 appears to be definitely established by the Baker and Lehman Creeks Decree dated October 1, 1934. Any application filed to change the point of diversion, manner and place of use of this water would be in proper order because of the fact that such a right is definitely fixed according to law. Whether the Decree intended to include the waters of South Spring is somewhat doubtful, especially due to the fact that no mention was ever made thereof, either in the Proof of Appropriation of Water Serial No. 01065, filed by Philip M. Baker on December 21, 1911, or in the Baker and Lehman Creeks Decree. No reasons are found for the omission of this water in the Proof or the Decree. It may have been considered at the time of the filing of the Proof and during the adjudication proceedings. that the water contributed by this spring was not a tributary to Lehman Creek, or that the amount was so small that it was not considered advisable to include it in the adjucation proceedings. In any event, these are all assumptions and there is no information at hand to substantiate them. It seems that if the water of South Spring was of any value, the right thereto would have been included and defined in the adjudication proceedings. It appears that the waters of South Spring were used as evidenced by the map filed in support of Proof of Appropriation of Water Serial No. 01065. If the claim made under Proof No. 01065 had designated Cave Spring Channel or Creek, instead of Cave Spring, as the source of water supply, all doubt about South Spring would have been eliminated, for the reason that any tributary waters, including those of South Spring, would be part of the Cave Spring Channel stream system. The fact before us is that the Decree specifically designates Cave Springs and no other source as the source of water allotted to C. T. Rhodes under Proof of Appropriation Serial No. 01065. Therefore, the only water that can be considered in your application is from Cave Spring.

It seems that in order to establish a legal right to the present flow and any surplus flow that may be developed from South Spring, an application for permission to appropriate such water should be filed. Even this would perhaps be subject to protests and controversies, especially if proven that such waters are tributary to Lehman Creek, in which case any permit granted, except that for the surplus water, would be subject to prior rights on the Baker and Lehman Creeks system. In view of the fact that we are not familiar with the conditions on the ground relative to the waters from Cave Springs and South Springs, it is difficult to properly advise as to whether the two water sources are tributaries to each other, or whether the Decree was intended to cover the two sources.

Relative to the claim of the United States to the full appropriation of 0.15 c.f.s. of water by virtue of a deed from the County Commissioners and by the Act of the 35th Session of the State Legislature, being Chapter 104, approved March 19, 1931, will advise that such right is limited to the 0.15 c.f.s. of water from Cave Springs, and if such source does not at times contribute that amount, then it is not within the province of the assigners to supply you that amount. If the sources do not contribute sufficient water to satisfy all existing rights, then the latter or junior rights are deprived of their water accordingly.

Relative to acquiring a water right to the waters of South Spring, it appears that from a legal standpoint an application should be made and for this reason the water from this source is omitted in our tentative application for the change of point of diversion, manner and place of use, a draft of which is enclosed herewith.

From the information contained in the submitted application, we have prepared for your consideration the above mentioned application for permission to change the point of diversion, method of conveyance, place and manner of use. In preparing the application we adhered to the requirements as much as possible and should there be omissions or information not in conformity with your plans, it is your privilege to make any changes or corrections that you deem necessary. We are also enclosing herewith several blank application forms for your use, should you feel that you want to file on the unappropriated water. The copy of the application submitted with your letter of February 10, 1942, for our consideration is retained by us, and the two signed copies submitted with your letter of April 21st, together with original voucher in the amount of $25.00 submitted for our signature to cover the filing fee on the application, are returned to you herewith.

If you so desire, the herewith returned original application with the attached rider explaining in detail, among other things, the water that has been continuously used in connection with the Lehman Cave Park, can be resubmitted and placed on record for reference in the event any controversy arises under the new application, if filed.

In case the tentative application prepared by this Office does not fulfill your requirements, matters would be greatly simplified by personal discussion of such matters in this Office.

The map on tracing linen submitted in support of your application showing in detail the water diversions and distribution will be held pending further instructions from you.

Yours very truly,
ALFRED MERRITT SMITH, State Engineer
By: /s/ Edmund Muth, Jr.
Deputy State Engineer.

Serial No.....

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Sent with State letter of Engineer Edwards, 1942 To Guy in Denver

Date of first receipt and filing in State Engineer's office_____

Returned to applicant for correction_____

Corrected application filed_____

The United States of America, Department of the Interior

The undersigned National Park Service, by Guy D. Edwards, Superintendent (Name of applicant.)
Boulder Dam National Recreational Area.
of Boulder City, County of Clark

State of Nevada, hereby makes application for permission to change the point of diversion, method of conveyance, place and manner of use
of water heretofore appropriated under Proof No. 01065 under decreed (State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)
rights to Cave Springs, being part of the adjudication of rights to Baker and Lehman Creeks, decreed October 1, 1934.

1. The source of water supply is Cave Springs

2. The quantity of water desired to be changed 0.15 second foot (109.5 Acre-feet per Annum.) (Acre feet, second feet.)

3. The water is to be used for Domestic & Recreational (See 12) purposes

4. The water heretofore used for Irrigation (See Remarks 12)

5. Place of use under existing appropriation 7.5 acres in NE¼ NW¼ and NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B.& M. as described in decree which is partly in error (Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)

6. Proposed place of use under this application SW¼ SE¼ and SE¼ SW¼ Section 10; NE¼ NW¼ and NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B.&M. (Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)

7. The water is to be diverted from its source at the following point: SW¼ NE¼ Section 9, T. 13 N., R. 69 E., M.D.B.&M., whence the S.E. Corner of Section 10, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70°10' E., 8312 feet (Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)

8. The existing point of diversion under the former appropriation is as follows: SW¼ SW¼ Section 10, T. 13 N., R. 69 E., M.D.B.&M. according to the Decree (If point of diversion is not changed do not answer.)

9. Number and kind of animals proposed to be watered None

10. Use will begin about Jan. 1 (Month) and end about Dec.31 (Month) of each year.

11. The water has been used heretofore during the months of January 1 to December 31 of each year

12. Remarks Proposed use of water is as follows: For domestic purposes by the permanent employees at the monument and recreational purposes include sanitary facilities at public comfort stations; culinary purposes at a small lodge operated under Park Service supervision; general culinary and sanitary purposes at a public campground; incidental irrigation of shrubs and other vegetation in campground and immediately adjacent to buildings; dust laying in campground and on unpaved roads in immediate headquarters area; maintenance of the "Pond" for fish culture and swimming pool purposes. Maintenance of 44,200 gallons of storage for fire protection

Superseded.

13. Description of proposed works Water from spring area is conveyed to collecting sump at point of diversion by means of natural channel, system of pipes, ditches, cuts, etc., thence by means of pipe line, natural channel and rediverting ditch to the place of use.

14. Estimated cost of works $20,000.00

15. Estimated time required to construct the works is 5 years

The United States of America,
Department of the Interior, Applicant
National Park Service

By Guy D. Edwards, Superintendent,
Boulder Dam Recreational Area.

OF STATE ENGINEER

No.....

Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated.

STATE OF NEVADA
ENGINEER'S OFFICE

Filed.....

Applicant .....

.....

P. O. Address.....

.....

Form 1c [illegible] 500—6-24-41

This draft as typed, was prepared by State engineer (file in 1942 correspondence)

Serial No. [illegible]

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office _____

Returned to applicant for correction _____

Corrected application filed _____

The undersigned **The United States of America, Department of the Interior National Park Service, by Guy D. Edwards, Superintendent Boulder Dam National Recreational Area.** (Name of applicant.)
of **Boulder City**, County of **Clark**

State of **Nevada**, hereby makes application for permission to change the **point of diversion, method of conveyance, place and manner of use**
of water heretofore appropriated under **Proof No. 01065 under decreed** (State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)
rights to Cave Springs, being part of the adjudication of rights to Baker and Lehman Creeks, decreed October 1, 1934.

1. The source of water supply is **Cave Springs** and a nameless spring hereafter designated as South Spring
2. The quantity of water desired to be changed **0.15 second foot (109.5 Acre-feet per Annum.)** (Acre feet, second feet.)
3. The water is to be used for **Domestic & Recreational (See 12)** purposes
4. The water heretofore used for **Irrigation (See Remarks 12)**
5. Place of use under existing appropriation **7.5 acres in NE¼ NW¼ and NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B.& M. as described in decree which is partly in error** (Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
6. Proposed place of use under this application **SW¼ SE¼ and SE¼ SW¼ Section 10; NE¼ NW¼ and NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B.&M.** (Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
7. The water is to be diverted from its source at the following point: **SW¼ NE¼ Section 9, T. 13 N., R. 69 E., M.D.B.&M., whence the S.E. Corner of Section 10, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70°10' E., 8312 feet** (Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.) see attached sheet
8. The existing point of diversion under the former appropriation is as follows: **SW¼ SW¼ Section 10, T. 13 N., R. 69 E., M.D.B.&M. according to the Decree** (If point of diversion is not changed do not answer.)
9. Number and kind of animals proposed to be watered **None**
10. Use will begin about **Jan. 1** (Month) and end about **Dec.31** (Month) of each year.
11. The water has been used heretofore during the months of **January 1 to December 31** of each year
12. Remarks **Proposed use of water is as follows: For domestic purposes by the permanent employees at the monument and recreational purposes include sanitary facilities at public comfort stations; culinary purposes at a small lodge operated under Park Service supervision; general culinary and sanitary purposes at a public campground; incidental irrigation of shrubs and other vegetation in campground and immediately adjacent to buildings; dust laying in campground and on unpaved roads in immediate headquarters area; maintenance of the "Pond" for fish culture and swimming pool purposes. Maintenance of 44,200 gallons of storage for fire protection**

other copy in extra copies file

over (if necessary)

13. Description of proposed works Water from spring areas is conveyed to collecting sump at points of diversion by means of natural channel, system of pipes, ditches, cuts, etc., thence by means of pipe line, natural channel and rediverting ditch to the place of use.

14. Estimated cost of works $20,000.00

15. Estimated time required to construct the works is 5 years

The United States of America,
Department of the Interior, Applicant
National Park Service
By Robt H Rose Coordinating
Guy D. Edwards, Superintendent,
Boulder Dam Recreational Area.

OF STATE ENGINEER

No.....

Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated.

STATE OF NEVADA
ENGINEER'S OFFICE

Filed.....

Applicant.....

.....

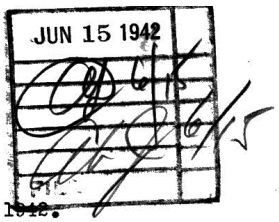
P. O. Address.....

.....

Form 1c [illegible] 500—6-24-41

00-00-0000: memorandum to hydraulic engineer from nps regarding attached copy of a letter from assistant state engineer concer

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA



June 12, 1942.

MEMORANDUM for Hydraulic Engineer A. Van V. Dunn,
Region Four Headquarters, San Francisco, California.

You will be interested in the attached copy of a letter from Assistant State Engineer Hugh A. Shamberger concerning problems of water rights in Cave Springs and vicinity. You will be interested in the suggestion made in the third paragraph of Mr. Shamberger's letter.

Robert R. Stone
Acting Superintendent.

Enclosure.
cc-Region Three.

00-00-0000: letter to nps from state of nevada regarding receipt of submitted copies of application

C
O
P
Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY,

May 4, 1942

Mr. Guy D. Edwards, Superintendent
National Park Service
Boulder Dam National Recreational Area
P. O. Box 755
Boulder City, Nevada

Attention Mr. Robert H. Rose, Acting Superintendent

Dear Mr. Edwards:

This will acknowledge receipt of your letter of April 21st, also the submitted copies (original and duplicate) of application of The United States of America, Department of the Interior, National Park Service, by Guy D. Edwards, Superintendent, Boulder Dam National Recreational Area, for permission to change the point of diversion, method of conveyance, place and purpose of use of the waters appropriated under Proof of Appropriation of Water Serial No. 01065, a decreed right to Cave Springs, and supporting map. Receipt is also acknowledged of the submitted voucher for our signature in the amount of $25.00 as the filing fee on the application.

In connection with the above application, we have also received your letter of February 10, 1942, together with the application and white print of supporting map submitted for our consideration and advice, which has been held in abeyance pending the return to the office of Mr. Reppert after his illness, from which ne never recovered. This matter was held for his consideration for the reason that he had become well acquainted with your problem through conversation and much correspondence with your Department. However, since he passed away it has become necessary for us to make a complete study of your problem.

It appears that you have made a thorough study of this water right, resulting in much useful detailed explanatory information in the form of a lengthy rider and affidavit of Mr. E. B. Robison, both attached to the application. Since copies of all applications submitted to this office are made and placed in a standard book adapted for applications only a copy of the rider and affidavit placed in such a book would make it very bulky and not in conformity with our usal practice. Such information as contained in the rider is ordinarily separately filed for reference. Therefore, in order to overcome this situation, it is suggested that an application be made and filed containing the required data and then the application with the rider attached be filed for permanent record as a document for future reference on matters that may arise in connection with the application.

Within the next few days as soon as we complete checking the records with regard to your proposed application to change, a new application will be made and submitted to you for your consideration.

Trusting that this will be agreeable to you, we are

Yours very truly,

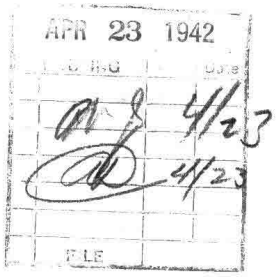
ALFRED MERRITT SMITH
State Engineer

By /s/ Hugh A. Shamberger
Assistant State Engineer.

00-00-0000: letter to state engineer from nps regarding proposed amendment of the water right for lehman caves

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. BOX 755
BOULDER CITY, NEVADA



State Engineer,
Carson City,
Nevada.

Dear Sir:

Please refer to letter dated February 10 mailed to you from Mr. A. van V. Dunn, Hydraulic Engineer, Region Four, National Park Service concerning proposed amendment of the water right for Lehman Caves National Monument under Proof No. 01065.

We are enclosing signed tracing No. NM-1C 6979; two signed copies of "Application For Permission to Change Point of Diversion*** and original voucher in the amount of $25 to cover filing fees, etc. The voucher should be signed on the line marked with a red "X" and returned to this office.

It will be noted that we have forwarded two copies of application herewith; also Hydraulic Engineer Dunn mailed you a copy with his letter of February 10. Not knowing the exact number of copies you require, we should like to ask that you return at least one copy and two, if possible, for our files.

Sincerely yours,

Guy D. Edwards,
Superintendent

By: Robert H. Rose,
Acting Superintendent

Encl. 2617357
cc Region Three
Region Four
Ass't Engineer Hendricks

Returned; see State Engrs. letter of 6/22/42

Serial No.....

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office_____

Returned to applicant for correction_____

Corrected application filed_____

The undersigned The United States of America, Department of the Interior, National Park Service, by Guy D. Edwards, Superintendent, Boulder (Name of applicant.) Dan National Recreational Area.

of Boulder City, County of Clark

State of Nevada, hereby makes application for permission to change the point of diversion, method of conveyance, place and purpose of use of water heretofore appropriated under Proof No. 01065 under decreed rights to (State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.) Cave Springs, being part of the adjudication of rights to Baker and Lehman Creeks, decreed October 1, 1934, and to amend said proof.

1. The source of water supply is Cave Springs, a nameless spring hereafter designated as South Spring, and Lehman Creek. (See rider.)
2. The quantity of water desired to be changed 0.15 second foot (109.5 AF/annum) (See rider.) (Acre feet, second feet.)
3. The water is to be used for domestic and recreational (See Remarks 12) purposes
4. The water heretofore used for irrigation (See Remarks 12)
5. Place of use under existing appropriation 7.5 acres in NE¼ NW¼ & NW¼ NE¼ (Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.) Section 15, T. 13 N., R. 69 E., M.D.B. & M. as described in decree and shown on Exhibit E-1. Said description is partially in error. (See rider.)
6. Proposed place of use under this application SW¼ SE¼ & SE¼ SW¼ Section 10; (Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.) and NE¼ NW¼ & NW¼ NE¼ Section 15, T. 13 N., R. 69 E., M.D.B. & M. (Also see rider.)
7. The water is to be diverted from its source at the following point: See rider. (Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)
8. The existing point of diversion under the proposed appropriation is as follows: See rider. (If point of diversion is not changed do not answer.)
9. Number and kind of animals proposed to be watered none.
10. Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month) of each year.
11. The water has been used heretofore during the months of January 1 to December 31. of each year
12. Remarks The decree granted a right to divert water for irrigation purposes only, but Exhibit E-1 showed a reservoir which is designated as "Pond" on accompanying map. The exhibit also shows corrals at southwest corner of orchard, and the water code provides for the normal domestic needs of a rancher under his irrigation rights. From reports of "oldtimers" the pond was used as a fish-pond and for stockwatering in summer, and for ice harvesting in winter long before, and at time of, the adjudication.

Forwarded to Supt., Boulder Dam 4/14/42

(Over)

The Park Service claims that the use has been for general ranch purposes without protest and with the knowledge of the court since prior to the adjudication.

The proposed water use by the Park Service is described as follows:

Domestic - Domestic purposes by the permanent employees at the monument.

Recreational - Sanitary facilities at public comfort stations.
Culinary purposes at a small lodge operated under Park Service supervision.
General culinary and sanitary purposes at a public campground.
Incidental irrigation of shrubs and other vegetation in campground and immediately adjacent to buildings.
Dust laying in campground and on unpaved roads in immediate headquarters area.
Maintenance of the "Pond" for fish culture and swimming pool purposes.
Maintenance of 44,200 gallons of storage for fire protection.

The United States requests the right to divert all or any part of the water decreed under Proof No. 01065 from any of the points of diversion and rediversion to be maintained or constructed under this application.

STATE OF NEVADA,)
: ss
COUNTY OF WHITE PINE.)

E. B. ROBISON, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of White Pine County, Nevada, and of the age of approximately seventy years; that during the month of May, 1887, this affiant and one, Absolem Lehman, were employed upon, constructed and completed a certain ditch for the purpose of the diversion of waters of Lehman Creek in White Pine County, Nevada, to over and across the premises now known as the Lehman Cave National Monument, which was the property of the aforesaid Absolem Lehman, at the time that said ditch was constructed, that said ditch was completed prior to July 1st, 1887, and water turned in and transported thereby to the aforesaid described premises, and that said ditch has been continuously used as a means of transportation of water from said Lehman Creek to the aforesaid premises, from July 1st, 1887 to the present date.

/s/ E. B. Robison

Subscribed and Sworn to before me this 22 day of January, 1942.

Ch. D. Oldfield
Notary Public, in and for said County and State.
My Commission Expires, Jan. 5, 1942

GPO 134890

Rider

1 (Continued). The source of supply designated in the decree of October 1, 1934, on Proof No. 01065 is Cave Springs, but Exhibit E-1 of that proof shows that waters diverted from the outlet of said Cave Springs at point A were conveyed to a reservoir formed by a dam across the outlet of said South Spring at point E, and that the waters of both springs were there commingled and lost their identity and were released to the united outlet from both springs for rediversion at a small dam at point H.

Further, a ditch was dug from Lehman Creek to a point in the said Cave Spring area before July 1, 1887, and the waters of said Lehman Creek have been continuously diverted thereby since that date, and released on said Cave Springs area where it lost its identity and became commingled with the waters of said Cave Springs and has been diverted and rediverted by the water system described in Proof No. 01065 at said points A and H, as per attached sworn statement by E. B. Robison. This said diversion from Lehman Creek was made during the aforesaid adjudication, and has been made, without protest, continuously since rights under Proof No. 01065 were decreed.

The flow of said Cave Springs is only approximately 0.08 sec. ft., the flow of said South Spring is considerably less, and the outlets to said springs are losing streams. Not over 10 acre feet of storage was provided by reservoirs at E and R on Exhibit E-1. The combined available water supply, without supplemental diversions from Lehman Creek, was less than 85 acre feet per annum, and proof of the beneficial use of 0.15 sec. ft. or 109.5 acre feet per annum in the S½ of Section 10 or N½ of Section 15, T. 13 N., R. 69 E., M.D.M., could not have been made, as required to justify the said decree, without supplemental water diverted from said Lehman Creek under a vested right dating from July 1, 1887.

The claim is here made, therefore, that the water right decreed under Proof No. 01065 is to divert the waters of said Cave Springs, South Spring, and Lehman Creek in quantities necessary to provide the decreed duty of water.

2 (Continued). The United States claims the right to the full appropriation by virtue of a deed from the Commissioners of White Pine County to the United States of America, Department of Agriculture, dated September 18, 1934, and recorded in Book 118, pages 221-222 of the records of the County Recorder, which conveyed all of Homestead Entry Survey No. 149, Patent No. 724063, except a parcel previously conveyed to the State of Nevada, and "the waters of Cave Spring, evidenced by proof of appropriation No. 01065 on file in the office of The State Engineer, State of Nevada." The excluded State parcel is above the ditch and not served by it.

Conveyance by said County Commissioners was in accordance with resolutions to convey, adopted on the 5th day of September in 1933 and again on the same date of 1934. Authority for said conveyance was by act of the 35th session of the State Legislature, being Chapter 104, approved March 19, 1931, and appearing on pages 174-175 of Statutes of that year.

Jurisdiction over the above property has since been transferred from the Department of Agriculture to the Department of the Interior, National Park Service.

5 & 6 (Continued). The original area of irrigation shown on Exhibit E-1, and there defined with relation to the N½ of Section 15, is actually on a hillside where irrigation is not practical and no evidence of planting exists. The area shown as fenced at the time of the HE Survey of 1917, on accompanying map of Cave Springs Water Claims, is actually planted to orchard older than the monument. It is also the area now devoted to public picnic and campground. The fenced area is nominally the area shown as planted to orchard and alfalfa on Forest Service map of survey of August 30-31, 1933, as shown on accompanying map. The Park Service therefore claims the right to amend the place of use to include parts of Section 10 as well as originally claimed Section 15, as herein noted.

By change of manner of use, the Park Service claims the right to reduce the duty of water and reduce the area of irrigation, applying the surplus quantity of water, or any portion thereof, to scattered portions of a greater area, and particularly to domestic, sanitary, fire protection, and industrial purposes on that same area. The enlarged area is hereby defined as all, or any portions, of the SW¼ SE¼ & SE¼ SW¼ Section 10 and the NW¼ NE¼ & NE¼ NW¼ Section 15.

7. There will be no change in the point of diversion from Lehman Creek which is located at a point in the SW¼ NW¼ of unsurveyed Section 9, T. 13 N., R. 69 E., M. D. B. & M., whence the SEcorner of Section 10 of the same township and range bears S. 70°45' E. 9942 feet.

The diversions from Cave Springs and South Spring will be as follows, from which the diverting pipes will extend to a point of commingling at the present point of diversion and junction of the spring outlets in the SW¼ SW¼ of said Section 10, whence the SEcorner of said section bears S. 77°50' E. 5016 feet:

A. At Cave Springs, at collecting sump in the unsurveyed SW¼ NE¼ of Section 9, T. 13 N., R. 69 E., M. D. B. & M., at point whence the aforesaid SE corner of Section 10 bears S. 70°10' E. 8312 feet. Collecting laterals will radiate over the spring area in the SW¼ NE¼ and SE¼ NW¼ of said Section 9, described as follows: beginning at a point whence the SE corner of said Section 10 bears S. 70°12' E. 8287 feet, thence N. 29°52' E. 300 feet, thence N. 60°08' W. 1320 feet, thence S. 29°52' W. 500 feet, thence S. 60°08' E. 1320 feet, thence N. 29°52' E. 200 feet to point of beginning.

B. At South Spring, at collecting sump in the unsurveyed NW¼ NE¼ of Section 16, T. 13 N., R. 69 E., M. D. B. & M., at point whence aforesaid SE corner of Section 10 bears N. 81°37' E. 7164 feet. Collecting laterals will radiate from said sump over the spring area in the W½ NE¼ of said Section 16, described as follows: beginning at a point N. 45°00' E. 50 feet from said sump, thence N. 45°00' W. 300 feet, thence S. 45°00' W. 600 feet, thence S. 45°00' E. 600 feet, thence N. 45°00' E. 600 feet, thence N. 45°00' W. 300 feet to point of beginning.

The diversion at the South Spring will not be made until the close of the war emergency. Until that diversion is completed all waters under water right serial No. 01065, in excess of the capacity of the pipe from Cave Springs, will be diverted at the aforesaid present diversion and proposed point of commingling, or allowed to continue in the natural outlet channel to where it will be diverted at the present point of rediversion in the unsurveyed NE corner of the SW¼ SW¼ of said Section 10 whence the SE corner of said section bears S. 73°15' E. 4198 feet.

8. Exhibit E-1 of Proof No. 01065 was executed by Surveyor O. E. Mann on August 19, 1911, and checked November 21, 1911. The survey was tied to the SE corner of Section 12, T. 13 N., R. 69 E., M. D. B. & M. The present application is described with relation to the SE corner of Section 10, T. 13 N., R. 69 E., M. D. B. & M., as that corner was established and/or identified by the General Land Office for its Homestead Entry Survey No. 149, and its survey of Lehman Caves National Monument in 1917 and 1935 respectively. Due to various possible causes the water system as described in Exhibit E-1 does not represent conditions as found after the resurvey of said Section 10, but its identity is clear. Unrecorded minor changes are also found to have been made between 1911 and the date of decree in 1934.

Exhibit E-1 of Proof No. 01065 defines the main point of diversion as being approximately one-half mile below Cave Springs on the outlet channel from said springs, and approximately 500 feet above the confluence of said outlet channel and the outlet channel from aforesaid South Spring. Said diversion is shown near the center of the unsurveyed SW¼ SW¼ of said Section 10 whence the SE corner of Section 12, T. 13 N., R. 69 E., M. D. B. & M. is said to bear S. 87°08' E. 15,266.8 feet. By recent surveys the designated point on the Cave Springs outlet is found to be in the NE corner of the unsurveyed SE¼ SE¼ of Section 9 of the same township and range as that section is projected from the SE corner of said Section 10 as said SE corner was reestablished and/or identified by the aforesaid General Land Office Surveys of 1917 and 1935.

Said Exhibit E-1 shows a ditch A, B, C, D, E, from said main diversion to a reservoir on the outlet channel from said South Spring, approximately 200 feet above the confluence of that channel and the Cave Springs outlet channel; said reservoir serving as a diversion for waters of said South Spring and to commingle the waters of Cave Springs and South Spring. Between 1911, when Exhibit E-1 was prepared, and 1934 when the decree was rendered on Proof No. 01065, said diversions at A, and reservoir at E, were superseded by a single diversion and settling basin at the confluence of the Cave Springs and South Spring outlet channels at a point whence the aforesaid SE corner of Section 10 bears S. 77°50' E. 5016 feet.

By Exhibit E-1, the waters of aforesaid reservoir, and later, the waters from said settling basin, were released to the natural channel for rediversion at a small dam at H near the center of the SE¼ SW¼ of said Section 10. By resurveys since 1917 said point of rediversion has been found to be in the NE corner of the SW¼ SW¼ of said Section 10, at point whence the SE corner of said section bears S. 73°15' E. 4198 feet.

13. Continued. The Cave Springs and South Spring areas are to be fenced and the waters will be collected in laterals of 4-inch drain tile discharging into concrete collecting sumps of 550 gallon capacities. The pipes from the two sumps to the point of commingling will be 2 inch G. I., 3500 feet and 3200 feet in length respectively. The grade of the Cave Springs pipe will be 95 feet per 1000 feet, and the capacity will be 0.11 sec. ft. The grade of the South Spring pipe will be approximately 125 feet per 1000 feet, and the capacity will be 0.12 sec. ft.

Between 1911 and 1935 a 2-inch G. I. pipe line was constructed from the settling basin at the point of commingling to a reservoir at the Monument headquarters area. The grade is 13 feet per 1000 feet, and the capacity is 0.03 sec. ft. The lines from the two spring areas will be provided with direct connections which, when in operation to by-pass the settling basin, will give an overall grade from Cave Springs to said reservoir of 57 feet per 1000 feet and a capacity of 0.084 sec. ft. Ultimately the line from settling basin to reservoir will be replaced with 3-inch pipe having a capacity of 0.20 sec.ft. with a direct connection from the spring lines.

Between 1911 and 1935 a steel tank of 4200 gallon capacity was constructed for regulation and distribution at the Monument headquarters area in the NE¼ NW¼ of aforesaid unsurveyed Section 15. Two concrete reservoirs of 20,000 gallons each will be installed immediately adjacent, one during present alterations and the other when demand warrants. Distribution from the reservoirs is to be by 4-inch G. I. pipe.

There is to be no appreciable change in the ditch diverting water to the aforesaid pond. Its capacity far exceeds the rights and claims.

STATE OF NEVADA,)
:ss
COUNTY OF WHITE PINE.)

E. B. ROBISON, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of White Pine County, Nevada, and of the age of approximately seventy years; that during the month of May, 1887, this affiant and one, Absolem Lehman, were employed upon, constructed and completed a certain ditch for the purpose of the diversion of waters of Lehman Creek in White Pine County, Nevada, to over and across the premises now known as the Lehman Cave National Monument, which was the property of the aforesaid Absolem Lehman, at the time that said ditch was constructed, that said ditch was completed prior to July 1st, 1887, and water turned in and transported thereby to the aforesaid described premises, and that said ditch has been continuously used as a means of transportation of water from said Lehman Creek to the aforesaid premises, from July 1st, 1887, to the present date.

E. B. Robison

Subscribed and Sworn to before me this 22nd day of January, 1942.

J. D. Reed

Notary Public, in and for said County and State.
My Commission Expires, June 5-1942

13. Description of proposed works There will be no change in the ditch diverting from Lehman Creek, which is described as follows: The length is 800 feet with a timber headgate; the section and grade are variable with the following control at point 200 feet from intake where overflow would return immediately to said creek: b=2.0 ft.; T=2.5 ft.; d=1.0 ft.; s=0.03. Using n=0.035 the capacity is: full - 9.3 sec. ft. and velocity of 4.13 ft. per sec.; and with 9 inch freeboard - 0.87 sec. ft. and velocity of 1.67 ft. per sec. A capacity of from 0.5 to 0.8 sec. ft. is, and has been, the maximum consistent with proper control of erosion in the ditch or spring outlet channel.
(Continued on rider.)

14. Estimated cost of works $20,000.

15. Estimated time required to construct the works is 5 years.

Applicant

By Guy D. Edwards
Guy D. Edwards, Superintendent,
Boulder Dam National Recreational Area.

OF STATE ENGINEER

No.....

Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated.

STATE OF NEVADA
ENGINEER'S OFFICE

Filed.....

Applicant .....

.....

P. O. Address.....

.....

Form 1c [illegible] 600—4-14-38

00-00-0000: letter to state engineer from hydraulic engineer regarding proposed amendment of water right for lehman caves under

601 Sheldon Building

February 10, 1942.

State Engineer,

Carson City, Nevada.

Dear Sir:

Reference is made to the letter from Assistant State Engineer Reppert of February 17, 1941, with regard to our proposed amendment of the water right for Lehman Caves National Monument under Proof No. 01065.

During the past year we have made certain additional surveys and investigations to complete the data for the map to accompany the application and we have found that the diversion from Lehman Creek has been made since 1887 and plays a much more important part in the satisfaction of rights under the aforesaid proof than I was able to show when writing to you on February 5, 1941.

We have not investigated the testimony presented at the adjudication nor do we know who, or on what date any one appeared as witnesses for the claim in question. We note, however, that the decree was rendered to C. T. Rhodes as claimant on October 1, 1934, although the title must have been in the name of White Pine County when the State Legislature authorized conveyance to the United States on March 19, 1931; and when the County Commissioners resolved to convey in 1933 and 1934. It was definitely conveyed to the United States as of September 18, 1934, two weeks before the decree, but acceptance by the United States, and proper recording, could hardly have followed until some time afterwards.

Exhibit E-1 does not show the diversion from Lehman Creek, but the decree indicates a right to a continuous flow of 0.15 sec. ft. or 109.5 acre feet per year, which must have been based on proof of beneficial use. Such use was not possible without the diversion of enough water from Lehman Creek to cover between 0.05

AHE 4/14

FILE COPY

and 0.07 sec. ft. in excess of spring flow and to cover all seepage losses in the outlet channels and ditch from the dam at H to the place of use. Such diversions were made in the proof of use under a vested right with a priority of July 1, 1887, if Mr. Robison was a witness at the adjudication and if he or any other gave testimony similar to that in the accompanying affidavit.

By your last letter and the 1939 edition of your "Regulations Concerning Preparation of Maps....." at page 22, it is quite evident that all vested rights on Lehman Creek and its tributaries became void if not introduced at the adjudication. On the other hand, where proof of use in that adjudication was based on vested rights the decree determined the extent of the vested right. The extent in water right serial No. 01065 must be all that is necessary in excess of natural flow at the confluence of the outlets to Cave Springs and what we now call South Spring, to provide a flow of 0.15 sec. ft. at the place of use.

It seems quite probable that some of the testimony may have been weak. Certainly Exhibit E-1 was a mere approximation, but adequate because it covered an isolated water system. Further, through the changes in ownership during the adjudication it is questionable whether claimants were properly represented, or were sufficiently familiar with their own system to see errors. Unless the testimony can show otherwise, the court seems to have been quite liberal in its effort to be fair. It gave an extra acre-foot per year in converting second feet. It allowed full continuous diversion, although there is no evidence of storage capacity ample to handle winter flow when the ground is already saturated or snow covered; and it granted the right to all the water for irrigation of an area which should not need more than 25% of the acre-foot limitation, presumably to assure the supply for stock watering, domestic use, and ice harvesting which were only suggested in the evidence.

A copy of a proposed application and map to supersede the two submitted a year ago is enclosed for your consideration. It treats the Lehman Creek diversion in accordance with our latest information and quite contrary to any plans you or I considered a year ago. While still adhering to the claim that the Lehman Creek diversion is part of the adjudicated system, this instrument eliminates the claim for water in excess of that decreed to the area in

1934. Before sending the original to the proper federal official for signature, we should like your comments and suggestions with its return. As Registered Engineer Banister is leaving our service, we are anxious to complete and file the amended claim at the first opportunity.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2121922.

cc: Director.
Region Three.
Supt. Edwards.
Assist. Engr. Hendricks.

00-00-0000: letter to nps from state engineer regarding preliminery drafts of two applications

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

February 17, 1941

H. W. Reppert
Assistant

A. van V. Dunn
Hydraulic Engineer
National Park Service
Region Four
San Francisco, California

Dear Mr. Dunn:

This will acknowledge receipt of your letter of February 5th, with which you enclosed preliminary drafts of two applications of the National Park Service which they contemplate making in connection with the appropriation of the waters of Lehman Creek and Cave Springs, White Pine County, also a print of the proposed map to accompany said applications, with the request that we furnish you with any comments or suggestions we may have to make regarding same.

Referring to the proposed application of the National Park Service to appropriate 0.5 c.f.s. of the waters of Lehman Creek for recreational purposes, the water to be diverted at a point near the center of the east line of the SW¼ NW¼ of Section 9, Township 13 N., Range 69 E., M.D.B.& M., and conveyed by ditch and natural channel to the settling basin located in the SW¼ SW¼ of Section 10, same township and range, from which water is to be returned to the Lehman Creek stream system, will advise that said application appears to be in proper form. However, we note under the heading of "Remarks" the following: "This application is submitted as proof of appropriation to record a vested right," which statement would hardly fit the conditions under an application for permission to appropriate water. Inasmuch as the rights to the use of the waters of Baker and Lehman Creeks Stream System have already been determined by a statutory adjudication proceeding, and the final decree of the court defining the relative rights of claimants and appropriators thereof entered and filed in such adjudication proceedings, the water rights involved would, in our opinion, be considered as res adjudicata, and the United States as successor in interest to one of the claimants in interest in the adjudication proceedings could not now claim any rights which would be superior to the rights adjudicated to said claimant. In other words, the application of the National Park Service to appropriate 0.5 c.f.s. of the waters of Lehman Creek at this time would have to be considered in the light of the initiation of a new right and with a priority as of the date of the filing of the application.

Copies to Director
Supt Edwards
Mr Banealli
by mail Feb 21, 1941

With reference to the preliminary draft of the application of the United States of America, National Park Service, to change the point of diversion, manner of use and place of use of water heretofore appropriated, I have not had time to give this application the detailed study it probably merits, but same appears to be in a form which is substantially correct. It would seem that any errors in the previous description of the location of the point of diversion or place of use or any physical changes it is desired to make can be corrected or accomplished by the proper description in the application. It would appear, though, that in answer to Question 7 on the application the point of diversion from the source should be given, according to the map, as being at a point which bears N. 70° 12' W. 8,287 feet from the S.E. Corner of Section 10, Township 13 N., Range 69 E., rather than at a point which bears N. 77° 50' W. 5,016 feet from said corner of Section 10. Question 8 on the form should in reality read "The existing point of diversion from the former appropriation" instead of "The existing point of diversion under the proposed appropriation," but we observe the information supplied in answer to said question takes into consideration the description under the former appropriation. We presume that no actual physical change in the point of diversion is contemplated by the application, and the only change contemplated in this respect is probably only a correction of the location of the point of diversion. If such is the case, it may be best to show on the map the location of the point of diversion with respect to the S.E. Corner of Section 10, Township 13 N., Range 69 E., and also the tie extending from this same point in the direction of the S.E. Corner of Section 12, Township 13 N., Range 69 E., as taken from the map which accompanied the original Proof of Appropriation Serial No. 01065. We note you have shown on the map a tie from the Cave Springs as designated under Proof No. 01065 to the S.E. Corner of Section 10, same being S. 80° 38' E. 4,750.96 feet, which distance would appear to be in the neighborhood of 8,000 feet.

With reference to the title on the map, we suggest that same be changed so as to read "and to accompany application to appropriate the waters of Lehman Creek" etc., instead of "to record a vested right to the diversion of the waters of Lehman Creek", etc.

Although you do not request in your letter that we return herewith the preliminary drafts of the two applications, also the print, on which we have made one or two notations, we are doing so. We are also enclosing a half dozen additional copies of each,

application for permission to appropriate public water and change in the point of diversion, manner of use and place of use. If at any time we can be of any further service to you in this matter, please do not hesitate to call on us.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By /s/ H. W. Reppert
by M.S.

H. W. Reppert
Assistant State Engineer

HWR:G
Encls.

00-00-0000: letter to state engineer from nps regarding water rights at lehman caves national monument

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

February 5, 1941.

Hon. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Attention: Mr. H. W. Reppert.

Dear Sir:

Reference is made to your letters of November 2 and 7, 1940, preceding correspondence, and our interview of last June regarding water rights at Lehman Caves National Monument.

We propose to make the necessary applications through Mr. Earl Banister who has license No. 126 and is now employed at Boulder Dam Recreational Area. For this reason, I shall not apply for a license at this time.

We enclose a print of the proposed map and prelininary drafts of two applications we plan to file. We are also sending the same data to Mr. Banister for use while making such field inspection as he wishes, and while obtaining a few pertinent bits of information which should be added.

The application for changes under decreed right No. 01065 involves more complications than you seem to have anticipated by your letter of instructions of November 7. It seems quite probable, therefore, that you may be able to offer further suggestions before the final draft is submitted in order to reduce corrections on the recorded copy.

This application should also be considered with the other for appropriation of waters of Lehman Creek. It is my opinion that Cave Springs, on which Proof No. 01065 was perfected, are far more dependent on the continued diversion or seepage from Lehman Creek than the proof and decree seem to indicate. If, as we hope, we can prove that the diversion was made in the 90's, or before March 1, 1905, we should like your opinion as to whether we can establish it as a vested right after the adjudication by this, or some other form of application; or whether it would have any status under Proof No. 01065.

With your reply will you please send six more copies of each of the two application forms needed.

