



WATER-RIGHT DOCKET

Scotts Bluff National Monument

Docket No: 2

LANDOWNER RIGHTS- GERING/FT. LARAMIE IRRIGATION DISTRICT

State Water Rights Documentation

12-24-2002: Letter to Ft. Laramie Irrigation District regarding the relinquishing of unused water right



IN REPLY REFER TO:

December 24, 2002

L3031(SCBL)

Mr. Rick Preston
Manager
Gering-Ft. Laramie Irrigation District
1011 Rundell Road
Post Office Box 541
Gering, Nebraska 69341-0541

Dear Mr. Preston:

As you know, Scotts Bluff National Monument has a right to delivery of irrigation water from the Gering-Ft. Laramie Irrigation District which dates back 25 years. Although we have paid our annual irrigation tax since 1977, we have never been able to use the water and have desired to return the water right to the District. However, we have been unable to do so before now.

We are pleased to tell you that we have received permission from the Chief of the Water Rights Branch, National Park Service, to relinquish the unused right to water.

Enclosed is a signed copy of the *Application for a Permit to Transfer the Use of Water* signaling our desire to relinquish this right to water to the Gering-Ft. Laramie Irrigation District before the end of the year. We hope that you will be able to transfer the water right to someone else who can use it in 2003.

We have already paid the 2003 Annual Irrigation Tax of \$738.00, as shown on the enclosed receipt. If possible, we would greatly appreciate a reimbursement of the 2003 tax.

We hope that this matter has finally been resolved to the mutual benefit of Scotts Bluff National Monument and the Gering-Ft. Laramie Irrigation District. We thank you and the Board of Directors for your patience, and will be pleased to work with you on any additional requirements involved in the transfer of the right to water. If you have any questions or concerns, please do not hesitate to call me at 308-436-4340.

Sincerely,

Valerie J. Naylor
Superintendent

Enclosures
Application for a Permit to Transfer the Use of Water
Copy, 2003 Irrigation Tax Statement

cc:
Mr. Chuck Pettee, w/c enc.
Branch Chief, Water Rights Branch
National Park Service
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

Docket: SCBL - 0002

United States Department of the Interior

NATIONAL PARK SERVICE
Scotts Bluff National Monument
Agate Fossil Beds National Monument
P.O. Box 27
Gering, Nebraska 69341-0027

The undersigned do hereby consent to a transfer of use under water appropriation A-768 as proposed in the attached application.

[illegible]

ATTACHMENT 3

17 acres in the Northwest Quarter of the Northwest Quarter (NW^{1/4} NW^{1/4}) of Section Thirty Four (34), Township Twenty-Two (22), Range Fifty Five (55), Scotts Bluff County, Nebraska.

4 acres in the Southwest Quarter of the Northwest Quarter (SW^{1/4} SW^{1/4}) of Section Twenty Seven (27), Township Twenty-Two (22), Range Fifty-Five (55), Scotts Bluff County, Nebraska.

12 acres in part of the Northwest Quarter of the Northwest Quarter (NW^{1/4} NW^{1/4}) of Section Three (3), Township Twenty-One (21), Range Fifty Five (55), Scotts Bluff County, Nebraska.

3 acres in part of the Southwest Quarter of the Northwest Quarter (SW^{1/4} NW^{1/4}) of Section Three (3), Township Twenty-One (21), Range Fifty-Five (55), Scotts Bluff, Nebraska.

There is a total of 36 acres that we would like to relinquish the water right to.

1994 Irrigation Tax Statement 1994

TITLE: TO SAVE TIME, PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING-FORT LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS SENT BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

STATEMENT FOR
GERING-FORT LARAMIE IRRIGATION DISTRICT
STATEMENT ON REQUEST

MAJORS PAYABLE TO:
GERING-FORT LARAMIE IRRIGATION DISTRICT

34-22-55

Paid By:

IN WHOSE NAME ASSESSED
United States of America
Scotts Bluff National Monument
P. O. Box 27
Gering, Nebraska 69341

Gering-Fort Laramie
Irrigation District
P.O. Box 541
Gering, NE 69341-0541
308-436-7144

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	FUND U.S.	AMT. DUE TOTAL TAX
80	NW 1/4 NW 1/4	17	198A	306.00	Paid	306.00

THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE IS NOT RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST \$ CASH
TOTAL \$ CHECK

TAX DUE
JAN. 1, 1994
DELINQUENT
MAY 1, 1994
PAYABLE IN ONE
LUMP SUM ONLY
AFTER MAY 1, 1994
THIS AMOUNT
WILL NOT BE
ACCEPTED INTEREST
WILL BE ADDED ON
INTEREST AT 9%
FROM MAY 1, 1994

COPY

1977 Irrigation Tax Statement 1977

NOTICE: TO SAVE TIME, PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING-FORT LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS SENT BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

IN WHOSE NAME ASSESSED

Gering - Fort L.
Irrigation Dist.

