WATER-RIGHT DOCKET

Lake Roosevelt National Recreation Area

Docket No: 3

KETTLE FALLS MARINA WELL SYSTEM

Preliminary Docket Information

00-00-0000: water docket information; 1954

WATER DOCKET INFORMATION

AREA COULEE DAM N.R.A.

DOCKET NO. 3

APPLICATION NO. 12793

PERMIT NO.

CERTIFICATE NO.

TITLE OF DOCKET KETTLE FALLS MARINA WELL SYSTEM

PRIORITY 2/19/54

REMARKS:

State Water Rights Documentation

Please send $5.00, minimum statutory examination fee, with application.

Form 10. S. F. No. 370-A—12-45—2M. 10666.

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Division of Hydraulics

APPLICATION FOR A PERMIT
To Appropriate Public Waters of the State of Washington

(Read directions on last page carefully before filling out this form)

Application No. 12793 Amended

I, Hillory A. Tolson for The United States of America, (Name of applicant)

of National Park Service, Interior Building, Washington, 25, D. C., (Complete postoffice address)

do hereby make application for a permit to appropriate the following described public waters of the State of Washington subject to existing rights:

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

1. *The source of the proposed appropriation is* Blue Gulch Creek, also known as Blue Creek (Name of stream)

tributary of Columbia River (Franklin D. Roosevelt Lake) through Colville River

2. *The amount of water which the applicant intends to apply to beneficial use is* 1.0

cubic feet per second. to the extent of unappropriated water and water available when valid existing rights are not being exercised.

3. *The use to which the water is to be applied is* Municipal, domestic, irrigation and (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

public recreational use at Kettle Falls Area of Coulee Dam National Recreation Area

4. *Time during which water will be required each year* largely April through October

but to limited extent throughout the year

5. *The approximate point of diversion is located* N 30°35' E 3577 feet from SW Cor. Sec. 25, (Give distance and bearing to section corner)

T 35 N, R 37 E, WM (described as N 50°W 1350 ft from center of said Sec. 25 in original application No. 12793

being within the SE¼ of NW¼ (Give smallest legal subdivision) *of Sec.* 25, *Tp.* 35 *N., R.* 37 E (E. or W.) *W. M.,*

in the county of Stevens

6. *The* main pipeline (Main ditch, canal, or pipe line) *to be* 9323 *ft.* ~~miles~~ *in length, terminating*

in the NW¼ SW¼ (Smallest legal subdivision) *of Sec.* 23, *Tp.* 35 *N., R.* 37E (E. or W.) *W. M.,*

To be reconstructed in said recreation area to total length of 9255 feet terminating in

the proposed location being shown on the accompanying map. Kettle Falls Marina Area

7. *The name of the ditch, canal or other works is* Kettle Falls Marina Water System

8. *Estimated cost of development necessary to utilize fully the appropriation herein asked for*

$ 100,000.00

9. *Does the stream from which you wish to appropriate water flow through the tract of land on which the water is to be used?* Yes

DESCRIPTION OF WORKS

DIVERSION WORKS—

10. *(a) Height of diversion dam* 19.0 *feet; length on top* 133.1 *feet;*

length at bottom 50.6 *feet; material to be used and character of construction*

concrete & earth fill and creates a reservoir with area slightly in excess of one acre

(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 10 cast iron pipe with screen and control valve

(Timber, concrete, etc.; number and size of openings)

When storage works are contemplated a storage permit must be filed in addition to the above. These forms can be secured, together with instructions, by addressing the State Supervisor of Hydraulics, Olympia, Washington.

CANAL SYSTEM—

11. *(a) Give approximate dimensions at each point of canal where materially changed in size stating miles from headgate. At headgate: Width on top (at water line)* ..... *feet; width on bottom* ..... *feet; depth of water* ..... *feet; grade* ..... *feet fall per one thousand feet.*

(b) At ..... *miles from headgate: Width on top (at water line)* ..... *feet; width on bottom* ..... *feet; depth of water* ..... *feet; grade* ..... *feet fall per one thousand feet.*

(c) Existing pipeline consists of 633 ft. of 10" steel pipe; 5006 ft of 8" wood stave; 1968 ft. of 10" wood stave; and 1716 ft. of 6" wood stave pipe, constructed by old Town of Kettle Falls, of which upper 3355 ft. are owned by William Anderberg and Howard E. and Clara L. Root; and the remainder is owned by United States of America. The average grade is approx. 10.25 ft. per 1000 ft. and capacity is about 1.5 sec.ft. The lower 5968 ft, within the Recreation Area, are to be replaced on new alignment.

SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED

IRRIGATION—

12. *The land to be irrigated has a total area of* **90.4** *acres, described as follows:* **All in T 36 N, R 37 E; WM within Federal land withdrawn for Grand Coulee Dam Project,** (Give legal subdivision by section, township and range)

Sec. 23 SE¼ SW¼ 6.2 acres; Sec. 26 NE¼NW¼ 15.1 acres; SW¼SW¼ 0.6 acres; SE¼NW¼ 7.8 acres; NE¼SW¼ 21.3 acres; SW¼NE¼ 9.4 acres; SE¼NW¼ 1.3 acres; NW¼SE¼ 9.0 acres; SW¼NW¼ 1.1 acres; E½ SE¼ undetermined; NW¼SW¼ 18.6 acres; Sec. 35 NE¼NE¼ undetermined

These are gross areas of development and not to exceed 40% may be non-irrigated roads, camp and parking areas and building sites.

(If more space is required, attach separate sheet)

13. *Give the legal description of land when water is to be used for purposes other than irrigation, power and municipal supply* **same as question 12** (Legal subdivisions) *Sec.* **s 23, 26 & 35**, *Tp.* **36** *N., Rge.* **37 E** (E. or W.) *W. M.*

(a) To what stream is water returned **Columbia River (Franklin D. Roosevelt Lake)**

(b) Locate the point of return **NE¼NE¼** (Smallest legal subdivision) *Sec.* **35**, *Tp.* **36** *N., Rge.* **37E** *W. M.*

POWER—

14. *(a) Total amount of power to be developed* **None** (Theoretical horsepower) *H. P.*

(b) Total fall to be utilized ..... (Head) *feet.*

(c) The nature of the works by means of which the power is to be developed .....

(d) Such works to be located in ..... (Legal subdivision) *of Sec.* ....., *Tp.* ..... *N., Rge.* ..... (E. or W.) *W. M.*

(e) To what stream is the water to be returned .....

(f) Locate point of return ..... *Sec.* ....., *Tp.* ..... *N., Rge.* ..... (E. or W.) *W. M.*

(g) The use to which power is to be applied is .....

MUNICIPAL SUPPLY—

15. *To supply the city of* ~~xxxx~~ Community at Kettle Falls Marina Areaof Coulee Dam National Recreation Area (Name) *County, having a present population of* about 80

and an estimated population of about 900 (Summer) *in 19* 65

(a) Estimated present requirement 0.5 sec.ft.

(b) Estimated future requirement 1.0 sec.ft.

For derivation of water requirements see accompanying Water Use Analysis - Old Kettle Falls Area by A. van V. Dunn, Chief, Water Resources Section, submitted with accompanying Federal Petition for changes in places and purposes of use of water under water rights of old Town of Kettle Falls, submitted under separate cover.

16. *Construction work will begin on or before* has begun

17. *Construction work will be completed on or before* Dec. 31, 1960

Triplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Supervisor of Hydraulics, to accompany this application., submitted under separate cover.

Hillory A. Tolson
(Signature of applicant)

Acting Director, National Park Service
Department of the Interior, Washington, D. C.

Signed in the presence of us as witnesses:

(1) W. G. Smith (Name), 5105 Kemp Drive (Address of witness), Wash. 22, D.C.

(2) A. Grant Dunn (Name), National Park Service, Interior Bldg. (Address of witness), Washington, 25, D.C.

Remarks: The property herein described was purchased from the Town of Kettle Falls and the owners of individual lots in that Town for use as part of the Grand Coulee Dam Project and includes the land shown on accompanying map, and the portion of Town water system on that land. The remainder of the water system, including diversion works on Blue Gulch Creek were sold to William Anderberg and Howard E. and Clara L. Root by deed of August 2, 1946. This application is for any unappropriated water or any water which is intermittently surplus to the needs under valid existing rights. The designated point of diversion will require the use of part of the old Town water system under terms to be arranged with the present joint owners.

Nothing in this application is intended to constitute a waiver of Federal interests in rights originally initiated by the Town of Kettle Falls, for which separate claims are being submitted in the form of application for changes in point of diversion, place, and purpose of use.

STATE OF WASHINGTON,
COUNTY OF THURSTON. } *ss.*

This is to certify that I have examined the foregoing application together with the accompanying maps and data, and return the same for correction or completion, as follows: .....

In order to retain its priority, this application must be returned to the State Supervisor of Hydraulics, with corrections, on or before ....., *19*.....

WITNESS my hand this ..... *day of* ....., *19*.....

State Supervisor of Hydraulics.

DIRECTIONS FOR PREPARING APPLICATIONS

Initial examination fee of $5.00 should accompany each application. If additional fee is required, you will be notified.

1. Write plainly in ink or use typewriter.

2. Read carefully all questions. Answer only those that apply to your project.

3. Under Question 2 estimate quantity in cubic feet per second or gallons per minute.

1 cubic foot per second equals 450 gallons per minute and is sufficient to irrigate from 40 to 100 acres of land.

0.1 of a cubic foot per second equals 45 gallons per minute and is sufficient for domestic supply and irrigation of 5 to 10 acres of land.

0.05 of a cubic foot per second equals 22 gallons per minute or 31,700 gallons per day. This is ample for a domestic supply and for irrigation of lawn and garden up to 1 or 2 acres.

0.01 of a cubic foot per second equals 4.5 gallons per minute or 6,500 gallons per day. This is ample for an ordinary domestic supply and for irrigation of about ½ acre.

4. Maps, showing the location of the stream, point of diversion and place of use, must be made in triplicate (3) on the enclosed section plats. If for irrigation, show the approximate area to be irrigated.

5. In answering Question 5 give approximate distance and direction of diversion point from nearest 40-acre corner, as

"320 feet North and 1100 feet East from South quarter corner of Section 1, Township 13 North, Range 2 East, W. M."

or

"North 36 degrees 20 minutes East 550 feet from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 3 East, W. M."

6. **Right-of-Way.** If you wish to divert water from or across land not owned by you it will be necessary to secure from the owner the right-of-way needed. The State cannot help you in this.

7. Be sure to give on the map brief directions for driving to the point of diversion from some town or easily located point on a State highway. This for our convenience in making the examination.

8. If you have been using water since before June 15, 1917, a State permit will be of no advantage to you for that particular use.

9. "Public waters" only are subject to appropriation. If a stream does not flow beyond the borders of the landholding on which it rises or into any other body of water it will not be considered public water in the meaning of the statute.

10. Sign application on the line indicated under Section 18.

SCHEDULE OF FEES DUE IN CONNECTION WITH OBTAINING WATER RIGHTS

(Sec. 44 of Water Code—Sec. 7399, Remington's Rev. Stat.)

EXAMINATION FEES

There is a minimum fee of $5.00 for all applications received.

Additional Examination Fees for Appropriation Applications:

$1.00 per c. f. s. over 5 c. f. s. to 500 c. f. s., inclusive.
.25 per c. f. s. over 500 c. f. s. to 2000 c. f. s., inclusive.
.10 per c. f. s. over 2000 c. f. s.

Additional Examination Fees for Reservoir Applications:

1/2¢ per acre-foot over 1000 a. f. up to 100,000 a. f., inclusive.
1/10¢ per acre-foot over 100,000 acre-feet.

FEES FOR FILING AND RECORDING PERMITS

There is a minimum fee of $2.00 for filing and recording permit.

Additional Permit Fee for Irrigation Purposes:

10¢ per acre over 20 acres to 100 acres, inclusive.
5¢ per acre over 100 acres to 1000 acres, inclusive.
2½¢ per acre over 1000 acres.

Additional Permit Fee for Power Purposes:

10¢ per theoretical horsepower over 20 H. P. to 1000 H. P., inclusive.
2¢ per theoretical horsepower over 1000 H. P.

Permit Fee for Other Uses:

For all other beneficial purposes the fee is **twice** the amount of the examination fee, except for individual household and domestic use; this may include water for the irrigation of a family garden, for which the minimum fee of $2.00 is charged.

FILING AND RECORDING FINAL WATER RIGHT CERTIFICATE

In office of Supervisor of Hydraulics.... $1.40
In office of County Auditor ..... .75

S. F. No. 374-R—1-53—75C. 33464.

STATE OF WASHINGTON
OFFICE OF SUPERVISOR OF WATER RESOURCES
OLYMPIA

NOTICE OF WATER RIGHT APPLICATION NO. 12793

TAKE NOTICE:

That UNITED STATES DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE

of Coulee Dam, Washington *on* February 19, 1954,

filed application for permit to divert the public waters of Blue Gulch Creek

~~tributary of~~, *in the amount of* 2.0 second feet,

subject to existing rights, ~~from~~ during irrigation season *each year for the*

purpose of irrigation & continuously for domestic supply & park use;

that the approximate point of diversion is located within SE¼ of NW¼

of Section 25, *Township* 36 N., *Range* 37 E.W. M., *in* Stevens *County.*

Any objections must be accompanied by a two dollar ($2.00) recording fee and filed with the State Supervisor of Water Resources within thirty (30) days from (last date of publication).

Witness my hand and official seal this 12th *day of* March, 19 54.

CHAS. J. BARTHOLET
State Supervisor of Water Resources.

Form 10. S. F. No. 370-A—4-51—75C. 27803.

...se send $10.00 minimum statutory e...mination fee with application.

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Division of Water Resources

Priority Date
Feb. 19, 1954 at
2:00 P.m.

APPLICATION FOR A PERMIT
To Appropriate Public Waters of the State of Washington

(Read directions on last page carefully before filling out this form)

Application No. 12793

I, United States Department of Interior, National Park Service,
(Name of applicant)

of Coulee Dam, Washington,
(Complete postoffice address)

do hereby make application for a permit to appropriate the following described public waters of the State of Washington subject to existing rights:

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

1. *The source of the proposed appropriation is* Blue Gulch Creek
(Name of stream)

tributary of

2. *The amount of water which the applicant intends to apply to beneficial use is* 2 c.f.s. *cubic feet per second.*

3. *The use to which the water is to be applied is* Irrigation, domestic & public use for
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
a park area

4. *Time during which water will be required each year* Irrigation season & continuously for domestic & park use

5. *The approximate point of diversion is located* about 1350 ft. N. 60° W mid point of section
(Give distance and bearing to section corner)

being within the SE¼ NW¼ *of Sec.* 25, *Tp.* 36 *N., R.* 37 E. *W. M.,*
(Give smallest legal subdivision) (E. or W.)

in the county of Stevens

6. *The* _____ *to be* _____ *ft. or miles in length, terminating*
(Main ditch, canal, or pipe line)

in the _____ *of Sec.* _____, *Tp.* _____ *N., R.* _____ *W. M.,*
(Smallest legal subdivision) (E. or W.)

the proposed location being shown on the accompanying map.

7. *Estimated cost of development necessary to utilize fully the appropriation herein asked for*

$ 100,000.00

8. *Does the stream from which you wish to appropriate water flow through the tract of land on which the water is to be used?* Creek goes underground about 100 ft. within the Coulee Dam National Recreation Area boundaries

9. **DESCRIPTION OF WORKS:**

(a) DIVERSION WORKS—

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

(2) *Description of headgate*
(Timber, concrete, etc., number and size of openings)

When storage works are contemplated a storage permit must be filed in addition to the above. These forms can be secured, together with instructions, by addressing the State Supervisor of Water Resources, Olympia, Washington.

(b) *Description of Ditch or Pipeline System*

10. **IRRIGATION:** *Number of acres to be irrigated*

11. **MUNICIPAL OR COMMUNITY WATER SUPPLY:**

To supply the city or community of (Name), (Name) *County, having a present population of* *and an estimated population of* *in 19*

(a) *Estimated present requirement*

12. **LEGAL DESCRIPTION OF PROPERTY** *on which water is to be used,* ***for all purposes*** *other than Municipal Supply or Power*

(COPY LEGAL DESCRIPTION FROM DEED)

Comprises the area of the old Kettle Falls townsite in Sections 23, 26 & 35, in Twp. 36 N., Rge. 37 E.W.M., now owned by the Federal Government and under administration of the National Park Service of the U. S. Department of the Interior for development as a recreation area

(a) *What interest do you have in the above described property*

(b) *Are there any existing water rights appurtenant to the above described property*

If so, from what source The rights apply to the old reservoir formerly used by the town of Kettle Falls as its municipal water supply. The present status of these rights is not known.

13. **POWER:**

(a) *Total amount of power to be developed* H. P. (Theoretical horsepower)

(b) *Total fall to be utilized* (Head) *feet.*

(c) *The nature of the works by means of which the power is to be developed*

(d) *Such works to be located in* (Legal subdivision) *of Sec.* *, Tp.* *N., Rge.* (E. or W.) *W. M.*

(e) *To what stream is the water to be returned?*

(f) *Locate point of return* *Sec.* *, Tp.* *N., Rge.* (E. or W.) *W. M.*

(g) *The use to which power is to be applied is*

14. WORK SCHEDULE:

(a) *Construction work will begin on or before*

(b) *Construction work will be completed on or before*

Triplicate maps of the proposed ditch or other work, prepared in accordance with the rules of the State Supervisor of Water Resources, accompany this application.

(SIGN HERE) /s/ Hugh Peyton, Superintendent
(Signature of applicant)

Signed in the presence of us as witnesses:

(1) /s/ Frances H. Fleischlauer (Name), Coulee Dam, Washington (Address of witness)

(2) /s/ Ruth S. Strock (Name), Coulee Dam, Wash. (Address of witness)

Remarks:

STATE OF WASHINGTON, }
COUNTY OF THURSTON. } *ss.*

This is to certify that I have examined the foregoing application together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Supervisor of Water Resources, with corrections, on or before , 19

WITNESS my hand this day of , 19

State Supervisor of Water Resources.

DIRECTIONS FOR PREPARING APPLICATIONS

Initial examination fee of $10.00 should accompany each application. If additional fee is required, you will be notified.

1. **Write plainly in ink or use typewriter.**

2. Read carefully all questions. Answer only those that apply to your project.

3. Under Question 2 estimate quantity in cubic feet per second or gallons per minute.

1 cubic foot per second equals 450 gallons per minute and is sufficient to irrigate from 40 to 100 acres of land.

0.1 of a cubic foot per second equals 45 gallons per minute and is sufficient for domestic supply and irrigation of 5 to 10 acres of land.

0.05 of a cubic foot per second equals 22 gallons per minute or 31,700 gallons per day. This is ample for a domestic supply and for irrigation of lawn and garden up to 1 or 2 acres.

0.01 of a cubic foot per second equals 4.5 gallons per minute or 6,500 gallons per day. This is ample for an ordinary domestic supply and for irrigation of about ½ acre.

4. Maps, showing the location of the stream, point of diversion and place of use, must be made in triplicate (3) on the enclosed section plats. If for irrigation, show the approximate area to be irrigated.

5. In answering Question 5 give approximate distance and direction of diversion point from nearest 40-acre corner, as

"320 feet North and 1100 feet East from South quarter corner of Section 1, Township 13 North, Range 2 East, W. M."

or

"North 36 degrees 20 minutes East 550 feet from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 3 East, W. M."

6. **Right-of-Way.** If you wish to divert water from or across land not owned by you it will be necessary to secure from the owner the right-of-way needed. The State cannot help you in this.

7. Be sure to give on the map brief directions for driving to the point of diversion from some town or easily located point on a State Highway. This is for our convenience in making the examination.

8. If you have been using water since before June 15, 1917, a State permit will be of no advantage to you for that particular use.

9. Sign application on the line indicated on page 3.

SCHEDULE OF FEES DUE IN CONNECTION WITH OBTAINING WATER RIGHTS

(Sec. 44 of Water Code—Sec. 90.04.040, RCW.)

EXAMINATION FEES

There is a minimum fee of $10.00 for all applications received.

Additional Examination Fees for Appropriation Applications:

$2.00 per c. f. s. over 5 c. f. s. to 500 c. f. s., inclusive.
.50 per c. f. s. over 500 c. f. s. to 2000 c. f. s., inclusive.
.20 per c. f. s. over 2000 c. f. s.

Additional Examination Fees for Reservoir Applications:

1¢ per acre-foot over 1000 a. f. up to 100,000 a. f., inclusive.
1/5¢ per acre-foot over 100,000 acre-feet.

FEES FOR FILING AND RECORDING PERMITS

There is a minimum fee of $4.00 for filing and recording permit.

Additional Permit Fee for Irrigation Purposes:

20¢ per acre over 20 acres to 100 acres, inclusive.
10¢ per acre over 100 acres to 1000 acres, inclusive.
5¢ per acre over 1000 acres.

Additional Permit Fee for Power Purposes:

20¢ per theoretical horsepower over 20 H. P. to 1000 H. P., inclusive.
4¢ per theoretical horsepower over 1000 H. P.

Permit Fee for Other Uses:

For all other beneficial purposes the fee is **twice** the amount of the examination fee, except for individual household and domestic use; this may include water for the irrigation of a family garden, for which the minimum fee of $4.00 is charged.

FILING AND RECORDING FINAL WATER RIGHT CERTIFICATE

In office of Supervisor of Hydraulics... $3.00
In office of County Auditor..... .75

10-09-1945: application for a license to construct, operate and maintain a pumping plant, pipe lines, etc.

SUPERVISING ENGINEER'S
OFFICE

COLUMBIA BASIN PROJECT
SYMBOL I 36-R-2 COLUMBIA BASIN
7151

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

COLUMBIA BASIN PROJECT, WASHINGTON

APPLICATION FOR LICENSE

To construct, operate and maintain a pumping plant, pipe lines, appurtenances and accessories thereto on lands owned by the United States of America.

This application made this 9 day of Oct., 1945, pursuant to the Act of Congress of August 4, 1939 (53 Stat. 1187), the Act of Congress of August 30, 1935 (49 Stat. 1039), and acts amendatory thereof or supplementary thereto.

WITNESSETH, that:

2. WHEREAS, the United States of America, hereinafter styled the "United States", has acquired in connection with the development and construction of the Columbia River Reservoir above the Grand Coulee Dam, Columbia Basin Project, Washington, title to lands in Section 18, Township 36 North, Range 38 East, Willamette Meridian, Stevens County, Washington, as shown upon the attached map marked Exhibit "A" and made a part hereof; and

3. WHEREAS, the Town of Kettle Falls, a municipal corporation, organized under the laws of the State of Washington, desires a license to use the tract of land shown shaded on the attached map marked Exhibit "A" for a term of fifty (50) years from the date of approval of this application for the purpose of constructing, operating, and maintaining thereon a pumping plant, pipe lines, appurtenances and accessories thereto, whereby the applicant may take water from the Columbia River Reservoir to augment the water supply of the said Town of Kettle Falls; and

4. WHEREAS, the land covered by this application for license is a part

16387 Oct 19

of the land acquired for the Columbia River Reservoir as a part of the said Columbia Basin Project, plans for which may require said land, or a portion thereof, to be used for, or crossed by, canals, ditches, pipe lines or other water conduits, roadways, transmission lines for telephone, telegraph and electric or other power, or irrigation works, or works for the transmission of power which may in the future be constructed by the United States; and

5. WHEREAS, the allowance of this application will not be incompatible with the purpose for which said land has been acquired but should be subject to suitable restrictions for safeguarding the interests of the United States in accordance with the purposes for which the land above described was acquired.

6. NOW, THEREFORE, the applicant, the Town of Kettle Falls, Washington, pursuant to a resolution duly and legally adopted, applies to the Secretary of the Interior, acting for this purpose on behalf of the United States, for a license to use the tract of land shown shaded on the attached map marked Exhibit "A" for a term of fifty years from the date of the approval of this application for the purpose of constructing, operating, and maintaining thereon a pumping plant, pipe lines, appurtenances and accessories thereto, whereby the applicant may take water from the Columbia River Reservoir to augment the water supply of the applicant; Provided, that the pumping plant, pipe lines, appurtenances and accessories thereto shall be constructed, operated and maintained in a manner satisfactory to the officer of the United States in charge of the Columbia River Reservoir area. The applicant agrees that the license hereby applied for and all rights acquired hereunder shall be held at all times subject to the following conditions:

(a) Any floating structure utilized by the applicant shall be kept anchored securely at all times to the shore in a manner

satisfactory to the proper officer of the United States in charge of the Columbia River Reservoir area.

(b) The United States assumes no responsibility whatever because of the exercise of the license granted hereunder to the applicant. The applicant, its officers, agents, employees and invitees, in going in or upon the waters of the said Columbia River Reservoir, or upon any of the structures or lands thereof or adjacent lands belonging to the United States held or reserved in connection therewith, thereby assume all risk or liability as the result of injury to persons or damage to, or destruction of, property incidental thereto, resulting directly or indirectly, wholly or in part, from the said reservoir or appurtenant structures or their construction, operation and control by the United States or by the agents of the United States, and the applicant hereby releases the United States and its agents engaged in the operation of the said reservoir and appurtenant structures from all damage that may result from the construction, operation and maintenance of the Grand Coulee Dam and Reservoir and appurtenant works. The applicant shall save the United States, its officers, agents and employees harmless as to any and all injury and damage to any persons or property, which may be caused by, or arise out of the operations of the applicant in pursuance of the license hereunder conferred.

(c) The applicant shall be liable for any and all damages to property of the United States, or to any third party or parties, by reason of the exercise of the privileges conferred by this license.

(d) The license granted hereunder shall not be exclusive and shall also be held by the applicant subject to the right of the United

States or its assigns to use or cross the tract of land in question, or portions thereof, with pipe lines and other water conduits, ditches and canals, roadways, telegraph, telephone and electric transmission or distribution lines or other power or irrigation works, for survey or inspection purposes or to remove timber, stone or other material therefrom, and all changes or adjustments in the applicant's pumping plant, pipe lines, appurtenances, and accessories thereto, made necessary by any such use of the property by the United States or its assigns shall be made at the expense of the applicant.

(e) The operations of the applicant in the exercise of the license granted hereunder shall at all times be conducted in accordance with all applicable Federal and Washington State Laws and the rules and regulations issued thereunder, and particularly the Acts of Congress relating to the navigation of vessels on all harbors, rivers and inland waters of the United States, approved June 7, 1897 (30 Stat. 96), June 9, 1910 (36 Stat. 482), and June 7, 1918 (40 Stat. 602) and Chapter 200 of the Session Laws of 1907 of the State of Washington. Failure of the applicant to abide by any of the terms or conditions of any applicable Federal or Washington State Laws or the rules and regulations issued thereunder, shall cause this license to be subject to immediate termination at the option of the United States. The approval of this application shall not be considered as a waiver of the requirement that the applicant secure any permit that is necessary for operating and maintaining said pumping plant, pipe lines, appurtenances and accessories thereto in the location aforesaid from the United States War Department or other proper official or Department of the United States, excepting Bureau of Reclamation, Department of the Interior.

(f) The applicant shall require its officers, agents and employees engaged in the operation of a vessel or vessels on the adjacent waters to obtain a copy of and familiarize themselves with "Navigation Rules for Harbors, Rivers and Inland Waters of the United States" as set forth in the Act of Congress approved June 7, 1897 (30 Stat. 96)and acts amendatory thereof or supplementary thereto, and particularly the Act of June 9, 1910 (36 Stat. 462) entitled "An Act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States" and shall at all times require its officers, agents and employees engaged in the operation of a vessel or vessels on the adjacent waters to comply with any applicable Federal and Washington State Laws and also with the rules and regulations of the Department of the Interior, now or hereafter promulgated, applicable to the operations contemplated by this license.

(g) The applicant shall not permit the accumulation or disposal of any trash occasioned by its operations in the exercise of the license granted hereunder upon or into the waters of the Columbia River Reservoir or upon the tract of land shown upon said attached map marked Exhibit "A".

(h) The license hereby conferred shall remain in effect for a term of fifty years from the date of its approval unless otherwise terminated as herein provided. Whenever in the determination of the officer of the United States in charge of the Columbia River Reservoir area, or of the Secretary of the Interior, the exercise of the license herein conferred interferes with the interests of the United States the license may be revoked and cancelled upon giving the applicant

sixty (60) days written notice, in which event the applicant will be refunded that proportion of the advance yearly payment which the unexpired portion of the yearly period bears to one year. The failure of the applicant to pay the annual license fee when due, or the violation of any of the other terms of this application, shall cause the license granted hereunder to be subject to immediate termination at the option of the United States. The applicant may terminate the license at any time by giving written notice of such termination to the Supervising Engineer, United States Bureau of Reclamation, Coulee Dam, Washington, or his successor, at least 30 days before the date of such termination.

(i) The applicant shall not use the lands covered by this application for any other purpose than to construct, operate and maintain thereon a pumping plant, pipe lines, appurtenances and accessories thereto without obtaining the written consent of the officer of the United States in charge of the Columbia River Reservoir area.

(j) The water level of the Columbia River Reservoir is not constant and is subject to fluctuation from natural causes and from the operation of the Grand Coulee Dam and appurtenances. All adjustments or changes in the pumping plant, pipe lines, appurtenances, and accessories thereto of the applicant, made necessary by the fluctuation of the water level of said reservoir, shall be made by the applicant at its expense. Such fluctuation in the water level of the Columbia River Reservoir may be sufficient to shut off the water supply of the applicant, and it is fully understood by the applicant, its officers, employees and water users, that the applicant is taking such risk.

7. As a consideration of the granting of the license hereby applied for, the applicant agrees to pay to the United States upon receipt of notice that the license has been approved, the sum of twenty-five dollars ($25.00) for the period from the date of approval of this license to and including December 31, 1944, and thereafter the applicant will pay in advance on January 1st of each year the sum of twenty-five dollars($25.00) per annum, as long as the license conferred hereby is in effect. All payments shall be submitted to the office of the United States Bureau of Reclamation, Coulee Dam, Washington, either by cash or by express or postal money order, certified check or bank draft, payable to the Treasurer of the United States.

8. The structures and improvements erected by the applicant in the exercise of the license granted hereunder shall be erected in a neat and workmanlike manner and shall be constructed so as not to constitute a hazard to the public nor interfere with the operations of the United States. The construction, operation and maintenance of such structures and improvements shall at all times be subject to the supervision and approval of the proper officer of the United States in charge of the Columbia River Reservoir area.

9. In the event the applicant wishes to occupy or use additional government land or to change the use to be made of the land in question it shall first secure the approval in writing of the officer of the United States in charge of the Columbia River Reservoir area.

10. Within thirty (30) days after the termination of the license, if granted, any and all structures and accessories, except roads, placed by the applicant upon said land or upon or in the waters of said reservoir, shall be removed by the applicant at its expense and the United States and its agents

and employees are hereby released from all claims for damages that may arise by reason of said termination. In the event of failure on the part of said applicant to remove such structures and accessories within said thirty (30) days, the agents or employees of the United States or its assigns may thereupon remove the same and the expense thereby incurred will be immediately due and payable from and by the applicant. The notices provided herein to be served on the applicant shall be served in person on the Mayor of the Town of Kettle Falls or by registered mail to the applicant at the address given below. The notices provided to be served on the United States shall be served on the officer of the United States in charge of the Columbia River Reservoir area in person or by mailing the same, registered, to the United States Bureau of Reclamation at Coulee Dam, Washington.

11. The license herein applied for, if granted, shall not be transferred or assigned without the written consent of the officer of the United States in charge of the Columbia River Reservoir area. Whenever such written consent is requested or written consent is requested for any other change in the license granted hereunder the applicant shall pay to the United States in advance a fee of ten dollars ($10.00) to cover the expense of such consent.

12. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this

contract if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the applicant has hereunto signed this application the day and year first above written.

TOWN OF KETTLE FALLS, WASHINGTON

By /s/ Emile Weigelt
Mayor pro tem

ATTEST:

/s/ Jasper Moore
Clerk

Kettle Falls, Wn.
Post Office Address

Application approved and license granted this 1st day of November, 1943, for a term of fifty years from this date on the terms and conditions set out in the above application.

/s/ Oscar L. Chapman
Assistant Secretary of the Interior.

RESOLUTION

WHEREAS, The Town of Kettle Falls, a municipal corporation of Stevens County, Washington, desires a license from the United States of America for the use of a tract of Government-owned land adjacent to the waters of the Columbia River Reservoir in Section eighteen (18), Township thirty-six (36) North, Range thirty-eight (38) East, Willamette Meridian, for the purpose of constructing, operating and maintaining thereon a pumping plant, pipe line and accessories to augment the water supply of the said Town of Kettle Falls, Washington; and

WHEREAS, a form of application for license to utilize the property in question for this purpose has been furnished the Mayor and Councilmen of the said Town of Kettle Falls, Washington, and the said Mayor and Town Councilmen, after carefully reviewing the terms and conditions of the said application for license, are of the opinion that the terms and conditions thereof are entirely satisfactory and that it will be to the best interests of said municipal corporation to execute said application for license.

NOW, THEREFORE, Be it resolved by the City Council of the Town of Kettle Falls, Washington, that the Mayor and the Clerk of the said Town of Kettle Falls are hereby authorized and directed to execute on behalf of the said Town of Kettle Falls, an application for license from the United States of America for the use of a tract of land in Section eighteen (18), Township thirty-six (36) North, Range thirty-eight (38) East, Willamette Meridian, as shown on the map identified as Exhibit "A", attached hereto and made a part hereof, for the purpose of constructing, operating and maintaining thereon a pumping plant, pipe line and accessories to augment the water supply of the said Town of Kettle Falls, Washington.

Done in Special session of the City Council of the Town of Kettle Falls, Stevens County, Washington, this 9th day of October, 1943.

The passage of the foregoing resolution was motioned by Councilman Alldredge and seconded by Councilman Riddle and duly passed by said City Council.

/s/ Emile Weigelt
Mayor pro tem

/s/ Emile Weigelt
Councilman

/s/ Robert E. Riddle
Councilman

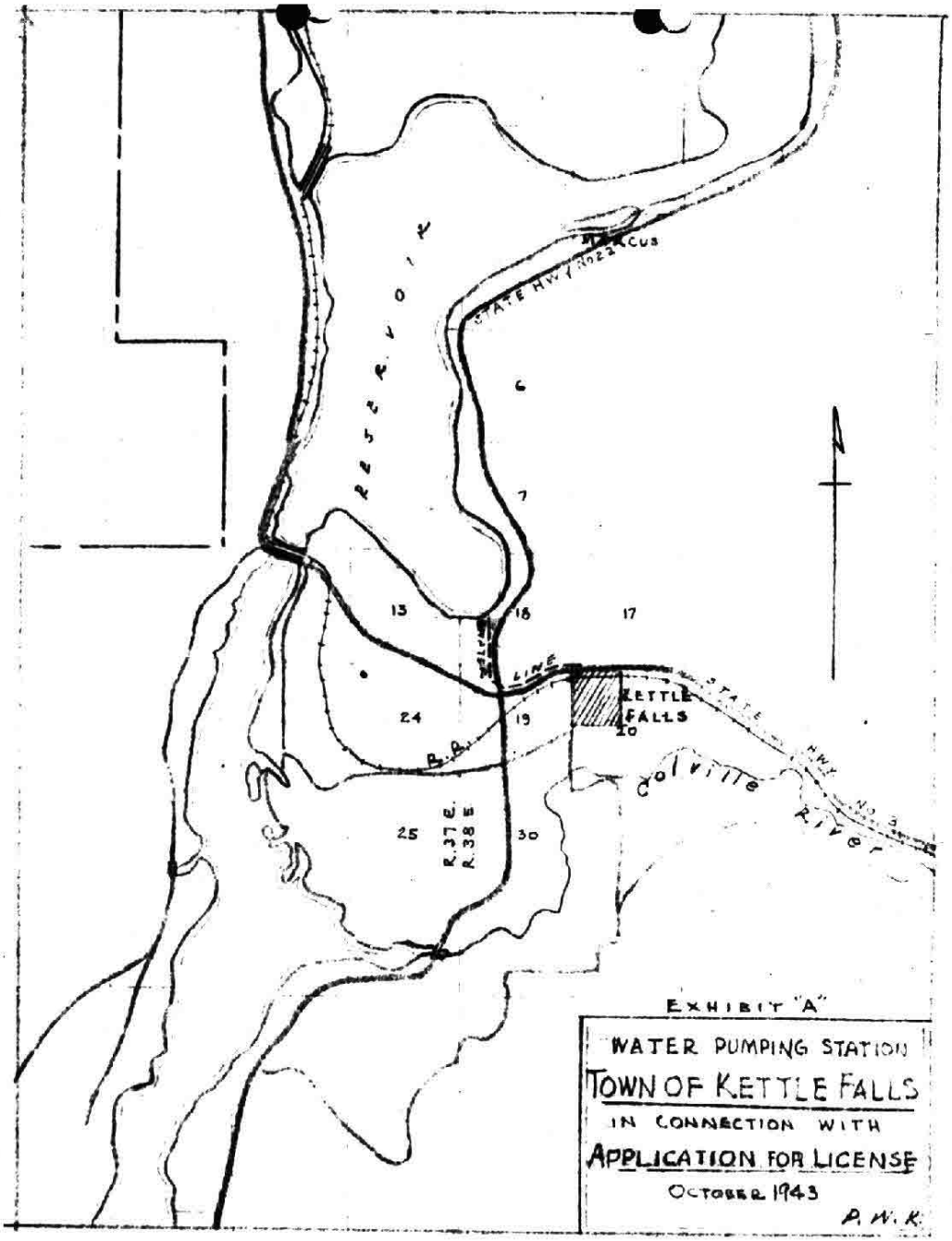
(Corporate Seal)

Attest:

/s/ Jasper Moore
Clerk

/s/ Robert Alldredge
Councilman

00-00-0000: map, exhibit a; 1943



Land History

00-00-0000: enclosed is information requested regarding land ownership involved in right-of-way of water lines; 1954

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

May 11, 1954

Memorandum

To: Regional Director, Pacific Coast Region

From: Superintendent, Coulee Dam National Recreation Area

Subject: Kettle Falls Water System, Coulee Dam

We are enclosing the information requested regarding land ownership involved in right-of-way of water lines at Kettle Falls, in Mr. Hoyt's memorandum of April 26.

Until such time as a field check and surveys can be made, the following data can be considered correct and the best available at the present time. We are enclosing U.S.B.R. drawing No. 1664, Kettle Falls Water System, as surveyed in 1938, and also a copy of a report by District Ranger Giles on land ownership as recorded at the Stevens County Court House in Colville, Washington.

It appears that two blocks of lots, 37 and 38 in the O.K. Addition are crossed by the water line, and that the following people are affected:

O.K. Addition

Block 38 -	Lots 1, 2, 3, 4-	A. G. Hurst
Block 37 -	Lots 22, 24, 26-	A. G. Hurst
	" 23, 25, 27-	Carl Glatzman
	" 11 -	Vernon J. Van Ells
	" 12 and 13 -	A. G. Hurst

Hugh Peyton
Superintendent

In dupl.

Attachments

00-00-0000: land ownership, kettle falls water system; 1954

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COPY

Kettle Falls, Washington

May 4, 1954

To: Engineer, Coulee Dam

From: District Ranger, Kettle Falls

Subject: Land Ownership, Kettle Falls Water System

O.K. ADDITION

Block 35:
Lots 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 17 thru 32
William Anderberg

lot 1 -- G. C. Weller

lot 3 -- Velma Damon

lots 14, 16 -- Carl R. Glatzman

Block 36:
lots 1, 3, 5 -- Carl R. Glatzman

lots 2, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, and 17 thru 32
William Anderberg

lots 8, 9 -- Russell Buckley

Block 37:
lots 1, 2, 3, 4, 6, 7, 8, 12, 13, 14, 15, 16, 18, 20, 22, 24, 26, 28, 29, 30, 31, 32 -- A. G. Hurst

lots 5, 17, 19, 21, 23, 25, 27 -- Carl R. Glatzman

lots 9, 10, 11 -- Vernon J. Van Ells

Block 38:
lots 1, 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 16, and 21 thru 32 -- A. G. Hurst

lots 8, 10, 12 -- C. R. Glatzman

lots 17, 18, 19, 20 -- Russell Buckley

Block 39:
lots 1 thru 14 -- A. G. Hurst

lots 19 thru 32 -- Sidney G. Swain

Reserve between Block 39 O.K. Addition and block 27 First Addition -- A. G. Hurst

Land Wonership, Kettle Falls Water System, continued

WIZARD ADDITION
Block 2
lots 1 thru 16 -- Stevens County (?)

lots 17 thru 22 -- Sidney G. Swain

lots 23 thru 32 -- William Anderberg

Blocks 3 and 4
Sidney G. Swain and U. S.

I have marked on the attached map the numbers of the blocks. If you do not have a good map of these blocks down there, I believe they are available at the Abstract Office in Colville for one dollar each.

The information above is from the Stevens County Assessor. From past experience I have found that their information is not always up to date.

Thomas F. Giles

/s/ Tom Giles

District Ranger

Murph seems to think that the location of the pipeline is not correct on this map.

TFG

DEED RECORD 123
STEVENS COUNTY

2282

The Grantor, the Town of Kettle Falls, Washington, a municipal corporation of the State of Washington, for and in consideration of the sum of $1.00 and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants, and conveys unto William Anderberg, a single man, and Howard E. Root, husband of Clara L. Root, the following described property in Stevens County, Washington, to-wit:

All Easements, Rights-of-Way, pipeline, dams, reservoirs, water rights and privileges, and any other rights incident thereto, heretofore acquired and now owned by the grantor, and formerly used in connection with the Town water system of the old Town of Kettle Falls, Stevens County, Washington, the said dam and reservoirs being situated in Section 25, Township 36 North, Range 37 E.W.M.

Dated this 2nd day of August, 1946.

TOWN OF KETTLE FALLS, a municipal corporation,

By: G. T. Bousley
Its Mayor

Attest: Della Hungan
Its Clerk.

STATE OF WASHINGTON, COUNTY OF STEVENS, SS.

I, Hazel Emery, Auditor in and for the County of Stevens, State of Washington, do hereby certify that the within and foregoing is a full, true and correct copy (photographic) of the record of an instrument of writing on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

HAZEL EMERY, COUNTY AUDITOR

By Edna [illegible] Deputy

DEED RECOR[illegible]
656 [illegible] COUNTY

[illegible])
[illegible] ss.
County of Stevens)

On this 2nd day of August, 1946, before me personally appeared [illegible] to me known to be the President and Secretary, respectively, of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 2nd day of August, 1946.

Lillian Hoeft
Notary Public for the State of Washington, residing at Colville.

(Notarial Seal)

222304

[illegible]
[illegible]
COMPARED [illegible]
PAID [illegible]

State of Washington } ss
County of Stevens }

This certifies that this instrument was filed for record in the Auditor's office of said County on the [illegible] day of August 1946 at 9 o'clock and [illegible] Min. [illegible] M., at the request of [illegible] and recorded in Book [illegible] of [illegible] at page [illegible] Stevens County, Washington on page 656 August 2, 1946

E. H. DOBSON
Auditor, Stevens County, Wash.
By [illegible] Deputy

[illegible] COUNTY STATE BK
[illegible], Wash.

00-00-0000: warranty deed; 1941

GENERAL ACCOUNTING OFFICE

#1455 (I36r-1569)

WARRANTY DEED

The Grantor, THE TOWN OF KETTLE FALLS, a municipal corporation of Stevens County, Washington, for and in consideration of Fourteen and 00/100 Dollars ($14.00) to it paid by the United States of America in pursuance of the act of Congress of August 30, 1935 (49 Stat. 1039) and the act of Congress of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, conveys and WARRANTS to the UNITED STATES OF AMERICA, the following described real estate, together with all appurtenances, situated in the County of Stevens, State of Washington:

That portion of Lots one (1), and eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20), of Block seven (7), and that portion of Lots eighteen (18), nineteen (19) and twenty (20), of Block eleven (11), all in Kettle Falls on the Columbia Addition to the Town of Kettle Falls, Washington, lying and being west of the right of way of State Road No. 3;

Also, as a part of the consideration hereof, the Grantor does hereby quitclaim to the United States of America all of its right, title and interest in and to that portion of said Block seven (7) and said Block eleven (11) in Kettle Falls on the Columbia Addition to the Town of Kettle Falls, Washington, lying and being west of the east boundary of State Road No. 3.

Land description approved Thos. J. Fredlund Engineer

IN WITNESS WHEREOF, the Grantor, above named, pursuant to a resolution of the City Council, duly and legally adopted, has caused these presents to be signed by the Mayor and Councilmen, attested by the Clerk of said corporation, and the corporation's corporate seal to be hereunto affixed, this 29th day of March, 1941.

(Corporate Seal)

Attest:

Arthur A. Simon
Clerk

THE TOWN OF KETTLE FALLS, a municipal corporation of Stevens County, Washington.

