Docket No: 4

OLD RIGHTS OF TOWN OF KETTLE FALLS

Preliminary Docket Information

00-00-0000: water docket information; 1955

WATER DOCKET INFORMATION

AREA COULEE DAM N.R.A.

DOCKET NO. 4

APPLICATION NO. _____

PERMIT NO. _____

CERTIFICATE NO. _____

TITLE OF DOCKET OLD RIGHTS OF TOWN OF KETTLE FALLS
(NOW KETTLE FALLS MARINA)

PRIORITY (1) 1930 (2) 1900

REMARKS: (1) Kettle Falls Well, Vested right
(2) Blue Creek Water System- vested right

State Water Rights Documentation

00-00-0000: notice of petition for change of place of withdrawal of ground water; 1955

STATE OF WASHINGTON
OFFICE OF THE SUPERVISOR OF THE DIVISION OF WATER RESOURCES
Olympia

NOTICE OF PETITION FOR CHANGE OF PLACE OF WITHDRAWAL OF GROUND WATER

TAKE NOTICE: That the United States Department of the Interior, National Park Service, Washington, D. C., has filed a petition for a permit to change the place of withdrawal of 500 gallons per minute, of ground water from a well as claimed by use since 1930; that the use of such water is for the purposes of municipal and irrigation supplies and is withdrawn from a point situated in the NE¼ of NE¼ of Sec. 27, Twp. 36 N., Rge. 37 E. W. M.; that it wishes to change the place of withdrawal to a point situated in the NW¼ of SW¼ of Sec. 23, Twp. 36 N., Rge. 37 E. W. M., such point being 2590 feet North 23° 51' East from the present place of withdrawal, all within Stevens County, Washington.

Any objections must be filed with the State Supervisor of the Division of Water Resources within thirty (30) days from (last date of publication).

Witness my hand and official seal this 9th day of February, 1955.

M. G. WALKER, Supervisor
DIVISION OF WATER RESOURCES

00-00-0000: notice of petition for change of place and purpose of use of water; 1955

STATE OF WASHINGTON
OFFICE OF THE SUPERVISOR OF DIVISION OF WATER RESOURCES
Olympia

NOTICE OF PETITION FOR CHANGE OF PLACE AND PURPOSE OF USE OF WATER

TAKE NOTICE: That the United States Department of the Interior, National Park Service, Washington, D. C., has filed a petition for a permit to change the place and purpose of use of waters of Blue Gulch Creek (also known as Blue Creek) in the amount of .93 second-foot being a portion of the amount claimed by use since 1900; that the water is being used for the purpose of municipal and irrigation supplies on the following described land: Those portions of the old Town of Kettle Falls within what is now the Federally owned Coulee Dam Project Area in Sections 23, 26 and 35, Twp. 36 N., Rge. 37 E. W.M.; that the United States wishes to change the use of said waters to municipal, domestic, irrigation and public recreational use on the following described lands:

SW¼ and S½ of NW¼ of Sec. 23; E½ of NW¼, SW¼ of NE¼ and NW¼ of SW¼ of Sec. 26; and NE¼ of NE¼ of Sec. 35, between east shore of Franklin D. Roosevelt Lake and east boundary of Coulee Dam National Recreation Area all in Twp. 36 N., Rge. 37 E. W. M., Stevens County, Washington.

Any objections must be filed with the State Supervisor of the Division of Water Resources within thirty (30) days from (last date of publication).

Witness my hand and official seal this 9th day of February, 1955.

M. G. WALKER, Supervisor
DIVISION OF WATER RESOURCES

00-00-0000: the change of purpose and/or place of use of water; 1955

PETITION FOR CHANGE OF PURPOSE AND/OR PLACE
OF USE OF WATER

THE STATE SUPERVISOR OF HYDRAULICS OF WASHINGTON:

The undersigned, your petitioner, respectfully represents:

First: That the United States is a user of waters of Blue Gulch Creek (also known as Blue Creek and the Columbia River) (Stream or Lake) under Permit No. --, Certificate No. --, Decreed Right -- (Title of Case) or appropriation made prior to or in 1900 by the Town of Kettle Falls, Washington (See attachment) (Give date if prior to June 15, 1917).

Second: That such right consists of (See Attachment) (Cu. ft. per sec.); That the United States wishes to change the place of use of water to the extent of 0.93 (Cu. ft. per sec.).

Third: That such water is being used for the purpose of municipal and irrigation supplies

on the following described land: Those portions of the old Town of Kettle Falls within what is now the Federally owned Coulee Dam Project Area in

Section 23, 26 &35, Township 36 N, Range 37 E, W. M.

Fourth: That the United States wishes to change the use of said waters to municipal, domestic, irrigation and public recreational use (See Attachment) (Purpose of Use)

on the following described lands: SW¼ and S½ NW¼ Sec. 23; E½ NW¼, SW¼ NE¼ and NW¼ SW¼ Sec. 26; and NE¼ NE¼ Sec. 35, between east shore of Franklin D. Roosevelt Lake and east boundary of Coulee Dam National Recreation Area

Section --, Township 36 N, Range 37 E, W M.

Stevens County County, Washington, and that such change can be made without detriment or injury to existing rights or the State's interest in water, as provided in Sec. 39, Chap. 117, Laws of 1917.

Dated this 12 day of January 19 55.

The United States of America

By [illegible] Petitioner
Assistant
Acting Director
National Park Service
Department of the Interior

Interior Building, Washington 25, D. C.
Post Office Address

Continuation of Statements

First: From page 1 of Appraisal of Kettle Falls Water System by Frank H. Prouty, Appraisal Engineer, item 2 in accompanying Appendix to support this Petition and a Federal Petition for Change of Point of Diversion of Water of the same date, the Hotel at Kettle Falls appropriated certain waters of Blue Gulch Creek, also known as Blue Creek prior to 1900. The Town of Kettle Falls constructed a municipal water system to replace and expand the Hotel system about 1900, and made certain improvements and enlargements in 1909, 1910, 1926, 1930 and 1935. The improvements of 1930 included the construction of a well and pump system approximately 100 feet from the Columbia River. The source of said well is designated as the underground flow of the Columbia River on pages 2-3 of said Appraisal. Whether the Town claimed percolating ground water which was not subject to appropriation in 1930, has not been determined, but the replacement well (see aforesaid Petition for Change of Point of Diversion) is dependent on seepage from Franklin D. Roosevelt Lake.

Federal title to the land below elevation 1310 within the area to be flooded by Franklin D. Roosevelt Lake and to the limits of Grand Coulee Dam Project Area at the old site of the Town of Kettle Falls together with the water system of that Town below that elevation were acquired from the Town of Kettle Falls, and the owners of lots therein.

The portion of the records which have been obtained from the Bureau of Reclamation are the subject of most of the aforesaid Appendix and summarized as item 27. A copy of the Deed of June 22, 1939, conveying the water system, is included as item 16 in said Appendix.

By deed of August 2, 1946, the Town of Kettle Falls conveyed the portion of the water system it then owned (above elevation 1310) to William Anderberg and Howard E. and Clara L. Root, as quoted in protest of Application 12793 dated April 2, 1954, and submitted to Supervisor, Division of Water Resources by Mr. Anderberg. The said Deeds of June 22, 1938 and August 2 1946, both assign unspecified portions of rights, herein construed to include appurtenant water rights.

By Federal license I-36r-2696 of November 1, 1943, the Town of Kettle Falls was granted permission to use Federal land at a new site for the construction and maintenance of a water system to the new Townsite for 50 years, and water rights were established under State Application 5885, Permit 3734, as a new appropriation of the waters of the Columbia River with priority of August 16, 1943, and no reference to change in point of diversion or place of use under prior rights.

The petitioner claims that such rights to the waters of the Columbia River as may have accrued by said well and pump unit construction, and possible appropriative filing by the Town of Kettle Falls in 1930 are still appurtenant to old water system of that Town, which has been conveyed in accordance with aforesaid Deeds. The petitioner also claims that the rights of the Town of Kettle Falls to Blue Gulch Creek or Blue Creek are still appurtenant to said water system. The petitioner also claims that the respective water rights of owners of the portions of the said water system above and below elevation 1310 have not been defined or segregated.

The authority for development and use of the Federal interests in the water system is defined in three memoranda of agreement with the Bureau of Reclamation, which are included as items 23, 24 and 25 of aforesaid Appendix. Under this authority, and by this petition, if is proposed to define part of the Federal water rights and amend them to cover the water use under Federal title.

Second: The Municipal Water System with diversion from said Blue Gulch Creek is estimated to have a capacity of approximately 1.4 cu.ft. per sec. with reasonable pressure at old post office site, or 1.5 cu.ft. per sec. near the east line of old Town, and the normal flow of Blue Gulch Creek is tentatively assumed to be between these limits, as indicated in Water Use Analysis of Old Town of Kettle Falls (item 26 of said Appendix). The pump, diverting from aforesaid well, had a capacity of 500 gal. per min., or 1.115 cu.ft. per sec., as explained in said Appraisal and said Analysis, but limitations by useage or appropriative filings have not been determined.

It is estimated on pages 2 and 3 of aforesaid Analysis, item 26 of Appendix, that 0.93 cu.ft. of water per sec. were formerly used to irrigate lands in the old Town of Kettle Falls which were acquired by the United States as part of the Grand Coulee Dam Project area. Federal claim to the municipal rights to 0.93 sec.ft. of water is hereby made, on the basis that irrigation rights are appurtenant to the land under Secs. 90.20.060 and 90.29.090 of the Water Code of the State of Washington, and the United States wishes to change the place of use of said 0.93 cu.ft. of water per sec.

The supplemental water supply from the well appears to have been largely used by the White Pine Sash Company, as reflected in memorandum of June 15, 1938, listed as item 14 in Appendix, and for fire protection in commercial area of Town. The appraisal also indicates that it was also used to refill the municipal reservoir on Blue Gulch Creek, presumably in the late summer of low stream flow. It is claimed herein, therefore, that most of the irrigation rights to said 0.93 sec.ft. are to waters of Blue Gulch Creek, subject to further investigation to be made.

On the same basis, and by the same Analysis, the owners of land in the old Town irrigated from said water system to the east of the east line of the Grand Coulee Dam Project area are entitled to 0.1325 cu.ft. of water per sec. for irrigation purposes. Page 3 of said Analysis also indicates probable former municipal use of 0.59 cu.ft. of water for purposes other than irrigation. Nothing in this petition by the National Park Service, as an agency of the United States of America, is intended to limit further Federal claims to the said municipal rights by the Bureau of Reclamation, or to define the total rights of the United States and private land owners.

Third: A memorandum of March 29, 1937, in the records of the Bureau of Reclamation mentioned on page 2 of aforesaid Analysis, indicates that 75% of the Town land had reverted to the County for delinquent taxes, and there was a population of about 300 people on the remainder of the land. Aforesaid Appraisal also indicates that there were 132 service connections. This meagre information does not permit accurate description of the parcels of irrigated land, but the ratio of land acquired by the United States, and that still privately owned, as estimated in said Analysis, probably gives the United States a low proportion. Part of the Federally

owned area is now flooded by Franklin D. Roosevelt Lake, and this petition is largely to change the place and purpose of use of water formerly used for irrigation on the portion of the Town so flooded.

Fourth: The Kettle Falls Marina Area of Coulee Dam National Recreation Area, on which the United States wishes to use said water, includes some areas of former use and some areas of new use, between the east bank of Franklin D. Roosevelt Lake and the east boundary of the Grand Coulee Dam Project Area, in T 36 N, R 37 E, WM, more particularly described as follows:

Sec. 23	SE¼SW¼	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
	NW¼SW¼	18.6 acres		NW¼SE¼	9.0 acres
	SE¼NW¼	1.3 acres		E½SE¼	undetermined
	SW¼NW¼	1.1 acres	Sec. 35	NE¼NE¼	undetermined

General: Drawing NRA-CD-6950, in triplicate, is submitted to support this petition.

00-00-0000: petition for change of point of withdrawal of water; 1955

WITHDRAWAL

PETITION FOR CHANGE OF POINT OF ~~DIVERSION~~

OF WATER

TO THE STATE SUPERVISOR OF HYDRAULICS OF WASHINGTON:

The undersigned, your petitioner, respectfully represents:

First: That he is a user of waters of the United States Columbia River (Stream or Lake) under Permit No. --, Certificate No. --, decreed right ____ (Title of Case) or appropriation made during 1930 (Give date, if prior to June 15th, 1917).

Second: That such right consists of 1.115 sec.ft. or less (Cu. Ft. per Sec.) and that he wishes to change the point of diversion of such right to the extent of valid rights. (See attachment) (Cu. Ft. per Sec.)

Third: That the use of such water is for the purpose of (See attachment), and that he diverts water from said stream at a point situated in the NE¼ quarter of NE¼ quarter of Section ~~7023 ft.~~ 27, Township 36 N., Range 37E W. M. Approx. N50 34 W/from the SE Cor. Sec. 26, T36, R 37 E,

Fourth: That he wishes to change the above point of diversion to a point situated in the NW¼ quarter of SW¼ quarter of Section 23, Township 36 N., Range 37E W. M. Stevens County, Washington, such point being 750 ft. ABOVE (Distance above or below) the present point of diversion, and that such change can be made without detriment or injury to existing rights or the State's interest in water, as provided in Section 39, Chapter 117, Session Laws of 1917. (See attachment)

DATED this 12 day of January, 1955.

The United States of America

By (SGD.) JACKSON E. PRICE
~~Assistant~~ Acting Director
National Park Service
Department of the Interior

Petitioners

Interior Building, Washington 25, D.C.
Postoffice Address

Continuation of Statements

First: The right or claims to the waters of the Columbia River were initiated by the Town of Kettle Falls in 1930 by construction and use of a well at the old point of diversion, as described on page 1 of appraisal of June 24, 1938 by Frank H. Prouty, which is included in accompanying Appendix, as item 2, to support Federal claims to part of old water rights of Town of Kettle Falls, which are covered by this petition and a "Petition for Change of Purpose and Place of Use of Water" of the same date, and on drawing No. RA-CD-6950 of which copy is included with this petition.

Federal title to the land below elevation 1310, within the area to be flooded by Franklin D. Roosevelt Lake of the Grand Coulee Dam Project at the old site of the Town of Kettle Falls, together with the water system of that Town below that elevation were acquired from the Town of Kettle Falls, and the owners of lots therein.

The portion of the records which have been obtained from the Bureau of Reclamation are the subject of most of the aforesaid Appendix and summarized as item 27.

The authority for development and use of the Federal interests in the water system is defined in three memoranda of agreement with the Bureau of Reclamation, which are included as items 23, 24 and 25 of aforesaid Appendix.