Yours very truly,

(SGD.) A. VAN V. DUNN
A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136605.

cc: Director.
Regional Director, Region III.
Supervisor Guy D. Edwards,
Custodian Thatcher (Through Supervisor Edwards)
Mr. Earl Banister (Through Reg. Director, Reg. III)

00-00-0000: letter to nps from state engineer regarding a change in the place of use of water

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

H. W. REPPERT
ASSISTANT

REC'D NOV 8 1940

Ans. 2/5/41 A. v.D

November 7, 1940

A. van V. Dunn
Hydraulic Engineer
National Park Service
Region Four
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

Your letter of November 5 regarding a change in the place of use of water from Cave Spring at the Lehman Caves National Monument is acknowledged.

Pursuant to the request contained in said letter we are mailing to you under separate cover some blank forms for permission to change the point of diversion, manner and place of use of existing water rights. The form is sufficient to take care of any discrepancies with respect to the use of water as defined in the decree, and at the same time to cover any proposed changes in the point of diversion, manner and place of use of water previously appropriated as contemplated. The statutory filing fee on an application for permission to change the point of diversion, manner of use or place of use of water is Twenty-five Dollars, and a supporting map prepared from a survey made by a licensed State Water Right Surveyor should accompany the application when same is filed with this Office.

With reference to Question 8 on the application form, the answer to said question should relate to the point of diversion under the existing appropriation, rather than the proposed appropriation. Information with respect to the proposed point of diversion should be given in answer to Question 7.

Any additional information you may desire in

reference to this matter will be gladly given.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert

H. W. Reppert
Assistant State Engineer

HWR:G

00-00-0000: letter to state engineer from nps regarding reference relating to water right serial no. 01065

Mr. Dunn

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
November 5, 1940

State Engineer,

Carson City, Nevada.

Dear Sir:

Reference is made to various correspondence we have had with Mr. H. W. Reppert since July relating to Water Right Serial No. 01065, covering Cave Spring at Lehman Caves National Monument.

We find that our problem is to involve conversion of about half of the right from irrigation to domestic use, abandonment of the collecting reservoir on the dry draw, replacing of part of the ditch with pipe and its extension up the natural draw which is now used for some distance from the spring, the introduction of a concrete reservoir, and minor variations in the place of use.

We also find that Exhibit E-I of the original proof -- the mpa -- shows several structures and part of the area of use in the wrong section, the errors apparently being largely due to a long section corner tie on a very crudely determined azimuth. We also find that Cave Spring is a group of springs.

We should like to combine our application for changes with a correction of the basic data. We gather from your manual of instructions that you have special application forms and instructions which are supplied for such problems on request. Will you please forward what is needed, including application forms for at least six copies for our various files.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

00-00-0000: letter to nps from state engineer regarding compliance with the request for a list of licensed state water right engineer

REC'D NOV 4 194
11/4

STATE OF NEVADA

ALFRED MERRITT SMITH
STATE ENGINEER

OFFICE OF STATE ENGINEER
CARSON CITY

H. W. REPPERT
ASSISTANT

November 2, 1940

IN YOUR REPLY REFER TO NO.

A. van V. Dunn
Hydraulic Engineer
National Park Service
Region Four
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

In compliance with the request contained in your letter of October 31 for a list of licensed State Water Right Engineers in Nevada we are mailing to you under separate cover a copy of the biennial report of this Office for the period July 1, 1936, to June 30, 1938, and refer you to Page 33 of said report for a list of all Water Right Surveyors authorized to practice before this Office.

We are also enclosing with said biennial report a blank form of application for appointment as a State Water Right Surveyor of Nevada. The statutory filing fee on the application is Five Dollars, and there is no renewal charge after an appointment is made. However, all surveyors after appointment must file bond in the penal sum of Five Hundred Dollars, which bond must be kept in good standing in order to qualify the surveyor to practice.

I am unable to advise you whether any of those licensed are Federal employees. However, during the present biennium there have been about fifteen additional surveyors added to our list, among which a Mr. R. S. Leighton of Lovelock, Nevada, is connected with the USBR, and I believe Mr. K. W. Kennedy of Ogden, Utah, is connected with the Forest Service. The names of these additional surveyors will be gladly furnished on request.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert

H. W. Reppert
Assistant State Engineer

HWR:G
Encls.

00-00-0000: letter to state engineer from nps regarding a list of licensed water right engineers

FILE COPY

601 Sheldon Building
October 31, 1940

State Engineer,

Carson City, Nevada.

Dear Sir:

If you have such, will you please send us a list of your licensed water right engineers, giving their addresses and firms with which employed. If no such list is published, we should like to know if any of those so licensed are federal employees, preferably in the Bureau of Reclamation or Indian Service, which are in our Department.

Will you also send the necessary forms which I would use if I were to apply for such a license. You advised me last summer that the fee would be $15.00. I should also like to know whether there is an annual renewal charge, as in the case of my Civil Engineer license in California, and if so how much.

With relatively few anticipated Park Service water right problems in Nevada, and no idea of private practice in the State, I hesitate to invest in the license. We are therefore attempting to find the most expedient solution for the few Park Service cases which will arise.

Yours very truly,

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Reg. Atty. Taylor.

Appendix I

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building

July 8,1940

State Engineer,
Carson City,
Nevada.

Att:H W Reppert,
Assistant State Engineer

Dear Sir:

Reference is made to my interview with Mr Reppert on the afternoon of June 27,1940, regarding Proof of Appropriation No.01065 on Cave Spring. I visited the area two day later, and can explain some of our questions and have a few more to ask.

I found that the natural outlet draw from that spring flows into the reservoir shown with the 10' dam on the Exhibit E-1 of the proof, and would normally flow on to the east in the wash to the east of the orchard.There is also the dry wash, entering the channel from the southwest, as shown, near the legal point of diversion.The existing point of diversion seems to be a little below that given in the proof, being at the confluence of the Cave Spring and dry washes.The dry wash is the flood channel from the unappropriated spring to which I referred.

The existing point of diversion, therefore, is the most strategic for diverting the flow of Cave Spring, and any other water which may come at times from the spring to the southwest. By extending laterals up each draw, or wash,it is possible to reduce the seepage losses in the diversion from Cave Spring, and permit continuous diversion from the unappropriated spring above where it normally disappears in seepage. I do not know when the present point of diversion was made to collect from both springs, but you will note on the map that a damis shown on the dry wash (dam still in existance.

For Park Service needs, I favor the present diversion, for which a correction of 300-400 feet in description, and the introduction of supplemental diversions at the remote ends of collecting laterals.I think we should also claim the additional water recovered by the elimination of seepage between the supplemental and main diversion.

The question is, then, how much of the enlarged diversion can be claimed under proof No.01065, and how much should have an entirely new application.

In addition, if the dam and reservoir just north of the orchard are in the natural channel, there are no diversions made from the resulting reservoir (overflow continues down the wash to east when there is sufficient flow), and the use of this reservoir or pond is for ice harvest in the winter, the culture of fish and scenic effect; does it come under storage, or pondage which does not require appropriation?Also, if it should be covered by application, does not the existing proof NO.01065 establish its priority?

Yours truly,

A. van V. Dunn
Hydraulic Engineer.

00-00-0000: letter to nps from state engineer regarding a description of conditions surrounding the appropriation of the waters of c

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

H. W. REPPERT
ASSISTANT

Rec'd 7/16/40
H.W.R. 7/17

July 13, 1940

IN YOUR REPLY REFER TO NO.

A. van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco
California

Dear Mr. Dunn:

We have your letter of July 8 wherein you give us a description of conditions surrounding the appropriation of the waters of Cave Springs by the National Park Service at the Lehman Creek Preserve.

Inasmuch as the court decree in the Baker and Lehman Creek adjudication has determined the right to the use of the waters of Cave Springs as of 0.15 c.f.s., exclusive of any reasonable transportation losses, it would seem that any water developed by means of laterals from said Cave Springs over and above that amount would have to be covered by a separate appropriation by means of an application filed with the State Engineer. In the event the total amount of water which can be appropriated from Cave Springs through any conservation measures, as for instance, the installation of pipelines, does not exceed the decreed amount of 0.15 c.f.s., we do not believe it would be necessary to file any application to appropriate the waters of this source, but that such an application probably should be filed to appropriate the waters from the spring which has its origin in the dry channel leading into the Cave Spring channel near the point of diversion. In other words, the application should be made to cover only the surplus water over and above the decreed amount of 0.15 c.f.s.

In view of the fact that the map filed in support of Proof of Appropriation of Water Serial No. 01065 shows the reservoir located on the channel leading from Cave Springs and located within the NE¼ NW¼ of Section 15, Township 13 N., Range 69 E., it would seem reasonable to assume

that such reservoir is a part of the works used in connection with the appropriated amount of water as fixed by the decree, and no filing would be necessary to cover the use of said reservoir.

There is a possibility that a representative of this Office will be sent to Baker and Lehman Creeks the forepart of August for the purpose of supervising the installation of some measuring weirs on this stream and if such is the case, we will have him look over the Cave Springs appropriation.

Conveying to you my personal well wishes, I am,

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert
H. W./Reppert
Assistant State Engineer

HWR:G

00-00-0000: letter to nps from state engineer regarding the fact that no reference is made in the decrees to baker and lehman cree

REC'D JUN 3 1940

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

H. W. REPPERT
ASSISTANT

IN YOUR REPLY REFER TO NO.

June 1, 1940

Joseph E. Taylor
Regional Attorney
National Park Service
601 Sheldon Building
San Francisco, California

Dear Mr. Taylor:

We have your letter of May 31st wherein you refer to the fact that no reference is made in the decrees to Baker and Lehman Creeks and Cave Spring of October 1, 1934, to the ditch or artificial pond on the four forties centering roughly at the quarter corner common to Sections 10 and 15, Township 13 N., Range 69 E., M.D.B.& M.

Although no mention is made in the decree regarding the ditches and reservoir above referred to, same are shown on the map which was filed in support of Proof of Appropriation of Water Serial No. 01065, covering the appropriation of the waters of Cave Spring.

The ditches in particular and no doubt the reservoir would be considered as a part of the appurtenant works in connection with the decreed rights from Cave Spring and used in connection with such appropriation. However, such use would be restricted to the rights of use as defined in the decree.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert
H. W. Reppert
Assistant State Engineer

HWR:G

00-00-0000: letter to state engineer from nps regarding no reference to the ditch or artificial pond on the four forties centering roug

FILE COPY

601 Sheldon Building
May 31, 1940

Hon. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

In the decrees to Lehman Creek and Cave Spring of Oct. 1, 1934, we find no reference to the ditch or artificial pond on the four forties centering roughly at the quarter corner common to Sections 10 and 15, T. 13 N., R. 69 E., M. D. B. & M. The diversion, if from Lehman Creek, seems to be in SW¼ NW¼ of Section 9 of the same township and range.

Please advise us if this has been covered by a later appropriation, or what status you give to the possible water use.

Yours very truly,

JET:SH

Joseph E. Taylor,
Regional Attorney.

cc: Director.
Regional Director, Region III.
Supervisor Guy D. Edwards.

00-00-0000: letter to nps from state engineer regarding three copies of the judgment and decree as entered in the matter of the det

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

H. W. REPPERT
ASSISTANT

REC'D MAY 2 1940

April 30th, 1940

YOUR REPLY REFER TO NO.

Mr. Joseph E. Taylor, Regional Attorney,
National Park Service,
601 Sheldon Building,
San Francisco, California.

Dear Mr. Taylor:

Responsive to the request contained in your letter of April 26th, we are mailing to you herewith three copies of the Judgment and Decree as entered in the matter of the determination of the relative rights of claimants and appropriators, Baker and Lehman Creeks. Our bill in the sum of $6.00, the statutory fee for this service, is enclosed. We are also enclosing your voucher properly signed as requested.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert
H. W. Reppert
Assistant State Engineer

00-00-0000: letter to state engineer from nps regarding reference relating to appropriation of waters for use

FILE COPY

601 Sheldon Building
April 26, 1940

Hon. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

Reference is made to your letter of April 17, 1940, relating to appropriation of waters from Lehman Creek or Cave Springs for use at Lehman Caves National Monument.

In accordance with the next to the last paragraph of that letter, request is made that we be furnished with three copies of the pertinent portions of the judgment and decree entered on October 1, 1934. Complete copies of the 39 pages will not be necessary. We enclose a voucher to cover payment thereof, which should be signed by you in the space indicated in pencil and returned to this office with the copies of the decree.

Yours very truly,

Joseph E. Taylor,
Regional Attorney.

JET:SH

Encl.

00-00-0000: letter to nps from state engineer regarding appropriation of the waters to meet requirements for expanded domestic, s

REC'D APR 18 1940

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

H. W. REPPERT
ASSISTANT

Copies mailed Supervisor Edwards & Regional Director, Region III 4/26/40.

April 17, 1940

IN YOUR REPLY REFER TO NO.

Ans. 4/26/40 - J.E.T.

Joseph E. Taylor
Regional Attorney
National Park Service
601 Sheldon Building
San Francisco, California

Dear Mr. Taylor:

We have your letter of April 12 regarding appropriation of the waters of Cave Springs or Lehman Creek by the United States to meet requirements for expanded domestic, sanitary and fire protection water facilities at Lehman Caves National Monument, White Pine County, Nevada.

This Office is unable to give you any authentic information as to the quantity of water flowing in either Baker or Lehman Creeks or Cave Springs, as any measurements we have are more or less fragmentary and we would consider them of little, if any, value. These streams are not dissimilar to other small mountain streams here in Nevada which usually have considerable runoff during periods of melting snows in the early Spring months and with the flow diminishing to a point in the late Summer months where they fail to supply water for vested right lands. For this reason it is doubtful whether a new appropriation of water from either Baker or Lehman Creek would afford a dependable supply throughout the year. In addition there are also some filings to appropriate the waters of these streams which have not been acted on by this Office.

Although we do not seem to have a measurement of record on Cave Springs, it is our understanding that the 0.15 c.f.s. in continuous flow as decreed to C. T. Rhodes from this source under Proof of Appropriation Serial No. 01065 and which is for the irrigation of 7½ acres of land, just about covers the entire flow from this spring. The amount of water allotted in the decree under this proof is for year round use.

It is noted on the cultural map filed under Proof

of Appropriation Serial No. 01065 that the waters of Cave Springs are conveyed by ditch over a mile to the lands to be irrigated, so it is quite possible that considerable saving in water from this source could be obtained by the installation of a pipeline to convey the water down to the place of use, rather than by the use of a ditch.

In the event that any surplus water from this source does not reach Lehman Creek it would appear that such surplus water would be subject to appropriation.

For your further information in this matter will advise that a current meter measurement of the flow of Lehman or Big Springs was made by a representative of this Office on August 13, 1931, giving a discharge of said spring of 2.84 c.f.s., and another measurement made on October 6, 1932, gave a discharge of 4.08 c.f.s. These measurements were both made at a point approximately 300 feet below the spring.

Lehman Spring is approximately one half mile Northeasterly from the lands irrigated from Cave Spring.

With reference to your inquiry concerning the decree entered on October 1, 1934, will advise that said decree, including the findings of fact and conclusions of law, constitutes 39 typewritten pages. The judgment and decree, however, covers only 13 pages, legal size. Copies of this decree can be furnished by this Office for the actual cost of preparing same. We believe that typewritten copies in duplicate would be considerably cheaper than having photostatic copies made.

Trusting that the foregoing gives you the information desired, we are

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert

H. W. Reppert
Assistant State Engineer

HWR:G

00-00-0000: memorandum to regional attorney from nps regarding copy of a letter from nevada state engineer concerning applicat

REC'D APR 11 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

April 9, 1940

Memorandum for Regional Attorney Joseph E. Taylor:

We are sending you herewith copy of a letter from Nevada State Engineer Alfred Merritt Smith concerning application for water at Lehman Caves National Monument.

We are writing to White Pine County at Ely, Nevada in an effort to obtain copies of the original Proof of Appropriation and Cultural Map.

We are very glad that you have had an opportunity to visit this Area and to go over various problems with us here on the ground.

Guy D. Edwards,
Supervisor.

Encl.

4/11/40 — 1. Write St. Eng. to ask if any unappropriated water left.
2. Check on identity of engineer certifying to Blue Point Spring application & map.
3.

C
O
P
Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

RECD APR 11 1940

March 29, 1940

Guy D. Edwards, Supervisor
National Park Service
Boulder Dam National Recreational Area
P. O. Box 755,
Boulder City, Nevada

Dear Mr. Edwards:

Reference is made to your letter of March 25 regarding the water rights of C. T. Rhodes on Cave Springs as represented by Proof of Appropriation Serial Number 01065.

For your information in this matter will advise that Cave Springs is considered as a tributary of Lehman Creek in the adjudication of the relative rights of claimants and appropriators of the waters of Baker and Lehman Creeks. This adjudication proceedings terminated on October 1, 1934, with the entry of a decree in the Seventh Judicial District Court of the State of Nevada in and for White Pine County, defining the relative rights of claimants and appropriators in and to the waters of Baker and Lehman Creeks and Tributaries, White Pine County, Nevada. In this decree C. T. Rhodes under Proof of Appropriation Serial Number 01065 was awarded a right to the use of 0.15 c.f.s. of the waters of Cave Springs for year round irrigation of 7.5 acres of land in the NE¼ NW¼ and the NW¼ NE¼ of Section 15, Township 13 N., Range 69 E., M.D.B.& M., with a priority of 1890. The point of diversion from Cave Springs is described as being within the SW¼ SW¼ of Section 10, Township 13 N., Range 69 E., M.D.B.& M.

All of the original records, including the original Proof of Appropriation Serial No. 01065 and the cultural map on tracing linen, were filled with the District Court, White Pine County, Nevada, in connection with the adjudication proceedings. For this reason we are unable to furnish you with a bluepring of the map as filed. However, we have a copy of the original Proof of Appropriation Serial No. 01065, but inasmuch as the right as represented by said proof has already been determined by the court decree, we presume that you would not be interested in having a copy of this proof.

Although the Judgment and Decree in this matter do not seem to refer to the use of water for domestic purposes, we believe that such decree could be construed as allowing sufficient water for individual domestic use. However, in the event that it is proposed to change a considerable quantity of the waters of Cave Springs as awarded by the decree for irrigation purposes to domestic use at the headquarters of the Lehman Cave National Monument it would no doubt be advisable from a legal standpoint to file application with this Office for permission to make such change. An application for permission to change the point

00-00-0000: letter to nps from state engineer regarding reference of the water rights of c. t. rhodes as represented by proof of appr

of diversion, manner or the place of use of water requires a filing fee of Twenty-five Dollars, which amount includes the fee for issuing and recording any permit thereunder. A supporting map prepared from a survey made by a licensed State Water Right Surveyor must accompany the application when submitted to this Office for filing.

Trusing that the foregoing gives you the information desired, we are

Yours very truly,

ALFRED MERRITT SMITH
StateEngineer

By
H. W. Reppert
Assistant State Engineer

C O P Y

JUDGMENT AND DECREE

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

I.

That, except such persons as may have acquired rights to the waters of Baker and Lehman Creeks stream system and its tributaries granded under and pursuant to applications to the State Engineer under and by virtue of the Statutes of 1905, Chapter 46, Statutes of 1907, page 30, and under and by virtue of Chapter 140, Statutes of 1913, as amended, no person other than the parties named herein had any interest in or to the waters of said stream system or in or to the use of said waters of said stream system, or any part thereof.

II.

That the names of claimants or appropriators of the waters of said Baker and Lehman creeks stream system and its tributaries who divert waters from said stream system for beneficial use, the source of water supply, the means by which water is secured from the source of supply and applied to beneficial use, the point of diversion and measurement of water, the year of priority, the cultured acreage, the legal subdivisions, sections, township, and range, length of season, and duty of water for each os said claimants or appropriators are hereby adjudged and decreed as follows, to wit:

Claimant: UNITED SECURITIES CORPORATION
Proof No. 01064
Source: Lemay, Lehman, or Big Springs
Ditch: Lehman
Point of Diversion: In the $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 10, T. 13 N., R. 60 E.

Priority	CULTURE(Ac.) Class A Harvest Crop	DESCRIPTION Subd'vn.	Sec.	Tp.N.	R.E.	DUTY OF WATER Cubic Feet per Second Summer Irrigation	Winter Irrigation
1869	3.125	SW¼NE¼	11	13	69	0.06	0.03
"	12.25	NE¼NE¼	11	"	"	0.25	0.12
"	12.25	SE¼NE¼	11	"	"	0.25	0.12
"	14.50	NW¼NW¼	12	"	"	0.29	0.15
"	16.25	NE¼SE¼	12	"	"	0.32	0.16
"	3.50	NE¼NW¼	12	"	"	0.07	0.03
"	37.75	SW¼NW¼	12	"	"	0.75	0.38
"	26.50	SW¼NE¼	12	"	"	0.53	0.26
"	38.95	SE¼NW¼	12	"	"	0.78	0.39
"	6.25	SE¼NE¼	12	"	"	0.13	0.07
"	22.25	NW¼SW¼	12	"	"	0.44	0.22
"	15.50	SW¼SW¼	12	"	"	0.31	0.15
"	1.95	NW¼NW¼	13	"	"	0.04	0.02
"	80.00	E½SW¼	12	"	"	1.60	0.80
"	13.125	NE¼NW¼	13	"	"	0.26	0.13
"	7.75	NW¼NE¼	13	"	"	0.16	0.08
"	80.00	W½SE¼	12	"	"	1.60	0.80
"	2.25	NE¼NE¼	13	"	"	0.04	0.02
"	21.25	SE¼SE¼	12	"	"	0.43	0.22
Total	415.40						
		Total Cubic Feet Per Second				8.31	4.15

Total acre feet required for summer irrigation (154 days) with a duty of 6.16 acre feet per acre equals 2559.0.

Total acre feet required for winter irrigation (211 days) with a duty of 4.22 acre feet per acre equals 1752.0.

Claimant: C.T. RHODES
Proof No. 01065
Source: Cave Springs
Ditch: Lehman
Point of Diversion: In the SW¼SW¼, Sec. 10, T. 13 N., R. 69 E.

Priority	CULTURE (Ac.) Class A Harvest Crop	DESCRIPTION Subd'vn.	Sec.	Tp.N.	R.E.	DUTY OF WATER Cubic feet per sec.	Total Ac.Ft.
1890	7.5	(NE¼NW¼ / NW¼NE¼	15	13	69	0.15	°109.50

°Year around Irrigation (365 days) with a continuous flow of 0.15 cubic feet per second.

CLAIMANT: UNITED SECURITIES CORPORATION
Proof No. 01066
Source: Banker and Lehman Creeks
Ditches: Baker Ranch ditches
Point of diversion: From the combined stream in the NE¼SE¼, Sec. 6, T. 13 N., R. 60 E.

Priority	CULTURE(Ac.) Class A Harvest Crop	DESCRIPTION Subd'vn.	Sec.	Tp.N.	R.E.	DUTY OF WATER Cubic Feet per Second Summer Irrigation	Winter Irrigation
1872	40.0	NW¼NE¼	15	13	70	0.60	0.20
"	40.0	NE¼NW¼	15	"	"	0.60	0.20
"	40.0	NW¼NW¼	15	"	"	0.60	0.20
"	40.0	NW¼NW¼	10	"	"	0.60	0.20
"	40.0	SW¼NW¼	10	"	"	0.60	0.20
"	40.0	NE¼NW¼	10	"	"	0.60	0.20
"	40.0	SE¼NW¼	10	"	"	0.60	0.20
"	40.0	NE¼SW¼	10	"	"	0.60	0.20
"	40.0	NW¼SW¼	10	"	"	0.60	0.20
"	40.0	SW¼SW¼	10	"	"	0.60	0.20
"	40.0	SE¼SW¼	10	"	"	0.60	0.20
"	52.7	W½SE¼	9	"	"	0.79	0.26
"	40.0	NE¼SE¼	9	"	"	0.60	0.20
"	40.0	SE¼SE¼	9	"	"	0.60	0.20
1876	40.0	NE¼NE¼	9	"	"	0.60	0.20
"	40.0	NW¼NE¼	9	"	"	0.60	0.20
"	40.0	SW¼NE¼	9	"	"	0.60	0.20
"	40.0	SE¼NE¼	9	"	"	0.60	0.20
1881	2.0	SE¼SW¼	9	"	"	0.03	0.01
1885	33.4	SW¼SW¼	11	"	"	0.50	0.17
"	7.5	SE¼SW¼	11	"	"	0.11	0.04
"	40.0	NE¼SW¼	11	"	"	0.60	0.20
"	40.0	NW¼SW¼	11	"	"	0.60	0.20
"	19.8	NW¼SE¼	11	"	"	0.30	0.10
1886	40.0	NE¼SW¼	4	"	"	0.60	0.20
"	40.0	NW¼NE¼	10	"	"	0.60	0.20
"	40.0	SW¼NE¼	10	"	"	0.60	0.60
1888	40.0	NE¼SE¼	10	"	"	0.60	0.20
"	40.0	NW¼SE¼	10	"	"	0.60	0.20
"	40.0	SW¼SE¼	10	"	"	0.60	0.20
"	40.0	SE¼SE¼	10	"	"	0.60	0.20
1889	29.2	SE¼NE¼	16	"	"	0.44	0.14
"	1.0	SW¼NE¼	16	"	"	0.01	0.01
1891	10.0	NW¼NE¼	16	"	"	0.15	0.05
1894	30.0	SW¼NW¼	15	"	"	0.45	0.15
1895	39.0	SW¼NE¼	15	"	"	0.58	0.19
"	40.0	SE¼NW¼	15	"	"	0.60	0.20
"	52.0	(NE¼SW¼ (NW¼SE¼	15	"	"	0.78	0.26
"	29.0	NE¼NE¼	15	"	"	0.44	0.15
"	2.5	NW¼NW¼	14	"	"	0.04	0.01
"	20.0	S½SW¼	15	"	"	0.30	0.10
1897	40.0	NE¼SE¼	4	"	"	0.60	0.20
"	40.0	NW¼SE¼	4	"	"	0.60	0.20
"	40.0	SW¼SE¼	4	"	"	0.60	0.20
"	40.0	SE¼SE¼	4	"	"	0.60	0.20
1902	40.0	NE¼NE¼	16	"	"	0.60	0.20
1903	40.0	SE ¼SW¼	4	"	"	0.60	0.20
1904	14.7	SW¼SE¼	15	"	"	0.22	0.07
"	20.0	NE¼NW¼	9	"	"	0.30	0.10
"	5.0	SE¼NW¼	9	"	"	0.08	0.03
"	40.0	NW¼SW¼	3	"	"	0.60	0.20
"	40.0	SW¼SW¼	3	"	"	0.60	0.20
Total	1767.8 acres						
		Total Cubic Feet per Second				26.52	8.84

Total acre feet required for summer irrigation (154 days) with a duty of 4.62 acre feet equals 8168.2.

Total acre feet required for winter irrigation (211 days) with a duty of 2.11 acre feet equals 3730.4.

That, by reason of the conveyances by Baker Livestock Company mentioned on page 19 hereof to other persons without specifying the priorities of the water and water rights so conveyed as found on said page 19, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following persons have the following water rights in the order of sequence in which said conveyances were made, which order of sequence and conveyance is the order of priority of the particular water right, as follows:

a) FIRST RIGHT -- That Baker Livestock Company and its successors in interest have the FIRST RIGHT and priority under said Proof No. 01066 to the use of the waters of Baker and Lehman creeks stream system to the extent of 3.2 cubic feet per second in continuous flow for a period of 365 days each year.

b) SECOND RIGHT -- That United Securities Corporation and its successors in interest have the SECOND RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 1.60 cubic feet per second in continuous flow for a period of 365 days each year.

c) THIRD RIGHT -- That Addie S. Wheeler and her successors in interest have the THIRD RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.16 cubic foot per second in continuous flow of twenty-four hours each eighth day during an irrigation season of 365 days, or 2.5 acre feet per acre for 7.13 acres located in the SW¼NE¼ of Section 9, T. 13 N., R. 70 E., M.D.B.& M.

d) FOURTH RIGHT -- That B. P. Hookman and his successors in interest have the FOURTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.25 cubic foot per second in continuous flow of twenty-four hours each eighth day during an irrigation season of 150.4 days, or 2.4 acre feet of water per acre for 3.76 acres located in the SE¼ of Sec. 16, T. 13 N., R. 70 E., M.D.B.&M.

e) FIFTH RIGHT -- That Esther D. Smith and her successors in interest have the FIFTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.25 cubic foot per second in continuous flow of twenty-four hours each eighth day during an irrigation season of 160.6 days, or 2.5 acre feet per acre for 3.77 acres in the NE¼ of Sec. 16, T. 13 N., R. 70 E., M.D.B.&M.

f) SIXTH RIGHT -- That George T. Baker and his successors in interest have the SIXTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.6 cubic foot per second in continuous flow for twenty-four hours each eighth day during an irrigation season of 148.6 days, or 2.5 acre feet per acre for 8.8 acres located in the NW¼ SE¼ of Section 9, T. 13 N., R. 70 E., M.D.B.& M.

g) SEVENTH RIGHT -- That B. P. Hookman and his successors in interest have the SEVENTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.75 cubic foot per second in continuous flow for twenty-four hours each eighth day during an irrigation season of 155 days, or 2.5 acre feet per acre for 11.64 acres located in the SE¼ of Section 15, T. 13 N., R. 70 E., M.D.B.& M.

h) EIGHTH RIGHT -- That Glenn A. Bellander and his successors in interest have the EIGHTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the

extent of 0.86 cubic foot per second in continuous flow for an irrigation season of 120 days beginning not later than the first day of May of each year, or 2.5 acre feet per acre for 80 acres in the SW¼ SE¼ and SE¼ SW¼ of Section 4, T. 13 N., R. 70 E., M. D. B. & M.

i) NINTH RIGHT -- That Francisco Achabal and his successors in interest have the NINTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker & Lehman Creeks stream system to the extent of 0.15 cubic foot per second in continuous flow of twenty-four hours each eighth day during an irrigation season of 153.3 days, or 2.5 acre feet for 2.3 acres in Lot A Section 9, T. 13 N., R. 70 E., M. D. B. & M.

j) TENTH RIGHT -- That Kitty E. Christopherson and her successors in interest have the TENTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 3.35 cubic foot per second in continuous flow for twenty-four hours each fourth day during an irrigation season of 119.4 days, or 2.5 acre feet per acre for 80 acres in the NE¼ SW¼ and NW¼ SE¼ of Section 4, T. 13 N., R. 70 E., M. D. B. & M.

k) ELEVENTH RIGHT -- That Amanda Meecham and her successors in interest have the ELEVENTH RIGHT and priority under said Proof No. 01066 to the use of the waters of said Baker and Lehman Creeks stream system to the extent of 0.17 cubic foot per second in continuous flow of twenty-four hours each eighth day during an irrigation season of 160.6 days, or 2.5 acre feet of water per acre for 2.73 acres located in Lot T in the SE¼ of Section 16, T. 13 N., R. 70 E., M. D. B. & M., or, at her option, a proportionate continuous flow each and every day during the entire irrigation season.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED as to classes of land, irrigation season, measurement of water, headgates and control works, duty of water, rotation in the use of water, and junior rights, as follows:

That there are two general classes of land served with water from said stream system, which are hereby designated as Class A lands and Class B lands; that Class A lands are sandy, loam, valley lands located in Township 13 North, Range 70 East, and consist of all the lands listed under said Proof No. 01066; that the Class B lands are rocky lands located on the bench in Township 13 North, Range 69 East, commonly known as the Rowland Ranch; and that all Class B lands are listed under said Proofs of Appropriation Nos. 01064 and 01065;

That there is a summer irrigation season and a winter irrigation season for both Class A lands and Class B lands; that the summer irrigation season on both classes of lands shall begin on April 15 and end on September 15 of each year, both dates inclusive, and that the winter irrigation season on both classes of lands shall begin on September 16 of each year and end on April 14 of the following year, both dates inclusive;

That the water users on said stream system and its tributaries made and entered into a stipulation on August 11, 1933, in the following language:

"MEASUREMENT OF WATER

> All water diverted from Baker and Lehman Creeks stream system for use in Class 'A' lands, in accordance with this order, shall be measured at a point below the confluence of the two streams or in the NE¼ of the SE¼ of Section 8, Township 13 N.; R. 70 E., due allowance being made for losses from said point of measurement to the point where the water of the deeded users herein, recognized on page 12 hereof, becomes immediately adjacent to or enters the land to be irrigated, so that the amount of water actually delivered to each user on his land shall be the amount deeded to him, said point of diversion being where the main ditches divert from the channel proper as designated in Permit No. 3806;"

which stipulation is just, fair, and proper, and was made and entered into by the parties freely and voluntarily, and is hereby approved, confirmed and adopted by the Court; that, pursuant to said stipulation, all water

diverted from Baker and Lehman Creeks stream system for use on said Class A lands shall be measured at a point below the confluence of the two streams, i. e., in the NE¼ of the SE¼ of Section 8, Township 13 N., R. 70 E.; that due allowance shall be made for losses from said point of measurement to the point where the water of the deeded users hereinbefore mentioned becomes immediately adjacent to or enters the land to be irrigated, so that the amount of water actually delivered to each water user on his land shall be the amount deeded to him, said point of diversion being where the main ditches divert from the channel proper as designated in permit No. 3906;

That it is for the best interests of all water users concerned, and the Court, therefore, ORDERS, ADJUDGES, AND DECREES, that each water user install and maintain substantial headgates, control works, and measuring devices in his ditch or ditches of such construction as is approved by the State Engineer, and keep his ditches, as well as the main stream channel through his land, reasonably clean of weeds, vegetation, and deposits of silt and, in all other respects, maintain said ditches and channels in a manner conducive to minimum loss of conveyed water by seepage, evaporation, and other causes and so as not to conflict with the provisions of said stipulation so made and entered into on August 11, 1933.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the duty of water on said Class A lands shall be at the rate of 1.5 cubic feet per second continuous flow, or 4.62 acre feet per acre during the summer irrigation season of 154 days, as above specified, and .5 cubic foot per second continuous flow, or 2.11 acre feet per acre during the winter irrigation season of 211 days, as above specified; that the duty of water on Class B lands shall be at the rate of 2.0 cubic feet per second for one hundred acres continuous flow, or 6.16 acre feet per acre during the summer irrigation season of 154 days, and 1.0 cubic foot per second per one hundred acres continuous flow, or 4.22 acre

feet per acre, during the winter irrigation season of 211 days; and that the cubic feet per second continuous flow in each of the above cases is that quantity of water necessary to serve one hundred acres;

That the persons named in this judgment and decree as claimants and users of water, or their successors in interest, need not be required to take or use the amount of water allowed them respectively in a continuous flow, except where they are bound by the provisions of deeds, but may cumulate said flow or any part thereof in rotation or periodic turn within the seasonal limits and with the approval of the Water Commissioner on said stream system, all subject to the control and direction of the State Engineer;

That no person holding a water right of a later priority than those herein listed, and not included herein, shall be entitled to receive any water from Baker and Lehman Creeks stream system or its tributaries until all appropriations herein set forth shall have been fully satisfied.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the order of the rights of the respective appropriators of the waters of said stream system and its tributaries, and in which order they are entitled to divert and use said waters, shall be and is according to the date of the relative priority of right as herein set forth and determined; and the first in order of time according to the date of relative priority and of relative right under the deeds of conveyance hereinbefore mentioned shall be and is the first in order of right and so on down to the date of the latest priority or relative right; and those having prior rights are entitled, respectively, to divert and use the waters of said stream system and its tributaries when necessary for beneficial use in connection with the irrigation of their respective lands at all times and against all those having subsequent rights, without let or hindrance; and, whenever the water is not required by the appropriator or user having a prior right to its use for the purposes for which said water was

appropriated, he must and shall permit it to flow down in the natural channel of the stream as it was wont to flow in its natural course, or in the ditch or channel provided therefor, without hindrance or diversion thereof; and those having subsequent rights are entitled to the use of such water and to divert the same to the extent of their rights of appropriations, according to the order of their priority rights; and, at all times, the waters diverted shall be beneficially, economically, and reasonably used without waste by those having the right to the use thereof by reason of the priority of their rights;

That the rights of appropriation hereby confirmed are appurtenant to the lands herein described for irrigation purposes, and the right to use of the waters of said stream system and its tributaries by virtue of such rights of appropriation are limited to and confined to the irrigation of the lands described herein to the extent of said lands as herein set forth; and the priorities herein confirmed conver no right to use of the waters of said stream system and its tributaries on lands other than those specified tracts to which such rights of appropriation are herein set forth as appurtenant; and the right of a water user to change the place of use of a vested water right in the manner now or hereafter provided or permitted by law shall not be prohibited or affected by this decree;

That, subject to the provisions of Section 36a of the Water Code, as amended, the beginning and ending of the irrigation seasons shall be as defined in this Decree, except when climatic conditions are such that irrigation in accordance with said irrigation seasons is not in accordance with good husbandry and actual beneficial use of water; that the State Engineer shall, in that event, determine by examination the beginning of the irrigation season and shall set the date thereof in accordance with good husbandry and actual beneficial use of water, giving notice to all water users on said stream system;

and that such setting of the beginning of said irrigation season shall be for the sole purpose of administration and distribution of the waters of said stream system and its tributaries in accodance with this Decree.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except as indicated in this Decree, all objections filed to the Final Order of Determination are hereby denied and overruled.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each and every water user and claimant to the use of the waters of Banker and Lehman Creeks stream system and its tributaries, and each of their agents, attorneys, servants, and employees, and their and each of their successors in interest, and all and every person or persons acting in aid or assistance of said parties, or either or any of them, be, and each of them hereby is, perpetually enjoined and restrained as follows, to wit:

a) From at any time diverting or using or preventing or obstructing the flow, in whole or in part, in or along its natural channel, of any of the water of said stream system, except to the extent and in the amount and in the manner and at the time or times fixed by this Decree and allocated, allowed, prescribed, and determined to such parties respectively, and as may be allowed in the permits which have been or may hereafter be granted by the State Engineer of the State of Nevada;

b) From diverting from the natural channel and from using any of the said water for irrigation or any other purpose in excess of the amount specifically allotted to or for said party herein and fixed by this Decree, or in excess of the specified allotment under such permit or permits so heretofore granted or which may hereafter be granted by said State Engineer;

c) From diverting from the natural channel and from using any of the said waters in any other manner or for any other purpose or purposes or upon any other land or lands or in any other amount than as provided and pre-

scribed by the terms of this Decree, or by any such permit so granted by said State Engineer;

d) From diverting from the natural channel and from using any of the said water at any other time or times than as specified and provided by the terms of this Decree or by any such permit so granted by the said State Engineer;

e) From in any manner meddling with, opening, closing, changing, injuring, or interfering with any headgates, weirs, water-boxes, flumes, or measuring devices, or either or any of them, placed, installed, established, or approved by said State Engineer or by his authority or direction, unless such act be done with the permission or authority of the water commissioner or commissioners on said stream system during the period of his regulation or control of said water, or, if not done during such period of his control, then by virtue of the allowances, authority, terms, and provisions of this Decree or by a permit so granted by said State Engineer.

DONE at Ely, White Pine County, Nevada, this 1st day of October, 1934.

H. W. Edwards
District Judge

LECA has copy in Docket

COPY

COPY

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

In the Matter of the Determination of the Relative Rights in and to the Waters of Baker and Lehman Creeks and Tributaries in White Pine County, Nevada.

ABSTRACT OF CLAIMS

BAKER AND LEHMAN CREEKS.

Compiled in the office of the State Engineer in accordance with the provisions of Chapter 140, Statutes of 1913 as subsequently amended.

GEO. W. MALONE, State Engineer

Carson City, Nevada

1933.