By Herbert L. Lockhart
Mayor

James E. Pease
Councilman

Emile Weigelt
Councilman

G. L. Duckworth
Councilman

Walter O. Teach
Councilman

Councilman

STATE OF WASHINGTON)
County of Stevens) ss

On this 29 day of March, 1941, before me personally appeared Herbert L. Lockhart, to me known to be the Mayor, and James E. Pease, Emile Weigelt, G. L. Duckworth, Walter O. Teach, to me known to be all the members of the City Council of the Town of Kettle Falls, a municipal corporation of Stevens County, Washington, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses

(over)

MAY 1941 52272

...ees therein mentioned, and on oath stated that they were authorized ...e said instrument and that the seal affixed is the corporate seal ... corporation.

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

Notary Public for Washington residing at

...ommission expires:

1-3-1945

Abstract examined by G. A. C.

Date

INDEXED
RECORDED
COMPARED
PAGED

189563

State of Washington } ss.
County of Skamania,
This certifies that this instrument was filed for record in the Auditor's office of said County on the 7 day of April 1941 at 9 o'clock and 11 min. A.M. at the request of [illegible] and recorded in book A10 of records of Deeds Skamania County, Washington, on page 281 Apr. 8 1941

Auditor of Skamania Co., Wash. Deputy

#2260 (I36r-1582)

R E S O L U T I O N

WHEREAS, the Town of Kettle Falls, Washington, has sold to the United States of America all that portion of the water system of said Town lying below the 1310 feet elevation line for a consideration of $19,000.00,

AND WHEREAS, there is an outstanding and unpaid indebtedness against said water system consisting of $2,200 principal amount 4% water bonds, which bonds are held by the Portland Branch of the Federal Reserve Bank of San Francisco as fiscal agent of the Reconstruction Finance Corporation, and it is necessary to retire said bonded indebtedness before the purchase price of said water system will be paid by the United States of America,

AND WHEREAS, the transaction with the United States of America can best be completed by authorizing the United States of America to pay said bonded indebtedness and accrued interest and deduct the amount thereof from the purchase price being paid for said water system,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Kettle Falls, Washington, meeting in special session with four members present, that the United States of America be and it is hereby authorized and directed to pay to said Portland Branch of the Federal Reserve Bank of San Francisco as fiscal agent of the Reconstruction Finance Corporation the amount of said bonded indebtedness together with the accrued interest thereon, and to deduct the amount of said bonded indebtedness and accrued interest from the purchase price being paid to the Town of Kettle Falls for said water system.

Dated at Kettle Falls, Washington, this 27th day of June, 1939.

TOWN OF KETTLE FALLS, WASHINGTON

By R E Hampton

Mayor.

ATTEST:

5 Arthur A German

06-26-1939: court document: certificate #2260

GENERAL ACCOUNTING OFFICE

#2260 (I36r-1582)

CERTIFICATE

I, W. F. Burger, Treasurer of the Town of Kettle Falls, Stevens County, Washington, hereby certify that there are no outstanding municipal assessments of any kind whatsoever against the following described property, as shown by the official records of the Town of Kettle Falls, Stevens County, Washington:

All that part of the water system belonging to the Town of Kettle Falls, Washington, a municipal corporation of the Fourth Class, in the Town of Kettle Falls, Washington, located in that part of said town which lies below the elevation of one thousand three hundred and ten (1310) feet above sea level (U.S.B.R. datum).

Certificate dated this 26th day of June, 1939.

W. F. Burger
Town Treasurer

(SEAL)

5

GENERAL ACCOUNTING OFFICE

-: C E R T I F I C A T E : -

STATE OF WASHINGTON, County of Stevens,ss.

The STEVENS COUNTY ABSTRACT COMPANY hereby certifies that it has made a search of the various records in Stevens County, Washington, and that there are no Chattel Mortgages, mechanics' or labor liens,unpaid personal property taxes, conditional sales contracts, judgments, mortgages or any other instrument, lien or encumbrance whatsoever, affecting the property which constitutes the water system of the Town of Kettle Falls.

Dated this 24th day of June 1939 at 5:00 P.M.

STEVENS COUNTY ABSTRACT COMPANY
BY: S. E. Joseph, Its Mgr.

GENERAL ACCOUNTING OFFICE

#2260 (I36r-1582)

POSSESSORY CERTIFICATE

Coulee Dam, Washington
June 28, 1939

Columbia River Reservoir Right of Way
Columbia Basin Project, Washington.

I, P. R. Nalder, Associate Engineer of the U. S. Bureau of Reclamation, certify that I have personally examined that part of the water system in the Town of Kettle Falls, Washington, located in that part of said Town which lies below the elevation one thousand three hundred and ten (1310) feet above sea level (U.S.B.R. datum), which property is sought to be acquired by the United States of America from TOWN OF KETTLE FALLS, WASHINGTON, a municipal corporation of the Fourth Class.

I further certify that the property is necessary for the purposes authorized by the Reclamation Act, namely, as a right of way for the Columbia River Reservoir; that the consideration agreed upon is reasonable; that the said proposed grantor claims to be the owner of the said property and that no person claiming a right in such property adverse to the said grantor is in possession of any part of it, excepting that parcel of land occupied by the well, which claim was discussed in the Associate District Counsel's Supplemental Opinion of June 15, 1939 and waived.

P. R. Nalder

5



WARRANTY DEED

#2260 (13tr-1502)

Description approved Howard Jorgensen Engineer

The Grantor, TOWN OF KETTLE FALLS, WASHINGTON, a municipal corporation of the Fourth Class, acting by its Mayor and Clerk of Its Council, thereunto duly authorized, for and in consideration of NINETEEN THOUSAND and 00/100 DOLLARS ($19,000) to it paid by the United States of America in pursuance of the act of Congress of August 30, 1935 (49 Stat. 1039) and the act of Congress of June 17, 1902 (32 Stat. 388) conveys and WARRANTS to the UNITED STATES OF AMERICA the following described property, situated in the County of Stevens, State of Washington:

All of that part of the Grantor's water system in the Town of Kettle Falls, Washington, located in that part of said town which lies below the elevation of one thousand three hundred and ten (1310) feet above sea level (U. S. B. R. datum), and all of the Grantor's pumps, pumphouses, pipes, pipe lines, taps, hydrants, wells and shelter houses, valves and fittings and all appurtenances, rights, licenses, franchises, real property, and rights of way in connection with that part of the Grantor's water system located in the above described portion of the said Town of Kettle Falls, and the Grantor for the same consideration herein set out does release the United States from all damages and claims of damage resulting from or growing out of the severance of such portion of Grantor's water system from the remainder thereof, including any damage on account of loss of business and any and every other kind and element of damage whatsoever in connection therewith.

IN WITNESS WHEREOF, the Grantor, above named, pursuant to a resolution of the City Council, duly and legally adopted, has caused these presents to be signed by the Mayor and Councilmen, attested by the Clerk of said corporation, and the corporation's corporate seal to be hereunto affixed, this 22nd day of June, 1939.

(corporate seal)

Attest:

Clerk

TOWN OF KETTLE FALLS, WASHINGTON
a municipal corporation of the
Fourth Class

By R. E. Langston
Mayor

G. L. Duckworth

Emile Weigelt

M. B. Culver

Gustav Weigelt

Howard Hodgson

Councilmen

STATE OF WASHINGTON)
County of Stevens) ss.

On this 22nd day of June, 1939, before me personally appeared R. E. Langston, to me known to be the Mayor, and G. L. Duckworth, Emile Weigelt, M. B. Culver, Gustav Weigelt and Howard Hodgson,

TO me known to be all the members of the City Council of the Town of Kettle Falls, a municipal corporation of the Fourth Class, of Stevens County, Washington, that executed the within and foregoing instrument, and acknowledged

(over)

-1-

the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

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

J. R. Robertson
Notary Public for Washington,
residing at Kettle Falls.

(SEAL)

My commission expires January 24 1941

State of Washington } ss.
County of Stevens.

This certifies that this instrument was filed for record in the Auditor's office of said County on the 24 day of June 1939 at 11 o'clock A. M. at the request of Hubbert R. Sanders and recorded in book 107 of records of Stevens County, Washington, on page 309

B. P. TAYLOR
Auditor of Stevens Co., Wash.
By [illegible] Deputy

Recorded
Indexed

$1.00 Rec
.75

GENERAL ACCOUNTING OFFICE

#2260 (I36r-1582)

A F F I D A V I T

STATE OF WASHINGTON)
:ss.
County of Spokane)

Ella H. Holly, being first duly sworn, on oath deposes and says:

That affiant is a resident of Spokane, Spokane County, State of Washington, and is the grantor mentioned in that certain Trust Deed dated February 11, 1909, in favor of Jessie A. Haskins, and filed for record February 16, 1909, and recorded in Book "Z" of Mortgages, page 325, records in the office of the Auditor of Stevens County, Washington, covering the following described real property situated in Stevens County, Washington:

> Lots 1 and 2 Blk. 9; Lots 1, 2, 15 and 16, Blk. 11; Lots 7 and 8 Blk. 13; Lots 17, 18, 19 and 20 Blk. 14 all in Holly Addition to the Town of Kettle Falls; also "Assessor's Lot" #403, being the unplatted portion of Lots 1, 2, 3 & 4 of Sec. 26, Twp. 36 N., R. 37, E.W.M.

That said Trust Deed became void in accordance with its terms, and is of no force or effect whatever.

Ella H. Holly

Subscribed and sworn to before me this 12th day of June, 1939.

Ben B. Creighton

Notary Public in and for the State of Washington, residing at Spokane.

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Pages 3, 12 to 15, & 221-26

Abstract No. 36650

Stevens County Abstract Co.

for

Tract No. 2260 - Purchase Contract I-36r1582

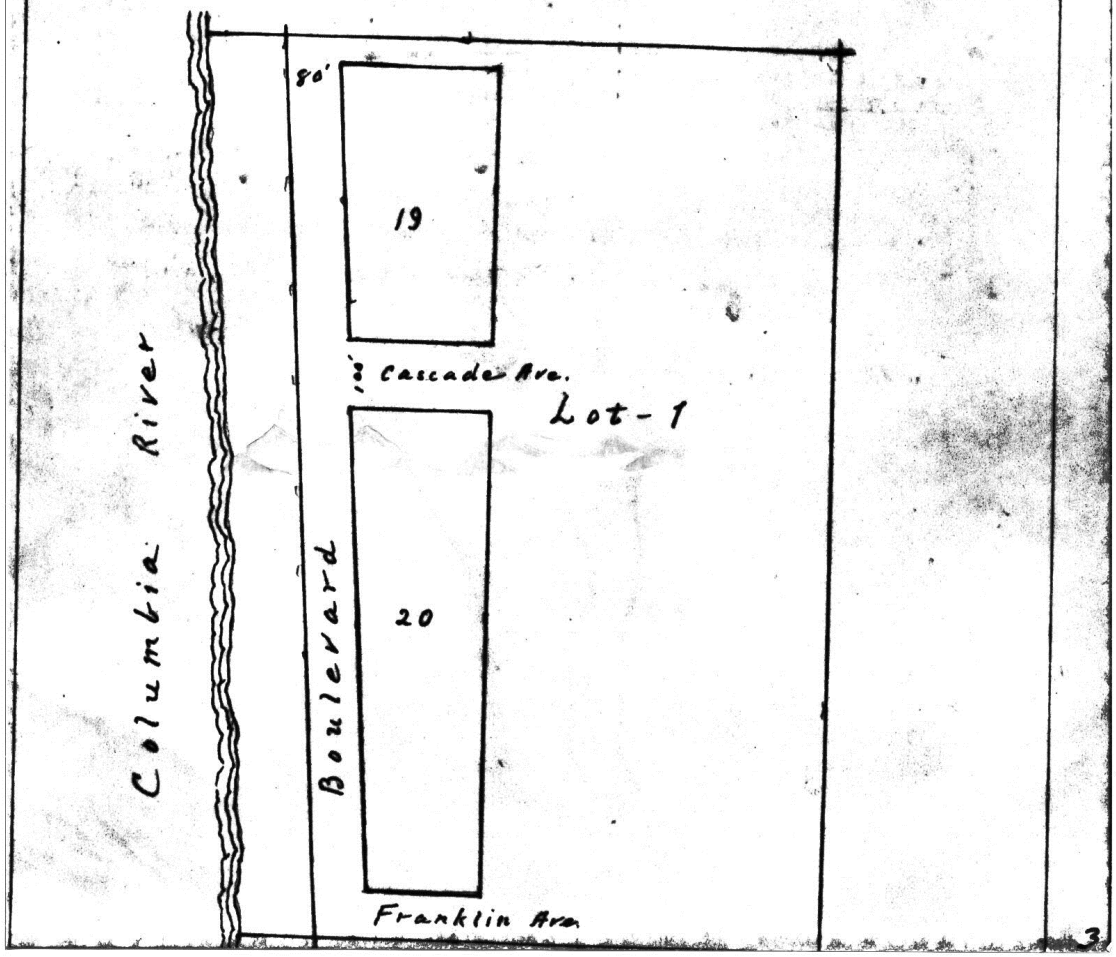
Dated April 4, 1939

00-00-0000: chart of lot 1; 1939

Part of Lot 1. Sec 26 - 36-37 showing a tract of land lying W. of the Boulevard as shown by the official Plat of Holly Add to Kettle Falls found in book A of Plats at page 25 Auditor's

-P L A T :-

Of Lot 1, Sec.26,Twp.36 N.,R.37 E.W.M., showing the tract of land lying West of the Boulevard as shown by the official Plat of Holly Addition to Kettle Falls, Wash., found in Book "A" of Plats, page 25, Auditor's records of Stevens County,Wash.



3

1-4033
8
Copied
Verified

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF STEVENS

IN THE MATTER OF THE FORMATION OF AN IRRIGATION DISTRICT AS PRAYED FOR IN THE PETITION OF OSEE W. NOBLE AND OTHERS FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF STEVENS COUNTY, STATE OF WASHINGTON, ON THE SECOND DAY OF OCTOBER, A. D. 1911, AT THE HOUR OF 2:30 O'CLOCK, P. M.	:	No. 4033 O R D E R Filed: Mar. 29, 1912

This matter having come on regularly for hearing upon the petition of Osee W. Noble and others praying for the formation of an irrigation district and for an election for said purpose, and further praying that the Board of County Commissioners of said County fix the boundaries of such proposed irrigation district in the manner provided by law, said matter having come on for hearing at a regular meeting of the Board of County Commissioners of said Stevens County, on a regular meeting day of said Board, at the County Court House of said County, at the City of Colville, in said County and State, on the second day of October, A.D., 1911, at the hour of 2:30 o'clock, P.M., on said day, at which time the hearing of said matter was continued until the 5th day of October, A.D. 1911, at the hour of 2:30 o'clock, P.M., at which time the petitioners and certain protestants were heard, and said cause having been further continued until the sixth day of October, 1911, at the hour of 1:30 P.M., and having been further continued to the hour of 1:30 P.M. on the seventh day of October, 1911, and a further hearing thereon being then had, and the said Board having fully considered all of the evidence offered by the respective parties, and being fully advised in the premises, finds that all of the lands hereinafter included within the boundaries of the said proposed irrigation district as said boundaries are hereby fixed and established by this Board, require water for irrigation thereof, and will be benefited by irrigation, and are not supplied with and have not a water supply therefor, and all of the said lands included within said proposed irrigation district by the boundaries thereof, which said boundaries are hereby fixed and established are susceptible of irrigation from a common source and by one system of irrigation and it is the holding of this board that all of the lands excluded from the boundaries of said proposed irrigation district by this order now have a water supply, or do not require and will not be benefited by water for irrigation.

And this Board further finds that the said petition was duly and regularly signed by more than fifty qualified electors of Stevens County and State of Washington, residing within the boundaries of said proposed

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Order:Cont.

district, who are, and were, at the time of the signing of said petition, the holders of title or evidence of title of land lying within the boundaries of said proposed district susceptible of one mode of irrigation from a common source and by the same system of work;

THEREFORE, it is the order of THIS BOARD, THAT THE BOUNDARIES of said proposed irrigation district shall be and they are hereby fixed and established in accordance with the detailed description thereof as follows, to-wit:

Beginning at a point 164.3 feet north of the quarter corner of the east boundary of Sec. 35, Twp. 36 N., R. 37 E.W.M., and running north 390.4 feet; thence north 82°3' west 125 feet; thence north 36°43' west 185 feet; thence north 7°49' east 145 feet; thence north 51°6' east 432 feet; thence north 32°32' east 300 feet; thence north 22°48' east 135 feet; thence north 2°47' east 135 feet; thence north 44°47' east 140 feet; thence north 3°1' west 38 feet; thence north 89°41' west 140 feet; thence north 16°36' west 115 feet; thence north 5°0' west 200 feet; thence north 20°52' west 130 feet; thence north 31°27' west 100 feet; thence north 17°39' west 390 feet; thence north 0°18' west 87 feet; thence north 46°11' west 115 feet; thence north 24°57' east 170 feet; thence north 15°21' west 240 feet; thence north 33°3' west 190 feet; thence north 46°24' west 175 feet; thence north 5°16' west 110 feet; thence north 51°57' west 180 feet; thence north 88°49' west 80 feet; thence north 47°1' west 285 feet; thence north 9°39' west 285 feet; thence north 40°38' west 340 feet; thence north 0°48' west 280 feet; thence north 23°45' west 100 feet; thence north 88°6' west 160 feet; thence north 21°7' west 300 feet; thence north 8°13' west 185 feet; thence north 20°29' west 300 feet; thence north 61°37' west 100 feet; thence north 28° 48' west 362 feet; thence north 44°31' west 280 feet; thence north 6°40' west 115 feet; thence north 45°13' west 190 feet; thence north 24°0' east 154 feet; thence north 45°47' west 180 feet; thence north 35°58' west 210 feet; thence north 33°48' west 385 feet; thence north 4°12' west 190 feet; thence north 53°56' west 150 feet; thence north 42°48' west 240 feet; thence north 17°4' east 200 feet; thence north 34°18' west 300 feet; thence north 28°26' west 300 feet; thence north 20°14' west 340 feet; thence north 10°38' east 180 feet; thence north 1°57' west 300 feet; thence north 35°10' west 340 feet; thence north 17°17' east 275 feet; thence north 10°0' east 300 feet; thence north 3°33' east 170 feet; thence north 11°21' west 90 feet; thence north 58°45' west 152 feet; thence north 2°25' west 53 feet; thence north 33°5' east 100 feet; thence north 41°34' east 180 feet; thence north 28°53' west 120.3 feet; thence north 26°10' west 74.7 feet; thence north 0°14' west 330 feet; thence north 82°35' west 135 feet; thence north 28°18' west 118 feet; thence north 29°44' east 240 feet; thence north 0°29' east 235 feet; thence north 10° 54' east 420 feet; thence north 25°36' east 280 feet; thence north 13°8' east 300 feet; thence north 18°28' east 225 feet; thence north 3°23' east

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Order Cont.

682.5 feet; thence north 4°58' west 330 feet; thence north 20°5' west 300 feet; thence north 1°0' east 300 feet; thence north 5°0' east 300 feet; thence north 6°10' east 300 feet; thence north 6°21' east 300 feet; thence north 6°37' east 300 feet; thence north 1°34' east 300 feet; thence north 12°30' east 170 feet; thence north 6°10' west 330 feet; thence north 11°30' east 175 feet; thence north 5°30' west 330 feet; thence north 0°44' west 315 feet; thence south 88°44' west 300 feet to Station 87; thence following in a northerly direction the U. S. Government meander line down the Columbia River on its east bank, to the meander corner of the North Boundary of Sec. 26, Twp. 38 N., R. 37 E.W.M., which is 1307 feet west of the quarter corner on the north line of said Sec. 26, thence south 24°30' east 15.8 feet; thence south 20°30' east 300 feet; thence south 6°21' east 300 feet; thence south 27°30' east 300 feet; thence north 13°40' east 130 feet; thence north 88°45' east 495 feet; thence south 24°25' east 300 feet; thence south 44°40' east 150 feet; thence south 78°30' east 240 feet; thence south 61°0' east 300 feet; thence south 88°2' east 385 feet; thence south 82°3' east 135 feet; thence north 73°5' east 135 feet; thence south 80°46' east 150 feet; thence south 48°32' east 350 feet; thence south 78°18' east 140 feet; thence south 69°13' east 340 feet; thence south 75°0' east 410 feet; thence south 84°36' east 185 feet; thence south 84°32' east 495 feet; thence south 89°8' east 170 feet; thence south 85°23' east 300 feet; thence north 83°24' east 335 feet; to point of beginning, excluding however, from said proposed district as above described, the following described lands and premises, which this Board finds to be already supplied with water sufficient for irrigation, to-wit:

Lots numbered 32, 72, 34, of Block 20; Lots 1, 2, 3, 4, 23, 24 of Block 19; Lots 24, 25, 50, 51, 52, 53 and 54 of Block 21; Lots 43, 45, 44, 45, 46, 47, 48 and 49 of Block 28; all of the aforesaid lots being in the Central addition to the town of Kettle Falls, State of Washington, according to the recorded plat thereof, and being the property of Hugh Munro; also lots 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27 and 28 of Block 48 of Central Second Addition to the Town of Kettle Falls, Washington, according to the recorded plat thereof, and being the property of Hugh Munro.

Also excluding lots numbered 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 47 of Central Second Addition to the town of Kettle Falls, Washington, according to the recorded plat thereof, being the property of W. B. Wheeler.

Also excluding the following described tract of land to-wit: beginning at the north east corner of Lot 4 Block 30 thence running south to the south east corner of Lot 3 of Block 30, thence west to the south west corner of Lot 11, Block 35, thence north to the north west corner of Lot 12, of Block 30, thence east to the northeast corner of Lot 4,

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STEVENS COUNTY ABSTRACT COMPANY

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Order:Cont.

Block 30, the place of beginning, all being a part of the First Addition to the town of Kettle Falls, Washington, according to the recorded plat thereof, and being the property of G. F. White.

And it is the further order of this Board that said proposed irrigation district be divided into the three following districts, which are as nearly equal in size as it is practicable to make them, and which are numbered as follows, to-wit:

The First District shall consist of all of the land included within the said proposed district lying east of a straight line extending north and south through the middle of Riverside Avenue in the Town of Kettle Falls, Washington, according to the recorded plats of said town to a point on the southern boundary of said proposed irrigation district and south of a straight line running east and west to the middle of Niagara Street in the Town of Kettle Falls, Washington, according to the recorded plats thereof, from the first above mentioned line in the middle of Riverside Avenue to the east boundary of said proposed irrigation district.

The Second District shall consist of all of the lands included within the said proposed irrigation district lying north of the First District and east of a line extending due north from the Northwest corner of the First District until such line intersects the boundary line of said proposed irrigation district on the north.

The Third District shall consist of all of the land included within the said proposed irrigation district lying west of the west boundaries of the First and Second Districts.

And the said Districts are hereby numbered in the order in which they are above designated, to-wit: First District, Second District and Third District;

And it is further ordered that an election be held in such proposed irrigation district on the 11th day of November 1911, for the purpose of determining whether or not the same shall be organized under the provisions of Chapter VII of Volume II of Remington & Ballinger's Annotated Codes and Statutes of Washington, and for the election of District Directors, and notice of said election shall be issued and published as required by law, and that such proposed irrigation district shall be named and designated in such notice as Columbia Irrigation District.

Dated this 7th day of October, 1911.

(Signed) Board of County Commissioners of Stevens County, State of Washington.
By W. W. Palmer, Chairman.

(Seal:Board of County
(Commissioners, Stevens
(County, Washington.

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SB

-: WARRANTY DEED :-

Ben C. Camp, a bachelor, : Document No. 73276.
: Dated May 9th, 1922.
to : Filed for record Sept. 16, 1922,
: at 1:33 P.M., recorded in Book
White Pine Sash Co., a corporation. : "68" of Deeds, page 29.
: Consideration: $1.00 & other value

Does grant, bargain, sell and convey--all that tract or parcel of land in the County of Stevens and State of Washington, described as follows, with the exceptions hereinafter mentioned and described :

That strip or parcel of land in Section 26 Township 36 N. Range 37 E.W.M. lying between the west line of the Boulevard as said Boulevard is platted in Holly Addition to the town of Kettle Falls and the Columbia River, excepting a strip of land 400 feet long commencing at a point 40 ft. North of the south section line of said section 26, and west of the southwest corner of Block 10 of Holly Addition; thence extending north from said point parallel with the west line of said Block 10, for a distance of 400 feet to a point on the west line of the Boulevard, which is west of the northwest corner of said Blk. 10, Holly Addition, thence west to the Columbia River, thence south along the Columbia river to a point 40 feet north of the south line of said Section 26, thence east to the place of beginning, said described land being the strip of land along the Columbia River between said river and the west line of the Boulevard, west of Blk. 10, Holly Addition.

2nd. Also excepting: That piece or parcel of ground in Government Lot 1, Section 26, Twp. 36, N. R. 37 E. W. M. which would be the south 40 ft. of Hennepin Street as said Hennepin St. is platted in Columbia Park Add. to the town of Kettle Falls, if said Hennepin street were extended to the Columbia River, and west line of the Boulevard, as said Boulevard is platted in the Holly Addition to the Town of Kettle Falls.

3rd. Also, those several pieces or parcels of land west of the west line of the Boulevard included in what would be Cascade Street, Franklin Street, Delaware Street, Niagara Street, Belmont Street, College Street, First Street, Second Street and the north 40 feet of third Street if said streets were extended to the Columbia River, all of the above described pieces or parcels of land being in Government Lots 1-2-3 or 4 respectively, of Sec. 26, Tp. 36, N. R. 37 E. W. M.

4th. Also, Beginning at the point where the north line of Delaware Street extended would intersect the west line of the Boulevard, thence north along the west line of the Boulevard 350 feet, thence west to the Columbia River, thence south along the Columbia river 350 feet to a point west of the place of beginning, thence east to the place of beginning.

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STEVENS COUNTY ABSTRACT COMPANY

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WARRANTY DEED-Cont.

5th. Also, Beginning at the point where the south line of Delaware Street extended would intersect the west line of the Boulevard, thence south 150 feet along the west line of said Boulevard, thence west to the Columbia River, thence north along the Columbia River 150 feet to a point west of the place of beginning thence east to the place of beginning.

6th. Also, Beginning at a point on the west line of the Boulevard west of the north line of Lot 14, Blk. 20, Holly Add. to the town of Kettle Falls, thence west to the Columbia River, thence south along the Columbia River 25 ft. thence east to the west line of the Boulevard to a point west of the south line of said Lot 14, Blk 20, Holly Addition, thence north along the west line of the Boulevard 25 ft. to place of beginning.

7th. Also, That portion of Gov't. Lot 1, Sec. 26, Tp. 36, N. R. 37, E. W. M. lying south of the south line of Hennepin Street extended west and west of the west line of the Boulevard included within a strip of land 60 feet wide being 30 ft. wide on each side of the center line of Columbia Road No. 1455 as surveyed and staked over and across the above described property the said center line being more particularly described as follows:
Beginning at Sta. 13 x 136.5 as shown in the field notes on file in the County Engineer's office which station is located on the center line of Hennepin street extended west 118.4 ft. from the east line of the Boulevard, thence S. 6 degrees, 30' E. 66.1', thence S. 7 degrees east 262.5', thence S. 32 degrees 30' east 132.5' to a point which bears S. 2 degrees 15' west 397.5 ft. from the northwest corner of Blk. 19, Holly Addition to Kettle Falls.

8th. Also excepting the strip of land between the west line of the Boulevard and the Columbia River Commencing at a point on the west line of the Boulevard west of the southwest corner of Block 15, Holly Add. said point being where the north line of Niagara street is said street were extended west to the Columbia River, would intersect the west line of the Boulevard, thence north a distance of 200 feet, thence west to the Columbia River, thence south along the Columbia River to a point west of the place of beginning, thence east to the place of beginning.

Covenants: Seizin in fee; free from all incumbrances; Warranty.

(Signed) Ben C. Camp (Seal)

State of Washington, County of Stevens, ss.

Acknowledged May 9th, 1922, by Ben C. Camp, a bachelor; before Henry A. Spedden, Notary Public. Residing at Colville, Washington. (Seal: Henry A. Spedden, Notary Public, State of Washington, Commission expires Jan. 6, 1924)

Copy SB Verified

-: WARRANTY DEED :-

Ben C. Camp,

to

White Pine Sash Company.

: Document No. 73277.
: Dated August 1, 1922.
: Filed for record Sept. 16, 1922, at 1:34 P.M., recorded in Book "68" of Deeds, page 31.
: Consideration: $1.00 & other value.

Conveys and warrants--the following real estate, situated in the County of Stevens, State of Washington:

That piece or parcel of ground in Government Lot 1, Section 26, township 36, north of range 37 E.W.M. which would be the south 40 feet of Hennepin Street, as said Hennepin Street is platted in Holly Addition to the town of Kettle Falls, if said Hennepin Street were extended to the Columbia River and west of the west line of the Boulevard, as said Boulevard is platted in the Holly Addition to the Town of Kettle Falls.

Also, Those several pieces or parcels of land west of the west line of the Boulevard included in what would be Cascade Street, Franklin Street, Delaware Street, Niagara Street, Belmont Street, College Street, First Street, Second Street, and the north 40 feet of Third Street, if said streets were extended to the Columbia River.

All the above described pieces or parcels of land being in Government Lots 1, 2, 3 or 4, respectively of Section 26, township 36, North Range 37 E.W.M.

Also beginning at the point where the north line of Delaware Street extended would intersect the west line of the Boulevard, thence north along the west line of the Boulevard 350 feet, thence west to the Columbia River, thence south along the Columbia River 350 feet to a point west of the place - beginning, thence east to the place of beginning.

Also, Beginning at the point where the south line of Delaware Street extended would intersect the west line of the Boulevard, thence south 150 feet along the west line of said Boulevard, thence west to the Columbia River, thence north along the Columbia River 150 feet to a point west of the place of beginning, thence east to the place of beginning.

Also, Beginning at a point on the west line of the Boulevard west of the north line of Lot 14, Block 20, Holly Addition to the town of Kettle Falls, thence west to the Columbia River, thence south along the Columbia River 25 feet, thence east to the west line of the Boulevard to a point west of the south line of said Lot 14, Block 20, Holly Addition, thence north along the west line of the Boulevard 25 feet to place of beginning.

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WARRANTY DEED-Cont.

The sum of the above described pieces or parcels of land making a total of 1305 lineal feet frontage on the Columbia River.

Excepting from this warranty the easement for right of way required heretofore by Stevens County across the extension of Hennepin Street above mentioned.

(Signed) Ben C. Camp (Seal)

State of Washington, County of Stevens, ss.
Acknowledged August 1st, 1922, by Ben C. Camp, a single man; before P. F. Schroeder, Notary Public in and for the State of Washington, residing at Kettle Falls.
(Seal: P. F. Schroeder, Notary Public, State of Washington, Commission expires Aug. 11, 1924)

Copies Verified SB ✓

-: QUIT CLAIM DEED :-

Ben C. Camp, a bachelor,

to

White Pine Sash Co., a corporation.

Document No. 73274.
Dated May 9th, 1922.
Filed for record Sept. 16, 1922, at 1:31 P.M., recorded in Book "71" of Deeds, page 192.
Consideration: $1.00 & other value

Convey and quit claim--all interest in the following described real estate situated in the County of Stevens, State of Washington:

That certain strip of land between the west line of the Boulevard as same is platted in Holly Add. to Kettle Falls, and the Columbia river, commencing at a point on the west line of the said Boulevard west of the southwest corner of Blk. 15, Holly Add. said point being where the north line of Niagara St. would intersect the west line of the Boulevard if said Niagara St. were extended to the Columbia River, thence running north along the west line of the Boulevard a distance of 200 feet, thence west to the Columbia River, thence south along the Columbia River for a distance of 200 feet to a point west of the place of beginning, thence east to the place of beginning.

Also, all of the right of reversion in strip of land 60 feet wide being that portion of Gov't. Lot 1, Sec. 26, Twp. 36, N. R. 37, E.W.M., lying south of the south line of Hennepin Street extended west, and west of the west line of the Boulevard included within a strip of land 60 feet wide, being 30 feet wide on each side of the center line of Columbia Road No. 1455, as surveyed and staked over and across the above described property, the said center line being more particularly described as follows:

Beginning at Sta. 13 x 136.5 as shown in the field notes on file in the County Engineer's office which station is located on the center line of Hennepin Street extended west 118.4 feet, from the east line of the Boulevard, thence S. 6 degrees 30' E. 66.1', thence S. 7 degrees east 262.5' thence S. 32 degrees 30' east 132.5' to point which bears S. 2 degrees 15' west 397.5 feet from the northwest corner of Blk.19, Holly Add. to Kettle Falls.

(Signed) Ben C. Camp (Seal)

State of Washington, County of Stevens, ss.

Acknowledged May 9th, 1922, by Ben C. Camp, a bachelor; before Henry R. Spedden, Notary Public for the State of Washington, residing at Colville, Wash. (Seal: Henry R. Spedden, Notary Public, State of Washington, Commission expires Jan. 6, 1924)

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00-00-0000: ordinance no. 1000; 1939

ORDINANCE NO. 1000

An Ordinance relating to the sale of the municipal water system of the town of Kettle Falls, Washington, accepting the bid submitted therefor and authorizing and directing the Mayor and Clerk to execute, in the name and on behalf of said town, the conveyances necessary to carry out the terms of said bid.

Be it ordained by the council of the town of Kettle Falls, Washington:

Section 1. That the town of Kettle Falls, Washington, accept the bid of the United States of America for the purchase of all that portion of the municipal water system serving said town of Kettle Falls, Washington, lying below an elevation of 1310 feet above sea level, for a consideration of $19,000.00, subject to the terms and conditions of the contract submitted by said United States of America, which provide for the payment of said purchase price upon receipt of satisfactory title to said water system.

Section 2. That the Mayor and Clerk of said town of Kettle Falls Washington, be authorized and directed to execute, in the name and on behalf of said town, the conveyances necessary to carry out the terms of said bid.

Section 3. This ordinance shall take effect and be in force upon its passage, approval by the Mayor and posting, according to law, and the approval of a majority of the qualified electors voting thereon at a special election to be called for the purpose of submitting said ordinance to the voters of said town of Kettle Falls for their approval or rejection.

Passed first reading on the 21st day of February, 1939.

Passed second reading on the 7th day of March, 1939.

Approved by me on this 7th day of March, 1939.

R E Langston
Mayor

Attest:

Arthur A German
Acting Town Clerk

I, Arthur A. German, Acting Town Clerk of the town of Kettle Falls, Washington, do hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 1000 of the town of Kettle Falls, entitled "An Ordinance relating to the sale of the municipal water system of the town of Kettle Falls, Washington, accepting the bid submitted therefor, and authorizing and directing the Mayor and Clerk to execute, in the name and on behalf of said town, the conveyances necessary to carry out the terms of said bid", which was passed by the Town Council of said Town of Kettle Falls, on the 7th day of March, 1939, and that said ordinance was posted in three public places in the said Town of Kettle Falls, Washington, on the 8th day of March, 1939, according to law.

Arthur A German
Acting Town Clerk

00-00-0000: resolution; 1939

R E S O L U T I O N

WHEREAS, the construction of the Grand Coulee Dam Project has made it necessary for the United States Government to acquire all property along the Columbia River lying and being below the 1310 feet elevation line, which includes practically all of the property within the corporate limits of the original Town of Kettle Falls, Stevens County, Washington,

AND WHEREAS, by reason of the acquisition of said property by the United States Government the residents of said Town have established a new townsite where the former village of Meyers Falls was located, and it will be necessary to abandon the original Town of Kettle Falls within a short time,

AND WHEREAS, by reason of the sale of the property comprising the original Town of Kettle Falls to said Government the water system owned by said Town can no longer be used for the benefit of said Town, and it would not be practical to move that portion of the water system lying below the 1310 feet elevation line to the new townsite above mentioned,

AND WHEREAS, the Town Council of Kettle Falls believes it will be for the best interests of said Town to sell that part of said water system lying below the 1310 feet elevation line,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Kettle Falls, Washington, that all that portion of the water system of said Town lying below the 1310 feet elevation line be sold to the highest bidder, said sale to be made for cash upon delivery of the necessary conveyance of the title to said water system.

IT IS FURTHER RESOLVED that the Town Clerk shall publish a copy of this resolution in The Colville Examiner, a newspaper of general circulation in Stevens County, Washington, such publication to be made once a week for four weeks, together with a notice calling for sealed bids to be filed with such Town Clerk not later than the 15th day of February, 1939, at 2:00 P.M. That such bids shall state the cash price offered and shall be accompanied by a certified check payable to the order of said Town of Kettle Falls in the amount of five (5%) percent of the bid offered, and each bid shall state that the bidder agrees that if his bid be accepted and he fails to comply therewith within ten days after the passing of an ordinance [illegible] said bid and notice to the bidder of the execution of [illegible] directed by such ordinance, such deposit shall be forfeited [illegible] Town. That the Town Council shall have the right to reject any or all bids and to accept any bid which it deems best.

Dated at Kettle Falls, Washington, this 10th day of [illegible]

TOWN OF KETTLE FALLS, [illegible]

By [signature]
Mayor

ATTEST:

Town Clerk

Asst Clerk of Attorney General

00-00-0000: certificate; 1939

#2260 (156r-1582)

C E R T I F I C A T E

I, Kathrine A German Town Clerk of the Town of Kettle Falls, Washington, a municipal corporation of the fourth class, do hereby certify that the attached instruments are true and correct copies of the statutory proceedings taken by the Town of Kettle Falls under Sections 9512 and 9513 of Remington's Revised Statutes of Washington, to sell the water system of the Town of Kettle Falls to the United States of America.

Dated at Kettle Falls, Washington, this 22nd day of June, 1939.

Kathrine A German
Town Clerk

(Seal of Town of)
(Kettle Falls,)
(Washington.)

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(POLL LIST)

At a special election held in the town of Kettle Falls Wash, on the 25 th day of March 1939, for the purpose of submitting to the qualifide voters of the said town Ordinance NO 1000 relating to the sale of the municipal water system of the town of Kettle Falls Wash,

I Elsie E Weigelt being Inspector of Election , and We Sadie M Betteridge Nellie Gurman being Judges and Clerk hereby certify that fellowing named persons voted thereat: .

No	Name	Voted
1	Wm A Gannon	Voted
2	James Moore	"
3	Ruby Pease	Voted
4	James E Pease	"
5	T av Hammond	"
6	Chas Morris	"
7	Rosa Hammond	"
8	Alice M Morris	"
9	W J Ody	"
10	Sadie M Betteridge	"
11	Nellie Gurman	"
12	Elsie E Weigelt	"
13	~~Jack~~ Gene Hodgson	"
14	Ivy Langton	"
15	Alice Weigelt	"
16	Gustav Weigelt	"
17	Albert Abrampone	"
18	Howard Hodgson	"
19	Mary L Abbott	"
20	Vera May Blair	"

No	Name	Voted
21	Verner E. Blair	"
22	Fred A. Abbott	"
23	Eli B. Tatting	"
24	King W. Scott	"
25	B. L. Leath	"
26	L. P. Edmonds	"
27	W. L. Beaumont	"
28	Margaret Keller	"
29	W. F. Burger	"
30	Josephine Hammer	"
31	Mrs. Elizabeth Moore	"
32	Pat Jennings	"
33	Estyle J. Weigelt	"
34	C. Compton	"
35	Mildred King	"
36	Esther V. Tesch	"
37	Lyndon Tesch	"
38	Guy Baxter	"
39	Margaret Baxter	"
40	Joe Baxter	"
41	Geraldine Hammer	"
42	Albert W. Hammer	"
43	G. H. Hammer	"
44	Ida J. Phars	"
45	C. W. Fye	"
46	W. W. Pace	"
47	Gladys Tesch	"
48	Walter Alfred Tesch	"
49	Lizzie Ledgerwood	"

		Voted
50	Mrs Ethel Swartout	"
51	Verne L. Swartout	"
52	Ida Champyane	"
53	Le Ea Ross	"
54	Ella J. Duckworth	"
55	Mollie Henningsen	"
56	Elmer P. Henningsen	"
57	A. L. Duckworth	"

Last

(P.O. Draft 11/22/38)

Form 7-376
Approved by the Department of the Interior
June 13, 1938
(April, 1935)

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

COLUMBIA BASIN ~~IRRIGATION~~ PROJECT

LAND PURCHASE CONTRACT

THIS CONTRACT, made this day of , 193 , in pursuance of the act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto between the UNITED STATES OF AMERICA, hereinafter styled the United States, by

F. A. Banks , Superintendent, Bureau of Reclamation, thereunto, duly authorized,[1] *and subject to the approval of the proper supervisory officer thereof,* and the Town of Kettle Falls, Washington, a municipal corporation of the Fourth Class, acting by its Council, thereunto duly authorized, and ~~his wife~~, hereinafter styled Vendor,

of , County of , State of

2. WITNESSETH, That for and in consideration of the mutual agreements herein contained, the parties hereto do covenant and agree as follows:

3. The Vendor shall sell and by good and sufficient general warranty deed, (General warranty, covenant against grantor, or quitclaim)

convey to the United States, free of lien or encumbrance, the following-described real estate which is

~~his~~ its (Homestead, community, separate) property, situated in the County of Stevens

State of , to wit:

All of that part of the Vendor's water system in the Town of Kettle Falls, Washington, located in that part of said town which lies below the elevation of one thousand three hundred and ten (1310) feet above sea level, and all of the Vendor's pumps, pipes, pipe lines, taps, hydrants, wells and shelter houses, valves and fittings and all appurtenances, rights, franchises, and rights of way in connection with that part of the Vendor's water system located in the above-described portion of the said Town of Kettle Falls, and the Vendor further agrees for the same consideration herein set out to release the United States from all damages and claims of damage resulting from or growing out of the severance of such portion of Vendor's water system from the remainder thereof, including any damage on account of loss of business and any and every other kind and element of damage whatsoever in connection therewith.

[1] Strike out clause regarding approval of supervisory officer if not applicable

e—2000

NOV25'38 84659

4. Upon receipt of notice that this contract has been approved on behalf of the Bureau of Reclamation, the vendor shall, without cost to the United States, promptly furnish a complete abstract of title covering the said property, which shall later be extended by the Vendor to include each instrument subsequently recorded in connection herewith, including the conveyance made pursuant to this contract: *Provided*, That if the Vendor fails or refuses to furnish such abstract of title within sixty days after notice that this contract has been approved, such abstract may be procured by the United States at the expense of the Vendor and the cost thereof deducted from the purchase price of said property. If the United States has available either a full or partial abstract of title covering said property, the same shall be utilized under this contract without charge to the Vendor.

5. The Vendor shall procure and have recorded without cost to the United States all assurances of title and affidavits which the Vendor may be advised by the United States are necessary and proper to show in the Vendor complete fee simple unencumbered title to said property, and the time spent in procuring, recording, and transmitting the same to the United States and in furnishing or securing abstract of title, shall be added to the time limit of this contract.

6. The United States shall purchase said property on the terms herein expressed, and upon execution and delivery of the deed provided in Article 3 and the signing of the usual Government vouchers therefor, and their further approval by the proper Government officials, it shall cause to be paid to the Vendor as full purchase price and full payment for all damages for entry upon the said property and the construction, operation, and maintenance of reclamation works thereon under said act, the sum of

Nineteen Thousand - dollars

($ 19,000.00...), by U. S. Treasury warrant or fiscal officer's check.

7. Liens or encumbrances existing against said property may, at the option of the United States, be removed at the time of conveyance by reserving from the purchase price the amount necessary, and discharging the same with the money so reserved, but this provision shall not be construed to authorize the incurrence of any lien or encumbrance as against this contract, nor as an assumption of the same by the United States.

8. The Vendor may retain possession of said property until June 15, 1939. notwithstanding earlier delivery of the deed as herein provided, and may harvest and retain the crop thereon until June 15, 1939 ; except that the proper officers and agents of the United States shall at all times have unrestricted access to survey for and construct reclamation works, telephone and electrical transmission lines, and other structures and appliances incident to said reclamation works, free of any claim for damage or compensation on the part of the Vendor.

9. This contract shall become effective to bind the United States to purchase said property immediately upon its approval by the proper supervisory officer of the Bureau of Reclamation, and shall terminate by limitation at the expiration of nine months from its date, unless extended as above provided, and shall inure to the benefit of and be binding upon the heirs, executors, administrators, and assigns of the Vendor, and the successors and assigns of the United States. a--ccs

9a. The Vendor will operate and maintain said water system, until delivery of possession to the United States on June 15, 1939, at no expense to the United States, and the Vendor assumes the full responsibility to its customers and third parties for the proper and careful operation and maintenance of the said water system. The Vendor agrees to take all reasonable precaution to prevent claims or suits for damages against the United States directly or indirectly resulting from its operation and maintenance of the said water system, as herein provided.

10. Where the operations of this contract extend beyond the current fiscal year, it is understood that the contract is made contingent upon Congress making the necessary appropriation for expenditures thereunder after such current year has expired. In case such appropriation as may be necessary to carry out this contract is not made, the Vendor hereby releases the United States from all liability due to the failure of Congress to make such appropriation.

11. The Vendor warrants that the Vendor has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Vendor for the purpose of securing business with others than the Government.

12. No Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment or either before or after he has qualified and during his continuance in office, and no officer, agent, or employee of the Government, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company, as provided in section 116 of the act of Congress approved March 4, 1909 (35 Stat., 1109).

IN WITNESS WHEREOF the parties have hereto signed their names the day and year first above written.

THE UNITED STATES OF AMERICA,

Witnesses:

By .....
Superintendent, Bureau of Reclamation.