By deed of August 2, 1946, the Town of Kettle Falls conveyed the portion of the Water system it then owned (above elevation 1310) to William Anderberg and Howard E. and Clara L. Root, as quoted in protest of Application 12793, dated April 2, 1954, and submitted to Supervisor, Division of Water Resources by Mr. Anderberg. The said Deeds of June 22, 1939 and August 2, 1946, both assign unspecified portions of rights, herein construed to include appurtenant water rights.

By Federal license I-36r-2696 of November 1, 1943, the Town of Kettle Falls was granted permission to use Federal land at a new site for the construction and maintenance of a water system to the new Townsite for 50 years, and water rights were perfected under State Application 5885, Permit 3734, as a new appropriation of the waters of the Columbia River with priority of August 16, 1943, and no reference to change in point of diversion or place of use under prior rights. The petitioner claims that such rights to the waters of the Columbia River as may have accrued by said well and pump unit construction, and possible appropriative filing by the Town of Kettle Falls in 1930 are still appurtenant to old water system of that Town, which has been conveyed in accordance with aforesaid deeds.

Second: The potential right is based on installed pump capacity of 500 gallons per minute, described at bottom of page 2 of Prouty Appraisal (item 2 of Appendix), subject to limitations of undetermined pump operation, quantity of water beneficially used, and status of rights established by the Town of Kettle Falls in compliance with the water laws in effect in 1930.

The source of supply is designated as the Columbia River at bottom of page 2 and top of page 3 of Prouty Appraisal, item 2 of Appendix, and new well at point of diversion described in paragraph 4 of this petition goes dry when water level of Franklin D. Roosevelt Lake falls sufficiently. No records have been obtained to show whether the Town of Kettle Falls treated the source of the old well as underground flow of Columbia River, or percolating ground water not subject to appropriation in 1930.

Third: The water was used as a supplemental municipal supply for said Town and very largely by the White Pine Sash Company as reflected by memorandum of June 15, 1939, listed as item 14 of said Appendix. The United States is using the water for purposes of municipal character, to serve domestic and sanitary needs of residences, a lodge, marina, public campground, picnic area, store, and utility areas, and the population of the area during the summer season is increasing at an accelerated rate, as explained in Amended Application 12793.

Fourth: The new point of diversion is at a well drilled to a depth of 95 feet, and completed August 6, 1952, to replace the original well of the Town of Kettle Falls, at a point N 32°39' W 8110 ft. from the SE Cor. Sec. 26, T 36 N, R 37 E, WM.

In reply refer to:
L54-L

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

RECEIVED
NPS, REGION FOUR OFFICE
FEB 7 - 1955

FEB - 3 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurt	2-7
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
	Hanks	BFM 2/15
	Hillen	

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Kettle Falls Marina Area, Dockets 3 and 4, Coulee Dam

Sent cc W.O.D.C.
cc Supt
2/15
BFM

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.

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.

Assistant Director

In triplicate

Attachments 6

In reply refer to:
L54-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

00-00-0000: copy, state of washington department of conservation and development; 1954

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.

April 27, 1954

Supervisor of Natural Resources
Olympia,
Washington

Dear Sir:

Re: Application for Permit No. 12793

Recently the United States Department of Interior, National Parks Service, Grand Coulee Dam, applied for a permit to divert public waters of Blue Gulch Creek in Stevens County, Washington, in the amount of 2.07 second feet. The said application was made on February 19, 1954, and was given Application for Permit No. 12793. The Town of Kettle Falls wishes to object to the granting of this permit.

The waters which the United States Department of Interior, National Parks Service, Grand Coulee Dam, desires to divert is the same waters formerly used by the Town of Kettle Falls, a municipal corporation of the State of Washington, for municipal purposes.

Inasmuch as the water mentioned above arises on land belonging to the Town of Kettle Falls, and the Town of Kettle Falls has plans for use of the said water, objection is made to the granting of said permit.

Yours very truly,

/s/ Sid Buckley

SRB/hl

COPY

April 22, 19[illegible]

Supervisor of Natural Resources
Olympia, Wash.

Re: Application for Permit No. 12793

Recently the United States Department of Interior, National Parks Service, Grand Coulee Dam, applied for permit to divert public waters of Blue Gulch Creek in Stevens County, Washington, in the amount of 2.08 second feet. The said application was made on February 19, 1954, and was given Application for Permit No. 12793. I wish to object to the granting of this permit.

The waters which the United States Department of Interior, National Parks Service, Grand Coulee Dam, desires to divert is the same waters formerly used by The Town of Kettle Falls, a municipal corporation of the State of Washington, for municipal purposes. During the years 1939 and 1940, the town of Kettle Falls moved to a higher location. The town of Kettle Falls has not since the date of this movement maintained a city water system. It is my understanding that they sold the distribution system to the United States Government.

I moved to within the corporate limits of the town of Kettle Falls in the year 1932; since that date I have continuously used water from this system. At the time the town of Kettle Falls moved to a higher location, my home was located on the east side of town, but within the corporate boundary. Thereafter, I continued to use water from the town water system. This water has been used by me for domestic purposes, and also to irrigate my two garden plots.

Because of the deteriated condition of the town of Kettle Falls water system, I was unable during one year, the year of 1953, to use water from Blue Gulch Creek in my home and one of my two garden plots. I did, however, irrigate my second garden plot with water from Blue Gulch Creek during that year. These two garden plots are of the approximate acreage of 2 acres.

Although I have not measured the flow of Blue Gulch Creek, I do not believe the full flow of Blue Gulch Creek would be over 2.07 second feet. I doubt the flow of this creek would be in that amount during the months of July, August, September, and October. Giving a permit to divert said waters from Blue Gulch Creek in the amount of 2.07 second feet to United States Department of Interior, National Parks Service, Grand Coulee Dam, would take from me all water from Blue Gulch Creek. For this reason, I object to said permit.

Yours truly,

/s/ Russel S. Buckley

COPY

00-00-0000: note to dept. of conservation and development; 1954

Kettle Falls, Wash.
April 12, 1954

Dept. of Conservation & Development

Dear Sirs:

I am contesting the water system of the Kettle Falls Reservoir against the Park Service here.

I am doing this at the request of Mr. Lloyd Kello, who owns the Meyers property, which has a water right dating back to the first properties listed there.

Mr. Hurst's property joins the Meyers place.

Thanking you kindly.

/s/ H. L. Woodward
Route 1
Kettle Falls, Wash.

00-00-0000: in regards to notice of water right application no. 12793; 1954

Kettle Falls, Wash.
April 6, 1954

State of Wash.
Office of Supervisor of
Water Resources
Olympia, Wash.

Dear Mr. Bartholet:

In regards to notice of water right application No. 12793, Blue Gulch Creek in Stevens County by the United States Department of Interior, National Park Service of Coulee Dam, Wash.

Our only source of water is the supply from the reservoir from Blue Gulch Creek. We were using water for domestic and irrigation until the Park Service shut off the water through government land in June 1950 due to fact of pipe line which leaked. Due to finance were not able to put in new pipe line or dig well as they suggested so therefore have hauled water since then.

I presume you will be here to investigate.

We are on Old age assistance and could pay water rent but do not have finance to put in pipeline. Hoping for your co-operation.

Yours Sincerely,

/s/ Mr. & Mrs. Ed LaFleur
R.F.D. No. 1
Kettle Falls, Wash.

00-00-0000: i am objecting to the application the government has made a permit for water right; 1945

Kettle Falls, Wash.
April 3, 1954

Chas. J. Bartholet
Olympia, Wash.

Dear Mr. Bartholet:

I am objecting to the application the Government has made a permit for water right from Blue Gulch Creek, which is on my place.

I am using the water for irrigation and domestic purposes and there isn't enough water there to supply their needs.

Will welcome investigation which you would like to make.

Yours truly,

/s/ Mr. A. G. Hurst

Supervisor, Division of Water Resources
State of Washington
Olympia, Washington

Protest Re: Application No. 12793

The undersigned under date of August 2, 1946, acquired an interest in the following described property in Stevens County, Washington:

All Easements, Rights-of-Way, pipeline, dams, reservoir, 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.

The deed covering said property is recorded in Book 123 of Deeds, Page 655, Auditor's Office, Stevens County, Washington, under date of August 8, 1946.

The undersigned hereby protests the granting of the above mentioned application upon the ground and for the reason that if same is granted it will adversely affect the rights of the undersigned conveyed in the above described deed.

Dated this 2nd day of April, 1954.

/s/ William Anderberg
Kettle Falls, Washington.

00-00-0000: warranty deed; 1939

GENERAL ACCOUNTING FORM

#1455 (136r-1539)

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 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:

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 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 52273

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.

Notary Public for Washington
residing at

(Seal)

My commission expires:
4-3-1945

Abstract Examined by
Date

State of Washington
County of Stevens
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. and recorded at the request of
Sep. 110 of records of Deeds Stevens County, Washington, on page 281 Apr. 8 1941
Auditor of Stevens Co., Wash.
Deputy

14956

RECORDED
COMPARED
PAGED

#2260 (I36r-1582)

RESOLUTION

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:

Arthur A German

Town Clerk

GENERAL ACCOUNTING OFFICE

#2260 (136r-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)

00-00-0000: certificate; 1939

Copied
Verified

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

00-00-0000: deed record no. 104, warranty deed; 1939

-174645-

#2260 (136r-1682)

WARRANTY DEED

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 ($19,000.00) 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), 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.

Attest:
Arthur A. German, Clerk
- -
Corporate Seal, Town of Kettle Falls, Stevens County, Washington
- -
3--$5.00, 1--$3.00, 1--$1.00 United States Internal Revenue Documentary Stamps Cancelled
D. R. S. 6-24-39
- -
Description approved Thoralf Torkelson, Engineer

TOWN OF KETTLE FALLS, WASHINGTON
a municipal corporation of the Fourth Class.
By R. E. Langston, Mayor
G. L. Duckworth
Emile Weigelt
M. P. 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. P. 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 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.

- -
Seal: J. B. Robertson, Notary Public, State of Washington, Commission Expires Jan. 24, 1941
- -

J. B. Robertson
Notary Public for Washington
residing at Kettle Falls
My commission expires January 24, 1941

Filed for record at the request of Delbert R. Scoles, Colville, Wash., June 24, 1939 at 11:00 A.M. and recorded June 24, 1939.

[redacted] Deputy

R. P. TAYLOR, County Auditor

STATE OF WASHINGTON,)
: ss.
COUNTY OF STEVENS)

I, HAZEL SHERY, 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 SHERY, COUNTY AUDITOR

By Donna D. Stumpf Deputy

00-00-0000: warranty deed; 1939



WARRANTY DEED

GENERAL ACCOUNTING OFFICE #2260 (136r-1562)

Description approved
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.

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

(corporate seal)

By R. E. Langston
Mayor

Attest:

Clerk

G. L. Duckworth
Emile Weigelt
M. B. Culver
Gustav Weigelt
Howard Hodges
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 Hodges

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

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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.

official

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

J. S. 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 Delbert B. Butler and duly recorded in Book 197 of Deeds page 307

B. P. TAYLOR
Auditor of Stevens Co., Wash.
By Carl Campbell Deputy

R. 2 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

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

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

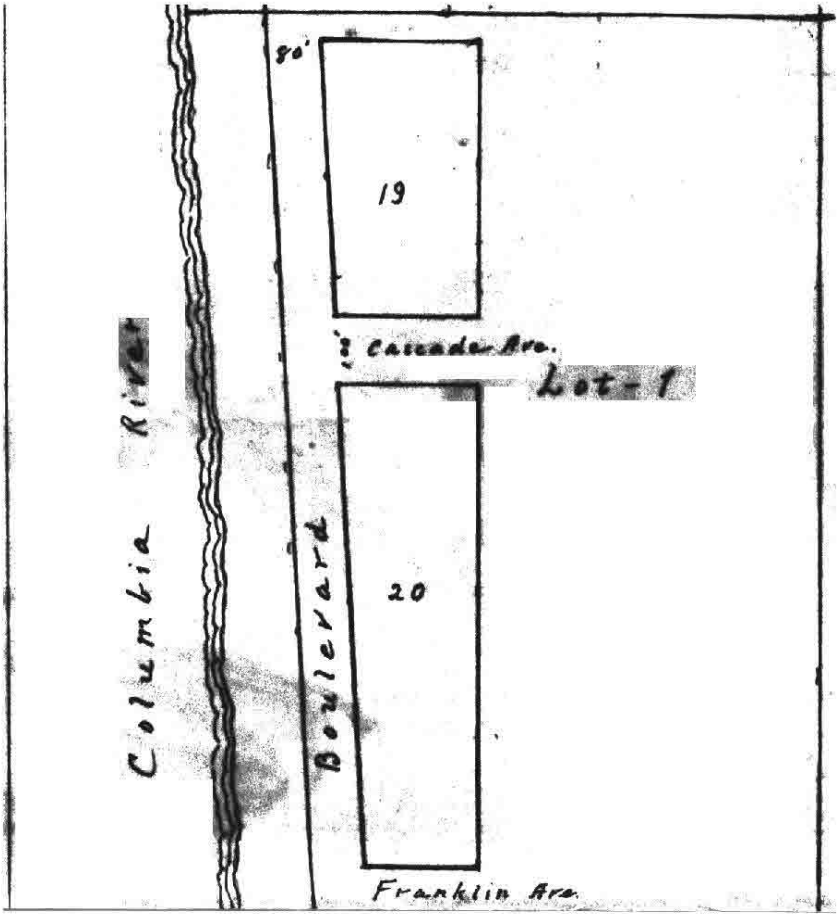
00-00-0000: chart showing tract of land; 1912

Plat of Lot 1. Sec 26 - 36-37 showing the tract of land lying W of the Boulevard as shown by the official Plat of Holly Add'n ~~of K 7 found in book A of plats at page 26 Auditor's rec K~~

Copied
Verified

-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.



1-4033
3

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

(Continued)

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3-4033

Copied Verified

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.M.M., and running north 390.4 feet; thence north 62°3' west 125 feet; thence north 26°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 3°47' east 135 feet; thence north 44°47' east 140 feet; thence north 3°1' west 28 feet; thence north 89°41' west 140 feet; thence north 18°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°29' west 390 feet; thence north 0°18' west 87 feet; thence north 40°11' west 115 feet; thence north 24°57' east 170 feet; thence north 15°21' west 340 feet; thence north 33°2' west 190 feet; thence north 48°34' west 175 feet; thence north 5°16' west 110 feet; thence north 51°57' west 180 feet; thence north 88°49' west 90 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 380 feet; thence north 23°43' west 100 feet; thence north 66°6' west 160 feet; thence north 21°7' west 300 feet; thence north 8°13' west 165 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 390 feet; thence north 6°40' west 115 feet; thence north 45°13' west 190 feet; thence north 34°0' west 164 feet; thence north 46°47' west 180 feet; thence north 25°58' west 210 feet; thence north 33°45' west 355 feet; thence north 4°12' west 190 feet; thence north 53°58' west 150 feet; thence north 42°48' west 240 feet; thence north 17°4' east 200 feet; thence north 34°18' west 200 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 33°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°43' 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 25°53' west 120.3 feet; thence north 26°10' west 74.7 feet; thence north 0°14' west 330 feet; thence north 82°33' west 135 feet; thence north 32°13' 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°6' east 300 feet; thence north 18°28' east 225 feet; thence north 3°23' east

(Continued)

3-4033
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Order Cont.