THIS STATEMENT FOR
CURRENT TAX ONLY
STATEMENT ON REQUEST

MAKE CHECKS PAYABLE TO:

GERING - FORT LARAMIE
IRRIGATION DISTRICT

Paid By:

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	R & B	FUND U. S.	TOTAL TAX	TAX I Jan. 1,
17		1.76						

DEF
MAY
1
REST
FROM MAY
PAYABLE
AMOUNT

INTEREST AND PENALTIES ARE FIGURED TO
AND AMOUNT AS SHOWN WILL NOT BE ACCEPTED AFTER THIS DATE.
THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE
WILL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST \$ CASH

TOTAL \$ CHECK

COPY

1977 Irrigation Tax Statement 1977

NOTICE: TO SAVE TIME PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING-
FORT LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS
SENT BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

IN WHOSE NAME ASSESSED

C 5
Irrigation

THIS STATEMENT FOR DELINQUENT TAX
CURRENT TAX ONLY STATEMENT ON REQUEST

MAKE CHECKS PAYABLE TO:

GERING-FORT LARAMIE
IRRIGATION DISTRICT

Paid By:

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	R & B	FUND U. S.	TOTAL TAX
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INTEREST AND PENALTIES ARE FIGURED TO
AND AMOUNT AS SHOWN WILL NOT BE ACCEPTED AFTER THIS DATE.

THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE
WILL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST . . . \$. . . CASH

TOTAL . . . \$. . . CHECK

1994 Irrigation Tax Statement 1994

NOTICE: TO SAVE TIME, PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING-FORT LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS SENT BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

STATEMENT FOR
CURRENT TAX ONLY
CHECKS PAYABLE TO:

DELINQUENT TAX
STATEMENT ON REQUEST

GERING-FORT LARAMIE
IRRIGATION DISTRICT

27-22-55

Paid By:

IN WHOSE NAME ASSESSED
United States of America
Scotts Bluff National Monument
P. O. Box 27
Gering, Nebraska 69341

Gering-Fort Laramie
Irrigation District
P. O. Box 541
Gering, NE 69341-0541
308-436-7144

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	FUND U.S.	AMT. DUE TOTAL TAX
158	SW 1/4 SW 1/4	4	177	72.00	Paid	72.00

THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE WILL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST \$
TOTAL \$
CASH
CHECK

TAX DUE
JAN. 1, 1994
DELINQUENT
MAY 1, 1994
PAYABLE IN ONE
LUMP SUM ONLY
AFTER MAY 1, 1994
THIS AMOUNT
WILL NOT BE
ACCEPTED INTEREST
WILL BE ADDED
INTEREST AT 9%
FROM MAY 1, 1994

1994 Irrigation Tax Statement 1994

NO. TO SAVE TIME, PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING, LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS SENT BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

THIS STATEMENT FOR
CURRENT TAX ONLY
STATEMENT ON REQUEST
MAKE CHECKS PAYABLE TO:

GERING-FORT LARAMIE
IRRIGATION DISTRICT

3-21-55

Paid By:

IN WHOSE NAME ASSESSED
Gering-Fort Laramie
Irrigation District
P.O. Box 541
Gering, NE 69341-0541
308-436-7144

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	FIND U.S.	AMT. DUE TOTAL TAX
41	Pt. NW 1/4 NW 1/4	12	46A	216.00	Paid	216.00
	Pt. SW 1/4 NW 1/4	3	46A	54.00	Paid	54.00
		15		270.00		270.00

Rec'd at SCBL
Date 4/6/94 Initials: *pl*

TAX DUE
JAN. 1, 1994
DELINQUENT
MAY 1, 1994
PAYABLE IN ONE
AMOUNT ONLY
AFTER MAY 1, 1994
THE PAYMENT
WILL NOT BE
ACCEPTED. INTEREST
AND PENALTIES
WILL BE ADDED
INTEREST AT 9%
FROM MAY 1, 1994

THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE
WILL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST \$ CASH
TOTAL \$ CHECK

COPY

1984 Irrigation Tax Statement 1984

NOTICE: TO SAVE TIME, PRESENT THIS STATEMENT AT THE OFFICE OF THE GERING-FORT LARAMIE IRRIGATION DISTRICT WHEN MAKING PAYMENT. IF PAYMENT IS BY MAIL, PLEASE ENCLOSE THIS STATEMENT WITH REMITTANCE.