.....

P. O. Address .....

TOWN OF KETTLE FALLS, WASHINGTON

.....
Vendor.

P. O. Address .....

.....
~~*Vendor.*~~

P. O. Address .....

.....
Councilmen ~~*Vendor.*~~

P. O. Address .....

P. O. Address .....

Approved:

.....

(Date) ....., 193

.....

6—8068

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF .....
COUNTY OF ..... } ss:

Strike out (b) in case the law does not require examination of wife apart from her husband in conveyance of the kind of property described in Article 2 hereof.

(a) I, ..., a .....

in and for said county, in the State aforesaid, do hereby certify that .....

.....

who ..... personally known to me to be the person ... whose name ..... subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that ... he ... signed, sealed, and delivered said instrument of writing as ... h..... free and voluntary act, for the uses and purposes therein set forth.

(b) I further certify that I did examine the said .....
separate and apart from her husband, and explained to her the contents of the foregoing instrument and upon that examination she declares that she did voluntarily sign, seal, and acknowledge the same without any coercion or compulsion, and does not wish to retract the same.

Given under my hand and official seal, this ..... day of ....., 193 -

[SEAL] .....

My commission expires ....

CERTIFICATE OF COUNTY RECORDER

STATE OF .....
COUNTY OF ..... } ss:

I hereby certify that this instrument was filed for record at my office at ..... o'clock .....M., ...,193 and is duly recorded in Vol. ..... of .....
Page No. .....

..... *By* ..... Fees, $.....
County Recorder.

AFFIDAVIT OF DISINTERESTEDNESS

STATE OF .....
COUNTY OF ..... } ss:

(Execute only on Returns Office copy)

I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me, personally, with .....
that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ....., or to any other person or persons; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided.

.....
..... *Bureau of Reclamation.*

Subscribed and sworn to before me at .....
this ..... day of ....., A. D. 193

.....

[OFFICIAL SEAL] My commission expires .....

U. S. GOVERNMENT PRINTING OFFICE: 1938 9—6068

00-00-0000: appraisal of kettle falls water system; 1938

APPRAISAL

OF

KETTLE FALLS WATER SYSTEM

KETTLE FALLS, WASHINGTON

June 24, 1938

Made By
Frank H. Prouty
Appraisal Engineer

APPRAISAL OF KETTLE FALLS WATER SYSTEM

SUMMARY

	Reproduction Cost	Present Value
Property below Columbia River Reservoir Boundary	$22,533.66	$11,679.35
Property above Columbia River Reservoir Boundary	$11,672.50	$ 7,581.56
TOTAL VALUES	$34,205.16	$19,260.91

00-00-0000: letter of transmittal; 1938

LETTER OF TRANSMITTAL

Coulee Dam, Washington
June 24, 1938

Mr. F. A. Banks,
Construction Engineer,
Coulee Dam, Washington.

Dear Sir:-

I transmit herewith my appraisal of the property of the Kettle Falls Water System.

This appraisal was made on the basis of reproduction cost as of today, with deductions for accrued depreciation and obsolescence.

This utility, being municipally owned, is not valued on the books of the County Assessor nor does the Town of Kettle Falls carry a set of books showing either original cost or present value of their water system.

I have made a detailed examination of the Cash Book, the Warrant Book, and the Council Minute Book and have given consideration to all the items found therein, bearing on the cost, the workmanship, or the condition of the present water system.

You will note that I have separately summarized property above the Columbia River Reservoir boundary line and below the same, and have commented on the recoverable value of the property above said boundary.

The total depreciated value given is presented as the full, fair cash value of this property today.

Respectfully submitted,

Frank E. Prouty
Appraisal Engineer

00-00-0000: appraisal of water system; 1938

APPRAISAL OF WATER SYSTEM
KETTLE FALLS, WASHINGTON

CONSTRUCTION HISTORY:

Previous to the year 1900, the Hotel at Kettle Falls had a small privately owned gravity water system, and the residents of the Town carried their water in buckets. About the year 1900, the Town constructed a municipally owned water system which impounded the waters of Blue Creek in a small reservoir 1½ miles east of the Posteffice. The Town of Kettle Falls was over-subdivided and many of the platted blocks have never been serviced with water mains.

In 1909 major improvements were made to the system including the installation of 2990 feet of 12-inch wooden pipe and 869 feet of 10-inch wooden pipe and 7 fire hydrants.

In 1910 the first dam was replaced by a new dam 550 feet farther downstream and of greater height. The outlet of the dam was 100 feet above the Posteffice.

In 1926 a new concrete dam, designed by C. A. Heberling, was constructed by Rhodes and LaPlant. The total capital expenditure on the water system that year was approximately $8,000.00.

In 1930 the reservoir supply was augmented by the installation of a new turbine type pump built over a well, sunk on the bank of the Columbia River. The first pump failed to deliver sufficient water and was immediately replaced by the larger present pump.

In 1935 the Town entered into an agreement with the Federal Administration of Public Works, known as docket No. 5699, which resulted in replacing the old 10-inch wooden water main with 6,583 feet of 8-inch wooden water main. In addition, certain valves were installed

and certain hydrants re-connected. The contractor on the job was Herbert Sheldon and the total expenditure was approximately $5,000.00, with the U. S. Government making an outright grant of 45%.

On February 1, 1938, the City Counsel voted the following water rates into effect:

Water, outside of house	$0.75 per mo.
Water, modern house	1.50 per mo.
Water, non-modern	1.25 per mo.
Water, service sta. or store	1.00 per mo.
Irrigation, extra	1.50 per lot per season.

These rates are flat rates since no water meters exist in the Town of Kettle Falls.

DESCRIPTION OF PROPERTY:

The Town derives its water supply from two different sources, a reservoir on Blue Creek approximately 100 feet higher than the Postoffice and 1½ miles distant, and a pump on the bank of the Columbia River approximately 100 feet lower than the Postoffice and 1/3 mile distant. The dam at the reservoir is built on piles driven 12 feet into the sand and not reaching to bedrock. A strip of wooden sheeting has been driven the entire length of the dam as a cutoff wall to prevent water seeping under the dam. The effective height of the dam above the stream bed is about 14 feet and the impoundage is relatively small. See sketch of dam. The pump is a Pomona turbine type, capable of delivering 500 g.p.m. either into the Town mains or to the reservoir. The pump is driven by a 25 h.p. 1750 r.p.m. Westinghouse motor. A well has been sunk to supply the pump, but the source of supply is the

Columbia River, the water elevation in the well rising and falling with the height of the river.

Eighteen fire hydrants exist in Town, eleven of which are standard construction and seven being of the home-made stand pipe type. It is questionable whether all of the existing fire hydrants are in operative condition. 138 service connections are in place.

There is very little cast iron pipe or treated wood in the Town mains, most of the mains being either short-lived untreated wooden mains, cheap spiral weldpipe or comparatively old galvanized pipe.

In many places the mains are less than 4 feet under the ground and during a severe winter, either much water must be wasted, or freezing of mains and services will occur. During a recent severe winter, considerable freezing of water pipeswas actually experienced.

The service connections have been cheaply constructed. Standard construction calls for both a corporation cock at the main and curb cock with cast iron curb box. In practically every instance either the corporation cock or the curb cock has been omitted, and the curb boxes in use are cheap makeshifts, sometimes a piece of stovepipe covered with a tin can.

The control valves have been omitted in connection with the cast iron fire hydrants and, because general control valves have been omitted, it has become necessary to drain the entire town system just to repair one leak.

The water has never been filtered or chlorinated in the Town of Kettle Falls.

BOOK VALUE:

Apparently no books have ever been kept on the Kettle Falls Water System. The capital investments in the water system have never been segregated from the other Town expenditures and set up in a separate account. Neither has any official record ever been kept of plant retirements.

ESTIMATED REPRODUCTION COST AND PRESENT VALUE:

This appraisal estimates the cost to reproduce the entire property as of present date. Depreciation was determined by making a personal inspection of the dam, reservoir, pumphouse, fire hydrants, and all exposed property, and by digging numerous holes and examining the property underground. The final depreciation applied also reflects actual experience of the Kettle Falls Water System as disclosed from the Town records and as stated by the Town Water Commissioner, Mr. Chas. Rother. Many of the unit costs, both on labor and materials, give consideration to actual costs experienced by this utility.

The total Reproduction Cost includes an allowance of 8½% for Construction Overheads. The Reproduction Cost less Accrued Depreciation developed a Present Value which represents the present Full, Fair Cash Value of the Kettle Falls Water System as of today.

ALLOCATION:

The attached map shows the Columbia River Reservoir Boundary Line which is used as a division line in making a summary of this appraisal.

The property below the Columbia River Reservoir boundary line and the property above the said boundary line have been appraised in exactly the same manner but have been summarized independently.

If the Town of Kettle Falls is permitted to retain the property above the Columbia River Reservoir Boundary Line, the severance damage to this property would be the appraised value less the sale, re-use, or recovery value of the property.

SALE VALUE:

Most of the irrigable land under the reservoir is owned by Mrs. Eva R. Smith or her father, N. G. Root. Mr. Root made a verbal statement that he had conferred with his daughter and that they would pay from $100 to $125 for the reservoir and pipe line down to the first drain valve.

RE-USE VALUE:

The most logical re-use value of the dam, reservoir and pipe above the boundary line would be in its re-use as a part of a new water system to Myers Falls. No detail study has been made of the cost or advisability of pumping from this dam up to Myers Falls. Myers Falls is in need of a new water system and might be interested in using the dam and reservoir.

The water would have to be pumped approximately four miles and raised approximately 300 feet.

RECOVERY VALUE:

The dam would have no recovery value and the recovery value of the 10-inch spiral weld pipe and the 8-inch untreated wood pipe would be so small in amount that it is doubtful if an offer can be obtained. The wood pipe would probably "go to pieces" if allowed to dry out.

APPRAISAL OF KETTLE FALLS WATER SYSTEM
BELOW THE COLUMBIA RIVER RESERVOIR BOUNDARY LINE

		Quantity	Unit Cost in place	Reproduction Cost	Percent Condition	Present Value
PIPE						
Cast Iron	6"	16'	1.29	20.64	85	17.54
Galv. Steel	3"	300'	0.72	216.00	70	151.20
	2"	7093'	0.40	2837.20	60	1702.32
	1½"	1966'	0.34	668.44	45	300.80
	1¼"	773'	0.31	239.63	71	170.14
	1"	719'	0.27	194.13	72	139.77
	3/4"	2178'	0.24	521.28	45	234.58
Wood Pipe	10"	1968'	1.01	1987.68	10	198.77
	8"	3651'	0.71	2592.21	85	2203.38
	6"	4134'	0.57	2356.38	62	1460.96
	4"	3109'	0.39	1212.51	65	788.13
	3"	710'	0.34	241.40	36	86.90
	2"	770'	0.30	231.00	31	71.61
VALVES-WATER TYPE:						
	12"	1	116.47	116.47	40	46.59
	10"	1	89.92	89.92	35	31.47
	8"	7	59.02	413.14	62	256.15
	6"	5	37.37	186.85	45	84.08
	4"	4	22.80	91.20	60	54.72
	3"	1	18.21	18.21	72	13.11
	2"	1	12.69	12.69	60	7.61
	1½"	1	8.38	8.38	60	5.03
CHECK VALVES						
	6"	1	38.00	38.00	60	19.80
SERVICES						
3/4" Size		182	15.27	2015.64	32	645.00
FIRE HYDRANTS						
Two Outlets -						
Standard	5"	4	101.80	406.00	40	162.40
"	6"	7	114.77	803.39	63	506.22
3" standpipe,						
2 outlets		1	55.94	55.94	32	17.26
3" standpipe,						
2 outlets		2	64.50	129.00	32	41.28
4" standpipe,						
2 outlets		1	76.55	76.55	30	22.96
3" standpipe,						
1 outlet		5	45.90	151.70	30	39.51
POWER PUMP						
(Installed)		1	1876.86	1876.86	45	844.49
WELL AND						
SHELTER HOUSE		1	521.90	521.90	45	234.86

(Concluded on Page 7)

APPRAISAL OF KETTLE FALLS WATER SYSTEM
BELOW THE COLUMBIA RIVER RESERVOIR BOUNDARY LINE
(Continued)

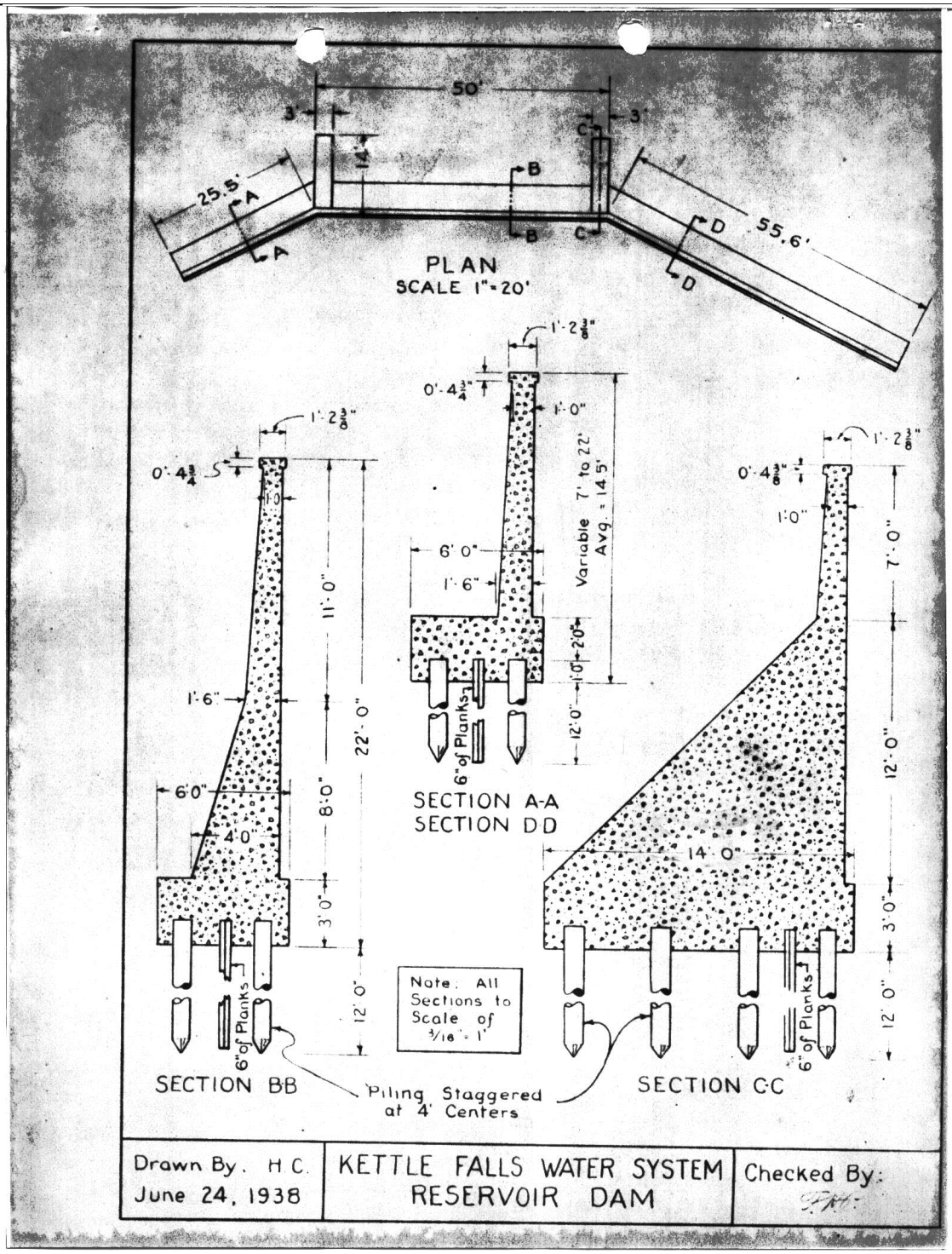
	Quantity	Unit Cost in place	Reproduction Cost	Percent Condition	Present Value
		$	$		$
FITTINGS -					
CROSSES 10"	3	54.23	162.69	10	16.27
	2	40.92	81.84	65	53.20
	1	18.26	18.26	40	7.30
	1	3.50	3.50	40	1.40
FITTINGS					
Y's 6"	2	22.33	44.66	65	29.03
Ell's 8"	4	33.00	132.00	65	85.80
6"	1	22.30	22.30	60	13.38
Tee's					
Included Otherwise					
			$30,767.43		$10,764.38
Add 8½% for Construction Overheads			1,765.23		914.97
TOTAL BELOW COLUMBIA RIVER RESERVOIR BOUNDARY LINE			$32,532.66	52%	$11,679.35

APPRAISAL OF KETTLE FALLS WATER SYSTEM
ABOVE THE COLUMBIA RIVER RESERVOIR BOUNDARY LINE

	Quantity	Unit Cost in place	Reproduction Cost	Percent Condition	Present Value
VALVES		$	$		$
Inlet Value 14"	1	311.65	311.65	52	162.05
PIPE					
12" Cast Iron	85'	3.07	260.95	76	198.32
10" Spiral Weld	635'	1.62	1025.46	42	430.69
8" Wood Stave	2722'	0.71	1932.62	85	1642.73
FITTINGS					
T 10"x 10"x 10" (With Drain)	1	28.00	28.00	65	18.20
DAM & RESERVOIR					
Cu. yds Concrete: (in place)	229.61	20.00	4592.20		
Feet of Piling (in place)	702	0.45	315.90		
Plank Sheeting	10.3 M	21.00	216.30		
Labor to Place Sheeting	132 ft	5.00	660.00		
Excavations	1000 yd	0.40	400.00	63	4535.62
Add. Excavation a/c Quicksand	Job	250.00	250.00		
Tie Rods	4	20.00	80.00		
Clearing and Grubbing	Job	375.00	375.00		
Fences	Job	310.00	310.00		
Total Dam and Reservoir Only			7199.40		
TOTALS			10,756.06		6,987.61
Add 8½ for Construction Overheads			914.44		593.95
TOTAL ABOVE COLUMBIA RIVER RESERVOIR BOUNDARY LINE.			$11,672.50		$7,581.56

NOTE:
Construction Overheads Include:
Engineering Costs
Interest during Construction
Legal and administrative costs
Preliminary adaptation
Taxes and Insurance.

06-24-1938: map of kettle falls water system reservoir dam



Administrative Agreements

AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND THE NATIONAL PARK SERVICE RELATING TO THE DEVELOPMENT AND USE OF THE GRAND COULEE RESERVOIR AREA

WHEREAS, The Bureau of Reclamation is charged with responsibility for the Construction, operation and maintenance of the Grand Coulee Dam and Reservoir as part of the Columbia Basin Project; and

WHEREAS, the Committee for the study of Problem No. 26, Joint Investigations, Columbia Basin Project, has found that the recreational resources of the Grand Coulee Reservoir area offer unusual opportunities through sound planning and development for health, social and economic gains for the people of the Nation; and

WHEREAS, the large number of visitors who use the lands and waters of the Grand Coulee Reservoir area make it necessary to administer and maintain the area for recreational uses pending the establishment of a permanent plan for recreational development which is being investigated and studied by the above committee; and

WHEREAS, the National Park Service has available the services of personnel having specialized knowledge and experience in the matter of planning, developing, maintaining and administering of areas devoted to recreational uses;

It is hereby agreed by and between the Bureau of Reclamation and the National Park Service;

1. That the National Park Service will undertake and perform the functions necessary in connection with area planning, handling applications for use permits, supervising current uses, negotiating agreements, and submitting recommendations of general administrative policy for the recreational use of Grand Coulee Reservoir area. All permits, leases or agreements executed under this agreement by the National Park Service shall be subject to approval by the Bureau of Reclamation.

2. That the National Park Service will make monthly reports of the activities carried on under this agreement to the Bureau of Reclamation through the Supervising Engineer, Coulee Dam, and will submit proposed regulations to the Supervising Engineer for transmittal to the Bureau of Reclamation for approval.

3. That the Bureau of Reclamation, upon receipt of vouchers for "adjustments between appropriations and/or funds" will transfer to the National Park Service a sum not to exceed $10,000 for the fiscal year ending June 30, 1945. Expenditures from this sum may be made for equipment, labor, materials, salaries, supplies, traveling expenses, and other items necessary to carry out the provisions of this agreement;

Provided, however, That no such funds shall be expended to cover the cost of the normal, usual and continuing functions and duties of the National Park Service.

4. That, upon the termination of this agreement the National Park Service will render a full and detailed statement of the purposes for which any such funds shall have been expended, and any unexpended balances of such funds shall be returned to the Bureau of Reclamation.

5. This agreement shall be effective as of July 1, 1944, and shall remain in effect until June 30, 1945, and is made pursuant to Act of March 4, 1915 (38 Stat. 1084); May 21, 1920 (41 Stat. 613); June 30, 1932 (47 Stat. 417); June 20, 1936 (49 Stat. 1648); July 20, 1942 (56 Stat. 661); June 26, 1943 (57 Stat. 219); U.S.C. 31: 686.

(SGD) H. W. BASHORE
Commissioner, Bureau of Reclamation.

(SGD) HILLORY A. TOLSON
Acting Director, National Park Service.

Approved: September 5, 1944, subject to the conditions set forth in memorandum of this date to the Bureau of Reclamation, National Park Service and Office of Indian Affairs.

(SGD) OSCAR L. CHAPMAN
Assistant Secretary.

The memorandum of September 5, 1944, referred to in Mr. Chapman's approval notation, is quoted below:

"I have approved the attached agreement between the Bureau of Reclamation and the National Park Service subject to the following conditions:

1. This agreement shall be subject to any rights or privileges accruing to the Indians of the Colville and Spokane Reservations as an outcome of the study now being conducted of their rights under existing law.

2. Any lease or permit issued pursuant to this agreement shall be made expressly subject to the rights reserved or granted to the Indians by the Act of June 29, 1940 (54 Stat. 703).

3. Pending a determination of their rights and privileges the Indians of the Colville and Spokane Reservations shall be granted permits to use the shorelands and water adjacent to their reservations for the transportation of logs and the watering of livestock so long as such use does not interfere with the primary use of the reservoir or with the overall recreational development of the area.

(SGD) OSCAR L. CHAPMAN

Assistant Secretary."

AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND THE NATIONAL PARK SERVICE RELATING TO THE DEVELOPMENT AND USE OF THE GRAND COULEE RESERVOIR AREA

WHEREAS, the Bureau of Reclamation is charged with responsibility for the construction, operation and maintenance of the Grand Coulee Dam and Reservoir as part of the Columbia Basin project; and

WHEREAS, the Committee for the study of Problem No. 26, Joint Investigations, Columbia Basin project, has found that the recreational resources of the Grand Coulee (now Franklin D. Roosevelt) Reservoir area offer unusual opportunities through sound planning and development for health, social and economic gains for the people of the Nation; and

WHEREAS, the large number of visitors who use the lands and waters of the Grand Coulee (now Franklin D. Roosevelt) Reservoir area make it necessary to administer and maintain the area for recreational uses pending the establishment of a permanent plan for recreational development which is being investigated and studied by the above committee; and

WHEREAS, the National Park Service has available the services of personnel having specialized knowledge and experience in the matter of planning, developing, maintaining and administering of areas devoted to recreational uses;

It is hereby agreed by and between the Bureau of Reclamation and the National Park Service;

1. That the National Park Service will undertake and perform the functions necessary in connection with area planning, handling applications for use permits, supervising current uses, negotiating agreements, and submitting recommendations of general administrative policy for the recreational use of Grand Coulee (now Franklin D. Roosevelt) Reservoir area. All permits, leases or agreements executed under this agreement by the National Park Service shall be subject to approval by the Bureau of Reclamation.

2. That the National Park Service will make monthly reports of the activities carried on under this agreement to the Bureau of Reclamation through the Supervising Engineer, Coulee Dam, and will submit proposed regulations to the Supervising Engineer for transmittal to the Bureau of Reclamation for approval.

3. That the Bureau of Reclamation, upon receipt of vouchers for "adjustments between appropriations and/or funds" will transfer to the National Park Service a sum not to exceed $10,000 for the fiscal year ending June 30, 1946. Expenditures from this sum may be made for equipment, labor, materials, salaries, supplies, traveling expenses, and other items necessary to carry out the provisions of this agreement: Provided, however, That no such funds shall be expended to cover the cost of the normal, usual and continuing functions and duties of the National Park Service.

4. That, upon the termination of this agreement the National Park Service will render a full and detailed statement of the purposes for which any such funds shall have been expended, and any unexpended balances of such funds shall be returned to the Bureau of Reclamation.

5. This agreement shall be effective as of July 1, 1945, and shall remain in effect until June 30, 1946, and is made pursuant to the Acts of March 4, 1915 (38 Stat. 1084); May 21, 1920 (41 Stat. 613); June 30, 1932 (47 Stat. 417); June 20, 1936 (49 Stat. 1648); July 20, 1942 (56 Stat.661); and June 26, 1943 (57 Stat. 219); U.S.C. 31: 686, and subject to the following conditions:

(a) This agreement shall be subject to any rights or privileges accruing to the Indians of the Colville and Spokane Reservations as an outcome of the study now being conducted of their rights under existing law;

(b) Any lease or permit issued pursuant to this agreement shall be made expressly subject to the rights reserved or granted to the Indians by the Act of June 29, 1940 (54 Stat. 703);

(c) Pending a determination of their rights and privileges the Indians of the Colville and Spokane Reservations shall be granted permits to use the shorelands and water adjacent to their reservations for the transportation of logs and the watering of livestock so long as such use does not interfere with the primary use of the Reservoir or with the overall recreational development of the area.

(Sgd.) WILLIAM E. WARNE
Acting Commissioner, Bureau of Reclamation.

(Sgd.) HILLORY A. TOLSON
Acting Director, National Park Service.

Approved: August 9, 1945.

(Sgd.) ABE FORTAS

Under Secretary.

MEMORANDUM OF AGREEMENT AMONG THE BUREAU OF RECLAMATION, NATIONAL PARK SERVICE, AND OFFICE OF INDIAN AFFAIRS RELATING TO THE PLANNING, DEVELOPMENT, AND ADMINISTRATION OF THE COULEE DAM RECREATIONAL AREA

Recitals

1. Whereas, the Bureau of Reclamation (herein called Reclamation) in connection with its responsibility for the construction, operation, and maintenance of the Columbia Basin Project has withdrawn or acquired lands and will acquire additional lands under the Federal Reclamation Laws, being the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof and supplementary thereto, including the Columbia Basin Project Act (57 Stat. 14) and the pertinent portion of section 2 of the Act of August 30, 1935 (49 Stat. 1028, 1039) for the construction, operation, and maintenance of the Grand Coulee Dam and the reservoir formed thereby;

2. Whereas, the Committee for the Study of Problem No. 26, Joint Investigations, Columbia Basin Project, has found that the recreational and other natural resources of the Franklin D. Roosevelt Lake and adjacent lands under the jurisdiction of Reclamation, which together comprise the reservoir area, offer unusual opportunities through sound planning, development, and management for health, social, and economic gains for the people of the Nation;

3. Whereas, approximately one-fourth of the reservoir area is contiguous to Indian lands in the Spokane and Colville Reservations under the jurisdiction of the Office of Indian Affairs (herein called the Indian Office), which area has potential uses for recreation and other beneficial purposes;

4. Whereas, there is an inter-relationship between the development of recreational and other natural resources of the reservoir area and the contiguous Indian lands;

5. Whereas, the Congressional Act, approved June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the reservoir area and for other purposes, provides, among other things (paragraph 2 of section 1), as follows:

> "The Secretary of the Interior, in lieu of reserving rights of hunting, fishing, and boating to the Indians in the areas granted under this Act, shall set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife: PROVIDED, That the

exercise of the Indians' rights shall not interfere with project operations. The Secretary shall also, where necessary, grant to the Indians reasonable rights of access to such area or areas across any project lands;"

and the Solicitor of the Department of the Interior has written an opinion under date of December 29, 1945, M. 34326, construing the same;

6. Whereas, the use of the portion or portions of the reservoir area set aside for the paramount use of the Indians for hunting, fishing, and boating purposes under authorization of said Act will vitally affect planning and use of the area by others for recreation and other purposes;

7. Whereas, the National Park Service (herein called the Service) is specialized and experienced in planning, developing, maintaining, and managing areas devoted to recreational uses, among others, and by the Act of June 23,1936 (49 Stat. 1894), is authorized to cooperate with other Federal agencies in developing recreational programs; and

8. Whereas, the respective parties to this agreement are in a position to supply the services herein provided and, in accordance with the provisions of Title VI of the Act of Congress of June 30, 1932 (47 Stat. 417), it has been determined to be in the interest of the Government to use such services;

NOW, THEREFORE, Reclamation, the Service, and the Indian Office, with the approval of the Secretary of the Interior, do hereby mutually agree as follows:

PART I

General Provisions

1. There is attached hereto a set of maps marked "Exhibit A"* comprising 4 sheets numbered RA-CD-7001-1, 2, 3, and 4, dated April 15, 1946, on which are shown by general location: (a) the entire reservoir area; (b) the portion thereof comprising the Coulee Dam Recreational Area (herein called the Recreational Area); and (c) the portions of the reservoir area, within the outer boundaries of the Recreational Area, hereby set aside, in accordance with the provisions of section 1 of the Act of June 29, 1940 (54 Stat. 703), for the paramount use for hunting, fishing, and boating purposes by, respectively, the Indians of the Spokane Reservation and of the Colville Reservation. The latter portions are designated herein, respectively, the Spokane Indian Zone and the Colville Indian Zone. Detailed data as to the boundaries of the Recreational Area and of the Indian Zones, as they may hereafter be modified by proper authority, will be kept available in the files of Reclamation.

* A copy of "Exhibit A" is available in the Director's Office, National Park Service.

2. The dominant consideration in the administration and utilization of the Recreational Area under this agreement shall be the purposes for which the Grand Coulee Dam is being constructed, operated, and maintained; these purposes being controlled floods, improving navigation, regulating flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian Reservations, and other beneficial uses, and for the generation of electrical energy.

3. As between the agencies party to this agreement, Reclamation shall retain: (a) complete and exclusive control of the flow and utilization of water at Grand Coulee Dam and of all public access to Grand Coulee Dam and appurtenant works; and (b) complete jurisdiction and authority over and responsibility for Grand Coulee Dam and appurtenant works, the town of Coulee Dam, and such project lands adjacent thereto as the Commissioner of Reclamation, with the approval of the Secretary, may determine to be necessary for the construction, operation, and maintenance of the Dam and appurtenant works. As of the date of this agreement, the lands coming within the scope of (b) of this article are shown on the attached map No. B-3153, dated October 7, 1941, marked "Exhibit B"* and are herein called the Reclamation Zone.

4. The Service, acting for Reclamation and in accordance with the provisions of the Federal Reclamation Laws, shall have jurisdiction and authority over the Recreational Area, and of all developments and activities thereon, to the extent necessary to the carrying out of its functions and responsibilities under this agreement, subject:

(a) to the privileges and uses for hunting, fishing, and boating accorded to the Indians of the Spokane and Colville Reservations within the Indian Zones, including such rights of access thereto as may be provided by the Secretary of the Interior under the Act of June 29, 1940; and

(b) to the right of Reclamation to make such use of the Recreational Area as is required in carrying out the purposes of the Columbia Basin Project.

5. The Indian Office shall have jurisdiction and authority over the Indian Zones: (a) to the extent necessary to administer the paramount uses for hunting, fishing, and boating accorded to the Indians therein, subject to such rules and regulations as may be prescribed with respect thereto by the Secretary of the Interior under the Act of June 29, 1940; (b) to the extent necessary, acting for Reclamation and in accordance with the Federal Reclamation Laws, to administer grazing and agricultural uses of lands within the designated Indian Zones; and (c) to the extent necessary to issue permits for and to administer log dumping operations within the designated Indian Zones, under conditions mutually agreed to with the Service.

* A copy of "Exhibit B" is available in the Director's Office, National Park Service.

6. The desirability of the Service participating in the planning and development of the Recreational Area is recognized because of its experience and the trained personnel at its command. The Service will be agreeable, however, with the consent of Reclamation and the Indian Office and with the approval of the Secretary, to transferring to any State or other local qualified and responsible political subdivision, the development, operation, and management of facilities that may have been installed.

7. Undertaking to perform the necessary functions relating to the planning, development, and management of the Recreational Area by the Service in no way implies that this Area is a part of, or intended to become a unit of, the National Park System or that the basic preservation policies under which the National Parks and Monuments are administered shall necessarily be applied in the planning, development, and management of the recreational resources of the Recreational Area.

8. The Service will periodically submit itemized estimates of the cost of carrying out its functions and responsibilities hereunder and Reclamation, within the limits of funds that are available for these purposes, will advance to the Service sufficient funds to cover these estimates.

9. The Indian Office and the Service shall submit periodically to Reclamation such reports of their activities hereunder as may be mutually agreed upon by each with Reclamation.

10. All undertakings of the agencies party hereto are contingent on funds required therefor having been made available by Congress.

11. This agreement, while delineating the Zones within the Reservoir Area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, and while providing for certain other rights to be exercised by those Indians, shall not be construed as waiving any other rights of those Indians within the Reservoir Area, which they might have under the Act of June 29, 1940.

PART II

Functions of the Bureau of Reclamation

Subject to the other provisions of this agreement, Reclamation will:

1. In connection with its operation and administration of the Reclamation Zone, have the responsibility for all recreational activities therein.

2. Consult with the Service on all matters in connection with the recreational development of the Reclamation Zone.

3. Provide such facilities in the Reclamation Zone as are mutually agreed on by Reclamation and the Service for use by the Service in connection with its administration of the Recreational Area.

4. Establish and enforce rules and regulations governing public access to Grand Coulee Dam and appurtenant works.

5. Provide directly or by contract, such skilled guide and lecture service at the Dam as may be necessary to give the visiting public the important facts regarding the project, including geology of the region, the history and purposes of the Dam's construction, and coordinate such activity with any related service which may be established elsewhere in the Recreational Area by the Service.

6. Establish and, in cooperation with the Service, enforce such limits of approach to the Dam or to the Recreational Area as may be necessary either for its efficient functioning or protection or for the safety of the public.

PART III

Functions of the National Park Service

Subject to the other provisions of this agreement, the Service will:

1. Be responsible for the preparation of all plans for the development of facilities required for recreational and other uses of the Recreational Area; and arrange for the construction, operation, and maintenance of recreational facilities, except those which may be provided under the direction of the Indian Office in accordance with Part IV hereof.

2. Establish and effectuate policies regarding all uses of the lands of the Recreational Area, except within the Indian Zones with respect to the agricultural and grazing uses and to the hunting, fishing, and boating rights of the Indians.

3. Negotiate contracts for supplying the necessary public services related to any recreational use of the Recreational Area, except such facilities as may be provided for the Indians under Part IV hereof; and prescribe and enforce reasonable rates and standards for the supplying of such services not inconsistent with controlling rates and standards adopted by State and Federal regulatory authorities.

4. Issue permits granting the right: (a) to use lands in the Recreational Area for legitimate industrial and recreational purposes, including the construction, operation, and maintenance of suitable facilities therefor, except those which may be issued by the Indian Office within the Indian Zones, under this agreement; and (b) to make agricul-

tural and grazing uses of lands in the Recreational Area, exclusive of the Indian Zones.

5. Cause to be included in every permit, license, lease, contract, or other instrument which it executes providing for the use of lands in the Recreational Area, provisions, satisfactory in form to Reclamation, recognizing that the purposes for which the project was authorized are dominant with respect to the lands involved, and effecting releases and indemnifications to and for the United States, its successors and assigns, and its officers, agents, employees, and contractors engaged in the construction, operation, and maintenance of the project works.

6. Assume the responsibility for the administration of all contracts, leases, licenses, permits, and other instruments outstanding as of the date of this agreement under which rights to the use of lands within the Recreational Area have been granted under the Federal Reclamation Laws.

7. Collect all payments due from permits, licenses, leases, contracts, or other instruments for which the Service is responsible providing for use of lands within the Recreational Area, and deposit in a special deposit account for transfer periodically to Reclamation for credit as required by law.

8. Designate, in consultation with the Indian Office, those sites within the Indian Zones that are well-suited to development for recreational purposes; and designated sites mutually agreed on by the Service and Indian Office shall be deemed to be public recreational sites and may be fenced or otherwise protected by the Service to prevent interference therewith.

9. Make and enforce such rules and regulations, not inconsistent with controlling rules and regulations of State or Federal regulatory authorities:

(a) As appear necessary or desirable concerning the recreational use of the Recreational Area by the public;

(b) As appear necessary or desirable for the prevention of water and air pollution and for the protection of health, plants, fish, and wildlife; its activities in this regard to be coordinated with those of the United States Public Health Service, the State Department of Health, the State Pollution Control Commission, or other regulatory bodies;

(c) As appear necessary or desirable for the conservation and protection of scenic, scientific and aesthetic values, flowers, shrubs and trees, historic or archeological remains, and for control of all archeological research; and

(d) Within the limits of its jurisdiction, for the preservation of law and order and in the interest of public safety.

10. Coordinate its activities with those of the Fish and Wildlife Service, the Indian Office, and the Washington State Game Commission for the conservation of fish and wildlife in the Recreational Area.

11. Cooperate with all duly constituted authorities in the control of all transportation on the Recreational Area, whether by land, water, or air.

12. Establish and maintain supervisory, informational, and protective services as may be necessary for the safe and full use of the Recreational Area for recreational purposes; and correlate the fire prevention and suppression activities of all agencies having responsibility within the Recreational Area, except the Indian Zones, to the end that such regulations and agreements as are necessary therefor shall be made and carried out.

13. Extend advice and counsel (a) to Reclamation in connection with any park, museum, landscape, resort, or recreational development within the Reclamation Zone whether intended primarily for the use of the residents of that area or the visiting public; and (b), when requested to do so, to the Indian Office in connection with its planning for development and use of the recreational resources of the Colville and Spokane Indian Reservations.

PART IV

Functions of the Office of Indian Affairs

Subject to the other provisions of this agreement, the Indian Office will:

1. Have the responsibility for administration of the Indians' paramount uses for hunting, fishing, and boating in the Indian Zones, under such rules and regulations as may be promulgated by the Secretary of the Interior with respect thereto.

2. Issue and administer agricultural and grazing permits or leases for lands within the Indian Zones, except with respect to public recreational sites mutually agreed on with the Service and, in consultation with the Service, issue and administer log dumping permits at locations mutually agreed to, within the Indian Zones. Where permits are issued to Indians for dumping Indian-owned logs, within Indian Zones, no charge will be made.

3. Transfer to Reclamation periodically the gross revenues realized from agricultural permits or leases and log-dumping permits involving lands within the Indian Zones.

4. Be responsible for fire prevention and suppression activities within the Indian Zones.

5. Arrange for the construction and maintenance, under general plans prepared and mutually agreed upon with the Service, of buildings, floats, and other major structures to be used by the Indians in connection with their paramount rights for hunting, fishing, and boating purposes in the Indian Zones.

6. In addition to other responsibilities, assist the Service in its relations with Indians of the Spokane and Colville Reservations where any of these Indians become involved with the Service as the result of the activities of the Service anywhere in the Recreational Area.

PART V

Effective Date; Term of Agreement

1. This agreement will become effective on the date of its approval by the Secretary of the Interior.

2. This agreement will remain in force until terminated by the Secretary of the Interior.

(SGD) MICHAEL W. STRAUS
Commissioner, Bureau of Reclamation.

(SGD) NEWTON B. DRURY
Director, National Park Service.

(SGD) WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

Approved: DEC 18 1946

(SGD) C. GIRARD DAVIDSON

Assistant Secretary of the Interior.

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Colville River

Colville River campground is on the east side of the lake, south of the mouth of the Colville River (figs. 1 and 26). The campground is on a terrace at about 1,300-foot altitude. Water is supplied to the campground from a 20-foot well jetted by the National Park Service in 1964.

Gravel and some clay are exposed along the shore in the campground area. These materials are deltaic deposits of the Colville River, and are interbedded with glacial-lake clay of middle Pinedale age. The thickness of the gravel sequence is not known. The gravel tapped by the present shallow well may yield all the water that will be needed for the future. However, unless the gravel extends to depths below the lowest seasonal level of Roosevelt Lake, it probably will be dry during periods of low lake level. Under these circumstances, a deeper aquifer would have to be sought.

USGS Report 1968

COPA

Docket # 3

Kettle Falls

Kettle Falls campground is on the east shore of the lake, and extends about 2 miles north from the mouth of the Colville River (figs. 1 and 26).

The present (1968) water supply is obtained from Roosevelt Lake. Several test holes were drilled about 1950. One of them ("1950" test hole, fig. 26) remains in the area south of the campground's swimming beach (log in table 15). In the past, two production wells have served the area. Kettle Falls well 1, drilled in 1952 near the present boat-launching ramp, penetrated water-bearing gravel from 25 to 39 feet. At the 39-foot depth, it entered clay which extended to a depth of 95 feet (log in table 15). A few years ago well 1 silted in and was abandoned. Kettle Falls well 2, near the swimming beach (fig. 26), was drilled in 1955 to a depth of 50 feet, 45 feet below lake level (no log available). It reportedly also had silt problems and is not used.

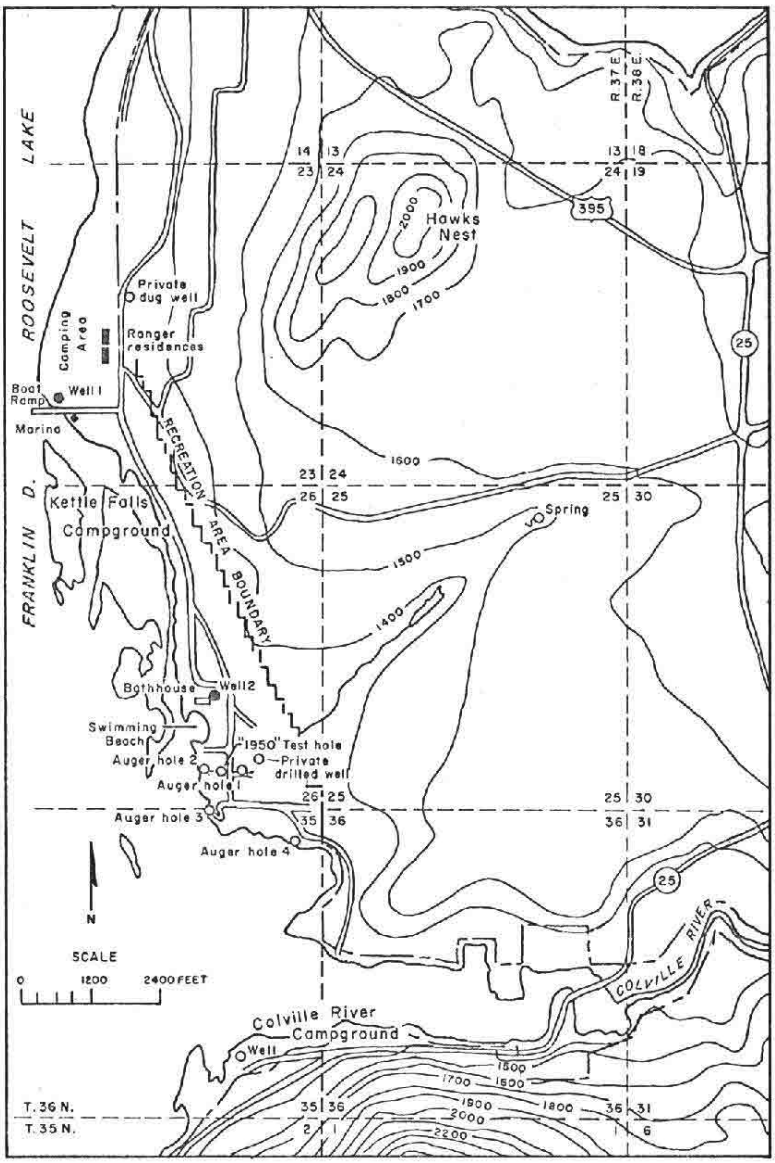


FIGURE 26.--Kettle Falls campground and Colville River campground (Nos. 26 and 28 on fig. 1). Base from USC&GS chart.

TABLE 15.--Logs of test hole, two wells, and four auger holes at Kettle Falls campground

"1950" test hole: Drilled 1950, driller unknown; altitude 1,300 ft; 6-inch casing to unknown depth.	Thickness (feet)	Depth (feet)
Sand	20	20
Gravel	4	24
Clay	16	40
Kettle Falls well 1: Drilled 1952, driller unknown; altitude 1,296 ft; 12-inch casing to 85 ft; perforations 25-39 ft; yield 23 gpm.		
Soil	2	2
Mud and gravel	6	8
Gravel, water-bearing	2	10
Unknown	3	13
Sand	12	25
Gravel, "pea-size," water-bearing	14	39
Clay, blue, soft	56	95
Kettle Falls well 2: Drilled 1955, driller unknown; altitude 1,295 ft; depth 50 ft; yield 50 gpm. No log data available.		