681.5 feet; thence north 4°58' west 330 feet; thence north 28°9' west 300 feet; thence north 1°8' east 300 feet; thence north 3°5' east 300 feet; thence north 0°14' east 300 feet; thence north 8°21' east 300 feet; thence north 0°27' east 300 feet; thence north 1°54' east 390 feet; thence north 13°20' east 170 feet; thence north 0°10' west 230 feet; thence north 11°39' east 175 feet; thence north 0°29' west 225 feet; thence north 0°44' west 315 feet; thence south 82°44' west 289 feet to Station 87; thence following in a southerly 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. 35, Twp. 36 N.,R. 37 E.W.M., which is 1907 feet west of the quarter corner on the north line of said Sec. 35, thence south 24°3' east 15.8 feet; thence south 55°59' east 250 feet; thence south 6°41' east 300 feet; thence south 27°10' east 370 feet; thence south 13°40' east 130 feet; thence north 88°53' east 470 feet; thence south 38°23' east 280 feet; thence south 48°40' east 120 feet; thence south 75°50' east 240 feet; thence south 51°8' east 380 feet; thence south 82°2' east 355 feet; thence south 52°3' east 135 feet; thence north 73°5' east 175 feet; thence south 80°46' east 120 feet; thence south 46°22' east 250 feet; thence south 76°18' east 148 feet; thence south 69°13' east 240 feet; thence south 76°0' east 410 feet; thence south 84°36' east 165 feet; thence south 84°52' east 435 feet; thence south 89°6' east 170 feet; thence south 83°22' east 380 feet; thence north 83°34' east 235 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 22, 23, 24, of Block 20; Lots 1, 2, 3, 4, 23, 24 of Block 19; Lots 24, 25, 26, 51, 52, 53 and 54 of Block 22; Lots 42, 43, 44, 45, 46, 47, 48 and 49 of Block 23; 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 46 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 N. 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 35, 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,

(Continued)

STEVENS COUNTY ABSTRACT COMPANY

4-4033
S

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 O. P. Waite.

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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-: WARRANTY DEED :-

Ben C. Camp, a bachelor,

to

White Pine Sash Co., a corporation.

: Document No. 73276.
: Dated May 9th, 1922.
: Filed for record Sept. 16, 1922,
: at 1:33 P.M., recorded in Book
: "68" of Deeds, page 29.
: Consideration: $1.00 & other valu

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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(Continued)

#2 68-29

Copied
Verified

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 R. Spedden, Notary Public. Residing at Colville, Washington. (Seal: Henry R. Spedden, Notary Public, State of Washington, Commission expires Jan. 6, 1924)

Copied SB
Verified

-: WARRANTY DEED :-

Ben C. Camp,	:	Document No. 73277.
	:	Dated August 1, 1922.
to	:	Filed for record Sept. 16, 1922,
	:	at 1:34 P.M., recorded in Book
White Pine Sash Company.	:	"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.

(Continued)

#2 68-31

Copied Verified ✓

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 acquired 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 F. F. Schroeder, Notary Public in and for the State of Washington, residing at Kettle Falls.
(Seal: F. F. Schroeder, Notary Public, State of Washington, Commission expires Aug. 11, 1924)

Copies Verified SB ✓

-: QUIT CLAIM DEED :-

Ben C. Camp, a bachelor,	:	Document No. 73274.
	:	Dated May 9th, 1922.
to	:	Filed for record Sept. 16, 1922,
	:	at 1:31 P.M., recorded in Book
White Pine Sash Co., a corpor-	:	"71" of Deeds, page 192.
ation.	:	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)

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 provides 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.

Mayor

Attest:

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.

Acting Town Clerk

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 estsblished 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 accepting said bid and notice to the bidder of the execution of the conveyance directed by such ordinance, such deposit shall be forfeited to said 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 January, 1939.

TOWN OF KETTLE FALLS, WASHINGTON

By [signature]
Mayor

ATTEST:

Town Clerk

06-22-1939: certificate; june 22, 1939

#2260 (I36r-1562)

CERTIFICATE

I, Ruthven 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.

Ruthven A. German
Town Clerk

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

(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 Germond being Judges and Clerk hereby certify that following named persons voted thereat: .

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

(POLL LIST)

No	Name	Voted
21	Verner E. Blair	"
22	Fred A Abbott	"
23	Edi B Tatting	"
24	Nina M. Scott	"
25	B. L. Scott	"
26	L. J. Wynn Jr.	"
27	W L Beaumont	"
28	Margaret Keller	"
29	W F Burgus	"
30	Josephine Hammer	"
31	Mrs. Elizabeth Moore	"
32	Pat Jennings	"
33	Ewgile J. Weigelt	"
34	Brampton	"
35	Mildred Young	"
36	Esther V. Jessup	"
37	Lyndon Leach	"
38	Guy Baxter	"
39	Margaret Baxter	"
40	Joe Baxter	"
41	Geraldine Hammer	"
42	Albert W. Wamer	"
43	E H Hammer	"
44	Ida J. Pharo	"
45	A. W. Fee	"
46	W. Pace	"
47	Gladys Leach	"
48	Walter Alfred Leach	"
	Fergie Ledgerwood	"

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

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

Form 7-276
Approved by the Department of the Interior
June 12, 1923
(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

9

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. 6-2055

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 .....

.....
Vendor.

P. O. Address .....

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

P. O. Address .....

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

P. O. Address .....

P. O. Address .....

Approved:

.....

(Date) ....., 193

.....

6—5068

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 3 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 8—8068

11-22-1938: deed record no. 103, warranty deed

DEED RECORD, No. 103

STEVENS COUNTY, WASHINGTON

YAKIMA BINDERY & PTG. CO. 184254

-164290-

#1364-A, #1381 (I36r-790)

WARRANTY DEED

The Grantor, THE TOWN OF KETTLE FALLS, a municipal corporation of Stevens County, Washington, for and in consideration of One Thousand Eighty and 00/100 Dollars ($1,080.00) to it paid by the United States of America in pursuance of the act of Congress of June 17, 1902 (32 Stat., 388), 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: Lots thirty-nine (39) and forty (40) of Block nineteen (19) and Lot fifty-four (54) of Block twenty-three (23), Central Addition to the Town of Kettle Falls, Washington.

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 7 day of December, 1937.

Corporate Seal, Town of Kettle Falls, Stevens County, Washington

3--$.50 U. S. I. R. Documentary Stamps Cancelled S. Co. A. Co. 3-14-38

THE TOWN OF KETTLE FALLS, a municipal corporation of Stevens County, Washington
By R. E. Langston, Mayor
Attest: Mrs. J. H. Slagle, Clerk
Emile Weigelt, Councilman
Arthur A. German Councilman
Howard Hodgson Councilman
H. E. Ross Councilman
Howard Herr Councilman

State of Washington, County of Stevens, ss.

On this 7 day of Dec., 1937, before me personally appeared R. E. Langston, to me known to be the Mayor, and Howard Herr and Emile Weigelt, Howard Hodgson, H. E. Ross and Arthur A. German, 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 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.

Seal: W. Lon Johnson, Notary Public, State of Washington, Commission Expires Dec. 13, 1940

W. Lon Johnson
Notary Public for Washington
My commission expires Dec 13, 1940

Land description approved R. R. Walder, Engineer

Filed for record at the request of Stevens County Abstract Co., Colville, Wash., March 14, 1938 at 2:56 P.M. and recorded March 15, 1938.

Carl Hall Ledgerwood Deputy

H. H. TAYLOR, County Auditor

STATE OF WASHINGTON,)
: ss.
COUNTY OF STEVENS)

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 Donna D. Gunn Deputy

430. -

UNITED STATES
DEPARTMENT OF THE INTERIOR COLUMBIA BASIN
BUREAU OF RECLAMATION
COULEE DAM, WASHINGTON
March 29, 1937

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

ER-837 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.

- - -

Signed: W. R. Prowell S. J. McDonnell Thos. F. Roddy

Confidential

APPENDIX

Municipal Water System of Town of

Kettle Falls, Washington

The water system of the town of Kettle Falls is municipally-owned. It consists of a gravity water system from a reservoir on Blue Creek 1½ miles east of the post office, conveyed through a twelve-inch wood stave main into town; also, an auxiliary system from a well on the banks of the Columbia River, located about eight hundred feet west of the post office, equipped with a Pomona deep-well turbine pump, with a capacity of five hundred gallons per minute, driven by an electric motor, 25 horsepower. This unit pumps direct to mains, and the surplus flows into reservoir on Blue Creek from whence it is distributed through about 2½ miles of 10", 8", 6" and 4" wood stave mains, laid in 1911.

During the fall of 1935 there was expended about $5767. in replacing old pipes and connections, which repair work was done under the supervision of Mr. A. E. Wieland, the supervising engineer. The funds were contributed as follows:

$1600.00 by Government grant; $2750.00 by general obligation bonds of the town of Kettle Falls, which were accepted by the Government; about $900. contributed by the State of Washington; and some additional funds required by a Change Order for incidentals and inspection and engineering services, from sources of which we have no knowledge. A detail of the expense of this new construction is as follows:

6,616½ feet of pipeline @ 70¢ per foot		$ 4,631.55
Four 8" gate valves with boxes @ $50.00		200.00
Nine hydrants reconnected at $25.00		225.00
Changing 34 - 3/4" service connections @ $2.75		93.50
		5,150.05
A Change Order, in addition, for		365.00
There are other charges; legal, supervising, inspecting, etc.		
Estimated total of job - - - - - - - - - - - -		$5,767.00

The intake elevation of the reservoir is about one hundred feet above the town level, giving gravity pressure of about 43 pounds at hydrants. There are distributed through the central portion of the town five single and eleven double hydrants.

That portion of the platted area of the town of Kettle Falls which derives some benefit from fire protection from the municipal water system, all of which is served with domestic water and water for irrigation, is embraced within the boundaries described as follows:

"Beginning at intersection of Franklin Street and Boulevard; thence east on Franklin Street to a point 300' east of Boulevard; thence south in a straight line parallel with Boulevard to a point 300' north of Delaware Avenue; thence east in a straight line parallel with Delaware Avenue to Riverside Avenue; thence north on Riverside Avenue to a point 300' north of Franklin Street; thence east in a straight line parallel with Franklin Street to Terrace Avenue (Main Avenue); thence south on Terrace Avenue (Main Avenue) to Niagara Street; thence East on Niagara Street to Columbia Avenue; thence south on Columbia Avenue to a point 300' south of Third Street; thence West in a straight line parallel with Third Street to Main Avenue (Terrace Avenue); thence north on Main Avenue (Terrace Avenue) to College Avenue; thence west on College Avenue to Fulton Street; thence north on Fulton Street to a point 300' south of Delaware Avenue; thence west in a straight line parallel with Delaware Avenue to Genessee Street; thence south on Genessee Street to a point 300' south of Niagara Street; thence west in a straight line parallel with Niagara Street to Riverside Avenue; thence north on Riverside Avenue to a point 300' south of Delaware Avenue; thence West in a straight line parallel with Delaware Avenue to Holly Street; thence south on Holly Street to a point 300' south of Niagara Street; thence west in a straight line parallel with Niagara Street to Boulevard; thence north on Boulevard to Franklin Street or point of beginning."

Signed: W. R. Prowell S. J. McDonnell Thos. F. Roddy

COULEE DAM NATIONAL RECREATION AREA
Coulee Dam, Washington

List of Patent Dates Relative to Kettle Falls Water Right

	Name	Patent Date	Land Description
Section 23:			
	John Kensey	March 25, 1891	N½NE¼; SW¼NE¼
	John F. Rice	March 25, 1891	Lot
	Bert C. Crofoot (no record, but there was a W.A.Noteware)	December 17, 1890	S½SE¼
	Austin Hammer	December 17, 1890	SE¼NW¼; NE¼SW¼, Lots 2&3
	Wm. Austin Savage (no record, but there was a Wm. Austin)	April 3, 1891	SE¼NE¼
	James E. Savage	April 3, 1891	N½SE¼
Section 25:			
	George H. Bevin	March 28, 1891	W½NE¼; SE¼SE¼
	Louis Blue	December 17, 1890	E½NW¼; SW¼NW¼; NW¼SW¼
	Richard Crawford	December 11, 1891	E½NE¼; N½SE¼
	Isaac S. Brown	December 17, 1890	S½SW¼; NE¼SW¼; SW¼SE¼
	J. P. Shannon	December 17, 1890	NW¼NW¼
Section 26:			
	Joseph P. Shannon	December 17, 1890	E½NE¼
	Waldron A. Noteware	December 17, 1890	W½NE¼
	James J. Budd	December 17, 1890	E½NW¼
	Arthur W. Holly	June 4, 1891	Lots 1,2,3, & 4
	Peter M. Hacking	December 17, 1890	N½SE¼; E½SW¼
Section 35:			
	Frank Marchand	No record	No record
	Eugene Lapramboyse	October 21, 1889	N½NE¼
	Orlando J. Milton	December 17, 1890	S½NE¼; N½SE¼

Section 35 (Cont'd):

Jessie A. Haskins	February 23, 1892	NE¼SE¼; E½NW¼ Lot 1
Thomas Kelley	December 11, 1891	SE¼SE¼
*John Kelley	December 10, 1894	SW¼SE¼
Bille Fisher (No record, but there is a Belle H. Frisbee)	January 18, 1892	S½SW¼; NW¼SW¼; Lot 2

*Has a homestead certificate dated as above instead of a patent.

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 detail d 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-

ural 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.

I-14-83

December 28, 1954

WATER USE ANALYSIS
Old Kettle Falls Area
Coulee Dam National Recreation Area

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

Old Kettle Falls Water Use
(From Bureau of Reclamation Drawing A-1684-Revised 6-30-38, a part of Appraisal #36650 by Stevens County Abstract Co.)

Blue Gulch Creek (USGS gauge said to be on Colville River at mouth of Blue Creek - No records of flow on Blue Gulch Creek)

Elevation of Reservoir and Diversion (from Marcus Quad-USGS) 1353 +/-

Elevation at corner Delaware, Dearborn and Randolph Streets (center of Town ℄) 1290 +/-

Total Fall 63 feet

Pipeline from Reservoir to Delaware and Randolph Streets consisted of 633 feet of 10" welded steel and 5005 feet of 8" wood stave. There are 1900 ft. of 10" wood stave pipe from Delaware and Randolph to Post Office at Broadway and Franklin.