THIS STATEMENT FOR
CURRENT TAX ONLY
DELINQUENT TAX
STATEMENT ON REQUEST

MAKE CHECKS PAYABLE TO:

GERING-FORT LARAMIE
IRRIGATION DISTRICT

BOX 641

3-21-55

IN WHOSE NAME ASSESSED

United States of America
Scotts Bluff National Monument

P. O. Box 427

Scottsbluff, Nebraska

Paid By:

GERING - Fort Laramie
Irrigation District

RECEIPT NUMBER	DESCRIPTION	ACRES	UNIT NO.	GEN.	R & B	FUND U. S.	TOTAL TAX	TAX DUE Jan. 1, 1984
Pt. NW 1/4 NW 1/4	12	46A	156.00	17.40	4.35	173.40	173.40	DELINQUENT
Pt. SW 1/4 NW 1/4	3	46A	39.00	4.35		43.35	43.35	May 1, 84
	15		195.00	21.75		216.75	216.75	INTEREST AT FROM MAY 1, 1984 PAYABLE AMOUNT

40

INTEREST AND PENALTIES ARE FIGURED TO
AND AMOUNT AS SHOWN WILL NOT BE ACCEPTED AFTER THIS DATE.
THIS STATEMENT IS FURNISHED AS A MATTER OF INFORMATION, AND THIS OFFICE
WILL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS WHICH MIGHT OCCUR.

INTEREST
TOTAL
CASH
CHECK



IN REPLY REFER TO:

WY-410
WTR-4.10

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Wyoming Area Office
P. O. Box 1630
Mills, Wyoming 82644-1630



Alice

NOV 1 1996

MEMORANDUM

To: Chief, Water Rights Branch, Water Resources Division
National Parks Service, 1201 Oak Ridge Drive Suite 250,
Fort Collins CO 80515-5596

From: John H. Lawson
Area Manager, Mills WY

Subject: Water Right Transfer from Scotts Bluff National Monument to
Gering - Fort Laramie Irrigation District (GFLID)

Your Memorandum of January 24, 1996, explained the situation at Scotts Bluff National Monument, Nebraska where water rights stand to be cancelled because of adjudication proceedings by the State of Nebraska. You suggested one possible solution to be transferring the water rights to land of another Federal entity, in this case lands within GFLID. We have considered a transfer of water rights and have determined that it is not in the Bureau of Reclamation's (Reclamation) best interest to incur an obligation for future years' operation and maintenance costs, nor does it serve Reclamation's purposes to acquire water rights which attach to land and are not of use for other purposes. For these reasons, we are not able to resolve your problem for you.

If you have further questions regarding this matter you may contact Mr. Ken Randolph at (307) 261-5633.



United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

January 24, 1996

IN REPLY REFER TO:

LS4(2380)
SCBL/Water Rights

Memorandum

To: John Lawson, Area Manager, Wyoming Area Office, Bureau of Reclamation
From: Chief, Water Rights Branch, Water Resources Division
Subject: Water Rights Within Scotts Bluff National Monument, Nebraska

Thank you for your generous offer to assist the National Park Service, Scotts Bluff National Monument, in exploring means to transfer its water interests associated with units 177, 198A, and 46A within the Gering - Fort Laramie Irrigation District to another Federal agency (Bureau of Reclamation, BuRec). As you were informed by Alice Johns of my staff, the possibility of transferring the NPS's property interest to BuRec was first suggested as a possibility by Chris Rich (Office of the Solicitor, Salt Lake City) at a water rights workshop of Solicitor's Office attorneys and Federal agency representatives in late 1995. With adjudication proceedings moving forward in western Nebraska, determining if this is at all feasible has become an even more pressing matter. Background information, provided by the Superintendent, Scotts Bluff National Monument, is attached.

To summarize, Scotts Bluff National Monument (SCBL) finds itself in a "Catch 22". As successor in interest to irrigated lands in the Gering-Fort Laramie Irrigation District, SCBL is obligated to pay annual fees for ditch system maintenance levied by the Irrigation District. SCBL has no use for the water and would like to be relieved of the burden of paying the annual fees. However, NPS has, over the years, been advised to pay the fees to avoid actions that would jeopardize property rights of the United States. The Irrigation District has requested that landowners make every effort to irrigate their lands so as not to risk cancellation of water rights by the State of Nebraska. The Irrigation District has also suggested that, if the water cannot be used by the landowner, the right can be transferred to another piece of land in the Irrigation District, following state administrative procedures. However, it has been our understanding that relinquishing the property interest to the Irrigation District would be an illegal disposal of Federal property. And, the feasibility of transferring the property interest to GSA for its disposal is unclear.

Chris Rich, in the discussions referred to above, suggested exploring a transfer of the interest to BuRec as a feasible option. Thus, there appear to be two choices: (1) allow the rights to be cancelled by the State of Nebraska, or (2) find another Federal entity willing

2

to accept the property interest. However, given the history of water use associated with these parcels, it is not clear if transfer is possible.

I have attached some documentation that may be helpful to you. Please note that some of the documentation should be viewed as falling under the aegis of attorney/client privilege. As an Interior bureau, we can share this with you, but not with other parties. Robert Manasek, SCBL, has offered to answer questions regarding the attachments provided by the Superintendent, SCBL. Robert can be reached at 308-436-4340 or via cc:mail. Also feel free to call me at (970)225-3505, Alice Johns at (970)225-3534, or either of us via cc:mail. If there is technical "footwork" required to resolve this issue, we would be glad to assist.