TABLE 15.--Logs of test hole, two wells, and four auger holes at Kettle Falls campground--Continued

Auger hole 1: Bored by U.S. Geological Survey, 1967; altitude 1,307 ft; 4-inch casing to 67.3 ft, perforations 60.3-66.8 ft; water level 19.08 ft below land surface, 9-26-67; yield 20 gpm for 1 hr, drawdown 0.37 ft. All material water bearing below 21 ft.	Thickness (feet)	Depth (feet)
Sand, silty, brown	11	11
Gravel, sandy, gray	10	21
Sand, medium to coarse	3	24
Gravel, cobble	16	40
Gravel, medium, sandy	10	50
Sand	1	51
Gravel, medium, sandy	9	60
Sand, some gravel	11	71
Gravel, most permeable zone indicated by low gamma radiation 77-80 ft	9	80
Sand	3	83
Auger hole 2: Bored by U.S. Geological Survey, 1967, altitude 1,295 ft.		
Sand, silty	13	13
Sand, medium to coarse with gravel layers	17	30
Gravel, coarse, sandy, fine material indicated by high gamma radiation	5	35
Silt and very fine sand, high gamma radiation	16	51
Clay, very high gamma radiation	7	58

TABLE 15.--Logs of test hole, two wells, and four auger holes at Kettle Falls campground--Continued

Auger hole 3: Bored by U.S. Geological Survey, 1967; altitude 1,293 ft.	Thickness (feet)	Depth (feet)
Sand	16	16
Sand and gravel	2	18
Gravel, coarse	13	31
Clay	7	38
Auger hole 4: Bored by U.S. Geological Survey, 1967; altitude 1,300 ft; 4-inch casing to 64.4 ft, perforations 59.0-64.0 ft; water level 10.27 ft below land surface, 9-20-67; yield 15 gpm for 2 hrs, drawdown 13.31 ft. All material below 10 ft is water bearing.		
Silt, brown	8	8
Sand, medium, brown	16	24
Gravel, coarse, most permeable zone indicated by low gamma radiation 36-45 ft	17	41
Sand, fine	3	44
Gravel, medium, coarse near bottom; sandy (0.020-inch slot screen retained 49 percent of sand entrained in water during test pumped)	19	63
Gravel, cobble; fine material indicated by high gamma radiation, 70-76 ft	11	74
Sand	9	83

The area at the north end of Kettle Falls campground is underlain by bedrock at shallow depth, and a bedrock knob called Hawks Nest is just north of the campground. A privately owned dug well just north of the Kettle Falls campground (fig. 26) penetrated 15 feet of fine sand and then encountered bedrock. The well reportedly yields 5 gpm, and is typical of other wells along the flanks of Hawks Nest.

A major feature of the Kettle Falls area is a buried bedrock channel of the Columbia River east of Hawks Nest. A well about 300 feet east of the road intersection in the SW¼ of sec. 19, T. 36 N., R. 38 E., is reported to have penetrated more than 400 feet of sediment without reaching bedrock. The channel filling exposed along the shoreline is mostly glacial-lake clay and silt of middle Pinedale age. This clay and silt probably is underlain by silty, sandy outwash deposited in the glacial lake in front of the retreating middle Pinedale glacier. The recessional outwash probably rests on bedrock scoured by the glacier. The depth to bedrock at Haag Cove (about 3 miles southwest) is 632 feet (667-ft altitude).

Kettle Falls well 1, the 1950 test hole, and auger holes 2 and 3 (fig. 26) all penetrated sand and gravel and entered lacustrine silt or clay less than 40 feet below land surface (about 30 feet below high lake level). Logs of the wells are in table 15. These logs and clay exposures along the lakeshore, also about 30 feet below high lake level, indicate that most of the Kettle Falls campground is underlain by nonproductive silt and clay.

Auger holes 1 and 4 on Park Service land, and the privately owned, drilled well several hundred feet northeast of auger hole 1, each penetrated about 70 or 80 feet of sand and gravel without reaching the lacustrine silt or clay. The three wells appear to tap an aquifer in gravel that was deposited in a channel cut into the surface of the lakebeds.

The gravel aquifer was tested by auger holes 1 and 4. Casing was installed to depths of 67 and 64 feet, respectively, and both were developed and test pumped with compressed air. Auger hole 1 was test pumped at 20 gpm and had less than 1 foot of drawdown, whereas auger hole 4 was test pumped at 15 gpm and had about 13 feet of drawdown. During development and pumping, auger hole 4 yielded sand. The water from both auger holes 1 and 4 is good except for being hard (table 2). Because groundwater levels fluctuate as much as 40 feet in response to changes in lake level, it is desirable to obtain a water supply at a depth greater than 40 feet below high lake level. A production well at Kettle Falls should be near auger hole 1 or 4, or possibly in the channel that is indicated as existing between them. The channel probably extends northward from auger hole 1, but its exact location is not defined.

Nancy Creek

Nancy Creek campground is on the west shore of the lake, about a mile south of the mouth of the Kettle River arm of the lake. The campground is on a triangular peninsula joined to the main shoreline by a narrow isthmus at the south end and by a causeway for a road in the middle (fig. 27). The campground is supplied with water from a 20-foot well jetted by the National Park Service in about 1956.

The point on which the campground is located is the top of what appears to be a remnant of a landslide block. Schist bedrock is exposed at the south end of the point near the isthmus. That exposure indicates that the landslide block probably slid on a bedrock surface. Along the main shoreline of the lake, west and north of the point, a 5- to 15-foot cap of very fine sand overlies a 35-foot-thick coarse gravel which in turn overlies the glacial-lake clay. The contact between the gravel and the clay is about at 1,335-foot altitude, or 45 feet above lake level. The contact between the gravel and the overlying cap is at about 1,370-foot altitude along the main shoreline and between 1,289- and 1,295-foot altitude, or near lake level, in the campground area.

Form 10-174 (Rev. 8-56)

U ED STATES DEPARTMENT OF THE ERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION	AREA	COUNTY	STATE
Four	Coulee Dam National Recreation Area	Colville	Washington

PROJECT OR JOB TITLE: Water and Sewer System
PCP NO. U-33-4, U-25-3

LOCATION IN AREA	MASTER PLAN NO	BUILDING NO
Kettle Falls	NRA-CD-2065G	

WORKING DRAWING NO AND TITLE: NRA-CD-3013

APPROPRIATION TITLE AND SYMBOL: 14 X 1035
WORK ORDER NO: B-3 and B-4

CONTRACT NO	DATE WORK STARTED	DATE WORK COMPLETED
14-10-434-335	9/8/58	11/12/58

NAME OF CONTRACTOR: Schoenberg & Kaiser
ADDRESS: Chewelah, Washington

COST ANALYSIS

CONSTRUCTION ITEMS	QTY.	UNIT COST IN PLACE	TOTAL COST IN PLACE
Water System — See letter 10-29-59			$7,805.84
Sewer System — & Reg. 2			4,763.46
PS&S COSTS			1,366.80
PS&S COSTS			834.08
See attached copies of Final Estimate			
		TOTAL	14,770.18

FISCAL CLEARANCE
Roland V. Johnson
Regional Finance officer
Date SEP 28 1959

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES

OTHER

ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS FIRST	SECOND	THIRD
$12,556.90	$160.00		
FINAL CONTRACT AMOUNT	FOURTH	FIFTH	SIXTH
$12,569.30			

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Robert L. Davis, Construction Representative — DATE: 5/15/59

APPROVED BY (Name and title): Homer W. Robinson, Superintendent — DATE: 5/25/59

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

GPO 914178

A ESTIMATE UNIT PRICE CONTRACT FORM WODC 20

Final ESTIMATE November, 1958
(1st, 2nd, etc. or Final) (Month, Year)

CONTRACT NO. 14-10-434-335 ORIG. CONTRACT $ 12,556.90

CONTRACTOR Schoenberg and Kaiser CHANGE ORDERS* $ 160.00

CONSTRUCTION OF Water & Sewer Systems TOTAL CONTRACT $ 12,716.90

LOCATION Coulee Dam National Recreation Area, Kettle Falls Area

ITEM NO.	CONTRACT QUANTITY	DESCRIPTION	% Com-plete	QUANTITY TO DATE	MONTHLY EST. ONLY UNIT PRICE	MONTHLY EST. ONLY AMOUNT TO DATE
		WATER SYSTEM				
1	120 LF	1" Galv. Water Pipe	100	129.5 LF	1.23	159.29
2	15 LF	4" Cement Asbestos W.L.	100	15 LF	2.97	44.55
3	1760	6" Cement Asbestos W.L.	100	1784 LF	3.00	5,352.00
4	3 ea.	4" Fire Hydrants	100	3	435.00	1,305.00
5	1 ea.	Air Release Valve	100	1	199.00	199.00
6	2 ea.	1" Gate Valves	100	2	30.00	60.00
7	3 ea.	6" Gate Valves	100	3	202.00	606.00
Change Order #1	1	6" x 6" x 6" x 6" Cross	100	1	80.00	80.00
		TOTAL WATER				$7,805.84

NARRATIVE STATEMENT

DESCRIPTION: This project was initiated to provide water and sewerage facilities for residences at Kettle Falls. The main water line was constructed with 6" Class 150 cement asbestos pipe and all house service was 1" galvanized.

The sewer system was constructed with 6" V.C. pipe except from manhole at Station 8+12 to the septic tank, this was 8" V.C. This portion of the line will eventually serve a new campground and boat repair shop. The septic tank was a 7000 gallon unit, designed for expansion if necessary.

WORK ACCOMPLISHED: The work accomplished under this contract (14-10-434-335) consisted of furnishing all necessary plant, labor, equipment, appliances and materials for construction of water and sewer systems at Kettle Falls. The design and supervision of construction was by the WODC.

The contractor started to work September 8, 1958, clearing and grubbing and getting ready for excavation of water lines, sewer lines and septic tank. Upon excavating the drain field, it was found to be pure sand, very fine, and unsuitable for proper drainage without gravel.

Change Order #1 was written to provide 40 cu. yds. of gravel ($80.00) for drain field and ($80.00) to provide a 6"x6"x6"x6" cross at Station 4+92 water line, to take care of the future water system.

All work progressed rather slow as the contractor had a very small crew and equipment. However all work was performed well and a very good job resulted.

Mr. Homer Robinson (Superintendent, Coulee Dam NRA), Mr. Kaiser, (Contractor) and Robert L. Davis (Construction Representative) made the final inspection November 12, 1958 and the job was accepted.

Construction photographs are attached.

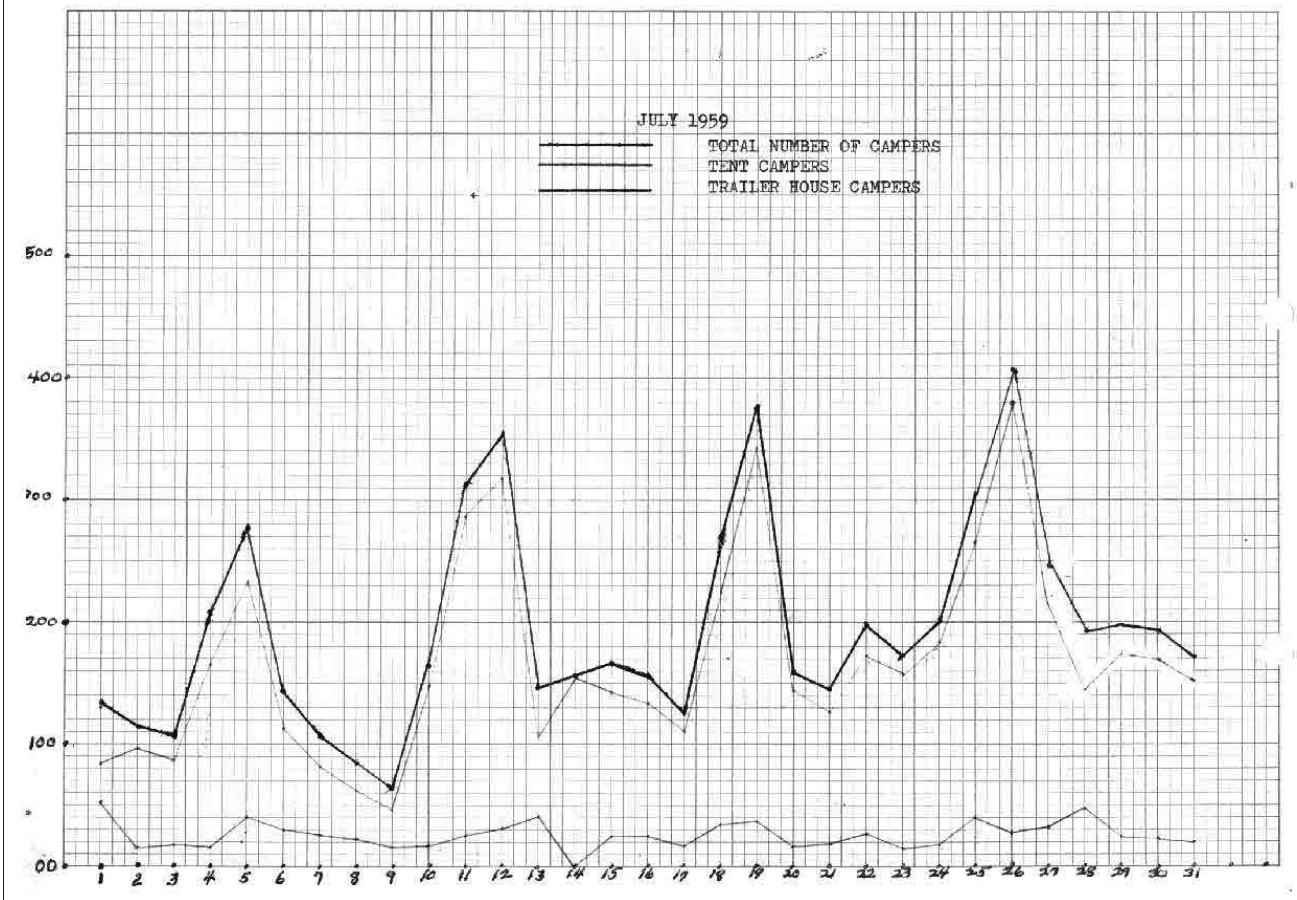
As-constructed drawings are being prepared and will be transmitted by separate memorandum.

1. Graph number one shows the total number of campers (black line) graphed along with the tent campers (red line) and the trailer house campers (blue line) for the month of July 1959.

2. Graph number two shows the combined counts of Evans and Kettle Falls campgrounds for the months of July, August, and September 1959.

Plotted by District Ranger
taken by Spaulding Sept. 1959
Oct?

00-00-0000: graph; 1959



FORM NO. 10-174 (REVISED 8/10/51)
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT CONSTRUCTION PROJECT OR REHABILITATION JOB

DATE April 1, 1954

REGION Four AREA Coulee Dam National Recreation Area STATE Washington

PROJECT OR JOB TITLE Water System POP OR JOB NO. U-33-2 (Por.)

LOCATION IN AREA Kettle Falls MASTER PLAN NO. RACD-2065-D BLDG. NO.

WORKING DWG. NO. & TITLE Water System F4-52 NRACD-2354-A; Pump House NRACD-2030 "AS CONST." DWG. SUBM. BY (DATE)

APPROPRIATION TITLE & SYMBOL Construction and Land Acquisition, NPS 14X1035 ACCT. NO. 332.02 1952 Funds S&MC PROJ. SYMBOL

CONSTRUCTION DATA

CONSTRUCTION ITEMS	QUANTITIES
Well - 12" Casing	95 Ft.
3" Galvanized T & C	665 "
2" " "	995 "
1" " "	420 "
Pressure System	1 ea.
" " Standby Motor	1 "

SUMMARY OF EXPENDITURES

01	PERSONAL SERVICES	
02	TRAVEL	
03	TRANS. OF THINGS	
04	COMM. SERVICES	
05	RENTS & UTIL. SERV.	
06	PRINTING & REPROD.	
07	OTHER CONTR. SERV.	12,866.64
08	SUPPLIES & MATERIALS	
09	EQUIPMENT	
10	LANDS & STRUCTURES	
15	TAXES & ASSESSMENTS	
	TOTAL CONSTRUCTION COSTS	12,866.64
	TOTAL CONSTRUCTION ALLOT.	14,548.50
	UNOBLIGATED BALANCE	1,681.86
	TECH. SUPERVISION COSTS	
	TOTAL TECH. SUPER. ALLOT.	
	UNOBLIGATED BALANCE	
	TOTAL PROJECT COST	12,866.64

REMARKS: Original allotment was $10,000.00. $4,548 was transferred from Sewer Account 332.03, which made the total $14,548.50.

Actual construction began August 4, 1952 and continued until September 26, 1952, at which time all underground installations had been completed and tested, and only the final pump house wiring and testing of the pressure tank system remained unfinished. A stop order was issued to permit installation of 3-phase power lines at a later date. Installation of power lines began on January 27, 1953 and was completed on January 29, 1953. Lake level, which determines water elevation in the well, was too low to permit pumping and testing in the winter months. Construction by the contractor was resumed on June 16, 1953 with completion of final wiring and installation of low water cut-off. Leaks occurred at several points within the pump house and final inspection and approval withheld until these were corrected. Final repairs were made by the contractor on January 21, 1954, and inspection made on the 26th, at which time there were no leaks and the pressure system operated satisfactorily. The contract was adjudged completed and final payment approved.

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS AND AUTHORIZED CHANGES

SUBMITTED: Edward Rose DATE 4-6-54
Edward Rose TITLE Engineer

CONCURRED: H. L. Cook DATE 4/14/54
ACTG. REGIONAL DIRECTOR (DAC)

CONCURRED: [illegible] 4/8/54

APPROVED: [illegible] 4-22-54

Cost Summary - Water Line (Acct. 332.02), Kettle Falls

Water well w/12" Casing (95 ft.)		
0-50 Ft. @ $22.00	$ 1,100.00	
50-80 " @ 18.00	540.00	
80-95 " @ 20.00	300.00	
		$1,940.00
Pressure System (1500-gal. tank)	$ 2,750.00	
" " Standby Motor	200.00	
Pump House complete w/wiring	4,000.00	
		6,950.00
3" Galvanized Pipe - 665 Ft. @ 2.18	$ 1,449.70	
2" " " 995 " @ 1.73	1,721.35	
1" " " 420 " @ 1.58	663.60	
		3,834.65
Extras -		
Lower Water Cutoff Installation - Extra Meter box, and added light in tank room		176.99
Deduction - Paving material purchased		(35.00)
Total construction cost (J. H. Collins Co.)		$ 12,866.64

Total allotment (original)	$10,000.00	
Transfer Account 332.03 (Sewer)	4,548.50	
Total construction allotment	14,548.50	
Construction Cost (Acct. 332.02)	12,866.64	
Balance transferred to Acct. 332.02, Beach Area [illegible] Funds	$ 1,681.86	

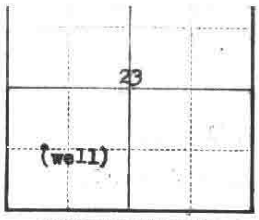
ANALYSIS OF ALLOTMENT

Original allotment 11/16/51 -AA 3-12 (1952 funds)		$10,000.00
Increase 4/15/[illegible] AA-3-191 (Transfer from sewer job U-25)		4,548.50
	Total	14,548.50
Actual Expenditures		12,866.64 *
Transfer to work under 1953 program		1,681.86
Original appropriation for 1953 construction 9-24-52 AA 3-86 (from 1953 funds)		7,000.00
	(Sub total)	8,681.86
Transferred for construction purposes 6/11/54-AA 3-202		2,100.00
Net available 1953 construction		6,580.86 *

* $12,866.64 plus $6,581.86 equals $19,448.50

GEOLOGICAL SURVEY
WATER RESOURCES BRANCH

RECORD OF WELL



Locate well on plat of section.

1. **Location:** State Washington County Stevens
   Nearest P. O. Kettle Falls Direction from P. O. —
   Distance from P. O. 4½ miles; SW ¼ sec. 23, T. 36N R 37E
   If in city, give street and number —

2. **Owner:** Department of the Interior, National Park Service Address Coulee Dam, Washington
   Driller: A. A. Dunlap Address Warden, Washington

3. **Situation:** Is well on upland, in valley, or on hillside? Hillside - 20' from Lake Roosevelt

4. **Elevation of top of well:** 6.5 ft. above (Above or below) the level of Normal W.S.Lake Roosevelt El.1290 (Sea, depot, lake, or stream)

5. **Type of well:** Drilled (Dug, driven, bored, or drilled); kind of drilling rig used Solid Tool (Solid tool, jetting, rotary, etc.)

6. **Depth of well:** 95 ft.; year in which well was finished August 6, 1952
   Does well enter rock? No; if so, at what depth? - ft.; kind of rock -

7. **Diameter:** At top 12½" inches; at bottom 12½" inches.

8. **Principal water bed:** Pea Gravel (Gravel, sand, clay, or rock. If rock, state kind)
   Depth to principal water bed 25 ft.; thickness of bed 14 ft.
   If other water supplies were found, give depth to each None

9. **Casings:** Kind Steel; size 12½; length 95 ft.; between depths of 0 and 95 ft.
   Kind —; size —; length — ft.; between depths of — and — ft.
   Kind —; size —; length — ft.; between depths of — and — ft.
   Packers (if any): Depth at which packers were used None; kind -
   Screen or Strainer: Was well finished with screen? No; kind of screen -;
   length of screen - ft.; diameter - inches; size of openings Slot perforations

10. **Head:** Does well at present overflow without pumping? No; did it overflow when new? No;
    if flowing, give pressure - lb. per sq. inch; or height water will rise in a pipe - ft. above surface;
    original pressure or head -; if not flowing, give water level in well varies ft. below surface.

11. **Pump:** Is the well pumped? Yes; kind of pump deep well turbine;
    size or capacity of pump 45 gal/min @ 70# PSI; kind of power 220 Volt, 60 cycle, 3 phase

12. **Yield:** Natural flow at present (if any) 54 gallons per minute; original flow 25 gallons per minute;
    well has been pumped at 60 gallons per minute continuously for 8 hours;
    quantity of water ordinarily obtained from well varies gallons per day.

13. **Use:** For what purpose is the water used? Present: Sink & flush toilet at Ranger Station and irrigation of Ranger Station lawn.
    Future: To serve public area cabins, boat building, lunch room, &c.

14. **Quality of the water:** Fairly soft (Hard or soft, fresh or salty, etc.); is there an analysis? No

15. **Cost of well,** not including pump: $1,940.00 Temperature of water 46 ° F.

Name of person filling blank Edward Nash, Engineer
Date June 29, 1953 Address Coulee Dam, Washington

On the back of this sheet give the record of the beds through which the well passes and any other facts not given above.

6—9642

LOG OF WELL

KIND OF ROCK OR OTHER MATERIAL (Give color and tell whether hard or soft)	DEPTH, IN FEET From—	DEPTH, IN FEET To—	THICKNESS, IN FEET	REMARKS (Especially information as to water found)
Soil	0	2	2	
Mud and Gravel	2	8	6	
Gravel	8	10	2	Water
Sand	13	25	12	
Water Gravel (Pea)	25	39	14	Water*
Blue soft clay	39	95		Impervious

*Well was perforated by slots at 25' - 39' in water bearing strata (El. 1268.50 and 1257.5) which rests on impervious clay strata of unknown depth.

Depth of water in well is determined by lake elevation, which is normally at 1290.0 in the summer months. When lake drawdown exceeds elevation 1257.5, no water enters well. This drawdown occurs normally for three to four months during the winter, and once the storage capacity is used up the water system becomes inoperative.

Testing Data: (1953)
June 16 - 1/2 gal. Chlorox poured into well.
June 17 - Pump operated for 8 consecutive hours against no head; water wasted outside pumphouse. The low water cut, which is set 60-63 ft. below top of well (elevation 1296.5) was operating. Pumping cycle occurred every 1-1/2 minutes with a 20 second stop while water depth built up to begin automatic operation again. The well pumped 99 gallons during the 1-1/2 minutes pumping and the one minute 50 second cycle. Thus the well was judged to be capable of 54 gallons a minute.

June 18 - NuMatic control and pressure tank automatic control was tested and found in good working order. The pressure tank was set to operate at 55-75 P.S.I.

file COON Docket 3

REPORT ON KETTLE FALLS WATER SYSTEM

Coulee Dam National Recreation Area

October 1953
by

G. Rowe -- Engineer
L. Spaulding - Engineer

C O N T E N T S

Recommendation .....

Wells .....

Submerged Pumps .....

Old Kettle Falls Water System ..

Barge .....

Appendix

Drawings

Cost Estimates

Report by Ranger Russell on
Old Kettle Falls Water System

copy made for WR Docket #3

REPORT ON KETTLE FALLS WATER SYSTEM

Recommendation

We recommend that the existing water system that served the old town of Kettle Falls be acquired and developed to supply water to the beach area and eventually to the entire Kettle Falls area. We believe that the system is in a sound enough condition to immediately supply the bathhouse for a small expenditure for repairs provided water rights can be secured.

If it is not possible to acquire the necessary property and water rights to this source in a reasonable length of time, we recommend as the next alternative that a well be drilled at the bathhouse. The well should be drilled 150 feet deep if a deep water bearing stratum is not reached sooner. In the event deep water is not reached, this well should be used as a high water supply to the bathhouse with the facility shut down during low water. We point out the chance of reaching an all-year supply of water is a gamble, but this well site is the only one feasible with the money available. Were the money available for pipe, a better site would be at the campground causeway.

We estimate the above mentioned alternative systems can be developed with the funds now available. We find the cost of a system supplying water from Roosevelt Lake too high.

Wells

The experience with wells in this area is quite limited. The Park Service has sunk one seasonal operating well and two exploratory wells in the Kettle Falls area. These have all been drilled to depths of around 80 to 90 feet. The logs of these wells show that in the flats along the river where the development is planned there is a sand and gravel stratum that exists to about 40 feet in depth. This stratum rests on an impervious layer of clay of unknown depth. The three wells sunk by the Park Service which were stopped at about 90 feet in depth were still in the clay.

Checks on water level in these wells show that they fluctuate with the rise and fall of the lake and there is no inflow into the wells after the lake is below the level of this sand stratum. A check of the lake levels shows that these wells would therefore be inoperative from January through May. Thus, wells of this type must be considered as seasonal and lacking in dependability from the viewpoint of a year-round supply.

There are several year-round producing wells in the immediate vicinity but they are located on a high bench above the flats. There

has been only one deep well reported driven in the old Kettle Falls area and it is reported to be sunk 290 feet and is a dry well. This well is located about 1800 feet north of the proposed bathhouse.

However, it is true that the only way to find a water-bearing stratum is to sink test holes. It is possible that further exploratory drilling at depths of 120-200 feet may locate an aquifer. It is true that sinking such test holes may prove fairly expensive, but where such an extensive water development is required, the information acquired through the tests should render such expense justifiable.

The following are four possible alternative well systems. The site location of each proposal or possibility is shown on the sketch included in this report.

Proposal No. 1

This is one of the original proposals for this area. It consists of a deep well near the bathhouse using a pressure system identical to the setup used in the cabin area at Kettle Falls.

It would be a deep well turbine setup, capable of 45 gpm at 70 psi when pumping from a depth up to 80 feet. It would have a 1500 gal. pressure tank.

This type system would probably be the cheapest method of developing a water supply for the bathhouse area. It would cost very little for piping as the well would be drilled in the vicinity of the bathhouse.

There is reason to believe that a well sunk at the bathhouse or any other place on the flat would be in the same upper gravel stratum that has shown up in the exploratory wells sunk in the area. It has been seen that the lake water will percolate through this gravel and supply water to the well as long as the lake level is above this layer in elevation.

However this would be a much better setup if it were possible to drill deep enough to hit an aquifer that would produce a year-round supply.

Thus the main question in this proposal is whether a seasonal well is satisfactory or maybe it would be money well spent to go deeper with the well in the off chance of getting a year-round supply.

Proposal No. 2

This involves drilling a deep well in the vicinity of property corners 34 and 35 and pumping to an elevated tank. This also is one of the original proposals.

This system is dependent on whether water can be gotten by drilling a deep well in this area. There are no data available to indicate the existence of a deep water bearing stratum in the area. There has, however, been a well sunk on private property. It is about one block south of the proposed well and was driven to a reported depth of 290 feet, and it is a dry well.

Proposal No. 3

There is a possibility of locating underground streams that appear as springs on the lake shore at low water.

According to reports, there is a big spring that outcrops west of the island (proposed campground site) during low water. It is felt by a local well digger that he could follow the spring channel back and drill in the vicinity shown on the sketch and strike the underground drainage that supplies this spring.

If it would be possible to find this underground stream with an exploratory hole, it would produce a year-round water supply. The water would be either pumped into a pressure tank or to an elevated tank on a higher level.

Proposal No. 6

During the summer of 1953, two exploratory wells were drilled about 850 and 1100 feet south of the proposed bathhouse. These wells were sunk about 90 feet deep (in impervious clay last 50 feet) and abandoned.

It was felt that it might be possible to drill these wells deeper as an exploratory measure.

However, on inspection of the wells it was found that the casing had been pulled from one hole and it has now caved, and in the other hole charges had been set off at various depths in the well shattering the casing.

Thus any further drilling at either well is out of the question.

Submerged Pumps - Proposal No. 4

It is possible to supply water all year to the bathhouse area using a pump with intake placed in the lake floor below low water level.

Discharge pipe from such pump would be buried in a trench leading to a pressure tank on the shore. The long length of this underwater line (very costly) required to reach deep water is due to fluctuation of lake elevation of 80 feet and change in shore line of about 2000 feet.

This type of an installation would use either a jet pump (quite inefficient in operation) or a submersible pump (high cost of installation). Also, the maintenance on such a system would involve some difficulty in repair in case of breakdown during high water period.

Old Kettle Falls Water System - Proposal No. 7

The Kettle Falls Recreation Area is on the site of the old town of Kettle Falls. The water system, including reservoir, main and distribution lines which supplied the city, is still largely in place and the reservoir and main at least are in operable condition. The existing 8 inch main passes within 60 feet of the bathhouse site and the main still carries water and is in good condition to a point 480 feet from the bathhouse. In addition, much of the old main is believed to be in sound condition and could be incorporated in the water supply system serving the bathing and camping areas.

The cost of going to this source would be the expense of acquiring rights to the water and the cost of plugging broken laterals and installing a valve in the main beyond the bathhouse.

Long-range development of this source would include acquiring the reservoir and possibly the watershed property, right of way for the main, and water rights to the springs. Physical development would be at first to clean the reservoir and install a fence around it. Further improvements would be constructing concrete boxes at the springs and pumping to a reservoir on higher ground to get greater pressure at the use area. These springs now will supply an estimated minimum of 40 gal. per minute at 45 psi and appear to be the logical water source for Kettle Falls Recreation Area.

Barge - Proposal No. 5

This system involves pumping from a barge to an underwater pipe system. This would be a system similar to the one used at Millerton Lake National Recreation Area. The water would have to be pumped from the lake

to an elevated storage tank. There would be a high initial cost due to long length of pipe line required to reach from low water to an elevation high enough to provide sufficient pressure at the bathhouse.

This system would provide an all-year supply only if a system could be devised to protect the barge when the lake freezes. It possibly would be necessary to remove the barge from the lake during winter because huge floating ice blocks would shatter the barge.

There also would be the danger of the risers for the underwater main being broken off by boats, chunks of ice or floating logs and debris.

COST ESTIMATE PROPOSAL NO.1

Pump from well at bathhouse to pressure tank.

		LABOR	MATERIAL	TOTAL
Well, 6" dia., drill and case	150'@ $6.50	$ 975.00		$ 975.00
Pressure system				2750.00
Pump house				4000.00
Pipe, 4" C.I.	30 lin. ft.	45.00	75.00	120.00
	Total			$ 7845.00

This system is same setup as at cabin area and will deliver 45 GPM @ 70 psi. A 12" dia well instead of 6" dia will increase cost by $ 1425.00 to $ 9270.00.

PROPOSAL NO. 2

Pump from well on high ground near property corners 34 & 35 to elevated tank. Elevation of tank platform 1374'.

Well, 6" dia., drill and case	150' @ $6.50			$ 975.00
Pump, 5 HP, deep well turbine		$ 100.00	$ 1000.00	1100.00
Pump house		1000.00	1000.00	2000.00
Water Tower, timber, 30 ' high	6500 BM	1050.00	950.00	2000.00
Tank, Redwood stave, 20,000 Gal.		400.00	1200.00	1600.00
Pipe, 6" transite,	2800 lin. ft.	2800.00	7000.00	9800.00
Pipe Fittings, valves, tees, etc.		-	500.00	500.00
Pipe, 4" C.I.	30 lin. ft.	45.00	75.00	120.00
	Total			$ 18095.00

This system will supply 100 GPM from 80' depth to tank and 100 GPM @26 psi. to bathhouse. Repair and use of 2000 lin ft of existing 8" wood stave line in place of new transite will reduce cost by $ 6500.00 to 11,595.00. A 12" dia well will increase cost $1425.00 over 6" dia well.

PROPOSAL NO. 3

Pump from well on causeway to pressure tank.

Well, 6" dia, drill & case	150' @ 6.50			$ 975.00
Pressure system				2750.00
Pump house				4000.00
Pipe, 6" transite	1800 lin ft	$ 1800.00	$ 4500.00	6300.00
Pipe Fittings, valves, tees, etc			300.00	300.00
	Total			$ 14325.00

This is the same setup as at existing well except for well diameter and will deliver 45 GPM to pressure tank at 70 psi. The use of 1400

PROPOSAL NO. 3 continued
lin ft of existing 8" wood pipe will reduce cost by $ 5000.00 to $ 9325.00.

PROPOSAL NO.4

Pump from lake to pressure tank using submerged pump installed below low water in the lake.

SYSTEM USING SUBMERSIBLE PUMP		LABOR	MATERIAL	TOTAL
Pump, submersible, 7½ HP		$	$ 1500.00	
Control Panel			260.00	
Submarine cable	2000 lin ft	$ 1000.00	3000.00	$5960.00
Intake Box			200.00	
Pressure Tank and Controls 1500 Gal.				1700.00
Control House		1000.00	1000.00	2000.00
Pipe, 4" C.I., pump to control hs., 2000 lf		4660.00	5000.00	9660.00
(Incl. 27 Cu Yds conc. in anchors @ 25' ctrs.)				
Pipe, 6" transite	1400 lin ft	1400.00	3500.00	4900.00
Pipe Fittings, valves, tees, etc.			400.00	400.00
Chlorinator		100.00	400.00	500.00
Total				$ 25120.00

This system will deliver 100 GPM at 40 psi at the bathhouse during high water and about 65 GPM at 40 psi during low water. A system with a smaller pump will deliver one half this quantity at a cost of $ 23,500.00. The repair and use of 300 lin ft of existing 8" wood main willreduce cost by $ 1000.00. A local supply of 4" cast iron pipe is available @ 0.44 per lin ft reducing cost as shown by $ 4500.00. If all these savings are made the cost of this system would be $ 18,000.00. This does not include cost of power to control house.

SYSTEM USING JET PUMP

Pump, Jet, 10 HP incl. starter		$ 100.00	$ 700.00	$ 800.00
Pipe, 4" CI, intake to pump house 2000 lf		$5160.00	5000.00	12160.00
Pipe, 3" galv. jet, pump to intake 2000 lf			2000.00	
(Incl. 27 Cu Yds conc. in anchors @ 25 ' ctrs)				
Intake Box		100.00	200.00	300.00
Pressure Tank and Controls, 1500 Gal.				1700.00
Pump House				4000.00
Pipe, 6" transite	1400 lin ft	1400.00	3500.00	4900.00
Pipe Fittings, valves, tees, etc			200.00	200.00
Chlorinator		100.00	400.00	500.00
Total				$ 24,560.00

PROPOSAL NO. 4
SYSTEM USING JET PUMP continued

This system will deliver 50 GPM to pressure atank at 55 psi. Differences in lake level will not affect discharge of jet pump. The repair and use of 300 lin ft of existing 8" wood main and a local supply of cast iron pipe at $ 0.44 per lin ft will reduce the cost of this system to $ 19,060.00. This does not include the cost of bringing power to the pump house.

PROPOSAL NO. 5

Pump from lake to elevated tank near property corner #35 using a centrifugal pump mounted on a barge.

	LABOR	MATERIAL	TOTAL
Pump, centrifugal, 7½ HP, gasoline driven	$ 200.00	$ 800.00	$ 1000.00
Barge	1000.00	1000.00	2000.00
Pipe, 4" C.I., into lake 2000 lin ft Pumping Connections, Risers & Cono @ 50' ctrs	4000.00	5000.00 4000.00	13000.00
Pipe, 6" transite, shore to tank 4200 lin ft	4200.00	10500.00	14700.00
Water Tower, timber, 30' high, 6500 BM	1650.00	950.00	2000.00
Tank, Redwood, 20,000 Gal.	400.00	1200.00	1600.00
Chlorinator	100.00	400.00	500.00
Pipe Fittings, valves, tees, etc		500.00	500.00
Total			$ 35,300.00

This system will deliver 250 GPM to the tank during high water and 90 GPM during low water. Freezing of the lake will necessitate removal of the barge during winter months. The repair and use of 2000 lin ft of existing 8" wood main will reduce cost by $ 6500.00 to $ 28,800.00. A local supply of 4" cast iron pipe is available @ $ 0.44 per lin ft reducing cost by $ 4500.00.

PROPOSAL NO. 7

Use existing reservoir and pipeline that served the old town of Kettle Falls. Acquire reservoir property, pipeline and pipeline right of way and water rights to the springs.

Acquire reservoir property				$ 2000.00
Acquire pipe line and right of way				1000.00
Acquire water rights to springs				2000.00
Clean reservoir		$ 500.00		500.00
Fence, chain link-	1000 lin ft	500.00	$ 2000.00	2500.00
Repair pipe line		500.00	500.00	1000.00
Pipe, 4" C.I., lateral to bathhouse	40 lin ft	60.00	100.00	160.00
Total				$ 9160.00

The exact cost of this proposal is not known. The above figures are a rough estimate based on local inquiries.

(June 1962)

NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Park: Coulee Dam National Recreation Area	Region: Western	Fund Symbol: 14-1130080(10) DK1.3
Location in Park: Kettle Falls	State(s): Washington	Year Programmed: 1963
	County or Counties: Stevens	PCP No.: U-70
		Master Plan No.: NRA-CD-2065-G
		Master Plan Corrected By:
☐ Contract and/or ☒ Day Labor		As Built Drawings By: Conner
Work Order Title: Water System Extension		Date Started: 3/1/63
		Date Completed: 6/30/63 ✓

DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)	TOTAL COSTS (For completion by FFO)
ACCOUNT 100.8 Utilities	27,100.35
Water system extension to serve Locust Grove Campground and the bathhouse area	
6,500 lin. ft. 6" CA pipe	
2,880 lin. ft. 4" CA pipe	
2 each 6" Gate Valve & Box	
7 each 4" Gate Valve & Box	
1 each 4" Fire Hydrant	
JOURNAL VOUCHER NO. 78	
DATE JAN 23 1964	
TOTAL	$ 27,100.35

DISTRIBUTION No.	To
1	D&C
1	WODC
1	Reg. Dir.
1	CODA
1	FFO

THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES

Submitted By: Alva D. Conner	Alva D. Conner	Title: Engineering-Technician	Date: 10/18/63
Approved By: Homer W. Robinson	Homer W. Robinson	Title: Superintendent	Date: 10/21/63
COSTS VERIFIED BY: D. Tam	D. Tam	Title: Supervisory Accountant	Date: 1/24/64

NARRATIVE REPORT

APW-20 Water System Extension, Kettle Falls

This project was started on April 1, 1963. The water system at Kettle Falls was extended to furnish water to Locust Grove campground and to the bathhouse area. Accomplishment was by day labor under the Accelerated Public Works program with personnel certified to us by the Department of Employment Security, Colville, Washington.

The project consisted of:

6,500 lin. ft. 6" CA pipe
2,880 lin. ft. 4" CA pipe
2 each 6" Gate Valve and Box
7 each 4" Gate Valve and Box
1 each 4" Fire hydrant

Completion date, June 30, 1963.

Other Supporting Information

L54-L

NOV 6 1956

RECEIVED
NPS, REGION FOUR OFFICE
NOV 13 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Kettle Falls Marina Area, Coulee Dam

The memorandum of January 9 to you from the Regional Solicitor, which Mr. Maier forwarded on August 24, is too old to be of help at this time because the Supervisor of the Division of Water Resources of the State of Washington has inspected the developments and found the conditions reported in Mr. Dunn's report which Mr. Koontz advised against making a state record. The Supervisor has also called for an explanation which was not to have been made without prior clearance of the Regional Solicitor unless made necessary, as it has been, by the Supervisor.

From Mr. Northland's memorandum we wonder whether the attachments with Mr. Allen's memorandum of December 8, 1955, were all forwarded to him. He advised that he did not have the analysis of water requirements which was included in Mr. Dunn's report. He also seems to have overlooked the relative merits of gravity and pump supplies which were covered in that report. The most critical feature of the gravity supply from Blue Gulch Creek, which was being obtained during Mr. Dunn's inspection of August 1955, was that it was then obtained from the residual flow of the Creek, and the United States would become involved with problems of prior conflicting rights of Anderberg and Root if it did not further amend water right application 12793 before it is advertised.

As stated in Mr. Allen's memorandum, we would be in a stronger position if we filed applications for the appropriation of water from the existing wells, and a pipeline from Blue Gulch Creek which is independent of all parts of the old Town system, when we withdraw the claims which have already been filed to assert interests in the former Town rights. We need the plans of the existing systems with ties to section corners before such new applications can be completed.

The additional data needed to revise Drawing NRA-CD-6950, which was filed with the petitions and revised Application 12793, can be obtained in less than a day by a transitman and rodman if stadia is

used. Because of the Supervisor's letter of June 13, the plans of existing systems should be sent to us as quickly as possible. If not previously sent, the rest of the attachments with Mr. Allen's memorandum of December 8, 1955, should be sent to Mr. Northland with the statement that we will follow the procedure outlined in Mr. Allen's memorandum.

(SGD) JACKSON E. PRICE

Assistant Director

Copy to: Field Solicitor McClellan, Region Four (4)
Superintendent, Coulee Dam

In reply refer to:
L54

August 24, 1956

Memorandum

To: The Director

From: Acting Regional Director, Region Four

Subject: Water Rights, Kettle Falls Marina Area--Coulee Dam

Acting Assistant Director Garrison's memorandum of August 7, and its attachments, pertaining to the above subject have been received.

In the last paragraph of Mr. Garrison's memorandum he asks that we check up on Mr. Allen's memorandum of December 8, 1955. In checking this matter in the Regional Office files we find that inadvertently a memorandum written to us dated January 9 from Regional Solicitor Morthland was not forwarded to Washington for comment. There is now attached a copy of this memorandum for review by Chief, Water Resources Section, Dunn.

We believe you may wish to consider the position taken by Mr. Morthland in the second and third paragraphs of his memorandum before anything further on the subject is submitted to him or the Field Solicitor at Ephrata. Accordingly, we are holding Mr. Garrison's memorandum of August 7, and its attachments, in this office until we receive further advice from you.

(SGD) HERBERT MAIER

Herbert Maier
Acting Regional Director

Attachment

WR Copy

L54-1.

AUG 7 1956

Mr. M. G. Walker, Supervisor
Division of Water Resources
Department of Conservation and Development
Transportation Building
Olympia, Washington

Dear Mr. Walker:

This refers to your letter of June 13 concerning the following documents:

Surface water application #12793 for the appropriation of 1.0 c.f.s. of the waters of Blue Gulch Creek in Stevens County, Washington.

Petition for change in purpose and place of use of 1.50 c.f.s. of the waters of Blue Gulch Creek, as claimed by rights established by the Town of Kettle Falls through use initiated prior to 1900.

Petition for change in place of withdrawal of 500 g.p.m. from a drilled well, as claimed under rights initiated by a use prior to 1930.

As your representative found on his recent visit to Coulee Dam National Recreation Area, the National Park Service has decided to use well water which is evidently seepage from the Columbia River or Franklin D. Roosevelt Lake for much of the supply it originally intended to obtain from Blue Gulch Creek. The reasons for the change are complex.

As promised when filing the amended application and petitions, a year and a half ago, the Chief of our Water Resources Section made an investigation of field conditions late last summer, found that further changes should be made in the claims before they were advertised, and that the further amendments would require clearance of several offices of the Department. These instruments, including applications for the wells to which you refer, are now being reviewed by the Solicitor and Bureau of Reclamation, and will be submitted to you as soon as clearance is obtained.

Sincerely yours,

SGD. SAMUEL A. GARRISON

Lemuel A. Garrison
Acting Assistant Director

AvVDunn:lct 7-25-56

Copy to: Regional Director, Region Four (detached)
Superintendent, Coulee Dam (detached)
Field Solicitor McClellan, Region Four, (4) (detached)
Edward Fisher, Associate Solicitor, Water and Power (detached)
Mr. Dunn

00-00-0000: reference is made to the following documents on file in this office which concern your department

STATE OF WASHINGTON

ARTHUR B. LANGLIE
GOVERNOR

Department of Conservation and Development
W. A. GALBRAITH DIRECTOR
TRANSPORTATION BUILDING
OLYMPIA

DIVISIONS
FORESTRY
RECLAMATION
FLOOD CONTROL
WATER RESOURCES
MINES AND GEOLOGY
COLUMBIA BASIN PROJECT
PROGRESS AND INDUSTRY DEVELOPMENT

June 13, 1956

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

Attention: Mr. Thomas [illegible] Allen
Assistant Director

Dear Sir:

Reference is made to the following documents on file in this office which concern your Department:

Surface water application #12793 for the appropriation of 1.0 c.f.s. of the waters of Blue Gulch Creek in Stevens County, Washington.