The static head at Randolph and Delaware Streets (from USGS Quad) is approximately 63 ft.

The static head at Post Office at Broadway and Franklin (from records of engineers of Bureau of Reclamation) is about 100 ft.

Delivering 1.5 S.Ft. from Blue Gulch Creek the residual pressure would be about 12 lbs. at the Post Office at Broadway and Franklin, but water would be 2 ft. below ground at Randolph and Delaware Streets. It is doubtful that Town ever diverted 1.5 sec. ft.

Delivering 1.4 sec. ft. from Blue Gulch Creek the residual pressure at Randolph and Delaware Streets was 7.8 ft. or 3.4 lbs.; and pressure at Post Office at Broadway and Franklin Streets was 38 ft. or 16.4 lbs. This would deliver water to second story of a building at Post Office site and may be assumed as maximum Town right to waters of Blue Gulch Creek.

A well, pump and 1,716 ft. of 6" wood stave pipe were constructed in 1930 to provide a supplemental supply at the Post Office from the underground flow of the Columbia River, for fire protection and to replenish the diversion reservoir on Blue Gulch Creek.

The diversion dam, 19 ft. high with effective depth at 14 ft., creates a reservoir with a surface area of at least 45,300 sq.ft., or 1.04 acres. If there is an average depth of 14 ft., the storage capacity is 14.56 acre-feet, which would provide flow of 0.0735 sec.ft. or 47,500 gallons per day for 100 days of peak demand or low stream flow; or 0.244 sec.ft. or 158,175 gallons per day for 30 days.

No records of flow of Blue Gulch Creek have been found in Water Supply Papers of Geological Survey.

Well near The Boulevard and Cascade Street and 100 feet from original Columbia River, constructed in 1930.
Pump - Pamona deep well turbine - Serial No. G-8363, capacity 500 gpm.
Motor - Westinghouse 25 HP; 1750 RPM; 60 cycle; 3 phase; 220 volts.
Pump connected directly to lower end of 10" city main.
The pump would deliver 1.115 sec. ft., or 720,000 gallons in a 24-hour day. The delivery in 8 hours would be 240,000 gallons, which was approximately the demand of the White Pine Sash Co. and Canning Factory. Pumping 24 hours per day, there would also be 480,000 gallons per day, or 0.7359 acre-feet to replenish approximately 5% of the storage in diversion reservoir on Blue Gulch Creek.

Population of Town of Kettle Falls, from U. S. Census

	1910	1920	1930	1940	1950
Town	377	276	414	560	714
"Metropolitan Area"					
Kettle Falls Precinct		569	727	400	
Mayers Falls Precinct		569	516	871	
Total		1,138	1,243	1,271	
1940 Town Population by Precincts				Total	
Kettle Falls Precinct				122	
Mayers Falls Precinct				438	
Total				560	

The Town was supposed to move to its new site near Mayers Falls. A memorandum of March 29, 1937 to the construction engineer of the Bureau of Reclamation indicated that the population was about 300, that the Town had an area of 500 acres divided into 3,500 lots, and that approximately 75% of the land had reverted to the county for delinquent taxes. The 1938 appraisal indicates that there were 132 service connections on the water system.
The Census Bureau advises that the precinct line is through the new town and not the old. This may, or may not, be misinformation, but it appears unsafe to use the precincts in these estimates. The 1938 plan of the water system also suggests little water use except in the Town. The population of the old Town was, thus, probably never more than 414.

Probable old Town water demand 1938-1940

I-Irrigation

Total area of Town on drawing A-1684 — 374 acres
Area of Town within NRA on drawing A-1684 — 327 acres, or 87.3%
Number of homesites lots in NRA — 2,046 ℓ
Average size of homesite lot — 0.16 acre
(smallest lots being 25'x135' with 0.0772 acres)
Probable portion of lot irrigated by deducting est. area of house, shed, drive, etc. — 0.0655 acres
The 1930 population of Town was 414 people.
At 3.3 people per family, there were 125 families or homes.
The average family is thus estimated to have occupied 374/125, or 3.0 acres, which is equivalent to 18 lots, with total irrigated area of 1.225 acres.

The Assistant Chief Forester, who knew the area when living in Spokane, estimates that average homesites were more nearly 4 lots, or 0.64 acre in extent, with approximately 0.5 acre as garden and orchard. To estimate the Federal interest conservatively low, this figure may be used, but following information from B. of R. probably more accurate.

From appraisal and report in memorandum of the Bureau of Reclamation, the occupied area would be 25% of 500 acres or 125 acres occupied by about 125 families or about 1 acre per family. With 132 service outlets there seem to have been about 7 outlets, of which one was to sash company, one was to canning factory, and 5 were to stores, post office, and other public buildings.

The normal rate of irrigation is 1.0 sec.ft. to 70 acres, or 0.0143 sec.ft. per acre, by ditch. It has been found, however, that hose irrigation of lawns usually averages only 5,400 gallons per day, or 0.0085 sec.ft. per acre. The hose irrigation will be assumed to be conservatively low.

From the preceding, it is estimated that:

A. Irrigation water demand in the Town was limited to homesites.
B. That total irrigation demand was 125x0.0085 sec.ft. or 1.0625 sec.ft.
C. The Federal interest of 87.3% was 0.93 sec.ft.

II-Municipal or domestic demand in 1930-1938

The 125 homes would require 250 gallons per day each or	31,250 Gals./day
5 public buildings are arbitrarily assumed to require	10,000 Gals./day
The Dept. of Agriculture estimates canning factory needs at	125,000 " "
It is arbitrarily assumed that White Pine Sash Co. used, largely from well supply	125,000 " "
Assuming 2 Excelsior type air conditioners per residence, and 30 in stores, cannery and other buildings, the total water demand at 12 gallons each per hour would be	80,640 " "
Municipal use at utility shops and for street flushing and dust laying is arbitrarily estimated at	10,000 " "
Total municipal and domestic water demand other than for irrigation	381,890 " "
or -	0.59 sec.ft.

III-Old Town water demand summary

The accountable water demand of old Town was:

Irrigation :	1.0625 sec.ft.
Municipal Use:	0.5900 sec.ft.
Total	1.6525 sec.ft.
Normal Gravity supply from Blue Gulch Creek	1.4000 sec.ft.
Normal supply from Well (Columbia River)	0.2525 sec.ft. or 163,000 Gals./day
Normal demand of White Pine Sash Co. always from well	0.1935 sec.ft. or 125,000 Gals./day
Annual well demand due to low flow of Blue Gulch Creek (average)	0.0590 sec.ft. or 38,000 Gals./day
	Or 13,870,000 Gals./Year
	Or 42.5 Acre-Feet

Required annual demand of 42.5 acre-feet from well for low flow can probably be partially supplied by 14.56 acre-feet stored during flood flow of Blue Gulch Creek, leaving pump demand from well of 27.94 acre-feet/year
or a daily demand during 60 days of 0.4653 acre-feet
or 0.235 sec.ft.

IV-Proration of Town Rights to Blue Gulch Creek

Total established right			1.4000 sec.ft.
Probable maximum irrigation rights appurtenant to Federal land	0.93	sec.ft.	(87.3%)
Probable maximum irrigation rights appurtenant to private land east of Project area	0.1325	sec.ft.	(12.7%)
Total irrigation rights	1.0625	sec.ft.	(100.0%)
Total late season deficit in irrigation water on Federal land, to be supplied from well 87.3%	0.205	sec.ft.	
Total late season deficit in irrigation water on private land east of Project area to be supplied from well 12.7%	0.030	sec.ft.	
Total late season irrigation demand from well	0.235	sec.ft.	
Probable normal Federal irrigation rights to Blue Gulch Creek			0.930 sec.ft.
Probable late season Federal demands from well			- 0.205 sec.ft.
Probable late season Federal irrigation rights to Blue Gulch Creek			0.725 sec.ft.
Probable normal private irrigation rights to Blue Gulch Creek			0.1325 sec.ft.
Probable late season private demands formerly obtained from well			- 0.0300 sec.ft.
Probable late season private irrigation rights to Blue Gulch Creek			0.1025 sec.ft.
Probable non-irrigation rights to Blue Gulch Creek which are not appurtenant to land, and to which no title or allocation is made herein			0.3375 sec.ft.

Proposed Recreational Water Use for Immediate Development
(see attached Drawing NRA-CD-6950)

	Drawing 2065C App. 12.7.51	Drawing 2029A Dated 3.52
Domestic and Recreational Demand		
204 guests in 62 Lodge Cottages at 50 gpd	10,200 gpd	
60 Lodge employees at 50 gpd	3,000 gpd	
56 housekeeping cabins at 250 gpd		14,000 gpd
30 Lodge employees at 50 gpd		1,500 gpd
Lodge utility area	5,000 gpd	2,500 gpd
139 parking stalls at Marina at 3.3 day guests, each using Restaurant and Comfort Station - 439 at 25gpd	10,975 gpd	10,975 gpd
Restaurant use by Lodge guests - 204 at 100 gpd	20,400 gpd	
NPS Ranger Station	250 gpd	250 gpd
NPS Utility Area	5,000 gpd	5,000 gpd
92 Campground sites - 322 at 35 gpd	11,272 gpd	11,272 gpd
6 NPS Employee residences at 250 gpd	1,500 gpd	1,500 gpd
204 Excelsior air conditioners at 288 gpd	58,752 gpd	
118 Excelsior air conditioners at 288 gpd		33,984 gpd
	126,349 gpd	80,981 gpd
or	0.1955 s.ft.	0.1225 s.ft.

Irrigation Demand

Gross Developed Area about		90.4 acres
Probable irrigated area at 60% of gross		54.25 acres
Water demand at 5,400 gpd/acres by hose		292,500 gallons per day
	or	0.453 sec.ft.

Summary

The preceding estimates indicate that the Federal water demand when present development is complete, will be between 0.6485 sec.ft. and 0.5755 sec.ft., by adding irrigation demand to the two alternative domestic and recreational demands, wahh similar to municipal demands.

The United States appears to have irrigation rights to Blue Gulch Creek in the amount of 0.93 sec.ft., but of which not more than 0.725 sec.ft. may be available in late season, either quantity being in excess of demands for present development, when complete.

The Kettle Falls Marina development, including campgrounds, lodge or housekeeping cabins, etc., will have continuing annual increases in public use or seasonal population like a village or municipality, at the rate now being observed in the national parks and monuments. The annual attendance at national parks and monuments has been increasing at a consistent rate since 1927 which is represented by:

$$Y = A \text{ times } 1.05564^{X}$$

where A is attendance of any past year since 1927; X is the number of years since that past year to the year desired; and Y is attendance at year desired. It follows that the entire right will probably be required in the not too distant future.

Owners of private land to the east of the Grand Coulee Dam Project area appear to have appurtenant irrigation rights to 0.1325 sec.ft. of the waters of Blue Gulch Creek, of which only 0.1025 sec.ft. may be available in late summer, and a possible right to 0.030 sec.ft. of the well waters to make up the deficit.

All nonirrigation rights to the extent of between 0.3375 sec.ft. and 0.4375 sec.ft. may belong to the owners of the portion of the Town pipeline above elevation 1310, or to them and the United States in undetermined proportions.

The rights to the well water for purposes other than irrigation probably belong largely to the United States but the proportion has not been determined.

It seems probable that the Federal pipeline below elevation 1310 is now used to deliver water from Bear Gulch Creek to some private lands to east of the Grand Coulee Dam Project area.

There seems to be a definite obligation on the part of the United States and the owners of part of pipeline above elevation 1310 to deliver water to each other in accordance with rights to be defined, and on terms which do not appear to have been covered by written agreements.

The new well in Marina Area does not now yield as much water as old Town well, when level of Franklin D. Roosevelt Lake is low, because of more impervious deposits above than below old Columbia River channel, thus making new well of minimum value when most needed.

The new well does serve as replacement to retain any rights to River water and can be deepened if the greater depth is not too remote from natural flood channel to intercept the underground flow, or other source of original Town well.

WR Copy
L54-L

NOV 6 1956

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. Allan'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
Mr. Dunn

AvVDunn:lct 9-4-56

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

06-00-0000: dear mr. walker: this refers to your letter of june 13 concerning the following documents:

154-1

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) LEMUEL A. GARRISON

Lemuel A. Garrison
Acting Assistant Director

AvVDunn:lct 7-26-56

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

06-13-1956: reference is made to the following documents on file in this office which concern your department; june 13, 1956

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

254

D C Lee

Mr. Gunn

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

Attention: Mr. Thomas J. 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

02-00-0000: re: blue gulch creek, dear mr. miller, we appreciate the information in your letter of february 8

WK-A
L54-L

February 24, 1956

Mr. M. M. Miller
Hydraulic Engineer
Surface Water Branch
Box 275, Parkwater Station
Spokane 6, Washington

Re: Blue Gulch Creek
Coulee Dam National Recreation Area

Dear Mr. Miller:

We appreciate the information in your letter of February 8, concerning records of the flow of Blue Gulch Creek near the Town of Kettle Falls, and Kettle Falls Area of Coulee Dam National Recreation Area. We assume that the inspection mentioned in your second paragraph was made this past October, and the observations are not surprising since there was little flow in August.

Our original inquiry concerned a measurement which the Mayor of the Town thought your Branch made in the spring of 1953. It was probably made by some one else.

At the present time we do not believe a special investigation is justified for our purposes. However, if your representatives have other reasons to go to Kettle Falls from time to time, and have time, it would be helpful to have some records, even if only good estimates, of the flow entering the old Town reservoir during the spring.

Very truly yours,

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Copy to: Mr. Dunn

AvVDunn:let

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
Geological Survey
Water Resources Division - Surface Water Branch
Box 275, Parkwater Station
Spokane 6, Washington

February 8, 1956

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

Dear Sir:

In response to your letter of September 23, 1955, serial L54-L to Mr. F. M. Veatch, and his reply of October 4, 1955, concerning a miscellaneous measurement on Blue Gulch Creek near Kettle Falls, Washington, the measurement was not made by our field men.

A partial inspection of the Blue Gulch Creek basin was made in October. There was no surface stream evident at that time and the small pond indicated about the middle of Section 25, T 36 N, R 37 E., Marcus Quadrangle, edition of 1942 was not observed, although it may have been overlooked.

Please let us know if you desire a more extensive investigation.

Very truly yours,

/s/ M. M. Miller

M. M. Miller
Hydraulic Engineer

12-00-0000: water rights kettle falls, this will refer to mr. allen's memorandum of december 8

COPY

January 3, 1956

Memorandum

To: Chief, Western Office, Division of D&C

From: Regional Chief of Operations, Region Four

Subject: Water Rights Kettle Falls - Coulee Dam

This will refer to Mr. Allen's memorandum of December 8 on the above subject.