COPY

COPY

Claimant Philip M. Baker
United Securities Corporation
now C.T.Rhodes
Proof No. 01065

Source Cave Springs Ditch Lehman

Construction First Initiated	Of Beneficial Use	CULTURE(acres) Harvest Crops	DESCRIPTION. Subdivision	Sec	T.N.	R.E.	Length Irrig. Season
1890	1890	7.5	NE¼NW¼	15	13	69	Jan 1 to Dec 31

COPY COPY

Claimant Philip M. Baker Proof No 01066
now United Securities Corporation

Source Baker and Lehman Creeks Ditch Baker Ranch Ditches

YEAR Construction 1st Initiated	YEAR Of Beneficial Use	CULTURE (acres) Harvest Crops	DESCRIPTION Subdivision	Sec.	T.N.	R.E.	Length Irrig. Season
1872	1872	120.0	N½NW¼ NW¼NE¼	15	13	70	Jan 1 to Dec 1.
	"	80.0	W½NW¼	10	13	70	"
	"	80.0	E½NW¼	10	13	70	"
	"	160.0	SW¼	10	13	70	"
	"	152.7	SE¼	9	13	70	"
	1876	160.0	NE¼	9	13	70	"
	1881	2.0	SE¼SW¼	9	13	70	"
	1885	40.9	S½SW¼	11	13	70	"
	"	80.0	E½SW¼	11	13	70	"
	"	19.8	NW¼SE¼	11	13	70	"
	1886	40.0	NE¼SW¼	4	13	70	"
	"	80.0	W½NE¼	10	13	70	"
	1888	160.0	SE¼	10	13	70	"
	1889	29.2	SE¼NE¼	16	13	70	"
	"	1.0	SW¼NE¼	16	13	70	"
	1891	10.0	NW¼NE¼	16	13	70	"
	1894	30.0	SW¼NW¼	15	13	70	"
	1895	131.0	SE¼NW¼ SW¼NE¼ NE¼SW¼ NW¼SE¼	15	13	70	"
	"	29.0	NE¼NE¼	15	13	70	"
	"	2.5	E½NW¼	14	13	70	"
	"	20.0	S½SW¼	15	13	70	"
	1897	160.0	SE¼	4	13	70	"
	1902	40.0	NE¼NE¼	16	13	70	"
	1903	40.0	SE¼SW¼	4	13	70	"
	1904	14.7	S½SE¼	15	13	70	"
	"	20.0	NE¼NE¼	9	13	70	"
	"	5.0	SE¼NW¼	9	13	70	"
	"	80.0	W½SW¼	3	13	70	"
		1767.8					

C O P Y

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO THE)
WATERS OF BAKER AND LEHMAN CREEKS) STIPULATION
AND THEIR TRIBUTARIES)

IT IS STIPULATED by and between the parties undersigned that the hearing held at Ely, White Pine County, State of Nevada, on the 3rd day of March, 1931, shall be deemed to be and is hereby declared to be a final hearing and further notice thereof is hereby expressly waived.

IT IS FURTHER STIPULATED that the State Engineer shall make his determination of the vested rights of Philip M. Baker, sometimes known as P. M. Baker, in accordance with his proofs, Numbers 01064, 01065, 01066, which proofs are now on file in the State Engineer's Office and which shall be considered as the limit of his vested rights initiated prior to 1905.

IT IS FURTHER STIPULATED that the State Engineer shall issue and file his order of determination within the Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine, to Philip M. Baker and his successors in interest.

IT IS FURTHER STIPULATED that the State Engineer may make his order of determination in typewritten form if the same shall be deemed more expedient to him.

IT IS FURTHER STIPULATED that all other proofs filed in this proceeding conflicting with the above mentioned proofs of Philip M. Baker can be withdrawn and they are hereby considered as withdrawn.

Beatrict I. Rhodes
C. T. Rhodes
United Securities Corp.
By V. H. Vargas, Duly Authorized Agent)
Mrs. Esther Smith
George T. Baker)
J. F. and Kitty Christopherson) By J. M. Lockhart
B. P. Hockman) Their Attorney and Agent.
Glen A. Bellander)

Chief, WDDC Part II Item #

Compared by
DLH-DT

Filing Serial No. 01065

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Cave Springs
Name of natural water source

Through Lehman Ditch
Name of ditch, flume, or pipe line

Philip M. Baker, the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by him are full and correct to the best of his knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant Philip M. Baker

Address Baker, County of White Pine

State of Nevada

(2) The means of diversion employed is a small earth dam and ditch
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was August 1911

(4) The construction of the ditch or other works was begun not known

and completed

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2 ft. feet, width on top 3 feet, depth 1 feet, on a grade of 6½ feet per thousand feet.

(6) The conduit has (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun

and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on top feet, depth feet, on a grade of feet per thousand feet.

(9) The claimant is (~~is not~~) an owner in the above-described conduit.

If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is Possessory Title

(11) Crops of Orchard and Garden Truck have been grown upon the land irrigated.

(12) The water has been used for irrigation from Jan. 1 (Day of month) to Dec. 31 (Day of month) of each year.

(13) The water was first used for irrigation by claimant or his grantors in the year 1890 when 7.5 acres were irrigated in the NE¼ NW¼ of Sec. 15 T. 13 N., R. 69 E., M.D.M. if surveyed

(14) The additional number of acres first irrigated in subsequent years was as follows:

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.
Year

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

....., ... acres in the ..... of Sec. ....., T. ....., R. ..... E.

Remarks: .....
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 7.5 acres.

(16) The water claimed has (has not) been used for irrigation each and every year since the right was initiated.
Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were .....
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (~~was not~~) recorded in the office of the County Recorder of White Pine County, said record being at page 229 of Book 34 of Miscellanious Records, and being a claim for 25 inches of water for the irrigation of x x land acres of land in the following legal subdivisions: x x x

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Domestic and Stock Use

(21) The character of the soil is ..... (Sandy, gravelly, loam) ..... The soil needs ..... acre-feet per annum to properly irrigate the crops. A continuous flow of ..... cubic feet of water per second, during the irrigation season of ..... months, is needed to irrigate each 100 acres of land.

(22) Remarks: .....

x Philip M. Baker

Subscribed and sworn to before me this 28 day of October, 1911

George T. Smith

(Seal)

Notary Public in and for the County of White Pine.

My commission expires Jan. 23, 1915

This part of form to be left blank by claimant

Filing Serial No. 01065

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Water Source CAVE SPRINGS

Through LEHMAN DITCH

Claimant PHILIP M. BAKER

Note

Recorded-Jan-18-1912
in County Recorder's Office
White Pine County
Book 38
Pages 459-460-461

Filed in the office of the State Engineer on
DECEMBER 21st 1911, 19

W.M.KEARNEY
2 Page 2 State Engineer.

Certificate No. 2-Book/ issued hereunder

January 2nd, 1912, 19

Form B 6-28-33-500

34-229

Notice of Location of a Water Right By A. S. Lehman

(Copy) Notice

This is to certify that A. S. Lehman, whose residence is in Snake Valley, White Pine County, Nevada, and whose P. O. address is Osceola, White Pine County, Nevada, claims all right, title, and interest in and to twenty five (25) inches of water under a four (4) inch pressure, furnished by four (4) springs (known as "Cave Springs") situated about one mile north-west of Lehmans Cave. He also claims exclusive right to all waste and leakage water from the Osceola Gravel Mining Companys ditch (what said ditch is now estimated at four hundred (400) inches, also under a four (4) inch pressure. The aggregate of one hundred and twenty-five (125) inches of water is claimed solely for agricultural purposes. The place of diversion from natural channels of said waste and leakage water is situated about four hundred (400) yards northwest of the said Cave Springs. The means by which the water is diverted is a dam of rock and earth across the natural channel, and thence carried in a ditch, one and one quarter (1¼) feet wide, and one (1) foot deep, with a very steep grade, past and below the said Cave Springs the water furnished by said springs being intercepted and received by said ditch in passing to the "Cave Rancho". The said A. S. Lehman claims exclusive right to the use of and ownership in all ditches made and used by him. The said Cave Rancho to which the above mentioned water has been and will be conducted is situated in an unsurveyed portion of Sec. 13 N. R. 69 E. M. D. B & M., and includes the aforesaid Lehmans Cave. This notice is posted at the Cave Springs above mentioned

Snake Valley
White Pine County, Nevada
May 2. 1887.

Recorded at request of Willard Burbank May 7th 1887 at 10 minutes past 2 P.M.

A. D. Compton
Recorder

00-00-0000: letter to county recorder from hydraulic engineer regarding certified copy of deed

Lehman Caves

July 13, 1944.

County Recorder,
White Pine County,
Ely, Nevada.

Dear Sir:

Will you please send us a certified copy of the deed from C. T. Rhodes and Beatrice I. Rhodes to County of White Pine dated September 13, 1933, and conveying certain lands within the boundaries of homestead entry survey No. 149, U. S. Patent 724063, in Lehman Caves National Monument. The instrument is recorded in Book 110, pages 543-544, Real Estate Records of White Pine County.

It is further requested that you verify and certify the attached photostat copy of a deed from White Pine County to the Department of Agriculture, United States of America, covering the same parcel of land, dated September 18,1934, and recorded in Book 118 at pages 221 and 222 of the same records.

We enclose a voucher to cover the charges for these instruments which should be signed as indicated by penciled crosses, and returned for payment. A franked addressed label is also enclosed for your use in the return of the instruments.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

Enclosure 812560.

APR 3 1944

ROUTING Date



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILL.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 29, 1944.

MEMORANDUM for the Regional Director, Region Four.

In response to Mr. Dunn's request of December 20, 1943, there is enclosed a copy of the deed from C. T. Rhodes and wife to White Pine County, Nevada, which is desired in connection with his study of the water rights in Lehman Caves National Monument.

Conrad L. Wirth
Chief of Lands.

Enclosure 276

In duplicate.

c
o
p
y

CLARENCE T. RHODES ET UX)
TO)
THE STATE OF NEVADA)
.....

BARGAIN AND SALE DEED
Dated: December 14, 1926
Recorded: December 21, 1926, in Book 100, Pages 188-189, Real Estate Record of White Pine County.

---

do by these presents grant, bargain and sell unto the said party of the second part, and to its successors and assigns forever, all that certain lot, piece or parcel of land situate and being in Osceola Township, White Pine County, State of Nevada, and particularly described as follows, to-wit:

A part of Homestead Entry Survey No. 149 embracing a portion of, approximately Sections Ten (10) and Fifteen (15) in Township Thirteen (13), North of Range Sixty-nine (69) East of the Mt. Diablo Base and Meridian, Nevada, and which said lot, piece or parcel of land hereby conveyed is particularly described as follows, to-wit:

Commencing at corner No. 2 of said Homestead Entry Survey No. 149 as described in the patent issued by the United States of America of the said Homestead Entry, and running thence along side line of said Homestead Entry, North 70° 07' East, 214.5 feet, thence North 32° 44' West 21.41 feet to the place of beginning; thence first course, North 32° 44' West 150 feet; thence second course, North 51° 31' East 200 feet; thence third course, South 32° 44' East 150 feet; thence fourth course, South 51° 31' West 200 feet to the point of beginning.

This deed is given to correct the description of that certain deed heretofore made, executed and delivered by the said parties of the first part to the said party of the second part and which was recorded in the office of the County Recorder of White Pine County, on the 20th day of October, 1924, and recorded in Book No. 94, pages 301-302, Real Estate Records of said County and reference is hereby made to the said United States Patent which is recorded in the office of the County Recorder of White Pine County, Nevada, for a fuller and more particular description of said land and for all the particulars thereby shown.

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

C. T. Rhodes.

Beatrice I. Rhodes.

ACKNOWLEDGEMENT: Clarence T. Rhodes and Beatrice I. Rhodes, before Gladys McKernan, a Notary Public in and for the County of White Pine and State of Nevada, on the 14th day of December, 1926.

(Notarial Seal)

00-00-0000: letter to county recorder from nps regarding deed form the commissioner of white pine county

RECD SEP 21 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA
601 Sheldon Building
September 17, 1940

9/23

County Recorder,
White Pine County,
Ely, Nevada.

Dear Sir:

The deed from the Commissionery of White Pine County to the United States of America, Department of Agriculture, covering Patent No. 724063, is recorded on pages 221 and 222 of Book 118 of your records. The deed excludes a parcel previously conveyed to the State of Nevada and described in part as follows:

"Beginning at Corner No. 2 of said H. E. Survey, thence along side of said entry N 70° 07' E 214.5 ft., thence N 32° 44' W —.—.."

In copying these notes this summer from said pages 221 and 222, I noted the distance following this second bearing as 21.41 ft., but seem to feel that it was not distinct. Will you please advise what distance is correct by referring to the records of the deeds to both the United States of America and to the State of Nevada.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

Dear Sir:

The correct distant is 21.41 ft., as stated above.

County Recorder

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

RECD JUN 17 1940

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 10, 1940.

Memorandum for Regional Attorney Taylor:

Reference is made to your memorandum of May 31, requesting information relating to water rights and rights-of-way in the vicinity of Lehman Caves National Monument.

Three photostatic copies of the plat of homestead entry survey No. 149, approved August 27, 1918, have been sent to you under separate cover. The patented land includes part of the south half of section 10 and the north half of section 15, township 13 north, range 69 east, Mount Diablo Meridian, containing 46.97 acres. The tract was patented to Ernest C. Adams by patent No. 724,063, dated December 13, 1919. The application was received through the local Land Office at Elko, Nevada. The patent contains the usual printed matter, including the following clause relating to water rights and rights-of-way:

> "Subject to any vested and accrued water rights for mining, agricultural, manufacturing, and for other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States."

The records in the General Land Office do not show that there has been any grant of a right-of-way across the Government lands, nor across the lands included within homestead entry survey No. 149. The lands in the vicinity were withdrawn for national forest purposes in 1912.

H. A. Trexler
Chief Counsel.

cc- Mr. Sanders
Reg. Director, Region III
Supervisor, Boulder Dam

OFFICE OF

County Clerk and Ex-Officio Clerk

of the Seventh Judicial District Court

IN AND FOR

WHITE PINE COUNTY, NEVADA

STATE OF NEVADA,
COUNTY OF WHITE PINE. } SS.

I, F. D. OLDFIELD County Clerk and ex-officio Clerk of the Seventh Judicial District Court of the State of Nevada, County of White Pine, do hereby certify that the above and foregoing is a full, correct and true copy of the original.....

Resolution of the Board of County Commissioners of White Pine County, Nevada, dated Sep. 5, 1933, conveying patent to the United States of America.

Resolution of the Board of County Commissioners of White Pine County, Nevada, dated Se. 5, 1934, conveying land to the Department of Agriculture of United States of America.

which now remains of record in my office at Ely, County and State aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of Said Court, at my office in the City of Ely, State of Nevada, this 16th day of February A. D. 194 4.

F. D. Oldfield

County Clerk and Ex-Officio Clerk of Said Court

By E. J. Hamilton

DEPUTY

THE ELY RECORD

RECORD of the proceedings of the Board of County Commissioners of the county of White Pine, in the state of Nevada, at a regular meeting of said Board, held in the court house in the city of Ely, in said county and state on the 5th day of September, 1934, at the hour of ten o'clock a. m.

PRESENT: Commissioners F. C. Rowan, Andy C. Barr and Alfred Tamblyn. Meeting was regularly called to order by Chairman Rowan.

* * * * * * * * * * * * * *

* * * * * * * * * * * * * *

ON motion duly made, seconded and unanimously carried, the following resolution was adopted:

WHEREAS, heretofore on the 5th day of September, 1933, motion was duly made, seconded and unanimously carried adopting a resolution authorizing the transfer in accordance with the provisions thereof to the United States of America certain real estate belonging to the County of White Pine therein specifically described adjacent to Lehman Cave National Monument, and

WHEREAS, said resolution did not provide specifically for a transfer of said land to the Department of Agriculture or to the Department of the Interior, and

WHEREAS, after careful consideration and due deliberation it is the unanimous opinion of the members of this Board that the said land should be deeded to the Department of Agriculture United States of America and that the resolution herein above referred to should be supplemented accordingly.

NOW THEREFORE, BE IT RESOLVED that the chairman of this Board be and he is hereby authorized, directed, instructed and empowered to make, execute, acknowledge and deliver a good and sufficient warranty deed conveying to the Department of Agriculture United States of America the real estate specifically described in the

resolution hereinabove referred to in accordance with the provisions thereof.

* * * * * * * * * * * * * *

APPROVED:

R. C. ROWAN
CHAIRMAN

ATTEST:

F. D. OLDFIELD
CLERK

BY J. M. COLLINS
DEPUTY

THIS INDENTURE, made this 18th day of September 1934, by and between the County of White Pine in the State of Nevada, U. S. A., acting in pursuance of a resolution adopted by its duly elected, qualified and acting Board of County Commissioners at a regular meeting of said Board and entered in the minutes thereof, the party of the first part and the Department of Agriculture, United States of America, the party of the second part,

W I T N E S S E T H:

WHEREAS, by an Act of the thirty-fifth session of the Legislature of the State of Nevada, entitled: "An Act authorizing and empowering the county commissioners of White Pine County, Nevada, to deed, or otherwise dispose of, to the federal government of the United States, certain real estate situated in White Pine County, Nevada, providing the terms therefor, and other matters properly connected therewith," approved March 19, 1931, being Chapter 104 and appearing on pages 174 to 175, both inclusive, of the Statutes of that year, the County Commissioners of White Pine County, Nevada, are authorized and empowered to deed or otherwise convey to the party of the second part without monetary consideration therefore, the real estate hereinafter described, and

WHEREAS, in pursuance of said Legislative enactment, the said Board of County Commissioners of White Pine County, State of Nevada, at regular meetings of said board by resolutions duly adopted on the 5th days of September, 1933 and 1934 and spread upon its minutes, has authorized the issuance of a deed conveying the real estate hereinafter described to the party of the second part without monetary consideration for the reasons therein stated.

NOW, THEREFORE, for and in consideration of the benefits which have accrued to the County of White Pine and to the

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE DEPARTMENT OF AGRICULTURE, Office of the Solicitor, Deeds.
Three centimeters

State of Nevada, the sufficiency of which are hereby acknowledged, the party of the first part does by these presents grant, bargain, sell, convey and warrant unto the said party of the second part, its successors and assigns, all those certain lots, pieces and parcels of land situate in White Pine County, Nevada, within the boundaries of Lehman Cave National Monument, which said lots, pieces and parcels of land is also within the boundaries of homestead entry survey No. 149, U. S. Patent No. 724063, and more particularly described as follows, to-wit:

> Beginning at corner No. 1, from which the corners to Sections 10, 11, 14 and 15, Township 13 North, Range 69 East, M. D. B. & M. bears South eighty degrees eighteen minutes East, twenty and six-hundredths chains distant; thence South seventy degrees seven minutes West, thirty-five and seventy-two hundredths chains to corner No. 2; thence North twenty-degrees fifty-two minutes West, eighteen and thirty-eight hundredths chains to corner No. 3; thence North eighty-six degrees thirty-nine minutes East, thirty-eight and twenty-eight hundredths chains to corner No. 4; thence South fourteen degrees fifty-five minutes East, seven and fifty-four hundredths chains to corner No. 1, the place of beginning, containing forty-six and ninety-seven hundredths acres, excepting therefrom the following described parcels of land heretofore transferred to the State of Nevada, to-wit:
>
> Commencing at corner No. 2 of homestead entry Survey No. 149, above described, running thence along side line of said entry North seventy degrees seven minutes east, 214.5 feet; thence North thirty-two degrees forty-four minutes West, 21.41 feet, to place of beginning; thence first course North thirty-two degrees forty-four minutes West 150 feet; thence second course North fifty-one degrees thirty-one minutes East 200 feet; thence third course South thirty-two degrees forty-four minutes East 150 feet; thence fourth course South fifty-one degrees thirty-one minutes West 200 feet, to place of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including the waters of

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE DEPARTMENT OF AGRICULTURE, Office of the Solicitor, Deeds.
Three Centimeters

Cave Spring, evidenced by proof of appropriation No. 01065, on file in the office of the State Engineer of the State of Nevada.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances thereunto incident unto the said party of the second part, and to its successors and assigns forever, and the said party of the first part, its successors and assigns, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part, acting by and through a resolution of its Board of County Commissioners, has caused these presents to be executed by its Chairman, and its seal hereto affixed, the day and year first above written.

WHITE PINE COUNTY, STATE OF NEVADA

By F. C. Rowan
Chairman of its Board
of County Commissioners.

STATE OF NEVADA)
) SS.
COUNTY OF WHITE PINE)

On this 18th day of September, 1934, before me, a Notary Public in and for said County and State, personally appeared F. C. Rowan, known to me to be the Chairman of the Board of County Commissioners of White Pine County, Nevada, the County that executed the foregoing instrument, and upon oath, did depose that he is the officer of said County as above designated; that he is acquainted with the seal of said County and that the seal affixed to said instrument is the seal of said County, that the signature to said instrument is his signature and that the said County executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE DEPARTMENT OF AGRICULTURE, Office of the Solicitor, Deeds.
Three Centimeters

affixed my Official Seal the day and year in this certificate first above written.

Notary Public in and for said County and State.

My Commission expires: November 23, 1935.

5¢

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE DEPARTMENT OF AGRICULTURE, Office of the Solicitor, Deeds.
Three Centimeters

53000

Filed for record at request of
Ernest P. Hill
Feb. 13, 1935
at 7 min. past 1 o'clock
P. M. and recorded in
Book 48, Page 221-223,
Deeds Estates Record
of White Pine Co., Nevada
Brighton P. Baker
Recorder
By D. S. Skeen Deputy

THE NATIONAL ARCHIVES
Washington, D. C.
RECORDS OF THE DEPARTMENT OF AGRICULTURE, Office of the Solicitor, Deeds.
Three Centimeters

COPY

C. T. RHODES and BEATRICE I. RHODES, his wife,

TO

COUNTY OF WHITE PINE.

DEED.

Dated: September 13, 1933

Recorded: Sept. 13, 1933 in Book 110, Pages 543-544, Real Estate Record of White Pine County, State of Nevada

Consideration: $15,000.00.

----------do by these presents, grant, bargain, sell, warrant, convey and forever quitclaim unto the said party of the second part, and to its successors and assigns all those certain lots, pieces or parcels of land situate in the County of White Pine, State of Nevada, within the boundaries of Lehman Cave National Monument, which said lots, pieces and parcels of land is also within the boundaries of homestead entry Survey No. 149, U. S. Patent No. 724063, and more particularly described as follows, to-wit:

Beginning at corner No. 1, from which the corners to Sections 10, 11, 14 and 15, Township 13 North, Range 69 East, M. D. B. & M. bears South eighty degrees eighteen minutes East, Twenty and six-hundredths chains distant; thence South seventy degrees seven minutes West, thirty-five and seventy-two hundredths chains to corner No. 2; thence North twenty degrees fifty-two minutes West, eighteen and thirty-eight hundredths chains to corner No. 3; thence North eighty-six degrees thirty-nine minutes East, thirty-eight and twenty-eight hundredths chains to corner No. 4; thence South fourteen degrees fifty-five minutes East, seven and fifty-four hundredths chains to corner No. 1, the place of beginning, containing forty-six and ninety-seven hundredths acres, excepting therefrom the following described parcels of land heretofore transferred to the State of Nevada, to-wit:

Commencing at corner No. 2 of homestead entry Survey No. 149, above described, running thence along side line of said entry North seventy degrees seven minutes east, 214.5 feet; thence North thirty-two degrees forty-four minutes West, 21.41 feet, to place of beginning; thence first course North thirty-two degrees forty-four minutes West 150 feet; thence second course North fifty-one degrees thirty-one minutes East 200 feet; thence third course South thirty-two degrees forty-four minutes East 150 feet; thence fourth course South fifty-one degrees thirty-one minutes West 200 feet, to place of beginning.

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

C. T. Rhodes

Beatrice I. Rhodes

ACKNOWLEDGMENT:- C. T. Rhodes and Beatrice I Rhodes, his wife; September 13th, A. D. 1933, before V. H. Vargas, a Notary Public in and for
(Notarial Seal) White Pine County, State of Nevada.

My Commission Expires: November 23, 1935

C. T. RHODES and BEATRICE I. RHODES, his wife,

TO

COUNTY OF WHITE PINE

.....

THIS INDENTURE, made this 13th day of September, A. D. 1933, between C. T. RHODES and BEATRICE I. RHODES, his wife, the parties of the first part, and COUNTY OF WHITE PINE in the State of Nevada, the party of the second part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Fifteen Thousand ($15,000.00) Dollars, lawful money of the United States of America, to them in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell, warrant, convey and forever quitclaim unto the said party of the second part, and to its successors and assigns all those certain lots, pieces or parcels of land situate in the County of White Pine, State of Nevada, within the boundaries of Lehman Cave National Monument, which said lots, pieces and parcels of land is also within the boundaries of homestead entry Survey No. 149, U. S. Patent No. 724063, and more particularly described as follows, to-wit:

Beginning at corner No. 1, from which the corners to Sections 10, 11, 14 and 15, Township 13 North, Range 69 East, M. D. B. & M. bears South eighty degrees eighteen minutes East, Twenty and six-hundredths chains distant; thence South seventy degrees seven minutes West, thirty-five and seventy-two hundredths chains to corner No. 2; thence North twenty degrees fifty-two minutes West, eighteen and thirty-eight hundredths chains to corner No. 3; thence North eighty-six degrees thirty-nine

minutes East, thirty-eight and twenty-eight hundredths chains to corner No. 4; thence South fourteen degrees fifty-five minutes East, seven and fifty-four hundredths chains to corner No. 1, the place of beginning, containing forty-six and ninety-seven hundredths acres, excepting therefrom the following described parcels of land heretofore transferred to the State of Nevada, to-wit:

Commencing at corner No. 2 of homestead entry Survey No. 143, above described, running thence along side line of said entry North seventy degrees seven minutes east, 214.5 feet; thence North thirty-two degrees forty-four minutes West, 21.41 feet, to place of beginning; thence first course North thirty-two degrees forty-four minutes West 150 feet; thence second course North fifty-one degrees thirty-one minutes East 200 feet; thence third course South thirty-two degrees forty-four minutes East 150 feet; thence fourth course South fifty-one degrees thirty-one minutes West 200 feet, to place of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including the waters of Cave Spring, evidenced by proof of appropriation No. 01065, on file in the office of the State Engineer of the State of Nevada.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances thereunto incident unto the said party of the second part, and to its successors and assigns forever, and the said party of the first part, their heirs, executors, administrators and assigns, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against

all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

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

C. T. Rhodes

Beatrice I. Rhodes

STATE OF NEVADA, }
COUNTY OF WHITE PINE. } SS.

On this 13th day of September, A. D. 1933, before me, a Notary Public in and for said County and State, personally appeared C. T. Rhodes and Beatrice I. Rhodes, his wife, personally known to me to be the persons described in and who executed the foregoing instrument as parties thereto, and who duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

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

(Notarial Seal)

V. H. Vargas
Notary Public in and for said County and State.

My Commission Expires: November 28, 1935.

NO. 52255-QUITCLAIM DEED:-Filed for record at request of V. H. Vargas, Sept. 13, 1933, at 25 min. past 2 o'clock P.M. and recorded in Book 110, Pages 543-544, Real Estate Record of White Pine Co., Nevada.

J O McKernan
Recorder

- - - - - - - - - - - - - -

00-00-0000: office of county recorder and ex-officia auditor: quitclaim deed

OFFICE OF

County Recorder and Ex-Officio Auditor

WHITE PINE COUNTY, NEVADA

STATE OF NEVADA,
COUNTY OF WHITE PINE. } ss.

I, CREIGHTON PHALAN the duly elected, qualified and acting Recorder and Ex-Officio Auditor in and for the County of White Pine, State of Nevada, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of the original records of this office of a QUITCLAIM DEED:-C. T. Rhodes and Beatrice I. Rhodes to County of White Pine, dated Sept. 13, 1933 and recorded Sept. 13, 1933 in Book 110, Pages 543-544, Real Estate Record of White Pine Co., Nevada and which is now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office, in the County and State aforesaid, this 17 day of July, A. D., 1944

Creighton Phalan
County Recorder and Ex-Officio Auditor
in and for the County of White Pine, State of Nevada.

By _____
DEPUTY

RECORD of the proceedings of the Board of County Commissioners of the County of White Pine, State of Nevada, at a regular meeting of the said Board held in the Court House in the city of Ely, in said county and state on Tuesday, the 6th day of September, 1933, at the hour of ten o'clock a. m. of said day.

PRESENT: Commissioners F. C. Rowan, Andy C. Barr and Alfred Tamblyn, Meeting was regularly called to order by Chairman Rowan.

* * * * * * * * * * * *

* * * * * * * * * * * *

On motion duly made, seconded and unanimously carried, the following resolution was adopted:

WHEREAS, in pursuance of an Act of the thirty-fifth session of the Legislature of the State of Nevada, entitled, "An Act to authorize and empower the County Commissioners of White Pine County, State of Nevada, to purchase certain real estate situated within the boundaries of said county, providing for the issuance of bonds for the purchase thereof, providing for a tax levy therefor, and other matters properly connected therewith," approved March 24, 1931, the Board of County Commissioners of White Pine County, State of Nevada, has purchased from C. T. Rhodes and Beatrice I. Rhodes, his wife, the real estate hereinafter described for a total purchase price of Fifteen Thousand ($15,000.00) Dollars, and

WHEREAS, in pursuance of an act of the thirty-fifth session of the Legislature of the State of Nevada, entitled, "An Act authorizing and empowering the county commissioners of White Pine County, Nevada, to deed, or otherwise dispose of, to the federal government of the United States, certain real estate situated in White Pine County, Nevada, providing the terms therefor, and other matters properly connected therewith," approved March 19, 1931, said Board of County Commissioners are authorized and empowered to deed or otherwise

convey to the Federal Government of the United States of America without monetary consideration therefore, the said real estate hereinafter described, if in the event the said Board of County Commissioners shall consider that the benefits accruing to said County and to the State of Nevada by disposing of said lands to the Federal Government of the United States for other than monetary consideration, may be justified in doing so, and

WHEREAS, said Board of County Commissioners have carefully considered the benefits accruing to said County and to the State of Nevada by disposing of said lands to the Federal Government without money consideration and have concluded and do hereby declare that it is to the interest of the said County and State of Nevada to dispose of said lands to the Federal Government in order that it may not be harassed in the development of Lehman Cave National Monument by virtue of the private ownership of the hereinafter described real estate immediately adjacent to the entrance thereof, and

WHEREAS, the United States of America has agreed to accept a deed conveying to it said lands in order to properly and more effectively develop said Lehman Cave National Monument.

NOW, THEREFORE, be it resolved that the Chairman of this Board be and he is hereby authoriaed, directed, instructed and emppowered to make, execute and acknowledge and deliver a good and sufficient warranty deed conveying to the United States of America all those certain lots, pieces and parcels of land situate in White Pine County, Nevada, within the boundaries of Lehman Cave National Monument, which said lots, pieces and parcels of land is also within the boundaries of homestead entry survey No. 149, U. S. Patent No. 724063, and more particularly described as follows, to-wit:

Beginning at corner No. 1, from which the corners to Sections 10, 11, 14 and 15, Township 13 North, Range 69 East, M. D. B. and M. bears South eight degrees eighteen

minutes East, twenty and six-hundredths chains distant; thence South seventy degrees seven minutes West, Thirty-five and seventy-two hundredths chains to corner No. 2; thence North twenty degrees fifty-two minutes West, eighteen and thirty-eight hundredths chains to corner No. 3; thence North eighty-six degrees thirty-nine minutes East, thirty-eight and twenty-eight hundredths chains to corner No. 4; thence South fourteen degrees fifty-five minutes East, seven and fifty-four hundredths chains to corner No. 1, the place of beginning, containing forty-six and ninety-seven hundredths acres, excepting therefrom the following described parcels of land heretofore transferred to the State of Nevada, to-wit:

Commencing at corner No. 2 of homestead entry Survey No. 149, above described, running thence along side line of said entry North seventy degrees seven minutes East, 214.5 feet; thence North thirty-two degrees forty-four minutes West, 21.41 feet, to place of beginning; thence first course North thirty-two degrees forty-four minutes West 150 feet; thence second course North fifty-one degrees thirty-one minutes East 200 feet; thence third courseSouth thirty-two degrees forty-four minutes East 150 feet; thence fourth course South fifty-one degrees thirty-one minutes West 200 feet, to place of beginning.

TOGETHER WITH the waters of Cave Spring, evidenced by proof of appropriation No. 01065, on file in the office of the State Engineer of the State of Nevada.

APPROVED:

F. C. ROWAN
Chairman

ATTEST: F. D. OLDFIELD, CLERK

BY: J. M. COLLINS, DEPUTY.

(Assembly Bill No. 151--White Pine County Delegation)

CHAP. 104--An Act authorizing and empowering the county commissioners of White Pine County, Nevada, to deed, or otherwise dispose of, to the federal government of the United States, certain real estate situated in White Pine County, Nevada, providing the terms therefor, and other matters properly connected therewith.

(Approved March 19, 1931)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. The county commissioners of White Pine County, Nevada, are hereby authorized and empowered to deed, or otherwise convey to the federal government of the United States, for such purposes and under such conditions as said board of county commissioners may deem fit, with or without monetary consideration therefor, the real estate hereinafter described.

Sec. 2. The real estate referred to in section 1 hereof, and by the terms of this act authorized to be by the county commissioners of White Pine County, Nevada, deeded or otherwise transferred to the federal government of the United States, is described as follows, to wit: That certain lot and parcel of land within the boundaries of Lehman Cave national monument in partly surveyed township 13 north, range 69 east, M.D.B. & M. (which was set aside and proclaimed January 24, 1922), which said lot and parcel of land is also within the boundaries of homestead entry survey number 149, embracing 46.97 acres.

Sec. 3. In the event that the county commissioners of White Pine County, Nevada, shall consider that benefits to accrue to said county and to the State of Nevada by disposing of said lands to the federal government of the United States for other than monetary consideration may be justified by so doing, said board of county commissioners are hereby authorized and empowered to transfer said lands to the federal government of the United States for such other consideration as to said board may be deemed just.

Sec. 4. This act shall become effective from and after its passage and approval.

03-15-1946: letter to department of interior from forest supervisor regarding the issued special use permit for water transmission

U
USES - Nevada
Department of Interior
Park Service

Ely, Nevada
March 15, 1946

Park Service
Department of Interior
c/o Guy D. Edwards, Supervisor
Boulder City, Nevada

Dear Sir:

The Special Use Permit issued by this office for Water Transmission on 12/30/[illegible] is hereby amended by the addition of the following paragraph:

> No Member of or Delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom. Nothing, however, herein contained shall be construed to extend to any incorporated company, if the agreement be for the general benefit of such corporation or company.

The original permit is not otherwise amended.

Very truly yours,

J. M. Herbert, Forest Supervisor

By G. W. Southwick Acting

Copy to D-2

04-15-1949: letter to department of interior from forest supervisor regarding the special permit use

USES
Department of Interior
Park Service, Water Transmission
12/19/40

Notice is hereby given that permission granted by the above-designated special use permit shall hereafter be subject to the condition that the following clause is hereby substituted for clause 6 of that permit:

> The permittee agrees to take all reasonable precaution to avoid damage to property and resources of the United States, and diligently to undertake suppression action in the event of fire resulting from the exercise of the privileges herein granted.

John W. Parker
Forest Supervisor
(Title)

4-15-49
(Date)

P. S. -- Permittees desiring additional information about this substitution of clause and the reasons therefor should write to the forest supervisor or the forest ranger.

Effective 12/20/49

Form 832
(Revised Nov. 1933)

U
USNS - Nevada
Park Service,
Dept. of Interior
11-6-40

SPECIAL USE PERMIT

(Case designation)

Permission is hereby granted to Dept. of Interior, Park Service, c/o Guy D. Edwards, of Supervisor, Boulder City, Nevada

to use the following-described lands:

A strip of land 30 feet wide, being 15 feet each side of a center line described as follows:

Beginning at a point on the north boundary of Lehman Caves National Monument, which point is north eighty nine degrees and fifty seven minutes west (N 89°-57'W), one thousand two hundred fifty three and fifteen hundredths (1253.15) feet from a monument on the north boundary one half mile westerly of the northeast corner of Lehman Caves National Monument, thence twenty nine hundred eighty (2980) feet north sixty degrees and eight minutes west (N 60°-9'W) to the end of the above described strip of land.

Also a tract of land described as follows:

Beginning at the northwesterly end of the center line of the strip above described, thence north twenty nine degrees fifty two minutes east (N 29°-52'E) three hundred (300) feet, thence north sixty degrees and eight minutes west (N 60°-8'W) thirteen hundred and twenty (1320) feet, thence south twenty nine degrees fifty two minutes west (S 29°-52'W) five hundred (500) feet, thence south sixty degrees and eight minutes east (S 60°-8'E) thirteen hundred and twenty (1320) feet, thence north twenty nine degrees and fifty two minutes east (N 29°-52'E) two hundred (200) feet, to the point of beginning.

from ~~[illegible]~~ to December 31, 1940, and thereafter annually,

on ~~[illegible]~~ (terms (s) XXXXXXXX).

2. The permittee shall comply with the regulations of the Department of Agriculture governing the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires. 8—713

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of Nevada, as well as the laws of the United States.

6. The permittee shall pay the United States for any damage to its property resulting from this use.

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within 6 months, be completed within 12 Months ~~years~~ from the date of the permit, and this use shall be actually exercised at least 365 days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. ~~The charges for this use may be readjusted whenever necessary to place the permittee on a basis consistent with the charges to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five year period thereafter.~~

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Forester.

14. The permittee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. This permit is issued with the understanding that the permittee has
(Special stipulations necessary)
vested rights under the laws of the State of Nevada, in the water to be conveyed through the pipe lines and other structures to be placed on the area. This permit does not grant any rights or privileges in the use of the water to be conveyed.

16. The permittee shall maintain the fence and other structures placed on the area to the satisfaction of the Forest Supervisor.

17. The fence, collecting boxes, and other contemplated structures to be placed on the area must be constructed in accordance with plans to be approved by the Forest Supervisor

Dec. 19, 1940
(Date)

E E Seagraves
(Signature of officer issuing permit)

Forest Supervisor
(Title)

8—713 U. S. GOVERNMENT PRINTING OFFICE

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

A7615
D5039

October 4, 1962

Memorandum

To: Regional Director, Western Region

From: Superintendent, Lehman Caves

Subject: Water Report - Lehman Caves

The enclosed Water Sample Reports taken September 18, 1962 show that the condition causing the unsafe test results of last month has been corrected.

Water samples taken at the Concession, Headquarters Drinking Fountain and Residence No. 10 were returned by the Nevada State Department of Health Laboratories marked "safe at the time of sampling".

Paul M. Steel
Superintendent

Enclosures 3

Copy to: R. W. Ketcham, Reg,.Hydraulic Engineer



L54

180 New Montgomery
San Francisco 5, California

October 3, 1962

W O D
OCT - 4 '62
CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Chief of Lands - Western Region

Subject: Measurement of Water Overflow from Cave Springs to Ditch Supplying Recreation Pond, Lehman Caves

Enclosed is a graph and sketch of a V notch weir that Hydraulic Engineer Ketcham promised you on his recent visit to Lehman Caves.

The right-angled V notch weir is the most accurate type of weir to measure small flows but errors up to 10% can be expected from various factors. Some of the items to keep in mind during construction are:

1. Make sure the downstream face of the weir is free so that the water falls away from it and the steel plate does not become submerged.

2. See that an area is constructed ahead of the weir large enough to still the flowing water slightly before it can pass through the weir.

3. The weir should be set with the plane of the V notch vertical.

4. The best measurement of H (depth) can be made by using a carpenter's level, and measuring the water surface about a foot upstream from the face of the weir.