Petition for change in purpose and place of use of 1.50 c.f.s. of the waters of Blue Gulch Creek, as claimed by rights established by the Town of Kettle Falls through use initiated prior to 1900.

Petition for change in place of withdrawal of 500 g.p.m. from a drilled well, as claimed under rights initiated by a use prior to 1930.

On February 9, 1955, this office forewarded two notices of publication pertaining to the above indicated petitions to your office with instructions for publication. We also requested that affidavits of publication be submitted to this office once the notices had been published. As of this date we have not heard from you relative to this matter.

Sometime during the spring of 1955, Mr. Hugh Peyton, Superintendent of the Coulee Dam office, called at this office to request that further action on the filings be withheld until further notice. It was our understanding that an engineering study was to be made on the feasibility of developing the Blue Gulch Creek Source for use at the recreational area. Upon completion of this study, we were to be advised of your findings and future plans.

Recently a representative of this office called at your field headquarters located at the Coulee Dam Recreational Area. It was found that a well has been constructed and is serving the area that was originally to be supplied by Blue Gulch Creek water. Although no application for water right has been submitted for this well, it is assumed that it will be used as a source of domestic and irrigation water for the area.

In order that final action may be taken on your application and petitions in the near future, it is requested that you advise this office of your present interest in the filings.

Yours very truly,

DIVISION OF WATER RESOURCES

M. G. WALKER
Supervisor

MGW:js

WK Copy
L54-L

DEC - 8 1955

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Kettle Falls Marina Area, Coulee Dam

Attached are four copies of Mr. Dunn's report of October 3, a draft of a proposed letter to the Supervisor, Washington State Division of Water Resources, and a memorandum of October 28 to Mr. Sanders from Mr. D. S. Koontz, Division of Water and Power, of the Solicitor's Office.

The draft of letter to the Supervisor, State Division of Water Resources, has been revised in accordance with Mr. Koontz's memorandum. We will type and send it only if the Supervisor requests a report on the water right applications and petitions before we can obtain comments on the report from Mr. Milne.

Two copies of the report are for you and Mr. McClellan, and two are for you to send to Mr. Milne, in Ephrata, for the clearances and comments suggested by Mr. Koontz. We are sending copies directly to the Superintendent and Western Office of Design and Construction with copies of this memorandum.

Amended Application 12793 and the two petitions were filed with the advice that this Service would make investigations, and possibly negotiate with Anderberg and Root during the past summer. Although a report to the Supervisor concerning the summer's work is due, we are reluctant to request cancellation of the petitions until we are more certain about the basis for alternative Federal water rights.

It was Mr. Fisher, and not Mr. Milne, who suggested informally to Mr. Dunn that the Bureau of Reclamation had no interest in water rights which it may have acquired "except to liquidate them" but the phrase was only part of a statement to the effect that there had been no Federal intent to claim or use them. Mr. Dunn used the reference in his report because of the apparent lack of water use by Anderberg and Root, and by the National Park Service until the last few years.

Federal rights under Application 12793 would be stronger if the Supervisor were to determine the lapse of portions of the old Town rights in order to determine the extent of unappropriated water. The

adequacy of rights under Application 12793 could also be better defined if the Supervisor were to determine the extent to which the Hursts may have rights to Blue Gulch Creek under the old Town rights, or otherwise. For that reason, we should like to invite investigation by the Supervisor in the proposed letter if agreeable to the Regional and Field Solicitors.

Mr. Dunn advises that he has proposed to claim that the water diverted from the wells is from the Columbia River, or Roosevelt Lake, because there is no question about the fact that the Lake level must be high to produce water in the wells. He recognizes, however, that the rising Lake level might either cause underground Lake water seepage to the wells, or impound and raise the level of some groundwater percolating toward the Lake. He sees no objection to claiming either source, if supported by more proof or a Departmental stand being taken in the controversy to which Mr. Koontz refers.

It would doubtless be a strategic move to file the proposed applications for the appropriation of waters in the wells before, or when withdrawing the petitions for amendment of old Town rights, if the claims can be made without detriment to the Federal stand in the controversy over Federal interests in groundwater. Such applications would normally include the statement that: "Nothing in this application shall constitute a waiver of other rights which the United States may have to the same water" if there is uncertainty as to the source of the water. The Regional Solicitor might prefer to omit "same" and say "the water in this well".

No application can be completed for well No. 2 until it is tied to a section corner by a survey which the Superintendent and Park Engineer promised when Mr. Dunn was at Coulee Dam.

As recommended in Mr. Dunn's report, we suggest that the Federal connection to the old Town water system be eliminated at once. We also request that you and the Western Office of Design and Construction give immediate consideration to the need for water from Blue Gulch Creek, and arrange for such surveys and study this spring as may be needed to complete plans for a system which will not involve the use of old Town structures or right-of-way. We should amend the application to eliminate suggested use of those structures as soon as possible, but must not lose our priority by severing the continuity of claims.

We also advise against any further communication with the State Division of Water Resources, concerning water rights at Coulee Dam, by representatives of this Service, until the Departmental policy is fully clarified.

(SGD) THOMAS J. ALLEN

Assistant Director

Attachments 6

Copy to: Superintendent, with copies of attachments
Western Office of Design and Construction, with copies of attachments

Copy to: Acting Assistant Solicitor, Parks, with copies of attachments
Mr. Dunn

AvVDunn:lct 12-7-55

00-00-0000: office memorandum, subject: water rights

COPY

OFFICE MEMORANDUM UNITED STATES GOVERNMENT

To: Mr. H. K. Sanders, Branch of Parks, Division of Territories, Wildlife and Parks Date: 10/28/55

From: D. S. Koontz, Division of Water and Power

Subject: Water Rights, Kettle Falls Marina Area, Coulee Dam

I discussed this matter with Acting Associate Solicitor Fisher upon his return today. Mr. Fisher does not consider it advisable to furnish a copy of Mr. Dunn's report to the State Supervisor until the Regional Solicitor and the Field Solicitor have reviewed the same and passed on the propriety of making it available to the State. He also suggests that if there be need for a letter to the State Supervisor prior to such review by the Field Solicitor then the letter be limited to a request for the cancellation of the petitions and deference on Application 12793 until the spring, etc., i.e., eliminate all reference to Mr. Dunn's report and also about the proposed filings for the two wells and the request for confirmation of Mr. Dunn's view that in making such well filing it would be the intent of the United States to claim these waters as that of the Columbia River rather than groundwater. It is evident from Acting Assistant Milne's memorandum of March 18, 1955, to the Supervisor at Coulee Dam that there is a pending controversy between the State and the United States with respect to the United States claiming all ground waters in the vicinity of Roosevelt Lake by reason of the impounding of such waters. Mr. Dunn's view as to the well waters being Columbia River water rather than groundwater may be contrary to the Field Solicitor's views.

The revised draft of letter to the State Supervisor, if submitted at this time, should also delete in the fourth paragraph the words "except to liquidate them". It is evident from Mr. Milne's memorandum that the Bureau of Reclamation gave no consideration to liquidating the town's water rights at the time they made the acquisition of the facilities from the Town of Kettle Falls. We have noted in pencil the proposed deletions to the letter to the State Supervisor if Mr. Dunn desires its submission at this time. We suggest that the letter to the Regional Director should also be revised accordingly.

/s/ D. S. Koontz

DRAFT

In reply refer to:
L54-L

Mr. M. G. Walker, Supervisor
State Division of Water Resources
Olympia, Washington

Re: Application 12793, Coulee Dam
National Recreation Area

Dear Mr. Walker:

With our letter of December 29, 1954, we submitted an amended Application 12793 for the appropriation of the unappropriated water of Blue Gulch Creek and such water as was surplus to the variable needs of senior appropriators. With a letter of January 12, 1955, we submitted petitions for (1) change in place and purpose of part of the senior rights of the old Town of Kettle Falls; and (2) change in place of groundwater withdrawal under the rights of the old Town of Kettle Falls. In submitting the petitions we pointed out that deeds suggested that the United States, and Anderberg and Root, all appeared to have acquired undefined portions of the rights of the old Town of Kettle Falls which would have to be clarified during the summer of 1955.

By letter of January 19, 1955, you acknowledged receipt of the amended Application 12793, advising that it would not require re-advertising. You also accepted the two petitions with one minor change to which we agreed. By letter of February 19, 1955, you forwarded notices of the two petitions to be published in a local newspaper.

We referred all of the Federal water claims to the Bureau of Reclamation, which in turn referred them to the Solicitor for this Department. The Associate Solicitor advised against asserting any Federal rights based on Federal acquisitions by the Bureau of Reclamation in March 1955, stating that the Bureau of Reclamation had not intended to acquire water rights. Accordingly, the notices of the petitions had not been advertised.

By this letter, we withdraw and request cancellation of the two aforesaid petitions.

In accordance with our letter of January 12, Mr. A. van V. Dunn, Chief of our Water Resources Section, did make a fairly comprehensive field study of the water claims to and uses of waters of Blue Gulch Creek. There is a question as to the extent to which water is now being used under the old Town rights, and the extent to which present use is of unappropriated water which has resulted from possible abandonment of parts of the Town rights. There are also questions of right-of-way, the advisability of changing the point of diversion under Application 12793, in order to eliminate the proposed use of old Town

DRAFT

water system structures, and the source of water to claim in any alternative application for the appropriation of the water used from Federal wells.

Accordingly, we also request that you allow Application 12793 to stand without further action, to preserve the priority, until our Office of Design and Construction can complete a modified plan of developments next summer.

We do not wish to raise the question in the name of the United States of the lapse of rights of the old Town of Kettle Falls, but we hope that you will have the area inspected the next time your representative is in the vicinity, and will advise us of such determination as you may make to possible lapse of rights and the resulting availability of unappropriated water in Blue Gulch Creek. The interests of some water users in the old Town rights is obscure, and the use by recognized owners of interests is limited.

Sincerely yours,

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Four
Field Solicitor McClellan
Field Solicitor, Ephrata
Regional Solicitor, Portland
Superintendent
Western Office of Design and Construction

Report on Investigation
of
Water Rights and Water Use
Coulee Dam National Recreation Area
August 15-17, 1955
by
A. van V. Dunn
Chief, Water Resources Section

Introductory, Conclusions and Recommendations

This report covers my field investigation of water problems at the Kettle Falls Marina Area of Coulee Dam National Recreation Area, August 15 to 17, 1955, inclusive, while accompanied by Superintendent Hugh Peyton. The following conclusions, based on the later narrative are, however, entirely my own:

1. The reliable flow of Blue Gulch Creek is approximately 0.25 second feet. The storage capacity of the old Town reservoir, at about 6 acre-feet, was too small to do more than equalize daily and a few weekly water uses by the Town without the supplemental well supply provided in 1930. It might serve the Federal needs at the Marina Area, or potential needs of a colony on adjacent land for some years, but could not supply both in the summer without supplemental well water.

2. The value of water system, rights and franchises, which were sold to Anderberg and Root by the Town in 1946 are now limited to rights-of-way, franchises, and rights to only a small percentage of the available flow, because (a) the land owner, A. G. Hurst, appears to have interests in irrigation rights to about 0.2 sec.ft. of the water through prior arrangements with the Town; (b) the pipeline has passed the stage of repair and will require complete replacement to be of further use; and (c) the 6 or 8 families who have used water from the pipeline since 1939 are now moving away or developing other sources of supply.

3. The majority of the Town water supply, from both Blue Gulch Creek and the well, was always used on the portion of the Townsite acquired by the United States in 1939, and has not been beneficially used during the past 16 years.

4. Conditions are now most favorable to establish maximum lapse of former Town rights, and such action would probably be advantageous to the United States and A. G. and R. H. Hurst. At least 75% of the summer supply was obtained from the well which passed to the United States and was flooded, and the Hursts can support claims to about 80% of the August flow of Blue Gulch Creek.

5. The present water consumers to the north of the Hurst house are dependent on deliveries from a portion of the water system which has been left in trespass on the Federal land since 1939 and Anderberg or the consumers should provide a conduit outside the Project Area if further water use is to be maintained.

6. The National Park Service tapped the pipeline in 1955 to provide irrigation water for the Marina Area, with the unwritten permission of A. G. Hurst, who does not own the system; and with no permission of Anderberg and his associates, who do own it; and the connection should be terminated before the United States becomes involved in undesirable entanglements.

7. It seems probable, and was suggested by Mayor McLeod, that Anderberg has acquired the pipeline with the hopes of (a) selling at good profit to the United States; (b) obtaining Federal assistance in its rehabilitation to serve both the Marina Area and an adjacent vacation colony such as R. H. Hurst may now be starting; or salvaging lapsed rights and rehabilitating the system when the development and use of the Marina Area creates a market for sufficient adjacent vacation home sites. These should not be encouraged by the National Park Service before it determines its desirable role in the larger community.

8. The old Town was largely dependent on well water during the summer months, and the National Park Service has drilled two wells which can now supply its needs except for a few spring months when there is unappropriated flood flow in Blue Gulch Creek, and rights for those wells should be established as soon as requested data for applications can be obtained.

9. Application 12793, for the appropriation of unappropriated water of Blue Gulch Creek, has been amended to eliminate protests of water claims but not to eliminate the potential protest of diversion in Anderberg's old Town reservoir. Further amendment and advertising should be made as soon as suitable new point of diversion can be selected. For irrigation purposes, only the diversion could be well below existing diversion and priority of February 19, 1954 will be adequate if the valid senior rights are defined.

10. The United States will have to purchase necessary rights-of-way across land to the east of the Project Area, if it diverts thereon under Application 12793, because that land was all patented prior to August 30, 1890. (Such purchase should simplify water right adjustments with the Hursts, but not with Anderberg and his partners.)

11. Domestic water for use at the ranger's quarters during January through June should not exceed 250 gpd, or a total of 50,000 gallons, for which stored well water could be provided.

12. The quality of the water in the reservoir on Blue Gulch Creek was unsuitable for human consumption on August 15 and 16, 1955, and its use for such purposes would require treatment and modificatin of the existing reservoir.

13. The location of any large all year resident population at the Marina Area should be deferred until a suitable water supply for the January-June period is obtained.

18. There is justification for a geological study, including possible test borings, to determine whether an all year well water supply can be obtained in the Marina Area.

Historical Review

As part of the acquisition of all land within the area of the Franklin D. Roosevelt unit of the Columbia Basin Project, the Bureau of Reclamation purchased all portions of the old Town of Kettle Falls below approximate elevation 1310, and the portion of the Town water system below that elevation. The deed, No. 2260 (I-36r-1582) to the pipeline, was dated June 22, 1939, and showed a sale price of $19,000. As Trust 2660, the pumps, pipe, and other fixtures were resold to the Town on bid of $701.50 which was accepted on August 9, 1939. The records indicate that the Town reacquired the pumps, and pipe with the intent of removal and use in its new pipeline from another source to the new Town site. The pump and many fixtures were removed, but the pipe was left in place, and in operation so far as it carried water from the Blue Gulch Creek diversion. By deed of August 2, 1946, the Town sold all water rights, easements, rights-of-way and water system, it then had, to William Anderberg, and Howard E. and Clara L. Root.

Under agreements of August 9, 1945, and December 18, 1946, with the Bureau of Reclamation, the National Park Service has started the development of the old Kettle Falls townsite within the Project Area to provide a campground, lodge, boat harbor and bathing beach known as the Kettle Falls Marina Area of Coulee Dam National Recreation Area. It drilled a well in the campground area and constructed a water system throughout the entire proposed Marina Area. It proposed to obtain its ultimate water supply from Blue Gulch Creek and the Superintendent filed a Water Right Application with the Supervisor of the State Division of Water Resources on February 19, 1954, which was assigned No. 12793. The application was for the appropriation of 1.0 sec.ft. of the water of Blue Gulch Creek.

Under the water laws of the State of Washington, the Supervisor of the Division of Water Resources must determine that there is unappropriated water before granting a permit. Messrs. Anderberg, Root, and others, protested the granting of a permit on Application 12793 on the ground that there is no unappropriated water. The Acting Director then filed an amended Application 12793, claiming 1.0 sec.ft. of any unappropriated water, or water that might not be used from time to time under senior rights.

Under the State water laws rights to the use of water for irrigation purposes become appurtenant to the land on which used, when the right is perfected by proofs and the granting of a certificate. The deed of June 22, 1939, conveyed Town title to water system below

elevation 1310, together with all appurtenances, rights, licenses, franchises, real property, and rights-of-way. Only pipe, fitting and pumps were reconveyed to the Town on the bid of August 9, 1939. The deed of August 2, 1946, to Anderberg and Root conveyed all easements, rights-of-way, pipeline, dams, reservoirs, water rights and privileges and other rights incident thereto, heretofore acquired and then owned by the Town.

Although the Town rights to Blue Gulch Creek water were initiated by others, prior to 1900, and were not known to be evidenced by application, permit or certificate; and its rights to groundwater were initiated by drilling a well in 1930, before the groundwater laws were passed, and are not evidenced by applications, permits, or certificate; the aforesaid records suggest that the Town had valid rights and the United States acquired rights to at least as much water as was used for irrigation in the portion of the Town below the Project Area taking line at approximate elevation 1310. In an analysis of December 28, 1954, the Chief of the Water Resources Section estimated that the former irrigation demand on the Federally owned portion of the Town was 0.93 sec.ft.

As a partial answer to the aforesaid protests, the Acting Director filed two petitions on January 12, 1955 to assert Federal interest in Town rights, as follows:

1. Petition to Change the Point of Withdrawal of 1.115 sec.ft. of water from the old Town well, which is now flooded by Franklin D. Roosevelt Lake, to the new Well of the National Park Service.

2. Petition for Change of Purpose and/or Place of Use of 0.93 sec.ft. of the waters of Blue Gulch Creek.

The petitions were submitted to the Supervisor of the State Division of Water Resources with the explanation that the United States and Anderberg and Root, appeared to share the former Town rights, that the division of interest would have to be worked out by the claimants, and that such work would have to be deferred until summer. The Supervisor accepted the petitions and issued notices for publication in a local paper.

Copies of the petitions and records used as the basis for them, were also submitted to the Project Manager with an inquiry as to whether the Bureau of Reclamation wished to assert claims to more of the old Town water rights, and they were referred to the Acting Assistant

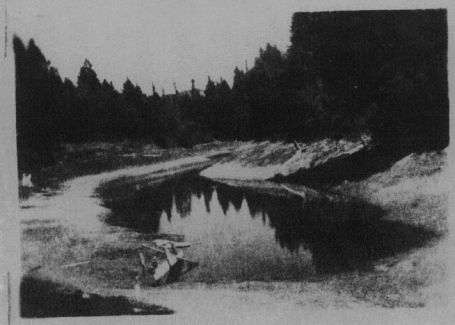
Field Solicitor in Ephrata, who advised by letter of March 18, to the Superintendent, that the National Park Service should not attempt to establish any Federal rights except by new appropriation. The publication of the notices of the petitions was deferred, accordingly.

The matter was discussed on August 10 by Associate Solicitor Fisher, Attorneys Koontz and Sanders, and the writer. The latter pointed out that new claims to the waters of Blue Gulch Creek would be worthless if all senior Town rights were or should be preempted by the protestants of Application 12793. The Associate Solicitor acknowledged that fact, but stated that the National Park Service should not attempt to assert any rights based on former acquisitions by the Bureau of Reclamation; and that he would have to take the stand that no water rights were acquired by the United States, basing his position on the matter of intent.

With the approval of the Associate Solicitor, the writer spent August 15 to 17 at Kettle Falls and Ephrata, investigating the water right situation. The following report is offered:

Quantity and Quality of Blue Gulch Creek Water

Photographs 1 and 2 show the old Town reservoir on August 15, 1955, not more than a week after the probable peak of recreational travel. The water was 6 or 8 feet below the dam crest and relatively stagnant. Algae are shown in the water just above the intake valve in photograph 1.



1-Blue Gulch Creek Reservoir from Dam-August 15, 1955, intake valve in left foreground.



2-Blue Gulch Creek Reservoir between 200 and 300 ft. above Dam-August 15, 1955.

The cleared land, which is flooded in the spring, was firm at about 5 feet above the water, but a slippery mud below. The water appears to have stood at about the same level for some weeks.

Two float measurements were made of the flow in the inlet stream about opposite the writer in photograph 2, as follows:

	August 15	August 16
Width of stream	1.33'	1.67'
Depth of stream	0.25'	0.167'
Float distance	18.0 '	18.0 '
Time by stop watch	16 sec.	17 sec.
Flow	0.30 sec.ft.	0.236 sec.ft.

The Mayor of Kettle Falls, D. J. McLeod advised that the U. S. Geological Survey measured the flow about the spring of 1953 and that water flows over the dam in the spring. No records have been found in the Washington Office so an inquiry has been addressed to the District Engineer in Tacoma by letter of September 23. Mr. Orville Brown, who has been in charge of the water systems at the old and new Town sites, advised that the flow of Blue Gulch Creek always got low in the summer and the reservoir was kept full after 1930 by pumping from the well on the shore of the Columbia River.

Blue Gulch Creek was originally a tributary of the Colville River near the mouth of the latter and both streams now enter Franklin D. Roosevelt Lake a short distance apart. In the absence of continuous flow measurements on Blue Gulch Creek the following table (page 7) of flows of the Colville River at Kettle Falls are supplied for suggestive comparison. The gauge is about two miles above the mouth and does not include the flow of Blue Gulch Creek. However, the monthly variations in flow are probably comparable and the following conclusions may be derived:

1. The flow on August 15 is probably about 25% to 30% of the annual mean, and the average flow of Blue Gulch Creek is probably between 0.75 sec.ft. and 1.25 sec.ft., and most probably about 0.91 sec.ft.

2. The average flow, equal to all former firm rights of the Town, is probably exceeded from sometime in March until sometime in June.

3. That the Town may have pumped as much as 130 acre-feet of water during July, August and September, at an average of 1.5 acre-feet per day. Since the reservoir probably has a capacity of only about 6 acre-feet, there was almost daily pumping during the 3 summer months.

Flow of Colville River at Kettle Falls
(2 miles above the mouth)
In second-feet

	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Mean	Aug. 15
1948	146	179	173	155	209	310	880	1744	1035	467	258	181	479	253
1949	194	239	206	138	251	821	1326	842	305	132	93.5	94.8	387	99
1950	132	167	139	120	193	632	1019	1032	482	205	116	91.1	361	87
1951	157	233	305	495	727	883	1801	1098	388	184	113	129	538	114
1952	192	201	266	259	405	842	1878	1083	398	232	133	128	483	132
1953	124	156	122	196	338	270	448	1550	678	415	106	132	334	95
1954	114	138	171	163	180	479	377	630	456	264	69	129	286	67
Mean	151	188	209	212	329	568	1104	1140	535	271	108	126	410	121

Comparable Blue Gulch Creek Flow

0.334 0.415 0.463 0.470 0.728 1.258 2.441 2.521 1.183 0.600 0.239 0.275 0.907 0.268

4. There is probably sufficient water for all present water demands except in August, but the entire flow in July and August could be used by either the National Park Service or the private land owners outside of the Project Area, as hereafter suggested.

The water was relatively clear as it entered the reservoir, and had no particular odor. There was considerable green algae in the water in the reservoir, and the water was found to have considerable taste and odor when drawn from the pipe at the R. H. Hurst house about half a mile below the dam. This could probably be eliminated by cleaning out the reservoir and storing the limited summer water supply in a shaded or covered reservoir.

Land Status and Right-of-Way

The sketch at the close of this report, Water Systems, Old Kettle Falls Townsite, shows that the reservoir, dam, and upper portion of the pipeline are on the land of R. H. and A. G. Hurst, son and father. The pipeline then traverses approximately one quarter mile of lots of the old town site outside of the Project Area and a mile and a quarter of the Federal land in the Project, or Coulee Dam National Recreation Area. None of the pipe has been removed.

The deeds to R. H. and A. G. Hurst were examined at the county recorder's office and were found to convey no interest in the water system, or to recite any encumbering rights-of-way. Mr. Sax, the local abstractor advised that the pipeline right-of-way was condemned, and supplied references to Supreme Court Cases Nos. 1022 and 3504, which were examined in the office of the Clerk of the Court.

The judgment in Case 1022 was signed on May 6, 1899, and granted "right-of-way across Central Third Addition to the Town with ditches and aqueduct, and the right to build dam, lay pipe, repair same, and to take waters of Blue Gulch Creek, and to perform such other needed acts--------in accordance with ordinance No. 47 of the town and Sec. 1657 of Ballinger's Code of Washington as set forth in petition, and to have 'sarestary'(?) control of said water and creek". It also specified that there should be no damages.

Dan M. Richards and Sarah J. Richards were plaintiffs, and the Town of Kettle Falls was defendant in the Case No. 3504. The case was hard to follow but the following matters are significant:

Findings and Conclusions:

6. That George H. Smith was sole owner of Central Third Addition in 1899 Case.

7. Smith sold to F. A. Bigerton in 1906, Bigerton sold to Richards in 1908.

8. That Richards has continuously objected to defendant's appropriation and use of the land.

9. Richards never agreed to water system construction, and has objected.

10. Richards was formerly a laborer working on the water system for the Town.

11. Specific lands were not described in the condemnation.

12. Richards objects to enlarged reservoir as backing water over too much land.

The conclusions of the court were:

1. Plaintiffs are entitled to judgement quieting land title.

2. Defendant retains interference with plaintiff's land use.

Ordinance No. 47 of December 27, 1898, of the Town of Kettle Falls authorized a dam 200 feet long, above the old reservoir (of the hotel) and the laying of 3600 feet of 4 inch pipe to Belmont and Washington Streets.

A significant area of the original Town was located to the east of the taking line of the Project, as shown on the accompanying drawing. There were an appreciable number of lots and dedicated streets extending up the hill. At the present time, however, there are only a fringe of about 6 or 8 houses to the east of the taking line, most of which are shown in photographs 3, 4, 5, and 6, with one house about a block south of the house of A. G. Hurst as the most southerly, and the house of R. S. Buckley, the most northerly. There is a report, for which the writer did not find substantiating records in the County Recorder's Office that Mr. William Anderberg has purchased some old Town lots. However, the search of the County Records was not exhaustive because the information concerning that purchase was acquired later.

Mayor McLeod of the Town of Kettle Falls advised that the Town still owns 37 acres including springs on the headwaters of Blue Gulch Creek, above the properties of A. G. and R. H. Hurst.

The Town of Kettle Falls at the old site was "disincorporated" in 1946, according to the advice of Mayor D. J. MacLeod of the new Town. Since that date, the lot owners have been moving out as their water supply from Blue Gulch Creek failed.

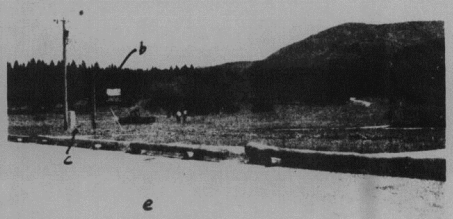
In his discussion with Acting Assistant Field Solicitor Robert A. Milne, in Ephrata, on August 17, the writer asked if the condemned right-of-way for the pipeline might not now be void because it was not used for the intended municipal water supply. Mr. Milne advised that he did not believe the right-of-way had become void but that more investigation would be needed to give a definite answer.

The condemnations showed the reservoir to be on the land of Dan M. Richards. The Mayor of the Town advised that Richards sold to Evert Smith, who in turn sold to Howard E. Root, who sold to Mayhew, who sold to A. G. Hurst. The county records showed that at least the portion of the land including the upper portion of the reservoir was conveyed to A. G. Hurst by D. Lee and Katherine M. Olson, as recorded at Page 238 of Book 130. It was also found at Page 243 of Book 150 that Richard H. Hurst acquired the land including the dam and most of the reservoir from the estate of Zelphin I. Frost on November 3, 1953, for $700. There was not time to make a thorough abstract and to reconcile records and reports.

Assuming that the National Park Service may use water from Blue Gulch Creek, it is evident that the acquisition of any necessary Federal title to an interest in the existing water system and right-of-way would be complex and probably expensive. The land of A. G. and R. H. Hurst was all patented on July 9 and 29, 1890, before the Act of August 30, 1890, in which rights-of-way for canals and ditches for the United States were reserved. The old Town site between the Hurst land and the Project Area was patented even earlier, on November 13, 1886.



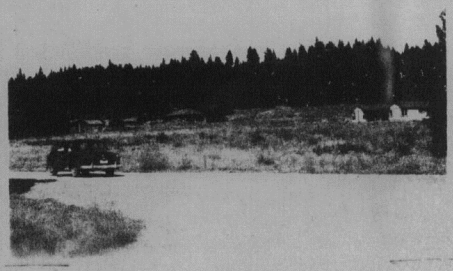
4-b. A.G. Hurst house.
e. NPS Well #2, at tank.
d. Marina bathhouse.
e. Marina parking area.
f. R. H. Hurst house (new).



3-a. Most southerly house.
b. A. G. Hurst house.
c. NPS Well #2 at tank.
d. Marina bathhouse.
e. Marina parking area.



6-g. House.
h. Most northerly house of Buckley



5-Houses between Hurst and Buckley.

Houses in Old Town site east of Project taking line.

Water System and Water Right Interests

In the Historical Introduction it was stated that the writer first assumed that the Town rights to Blue Gulch Creek were probably evidenced by only the construction of the water system. In the section on Land Status, a portion of Judgment in Case 1022 is quoted to show that the rights were actually decreed therein, without specifying the quantity of water. In the section on Quantity and Quality of Blue Gulch Creek Water, it has been stated that the measured flow on August 15 and 16, 1955, did not exceed about 0.25 sec.ft. It has also been stated that the Town always found the flow inadequate in late summer and replenished the supply after 1930 by pumping from its well on the shore of the Columbia River. It may be concluded that all waters of Blue Gulch Creek were appropriated after the period of spring flood flows.

The accompanying drawing shows an area of approximately 13 acres, largely on the land of A. G. Hurst, which has quite evidently been irrigated for quite a number of years, and probably since well before 1939. The area is shown as possibly extending on to the R. H. Hurst land but the writer did not look for the boundary line. Although the outlined parcel has an area of only about 13 acres, Mr. R. H. Hurst suggested that there were "probably between 15 and 20 acres under irrigation". In discussion with the Mayor and Mr. Brown, the writer asked under what terms the water had been supplied for irrigation and was told that the Town had supplied the water in consideration for the pipeline right-of-way. The writer was unable to find any justification for such water deliveries in the records of cases 1022 and 3504.

Mr. Brown also advised, on inquiry, that each resident of the old Town had irrigated a small area of lawn in front of his house, and some garden patches in the rear, about in the manner evident in August 1955 in the new Town. It is believed that my estimate of December 28, 1954, of an irrigation water demand of 1.0625 is probably twice the actual use, but that there was a real irrigation interest which became appurtenant to the land.

The deeds of June 22, 1939, to the United States and August 2, 1946, to Anderberg and Root have been quoted in the Historical Introduction as they relate to appurtenant rights in the conveyance of the Town water system. The United States, Anderberg and Root all seem to have been granted undefined interests. However, the Associate Solicitor Fisher has stated that the United States did not intend to acquire water rights. The Mayor advised that Anderberg has never used any water since he purchased lots outside of the Project Area, that Root has sold his interest in the pipeline to another, other than the Hursts, who does not exercise such rights, and that the Town did not intend to sell water rights to Anderberg and Root, in spite of the terms of the deed. It should be noted, too, that the Town still owns 37 acres on the headwaters of Blue Gulch Creek.

Water Use--August 15 and 16, 1955

The accompanying drawing shows all of the main Town pipelin from the Blue Gulch Creek diversion to the old Town well, now flooded So far as could be determined, none of the pipeline was ever removed, but the line was disconnected and plugged just beyond the R. S. Buckl y house. There appears to have been little or no maintenance on the li e from Blue Gulch Creek to the R. S. Buckley house. Those owners of lo s south of the Buckley house have continued to use water from the syste until deliveries failed because of pipe leakage.

Photographs 3, 4, 5 and 6 show most of the houses which hav obtained water from the system until quite recently. Mr. R. H. Hurst advised that R. S. Buckley had now abandoned such use and obtained his water from a spring in the hills behind his house. Mr. Hurst also expressed the belief that he and his father were now about the only ones using water from the pipeline. However, as shown on the drawing, the National Park Service has made a connection to the pipeline at the project boundary to provide irrigation water for the Marina Area.



(-Arrows show water emerging from sprinklers on waterline in Marina Area on August 16, 1955. Other sprinkler heads, not in use, can be found with magnifying glass.
a. House with same designation as shown in photograph 3.

Photograph 7 shows five sprinklers operating with water from Blue Gulch Creek on August 16, 1955. On inquiry, the Superintendent advised that he had obtained the permission (presumably not in writing) this spring to tap the pipeline. The Park Service connection is definitely below any laterals to any Hurst property, but above probable laterals to houses shown in photographs 5 and 6. No Federal permission

appears to have been obtained from Anderberg and his co-owner of the pipeline. From the preceding discussion, the following water demand or use is estimated, there being reduced pipeline losses when Park Service drains pipe for Marina irrigation:

	August 1954	August 1955
Irrigation 13 acres of Hurst land	0.1857 s.f.	0.1857 s.f.
Irrigation of 7 residences	0.0350 s.f.	
Irrigation 4 residences		0.0200 s.f.
Domestic use at 3 residences		0.0012 s.f.
Domestic use at 8 residences	0.0031 s.f.	
Irrigation of Marina lawn		0.0666 s.f.
Pipeline losses	0.0762 s.f.	0.0265 s.f.
Average Early August Flow	0.3000 s.f.	0.3000 s.f.

The Changing Picture

Mayor McLeod advised that Anderberg has never claimed the pipe and that he only claimed the right-of-way. The opinion was expressed that Anderberg had bought the pipeline with the idea of resale to the property owners or the United States. Messrs. McLeod and Brown were also quite certain that Anderberg, Root, and other land owners, such as the Buckleys, had been hoping that the United States would reconstruct the pipeline. All of this suggests that the United States may have to pay an exorbitant price if it assumes any interest in the old Town water system or water rights.

The Hursts are relative newcomers, but R. H. Hurst suggested the need for cleaning the reservoir and repairing the pipeline and A. G. Hurst has evidently welcomed some Federal use of water. In talking with R. H. Hurst, it was learned that his new house was being constructed with the idea that it might be rented rather than occupied by him. The writer was quick to note that a row of similar new houses on the adjacent private land would all have excellent views of the lake and be near the boating and bathing facilities at the Marina Area. Their construction would materially increase the present water demand from Blue Gulch Creek

Alternative Water Supplies for Kettle Falls Marina Area

National Park Service Well No. 1, with 12" casing, in the campground at northern end of the area, was drilled to a depth of 95 feet in 1952 as the first source of water for the Development. A. A. Dunlap of Warden, Washington, was the well driller. The pump unit was completed in January 1954, including a 1500 gallon pressure tank and Pumona Turbine Pump No. MP-2007, with average capacity of 66 gpm during 1.5 minute pump runs, and electric motor. The top of well is at elevation 1296.5 and the water bearing aquifer is from

elevation 1268.5 to 1257.5, resting on impervious clay. The well was pumped dry and refilled in 200 minutes on June 17, 1954, giving average well yield of 54 gpm. The well goes dry when water level in Franklin D. Roosevelt Lake falls below elevation 1258, indicating that the Lake is the source of supply. The drill hole from elevation 1257.5 to 1201.5 was impervious clay of unknown total depth.

National Park Service Well No. 2 was drilled to depth of 50 feet, about 200 east of the bathhouse, and 650 feet from shore of the Lake during 1955 and the pump installation had just been completed on August 15, 1955. No well driller's report has been received. The well is equipped with pressure tank of about 310 gallon capacity, and Jetomatic Pump No. 515-1014-5 (Gould Pumps, Inc.), and 5 HP GE motor, and was reported to deliver 50 gpm without appreciable drawdown in well. The intent, in this case, has been to obtain a well which will only be used when the water level in Franklin D. Roosevelt Lake is at stages annually found during the summer tourist season, or between elevations 1268 and 1290.

It would also be possible to pump directly from the Lake. The supply for the new Town of Kettle Falls has been obtained from that source since 1943 under Water Right Application No. 5885, Permit 3734. Mr. Brown advised, however, that it was extremely difficult to prevent freezing in the exposed portion of the pipeline to the floating pump unit. A test well was being drilled in the Town on August 15 and 16, 1955. At the Marina Area there is evidently considerable shallow water, such that the pump unit would have to be well out into the Lake, or located off the Island or northern campground area.

The Superintendent suggested that the wells would supply all Marina Area water needs except for a short period in the spring when there should be irrigation before the water level of Franklin D. Roosevelt Lake rose to elevation within 20 feet of the dam crest at 1268. For all practical purposes, the wells would begin to yield some water when the water level in the Lake reaches elevation 1258, but the percolation is probably slow when the water level is between 1258 and 1268. The following table gives water levels in the Lake since the first filling, and shows that wells should probably be adequate for recreation and irrigation needs from sometime in June to sometime in February. (See table page 16)

Blue Gulch Creek can evidently supply the Federal needs when the wells are inadequate, for irrigation purposes. The one problem is whether that source would be suitable for the domestic needs of the Ranger, when Federal quarters are provided at the Marina Area, and for some spring visitors. That depends on the

Water Levels First Day of Month
Franklin D. Roosevelt Lake
(8 A.M.)

	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Maximum	Minimum
1941-42	1295.6	1296.4	1292.4	1242.9	1243.0	1242.7	1239.8	1245.4	1266.8	1284.8	1288.0	1289.7	1290.3 7/17	1236.6 4/12
1942-43	1286.9	1286.5	1287.0	1285.4	1284.2	1285.4	1286.3	1288.6	1289.8	1290.2	1289.9	1290.0	1290.3 6/26	1284.0 1/27
1943-44	1290.3	1290.0	1286.6	1285.7	1274.8	1267.3	1259.4	1269.7	1288.9	1289.9	1289.9	1289.8	1290.3 7/14	1259.3 4/5
1944-45	1290.2	1287.6	1286.3	1280.0	1276.6	1276.3	1278.1	1283.3	1290.2	1290.0	1289.8	1289.8	1290.3 6/3	1275.8 3/10
1945-46	1286.7	1286.5	1286.4	1286.4	1286.3	1286.7	1288.4	1289.9	1289.7	1289.4	1289.7	1289.5	1290.0 5/7	1286.1 2/12
1946-47	1286.8	1285.9	1286.9	1287.8	1287.6	1287.5	1286.7	1286.9	1289.8	1289.7	1289.8	1287.6	1289.9 7/16	1285.5 11/18
1947-48	1287.7	1289.8	1289.9	1289.3	1286.7	1282.5	1281.1	1288.7	1289.9	1289.9	1289.9	1289.9	1290.2 5/12	1279.1 2/16
1948-49	1289.8	1288.8	1288.3	1285.8	1281.1	1278.4	1283.7	1284.6	1289.4	1289.9	1287.0	1287.7	1290.1 6/7	1277.0 2/21
1949-50	1287.1	1285.8	1286.3	1285.0	1275.1	1271.3	1279.4	1278.9	1274.1	1289.4	1289.9	1289.7	1290.2 7/10	1270.4 2/16
1950-51	1287.8	1288.0	1287.1	1287.2	1285.2	1286.6	1282.0	1284.8	1289.0	1289.8	1289.8	1287.9	1290.0 7/9	1281.8 3/27
1951-52	1288.1	1287.8	1284.8	1278.3	1260.0	1249.5	1227.6	1265.0	1280.1	1289.9	1289.7	1287.8	1289.9 6/28	1225.0 4/8
1952-53	1287.5	1286.7	1285.6	1277.6	1275.9	1267.3	1244.9	1229.7	1280.4	1289.9	1289.9	1289.6	1290.2 6/30	1225.7 4/25
1953-54	1287.0	1286.8	1286.7	1283.8	1268.3	1262.2	1258.4	1272.5	1275.3	1280.2	1289.9	1290.0	1290.1 9/3	1255.6 4/8

future condition of the water diverted from Elue Gulch Creek. A small diversion structure above the existing reservoir, possibly on the 37 acres of Town land, with limited storage at the place of use, would be most desirable for domestic purposes. However, this would probably be protested on the grounds that it would take administrative control to prevent diversions detrimental to the lower appropriators, and those lower appropriators would lose the one opportunity to obtain the assistance of the United States in constructing a new, jointly financed water system.

Summary

The first observation was that the flow of Elue Gulch Creek in August was too small for controversial division between the United States and others. After passing through the reservoir, it was also an uninviting source of domestic supply, but its condition was largely due to reservoir and watershed neglect. The water system needs complete replacement and its present value is entirely in rights-of-way and rights.

Except for a period of a few months in the spring, the water for the Marina Area can be obtained from shallow wells. There seems to be no justification for attempting to resolve the confused interests in the old Town water system, but it would be advantageous for the Supervisor of the State Division of Water Resources to determine the extent of valid rights to Elue Gulch Creek before new water uses become confused with those of the past.

The National Park Service can develop an irrigation water supply from Elue Gulch Creek for spring use under its Application No. 18793, if the later is further amended, but diversion should not be from the old Town reservoir, and independent rights-of-way across the Hurst tracts should be obtained.

A. van V. Dunn
Chief, Water Resources Section

00-00-0000: memorandum to: superintendent from: acting assistant director, subject: water rights; 1955

L54-L

Office of
Chief, Western Offic
Div. of Design and Con
AUG 16 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

Air Mail AUG 11 1955

Memorandum

To: Superintendent, Coulee Dam

From: Acting Assistant Director

Subject: Water Rights for Kettle Falls Recreational Development, Including Waters of Blue Gulch Creek, Coulee Dam Recreation Area

Application 12793 and two petitions for amendment of old rights of the town of Kettle Falls, to ground waters and the waters of Blue Gulch Creek for the Kettle Falls Marina, were discussed on the morning of August 10 by the following:

1. Mr. Edward W. Fisher, Associate Solicitor, Division of Reclamation and Power, Office of the Solicitor;

2. Mr. Donovan S. Koontz, Attorney, Branch of Reclamation, Division of Reclamation and Power, Office of the Solicitor;

3. Mr. Harry K. Sanders, Attorney, Branch of National Parks, Division of Territories, Wildlife and Parks, Office of the Solicitor;

4. Mr. A. van V. Dunn, Chief, Water Resources Section, Branch of Lands, Division of Operations, National Park Service.

Mr. Dunn explained that the application had very little value when most needed, as claiming only unappropriated water or water not used under valid senior rights. He also explained that the petitions were filed on the basis of available information which suggested the United States might have title to part of the valid senior rights which seem to consititute full application of the waters of Blue Gulch Creek; to salvage such Federal rights if possible, and as a reply to the protests of Messrs. Anderberg, Root and others, to the original application 12793 before it was amended.

Mr. Dunn also pointed out that the alternatives, to obtain an adequate water supply, would be: (1) Proof that some of the senior rights had lapsed, including parts now claimed by Federal petitions or those of private interests. (2) The purchase of part of the rights of Anderberg and Root at a high price; or (3) The installation of an expensive unit to pump water from Franklin D. Roosevelt Lake. He also

pointed out that he considered his estimate of 0.93 sec. ft. in the petition for amendment of old rights to Blue Gulch Creek to be approximately twice the Park Service needs, and that he was aware of the need for purchase of interests in the Anderberg-Root diversion works, even if the act of August 30, 1890, were exercised for right-of-way before any Park Service developments were made as contemplated. He expressed the opinion that he could probably arrive at a mutually acceptable definition of the required Federal rights, if any, with half the claimed quantity of water to waive, and certain compensation to be paid for the joint use of the old town diversion works.

Mr. Fisher advised that he would have to take the stand that no water rights were acquired by the United States, basing his position on the matter of intent. The Bureau of Reclamation did not specifically attempt to acquire the water rights with the water system, and it divested itself of the means for their use in reconveying the pipe for salvage in the bill of sale to the town as tract 2660 under invitation for sale, dated July 26, 1939.

Mr. Fisher concurred in Mr. Dunn's resulting proposal to investigate the extent of existing use, or possible lapse of part of the old town rights, and the possibility of working out equitable rights to Blue Gulch Creek on the basis of available unappropriated water, or by possible purchase, and to have the Western Office of Design and Construction prepare estimates of costs of alternative diversions from Franklin D. Roosevelt Lake. He also recommended that Mr. Dunn call on Mr. Milne or Mr. Paul Lemargie at Ephrata. All of these investigations should, of course, be completed before we officially withdraw the two petitions.

Accordingly, Mr. Dunn will arrive at Spokane on Northwest Airline Flight 1 at 5:20 p. m. August 14, and has confirmed reservation at the Davenport Hotel for that night. He has also arranged to leave Spokane on Northwest Airline flight 605 at 1:50 p. m. August 18, instead of in the morning, in order to assure three full days, if needed, for the work.

Please be sure that you, or your representative, have your assemblies of Dockets 3 and 4 when meeting Mr. Dunn.