In the penultimate paragraph he recommends certain surveys and studies be performed this spring. This will confirm Mr. Whitworth's conversation with Mr. Smith last week when it was agreed that surveys would be accomplished as soon as feasible.

/s/ Fred T. Johnston

Fred T. Johnston
Regional Chief of Operations

Copy to: Director
Superintendent, Coulee Dam

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:let 12-7-55

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 [illegible]
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 modification 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.

14. 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 Colsville 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 Colesville 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	385	455	727	883	1801	1098	388	184	113	129	538	114
1952	192	201	266	259	405	642	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 'sarcstary'(?) 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. Edgerton in 1906, Edgerton 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. MaLeod 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.

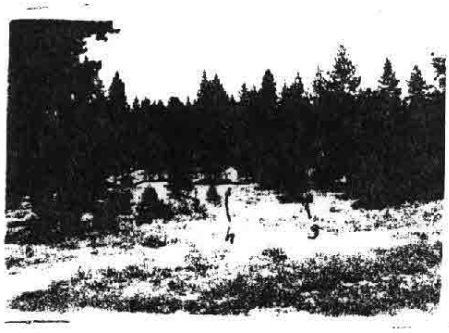
Assuming that the National Park Service may use water from Blue Gulch Creek, it is evident that the acquisition of any necessary Federal title to an interest in the existing water system and right-of-way would be complex and probably expensive. The land of A. G. and R. H. Hurst was all patented on July 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.
c. 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 side 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.

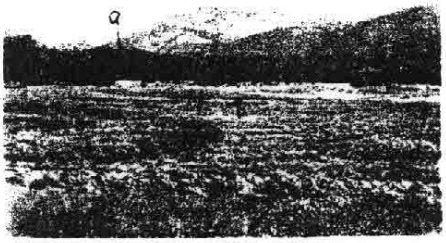
Mr. Brown also advised, on inquiry, that each resident of the old Town had irrigated a small area of lawn in front of his house, and some garden patches in the rear, about in the manner evident in August 1955 in the new Town. It is believed that my estimate of December 28, 1954, of an irrigation water 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 Broom were also quite certain that Anderberg, Root, and other land owners, such as the Bucklays, 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 Pomona Turbine Pump No. MP-2867, 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 5½ 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 feet 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	1235.6	1236.4	1252.4	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	1288.9	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 Elms 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 Elms 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 Elms Gulch Creek before new water uses become confused with those of the past.

The National Park Service can develop an irrigation water supply from Elms Gulch Creek for spring use under its Application No. 18793, if the latter 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

L54-L

Office of
Chief, Western Off
Div. of Design and C
AUG 1 0 1955
Supv. Architect
Supv. Engineer
Supv. Landscape Arc
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.

Acting Assistant Director

In duplicate

Copy to: WODC
Regional Director, Region Four

07-28-1965: request for information on disposal of installed pipe at kettle falls; july 28, 1965

REPLY REFER TO: 420

IN REPLY REFER TO
760

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

COLUMBIA BASIN PROJECT OFFICE
EPHRATA, WASHINGTON

420 840 8/1 8/2

JUL 28 1965

To: Regional Director, Boise
Attention: 420 and 840

From: Acting Project Manager

Subject: Request for information on disposal of installed pipe at Kettle Falls, Washington

Please refer to speedletter of July 18, 1955 from the Chief, Procurement and Property Management Branch to this office, and attached Acting Assistant Commissioner's speedletter of July 15, 1955.

Our files indicate that in June of 1938 the Kettle Falls Water System was appraised by Appraisal Engineer Frank H. Prouty and the entire water system was evaluated at $19,260.91. The portion lying below elevation 1310 feet above sea level (reservoir boundaries) was appraised at $11,679.35, while the portion lying above elevation 1310 feet was evaluated at $7,581.56.

In letter dated October 8, 1938, from the Acting Commissioner to the Secretary of the Interior and approved by the Under Secretary of the Interior on October 28, 1938, it was recommended that the then Construction Engineer of the Columbia Basin Project negotiate for the purchase of the water system first, on the basis of the outright purchase of the entire system at $19,260.91, provided, "that it is determined that such purchase will not require the Government to assume any obligations of operating the system; and provided, that it can be predicted with a fair degree of certainty that there are resale or reuse values of sufficient amount to justify the expense and trouble connected with realizing on them; and, secondly, if purchase of the whole system proves to be undesirable, for the outright purchase of that part of the system within the reservoir for the sum of $11,679.35, plus severance damages in the amount of $7,581.56 less the presently estimated sale value of $125; provided, that if a reuse value in excess of $125 is found to exist, the severance damages shall be further reduced by the amount of this excess."

On the basis of the approval indicated above a contract for the purchase of the portion of the Kettle Falls Water System lying below elevation 1310 feet was negotiated for $14,000. A land purchase contract was executed by the Mayor of the Town of Kettle Falls, Washington on April 4, 1939, and assigned contract No. I36r-1582. That contract provided that the United States would acquire the following:

> "All that portion 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."

Subsequently, on June 22, 1939, a warranty deed was executed by the Mayor and Town Council of the Town of Kettle Falls, in which the following was conveyed to the United States:

> "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."

On July 26, 1939, an invitation for the sale of that portion of the water system lying below elevation 1310 feet above sea level was issued, five bids were received and the award made on August 9, 1939, to the Town of Kettle Falls who submitted the highest bid of $701.50. A copy of the invitation and sale document is enclosed. You will note that only the pipe and appurtenances were sold and that no other rights were involved.

If further information in connection with this matter is desired, please so indicate.

L. V. Bowers

Attachment
In duplicate
Copy to: Power Supervisor, Coulee Dam, Attn: 680 (letter only)

07-26-1959: invitation-sale of buildings and improvements only; july 26, 1959

CONSTRUCTION ENGINEER'S OFFICE
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
COLUMBIA BASIN PROJECT, WASHINGTON
Coulee Dam, Washington

TRACT NO. 2660

Kettle Falls Water System

July 26, 1959

INVITATION - SALE OF BUILDINGS AND IMPROVEMENTS ONLY

1. The Bureau of Reclamation offers for sale to the highest bidder at not less than the minimum bid set opposite thereto, the improvements listed below and located on property in the Columbia River Reservoir Site, Stevens County, Washington, described as follows:

All that portion of the Kettle Falls Water System located in that part of the Town of Kettle Falls, Washington, lying and being below the elevation of 1310 feet above sea level (Columbia River Reservoir boundary line), including all of the pumps, pipes, pipe lines, taps, hydrants, well houses, valves and fittings, and other appurtenances, excepting that portion of eight inch wood stave water line running from the water reservoir to the east city limit line and continuing from said city limit line west along Belmont Avenue to Randolph Avenue; thence north along Randolph Avenue to the northwest corner of Block 53 which is the junction of Randolph, Jefferson, Delaware, and Dearborn Avenues -

LUMP SUM - $275.00

Note: The pumping plant involved is stored in the Duckworth warehouse at Kettle Falls, Washington, and considerable wood stave pipe and other appurtenances are stored on the fire station grounds at Kettle Falls, Washington.

2. Sealed bids will be received at the office of the Construction Engineer, Bureau of Reclamation, Coulee Dam, Washington, until 2:00 o'clock P.M., [redacted], and will at such time be opened in the presence of any bidders who may desire to be present.

3. Successful bidder will be required to remove all improvements purchased hereunder to a location which is above the Columbia River Reservoir Boundary line (1310 feet above sea level) on or before [redacted]. Failure to comply with this provision, will vest title to any and all improvements not removed at the date of termination of the rights of occupancy as herein provided in the United States. Whenever the improvements are removed by the purchaser, he must clear the premises of all debris and litter in a manner satisfactory to the Construction Engineer of the Bureau of Reclamation, Columbia Basin Project, Washington.

4. Bidders are required to submit with their bids a deposit of not less than 10% of the amount of the bid and will be required to pay the balance within ten days after receipt of notice of acceptance of bid. However, if the amount bid is less than $25.00, the entire amount must be submitted with the bid. If the successful bidder fails or refuses to pay the balance due under his bid within 10 days after being requested to do so by the United States, then the amount deposited will be forfeited to the United States as liquadated damages for the loss suffered by the United States due to the bidder's failure to complete payment when the contract has been awarded to him. Deposits so received will be returned to the unsuccessful bidder as soon as payment has been made by the successful bidder. This deposit and all subsequent payments MUST BE in the form of currency, certified check, cashier's check or postal money order made payable to Treasurer of the United States, at the Seattle, Washington Post Office. Payment in any other form will be returned and the bid rejected. The Government will assume no liability for safe delivery of currency.

5. Envelopes containing proposals should be plainly marked on the upper left-hand corner with the name and address of the bidder and the date and hour of the bid opening and "Purchase of Improvements, Columbia River Reservoir Site" and addressed to the Bureau of Reclamation, Coulee Dam, Washington. Any bid received in an envelope not marked in accordance with these instructions may, at the option of the United States, be rejected on account of irregularity. ALL PAGES OF THIS ADVERTISEMENT SHOULD BE RETURNED WITH THE BID.

6. The Government reserves the right to reject any or all bids, to waive any informality in bids received, unless otherwise specified by the Government or by the bidder, to accept any item in the bid. In case of error in the extension of prices in the bid, the unit prices will govern.

7. 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 therefrom unless it be made with a corporation for its general benefit.

8. The Construction Engineer of the Bureau of Reclamation or his designated representative or representatives shall have access to the property at all times.

Ist Bauder
Construction Engineer

B I D

Place: Coulee Dam, Washington

Date: August 9, 1939

In compliance with the above invitation for bids and subject to the conditions thereof, the undersigned offers and agrees, if this bid is accepted within _____ days from the date of the opening, to purchase the above improvements for a lump sum bid of Seven Hundred One and 50/100 - - - - - - - - - - dollars, ($701.50). As a part of the consideration for the benefits to be derived by the successful bidder hereunder, the undersigned does hereby release the United States and its assigns from any and all damages or claims of every description or kind whatsoever that have accrued or may accrue to the said undersigned by reason of the construction, operation and maintenance of the Grand Coulee Dam, Columbia Basin Project, Washington, or its appurtenant structures, by the United States on or to said improvements and property as described in said invitation for bids or to any property of the undersigned located on the real property described therein.

Bidder: Town of Kettle Falls

By: /s/ R. E. Lamerton

Title: Mayor

Address: Kettle Falls, Washington

ACCEPTANCE BY THE GOVERNMENT

Accepted: /s/ J. H. Miner Date: August 9, 1939
Construction Engineer
Acting Supervising Engineer

Sheet No. 2 of two sheets.

L54-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 S. 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 (Elms 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.

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

WR Copy

In reply refer to:
L54-L

JUN - 8 1955

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Kettle Falls Area, Coulee Dam

By memorandum of February 15, Mr. Dunn forwarded two notices for changes in the withdrawal of groundwater and the use of waters of Blue Gulch Creek, respectively to Mr. Peyton with a copy of a letter of February 9 from the Assistant Supervisor, State Division of Water Resources and a Purchase Order No. 99-360 and a voucher. A different voucher was substituted with an air mail memorandum of February 16 from Mr. Rittase.

The letter from the Assistant Supervisor instructed that the notices be advertised in a local newspaper for two consecutive weeks. Such publication is supposed to be made within a time limit set by the Supervisor and is usually within 30 days. No time limit was set in this case, perhaps because we had stated previously that the water right matters could not be resolved until summer. However this did not imply that the publication of the notice should be deferred unless the other owners of interests in the pipeline are known to be elsewhere during the winter.

The Purchase Order No. 99-360 was left with the name of the newspaper publisher to be inserted by the Superintendent. A yellow copy was included to be returned to this office with the same publisher's name inserted. Since neither the yellow copy nr the bill from the publisher had been received by March 30, we sent the Superintendent a follow-up memorandum. We have still received no reply, and we should like to have the instructions carried out at once. We wish to have the obligation properly recorded before the end of the fiscal year, and we wish to have the reaction of the other water claimants so that the matter can be closed this summer.

By memorandum of January 13, with copy to the Western Office of Design and Construction, you recommended that a plan be completed for the use of the waters of Blue Gulch Creek. Mr. Dunn claimed 0.93 sec.ft. of the waters of Blue Gulch Creek in the petition for amendment of the old town rights, but questioned whether the Federal development would require that much water. By memorandum of February 21, Mr. P. E. Smith

reported that an estimate made in the Western Office of Design and Construction also suggested that the 0.93 sec.ft. was more than ample. We should like to have an immediate plan and estimate of the reasonable maximum anticipated water use. Mr. Dunn suggested that the demand would probably only be between 0.5755 sec.ft. and 0.6485 sec.ft. in his water use analysis in Part II of Docket 4. Presumably WCDC arrived at some figure within those limits, and we should like to have confirmation before attempting to negotiate with Messrs. Anderberg and Root.

It is assumed that the original town water system served more people and land outside of the Recreation Area than Mr. Dunn's records have shown, and that Messrs. Anderberg and Root will protest the published notice on that basis. Mr. Dunn proposes to go over the ground in July or August, and to talk with the other water users and the officials of the town water company, and try to arrive at a mutually equitable division of the water, based on the historical use. If it is possible to arrive at an adequate quota for Federal use, and one small enough to be agreeable to the other claimants, it will be desirable to work out details for an agreement, with proper representation of your office and the Superintendent present.

To speed up the field work, it will help if Mr. Peyton will attempt to obtain, and send to us, any map which the town may have of the old distribution system, and any records of stream flow and diversions before the time the lower portion of the town was moved. We should also like to know about what date Mr. Dunn should tentatively set for his trip. The latter, of course, may have to be adjusted because he also wishes to stop at Death Valley and Lake Mead, and make the entire trip, by plane, in between two and three weeks with possible stops in San Francisco and Santa Fe.

(SGD) THOMAS J. ALLEN

Assistant Director

In duplicate

Copy to: Superintendent, Coulee Dam
Western Office of Design and Construction
Mr. Rittase
Mr. Dunn

AvVDunn:lct 6-7-55

WR Copy

In reply refer to:
L54-L

March 30, 1955

Memorandum

To: Superintendent, Coulee Dam

From: Chief, Water Resources Section

Subject: Water Rights, Kettle Falls Area, Coulee Dam

By memorandum of February 15, we submitted a notice for publication in connection with the Federal interests in the water rights of the old Town of Kettle Falls, which was followed by another memorandum of February 16 from the Procurement Officer, submitting a different form of voucher.

Presumably the bill will not be submitted until publication is completed, but we should like to be advised of the name of the paper in which the notice is published in order to complete our copy of the purchase order and records of obligation. If for any reasons there has been delay in having the notice published, we should also like to be so advised.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four
Mr. Rittase
Mr. Dunn

AvVDunn:lct

Ephrata, Washington

[redacted], 1955

Mr. [redacted], Supervisor
[redacted] National Recreation Area
[redacted], 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 intend 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

[illegible] since the difference in viewpoint makes it necessary that the [illegible] actions be coordinated in order that the fundamental project [illegible] do not become impaired.