A word regarding NPS organization may also be helpful, given our recent reorganization. The Superintendent, SCBL, is the line officer and the decision maker regarding the resources at SCBL. Mr. Manasek works for the superintendent. The superintendent reports to the Field Area Director, who reports to the Director. My office, the Water Rights Branch of the Water Resources Division, serves as staff providing technical assistance on water right matters to superintendents, Field Directors (formerly Regional Directors), and the Director. We also work closely with legal counsel providing technical support (for example, developing technical strategy, conducting hydrologic and related studies, performing water rights research, and providing testimony) for water right adjudications and administrative proceedings. The Chief, Water Resources Division, reports to an associate director in Washington, D.C.

Again, thank you for your assistance in this matter.

Original signed by Owen Williams
attachments

(all w/out attachments)

cc: SCBL - Superintendent
IMFA - Wise
SOL (Billings) - Aldrich
SOL (Salt Lake City) - Rich
SOL (Denver) - Averill
2380(E:mail) - Kimball, Jackson, Flora, Kliwinski
bcc: Issue file (w/attachments)
FNP:AJohns:mf:1/22/96:S:\WRB\AEJ\SCBLBOR

[8] From: SCBL Resource Management at NP--MWR 9/28/95 9:51AM (539 bytes)
To: Alice Johns at NP-WASO-WR
Subject: Water Rights at SCBL

*Notes & correspondence
provided by the
Water Rights Branch,
Water Resources
Division, NPS*

----- Message Contents -----

Hi, Alice

Could you please give me a call at 308-436-4340. Western Nebraska has begun adjudication on water rights. Is there any movement on giving away water rights as surplus government property? We hate to pay the canal company another \$800 this coming winter.

Thanks,
Robert Manasek
Res. Mgt. Spec.
SCBL\AGFO

[3] From: SCBL Resource Management at NP--MWR 9/23/94 4:58PM (217 bytes: 1 ln)
To: Alice Johns at NP-WASO-WR
Subject: Delivery of 9/23/94 2:40PM message
-----Message Contents-----
Re: Irrigation District Rights

[1] From: Alice Johns at NP-WASO-WR 9/23/94 2:40PM (1224 bytes: 19 ln)
To: SCBL Resource Management (Robert Manasek) at NP--MWR
Receipt Requested
Subject: Irrigation District Rights

----- Forwarded with Changes -----
From: Alice Johns at NP-WASO-WR 4/28/94 3:22PM (781 bytes: 12 ln)
To: SCBL Resource Management (Robert Manasek) at NP--MWR
cc: Owen Williams
Subject: Irrigation District Rights

----- Message Contents -----

Text item 1:

Robert,

Once again, we seem to be playing phone tag. So, I thought I would send you a message over cc:mail. As we discussed a couple of weeks ago on the phone, we can assist you, as you request, to formulate questions for SOL re the transfer of NPS's water rights to another party. The SOL's response as relates to Fort Laramie was a good start at getting some answers for you guys, but if you need more specific information from SOL, perhaps we can help in formulating the right questions.

Let me know how we can be of further assistance.

CONFIDENTIAL
PRIVILEGED INFORMATION

Text item 2:

Robert,

Just thought I would touch base with you on this issue. Where do things stand? Do you need further assistance from the Water Rights Branch?

Alice Johns

. . . . R E P O R T O F T E L E P H O N E C O N V E R S A T I O N

DATE: April 13, 1994

TIME:

PROJECT:

NPS PERSON ON CALL: Alice E. Johns

[] I RECEIVED A CALL FROM

[] I CALLED

PERSON: Ken Randolph

ORGANIZATION: BOR

ADDRESS:

TELEPHONE: 307-261-5671

DISCUSSION: We discussed water rights associated with the Pathfinder and Guernsey Reservoirs. I explained that I did not understand the nature of the water rights associated with lands within Scotts Bluff National Monument. I said that I understood from talking to someone from the District, that the water rights are in the name of the District. However, the NPS appears to have water rights as well for direct flow and storage in Pathfinder and Guernsey reservoirs in Wyoming. He explained that these are not water rights held by the US, NPS, or the landowner. (The NPS is the landowner, in this instance.)

The NPS can relinquish their "right" and the district will transfer it, or the State of Nebraska could declare the right abandoned; these are the only options. The US (BOR) holds storage rights to Pathfinder and Guernsey. The District is a federally constructed district. The canal right of way is held by the BOR. The canals, laterals, and ditches the US owns. The District holds the natural flow rights initially acquired by the US. The District contracts with BOR to receive a storage supply under contract.

The individuals (landowners) have a certificate of appropriation. First, with regard to the natural flow right, the landowner only holds a certificate that allows him to make beneficial use of the water provided to him by the District.

Storage water--The district holds a contract now to hold storage water. The water is stored and diverted in Wyoming. Cert. of approp. for WY water. Second certificate that allows that water to be put to use in Nebraska. Don't have the natural flow right, the storage right is only to supplement these.