Richard W. Ketcham

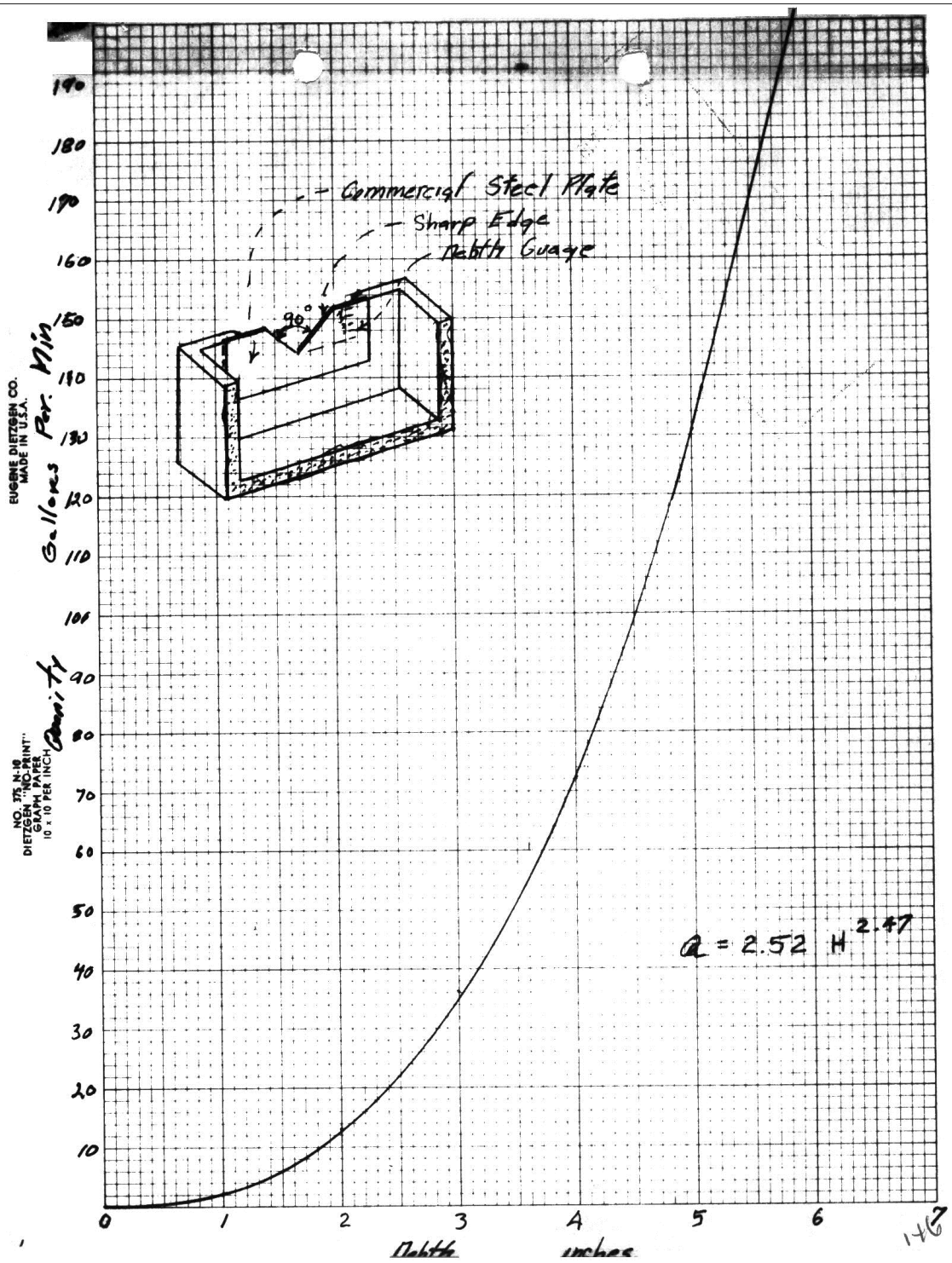
Acting Regional Chief of Lands

Enclosure

Copy to: Director
Chief, WODC (2)

146

02-01-1961: diagram



02-23-1961: memorandum to regional director from superintendent regarding water analysis report

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

D5039

February 23, 1961

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Analysis Report, Cave Springs

We have just received subject report from the Food and Drug Laboratory of the Nevada State Department of Health. A copy is attached for your information.

With our new water system programmed for the 1962 fiscal year we thought this analysis might be of value to the engineering staff at WODC. Unfortunately we were not furnished a copy that could be reproduced locally. Would you furnish copies to the Chief, WODC, and to the U. S. Public Health Service District Office?

(SGND) PAUL M. STEEL
Paul M. Steel
Superintendent

Copy to: Chief, WODC

NOTE: Incidentally water temperature at the residence tap on February 1 was 36°. No ice needed!!

NEV. DEPARTMENT OF HEALTH
Food and Drug Laboratory
755 Ryland Street
Reno, Nevada

SUPT.
AD. ASST
NATURALIST
MAINT
FILES

Water Analysis Report

Laboratory Number 22802 Date Sample taken Feb. 1, 1961
Submitted by C. W. Brown, Sanitarian Date Sample received
Reason for analysis
Source Springs If well: Permit
Temperature Cased
Location Lehman Caves Depth
Diam. of casing
Use Domestic Construction method
Owner Federal Gov't
Submit report to Supt., Lehman Caves How many served
Address Baker, Nevada
Special requests

Color	10	
Turbidity	9	
Sediment	Trace	
pH Value	6.92	
Total dissolved solids	75	ppm
Total Hardness ($CaCo_3$)	52	ppm
Non-carb. " "	0	ppm
Alkalinity	52	ppm
Total Iron	Trace	ppm
Calcium	19.22	ppm
Magnesium	.98	ppm
Sodium & Potassium	16.69	ppm
Carbonate	0	ppm
Bicarbonate	63	ppm
Sulfate	24	ppm
Chloride	8	ppm
Nitrate	Trace	ppm

Chemist Lloyd Whalen, Jr.
Lloyd Whalen, Jr.

Remarks:

Analysis of this water sample indicates that its chemical quality is within the limits recommended by the State Health Department Water Supply Regulations.

Commissioner

Other Supporting Information

07-17-1969: memorandum to james roberts from lee robinson regarding water resource proposal

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

LS4
LECA

TO : James Roberts DATE: July 17, 1969

FROM : Lee Robinson, Lehman Caves

SUBJECT: Water Resource Propasal

Hello, Jim.

Sorry you didn't get to come back through on your way home. We only received one form of the water resource propsal and this copy is not a very good one. If it will not do you could go to Pete Parrys office and have them give you a better copy. I believe this is all that you asked for, but if more information is needed please let me know. We have plenty of water, if we can just get squared away with the State of Nevada.

Come and visit.

Lee Robinson
Lehman Caves

07-16-1969: water resource proposal

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

DISTRIBUTION NO. TO

WATER RESOURCE PROPOSAL

ESTIMATED TOTAL MAXIMUM DAILY USE OF AREA SERVED BY THIS SYSTEM. (PERSONS/DAY) PRESENT: 500 TWENTY YEARS FROM PRESENT: 2,000

FACILITIES TO BE SERVED AND NUMBER OF SITES		ESTIMATED MAXIMUM DAILY USE (PERSONS/DAY) EXISTING	REPLACEMENT OF EXISTING	EXPANSION OF EXISTING	NEW
CAMPGROUND	2				
PICNIC AREA	1 - 25 sites				
COMFORT STATIONS	3				
RESIDENCES	7				
OTHER (SPECIFY) Visitor Center, Entry	1				
CONCESSION FACILITIES (SPECIFY) food service & gift shop		60			

	DOMESTIC (RES.& MAINT.)	PUBLIC	IRRIGATION	FIRE	WILDLIFE	OTHER
TYPE AND PERCENTAGE OF WATER USE	3%	35	60	0	---	---

PREVIOUS INVESTIGATIONS OR STUDIES: Special Use Permit for USFS rights established — ORGANIZATION — YEAR

LAND STATUS: Federal — FIRST YEAR WATER NEEDED: — % SEASONAL USE:

EXISTING USABLE WATER SOURCES	RIVER	SPRING	WELL	LAKE	OTHER
THOUSAND GALLONS/DAY (Mgpd)	Est Limited 50,000				

ESTIMATED TOTAL PEAK DEMAND (Mgpd): Est Limited 50,000

PRESENT WATER QUANTITY AVAILABLE, INCLUDING STORAGE, TO MEET PEAK DEMAND:

ADDITIONAL WATER QUANTITY NEEDED TO MEET PRESENT PEAK DEMAND (Mgpd): None

ADDITIONAL WATER QUANTITY NEEDED TO MEET PEAK DEMAND 20 YEARS FROM PRESENT:

NARRATIVE OF SITUATION, MANAGEMENT REQUIREMENTS AND JUSTIFICATION:

Total [illegible] gallons used - 1968 calendar year - 3,0[illegible] gal.
[illegible] Peak Month [illegible] gal. Average 19,551 gal.
Peak days (Labor Day weekend) (Daily Precipitation not available)
May through October - 2,4[illegible],430
[illegible] April 78,750
Average gallons per day annually - 9,42[illegible]

SUPERINTENDENTS RECOMMENDATION AND DATE	REGIONAL DIRECTORS APPROVAL AND DATE	PRIORITY

PREPARED BY AND DATE	COST ESTIMATE TO BE COMPLETED BY WATER RESOURCES	M & P	WTR RTS ACQ	REC CONST
Elbert L. Robinson, 7/16/69	USGS ASSIST			
REGION / PARK: WRC / Lehman Caves National Monument	PVT CONTRACT			
DEVELOPED AREA (EXISTING) (PROPOSED): NM-LC-3100 Master Plan number	PARK PARTIC.			
PROJECT TITLE: General Utilities	OTHER			
	TOTAL			
	ESTIMATE DATE		W. R. IDENT NUMBER	

W D D C
APR 15 1964
CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT.
SFTY
HABS
ACTION TAKEN - DATE

April 14, 1964
April 10, 1964

L-54

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief, Division of Land and Water Rights, Western Region

Subject: Water Right Application 10959, Proof No. 01065, Lehman Caves

Enclosed are the following documents to be filed with the Division of Water Resources, State of Nevada, after you have signed them in the presence of a Notary Public located within the State. Before filing the documents, however, with the State please reproduce four signed copies, of each document, place one in your Water Right Docket No. 1 and send the others to this office for distribution to the Director and the Western Office of Design and Construction. An Order-Invoice-Voucher in the amount of two dollars is enclosed to accompany the proofs.

1. Proof of commencement of work

2. Proof of completion of work

Also enclosed is the "Amended Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated." This should be filed in Water Right Docket No. 1.

We do not have to supply proof of the application of water to beneficial use until November 7, 1968. At that time we must be prepared to show as much beneficial use as possible of the water we have appropriated. Originally we had planned to show recreational use of the water in the small pond in front of the visitor center. However, it is our understanding that this pond has been abandoned. Therefore, this use of water cannot be declared in our final water right. We have asked for 65 g.p.m. (gallons per minute). This amounts to 93,600 gallons per day, average use, day in and day out each year. We recommend that you use all the water reasonably necessary for the operation of the Monument and measure it so as to find what quantity we can declare as beneficial use. By the year 1968 other new and expanded uses may increase your consumption but we rather doubt that the application will be allowed to

April 10, 1964

stand as is. We hope to make as good a case as possible for a maximum supply of water for future developments when the proof of beneficial use is required. Perhaps even the pond may be restored before November 1, 1968.

(SGD) JAMES M. SILER

James M. Siler

Enclosures 4

cc:
Director w/c document
Chief, WORC (2) w/c document
Water Right Docket No. 1 w/c document

A 2

12-16-1963: memorandum to the regional director from the superintendent regarding preliminary programs for water investigations

PARK SERVICE

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada, 89311

154

December 16, 1963

Memorandum

Memorandum Superintendent, Lehman Caves

To: Regional Director, Western Region

From: Superintendent, Lehman Caves

Subject: Preliminary Programs for Water Investigations 1965 F. Y. through 1969 F. Y.

Lehman Caves submits a negative report for the above period, and also for the fiscal years 1970 through 1974.

(Sgd) Robert R. Jacobsen

Robert R. Jacobsen

Acting Regional Chief of Lands

Enclosure

Copy to: Director
Chief, WSO (2)

0 1 2 3 4 5 6

Depth inches

180 New Montgomery
San Francisco 5, California

L54
Docket 1
LECA

December 18, 1962

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Lands, Western Region

Subject: Application for Permission to Change Point of Diversion, Manner of Use and Place of Use for Water Appropriated under Proof 0.1065

Enclosed is a letter from the Division of Water Resources, State of Nevada, requesting that we complete paragraph 2 in the subject application. We advise that the paragraph be completed as follows:

"0.15 second foot (109.5 acre-feet per annum)."

The new typewritten application should be signed by you. Thereafter both copies should be sent to the Division of Water Resources at Carson City, Nevada.

We have placed this additional information on our copy of the application.

Enclosure

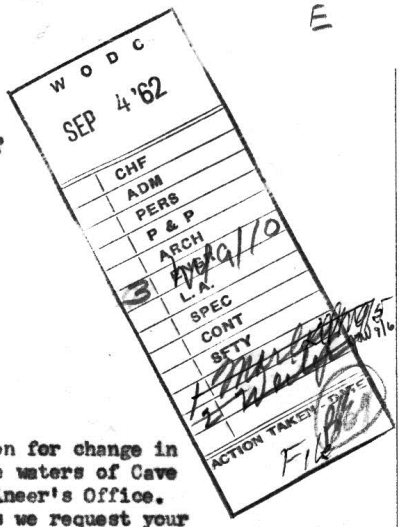
James M. Siler

JMSiler:lsr 12-18-62

147

08-31-1962: memorandum to the regional director from the superintendent regarding changes in use of cave springs water

E



LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

L54 August 31, 1962

Memorandum

To: Regional Director, Western Region

From: Superintendent, Lehman Caves

Subject: Changes in Use of Cave Springs Water

We are enclosing a draft of a proposed application for change in point of diversion manner and place of use of the waters of Cave Springs to be submitted to the Nevada State Engineer's Office. Since water rights are of utmost importance to us we request your critical review of the draft.

Following your review and comments we believe the application should be hand delivered to State Engineer Shamberger's office. If Hydraulic Engineer Ketchum could come to Lehman Caves either September 17 or 24 he could go over our water problems on site. It would, we feel, be most advantageous to have him then accompany the Superintendent to Carson City to deliver and discuss our application with Mr. Shamberger's staff.

If you concur please advise us as soon as possible in order that we may arrange an informal appointment with Mr. Tom Smales of the State Engineer's Office.

A purchase order for $30.00 to cover filing fees on our application will also be needed.

Paul M. Steel
Superintendent

Enclosure
Copy to: WODC (2)

08-20-1962: memorandum to the regional director from the assistant regional director regarding change in use of cave spring wate

180 New Montgomery
San Francisco 5, California

8/20/62

154

Memorandum

To: Regional Director, Western Region

From: Assistant Regional Director, Western Region

Subject: Change in Use of Cave Spring Waters, Lehman Caves National Monument

On August 1, 1962 Superintendent Steel discussed with Chief of Lands Siler and Hydraulic Engineer Ketcham various aspects of his newly constructed water system at Lehman Caves and the use of the water derived therefrom. Basically the water right information on file in the State Water Right Board of Nevada is now out of date and no longer reflects the true state of conditions existing at Lehman Caves.

Our original water right proof #01065 now on file is for 0.15 c.f.s. of water for irrigation of 7 1/2 acres of orchard, now abandoned. This must be changed to domestic and recreation use. In 1943 an amendment to this proof was filed to divert part of the water from Cave Springs and part of the water from South Spring. As it has worked out we receive no water at all from South Spring as it is completely gone from an open ditch before it reaches the monument while Cave Spring has been developed to produce more than enough water to supply our water right, and present needs. We now propose that the 1943 amendment be withdrawn to leave the original decree undisturbed and submit a new application for a change of use and change of point of diversion. The change in point of diversion is necessitated because the new construction of 1960 placed the intake at the very mouth of Cave Spring rather than at a point on the old ditch about 3000 feet downstream. The application map will be revised to show this new intake structure. The submission of a new application was approved informally by the State Water Right Board in April, 1962.

Other water problems were discussed to some extent. The most interesting concerned valving at the new reservoir. It seems that through some manipulation of valves the pressure in the water system at headquarters has become higher than it seems is hydraulicly possible. This might be a problem if it continued over a long period.

...communications to the State Engineer, Division of Water Resources.

104

145

It was decided that on or about September 10 Hydraulic Engineer Ketcham would make a trip to Lehman Caves. He will review the new water right application with the Superintendent, check the new application map showing the point of diversion, and then present these to the State Water Right Board at Carson City. While there he will endeavor also to look into the seemingly impossible high pressure existing at headquarters.

(sgd) Keith Neilson

Keith Neilson
Assistant Regional Director

Copy to: Superintendent, Lehman Caves

Cleared for Distribution

(SGN) LAWRENCE C. MERRIAM AUG 20 1962
Regional Director (date)

145

06-15-1962: memorandum to the regional director from the superintendent regarding the water system at lehman caves

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

154 June 15, 1962

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water System Lehman Caves

We are delaying our application to change the manner of place and use of the waters of Cave Springs until the storage pond can be reactivated.

The picnic area road will be completed within the next three weeks. We will then go ahead with the pond work and submission of the application for your review.

(SGND) PAUL M. STEEL

Paul M. Steel
Superintendent

Address all communications to the State Engineer, Division of Water Resources. 404

06-05-1962: memorandum to the superintendent from the regional chief of lands regarding the water system, lehman caves

Siler

June 5, 1962

L54

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Lands, Region Four

Subject: Water System, Lehman Caves

We refer to your memorandum of April 12 to the Chief, WODC, requesting six prints of your recently completed water system for use in making application to change the manner and place of use of the waters of Cave Springs.

Since our files do not reflect any further action on the preparation of this application, we shall appreciate advice as to its status. The application will require review by this Office prior to its submittal.

(SGD) JAMES M. SILER
Regional Chief of Lands

Copies to: Mr. Ketcham (2) ✓

JMSiler:af

44

04-17-1962: memorandum to the regional director from the chief, water resources branch regarding amendment of decreed water

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

RECEIVED
NPS REGION FOUR OFFICE
APR 19 '62

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

IN REPLY REFER TO:
L54-AL

April 17, 1962

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Amendment of Decreed Water Rights Under Serial No. 01065, by Amendment Serial No. 10959, Lehman Caves

Hydraulic Engineer Manuel Morris' report of April 5 on his discussion of April 3 with the Superintendent, and of April 4 with Hydraulic Engineer Thomas Smales, Office of the State Engineer of Nevada, appears to have been quite beneficial. However, the suggested procedure merits careful consideration.

The decreed right to 0.15 c.f.s. under original serial number 01065 is to water of Cave Spring with no supplemental supply from Lehman Creek by the former ditch across the narrow ridge above the spring. The records of the adjudication in the docket or correspondence file show that the Court disallowed the ditch diversion, and one of my early reports indicates that the State Engineer, or his Deputy told me that the Court order had been unjustified but could not now be corrected. A new application for diversion from the Creek would certainly be protested, whether the application was for a new appropriation or a change in point of diversion under the subject decreed right.

The Superintendents, particularly Mr. Steele, appear to have supplemented the spring flow since 1943 by tunneling farther into the ridge. In all probability they have recovered a partial supplemental supply from Lehman Creek by accelerated seepage through less of the ridge, in lieu of that by the disallowed ditch. Having succeeded without protest, by other water claimants that is fine, but the less said about the matter, in Nevada, the better it will be. The extent of "tunnel" extension should probably be evident in any proof map, but it need not be stressed by too much detail of the adjacent creek alignment. The creek should be shown in map such as Drawing 6979, but not in large scale detail of spring area.

Having developed a spring flow of 0.15 c.f.s., if true, it is not now necessary to provide a supplemental diversion from South Spring, as provided in Application Serial No. 10959 for amendment. If the 0.15 c.f.s. can now be diverted at Cave Spring, but not conveyed to

area of use, I should put valve in the line near the spring, with a "tee" and shut-off valve above it, and measure flows of 0.15 c.f.s. through the "tee" in as many months of the year as possible, with records of the dates of measurement. These records of adequacy of the supply may be needed.

Mr. Smales appears to have suggested that Application No. 10959 be withdrawn, and that a new similar application be filed with the omission of claims to water from South Spring-Application No. 10959- and the new one would be nominally the same except that the new one would have no major change in decreed point of diversion, and will probably claim no water for a lodge or swimming pool (pond). Both applications would become fundamentally for change in method of conveyance and purpose of use, and the change from predominant irrigation to "preferred" domestic type and sanitary public use would be the most important to other water claimants.

From 1943 to date, it has been possible and proper to make proof under Application No. 10959 in accordance with revised plans now contemplated by merely indicating the changes and omissions in the proof. We have also had the privilege to file a revised plan under the same application if we so chose, but it has been necessary to make proof of full beneficial use for the new purposes within 20 years from June 3, 1943, which is prior to the October date for any one year extension which would be granted on application for another extension of time.

Mr. Smales has merely suggested that Application No. 10959 be withdrawn, and a new application be filed, in order that the statutory 20 year limitation can start anew from the date the State Engineer prescribes when approving the new application. Of course, it will be necessary to advertise the new application, and it may be protested by other water claimants. Those claimants could cause at least embarrassment by asking if proof was formerly made under Application No. 10959, or by challenging the continuous availability and use of the full quantity under Decreed Serial 01065 during the past 20 years if Application No. 10959 was needed in 1943 because of inadequate flow from Cave Spring.

Mr. Smales is apparently willing to overlook these debatable matters. Other claimants to waters of Baker and Lehman Creek might take the opposite view since they have been inconvenienced by questions as to their own rights, particularly to access over Federal land, during the past year.

I think the availability of the 0.15 c.f.s. from Cave Spring should be determined by measurement at once. It is also very important to

1-43

try to use all of the 0.15 c.f.s. for irrigation, in accordance with the decreed rights under Serial No. 01065 which are not exercised in accordance with either the 1943 amendment or one now to be substituted.

I should also favor filing the new application as soon as possible after the proof of flow is made, but I regret that Mr. Smales has suggested withdrawing Application 10959 until the expiration of the present extension of time, or until the new application is successfully advertised and the permit is granted, whichever is first. I wonder whether Mr. Smales did not have this timing in mind, or whether he was reasonably certain that there would be no protest which could not be eliminated.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

147

04-05-1962: memorandum to the acting assistant regional director from a hydraulic engineer regarding report on field trip to carso

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

IN REPLY REFER TO:
L54
A5427

April 5, 1962

Memorandum

To: Acting Assistant Regional Director, Region Four

From: Hydraulic Engineer, Region Four

Subject: Report on Field Trip to Carson City, Nevada April 3 and 4

Regional Chief of Lands, James M. Siler and I went to Carson City, Nevada to discuss with the Nevada Water Resources Engineers, water matters at Lehman Caves N.M. and Death Valley N.M. We met with Superintendent Paul Steel of Lehman Caves on the afternoon of April 3 and reviewed the history and problems of water rights at this area.

The review noted that an application #10959 was filed with the State of Nevada Engineer's office on June 3, 1943 as an amendment to our decreed water right proof #01065. The date of the decree is October 1, 1934 with a priority dating to 1890. This right was granted for .15 cfs, for the irrigation of 7 1/2 acres of orchard as shown on drawing NM-LC-6979. The right is to waters of Baker and Lehman Creeks which are now over-appropriated. Lehman Caves receives its water from Cave Springs which are fed by these two creeks. Sometime in the past, prior to 1943, the flow diminished or was found to be less than the right. In order to maintain the right to .15 cfs, it was decided to add South Spring by amendment to the right, maintaining the original .15 cfs by reducing Cave Springs to .10 cfs, adding South Spring for .05 cfs. Extensions of time have been granted totaling nineteen years in which proof was to be made. The most recent extension was granted to October 19, 1962 with the provision that no further extension of time would be granted for filing proofs of completion of work and beneficial use.

During the past four years and especially since developmental work was undertaken at Cave Springs and the construction of new pipe lines, we have been receiving very nearly the full water right. There remains 1200' of 2" water line which was not replaced when other construction was accomplished in 1961. The pipe is known to have a heavy scale deposit which accounts for some of the inability to develop the additional two or three gpm to bring us up to our

FILE COPY

full water right. This scale reduces the interior pipe diameter and increases the resistence to flow. I have discussed several methods of removing this scale with Superintendent Steel which he will undertake at some convenient opportunity. Superintendent Steel also indicates that we are not taking all of the water available at Cave Springs; some of it is not entering the collection system at the surface and that more of it is being lost in sub-surface flows. Because of the ability of Cave Springs to supply the decreed right, work scheduled for connection of South Spring with Cave Spring was abandoned.

It was our conclusion that there would be no need to add South Spring to the established right at Cave Springs since water was adequate and the full right was capable of being maintained. It was further believed that there would be no logical reason to confuse an established right by clouding it with the addition of South Spring. If at some later time Cave Springs flow is diminished or because our need exceeds the .15 cfs right, then that would be the proper time to file a new and independent application for the waters of South Spring or to do more development work at Cave Springs. It is estimated that the latter could produce an additional .07 cfs. Flow at South Spring has been estimated to as low as 6 gpm and as high as 30 gpm. It would be unlikely that any one else would want to divert water from South Spring because of very high construction costs.

We proposed that the amendment be withdrawn to leave the original decree undisturbed and unconfused if this is satisfactory with the State Engineer.

On Wednesday morning we met with Mr. Thomas Smales, Hydraulic Engineer for the State of Nevada. We stated our case and our concern with having to prove beneficial use by October 19, of both South Spring and Cave Springs. He agreed with our conclusions and recommended that a letter be sent to the State Engineer in which it is stated that we wish to withdraw the amendment, application no. 10959, because improvements in the intake system have enabled us to develop our full water right on Cave Springs alone. Mr. Smales indicated that the decree was for irrigation use on 7.5 acres of orchard and since we were using this water at other locations and for other purposes we were required to file for change of use and change of location of use. As to how much time we would be given to make the proof of beneficial use, Mr. Smales smiled, and said, that if the present application had been pending for nineteen years, he felt we would be able to look forward to about twenty years more with the new application.

Superintendent Steel secured applications and other forms necessary to make a new filing and upon receipt by him of an approved copy of this report, he will begin the necessary actions.

140

We also discussed with Mr. Smales the water problem at Devil's Hole section of Death Valley N.M. and the need to protect the pupfish found there. Mr. Smales was quite familiar with the problem since he had personally investigated the matter in 1961. He indicated that the State is preparing to undertake a court action in order to get a decision which would eliminate the confusion between water and mining rights. He intimated the State was sympathetic to the needs of the National Park Service. Our case would have to depend on the results of that suit. We could not file on the water since no diversion is involved. I asked him to keep the Superintendent of Death Valley advised of any developments in the vicinity of Devil's Hole which would relate to the water area.

Manuel Morris
Hydraulic Engineer

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

Cleared for Distribution

James V. Lloyd 4/5/62
Acting Assistant Regional Director (date)

MMorris:lsr

140

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

February 7, 1962

RECEIVED
NPS REGION FOUR OFFICE
FEB 12'62

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

Moffitt

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Rights Permit 10959, Lehman Caves

We have studied Mr. Wosky's memorandum of January 24, 1962 with a great deal of interest. You will recall that as early as our memorandum of September 27, 1960 (L54), we felt the entire .15 second feet would be available from Cave Springs even in less than normal water years.

Our only reason for suggesting work on South Spring was our failure to completely understand the intricate workings of water rights and possible amendments there to. We have absolutely no desire to jeopardize our present appropriation.

I believe we are in accord on completing our Proof of Beneficial Use this fall without muddying the water any more than necessary. The State Engineer is, we believe, sympathetic to our particular needs and will not be difficult to talk to.

Please arrange the Carson City meeting mentioned in the next to last paragraph of your memorandum to fit Messrs. Whitworth and Morris' schedules. Any time this spring will be suitable with us with the exception of a few days between March 15 and 20. These dates cover a bid opening for our new Visitor Center and Utility Building. We would prefer a few hours to discuss this matter before visiting the State Engineer's Office.

Paul M. Steel
Superintendent

135

Morris
Whitworth
Sieglaff
Wirth

180 New Montgomery
San Francisco 5, California

L54

January 24, 1962

Memorandum

To: Superintendent, Lehman Caves

From: Acting Assistant Regional Director, Region Four

Subject: Water Rights Permit 10959, Lehman Caves

Mr. Spaulding and Mr. Morris have together reviewed the Cave Spring - South Spring problem. They may have a possible approach to a solution.

In its simplest form, the problem appears to be whether or not to allow the amended application to stand, as is, or to attempt to have it withdrawn. As we understand it, by proof of appropriation No. 01065, priority of 1890, adjudicated October 1, 1931 a decreed right to .15 sec.-ft. (67 gpm) was established for the waters of Cave Spring, but recently because there appeared to be less than that amount actually available, it was decided to add South Spring to the Cave Spring decreed right by amendment and keep the total appropriation at .15 sec.ft. Recent work at Cave Spring has shown that the decreed right can be obtained in normal years without connection with South Spring. The flow appeared sufficiently good enough to cause abandonment of work planned to be undertaken last year to develpp South Spring water. Because of the amendment and the necessity to prove beneficial use, the concern appears to be whether South Spring Caves be developed in time to prove beneficial use of .15 sec.-ft. to satisfy the State. The question is raised as to Cave Springs continued ability to furnish the .15 sec.ft. in dry years. Mr. Spaulding believes it can come close to it. It seems unlikely that the State will grant any right to South Spring without its development.

As we see it, we would be jeopardizing a decreed right for something that is both uncertain and unnecessary. In granting the new right, the State would be permitted to cancel the decreed right, and issue a new one for a lesser amount. This could be divided according to a determination of their choosing between the two sources. Suppose the .15 sec.-ft. is granted from the combined sources, it would seem possible that available water in excess of the .15 sec.-ft. could be

COPY

58

filed on by others, with a consequent loss to us in Cave Spring water if South Spring should dry up. South Spring's flow according to a note we have here is only .014 sec.-ft. (6 1/4 gpm). It is possible that the State may choose to set the right at the beneficial use their inspector reports he actually saw, and proportioned in amounts for various uses quite differently from what we would have wanted.

Our feeling is that we need not experience any difficulty if we simply do not disturb the existing decreed right. We will not have to prove beneficial use by any deadline date; we will not have to rush any special construction to put the water to use. If we ever need South Spring water, we should file on it separately.

It is possible that the State may require an amendment to a decreed right if the use is changed. The original right in this case was for irrigation as a farm use, and our use is partly irrigation, but largely recreational, domestic and fire protection. Whether or not an amendment is actually required we should discuss with the State. Whether or not the State will permit us to withdraw our present amendment is another question we should talk over with them.

We frankly feel that we should avoid bringing any attention to this application. We are therefore recommending against any correspondence with the State for a while. We do not want them committing themselves right now. If a change of use amendment is required, we could probably do this at any time without inviting State investigation, and complying with deadlines.

If you agree with us, we would like to arrange a meeting soon at Carson City and there make the discrete inquiries of the State, verbally. Mr. Morris and possibly Mr. Whitworth would be there with you. With this new "official" information, we will be able to tell Mr. Dunn of our solution to this problem.

As to your comment in your memorandum of December 5, regarding a measurement of 56 gpm at the new reservoir, it is probable that some restriction is present in some part of the line. If we do not have to prove beneficial use of .15 sec.-ft., we will have ample time to eliminate this restriction.

May we have your comments.

(SGD) JOHN B. WOSKY

Acting Assistant Regional Director

MMorris:lsr

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

RECEIVED
NPS REGION FOUR OFFICE
JAN 11 '62

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

IN REPLY REFER TO:
L54-ALW

January 8, 1962

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Rights Permit, 10959, Lehman Caves, Docket 1

from memo To Supt. 1/23/62

Mr. Steel's memorandum of December 5, which you forwarded on December 19, 1961, suggests that it might be possible to prove diversion and use of the entire 0.15 cfs from Cave Spring if next year is a wet one, and there is enough irrigation and travel to create the beneficial demand. That would save the entire right to the quantity of water.

However, such proof would not establish rights to alternative use of water from South Spring when needed in dry years. Hence, I think the development and partial use of the latter is justified if there is a flow after the recent years of drought.

If it will be necessary to make proof on only the available supply from one or both sources, whether they total 0.15 cfs or not, my only concern is that rights be established to all available water which will be needed.

If the old pond is to be retained for storage, it can also be classed as scenic asset, and part of the beneficial use can be for maintenance of water level if domestic and irrigation use does not equal quantity of diverted water when proof must be made.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

157

12-19-1961: memorandum to the director from the regional director regarding water rights permit 10959

3

160 New Montgomery
San Francisco 5, California

L54
Docket - LEHA 1

December 19, 1961

Memorandum

To: Director

From: Regional Director, Region Four

Subject: Water Rights Permit, 10959, Lehman Caves, Docket 1

In response to Mr. Dunn's memorandum of November 17, we have solicited Superintendent Steel's comments, a copy of which is attached.

We will plan to have our Hydraulic Engineer assigned to Lehman Caves for a few days next summer in accordance with Superintendent Steel's suggestion. We are not prepared to make any other comments on either Mr. Dunn's or Superintendent Steel's memorandums.

(SGN) LAWRENCE C. MERRIAM
Regional Director

Attachment

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

EXTRA FILE COPY

W O D C
DEC 20 61

CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE

176

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

December 5, 1961

RECEIVED
NPS REGION FOUR OFFICE
DEC 7 '61

	SURNAME	DATE
REG. DIR.		
ASST.R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.	Brandt B Fm	12/7
RANGER ACT		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Right Permit 10959, Nevada, Docket 1, Lehman Caves

In reviewing Mr. Dunn's memorandum of November 17, the following comments may assist in preparing proof of beneficial use.

Water measurement from the collection sump made Saturday, November 25, showed 56 g.p.m. at the new reservoir. The line was not carrying total springs flow since the overflow at the collection sump was still running. We feel a normal water year will assure the decreed right of 0.15 c.f.s. or approximately 67 g.p.m. from the Caves Springs area.

It would be desireable to rehabilitate South Spring early next summer. Through use of 2" plastic pipe, it could be tied into the existing system at the reservoir at nominal cost. This would constitute preservation of use and protect our existing rights to those waters. The project would not take 3 men over 5 to 6 weeks. Approximately 5,000 ft. of pipe, 100# W.P. NSF approved would be required.

With the completion of the new water system, the old pond will be utilized as water storage and also for interpretation of Lehman's "Cave Ranche" story. Irrigation of the fruit trees will be continued.

Domestic and sanitary use will consist of five residences and a visitor center comfort station year round, four seasonal apartments, a 25 unit picnic area, and comfort station and a coffee shop 5½ months per year.

We certainly concur with Mr. Dunn's statements regarding future needs. Our problem is our ability to make proof on 0.15 c.f.s. We certainly do not want to abandon any part of the decreed amount, even though the Great Basin National Park is still awaiting Congressional approval.

125

We would propose that Hydraulic Engineer Morris be assigned here a few days early next summer to assist us in planning complete beneficial use of our 0.15 c.f.s. At the same time, we would take advantage of his visit to prepare the necessary proofs for the State Engineer's Office.

Your comments and suggestions are requested.

Paul M. Steel
Superintendent

Copy for: The Director (2)

Copy to: Chief, WODC (2)

137

11-28-1961: memorandum to the superintendent from the regional chief of operations regarding water rights permit 10959

Morris M.M.

Whitworth
(R.O.B.E.)

November 28, 1961

154

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Operations

Subject: Water Rights, Permit No. 10959, State of Nevada

Before transmitting a copy of your memorandum on the above subject, dated November 20, 1961, to the Washington Office, we would appreciate receiving your comments on Mr. Dunn's memorandum of November 17, a copy of which was transmitted directly to you.

FILE COPY

(Sgd.) George F. Whitworth

Acting Regional Chief of Operations

MMorris:lsr

137

11-20-1961: memorandum to the regional director from the superintendent regarding water rights permit no. 10959

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

November 20, 1961

RECEIVED
NPS REGION FOUR OFFICE
NOV 22'61

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

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Rights, Permit No. 10959, State of Nevada

In answer to Regional Chief of Operations Wosky's memorandum of November 8, 1961, we are advising the Regional Office that above subject work will be completed in ample time to submit the required proofs.

Paul M. Steel
Superintendent

11-17-1961: memorandum to the regional director from the chief, water resources section regarding water right permit 10959

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

November 17, 1961

RECEIVED
NPS REGION FOUR OFFICE
NOV 20 '61

	SURNAME	DATE
REG. DIR.		
ASST.R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
RESEARCH		
RANGER/DO		

IN REPLY REFER TO:
L54-ALW

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Permit 10959, Nevada, Docket 1, Lehman Caves

The receipt of November 2 from the State Engineer, of which copies were distributed with Mr. Wosky's memorandum of November 8, should be treated as the order granting requested extension of time. Each office should file its copy in its assembly of the subject docket.

I hope that Mr. Wosky's assumption is correct, that proof of beneficial use can be made by the deadline date of October 19, 1962. There are a number of questions which should be answered at once, with regard to the limitations in the right which may result from the proof.

1. The proposed proof will be of an amendment of a decreed right to 0.15 c.f.s. of continuous diversion throughout the year with a total of 109.5 acre-feet for the irrigation of 7.5 acres of class A crops. This was equivalent to 14.6 acre-feet per acre per annum. No change in the rate of diversion or annual acre-foot limitation was made in Application 10959 for the amendment. This is the maximum quantity of water for which proof can be made.

2. The purpose of use was changed from irrigation to domestic and recreation, in which recreational use then included irrigation of the old orchard, to provide shade and scenic effect, the maintenance of a pond which is reported to have been obliterated since 1943, or my last visit to the area, and such human consumption and sanitation as may not be classed as domestic when provided for campground, picnic area and visitor center use. Unless considerably more than 7.5 acres are now irrigated, the water use has been reduced, particularly in the winter, by the elimination of the pond.

3. Visitor use and perhaps even the irrigation, are probably more comparable with the seasonal variation in demands confirmed in the decrees under proof 01064 in which there is a duty of only 10.38 AF/acre with 60% between April 15 and September 15; and under proof 01066 in which there is a duty of 6.73 AF/acre with about 70% between April 15 and September 15. I doubt if the area will need proportionately more water in the winter than the owners of these rights. This would reduce the annual Monument use to 77.0 acre-feet with 46.0 acre-feet used uniformly from April 15 to September 15 at 0.15 c.f.s. if that much water has been developed.

4. On the basis of proof for the decree to 0.15 c.f.s., and the fact that the old ditch from Lehman Creek to the Spring area was disallowed in the decree, I concluded that 0.15 c.f.s. was obtained from sources other than the Creek at the time of the 1934 decree. I found a substantial flow at the South Spring, as described in Application 10595, and I also found an old sediment filled pond at the mouth of the draw from that Spring. There was also far less than 0.15 c.f.s. of flow from Cave Spring in 1943. Hence the Application-Permit 10595 validates any combination of diversions from Cave and South Spring which may approach 0.15 c.f.s. and suggests that only 2/3 will probably be diverted from the Cave Spring area. Proof of diversion of all flow from Cave Spring at anything less than 0.15 c.f.s. with no proof of diversion of available flow from South Spring, will constitute abandonment of part of the right.

5. The Park Service can make proof on less than 0.15 c.f.s. if that is all that will hereafter be needed, but proof should be made on all available water from both sources if it will be needed by 1980 or 2000. This ultimate need should be considered on the basis of master plans for both the Monument and the proposed Great Basin National Park.

6. If normal proof is made, all water must now be beneficially used. If it is all used for domestic and sanitary purposes, there is insufficient water for future increases in Monument or Park attendance. If part of the present use is for irrigation that irrigation use can be reduced in the future as more of the water is needed by the larger number of visitors. Would the reduced irrigation be desirable in 1980 or 2000?