Sincerely yours,

/s/ ROBERT A. MILNE

Robert A. Milne
Acting Assistant Field Solicitor

In triplicate

Enclosure

Copy to: Project Manager, Ephrata, Wash.
(w/c encl.)

KKE:cs

[illegible]:mrl

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	2/1
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

X Dunn BFm 2/2

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 2/2

> 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

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,

[illegible] R. 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
Mr. Dunn

AvVDunn:lct

RECEIVED
1955 FEB ... AM 10:42

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54-L

February 21, 1955

MAR 2 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.

P. E. Smith
Supervising Engineer

Copy to Regional Director, Region Four
Superintendent, Coulee Dam

CODA

In reply refer to:
L54-L

FEB 15 1955

Office of
Chief, Western Office
Div. of Design and Const.
FEB 21 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

Memorandum

To: Superintendent, Coulee Dam

From: Chief, Water Resources Section

Subject: Water Rights, Kettle Falls Area, Docket 4, Coulee Dam

Attached are notices: (1) for change in place of withdrawal of ground water; and (2) place and purpose of use of waters of Blue Gulch Creek under rights appurtenant to the water system of old Town of Kettle Falls, and a letter of February 9 from the Assistant Supervisor, Washington Division of Water Resources. Also attached are the original and a copy of a purchase order, with estimated cost of $10.00, and the original of a voucher to cover payment of the publication of the notices with water resources funds from this Office.

The name of the newspaper publisher has been omitted, and should be inserted by you. The carbon copy of the purchase order should then be returned to this Office as part of the record of the obligation. In forwarding the purchase order and voucher to the publisher, in accordance with the letter from the Assistant Supervisor, please request that he sign the voucher and send it directly to the Director with a correct statement of charges and a certificate of publication and copy of the published notice in duplicate. We will make copies of the certificate and published notice for the docket from the duplicate copies.

There will doubtless be a protest by Mr. Anderberg and Mr. and Mrs. Root, after the notice is published. The nature and extent of the protest can be minimized by proper explanation of the petitions to them as explained in previous correspondence. They may elect to present their counter claim to you or the Supervisor, and you should forward any proposals you receive at once.

Although the well is of doubtful value, the claimed change in point of diversion with 1930 priority may be valuable if further attempts are made to obtain a ground water supply. For this reason, we will not abandon the claim at this time.

We note that the tie between the old and new wells was incorrectly scaled and recorded on Drawing NRA-CD-6950, and was approximately corrected and used by the Supervisor. We are having corrected prints of the Drawing printed for the docket assemblies, and will forward them when completed.

(SGD.) A. V[illegible]

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Regional Director, Region Four
Western Office of Design and Construction

01-00-0000: water rights, attached are 3 copies of the letter of january 19 from mr. m. g. walker

In reply refer to:
L54-L

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.

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 WCDC to work out the most desirable water supply in accordance with the last paragraph of your memorandum.

Mr. Payton 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 1330. 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
Mr. P.Miller
Mr. Dunn

AvVDunn:lct 1-27-55

WR Copy

In reply refer to:
L54-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:lct 1-26-55

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 beccme 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.

WR Copy

In reply refer to:
L54

January 13, 1955

Memorandum

To: Director

From: Regional Director , Region Four

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: see gen. files re Hurst interests

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. see gen. files

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

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

RECEIVED
NPS, REGION FOUR OFFICE
JAN 17 1955

January 13, 1955

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

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.

A. van V. Dunn
Chief, Water Resources Section

Attachments 6

01-12-1955: letter, dear mr. walker, we submitted an amended application; january 12, 1955

In reply refer to:
L54-L

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

JAN 12 1955

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 5085.

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) Through Superintendent, Coulee Dam
Mr. & Mrs. Root) National Recreation Area (detached)

Regional Director, Region Four)
Superintendent, Coulee Dam) With copies of both
Western Office of Design & Construction) 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 14793 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:

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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.

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As a beginning at Item 25 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 ERA-CD-8950, 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 2

Copy to: Bureau of Reclamation) Through Superintendent, Coulee Dam
Mr. Anderberg) National Recreation Area (detached)
Mr. & Mrs. Root)

Regional Director, Region Four) With copies of both
Superintendent, Coulee Dam) petitions, appendix
Western Office of Design & Construction) and map (detache
Mr. Dunn

AWDunn:lst 1-12-55

January 5, 1955

Summary of Available Records obtained from Bureau of Reclamation by A. van V. Dunn Chief, Water Resources Section National Park Service

Federal title to the lands at the old site of Town of Kettle Falls, together with appurtenances, which were to be included in the Grand Coulee Dam Project area, were acquired as a number of separate tracts, from the Town and private land owners therein.

The acquisitions from the Town were as follows:

1. Contract I-36r-790, dated May 20, 1937, and Deed of December 7, 1937, recorded at page 164, Book 103 of the Records of Stevens County, for Tracts 1364A and 1381, consisting of lots 39 and 40, Block 19, and lot 54, Block 23 of Central Addition, with appurtenances; and Town of Kettle Falls and First, Second, Factory Site, OK, Wizard, Central, and Holly Additions.

2. Contract I-36r-1569, dated February 11, 1939, and Deed of March 25, 1941, recorded at page 381, Book 110 of Records of Stevens County, for Tract 1455, a copy of the Deed being item 22 in aforesaid appendix.
   The Columbia
   Addition is NE¼SW¼ (Lot 3) of Sec. 14, T 36 N, R 37 E, WM, and was dedicated with certain reservations of railway, bus and utility rights-of-way, and right to lay and repair utility lines (including water lines).

3. Contract I-36r-1582, dated April 4, 1939, and Deed of June 22, 1939 to Tract 2260, consisting of the water system, a copy of the Deed being item 16 in the aforesaid Appendix.

4. Contract I-36r-2037, dated July 9, 1940, and Deed of March 25, 1941, recorded at page 380, Book 110 of the Records of Stevens County, for Tract 2634, consisting of Lots 1, 2, 3, 4, 5, 35 and 36 of Block 25 of Kettle Falls Improvement Company Addition, together with vacated streets and alleys except prior conveyance to State for Highway 22, and together with all appurtenances.

The title to the Post Office on Lots 52, 53 and 54 of Block 20 of Central Addition, was owned by Kettle Falls Post No. 146 of American Legion and conveyed by Release of August 10, 1938 under Contract I-36r-787 dated May 27, 1937.

The Columbia Irrigation District was established and described in Order of March 29, 1912, included as Item 21d in the aforesaid Appendix, with the intent of supplying water from an adjacent Irrigation District, but failed due to washout of part of its conduit, and was assigned to Kettle Falls Development Company for liquidation which was in progress during the period of Federal acquisitions. Federal title was acquired by:

1. Contract I-36r-806, dated June 9, 1937 with, and Deed of July 13, 1938 from the Columbia Irrigation District, recorded at page 380, Book 103 of Records of Stevens County.

2. Contract I-36r-1063, dated January 11, 1938 with, and Warranty Deed of September 2, 1938 from the Kettle Falls Development Company, recorded at page 521, Book 103 of Records of Stevens County.

3. Quit Claim Deeds of September 30, 1938, October 25, 1938 and April 29, 1939, recorded at pages 545 and 568, Book 103 and page 220, Book 104 of Records of Stevens County.

Item 21 of the aforesaid Appendix includes incomplete records of the clarification of lands including the pumpsite of the water system which were claimed by the White Pine Sash Company. The other records herein described were obtained by a specific request to the Bureau of Reclamation for deeds relating to the Town water system which were rushed from Denver during the Christmas holidays, and are not intended to include all records of property acquisitions of Kettle Falls. It is presumed that further research would clarify the matter. In any case, the land is flooded and no longer occupied by the Company.

In a like manner, no attempt has been made to obtain records of the deeds from private residents of the Town. All former owners have vacated and the land has been flooded. However, there are still privately owned lots in the portion of the Townsite east of the Project area, and apparently below the elevation of 1310, who are probably obtaining water from Blue Gulch Creek through portions of the Town water system now owned by both the United States and private interests.

APPENDIX
Exhibits Supporting Federal Claim
to
Part of Old Water Rights
of
Town of Kettle Falls
(Listed from bottom upward)

1. Description of Municipal Water System of Town of Kettle Falls, Washington, signed by W. R. Prowell, S. J. McDonnell and Thos. F. Roddy, and submitted to Construction Engineer with memorandum of March 29, 1937 from Commissioner of Reclamation for use in correspondence with Senators Schwellenbach and Bone, and Representative Leavy.

2. Appraisal of Kettle Falls Water System, Kettle Falls, Washington, by Frank H. Prouty, Appraisal Engineer, dated June 24, 1938.

3. Letter of October 8, 1938 to Secretary of the Interior from Acting Commissioner of Reclamation, transmitting Prouty Appraisal, and pointing out that (1) purchase of whole system or of system below elevation 1310 plus severance damages differ by only about $125; (2) there are unexplored reuse values to justify acquisition of entire system; but (3) there would also be enormous obligation of continuing operation for benefit of upper water users in such outright purchase.

4. Memorandum of November 12, 1938 from Construction Engineer to District Counsel, Bureau of Reclamation, acknowledging Acting Commissioner's letter and pointing out that (1) resale value of land above elevation 1310 is negligible, being largely that of N. G. Root; (2) that pipe and fittings thereon have little salvage value and will probably be dug up for use in new town water system; (3) that salvage value of $260 is in excess of purchase value of $125; and (4) instructing that contract for only water system below elevation 1310 be drafted.

5. Draft of contract for purchase of water system below elevation 1310, with provision for town operation until June 1939.

6. Air mail memorandum of November 22, 1938 to Commissioner of Reclamation from District Counsel, Bureau of Reclamation, transmitting said draft of contract, and commenting on town operation of water system after acquisition.

7. Letter of December 27, 1938 to Secretary of the Interior from Commissioner of Reclamation, recommending that Construction Engineer be authorized to enter into contract to provide town operation of water system until June 15, 1939.

8. List of qualified town voters who voted on Ordinance No. 1000.

9. Certificate of June 22, 1939 by Town Clerk, to effect that proceedings in connection with Federal acquisition of town water system have been in compliance with Remington Revised Statutes of Washington.

10. Resolution of January 10, 1939 by Town Council that water system below elevation 1310 be sold.

11. Ordinance No. 1000, approved by the Major of Kettle Falls on March 7, 1939, accepting Federal bid for town water system.

12. Memorandum of April 15, 1938 to Construction Engineer from Acting District Counsel giving title opinion.

13. Memorandum of May 17, 1939 to Construction Engineer from District Counsel, giving title opinion including indication that White Pine Sash Co. owned portion of Lot 1, Sec. 26, T 36 N, R 37 E, WM west of the Boulevard, in Holly Addition, on which well and pump were located, and town has taken proper action to obtain quit claim deed from White Pine Sash Co.

14. Memorandum of June 15, 1939 to Acting Supervising Engineer, Bureau of Reclamation from Associate District Counsel, giving supplemental title opinion and indicating that United States will waive objection that pump, well and shelter house, and 300 feet of 6" wooden pipe, 6" check valve and 16 feet of 6" G.I. pipe are on property of White Pine Sash Co. if that Company still refuses to sign necessary easement.

15. Affidavit of June Ella H. Holly, dated June 17, 1939, declaring that deed to parts of Holly Addition is no longer in force.

16. Deed to town water system (Tract 2260) under Contract I-36r1582 dated June 22, 1939.

17. Possessory Certificate of Associate Engineer, Bureau of Reclamation, dated June 28, 1939.

18. Certificate of June 24, 1939 by Stevens County Abstract Co., stating there are no mortgages or liens on water system.

19. Certificate of June 26, 1939 by Town Treasurer that there are no assessments against said water system.

20. Resolution of June 27, 1939 by Town Council instructing United States to pay off bonded indebtedness as part payment for the water system.

21. Part of Abstract, including:

    a. Quit claim deed from Ben C. Camp to White Pine Sash Co. covering land at pumpsite, among others, dated May 9, 1922.

    b. Warranty deed from Ben C. Camp to White Pine Sash Co. dated August 1, 1922.

    c. Warranty deed from Ben C. Camp to White Pine Sash Co. dated May 9, 1922.

    d. Order filed March 29, 1912 in Superior Court describing lands of Columbia Irrigation District.

    e. Plat of land west of the Boulevard in Lot 1 of Sec. 26 (part of Holly Addition).

22. Warranty deed to part of Town of Kettle Falls (Tract 1455, Contract 1599), dated March 25, 1941, including Holly Addition.

23. Memorandum of agreement between Bureau of Reclamation and National Park Service, approved September 5, 1944 by Assistant Secretary of the Interior, concerning recreational planning by latter.

24. Memorandum of agreement between Bureau of Reclamation and National Park Service, approved August 9, 1945 by Under Secretary of the Interior concerning recreational planning and development by the latter.

25. Memorandum of agreement between Bureau of Reclamation, National Park Service and Office of Indian Affairs approved December 18, 1936 by Assistant Secretary of the Interior, concerning planning, development and administration of the Coulee Dam Recreational Area.

26. Water Use Analysis, Old Kettle Falls Area, Coulee Dam National Recreation Area, by Chief Water Resources Section, National Park Service and dated December 28, 1954.

27. Summary of available records obtained from Bureau of Reclamation by Chief, Water Resources Section, National Park Service and dated January 5, 1955.

WR Copy

...eply refer to:
L54-L

DEC 30 1954

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.

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 un--appropriated, 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 ~~for~~ 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 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 3/4 of original claim for 2.0 sec.ft. I also lack records of actual flow of 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.

(sgd.) A. van V. Dunn
A. van V. Dunn
Chief, Water Resources Section

In duplicate

Enclosures

Copy to: Western Office of Design & Construction, with copy of enclosures
Mr. Dunn

AvVDunn:elh 12/30/54

01-00-0000: re: application 12793, dear sir: by letter of september 9, you granted until january 1 within which to amend application

WR Copy

Reply refer to:
L54-L

DEC 29 1954

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.

01-01-0000: re: application 12793, dear sir: by letter of september 9, you granted until january 1 within which to amend application

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. Auderberg 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
Mr. Dunn

AvVDunn:elh 12/28/54

WR copy

In reply refer to:
L54-L

SEP 17 1954

Memorandum

To: Regional Director, Region Four

From: Assistant Director

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
Mr. Vint with copies of attachments
Mr. Dunn with copies of attachments

AvVDunn:lct 9-17-54

08-30-1954: copy, attention mr. henry langley acting assistant director, 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: copy, in response to your letter of august 28, 1954, please be advised that the park service has requested further defe

C
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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 deferrment 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

09-14-1954: water development, kettle falls, attached for your information are copies of a memorandum from acting assistant; sep

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
Director's Office
NATIONAL PARK SERVICE
1954 SEP 14 AM 8:53

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.