Other thing. Held it a number of years but have not paid an assessment. The District can sell the land. Seize for taxes. The land that you are dealing with is not federal land. Its land that became private land. You became a private land holder. The irrigation district has a cost in providing this service, and they have to be reimbursed.

I asked if we could sell our interest. He said he is not too sure we hold anything in the first place. Have a water right to hold it on that land for that purpose.

Typically, if an individual has rights, goes to irrigation district and says he would like to be relieved of this burden. Proceed to move the water rights to the other lands.

When one of the Districts comes to the United States (BOR) and says they want to move the water. What is the cumulative effect of moving the water. Endangered species concerns, etc. Have 3 or 4 of them in static limbo. While in limbo the previous landowner pays the taxes. The previous landowner (or requester) pay the bills also. In other words, he must reimburse the cost resulting from the request.

To relieve yourself of it, two options. Will the district be willing to use it?

Whether the District would be willing to start some process to move the water off that property on to some other propserities. Will the State of Nebraska declare it abandoned by nonuse?

Whatever route you take it will be a long process. 2 years and you will be lucky.

Nebraska starting the adjudication process in the area. ASCS aerial photography. Photos certified under the food security act. Use something not too many people can argue with.

Pathfinder, Gearing and Fort Laramie will be examined in the fall of 1998. In the hearings so far they take the five preceding the years. If that same logic were to follow, they would take 92-96 photos. That is just a guess.

ACTION TO BE TAKEN:

COPIES TO:

. . . R E P O R T O F T E L E P H O N E C O N V E R S A T I O N

DATE: April 13, 1994 TIME: April 13, 1994
PROJECT: SCBL

NPS PERSON ON CALL: Alice E. Johns

[] I RECEIVED A CALL FROM [x] I CALLED

PERSON: Julia Hawley
ORGANIZATION: Gering-Fort Laramie Irrigation District

ADDRESS:

TELEPHONE: 308-436-7144

DISCUSSION: I called to verify the lands serviced by the irrigation district and to get information related to the State of Wyoming Certificate of Water Right in the name of the Scottsbluff Country Club.

Ms. Hawley verified that the irrigation company's service area includes 36 acres in Scotts Bluff National Monument. Legal Description of lands irrigated is indicated on the tax statements by the 3 numbers separated by hyphens just above the receipt information. She verified that these are the only lands serviced by the irrigation district within the monument.

I asked her about the State of Wyoming Certificate of appropriation in the name of the Scottsbluff country club, and gave her the permit numbers. She said these are the same permit numbers of the irrigation company's rights.

I asked her what documentation that the parties serviced by the irrigation company held to document their interest in the district. Do they have shares or share certificates? She said they are not referred to as share holders, but rather as landowners. The landowners have the tax statements. When they first became a district, some of it was filed with county records. She also verified that the SESW Sec 27, as listed on the certificate is the City of Gering's right. It is unit 177A. The NPS's is unit 177 and it is for 4 acres in the SWSW of Sec. 27.

Her understanding is that the water right goes with the land, but the rights belong to the irrigation district. The permit numbers are in the name of the irrigation company. They do not go with the land. The irrigation company has Nebraska permits.

By the Canal Act of 1896? or something like that, there is a law that says that once the water hits the state line then Nebraska becomes the ruling force.

She added that if we would give up a water right, we would as a land owner would sign a piece of paper. We are paying for operation and maintenance.

I asked her what she would make of the separate certificate for the Scottsbluff Country Club, from the State of Wyoming. This she did not know. She suggested that I call the BoR Project Manager, Geary Moss, N Platte Project, WY and W NE. (1-307-261-5671).

ACTION TO BE TAKEN:

COPIES TO:

ig. Co. Manager - O. Smith
(308) 436-7144

REPORT OF TELEPHONE CONVERSATION

Project: General Assistance, Status of State WR

Date: 10/22/92
Time: 1100
NPS-WRD Party: Jeff Albright
Other Party: Robert Manasek
Organization: Scotts Bluff NM/Agate Fossil Beds NM
Phone No: 308-436-4340
Address: NE

Discussion:

Robert called me. Park currently pays \$600/yr fees to Gehring-Fort Laramie Canal Company. Pertains to irrigation WR's on 2 tracts acquired by park (separate ditches, same canal co.).

- 1) ^(2 tracts) Country club land, purchased approx. ⁽¹⁹⁷²⁾ 30 yrs ago. WR with dentention facility. Ditch is in poor condition and hasn't been used for a long time (since acquisition?).
- 2) ^{1 tract} Tract of farm land purchased ¹⁹⁵⁵ 8 yrs ago. Park hasn't irrigated since then.

??? May also be a third tract of land, and a third canal, involved with above.

Water for above is taken from N. Platte River in Wyoming. Park doesn't plan to use water again and would like to stop paying annual fees. Annual fees usually due mid-November.