(SGD) LON GARRISON

Acting Assistant Director

In duplicate

Copy to: ✓ WODC
Director, Region Four
Mr. E. W. Fisher
Mr. Dunn

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[illegible] - 8/13/55

154-L

Office of
Chief, Western Office
Div. of Design and Const.
JUL 5 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

June 29, 1955

Memorandum

To: Acting Assistant Solicitor, Parks

From: Chief, Water Resources Section

Subject: Letter of March 18 to Hugh Peyton, Superintendent, from Robert A. Milne, Acting Assistant Field Solicitor, Concerning Water Rights for Kettle Falls Recreational Development, Coulee Dam National Recreation Area

As suggested in your note of June 21, your Docket Room copy of the subject letter is the first comment we have received from the Field level since we filed water claims in December and January. It raises new questions but supplies very little of the information which the Superintendent was requested to obtain from the Project Manager at Coulee Dam. It seems to indicate why the Superintendent has not followed the March instructions to advertise the water claims.

The letter suggests that the following action should be taken at once, for reasons hereafter given:

1. The National Park Service should instruct the Supervisor, State Division of Water Resources, State of Washington, and the Superintendent to suspend action on compliance with state water laws until the interbureau interests are resolved, but I prefer to have a reply from the Superintendent before writing to the Supervisor.

2. The opinions in the letter of March 18 from Mr. Milne, should be reconsidered on the basis of the following discussion.

3. This Service should obtain the case file on the Federal sale of water system for salvage under contract of August 9, 1939, which I will handle.

4. The Bureau of Reclamation should supply its administrative comments on the correspondence and filings of this Service, in accordance with our memoranda of January 13 and February 3 to the Regional Director.

The initial Water Right Application 12793 for the appropriation of water from Blue, or Blue Gulch, Creek was filed in incomplete form and without regard to senior water claims on February 19, 1954. It was protested by owners of part of the older rights of the Town of Kettle Falls. When word of these actions was received in Washington, we obtained permission from the Supervisor, State Division of Water Resources, to study the problem during the rest of the year and file answers by January 1, 1955. As Mr. Sanders, and possibly you know, the Field staff did not make the requested investigations, and this office had to obtain records from Denver through the Washington Office of the Bureau of Reclamation after December 17, 1954, and file the following instruments with the state in some haste:

1. Amended Application 12793 to claim only the residual flow of Blue Gulch Creek when senior appropriators do not exercise their full rights.

2. Petition for change in place of withdrawal of groundwater under apparent Federal interests in the old Town water rights.

3. Petition for change in place and purpose of use of waters of Blue Gulch Creek under apparent Federal interests in old Town water rights.

In submitting items 2 and 3 to the Supervisor, it was pointed out that the Deed of June 22, 1939, appeared to convey undefined rights with the portion of the Town water system below elevation 1310 to the United States, and the Deed of August 2, 1946, appeared to convey the portion of the pipeline above elevation 1310 and such other appurtenant interest and rights as the Town still had to William Anderberg, Howard E. Root and Clara L. Root, and the relative rights would have to be defined this summer. Copies of all instruments were sent to the Superintendent for the Project Manager, on January 13, with the request that concurrence or comments be obtained from the Bureau of Reclamation. The applications were accepted by the State Division of Water Resources and notices were sent to this office for publication with a letter of February 9, and forwarded to the Superintendent with a memorandum of February 15. We have been unable to learn whether the notices have been published, and Mr. Milne's letter is the first evidence that the Bureau of Reclamation has received some of the intended records. If the claims have not been advertised, such action should now be deferred until the wishes of the Bureau of Reclamation are clarified.

Mr. Milne offers the new information that the pipeline below elevation 1310 was resold to the Town for salvage under contract of August 9, 1939. We should like to obtain a copy of the deed under that contract before offering final comments. There should be a distinction between the sale of part of the water system with appurtenant rights to the United States, and the mere sale of pipe, in place, for salvage. The latter would probably not include reconveyance of appurtenant water rights, rights-of-way, licenses, and franchises.

Mr. Milne also questions whether the National Park Service could relate its appropriation to the Town appropriations of 1900 and 1930 in 1955, pointing out that rights lapse after five years of nonuse under the state water laws, and that only rights for irrigation would be appurtenant to the land where used. Despite the law, the Supervisor, and the State Engineers administering the laws of most other states, make reasonable allowance before enforcing laws relating to lapse of rights. They have to do so in the cases of small appropriators who do not retain legal counsel because the small rights would be in constant jeopardy otherwise. Accordingly, by letter of June 28, 1954, it was the Supervisor who suggested "your Department can no doubt hold claim to a share of this supply (Blue Gulch Creek) in the proportionate amount which corresponds to that portion of the property of the Town of Old Kettle Falls to which you now have title."

The records indicate that:

1. By letter of October 8, 1938, to the Secretary, the Acting Commissioner of Reclamation stated "there are unexplored reuse values" appurtenant to the water system and that " out right purchase (of the whole system) may require the Government to assume numerous obligations of continuing the operation."

2. The deed to the water system was dated June 22, 1939, but final acceptance was probably later, and we have found no record of prior declaration of taking.

3. The Town was obligated to maintain and operate the system until at least the end of the school year in 1939 as part of the purchase contract.

4. The National Park Service was delegated to investigate, plan, and develop the recreational facilities under agreements between that Service and the Bureau of Reclamation which were approved by the Assistant Secretary on September 5, 1944, and August 9, 1945, respectively.

Mr. Milne offers the new information that the pipeline below elevation 1310 was resold to the Town for salvage under contract of August 9, 1939. We should like to obtain a copy of the deed under that contract before offering final comments. There should be a distinction between the sale of part of the water system with appurtenant rights to the United States, and the mere sale of pipe, in place, for salvage. The latter would probably not include reconveyance of appurtenant water rights, rights-of-way, licenses, and franchises.

Mr. Milne also questions whether the National Park Service could relate its appropriation to the Town appropriations of 1900 and 1930 in 1955, pointing out that rights lapse after five years of nonuse under the state water laws, and that only rights for irrigation would be appurtenant to the land where used. Despite the law, the Supervisor, and the State Engineers administering the laws of most other states, make reasonable allowance before enforcing laws relating to lapse of rights. They have to do so in the cases of small appropriators who do not retain legal counsel because the small rights would be in constant jeopardy otherwise. Accordingly, by letter of June 28, 1954, it was the Supervisor who suggested "your Department can no doubt hold claim to a share of this supply (Blue Gulch Creek) in the proportionate amount which corresponds to that portion of the property of the Town of Old Kettle Falls to which you now have title."

The records indicate that:

1. By letter of October 8, 1938, to the Secretary, the Acting Commissioner of Reclamation stated "there are unexplored reuse values" appurtenant to the water system and that " out right purchase (of the whole system) may require the Government to assume numerous obligations of continuing the operation."

2. The deed to the water system was dated June 22, 1939, but final acceptance was probably later, and we have found no record of prior declaration of taking.

3. The Town was obligated to maintain and operate the system until at least the end of the school year in 1939 as part of the purchase contract.

4. The National Park Service was delegated to investigate, plan, and develop the recreational facilities under agreements between that Service and the Bureau of Reclamation which were approved by the Assistant Secretary on September 5, 1944, and August 9, 1945, respectively.

5. Planning for the Kettle Falls development started at a date not yet determined, but the new well was actually completed on August 6, 1952, and the well and water system were not the first part of the Kettle Falls development. I believe that the important dates, for diligence under the water laws are that the U.S. did not gain title to the Town system until late June 1939, it authorized the development which might use the appurtenant rights under agreement with the National Park Service five years and two months later, on September 5, 1944, and there has been progressive development since five or six years thereafter.

It is true, as Mr. Milne states, that only rights for irrigation would attach to the land. For that reason, one of the aforesaid petitions was for change in place and purpose of use, and the quantity of water was estimated by measuring probable lawn areas on the map of the old Town site, and claiming only the portion of the water which might reasonably be used for irrigation by hose. The quantity of water thus obtained, is about twice the amount which will probably be needed for the development, but the petition is to change the purpose of use of the entire amount with the idea that the quantity may be reduced on the basis of a field inspection this summer, the limits fixed by the new Park Service water system design which has not yet been completed or supplied to this office, and by an equitable negotiation of interests with the other water claimants.

Mr. Milne appears to speak for the Bureau of Reclamation and suggests that this Service should obtain no rights except by new appropriations, and that it should probably help subsidize the Reclamation Project by obtaining water from Franklin D. Roosevelt Lake, either by direct pumping or by pumping from the higher ground water level which the Lake has created. The first attempts have been to obtain well water, presumably with the knowledge of the Bureau, and with no attempt to file a water right application when it was drilled in 1952.

However, the well has not proved adequate, and any other well or pumping from the Reservoir will be more expensive than a gravity supply from Blue Gulch Creek. Accordingly, the petition for change in point of withdrawal of groundwater is largely to retain any Federal rights which may exist until their ultimate disposition is determined, and in so doing, to validate such use of groundwater as is being made. This petition, and the one for change in place and purpose of use of water from Blue Gulch Creek were also offered as a reply to the protests of Application 12793.

Copies of all claims have been sent to the Superintendent for Bureau approval, comments, and suggestions as to possible fees if Reservoir water is used. In submitting copies of the petitions to the Superintendent by memorandum of January 13, he was requested to determine whether the Bureau wishes to claim any water under either Town right in excess of the Park Service needs. Mr. Milne suggests that the United States may have no rights for either Bureau to claim, but that depends on what was resold to the Town.

Assuming that the National Park Service determines, as it has suggested, that the Blue Gulch Creek source is the desired one, it should be evident that the United States cannot establish adequate rights by a new filing unless it proves that an equivalent part of the old Town rights have lapsed and not been subsequently claimed by Mr. Anderberg and the Roots. I believe that any other adequate Federal rights to that source would have to be purchased from Mr. Anderberg and the Roots, and would cost considerably more than the amendment of Federal interests in the Town rights, as petitioned, if such Federal interests can be established. Moreover, the United States will definitely have to obtain new right-of-way from the Project boundary to the source for a system constructed under a new water right, such as Application 12793, but may retain, or be able to re-establish necessary access in proposed action to segregate Federal and private interests in the old Town water rights.

Mr. Milne seems to have overlooked the fact that we are dealing with local rights on Blue Gulch Creek which are largely claimed by those who have protested the original Federal Application 12793. The Bureau of Reclamation is not concerned with local rights. A lapsed private right or abandonment of those local rights which it has acquired, makes that much more unappropriated flow to the Lake where it can be picked up for the Project. In contrast, the Park Service must reconcile its claims with the valid local senior rights if it uses any source except the waters of the Lake itself.

It is also significant that the Town of Kettle Falls filed an entirely new claim to waters of the Columbia River for the system serving the new townsite, under Application 5885 of August 16, 1943, on which State Water Right Permit 3734 has been granted for only 0.34 sec.ft. of water (1/3 of National Park Service claim to Blue Gulch Creek). If the Town reacquired the rights from the Bureau of Reclamation in 1939 and did not sell any rights to Anderberg and the Roots until 1946, it is strange that it did not attempt to change the point of diversion of its earlier rights at that time.

It seems most probable to me that the United States does have partial rights to groundwater and the flow of Blue Gulch Creek. It may be that the Bureau does not wish to permit the Park Service to exercise them, although it seems to wish the Service to use that much water for the recreational development. Accordingly, I believe that Mr. Milne's opinions should be reconsidered before they result in needless loss of Federal water rights.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four, with copy of letter of March 18
Superintendent, Coulee Dam
Western Office of Design and Construction, with copy of letter of March 18

00-00-0000: dear mr. payton: you have requested my review of the status of water rights...

Ephrata, Washington

March 18, 1955

Mr. Hugh Peyton, Supervisor
Coulee Dam National Recreation Area
Coulee Dam, Washington

Dear Mr. Peyton:

You have requested my review of the status of water rights, both existing and proposed, in connection with the Kettle Falls recreational development.

I understand the development plans contemplate a lodge, cottages, housekeeping cabins, a ranger station, campground sites, comfort stations, restaurant, lawn areas, etc. The ultimate water requirement will exceed 5,000 gallons per day and may approach several times that quantity.

An effort is being made by the Park Service to relate its appropriation to previous appropriations--one with priority date of 1900, and one with priority date of 1930, which were made in connection with the Kettle Falls water system. The claim of the priorities of 1900 and 1930 is based upon the presumed fact that certain water rights were appurtenant to property acquired by the United States for Franklin D. Roosevelt Lake, and that such rights exist unimpaired to the present time.

The Kettle Falls water system consisted of a reservoir located on Blue or Blue Gulch Creek 1-1/2 miles distant from the Town post office which was supplemented by a pump on the Columbia River. The reservoir was small and the pump was capable of delivering 500 g.p.m. from a well on the river bank. The system had 18 fire hydrants, 132 service connections, a substantial quantity of various kinds and sizes of pipes and valves. The dam and reservoir were not acquired by the Bureau when it acquired the Kettle Falls water system, and they are mentioned in the appraisal report thereon for the purpose of evaluating the amount of severance damage. While the pump and shelterhouse were acquired, the transaction made no mention of acquiring the land on which the same were situated. (The deed in the appendix prepared by Mr. Dunn relied on as giving United States title to Holly Addition, appears to pertain to other lands.)

By conveyances above mentioned, the Bureau did not inter[illegible] and probably did not accomplish the acquisition of any water rights.

Whether or not a water right is appurtenant to and transferred with a water system or a parcel of land is a question of fact ordinarily. The chief factor in reaching a determination turns on whether the water right is to be used specifically for the benefit of the parcel of land in question. In case of irrigation there is seldom a doubt as regards such use, but in the case of other uses such as domestic, fire protection, street cleaning, industrial or commercial type uses such doubt does exist and requires a showing of a specific intention to transfer the water right in order for it to be included in the transaction. As indicated above, the Bureau was acquiring only a portion of the Town water system and it was planning to allow the Town or someone to salvage the portion of the system so acquired. No acquisition of water right was intended as it was sufficient for the Bureau's needs merely to acquire the right to utilize the property involved for reservoir purposes. Inasmuch as it was contemplated that the dam and reservoir belonging to the Town would be retained by it and the system would be salvaged and used elsewhere in connection with the relocation of the Town, it is doubtful whether any right to waters impounded by the dam and reservoir passed to the United States in the transaction.

In connection with the well and pump, it appears that the pump and shelterhouse were removed and sold to the Town for installation elsewhere. After such removal the site was acquired in a condemnation action which made no mention of any water rights. As a matter of fact, the Bureau was very careful to have the pump and shelterhouse removed prior to instituting the action in order to forestall any claim by the condemnee of value based upon the well and pump or rights therefor. In any event, the old well was located a considerable distance from the proposed Park Service well site and where it previously tapped a natural underground water supply, the water supply which the new well will tap is an artificially stored ground water supply. Consequently, it does not appear that transfer of point of use is possible within the statutory requirement that a change of point of use to a new well must tap the same body of public ground water as the original well.

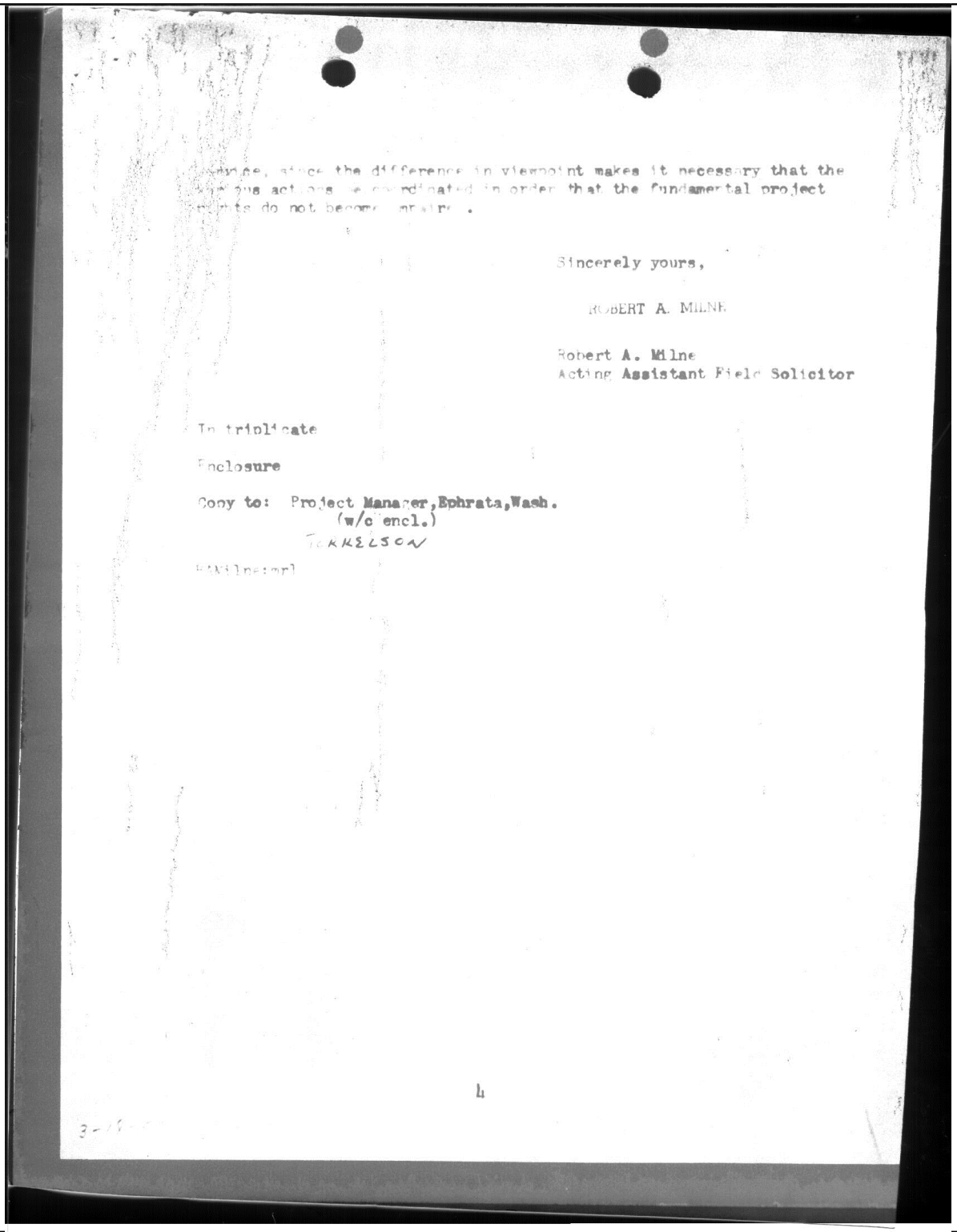
In its analysis of the Kettle Falls water rights, no consideration appears to have been given by the National Park Service to the fact that all improvements including any water rights were usually disposed of by the Bureau of Reclamation as they were acquired. By a sales contract dated August 9, 1939, the water system was sold to the Town of Kettle Falls for salvage. In a letter to Mr. John T. Raftis, Attorney, dated June 24, 1946, the Bureau's Supervising Engineer commented on the effect of the sales transaction. A copy of said letter is enclosed.

Another point which has not been considered is the discussion still under way with the Department of Conservation and Development and the irrigation districts by which the United States will establish claims to artificially stored Columbia Basin Project ground waters. It is becoming apparent that the construction, operation and maintenance of the project has materially enhanced ground water storage in certain areas of the project including areas adjacent to reservoirs, and it appears possible for the United States to establish rights to such stored water by following statutory procedures. The procedure consists of designation of a ground water area by the Supervisor of Water Resources and thereafter a declaration of claim by the United States. Up until the present time, however, the Supervisor of Water Resources has refused to designate ground water areas within the Columbia Basin Project area on the ground that there is a large surplus of water in this area rather than a shortage or a likelihood of shortage. Discussions and negotiations are in such a state that representations by the United States as regards uses of water in the project area must be consistent.

Attention should also be directed to R.C.W. 90.44.190 relating to abandonment of right. This section provides that where a ground water right has remained in a state of nonuse for a period of five years, the right is presumed abandoned. Inasmuch as the rights to which relation is claimed were acquired in 1939 and a period substantially in excess of five years expired before any use thereof was made, it would appear that the ground water rights at least have been abandoned.

For the foregoing reasons, it would appear that if the National Park Service contemplates any action in connection with the obtaining of water rights for the Coulee Dam National Recreational Area other than the filing of applications for permits to appropriate water and subject to the Bureau's withdrawal from Franklin D. Roosevelt Lake, such actions should be coordinated with the Columbia Basin Project prior to action being taken thereon. This will permit the project officials to examine their records and determine whether priority claims are consistent with past and proposed actions by the project.

The Bureau has previously taken the position on more than one occasion that the simplest and best procedure for the National Park Service to follow in obtaining the water rights it requires for its development of the recreational area would be to initiate new applications without any attempt to establish a relation with water rights obtained or acquired by the Bureau of Reclamation. It is regrettable that this view is not shared by those having responsibility for initiating and obtaining water rights on behalf of the Park



...ance, since the difference in viewpoint makes it necessary that the ...ous actions be coordinated in order that the fundamental project ...ghts do not become impaired.

Sincerely yours,

ROBERT A. MILNE

Robert A. Milne
Acting Assistant Field Solicitor

In triplicate

Enclosure

Copy to: Project Manager, Ephrata, Wash.
(w/c encl.)
TERRELSON

RAMilne:mrl

3-18-

00-00-0000: water rights, dockets 3 and 4; 1955

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR - 1 1955

February 25, 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	3/1
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
X Manley	BFM	3/2

Memorandum

To: Superintendent, Coulee Dam

From: Chief, Water Resources Section

Subject: Water Rights, Dockets 3 and 4, Kettle Falls Area, Coulee Dam

Attached are a copy of a letter to the State Supervisor, Division of Water Resources, and five reprints of Drawing NRA-CD-6950. Three of the prints should be distributed to the Bureau of Reclamation and Messrs. Anderberg and Root, with an explanation of correction in tie between the wells to agree with notices being published and a suggestion that the old prints be destroyed and marked superseded.

We are placing one print in Docket 3 just above the bottom map, Drawing A-1684 by the Bureau of Reclamation. We are placing the other print at very bottom of Docket 4 and marking the old print in that docket:

✓ Done
✓ BFM 3/2

"See revised print (tie from old to new well corrected) at bottom of assembly 2/25/55."

With copies of this memorandum and two prints each, the dockets in your office, Region Four, and the Western Office of Design and Construction, should be made to conform with our assemblies.

[SGD.] A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Attachments 6

Copy to: Regional Director, Region Four, with attachments
Western Office of Design and Construction, with attachments

00-00-0000: re: application 12783 and two petitions to amend former rights of town of kettle falls; 1955

In reply refer to:
L54-L

February 25, 1955

Mr. M. G. Walker
Supervisor, Division of Water Resources
Department of Conservation and Development
Transportation Building
Olympia, Washington

Re: Application 12783 and two petitions to amend former rights of Town of Kettle Falls, Coulee Dam National Recreation Area

Dear Mr. Walker:

In checking the notices of petitions to (1) change place of withdrawal of ground water; and (2) place and purpose of use of water at old site of Town of Kettle Falls, we noted that Mr. Russell had picked up an error in scaled distance between the old and new well, and substituted a computed tie based on the relation of the two wells to the SE Cor. Sec. 26. We checked the computations and have corrected the supporting Drawing No. 6950.

We submit four prints of the drawing with the tie between wells changed from 750 feet to 2590 feet. This will provide one print for your copies of each petition and Application 12793, and one copy for the Division of Fish and Game. We are sending prints to the Superintendent at Coulee Dam for distribution to the Bureau of Reclamation, and Mr. Anderberg and Mr. and Mrs. Root, who have part interest in the old Town water system.

Sincerely yours,

EDWD. A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Enclosures 4

Copy to: Regional Director, Region Four, detached
Superintendent, Coulee Dam, detached
Western Office of Design and Construction, detached

In reply refer to:
L54-L

Crowley
Smith

February 21, 1955

Memorandum

To: Chief, Division of Design and Construction

From: Supervising Engineer, Western Design Office

Subject: Water Rights, Kettle Falls Marina Area, Dockets 3 and 4, Coulee Dam

Mr. Allen's February 3 memorandum to the Regional Director, Region Four on the subject requests this office to review the estimated demand as related to the old Blue Gulch water system, a possible supply for the Kettle Falls area.

An estimate made in this office was less than the 0.93 second feet estimated by Mr. Dunn, but his figure is satisfactory since attendance and the area to be irrigated are subject to such wide difference of opinion.

We understand the figure of 2.0 second feet was used in the early discussions and was "picked out of the air" in order to have an outside figure. It apparently has little significance now.

(Sgd.) Percy E. Smith

P. E. Smith
Supervising Engineer

Copy to Regional Director, Region Four
Superintendent, Coulee Dam

HLCrowley/ad

FILE COPY

00-00-0000: enclosed are notices of publication pertaining to the petition for change of place of withdrawal of ground water and ch

C
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P
Y

STATE OF WASHINGTON

Department of Conservation and Development
Olympia

February 9, 1955 Coulee Dam

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

Re: L54-L

Attention: Thomas J. Allen
Assistant Director

Dear Sir:

Enclosed are notices of publication pertaining to the petition for change of place of withdrawal of ground water and change of purpose and place of use of surface water. Each notice should be published once a week for two consecutive weeks (two publications) in a newspaper of general circulation published in Stevens County, Washington, as provided in Chapter 275, Laws of 1953. Such a paper should have general circulation in the locality where the water is to be withdrawn and used.

To assure accuracy, it is the responsibility of the applicant to check the notice over carefully before having it published. After publication, kindly send the affidavit of publication to this office.

Our letter of January 19, 1955 stated that we were enclosing purchase order and vouchers which were not necessary at that time. We find that the enclosure was not made and we are enclosing them herein.

Very truly yours,

DIVISION OF WATER RESOURCES

/s/ Robert H. Russell
ROBERT H. RUSSELL
Assistant Supervisor

01-00-0000: attached are 3 copies of the letter of january 19 from mr. m. g. walker and our reply

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
FEB 9 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer
See memo
L54-L
2-21-55
Ls Chrysl & Co

FEB - 3 1955

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Kettle Falls Marina Area, Dockets (3) and 4, Coulee Dam

Attached are three copies of the letter of January 19 from Mr. M. G. Walker, Supervisor, State Division of Water Resources, and our reply. Please have the word "Diversion" deleted, and the word "Withdrawal" inserted in the title of the copies of the Petition which were distributed with our memorandum of January 13, at least in your office, the Recreation Area, the Bureau of Reclamation at Coulee Dam, and the Western Office of Design and Construction. We are sending copies of letter of January 19 and our reply directly to the WODC. Will you please see that distribution is made to the Recreation Area and the Bureau of Reclamation at Coulee Dam.

We are very gratified to learn that the amended Application 12793 and two petitions have been accepted with the one change. The two petitions establish tentative Federal rights to part of the water of Blue Gulch Creek with priority of 1900, equal to the priority of Messrs. Anderberg and Root; and to ground water under the State laws in effect before 1945, with priority of 1930. Amended Application 12793 establishes a Federal claim to unappropriated and residual flows of Blue Gulch Creek with priority of February 1954, subject to the Federal withdrawal of 1934 for the Grand Coulee Dam Project, and senior to any supplemental application which Messrs. Anderberg and Root may file.

Included with your memorandum of January 13 was a copy of a letter of December 23, 1954, to Mr. Peyton from Mr. Robert A. Milne, Assistant Acting Field Solicitor of Ephrata, Washington. Mr. Milne has covered the legal status of amended Application 12793, but has not considered the Federal interests in the old Town rights except to confirm that title to part of them passed to the United States as appurtenances to the land. He also indicates that the Bureau of Reclamation does not propose to amend each of the numerous rights it has acquired, but will let them lapse for recapture under the 1934 Federal withdrawal, as a less expensive procedure for Project purposes.

Since the National Park Service is only the agent of the Bureau of Reclamation in developing and administering the Coulee Dam National Recreation Area, the form of water rights established is subject to approval, or confirmation, with the wishes of the Bureau. However, in the authorization of recreational developments under the interbureau agreements, and presumably approving the plan for the Kettle Falls Marina Unit, the Bureau is committed to approve the establishment of the best possible rights to the necessary water. The best rights are the Federal interests in the earliest established rights where there are locally conflicting rights such as those of Messrs. Anderberg and Root to Blue Gulch Creek. There should be no objection to the assertion of such rights by this Service because the quantity of water will be the same under any rights, and the Bureau can arrange for the abandonment of any recreation developments and reclamation of the water rights if they conflict with the basic purposes for which the Reclamation Project was constructed.

Accordingly, it is requested that Mr. Peyton point out the local significance of the dates of priority of the old Town rights, and request the Bureau of Reclamation to refer any differences of opinion to us before acting on the clearances which the Supervisor of the State Division of Water Resources will doubtless request. Assuming that the Bureau will agree to the petitions, it should also advise whether this Service should assert title to only the rights needed for the recreational development, or attempt to establish total Federal interest in order to limit the rights of Messrs. Anderberg and Root. Of course the latter will probably result, in any case, from anticipated petitions by Messrs. Anderberg and Root to define their interests in the old Town rights.

As indicated in the Water Use Analysis in the Appendix supporting the petitions, Mr. Dunn was not able to support a recreational water demand in excess of the 0.93 sec.ft. which he estimated as the Federal interest in water formerly used for irrigation on the old site of the Town of Kettle Falls. Original Application 12793, by Mr. Peyton, was for 2.0 sec.ft. We should have a confirmation of the estimated demand by the Western Office of Design and Construction, and amended Application 12793 can be withdrawn if adequate portions of the old Town rights are established.

WODC

The amended Application 12793, and two petitions have been filed to preserve water right priorities which have been established. If, as Mr. Peyton has suggested, alternative diversions from a spring and the Lake are preferred, or needed, to supplement the designated diversions, we will file such additional applications as are necessary, and withdraw others not needed. We have provided the maximum freedom, so far as water rights are concerned, to permit the WODC to work out the most desirable water supply in accordance with the last paragraph of your memorandum.

Mr. Peyton also refers to the dilapidated condition of the old Town water system and potential right-of-way problems. You also included a list of patent dates. Whether the pipeline needs replacement or not, it constitutes evidence of the water rights and the appurtenant rights-of-way of both the United States and Messrs. Anderberg and Root, below and above elevation 1310. No further rights-of-way will be needed if the reconstructed pipeline is placed on the same alignment across any private land.

However, with the two exceptions of the land of Frank Marchand and Eugene Lapramboyse, in Sec. 35, all land appears to have been patented subsequent to August 30, 1890. The Act of August 30, 1890 (26 Stat. 391), provides that all land patented thereafter shall be subject to a "right-of-way thereon for ditches or canals constructed by the authority of the United States". By opinion M-33127 of August 9, 1943, the Solicitor interpreted the Act to include rights-of-way for pipelines. This Service exercised the reservation to obtain rights-of-way for the West Mancos Mesa Verde water supply system, and could do so if necessary to gain access to Blue Gulch Creek. It will doubtless be more satisfactory to rely on established rights-of-way and exchanges of privileges to be worked out in connection with the definition of water rights, so far as possible.

(SGD) THOMAS J. ALLEN

Assistant Director

In triplicate

Attachments 6

Copy to: Western Office of Design and Construction

01-00-0000: dear mr. walker: we appreciate the suggestions in your letter of january 19

WR Copy

In reply refer to:
154-L

FEB - 3 1955

Mr. M. G. Walker, Supervisor
Division of Water Resources
Department of Conservation and
Development
Transportation Building
Olympia, Washington

Dear Mr. Walker:

We appreciate the suggestions in your letter of January 19 concerning Federal claims to water at the old site of the Town of Kettle Falls in what is now Coulee Dam National Recreation Area.

In preparing the Petition for Change in Point of Diversion from the old Town well to the new one, which has been drilled by the National Park Service, we were not aware of the distinction between "diversions" and "withdrawals" of underground water in the State water laws. We shall appreciate having you amend the title to a "Petition for Change in Point of Withdrawal", as you suggest, and advertising accordingly.

Sincerely yours,

(SGD) THOMAS J. ~~ALLEN~~

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Four (3) detached
Western Office of Design and Construction, detached
Mr. Dunn

AvVDunn:let 1-26-55

00-00-0000: we wish to acknowledge receipt of your letter; 1955

C
O
P
Y

STATE OF WASHINGTON

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Transportation Building
Olympia, Washington

January 19, 1955

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

L54-L

Attention: Mr. Jackson E. Price
Acting Assistant Director

Dear Sir:

We wish to acknowledge receipt of your letter of January 12, 1955, with enclosures as well as your amended Application No. 12793 by your letter of December 29, 1954.

We find that it will not be necessary to republish a notice of the amendments as the legality of the original application has not been affected by the changes. We shall merely incorporate the amendments into the original application.

We find the two petitions to be in order with this exception: No right to the use of the waters of the Columbia River would have become vested in the Town of Kettle Falls by virtue of the use beginning in 1930 as the surface water code become effective in 1917. Although it is stated that the water level in the old well and the new fluctuate with the rise and fall of the river and lake, we feel that the water withdrawn can be classified as groundwater. As such, a right has become vested in the town property for the reason that the ground water code became effective in 1945.

With your permission, we can alter the original petition as submitted to a "petition for change in point of withdrawal" from a well.

Otherwise, it will be necessary for the Park Service to submit a new application for the appropriation of the waters of Roosevelt Lake to cover the use to be made.

We shall withhold preparation of the notice for publication on the two petitions pending further response from you regarding the above mentioned changes.

U. S. Department of the Interior
National Park Service

Page 2.

As there are no fees due at present for filing of the petitions, your purchase order and vouchers are being returned unsigned. There will be certificate fees due when and if the petitions are granted. We shall bill you for these when they are ready to issue.

Very truly yours,

DIVISION OF WATER RESOURCES

/s/ M. G. Walker

M. G. WALKER
Supervisor

MGW:aj
Enc.

00-00-0000: water right application 12793; 1955

Office of
Chief, Western Office
Div. of Design and Const.
JAN 14 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

In reply refer to:
L54

January 13, 1955

Memorandum

To: Director

From: Regional Director

Subject: Water Right Application 12793 (Docket 3),
Kettle Falls Area, Coulee Dam

In connection with the subject application and previous requests by the Washington Office, we are forwarding a copy of Mr. Peyton's December 27, 1954 memorandum and one copy each of the following attachments to that memorandum:

1. (Photostatic copy of) Deed Record, No. 103, Stevens County, Washington. This deed covers the conveyance of three lots to the United States by the Town of Kettle Falls.

2. (Photostatic copy of) Deed Record No. 104, Stevens County, Washington. By this deed the Town of Kettle Falls transferred to the United States all of its water system below elevation 1,310.

Mr. Dunn, in his December 30 memorandum to this office, states that the Washington Office obtained the file relating to five purchase contracts by which the Bureau of Reclamation obtained the lands and part of the water system of the old Town and that the Federal portion is all below elevation 1,310. Consequently, it appears that the Washington Office has more complete files on the subject than the information now being forwarded.

3. Letter dated December 14, 1934 from T. A. Walters to the State Commissioner of Public Lands and the State Supervisor of Hydraulics consisting of a notice that the United States intends to make examinations and surveys for the utilization of the Waters of the Columbia River and its tributaries.

4. A similar notice by Mr. Walters, dated January 4, 1934, to the State Commissioner of Public Lands.

5. (Photostatic copy of) Order and Determination Granting Petition, dated April 20, 1952, by the State Supervisor of Division of Water Resources, "In the matter of the request of the Secretary of the Interior of the United States for an extension of the period of withdrawal of waters of the Columbia River Watershed above Grand Coulee Dam, Washington."

6. (Photostatic copy of) letter of January 18, 1952 from Bureau of Reclamation requesting extension as covered in (5) above.

7. Letter of December 23, 1954, from Assistant Acting Field Solicitor Milne, Ephrata, Washington, to Mr. Peyton. This relates to the nature of the water right held by the United States for appropriation of waters and the notice of withdrawal filed. Attention is directed to the first paragraph on page 2 of Mr. Milne's letter in which he states that it would be simpler for the NPS to apply for and obtain a permit subject to the Bureau withdrawal.

8/ List of Patent Dates relative to Kettle Falls Water Right as prepared by Mr. Peyton.

A copy of Mr. Dunn's December 30,1954 memorandum to the Regional Director together with a copy of Application 12793, Amended, and a copy of Mr. Tolson's December 29,1954 letter to Mr. Walker of the State Division of Water Resources are being forwarded to Mr. Peyton. By means of a copy of this memorandum, we are requesting Mr. Peyton to follow through and obtain the information requested in the last paragraph of Mr. Dunn's December 30 memorandum.

It is to be noted from Mr. Peyton's December 27 memorandum that a new well and distribution system to serve the bathhouse and picnic grounds are contemplated for this spring, and that he is not interested in the Blue Gulch water system at this time. However, because of uncertainty of sufficient water being developed from such a source and, since a gravity supply from Blue Gulch would be preferable, we recommend that, with the assistance of the Western Office, Division of Design and Construction, plans be drawn up for the Blue Gulch water supply and water rights perfected for that supply. The well system could and necessarily would be an interim system which would be needed until water rights for Blue Gulch are resolved.

(SGN) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Attachments as listed (8)

Copy to: Chief, WODC

Superintendent, Coulee Dam
w/c Mr. Dunn's memo 12/30/54
w/ c of Appl12793,Amended
and other attachment

In reply refer to:
L54-L

Office of
Western Office
Div. of Design and
JAN 17 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

January 13, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights for Kettle Falls Area, Coulee Dam

By memorandum of December 30, 1954, we sent you two copies of Amended Application 12793 for Docket 3 in your office and at Coulee Dam, and one copy to the Western Office of Design and Construction. We are herewith distributing three copies of Drawing NRA-CD-6950 in the same manner, which should be filed just under the amended application in Docket 3.

We also enclose your copies of the following:

1. Petition for change in point of diversion of waters of Columbia River under the old rights of Town of Kettle Falls.

2. Petition to change place and purpose of use of old rights to waters of the River and Blue Gulch Creek, or Blue Creek, for irrigation on Federal land in the old Town of Kettle Falls under Town rights.

3. An appendix to support said petitions, which includes my estimate of past and proposed water use and another print of Drawing 6950.

4. Letter of transmittal to the Supervisor, State Division of Water Resources.

A similar assembly is being sent to the WODC and directly to Mr. Peyton at Coulee Dam. We are also sending three extra copies of the petitions and Drawing 6950 to Mr. Peyton for distribution to the Bureau of Reclamation, Mr. Anderberg, and Mr. and Mrs. Root.

The petitions and appendix will ultimately be provided with a Docket folder No. 4, but we will not make them up until we obtain the reply of the Supervisor, Division of Water Resources, as to the records of the old Town rights, particularly with regard to the well waters. Mr. Peyton should also determine whether the Bureau of Reclamation wishes to participate with the National Park Service in establishing maximum

Federal interest in water rights appurtenant to the Town water system, and whether it can contribute any additional information to define the quantity of water used in the Town.

We also hope that Mr. Peyton can present the copies of the petition to Mr. Anderberg and Mr. and Mrs. Root in a manner to obtain friendly cooperation rather than antagonism. It is to our mutual advantage to define and segregate Federal and private rights conveyed by the two deeds. While I believe my estimate of the proportion of the water used for irrigation of Federal land is low, it is based on very limited information and should be considered as a preliminary quantity to be increased or decreased if more accurate or complete information can be obtained from the Town, old residents, and the Bureau of Reclamation.

The Federal interest in old Town rights will be the most reliable, and have been estimated at 0.93 sec.ft. for irrigation, plus possible portions of water used for other municipal purposes. The United States and private interests will have equal priority to that water. To the extent that the Town rights have not lapsed, the Federal claims under Amended Application 12793 are little more than a "stop-gap" to permit Federal use of water which would otherwise seep to Franklin D. Roosevelt Lake and be covered by the Federal withdrawal of the Bureau of Reclamation. However, if through mismanagement between 1939 and 1945 or later, and further delayed reconstruction of the system to serve the recreation development, the rights have lapsed, then the claim under Amended Application 12793 acquires practically the value of the old Town rights except that the privately owned portions of the Town rights, which may not have lapsed, would have to be satisfied first. Thus, the claims now filed by this Service involve rights to only between 0.93 and 1.00 sec.ft. unless we assert another claim for preferred rights.

The question arises as to what Mr. Anderberg, the Roots, and other residents of the old Town above the Project area may have done with Blue Gulch Creek water since the upper portion of the water system was privately acquired in 1946. They may have irrigated some new land, or provided service to new residences. Additional irrigation may not comply with the State water laws, but the expanded use of water under preferred rights might have full legal status. These potential changes must be determined before all rights can be accurately defined.

The location of elevation 1310 on the old Town water system is also important. The location shown on Drawing 6950 was projected from the USGS quadrangle, and is probably only approximate. If water is delivered to private lands through part of the main water system below the correct elevation 1310, there is a private use of the Federal pipeline which should be covered by permit. In addition, if the United States has, or proposes to obtain water from Blue Gulch Creek through the portion of the pipeline above such elevation 1310, it needs permissive use of that part of the pipeline or a contract under which Mr. Anderberg and the Roots will deliver the water to

elevation 1310 under Federal rights. I believe that a single contract or agreement between the National Park Service and Mr. Anderberg and the Roots can be prepared to cover both situations as an exchange proposition.

We have obtained the unofficial concurrence of representatives of the Solicitor to assert that the two pipeline deeds seem to convey undefined appurtenant water rights as claimed, but we have not requested or obtained a formal opinion as to the full nature and extent of the rights appurtenant to each of the two portions of the pipeline conveyed by those deeds. We have also obtained part of the records of the Bureau of Reclamation, but have not discussed the matter with them. This leaves Mr. Peyton and Mr. McClellan relatively free to start further discussions on the basis of fact.

In making up the assemblies of Drawing 6950 for distribution, we have included an ozalid intermediate as the Region Four copy for attachment to Amended Application 12793 in Docket 3. This is a reproduceable copy, and may be exchanged for the standard print of the WODC if the two offices so desire.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 6

Copy to: Western Office of Design and Construction with 6 attachments
Superintendent, Coulee Dam with 9 attachments

01-12-1955: letter to nps regarding amended application 12793 for the appropriation of water of blue gulch creek

In reply refer to:
L54-L

JAN 12 1955

Mr. M. O. Walker
Supervisor, Division of Water Resources
Department of Conservation and Development
Transportation Building
Olympia, Washington

Dear Mr. Walker:

By letter of December 29, 1954, from the Acting Director, National Park Service, we submitted an Amended Application 12793 for the appropriation of 1.0 sec.ft. of the waters of Blue Gulch Creek, or Blue Creek, at the Kettle Falls Marina Area of Coulee Dam National Recreation Area. Three prints of our Drawing NRA-CD-6950 are enclosed to support the amended application.

The amendment was for half of the water claimed in the original application, and specified that the claim was for unappropriated water, or water at times available when valid existing rights are not being exercised. The National Park Service has no intention of pre-empting any valid existing rights, or introducing claims that will conflict with them. Moreover, it believes that the United States has title to some of the old rights of the Town of Kettle Falls unless they have lapsed. Accordingly, we submit herewith:

1. Petition for change in point of diversion of the underground flow of the Columbia River under such rights as the Town of Kettle Falls may have established in 1930 or thereafter at the old Townsite.

2. Petition for change in place and purpose of use of the waters of Blue Gulch Creek, or Blue Creek, and the underground flow of the Columbia River under rights established by the Town of Kettle Falls and the Hotel at Kettle Falls (old site) since before 1900.

3. Five prints of aforesaid Drawing NRA-CD-6950.

4. An appendix to support the two petitions including one print of drawing attached to Water Use Analysis.

5. A purchase order and voucher for $20.00 to cover the filing fees.

The records of Federal acquisitions for the Grand Coulee Dam Project lack copies of some deeds which can be obtained if necessary.

but show the intent. The Bureau of Reclamation, as an agency of the United States, acquired the portion of the old Town and adjacent lands necessary for the Project. Correspondence toward the bottom of the Appendix shows that it considered acquisition of the entire appurtenant water system, but decided to acquire only the portion below elevation 1310 because of potential difficulty in disposing of certain lands and improvements of low value. It took cognizance of unexplored uses for the entire system, but completed the acquisition before the National Park Service was called upon to determine those potential uses. The deed of June 22, 1939 does convey all appurtenant rights, licenses, and franchises. At no point can we find specific references to the intended disposition of the water rights, but the records indicate that it was assumed that the upper portion of the pipeline might be dug up for use in the new Town water system under Application 5885.

As a matter of fact, some residents of the old Town still own and occupy their lots to the east of the Project boundary, and apparently obtain their water through part of the Federal portion of the pipeline as well as that above elevation 1310. Mr. Anderberg, unidentified in records we have obtained, and Mr. and Mrs. Root, who are presumed to be heirs of Mr. Root who does appear therein, acquired the portion of the pipeline which the Town then owned (above elevation 1310) by deed of August 2, 1946, with appurtenant water rights, privileges, and other incidental rights.

Meantime, beginning in 1944, the National Park Service has provided a new well to replace that of the Town which was flooded, and has reconstructed much of the Federal portion of the pipeline which is needed in the recreational center being developed on the unflooded portions of the old Town of Kettle Falls and adjacent lands within the Project area.