CDDA

[redacted] 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 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."

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 complicate later 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
Director

In reply refer to:
L54-L

AUG 30 1954

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,

(CGD) HENRY LANGLEY

Henry Langley
Acting Assistant Director

Enclosures 2

Copy to: Regional Director, Region Four (2) detached
Western Office of Design and Construction

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

In reply refer to:
L54-L

August 26, 1954

Monterey BFm

Memorandum

Wrote Supt. 8/31
BFm

To: Regional Director, Region Four

FILE

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.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2
Copy to: Superintendent, Coulee Dam

NATIONAL PARK SERVICE
RECEIVED
AUG 31 1954
REGION FOUR OFFICE

00-00-0000: list of recipients of cash certificates

List of Recipients
of
Cash Certificates
Old Kettle Falls Area
Coulee Dam National Recreational Area

Sec. 23

John Kensey
John F. Rice
Bert C. Crofoot
Austin Hammer
Wm. Austin Stevens
James E. Savage

Sec. 25

George H. Bevin
Louis Blue
Richard Crawford
Isaac S. Brown

Sec. 26

Joseph P. Shannon
Waldron A. Noteware
James J. Budd
Arthur W. Holly
Peter M. Hacking

Sec. 35

Sec. 35

Frank Marchand
Eugene Lapramboyse
Orlando J. Milton
Jessie A. Haskins
Thomas Kelley
John Kelley
Bille Fisher

06-00-0000: water rights, attached is a copy of a letter of june 28 from assistant supervisor of hydraulics in reply to our memorand

Mr. Dunn WR Copy

In reply refer to:
L54-L

JUL - 8 1954

Air Mail

Memorandum

To: Superintendent, Coulee Dam

From: Acting Assistant Director

Subject: Water Rights under Application No. 12795 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. 12795 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

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 " " " " "
Chief Engineer " " " " "
✓Mr. Dunn

AvanVDunn:lt 7/8/54

06-18-1954: copy, in response to your letter of june 18, 1954, concerning your above number 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
Enc.

In reply refer to:
L54-L

JUN 18 1954

Memorandum



To: Regional Director, Region Four

From: Acting Assistant Director

Subject: Rights Under Application 12793 for the [redacted] Falls 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-1684, 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.

Acting Assistant Director

In duplicate

Attachments 2

Copy to: Chief, Office of Western Design & Construction

In reply refer to: D5039

~~1 MILLER~~
~~2 RESHOTT~~
~~3~~
4 DUNN

USBR NOV 20 PM 3 07

November 20, 1953

Memorandum

To: Superintendent, Coulee Dam

From: Assistant Regional Director, Region Four

Subject: Kettle Falls Water System

After returning to the Regional Office, the matter of utilizing the old Kettle Falls water system was discussed with the interested divisions in the office. We favor utilizing this system for the proposed Kettle Falls development although we would suggest that the following procedure be followed:

1. Secure from the State Public Health Service a statement regarding water samples and what improvements should be made in connection with the reservoir and existing pipe line.

2. Since the government used this source of water up until approximately four years ago in connection with providing public services at the swimming beach area, it is suggested that the present development be connected with the existing water lines and the water used next spring. This will protect any water rights and rights to the water system which may have been established by prior purchase and use by the Government.

3. It is suggested that the matter be discussed with the Bureau of Reclamation to determine what steps, if any, are necessary to be taken to secure complete ownership of the water system.

We believe that the above approach would be in the best interest of the Government and we hope that through your discussions with the Bureau of Reclamation a long-range program can be developed for clearing up any legal phases of this problem that may lead to final ownership by the Government.

Sanford Hill
Assistant Regional Director

Copy to: Director

CODA

ADDRESS ALL COMMUNICATIONS TO
THE COMMISSIONER

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

430.

COLUMBIA E...

OFFICE OF THE COMMISSIONER

DEC 27 1938

The Secretary

of the Interior. Dec. 10 38

Sir:

Copies-C.E.Denver
D.C.Portland
Const. Eng.-Coulee Dam
12-30

On October 28, the Under Secretary authorized the Construction Engineer of the Columbia Basin project to negotiate, in the alternative, for the outright purchase of the entire Kettle Falls Municipal Water System for $19,260.91, or for the outright purchase of that part of the system which will be inundated with payment of severance damages only for that part of the system lying above the flow line of the Columbia River Reservoir. (see attached letter dated October 8, approved by the Under Secretary October 28). Settlement on the latter basis was authorized for the sum of $19,260.91 less the amount finally determined to be the reuse or salvage value of the part of the system for which only severance damages were to be paid. This reuse or salvage value was estimated to be around $125.

In the course of negotiations, the Construction Engineer has come to the conclusion that the second authorized basis for settlement will be the more satisfactory settlement from the Government's point of view, because the reuse or salvage value of the works above the flow line of the reservoir is not sufficient to justify the expense that would be involved in attempting to realize these values if there were an outright purchase of the whole system. The Town Council and the Construction Engineer have tentatively agreed on a settlement of $19,000 on the proposed basis, this being on an assumed salvage value of $260.91 -- a figure that is perhaps somewhat higher than can actually be realized by the Town.

The tentative agreement also contemplates that the Town shall continue to operate the whole system, without expense to the United States, until June 15, 1939. This arrangement was not covered by the authority given by the Under Secretary on October 28, but it will not conflict with the construction program of the project, and will probably, by reason of the better attitude of the Town's people toward the Department, be a distinctively helpful factor in later negotiations between the Government and the Town's people. For this reason, this operating arrangement has my approval. A transfer of title to the water system from the Town will be accomplished by the usual contract and deed,

DEC30'38 8 45

with the necessary provisions covering the operation of the system by the Town until June 15, 1939, and with provisions whereby the Town will, to the extent it is authorized so to do, assume responsibility for any claims for damages that might be asserted against the United States by reason of the inundation or dismantling of that part of the system below the reservoir flow line. We believe that satisfactory provisions of this nature can be worked out by the District Counsel without the necessity of having the exact form of the provisions submitted to you for approval.

Considering all the foregoing, it is my recommendation that you authorize the Construction Engineer to enter into a contract with the Town for the consideration and in accordance with the plan, each as above stated. I will appreciate it if you can give early consideration to this recommendation.

Respectfully,

John C. Page

Commissioner.

Enclosure 1410658

Approved: DEC 30 1938

Under Secretary of the Interior.

11-12-1936: letter to district engineer from construction engineer regarding acquisition of kettle falls water system

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
COULEE DAM, WASHINGTON
November 12, 1936

BUREAU OF RECLAMATION
RECORDS AND FILES
NOV 16 1938
WASHINGTON, D.C.

From: Construction Engineer

To: District Counsel 430

Subject: Acquisition of Kettle Falls Water System - Tract No. 2020; Columbia River Reservoir, Grand Coulee Dam, Columbia Basin Project, Washington.

1. Upon receipt at this office of the copy of the letter dated October 8, 1936 from the Acting Commissioner to the Secretary of the Interior, approved by the Under Secretary on October 28, in connection with the above matter, we made arrangements to have a conference with the city authorities of Kettle Falls and discuss the matter of the purchase of its water system.

2. The principal idea uppermost in the minds of the city council, exclusive of the actual consideration to be paid, is that they are anxious to receive the consideration so that they may construct a water system for the town of Meyers Falls, to which the residents of Kettle Falls plan to migrate early next spring.

3. When we called the attention of the city authorities to the necessity for determining the resale salvage value of that portion of the water system lying above the reservoir boundary line, they were very anxious that a determination of that value would not unduly delay the negotiations.

4. A detailed investigation of the facts surrounding the possible salvage value of that portion of the Kettle Falls water system above the Columbia River Reservoir boundary line discloses:

(1) that the only land upon which water taken from the abandoned system might be used is that owned by H. G. Root and referred to in the appraisal; Mr. Root verbally informed representatives from this office that the most that he could afford to pay for

84089

NOV 16 38 84141

the property would be $125.00 and certainly not more than $150.00; use of the system for his purposes would require considerable changing of the existing pipe;

(2) that the pipe, valves and fittings above the Columbia River Reservoir have little or no salvage value if the pipe were to be dug up and utilized elsewhere; the cost of digging it up would probably equal or exceed the actual salvage value of the pipe itself;

(3) that the land upon which the reservoir is located is of little or no actual value for agricultural or other purposes except for a reservoir; it is sandy and at the bottom of a sandy, inaccessible ravine; and

(4) that the pipe involved will probably be dug up by the town of Kettle Falls and moved to Meyers Falls, where it will be used in the municipal water system there; it is estimated that the cost of digging up the pipe will about equal its actual value.

5. In order to effect an early settlement of a contract the town council agreed, after some discussion, to establishing the salvage value of the portion of the water system above the reservoir boundary line at $260.91. They are of the opinion that that amount is probably a little more than the actual salvage value would amount to, but they were willing to make that concession for a speedy settlement.

6. The council agreed to accept $19,000.00 for the purchase of that portion of the system below the reservoir boundary line and a full release of damages on account of the severance to the remainder of the system.

7. Will you therefore please draft a form of contract and forward it to this office as soon as practicable for submission to the town authorities. The contract should provide, we believe, that the town council may retain possession of the water system and operate it at their own expense until June 1, 1939. Arrangements have been made so that the school district may continue to use its present school buildings until the close of the school term, which will occur on or about that date.

The school will require water from the water system. We believe that there is little to be gained by acquiring possession when the system is paid for, and we believe that if we do extend the period of possession as herein mentioned until June 1, 1939, it will create good feeling in the town which will be of considerable assistance in effecting an early evacuation of the town itself next spring. On or before June 1, 1939, we would propose to advertise and sell to the highest bidder all that portion of the water system actually being purchased to deliver possession of the property on June 1, 1939.

8. Copies of this letter are being sent to the offices of the Commissioner and Chief Engineer by air mail so that they may comment upon the proposed contract at once.

- - - - -

F. A. Banks

cc - Commissioner)
C.E., Denver) AIR MAIL
(confirmation to each
by regular mail)

10-08-1938: attached is an appraisal report covering the kettle falls water system; october 08, 1938

OCT -8 1938

The Secretary

of the Interior.

Sir:

Attached is an appraisal report covering the Kettle Falls water system, owned by the town of Kettle Falls, Washington. The system will be almost entirely destroyed by the waters of the Columbia River Reservoir, Columbia Basin project, requiring therefore either (1) outright purchase of the whole system, or (2) outright purchase of part and payment of a substantial amount covering severance damages to the remaining part of the system.

The appraiser has concluded that the reasonable present value of the whole system, including rights of way, is $19,260.91. Appraisal on the second basis shows a present value of $11,679.35 for the system within the flow lines of the reservoir, to which must be added severance damages to the part outside the reservoir. Severance damages are reported to be the appraised value of that part of the system outside the reservoir, $7,581.56, less (a) the sale value of that part of the system outside of the reservoir, presently estimated at between $100 and $125, or (b) the reuse value of the part of the system outside of the reservoir. There is a possibility that this part of the system may be usable by the nearby town of Meyers Falls, a possibility that has not been completely explored as yet.

You will notice that on the basis of the data now available the difference in cost to the Government between outright purchase of the whole system and the purchase of part with payment of severance damages for the balance is at most only $125. In view of this small difference in net cost, I am disposed to recommend the outright purchase of the whole system, particularly since there are unemployed reuse values that may reduce the net cost of the system to the Government. But outright purchase may require the Government to assume onerous obligations of continuing the operation of the system for the benefit of the town prior to its demolition and thereafter to those people who

may continue to reside in the area of the town which lies above the reservoir line. Moreover, if the resale or reuse value proves to be small, the cost and bother of realizing on these values may more than offset any advantage to the Government.

These several uncertainties are, however, matters that can best be worked out in the course of negotiations for the purchase of the system. In order that these negotiations may be undertaken at once, I recommend that you authorize the Construction Engineer to negotiate for the purchase, first, on the basis of the outright purchase of the whole system at $19,260.91; provided, that it is determined that such purchase will not require the Government to assume any obligations of operating the system; and provided, that it can be predicted with a fair degree of certainty that there are resale or reuse values of sufficient amount to justify the expense and trouble connected with realizing on them; and, secondly, if purchase of the whole system proves to be undesirable, for the outright purchase of that part of the system within the reservoir for the sum of $11,679.35, plus severance damages in the amount of $7,581.56 less the presently estimated sale value of $125; provided, that if a reuse value in excess of $125 is found to exist, the severance damages shall be further reduced by the amount of this excess.

In addition to the appraisal reports, I have attached letters from the Construction Engineer and the District Counsel bearing on this case to aid you in considering the matter. All enclosures should be returned to this office when you have acted on the case.

Respectfully,

H. W. Bashore

Acting Commissioner.

Enclosure 141000A

Approved:

Acting Assistant Secretary
of the Interior.

Cc - C. E., Denver
Constr. Engr., Coulee Dam
D. C., Portland

06-24-1936: appraisal of kettle falls water system, front page; june 24, 1936

APPRAISAL

OF

KETTLE FALLS WATER SYSTEM

KETTLE FALLS, WASHINGTON

June 24, 1936

Made By
Frank H. Prouty
Appraisal Engineer

APPRAISAL OF KETTLE FALLS WATER SYSTEM

SUMMARY

	Reproduction Cost	Present Value
Property below Columbia River Reservoir Boundary	$22,532.66	$11,679.35
Property above Columbia River Reservoir Boundary	$11,672.50	$ 7,581.56
TOTAL VALUES	$34,205.16	$19,260.91

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 H. Prouty
Appraisal Engineer

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 Postoffice. 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 Postoffice.