** Are these WY or NE water rights? Are they in the name of the landowners, or are they shares in rights that are owned by canal company? Can/should the park stop paying fees, probably resulting in their water rights being deemed as abandoned?

Also, park purchased a 1/2 acre parcel 5-10 years ago. Allowed farmer to continue planting/irrigating of this parcel through this year. Now, park plans to restore to native prairie grass. Would like to irrigate to establish grasses, don't know if they have a water right for this parcel.

** I assume this WR is in NE. Do water rights convey with land in NE? Does land title transfered to United States specify anything about water rights? Could they have valid WR, but lack ownership in ditch to be able to use? Is this also an issue of shares in a canal company rather than individual-owned water rights? Since they only need water for a limited number of years, could they pursue a leasing agreement for water if no existing water rights are identified?

10/22 - I said I would look into this and call you.



IN REPLY REFER TO:

L54 (SCBL)

United States Department of the Interior

NATIONAL PARK SERVICE
Midwest Region
1709 Jackson Street
Omaha, Nebraska 68102-2571

→ Material attached to
this memorandum
was provided by the
Superintendent, SCBL

APR 1994
RECEIVED
WRD - FT COLLINS

MAR 30 1994

Tur
Dun

Memorandum

To: Chief Water Resources Branch, Fort Collins, Colorado
From: ~~Active~~ Regional Director, Midwest Region
Subject: Water rights of park lands, Scotts Bluff

We would like to request the assistance of your office in answering some questions concerning water rights at Scotts Bluff. This is in regard to the Gering/Fort Laramie Irrigation District and the accompanying water rights. In November 1992, a similar request to your office from the monument staff did not receive a reply.

In 1972, Scotts Bluff acquired land tract #01-103 (86.76 acres) from the Scotts Bluff Country Club. At that time, the water rights to this land were transferred to Scotts Bluff (unit 177, 4 acres; unit 198A, 17 acres). Since the acquisition of this land by the National Park Service (NPS), the Gering/Fort Laramie Irrigation District, which supplied irrigation water to the Scotts Bluff Country Club site through its lateral canals, has not maintained it. Correspondence dated June 16, 1976, between the Acting, Midwest Regional Director and the Field Solicitor, states that irrigation district water was not used at the country club "for years" previous to it becoming monument property. The Scotts Bluff Country Club water rights date back to October 5, 1936.

At the time the land was purchased, the NPS did not have any intention of irrigating from this canal. The Gering/Fort Laramie Irrigation District has continued to bill the monument for these water rights since 1972 and the monument has paid these bills.

In 1983, the NPS purchased a second parcel of land, tract #01-130 (57.70 acres). The water rights to this tract of land were also transferred to Scotts Bluff (unit 46A, 15 acres). This water right is also with the Gering/Fort Laramie Irrigation District. The monument received its first billing for this unit of land in

November 1983. This unit has not been irrigated since it was acquired by the NPS even though the monument has continued to receive billings and has paid the irrigation tax statements.

Several questions have been raised regarding the water rights of these tracts of land.

1. Has the monument lost the water rights on these units because the land has not been irrigated for several years, and in the case of the old Scotts Bluff Country Club units, for decades?

2. Which State laws, if any, apply in this situation and are there Federal laws that would supersede the State laws?

3. If the monument has not lost these water rights, should the monument give up the rights to be apportioned to other landowners by the Gering/Fort Laramie Irrigation Company?

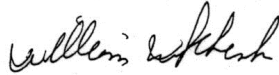
At the present time, Scotts Bluff does not have plans to irrigate the land, and the monument staff is looking into the disadvantages of relinquishing the water rights to these tracts. As stated earlier, the irrigation canal which supplied water to the Scotts Bluff Country Club has deteriorated. In its current condition, the canal would be unable to carry water. The canal which would supply water to tract #01-130 is maintained and carries irrigation water during the irrigation season.

The water of the Gering/Fort Laramie Irrigation District is removed from the North Platte River at the Pathfinder and Guernsey Reservoirs in Wyoming. Previous Superintendents have been advised to pay the billings for the water rights.

Recently the State of Nebraska, Department of Water Resources, has been holding public hearings on the cancellation of water rights on private properties due to nonuse of the available irrigation water for more than 3 consecutive years under section 46-229.02.

Since the monument recently received billings from the irrigation company for 1994, which are delinquent on May 1, we would like to receive your comments on these questions as soon as possible. For your information, we have enclosed all applicable correspondence and/or memorandums from the files at Scotts Bluff on the subject. All pertinent information has been highlighted.

Should you have any questions or need further information concerning this request, please contact Resource Management Specialist Robert W. Manasek at 308-436-4340. We appreciate your assistance with this matter.