7. It would probably be impossible to reinstate any abandoned part of the right at a later date, even under that later priority, without the purchase of other rights to waters of Lehman Creek for which there is reported to be insufficient summer water. However, some of these rights may be acquired with land in the enlarged Park area. You should consider whether it will be more practical to divert and use waters of South Spring now, or pay the premium price for those other rights at a later date.

8. The Nevada water laws require that there be proof of beneficial use based on several measurements. There can be no present proof of ultimate domestic type of use. If there is not sufficient irrigation you should determine from the State Engineer what type of proof he will accept to cover the continuing increase in use.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

11-08-1961: memorandum to superintendent from regional chief of opertiation, region four regarding water rights, permit no. 1095

2

180 New Montgomery
San Francisco 5, California

154

November 8, 1961

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Operations, Region Four

Subject: Water Rights, Permit No. 10959, State of Nevada

The following statement appears on the receipt, copy of which is attached, we received from the state engineer:

> "Extension of time to October 19, 1962 has been granted with the provision that no further extension of time will be granted for filing proofs of completion of work and beneficial use after October 19, 1962."

We are assuming that this work will be completed in time so that we can submit the proofs by October 19.

EXTRA FILE COPY

(SGD) JOHN B. WOSKY

Regional Chief of Operations

W O D C

Attachment

NOV -9 '61

Copy to: Director w/attachment
Chief, WODC (2) w/attachment

	CHF
	ADM
	PERS
	P & P
	ARCH
	ENGR
	L.A.
	SPEC
	CONT
	SFTY
ACTION TAKEN - DATE	

~~Spaulding~~ LSS
Whitworth
Wosky
(Quiat)
Rev.Draft
Manbey
Costello

September 1, 1961

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Assistant Regional Director, Region Four

Subject: Water Right Application 10959, Cave Springs, Docket No. 1, Lehman Caves National Monument

We received your memorandum of August 25 suggesting wording of a request for extension of time to complete construction and make beneficial use under the subject water right application.

The wording you suggest is satisfactory. The request for extension of time may be submitted to the State Engineer attaching the purchase order and voucher we prepared to cover the $5.00 filing fee. The State Engineer should be asked to sign the voucher and return it directly to this office for payment.

Please retain a signed and notarized copy for your file and if the State supplied enough forms, also furnish notarized copies to the Washington office and to this office. If insufficient forms were submitted please send your copy to this office. We will reproduce and distribute copies for the various offices holding docket assemblies and return the original to you.

We should also be furnished the receipt or other document by which the State grants an extension of time.

FILE COPY

(SGD) JOHN B. WOSKY

Acting Assistant Regional Director

Attachment

Copy to: Director

LSSpaulding:lq

125

08-25-1961: memorandum to regional director from superintendent regarding water right application 10959

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

August 25, 1961

RECEIVED
NPS REGION FOUR OFFICE
AUG 23 '61

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

X Spaulding
LSS 8/28

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Suject: Application for Extension of Time,
Water Right Application 10959, Cave Springs
Docket No. 1, Lehman Caves National Monument

On August 23, 1961, we received First Notice from the State Engineer requiring either Proofs of Completion of Work and Benificial Use, or an affidavit requesting extension of time.

The following draft to justify Request for Extension of Time is submitted for your comment and approval:

"the magnitude of the development program currently administered by the National Park Service (MISSION 66) which plans rehabilitation and construction of facilities for all National Parks and National Monuments under administrative jurisdiction of the National Park Service the specific water development for Lehman Caves is programmed for the current fiscal year (1962). While contract has been awarded, and work is now in progress, to complete development and full utilization of waters appropriated the project cannot be completed on or before October 19, 1961. During the past year a total of $900 was expended to properly fence and protect water intake system."

If approved we shall proceed with steps to secure the needed extension of time.

9/1/61

Paul M. Steel
Paul M. Steel
Superintendent

Copy for: Director

1-4

While the extension will probably be granted, the application really gives no reason why there has been no compliance. Merely saying something is "big" is no reason. I think Mr Steel's idea of showing that some

00-00-0000: hand written letter regarding expected money

money has been expended
has merit insofar as much
as it indicates some
good faith intention to
comply with the permit

Field Solicitor

February 8, 1961

L 54

FEB 10 1961
1 SUPT.
2 AD. ASST.
NATURALIST
MAINT
3 FILES

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Revision of Work Order 4-WR-61, Whitman and Lehman Caves National Monuments

Attached are an original and ten copies of a fourth revision of Work Order 4-WR-61. The work order has been revised in accordance with Mr. Dunn's memorandum of January 24 to provide funds for U.S. Geological Survey supervision of drilling and pumping a test water well at Whitman National Monument.

Proposed work at Whitman including extra drilling into basalt has been outlined in more detail in our memorandum of February 7 to District Geologist Garrett, a copy of which is attached. We expect that USGS costs will amount to about $1600 of which $1500 is to be provided by the subject work order. The remaining $300 for chemical analyses and the final report can be paid, we suggest, from M&P funds held for this purpose in the Washington office.

The Work Order also has been revised to show the final cost ($3,315.52) of the test trench at Lehman Caves. Funds for installing meters at Lehman Caves, not yet completed, has been revised from $200 to $184.43 to round out the total. This revision makes $100 of the program shown in the third revision available for the work at Whitman.

Assistant Regional Director

Attachment

Copy to: Supt., Whitman
Supt., Lehman Caves

121

file LECA Docket 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

November 6, 1960

RECEIVED
NPS REGION FOUR OFFICE
NOV 10 '60

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

Memorandum:

To: Regional Chief of Operations, Region Four

From: Acting Superintendent, Lehman Caves

Subject: Application for Extension of Time,
Water Right Application 10959, Cave Spring
Docket 1, Lehman Caves National Monument

We received your memorandum of October 31 requesting we send you our copy of the request for extension of time, if it was notarized.

Our copy was not notarized but we would appreciate your sending us one as soon as you secure it from the State, so that it can be kept on file in our office.

R. Alan Mebane

R. Alan Mebane
Acting Superintendent

LSS 11/21/60
I suggest we get along without notarized copies of request even though we said in our Oct. 31 memo that we would write the State for copies.

119

Spaulding LSS
Whitworth
Wosky JBW
(Quiat)

October 31, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Operations, Region Four

Subject: Application for Extension of Time,
Water Right Application 10959, Cave Spring,
Docket 1, Lehman Caves National Monument

We received Mr. Dunn's memorandum of October 27 requesting that we distribute copies of the notarized request for extension of time which you signed October 11 and submitted to the State.

The only notarized copy is the original on file with the State unless your draft copy also was notarized. If your draft was notarized, please send it to us for reproduction otherwise we will have to write the State for copies.

We had expected that the draft copies of the request we distributed September 28 would suffice. It appears we will have to change procedure in the future to provide each office with copies of signed originals.

FILE COPY

(Sgd) John B. Wosky

Regional Chief of Operations

Copy to: Director

LSSpaulding:lq

118

October 28, 1960

~~Spaulding~~ LSS
Whitworth
Beck
Wosky
~~Maier~~
(Quiat)

L 54

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Revision of Work Order 4-WR-61 to Provide for Exploratory Trench, Cave Spring, Docket 1, Lehman Caves National Monument

Attached are an original and nine copies of a proposed revision of Work Order 4-WR-61 to provide for the total costs of the exploratory trench at Lehman Caves National Monument and to provide an additional $200.00 for installation of a water meter at Craters of the Moon National Monument.

Provisions for work at Lehman Caves has been made in accordance with Mr. Dunn's memorandum of October 12 and Superintendent Steel's of October 12. Copies of Mr. Steel's two memoranda of October 12 are attached. Our accounts show that a total of $3,391.52 has been expended for the trench in 1960 and 1961 fiscal years including the unliquidated obligations listed in Mr. Steel's memorandum of October 12. Since Mr. Dunn has asked that all trench costs be put in 4-WR-61 we have revised it to include $3,400.00 for the trench and $200.00 for the installation of two water meters, a total of $3,600.00.

We have revised the amount for installation of a 4-inch Protectus water meter at Craters of the Moon from $500.00 to $700.00 ($300 for personal services, $400 for materials) in accordance with an estimate of material costs furnished by Superintendent Henderson.

We believe there are no 1960 projects other than Lehman Caves which have been paid from 4-WR-61 instead of 5-WR-60.

(SGD) Herbert [illegible]

Assistant Regional Director

Attachments

Copy to: Supt., Lehman Caves
Supt., Craters of the Moon
Chief, WODC (2)

LSSpaulding:lq

FILE COPY

117

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

October 25, 1960

RECEIVED
OCT 28 1960
LEHMAN CAVES

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Operations, Region Four

Subject: Water Meters for Headquarters Water System, Lehman Caves

We have your request of October 12 that we secure a 3-inch water meter appearing on an excess property list. We found that this item is no longer available.

In its place we have issued an order for a 2 inch meter appearing in excess catalog M-14. This size meter actually is more suited to use at Lehman Caves in that a 2-inch meter is accurate for flows down to about 4 gpm whereas the accuracy of a 3-inch meter falls off below 15 gpm.

John B. Mackey.
Regional Chief of Operations

Copy to: Chief, WODC (2)

08-04-1960: work order

Form 10-556
(June 1956)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

2nd Revision of 8/1/60

WORK ORDER

No. [redacted]

Date
October 25, 1960

Area or Office
Washington Office

Region

General Ledger Acct. No.
13h.2 and 102.5

The Region Four Parks (Organizational Unit)
under the supervision of Regional Director is authorized and requested to proceed with the performance of the work or service described below in accordance with the detail and plan more specifically set forth in the drawing or plan referred to herein.

Fund Symbol
14 X 1035 (01h1)

Statutory Authority (where necessary)

Plan No.

Title and/or Description of Project or Service to be Performed

To cover 1961. Fiscal Year accrued expenditures for the acquisition of water rights with or without land and fixed equipment

PCP No.

Year Programmed

Est. Starting Date
7/1/60

Est. Completion Date
6/30/61

Location of Work Requested
Region Four Areas as designated

ESTIMATE OF COSTS

Components of Costs	Amount	Acctg. Code	Project Features	Amount
GENERAL EXPENSE ACCOUNT 13h.2				
Personal Services Reg & office	$11,395.00		Regional Office activities	
Travel	1,000.00		costs to be prorated or	
Supplies and Materials	1,030.00		allocated at end of year.	$15,700.00
Other Direct Expense	1,275.00			
Total 13h.1	$15,700.00			
GENERAL EXPENSE ACCOUNT 102.5				
Personal Services				
Craters of the Moon $ 300.00			Craters of the Moon	
Crater Lake 200.00			Install water meter	$ 700.00
Lehman Caves 1,000.00	1,500.00			
			Crater Lake	
Other Expenses			Install water meter	200.00
Supplies and Materials				
Craters of the Moon	400.00		Lehman Caves -	
Services and Materials			Test trench and install	
Lehman Caves	2,600.00		water meters	1,600.00
Contracts - Whitman	6,000.00			
Total 102.5	$10,500.00		Whitman - test well	6,000.00
				$10,500.00
TOTAL	$26,200.00		TOTAL	$26,200.00

No.	Distribution of Copies TO
1	Accounts WASO
1	Budget WASO
1	Water Res. Spec.
2	Region Four
1	WASO
1	Craters of the Moon
1	Crater Lake
1	Lehman Caves
1	Whitman

Remark

Approved by (Signature, Title, & Date)
Recommended by: Oct 25, 1960
Regional Chief of Operations

Regional Office Clearance when Required (Signature, Title, & Date)
Approved by:
Chief of Water Resources Section

ALLOTMENT ACTION
Allotment Advice No.
Allotment Advice Date
Amount for Work Order

If Additional Space is Necessary, Use Reverse in Tumble Fashion

101621

10-14-1960: memorandum to superintendent from acting regional chief of operations regarding application for extension of time, w

October 14, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Chief of Operations, Region Four

Subject: Application for Extension of Time, Water Right Application 10959, Cave Spring, Docket 1, Lehman Caves National Monument

The application for extension of time sent you in draft form by our memorandum of September 28, if not already sent, should be mailed at once to the State Engineer whether or not Mr. Dunn's comments have been received.

Signed by D F Whitworth

Acting Regional Chief of Operations

Copy to: Director

115

10-13-1960: memorandum to region four from lehman caves regarding water matters

File LECA Docket 1

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Fred Whitworth, Region Four

DATE: 10/13/60 LCS 10/25

~~Superintendent~~ Whitworth Regional Ofc

FROM : Paul Steel, Lehman Caves

SUBJECT: Water matters

Always darkest before the light we guess. Just got the new trench tied into the system. About 20 gpm more than our 2" line will carry to headquarters. With 21" of snow on the ground we will not be able to make our backfill until later in the month. However, everything was handfilled about a foot so no worries on freezing, particularly with the fall we have.

Hope your office will be able to secure the 3" meter as listed in the catalog (our memo 10/12).

2" ordered instead 10/25

Paul

Paul M. Steel
~~Superintendent~~

10-12-1960: memorandum to regional director from superintendent regarding water meter, headquarters area water system

file LECA Docket 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
D5031
L54

October 12, 1960

RECEIVED
NPS REGION FOUR OFFICE
OCT 14 '60

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

Spaulding LLC 10/25
Whitworth

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Meter, Headquarters Area Water System

Installation of the 2" water meter as suggested in Mr. Whitworth's memorandum of October 3 is not as simple as sketched.

We have a 1½" main from the reservoir serving part of headquarters and a 3" main serving the balance. Unfortunately, they do not come out on the same side of the reservoir.

A recent GSA Excess Property Catalogue, No. 466, lists 4 each 3" water meters at the bottom of page 13. If your office could secure one of these, we would be able to install a meter on each line to obtain our pattern of use.

Our summary of account 102.5, if correct, has a balance of $69.34 unobligated. If the above meter can be obtained, we would be able to install both meters for $150.00. Rather than submit another request for revision of W. O. 4-WR-61, we will absorb the $80.34 needed in our 0220 accounts.

Paul M. Steel

Paul M. Steel
Superintendent

113

file LECA Docket 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:

October 12, 1960

L 54

RECEIVED
NPS REGION FOUR OFFICE
OCT 14 '60

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

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

has copy ~~Spaulding~~ LSS 10/14
~~Beck~~

Subject: Work Order 4-WR-61, Water Exploration at Cave Spring, Docket No. 1, Lehman Caves

Whitworth
Quiat

We have reviewed charges against the 102.5 account listed in your memorandum of September 28, and referred to in Mr. Whitworth's memorandum of October 3 (L54).

There seems to be a duplication of charges as follows;

Curto Transfer & Storage (V1342)	816.00
Curto Transfer & Storage (P.O. LC-34-10)	447.00

The two entries cover the same purchase according to our records. The $816.00 was the original amount of LC-34-10. Then, as suggested by Mr. Wosky's memorandum of September 9 (L54), we revised LC-34-10 and charged $375.00 to our 222 account to stay within WR allottment. The second entry shown above ($447.00) is not additional cost, it was to reflect split charges when the P. O. was revised prior to the increase in funds allowed us under W.O. 4-WR-61.

If we are correct our status of account 102.5 as of September 30 is;

Unobligated balance as of ~~12~~ 9/26	447.00	
Additional amount LC-34-10	6.00 re	
Deficit shown 9/26	155.66 re	
Unobligated balance as of 9/30		285.34
Additional charges:		
Bulldozer, 8 hrs. @ $18.00	144.00 re	
" , transportation @ $1.00	72.00 re	mileage
Balance		69.34

Please advise.

Paul M. Steel
Superintendent

112

file LECA Docket 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D.C.
October 12, 1960

RECEIVED
NPS REGION FOUR OFFICE
OCT 13 '60

	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

LSS 10/14
~~Spaulding~~
~~Beck~~

Subject: Work Orders 5-WR-60 and 4-WR-61, Exploratory Trench at Cave Spring, Lehman Caves

Whitworth

Attached are a copy of Mr. Whitworth's memorandum of September 28 to the Superintendent, with our notations, and a copy of a note from Mr. Beagle of the Accounts Section. We have also found that your Second Revision of Work Order 5-WR-60, was not posted until after the Work Order Summary of June 30 was prepared, and this caused most of the apparent deficit in your Account 134.1 (now 134.2), to which I have referred in my memorandum of September 15.

The note from Mr. Beagle indicates that all bills for work at Lehman Caves were received too late for payment under Work Order 5-WR-60, and all have been paid from funds under Work Order 4-WR-61. Mr. Whitworth indicates that total obligations under 4-WR-61 will be $3,616.52, or $1,016.52 in excess of the authorization under Account 102.5, Lehman Caves, which is shown in your first revision of the work order. Unless all work at Lehman Cave is complete, I should round this off to $1,100, and submit a 2nd revision of 4-WR-61 with the allocation of $3,700 under 102.5 Lehman Caves, $10,400 for total Account 102.5, and $26,100 for the combined work order total under both accounts.

There is no reason for the Superintendent to pay part of the costs under his Account 222, or for you to reduce allocations for any other activities under the work order, to provide the extra funds for Lehman Caves. You will also note from the attachments that the $10.00 filing fee for Lehman Caves, to the State Engineer, was paid under 4-WR-61 instead of 5-WR-60, which is another charge against the suggested $1,100 increase. There will doubtless be another $10.00 filing fee to pay during 1961.

This discussion of late billings for Lehman Caves, suggests that "BV 265, Bill 34-129" may not have been the only 1960 expense paid from 4-WR-61 instead of 5-WR-60. The 1961 work order does not include allocations under Account 102.5 for all seven areas listed in the 1960 work order.

You should check on other bills which may have been submitted too late for payment under 5-WR-60, and include allocations in the revised 4-WR-61. These can all be treated as increases in the total allocation of funds, if the revision can be made before our unallotted reserve under Account 0343 is exhausted. It would doubtless help if Washington Office Accounts will advise you of any 1961 payments under Account 102.5 which it has for areas not listed in 4-WR-61.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lehman Caves, w/c attachment

111

10-11-1960: memorandum to regional director from superintendent regarding application for extension of time, water rights applica

File LECA Docket 1 Spaulding
LSS 10/19

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L54

October 11, 1960

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Application for Extension of Time, Water Right Application 10959, Cave Spring, Docket 1, Lehman Caves

Since no comments were received from Mr. Dunn's Office the subject application was forwarded to State Engineer Muth today. No changes were made from the draft furnished by your office and date of signature was October 11, 1960. A copy of our cover letter is attached.

Paul M. Steel
Superintendent

in triplicate
Attachments (4)

COPY TO Director WODC DATE 10/19/60 } with attachment
FOR YOUR X INFORMATION ☐ ACTION
REGION FOUR OFFICE INITIALS LSS

NATIONAL PARK SERVICE
RECEIVED
OCT 17 1960
REGION FOUR OFFICE

110

10-10-1960: handwritten letter to van from beagle regarding examined cost sheet for both work orders

10/10/60

Van:

I examined the cost sheets for both work orders. There were no charges to 5-WR-60 for Lehman Caves. Against 4-WR-61 there were the following charges

Bill no. 34-129 $870.86
Bill " 34-6 1492.66

In addition to the $860.86 indicated on the memo, there was an item of $10.00 as noted to bring the total to $870.86

The charges entered on the second bill are as bracketed on the memo.

From this it indicates that the full $2480 was unexpended during 60 Fiscal year and that 4-WR-61 should be increased by $1026.52, the $1556.66 deficit as indicated in the memo plus $870.86.

Beagle.

10X

Spl. LCA Docket 1

~~Spaulding~~ LSS

~~Beck~~ GEB

Whitworth

~~(Quiet)~~ Jy

October 3, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Chief of Operations, Region Four

Subject: Work Order 4-WR-61, Water Exploration at Cave Spring, Docket 1, Lehman Caves

FILE COPY

Your memorandum of September 27 was received after ours of September 28 was mailed.

The 102.5 Lehman Caves account shows a $155.66 deficit as discussed in our September 28 memorandum. If our list of charges is correct and if the $375.00 expended by P.O. LC 34-10 and charged to the 222 account is the only remaining expense chargeable to the project, it appears that Work Order 4-WR-61 requires an additional $530.66 ($375.00 plus $155.66) to clear the 222 account.

We suggest you review the charges posted against the 102.5 account listed in our memorandum. Also please let us know if other charges are to be made and let us have your estimate of the costs of installing the water meter on the main below the reservoir. When total costs are known we will ask the Washington office if additional water right acquisition funds are available from the unalloted reserve.

(SGD) G. E. WHITWORTH

Acting Regional Chief of Operations

Copy to: Director (w/cy of Supt.'s Sept 27 memo)

b/c: Beck

LSSpaulding:lq

107

OCT - 4 '60
ACTION TAKEN - DA

October 3, 1960

L 54

Memorandum

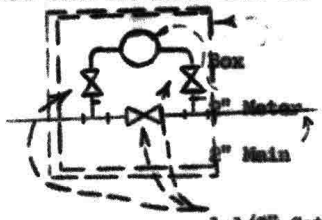
To: Superintendent, Lehman Caves

From: Acting Regional Chief of Operations, Region Four

Subject: Water Meter, Headquarters Water System, Lehman Caves

The 2" water meter you received in July is for installation on the main line below the reservoir so as to measure total usage.

We suggest the meter be installed at a point convenient for reading immediately above the first place of use on the 2" main through the headquarters area. It should be placed in a box and, of course, be protected from freezing. A by-pass, as sketched, should be provided to permit uninterrupted use with the meter shut off or removed.



SKETCH - PLAN VIEW

Work Order 4-WR-51 provided $100.00 for your costs of labor and materials for installing. We suggest that the meter be read at least once a month and daily during periods of peak travel to obtain the pattern of usage.

(SGD) G. F. WHITWORTH

Acting Regional Chief of Operations

Copy to: Director
Chief, WCDC (2)

09-28-1960: memorandum to hydraulic engineer from superintendent regarding water meter, 4-wr-61

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Linn Spaulding, Hydraulic Engineer DATE: 9/28/60

FROM : Superintendent, Lehman Caves

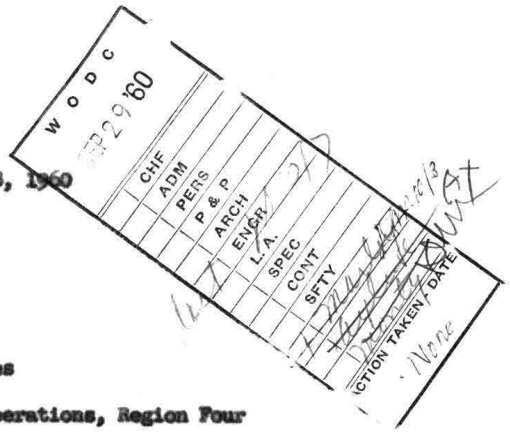
SUBJECT: Water meter, 4-WR-61 (rev)

On subject work order we note "installation of water meter" at Lehman Caves. We received the 2" meter early in July but do not know just where Mr. Dunn would like it installed. Is it to go on the exploratory trench line, or does it go on our main line to record total flow?

We will tie the two lines together early next month, as soon as the backfill is completed, so need to know as soon as convenient.

NATIONAL PARK SERVICE
RECEIVED
OCT 3 1960
REGIONAL OFFICE

Paul M. Steel
Superintendent



September 28, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Chief of Operations, Region Four

Subject: Application for Extension of Time, Water Right Application 10959, Cave Spring, Docket 1, Lehman Caves

Attached are the following items relating to the subject water right:

1. Blank form for Application for Extension of Time.

2. Typed draft of Application for Extension of Time.

3. Copy of State Engineer's form letter of September 20.

4. Purchase Order covering fee for filing Request for Extension of Time.

5. Voucher for filing fee.

Attachment 1 is a form which you should complete, sign before a notary and submit to the State Engineer on or before October 19, 1960. We have prepared a draft of the application for extension of time, Attachment 2, which may be copied if it meets the approval of Mr. Dunn and yourself.

We suggest that you wait until October 10 for Mr. Dunn's comments. If none are received by that date we suggest that you then type, sign and mail the application with any change you think necessary. The purchase order and voucher should be attached and your cover letter to the state should ask that the voucher be signed and returned directly to this office for payment.

Please let us know of any change you make and of the date you sign the form.

(SGD) G. F. WHITWORTH

Acting Regional Chief of Operations

Attachments (5)

Copy to: Director (w/attachments 2 and 3)
Chief, WODC (2)(w/attachments 2 and 3)

104

~~Spaulding~~ LSS
Beck
Whitworth

September 28, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Chief of Operations, Region Four

Subject: Work Order 4-WR-61, Exploratory Trench at Cave Spring, Docket 1, Lehman Caves

FILE COPY

This memorandum is in reply to your request for the status of Account 102.5, Lehman Caves exploratory trench, and is to clarify costs discussed in Mr. Dunn's memorandum of September 15.

Our records indicate the status of Account 102.5, Lehman Caves, as follows:

Work Order 5-WR-60

Original Program (102.4)		$ 2480.00
Expended to 6/30/60		
Payroll 6/25/60	$ 267.63	
R. H. Meyers (P.O. LC 34-34)	555.00	
Payroll 6/26-30	38.23	
Total Expended		860.86
Unexpended Balance, June 30 --		$ 1619.14

(Work order closed out, balance returned to unalloted reserve).

102

Work Order 4-WR-61 (102.5)

Original Program		$1700.00
Increase added by revision of September 9-		900.00
		2600.00
Expended through 9/26-		
Payroll 7/1 - 9 (V-6)	$ 23.02	
Gottfredson's (V-104)	26.85	
McKenzie-Nall (V-105)	76.48	
Bath Lumber Co. (V-106)	37.48	
Bell of Nevada (V-359)	4.00	
Gordon D. Robison (V-382)	144.00	
Payroll 7/23 (V-402)	516.71	
Payroll 7/23 (V-401)	21.91	
Harvey W. Young Co. (V-5030)	574.70	
McKenzie-Nall (V-798)	67.51	
Curto Transfer & Storage (V-1342)	816.00	
Total Expended-	$ 2308.66	
Unliquidated Obligation-		
Curto Transfer & Storage Co. (P.O. LC 34-10)	447.00	
Total Expended and Obligated-		2755.66
Unobligated Balance-		$ (155.66) deficit

The amount programmed under the two work orders, less the amount returned to unalloted reserve, totals $3460.86, and the amount expended and obligated totals $3616.52. It appears that, even with the revised work order, an additional $155.66 must be absorbed by your 222 account.

We hope this is the information you need. Please note that the account under work order 4-WR-61 is now 102.5, not 102.4.

(SGD) G. F. WHITWORTH

Acting Regional Chief of Operations

Copy to: Director
Mr. Beck

LSSpaulding:mmcd

09-27-1960: memorandum to regional director from superintendent regarding first revision of work order 4-wr-61

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L 54

SEP 27 1960

RECEIVED
NPS REGION FOUR OFFICE
OCT 3'60

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

Spaulding LSS 10/3
Beck
Whitworth

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: First Revision of Work Order 4-WR-61, Water Exploration in Cave Springs Area

The additional amount of $800 to complete our water trench exploration at Cave Springs is appreciated. Will your office make the necessary accounting changes to return the $375, expended under P.O. LC-34-10 (revised), to our 0220 @(222) operating accounts. This was suggested in Mr. Wosky's memorandum of September 9.

Reference is made to the last paragraph of Mr. Dunn's memorandum of September 15, above subject, concerning our footh note of August 31 reporting on the amount of water available. The foot note referred only to the amount of additional water made available. We failed to state the 41 gpm should be added to the 20 gpm (August flow) presently being used in our water system.

The 20 gpm currently used plus the 41 gpm available from exploration will bring us within 6 gpm of the 0.15 sf authorized diversion. We should have been more explicit.

Paul M. Steel
Superintendent

in duplicate
Copy for: Chief, Water Resources Section

101

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

IN REPLY REFER TO:
L54-OBL

September 15, 1960

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: First Revision of Work Order 4-WR-61

Returned as approved, herewith, are your copies of the subject work order which was submitted with the memorandum of September 9 from Mr. Wosky.

I assume that the revision, and supporting memorandum of August 31 from the Superintendent of Lehman Cave were prepared after reading my memorandum of August 4, but note the following inconsistencies, or ambiquities:

1. Mr. Steel shows a total ultimate cost under Work Orders 5-WR-60 and 4-WR-61 of $3,581.91, and work order revised 4-WR-61 provides $2,600. This implies that $1,081.91 was supposed to have been paid under 5-WR-60 before that work order was cancelled. As quoted in my memorandum of August 4, Mr. Maier had advised that only $1,034.69 had been spent during June and July, which is less for the two months than the presently suggested $1,081.91 for only June. I find that the Accounts Section has not yet reached the water rights account and is therefore unable to give me a better check or advise how many belated 1960 charges can be made against the 1960 work order.

2. As of June 30, Work Order 5-WR-60 also showed:

a.	Account 134.1	$3,315.79	in red
b.	Account 102.4	7,444.70	surplus
c.	1960 Unobligated balance	$4,128.91	apparently including an unobligated allotment of close to $1,700 for continuing work at Lehman Cave
d.	Funds reinstated in 4-WR-61 for completion of original Lehman Cave project (by Dunn 8/4)	1,700.00	
e.	Returned to unallotted reserve, from which present increase of $800 for Lehman Cave is provided	$2,428.91	

98

The above statement No. 3 is my own analysis of the fund adjustment needed to close out accounts for 1960 F.Y. and reinstate and increase the funds in Work Order 4-WR-61. I do not know how accounts will make the adjustment of items a and b to return only $4,128.91 to the unallotted before I reinstated $1,700 for continuing 1961 work. Mathematically it is only necessary to allocate $3,315.79 to Account 134.1 from Account 102.4 in Washington Office accounts. But, I think, and Accounts has unofficially confirmed that the proper procedure should be for Regional Accounts to advise what parts of the $3,315.79 billings should be eliminated by recharging against the $5,657.08 allocation for the respective activities at Death Valley, Joshua Tree, Mt. Rainier, Olympic, Sequoia, Lava Beds, and Lehman Caves, under 102.4.

I also note that Mr. Steel's foot note is incorrect. One tenth of a cubic foot of water per second is equivalent to 44.8831 gallons per minute. Hence, in developing 41 gpm he is 26.32 gpm short of the authorized diversion and use of the authorized 0.15 cfs, and not just 6 gpm short. The question still remains as to whether to develop South Spring, as authorized, or to abandon one third of the water right.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Craters of the Moon, w/c attachment
Superintendent, Crater Lake, w/c attachment
Superintendent, Lehman Caves, w/c attachment
Superintendent, Whitman, w/c attachment
Chief, WODC (2), w/c attachment

LEHMAN CAVES NATIONAL MONUMENT

HISTORY OF WATER RIGHTS

Prepared by L. S. Spaulding, Region Four
September, 1960

About the year 1869 A. S. Lehman established a ranch and built a house near a running stream (Lehman Creek) on the eastern alluvial fan of the Snake Range three miles west of the present town of Baker, Nevada and two miles east of a large cave, discovered at a later date by Mr. Lehman. Mr. Lehman made use of water from a big spring a mile above and west of his house and constructed a ditch to convey the water to his land.[1] The spring became known as "Lehman Spring," sometimes called "Lemay Spring" or "Lerray Spring," and now known as "Big Spring." By 1878, during which year a public land survey was made of the Snake Valley, several families were living in the vicinity. Besides the A. S. Lehman house, located in Section 12, T13, R69E, MDM, the B. Lehman and Baker houses were located at the present site of Baker, Nevada and the Gandie house was a mile south.[2]

About the year 1886 or 1887 the Osceola Placer Mining Company purchased water rights held by ranchers on many of the streams on both the east and west sides of the Snake Range for the purpose of conveying water to the vicinity of Osceola, Nevada townsite for mining purposes. Presumably, rights to Lehman Creek held by Lehman and others were included with the purchases. In 1888 the East Side Ditch, 18-1/4 miles long, diverting water from Lehman Creek and from other streams to the north was constructed. For a period of two or three years the company used water for placer gold mining after which time use of the ditches ceased.[3]

In May, 1887, one year prior to construction of the East Side Ditch, A. S. Lehman filed on sources of water in the Lehman Creek drainage below the anticipated point of taking by the mining company. One filing, dated May 2, 1887 and recorded in Book 34, page 229 of the records of White Pine County was for twenty-five miner's inches of water from Cave Spring and one hundred inches of leakage water to be taken from Lehman Creek below the proposed Osceola Mining Company ditch.[4] Another filing, made on the same date and recorded in Book 34 at Page 230, was for five hundred inches of water from "Lerray Spring" (Lehman or Big Spring). The first filing was for water to be used for agricultural purposes on Lehman's "Cave Ranche" in unsurveyed Section 15, a tract of land including the cave. Immediately after filing his notices, Mr. Lehman constructed a ditch (Lehman Ditch) from Lehman Creek starting at a point about 400 yards northwest of Cave Spring running past Cave Springs, the waters of which were added to the ditch, and running to the "Cave Ranche" in Section 15.[5] The second filing made by Mr. Lehman in 1887 was made to record rights to water of Lehman Spring (Big Spring) which he had been using on his land in Sections 12 and 13 since 1869.[1]

During the period 1872 to 1904 Philip M. Baker, or his predecessors, had diverted water from the combined Lehman and Baker Creeks in the vicinity of the Baker townsite for use on the Baker ranch. Presumably, these rights were not acquired by the Mining Company or were initiated after abandonment by the company. By 1911 Baker had acquired the properties of A. S. Lehman, both that land in the vicinity of the cave and the lands in Sections 12 and 13. In October 1911 Baker filed three proofs of appropriation of water for use on the former Lehman lands and on the Baker ranch. Proof No. 01064 covered the diversion from Big Spring (Lehman Spring) for use on the former Lehman land in Sections 10, 12 and 13. Proof No. 01065 covered the diversion from Cave Springs for use on 7.5 acres in Section 15 near the cave. (No claim was made by Mr. Baker for the Osceola ditch leakage claimed in anticipation of such leakage by his predecessor, A. S. Lehman.)[6] Proof 01066 covered diversions below the confluence of Baker and Lehman Creeks for use on the Baker Ranch.[8]

The properties on which waters under the three proofs were used passed from Philip M. Baker's ownership, the cave property being sold to Ernest C. Adams who acquired Patent No. 724063 from the United States in December, 1919. Adams sold to Nathan Kiger who, in turn, sold to C. T. Rhodes on November 6, 1920.[7] Rhodes, perhaps unaware of Proof 01065, filed Proof 01874 in 1925 claiming water of both Cave Spring and Lehman Creek. He based his claim to the latter source on evidence that a ditch (Lehman ditch) had been constructed from Lehman Creek to the Cave tract and that continuous use of water had been made since July, 1887. However, following a hearing by the State Engineer at Ely, Nevada on March 3, 1931, C. T. Rhodes stipulated along with other interested parties that Proofs 01064, 01065, and 01066 of Philip M. Baker limited the vested rights initiated prior to 1905 of Philip M. Baker and his successors and that proofs conflicting with the Baker proofs be withdrawn.[9] By this action Rhodes withdrew his claim to water of Lehman Creek.

In 1934, following a determination by the State Engineer, the Seventh Judicial District Court of the State of Nevada, in and for White Pine County issued a decree dated October 1, 1934 defining rights in the waters of Baker and Lehman Creeks initiated prior to 1905. C. T. Rhodes was decreed rights to 0.15 cubic feet per second from Cave Spring for the irrigation of 7.5 acres in Section 15, T13N, R69E (the Cave property) with a priority dating from 1890. Rights under Proof 01064 carrying the earliest priority date of 1869 were decreed to the United Securities Corporation and rights under Proof 01066 were decreed to a number of parties.[8]

C. T. Rhodes sold his cave property including rights to Cave Spring under Proof 01065 to White Pine County in September, 1933 and the County conveyed the property to the United States.

On June 3, 1943, the United States filed an application (Serial No. 10959) with the State of Nevada for permission to change the point of diversion, manner of use and place of use of water of Cave Spring held under Proof No. 01065. In the application the source of water was changed so as to include the water of South Spring, the use changed from irrigation to domestic and recreational and the description of the place of use changed to agree with a more recent protraction of Section lines. At this date (September, 1960) work to divert or to make full use of the water has not been completed. Each year since 1943, annual requests for extension of time have been granted by the State.

NOTES

1. Water Right Location Notice by A. S. Lehman, May 2, 1887, recorded in Book 34 at page 230 of White Pine County. (Docket 1, Item II - 3)

2. GLO plat of T.13N.,R70E.,MM approved February 17, 1879. (Docket 1, Item I-2)

3. Statement of Facts Relating to the Water Rights of the Osceola Placer Company or Hydraulic Mining Company, Osceola, Nevada (transmitted with A. Van V. Dunn's memorandum of March 31, 1943 to the Regional Director, Region Three)(Docket 1, Item II-1)

4. Water Right Location Notice by A. S. Lehman, May 2, 1887 recorded in Book 34 at page 229 of White Pine County (Docket 1, Item II-2)

5. Deposition of E. B. Robison, dated January 22, 1942 (Docket 1, Item II-7)

6. Proof No. 01065 date October 28, 1911 by Philip M. Baker. (Docket 1, Item II-4)

7. Proof No. 01874 dated March 7, 1925 by C. T. Rhodes (Docket 1, Item II-7)

8. Decree of October 1, 1934 in the adjudication of rights in the waters of Lehman and Baker Creeks (Docket 1, Item III-7)

9. Stipulation in the Matter of the Determination of the Relative Rights in and to the Waters of Baker and Lehman Creeks and their Tributaries. (Docket 1, Item III-3)

Form 556
(June 1956)

N[illegible]D STATES DEPARTMENT OF THE INTER
NATIONAL PARK SERVICE

1st Revision of 8/4/60

WORK ORDER

No. 4-WR-61

Date September 9, 1960

Area or Office: Washington Office

Region:

General Ledger Acct. No.: 134.2 and 102.5

The Region Four Parks (Organizational Unit)

under the supervision of Regional Director is authorized and requested [illegible]

Fund Symbol: 14 X 1035 (0343)

Statutory Authority (where necessary):

Plan No.:

Title and or Description of Project or Service to be Performed

To cover 1961. Fiscal Year accrued expenditures for the acquisition of water rights with or without land and fixed equipment.

PCP No.:

Year Programmed:

Est. Starting Date: 7/1/60

Est. Completion Date: 6/30/61

Location of Work Requested

Region Four Areas as designated

ESTIMATE OF COSTS

Components of Costs	Amount	Acct'g Code	Project Features	Amount
GENERAL LEDGER ACCOUNT 134.2				
Personal Services Reg 4 office	$11,555.00		Regional Office activities costs to be prorated or allocated at end of year.	$15,700.00
Travel	1,200.00			
Supplies and Materials	1,890.00			
Other Direct Expense	1,055.00			
Total 134.1	$15,700.00			
GENERAL LEDGER ACCOUNT 102.5				
Personal Services			Craters of the Moon	
Craters of the Moon $300.00			Install water meter	$ 500.00
Crater Lake 200.00				
Lehman Caves 100.00			Crater Lake	
	600.00		Install water meter	200.00
Supplies and Materials Craters of the Moon	200.00			
			Lehman Caves -	
Complete test trench-Lehman Caves	2,500.00		Test trench and install water meter	2,600.00
Contracts - Whitman	6,000.00			
Total 102.5	$ 9,300.00		Whitman - test well	6,000.00
				$ 9,300.00
TOTAL	$25,000.00		TOTAL	$25,000.00

No.	Distribution of Copies TO
1	Accounts WASO
1	Budget WASO
1	Water Res. Sec.
2	Region Four
1	WODC
1	Craters of the M[illegible]
1	Crater Lake
1	Lehman Caves
1	Whitman

Remark

[illegible] (Signature, Title, & Date)

Recommended by: (SGD) John B. WOSKY Sept 9, 1960
Regional Chief of Operations

[illegible] (Signature, Title, & Date)

Approved by:
Chief of Water Resources Section

ALLOTMENT ACTION

Allotment Advice No.:

Allotment Advice Date:

Amount for Work Order:

If Additional Space is Necessary, Use Reverse in Tumble Fashion

~~Spaulding~~ LSS
Whitworth
R. Johnson 9/9
~~Wosky~~
~~(Quiet)~~

September 9, 1960

L 54

Memorandum

To: Director

From: Acting Regional Director, Region Four

Subject: Revision of Work Order 4-WR-61 to Provide for Exploratory Trench, Cave Spring, Docket 1, Lehman Caves NM

Attached are an original and nine copies of a proposed revision of Work Order 4-WR-61 to provide an additional $900.00 for exploratory work at Cave Spring, Lehman Caves National Monument.