Application 12793 inadvertently disregarded vested rights which appear to be appurtenant to the Federal lands from both Blue Gulch Creek and the underground flow of the Columbia River. It also appears to have been made on the assumption that the United States owned the entire Town pipeline. It also appears by the protests of the application, that the protestants are unaware of the extent of Federally-owned pipeline which they may be using without Federal permit. It also seems probable that the United States and said protestants are obligated to permit each other to exercise such rights as are appurtenant to their respective properties, either through joint use of the old pipeline, or through new pipelines they may construct.

As a beginning, at Item 26 near the top of the Appendix, the Chief, Water Resources Section, National Park Service, has made an analysis to provide a preliminary determination of the quantity of water involved in the rights appurtenant to the old Town, the quantity of water needed for the recreational center now being developed by the National Park Service, and the rate at which that demand may increase.

This analysis has been prepared from data largely obtained since mid-December, and is subject to revision as more information is obtained, including possible water right records you may have, and data to be obtained from the Town officials, former residents, and the owners of the upper portion of the pipeline, and the Bureau of Reclamation.

The petition for change in place and purpose of use is now limited to the estimated quantity of water formerly used for irrigation on the Federally acquired land. There is no attempt to claim any of the water used for preferred municipal purposes, and the petition is not intended to waive any Federal interests in such preferred rights and uses until there can be attempts to reach agreement between the National Park Service, the Bureau of Reclamation, Mr. Anderberg and Mr. and Mrs. Root.

The protests of Application 12793 suggest that the private property owners, like the National Park Service, may have made some water use needing new applications or permits, or amendments of their interest in the old rights of the Town of Kettle Falls. It is naturally to the interest of all to preserve their interests in valid existing rights as far as possible. The mutual interests in those rights make it necessary that there be united effort to resolve the matter during the coming summer.

Copies of the petition for change in place and purpose of use, Drawing NRA-CD-6950, and this letter are being sent to the Bureau of Reclamation, Mr. Anderberg and Mr. and Mrs. Root through Mr. Hugh Peyton, Superintendent, Coulee Dam National Recreation Area, Coulee Dam, Washington. We shall be pleased to supply copies of these instruments, or others, for them or the other protestants, as you deem it necessary.

Sincerely yours,

(SGD.) JACKSON E. PRICE

Jackson E. Price
Acting Assistant Director

Enclosures 12

Copy to: Bureau of Reclamation, Mr. Anderberg, Mr. & Mrs. Root — Through Superintendent, Coulee Dam National Recreation Area (detached)

Regional Director, Region Four; Superintendent, Coulee Dam; Western Office of Design & Construction — With copies of both petitions, appendix and map (detached.

WR Copy

In reply refer to:
L54-L

JAN 12 1955

Mr. M. G. Walker
Supervisor, Division of Water Resources
Department of Conservation and Development
Transportation Building
Olympia, Washington

Dear Mr. Walker:

By letter of December 29, 1954, from the Acting Director, National Park Service, we submitted an Amended Application 18793 for the appropriation of 1.0 sec.ft. of the waters of Blue Gulch Creek, or Blue Creek, at the Kettle Falls Marina Area of Coulee Dam National Recreation Area. Three prints of our Drawing NRA-CD-6950 are enclosed to support the amended application.

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1. Petition for change in point of diversion of the underground flow of the Columbia River under such rights as the Town of Kettle Falls may have established in 1930 or thereafter at the old Townsite.

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As a matter of fact, some residents of the old Town still own and occupy their lots to the east of the Project boundary, and apparently obtain their water through part of the Federal portion of the pipeline as well as that above elevation 1310. Mr. Anderberg, unidentified in records we have obtained, and Mr. and Mrs. Root, who are presumed to be heirs of Mr. Root who does appear therein, acquired the portion of the pipeline which the Town then owned (above elevation 1310) by deed of August 2, 1946, with appurtenant water rights, privileges, and other incidental rights.

Meantime, beginning in 1944, the National Park Service has provided a new well to replace that of the Town which was flooded, and has reconstructed much of the Federal portion of the pipeline which is needed in the recreational center being developed on the unflooded portions of the old Town of Kettle Falls and adjacent lands within the Project area.

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This analysis has been prepared from data largely obtained since mid-December, and is subject to revision as more information is obtained, including possible water right records you may have, and data to be obtained from the Town officials, former residents, and the owners of the upper portion of the pipeline, and the Bureau of Reclamation.

The petition for change in place and purpose of use is now limited to the estimated quantity of water formerly used for irrigation on the Federally acquired land. There is no attempt to claim any of the water used for preferred municipal purposes, and the petition is not intended to waive any Federal interests in such preferred rights and uses until there can be attempts to reach agreement between the National Park Service, the Bureau of Reclamation, Mr. Anderberg and Mr. and Mrs. Root.

The protests of Application 12793 suggest that the private property owners, like the National Park Service, may have made some water use needing new applications or permits, or amendments of their interest in the old rights of the Town of Kettle Falls. It is naturally to the interest of all to preserve their interests in valid existing rights as far as possible. The mutual interests in those rights make it necessary that there be united effort to resolve the matter during the coming summer.

Copies of the petition for change in place and purpose of use, Drawing NRA-CD-6950, and this letter are being sent to the Bureau of Reclamation, Mr. Anderberg and Mr. and Mrs. Root through Mr. Hugh Peyton, Superintendent, Coulee Dam National Recreation Area, Coulee Dam, Washington. We shall be pleased to supply copies of these instruments, or others, for them or the other protestants, as you deem it necessary.

Sincerely yours,

(SGD) JACKSON E. PRICE

Jackson E. Price
Acting Assistant Director

Enclosures 12

Copy to: Bureau of Reclamation, Mr. Anderberg, Mr. & Mrs. Root — Through Superintendent, Coulee Dam National Recreation Area (detached)

Regional Director, Region Four; Superintendent, Coulee Dam; Western Office of Design & Construction — With copies of both petitions, appendix and map (detached

Mr. Dunn

AvVDunn:lct 1-12-55

00-00-0000: water rights application 12793, attached are two copies of application 12793; 1955

In reply refer to:
L54-L

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

RECEIVED
NPS, REGION FOUR OFFICE
JAN 4 - 1955

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Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 12793 (Docket 3), Kettle Falls Area, Coulee Dam

Attached are two copies of Application 12793, Amended, and an air mail letter of December 29 by which the original has been submitted to the Supervisor, Division of Water Resources, of the State of Washington. Copies are also being sent to the Western Office of Design and Construction. The copies of amended Application 12793 should be filed at top of Part III of Docket No. 3.

Filed OK BFM

After receipt of your wire of December 17, some opposition to withdrawing Application 12793 developed here. Accordingly, we obtained the file relating to the five purchase contracts by which the Bureau of Reclamation acquired the lands and part of the water system of the old Town of Kettle Falls. The Federal portion is all of the system below elevation 1,310, together with appurtenances. From the USGS quadrangle, which is on too small a scale for accurate detail, the Federal portion appears to include about 1,650 feet of the 8" wood stave pipe to the east of the Project, or Recreation area. We will explain in more detail in the next memorandum that at least a part of the private land owners may need a permit for continued use of the Federal pipe capacity.

The amended application is for 1.0 sec.ft., or half of the claim filed by Mr. Peyton last February. This is probably more water than is available to the private interests, than will be available as any unappropriated surplus. From the abstract and appraisal, and available maps, I have also determined that the old Kettle Falls water system probably never diverted more than 1.5 sec.ft., and did not deliver more than 1.4 sec.ft. to the site of the post office without denying some residences of water above that street corner. The gradient at Delaware and Randolph Streets would have to be several feet below ground to deliver 1.5 sec.ft. at the post office at Broadway and Franklin. I also found that a 500 gpm pump was in

use at the old well, to serve the White Pine Sash Co., provide fire protection, and to supplement the flow of Blue Gulch Creek in dry seasons. The Columbia Irrigation District was in the process of liquidation because of inability to obtain intended water from an adjacent irrigation district.

By my best analysis, which will be submitted with the claims to waters under the Town rights, I have set up a Federal claim to about 0.695 sec.ft. of the waters of Blue Gulch Creek, and a private claim to 0.72 sec.ft. under that right. The Federal claim is lower than probably justified for the irrigated land due to absolute Federal title to the underground flow of the Columbia River, which is tentatively all claimed by the United States. From drawings 2065c of December 7, 1951 and 2029A of March, 1952, I have estimated the water needs for those developments between 0.5721 and 0.6485 sec.ft., which happens to be slightly less than my tentative Federal claim to Blue Gulch Creek water.

When the two additional claims are filed next week, we will attempt to prove:

1. Federal rights to 0.695 sec.ft. of waters of Blue Gulch Creek with priority of 1900 or before.

2. Federal rights to 1.115 sec.ft. of the underground flow of the Columbia River with priority of 1930.

3. Supplemental Federal right to 1.000 sec.ft. of unappropriated, or unused waters of Blue Gulch Creek with priority of February 19, 1954.

4. Private rights to at least 0.7225 sec.ft. of waters of Blue Gulch Creek with priority of 1900 or before, ~~and~~ or about 0.0825 sec.ft. in exchange for loss of access to the well on the Columbia River.

The claims will also provide for change in point of diversion of the underground flow of the Columbia River from the old Town well to the NPS well in the Marina Area. You and Mr. Peyton have already reported that the new well does not yield as much water as the old one, particularly when the level of Franklin D. Roosevelt Lake becomes low. It is also possible that the Town did not file a claim for the well on the assumption that the source

was percolating water and not subject to appropriation in 1930. The Bureau of Reclamation has gone on record to the effect that the source was underground flow of the River, and Mr. Peyton has indicated that the new well is dependent upon seepage from the River water in the Lake. We may have to sacrifice some priority, and accept extra charges by the Bureau of Reclamation if Town did not file a claim. We will also have to deepen or duplicate the new well, with related further changes in point of diversion if we are to prove up on the entire diversion of 500 gpm for future use at the most essential time in late summer. The first applications for changes will be to establish firm claims, and proofs for final licenses can wait.

The nature of the proposed claims will have to suggest but we hope we do not emphasize that Mr. Anderberg and Mr. and Mrs. Root also have a claim to waters of the Columbia, but lack of access. With all the other permits which have been granted to provide similar access at Coulee Dam, I see no reason why they should not be permitted new access, independently or through the new Marina Water System. That might be advantageous if this Service recognized the equivalent rights to underground River flow in exchange for the additional Federal rights to Blue Gulch Creek to permit Federal use of the 0.93 sec.ft. I have originally estimated as used for irrigation of Federal land in the Federal portion of the old Town.

With the limited information here and full recognition of the private land owner's right to offer alternative interpretations of obscure intent in the two deeds, it will probably be necessary to compromise on some water quantities after we submit the claims and supporting data to the Supervisor of the State Division ~~and~~ of Water Resources. In addition, I have been unable to estimate a Federal need for more water than I hope to obtain from Blue Gulch Creek until after the development outlined in drawings 2065c and 2029A are fully used by the anticipated visitors--about 30% of original claim for 2.0 sec.ft. I also lack records of actual flow at the Town reservoir, the actual capacity of that reservoir, and reliable figures on water use at the cannery, sash company, and other commercial and industrial establishments obtaining water from the Town. It will be helpful to go over my estimate with the proper Town official as soon as possible, and obtain as much of the missing data as possible. We should also know whether the Park Service is now obtaining water from Blue Gulch Creek, and on what terms. We should also like to know just what land all protestants of Application are now irrigating.

The Western Office of Design and Construction should also consider the possibilities offered with the three proposed claims and the possibility of buying more of the outstanding private rights, if desirable, and should then complete its final plans, or indicate present acceptance of the approved plan.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Enclosures

Copy to: Western Office of Design & Construction, with copy of enclosures

In reply refer to:
54-L

RECEIVED
NPS, REGION FOUR OFFICE
JAN 4 - 1955

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Mr. M. G. Walker, Supervisor
Division of Water Resources
Department of Conservation and Development
Olympia, Washington

Re: Application 12793
Coulee Dam National Recreation Area

Dear Sir:

By letter of September 9, you granted until January 1 within which to amend Application 12793 or to answer the protests of William Anderberg and others. To meet the deadline, we enclose Application No. 12793, Amended, together with a purchase order and voucher covering the fee of $10.00 for filing this amended application. Two additional applications for claim to and amendment of the old Town rights, and the map supporting all three applications will be submitted in a few days.

The records of the Bureau of Reclamation show that the United States acquired all portions of the old Town water system below elevation 1,310, with appurtenances, by deed of June 22, 1939. Mr. William Anderberg, as one of the protestants of original Application No. 12793, has shown that he and Howard E. and Clara L. Root purchased the portions of the water system above elevation 1,310, with appurtenances, by deed of August 2, 1946.

The construction engineer of the Bureau of Reclamation also indicates that at the time of Federal purchase practically all irrigable land under the pipeline was included in the portion of the Town acquired by the United States, below elevation 1,310 and certain lands of N. G. Root and his daughter, Mrs. Eva R. Smith. He also indicated that the land which would have to be acquired to purchase the portion of the water system above elevation 1,310 was not suitable for irrigation and was of such low value that further sale would be difficult. The upper portion of the water system was not acquired by the United States because of the potential land disposal problems. No consideration of water rights appears in either deed or the Federal contract negotiation. We assume, therefore, that appurtenant water rights passed with each of the two deeds.

The records show that the Blue Gulch Creek, also known as Blue Creek, diversion appears to have become inadequate for the increasing Town demand by 1930 and a supplemental supply was obtained in that year from a well intercepting the underground flow of the Columbia River. The rights to Blue Gulch Creek appear to have been initiated by the Kettle Falls Hotel prior to 1900 and further appropriations were made by the Town by construction in 1900, 1909, and 1910, all before the adoption of the present water code on June 15, 1917. The well was on Town land, and has now been flooded by Franklin D. Roosevelt Lake, and replaced by a higher well by the National Park Service on the shore of that Lake.

We have just received advice from the Superintendent of the Recreation Area to the effect that the undiverted waters of Blue Gulch Creek normally overflow the old dam of the Town water system and diminish until they all disappear in the ground about 4,000 feet below the Town diversion, and about 100 feet within the Coulee Dam National Recreation Area. This indicates that there is unappropriated water or water available through not exercising valid existing rights.

The accompanying amended Application No. 12793 is to claim any waters of Blue Gulch Creek which now go to waste in the 4,000 feet below the diversion, under the priority of February 19, 1954. We have reduced the quantity from 2.0 sec. ft. to 1.0 sec. ft., and indicated that such water is what may be surplus to the flow needed to satisfy the old Town right of which the United States, Mr. Anderberg, and Mr. and Mrs. Root, and others, claim parts.

We propose to file one application for Change in Point of Diversion of waters of the Columbia River, and one application for Changes in Places and Purpose of Use of waters of the Columbia River and Blue Gulch Creek within a few days. All three instruments are so closely related that we request that you defer action on Application 12793 until the other two applications and the supporting map are received.

In preparing the two applications for amendment of the Town rights, two problems arise. First, we have been unable to find a record of the flow of Blue Gulch Creek in the records of the Geological Survey, or to make more than an estimate of the diversion capacity of the old pipeline and storage in the reservoir. Apparently, the pipe can deliver about 1.5 sec. ft. from Blue Gulch Creek by gravity and a 500 g.p.m. pump was used at the well on the Columbia River.

Moreover, the engineers of the Bureau of Reclamation have reported that the source of the well was the Columbia River and hence subject to appropriation under the State water laws when the diversion was made in 1930, but we have no information as to whether an appropriative filing was made.

We shall complete our applications based on our best estimates, since they will certainly have to be adjusted with further information which Mr. Anderberg and Mr. and Mrs. Root may supply. However, we shall appreciate any further information which you may have on record as to stream flow and Town filings.

The voucher covers only the fee for amended Application 12793 and should be signed and returned for payment. We will forward a separate purchase order and voucher for the applications for amendment of Town rights.

Sincerely yours,

(SGD) HILLORY A. TOLSON

Hillory A. Tolson
Acting Director

Enclosures

Copy to: Regional Director, Region Four (2)
Western Office of Design & Construction

COPY

TELETYPE

SAN FRANCISCO CALIF. 12-17-54 1227P

DIRECTOR

NPS INTERIOR BLDG WA

L54. Reference Tolson's teletype 16th re Kettle Falls water rights application Coulee Dam. Have discussed status by telephone with Peyton. Appears impossible that all data requested your memo August 30 can be submitted Washington prior January 1 deadline. Suggest you withdraw application and refile new application as you propose. We have asked Peyton to have his engineer prepare preliminary plans and cost estimate Blue Gulch system since Design and Construction unable to do so now. Believe several months should be allowed for preparation required data and plans.

MERRIAM REGIONAL DIRECTOR NPS REGION FOUR

08-00-0000: please air mail available data requested in our memoranda august 30 and november 23 to permit action on water righ

WR Copy

Depa[illegible] of the Interior

National Park Service

General Administrative

Expense, Account No. 413

VIA PBS

December 16, 1954

Regional Director, Region Four, National Park Service,
180 New Montgomery Street, San Francisco, California

154-L. Please air mail available data requested in our memoranda August 30 and November 23 to permit action on water right application 12793 Kettle Falls Area Coulee Dam by January 1 dead line. We will withdraw application to prevent adverse action if data inadequate for immediate amendment. Should then file new application as soon as plans and arrangements with owner old Town Water system are received to prevent possible adverse claims senior to new priority.

SIGNED

Tolson
Acting Director

CONFIRMATION

Copy to: Accounts-Voucher
Lands
Mr. Dunn

AVVDunn:elh 12/16/54

00-00-0000: appropriation of water of blue gulch creek for kettle falls area; 1954

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
NOV 29 1954 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

November 23, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Application 12793 for the Appropriation of Water of Blue Gulch Creek for Kettle Falls Area, Coulee Dam

As indicated in the opening paragraph of Mr. Allen's memorandum of September 17, 1954, action by this office is required during these closing days of this calendar year. The requested information should be forwarded as soon as possible so that this may be accomplished.

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

Copy to: Superintendent, Coulee Dam
Western Office of Design and Construction
Mr. Dunn

GWRobertson:lct

00-00-0000: application 12793 for the appropriation of water of blue gulch creek; 1954

In reply refer to
L54

Office of
Chief, Western Office
Div. of Design and Const.
OCT 8 1954 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

October 6, 1954

Memorandum

To: Superintendent, Coulee Dam

From: Chief of Operations

Subject: Application 12793 for the Appropriation of Water of Blue Gulch Creek for Kettle Falls Area, Coulee Dam

You have already received copy of Assistant Director Allen's memorandum of September 17 to Region Four on the above mentioned subject, and it is assumed you will be able to take steps to procure the information Mr. Allen has requested.

We would expect that Bureau of Reclamation officials will be in a position to answer many of the questions or at least to help as to where such data can best be obtained.

An extra set of the memoranda of September 17 and attachments is enclosed.

Fred T. Johnston
Chief of Operations

Attachment

Copy to: The Director
Western Office, Design and Construction ✓
w/ attachments

00-00-0000: application 12793 for the appropriation of water of blue gulch creek; 1954

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
SEP 22 1954 A.M.
Supv. Architect.....
Supv. Engineer... 1 12/9/25
Supv. Landscape Arch.....
Safety Engineer.....

SEP 17 1954

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Des Docket memo Tahoe to Walker 12/29/54 with

Subject: Application 12793 for the Appropriation of Water of Blue Gulch Creek for Kettle Falls Area, Coulee Dam

Attached is a copy of a letter of September 9 from the Supervisor, Division of Water Resources, granting until January 1, 1955, in which to adjust the water rights for the Kettle Falls water system and offering some helpful suggestions. The extension of time will relieve the pressure on Mr. Peyton and the Western Office of Design and Construction, but there still is appreciable work to do by January 1.

In confirming the appurtenant status of rights to water for irrigation in the old town of Kettle Falls, this Service is free to assume that adequate right to the waters of Blue Gulch Creek can be established, unless the deeds from former land owners to the United States specifically reserved water rights or the Bureau of Reclamation specifically waived title to such rights. Mr. Peyton should review copies of those instruments in the offices of the Bureau of Reclamation, Town of Kettle Falls, or County Recorder, and supply copies of any instruments which relate to the disposition of water rights as requested in our memorandum of August 30.

Subject to confirmation that the Federal land in the old townsite was not divested of appurtenant rights, the next requirement will be confirmation that the Blue Gulch Creek source is the most desirable or the substitution of a plan to use the alternative source, such as water from Franklin D. Roosevelt Lake. The selection of the proper source will depend, in part, on the terms of contracts which may be necessary with Mr. Anderberg or the Bureau of Reclamation. Accordingly, it will be necessary to start such negotiations as soon as requirements can be determined.

We believe that no suit will be necessary to establish Federal rights to part of the Blue Gulch Creek waters if the United States claims only the rights appurtenant to the land for irrigation

purposes, and if it purchases such partial interest in Mr. Anderberg's water system as may be necessary to permit the improvement and use of necessary structures. As an alternative, this Service can provide an independent diversion and pipeline system and agree in the revision of the water claim that water is to be diverted under the same priority as that for the Anderberg system, in proportion to the Federal interests in irrigation rights, and that any water shortage in the flow of Blue Gulch Creek is to be shared proportionately by the United States and other claimants.

The preferred plan, including an explanation of necessary affiliated interests with those of Mr. Anderberg or others, should be reviewed in this office before final negotiations or commitments are made. However, it may be necessary to make some preliminary inquiries to support the selection of the proper development plan. In any discussion with Mr. Anderberg, it will be proper to assure him that we will submit a copy of the proposed amended water claim for his review before we file it with the State Supervisor of Hydraulics or the Division of Water Resources, and that such claim will not infringe on his valid interests or those of other water users. We are writing to determine whether the Supervisor of Hydraulics has been replaced by the Supervisor, Division of Water Resources, as the state administrative official.

Also attached is a copy of a letter to Mr. Ed LaFleur from the Supervisor, Division of Water Resources. This suggests that Mr. LaFleur, and perhaps some other water users are now being denied water under valid appurtenant rights. Mr. LaFleur's problems should be discussed with him, and covered by a memorandum with distribution to all interested offices. In discussion with him, or Mr. Anderberg, it should be pointed out that the National Park Service will not assume responsibility for water deliveries to others, but that it can become affiliated with a mutual water using association if necessary or desirable. This Service will also help in the assertion of appurtenant irrigation rights if it decides to use them. In all probability, the United States will not attempt to assert any interests in the preferred rights for domestic water use. The domestic rights may be appurtenant to the water system and Mr. Anderberg may have acquired a responsibility to supply such domestic water under terms similar to those of the former Town.

Copies of this memorandum are being sent directly to the Superintendent, Coulee Dam and the Western Office of Design and Construction.

(SGD) THOMAS J. ALLEN
Assistant Director

Attachments: 2
Copy to: Superintendent, Coulee Dam with one attachment
Western Office of Design and Construction with two attachments

08-30-1954: attention: mr. henry langley, in reply to your letter of august 30, 1954

C
O
P
Y

STATE OF WASHINGTON

DEPARTMENT OF CONSERVATION AND DEVELOPMENT
W. A. Galbraith, Director
Transportation Building
Olympia

September 9, 1954

Re: L54-L

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

Attention: Mr. Henry Langley
Acting Assistant Director

Dear Sir: Re: Application No. 12793

In reply to your letter of August 30, 1954, concerning your above numbered application, please be advised that we shall hold your application in further abeyance until January 1, 1955 as you have requested.

To answer your question concerning Mr. Anderberg's rights to this water, we will refer you to Section 39, Chapter 117 laws of 1917 and the repealing clause which is Section 47 of the same chapter.

It is our opinion that the deed may have conveyed all physical parts of the water system to him but the water itself would remain appurtenant to the lands on which it was used and for the same purposes unless specifically changed as provided in the above mentioned section. It is our understanding that he owns no land which was being served by the system or any adjacent thereto, such that he in effect bought only a utility from the city.

Although it may take court action to quiet title to the water being appropriated by vested right, it would seem that some agreement could be reached between the users and your agency which would resolve the problem for all time to come.

Your application and subsequent perfected right can remain as a secondary right which would allow use of whatever remaining waters there may be.

Very truly yours,

DIVISION OF WATER RESOURCES

/s/ M. G. Walker
M. G. Walker
Supervisor

08-28-1954: in response to your letter of august 28, 1954,

C
O
P
Y

STATE OF WASHINGTON
Department of Conservation and Development
Olympia

September 9, 1954

Mr. Ed LaFleur
Route 1
Kettle Falls, Washington

Dear Sir:

Re: Application No. 12793
National Park Service

In response to your letter of August 28, 1954, please be advised that the Park Service has requested further deferment of action on their application pending determination of ownership to distribution system, water rights, etc., concerning the Kettle Falls water system.

We are quite sure that they will eventually make some arrangements to insure that your water supply can be restored and it is suggested that you contact their local representatives toward this end.

We shall inform you further of any change in the status of their application.

Very truly yours,

DIVISION OF WATER RESOURCES

M. G. WALKER
Supervisor

COPY TO D&C (Western) DATE 9-7-54
FOR YOUR ☑ INFORMATION ☐ ACTION
REGION FOUR OFFICE INITIALS JJW

Office of
Chief, Western Office
Div. of Design and C
SEP 13 1954 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

In reply refer to
L54-L

September 9, 1954

Memorandum

To: Superintendent, Coulee Dam

From: Chief of Operations, Region Four

Subject: Water Development - Kettle Falls, Coulee Dam

Attached for your information and recommendations are copies of a memorandum from Acting Assistant Director Langley, dated August 30, on the subject "Water Right Application 12793 (Docket 3) for Kettle Falls Water System, Coulee Dam," together with Mr. Langley's letter of August 30 to Mr. Charles J. Bartholet, Supervisor of Hydraulics at Olympia.

The penultimate paragraph of page 2 of Mr. Langley's memorandum to this office outlines certain data that are required with reference to proposal U-33, the Kettle Falls Water System. The information required is the cost data and plans for the existing and proposed development.

Inasmuch as allotment ledgers are currently kept on an activity basis rather than a sub-activity basis in accordance with the procedure established in FAO-23-54, it is impossible for this office to determine the cost to date of this system as requested by Mr. Langley.

The question of preparing the plans was discussed with the Western Office, D&C, and at the present time it is impossible for them to do any work on drawings for the water system.

The last paragraph of Mr. Langley's memorandum states that the data requested will require considerable study and investigation by you and the Western Office, Design and Construction, before the final source of supply is selected and before they can negotiate with Mr. Anderberg. He further states that the remaining time to make the studies and complete necessary preliminary negotiations with Mr. Anderberg is short.

This would indicate that preparation of the data requested by Mr. Langley should be expedited.

However, your attention is called to Mr. Langley's letter to Mr. Bartholet, which emphasizes the unclear status of the ownership of water rights. He summarizes the obscure features as follows:

> "Whether the United States can establish appurtenant irrigation rights or not, it is clear from the deed that some arrangments will have to be made with the owners for any Federal use of, or modification of, the old Town Water System, or for segregating the interests of the United States and the other water users. It would be premature to start any negotiations with Mr. Anderberg until we know as much as possible about the relative interests now existing. It would also be impossible to amend Application 12793 until we know whether the United States is claiming part interest in existing rights or establishing new ones withproper recompense to the owners of the senior rights.
>
> "Application 12793 will probably be withdrawn and replaced by an application for amendment of existing rights, or those to be acquired from Mr. Anderberg if possible. It is even possible that another water source will be selected. However, we should like to retain the priority established by Application 12793 until the revised plans are completed."

Therefore, we believe that, important as it is to obtain the data requested by Mr. Langley, the determination of ownership of water is even more important as it is possible the ownership, or lack of ownership and rights of use of water, will completely alter the plans for development of the water supply at Kettle Falls.

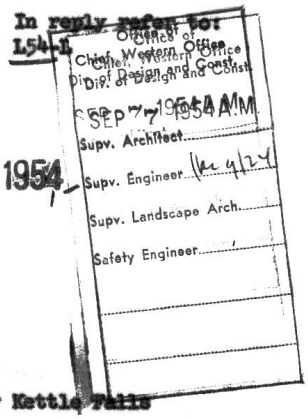
We would appreciate being kept fully advised of the steps being taken to clarify the water situation of this area.

Sgd. FRED T. JOHNSTON
Fred T. Johnston
Chief of Operations

Attachments

Copy to D&C, Western Office

In reply refer to:
L54-1



Air Mail

AUG 30 1954

Memorandum

To: Regional Director, Region Four

From: Acting Assistant Director

Subject: Water Right Application 12793 (Docket 3) for Kettle Falls Water System, Coulee Dam

Attached are two copies of our letter to the State Supervisor of Hydraulics which covers the water right situation on Blue Gulch as we see it after reading the deed to Mr. Anderberg and comments of August 6 by Mr. Peyton which were forwarded with the air mail memorandum of August 19 from Mr. Maier. Mr. Peyton should obtain as much of the information as possible, which is listed as now lacking, from the Bureau of Reclamation, Town of Kettle Falls, and county records.

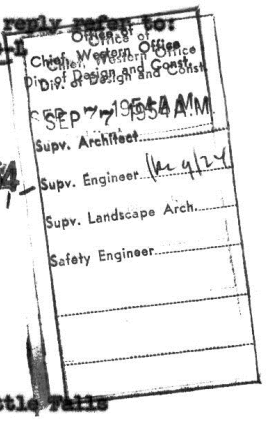
We agree with Mr. Peyton that no suit against Mr. Anderberg is desired. In addition, we are not now authorized to condemn even if we wished to do so. It is also evident that the water line proposed from Blue Gulch Creek would require joint use of the dam at the diversion if not of part of the pipeline. The definition of relative interests in water rights is still to be determined.

Mr. Peyton is also correct in stating that a new right to appropriate water from any source must be obtained by application to the Supervisor of Hydraulics. However, such a new appropriation would be worthless from fully appropriated Blue Gulch Creek. The use of that source must be made under part of the existing rights, whether the United States now owns them, or must purchase them, unless we establish that part of the rights have lapsed by nonuse since before 1946. We would be reluctant to charge that any rights have lapsed because many rights in the parks and monuments are subject to lapse through inability to obtain funds for full water system development during the past 15 years. It will be necessary to amend any existing rights to cover the new use, in compliance with the state water laws.

It is necessary to define the relative rights before we can negotiate with Mr. Anderberg, if that becomes desirable. We may be able to purchase necessary interests needed for an independent Federal water system, or we may be able to contract for water under the rights of Mr. Anderberg, at least for a few years. However, we must first

00-00-0000: water right application 12793, attached are two copies of our letter; 1954

In reply refer to:
L54-1



Air Mail

AUG 30 1954

Memorandum

To: Regional Director, Region Four

From: Acting Assistant Director

Subject: Water Right Application 12793 (Docket 3) for Kettle Falls Water System, Coulee Dam

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It is necessary to define the relative rights before we can negotiate with Mr. Anderberg, if that becomes desirable. We may be able to purchase necessary interests needed for an independent Federal water system, or we may be able to contract for water under the rights of Mr. Anderberg, at least for a few years. However, we must first

determine what interests the United States already has, if any, and what further interests Mr. Anderberg has which are essential to the United States. We must also know the available flow at the dam during the tourist season, to determine what part of the total rights can be exercised when the water is needed.

The justification for the alternative diversion of water from Roosevelt Lake will depend on the relative cost of each system, including future operating costs if both sources of supply are adequate for existing rights. If the Blue Gulch Creek System is cheaper than the Roosevelt Lake System, the United States can pay Mr. Anderberg any part of the difference for a part interest in the necessary interests in his water system and water rights.

From U-33, it is difficult to segregate the costs of the Blue Gulch Creek Water System without a complete plan but it appears that the total project is to cost $143,000, of which $13,000 had been spent by 1953 for the first well. There may have been some construction in 1954, and $9,400 seems to have been provided for 1955 for both water system and area development. Another well and pump, water mains and fire hydrants, and an elevated tank are contemplated in the area. These can be constructed at once if we file applications for the two wells with a plan showing them, the tanks, and pump lines between. A complete plan of this existing and proposed development, with data on pump capacities, power installation and costs, should be sent to us at once for the preparation of that application. Of course, neither well may be needed if a float and facilities for diverting and chlorinating the Lake water are to be provided.

Presumably the 5,600 feet of 8" pipe, listed in the project construction proposal, at cost of $27,000, is the Blue Gulch Creek unit, but the 30,000 feet of ditch at $15,000 may also be part of the unit. We note that there is no provision for the reconstruction or improvement of the dam. The old wood stave pipeline of the Town (now Anderberg) is reported to be unfit for use. The plan and cost estimate of the supply line, and the plan and cost estimate of the alternative system from the Lake should be prepared. The difference in cost is the justifiable price for the use of the dam and possible acquisition of water rights of Mr. Anderberg. These plans and estimates should be prepared before either water source is selected. The selected plan and cost estimate should be submitted to us for water right purposes.

This memorandum and the letter to the State Engineer outline considerable study and investigation still needed by the Superintendent and Western Office of Design and Construction, before the final source of supply is selected and before we negotiate with Mr. Anderberg, if that becomes necessary. Please note that we have only requested until December 31 in which to make the studies and complete necessary preliminary negotiations with Mr. Anderberg.

(SGD) HENRY LANGLEY
Acting Assistant Director

In duplicate

Attachments 2

Copy to: Western Office, Design and Construction

06-18-0000: by letter of june 18, we requested that time be granted to investigate the conditions leading to the protest of federal w

In reply refer to:
L54-L

C Dam

AUG 30 1954

1 -

Office of
Chief, Western Office
Div. of Design and Const.
SEP 7 1954 A.M.
Supv. Architect
Supv. Engineer 1m 9/7/54
Supv. Landscape Arch.
Safety Engineer

Mr. Charles J. Bartholet
Supervisor of Hydraulics
Department of Conservation and Development
Box 207
Olympia, Washington

Application 12793

Dear Mr. Bartholet:

By letter of June 18, we requested that time be granted to investigate the conditions leading to the protest of Federal Water Right Application 12793 by William Anderberg and others. By letter of June 28, Mr. Walker granted 90 days for such an investigation. Presumably the time limit will expire on September 25. For reasons hereafter discussed, we hereby request a further extension of time until about January 1, 1955.

Enclosed is a photostat print of the Kettle Falls Water System, Drawing A-1684, which was prepared by the Bureau of Reclamation in 1938 which also shows a large portion of the old Town of Kettle Falls which was acquired by the United States for the Columbia River Reservoir, now Lake Roosevelt. Apparently the proposed pipe under Application 12793 would largely replace or parallel the former Town pipeline and diversion works. Superintendent Peyton of Coulee Dam National Recreational Area has indicated thereon certain lots in the old Town beyond the Federal land boundary which are still privately owned, and would be traversed by the Federal pipeline. We gather that there are other undesignated lots still owned by a number of individuals whose land would not be crossed by the Federal pipeline.

We also enclose a photostat copy of the deed of August 2, 1946, by which the Town of Kettle Falls conveyed the pipeline, easements, and water rights to William Anderberg and Howard E. and Clara L. Root.

An examination of the tract books of the Bureau of Land Management reveals that the land was acquired from the United States, largely in tracts of 160 acres, by cash certificates dated between March and December 1890. We have not yet obtained copies of the subsequent patents, but know that some were not issued until 1892 or later. There is no Federal record of the Townsite, which implies that it was established later.

From Remington's 1915 Code and Statutes of Washington, we find that riparian and appropriative county filings were recognized from 1890 until the present water code was adopted on June 6, 1917. Mr. Peyton has not advised when the Town was incorporated, or the nature of the water rights it conveyed to Mr. Anderberg, or how they were acquired. Although we are also requesting Mr. Peyton to investigate the matter on his next visit to Kettle Falls or the county seat, we should like to have all prior information which you may be able to supply.

Under Chapter XXXIII of the aforesaid Code, it is noted that municipal rights for irrigation became appurtenant to the land, but that water for other purposes could be distributed under preferred rights not appurtenant to the land. Chapter XXXIV provides for the disposal of a municipal water system, but seems to be silent on the subject of the disposition of irrigation rights. Assuming that the Town sold to Mr. Anderberg in compliance with the state laws, and that the laws relating to irrigation rights have not been radically changed, it appears that part of the rights exercised through the old Town water system did not pass by the deed to Mr. Anderberg except as a trustee who would be obligated to continue to serve at least the remaining owners of lots in the old Townsite for irrigation. Accordingly, we should like to have your interpretation of the portion of the Town rights which passed to Mr. Anderberg, and the portion which may have remained appurenant to the land.

From the enclosed map, we have determined that the United States reacquired a minimum net irrigable area in the Townsite of about 135 acres, potentially divisible as about 2045 lots. At 1 sec.ft. of water to 70 acres, this would constitute a potential claim to just under the 2.0 sec.ft. claimed in Application 12793 for irrigation purposes alone after deducting estimated area of drives, houses and other structures on typical lots. So far we have not received copies of the deeds under which the Townsite was conveyed to the United States, to determine whether the United States was divested of irrigation rights. Neither have we seen the resolution or referendum measures granting the Town authority to sell the water system, to determine whether the Town voters divested the owners of lots beyond the Federal taking line of interests in rights and water system capacity essential to further land occupancy. It may take some time to assemble those records.

Whether the United States can establish appurtenant irrigation rights or not, it is clear from the deed that some arrangements will have to be made with the owners for any Federal use of, or modification of, the old Town Water System, or for segregating the interests of the United States and the other water users. It would be premature to start any negotiations with Mr. Anderberg until we know as much as possible about the relative interests now existing. It would also be

impossible to amend Application 12793 until we know whether the United States is claiming part interest in existing rights or establishing new ones with proper recompense to the owners of the senior rights.

Application 12793 will probably be withdrawn and replaced by an application for amendment of existing rights, or those to be acquired from Mr. Anderberg if possible. It is even possible that another water source will be selected. However, we should like to retain the priority established by Application 12793 until the revised plans are completed.

In order to expedite parallel investigations by Superintendent Hugh Peyton, Coulee Dam National Recreational Area, Coulee Dam, Washington, it is requested that you send a copy of your reply directly to him.

Sincerely yours,

(SGD) HENRY LANGLEY

Henry Langley
Acting Assistant Director

Enclosures 2

Copy to: Regional Director, Region Four (2) detached
Western Office of Design and Construction

WR Copy

In reply refer to:
L54-L

August 26, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Docket No. 3, Water Rights for Kettle Falls Area Water System, Coulee Dam National Recreational Area

The folders for the subject docket were distributed with our memorandum of June 17, and contained a copy of the Record of the Well. With copies of this memorandum, we are distributing new contents, with section subdividers. The Record of Well should be transferred to the proper place in the new assembly, and the entire assembly then stapled in the folder without disturbing the order of individual instruments.

We have just received the air mail memorandum of August 19 from Mr. Maier with the copy of the deed by which the Old Kettle Falls Water System and Rights were conveyed to Mr. Anderberg on August 2, 1946. Further water right procedure will be covered by a separate memorandum.

If, as we will suggest as one alternative procedure, it is decided to proceed with the appropriation of Blue Gulch Creek, it will be necessary to determine whether the pipeline will traverse land patented before or after August 30, 1890. It may be necessary to purchase a right-of-way across land patented before that date, but we can exercise the reservation of rights-of-way for canals and ditches reserved in patents issued subsequent thereto under the Act of August 30, 1890 (26 Stat. 391). The tract books of the Bureau of Land Management show that the land in Sections 23, 25, 26 and 35 was acquired by cash certificates between March and December 1890, with patents issued thereafter. The patents were probably issued subsequent to August 30, 1890, with the reservation, but the pertinent patents should be checked in the county records. We enclose a list of those to whom the cash certificates were issued and probably the ones to whom the patents were issued.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Coulee Dam with copy of attachments
Western Office of Design & Construction, with copy of attachments
Mr. Dunn

AvVDunn:lct

00-00-0000: water rights under application 12793 for kettle falls water system; 1954

WR Copy

In reply refer to:
L54-L

Air Mail

August 19, 1954

Memorandum

To: Superintendent, Coulee Dam

From: Chief, Water Resources Section

Subject: Water Rights Under Application 12793 for Kettle Falls Water System, Coulee Dam

By memorandum of July 8 from Mr. Cook, we sent you a copy of letter of June 28 from the State Assistant Supervisor of Hydraulics granting 90 days in which to amend Application 12793. Our memorandum included a request for information described in more detail in our memorandum of June 18.

Because of the limited time remaining until September 28, it will facilitate matters if you supply the information as you obtain it instead of waiting until you complete the investigation. The first matter should be to obtain a copy of the pertinent portions of the deed from the town to Mr. Anderberg to determine whether the town conveyed water system or water rights, or both.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four
Mr. Dunn

AvVDunn:let

00-00-0000: water rights under application 12793 for the kettle falls water system; 1954

In reply refer to:
L54-L

Office of Chief, Western Div. of Design and Const.
AUG 24 1954 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

Coulee Dam National Recreation Area
Coulee Dam, Washington

August 6, 1954

Memorandum:

To: Regional Director, Region Four

From: Superintendent, Coulee Dam

Subject: Water Rights Under Application 12793 for the Kettle Falls Water System

It is noted from memorandums and letters from the Washington Office that the procedure of this office is questioned in filing on the water rights at Blue Gulch, Kettle Falls. This procedure was followed after informal conversations with the Division of Water Resources, State of Washington. The purpose of this filing was to allow the State of Washington to clarify the ownership of this water supply. This has been done. The State of Washington has or will rejec t our filing of the right for the reason that it has been found that the United States Government already possesses this right. We fail to see where the U. S. Government is in a "defensive position."

Any and all rights or supply from any source whatsoever rests solely in the hands of the State of Washington, with the exception of that amount allocated to the Bureau of Reclamation for power and irrigation down stream. Therefore, we deem it proper that the advice of the Division of Water Resources be heeded at all times in any operation that requires the use of water. Without the concurrence and help of this agency no water supply can be developed. We have found this agency most helpful and cooperative in developing water for our recreational use.

It is indeed unfortunate that proper steps were not taken long ago to assure water supply for the Kettle Falls area. A sizeable investment has been made in a bathhouse, lawns, picnic and camp ground sites, etc. We are now operating in that area with concessioner facilities, public facilities, etc., and are endeavoring to find the best solution to this water problem.

Time is the essence of this development and inasmuch as the entire issue might be clouded in the minds of our cooperating agency; namely, the Division of Water Resources, we will consider as an alternative a barge with chlorinating unit on the lake and an elevated tank.

If we have been premature in initiating this procedure, we were motivated and dominated by the urgency of this situation wherein the public has needed these recreational facilities for quite some time.

The only water now being used from this source is that used by Mr. Hurst. Mr. Anderberg is not supplying water to any one. The entire reservoir and pipe line outside of government property is on the land owned by Mr. Hurst. The mention of other users--motels, etc.--does not apply. There are none. The pipe line which Mr. Anderberg holds a deed to is in a very poor condition and would be replaced by anyone using water from this source, including ourselves.

The deed that is recorded in favor of Mr. Anderberg may have questionable value inasmuch as the land that it formerly served is now owned by the Government and, as has been noted before, carries the water right provided by long past use. We are sending, as requested, a photostatic copy of Mr. Anderberg's deed. (Attached)

It is noted that it is requested that the Division of Water Resources defer action for 90 days. It is to be noted that we are in operation at Kettle Falls. The water system that was built for the marina use; it is too far removed to benefit the beach camp operations. There is mention of time to "prepare a case." What kind of a case? Court action? As administrator of the area, I do not wish to resort to court action in this matter. The National Park Service could not stand such an unwarranted move. The Service is endeavoring to slowly climb back into stable esteem of the public and the state agencies.

The 1955 funds allotted are for a water system to provide for an area wherein an investment is made. Inasmuch as the Blue Gulch procedure has been questioned, I expect to survey the only other source of water available; that is, the lake. This requires a barge, chlorination equipment, and pumps.

Hugh Peyton,
Superintendent

In triplicate

Attachment: Copy of Mr. Anderberg's deed, in duplicate

In reply refer to:
L54-L

Chief, Western Office
Div. of Design and Const.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

JUL - 8 1954

Air Mail

Memorandum

To: Superintendent, Coulee Dam

From: Acting Assistant Director

Subject: Water Rights under Application No. 12793 for Kettle Falls Water System, Coulee Dam National Recreation Area

Attached is a copy of a letter of June 28 from the Assistant Supervisor of Hydraulics in reply to our memorandum of June 18, advising that Application No. 12793 will probably be rejected unless we can show partial Federal interest in the original rights by which the Town of Kettle Falls originally made full appropriation of the waters of Blue Gulch Creek. We have 90 days in which to determine what interests, if any, the United States now has in the original Town rights and to amend the water claim. Nearly one-third of the time will have elapsed by the time you receive this memorandum if the 90 days started on June 18.

Please supply us with the information requested as items 1 to 4 on page 2 of our memorandum of June 18 to the Regional Director as quickly as possible. The most important items are: (1) possible appurtenants included in deed to land in old townsite to United States from the vendors, or in any adjacent land served by the pipe line; (3) copy of deed recorded at page 655 of Book 123 of Deeds in the office of Stevens County Auditor, by which Mr. William Anderberg claims title to water system and some possible water rights.