In 1926 a new concrete dam, designed by C. A. Heberling, was constructed by Rhodes and LePlant. 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 $5,800.00, 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. 132 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"	2172'	0.24	521.28	45	234.58
Wood Pipe	10"	1958'	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	32.00	32.00	60	19.20
SERVICES						
3/4" Size		132	15.27	2015.64	32	645.00
FIRE HYDRANTS						
Two Outlets -						
Standard	8"	4	101.50	406.00	40	162.40
"	6"	7	114.77	803.53	63	506.22
8" standpipe,						
2 outlets		1	53.94	53.94	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		3	43.90	131.70	30	39.51
PUMMA PUMP						
(Installed)		1	1876.86	1876.86	45	844.45
WELL AND						
SHELTER HOUSE		1	821.90	821.90	45	234.86

(Concluded on Page 7)

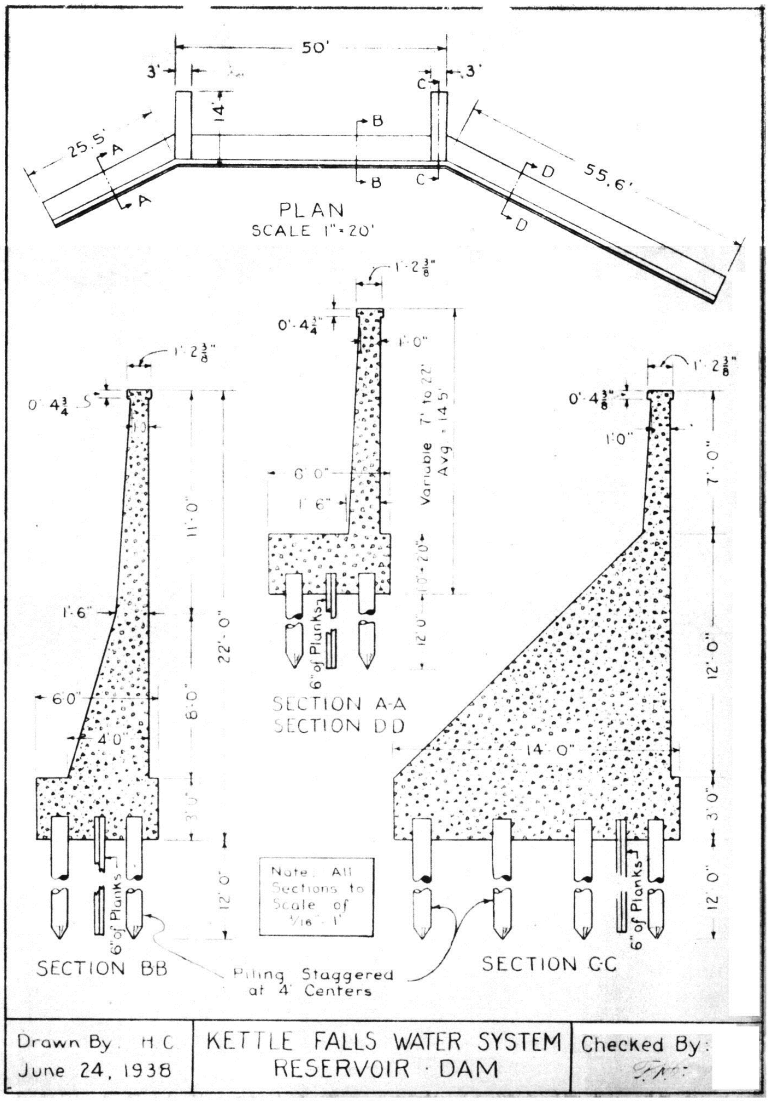
APPRAISAL OF KETTLE FALLS WATER SYSTEM
BELOW THE COLUMBIA RIVER RESERVOIR BOUNDARY LINE
(Continued)

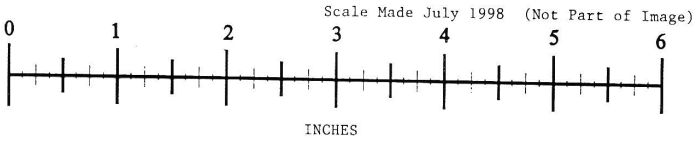
	Quantity	Unit Cost: in place	Reproduction Cost	Percent Condition	Present Value
FITTINGS -		$	$		$
CROSSES 10"	3	54.23	162.69	10	16.27
	2	40.92	81.84	65	53.20
	1	18.26	18.26	40	7.30
	1	3.50	3.50	40	1.40
FITTINGS					
Y's 6"	2	22.33	44.66	65	29.03
Ell's 8"	4	33.00	132.00	65	85.80
6"	1	22.30	22.30	60	13.38
Tee's					
Included Otherwise					
			$20,767.43		$10,764.38
Add 8½% for Construction Overheads			1,765.23		914.97
TOTAL BELOW COLUMBIA RIVER RESERVOIR BOUNDARY LINE			$22,532.66	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	633'	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					
s/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			10,758.06		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

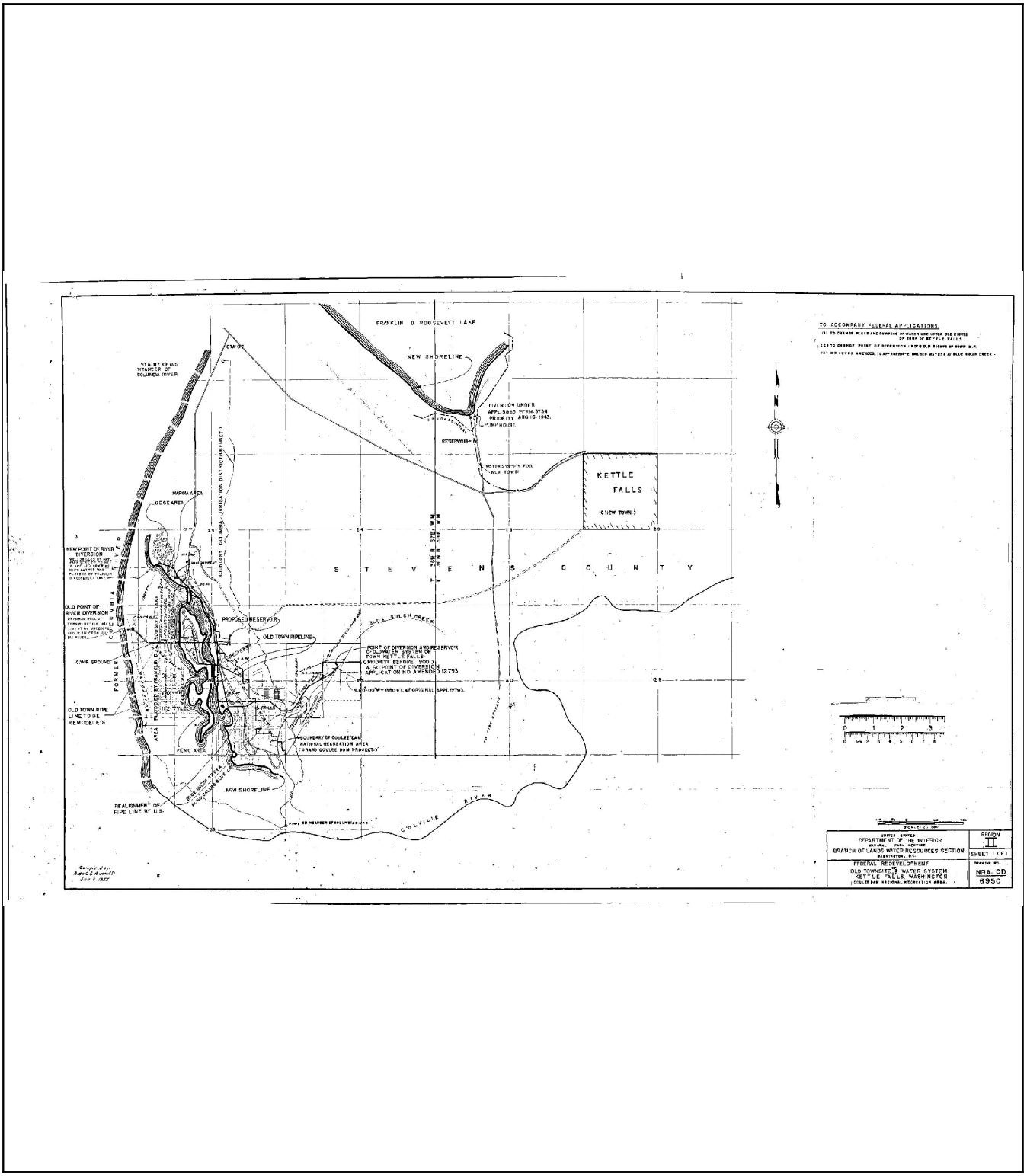
NOTE:
Construction Overheads Include:
Engineering Costs
Interest during Construction
Legal and administrative costs
Preliminary adaptation
Taxes and Insurance.



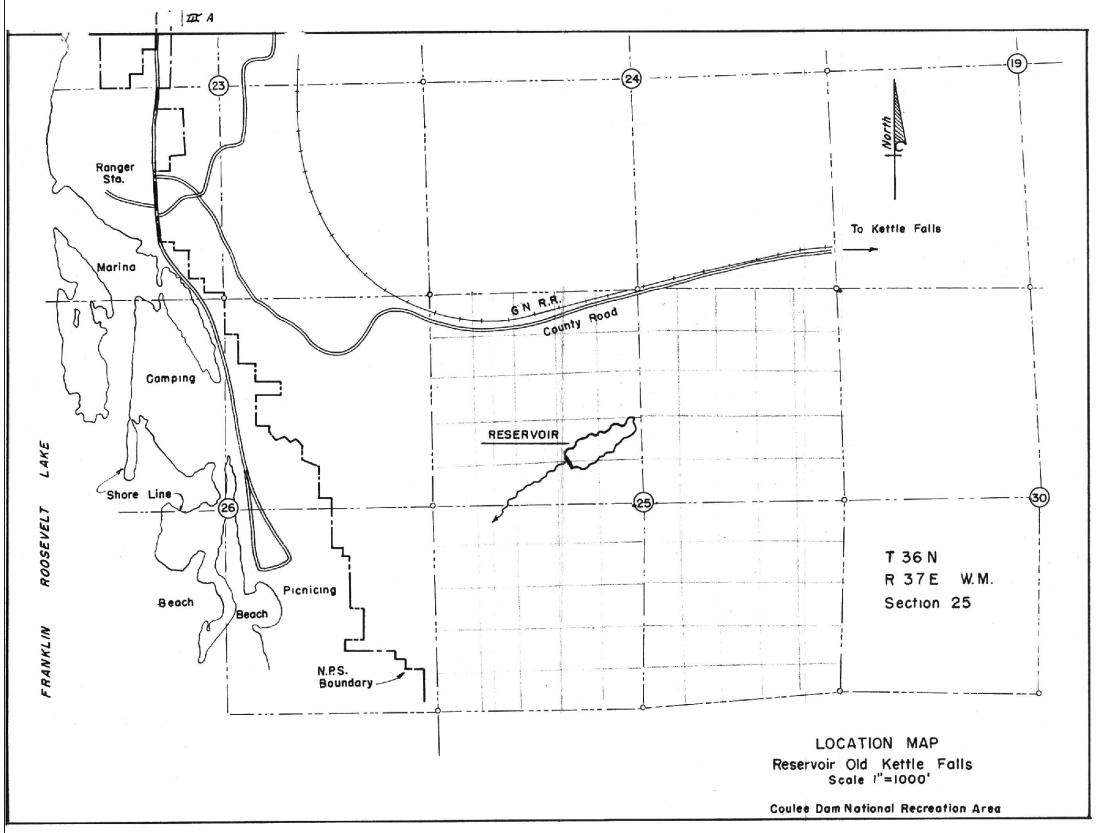


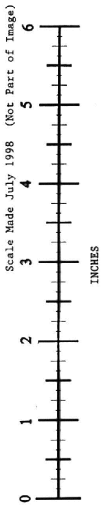
Maps and Miscellaneous Information

00-00-0000: map of kettle falls

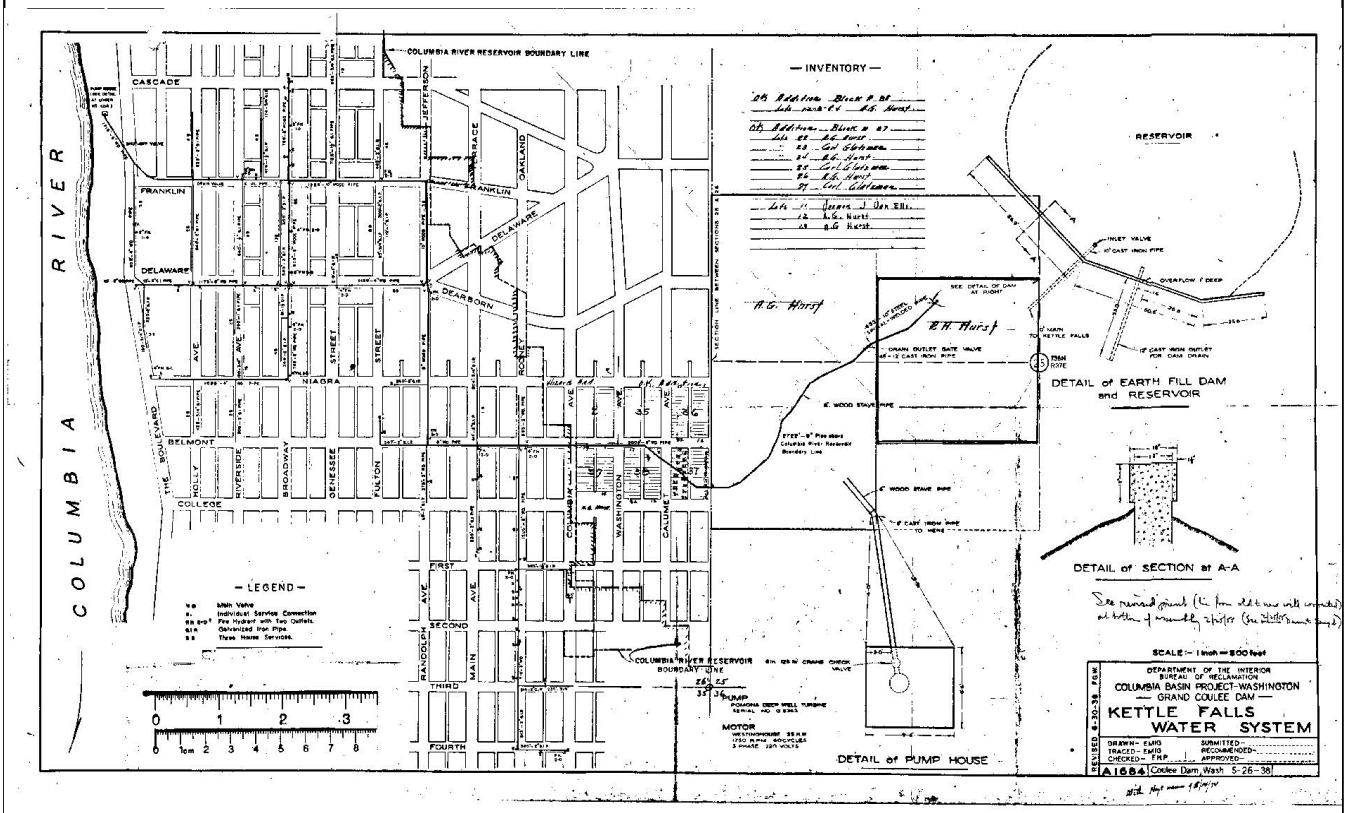


00-00-0000: map of reservoir at old kettle falls





00-00-0000: map of columbia river



Docket Information

Number of Documents in Docket 205

Documents Dated from 3/29/1912 to 7/28/1965

Docket Compiled: 6/3/2016