A copy of Superintendent Steel's memorandum of August 31 is attached explaining the need for the increase.

(SGD) JOHN B. WOSKY

Acting Regional Director

Attachments

Copy to: Supt., Lehman Caves

LSSpaulding:lq

97

~~Spaulding~~ LSS
Whitworth
R. Johnson
Wosky
~~(Quiat)~~

September 9, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Acting Regional Director, Region Four

Subject: Exploration Trench, Cave Spring, Water Right Docket 1, Lehman Caves National Monument

In response to your memorandum of August 31, additional funds are not available in this office under the authorization of Work Order 4-WR-61.

We will request a revision of Work Order 4-WR-61 for additional funds for the Cave Spring project but it is not certain that the Washington office has funds available or will authorize the increase.

We suggest that you change the account chargeable under P.O. LC-34-10 to avoid over-expending your portion of Work Order 4-WR-61. If later funds become available under the Water Right Acquisition account, it may be possible to transfer the costs under P.O. LC-34-10 back to water rights.

(SGD) JOHN B. WOSKY
Acting Regional Director

Copy to: Director

LSSpaulding:lq

96

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L 54

August 31, 1960

RECEIVED
NPS REGION FOUR OFFICE
SEP 6 '60

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

X Spaulding
✓ Whitworth
✓ Manbey

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Exploratory Test Trench under Application for Change of Appropriation, Serial No. 10959, Docket 1

Attached is a recapitulation of work performed to date at Cave Springs under Work Oders 5-WR-60 (rev) and 4-WR-61.

9/9/60 mams

You will note that in addition to the $2480 allotted by the above work orders we have already expended $306 of our regular M. &.R. appropriation. In reviewing our file we find that both this office and your office failed to program any personal services in our estimates of costs of the test trench. Obviously, per diem labor was required to bed the pipe, construct the measuring device, and handle the impervious clay.

To complete the trench will require only the backfill. Local, Ely, contractors seem to be in cahoots on jobs of this type. We are informed they cannot come this far from Ely for less than 8 hours dozer time plus a $1.00 per mile transportation charge one way.

The exploration cost exceeds the amounts shown in paragraph two above by $895.91. Please advise whether additional funds can be made available from the Water Rights Division or will have to be absorbed by our operating accounts. A reply at an early moment will be appreciated, we are holding one bill for possible revision of our Purchase Order LC-34-10 if it proves necessary.

Paul M. Steel
Superintendent

NOTE: Flow measurement at weekly intervals is holding up at 40 to 41 gpm. This puts us within 6 gpm of the adjudicated appropriation of 0.15 sf. A normal precipitation year will more than meet our appropriation and requirements as soon as we can tie the new exploration into the system.

95

RECAPITULATION OF WORK PERFORMED
UNDER WORK ORDER 5-WR-60 AND
4-WR-61

Water Development at Cave Springs, Lehman Caves N.M.

EXPENDED TO DATE: 8-31-60

Excavation	$ 525.00	
Perforated Pipe and Fittings	574.90	
Supplies (cement, etc)	137.86	
Impervious Clay, purchase only	144.00	24 yds @ $6.00
Impervious Clay, haulage only	72.00	24 yds @ 3.00
Gravel Pack	1,050.00	210 yds @ 5.00
Labor, per diem	962.15	
TOTAL to date	$3,465.91	

ADDITIONAL REQUIRED TO COMPLETE
EXPLORATORY TRENCH

Back fill, 8 Hrs. bulldozer	144.00	$18.00 per hour
Transportation, bull dozer	72.00	72 miles @ $1.00
Total Exploration Costs	3,681.91	

Funds available 14X1035 (WR)(0343)	2,480.00 re
Funds expended 1411034 M&R (0220)	306.00 re
REQUIRED TO COMPLETE PROJECT	895.91

95

August 4, 1960

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Work Order 4-WR-61 for 1961 Acquisition of Water Rights and Related Land and Fixed Equipment, Region Four

Your approved, attached work order has been numbered to agree with the number of the Region.

I have corrected the General Ledger account numbers which the Branch of Finance has adopted to segregate water right and general land acquisitions. The old numbers are now used only for the land acquisitions by the Real Estate Section.

It has been our procedure since a year ago to return all unobligated balances at the end of each year to the unallotted reserve, or to re-schedule them in the new work order for work which is to continue into the next year. In the last paragraph of Mr. Maier's memorandum of July 28, he advised that the test trenching at Lehman Caves was incomplete and $1,034.69 of the authorized $2,480 had been expended during June and July. I find that Accounts has a bill which has not yet been processed, with a net total of $869.13 of which $305.86 seems to be the NPS payroll on this work through June 30. This implies that about $166 of the $1,034.69 for June and July was July payroll.

Without more details, I conclude that about $1,611 of the authorized $2,480 for Lehman Caves was not formally obligated on July 1, and the original estimate was somewhat approximate. Accordingly, I have added $1,600 to the Lehman Caves allocation under Account 102.5, bringing the total under 4-WR-61 to $24,100. However, I am not revising your 5-WR-60 because the residual will automatically revert to the unallotted when your June bills are all entered. Please charge 1961 Fiscal Year costs to 4-WR-61 if they are not in a bill now in the mails.

The Work Order Summary for June 30 shows old Account 134.1 (now 134.2) of 5-WR-60 to be in the red by $3,315.79. It also shows an unobligated balance of $7,444.70 under old Account 102.4 (now 102.5) of the same work order. From past experience with bills from several regions I gather that some costs have been charged to the wrong account because of improper identification, or lack of identification in your billings. You should supply necessary corrections before the 1960 work orders are closed.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Craters of the Moon, w/c attachment
Superintendent, Crater Lake, w/c attachment
Superintendent, Lehman Caves, w/c attachment
Superintendent, Whitman, w/c attachment
Chief, WODC, w/c attachment

95

~~Spaulding~~ LSS
Whitworth
Wosky
Quiat

July 25, 1960

L 54

Memorandum

To: Superintendent, Lehman Caves

From: Regional Chief of Operations, Region Four

Subject: Water Exploration of Cave Springs, Water Right Docket 1, Lehman Caves National Monument

FILE COPY

In response to your interoffice memorandum of July 4, it is not necessary to make formal monthly reports of progress on the water exploration project. A completion report will suffice.

We would appreciate having photographs of the collection pipe in place before backfilling. Also it would be helpful to have the collection pipe tied in by survey to permanent survey markers. If this is not possible before backfilling stakes should be set directly over the ends of the pipe so that a tie may be made later.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Copy to: Chief, WODC (2)

LSSpaulding:lq

07-04-1960: memorandum to hydraulic engineer from superintendent regarding water exploration

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Linn Spaulding, Hydraulic Engineer

DATE: 7/4/60

NATIONAL SERVICE
RECEIVED
JUL 7 1960
REGION FOU OFFICE

FROM : Superintendent, Lehman Caves

SUBJECT: Water exploration

Things are getting pretty well underway now. Our exploratory trench is bedded out in a massive, apparently impervious, clay and we have a flow of approximately 41 gpm. To date our other springs are not affected so they must feed from the rock strata to the south. The perforated pipe was delivered yesterday and we will start hauling the bentonite for the lower seal Thursday. Will make a formal report later.

Is it necessary to make monthly progress reports on this project?

Paul M. Steel
Superintendent

06-09-1960: letter to superintendent from nps regarding work order 5-wr-60 including $2480.00 for exploratory trench

National Park Se. -
180 New Montgomery Street
San Francisco 5, California

LSS
~~Spaulding~~
Whitworth

June 9, 1960

Superintendent
Lehman Caves National Monument

L54. Refer to our memorandum of May 31 and Dunn's of June 7.

Work Order 5-WR-60 including $2480.00 for exploratory trench

at Cave Spring approved. You may proceed with work.

Whitworth
Acting Regional Chief of Operations

Confirmation.

Telephoned 10:22 by lq
VM

LSSpaulding:lq

FILE COPY

NAME OF AGENCY

PRECEDENCE
ACTION:
INFO.:

SECURITY CLASSIFICATION

TYPE OF MESSAGE
☐ SINGLE ☐ BOOK
☐ MULTI-ADDRESS

ACCOUNTING CLASSIFICATION

THIS BLOCK FOR USE OF COMMUNICATIONS UNIT

STANDARD FORM 14 REV. MARCH 15, 1957
GSA REGULATION 2-IX-203.04

TELEGRAPHIC MESSAGE

OFFICIAL BUSINESS
U. S. GOVERNMENT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL. FOR AGENCY USE

START MESSAGE ADDRESS HERE

Washington, D. C.
June 9, 1960

Regional Director, Region Four
NPS, San Francisco

L54-OBL. Urtel June 8. Revised work order 5-WR-60 approved June 7 for test trench at Lehman Caves provided trenching does not cross divide into Lehman Creek drainage. Also recommend exploration south spring while men available if inadequate water is developed.

Price, Assistant Director

Received by telephone 2:00 p.m. - mpb

DO NOT TYPE MESSAGE BEYOND THIS LINE

PAGE NO. | NO. OF PAGES

NAME AND TITLE OF ORIGINATOR (Type) | ORIGINATOR'S TEL. NO. | DATE AND TIME PREPARED

SECURITY CLASSIFICATION

I certify that this message is official business, is not personal, and is in the interest of the Government.

(Signature)

GPO : 1957 O-F—423399

National Par[illegible]v
180 New Montgo[illegible]y St.
San Francisco 5, Calif.

L54
~~Spaulding~~
Whitworth
~~Persons~~

June 8, 1960

Director
National Park Service
Interior Building
Washington, D.C.

L54, Lehman Caves. Refer to our memorandum of May 31.

Please teletype reply to our request for approval of

trench project at Cave Spring using water right acquisition

funds.

Persons
Acting Asst Regional Director

Confirmation.

LSSpaulding:lq

Telephoned 10:34 By Ly

Kale

FILE COPY

file L54 LECA

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
JUN 9 '60

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

June 7, 1960

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Second Revision of Work Order 5-WR-60 to Cover Test Trench Under Change Application 10959 of Decreed Right No. 01065, Docket 1, Lehman Caves

Returned herewith are your two copies of the subject work order and one print of your sketch on which I have projected Lehman Creek and the top of the ridge from the drawing with Application 10959 in the docket.

We note that you have provided the necessary funds for the test trench by reducing allocations for other work, with no change in the total work order authorization. This is proper if it represents the total work you contemplate. However, we would be pleased to approve an increase in the total if you should be able to start any of the deleted work during June.

Lehman Creek and the Ridge are shown on the map with the application from crude older maps, and may not be very accurate. The divide is considerably wider than suggested, as I recall. However, the proposed trenching appears to be far enough over the crest from the Creek to be satisfactory. Unless the crest of the ridge is closer to the springs than I believe, we are probably safe in developing the springs even further into the hill, but only within your proposed fencing. Care should be taken not to go so far that there might be a suggestion of diverting subsurface flow of the Creek itself.

It is noted that you call the 500' X 1320' area right-of-way boundary. I merely described an area which appeared to be large enough to include all springs, and it happened to include a portion of the Creek as projected. There is only the right to divert springs, and not the Creek.

This development will be satisfactory if you can obtain 0.15 sec.ft., or the portion of the 0.15 sec.ft. which you consider adequate for ultimate needs. However, if your trench does not produce the desired amount, I strongly recommend that you also investigate the supplemental

88

source at the so-called south springs before the next report or request must be made to the State Engineer.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Death Valley. With copy of work order.
Superintendent, Joshua Tree. With copy of work order.
Superintendent, Mt. Rainier. With copy of work order.
Superintendent, Olympic. With copy of work order.
Superintendent, Sequoia-Kings Canyon. With copy of work order.
Superintendent, Yosemite. With copy of work order.
Superintendent, Lava Beds. With copy of work order.
Superintendent, Lehman Caves. With copy of work order and sketch.
Chief, WODC. With copy of work order and sketch.

Form 10-556
(June 1956)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Second Revision
July 2, 1959

WORK ORDER

No. 5-WR-60

Date May 31, 1960

Area or Office WASHINGTON OFFICE
Region Four Parks

Region

General Ledger Account 134.1 and 102.4

The Regional Director (Organizational Unit)
under the supervision of _____ is authorized and requested [illegible] plan more specifically set forth in the drawing or plan referred to herein.

Fund Symbol 14X1035 (0343)

Statutory Authority (where necessary)

Plan No.

Title and/or Description of Project or Service to be Performed

To cover 1960 fiscal year accrued expenditures for the acquisition of water rights, with or without land and fixed equipment

PCP No.

Year Programmed

Estimated Starting Date 7/1/59

Estimated Completion Date 6/30/60

Location of Work Requested Region Four Areas, as designated

ESTIMATE OF COSTS

Components of Costs		Amount	Acctg. Code	Project Features	Amount
GENERAL LEDGER ACCOUNT 134.1					
Personal Services Reg.4 Office		$10,000.00		Regional Office activities costs to be prorated or allocated at end of year.	$12,342.92
Travel " " "		800.00			
Supplies & Materials " " "		400.00			
Other Direct Expenses " "		1,142.92			
Total 134.1		$12,342.92			
GENERAL LEDGER ACCOUNT 102.4					
Personal Services				Death Valley - Maintain Rts	$ 300.00
Death Valley	$ 300.00			Joshua Tree-Klingbiel mineral exam	781.90
Mt. Rainier	300.00			Stubby Spring - Validity determ.	200.00
Olympic	400.00	$ 1,000.00		Mt. Rainier - Various analyze rights	300.00
Supplies & Materials				Olympic - Various analyze rights	400.00
Sequoia-Kings	854.08			Sequoia-Kings - purchase meters	854.08
Lehman Caves	700.00	1,554.08		Lava Beds-Install air line	341.10
Contracts - Lava Beds		341.10		Lehman Caves-Exploratory	2,480.00
Other Direct Costs					
Lehman Caves	1,780.00				
Joshua Tree	981.90	2,761.90			
Total 102.4	TOTAL	5,657.08		TOTAL	5,657.08
	TOTAL	18,000.00		TOTAL	18,000.00

Distribution of Copies

No.	TO
1	~~Accounts WASO~~
1	~~Budget WASO~~
1	~~Wtr. Res. Sec.~~
✓	~~Region Four~~
1	~~WSDC~~
1	~~Death Valley~~
1	~~Joshua Tree~~
1	~~Mt Rainier~~
1	~~Olympic; 1 Sec Hikes~~
1	Yosemite; 1 Lava Beds; 1 Lehman Caves

Remark: Revised to add exploratory trench at Lehman Caves, to delete items not started and to show actual cost of completed work.

Approved by: (Signature, Title, & Date)
Recommended by:
ACTIN Regional Chief of Operations May 31, 1960

Regional Office Clearance When Required (Signature, Title, & Date)
Approved by:
Chief, of Water Resources Section 6/6/60

ALLOTMENT ACTION

Allotment Advice No.

Allotment Advice Date

Amount for Work Order

Additional Items, If Necessary, Use Reverse in Tumble Fashion

121621

[redacted]

Site - L 54

~~Spaulding~~ LSS
Whitworth
~~Manbey~~ BFM
~~Hooky~~
~~Maier~~
~~Quiet~~

May 31, 1960

Memorandum (AIR MAIL)

To: Director

From: Assistant Regional Director, Region Four

Subject: Water Development under Application for Change of Appropriative Water Right, Serial No. 10959, Docket 1, Lehman Caves NM

Attached are 14 copies of a second revision of work order 5-WR-60. Also attached are two prints of a sketch map dated May 31, 1960 showing proposed exploratory work at Cave Springs near Lehman Caves National Monument.

The work order has been revised to provide for an exploratory trench to determine water available at Cave Spring. The need for such exploration has been discussed in Mr. Dunn's memorandum of April 19 and in Superintendent Steele's memorandum of April 26, a copy of which was sent you.

FILE COPY

Recent inspection of the site by Regional Engineer Whitworth and Hydraulic Engineer Spaulding revealed that an adequate water supply may be available by more efficiently collecting the water appearing at the several springs in the Cave Spring group. We propose to excavate a trench across the upper spring area and install a perforated collection pipe similar to the Furnace Creek test trench in Death Valley. Cost of the work which would be done by rental equipment and by the Monument maintenance crew is estimated as follows:

Excavation, 800 c.y. @ $1.00 (estimate 40-60 hours dozer rental)		$800.00
Perforated Pipe, 12 inch, 14 gauge, galvanized, asphalt dipped corrugated metal pipe, 170 lin. ft. @ $4.00		680.00
Impervious Backfill	150 c.y. @ 2.00	300.00
Gravel Backfill	200 c.y. @ 3.00	600.00
Earth Backfill	400 c.y. @ 0.25	100.00
	TOTAL	$2,480.00

The proposed trench could become part of the water system programmed for 1962 by construction of a connecting pipeline provided sufficient water is found.

The total amount of work order 5-WR-60 is unchanged inasmuch as certain projects not yet started have been deleted.

Assistant Regional Director

Attachments
Copy to: Superintendent, Lehman Caves (w/cy of map)
Chief, WODC (2)(w/cy of map)

LSSpaulding:lq

(Quiet) file LECA Docket 1

IN REPLY REFER TO:
L54-OBL

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

~~Spaulding~~ 9/14

May 19, 1960

See memo of 9/16 to Dir.

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Docket 1, Cave Creek Water System, Lehman Caves National Monument

We have received Mr. Maier's May 2 memorandum with proposed outline for the subject docket. We have checked the contents of our docket assembly against the outline. The contents listed for Parts I, II, and III are in harmony with our assembly.

We have found several minor discrepancies with regard to Part IV. We suggest that the title of Part IV read as follows: "Amendment of Decreed Water Right - Serial No. 01065 under Application Serial No. 10959". Decreed Water Right 01065 should be mentioned since it is the basic right with priority of 1880.

We note that you have excluded the preliminary drafts of the applications for Lehman Creek and Cave Spring, of which copies should have been in your assembly. We agree that they should be removed to reduce the bulk, but would like to know, first, whether these preliminary applications contain any information that is not in Application 10959 and should be in the record.

We also note that your outline for Part IV appears to need minor revision beginning with item 22. We suggest that your outline be corrected to read as follows:

Item 22. Application for Extension of Time dated September 25, 1956.

Item 23. State's receipt dated October 22, 1956, granting extension of time to October 19, 1957.

Item 24. Application for Extension of Time dated October 7, 1957.

Item 25. State's receipt dated October 29, 1957, granting extension of time to October 19, 1958.

NATIONAL PARK SERVICE RECEIVED MAY 23 1960 REGION FOUR OFFICE

86

Item 26. Application for Extension of Time dated October 9, 1958.

Item 27. State's receipt dated December 3, 1958, granting extension of time to October 19, 1959.

Item 28. Application for Extension of Time dated October 8, 1959.

Item 29. State's receipt dated November 13, 1959, granting extension of time to October 19, 1960.

Attached are copies of items 22, 26 and 27 which you had not listed. Items 23 and 25 are listed but indicated as missing from your docket assembly. You may have overlooked the fact that the receipts for payment are also the grants of extension of time.

You no doubt have noted that the correspondence contained in this assembly is a part of the State record. It has always been our practice to include correspondence of this nature, which is in the State record. We have no objection to your filing this correspondence on the inside of the left flap. However, if you add future correspondence that is not a part of the State record, you may lose track of what is and what is not a part of the State record.

After revising your outline of Part IV it will be satisfactory for you to prepare and distribute sets of dividers and outlines for all docket assemblies. The extra docket assembly that you have should be sent to WODC since our records do not show past distribution of this docket assembly to WODC.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lehman Caves. With copy of attachment.
Chief, WODC 2. With copy of attachment.

05-17-1960: memorandum to regional director from supervisory engineer regarding topography of cave springs area

IN REPLY REFER TO:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

May 17, 1960

Wosky Jesse W Whittworth
X
LSS 6/16

Memorandum

To: Regional Director, Region Four

From: Supervisory Engineer, WODC

Subject: Topography of Cave Springs Area - Lehman Caves

Reference is made to Mr. Wosky's memorandum of May 3 inquiring as to the availability of the subject topography.

According to Mr. Rumbaitis, the topography, still in the form of field notes in field books, was turned over to Engineer Edwin Axline who has replaced Mr. Rumbaitis as project supervisor at Lake Mead and Lehman Caves. There was no opportunity for Mr. Axline to reduce the notes to a topographic drawing, prior to his departure last winter for his current assignment at Lake Mead. Consequently the notes are now in Mr. Axline's possession at Lake Mead, and it is very doubtful that he has had the time or opportunity to do anything with them since he has been in the field.

By copy of this memorandum Mr. Axline is being requested to return the field books to this office, together with any work he may have done on them, in order that someone here may plot the topography.

I got Field Book from WODC
LSS 6/16

We shall keep you informed of our progress on this.

P. E. Smith
Supervisory Engineer

In duplicate

Copy to: Superintendent, Lehman Caves
Proj. Supvr. Axline (at Lake Mead)

NATIONAL PARK SERVICE
RECEIVED
MAY 18 1960
REGION FOUR OFFICE

85

IN REPLY REFER TO:
L 54
c/WCD 5039

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
May 3, 1960

Memorandum

To: Chief, WODC

From: Regional Chief of Operations, Region Four

Subject: Water Development and Water Rights, Cave Spring, Docket 1, Lehman Caves National Monument

Attached is a copy of Engineer Spaulding's memorandum of May 2 reporting a telephone conversation with Mr. Rumbaitus of your office.

A proposed project, PCP U-1-4 to develop additional springs and improve the water system permitting greater use of water is included in the 1962 construction program. To gain information on the available supply and to protect the incomplete right against premature licensing by the State we propose to show diligence by constructing water diverting and measuring works this summer under the water right acquisition program. The works which would be constructed by day labor under the Superintendent's supervision may later, if suitable, become part of the water system.

To help us prepare an adequate plan of preliminary work we request that, if at all possible, the topography of Cave Springs area taken by Mr. Rumbaitus be plotted and made available to this office.

John B. Wosky
Regional Chief of Operations

Attachment

Copy to: Director (2)(with attachment)
Superintendent, Lehman Caves (with attachment)

W O D C
MAY 4 '60
CHF
ADM
PERS
P & P
ARCH
ENG
L.A.
SPEC
CONT
SFTY
ACTION TAKEN / DATE
ACTION

Memo to Reg IV 5/9/60 (42827)
83

05-02-1960: memorandum to regional engineer from hydraulic engineer regarding water development and water rights

L 54

Spaulding

Whitworth

May 2, 1960

Memorandum

To: Regional Engineer

From: Hydraulic Engineer, Region Four

Subject: Water Development and Water Rights, Lehman Caves

WODC Engineer Rumbaitis and I discussed the Lehman Caves water situation by telephone ~~this date~~. on April 29

Mr. Rumbaitis was at Lehman Caves last summer and among other things took topography of the Cave Spring area and measured flow of developed and undeveloped springs. He measured about 25 gpm flowing from developed springs and about 25 gpm more flowing from a group of undeveloped springs all in Cave Spring area. He believes there is a total of 60 to 70 gallons per minute available in the one spring area. He believes this amount will be adequate for proposed development.

He reported that he had walked to the spring area referred to as South Spring. He found a marshy area which gave him the impression that not much water was available. He believes it impractical to develop this spring because (1) not much water is available; (2) the difference in head is such that it could not easily be joined by piping to the Cave Spring supply; (3) the length of pipeline required is excessive for amount of water available; and (4) the supply from Cave Spring appears both sufficient for needs and equal or more than the limit of our decreed water right.

Mr. Rumbaitis said that the Superintendent did a good job enclosing one of the springs by day labor last year. He believes that enclosing additional springs could be accomplished by day labor but thinks a plan for the construction should be prepared to insure that standards are met and to have a record of what has been done. Unfortunately, the topo he took has not yet been plotted and his schedule will keep him on other work this summer.

L. S. Spaulding

Hydraulic Engineer

LSSpaulding:lq

52

L 54

May 2, 1960

Memorandum

To: Superintendent, Lehman Caves National Monument

From: Regional Chief of Operations, Region Four

Subject: Water Development under Application for Change of Appropriative Water Right, Serial No. 1095, Docket 1, Lehman Caves

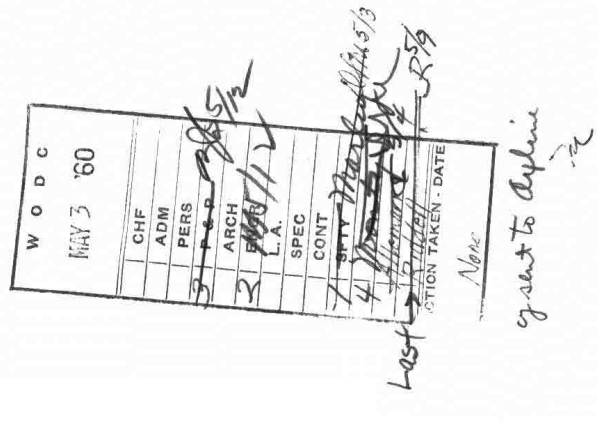
By memorandum of April 19 a copy of which was addressed to you Mr. Price returned unapproved the work order we prepared to construct spring collection works and pipeline using water right acquisition funds. Your memorandum of April 26 discussing this matter has been received.

We appreciate your comments and believe a program along the lines you suggest might be accomplished this summer. Regional Engineer Whitworth and Hydraulic Engineer Spaulding will visit Lehman Caves this month after which we expect to be able to get investigation underway.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Copy to: Director (2)(with cy Mr. Steel's memo 4/20)
Chief, WODC (2)(with cy Mr. Steel's memo 4/20)



81

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

IN REPLY REFER TO:
L 54

April 26, 1960

RECEIVED
NPS REGION FOUR OFFICE
APR 29 '60

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

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water Development, Lehman Caves

Reference is Made to Assistant Director Price's memorandum of April 19, particularly the fourth paragraph which states that Cave Spring was fully diverted and used.

By referring to Drawing NM-LC-3105 we note that, of approximately eight springs in the Cave Spring Area, three are now in our collection system. Others, four or five, are indicated to be included in the system in the future.

Last August Project Engineer M. Rumbaitis, WODC, measured the flow of three springs in the northeast section of the spring area. He reported a flow of over 20 gallons per minute from the largest spring, about 7 gallons per minute from the other two combined. This equals, actually is more, the flow we are now collecting from the connected springs.

On the basis of this preliminary report by Mr. Rumbaitis we request that your office revise Work Order 5-WR-60 to permit exploratory trenching and installation of a gauging headgate to make a complete evaluation of flow during the current fiscal year. It is entirely possible we may be able to gather our total adjudication of 0.15 second feet at that area. Estimated total cost of exploration for this project is $750.00.

We also feel Mr. Price's suggestion of exploring the potential of the South Spring should be followed through this spring. We would like to clean the spring and install a diversion stmcture for measurement purposes this May or June if possible. Since the South Spring is well up in a small canyon it will be necessary to pack in tools and materials needed for construction of the measuring devices. Preliminary estimate of funds required is $700.00. We assume a revision of Work Order 5-WR-60 would cover both these projects.

78

If your concur with our thinking on conducting tests for both potential sources of additional water we will appreciate the revision of the work order to permit construction of measuring devices at both areas this spring.

We could then report the South Spring work as "intent" to the State Engineer this fall.

As you recall, in our planning for Lehman Caves development we have endeavoured to come up with a program that could easily be expanded in the event the Great Basin National Park proposal becomes a reality. We believe, and WODC engineers tentatively agree, that full development of our 0.15 second feet would provide enough water for potential demand at the cave proper.

In triplicate

Paul M. Steel
Superintendent

7

File L 54

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

IN REPLY REFER TO: L54-OBL

RECEIVED
NPS REGION FOUR OFFICE
APR 21 '60

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

APR 19 1960

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Development Under Application for Change of Appropriative Water Right, Serial No. 10959, Docket 1, Lehman Caves

We are pleased to note in the memorandum of March 1 from Mr. Maier that you and Superintendent Steel are giving consideration to the subject problem before the deadline for the next action on October 1, 1960. However, we cannot approve your suggested solution, in part for historical reasons which you and the Superintendent do not appear to have noted from the records, since you assumed your respective responsibilities for the Monument. The following resume should be helpful.

The United States obtained adjudicated rights to 0.15 sec.ft. of water from Cave Spring under Serial No. 01065. Mr. Dunn found that the quantity was based on supplemental diversions from a ditch from Lehman Creek. The court awarded the quantity of water but denied further diversions from Lehman Creek as a result of what a former State Engineer considered to be poor testimony in the adjudication. Application 10959, as filed June 3, 1943, provides for the diversion of a supplemental spring, designated as South Spring, to make up for the loss of the Creek supply.

The only present alternative to the use of Cave and South Springs would be to purchase and amend adjudicated rights to Lehman Creek. This possibility has not been fully explored, but the former State Engineer anticipated considerable difficulty unless the right was condemned, and believed there would be protest of amendment, even after a right was condemned. These possibilities might change if Wheeler National Park were established, and some of the included private lands and appurtenant rights to Lehman Creek waters were acquired in a single deed. At the present time the Service can only try to perfect rights to as much of 0.15 sec.ft. of water under Application Serial Number 10959 as it can obtain from Cave and South Springs.

On advice from the former Superintendent and the Regional Director, Region Three, Mr. Dunn's request of September 4, 1947, for extension of time, in Docket 1, indicated that Cave Spring was fully diverted and used. On this basis there is no further reportable work to do in that spring area to show further diligence in the perfection of water rights. However, the extra spring may be added to the system without report.

76

The next reportable development must be at the South Spring if the amended rights under Serial 10959 are to be to more than the flow available from the Cave Spring area. At least the diversion structure should be completed at South Spring in time to report on any request for further extension of time which is to be filed by October 1. The structure might be constructed without the pipeline connection to the existing system, to provide measuring facilities for use until scheduled water system completion in 1962.

If full development at the Cave Spring area has not been made as reported, and more sources should be brought into the system, those diversions should be made before it becomes necessary to make proof for final certificate, even though the work cannot be reported to the State Engineer as further progress. However, some of the older correspondence suggested that little more water could be obtained, from which it may be concluded that the present flow of 0.07 sec.ft. might only be increased to about 0.08 to 0.10 sec.ft., which would still be only one-half to two-thirds of the authorized diversion. There has been more recent correspondence suggesting that the 0.07 to 0.10 sec.ft. might be adequate for the ultimate MISSION 66 development, largely because the pond below the Cave entrance was no longer included in the development plans.

We do not know whether either the Cave Spring supply, or ultimate water demand at the Cave area have been reconsidered as a developed unit of proposed Wheeler National Park. That phase of the planning may be premature, but the uncertainty as to future Park status justifies all possible efforts to preserve the right to 0.15 sec.ft., or as much of it as may be available from Cave and South Springs. From our past experience with Roger Spring rights at Lake Mead, it is quite possible that the State Engineer will force proof for certificate of only the quantity of water diverted and used when request for extension of time is made this September, or in September 1961. Hence, we should be diverting as much of the 0.15 sec.ft. as is needed, by this coming September.

The work order which was forwarded with Mr. Maier's memorandum is being returned without approval. Any water right acquisition (construction) work to be undertaken by the Superintendent should be provided for in a revision of your refundable Work Order 5-WR-60.

The work proposed appears to be either "maintenance" to eliminate spring flow losses by transpiration, or further "B&U" construction of undeveloped springs under PCP U-1-4, as shown on the rejected work order. Water right acquisition funds may be used for test wells and measuring devices which may ultimately become part of the diversion works, but not for water systems as such.

76

If you feel this work is of sufficient urgency that it should be undertaken right away, and time does not permit programing for it in the usual manner, you may wish to give consideration to submitting a program adjustment recommending a method of financing under the Building and Utilities activity of the construction appropriation.

We would consider approving a revision of your Work Order 5-WR-60 for exploratory trenching and the construction of gauging devices of the undeveloped spring sources if you wish to make a more thorough evaluation of the Cave Spring supply between now and June 30. We will also consider a revision of Work Order 5-WR-60 to provide funds for immediate construction of gauging devices at South Spring. We see no reason why such a gauge structure could not be made to serve as the headgate for a pipeline to be constructed with B&U construction funds at a later date. Such a "headworks" could be reported to the State Engineer in September, with an explanation that the pipeline construction is scheduled in 1961 or 1962 to permit hydrological studies and design which are now in progress.

Jackson E. Price
Assistant Director

Attachment

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

returned with Director's memo of 4/19

Form 10-556
(June 1956)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WORK ORDER

No.

Date

Area or Office: WASHINGTON OFFICE

Region

General Ledger Acct. No.: 102.4

The Lehman Caves National Monument (Organizational Unit) under the supervision of Superintendent is authorized and requested to proceed with the performance of the work or service described below in accordance with the detail and plan more specifically set forth in the drawing or plan referred to herein.

Fund Symbol: 14 X 1035 (0343)

Statutory Authority (where necessary)

Plan No.

Title and/or Description of Project or Service to be Performed

Construct spring collection system and lay pipeline from spring to existing water main

PCP No.: U-1-4 (portion)

Year Programmed

Est. Starting Date: April 20, 1960

Est. Completion Date: May 20, 1960

Location of Work Requested

Lehman Caves National Monument, Nevada

ESTIMATE OF COSTS

Components of Costs	Amount	Acctg. Code	Project Features	Amount
Personal Services	$975.00		Spring development and pipeline	
Supplies and materials	225.00			$1,200.00
TOTAL	$1,200.00		TOTAL	$1,200.00

No	Distribution of Copies TO
1	Accounts WASO
1	Budget WASO
1	Wtr Res. Sec
2	Region Four
1	WODC
1	Lehman Caves

Remark

Project to be accomplished by day labor

[redacted] (Signature, Title, & Date)
Recommended by:
Regional Chief of Operations March 1, 1960

[redacted] (Signature, Title, & Date)
Approved by:
Chief, Water Resources Section

ALLOTMENT ACTION

Allotment Advice No.

Allotment Advice Date

Amount for Work Order

If Additional Space is Necessary, Use Reverse in Tumble Fashion

121621

D5037
154

March 1, 1960

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Water Development under Application for Change of Appropriative Water Right, Serial No. 10959, Docket 1, Lehman Caves

During a recent conference in this office Superintendent Steel called attention to the need for showing diligence in the construction of the water system covered by the subject application. Copies of Mr. Wosky's report dated January 17 and of Mr. Steel's memorandum of February 25 discussing this subject are attached.

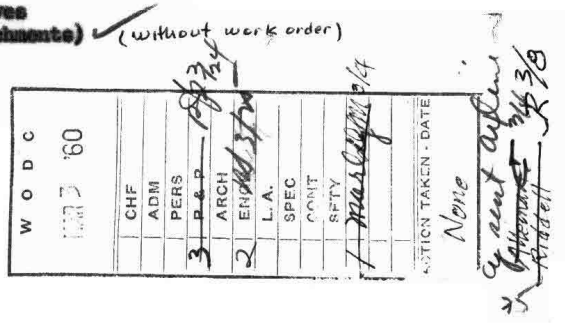
We propose that a small portion of the water system be constructed this year by day labor. The work, covered in greater detail in the attachments, involves making the water of three presently unused springs available for use. Inasmuch as the work is for the purpose of showing diligence to protect the water right we suggest that it may be proper to use water right acquisition funds (Appropriation 14X1035, Account 102.4). On this basis we have prepared the attached work order for Mr. Dunn's signature and for issuance to the Superintendent by the Washington office.

As it will be necessary for the Superintendent to obtain Secretarial clearance for the hiring of laborers, it would be appreciated if teletype notification of approval be sent.

Assistant Regional Director

Attachments

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)(with Attachments) ✓ (without work order)



02-25-1960: memorandum to regional director from superintendent regarding water development

WODC

D5039 (X) L54

LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

February 25, 1960

Memorandum

To: Regional Director, Region Four

From: Superintendent, Lehman Caves

Subject: Water development, Springs area

Reference is made to the discussion between Messrs. Wesky, Whitworth, Spaulding and myself, and to Mr. Wesky's report of February 17, concerning subject development. The desirability of additional development of presently unused springs to augment our water supply was pointed out. If the work can be accomplished this spring it would also furnish "intent of beneficial use" to support our application for additional extension of time on proving up water use, due in October. The State Engineer has granted 15 annual extensions already and is liable to be rather critical of our intentions officially this fall.

Mr. Spaulding questioned the advisability of doing this job with day labor during the current fiscal year under maintenance funds since the Water Systems project is scheduled for 1962. The subject was discussed with Supervisory Management Engineer Smith and Supervisory Engineer Marley during my visit to WODC the 11th. Mr. Spaulding discussed it with Mr. Marley on the 12th. WODC indicates there would be no objection on their part to developing the water now.

While our original rough estimate was between $1,000 and $1,200, a more detailed study shows the cost as follows:

30 sacks cement	@ 1.95	58.50
12 jts. perforated VC tile	@ 2.50	30.00
30 jts. VC tile	@ 2.50	75.00
4 sect. metal area well	@15.00	60.00
60 man days labor (2.3% p/h)	@18.56	1,113.60
Contingencies		62.90
Total		$1,500.00

Mr. Wesky mentioned the possibility of furnishing up to $1,200 from water rights acquisition funds. If this amount can be made available we can absorb the balance from operating funds.

74

In the event funds are made available we should start work about April 20, weather normally precludes and earlier start. The job could be completed by May 20 just ahead of the travel season. It would require 3 laborers for 20 working days each. Our Maintenance man would serve as foreman as a portion of his regularly scheduled duties.

Since we should request Secretarial clearance for the laborers an early decision will be appreciated.

/s/ Paul [illegible]. Steel
Superintendent

IN REPLY REFER TO:
L-54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

JAN 4 - 1960

RECEIVED
NPS REGION FOUR OFFICE
JAN 5 '60

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

Spaulding LSS 1/6
Whitworth
Manbey

Certified Mail
Return Receipt Requested

Memorandum

To: Regional Director, Region Four

From: Regional Director, Region Three

Subject: Water Rights Docket No. 1, Decreed Water Right Serial No. 01065, Amendment Serial Number 10959, Cave Camp Water System, Lehman Caves

Mr. Dunn's memorandum of December 7 addressed to Regional Directors Three and Four suggested that with the transfer of administration of Lehman Caves on January 1 the Water Right Docket No. 1 and all related correspondence should be flagged for immediate review by Messrs. Spaulding and Whitworth.

In this connection we have attached Docket No. 1 covering Cave Camp Spring water system and a partially complete duplicate assembly. It is believed that the second folder (docket) was received from Lake Mead when Lehman Caves was no longer a co-ordinated area under Lake Mead. The related correspondence (L-54 file) will be mailed in the boxes with all of the Lehman Caves correspondence.

In the second paragraph, page 2 of Mr. Dunn's memorandum of December 7 he refers to a statement by Mr. Kell that not all of the springs in the Cave Camp area are diverted by the existing system.

Mr. Kell has advised me that in his opinion additional water could easily be obtained. While no U. S. Geological Survey studies have been made to our knowledge, it appears from Mr. Kell's observation that the additional flow could be obtained without any tunneling under or toward Lehman Creek. While it might be possible that some of the sources that appear to be "springs" might be

influenced by seasonal flow of Lehman Creek, it is not believed the Service would be critized or our water rights placed in jeopardy if more water was captured from additional springs.