Items 2 and 4 in our previous memorandum are not needed immediately, the latter being somewhat academic until we determine the extent of the original appropriations of the Town. In lieu thereof, please obtain as much information as you can from the Town or town water company concerning the basis and extent of the rights, which were apparently established prior to June 6, 1917. If there was a County filing, a copy should be obtained from the aforesaid County Auditor. The Town may be able to give books and pages, or dates of such filings for reference. We should also determine the maximum amount of diversion by the old system and approximate daily consumption. We should also like to know how much of the total water is estimated to have been used for domestic, irrigation, and

JUL 13 1954

industrial purposes, so that we can estimate reasonable former appurtenant use on lands now owned by the United States.

The nature of potential Federal claims cannot be determined until we have all the facts, but whether the actual municipal rights were assigned to Mr. Anderberg with the water system or not, such an assignment could not divest other continuing water users of their rights, and probably charged him with the responsibility for delivering their water for proper recompense. He would also have to permit valid water claimants to construct new systems and transfer their portions of the Town rights to their independent systems. No transfers have been made to date. Accordingly, we should like to know the terms on which Mr. Anderberg may be supplying water to others such as Messrs. Woodward, LeFlevre, and Hurst, who have also filed protests, provided the information can be obtained quietly and tactfully.

It is also probable that all beneficial use of water by the protestants is less than the quantity to which the Town had rights. It may become necessary to prove that other water users cannot exercise all rights. For this reason, we should have a map showing all private land now served by water from Blue Gulch Creek, a reasonable estimate of the portions or acreage irrigated, the number of people using it for domestic supply, and available information on such other water uses as for auto courts (with developed capacity), restaurants, and other industries.

Repeating from our previous memorandum, we must also know the extent to which the proposed Federal system would use or replace the old Town water system and its rights-of-way. This Service has no authority to use any part of the old system now owned by Mr. Anderberg unless it makes proper arrangements with him. No attempt should be made to negotiate with him until after we determine what Federal water rights can be established.

Since there are possibilities that the United States may have two alternative courses: (1) to become affiliated with Mr. Anderberg; and (2) to break down his claim to more rights than he can exercise, all requested information should be obtained in the most friendly manner possible.

(SGD) L. F. Cook

Attachment

Acting Assistant Director

Copy to: Regional Director, Region Four, w/c Ass't Supervisor's letter of 6/28
✓Western Office of Design and Construction " " " " "

06-18-1954: in response to your letter of june 18, 1954, concerning your above numbered application on blue gulch creek

COPY

Arthur B. Langlie
Governor

STATE OF WASHINGTON
Department of Conservation and Development
W. A. Galbraith, Director
Transportation Building
OLYMPIA

June 28, 1954

L54-L

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

Attention: Mr. Henry Langley
Acting Assistant Director

Dear Sir: Re: Application No. 12795

In response to your letter of June 18, 1954, concerning your above numbered application on Blue Gulch Creek, please be advised that our field examiner is in the process of writing his report. He contemplates rejecting the application on the grounds that the water is already appropriated. He has found sufficient evidence to show that this use was initiated prior to the enactment of our water code and has thus become vested in the property which made use of same.

Your department can no doubt hold claim to a share of this supply in the proportionate amount which corresponds to that portion of the property of the Town of Old Kettle Falls to which you now have title.

However in compliance with your request we shall defer further action on the application for a period of ninety (90) days or until we hear from you further regarding modification of the application.

Your requests for data are correspondingly enumerated below:

1. There have been no other applications to appropriate water from this source since enactment of the water code on June 7, 1917.

2. We have received no evidence of assignment or transfer of these waters to any other parties although we do have knowledge of deeds which are of record with the Stevens County Auditor.

3. We are forwarding two copies of the water codes of this state.

Very truly yours,
DIVISION OF WATER RESOURCES
/s/ M. G. Walker (A.J.
M. G. WALKER
Assistant Supervisor

MGW:aj

00-00-0000: water rights under application 12793 for the kettle falls water system; 1954

In reply refer to:
L54

Office of
Chief, Western Office
Div. of Design and Const.

Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

June 23, 1954

Memorandum

To: Superintendent, Coulee Dam National Recreation Area

From: Regional Director, Region Four

Subject: Water Rights under Application 12793 for the Kettle Falls Water System, Coulee Dam National Recreation Area

In connection with the above there is attached copy of Washington Office memorandum of June 18. Particular attention is called to the second paragraph of the first page. The purpose of our question to the Washington Office was to make sure if this office was correct in believing that all filings of applications for water rights are still to be made only by the Water Resources Branch of the Washington Office. Acting Assistant Director Langley says, in reply, that R.D-102, February 16, 1945, is still applicable. That memorandum stipulates in regard to water rights filings that "all formal contact be through the Director." We think you have a copy of that memorandum in your files.

The reason for placing the entire responsibility on the Washington Office for this work is the fact that such filings almost invariably are tied up very closely with legal aspects as is illustrated in the closing paragraph of Mr. Langley's memorandum.

It is requested that Mr. Langley's letter be read carefully and followed closely as to the several requirements listed therein. This is quite important in view of the several protests and the many problems already disclosed. Also attached is copy of Mr. Langley's letter of June 18 to the State Supervisor of Hydraulics, Olympia, Washington.

RECEIVED
JUN 24 1954
WESTERN OFFICE
DIV. OF DESIGN AND CONST.

(SGN) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Attac

Copy to: Director
Western Office, Division of Design & Construction

In reply refer to:
L5h-L

JUN 18 1954

Memorandum

To: Regional Director, Region Four

From: Acting Assistant Director

NATIONAL PARK SERVICE RECEIVED JUN 23 1954 WESTERN OFFICE DIV. OF DESIGN AND CONSTR.

Subject: Rights Under Application 12793 for the [illegible] Water System, Coulee Dam National Recreational Area

The enclosures with the five memoranda which Mr. Hoyt submitted between April 26 and June 1, 1954, were individually inadequate to permit appraisal of the water right problems. It now appears, however, that some effort should be made to prevent adverse action on the Application No. 12793 as a result of the six protests which have been filed. Attached are copies of the letter we have sent to the Supervisor of Hydraulics to prevent any default through negligence.

We are somewhat surprised by Mr. Hoyt's inquiry as to whether it is intended that all filings should be made by the Water Resources Branch, now a Section, but realize that there may be some question as a result of irregularities at Coulee Dam for a number of years. Memorandum RD-102 of February 16, 1945, is still applicable and places responsibility for all water right matters in the Water Resources Section with the legal assistance of the Chief Counsel. The procedure will have to be revised when the reorganization is completed, but no changes are contemplated until January or July 1955.

It appears from the protest of William Anderberg that the United States may have no access to the Blue Gulch Creek source of supply, and the six protests suggest that there is no unappropriated water in the stream to appropriate. Under Title 90, Sec. 90.20.060 of the State Water Code, the Supervisor of Hydraulics may have to reject the subject application, as filed, for lack of such unappropriated water. Moreover, no construction can be started without prior establishment of necessary rights of way.

However, there may be Federal interests which Mr. Anderberg has not indicated. The following instruments are needed to determine Federal status. Please have Mr. Peyton obtain copies of those items which can be obtained from the local office of the Bureau of Reclamation at no cost, and obtain page references and estimates of the cost of the others so that we can place purchase orders at the beginning of the new fiscal year.

1. Copy of deed to Old Kettle Falls townsite which was acquired by the United States. If Bureau cannot supply this, we will have to purchase copy from county records.

2. Copy of Federal Water Withdrawal for the Grand Coulee Project. If we cannot obtain copy from the Bureau, we can purchase one from the Supervisor of Hydraulics with no further assistance from Mr. Peyton.

3. Complete copy of deed to Mr. Anderberg from the Kettle Falls Town or Water Company, recorded at Page 655 of Book 123 of Deeds of Stevens County Records.

4. Any information which the Bureau, Town, or Water Co. can give on flow of Blue Gulch Creek at the old reservoir.

Mr. Dunn anticipates that the requested records will confirm Mr. Anderberg's claim that the United States did not acquire much interest in the old town water system, but some possible interest in appurtenant licensed water rights may have passed with the land. We shall appreciate any information the Bureau or the Town Water Company can give as to the possible appurtenant status of irrigation rights in the old townsite, which may not be reflected in instruments we have ordered from the Supervisor of Hydraulics.

If it is found that Mr. Anderberg owns the old water system, and is supplying the five other protestants with water, we should also like to know the status of his utility operations. This may be reflected in requested copies of water rights, but the Town or friendly land owners may be able to supply additional information. It is possible that Mr. Anderberg acquired responsibility to serve Federally owned parts of the old townsite, as well as other private land owners, with title to the water system. Any inquiries which may be carried back to Mr. Anderberg should be made with tact because it may become desirable to purchase water rights from him, with or without land, before this matter is settled.

Application No. 12793 claims 2.0 sec.ft., or just under 1,293,000 gallons of water per day, but does not indicate the number of acres, and the map submitted to us with the copies of the application by memorandum of May 7 does not give any of the required information as to pipe line location or place of use. The Bureau Drawing A-168h, which was submitted with the memorandum of May 14, would have been a much better map to support the application if the tie from section corner to diversion had been shown, but it also fails to describe the irrigated area.

In addition, we have the record of the well in the Marina and final construction report of April 1 to indicate that a supply of

45 gallons per minute or slightly over 0.1 sec.ft. It is probable that the well will supply more than ample domestic water during the irrigation season, thus indicating that the Blue Gulch Creek supply would be largely for irrigation and an off season domestic supply. The 2.0 sec.ft. from the Blue Gulch Creek would be ample to indicate at least 140 acres of actual vegetation which is a pretty large area after camp sites, roads, etc. are deducted from the Marina area. Mr. Dunn will check the areas on the Marina plan but you may wish to offer comments.

The Record of Well indicates that its source of supply is the underground flow of the Columbia River, with a surface water elevation which has been raised by the creation of Roosevelt Lake. The Water Resources Branch will file another application for the appropriation of that water. Such an application will lead the Supervisor of Hydraulics to request clearance from the Bureau of Reclamation because of the Federal water withdrawal. This, in turn, will lead to the question of whether the Bureau does or will, make a charge based on the reduced pump lift. The policy must have been settled in connection with the numerous pump installations which have been made under NPS Special Use Permits, but our previous inquiries in the matter have not been answered. This information is desired for possible justification for the cost of obtaining rights to Blue Gulch Creek.

It also appears that the item of $9,400 in the 1955 budget is for further work on the existing water system in the Marina area, without specifying whether this is for the Blue Gulch Creek diversion system. It is probable that the Supervisor of Hydraulics will grant any permit on an application with the provision that construction must start within six months or a year. Mr. Dunn is not certain which limitation is applicable in Washington. For this reason, we should like to know whether Application No. 12793 was filed in anticipation of 1955 construction, or to establish rights with a priority senior to those of neighboring private land owners who contemplate new developments. There may be another water right problem to resolve, if possible, in the latter case. Moreover, it would be unwise to start construction of the Blue Gulch system until the water right matter is settled.

Before any proposed water system is constructed across the land outside of the Recreational Area, it will be necessary to obtain rights of way unless the U.S. has a part interest in the old town pipe line right of way and the new pipe line follows that right of way. The procedure to establish such rights of way will differ where the land was patented before or after August 30, 1890 because subsequent patents reserved a right of way for ditches and canals of

the United States, and the Solicitor has ruled that canals and ditches included pipe lines. We are checking patents and the status of lots in the old town site, and will advise on right of way procedure in a few days.

It appears from this discussion that the National Park Service has placed the United States in an undesirable defensive position without adequate preparation. It is hoped that the letter to the Supervisor of Hydraulics will give us time to prepare our case. However, it is possible that he may make a field inspection and ask questions. We should be kept fully informed on such action and any questions should be referred to us for answer, with such comments as may be offered.

Sgd Henry Lawler

Acting Assistant Director

In duplicate

Attachments 2

Copy to: Chief, Office of Western Design & Construction

00-00-0000: letter to mr. charles j. bartholet, due to some misunderstanding..; 1954

In reply refer to:
L54-L

JUN 18 1954

Mr. Charles J. Bartholet
Supervisor of Hydraulics
Department of Conservation and Development
Box 207
Olympia, Washington

Dear Mr. Bartholet:

Due to some misunderstanding when Mr. Hugh Peyton replaced Mr. Claude E. Greider as Superintendent of Coulee Dam National Recreational Area, Application 12793 was filed somewhat prematurely while we were attempting to assemble the records from which to determine whether Blue Gulch Creek would provide an adequate source of supply for the proposed Kettle Falls Marina and what water right procedure would be necessary. We have now received a copy of the application and copies of six protests of the application, all dated between April 2 and April 27.

If your evidence now suggests an adverse action on the application, and the state water laws and your regulations permit, it is requested that the National Park Service be granted 60 or 90 days in which to complete certain investigations and make possible amendments in the claim. It is noted that one of the protestants, Mr. William Anderberg, claims to have acquired a large part of the rights and improvements of the Town of Kettle Falls. On the other hand, the United States acquired title to much of the old Kettle Falls townsite with unknown interests in possible appurtenant water rights. Regardless of ownership, there is a possibility that much of the town right may have lapsed if held in trust as an appurtenance to the lands which have been flooded by Lake Roosevelt.

NATIONAL PARK SERVICE RECEIVED JUN 23 1954 REGIONAL OFFICE REGION FOUR BERKELEY, CALIF.

Whether the proper rights can be established with, or without, the requested amendment, this Service needs further information from several sources. A purchase order and voucher will be submitted as soon as you advise how much of the following data can be supplied by you and at what cost.

1. Copies of all applications, permits and licenses issued for the appropriation of the waters of Blue Gulch Creek.

2. All records of assignment or revocation which may have been made in connection with the relocation of the town of Kettle Falls.

3. Two copies of your most recent condensed edition of the Washington Water Laws.

Sincerely yours,

SIGNED

Henry Langley
Acting Assistant Director

Copy to: Regional Director, Region Four (2) detached
Chief, Office of Western Design & Construction

00-00-0000: memorandum, record of well; 1954

WR

In reply refer to:
L54-L

June 17, 1954

Memorandum

To: Director, Geological Survey

From: Chief, Water Resources Section, National Park Service

Subject: Record of Well, Coulee Dam National Recreation Area

Attached is a Record of Well drilled approximately 35 feet from the high water line of Roosevelt Lake near the old Town of Kettle Falls. I have added certain data by hand from the plan of the area development which may be helpful in connection with seepage losses from the reservoir if the surface water stage on the date of pumping is obtained, and more is known about the restricting clay formation intercepted by the lower parts of the well.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Mr. Dunn

AvVDunn:let

WR

In reply refer to:
L54-L

June 17, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Docket No. 3, Well Supply for Kettle Falls Marina Water System, Coulee Dam National Recreation Area

Attached is a folder for the subject docket containing a copy of the "Record of Well". Other records will be supplied as the water rights are perfected. Although the well was drilled in 1952, the priority will date from filing of an appropriative application.

Similar folders are being sent directly to Coulee Dam and the Western Design Office.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Supt., Coulee Dam Natl. Recreation Area wco attachment
Chief, Office of Western Design & Construction wco attachment
Mr. Dunn

AvVDunn:lct

WR Copy

In reply refer to:
D5039-L

MAR 30 1954

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Kettle Falls Water System, Coulee Dam

We have received the memorandum from Mr. Maier, with enclosure from Mr. Peyton, which suggests that the latter has placed an application for the appropriation of water for the Kettle Falls water system with the State Engineer since he was transferred to Coulee Dam as Superintendent.

Mr. Peyton evidently has not had previous experience in the water right procedure of this Service while at Millerton Lake, and apparently does not have sufficient information on these procedures which Mr. Dunn had started. We have been awaiting a reply to the memorandum of May 22, 1953, from Mr. Dunn.

In order that we may bring the records up to date, please supply us with copies of the application and all other instruments filed with the State Supervisor of Hydraulics, and outlines of the discussions with the Bureau of Reclamation and Hurst. Also, supply a description of the private land on which the Federal water system is to be located.

Since there are suggestions of potential water right conflict, a loss of original priority, and a question as to whether the United States has, or must, obtain right-of-way, Mr. Dunn will proceed to review the case.

(SGD) THOMAS J. ALLEN

Assistant Director

In duplicate

Copy to: Mr. Dunn

AVDunn:hh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

2 Copies of Form 9-255, sent Director, 8/12/53. KW

July 30, 1953

D 5039

Memorandum

To: Regional Director, Region Four

From: Engineer, Coulee Dam National Recreation Area

Subject: Record of well at Kettle Falls

We regret the delay in answering Mr. Crowley's memorandum of August 21, 1952, requesting information on the well which was drilled to provide water for the public area at Kettle Falls. Although the well was drilled and the water lines and pumping facilities completed last fall, lack of power and the seasonal drawdown of the lake prevented testing the well and the utilization of the water service until late in June.

On June 16 the pump was operated for the first time and on June 17 an 8-hour test run was made. During this time the well was heavily chlorinated with one gallon of Chlorox and the water wasted. The low water cut-off was installed and operated during the test in the cycle of 1 minute 50 seconds (1 minute 30 seconds pumping, 20 seconds stop during which water poured into the casing and the pumping cycle resumed.) During this time the well pumped 54 gallons a minute, fairly soft water which lathered easily with soap, and the temperature was 46 degrees Fahrenheit.

The water was again chlorinated before it was turned into the pressure tank and the lines flushed. The pressure valve was set to operate at 55 pounds, P.S.I., and 75 pounds, P.S.I., and is now operating within this range. However, small leaks developed in the piping at the pump house at inflow and outflow lines of the pressure tank, and the completion report and final contract payment are being withheld until these are corrected in a satisfactory manner. Form 9-255 is attached.

Edward Nash

Copies made for both.

Edward Nash
Engineer

NATIONAL PARK SERVICE
RECEIVED
AUG 3 1953
REGION FOUR OFFICE

Copy made for WR Docket #3

00-00-0000: memorandum, well for kettle falls bath house area; 1953

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

June 18, 1953

D 5039

Memorandum

To: Regional Director, Region Four

From: Superintendent, Coulee Dam National Recreation Area

Subject: Well for Kettle Falls bath house area

Reference is made to our long distance conversation with Mr. Hill and Mr. Crowley on June 16 with regard to recommendations for the establishment of the Kettle Falls bath house. As we advised you over the telephone, there are a great number of factors that we have been trying to fully consider to arrive at a proper recommendation, and we will review the more important of these considerations and give you the opinion of the Geological Survey with regard to our well problem.

Several days prior to our telephone conversation, Mr. Nash met with Mr. Jones of the Geological Survey in the Kettle Falls area to obtain a report of their study of the problem. The Geological Survey technicians, after making a study of conditions, have the following conclusions to report. They advise that seismic methods could not be used in wet gravel. This would mean that a survey of the area by seismic methods could not be done until next winter after the gravel had dried out. They advised further that locating the depressions in the clay strata did not necessarily mean that water would be in these low depressions, and that exploratory drilling would still be necessary to supplement their findings. Further, they advised it would require about six weeks to make the survey and that the cost would be around $7,500. It is their opinion that the value of the information obtained would not be worth this amount of money to the Geological Survey, and it is our opinion that they doubt that the information would be of this value to us, even if we had the money to spend. Therefore, in view of our limited funds we recommend against the seismic method.

The other factor is that from advice of the Geological Survey and from drillings they have made in the area, it appears that there is a lack of any uniformity in the underground structures. From past explorations it would seem there is no way of telling with any assurance the location of the high and low spots of the clay strata. Therefore, any drilling should be considered exploratory. We have reason to believe, however, that a well sunk at the bath house or any other place on the flat would be in the gravel layer which generally covers the entire flat

NATIONAL PARK SERVICE RECEIVED JUN 22 1953

to a depth of approximately 38 feet. This could not be counted on positively, as a high spot of clay might be encountered any place. However, knowing that in all probability lake water would come into this gravel formation when the lake level is high enough, it also is probable that two or three test holes in the vicinity of the bath house would give the desired results.

With regard to a well of this character, it previously has been pointed out and should be taken into consideration that this would be practically surface water and would undoubtedly have drainage from the old cesspools from the town of Kettle Falls. Possibly there are ways to purify this water if it is found to be polluted. In this regard, it is obvious that there is no use in building a bath house without a pressure system and even though the water was found unsatisfactory for drinking, it would still be necessary to put down the well to operate the bath house. In the event the well could not be purified, this would mean obtaining the drinking water from some other source. Sinking the well to the clay layer somewhere in the vicinity of the bath house should be considered an expedient and with the funds we understand are available it is probably the only thing left to do.

A modification of this policy would be to put the well somewhere midway between the camp ground and the picnic area, so that one well could supply both the camping area and the beach area. The cost of piping would be considerable and this particular question is something for the Regional Office to decide.

Mr. Jones made a suggestion that seems to us to be the most sensible solution to the problem, if we have enough money. He suggested that we go near the edge of the bank just above the spot where the spring we photographed emerges into the lake about 45 feet from the surface of the ground, and put down a cistern. He points out that by staying close enough to the bank so that we cannot miss this fresh water channel, by digging out a cistern and shoving the overburden into the lake we would have a fresh water supply the year round. He points out also that during high water the lake would undoubtedly come back into the cistern, but he believes that this would be good water. Thus we would have a well with a supply of lake water in the summer and have spring water when the lake was down. By doing a little exploratory drilling it might be possible with luck to follow the channel back toward the bath house far enough to make a driven well into the channel practicable. However, it might cost a lot of money to find the channel, since the only location we know for sure is where it comes out of the bank. This idea is presented for your consideration.

Thus it appears there is no inexpensive or simple way to obtain the desired water supply, and in case you do not consider the cistern method practicable at this time, the limited funds available would seem to make it necessary to drive a well in the vicinity of the bath house, figuring that it may be usable only for the bath house. It should be pointed out also in this connection that the operation of Lake Roosevelt in certain unfavorable

years might be such that this well could not obtain water even at the 36 foot level at the beginning of the summer season.

We have talked about so many factors that our recommendation probably appears to be somewhat uncertain. However, unless there are funds in addition to those already known to us, it does not seem possible to try any other method than a driven well in the vicinity of the bath house at this time, and this should be considered a temporary installation.

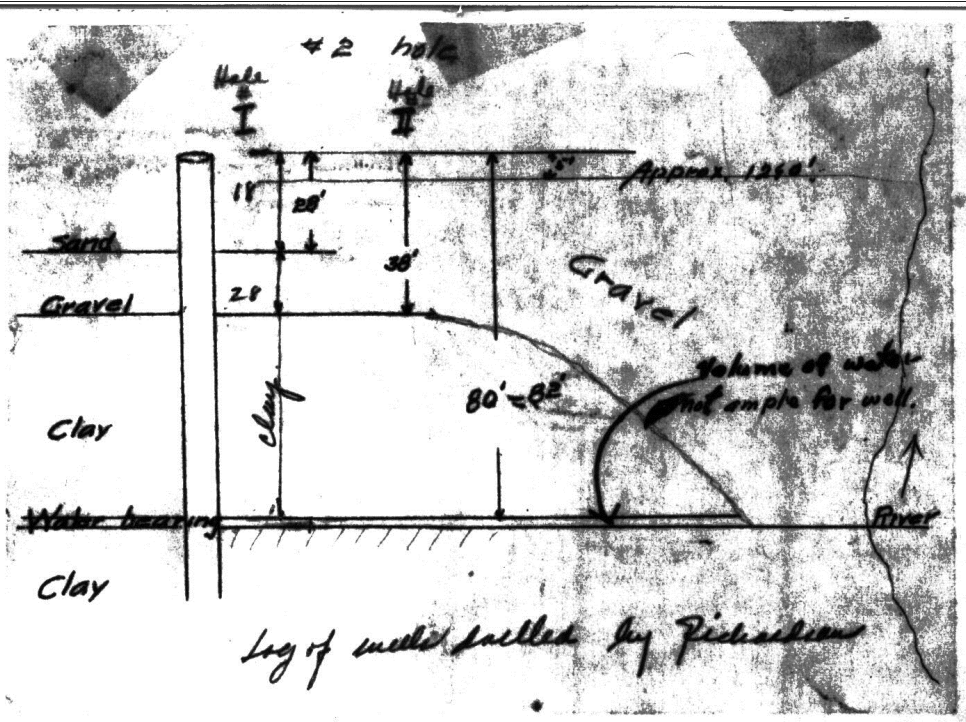
Attached is a rough sketch showing the drilling data on the two holes we put down. We plan to leave the last hole in place and use it for a pump installation, drawing on lake water in the upper gravel layer. We understand there were no cesspools in the vicinity of this well, so it is possible we might get good water from the hole and it will be useful in this particular locality.

Claude E. Greider

Claude E. Greider
Superintendent

Attachment

00-00-0000: chart, log of wells; 1953



00-00-0000: memorandum, well for bath house; 1953

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

D 6039 CODA

Air Mail May 26, 1953

Memorandum

To: Regional Director, Region Four

From: Superintendent, Coulee Dam National Recreation Area

Subject: Well for bath house, Kettle Falls

Unfortunately the second test hole sunk to a depth of 85 feet in an effort to find sufficient water for the bath house pump proved unsuccessful. At a depth of 85 feet a thin layer of gravel was encountered but it does not contain enough water for the purposes of a well. Below this thin layer of water clay was again encountered and the drilling was stopped.

Probably the most sensible procedure from here on would be to obtain the assistance of the U. S. Geological Survey in making a seismic survey of the Kettle Falls area to determine if possible where the depressions in the clay beds are located. It is understood that after these areas of depression are located it may be necessary to drill a number of holes before we find a depression containing water. We shall communicate with Mr. Jones of the Geological Survey promptly in order for him to take the necessary steps to make this survey. In our last conversation he stated that he felt they would be able to do this work later in the summer and he thought it might be possible to have it done without a back charge to the Park Service.

I have discussed the next step with members of this office and it is agreed that if a bath house is built this summer it must have water for the operation of the showers and flush toilets. It is also agreed that as far as we know now the only practicable way to obtain this water is to put down a temporary well, using lake water which would be available for the summer months. The drilling has indicated that there is coarse gravel to a depth of approximately 28 feet in this area. Eventually, when one of the channels of spring water which crosses this area is determined, the well equipment can be moved to that site.

Claude E. Greider

Claude E. Greider
Superintendent

NATIONAL PARK SERVICE
RECEIVED
MAY 2 5 1953
REGION FOUR OFFICE

copy made for Jacket #3

00-00-0000: memorandum, water right filing for water system; 1952

In reply refer to:
L5h CODA-L

May 27, 1953

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Right Filing for Water System, Kettle Falls Marina Area, Coulee Dam

Attached are three prints of a preliminary drawing NRA-CD-6950, based on information supplied in the memorandum of November 6, 1952, from Mr. Greider, which was forwarded by memorandum of November 13, 1952, from Mr. Hoyt, concerning the subject water system and proposed water right application.

I have made a small-scale drawing to be able to show the town of Kettle Falls; the roads to the area, as required in regulations of the State Supervisor of Hydraulics; and adjacent water developments. Not all of the data will necessarily be shown on the file map, but it should be considered in connection with the claim. We should show all proposed NPS water systems on the same side of the lake, the additional areas to be developed and possibly served by the same system, and the nearest diversions by others. We should like to know whether the drawing now supplies all of that information so far as the plans have been formulated.

From the data in the lower right corner of the drawing, you will also note that I estimate that the ultimate water demand will be considerably more than is being developed initially, but within the pump capacity even if the pump operates an average of only eight hours per day. We shall appreciate your suggestions as to whether to claim that quantity of water or more--the maximum to be the liberal, but not excessive estimate of water to be used from the one diversion.

It is also noted, in Mr. Greider's memorandum, that only a 1500-gallon pressure tank, presumably at the pumphouse, is now contemplated. This is one-third of a day's present probable demand, and probably adequate. However, it would only be about 10% of the estimated ultimate demand. This raises the question of whether to

anticipate a future gravity distribution system from a reservoir on some high ground, or more pressure tank capacity. Your comments, including indication of site for any reservoir for a gravity system, will be appreciated.

We should also like to know whether the system was completed by about December 1952, as planned, and when construction was started.

Mr. Greider supplied some data, but not all, from which to prepare a "Record of Well," including the log. It would be better to have the "Record of Well" completed, and signed by Mr. Greider. We enclose six copies of the form used by the Geological Survey, which should be acceptable to the State since the pump capacity and use are so low. The required additional information, if available, includes:

1. Actual diameter of drilled hole.

2. Nature of material encountered in first 25 feet of depth.

3. Whether water is believed to be percolating toward Roosevelt Lake, or infiltration from the lake.

4. Maximum well yield if pump tests in excess of 45 gpm, and whether any draw-down of water level was observed.

5. Kind of well drill used (if known).

6. Name of driller, if a contract job. (United States was driller, if work was done by NPS employees.)

One print of the drawing should be returned with your reply, if changes or additions are to be made.

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

In duplicate

Attachments 9

Copy to: Mr. P. Miller

AvanVDunn:sh

Excerpt from Supt's. Monthly Report for December 1952

Coulee Dam

Well Data, Kettle Falls: The taking of water elevations in the pipe of the new well at Kettle Falls was started to determine, if possible, whether the elevation of the lake level and the water in the well-pipe are the same. The first readings taken showed that the well level and the lake were identical indicating thus far, that the well water is supplied from the lake.

00-00-0000: memorandum, need for securing water right; 1952

WR Copy

180 NEW MONTGOMERY ST.
SAN FRANCISCO 5, CALIF.

November 13, 1952

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Need for securing water right, Kettle Falls Marina, Coulee Dam National Recreation Area

Attached are duplicate copies of Superintendent Greider's self-explanatory memorandum of November 6 on the above-mentioned subject, together with two copies of a small location map.

It will be seen that Mr. Greider is submitting pertinent statistical data and requests that an application be made to the State of Washington for the necessary water right.

Raymond E. Hoyt
Assistant Regional Director

Attachments 4

Copy to: Supt., Coulee Dam

November 6, 1952

Memorandum

To: Regional Director, Region Four

From: Superintendent, Coulee Dam National Recreation Area

Subject: Perfection of water right at Kettle Falls marina

Reference is made to the water system at the Kettle Falls marina: PCP No. U-33-2, drawing No. CD-2002-B. Now that this water system is nearing completion, we should like to begin the necessary arrangements for licensing a water right with the State of Washington to cover the water withdrawal.

Since it is our understanding that the Director's Office handles direct all formal contact with the State water resources department regarding water right applications, including the preparation of all formal instruments relating to it, the following statistical data concerning this pumping plant are submitted to assist in the preparation of the application:

Well at Kettle Falls

1. Type of pumping system -- pressure system from 85 ft. deep well, 12½ in. casing with 3 in. column, water lubricated deep turbine pump powered by 5 hp. motor.

2. Size of system: Pump - 45 gpm. Motor - 5 hp., 220 v., 60 cycle, 3 phase. Pressure tank - 1500 gal.

3. Size of intake: 3 in. inside diameter column pipe, 12½ in well casing.

4. Size of exhaust: 3 in. feed to pressure tank.

5. Capacity: 45 gpm.

6. Date of completion, approx. -- December 1, 1952.

7. Location: NW¼SW¼ sec. 23, T. 36 N., R. 37 E., W. M., North Washington grid coordinates: x = 2,656,000
y = 595,200

8. Well data: Well was drilled and cased with 12½ in. casing to a depth of 85 ft. Water bearing gravel was reached between 25 ft. and 39 ft. Beyond 39 ft. blue clay continued to the point at 85 ft. where drilling was halted. The blue clay was impervious to water. The pipe was perforated 25 times with 5/8 in. x 2 in. openings between the limits of water bearing gravel.

Attached is a location sketch showing the pump house and well--3 copies-- as located with reference to land office description and the Washington grid.

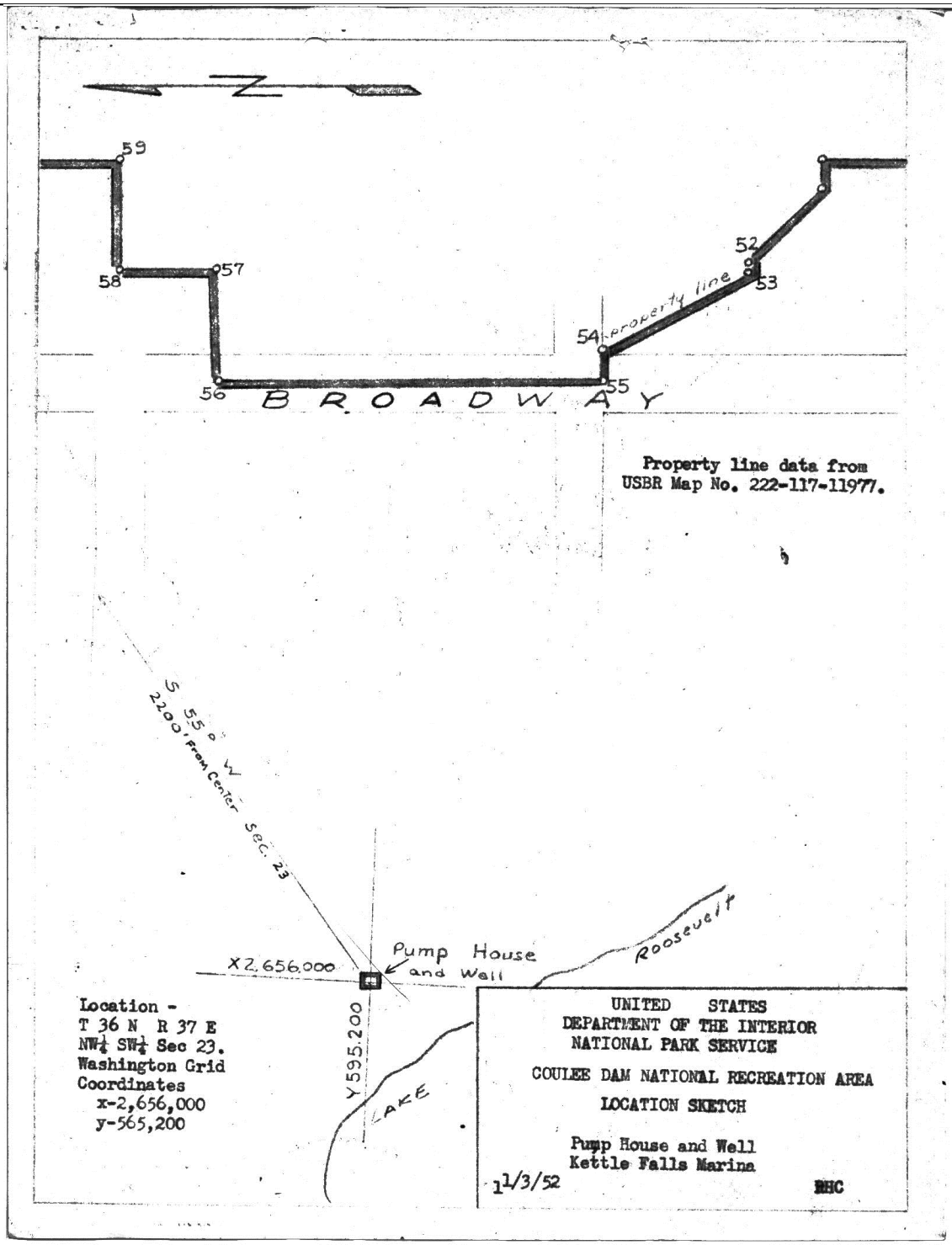
When forwarding a copy of this memorandum to the Director's Office, please attach a copy of drawing No. NRA-CD-2029 which shows the location of this pump house relative to the other area facilities and to the lake.

Claude E. Greider,
Superintendent

In triplicate

Attachment

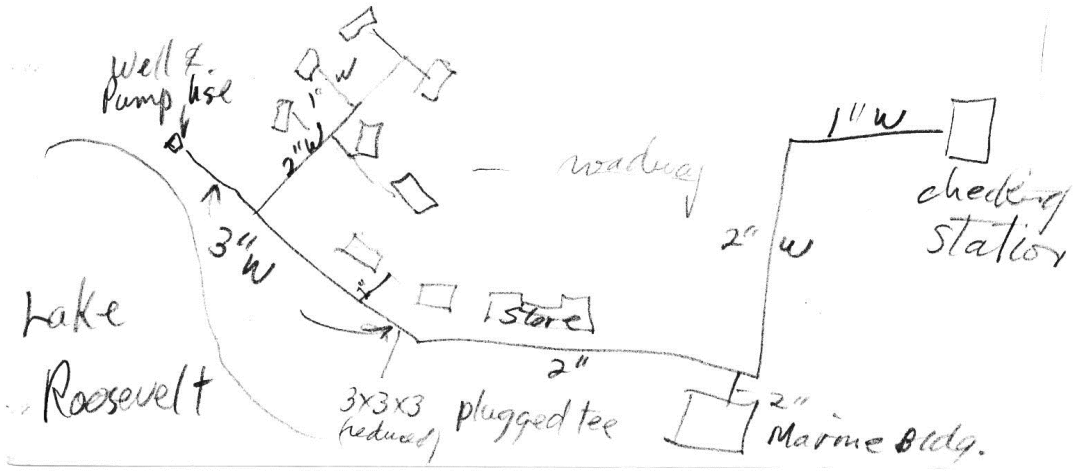
00-00-0000: location sketch, pump house and well; 1937



00-00-0000: sketch; 1937

Hold for Water System Inventory

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



00-00-0000: acquistion of land, kettle falls town water system; 1937

430.-

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
COULEE DAM, WASHINGTON
March 29, 1937

COLUMBIA BASIN

From Construction Engineer

To Commissioner

Subject: Acquisition of land, Kettle Falls Town Water System; Columbia River Reservoir, Grand Coulee Dam, Columbia Basin Project, Washington.

1. Reference is made to the copies of your letters of March 24 to Senator Schwellenbach and March 25 to Senator Bone with copy of a letter dated March 18 from R. E. Langston to Senators Bone and Schwellenbach and Representative Leavy, forwarded to this office for report.

2. There has been no appraisal made as yet of the water system for the Town of Kettle Falls. All matters pertaining to the acquisition of public utilities and properties of this nature have been held in abeyance until authorization is had for the construction of the Grand Coulee Dam to its ultimate height.

3. It is believed all of the facts set forth in Mr. Langston's letter are true, and for your further information we enclose herewith copies of memoranda submitted by the appraisers in connection with the Town of Kettle Falls and the municipal water system of Kettle Falls.

- - -

F. A. Banks

encls.

cc-C.E., Denver
D.C., Portland

APR-3'37 44047

Confidential

M E M O

re:

TOWN OF KETTLE FALLS

The town of Kettle Falls, Washington, has a population of about three hundred. Its present corporate limits comprise about five hundred acres divided into some 3500 separate lots, tracts or parcels, of which about 75% have been allowed to revert to Stevens County on account of delinquent taxes. The platted area is situated in Sections 26 and 35, Twp. 36 N., Rge. 37 E., W. M.

In addition to the area within the corporate limits, there are several hundred acres adjacent thereto which are, or have been, platted into lots and blocks - most of which belong to Stevens County. This memorandum will also apply on all adjacent platted area under the Columbia Irrigation District.

The chief reason for so large a portion of the land having defaulted in tax payments is due to the fact that an irrigation district was formed many years ago, embracing the entire city limits and other adjoining lands. There was a bond issue floated by the district (known as the Columbia Irrigation District) for some forty thousand dollars to defray the cost of construction of ditches, flumes, siphons, and irrigation pipes, to carry water from the canal of the Fruitland Irrigation District to the lands within this District.

A short time after the completion of the irrigation project, a large inverted siphon went out and was never replaced - thereby leaving the District without water, and with a large bonded indebtedness. For several years, a very few of the land owners paid water charges assessed against their property. Many failed to pay their real estate taxes. The interest on the bonds was in default and all the land in town was burdened with a blanket-lien.

As a consequence, the Kettle Falls Development Company was formed for the purpose of liquidating the bonded indebtedness of the Irrigation District. This company was a private corporation - with $40,000.00 of common stock and $20,000.00 of preferred stock. For every $100.00 contributed by a property owner, he received a share of common stock in the corporation. (No preferred stock was ever issued.) In this way, some thirty-five thousand dollars was raised and a transfer of the outstanding bonds was made to the Development Company. However, the Company had to borrow about five thousand dollars in order to complete the agreed price of the bonds, and the bonds were placed as collateral to secure the payment of the loan.

APR-3'37 44047

We understand that this loan has been reduced to about fifteen hundred dollars, now owned by two residents of Kettle Falls - Mr. Ernest Giese and the Estate of C. A. Tilden, the Executor of which estate is Mr. H. A. Tilden. However, the outstanding bonds have never been satisfied of record, and are now an outstanding blanket lien against all the lands within the District. As a consequence, there is a cloud on the title of every tract of land within the District - making it almost impossible to secure loans on the property to raise funds by floating town, school, local improvement, District or public utility bonds. Many property owners allowed mortgages to go unpaid. Property sold for delinquent assessments and taxes was, in many instances, acquired by the Development Company or the Irrigation District or by the County.

Under the circumstances, very little improvement has been made in Kettle Falls in a great many years. The cloud upon the titles has been a blight on property values. Try as we may, we could not entirely disassociate the facts and conditions above enumerated from our minds in placing values on property situated within this town. However, we tried to make as fair an appraisal as possible, under the circumstances, realizing that it is possible for the property owners themselves, by proper proceedings, to rid their property of this lien and clear their titles, at very little expense.

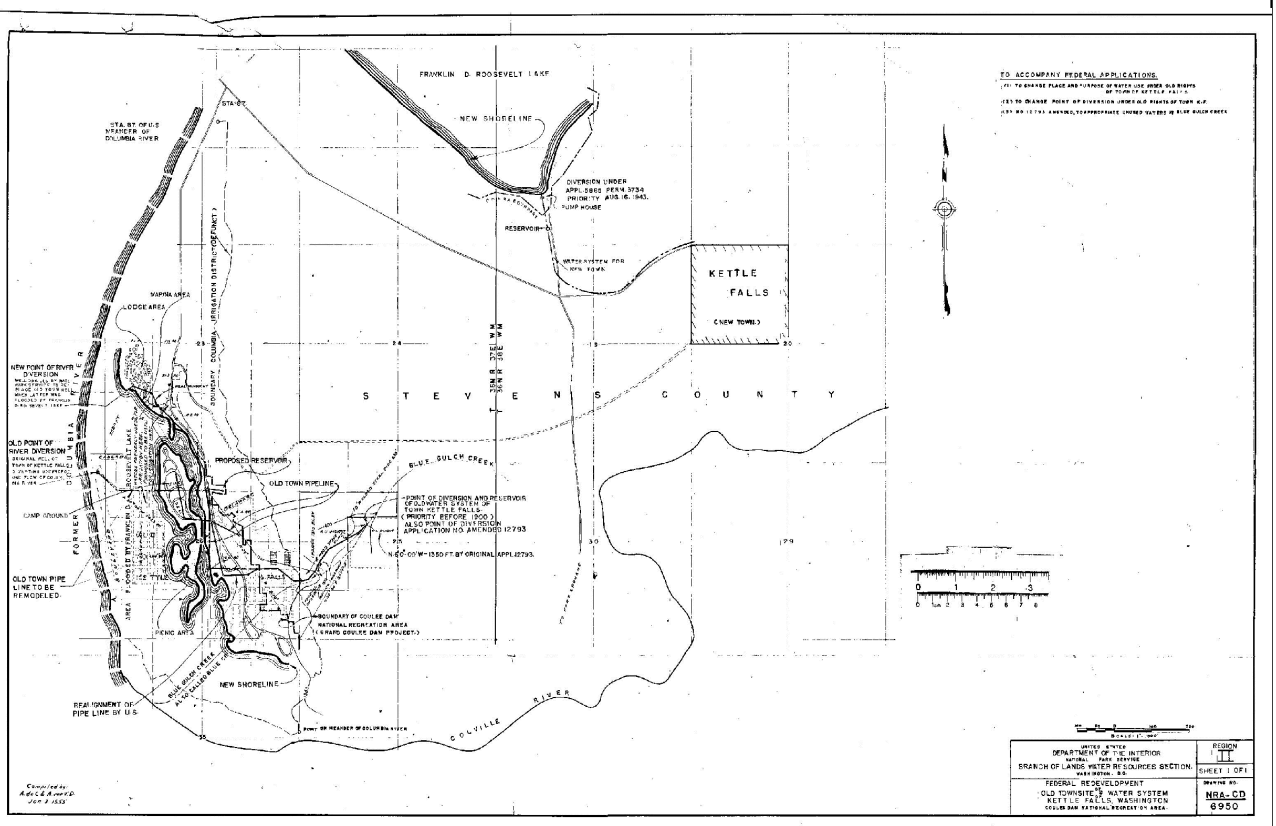
As a result of this inability to float bonds, the town and school district are practically free from bonded indebtedness. We understand there are no outstanding bonds or warrants against either of the school districts within the town. There are only $2750.00 in general obligations bonds outstanding against the town - which sum was expended in repairs and betterments in the municipally-owned water system, a detailed description of which water system is hereto attached and marked "Appendix".

We realize that the matters of bonded indebtedness and liens and clouds upon titles are matters to be determined by the Legal Department. We have mentioned them here and have considered them solely as to their bearing and effect upon land and property values, and to what extent they bring about a mass of depressing influence upon values.

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Signed: W. R. Prowell S. J. McDonnell Thos. F. Roddy

00-00-0000: map; 1955



Docket Information

Number of Documents in Docket 228

Documents Dated from 3/29/1912 to 5/25/1959

Docket Compiled: 6/3/2016