Enclosures



United States Department of the Interior



NATIONAL PARK SERVICE
Scotts Bluff National Monument
Agate Fossil Beds National Monument
P.O. Box 27
Gering, Nebraska 69341-0027

IN REPLY REFER TO:

March 16, 1994

L54 (SCBL)

Memorandum

To: Regional Director, Midwest Region
Attention: Chief, Research Branch, Midwest Region

From: Superintendent, Scotts Bluff National Monument and Agate Fossil Beds
National Monument

Subject: Water rights issues at Scotts Bluff National Monument

In November 1992, a memorandum was sent to the Chief of Water Branch, Water Resources Division, explaining the existing situation with water rights within the boundary of Scotts Bluff National Monument. The memorandum also asked their opinion on several water rights issues soon to affect the monument. No response was received.

The questions remain valid and these water rights issues are still with us. The State of Nebraska is presently holding hearings concerning water rights on private lands in this area and we expect the State to be approaching us regarding the water rights on monument property. That is the reason it is imperative we receive an opinion on the questions as soon as possible. We believe that a request from the Regional Director's Office will receive more attention than another letter from this Office.

We have enclosed a draft memorandum from the Regional Director to the Chief of Water Branch, Water Resources Division. Should you have any questions concerning the memorandum or the issues, please contact either me or Resource Management Specialist Robert W. Manasek at 308-436-4340.

Henry Wood

Enclosures

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IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Scotts Bluff National Monument
Agate Fossil Beds National Monument
P.O. Box 27
Gering, Nebraska 69341-0027



November 27, 1992

L3031(SCBL)

Memorandum

To: Chief of Water Branch, Water Resources Division

From: Acting Superintendent, Scotts Bluff National Monument and Agate Fossil Beds National Monument

Subject: Water rights of park land

We would like to request the assistance of your Office in answering some questions concerning water rights at Scotts Bluff National Monument in regards to the Gering/Fort Laramie Irrigation District.

In 1972, Scotts Bluff National Monument acquired two units of land (Unit 177, 4 acres; Unit 198A, 17 acres). At that time the water rights on these two units of land also became the possession of the monument. These parcels of land had previously been owned by the Scotts Bluff Country Club. Since the acquisition of these tracts by the National Park Service, the Gering/Fort Laramie Irrigation District, which fed water to the Scotts Bluff Country Club site through its canals, has not maintained these canals. Correspondence dated June 16, 1976, between the Acting Midwest Regional Director and the Field Solicitor, states that the irrigation district water was not used at the Country Club "for years" previous to it becoming monument property. The Scotts Bluff County Club water rights date to October 5, 1936.

The monument, at the time it purchased the land, did not have any intention of irrigating from the canal. The Gering/Fort Laramie Irrigation District has continued to bill the monument for these water rights since 1972 and the monument has paid these bills.

In 1983, the monument purchased a third unit of land (Unit 46A, 15 acres) and its accompanying water rights. This water right is also with the Gering/Fort Laramie Irrigation District. The monument received its first billing for this unit of land November, 1983. This unit has not been irrigated since it was acquired by the monument, even though the monument has continued to receive billings and pay the irrigation tax statements.

Several questions have been raised about the water rights of these tracts of land. Has the monument lost the water rights on these units because the land has not been irrigated for several years, and in the case of the Scotts Bluff

Country Club units, for decades? Another question arises as to which State laws apply in this situation and is there any Federal law that would supersede the State laws.

The water of the Gering/Fort Laramie Irrigation District is removed from the North Platte River at the Pathfinder and Guernsey Reservoirs in Wyoming. Over the years, previous Superintendents have been advised to pay the billings for the water rights.

The monument recently received billings from the irrigation company for 1993. They are due January 1, 1993, and are delinquent on May 1, 1993. We would appreciate receiving your opinion on these questions as soon as possible. If the monument has not retained the water rights, we do not wish to pay the 1993 bill.

At this time, the monument does not have any plans to irrigate the land near the canal and we are looking into the pros and cons of relinquishing the water rights to these tracts, if we still retain them.

For your information, we have enclosed all applicable correspondence and/or memorandums from the files at the monument and pertinent information has been highlighted. Should you have any questions or need further information concerning this request, please contact either me or Resource Management Specialist Robert Manasek at 308-436-4340. We appreciate your assistance with this matter.

Palma E. Wilson

Palma E. Wilson
Acting Superintendent

Enclosures

GERING - FORT LARAMIE IRRIGATION DISTRICT

William Groskopf
President

1 Rundell Road - P. O. # 541
Gering, Nebraska 69341-0541

Melvin Heimboach
Vice-President

308-436-7144

J. O. Smith
Manager

William Groskopf
Gering, Nebraska

Howard Allison
Mitchell, Nebraska

Phillip Hort
Lyman, Nebraska

Julia Hawley
Secretary-Treasurer

Melvin Heimboach
Gering, Nebraska

Marion Hessler
Mitchell, Nebraska

Bruce Kaman
Morrill, Nebraska

DIRECTORS

February 13, 1992

COPY

Dear District Land Owner and Renter:

The District has been notified by the Nebraska Department of Water Resources that the Department will be investigating all of the District's water rights for the purpose of adjudicating our water rights. The Department will determine whether or not our water rights as reflected by our project map and acreage reports have been used in past years. The Department's inquiry is normally limited to the preceding three (3) year period, but may go back as far as ten (10) years.