At the present time we have tile to catch the flow from three separate areas. It was never our intention to do any tunneling work towards Lehman Creek but merely to place additional vitrified tile in the most obvious places and connect the additional tile to the present system and catchment.

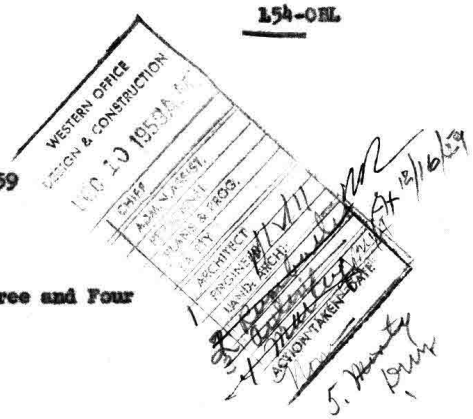
If we can be of any assistance after you have reviewed the Docket and the L-54 correspondence, please feel free to write.

Thomas J. Allen
Regional Director

Attachments

Copy to: Director (2)
Chief, WODC (2)
Mr. Spaulding, Region Four
Supt., Lehman Caves

154-ONL



December 7, 1959

Memorandum

To: Regional Directors, Regions Three and Four

From: Chief, Water Resources Section

Subject: Water Rights, Lehman Caves

With the transfer of administration of Lehman Caves, the Water Right Docket No. 1 and all related correspondence should be flagged for immediate review by Messrs. Spaulding and Whitworth.

For their information, amendment of the rights under Decree No. 01065 were initiated in 1943, and we are still obtaining annual extensions of time. The State will only grant one year extensions, due in October, and has already questioned the justification for more extensions of time. Nevada and Utah are probably the most exacting as to compliance with the water laws.

The original claim under Serial 01065 was to 0.15 sec.ft. from Cave Spring and Lehman Creek. The full quantity was decreed but limited to the use of Cave Spring, which does not have but a fraction of that flow. Two of the former State Engineers told me that the loss of rights to Lehman Creek was due to faulty testimony or ruling, but it is too late to obtain a change in the decree.

"South Spring" in NW¼ NE¼ Sec. 16 was introduced as a supplemental source to which part of the rights were to be transferred under Application 10959 of 1943. This source was under consideration at the time, but there has not been any development. The flow disappears rapidly as it leaves the source. At the time it was desired to obtain more water than was available at Cave Spring; in part to maintain the pond in SE¼ SW¼ Sec. 10, whichI believe has been abandoned. A largely silted-up reservoir in SW¼ SW¼ Sec. 10 indicated that this spring had been used during some previous wet seasons.

The water of the Cave Spring area was supplemented by a ditch from Lehman Creek when Application 10959 was filed in 1943 because the State Engineer had never enforced the decree under Serial 01065. No

72

State action would probably be taken unless another appropriator protested, or a river master were appointed. However, the ditch is supposed to have been filled in by the Park Service since 1943.

According to Mr. Kell, who has visited the area since my last visit, not all springs in the Cave Spring area are diverted by the existing system. It is also probable that tunnels toward, and certainly if under Lehman Creek would increase the flow. However, the tunnel extending beyond the crest of the ridge would certainly be considered as diversion of sub-surface flow of Lehman Creek, in violation of the decree. I assume that the spring flow is actually only an escape of such sub-surface flow, anyway, and a tunnel which would not quite reach a point under the crest of the ridge might be an acceptable "spring development".

We do not have to develop a flow of 0.15 sec.ft. from the two spring sources, but we should develop as much as will ultimately be needed for the Monument, if that is possible. We should also make the development, and report completion of construction before the State Engineer refuses to grant another extension of time. To get a license under the amendment, we would also have to prove full use of the maximum developed and diverted flow.

I believe that Mr. Fields, and perhaps WODC, have been giving some thought to this matter in the past few months. We should have a definite estimate of ultimate water needs, and determine whether Cave Spring or Cave and South Spring can supply them, before next October. If possible, we should also do some construction which will actually increase the diverted flow if possible.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lehman Caves
Chief, WODC (2)

72

IN REPLY REFER TO:
L54-OBL

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

August 28, 1959

RECEIVED
REGION THREE OFFICE
SEP 2 1959

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
ADMIN.		
[illegible]		
INTERP.		
RECREATION		
FORESTRY		
SOLICITOR		
FILES		

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights, Application 10959, Docket 1, Lehman Cave

Attached are a copy of the First Notice, of August 21, of Proof Due, and one original of each of the forms for reporting completion of work and application of water to beneficial use. These forms differ slightly from those of past years. No copies of the form for Request for Extension of Time were supplied.

Mr. Fields will need four extra copies of any forms which are used, for the docket records. I anticipate, too, that he will probably have some difficulty in obtaining a further extension of time unless he can report significant progress since last October in developments to produce more of the authorized 0.15 sec.ft. He can probably obtain the State Engineer's reaction to another request for extension of time by the mere request for five forms for such request for this water right.

I suggest that the request for forms be made at once to give time for further consideration of procedure if further extension of time will be denied.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, w/c letter of August 21 - LEHMAN CAVE
Chief, WODC, w/c letter of August 21

66

L54 LECA

Region Three
Santa Fe, New Mexico

DEC 14 1958

Memorandum

To: Superintendent, Lake Mead

From: Regional Chief of Operations

Subject: As Constructed Drawings, Lehman Caves - Water System

In Mr. Dunn's memorandum of November 2, copies to you and Superintendent Brown, he attached an extension of time granted by the State Engineer until October 19, 1957.

As explained in Mr. Dunn's memorandum, we must extend the system or make full use of the water or reduce the claim. Mr. Dunn also raises the question regarding our future needs and whether Spring No. 2 should be diverted and tied into the system and put to beneficial use.

Mr. Kell has advised me that when he was at Lehman Caves in August, his first trip to the area, Mr. Brown showed him the overflow from the present system. If Mr. Kell's first-time picture is correct, the overflow was approximately one-half full discharge from a two-inch pipe and he understood this overflow was with the storage tank full, one sprinkler in operation, and more than normal kitchen activity in preparation of food for the Wheeler Peak investigation party.

Perhaps your office could furnish Mr. Dunn, as well as this Office, with as constructed drawings of the present system. If no "as constructed" drawings are available, a rough sketch prepared by Superintendent Brown showing approximate locations and data should be furnished. The important data, if a sketch is made, should include the following:

1. Length and size of pipe from spring to storage tank.

2. Shape, size and capacity of the storage tank.

3. Number of buildings served by the system, permanent and seasonal.

cd

4. Approximate areas irrigated. This should include lawn and other areas, if any, and also include the fish pond, size, and depth for evaporation.

5. Number of permanent and seasonal personnel, including concessioner (if this data has not been furnished with the Arizona v. California data).

It is apparent that before September 1, 1957, we must determine if Cave Spring can serve all anticipated needs. If Mr. Kell's meager data is correct, it would appear that, with increased storage, the present spring might well serve all our anticipated needs. However, as soon as possible, this question should be answered.

(signed)

David H. Canfield
Regional Chief of Operations

Copy to: Director (2)
Supt., Lehman Caves (attached)

JBKwajg:12/11/56

64

L-54

Montgomery

Smith

September 22, 1958

Memorandum

To: Regional Director, Region Three

From: Supervisory Engineer, WODC

Subject: Water Right Permit 10959, Docket 1, Lehman Caves National Monument

In a memorandum of September 4 to your office from A. van V. Dunn, Chief, Water Resources Section, was the sentence, "If WODC, or other office has a plan of ultimate water system and estimates of supply and use, please have them forward to us at once."

Since no projects are programmed in the 1959 Fiscal Year, nor are any anticipated in the 1960 Fiscal Year, no further studies have been accomplished by this office, nor have any plans been developed.

(Sgd.) P. E. Smith

P. E. Smith
Supervisory Engineer

In duplicate

Copy to: Supt., Lehman Caves
Chief, Water Resources Section
Project Supervisor Hendrix
Mr. Richey

RTMontgomery:cr

FILE COPY

L54-L

September 4, 1958

AIR MAIL

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Permit 10959, Docket 1, Lehman Caves

We must report progress or request another extension of time under the subject right by October 19, if we are not to lose rights to part of the authorized 0.15 sec.ft.

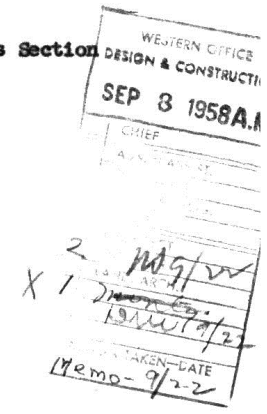
Please refer to Mr. Kell's memorandum of March 13, and my reply of March 28. If WODC, or other office has a plan of ultimate water system and estimates of supply and use, please have them forward to us at once. If not, please supply suggestions to support request for further extension of time.

I do not see that we can claim increased use from existing system because the change is probably only to reduce irrigation as more water is needed for domestic purposes. The justification for extension of time should indicate available supply now diverted, that available at any supplemental source, and progress on development plans if they are not completed.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lehman Caves - Air Mail
Chief, WODC - Air Mail



L 54

Crowley

Smith

April 1, 1958

Memorandum

To: Project Supervisor Rumbaitis

From: Supervisory Engineer, WODC

Subject: Water Right Application 10959, Docket 1, Lehman Caves

Attached is a copy of a March 28 memorandum by Mr. Dunn, on the subject. While this is primarily a responsibility of the Park and the Region, it is being sent for your information and you may also desire to review the situation on the ground before returning to San Francisco.

(Sgd) P. E. Smith

P. E. Smith
Supervisory Engineer

In duplicate

Attachment

HLCrowley:as

FILE COPY

6d

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS OFFICE
MAR 31 1958
REG. DIR.
ASST. R.D.
AD...
OPERATIONS
INTER...
RECREATION
FORESTRY
SOLICITOR
FILES

March 28, 1958

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Application 10959, Docket 1, Lehman Caves

The memorandum of March 13 from Mr. Kell, and comments in attached memorandum of March 3 to the Regional Chief of Operations from Mr. Wohlbrandt, present a program of planning which seems to be in the reverse order. The work should start from the determination of available water supply and anticipated needs.

Drawings 5304 and 6979, the latter supporting the application in the docket, should suffice for immediate surveys unless a later plan has been prepared. The three spring diversions differ on the two drawings, but the mere field inspection by Mr. Kell appears to confirm the locations on Drawing 6979. I believe there is another drawing, prepared after 5304 (1940) but before 6979 (March 1942).

The next point is that Messrs. Kell and Wohlbrandt both refer to the flow of 17 gpm (0.0038 sec.ft.) into the 500 gallon sump. Mr. Wohlbrandt also estimates total available spring flow at 30 gpm (0.0067 sec.ft.). Either quantity is far below the 0.15 sec.ft. (49.3 gpm). Mr. Kell's sketch and the aforesaid drawings show the close proximity of Lehman Creek. Drawing 6967 shows the old ditch to provide supplemental water from the Creek, under rights which were lost at the time of adjudication. Mr. Wohlbrandt points out the sandy nature of the soil which suggests that the springs are quite probably only seepage from the creek. Mr. Wohlbrandt suggests infiltration galleries to develop the springs.

There is a question as to how far the galleries might be extended into the hill, as spring development, without constituting collection of the underground flow of Lehman Creek. Tunnels along the thread of the spring flow might develop considerably more water as they approached the creek, but should stop before they become diversions of the underground creek flow under the state water laws. I think that the matter should be discussed with the state engineer, and that a D. & C. construction project should then be scheduled to develop to the extent authorized by existing rights.

59

Mr. Wohlbrandt also states that residences and domestic use of the visitor center will require 5,500 gpd (0.0085 sec.ft.) under the MISSION 66 program. He also suggests a need for water for sprinkling and irrigation. The original decree under 01065, which is being amended under Application 10959, authorized 0.15 sec.ft. to irrigate 7.5 acres continuously throughout the year. If that duty of water is needed in the vicinity of the Monument, the next question is how many areas will NPS irrigate, and what portion of 0.15 sec.ft. is needed for it. There are two types of sprinkling. California recognizes a normal use of 18.5 gallons per 100 sq.ft. per day for hose irrigation of lawns and other vegetation, and from 7.5 to 10 gallons per 100 sq.ft. for dust laying, which are probably proper for Lehman Caves, too. From this, the total water demand should be determined while also determining how much water can be obtained under the rights to the springs. WODC should be brought into the picture.

I think more water is needed than can be obtained from the springs. For that reason, Application 10959 provides for the diversion of South Spring, which would not conflict with other water claims. All water now lost by evaporation and consumption by native vegetation could be reclaimed if the diversion were made at the spring. It might not be possible to get enough water from the Cave Springs and South Spring, but that seems to be all the water that can be obtained under existing rights. Development plans should be prepared, to use both sources to the extent ultimately needed.

A measuring device is needed at South Spring. A similar device, including some trenching, seems essential at the various sources in the Cave Spring area. Before or after talking with the State Engineer, it may be desirable to have a geologist consider the extent to which either set of springs can be developed without a technical interference with the underground flow of Lehman Creek.

The final problem may be to purchase some rights to the combined Lehman-Baker Creeks, to permit restoration of the ditch diversion above Cave Spring. All these matters should be considered before actual surveys or construction.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lehman Caves
Chief, WODC

51

154

Region Three
Santa Fe, New Mexico

MAR 13 1958

WESTERN OFFICE DESIGN & CONSTR
MAR 19 '58
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN

Memorandum

To: Director

From: Regional Chief of Lands

Subject: Water Right Application 10959, Docket No. 1, Lehman Caves

On February 19, in company with Regional Engineer Wehlbrandt, I visited Lehman Caves National Monument, and for the first time, saw the spring area where the water is collected.

We did not walk the 2" pipe line leading from the springs to the storage tanks near the headquarters area, but I did measure the collection sump and it apparently, according to my measurements, was constructed in accordance with Sheet 2 of 2 of Drawing NM-LC-5304. At the time of our visit, the screen over the 2" pipe leading to the headquarters area was apparently clogged with debris and a considerable amount of water was overflowing from the 550 gallon collection sump. The overflow is covered with loose, coarse rocks and the water could be heard escaping, but there was no way to measure the actual amount of overflow. Superintendent Thompson has reported that since he arrived at Lehman Caves, he has measured the water flowing into the 550 gallon collection sump and found the quantity to be approximately 17 gallons per minute. This measurement was made with a bucket of known capacity and a watch. Unfortunately, I did not obtain from Mr. Thompson the exact date the measurement was made.

The spring area which is fenced is estimated to be approximately 200' wide (generally north and south dimensions), and by paced distance, approximately 400' long (generally east and west). We inspected the three springs which are unnamed or un-numbered on Sheet 1 of 2, Drawing NM-LC-5304. I have attached a small letter size sketch and for the sake of identification, have referred to these as Springs 1, 2, and 3. The water is collected by means of a 4" vitrified tile approximately the same as shown on Sheet 1 of 2 of the above numbered drawing. Spring No. 1 from the standpoint of efficiency in collection is the best spring. The water at this point is gathered by means of a concrete box 21" wide, 26" long, and approximately 8" deep. At the time of my inspection, water was flowing into the 4" vitrified tile 1½" deep. The second spring which I have designated arbitrarily as Spring No. 2, apparently produces approximately the same amount of water. The water from this spring is gathered by means of a curtain wall approximately 6" thick and of unknown depth. Considerable amount of water is lost by seepage under the curtain wall, as evidenced by

reappearance in the natural channel some 30' below the spring. It is estimated that at least one gallon a minute or more, appears on the surface at this point and continues in the natural drainage channels. We did not visit Spring No. 3, since Superintendent Thompson reported it was dry and producing no water.

There are several springs immediately above Springs 1, 2, and 3, well within the 1320' dimension shown on Sheet 1 of 2, Drawing 5304. It appears to me we should make every effort to collect this additional water which could be done at a nominal cost. In this connection, I have attached a copy of Regional Engineer Wohlbrandt's report dated March 3.

Since Superintendent Thompson arrived at the area, he has excavated the 4" vitrified tile leading from the springs to the collection sump and has marked the junction of the laterals with the 4" line by means of posts set in the ground at the junction points. It is my recommendation, subject to Mr. Dunn's concurrence, that I arrange with Park Engineer George Smith to go to Lehman Caves and collect sufficient information for the preparation of an as-constructed plan, especially at the spring area. At the same time, Mr. Smith could obtain data on the ditches leading from the other springs and when this information is complete, we could prepare plans and estimates for collection of additional water which I think we need to protect our filing under Application 10959. It also seems to me that the entire spring area should be fenced. If Mr. Dunn concurs, we will arrange to have Park Engineer Smith make the necessary surveys and the drawings can be completed in this office.

JOHN E. KELL
John E. Kell
Regional Chief of Lands

In duplicate

Attachments

Copy to: Supt., Lehman Cave
Chief, WODC

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

IN REPLY REFER TO:
L54-L LECA

Reg. Director
Asst. Reg. Director
Ch. Div. of Administration
Chief, Div. of Operations
Chf. Div. of Interp
Chf. Div of Rec. Res. Pl.
Chf. Forestry Wildlife
Field Solicitor
Kell
Action Taken
Files

November 5, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Extension of Time, Permit 10959, Docket 1, Lehman Caves

Attached is a photostat of receipt, which also constitutes the grant of requested extension of time in which to develop and use 0.15 sec.ft. of water. The receipt should be filed at top of upper section of Docket 1, over my request of October 7, 1957. The original is being sent to the Monument, and copies are being sent Lake Mead and WODC for similar disposition.

There seems to be no record of supplying WODC with a copy of this docket, at least with complete contents. It also happens that the Superintendent of Lake Mead will cease to be a Coordinating Superintendent as of January 1, 1958. It is requested, therefore, that the Lake Mead docket and all correspondence relating to the water right and docket be sent to WODC during the next two months.

It would be helpful if Mr. Kell could bring the table of contents up to date from our assembly, while in Washington, in mid-month, and help all field offices put their assemblies in proper form before the Lake Mead copy is sent to WODC.

Attention is called to the fact that Cave Spring does not appear to have a flow of 0.15 sec.ft., and the U.S. has no right to supplement that supply from the ditch over the divide from Lehman Creek due to error at time of adjudication while right was privately owned. We have introduced claims to "South Spring" area in Application 10959, but no diversion has been used.

There has been some question during the past few years as to whether more than the natural, developed flow of Cave Spring is needed for the ultimate future. This should be determined by a WODC or Park Engineer. Assuming that more water will ultimately be needed, the cheapest solution is to add flow from "South Spring" area. This should be done in the next few years because the State Engineer will not grant many more extensions of time, if any.

57

The other alternative is to purchase decreed rights to Lehman Creek (or Baker Creek) and amend them to permit former diversions by the ditch above Cave Spring. Under this method, the rights could be perfected as soon as Cave Spring flow is back to normal and fully diverted and used during specified days of some year. The purchase and amendment of rights to Lehman or Baker Creek could be deferred until the water is needed except for the fact that the purchase price and case of transfer to the old ditch headgate on Lehman Creek will be more expensive and difficult as time progresses.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lehman Caves, with original receipt
Superintendent, Lake Mead, with copy of attachment
Chief, WODC, with copy of attachment

10-29-1957: receipt no. 48892: engineer's office; request for extension of time

ORIGINAL Stub RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 48892

October 29, 1957

U. S. National Park Service,
Interior Bldg., Washington 25, D. C.

To THE STATE OF NEVADA, Dr.

		TO Filing request for extension of time under Permit No. 20959	$ 5.	00
		Extension of time to October 19, 1958 has been granted.		

Remittance in U. S. Treasurer's check, Warrant No. 13,328,012.

Received payment,
Edmund Mathews
State Engineer.

By Connie Boice

3M-11-56
1052

57

154

Region Three
Santa Fe, New Mexico

OCT 31 1957

Memorandum

To: Superintendent, Lake Mead

From: Regional Chief of Operations

Subject: Water Right Application 10959, Docket No. 1, Lehman Caves

You have received copies of Mr. Dunn's memorandum of October 7 requesting an extension of time under the subject application with a request that the application be filed in the subject docket.

Mr. Dunn also points out that he has not received the information requested in our memorandum of December 14, 1956, and his memorandum of November 2, 1955.

The immediate need is a completed plan and an analysis of the water use. Supervisory Engineer P. E. Smith has furnished us a list of the related drawings at Lehman Caves with copies to the Director, the Superintendent, Lehman Caves, and your office. It is possible that one of these prints could be used as a base and the Superintendent could mark the print to show as-constructed details covering Items 1 through 5 requested in our Memorandum of December 14. If a rough sketch showing the as-constructed details could be obtained, the additional drafting, if required, could be completed in this office.

We believe that the analysis of water use could be furnished by the Superintendent from the knowledge he has of the area.

(SIGNED)

David H. Canfield
Regional Chief of Operations

WESTERN OFFICE
DESIGN & CONSTRUCTION
NOV 4 1957 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

In duplicate

Copy to: Director (2)
WODC w/memo 12/14/56

54

IN REPLY REFER TO:

L 54
LECA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN OFFICE, DESIGN AND CONSTRUCTION
1000 GEARY STREET, SAN FRANCISCO 9, CALIFORNIA

October 14, 1957

Memorandum

To: Regional Director, Region Three

From: Supervisory Engineer, WODC

Subject: Water Right Application 10959, Docket 1, Lehman Caves

Related to Mr. Dunn's October 7 memorandum to you on the subject, we have reviewed our plan files and find drawings as follows:

Year		Drawing No.
1940	Proposed Water Distribution System, Headquarters Area (Shows 3" C.I.P.)	NM-LC-5306
1940	20,000 Gallon Reservoir, Water Supply System	LC-5305
1940	Proposed Development Water Supply System	LC-5304 (2 sheets)
1934	Existing and Proposed Water System (Includes Cave Spring & water line location, traverse table from stadia, and chained traverses.)	LC-5303
1934	Lehman Cave National Monument Water System - E. C. W. Project 1-316 (2842.1 ft., 2" pipe and new storage reservoir.)	LC-4942 (1 sheet)

If any of these will be of use to you in fulfilling Mr. Dunn's request, we will be pleased to supply prints.

It is our impression that the E. C. W. pipe line is the only one constructed but someone reviewing this may have more information.

P. E. Smith
Supervisory Engineer

Reg. Director
Asst. Reg. Director
Chf. Div. of Admin.
Chf. Div. of Operations
Chf. Div. of Rec. Res. Pl. 10-17
Chf. Div. of Interp.
Field Solicitor
Action Taken 10/31
File 65

In duplicate

Copy to: Director
Supt., Lehman Caves NM
Supt., Lake Mead NRA

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

IN REPLY REFER TO:
L54-L LECA

Reg. Director
Asst. Reg. Director
Chf. Div. of Admin.
Chf. Div. of Operations
Chf. Div. of Rec. Res. Pl.
Div. of Interp.
Solicitor
10/31
Action Taken
File

October 7, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Application 10959, Docket 1, Lehman Caves

Attached are our request for an extension of time under the subject application, and our letter of transmittal. The application should be filed in the assembly of the subject docket.

The facts that no form for the request was received, and that the State Engineer has already forced proof under the application for Roger Spring at Lake Mead, suggest that this request may not be accepted. So far as we can determine there has been no attempt to supply the information requested in our memorandum of November 2, 1956, to you and the memorandum of December 14, 1956, to the Superintendent, Lake Mead from Mr. Canfield. We should have a completed plan, and an analysis of the water use immediately. We should also have the record of a measurement of the water that is, or can be diverted at Cave Spring, with the date of that measurement, and by whom made.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Lake Mead, with 2 attachments
Superintendent, Lehman Caves, with 2 attachments
Chief, WODC (2), with 2 attachments

54

January 16, 1957

Memorandum

To: Superintendent, Lehman Caves National Monument

From: Superintendent, Lake Mead National Recreation Area

Subject: Water Right Permit 10959, Docket 1, Lehman Caves

I am enclosing a copy of Regional Chief of Operation's memorandum of December 14 which requests more or less the same information as Mr. Van. V. Dunns memorandum of November 2. Please disregard the Acting Superintendent's memorandum of December 14, 1956.

Since we have available here, future development plans for Lehman Caves under Mission 66, please forward the information requested by Mr. Van Dunn to this office to be further studied and completed prior to forwarding to the interested offices.

In preparing your information please be guided by the fact that we have your memorandum of October 21, 1955 to the Director.

To aid you in preparing an as-built drawing of your water system and general lay-out of your development, we are enclosing 2 prints each of the following drawings which would be marked in red pencil:

NM-LC 4946-A Utility Lay Out
NM-LC 5303 Existing and Proposed Water System
NM-LC 5304 Water Supply System
NM-LC 5306 Proposed Water Distribution System

There appears to be considerable confusion as to the names and numbers of springs under consideration for this water right permit. N. Van Dunn speaks of cave spring and spring No. 2; enclosed drawing No. NM-LC 5304 shows cave spring but makes no mention of spring no.2.

The information you sent us should leave no doubt as to which springs are existing and useable and which springs Mr. Van Dunn refers to.

We would appreciate receiving the above information and marked, as-built drawings by March 1, 1957. Please keep one set of the marked prints for your future reference.

Charles A. Richey
Superintendent

Enclosure

B. C. Elder

00-00-0000: memorandum to superintendent from regional chief regarding as constructed drawings

L58 LECA

Region Three
Santa Fe, New Mexico

Memorandum

To: Superintendent, Lake Mead

From: Regional Chief of Operations

Subject: As Constructed Drawings, Lehman Caves - Water System

In Mr. Dunn's memorandum of November 2, copies to you and Superintendent Broom, he attached an extension of time granted by the State Engineer until October 19, 1957.

As explained in Mr. Dunn's memorandum, we must extend the system or make full use of the water or reclaim the claim. Mr. Dunn also raises the question regarding our future needs and whether Spring No. 2 should be diverted and tied into the system and put to beneficial use.

Mr. Kell has advised me that when he was at Lehman Caves in August, his first trip to the area, Mr. Broom showed him the overflow from the present system. If Mr. Kell's first-time picture is correct, the overflow was approximately one-half full discharge from a two-inch pipe and he understood this overflow was with the storage tank full, one sprinkler in operation, and more than normal kitchen activity in preparation of food for the Wheeler Peak investigation party.

Perhaps your office could furnish Mr. Dunn, as well as this Office, with as constructed drawings of the present system. If no "as constructed" drawings are available, a rough sketch prepared by Superintendent Broom showing approximate locations and data should be furnished. The important data, if a sketch is made, should include the following:

1. Length and size of pipe from spring to storage tank.

2. Shape, size and capacity of the storage tank.

3. Number of buildings served by the system, permanent and seasonal.

4. Approximate areas irrigated. This should include lawn and other areas, if any, and also include the fish pond, size, and depth for evaporation.

5. Number of permanent and seasonal personnel, including concessioner (if this data has not been furnished with the Arizona v. California data).

It is apparent that before September 1, 1957, we must determine if Cave Spring can serve all anticipated needs. If Mr. Kell's meager data is correct, it would appear that, with increased storage, the present spring might well serve all our anticipated needs. However, as soon as possible, this question should be answered.

David H. Canfield
Regional Chief of Operations

Copy to: Director (2)
Supt., Lehman Caves (attached)

JHE:a jg :12/11/56

154-L

WESTERN OFFICE
DESIGN & CONSTRUCT
NOV 5 1956
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
2 ENG.
LAND, ARCH.
3

November 2, 1956

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Permit 10959, Docket I, Lehman Caves

Attached is copy of receipt which also indicates that an extension of time of one year, until October 19, 1957, has been granted in which to complete or extend the Monument water system and make full use of 0.15 sec.ft. of water from Cave Spring and Spring 2. A copy is also being sent to Lake Mead and Western Office of Design and Construction and the original is being sent to Superintendent, Lehman Caves. All should be filed in your Docket 1 assemblies.

Only Cave Spring is now developed and used, and its flow is less than 0.15 sec.ft. The Water Resources Section has lost track of the improvements which have been made, because of lack of an "as constructed plan", and records of "maximum permanent population, campers, picnickers, and transients" served on peak days. Part of this may now be available in reports for Federal intervention in Arizona vs. California, but we should have a consolidated statement, with illustrative map, of present development, and maximum population served now, and estimates of the ultimate with MISSION 66 development. The use does and will also include irrigation, for which acreage should be shown, and maintenance of the "fish" pond for which a surface area should be supplied for estimating evaporation.

The final question which should be decided by next September 1 is whether Cave Spring can serve all anticipated needs, or whether Spring 2 should be diverted to the system at a later date. Abandonment of plans to use the latter will reduce the claim from 0.15 sec.ft. to the average flow of Cave Spring during the tourist season of a normal year of precipitation. The right will be reduced from 0.15 sec.ft. to the flow of the sources which it is planned to use.

If Spring 2 is not worth developing but water in excess of the flow of Cave Spring will be needed, the only sources known to me would be the adjacent creek or groundwater. An established right to the creek

49

would have to be purchased, and estimates for appraisal and purchase should be included in proper years, in your programs and budget estimates under Account 347. Groundwater seems to be potentially a more debatable source with the local geology, but if that were desired, there should be a proposal and estimate for a groundwater study in the proper year.

(SIGNED)

A. Bryan V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lake Mead, w/c attachment
Superintendent, Lehman Caves, w/c attachment
Western Office of Design and Construction, w/c attachment

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

In reply refer to:
L54-L Lehman

REG. DIRECTOR
ASST. REG. DIRECTOR
CHF. DIV. OF ADMINISTRATION
CHF. DIV. OF PLANNING
CHF. DIV. OF RESEARCH
CHF. DIV. OF MAINTENANCE
FIELD SOLICITOR
ACTION TAKEN
FILE

NOV - 3 1955

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Water Rights and Water Development, Lehman Caves

We are distributing copies of a memorandum of October 21 from Mr. Brown, with copies of this memorandum in case any of the interested offices did not receive them. This excellent reply to Mr. Dunn's memorandum of October 4 to you needs careful consideration with some of the previous correspondence.

Mr. Dunn points out that there is not the adequate water supply which has been reported by Mr. Wirth, by letter of March 28 to Senator Bible, and memorandum of July 30, 1954, to the Superintendent. Mr. Brown justifies the following daily water demands:

Use	Easter 1954	July 31, 1954
Employees and their families 14 at 50 gpc	700 gpd	700 gpd
Comfort station 1103 at 7 gpc	7,721 gpd	
Comfort station 445 at 7 gpc		3,115 gpd
Guest cabins 15 at 35 gpc	525 gpd	525 gpd
Campground 40 at 25 gpc		1,000 gpd
Restaurant 800 at 2.5 gpc	2,000 gpd	1,000 gpd
Irrigation 21,000 sq.ft. at 18.5 gpd/100 s.f.	3,885 gpd	3,885 gpd
Flow to maintain pond	7,000 gpd	7,000 gpd
Total demand	21,831 gpd	17,225 gpd
Flow October 18, 1955 16 gpm	23,040 gpd	
Flow August 25, 1954 12.5 gpm (previous report)	18,000 gpd	

The measured flow of October 18 is from three springs shown on Drawing 5304. Their flow when the survey was made for the drawing was 0.052 s.f. or 33,608 gpd. There is either incomplete development or a decided drop in the flow.

Drawing 5304 also shows other springs and seeps. The flow of six springs was 0.079 sec.ft., or 51,100 gpd, and there were eight seepage areas with unspecified flow. Any potential proof for license based on the existing system would be limited to the flow of the three diverted springs or the actual portion of that flow which is beneficially used--between 22,000 gpd and 33,000 gpd. All springs and seeps in the fenced area should be developed and diverted to the system before proof is needed to prevent lapse of all water rights.

47

11-03-1955: stamp of receipt



Water Right Application 10959 actually authorizes the diversion of 0.15 sec.ft., or 96,948 gpd, from the aforesaid source and the undeveloped South Spring Area shown on the map in Docket 1. Plans now call for additional utility and residential developments at another area which will supplement rather than replace existing developments, and will include higher standards of water using facilities. The plan for the ultimate development should include provision for adequate water supply, and it should be completed before we have to request further extensions of time in which to perfect water rights. It should also indicate the quantity of water needed as well as the provisions to get it.

In addition, Mr. Brown should supply annual reports on visitor and employee use similar to that in his memorandum of October 21 whenever there is peak use in excess of that of 1954. This data can then be used to support requests for further extensions of time in which to complete construction and full use of the water.

Assistant Director

Attachment

Copy to: Coordinating Superintendent, Lake Mead, with copy of attachment
Western Office of Design and Construction, with copy of attachment
Superintendent, Lehman Caves

11-00-1955: stamp of receipt



L54-L
LEC A

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEHMAN CAVES NATIONAL MONUMENT
Baker, Nevada

October 21, 1955

REG. DIRECTOR
ASST. REG. DIRECTOR
CHF. DIV. OF ADMIN.
CHF. DIV. OF OPERATIONS
CHF. DIV. OF INTERP.
CHF. DIV. OF COOP. ACT.
FIELD SOLICITOR
ACTION TAKEN
FILE

MEMORANDUM

To: Director
Attention, Chief Water Resources Section

From: Superintendent, Lehman Caves

Subject: Water Right Application 10959, Docket 1, Lehman Caves

Following is information requested in Mr. A. van V. Dunn's memorandum of October 4:

1. Plan of water system as it now exists, or reference to number in of drawing in Washington Office Files. NO. OF DRAWING IN FILES NM--LC 5304

Note that the water line shown as Proposed Water Line on Map NM-LC 5304 is now EXISTING. It was completed and put in operation in June 1954.

Numbering the Springs 1, 2, and 3 from the head for identification on the map, No. 1 spring was redeveloped and piped. No. 2 and 3 were redeveloped and their waters run down the ditch to the Lehman pond which provides a watering place for Monument wildlife and a habitat for fish.

A note on Map NM-LC 5304 says "See Drawing No. LC 5306 for Distribution System . A copy of No. LC 5306 is not in the files at Lehman Caves.

2. Map showing outline of irrigated area. SKETCH MAP ATTACHED.

3. Number of permanent residents in Monument at peak of tourist season.

EMPLOYEES PLUS THEIR FAMILIES AND THE CONCESSIONER------ 14

40

4. Number of visitors on peak day who:

USE THE COMFORT STATIONS---------- ---------- 1103

This was the number on Easter 1954. On Easter Sunday 1955 there were fewer (731) because it was very unfavorable weather--snowing in all the areas around us all day. On any Easter Sunday in the future well over a thousand visitors can be expected at Lehman Caves, and everyone of them use the comfort stations.
On most holidays and on week-end days throughout the summer there are frequently 350 visitors a day. On July 31, 1954 there were many over 500 rather than the "slightly over 250 on the peak day" as noted on Application No. 10959.

a. Occupy the guest cabins. FIFTEEN because that is the greatest number the cabins will accommodate. There are calls for many more.

b. Camp over.night. Forty is as many as the Monument camping area will accommodate. Others have to be sent up to the Forest Camps. There is constant demand for additional facilities.

c. Use the restaurant. 800.

d. Who probably use none of the above facilities. NONE.

5. Measured spring flow. Measured 10-18-55 16 gal. per min.

The statement that good roads and fast cars now make many areas roadside points of interest rather than overnight objectives as they once were, does not apply in fact in the case of Lehman Caves. Up until three years ago the majority of travellers by-passed Lehman Caves by 70 miles because of the inaccessibility. But now, good roads are bringing more and more people into the area, not only as a point of roadside interest along their route but as an overnight or week-end stop. Besides the Caves there are beautiful canyons and fishing streams within two miles which attract people to make this their destination for vacation or a holiday.

Ever since the completing of Highway U S 6 and the rerouting of U S 50 to within 10 miles of the Monument, the overnight accommodations in the area, and the camping and picnic facilities have been pathetically insufficient to supply the need for them. And there is an ever-increasing demand for these facilities.

Arthur L Brown

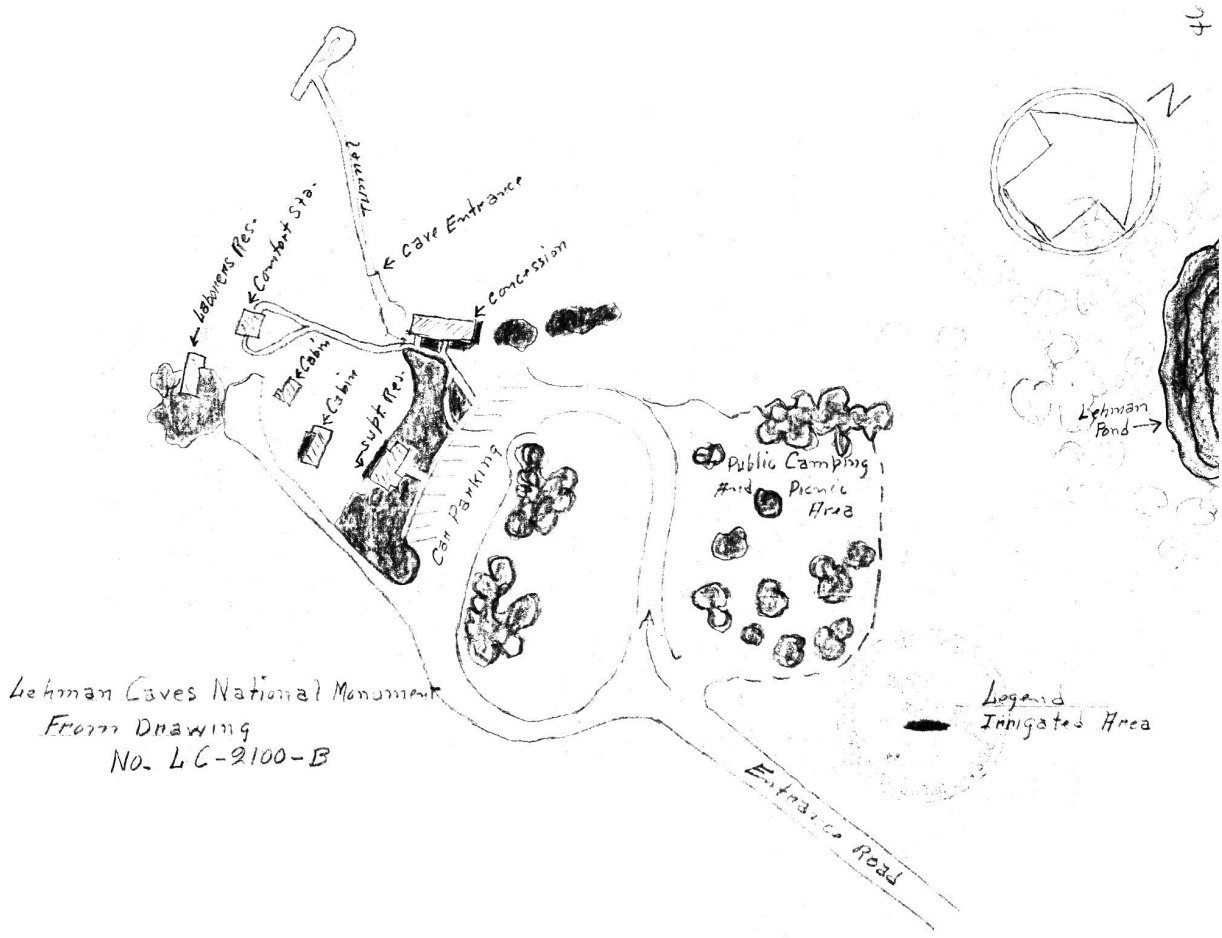
Arthur L. Brown
Superintendent

46

10-00-1955: stamp of receipt



10-00-1955: drawing no- lc-2100-b: lehman caves national monument



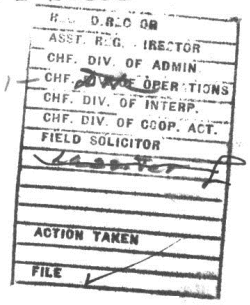
10-00-1955: stamp of receipt



10-04-1955: memorandum to regional director from chief regarding extension of time, water right application 10959

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

In reply refer to:
L54-L Leca



October 4, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Extension of Time, Water Right Application 10959, Docket 1, Lehman Caves

The attached copy of request for extension of time should be filed at top of contents of Lehman Caves Docket 1. Similar copies are being sent to WODC, Lake Mead and Lehman Caves, for similar disposition. The attached cover letter is for your letter file.

Done - 10/11 Lonsdale

This water right application was filed 12 years ago in 1943. From the State Engineer's refusal to grant further extensions of time to complete the Roger Spring water system at Lake Mead, under a 1937 application; and because of the notoriety which the Lehman Caves development has had during the past year, including the admission that only limited developments are now contemplated; it is essential that we have a complete description of the water use before the next extension of time becomes necessary. The following information is desired.

1. Plan of water system as it now exists, or reference to number of drawing in Washington Office files.

2. Map showing outline of irrigated area.

3. Number of permanent residents in Monument at peak of tourist season.

4. Number of visitors on peak day who:

   a. Occupy the guest cabins.
   b. Camp over night.
   c. Use the restaurant.
   d. Who probably use none of above facilities.

5. Measured spring flow.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Lehman Caves, with copies of attachments
Superintendent, Lake Mead, with copies of attachments
Western Office of Design and Construction, with copies of attachments

46

10-00-1955: stamp of receipt



COPY

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

IN REPLY REFER TO:

December 16,1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Extension of Time in Which to Perfect Rights to Cave Spring, Under Application 10595, Lehman Caves

Attached are two copies of the request for extension of time to complete the subject water system, which should be filed at top of upper section of Docket 1 in your office and at the Monument. Also included are copies of the cover letter to the State Engineer, which should go in the letter file.

The memorandum of August 25 from Mr. Brow indicates that the total spring flow is now about 12.5 gpm, or 18,000 gallons per day of which approximately 6 gpm, or 8,640 gallons per day, is allowed to flow to the pond. Presumably, the flow to the pond could be reduced if more water were needed for consumptive uses, but the flow should be kept adequate to compensate for evaporation and allow a small flow from the pond to prevent stagnation.

Deducting another 260 gallons as the probable domestic needs of Mr. Brow's household there is a residual of about 9,100 for the public needs and irrigation. This was equivalent to about 9 gallons for each of the 1,013 visitor reported for Easter Sunday, April 18, 1954, Apparently there was very little irrigation on that date, although the public water demand could have averaged anything between 5 and 15 gallons per capits, depending on sanitary facilities.

The same 9,100 gallons per day amounted to 282,100 gallons for the month of July. If the 4,064 visitor used 9 gallons per capita, their total demand was about 36,576 gallons. The residual of 245,523 gallons for irrigation averaged about 2,000 gallons per day from each of the 4 hose, this is about 40% of the 8-hour flow from a garden hose under a 40 pound pressure which we usually estimate, but probably correct for the Monument system.

The Monument attendance tripled between the 1947 and 1953 travel years (October 1- September 30), from 4,035 to 16,439.

with the September figured for 1954 not yet available, the 11-month total is 16,362, suggesting that the total will be about 19,000. It follows that public water demand in July and August will probably increase from about 37,000 gallons to 101,000 gallons per month during the next 6 to 8 years, with no tapering off in sight. Accordingly, we will attempt to keep the water right in permits form as long as possible.

A.van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 4

42

In reply refer to:
L54 LECA

Region Three
Santa Fe, New Mexico

November 30, 1954

Memorandum

To: Superintendent, Lake Mead

From: Acting Regional Chief, Cooperative Activities Division

Subject: Extension of Time under Water Right Application 10959, Docket No. 1, Lehman Caves National Monument

Attached are the original and one copy of the receipt from the State Engineer which constitutes an order granting an extension of time to October 19, 1955 in which to complete the water system at Lehman Caves National Monument, under Application 10959. Also attached are copies of Mr. Dunn's memorandum of November 23 requesting that the original receipt be filed in Docket No. 1 at the monument.

By copy of this memorandum we are reminding Mr. Dunn that effective November 1 Lehman Caves National Monument was again placed under the coordinating jurisdiction of the Superintendent of Lake Mead.

It is our understanding that files formerly kept at Lake Mead and transferred to this office are now being readied to return to your office.

We do not find a typical Water Right Docket or assembly except the one maintained by the Cooperative Activities Division. We presume that one is available at Lake Mead unless it has been incorporated in the correspondence files. If so, as stated above these files will be sent to you in the near future.

In the last paragraph of Mr. Dunn's memorandum you will note that he requests that periodic spring flow measurements and water demands should be made in order to determine whether to divert the other spring and so that he may take the proper action on perfection of the rights on Cave Spring.

(SIGNED)
Milton J. McColm
Acting Regional Chief
Cooperative Activities Division

In duplicate

JEK:ls
Attachments 2, in duplicate
Copy to: Director, with copy of Mr. Dunn's memorandum of November 22 and 2 copies of Region Three Staff Minutes of November 2.
Coop. Act. Div. In duplicate.

11-22-1954: memorandum to regional director from chief regarding extension of time under water right application 10959

Hall Zena

In reply refer to:
L54-L

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

OPERATIONS	
	CHIEF
	FORESTRY
	PROGRAMS
	ENG.
	ARCH.
	LAND. ARCH.

November 22, 1954

NOV 23 1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Extension of Time Under Water Right Application 10959, Docket 1, Lehman Caves NM

Attached are the original and two copies of the receipt, which also constitutes the order granting extension of time in which to complete the water system at Lehman Caves National Monument. The original should be filed in the docket assembly at the Monument, and the copies are for your assembly and the third assembly which is presumably in the Office of the Superintendent, ~~Southwest National Monuments~~. Supt Lake Mead

Two assemblies of the docket were sent to you in 1945 with instructions to send one assembly to Lehman Caves. The "original" assembly was sent to the Monument thru your office in 1951 with instructions that the older Monument assembly might be destroyed. Since that date, the reactivation of the Office of Superintendent, Southwest National Monuments, has made it desirable that the extra copy go there, if still available. We should like to know whether the Southwest National Monument Office has, or can obtain, the extra copy, or should have a partial assembly prepared. The same information should be obtained for records of rights at all Southwest National Monuments.

Application 10959 for amendment of rights under Permit 01065 has been in force since 1943. We have recently restored the system for diversion of Cave Spring. We should obtain periodic flow measurements and water demands in order to determine whether to divert the other spring, and what action to take on perfection of rights to Cave Spring.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 3

39

08-25-1954: memorandum to regional director from superintendent regarding water system and water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Refer to D6039-L
C/R L54-L

LEHMAN CAVES NATIONAL MONUMENT

Baker, Nevada

August 25, 1954

MEMORANDUM:

TO: Regional Director Region Three

FROM: Superintendent Lehman Caves National Monument

SUBJECT: Water System and Water Rights, Lehman Caves

Following is the information concerning the Lehman Caves water system as requested in Mr. Richey's memorandum of February 5, 1954, to be submitted by September 1, of each year:

1. Description of any water system construction, rehabilitation, and maintenance, during the year, with costs.

The first phase of the proposed rehabilitation of the Lehman Caves water system was accomplished by, as follows: ~~$5300 allotted~~

(1) Digging 3,484 feet of trench, 24" wide and 48" deep.
(2) Laying 3,484 feet of 2" galvanized pipe and covering (with special precaution against frost) to a depth of more than four feet at all points.
(3) Developing spring source and installing a concrete head box.
(4) Clearing out the two subsidiary springs and diverting the water from them down the ditch to the Lehman Pond. (These springs are now the sole supply of water to the pond which is of historical interest, a tourist attraction, and affords a watering place for the deer and other wild life of the Monument.)
(5) Fencing of the entire spring area.

The project was begun October 7, 1953 and completed June 15, 1954.

Total Cost was $4070.00.

2. Spring flow, flood season and peak travel season.

The spring flow is apparently constant year round-- 12½ gal. per minute--an adequate supply for a fair-sized community.

2/

3. Maximum daily and weekly attendence, with dates.

Easter Sunday, April 18, 1954---1,013 visitors.
Maximum week, Apr. 17, through Apr. 23---1,497 visitors.
Maximum month, July, 4,064 visitors.

4. Water usage other than for domestic purposes, with estimates of amounts used.

(1) Four 5/8" garden hoses on full spray in constant usage.

(2) In addition to above there is a continuous overflow from storage tank of approximately 6 gal. per minute which runs down waste ditch.

In fact domestic and visitor uses drain only about 10% of present supply. The other 90% runs out through the sprays and the storage tank overflow.

REMARKS:

Now, since the Lehman Caves water is conveyed all the way from the spring source to headquarters area by pipeline, the volume of water reaching our storage tank is far in excess of present needs and will be ample supply for greatly expanded future development.

Albeit with the ample supply of water, our force is not green enough for adequate fire protection because of the small lines in the headquarters area. (They are 1½" and should be replaced with lines not smaller than 3".)

The upper spring only is furnishing this very ample supply of wholesome water to our present system. However, the other two springs have been cleaned out periodically and all the water from them diverted down to the Lehman Pond. As has already been stated, the water from these springs is necessary to supply the pond which affords a watering place for the wild life of the Monument, and is a visitor attraction of scenic and historical value.

Concerning Mr. Langley's reference to the ditch in his memorandum of August 17, there has been no supplemental water supplied from the creek to the spring area since May 15, 1953.

Arthur L. Brow
Superintendent
Lehman Caves Natl Monument

36

08-20-1954: memorandum to superintendent from regional engineer regarding water rights

In reply refer to:
D5039-L G/R 154

ORIG

Region Three
Santa Fe, New Mexico

August 20, 1954

Memorandum

To: Superintendent, Lehman Caves

From: Regional Engineer

Subject: Water Rights

There is attached a copy of Mr. Langley's memorandum of August 17 requesting the information asked for in Mr. Rigby's memorandum of February 5 which was transmitted to you with Mr. Miller's memorandum of February 10.

It is requested that you furnish us with the desired information so that the Washington Office will be in a position to determine if we should proceed with the final proof on our water right application.

James R. Lassiter
Regional Engineer

Attachment

JRL:md

35

08-17-1954: memorandum to regional director from acting assistant regarding water rights

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

In reply refer to:
D5039-L

ORIG IN

AUG 17 1954

Memorandum

To: Regional Director, Region Three

From: Acting Assistant Director

Subject: Water Rights, Lehman Caves

As a supplement to Mr. Wirth's memorandum of July 30 to the Superintendent, Lehman Caves, File D5039-B, concerning the concession and water system at Lehman Caves, your attention is called to the memorandum of February 5 from Mr. Richey, File L54-L, requesting information on spring flow, attendance and water uses, which has not been answered. In connection with the spring flow, we wish figures when there is not, and has not been, any supplemental water applied to the spring area from the creek, by the old ditch, for at least a month. There is no legal right to use the old ditch at any time.

The information is desired to permit reappraisal of the water needs, and to determine whether we should proceed with the whole project outlined in the water right application in Docket 1, or abandon part of the project and make proof on the amount of water available to the present system. Your suggestions should be supplied with the supporting data which are requested.

Henry Langley
Acting Assistant Director

In duplicate

34

Lehman

In reply refer to:
L54-L

Region Three
Santa Fe, New Mexico

February 10, 1954

Memorandum

To: Superintendent, Lehman Caves

From: Assistant Regional Director

Subject: Water System and Water Rights (Docket 1)

There is attached a copy of Mr. Richey's memorandum of February 5 in which he requests a report not later than September 1 of each year on four items relating to the use of Cave Springs as a source of water.

Will you please prepare the necessary information on these four items next September in order that the Washington Office may be informed of any progress made in the development and use of Cave Springs.

(SIGNED)

Hugh N. Miller
Assistant Regional Director

Attachment

JRL:hr

73

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

In reply refer to:
L54-L

FEB - 5 1954

Memorandum

To: Regional Director, Region Three

From: Acting Assistant Director

Subject: Water System and Water Rights (Docket 1), Lehman Caves

By memorandum of August 19 Mr. Cornell submitted revised proposal form U-1-1 for the reconstruction and enlargement of the Cave Springs water system at Lehman Caves, with the recommendation that a portion of the reconstruction be done with 1954 rehabilitation funds, a portion of the work be included in the 1955 construction estimates, and the rest be deferred until the need for the waters of the South Spring becomes evident.

Certain funds have been provided for rehabilitation, but no further construction funds have been requested for 1955. It would not be consistent to invest large sums in an enlarged water system while the ultimate disposition of the entire Monument is under study. However, it is essential that the diversion system from Cave Spring be restored and maintained in at least the stage of construction reported to the State Engineer in 1945. Any improvements, to the extent rehabilitation or maintenance funds permit, will strengthen the evidence of diligence which is required under the water laws.

This procedure, which is far short of requirements to perfect the rights, leaves part of the right subject to lapse from lack of diligent construction, or beneficial use of the water. It also makes it necessary to continue to file annual requests for extension of time, with a $5 fee for each, so long as the State Engineer will accept them. To facilitate the preparation of justifications for extensions of time, the following report is requested not later than September 1 of each year.

1. Description of any water system construction, rehabilitation, and maintenance, during the preceding year, with costs.

33

02-00-1954: stamp of receipt



2. Records of flow from Cave Spring at least once during flood season, and once during peak travel season.

3. Maximum daily and weekly attendance, with dates.

4. Description of water uses other than for domestic purposes, with estimates of quantities of water used (such as irrigation by 5/8" garden hose 9 hours per week from each of two outlets.

Charles A. Richey
Acting Assistant Director

In duplicate

02-00-1954: stamp of receipt



06-08-1953: memorandum to regional director from acting chief of design and construction regarding proposed well

In reply refer to:
D5039-D

Exhibit 4

June 8, 1953

Memorandum

To: Regional Director, Region Three

From: Acting Chief of Design and Construction

Subject: Proposed Well, Lehman Caves National Monument

With reference to your May 27 teletype, will you please furnish us the full details concerning the necessary deferment of drilling the water well at Lehman Caves. Your report should be in such detail that will allow us to keep Congressman Young fully informed of our plans for expanding the water system at Lehman Caves in accordance with our letter of May 20, a copy of which was furnished you.

(SIGNED)
Henry Langley
Acting Chief of Design and Construction

In duplicate

28

06-00-1953: stamp of receipt



C
O
P
Y

In reply refer to:
Orig. filed → D1039 LECA-D
5

Washington 25, D. C.

May 22, 1953

Mr. Cline Cronley

Baker, Nevada

Dear Mr. Cronley:

This is in reply to your telegram of May 8 regarding the water system at Lehman Caves National Monument, Nevada.

The United States owns rights to the Cave S ring, to which you refer, under serial No. 01065, with priority of 1890. There is no intention to abandon this source of supply.

However, the source was originally supplemented by a diversion from Lehman Creek, but the former owner of the Monument and rights under serial No. 01065 lost his claim to waters of Lehman Creek in the general adjudication. Accordingly, under application and permit 10959, the National Park Service has obtained authority to supplement the rights from Cave Spring with waters of another spring in the same drainage. Due to the war, and subsequent Federal economy measures, it has been impossible to complete the new system, and several extensions of time have been obtained from the State Engineer.

Meantime, during the war, flood waters from Lehman Creek broke through the old Lehman Creek ditch and washed out part of the water system which had been constructed under permit 10959. The temporary repairs have left the water system subject to freezing in winter. Due to the rocky formation traversed by the pipe line from Cave S ring, and that to be traversed by pipe line from the supplemental spring, it is quite evident that the ultimate, frost-proof water system will cost about $25,000.

In the interest of economy, and more convenient operation, this Service has had the Geological Survey investigate the possibility of obtaining ground water close to the place of use, to provide part of the supplemental supply not legally available from Lehman Creek, and to meet present requirements of an economical winter supply.

The well drilling, at this time is largely exploratory, but we have every reason to believe that it will supply the necessary supplemental and winter supply. The cost of the present well is estimated at slightly more than $3000, which is less than half of the initial installation which was constructed under permit 10595, and it is only approximately equal to the amount which this Service has spent over the past few years, without adding to the capital investment, in an attempt to keep the Cave Spring pipe line in operation in the winter.

On this basis, we are proceeding with the plans to drill the exploratory well. If successful in obtaining water, the supply will be used until funds can be provided for the completion of the water system. Moreover, the ultimate system can be redesigned at considerable saving, to be used in summer, and drained during the winter.

Your interest in Lehman Caves National Monument is appreciated.

Sincerely yours,

(Signed)

Hillory A. Tolson
Acting Director

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.

March 31, 1943.

MEMORANDUM for the Regional Director, Region Three.

On March 18, 1943, I called on State Engineer Alfred Merritt Smith, at Carson City, Nevada, to make further investigation of the status of the ditch from Lehman Creek to the Cave Spring area at Lehman Caves National Monument. The interview permitted a verbal reply to my letter to him of August 4, 1942.

I talked with Mr. Smith; Mr. Muth, Deputy Assistant State Engineer; and Mr. Dondero, Office Engineer. During the rest of the day I reviewed the files covering the adjudication of Baker and Lehman Creeks and their tributaries. I enclose copies of the important records which we did not previously have, as follows:

1. Sketch Map of the Baker and Lehman Creeks Stream System, which shows all claims finally adjudicated.

2. Map to Accompany Proof of Appropriation of Water for Irrigation Purposes by the United Securities Corporation -- 01064-A, an amendment of 01064 with more detail than exists on item No. 1.

3. Statement of Facts Relating to the Water Rights of the Osceola Placer Company or Hydraulic Mining Company, Osceola, Nevada, which merely offers an historical background. No rights accrued.

4. Application No. 01874 by C. T. Rhodes, predecessor of the National Park Service, for diversion of 100 miners inches from Lehman Creek and 25 miners inches from Cave Spring. The Lehman Ditch from Lehman Creek to Cave Spring is the one in which we are interested.

5. State Engineer's acknowledgment of receipt of Proof under Application No. 01874, dated March 10, 1925.

6. Letter from Mr. Rhodes to State Engineer, dated May 16, 1925, but received April 20, 1925, with regard to his local troubles over the Lehman Ditch use. The questionnaires were signed by about five individuals, including E. B. Robison, and gave about the same testimony that was in his sworn statement of January 22, 1942, of which copies are in all interested National Park Service files.

7. State Engineer's letter of April 25, 1925, to V. H. Vargas as result of item No. 6.

8. Stipulation, signed by C. T. & Beatrit I. Rhodes, and others, withdrawing claims under Application No. 01874 and others.

9. Letter from State Engineer to Mr. Rhodes, dated July 23, 1931, acknowledging withdrawal of Proof No. 01874.

All interested offices already have application and Proof Map No. 01065 by C. T. Rhodes for diversions from Cave Spring exclusive of Lehman Creek, and also a copy of the decree awarding a right to 0.15 sec. ft. thereunder.

The State Engineer, Mr. Johnson and I all feel that the Park Service, as successor to C. T. Rhodes, is bound by the withdrawal of claims under Proof No. 01874. The State Engineer and I both agree, however, that the Park Service can claim rights to what I have previously called Spring I under right No. 01065.

As a result I shall prepare a revised application for amendment of right No. 01065 to claim 0.15 sec. ft. from Cave Spring and Spring I with no reference to the Lehman Ditch.

Mr. Smith further advised me that there have been so many appropriations of Lehman and Baker Creeks near the diversion under decreed proof No. 01066 that it is useless to initiate a new application to cover the Lehman Ditch. Two alternative solutions seem possible:

1. Develop the Cave Spring area to a greater depth so that more water will seep in from Lehman Creek by percolation.

2. Buy rights under proof No. 01066 and transfer them to the Lehman Ditch.

In either case we should close the upper end of the Lehman Ditch at once and observe the effect on the flow of Cave Springs. We should also observe the resulting effect on the water level in the pond below the administration area.

The next step should be to lower the diversion works at the spring area, by digging deeper, to see if the spring flow cannot be increased by seepage under a greater head.

These two tests will take several years in order to obtain reliable knowledge of changing behavior. Now is the time to do it when monument water demand is at a minimum.

Except for the demand to maintain the water level in the pond, I think the above developments should serve monument needs for a long time. If the suggested tests do not bear me out, then we will have to resort to purchase. Mr. Smith thinks we could buy land and appurtenant water rights at about $40 per acre. We would get a right to 0.15 sec. ft. with 10 acres.

Since Right No. 01066 is all junior to 01064 we might also have to pay damages to the owner of the latter when changing the point of diversion. This should not be much and the amount would depend on the status of that right. You will note on the map that some ditches divert from Lehman Creek but the decree is all to Lehman Spring. This matter will need more study, but first we should determine whether we need to buy.

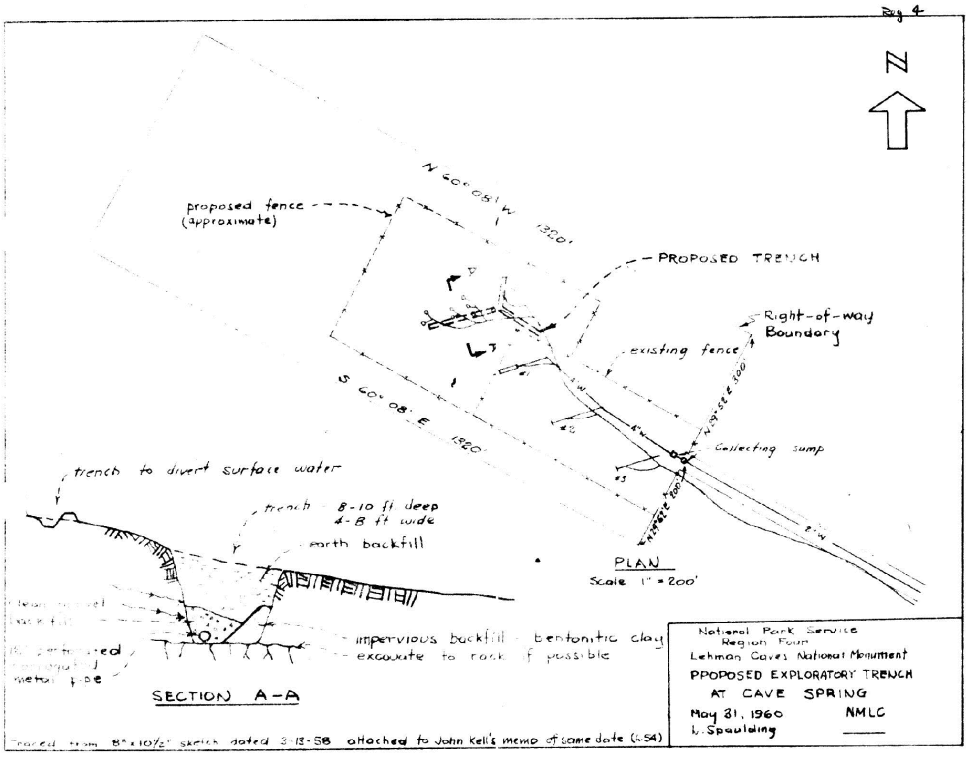
(Sgd.) A. van V. Dunn

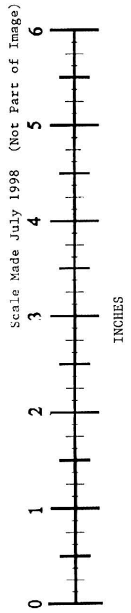
A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2136688.

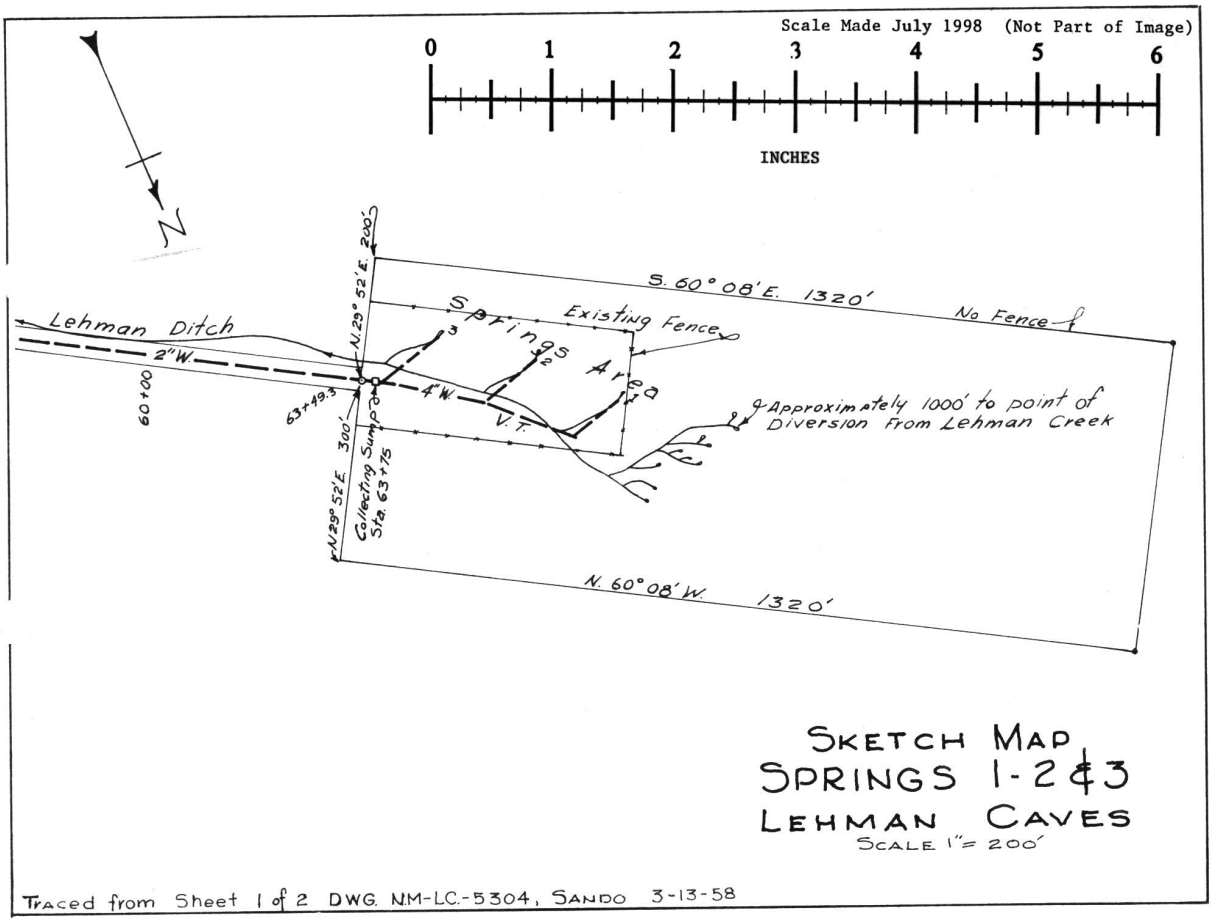
cc: Director, with enclosures.
Act. Coord. Supt.,Lehman Caves,
with enclosures.

05-31-1960: map of proposed exploratory trench at cave spring

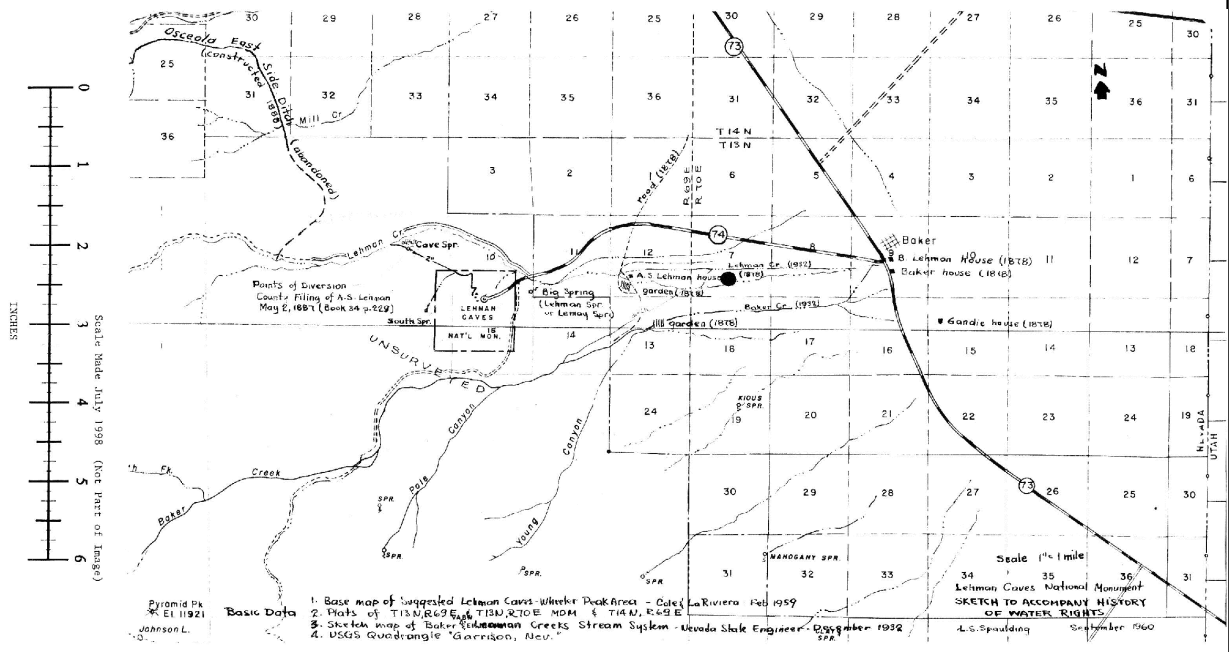




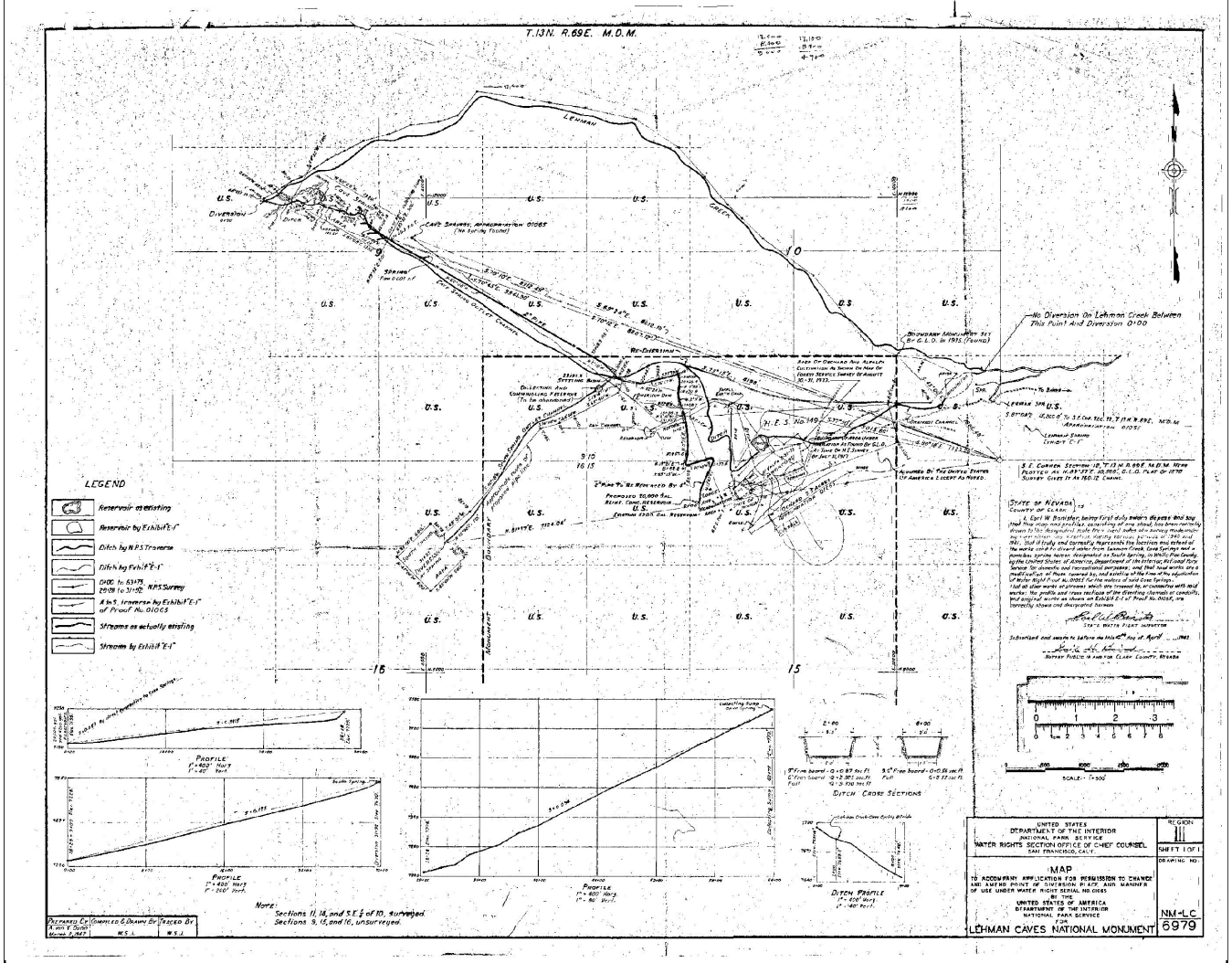
05-31-1960: sketch map of springs 1 - 2 & 3

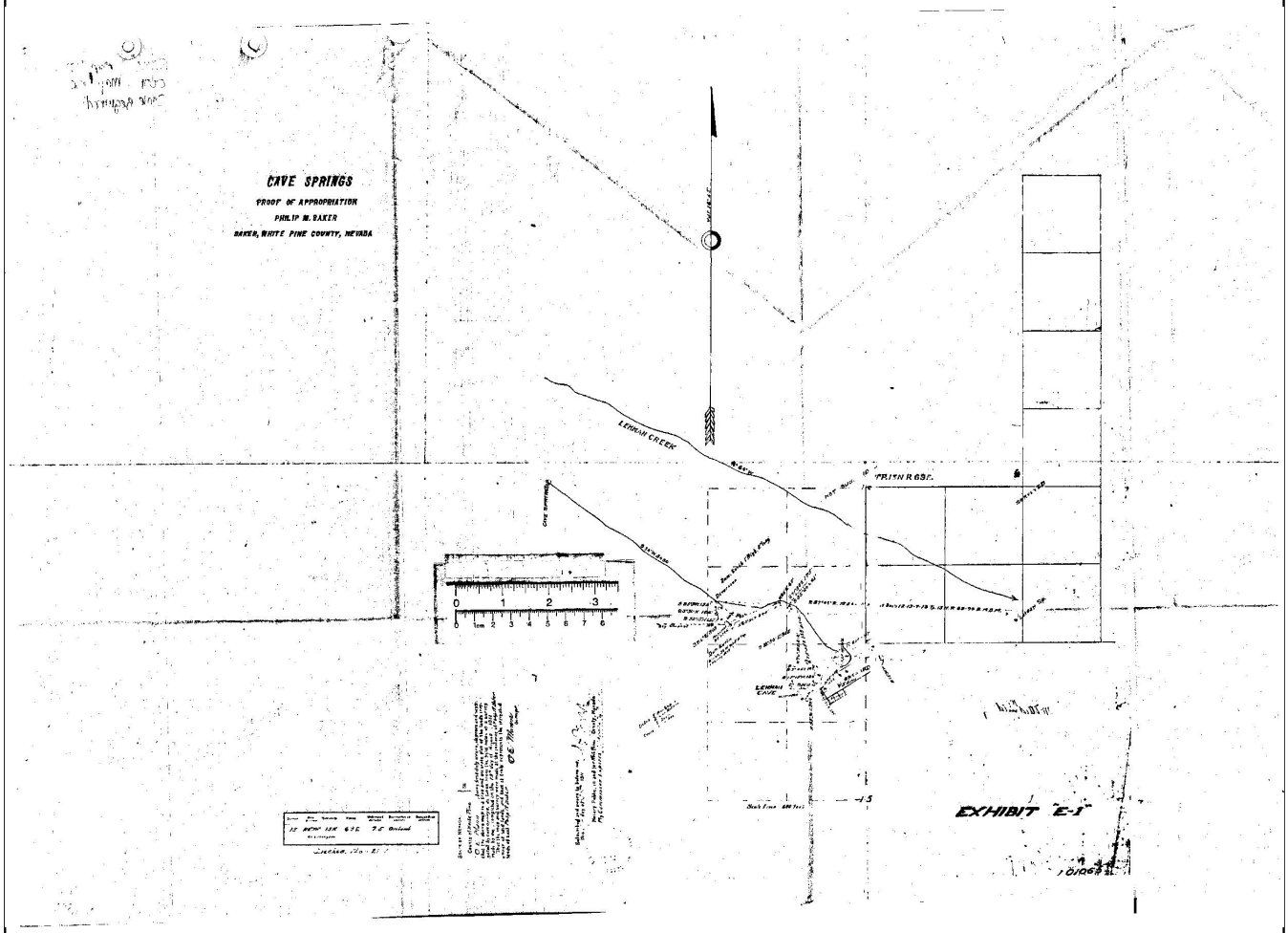


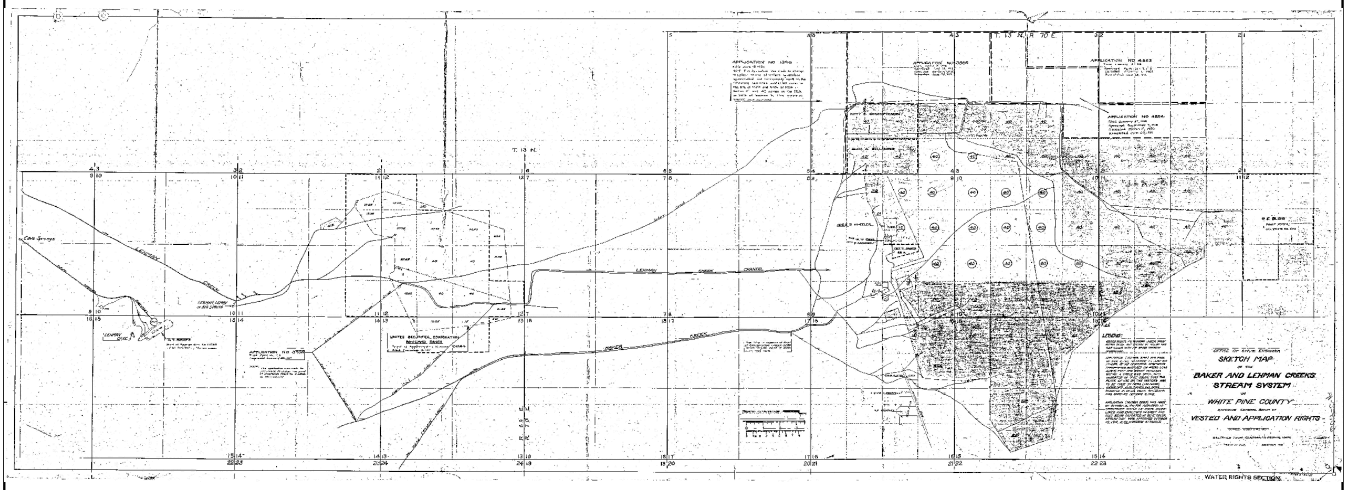
05-31-1960: sketch to accompany history of water rights



04-04-1942: map of water diversions - lehman caves n.m.




CAVE SPRINGS
PROOF OF APPROPRIATION
PHILIP M. BAKER
BAKER, WHITE PINE COUNTY, NEVADA
LEHMAN CREEK
EXHIBIT "E-1"



Docket Information

Number of Documents in Docket 441

Documents Dated from 2/20/1917 to 11/21/1971

Docket Compiled: 6/2/2016