We are advised that these investigations may begin as early as the end of the 1992 irrigation season or perhaps during 1993. It is, therefore, extremely important that each of you utilize or apply irrigation water during the 1992 irrigation season to all your lands possessing a water right so you can preserve your water rights. The Department has advised that it will cancel water rights for areas on your farm that have not been irrigated but which have a water right such as farmsteads, tree rows, county roads, and other non-irrigated areas. Therefore, it is critical that you apply water to all areas on your properties to which it can be beneficially applied during the 1992 irrigation season. If there are large tracts of farm ground which possess a water right which have gone unirrigated for some time, you should attempt to at least irrigate them once during the 1992 irrigation season.

To remove any doubt that water was applied during the 1992 irrigation season you may wish to take photographs or whatever else is necessary to confirm that these lands have been irrigated in 1992.

This District is attempting to protect all of its water rights by the various procedures available under the law. However, we cannot protect our water rights unless we have your help and cooperation inasmuch as our water rights actually attach to each tract of land owned or farmed by private individuals such as yourself.

Gering-Ft. Laramie Irrigation
District Land Owner and Renter
February 13, 1992
Page Two

Likewise, there are procedures available to transfer water rights. Therefore, if you are aware of any grounds within this District which could use irrigation water but which have no water right and if there are other lands available which have a water right but to which the water cannot be applied, it is possible to arrange a transfer on application of the District with the consent of the land owners involved. The Department of Water Resources must approve any such transfer. There is a significant amount of work which may be involved in making such an application so any information or requests you have in this regard should be made known to the District office as soon as possible.

Please call the office with any questions or for further explanations. Again, we must stress the urgency and importance of the matters discussed herein and request your diligent efforts in helping us to preserve this District's water rights.

Very truly yours,

Gering-Fort Laramie Irrigation
District

By William Groskopf
William Groskopf, President

COPY

Om
~~Ones Williams~~

~~Stanley L. Ford~~

January 25, 1989

CONFIDENTIAL
PRIVILEGED INFORMATION

L54(479)
RHR/FOLA Water Rights

To: Superintendent, Fort Laramie National Historical Site
From: Chief, Water Resources Division
Subject: Fort Laramie National Historic Site's Interest in the Goshen
Irrigation District and Fort Laramie Ditch Company

We recently received an opinion from the Regional Solicitor regarding our inquiries on behalf of Fort Laramie National Historic Site (FOIA), a copy of this opinion is attached.

Although it appears that there may be means by which the United States can divest itself of water rights or shares associated with the Goshen Irrigation District and the Fort Laramie Ditch Company, the Solicitor cautions that retention of the subject water rights may be necessary to ensure that the Historic Site has water available should needs arise in the future. The Solicitor also notes, however, that if water rights are retained, they may be subject to the State of Wyoming's forfeiture and abandonment laws should the water go unused for a period of five consecutive years.

Given that FOIA is the last of three users on the Fort Laramie Ditch and there are not likely to be willing buyers for surplus shares, I would recommend that, as a minimum, the National Park Service retain, and use, its shares in the Fort Laramie Ditch Company.

Provided that willing parties can be found to assume use and costs of water from the Goshen Irrigation District, it may be possible to transfer some or all of these rights. Again, before any action is taken, there should be relative certainty that the water will not be needed by the National Park Service in the future. Also, as the Solicitor states, difficulty may arise in that procedures for transfer of water rights in Wyoming do not conform well to the means by which the United States disposes of real property.

If we can be of further assistance, please contact Owen Williams at
(303)221-8301.

~~Stanley L. Ponce~~

Attachment

cc: RMR - Hermance

FNP:BVaelkel:bv:1/18/89:(303)221-8323:#138

CONFIDENTIAL
PRIVILEGED INFORMATION

L3031

Scotts Bluff National Monument and
Agate Fossil Beds National Monument
P.O. Box 427
Gering, Nebraska 69341

May 27, 1977

Memorandum

To: Regional Director, Midwest Region

From: Superintendent, Scotts Bluff National Monument and Agate
Fossil Beds National Monument

Subject: Irrigation Assessment

When the National Park Service acquired the Country Club property, a water right for irrigation was part of the acquisition. After the Country Club vacated the premises, the Gering - Fort Laramie Irrigation District submitted a bill to us called an assessment for this water right.

We have contacted various persons in the Midwest Regional Office and submitted a written request for status of this bill to the U. S. Solicitor's Office. The Solicitor advised us to pay the assessment and use the water to maintain the water rights. Therefore, we request payment of this bill.

Superintendent

COPY

Docket Information

Number of Documents in Docket 31

Documents Dated from 5/27/1977 to 12/24/2002

Docket Compiled: 6/9/2016